

# MOBILE CITY PLANNING COMMISSION

## MINUTES

**JUNE 16, 2022 - 2:00 P.M.**

AUDITORIUM, GOVERNMENT PLAZA

Roll Call:

<b>Members Present</b>	<b>Members Absent</b>
John W. "Jay" Stubbs, Jr. Chairman Allan Cameron, Vice Chairman Jennifer Denson, Secretary Matt Anderson, (MD) Nick Amberger (AO) Susan Carley (S)	Carlos Gant Shirley Sessions Taylor Atchison Scott Jones (CC) Kirk Mattei (S)
<b>Planning Staff Present</b>	<b>Others Present</b>
Marie York, Planning & Zoning Victoria L. Burch, Planning & Zoning Bert Hoffman, Long Range Planning Shayla Beaco, Build Mobile	Doug Anderson, Staff Attorney Beverly Terry, 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 to approve by Jennifer Denson. Second by Matt Anderson. Adopted.

### **HOLDOVERS:**

- 1. 363 Gulfwood Drive**  
(West side of Gulfwood Drive, 95'± South of the West terminus of Gulfwood Drive East).  
Council District 7  
SUB-002041-2022  
Emanuelli Court Subdivision

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**Number of Lots / Acres: 2 Lots / 0.7± Acre**  
**Engineer / Surveyor: Erdman Surveying, LLC**

The applicant, Lisa Emanuelli, was present and made the following points in response to the denial recommendation found in the staff report:

- denial would create an undo hardship on the property owner;
- believes the request complies with the Subdivision Regulations and in character with the surrounding properties, and is compatible and appropriate to the location;
- she is unable to maintain the entirety of the property, as it is so overgrown, and cannot afford to hire people to maintain the property;
- noted the recently approved subdivision across the street from her property;
- other homes on the street are rental properties;
- her property is larger than other properties on the street;
- there are other flag lots in the area;
- the flag shaped lot will be large enough to create a suitable building site, exclusive of the pole portion; and
- the people complaining about her request do not even live on the property they own, as they live out of town.

Planning staff reminded the Commission that there had been a speaker in opposition at the prior public hearing.

John Williams was present in opposition to the request, and made the following points:

- the subdivision would not be in keeping with the neighborhood;
- if this request is approved it made lead to other similar requests;
- the additional development will increase traffic on a street where children play in the street;
- the additional development will increase density;
- will make the area less safe; and
- flag lots are not common in the neighborhood;

No one else was present regarding the application.

Commissioners discussed the steepness and drainage issues of the lot.

Motion to deny by Matt Anderson. Second by Nick Amberger. Denied.

After discussion, the Commission denied the application due to the following:

- 1) approving the plat will not be compatible with Sections V.D.1. and V.D.2. of the Subdivision Regulations; and,
- 2) approving the plat will result in a subdivision whose design is out of character with the surrounding neighborhood.

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**2. 2500 Dauphin Street  
(Northwest corner of Dauphin Street and Hurlbert Street).  
Council District 1**

**a. ZON-002043-2022 (Rezoning)**

**Alexandra Rousos Theris**

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

The applicant Alexandra Rousos Theris was present and requested a holdover to the July 21<sup>st</sup> meeting, as they felt they needed additional time to talk with the neighbors and the Council representative, and the property owner was out of the country.

John Williams spoke in favor of the application. He stated that there was a need for this type of business, and that the area was commercial in nature.

Patrick Byrne and Emily Johnston were present in opposition of the application and made the following points:

- they do not want to have the property rezoned – the property needs to remain R-1;
- it is a residential neighborhood and needs to remain that way;
- have spoken with the applicant and the City Council representative;
- willing to speak more with the applicants;
- have a petition of neighbors opposed to the request; and
- concerned that no zoning notification sign was posted on the property until today.

No one else was present regarding the application.

Motion to holdover by Matt Anderson. Second by Nick Amberger. Heldover to July 21<sup>st</sup>.

After discussion, the Commission heldover the application to the July 21<sup>st</sup> meeting, at the applicant's request.

**b. PA-002057-2022 (Planning Approval)**

**Alexandra Rousos Theris**

**Planning Approval to allow a daycare/school in a B-1, Buffer Business District.**

See the discussion under the Zoning application.

Motion to holdover by Matt Anderson. Second by Nick Amberger. Heldover to July 21<sup>st</sup>.

After discussion, the Commission heldover the application to the July 21<sup>st</sup> meeting, at the applicant's request.

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**NEW SUBDIVISION APPLICATIONS:**

- 3. 5340 Halls Mill Road and 4370 Rangeline Road**  
**(North side of Halls Mill Road, 690'± West of Rangeline Service Road South, extending to the East side of U.S. Highway 90 West).**  
**Council District 4**  
**SUB-002045-2022**  
**Lyle Machinery Co. Subdivision**  
**Number of Lots / Acres: 1 Lots / 5.5± Acres**  
**Engineer / Surveyor: Sawgrass Consulting, LLC**

The applicant was not present.

Planning staff informed the Commission that the applicant contacted staff prior to the meeting and agreed to the suggested holdover until the July 21<sup>st</sup> meeting.

No one else was present regarding the application.

Motion to holdover by Matt Anderson. Second by Nick Amberger. Heldover until the July 21<sup>st</sup> meeting.

After discussion, the Planning Commission Heldover the request to the July 21<sup>st</sup> meeting to allow the applicant time to pay the associated fees for the application. Fees should be submitted by the June 21<sup>st</sup> filing deadline.

- 4. 4055 and 4059 Bay Front Road**  
**(East side of Bay Front Road, 900'± South of Martinwood Lane).**  
**Council District 3**  
**SUB-002053-2022**  
**Chuck Davis Family Subdivision**  
**Number of Lots / Acres: 2 Lots / 2.9± Acres**  
**Engineer / Surveyor: Polysurveying Engineering-Land Surveying**

The applicant was present and in agreement with the proposed recommendation and conditions.

No one else was present regarding the application.

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

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

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- 1) retention of the right-of-way width label of Bay Front Road on the Final Plat to illustrate the existing right-of-way;
- 2) retention of the 25-foot minimum building setback line along Bay Front Road 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) 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. Remove the County Engineer's signature block from the plat. The County Engineer no longer signs plats within the municipal limits of the City of Mobile. B. Remove the Mobile County Engineering Department note. This proposed subdivision is located within the city limits. The County Engineering Dept. no longer reviews/comments on subdivision plats within the municipal limits of the City of Mobile. C. 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. 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 BFE (Base Flood Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. F. Add a signature block for the Planning Commission, Traffic Engineer, and City Engineer. G. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo LOTS A and 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: LOT A – 2,800 sf and LOT 2 –NONE. H. 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. I. 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. J. 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. K. 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. L. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. M. 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.);*
- 5) 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.*);
- 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*

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*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-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.)*

**5. 3998 Byronell Drive North**

**(Northwest corner of Byronell Drive North and Byronell Drive West).**

**Council District 4**

**SUB-002054-2022**

**Liollo-Garrett Subdivision**

**Number of Lots / Acres: 2 Lots / 4.4± Acres**

**Engineer / Surveyor: Polysurveying Engineering-Land Surveying**

The applicant was present and in agreement with the proposed recommendation and conditions.

No one else was present regarding the application.

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

After discussion, the Planning Commission waived Sections V.B.14, V.D.1., and V.D.3. of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

- 1) Retention of the lot sizes in square feet and acres on the Final Plat, adjusted for any required dedication, or provision of a table on the Final Plat with the same information;
- 2) Retention of the 25-foot minimum building setback line where each lot is at least 60 feet in width;
- 3) Placement of a note on the revised plat stating no structure shall be constructed in any easement without permission of the easement holder;
- 4) 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 written description for the subdivision boundary. C) Provide the existing curve data for the Byronell Dr. ROW and label the monument set or found at PC/PT of the radius along the*

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*south side of LOT 2 at Byronell Dr. D) Is the “EASEMENT FOR INGRESS & EGRESS” on the adjacent lot south of and adjacent to LOT 2 existing? If so, then provide the recording data. If not, provide a proper tie in to the ROW curve on Byronell Dr. and list the proposed easement holder. E) The area along the west property line of LOT 1 is receiving drainage from a public street and will require a 10’ wide PUBLIC (Dedicated to the City of Mobile) drainage easement along LOT 1 property line between Oakbrake Ct and the existing drainage inlet approximately 190 feet southeast. F) Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo 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 and LOT 2 –14,000 sf. G) 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. H) 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. I) 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. J) 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. K) Add a note that all easements shall remain in effect until vacated through the proper Vacation process. L) 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.);*

- 5) Placement of a note on the Final Plat stating Traffic Engineering comments: (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.*);
- 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.

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**6. 975 Schillinger Road South**

**(Northeast corner of Schillinger Road South and Hitt Road).**

**Council District 6**

**SUB-002064-2022**

**Brewer Center Subdivision, Resubdivision of Lot 3**

**Number of Lots / Acres: 3 Lots / 12.8± Acres**

**Engineer / Surveyor: Duplantis Design Group, PC**

The applicant was present and in agreement with the proposed recommendation and conditions.

No one else was present regarding the application.

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

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

- 1) Revision of the plat to depict the existing minimum right-of-way width for each abutting street;
- 2) Revision of the plat to provide the sizes of each lot in square feet and acres, or provision of a table on the Final Plat with the same information;
- 3) Revision of the plat to correctly identify the size of Lot 3A;
- 4) Revision of the plat to illustrate the 25-foot minimum building setback along Schillinger Road South and Hitt Road, as required by Section V.D.9. of the Subdivision Regulations;
- 5) Placement of a note on the Final Plat stating no structures shall be constructed in any easement without permission of the easement holder;
- 6) Placement of a note on the Final Plat stating development of the site is subject to Planned Unit Development (PUD) approval, and any changes to the PUD site plan may require additional PUD approval;
- 7) 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) Revise the Vicinity Map to be closer in to the proposed subdivision location and provide legible street names. D) Provide a written legal description for the subdivision boundary. Include the existing recording data. 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.*);
- 8) Placement of a note on the Final Plat stating Traffic Engineering comments: (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to*



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- 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.);*
- 9) 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.);*
  - 10) 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.);*
  - 11) Provision of two (2) copies of a revised PUD site plan to the Planning and Zoning Department reflecting the amended subdivision plat, prior to signing of the Final Plat; and,
  - 12) Full compliance with all other Codes and Ordinances.

### GROUP APPLICATIONS:

#### 7. Southeast corner of Cottage Hill Road and Sollie Road Council District 6

- a. **SUB-002036-2022 (Subdivision)**  
**Davis Pilot Family Subdivision**  
**Number of Lots / Acres: 2 Lots / 13.0± Acres**  
**Engineer / Surveyor: Kimley-Horn and Associates, Inc.**

Scott Gerard, a regional project manager for Wawa, Incorporated, gave a brief overview of the company and its expansion.

Jeff Britton with Kimley Horne and Associates, engineers for the project, discussed the following issues in response to the staff report:

- he proposed modifications to the submitted sign package so that certain signs including two monument signs could be retained; and
- he noted that there were slope and elevation issues that would make provision of a sidewalk very difficult.

Commissioners, Mr. Britton and legal counsel discussed the issues noted by Mr. Britton. Engineering staff stated that sidewalk issues could be addressed in coordination with staff.

Gina Vann was present in opposition to the applications and made the following points:

- the area is very congested with traffic;

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- there are over twenty subdivisions and businesses that already access this portion of Cottage Hill Road;
- there are many vehicular accidents in the area;
- the area is already a traffic nightmare;
- expressed concern about the notification process; and
- requested a holdover so that traffic and accident information could be reviewed, or that the applications be denied.

No one else was present regarding the applications.

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

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

- 1) either depiction of an existing compliant right-of-way along Cottage Hill Road, or dedication to provide 50-feet to the centerline;
- 2) either depiction of an existing compliant right-of-way along Sollie Road, or dedication to provide 50-feet to the centerline;
- 3) provision of the lot sizes in square feet and acres, adjusted for dedication;
- 4) 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 a SUBDIVISION NAME. B. 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. C. Provide reference, on the map and the description, to a monumented corner. D. Provide and label the monument set or found at each subdivision corner. E. Provide a Vicinity map and add street names. F. Provide a written legal description and matching bearing and distance labels for the proposed subdivision. G. Show and label all flood zones. New maps went into effect on June 5, 2020. H. Show and label the BFE (Base Flood Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. I. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. J. Provide the Surveyor's Certificate. K. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo TRACT 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: TRACT 1 – 2,500 sf and TRACT 2 - NONE. L. 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. M. Add a note that the approval of all applicable federal, state, and local agencies (including all storm water*

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- runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. N. 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. O. 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. P. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. Q. 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.);*
- 5) placement of a note on the Final Plat stating 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.);*
  - 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: *(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.

**b. PUD-002040-2022 (Planned Unit Development)**

**Davis Pilot Family Subdivision**

**Planned Unit Development approval to allow a unique sign package and shared access between two building sites.**

See the discussion under the Subdivision application.

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

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

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- a. 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 allows for new commercial developments to have shared access, therefore limiting curb cuts to streets;
- b. 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 will allow increased connectivity between commercial sites;
- c. the proposal promotes the objective of Public services (*to encourage optimum use of available public utilities, streets and community facilities*), because all infrastructure is in place to serve the site.

The Approval is subject to the following conditions:

- 1) Removal of signs C, D, E and F, and provision for multi-tenant signage on the Sollie Road freestanding sign, as offered by the applicant and discussed at the meeting (*future signage as adjacent property in the PUD is developed will require a new application to the Planning Commission to amend the PUD sign package*);
- 2) either depiction of an existing compliant right-of-way along Cottage Hill Road, or dedication to provide 50-feet to the centerline;
- 3) either depiction of an existing compliant right-of-way along Sollie Road, or dedication to provide 50-feet to the centerline;
- 4) provision of the lot sizes in square feet and acres, adjusted for dedication;
- 5) maintenance of a compliant residential buffer along the South property line;
- 6) provision of a compliant photometric site plan at the time of permitting;
- 7) full 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*

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- 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.);*
- 8) placement of a note on the Final Plat stating 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.*);
- 9) 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.*);
- 10) 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
- 11) full compliance with all municipal codes and ordinances.

**c. ZON-002035-2022 (Rezoning)**

**WaWa, Inc.**

**Rezoning from B-2, Neighborhood Business District and B-1, Buffer Business District, to B-2, Neighborhood Business District.**

See the discussion under the Subdivision application.

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

After discussion, the Planning Commission determined that the following condition prevailed to support the rezoning request:

- a. 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:

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

**d. SUB-SW-002037-2022 (Sidewalk Waiver)**

**WaWa, Inc.**

**Request to waive construction of a sidewalk along Sollie Road and Cottage Hill Road.**

See the discussion under the Subdivision application.

Motion to deny by Matt Anderson. Second by Nick Amberger. Denied.

After discussion, the Planning Commission denied the request to waive the sidewalk.

**8. 16, 18, 20, and 22 South Florida Street**

**(West side of South Florida Street, 325'± South of Dauphin Street).**

**Council District 1**

**a. SUB-002061-2022 (Subdivision)**

**Florida Street Flats Subdivision**

**Number of Lots / Acres: 5 Lots / 0.7± Acres**

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

Planning staff advised the Commission that a revised subdivision plat and site plan were received the day before the meeting, after discussing the project with the applicant. The revisions reduced the number of proposed lots from five (5) to four (4), and no longer included the development of a new building on the rear portion of the site.

Jerry Byrd of Byrd Surveying was present regarding the applications. He made the following points:

- now only proposing four (4) lots;
- no longer proposing the construction of a new building; and
- requests that the proposed right-of-way dedication not be required, as the road was recently redone and there is limited room along the corridor for any future widening.

City Engineering staff stated that a future drainage project is planned on Florida Street in the vicinity of the property due to ongoing drainage problems, thus there is a need for the additional right-of-way.

City Engineering staff and the applicant discussed the proposed drainage project, and if an easement instead of dedication would be sufficient. It was also noted that the project might also require reconstruction of the sanitary sewer located on the applicant's property.

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It was also noted by City Engineering staff that additional time was needed to review the revised plat, as it was only received the day before the meeting.

The applicant stated that he would like the rezoning application to move forward, but that the subdivision and PUD applications could be heldover.

One person was present to speak regarding the application, but only asked about the future plans for the property.

Motion to holdover by Nick Amberger. Second by Jennifer Denson. Heldover until July 21<sup>st</sup> meeting.

After discussion, the Planning Commission heldover the request to allow for staff review of the revised preliminary plat.

**b. PUD-002063-2022 (Planned Unit Development)**

**Florida Street Flats Subdivision**

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

See the discussion under the Subdivision application.

Motion to holdover by Nick Amberger. Second by Jennifer Denson. Heldover until July 21<sup>st</sup> meeting.

After discussion, the Planning Commission heldover the request to allow for staff review of the revised site plan.

**c. ZON-002062-2022 (Rezoning)**

**Florida Street Flats**

**Rezoning from R-1, Single-Family Residential District and B-1, Buffer Business District, to R-3, Multi-Family Residential District.**

See the discussion under the Subdivision application.

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

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

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

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

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

**OTHER BUSINESS:**

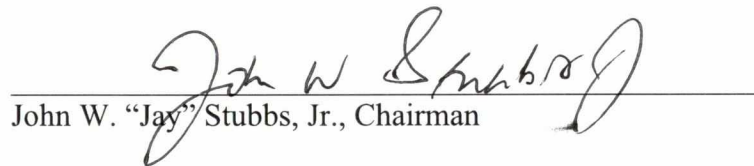
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**Minutes approved:** February 20, 2025



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Jennifer Denson, Secretary



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