

MOBILE CITY PLANNING COMMISSION

MINUTES

DECEMBER 16, 2021 - 2:00 P.M.

AUDITORIUM, GOVERNMENT PLAZA

ROLL CALL:

Members Present	Members Absent
John W. “Jay” Stubbs, Jr. Chairman Allan Cameron, Vice Chairman Jennifer Denson, Secretary Carlos Gant Matt Anderson, (MD) Scott Jones (CC) Susan Carley (S) Kirk Mattei (S)	Shirley Sessions Taylor Atchison Nick Amberger (AO)
Planning Staff Present	Others Present
Margaret Pappas, Planning & Zoning Marie York, Planning & Zoning Victoria L. Burch, Planning & Zoning Bert Hoffman, Long Range Planning Shayla Beaco, Build Mobile	Doug Anderson, Staff Attorney Marybeth Bergin, Traffic Engineering 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:

Motion made by Matt Anderson. Second by Scott Jones. Adopted.

HOLDOVERS:

- 1. 2662 Fillingim Street**
(North side of Fillingim Street, 100’± West of Mobile Street).
Council District 1

PA-001677-2021

Blood Covenant Evangelistic Church Ministries Inc.

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

Commissioner Gant recused from this application.

Applicant, Richard Bettis, 1907 Boykin Boulevard, was present and in agreement with all staff recommendations.

No one else was present to speak regarding the application.

Motion to approve by Matt Anderson. Second by Kirk Mattei. Approved.
Carlos Gant recused from voting.

After discussion, the Planning Commission determined the following Findings of Fact for Approval for 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 the existing infrastructure is sufficient to service the proposed use;
- b) the proposal will not cause undue traffic congestion or create a traffic hazard, because sufficient on-site parking is proposed; 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 on a small site with a small congregation.

The Approval is subject to the following conditions:

- 1) revision of the site plan to provide one more frontage tree, and identification of the species of all proposed trees;
- 2) revision of the site plan to illustrate the 25-foot minimum building setback line;
- 3) revision of note #13 on the site plan to specifically state the Traffic Engineering comments: *(the site is limited to one curb cut with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. All on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 4) submittal to and approval by Planning and Zoning of a revised site plan prior to submittal for development permits; and
- 5) full compliance with all municipal codes and ordinances.

EXTENSIONS:

2. 1901 Hurltel Street

(South side of Hurltel Street, 210'± West of Prairie Avenue).

Council District 3

a. SUB-001450-2020

Maryvale Place Subdivision

Number of Lots / Acres: 3 Lots / 16.8± Acres

Engineer / Surveyor: Wattier Surveying, Inc.

Commissioner Gant recused from this application.

The Applicant was present and in agreement with the one-year extension, with the understanding any future extensions would be unlikely.

No one else was present to speak regarding the application.

Motion to approve by Jennifer Denson. Second by Matt Anderson. Approved.
Carlos Gant recused from voting.

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

b. PUD-001448-2020

Maryvale Place Subdivision

Planned Unit Development Approval to allow multiple buildings on multiple building sites with shared access between building sites.

See the discussion under the Subdivision application.

Motion to approve by Jennifer Denson. Second by Matt Anderon. Approved.
Carlos Gant recused from voting.

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

NEW SUBDIVISION APPLICATIONS:

3. 153 and 155 North Florida Street

(West side of North Florida Street, 239'± North of Old Shell Road).

Council District 1

SUB-001879-2021

Ashland Main Street Subdivision

Number of Lots / Acres: 1 Lot / 0.5± Acre

Engineer / Surveyor: Byrd Surveying, Inc.

Applicant, Jerry Byrd, was present and in agreement with all conditions.

No one else was present to speak regarding the application.

Motion to approve by Matt Anderson. Second by Carlos Gant. 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 on the Final Plat;
- 2) Revision of the plat to illustrate the 25' minimum building setback line along North Florida Street, per Section V.D.9. of the Subdivision Regulations;
- 3) Revision of the plat to depict compliance with Section IV of the Subdivision Regulations;
- 4) Placement of a note on the Final Plat stating Traffic Engineering comments: (*Site is limited to two curb cuts with any changes in size, location, and design to be approved by 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 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 Spring Hill Ave. on the vicinity map. D) Check the labeling of two (2) different streets as Florida St. on the vicinity map. E) Add a graphic scale. F) Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. G) Provide the Surveyor's Certificate. H) Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 26 - #76) LOT 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: LOT A – 8,500 sf. 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*

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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) 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 [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.);*
- 7) Compliance with Fire Department comments and placement of a note: *(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 other Codes and Ordinances.

NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:

4. 2485 West I-65 Service Road North

(Northwest corner of West I-65 Service Road North and Anton Street).

Council District 1

PUD-001880-2021

Empire Truck Sales, Inc.

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

Applicant, Jerry Byrd, Byrd Surveying, was present and had no objections with the proposed conditions. Mr. Byrd noted that he had received a letter from Mobile Area Water and Sewer (MAWSS) asking for an easement width of thirty (30) feet, but an agreement was reached for only twenty (20) feet across the front of the property.

Legal counsel stated that the Planning Commission did not have legal authority to address easement issues between the applicant and MAWSS.

Charles Henson, Henson Truck Sales, located adjacent to the site, spoke in favor of the application.

No one else was present to speak regarding the application.

Motion to approve by Matt Anderson. Second by Carlos Gant. 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 will allow for shared access and mobility between multiple building sites utilized by a single business;
- 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 it will allow for multiple structures on a single building 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), because a property within an existing developed area will be put into compliant use;
- d. 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) revision or removal of non-compliant landscape data;
- 2) full compliance with tree planting and landscape area requirements, on Lot 3;
- 3) provision of a compliant photometric site plan at the time of permitting;
- 4) provision of compliant dumpster screening at time of permitting;
- 5) compliance with the Engineering comments: *(Retain NOTES #1 - #6, as shown on the PUD Drawing dated Nov 17, 2021.);*
- 6) compliance with all Traffic Engineering comments: *(West I-65 Service Road North is maintained by ALDOT. Driveway number, size, location, and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. Access to the unopened right-of-way to the north is denied. 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.);*
- 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.);*

- 9) submission of revised PUD site plans (hard copy AND .pdf) to Planning & Zoning prior to the issuance of permits; and
- 10) full compliance with all municipal codes and ordinances.

NEW REZONING APPLICATIONS

5. 118 Kilmarnock Street

(East side of Kilmarnock Street, 195'± South of Spring Hill Avenue, extending to the West side of North Catherine Street).

Council District 2

ZON-001876-2021

Ranita Smith (Gerald Byrd, Agent)

Rezoning from R-1, Single-Family Residential District, to B-2, Neighborhood Business District.

The Applicant was present and in agreement with all conditions.

No one else was present to speak regarding the application.

Motion to approve by Matt Anderson. Second by Carlos Gant. Approved.

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

- 1) there have been changing conditions within the area which would make 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) compliance with the Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by 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.);*
- 2) modification of the privacy fence along the North side of the site to be no more than three feet in height within the first 25 feet from the North Catherine Street and Kilmarnock Street property lines;
- 3) presentation of a pre-1962 legal description for the site, or the completion of a one-lot subdivision to make the site a legal lot of record prior to the issuance of permits;
- 4) exterior modifications will require approval of the Architectural Review Board; and
- 5) full compliance with all municipal codes and ordinances.

6. 117 North Catherine Street

(West side of North Catherine Street, 150'± South of Spring Hill Avenue, extending to the East side of Kilmarnock Street).

Council District 2

ZON-01877-2021

Ranita Smith (Gerald Byrd, Agent)

Rezoning from R-1, Single-Family Residential District, to B-2, Neighborhood Business District.

The Applicant was present and in agreement with all conditions and staff recommendations.

No one else was present to speak regarding the application.

Motion to approve by Carlos Gant. Second by Matt Anderson. Approved.

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

- 1) there have been changing conditions within the area which would make 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) compliance with the Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by 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.);*
- 2) removal of the existing aggregate driveway along North Catherine Street;
- 3) paving of the proposed driveway along Kilmarnock Street in concrete, asphalt, or an approved alternative paving surface;
- 4) revision of the site plan to indicate that the privacy fence along the South property line is six feet high where the site adjoins zoning, and dropping to no more than three feet in height within 25 feet of the Kilmarnock Street property line;
- 5) revision of the site plan to indicate that the existing privacy fence along the North side of the site is no more than three feet in height within 25 feet of the Kilmarnock Street and North Catherine Street property lines, if currently higher;
- 6) presentation of a pre-1962 legal description for the site, or the completion of a one-lot subdivision to make the site a legal lot of record prior to the issuance of permits;
- 7) any exterior modifications will require approval of the Architectural Review Board; and
- 8) full compliance with all municipal codes and ordinances.

NEW SIDEWALK WAIVER APPLICATIONS:

7. 1812 Old Shell Road

**(North side of Old Shell Road, 200'± West of Mobile Infirmary Boulevard).
Council District 1
SUB-SW-001878-2021
RGH Development, LLC (Stephen Howle, Agent)
Request to waive construction of a sidewalk along a portion of Old Shell Road.**

The Applicant was present and in agreement with all staff recommendations.

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 approved the request, subject to the following conditions:

- 1) revision of the site plan to provide and illustrate a sidewalk easement as stipulated by the Traffic Engineering Comments, with said easement being recorded in Probate Court.

GROUP APPLICATIONS

8. Southwest corner of Zeigler Boulevard and North University Boulevard Council District 7

- a. SUB-001874-2021 (Subdivision)
Zeigler-University Subdivision
Number of Lots / Acres: 1 Lot / 2.6± Acres
Engineer / Surveyor: Byrd Surveying, Inc.**

Applicant, Jerry Byrd, was present and discussed condition number five (5) regarding the curb-cut. Mr. Byrd requested additional curb-cuts for the site.

Traffic Engineering staff discussed the issues with having additional curb-cuts and noted that all curb-cuts would be limited to right-in, right-out.

Mr. Byrd requested the opportunity to work with Traffic Engineering regarding the additional curb-cut issue.

No one else was present to speak regarding the application, however staff noted that comments were received in opposition to the proposed rezoning.

Motion to Holdover by Scott Jones. Second by Matt Anderson. Heldover to the January 20th meeting.

The Commission heldover the application to the January 20, 2022 meeting to allow the applicant to meet with the surrounding community.

b. ZON-001875-2021 (Rezoning)

Omar & Williams (Gerald Byrd, Agent)

Rezoning from R-1, Single-Family Residential District, to B-2, Neighborhood Business District.

See the discussion under the Subdivision application.

Motion to Holdover by Scott Jones. Second by Matt Anderson. Heldover to the January 20th meeting.

The Commission heldover the application to the January 20, 2022 meeting to allow the applicant to meet with the surrounding community.

9. 1452 Government Street

(North side of Government Street, extending from South Lafayette Street to Etheridge Street).

Council District 2

a. SUB-001881-2021 (Subdivision)

Cindy Haber Center Subdivision

Number of Lots / Acres: 2 Lots / 1.1± Acres

Engineer / Surveyor: Cowles, Murphy, Glover & Associates

Applicant, Bruce Smith, 457 St. Michael Street, was present and noted that revised information had been submitted to staff. He requested either approval today or a holdover to January 6th meeting.

Staff stated that the revised information has not yet been reviewed, thus a holdover would be beneficial.

Staff also noted that e-mail/online comments were received in favor of the application.

The following people spoke in favor of the application:

- Dawn Lindsey, Cindy Haber Center, 1306 Government Street;
- Jerry Milling, 220 St. Michael Street; and
- Brenda Bolton, 310 West Street.

No one else was present to speak regarding the application.

Motion to Holdover by Carlos Gant. Second by Matt Anderson. Heldover to the January 6th meeting.

The Commission heldover the application to the January 6, 2022 meeting to allow staff time to review revised information submitted by the applicant.

- b. ZON-001882-2021 (Rezoning)**
Cowles, Murphy, Glover & Associates (Bruce Smith, Agent)
Rezoning from R-3, Multi-Family Residential District, to B-1, Buffer Business District.

See the discussion under the Subdivision application.

Motion to Holdover by Carlos Gant. Second by Matt Anderson. Heldover to the January 6th meeting.

The Commission heldover the application to the January 6, 2022 meeting to allow staff time to review revised information submitted by the applicant.

10. 2621 Ralston Road
(South side of Ralston Road, 244'± West of South Florida Street).
Council District 5

- a. PUD-001870-2021 (Planned Unit Development)**
St John's Deliverance Temple
Planned Unit Development Approval to allow multiple buildings on a single building site.

Applicant, Jerry Byrd, was present and in agreement with all staff recommendation.

No one else was present to speak regarding the application.

Motion to approve by Matt Anderson. Second by Carlos Gant. Approved.

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

- a. the proposal promotes the objective of Creative design (*to encourage innovative and diversified design in building form and site development*), because the site will not conform to standard development regulations;
- 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 it will allow the subject site to be restored to its previously existing condition;
- 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 it allows the expansion of an existing church on the existing site;

The approval is subject to the following condition:

- 1) full compliance with all municipal codes and ordinances.

b. ZON-001871-2021 (Rezoning)

St. John’s Deliverance Temple (Gerald Byrd, Agent)

Rezoning from R-1, Single-Family Residential District, and B-2, Neighborhood Business District, to B-2, Neighborhood Business District.

See the discussion under the Planned Unit Development application.

Motion to approve by Carlos Gant. Second by Scott Jones. Approved.

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

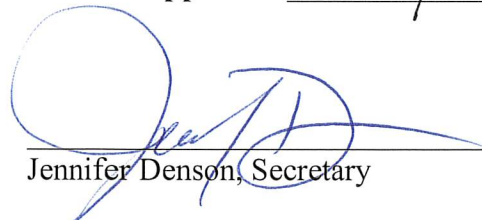
- 1) there is a manifest error in the Ordinance; and
- 2) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

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

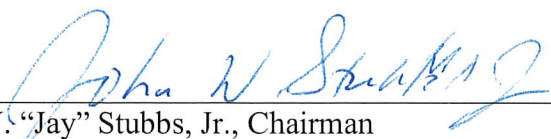
- 1) full compliance with all municipal codes and ordinances.

OTHER BUSINESS:

Minutes approved: 10 / 17 / 2024



Jennifer Denson, Secretary



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