

# MOBILE CITY PLANNING COMMISSION

## MINUTES

**FEBRUARY 18, 2021 - 2:00 P.M.**

Meeting streamed online.

Roll Call:

<b>Members Present</b>	<b>Members Absent</b>
Carlos Gant, Chairman Libba Latham (PJ), Vice Chairman Jennifer Denson, Secretary Cart Blackwell Allan Cameron Matt Anderson, (MD) Nick Amberger (AO) Don Hembree (PJ)	Shirley Sessions Taylor Atchison Bess Rich (CC) Jay Stubbs (S)
<b>Planning Staff Present</b>	<b>Others Present</b>
Margaret Pappas, Planning & Zoning Bert Hoffman, Long Range Planning	Doug Anderson, Staff Attorney John Strobe, 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 Jennifer Denson. Agenda adopted.

### **HOLDOVERS:**

- 1. 1812 Old Shell Road (Sidewalk Waiver Request)**  
**(North side of Old Shell Road, 200'+ West of Mobile Infirmary Boulevard)**  
**Council District 1**  
**SUB-SW-001478-2021**  
**Clark Geer Latham and Associates**  
**Request to waive construction of a sidewalk along a portion of Old Shell Road.**

Withdrawn by the applicant prior to the meeting, thus no action was taken by the Commission.

**EXTENSIONS:**

**2. 5001 & 5009 Cottage Hill Road  
(Southwest corner of Cottage Hill Road and North Demetropolis Road).  
Council District 4**

- a. SUB-001168-2019  
Cottage Square Subdivision  
Number of Lots / Acres: 2 Lots / 1.0± Acre  
Engineer / Surveyor: Smith, Clark & Associates, LLC**

The Applicant, Joe Asarisi, was present and requested a one-year extension.

Motion to approve by Don Hembree. Second by Nick Amberger. Extension Approved.

After discussion, the Planning Commission approved the request for a one-year extension of the Subdivision approval and advised the applicant that future extensions will be unlikely.

- b. ZON-001169-2019  
HED Properties, LLC  
Rezoning from R-1, Single-Family Residential District, and B-2, Neighborhood Business District, to B-2, Neighborhood Business District.**

The Applicant, Joe Asarisi, was present and requested a one-year extension.

Motion to approve by Don Hembree. Second by Nick Amberger. Extension Approved.

After discussion, the Planning Commission approved the request for a one-year extension of the Zoning Amendment approval and advised the applicant that future extensions will be unlikely.

**NEW SUBDIVISION APPLICATIONS:**

- 3. 1155 Corporate Drive North  
(North terminus of Corporate Drive North).  
Council District 1  
SUB-001489-2021  
Alabama Export Railroad Business Park Subdivision**

**Number of Lots / Acres: 1 Lot / 27.6± Acres**  
**Engineer / Surveyor: Thompson Engineering, Inc.**

Matthew Rogers, Applicant, was present and in agreement with the proposed conditions.

No one else was present to speak regarding the application.

Motion to approve by Jennifer Denson. Second by Matt Anderson. Approved.

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

- 1) Retention of the compliant 60' right-of-way illustrated for Corporate Drive North on the Final Plat;
- 2) Revision of the minimum building setback line on the Final Plat to illustrate 25' only where the subject site abuts Corporate Drive North right-of-way;
- 3) Provision of the lot size in both square feet and acres on the Final Plat, or provision of a table on the Final Plat with the same information;
- 4) Retention of recorded easements on the Final Plat;
- 5) Revision of the note stating that no structure may be constructed or placed within any easement without the permission of the easement holder, if applicable;
- 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 reference, on the map and the description, to a monumented corner. The POB is a new corner that was set. C. Revise the written legal description and/or the bearing and distance labels for the proposed subdivision. Two (2) of the witness corners do not match. D. Revise the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the. E. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. 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 25 - #68) LOT 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 1 – NONE. H. 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](mailto:land.disturbance@cityofmobile.org) prior to obtaining any signatures. No signatures are required on the drawing. I. 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.);

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- 7) Provision of a note on the Final Plat stating Traffic Engineering comments: (Lot is limited to one curb cut to Corporate Drive N, with any changes to size, location, and design to be approved by 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 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) Full compliance with all applicable Codes and Ordinances.

**4. 5755 and 5761 US Highway 90 West**

**(East side of US Highway 90 West, 700'± North of East Rite Road).**

**Council District 4**

**SUB-001491-2021**

**Theodore Veterinary Hospital Subdivision**

**Number of Lots / Acres: 1 Lot / 4.0± Acres**

**Engineer / Surveyor: Clark Geer Latham & Associates**

Commissioner Libba Latham recused herself from the application.

William Latta, Applicant, was present and in agreement with the proposed conditions.

No one else was present to speak regarding the application.

Motion to approve by Nick Amberger. Second by Matt Anderson. Approved. Libba Latham recused from voting.

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

- 1) Retention of the 50' right-of-way for US Highway 90 Service Road on the Final Plat, where not vacated;
- 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;

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- 4) Completion of the vacation process through ALDOT and City of Mobile, if required, prior to signing the Final Plat;
- 5) 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 reference, on the map and the description, to a monumented corner. C. Provide and label the monument set or found at each subdivision corner. D. Provide and label witness monuments as needed for inaccessible property corners. E. Provide a solid thicker line for the Subdivision Boundary. F. Provide a written description for the proposed subdivision boundary. G. Some of the information located within the FLOODWAY hatch is illegible. H. National Wetlands Inventory (NWI) mapping, as shown on City of Mobile GIS information, indicates that there is potential for wetlands within the property or properties shown on this plat. Show and label the delineated wetlands or provide a note stating that the wetlands shown on this plat are scaled from the NWI data and have not been delineated. I. Provide a note that a 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state. J. Provide the recording information for the Vacation of the Highway 90 Service Rd. Right-Of-Way. K. Provide the Owner's (notarized) signatures. L. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 21 - #94) LOT 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 1 – NONE. If the applicant submits a copy of an approved Mobile County Site Plan for the existing improvements shown on the plat, then historical credit may be approved by the City Engineer. M. 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. N. 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. O. 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. P. Add a note that all existing and 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. Q. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. R. 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](mailto:land.disturbance@cityofmobile.org) prior to obtaining any signatures. No signatures are required on the drawing. S. 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.);

- 6) Placement of a note on the Final Plat stating the Traffic Engineering comments: (US Highway 90 is an ALDOT maintained roadway. Lot is limited to no more than two curb cuts to US Highway 90 and/or its Service Road, with any changes to 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.);
- 7) 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.);
- 8) 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.); and
- 9) Compliance with all other applicable City codes and ordinances.

**5. 25 Oklahoma Drive**

**(West side of Oklahoma Drive, 365'± North of Old Shell Road).**

**Council District 7**

**SUB-001490-2021**

**Tulsa Estates Subdivision, Resubdivision of Lot 5**

**Number of Lots / Acres: 2 Lots / 0.7± Acre**

**Engineer / Surveyor: Stewart Surveying, Inc.**

Paul Stewart, Applicant, Stewart Surveying, was present and in agreement with the proposed 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.1. of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

- 1) revision of the plat to illustrate the 25' minimum building setback line where each lot is at least 60' wide;
- 2) provision of the lot sizes in both square feet and acres on the Final Plat, or provision of a table on the Final Plat with the same information;

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- 3) 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 square footage of each lot. C) Provide the Surveyor's and Owner's (notarized) signatures. D) Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 18 - #74) LOTS 1 and 2 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 - NONE. E) 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. F) 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. G) 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. H) Add a note that all existing and 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. I) Add a note that all easements shall remain in effect until vacated through the proper Vacation process. I) 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](mailto:land.disturbance@cityofmobile.org) prior to obtaining any signatures. No signatures are required on the drawing. J) 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.);
- 4) placement of a note on the plat with Traffic Engineering comments: (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);
- 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 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.);
- 6) 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.);

- 7) completion of the subdivision process prior to the approval of any land disturbing or building permits for new home construction; and
- 8) compliance with all applicable Codes and Ordinances.

**NEW PLANNING APPROVAL APPLICATIONS:**

**6. 3725 Airport Blvd**

**(Southwest corner of Airport Boulevard and Montlimar Drive, extending West to Downtowner Boulevard)**

**Council District 5**

**PA-001503-2021**

**Accel Academy at the Festival Centre**

**Planning Approval to allow a charter secondary school in a B-3, Community Business District.**

Commissioner Libba Latham recused herself from the application.

Applicant Gerald Byrd and Jeremiah Newell of the Accel Academy were present in support of the request. Mr Byrd stated that they were in agreement with the proposed conditions.

Commissioners asked about the nature of the proposed school. Mr. Newell replied with an overview of the school and noted that it would serve grades 6-12.

No one else was present to speak regarding the application.

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

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 an existing facility with more than adequate capacity and access will be utilized for the school;
- b. the proposal will not cause undue traffic congestion or create a traffic hazard, because the overall site has multiple points to access to three abutting streets; and
- c. the proposal will be in harmony with the orderly and appropriate development of the district in which the use is located, because the operation of the school in terms of hours, number of people will be similar to existing uses within the shopping center.

The approval is subject to the following conditions:

- 1) Any future expansion through new building construction is subject to appropriate review for compliance with the requirements of the Zoning Ordinance;



- 2) Any proposed change to the scope of operations which would result in an increase in the number of students or a expansion of the hours of operation is subject to appropriate review for compliance with the requirements of the Zoning Ordinance,
- 3) Compliance with Traffic Engineering comments (If the site is to develop outside the footprint of the building, Traffic Engineering would require an impact study to accommodate any changes to the site that may have an impact to vehicular and pedestrian impacts.);
- 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 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.);
- 5) 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
- 6) Full compliance with all other municipal codes and ordinances.

**GROUP APPLICATIONS:**

**7. 5377 Moffett Road**

**(South side of Moffett Road, at the North terminus of McIntyre Drive).**

**Council District 7**

**a. SUB-001405-2020 (Subdivision) (HOLDOVER)**

**The Hive Subdivision**

**Number of Lots / Acres: 1 Lot / 3.2± Acres**

**Engineer / Surveyor: Gulf States Engineering, Inc**

Stephanie Groves, Gulf States Engineering, Applicant, was present. Ms. Groves stated that the owner of the property had reviewed the staff report and recommendations (approval of the subdivision, denial of the rezoning and planned unit development), but wanted to move forward with the applications. She read a statement from the owners of the property who noted that housing and jobs are needed in this area. Ms. Groves stated they met with the neighborhood on January 12th. The neighbors expressed their concerns, including access to McIntyre. Based on the feedback received, the site plan was revised to eliminate access to that street to McIntyre Drive, and add a 10-foot high fence around the subdivision. She noted that the development would be 32 units with no expansion. Finally, Ms. Groves stated they would rather withdraw the applications if it appeared that the Commission was going to deny them.

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Commissioners asked the Applicant questions about the development, including the number of buildings, the size of the apartments, and the reason that B-2 instead of R-3 was requested.

In response, Ms. Groves noted that there would be 8 buildings with 4 units per building, that each apartment would be two-bedroom, two-bath, around 1100 square feet, and that the zoning requested was due to confusion regarding area requirements, but that R-3 instead of B-2 would be OK.

Staff read the names of the citizens who submitted opposition comments online, by email or regular mail: Lori Kelly, Lisa Thomas Kenneth and Gail Luker, Brenda Gaye, Kerri Ann Brown, Suzanne Daniel, Sherry Lawrence, Matthew and LaTonya Williams, and Kathy Perkins. It was also noted that the Commission was provided a copy of a Petition in Opposition to the application.

The following people were present to express concern or opposition to the application:

Council Member Gina Gregory, Lorelle Kelly, Isaac Reyes, Suzanne Daniel, and Tamika Hughes. They expressed the following concerns:

- traffic problems, on Moffett Road and McIntyre Drive,
- safety and crime
- neighborhood compatibility
- the proposed B-2 zoning request
- incompatibility with the Map for Mobile
- lowered property values
- impacts to schools
- renters versus home owners
- noise
- mosquitos due to retention ponds

The Applicant provided a brief rebuttal, noting that the land clearing was limited to underbrush, and that the house on the property was still present.

Commissioners discussed the application and the noted concerns. Discussion centered around traffic issues, the requested zoning district, storm water concerns, fire safety and access, and light pollution. Commissioners also asked legal counsel about the impact of denial versus withdrawal on future applications.

Don Hembree made the motion to approve the Subdivision. Matt Anderson seconded the motion. Approved.

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

- 1) retention of the lot sizes in square feet and acres;

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- 2) revision of the Final Plat to label McIntyre Road and its right-of-way width;
- 3) retention of the note stating there will be no access to McIntyre Drive;
- 4) retention of the 25' minimum building setback lines along both street frontages;
- 5) removal of the zoning district from the Final Plat;
- 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, including the POC. D. Provide a written legal description and matching bearing and distance labels for the proposed subdivision. E. Provide the missing portion of the subdivision boundary line on the south line. F. Label each Tract as a LOT (LOT 1, LOT A, etc.) G. Show and label each and every Right-Of-Way and easement, including drainage easements H. Provide the Owner's (notarized) signatures. I. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 21 - #69) PARCEL A 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: PARCEL A – NONE. J. 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. K. 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: (Moffett Road (US Highway 98) is an ALDOT maintained roadway. There should be a clear understanding of what type of access will be allowed to Moffett Road if there is a possibility that a driveway onto McIntyre Drive could have limited use. Lot is limited to no more than one curb cut per street frontage with size, location, and design to be approved by ALDOT (where applicable) and 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) 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)).

**b. ZON-001409-2020 (Rezoning) (HOLDOVER)**

**Gulf States Engineering, Inc.**

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

See the discussion under the Subdivision application.

Don Hembree made a motion to approve rezoning to R-3, Multi-Family, citing the following condition applies “*changing conditions in a particular area make a change in the Ordinance necessary and desirable.*” There was no second, thus the motion failed.

Libba Latham made a motion to deny the rezoning request. The motion was seconded by Matt Anderson. Denied. Don Hembree and Allan Cameron voted in opposition to the motion.

After discussion, the Planning Commission determined that none of the following conditions prevail to support the rezoning request:

- i. Error. There is a manifest error in the chapter;
- ii. Change in conditions. Changed or changing conditions in a particular area, or in the planning region generally, make a change in the chapter necessary and desirable;
- iii. Increase in need for sites for business or industry. Increased or increasing needs for business or industrial sites, in addition to sites that are available, make it necessary and desirable to rezone an area or to extend the boundaries of an existing district; or
- iv. Subdivision of land. The subdivision or imminent subdivision of land into urban building sites makes reclassification necessary and desirable.

As such, the Planning Commission voted to recommend Denial of the rezoning request to the City Council.

**c. PUD-001493-2021 (Planned Unit Development)**

**The Hive Subdivision**

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

See the discussion under the Subdivision application.

Due to the denial of the rezoning request, the Planned Unit Development request was determined to be moot.

**8. 4800 Moffett Road**

**(Northwest corner of Moffett Road and Shelton Beach Road Extension)  
Council District 1**

**a. SUB-001488-2021 (Subdivision)**

**MAWSS Stickney Plant Subdivision**

**Number of Lots / Acres: 1 Lot / 42.2± Acres**

**Engineer / Surveyor: McCrory & Williams, Inc.**

Don Whittington, Applicant, was present and agreed to all conditions with the exception of those relating to the sidewalk requirement regarding the Subdivision, the Planned Unit Development and Planning Approval applications.

Commissioners, legal counsel, staff and the Applicant discussed the sidewalk issue. It was noted that requiring the sidewalk immediately would necessitate relocating a fence that is needed for security purposes.

No one else was present regarding the application.

motion to approve was made by Don Hembree. Second by Matt Anderson. Approved.

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

- 1) Revision of the plat to depict compliant rights-of-way along Moffett Road and Woodley Road, or to depict dedication to provide sufficient right-of-way along these street frontages;
- 2) Revision of the plat to label dedication of the corner radius at the intersection of Moffett Road and Shelton Beach Road Extension, or dedication of the corner radius in compliance with Section V.B.16.;
- 3) Revision of the plat to correct the spelling of Moffett Road, which is currently labeled as “Moffat Road”;
- 4) Provision of the lot size in square feet and acres on the Final Plat, or provision of a table on the plat with the same information, adjusted for dedication;
- 5) Revision of the plat to illustrate the 25’ minimum building setback line along all street frontages;
- 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 a solid thicker line for the Subdivision Boundary. C) Provide and label the monument set or found at each subdivision corner. D) Provide the

- Surveyor's and Owner's (notarized) signatures. E) 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. F) 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. G) 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. H) Add a note that all existing and 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. I) Add a note that all easements shall remain in effect until vacated through the proper Vacation process. J) 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](mailto:land.disturbance@cityofmobile.org) prior to obtaining any signatures. No signatures are required on the drawing. K) 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 plat stating Traffic Engineering comments: (US Highway 98 is an ALDOT maintained roadway. Lot is limited to the number of curb cuts as illustrated on the approved PUD with any changes to size, location, and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. Any 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.);
  - 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.); and
  - 10) Full compliance with all other municipal codes and ordinances.

**b. PUD-001486-2021 (Planned Unit Development)  
MAWSS Stickney Plant Subdivision**

**Planned Unit Development approval to amend a previously approved Planned Unit Development to allow multiple buildings on a single building site.**

See the discussion under the Subdivision application.

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

After discussion, the Planning Commission determined the following Findings of Fact for Approval of 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) by utilizing a single building site for multiple buildings, thus facilitating site development that is diverse from traditional site development, which is limited to one building per building site, and because greater flexibility is required due to the scope and scale of the site;
- 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) by permitting more buildings on a single building site than is generally possible under district regulations, thus accommodating existing conditions of the site;
- 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) by facilitating minor changes to a site whose impact on the use of the land may be considered less demanding of resources than denser commercial developments within the neighborhood;
- d) the proposal promotes the objective of public services (to encourage optimum use of available public utilities, streets and community facilities) by facilitating changes to a site which serves the community as a vital resource such that it may continue operating in an event where operations would otherwise be disrupted (e.g., natural disaster, power outage, etc.).

The Approval is subject to the following conditions:

- 1) Revision of a table on the site plan to reflect the required amount of off-street parking for all applicable buildings;
- 2) Revision of the site to correct the spelling of Moffett Road, which is currently labeled as “Moffat Road”;
- 3) Revision of the site plan to illustrate the 25’ minimum building setback line along all street frontages;
- 4) 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.);
- 5) Placement of a note on the site plan stating Traffic Engineering comments: (US Highway 98 is an ALDOT maintained roadway. Lot is limited to the number of curb cuts as illustrated on the approved PUD with any changes to size, location, and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. Any 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 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.);
  - 8) Completion of the subdivision process prior to the approval of any land disturbing or building activities;



- 9) Provision of a revised PUD site plan to the Planning & Zoning Department prior to signing of the Final Plat; and
- 10) Compliance with all other municipal codes and ordinances.

**c. PA-001487-2021 (Planning Approval)**

**The Board of Water and Sewer Commissioners of the City of Mobile**

**Planning Approval to amend a previously approved Planning Approval to allow the expansion of a water treatment plant in an R-1, Single-Family Residential District.**

See the discussion under the Subdivision application.

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

After discussion, the Planning Commission determined the following Findings of Fact for Approval of the Planning 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 these items due to the limited scope of the request;
- b. The proposal will be appropriate with regard to the use of public utilities and facilities because the site is utilized for public service as a water treatment facility and the request will ensure it continues operating in an event where operations would otherwise be disrupted (e.g., natural disaster, power outage, etc.);
- c. The proposal will be in harmony with the orderly and appropriate development of the district in which the use is located because of the length of time the site has been developed and because of existing conditions.

The Approval is subject to the following conditions:

- 1) Revision of a table on the site plan to reflect the required amount of off-street parking for all applicable buildings;
- 2) Revision of the site to correct the spelling of Moffett Road, which is currently labeled as “Moffat Road”;
- 3) Revision of the site plan to illustrate the 25’ minimum building setback line along all street frontages;
- 4) Placement of a note on the plat stating Traffic Engineering comments: (US Highway 98 is an ALDOT maintained roadway. Lot is limited to the number of curb cuts as illustrated on the approved PUD with any changes to size, location, and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. Any 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.);
- 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

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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.);

- 6) 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.);
- 7) Completion of the subdivision process prior to the approval of any land disturbing or building activities;
- 8) Provision of a revised Planning Approval site plan to the Planning & Zoning Department prior to signing of the Final Plat; and
- 9) Compliance with all other municipal codes and ordinances.

**OTHER BUSINESS:**

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**Minutes approved:** July 18, 2024

  
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Jennifer Denson, Secretary

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