

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF OCTOBER 3, 2002 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Robert Frost, Chairman  
Victor McSwain, Secretary  
Victoria L. Rivizzigno  
Ann Deakle  
John Vallas  
Terry Plauche

**Members Absent**

Wendell Quimby, Vice-Chair  
Clinton Johnson  
Norman Hill (S)  
James Laier (S)

**Staff Present**

Richard L. Olsen, Planner II  
Margaret Pappas, Planner II  
Shayla Jones, Planner I  
Tim Ashley, Planner I  
Jennifer Henley, Secretary II

**Others Present**

John Lawler, Assistant City Attorney  
David Daughenbaugh, 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.

**HOLDOVERS:**

**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 stated that they objected to the staff's recommendation for dedication, construction of a road, and setback (conditions 1 and 2). Mr. Will Lawler said that if these conditions were not removed, the applicant would like to withdraw the application.

Mr. Frost inquired about the applicant's objection to these conditions.

Mr. Will Lawler said that it would not allow the applicant to develop the property as he had planned. The applicant did not wish to dedicate the right-of-way at this time.

Mr. Frost thought that when this had originally come in, it was for 3 lots and there had not been any objections raised regarding the dedication. The Commission felt that it was inappropriate to have 3 lots on this site because the third lot would have been somewhat substandard.

Mr. Will Lawler said he had objected to the same configuration last time and had asked that the condition for dedication be eliminated. The Commission had decided to holdover the application.

Mr. Frost said that Grelot Road was going to come through there and he did not think that the Commission could approve this without accounting for that.

Ms. Pappas said that in cases of substandard right-of-way the Commission had typically required dedication to bring that up to standard. She stated that the staff would like to see this done regardless. In this case they knew about the major street coming through. She commented that the property to the south had been required to dedicate, however, it was not as much as would be required for this site.

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Mr. Olsen said that without the additional right-of-way required to bring the substandard right-of-way up to standard and without the construction of a street for that distance, there would not be access to Lot 2, therefore it would not comply with the Subdivision Regulations.

Mr. Will Lawler said that they would formally withdraw the application. He would like to meet further with the staff and the County Engineering Department on this matter.

There was no one present in opposition.

The Planning Commission withdrew the above referenced subdivision at the applicant's request.

**Case #SUB2002-00208**

**Ruwach Woods Subdivision**

East side of Old Wulff Road, 450'± South of Northfield Road.

6 Lots / 3.0+ Acres

Mr. Matt Orrell of Polysurveying Engineering – Land Surveying was representing the applicant and submitted drawings of the driveway.

Mr. Frost felt that the Commission had been fairly comfortable with this application until the issue of the easement had come up. Therefore, the Commission had heldover the application so the matter could be researched further and so they could determine where the easement was located.

Mr. Orrell said that he could not find any written easement across the subject property. He stated that the gentlemen who lived to the east had another access, so they would not be creating a landlocked piece of property. Mr. Orrell further stated that there might be a prescriptive easement, but this was not within the Commission's purview; it should be determined by the courts. He asked that this application be approved and then the applicant could contact the neighbor to see if they could resolve this matter. Mr. Orrell was concerned that the one lot they were talking about would hold up the approval of the other five lots.

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-feet from the centerline of Old Wulff Road;
- (2) the provision of a 75-foot setback from the centerline of Wulff Road South to provide for the right-of-way of the planned major street (which includes the required 25-foot minimum building setback); and
- (3) 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.

**EXTENSIONS:**

**Case #ZON2001-02021**

**Spring Hill College**

4000 Dauphin Street (North side of Dauphin Street, 1800'± West of Interstate 65).

Planned Unit Development approval of the Master Plan for an existing college in an R-1, Single-Family Residential District.

Request for a one-year extension of previous approval.

There was no one present in opposition.

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

There was no one present in opposition.

**Case #SUB2001-00247**

**King's Branch Estates Subdivision, Unit Two-A & Unit Two-B**

North termini of Meadow Lane and Graham Road North, and West side of Lacoste Road, 920'± North of Ruffin Drive.

40 Lots / 23.4± Acres

Request for a one-year extension of previous approval.

There was no one present in opposition.

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

There was no one present in opposition.

**GROUP APPLICATIONS:**

**Case #ZON2002-02107**

**911 Dauphin Street, Inc. (Matthew B. Walker, Agent)**

North side of Spring Hill Avenue, extending from the North terminus of Wacker Lane North to the North terminus of Gulfwood Drive.

Rezoning from R-1, Single-Family Residential, to R-3, Multi-Family Residential, for an apartment complex.

**AND**

**Case #ZON2002-02108**

**The Moors at Springhill Subdivision**

North side of Spring Hill Avenue, extending from the North terminus of Wacker Lane North to the North terminus of Gulfwood Drive.

Planned Unit Development approval to allow multiple buildings on a single-building site with shared access and parking.

**AND**

**Case #SUB2002-00230**

**The Moors at Springhill Subdivision**

North side of Spring Hill Avenue, extending from the North terminus of Wacker Lane North to the North terminus of Gulfwood Drive.

1 Lot / 5.9± Acres

These applications were withdrawn prior to the meeting at the applicant's request.

**Case #ZON2002-02106**

**B. Michael Schulz**

South side of Dauphin Island Parkway, 70'± East of Willowdale Street.

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

The plan illustrates the proposed structures and parking.

(Also see Case #SUB2002-00228 – **Schulz Commercial Subdivision** – Below)

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.

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

- (1) that the site be limited to two curb cuts, with the location and design to be approved by Traffic Engineering and ALDOT;
- (2) the submission and approval of a PUD application(s);
- (3) the provision of a buffer, in compliance with Section IV.D.1. of the Zoning Ordinance, where the site adjoins residential development;
- (4) full compliance with the landscaping and tree planting requirements of the Ordinance; and
- (5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2002-00228**

**Schulz Commercial Subdivision**

South side of Dauphin Island Parkway, 70' ± East of Willowdale Street.

4 Lots / 3.5± Acres

(For discussion see Case #ZON2002-02106 – **B. Michael Schulz** – Above)

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

- (1) the placement of a note on the final plat stating that the site is limited to two curb cuts to Dauphin Island Parkway, with the location and design to be approved by Traffic Engineering and ALDOT.

The motion carried unanimously.

**Case #ZON2002-02104**

**MAMGA Subdivision**

750 Congress Street (Northwest corner of Congress Street and Washington Avenue).

The request for Planning Approval to allow the expansion of an existing float barn was considered.

The site plan illustrates the existing and proposed structures, parking and landscaping.

(Also see Case #SUB2002-00226 – **MAMGA Subdivision** – Below)

Mr. M. Don Williams of M. Don Williams Engineering was representing the applicant and stated that this application was for the Mobile Area Mardi Gras Association (MAMGA). He said that they had an existing float barn at this intersection that they would like to expand. Half of the existing building was in poor condition. They wanted to take that half of the building down and replace it with a metal building where floats could be stored all year long. He had some concerns pertaining to the staff's recommendations concerning parking. He said that they currently had nine head-in parking spaces along Washington Avenue. Washington Avenue was a 70' right-of-way with 36' of asphalt. The parking spaces were diagonal and when one was parked there 2/3 of their car would be on the right-of-way and 1/3 of the car would be on private property. If the parking spaces were removed they would be left with a certain amount of paving. Approximately half the paving would have to remain in place because they had three driveway entrances off of Washington Avenue into the property. He said that the parking spaces would not interfere with the floats coming in and leaving the site. The parking spaces were only used when the organization had their monthly meeting. He said that they were in the process of making a currently informal agreement with the funeral home across the street, a formal agreement for parking. The Traffic Engineering Department had indicated that they would allow on-street parallel parking. However, Mr. Williams said that this would be taking nine existing parking spaces and rotating and moving them 5' and having people parking on the actual right-of-way of the road. He did

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not think it was feasible to spend a large amount of money to remove concrete and move the parking spaces only 5'-10' away, which he felt was unnecessary.

Mr. Frost inquired how long the parking had been in its current configuration.

Mr. Williams was unsure an exact number, but he thought it had been there for a long time.

Mr. Frost inquired if an Administrative Planned Unit Development application would be required for the parking agreement with the funeral home.

Mr. Olsen replied no. He explained that the site was zoned B-4, which allowed for off-site parking and for sharing of parking when the hours of the two businesses were different. Mr. Olsen did not think that all of the driveways and entrances into the building that had been mentioned by Mr. Williams were shown on the plan.

Mr. Williams pointed out where these would be. He thought that they were all indicated on the plan.

There was no one present in opposition.

In discussion, Mr. Vallas inquired if anyone from Traffic Engineering had reviewed this plan.

Ms. White said that they were in agreement with the plan to remove the head-in parking and put in parallel parking.

Mr. Frost felt this would give the staff the landscaping they were looking for. He also felt that if the head-in parking were left there would be a greater chance of people backing further into the driveway than with the parallel parking.

Mr. Vallas inquired if there would be enough room to provide the required landscaping with the doors they were adding.

Mr. Olsen said that there would still be available area to add landscaping. He pointed out these areas on the map. He commented that this site was approximately a block away from the proposed Old Town Development that the Downtown Redevelopment Commission Residential Committee was working on. He said that this was somewhat of a gateway into the downtown area, so having the site appropriately landscaped and treed and not having the parking back out into the right-of-way was very important.

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

- (1) elimination of the head-in parking along Washington Avenue, including removal of paving and installation of landscaping;
- (2) coordination with Traffic Engineering Department to designate on-street parallel parking along Washington Avenue, if appropriate; and
- (3) full compliance with all municipal codes and ordinances, including but not limited to Landscaping and tree plantings (to be coordinated with the Urban Forester).

The motion carried unanimously.

**Case #SUB2002-00226**  
**MAMGA Subdivision**

750 Congress Street (Northwest corner of Congress Street and Washington Avenue).  
1 Lot / 0.6± Acre

(For discussion see Case #ZON2002-02104 – **MAMGA Subdivision** – Above)

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A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to waive Section V.D.9 (front yard setback) of the Subdivision Regulations and approve this subdivision subject to the following conditions:

- (1) elimination of the continuous curb-cut for head-in parking along Washington Avenue, including removal of paving and installation of landscaping; and
- (2) driveway number, sizes, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

The motion carried unanimously.

**Case #ZON2002-02105**

**Providence Church of God Subdivision (M. Don Williams, III, Agent)**

53 Foreman Road (Northeast corner of Dickens Ferry Road and Foreman Road, extending to the Southeast corner of Old Shell Road and Foreman Road).

The request for Planning Approval to allow an expansion of an existing church in an R-1, Single-Family Residential District to include a multi-purpose building and additional parking was considered.

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

(Also see Case #ZON2002-02103 - **Providence Church of God Subdivision (M. Don Williams, III, Agent)** – Below; and Case #SUB2002-00234 - **Providence Church of God Subdivision (Pastor Joseph C. Thurman)** – Below)

Mr. M. Don Williams of M. Don Williams Engineering was representing the applicant and stated that he had spoken with Mr. William Metzger of the Traffic Engineering Department. Mr. Williams said that the Church was now desiring a second curb cut along Old Shell Road as well as a second curb cut to Foreman Road. They had decided this after the plans had been drawn and the application submitted. Mr. Metzger was not agreeable to the additional curb cuts. Therefore, Mr. Williams requested that this application be heldover until the next meeting to allow time to meet again with Mr. Metzger. Mr. Williams said that if they reached the conclusion that the curb cuts should not be allowed, they would simply move forward with the plan as submitted.

Mr. McSwain said that it appeared that there was some head-in parking.

Mr. Williams said that there was head-in parking off of Dickens Ferry and Foreman Roads. He stated that the parking spaces were existing and they had been in place for some time. The staff had recommended that these parking spaces be removed and the applicant did not object to that.

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 October 17, 2002, at the applicant's request.

The motion carried unanimously.

**Case #ZON2002-02103**

**Providence Church of God Subdivision (M. Don Williams, III, Agent)**

53 Foreman Road (Northeast corner of Dickens Ferry Road and Foreman Road, extending to the Southeast corner of Old Shell Road and Foreman Road).

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

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

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(For discussion see Case #ZON2002-02105 - **Providence Church of God Subdivision (M. Don Williams, III, Agent)** – Above; also see Case #SUB2002-00234 - **Providence Church of God Subdivision (Pastor Joseph C. Thurman)** – Below)

A motion was made by Mr. Frost and seconded by Ms. Deakle to holdover this application until the meeting of October 17, 2002, at the applicant's request.

The motion carried unanimously.

**Case #SUB2002-00234**

**Providence Church of God Subdivision (Pastor Joseph C. Thurman)**

53 Foreman Road (Northeast corner of Dickens Ferry Road and Foreman Road, extending to the Southeast corner of Old Shell Road and Foreman Road).

1 Lot / 4.7± Acres

(For discussion see Case #ZON2002-02105 - **Providence Church of God Subdivision (M. Don Williams, III, Agent)** – Above; also see Case #ZON2002-02103 - **Providence Church of God Subdivision (M. Don Williams, III, Agent)** – Above)

A motion was made by Mr. Frost and seconded by Ms. Deakle to holdover this application until the meeting of October 17, 2002, at the applicant's request.

The motion carried unanimously.

**Case #ZON2002-02109**

**412 Dauphin Street Subdivision**

Northeast corner of Dauphin Street and North Hamilton Street, extending Northeasterly to North Franklin Street.

The request for Planned Unit Development approval to allow multiple buildings on a single-building site to include 19 apartments, townhouses and retail space was considered.

The plan illustrates the existing structures and proposed parking.

(Also see Case #SUB2002-00232 - **412 Dauphin Street Subdivision** – Below)

The applicant was present and concurred with the staff recommendations.

There was no one present in opposition.

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

- (1) the provision of a landscaped buffer or six-foot wooden privacy fence to the North, along the easternmost portion of the parking area where the site adjoins residential development;
- (2) that the parking area fully comply with the landscaping requirements of the Ordinance;
- (3) the provision of tree plantings in compliance with the Ordinance (tree plantings for the portion of the site where the existing buildings are located may be planted in the area (i.e. not on site), or donated to the tree bank; and
- (4) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**Case #SUB2002-00232**

**412 Dauphin Street Subdivision**

Northeast corner of Dauphin Street and North Hamilton Street, extending Northeasterly to North Franklin Street.

1 Lot / 0.7± Acre

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(For discussion see Case #ZON2002-02109 - **412 Dauphin Street Subdivision** – Above)

A motion was made by Mr. McSwain and seconded by Dr. Rivizzigno to waive Section V.C.9. (25-foot front setback), of the Subdivision Regulations and approve this subdivision.

The motion carried unanimously.

**Case #ZON2002-02102**

**Zeigler Creek Subdivision**

South side of Zeigler Boulevard, 115'± East of Greenway, extending to the North terminus of Line Street.

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

The site plan illustrates the proposed buildings and proposed parking.

(Also see Case #SUB2002-00224 - **Zeigler Creek Subdivision** – Below)

Mr. Bobby McBryde of Rowe Surveying & Engineering Company, Inc. was representing the applicant and stated that he had spoken with the staff regarding their recommendations. Mr. McBryde asked that the words *if possible* be added to staff condition #1 (to read: *the driveway be realigned to accommodate the trees in the right-of-way, to be coordinated with Urban Forestry and Traffic Engineering if possible*). He said that they had already tried to reconfigure the driveway, but they had been unsuccessful in coming up with a workable plan. However, they were willing to try again.

There was no one present in opposition.

In discussion, Mr. McSwain inquired if adding the words *if possible* would create a problem.

Mr. Daughenbaugh said that at this point Urban Forestry would work with the applicant to get the driveway in. They wanted to minimize the impact to the existing trees on the site. He stated that even if the condition was completely removed, that would not relieve the applicant from having to go before the Tree Commission if there was going to be an impact to any of the trees in the right-of-way. He pointed out that the Zoning Ordinance required that Urban Forestry be coordinated with on any new curb cuts where trees were involved on City right-of-way. He felt that the condition should remain as it was.

Mr. Olsen said that the tree in question was located in the center of the proposed driveway. He pointed out the other trees on the map. It was the staff's thought that the driveway could be curved and come out to Zeigler Boulevard or that a horseshoe entrance could be installed that went on either side of the tree. He said that the staff was willing to work with the applicant to accommodate the tree and provide appropriate access.

Mr. McSwain inquired if they could save the tree and still allow the applicant to have the driveway.

Mr. Olsen said that it appeared so.

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

- (1) the driveway be realigned to accommodate the trees in the right-of-way, to be coordinated with Urban Forestry and Traffic Engineering; and
- (2) full compliance with all codes, including but not limited to landscaping and tree plantings.

The motion carried unanimously.



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**Case #SUB2002-00224**

**Zeigler Creek Subdivision**

South side of Zeigler Boulevard, 115'± East of Greenway, extending to the North terminus of Line Street.

1 Lot / 2.4± Acres

(For discussion see Case #ZON2002-02102 - **Zeigler Creek Subdivision** – Above)

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

- (1) placement of a note on the final plat stating that the subdivision be limited to one curb cut to Zeigler Boulevard, size and location to be approved by Traffic Engineering, and coordinated with Urban Forestry to accommodate trees in the right-of-way.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2002-00227**

**Burgess Pointe Subdivision**

West side of Doyle Street, 600'± South of Dauphin Island Parkway.

3 Lots / 19± Acres

The applicant was present and concurred with the staff recommendations.

Mr. George Owens of 2458 Doyle Street was present and stated that when this application had come up before there were a considerable number of lots, which they had now reduced to three lots to help with the amount of traffic that would be generated. He wished to withdraw his previous objection to the subdivision. He still had some concerns about the drainage right-of-way that ran along the southern border of the property in question and the properties on Doyle Street. However, he thought that it was an issue for the State as it was drainage from Dauphin Island Parkway, which was a State highway. Mr. Owens said that the neighbors wanted to see appropriate buffers along the north and south sides of the street to lessen the impact on the adjacent property owners.

Mr. Frost inquired if the proposed subdivision was residential.

Ms. Pappas said that Lot 1-3 were zoned R-1, Single-Family Residential. She stated that only Lots 1 and 2 would have access to Doyle Street; the access for Lot 3 would be strictly to Dauphin Island Parkway. She pointed out that there was no street construction proposed. She said that Lots 1 and 2 were configured so that they both had 50' of real property frontage along Doyle Street and more than likely only driveways would be provided.

Mr. Frost commented that they typically did not require buffers between residential and residential. He said that if they were to want to use the property commercially they would have to come back before the Commission with a rezoning application.

Mr. Owens understood this. He said that what was before them today was substantially different than what was previously presented and his objections had been based on the previous plan.

Mr. Michael Vaughn of 2410 Doyle Street was present and inquired how this subdivision would affect his property. When this came up before it had been said that Doyle Street was not wide enough to accommodate the original plan.

Mr. Frost said that they had substantially reduced the number of lots and there would only be two lots accessing Doyle Street.

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Ms. Pappas said that the property was zoned R-1, so the lots would be limited to one home on each lot. She pointed out that the previous application was for 20 lots.

Mr. Vaughn inquired if Doyle Street would be widened with this application.

Mr. Frost replied no.

A motion was made by Dr. Rivizzigno and seconded by Ms. Deakle to waive Section V.D.3., of the Subdivision Regulations and approved this subdivision subject to the following condition:

- (1) the approval of all applicable federal, state, and local agencies.

The motion carried unanimously.

**Case #SUB2002-00225**

**Colonial Hills Subdivision, Unit 5**

North terminus of Colonial Crossing.

25 Lots / 10± Acres

The applicant was not present.

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 condition:

- (1) the provision of a temporary turnaround at the northern terminus of Colonial Crossing.

The motion carried unanimously.

**Case #SUB2002-00222**

**Cowart Road Property Subdivision, Resubdivision of Lot 4**

West side of Cowart Road, 1530'±, West of Johnson Road.

3 Lots / 4.4± 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 Ms. Deakle to waive Section V.D.3., of the Subdivision Regulations and approve this subdivision subject to the following condition:

- (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.

The motion carried unanimously.

**Case #SUB2002-00223**

**Julian Gewin Subdivision**

East side of Schillinger Road, 500'± South of Moffett Road, extending through to the South side of Moffett Road, 550'± East of Schillinger Road.

5 Lots / 3.1± Acres

Mr. Jerry Byrd of Byrd Surveying, Inc., was representing the applicant and stated that he had some concerns with the staff recommendation regarding limitation of Lot 5 to one curb cut to Schillinger Road. Mr. Byrd said that the plan showed an additional curb cut on Schillinger Road which was a common drive between Lots 4 and 5. He asked that the

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one curb to Lot 5 be moved to retain the common driveway. He did not have a problem with getting final approval from the Traffic Engineering Department.

Ms. Pappas said that the reason the staff had recommended that Lot 5 be limited to one curb cut was in hopes that the curb cut would be at the northern-most portion of the site. She said that the two lots together only had 273' of frontage on Schillinger Road. This would allow the other driveway to be shifted away from the existing easement that went around to the three lots fronting Moffett Road. She inquired how far from the dividing line between Lots 4 and 5 did he want another curb cut.

Mr. Byrd replied 100' between curb cuts.

There was no one present in opposition.

In discussion, Mr. Plauche inquired if the shared driveway should be allowed.

Ms. Pappas said that shared driveways were for the most part a positive thing. The staff was concerned about the location; it was so close to the existing drive.

Mr. McSwain inquired if they were to allow this they would end up with two curb cuts for two lots.

Ms. Pappas replied yes.

Mr. McSwain felt that having 100' between the curb cuts was acceptable.

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

- (1) the dedication of sufficient right-of-way to provide 50-feet from the centerline of Moffett Road;
- (2) the dedication of sufficient right-of-way to provide 50-feet from the centerline of Schillinger Road;
- (3) the placement of a note on the final plat stating that Lots 1-3 be limited to the existing curb cuts to Schillinger Road and/or Moffett Road, with the size, location and design to be approved by County Engineering Department;
- (4) the placement of a note on the final plat stating that Lots 4 and 5 be limited to a maximum of two curb cuts to Schillinger Road, with the size, location and design to be approved by County Engineering; and
- (5) the placement of a note on the final plat stating that if any lot is developed commercially and adjoins residentially developed property a buffer in accordance with Section V.A.7. of the Subdivision Regulations, shall be provided.

The motion carried unanimously.

**Case #SUB2002-00231**

**Graf's Addition to Dauphin Street Subdivision**

Northwest corner of Dauphin Street and Sage Avenue.

1 Lot / 0.9± Acre

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 Dr. Rivizzigno to approve this subdivision subject to the following condition:

- (1) the placement of a note on the final plat stating that the site should be limited to one curb cut to Dauphin Street and one curb cut to North Sage

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Avenue, with the size, location and design to be approved by Traffic Engineering.

The motion carried unanimously.

**Case #SUB2002-00229**

**Harvest Acres Subdivision, Resubdivision of Lots 1, 2 & 3**

Northwest corner of Mal Drive and Sedgefield Place.

2 Lots / 1.0<sub>±</sub> Acre

The applicant was present and concurred with the staff recommendations.

The motion carried unanimously.

A motion was made by Ms. Deakle and seconded by Dr. Rivizzigno to approve this subdivision.

The motion carried unanimously.

**Case #SUB2002-00220**

**Sandalwood Subdivision, Unit 4**

East terminus of Sandalwood Drive, 120'<sub>±</sub> East of Sandcastle Court.

17 Lots / 4.5<sub>±</sub> Acres

The applicant was present and concurred with the staff recommendations.

The motion carried unanimously.

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

- (1) placement of a note on the final plat stating that maintenance of the common areas is the responsibility of the property owners.

The motion carried unanimously.

**Case #SUB2002-00221**

**Skyline Centre Commercial Park, Resubdivision of Lot 2**

South side of Government Boulevard, 130'<sub>±</sub> West of the South terminus of Lakeside Drive.

2 Lots / 1.9<sub>±</sub> Acres

The applicant was present and concurred with the staff recommendations.

The motion carried unanimously.

A motion was made by Ms. Deakle 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 the number, size, location and design of all curb cuts shall be approved by Traffic Engineering; and
- (2) the submission of a PUD application if shared parking and access is proposed.

The motion carried unanimously.

**Case #SUB2002-00233**

**Trest Subdivision**

Northeast corner of Moffett Road and Ching Dairy Road.

1 Lot / 0.5<sub>±</sub> Acre

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Mr. Frank Dagley of Frank A. Dagley & Associates, Inc., was representing the applicant and stated that he had a problem with two of the staff's recommendation. He said that typically they were required to provide a 25' setback on a major street and a 20' setback on a side street. He realized that Ching Dairy Road was on the Major Street Plan, but at this point they wanted to only have a 20' setback on that side. He said that with where the field lines were located, if they were to shift the proposed building it would interfere with the septic system.

Ms. Pappas said that the Zoning Ordinance allowed for a 20' setback on side streets, but the Subdivision Regulations required a 25' setback on road frontage. She stated that the Commission had allowed 20' on side streets in the past.

Mr. Dagley said that the staff had recommended that they be limited to one curb cut to Ching Dairy Road. He commented that this was a severely sloping lot and they had designed the site with one curb cut to Moffett Road where the existing curb cut was. He stated that the proposed building would be two-story. He said that they basically had one drive that would be 48' wide with a median in the middle. He stated that one of the driveways sloped severely toward the basement of the building and the other sloped severely up to the front of the building and parking lot. To get to the back of the building and the front of the building from Ching Dairy Road, they would need two driveways. Mr. Dagley mentioned that it could be argued that the front of the building could be accessed from Moffett Road, which he felt was true. However, for the safety of the customers visiting this site, the applicant would like to give them the option of coming out on Ching Dairy Road to the intersection where a traffic light would probably one day be located. He said that the traffic associated with this site would be fairly light.

There was no one present in opposition.

In discussion, Mr. McSwain felt that based on the applicant's presentation he thought that two curb cuts on Ching Dairy Road and the 20' setback on Ching Dairy Road would be appropriate.

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

- (1) the dedication of sufficient right-of-way to provide 50-feet from the centerline of Ching Dairy Road;
- (2) the placement of a note on the final plat stating that the site be limited to one curb cut to Moffett Road and two curb cuts to Ching Dairy Road, with the size, location and design to be approved by County Engineering;
- (3) the placement of note on the final plat stating that if any lot is developed commercially and adjoins residential property, a buffer in compliance with Section V.A.7. of the Subdivision Regulations, will be provided; and
- (4) the placement of a twenty-five foot minimum building setback line along Moffett Road and a twenty foot minimum building setback line along Ching Dairy Road, on the final plat.

The motion carried unanimously.

**OTHER BUSINESS:**

**Rescheduling of Teen Club Public Hearing**

Mr. Frost announced that the scheduled public hearing regarding teen clubs in the downtown area, would be moved to November 7, 2002, due to some advertising issues.

There being no further business, the meeting was adjourned.

**APPROVED:** January 23, 2003

/s/ Victor McSwain, Secretary

**October 3, 2002**

/s/ Robert Frost, Chairman

jh