

MOBILE CITY PLANNING COMMISSION

RECOMMENDATION AGENDA

SEPTEMBER 2, 2021 - 2:00 P.M.

MEETING TO BE ONLINE

ROLL CALL:

<u>X</u>	Mr. Carlos Gant, <i>Chairman</i>
	Ms. Jennifer Denson, <i>Secretary</i>
<u>X</u>	Mr. John W. “Jay” Stubbs, Jr.
<u>X</u>	Ms. Shirley Sessions
<u>X</u>	Mr. Allan Cameron
<u>X</u>	Mr. Taylor Atchison
<u>X</u>	Mr. Matt Anderson, (MD)
<u>X</u>	Mr. Nick Amberger (AO)
	Ms. Bess Rich (CC)
	Ms. Susan Carley (S)
	Mr. Kirk Mattei (S)

(S) Supernumerary (MD) Mayor’s Designee (AO) Administrative Official
(CC) City Council Representative

STAFF: Doug Anderson, Margaret Pappas, Marie York, Bert Hoffman, Victoria Burch, George Davis, Marybeth Bergin

ADOPTION OF THE AGENDA:

Motion made by Matt Anderson. Second by Jay Stubbs. **Adopted.**

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

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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.

Motion to holdover by Nick Amberger. Second by Matt Anderson. **Heldover.**
Carlos Gant recused.

The Commission heldover this application to the meeting of September 16th to allow the applicant to meet with neighbors.

2. 265 and 267 Dauphin Street

(South side of Dauphin Street, 43'± East of South Jackson Street).

Council District 2

PA-001720-2021

Box Owt, LLC (Artious Walker, Agent)

Planning Approval to allow an occupancy load of more than 100 persons for a food court in a T-5.2 Sub-District of the Downtown Development District.

Motion to approve by Nick Amberger. Second by Matt Anderson. **Approved.**

Carlos Gant recused.

The Commission found 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 area is already provided with these services;
- b. the proposal will not cause undue traffic congestion or create a traffic hazard, because the area contains available commercial off-site and on-street parking; 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 allows for a new business that is in character with existing developments in the area.

The approval is subject to the following conditions:

- 1) obtaining of all necessary permits for the addition;
- 2) any increase in the occupancy load above 546 persons, or changes to the site plan will require new Planning Approval to be obtained from the Planning Commission;
- 3) obtaining of approval from the Consolidated Review Committee prior to the issuance of permits, including signage;
- 4) compliance with Engineering comments: (1. 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. 2. 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

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of Mobile, Alabama Flood Plain Management Plan (1984); and the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 3. 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.);

- 5) *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*
- 6) **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**
- 7) **Full compliance with all municipal codes and ordinances.**

EXTENSIONS:

3. East terminus of Leighton Place

Council District 4

SUB-001027-2019

Leighton Village Subdivision

Number of Lots / Acres: 30 Lots / 12.8± Acres

Engineer / Surveyor: Richard L Patrick, Professional Land Surveyor

Motion to approve by Matt Anderson. Second by Nick Amberger. **Approved.**

The Commission approved the request for a one-year extension of the Subdivision, subject to the approval of a new Planned Unit Development to allow reduced front and side yard setbacks prior to signing the Final Plat.

4. 850 Edwards Street

(Southwest corner of Wimbush Street and Whitley Street).

Council District 2

SUB-001342-2020

Africatown Heritage House Subdivision

Number of Lots / Acres: 1 Lot / 0.4± Acres

Engineer / Surveyor: Goodwyn Mills Cawood

Motion to approve by Nick Amberger. Second by Matt Anderson. **Approved.**

Shirley Sessions recused

The Commission approved the request for a one-year extension of the Subdivision.

NEW SUBDIVISION APPLICATIONS:

5. 6253 Biscayne Circle

(South side of Biscayne Circle, 100'± West of Largo Avenue).

Council District 6

SUB-001728-2021

Brooks Subdivision

Number of Lots / Acres: 2 Lots / 0.5± Acre

Engineer / Surveyor: Gerald A. Smith, PLS

Motion to approve by Matt Anderson. Second by Taylor Atchison. **Approved.**

After discussion, the Planning Commission waived Section V.D.2. of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

- 1) correction of the street name label from Largo Avenue to Biscayne Circle;
- 2) retention of the right-of-way width of Biscayne Circle on the Final Plat;
- 3) retention of the 25-foot minimum building setback line 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) removal via a demolition permit of the existing shed on proposed Lot 2 prior to signing the Final Plat;
- 6) 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;
- 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. Add Largo Avenue to the vicinity map. C. Show and label the Biscayne Circle ROW D. Add a graphic scale. E. Provide the Surveyor's and Owner's (notarized) signatures. F. Revise NOTE #8 to read – "As shown on the 1984 aerial photo (FLIGHT 19 - #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 – 1,800 sf and LOT 2 – 900 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

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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 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.)**

6. **315 and 317 Morgan Avenue**

(East side of Morgan Avenue, 44' ± North of Creek Street).

Council District 5

SUB-001733-2021

Esplanade Estates Subdivision

Number of Lots / Acres: 2 Lots / 0.3± Acre

Engineer / Surveyor: Erdman Surveying LLC

Motion to approve by Matt Anderson. Second by Nick Amberger. **Approved.**

After discussion, the Planning Commission waived Section V.D.2. of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

- 1) **retention of the right-of-way width of Morgan Avenue on the Final Plat;**
- 2) **retention of the 25-foot minimum building setback line on the Final Plat, applicable to any new construction;**
- 3) **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;**
- 4) **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 the Surveyor's and Owner's (notarized) signatures. C. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering**

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Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing. D. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);

- 5) *placement of a note on the Final Plat stating the Traffic Engineering comments: (Site is limited to its existing curb cuts with any changes in 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.);*
- 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.)*

7. **358 Gulfwood Drive**

(Southeast corner of Gulfwood Drive and Gulfwood Drive East).

Council District 7

SUB-001734-2021

Lila's Place Subdivision

Number of Lots / Acres: 2 Lots / 0.4± Acre

Engineer / Surveyor: Erdman Surveying LLC

Motion to approve by Taylor Atchison. Second by Allan Cameron. **Approved.**

After discussion, the Planning Commission waived Section V.B.14. of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

- 1) **retention of the right-of-way widths of both streets on the Final Plat;**
- 2) **retention of the 25' minimum building setback line along both street frontages on the Final Plat;**
- 3) **retention of the lot size label in both square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;**
- 4) **obtaining demolition permits for both the existing house and shed prior to the signing of the Final Plat;**

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- 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 the Surveyor's and Owner's (notarized) signatures. C. Add a note – "As shown on the 1984 aerial photo (FLIGHT 24 - #73) 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 – 1,700 sf and LOT 2 – NONE. D. 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. E. 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-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 PLANNING APPROVAL APPLICATIONS:

8. **800 Mobile Street**
(East side of Mobile Street, 156'± South of Denmark Street).
Council District 1
PA-001742-2021
WE Gethsemane Cemetery LLC

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Planning Approval to amend a previously approved Planning Approval to allow a mausoleum expansion to an existing cemetery in an R-1, Single-Family Residential District.

Motion to approve by Nick Amberger. Second by Matt Anderson. **Approved.**

The Commission found 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 proposed addition to the cemetery will not require an increase in services;
- b. the proposal will cause undue traffic congestion or create a traffic hazard, because the proposed addition is not expected to result in an increase in the amount of traffic to the site; 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 allows for an expansion within an existing cemetery.

The approval is subject to the following conditions:

- 1) revision of the site plan to depict a compliant buffer;
- 2) provision of a revised site prior to the issuance of permits; and
- 3) full compliance with all municipal codes and ordinances.

GROUP APPLICATIONS:

9. 1490 Telegraph Road

(East side of Telegraph Road, 225'± North of the East terminus of Lee Street).
Council District 2

a. SUB-001744-2021 (Subdivision)

Telegraph Road Subdivision

Number of Lots / Acres: 1 Lot / 1.9± Acres

Engineer / Surveyor: Rowe Engineering & Surveying

Motion to approve by Nick Amberger. Second by Allan Cameron. **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;
- 2) depiction of the 40-foot minimum building setback along Telegraph Road;
- 3) 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

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notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Show and label the POB on the Plat. 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 28 - #64) 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 – 32,000 sf. E. 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. F. 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 site plan stating the following Traffic Engineering comments: *(Site is limited to two curb cuts with 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 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*
- 6) 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.)*

b. ZON-001743-2021 (Rezoning)

Norden Realty, LLC (Marty Norden, Agent)

Rezoning from R-1, Single-Family Residential District, to I-2, Heavy Industry District.

Motion to approve by Allan Cameron. Second by Nick Amberger. **Approved.**

The Commission recommends this application for Approval, for the following reasons:

- a) there is a manifest error in the Ordinance; and
- b) there are changing conditions in the area.

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The approval should be subject to the following conditions:

- 1) completion of the Subdivision process; and**
- 2) full compliance with all municipal codes and ordinances.**

OTHER BUSINESS: