Mobile Planning Commission Minutes

February 22, 2024 – 2:00 P.M.

ADMINISTRATIVE

Roll Call

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

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

Adoption of the Agenda.

Motion to adopt by Jennifer Denson. Second by Matt Anderson. Adopted.

HOLDOVERS

1. **SUB-002777-2023**
   Location: **5377 Moffett Road**
   Subdivision Name: **The Hive Subdivision**
   Applicant / Agent: **Imran Balbale (D. Todd Shirk, Agent)**
   Council District: **District 7**
   Proposal: **Subdivision of 11 lots, 3.2± acres**

   Todd Shirk was present for the application and made the following points:
   - The proposed development would consist of three bedroom, two bath homes, with a cost of approximately $180 per square foot.
   - The new homes would be of higher value than the existing homes in the neighborhood, which should increase the property values of the existing homes.
   - ALDOT would prefer no direct connection of McIntyre Drive to Moffett Road, however, they might reconsider with additional information.
   - A sidewalk would be constructed with the extension of McIntyre Drive.

Commissioners asked Mr. Shirk about the possibility of flipping the design, so that the new development would not be connected to the existing street. Mr. Shirk stated that could still be considered.

Loreal Kelly, Brenda Alexander Gay, Kenneth Loper and Councilperson Gina Gregory were present in opposition to the request, and made the following points:

- Opposed to the extension of McIntyre Drive.
- The existing street cannot support more homes and associated traffic.
- There are already traffic problems on Racine Avenue.
- Would prefer the new development to only have access from Moffett Road, and that screening be provided between the new development and the existing neighborhood.
- The proposed development would not be a good fit for the neighborhood.
- Have a petition of property owners opposed to the development as proposed.
- Does not believe the applicant's statement regarding the types of homes that would be built due to the small size of the property lots.
- Have concerns about increased crime, increased traffic, loss of neighborhood character and the lowering of property values.
- Why didn't the applicant meet with the neighborhood about the proposed development prior to making the application.
- The Councilperson was informed that the entrance would be from Moffett Road and not connect to McIntyre Drive, but that design was not submitted to the Planning Commission.
- The design connecting only to Moffett Road would not be opposed by the neighborhood.
- ALDOT was contacted and stated that while they had spoken with the applicant, no request had been received regarding access to Moffett Road for the proposed development.

Mr. Shirk made the following points in his rebuttal:

- If the current proposal is denied, they may present the Moffett only version.
- They have not made any formal application to ALDOT for access to Moffett Road.

Commissioners asked if the application could be passed with Moffett Road only access. Planning staff stated that a revised plat would be needed for review by the Planning Commission prior to a voting on that version – as there would still be a need for a turn-around to be provided at the existing terminus of McIntyre as part of the proposed development.

Commissioners and staff discussed the turn-around requirement, and who had the authority to waive the turn-around requirement. They also discussed Fire code issues associated with the turn-around requirement. Staff noted that the Commission could waive

the turn-around requirement in the Subdivision Regulations, but that would not relieve Fire code compliance.

During deliberation, Commissioners discussed the legal basis for a decision. Legal counsel noted that the Commission had no discretion if the subdivision complied with all Subdivision Regulation requirements. It was also suggested that the application could be heldover to allow for the discussed redesign.

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

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

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

NEW ITEMS

2. SUB-002809-2024

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

Bryan Maisel was present for the application and made the following request:

- Wants the setback requirement from the service road for the rear of the property waived, as requiring it would result in the desired privacy fence more than 25-feet into the rear yard, leaving no rear yard for use by the residents.

Planning staff noted that the site was considered a double-frontage lot, and while the setback on the plat could be waived by the Planning Commission, a variance request to the Board of Adjustment would still be required to allow the fence as desired. It was also noted that the Subdivision Regulations setbacks apply to the building, not the fence. The Unified Development Code, the zoning regulations, trigger the variance requirement.

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

1. Retention of right-of-way along Shady Oaks Drive on the Final Plat;
2. Revision of a note on the plat depicting sufficient right-of-way along West I-65 Service Road North;
3. Retention of the lot size in both square feet and acre on the Final Plat, or provision of a table on the Final Plat with the same information;
4. Retention of setbacks as shown on the preliminary plat;
5. Placement of a note on the Final Plat stating that the lot is denied access to West I-65 Service Road North;
6. Compliance with all Engineering comments noted in the staff report;
7. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in the staff report;
8. Compliance with all Urban Forestry comments noted in the staff report; and,
9. Compliance with all Fire Department comments noted in the staff report.

3. SUB-002811-2024

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

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

No one else was present regarding the application.

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

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

1. Revision of the plat to depict dedication sufficient to provide 50 feet from the centerline of Cody Road North;
2. Revision of the plat to depict dedication sufficient to provide 25-feet from the centerline of Victor Road;
3. Retention of the right-of-way along Overlook Road, as depicted on the preliminary plat;

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

4. SUB-002796-2023

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

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

No one else was present regarding the application.

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

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

1. Revision of the plat to depict the existing right-of-way along Industrial Parkway Extension;
2. Revision of the plat to label the lot sizes in both square feet and acres on the Final Plat, or provision of a table on the Final Plat with the same information;
3. Revision of the plat to illustrate the 25-foot minimum building setback line along Industrial Parkway Extension, per Section 64-2-22.E. of the UDC for lots in an I-2 zoning district;
4. Removal of the hash marks and future development note from Lot 1;

5. Provision of a note on the Final Plat stating future development of Lot 2 may require review and approval by the Mobile City Planning Commission and City Council;
6. Provision of all required signature blocks for both the City of Saraland and the City of Mobile on the Final Plat;
7. Provision of proof that the Saraland Planning Commission has approved the plat, prior to the City of Mobile signing the Final Plat;
8. Compliance with all Engineering comments noted in the staff report;
9. Provision of a note on the Final Plat stating all Traffic Engineering comments noted in the staff report;
10. Compliance with all Urban Forestry comments noted in the staff report; and,
11. Compliance with all Fire Department comments noted in the staff report.

5. SUB-002810-2024

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

The applicant was present and in agreement with the holdover.

No one else was present regarding the application.

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

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

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

6. SUB-SW-002808-2024

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

Paul Marcinko of Jade Consulting was present for the application and made the following points:

- Neither street has sidewalks, and there are no sidewalks nearby.
- The work by ALDOT on Schillinger Road created a large ditch with challenging topography.
- It would be difficult to make an ADA compliant sidewalk.
- Providing a sidewalk may require piping the open ditch and providing switchbacks.

No one else was present regarding the application.

Commissioners discussed the circumstances and location regarding the request.

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

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

7. ZON-CUP-002803-2024

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

Deborah May was present for her application and made the following points:

- She has a degree in early childhood education.
- Her existing childcare facility has achieved the highest rating possible.
- She operated several facilities prior to opening her current location 20 years ago.
- She has prior experience working at childcare facilities at various military bases.
- Her staff includes her husband and her daughter.
- Only children under 5 years of age will be at the facility.

- Noted that some of the requirements of the Conditional Use Permit are difficult to meet, such as the parking.
- Noted concerns about Fire requirements.
- Noted that there appear to be conflicts between local and State requirements.

Commissioners asked Planning staff about the Conditional Use Permit requirements and the possibilities for obtaining variances. Staff explained the criteria and the process. It was noted that once childcare exceeds 5 children, commercial standards become applicable, including Fire code requirements.

Jennifer Richburg, Julie Harrison and Michelle Raven were present to speak in favor of the application and made the following points:

- There is a need for childcare in Mobile, and there is a crisis statewide for quality childcare providers.
- The existing operation does not cause a traffic problem for the neighborhood.
- You cannot tell that there is a daycare operating at the location, as the appearance and the vehicular traffic are not an issue.

Commissioners and Planning staff discussed the process if the applicant eventually wanted to have more than ten children at the daycare. They also asked if the Conditional Use Permit was associated with the property, which staff confirmed.

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

After discussion, the Planning Commission determined the following Findings of Fact to support the request for a Conditional Use Permit:

1. The request is consistent with all applicable requirements of this Chapter, including:
   (a) The applicable development standards; and
   (b) The applicable use regulations.
2. The request is compatible with the character of the surrounding neighborhood; and
3. The request will not impede the orderly development and improvement of surrounding property.

As such, the Planning Commission voted to recommend approval of the Conditional Use Permit request to City Council, subject to the following conditions:

1. Revision of the site plan to illustrate compliant parking and include a table of the required number of parking spaces (the amount required for the dwelling, off-site employees, and children);
2. Depiction of an outdoor play area enclosed by a four-foot (4’) tall fence or wall;

3. Placement of a note on the revised site plan stating any changes in the scope of operations (days of operation, number of outside staff, etc.) or to the site (parking layout, playground layout, etc.), will require additional Conditional Use Permit approval by the Planning Commission and City Council; and
4. Full compliance with Building, Plumbing, Electrical, Mechanical, Fire Department, and Health Department codes and ordinances.

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

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

The applicant was present and in agreement with the holdover recommendation.

No one else was present regarding the applications.

Subdivision.

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

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

Planned Unit Development Modification.

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

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

1) Revision of the site plan to include Lots 3 and 4, Bel Air Mall Subdivision as required by the 2021 PUD;

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

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

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

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

No one else was present regarding the applications.

Subdivision.

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

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

1. Retention of the right-of-way widths along Halls Mill Road;
2. Depiction of the right-of-way label for Halls Mill Road 35-feet from the centerline;
3. Retention of the lot size labels in both square feet and acres, or provision of a table on the Final Plat with the same information;
4. Revision of the Final Plat to illustrate a compliant 25-foot minimum front building setback along the entirety of Lot A-1, as required by Section 64-2-14.E of the Unified Development Code;
5. Retention of all easements, as illustrated, on the Final Plat;
6. Provision of a note on the Final Plat stating no structures shall be constructed in any easement without permission from the easement holder;
7. Retention of a note on the Final Plat stating that there shall be no future subdivision of Lot A-1 to create additional lots;
8. Compliance with all Engineering comments noted in the staff report;
9. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in the staff report;

10. Compliance with all Urban Forestry comments noted in the staff report; and,
11. Compliance with all Fire Department comments noted in the staff report.

Planned Unit Development Modification.

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

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

a. The request is consistent with all applicable requirements of this Chapter;
b. The request is compatible with the character of the surrounding neighborhood;
c. The request will not impede the orderly development and improvement of surrounding property;
d. Having considered the applicable factors, the request will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood;
e. The request is subject to adequate design standards to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
f. The request is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
g. The request shall not be detrimental or endanger the public health, safety or general welfare.
h. Benefits Consideration. In addition, consideration was given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

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

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

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

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

Location:	**1109, 1111, & 1113 West I-65 Service Road North**
Subdivision Name:	**Harris Subdivision**
Applicant / Agent:	**Mark Harris, Harris Real Estate, LLC**
Council District:	**District 1**
Proposal:	**Subdivision of 3 lots, 6.54± acres; and Modification of a previously approved Planned Unit Development allowing multiple buildings on a single building site with shared parking and access.**

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

No one else was present regarding the applications.

Subdivision.

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

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

1. Retention of the right-of-way width of West I-65 Service Road North, as depicted on the preliminary plat;
2. Retention of the lot sizes in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
3. Placement of a note on the Final Plat stating no structures shall be constructed in any easement without permission from the easement holder;
4. Compliance with all Engineering comments noted in the staff report;
5. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in the staff report;
6. Compliance with all Urban Forestry comments noted in the staff report; and,
7. Compliance with all Fire Department comments noted in the staff report.

Planned Unit Development Modification.

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

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

a. The request is consistent with all applicable requirements of this Chapter;
b. The request is compatible with the character of the surrounding neighborhood;
c. The request will not impede the orderly development and improvement of surrounding property; and
d. Having considered the applicable factors, the request will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood;

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

1. Retention of a note on the final PUD site plan stating no structures shall be constructed in any easement without permission from the easement holder;

2. Revision of the site plan to provide a table noting the off-street parking requirements of Table 64-3-12.1 of Article 3 of the UDC for each use of the site, along with the number of parking spaces provided;
3. Retention of the 25-foot minimum building setback line along West I-65 Service Road North, as required by Section 64-2-21.E. of the Unified Development Code;
4. Retention of the lot size labels in both square feet and acres, or provision of a table on the final PUD site plan with the same information;
5. Provision of the building sizes in square feet on the final PUD site plan;
6. Retention of the right-of-way along West I-65 Service Road North on the final PUD site plan;
7. Provision of a note on the final PUD site plan stating future development or redevelopment of the property may require approval by the Planning Commission and City Council;
8. Submittal to, and approval by, Planning and Zoning of the revised Modified Planned Unit Development site plan prior to its recording in Probate Court, and the provision of a copy of the recorded site plan (pdf) to Planning and Zoning; and,
9. Full compliance with all municipal codes and ordinances.

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

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

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

No one else was present regarding the applications.

Subdivision.

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

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

1. Completion of the Rezoning process from B-3 and B-5 to B-3 for proposed Lot A prior to signing the Final Plat;

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

Rezoning.

Motion to approve by Nick Amberger. Second by Harry Brislin. Approved.

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

A) Consistency. The proposed amendment is consistent with the Comprehensive Plan; and
B) Compatibility. The proposed amendment is compatible with:
    - The current development trends, if any, in the vicinity of the subject property;
    - Surrounding land uses;
    - Would adversely impact neighboring properties; or
    - Cause a loss in property values.
C) Health, Safety and General Welfare. The proposed amendment promotes the community's public health, safety, and general welfare.
D) Capacity. The infrastructure is in place to accommodate the proposed amendment; and,
E) Benefits Consideration. In addition, consideration was given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

As such, the Planning Commission voted to recommend approval of rezoning the property to B-3, Neighborhood Business Suburban District, subject to the following conditions:

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

OTHER BUSINESS

- **Old Business**

  Planning Commission consideration of an amendment to Article 13, Section 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 advised the Commission of proposed changes from the last meeting. It was noted that the proposal was revised to now require a minimum of four (4) acres in the Spring Hill Overlay, instead of the previously proposed zero (0) acres minimum.

  Kara Garstecki was present to speak in favor of the amendment and made the following points:
  - She is a member of the Village of Spring Hill board and is a real estate attorney.
  - She was not here to speak about any specific development, just the proposed amendment.
  - The current 10-acre minimum requirement is very burdensome for development in the Village of Spring Hill.

  Dominick Broadus was present to speak against the amendment and made the following points:
  - Opposed to changing the regulations from the existing ten (10) acre minimum requirement for a Planned Development.
  - The proposed apartment development at the old National Guard armory site is too large for the site, thus is opposed to the proposed development.
  - Concerned about the potential traffic impacts.
  - The development site is part of the Sand Town community.

  Commissioners discussed the proposed amendment, the purpose and how it would apply within the Spring Hill Overlay.

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

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

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

Section 64-13-2 Administration

A. Applicability

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

- **New Business**

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

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

Minutes approved: September 18, 2025

Jennifer Denson, Secretary

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