

Mobile Planning Commission Minutes

December 7, 2023 – 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)
	Mr. Larry Dorsey	x	Mr. Kenny Nichols (S)
x	Mr. Chad Anderson		
(S) Supernumerary (MD) Mayor’s Designee (AO) Administrative Official (CC) City Council Representative			

Staff: Jonathan Ellzey, Grace Toledo, Victoria Burch, Doug Anderson, Margaret Pappas, Logan Anderson, Bert Hoffman, Shayla Beaco

Adoption of the Agenda.

Motion to adopt by Matt Anderson. Second by Nick Amberger. Adopted.

NEW ITEMS

1. SUB-002723-2023

Location: 3768 Spring Hill Avenue
Subdivision Name: Divine Mercy Cemetery Subdivision
Applicant / Agent: Reverend Monsignor William Skoneki, St. Ignatius Parish
Council District: District 7
Proposal: Subdivision of 1 lot, 5.29± acres

Father Bry Shields was present on behalf of St. Ignatius Parish and requested a holdover to the February 2024 meeting. He stated that the request was due to the associated Special Exception application before the Board of Adjustment being heldover until the Board’s February 2024 meeting.

No one else was present regarding the application.

Motion to holdover by Jennifer Denson. Second by Matt Anderson. Heldover until the February 22, 2024 meeting.

After discussion, the Planning Commission heldover the application until the February 22, 2024 meeting, at the request of the applicant.

2. SUB-002702-2023

Location: 3977 Dawson Drive
Subdivision Name: Morris Landing Subdivision
Applicant / Agent: 195, LLC
Council District: District 3
Proposal: Subdivision of 1 lot, 0.12± acres

Brett Orrell of Polysurveying was present and discussed the application. He explained the nature of the application and his concerns regarding the right-of-way requirements. He requested proposed condition number one (1) regarding right-of-way dedication be stricken, and associated conditions two (2) and three (3) be removed from consideration.

Planning staff provided comments at the request of the Chairman. It was noted that the existing right-of-way is inadequate, and that the proposed lot is smaller than the others in the vicinity.

Commissioners confirmed with staff the designation on the Future Land Use Map.

Mr. Orrell stated that the wider right-of-way is typically required for roads that have an open ditch for drainage, however, that is not the case for this property due to its location in a flood-zone. The existing right-of-way is 50-feet in width.

The Chairman asked if there is anything constructed on the property. Mr. Orrell stated that there is an existing boat slip, but no structure.

There was discussion regarding the ability to construct a home on the property. Mr. Jackie Morris, the owner of the property, discussed his efforts to try to develop the property.

Commissioners confirmed with Mr. Orrell that he was only seeking a standard front setback for the property.

No one else was present regarding the application.

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

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

1. Retention of the setback as shown 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 that no structure may be constructed or placed within any easement without the permission of 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.

3. ZON-CUP-002703-2023

Location: 1016 Belvedere Circle East
Applicant / Agent: Tracy L. Pritchard
Council District: District 3
Proposal: Conditional Use Permit approval to allow a home-based child day care for 7-12 children in an R-1, Single-Family Residential Suburban District.

The applicant Tracy Pritchard was present to discuss her request. She stated that she had worked for the school system for 23 years, then operated her own childcare business for over five (5) years. She requested to have from seven to twelve (7) to (12) children in her home daycare.

Commissioners asked about the hours of operation. Ms. Pritchard stated that she was open from 6:00 AM to 6:00 PM, seven (7) days a week.

Commissioners and the applicant discussed traffic and parking issues in a residential area.

Commissioners confirmed with the applicant that there was no opposition at the Neighborhood Meeting.

Mr. Pritchard was also present in support of the application, and stated that they understood the requirements.

No one else was present regarding the application.

Motion to approve by Matt Anderson. Second by Josh Woods. Approved.

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) Any applicable development standards; and
 - (b) Any applicable use regulations.
- 2. The request is compatible with the character of the surrounding neighborhood;
- 3. The request will not impede the orderly development and improvement of surrounding property; and
- 4. 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. In making this determination, the Planning Commission and City Council shall consider:
 - (a) The location, type and height of buildings or structures;
 - (b) The type and extent of landscaping and screening;
 - (c) Lighting;
 - (d) Hours of operation; and
 - (e) Other conditions that might require mitigation of the adverse impacts of the proposed development.
- 5. The request is designed to provide ingress and egress that minimizes traffic hazards and traffic congestion on the public roads;
- 6. The request is designed to minimize the impact on storm water facilities;
- 7. The request will be adequately served by water and sanitary sewer services;
- 8. The request is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- 9. The request shall not be detrimental to or endanger the public health, safety or general welfare.
- 10. The proposed use will meet 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 Conditional Use Permit request to City Council, subject to the following conditions:

- 1. Revision of the site plan to illustrate compliant parking;
- 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 a new Conditional Use Permit application and approval; and
- 4. Full compliance with Building, Plumbing, Electrical, Mechanical, Fire Department, and Health Department codes and ordinances.

4. ZON-UDC-002719-2023

Location: 7700 Summit Court

Applicant / Agent: Brandon and Rebecca Abbott, RC Bell Daphne (Perry C. Jinright, JADE Consulting, LLC, Agent)

Council District: District 6
Proposal: Rezoning from Single-Family Residential Suburban District (R-1) to Community Business Suburban District (B-3).

Thomas Luce of Jade Consulting was present regarding the application. He discussed the proposed development of the site for 1,320 square foot Whits Custard shop, which will include a drive-through.

Commissioners asked the applicant to discuss their Neighborhood Meeting. Mr. Luce noted that there were several attendees, and that no one appeared to be opposed to the development.

Commissioners asked Planning staff about the staff-suggested B-2 zoning instead of B-3, as requested by the applicant. Staff noted that B-2 would be sufficient for the proposed use. Staff also noted that during the overall rezoning after annexation public hearing process, a different property owner had requested B-3 for a site across the street, however, the request was not approved.

Commissioners, the applicant and staff discussed the difference between a drive-in restaurant versus a drive-through restaurant, and the associated zoning requirements.

No one else was present regarding the application.

Motion to approve by Matt Anderson. Second by Josh Woods. Approved.

After discussion, the Planning Commission determined that the following criteria prevail to support rezoning of the property to B-2, Neighborhood Business Suburban District:

- A) Consistency. The proposed amendment is consistent with the Comprehensive Plan;
- B) Mistake. There was a mistake or error in the original zoning map; and
- C) Compatibility. The proposed amendment is compatible with:
 - The current development trends, if any, in the vicinity of the subject property;
 - Surrounding land uses;
 - Would not adversely impact neighboring properties; or
 - Cause a loss in property values.
- D) Health, Safety and General Welfare. The proposed amendment promotes the community's public health, safety, and general welfare.
- E) Capacity. The infrastructure is in place to accommodate the proposed amendment; and,
- F) Change. Changed or changing conditions in a particular area make an amendment necessary and desirable.
- G) 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-2, Neighborhood Business Suburban District, to the City Council, subject to the following conditions:

1. Compliance with all Engineering, Traffic Engineering, Urban Forestry, and Fire Department comments noted in the staff report; and,
2. Full compliance with all municipal codes and ordinances.

5. SUB-002724-2023 & ZON-UDC-002730-2023

Location: 4630, 4700, & 4960 Dauphin Island Parkway
Subdivision Name: Perch Creek - Dockside Marina Subdivision
Applicant / Agent: Don Coleman, Coleman Marine, LLC
Council District: District 3
Proposal: Subdivision of 2 lots, 19.8± acres; and Rezoning from Community Business Suburban District (B-3) to Community Business Suburban District (B-3), to remove a previous condition of rezoning approval limiting development of the site to a Planned Unit Development.

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

Planning staff reminded the Commission that a comment against the requests had been received by email.

Kevin Woods was present to speak against the application. He stated that he wanted the abutting property to remain single-family. He also expressed concerns about wetlands protection.

Commissioners asked staff to clarify the applicant's request. Staff noted that the property in question is commercially zoned, and that the only purpose of the request is to remove a zoning condition requiring a Planned Unit Development. Staff clarified the confusion between the zoning map and the Future Land Use Map.

Commissioners explained the Future Land Use Map and zoning with the applicant, to clarify the differences.

The City Engineer noted that any work in the wetlands would require approval through the US Army Corps of Engineers.

Zeke Hudson of Rowe Engineering, representing the application, stated that the purpose of the application was to remove the Planned Unit Development (PUD) requirement. He was not aware of any new development proposed on any of the properties.

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 existing right-of-way for Dauphin Island Parkway;
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. Revision of the plat to illustrate a 25-foot minimum building setback line along Dauphin Island Parkway;
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.

Rezoning.

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

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

- A) Consistency. The proposed amendment is consistent with the Comprehensive Plan;
- 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 not 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 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 the staff report; and,
3. Full compliance with all municipal codes and ordinances.

6. MOD-002715-2023 & MOD-002716-2023

Location: 3650, 3704, 3708, & 3758 Spring Hill Avenue
Applicant / Agent: Father Bry Shields, St. Ignatius Parish, Mobile
Council District: District 7
Proposal: Modification of a previously approved Planning Approval and Modification of a previously approved Planned Unit Development to amend the Master Plan of an existing church and school in an R-1, Single-Family Residential Suburban District.

Mark Vereen of Clark, Geer, Latham and Associates was present regarding the application. He asked about the traffic impact study (TIS) requirement from the 2019 Planned Unit Development and Planning Approvals for the site. He stated that he did not believe that the applications should be held over for the TIS. He also stated that the development associated with the current applications did not warrant the preparation of a TIS. The current proposal was to demolish two existing buildings and build one building, only increasing the capacity by 30 students and three teachers. He stated that the various grades release at different times of the day, thus would not cause any additional traffic issues.

Legal counsel asked about the maximum capacity of the new construction.

Father Bry Shields, representing St. Ignatius Parish, discussed the capacity of the new building. He stated that the building could hold 200 children, and that an adjacent building that would be renovated would be able to accommodate up to 50 babies in cribs. He stated that the total enrollment of the “Early Learning Center” would be 250 children upon completion of all work – the current enrollment in the existing facilities is 238 children. He also stated that morning drop off is from 7:15 AM to 8:00 AM, dismissal is from 2.45 PM – 3.45 PM, and they have a traffic officer at the Tuthill and Spring Hill intersection.

No one else was present regarding the application.

Planning Approval Modification.

Motion to approve by Matt Anderson. 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 is will not impede the orderly development and improvement of surrounding property;
- D. The request is 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.

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. Placement of a note on the site plan stating future development of the site may require review by the Planning Commission, and approval from City Council;
- 2. Submittal to and approval by Planning and Zoning of the revised Modified Planning Approval site plan prior to its recording in Probate Court, and provision of a copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
- 3. Full compliance with all municipal codes and ordinances.

Planned Unit Development Modification.

Motion to approve by Matt Anderson. Second by Josh Woods. 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 is will not impede the orderly development and improvement of surrounding property;
- D. The request is 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.

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. Placement of a note on the site plan stating future development of the site may require review by the Planning Commission, and approval from City Council;
2. 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 provision of a copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
3. Full compliance with all municipal codes and ordinances.

OTHER BUSINESS

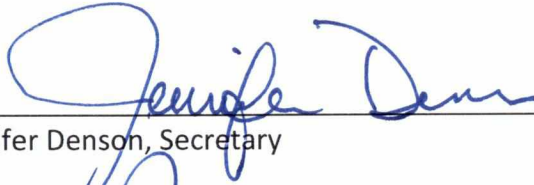
- **Call for Public Hearing**

Call for Public Hearing, for January 18, 2024, for the Planning Commission to consider an amendment to 64-13-2 of the Unified Development Code to provide that the ten (10) acre minimum contiguous land area required for Planned Developments shall not apply to the Village Center, Neighborhood Center and Neighborhood General sub-districts of the Spring Hill Overlay.

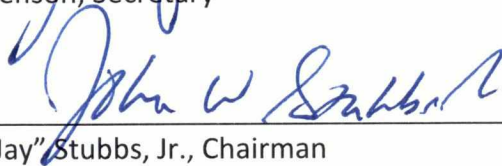
Planning staff explained the background purpose of the proposed amendment.

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

Minutes approved: August 21, 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