



Agenda Item # 4

BOA-SE-003766-2026

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

5301 Moffett Road

Applicant / Agent:

Canopy Partners, LLC

Property Owner:

Canopy Partners, LLC

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

Mixed Commercial Corridor

Case Number(s):

6766/6622/3995

Unified Development Code (UDC) Requirement:

- The UDC requires a Special Exception to allow warehousing (over 40,000 square feet) in a B-3, Community Business Suburban District.

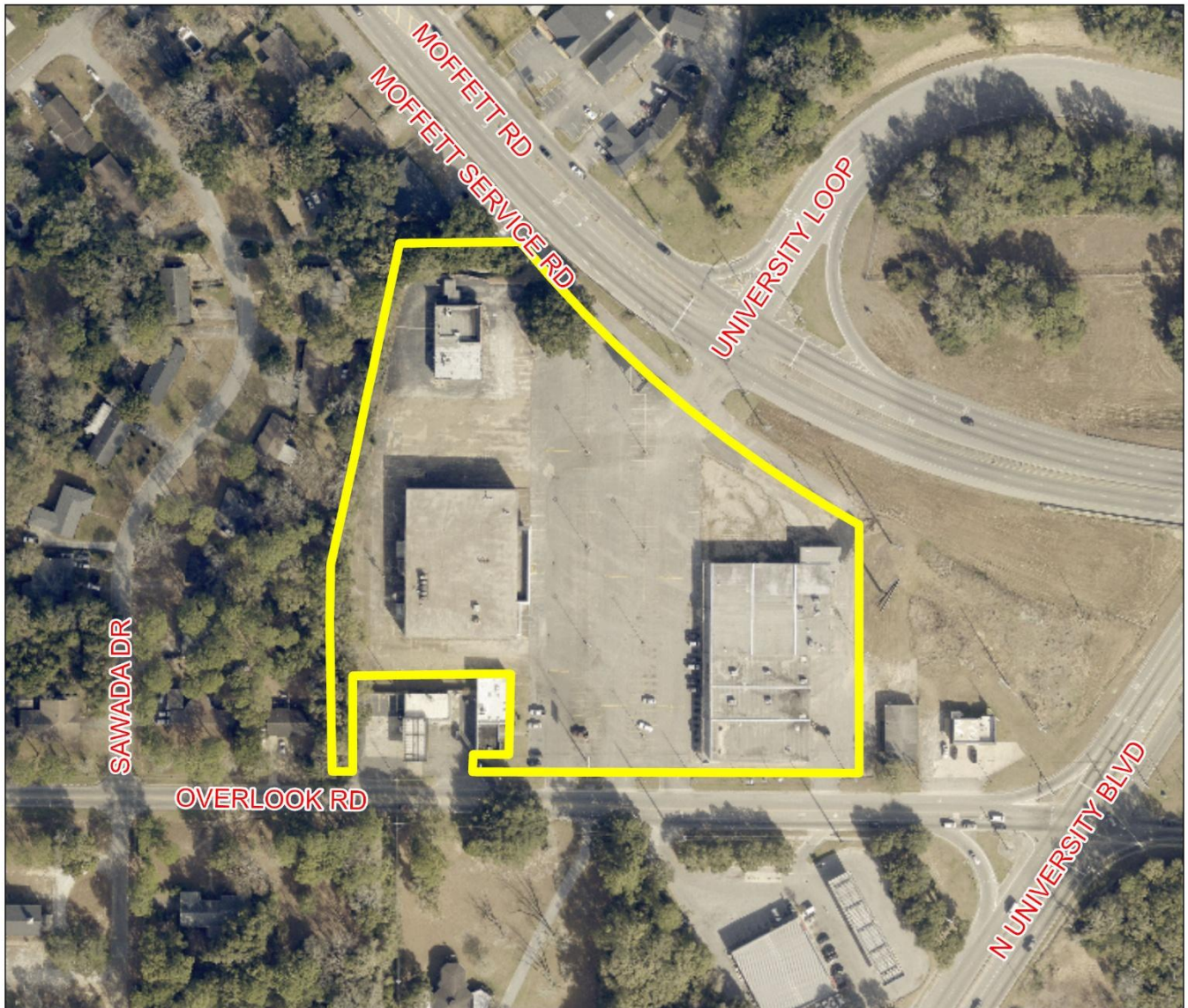
Board Consideration:

- Special Exception to allow warehousing (over 40,000 square feet) in a B-3, Community Business Suburban District.

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

APPLICATION NUMBER 6766 DATE July 13, 2026

APPLICANT Canopy Partners, LLC

REQUEST Special Exception



SITE HISTORY

A Front Yard Variance was approved by the Board of Zoning Adjustment in September 1984 to allow the relocation of an ATM machine within five-feet (5') of the Moffett Road Service Road.

An Administrative Planned Unit Development was approved in March 2017 to allow an ATM machine to be constructed within the parking lot. The ATM was never placed on the site, and the associated approval has since expired.

In October 2024, the site was before the Board of Zoning Adjustment to request a Special Exception to allow a warehouse larger than 40,000 square feet to be located on the site. The application was approved, but has since expired.

In November 2024, the Planning Commission considered a one (1) lot Subdivision, which was approved and recorded in Probate Court. At the same time, the site had a rezoning application submitted to request the property be rezoned to B-5, Office Distribution District from B-2, Neighborhood Business Suburban District. The City Council approved rezoning the property to B-3, Community Business Suburban District.

STAFF COMMENTS

Engineering Comments:

No comments on the proposed variance; however, according to the submitted plans, the proposed project will require a Land Disturbance Permit. The applicant will need to have the following conditions met:

1. The proposed site improvements will require that a Land Disturbance Permit be submitted through the CSS Portal.
2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
3. Any and all proposed land disturbing activity within the property will need to 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. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

Traffic Engineering Comments:

ALDOT approval will be required for the shown truck entrance from Moffett Road. Driveway number, size, location, and design to be approved by ALDOT (where applicable) and 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:

The applicant has requested a Special Exception to allow redevelopment of a portion of the site with a warehouse larger than 40,000 square feet. A detailed description and justification of the request suggests there are multiple self-storage unit complexes larger than 40,000 square feet less than a mile from the subject site, and that the proposal will be an improvement to the surrounding neighborhood. The application and supporting documentation are available via the link on Page 1 of this report.

As mentioned, the site was previously granted Special Exception approval in October 2024, but the approval was allowed to expire, so the applicant is seeking to reactivate the previous approval.

The property is currently developed with 64,100± square feet of commercial building space split between three (3) buildings. The applicant proposes to demolish two (2) of the buildings located near the West property line and redevelop that portion of the site with a 60,000 square-foot warehouse. New landscape islands, parking configuration, and site lighting are proposed. There is an existing vegetative buffer to the West that the applicant is requesting to leave in its current configuration, with an existing chain-link fence to serve as a residential buffer. That request is being considered under a separate application.

It should be noted that the proposed redevelopment will result in a building footprint greater than 50% of the existing building footprint. As such, if approved, full compliance with the development standards of Article 3 of the UDC will be required. This includes, but is not limited to:

- the provision of sidewalks along Overlook Road and Moffett Road;
- the provision of on-site pedestrian walkway connections;

- compliance with building design and height variation requirements;
- compliance with tree planting and landscape area requirements;
- the provision of a residential protection buffer where the site abuts residentially zoned or utilized property;
- compliance with parking lot lighting requirements and the provision of a photometric plan;
- the provision of off-street loading facilities; and
- the provision of bicycle parking.

With the exception of the adjacent single-family dwellings, there are a variety of commercial uses within the vicinity of the subject site, including medical offices, gas stations, convenience stores, general office uses, and general retail stores. As the applicant mentions, there are self-storage facilities within the vicinity of the subject site along Moffett Road, but they were developed either by right in a B-3 zoning district, or with Planning Commission Approvals in a B-2 zoning district. There do not appear to be any other warehousing or distribution facilities within the vicinity of the subject site.

SPECIAL EXCEPTION CONSIDERATIONS

Standards of Review:

Special Exceptions are those uses that may have some special impact which differs from the potential impacts of permitted uses, exceeds permitted uses in intensity, or have a uniqueness such that their effect on the surrounding environment cannot readily be determined in advance of the use being proposed in a particular location.

Article 5 Section 11-E.1. of the Unified Development Codes states the Board of Adjustment will not approve an Application for Special Exception unless the request complies with the following criteria:

- (a) The proposed use is in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- (b) The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
- (c) The proposed use will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities or services are not available or adequate to service the proposed use in the proposed location, the Applicant shall, as part of the application and as a condition to approval of the proposed Special Exception permit, be responsible for establishing ability, willingness and commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this Chapter, and other plans, programs, maps and ordinances adopted by the City to guide its growth and development. The approval of the Special Exception Permit shall be conditioned upon such improvements, facilities, utilities and services being provided and guaranteed by the Applicant.
- (d) The proposed use is consistent with all applicable requirements of this Chapter, including:
 - (1) Any applicable development standards in Article 3; and
 - (2) Any applicable use regulations in Article 4.

- (e) The proposed use is compatible with the character of the neighborhood within the same zoning district in which it is located;
- (f) The proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district; and
- (g) The proposed use will have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.

(1) In making this determination, the Board of Adjustment 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; or
 - e. Other conditions that might require mitigation of any adverse impacts of the proposed development.
- (h) The site is designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
- (i) The site is designed to minimize the impact on storm water facilities;
- (j) The use will be adequately served by water and sanitary sewer services;
- (k) The use is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- (l) The use will not be detrimental or endanger the public health, safety or general welfare.

Article 5 Section 11-E.2. states that when considering a Special Exception application, the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request should also be evaluated.

Additionally, Article 5, Section 11-E.3. states:

The Board of Adjustment shall give careful consideration to the warrants and criteria set forth in this section in judging applications for Special Exceptions involving the following uses. In granting a Special Exception, the board may attach such reasonable conditions and safeguards in addition to those set forth in this section, as it may deem necessary to implement the purposes of this Chapter.

Considerations:

Based on the requested Special Exception application, if the Board should consider approval of the request, the following findings of fact must be considered:

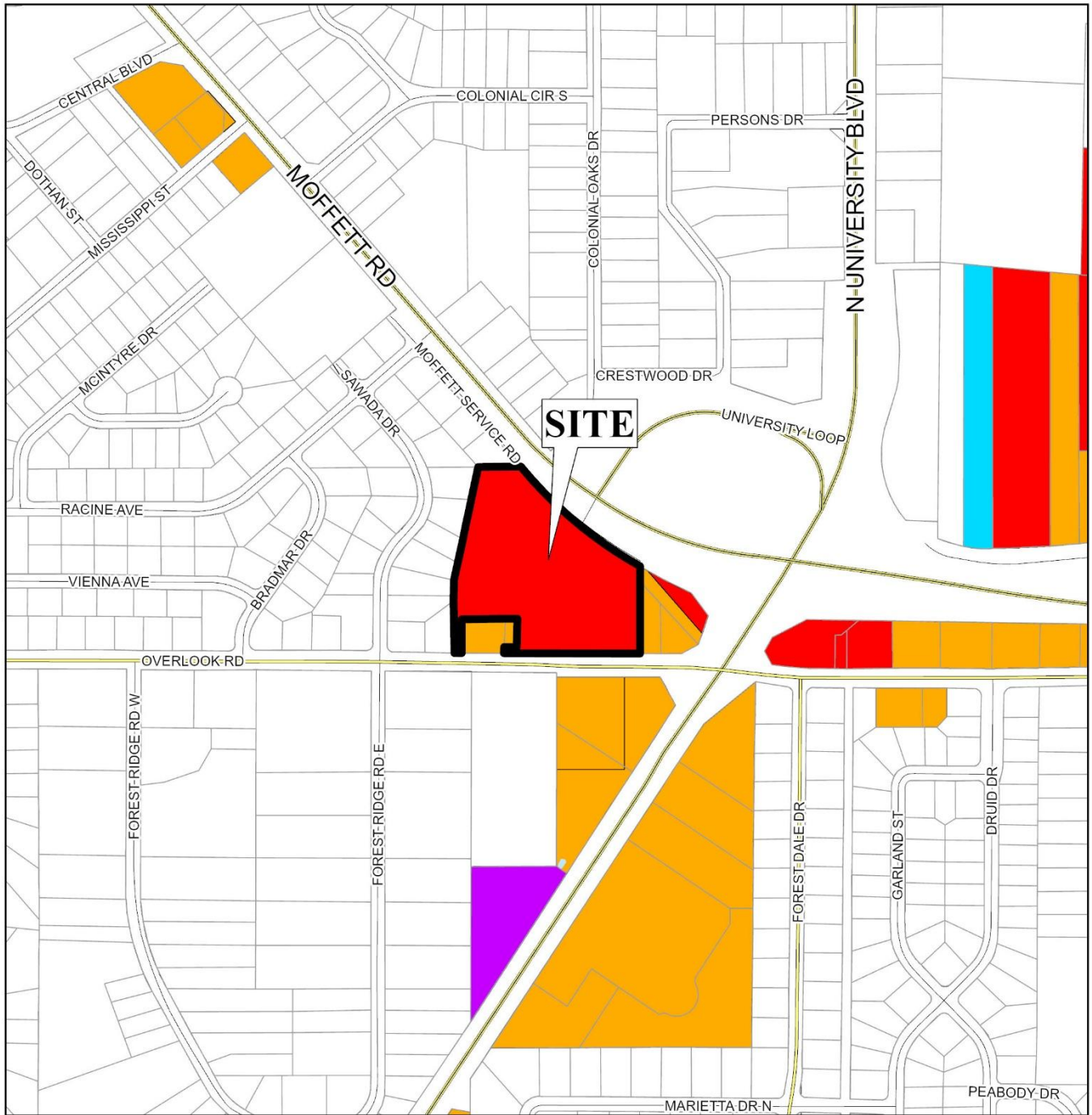
- A) The proposed use **is** in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- B) The proposed use at the proposed location **shall not** result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.

- C) The proposed use **will** be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection.
- D) The proposed use **is** consistent with all applicable requirements of this Chapter including: any applicable development standards in Article 3, and any applicable use regulations in Article 4.
- E) The proposed use **is** compatible with the character of the neighborhood within the same zoning district in which it is located.
- F) The proposed use **will not** impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
- G) The proposed use **will** have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.
- H) The site **is** designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads.
- I) The site **is** designed to minimize the impact on storm water facilities.
- J) The use **will** be adequately served by water and sanitary sewer services.
- K) The use **is not** noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- L) The use **will not** be detrimental or endanger the public health, safety or general welfare.

If the Board approves the request, it should be subject to the following conditions:

- 1. Revision of the site plan to illustrate a sidewalk along Moffett Road, or Planning Commission approval of a Sidewalk Waiver waiving the construction of a sidewalk at this location;
- 2. Revision of the site plan to depict compliance with the tree planting requirements of Article 3, Section 64-3-7.A.2 of the UDC;
- 3. Revision of the site plan to illustrate compliance with the off-street parking, off-street loading, and vehicle maneuvering requirements of Section 64-3-12 of the UDC, along with the provision of a parking table to indicate the number of required parking spaces for each use of the site;
- 4. Revision of the site plan to illustrate compliance with the parking lot landscaping and landscape area requirements of Section 64-3-7.A.2 of the UDC;
- 5. Retention of note on the site plan stating bicycle racks will be provided, revised to state bicycle parking will comply with the applicable provisions of Article 3, Section 64-3-12.A.9. of the UDC;
- 6. Either revision of the site plan to illustrate full compliance with the protection buffer provisions of Article 3, Section 64-3-8.A.1.(a) of the UDC or approval of the associated Variance request;
- 7. Placement of a note on the site plan stating a photometric lighting plan conforming to the applicable UDC requirements will be provided at the time of permitting;
- 8. Revision of the site plan to illustrate a dumpster pad with a note stating it shall meet the enclosure and placement standards of Article 3, Section 64-3-13.A.4. of the UDC, or provision a note on the site plan stating that curbside waste removal will be utilized;
- 9. Submittal of building facades depicting compliance with the building form standards of Section 64-3-6 of Article 3 of the UDC at the time of permitting;
- 10. Compliance with all Engineering comments noted in this staff report;
- 11. Placement of a note on the Final Plat stating the Traffic Engineering comments noted in this staff report;
- 12. Compliance with all Urban Forestry comments noted in this staff report;
- 13. Compliance with all Fire Department comments noted in this staff report; and
- 14. Full compliance with all other applicable codes and ordinances.

LOCATOR ZONING MAP



APPLICATION NUMBER 6766 DATE July 13, 2026

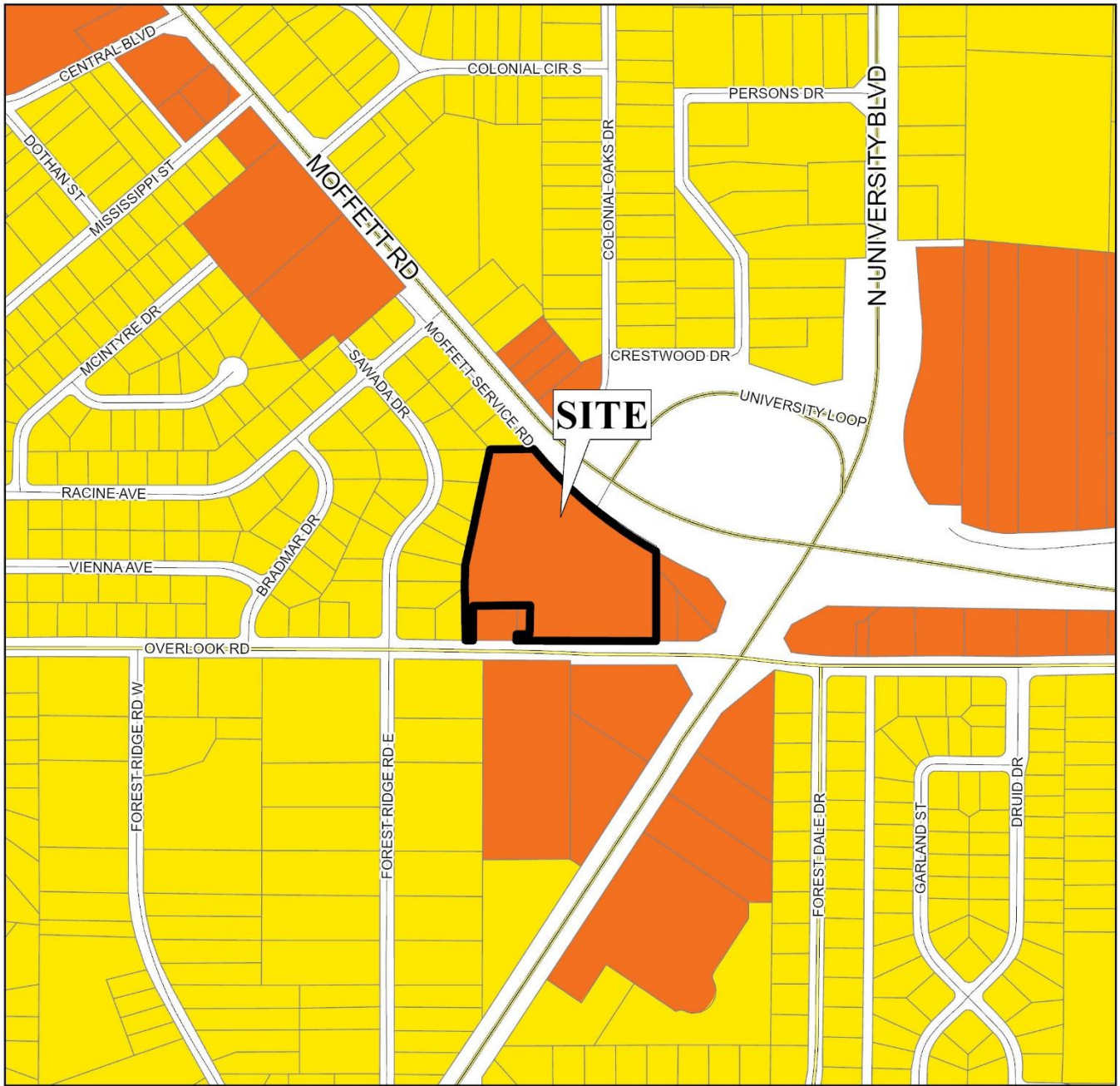
APPLICANT Canopy Partners, LLC

REQUEST Special Exception



NTS

FLUM LOCATOR MAP



APPLICATION NUMBER 6766 DATE July 13, 2026
APPLICANT Canopy Partners, LLC
REQUEST Special Exception

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



BOARD OF ADJUSTMENT **VICINITY MAP - EXISTING ZONING**



The site is surrounded by commercial and residential units.

APPLICATION NUMBER

6767

DATE

July 13, 2026

APPLICANT

Canopy Partners, LLC

REQUEST

Residential Buffer Variance

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

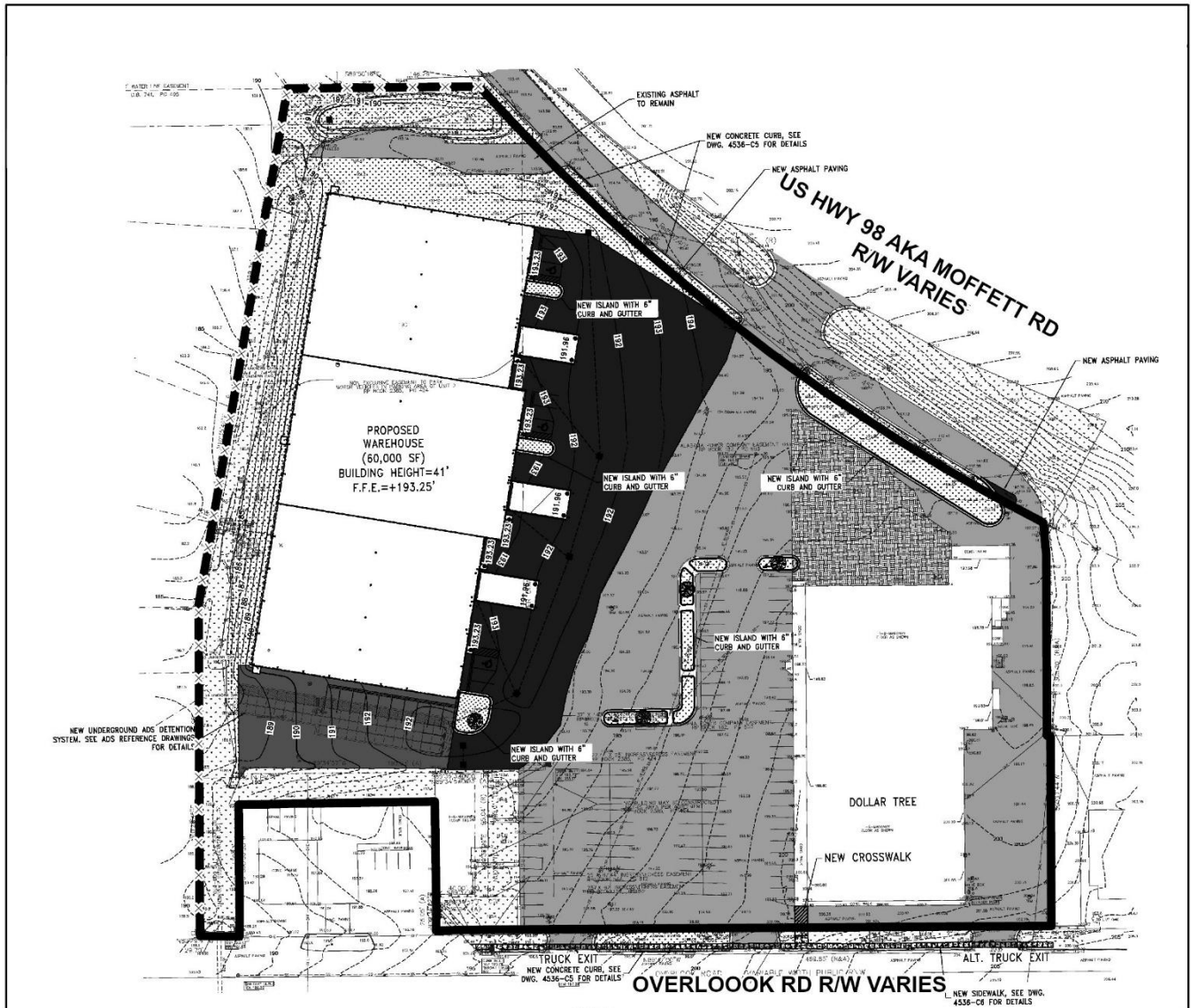
SD-WH

T-5.1

N

NTS

SITE PLAN



The site plan illustrates the proposed buildings and parking.

APPLICATION NUMBER	6766	DATE	July 13, 2026
APPLICANT	Canopy Partners, LLC		
REQUEST	Special Exception		



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

[illegible]

MIXED COMMERCIAL CORRIDOR (MCC)

This land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses. This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Development Intent

- › New development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

Land use mix

Primary Uses

- › Commercial
- › Office

Secondary Uses

- › Residential, Multifamily
- › Residential, Attached
- › Civic
- › Parks

Housing mix

- › Multifamily buildings
- › Attached residential such as duplexes, multiplexes, and townhomes

Character Example

