

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF FEBRUARY 21, 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
John Vallas
Terry Plauche
Norman Hill (S)

Members Absent

Clinton Johnson
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
David Daughenbaugh, Urban Forestry
Pat Stewart, County Engineering
Fred Brown, Traffic 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. Plauche and seconded by Dr. Rivizzigno to approve the minutes of the January 24, 2002, meeting as submitted. The motion carried unanimously.

EXTENSIONS:

Case #SUB2002-00016

File #S98-120

Woodland Hills Subdivision, Remainder of

West terminus of Woodland Hills Drive and extending through to Woodstone Drive, Woodland Way and the East side of Eunice Drive, 600'± North of Eunice Circle.
191 Lots / 74.0± Acres

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

The motion carried unanimously.

GROUP APPLICATIONS:

Case #ZON2002-00272

EBM Midtown Investments, L.L.C. (Charles L. Miller, Agent)

27, 51, and 53 Alexander Street, and 2609 Cameron Street (West side of Alexander Street, 100'± South of Cameron Street, extending to the South side of Cameron Street, 150'± West of Alexander Street, and to the Southeast corner of Cameron Street and Boyles Lane).

The request for a change in zoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, for the expansion of an existing telecommunications business was considered.

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

(Also see Case #SUB2002-00021 – **EBM Midtown Subdivision** – Below)

Mr. Chuck Miller was representing the applicant and asked that this application be heldover until the next meeting. They had several people they wished to speak regarding this case that they felt were key to the Commission's understanding of this proposal. However, these people had been unable to attend today's meeting.

A motion was made by Mr. Frost and seconded by Ms. Deakle to holdover this application until the meeting of March 7, 2002, at the applicant's request.

The motion carried unanimously.

Case #SUB2002-00021

EBM Midtown Subdivision

27, 51, and 53 Alexander Street, and 2609 Cameron Street (West side of Alexander Street, 100'± South of Cameron Street, extending to the South side of Cameron Street, 150'± West of Alexander Street, and to the Southeast corner of Cameron Street and Boyles Lane).

1 Lot / 1.9± Acres

(For discussion see Case #ZON2002-00272 - **EBM Midtown Investments, L.L.C. (Charles L. Miller, Agent)** – Above)

A motion was made by Mr. Frost and seconded by Ms. Deakle to holdover this application until the meeting of March 7, 2002, at the applicant's request.

The motion carried unanimously.

Case #ZON2002-00252

Christian Bible Teaching

1809 and 1811 Duncan Street (Southeast corner of Duncan Street and Lesesne Street, extending to the North side of the Illinois Central Gulf Railroad right-of-way).

The request for Planned Unit Development Approval to allow multiple buildings on a single building site, and shared access and shared parking between two sites for a church was considered.

The plan illustrates the existing structures along with the proposed parking.

(Also see Case #SUB2002-00012 – **Rickarby Place Subdivision, Square 12, Resubdivision of Lots 16 & 17** – Below)

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

- (1) the provision of adequate clearance (24-feet) for a two-way drive to the main parking area, to be approved by Traffic Engineering;
- (2) the screening of parking along Lesesne Street and the railroad right-of-way;
- (3) the elimination of the existing drive within the Duncan Street right-of-way;
- (4) notification to the applicant that in the future, the porch may be removed at their expense, if work within the City's right-of-way necessitates its removal;

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- (5) full compliance with the landscaping and tree planting requirements of the Ordinance;
- (6) provision of a sidewalk along Duncan Street;
- (7) approval of all curb cuts by Traffic Engineering; and
- (8) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2002-00012

Rickarby Place Subdivision, Square 12, Resubdivision of Lots 16 & 17

1809 and 1811 Duncan Street (Southeast corner of Duncan Street and Lesesne Street).

1 Lot / 0.3± Acre

(For discussion see Case #ZON2002-00252 – **Christian Bible Teaching** – Above)

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

- (1) provision of a sidewalk along Duncan Street;
- (2) approval of all curb cuts by Traffic Engineering; and
- (3) provision of 25-foot minimum building setback lines along Duncan and Lesesne Streets.

The motion carried unanimously.

Case #ZON2002-00264

SPWLLC

West, North and East sides of the North terminus of Ari Court, extending North to the Illinois Central Gulf Railroad right-of-way.

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

The site plan illustrates the proposed building, proposed parking and the existing buildings to be removed.

(Also see Case #SUB2002-00013 – **Nudraulix Subdivision** – Below)

The applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) approval of the necessary variances from the Board of Zoning Adjustment;
- (2) full compliance, to the greatest degree possible, with the landscaping requirements of the Ordinance;
- (3) provision of frontage trees to be coordinated with and approved by the Urban Forester;
- (4) provision of paved (with asphalt, concrete or asphaltic concrete) parking, access and maneuvering areas;
- (5) provision of a sidewalk along Ari Court; and
- (6) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #SUB2002-00013

Nudraulix Subdivision

West side of Ari Court, 100'± North of Spring Hill Avenue, extending to the West, North, and East sides of the North terminus of Ari Court, and extending North to the Illinois Central Gulf Railroad right-of-way.

2 Lots / 1.0± Acre

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(For discussion see Case #ZON2002-00264 – **SPWLLC** – Above)

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

- (1) provision of a sidewalk along Ari Court.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2002-00014

Brill Pond Subdivision, Resubdivision of Lot 1

South side of Brill Road at the South terminus of Curry Drive West.

7 Lots / 1.9± Acres

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

There was no one present in opposition.

A motion was made by Ms. Deakle and seconded by Mr. Hill to waive Section V.D.2. of the Subdivision Regulations, and approve this subdivision subject to the following conditions:

- (1) the submission and approval of an Administrative PUD application; and
- (2) the placement of a note on the final plat stating maintenance of all common areas shall be the responsibility of the property owners.

The motion carried unanimously.

Case #SUB2002-00015

Creekline Subdivision, Tenth Addition, Resubdivision of Lot 1

Northeast corner of Higgins Road and Interstate 10, extending to the West side of Cypress Business Park Drive, 700'± North of Higgins Road.

1 Lot / 17.0± Acres

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

There was no one present in opposition.

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

- (1) the dedication and construction of Dozer Drive to City standards prior to the recording of the Lot 1; and
- (2) the placement of twenty-five foot building setback lines on the final plat.

The motion carried unanimously.

Case #SUB2002-00017

Cyrus Cove Subdivision

South side of Airport Boulevard, 1900'± East of Walter Smith Road.

182 Lots / 58.3± Acres

Ms. Deakle and Mr. Vallas recused themselves from the discussion and vote regarding this matter.

Mr. Doug Anderson was representing the applicant and stated that when this came before the Commission last month it was denied. Mr. Anderson had not been involved with the

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application at that time, but he was present at that meeting on another case. He noted that a representative of the Mitchell Company (applicant), Mr. Barry Vittor, who did the environmental engineering for this site, and Mr. Don Coleman, engineer for this project, were all present. Mr. Anderson submitted an information packet to the Commission with photographs of the subject property taken from different angles. The staff report had indicated that there were no substantive changes made to this plan since it was denied with the exception of reducing the number of lots by 8. However, he felt this was not true. They had also lowered the number of substandard lots (less than 7,200 sq. ft.).

Mr. Frost thought this had originally been recommended for approval by the staff, but the Commission had denied it.

Mr. Boone said this was correct.

Mr. Anderson said that the staff's recommendation of approval for the previous submission indicated that the plan met the criteria to be considered as an innovative subdivision. With the revised plan, Mr. Anderson stated that they had lowered the overall number of lots by 8 and lowered the number of substandard lots from 133 to 104. The staff felt that there were still 110 substandard lots, but he was unsure whether or not their figure or the staff's figure was correct. Either way, they had reduced that number by at least 23. Mr. Anderson commented that there were some property owners in opposition at the last meeting. The applicant had revised the subdivision plan so that all of the proposed lots adjoining those property owners had been changed from substandard lots to 60' lots or larger. Mr. Anderson mentioned that they had also changed the curb cut to Airport Boulevard from the last submission. It was originally in the middle of the front parcel and they were creating two separate commercial lots. Because of traffic concerns voiced at the last meeting, they had moved the driveway as far east as possible. There would now only be one commercial lot fronting Airport Boulevard and the entrance to the subdivision would be as far away as possible from the entrance to Baker High School. Some of the concerns the Commission and those in opposition had at the last meeting were density, the wetlands and traffic. He commented that there had been numerous other subdivisions in the City and the County that had been approved that were equal or greater in lots per acre than the subject subdivision. This subdivision would be 3.1 lots per acre. He referred to the packet he had submitted showing the density of surrounding subdivisions. There was also a comparison of the number of substandard lots to the total number of lots for those subdivisions.

Mr. Quimby inquired about the wetlands on the other subdivisions they were comparing this to.

Mr. Anderson was unsure.

Mr. Frost inquired if this was located in the County.

Mr. Anderson replied yes. He commented that if they were to fill in the wetlands on the subject property (though they were not planning to do this) and did not dedicate the 4.1 acres for common area, which they were going to do, the total square footage of this subdivision divided by 7,200 sq. ft. would allow them 327 lots. However, if the wetlands were left in tact and they used the common area, they could have 261 legal lots. He felt this indicated that this was not a high-density subdivision. He commented that at the last meeting there was some discussion regarding the wetlands on the southern parcel and the fact that Mr. Vittor, who conducted the environmental report, was part owner of that parcel. Mr. Anderson had a letter dated March 29, 1999, from the Department of the Army Corps of Engineers addressed to Mr. Vittor's company. There was a graph attached to that letter showing the delineation of the wetlands by Mr. Vittor's company. The letter verified that Mr. Vittor's study was correct and was valid for 5 years.

Mr. Anderson said that at the last meeting there was some discussion regarding traffic backing up in front of Baker High School on Airport Boulevard and how the curb cut to the proposed subdivision might encourage cut through traffic from people wanting to avoid the school traffic. He did not feel that this was a valid argument and that to utilize this as a cut through people would have to go quite a bit out of their way. However, this

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would give the residents of the subdivision an easy way to avoid the school traffic. He thought there was some lack of information between the Commission and the podium the last time this came up. He pointed out that this property was located in the County and was not currently owned by the Mitchell Company. If they were unable to get this approval, they would not buy the property. He pointed out that this was located in the County and there was no guarantee about how this property would be used in the future; it could be an apartment complex or a trailer park. He showed photographs of unsightly property in the immediate area.

Mr. McSwain said that the decision from the Corps of Engineers was based on surveys that were submitted to them, which only showed the northwest corner and the southeast corner of Section 26. He inquired if there were any other wetlands north of that line.

Mr. Anderson was unsure.

Mr. Barry Vittor of 3706 Leroy Stephens Road was present and stated that his company did wetland delineations. He further stated that they had not done the delineations for the area north of the main parcel. The area of wetlands did continue through the common area.

Mr. Quimby inquired if the entire common area was wetlands.

Mr. Vittor said that a portion of it was; approximately 1/2 to 1/3 of the common area was wetlands.

Mr. Dalton Orr of 1251 Walter Smith Road was present in opposition and stated that he did not think the fact that this Commission had approved substandard subdivisions in the past was a good argument to continue this problem.

Mr. Frost said that the Commission had not approved substandard subdivisions; they had approved subdivisions with some substandard lots in them.

Mr. Orr did not feel that these lots would be 1/3 of an acre as Mr. Anderson's figures would indicate. Mr. Orr thought that some consideration should be given to environmentally sensitive areas such as these wetlands. He felt the Subdivision Regulations should call for a lower density in areas such as this because of the impact this development would have on the wetlands. The more homes that located here, the more animal waste, insecticides, pesticides and car washing there would be in the neighborhood, which could contribute to the deterioration of the wetlands. He said it was mentioned at the last meeting that the residents of this subdivision would maintain the wetlands. Mr. Orr did not think this was realistic because the people moving into the area were looking for smaller lots and would therefore, not want to have to worry about these wetlands. He was concerned about cut through traffic from the new curb cut to Airport Boulevard. Mr. Anderson had indicated that this was a long way to go for a cut through, but Mr. Orr ran through this area and it would only be a mile out of someone's way to use that cut through. Mr. Orr was concerned about speeding through this area. He pointed out that traffic calming devices hindered emergency vehicles so he did not think that was the answer. He pointed out that traffic-calming devices were not even used in the County. He felt that the quality of life in this area would be lowered if this were approved. He thought the Subdivision Regulations spoke directly to keeping cut-through traffic to a minimum.

Ms. Shelby Sanders of 1251 Twelve Oaks Drive was present in opposition and stated that one of the subdivisions Mr. Anderson had mentioned, Spring Lake, was condominiums which was nothing like they had in this neighborhood. Ms. Sanders was concerned about traffic and quality of housing. She said that in this area the minimum lot size was 2 acres. People had moved into this area because of the low density and traffic. She had spoken to the principal at Baker High School who had indicated that they were concerned about traffic as well because of the students who drove their own vehicles and the fact that their parking lot was always full. She said that they liked their area the way that it was and did not want to see this application approved. If it was approved she asked that the

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Commission do what they could to cut down on cut through traffic. She commented that they had a lot of people who walked and ran in this neighborhood.

Mr. Truel Jones of 1200 Twelve Oaks Drive was present in opposition and stated that he wished to address the wetlands. He commented that this area flooded anytime there was a heavy rain. He thought there were other wetlands that were not shown on the plat. He had some concerns about traffic near the front of the subdivision. The applicant had moved the proposed curb cut, but it was still only 400' from Baker High School's entrance. He had a copy of a letter from the president of the PTSA at Baker, who had some concerns about the close proximity of the entrance to the proposed subdivision. Mr. Jones felt that it might be necessary for people to make a U-turn in front of the school and come back to the subdivision, which could be catastrophic.

Mr. Frost said that there had been some discussion at the last meeting about a cut in the median.

Mr. Jones did not feel that this proposal met the Subdivision Regulations.

Mr. Boone said that within the Regulations there were provisions for innovative subdivisions, which allowed the Commission to waive things like lot size and width.

Mr. Jones did not feel that this was innovative.

Mr. Frost felt that this was one of the reasons it was denied last time.

Mr. Anderson said that he would certainly defer to the County Engineering Department in regard to traffic matters. He commented that the new placement of the curb cut would put it about 130 yards from Baker's entrance which was 1-1/3 football field. He said that the developer did not want to put a curb cut to O'Hara Drive, but the staff had said it was necessary. The curb cut to the south would eventually lead to Grelot Road. Mr. Anderson said that whoever owned this property would be responsible for the wetlands. In this case the Mitchell Company would deed it to the homeowner's association as the common area and they would be under legal obligation to maintain it. They were proposing single-family homes for this subdivision, not duplexes or townhomes.

Dr. Rivizzigno inquired if they had included the wetlands when they figured density.

Mr. Anderson said that it was based on the entire square footage of the subdivision.

Mr. Frost inquired about the cut through in the median.

Mr. Anderson said that they were planning to apply to the County Engineering Department for a curb cut directly in front of the access point.

There was a brief discussion regarding the wetlands.

Mr. Quimby did not think that there was not enough room to protect the wetlands.

Mr. Anderson said that this would be the responsibility of the property owners and would have to be dealt with sooner or later.

Mr. Quimby said that the other subdivisions Mr. Anderson had mentioned did not appear to have wetlands involved. Mr. Quimby felt that this development would have an extreme impact on those wetlands.

In discussion, Mr. Quimby said that the Commission had already visited this issue and the amount of space involved. He felt that this was too much density for this location.

A motion was made by Mr. Quimby and seconded by Dr. Rivizzigno to deny this subdivision based on the facts that there have been no substantive changes to the application that would justify granting of the necessary waivers (based on the Commission's previous discussion and decision); that all of the properties involved in the

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subdivision are not included on the plat; and that without the waiver of Paragraphs V.D.1 and V.D.3 and the inclusion of all properties involved in the subdivision, the plat does not meet the minimum requirements of the Subdivision Regulations.

Mr. Vallas and Ms. Deakle recused. The motion carried.

In further discussion, Dr. Rivizzigno said that the handout Mr. Anderson had submitted indicated some other subdivisions and how many substandard lots he thought there were. She thought the Commission might want to be a little more careful about doing this.

Mr. Frost inquired about the definition of an innovative subdivision.

Mr. Boone said that it was referenced in Section VIII. of the Subdivision Regulations and there was not really a definition or a list of criteria.

Dr. Rivizzigno felt that they might want to come up with a list of criteria.

Mr. Quimby thought the intention of that was for urban settings and patio homes.

Mr. Boone said that someone could have a townhome development in the County. In the City a Planned Unit Development application was required. However, this did not apply in the County, but they did not want to disallow townhomes in the County, so this was why there were a few subdivisions that the Commission had approved in the last few years that had substandard lots. Typically they tried to apply City standards to subdivisions of that nature.

Mr. Frost thought that this plan would have significantly changed with a lot fewer lots when they resubmitted.

Mr. Boone said that based on some calculations made by the staff they could have 130-140 standard lots, given the restraints of the road and wetlands.

Ms. Deakle said that she would not directly speak to this case because she had recused herself, but she wished to make a statement regarding innovative subdivisions. She thought that the Commission needed to realize that these types of subdivisions were part of the future and were being demanded by the general public. It was a more affordable option for people who wanted to own their home and it was less upkeep for senior citizens. Usually innovative subdivisions did show up in urban areas, but they needed to keep in mind that there was a great use for it suburban settings as well.

Mr. Plauche inquired about permeable paving.

Mr. Boone said that they had addressed permeable paving in the Zoning Ordinance because it dealt with parking requirements. This was a subdivision so there was nothing regarding parking surfaces. However, if the Commission wanted to, they could require this as part of an approval for parking areas and driveways.

Mr. Quimby said that they needed to take into account the density and the impact on the surrounding area. There were other subdivisions mentioned but this subdivision was in the beginning of the Dog River Watershed. They were constantly fighting runoff issues in this area.

Mr. Frost said that they needed to establish some rules and be consistent.

Case #SUB2002-00019

Dauphin Acres Subdivision, First Unit, Resubdivision of Lots 1 & 2

3010 and 3012 Orleans Street (Northwest corner of Orleans Street and Carre Avenue).

2 Lots / 0.6± Acre

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

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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 placement of a note on the final plat stating that Lot 1 is limited to one curb cut, with location and design to be approved by the Traffic Engineering Department;
- (2) that the structures be shown on the final plat to verify that the subdivision does not create a violation of the Zoning Ordinance; and
- (3) the placement of the twenty-five foot setback line on the final plat.

The motion carried unanimously.

Case #SUB2002-00020

Dyson Estates Subdivision, Resubdivision of Lot 4

5639 Gulf Creek Circle (North side of Gulf Creek Circle [South], 200'± West of Rabbit Creek Drive).

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

- (1) the approval of all applicable federal, state and local agencies prior to the issuance of any permits; 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 #SUB2002-00018

Magnolia Heights Subdivision

5905 and 5919 Moffett Road (West side of Moffett Road, 370'± South of Powell Drive).

44 Lots / 10.6± Acres

Mr. Jerry Byrd of Byrd Surveying, Inc. was representing the applicant and stated that they were proposing 44 lots, all of which met the minimum requirement of 7,200 sq. ft and there would be a City standard street. Each house would be served with public water and sewer and all stormwater management would be handled via a detention pond subject to approval by the City Engineering Department. They were concerned about staff recommendation #5 requiring a street stub to the west. He said that University Avenue, approximately 750' to the south, served the property to the west;. Even though Powell Drive was not open, it was a City right-of-way approximately 450' to the north of the subject property that also served the property to the west. Those two streets were 1,200' apart. Mr. Byrd did not see the need for another street stub to the west.

Ms. Donna Bowman of 5851 Powell Drive was present and stated that her property was located 350' from the subject property. She was the spokesperson for the property owners on Powell Drive as well as some of the other adjacent property owners. She had a petition in opposition signed by 127 of her neighbors. She wanted to make the developer aware of the fact that they must comply with the Endangered Species Act of 1973. The gopher tortoise was listed on the National Endangered Species Registry as a threatened species. The Act states that they can not take (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect or attempt to engage in such conduct) a threatened species. She had spoken to a representative of the U. S. Fish and Wildlife

Service in Daphne, AL, who had indicated that the gopher tortoise had an established habitat in this area. The Magnolia Grove Golf Course, which was 200' from Powell Drive, was an established habitat for the tortoise; they had left several acres undisturbed for this purpose. Ms. Bowman had seen several tortoise burrows on the subject property and she submitted photographs of the holes.

Mr. Frost said that he respected Ms. Bowman's opinion and was glad that she had taken the time to notify the developer of this situation. He commented that this was something that could stop this development if this was the case. However, this was not something that was in the Commission's purview. If the developer were to break any laws they would have to answer to the appropriate authorities.

Ms. Sandra Butts of 2213 Clear Creek Drive was present and stated that she lived one lot over from the subject property. They had fought drainage and runoff from University Avenue for 24 years and they felt this development would only make it worse. It was her understanding that Clear Creek Drive was going to be paved and she was concerned that there would be traffic coming from this subdivision cutting through to Moffett Road. This was a small neighborhood and she did not think they could handle any more traffic.

Mr. Boone said that the road would not be paved. The staff was asking that a street stub be provided there and the developer would be required to build to the existing Clear Creek Drive.

Mr. Byrd said that they would have to comply with the City Engineering Department's stormwater regulations and they would be providing a detention pond. They would want to protect their property owners from flooding as well. He was unsure about the current situation with drainage.

Mr. Frost asked that Mr. Byrd make the property owner aware of the situation regarding the gopher tortoises.

Mr. Byrd said that he would do this. He commented that there was a relocation program available through the U.S. Fish and Wildlife Service.

Mr. Quimby inquired where the runoff for this project would go.

Mr. Byrd thought the runoff would flow toward the west end of the property with a slight tilt to the north. The detention pond would be in the common area.

In discussion, Mr. Boone felt that if the Commission were to approve this a condition needed to be added regarding compliance with all municipal codes and ordinances, including obtaining of all necessary federal, state, local and environmental approvals prior to the issuance of any permits.

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

- (1) the dedication of adequate right-of-way to provide 50' from the centerline of Moffett Road, and appropriate radii at the intersection of Moffett Road and the proposed street;
- (2) the placement of a note on the final plat stating that Lots 1 and 44 are denied direct access to Moffett Road;
- (3) placement of a note on the final plat stating that the maintenance of the common area shall be the responsibility of the property owners;
- (4) construction of a connection with existing street stub to the South (Clear Creek Drive);
- (5) provision of a street stub to the West;
- (6) provision of a 25-foot minimum building setback line along all street frontages; and
- (7) full compliance with all municipal codes and ordinances, including obtaining of all necessary federal, state, local and environmental approvals prior to the issuance of any permits.

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Mr. Plauche was opposed. The motion carried.

There being no further business, the meeting was adjourned.

APPROVED: April 4, 2002

/s/ Victor McSwain, Secretary

/s/ Robert Frost, Chairman

jh