



Mobile Planning Commission Results Agenda

December 7, 2023 – 2:00 P.M.

ADMINISTRATIVE

Roll Call

x	Mr. John W. “Jay” Stubbs, Jr., Chairman	x	Mr. Matt Anderson (MD)
x	Mr. Kirk Mattei, Vice Chairman	x	Mr. Nick Amberger (AO)
x	Ms. Jennifer Denson, Secretary	x	Mr. Josh Woods (CC)
	Ms. Shirley Sessions	x	Mr. Harry Brislin, IV (S)
	Mr. Larry Dorsey	x	Mr. Kenny Nichols (S)
x	Mr. Chad Anderson		
(S) Supernumerary (MD) Mayor’s Designee (AO) Administrative Official (CC) City Council Representative			

Staff: Jonathan Ellzey, Grace Toledo, Victoria Burch, Doug Anderson, Margaret Pappas, Logan Anderson, Bert Hoffman, Shayla Beaco

Adoption of the Agenda: Motion to adopt by Matt Anderson. Second by Nick Amberger. **Adopted.**

NEW ITEMS

1. SUB-002723-2023

Location: 3768 Spring Hill Avenue
Subdivision Name: Divine Mercy Cemetery Subdivision
Applicant / Agent: Reverend Monsignor William Skoneki, St. Ignatius Parish
Council District: District 7
Proposal: Subdivision of 1 lot, 5.29± acres

Motion to holdover by Jennifer Denson. Second by Matt Anderson. **Heldover until the February 22, 2024 meeting.**

After discussion, the Planning Commission heldover the application until the February 22, 2024 meeting, at the request of the applicant.

2. SUB-002702-2023

Location: 3977 Dawson Drive
Subdivision Name: Morris Landing Subdivision
Applicant / Agent: 195, LLC
Council District: District 3
Proposal: Subdivision of 1 lot, 0.12± acres

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

After discussion, the Planning Commission waived Section 6.C.2.(a)(1) of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

1. Retention of the setback as shown on the preliminary plat;
2. Retention of the lot sizes in both square feet and acres, 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 no structure may be constructed or placed within any easement without the permission of the easement holder;
4. Compliance with all Engineering comments noted in the staff report;
5. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in the staff report;
6. Compliance with all Urban Forestry comments noted in the staff report; and,
7. Compliance with all Fire Department comments noted in the staff report.

3. ZON-CUP-002703-2023

Location: 1016 Belvedere Circle East
Applicant / Agent: Tracy L. Pritchard
Council District: District 3
Proposal: Conditional Use Permit approval to allow a home-based child day care for 7-12 children in an R-1, Single-Family Residential Suburban District.

Motion to approve by Matt Anderson. Second by Josh Woods. **Approved.**

After discussion, the Planning Commission determined the following Findings of Fact to support the request for a Conditional Use Permit:

1. The request is consistent with all applicable requirements of this Chapter, including:
 - (a) Any applicable development standards; and
 - (b) Any applicable use regulations.
2. The request is compatible with the character of the surrounding neighborhood;
3. The request will not impede the orderly development and improvement of surrounding property; and

4. The request will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood. In making this determination, the Planning Commission and City Council shall consider:
 - (a) The location, type and height of buildings or structures;
 - (b) The type and extent of landscaping and screening;
 - (c) Lighting;
 - (d) Hours of operation; and
 - (e) Other conditions that might require mitigation of the adverse impacts of the proposed development.
5. The request is designed to provide ingress and egress that minimizes traffic hazards and traffic congestion on the public roads;
6. The request is designed to minimize the impact on storm water facilities;
7. The request will be adequately served by water and sanitary sewer services;
8. The request is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
9. The request shall not be detrimental to or endanger the public health, safety or general welfare.
10. The proposed use will meet the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

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

1. Revision of the site plan to illustrate compliant parking;
2. Depiction of an outdoor play area enclosed by a four-foot (4') tall fence or wall;
3. Placement of a note on the revised site plan stating any changes in the scope of operations (days of operation, number of outside staff, etc.) or to the site (parking layout, playground layout, etc.), will require a new Conditional Use Permit application and approval; and
4. Full compliance with Building, Plumbing, Electrical, Mechanical, Fire Department, and Health Department codes and ordinances.

4. ZON-UDC-002719-2023

Location: 7700 Summit Court
Applicant / Agent: Brandon and Rebecca Abbott, RC Bell Daphne (Perry C. Jinright, JADE Consulting, LLC, Agent)
Council District: District 6
Proposal: Rezoning from Single-Family Residential Suburban District (R-1) to Community Business Suburban District (B-3).

Motion to approve by Matt Anderson. Second by Josh Woods. **Approved.**

After discussion, the Planning Commission determined that the following criteria prevail to support rezoning of the property to **B-2, Neighborhood Business Suburban District:**

- A) Consistency. The proposed amendment is consistent with the Comprehensive Plan;
- B) Mistake. There was a mistake or error in the original zoning map; and
- C) Compatibility. The proposed amendment is compatible with:
 - The current development trends, if any, in the vicinity of the subject property;
 - Surrounding land uses;
 - Would not adversely impact neighboring properties; or
 - Cause a loss in property values.
- D) Health, Safety and General Welfare. The proposed amendment promotes the community's public health, safety, and general welfare.
- E) Capacity. The infrastructure is in place to accommodate the proposed amendment; and,
- F) Change. Changed or changing conditions in a particular area make an amendment necessary and desirable.
- G) Benefits Consideration. In addition, consideration was given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

As such, the Planning Commission voted to recommend Approval of rezoning the property to **B-2, Neighborhood Business Suburban District**, to the City Council, subject to the following conditions:

1. Compliance with all Engineering, Traffic Engineering, Urban Forestry, and Fire Department comments noted in the staff report; and,
2. Full compliance with all municipal codes and ordinances.

5. SUB-002724-2023 & ZON-UDC-002730-2023

Location: 4630, 4700, & 4960 Dauphin Island Parkway
Subdivision Name: Perch Creek - Dockside Marina Subdivision
Applicant / Agent: Don Coleman, Coleman Marine, LLC
Council District: District 3
Proposal: Subdivision of 2 lots, 19.8± acres; and Rezoning from Community Business Suburban District (B-3) to Community Business Suburban District (B-3), to remove a previous condition of rezoning approval limiting development of the site to a Planned Unit Development.

Subdivision: Motion to approve by Nick Amberger. Second by Matt Anderson. **Approved.**

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

1. Retention of the existing right-of-way for Dauphin Island Parkway;
2. Retention of the lot sizes in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
3. Revision of the plat to illustrate a 25-foot minimum building setback line along Dauphin Island Parkway;

4. Compliance with all Engineering comments noted in the staff report;
5. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in the staff report;
6. Compliance with all Urban Forestry comments noted in the staff report; and,
7. Compliance with all Fire Department comments noted in the staff report.

Rezoning: Motion to approve by Nick Amberger. Second by Matt Anderson. **Approved.**

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

- A) Consistency. The proposed amendment is consistent with the Comprehensive Plan;
- B) Compatibility. The proposed amendment is compatible with:
 - o The current development trends, if any, in the vicinity of the subject property;
 - o Surrounding land uses;
 - o Would not adversely impact neighboring properties; or
 - o Cause a loss in property values.
- C) Health, Safety and General Welfare. The proposed amendment promotes the community's public health, safety, and general welfare.
- D) Capacity. The infrastructure is in place to accommodate the proposed amendment; and,
- E) Benefits Consideration. In addition, consideration was given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

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

1. Completion of the Subdivision process;
2. Compliance with all Engineering, Traffic Engineering, Urban Forestry, and Fire Department comments noted in the staff report; and,
3. Full compliance with all municipal codes and ordinances.

6. MOD-002715-2023 & MOD-002716-2023

Location: 3650, 3704, 3708, & 3758 Spring Hill Avenue
Applicant / Agent: Father Bry Shields, St. Ignatius Parish, Mobile
Council District: District 7
Proposal: Modification of a previously approved Planning Approval and Modification of a previously approved Planned Unit Development to amend the Master Plan of an existing church and school in an R-1, Single-Family Residential Suburban District.

Modification (Planning Approval): Motion to approve by Matt Anderson. Second by Josh Woods. **Approved.**

After discussion, the Planning Commission determined that the following criteria prevail to

support the Major Planning Approval Modification request:

- A. The request is consistent with all applicable requirements of this Chapter;
- B. The request is compatible with the character of the surrounding neighborhood;
- C. The request is will not impede the orderly development and improvement of surrounding property;
- D. The request is will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood:
- E. The request is subject to adequate design standards to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
- F. The request is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- G. The request shall not be detrimental or endanger the public health, safety or general welfare.
- H. Benefits Consideration. In addition, consideration was given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

Based on the above criteria, the Planning Commission voted to recommend Approval of the Major Planning Approval Modification to the City Council, subject to the following conditions:

1. Placement of a note on the site plan stating future development of the site may require review by the Planning Commission, and approval from City Council;
2. Submittal to and approval by Planning and Zoning of the revised Modified Planning Approval site plan prior to its recording in Probate Court, and provision of a copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
3. Full compliance with all municipal codes and ordinances.

Modification (Planned Unit Development): Motion to approve by Matt Anderson. Second by Josh Woods. **Approved.**

After discussion, the Planning Commission determined that the following criteria prevail to support the Major Planned Unit Development (PUD) Modification request:

- A. The request is consistent with all applicable requirements of this Chapter;
- B. The request is compatible with the character of the surrounding neighborhood;
- C. The request is will not impede the orderly development and improvement of surrounding property;
- D. The request is will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood:
- E. The request is subject to adequate design standards to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
- F. The request is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and

- G. The request shall not be detrimental or endanger the public health, safety or general welfare.
- H. Benefits Consideration. In addition, consideration was given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

Based on the above criteria, the Planning Commission voted to recommend Approval of the Major PUD Modification to the City Council, subject to the following conditions:

1. Placement of a note on the site plan stating future development of the site may require review by the Planning Commission, and approval from City Council;
2. Submittal to and approval by Planning and Zoning of the revised Modified Planned Unit Development site plan prior to its recording in Probate Court, and provision of a copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
3. Full compliance with all municipal codes and ordinances.

NEW ITEMS

Call for Public Hearing, for January 18, 2024, for the Planning Commission to consider an amendment to 64-13-2 of the Unified Development Code to provide that the ten (10) acre minimum contiguous land area required for Planned Developments shall not apply to the Village Center, Neighborhood Center and Neighborhood General sub-districts of the Spring Hill Overlay.

Motion to approve by Nick Amberger. Second by Chad Anderson. **Approved.**