

Mobile Planning Commission Minutes

October 5, 2023 – 2:00 P.M.

ADMINISTRATIVE

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

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

Jerry Byrd of Byrd Surveying was present for the application. He explained the purpose of the application, the vacation of an alley, and requested a waiver of the lot size variance requirement of the proposed consideration conditions.

Planning staff stated that 6.C.2(a)(1) was the section Mr. Byrd requested be waived. Staff further explained that waiving the Subdivision Regulation requirement would relieve the applicant of the variance requirement.

City Councilmember Woods explained the problem with alleys in Mobile.

No one else was present regarding the application.

Motion to approve by Nick Amberger. Second by Jennifer Denson. Approved. Commissioner Mattei recused from the application.

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

No one was present to represent the application.

Commissioners asked staff of a proposed date for holdover. Staff stated that it could be November 2nd, but that was contingent upon the submittal of an additional application.

No one else was present regarding the application.

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

After discussion, the Planning Commission heldover the request until the November 2nd 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.

Vince LaCoste of Bethel Engineering was present for the application. He discussed the subdivision plat requirement for the sidewalk. He then discussed the barriers to providing a sidewalk, including open ditches, steep grades, large trees and buried fiber optic conduit. He was concerned about safety and potential utility impacts.

Commissioners, the City Engineer and staff discussed the location of existing sidewalks along Sollie Road, previously approved sidewalk waiver requests, and the challenge of the terrain along Sollie Road. The City Engineer confirmed the difficulty of this segment of Sollie Road in terms of providing a sidewalk.

City Councilmember Woods discussed the fact that he receives requests about every two weeks from citizens on Sollie Road wanting sidewalks. He noted, however, that this segment of the road was very challenging due to the topography and other issues.

No one else was present regarding the application.

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.

Jerry Byrd of Byrd Surveying was present for the application. He discussed the terrain on Riviere Du Chien and the open ditch other side of the property, and how the terrain and ditch make the provision of a sidewalk very difficult. He also noted that adjacent properties on MacKinnon had received sidewalk waivers due to the open ditch along the road.

No one else was present regarding the application.

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).

Trevor McGill of RS Mobile was present for the application. He discussed the subdivision and the rezoning from R-1 to B-3. He was in favor of all conditions of the Subdivision and Rezoning.

Planning staff reminded the Commissioners of the online comments submitted to the Board.

Pamela Gaines was present in opposition of the requests. She noted that she had submitted comments online. She noted the following concerns:

- Her neighborhood was developed in the 1950s;
- The only point of access for her neighborhood is Spring Hill Avenue, not far from the proposed driveway entrance for the development, and traffic is already a problem for residents;
- The proposed convenience store and gas station would not be appropriate at this location, as it will impact resident quality of life, litter and pollution; and
- There are already two other convenience stores at this intersection.

No one else was present regarding the applications.

Traffic Engineering staff noted that Spring Hill Avenue is an ALDOT controlled facility. They also requested that a traffic impact study (TIS) for this site be provided.

Commissioners asked if the TIS requirement had been included in the comments provided by Traffic Engineering, to which planning staff noted that they had not been a part of the comments. Commissioners noted that they were aware of traffic concerns in this area.

Commissioners asked the applicant if he understood the TIS requirement. The applicant stated that he understood.

Commissioners and the applicant discussed the neighborhood meeting and how it appeared that neighbors in the attendance appeared to be in agreement for the gas station.

Planning staff advised the Commission that they would need to determine at what point the TIS would need to be submitted. Traffic Engineering staff, the applicant and legal counsel discussed the timing of the TIS submittal, and it was determined that receipt prior to the forwarding of the zoning request to City Council would be sufficient.

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

Location: 951 Downtowner Boulevard & 3655 Marion Beckham Drive

Subdivision Name: McGill-Toolen Athletic Complex West Subdivision

Applicant / Agent: Kari Givens, Byrd Surveying, Inc.
Council District: District 5
Proposal: 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.

Jerry Byrd of Byrd Surveying was present for the application. He expressed concerns regarding proposed conditions #1 and 2 on the Subdivision request, both requiring dedication of right-of-way.

No one else was present regarding the applications.

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

- **Public Hearings**

Future Land Use Map (FLUM) and Major Street Plan (MSP) for Annexed Areas

Planning staff provided an overview of the purposes of the Future Land Use Map (FLUM) and Major Street Plan (MSP), and the need to amend both to accommodate the recent annexations. It was noted that the FLUM is not legally binding, but is a guide for decision-making for the Planning Commission. The MSP, on the other hand, is intended to ensure that the City's proposed major streets are aligned with the Metropolitan Planning Organization's street plan that is used to obtain state and federal funding.

Staff provided an overview of the proposed amendments to both the FLUM and the MSP.

The Chairman then opened the floor to anyone wishing to speak regarding the proposed FLUM and MSP, and for anyone wishing to address comments submitted by email or online for specific locations.

1. Amendments to the proposed Future Land Use Map

A. 2316 Leroy Stevens Road from Low Density Residential to Mixed Density Residential.

Planning staff explained the request regarding this site.

Motion to approve by Harry Brislin. Second by Nick Amberger. Approved. Commissioner Mattei recused from the request.

B. 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.

Coleman Loper was present to speak about this amendment request. He spoke about the site located at Cody Road and Cottage Hill Road. He and his brother own the property and wanted it to be zoned mixed commercial. Mr. Loper gave a history of the property stating that his father bought the land in 1959. Mr. Loper stated that he had numerous commercial inquiries of the land, but no residential inquiries. The property has been and continues to be listed for sale for commercial use, and he believes that the size and location of the property support their request to designate the property as "Mixed Commercial Corridor."

Commissioner confirmed with staff that the FLUM is not a zoning designation. Staff noted that after the FLUM was adopted, proposed zoning amendments would be brought before the Commission at a later date for their consideration.

Motion to approve by Harry Brislin. Second by Josh Woods. Approved. Commissioner Mattei recused from the request.

2. Future Land Use Map Amendments for Annexed Areas.

Motion to approve the FLUM, with the amendments, by Harry Brislin. Second by Josh Woods. Approved. Commissioner Mattei recused from the request.

3. Major Street Plan Amendments for Annexed Areas.

Planning staff noted that no comments had been received regarding the proposed Major Street Plan.

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

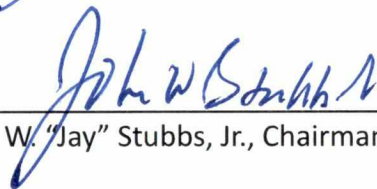
4. Resolution for Future Land Use Map and Major Street Plan Amendment for Annexed Areas

The Chairman read the resolution regarding the adoption of the FLUM and MSP amendments to the Map for Mobile.

Minutes approved: August 21, 2025



Jennifer Denson, Secretary



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