



## Agenda Item # 8

BOA-SE-003708-2026

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

[Applicant Materials for Consideration](#)

### DETAILS

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**Location:**

6051 Old Shell Road

**Applicant / Agent:**

CMG Engineers, Inc.

**Property Owner:**

Archbishop of Mobile

**Current Zoning:**

B-2, Neighborhood Business Suburban District

**Future Land Use:**

Mixed Commercial Corridor

**Case Number(s):**

6751/6492/3565

**Unified Development Code (UDC) Requirement:**

- The UDC requires a Special Exception to allow an outdoor recreation facility in a B-2, Neighborhood Business Suburban District.

**Board Consideration:**

- Special Exception to allow an outdoor recreation facility in a B-2, Neighborhood 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 <u>6751</u> DATE <u>May 4, 2026</u>	
APPLICANT <u>CMG Engineers, Inc. (Gary D.E. Cowles, Agent)</u>	
REQUEST <u>Special Exception</u>	

## SITE HISTORY

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The subject site was originally part of the Western Hills Subdivision, the plat for which was recorded in the Mobile County Probate Court in November 1937.

The property was annexed into the City of Mobile in 1956 and zoned for single-family residential use, a designation it retained following adoption of the 1967 Zoning Ordinance.

In March 2013, the Planning Commission approved rezoning of the site from R-1, Single-Family Residential District, to B-2, Neighborhood Business District; the City Council subsequently adopted this rezoning in May 2013.

The site is now proposed to be developed with a pickleball court in association with the University of South Alabama Catholic Student Center, located on the adjacent property to the east.

There are no additional Planning Commission cases associated with the subject site, and no Board of Zoning Adjustment cases on record. Case numbers referenced on Page 1 of this report pertain to the adjacent property to the east, which has received various Planning Commission and Board of Zoning Adjustment approvals over time; however, those approvals do not apply to the subject site.

## STAFF COMMENTS

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### 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:

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:

The applicant requests Special Exception approval to allow an outdoor recreational facility in a B-2, Neighborhood Business Suburban District. The facility is intended to serve the adjoining property to the east, currently occupied by the University of South Alabama Catholic Student Center. Outdoor recreational facilities require approval from the Board of Zoning Adjustment in a B-2 district.

The Unified Development Code (UDC) defines a recreational facility as a use devoted to recreational activities or leisure services, for members or the public, with activities occurring indoors or outdoors, including uses such as swimming pools, tennis courts, and similar facilities. The proposed pickleball court meets this definition. If the facility were located on the same parcel as the student center, it would typically be considered a permitted accessory use. However, because it is proposed on a separate parcel, Special Exception approval is required.

The applicant states that the proposal is consistent with the Comprehensive Plan's Mixed Commercial Corridor designation, which encourages a mixture of commercial and entertainment uses. The proposed recreational use is described as compatible with surrounding development, including nearby university athletic facilities, as well as retail, storage, and student housing. The applicant indicates that impacts to adjacent properties will be minimal, with limited potential for noise or other nuisances due to the nature of the use and proposed hours of operation (9:00 A.M. to 10:00 P.M.). Stormwater impacts are addressed through increased on-site retention capacity. The proposal is further presented as serving the public interest by providing recreational opportunities for nearby university students and reducing demand on existing public courts. Information regarding water and sewer service, as well as ingress and egress, was not provided.

The application and all supporting documentation are available via the link provided on Page 1 of this report.

The submitted site plan depicts the subject site with the proposed pickleball court and an existing volleyball court, along with the adjacent student center to the East. However, details such as tree plantings, parking, access, and

vehicle maneuvering are not shown. These functions appear to be accommodated on the adjacent property, with pedestrian cross-access proposed. While full compliance with current development standards may not be required given the limited scope of work, the site plan should be revised to clearly illustrate pedestrian connectivity between the pickleball court, volleyball court, and student center (e.g., via a sidewalk). Additionally, although the properties are currently under common ownership, future conveyance without a recorded cross-access or reciprocal easement could affect long-term site access.

The subject property is surrounded by B-1 (Buffer Business Suburban District) zoning to the east, R-3 (Multi-Family Residential Suburban District) to the south, and B-2 (Neighborhood Business Suburban District) to the north. Surrounding land uses include multi-family residential and institutional uses, including the adjacent student center, while properties across the street are owned and utilized by the University of South Alabama.

Overall, the proposed use appears limited in scope and intensity and is not expected to generate significant adverse impacts. As such, the request generally addresses—and may satisfy—applicable criteria for Special Exception approval, subject to the Board’s consideration. Final determination of compatibility rests with the Board, but any approval should be conditioned upon submission of a revised site plan clearly illustrating pedestrian access between the recreational facilities and the associated student center.

## SPECIAL EXCEPTION CONSIDERATIONS

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### 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 Code 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 considers approval of the request, the following findings of fact must be present:

- 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

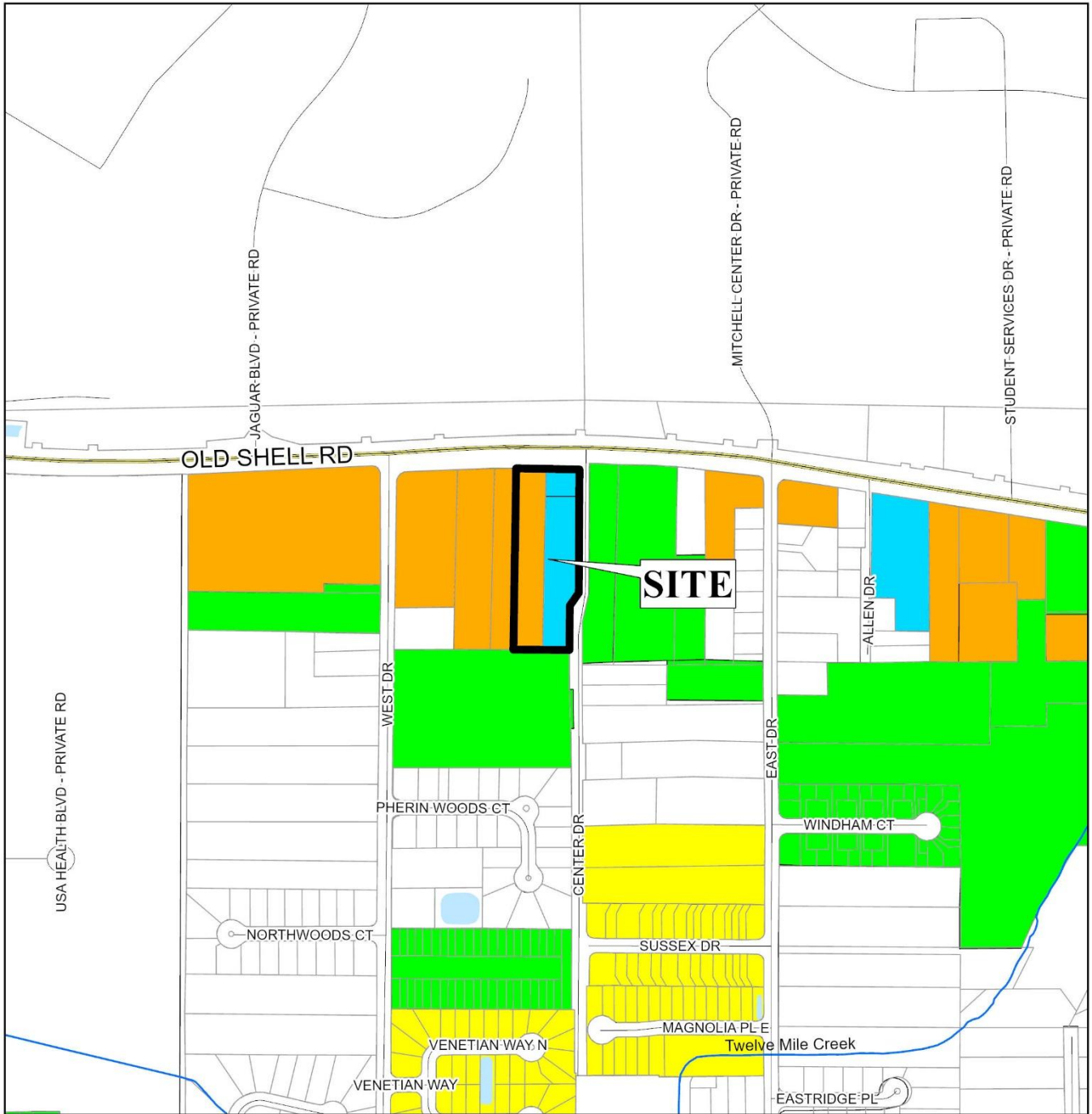
either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction 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 approved, the Special Exception should be subject to the following conditions:

- 1) Provide a revised site plan clearly illustrating pedestrian access between the recreational facilities and the associated student center; and
- 2) Full compliance with all municipal codes and ordinances.

# LOCATOR ZONING MAP

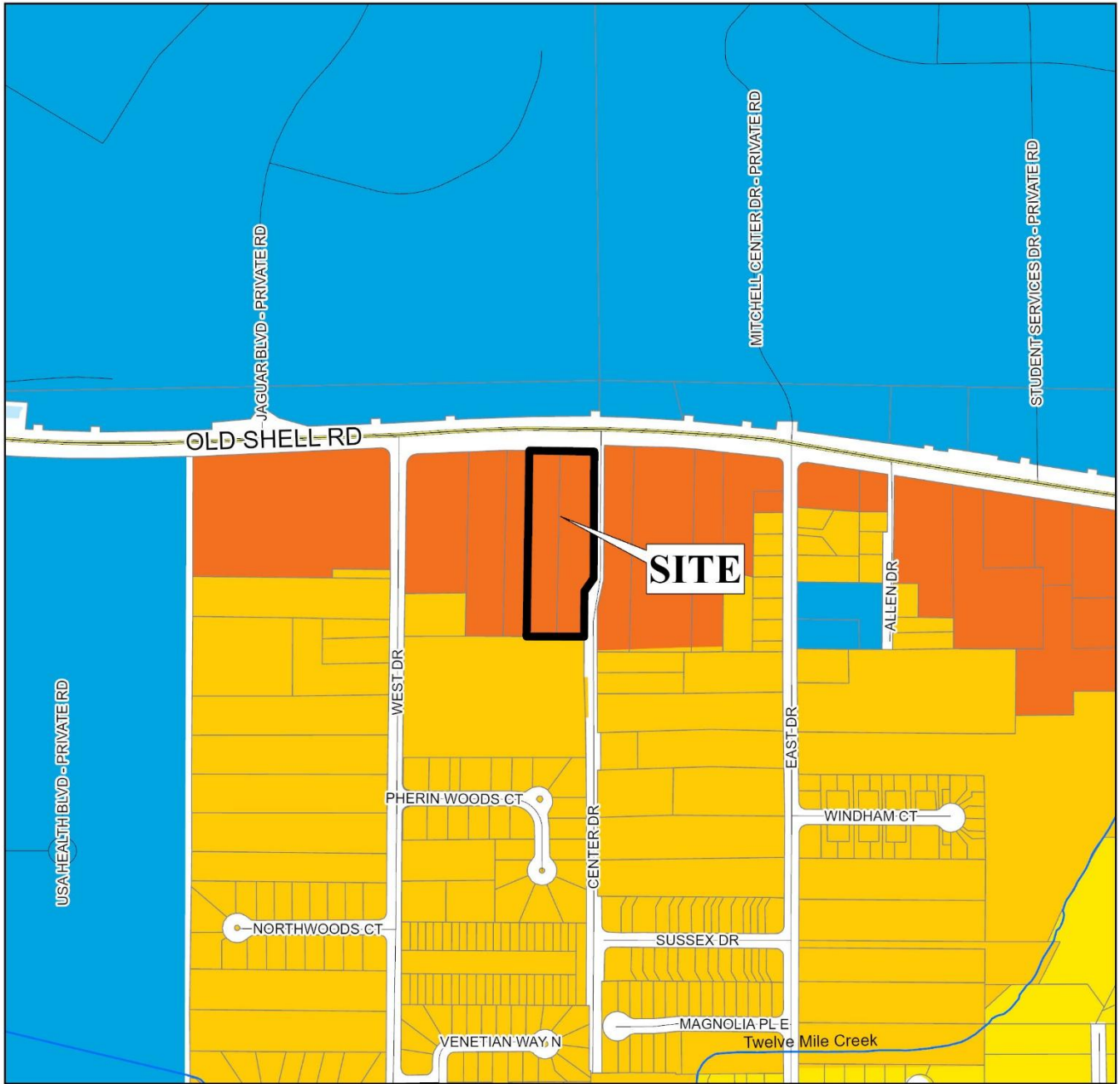


APPLICATION NUMBER	6751	DATE	May 4, 2026
APPLICANT	CMG Engineers, Inc. (Gary D.E. Cowles, Agent)		
REQUEST	Special Exception		

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# FLUM LOCATOR MAP



APPLICATION NUMBER 6751 DATE May 4, 2026

APPLICANT CMG Engineers, Inc. (Gary D.E. Cowles, Agent)

REQUEST Special Exception

- |   |  |   |   |
|---|--|---|---|
| <span style="color: yellow;">■</span> Low Density Residential   | <span style="color: brown;">■</span> Neighborhood Center - Traditional | <span style="color: lightgrey;">■</span> Light Industry | <span style="color: blue;">■</span> Water Dependent |
| <span style="color: orange;">■</span> Mixed Density Residential | <span style="color: purple;">■</span> Neighborhood Center - Suburban   | <span style="color: grey;">■</span> Heavy Industry      |   |
| <span style="color: pink;">■</span> Downtown                    | <span style="color: magenta;">■</span> Traditional Corridor            | <span style="color: cyan;">■</span> Institutional       |   |
| <span style="color: red;">■</span> District Center              | <span style="color: orange;">■</span> Mixed Commercial Corridor        | <span style="color: green;">■</span> Parks, Open Space  |   |



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

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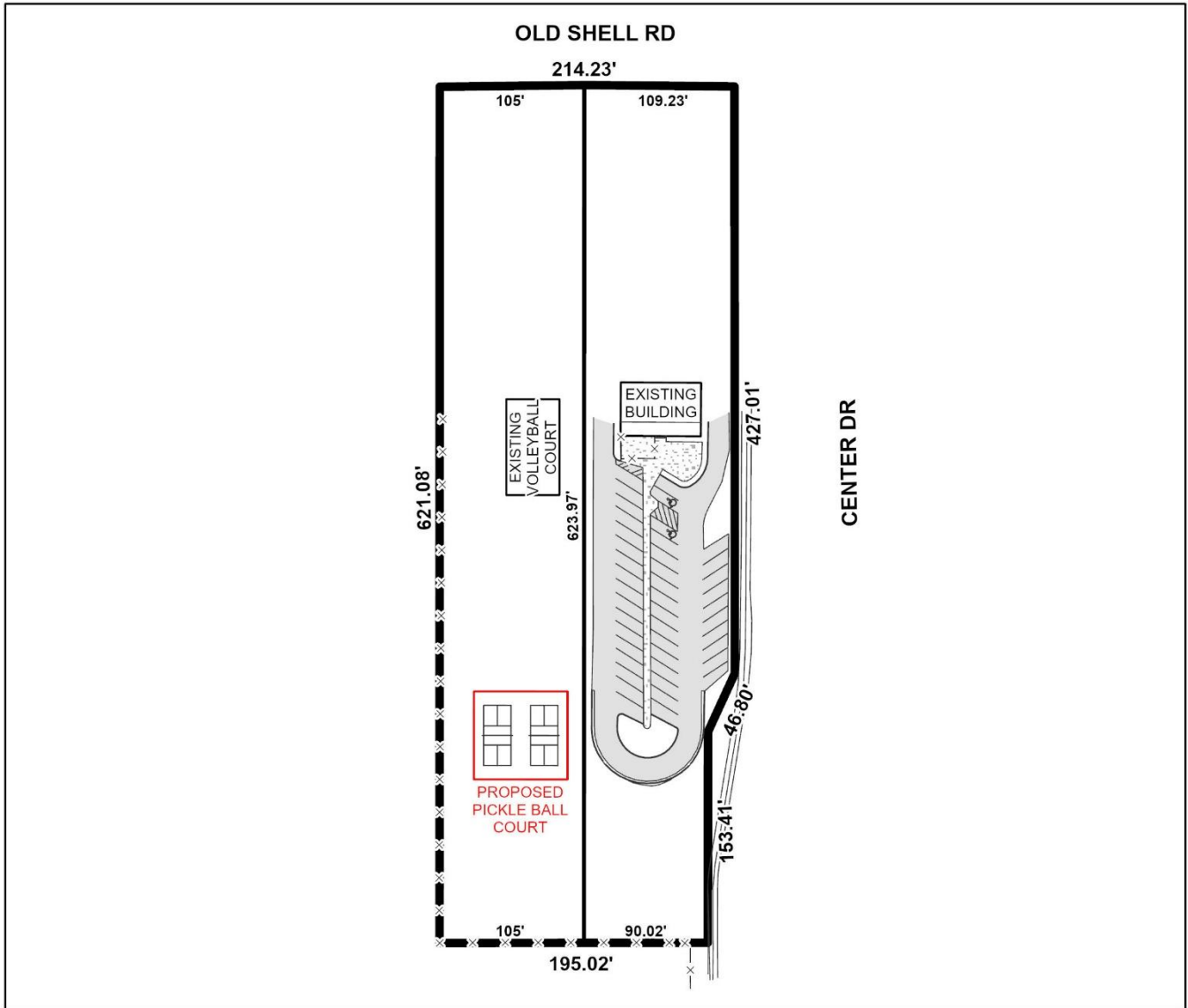
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REQUEST Special Exception


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	



# SITE PLAN



The site plan illustrates the proposed pickle ball court location and current buildings.

APPLICATION NUMBER <u>6751</u> DATE <u>May 4, 2026</u>	 NTS
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