

MOBILE CITY PLANNING COMMISSION

MINUTES

OCTOBER 6, 2022 - 2:00 P.M.

AUDITORIUM, GOVERNMENT PLAZA

ROLL CALL:

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

HOLDOVERS:

1. 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.

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 Carlos Gant. 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) revision of the Final Plat to show the existing right-of-way along Dawes Road, Glider Avenue, and Old Government Street Road, with dedication to provide 30-feet from the centerline, if necessary;
- 2) revision of the plat to include utility easements acceptable to the appropriate provider of utility services within the Subdivision;
- 3) placement of a note stating that if the street is not constructed and maintained to City standards that 100% of the cost of the improvements will be assessed to the property owners, if dedicated to the City;
- 4) submission of all required documents and any require revisions to comply with the requirements of Section VIII.E.2. of the Subdivision Regulations;
- 5) revision of the Final Plat to correctly provide the size in square feet and acres of each lot;
- 6) revision of the Final Plat to correctly illustrate that each lot will have an 18-foot minimum front setback;
- 7) revision of the Final Plat to depict the amenities (mail box kiosk, dumpster, etc) as Common Area;
- 8) placement of a note on the Final Plat stating that maintenance of all Common Areas is the responsibility of the property owners;
- 9) placement of a note on the Final Plat stating that no structures are allowed in any easement without the easement holder's permission;
- 10) placement of a note on the Final Plat that all tree plantings and landscape area for the development should be within the common area;
- 11) placement of a note on the Final Plat that maintenance of the tree plantings and landscape area for the development is the responsibility of the property owners;
- 12) 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*

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Engineer): A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Provide the bearing and distance callouts to locate all of the 64 LOTS. C. Remove proposed improvements (i.e. eop, dumpster, driveway islands, existing/proposed contours, retaining walls) from the FINAL PLAT. D. Provide reference, on the map and the description, to a monumented corner. E. Provide and label the monument set or found at each subdivision corner. F. Add legible street names to the vicinity map. G. Show the boundary of each separate Common Area and PRIVATE ROW. H. Revise "TO BE DEDICATED..." to "HEREBY DEDICATED..." for any public ROW dedication. I. Provide the area of any ROW dedication in SF and AC. J. Provide recording information for any existing easements/row. K. Provide a legend. L. Check and clarify NOTE #13. This PLAT is proposing two (2) Public ROW dedications. M. Provide a written legal description and matching bearing and distance labels for the proposed subdivision. N. Revise the table on SHT 2 of 2 to include the units (i.e. feet, square feet, acres) of the different columns. O. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the northwest corner of the development (Glider Ave. and Dawes Rd.). P. Check and clarify NOTE #13. The drawing indicates WETLANDS. Provide info on the source of the delineation (i.e. name/date). Q. 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. R. 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. S. Show and label each and every Right-Of-Way and easement. T. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. U. Provide the Surveyor's Certificate. V. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photos the development will NOT receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control). W. 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. X. 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. Y. 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. Z. 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.

- AA. *Add a note that all easements shall remain in effect until vacated through the proper Vacation process.);*
- 13) placement of a note on the Final Plat stating Traffic Engineering comments: *(A traffic impact study (TIS) has been submitted and reviewed for this site. The proposed development has minimal impacts to the adjacent roadways and no off-site improvements were identified to mitigate the increase in traffic within the TIS study limits. Development should be 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. No internal roadways are proposed to be dedicated as public rights-of-way and should be notated as private roadways on any PUD plan or subdivision plat.);*
- 14) 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.);*
- 15) 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. The Fire Department will require fire wall separation for each structure with the reported fire flow.);* and
- 16) submittal to and approval by Planning and Zoning of a revised PUD site plan (hard copy and .pdf), prior to signing the Final Plat.

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, increased site coverage, and a private street in a residential subdivision.

See the discussion under the Subdivision application.

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

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

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- a. the proposal promotes the objective of Creative design (*to encourage innovative and diversified design in building form and site development*), because the proposed layout of the development is an innovative design;
- 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 proposed development does not comply with typical development standards but provides a flexible housing option;
- 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 it will result in infill development within the City of Mobile;
- 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 site will comply with tree planting and landscape area requirements;
- e. the proposal promotes the objective of Open space (*to encourage the provision of common open space through efficient site design*), because the majority of the overall site will be dedicated common area that will not be developed;
- f. the proposal promotes the objective of Public services (*to encourage optimum use of available public utilities, streets and community facilities*), because these services are already available in the area.

The Approval is subject to the following conditions:

- 1) revision of the site plan to show the existing right-of-way along Dawes Road, Glider Avenue, and Old Government Street Road, with dedication to provide 30-feet from the centerline, if necessary;
- 2) revision of the site plan to include utility easements acceptable to the appropriate provider of utility services within the Subdivision;
- 3) placement of a note stating that if the street is not constructed and maintained to City standards that 100% of the cost of the improvements will be assessed to the property owners, if dedicated to the City;
- 4) submission of all required documents and any require revisions to comply with the requirements of Section VIII.E.2. of the Subdivision Regulations;
- 5) revision of the site plan to correctly provide the size in square feet and acres of each lot;
- 6) revision of the site plan to correctly illustrate that each lot will have an 18-foot minimum front setback;
- 7) revision of the site plan to depict the proposed amenities (mail box kiosk, dumpster, etc) as Common Areas;
- 8) placement of a note on the site plan stating that maintenance of all Common Areas is the responsibility of the property owners;
- 9) placement of a note on the site plan stating that no structures are allowed in any easement without the easement holder's permission;
- 10) placement of a note on the site plan stating that the dumpster will have a compliant enclosure and sanitary sewer connection;

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- 11) placement of a note on the Final Plat that all tree plantings and landscape area for the development should be within the common area;
- 12) placement of a note on the Final Plat that maintenance of the tree plantings and landscape area for the development is the responsibility of the property owners;
- 13) coordination with staff at the time of permitting to insure tree plantings are done to provide sufficient room for trees to grow and thrive;
- 14) revision of the site plan to depict a sidewalk along the entirety of all street frontages;
- 15) full compliance with Engineering: (Retain NOTES #1 - #7, as shown on the PUD SITE PLAN drawing SHEET 2 of 2.);
- 16) placement of a note on the Final Plat stating Traffic Engineering comments: *(A traffic impact study (TIS) has been submitted and reviewed for this site. The proposed development has minimal impacts to the adjacent roadways and no off-site improvements were identified to mitigate the increase in traffic within the TIS study limits. Development should be 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. No internal roadways are proposed to be dedicated as public rights-of-way and should be notated as private roadways on any PUD plan or subdivision plat.);*
- 17) 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.);*
- 18) 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. The Fire Department will require fire wall separation for each structure with the reported fire flow.);* and
- 19) submittal to and approval by Planning and Zoning of a revised PUD site plan (hard copy and .pdf), prior to signing the Final Plat.

NEW SUBDIVISION APPLICATIONS:

2. 3108 Lees Lane

(West side of Lees Lane, 220'± South of Gordon John Drive, extending to the South terminus of Gordon John Drive, and the East terminus of Azalea Road).

Council District 4

SUB-002190-2022

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Lees Lane Subdivision, Phase 1

Number of Lots / Acres: 1 Lot / 10.9± Acres

Engineer / Surveyor: Gulf States Engineering

The applicant was not present, and Planning staff had no feedback from the applicant regarding 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 widths of Gordon John Drive and Audrey Drive;
- 2) Revision of the Final Plat to depict the existing right-of-way for Azalea Road, and provide dedication, if necessary, to provide 25-feet to the centerline
- 3) Revision of the Final Plat to depict the existing right-of-way for Lee's Lane, and provide dedication, if necessary, to provide 30-feet to the centerline;
- 4) Retention of the 50-foot easement for a temporary cul-de-sac at the terminus of Gordon John Drive;
- 5) Revision of the Final Plat to depict the 25-foot minimum setback line along all street frontages, adjusted for any dedication;
- 6) Placement of a note on the Final Plat stating no structures shall be constructed in any easement without permission of the easement holder;
- 7) Revision of the Final Plat to provide the size of the lot in both square feet and acres, or provision of a table on the Final Plat with the same information;
- 8) 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 legible street names to the vicinity map. Text was too small. C) Application form indicates that the Subdivision Name is LEES LANE – Phase 1. Add it to the FINAL PLAT. D) Label LEES LANE and show the existing ROW width. E) Show and label the existing Azalea Rd. ROW and width. F) The Common Area should be a separate lot and not included in the LOT 1 square footage. G) Show and label the various lots within recorded subdivisions that are referenced in the written legal description - Lot 2, Meador Subdivision, First Addition; Lot 1 Contel Cellular Sub. No. 3; S&L Industrial Park Phase One; Lot 1 Wanda Place. H) Revise PLAT NOTE #5 from "ALL PROPOSED..." to "ALL EXISTING AND PROPOSED...". I) Review and revise the written legal description to change "COMER" to "CORNER". J) Review and revise the written description or the written bearing and distance for the portion at the south end of Gordon John Dr. K) After the revisions for the Common Area and the Public ROW are made you will need to revise the LOT 1 square*

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footage. L) Dedicate Public ROW to the City of Mobile for a 120' diameter cul-de-sac at the south terminus of Gordon John Dr. to replace the existing 50' temporary cul-de-sac easement, and list the amount of dedicated acreage (SF and AC). M) Check and clarify PLAT NOTE #11. The drawing indicates WETLANDS PER BARRY VITTOR ASSOCIATES and the NOTE indicates that the information is from NWI data and has not been delineated. N) 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. O) Show and label all flood zones and floodways. P) Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. The BFE is 11'. Q) Show and label each and every Right-Of-Way and easement. R) Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo LOT 1 will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT 1 – NONE. S) 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. T) 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.);

- 9) 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. Right-of-way for cul-de-sac or approved turn-around should be accommodated with this subdivision for Gordon John Dr and Azalea Rd as required by MFRD.);*
- 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.); and,*
- 11) 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.).*

3. 258 North Hamilton Street

(East side of North Hamilton Street, 70'± South of Congress Street).

Council District 2

SUB-002208-2022

Kimberly Downs Estates Subdivision

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Number of Lots / Acres: 1 Lot / 0.1± Acre

Engineer / Surveyor: Rowe Engineering & Surveying

The applicant was present and in agreement with the recommendations.

No one else was present regarding the application.

Motion to approve by Shirley Sessions. 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) retention of the right-of-way width of North Hamilton Street on the Final Plat;
- 2) retention of the lot size label in both square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;
- 3) placement of a note on the Final Plat stating that there is a twelve (12)-foot maximum building setback line, or the setbacks may match setbacks of adjacent buildings (along the same street frontage) where they differ from this standard;
- 4) placement of a note on the Final Plat stating that any future development of the site will require Consolidated Review Committee (CRC) approval prior to the issuance of permits;
- 5) placement of a note on the Final Plat stating that no driveway access is allowed unless a variance is granted by the Board of Zoning Adjustment;
- 6) compliance with the Engineering comments: *(FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Provide reference, on the map and the description, to a monumented corner. C. Show and label the POC. D. Show and label the POB. E. Provide the information required in NOTES #3. F. Delete NOTE #14. G. Provide a written description for the subdivision boundary. H. Show and label all flood zones. New maps went into effect on June 5, 2020. I Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. The BFE is 11'. J. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved. K. 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.);*
- 7) if a variance is granted by the Board of Zoning Adjustment, placement of a note on the Final Plat stating the Traffic Engineering comments: *(Lot is limited to one driveway to North Hamilton Street with size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);*

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- 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.*); and
- 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.*)

4. 4359 Fieldwood Drive

(Northeast corner of Fieldwood Drive and Montclair Circle South).

Council District 4

SUB-002189-2022

Lackeos Subdivision

Number of Lots / Acres: 2 Lots / 0.8± Acre

Engineer/ Surveyor: Byrd Surveying, Inc.

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 widths of Montclair Circle South and Fieldwood Drive on the Final Plat;
- 2) Retention of the 30-foot minimum building setback line along Montclair Circle South and Fieldwood Drive;
- 3) Retention of the lot sizes in square feet and acres on the Final Plat;
- 4) Placement of a note on the Final Plat stating that no structure shall be constructed in any easement without permission of the easement holder;
- 5) Compliance with the Engineering comments: (*FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): A) Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B) Provide reference, on the map and the description, to a monumented corner. C) Add a graphic scale. D)*)

Provide the Surveyor's Certificate. E) Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. F) 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. G) 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. H) 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. I) 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. J) Add a note that all easements shall remain in effect until vacated through the proper Vacation process. K) 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.);

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

NEW REZONING APPLICATIONS:

5. 2819 Government Boulevard

(South side of Government Boulevard, 235'± East of Thompson Drive, extending to the North side of Thompson Drive North, 75'± East of Thompson Drive).

Council District 3

ZON-002182-2022

Royal Academy Daycare (Brittany Williams, Agent)

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

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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. Commissioner Gant recused from the application.

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

- 1) The applicant has demonstrated that there is a manifest error in the Ordinance with regard to zoning classifications; and
- 2) The need to make the subject site a legal lot of record would justify the Rezoning to a single classification.

The rezoning should be subject to the following conditions:

- 1) either completion of the Subdivision process or provision of a 1962 or earlier deed describing the property in its current configuration; and
- 2) full compliance with all municipal codes and ordinances.

GROUP APPLICATIONS:

**6. 3200 and 3202 Old Shell Road
(Northwest corner of Old Shell Road and Abrams Street).
Council District 1**

- a. **SUB-002203-2022 (Subdivision)
Bringer of Rain Estates Subdivision
Number of Lots / Acres: 2 Lots / 0.45± Acre
Engineer / Surveyor: Byrd Surveying, Inc.**

Jerry Byrd of Byrd Surveying was present to represent the application. He expressed concerns regarding the Subdivision condition requiring a 25-foot corner radius, and concern regarding the PUD conditions for back-out parking and the provision of additional parking.

Staff noted that there were revised Engineering comments in the report.

Mr. Byrd, Commissioners and staff discussed the corner radius concern. It was determined that a 15-foot radius would be acceptable to the applicant and staff.

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Mr. Byrd, Commissioners and staff discussed the existing back-out parking. It was noted that the parking had been in existence for many years, and the applicant requested that the proposed condition requiring the elimination of the parking be deleted.

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, with a waiver of Sections V.B.14. and V.D.6. 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) retention of the dedication of the 15-foot radius curve at the intersection of Old Shell Road and Abrams Street on the Final Plat;
- 3) retention of the 25-foot minimum building setback line along Old Shell Road, and the 20-foot minimum building setback line along Abrams Street on the Final Plat;
- 4) retention of the lot size labels in both square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;
- 5) 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. Add a graphic scale. C. Show the amount of dedicated acreage (sf and ac). D. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. E. Provide the Surveyor's Certificate. F. 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. G. 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. H. 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. I. 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. J. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. K. 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.);*
- 6) placement of a note on the Final Plat stating the Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. 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 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.);*
 - 8) 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
 - 9) provision of two copies of a revised PUD site plan (hard copy and .pdf) prior to signing of the Final Plat.

b. PUD-002204-2022 (Planned Unit Development)

Bringer of Rain Estates Subdivision

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

See the discussion under the Subdivision application.

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

Staff recommends 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)* as it will allow shared access between two building sites;
- 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 will allow two properties to share access;
- 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 a portion of the over-all site will be modified to provide compliant access and parking;

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- d. the proposal promotes the objective of Open space (*to encourage the provision of common open space through efficient site design*) as no new structures are proposed within the subject site; and
- e. the proposal promotes the objective of Public services (*to encourage optimum use of available public utilities, streets and community facilities*) as no new public services or infrastructure are required.

The Approval is subject to the following conditions:

- 1) revision of the site plan to provide a 24-foot wide drive across the Northern portion of Lot A to access Lot B;
- 2) coordination with staff on a frontage tree planting plan for the site, with donations to the Mobile Tree Commission Tree Bank for any shortages which may be imposed by site constraints;
- 3) retention of the notes on the site plan stating that refuse collection will be via curbside pickup;
- 4) retention of the residential buffer along the North side of the site, in compliance with Section 64-4.D.1. of the Zoning Ordinance;
- 5) retention of the 25-foot minimum building setback line along Old Shell Road, and the 20-foot minimum building setback line along Abrams Street on the site plan;
- 6) retention of the lot size labels in both square feet and acres on the site plan, or the furnishing of a table on the site plan providing the same information;
- 7) obtain a non-utility right-of-way use agreement for the head-in/back-out parking on Lot B, if applicable;
- 8) compliance with the Engineering comments: *(ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: 1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department (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.);*
- 9) placement of a note on the site plan stating the Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 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.);* and
- 12) provision of two (2) copies of a revised Planned Unit Development site plan (hard copy and .pdf) prior to the signing of the Final Plat for the Subdivision.

c. ZON-002205-2022 (Rezoning)

Gerald Byrd, Agent

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

See the discussion under the Subdivision application.

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

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

- a) there appears to be a manifest error in the Ordinance; and
- b) the subdivision of land makes reclassification of the land necessary and desirable.

The approval should be subject to the following conditions:

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

**7. 1263 Baker Street
(South side of Baker Street, 2/5± mile West of Yeend Street).
Council District 3**

**a. SUB-002206-2022 (Subdivision)
Port of Mobile Logistics Park Subdivision
Number of Lots / Acres: 1 Lot / 50.9± Acres
Engineer / Surveyor: Wattier Surveying, Inc.**

Planning staff notified the Commission of two proposed changes to the proposed conditions number 3 and 4 of the Subdivision request.

The applicant was present and in agreement with the proposed changes and the recommendations.

No one else was present regarding the application.

Motion to approve by Matt Anderson. Second by Scott Jones. Approved.
Commissioner Mattei recused from the application.

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

- 1) revision of the plat to indicate the current right-of-way width along Baker Street, and if less than 50 feet, dedication to provide 25 feet from the centerline;
- 2) revision of the plat to indicate at least a 25-foot minimum building setback line along Baker Street, as measured from any required frontage dedication;
- 3) vacation of Bay Street prior to signing the Final Plat, or show the Bay Street right-of-way on the Final Plat;
- 4) vacation of the Illinois Central Gulf Railroad right-of-way prior to signing the Final Plat, or show the Illinois Central Gulf Railroad right-of-way on the Final Plat;
- 5) retention of the lot size label in both square feet and acres, adjusted for any required street frontage dedication, or the furnishing of a table on the Final Plat providing the same information;
- 6) 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. The proposed boundary appears to take in part of Lot 1 of Blue Creek Coal Sales, Inc.*

- subdivision. C. Label all of the adjacent existing parcels. D. Provide and label the monument set or found at each subdivision corner. E. What is the line type shown for the south property line (2,336.69' long)? Are these all set monuments or is it chain link fence? F. Show and label the existing ROW along the opposite side of Baker Street. G. Provide the recording data for the two (2) areas labeled as 'TO BE VACATED'. H. Review and revise the written legal description or boundary label for C1. 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 all flood zones. New maps went into effect on June 5, 2020. L. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. The BFE is 12'. M. Show and label each and every Right-Of-Way and easement. N. The proposed subdivision receives drainage from a public street and will require a PUBLIC (Dedicated to the City of Mobile) drainage easement; the width and alignment of the easement shall be coordinated with, and approved by, the City Engineer prior to submitting the Plat for signatures. O. 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. P. 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. Q. 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. R. 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. S. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. T. 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.);*
- 7) 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. Any required on-site parking, including ADA handicap spaces, should meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 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*

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- 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 signing the Final Plat.

b. ZON-002207-2022 (Rezoning)

Alabama State Port Authority (Casey Pipes, Agent)

Rezoning from R-2, Two-Family Residential District, and I-2, Heavy Industrial District to I-2, Heavy Industrial District.

See the discussion under the Subdivision application.

Motion to approve by Nick Amberger. Second by Matt Anderson. Approved.
Commissioner Mattei recused from the application.

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.

The approval should be subject to the following conditions:

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

8. 3661 Dauphin Street

**(Southwest corner of Dauphin Street and West I-65 Service Road South).
Council District 5**

a. SUB-002149-2022 (Subdivision)

**Dauphin Way Baptist Church Subdivision, Resubdivision of Lot 1
Number of Lots / Acres: 2 Lots / 19.3± Acres
Engineer / Surveyor: Byrd Surveying, Inc.**

The applicant was present and in agreement with the recommendations.

No one else was present regarding the application.

Motion to approve by Shirley Sessions. Second by Scott Jones. Approved.

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

- 1) retention of the right-of-way widths of all streets on the Final Plat;
- 2) retention of the lot size labels in both square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;
- 3) retention of the 25-foot minimum building setback line along all street frontages, except Dauphin Street, on the Final Plat;
- 4) retention of the 45-foot minimum building setback line along Dauphin Street;
- 5) retention of all easements on the Final Plat;
- 6) placement of a note on the Final Plat stating that no structure may be constructed or placed within any easement without permission of the easement holder;
- 7) compliance with the Engineering comments: (*FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Add a graphic scale. C. Add larger/legible street names to the vicinity map. D. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. E. Provide the Surveyor's Certificate. F. 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. G. 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. H. 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. I. 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. J. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. K. 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.*);

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- 8) placement of a note on the Final Plat stating the Traffic Engineering comments: (*West I-65 Service Road South is an ALDOT maintained roadway. Site is limited to driveways as shown on the approved PUD plan with size, location, and design to be approved by ALDOT (where applicable) and 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.*);
- 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.*);
- 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.*);
- 11) provision of two copies of a revised PUD site plan (hard copy and .pdf) prior to signing of the Final Plat; and
- 12) completion of the Subdivision process prior to the submission for building permits for future development.

b. PUD-002195-2022 (Planned Unit Development)

Dauphin Way Baptist Church Subdivision

Planned Unit Development Approval to allow shared access and parking between two building sites.

See the discussion under the Subdivision application.

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

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

- 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 development of a portion of an existing site which already has compliant landscaping and shared access and parking;
- 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*

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- district regulations*), because shared access and parking between the lots will result in fewer curb cuts to public street frontages; and
- c. 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) retention of the right-of-way widths of all streets on the site plan;
- 2) retention of the lot size labels in both square feet and acres, or the furnishing of a table on the site plan providing the same information;
- 3) retention of the 25-foot minimum building setback line along all street frontages, except Dauphin Street;
- 4) retention of the 45-foot minimum building setback line along Dauphin Street;
- 5) retention of all easements on the site plan;
- 6) placement of a note on the site plan stating that no structure may be constructed or placed within any easement without permission of the easement holder;
- 7) compliance with the Engineering comments: (*Retain NOTES #1 - #6, as shown on the PUD drawing.*);
- 8) placement of a note on the site plan stating the Traffic Engineering comments: (*West I-65 Service Road South is an ALDOT maintained roadway. Site is limited to driveways as shown on the approved PUD plan with size, location, and design to be approved by ALDOT (where applicable) and 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.*);
- 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.*);
- 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.*);
- 11) submittal of an amended PUD at the time that development of Lot B is proposed;
- 12) provision of two copies of a revised PUD site plan (hard copy and .pdf) prior to signing of the Final Plat for the Subdivision; and
- 13) compliance with all other municipal codes and ordinances.

9. West side of Satchel Paige Drive, 180'± South of Government Blvd, extending to the East side of I-65 South.

Council District 4

a. SUB-002197-2022 (Subdivision)

McGowin Park Subdivision

Number of Lots / Acres: 2 Lots / 12.8± Acres

Engineer / Surveyor: Duplantis Design Group

The applicant was present and in agreement with the recommendations, and provided clarification regarding proposed sign #5.

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) 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;
- 2) Revision of the plat to illustrate the 25-foot minimum building setback line along all street frontages for Lot 13-A, per Section V.D.9. of the Subdivision Regulations;
- 3) Retention of the 50-foot setback along Satchel Paige Drive for Lot 2-A;
- 4) Placement of a note stating that no structures are allowed in any easements without the easement holder's permission;
- 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 a NAME for the proposed subdivision. C. Add legible street names to the vicinity map. D. Provide a written description for the subdivision boundary. E. 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. F. 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. G. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 28 - #88) LOTS 2-A and LOT 13A will share the historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control). Applicant will need to coordinate with the City Engineering Permitting Department*

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- staff to establish the exact amount that each Lot will receive prior to the submittal of the Final Plat for review. H. 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.);*
- 6) Placement of a note on the Final Plat stating Traffic Engineering comments: *(Site is limited to driveways as shown on the approved PUD plan with size, location, and design to be approved by ALDOT (where applicable) and 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.);*
 - 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.);*
 - 9) Submittal to and approval by Planning and Zoning of a revised PUD site plan (hard copy and .pdf), prior to signing the Final Plat;
 - 10) Completion of the Subdivision process prior to issuance of land disturbance or building permits; and
 - 11) Full compliance with all other municipal codes and ordinances.

b. PUD-002196-2022 (Planned Unit Development)

McGowin Park

Planned Unit Development approval to amend a previously approved Planned Unit Development to allow shared access and parking and allow increased signage for a retail shopping center.

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 allow redevelopment of an existing commercial site;

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- 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 and a unique sign package;
- 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 development 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 development 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 Final Plat, or provision of a table on the site plan with the same information;
- 2) Revision of the site plan to illustrate the 25-foot minimum building setback line along all street frontages for Lot 13-A, per Section V.D.9. of the Subdivision Regulations;
- 3) Retention of the 50-foot setback along Satchel Paige Drive for Lot 2-A;
- 4) Depiction of a dumpster with compliant enclosure and sanitary sewer connections;
- 5) Placement of a note on the site plan that the lot to fully comply with tree planting and landscape area requirements, with tree plantings to be coordinated with staff;
- 6) Limited to the sign packages submitted as altered by any conditions of approval, as well as submission of height and dimensions for all signs;
- 7) Revision of the proposed sign package to depict all proposed signs as being located entirely on private property with a minimum of 18-inches between the leading edge of the sign and the right-of-way;
- 8) Compliance with Engineering comments: (*ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: 1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department (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.);*
- 9) Placement of a note on the Final Plat stating Traffic Engineering comments: *(Site is limited to driveways as shown on the approved PUD plan with size, location, and design to be approved by ALDOT (where applicable) and 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.);*
 - 12) Submittal to and approval by Planning and Zoning of a revised PUD site plan (hard copy and .pdf), prior to signing the Final Plat; and
 - 13) Full compliance with all other municipal codes and ordinances.

10. South side of Dauphin Street, 520'± East of Sage Avenue, extending to the East side of Sage Avenue, 905'± South of Dauphin Street, and extending to the West termini of Exter Drive and Sherwood Drive South.

Council District 1

a. SUB-002201-2022 (Subdivision)

SRV KO Subdivision

Number of Lots / Acres: 2 Lots / 26.6± Acres

Engineer / Surveyor: McCrory & Williams, Inc.

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Planning staff advised the Commission that there were updated Traffic Engineering comments as well as a letter of support regarding the applications.

The applicant was present and in agreement with the recommendations.

No one else was present regarding the application.

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) revision of the Final Plat to show the existing right-of-way along Dauphin Street;
- 2) retention of the existing right-of-way width for South Sage Avenue;
- 3) completion of the vacation process for any right-of-way to be included in the property, prior to the signing of the Final Plat;
- 4) retention of the lot sizes in square feet and acres;
- 5) placement of a note stating that no structures are allowed in any easement without the easement holder's permission;
- 6) either revision of the depicted 5-foot buffer adjacent to residential property be revised to 10-feet or removed from the plat;
- 7) depiction of the 25-foot front setback along all street frontages;
- 8) placement of a note on the Final Plat prohibiting Lot 1 from direct access to both Exter Drive and South Sherwood Drive;
- 9) placement of a note on the Final Plat prohibiting Lot 2 from direct access to both Hilburn Drive;
- 10) 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. Add a note to the SUBDIVISION PLAT stating that LOT 1 and LOT 2 must provide stormwater detention for the 100-year (post-development) frequency storm event and limit the release rate to the 2-year (predevelopment) frequency storm event. C. 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. D. 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. E. 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. F. 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. G. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. H. 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 Final Plat stating Traffic Engineering comments: *(A traffic impact study (TIS) has been submitted and reviewed for this site. The study accounted for this proposed housing development in addition to the AltaPointe site that is located at the corner of Dauphin and Sage with shared access via the new private road. No off-site improvements were recommended or are required with the development of the site as proposed. Traffic Engineering reserves the right to require additional traffic impact studies as additional property within this overall site is proposed for development that could have an adverse impact on the adjacent street network. The development is intended to be gated per the narrative, but the gates were not illustrated on the Sage Avenue entrance. There could also be an internal issue with right-of-way at this entrance where five access points all converge. The design of the garage areas may encourage excess parking on the garage exteriors. As illustrated on the PUD they do not appear to be pedestrian friendly areas with such wide-open asphalt. The sidewalk through the site is very segmented and not a continuous path. [The following should be recommended as a note on the PUD and/or SUB plat] Development 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. Traffic impact studies have been previously prepared for this site. Additional future development which significantly increases trips per day will require a revised Traffic Impact Study and, as appropriate, additional off-site improvements.);*
- 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 [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.);*
- 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.);* and
- 14) submittal to and approval by Planning and Zoning of a revised PUD site plan (hard copy and .pdf), prior to signing the Final Plat.

b. PUD-002200-2022 (Planned Unit Development)

SRV KO Subdivision

Planned Unit Development approval to allow multiple buildings on a single building site, and shared access between multiple building sites on a private street.

See the discussion under the Subdivision application.

Motion to approve by Shirley Sessions. Second by Taylor Atchison. 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 a new development to be accessed by an existing private street, thus reducing the need for access from multiple public streets;
- 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 will allow a new multi-family development with multiple structures on a single building site;
- 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 it will result in in-fill development in an existing developed area of the city;
- 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 site will comply with tree planting and landscape area requirements while preserving existing trees;
- 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) revision of the site plan to show the existing right-of-way along Dauphin Street;
- 2) retention of the existing right-of-way width for South Sage Avenue;
- 3) retention of the lot sizes in square feet and acres;
- 4) placement of a note stating that no structures are allowed in any easement without the easement holder's permission;
- 5) revision of the depicted 5-foot buffer adjacent to residential property be revised to 10-feet;
- 6) depiction of the 25-foot front setback along all street frontages;
- 7) placement of a note on the site plan prohibiting Lot 1 from direct access to both Exter Drive and South Sherwood Drive;

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- 8) placement of a note on the Final Plat prohibiting Lot 2 from direct access to both Hilburn Drive;
- 9) placement of a note on the site plan stating the wooden privacy fence abutting residential property will be a minimum of six-feet tall, not to exceed three-feet within the 25-foot setback along South Sage Avenue;
- 10) placement of a note on the site plan providing the maximum structure height proposed, not to exceed 45-feet unless compliant with Section 64-4.C.2. of the Zoning Ordinance;
- 11) provision of a compliant photometric site plan at the time of permitting;
- 12) revision of the site plan to depict the gate locations, state that they are electronically operated, and provide a minimum of one (1) queuing space (9-feet x 20-feet), while complying with Fire Department access requirements;
- 13) revision of the site plan to depict all existing trees to remain on site, labeled with their size and species;
- 14) placement of a note on the site plan stating the development will fully comply with tree planting and landscape area requirements, with tree plantings to be coordinated with staff;
- 15) full compliance with Engineering comments: *(ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: 1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department (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.);*
- 16) placement of a note on the site plan stating Traffic Engineering comments: *(A traffic impact study (TIS) has been submitted and reviewed for this site. The study accounted*

for this proposed housing development in addition to the AltaPointe site that is located at the corner of Dauphin and Sage with shared access via the new private road. No off-site improvements were recommended or are required with the development of the site as proposed. Traffic Engineering reserves the right to require additional traffic impact studies as additional property within this overall site is proposed for development that could have an adverse impact on the adjacent street network. The development is intended to be gated per the narrative, but the gates were not illustrated on the Sage Avenue entrance. There could also be an internal issue with right-of-way at this entrance where five access points all converge. The design of the garage areas may encourage excess parking on the garage exteriors. As illustrated on the PUD they do not appear to be pedestrian friendly areas with such wide-open asphalt. The sidewalk through the site is very segmented and not a continuous path. [The following should be recommended as a note on the PUD and/or SUB plat] Development 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. Traffic impact studies have been previously prepared for this site. Additional future development which significantly increases trips per day will require a revised Traffic Impact Study and, as appropriate, additional off-site improvements.);

17) 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.);*

18) 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

19) submittal to and approval by Planning and Zoning of a revised PUD site plan (hard copy and .pdf), prior to signing the Final Plat.

c. ZON-002202-2022 (Rezoning)

SRV Housing Partners, LLC (McCroly & Williams, Inc., Agent)

Rezoning from LB-2, Limited Neighborhood Business District, and R-3, Multi-Family Residential District, to R-3, Multi-Family Residential District.

See the discussion under the Subdivision application.

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

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

- 1) 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.

11. 3520 Spanish Alley

**(North terminus of Spanish Alley, between Halls Mill Creek and Riviere du Chien Road).
Council District 4**

a. SUB-002198-2022 (Subdivision)

Sunset Creek Subdivision

Number of Lots / Acres: 3 Lots / 7.5± Acres

Engineer / Surveyor: Rowe Engineering & Surveying

Philip Quinley, applicant, was present and made the following points regarding his applications:

- People trespass on his property, including going into his boathouse;
- Some of the trespasser were drug users and would leave paraphernalia on his property;
- People are dumping trash in the cul-de-sac, and he owns all of the land around the cul-de-sac;
- The purpose of the requests is the protect his family from trespassers by closing off and gating the cul-de-sac, as recommended by his fence contractor.

Planning staff noted for the Commission that the City Council would have to vacate the cul-de-sac right-of-way in order to allow it to be gated by the applicant.

Commissioners discussed the impact of vacating and gating a street, and if there were other options available to the applicant.

Karin Murphy was present to express the following concerns regarding the application:

- A bus serving her special needs child uses the cul-de-sac to turn-around, thus gating it would make it difficult for the bus to reach her house;
- She's concerned that emergency vehicles would have limited access; and
- The cul-de-sac is used by her daughter and other neighbors to walk and play, due to the lack of traffic.

Matt Anderson made a motion to deny the Subdivision request. It was seconded by Nick Amberger. Denied.

After discussion, the Planning Commission Denied the request, due to the following:

- 1) A plat as required by Section IV.A. of the Subdivision Regulations was not submitted for staff review;
- 2) The proposed Subdivision configuration would result in two of the three proposed lots having sub-standard street frontage; and
- 3) The proposed Subdivision configuration would eliminate a compliant turn-around for public works and emergency vehicles.

b. PUD-002214-2022 (Planned Unit Development)

Sunset Creek Subdivision

Planned Unit Development Approval to allow a gated, private street single-family residential subdivision.

See the discussion under the Subdivision application.

Matt Anderson made a motion to deny the PUD request. It was seconded by Nick Amberger. Denied.

After discussion, the Planning Commission determined the following Finding of Fact for Denial:

- a. the proposal does not promote the objective of Public services (*to encourage optimum use of available public utilities, streets and community facilities*), because the proposed configuration would result in the loss of a complaint turn-around for public works and emergency vehicles.

It is recommended that the Police Department be contacted (251-208-9000 or mpdcyber@cityofmobile.org) to see if Project Shield may provide some relief from safety concerns expressed during the meeting.

12. 1617 Brill Road

(South side of Brill Road, 350'± West of Dauphin Island Parkway).

Council District 3

a. SUB-002188-2022 (Subdivision)

Bridge the Gap Subdivision

Number of Lots / Acres: 1 Lot / 1.5± Acres

Engineer / Surveyor: Bethel Engineering

The applicant was present and in agreement with the recommendations.

Planning staff advised the Commission that a petition in opposition to the applications had been submitted for their consideration.

Staff and Commissioners discussed the applications and the criteria regarding manufactured housing in residential districts.

Tina Millar, John Cutts, Elaine Galloway and Kim Singletary were present in opposition to the applications, and made the following points:

- Opposed to another trailer park;
- There are existing traffic problems;
- Concerned about increased crime and drug problems;
- Concerned about the safety of the families;
- The proposal does not align with the recommendations of The Peninsula's master plan or the Map for Mobile;
- The location is a possible flood and hurricane-prone area, which raises concerns about placing people in harm's way;
- There is a long negative history for this site when it was previously a trailer park;
- The site may be more suited to a B-2 or B-3 commercial use;
- Existing mobile home parks in the area are not well maintained, thus the community has no desire for more of them;
- Increased traffic would imperil children walking to and from nearby schools.

Commissioners, staff and legal counsel discussed the Planning Approval criteria and meaning of "*in harmony with the orderly and appropriate development of the district in which the use is located*" as it relates to the request.

The applicant, Robert Buckley, made the following comments in rebuttal:

- COVID and other issues prevented him from re-establishing the mobile home park under the non-conforming status, which is why it expired;
- All of the proposed mobile homes will be new, and he will maintain the site to City standards;
- The current zoning of the property is inappropriate for the location and its relationship to other abutting properties and uses.

Motion to approve the Subdivision request by Matt Anderson. Second by Nick Amberger. Approved.

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

- 1) provision of a Final Plat in compliance with Section IV of the Subdivision regulations;

- 2) revision to either depict there is 30-feet between the front property line and the centerline of Brill Road, or dedication to provide such;
- 3) retention of the lot sizes in square feet and acres, adjusted for any required dedication;
- 4) depiction and labeling of the 25-foot front setback along Brill Road;
- 5) provision of the lot size in both square feet and acres;
- 6) full compliance with Engineering comments: *(The "PLAT" that was submitted is labeled SITE PLAN Sheet 2 and does not contain the information required. Submit a PLAT for review.);*
- 7) placement of a note on the Final Plat stating Traffic Engineering comments: *(Site is limited to one driveway Brill Road with 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.);*
- 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 [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 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) submittal to and approval by Planning and Zoning of a revised PUD site plan (hard copy and .pdf), prior to signing the Final Plat.

b. PUD-002187-2022 (Planned Unit Development)

Bridge the Gap Manufactured Homes

Planned Unit Development approval to allow multiple buildings (manufactured homes) on a single building site.

See the discussion under the Subdivision application.

Motion to deny the PUD request by Matt Anderson. Second by Carlos Gant. Denied.

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

- a. the proposal does not promote the objective of Creative design *(to encourage innovative and diversified design in building form and site development);*

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- b. the proposal does not promote the objective of Flexibility (*to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations*);
- c. the proposal does not promote 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*);
- d. the proposal does not promote the objective of Environment (*to preserve and protect as urban amenities the natural features and characteristics of the land*);
- e. the proposal does not promote the objective of Public services (*to encourage optimum use of available public utilities, streets and community facilities*).

c. PA-002136-2022 (Planning Approval)

Robert Clay Buckley (Bethel Engineering, Agent)

Planning Approval to allow a mobile home park in an R-3, Multi-Family Residential District.

See the discussion under the Subdivision application.

Motion to deny the Planning Approval request by Nick Amberger. Second by Taylor Atchison. Denied.

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

- a. the proposal will not be appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities;
- b. the proposal will cause undue traffic congestion or create a traffic hazard; and
- c. the proposal will not be in harmony with the orderly and appropriate development of the district in which the use is located.

d. ZON-002137-2022 (Rezoning)

Robert Clay Buckley (Bethel Engineering, Agent)

Rezoning from R-1, Single-Family Residential District, to R-3, Multi-Family Residential District.

See the discussion under the Subdivision application.

Motion to deny the Zoning request by Nick Amberger. Second by Matt Anderson. Denied.

After discussion, the Planning Commission determined that none of the following conditions prevail to support the rezoning request:

- 1) Error. There is a manifest error in the chapter;
- 2) Change in conditions. Changed or changing conditions in a particular area, or in the planning region generally, make a change in the chapter necessary and desirable;

- 3) Increase in need for sites for business or industry. Increased or increasing needs for business or industrial sites, in addition to sites that are available, make it necessary and desirable to rezone an area or to extend the boundaries of an existing district; or
- 4) Subdivision of land. The subdivision or imminent subdivision of land into urban building sites makes reclassification necessary and desirable.

As such, the Planning Commission voted to recommend Denial of the rezoning request to the City Council.

**13. South side of Zeigler Boulevard, 390'± West of Cody Road, extending to the West side of Cody Road, 575'± South of Zeigler Boulevard.
Council District 7**

- a. SUB-002227-2022 (Subdivision)**
Zeigler Boulevard Apartments Subdivision
Number of Lots / Acres: 3 Lots / 32.0± Acres
Engineer / Surveyor: Bethel Engineering

The applicant was present and in agreement with the holdover recommendations.

Motion to holdover by Nick Amberger. Second by Carlos Gant. Heldover to the November 3rd meeting.

After discussion, the Planning Commission Heldover the application to the November 3rd meeting to be heard concurrently with the Planned Unit Development, with revisions due no later than October 14th to address concerns related to the Planned Unit Development.

- b. PUD-002199-2022 (Planned Unit Development)**
Zeigler Boulevard Apartments
Planned Unit Development approval to allow multiple buildings on a single building site.

See the discussion under the Subdivision application.

Motion to holdover by Nick Amberger. Second by Carlos Gant. Heldover to the November 3rd meeting.

After discussion, the Planning Commission Heldover the application to the November 3rd meeting, with revisions due no later than October 14th to address the following items:

- 1) Submittal of a site plan depicting the number of dwelling units proposed for the development;
- 2) Submittal of a site plan illustrating the number of parking spaces proposed for the development, including a table with the associated parking calculations;

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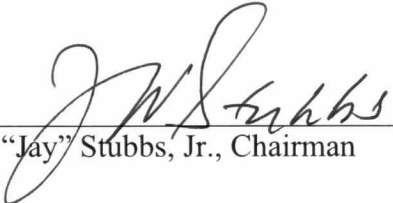
- 3) Placement of a note on the site plan providing the amount of total and front landscaped area in square feet proposed for the development;
- 4) Submittal of a site plan depicting existing trees to be preserved, labeled with their size and species;
- 5) Submittal of a site plan depicting any proposed dumpsters or trash compactors, with compliant enclosures and sanitary sewer connections; and
- 6) Submittal of a site plan depicting sidewalks along Zeigler Boulevard and Cody Road North.

OTHER BUSINESS:

Minutes approved: March 20, 2025



Jennifer Denson, Secretary



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