

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF JUNE 6, 2002 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Robert Frost, Chairman
Wendell Quimby, Vice-Chair
Victor McSwain, Secretary
Victoria L. Rivizzigno
Ann Deakle
James Laier (S)

Members Absent

John Vallas
Terry Plauche
Clinton Johnson
Norman Hill (S)

Staff Present

Christopher Boone, Deputy Director
Land Use Administration
Richard L. Olsen, Planner II
Margaret Pappas, Planner II
Shayla Jones, Long Range Planning
Jennifer Henley, Secretary II

Others Present

John Lawler, Assistant City Attorney
David Daughenbaugh, Urban Forestry
Deborah Leo, 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 Mr. McSwain and seconded by Dr. Rivizzigno to approve the minutes of the April 18, and May 2, 2002, meetings as submitted. The motion carried unanimously.

HOLDOVERS:

Case #ZON2002-01022

Hawthorn Suites

North side of Magnolia Grove Parkway, 400' ± West of Legends Row.
The request for Planned Unit Development Approval to allow multiple buildings on multiple building sites and shared parking between sites was considered.

(Also see Case #SUB2002-00088 – **Hawthorn Subdivision** – Below)

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

Mr. Ty Irby was representing Mr. Thomas Graham, Jr., Ms. Francis Graham, and Mr. Charles Byrd as their real estate broker. Mr. Irby said that they owned approximately 265 acres that adjoined the subject property to the west. The 265-acre parcel of land currently had access via a 65' access from Schillinger Road. Mr. Irby asked that the Commission require a stub out into that parcel from the proposed subdivision. He said that they had been granted a stub out when the Commission approved Champions Run. However, with the enormous size of this parcel, they felt they needed additional access.

Mr. Orrell said that his client did not wish to have a cut-through. The other stub the Commission approved was only 300' to the north of the subject property. The parcel Mr. Irby was referring to was in the County and the subject property was in the City. Since there was no zoning in the County they could not be sure what would be built there. Mr. Orrell asked that an additional stub not be required.

June 6, 2002

In discussion, a motion was made by Mr. Quimby and seconded by Mr. Frost to approve this plan subject to the following conditions:

- (1) dedication and construction of the new street to city standards, including sidewalks;
- (2) compliance with all conditions of the rezoning;
- (3) full compliance with the landscaping and tree planting requirements of the Ordinance;
- (4) a minimum setback of 15-feet between any dumpster(s) and residential zoning;
- (5) full compliance with all municipal codes and ordinances;
- (6) that villas along the street stub to the North be shifted to provide a minimum setback of 20-feet; and
- (7) that the pool and pool house be relocated outside the 25-foot setback.

Ms. Deakle inquired about the staff's opinion regarding the request from Mr. Irby for a street stub to the west.

Mr. Boone said that it was a large parcel, but he tended to agree with Mr. Orrell that having to provide an additional street stub through this development was somewhat excessive, especially considering Champions Run was providing a street stub.

Ms. Deakle inquired if they were worried that a street stub to the west would mar the integrity of the proposed "closed" subdivision.

Mr. Boone said that they were planning a hotel village and they were already asking them to open this to the residential development to the north, but to ask them to also open it up to the west was excessive.

Mr. Quimby understood why they would not want to connect to 200 acres of property when they had no idea how it would be developed. He pointed out that the vacant property was located in the County.

The question was called. The motion carried unanimously.

Case #SUB2002-00088

Hawthorn Subdivision

North side of Magnolia Grove Parkway, 400'± West of Legends Row.

2 Lots / 10.0± Acres

(For discussion see Case #ZON2002-01022 – **Hawthorn Suites** – Above)

A motion was made by Quimby and seconded by Mr. Frost to approve this subdivision subject to the following condition:

- (1) dedication and construction of the new street to city standards, including sidewalks.

The motion carried unanimously.

Case #SUB2002-00079

Catherine's Place Subdivision

East side of Gold Mine Road East, 400'± South of the West terminus of Leroy Stevens Road.

3 Lots / 12.0± 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.

June 6, 2002

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

- (1) the provision of a 45' setback (which includes the required minimum building setback of 25'), from Gold Mine Road;
- (2) placement of a note on the final plat stating that Lots 1-4 are limited to one curb cut each to Gold Mine Road with the size, location and design to be approved by County Engineering Department; and
- (3) 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 #SUB2002-00078

Smoky Ridge Subdivision

10350 Broughton Road (North side of Broughton Road, ¼ mile± East of the North terminus of Hardeman Road).

4 Lots / 38± Acres

The applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) the placement of a note on the final plat stating that each lot is limited to one curb cut, with the location and design to be approved by the County Engineering Department on the final plat; and
- (2) that the remainder of the property be labeled as future development on the final plat.

The motion carried unanimously.

Case #SUB2002-00091

J. N. Stallworth Subdivision

163 Lyons Park Avenue (West side of Lyons Park Avenue, 300'± North of Spring Hill Avenue).

2 Lots / 0.5± Acre

The applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) that Lots 1 and 2 be recorded at the same time.

The motion carried unanimously.

EXTENSIONS:

Case #ZON2001-01117

File #PUD2000-21

Cottage Hill S.C.

South side of Cottage Hill Road, 125'± West of Azalea Road.

Planned Unit Development Approval to allow shared access between two building sites.

Request for a one-year extension of previous approval.

June 6, 2002

AND

Case #SUB2001-00109

File #S2000-112

Cottage Hill S.C.

South side of Cottage Hill Road, 125' ± West of Azalea Road.

2 Lots / 6.9± Acres

Request for a one-year extension of previous approval.

Mr. Don Coleman with Rester and Coleman Engineers, Inc., was representing the applicant.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. McSwain to approve a one-year extension of previous approval for the above referenced applications.

The motion carried unanimously.

Case #ZON2001-00750

Professional Associates Subdivision

801 South University Boulevard (Northeast corner of University Boulevard and Georgian Drive).

Planned Unit Development Approval to allow shared access and shared parking between multiple building sites.

Request for a one-year extension of previous approval.

AND

Case #SUB2001-00064

Professional Associates Subdivision

801 South University Boulevard (Northeast corner of University Boulevard and Georgian Drive).

6 Lots / 5.0± Acres

Request for a one-year extension of previous approval.

Mr. Don Coleman with Rester and Coleman Engineers, Inc., was representing the applicant.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. McSwain to approve a one-year extension of previous approval for the above referenced applications.

The motion carried unanimously.

Case #SUB2001-00133

File #S98-143

Woodberry Forest Subdivision (Formerly Addition to Augusta Subdivision)

West side of Dawes Road, ½ mile± North of Jeff Hamilton Road, and extending through to the South side of the proposed Grelot Road, ¼ mile± West of Dawes Road.

99 Lots / 41.7± Acres

Request for a one-year extension of previous approval.

Mr. Don Coleman with Rester and Coleman Engineers, Inc., was representing the applicant.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. McSwain to approve a one-year extension of previous approval for the above referenced application.

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2002-01187

Ken L. Ferguson, DMD

South side of Cottage Hill Road, 255'± East of Azalea Road, extending to the North side of Shelley Drive, 235'± East of Cottage Hill Road.

The request for a change in zoning from B-1, Buffer Business, with a site plan specific condition, to B-1, Buffer Business, for professional offices, to amend a previously approved site plan was considered.

The site plan illustrates the proposed building, proposed parking spaces and proposed drive.

(Also see Case #SUB2002-00114 – **Ferguson Subdivision** – Below)

Mr. Doug Anderson was representing the applicant and submitted photographs to the Commission of the subject property.

Mr. Boone said that the staff had included two pictures with the staff reports. The pictures were taken from the residential street Shelley Drive. One of the photographs was looking east and the other was looking west toward Azalea Road and showed the existing commercial uses.

Mr. Anderson said that the property was currently zoned B-1 with a site-specific restriction. They wanted to keep the property B-1, but they wanted to amend the site plan. The property was located on Cottage Hill Road, approximately 100 yards east of Azalea Road and directly across from the Hardee's restaurant. He commented that the first two photographs he had submitted showed the property from the Hardee's parking lot and illustrated the existing trees on the site. He reported that this was the third application for this property. Both prior applications were approved, but access was denied to Shelley Drive, a residential street located behind the subject property. Mr. Anderson said that they were requesting that they be allowed to access Shelley Drive. He pointed out that the Traffic Engineering Department did not object to their site plan as long as they provided a traffic-calming device on Shelley Drive, which his clients were willing to do. Mr. Anderson felt that they needed this access to Shelley Drive because of the traffic that backed-up on Cottage Hill Road. Some of the pictures submitted showed how the traffic backed-up, which happened almost every time the light turned red at Cottage Hill and Azalea Roads. He felt it would be almost impossible for someone to turn west onto Cottage Hill Road from this site. He also felt that the fact that the previous applications had not been acted upon, indicated that the property could not be developed without that rear access.

Mr. Frost inquired if this site would be used for a dentist office.

Mr. Anderson replied yes. He said that the site plan showed a one-story office building. Dr. Ken Ferguson would use the left-hand portion of it for his dentistry practice, which would have approximately 18-20 cars a day. Dr. Ferguson was in the process of trying to find a tenant for the remainder of the property. They had been negotiating with an insurance office, which would have very little traffic. Mr. Anderson felt they needed to balance the advantages of developing this property with the impact to the neighborhood if there would even be any. He said that pictures 5-8 were taken from Shelley Drive. These pictures showed the Bunny Bread Store and a cleaners, both of which had access to Shelley Drive and were zoned B-2. The parking lot to the cleaners was open to Shelley Drive and there was a drive-through adjacent to the subject property. There was another cut-through on the other side of the cleaners from Cottage Hill Road to Shelley Drive. He felt a precedent had been set.

Mr. Frost asked how Mr. Anderson felt the traffic would flow.

June 6, 2002

Mr. Anderson felt that Shelley Drive would more so be used by people exiting the site. He described different traffic scenarios and how that would affect the traffic flow. However, he commented that this was purely conjecture on his part.

Mr. Jimbo Yance said that he would be developing this project. He felt that the only time someone would want an alternative exit would be if they needed to turn west on Cottage Hill Road in which case they would use Shelley Drive. He thought the only time people would come in through Shelley Drive was possibly Dr. Ferguson coming to work or some of the other employees. The rear exit would not be visible from Cottage Hill Road.

Mr. Frost inquired if the employees would park to the rear with customers parking near Cottage Hill Road.

Mr. Yance said that this was their intention. He felt that this development would improve the area. He stated that they felt strongly about the rear entrance to Shelley Drive and they thought it was a vital piece of the puzzle.

There was no one present in opposition.

In discussion, a motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to recommend the approval of this change in zoning to the City Council subject to the following conditions:

- (1) provision of screening along Shelley Drive, in compliance with Section VI.A.3.i. of the Ordinance;
- (2) dedication of the necessary right-of-way, to provide 50-feet from the centerline of Cottage Hill Road;
- (3) that the site be limited to one curb cut to Cottage Hill Road, with the location and design to be approved by Traffic Engineering; and one curb cut to Shelley Drive subject to the provision of a traffic calming device with the location, design, and calming device to be approved by Traffic Engineering;
- (4) full compliance with the landscaping and tree planting requirements of the Ordinance;
- (5) provision of a buffer, in compliance with Section IV.D.1. of the Ordinance, where the site adjoins residential zoning;
- (6) provision of sidewalks along Cottage Hill Road and Shelley Drive; and
- (7) full compliance with all municipal codes and ordinances.

Mr. Boone recommended that they subject the approval of the curb cut to Shelley Drive to review by the Land Use staff and the Traffic Engineer. They wanted to see the curb cut angled in such a way to discourage left-hand turns.

Mr. McSwain felt this would be difficult to do. He thought that the traffic generated by this site would be minimal and they were already requiring a traffic-calming device.

Mr. Boone suggested an alternative site plan moving the curb cut to the west side of the property, which would require mirror-imaging the site plan.

There was a brief discussion regarding an alternate plan. The Commission felt that what was submitted with the application was a better plan.

The question was called. The motion carried unanimously.

Case #SUB2002-00114

Ferguson Subdivision

South side of Cottage Hill Road, 255' ± East of Azalea Road, extending to the North side of Shelley Drive, 235' ± East of Azalea Road.

1 Lot / 0.9 ± Acre

(For discussion see Case #ZON2002-01187 – **Ken L. Ferguson, DMD** – Above)

June 6, 2002

A motion was made by Ms. Deakle and seconded by Dr. Rivizzigno 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 Cottage Hill Road;
- (2) placement of a note on the final plat stating that the site be limited to one curb cut to Cottage Hill Road, with the location and design to be approved by Traffic Engineering; and one curb cut to Shelley Drive subject to the provision of a traffic calming device with the location, design, and calming device to be approved by Traffic Engineering; and
- (3) provision of sidewalks along both Cottage Hill Road and Shelley Drive.

The motion carried unanimously.

Case #ZON2002-01185

Lee Olander

3765 Moffett Road (West side of Moffett Road, 325'± North of Kendrick Drive).

The request for a change in zoning from B-3, Community Business, to B-3, Community Business, to amend a condition of a previously approved rezoning was considered.

The plan illustrates the proposed wash bays and vacuum islands, along with the 60" red oak tree.

(Also see Case #ZON2002-01186 – **Olander Car Wash** – Below)

Mr. Frank Dagley with Frank A. Dagley & Associates, Inc., was representing the applicant and concurred with the staff's recommendation for a holdover.

There was no one present in opposition.

A motion was made by Mr. Frost and seconded by Dr. Rivizzigno to holdover this application until the meeting of June 20, 2002, to allow the staff time to review the revised plan.

The motion carried unanimously.

Case #ZON2002-01186

Olander Car Wash

3765 Moffett Road (West side of Moffett Road, 325'± North of Kendrick Drive).

The request for Planned Unit Development Approval to amend a condition of a previous Planned Unit Development Approval was considered.

The plan illustrates the proposed wash bays and vacuum islands, along with the 60" red oak tree.

(For discussion see Case #ZON2002-01185 – **Lee Olander** – Above)

A motion was made by Mr. Frost and seconded by Dr. Rivizzigno to holdover this application until the meeting of June 20, 2002, to allow the staff time to review the revised plan.

The motion carried unanimously.

Case #ZON2002-01168

Resubdivision of Amended Perry Place, Revised

East side of McGregor Avenue, 880'± South of Old Shell Road.

Planned Unit Development Approval to amend a previous Planned Unit Development Approval for a 4-lot, single-family residential subdivision with a private road.

AND

Case #SUB2002-00092

June 6, 2002

Haas Feore Subdivision

8 and 12 South McGregor Avenue (East side of McGregor Avenue, 830'± South of Old Shell Road).

3 Lots / 1.5± Acres

These applications were withdrawn by the applicant prior to the meeting.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2002-00112

Airport Manor Subdivision, Resubdivision of Lots 1, 2 and 20

Northwest corner of Capital Drive and Capital Drive North, extending to the East side of Dawes Road, 720'± South of the West terminus of Irongate Way.

2 Lots / 1.5± Acres

Mr. Don Coleman with 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 Dr. Rivizzigno and seconded by Ms. Deakle to approve this subdivision subject to the following conditions:

- (1) the dedication of sufficient right-of-way to provide 50' from the centerline of Dawes Road;
- (2) the placement of a note on the final plat stating that Lot 1 is limited to two curb cuts to Dawes Road, with the location and design to be approved by County Engineering; and
- (3) the placement of a note on the final plat stating that that any lots which are developed commercially and adjoin residentially developed property must provide a buffer in compliance with Section V.A.7., of the Subdivision Regulations.

The motion carried unanimously.

Case #SUB2002-00098

Balles Subdivision

2600 Granada Avenue (Northeast corner of Knollwood Drive and Granada Avenue).

2 Lots / 2.2± Acres

The applicant was present and concurred with the staff's recommendation for a holdover.

There was no one present in opposition.

A motion was made by Mr. Frost and seconded by Ms. Deakle to holdover this application until the meeting of June 20, 2002, to allow the applicant to submit a revised plat showing access for Lot 1 to Granada Avenue and to include the additional property.

The motion carried unanimously.

Case #SUB2002-00107

Bellingrath Road Country Club Estates Subdivision, Fourth Unit, Resubdivision of Lots 44-46

Southwest corner of Country Club Boulevard and Willard Drive West.

4 Lots / 1.3± Acres

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

There was no one present in opposition.

June 6, 2002

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

- (1) the placement of a note on the final plat stating that Lot 4 is limited to one curb cut with the location and design to be approved by the County Engineering Department.

The motion carried unanimously.

Case #SUB2002-00113

Blue Cross & Blue Shield Subdivision, Resubdivision of and Addition to

4750 Airport Boulevard (Northeast corner of Airport Boulevard and Bit & Spur Road).

1 Lot / 1.5± Acres

Mr. Don Coleman with 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 Ms. Deakle and seconded by Dr. Rivizzigno to approve this subdivision subject to the following condition:

- (1) the provision of a buffer in compliance with Section V.A.7 of the Subdivision Regulations where the site adjoins residential property.

The motion carried unanimously.

Case #SUB2002-00093

Bradwill Subdivision

7220 Sellers Lane (North side of Sellers Lane, 660'± West of Cody Road).

2 Lots / 5.2± 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 Ms. Deakle and seconded by Dr. Rivizzigno to waive Section V.D.3, of the Subdivision Regulations and approve this subdivision subject to the following conditions:

- (1) the placement of a note on the final plat stating that Lots 1 and Lot 2 are limited to one curb cut each to Sellers Lane, with the location and design to be approved by County Engineering; and
- (2) the placement of a note on the final plat stating the if the site is developed commercially, a buffer in compliance with Section V.A.7. of the Subdivision Regulations will be provided where the site adjoins residential property.

The motion carried unanimously.

Case #SUB2002-00101

Deer Trail Subdivision

South side of Wulff Road South at the South terminus of Winston Drive West.

45 Lots / 25.1± Acres

Mr. Jerry Byrd of Byrd Surveying, Inc., was representing the applicant and stated that it was incorrectly stated that this site was served by City sewer. City sewer was a mile away from this site and they were planning to utilize septic tanks to serve the lots. He said that they did have City water.

June 6, 2002

Mr. Boone said that if this was the case the staff wanted to make sure that the lots would be big enough. He asked that a condition be added that each lot be no smaller than 15,000 sq. ft.

Mr. Byrd felt that this was acceptable. He had a concern about staff condition #1: *provision of a street stub to the East and West, location to be approved Urban Development Staff*. He said that the property to the west was a 40 acre tract that cornered-out with the road south of this site (Pollard Road), so there was access. He stated that there was also a stub coming from Wulff Road through a relatively new subdivision. He did not see a need for them to provide a street stub to the west. The street stub to the east was acceptable.

Ms. Janet Blindauer of Semmes Wood Drive was present and inquired what was being planned for this site.

Mr. Frost explained that the use of the site was not within the Commission's purview and that the site was located in the County where there was no zoning to govern the use of property.

Mr. Byrd said that the owner was planning to put homes on the lots, but they had not decided on the exact square footage, it would probably be somewhere between 1,500 to 2,000 sq. ft.

Mr. George McDuffie of Pollard Road was present and stated that he was opposed to having 45 additional septic tanks in the area near his home. He felt that an environmental study should be conducted before any development was allowed. He also thought there might be some wetlands involved. He had further concerns about additional traffic on Pollard Road as a result of this subdivision.

Mr. Byrd stated that they were not planning to connect to Pollard Road.

Mr. Frost explained that the applicant would have to meet all Health Department regulations in regard to the septic tanks.

Mr. Greg McCown of Semmes Wood Drive was present and stated that he had concerns about drainage into Big Creek Lake which supplied the drinking water for the area. He was also concerned that these lots would be smaller than many of the other lots in the neighborhood. He was worried that this size parcel could not handle as many homes as they were proposing.

In discussion, Mr. Quimby inquired if there was a 40-acre parcel that already had two accesses.

Mr. Boone said that this was what the applicant had indicated. However, access was not the only reason the staff had recommended the street stub. They were also looking at orderly development of street patterns into undeveloped tracts of land. He asked that if this were approved that a condition be added to require that all lots be at least 15,000 sq. ft.

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

- (1) provision of a street stub to the East, location to be approved by Urban Development Staff;
- (2) provision of buffering in compliance with Section V.A.7 if any lots are developed commercially;
- (3) dedication along Wulff Road sufficient to provide 50' from centerline, as shown on the plat submitted;
- (4) placement of a note on the final plat stating that lots 1 and 45 are denied direct access to Wulff Road;
- (5) the final plat be drawn at a standard engineering scale;

June 6, 2002

- (6) placement of the required 25' minimum building setback on the final plat; and
- (7) placement of a note on the final plat stating that all lots will be at least 15,000 sq. ft.

The motion carried unanimously.

Case #SUB2002-00111

Downtown West Subdivision, Loop North Additions

3821 and 3851 Airport Boulevard, and 4318 and 4320 Downtowner Loop North (South side of Airport Boulevard, 410'± West of Downtowner Boulevard, extending to the North side of Downtowner Loop North, 410'± West of Downtowner Boulevard, and South side of Airport Boulevard, 400'± East of Downtowner Loop West, extending to the North side of Downtowner Loop North, 400'± East of Downtowner Loop West.

3 Lots / 4.0± Acres

Mr. Don Coleman with Rester and Coleman Engineers, Inc., was representing the applicant and stated the original application for this site came about when Peaches on Airport Boulevard bought a piece of property to add to their parking lot. However, when a survey was done the north line of the lots that faced Downtowner Loop went into a warehouse building. He submitted a copy of the survey. He said that there were two buildings, 4' apart and the property line needed to go between the two buildings. One of the buildings was a concrete warehouse that was on the lot with the rest of the warehouses and the other was a metal storage unit that could not be moved. He said that the owner claimed that he got building permits for both of the buildings. Mr. Coleman asked if they could put the 5' setback line on Lot 3 only apply to any future development.

Ms. Loretta Handy was present and inquired how the property would be developed. She stated that she and her husband operated a business in the immediate area.

Mr. Frost said that they were planning to utilize the property for office and retail space.

Mr. Boone said that the lots were already developed, though there may be some additions. However, the purpose of this application was to divide up the lots into different ownership.

In discussion, Mr. Boone said that they could reword the condition regarding setbacks along the south property line to be for any future development.

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

- (1) compliance with the building code or the provision of a 5' minimum setback along the south property line of Lots 1 and 3 line on the final plat for any future development;
- (2) the placement of the twenty five minimum building setback line for Lot 3 on the final plat; and
- (3) the placement of a note on the final plat stating that all curb cuts, with location and design to be approved by Traffic Engineering.

The motion carried unanimously.

Case #SUB2002-00108

550 Government Subdivision

Block bounded by Government Street on the South, Cedar Street on the East, Conti Street on the North, and Warren Street on the West.

1 Lot / 1.5± Acres

Mr. Don Coleman with Rester and Coleman Engineers, Inc., was representing the applicant and stated that he had a concern regarding staff recommendation #1: *the dedication of sufficient right-of-way to provide 25' from the centerline of Cedar Street.*

June 6, 2002

He asked that this condition be eliminated. The GSA building would be covering the block and there would be a four-story parking garage. If Cedar Street were ever widened the parking garage would be in the in the right-of-way. He said that Cedar Street was a 40' right-of-way from Canal Street to Davis Avenue.

Mr. Quimby inquired what side of the street the parking garage would be on.

Mr. Coleman said that it would be on the west side of the street, on the east side of the property.

There was no one present in opposition.

In discussion, a motion was made by Ms. Deakle and seconded by Dr. Laier to approve this subdivision subject to the following condition:

- (1) the placement of a note on the final plat stating that all curb cuts, with the location and design to be approved by the Traffic Engineering Department.

Mr. Frost inquired if they needed to require any dedication.

Mr. Boone said that in the past in lieu of dedication the Commission had obtained right-of-way easements or access. However, this building was going to be on the property line.

Mr. Quimby inquired about landscaping if this were a zero-lot line situation.

Mr. Boone said that within the core area downtown there was some flexibility for trees and landscaping. He thought there were going to be some landscaped areas for this site.

Mr. Quimby was concerned that there would not be any landscaping because there was not enough room.

Mr. Daughenbaugh said that he had met with the applicant to discuss landscaping and they were planning some greenspace in front of the building and on the side of the building. The garage would be on the property line so there would not be any greenspace. However, there would be a 10' greenspace to the rear of the garage.

The question was called. The motion carried unanimously.

Case #SUB2002-00100

Idlewood Subdivision, Revised Lot 57

2218 Vaughan Drive East (West side of Vaughan Drive East, 460'± North of Vaughan Drive South).

1 Lot / 0.5± Acre

Mr. Doug Anderson was representing the applicant and submitted photographs to the Commission. He said that this application came before the Commission a few months ago, but he had not been involved at that time. The application was denied because what was proposed was out of character with the surrounding neighborhood. After the denial the family had contacted him to see what their options were. Mr. Anderson met with Mr. Boone who informed him that his options were to either reapply or file a lawsuit. Mr. Anderson had decided to try to resubmit. He was unsure what was submitted with the last application, however, he felt that after looking at the photographs he had submitted and after listening to what he had to say, that the Commission would see that this needed to be approved. He said that this property was owned by Mr. and Mrs. Gerald Lynam. The purpose of the application was to add an enclosed garage on the front of the house so Mrs. Lynam would have access to the house that was under cover; Mrs. Lynam was elderly and was very ill. Mrs. Lynam had gone to the City and obtained a permit for the garage on March 7, 2002. As soon as she received the building permit she had a construction crew come in that day and they had commenced leveling out the yard and removing brick from the front of the house. They were later contacted by the City telling them that they had to stop work because they had made a mistake; the permit should not

June 6, 2002

have been issued without an application to the Commission. The family submitted an application to the Commission and it was denied. Mr. Anderson said that the reason the proposed garage would be in violation was because the restrictive covenants of the subdivision had a 50' building setback. He commented that this had nothing to do with the City's setback requirement. It was Mr. Anderson's understanding that the Commission could not enforce restrictive covenants. However, he had been told by the staff that they had brought up the restrictive covenants in this case because they were shown on the recorded plat. Mr. Anderson felt that the City had some liability because they had issued a permit that had been acted upon and now they were saying they had made a mistake and that the applicant had to restore her home to its original condition.

Mr. Anderson went on to say that he did not think what was proposed would be out of character with the neighborhood as indicated by the staff. He pointed out that 57 of the 66 original lots in this subdivision had a 50' setback, meaning that 9 of the lots did not. He commented that the house next door came out at least 6'-8' past Mrs. Lynam's house, about half way through where her carport would be. He said that another of his photographs showed a permanent carport that was much closer to the street than 50'. He did not feel that the restrictive covenants could be enforced by the Commission because of legal constraints. He felt that the only fair and decent thing to do would be to approve this subdivision. He did not think that this would destroy the neighborhood or devalue any homes. He had a petition signed by 17 people in the immediate area that were in favor of this being approved.

Ms. Jeri Lynam Wells, daughter of the applicant, was present and stated that her mother had fallen and broken her back a year ago and because of this her kidneys had shut down forcing her to be on dialysis. They were planning this addition so that her mother could pull her car in out of the weather and enter the house with less steps. She said that her mother had lived in this house for 31 years and she was unsure why this was recommended for denial when none of her neighbors were opposed. Ms. Wells pointed out that there were several homes that had been built at the end of the street that were over 3,000 sq. ft that were very out of character for this neighborhood as most of the existing homes had been 1,500-2,000 sq. ft. It had been very upsetting for them to obtain a permit and think that they had approval and then tear up the front of the house only to have construction stopped. She asked that this be approved.

Mr. Frost wished Mrs. Lynam well.

Mr. Woodie Holloway was present and stated that he was the one who had started work on the house. He had only begun work because a permit had been obtained. He said that there was material sitting in the yard awaiting the Commission's decision. He commented that they were planning to use the same materials as on the rest of the house. He asked the Commission for compassion in this matter.

In discussion, a motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to approve this subdivision.

Mr. Boone said that the staff had pulled the permit that had been applied for. The applicant requested a permit for a 47' setback and this was apparently not what they started to build. The reason the staff had followed up on this was because of a complaint they had received from a neighbor.

There was a brief discussion regarding a similar application that had been approved recently by the Commission. In that case the Commission had not approved as much of an encroachment as the applicant had requested. However, they had allowed a reduced setback in the amount that would accommodate the proposed structure.

The question was called. The motion carried unanimously.

Case #SUB2002-00104

Kaitlyn Place Subdivision

North side of Roberts Lane East, 370' ± West of Roberts Lane North.

1 Lot / 0.9 ± Acre

June 6, 2002

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 Ms. Deakle and seconded by Dr. Rivizzigno to approve this subdivision.

The motion carried unanimously.

Case #SUB2002-00099

Norton Place Subdivision

Northeast corner of Navco Road and Nortons Lane.

12 Lots / 2.3± 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 Ms. Deakle and seconded by Dr. Rivizzigno to approve this subdivision subject to the following conditions:

- (1) dedication of sufficient right-of-way along Norton's Lane to provide 25' from centerline, as shown on the plat submitted;
- (2) dedication of a 25' radius at the intersection of Norton's Lane and Navco Road, as shown on the plat submitted;
- (3) placement of a note on the final plat stating that Lot 1 is denied direct access to Navco Road; and
- (4) placement of the required 25' minimum building setback on the final plat.

The motion carried unanimously.

Case #SUB2002-00109

Oaktree Subdivision, Unit Two, Resubdivision of Lot 14

7880 Moffett Road (Northeast corner of Moffett Road and Oaktree Drive).

1 Lot / 2.3± Acres

Mr. Frank Dagley of Frank A. Dagley & Associates, Inc., was representing the applicant and stated that they did not really want to resubdivide this property. Mr. Randy Delchamps had developed Oaktree Subdivision as a commercial subdivision with no homes involved. They had put two or three buildings on the site already. Mr. Dagley said that the property outlined on the map was a second unit of Oaktree Subdivision. He stated that prior to the subdivision a development was approved and completed for a Harco Drug Store (it was currently a Rite Aid) and a strip shopping center. The approved plan was done on a metes and bounds description, and the west side of the strip center was 13' from the Oaktree Drive right-of-way line. He said that there were already parking lots in place as well as a retention pond and the driveways. There was a piece of ground left where the building they were proposing today would be built. He stated that sometime after that the parcel was made a subdivision and there was no mention of a setback on the plat. They had submitted building plans to complete the development and they had been told that they had to have a 20' setback on Oaktree Drive. He said that in his research he had found that the Subdivision Regulations controlled residential property with respect to setbacks on front and side streets. The Zoning Ordinance regulated commercial property setbacks on side streets. However, they were in the County and they did not fall under the rules of zoning. He said that everything was built with the exception of one wing of the complex and they had an approved site plan. He was unsure why a subdivision was required.

Mr. Boone said that it had been common practice for many years that the Commission would require 25' setbacks regardless of use. There was no zoning in the County so they

June 6, 2002

did not know whether or not to require 20' of 25'. When it was a side street they had typically reduced it to 20'. He said that when this subdivision came in a few years ago, the plan submitted showed a structure where the proposed building was to be built, so they thought it was existing.

Mr. Dagley said that it was existing from the point that they already had a permit and they had built out the site except for this one building. They were looking to have a 13.1' setback and there was 8'-10' of greenspace on the right-of-way, so the building would be close to 25' from the road. He had gotten a permit and now they were being told that they would have to cut 7' off the building, which would cause them to lose several thousand dollars in rental space. He did not think the Subdivision Regulations were clear as to the setbacks. He asked Mr. Lawler's opinion.

Mr. Lawler said that he would be on the side of the Regulations. He felt that they were certainly broad enough in purpose to contemplate requiring proper setbacks when they were needed. He did not think the fact that this was in the County would make it exempt. He said that there were several reasons for having setbacks including safety. He thought there was some confusion regarding whether or not the building was existing or not when this came up previously.

Mr. Boone said that the plan they were given showed that the building was existing in their interpretation. If it was shown as "to be built", this issue would more than likely have been brought up then.

Mr. Quimby asked for clarification as to whether or not the building was existing.

Mr. Dagley replied no. He said that there were buildings on the site, but the reason they were asking for approval was so they could move forward with the building they were discussing today. He inquired if a holdover would be in order because it seemed there was some confusion.

Mr. Frost felt that the Commission understood the issues.

Ms. Deakle inquired if a building permit was issued for the building they were discussing today.

Mr. Dagley said that a land disturbance permit had been obtained.

Mr. Randy Delchamps was present and stated that he had started this commercial park several years ago. It had originally been done with Harco in mind. However, it was a bigger tract than they needed so he sold part of the property to them and retained the remainder for commercial development. He said that they had a cross easement agreement showing the exact roads, the layout, and where the buildings would be. He did not think this would cause any problems with ingress or egress or line of sight. He asked that this application be approved.

There was no one present in opposition.

In discussion, a motion was made by Ms. Deakle and seconded by Mr. McSwain 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 the required 25' minimum building setback line and a 13.1' foot minimum building setback line along Oak Tree Drive.

Mr. Quimby inquired if County Engineering would be agreeable to this.

Mr. Stewart felt that this would be acceptable.

June 6, 2002

The question was called. The motion carried unanimously.

Case #SUB2002-00106

Potter Subdivision

6350 Boykin Road (North side of Boykin Road, 210'± West of Hill View Drive).

2 Lots / 2.5± Acres

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 waive Section V.D.3., of the Subdivision Regulations and 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) the placement of a twenty-five foot minimum building setback line on the final plat.

The motion carried unanimously.

Case #SUB2002-00110

Randlett Trace Subdivision, Resubdivision of Lot 26

West side of Randlett Trace, 290'± North of Cottage Hill Road.

4 Lots / 1.8± Acres

Mr. Don Coleman with 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 Dr. Rivizzigno to waive Section V.D.3., of the Subdivision Regulations and approve this subdivision subject to the following conditions:

- (1) placement of a note on the final plat stating that Lots 1-4 are denied access to the private ingress and egress easement; and
- (2) 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 #SUB2002-00090

Rosedale Subdivision, Striverson's Addition to

2206 John's Lane (West side of John's Lane, 870'± South of Military Road).

2 Lots / 0.6± Acre

The applicant was present and concurred with the staff recommendation for a holdover.

There was no one present in opposition.

A motion was made by Mr. Frost and seconded by Dr. Laier to holdover this application until the June 20th Planning Commission meeting to allow the applicant to include the remainder of the property and additional property owner information for notification; or to provide the staff with documentation, in this case a deed prior to 1952, illustrating the subdivision as a legal nonconforming lot of record. This information would be required by June 10, 2002.

June 6, 2002

The motion carried unanimously.

Case #SUB2002-00102

Safety Source Subdivision

East side of Rangeline Road, 300'± South of Rabbit Creek Drive.

2 Lots / 3.9± Acres

Mr. Jerry Byrd of Byrd Surveying, 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 Dr. Rivizzigno 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) the placement of a note on the final plat stating that Lots A & B are limited to one curb cut each to Rangeline Road Service Road.

The motion carried unanimously.

Case #SUB2002-00096

Schillinger West Subdivision, Resubdivision of Lot 2

West side of Schillinger Road, 330'± North of the West terminus of Renee Road North.

4 Lots / 9.5± Acres

Mr. Matt Orrell of Polysurveying Engineering - Land Surveying was representing the applicant and stated that originally this was a 10 acre tract that was divided by wetlands basically down the middle. A large portion of the rear was inaccessible to Schillinger Road, but the owner had a deed giving her ingress and egress to Red Creek Drive. He did not think this would be out of character with the rest of the neighborhood as these were very large lots. He thought that several subdivisions with more than two flag-shaped lots had been approved by the Commission. He was unsure why this was being recommended for denial. He pointed out that this was located in the County.

There was no one present in opposition.

In discussion, a motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to deny this subdivision based on the following reasons:

- (1) the lot configuration is inappropriate (two flag-shaped lots); and
- (2) the proposed subdivision would be out of character with the surrounding development.

Ms. Deakle did not feel that what was proposed was that much out of character with the surrounding area. She pointed out that this was a very large tract of land.

Mr. Frost agreed. He thought the Commission had approved similar applications in the past.

Mr. Boone said that in general the staff supported flag-shaped lots. However, in this case the lot was very deep and there would be three lots stacked in the rear. He was concerned that this would set a precedent which could be a troublesome pattern for this area of town.

Mr. Quimby inquired about the width of the entire parcel.

Mr. Boone replied that it was 333' wide.

June 6, 2002

Ms. Deakle inquired about the deeded access to Red Creek Drive.

Ms. Pappas said that it was an easement and not real property frontage.

Mr. Quimby said that they would have four driveways in 333'.

Dr. Rivizzigno was concerned about how many lots they were stacking.

Ms. Deakle said that there were a lot of parcels like this on Schillinger Road and she felt that this was something that would just keep coming back up. She inquired if this site was large enough to put in a private drive.

Ms. Pappas replied yes.

Mr. Boone said that the idea was that eventually there would be enough economic incentive for roads to start going in. However, if they were to allow something like this that would never happen.

The question was called. Ms. Deakle was opposed. The motion carried.

Case #SUB2002-00095

West Haven Estates Subdivision, Resubdivision of Lot 11

4625 Wakula Drive (Southeast corner of Wakula Drive at the South terminus of Shasta Drive).

2 Lots / 1.8± Acres

This application was withdrawn by the applicant prior to the meeting.

Case #SUB2002-00094

William-Phipps Four-Plex Subdivision

Southeast corner of Jackson Street and Adams Street.

1 Lot / 0.3± Acre

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 subdivision subject to the following condition:

- (1) the placement of five foot minimum building setback lines along North Jackson Street and Adams Street on the final plat.

The motion carried unanimously.

Case #SUB2002-00097

Wright Oaks Subdivision

5100 Karlan Drive (West terminus of Karlan Drive).

2 Lots / 4.5± Acres

Mr. Marshall A. McLeod, P.L.S., L.L.C., 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 Dr. Rivizzigno to approve this subdivision.

The motion carried unanimously.

Case #SUB2002-00105

June 6, 2002

Lucille Young Subdivision

North side of Tanner Williams Road, 300'± West of Glen Acres Drive South.
4 Lots / 7.0± 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 Mr. McSwain and seconded by Dr. Rivizzigno to waive Section V.D.3., of the Subdivision Regulations and approve this subdivision subject to the following conditions:

- (1) dedication of sufficient right-of-way to provide 50' from the centerline of Tanner Williams Road;
- (2) the placement of a note on the final plat stating that Lots 1 & 2 share one curb cut to Tanner Williams Road, with the size, location and design to be approved by County Engineering and Lots 3 & 4 share one curb cut to Tanner Williams Road, with the size, location and design to be approved County engineering;
- (3) 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
- (4) the placement of the required twenty-five foot minimum building setback line along Tanner Williams Road on the final plat.

The motion carried unanimously.

Case #SUB2002-00103

Z and F Subdivision

West side of Snow Road, 200'± South of the East terminus of Briarcliff Drive South.
14 Lots / 12.2± Acres

Mr. Jerry Byrd of Byrd Surveying, Inc., was representing the applicant and stated that he had a concern regarding the staff's recommendation for them to remove the proposed drives to Snow Road. He said that this property was comprised of two legal lots, one was 10 acres which encompassed the southern portion that had an existing driveway at the southeast corner of what is shown as Lot 14 on the map. The irregular portion at the top was an approved driveway near the northeast corner of Lot 1. These were the two driveways they were referencing. The drive on the corner of Lot 14 was already in existence. There had been a driving range and a mobile home there that had utilized that drive in the past and they would like to maintain it. They also wanted to keep the access to Snow Road from Lot 1. He also had a concern about the staff's recommendation regarding the buffer. He said that at the west end of the site there were two tracts that went to the south, 1,400'-1,500' in depth facing the north side of Airport Boulevard. If there were residences built on the front of that property it would be a long way away from this site. He felt it seemed excessive as this area was wooded.

Mr. Frost inquired if they had ever made exceptions for development that was a certain number of feet away.

Mr. Boone said that they had made exceptions if a residence was very far away. He stated that they could make a caveat for Lot 8 that when and if the land to the south of Lot 8 was developed residentially, they would have to provide a buffer at that time. He said that they could require a buffer if the adjacent property was developed in the immediate area.

There was no one present in opposition.

In discussion, Mr. Boone said that the staff had recommended that the direct curb cut access to Snow Road be removed and the applicant had wanted to retain that. Mr. Boone

June 6, 2002

explained that with the new road coming in, there would be three curb cuts within 300'-400'. In general the City did not like to see more than two curb cuts in that distance.

Mr. Olsen pointed out where the curb cuts would be on the map. He said that the two existing curb cuts were originally allowed because that was the only frontage those lots have. Had there been road construction at that time, chances are the staff would have recommended that there not be direct access to Snow Road. The fact that the driveway was shown on a recorded plat was irrelevant at this point.

There was a brief discussion regarding requiring the buffer only if there was residential development within a certain distance of Lot 8.

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

- (1) removal of the proposed drives as indicated on the plat submitted and placement of a note on the final plat stating that there shall be no curb cuts or drives to Snow Road;
- (2) that any necessary approvals be obtained from federal, state and local agencies prior to the issuance of any permits; and
- (3) provision of buffering in compliance with Section V.A.7 if any lots are developed commercially; if any of the property adjacent to Lot 8 is developed residentially (within approximately 200') a buffer will be provided at that time.

The motion carried unanimously.

OTHER BUSINESS:

Call for public hearing: June 20, 2002

To determine policy regarding acquisition of right-of-way for the future widening of Mobile Street, between Dauphin Street and Old Shell Road.

Mr. Frost called for a public hearing on June 20, 2002, to determine policy regarding acquisition of right-of-way for the future widening of Mobile Street, between Dauphin Street and Old Shell Road.

The Commission concurred.

Call for public hearing: July 11, 2002

To consider a proposed amendment to the Chart of Permitted Uses of the Zoning Ordinance for various uses located within the Hank Aaron Loop.

Mr. Frost called of for a public hearing on July 11, 2002, to consider a proposed amendment to the Chart of Permitted Uses of the Zoning Ordinance for various uses located within the Hank Aaron Loop.

Mr. Boone commented that this proposed amendment related to their efforts with the downtown residential plan. He stated that they would also be bringing up an amendment regarding teen clubs in the Hank Aaron Loop at the July 11, 2002, meeting as requested by the Mayor and the City Council.

The Commission concurred.

2002-2003 Meeting/Deadline Schedule

Mr. Olsen announced that due to the fact that City offices would be closed on Monday and Tuesday, March 3, and 4, 2003, for Mardi Gras, there could only be one Commission meeting in March 2003.

The Commission concurred.

June 6, 2002

Announcement

Dr. Rivizzigno reported that she and Ms. Deakle had gone through the Certified Planning Commissioners program and had been re-certified. She thanked the City for allowing them to pursue this.

There being no further business, the meeting was adjourned.

APPROVED: July 25, 2002

/s/ Victor McSwain, Secretary

/s/ Robert Frost, Chairman

jh