



# Mobile Planning Commission Results Agenda

October 5, 2023 – 2:00 P.M.

## ADMINISTRATIVE

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### Roll Call

x	Mr. John W. “Jay” Stubbs, Jr., Chairman		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)
x	Mr. Larry Dorsey		Mr. Kenny Nichols (S)
	Mr. Chad Anderson		
(S) Supernumerary      (MD) Mayor’s Designee      (AO) Administrative Official      (CC) City Council Representative			

**Staff:** Victoria Burch, Shayla Beaco, Doug Anderson, Bert Hoffman, Logan Anderson, George Davis, Butch Ladner

**Adoption of the Agenda:** Motion to adopt by Jennifer Denson. Second by Nick Amberger. **Adopted.**

## NEW ITEMS

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### 1. SUB-002630-2023

**Location:** 1010 Old Shell Road  
**Subdivision Name:** McCleave Subdivision  
**Applicant / Agent:** Kari Givens, Byrd Surveying, Inc.  
**Council District:** District 2  
**Proposal:** Subdivision of 2 lots, 0.24± acres

Kirk Mattei recused.

Motion to approve by Nick Amberger. Second by Jennifer Denson. **Approved.**

After discussion, the Planning Commission waived Sections 6.C.2(a)(1) and 6.C.2(b)(3) of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

1. Retention of the right-of-way width of Old Shell Road on the Final Plat;
2. Revision of either the easement note or the lot labels to contain the same lot references;

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. Placement of a note on the Final Plat stating that the front yard minimum building setback may be either five feet (5'), or as per the Historic District Overlay of Section 64-14-1.C. of the Unified Development Code;
5. 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;
6. Compliance with all Engineering comments noted in the staff report;
7. Placement of a note on the Final Plat stating the Traffic Engineering comments noted in the staff report;
8. Compliance with all Urban Forestry comments noted in the staff report; and,
9. Compliance with all Fire Department comments noted in the staff report.

## 2. SUB-002638-2023

**Location:** 1109, 1111, & 1113 West I-65 Service Road North  
**Subdivision Name:** Harris Subdivision  
**Applicant / Agent:** Mark Harris, Harris Real Estate, LLC  
**Council District:** District 1  
**Proposal:** Subdivision of 3 lots, 6.54± acres

Motion to holdover by Jennifer Denson. Second by Larry Dorsey. **Heldover.**

After discussion, the Planning Commission heldover the request until the November 2<sup>nd</sup> meeting to allow the applicant time to submit an application for a Major Modification of the previously approved Planned Unit Development.

## 3. SUB-SW-002637-2023

**Location:** Northeast corner of Sollie Road and Falling Leaf Avenue (Private Road), extending 1,611±' South to the East side of Sollie Road, at the East terminus of Raleigh Boulevard.  
**Subdivision Name:** Falling Leaf Subdivision, Phase One  
**Applicant / Agent:** D.R. Horton, Inc. (Vince LaCoste, Bethel Engineering, Agent)  
**Council District:** District 6  
**Proposal:** Request to waive the construction of a sidewalk along Sollie Road.

Motion to approve by Nick Amberger. Second by Jennifer Denson. **Approved.**

After discussion, the Planning Commission approved the Sidewalk Waiver request.

## 4. SUB-SW-002645-2023

**Location:** 4215 MacKinnon Industrial Parkway  
**Subdivision Name:** Resubdivision of I-10 / MacKinnon Subdivision  
**Applicant / Agent:** Kari Givens, Byrd Surveying, Inc.

**Council District:** District 4  
**Proposal:** Request to waive the construction of sidewalks along MacKinnon Industrial Parkway and Riviere Du Chien Road.

Motion to approve by Nick Amberger. Second by Kirk Mattei. **Approved.**

After discussion, the Planning Commission approved the Sidewalk Waiver request.

## 5. SUB-002647-2023 & ZON-UDC-002634-2023

**Location:** 2660 & 2662 Spring Hill Avenue & 266 Mobile Street  
**Subdivision Name:** RS Mobile Subdivision  
**Applicant / Agent:** Trevor McGill, RS Mobile, LLC  
**Council District:** District 1  
**Proposal:** Subdivision of 2 lots, 3.35± acres; and Rezoning from Single-Family Residential Urban District (R-1) and Community Business Urban District (B-3), to Community Business Urban District (B-3).

**Subdivision:** Motion to approve by Nick Amberger. Second by Kirk Mattei. **Approved.**

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

1. Completion of the Rezoning process for proposed Lot B prior to signing the Final 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, adjusted for dedication;
3. Dedication to provide 40-feet from the centerline along Mobile Street;
4. Dedication, if necessary, to illustrate a dimensioned curb radius in compliance with Section 6.C.6. of the Subdivision Regulations
5. Revision of all right-of-way widths on the preliminary plat for dedication, as appropriate;
6. Revision of the plat to illustrate a 5-foot minimum building setback line along Mobile Street for Lot A, adjusted for dedication;
7. Revision of the plat to illustrate a 10-foot minimum building setback line along Mobile Street and Spring Hill Avenue for Lot B, adjusted for dedication;
8. Revision of the plat to illustrate a 45-foot maximum building setback line along Mobile Street and Spring Hill Avenue for Lot B, adjusted for dedication;
9. Depiction of any and all easements on the subject site;
10. Placement of a note on the Final Plat stating that no structures are allowed in any easement without permission of the easement holder;
11. Provision of legal descriptions of both Lot A and Lot B;
12. Compliance with all Engineering comments noted in the staff report;
13. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in the staff report;
14. Compliance with all Urban Forestry comments noted in the staff report; and,
15. Compliance with all Fire Department comments noted in the staff report.

**Rezoning:** Motion to approve by Nick Amberger. Second by Josh Woods. **Approved.**

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

- A) Consistency. Whether the proposed amendment is consistent with the Comprehensive Plan;
- B) Mistake. For a Rezoning, whether there was a mistake or error in the original zoning map; and
- C) Compatibility. Whether the proposed amendment is compatible with:
  - The current development trends, if any, in the vicinity of the subject property;
  - Surrounding land uses;
  - Would adversely impact neighboring properties; or
  - Cause a loss in property values.
- D) Health, Safety and General Welfare. Whether the proposed amendment promotes the community's public health, safety, and general welfare.
- E) Capacity. Whether the infrastructure is in place to accommodate the proposed amendment; and,
- F) Change. Whether changed or changing conditions in a particular area make an amendment necessary and desirable.
- G) Benefits Consideration. In addition, consideration should also be 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:

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 this staff report;
3. Submittal of a Traffic Impact Study to the Traffic Engineering Department prior to the Rezoning request being forwarded to City Council; and,
4. Full compliance with all municipal codes and ordinances.

## **6. SUB-002643-2023, MOD-002644-2023 & MOD-002646-2023**

<b>Location:</b>	951 Downtowner Boulevard & 3655 Marion Beckham Drive
<b>Subdivision Name:</b>	McGill-Toolen Athletic Complex West Subdivision
<b>Applicant / Agent:</b>	Kari Givens, Byrd Surveying, Inc.
<b>Council District:</b>	District 5
<b>Proposal:</b>	Subdivision of 2 lots, 26.8± acres; Modification to remove a lot from a previously approved Planned Unit Development; and Modification to remove a lot from a previously approved Planning Approval.

**Subdivision:** Motion to approve Nick Amberger. Second by Josh Woods. **Approved.**

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

1. Dedication of at least a 25-foot corner radius at the intersection of Michael Boulevard and Marion Beckham Road, in compliance with Section 6.B.12 of the Subdivision Regulations;
2. Retention of the right-of-way width along Downtowner Boulevard;
3. Retention of the lot size labels in both square feet and acres, or provision of a table on the Final Plat with the same information, adjusted for dedication;
4. Retention of the 25-foot minimum building setback line along Downtowner Boulevard, Michael Boulevard, and Marion Beckham Road, as required by Section 64-2-10.E. of the Unified Development Code, adjusted for any dedication;
5. Provision of a note on the Final Plat stating no structures shall be constructed in any easement without permission from the easement holder;
6. Compliance with all Engineering comments noted in the staff report;
7. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in the staff report;
8. Compliance with all Urban Forestry comments noted in the staff report; and,
9. Compliance with all Fire Department comments noted in the staff report.

**Modification (PUD):** Motion to approve by Larry Dorsey. Second by Nick Amberger. **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 will not impede the orderly development and improvement of surrounding property;
- D. 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;
- E. The request will 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;
- G. The request shall not be detrimental or endanger the public health, safety or general welfare; and
- H. Benefits Consideration. The request will be in the City's and the larger community's best interests.

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. Revision of the final Planned Unit Development (PUD) site plan to remove Lot 1 from the development;
2. Retention of the size label on Lot 2 in both square feet and acres, adjusted for any required dedications;
3. Retention of the building sizes in square feet on the final PUD site plan;
4. Retention of the rights-of-way along all streets on the Final Site Plan, adjusted for any required dedications resulting from the Subdivision request;
5. Provision of a note on the Final PUD site plan stating future development or redevelopment of the property may require approval by the Planning Commission and City Council;
6. 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 the provision of a copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
7. Full compliance with all municipal codes and ordinances.

**Modification (Planning Approval):** Motion to approve by Nick Amberger. 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 will not impede the orderly development and improvement of surrounding property;
- D. 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;
- E. The request will 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;
- G. The request shall not be detrimental or endanger the public health, safety or general welfare; and
- H. Benefits Consideration. The request will be in the City's and the larger community's best interests.

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. Revision of the final Planning Approval site plan to remove Lot 1 from the development;
2. Retention of the size label on Lot 2 in both square feet and acres, adjusted for any required dedications;
3. Retention of the building sizes in square feet on the final Planning Approval site plan;
4. Retention of the rights-of-way along all streets on the Final Site Plan, adjusted for any required dedications resulting from the Subdivision request;

5. Provision of a note on the Final Planning Approval site plan stating future development or redevelopment of the property may require approval by the Planning Commission and City Council;
6. Submittal to and approval by Planning and Zoning of the revised Modified Planning Approval site plan prior to its recording in Probate Court, and the provision of a copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
7. Full compliance with all municipal codes and ordinances.

## OTHER BUSINESS

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### **Public Hearing**

**Amendment to the proposed Future Land Use Map to modify the recommended Future Land Use designation of 2316 Leroy Stevens Road from Low Density Residential to Mixed Density Residential.**

- Kirk Mattei recused.

Motion to approve by Harry Brislin. Second by Nick Amberger. **Approved.**

**Amendment of the proposed Future Land Use Map to modify the recommended Future Land Use designation of two parcels at the Northwest intersection of Cottage Hill Road and Cody Road South (Parcel I.D.s: R023303061000011.000 and R023303061000010.000) from Low Density Residential to Mixed Commercial Corridor.**

- Kirk Mattei recused.

Motion to approve by Harry Brislin. Second by Josh Woods. **Approved.**

**Future Land Use Map Amendments for Annexed Areas.**

- Kirk Mattei recused.

Motion to approve by Harry Brislin. Second by Josh Woods. **Approved.**

**Major Street Plan Amendments for Annexed Areas.**

Motion to approve by Nick Amberger. Second by Kirk Mattei. **Approved.**