

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF SEPTEMBER 5, 2002 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

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

**Members Absent**

Ann Deakle  
Clinton Johnson  
James Laier (S)

**Staff Present**

Richard L. Olsen, Planner II  
Margaret Pappas, Planner II  
Shayla Jones, Planner I  
Frank Palombo, Planner I  
Jennifer Henley, Secretary II

**Others Present**

John Lawler, Assistant City Attorney  
Ron Jackson, Urban Forestry  
Jennifer White, Traffic Engineering  
Beverly Terry, City Engineering  
Pat Stewart, County Engineering

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

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

**APPROVAL OF MINUTES:**

A motion was made by Dr. Rivizzigno and seconded by Mr. Plauche to approve the minutes of the July 11, 2002, meetings as submitted. The motion carried unanimously.

**HOLDOVERS:**

**Case #ZON2002-01529**

**Natchez Trail Townhomes, Lots 7, 8, 12, 13, 16, 17, 19 & 24**

West side of Natchez Trail Court, 650'± North of Cottage Hill Road.  
Planned Unit Development Approval to amend a previous approval allowing detached, zero-lot line, single-family residential townhomes.

This application was heldover prior to the meeting at the applicant's request.

**Case #SUB2002-00179**

**Glen Creek Subdivision**

East side of University Boulevard, 215'± North of Zeigler Boulevard.  
3 Lots / 4± Acres

Mr. Don Rowe of Rowe Surveying and Engineering Company, 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 Lot 1 is limited to two curb cuts and Lot 3 is limited to one curb to the University Boulevard Service Road, with the location and design to be approved by Traffic Engineering;

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- (2) dedication and construction of the Zeigler Boulevard service road in front of Lot 2, prior to the recording of Lot 2; and
- (3) the placement of a note on the final plat stating that Lot 2 is limited to one curb cut to said service road, with the location and design to be approved by Traffic Engineering.

The motion carried unanimously.

**Case #ZON2002-01756**

**Logan Gewin**

South side of Key Street, 400'± East of Hutson Street, extending Southwest to the West I-65 Service Road South.

The request for Planned Unit Development approval to allow multiple buildings on a single building site, with shared access and parking between multiple lots was considered.

The site plan illustrates the existing buildings, proposed buildings, proposed parking, and proposed lot subdivisions.

(Also see Case #SUB2002-00185 – **Key Street Commercial Park Subdivision** – Below)

Mr. Jackson said that Urban Forestry would like to see the trees required for Lot 1 be placed on Lot 2. He commented that both lots were owned by the same individual and Lot 1 did not have enough room for the required frontage trees. He stated that because the property was zoned I-1, only frontage trees were required.

Mr. Don Rowe of Rowe Surveying and Engineering Company, Inc. was representing the applicant and concurred with the staff recommendations.

There was no one present in opposition.

In discussion, Mr. Olsen suggested some possible rewording for staff condition #1: *provision of frontage trees for Lot 1 to be provided on Lot 2 and coordinated with Urban Forestry.*

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

- (1) provision of frontage trees for Lot 1 to be provided on Lot 2 and coordinated with Urban Forestry;
- (2) full compliance with the landscaping and tree planting requirements for Lot 2;
- (3) provision of sidewalk along Key Street;
- (4) provision of adequate setbacks;
- (5) submission and approval of individual PUD applications (Administrative) for each building; and
- (6) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2002-00185**

**Key Street Commercial Park Subdivision**

South side of Key Street, 400'± East of Hutson Street, extending Southwest to the West I-65 Service Road South.

2 Lots / 2.3± Acres

(For discussion see Case #ZON2002-01756 – **Logan Gewin** – Above)

A motion was made by Mr. Plauche and seconded by Dr. Rivizzigno to waive Section V.D.3., of the Subdivision Regulations and approve this subdivision.

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There was no one present in opposition.

**Case #SUB2002-00183**

**Eddie's Subdivision**

265 Azalea Road (East side of Azalea Road, 250'± South of Airport Boulevard).

1 Lot / .8± Acre

Mr. Frank Dagley of Frank A. Dagley & Associates, Inc., was representing the applicant and said that this had been heldover at the last meeting because there were some questions regarding property behind the parcel. They had since presented documentation to the staff showing the piece of property to the rear, which was a landlocked area that had nothing to do with the current owner. There were three adjacent parcels of which pieces were sold off creating the landlocked lot. He said that the staff might not have had a chance to fully review the submitted documentation because he had gotten it in late. However, he asked that this application not be heldover further.

Mr. Frost said that it was the Commission's policy that anything that would affect the staff report be heldover until the next meeting.

Mr. Olsen said that the staff had received the documentation yesterday and they had an opportunity to do an initial review and it seemed to satisfy the issue of the landlocked parcel. However, they had not had an opportunity to come up with a revised recommendation. If the Commission decided to act upon this today, the staff would like to see a condition limiting the site to one curb cut.

Mr. Dagley said that he had spoken with Mr. William Metzger and his staff in the Traffic Engineering Department and they had indicated that they would be agreeable to the applicant leaving the two existing driveways in place. However, they had asked that the drives be improved. Mr. Dagley said that the widths of the drives were excessive and they needed to be cut down.

Mr. Rajool Mehta of 257 Azalea Road was present and stated that at the last meeting he had brought up some concerns regarding a barricade on City right-of-way that the applicant had put up. It was his understanding that the applicant had not received any approval to do this and Mr. Mehta wanted to see the fence posts and barricade removed. He had also mentioned a situation with the public restrooms and it had been indicated that someone would look into the matter. He had further concerns regarding parking.

Mr. Olsen said that public restrooms and parking would have to be brought into full compliance with City codes with the new project because it was being expanded 50% or more.

Ms. Terry said that they would require them to either remove the barricade or move it onto their property.

Mr. Frost felt that they needed a condition to address this if they decided to approve the subdivision.

Mr. Mehta was not opposed to the project as long as these issues were addressed.

Mr. Dagley said that they had already obtained a building permit for this expansion. The City had done a plan review and the proposed parking and landscaping had been approved. The permit was contingent on the subdivision approval. He said that the plans included public restrooms. He was not involved with the issue of the right-of-way.

In discussion, Mr. Frost felt that this application should be heldover to give the staff additional time to review the documentation submitted.

Dr. Rivizzigno felt that the Traffic Engineering Department and staff should coordinate with each other on this matter when making a final recommendation.

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Mr. Frost asked the staff to look into the issues brought up by Mr. Mehta.

Mr. Olsen said that the staff would coordinate with Traffic and City Engineering and draft some conditions regarding the drives and the barricade.

Mr. McSwain felt that Traffic Engineering and the staff should be at a consensus on their recommendations before they presented them to the Commission.

Mr. Quimby felt that there had been a trend lately of applicants personally going to Traffic Engineering to try to circumvent what the staff had recommended.

Mr. Frost felt that it would be helpful for everyone to be in agreement before the meetings, however, he realized that there was a somewhat short timeframe involved.

A motion was made by Dr. Rivizzigno and Mr. Plauche to holdover this application until the meeting of September 19, 2002, to allow the staff time to review the documentation submitted and curb cut request.

The motion carried unanimously.

Dr. Rivizzigno inquired about the restroom situation.

Mr. Olsen said that the City Code required certain businesses to have public restroom facilities and Mr. Mehta had stated that Eddie's did not have these and the customers from Eddie's were coming to his place of business next door to use the restroom.

**EXTENSIONS:**

**Case #ZON2001-01930**

**Middleton Park**

2175, 2177, and 2179 Old Shell Road (South side of Old Shell Road, 160'± East of Wisteria Avenue).

Request for a one-year extension of previous approval for a Planned Unit Development Approval for a private street residential subdivision.

There was no one present in opposition.

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

Mr. Vallas recused. The motion carried.

**Case #SUB2001-00231**

**Middleton Park Subdivision**

2175, 2177, and 2179 Old Shell Road (South side of Old Shell Road, 160'± East of Wisteria Avenue).

4 Lots / 1.2± Acres

Request for a one-year extension of previous approval for the above referenced subdivision.

There was no one present in opposition.

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

Mr. Vallas recused. The motion carried.

**GROUP APPLICATIONS:**

**Case #ZON2002-01921**

**Dolphin Properties**

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4550 Higgins Road (North side of Higgins Road, 360'± East of Cypress Business Park Drive).

The request for a change in zoning from R-1, Single-Family Residential, to B-3, Community Business, for a day care facility was considered.

The plan illustrates the existing structures along with the proposed fenced playground and parking.

(Also see Case #ZON2002-01922 – **Dolphin Subdivision** – Below; and Case #SUB2002-00199 – **Dolphin Subdivision** – Below)

Mr. Frank Dagley of Frank A. Dagley & Associates, Inc., was representing the applicant and stated that he had a concern regarding the staff recommendation for a limitation on curb cuts for Lot 2. He explained that this was going to be a daycare and they wanted to have a one-way in, one-way out circular drive. He had discussed this with Mr. William Metzger of the Traffic Engineering Department, who had indicated that he did not have a problem with this proposal as long as there was proper signage.

Mr. McSwain inquired if Mr. Dagley had a problem with a limitation of one curb cut to Lot 1.

Mr. Dagley replied no.

Mr. Frost inquired if Ms. White was aware of Mr. Metzger's comments.

Ms. White said that she was aware of the situation.

There was no one present in opposition.

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

- (1) full compliance with the landscaping and tree planting requirements of the Ordinance;
- (2) provision of a buffer along the East property line, in compliance with Section IV.D.1. of the Ordinance;
- (3) that Lot 1 be limited to one curb to Higgins Road, and that Lot 2 be limited to two, one-way curb cuts to Higgins Road, with the location and design to be approved by Traffic Engineering;
- (4) full compliance with all Traffic Engineering Comments; and
- (5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #ZON2002-01922**

**Dolphin Subdivision**

4550 Higgins Road (North side of Higgins Road, 360'± East of Cypress Business Park Drive).

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

The plan illustrates the existing structures along with the proposed fenced playground and parking.

(For discussion see Case #ZON2002-01921 – **Dolphin Properties** – Above; also see Case #SUB2002-00199 – **Dolphin Subdivision** – Below)

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

- (1) full compliance with the landscaping and tree planting requirements of the Ordinance;

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- (2) provision of a buffer along the East property line, in compliance with Section IV.D.1. of the Ordinance;
- (3) that Lot 1 be limited to one curb to Higgins Road, and that Lot 2 be limited to two, one-way curb cuts to Higgins Road, with the location and design to be approved by Traffic Engineering;
- (4) full compliance with all Traffic Engineering Comments; and
- (5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2002-00199**

**Dolphin Subdivision**

4550 Higgins Road (North side of Higgins Road, 360'± East of Cypress Business Park Drive).

2 Lots / 2.1± Acres

(For discussion see Case #ZON2002-01921 – **Dolphin Properties** – Above; also see Case #ZON2002-01922 – **Dolphin Subdivision** – Above)

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

- (1) placement of a note on the final plat stating that Lot 1 be limited to one curb to Higgins Road, and that Lot 2 be limited to two, one-way curb cuts to Higgins Road, with the location and design to be approved by Traffic Engineering.

The motion carried unanimously.

**Case #ZON2002-01923**

**StorageMax University Subdivision**

684 South University Boulevard (East terminus of Kwajalein Drive, 245'± West of South University Boulevard).

Planned Unit Development Approval to allow multiple buildings on a single-building site.

The plan illustrates the existing structure and asphalt parking; along with the proposed structure and 20' ingress/egress easement.

(Also see Case #SUB2002-00200 – **StorageMax University Subdivision** – Below)

Mr. Olsen said that the staff had become aware of a discrepancy on the plans for this site. The heritage trees currently located on the site were not shown on the plan submitted. Therefore, the staff was requesting that this application be heldover so they could review the proposal in conjunction with the trees to determine if there was going to be any impact. He said that there was currently a 48"-50" live oak and several 8"-10" trees that were claimed for credit when the first building was constructed. He stated that the staff would need an opportunity to review the new plan, which was submitted at 11:15 a.m. this morning.

Mr. Quimby inquired why the trees were not shown.

Mr. Frank Dagley of Frank A. Dagley & Associates, Inc., was representing the applicant and stated that it was an oversight on his part. He said that the footprint of the building would not impact any of the existing trees. He asked that the application not be heldover, and that the Commission simply require that the applicant work with Urban Forestry to do whatever was required in respect to the trees. However, he commented that he understood the Commission's policy and would abide by whatever was decided.

There was no one present in opposition.

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In discussion, a motion was made by Dr. Rivizzigno and seconded by Mr. Vallas to holdover this application until the meeting of September 19, 2002, to allow the staff time to review the revised site plan submitted showing existing heritage trees.

Mr. Frost inquired if this application could be approved today with a condition that there be some coordination with Urban Forestry.

Mr. Quimby felt that the staff still needed adequate time to review the plan.

The question was called. The motion carried unanimously.

Mr. Olsen said that the staff had not called Mr. Dagley until the day before about the discrepancy on the plan regarding trees. They had not realized the problem until after Mr. Jackson had received the staff report and remembered that there was a large tree on the site that had been claimed for credit. Mr. Olsen had told Mr. Dagley that they would be requesting a holdover at today's meeting.

**Case #SUB2002-00200**

**StorageMax University Subdivision**

684 South University Boulevard (East terminus of Kwajalein Drive, 245'± West of South University Boulevard).

1 Lot / 2.7± Acres

(For discussion see Case #ZON2002-01923 - **StorageMax University Subdivision** – Above)

In discussion, a motion was made by Dr. Rivizzigno and seconded by Mr. Vallas to holdover this application until the meeting of September 19, 2002, to allow the staff time to review the revised site plan submitted showing existing heritage trees.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2002-00201**

**John E. Brennan Subdivision**

1388 Walter Smith Road (West side of Walter Smith Road, at its Southern terminus).

2 Lots / 4.6± Acres

Mr. Will Lawler of Lawler and Company was representing the applicant and agreed to a holdover. However, he did not think that the unimproved right-of-way the staff had referred to in their report existed.

Mr. Frost suggested that Mr. Will Lawler meet with the staff to discuss this further.

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 September 19, 2002, to allow the applicant to illustrate the existing 20 foot unimproved right-of-way and the proposed extension of Grelot Road on the preliminary plat. This information would be required by September 9<sup>th</sup>.

The motion carried unanimously.

**Case #SUB2002-00196**

**Belote Subdivision**

Northwest corner of Old Government Street Road and Schillinger Road South.

1 Lot / 1.3± Acres

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

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There was no one present in opposition.

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

- (1) placement of a note on the final plat stating that the site is limited to one curb cut to Schillinger Road, with the location and design to be approved by County Engineering;
- (2) dedication of any necessary right-of-way, to provide 30-feet from the centerline of Old Government Street Road; and
- (3) placement of a note on the final plat stating that a buffer, in compliance with Section V.A.7., will be provided where the site adjoins residential property.

Mr. Vallas inquired if the entire site would be limited to one curb cut.

Ms. Pappas said that it was limited to one curb cut to Schillinger Road; the applicant would be allowed curb cuts to Old Government Street Road.

The question was called. The motion carried unanimously.

**Case #SUB2002-00194**

**Charlotte Place Subdivision**

East side of Lundy Road, 175'± South of Huber Road.

2 Lots / 4.2± 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 Mr. Plauche and seconded by Dr. Rivizzigno to approve this subdivision.

The motion carried unanimously.

**Case #SUB2002-00202**

**Commercial Ridge Subdivision**

North side of Cottage Hill Road, 2,400'± West of Cody Road.

15 Lots / 20± Acres

Mr. Don Rowe of Rowe Surveying and Engineering Company, 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) dedication of adequate 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 that Lots 1-4 are limited to two curb cuts and Lots 5-7 are limited to one curb cut to Cottage Hill Road, with the location and design to be approved by County Engineering;
- (3) dedication and construction of the new street to County standards, including the provision of a temporary turnaround; and
- (4) placement of a note on the final plat stating that a buffer, in compliance with Section V.A.7. of the Regulations, will be provided where the site adjoins residentially developed property.

The motion carried unanimously.



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**Case #SUB2002-00197**

**Ferguson's Addition to Cottage Hill Subdivision**

South side of Cottage Hill Road, 255'± East of Azalea Road.

1 Lot / 0.9± Acre

This application was withdrawn prior to the meeting at the applicant's request.

**Case #SUB2002-00203**

**Arthur Jones Subdivision**

West side of Dawes Lane Extension, extending through to Airport Road, 3,629'± South of Three Notch Road.

3 Lots / 28.1± Acres

Mr. Will Lawler of Lawler and Company was representing the applicant and requested that this application be heldover. He had spoken with the staff yesterday and he felt that they had come up with a modified plan that would be acceptable.

Mr. Frost inquired what meeting this would need to be heldover to.

Ms. Pappas said that if the revised plan was submitted by Monday, they could hear it at the September 19, 2002, meeting.

Mr. Will Lawler felt that this was feasible.

There was no one present in opposition.

A motion was made by Dr. Rivizzigno and seconded by Mr. Plauche to holdover this application until the meeting of September 19, 2002, at the applicant's request.

The motion carried unanimously.

**Case #SUB2002-00198**

**G. Lane Subdivision**

North side of Norton's Lane, 840'± East of Navco Road.

1 Lot / 0.3± 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 Dr. Rivizzigno and seconded by Mr. Quimby to approve this subdivision subject to the following condition:

- (1) the dedication of sufficient right-of-way to provide 25-feet from the centerline of Norton's Lane.

The motion carried unanimously.

**Case #SUB2002-00195**

**Nelson-Williams Subdivision**

West side of Leroy Stevens Road, 395'± South of Nugget Drive.

2 Lots / 4.9± Acres

Mr. Marshall McLeod of 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 Dr. Rivizzigno and seconded by Mr. Quimby to approve this subdivision subject to the following condition:

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- (1) the placement of a note on the final plat stating that any lot that is developed commercially and adjoins residential property, a buffer in compliance with Section V.A.7. would be provided.

The motion carried unanimously.

**NEW SIDEWALK WAIVER APPLICATION:**

**Case #ZON2002-001924**

**Kentris Morrisette**

1790 North Beltline Highway (Southeast corner of North Beltline Highway and First Avenue, running through to the West side of Prince Street [formerly Marie Street]).

The request to waive construction of a sidewalk along North Beltline Highway was considered.

The applicant was present.

There was no one present in opposition.

A motion was made by Mr. Quimby and seconded by Mr. Hill to approve a waiver for the North Beltline Highway frontage only, with sidewalks to be required along First Avenue and Prince Street.

The motion carried unanimously.

**OTHER BUSINESS:**

**Discussion regarding a definition for *Teen Club*.**

Mr. Frost stated that the staff had mailed out some definitions to the Commission members, prior to the meeting, for *Teen Club* from other cities and then drafted a proposed definition for Mobile.

Mr. Plauche inquired if the word *eleemosynary* in the proposed definition could be replaced with *non-profit*.

Mr. Olsen said that this was simply a word that was used in the definitions for other cities. In particular it was in one of the definitions that the Commission had previously said that they wanted to modify to meet Mobile's needs. He felt that it could be changed.

Dr. Rivizzigno felt that it would be better to use a more generic word.

The Commission concurred that *eleemosynary* should be replaced with *non-profit*.

Mr. McSwain inquired if using *non-profit* and *charitable* would be redundant.

Mr. Olsen said that it could be considered redundant and one of the words could be removed if the Commission wanted to do that.

Mr. Frost felt that they should discuss the definition and make any necessary changes and then it could be brought up at a public hearing.

Mr. Olsen said that he would take any changes decided on today, get together a final draft and submit it to the Commission at the next meeting so they could call for a public hearing.

Dr. Rivizzigno said that some examples of non-profit organizations were listed. She felt that having the examples might cause the groups not listed to be offended.

Mr. Olsen said that they could change this.

There was a brief discussion regarding the definitions from other cities.

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Mr. Frost inquired if the Ordinance had a definition for *nightclub* or *discotheques*.

Mr. Olsen replied no.

Mr. Frost pointed out that some of the other cities had defined them, but the definition was very broad and appeared to be more of a definition for a restaurant. He thought most people would know what they were referring to, but it might come into question in the future.

Mr. Lawler felt that they could get by without separate definitions for a nightclub. He thought most people knew that a *nightclub* was a place where entertainment was offered in the evening. He did see the importance of having a definition for *teen club* because there was some confusion as to whether or not this included church groups as well as the clubs on Dauphin Street. He thought that the definition presented by the staff separated out the groups that they were not trying to control and identified the groups that would appear on Dauphin Street.

Mr. Frost said that there were some nightclubs that had certain nights where they only served non-alcoholic beverages to teenagers.

Mr. Quimby did not feel that those would be considered a *teen club*.

Mr. Lawler said that they could define it as *any club, business or establishment whose primary purpose is to provide an ongoing place of entertainment, either with or without payment, for persons between the ages of 13 and 18.*

Mr. Olsen thought Mr. Quimby was saying that a bar could do this if it was not their primary purpose.

Mr. Frost said that the definition mentioned *full-time or occasional basis*. If it was occasional it could not be considered a primary function.

Mr. Hill inquired if they could state that the clubs that served teens would be those that did not hold an ABC license.

Mr. Quimby said that with a private club license, anyone could come into the establishment, any time by State law.

Mr. Lawler said that some cities had prohibited against people under the age of 19 being in a bar, unless it was a restaurant that served food.

Mr. Olsen said that the thrust behind this was that the City Council wanted an ordinance that did not allow teen clubs in B-4 districts because they felt that the Dauphin Street area was not appropriate for that type of facility.

Mr. Lawler suggested that they take out *whose primary purpose* in the first line of the definition.

Mr. Frost was concerned about restaurants being considered under this. He thought this was why it was left as a primary purpose, though they did state that it was supposed to be for entertainment.

Mr. Lawler pointed out that although this was addressed in ordinances from other cities, that did not mean that those ordinances were constitutional.

Mr. Olsen said that they could say *primarily for persons*.

Dr. Rivizzigno did not think they should add this because it would open it up for people over 19 and under 13.

Mr. Lawler said that it was hard to fashion a definition to cover everything.

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A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to recommend the proposed amendment regarding Teen Clubs to the City Council with the modifications discussed.

The changes discussed were to replace *eleemosynary* with *non-profit*; replace *church* with *religious*; and take out *whose primary purpose* in the first line. The final definition to read as follows:

*Any club, business or establishment providing an on-going place of entertainment, to include but not limited to, night clubs, discotheques or such similar establishments, either with or without payment for persons between the ages of 13 and 18 on a full-time or occasional basis. A teen club does not include uses operated by public agencies or private non-profit or charitable organizations, such as religious youth centers, the boys' and girls' club, or youth community centers provided for recreation or congregation.*

Mr. Lawler felt that this would be acceptable.

The question was called. The motion carried unanimously.

### **Subcommittee – Drainage Requirements**

Mr. Olsen said that the staff felt it would be appropriate to have some engineers and surveyors on the Subcommittee. They had wanted to run this by the Commission before they extended any invitations. He stated that at the last meeting they had also requested that representatives from County and City Engineering serve on the Subcommittee.

Mr. Frost felt that they should invite those engineers and surveyors who were familiar with the process.

Mr. Olsen suggested that they invite representatives from Rester and Coleman Engineers, Inc., and Polysurveying Engineers – Land Surveying.

The Commission concurred.

There being no further business, the meeting was adjourned.

**APPROVED:** December 19, 2002

/s/ Victor McSwain, Secretary

/s/ Robert Frost, Chairman

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