

MOBILE CITY PLANNING COMMISSION

MINUTES

JUNE 2, 2022 - 2:00 P.M.

AUDITORIUM, GOVERNMENT PLAZA

ROLL CALL:

Members Present	Members Absent
Carlos Gant Shirley Sessions Taylor Atchison Matt Anderson, (MD) Nick Amberger (AO) - Acting Chairman Scott Jones (CC)	John W. “Jay” Stubbs, Jr. Chairman Allan Cameron, Vice Chairman Jennifer Denson, Secretary Susan Carley (S) Kirk Mattei (S)
Planning Staff Present	Others Present
Marie York, Planning & Zoning Victoria L. Burch, Planning & Zoning Bert Hoffman, Long Range Planning Shayla Beaco, Build Mobile	Doug Anderson, Staff Attorney 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 approve by Scott Jones. Second by Matt Anderson. Adopted.

NEW SUBDIVISION APPLICATIONS:

- 1. 2861 Spring Hill Avenue**
(South side of Spring Hill Avenue, 242’± West of Davenport Avenue, extending to the West terminus of Fay Court).
Council District 1
SUB-002034-2022
Commonwealth National Bank Subdivision
Number of Lots / Acres: 2 Lots / 2.2± Acres

PLANNING COMMISSION – Minutes

June 2, 2022

PAGE 2

Engineer / Surveyor: Speaks & Associates Consulting Engineers, Inc.

Percy Jenkins of Commonwealth National Bank was present regarding the application. He explained that the bank was in the process of selling a portion of the site to a neighbor, thus the need for the subdivision.

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 Springhill Avenue and Fay Court on the Final Plat;
- 2) retention of the 25-foot minimum building setback line along Springhill Avenue and Fay Court on the Final Plat;
- 3) 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;
- 4) placement of a note on the Final Plat stating no structures shall be constructed within any easement without the 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 note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 26 - #76) LOTS 1 and 2 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 and LOT 2 –NONE. D. 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. E. 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. F. 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. G. 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. H. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. I. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at*

PLANNING COMMISSION – Minutes

June 2, 2022

PAGE 3

land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing. J. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);

- 6) placement of a note on the Final Plat stating the Traffic Engineering comments: *(Springhill Avenue is an ALDOT controlled Facility. Driveway number, size, location, and design to be approved by ALDOT and 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.)*

2. 401 Civic Center Drive

(Block bounded by Civic Center Drive, South Lawrence Street, Canal Street, South Claiborne Street, and South Jackson Street).

Council District 2

SUB-002038-2022

Mobile Civic Center Subdivision

Number of Lots / Acres: 2 Lots / 13.9± Acres

Engineer / Surveyor: Wattier Surveying, Inc.

Commissioner Gant recused from the application.

Jim DeLapp of the City of Mobile was present to represent the application and in agreement with the recommendations.

The Commission asked the representative to discuss the future development and associated parking issues regarding the property. Mr. DeLapp stated that a proposed parking garage would alleviate any parking issues created by the proposed future office building.

Planning staff noted that there was one letter in opposition received by staff.

Richard Watters and Elizabeth Stevens were present to speak in opposition to the application. They made the following points:

PLANNING COMMISSION – Minutes

June 2, 2022

PAGE 4

- More information was needed regarding the subdivision and the future development of the property;
- The proposed development would create parking concerns;
- The proposed development would create problems regarding the use of the Civic Center and Theater;
- Concerned about how the proposal would impact Mardi Gras organizations, parades and events;
- Concerned about the mix of uses;
- The Master Plan required by the Downtown Development District regulations should be completed before the property is divided, thus the subdivision action is occurring too soon;
- The Downtown Development District process is not being followed for development of Special Districts; and
- The site is very important to the community, so any plans for the site should occur through a public process.

Legal counsel advised the Commission that the subdivision of land did not require the completion of the Master Plan process of the Downtown Development District. The Master Plan process would be addressed at a future meeting when zoning issues would also be addressed.

Commissioners asked the representative, Mr. DeLapp, if there was a reason that the subdivision process had to occur prior to the Master Plan process.

Mr. DeLapp stated that the specific project, a proposed office building, needed the subdivision process to be completed to move forward. He also stated that the proposed lot lines for the new lot needed to be shifted twenty (20) feet to the North and thirty (30) feet to the West.

Motion to approve by Matt Anderson. Second by Scott Jones. Approved. Carlos Gant recused from voting.

After discussion, the Planning Commission waived Section V.B.15. and V.D.9. of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

- 1) The North property line of proposed Lot A may be shifted up to 20-feet of the location depicted on the preliminary plat;
- 2) The West property line of proposed Lot A may be shifted up to 30-feet of the location depicted on the preliminary plat;
- 3) Revision of the plat to depict the existing minimum right-of-way to the centerline of Canal Street (or total right-of-way width), including dedication if necessary, to provide 60-feet from the centerline;
- 4) Retention of the rights-of-way for South Lawrence Street and Civic Center Drive;

PLANNING COMMISSION – Minutes

June 2, 2022

PAGE 5

- 5) Revision of the plat to depict the minimum existing right-of-way to the centerline of South Jackson Street and South Claiborne Street, including dedication if necessary, to provide 25-feet from the centerline;
- 6) 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;
- 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. Show and label the POB for the Overall Legal Description of the subdivision boundary. C. Show and label the BFE (Base Flood Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. D. 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. E. 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. F. 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. G. 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. H. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. I. 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. J. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);*
- 8) 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.);*
- 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.); and*

PLANNING COMMISSION – Minutes

June 2, 2022

PAGE 6

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.)*.

3. 363 Gulfwood Drive

(West side of Gulfwood Drive, 95'± South of the West terminus of Gulfwood Drive East).

Council District 7

SUB-002041-2022

Emanuelli Court Subdivision

Number of Lots / Acres: 2 Lots / 0.7± Acre

Engineer / Surveyor: Erdman Surveying, LLC

The applicant was not present but requested a holdover prior to the meeting.

John Williams, an immediate neighbor to the site, spoke against the application and noted the following items:

- supports the denial of the request;
- the proposal would create a flag lot;
- the proposal would create a property that is not in character with the neighborhood;
- concerned about access for Fire to the proposed lot;
- the proposal would result in increased traffic; and
- the proposal would result in increased stormwater runoff.

Motion to holdover by Nick Amberger. Second by Matt Anderson. Heldover to June 16.

After discussion, the Planning Commission voted to holdover the application to the June 16th meeting, at the request of the applicant.

4. 3722 Swansea Drive

(North side of Swansea Drive, 755'± East of Lleyn Avenue).

Council District 5

SUB-002044-2022

Llanfair South Yester Oak Subdivision

Number of Lots / Acres: 1 Lot / 0.4± Acre

Engineer / Surveyor: Polysurveying Engineering-Land Surveying

Applicant Alex Del Rio was present to represent the application and in agreement with the recommendations.

No one else was present regarding the application.

PLANNING COMMISSION – Minutes

June 2, 2022

PAGE 7

Motion to approve by Taylor Atchison. Second by Scott Jones. Approved.

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

- 1) provision of a Final Plat as required by Section IV.C.2. of the Subdivision Regulations;
- 2) retention of the right-of-way width of Swansea Drive on the Final Plat;
- 3) retention of the 25-foot minimum building setback line along Swansea Drive on the Final Plat;
- 4) provision 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;
- 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. Provide and label the monument set or found at each subdivision corner. D. Add a vicinity map. E. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. F. Provide the Surveyor's Certificate. 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. M. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);*
- 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 PLANNED UNIT DEVELOPMENT APPLICATIONS:

5. 6700 and 6591 Wall Street

(South side of Wall Street, 715'± West of Hillcrest Road).

Council District 6

PUD-002055-2022

MACP Timber Ridge Two, LLC

Planned Unit Development to amend a previously approved Planned Unit Development to allow multiple buildings on a single building site, and shared access between building sites.

Lawren Pratt was present to represent the application and in agreement with the recommendations.

Motion to approve by Matt Anderson. Second by Scott Jones. 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 greater flexibility is required due to the scope and scale of the site, and due to existing conditions and constraints;
- 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), by allowing multiple buildings on a single building site, shared access with the adjacent development, and shared parking;
- 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 provides additional dwelling units within an established multi-family residential 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 development is

PLANNING COMMISSION – Minutes

June 2, 2022

PAGE 9

providing additional tree plantings and landscape area, and avoiding development in the flood zones;

- e. the proposal promotes the objective of Open space (to encourage the provision of common open space through efficient site design), because additional greenspace will be provided within the development; and,
- f. the proposal promotes the objective of Public services (to encourage optimum use of available public utilities, streets and community facilities), because the development will utilize existing public infrastructure.

The Approval is subject to the following conditions:

- 1) Revision of the name and/or phase of the development to avoid duplicating the name of the adjacent development, if applicable;
- 2) Revision of a note on the site plan to provide the correct number of total dwelling units and on-site parking spaces;
- 3) Placement of a note on the revised site plan stating the site shall comply with the parking lot lighting requirements of Section 64-6.A.8. of the Zoning Ordinance, and that a photometric plan in compliance with these requirements will be submitted at the time of permitting;
- 4) Placement of a note on the site plan stating that the site will comply with the tree planting and landscape area requirements of Section 64-4.E. of the Zoning Ordinance, and that a tree planting and landscape area plan in compliance with these requirements will be submitted at the time of permitting;
- 5) Placement of a note on the revised site plan stating any dumpster placed on the property will meet the enclosure and sanitary sewer requirements of Section 64-4.D.9. of the Zoning Ordinance;
- 6) Revision of the site plan to illustrate a sidewalk along Wall Street, or submission of a Sidewalk Waiver for review by the Planning Commission, prior to the approval of any associated permits;
- 7) Revision of the site plan to identify the dimensions of the protection buffer along the South property line, in compliance with Section 64-4.D.1. of the Zoning Ordinance;
- 8) Placement of a note on the revised site plan stating no structures shall be placed within any easement without permission of the easement holder;
- 9) Revision of the site plan to relocate the proposed mail kiosk to meet the setbacks of the underlying zoning district, or of the supplementary yard regulations of Section 64-4.D.2. of the Zoning Ordinance if relocated to the subject site, as applicable;
- 10) Compliance with Engineering comments: *(ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: A) 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 (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). B) 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*

PLANNING COMMISSION – Minutes

June 2, 2022

PAGE 10

included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work. C) 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. D) 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. E) 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. F) The proposed development must comply with all Engineering Department design requirements and Policy Letters.);

- 11) Placement of a note on the site plan stating 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.);*
- 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) Provision of a copy of the revised PUD site plan for review by the Planning and Zoning Department prior to the approval of any permits.

GROUP APPLICATIONS:

- 6. 2500 Dauphin Street
(Northwest corner of Dauphin Street and Hurlbert Street).
Council District 1**

a. ZON-002043-2022 (Rezoning)

Alexandra Rousos Theris

Rezoning from R-1, Single-Family Residential District, to B-1, Buffer Business District.

Planning staff alerted the Commission of comments received from fifteen (15) people in opposition to the requests.

Applicant Alexandra Rousos Theris was present regarding the requests. She made the following points:

- she agreed with the recommendations of the staff report;
- she has 15 years of experience as a Montessori school teacher and education administrator;
- she and her business partner Monica Cooke have developed the program;
- the proposed use is not a daycare;
- the use will not have outdoor activities;
- it will be an indoor learning environment providing guided exploration for children for one to two hour sessions;
- the facility would provide intentional and purposeful play to provide specific learning opportunities;
- they looked at many other locations, but could not find anything suitable for the needs of the proposed use;
- they held a community information session with neighbors, after which they altered their proposed hours of operation and programming in response to concerns expressed by the neighbors; and
- the experience for the children would be similar to a guided children’s museum tour;

Commissioners asked the applicant for clarification of the nature of the business and the number of children that would be present during sessions, and if the building would be changed.

The applicant stated that it was an educational facility, and that after feedback from the neighbors, they decided that limiting the number of children to twelve (12) would help reduce concerns regarding traffic. Classes would range from hour and half (1.5) to two (2) hours long. Parents could stay or leave their children. They would have three (3) or four (4) classes a day, all indoors. The applicant stated that the building would not be changed, but a sign would be installed, replacing an existing sign.

Commissioners, Planning staff and the applicant discussed the Traffic Engineer comments and both on-site and on-street parking. It was noted that there were eight (8) parking spots on the property, which exceeded the minimum number required for the proposed use.

PLANNING COMMISSION – Minutes

June 2, 2022

PAGE 12

Bryan Duhe, the owner of the property, spoke in support of the requests. He made the following points:

- he has owned the property for many years and used it as his own law office;
- he placed the property on the market about a year ago, and received offers to tear the building down and construct a parking lot – an offer he rejected; and
- he stated that the proposed educational use was innovative and that it would be a great opportunity at this location.

Commissioners and Planning staff discussed if the zoning had to be changed for the proposed use, and how the law office was established on the site. Staff noted that the proposed use did require the zoning change, and that law office use was allowed by a variance granted in the late 1970s.

Emily Johnston and Chris Ezell were present to speak in opposition to the application. They made the following points:

- concerned about future uses of the site if the rezoning is approved – not the currently proposed use;
- commercial uses are encroaching on the area;
- there are available vacant commercial properties in the area;
- there will be unintended consequences if the property is rezoned;
- the rezoning is not appropriate and does not meet the criteria for rezoning; and
- the proposed use will create excess traffic and parking problems on Hurlbert Street.

Commissioners, legal counsel and staff discussed considering possible voluntary use restrictions, and if the applicant would be amenable to considering which uses from the Chart of Permitted Uses would be allowed as part of the rezoning request. It was noted that any consideration of voluntary use restrictions would require a holdover of the applications to allow the applicant to develop a list of uses and complete and submit the required paperwork. The Commission also stated that the applicant should once again meet with the neighborhood about possible restrictions.

Motion to Holdover by Matt Anderson. Second by Scott Jones. Heldover.

After discussion, the Commission heldover the application to the June 16th meeting, to give the applicant and neighboring property owners an opportunity to have an additional meeting.

b. PA-002057-2022 (Planning Approval)

Alexandra Rousos Theris

Planning Approval to allow a daycare/school in a B-1, Buffer Business District.

See the discussion under the Zoning application.


PLANNING COMMISSION – Minutes
June 2, 2022
PAGE 13

Motion to Holdover by Matt Anderson. Second by Scott Jones. Heldover.

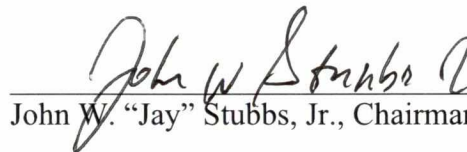
After discussion, the Commission heldover the application to the June 16th meeting, to give the applicant and neighboring property owners an opportunity to have an additional meeting.

OTHER BUSINESS:

Minutes approved: February 20, 2025



Jennifer Denson, Secretary



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