Planning Commission
October 15, 2026

# Agenda Item # 4 - HOLDOVER

ZON-UDC-003831-2026 & ZON-CUP-003832-2026

View additional details on this proposal and all application materials using the following link:

**Applicant Materials for Consideration – Rezoning**

**Applicant Materials for Consideration – Conditional Use Permit**

## DETAILS

**Location:**
2759 Moot Avenue, 2599-2612, 2614, 2616, 2618, 2620, 2622, 2624, 2626-2634, 2636-2639, 2642, 2644, & 2646 Griffith Circle West, 2650-2657 & 2659 Griffith Lane North, 2650-2657, 2658-2660, 2662, & 2664 Griffith Circle South, 1051-1057, 1059, 1061, & 1063 Griffith Circle East, 2650, 2654, & 2656 Halls Mill Road, & 1212 McRae Avenue

**Applicant / Agent:**
Owen Gates, Kinetic Capital IV, LLC (Lieb Engineering Company, LLC, Agent)

**Property Owners:**
Owen Gates, Kinetic Capital IV, LLC

**Current Zoning:**
R-1, Single-Family Residential Suburban District and R-3, Multi-Family Residential Suburban District

**Proposed Zoning:**
R-3, Multi-Family Residential Suburban District

**Future Land Use:**
Low Density Residential

**Neighborhood Meeting:**
- A Neighborhood Meeting was required due to the proposed rezoning to a higher zoning Classification, and the CUP request.
- The meeting was held on July 30, 2026, at 5:00 p.m. at 2663 Halls Mill Road.

**Applicable Codes, Policies, and Plans:**
- Unified Development Code
- Map for Mobile Comprehensive Plan

**Proposal:**
- Rezoning from R-1 and R-3 to R-3.
  - Any use permitted in the proposed district would be allowed at this location if the zoning is approved. The Planning Commission may consider other zoning districts than the proposed sought by the applicant for this property.
- Conditional Use Permit to allow expansion of an existing mobile home community in an R-3, Multi-Family Residential Suburban District.

**Commission Considerations:**
1. Rezoning holdover; and
2. Conditional Use Permit holdover.

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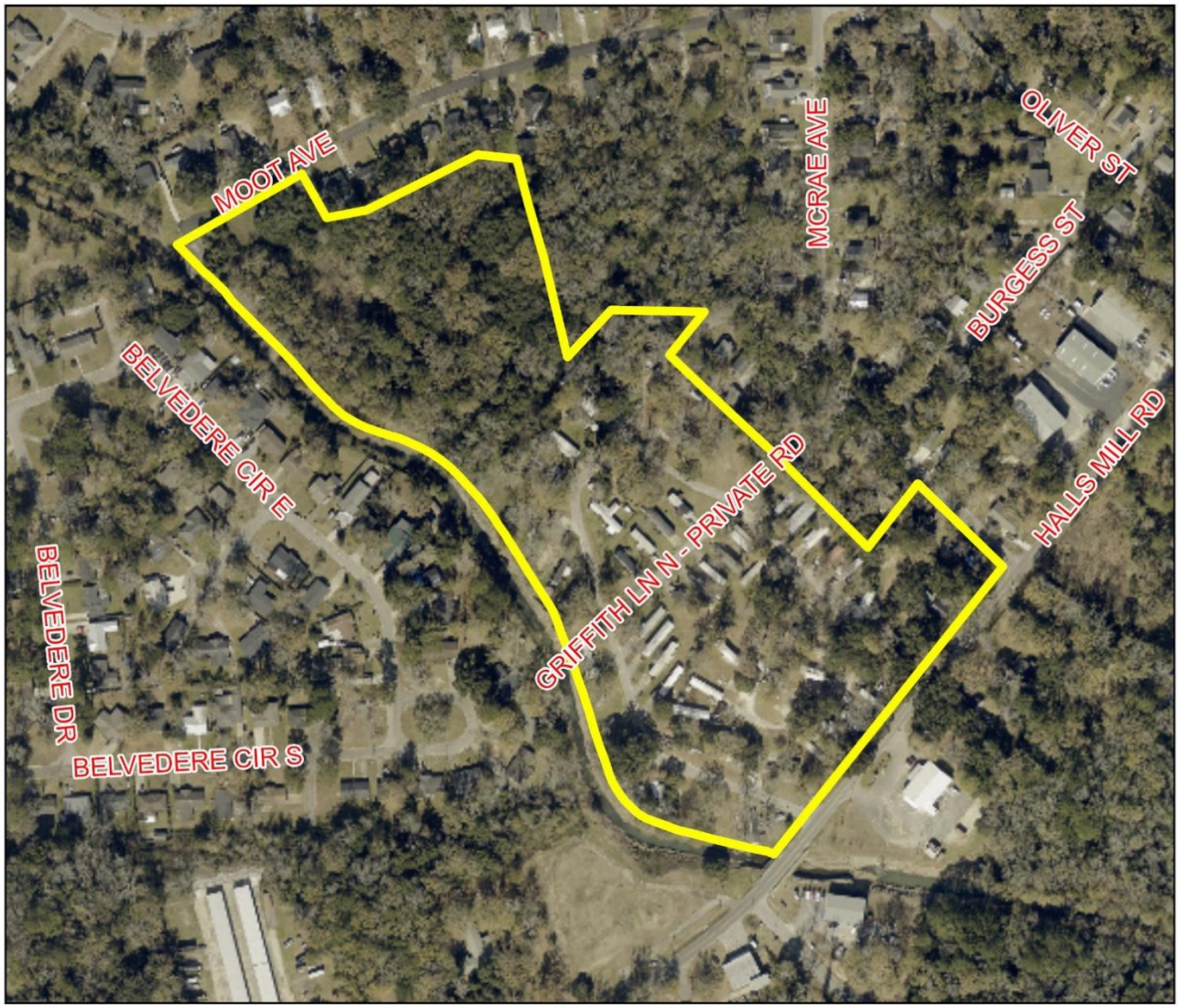
## PLANNING COMMISSION
# VICINITY MAP - EXISTING AERIAL




The site is surrounded by residential and commercial units.

APPLICATION NUMBER 4 DATE October 15, 2026

APPLICANT Owen Gates, Kinetic Capital IV, LLC (Lieb Engineering Company, LLC, Agent)

REQUEST Rezoning from R-1 and R-3 to R-3, Conditional Use Permit

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## HOLDOVER COMMENTS

These applications were held over by the Planning Commission at its August 20, 2026, meeting to allow the applicant to conduct a new Neighborhood Meeting, meet with staff, and revise the applications and site plans to address the following:

1. Have a Pre-Application meeting with staff;
2. Submit a Subdivision Application to create at least one (1) lot;
3. Revise the application to list Parcel Number R022909510011004.000 and remove the duplicate listing of Parcel Number R02290950011053.000;
4. Revise the site boundaries and setbacks to conform to those of an approved Subdivision;
5. Revise the site plans to indicate that all structures meet the required setbacks of the Subdivision;
6. Clarify whether the internal streets are rights-of-way subject to required setbacks or simply drives;
7. Revise the existing internal drives to a compliant 24-foot width to accommodate two (2)-way traffic and meet the standards of the 2021 International Fire Code, Appendix D;
8. Revise the site plans to indicate asphalt, concrete, or an approved alternative paving surface for all parking pads, or obtain a Parking Surface Variance through the Board of Zoning Adjustment;
9. If an on-site office is to be used, provide compliant vehicle and bicycle parking;
10. Revise the site plans to provide public sidewalks within the street rights-of-way, unless a Sidewalk Waiver is granted by the Planning Commission;
11. If an on-site office is to be used, revise the site plans to provide a Pedestrian Connection from the public sidewalk to the office, unless a Sidewalk Waiver is granted;
12. Revise the site plans to indicate compliant landscaping and tree plantings, with the required calculations provided;
13. Revise the site plans to provide a minimum of 700 square feet of open space per dwelling unit (mobile home); and
14. Revise the site plans to provide a compliant Riparian Buffer along Bolton's Branch.

The applicant participated in a Pre-Development meeting with staff and subsequently submitted revised site plans for both applications addressing several of the previously identified items. A subdivision application has also been submitted; however, the application remains incomplete. The earliest the subdivision could be considered by the Planning Commission is its November 19, 2026, meeting.

The site boundaries and setbacks shown on the revised site plans have been adjusted to reflect those that will likely be required through the subdivision process, with the exception of a potential corner radius dedication at the intersection of Halls Mill Road and McRae Avenue. Until the subdivision is approved, the final property boundaries and required setbacks cannot be confirmed.

The revised site plans indicate that several of the proposed new mobile homes would encroach into the drainage easement and/or riparian buffer along the south side of the site. Existing mobile homes that currently encroach into required setbacks or easements may remain; however, new development may not create additional encroachments.

The revised site plans indicate asphalt-paved parking pads for all proposed new mobile homes but do not indicate compliant parking pads for the existing mobile homes. All mobile homes on the site will be required to have compliant parking pads. Additionally, the site plans indicate gravel parking for the existing office building. This parking area will be required to have a compliant paved surface, compliant access and maneuvering areas, and the required parking ratio.

Public sidewalks within the rights-of-way are not shown on the revised site plans. A Sidewalk Waiver is scheduled to be considered in conjunction with the Rezoning and Conditional Use Permit requests at the October 15, 2026,

Planning Commission meeting. The waiver request applies only to the sidewalk requirement along Halls Mill Road. If the Sidewalk Waiver is denied, the site plans must be revised to provide public sidewalks along all street frontages, along with a compliant Pedestrian Connection to the office building.

No landscaping or tree-planting plans were submitted with the revisions. A note on the site plans states that a landscaping plan will be provided with the Land Disturbance Permit. However, revision of the site plans to demonstrate compliance with the applicable landscaping and tree-planting requirements was specifically identified as a condition of the Commission's prior holdover and therefore must be addressed as part of the current review. It should not be deferred to the Land Disturbance Permit stage.

Article 5, Sections 64-5-5.D.2.(6) and 64-5-6.D.2.(b), allow an applicant to request a maximum of one (1) holdover of a Rezoning and CUP application. Because additional revisions remain necessary before the CUP can be advanced to City Council, and because the subdivision application remains incomplete, the applicant should consider requesting a holdover of the Rezoning and CUP applications until the November 19, 2026, Planning Commission meeting.

The Planning Commission initiated the initial holdover of these requests, rather than the applicant. Accordingly, the applicant remains eligible to request one holdover. However, no additional holdovers would be permitted after that request.

If the applicant is unable to complete the required revisions and submit a complete subdivision application by the applicable application deadline, the Rezoning and CUP requests must be denied. Following a denial, new applications cannot be submitted for six (6) months, which would result in an additional delay to the project.

Alternatively, the applicant may withdraw the applications and allow them to expire following the six-month period from their original submission date of July 20, 2026. Once that period has elapsed, new applications may be submitted.

## REZONING HOLDOVER CONSIDERATIONS

### Standards of Review:

The Unified Development Code (UDC) in 64-5-5.E. states that Rezonings are intended to carry out the objective of a sound, stable and desirable development and that casual change or amendment would be detrimental to the achievement of that objective.

The UDC goes on to say that zoning changes should be consistent with the Comprehensive Plan. However, the Comprehensive Plan and Future Land Use Plan (FLUP) and Map (FLUM) are meant to serve as a general guide, not a detailed lot and district plan; they are not a legal mandate for development. The FLUP and FLUM allow the Planning Commission and City Council to consider individual cases based on several factors including: surrounding development, classification requested, timing of the request, and the appropriateness and compatibility of the proposed use the zoning classification.

The UDC states that an application for rezoning shall include a statement of the justification for the proposed amendment that addresses all of the following:

A. Consistency. Whether the proposed amendment is consistent with the Comprehensive Plan;
B. Mistake. For a Rezoning, whether there was a mistake or error in the original zoning map; and
C. Compatibility. Whether the proposed amendment is compatible with:
    - The current development trends, if any, in the vicinity of the subject property;

- Surrounding land uses;
- Would adversely impact neighboring properties; or
- Cause a loss in property values.

D. Health, Safety and General Welfare. Whether the proposed amendment promotes the community's public health, safety, and general welfare;
E. Capacity. Whether the infrastructure is in place to accommodate the proposed amendment; and
F. Change. Whether changed or changing conditions in a particular area make an amendment necessary and desirable.
G. Benefits Consideration. In addition, consideration should also be given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

The applicant's responses to address the above criteria are available in the link on page one (1).

### Considerations:

As revisions to the site plan are still required, and the Planning Commission may only grant one discretionary holdover of the application, the applicant should request a holdover to the November 19, 2026, meeting. All required revisions should be submitted to Planning and Zoning by November 3, 2026, to allow sufficient time for staff review and to address the following:

1. Revision of the site boundaries and setbacks on the site plan to conform to those of the approved subdivision;
2. Revision of the site plan to demonstrate that all structures meet the required setbacks of the approved subdivision;
3. Revision of the site plan to relocate proposed new mobile homes out of drainage easements and the Riparian Buffer;
4. Revision of the site plan to indicate paved parking for all mobile homes;
5. Revision of the site plan to indicate paved parking for the office building with compliant access and maneuvering area, and a compliant parking ratio;
6. Revision of the site plan to provide public sidewalks within the Moot Avenue and McRae Avenue rights-of-way, and within the Halls Mill Road right-of-way should the accompanying Sidewalk Waiver be denied;
7. Revision of the site plan to provide a compliant Pedestrian Connection from the Halls Mill Road public sidewalk to the office building should the Sidewalk Waiver be denied; and
8. Revision of the site plan to provide compliant landscaping and tree planting.

## CONDITIONAL USE PERMIT HOLDOVER CONSIDERATIONS

### Standards of Review:

Conditional Use Permits (CUPs) are required for certain uses in the Use Table (Table 64-2-24.1). These uses may have some special impact which differs from the potential impacts of permitted uses, such as exceeding permitted uses in intensity, or have unique requirements specified for compliance in the Unified Development Code (UDC).

Article 5, Section 6-E. of the Unified Development Codes states the City Council shall not approve an Application for Conditional Use Permit unless the proposed use:

1. Is consistent with all applicable requirements of this Chapter, including:

   (a) Any applicable development standards; and

(b) Any applicable use regulations.

2. Is compatible with the character of the surrounding neighborhood;
3. Will not impede the orderly development and improvement of surrounding property; and
4. 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. In making this determination, the Planning Commission and City Council shall consider:

   (a) The location, type and height of buildings or structures;
   (b) The type and extent of landscaping and screening;
   (c) Lighting;
   (d) Hours of operation; and
   (e) Other conditions that might require mitigation of the adverse impacts of the proposed development.

5. Is designed to provide ingress and egress that minimizes traffic hazards and traffic congestion on the public roads;
6. Is designed to minimize the impact on storm water facilities;
7. Will be adequately served by water and sanitary sewer services;
8. Is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
9. Shall not be detrimental to or endanger the public health, safety or general welfare.
10. Benefits Consideration. In addition, consideration should also be given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.
11. Criteria by Use. The Planning Commission and City Council shall give careful consideration to the warrants and criteria set forth in this section in judging applications for Conditional Use Permits involving the following uses. In considering a Conditional Use Permit, the Planning Commission and City Council may attach such reasonable conditions and safeguards in addition to those set forth in this section, as they may deem necessary to implement the purposes of this Chapter.

The applicant's responses to address the above criteria are available in the link on page one (1).

## Considerations:

As revisions to the site plan are still required, and the Planning Commission may only grant one discretionary holdover of the application, the applicant should request a holdover to the November 19, 2026, meeting. All required revisions should be submitted to Planning and Zoning by November 3, 2026, to allow sufficient time for staff review and to address the following:

1. Revision of the site boundaries and setbacks on the site plan to conform to those of the approved subdivision;
2. Revision of the site plan to demonstrate that all structures meet the required setbacks of the approved subdivision;
3. Revision of the site plan to relocate proposed new mobile homes out of drainage easements and the Riparian Buffer;
4. Revision of the site plan to indicate paved parking for all mobile homes;
5. Revision of the site plan to indicate paved parking for the office building with compliant access and maneuvering area, and a compliant parking ratio;
6. Revision of the site plan to provide public sidewalks within the Moot Avenue and McRae Avenue rights-of-way, and within the Halls Mill Road right-of-way should the accompanying Sidewalk Waiver be denied;

7. Revision of the site plan to provide a compliant Pedestrian Connection from the Halls Mill Road public sidewalk to the office building should the Sidewalk Waiver be denied; and
8. Revision of the site plan to provide compliant landscaping and tree planting.

## SITE HISTORY

The subject site was annexed into the City of Mobile in 1945.

In April 1959, the Board of Zoning Adjustment approved a Front Yard Variance permitting the construction of a building for the display of boats at 1214 McRae Avenue, which is now a portion of 2650 Halls Mill Road.

With the adoption of the Zoning Ordinance in 1967, the site was assigned R-A, Residential Agriculture District; R-1, Single-Family Residential District; and R-3, Multi-Family Residential District zoning classifications. At some time thereafter, the R-A classification was changed to R-1, Single-Family Residential District.

The portion of the site at 2759 Moot Avenue was the subject of *Del Ray Place Subdivision*, a four (4)-lot subdivision approved by the Planning Commission in October 2010. Only one (1) lot was recorded, and that lot is not included in the application at hand.

## STAFF COMMENTS

### Engineering Comments:

1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department (251-208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
4. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.
5. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all the necessary permits and approvals.
6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

## 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.

## 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.

## Fire Department Comments:

All projects located within the City Limits of Mobile shall comply with the provisions of the City of Mobile Fire Code Ordinance, which adopts the 2021 edition of the International Fire Code (IFC).

Fire apparatus access roads shall be provided to within 150 feet of all non-sprinklered commercial buildings and within 300 feet of all sprinklered commercial buildings, as measured along an approved route around the exterior of the facility.

An approved fire water supply capable of meeting the requirements set forth in Appendices B and C of the 2021 IFC shall be provided for all commercial buildings.

Fire hydrant placement shall comply with the following minimum standards:

- Within 400 feet of non-sprinklered commercial buildings
- Within 600 feet of sprinklered commercial buildings
- Within 100 feet of fire department connections (FDCs) serving standpipe or sprinkler systems

Although the International Residential Code (IRC) functions as a stand-alone document for the construction of one- and two-family dwellings and townhouses, it does not govern the design or layout of emergency access or community-level fire protection infrastructure. Therefore, residential developments must also comply with the applicable requirements of the International Fire Code, including, but not limited to, those listed above concerning the design, construction, regulation, and maintenance of fire apparatus access roads and fire protection water supplies.

## Planning Comments:

**Rezoning & Conditional Use Permit:**

The subject site was developed as a mobile home park after World War II and has expanded over time. The applicant is proposing a larger expansion into vacant property currently zoned R-1, Single-Family Residential Suburban District. Much of the existing mobile home park is zoned R-3, Multi-Family Residential Suburban District, and the applicant is requesting that the entire existing and expanded site be rezoned to R-3. This is the basis for the Rezoning request. Mobile home parks are permitted in R-3 districts with approval of a Conditional Use Permit (CUP), which is the basis for the accompanying CUP request.

The site is surrounded by several different zoning districts. R-1 zoning is located along the west side of McRae Avenue and the south side of Moot Avenue. East of the site, across Halls Mill Road, are areas zoned R-1, B-1,

Buffer Business Suburban District, and B-2, Neighborhood Business Suburban District. West of the site, across Bolton Branch, are R-1 and B-2 districts, while the area across Bolton Branch at the west terminus of Moot Avenue is zoned B-3, Community Business Suburban District.

The applicant met with staff for a Pre-Application meeting in June 2024 to discuss the proposed expansion. At that meeting, staff explained that, in addition to the Rezoning and CUP applications, a one (1)-lot Subdivision application would be required to combine the existing metes-and-bounds parcels within the project area into one legal lot of record. Staff also explained that a Sidewalk Waiver may be necessary if the applicant wished to waive the requirement to provide public sidewalks within the street rights-of-way.

There are also several issues with the applications and required neighborhood notification that must be addressed before the requests can be considered by the Planning Commission. Although the required Neighborhood Meeting was held in conjunction with the submission of the Rezoning and CUP applications, the meeting did not satisfy the requirements of Article 5, Section 64-5-4.C.1. of the Unified Development Code (UDC) because signs were not posted along all street frontages associated with the project site. Consequently, the applications cannot be acted upon at the August 20 Planning Commission meeting. A new Neighborhood Meeting, along with updated documentation and applicable fees, will be required before the applications can be rescheduled for a future meeting.

The applications also contain errors in the listed parcels. Parcel Number R022909510011004.000, one of the larger parcels within the project area, was omitted, while Parcel Number R02290950011053.000 was listed twice.

Only the Rezoning and CUP applications have been submitted. Because the final site boundaries and required setbacks depend on the configuration approved through the Subdivision process, the Rezoning and CUP applications cannot be fully reviewed until a Subdivision plat has been approved. Required right-of-way dedication along Halls Mill Road and McRae Avenue will also affect the site boundaries, setbacks, and placement of proposed mobile homes. Additionally, it must be determined whether the internal streets are intended to be private streets with designated rights-of-way and required setbacks or simply internal drives.

The same site plan was submitted with both the Rezoning and CUP applications. The plan shows the existing mobile home park and the proposed expansion. Within the existing portion of the park, 49 existing mobile homes are shown, along with 23 additional proposed mobile homes. The expansion area includes 28 additional mobile homes, resulting in a proposed total of 100 mobile homes. However, the site plan is based on the current configuration of the property and does not account for potential changes resulting from the required Subdivision, including changes to property boundaries, right-of-way dedication, and setbacks. These changes may affect the proposed placement of mobile homes, particularly those located along Halls Mill Road and McRae Avenue.

The existing internal drives are identified as having 40-foot rights-of-way, but the pavement widths are not provided. If these are intended to remain rights-of-way, the site plan should identify the applicable building setback lines and demonstrate that all proposed mobile homes meet those setbacks. The drives must also provide a minimum 24-foot pavement width to accommodate two-way traffic and must meet the standards of the 2021 International Fire Code, Appendix D.

The proposed parking pads are shown as gravel. However, the UDC requires parking areas to be paved with asphalt, concrete, or an approved alternative paving surface. The site plan must therefore be revised to provide compliant parking surfaces, or a Parking Surface Variance must be approved by the Board of Zoning Adjustment. No on-site office is shown on the submitted plan. If an office is proposed, it must be shown on the site plan along with compliant vehicle and bicycle parking.

No public sidewalks are shown along Halls Mill Road, McRae Avenue, or Moot Avenue. Public sidewalks are required within the applicable street rights-of-way unless a Sidewalk Waiver is granted by the Planning Commission. If an on-site office is proposed, a Pedestrian Connection from the nearest public sidewalk to the office will also be required unless a Sidewalk Waiver is approved.
The site plan does not show any landscaping or tree plantings. The site must provide landscaping covering at least 15% of the site, with 60% of the required landscaping located along public street frontages. Required tree plantings must also be provided. Additionally, R-3 Districts require 700 square feet of open space per dwelling unit. Finally, because the site is adjacent to Bolton's Branch, the site development plan must incorporate a compliant Riparian Buffer along the waterway.

## REZONING CONSIDERATIONS

### Standards of Review:

The Unified Development Code (UDC) in 64-5-5.E. states that Rezonings are intended to carry out the objective of a sound, stable and desirable development and that casual change or amendment would be detrimental to the achievement of that objective.

The UDC goes on to say that zoning changes should be consistent with the Comprehensive Plan. However, the Comprehensive Plan and Future Land Use Plan (FLUP) and Map (FLUM) are meant to serve as a general guide, not a detailed lot and district plan; they are not a legal mandate for development. The FLUP and FLUM allow the Planning Commission and City Council to consider individual cases based on several factors including: surrounding development, classification requested, timing of the request, and the appropriateness and compatibility of the proposed use the zoning classification.

The UDC states that an application for rezoning shall include a statement of the justification for the proposed amendment that addresses all of the following:

H. Consistency. Whether the proposed amendment is consistent with the Comprehensive Plan;
I. Mistake. For a Rezoning, whether there was a mistake or error in the original zoning map; and
J. Compatibility. Whether the proposed amendment is compatible with:
    - The current development trends, if any, in the vicinity of the subject property;
    - Surrounding land uses;
    - Would adversely impact neighboring properties; or
    - Cause a loss in property values.
K. Health, Safety and General Welfare. Whether the proposed amendment promotes the community's public health, safety, and general welfare;
L. Capacity. Whether the infrastructure is in place to accommodate the proposed amendment; and
M. Change. Whether changed or changing conditions in a particular area make an amendment necessary and desirable.
N. Benefits Consideration. In addition, consideration should also be given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

The applicant's responses to address the above criteria are available in the link on page one (1).

## Considerations:

Due to the numerous items that must be addressed on the submitted site plan, the application should be held over to a later date to allow the applicant an opportunity to meet with staff and revise the application and site plan as follows:

1. Have a Pre-Application meeting with staff;
2. Submit a Subdivision Application to create at least one (1) lot;
3. Revise the application to include Parcel Number R022909510011004.000 and remove the duplicate listing of Parcel Number R02290950011053.000;
4. Revise the site boundaries and setbacks to conform to those of an approved subdivision;
5. Revise the site plan to demonstrate that all structures meet the required setbacks established by the subdivision;
6. Clarify whether the internal streets are dedicated rights-of-way subject to required setbacks or private drives;
7. Revise the existing internal drives to provide a compliant 24-foot width for two-way traffic and meet the standards of the 2021 International Fire Code, Appendix D;
8. Revise the site plan to indicate asphalt, concrete, or another approved paving surface for all parking pads, or obtain a Parking Surface Variance from the Board of Zoning Adjustment;
9. If an on-site office is proposed, provide compliant vehicle and bicycle parking;
10. Revise the site plan to provide public sidewalks within the street rights-of-way, unless a Sidewalk Waiver is granted by the Planning Commission;
11. If an on-site office is proposed, revise the site plan to provide a Pedestrian Connection from the public sidewalk to the office, unless a Sidewalk Waiver is granted by the Planning Commission;
12. Revise the site plan to indicate compliant landscaping and tree plantings and provide the required calculations;
13. Revise the site plan to provide a minimum of 700 square feet of open space per dwelling unit (mobile home); and
14. Revise the site plan to provide a compliant Riparian Buffer along Bolton's Branch.

# CONDITIONAL USE PERMIT CONSIDERATIONS

## Standards of Review:

Conditional Use Permits (CUPs) are required for certain uses in the Use Table (Table 64-2-24.1). These uses may have some special impact which differs from the potential impacts of permitted uses, such as exceeding permitted uses in intensity, or have unique requirements specified for compliance in the Unified Development Code (UDC).

Article 5, Section 6-E. of the Unified Development Codes states the City Council shall not approve an Application for Conditional Use Permit unless the proposed use:

12. Is consistent with all applicable requirements of this Chapter, including:

    (a) Any applicable development standards; and
    (b) Any applicable use regulations.

13. Is compatible with the character of the surrounding neighborhood;
14. Will not impede the orderly development and improvement of surrounding property; and

15. 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. In making this determination, the Planning Commission and City Council shall consider:

    (a) The location, type and height of buildings or structures;
    (b) The type and extent of landscaping and screening;
    (c) Lighting;
    (d) Hours of operation; and
    (e) Other conditions that might require mitigation of the adverse impacts of the proposed development.

16. Is designed to provide ingress and egress that minimizes traffic hazards and traffic congestion on the public roads;
17. Is designed to minimize the impact on storm water facilities;
18. Will be adequately served by water and sanitary sewer services;
19. Is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
20. Shall not be detrimental to or endanger the public health, safety or general welfare.
21. Benefits Consideration. In addition, consideration should also be given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.
22. Criteria by Use. The Planning Commission and City Council shall give careful consideration to the warrants and criteria set forth in this section in judging applications for Conditional Use Permits involving the following uses. In considering a Conditional Use Permit, the Planning Commission and City Council may attach such reasonable conditions and safeguards in addition to those set forth in this section, as they may deem necessary to implement the purposes of this Chapter.

The applicant's responses to address the above criteria are available in the link on page one (1).

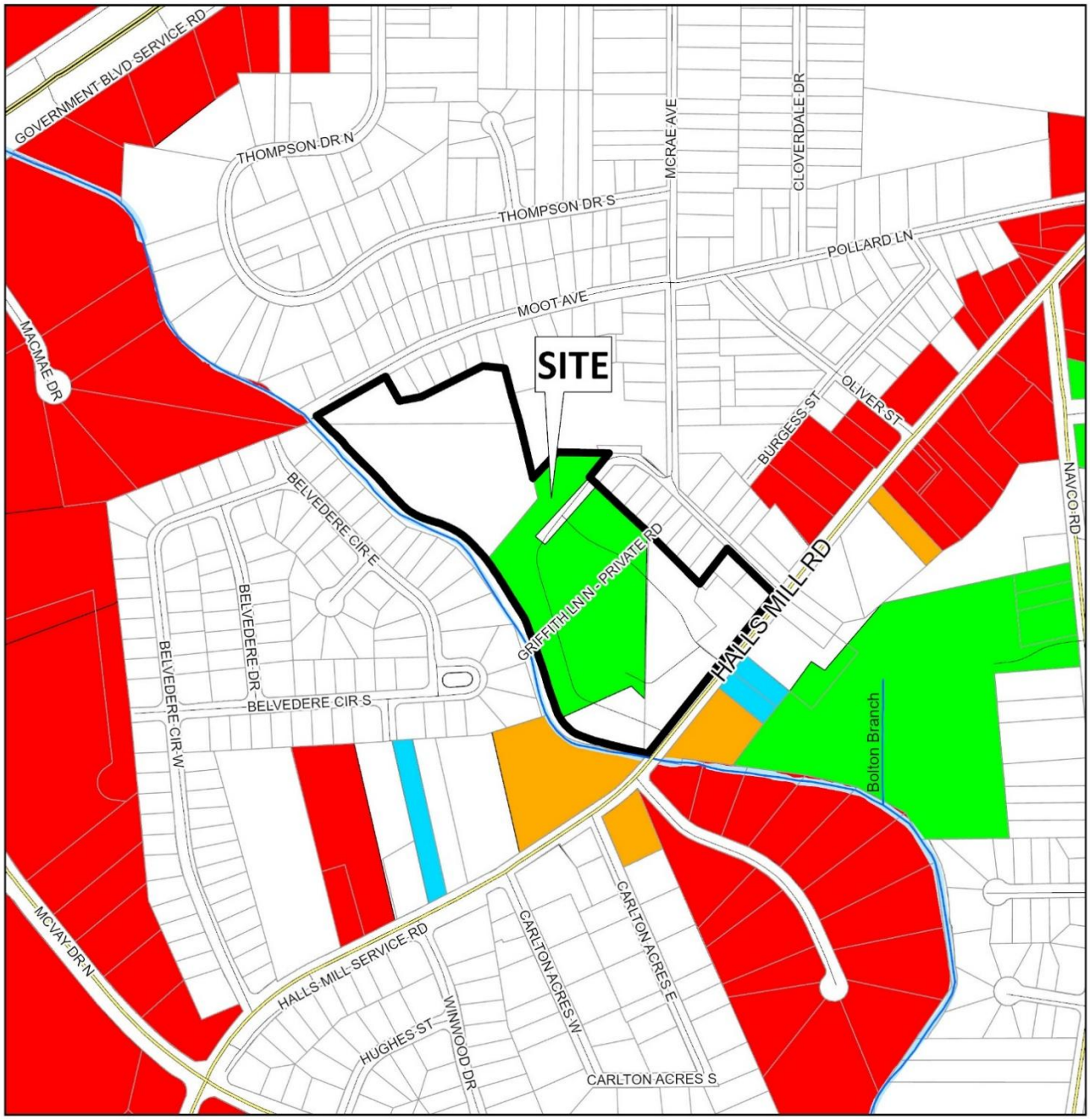
## Considerations:

Due to the numerous items that must be addressed on the submitted site plan, this application should be held over to a later date to allow the applicant an opportunity to address the following:

1. Have a Pre-Application meeting with staff;
2. Submit a Subdivision Application to create at least one (1) lot;
3. Revise the application to list Parcel Number R022909510011004.000 and remove the duplicate listing of Parcel Number R02290950011053.000;
4. Revise the site boundaries and setbacks to conform to those of an approved Subdivision;
5. Revise the site plan to indicate that all structures meet the required setbacks of the Subdivision;
6. Clarify whether the internal streets are rights-of-way subject to required setbacks or simply drives;
7. Revise the existing internal drives to a compliant 24-foot width to accommodate two (2)-way traffic and meet the standards of the 2021 International Fire Code, Appendix D;
8. Revise the site plan to indicate asphalt, concrete, or an approved alternative paving surface for all parking pads, or obtain a Parking Surface Variance through the Board of Zoning Adjustment;
9. If an on-site office is to be used, provide compliant vehicle and bicycle parking;
10. Revise the site plan to provide public sidewalks within the street rights-of-way, unless a Sidewalk Waiver is granted by the Planning Commission;
11. If an on-site office is to be used, revise the site plan to provide a Pedestrian Connection from the public sidewalk to the office, unless a Sidewalk Waiver is granted;
12. Revise the site plan to indicate compliant landscaping and tree plantings, with the required calculations provided;

13. Revise the site plan to provide a minimum of 700 square feet of open space per dwelling unit (mobile home); and
14. Revise the site plan to provide a compliant Riparian Buffer along Bolton's Branch.

# LOCATOR ZONING MAP




APPLICATION NUMBER 4 DATE October 15, 2026

APPLICANT Owen Gates, Kinetic Capital IV, LLC (Lieb Engineering Company, LLC, Agent)

REQUEST Rezoning from R-1 and R-3 to R-3, Conditional Use Permit

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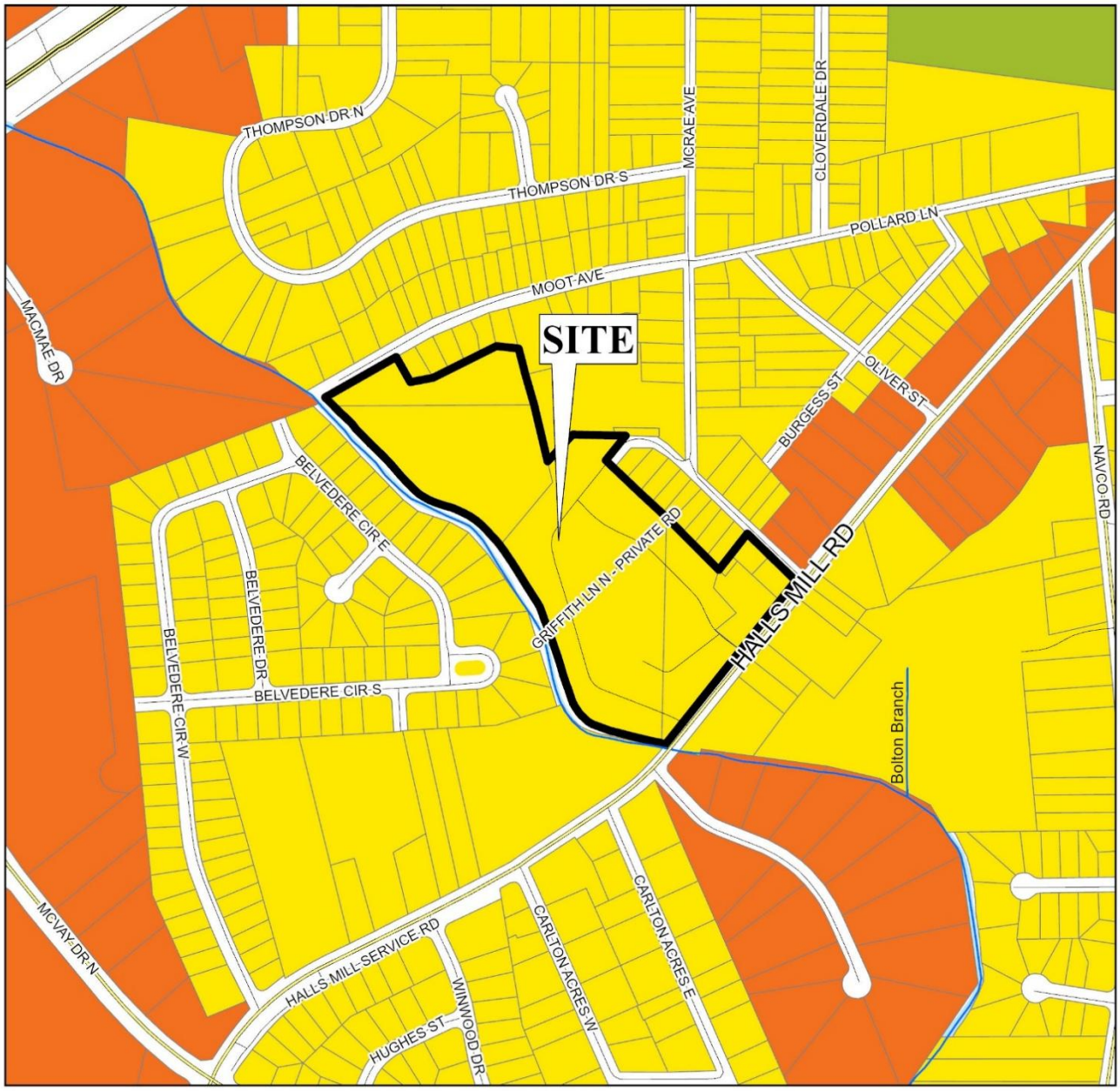
NTS

# FLUM LOCATOR MAP




APPLICATION NUMBER 4 DATE October 15, 2026

APPLICANT Owen Gates, Kinetic Capital IV, LLC (Lieb Engineering Company, LLC, Agent)

REQUEST Rezoning from R-1 and R-3 to R-3, Conditional Use Permit

- Low Density Residential
- Mixed Density Residential
- Downtown
- District Center
- Neighborhood Center - Traditional
- Neighborhood Center - Suburban
- Traditional Corridor
- Mixed Commercial Corridor
- Light Industry
- Heavy Industry
- Institutional
- Parks, Open Space
- Water Dependent

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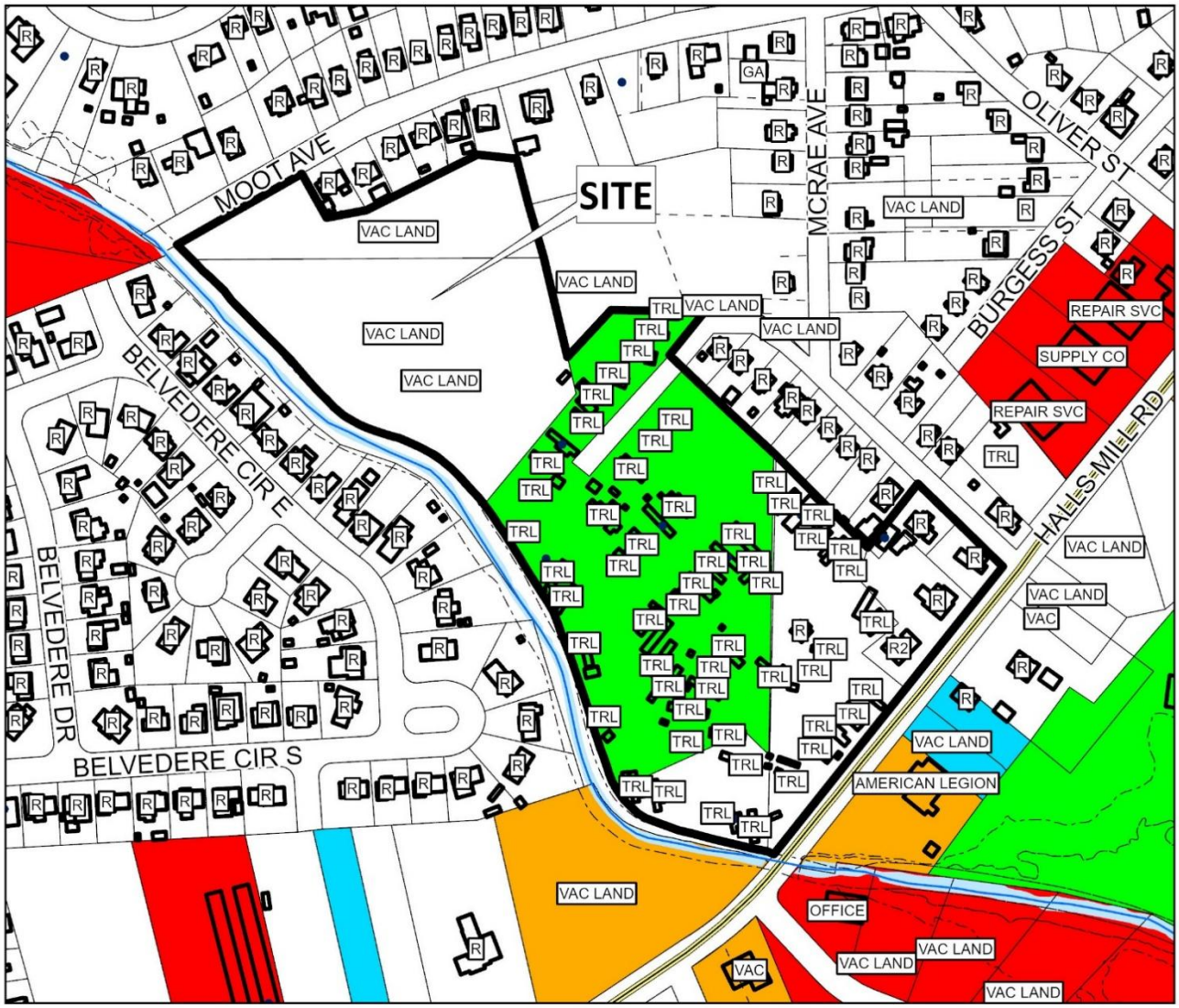
# PLANNING COMMISSION
# VICINITY MAP - EXISTING ZONING




The site is surrounded by residential and commercial units.

APPLICATION NUMBER 4 DATE October 15, 2026

APPLICANT Owen Gates, Kinetic Capital IV, LLC (Lieb Engineering Company, LLC, Agent)

REQUEST Rezoning from R-1 and R-3 to R-3, Conditional Use Permit

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| R-A | R-3 | B-1 | B-2 | B-5 | ML | I-2 | OPEN | T-3 | T-5.2 |
| R-1 | R-B | T-B | B-3 | CW | MH | PD | SD | T-4 | T-6 |
| R-2 | H-B | LB-2 | B-4 | MM | I-1 | MUN | SD-WH | T-5.1 | |

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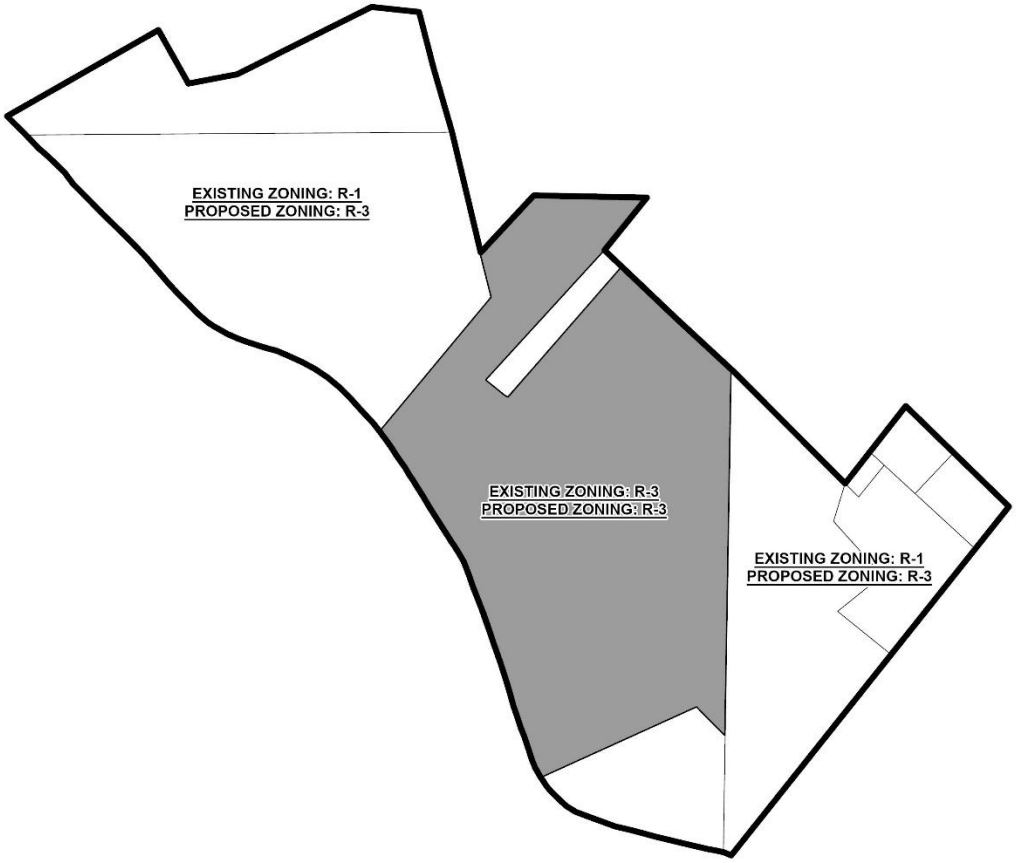
# DETAIL SITE PLAN

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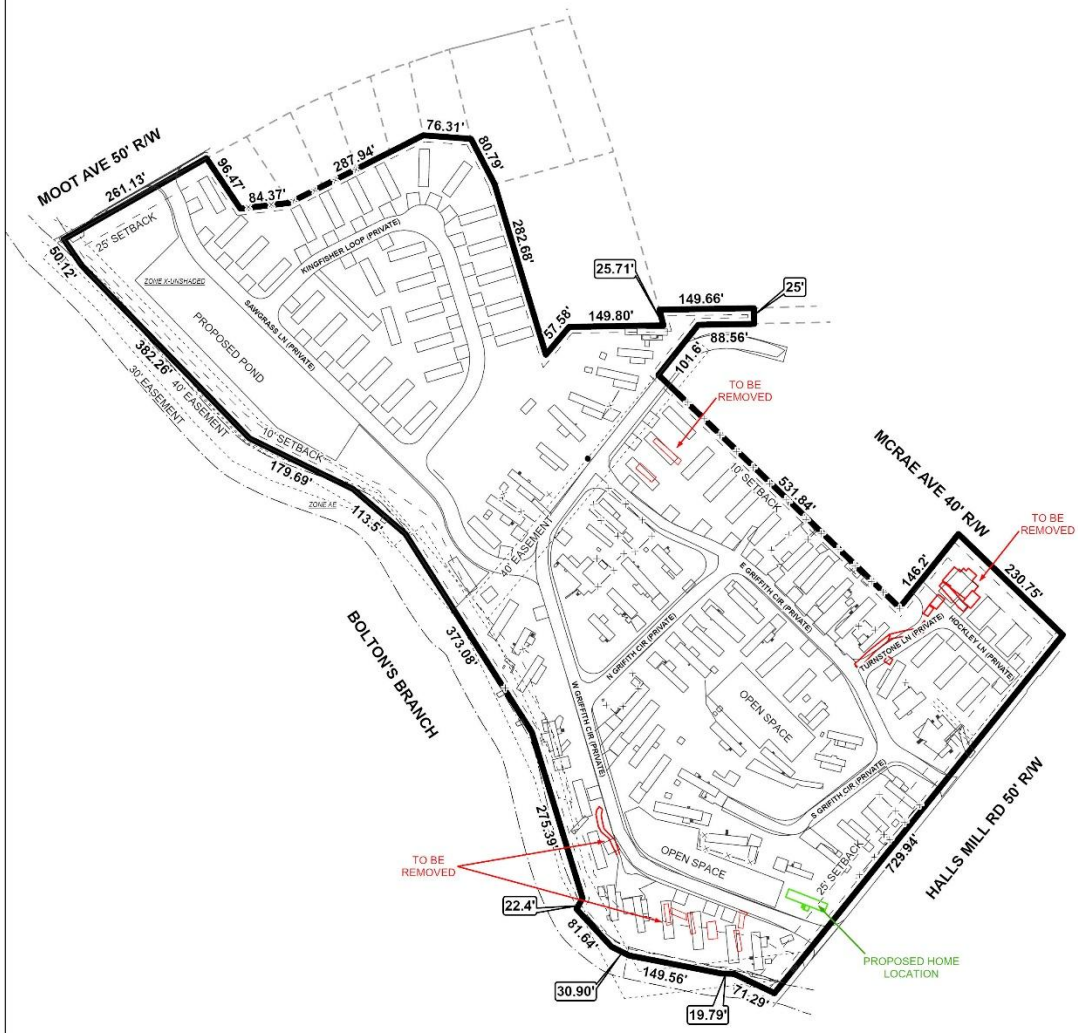
# SITE PLAN




The site plan illustrates proposed drainage ponds, mobile homes and setbacks.

| | | | |
|---|---|---|---|
| APPLICATION NUMBER | 4 | DATE | October 15, 2026 |
| APPLICANT | Owen Gates, Kinetic Capital IV, LLC (Lieb Engineering Company, LLC, Agent) | | |
| REQUEST | Rezoning from R-1 and R-3 to R-3, Conditional Use Permit | | |

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# FUTURE LAND USE MAP CORRESPONDENCE TO ZONING

A primary purpose of the Future Land Use Map is to guide zoning decisions. In many cases the designation on the FLUM may match the existing use of land, but in others the designated land use may differ from what is on the ground today. For example, a parcel that is in commercial use today but designated as any of the "mixed use" types on the map could redevelop with a mix of residential and commercial uses (such as retail, office, entertainment, etc., depending on the location).

Each future land use designation on the FLUM will have at least one corresponding zoning district, allowing a more precise application of the FLUM based on specific local conditions. In most cases, there are multiple combinations or types of zoning techniques that can accomplish the future land use designation's objectives.

The correspondence between the FLUM and the zoning district structure is described in the matrix below. This tool gives the City the flexibility over the long-term to determine appropriate changes to the zoning map based on various factors.

The designation of an area with a FLUM land use category does not mean that the most intense zoning district consistent with that category is "automatically" assigned to a property. Instead, an area retains its existing zoning category until it is changed through a landowner-initiated rezoning application, or a rezoning that follows an area plan. This is because the FLUM is a long-term designation, while a change in zoning considers current conditions – such as market demands, availability of infrastructure, or impacts on the immediate neighborhood.

**Zoning correspondence matrix**

■ Zoning district is appropriate to implement the future land use category.

U S Zoning district with Urban or Suburban subdistrict is appropriate to implement the future land use category.

○ Elements of the zoning district are related to the future land use category and may be appropriate with qualifications or conditions.

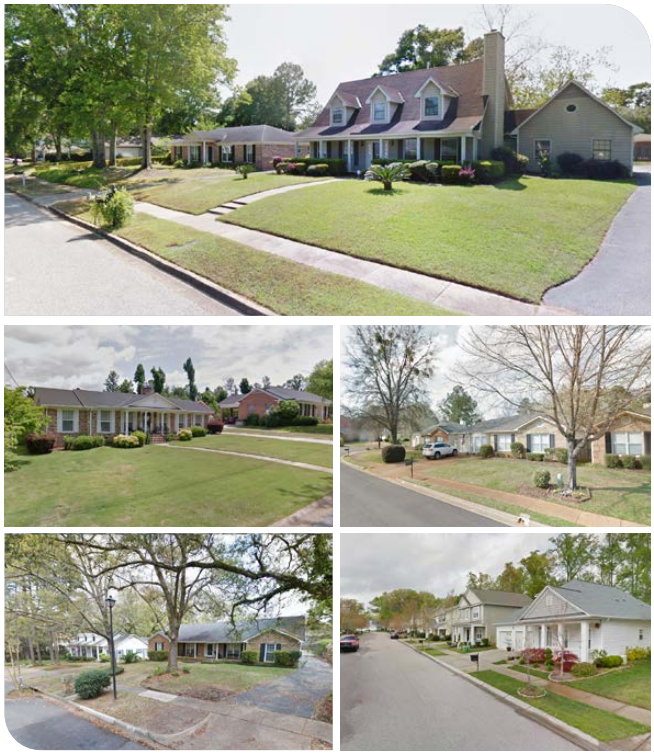
□ Zoning district is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

| | RESIDENTIAL - AG (R-A) | ONE-FAMILY RESIDENCE (R-1) | TWO-FAMILY RESIDENCE (R-2) | MULTIPLE-FAMILY (R-3) | RESIDENTIAL BUSINESS (R-B) | HISTORIC BUSINESS (H-B) | BUFFER BUSINESS (B-1) | TRANSITIONAL BUSINESS (T-B) | LIMITED BUSINESS (LB-2) | NEIGHBORHOOD BUSINESS (B-2) | COMMUNITY BUSINESS (B-3) | GENERAL BUSINESS (B-4) | OFFICE-DISTRIBUTION (B-5) | COMMERCIAL WAREHOUSE (CW) | MARITIME MIXED (MM) | MARITIME LIGHT (ML) | MARITIME HEAVY (MH) | LIGHT INDUSTRY (I-1) | HEAVY INDUSTRY (I-2) | VILLAGE CENTER (TCD) | NEIGHBORHOOD CENTER (TCD) | NEIGHBORHOOD GENERAL (TCD) | DOWNTOWN DEV. DDD (T-6) | DOWNTOWN DEV. DDD (T-5.1) | DOWNTOWN DEV. DDD (T-5.2) | DOWNTOWN DEV. DDD (T-4) | DOWNTOWN DEV. DDD (T-3) | DOWNTOWN DEV. DDD (SD-WH) | DOWNTOWN DEV. DD (SD) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| LOW DENSITY RESIDENTIAL (LDR) | ■ | S | S | S | | | ○ | | | | | | | | ○ | | | | | | | | | | | | | | ○ |
| MIXED DENSITY RESIDENTIAL (MDR) | | U | U | ■ | ■ | | | ■ | ■ | ■ | | | | | ■ | | | | | | | | | | | | | | ○ |
| DOWNTOWN (DT) | | | | | | ■ | | | | | | ■ | | | | | | | | | | | ■ | ■ | ■ | ■ | ■ | ○ | ○ |
| DISTRICT CENTER (DC) | | | | | | | | ■ | | | U | ○ | ○ | | | | | | | | | | | | | | | | |
| NEIGHBORHOOD CENTER - TRADITIONAL (NC-T) | | ■ | ■ | U | ■ | ■ | ○ | ■ | ○ | ○ | ○ | | | | | | | | | ■ | ■ | ■ | | | | | | | |
| NEIGHBORHOOD CENTER - SUBURBAN (NC-S) | | | | S | | | S | ■ | S | S | ○ | | | | | | | | | ■ | ■ | | | | | | | | ○ |
| TRADITIONAL CORRIDOR (TC) | | ■ | ■ | | ■ | ■ | U | ■ | U | U | ○ | | | | | | | | | | | | | | | | | | ○ |
| MIXED COMMERCIAL CORRIDOR (MCC) | | | | | | | ■ | | ■ | ■ | ■ | ■ | ■ | ■ | ■ | | | | | | | | | | | | | | |
| LIGHT INDUSTRIAL (LI) | | | | | | | | | | | | | ■ | ■ | ■ | ■ | | | ■ | | | | | | | | | ○ | ○ |
| HEAVY INDUSTRY (HI) | | | | | | | | | | | | | | | | ■ | ■ | ■ | ■ | | | | | | | | | ○ | ○ |
| INSTITUTIONAL LAND USE (INS) | | | | | | | | | | | ■ | ■ | | ○ | ○ | | | | ○ | | | | | | | | | | |
| PARKS & OPEN SPACE (POS) | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ | □ |
| WATER DEPENDENT USES (WDWRU) | ■ | | | | | ○ | | | | | | | | | ■ | ■ | ■ | | ○ | | | | | | | | | | |

# LOW DENSITY RESIDENTIAL (LDR)

This designation applies to residential neighborhoods found mostly west of I-65 or immediately adjacent to the east side of I-65. These areas are primarily single family residential, but may contain small-scale complimentary uses and other residential types at appropriate locations. An LDR area may include a wide range of lot sizes, housing size and styles, including some small-scale multi-unit buildings, but housing styles are highly consistent within a subdivision and tend to have limited connectivity between residential types and non-residential uses. Neighborhoods tend to have longer blocks and may be designed in a network of meandering streets. Residential density ranges between 0 and 6 dwelling units per acre (du/ac).

### Character Example



### Development Intent

- Complementary uses are designed and sited in a manner compatible with and connected to the surrounding context.
- The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.
- When establishing new residential areas or expanding existing developments, provide pedestrian and vehicular connectivity between adjacent developments.

### Land use mix

**Primary Uses**

- Residential, Single family
- Residential, Attached

**Secondary Uses**

- Residential, Multifamily
- Civic
- Parks

### Housing mix

- Predominantly single family subdivisions with lots smaller than one acre
- Attached residential such as duplexes, multiplexes, and townhomes that have the scale of a single family home