

Mobile Planning Commission Minutes

December 19, 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		Mr. Nick Amberger (AO)
	Ms. Jennifer Denson, Secretary	x	Mr. Josh Woods (CC)
	Ms. Shirley Sessions	x	Mr. Harry Brislin, IV (S)
x	Mr. Larry Dorsey	x	Mr. Kenny Nichols (S)
	Mr. Chad Anderson		
(S) Supernumerary (MD) Mayor’s Designee (AO) Administrative Official (CC) City Council Representative			

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

Adoption of the Agenda.

Motion to adopt the agenda by Matt Anderson. Second by Larry Dorsey. Adopted.

Order of Hearing.

Agenda items #2 – #13, Agenda item #1

HOLDOVERS

1. ZON-UDC-003106-2024

Location: Southeast corner of Commerce Boulevard East and Commerce Boulevard West
Applicant / Agent: Mobile City Council
Council District: District 4
Proposal: Rezoning from Office Distribution District (B-5) to Single-Family Residential Suburban District (R-1).

The applicant was not present regarding the application.

No one else was present regarding the application.

During discussion between Commissioners, legal counsel and staff it was noted that agenda item #10, which included both subdivision and rezoning applications for the same site, superseded the current application.

Motion to deny the request by Harry Brislin. Second by Matt Anderson. Denied. Josh Woods recused from the application.

After discussion the Planning Commission denied the Rezoning request.

EXTENSIONS

2. SUB-002733-2023

Location: South terminus of McNeill Avenue
Subdivision Name: Lots 1-3, Block 138 and Lots 15-18 & The North 20' of Lot 14, Block 139 Pinehurst, Delany's Addition to Spring Hill Resubdivision of and Addition to
Applicant / Agent: Mike Daniels, BDMD, LLC
Council District: District 6
Proposal: Extension of the Approval of a 6-lot subdivision, 1.44± acres

The applicant was not present for the application.

No one else was present regarding the application.

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

After discussion the Planning Commission approved the request for a one (1)-year extension of the Subdivision approval, subject to the following conditions:

1. Revision of the Final Plat to meet the technical requirements of Section 5 C. of the Subdivision Regulations;
2. Retention of dedication to provide a 60-foot radius cul-de-sac at the South terminus of McNeill Avenue;
3. Retention of a 25-foot minimum building setback line for Lots 1A, 2A, 5A and 6A on the Final Plat as measured from any right-of-way dedication;
4. Retention of a 40-foot minimum building setback line for Lots 3A and 4A on the Final Plat as measured from any right-of-way dedication;
5. 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;
6. Provision of a revised plat with updated easement vacation, as applicable;

7. Placement of a note on the Final Plat stating that no structure may be constructed or placed within any easement without permission of the easement holder;
8. Compliance with all Engineering comments noted in the staff report;
9. Placement of a note on the Final Plat stating the Traffic Engineering comments noted in the staff report;
10. Compliance with all Urban Forestry comments noted in the staff report; and
11. Compliance with all Fire Department comments noted in the staff report.

NEW ITEMS

3. SUB-003147-2024

Location: 603 South Broad Street and 650 & 652 South Jefferson Street
Subdivision Name: Parks Subdivision
Applicant / Agent: Kari Givens, Byrd Surveying, Inc.
Council District: District 1
Proposal: Subdivision of 1 lot, 2.0± acres

Gerald Byrd of Byrd Surveying was present for the application and made the following requests:

- Waiver of the corner radius requirements, as it was not required during a prior subdivision of the property; and
- Waiver of the front setback requirement to allow a zero-foot front yard setback.

It was noted during discussion that the Planning Commission cannot waive the front setback requirement as it is required by the Unified Development Code, the zoning regulations.

Online comments were received from Wanda Cochran. Legal counsel, in response to the online comments, advised the Commission that the process was not circumventing the City Council, as they still had to approve the sale/disposal of the City-owned property.

No one else was present regarding the application.

Motion to approve by Matt Anderson. Second by Josh Woods. 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 all right-of-way widths on the Final Plat, as depicted on the preliminary plat;

2. Retention of the of the lot's 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;
3. Revision of the Final Plat to illustrate a 10-foot front yard setback along all street frontages, in compliance with Section 5.C.2.(i) of the Subdivision Regulations and Article 2, Section 64-2-14.E of the Unified Development Code;
4. Retention of a note on the Final Plat stating that no structure shall be constructed within any easement without permission from 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.

4. SUB-003134-2024

Location: 2015 Old Shell Road
Subdivision Name: 2015 Old Shell Road Subdivision
Applicant / Agent: Samuel & Meagan Harris
Council District: District 1
Proposal: Subdivision of 2 lots, 1.21± acres

Brett Orrell of Poly 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 Harry Brislin. Second by Matt Anderson. 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 existing right-of-way widths along Old Shell Road on the Final Plat, as depicted on the preliminary plat;
2. Retention of the 20-foot-wide right-of-way along the unnamed, unopened public street right-of-way;
3. Retention of the lot sizes in both square feet and acres, or provision of a table on the Final Plat with the same information;
4. Retention of at least a 5-foot front yard setback along Old Shell Road;
5. Revision of the plat to illustrate a 5-foot front yard setback along the unnamed, unopened public street right-of-way;
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.

5. SUB-003151-2024

Location: 2250, 2260 & 2271 Maple Drive
Subdivision Name: Hale's Place Subdivision
Applicant / Agent: Mark N. Hale
Council District: District 6
Proposal: Subdivision of 4 lots, 10.10± acres

The applicant 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 Harry Brislin. Approved.

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

1. Revision of the Final Plat to label the 60-foot driveway as a non-exclusive ingress/egress access easement;
2. Retention of the of the lot sizes in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
3. Revision of the Final Plat to illustrate a 25-foot front setback where all lots abut the proposed access easement in compliance with Article 2 Section 64-2-5.E. of the Unified Development Code;
4. Revision of the Final Plat to remove the side and rear setbacks;
5. Retention of the note on the Final Plat stating that no structure shall be constructed in any easement without permission from the easement holder;
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.

6. SUB-003149-2024

Location: 859, 861, 863, & 865 Edwards Street and 858 Grimes Street
Subdivision Name: Resubdivision of Lots 1-4 & 13-15, Grimes & Winbush Subdivision
Applicant / Agent: Keri Coumanis, Helmsing Leach, P.C.
Council District: District 2
Proposal: Subdivision of 5 lots, 0.74± acres

Keri Coumanis of Helmsing Leach was present for the application and made the following requests due to the fact that the property consisted of lots originally platted in the 1960s:

- Waiver of right-of-way dedication requirement; and
- Waiver of the corner radius requirement

No one else was present regarding the application.

Motion to approve by Matt Anderson. Second by Kenny Nichols. Approved. Kirk Mattei recused from the application.

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

1. Revision of the plat to correctly label Grimes Street;
2. Revision of the plat to label each lot with its size in 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 at least a 5-foot front yard setback along each street frontage, adjusted for any required dedication;
4. Removal of the side and rear yard setbacks from the Final Plat;
5. Placement of a note on the Final Plat stating development of the site is subject to the applicable provisions of Article 11 of the UDC regarding the Africatown Overlay and Africatown Safety Zone regulations;
6. Revision of the plat to provide all required specifications (items, notes, certifications, etc.) for Final Plat approval, as detailed in Section 5 of the Subdivision Regulations;
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.

7. SUB-SW-003141-2024

Location: 4450 Old Shell Road
Applicant / Agent: Springhill Convenience, LLC
Council District: District 7
Proposal: Request to reduce the minimum required width of a sidewalk from twelve (12) feet to ten (10) feet along Old Shell Road and North McGregor Avenue within a Village Center Sub-District of the Spring Hill Overlay.

Gerald Byrd of Byrd Surveying was present for the application and explained the reason for the request. He noted the reduced sidewalk width would allow for the provision of a small greenspace area to separate pedestrians from vehicles.

No one else was present regarding the application.

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

After discussion the Planning Commission approved the Sidewalk Waiver request.

8. MOD-003124-2024

Location: 6254 Howells Ferry Road
Applicant / Agent: Redeemed Community Church (Kari Givens, Byrd Surveying, Inc., Agent)
Council District: District 7
Proposal: Major Modification of a previously approved Planning Approval allowing a church in an R-1, Single-Family Residential Suburban District.

Gerald Byrd of Byrd Surveying and Willie Patterson of the Redeemed Community Church were present for the application and in agreement with the suggested considerations.

Anthony Welborn was present in opposition to the application and made the following points:

- His property abuts the site;
- He already finds the noise from the daycare, when the children are outside, to be intolerable;
- At one point the people operating the daycare used a megaphone; and
- Fears additional noise from screaming kids.

In rebuttal, Willie Patterson, the pastor of the Redeemed Community Church, made the following points:

- Site is wooded, so neighboring property owners cannot see the outside play area;
- Noise should not be a problem;
- They do not use a megaphone;
- They operate the afterschool program Monday – Friday, 4:00 PM to 6:00 PM; and
- The operating the summer camp from 7:00 AM to 6:00 PM.

Motion to approve by Matt Anderson. Second by Josh Woods. 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 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 Planning Approval Modification to the City Council, subject to the following conditions:

1. Revision of the site plan to provide the hours of operation for the after-school care and summer camp services, along with the maximum number of children and the number of employees;
2. Retention of the required tree planting and landscape area calculations on the final site plan;
3. Revision of the site plan to depict compliance with the off-street parking requirements for all uses of the site;
4. Retention of a note on the final site plan regarding the church's use of a private waste removal service;

5. Revision of a note on the final site plan stating the site shall continue to comply with the parking lot lighting requirements of Section 64-3-9.C. of Article 3 of the UDC;
6. Provision of a note on the final site plan stating future development or redevelopment of the property, or any changes to the scope of operations, including hours of operation, number of children, etc. may require approval by the Planning Commission and City Council;
7. Compliance with all Engineering comments noted in the staff report;
8. Compliance with 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;
11. Provision of revised Planning Approval site plan for review by Planning and Zoning prior to recording, and provision of copies of the recorded site plans (hard copy and pdf) to Planning and Zoning; and,
12. Full compliance with all municipal codes and ordinances.

9. SUB-003145-2024 & ZON-UDC-003059-2024 (Holdover)

Location: 5105, 5109, and 5111 Overlook Road
Subdivision Name: L Thomas Place Subdivision
Applicant / Agent: Lloyd Thomas
Council District: District 7
Proposal: Subdivision of 1 lot, 0.74± acres; and Rezoning from Single-Family Residential Suburban District (R-1), to Neighborhood Business Suburban District (B-2).

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

No one else was present regarding the applications.

Subdivision.

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

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

1. Retention of the existing right-of-way width on the Final Plat, as depicted on the preliminary plat;
2. Retention of the lot's size in both square feet and acres on the Final Plat;

3. Retention of the 25-foot front yard setback along Overlook Road, in compliance with Section 6.C.8. of the Subdivision Regulations and Article 2 of the Unified Development Code;
4. Placement of a note on the Final Plat stating that future development or redevelopment of the site shall comply with the development provisions of Article 3 of the Unified Development Code;
5. Placement of a note on the Final Plat stating no structures shall be constructed in any easement without permission from 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.

Rezoning.

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-2, Neighborhood Business 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) 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 the following conditions:

1. Completion of the Rezoning process prior to signing the Final Plat for the proposed subdivision;
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.

10. SUB-003153-2024 & ZON-UDC-003154-2024

Location: Southeast corner of Commerce Boulevard East and Commerce Boulevard South, extending to the Southwest corner of Commerce Boulevard South and Commerce Boulevard West

Subdivision Name: Resubdivision of Lots 5 & 6, Todd Acres Industrial Park Subdivision

Applicant / Agent: Charles D. Tisher, Jr., P.E., Clark Geer Latham & Associates

Council District: District 4

Proposal: Subdivision of 2 lots, 37.73± acres; and Rezoning from Office Distribution District (B-5) and Heavy Industry District (I-2), to Single-Family Residential Suburban District (R-1).

Charles D. Tisher of Clark Geer Latham & Associates was present for the applications and in agreement with the suggested considerations.

No one else was present regarding the applications.

Subdivision.

Motion to approve by Harry Brislin. Second by Josh Woods. Approved.

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

1. Retention of the right-of-way widths of all public streets on the Final Plat, as depicted on the preliminary plat;
2. Revision of the plat to correctly label Todd Acres Drive;
3. Retention of the 25-foot minimum building setback line along all public street frontages;
4. Retention of the lot size labels in both square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;
5. Retention of the note on the Final Plat stating that no structures are allowed in any easements without the permission of the easement holder;
6. Completion of the Rezoning process to eliminate the potential for split-zoning prior to signing the Final Plat;
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 Matt Anderson. Second by Larry Dorsey. 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 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-1, Single-Family Residential Suburban District, subject to the following conditions:

1. Completion of the Rezoning process prior to signing the Final Plat for the proposed subdivision;
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.

11. SUB-003146-2024 & MOD-003120-2024

Location: East terminus of Leighton Place Drive
Subdivision Name: Leighton Village Subdivision, Phase III
Applicant / Agent: 195, LLC
Council District: District 4
Proposal: Subdivision of 15 lots, 4.23± acres; and Major Modification of a previously approved Planned Unit Development allowing reduced front yard and side yard setbacks, and increased site coverage in an R-1, Single-Family Residential Suburban District.

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

No one else was present regarding the applications.

Subdivision.

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

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

1. Revision of the cul-de-sac to provide a 60-foot radius (120-foot diameter);
2. Revision of the plat to label the proposed street extension with its name and right-of-way width, and labeled as a public right-of-way;
3. Revision of the plat to label all lots with their sizes in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
4. Revision of the plat to provide the revised sizes of the lots around the enlarged cul-de-sac in both square feet and acres;
5. Retention of the setback data and site coverage data in the Site Data table on the Final Plat;
6. Revision of Note #4 to state that the maintenance of the Common Areas/Detention Areas is the responsibility of the property owners and not the City of Mobile on the Final Plat;
7. Placement of a note on the Final Plat stating that no structure may be constructed or placed in any easement without the permission of the easement holder, if applicable;
8. Submittal to and approval by Planning and Zoning of a revised PUD site plan prior to signing the Final Plat;
9. Compliance with all Engineering comments noted in the staff report;
10. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in the staff report;
11. Compliance with all Urban Forestry comments noted in the staff report; and,
12. Compliance with all Fire Department comments noted in the staff report.

Modification.

Motion to approve by Matt Anderson. Second by Kenny Nichols. 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. Revision of the cul-de-sac to provide a 60-foot radius (120-foot diameter);
- 2. Revision of the site plan to label the proposed street extension with its name and right-of-way width, and labeled as a public right-of-way;
- 3. Revision of the site plan to label all lots with their sizes in both square feet and acres, or the furnishing of a table on the site plan providing the same information;
- 4. Revision of the site plan to provide the revised sizes of the lots around the enlarged cul-de-sac in both square feet and acres;
- 5. Retention of the setback data and site coverage data in the Site Data table;
- 6. Revision of the site plan to indicate a City-standard public sidewalk along both sides of the proposed street within the right-of-way;
- 7. Revision of Note #4 to state that the maintenance of the Common Areas/Detention Areas is the responsibility of the property owners and not the City of Mobile;
- 8. If easements are indicated on the site plan, placement of a note on the site plan stating that no structure may be constructed or placed in any easement without the permission of the easement holder;
- 9. Submittal to and approval by Planning and Zoning of a revised PUD site plan prior to signing the Final Plat of the associated subdivision;
- 10. Compliance with all Engineering comments noted in the staff report;
- 11. Placement of a note on the site plan 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.

12. MOD-003155-2024 & MOD-003148-2024

Location: 6208 Grotto Road (Private Street)
Applicant / Agent: Brian Courtney, Spring Hill College (Evan M. Geerts, P.E., Duplantis Design Group, Agent)
Council District: District 7
Proposal: Major Modification of a previously approved Planning Approval allowing the expansion of an existing college in an R-1, Single-Family Residential Suburban District; and Major Modification of a previously approved Planned Unit Development amending the Master Plan of an existing college in an R-1, Single-Family Residential Suburban District.

Evan M. Geerts of the Duplantis Design Group was present for the applications and stated, in response to one of the conditions, that he was confident that the site had sufficient parking for employees and students.

No one else was present regarding the applications.

Modification (Planning Approval).

Motion to approve by Matt Anderson. Second by Harry Brislin. 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 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 Planning Approval Modification to the City Council, subject to the following conditions:

1. Provision of a note on the Planning Approval and PUD site plans 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. Revision of the site plan to indicate a compliant enclosure for the dumpster;
3. Provision of a note on the Final Planning Approval and PUD site plans stating future development or redevelopment of the property may require approval by the Planning Commission and City Council;
4. Compliance with all Engineering comments noted in the staff report;
5. Compliance with all Traffic Engineering comments noted in the staff report;
6. Compliance with all Urban Forestry comments noted in the staff report;
7. Compliance with all Fire Department comments noted in the staff report;
8. Provision of revised Planning Approval and PUD site plans for review by Planning and Zoning prior to recording, and provision of copies of the recorded site plans (hard copy and pdf) to Planning and Zoning; and,
9. Full compliance with all municipal codes and ordinances.

Modification (PUD).

Motion to approve by Matt Anderson. Second by Kenny Nichols. 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 Planning Approval and PUD site plans 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. Revision of the site plan to indicate a compliant enclosure for the dumpster;
3. Provision of a note on the Final Planning Approval and PUD site plans stating future development or redevelopment of the property may require approval by the Planning Commission and City Council;
4. Compliance with all Engineering comments noted in the staff report;
5. Compliance with all Traffic Engineering comments noted in the staff report;
6. Compliance with all Urban Forestry comments noted in the staff report;
7. Compliance with all Fire Department comments noted in the staff report;
8. Provision of revised Planning Approval and PUD site plans for review by Planning and Zoning prior to recording, and provision of copies of the recorded site plans (hard copy and pdf) to Planning and Zoning; and,
9. Full compliance with all municipal codes and ordinances.

13. MOD-003152-2024 & MOD-003150-2024

Location: 817 Downtowner Boulevard & 3725 Airport Boulevard
Applicant / Agent: Accel Academy (Charles D. Tisher, Jr., P.E., Agent)
Council District: District 5
Proposal: Major Modification of a previously approved Planning Approval allowing the expansion of an existing charter secondary school in a B-3, Community Business Suburban District; and Major Modification of a previously approved Planned Unit Development allowing shared access between two (2) building sites.

The applicant 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 Josh Woods. 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 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 Planning Approval Modification to the City Council, subject to the following conditions:

1. Provision of revised Planning Approval and Planned Unit Development (PUD) site plans showing the overall development, as amended by the Major Modification requests;
2. Revision of the final Planning Approval and PUD site plans to either provide pedestrian access between the two sites, or depict existing pedestrian access between the two sites;
3. Placement of a note on the revised site plans stating the gymnasium site will comply with the tree planting and landscape area requirements of Article 3 of the Unified Development Code;
4. Placement of a note on the revised site plans stating that future development or redevelopment of the property may require additional modifications of the Planning Approval and PUD to be approved 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 and PUD site plans for review by Planning and Zoning prior to recording, and provision of copies of the recorded site plans (hard copy and pdf) to Planning and Zoning; and
10. Full compliance with all municipal codes and ordinances.

Modification (PUD): Motion to approve by Matt Anderson. Second by Harry Brislin. 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 revised Planning Approval and Planned Unit Development (PUD) site plans showing the overall development, as amended by the Major Modification requests;
2. Revision of the final Planning Approval and PUD site plans to either provide pedestrian access between the two sites, or depict existing pedestrian access between the two sites;
3. Placement of a note on the revised site plans stating the gymnasium site will comply with the tree planting and landscape area requirements of Article 3 of the Unified Development Code;
4. Placement of a note on the revised site plans stating that future development or redevelopment of the property may require additional modifications of the Planning Approval and PUD to be approved 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 and PUD site plans for review by Planning and Zoning prior to recording, and provision of copies of the recorded site plans (hard copy and pdf) to Planning and Zoning; and
10. Full compliance with all municipal codes and ordinances.

OTHER BUSINESS

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

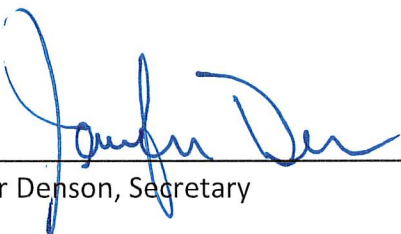
January 6, 2022
January 20, 2022

February 3, 2022
February 16, 2022

March 3, 2022
March 17, 2022

Motion to approve by Matt Anderson. Second by Larry Dorsey. Approved.

Minutes approved: November 20, 2025



Jennifer Denson, Secretary



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