

# MOBILE CITY PLANNING COMMISSION

## MINUTES

SEPTEMBER 15, 2022 - 2:00 P.M.

AUDITORIUM, GOVERNMENT PLAZA

Roll Call:

<b>Members Present</b>	<b>Members Absent</b>
John W. "Jay" Stubbs, Jr. Chairman Jennifer Denson, Secretary Shirley Sessions Matt Anderson, (MD) Nick Amberger (AO) Scott Jones (CC) Kirk Mattei (S)	Allan Cameron, Vice Chairman Carlos Gant Taylor Atchison Susan Carley (S)
<b>Planning Staff Present</b>	<b>Others Present</b>
Margaret Pappas, Planning & Zoning Marie York, Planning & Zoning Victoria L. Burch, Planning & Zoning	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 Jennifer Denson. Second by Matt Anderson. Adopted.

### NEW SUBDIVISION APPLICATIONS:

- 1. 269 North Dearborn Street**  
(Southwest corner of North Dearborn Street and Congress Street).  
Council District 2  
SUB-002163-2022  
Miller Duplex Subdivision  
Number of Lots / Acres: 1 Lot / 0.09± Acre

**PLANNING COMMISSION - MINUTES**

**SEPTEMBER 15, 2022**

**PAGE 2**

**Engineer / Surveyor: PCDA Architecture**

Paul Davis of PCDA Architecture was present regarding the application and requested that two items be changed on the conditions. He asked that the right-of-way dedication requirement be removed, and that the driveway width be changed from twenty-five (25) to ten (10) feet.

Planning staff noted that the driveway width change to 10 feet would be in accordance with the regulations. The right-of-way issue may be resolved when a final plat is prepared that depicts existing widths of the abutting rights-of-way, as such was not provided with the application.

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, with a waiver of Sections V.D.2. and V.D.9. of the Subdivision Regulations subject to the following conditions:

- 1) submittal of a plat in compliance with Section IV of the Subdivision Regulations of the City of Mobile;
- 2) placement of a note on the Final Plat stating that a twelve-foot (12') maximum building setback is required on the primary street frontage;
- 3) revision of the plat to label the 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) placement of a note on the Final Plat stating that there is 75% maximum site coverage within a T4 Sub-district;
- 5) placement of a note on the Final Plat stating that any future development of the site will require Consolidated Review Committee (CRC) approval;
- 6) placement of a note on the Final Plat stating that the driveway width is limited to 10 feet within the front setback;
- 7) placement of a note on the Final Plat stating that each lot is limited to one curb cut per street frontage;
- 8) placement of a note on the Final Plat stating the Traffic Engineering comments: *(Site is limited to one driveway per street frontage with size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, should meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 9) compliance with the Urban Forestry comments: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.);*

**PLANNING COMMISSION - MINUTES**

**SEPTEMBER 15, 2022**

**PAGE 3**

10) compliance with the Fire Department comments: *(All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings).*

**2. 907 Church Street**

**(South side of Church Street, 110'± West of South Broad Street).**

**Council District 2**

**SUB-002168-2022**

**907 Church Street Subdivision**

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

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

The applicant was present and in agreement with the recommendations.

No one else was present regarding the application.

Motion to approve by Matt Anderson. Second by Shirley Sessions. Approved.

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

- 1) Retention of the right-of-way width of Church Street on the Final Plat;
- 2) Removal of the 25-foot minimum building setback line along Church Street and placement of a note on the Final Plat stating all setbacks shall be determined by the Historic Overlay requirements of the Zoning Ordinance;
- 3) Compliance with the Engineering comments: *(FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Add a vicinity map and include street names. C. Show and label the BFE (Base Flood Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. BFE = 12'. D. 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. E. 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. F. 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. G. 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. H. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. I. 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);*

- 4) 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.);*
- 5) Compliance with the Urban Forestry comments: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.); and*
- 6) Compliance with the Fire-Rescue Department comments: *(All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.).*

**NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:**

**3. 701 Somerby Drive**

**(North and East side of Somerby Drive, 365'± East of Cody Road South).**

**Council District 6**

**PUD-002183-2022**

**Berwick Park Subdivision (formerly known as The Arbors at Somerby Park Subdivision) Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow reduced front, rear and side yard setbacks, to include A/C units taller than 3' within 18" of a side property line, and increased site coverage in a proposed subdivision.**

Ruffin Graham was present to represent the application. He asked if any of the recommendations in this request were different from the previous approvals he had received for the development, other than those dealing with the mailbox kiosk. He said the only change was the provision of the mailbox kiosk.

It was noted by Planning and Engineering staff that the drawings provided by the applicant were what staff reviewed, and that the drawings appear to represent an older version of the proposed mailbox kiosk with parking. Engineering staff stated that it was reviewing a newer

**PLANNING COMMISSION - MINUTES**

**SEPTEMBER 15, 2022**

**PAGE 5**

version for permits, which showed the proposed parking no longer partially in the right-of-way.

No one else was present regarding the 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 is reconfiguring a previous lot to allow a unique development;
- b. the proposal promotes the objective of Flexibility (to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations), because it is creating greater variety of housing types within the area;
- 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 site is adjacent to an improved public street and is served by utilities;
- d. the proposal promotes the objective of Open space (to encourage the provision of common open space through efficient site design), because the development is still allowing for a large area of common/ open space for the residents in the new community;
- e. the proposal promotes the objective of Public services (to encourage optimum use of available public utilities, streets and community facilities) adjacent to an improved public street and is served by utilities.

The Approval is subject to the following conditions:

- 1) retention of the PUD notes on the site plan;
- 2) streets will not be gated, as they will be public streets;
- 3) no walls or fences greater than 3' in height are to be built in the setback along Somerby Drive, if not depicted on the PUD site plan;
- 4) retention of the lot sizes in both square feet and acres on the site plan;
- 5) retention of the labels indicating the reduced 20' minimum front yard setback and the 7.5' side yard setbacks on the site plan;
- 6) retention of the right-of-way widths of all streets on the site plan;
- 7) retention of the depiction and labeling of the sidewalks, with sidewalks along Somerby Drive and all common areas to be constructed during street construction;
- 8) compliance with the Engineering comments: *(1. Retain NOTES #4 - #10, as shown on the PUD MAP dated August 16, 2022, SHEET 1 of 1. 2. Revise the Kiosk layout to match the layout shown on the Land Disturbance permit drawings that shows the parking spaces located totally within the Common Area. 3. Relabel each and every drainage easement as "PRIVATE");*

**PLANNING COMMISSION - MINUTES**

**SEPTEMBER 15, 2022**

**PAGE 6**

- 9) placement of a note on the site plan stating the Traffic Engineering comments: *(Each lot is limited to one driveway with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. In order to facilitate access for maintenance within the Common Area, Common Area 8 is limited to one driveway with the size, location, and design to be approved by Traffic Engineering.)*;
- 10) 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.)*;
- 11) 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.)*;
- 12) full compliance with all other municipal codes and ordinances; and
- 13) submittal to the Planning and Zoning Department of a revised PUD site plan prior recording of the Final Plat for the Subdivision.

**GROUP APPLICATIONS:**

4. **625, 635, 645, 655, 665, 675 and 685 Dawes Road**  
**(Southeast corner of Dawes Road and Glider Avenue, extending to the Northeast corner of Dawes Road and Old Government Street Road).**  
**Council District 6**

- a. **SUB-002175-2022 (Subdivision)**  
**Dawes Townhomes Subdivision**  
**Number of Lots / Acres: 64 Lots / 8.1± Acres**  
**Engineer / Surveyor: Engineering Design Group, L.L.C.**

David Dichiara of the Engineering Design Group was present to represent the application and agreed to the holdover. He requested that the holdover date be October 6<sup>th</sup> instead of October 20<sup>th</sup>.

Planning staff advised the applicant that revisions must be submitted as soon as possible to be on the October 6<sup>th</sup> agenda.

Planning staff advised the Commission that comments had been received regarding the application.

**PLANNING COMMISSION - MINUTES**

**SEPTEMBER 15, 2022**

**PAGE 7**

Lyle Howell was present to speak against the application. He asked questions about the location of the townhouses and the direction they would face. He wanted to know if he would be facing the front or rear of the proposed townhomes, as the development would be across the street from his home.

No one else was present regarding the application.

Motion to holdover by Matt Anderson. Second by Scott Jones. Heldover to October 6th.

After discussion, the Planning Commission decided to Holdover the application to the October 6<sup>th</sup> meeting, so that the following items can be addressed by September 16<sup>th</sup>:

- 1) Submittal of a preliminary plat compliant with Section IV.A. of the Subdivision Regulations;
- 2) Submittal of revised information as needed for the Planned Unit Development.

**b. PUD-002172-2022 (Planned Unit Development)**

**Dawes Townhomes Subdivision**

**Planned Unit Development approval to allow reduced front, rear and side yard setbacks, reduced lot sizes, and increased site coverage in a residential subdivision.**

See the discussion under the Subdivision application.

Motion to holdover by Matt Anderson. Second by Scott Jones. Heldover to October 6th.

After discussion, the Planning Commission decided to Holdover the application to the October 6<sup>th</sup> meeting, so that the following items can be addressed by September 16<sup>th</sup>:

- 1) Revision of the site plan to reconfigure proposed parking in such a way that the entire spaces are located on the lot and vehicles do not back into the right-of-way;
- 2) Clarification on if the proposed dumpster, mail kiosk, and associated parking are in the proposed right-of-way or common area; and
- 3) Revision of the site plan to comply with Engineering comments: *(1. Label the 50' ROW as "PRIVATE". 2. Label each proposed drainage easement as "PRIVATE". 3. Label each item on the plan and/or add a legend. 4. Delineate each of the Common Areas and the ROW more clearly. The proposed Private ROW line is not legible or labeled. 5. Show and label the proposed Mail Kiosk (if provided). 6. Is a single dumpster adequate for 64 homes? 7. 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. 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. e. 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. f. 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. g. The proposed development must comply with all Engineering Department design requirements and Policy Letters.)*

**c. SUB-SW-002173-2022 (Sidewalk Waiver)**

**Engineering Design Group, LLC**

**Request to waive construction of a sidewalk along Dawes Road, Glider Avenue, and Old Government Street Road.**

See the discussion under the Subdivision application.

Motion to deny by Matt Anderson. Second by Scott Jones. Denied.

After discussion, the Planning Commission denied the sidewalk waiver.

**5. 6960 #C Overlook Road and 1408 Cody Road North**

**(Southeast corner of Overlook Road and Cody Road North, extending to the North side of Victor Road, 625'± East of Cody Road North).**

**Council District 7**

**a. SUB-002179-2022 (Subdivision)**

**OBC Subdivision**

**Number of Lots / Acres: 3 Lots / 23.6± Acres**

**Engineer / Surveyor: Bluewater Design, LLC**



Chairman Stubbs noted that the applications had been recommended for holdover.

Planning staff advised the Commission that revised information had been submitted by the applicant, thus revised recommendations for approval had been prepared and provided to the Commission.

Planning staff also informed the Commission that comments in opposition had been received and were provided to the Chairman.

Chairman Stubbs read comments in opposition to the proposal from Herman and Sonja Figures, Tasha Boyle and Brenda Cotch. The opposition comments noted traffic, property devaluation and security concerns.

The following people were present to speak against the application: Aleshia Johnson Mose and Herman Figures. They expressed concerns regarding:

- safety for children and the elderly due to increased traffic;
- crime issues; and
- impacts to property values.

Commissioners, legal counsel and Planning staff noted that the zoning request was to reduce the zoning from R-3 and B-1 to R-1, Single-Family Residential, which would allow less intense uses versus the current zoning. It would only allow single-family homes, and at this time was only creating three (3) lots from 23 acres.

Commissioners asked the applicant if he would object to holding the applications over to allow a meeting with the City Council representative and the neighbors. The applicant stated that they were opposed to any holdover.

Motion to approve by Nick Amberger. Second by Matt Anderson. Approved.  
Scott Jones abstained.

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

- 1) Dedication to provide 50-feet to the centerline of Cody Road North;
- 2) Dedication to provide 25-feet to the centerline of Victor Road;
- 3) Removing all habitable structures, except for one associated with the existing church development on Lot 1, with necessary permits, prior to the signing of the Final Plat;
- 4) Removing all improvements on Lot 2 associated with the existing church development on Lot 1, with necessary permits, prior to the signing of the Final Plat;
- 5) Provision of the lot sizes in square feet and acres, adjusted for any dedication;
- 6) Depiction of the 25-foot front setback along all frontages, adjusted for dedication;
- 7) Placement of a note on the Final Plat stating that no structures are allowed in any easement without the easement holder's permission;

- 8) 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 and lot corner. C. Clarify the label "23.43 acres". Is it another lot? D. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at [land.disturbance@cityofmobile.org](mailto:land.disturbance@cityofmobile.org) prior to obtaining any signatures. No signatures are required on the drawing.*);
- 9) Placement of a note on the Final Plat stating Traffic Engineering comments: (*An impact study may be required as the development changes or defined uses are presented to the City that may warrant additional review and study. Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. 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.*);
- 10) 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.*);
- 11) 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
- 12) Full compliance with all municipal codes and ordinances.

**b. ZON-002180-2022 (Rezoning)**

**Ellery Development, LLC**

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

See the discussion under the Subdivision application.

Motion to approve by Nick Amberger. Second by Matt Anderson. Approved.  
Scott Jones abstained.

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

- 1) changing conditions in a particular area make a change in the Ordinance necessary and desirable; and
- 2) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

The rezoning should be subject to the following conditions:

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

**6. 975 Schillinger Road South  
(Northeast corner of Schillinger Road South and Hitt Road).  
Council District 6**

**a. SUB-002177-2022 (Subdivision)  
Brewer Center Subdivision, Resubdivision of Lot 3A  
Number of Lots / Acres: 3 Lots / 8.5± Acres  
Engineer / Surveyor: Duplantis Design Group, PC**

Evan Geerts of the Duplantis Design Group was present to represent the application and in agreement with the recommendations.

No one else was present regarding the application.

Motion to approve by Matt Anderson. Second by Shirley Sessions. Approved.

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

- 1) Signing, recording, and submitting the required five (5) copies of the previously approved plat for Brewer Center Subdivision, Resubdivision of Lot 3 (SUB-002064-2022) prior to the signing of the Final Plat;
- 2) Renaming the proposed lots as “Lot 3A”, “Lot 3D”, and “Lot 3E”;
- 3) Provision of the lot sizes in square feet and acres on the Final Plat, or provision of a table on the Final Plat with the same information;
- 4) 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;
- 5) Placement of a note stating that no structures are allowed in any easements without the easement holder’s permission;
- 6) 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. Coordinates are not an acceptable reference. C. Provide a new designation for each of the three (3) proposed LOTS (i.e. 1, 2, & 3 or A, B, and C). D. Provide a written description for the proposed subdivision boundary. The description provided included LOT 3B and 3C however these two (2) existing lots are not a part of this proposed subdivision of LOT 3A. E. Provide reference to the recorded plat for LOT 3 (Instrument # 2021077859). F. Revise the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information. G. Label the adjoining property ownership. H. Revise NOTES #4 to delete "PROPOSED". I. Revise NOTES #5 to include the division of the allowed 20,040 sf to the three (3) proposed LOTS. Do not include a reference to the existing lots - Lot 3B or Lot 3C. 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](mailto:land.disturbance@cityofmobile.org) prior to obtaining any signatures. No signatures are required on the drawing.);*
- 7) Placement of a note on the revised plat stating Traffic Engineering comments: *(A traffic impact study was previously prepared for this site with known and unknown proposed development. Retail buildings, restaurant, grocery, and gas station were all among the uses previously studied. The study included off-site improvements along Schillinger Road adjacent to the development and those improvements were completed with the development of the housing site. In the previous traffic study, a traffic signal was recommended at the shared access road that was constructed with the housing site. Additional impact studies or updates to the original study will be required as the development changes or defined uses are presented to the City that may warrant additional improvements, beyond what has already been constructed. Driveway number, size, location, and design are subject to the approved PUD for this site, shall be approved by Traffic Engineering and conform to AASHTO standards. 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.);*
  - 8) Compliance with Urban Forestry comments: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.);*
  - 9) Compliance with Fire Department comments: *(All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.);*
  - 10) Completion of the Subdivision process prior to issuance of land disturbance or building permits;
  - 11) Full compliance with all other municipal codes and ordinances.

**b. PUD-002176-2022 (Planned Unit Development)**

**Duplantis Design Group, PC**

**Planned Unit Development to amend a previously approved Planned Unit Development to allow shared access between multiple building sites.**

See the discussion under the Subdivision application.

Motion to approve by Shirley Sessions. Second by Matt Anderson. Approved.

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

- a) the proposal promotes the objective of Creative design (*to encourage innovative and diversified design in building form and site development*), because it will allow infill development in an existing commercial development;
- 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 the PUD allows for reduced curb cuts to abutting public streets;
- 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 developments will be part of an existing commercial development;
- d) the proposal promotes the objective of Environment (*to preserve and protect as urban amenities the natural features and characteristics of the land*), because the new developments will comply with tree planting and landscape area requirements;
- e) 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) Provision of the lot sizes in square feet and acres on the site plan, or provision of a table with the same information;
- 2) Renaming the proposed lots as “Lot 3A”, “Lot 3D”, and “Lot 3E”;
- 3) 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;
- 4) Placement of a note stating that no structures are allowed in any easements without the easement holder’s permission;
- 5) either depiction of a dumpster with compliant enclosure and sanitary sewer connections, or a note placed on the site plan stating that curbside pickup will be utilized for Lots 3D and 3C;
- 6) Each lot to fully comply with tree planting and landscape area requirements, with tree plantings to be coordinated with staff;

**PLANNING COMMISSION - MINUTES**

**SEPTEMBER 15, 2022**

**PAGE 14**


- 7) Lots 3D and 3C to be developed with signage standards for lots with a single business;
- 8) Compliance with Engineering comments: (*Retain ENGINEERING NOTES #1 - #6, as shown on the PUD dated 8/9/2022.*);
- 9) Placement of a note on the revised site plan stating Traffic Engineering comments: (*A traffic impact study was previously prepared for this site with known and unknown proposed development. Retail buildings, restaurant, grocery, and gas station were all among the uses previously studied. The study included off-site improvements along Schillinger Road adjacent to the development and those improvements were completed with the development of the housing site. In the previous traffic study, a traffic signal was recommended at the shared access road that was constructed with the housing site. Additional impact studies or updates to the original study will be required as the development changes or defined uses are presented to the City that may warrant additional improvements, beyond what has already been constructed. Driveway number, size, location, and design are subject to the approved PUD for this site, shall be approved by Traffic Engineering and conform to AASHTO standards. 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.*);
- 10) 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.*);
- 11) 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
- 12) Full compliance with all other municipal codes and ordinances.

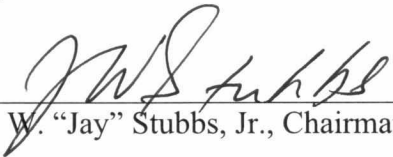
**OTHER BUSINESS:**

**PLANNING COMMISSION - MINUTES**  
**SEPTEMBER 15, 2022**  
**PAGE 15**

---

**Minutes approved:** March 20, 2025

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

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