

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF AUGUST 19, 2010 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Stephen J. Davitt, Jr.
Nicholas H. Holmes, III
Herb Jordan
Mead Miller
Roosevelt Turner
James F. Watkins, III

Members Absent

Victoria L. Rivizzigno, Secretary
John Vallas

Urban Development Staff Present

Frank Palombo,
Planner II
Bert Hoffman,
Planner II
Tony Felts,
Planner I
David Daughenbaugh,
Urban Forestry Coordinator
Joanie Stiff-Love,
Secretary II

Others Present

Jennifer White,
Traffic Engineering

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

Mr. Plauche stated the number of members present constituted a quorum and called the meeting to order, advising all attending of the policies and procedures pertaining to the Planning Commission.

HOLDOVERS:

Case #SUB2010-00061

Magnolia Springs Subdivision, Phase II

North side of Silver Pine Road at the North terminus of Maple Valley Road
Number of Lots / Acres: 43 Lots/22.5± Acres
Engineer / Surveyor: Engineering Development Services, LLC
County

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations then added if anyone wished to speak on the matter they should do so at that time.

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Mr. Palombo spoke up and asked if Item 11 could be removed from the recommendations as the project was located in the County and not in the City to which the Chair responded that said item had been removed.

Mr. Davitt noted that the plat called for “Common Areas” and wondered whether those were actually to be common areas or future development space.

David Diehl, Engineering Development Services, spoke on behalf of the applicant and stated all spaces noted as “Common Area” had been recorded as such. He added that Common Area II was for detention and Common Area I would be utilized for a clubhouse and pool.

Hearing no opposition or further discussion, a motion was made by Mr. Davitt, with second by Mr. Jordan, to approve the above referenced matter, subject to the following conditions:

- 1) **submission and approval of individual applications for each phase or unit, to ensure that development occurs in a manner to provide the most points of access in a timely and efficient manner;**
- 2) **submission of a new Traffic Impact Study if the proposed development increases beyond 217 lots or any commercial activity is proposed;**
- 3) **submission of a Master Plan (composite) prior to any future phases;**
- 4) **common areas should be labeled and a note placed on the Final Plat stating that maintenance of all common areas is the responsibility of the property owners;**
- 5) **retention of the 25-foot minimum building setback line on all lots;**
- 6) **placement of a note on the Final Plat stating that all lots are denied direct access to Silver Pine Road and are limited to one curb-cut, with the size, design, and location to be determined by County Engineering and conform to AASHTO standards;**
- 7) **retention of the labeling of the size of the lot, in square feet, or provision of a table on the Final Plat with the same information;**
- 8) **must comply with Engineering comments: “*Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits.*”**

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New public roads shall be constructed and paved to standards for County Maintenance, and accepted by Mobile County, while new private roads shall be constructed and paved to minimum County or Subdivision Regulation standards, whichever are greater;”

- 9) provision of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8 of the Subdivision Regulations; and,
- 10) provision of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

Case #SUB2010-00076 (Subdivision)
Gulf Coast Asphalt Company Subdivision Unit 2

835 Cochrane Causeway

West side of Cochrane Causeway, 1± mile North of Bankhead Tunnel

Number of Lots / Acres: 1 Lot/29.3± Acres

Engineer / Surveyor: Cowles, Murphy, Glover & Associates

Council District 2

(Also see Case #ZON2010-01608 (Planned Unit Development) **Gulf Coast Asphalt Company Subdivision Unit 2**, Case #ZON2010-01610 (Planning Approval) **Gulf Coast Asphalt Company Subdivision Unit 2**, and, Case #ZON2010-01609 (Sidewalk Waiver) **Gulf Coast Asphalt Company Subdivision Unit 2**, below)

The Chair announced the application had been recommended for approval.

Gary Cowles, Cowles, Murphy, Glover & Associates, spoke on behalf of the applicant and stated they were in agreement with all of the recommendations. He then asked if it would be possible to get a land disturbance permit while the Subdivision Plat was going through the signature process.

Mr. Palombo stated that was possible.

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Demouy, to approve the above referenced matter, subject to the following conditions:

- 1) placement of a note on the Final Plat stating that the development is limited to the existing curb-cut along Cochrane Causeway with the size, design, and location of any new or revised curb-cuts to be approved by Traffic Engineering, and should comply with AASHTO standards;

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- 2) depiction and labeling of the 25-foot minimum building setback line along Cochrane Causeway;
- 3) full compliance with Engineering comments: *“Show Minimum Finished Floor Elevation on Plat. Must comply with all stormwater and flood control ordinances. There is to be no fill placed within the limits of the flood plain without providing compensation or an approved “No Rise” certification. Placement of any temporary construction trailer will require foundation design in accordance with FEMA 85 and must meet minimum FFE. Resolution of CAV discrepancies required prior to signing of plat;”*
- 4) submission of one copy of each of the revised Planning Approval and PUD site plans to the Planning Section prior to signing of the Final Plat; and,
- 5) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

Case #ZON2010-01608 (Planned Unit Development)

Gulf Coast Asphalt Company Subdivision Unit 2

835 Cochrane Causeway

West side of Cochrane Causeway, 1.0 ± mile North of Bankhead Tunnel
Planned Unit Development Approval to allow multiple buildings on a single building site
Council District 2

(Also see Case #SUB2010-00076 (Subdivision) **Gulf Coast Asphalt Company Subdivision Unit 2**, above, and, Case #ZON2010-01610 (Planning Approval) **Gulf Coast Asphalt Company Subdivision Unit 2**, and, Case #ZON2010-01609 (Sidewalk Waiver) **Gulf Coast Asphalt Company Subdivision Unit 2**, below)

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Demouy, to approve the above referenced matter, subject to the following conditions:

- 1) completion of the Subdivision process prior to application for building permits beyond the Land Disturbance permitting stage;
- 2) compliance with Urban Forestry comments: *“Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64) Full compliance with frontage tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry;”*
- 3) compliance with Engineering comments: *“Show Minimum Finished Floor Elevation on Plat. Must comply with all stormwater and flood control ordinances. There is to be no fill placed within the limits of the flood plain without providing compensation or an approved “No Rise” certification. Placement*

of any temporary construction trailer will require foundation design in accordance with FEMA 85 and must meet minimum FFE. Resolution of CAV discrepancies required prior to signing of plat;”

- 4) depiction of dumpster locations on the site plans to comply with Section 64-4.D.9 of the Zoning Ordinance or placement of a note on the site plans stating that dumpsters will be completely screened from view or placement of a note stating how garbage will be removed;
- 5) placement of a note on the site plan stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
- 6) placement of a note on the site plan stating that approval of all applicable federal, state, and local environmental agencies for wetlands or floodplain issues is required prior to the issuance of any permits or land disturbance activities;
- 7) placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development Approval prior to the issuance of any permits; and,
- 8) full compliance with all other municipal codes and ordinances, and the obtaining of the appropriate permits.

The motion carried unanimously.

**Case #ZON2010-01610 (Planning Approval)
Gulf Coast Asphalt Company Subdivision Unit 2**

835 Cochrane Causeway

West side of Cochrane Causeway, 1.0 ± mile North of Bankhead Tunnel
Planning Approval to allow a bulk petroleum storage facility in an I-2, Heavy-Industry District

Council District 2

(Also see **Case #SUB2010-00076 (Subdivision) Gulf Coast Asphalt Company Subdivision Unit 2**, and, **Case #ZON2010-01608 (Planned Unit Development) Gulf Coast Asphalt Company Subdivision Unit 2**, and, **Case #ZON2010-01609 (Sidewalk Waiver) Gulf Coast Asphalt Company Subdivision Unit 2**, below)

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Demouy, to approve the above referenced matter, subject to the following conditions:

- 1) completion of the Subdivision process prior to application for building permits beyond the Land Disturbance permitting stage;
- 2) compliance with Urban Forestry comments: *“Property to be developed in compliance with state and local laws that pertain to*

- tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64.) Full compliance with frontage tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry;”*
- 3) **compliance with Engineering comments: “Show Minimum Finished Floor Elevation on Plat. Must comply with all stormwater and flood control ordinances. There is to be no fill placed within the limits of the flood plain without providing compensation or an approved “No Rise” certification. Placement of any temporary construction trailer will require foundation design in accordance with FEMA 85 and must meet minimum FFE. Resolution of CAV discrepancies required prior to signing of plat;”**
 - 4) **depiction of dumpster locations on the site plans to comply with Section 64-4.D.9 of the Zoning Ordinance or placement of a note on the site plans stating that dumpsters will be completely screened from view or placement of a note stating how garbage will be removed;**
 - 5) **placement of a note on the site plan stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;**
 - 6) **placement of a note on the site plan stating that approval of all applicable federal, state, and local environmental agencies for wetlands or floodplain issues is required prior to the issuance of any permits or land disturbance activities;**
 - 7) **placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development Approval prior to the issuance of any permits; and,**
 - 8) **full compliance with all other municipal codes and ordinances, and the obtaining of the appropriate permits.**

The motion carried unanimously.

Case #ZON2010-01609 (Sidewalk Waiver)

Gulf Coast Asphalt Company Subdivision Unit 2

835 Cochrane Causeway

West side of Cochrane Causeway, 1.0 ± mile North of Bankhead Tunnel

Request to waive construction of a sidewalk along Cochrane Causeway

Council District 2

(Also see **Case #SUB2010-00076 (Subdivision) Gulf Coast Asphalt Company Subdivision Unit 2**, **Case #ZON2010-01608 (Planned Unit Development) Gulf Coast Asphalt Company Subdivision Unit 2**, and, **Case #ZON2010-01610 (Planning Approval) Gulf Coast Asphalt Company Subdivision Unit 2**, above)

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Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Demouy, to approve the above referenced request for a sidewalk waiver along the Cochrane Causeway.

The motion carried unanimously.

EXTENSIONS:

Case #SUB2009-00122

Knollwood Place Subdivision

5495 Girby Road

Southwest corner of Girby Road and Arrington Drive

Number of Lots / Acres: 1 Lot/0.9± Acre

Engineer / Surveyor: Frank A. Dagley & Associates, Inc.

Council District 4

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations then added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Turner, to approve the above referenced request for extension, however, as road construction is not required, the applicant should be advised that future extensions were unlikely.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2010-00086

Dunnwood Subdivision, Phase One, Re-subdivision of Lot 5

2061 Redpine Drive

West side of Redpine Drive, 300'± South of Silver Pine Road

Number of Lots / Acres: 1 Lot/0.2± Acre

Engineer / Surveyor: Engineering Development Services, LLC

County

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations then added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. DeMouy, to approve the above referenced matter, subject to the following conditions:

- 1) **revision of the plat to maintain the standard 25' minimum building setback line in all areas outside of the encroachment;**
- 2) **revision of the plat to include a detail of the revised setback**

- within the area of the encroachment with dimensions along the front and side walls of the residence defining the revised front setback line;
- 3) placement of a note on the final plat stating that if the lot is developed commercially and adjoins residentially developed property, a buffer must be provided, in compliance with Section V.A.8. of the Subdivision Regulations; and,
 - 4) placement of a note on the final plat stating that the maintenance of all common areas shall be the responsibility of the property owners association.

The motion carried unanimously.

Case #SUB2010-00088
Duval Street Subdivision

1650 Duval Street
Northwest corner of Duval Street and Ghent Street
Number of Lots / Acres: 1 Lot/0.2± Acre
Engineer / Surveyor: Austin Engineering Co. Inc.
Council District 3

The Chair announced the application had been recommended for approval.

Millard Austin, Austin Engineering Company, spoke on behalf of the applicant and asked for a waiver on the setback on the side street from 25 feet to 20 feet as the right-of-way dedications were limiting the width of the lot.

Mr. Palombo stated the staff would have no issues with that as the Zoning Ordinance allowed it.

Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second by Mr. Davitt, to approve the above referenced matter, subject to the following conditions:

- 1) revision of the plat to reflect dedication on Duval Street to provide 40-feet from centerline, and on Ghent Street to provide 25-feet from centerline;
- 2) revision of the plat to reflect a corner radius dedication in compliance with Section V.D.6. of the Subdivision Regulations, to comply with Engineering requirements;
- 3) placement of a note on the final plat stating that the lot is limited to one curb-cut to Ghent Street, with the size, design, and location of the curb-cut to be approved by Traffic Engineering and conform to AASHTO standards;
- 4) depiction and labeling of the 25-foot minimum building setback line along Duval Street, as required by Section V.D.9.

- of the Subdivision Regulations, reflecting any required dedication, and waiver of Section V.D.9. along Ghent Street to allow a 20-foot side yard setback as permitted by the Zoning Ordinance, reflecting any required dedications;
- 5) revision of the labeling of the lot size in square feet and acres, to reflect dedication;
 - 6) compliance with Engineering comments: *(Need to provide a minimum radius of 25', or as otherwise approved by City Engineering, at the intersection of Duval St and Ghent St. Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way (including easements) will require a right-of-way permit, in addition to any required land disturbance permits.); and,*
 - 7) placement of a note on the plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, prior to the issuance of any permits or land disturbance activities.

The motion carried unanimously.

Case #SUB2010-00087

Fred & Mildred Johnson Family Subdivision

North side of River Road, 2/10± mile East of Thomas Road

Number of Lots / Acres: 2 Lots/20.0± Acres

Engineer / Surveyor: Polysurveying Engineering- Land Surveying County

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations then added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. DeMouy, to waive Sections V.D.1. and V.D.3., and to approve the above referenced matter, subject to the following conditions:

- 1) placement of a note on the final plat stating that each lot is limited to one curb-cut, with the size, design, and location to be approved by Mobile County Engineering and to conform to AASHTO standards;
- 2) depiction and labeling of the 25-foot minimum building setback line, and with the setback line for Lot 1 to be setback from where the "pole" meets the "flag" portion of the lot; and
- 3) widening of the pole for Lot 1 to be a minimum of 60-feet wide;
- 4) placement of a note on the plat stating that there shall be no future subdivision of Lot 1 until additional frontage is

- provided on a public street or a private street developed in compliance with the Subdivision Regulations;
- 5) placement of a note on the plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;
 - 6) placement of a note on the plat stating that approval of all applicable federal, state, and local agencies is required for wetland and floodplain issues, prior to the issuance of any permits or land disturbance activities;
 - 7) placement of a note the plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations; and,
 - 8) placement of a note the plat stating that development “*Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits.*”

The motion carried unanimously.

NEW SIDEWALK WAIVER APPLICATIONS:

Case #ZON2010-01883

Joseph Payne

2655 Airport Boulevard

Southeast corner of Airport Boulevard and Grant Street

Request to waive construction of a sidewalk along Airport Boulevard and Grant Street.

Council District 5

The Chair announced the matter had been recommended for denial, however, if there were those who wished to speak on the matter to please do so at that time.

Nathan Friedlander, Attorney at Law, 126 Government Street, Mobile, AL, spoke on behalf of the applicant. He made the following points in favor of approving the requested waiver, noting the project was “shovel ready”:

- A. noted that Ricky Patrick, Patrick Surveying, was in attendance and had prepared a topographical map and diagram of the site which

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- would be used to illustrate some of the points that day;
- B. noted the property was at the corner of Airport Boulevard and Florida Street a very busy intersection with regards to vehicular traffic;
 - C. noted that there was no sidewalk to the east of the property for a distance of approximately 2600 feet toward an area where the City of Mobile had a police building;
 - D. stated there was no pedestrian right-of-way in the 2600 feet previously noted that could be connected to the proposed sidewalk on the site;
 - E. noted there were no sidewalks in the adjoining neighborhood of Dellwood making the area in question an even less friendly to pedestrian traffic;
 - F. stated staff recommendations noted pedestrian traffic, however, the applicant strongly denied this as there was no logical route that pedestrian traffic would take to get from the east side of the site;
 - G. stated that in the Florida Street area, it was 700 feet to the nearest sidewalk;
 - H. expressed the opinion that, in essence, the requirement of a sidewalk for the site would be a sidewalk from and to nowhere;
 - I. according to the topographical maps, there was a fairly steep slope coming from a hill on the south side of the property and going down to Airport Boulevard, which according to Mr. Patrick, had more than a 5% slope which is more than the maximum allowed for a sidewalk grade in the City of Mobile;
 - J. also noted a four to five foot drop-off from the hillside where the proposed sidewalk would be located to the traffic surface of Airport Boulevard and felt it created too much of a safety risk;
 - K. it was noted that there was a service road in a residential neighborhood located in the northwest quadrant of the area off of Airport Boulevard which was more suitable for pedestrian traffic;
 - L. noted that no sidewalks had been required for the developments located on the south and west sides of Florida Street from Airport Boulevard;
 - M. it was felt that there was no consistency by the City in requiring sidewalks in that area;
 - N. in the 2008 Planning Commission report, the staff noted there were traffic issues associated with the property and that it was a site that would most probably require the submission of a sidewalk waiver;
 - O. stated there were issues with putting in handicapped ramps on the proposed sidewalk due to the location of four utility poles and a grated drain at the southeast corner of the lot; and,
 - P. presented documents illustrating much of the information discussed.

Mr. Watkins asked Mr. Friedlander about the 2008 Planning Commission report

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referenced in his comments.

Mr. Friedlander noted that the site had been before the Planning Commission on previous occasions. He stated that in that particular application the applicant was seeking to have the property re-zoned from the R-1 zoning classification to a TB zoning classification. He added, regarding that report, that Mr. Olsen had commented that TB zoning was designed to be pedestrian friendly, but given the particular configuration of the property in question that B-1 zoning would be more appropriate. Mr. Friedlander presented a copy of the minutes from that meeting to substantiate his statements.

Mr. Holmes asked if the technical information given to the Commission was the same as what had been given to City Engineering, as far as the construction of the sidewalk was concerned.

Mr. Friedlander stated he did not prepare the application and had only been given the documents the day before.

Mr. Holmes determined that it was the same information and that City Engineering had determined the sidewalk could be constructed.

Mr. Friedlander stated that Engineering was responsible for determining whether or not the sidewalk could physically be built, however, that did not determine whether or not it was the practical or “right” thing to do.

In deliberation, Mr. Miller noted that the applicant brought out some very good points regarding the site. He stated that the area was outrageous, however, as he lived near the site, he saw pedestrians in the area everyday. He expressed his opinion that if the Commission continued to waive sidewalks at every request, then the City had no possibilities of making the City more “walkable.”

Mr. Watkins asked for the staff to clarify what happened regarding the site in 2008 and what had changed since then.

Mr. Felts answered that in 2008 the initial request was for a re-zoning to a residential business district which the Commission ultimately recommended to the City Council to re-zone to B-1, however the City Council denied that re-zoning. He did note that in the 2008 application, no sidewalk waiver was requested and, therefore, the staff did not have any data with which to make a decision regarding a sidewalk. He stated that an application for a use variance was submitted to the Board of Zoning Adjustment and they subsequently approved professional offices at the location with the Board of Zoning Adjustment recommending that the applicant either build sidewalks on the site or apply for a sidewalk waiver. He noted that the staff only reviewed the site with regards to the matter of a sidewalk with this application and as a result City Engineering and Urban Forestry both concurred that a sidewalk could be built to City Standards on the site.

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Hearing no further opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Turner, to deny the application to waive the sidewalk along Airport Boulevard and Grant Street (Florida Street Extension.)

The motion carried with only Mr. Davitt and Mr. Watkins voting against denial.

NEW ZONING APPLICATIONS:

Case #ZON2010-01879

Albert B. Hunter

4456 Old Shell Road

North side of Old Shell Road, 215'± West of North McGregor Avenue

Rezoning from B-1, Buffer Business District, to B-2, Neighborhood Business District to allow accommodate existing retail business

Council District 7

Mr. Hoffman recused himself from discussion on the matter.

Mr. Watkins recused himself from discussion and voting on the matter.

The Chair announced the matter had been recommended for approval and noted that copies of two letters had been placed at each members' location for review.

Albert Hunter, 281 Walton Avenue, Mobile, AL, spoke on his own behalf and made the following points:

- A. noted that the purpose of the zoning change was to allow a jewelry store to occupy space at the shopping center;
- B. noted that he had inherited the property and it had B-2, commercial tenants at that time so he was unaware that it had never been zoned B-2;
- C. noted that the space in question had been occupied by an interior decorator's business for approximately two years and had just made the discovery that the property could not be rented to the jeweler who was currently pursuing that option;
- D. expressed concern over the requirement of closing the west entrance off of Austill Lane as it had become an extension of the driveways of the residents of Austill Lane and it was felt that they would now "zig-zag" through the parking lot which would create a greater traffic hazard; and,
- E. had no issue with putting in buffers where the property was adjacent to residential property, however, those property owners in the past had asked that not be done as they liked to "keep an eye on things."

The Chair noted the two letters received from residential neighbors suggested that the

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property might do well if re-zoned as LB-2 instead of B-2.

Mr. Palombo responded that the LB-2 classification would allow the applicant to have a jewelry store. He did note that there were some obvious uses that would not be allowed on the site such as a package store, a convenience store with gas pumps, and the like.

The Chair asked under which classification would these not be allowed and Mr. Palombo stated LB-2.

Mr. Palombo did note that the lot was the only one in the block had access to Austill Lane, a residential street. He stated that the properties adjacent to it on the east and the west were both zoned B-2, however, those properties did not have access to Austill Lane.

Mr. Turner asked the applicant if he would be agreeable to the recommendation of re-zoning the property to LB-2.

Mr. Hunter stated it would be nice if his property shared the same B-2 zoning classification of the other commercial properties around him especially if a buyer were to appear that wanted each of the properties for a big development, however, for his needs, he was very agreeable to the LB-2 zoning classification.

In deliberation, Mr. Davitt noted this was the only property in that area that had access to both Old Shell Road and Austill Lane. He also commented that the neighbors appeared to be concerned over "cut thru" traffic. He then asked if the main entrance for the jewelry store would be from Old Shell Road or would it also be accessible via Austill Lane.

Mr. Hunter stated access to the store would be from the Old Shell Road side.

Mr. Palombo illustrated on the overhead screen that it was a one way entrance north from Old Shell Road to the rear of the building for parking.

Mr. Hunter added that it was a two way access to which Mr. Palombo noted it could not be due to its size and that the Commission should require marking of the access point as "one way."

Mr. Hunter stated that most people who utilize that access way preferred to leave the site by using Austill Lane to reach McGregor Avenue because it was much safer than working through the traffic of Old Shell Road. He did note, however, that from time to time someone did go the other way as they wanted to go west bound on Old Shell Road.

Mr. Davitt asked if the jewelry store was the only tenant in the building.

Mr. Hunter advised there were three tenants in the building, with those being Exit Realty, an alteration shop, and the proposed jewelry shop, and the jewelry shop was to

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be in the middle.

Mr. Davitt, though fine with the LB-2 re-zoning, asked if there should not be some type of bumper stop between the building to prevent “through” traffic from passing from Austill Lane to Old Shell Road or vice versa.

Mr. Hunter stated there were speed bumps located on the site at each corner of the building.

Mr. Palombo stated that “two way” traffic could not be allowed on the site and that one of the access points worked better as an entrance going from south to north allowing traffic to exit only onto Austill Lane.

Jennifer White, City Traffic Engineering Department, stated that the 12 foot driveway was too narrow for two way traffic and agreed with Mr. Davitt and Mr. Palombo as to how the situation could be corrected.

Mr. Turner asked if that meant the closing of the western curb-cut to Austill Lane and was advised the one closest to the residential properties would need to be closed.

Hearing no opposition or discussion, a motion was made by Mr. Jordan, with second by Mr. Miller, to recommend a modified approval of this change in zoning as an LB-2, Limited Neighborhood Business District, to the City Council, subject to the following conditions:

- 1) **construction of a buffer in compliance with Section 64-4.D.1. of the Zoning Ordinance where the site directly abuts R-1 zoned property;**
- 2) **closure of the western curb-cut to Austill Lane;**
- 3) **marking of the existing driveway adjacent to the building as one-way (Northbound);**
- 4) **construction of a buffer in compliance with Section 64-6.A.3.i. of the Zoning Ordinance along Austill Lane;**
- 5) **compliance with Engineering comments: *(Must comply with all stormwater and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way (including easements) will require a right-of-way permit, in addition to any required land disturbance permits. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer)*;**
- 6) **compliance with landscaping and tree planting requirements of the Zoning Ordinance to the greatest extent possible, to be coordinated with the Urban Forestry Section of the Urban Development Department; and,**
- 7) **full compliance with all municipal codes and ordinances.**

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The motion carried unanimously.

OTHER BUSINESS:

Hearing no further business, the meeting was adjourned.

APPROVED: October 7, 2010

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

jsl