

# MOBILE CITY PLANNING COMMISSION

## MINUTES

**SEPTEMBER 1, 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 Shirley Sessions Taylor Atchison Matt Anderson, (MD) Nick Amberger (AO) Scott Jones (CC) Susan Carley (S) Kirk Mattei (S)	Carlos Gant
<b>Planning Staff Present</b>	<b>Others Present</b>
Margaret Pappas, Planning & Zoning Marie York, Planning & Zoning Victoria L. Burch, Planning & Zoning Tracy Screws, 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 to adopt by Scott Jones. Second by Matt Anderson. Adopted.

**HOLDOVERS:**

- **Public Hearing**

**Hearing to amend Section 64-3.I. - Downtown development district of the current Zoning Ordinance, and Appendix A - Downtown Development District of Chapter 64, Unified Development Code, adopted by the City Council on July 12, 2022.**

The purpose of the amendment is to create a new Special District for the Civic Center site, establish development criteria and modify the Regulating Plan for the Downtown Development District.

Sandy Stimpson, Mayor, was present to provide comments regarding the proposed amendments. He noted that the City had developed multiple plans over the years for the Civic Center site. He stated that zoning was necessary for the site so that future developers would not think that they had blank slate for development. He stated that the framework plan being presented was needed to move forward with the site. He noted that it was not the administration's intent to force the Corp of Engineers building on the site.

Planning staff advised the Commission that copies of the comments received online or by email regarding the proposed amendment were provided for their review.

The following people were present to comment about the proposed amendments: Stephen Welford, Marie Dyson, Wanda Cochran and Carol Hunter. They made the following points:

- This district should be mixed use;
- Westbound traffic should see something to attract travelers;
- The site should be designed to create synergy to attract sporting events and concerts and be pedestrian friendly;
- The proposed district across from Church Street East should have two spaces per unit on site for parking and be limited to single family residences;
- The finishes and materials of the buildings must be reviewed by the Architectural Review Board to keep with the surroundings of the Church Street East Historic District;
- A plan for additional parking should be submitted so people will not park in front of houses in Church Street East, and the historic oak trees should be taken into consideration;
- The Downtown Development District takes precedence over the other zoning codes and a Master Plan needs to be in place before any rezoning is done on this urban site; and
- The rezoning was being rushed.

Commissioners, staff and legal counsel discussed the community comments, the Master Plan, the proposed zoning districts, and the process if the zoning could be approved without the Master Plan. It was noted that a Master Plan must be approved as part of compliance with the Downtown Development District regulations, but that the plan could be a framework instead of a final concrete plan. There was additional discussion regarding building heights and parking.

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After discussion, the following motions were made:

- i. Motion to approve the Master Plan for the Civic Center site by Nick Amberger. Second by Matt Anderson. Approved.
  - ii. Motion to amend the proposed DDD zoning amendments, with a change to limit development within the SD-CC.5 sub-district to three stories by Kirk Mattei. Second by Matt Anderson. Approved.
  - iii. Motion to amend the proposed DDD zoning amendments, with a change to require parking for development within the SD-CC.5 sub-district to be provided on-site within the SD-CC.5 sub-district by Kirk Mattei. Second by Matt Anderson. Approved.
  - iv. Motion to amend the proposed DDD zoning amendments, with a change to limit curb-cut size for development within the SD-CC.5 sub-district to 10 feet in width by Taylor Atchison. Second by Matt Anderson. Approved.
  - v. Motion to approve the proposed DDD zoning amendments, as amended, by Matt Anderson. Second by Scott Jones. Approved
- 1. 5015, 5017, 5019, 5021, 5029, 5033, 5039, 5043, 5049, 5051, 5055, 5121, & 5133 Cottage Hill Road, 2113 Demetropolis Road, and 2104 Garmons Lane (Southeast corner of Cottage Hill Road and Demetropolis Road, extending to the Northwest corner of North Demetropolis Road and Dinkins Drive). Council District 4**
- a. **SUB-002129-2022 (Subdivision)**  
**Cottage Village Shopping Center Subdivision**  
**Number of Lots / Acres: 7 Lots / 14.0± Acres**  
**Engineer / Surveyor: McCrory & Williams, Inc.**

The applicant was present and agreed with the recommendations.

No one else was present regarding the application.

Motion to approve by Jennifer Denson. Second by Scott Jones. Approved.

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

- 1) Revision of the plat to correctly identify North Demetropolis Road (incorrectly identified on the plat as University Boulevard);
- 2) Revision of the plat to correctly identify Dinkins Drive (incorrectly identified on the plat as Troy Lane);

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- 3) Dedication to provide 50-feet from the centerline of Demetropolis Road, if necessary;
- 4) Dedication to provide 25-feet from the centerline of North Demetropolis Road, if necessary;
- 5) Dedication to provide 25-feet from the centerline of Dinkins Drive and Garmons Lane, if necessary;
- 6) Dedication of the corner radii at North Demetropolis Road and Dinkins Drive per Section V.D.6. of the Subdivision Regulations;
- 7) Retention of the lot size label in square feet and acres on the Final Plat, or provision of a table on the Final Plat with the same information, adjusted for any required dedication;
- 8) Revision of the plat to illustrate the 25-foot minimum building setback line along all street frontages, per Section V.D.9. of the Subdivision Regulations, adjusted for any required dedication;
- 9) Placement of a note stating that no structures are allowed in any easements without the easement holder's permission;
- 10) 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. Correct the street name in the plat and vicinity map from "University Boulevard" to "Demetropolis Road". C. Add a signature block for the Owner and Notary Public. D. As shown on the 1984 aerial photo (FLIGHT 22 - #86) LOTS 1 through 5 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 – 380,000 sf, LOT 2 – 23,000 sf, LOT 3 – 10,000 sf, LOT 4 – 15,000 sf, and LOT 5 – 38,000 sf. E. 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. F. 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. G. 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. H. 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. I. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. J. 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.);*

- 11) Placement of a note on the revised plat stating Traffic Engineering comments: *(A traffic impact study (TIS) has been requested for this site but has not yet been submitted or reviewed. Redevelopment of the site with a C-Store raises concerns about the driveway on Cottage Hill Road nearest to the University Blvd intersection. Traffic Engineering approval of this site is contingent upon the submission and acceptance of the traffic impact study. Owner/Developer is responsible for any improvements that may be necessary to mitigate the increase in traffic within the TIS study limits. Site is limited to driveways as shown on the approved PUD plan 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.);*
- 12) 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.);*
- 13) 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.);*
- 14) Completion of the rezoning process prior to issuance of building permits; and,
- 15) Full compliance with all other municipal codes and ordinances.

**b. PUD-002130-2022 (Planned Unit Development)**

**Cottage Village Shopping Center Subdivision**

**Planned Unit Development approval to amend a previously approved Planned Unit Development to allow multiple lots with shared access and parking.**

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:

- 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 shared access between the lots will result in fewer curb cuts to public street frontages;
- 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 the proposed project will result in redevelopment of an existing commercial site;

The Approval is subject to the following conditions:

- 1) Revision of the site plan to correctly identify North Demetropolis Road (incorrectly identified on the site plan as University Boulevard);
- 2) Revision of the site plan to correctly identify Dinkins Drive (incorrectly identified on the plat as Troy Lane);
- 3) Dedication to provide 50-feet from the centerline of Demetropolis Road, if necessary;
- 4) Dedication to provide 25-feet from the centerline of North Demetropolis Road, if necessary;
- 5) Dedication to provide 25-feet from the centerline of Dinkins Drive and Garmons Lane, if necessary;
- 6) Dedication of the corner radii at North Demetropolis Road and Dinkins Drive per Section V.D.6. of the Subdivision Regulations;
- 7) Retention of the lot size label in square feet and acres on the Final Plat, or provision of a table on the Final Plat with the same information, adjusted for any required dedication;
- 8) Revision of the site plan to illustrate the 25-foot minimum building setback line along all street frontages, per Section V.D.9. of the Subdivision Regulations, adjusted for any required dedication;
- 9) Placement of a note stating that no structures are allowed in any easements without the easement holder's permission;
- 10) Provision of a compliant photometric site plan at the time of permitting;
- 11) Revision of the site plan to depict all existing dumpsters on site;
- 12) Revision of the site plan to either depict a dumpster with a compliant enclosure and sanitary sewer connection, or a note should be placed on the site plan stating that curb side pickup will be utilized;
- 13) Full compliance with Engineering comments: *(1. Due to the proposed subdivision, the existing City Addresses may need to be assigned a different 911 address. Please contact the Engineering Department (Anthony Morris 208-6216, or Steve Smith 208-7135) to discuss the options. 2. ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: a. 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). b. 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. c. 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. d. 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 Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy. e. 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. f. The proposed development must comply with all Engineering Department design requirements and Policy Letters.);*
- 14) Placement of a note on the revised site plan stating Traffic Engineering comments: *(A traffic impact study (TIS) has been requested for this site but has not yet been submitted or reviewed. Redevelopment of the site with a C-Store raises concerns about the driveway on Cottage Hill Road nearest to the University Blvd intersection. Traffic Engineering approval of this site is contingent upon the submission and acceptance of the traffic impact study. Owner/Developer is responsible for any improvements that may be necessary to mitigate the increase in traffic within the TIS study limits. Site is limited to driveways as shown on the approved PUD plan 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.);*
  - 15) 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.);*
  - 16) 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*
  - 17) Full compliance with all municipal codes and ordinances.

**c. ZON-002133-2022 (Rezoning)**

**White-Spinner Realty**

**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 Subdivision application.

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

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

- a. changing conditions in a particular area make a change in the Ordinance necessary and desirable; and
- b. 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) completion of the Subdivision process;
- 2) compliance with Engineering comments: *(a) 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). b) 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. c) 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. d) 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 Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy. e) 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. f) The proposed development must comply with all Engineering Department design requirements and Policy Letters.); and,*
- 3) full compliance with all municipal codes and ordinances.



**NEW SIDEWALK WAIVER APPLICATIONS:**

- 2. 4291 Halls Mill Road  
(Northeast corner of Halls Mill Road and Riviere du Chien Road).  
Council District 4  
SUB-SW-002153-2022  
Dalton Holdings, LLC  
Request to waive construction of a sidewalk along Riviere du Chien Road and Mackinnon Industrial Parkway.**

The applicant was present and agreed with the recommendations.

No one else was present regarding the application.

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

After discussion, the Planning Commission approved the waiver of a sidewalk along Riviere Du Chien Road and Mackinnon Industrial Parkway.

**GROUP APPLICATIONS:**

- 3. 3725 Airport Boulevard and 817 Downtowner Boulevard  
(Southwest corner of Airport Boulevard and Montlimar Drive, extending West to Downtowner Boulevard).  
Council District 5**
  - a. PA-002155-2022 (Planning Approval)  
Accel Academy  
Planning Approval to amend a previously approved Planning Approval allow an expansion of an existing charter secondary school in a B-3, Community Business District.**

The applicant was present and agreed with the recommendations.

No one else was present regarding the application.

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

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

- existing facility with more than adequate capacity and access will be utilized for the school;
- b. The proposal will not cause undue traffic congestion or create a traffic hazard, because the overall site has multiple points to access to three abutting streets; and
  - c. The proposal will be in harmony with the orderly and appropriate development of the district in which the use is located, because the expanded operation of the school is minimal and is not anticipated to impact the existing uses within the shopping center.

The Approval is subject to the following conditions:

- 1) Provision of a revised PUD site plan showing the overall development, as amended by the inclusion of the adjacent lot;
- 2) Revision of the site plan to either provide pedestrian access between the two sites, or depict existing pedestrian access between the two sites;
- 3) Placement of a note on the revised site plan stating the gymnasium site will comply with the tree planting and landscape area requirements of Section 64-4.E. of the Zoning Ordinance;
- 4) Any proposed change to the scope of operations that will result in an increase in the number of students or an expansion of the hours of operation are subject to appropriate review for compliance with the requirements of the Zoning Ordinance;
- 5) Compliance with Engineering comments: *(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 (251-208-6070) 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.);*
- 6) Compliance with Traffic Engineering comments *(Previous Planning Approval Traffic Engineering condition stated that if the site were to develop outside the footprint of the building that an impact study would be required. Since this proposed addition is accessory in nature to the overall use of the site, an impact study is not required at this time. If in the future enrollment capacity is increased or if any access changes are proposed, a traffic impact study will be required for this site. 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.);*
- 7) 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*

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- 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.);*
- 8) Compliance with Fire 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) Submittal of two (2) copies (.pdf and hard copy) of the revised site plan prior to issuance of permits; and,
  - 10) Full compliance with all other municipal codes and ordinances.

**b. PUD-002156-2022 (Planned Unit Development)**

**Accel Academy**

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

See the discussion under the Planning Approval application.

Motion to approve by Matt Anderson. Second by Jennifer Denson. 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) by facilitating cross access between multiple sites, thus encouraging site development that is diverse from traditional site development, which is limited to one building per building site, and because greater flexibility is required due to the scope and scale of the site;
- 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) by permitting cross access between building sites, thus accommodating existing conditions of the site; and,
- 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) by facilitating minor changes to a site whose impact on the use of the land may be considered less demanding of resources than denser commercial developments within the neighborhood;

The Approval is subject to the following conditions:

- 1) Provision of a revised PUD site plan showing the overall development, as amended by the inclusion of the adjacent lot;

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- 2) Revision of the site plan to either provide pedestrian access between the two sites, or depict existing pedestrian access between the two sites;
- 3) Placement of a note on the revised site plan stating the gymnasium site will comply with the tree planting and landscape area requirements of Section 64-4.E. of the Zoning Ordinance;
- 4) Compliance with Engineering comments: *(1) Provide a PUD Site Plan for review and approval; or, rename the applicable drawing that was submitted to PUD SITE PLAN. 2) ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: a) 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 (251-208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). b) 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. c) 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. d) 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 Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy. e) 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. f) The proposed development must comply with all Engineering Department design requirements and Policy Letters.);*
- 5) Compliance with Traffic Engineering comments *(Previous Planning Approval Traffic Engineering condition stated that if the site were to develop outside the footprint of the building that an impact study would be required. Since this proposed additional is accessory in nature to the overall use of the site, an impact study is not required at this time. If in the future enrollment capacity is increased or if any access changes are proposed, a traffic impact study will be required for this site. 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 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.*);
- 8) Submittal of two (2) copies (.pdf and hard copy) of the revised site plan prior to issuance of permits; and,
- 9) Full compliance with all other municipal codes and ordinances.

**4. 3516 and 3526 Halls Mill Road**

**(North side of Halls Mill Road, 735'± West of the South terminus of West I-65 Service Road South).**

**Council District 4**

**a. SUB-002146-2022 (Subdivision)**

**Creax Subdivision**

**Number of Lots / Acres: 1 Lot / 1.4± Acres**

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

The applicant was present and agreed with the recommendations.

Russell Lomax, Mobile Area Water and Sewer Service, (MAWSS), was present and discussed a MAWSS easement on the proposed lot that also serves an abutting property. He stated that they were working with the surveyor regarding the easement.

Planning staff advised the Commission that the easement will need to be on the final plat with the appropriate notes.

No one else was present regarding the application.

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

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

- 1) Dedication to provide 35-feet from the centerline of Halls Mill Road;
- 2) Provision of the lot size in square feet and acres, adjusted for any dedication;
- 3) Retention of the 25-foot front setback, adjusted for dedication;
- 4) Depiction of all easements, and placement of a note on the Final Plat stating that no structure may be placed or constructed within any easement without the permission of the easement holder;

- 5) 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 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. Check and revise the leader arrows showing the existing lot lines. Lot 4 & 5 seem to overlap. D. Clarify the use (or non-use) of the existing *POLYSURVEYING* capped rod that is shown located along the southwest property line near the south property corner. Add the necessary bearing(s) and distance(s) on the map and revise the written boundary description. E. Clarify the use (or non-use) of the existing *PATRICK* capped rod that is shown as located near the southeast property corner and along the northeast property line. Add the necessary bearing(s) and distance(s) on the map and revise the written boundary description. F. Add a note to the *SUBDIVISION PLAT* stating that as shown on the 1984 aerial photo (*FLIGHT 24 - #83*) *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). The lots will be allowed to add the following amount of impervious area before storm water detention is required: *LOT 1 – 5,600 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.);
- 6) Placement of a note on the Final Plat stating Traffic Engineering comments: (*Site is limited to one driveway Halls Mill Rd 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.*);
- 7) 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.);*
- 8) 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
  - 9) Full compliance with all municipal codes and ordinances.

**b. PUD-002144-2022 (Planned Unit Development)**

**Creax Subdivision**

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

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:

- a. the proposal promotes the objective of Creative design *(to encourage innovative and diversified design in building form and site development)*, because it will reduce the degree on non-conformity of the property;
- 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 an existing non-conforming site will be reutilized;
- 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 the proposed project will result in infill development;
- d. the proposal promotes the objective of Public services *(to encourage optimum use of available public utilities, streets and community facilities)*, because services already exist in the area.

The Approval is subject to the following conditions:

- 1) Dedication to provide 35-feet from the centerline of Halls Mill Road;
- 2) Provision of the lot size in square feet and acres, adjusted for any dedication;
- 3) Retention of the 25-foot front setback, adjusted for dedication;
- 4) Depiction of all easements, and placement of a note on the site plan stating that no structure may be placed or constructed within any easement without the permission of the easement holder;

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- 5) Revision of the site plan to either depict a dumpster with a compliant enclosure and sanitary sewer connection, or a note should be placed on the site plan stating that curb side pickup will be utilized;
- 6) Revision of the site plan to depict compliant parking is available on site;
- 7) Full compliance with Engineering comments: *(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 (251-208-6070) 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 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 site plan stating Traffic Engineering comments: *(Site is limited to one driveway Halls Mill Rd 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.);*
- 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-002145-2022 (Rezoning)**

**Creax Properties, LLC**

**Rezoning from R-1, Single-Family Residential District to I-1, Light Industrial 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. changing conditions in a particular area make a change in the Ordinance 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) completion of the Subdivision process; and
- 2) full compliance with all municipal codes and ordinances.

**5. 1705 Dauphin Island Parkway**

**(East side of Dauphin Island Parkway, at the West terminus of Douglas Lane).**

**Council District 3**

**a. SUB-002161-2022 (Subdivision)**

**Fulton Tract Subdivision**

**Number of Lots / Acres: 1 Lot / 4.2± Acres**

**Engineer / Surveyor: Duplantis Design Group**

Evan Geerts of the Duplantis Design Group was present to represent the application. He stated that there was an existing MAWSS easement on the property, but there was also a second MAWSS line on the property that would need an easement and would impact their ability to comply with tree and landscape requirements, thus he requested flexibility regarding compliance.

No one else was present regarding the application.

Planning staff stated that all easements must be depicted and include the appropriate notes. It was also stated that tree planting compliance needed to be coordinated with Urban Forestry.

Commissioners discussed the easement issues with Planning staff.

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) Revision of the plat to illustrate the existing right-of-way along Dauphin Island Parkway;
- 2) Revision of the plat to provide the lot size in square feet and acres on the Final Plat, or provision of a table on the Final Plat with the same information;
- 3) Revision of the plat to illustrate the 25-foot minimum building setback line along the property line abutting the street;
- 4) Depiction of all easements, and placement of a note on the Final Plat stating that no structure may be placed or constructed within any easement without the permission of the easement holder;
- 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 reference, on the map and the description, to a monumented corner. C. Provide and label the monument set or found at each subdivision corner. Each corner should be found or set. If a corner cannot be set then "witness" or "reference" monuments should be set. D. Provide a Vicinity Map that is zoomed in closer to the site. E. Add legible street names to the vicinity map. F. Delete reference to "PARCEL B" and "PARCEL C". This subdivision request is only for the single LOT (shown as PARCEL A). The adjoining, existing parcels should be listed with the current owner and recording information unless they are part of a recorded subdivision. G. Provide a revised written legal description that includes the reference to a monumented corner. H. Revise the plat to label the proposed LOT (Parcel A) to either LOT 1 or LOT A. I. National Wetlands Inventory (NWI) mapping, as shown on City of Mobile GIS information, indicates that there is potential for wetlands within the property or properties shown on this plat. Show and label the delineated wetlands, or provide a note stating that the wetlands shown on this plat are scaled from the NWI data and have not been delineated. J. 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. K. Show and label the X(S) flood zone. L. Show and label the proposed BFE (Base Flood Elevation) for the proposed LOT. The BFE per the FEMA map is 11'. M. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF*

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- 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.);*
- 6) Placement of a note on the revised plat stating Traffic Engineering comments: *(Dauphin Island Parkway (State Highway 163) is an ALDOT maintained roadway. Site is limited to its existing driveway with any changes in size, location, and design to be approved by ALDOT (Dauphin Island Pkwy) and 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.);*
  - 7) 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.);*
  - 8) 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,
  - 9) Full compliance with all other municipal codes and ordinances.

**b. SUB-SW-002160-2022 (Sidewalk Waiver)**

**Blue Pines Hideaway Holdings, LLC**

**Request to waive construction of a sidewalk along Dauphin Island Parkway.**

See the discussion under the Subdivision application.

Motion to deny by Jennifer Denson. Second by Scott Jones. Denied.

After discussion, the Planning Commission denied the sidewalk waiver request.

**c. PA-002159-2022 (Planning Approval)**

**Blue Pines Hideaway Holdings, LLC**

**Planning Approval to allow a transit vehicle storage facility in a B-3, Community 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 the following Findings of Fact for 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 sufficient services exist in the area currently;
- b. the proposal will not cause undue traffic congestion or create a traffic hazard, because the site is located on a major street, with existing commercial development surrounding it; and
- c. the proposal will be in harmony with the orderly and appropriate development of the district in which the use is located, because the site was previously developed with a hotel, and the surrounding properties are commercially developed.

The Approval is subject to the following conditions:

- 1) Revision of the site plan to illustrate the existing right-of-way along Dauphin Island Parkway;
- 2) Revision of the site plan to provide the lot size in square feet and acres, or provision of a table on the site plan with the same information;
- 3) Revision of the site plan to illustrate the 25-foot minimum building setback line along the property line abutting the street;
- 4) Depiction of all easements, and placement of a note on the site plan stating that no structure may be placed or constructed within any easement without the permission of the easement holder;
- 5) Revision of the site plan to include the height of the proposed chain link fence (not to exceed 8-feet high);
- 6) Revision of the site plan to either place a note stating that the gate will be electrically operated, that the gate will be open during hours of operations, or will need to be relocated to be a minimum of 60-feet from the property line;
- 7) Coordination with Urban Forestry and Planning staff regarding compliance with tree planting and landscape area requirements;
- 8) Revision of the site plan to depict either bumper stops or curbing to prevent vehicles from utilizing the “existing crushed concrete and shell building foundation” as parking or maneuvering space or paving said area with compliant materials;
- 9) Revision of the site plan to depict a sidewalk along Dauphin Island Parkway;
- 10) Revision of the site plan to either depict a dumpster with compliant sanitary sewer connection and enclosure, or provide a note stating that curbside pickup will be utilized;
- 11) Compliance with Engineering comments: *(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 ((251) 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) 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. 3) 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 Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy. 4) 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) The proposed development must comply with all Engineering Department design requirements and Policy Letters.);*
- 12) Placement of a note on the revised plat stating Traffic Engineering comments: *(Dauphin Island Parkway (State Highway 163) is an ALDOT maintained roadway. Site is limited to its existing driveway with any changes in size, location, and design to be approved by ALDOT (Dauphin Island Pkwy) and 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.);*
  - 13) 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.);*
  - 14) 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.);*
  - 15) Completion of the subdivision process prior to the approval of any land disturbing or building activities;
  - 16) Provision of two (2) revised Planning Approval site plans (.pdf and hard copy) to the Planning & Zoning Department prior to signing of the Final Plat; and,
  - 17) Compliance with all other municipal codes and ordinances.

**6. 6712 Old Dobbin Drive North**

**(East terminus of Blue Ridge Boulevard, extending to the West terminus of Old Dobbin Drive North, the West terminus of Harness Way, the North terminus of Creekline Drive, and the North terminus of Valleydale Drive).**

**Council District 6**

**a. SUB-002158-2022 (Subdivision)**

**Preserve at Milkhouse Creek Subdivision,**

**Number of Lots / Acres: 122 Lots / 83.9± Acres**

**Engineer / Surveyor: Jade Consulting, LLC**

The applicant was present and in agreement with the recommendations.

Planning staff advised the Commission that comments were received online or by email, and that copies of the comments were provided to the Commissioners.

The following people spoke in opposition to the applications: Trey Brooks, Richard Widows and James Shore. They made the following points:

- concerned about the storm water issues due to the proximity of Milkhouse Creek, as the proposed development will likely only make things worse;
- Milkhouse Creek used to only flood a few times a year, but now that the creek was cleaned out, it is flooding multiple times a year; and
- concerned about the traffic situation and impacts that the development will create in the Carriage Hills and Ashville subdivisions due to the proposed connections;

Trey Jinright, a civil engineer with Jade Consulting and representing the application, responded to the speakers and made the following points:

- the project was originally approved by the Planning Commission in June 2020;
- once it reached City Council, they tabled the project to allow for almost two years of conversations with the neighborhoods about traffic and other issues;
- they also met with the new councilmember who was elected during this time;
- there have been subsequent traffic studies since the previous Planning Commission approval, which have been reviewed with the City's Traffic Engineering staff;
- the proposed subdivision plan is the best solution to the concerns and site challenges;
- the rezoning proposal will result in the entire property being designated R-1, Single Family Residential – a downzoning of much of the property;
- drainage design will comply with City requirements;
- wetlands along Milkhouse Creek have been delineated;

Commissioners and the applicant discussed the design of the subdivision. It was noted that the lot layout avoided the flood plain and wetland areas, leaving a large portion of the property as a common area. It was also noted that some of the drainage improvements proposed with the development would include the replacement of existing drainage infrastructure that has failed.

Motion to approve by Scott Jones. Second by Matt Anderson. Approved.

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

- 1) retention of the right-of-way width label for all streets on the Final Plat;
- 2) retention of the 25' minimum building setback line along all street frontages on the Final Plat;

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- 3) retention of each lot with its size in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
- 4) revision of Note #10 concerning structures in easements to state on the Final Plat that no structures shall be constructed or placed within any easement without permission of the easement holder;
- 5) revision of Note #14 concerning the maintenance of detention facilities, common areas and wetlands to state on the Final Plat that the maintenance of all Common Areas is the responsibility of the property owner(s);
- 6) compliance with the Engineering comments: *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. On Sheet 1 of 3 - correct the LOT numbers shown in the DRAWING INDEX. C. On Sheet 1 of 3 - show and label the existing ROW for Blue Ridge Blvd., Old Dobbin Dr. N., Old Dobbin Dr. W., and Harness Way. D. Sheet 2 of 3 - show and label the existing ROW for Blue Ridge Blvd. Old Dobbin Dr. N., and Wagon Tongue Dr. E. Sheet 2 of 3 – Provide the exact measurement “observed” on the property lines that begin/end in Milhouse Creek. The monumentation indicates that an exact measurement should be available. F. Sheet 2 of 3 – Label each and every Common Area. G. Sheet 3 of 3 – show and label the existing ROW for Old Dobbin Dr. W., and Harness Way. H. Sheet 3 of 3 – Show and label the BFE (Base Flood Elevation) on each lot (LOT 41, 42, & 43) that contains an AE, V, or X (shaded) flood zone designation. BFE for that portion is elevation 51’. I. Sheet 2 & 3 - Check and revise the distances shown on the Plat and in the legal description. Four (4) legs do not show the bearing, and one (1) does not show the distance. J. Sheet 2 & 3 - Check the monumentation and written bearing and distance for the part that includes the western property line along Milkhouse Creek. The distances shown and written should be exact distances since the distance is between sets of capped rods. K. Label the different Common Areas on each of the three (3) sheets. L. Revise the plat to label the size (acres and square feet) of each Common Area. Place it underneath the Common Area label. M. 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. N. All subdivision corners (exterior and interior) are required to be set prior to the City Engineer signing the PLAT. O. 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.;*
- 7) placement of a note on the Final Plat stating the Traffic Engineering comments: *(A traffic impact study has been previously conducted for this site and no off-site improvements are warranted based on the findings in the study. Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 8) compliance with the Urban Forestry comments: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the*

- Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.);*
- 9) 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,
  - 10) completion of the Rezoning process prior the approval of the Final Plat.

**b. ZON-002157-2022 (Rezoning)**

**Benchmark Homes Group, LLC**

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

See the discussion under the Subdivision application.

Motion to approve by Matt Anderson. Second by Scott Jones. Approved.

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

- a) changing conditions in a particular area make a change in the Ordinance necessary and desirable; and,
- b) 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 the Engineering Comments *(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 (251-208-6070) 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*



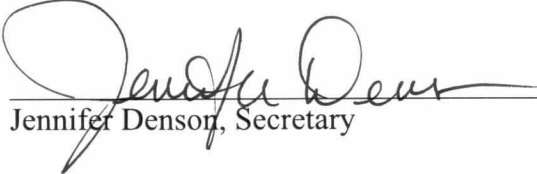
*Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 4. Each Lot Owner shall be required to submit a Single-Family Residential Affidavit application with the initial construction of a single-family dwelling or other impervious surface (driveway, shed, slab, asphalt, gravel, etc.). The application shall include a site plan showing the proposed improvements and a verification that the amount of impervious area is less than or equal to the approved amount of impervious area. 5. A 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state. 6. 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 Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy. 7. 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. 8. The proposed development must comply with all Engineering Department design requirements and Policy Letters.); and,*

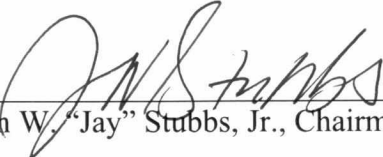
- 2) full compliance with all municipal codes and ordinances.

**OTHER BUSINESS:**

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**Minutes approved:** March 20, 2025

  
\_\_\_\_\_  
Jennifer Denson, Secretary

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