Planning Commission
November 19, 2026

Agenda Item # 1 – HOLDOVER

SUB-003885-2026

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

Applicant Materials for Consideration

DETAILS

Location:
2 Buerger Road

Subdivision Name:
Buerger Road Subdivision

Applicant:
Smith Clark & Associates, LLC

Property Owner:
MDMJ, LLC

Current Zoning:
R-1, Single-Family Residential Suburban District

Future Land Use:
Low Density Residential

Applicable Codes, Policies, and Plans:

- Unified Development Code
- Subdivision Regulations
- Map for Mobile Comprehensive Plan

Proposal:

- Subdivision approval to create three (3) legal lots of record.

Commission Considerations:

1. Subdivision proposal with eleven (11) conditions.

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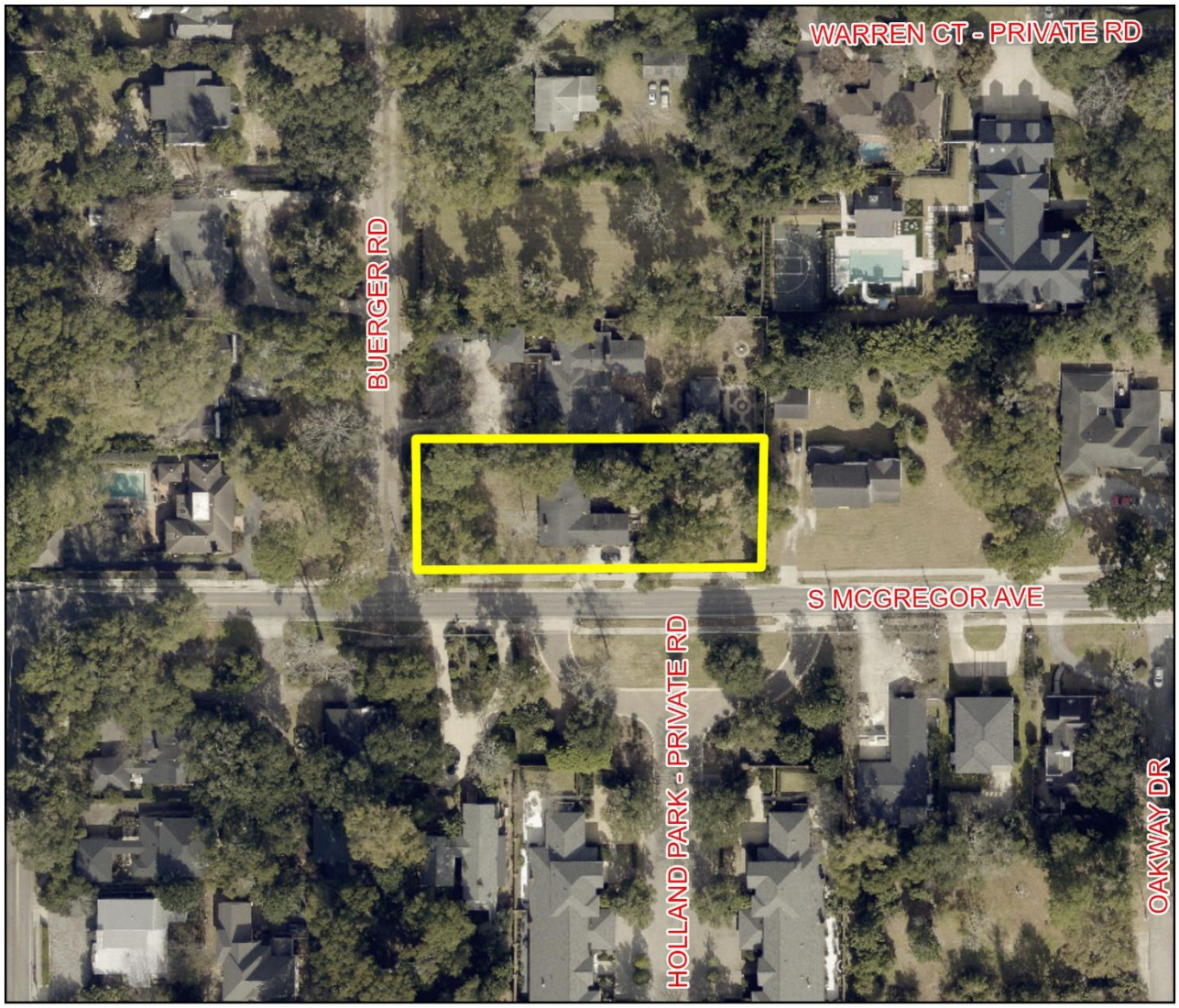
PLANNING COMMISSION
VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER 1 DATE November 19, 2026

APPLICANT Buerger Road Subdivision

REQUEST Subdivision

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HOLDOVER COMMENTS

The Planning Commission recommended a holdover of the request to allow the applicant time to revise the preliminary plat to address issues concerning right-of-way dedication and building setbacks.

Staff received a revised preliminary plat illustrating the 3-lot subdivision, fronting Buerger Road and South McGregor Avenue. It should be noted that the previous plat labeled the lots as "1A", "1B" and "2A". The revised plat labels the lots as "1", "2" and "3".

The plat has been revised to provide 25 feet of dedication from the centerline of South McGregor Avenue. Corner radius dedication has not been illustrated. If approved, corner radius dedication should be illustrated on the Final Plat at the intersection of Buerger Road and South McGregor Avenue unless the City Engineer and Traffic Engineer recommend approval of a waiver of Section 6.C.6. of the Subdivision Regulations.

A 25-foot front yard setback is illustrated along both street frontages. If approved, the setbacks should be retained on the Final Plat.

It should be noted that, because of right-of-way dedication, the existing dwelling will encroach in the required front yard setback. As such, future development of the site must comply with current regulations unless variances are obtained from the Board of Zoning Adjustment.

An accessory structure remains illustrated on proposed Lot 3. An accessory structure is not permitted on a residential lot without a primary structure. Accordingly, prior to the Planning & Zoning Department signing the Final Plat, permits must be obtained to either relocate the shed to a compliant location or demolish the structure, unless a variance is approved by the Board of Zoning Adjustment. At this time, permits to demolish or relocate the permit have not been obtained.

HOLDOVER CONSIDERATIONS

Standards of Review:

Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

Considerations:

If the subdivision is considered for approval, the following conditions could apply:

1. Retention of the 50-foot-wide right-of-way along Buerger Road;
2. Retention of the 25 foot right-of-way dedication from the centerline of South McGregor Avenue;
3. Provision of 25-foot corner radius at the intersection of Buerger Road and South McGregor Avenue, in compliance with Section 6.C.6. of the Subdivision Regulations, unless a waiver is recommended by the City Engineer and Traffic Engineer;
4. Retention of the lot sizes in both square feet and acres, or provision of a table on the Final Plat with the same information, adjusted for any required dedication;
5. Retention of the 25-foot minimum front yard setback line along Buerger Road and South McGregor Avenue, adjusted for any required dedication;

6. Acquisition of a permit to either demolish or relocate the existing shed on Lot 3 to a compliant location, prior to Planning and Zoning signing the Final Plat;
7. Placement of a note on the Final Plat stating the site is within the Village of Spring Hill Overlay and development or redevelopment of the site is subject to the applicable provisions of Article 13 of the Unified Development Code;
8. Compliance with all Engineering comments noted in this staff report;
9. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
10. Compliance with all Urban Forestry comments noted in this staff report; and,
11. Compliance with all Fire Department comments noted in this staff report.

SITE HISTORY

The subject site was originally a part of the 17-lot *Stewart Field Subdivision*, approved by the Planning Commission in October 1945, the plat for which was recorded in the Mobile County Probate Court in November 1945.

The site was annexed into Mobile City limits in 1956.

The Planning Commission later approved *Stewart Field Subdivision, Resubdivision of Lot 6* in March 1978, the plat for which was recorded in May 1978.

There are no other Planning Commission or any Board of Zoning Adjustment cases associated with the site.

STAFF COMMENTS

Engineering Comments:

FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review):

A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors.
B. Revise the LOT designations from 1A, 1B, and 2A to 1, 2, and 3.
C. Since proposed LOT 2 (1B) will not have frontage on Buerger Rd the Applicant will need to contact the ENGINEERING Dept. to have a new address assigned.
D. ENG Dept. recommends and supports a waiver of Section 6.C.6 (corner radius dedication) of the Subdivision Regulations for the SW corner of LOT 1.
E. Provide the signature block portion of the Surveyor's Certificate.
F. Add a note - As shown on the 1984 aerial photo LOTS 1 - 3 share the 4,200 sf of historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) and share the 8,000 SF credit provided to the original SF residential lot as follows: LOT 1 – 4,000 sf, LOT 2 – 4,200 sf, and LOT 3 – 4,000 sf. Stormwater detention will be required for any additional impervious area that exceeds the allowable credit for that LOT.
G. Retain NOTES 5, 6, 7, & 9.
H. Revise NOTES #10. Change "ALL PROPOSED…" to "ALL EXISTING OR PROPOSED…".
I. Add a note - all easements shall remain in effect until vacated through the proper Vacation process.
J. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.gov prior to obtaining any signatures. No signatures are required on the drawing.

Traffic Engineering Comments:

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

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 purpose of this request is to create three (3) legal lots of record from two (2) existing legal lots of record. The site is served by public water and sanitary sewer.

The proposed lots front South McGregor Avenue and Buerger Road. Both are minor streets with curb and gutter improvements and require a 50-foot-wide right-of-way. The preliminary plat illustrates a 50-foot-wide right-of-way along Buerger Road and a varying right-of-way width along South McGregor Avenue. If approved, the Final Plat should be revised to depict the existing right-of-way or dedication sufficient to provide 25 feet from the centerline of South McGregor Avenue, whichever is greater, unless the City Engineering and Traffic Engineering Departments recommend a waiver of Section 6.B.9. of the Subdivision Regulations.

No dedication is provided at the intersection of South McGregor Avenue and Buerger Road. Accordingly, if approved, the Final Plat should be revised to provide the required corner radius dedication at this intersection, unless the City Engineer and Traffic Engineer recommend approval of a waiver of Section 6.C.6. of the Subdivision Regulations.

The proposed lots exceed the minimum lot area requirements of Article 2, Section 64-2-5.E. of the Unified Development Code (UDC) for lots served by public water and sanitary sewer in an R-1 Suburban District. The lots are also properly labeled on the preliminary plat with their area in both square feet and acres, as required by Section 5.A.2(e)(4) of the Subdivision Regulations. If approved, this information should be retained on the Final Plat and adjusted to account for any required dedication. Alternatively, a table providing the same information may be included on the Final Plat.

The proposed lots exceed the minimum lot width requirement of Section 6.C.2.(b)(2) of the Subdivision Regulations for residential lots in the suburban sub-district.

No front-yard setbacks are illustrated on the preliminary plat. Pursuant to Article 2, Section 64-2-5.E. of the UDC, a 25-foot front-yard setback is required for lots in an R-1, Single-Family Residential Suburban District. Section 6.C.8. of the Subdivision Regulations requires the applicable setback to be illustrated along each street frontage on the Final Plat. Therefore, if approved, the Final Plat should be revised to illustrate the required 25-foot front-yard setback along each adjoining street frontage, adjusted as necessary to account for any required right-of-way dedication.

An existing dwelling is illustrated on proposed Lot 1B, and an existing shed is illustrated on proposed Lot 2A. An accessory structure is not permitted on a residential lot without a primary structure. Accordingly, prior to the Planning & Zoning Department signing the Final Plat, permits must be obtained to either relocate the shed to a compliant location or demolish the structure, unless a variance is approved by the Board of Zoning Adjustment.

The site is located within the Village of Spring Hill Overlay and is therefore subject to the applicable provisions of Article 13 of the UDC. If approved, a note stating this requirement should be placed on the Final Plat.

SUBDIVISION CONSIDERATIONS

Standards of Review:

Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

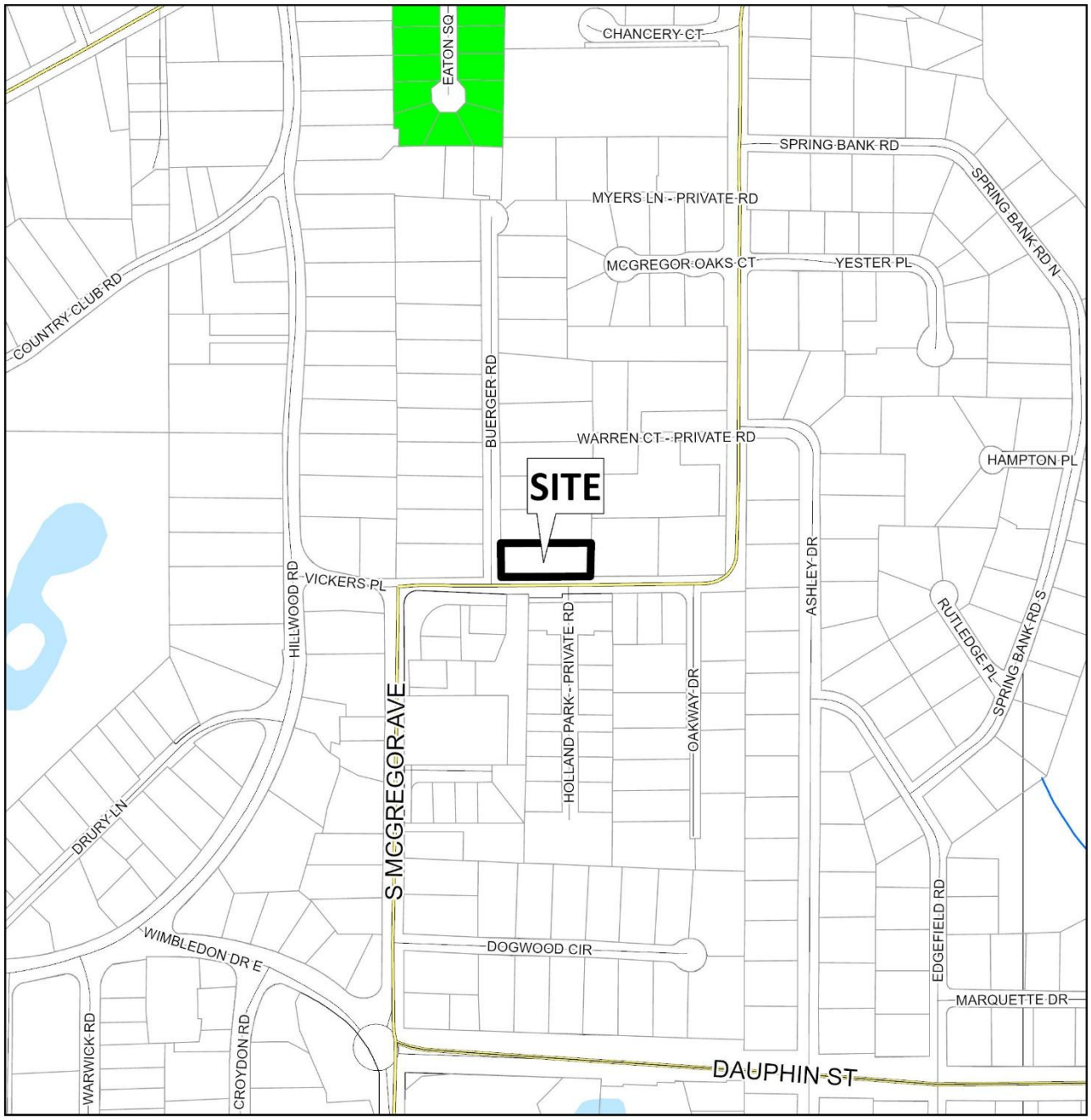
Considerations:

If the Subdivision request is considered for approval the following conditions could apply:

1. Retention of the 50-foot right-of-way width along Buerger Road;
2. Revision of the Final Plat to depict the existing right-of-way along South McGregor Avenue, or dedication to provide 25 feet from the centerline of South McGregor Avenue, whichever is greater, unless a waiver of Section 6.B.9 is recommended by the City Engineer and Traffic Engineer;
3. Provision of 25-foot corner radius at the intersection of Buerger Road and South McGregor Avenue, in compliance with Section 6.C.6. of the Subdivision Regulations, unless a waiver is recommended by the City Engineer and Traffic Engineer;

4. Retention of the lot sizes in both square feet and acres, or provision of a table on the Final Plat with the same information, adjusted for any required dedication;
5. Provision of the 25-foot minimum front yard setback line along Buerger Road and South McGregor Avenue, adjusted for any required dedication;
6. Acquisition of a permit to either demolish or relocate the existing shed on Lot 2A to a compliant location, prior to Planning and Zoning signing the Final Plat;
7. Placement of a note on the Final Plat stating the site is within the Village of Spring Hill Overlay and development or redevelopment of the site is subject to the applicable provisions of Article 13 of the Unified Development Code;
8. Compliance with all Engineering comments noted in this staff report;
9. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
10. Compliance with all Urban Forestry comments noted in this staff report; and,
11. Compliance with all Fire Department comments noted in this staff report.

LOCATOR ZONING MAP



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APPLICANT Buerger Road Subdivision

REQUEST Subdivision

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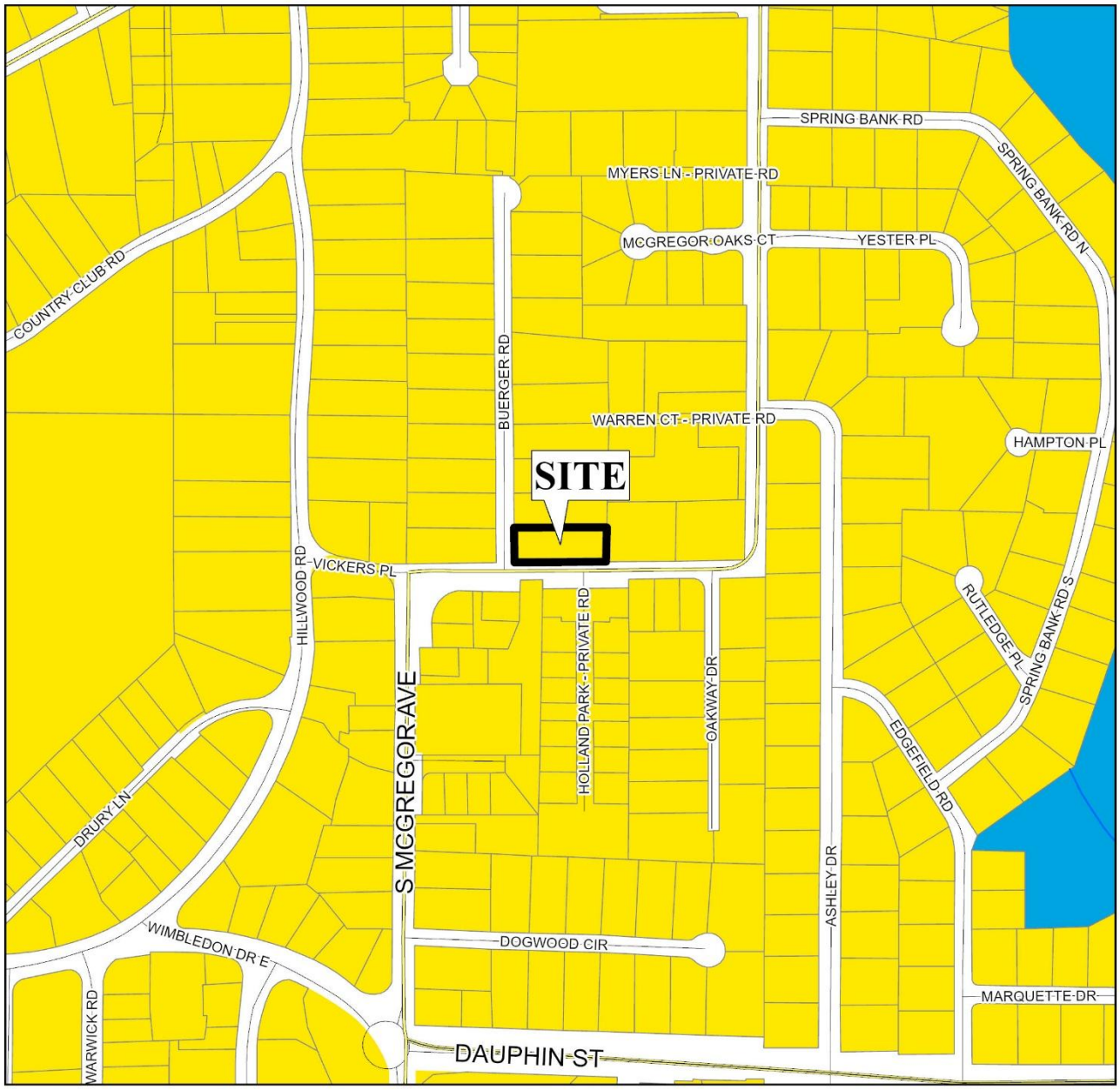
FLUM LOCATOR MAP



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APPLICANT Buerger Road Subdivision

REQUEST Subdivision

- 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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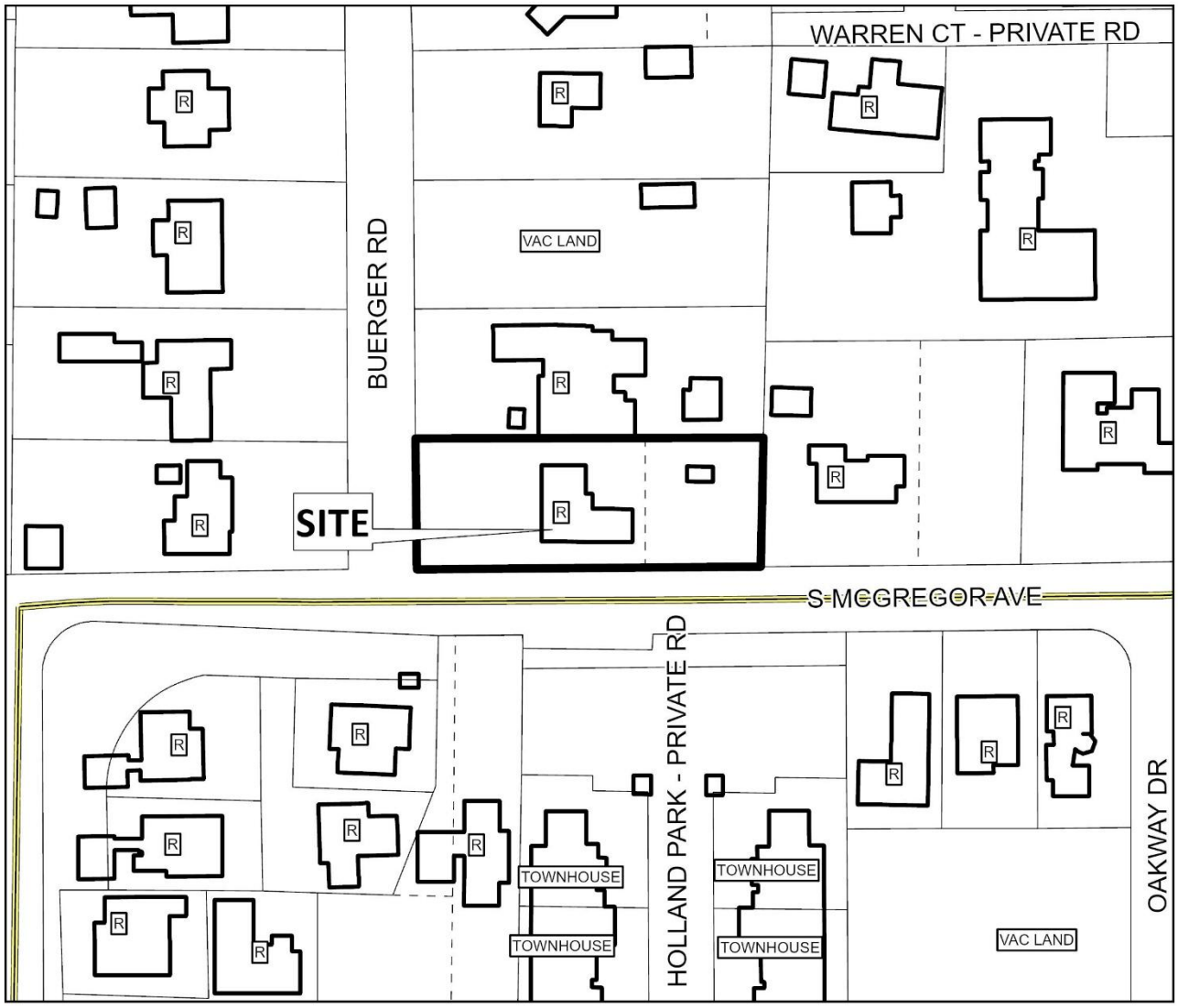
PLANNING COMMISSION
VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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APPLICANT Buerger Road Subdivision

REQUEST Subdivision

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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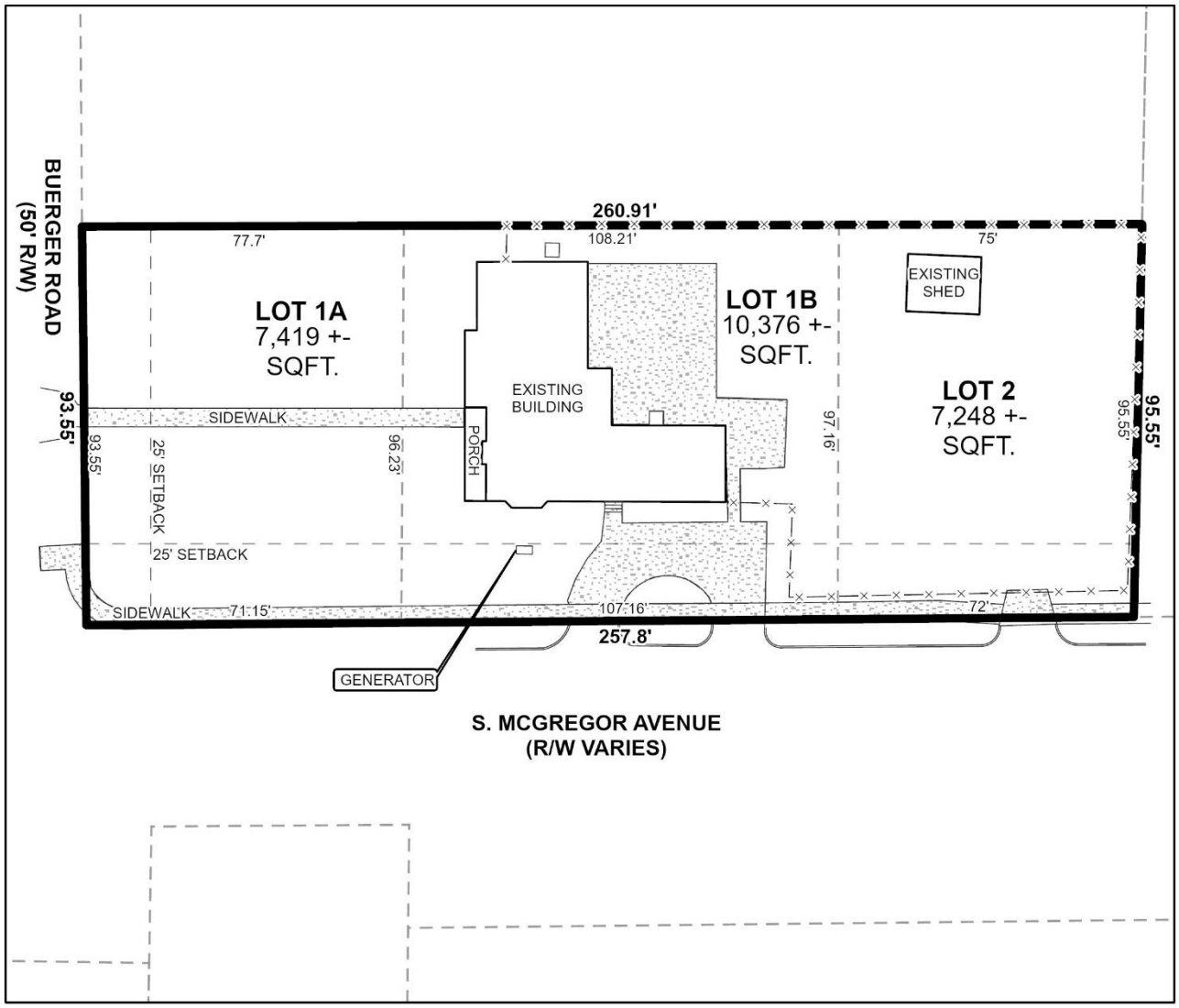
SUBDIVISION SITE PLAN



The site plan illustrates proposed lot subdivision.

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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.

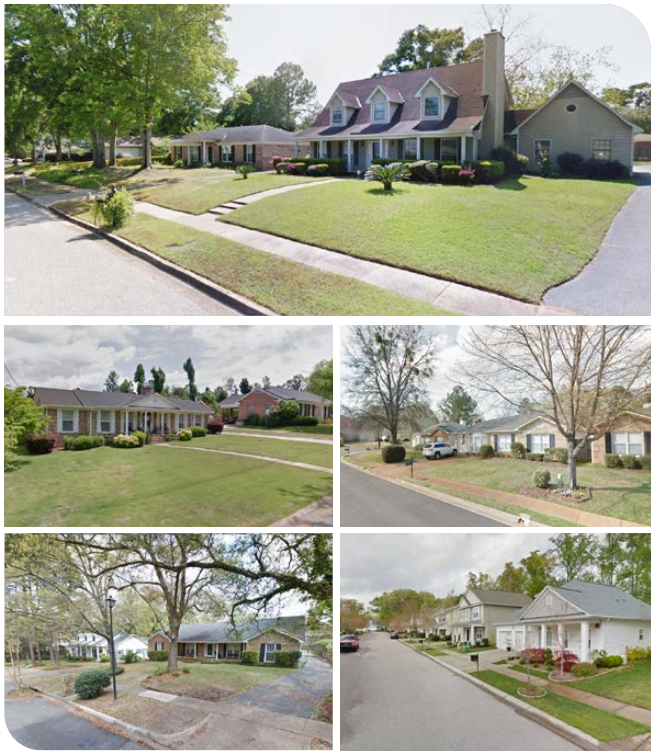
□ Zoning district is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

	RESIDENTIAL - AC (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