

MOBILE CITY PLANNING COMMISSION

MINUTES

JANUARY 7, 2021 - 2:00 P.M.

Meeting streamed online

Roll call:

Members Present	Members Absent
Carlos Gant, Chairman Libba Latham, (PJ) Vice Chair Jennifer Denson, Secretary Shirley Sessions Matt Anderson, (MD) Cart Blackwell Taylor Atchison Bess Rich, (CC) Don Hembree, (PJ)	Allan Cameron Nick Amberger (AO)
Planning Staff Present	Others Present
Margaret Pappas, Planning & Zoning Marie York, Planning & Zoning Shameika Lee, Planning & Zoning Bert Hoffman, Long Range Planning	Sandy Stimpson, Mayor Candace Cooksey, Communications Doug Anderson, Staff Attorney Marybeth Bergin, Traffic Engineering Shayla Beaco, Build Mobile Peter Toler, Urban Forestry John Strope, Dogwood Productions

(S) Supernumerary (MD) Mayor's Designee (AO) Administrative Official

(CC) City Council Representative (PJ) Planning Jurisdiction

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

ADOPTION OF THE AGENDA:

Motion to adopt the agenda by Carlos Gant. Second by Libba Latham. Agenda adopted.

HOLDOVERS:

1. 605 Texas Place

(East terminus of Texas Place, extending along the North side of Texas Place to the East side of Texas Street and to the West side of South Claiborne Street).

Council District 2

ZON-001432-2020

Casey Pipes

Rezoning from R-1, Single-Family Residential District to B-5, Office-Distribution District.

Casey Pipes and Vaughan Gardner were present representing the application. Mr Pipes stated the following:

- they agreed with the proposed conditions for approval;
- they had not yet met with neighbors; and
- they may provide conditional use restrictions for consideration by the City Council.

The Commission's legal counsel and staff noted that conditional use restrictions must be considered by the Planning Commission, prior to City Council, thus a holdover is warranted.

Commissioners stated that they believed a meeting with the neighborhood should occur before the Planning Commission considers the application for a vote.

Reggie Hill was present and expressed the following concerns regarding the application:

- the request would not meet the needs of the community;
- the rezoning would allow business at the location that would not benefit the community; and
- that continued use of the property by a non-profit organization would be more beneficial and a better fit.

Motion to holdover by Libba Latham. Second by Shirley Sessions. Heldover until the February 3, 2021, meeting.

After discussion, the Planning Commission heldover the request until the Wednesday, February 3, 2021, meeting, to give the applicant time to meet with neighborhood residents.

NEW SUBDIVISION APPLICATIONS:

2. 68 Kingsway

(North side of Kingsway at the East terminus of Rochester Road).

Council District 5

SUB-001459-2020

Parker Way Subdivision

Number of Lots / Acres: 2 Lots / 1.2± Acres

Engineer / Surveyor: Rowe Engineering & Surveying

Zeke Hudson, Rowe Engineering, was present and in agreement to all conditions.

No one else was present to speak regarding the application.

Motion to approve by Don Hembree. Second by Matt Anderson. Approved.

After discussion, the Planning Commission waived Section V.D.3. of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

- 1) Dedication to provide compliant curb radii at the Southern corner of Lot A, per Section V.B.16 of the Subdivision Regulations;
- 2) Retention of the lot size in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
- 3) Placement of a note on the Final Plat stating that no structure may be constructed or placed within any easement without the permission of the easement holder, if applicable;
- 4) Revision of the Final Plat to provide compliant setbacks for all existing structures, shifting the interior shared property line for setback compliance, and adjusting lot size labels, if applicable;
- 5) Provision of a site plan or survey to planning staff to confirm setback compliance prior to signing of the Final Plat;
- 6) compliance with the 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 and label the monument set or found at each subdivision corner. C. Provide the Surveyor's and Owner's (notarized) signatures. D. Add a note to the SUBDIVISION PLAT stating that LOT A and LOT B must provide stormwater detention for the 100-year (post-development) frequency storm event and limit the release rate to the 2 year (predevelopment) frequency storm event. E. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 21 - #75) LOTS A and B will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT A – NONE and LOT B –NONE. F. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing. G. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);

- 7) placement of a note on the Final Plat stating the Traffic Engineering comments: (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);
- 8) compliance with the 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.); and
- 9) compliance with the Fire Department 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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings).

**3. 4551 Airport Boulevard
(Southwest corner of Airport Boulevard and Hillcrest Drive).
Council District 5
SUB-001465-2020
Hillview Subdivision, First Addition to, Resubdivision of Lot 11
Number of Lots / Acres: 3 Lots / 0.7± Acre
Engineer / Surveyor: Speaks and Associates**

Applicant, Mike Speaks, was present and agreed with all staff recommendations and conditions. He noted that the houses would be nice.

Patricia Heck, 263 Hillcrest Drive, spoke in opposition to the application and the subdividing of the lot into three small lots.

No one else was present to speak regarding the application.

Commissioners discussed the ownership of the lot, vehicle access and the residential use of the property.

Motion to approve by Don Hembree. Second by Matt Anderson. Approved.
(Ms. Denson had to leave the meeting prior to the vote.)

After discussion, the Planning Commission Tentatively Approved the request, subject to the following conditions:

- 1) Removal of the existing structure, with the appropriate permits, prior to the signing of the final plat;
- 2) Coordination with the City Engineer to determine if the dedication of a corner radius is required in order to comply with Section V.B.16. and V.D.6. of the Subdivision Regulations;

PLANNING COMMISSION - Minutes

January 7, 2021

PAGE 5

- 3) Retention of the 25-foot setback along all street frontages;
- 4) Revision of the plat to reflect any changes to lot area if necessary due to right-of-way dedication for a corner radius;
- 5) Compliance with Traffic Engineering comments, and placement of the comments as a note on the final plat (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Lot 1 is denied access to Airport Boulevard.);.
- 6) 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 and label the monument set or found at the southwest corner of LOT 3. C. Provide the distance labels for the front and rear property lines of LOTS 1, 2, and 3. D. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the northeast corner of LOT 1 to the City of Mobile and list the amount of dedicated acreage. E. Provide the Surveyor's and Owner's (notarized) signatures. F. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 21 - #77) LOTS 1, 2, and 3 will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT 1 – NONE, LOT 2 – 3000 sf, and LOT 3 - NONE. G. Add a note 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. H. Add a note 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. I. 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. J. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. K. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing. L. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);
- 7) 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.);

- 8) 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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.); and
- 9) Completion of the Subdivision process prior to any request for permits for new residential construction.

GROUP APPLICATIONS:

**4. 4464, 4474 and 4474 Halls Mill Road
(North side of Halls Mill Road at the Northern terminus of Laughlin Drive).
Council District 4**

- a. SUB-001460-2020
Paul Persons Subdivision, Resubdivision of, First Addition to
Number of Lots / Acres: 1 Lot / 4.4± Acres
Engineer / Surveyor: Rowe Engineering & Surveying**

Applicant, Zeke Hudson, Rowe Engineering, was present and in agreement with all conditions. Mr. Hudson stated that they will file for a sidewalk waiver in the future.

No one else was present to speak regarding the application.

Motion to approve by Matt Anderson. Second by Bess Rich. Approved.

After discussion, the Planning Commission Tentatively Approved the request, subject to the following conditions:

- 1) Application for a sidewalk waiver or provision of a sidewalk along Halls Mill Road for the area undergoing new construction;
- 2) Placement of a note on the final plat stating that a buffer will be provided in compliance with Section V.A.8. of the Subdivision Regulations;
- 3) Adjustment of the minimum building setback line to reflect a future right-of-way width of 70 feet;
- 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 and label the monument set or found at each subdivision corner. Clarify NOTE #4. C. Provide a written legal description and matching bearing and distance labels for the proposed subdivision boundary. D. Show/label the Bearing Basis on the plat. E.

Provide the Field Date in NOTE #3. F. Provide the Surveyor's and Owner's (notarized) signatures. G. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 23 - #87) LOT A-1 will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT A-1 – NONE. H. Add a note 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. I. Add a note 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. J. 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. K. Add a note 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. L. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. M. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing. N. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);

- 5) Compliance with Traffic Engineering comments, and placement of the comments as a note on the final plat (Driveway number, size, location, and design are subject to an approved PUD for this site and shall be approved by Traffic Engineering and conform to AASHTO standards. Required 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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.); and
- 8) Completion of the Subdivision process prior to any request for final inspections of new construction.

b. PUD-001461-2020

Paul Persons Subdivision, Resubdivision of, First Addition to Planned Unit Development Approval to amend a previously approved Planned Unit Development Approval to allow multiple buildings on multiple building sites with shared access between multiple building sites.

See the discussion under the Subdivision application.

Motion to approve by Don Hembree, citing Findings of Fact a, b, and c. Second by Matt Anderson. Approved.

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

- a. the proposal promotes the objective of Creative design (to encourage innovative and diversified design in building form and site development), because it allows for the expansion of an existing development;
- 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 an existing development with multiple buildings, shared access and parking will be able to expand onto adjacent property, allow for continued business growth; and
- c. the proposal promotes the objective of Public services (to encourage optimum use of available public utilities, streets, and community facilities), because the expansion will utilize existing public infrastructure.

The approval is subject to the following conditions:

- 1) Application for a sidewalk waiver or provision of a sidewalk along Halls Mill Road for the area undergoing new construction;
- 2) Placement of a note on the site plan stating that a buffer will be provided in compliance with Section 64-4.D.1. of the Zoning Ordinance;
- 3) Adjustment of the minimum building setback line to reflect a future right-of-way width of 70 feet;
- 4) Lighting for the proposed parking area to comply with Sections 64-4.A.2., 64-6.A.3.c. and 64-6.A.8. of the Zoning Ordinance;
- 5) Coordinate with staff regarding compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance;
- 6) Any new dumpsters placed on the overall PUD must be in compliance with the requirements of Section 64-4.D.9. of the Zoning Ordinance.
- 7) 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 Permitting 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.);

- 8) Compliance with Traffic Engineering comments, and placement of the comments as a note on the site plan (Driveway number, size, location, and design are subject to an approved PUD for this site and shall be approved by Traffic Engineering and conform to AASHTO standards. Required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);
- 9) 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.);
- 10) 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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.);
- 11) Provision of a revised PUD site plan prior to any submittals for construction of the proposed parking area; and
- 12) Completion of the Subdivision process prior to any request for final inspections of new construction.

**5. 3755 Cottage Hill Road and 704 Lakeside Drive West
(South side of Cottage Hill Road, 200'+ West of Lakeside Drive West, extending to the
West side of Lakeside Drive West, 150'+ South of Cottage Hill Road).
Council District 4**

a. SUB-001463-2020

**Lakeside Commercial Park Subdivision, Twelfth Addition, Resubdivision of Lots 4
and 5**

Number of Lots / Acres: 3 Lots / 1.3+ Acres

Engineer / Surveyor: Rowe Engineering & Surveying

Zeke Hudson was present representing the application and agreed with all conditions.

No one else was present to speak regarding the application.

Motion to approve by Matt Anderson. Second by Shirley Sessions. Approved.

After discussion, the Planning Commission waived Section V.D.1. of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

- 1) Retention of the lot sizes in both square feet and acres on the Final Plat or provision of a table providing the same information;
- 2) Retention of the rights-of-way widths for Cottage Hill Service Road and Lakeside Drive West on the Final Plat;
- 3) Retention of compliant minimum building setback lines along all frontages on the Final Plat;
- 4) Placement of a note on the Final Plat stating that no structure may be constructed or placed within any easement without the permission of the easement holder;
- 5) Submission and approval of an Administrative PUD prior to any additional development on Lot 2;
- 6) Full 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 reference, on the map and the description, to a monumented corner. C. Provide and label the monument set or found at each subdivision corner. Clarify NOTE #4. D. Provide and label the monument set or found at each subdivision corner. E. Provide the Field Date in NOTE #3. F. Provide the Surveyor's and Owner's (notarized) signatures. G. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 24 - #80) LOTS 1, 2, and 3 will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT 1 – 9,200 sf, LOT 2 – 3,900 sf, and LOT 3 - NONE. H. Add a note 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. I. Add a note 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. J. 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. K. Add a note 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. L. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. M. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing. N. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);
- 7) placement of a note on the site plan stating the following Traffic Engineering comments: (Verify the location of the reciprocal easement on Lot 2 to include the existing driving aisle on Lot 1 as necessary. Lots 1 and 2 are limited to one shared curb cut to Cottage Hill Road Service Road and Lot 3 is limited to one curb cut to Lakeside Drive West. Driveway size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Required 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.); and
 - 9) compliance with Fire Department 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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings).

b. ZON-001464-2020

Majure Real Estate Company, LLC (Edward Majure, Agent)

Rezoning from B-1, Buffer Business District, and B-2, Neighborhood Business District, to B-3, Community Business District.

See the discussion under the Subdivision application.

Motion to approve by Matt Anderson. Second by Shirley Sessions. Approved.

After discussion, the Planning Commission determined the following:

- 1) The applicant has illustrated that there are changing conditions in the area which make a change in the Ordinance necessary and desirable; and

As such, the Planning Commission voted to recommend Approval of the rezoning request to the City Council, subject to the following conditions:

- 1) Compliance with the Engineering Comments: 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 Permitting 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.;
- 2) Full compliance with all municipal codes and ordinances.

- 6. 107 and 111 North Lafayette Street and 106 Providence Street
(North side of Old Shell Road, extending to the East side of Providence Street and the West side of North Lafayette Street).
Council District 2**

- a. SUB-001429-2020 (Holdover)**
St. Mary Catholic School Subdivision
Number of Lots / Acres: 1 Lot/ 2.9 ± Acres
Engineer / Surveyor: Byrd Surveying, Inc.

Applicant, Jerry Byrd, 2609 Halls Mill Road, was present and in agreement with conditions except #2. Mr. Byrd requested that it be deleted since Engineering conditions addressed the issue.

Traffic Engineering staff agreed that condition #2 could be deleted.

No one else was present to speak regarding the application.

Motion to approve by Matt Anderson, deleting condition #2 regarding the corner radius. Second by Shirley Sessions. Approved.

After discussion, the Planning Commission Tentatively Approved the request, subject to the following conditions:

- 1) retention of the dedication to provide 25' from the centerline of Providence Street at the existing lot on the North side of the site;
- 2) revision of the lot size label to reflect any required dedications, or the furnishing of a table on the Final Plat providing the same information;
- 3) retention of the note on the Final Plat stating that all setbacks shall be determined by Section 64-3.G. Historic District Overlay requirements of the Zoning Ordinance;
- 4) subject to the 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 and label the monument set or found at each subdivision corner. C. Label the proposed ROW dedication as "...HEREBY DEDICATED" instead of "TO BE DEDICATED". Also, include the amount of ROW dedication (square feet). D. Check and revise the written legal description and/or the bearing and distance labels. Some do not match, and some are missing E. Add a note of the recording information used for the BASE BEARING. F. Label all existing lots/parcels included in the proposed subdivision. G. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the southwest corner of LOT 1 and list the amount of dedicated acreage. H. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the southeast corner of LOT 1 and list the amount of dedicated acreage. I. Add a signature block for the Owner(s), Notary Public, Planning Commission, Traffic Engineer, and City Engineer. J. Provide the Surveyor's Certificate. K. Provide the Surveyor's and Owner's (notarized)

- signatures. L. Add a note 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. M. Add a note 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. N. 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. O. Add a note 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. P. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. Q. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing. R. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.];
- 5) placement of a note on the Final Plat stating the Traffic Engineering comments: (Site is limited to its existing curb cuts as illustrated on the approved PUD with any changes in size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, should meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);
 - 6) subject to the 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) subject to the Fire Department 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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.]; and
 - 8) completion of the Rezoning process prior to signing the Final Plat.

b. PUD-001430-2020

St. Mary Catholic School (Holdover)

Planned Unit Development Approval to amend a previously approved Planned Unit Development to expand the site boundary and construct a covered, open-air multi-use facility, including volleyball and basketball courts, on the existing playground.

See the discussion under the Subdivision application.

Motion to approve by Cart Blackwell, citing all Findings of Fact. Second by Matt Anderson. Approved.

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

- a. the proposal promotes the objective of Creative design (to encourage innovative and diversified design in site development), because it will allow an additional support facility in an undeveloped portion of the site;
- b. the proposal promotes the objective of Flexibility (to permit greater flexibility in the location and arrangement of facilities than is generally possible under district regulations), because it will allow for increased school activities and functions not currently available to the school;
- 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 a relatively small amount of space will actually be required for the proposed expansion;
- d. the proposal promotes the objective of Environment (to preserve and protect as urban amenities the natural features and characteristics of the land), because few, if any, trees will be removed on the site;
- e. the proposal promotes the objective of Open space (to encourage the provision of common open space through efficient site design), because the new structure will be small compared to the over-all site;
- f. the proposal promotes the objective of Public services (to encourage optimum use of available public utilities, streets, and community facilities), because existing utilities, streets and public utilities will be utilized.

The approval is subject to the following conditions:

- 1) retention of the parking and landscaping calculations on a revised site plan;
- 2) revision of the site plan to indicate the site configuration after all dedications required by the Subdivision;
- 3) revision of the lot size label to reflect any required dedications, or the furnishing of a table on the site plan providing the same information;
- 4) retention of the note on the site plan stating that all setbacks shall be determined by Section 64-3.G. Historic District Overlay requirements of the Zoning Ordinance;
- 5) provision of a residential buffer, in compliance with Section 64-4.D.1. of the Zoning Ordinance, where the site abuts residential properties, as indicated on the site plan;
- 6) subject to the Engineering comments: (Retain NOTES #1 - #6, as shown on the PUD FOR ST. MARY CATHOLIC SCHOOL by Byrd Surveying, Inc. dated November 9, 2020);
- 7) placement of a note on the site plan stating the Traffic Engineering comments: (Site is limited to its existing curb cuts as illustrated on the approved PUD with any changes in

- size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, should meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);
- 8) subject to the 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) subject to the Fire Department 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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.]; and
 - 10) submittal to and approval by Planning and Zoning of four (4) copies of a revised PUD site plan prior to signing the Final Plat for the Subdivision.

c. PA-001433-2020

St. Mary Catholic School (Holdover)

Planning Approval to amend a previously approved Planning Approval to expand the site boundary and construct a covered, open-air multi-use facility, including volleyball and basketball courts, on the existing playground.

See the discussion under the Subdivision application.

Motion to approve by Don Hembree, citing all Findings of Fact. Second by Matt Anderson. Approved.

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

- a. the proposal will be appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, because it should have no impact on any of those items due to the limited scope of the project;
- b. the proposal will not cause undue traffic congestion or create a traffic hazard, because the proposed structure is located out of any traffic lanes and no increased traffic is anticipated; and
- c. the proposal will be in harmony with the orderly and appropriate development of the district in which the use is located because it will be of minimal size in relation to the over-all site and will be associated with the functioning of the site as a school.

The approval is subject to the following conditions:

- 1) retention of the parking and landscaping calculations on a revised site plan;
- 2) revision of the site plan to indicate the site configuration after all dedications required by the Subdivision;
- 3) revision of the lot size label to reflect any required dedications, or the furnishing of a table on the site plan providing the same information;
- 4) retention of the note on the site plan stating that all setbacks shall be determined by Section 64-3.G. Historic District Overlay requirements of the Zoning Ordinance;
- 5) provision of a residential buffer, in compliance with Section 64-4.D.1. of the Zoning Ordinance, where the site abuts residential properties, as indicated on the site plan;
- 6) placement of a note on the site plan stating the Traffic Engineering comments: (Site is limited to its existing curb cuts as illustrated on the approved PUD with any changes in size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, should meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);
- 7) subject to the 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.];
- 8) subject to the Fire Department 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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.]; and
- 9) submittal to and approval by Planning and Zoning of four (4) copies of a revised PUD site plan prior to signing the Final Plat for the Subdivision.

d. ZON-001458-2020

St. Mary Catholic School

Rezoning from B-1, Buffer Business District, to R-1, Single-Family Residential District.

See the discussion under the Subdivision application.

Motion to approve by Matt Anderson. Second by Libba Latham. Approved.

After discussion, the Planning Commission determined that the following conditions prevail to support the rezoning request:

- i. changing conditions in a particular area make a change in the Ordinance necessary and desirable; and
- ii. the subdivision of land into building sites makes reclassification of the land necessary and desirable.

As such, the Planning Commission voted to recommend Approval of the rezoning request to the City Council, subject to the following conditions:

- 1) provision of a residential buffer, in compliance with Section 64-4.D.1. of the Zoning Ordinance, where the site abuts residential properties;
- 2) completion of the Rezoning process prior to signing the Final Plat for the Subdivision; and
- 3) full compliance with all municipal codes and ordinances.

OTHER BUSINESS:

(Ms. Denson returned to the meeting for all Other Business items)

A. Call for Public Hearing

Call for public hearing to take public comment on whether the Commission should recommend to the Mobile City Council that the Unified Development Code be adopted to replace the current Zoning Ordinance, Chapter 64 of the Mobile City Code. Scheduled for February 25, 2021.

Mayor Sandy Stimpson discussed how adopting the UDC would help Mobile as the Codes have not been updated for sixty (60) years.

Shayla Beaco discussed the many updates and drafts that have been applied to the UDC and by calling for the Public Hearing, we are asking the citizens for their feedback.

Motion for call by Matt Anderson. Second by Libba Latham. Approved.

B. Public Hearing

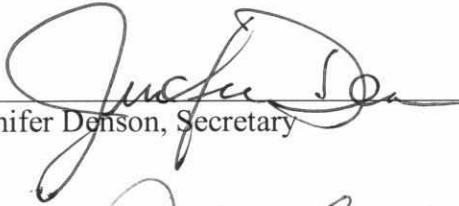
Public hearing to take public comment on whether the Commission should recommend to the Mobile City Council that the Zoning Ordinance, Chapter 64 of the Mobile City Code, be amended by section 64-4.H, Tree Protection Requirements, and whether the Commission should also recommend that the City Council create a new City Code Chapter for Tree Protection and Management.

Margaret Pappas discussed the overview of 64-4.H (Tree Commission/Urban Forestry) and read comments Staff received on the subject.

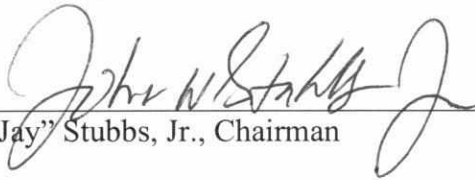
Motion was made to recommend to the City Council the deletion of 64-4.H. Tree Protection requirements of the Zoning Ordinance and recommend the creation of a new city code chapter for Tree Protection and Management.

Motion for recommendation by Matt Anderson. Second by Jay Stubbs. Approved.

Minutes approved: June 20, 2024



Jennifer Denson, Secretary



John W. "Jay" Stubbs, Jr., Chairman