

Mobile Planning Commission Minutes

May 4, 2023 – 2:00 P.M.

ADMINISTRATIVE

Roll Call

X	Mr. John W. “Jay” Stubbs, Jr. Chairman		Mr. Matt Anderson (MD)
X	Mr. Allen Cameron, Vice Chairman	X	Mr. Nick Amberger (AO)
X	Ms. Jennifer Denson, Secretary		Ms. Susan Carley (S)
X	Mr. Kenny Nichols		Mr. Kirk Mattei (S)
X	Ms. Shirley Sessions		
X	Mr. Taylor Atchison		
(S) Supernumerary (MD) Mayor’s Designee (AO) Administrative Official (CC) City Council Representative			

Staff: Bert Hoffman, Marie York, Victoria Burch, Marybeth Bergin

Adoption of the Agenda.

Motion to adopt by Shirley Sessions. Second by Taylor Atchison. Adopted.

HOLDOVERS

1. SUB-002427-2023 & ZON-002430-2023

Location: 1408 Saint Stephens Road and 212 North Lafayette Street
Subdivision Name: Napoleon Subdivision
Applicant / Agent: Gerald Byrd, Byrd Surveying
Council District: District 2
Proposal: Subdivision of 1 lot, 0.5± acres; and, Rezoning from Neighborhood Business District (B-2) and Single-Family Residential (R-1) to Neighborhood Business District (B-2).

Jerry Byrd of Byrd Surveying was present regarding the application.

The Chairman asked Planning staff about the applications. Staff stated that the applicant appeared before the Board of Adjustment on May 1st earlier in the week requesting an off-site parking variance. Staff noted that the parking area was expanded without permits, which is what triggered the application to the Board. The Board denied the off-site parking variance request.

Mr. Byrd discussed applying for B-2 zoning versus what was recommended in the staff report, which was R-1, Single-Family Residential. He stated that he was continuing to request a B-2 zoning, as it would allow a commercial parking lot and not require the off-site parking variance. He noted that there was a need for the additional parking and he noted that the other corners of the intersection had B-2 zoning.

Planning staff noted that the property was turned into parking after 2021. It was also stated that use as a parking lot would be allowed in a B-1, Buffer-Business District, a lower zoning classification than being requested by the applicant.

Commissioners asked staff to elaborate on the Board of Adjustment's denial. Planning staff stated that the recent application to the Board was to amend an earlier approved off-site parking variance to incorporate the expanded parking lot. As noted, however, the Board denied the request based upon concerns about the operation of the business and a history of non-compliance.

Commissioners, staff and the applicant discussed substandard parking issues, storm drainage, development without permits, and buffers / fencing between the parking lot and abutting residential property.

No one else was present regarding the application.

During the deliberation session it was noted by staff that proposed condition #9 was an error and should be removed.

Commissioners asked staff of the steps necessary to bring the site into the compliance, given that the parking lot has already been developed. Staff explained that an after the fact application for a land disturbance permit would be needed, which typically would require preparation by a licensed engineer.

Commissioners and staff also discussed the R-1 zoning versus B-1 zoning of the property. It was noted that approving the site as a B-1 would be a down-zoning of a portion of the site.

Subdivision:

Motion to Approve by Taylor Atchison. Second by Nick Amberger. Approved.

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

- 1) *completion of the rezoning process prior to the recording of the Final Plat;*
- 2) *revision of the Final Plat to depict all abutting rights-of-way;*
- 3) *retention of the lot sizes in square feet and acres;*

- 4) retention of the 25-foot minimum building setback line along all street frontages;
- 5) full compliance with Engineering comments: (FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Check the bearing and distance for the north line of the proposed subdivision. The plan view shows two (2) different bearings along the line, but the written description lists one (1) bearing. The north line also contains reference to a capped rebar that was found. C. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the SW corner of LOT A to the City of Mobile, and list the amount of dedicated acreage in sf and acres. 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 to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 28 - #72) LOT A will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT A – 4,000 sf. G. Add a note that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. H. Add a note that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. I. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved. J. Add a note that all existing and proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile. K. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. L. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org 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: (Lot is limited to no more than its existing curb cuts with any changes in 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 the City's Zoning Ordinance.);
- 7) compliance with Urban Forestry comments: (Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of

heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.); and

- 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.).*

Rezoning:

Motion to Approve by Taylor Atchison. Second by Nick Amberger. Approved.

After discussion, the Planning Commission voted to recommend Approval of the rezoning request to B-1, Buffer Business District, to the City Council.

EXTENSIONS

2. SUB-001961-2022

Location:	4161 Halls Mill Road
Subdivision Name:	Ramshead Subdivision
Applicant / Agent:	Mason Head, Ramshead, LLC
Council District:	District 4
Proposal:	Extension of a subdivision of 3 lots, 51.0± acres

The applicant was present and in agreement with the one (1) year extension.

No one else was present regarding the application.

Motion to Approve by Taylor Atchison. Second by Nick Amberger. Approved.

After discussion, the Planning Commission Approved a 1-year extension, with the applicant advised that future extensions are unlikely.

NEW ITEMS

3. SUB-SW-002478-2023

Location:	3949 Government Boulevard
Applicant / Agent:	Sawgrass Consulting, LLC
Council District:	District 4

Proposal: **Request to waive sidewalk along Azalea Road and Government Boulevard.**

The applicant was present but did not comment on the request.

Commissioners and staff discussed the presence of existing sidewalks in the vicinity of the site.

No one else was present regarding the application.

During deliberation by Commissioners it was noted that the application did not indicate that there were topographic reasons preventing construction. It was also stated that there was pedestrian traffic in the area. Commissioners confirmed with Traffic Engineering staff that there were no existing pedestrian crossing signals at the intersection.

Motion to Deny by Jennifer Denson. Second by Taylor Atchison. Denied.
Allan Cameron opposed the motion. Commissioner Nichols recused from the application.

After discussion, the Planning Commission denied the sidewalk waiver.

OTHER BUSINESS

Minutes approved: June 12, 2025



Jennifer Denson, Secretary



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