

Mobile Planning Commission Minutes

November 2, 2023 – 2:00 P.M.

ADMINISTRATIVE

Roll Call

x	Mr. John W. "Jay" Stubbs, Jr., Chairman	x	Mr. Matt Anderson (MD)
	Mr. Kirk Mattei, Vice Chairman	x	Mr. Nick Amberger (AO)
	Ms. Jennifer Denson, Secretary		Mr. Josh Woods (CC)
	Ms. Shirley Sessions	x	Mr. Harry Brislin, IV (S)
x	Mr. Larry Dorsey	x	Mr. Kenny Nichols (S)
	Mr. Chad Anderson		
(S) Supernumerary (MD) Mayor's Designee (AO) Administrative Official (CC) City Council Representative			

Staff: Victoria Burch, Shayla Beaco, Doug Anderson, Margaret Pappas, Logan Anderson, Bert Hoffman, Grace Toledo, Jonathan Ellzey, Jennifer White

Adoption of the Agenda.

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

HOLDOVERS

1. SUB-002638-2023

Location: 1109, 1111, & 1113 West I-65 Service Road North
Subdivision Name: Harris Subdivision
Applicant / Agent: Mark Harris, Harris Real Estate, LLC
Council District: District 1
Proposal: Subdivision of 3 lots, 6.54± acres

The applicant was not present for the application.

No one else was present regarding the application.

Motion to deny by Matt Anderson. Second by Nick Amberger. Denied.

After discussion, the Planning Commission denied the request since no application was submitted for a Major Modification of the previously approved Planned Unit Development. Article 5, Section 64-5-1.D of the Unified Development Code requires all applications related to the same site to be filed and considered concurrently.

NEW ITEMS

2. SUB-002662-2023

Location: 2274 & 2278 Halls Mill Road
Subdivision Name: Elliot's Place Subdivision
Applicant / Agent: Kari Givens, Byrd Surveying, Inc.
Council District: District 3
Proposal: Subdivision of 1 lot, 1.6± 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 Harry Brislin. Approved.

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

1. Revision of the plat to illustrate dedication sufficient to provide 35 feet from the centerline of Halls Mill Road;
2. Retention of the lot size labels in square feet and acres, adjusted for dedication, or provision of a table on the Final Plat with the same information;
3. Retention of the 25-foot front yard setback line along Halls Mill Road, adjusted for dedication;
4. Compliance with all Engineering comments noted in the staff report;
5. Placement of a note on the Final Plat stating the 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.

3. SUB-002663-2023

Location: 6065 Rangeline Road
Subdivision Name: KP Rangeline Subdivision
Applicant / Agent: Ken Kleban, Kleban Properties, LLC
Council District: District 4
Proposal: Subdivision of 2 lots, 2± acres

The applicant was not present for the application.

The Chairman asked Planning staff if they had any concerns regarding the application, or if they had received any communication from the application. Staff stated that they had no concerns and had not heard from the applicant.

David Osborne was present to speak in favor of the application. He stated that he was not the applicant, but was the person trying to purchase a portion of the property from the applicant that was the subject of the request.

Motion to approve by Matt Anderson. Second by Nick Amberger. Approved.

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

1. Revision of the plat to depict sufficient right-of-way along Rangeline Road;
2. Retention of the lot sizes in both square feet and acre on the Final Plat, or provision of a table on the Final Plat with the same information;
3. Retention of setbacks as shown on the preliminary plat;
4. Revision of the Final Plat to illustrate a cross-access easement, or provision of a recorded legal document with the same information;
5. Placement of a note on the Final Plat stating that no structure shall be constructed in any easement 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 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.

4. SUB-002677-2023

Location: 1106 Ross Street & 1202 Bernice Hudson Drive
Subdivision Name: Bascombe Tract Subdivision, Resubdivision of Lots 1 & 2, Block 16
Applicant / Agent: Kari Givens, Byrd Surveying, Inc.
Council District: District 3
Proposal: Subdivision of 2 lots, 0.35± acres

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

No one else was present regarding the application.

Motion to approve by Matt Anderson. Second by Nick Amberger. Approved.

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

1. Retention of all right-of-way widths as depicted on the preliminary plat;
2. Revision of the plat to depict compliance with the Property Lines at Corners provisions of Section 6.C.6 of the Subdivision Regulations;
3. Retention of the lot sizes in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information, adjusted for corner dedication;
4. Retention of at least a 5-foot minimum building setback line along Bernice Hudson Drive and Ross Street, in compliance with Section 64-2-5.E. of the Unified Development Code;
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.

5. ZON-UDC-002669-2023

Location: 1065 & 1067 Schillinger Road South
Applicant / Agent: Pratt Thomas, MPWD, LLC
Council District: District 6
Proposal: Rezoning from Single-Family Residential Suburban District (R-1) to Community Business Suburban District (B-3).

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 Matt Anderson. Approved.

After discussion, the Planning Commission determined that the following criteria prevail to support the rezoning request:

- 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:
 - o The current development trends, if any, in the vicinity of the subject property;
 - o Surrounding land uses;
 - o Would adversely impact neighboring properties; or
 - o Cause a loss in property values.
- D) Health, Safety and General Welfare. The proposed amendment promotes the community's public health, safety, and general welfare.
- E) Capacity. The infrastructure is in place to accommodate the proposed amendment; and,
- F) Change. Changing conditions in the area make an amendment necessary and desirable.

- G) Benefits Consideration. In addition, consideration was given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

As such, the Planning Commission voted to recommend Approval of the rezoning request to the City Council, subject to the following conditions:

1. Compliance with all Engineering, Urban Forestry, and Fire Department comments noted in the staff report;
2. Compliance with corrected Traffic Engineering comments (*A traffic impact study will be required for the new proposed fast-food restaurant. 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.*); and,
3. Full compliance with all municipal codes and ordinances.

6. SUB-002664-2023 & ZON-UDC-002665-2023

Location: 4305 & 4315 Halls Mill Road
Subdivision Name: Kitchens – Persons Subdivision
Applicant / Agent: Kari Givens, Byrd Surveying, Inc.
Council District: District 4
Proposal: Subdivision of 2 lots, 4.1± acres; and Rezoning from Community Business Suburban District (B-3) and Light Industry District (I-1), to Light Industry District (I-1).

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

No one else was present regarding the applications.

Subdivision.

Motion to approve by Matt Anderson. Second by Nick Amberger. Approved.

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

1. Completion of the Rezoning process from B-3 and I-1 to I-1 for proposed Lot 1 prior to signing the Final Plat;
2. Retention of the lot size labels in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;

3. Dedication to provide 35 feet from the centerline of Halls Mill Road along the site frontage;
4. Retention of the 25-foot minimum building setback line along Halls Mill Road as measured from the dedicated right-of-way;
5. Placement of a note on the Final Plat stating that no structures are allowed in any easement without permission of the easement holder;
6. Provision of a sidewalk along Halls Mill Road at time of new construction/expansion, or submission of a Sidewalk Waiver for the lot;
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 Nick Amberger. Approved.

After discussion, the Planning Commission determined that the following criteria prevail to support the rezoning request:

- A) Consistency. Whether the proposed amendment is consistent with the Comprehensive Plan;
- B) 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.
- C) Health, Safety and General Welfare. Whether the proposed amendment promotes the community's public health, safety, and general welfare.
- D) Capacity. Whether the infrastructure is in place to accommodate the proposed amendment; and,
- E) Change. Whether changed or changing conditions in a particular area make an amendment necessary and desirable.
- F) 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.

As such, the Planning Commission voted to recommend Approval of the rezoning request to the City Council, subject to the following conditions:

1. Completion of the Subdivision process for proposed Kitchens-Persons Subdivision;

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

7. SUB-002666-2023 & ZON-UDC-002667-2023

Location: 4354 & 4364 Halls Mill Road
Subdivision Name: HMR One Subdivision
Applicant / Agent: Kari Givens, Byrd Surveying, Inc.
Council District: District 4
Proposal: Subdivision of 1 lot, 1.5± acres; and Rezoning from Single-Family Residential Suburban District (R-1) and Community Business Suburban District (B-3), to Light Industry District (I-1).

Daniel Clark of Byrd Surveying was present and spoke about the pending applications. He noted that the staff report suggested consideration of CW, Commercial Warehouse, as a zoning option, however, he stated that I-1 was the preferred zoning option for the site.

No one else was present regarding the applications.

Subdivision.

Motion to approve by Nick Amberger. Second by Matt Anderson. Approved.

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

1. Completion of the Rezoning process from B-3 and I-1 to I-1 for proposed Lot 1 prior to signing the Final Plat;
2. Retention of the lot size labels in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
3. Dedication to provide 35 feet from the centerline of Halls Mill Road along the site frontage;
4. Retention of the 25-foot minimum building setback line along Halls Mill Road as measured from the dedicated right-of-way;
5. Placement of a note on the Final Plat stating that no structures are allowed in any easement without permission of the easement holder;
6. Provision of a sidewalk along Halls Mill Road at time of new construction/expansion, or submission of a Sidewalk Waiver for the lot;
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 Nick Amberger. Second Matt Anderson. Approved.

After discussion, the Planning Commission determined that the following criteria prevail to support the rezoning request:

- A. Consistency. Whether the proposed amendment is consistent with the Comprehensive Plan;
- B. Compatibility. Whether the proposed amendment is compatible with:
 - a. The current development trends, if any, in the vicinity of the subject property;
 - b. Surrounding land uses;
 - c. Would adversely impact neighboring properties; or
 - d. Cause a loss in property values.
- C. Health, Safety and General Welfare. Whether the proposed amendment promotes the community's public health, safety, and general welfare.
- D. Capacity. Whether the infrastructure is in place to accommodate the proposed amendment; and,
- E. Change. Whether changed or changing conditions in a particular area make an amendment necessary and desirable.
- F. 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.

As such, the Planning Commission voted to recommend Approval of the rezoning request to the City Council, 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.

8. SUB-002680-2023 & ZON-UDC-002678-2023

Location: 255, 257 & 259 Dogwood Drive
Subdivision Name: SDC-B1 Subdivision
Applicant / Agent: Gregory B. Saad, Saad Development Corporation
Council District: District 5
Proposal: Subdivision of 1 lot, 2.82± acres; and Rezoning from Single-Family Residential Suburban District (R-1) to Buffer Business Suburban District (B-1).

Greg Saad of the Saad Development Corporation was present for the applications. He provided an overview of the applications and made the following points:

- The rezoning application was to change the zoning from R-1 zoning to a B-1 zoning;
- The B-1 zoning was the lowest zoning category and was intended to be a buffer between more intensive zoning districts and residential uses;
- The Subdivision application was to create one (1) lot from multiple lots comprising 2.82 acres;
- The site was selected after a four year search for of properties along Airport Boulevard;
- He noted that old deed restrictions and covenants were terminated by the neighborhood in 2017;
- The removal of the deed restrictions and covenants allowed the site to be considered for non-residential uses;
- They met with neighbors;
- They had a traffic impact study prepared for the proposed development;
- The proposed site plan depicts buffering which exceeds minimum requirements, and this was done based upon feedback received from meeting with neighbors;
- The site slopes away from the neighborhood towards Airport Boulevard, and the site would be developed to minimize stormwater impacts to the neighborhood; and
- Properties to the East along Airport Boulevard are deed restricted and cannot be developed for commercial use.

The Chairman noted for the Commission that online comments had been received regarding the applications and were available to the Commissioners on their iPads.

James Andrews, Candy Robin, Rebecca Bowen and Evan Duffy were present to speak against the applications, and made the following points:

- There are concerns about the ability of the existing and new stormwater infrastructure to handle new commercial developments;
- Flooding seems worse on Airport Boulevard after the construction of the CVS;
- The CVS across from the site was only allowed by a court decision;
- Not all residents voted in favor of terminating the deed restrictions and covenants;
- The Future Land Use Map depicts the site as residential;
- Another rezoning request for commercial development of the site was denied by the Planning Commission in 2018;
- Concerned about the increase in traffic, which is already a problem;
- They would not have purchased the house next to the site if they had known about the proposed development;
- Noise levels have increased in the neighborhood since the development of the CVS;
- Should not tear down existing houses to build new commercial development; and
- Concerned that approval of this project would encourage more requests for commercial development along Airport Boulevard to the east.

Mr. Saad offered a rebuttal regarding the concerns expressed by the speakers. He noted that the stormwater system for the proposed development would be oversized to mitigate any possible flooding impacts. He also stated that the requests were in alignment with the recommendations of the Map for Mobile. He also stated that a fence instead of a masonry wall would allow more of the existing vegetation to be kept, and that the fence would be specifically designed to minimize sound.

The City Engineer discussed stormwater issues in the area. He stated that a blockage was found in one of the existing downstream drainage pipes, and that was successfully cleared, helping to alleviate drainage problems. He stated that the new construction would likely help drainage in the area, as the existing neighborhood did not have an inground drainage system. Finally, he noted that new construction is required to annually certify that the stormwater system for the site continues to function as designed.

Subdivision.

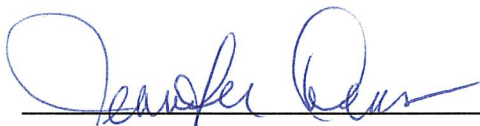
Commissioner Nichols recused from the application. Thus, due to a lack of quorum, the request was heldover until the November 16, 2023 meeting.

Rezoning.

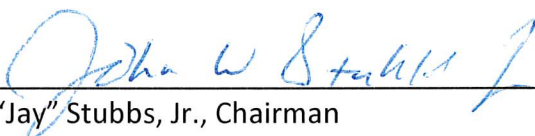
Commissioner Nichols recused from the application. Thus, due to a lack of quorum, the request was heldover until the November 16, 2023 meeting.

OTHER BUSINESS

Minutes approved: 1/16/2025



Jennifer Denson, Secretary



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