

Mobile Planning Commission Minutes

April 18, 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		Mr. Harry Brislin, IV (S)
x	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, George Davis, Victoria Burch, Doug Anderson, Bert Hoffman, Logan Anderson, Shayla Beaco

Adoption of the Agenda.

Motion to adopt by Nick Amberger. Second by Kenny Nichols. Adopted.

HOLDOVERS

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 2 lots, 5.29± acres

Ben Cummings of Cummings Architecture was present for the application and stated that he agreed with the recommendations.

Geneva Gayles was present regarding the application and made the following points:

- Was informed that the lot would remain residential due to the presence of homes on each side; and
- Inquired how the property would be used.

Legal counsel provided information regarding the proposal for Ms. Gayles.

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 Sections 6.B.9. and 6.C.3. of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

1. Revision of the plat to illustrate dedication sufficient to provide 25 feet from the centerline of Knowles Street;
2. Revision of the plat to illustrate dedication sufficient to provide 50 feet from the centerline of Spring Hill Avenue;
3. Revision of the plat to correctly label Knowles Street (and not Knowles Street (Lane));
4. 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;
5. Retention of setbacks as shown on the preliminary plat, adjusted for dedication;
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.

2. ZON-UDC-002847-2024

Location: 5672 Commerce Boulevard West
Applicant / Agent: Ritesh Gupta, Pinnacle, LLC (Eric J. Adams, Clark, Geer, Latham & Associates, Agent)
Council District: District 4
Proposal: Rezoning from Office Distribution District (B-5), to Heavy Industry District (I-2).

Jerry Byrd of Byrd Surveying was present for the application and requested withdrawal of the application from consideration.

At the applicant's request, the application was withdrawn from consideration.

3. SUB-002846-2024 & ZON-UDC-002848-2024

Location: 5632 & 5572 Commerce Boulevard West
Subdivision Name: The Mobile Commerce Park Subdivision, Phase 1, Resubdivision of Lots 16 & 17
Applicant / Agent: Kari Givens, Byrd Surveying, Inc. & Ritesh Gupta, Pinnacle, LLC (Eric J. Adams, Clark, Geer, Latham & Associates, Agent)
Council District: District 4
Proposal: Subdivision of 1 lot, 6.34± acres; and Rezoning from Office Distribution District (B-5) and Heavy Industry District (I-2), to Heavy Industry District (I-2).

Jerry Byrd of Byrd Surveying was present for the applications and requested that the applications be heldover two meetings until June 20th.

No one else was present regarding the applications.

Subdivision.

Motion to holdover by Kenny Nichols. Second by Nick Amberger. Heldover until the June 20, 2024 meeting.

After discussion, and at the applicant's request, the Planning Commission heldover the application until the June 20th meeting.

Rezoning.

Motion to holdover by Kenny Nichols. Second by Nick Amberger. Heldover until the June 20, 2024 meeting.

After discussion, and at the applicant's request, the Planning Commission heldover the application until the June 20th meeting.

4. SUB-002858-2024 & ZON-UDC-002860-2024

Location: 3300 Knollwood Drive, and 3401 & 3421 Medical Park Drive
Subdivision Name: The Knollwood Place Subdivision
Applicant / Agent: Kari Givens, Byrd Surveying, Inc.
Council District: District 6
Proposal: Subdivision of 2 lots, 18.91± acres; and Rezoning from Single-Family Residential Suburban District (R-1), Buffer Business Suburban

**District (B-1), and Neighborhood Business Suburban District (B-2), to
Neighborhood Business Suburban District (B-2).**

Jerry Byrd of Byrd Surveying was present for the applications and made the following points:

- The property would be divided into two lots;
- The rezoning is only for proposed Lot 2, requesting B-2;
- The existing Lot 2 property proposed for rezoning is a mix of R-1, B-1 and B-2; and
- Otherwise in agreement with the recommendations and considerations.

Engineering staff noted that there appear to be existing drainage easements that might need to be addressed for that portion of the street being vacated.

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.B.9. of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

1. Completion of the right-of-way vacation process prior to the signing of the Final Plat;
2. Completion of the Rezoning process for proposed Lot 2 prior to signing the Final Plat;
3. 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;
4. Retention of the right-of-way width of all streets on the Final Plat;
5. Retention of the 25-foot minimum building setback line along all streets;
6. Provision of a sidewalk along all public street frontages at the time of development, or submission of a Sidewalk Waiver;
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 Josh Woods. Approved.

After discussion, the Planning Commission determined 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:
 - (1) The current development trends, if any, in the vicinity of the subject property;
 - (2) Surrounding land uses;
 - (3) Would adversely impact neighboring properties; or
 - (4) 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, subject to:

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.

EXTENSIONS

5. SUB-001934-2022 & PUD-001883-2021

Location: 5400 Hamilton Boulevard
Subdivision Name: Esfeller Industrial Park Subdivision
Applicant / Agent: Bruce Smith, Cowles, Murphy, Glover & Associates
Council District: District 4
Proposal: Extension of the Approval of a 4-lot Subdivision, 45.8± acres; and
Extension of the Approval of a Planned Unit Development allowing
shared access between multiple building sites.

Bruce Smith of Cowles, Murphy, Glover and Associates was present for the applications and explained why the extension was needed.

No one else was present regarding the applications.

Subdivision.

Motion to approve by Kenny Nichols. Second by Nick Amberger. Approved.

After discussion, the Planning Commission approved the extension request, restating the conditions of the original approval:

- 1) revision of the Final Plat to either depict dedication to provide 50-feet to the centerline of Hamilton Boulevard, or show that such currently exists;
- 2) provision of the lot sizes in square feet and acres, adjusted for dedication if necessary;
- 3) full 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. Clarify the location of the large "COMMON AREA ACCESS EASEMENT" in the NE corner of the property and the boundary of the COMMON AREA (10.392 AC). C. Label Rabbit Creek. D. Provide and label the monument set or found at each subdivision corner. E. Show and label the PRIVATE ROAD right-of-way as a separate parcel and not part of LOTS 1, 3, and 4. Revise the area of each of these Lots. F. National Wetlands Inventory (NWI) mapping, as shown on City of Mobile GIS information, indicates that there is potential for wetlands within the property or properties shown on this plat. Show and label the delineated wetlands or provide a note stating that the wetlands shown on this plat are scaled from the NWI data and have not been delineated. G. Provide a note that a 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state. H. Provide the Surveyor's and Owner's (notarized) signatures. I. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved. J. Add a note that all existing and proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile. K. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. L. Provide the As-Built submittal documents for the Land Disturbance Permit (BLD2016-00020). Land Disturbing activity has been done however the close-out of the LDP has been completed as required prior to concrete plant opening for business. M. 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. N. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL*

(with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);

- 4) *placement of a note on the site plan stating Traffic Engineering comments: (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code.);*
- 5) *compliance with Urban Forestry comments: (Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.); and*
- 6) *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 non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.).*

Planned Unit Development.

Motion to approve by Kenny Nichols. Second by Nick Amberger. Approved.

After discussion, the Planning Commission restated the Findings of Fact of the original approval:

- a. *the proposal promotes the objective of Flexibility (to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations), because it allows for the construction of a private street to serve an industrial Subdivision;*
- b. *the proposal promotes the objective of Efficient land use (to encourage the most efficient and sustainable use of land, especially tracts in the inner part of the city that remain undeveloped or that are appropriate for redevelopment), because it will allow increased development of an existing industrial area;*

- c. the proposal promotes the objective of Public services (*to encourage optimum use of available public utilities, streets, and community facilities*), because all infrastructure is in place, or will be constructed by the applicant, to serve the site.

As such, the Planning Commission approved the extension request, restating the conditions of the original approval:

- 1) revision of the site plan to either depict dedication to provide 50-feet to the centerline of Hamilton Boulevard, or show that such currently exists;
- 2) provision of the lot sizes in square feet and acres, adjusted for dedication if necessary;
- 3) full compliance with Engineering comments: (*Remove NOTES #1-#5 (LEFT SIDE OF THE SHEET). These are notes that are required on the Land Disturbance Permit plans not the PUD Site Plan. 1. Remove NOTES #1-#6 (RIGHT SIDE OF THE SHEET). These are notes that are required on the Land Disturbance Permit plans not the PUD Site Plan. 2. Add the following note - Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy. 3. Retain NOTES #7 - #12, as shown on the NEW PUD SITE PLAN drawing dated 9-28-21.*);
- 4) placement of a note on the site plan stating Traffic Engineering comments: (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code.*);
- 5) compliance with Urban Forestry comments: (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.*); and
- 6) 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 non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.*).

NEW ITEMS

6. SUB-002799-2024

Location: 50 Common Street
Subdivision Name: Parker's Common Subdivision
Applicant / Agent: Daniel Clark, Smith Clark & Associates, LLC
Council District: District 2
Proposal: Subdivision of 1 lot, 0.25± acres

Jerry Byrd of Byrd Surveying was present for the application and requested that the street radius requirement be revised – or even eliminated - subject to if determined necessary by City Engineering.

Engineering staff noted that it is better for the radius requirement, subject to Engineering review, be kept for this and other applications to ensure that the need can be evaluated on a case-by-case basis. That way the unique circumstances for each site can be considered at the appropriate time.

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.6. and 6.C.7. of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

1. Retention of rights-of-way along Caroline Avenue, Common Street, and Conti Street on the Final Plat;
2. Coordination with City Engineering to provide corner radii at the intersections of Caroline Avenue and Common Street, and Conti Street and Common Street, as determined by the City Engineer;
3. Retention of a note on the Final Plat stating that the site shall comply with the provisions of the Historic District Overlay (HDO) in Article 14 of the UDC, including the front yard dimensional standards for lots in the HDO;
4. Retention of the lot size in both square feet and acres, adjusted for any required dedication, or the furnishing of a table on the Final Plat providing the same information;
5. Compliance with all Engineering comments noted in the staff report;
6. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in the staff report;
7. Compliance with all Urban Forestry comments noted in the staff report; and,
8. Compliance with all Fire Department comments noted in the staff report.

7. SUB-002883-2024

Location: 2066 Andrews Street
Subdivision Name: Chaney Addition Subdivision
Applicant / Agent: Yolanda Bracy (Nick Jadji, SLSCO, Ltd., Agent)
Council District: District 1
Proposal: Subdivision of 1 lot, 5.29± acres

Nick Jadji was present for the application and agreed with the suggested considerations.

Planning staff noted that there were conditions requiring right-of-way dedication and setback requirements that the Commission could consider waiving due to the age of the subdivision and the existing narrow rights-of-way throughout the subdivision.

When asked by the Chairman, the applicant stated that they did not believe they needed to make the waiver request noted by staff.

No one else was present regarding the application.

Motion to approve by Nick Amberger. Second by Josh Woods. Approved.

After discussion, the Planning Commission waived Sections 6.B.9., 6.C.2.(b)(3), and 6.C.3. of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

1. Retention of the 40-foot right-of-way along Andrews Street on the Final Plat;
2. Revision of the plat to provide the size of the lot in both square feet and acres, or provision of a table on the Final Plat with the same information, adjusted for any required dedication;
3. Retention of the 5-foot minimum front yard setback along Andrews Street on the Final Plat;
4. Removal of the side and rear yard setback lines from the Final Plat;
5. Compliance with all Engineering comments noted in the staff report;
6. Placement of a note on the Final Plat stating the Traffic Engineering comments noted in the staff report;
7. Compliance with all Urban Forestry comments noted in the staff report; and
8. Compliance with all Fire Department comments noted in the staff report.

8. SUB-002891-2024

Location: 2208 Fairway Drive
Subdivision Name: Dailey-Pollard Subdivision
Applicant / Agent: Reginald Dailey
Council District: District 5
Proposal: Subdivision of 1 lot, 0.26± acres

Patrick Steves of Persons Services was present for the application 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 Tentatively Approved the request, subject to the following conditions:

1. Dedication sufficient to provide 30 feet from the centerline of Fairway Drive;
2. Revision of the Final Plat to accurately label the rights-of-way of Jemison Street;
3. Dedication sufficient to provide a 25-foot corner radius at the intersection of Jemison Street and Fairway Drive, in compliance with Section 6.C.6. of the Subdivision Regulations;
4. Retention of the lot size in both square feet and acres, adjusted for dedication, or the furnishing of a table on the Final Plat providing the same information;
5. Revision of the Final Plat to illustrate a 5-foot front setback along Fairway Drive and Jemison Street on the Final Plat;
6. 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;
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.

9. SUB-002894-2024

Location: 250 Dogwood Lane
Subdivision Name: Gaillard Oaks Subdivision, Resubdivision of Lot 4
Applicant / Agent: Wyatt Johnson
Council District: District 7
Proposal: Subdivision of 1 lot, 0.32± 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 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 of Old Shell Road and Dogwood Lane on the Final Plat;
2. Retention of the lot size label in both square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;
3. Retention of the note on the Final Plat stating that no structure shall be constructed or placed within any easement without the easement holder's permission;
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.

10. SUB-002887-2024

Location: 431 Azalea Road
Subdivision Name: West Mobile Masonic Temple Subdivision, Resubdivision of Lot 1
Applicant / Agent: Newton Cromer
Council District: District 5
Proposal: Subdivision of 2 lots, 1.85± acres

Newton Cromer was present for the application and in agreement with the suggested considerations.

Planning staff noted that the setback requirement for Lot 2 as stated in the staff report was not needed and could be removed from the suggested considerations.

No one else was present regarding the application.

Motion to approve by Matt Anderson. Second by Kenny Nichols. Approved.

After discussion, the Planning Commission waived Sections 6.C.2(a)1., 6.C.4., and 6.C.8. of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

1. Revision of the plat to depict a minimum of 50-feet from the front property line to the centerline of Azalea Road;
2. 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;
3. Revision of the plat to illustrate and label the 25-foot minimum front yard setback for Lot 1 only;
4. Retention of all easements depicted on the preliminary plat;
5. Retention of a note on the Final Plat stating no structure shall be constructed or placed within any easement without the 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.

11. SUB-002888-2024 & SUB-SW-002890-2024

Location: 5501 Bear Fork Road
Subdivision Name: Foxglove Subdivision
Applicant / Agent: Aaron Collins, S.E. Civil Engineering & Surveying
Council District: District 7
Proposal: Subdivision of 95 lots, 113.3± acres; and request to waive the construction of a sidewalk along Bear Fork Road.

The application was withdrawn prior to the meeting.

12. SUB-002893-2024 & ZON-UDC-002892-2024

Location: South Side of Zeigler Boulevard, 275'± West of Zeigler Circle West, extending South to the North Termini of Avenue A, 5th Avenue, and Harding Boulevard
Subdivision Name: Cypress Place Subdivision
Applicant / Agent: Tonya Anderson, D.R. Horton, Inc. (Evan M. Geerts, PE, Duplantis Design Group, PC, Agent)
Council District: District 7
Proposal: Subdivision of 209 lots, 81.17± acres; and Rezoning from Single-Family Residential Suburban District (R-1) and Community Business

Suburban District (B-3), to Single-Family Residential Suburban District (R-1).

Evan Geerts of the Duplantis Design Group was present for the applications and made the following requests:

- Subdivision condition #6, regarding extension of Holly Lane to the land-locked property – he requested that it just be extension of the right-of-way or provision of an easement instead of actual street improvements;
- Subdivision condition #7, regarding waivers of Section 6.B.3 – he requested to add Fairway Avenue and Harding Boulevard to the streets covered by the waiver; and
- Zoning condition # 1, regarding when would zoning be considered complete – would they have to wait until the recording of the subdivision plat prior to moving forward with completion of the zoning process.

Planning staff responded to the applicant's questions.

Commissioners and the applicant discussed the proposed development, access and his stated concerns. It was noted that primary access would only be from Zeigler Boulevard, however, emergency access with a gate was proposed from Fairway Avenue.

Graziella Meschino was present to express concerns about the applications, and asked the following questions regarding the development:

- If the development would abut her property;
- How the development would be accessed – if they would use Avenue C as a point of access.

Commissioners and staff responded to her questions.

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.B.3. of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

1. Revision of the plat to illustrate the minimum existing right-of-way and, if less than 100 feet, dedication to provide 50 feet from the centerline of Zeigler Boulevard;
2. Revision of the plat to depict the existing rights-of-way along Harding Boulevard and Fairway Avenue;

3. Approval of the proposed street names by the City Engineer, with any modifications labeled on a revised plat;
4. Retention of the lot sizes in both square feet and acres on the Final Plat, adjusted for any required dedication;
5. Revision of the plat to illustrate a 25-foot front yard setback along each existing and proposed street where each abutting lot and common area is at least 60 feet wide, adjusted for any required dedication, in compliance with Section 6.C.8. of the Subdivision Regulations, and with Article 2, Sections 64-2-5.E. and 64-2-14.E. of the Unified Development Code;
6. Revision of the plat to extend the proposed Holly Lane right-of-way to provide access to the landlocked parcel;
7. Approval of a waiver of Section 6.B.3. of the Subdivision Regulations for Avenue A and 5th Avenue;
8. Placement of a note on the Final Plat stating access to Avenue A and 5th Avenue is prohibited;
9. Completion of the Rezoning request to eliminate the potential for any split-zoned lots;
10. Compliance with all Engineering comments noted in the staff report;
11. Placement of a note on the Final Plat stating all 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.

Rezoning.

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

After discussion, the Planning Commission determined the following criteria prevail to support rezoning of the property to R-1, Single-Family Residential 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:
 - (1) The current development trends, if any, in the vicinity of the subject property;
 - (2) Surrounding land uses;
 - (3) Would adversely impact neighboring properties; or
 - (4) 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 R-1, Single-Family Residential Suburban district, 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.

OTHER BUSINESS

Legal counsel advised the Commission of the receipt of an appeal of their February 22, 2024 denial of the following application:

- **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

Minutes approved: September 18, 2025



Jennifer Denson, Secretary



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