

MOBILE CITY PLANNING COMMISSION

MINUTES

AUGUST 5, 2021 - 2:00 P.M.

AUDITORIUM, MOBILE GOVERNMENT PLAZA

ROLL CALL:

Members Present	Members Absent
Libba Latham (PJ), Vice Chairman Jennifer Denson, Secretary John W. "Jay" Stubbs, Jr. Shirley Sessions Allan Cameron Taylor Atchison Nick Amberger (AO) Don Hembree (PJ) Kirk Mattei (S)	Carlos Gant, Chairman Matt Anderson, (MD) Bess Rich (CC) Susan Carley (S)
Planning Staff Present	Others Present
Margaret Pappas, Planning & Zoning Bert Hoffman, Long Range Planning Victoria L. Burch, Planning & Zoning	Doug Anderson, Staff Attorney George Davis, City Engineering

(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:

The Vice-Chair noted that the agenda would be taken out of order due to legal counsel having to leave early. Agenda items # 1 and 7 were heard and decided prior to the other cases on the agenda.

HOLDOVERS:

- 1. 105 North Jackson Street**
(West side of North Jackson Street, 84'+ North of St. Michael Street).
Council District 2
PA-001680-2021

Kawauna Gill

Planning Approval to allow an occupancy load of more than 100 persons for a lounge in a T5.1 Sub-District of the Downtown Development District.

Applicant Kawauna Gill, 105 N. Jackson St., with the Canary Bar, was present and spoke in favor of the application. She submitted a plan as part of her presentation to the Commission, and asked if her request could be approved. She stated that she was not aware of the problems associated with the lack of information regarding her application.

Property owner Larry Moorer, Esq., 107 N. Jackson St., representing Kawauna Gill, was present. He stated that his client had been trying to open since April, and asked if the holdover could be placed on the August 19th agenda.

Staff noted the need to review the submitted plans, thus necessitating another holdover.

No one else was present for or against the application.

Motion to holdover by Libba Latham. Second by Nick Amberger. Heldover until the September 2nd meeting.

After discussion, the Planning Commission heldover the application to the September 2nd meeting in order to allow the applicant and staff to address and provide additional information needed for review.

NEW SUBDIVISION APPLICATIONS:

- 2. 2451 Staples Road and 4020 Perch Point Drive
(Southwest corner of Staples Road and Perch Point Drive).
Council District 3
SUB-001681-2021
West Yacht Basin Subdivision
Number of Lots / Acres: 2 Lots / 8.2± Acres
Engineer / Surveyor: Rowe Engineering and Surveying**

The Applicant was present and in agreement with staff recommendations.

No one else present to speak for or against the application.

Motion to approve by Taylor Atchison. Second by Jennifer Denson. 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:

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- 1) retention of the right-of-way widths of Staples Road and Perch Point Drive on the Final Plat;
- 2) retention of the 25' minimum building setback line along Staples Road on the Final Plat;
- 3) revision of the plat to provide a 25-foot minimum building setback line along Perch Point Drive on the Final Plat;
- 4) retention of the lot size labels in both square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;
- 5) revision of the lot labels from Parcel A and Parcel B to Lot A and Lot B;
- 6) placement of a note on the Final Plat stating that no structures shall be constructed or placed within any easement without permission of the easement holder;
- 7) 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 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. D. Show and label all flood zones. New maps went into effect on June 5, 2020. 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. Revise NOTE #16 to read - As shown on the 1984 aerial photo (FLIGHT 26 - #92) PARCELA & 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: PARCELA – 5,700 SF and PARCEL B – 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 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.);*
- 8) 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.);*
- 9) 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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.); and*
- 10) compliance with the Fire-Rescue 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. North and South sides of Museum Drive at the South terminus of PFC John D. New Street
Council District 7**

SUB-001694-2021

MAWSS/Municipal Park Subdivision

Number of Lots / Acres: 2 Lots / 16.1± Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

The Applicant was present and in agreement with staff recommendations.

No one else was present to speak for or against the application.

Motion to approve by Jennifer Denson. Second by Shirley Sessions. Approved.

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

- 1) Retention of the 25-foot minimum building setback line along the public portion of Museum Drive;
- 2) Retention of the current right-of-way for Museum Drive;
- 3) 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;
- 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, if applicable;
- 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. Add legible street names to the vicinity map. C. 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. D. 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. E. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. BFE = 82.0. F. Show and label each and every Right-Of-Way and easement including that portion of Museum Drive. G. Provide the Surveyor's and Owner's (notarized) signatures. H. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 22 - #78)*)

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 – 3,900 sf and LOT 2 –NONE. The existing Museum Drive (and cul-de-sac) pavement are not included in the amount allowed for LOT 1. I. 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. J. 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. K. 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. L. 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. M. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. N. 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. O. 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: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.); and*
- 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.);*

**4. 2810 Circle Court
(North side of Circle Court, 170'± East of Bryant Road).
Council District 3
SUB-001684-2021**

Dameron Estates Subdivision

Number of Lots / Acres: 3 Lots / 0.6± Acre

Engineer / Surveyor: Polysurveying Engineering – Land Surveying

Brett Orrell, Polysurveying, was present to represent the application. He asked that condition number six (6), which speaks to a previous structure (demolished prior to current owners), be removed as the new owners were not a part of that process.

Miles McCord, 2818 Circle Court, expressed concerns regarding flooding and drainage. He stated that he would prefer that the property remain as only two lots. He also noted that ditches needed to be cleaned out.

The City Engineer, Nick Amberger, discussed the drainage issue with Mr. McCord, and stated that he could call 311 and request drainage work. Mr. McCord was worried that the drainage problem would not be taken care of properly.

Staff advised the Commission that they received one email from a neighbor regarding concerns about flooding.

Nick Amberger stated that it appears that the property drains to the west and north, all onto private property towards a canal leading to Dog River.

Motion to approve by Don Hembree, removing the condition regarding the previous structure. Second by Nick Amberger. Approved.

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

- 1) revision of the plat to indicate the corrected current right-of-way width of Circle Court on the Final Plat;
- 2) retention of the dedication to provide 30 feet from the centerline of Circle Court on the Final Plat;
- 3) provision of the right-of-way width of Circle Court on the Final Plat after dedication;
- 4) retention of the 25' minimum building setback line on the Final Plat as measured from required dedication;
- 5) retention of the lot size labels in both square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;
- 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. Add legible street names to the vicinity map. C. Review and correct the written legal description or the written bearing and distance along the east property line of LOT 3. D. 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. 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 26 - #89) LOTS 1, 2 & 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 – NONE, LOT 3 – 2,200 sf. G. 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. H. 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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.*); and
- 9) compliance with the Fire-Rescue 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.*)

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS

5. 1550 South University Boulevard

(Northwest corner of South University Boulevard and Aurelia Street).

Council District 4

PUD-001690-2021

Magnolia Business Park Subdivision

Planned Unit Development approval to allow shared access between multiple building sites.

The Applicant was present and agreed to all staff recommendations.

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No one else was present to speak in favor or opposition to the application.

Motion to approve by Nick Amberger. Second by Don Hembree. 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), because it allows for two building sites to have shared access to University Boulevard;
- 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 allowing shared access between sites will reduce the total number of curb cuts to University Boulevard;
- c. the proposal promotes the objective of Public services (to encourage optimum use of available public utilities, streets and community facilities), because public utilities and services are already in place.

The Approval is subject to the following conditions:

- 1) full compliance with tree planting and landscape area requirements for Lot 2, with tree plantings coordinated with staff;
- 2) maintain compliance with the tree plan on file for Lot 1;
- 3) lighting compliant with Section 64-6.A.3.c. of the Zoning Ordinance;
- 4) compliance with the Engineering comments: *(Retain NOTES #3 - #8, as shown on the PUD FOR MAGNOLIA BUSINESS PARK drawing by Byrd Surveying dated July 2, 2021.);*
- 5) compliance with all Traffic Engineering comments: *(Site is limited to its existing curb cuts with any changes to size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. 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) 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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.); and*
- 7) 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*
- 8) full compliance with all municipal codes and ordinances.

6. 3250 Airport Boulevard

(Northeast corner of Airport Boulevard and East I-65 Service Road South).

Council District 5

PUD-001708-2021

Brixmor Property Group

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow the relocation of an existing pylon sign.

Commissioner Mattei recused himself from this application.

Staff stated that due to COVID the applicant was not able to travel to the hearing, however, the Applicant had stated agreement with staff recommendations.

No one else was present for or against the application.

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

Kirk Mattei recused.

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 signage location) because it will allow a slightly different location for a previously approved sign in keeping with the previously approved PUD; and
- b. the proposal promotes the objective of Flexibility (to permit greater flexibility in the location and arrangement of signage than is generally possible under district regulations), because it will allow two main street frontage signs for an expansive group development.

The Approval is subject to the following conditions:

- 1) obtaining of all necessary sign permits for the sign; and
- 2) full compliance with all municipal codes and ordinances

NEW PLANNING APPROVAL APPLICATIONS

7. 555-A Dauphin Street

(South side of Dauphin Street, 25'± West of South Cedar Street).

Council District 2

PA-001686-2021

Wendell Quimby

Planning Approval to allow an occupancy load of more than 100 persons for a bar/restaurant in a T-5.1 Sub-District of the Downtown Development District.

Commissioner Atchison recused himself from this application.

The Applicant was present and agreed with staff recommendations.

No one else was present to speak for or against the application.

Motion to approve by Jay Stubbs. Second by Don Hembree. Approved.

Taylor Atchison recused.

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

- 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 the site is located within the developed downtown area with public water and sewer services and with nearby fire and police stations;
- b. The proposal will not cause undue traffic congestion or create a traffic hazard, because the area contains available on-site, commercial off-site, and on-street parking; and

The Approval is subject to the following conditions:

- 1) obtaining of all necessary permits for the building's renovation;
- 2) compliant screening of any on-site parking;
- 3) obtain Zoning Clearance and sign permit, as appropriate;
- 4) any increase in the occupancy load above 258 persons will require new Planning Approval to be obtained from the Planning Commission;
- 5) obtaining of a Certificate of Appropriateness and approval from the Consolidated Review Committee prior to the permitting of any exterior alterations to the structure, including signage; and
- 6) full compliance with all municipal codes and ordinances.

NEW SIDEWALK WAIVER APPLICATIONS:

8. 161 Dogwood Lane

(Area bounded by Old Shell Road, Dogwood Lane, Loyola Lane and Provident Lane).

Council District 7

St. Paul's Episcopal School

SUB-SW-001691-2021

Request to waive construction of a sidewalk along a portion of Provident Lane.

Blair Fisher, Head of School at St. Paul's, 161 Dogwood Lane, was present and spoke for reconsideration of the denial recommendation of the sidewalk waiver application, citing safety concerns with carpool and students walking across the parking lot.

No one else was present to speak for or against the application.

