

Mobile Planning Commission Minutes

November 16, 2023 – 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)
	Ms. Jennifer Denson, Secretary	x	Mr. Josh Woods (CC)
	Ms. Shirley Sessions	x	Mr. Harry Brislin, IV (S)
x	Mr. Larry Dorsey	x	Mr. Kenny Nichols (S)
x	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, Margaret Pappas, Logan Anderson, Shayla Beaco

Adoption of the Agenda.

Motion to adopt by Josh Woods. Second by Nick Amberger. Adopted.

HOLDOVERS

1. 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 with the Saad Development Corporation discussed the application and the improvements that were planned for the site. He stated that there would be extensive landscaping provided on the site.

Cathy O’Keeffe, William Jordan, Heather Stewart and Candy Robin were present in opposition to the applications, and made the following points:

- The development would exacerbate problems with traffic along Airport Boulevard;
- The development would increase noise levels within the neighborhood;

- The development would make existing problems with flooding, storm water run-off, and drainage worse; and
- The development would harm neighborhood continuity.

Greg Saad provided the following points in rebuttal regarding the concerns expressed by the speakers in opposition:

- Extensive landscaping would help mitigate any potential flooding issues; and
- The proposed development should reduce, thus improve the flooding issues in the surrounding neighborhoods.

During the deliberation session, the City Engineer discussed the challenges with the flooding and drainage, or lack of drainage in the area. He stated that the proposed development would be required to retain water on site using a higher than normal standard due to the known drainage issues. He also stated that stormwater facilities are now required to be inspected annually to ensure that the facility continues to function as designed.

Councilman Woods spoke about the stormwater retention standard that would be used on the site if approved. He also stated that the City Traffic Engineers would need to be involved to help with the traffic issues.

Subdivision.

Motion to approve by Nick Amberger. Second by Harry Brislin. Approved. Commissioner Nichols recused from the application.

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

1. Completion of the Rezoning process prior to signing the Final Plat;
2. Revision of the Final Plat to either depict dedication to provide 50-feet from the centerline of Airport Boulevard, or show that such already exists;
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;
4. Retention of all right-of-way widths on the Final Plat, adjusted for dedication, if necessary;
5. Retention of the plat to illustrate a 25-foot minimum building setback line along both rights-of-way, adjusted for dedication, if necessary;
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 Josh Woods. Approved. Commissioner Nichols recused from the application.

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) Compatibility. The proposed amendment is compatible with:
 - The current development trends, if any, in the vicinity of the subject property;
 - Surrounding land uses;
 - Would not adversely impact neighboring properties; or
 - Cause a loss in property values.
- C) Change. Changed or changing conditions in the area make an amendment necessary and desirable.
- D) 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. Completion of the Subdivision process;
2. Submittal of an original notarized "Voluntary Conditions and Use Restrictions" form;
3. Compliance with all Engineering, Traffic Engineering, Urban Forestry, and Fire Department comments noted in the staff report; and,
4. Full compliance with all municipal codes and ordinances.

NEW ITEMS

2. SUB-002695-2023

Location: 2761 & 2765 College Street
Subdivision Name: R.C. Washington Subdivision
Applicant / Agent: John Friess, JWTC-Louisiana, LLC
Council District: District 1
Proposal: Subdivision of 2 lots, 0.28± acres

Planning staff advised the Commission that the Applicant had a family emergency and was unable to attend. The applicant informed staff that they agreed with the suggested considerations.

Sharon Walker was present and spoke in favor of the application.

No one else was present regarding the application.

Motion to approve by Nick Amberger. Second by Kirk Mattei. Approved.

After discussion, the Planning Commission waived Sections 6.B.3, 6.B.9, 6.C.2(a)(1), 6.C.2(b)(3), 6.C.3, and 6.C.7 of the Subdivision Regulations and Tentatively Approved the request, subject to the following conditions:

1. Retention of the right-of-way widths as illustrated on the preliminary plat;
2. Revision of the Final Plat to correctly label "College Street";
3. 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;
4. Placement of a note on the Final Plat stating each lot is denied access to Golden Avenue;
5. Retention of at least a 5-foot front yard setback line along College Street, in compliance with Section 64-2-5.E. of the Unified Development Code;
6. Revision of the Final Plat to illustrate at least a 5-foot front yard setback along Golden Avenue;
7. Acquisition of an after-the-fact Demolition Permit for the structure on Lot 1 prior to the approval of any development permits;
8. Compliance with all Engineering comments noted in the staff report;
9. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in the staff report;
10. Compliance with all Urban Forestry comments noted in the staff report; and,
11. Compliance with all Fire Department comments noted in the staff report.

3. SUB-002698-2023

Location: South side of Haul Road, 416'± East of Schillinger Road North
Subdivision Name: Williams Willow Subdivision, Resubdivision of Lots 6 & 7
Applicant / Agent: Richard Williams (Justin Palmer, The Woodlands Group, Agent)
Council District: District 7
Proposal: Subdivision of 2 lots, 5.76± acres

Justin Palmer with The Woodlands Group was present regarding the application and agreed with the suggested considerations.

No one else was present regarding the application.

Motion to approve by Nick Amberger. Second by Kirk Mattei. Approved.

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

1. Revision of the Final Plat to depict dedication sufficient to provide 30 feet from the centerline of Haul Road;
2. Revision of the Final Plat to illustrate the minimum building setback line for Lot A and Lot B to be located 25 feet from the point where each lot “balloons” out to a minimum width of 60 feet;
3. Revision of the Final Plat to depict lot size labels in both square feet and acres, or provision of a table on the Final Plat with the same information;
4. Revision of the Final Plat to clearly illustrate all easement locations;
5. Provision of a note on the Final Plat stating that no structure may be constructed or placed within any easement without the permission of the easement holder;
6. Provision of a note on the Final Plat stating that Lots A and B cannot be further resubdivided until such time that direct access to a compliant, fully improved roadway can be provided;
7. Compliance with all 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. ZON-UDC-002697

Location: 2201, 2223, & 2260 Halls Mill Road
Applicant / Agent: Legendary Investment Ventures / Dismuke Transport, LLC (J. Casey Pipes, Helmsing Leach, P.C., Agent)
Council District: District 3
Proposal: Rezoning from Single-Family Residential Suburban District (R-1) and Community Business Suburban District (B-3), to Office Distribution District (B-5).

Casey Pipes of Helmsing Leach was present for the application. He questioned the rezoning condition requiring a subdivision application, and asked that the requirement be removed from consideration so that it can be addressed at later time.

Phillip Karagan and Ariadne Zitzos were present to speak against the application, and made the following points:

- Concerned about the zoning of the property;
- Concerned about truck access and the use of Karagan Drive, as it is a quiet residential street;
- Believes much of the undeveloped wooded area should be turned into a park to protect it from development, and thus should be removed from the proposed site; and

- Concerned that the development would make property along the creek worthless.

Planning staff noted that the property fronting Karagan Drive was not part of the zoning request.

Casey Pipes, in response to the comments against the request, stated that the site would not access Karagan Drive, as it was not suited to truck traffic that would be generated by the development. He also noted that much of the site had been used as a trucking operation since 1945. He also stated that much of the property along the creek was wetlands, and would be difficult to develop.

During the deliberation session, Planning staff explained the proposed subdivision condition, and noted that the applicant had already submitted a subdivision application to address the issue. Thus the proposed condition could be removed from the proposed zoning considerations.

Motion to approve by Nick Amberger. Second by Josh Woods. Approved. Commissioner Mattei recused from the application.

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

- A) Compatibility. The proposed amendment is compatible with:
 - The current development trends, if any, in the vicinity of the subject property;
 - Surrounding land uses;
 - Would not adversely impact neighboring properties; or
 - Cause a loss in property values.
- B) Capacity. The infrastructure is in place to accommodate the proposed amendment; and,
- C) Change. Changed or changing conditions in the area make an amendment necessary and desirable.
- D) 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. No access to Karagan Drive;
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.

OTHER BUSINESS

- **Public Hearing**

Zoning Study for the Annexed Areas.

Planning staff provided an overview of the purpose of the public hearing. Staff stated that the annexed areas, Kings Branch, Orchard Estates and the Cottage Hill Corridor, were all brought into the City with R-1 Single Family Residential District zoning. With the approval of the Future Land Use Map and Major Street Plan amendments in October by the Planning Commission, staff was able to move forward with a zoning study for the annexed area to determine if there were recommended zoning changes for sites located within the annexed areas. Staff noted that two community meetings were held to gather input, as well as making the information available for review and comment online. A total of fourteen (14) comments were received.

Staff advised the Commission that at time of voting, they should vote first on the overall zoning study, then on the individual requests to amend the proposed zoning.

The Chairman began the review of the submitted comments, and asked attendees to address the Commission regarding any requests for changes to the zoning study.

The Chairman noted that Ralph Neal had submitted a comment regarding a property. Mr. Neal was not present to speak.

The Chairman noted that James Grodnick and Robert Coley had each submitted comments agreeing with the zoning recommendations. Neither were present to speak.

The Chairman noted that Michael Monticciolo of Magnolia Pointe MHP, LLC had submitted comments. Casey Pipes was present to represent and discuss the Magnolia Pointe comments. He requested that the mini-warehouse storage area be zoned B-3.

The Chairman noted that Michael Jones had submitted comments. Mr. Jones was present and discussed five properties, requesting commercial zoning designations.

The Chairman noted that Steve Kenney had submitted a comment regarding his property on Summit Court. Mr. Kenney was not present to speak.

The Chairman noted that Kevin Frost had submitted a comment regarding a property and requested a commercial zoning designation. Mr. Frost was present, but had no additional comments.

The Chairman noted that Kenny Nichols had submitted comments regarding a property. Mr. Nichols, a Planning Commissioner, recused from this request. John Vallas spoke on behalf of the request and asked for a commercial zoning designation.

The Chairman noted that Ray Loper had submitted comments regarding a property, requesting commercial zoning. Grant Loper was present and discussed the request submitted by his brother.

The Chairman noted that Mike Daniels had submitted comments regarding a property, requesting a higher commercial zoning district than proposed to allow a boat storage facility. Mr. Daniels was present and discussed the request.

Susan Cailleteau was present and discussed her property facing Schillinger Road South. The property has been used commercially since 2003, and requested that the property be commercially zoned.

- **Zoning Amendments for Annexed Areas**

- Overall Zoning Amendment Map**

- Motion to approve by Josh Woods. Second by Nick Amberger. Approved.

- Individual Amendments to the overall Zoning Map**

- A. Amendment of the adopted Zoning Amendments for Annexed Areas to recommend zoning of Parcel I.D. R022809312000004.010 from R-1, Single-Family Residential Suburban District to B-3, Community Business Suburban District.

- Motion to approve by Josh Woods. Second by Kirk Mattei. Approved.

- B. Amendment of the adopted Zoning Amendments for Annexed Areas to recommend zoning of a portion of Parcel I.D. R022707254000004.000, as described by the revised legal description of the property submitted by the property owner, from to R-3, Multi-Family Residential Suburban District to B-3, Community Business Suburban District. The balance of Parcel I.D. R022707254000004.000 will be maintained as originally approved, R-3, Multi-Family Residential Suburban District.

- Motion to approve by Nick Amberger. Second by Chad Anderson. Approved. Commissioner Mattei recused.

- C. Amendment of the adopted Zoning Amendments for Annexed Areas to recommend zoning of Parcel I.D.s R023401020001048.002 and R023401020001048.003 from R-1,

Single-Family Residential Suburban District to B-2, Neighborhood Business Suburban District.

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

- D. Amendment of the adopted Zoning Amendments for Annexed Areas to recommend zoning of Parcel I.D. R023401020001010.001 from R-1, Single-Family Residential Suburban District to B-2, Neighborhood Business Suburban District.

Motion to approve by Nick Amberger. Second by Josh Woods. Approved.

- E. Amendment of the adopted Zoning Amendments for Annexed Areas to recommend zoning of Parcel I.D. R023401012000010.000 from R-1, Single-Family Residential Suburban District to B-2, Neighborhood Business Suburban District.

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

- F. Amendment of the adopted Zoning Amendments for Annexed Areas to recommend zoning of Parcel I.D. R023303063000033.000 from R-1, Single-Family Residential Suburban District to B-2, Neighborhood Business Suburban District.

Motion to approve by Josh Woods. Second by Nick Amberger. Approved.

- G. Amendment of the adopted Zoning Amendments for Annexed Areas to recommend zoning of Parcel I.D.s R023303073000009.000, R023303073000009.002, and R023303073000009.003 from R-1, Single-Family Residential Suburban District to B-2, Neighborhood Business Suburban District.

Motion to approve by Josh Woods. Second by Nick Amberger. Approved.

- H. Amendment of the adopted Zoning Amendments for Annexed Areas to recommend zoning of Parcel I.D. R022707252000026.002 from R-1, Single-Family Residential Suburban District to B-2, Neighborhood Business Suburban District.

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

- I. Amendment of the adopted Zoning Amendments for Annexed Areas to recommend zoning of Parcel I.D. R023401020002009.000 from R-1, Single-Family Residential Suburban District to B-3, Community Business Suburban District.

Motion to approve by Chad Anderson. Second by Nick Amberger. Approved. Commissioner Nichols recused.

- J. Amendment of the adopted Zoning Amendments for Annexed Areas to recommend zoning of Parcel I.D.s R023303061000010.000 and R023303061000011.000 from B-2, Neighborhood Business Suburban District to B-3, Community Business Suburban District (B-3).

Motion to approve by Josh Woods. Second by Nick Amberger. Approved.


- K. Amendment of the adopted Zoning Amendments for Annexed Areas to recommend zoning of Parcel I.D.s R022707350000051.002, R022707350000051.168, R022707350000051.169, R022707350000051.170, R022707350000051.171, R022707350000051.172, R022707350000051.173, R022707350000051.174, R022707350000051.175, R022707350000051.176, R022707350000051.177, R022707350000051.178, and R022707350000055.000 from R-1, Single-Family Residential Suburban District and B-2, Neighborhood Business Suburban District to B-3, Community Business Suburban District.

Motion to approve by Josh Woods. Second by Nick Amberger. Approved.

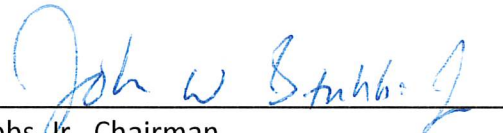
- L. Amendment of the adopted Zoning Amendments for Annexed Areas to recommend zoning of Parcel I.D. R022707361000029.000, aka 7805 Terry Drive, from R-1, Single-Family Residential Suburban District to B-2, Neighborhood Business Suburban District.

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

Minutes approved: 1/16/2025



Jennifer Denson, Secretary



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