

Mobile Planning Commission Minutes

April 17, 2025 – 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)
x	Mr. Harry Brislin, IV		Mr. Kenny Nichols (S)
x	Mr. Larry Dorsey	x	Ms. Ellie Edwards (S)
	Mr. Chad Anderson		
(S) Supernumerary (MD) Mayor's Designee (AO) Administrative Official (CC) City Council Representative			

Staff: Brenda Moses, Victor Cink, George Davis, Victoria Burch, Doug Anderson, Stephen Guthrie, Logan Anderson, Bert Hoffman, Shayla Beaco

Adoption of the Agenda.

Motion to adopt by Matt Anderson. Second by Josh Woods. Adopted.

Order of Hearing:

Agenda items #1 - #4, Agenda item #12, Agenda items #5 - #11, Agenda item #13

HOLDOVERS

1. SUB-003180-2024

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

No one 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.2.(a)(1) and 6.C.2(b)(2) 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. Retention of the 25-foot front yard setback along Lincoln Boulevard;
5. Revision of the plat to illustrate a 10-foot front yard setback along Twelfth Street, per Section 5.C.2(i), adjusted for dedication;
6. Compliance with all Engineering comments noted in the staff report;
7. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in the staff report;
8. Compliance with all Urban Forestry comments noted in the staff report; and,
9. Compliance with all Fire Department comments noted in the staff report.

EXTENSIONS

2. SUB-001934-2022

Location: 5400 Hamilton Boulevard
Subdivision Name: Esfeller Industrial Park Subdivision
Applicant / Agent: Bruce Smith, Cowles, Murphy, Glover & Associates
Council District: District 4
Proposal: Extension of the Approval of a 4-lot subdivision, 45.8± acres

The applicant was present 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 approved the extension request, restating the conditions of the original approval:

- 1) revision of the Final Plat to either depict dedication to provide 50-feet to the centerline of Hamilton Boulevard, or show that such currently exists;

- 2) provision of the lot sizes in square feet and acres, adjusted for dedication if necessary;
- 3) full compliance with Engineering comments: (*FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): A. Provide all of the required information on the SUBDIVISION PLAT (i.e., signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings, and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Clarify the location of the large "COMMON AREA ACCESS EASEMENT" in the NE corner of the property and the boundary of the COMMON AREA (10.392 AC). C. Label Rabbit Creek. D. Provide and label the monument set or found at each subdivision corner. E. Show and label the PRIVATE ROAD right-of-way as a separate parcel and not part of LOTS 1, 3, and 4. Revise the area of each of these Lots. F. National Wetlands Inventory (NWI) mapping, as shown on City of Mobile GIS information, indicates that there is potential for wetlands within the property or properties shown on this plat. Show and label the delineated wetlands or provide a note stating that the wetlands shown on this plat are scaled from the NWI data and have not been delineated. G. Provide a note that a 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state. H. Provide the Surveyor's and Owner's (notarized) signatures. I. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved. J. Add a note that all existing and proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile. K. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. L. Provide the As-Built submittal documents for the Land Disturbance Permit (BLD2016-00020). Land Disturbing activity has been done however the close-out of the LDP has been completed as required prior to concrete plant opening for business. M. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing. N. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);*)
- 4) placement of a note on the site plan stating Traffic Engineering comments: (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code.);*)
- 5) compliance with Urban Forestry comments: (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature*

(Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.); and

- 6) compliance with Fire Department comments: *(All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 International Fire Code). Fire apparatus access is required to be within 150' of all non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.).*

NEW ITEMS

3. SUB-003282-2025

Location: 61 South McGregor Avenue
Subdivision Name: Gray McGregor Estate Subdivision
Applicant / Agent: Charles Gray
Council District: District 5
Proposal: Subdivision of 3 lots, 1.00± acre

Charles Gray was present in support of the application and the recommendation for a holdover.

Legal counsel advised that the Commission hear the speakers present regarding the application so that a more informed decision can be made regarding the application.

Charles Gray made the following points regarding his application:

- He explained the proposed subdivision – one lot facing Warren Court and two facing McGregor;
- The rear neighbor has deeded access from the 1950s to the private Warren Court;
- Other abutting homes use Warren Court, but do not have “granted” access by a deed.

Payton Mattei was present in opposition to the application and made the following points:

- He lives on Warren Court;
- There are nine existing homes that use Warren Court;
- Concerned that additional lots will create safety hazards for others;
- Warren Court is a 10-foot wide driveway, that is used by property owners as well as delivery trucks;

- Service trucks frequently park on Warren Court, causing access problems;
- He submitted a petition against the subdivision;
- Warren Court is not being maintained the applicant;
- How will the proposed lots be developed?;
- Concerned about setbacks – the request for a 5-foot rear yard setback instead of an 8-foot setback;
- The applicant does not live on the property;
- It will create excess density; and
- Does not understand how a sidewalk could be fit along Warren Court.

Legal counsel asked Mr. Mattei if he and his parents had legal access to Warren Court, to which Mr. Mattei replied that they did have legal access.

Charles Gray made the following points in rebuttal:

- He has only found that Mr. Mattei has legal access, not his parents; and
- He only plans to create three lots and has no other development plans at this time.

Commissioners asked the applicant the following questions:

- The number of homes using Warren Court;
- If each home had a use agreement giving them access to Warren Court;
- Who is responsible for maintenance of Warren Court;
- Who owns Warren Court; and
- How the City’s garbage service operates on Warren Court.

Mr. Gray responded:

- Three homes use Warren Court for access;
- There is no access agreement for most of the homes;
- There is no maintenance agreement regarding the upkeep of Warren Court;
- He owns Warren Court;
- While a garbage truck may drive down Warren Court now, previously garbage carts were rolled out to McGregor for collection.

No one else was present regarding the application.

During the deliberation session, legal counsel stated that the access issues along Warren Court need to be resolved, and a maintenance agreement among the involved parties is needed. A holdover is warranted to provide time to resolve the issues, or it could be approved with conditions requiring a maintenance agreement.

Commissioners asked legal counsel about the maintenance agreement. Typically, all property owners contribute an amount based upon the amount of frontage they have on the road, and if damage is caused to the road due to one property owner, that property is responsible for the repairs.

Fire staff noted their concern about adding a new lot and thus a new house to the substandard street. They requested that the maintenance agreement require sufficient widening to allow two fire trucks to pass each other.

Commissioners discussed the issues brought up by legal counsel and Fire staff.

Motion to holdover by Matt Anderson. Second by Josh Woods. Heldover until the May 15, 2025, meeting. Kirk Mattei recused from voting.

After discussion the Planning Commission heldover the request to the May 15, 2025 meeting, with revisions and any additional labels and fees submitted by May 2, 2025, to allow the applicant to address the following:

1. Provide a road maintenance agreement signed by all adjoining property owners agreeing to the maintenance of the private street (Warren Court).

4. SUB-003281-2025

Location: 1600 University Boulevard South
Subdivision Name: Logan Cottages Subdivision
Applicant / Agent: 195, LLC
Council District: District 4
Proposal: Subdivision of 7 lots, 1.67± acres

Ellis Foster was present in support of the application. He wanted to find out how to properly address the Fire-related issues, such as the hydrant and truck access.

The Chairman reviewed the items listed in the holdover recommendation. He suggested that the applicant work with staff to address the items.

Nathan Poe was present in support of the application and made the following points:

- Represents the seller of the property;
- Existing property has been vacant for an extended period of time;
- Proposed development aligns with Mobile's planning goals;
- It would have minimal impact on existing infrastructure;

- It would have minimal impact on traffic, only generating 70 trips per day, having negligible impact on University Boulevard;
- It would improve on-site stormwater drainage control;
- The development would transform an unused parcel into a vibrant single-family residential area; and
- The development would have a positive economic impact on Mobile’s economy and tax revenue.

No one else was present regarding the application.

Motion to holdover by Matt Anderson. Second by Harry Brislin. Heldover until the May 15, 2025, meeting.

After discussion the Planning Commission heldover the request until the May 15th meeting, with revisions submitted by May 2nd, to allow the applicant time to address the following:

- 1) Revise the design of the proposed subdivision to illustrate compliance with the width requirements of the Subdivision Regulations;
- 2) Illustrate compliance with the turnaround requirements of the Fire Department for the proposed private drive;
- 3) Revise the narrative to justify the proposed private street subdivision and how it qualifies for review under the applicable Subdivision Regulations; and
- 4) Revise the plat to remove the side and rear setbacks from each lot.

5. SUB-003227-2025

Location: East side of Rabbit Creek Drive, 1,050’± South of Rangeline Road
Subdivision Name: Resubdivision of Lot 1, Rangeline/Rabbit Creek Drive Subdivision
Applicant / Agent: John Fayard Real Estate, LLC
Council District: District 4
Proposal: Subdivision of 18 lots, 6.7± acres

Brett Orrell of Polysurveying was present and in agreement with the suggested considerations.

Lee Hoffman was present with concerns about the application and requested that each new home be a minimum of 2,500 to 3,000 square feet for each lot to protect property values.

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

1. Retention of the 60-foot-wide right-of-way along Rabbit Creek Drive;
2. Retention of the lot and common area sizes in both square feet and acres, or provision of a table on the Final Plat with the same information;
3. Retention of the 25-foot front yard setback along Rabbit Creek Drive;
4. Completion of the associated Rangeline/Rabbit Creek Drive Subdivision, prior to signing of 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.

6. MOD-003285-2025

Location: 63 & 94 East Drive
Applicant / Agent: Muhammad Shafique, The Islamic Society of Mobile, AL
Council District: District 6
Proposal: Major Modification of a previously approved Planning Approval allowing the expansion of an existing church and school in an R-1, Single-Family Residential Suburban District.

Muhammad Shafique of The Islamic Society of Mobile was present for the application and in agreement with the suggested considerations.

James Ngyun was present in support of the application and made the following points:

- Is a nearby resident;
- Is a member of the mosque; and
- The mosque wants to ensure that they do not cause a traffic problem for the area – hence the proposed parking area.

Bryan Lee was present in opposition to the application and made the following points:

- He opposed the expansion of the mosque in April 2014, as he believed it was overdevelopment and that they lacked adequate parking and a traffic issue in the making;
- Soon after the new mosque opened there were traffic problems due to an insufficient amount of parking;

- In 2019 the mosque tried to use the proposed parking area as overflow parking, but the City stopped the use;
- The mosque now admits that they have a parking and traffic problem;
- The proposed parking lot site should be R-1 instead of the existing R-3;
- Has concerns about drainage and inadequate stormwater design as the site plan submitted does not show a stormwater detention facility;
- Wants the new parking lot to use permeable paving similar to that used at the Mitchell Center;
- They adjacent religious facility has an existing parking lot that is gated and locked when not in use;
- Wants the new parking lot to be gated and locked when not being used for mosque-related purposes – not to be used for commercial parking;
- Events at the University of South Alabama cause on-street parking problems along East Drive;
- Wants the “may” language on page 5 in the staff report changed to “shall” language regarding any future development; and
- Concerned about other language used in the staff report referring to buildings and structures, when neither are proposed for the new parking area.

The Chairman pointed out to the applicant that his comments appeared related to both Agenda items # 6 and # 8.

Muhammad Shafique of The Islamic Society of Mobile provided the following points in rebuttal:

- The mosque does need the additional parking;
- The mosque has five services per day, so it is unlikely that the additional parking area would be available for non-mosque uses;
- They will consider permeable paving;
- The R-3 zoning is existing, but would be OK if that was changed to R-1;
- Will follow the stormwater requirements.

Commissioners asked multiple questions of the applicant:

- Paving surface – paved versus permeable;
- Stormwater detention not required due to permeable surface; and
- Consider gating or barrier for the additional parking.

Muhammad Shafique of The Islamic Society of Mobile replied that they were evaluating the parking surface options and would design the stormwater system to accommodate the selected parking surface area. A fence has been considered but will provide a gate if required or if access becomes a problem.

Commissioners asked legal counsel why a Major Modification was required. Legal counsel stated that it was considered a Major Modification because the additional parking was proposed off-site of the current mosque facility.

No one else was present regarding the application.

During deliberation session, Commissioners asked Planning staff to clarify that the approval of the Modification would still require full stormwater compliance, and how the proposed parking would be tied to the existing mosque through the Modification.

Commissioners also asked if the site plan provided would be binding, or if the design would have to be modified to comply with City requirements. Planning staff stated that the site would have to be redesigned to comply with requirements, and that the Commission was only considering the use of the property.

Motion to approve by Kirk Mattei. Second by Matt Anderson. 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 Final Planning Approval (PA) Site Plan to illustrate compliance with the parking stall requirement of Article 3 Section 64-3-12 of the UDC;
2. Revision of the Final PA Site Plan to illustrate landscaped islands in compliance with Article 3 Section 64-3-7.A.3(c)(2)c of the UDC;
3. Provision of a note on the Final PA site plan stating development of the site will comply with the tree planting and landscape area requirements of Article 3 Section 64-3-7 of the UDC;
4. Revision of the Final PA site plan to illustrate a 25-foot minimum building setback line along all frontages, as required by Section 64-2-13.E. of the Unified Development Code;
5. Revision of the Final PA site plan to include the lot size labels in both square feet and acres, or provision of a table on the Final PA site plan with the same information;
6. Provision of all existing and proposed building sizes in square feet on the Final PA site plan;
7. Revision of the Final PA site plan to illustrate a compliant 50-foot-wide right-of-way width for East Drive;
8. Revision of the Final PA site plan to depict alternative surfacing, where applicable, as approved by the City Engineer and Traffic Engineer;
9. Provision of a note on the Final PA site plan stating future development or redevelopment of the property may require approval by the Planning Commission and City Council;
10. Submittal to and approval by Planning and Zoning of the revised Modified Planning Approval site plan prior to their recording in Probate Court, and the provision of a copy of the recorded site plan (pdf) to Planning and Zoning; and,
11. Full compliance with all municipal codes and ordinances.

7. ZON-UDC-003283-2025

Location: 720 Museum Drive
Applicant / Agent: Phillip Burton, Burton Property Group, LLC
Council District: District 7
Proposal: Rezoning from Single-Family Residential Suburban District (R-1) to Neighborhood Business Suburban District (B-2), within the Neighborhood General sub-district of the Village of Spring Hill Overlay.

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

No one else was present regarding the application.

Motion to holdover by Matt Anderson. Second by Harry Brislin. Heldover until the May 15, 2025, meeting.

After discussion the Planning Commission heldover the request until the May 15th meeting to allow the applicant to submit a two (2)-lot subdivision application to be considered concurrently with the proposed rezoning application.

8. ZON-UDC-003284-2025

Location: 94 East Drive
Applicant / Agent: Muhammad Shafique, The Islamic Society of Mobile, AL
Council District: District 6
Proposal: Rezoning from Multi-Family Residential Suburban District (R-3) to Multi-Family Residential Suburban District (R-3), to remove a condition of previous rezoning approval limiting development of the site to an approved Planned Unit Development.

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

No one else was present regarding the application.

Commissioners asked legal counsel about the zoning request. Legal counsel referred the question to Planning staff, who stated that the request would not change the R-3 zoning designation, just remove a condition limiting development to a Planned Unit Development.

Motion to approve by Matt Anderson. Second by Kirk Mattei. 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; 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) Capacity. The infrastructure is in place to accommodate the proposed amendment; and,
- E) Change. Changing conditions in a particular area make an amendment necessary and desirable.

As such, the Planning Commission voted to recommend approval Rezoning the property to **R-3, Multi-Family Residential Suburban District**, to remove a condition of previous rezoning

approval limiting development of the site to an approved Planned Unit Development, subject to the following conditions:

1. Full compliance with all municipal codes and ordinances.

9. ZON-UDC-003286-2025

Location: 2005 Old Bay Front Drive & 4182 Commanders Drive
Applicant / Agent: Phillip Burton, Burton Property Group, LLC
Council District: District 3
Proposal: Rezoning from Single-Family Residential Suburban District (R-1) to Heavy Industry District (I-2).

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 Larry Dorsey. Approved. Harry Brislin recused from voting.

After discussion the Planning Commission determined the following criteria prevail to support Rezoning of the property to **I-2, Heavy Industry 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) Capacity. The infrastructure is in place to accommodate the proposed amendment; and,
- E) Change. Changing conditions in a particular area make an amendment necessary and desirable.
- F) 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 **I-2, Heavy Industry District**, subject to the following conditions:

1. Compliance with all Engineering, Traffic Engineering, Urban Forestry, and Fire Department comments noted in the staff report; and,
2. Full compliance with all municipal codes and ordinances.

10. SUB-003244-2025 & MOD-003274-2025

Location: 5487, 5491 & 5495 Hilltop Drive South
Subdivision Name: Westhill Subdivision, Resubdivision of Lots 4, 5 & 6
Applicant / Agent: Hunter Smith & Daniel Clark, Smith Clark & Associates, LLC
Council District: District 7
Proposal: Subdivision of 2 lots, 0.84± acres; and Major Modification of a previously approved Planned Unit Development allowing reduced lot widths and sizes, and reduced building setbacks in a single-family residential subdivision.

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

No one else was present regarding the application.

Subdivision.

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

After discussion the Planning Commission waived Section 6.B.9. of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

1. Retention of the current curve data table on the Final Plat;
2. 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;
3. Retention of the 15-foot front yard setback on the Final Plat;
4. Retention of at least the 5-foot side yard setbacks on the Final Plat;
5. Retention of the 8-foot rear yard setbacks on the Final Plat;
6. Placement of a note on the Final Plat stating that site coverage is limited to a maximum of 35%;
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;
8. Submittal to and approval by Planning and Zoning of a revised Planned Unit Development (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.

Planned Unit Development Modification.

Motion to approve by Harry Brislin. Second by Matt Anderson. 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. Retention of the current curve data table on the site plan;
2. Retention of the lot size labels in both square feet and acres on the site plan, or the furnishing of a table on the site plan providing the same information;
3. Retention of the 15-foot front yard setback on the site plan;
4. Retention of at least the 5-foot side yard setbacks on the site plan;
5. Retention of the 8-foot rear yard setbacks on the site plan;
6. Placement of a note on the site plan stating that site coverage is limited to a maximum of 35%;
7. 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;
8. Submittal to and approval by Planning and Zoning of a revised Planned Unit Development (PUD) site plan prior to signing the Final Plat for the subdivision;

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.

11. SUB-003259-2025 & MOD-003288-2025

Location: 7500 Airport Boulevard
Subdivision Name: Resubdivision of Lot 1, Westgate Pavilion
Applicant / Agent: David Kirby, Kirby Properties, LLC
Council District: District 7
Proposal: Subdivision of 3 lots, 13.15± acres; and Major Modification of a previously approved Planned Unit Development allowing shared access and parking between multiple building sites.

David Kirby of Kirby Properties was present and in agreement with the suggested considerations.

No one else was present regarding the application.

Subdivision.

Motion to approve by Matt Anderson. Second by Kirk Mattei. Approved.

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

1. Retention of the 140-foot-wide right-of-way along Airport Boulevard on the Final Plat;
2. Retention of the lot size labels in both square feet and acres, or provision of a table on the Final Plat with the same information;
3. Retention of the 25-foot minimum building setback line along Airport Boulevard , as required by Section 5.C.2.(i) of the Subdivision Regulations and Article 2, Section 64-2-14.E. of the Unified Development Code;
4. Compliance with all Engineering comments noted in the staff report;
5. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in the staff report;
6. Compliance with all Urban Forestry comments noted in the staff report; and,
7. Compliance with all Fire Department comments noted in the staff report.

Planned Unit Development Modification.

Motion to approve by Matt Anderson. Second by 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. Retention of the lot size labels in both square feet and acres on the Final Planned Unit Development (PUD) site plan;
2. Retention of the right-of-way width along Airport Boulevard on the Final PUD Site Plan;
3. Placement of a note on the Final PUD site plan stating future development or redevelopment of the properties may require additional modifications of the PUD to be approved 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. Submittal to and approval by Planning and Zoning of the revised Modified Planned Unit Development site plan prior to their recording in Probate Court, and the provision of one (1) copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
9. Full compliance with all municipal codes and ordinances.

12. SUB-003226-2025 & ZON-UDC-003228-2025

Location:	5945, 6000 & 6030 Rangeline Road, and 5933 Rabbit Creek Drive
Subdivision Name:	Rangeline/Rabbit Creek Drive Subdivision
Applicant / Agent:	John Fayard Real Estate, LLC
Council District:	District 4
Proposal:	Subdivision of 2 lots, 71.56± acres; and Rezoning from Residential Agricultural District (R-A) and Office Distribution District (B-5), to Single-Family Residential Suburban District (R-1) and Office Distribution District (B-5).

Brett Orrell of Polysurveying was present and in agreement with the suggested considerations.

Lee Hoffman was present with concerns regarding the applications, and made the following points:

- Rabbit Creek is an undeveloped road that was abandoned by the City;
- How far will the development go on Rabbit Creek Drive?
- Has a problem with the development that is proposed along the closed portion of Rabbit Creek Drive;
- Does not think businesses and houses mix;
- Developer intends to build homes on small lots;
- Homes on small lots tend to be poorly built, do not serve families well, and will not last very long;
- Thinks the property should be reserved for commercial uses so that companies such as Eurobus moving to the US due to the tariffs by the President;
- It will be cheaper to make parts in the US than import parts from Europe;
- Less homes mean fewer required schools;
- Thinks that ten to twenty years from now it is better for the property to be commercially developed rather than for residential use; and
- If building residential, would want to require a minimum home size to ensure appropriately sized homes.

Brett Orrell of Polysurveying made the following points in rebuttal:

- The property is split-zoned, and the application proposes to resolve this;
- Will expand the B-5 area allowing for more commercial development;
- The developer will improve Rabbit Creek Drive; and
- Additional development will include new homes, which will also benefit the community.

Commissioners asked the applicant's representative if Rabbit Creek Drive will connect to River Chase Drive. Mr. Orrell stated that he believed that they would eventually connect.

No one else was present regarding the application.

Subdivision.

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

After discussion the Planning Commission waived Section 6.C.7. of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

1. Revision of the plat to illustrate the minimum existing right-of-way or, if less than 300 feet, dedication to provide 150 feet from the centerline of Rangeline Road;
2. Retention of the 60-foot-wide right-of-way along Rabbit Creek Drive;
3. Retention of the lot sizes in both square feet and acres on the Final Plat, adjusted for any required dedication;
4. Retention of the 25-foot front yard setback along each street frontage, adjusted for any required dedication, in compliance with Section 5.A.2(f) of the Subdivision Regulations, and with Article 2 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 of the easement holder;
6. Completion of the Rezoning request to eliminate the potential for any split-zoned lots;
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 Josh Woods. 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**, and **B-5, Office Distribution District**:

- A) Health, Safety and General Welfare. The proposed amendment promotes the community's public health, safety, and general welfare.
- B) Change. Changing conditions in a particular area make an amendment necessary and desirable.

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 Rezoning the property to **R-1, Single-Family Residential Suburban District**, and **B-5, Office Distribution 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.

13. MOD-003287-2025, MOD-003280-2025 & SUB-SW-003279-2025

Location: 3720 Michael Boulevard
Applicant / Agent: Rev. Bry Shields, McGill-Toolen Catholic High School (Eric J. Adams, P.E., Clark, Geer, Latham & Associates, Inc., Agent)
Council District: District 5
Proposal: Major Modification of a previously approved Planning Approval allowing the expansion of a private school athletic complex; Major Modification of a previously approved Planned Unit Development allowing the expansion of an existing stadium complex with multiple buildings on a single building site; and a request to waive the construction of sidewalks along Michael Boulevard and Marion Beckham Drive.

Charles Tisher of Clark, Geer, Latham and Associates was present for the applications and made the following points regarding the Sidewalk Waiver request:

- Noted the comments in the staff report on page 4, where it recommends partial approval of the request;
- There are existing wetlands which would prevent construction of the sidewalk along most of the property, thus preventing it from connecting on both the north and south ends of the property; and
- There is a sidewalk on the east side of Marion Beckham Drive, thus a sidewalk is not needed on the west side of Marion Beckham Drive.

Commissioners asked the applicant about the Sidewalk Waiver request, to clarify where the waiver would apply.

Engineering staff noted that a sidewalk could be provided on the north side of the site, as the wetlands on the side are disturbed.

The applicant's representative stated that a crosswalk would be provided from the sidewalk on the east side of Marion Beckham Drive to the site.

No one else was present regarding the application.

Planning Approval Modification.

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. Removal of references to off-site parking at the YMCA and Matthews Park;
- 2. Revision of the site plan to remove the note stating "cans will be supplied for city pick up", and replace it with "site will be serviced by the existing dumpster(s) available on site";
- 3. Placement of a note on the site plan that the site will fully comply with development standards set forth in Article 3 of the Unified Development Code (UDC);

4. Retention 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. Submittal to and approval by Planning and Zoning of the revised Modified Planning Approval site plan prior to their recording in Probate Court, and the provision of a copy of the recorded site plan (.pdf) to Planning and Zoning; and,
6. Full compliance with all municipal codes and ordinances.

Planned Unit Development Modification.

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. Removal of references to off-site parking at the YMCA and Matthews Park;
2. Revision of the site plan to remove the note stating "cans will be supplied for city pick up", and replace it with "site will be serviced by the existing dumpster(s) available on site";
3. Placement of a note on the site plan that the site will fully comply with development standards set forth in Article 3 of the Unified Development Code (UDC);

4. Retention of a note on the Final Planned Unit Development (PUD) site plan stating future development or redevelopment of the property may require approval by the Planning Commission and City Council;
5. Submittal to and approval by Planning and Zoning of the revised Modified PUD site plan prior to their recording in Probate Court, and the provision of a copy of the recorded site plan (.pdf) to Planning and Zoning; and,
6. Full compliance with all municipal codes and ordinances.

Sidewalk Waiver.

Motion to approve by Matt Anderson. Second by Harry Brislin. Approved. Josh Woods opposed.

After discussion the Planning Commission approved the Sidewalk Waiver request.

OTHER BUSINESS

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

November 3, 2022
November 17, 2022
December 1, 2022
December 15, 2022
January 5, 2023
January 19, 2023

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

- **Public Hearing:**

Historic Avenue Overlay

Amendment to the Unified Development Code to add Article 15, "Historic Avenue Overlay."

Planning staff provided an overview of the proposed Overlay, including the purpose and intent of the new regulations. Staff noted a proposed amendment regarding lot size. Staff made the following points:

- Intended to encourage new residential development that would be compatible with existing development within the community;


- Focused on Lafayette Heights, The Campground and The Bottom;
- Would allow a wider variety of housing types; and
- Would allow for significantly reduced lot size and setbacks.

No one was present for the Public Hearing to comment on the proposed amendments.

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

After discussion the Planning Commission voted to recommend approve of an amendment to the Unified Development Code to add Article 15, "Historic Avenue Overlay."

Minutes approved: March 19, 2026



Jennifer Denson, Secretary



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