

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF JANUARY 24, 2002 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Robert Frost, Chairman  
Wendell Quimby, Vice-Chair  
Victor McSwain, Secretary  
Victoria L. Rivizzigno  
John Vallas  
Terry Plauche  
Norman Hill (S)  
James Laier (S)

**Members Absent**

Clinton Johnson  
Ann Deakle

**Staff Present**

Laura J. Clarke, Director  
Urban Development Department  
Christopher Boone, Deputy Director  
Land Use Administration  
Richard L. Olsen, Planner II  
Jennifer Henley, Secretary II

**Others Present**

John Lawler, Assistant City Attorney  
Ron Jackson, Urban Forestry  
Fred Brown, Traffic Engineering  
Beverly Terry, City Engineering  
Shayla Jones, Long Range Planning  
David Daughenbaugh, Urban Forestry  
Pat Stewart, County Engineering

Mr. Frost stated the number of members present constituted a quorum and called the meeting to order.

The notation *motion carried unanimously* indicates a consensus, with the exception of the Chairman who does not participate in voting unless otherwise noted.

**APPROVAL OF MINUTES:**

A motion was made by Dr. Rivizzigno and seconded by Mr. Plauche to approve the minutes of the December 20, 2001, meeting as submitted. The motion carried unanimously.

**HOLDOVERS:**

**Case #ZON2001-02510**

**Overlook Presbyterian Church**

5311 Overlook Road (South side of Overlook Road, 430'+ West of University Boulevard).

The request for Planning Approval to allow the expansion of an existing church in an R-1, Single-Family Residential district was considered.

The plan illustrates the existing buildings and parking, along with the proposed addition.

The applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to approve this plan subject to subject to the following conditions:

- (1) provision of frontage trees in compliance with the ratios setforth in Section IV.E.3.a.; and
- (2) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**EXTENSION:**

**Case #SUB2002-00001**

**File #S97-41**

**Stonehedge Subdivision**

South side of Grelot Road, ¼ mile± East of Schillinger Road and running through to the North terminus of Windwood Drive East.

88 Lots / 58.0± Acres

Request for a one-year extension of previous approval.

A motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to grant a one-year extension of previous approval for this subdivision.

The motion carried unanimously.

**GROUP APPLICATIONS:**

**Case #ZON2002-00024**

**Bryan Maisel**

4310 Old Shell Road (North side of Old Shell Road, 190'± West of Dilston Lane).

The request for a change in zoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, for retail sales was considered.

The site plan illustrates the proposed buildings and parking spaces.

(Also see Case #ZON2002-00025 – **Old Shell Road – Parcel 79** – Below; and Case #SUB2002-00004 – **Heenan Subdivision (Lot 1)** – Below)

Mr. Boone explained that the site plan before the Commission today was different from the one originally submitted. The staff had met with the engineer for this project and drafted another site plan, which was what was in the Commission's books. After further review, the applicant decided to again revise the site plan so it was more like the original plan. The Commission had not seen this new plan and the staff report did not mention it.

Mr. Frost commented that the Commission had adopted a policy whereby the Commission would not hear late changes. They now heldover such cases so the staff and Commission could review the changes and so the Commission could make a more informed decision when voting. Mr. Frost noticed that there were some people present in opposition.

Mr. Bryan Maisel, applicant, was present and stated that there were a few people present in favor of this case. There had been a misunderstanding about the plan that was before them today. It had been described to him over the telephone by his engineer and Mr. Maisel had not actually seen it until recently. Since then he had revised the plan. He met with the staff this morning and they felt that most of their concerns were now satisfied. He thought the plan would comply with the staff conditions. The plan that was before them today was not ideal for smooth traffic circulation and he thought there were building setback issues. He said that there was a large tree in the middle of the site and it had been determined that the tree was diseased. The new revised plan took into account the preservation of all the trees Urban Forestry was recommending be maintained. It showed a one-way exit to the West to take advantage of a traffic signal. The rear building would now be 60' from the residential property line. He agreed to a holdover.

Mr. Boone said that it would only need to be heldover to the February 7, 2002, meeting.

Mr. Robert B. Berg was present as a consultant for Mr. John Petty of California who owned property on Stein Street. Mr. Berg said that they had a question regarding the buffer to the rear. It was his understanding that there could be up to 90 parking spaces and he felt they needed more than a 10' buffer.

Mr. Maisel said that he had increased the setback to 15' from the first row of parking; there would only be one row of parking to the rear which would be employee parking for the most part and it was over 60' to the building, which he planned to screen-off.

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Mr. Frost inquired if this was an undisturbed, natural buffer.

Mr. Maisel said yes.

A motion was made by Mr. Frost and seconded by Mr. Quimby to holdover this application until the meeting of February 7, 2002, to give the staff and Commission time to review the revised site plan submitted by the applicant.

The motion carried unanimously.

**Case #ZON2002-00025**

**Old Shell Road – Parcel 79**

4310 Old Shell Road (North side of Old Shell Road, 190'± West of Dilston Lane).

The request for Planned Unit Development Approval for multiple buildings on a single building site was considered.

The site plan illustrates the proposed buildings and parking spaces.

(For discussion see Case #ZON2002-00024 – **Bryan Maisel** – Above; also see Case #SUB2002-00004 – **Heenan Subdivision (Lot 1)** – Below)

A motion was made by Mr. Frost and seconded by Mr. Quimby to holdover this application until the meeting of February 7, 2002, to give the staff and Commission time to review the revised site plan submitted by the applicant.

The motion carried unanimously.

**Case #SUB2002-00004**

**Heenan Subdivision (Lot 1)**

4310 Old Shell Road (North side of Old Shell Road, 190'± West of Dilston Lane).

1 Lot / 1.6± Acres

(For discussion see Case #ZON2002-00024 – **Bryan Maisel** – Above; also see case #ZON2002-00025 – **Old Shell Road – Parcel 79** – Above)

A motion was made by Mr. Frost and seconded by Mr. Quimby to holdover this application until the meeting of February 7, 2002, to give the staff and Commission time to review the revised site plan submitted by the applicant.

The motion carried unanimously.

**Case #ZON2002-00022**

**Dennis Moore**

North side of Downtowner Loop North, 180'± East of Downtowner Loop West.

The request for a change in zoning from B-3, Community Business, to R-3, Multi-Family Residential, for a three building, 26-unit apartment complex was considered.

The site plan illustrates the proposed buildings, parking spaces and courtyard.

(Also see Case #ZON2002-00023 – **Downtowner Apartments** – Below)

Mr. M. Don Williams of M. Don Williams Engineering was representing the owner and concurred with the staff recommendations.

Dr. Jon Lubitz was present in opposition and stated that he owned a medical practice and two other commercial buildings on Midmost Drive. He felt that the proposed apartments were out of character with the rest of the area, which was currently exclusively commercial. When he purchased his buildings it was his intention that the area would remain commercial. He understood that there were apartments about ½ mile down the street, however, it was an all-encompassing apartment complex. Most of the businesses in the area were closed by 5:00-6:00 p.m., leaving it isolated and desolate. With the

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proposed apartments there would be increased traffic and there would be no one to watch their empty businesses. They felt that there would be a greater potential for loitering and robberies. This would require an increased presence of the police force, which was already overburdened. The business owners would have to install security fences which were costly and unsightly. He commented that there were 26 units being proposed with 39 parking spaces. He was concerned that this would not be enough parking since most families had more than 1 car and they would have visitors from time to time. He thought this proposal would have a negative effect on their business investments.

Ms. Karen Blaylock, president of the board of directors of Mobile Ballet, was present in opposition. She commented that Mobile Ballet was located at 4351 Downtowner Loop North, directly across the street from the subject property. She echoed Dr. Lubitz's concerns. Mr. Blaylock said that they were worried about overflow parking in their lot. They were a professional ballet company as well as a school and their parking lot was usually full later in the afternoon. They had some concerns about the "unknown" factors that could be associated with this. They thought they might have to budget extra money for security.

Mr. Hill inquired if there had been any problems with the existing apartment complex in the area.

Dr. Lubitz said that it was not really in the immediate area and those apartments were self-contained.

Mr. Hill inquired if Ms. Blaylock had considered the fact that the apartments might bring in new clientele to Mobile Ballet.

Ms. Blaylock said that this was a valid point, but she was unsure whether or not this would be a family apartment complex.

Mr. Williams pointed out on the map that there were actually two apartment complexes in the vicinity, which seemed to be pretty well occupied. He commented that this was the only completely vacant lot in the area. However, there were several vacant structures. Because of this they felt that an apartment complex was a perfect use for this site. In regard to security concerns, he felt that the apartments would provide more security. In the downtown area there had been concerns in the past because all of the businesses closed early in the evening and there was no one in the area to see what was going on after business hours. Therefore, they had encouraged residential development and nightlife. Mr. Williams said that loitering had been a problem near the subject property in the past, but that had been taken care of. He felt that the increased visibility of people in the area would improve the crime situation. In regard to parking, they were actually a little over what was required. They had originally planned to include 5 more spaces, but to meet the landscaping requirements they had to eliminate those. They thought that if there was any overflow parking it would more than likely be to the Mexican restaurant or the Shoney's restaurant. If this were to happen, the manager of the apartment complex would have to deal with that issue. He commented that these would be 1 to 2 bedroom apartments and he was not sure whether or not they would house families. The apartments would be turned inward towards a courtyard. The only windows to the outside would be to comply with the requirements of the building code. It would be self-contained with a 6-ft. wooden privacy fence.

Mr. Quimby inquired about the size of the concrete area for the pool.

Mr. Williams was unsure, but commented that they would meet the landscaping requirements.

Mr. Quimby did not feel that they would be able to provide enough greenspace for that many people in the middle of a commercial area. He pointed out that there was no room for people to move around and there were no parks in the area.

Mr. Williams felt that there would be a lot of pedestrian traffic to the surrounding businesses.

Mr. Quimby commented that he was usually an advocate of mixed use, but he was unsure if this use was appropriate for this site.

In discussion, Mr. Quimby again stressed that this was not a good area for mixed use. He commented that this site was in the heart of an extremely busy commercial area.

A motion was made by Mr. Quimby and seconded by Dr. Rivizzigno to deny this plan.

Mr. Hill pointed out that there were other apartments in the area. He thought this was in line with some things they had tried to do in the downtown area.

Mr. Quimby said that his main objection was that there were no public facilities and because the area was so built out if the residents of the apartment stepped out of their doors they would be on a very busy Downtowner Loop North.

Dr. Rivizzigno agreed with Mr. Quimby's comments. She also had concerns that although this plan may meet the minimum requirements for landscaping, there was an enormous amount of concrete and building; there would be no greenspace for the residents. She went on to discuss the issue of parking. She had seen problems at other apartment complexes with people having to park at surrounding businesses. She pointed out that they would not be able to park on the street.

Mr. Plauche said that his office was located near this area and they had experienced problems with people parking in the street.

Mr. McSwain said that while there were other apartments in the area they were totally removed from this site.

Mr. Vallas said that he did not really have a problem with the use and that he agreed with Mr. Hill's comments. However, Mr. Vallas did have some concerns about the parking. He thought they could possibly revise their plan to provide more parking and landscaping. He did not want to see them deny this on the sole basis that this was in a commercial area.

Mr. Quimby said that the apartment complexes in this area were developed when there was plenty of space available; there was a lot of greenspace and a lot of trees. He was unsure where a child would play if families were to move here.

Mr. McSwain pointed out that they met the parking requirement.

Mr. Quimby felt strongly that this area was not conducive to live in.

Mr. Plauche thought they had done similar things downtown.

The question was called. Dr. Laier abstained. Mr. McSwain, Mr. Quimby, Dr. Rivizzigno were in favor of the motion. Mr. Frost, Mr. Hill, Mr. Plauche and Mr. Vallas were opposed.

The motion did not carry.

A motion was made by Mr. Frost and seconded by Mr. Hill to recommend the approval of this change in zoning to the City Council subject to the following conditions:

- (1) full compliance with the landscaping and tree planting requirements of the Ordinance;
- (2) the relocation of the dumpster outside the required 25-foot front setback;
- (3) the provision of a six-foot wooden privacy fence, reduced to three-feet within the front setback, around the entire setback;
- (4) the submission and approval of a subdivision application; and
- (5) full compliance with all municipal codes and ordinances.

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Dr. Laier abstained. Dr. Rivizzigno, Mr. McSwain and Mr. Quimby were opposed.

The motion carried.

**Case #ZON2002-00023**

**Downtowner Apartments**

North side of Downtowner Loop North, 180'+ East of Downtowner Loop West.

The request for Planned Unit Development Approval for multiple buildings on a single building site was considered.

The site plan illustrates the proposed buildings, parking spaces and courtyard.

(For discussion see Case #ZON2002-00022 – **Dennis Moore** – Above)

A motion was made by Mr. Quimby and seconded by Dr. Rivizzigno to deny this plan.

The question was called. Dr. Laier abstained. Mr. McSwain, Mr. Quimby, Dr. Rivizzigno were in favor of the motion. Mr. Frost, Mr. Hill, Mr. Plauche and Mr. Vallas were opposed.

The motion did not carry.

A motion was made by Mr. Frost and seconded by Mr. Hill to approve this plan subject to the following conditions:

- (1) full compliance with the landscaping and tree planting requirements of the Ordinance;
- (2) the relocation of the dumpster outside the required 25-foot front setback;
- (3) the provision of a six-foot wooden privacy fence, reduced to three-feet within the front setback, around the entire setback; and
- (4) full compliance with all municipal codes and ordinances.

Dr. Laier abstained. Dr. Rivizzigno, Mr. McSwain and Mr. Quimby were opposed.

The motion carried.

**NEW PLANNING APPROVAL APPLICATIONS:**

**Case #ZON2002-00004**

**Faulk & Foster d/b/a Louisiana Unwired, LLC**

1509 Government Street (South side of Government Street, 100'± East of Tuttle Avenue, extending to the East side of Tuttle Avenue, 50'± North of Church Street, and the North side of Church Street, 100'± East of Tuttle Avenue).

The request for Planning Approval to allow a 41' flagpole rooftop telecommunications tower in a B-2, Neighborhood Business district was considered.

The plan illustrates the existing building and parking, along with the proposed monopole location.

Mr. Rick Shaw of Louisiana Unwired, LLC, was representing the applicant and concurred with the staff recommendations. He went over a brief history of their site acquisition process for this particular coverage gap. He showed maps of their existing coverage levels and where a tower would need to go in order to cover this gap. This tower had previously been proposed for the recycling center down the road, but it was denied. They had initially planned to locate the tower at the subject property, but at the time it was not possible because the company that owned the building was going through bankruptcy. It had since come out of bankruptcy and they now had permission to put an antenna on this rooftop. They had looked into other sites at the recommendation of the staff, but these had not worked out for one reason or another. They had met with Mr. Devereaux Bemis of MHDC to get his input. Mr. Bemis did not really oppose the structure. Mr. Shaw said that this would go before the Board of Adjustment on February 4, 2002. He commented that the site was split-zoned. They were agreeable to moving

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the antenna as recommended by the staff though it would require a \$5,000 additional investment to get an engineer to the site to make sure the southeast corner of the building would support the antenna. They felt that it could, but they did not currently have any drawings of the building.

Mr. Frost wanted to make sure that the flag did not bear a commercial message.

Mr. Vallas said that the plan showed the pole in such a way that it would not be quite as visible from Government Street. They were now mentioning moving it forward, which would make it more visible.

Mr. Boone explained that the application submitted requested that the pole be to the rear of the building, but the MHDC representatives had asked that it be moved away from the historic district immediately behind this lot (to the front of the building). Mr. Boone said that this would be acceptable if it were closer to the eastern side because there was a large tree there that would minimize the visibility.

Mr. Quimby inquired about the diameter of the pole.

Mr. Shaw said that it would be 19" at the base.

Mr. Quimby inquired where the coverage was currently coming from for this area. He had a cellular phone and he got excellent service in this area; could they attach to another antenna?

Mr. Shaw was unsure who Mr. Quimby's cellular carrier was. He said that sometimes they could not collocate because the way a system was set up.

There was no one present in opposition.

In discussion, Mr. Vallas mentioned that MHDC was not opposed to this.

Mr. Boone said that the staff and the applicant had spoken with Mr. Bemis and he had indicated that they were not opposed to this as long as they moved the tower as far away from the residences as possible.

Dr. Rivizzigno complimented the staff and the applicant for coming up with such a good compromise.

A motion was made by Mr. Vallas and seconded by Dr. Laier to approve this plan subject to the following conditions:

- (1) that the design of the tower be limited to a flagpole, with all antennae located within the flagpole structure;
- (2) that a flag of proportionate size with the overall flagpole structure be located on the flagpole and maintained in good repair;
- (3) that the flagpole be relocated to the Northeast corner of the building;
- (4) the submission of a documentation from an engineer stating that the building (antennae support structure) will adequately support the proposed flagpole and associated telecommunication structure;
- (5) full compliance with the landscaping and tree planting requirements of the Ordinance;
- (6) no flags with commercial messages; and
- (7) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2002-00015**

**Carmen Sue Moore Wheeler**

4862 Clemson Drive (West side of Clemson Drive, 300'± South of Furman Drive).

The request for Planning Approval to allow a mobile home in an R-1, Single-Family Residential district was considered.

The site plan illustrates the proposed building and existing structure.

Mr. Boone commented that one of the adjacent property owners, Ms. Georgia Dunagan, had sent in a comment stating that she was opposed this proposal.

Ms. Carmen Moore Wheeler of 4862 Clemson Drive, applicant, was present and stated that her parents had purchased this property when it was still considered a part of the County. The trailer on the site was grandfathered-in. Ms. Wheeler was currently living in the trailer and she had recently had another child and wanted to purchase a new trailer. She had put down \$10,000 on a 16' x 80' trailer, which was a single-wide. When she went to get her permit she was told that the trailer would have to be 14' x 70' because that was the size the previous trailer was. She explained that trailers of that size were no longer manufactured, so there was no way she could replace it with one of the same size. She thought there was a misconception in the neighborhood that she was planning to put a second trailer on the site, but this was not the case.

In discussion, Mr. Vallas felt that there was truly a hardship associated with this case. He thought that the new trailer would only be 26-sq. ft. larger and he felt that it should be approved.

A motion was made by Mr. Vallas to approve this plan.

Mr. Boone suggested that they add a condition that this be limited to the site plan submitted.

Mr. Olsen pointed out that Planning Approvals were automatically site plan specific.

Ms. Clarke said that when the applicant went through the permitting process they could address any safety issues.

Mr. Olsen said that the site plan submitted showed the existing trailer with the new trailer over it, so they would have to do a replacement.

Mr. Boone said that it was his understanding that the Commission's reasoning was that there was somewhat of a hardship associated with this site. Even though the original trailer was grandfathered-in, the new trailer was not that much larger and the applicant had indicated that they could no longer get a trailer the size of the existing trailer. It was generally the policy of the Commission to not approve trailers in residential areas.

Dr. Rivizzigno inquired if someone else were to buy this property, could they put a trailer there as well?

Mr. Boone said that if this were approved, the site would no longer be nonconforming. However, future owners would have to adhere to the site plan before them today. If they were to try to put in a larger trailer it would not be allowed. He felt that it would be best to add a condition that this be limited to the site plan submitted so it would stand out if anyone tried to come in with something different in the future.

Mr. Vallas amended his motion adding a condition. The final motion was to approve this plan subject to the following condition:

- (1) limited to the site plan submitted.

The motion was seconded by Mr. McSwain.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2002-00002**

**Carwie Acres Subdivision, Resubdivision of**



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East side of Bellingrath Road, at the East termini of Clyde Drive and Mardanne Drive, and the South terminus of Bellefield Drive East.  
2 Lots / 34.5± Acres

Mr. Don Coleman of Rester and Coleman Engineers, Inc., was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

A motion was made by Mr. McSwain and seconded by Mr. Plauche to approve this subdivision subject to the following conditions:

- (1) the provision of a 45' building setback (which includes the required minimum building setback of 25'), from the centerline of Bellingrath Road;
- (2) placement of a note on the final plat stating that each lot is limited to two curb cuts to Bellingrath Road with the size, location and design to be approved by County Engineering Department;
- (3) placement of a note on the final plat denying access to Bellefield Drive East if Lot 1A is developed commercially; and
- (4) the placement of a note on the final plat stating that any lot that is developed commercially and adjoins residentially developed property shall provide a buffer, in compliance with Section V.A.7, of the Subdivision Regulations.

The motion carried unanimously.

**Case #SUB2002-00005**

**Perloff Estates Subdivision**

1114, 1118 and 1120 Dauphin Street, and 1155, 1157 and 1159 New St. Francis Street (North side of Dauphin Street, 375'± West of North Hallett Street, extending to the South side of New St. Francis Street, 380'± West of North Hallett Street).  
4 Lots / 1.3± Acres

Mr. Don Coleman of Rester and Coleman Engineers, Inc., was representing the applicant and concurred with the staff recommendations.

Ms. Lisa Kavanagh of 1165 New St. Francis Street was present and inquired about the intent of the application.

Mr. Boone explained that the applicant was proposing to rehabilitate an existing structure and sell off one of the lots. There were currently three structures all on the same lot.

A motion was made by Mr. McSwain and seconded by Mr. Plauche to approve this subdivision subject to the following conditions:

- (1) the applicant obtain a demolition permit for the removal of the structures on Lot 1 prior to the recording of the final plat or reconstruction of the lot lines to provide adequate setback; and
- (2) the submission of an Administrative PUD prior to the recording of the final plat.

The motion carried unanimously.

**Case #SUB2002-00003**

**R & R Commercial Park Subdivision**

West side of Bellingrath Road at the West terminus of Country Club Boulevard.  
17 Lots / 11.7± Acres

Mr. Jay C. Ray, was present and had some concerns regarding the staff recommendation that this be heldover if they were unable to produce the requested deed. He commented that they had this deed and asked that this part of the condition be removed.

Mr. Boone said this was acceptable to the staff.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. Hill to approve this subdivision subject to the following conditions:

- (1) the placement of a note on the final plat stating that a buffer, in compliance with Section V.A.7., will be provided where commercial development adjoins residentially developed property;
- (2) placement of a note on the final plat stating that Lots 1 and 17 are denied direct access to Bellingrath Road; and
- (3) the submission of deed(s) to document the existence of the 25-foot strip along the South property line prior to 1984.

The motion carried unanimously.

**OTHER BUSINESS:**

**Public Hearing**

Regarding a proposal to remove Congress-Donald Street from the Major Street Plan component of the Comprehensive Plan.

Mr. Boone explained that the staff had printed three maps for the Commission. The first map showed the proposed Congress-Donald Street and the proposed Three Mile Creek, which they were recommending be removed from the Major Street Plan. The map also showed the proposed modifications which would add Moffett Road from Spring Hill Avenue to Wolf Ridge Road and St. Stephens Road from I-65 to Spring Hill Avenue, thereby improving the east-west flow of traffic in this area while at the same time removing those two major streets from the Plan. The two other maps showed the approximate Congress-Donald Street thoroughfare to give the Commission an indication of how it would cut through existing neighborhoods. One of those maps showed the Toulminville community and the other illustrate the Autumndale neighborhood.

There was no one present to speak on this matter.

A motion was made by Dr. Rivizzigno and seconded by Mr. Plauche to approve this amendment to the Major Street Plan as submitted by the staff.

The motion carried unanimously.

**Case #SUB2001-00321**

**Carol Plantation Subdivision, Unit 6, Resubdivision of Lot 728**

5456 Gunn Road (West side of Gunn Road, 150'± North of Prince James Drive, extending to the East side of Schillinger Road and the North terminus of Queen Odella Drive West).

2 Lots / 6.3± Acres

Mr. Boone said that the Commission had approved this application at their January 10, 2002, meeting. When this was presented, it was thought that Lot 1 was to be used commercially and one of the conditions of approval was that Lot 1 would be denied access to the residential street because of its commercial nature. They had since revisited the site and discovered that this lot was not commercial and the staff was recommending that condition #3 be amended so the applicant could put a single-family home on that lot. The applicant wanted access to the residential street and not Schillinger Road. Since it was a mistake in the staff's land use and there was no one present in opposition at that meeting, he felt they could do this administratively.

Mr. Frost felt that they should add something that if that lot were ever developed commercially that access be denied to the residential street.

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A motion was made by Dr. Rivizzigno and seconded by Mr. Quimby to revise condition #3 of the previously approved subdivision referenced above to read as follows:

- (3) placement of a note on the final plat stating that Lot 1 will be reconfigured whereby it does not have frontage on Queen Odella Drive West in the event the lot is ever developed commercially.

The motion carried unanimously.

There being no further business, the meeting was adjourned.

**APPROVED:** February 21, 2002

/s/ Victor McSwain, Secretary

/s/ Robert Frost, Chairman

jh