

10/30/14

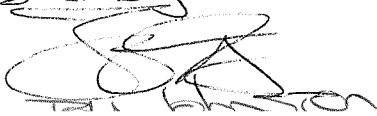
To Whom it May Concern,

I am writing to request the removal of one Binding Element (#12) and modification or removal of (#11) related to Case No. 13 DEVPLAN 1083 (Attached Minutes from Planning Commission). These elements were present on July 2, 2009 minutes and were not requested to be removed by our civil engineer as originally intended when going through the redevelopment process.

I would like to request a modification or removal of Binding Element #11: "The owner shall retain stone pillars along Backstreet Rd." Upon purchase of property, there were 4 pillars remaining. After completion of construction there were only 3 remaining and our GC does not know how one was accidentally damaged/removed. Unable to reconstruct a matching pillar, I am requesting removal of #11 or modification to only require us to keep the 3 remaining pillars. They have been beautifully landscaped around currently. I am not sure what historical significance they have since they are not mirrored on opposite side of Cedarbrook Drive.

Lastly, I would like to request removal of Binding Element #12 since it would not replicate/mirror anything on opposite side of Cedarbrook Drive and would detract from the newly installed landscaping that has beautifully enhanced the property. With new "horse facing" installed, I believe it would not add to what has been constructed/installed for beautification of the property and would become a maintenance issue long term in amongst all the new landscape plantings. Additionally, the original holes in the pillars supporting the horizontal planks are not uniform in size nor level to ground, which may result in a rustic appearance that would not match the adjoining property appearance.

Thank you in advance for your time and consideration of my removal request.

Best Regards,

Tim Hamilton

RECEIVED

OCT 30 2014

PLANNING &
DESIGN SERVICES 14MCP1013

RECEIVED

NOV 20 2011

PLANNING &
DESIGN SERVICES

Binding Element Amendment Justification:

In order to justify approval of any amendments to binding elements, the Planning Commission considers the following criteria. Please answer all of the following items. Use additional sheets if needed: A response of yes, no, or N/A is not acceptable.

1. Are there any natural resources on the property, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites? And are these natural resources being preserved?

All the natural resources currently on the property are being preserved and well taken care of.

2. Is safe and efficient vehicular and pedestrian transportation provided both within the development and the community?

There is safe & efficient transportation within development all of which was approved with existing Development Plan.

3. Is sufficient open space (scenic and recreational) to meet the needs of the proposed development being provided?

There is sufficient open space on our lot/new development

4. Are provisions for adequate drainage facilities provided on the subject site in order to prevent drainage problems from occurring on the subject site or within the community?

All design provisions have been made on newly developed site as per approved DP.

5. Is the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses compatible with the existing and projected future development of the area?

All site design has been completed as per DP and is compatible with current & future development

6. Is the proposal in conformance with the Comprehensive Plan and Land Development Code?

Proposal is in conformance with Comp Plan & LDC

14m0010B