

Mobile Planning Commission Minutes

August 21, 2025 – 2:00 P.M.

ADMINISTRATIVE

Roll Call

x	Mr. John W. “Jay” Stubbs, Jr., Chairman		Mr. Matt Anderson (MD)
x	Mr. Kirk Mattei, Vice Chairman	x	Mr. Nick Amberger (AO)
x	Ms. Jennifer Denson, Secretary	x	Mr. Josh Woods (CC)
	Mr. Harry Brislin, IV	x	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: Jonathan Ellzey, George Davis, Victoria Burch, Doug Anderson, Stephen Guthrie, Logan Anderson, Bert Hoffman, Shayla Beaco

Adoption of the Agenda.

Motion to adopt by Nick Amberger. Second by Kirk Mattei. Adopted.

HOLDOVERS

1. ZON-STR-003382-2025

- Location:** 2316 Hillwood Drive West
Applicant / Agent: Ryan Kozlowski, R&P Investing, LLC
Council District: District 3
Proposal: Conditional Use Permit approval to allow a Short-Term Rental in an R-1, Single-Family Residential Suburban District.

Thomas Brewster of R&P Investing was present for the application.

Planning staff explained to the Commission why the application was heldover.

Mr. Brewster agreed with the suggested considerations.

No one else was present regarding the application.

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

After discussion the Planning Commission determined the following Findings of Fact to support the request for a Conditional Use Permit:

1. The request is consistent with all applicable requirements of this Chapter, including:
 - (a) Any applicable development standards; and
 - (b) Any applicable use regulations.
2. The request will not impede the orderly development and improvement of surrounding property; and
3. 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.
4. The request will be adequately served by water and sanitary sewer services;
5. The request is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
6. The request shall not be detrimental to or endanger the public health, safety or general welfare.
7. The proposed use will meet 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 Conditional Use Permit to City Council, subject to the following conditions:

1. Provision of a revised site plan and any restrictions and/or conditions concerning the use of the property to Planning and Zoning for review prior to recording, and provision of a copy of the recorded site plan and any restrictions and/or conditions concerning the use of the property (hard copy and pdf) to Planning and Zoning; and,
2. Full compliance with all municipal codes and ordinances.

NEW ITEMS

2. SUB-003409-2025

Location: 7435 & 7495 Bowers Lane, and 7410 Old Military Road
Subdivision Name: Kiara's Place Subdivision
Applicant / Agent: Gloria Clemons-White
Council District: District 4
Proposal: Subdivision of 2 lots, 2.47± acres

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

No one else was present regarding the application.

Motion to approve by Jennifer Denson. Second by Nick Amberger. Approved.

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

1. Dedication to provide 30 feet from the centerline of both Bowers Lane and Old Military Road;
2. Labeling of the right-of-way widths of both streets on the Final Plat, after any required dedication;
3. Illustration of the 25-foot minimum building setback line along both street frontages as measured from any required right-of-way dedication, and where each lot is at least 60 feet wide;
4. 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;
5. Documentation of the relocation of the mobile home on proposed Lot 2 to be entirely on that lot and to meet required setbacks as per the Unified Development Code prior to the Final Plat being signed;
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.

3. SUB-003421-2025

Location: 710 Downtowner Boulevard
Subdivision Name: Downtown West Subdivision, Unit One, Resubdivision of Lots 3 & 4
Applicant / Agent: Kari Givens, Byrd Surveying, Inc.
Council District: District 5
Proposal: Subdivision of 2 lots, 0.75± acres

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

- The flag-shaped lot was proposed due to environmental issues associated with an adjacent property;
- Other flag lots exist in the vicinity; and
- A revised plat was prepared to address the lot size issues noted in the staff report.

Planning staff advised the Commission and the applicant that conditions for approval had been prepared in case the Commission was inclined to approve the request. Upon review of the conditions, Mr. Byrd agreed to the conditions.

No one else was present regarding the application.

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

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

1. Retention of the right-of-way along Downtowner Boulevard;
2. Revision of the plat to correctly label “Downtowner Boulevard”;
3. Retention of the 50-foot minimum building setback line along Downtowner Boulevard for lot A;
4. Retention of the 25-foot minimum building setback line on Lot B as “blocked” at the West terminus of the “pole”;
5. 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;
6. Placement of a note on the Final Plat stating that no structures are allowed to encroach into an easement without the permission of the easement holder;
7. Compliance with the Engineering comments noted in the staff report;
8. Placement of a note on the Final Plat stating the 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.

4. SUB-003384-2025

Location: 6098 Riverchase Drive South and the East and West sides of Rabbit Creek Drive, extending $\frac{3}{4} \pm$ mile South to Hamilton Boulevard.
Subdivision Name: River Ends Estates Subdivision
Applicant / Agent: Lynn Nolen
Council District: District 4
Proposal: Subdivision of 46 lots, 276.53± acres

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

No one else was present regarding the application.

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

After discussion the Planning Commission waived Sections 6.C.2(a)(1), 6 C.3. and 6.C.9. of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

1. Completion of the vacation process of the portion of Rabbit Creek Drive's right-of-way that will be occupied by Lots 25-29 prior to the signing of the Final Plat;
2. Revision of the plat to provide a name for the new street within the subdivision;
3. Retention of the 60-foot radius cul-de-sacs for Rabbit Creek Drive and the new street on the Final Plat;
4. Development of Rabbit Creek Drive and the new street to City of Mobile standards;
5. Revision of the Final Plat to depict corner radius dedication at the intersection of Rabbit Creek Drive and the new street for Lots 7 and 16;
6. Revision of the Final Plat to either depict an existing 50-foot right-of-way to the centerline of Hamilton Boulevard, or provide dedication equal to such;
7. Revision of the Final Plat to depict the 25-foot front yard setback line along all street frontages, where the lots exceed 60-feet in width;
8. Retention of the lot size labels in both square feet and acres on the Final Plat, adjusted for dedication, or the furnishing of a table on the Final Plat providing the same information;
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.

5. SUB-SW-003376-2025

Location: Northwest corner of Loyola Lane and Provident Lane
Applicant / Agent: Pam Andrews, St. Paul's Episcopal School
Council District: District 7
Proposal: Request to waive the construction of sidewalks along the West side of Provident Lane and a 315' portion of the North side of Loyola Lane.

Sean Estes of McCrory & Williams was present for the application and made the following points:

- Provident Lane is the primary route for foot and bicycle traffic to and from school;
- The existing sidewalk provides separation between vehicular traffic and non-vehicular traffic;
- The school only wanted students to use the east side of Provident Lane for safety reasons as it would keep students on one side rather than both sides, thus the waiver was for the west side;

- There was a crossing guard stationed on the east side of Provident Lane, managing the crossing for students;
- There was poor visibility for vehicles on the west side due to power poles, a small hill and other infrastructure, as vehicles turn from Old Shell Road to Provident Lane;
- They may consider requesting the vacation of the Provident Lane right-of-way at some point in the future to accommodate more traffic to stack on Provident and not extend into Old Shell Road; and
- Loyola Lane is barricaded to vehicular traffic, thus there is no need for a sidewalk along that street.

Commissioners discussed the request with the applicant.

No one else was present regarding the application.

Motion to approve by Nick Amberger. Second by Kenny Nichols. Approved. Ellie Edwards recused from the application.

After discussion the Planning Commission approved the Sidewalk Waiver request.

6. MOD-003422-2025

Location: 600, 700 & 800 West I-65 Service Road South
Applicant / Agent: Ken Patel, A&R Development Group, LLC (James F. Watkins, Maynard Nexsen, PC, Agent)
Council District: District 5
Proposal: Major Modification of a previously approved Planned Unit Development allowing shared access and parking between three (3) building sites, to allow construction of a multi-family development with 240 dwelling units in multiple buildings across three (3) building sites with shared access and parking.

Jay Watkins of Maynard Nexsen was present for the application and requested a holdover until the next meeting to allow time to address the issues noted in the staff report.

No one else was present regarding the application.

Motion to holdover by Nick Amberger. Second by Kirk Mattei. Heldover until the September 18th meeting. Kenny Nichols recused from the application.

At the applicant's request the Planning Commission heldover the application to the September 18th meeting to allow the applicant to provide revisions and additional

information to the Planning and Zoning Department for review by 12:00 p.m. on August 27th.

7. MOD-003425-2025

Location: 550 Providence Park Drive East
Applicant / Agent: Providence Park Rehabilitation & Healthcare (David Dichiara, Kadre Engineering, LLC, Agent)
Council District: District 6
Proposal: Major Modification of a previously approved Planned Unit Development amending a previously approved master plan, to allow construction of a healthcare facility with multiple buildings on a single building site.

David Dichiara of Kadre Engineering was present for the application and in agreement with the suggested considerations.

Commissioners asked if the development would provide a connection between Providence Park Drive and Cody Road South. Mr. Dichiara stated that it would connect, but a fire gate would prevent cut-through traffic, and the gate would be maintained by the property owner.

No one else was present regarding the application.

Motion to approve by Nick Amberger. Second by Larry Dorsey. 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 site plan to illustrate the driveway to Cody Road will be paved with either asphalt or concrete;
2. Placement of a note on the site plan stating that the site will fully comply with tree planting and landscape area requirements;
3. Revision of the site plan to provide the number of beds and number of proposed parking spaces;
4. Revision of the site plan to depict any additional parking spaces over the minimum required as having an Alternative Paving Surface, if appropriate;
5. Placement of a note on the site plan stating future development or redevelopment of the property may require approval by the Planning Commission and City Council;
6. Submittal to and approval by Planning and Zoning of the revised Modified Planned Unit site plan prior to their recording in Probate Court, and the provision of copies of the recorded site plans (.pdf) to Planning and Zoning; and,
7. Full compliance with all municipal codes and ordinances.

8. ZON-UDC-003414-2025

Location: 250 Saint Francis Street
Applicant / Agent: Ryan Patel, A&R Development Group, LLC (James F. Watkins, Maynard Nexsen, PC, Agent)
Council District: District 2
Proposal: Amendment to the Downtown Development District Regulating Plan to Rezone the property from T-5.1 to T-5.2.

Jay Watkins of Maynard Nexsen was present for the application and made the following points:

- A 140-room hotel was proposed but not allowed in the existing T-5.1 district, however it would be allowed in the requested T-5.2 district;
- The proposed height was not allowed in the existing T-5.1 district, but was allowed in the requested T-5.2 district;
- The rezoning request was consistent with the comprehensive plan;
- The proposed use was compatible with other uses in the area;
- The proposed scope and scale was compatible with other properties in the area; and

- The downtown real estate market and other conditions were changing, supporting the change in zoning.

Legal counsel asked Planning staff to explain the differences between T-5.1 and T-5.2. Staff noted that T-5.2 would allow the requested height and the proposed number of rooms.

Mr. Watkins explained that the building and site design presented at the Neighborhood Meeting was intended to give attendees an idea of the scope and scale of the proposed development, but was not the final design. He stated that the design still had to go through the historic and Downtown Development District review procedures.

Commissioners asked Mr. Watkins about the Neighborhood Meeting. He stated that between 15 and 20 people attended the meeting. He stated that attendees were concerned about the presented appearance of the building and the loss of parking, but he informed the meeting attendees that the design was not finalized and that parking would be available on site.

Commissioners asked if parking was required. Mr. Watkins stated that the Downtown Development District did not require parking, but some would be provided on-site for the development.

David Clark and Jeremy Milling were present to speak in support of the application and made the following points:

- The proposed Home2 Suites hotel brand was doing well in other markets and would provide a different type of hotel for downtown;
- There was an increasing need for hotel rooms downtown, with the new downtown airport, the new arena, the new cruise ship in 2027 and other developments;
- Another 350 rooms were needed to capture future growth and conventions;
- While in favor of the proposed use, the design of the building presented at the Neighborhood Meeting was not appropriate for the site, so more work was needed regarding the appearance of the building.

Motion to approve by Nick Amberger. Second by Larry Dorsey. Approved. Kenny Nichols recused from the application.

After discussion the Planning Commission determined the following criteria prevail to support amending the Downtown Development District Regulating Plan to rezone the property to T-5.2:

- 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) 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 T-5.2 to the City Council, subject to the following condition:

1. Full compliance with all other municipal codes and ordinances.

9. SUB-003417-2025 & MOD-003418-2025

Location: 4350 Moffet Road
Subdivision Name: Fred Marshall Court Subdivision
Applicant / Agent: Kari Givens, Byrd Surveying, Inc.
Council District: District 1
Proposal: Subdivision of 1 lot, 8.94± acres; and Major Modification of a previously approved Planned Unit Development allowing multiple buildings on a single building site, to allow construction of a multi-family development with 50 dwelling units in multiple buildings on a single building site.

Gerald Byrd of Byrd Surveying was present for the applications and stated that the purpose of the requests was to modify the entry drive portion of the site, which was public right-of-way and should not have been included in the prior plat and site plan. He stated that the entry drive area was deeded to Mobile County in 1962. Removal of this area would also eliminate the need for rezoning.

The Chairman noted that a comment was received online regarding the application.

No one else was present regarding the application.

Subdivision.

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

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

1. Placement of a reference on the Final Plat to the recorded deed dedicating Fred Marshall Court for public maintenance (e.g., book and page number, instrument number, etc.);
2. Retention of the 50-foot-wide right-of-way along Fred Marshall Court;
3. Retention of the lot size label in both square feet and acres, or provision of a table on the Final Plat with the same information;
4. Retention of the 25-foot minimum front yard setback line along Fred Marshall Court, in compliance with Section 6.C.8. of the Subdivision Regulations and Article 2 Section 64-2-7.E. of the Unified Development Code;
5. Retention of the illustrated 75-foot rear setback line, if the applicant intends to exceed minimum setback requirements, with the understanding that its removal in the future will require re-subdivision of the property;
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.

Planned Unit Development Modification.

Motion to approve by Nick Amberger. 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. Retention of the 25-foot front yard setback along Fred Marshall Court on the Final PUD Site Plan, adjusted for any required dedication resulting from the subdivision request;
2. Retention of the lot size in square feet on the Final PUD Site Plan, adjusted for any required dedication, or provision of a table with this information;
3. Labeling of each building with its size in square feet on the Final PUD Site Plan, or provision of a table with this information;
4. Retention of the illustrated 75-foot rear setback on the Final PUD Site Plan, noting that removal in the future would require re-subdivision;
5. Revision of the Final PUD Site Plan to illustrate compliance with the bicycle parking requirements of Article 3, Section 64-3-12.A.9. of the UDC, including minimum required quantity and location;
6. Revision of the site plan to depict a minimum 24-foot-wide drive aisle to the rear of the community building providing access to a dumpster enclosure, unless the site is reconfigured for one-way circulation requiring only 14-foot-wide aisles;
7. Retention of directional arrows illustrating on-site traffic circulation on the Final PUD Site Plan, updated as necessary to reflect any revisions to drive aisle widths;
8. Retention of a note on the Final PUD Site Plan stating that parking lot lighting will comply with the illumination standards of Section 64-3-9.C. of the UDC;
9. Provision of a note on the Final PUD Site Plan stating that the site will comply with the architectural design feature requirements of Article 3, Section 64-3-6 of the UDC, including at least one element from each applicable design category (Site Frontage, Building Form – Height, Building Form – Wall, Architectural Feature);
10. Provision of a note stating the proposed buildings will not exceed 50 feet in height, in compliance with Article 2, Section 64-2-7.E. of the UDC;
11. Verification and, if necessary, revision of the landscape area calculation (currently listed as 225,415± square feet) on the Final PUD Site Plan to ensure accuracy and consistency with the total site area;
12. Retention of a note on the Final PUD Site Plan stating that the site will comply with the tree planting requirements of Article 3, Section 64-3-7 of the UDC;
13. Retention of the note on the Final PUD Site Plan stating all dumpsters will comply with the enclosure and placement standards of Section 64-3-13.A.4. of the UDC;
14. Provision of a note stating any signage proposed for the site must be reviewed and permitted separately by the Planning and Zoning Department; illuminated signage must

be installed by a licensed and bonded contractor and permitted through the Permitting Department;

15. Retention of the note on the Final PUD Site Plan stating that future development or redevelopment of the site may require additional modifications to the PUD, subject to approval by the Planning Commission and City Council;
16. Compliance with all Engineering comments noted in the staff report;
17. Compliance with all Traffic Engineering comments noted in the staff report;
18. Compliance with all Urban Forestry comments noted in the staff report;
19. Compliance with all Fire Department comments noted in the staff report;
20. Submittal to and approval by Planning and Zoning of the revised Modified Planned Unit Development site plan prior to its 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,
21. Full compliance with all municipal codes and ordinances.

10. SUB-003399-2025 & MOD-003427-2025

Location: 348 & 360 North McGregor Avenue
Subdivision Name: Mordecai Lane Subdivision
Applicant / Agent: Daryl Russell, Board of Water & Sewer Commissioners of the City of Mobile
Council District: District 7
Proposal: Subdivision of 2 lots, 11.45± acres; and Major Modification of a previously approved Planning Approval allowing construction of a water tower in an R-1, Single-Family Residential Suburban District, to modify lot lines in coordination with the proposed subdivision.

Brett Orrell of Polysurveying was present for the applications. He asked that Planning staff explain the Spring Hill Overlay requirement.

Planning staff explained that the Spring Hill Overlay had a minimum and maximum setback, which would be less than what was otherwise required.

Mr. Orrell agreed to revise the drawings to comply with the Spring Hill Overlay setback requirement. He also explained the purpose of the requests, which was to separate City and MAWSS owned properties. No new development was proposed as part of the application.

Dan Reimer and Dominic Broadus were present and expressed the following concerns about the applications:

- Surrounding neighborhoods are concerned about the future use of the property;
- Would like the property to remain, R-1 residential;

- Would oppose small lot single-family homes, apartments or other higher density developments;
- Noted that the site was within walking distance of three of the best schools in Mobile, with over 2,000 students and associated traffic in the morning and afternoons;
- Do not want additional traffic in the neighborhoods, as they already have problems with speeding and excessive traffic within the neighborhoods;
- The site is part of the historic Sand Town African-American community and would like acknowledgement of the heritage, such as with a plaque;
- The roads in the area used to be dirt and it took a lot of community effort to get the streets paved in the 1970s; and
- A park was built on a portion of the site in the 1970s.

Subdivision.

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

After discussion the Planning Commission waived Section 8.A.1. of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

1. Revision of the plat to label the right-of-way width of North McGregor Avenue, adjusted for any required dedication;
2. Retention of the right-of-way width of Mordecai Lane on the Final Plat;
3. Revision of the plat to illustrate compliance with the setback standards of Article 13, Table 64-13-4.3. of the Unified Development Code;
4. Retention of the lot size labels on the Final Plat, adjusted for any required dedication, or the furnishing of a table on the Final Plat providing the same information;
5. Submittal to and approval by Planning and Zoning of a revised Planning Approval site plan prior to signing the Final Plat;
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.

Planning Approval Modification.

Motion to approve by Nick Amberger. Second by Larry Dorsey. 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 label each lot with its size in both square feet and acres, after any required dedication, or the furnishing of a table on the site plan providing the same information;
2. Revision of the site plan to label the right-of-way width of North McGregor Avenue, adjusted for any required dedication;
3. Retention of the right-of-way width labels of Mordecai Lane on the site plan;
4. Revision of the site plan to illustrate compliance with the setback standards of Article 13, Table 64-13-4.3. of the Unified Development Code;
5. Placement of a note on the revised site plan stating that future development or redevelopment of either of the lots may require additional modifications of the Planning Approval to be approved by the Planning Commission and City Council, or possibly a Special Exception approved by the Board of Zoning Adjustment to allow an Intermediate Utility expansion in an R-1 zoning district;
6. Submittal to and approval by Planning and Zoning of a revised Planning Approval site plan prior to signing the Final Plat for the associated subdivision;
7. Compliance with all Engineering comments noted in the staff report;
8. Placement of a note on the site plan 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.

11. SUB-003419-2025 & ZON-UDC-003420-2025

- Location:** 2602, 2610, 2612, 2614, & 2616 Old Shell Road and 105 & 107 Item Avenue
- Subdivision Name:** Ten Seven Subdivision
- Applicant / Agent:** Kari Byrd, Byrd Surveying, Inc.
- Council District:** District 1
- Proposal:** Subdivision of 1 lot, 3.33± 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 applications and explained the purpose of the requests, which was to bring all of the property into the same zoning district and eliminate a split-zoning condition. He stated that he agreed with the suggested considerations.

Cynthia Torres Wagner was present and expressed the following concerns about the application:

- Commercial zoning would impact the residential neighbors, including with noise and property values;
- Would like to see restrictions on the use, especially for 107 Item Avenue which has been used for residential purposes.

In rebuttal, Mr. Byrd stated that there were no plans to change how the commercial portion of the site was used.

Subdivision.

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

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

1. Retention of the right-of-way widths of Old Shell Road and Item Avenue on the Final Plat;
2. Retention of the 20-foot radius corner dedication at the intersection of Old Shell Road and Item Avenue, adjusted for any further dedication if required by City Engineering;
3. Revision of the plat to illustrate a 10-foot minimum building setback line along Old Shell Road and Item Avenue;
4. 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;

5. Completion of the Rezoning process to eliminate the potential for split-zoning prior to signing the Final Plat;
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 Nick Amberger. Second by Larry Dorsey. Approved.

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) 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. Changed or 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 B-2, Neighborhood Business Urban District, to the City Council, subject to the following condition:

1. Full compliance with all municipal codes and ordinances.

12. SUB-003240-2025 & ZON-UDC-003426-2025

Location: 7211 & 7221 Cottage Hill Road
Subdivision Name: Star Light at Cottage Hill Subdivision
Applicant / Agent: Shabbir Hossain (Vincent D. LaCoste, II, Bethel Engineering, Agent)

Council District: District 6
Proposal: Subdivision of 2 lots, 3.88± acres; and Rezoning from Single-Family Residential Suburban District (R-1) to Multi-Family Residential Suburban District (R-3).

The applicant was present and agreed to the holdover.

No one else was present regarding the applications.

Subdivision.

Motion to Holdover by Jay Stubbs. Second by Jennifer Denson. Heldover until the September 18, 2025, meeting.

After discussion the Planning Commission heldover the request until the September 18th meeting, with revisions to be submitted no later than Tuesday, September 2nd, to allow the applicant to address the following:

1. Revise the plat to clearly depict the configuration of both proposed lots;
2. Revise the plat to clearly depict either the minimum existing right-of-way width or a dedicated 100-foot-wide right-of-way, which is greater, along Cottage Hill Road;
3. Revise the plat to include the area of the second lot in both square feet and acres;
4. If the applicant instead intends to create three (3) legal lots to correspond with the boundaries of the lease parcels, the applicant must submit a revised plat, new mailing labels, and additional fees for the third lot.

Rezoning.

Motion to Holdover by Jay Stubbs. Second by Jennifer Denson. Heldover until the September 18th meeting.

After discussion the Planning Commission heldover the rezoning request until the September 18, 2025, meeting to allow concurrent consideration with the accompanying subdivision application.

OTHER BUSINESS

- **SUB-003195-2025**

Location: 5789 U.S. Highway 90 West & 5480 Hamilton Boulevard
Subdivision Name: Airgas South Subdivision
Applicant / Agent: Adam J. Metcalfe, Metcalfe & Company, Inc.

Council District: District 4
Proposal: Subdivision of 2 lots, 15.1± acres

Planning staff provided a brief overview of the request to modify a condition of the original approval. Specifically, the applicant was requesting revision of the language of Condition #2 in the Letter of Decision. The original condition read:

“Placement of a note on the Final Plat stating that at such a time as Fore Road is developed, it will be required to be developed to City Standards, per Section 9.D. of the Subdivision Regulations.”

The applicant proposed the following revised wording:

*“Placement of a note on the Final Plat stating that at such a time as Fore Road is developed **as a road**, it will be required to be developed to City Standards, per Section 9.D. of the Subdivision Regulations.”*

Adam J. Metcalfe of Metcalfe & Company was present for the application and provided additional background regarding the request. He was concerned that if any improvement of a portion of the road right-of-way was proposed, it might trigger a requirement to improve the entire length of the road. They had considered vacating the right-of-way, but that would require the consent of an adjacent property owner.

Commissioners discussed the request with Mr. Metcalfe.

Motion to approve by Jay Stubbs. Second by Kenny Nichols. Approved.

After discussion the Planning Commission waived Sections 6.B.9., 8.A.1., and 8.A.3. of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

1. Revision of the plat to depict the distance from the subject site to the centerline of Hamilton Boulevard;
2. Placement of a note on the Final Plat stating that at such a time as Fore Road is developed **as a road**, it will be required to be developed to City Standards, per Section 9.D. of the Subdivision Regulations;
3. Retention of the lot size label in both square feet and acres on the Final Plat;
4. Revision of the plat to depict the 25-foot front yard minimum building setback along both street frontages;
5. Placement of a note on the Final Plat stating that no structures are allowed in any easements without the permission of the easement holder
6. Compliance with all Engineering comments noted in the staff report;

7. Placement of a note on the Final Plat stating 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.

- **SUB-003381-2025**

Location: 7210 Fourteenth Street
Subdivision Name: J and C Subdivision
Applicant / Agent: Kari Givens, Byrd Surveying, Inc.
Council District: District 7
Proposal: Subdivision of 1 lot, 0.46± acres

Planning staff provided a brief overview of the request. Specifically, the applicant was requesting to remove Condition #2 in the Letter of Decision. The original condition read:

“Dedication to provide 25 feet from the centerline of Lincoln Boulevard.”

Commissioners discussed the request with staff.

Motion to approve by Nick Amberger. Second by Kenny Nichols. Approved. Larry Dorsey recused from the application.

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 dedication to provide 25 feet from the centerline of Fourteenth Street;
2. Labeling of the right-of-way widths of both streets on the Final Plat, after any required dedication;
3. Placement of a note on the Final Plat stating that access to Lincoln Boulevard is denied until such time that it is constructed to City standards;
4. Retention of the 25-foot minimum building setback line along Fourteenth Street, measured from the dedicated right-of-way;
5. Illustration of the 25-foot minimum building setback line along Lincoln Boulevard, measured either from the existing right-of-way or from any required dedication;
6. Retention of the lot size label in both square feet and acres on the Final Plat, adjusted for any required dedication, or inclusion of a table providing the same information;
7. Compliance with all Engineering comments as noted in the staff report;
8. Placement of a note on the Final Plat reflecting all Traffic Engineering comments as noted in the staff report;
9. Compliance with all Urban Forestry comments as noted in the staff report; and

10. Compliance with all Fire Department comments as noted in the staff report.

- **Public Hearing for the proposed amendment to the Subdivision Regulations:**

The Commission considered the amendment of the Subdivision Regulations to incorporate the provisions of the Historic Avenue Overlay.

No one was present regarding the proposed amendments to the Subdivision Regulations, and no comments were received online regarding the amendments.

Motion to approve by Jay Stubbs. Second by Kirk Mattei. Approved.

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

October 5, 2023
October 19, 2023

December 7, 2023
December 21, 2023

Motion to approve by Jennifer Denson. Second by Larry Dorsey. Approved.

Minutes approved: March 19, 2026



Jennifer Denson, Secretary



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