

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF FEBRUARY 7, 2002 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

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

Members Absent

James Laier (S)

Staff Present

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

Others Present

John Lawler, Assistant City Attorney
Ron Jackson, Urban Forestry
Fred Brown, Traffic Engineering
Pat Stewart, County Engineering
Beverly Terry, City 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. McSwain to approve the minutes of the January 10, 2002, meeting as submitted. The motion carried unanimously.

HOLDOVERS:

Case #SUB2001-00322

Kindred Place Subdivision

490'± West of Jeff Hamilton Road at the Northeast corner of a private road easement
150'± North of Polo Place Court.
1 Lot / 0.9± Acre

Mr. Matt Orrell of Polysurveying Engineering – Land Surveying, was representing the applicant and stated that this property was divided in 1992 between family members. At that time it was submitted with a 30' easement. His client's attorney was in the process of checking with the County regarding some justification that this was an estate division. His client owned other parcels in this area. The configuration before the Commission today was what the site would look like if the County would not relent and issue a permit based on the 30' easement. Mr. Orrell felt the easement would be exempt from the Subdivision Regulations because it was divided up amongst family members.

There was no one present in opposition.

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

- (1) The easement be labeled as a no n-exclusive easement on the final plat; and
- (2) placement of a note on the final plat stating that no further resubdivision is allowed for the site

The motion carried unanimously.

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. Bryan Maisel, applicant, was present.

Mr. Frost commented that this application was heldover to allow the Commission and staff time to review the revised site plan. He asked if Mr. Maisel was in agreement with the staff recommendations.

Mr. Maisel replied yes.

Mr. Plauche pointed out that the staff comments mentioned a live oak on the site that was to be protected. He inquired if any consideration had been given to the water oaks on site.

Mr. Jackson explained that most of the trees across the front of the property were actually on City property. There was one live oak on the developer's property and this was why they had specified that particular tree. The trees on City property could not be removed without permission from the Tree Commission.

Mr. Plauche was concerned that some of the lower tier parking would interfere with the tree roots.

Mr. Jackson said that if the parking fell within the critical root zone, they would go back to the applicant and ask them to remove a parking space.

Mr. McSwain was concerned about the westernmost driveway, even though it was an exit only. He pointed out that it came in at a signalized intersection, but it did not line-up with the traffic signal.

Mr. Maisel said this was something he had addressed with the Traffic Engineering Department. He stated that the current stop bar for the traffic signal almost lined-up with the west property line. He thought Traffic Engineering was willing to move the stop bar a few feet to the east, allowing unencumbered exiting of the property with the existing traffic signal. This was why they had designated this driveway as exit only.

Mr. Robert Berg was present as a real estate consultant for Mr. John Petty, who owned property in the immediate area. Mr. Berg said that they would like to see a 20' buffer instead of 15' because of all the cars coming in and out. They would also like to see an 8' fence or wall to protect the adjacent residences to the north. They were concerned about possible odor, noise and animal problems associated with the dumpster that would be on this site. He had some further concerns regarding traffic backing-up on Old Shell Road because of the location of the curb cuts and the amount of cars that would be parking at this site. Mr. Berg commented that the shopping center to the west had an existing concrete wall that was 8'-10' tall.

Ms. Connie O'Bryan was present and reiterated Mr. Berg's concerns. She commented that she lived to the east of the subject property. She mentioned that they already had problems with noise from the dumpster pick-up at Dr. Bodi's office and Carpe Diem between 4:30-5:30 a.m. twice a week. They had experienced problems with animals getting into the dumpsters. There were already severe traffic problems in this area and

February 7, 2002

the residents were worried about an increase in crime; several of the retail businesses in the area had recently installed burglar bars.

Ms. Dorothy Converse of 4307 Stein Street was present and stated that her property was adjacent to the subject property to the north. She commented that this site abutted the Spring Hill Shopping Center, which was rarely completely occupied. She felt this was a good indication that there was not a need for more commercial space. She said that traffic in this area was already critical especially when classes at Spring Hill College and St. Paul's School were dismissing. She felt that this development would only exacerbate the problem, creating a dangerous situation. She mentioned other uses that would be better suited for this property such as zero lot line homes. She asked that these applications be denied.

Mr. Maisel felt that there would not be as many people on the site as those in opposition were anticipating; there would be 70+ parking spaces. He thought that any issues regarding traffic backing up on the site was an internal owner issue. He felt this was a unique area and the controlled signal access to exit the property greatly outweighed any inconvenience; people would have safe means to exit the site. He had already given his commitment to the staff that he would install a 6' privacy fence, screening off the rear of the property where there were residential lots. The site plan showed a 15' buffer in excess of the setback. He thought this would screen the residents from the dumpster as well as all vehicles. He commented that the home nearest the site was in poor condition, was not well maintained and had a dirt driveway. Mr. Maisel was planning to provide landscaping. He did not think there was a concrete wall screening the shopping center as Mr. Berg had indicated. Mr. Maisel said that the only things screening the shopping center were weeds and vines. He had historically made efforts on all his properties to maintain them properly. He was planning to screen his west property line because he was concerned about customers and clients of this site seeing the back of the shopping center. In regard to trees, he commented that he was the frontrunner on making the effort to preserve the trees along the front of this site. His goal was to preserve as many of those trees as possible.

Mr. Frost inquired if the Traffic Engineering Department was comfortable with the entrance into this site in regard to the issue of stacking.

Mr. Brown said that he was very concerned about the driveway on the west side and he would not recommend it going there. He stated that when the Traffic Engineering Department first saw a site plan for this site all of the access was at that end of the property. He was unsure how close a drive could go to the trees. He thought what was proposed would cause problems with stacking because of people stopping at the signal. He felt that the best access would be on the east property line.

Mr. Maisel said that Old Shell Road was three-lane at this juncture; there was a turn lane, so people entering the site would have that lane available to them if they were traveling east. With regard to the west exit, it was only one-way. He did not see stacking as an issue because the stop bar to clear the intersection from eastbound traffic was on the other side near Regions Bank. There was large open area for eastbound traffic to enter the site.

In discussion, a motion was made by Ms. Deakle to recommend the approval of this change in zoning to the City Council subject to the recommendations made by the staff adding a condition requiring provision of a 6' wooden privacy fence along the north property line.

Dr. Rivizzigno inquired about the other adjacent residential property.

Ms. Clarke said that it was the staff's understanding that there was an existing 8'-10' wall along the other residential property to the west.

Dr. Rivizzigno thought the applicant had mentioned that he would put up an 8' screen.

Mr. Boone thought he would end up doing this because the back of the wall was so unsightly.

Mr. Quimby inquired if there would be any kind of natural buffer.

Mr. Boone said that it was his understanding that the applicant was planning a wooden fence in addition to a 15' landscaped buffer. He did not think they intended to retain any of the existing vegetation there.

Ms. Clarke said that based on the photographs submitted by the applicant the existing natural vegetation was somewhat scraggly.

The motion was seconded by Mr. Quimby

Mr. McSwain said that he had a real problem with the one-way drive to the west. He stated that the City had moved stop bars in the past, but when this was done the driveways were already existing. He did not want the Commission to approve something that the City would normally try to eliminate. The applicant was asking that they move the stop bar because the proposed driveway did not line-up with the existing stop bar and he wanted to make it easier for people to exit his site.

Mr. Quimby had been under the assumption that this had been worked out with Traffic Engineering, but apparently this was not the case.

Mr. Brown said that the applicant had met with Mr. William Metzger and Mr. Metzger had said he would review the plan. However, Mr. Brown did not feel that the applicant had been told that this was acceptable. In Mr. Brown's opinion this situation would be very unsafe.

Mr. Quimby withdrew his second. He had not been aware that Traffic Engineering was opposed to the driveway when he seconded the motion.

The motion died for lack of a second.

Mr. Vallas inquired if Traffic Engineering would feel more comfortable if this was approved with the easternmost drive only. The applicant could come back in at a later date and request a curb cut to the west.

Mr. Brown was concerned about the proximity of the western drive to the property line and the traffic signal. He said that the drive to the east was acceptable.

There was a brief discussion regarding the drive to the east.

Ms. Deakle commented that the Traffic Engineering Department comments in the staff report said that they wanted to see a one-way traffic pattern.

Mr. Brown said that those comments were based on an older version of the site plan. The one-way plan was in an attempt to work around the tree.

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

- (1) development limited to the accompanying Planned Unit Development;
- (2) the site be limited to one curb cut to Old Shell Road at the eastern most end of the property, exact, size and location to be approved by the Traffic Engineering Department;
- (3) completion of the accompanying subdivision;
- (4) provision of a 6' wooden privacy fence along the north property line; and
- (5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2002-00025

February 7, 2002

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. McSwain and seconded by Ms. Deakle to approve this plan subject to the following conditions:

- (1) limited to the (revised) site plan submitted;
- (2) completion of the accompanying subdivision;
- (3) the live oaks along the front of the site to be protected;
- (4) the site be limited to one curb cut to Old Shell Road at the eastern most end of the property, exact, size and location to be approved by the Traffic Engineering Department;
- (5) completion of the accompanying subdivision;
- (6) provision of a 6' wooden privacy fence along the north property line; and
- (7) full compliance with all municipal codes and ordinances.

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. McSwain and seconded by Ms. Deakle to approve this subdivision subject to the following conditions:

- (1) placement of a note on the final plat stating that the site be limited to one curb cut to Old Shell Road at the eastern most end of the property, exact, size and location to be approved by the Traffic Engineering Department; and
- (2) provision of a 6' wooden privacy fence along the north property line.

The motion carried unanimously.

EXTENSIONS:

File #S2000-262

Case #SUB2000-00017

Airmont Place Subdivision

South side of Pleasant Valley Road, 550'± West of Montlimar Drive, extending South to the East terminus of Markham Drive.

7 Lots / 22.5± Acres

AND

File #S2000-22

Case #SUB2001-00017

Cumberland Subdivision, Unit Four

North terminus of Mallard Drive, adjacent to the North side of Woodbridge Place Subdivision, and the East side of Cumberland Subdivision, Unit Three.

21 Lots / 13.5± Acres

February 7, 2002

AND

File #S98-40

Case #SUB2001-00016

McInnis Tract Subdivision

West side of Sollie Road, 175'± North of Oak Briar Boulevard and extending through to Schillinger Road.

14 Units / 231± Acres

AND

File #S2000-42

Case #SUB2001-00018

Westchester Place Subdivision, Third Addition

East side of Pebble Creek Drive, 200'± North of Westchester Lane.

8 Lots / 3.0± Acres

AND

Case #SUB2000-00062

Whip-Poor-Will Estates Subdivision, 5th and 6th Unit

West terminus of Whip-Poor-Will Drive and the South terminus of Caleb Court.

37 Lots / 11.8± Acres

A motion was made by Mr. McSwain and seconded by Mr. Plauche to approve a one-year extension of previous approval for the above subdivisions.

The motion carried unanimously.

NEW PLANNING APPROVAL APPLICATION:

Case #ZON2002-00137

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

3256 Dauphin Island Parkway (West side of Dauphin Island Parkway, 65'± North of Gill Road).

The request for Planning Approval to allow a 150' monopole telecommunications tower in a B-2, Neighborhood Business district was considered.

The plan illustrates the existing building along with the proposed 150' tower location.

Mr. Rick Shaw of 1811 Auburn Avenue was representing the applicant and stated that they were requesting to construct a tower on Dauphin Island Parkway. He showed the Commission propagation maps showing their existing coverage, where the coverage gaps were and what their coverage would be if this were approved. They currently had a tower in the area but it was too short because of its proximity to the airport to provide proper coverage in this area. Therefore, they were proposing to offload the antennas that were on the existing site and put them on the new tower. The existing tower was limited to 100' by the FAA and it could only support three carriers, which was why they felt they needed the proposed tower. He said the staff had mentioned in their report that there was a recently constructed tower in this area that was 180' and that was in an industrial district. Mr. Shaw said that they had looked at what coverage they could get by locating on the 180' tower and had found out it would only give them approximately 70% of the coverage they needed. It would not provide solid coverage along Dauphin Island Parkway and did not cover parts of the area along the bay.

Mr. Frost thought the staff report was suggesting that they locate on the 180' tower in conjunction with some other options.

Mr. Boone said this was correct.

Mr. Shaw said that the staff was suggesting that they stay on their existing tower, locate on the 180' and perhaps put in a smaller tower in the area. He commented that this

February 7, 2002

would be cost prohibitive because it would be three towers doing what one could do by itself. He felt that if they were not allowed to locate here, someone else would in the future. He knew of five other carriers that were looking at this exact site. He had a letter from a potential carrier. He submitted the letter and some photographs of the site to the Commission.

Mr. Frost inquired who prepared the coverage information.

Mr. Shaw said that a RF Engineer had prepared the propagation maps and was present today. He stated that they were trying to fill the entire coverage gap and they would more than likely also need a tower on the other side of Dog River to do this. They felt that this was a good site and was better than the staff's proposal which called for them to have three sites with three base stations, three sets of antennas and three lease payments which would be very expensive. He said that this was a commercial area but there were a few residences. He pointed out that the 180' tower the staff was suggesting they collocate on was surrounded by residential property. He did not think there was anyone present in opposition and commented that they already had Board of Adjustment approval for this site. They wanted the tower to be 150' to allow for additional carriers.

Mr. Al Sinopoli, RF Engineer, was present and pointed out the towers the applicant had collocated on, which they had tried to do as much as possible.

Mr. Frost inquired about Mr. Sinopoli's opinion of the staff's recommended options.

Mr. Sinopoli felt that with the usage they had in the area and their coverage objectives, going with the staff's alternative would still leave them with a big coverage gap and it would leave future carriers in this area without tower space.

Mr. Frost said that it had been mentioned that they would still need another tower even if this were approved as submitted.

Mr. Sinopoli replied yes. He pointed out where the coverage gaps were and how they would be affected by the proposed tower. Their goal was to provide the best service possible with the least amount of towers.

Mr. Frost inquired if a gap meant that someone could not get any signal or did it represent that the signal was of a lesser quality than they would like it to be.

Mr. Sinopoli said that it represented lesser quality. It would probably allow someone to talk on the phone in their car or outside, but would make it difficult to use it inside. He said that there was a trend of people using these phones more and more in their homes, so this was a priority for them.

There was no one present in opposition.

In discussion, Mr. Boone said that the staff report referenced how much discretion the City had in deciding matters regarding tower requests.

Mr. Lawler said that in the past they had operated under the idea that if someone came in and said that they did not have coverage in a particular area that the Commission was compelled to approve this. He stated that there were no 11th Circuit Federal cases on this issue, but there were some from other Circuit Courts around the country. Cities now have more leeway in denying these towers than they once thought. There was a decision from the 3rd Circuit that talked about the fact that coverage was for the benefit of the people using the phones and not for an individual provider. If coverage was available in an area, the fact that an individual provider did not have coverage did not necessarily mean that the application must be approved. He felt the Courts were now saying that cities did not have to automatically concede to the wishes of the applicant, especially if the cities were trying to protect historic and residential areas. The question they needed to start asking was: is there coverage from any provider in the area? He said that the City was at somewhat of a disadvantage because they did not have anyone on staff to

February 7, 2002

interpret the technical information that was submitted by these telecommunications companies.

Mr. Boone said that the City was considering building into the application fee the cost of hiring a RF Engineer in some cases in order to speak on the City's behalf. Mr. Boone wanted to point out that the staff's recommendation was that they retain the tower the applicant had now. Then there was another tower on Boykin Avenue and then they could connect to another existing tower. He pointed out that the staff's recommendation would allow the fewest number of towers to be constructed and even if this was approved there would still be a coverage problem closer to Halls Mill Road.

Ms. Deakle inquired if this particular company had some coverage in this area. She had experienced trouble getting a signal with her phone in this part of town.

Mr. Boone thought the applicant's engineer had indicated that there was some coverage, but in some areas people would not be able to use their phones inside their homes, but it would work outside or in a car. He pointed out that there could be coverage from another carrier in this area.

Mr. McSwain inquired if it would be helpful for the Commission to be able to see who had coverage in this area and where the towers were located so they could see if there were any collocation possibilities.

Mr. Boone replied yes. He said that this was another argument for the City having a RF Engineer.

Mr. Hill inquired what the staff's main opposition was to this, other than the fact that there was already a 180' tower existing in the area.

Mr. Boone said that the purpose of the Tower Ordinance was to limit the number of towers. This was done by requiring collocation when possible and when a tower had to be constructed it would have to come before the Commission and/or the Board of Zoning Adjustment. If approved the tower had to be built to be a certain height and strength for future collocation.

Mr. Frost felt that the Commission owed some duty to the citizens of Mobile to make sure that they could get access to wireless services. However, with the number of wireless carriers, they needed to make sure that there was not a tower on every corner simply because of competition. On the other hand, the City did want to limit the number and not be intrusive to surrounding residences.

There was a brief discussion regarding towers. It was pointed out that while the staff's suggestion might not fill their entire coverage gap, neither would the applicant's proposal. The cost and logistics of both options was discussed.

A motion was made by Dr. Rivizzigno and seconded by Mr. McSwain to deny this plan. Mr. Hill was opposed. The motion carried.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2002-00008

Creel Oaks Subdivision

6755 Creel Road (Northeast corner of Creel Road and Smith Road).

10 Lots / 7.5± Acres

Mr. Matt Orrell of Polysurveying Engineering – Land Surveying was representing the applicant and concurred with the staff recommendations.

Mr. Gene Mayhigh of 7720 Smith Road was present and stated that he wanted to request a buffer and a 6' privacy fence if this property were ever developed commercially.

February 7, 2002

Mr. Reid Loreman was present and inquired if there were any restrictions regarding house size.

Mr. Frost replied no.

Mr. Boone said that this was in the County so the Commission would have no control over use or a minimum house size.

Mr. Loreman said that he thought there were some restrictive covenants for this site.

Mr. Frost said that this was not in the Commission's purview and this would have to be addressed in Circuit Court.

Mr. Orrell said that his client was planning to put residences on this site, but he was unsure about what size they would be. He would not be opposed to adding a condition regarding a buffer if the site were ever developed commercially. However, his client would not be willing to install a fence.

A motion was made by Mr. McSwain and seconded by Mr. Quimby to waive Section V.D.3. of the Subdivision Regulations, and approve this subdivision subject to the following conditions:

- (1) the submission of documentation illustrating clear ownership of the property;
- (2) the dedication of the necessary right-of-way along Creel Road, to bring the East side of Creel Road into compliance with Major Street standards;
- (3) the placement of a note on the final plat stating that Lots 1-4 are limited to one curb cut each, and that Lot 5 is denied access to Creel Road; and
- (4) placement of a note on the final plat stating that if the site is ever developed commercially a 6' wooden privacy fence will be provided where the site abuts residential property.

The motion carried unanimously.

Case #SUB2002-00006

Glen Acres Subdivision, Resubdivision of Lot 12

8653 Taber Drive (South side of Taber Drive, 200'± East of Carol Street, extending to the North side of Zeigler Boulevard).

2 Lots / 1.0± Acre

Mr. Matt Orrell of Polysurveying Engineering – Land Surveying was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) the placement of a note on the final plat stating that Lot 2 is limited to one curb cut; and
- (2) the placement of the 25-foot minimum building setback lines on the final plat.

The motion carried unanimously.

Case #SUB2002-00011

Oak Pointe Place Commercial Subdivision

North side of Jeff Hamilton Road Extension, 265'± West of Leroy Stevens Road.

4 Lots / 1.3± Acres

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

Mr. Paul Bradley was present and said that he lived at the corner of Dawes and McKinnel Roads. He had major concerns about access to McKinnel Road. He thought the County had expressed concern about this access as well because the new Grelot Road would come across Dawes Road and would be a signaled intersection. They were worried about McKinnel Road being so close to the intersection. Mr. Bradley thought there were other options available including a cul-de-sac and making McKinnel Road a dead-end. He asked that this application be heldover until this matter was resolved.

Mr. Stewart said that McKinnel Road was a dirt road at this time and there were no plans by the County to improve it. The traveled roadway varied from approximately 18'-20'. As part of a previous subdivision approval part of the road would be paved .

Mr. Bradley said that it was his understanding that the County was opposed to McKinnel Road coming out to Dawes Road. He had been approached by the County and the owner of the subject property to have access across his lot, but he did not think that would eliminate the problem. He felt Dawes Road would provide the best access.

Mr. McSwain inquired if this application was simply to go from three lots to four on Jeff Hamilton Road.

Mr. Boone said this was correct. He said that the previous Oak Pointe application had been approved but had not been recorded. There was a condition on that approval regarding paving.

Mr. McSwain thought that this issue came up when Oak Pointe was approved. They had heldover that application to get clarification regarding the road and access situation. He thought it had been resolved and that was why it was approved.

Mr. Boone said this was correct.

Mr. Bradley said that it was his understanding that the County would not allow access to Dawes Road from McKinnel Road.

Mr. Boone said that if this was the case, the subdivision could not be recorded.

Mr. Stewart said that they had expressed to the applicant that the County was not pleased with the access for this site. The applicant had indicated that they were in negotiations with the adjacent property owner to address the problem.

Mr. Bradley thought that he was the property owner the applicant was referring to. He asked the Commission to consider holding this over until the issue was resolved.

Ms. Claire Jefferson was representing David and Sandra Corey, deceased. She wanted to make everyone aware that they had an easement for water run-off and there was a septic tank and pump directly behind the existing fence.

Mr. Coleman said that they were aware of the septic tank Ms. Jefferson had referred to. He commented that the previous subdivision for this site had been approved for three lots and they were now asking for four. They would be paving part of McKinnel Road.

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

- (1) 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; and
- (2) placement of a note on the final plat stating that each lot is limited one curb cut to Jeff Hamilton Road, with the size, location and design to be approved by County Engineering Department.

February 7, 2002

The motion carried unanimously.

Case #SUB2002-00007

Owen Place Subdivision

2357 Howell Avenue (South side of Howell Avenue, 150'± East of Courtney Street, extending to the East side of Courtney Street, 120'± South of Howell Avenue).

3 Lots / 0.9± Acres

Mr. Matt Orrell of Polysurveying Engineering – Land Surveying was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) the dedication of sufficient right-of-way to provide 25' from the centerline of Courtney Street.

The motion carried unanimously.

Case #SUB2002-00009

Scott Place Subdivision

North side of Johnson Road at the North terminus of Scott Dairy Loop Road West.

5 Lots / 8.6± Acres

Mr. Mikell Speaks of Speaks & Associates Consulting Engineers, Inc., was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) dedication of the necessary right-of-way to provide 50 feet from the centerline of March Road, a planned major street;
- (2) placement of a note on the final plat stating that each lot is limited to one curb cut each to Johnson Road with the size, location and design to be approved by the County Engineering Department;
- (3) the placement of a note on the final plat stating that direct access to March Road is denied; 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 #SUB2002-00010

Sprint Center Subdivision

1456 South Broad Street (Northwest corner of South Broad Street and an unnamed public right-of-way, extending North and West to the Central Georgia Railroad right-of-way).

1 Lot / 0.7± Acre

Mr. Don Coleman of Rester and Coleman Engineers, Inc., was representing the applicant and stated that they wanted the Commission to remove condition #2 regarding dedication along the unnamed public right-of-way. He commented that it was difficult to tell where the right-of-way was because nobody used it and it was not actually a road. He pointed out a subdivision just south of the subject property that was approved for a one-lot subdivision in 2000, and there was no requirement regarding dedication or provision of an additional setback.

February 7, 2002

There was no one present in opposition.

In discussion, Mr. Boone commented that the unnamed road was used to access a house, so it was not completely abandoned or unused. The staff had pulled the file for the subdivision Mr. Coleman had mentioned from July 2000. In keeping with their typical policy, with Broad Street being a major street and the unnamed street being less than the required 50' of right-of-way, the staff recommended dedication for both. However, the final condition approved by the Commission was *provision of a setback to provide 45' from existing centerline of Broad Street.*

Mr. Quimby inquired if this was a dirt road and about the width.

Mr. Boone replied that the road was dirt and it was 25' in width.

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

- (1) the dedication of adequate right-of-way to provide 50' from the centerline along Broad Street, a planned Major Street;
- (2) placement of a note on the final plat stating the development is limited to one curb cut to Broad Street; and
- (3) the illustration of 25' front setback lines along all road frontages.

The motion carried unanimously.

OTHER BUSINESS:

Call For Public Hearing: March 7, 2002

To consider a proposed amendment to the Zoning Ordinance regarding: the Definition Section; site coverage requirements in R-B; maximum height in B-4; residential parking exempt area within Hank Aaron Loop; parking surfaces within the Hank Aaron Loop; and residential uses in B-4 districts.

AND

Call For Public Hearing: March 7, 2002

To consider a proposed amendment to the Subdivision Regulations regarding buffer requirements.

Mr. Boone said the staff was proposing amendments to the Zoning Ordinance and Subdivision Regulations and he asked that the Commission call for a public hearing on March 7, 2002. The changes to the Zoning Ordinance were the first phase in the Downtown Residential Study which was adopted at the end of last year. The Subdivision Regulations amendment was attempting to make the buffer requirement section more clear. There had been a judicial review regarding an appeal and the judge in that case had asked the Urban Development Department to make the definition clearer.

Mr. Lawler said that the amendment to the Subdivision Regulations would bring it into conformity with what was in the Zoning Ordinance.

Mr. Boone said that the proposed amendment was largely based on the national standard for buffer definitions within subdivision regulations.

A motion was made by Mr. McSwain and seconded by Mr. Plauche to hold a public hearing on March 7, 2002, to consider a proposed amendment to the Zoning Ordinance regarding: the Definition Section; site coverage requirements in R-B; maximum height in B-4; residential parking exempt area within Hank Aaron Loop; parking surfaces within the Hank Aaron Loop; and residential uses in B-4 districts; and to consider a proposed amendment to the Subdivision Regulations regarding buffer requirements.

The motion carried unanimously.

February 7, 2002

Dr. Rivizzigno suggested that it might be helpful for the staff to meet with the Commission before this public hearing to go over the proposed amendments in further detail.

There being no further business, the meeting was adjourned.

APPROVED: March 7, 2002

/s/ Victor McSwain, Secretary

/s/ Robert Frost, Chairman

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