

Mobile Planning Commission Minutes

September 19, 2024 – 2:00 P.M.

ADMINISTRATIVE

Roll Call

	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)
x	Mr. Chad Anderson		
(S) Supernumerary (MD) Mayor’s Designee (AO) Administrative Official (CC) City Council Representative			

Staff: George Davis, Moynur Rahman, Michelle French, Victoria Burch, Doug Anderson, Bert Hoffman, Stephen Guthrie, Logan Anderson, Shayla Beaco

HOLDOVERS

1. SUB-002996-2024 & SUB-SW-002972-2024

Location: 2301 McFarland Road
Subdivision Name: Anglebrook Subdivision
Applicant / Agent: Heather Bell, Sawgrass Consulting
Council District: District 6
Proposal: Subdivision of 108 lots, 39.86± acres; and a request to waive the construction of a sidewalk along McFarland Road.

Tim Lawley of Sawgrass Engineering was present for the applications and made the following points:

- Concerned about possible road milling issues on McFarland Road, and are still discussing those issues with Engineering staff;
- There are no sidewalks in the vicinity to connect to along McFarland Road, and when the subdivision was originally planned under the jurisdiction of Mobile County, sidewalks were not required;

Commissioners and the applicant discussed the sidewalk waiver request.

Commissioners asked Planning staff about the need for a second access point, to which staff responded that the Subdivision Regulations and the Fire Code do not require a second point of access.

No one else was present regarding the application.

Subdivision.

Motion to approve by Matt Anderson. Second by Nick Amberger. Kenny Nichols recused from the application. Approved.

After discussion the Planning Commission waived Sections 6.B.3. and 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 McFarland Road and all internal streets on the Final Plat;
2. Retention of the 25-foot minimum building setback line along all street frontages;
3. Retention of the note on the Final Plat stating that maintenance of all common areas and stormwater detention areas is the responsibility of the property owners and not the City of Mobile;
4. Placement of a note on the Final Plat stating that no structure shall be constructed or placed in any easement without permission of the easement holder;
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.

Sidewalk Waiver.

Motion to deny by Matt Anderson. Second by Nick Amberger. Kenny Nichols recused from the application. Denied.

After discussion the Planning Commission Denied the Sidewalk Waiver request.

NEW ITEMS

2. SUB-003027-2024

Location: 1859 Toulmin Avenue

Subdivision Name: 1859 Toulmin Avenue Subdivision

Applicant / Agent: Richard Byrd, Brizo Construction (Timothy Hudson, Permit Us Now, Agent)
Council District: District 1
Proposal: Subdivision of 1 lot, 0.08± acres

The applicant was not present for the application.

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

1. Retention of the right-of-way along Toulmin Avenue, as depicted on the survey;
2. Revision of the Final Plat to include the lot size in both square feet and acres, or placement of a table on the Final Plat with the same information;
3. Retention on the Final Plat of the five (5)-foot minimum front yard setback along Toulmin Avenue;
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.

3. SUB-003028-2024

Location: 7052 Langdon Drive
Subdivision Name: Crosby Addition Subdivision
Applicant / Agent: Richard Byrd, Brizo Construction (Timothy Hudson, Permit Us Now, Agent)
Council District: District 7
Proposal: Subdivision of 1 lot, 0.28± acres

Mr. and Mrs. Gerald Crosby were present for the application and asked the Commission to approve their request so that they could complete construction of their new home.

No one else was present regarding the application.

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

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

1. Revision of the plat to illustrate dedication sufficient to provide 30 feet from the centerline of Langdon Drive, or Planning Commission approval of a waiver of Section 6.B.9. of the Subdivision Regulations;
2. Provision of the lot's size in square feet and acres on the Final Plat, adjusted for any required dedication, or provision of a table on the Final Plat with the same information;
3. Retention of the 25-foot minimum front yard setback along Langdon Drive on the Final Plat, adjusted for any required dedication;
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.

4. SUB-003054-2024

Location: 6501 Todd Acres Drive
Subdivision Name: Ruby Moore Subdivision
Applicant / Agent: Kari Givens, Byrd Surveying, Inc.
Council District: District 4
Proposal: Subdivision of 1 lot, 0.17± acres

Gerald Byrd of Byrd Surveying 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 Larry Dorsey. Approved.

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

1. Retention of the lot's size in square feet and acres on the Final Plat, or provision of a table on the Final Plat with the same information;
2. Compliance with all Engineering comments noted in the staff report;

3. Placement of a note on the Final Plat stating the Traffic Engineering comments noted in the staff report;
4. Compliance with all Urban Forestry comments noted in the staff report; and
5. Compliance with all Fire Department comments noted in the staff report.

5. SUB-003022-2024

Location: East side of Alba Club Road, 645'± North of Staples Road
Subdivision Name: Resubdivision of Lot 19, Resurvey of Third Addition to Dog River Park Subdivision
Applicant / Agent: Kari Givens, Byrd Surveying, Inc.
Council District: District 3
Proposal: Subdivision of 2 lots, 0.46± acres

Gerald Byrd of Byrd Surveying was present for the application and in agreement with the suggested considerations, however, he noted that the lot widths were slightly less than required by the Subdivision Regulations. He stated that the lot area more than complied with the minimum requirements.

Commissioners and Planning staff discussed the lot width waiver issue.

No one else was present regarding the application.

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

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

1. Retention of the right-of-way along Alba Club Road, as depicted on the preliminary plat;
2. Retention of the lot sizes in square feet and acres on the Final Plat, or provision of a table on the Final Plat with the same information;
3. Retention of at least a 25-foot front yard setback along Alba Club Road;
4. Compliance with all Engineering comments noted in the staff report;
5. Placement of a note on the Final Plat stating the 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.

6. SUB-003062-2024

Location: 69 North Monterey Street

Subdivision Name: Alford Place Subdivision
Applicant / Agent: Rob & Debbie Hayes
Council District: District 2
Proposal: Subdivision of 2 lots, 0.33± acres

Sam Winter was present and in agreement with the suggested considerations.

Commissioners asked Mr. Winter if there was parking available. Mr. Winter stated that Lot 1 did not have off-street parking but would use the carport on adjacent Lot 2.

No one else was present regarding the application.

Motion to approve by Matt Anderson. Second by Harry Brislin. Approved.

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

1. Retention of the lot sizes in both square feet and acres; or placement of a table on the Final Plat with the same information;
2. Retention of the right-of-way width for North Monterey Street as depicted on the preliminary plat;
3. Revision of the Final Plat to illustrate a minimum 50-foot right-of-way for Old Shell Road and dedication sufficient to provide 25 feet from the center line, or waiver of Section 6.B.2. of the Subdivision Regulations;
4. Revision of the Final Plat to illustrate a 25-foot corner radius for Lot 1 where Old Shell Road and North Monterey Street intersect, or approval of a waiver from Section 6.C.6. of the Subdivision Regulations;
5. Provision of a note on the Final Plat stating that the front yard building setback for Lot 1 and Lot 2 shall be in compliance with the setback provisions of the Historic District Overlay of Section 64-14- 1.C. of the Unified Development Code;
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.

7. SUB-003068-2024

Location: 6137 Todd Acres Drive & 5632 Commerce Boulevard West
Subdivision Name: Todd Acres Industrial Park Subdivision

Applicant / Agent: Charles Tisher, P.E.
Council District: District 4
Proposal: Subdivision of 7 lots, 547.93± acres

Charles Tisher of Clark, Geer, Latham and Associates was present for the application and in agreement with the suggested considerations. He stated that Lot 3 was to accommodate a neighbor's driveway to address an encroachment issue.

District 4 Councilperson Ben Reynolds was present in support of the application and requested that the Planning Commission recognize the City Council's downzoning of Lot 6 (Lot 4), ordinance 64-011, noting a legal opinion and a memorandum of understanding with the developer.

Commissioners, legal counsel and the speakers discussed the rezoning issues. Legal counsel stated that the only issue under consideration before the Commission was subdivision of the land, not the zoning of the land.

No one else was present regarding the application.

There was additional discussion between the Commission, legal counsel and staff during the deliberation session regarding the zoning issue.

Motion to approve by Matt Anderson. Second by Kenny Nichols. Josh Woods abstained. Approved.

After discussion the Planning Commission waived Sections 6.C.2(b)(4), 6.C.3., and 6.C.9. of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

1. Retention of the right-of-way widths of all streets on the Final Plat;
2. Revision of the plat to indicate at least a 25-foot minimum building setback line along all public street frontages;
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. Placement of a note on the Final Plat stating that no structures are allowed in any easements, without the permission of the easement holder;
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-003037-2024

Location: Northwest corner of Congress Street and North Claiborne Street, extending to the Northwest corner of North Claiborne Street and Adams Street, and to the North terminus of North Jackson Street.

Subdivision Name: La Maison at De Tonti Square Subdivision

Applicant / Agent: Kari Givens, Byrd Surveying, Inc.

Council District: District 2

Proposal: Subdivision of 11 lots, 2.2± acres

Planning staff advised the Commission of proposed changes to two of the proposed considerations to address errors in the staff report.

Gerald Byrd of Byrd Surveying was present for the application and requested that the corner radius requirement found in the Engineering comments be removed.

Engineering staff advised that the Engineering comment remain as written, as it allows staff to evaluate each site for unique circumstances and, where appropriate, waive the requirement.

Mark Minnaert was present with concerns regarding the application. He asked if proposed Lot 8 would be developed.

Commissioners advised Mr. Minnaert that the subdivision request did not address possible future development but would create a lot that could be developed.

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

1. Retention of the existing right-of-way along all street frontages;
2. Retention of the 12-foot maximum setback along all street frontages;
3. Provision of the lot sizes in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
4. Placement of a note on the Final Plat identifying primary frontages for Lots 2 & 8;

5. Placement of a note on the Final Plat stating that Lot 8 is limited to one (1) curb cut to North Claiborne Street;
6. Placement of a note on the Final Plat stating that no structures are allowed in any easements 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;
10. Compliance with all Fire Department comments noted in the staff report; and
11. Completion of the Subdivision process prior to the application for permits.

9. SUB-003056-2024

Location: 625, 635, 645, 655, 665, 675, and 685 Dawes Road
Subdivision Name: Colony Woods Townhomes Subdivision
Applicant / Agent: Engineering Design Group, LLC
Council District: District 6
Proposal: Subdivision of 64 lots, 8.01± acres

Donnie Stovall of the Engineering Design Group was present for the application and in agreement with the suggested considerations. He noted that this was a resubmittal due to the previous approval having expired, and that the project is under construction.

No one else was present regarding the application.

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

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

1. Retention of the dedication along Glider Avenue;
2. Retention of the rights-of-way along all street frontages on the Final Plat;
3. Retention of the 18-foot minimum front setback on the Final Plat;
4. Provision of the lot sizes in square feet and acres on the Final Plat or provision of a table on the Final Plat with the same information;
5. Removal of all side and rear yard setbacks from the Final Plat;
6. Depiction of all easements on the Final Plat;
7. Placement of a note on the Final Plat stating that the streets are privately maintained and that there shall be no public right-of-way, per Sections 9.D.1(b)(5) and 9.D.1(b)(7);
8. Placement of a note on the revised plat stating that if the private streets are ultimately dedicated for public use and maintenance, 100-percent of the cost of the improvements

required to bring the streets up to the prevailing standards shall be assessed to the property owner(s) at the time the private streets are dedicated, and that said assessment shall run with the land to any subsequent property owners, per Section 9.D.1(b)(9) of the Subdivision Regulations;

9. Per Section 9.D.1(b)(6), prior to signing of the plat, the applicant is to present a legal document to the Planning and Zoning Department to run as a covenant with the land providing for continuing maintenance of the private streets by an owners' association, or other entity, granting rights of ingress and egress for emergency and utility maintenance vehicles, and holding harmless the city from damages to any owner within the subdivision arising, or which may arise, out of the existence of the private streets. This document shall be approved by the City Attorney or their designee as to form and legality and shall be properly executed and recorded simultaneously with the Final Plat in the records of Mobile County Probate Court;
10. In compliance with Section 9.D.1(b)(8), a sign shall be posted and maintained at the entrance to the private streets with the street names and identifying them as private streets, per Manual on Uniform Traffic Control Devices (MUTCD) standards with blue backgrounds and white legends. The signs shall be made to city standards, and the names of the private streets must be approved by the City Engineer;
11. Placement of a note of the Final Plat stating that no structures are allowed to encroach into an easement without the permission of the easement holder;
12. Compliance with all Engineering comments noted in the staff report;
13. Placement of a note on the Final Plat stating the 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.

10. SUB-SW-003061-2024

Location: 5755 & 5761 U.S. Highway 90 West
Applicant / Agent: TVH Properties, LLC
Council District: District 4
Proposal: Request to waive the construction of a sidewalk along U.S. Highway 90 West.

Mark Green of Clark, Geer, Latham and Associates was present for the application and made the following points regarding the sidewalk waiver request:

- Rabbit Creek on the south side of the property creates a barrier for the provision of a sidewalk;
- The right-of-way is managed by the Alabama Department of Transportation due to its being a US Highway, and they would prefer no sidewalks;
- There are no sidewalks to the south of the site; and
- They are willing to provide a sidewalk on the north side of the site.

No one else was present regarding the application.

Motion to approve by Matt Anderson. Second by Nick Amberger. Approved.
Kirk Mattei recused.

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

11. SUB-SW-003063-2024

Location: 4297 Riviere Du Chien Road
Applicant / Agent: David Shumer, Barton & Shumer Engineering, LLC
Council District: District 4
Proposal: Request to waive the construction of a sidewalk along Riviere Du Chien Road.

David Shumer of Barton & Shumer Engineering was present for the application and made the following points:

- There are no sidewalks on Riviere Du Chien Road due to the slope associated with the bridge approach and on the bridge itself;
- A sidewalk along Halls Mill Road is proposed; and
- Would it be possible to waive the sidewalk connection requirement between the right-of-way and the main building entrance.

Planning staff noted that the UDC requires the provision of a sidewalk from the building to a sidewalk in the right-of-way, if a sidewalk in the right-of-way is present. Either a waiver request would also be required for the Halls Mill Road frontage, or a variance application to the Board of Adjustment to waive the on-site sidewalk requirement.

Commissioners discussed the sidewalk waiver request. It was noted that some of the more recent developments in the vicinity have provided sidewalks along Halls Mill Road.

No one else was present regarding the application.

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

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

12. ZON-UDC-003066-2024

Location: 6950 Moffett Road

Applicant / Agent: Glen Angus, GTA Ventures, LLC
Council District: District 7
Proposal: Rezoning from Limited Neighborhood Business Suburban District (LB-2), to Single-Family Residential Suburban District (R-1).

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

No one else was present regarding the application.

Motion to approve by Jennifer Denson. Second by Matt Anderson. 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; and,
- B) 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 not adversely impact neighboring properties; or
 - (4) 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) Change. Changed or changing conditions in a particular area make an amendment necessary and desirable.
- 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 R-1, Single-Family Residential Suburban District, subject to the following conditions:

- 1. Completion of the subdivision process; and
- 2. Full compliance with all municipal codes and ordinances.

13. MOD-003074-2024 & MOD-003045-2024

Location: 1 Hardwood Lane
Applicant / Agent: SA Recycling, LLC (Kari Givens, Byrd Surveying, Inc., Agent)
Council District: District 2
Proposal: Major Modification of a previously approved Planning Approval allowing the expansion of an existing scrap metal processing facility

with automobile shredding in an I-2, Heavy Industry District; and Major Modification of a previously approved Planned Unit Development allowing multiple buildings on a single building site.

Gerald Byrd of Byrd Surveying was present for the applications and in agreement with the suggested considerations.

No one else was present regarding the applications.

Modification (Planning Approval).

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 Planning Approval:

- a. The request is consistent with all applicable requirements of this Chapter;
- b. The request will not impede the orderly development and improvement of surrounding property;
- c. 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 Planning Approval Modification to the City Council, subject to the following conditions:

1. Provision of a note on the Planning Approval site plan stating the site will maintain compliance with the tree planting and landscape area requirements of Article 3, Section 64-3-7 of the UDC;
2. Retention of a note on the Planning Approval site plan identifying the existing waste bin;
3. Retention of a note on the revised site plan stating shredding operations are limited between the hours of 6:00 a.m. and 6:00 p.m. with maintenance activities allowed after 6:00 p.m.;
4. 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;
5. Compliance with all Engineering comments noted in the staff report;
6. Compliance with all Traffic Engineering comments noted in the staff report;
7. Compliance with all Urban Forestry comments noted in the staff report;
8. Compliance with all Fire Department comments noted in the staff report;

9. Provision of revised Planning Approval site plan for review by Planning and Zoning prior to recording, and provision of copies of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
10. Full compliance with all municipal codes and ordinances.

Modification (Planned Unit Development).

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;
- 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. Provision of a note on the PUD site plan stating the site will maintain compliance with the tree planting and landscape area requirements of Article 3, Section 64-3-7 of the UDC;
2. Retention of a note on the PUD site plan identifying the existing waste bin;
3. Retention of a note on the revised site plan stating shredding operations are limited between the hours of 6:00 a.m. and 6:00 p.m. with maintenance activities allowed after 6:00 p.m.;
4. 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;

5. Compliance with all Engineering comments noted in the staff report;
6. Compliance with all Traffic Engineering comments noted in the staff report;
7. Compliance with all Urban Forestry comments noted in the staff report;
8. Compliance with all Fire Department comments noted in the staff report;
9. Provision of revised PUD site plan for review by Planning and Zoning prior to recording, and provision of copies of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
10. Full compliance with all municipal codes and ordinances.

14. SUB-003039-2024 & ZON-UDC-003038-2024

Location: 2301 McFarland Road
Subdivision Name: Anglebrook Subdivision, Phase 2
Applicant / Agent: Tim Lawley, P.E., Sawgrass Consulting, LLC
Council District: District 6
Proposal: Subdivision of 48 lots, 3.28± acres; and Rezoning from Single-Family Residential Suburban District (R-1) to Multi-Family Residential Suburban District (R-3).

Tim Lawley of Sawgrass Engineering was present for the applications and in agreement with the suggested considerations.

Ashley Thrash was present in opposition to the applications, and made the following points:

- The proposed townhomes should either be denied or moved to another portion of the development site, such as near the school;
- She did not want the townhomes towering over her rear yard;
- If they cannot be relocated, she would like a privacy fence and vegetative buffer to protect her privacy.

Commissioners and Planning staff discussed the concerns stated by Ms. Thrash.

Subdivision.

Motion to approve by Matt Anderson. Second by Jennifer Denson. Josh Woods opposed. Kenny Nichols recused from the application. Approved.

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

1. Revision of the plat to label each lot with its size in both square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;
2. Retention of the 15-foot minimum building setback line on the Final Plat;
3. Revision of the plat to illustrate turnarounds at the end of each private street extension, each with adequate diameter as determined by the City Engineer and in compliance with International Fire Code requirements per Section 6.B.9;
4. Placement of a note on the Final Plat stating that the streets are privately maintained and that there shall be no public right-of-way, per Sections 9.D.1(b)(5) and 9.D.1(b)(7);
5. Placement of a note on the revised plat stating that if the private streets are ultimately dedicated for public use and maintenance, 100-percent of the cost of the improvements required to bring the streets up to the prevailing standards shall be assessed to the property owner(s) at the time the private streets are dedicated, and that said assessment shall run with the land to any subsequent property owners, per Section 9.D.1(b)(9) of the Subdivision Regulations;
6. Per Section 9.D.1(b)(6), prior to signing of the plat, the applicant is to present a legal document to the Planning and Zoning Department to run as a covenant with the land providing for continuing maintenance of the private streets by an owners' association, or other entity, granting rights of ingress and egress for emergency and utility maintenance vehicles, and holding harmless the city from damages to any owner within the subdivision arising, or which may arise, out of the existence of the private streets. This document shall be approved by the City Attorney or their designee as to form and legality and shall be properly executed and recorded simultaneously with the Final Plat in the records of Mobile County Probate Court;
7. In compliance with Section 9.D.1(b)(8), a sign shall be posted and maintained at the entrance to the private streets with the street names and identifying them as private streets, per Manual on Uniform Traffic Control Devices (MUTCD) standards with blue backgrounds and white legends. The signs shall be made to city standards, and the names of the private streets must be approved by the City Engineer;
8. Revision of the plat to label all Common Areas with their sizes in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
9. Placement of a note on the Final Plat stating that the maintenance of all Common Areas is the responsibility of the property owners;
10. Revision of the plat to depict utility easements acceptable to the appropriate provider of utilities within the subdivision, per Section 9.1(b)(4) of the Subdivision Regulations;
11. Placement of a note on the Final Plat stating that no structure may be constructed or placed within any easement without permission from the easement holder;
12. Completion of the Rezoning process prior to signing the Final Plat;
13. Compliance with all Engineering comments noted in the staff report;
14. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in the staff report;
15. Compliance with all Urban Forestry comments noted in the staff report; and,
16. Compliance with all Fire Department comments noted in the staff report.

Rezoning.

Motion to approve by Matt Anderson. Second by Harry Brislin. Josh Woods opposed. Kenny Nichols recused from the application. Approved.

After discussion, the Planning Commission determined the following criteria prevail to support rezoning of the property to R-3, Multi-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) The amendment would not 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-3, Multi-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

- **Review of Minutes from the following Planning Commission meetings:**

August 5, 2021

August 19, 2021

September 2, 2021

September 16, 2021

October 7, 2021

October 21, 2021

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

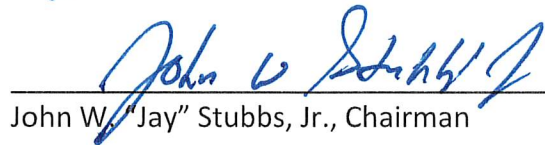
- **Introduction of the new Deputy Director of Planning & Zoning**

Stephen Guthrie

Minutes approved: November 20, 2025



Jennifer Denson, Secretary



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