



THE CITY OF MOBILE, ALABAMA
MOBILE CITY PLANNING COMMISSION

LETTER OF DECISION

January 9, 2019

Kushla Properties, LTD.
PO Box 1318
Point Clear, AL 36564

Re: **5413 & 5415 U.S. Highway 90 West**
(Northeast corner of U.S. Highway 90 West and Wiley Orr Road).
Council District 4
SUB-000790-2018 (Subdivision)
Outlaw 2 Lot Subdivision, Resubdivision of Lot 2
1 Lot / 0.2± Acres

Dear Applicant(s)/ Property Owner(s):

At its meeting on January 3, 2019, the Planning Commission considered the above referenced subdivision.

After discussion, the Planning Commission waived Section V.D.9. of the Subdivision Regulations for the 25-foot setback along Wiley Orr, and Tentatively Approved the request, subject to the following conditions:

- 1) revision of the plat to depict the total right-of-way widths for U.S Highway 90 W and Wiley Orr Road;
- 2) revision of the plat to depict the lot size in square feet and acres, or the provision of a chart depicting the same information;
- 3) retention of the 25-foot minimum building setback line along U.S. Highway 90 West and the 16.5-foot minimum building setback along Wiley Orr Road;
- 4) compliance with Engineering comments: *“FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Provide the Surveyor’s, Owner’s (notarized), Planning Commission, and Traffic Engineering signatures. C. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. D. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff,*

wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. E. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved. F. Add a note to the plat stating that all proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile. G. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process. H. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing. I. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the red-line markup, the ORIGINAL (with all other signatures) and one (1) copy of the revised original (signatures not required) of the revised Final Plat to the Engineering Department.”

- 5) placement of a note on the Final Plat stating the following Traffic Engineering comments: “U.S. Highway 90 is an ALDOT maintained roadway. Driveway number, size, location and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. Any on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City’s Zoning Ordinance.”;
- 6) 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 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.”;
- 7) compliance with Fire comments: “All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code)”;
- 8) submission of two copies of the revised PUD site plan to the Planning Division prior to the signing of the Final Plat; and
- 9) full compliance with all municipal codes and ordinances.


After you have obtained all the necessary approval signatures and the plat has been recorded in the Mobile County Probate Office, seven copies of the recorded plat (including map book and page number) must be submitted to the Planning and Zoning Department office. This procedure must be completed within one (1) year, or the Tentative Approval will expire.

Please also submit a CAD compatible (DXF) digital copy of the final plat to the Planning and Zoning Department office once the plat has been submitted to Probate for recording. This may be submitted on disk, flash drive, memory stick, or via e-mail to planning@cityofmobile.org.

If you have any questions regarding this action, please call this office at 251-208-5895.
Sincerely,

MOBILE CITY PLANNING COMMISSION

Ms. Jennifer Denson, Secretary

By: 

Margaret Pappas
Deputy Director of Planning and Zoning

cc: McCrory & Williams



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January 9, 2019

Kushla Properties, LTD.
PO Box 1318
Point Clear, AL 36564

Re: 5413 & 5415 U.S. Highway 90 West
(Northeast corner of U.S. Highway 90 West and Wiley Orr Road).
Council District 4
PUD-000791-2018 (Planned Unit Development)
Outlaw 2 Lot Subdivision, Resubdivision of Lot 2
1 Lot / 0.2± Acres

Dear Applicant(s)/ Property Owner(s):

At its meeting on January 3, 2019, the Planning Commission considered the above referenced Planned Unit Development to amend a previously approved Planned Unit Development to allow shared access between building sites and reduced side yard setbacks for a proposed restaurant.

After discussion, the Planning Commission determined the following Findings of Fact for Approval for the Planned Unit Development:

- a) **the proposal promotes the objective of Creative design (to encourage innovative and diversified design in building form and site development), because it allows a business to redevelop a site and bring it up to new code requirements with a more modern look;**
- b) **the proposal promotes the objective of Flexibility (to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations), because the existing restaurant has been demolished and the construction of a new restaurant will be built and will be constructed to newer codes/standards;**
- c) **the proposal promotes the objective of Efficient land use (to encourage the most efficient and sustainable use of land, especially tracts in the inner part of the city that remain undeveloped or that are appropriate for redevelopment), because the site is within an existing developed area;**
- d) **the proposal promotes the objective of Public services (to encourage optimum use of available public utilities, streets and community facilities), because no new public infrastructure must be constructed to meet the applicant's needs.**

The Approval is subject to the following conditions:

- 1) **revision of site plan to depict the total right-of-way widths for U.S Highway 90 W and Wiley Orr Road;**
- 2) **revision of the site plan to depict the lot size in square feet and acres or the provision of a chart depicting the same information;**
- 3) **revision of the site plan to change the parking summary chart from illustrating 38 total parking spaces to depict 37 spaces and the number "9" used to represent the total number of spaces closest to the Popeye's should be changed to label "8";**

Outlaw 2 Lot Subdivision, Resubdivision of Lot 2 (PUD)

January 9, 2019

- 4) retention of the 25-foot minimum building setback line along U.S. Highway 90 West and the 16.5-foot minimum building setback along Wiley Orr Road;
- 5) tree planting and landscaping compliance to be coordinated with the Planning staff;
- 6) compliance with Engineering comments: **“ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: 1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work. 3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 4. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy. 5. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals. 6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.”**
- 7) placement of a note on the site plan stating the following Traffic Engineering comments: **“U.S. Highway 90 is an ALDOT maintained roadway. Driveway number, size, location and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. Any on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City’s Zoning Ordinance.”;**
- 8) 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 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.”;**
- 9) compliance with Fire comments: **“All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code)”;**
- 10) placement of a note on the site plan stating that any changes to the site plan will require new applications for Planned Unit Development Approval prior to the issuance of any permits;
- 11) submission of revised site plans to the Planning Division prior to signing of the Final Plat; and
- 12) full compliance with all municipal codes and ordinances.

Please note that a Planned Unit Development approval by the Planning Commission expires after one year if no permits are obtained.


If you have any questions regarding this action, please call this office at 251-208-5895.

Sincerely,

MOBILE CITY PLANNING COMMISSION

Ms. Jennifer Denson, Secretary

By:


Margaret Pappas
Deputy Director of Planning and Zoning

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