



Mobile Planning Commission Results Agenda

February 22, 2024 – 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)
x	Mr. Larry Dorsey	x	Mr. Kenny Nichols (S)
	Mr. Chad Anderson		
(S) Supernumerary (MD) Mayor’s Designee (AO) Administrative Official (CC) City Council Representative			

Staff: George Davis, Jonathan Ellzey, Victoria Burch, Jim Rossler, Margaret Pappas, Logan Anderson, Bert Hoffman, Shayla Beaco

Adoption of the Agenda: Motion to adopt by Jennifer Denson. Second by Matt Anderson. **Adopted.**

HOLDOVERS

1. SUB-002777-2023

Location: 5377 Moffett Road
Subdivision Name: The Hive Subdivision
Applicant / Agent: Imran Balbale (D. Todd Shirk, Agent)
Council District: District 7
Proposal: Subdivision of 11 lots, 3.2± acres

Motion to deny by Matt Anderson. Second by Josh Woods. **Denied.**
Kenny Nichols opposed.

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

1. The design of the proposed subdivision is not an orderly development suitable to the general welfare of the surrounding neighborhood.

NEW ITEMS

2. SUB-002809-2024

Location: 560 Shady Oak Drive
Subdivision Name: Oak Place Subdivision
Applicant / Agent: Bryan P. Maisel, Bryan Maisel Builders, LLC
Council District: District 7
Proposal: Subdivision of 1 lot, 0.16± acres

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

After discussion, the Planning Commission waived Sections 6.C.2.(a)(1), 6.C.2.(b)(2), and 6.C.7 of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

1. Retention of right-of-way along Shady Oaks Drive on the Final Plat;
2. Revision of a note on the plat depicting sufficient right-of-way along West I-65 Service Road North;
3. Retention of the lot size in both square feet and acre on the Final Plat, or provision of a table on the Final Plat with the same information;
4. Retention of setbacks as shown on the preliminary plat;
5. Placement of a note on the Final Plat stating that the lot is denied access to West I-65 Service Road North;
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.

3. SUB-002811-2024

Location: 1408 Cody Road North
Subdivision Name: Cody Road Subdivision
Applicant / Agent: Brandon Elliott, Elliott Land Developments (Michael Thomas, Bluewater Design, LLC, Agent)
Council District: District 7
Proposal: Subdivision of 1 lot, 16.44± acres

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. Revision of the plat to depict dedication sufficient to provide 50 feet from the centerline of Cody Road North;
2. Revision of the plat to depict dedication sufficient to provide 25-feet from the centerline of Victor Road;
3. Retention of the right-of-way along Overlook Road, as depicted on the preliminary plat;
4. Revision of the plat to illustrate a 25-foot setback along all street frontages, adjusted for dedication;
5. Retention of the lot sizes in both square feet and acre on the Final Plat, or provision of a table on the Final Plat with the same information, adjusted for dedication;
6. Provision of a lot label on the Final Plat;
7. Correction of the name of the Subdivision on the Final Plat;
8. Retention of a note on the Final Plat that states that no structures shall be constructed on any easement without permission from the easement holder;
9. Compliance with all Engineering comments noted in the staff report;
10. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in the staff report;
11. Compliance with all Urban Forestry comments noted in the staff report; and,
12. Compliance with all Fire Department comments noted in the staff report.

4. SUB-002796-2023

Location:	North side of Industrial Parkway Extension, 570'± East of U.S. Highway 43 South
Subdivision Name:	3B South Subdivision
Applicant / Agent:	Norfolk Southern Railway Company (Kristi B. Glahn, Agent)
Council District:	District 2
Proposal:	Subdivision of 2 lots, 882.2± acres

Motion to approve by Matt Anderson. Second by Jennifer Denson. **Approved.**

After discussion, the Planning Commission waived Section 6.C.3. of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

1. Revision of the plat to depict the existing right-of-way along Industrial Parkway Extension;
2. Revision of the plat to label the lot sizes in both square feet and acres on the Final Plat, or provision of a table on the Final Plat with the same information;
3. Revision of the plat to illustrate the 25-foot minimum building setback line along Industrial Parkway Extension, per Section 64-2-22.E. of the UDC for lots in an I-2 zoning district;
4. Removal of the hash marks and future development note from Lot 1;
5. Provision of a note on the Final Plat stating future development of Lot 2 may require review and approval by the Mobile City Planning Commission and City Council;
6. Provision of all required signature blocks for both the City of Saraland and the City of Mobile on the Final Plat;

7. Provision of proof that the Saraland Planning Commission has approved the plat, prior to the City of Mobile signing the Final Plat;
8. Compliance with all Engineering comments noted in the staff report;
9. Provision of a note on the Final Plat stating all Traffic Engineering comments noted in the staff report;
10. Compliance with all Urban Forestry comments noted in the staff report; and,
11. Compliance with all Fire Department comments noted in the staff report.

5. SUB-002810-2024

Location: 1852 & 1856 Butler Street
Subdivision Name: Butler-Esau Subdivision
Applicant / Agent: Lawrence Cain (Nick Hadji, SLSCO, Ltd., Agent)
Council District: District 1
Proposal: Subdivision of 2 lots, 0.25± acres

Motion to holdover by Matt Anderson. Second by Nick Amberger. **Heldover until the March 21, 2024 meeting.**

After discussion, the Planning Commission heldover the request until the March 21, 2024 meeting to allow the applicant time to address the following:

1. Revision of Lot 1 to contain only one (1) dwelling, with compliant setbacks;
2. Revision of the plat to indicate a dedication to provide 30 feet from the centerline of Butler Street;
3. Revision of the plat to indicate a dedication to provide a 25-foot radius curve at the intersection of Butler Street and Esau Avenue;
4. Revision of the plat to indicate a five-foot (5') minimum building setback line along both street frontages, as measured from any required dedication;
5. Revision of the plat to label each lot with its size in both square feet and acres after any required dedication.

6. SUB-SW-002808-2024

Location: 7700 Summit Court
Applicant / Agent: JADE Consulting, LLC
Council District: District 6
Proposal: Request to waive the construction of sidewalks along Summit Court and Schillinger Road South.

Motion to deny by Josh Woods. Second by Matt Anderson. **Denied.**
 Kenny Nichols and Kirk Mattei opposed.

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

7. ZON-CUP-002803-2024

Location: 5032 Government Boulevard
Applicant / Agent: Deborah May
Council District: District 4
Proposal: Conditional Use Permit approval to allow a home-based child daycare for 10 children in an R-1, Single-Family Residential Suburban District.

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

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) The applicable development standards; and
 - (b) The applicable use regulations.
2. The request is compatible with the character of the surrounding neighborhood; and
3. The request will not impede the orderly development and improvement of surrounding property.

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 and include a table of the required number of parking spaces (the amount required for the dwelling, off-site employees, and children);
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 additional Conditional Use Permit approval by the Planning Commission and City Council; and
4. Full compliance with Building, Plumbing, Electrical, Mechanical, Fire Department, and Health Department codes and ordinances.

8. SUB-002792-2023 & MOD-002804-2024

Location: 3201 Airport Boulevard, 410 & 450 Bel Air Boulevard
Subdivision Name: Resubdivision of Lot 1 of the Resubdivision of Lot 2 of Bel Air Mall Subdivision
Applicant / Agent: Felix Reznick, 4th Dimension Properties, LLC
Council District: District 5
Proposal: Subdivision of 2 lots, 43.01± acres; and Modification of a previously approved Planned Unit Development allowing multiple buildings on a

single building site, and shared access and parking between multiple building sites.

Subdivision: Motion to holdover by Nick Amberger. Second by Matt Anderson. **Heldover until the March 21, 2024 meeting.**

Kenny Nichols recused.

After discussion, the Planning Commission heldover the request to the March 21st meeting so that it can be considered with the Modification to the Planned Unit Development.

Modification: Motion to holdover by Nick Amberger. Second by Matt Anderson. **Heldover until the March 21, 2024 meeting.**

Kenny Nichols recused.

After discussion, the Planning Commission heldover the request to the March 21st meeting, with revisions due by March 5th, to allow the applicant time to address the following:

- 1) Revision of the site plan to include Lots 3 and 4, Bel Air Mall Subdivision as required by the 2021 PUD;
- 2) Submittal of authorization of the property owners for Lots 2 and 3, Resubdivision of Lot 2, Bel Air Mall Subdivision and Lots 3 and 4, Bel Air Mall Subdivision; and
- 3) Revision of the site plan to clearly label adjacent lots and their associated Subdivision names as well as map book and page or instrument number.

9. SUB-002813-2024 & MOD-002814-2024

Location: 4464 & 4474 Halls Mill Road
Subdivision Name: First Addition to, Resubdivision of, Paul Persons Subdivision
Applicant / Agent: Buddy Persons, Persons Development & Construction Services, LLC
Council District: District 4
Proposal: Subdivision of 1 lot, 4.31± acres; and Modification of a previously approved Planned Unit Development allowing multiple buildings on multiple building sites and reduced landscaping.

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 right-of-way widths along Halls Mill Road;
2. Depiction of the right-of-way label for Halls Mill Road 35-feet from the centerline;
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;

4. Revision of the Final Plat to illustrate a compliant 25-foot minimum front building setback along the entirety of Lot A-1, as required by Section 64-2-14.E of the Unified Development Code;
5. Retention of all easements, as illustrated, on the Final Plat;
6. Provision of a note on the Final Plat stating no structures shall be constructed in any easement without permission from the easement holder;
7. Retention of a note on the Final Plat stating that there shall be no future subdivision of Lot A-1 to create additional lots;
8. Compliance with all Engineering comments noted in the staff report;
9. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in the staff report;
10. Compliance with all Urban Forestry comments noted in the staff report; and,
11. Compliance with all Fire Department comments noted in the staff report.

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

After discussion, the Planning Commission determined the following Findings of Fact to support modification of the previously approved Planned Unit Development:

- 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. Having considered the applicable factors, 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 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.

As such, the Planning Commission voted to recommend approval of the Major Planned Unit Development Modification to the City Council, subject to the following conditions:

1. Revision of the Final PUD site plan to reflect any/all revisions to easements as a result of the associated Subdivision request;
2. Completion of the Use Variance process to amend a previously approved Use Variance, prior to issuance of development permits;
3. Placement of a note on the Final PUD Site Plan stating that, upon development of the site, as proposed, the entirety of Lot A-1 must comply with current UDC Landscaping & Tree standards as detailed in Article 3 Section 64-3-7 of the Unified Development Code;

4. Revision of the Final PUD Site Plan to remove Tree Planting, Landscaping, and Parking data and calculations as they are currently depicted;
5. Provision of a note stating that all proposed and future development must comply with current UDC requirements;
6. Revision of the Final PUD Site Plan such that notes referencing sections from the previous Zoning Ordinance are updated to their corresponding Sections in the Unified Development Code;
7. Revision of the site plan to illustrate compliance with the bicycle parking standards of Section 64-3-12.A.9;
8. Revision of the site plan to illustrate compliance with the off-street loading facilities standards of Section 64-3-12.B;
9. Revision of the site plan to illustrate compliance with the on-site pedestrian safety standards of Section 64-3-3;
10. Provision of a revised tree and landscape plan at the time of permitting illustrating compliance with the City Council’s decision, or in compliance with Section 64-3-7;
11. Provision of a note on the site plan stating any dumpster placed on the property must meet the enclosure and placement standards of Section 64-3-13.A.4. of the UDC;
12. Provision of a note on the site plan stating that all proposed and future protection buffers must comply with Section 64-3-8 of the UDC;
13. Retention of all easements, as illustrated;
14. Provision of a note on the site plan stating no structures shall be constructed in any easement without permission from the easement holder;
15. Provision of a note on the site plan stating future development or redevelopment of the site may require additional modification of the PUD to be reviewed and approved by the Planning Commission and City Council;
16. Compliance with all Engineering comments noted in the staff report;
17. Compliance with all Traffic Engineering comments noted in the staff report;
18. Compliance with all Urban Forestry comments noted in the staff report;
19. Compliance with all Fire Department comments noted in the staff report;
20. Submittal to and approval by Planning and Zoning of the revised Modified Planned Unit Development site plan prior to their recording in Probate Court, and the provision of a copy of the recorded site plan (pdf) to Planning and Zoning; and,
21. Full compliance with all municipal codes and ordinances.

10. SUB-002816-2024 & MOD-002815-2024

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; and Modification of a previously approved Planned Unit Development allowing multiple buildings on a single building site with shared parking and access.

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

After discussion, the Planning Commission waived Section 6.C.3. of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

1. Retention of the right-of-way width of West I-65 Service Road North, as depicted 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 no structures shall be constructed in any easement without permission from 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.

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

After discussion, the Planning Commission determined the following Findings of Fact to support modification of the previously approved Planned Unit Development:

- 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; and
- d. Having considered the applicable factors, 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;

As such, the Planning Commission voted to recommend approval of the Major Planned Unit Development Modification to the City Council, subject to the following conditions:

1. Retention of a note on the final PUD site plan stating no structures shall be constructed in any easement without permission from the easement holder;
2. Revision of the site plan to provide a table noting the off-street parking requirements of Table 64-3-12.1 of Article 3 of the UDC for each use of the site, along with the number of parking spaces provided;
3. Retention of the 25-foot minimum building setback line along West I-65 Service Road North, as required by Section 64-2-21.E. of the Unified Development Code;
4. Retention of the lot size labels in both square feet and acres, or provision of a table on the final PUD site plan with the same information;
5. Provision of the building sizes in square feet on the final PUD site plan;
6. Retention of the right-of-way along West I-65 Service Road North on the final PUD site plan;

7. 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;
8. 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 (pdf) to Planning and Zoning; and,
9. Full compliance with all municipal codes and ordinances.

11.SUB-002807-2024 & ZON-UDC-002806-2024

Location: 4600 Cypress Business Park Drive
Subdivision Name: 4600 Business Park Subdivision
Applicant / Agent: Bestor Ward, III (Mark A. Wattier, Wattier Surveying, Inc., Agent)
Council District: District 4
Proposal: Subdivision of 2 lots, 4.42± acres; and Rezoning from Community Business Suburban District (B-3) and Office Distribution District (B-5), to Community Business Suburban District (B-3).

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. Completion of the Rezoning process from B-3 and B-5 to B-3 for proposed Lot A prior to signing the Final Plat;
2. Retention of the lot size labels in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
3. Retention of the right-of-way width of both streets on the Final Plat;
4. Retention of the 25-foot minimum building setback line along both streets;
5. Placement of a note on the Final Plat stating that no structures are allowed in any easement without permission of the easement holder;
6. Provision of a sidewalk along the extended Cypress Business Park Drive frontage at the time of development, or submission of a Sidewalk Waiver for that portion of the lot;
7. Compliance with all Engineering comments noted in the staff report;
8. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in the staff report;
9. Compliance with all Urban Forestry comments noted in the staff report; and,
10. Compliance with all Fire Department comments noted in the staff report.

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

After discussion, the Planning Commission determined the following criteria prevail to support rezoning of the property to B-3, Community Business Suburban District:

- A) Consistency. The proposed amendment is consistent with the Comprehensive Plan; and

- B) Compatibility. 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.
- 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 rezoning the property to B-3, Neighborhood Business Suburban District, subject to the following conditions:

1. Completion of the Subdivision process for proposed 4600 Business Park Subdivision;
2. Compliance with all Engineering, Traffic Engineering, Urban Forestry, and Fire Department comments noted in this staff report; and,
3. Full compliance with all municipal codes and ordinances.

OTHER BUSINESS

Old Business

Amendment to Article 13, Section 64-13-2 of the Unified Development Code, regarding Planned Developments in the Spring Hill Overlay, by adding *item 6* as follows:

Section 64-13-2 Administration

A. Applicability

1. This Article applies to the Spring Hill Overlay, the boundaries of which are depicted on the official Zoning Map.
2. The regulations and criteria set forth in this section are applicable to the geographic areas within the Spring Hill Overlay boundary with respect to specific Site and land development requirements.
3. Properties being developed or redeveloped within the Spring Hill Overlay shall comply with all applicable regulations of this Article.
4. Except where explicitly provided to the contrary, whenever the requirements of these overlay regulations are in conflict with the other requirements of Chapter 64, the requirement within this Article shall supersede.
5. However, the underlying requirements remain applicable where this overlay remains silent.
6. *Within any sub-district, the minimum contiguous land area required for Planned Developments shall be four (4) acres.*

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

After discussion, the Planning Commission voted to recommend approval of an amendment to Article 13, Section 64-13-2 of the Unified Development Code, to allow a four (4) acre minimum area for Planned Developments within the Spring Hill Overlay, to the City Council.

New Business

Review of the Planning Commission filing deadline and meeting schedule for the May 2024 meeting.

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