

# MOBILE CITY PLANNING COMMISSION

## MINUTES

**APRIL 1, 2021**

Meeting held online

<b>Members Present</b>	<b>Members Absent</b>
Carlos Gant, Chairman Libba Latham (PJ), Vice Chairman Jennifer Denson, Secretary Cart Blackwell Shirley Sessions Allan Cameron Taylor Atchison Matt Anderson, (MD) Bess Rich (CC) Don Hembree (PJ) John W. "Jay" Stubbs, Jr. (S)	Nick Amberger (AO)

<b>Planning Staff Present</b>	<b>Others Present</b>
Margaret Pappas, Planning & Zoning Bert Hoffman, Long Range Planning Victoria L. Burch, Planning & Zoning Shayla Beaco, Build Mobile	Doug Anderson, Staff Attorney Jim Rossler, Attorney John Strope, Dogwood Productions

(S) Supernumerary (MD) Mayor's Designee (AO) Administrative Official  
(CC) City Council Representative (PJ) Planning Jurisdiction

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

### **ROLL CALL:**

Carlos Gant stated the number of members present constituted a quorum and called the meeting to order, advising all attending of the policies and procedures pertaining to the Planning Commission.

**ADOPTION OF THE AGENDA:**

Motion to adopt by Don Hembree. Second by Shirley Sessions. Motion carried unanimously. Agenda adopted.

**HOLDOVERS:**

- 1. 3905 Dauphin Street and 220 South McGregor Avenue  
(Southeast corner of South McGregor Avenue and Dauphin Street).  
Council District 5**
  - a. SUB-001509-2021  
Feeder Springs Subdivision  
Number of Lots/Acres: 1 Lot / 10.8+ Acres  
Engineer / Surveyor: Wattier Surveying Inc.**
  - b. PUD-001506-2021 (Planned Unit Development)  
Feeder Springs Senior Living  
Planned Unit Development Approval to allow multiple buildings on a single building site.**
  - c. PA-001507-2021 (Planning Approval)  
Feeder Springs Senior Living – Senior Housing Facility  
Planning Approval to allow a domiciliary care facility and nursing home in an R-3, Multi-Family Residential District.**
  - d. ZON-001508-2021 (Rezoning)  
Big River Partners (Casey Pipes, Agent)  
Rezoning from R-1, Single-Family Residential District, to R-3, Multi-Family Residential District.**

Staff announced that the applications were heldover until April 15, 2021, meeting, with the prior consent of the applicant. No action was required by the Commission.

No one was present to speak regarding the applications.

**NEW PLANNING APPROVAL APPLICATIONS:**

- 2. 508 & 518 Dauphin Street  
(North side of Dauphin Street, 47'± West of North Lawrence Street).  
Council District 2  
PA-001535-2021  
Matthew LeMond**

**Planning Approval to allow a bar and restaurant with an occupancy load of over 100 people in a T5.1 Sub-District of the Downtown Development District.**

Steve Stone, architect for the application, was present and agreed to the holdover.

Joseph Black, a nearby resident, was present and voiced concerns regarding:

- degradation of quality of life due to increased occupancy load;
- noise;
- accessibility to his townhome due to increased traffic;
- significant impacts to property values; and
- location is not within the Entertainment District.

Staff noted that comments opposed to the request were submitted online or via email from Joseph Black and C. Luke Adams.

Motion by Libba Latham to holdover the application to the May 6, 2021, meeting, with a second by Bess Rich. Heldover until the May 6, 2021 meeting.

After discussion, the Planning Commission heldover the application the May 6<sup>th</sup> meeting, with revisions due by April 16<sup>th</sup>, to allow the applicant to address the following:

- 1) revision of the narrative to include the proposed occupancy load requested;
- 2) revision of the narrative to address the use of the outdoor areas “3-F”, “3-E” and “1-C”;
- 3) revision of the site plan to only include the parcels associated with the proposed use which are specifically listed in the narrative;
- 4) revision of the site plan to show improvements to the indicated parking areas, to include screening; and
- 5) provision of a floor plan for the building area associated with this application.

**GROUP APPLICATIONS:**

**3. 2621 Ralston Road**

**(South side of Ralston Road, 240'± West of South Florida Street).**

**Council District 5**

**a. PUD-001531-2021 (Planned Unit Development)**

**St. John’s Deliverance Temple**

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

Jerry Byrd was present and agreed to the Holdover recommendation for the Planned Unit Development and Rezoning. He stated that he is still seeking approval from the property owner to use the parking located across the street from the site.

Motion to Holdover by Carlos Gant, second by Libba Latham. The motion carried unanimously. Heldover to the May 6, 2021, meeting, with revisions due by April 16th to address the following:

- 1) Authorization of the property owner of the off-site parking proposed to be used; and
- 2) Submittal of site plan depicting off-site parking.

**b. ZON-001530-2021 (Rezoning)**

**St. John’s Deliverance Temple**

**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 PUD application.

After discussion, the Planning Commission heldover the application to the May 6, 2021, meeting, with revisions due by April 16th to address the following:

- 1) Authorization of the property owner of the off-site parking proposed to be used; and
- 2) Submittal of site plan depicting off-site parking.

**4. 2258 & 2262 Hillcrest Road**

**(West side of Hillcrest Road, 365’± South of Charingwood Boulevard).**

**Council District 6**

**a. PUD-001534 2021 (Planned Unit Development)**

**Hillcrest Self Storage**

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

Jerry Byrd, Applicant, was present.

Staff noted for the Planning Commission that an email in opposition was received from Kenny and Franci Lewis, who live next to the site.

Mr. Byrd addressed the following concerns that were identified in the Kenny and Franci Lewis email:

- the proposed building will be a climate-controlled storage facility;
- the entrance will be opposite side of the building from the Lewis’ property;
- the site manager patrols the property about every hour;
- storage units cannot be used to operate a business; and

- the noise may have been a one-time event due to building repair.

Commissioners, the applicant and staff discussed the following concerns:

- the placement of the storage building on the site, and if it could be shifted further South;
- the number of units within the proposed building;
- the entrances and emergency exits;
- parking and access;
- noise;
- foot traffic; and
- buffering of the site.

Motion to approve by Don Hembree, citing Findings of Fact a & b, with amendment to require an 8-foot high wooden privacy fence on the property line adjacent to the new construction, and only allow emergency exits for the building on the East, North and West sides. Second by Matt Anderson. The motion passed unanimously.

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

- a. the proposal promotes the objective of Efficient land use (to encourage the most efficient and sustainable use of land, especially tracts in the inner part of the city that remain undeveloped or that are appropriate for redevelopment), because a relatively small amount of space in relation to the over-all site will actually be required for the proposed expansion;
- b. the proposal promotes the objective of Public services (to encourage optimum use of available public utilities, streets, and community facilities), because it is utilizing a site that is already served with public infrastructure.

The approval is subject to the following conditions:

- 1) provision of an 8-foot high wooden privacy fence on the property line adjacent to the new construction;
- 2) building access on the East, North and West sides limited to emergency exits;
- 3) retention of the note on the site plan stating that trash collection will be via curbside pick-up;
- 4) placement of a note on the site plan stating that no structures shall be constructed or placed within any easement without permission of the easement holder;
- 5) retention of the 25-foot minimum building setback line along the front of the property;
- 6) compliance with the Engineering comments: (Retain NOTES #4 - #9, as shown on the MOBILE CITY PUD drawing dated 2-26-21.);
- 7) placement of a note on the site plan stating the following Traffic Engineering comments: (Lot is limited to two curb cuts to Hillcrest Road, with any changes to size, location and design to be approved by Traffic Engineering and conform to AASHTO

- standards. Any new 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 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.);
  - 10) submission to and approval by Planning and Zoning of a revised Planned Unit Development site plan prior to the issuance of permits; and
  - 11) full compliance with all other municipal codes and ordinances.

**b. PA-001533-2021 (Planning Approval)**

**Hillcrest Self Storage**

**Planning Approval to amend previously approved Planning Approval to allow the expansion of a self-storage facility in a B-2, Neighborhood Business District.**

See the discussion under the Planned Unit Development.

Motion to approve by Don Hembree, citing Findings of Fact 1, 2 and 3. Second by Taylor Atchison. The motion was approved unanimously.

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

1. The proposal will be appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, due to the limited scope of the project, and because the site is located within a developed area with public water and sewer services and with nearby fire and police stations;
2. The proposal will not cause undue traffic congestion or create a traffic hazard, because the proposed structure is located out of any traffic lanes; and
3. The proposal will be in harmony with the orderly and appropriate development of the district in which the use is located, because it will be of minimal size in relation to the over-all site, and will be associated with the established functioning of the site as a self-storage facility.

The Approval is subject to the following conditions:

- 1) retention of the note on the site plan stating that trash collection will be via curbside pick-up;
- 2) provision of an 8-foot high wooden privacy fence on the property line adjacent to the new construction;
- 3) placement of a note on the site plan stating that no structures shall be constructed or placed within any easement without permission of the easement holder;
- 4) retention of the 25-foot minimum building setback line along the front of the property;
- 5) placement of a note on the site plan stating the following Traffic Engineering comments: (Lot is limited to two curb cuts to Hillcrest Road, with any changes to size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new 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 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.);
- 8) submission to and approval by Planning and Zoning of a revised Planning Approval site plan prior to the issuance of permits; and
- 9) full compliance with all municipal codes and ordinances.

**OTHER BUSINESS:**

- **Consideration of the Unified Development Code (version 5)**, with proposed revisions from the March 8th and 29th business meetings, and adoption of recommendation to City Council.

The following people spoke regarding the proposed Unified Development Code:

- Linda St. John, Village of Spring Hill,
- Casey Pipes, Attorney,
- Richard Inge, property owner,
- Phillip Burton, developer and property owner,
- Linda Gates, property owner,
- David Rogers, Chamber of Commerce,
- Chad Pilcher, Alabama Power Company,
- Jeff Quinnelly, developer and property owner,
- Tim Pickering, council for AT&T,

- Debbie Foster, Dog River Clearwater Revival.

Concerns were expressed by the speakers regarding:

- Village of Spring Hill requirements – mandatory versus optional;
- temporary storage tank requirements;
- exemptions requested for Alabama Power;
- telecommunications amendments and compliance with federal law;
- the need for additional regulations regarding litter as it relates to watershed protection;
- the stormwater issues are not sufficiently addressed; and
- the prohibition of waivers for adaptive reuse.

Commissioners, staff and legal counsel discussed the issues expressed by the speakers as well as the proposed amendments regarding the above ground tanks. Staff stated that the City Council could make amendments to the document once it reached them for consideration.

It was noted that the UDC process began four years ago, and that there was a lot of community outreach as part of the process.

Mr. Hembree made the motion to approve the Unified Development Code, version 5, with the two (2) amendments to send to the City Council. The motion was seconded by Cart Blackwell. The motion passed, with City Councilmember Bess Rich abstaining from the vote.

The following amendments were approved:

Article 4 (64-4-11. A. 1. (b) to read as follows: Temporary Above-Ground Storage Tanks with a capacity of ten thousand (10,000) gallons or more, other than those being used in connection with required environmental remediation, shall be located at least one thousand, five hundred (1,500) feet from property used or zoned for residential purposes, schools and daycare facilities, parks, places of worship, and other uses and Structures which typically contain or attract large concentrations of people. This distance shall be measured from the tank to the nearest property line of the residential property, school/daycare, park, place of worship or other use.

Article 8 (64-8-2.) Definition of Temporary Above-Ground Storage Tank: A container designed or used to temporarily hold oil, gas or other petroleum product, or any flammable or hazardous substances, and located at or above ground level.

- **2425 St. Stephens Road**  
**(Southeast corner of St. Stephens Road and Brownlee Street)**  
**Council District 1**  
**God's Kingdom Church Ministries**



Request to alter a note on an existing subdivision plat to coincide with the conditions of recently approved (December 17, 2020) Planning Approval and Planned Unit Development applications.

The recommendation was for the plat to be re-recorded with a note to allow the emergency access to Brownlee Street as it conflicted with a previously approved plat.

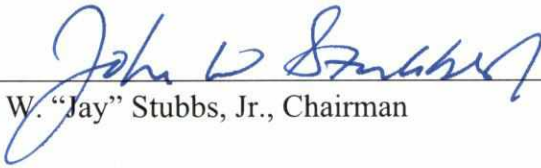
Motion made by Don Hembree, second by Matt Anderson and passed unanimously.

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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