

Mobile Planning Commission Minutes

October 17, 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)
	Ms. Jennifer Denson, Secretary		Mr. Josh Woods (CC)
	Ms. Shirley Sessions	x	Mr. Harry Brislin, IV (S)
	Mr. Larry Dorsey	x	Mr. Kenny Nichols (S)
x	Mr. Chad Anderson		
(S) Supernumerary (MD) Mayor’s Designee (AO) Administrative Official (CC) City Council Representative			

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

Adoption of the Agenda.

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

NEW ITEMS

1. SUB-003091-2024

Location: Northeast corner of Schillinger Road South and 7th Avenue
Subdivision Name: Auto Air of Alabama Subdivision
Applicant / Agent: Kari Givens, Byrd Surveying, Inc.
Council District: District 7
Proposal: Subdivision of 1 lot, 9.81± 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 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 proposed right-of-way dedication for 7th Avenue on the Final Plat;
2. Retention of a compliant 25-foot corner radius where Schillinger Road North and 7th Avenue intersect as illustrated on the preliminary plat;
3. 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, adjusted for any required dedication;
4. Retention of a compliant 25-foot minimum building setback along both Schillinger Road North and 7th Avenue, adjusted for any required dedication;
5. Revision of the Final Plat to illustrate a 25-foot minimum building setback where the subject site abuts Avenues B, C, D, and 6th Avenue;
6. Compliance with all Engineering comments noted in the staff report;
7. Placement of a note on the Final Plat stating the Traffic Engineering comments noted in the staff report;
8. Compliance with all Urban Forestry comments noted in the staff report; and
9. Compliance with all Fire Department comments noted in the staff report.

2. SUB-003082-2024

Location: 1933 & 1935 Staples Road
Subdivision Name: Resubdivision of Lot 9, Block D, First Addition to Dog River Park Subdivision
Applicant / Agent: Regina Seeling (Jason Linder, Linder Surveying, Agent)
Council District: District 3
Proposal: Subdivision of 2 lots, 5.0± 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 waived Section 6.C.9(a) of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

1. Retention of the right-of-way width for Staples Road, as illustrated 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 a compliant 25-foot minimum building setback along Staples Road;

4. Revision of the Final Plat to illustrate a 25-foot minimum building setback for Lot 9B where the lot “balloons” out from the 25-foot drive aisle, and where the lot is at least 60-feet wide;
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-003090-2024

Location: 1114 McNeill Avenue
Subdivision Name: DAG Subdivision
Applicant / Agent: David Gengo, DAG Investments, LLC
Council District: District 6
Proposal: Subdivision of 2 lots, 0.59± 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 waived Section 6.B.9. of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

1. 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;
2. Revision of the Final Plat to illustrate a 25-foot minimum building setback for both Lot 1 and Lot 2 along McNeill Avenue;
3. Compliance with all Engineering comments noted in the staff report;
4. Placement of a note on the Final Plat stating the Traffic Engineering comments noted in the staff report;
5. Compliance with all Urban Forestry comments noted in the staff report; and
6. Compliance with all Fire Department comments noted in the staff report.

4. SUB-003092-2024

Location: 3957 & 3659 Old Shell Road, and 3669 College Lane
Subdivision Name: St. Paul’s Episcopal Subdivision of Old Shell Road
Applicant / Agent: St. Paul’s Episcopal School

Council District: District 7
Proposal: Subdivision of 2 lots, 4.23± acres

The applicant's representative Brett Orrell of Poly Surveying was not present; however, he submitted an email prior to the meeting stating their 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 width of Old Shell Road on the Final Plat;
2. Dedication to provide 25 feet from the centerlines of Provident Lane, Loyola Lane, and College Lane, unless a waiver of Section 6.B.9. of the Subdivision Regulations is approved;
3. Revision of the plat to label the right-of-way widths of Provident Lane, Loyola Lane and College Lane after any required dedication;
4. Dedication to provide a 25-foot radius curve at the intersection of Old Shell Road and Provident Lane; the intersection of Provident Lane and Loyola Lane; and at the intersection of Old Shell Road and College Lane, per Section 6.C.6. of the Subdivision Regulations, or as approved by the City Engineer and the Traffic Engineering director;
5. Revision of the plat to illustrate the 25-foot minimum building setback line as measured from any required right-of-way dedication;
6. Retention of the lot size labels in both square feet and acres on the Final Plat, adjusted for any required dedication, or the furnishing of a table on the Final Plat providing the same information;
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.

5. SUB-003087-2024

Location: 1852 Dauphin Street
Subdivision Name: 1852 Place Subdivision
Applicant / Agent: Kari Givens, Byrd Surveying, Inc.
Council District: District 1
Proposal: Subdivision of 3 lots, 0.86± acres

Gerald Byrd of Byrd Surveying was present for the application and requested that the right-of-way dedication requirement for North Carlen Street be waived.

Commissioners, the applicant and legal counsel discussed the right-of-way issue. Engineering staff noted that the requested right-of-way may be needed.

Traffic Engineering staff noted that the Traffic Engineering comments in the report needed to be corrected.

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. Retention of the 60-foot right-of-way width along Dauphin Street as illustrated on the preliminary plat;
2. Revision of the plat to illustrate sufficient right-of-way dedication along North Carlen Street, as determined by the City Engineer;
3. Provision of corner radius for Lot 1 where Dauphin Street and North Carlen Street intersect, in compliance with Section 6.C.6. of the Subdivision Regulations;
4. Retention of the lot sizes in both square feet and acres, or provision of a table on the Final Plat providing the same information, adjusted for any required dedication;
5. Retention of at least a five (5)-foot front yard setback along Dauphin Street and North Carlen Street, adjusted for any required 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.

6. SUB-003088-2024

Location:	429 Lincoln Boulevard
Subdivision Name:	Mobile Terrace Subdivision, Resubdivision of Lots 1-5, Block 23
Applicant / Agent:	Linda Ellerby
Council District:	District 7
Proposal:	Subdivision of 3 lots, 0.29± acres

The applicant was not initially present regarding the application.

Commissioners asked Planning staff if they had communication with the applicant regarding attendance. It was also asked if the application was straightforward, to which the staff responded that there could be issues created due to the right-of-way dedication requirements.

The Chairman stated that they would note that the applicant was not present.

No one else was present regarding the application.

During the deliberation session, the applicant was noted as being present and in agreement with the suggested considerations.

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

After discussion the Planning Commission waived Sections 6.C.2.(a)(1) (lot area) and 6.C.2(b)(2) (lot width) 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 Twelfth Street and Lincoln Boulevard;
2. Revision of the plat to illustrate dedication of a 25-foot corner radius at the intersection of Twelfth Street and Lincoln Boulevard, per Section 6.C.6. (or as approved by the City Engineer and the Traffic Engineering Director);
3. Retention of the lot sizes in both square feet and acres, or provision of a table on the Final Plat providing the same information, adjusted for dedication;
4. Revision of the plat to illustrate a 25-foot front yard setback along Twelfth Street and Lincoln Boulevard, per Section 5.C.2(i), adjusted for dedication;
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. ZON-UDC-003084-2024

Location: 674 Western Drive
Applicant / Agent: C & R Partners, LLC
Council District: District 1

**Proposal: Rezoning from Buffer Business Suburban District (B-1), to
Community Business Suburban District (B-3).**

Gerald Byrd of Byrd Surveying and Pete Riehm, realtor, were present for the application and made the following points

- They were in agreement with the considerations;
- The proposed business was auto repair for insurance claims;
- Vehicles would only be on site if being repaired;
- There is commercial and industrial zoning next to or across the street from the site;
- The warehouse on the site was no longer in operation; and
- A six-foot high chain-link fence exists along the sides of the property.

The Chairman reminded Commissioners that an online comment had been received regarding the request.

Commissioners asked Planning staff about zoning issues. Staff explained the zoning history of the area, noting that a zoning study had been completed in 1980 after a request from the Board of Adjustment due to numerous variance requests, resulting in multiple properties being rezoned from residential to B-1, Buffer Business.

Commissioners asked the applicant to describe the feedback they received at the Neighborhood Meeting. The applicant stated that the attendees did not want the property to look like a junkyard, and were happy that the property had been cleaned up. The applicant also noted that they had many small businesses interested in the property.

Planning staff noted that the existing chain-link fence would not meet the residential adjacency buffering requirements of the Unified Development Code.

No one else was present regarding the application.

Legal counsel reminded the Commission that the findings A-G must be present for rezoning requests.

Motion to approve by Matt Anderson. Second by Kenny Nichols. 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;
- 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) Will not adversely impact neighboring properties; and
 - (4) Will not 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-3, Community Business Suburban District, subject to the following conditions:

- 1. Provision of a Protection Buffer to the greatest extent possible where the site abuts residential uses, in compliance with Article 3, Section 64-3-8 of the Unified Development Code; and
- 2. Full compliance with all other municipal codes and ordinances.

8. SUB-003069-2024 & ZON-UDC-003070-2024

Location: 2660 & 2662 Spring Hill Avenue, 266 Mobile Street, and 251 Del Barco Drive

Subdivision Name: RS Mobile Subdivision

Applicant / Agent: Trevor McGill, RS Mobile, LLC (Lawrence Carroll, U.J. Robinson Memorial Center, Agent)

Council District: District 1

Proposal: Subdivision of 2 lots, 3.60± acres; and Rezoning from Single-Family Residential Urban District (R-1) and Community Business Urban District (B-3), to Community Business Urban District (B-3).

Trevor McGill of RS Mobile was present for the applications and made the following points:

- They performed a Traffic Impact Study; and
- They met with the Alabama Department of Transportation (ALDOT), who wanted any access to Spring Hill Avenue shifted as far away from the intersection as possible, thus resulting in the proposal with the Del Barco Drive property before the Commission – otherwise ALDOT would not allow access.

The Chairman advised Commissioners that there were numerous online comments received regarding the application.

Commissioners discussed the project with the applicant. Mr. Trevor noted that the senior center is still in operation, but that the other commercial buildings are vacant. It was also stated that a buffer would be provided where the site abuts residential uses, including a wooden privacy fence and vegetation.

Commissioners asked Planning staff if the Del Barco Drive neighborhood had active covenants. Staff stated that they did not know. The applicant stated that there are covenants, and that would take 50% approval of the neighborhood consenting to the removal of the covenants –they have received verbal consent from half of the property owners.

Commissioners asked about the Neighborhood Meeting. The applicant stated that it was held at the Moorer Branch Library in Spring Hill, and that no one showed up. This was the third time they had held a Neighborhood Meeting – people did attend the first one.

Lawrence Carroll, Director of the U.J. Robinson Memorial Center, a day center for adults, was present for the applications and made the following points:

- The Center supports the proposed project and did not see any issues with safety for their clients or staff;
- An additional gas station would provide more options for people; and
- He verified that there was no opposition at the Neighborhood Meeting that was most recently held for the application.

Pamela Gaines, Sherry Allen, Bradley Johnson and Jim Flowers were present in opposition to the applications and made the following points:

- The first sign appeared on the property over a year ago, announcing the proposed development;
- They attended the Neighborhood Meetings, including the most recent one;
- The Neighborhood Meeting was held in Spring Hill, three to four miles away, not in the Crichton neighborhood;
- Only learned 10 days ago that the proposal now included the removal of the first house on Del Barco Drive;
- They need protection from corporations;
- They reject the safety reasons, as ambulances use Mobile Street to get to the hospitals and do not need more traffic from another gas station / convenience store;
- Their quality of life would decline and the development would impact the residents of Del Barco Drive and the nearby churches;

- They have concerns about traffic in general, and about emergency access to Del Barco Drive when traffic is backed up, blocking access to their street;
- The other gas station that was built most recently adds to the noise and light pollution in their neighborhood;
- Afraid that if this rezoning is approved it would result in a cascade of other commercial rezonings along Spring Hill Avenue;
- There are already seven other existing gas stations nearby as well as several closed gas stations;
- The U.J. Robinson Memorial Center is for the applications because they will be selling some of their land for the development which would allow them to expand services to their clients;
- Gas stations devalue nearby properties between 30 to 50%;
- Existing oak trees on the residential property would have to be removed as part of the development; and
- Request at least a holdover to allow the neighborhood more time to evaluate the applications.

In rebuttal, Mr. McGill made the following points:

- He is originally from Mobile, and does not work directly for Murphy Oil;
- Murphy Oil, the proposed gas station developer, typically adds value to neighborhoods that have run down buildings and land;
- The oak trees would not be removed; and
- The residential property is part of the development because of the ALDOT requirement regarding driveway access from Spring Hill Avenue.

During the deliberation session, legal counsel advised the Commission to disregard the comments about the other proposed Murphy gas station on Broad Street that was in an historic district, as they were not relevant to the requests before the Commission.

Commissioners, legal counsel and staff discussed the applications, covering the following topics:

- City Councilman Penn's opposition to the requests;
- Neighborhood Meeting criteria, and if there were requirements to have meetings closer to the location of the proposed application site;
- The number of existing gas stations in the vicinity;
- If staff reviews neighborhood covenants; and
- If the proposed buffer was sufficient to mitigate the impact of the lights, garbage and noise that would be associated with the proposed development.

Subdivision.

Motion to deny by Matt Anderson. Second by Harry Brislin. Denied. Kenny Nichols recused from the application.

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

The proposed Subdivision would not promote orderly development or protect the general health, safety and welfare of the surrounding neighborhood, and it would not be compatible with adjacent developments and public utilities and services.

Rezoning.

Motion to deny by Matt Anderson. Second by Harry Brislin. Denied. Kenny Nichols recused from the application.

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

- A) The proposed amendment is not consistent with the Comprehensive Plan;
- B) There was no mistake or error in the original zoning map; and
- C) The proposed amendment is not compatible with:
 - (1) The current development trends in the vicinity of the subject property;
 - (2) Surrounding land uses;
 - (3) It would adversely impact neighboring properties; and
 - (4) Cause a loss in property values.
- D) The proposed amendment does not promote the community's public health, safety, and general welfare.
- E) The infrastructure is not in place to accommodate the proposed amendment; and,
- F) There are no changing conditions in the area that make an amendment necessary and desirable.
- G) 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.

9. SUB-003086-2024 & ZON-UDC-003085-2024

Location: 2660 Old Shell Road
Subdivision Name: Revised Winston Heights Subdivision
Applicant / Agent: Rasp, LLC
Council District: District 1

Proposal: **Subdivision of 1 lot, 0.89± acres; and Rezoning from Single-Family Residential Urban District (R-1) and Neighborhood Business Urban District (B-2), to Neighborhood Business Urban District (B-2).**

Gerald Byrd of Byrd Surveying was present for the application and in agreement with the suggested considerations, and he made the following points:

- The proposal is to build a restaurant;
- The existing building has been removed;
- The subdivision requires a rezoning to remove a split-zoning condition;
- Two people attended the Neighborhood Meeting and were in favor of the proposal; and
- The subdivision application is to revise previously approved subdivision setbacks, to allow the reduced setbacks available through the Unified Development Code.

No one else was present regarding the application.

Subdivision.

Motion to approve by Matt Anderson. Second by Harry Brislin. Approved. Nick Amberger recused.

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 Mobile Street on the Final Plat;
2. Retention of the 10-foot minimum building setback line along both street frontages;
3. 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;
4. Completion of the Rezoning process to eliminate the potential for split-zoning prior to signing the Final Plat;
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.

Rezoning.

Motion to approve by Matt Anderson. Second by Harry Brislin. Approved. Nick Amberger recused.

After discussion the Planning Commission determined the following criteria prevail to support rezoning of the property to B-2, Neighborhood Business Urban 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) Will not adversely impact neighboring properties; and
 - (4) Will not 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 Urban District, subject to the following conditions:

1. Full compliance with all municipal codes and ordinances.

10. SUB-003093-2024 & MOD-003094-2024

Location: 6301 Grelot Road
Subdivision Name: Christ United Church West Subdivision
Applicant / Agent: Kari Givens, Byrd Surveying, Inc.
Council District: District 6
Proposal: Subdivision of 3 lots, 17.85± acres; and Major Modification of a previously approved Planned Unit Development allowing multiple buildings on a single building site and shared access between multiple building sites.

Gerald Byrd of Byrd Surveying was present for the application and in agreement with the Holdover recommendation. He stated that he needed to obtain authorization from the other property owners within the Planned Unit Development.

No one else was present regarding the application.

Subdivision.

Motion to holdover by Kirk Mattei. Second by Matt Anderson. Heldover until the November 21, 2024 meeting.

After discussion the Planning Commission heldover the request until the November 21st meeting, with revisions submitted no later than November 8th, to allow the applicant to address the following:

1. Provide the required information for the associated Major Modification of the PUD.

Modification.

Motion to holdover by Kirk Mattei. Second by Matt Anderson. Heldover until the November 21, 2024 meeting.

After discussion the Planning Commission heldover the request until the November 21st meeting, with revisions submitted no later than November 8th, to allow the applicant to address the following:

1. Provide owner authorization for 6285 & 6293 Grelot Road and 1401 & 1475 Hillcrest Road; and
2. Revise the PUD site plan to depict the entirety of the PUD.

OTHER BUSINESS

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

November 4, 2021
November 18, 2021
December 2, 2021
December 16, 2021

Motion to approve by Matt Anderson. Second by Chad Anderson. Approved.

Minutes approved: November 20, 2025

A handwritten signature in blue ink, appearing to be 'Jennifer Denson', written over a horizontal line.

Jennifer Denson, Secretary

A handwritten signature in blue ink, appearing to be 'John W. Stubbs, Jr.', written over a horizontal line.

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