

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF DECEMBER 16, 2010 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Terry Plauche, Chairman
William G. DeMouy, Jr.
Victoria L. Rivizzigno, Secretary
Stephen J. Davitt, Jr.
Nicholas H. Holmes, III
Herb Jordan
Roosevelt Turner
John Vallas
James F. Watkins, III

Members Absent

Mead Miller

Urban Development Staff Present

Richard L. Olsen,
Deputy Director of Planning
Bert Hoffman,
Planner II
Tony Felts,
Planner I
Gerard McCants,
Urban Forestry
Joanie Stiff-Love,
Secretary II

Others Present

John Lawler,
Assistant City Attorney
Jennifer White,
Traffic Engineering

The notation *motion carried unanimously* indicates 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.

APPROVAL OF MINUTES:

Mr. Plauche moved, with second by Dr. Rivizzigno, to approve the minutes from the following, regularly held, Planning Commission meeting:

- November 18, 2010

The motion carried unanimously.

EXTENSIONS:

Case #SUB2008-00257 (Subdivision)

Spring Hill Business Park Subdivision, Phase Two

West terminus of Springhill Business Park, extending to the South side of South Avenue,
245'± West of West I-65 Service Road North

Number of Lots / Acres: 1 Lot / 3.8± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 7

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He 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. DeMouy, to approve the above request for extension; however, the applicant should be advised that future extensions were unlikely.

The motion carried unanimously.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2010-00131

Austal Outfit Yard 1 Subdivision

300 Dunlap Drive

(West side of Dunlap Drive, 3/10± mile South of Addesco Road)

Number of Lots / Acres: 1 Lot / 31.2± Acres

Engineer / Surveyor: Lawler and Company

Council District 2

The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time.

The following people spoke in favor of the matter:

- Will Lawler, Lawler and Company, for the applicant; and,
- Bruce McGowin, Hand, Arendall, spoke as a representative for Austal.

They addressed the issues presented by the staff regarding the private road and made the following points about the same:

- A. the property was being purchased by Austal from BAE System who received it in a sale from Atlantic Marine;
- B. one of the provision of the sale to Austal from BAE was that Austal would not own the access road they would be

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- traversing but would simply have an easement across it;
- C. inasmuch as Austal did not own the road in question, they would be unable to comply with any staff recommendations regarding said road and wished that Conditions 1 and 2, regarding it being a private road, be removed.

Mr. Olsen noted the staff had been given documentation showing that Austal only paid toward the maintenance of said road and did not have any control of it. He also noted this was different from the typical private road situation, in that it was an industrial property and there were concerns regarding security and access by individuals who did not have the authority to be on site. Also, the road was gated at a point so removing the condition should not be an issue.

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

- 1) **compliance with Engineering comments: (*Show Minimum Finished Floor Elevation on each lot on Plat. Any proposed temporary construction trailers shall have an engineered foundation that complies with FEMA 85. There is to be no fill placed within the limits of the flood plain without providing compensation. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer*)**;
- 2) **placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state, and federal regulations regarding endangered, threatened, or otherwise protected species; and,**
- 3) **approval of all applicable federal, state, and local agencies be obtained prior to the issuance of any permit.**

The motion carried unanimously.

Case #SUB2010-00130

Provision Point Subdivision

East terminus of Jacinta Road.

Number of Lots / Acres: 2 Lots / 1.4± Acres

Engineer / Surveyor: Haidt Land Surveying

County

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

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Fred Haidt, Haidt Land Surveying , spoke on behalf of the applicant and asked that the matter be withdrawn from consideration at that time by the Commission.

The Chair acknowledged the applicant's request and the matter was considered withdrawn.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

Case #ZON2010-02727

Tillmans Corner Partners LTD, II

5437 U.S. Highway 90 West

(West side of U. S. Highway 90 West, 200'± North of Coca Cola Road)
Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access between two building sites
Council District 4

The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time. He also noted that the Commission members had new staff recommendations for the application at their desk for their review.

Mr. Olsen advised the Commission that those were modified conditions from the ones previously sent to them in the reports for their review. He apologized that the conditions the Commission had previously received had been written with the staff's understanding that the property was located in the county. He noted that the staff had since determined that the property was not located in the county but was, in fact, located within the city so the necessary modifications had been made.

The Chair asked if the applicant had seen the modified conditions and was advised they had not.

The applicant stepped to the podium, was given a copy of the recommendations and allowed time to read them. After reviewing the modified conditions, the applicant agreed with the staff recommendations.

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

- 1) labeling of the lot with its size in square feet and acres;**
- 2) placement of bumper stops at parking spaces on the immediate South side of the building where the sidewalk is level with the parking spaces;**
- 3) compliance with the Engineering comments: *(Must comply with all stormwater and flood control ordinances. Any increase***

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in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right-of-way will require a right-of-way permit).

- 4) **submission of two copies of the approved Planned Unit Development Site Plan prior to the issuance of permits; and,**
- 5) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

NEW PLANNING APPROVAL APPLICATIONS:

Case #ZON2010-02744

Lily Baptist Church

358 Kennedy Street

(Northwest corner of Basil Street and Harrison Street, extending to the East side of Kennedy Street, 90'± South of Lyons Street)

Planning Approval to allow expansion of an existing church in an R-2, Two-Family Residential District

Council District 2

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

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time. The Chair advised the Commission members of the copy of a letter regarding the matter that was at their desks for review.

Richard Davis, Chairman of the Board of Trustees for Lily Baptist Church, spoke on behalf of the Church and in favor of approving the matter that day. He noted the “add-on” requested was not to the church, but to the restrooms for the educational building. He also gave a letter regarding the matter to the Commission.

Mr. Olsen responded that information had not been provided with the application packet, so the staff was not aware of the proposed use. He noted that without said information the staff could not determine if the use was for additional classrooms, or other things that would impact the conditions the staff would recommend. He reminded the Commission that because the staff did not have enough information, they did not have any conditions for approval prepared and reminded the Commission that it was not the department’s practice to create conditions “on the fly,” so staff stood by the recommendation to hold the matter over until they received all of the necessary information.

Mr. Vallas asked if the holdover was still recommended because with restrooms additional parking would not be required.

Mr. Olsen stated it could affect the recommendations as it is proposed to encroach on

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the 25 foot setback and would require a variance from the Board of Zoning Adjustment. Mr. Olsen reminded everyone that the Church did have the option of revising their site plan to remove the encroachment. He noted that the proposed addition was fairly large especially if it were only for restrooms. He reiterated staff's position of needing more information and the fact that they were against creating conditions for approval without having the necessary time to appropriately review information.

Hearing no opposition or further discussion, a motion was made by Dr. Rivizzigno, with second by Mr. Vallas, to hold the matter over until the January 20, 2011, meeting, with revisions due by December 20, 2010, so that the following items can be addressed:

- 1) provision of additional information regarding the use of the building; and,**
- 2) provision of seating occupancy in the church.**

The motion carried unanimously.

GROUP APPLICATIONS:

Case #SUB2010-00132 (Subdivision)

Steiner Properties Subdivision, Re-subdivision of Lots 2, 3 & 4

5610 and 5618 U. S. Highway 90 West

(Northwest corner of Larue Steiner Road and U. S. Highway 90 West)

Number of Lots / Acres: 1 Lot / 3.5± Acres

Engineer / Surveyor: Perry C Jinright, III P.E.

Council District 4

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

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

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

- 1) compliance with Engineering comments: *(In order to comply with Land Disturbance Permit requirements, need to reference a City of Mobile benchmark to establish contour elevations. Driveway radii shall not extend beyond the projected property line at the edge of pavement, without written authorization from adjacent property owner to do so. The existing receiving drainage system is undersized, therefore detention must be***

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- provided for the 100 year storm event with a 2 year storm release, at a minimum. Must comply with all other stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.);*
- 2) **dedication of right-of-way along U. S. Highway 90 West sufficient to provide 125 feet as measured from the centerline, including the provision of a corner radius at Larue Steiner Road;**
 - 3) **placement of a note on the final plat stating that the lot is limited to one curb-cut onto U. S. Highway 90 West, and two curb-cuts onto Larue Steiner Road, with the size, location, and design to be approved by Traffic Engineering and ALDOT, and to conform with AASHTO standards;**
 - 4) **depiction of the 25-foot minimum building setback line from all road frontages, reflecting any required dedication;**
 - 5) **placement of a note on the plat stating the size of the lot in square feet, reflecting any required dedication; and,**
 - 6) **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 #ZON2010-02734 (Sidewalk Waiver)

Mid-Bay Ventures, LLC

5610 and 5618 U. S. Highway 90 West

(Northwest corner of Larue Steiner Road and U. S. Highway 90 West)

Sidewalk waiver to request waiver of a sidewalk along Larue Steiner Road and U.S.

Highway 90 West

Council District 4

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

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

Hearing no opposition or discussion, a motion was by Mr. Davitt, with second by Dr. Rivizzigno, to approve the above referenced request for a sidewalk waiver.

The motion carried unanimously.

Case #SUB2010-00133 (Subdivision)

Old Shell Road at MIB Subdivision

1810, 1812 and 1814 Old Shell Road

(North side of Old Shell Road, 200'± West of Mobile Infirmary Boulevard, extends to the West side of Mobile Infirmary Boulevard, 395'± North of Old Shell Road)

Number of Lots / Acres: 1 Lot / 3.1± Acres

Engineer / Surveyor: Perry C Jinright, III P.E.

Council District 1

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

The Chair announced the matter was recommended for holdover and noted that the applicant had no issues with holding the matter over. The Chair asked if there were those present who wished to speak on the matter to please do so at that time.

Mary H. Braswell, 68 Silverwood Street, Mobile, AL, spoke in opposition to the matter and made the following points against it:

- A. noted that the negative impact of a project such as this had been discussed with the Planning Commission a number of years before when the first tower was installed;
- B. noted there were severe drainage issues in the area behind the Dew Drop Inn that were made worse with the construction of the current cell tower;
- C. though some improvements were made, the matter, though not worse, has not been completely corrected;
- D. expressed feelings that installing a larger cell tower would only make the current conditions worse and possibly re-create some of the previous issues;
- E. was told when she bought her house approximately 13 years prior that the money had been bonded to fix the drainage problems which played a major part in her moving back to midtown; and,
- F. expressed the feeling that the current drainage issues should be addressed and corrected rather than potentially make the matter worse.

The Chair asked Mr. Olsen if cell tower construction had to comply with the stormwater ordinance.

Mr. Olsen advised the Commission that any type of development must comply with the City's stormwater ordinance. He added that currently the staff was not exactly sure what the applicant was proposing to do as they had provided no narrative or information regarding such with the application, hence the staff's recommendation that the matter be held over.

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Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the January 20, 2011, meeting with revisions due to the Planning Section of Urban Development by noon on Friday, January 7, 2011, to address the following:

- 1) revisions to the associated Planned Unit Development, Planning Approval, and Rezoning Applications as outlined.**

The motion carried unanimously.

Case #ZON2010-02740 (Planned Unit Development)

Old Shell Road at MIB Subdivision

1810, 1812 and 1814 Old Shell Road

(North side of Old Shell Road, 200'± West of Mobile Infirmery Boulevard extending to the West side of Mobile Infirmery Boulevard 395'± North of Old Shell Road)

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

Council District 1

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

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the January 20, 2011, meeting with revisions due to the Planning Section of Urban Development by noon on Friday, January 7, 2011, to address the following:

- 1) submittal of an acceptable, detailed narrative describing the project in detail as required in Section 64-5.D. of the Zoning Ordinance; and,**
- 2) revision of the site plan to show ALL improvements on the site including, but not limited to: all of the buildings on the site, the communications tower and associated equipment and amenities, the boundaries of the communications tower lease parcel, the aggregate surfacing on the site, any existing or proposed parking, and any improvements or removals to be made, if any.**

The motion carried unanimously.

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Case #ZON2010-02739 (Planning Approval)

Old Shell Road at MIB Subdivision

1810, 1812 and 1814 Old Shell Road

(North side of Old Shell Road, 200'± West of Mobile Infirmary Boulevard extending to the West side of Mobile Infirmary Boulevard 395'± North of Old Shell Road)

Planning Approval to allow the use of a cell tower in a B-2 Neighborhood Business District

Council District 1

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

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the January 20, 2011, meeting with revisions due to the Planning Section of Urban Development by noon on Friday, January 7, 2011, to address the following:

- 1) **submittal of an acceptable, detailed narrative describing the project in detail; and,**
- 2) **revision of the site plan to show ALL improvements on the site including, but not limited to: all of the buildings on the site, the communications tower and associated equipment and amenities, the boundaries of the communications tower lease parcel, the aggregate surfacing on the site, any existing or proposed parking, and any improvements or removals to be made, if any.**

The motion carried unanimously.

Case #ZON2010-02741 (Rezoning)

Ernest Construction, LLC

1810, 1812 and 1814 Old Shell Road

(North side of Old Shell Road, 200'± West of Mobile Infirmary Boulevard extending to the West side of Mobile Infirmary Boulevard 395'± North of Old Shell Road)

Rezoning from R-1, Single-Family Residential District, B-1, Buffer Business District and B-2, Neighborhood Business District, to B-2, Neighborhood Business District to eliminate split zoning

Council District 1

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

Hearing no further opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. DeMouy, to hold the matter over until the January 20, 2011, meeting with revisions due to the Planning Section of Urban Development by noon on Friday, January 7, 2011, to address the following:

- 1) **submittal of an acceptable, detailed narrative describing the project in detail;**

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- 2) **submittal of justification for rezoning to include which, if any, of the four acceptable conditions to warrant rezoning are occurring at the site as defined by Section 64-9.A.1. of the Zoning Ordinance; and,**
- 3) **revision of the site plan to show ALL improvements on the site including, but not limited to: all of the buildings on the site, the communications tower and associated equipment and amenities, the boundaries of the communications tower lease parcel, the aggregate surfacing on the site, any existing or proposed parking, and any improvements or removals to be made, if any.**

The motion carried unanimously.

Case #SUB2010-00134 (Subdivision)
Rickarby Place, Block 4 Re-subdivision of Lots 16, 17 and 18
600 Houston Street
(Southwest corner of Houston Street and Canal Street)
Number of Lots / Acres: 1 Lot / 0.4± Acre
Engineer / Surveyor: Rester and Coleman Engineers, Inc.
Council District 3

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He 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 Dr. Rivizzigno, with second by Mr. Davitt, to approve the above referenced matter, subject to the following conditions:

- 1) **dedication of a 25' radius corner at the intersection of Houston Street and Canal Street;**
- 2) **placement of a note on the final plat stating that the subdivision is limited to one curb-cut to Houston Street and one curb-cut to Canal Street, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **illustration of a 25' minimum building setback line along both Houston Street and Canal Street;**
- 4) **compliance with the Engineering comments: *(Need to provide a minimum radius of 25' for dedication at the intersection of Canal St and Houston St. Must comply with all stormwater and flood control ordinances. Detention must be provided for all impervious area(s) added to the site in excess of 4,000 square feet since 1984. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land***

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- disturbance permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer); and,*
- 5) **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].)*

The motion carried unanimously.

Case #ZON2010-02742 Rezoning)

Green Apple, LLC

600 Houston Street

(Southwest corner of Houston Street and Canal Street)

Rezoning from B-3, Community Business District, and B-2, Neighborhood Business District, to B-3, Community Business District to eliminate split zoning
Council District 3

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He 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 Dr. Rivizzigno, with second by Mr. Davitt, to modify the request for rezoning to B-3, Community Business District and recommend approval to B-2, Neighborhood Business District, subject to the following conditions:

- 1) **completion of the Subdivision process;**
- 2) **compliance with Section 64-4.A.2. of the Zoning Ordinance pertaining to illumination of uses to ensure that light does not shine directly into adjacent residential properties;**
- 3) **compliance with the Engineering comments:** *(Need to provide a minimum radius of 25' for dedication at the intersection of Canal St and Houston St. Must comply with all stormwater and flood control ordinances. Detention must be provided for all impervious area(s) added to the site in excess of 4,000 square feet since 1984. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer).*
- 4) **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]); and,*

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5) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

Case #SUB2010-00136 (Subdivision)
Mobile Terrace Christian Center Subdivision
7154 Ninth Street
(North side of Ninth Street, 200'± East of Lincoln Boulevard)
Number of Lots / Acres: 1 Lot / .11± Acre
Engineer / Surveyor: John Farrior Crenshaw
Council District 7

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He 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. Turner, to waive Section V.D.2., and approve the above referenced matter, subject to the following conditions:

- 1) **revision of the plat to depict the minimum setback line to allow for future dedication to provide 25-feet from the centerline of Ninth Street;**
- 2) **placement of a note on the final plat stating that the lot is limited to one curb-cut, with the size, design and location to be approved by Traffic Engineering and to conform to AASHTO standards;**
- 3) **compliance with Engineering comments: (*Must comply with all stormwater and flood control ordinances. Detention must be provided for all impervious area(s) added to the site in excess of 4,000 square feet. Any work performed in the right-of-way will require a right-of-way permit in addition to any required land disturbance permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer. Driveway radii shall not extend beyond the projected property line at the edge of pavement, without written authorization from adjacent property owner to do so;*) and,**
- 4) **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.

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Case #ZON2010-02754

Mobile Terrace Christian Center Subdivision

7154 Ninth Street

(North side of Ninth Street, 200'± East of Lincoln Boulevard)

Planning Approval to allow a church facility in an R-1, Single-Family Residential District

Council District 7

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.

The following people spoke on behalf of the matter:

- Bill Partridge, 6475 Spanish Fort Boulevard, Spanish Fort, AL; and,
- Jerry Williams, Pastor, Mobile Terrace Christian Center, 7154 Ninth Street, Mobile, AL.

They made the following points in favor of approving the matter:

- A. noted the project was a result of the area being a part of the City's annexation;
- B. noted the building was already in existence and that it had had no additions made to it thus it had not altered the character of the neighborhood;
- C. noted that it was in a residential neighborhood;
- D. with regard to parking, it was noted that all of the parking in the neighborhood backed into the street;
- E. noted that the encroachment referred to in the staff report was a handicapped ramp and noted that though it currently showed as encroaching approximately three to four inches onto the property line and added that it could be re-drawn to rectify that situation;
- F. regarding the inadequate number of parking spaces as stated in the staff report, noted that the facility was a church run youth facility and only a parking space or two would be needed for the couple of adults overseeing the children's activities;
- G. expressed that the neighbors were excited about the facility being open;
- H. with regards to a buffer fence, the owner was in agreement with the same, however, regarding landscaping, it was not understood what requirements were needed as they had met the ones regarding frontage trees;
- I. noted regarding the staff's remarks on inspections, that he had personally met with all of the inspectors who had been

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- on site and that only Zoning was left for approval on the building;
- J. regarding erroneous permitting, the owner asked if he could proceed with the planned improvements to the building knowing that Planning still had to pass the matter and conceded that they might have been a bit presumptuous in beginning the improvements;
 - K. felt the three issues regarding the request to re-subdivide, as it was currently on two pieces of property, and addressed the fact it was in a residentially zoned neighborhood, and as to the parking issues, the applicant felt there was no additional need as what was currently on the site would suffice;
 - L. noted that the building in question was an existing building that had been built by the community leaders as a community center and that the present owner had purchased it from another organization that had previously worked with the area children;
 - M. noted that a number of storms had caused structural damage to the building which brought about the need to repair said damage;
 - N. felt they had less issue with parking than the other area churches; and,
 - O. had spent time putting everything together so that it was up to code.

Mr. Olsen responded with the following:

- A. the staff had checked for appropriate permits and found that the building permit had been denied as a previous permit was erroneously issued as residential;
- B. the staff did not find any records of the appropriate electrical, mechanical, and plumbing permits;
- C. noted that a porch had been added which was not part of the original structure and that it encroached into the required setback; and,
- D. based upon the staff's recommendation, they had not created recommendations for approval so the Commission might want to hold the matter over, if they would like to consider approving the matter.

The Chair asked if staff would like to see both applications held over or just the Planning Approval application.

Mr. Olsen responded that only the Planning Approval application was the one in question and the staff had no issues with the Subdivision request.

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Mr. Watkins asked if anything regarding the matter was currently pending before the Board of Adjustment.

Mr. Olsen answered that it was his belief that the Board should be looking at a Setback Variance and a variance for the parking backing out into the right-of-way.

Mr. Watkins asked if the number of parking spaces was also an issue.

Mr. Olsen responded that it was. He added that though Mr. Partridge had stated the applicant only expected to have one or two cars on location at a time for the chaperones, the staff could not base their parking requirements on that and that staff had to base the parking requirements on the size of the building.

Mr. Watkins noted he simply was trying to gauge the time table of action regarding matters coming before the Board of Zoning Adjustment and how their decision might impact the actions of the Planning Commission.

Mr. Olsen stated the Board's decision could affect what the Planning Commission did that day, specifically if any of those variances were denied or required a modification to the site plan.

The following people spoke in opposition to the matter:

- Karen Alexander, whose parents' residence was located on Ninth Street, Mobile, AL; and,
- Otha T. McCants, 7393 Tenth Street, Mobile, AL.

They made the following points:

- A. concern over the actual use of the facility as the applicant had not spoken to many of the neighbors directly regarding his planned use;
- B. concern over the facility's possible use as a half-way house for probationers and parolees;
- C. expressed concern that simply labeling a facility as a church did not automatically create a positive impact on the community;
- D. noted that the community did look better, however, it was not as a result of the church but rather a result of the neighbors' concern for their neighborhood;
- E. expressed concern that an increase in traffic would create an increase in trash and wanted to be sure the clean up of said trash would not become the responsibility of the elderly neighbors;
- F. noted there were 12 large churches in the area, as well as

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- several small churches, so there was no real need for another church to be located there;
- G. expressed the understanding that the property had been donated to the applicant to be a facility for children in the area; and,
 - H. asked that before the matter proceeded, that the applicant consult with the area residents to let them know what was planned for the property.

In response to the opposition, Mr. Williams apologized for any concerns that his endeavor might have caused. He added that he was under the impression that the neighbors knew what his plans for the property were based upon his work with the youth each summer, especially as some of their children had been participants in his summer programs.

Hearing no further opposition or discussion, a motion was made by Mr. Davitt, with second by Mr. Turner, to hold the matter over until the January 20, 2011, meeting, to allow the applicant to meet with neighbors; allow the Board of Zoning Adjustment to consider the variance applications; and to allow the applicant to address other issues raised in the staff comments.

The motion carried unanimously.

Case #SUB2010-00135 (Subdivision)
Overlook Road VOA Housing Subdivision

6917 Overlook Road

(South side of Overlook Road, 625' ± East of Cody Road)

Number of Lots / Acres: 2 Lots / 7.8± Acres

Engineer / Surveyor: Rowe Surveying & Engineering, Co., Inc.

Council District 7

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

The Chair noted the applicant was in agreement with holding the matter over.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the January 20, 2011, meeting, in order to be heard in conjunction with the rezoning request.

The motion carried unanimously.

December 16, 2010
PLANNING COMMISSION MEETING

Case #ZON2010-02743 (Rezoning)

Volunteers of America

6917 Overlook Road

(South side of Overlook Road, 625' ± East of Cody Road)

Rezoning from R-1, Single-Family Residential District, to R-3, Multi-Family Residential District to allow the construction of a multi family residential neighborhood Council District 7

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, to hold the matter over until the January 20, 2011, meeting, to allow the applicant time to submit evidence that one or more of the four conditions necessary to justify rezoning prevail. Such evidence should be submitted no later than January 3, 2011.

The motion carried unanimously.

OTHER BUSINESS:

Hearing no further business, the meeting was adjourned.

APPROVED: February 3, 2011

Dr. Victoria Rivizzigno, Secretary

Terry Plauche, Chairman

jsl