

Mobile Planning Commission Minutes

August 17, 2023 – 2:00 P.M.

ADMINISTRATIVE

Roll Call

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

Staff: Moynur Rahman, Butch Ladner, Grace Toledo, Victoria Burch, Doug Anderson, Bert Hoffman, Logan Anderson, Shayla Beaco

Commissioner Matt Anderson assumed the duties of Chairman and began the meeting due to Commission officers not being present. Upon the arrival of Commissioner Denson, Commissioner Matt Anderson returned the duties of Chairman to Commissioner Denson.

HOLDOVERS

1. ZON-CUP-002562-2023

Location: 611 Shannon Street
Applicant / Agent: Natasha Pleasant
Council District: District 5
Proposal: Conditional Use Permit approval to allow a home-based child daycare for 7-12 children in an R-1, Single-Family Residential Suburban District.

Applicant Natasha Pleasant was present and discussed her application for an increase in children at her home based daycare.

Legal counsel requested that the applicant describe the existing structure.

Ms. Pleasant discussed the layout of the home, and stated that she had been in business for seventeen (17) years at her present location as a home-based daycare. She stated that she was seeking approval to increase from six (6) up to twelve (12) children. She noted that the

home has one (1) bathroom, and she acknowledged that parking needed to be added on the side of the house. She stated that she was licensed to stay open until midnight.

Commissioners, staff and the applicant discussed the Unified Development Code requirements, the meeting with the neighborhood, and parking requirements.

The City Engineer stated that the proposed site improvements would likely result in the impervious area of the site exceeding 4,000 square feet, after which she would be required to hire an engineer to prepare plans to address storm water and site design requirements. The applicant acknowledged these requirements.

Planning staff advised the Commission of the unique comments provided by Fire as it relates to daycare facilities.

No one else was present regarding the application.

During the deliberation session, legal counsel, Commissioners and staff discussed how under the Unified Development Code these requests now require a Conditional Use Permit application, whereas prior to the UDC they would have gone through the Board of Adjustment. It was stated that it was difficult to justify the hardship criteria necessary for consideration by the Board, hence contributing to the change in procedure as part of the UDC. Legal counsel also noted that the increase in children triggered additional compliance requirements with Building and Fire codes. It was noted that the requirements essentially created a commercial use in a residential neighborhood, due to the parking and building code requirements.

Motion to approve by Matt Anderson. Second by Nick Amberger. Approved. Josh Woods and Harry Brislin voted in opposition.

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

- 1) Submittal of a compliant legible site plan to Planning & Zoning staff;
- 2) Depiction of an outdoor play area enclosed by a four-foot (4') tall fence or wall;
- 3) Hours of operation are limited to Monday through Friday, 6 AM to 12 AM;
- 4) Any changes in the scope of operations (hours 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
- 5) Compliance with Engineering, Traffic Engineering, Urban Forestry and Fire Comments, as noted in the staff report, as well as permitting of any proposed or required improvements.

EXTENSIONS

2. SUB-002129-2022

Location: 5015, 5017, 5019, 5021, 5029, 5033, 5039, 5043, 5049, 5051, 5055, 5121, & 5133 Cottage Hill Road, 2113 Demetropolis Road, & 2104 Garmons Lane
Subdivision Name: Cottage Village Shopping Center Subdivision
Applicant / Agent: McCrory & Williams, Inc.
Council District: District 4
Proposal: Subdivision of 7 lots, 14.0± acres

The applicant was present and in agreement with the suggested considerations.

No one else was present regarding the application.

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

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

- 1) Revision of the plat to correctly identify North Demetropolis Road (incorrectly identified on the plat as University Boulevard);
- 2) Revision of the plat to correctly identify Dinkins Drive (incorrectly identified on the plat as Troy Lane);
- 3) Dedication to provide 50-feet from the centerline of Demetropolis Road, if necessary;
- 4) Dedication to provide 25-feet from the centerline of North Demetropolis Road, if necessary;
- 5) Dedication to provide 25-feet from the centerline of Dinkins Drive and Garmons Lane, if necessary;
- 6) Dedication of the corner radii at North Demetropolis Road and Dinkins Drive per Section V.D.6. of the Subdivision Regulations;
- 7) Retention of the lot size label in square feet and acres on the Final Plat, or provision of a table on the Final Plat with the same information, adjusted for any required dedication;
- 8) Revision of the plat to illustrate the 25-foot minimum building setback line along all street frontages, per Section V.D.9. of the Subdivision Regulations, adjusted for any required dedication;
- 9) Placement of a note stating that no structures are allowed in any easements without the easement holder's permission;
- 10) 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. Correct the street name in the plat and vicinity map from "University Boulevard" to "Demetropolis Road". C. Add a signature block for the Owner and Notary Public. D. As shown on the 1984 aerial photo (FLIGHT 22 - #86) LOTS 1 through 5 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 – 380,000 sf, LOT 2 – 23,000 sf, LOT 3 – 10,000 sf, LOT 4 – 15,000 sf, and LOT 5 – 38,000 sf. E. 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. F. 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. G. 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. H. 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. I. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. J. 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.);

- 11) Placement of a note on the revised plat stating Traffic Engineering comments: (A traffic impact study (TIS) has been requested for this site but has not yet been submitted or reviewed. Redevelopment of the site with a C-Store raises concerns about the driveway on Cottage Hill Road nearest to the University Blvd intersection. Traffic Engineering approval of this site is contingent upon the submission and acceptance of the traffic impact study. Owner/Developer is responsible for any improvements that may be necessary to mitigate the increase in traffic within the TIS study limits. Site is limited to driveways as shown on the approved PUD plan with 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 (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site 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 (2021 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.);

- 14) Completion of the rezoning process prior to issuance of building permits; and,
- 15) Full compliance with all other municipal codes and ordinances.

NEW ITEMS

3. SUB-002574-2023

Location: 6275 Overlook Road
Subdivision Name: Live Oak Trace Subdivision
Applicant / Agent: The Morrow Companies / JADE Consulting, LLC
Council District: District 7
Proposal: Subdivision of 2 lots, 9.55± acres

The applicant was present and in agreement with the suggested considerations.

No one else was present regarding the application.

Motion to approve by Nick Amberger. Second by Larry Dorsey. Approved.

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

1. Retention of the right-of-way widths as depicted on the preliminary plat;
2. Dedication of the corner radius at the intersection of Overlook Road and Middle Ring Road, in compliance with Section 6.B.12. of the Subdivision Regulations;
3. 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;
4. Illustration of compliant setbacks on the Final Plat (25-feet along Overlook Road and Middle Ring Rd, 10-feet along the South and East property lines adjacent to R-1, Single-Family Residential Districts);
5. Placement of a note on the Final Plat stating that no structure shall be constructed in any easement without permission of 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.

4. SUB-002584-2023

Location: 5761 U.S. Highway 90 West
Subdivision Name: Theodore Veterinary Hospital Subdivision
Applicant / Agent: Dr. Carl Myers

Council District: District 4
Proposal: Subdivision of 2 lots, 3.97± acres

Tom Clarke of Clarke, Geer Latham Engineers discussed the engineering comments in the staff report regarding the historical credit for storm water and that the facility had been built over twenty (20) years ago. Mr. Clarke stated that the original development was properly permitted.

The City Engineering and the applicant discussed the historic credit regarding storm water requirements.

Mr. Clarke also discussed the landscape requirements and the portions of the site located within the floodplain. He asked that the Commission grant staff flexibility to work with him regarding the division of the land to ensure that common boundary being created between the two proposed lots fully encompassed the floodplain area.

No one else was present regarding the application.

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

After discussion, the Planning Commission waived Section 6.C.9. of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

1. Coordination with staff to adjust the proposed common lot line between Lots 1 and 2 to allow Lot 1 to be outside of the AE flood zone;
2. Retention of the current right-of-way widths of U.S. Highway 90 West and the portion of the Highway 90 Service Road not to be vacated on the Final Plat;
3. Completion of the Right-of-Way Vacation process for the Highway 90 Service Road (proposed to be vacated) prior to signing the Final Plat;
4. Retention of the 25-foot minimum building setback line from the current right-of-way line along U.S. Highway 90 West, and from the proposed right-of-way line after vacation of a portion of the Highway 90 Service Road for Lot 1;
5. Retention of the existing 25-foot minimum building setback line for Lot 1 from the current right-of-way line of the Highway 90 Service Road not proposed to be vacated;
6. 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;
7. Revision of the plat to illustrate the 25-foot minimum building setback line on Lot 2 at a point where the lot is at least 60 feet wide;
8. Revision of the plat to illustrate the recorded 80-foot wide drainage easement along the centerline of Rabbit Creek on the Final Plat;
9. 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;
10. Compliance with all Engineering comments noted in the staff report;

11. Placement of a note on the Final Plat stating the Traffic Engineering comments noted in the staff report;
12. Compliance with all Urban Forestry comments noted in the staff report; and,
13. Compliance with all Fire Department comments noted in the staff report.

5. SUB-002586-2023

Location: 1154 Athey Road
Subdivision Name: Athey Place Subdivision
Applicant / Agent: Joe Phiem Dinh & Vit Ma Nguyen
Council District: District 7
Proposal: Subdivision of 5 lots, 2.2± acres

Millard Austin of Austin Engineering was present and requested a holdover until the September 7th meeting.

No one else was present regarding the application.

Motion to holdover by Matt Anderson. Second by Jennifer Denson. Heldover until September 7, 2023 meeting.

After discussion, the Planning Commission heldover the application until the September 7, 2023 meeting, at the request of the applicant.

6. SUB-002557-2023 & MOD-002587-2023

Location: 6301 Grelot Road
Subdivision Name: Christ United Methodist Church Subdivision, Resubdivision of Lot 1, Resubdivision of Lot 2A
Applicant / Agent: Hunter Smith or Daniel Clark, Smith Clark & Associates, LLC
Council District: District 6
Proposal: Subdivision of 2 lots, 19.3± acres; and Modification of a previously approved Planned Unit Development to be consistent with the proposed subdivision.

The applicants submitted a holdover request prior to the meeting in sufficient time for staff to mail out notifications to affected property owners. Thus the applications were placed on the September 7, 2023 meeting agenda, with no action required at this time by the Commission.

OTHER BUSINESS

- **Action Plan update for the Map for Mobile**

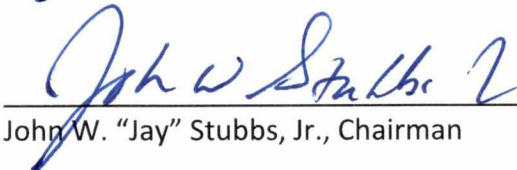
Planning staff requested that the Commission consider a motion for a Call for Public Hearing regarding the Action Plan update for the Map for Mobile, with the Public Hearing to be held at the September 21st Planning Commission meeting.

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

Minutes approved: July 17, 2025

A handwritten signature in blue ink, appearing to read "Jennifer Denson", written over a horizontal line.

Jennifer Denson, Secretary

A handwritten signature in blue ink, appearing to read "John W. Stubbs, Jr.", written over a horizontal line.

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