



Agenda Item # 7

ZON-UDC-003870-2026

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

5070 Old Shell Road

Applicant / Agent:

Food Pak, Inc.

Property Owner:

Mahin Ghavamian

Current Zoning:

R-1, Single-Family Residential Suburban District, within the Neighborhood General sub-district of the Spring Hill Overlay

Proposed Zoning:

B-2, Neighborhood Business Suburban District, within the Neighborhood General sub-district of the Spring Hill Overlay

Future Land Use:

Mixed Density Residential

Neighborhood Meeting:

- A Neighborhood Meeting was required due to the proposed rezoning to a higher zoning classification.
- The meeting was held on July 24, 2026, at 5:30 p.m. at Lavretta Art & Culture Center (200 Parkway West).

Applicable Codes, Policies, and Plans:

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

Proposal:

- Rezoning from R-1, Single-Family Residential Suburban District to B-2, Neighborhood Business Suburban District
 - Any use permitted in the proposed district would be allowed at this location if the zoning is approved. The Planning Commission may consider other zoning districts than the proposed sought by the applicant for this property.

Commission Considerations:

1. Rezoning with two (2) conditions.

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PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER	7	DATE	September 17, 2026
APPLICANT	Food Pak, Inc.		
REQUEST	Rezoning from R-1 to B-2		



SITE HISTORY

The subject site was annexed into the City of Mobile in 1956.

The site was recorded in the Probate Court in 1943 as part of the *Country Club Village Subdivision*, where it was identified as “Commercial Lot B.”

With the adoption of the Zoning Ordinance in 1967, the site was assigned an R-1, Single-Family Residential District zoning classification.

In August 2017, the site was considered by the Board of Zoning Adjustment for use as off-site parking for a restaurant located at 5054 Old Shell Road. The request was denied.

The site was subsequently considered by the Planning Commission at its December 18, 2025, meeting as part of a six (6)-lot Subdivision application, which was denied.

Most recently, the site was considered by the Planning Commission at its March 19, 2026, meeting as part of a six (6)-lot Subdivision application, which received tentative approval.

STAFF COMMENTS

Engineering Comments:

1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department (251-208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
3. Any and all proposed land disturbing activity within the property will need to be submitted for review and 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. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.
5. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

Traffic Engineering Comments:

Comments not to be placed on Plat:

A non-utility right-of-way use agreement should be required to allow for the parking and maneuvering that is proposed to take place within the right of-way.

Comment to be placed on Plat:

Site access is limited to Parkway East and Border Drive East. 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 and Article 13, Section 64-13-6 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 is seeking to rezone an existing legal lot of record from R-1, Single-Family Residential Suburban District, to B-2, Neighborhood Business Suburban District, to allow for the construction of an approximately 8,600-square-foot commercial building. The applicant has also submitted a Variance request for consideration by the Board of Zoning Adjustment at its October 1, 2026, meeting.

The subject site is surrounded by R-1 zoning, with Lavretta Park located across Parkway East to the west. The property to the east, across Border Drive East, was previously developed as a nonconforming auto repair shop and was granted a Use Variance in March 2018 to allow redevelopment of the site as a restaurant.

A Neighborhood Meeting was conducted in accordance with Article 5, Section 64-5-4 of the Unified Development Code (UDC) due to the request to rezone the property to a higher zoning classification. The meeting was properly advertised, and notice of the date, time, and location was mailed to all property owners within 300 feet of the subject site. The meeting was held on July 24, 2026, at 5:30 p.m. at the Lavretta Art & Culture Center, located at 200 Parkway West. According to the sign-in sheet provided by the applicant, fifteen (15) members of the public not associated with the application attended. The meeting remained open until 6:30 p.m., satisfying the minimum one-hour meeting requirement. The applicant submitted all required Neighborhood Meeting documentation within the prescribed timeframe and executed the required checklist attesting to the accuracy and completeness of the information provided.

The site is located within the Neighborhood General sub-district of the Spring Hill Overlay, which provides for a mixture of uses within a primarily residential urban fabric, including limited retail uses. However, the Overlay does not establish commercial zoning; rather, permitted uses remain subject to the underlying zoning district. Therefore, if rezoned to B-2, the site could accommodate uses permitted within the B-2 district, subject to all applicable requirements of the UDC and Spring Hill Overlay.

The requested rezoning would introduce a B-2 zoning classification into an area otherwise surrounded by R-1 zoning. Although the Spring Hill Overlay contemplates limited retail uses within the Neighborhood General sub-district, its stated intent is to maintain a primarily residential urban fabric. Accordingly, the appropriateness of the rezoning should be considered based on the proposed commercial use, the existing development pattern, and the potential compatibility of the use with the surrounding residential neighborhood.

The submitted site plan depicts an approximately 8,600-square-foot retail building with eight (8) parking spaces and an outdoor dining area. The site plan does not currently comply with certain requirements of the Spring Hill Overlay, and the applicant has submitted a separate Variance request to address those issues. Approval of the rezoning would not constitute approval of the Variance request or relieve the applicant from compliance with the applicable requirements of the UDC and Spring Hill Overlay.

REZONING CONSIDERATIONS

Standards of Review:

The Unified Development Code (UDC) in 64-5-5.E. states that Rezoning is intended to carry out the objective of a sound, stable and desirable development and that casual change or amendment would be detrimental to the achievement of that objective.

The UDC goes on to say that zoning changes should be consistent with the Comprehensive Plan. However, the Comprehensive Plan and Future Land Use Plan (FLUP) and Map (FLUM) are meant to serve as a general guide, not a detailed lot and district plan; they are not a legal mandate for development. The FLUP and FLUM allow the Planning Commission and City Council to consider individual cases based on several factors including: surrounding

development, classification requested, timing of the request, and the appropriateness and compatibility of the proposed use the zoning classification.

The UDC states that an application for rezoning shall include a statement of the justification for the proposed amendment that addresses all of the following:

- Consistency. Whether the proposed amendment is consistent with the Comprehensive Plan;
- Mistake. For a Rezoning, whether there was a mistake or error in the original zoning map; and
- 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.
- Health, Safety and General Welfare. Whether the proposed amendment promotes the community's public health, safety, and general welfare;
- Capacity. Whether the infrastructure is in place to accommodate the proposed amendment; and
- Change. Whether changed or changing conditions in a particular area make an amendment necessary and desirable.
- 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.

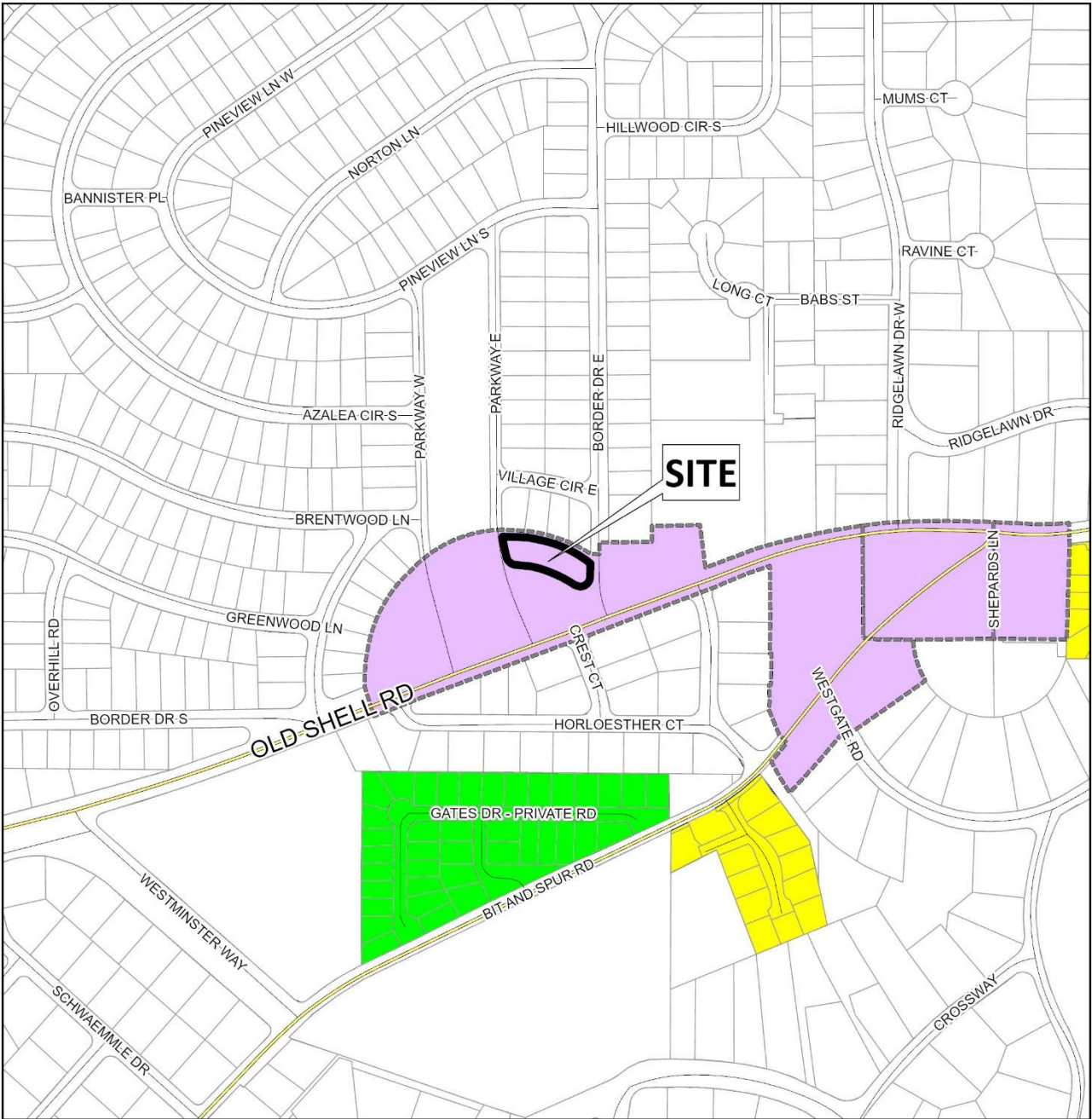
The applicant's responses to address the above criteria are available in the link on page one (1).

Considerations:

If the Planning Commission considers a recommendation of approval of the Rezoning request to the City Council, the following conditions could apply:

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

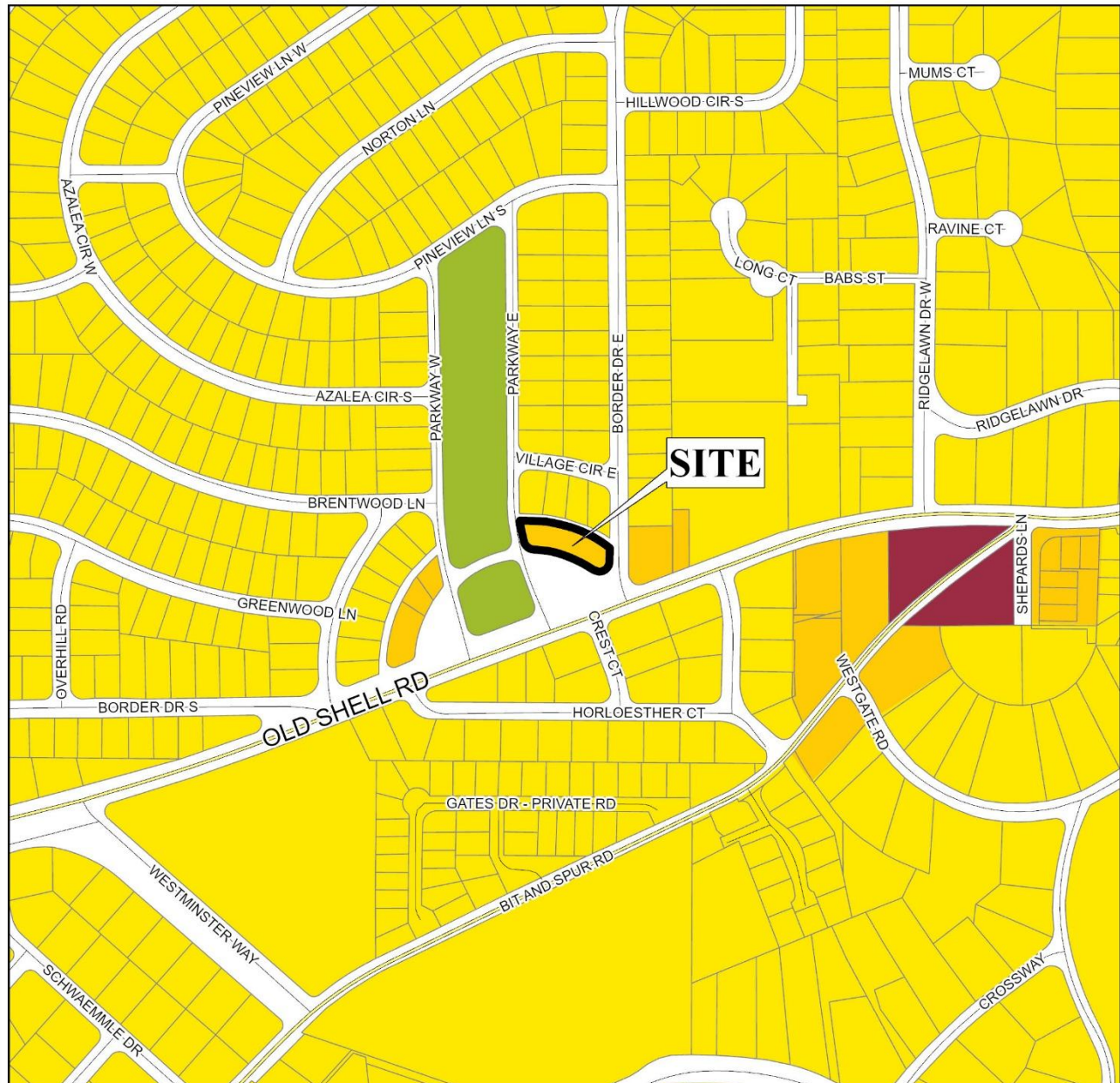
LOCATOR ZONING MAP



APPLICATION NUMBER 7 DATE September 17, 2026
APPLICANT Food Pak, Inc.
REQUEST Rezoning from R-1 to B-2



FLUM LOCATOR MAP



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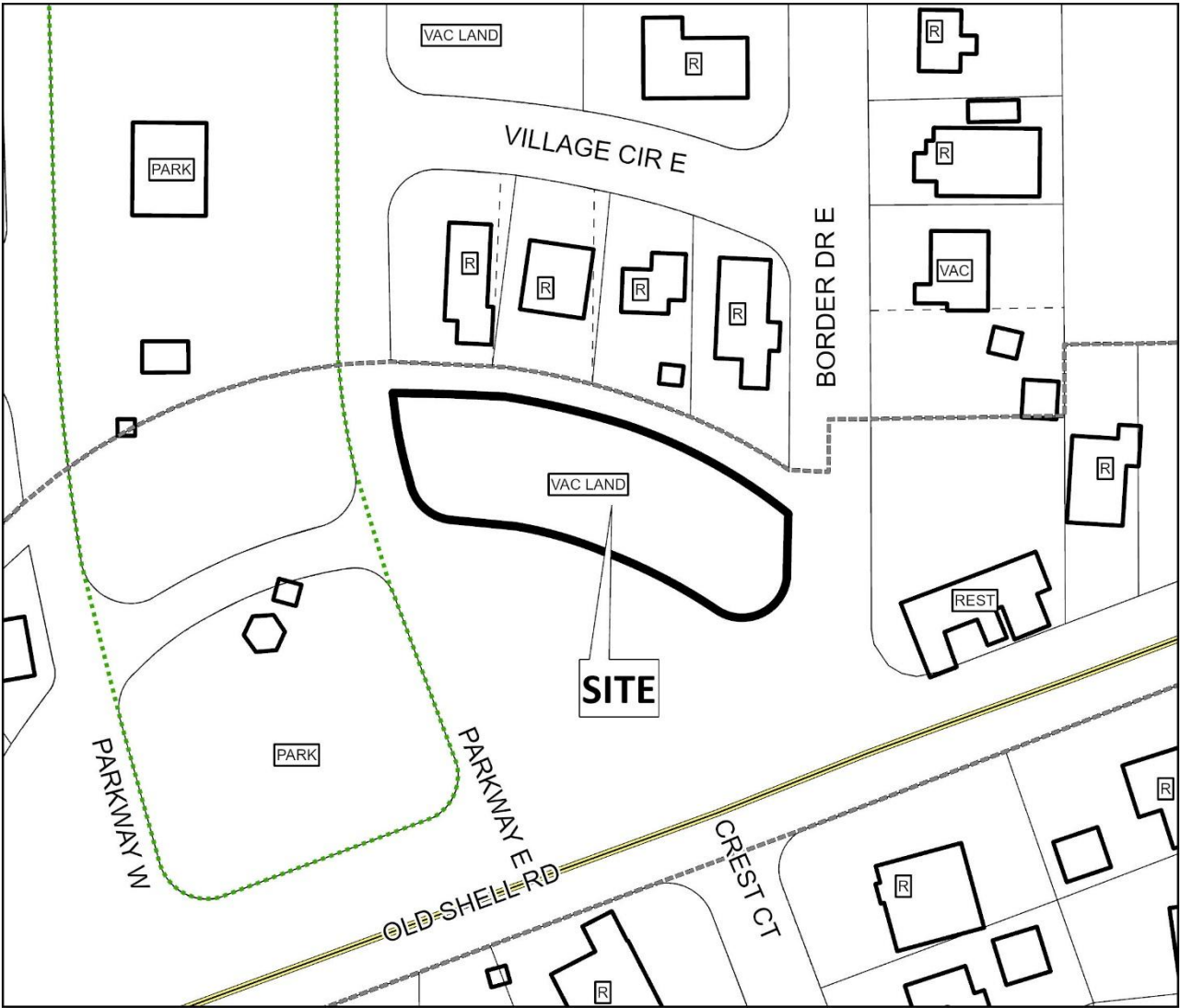
APPLICANT Food Pak, Inc.

REQUEST Rezoning from R-1 to B-2

- | | | | |
|---|---|---|---|
| ■ 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 | |



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

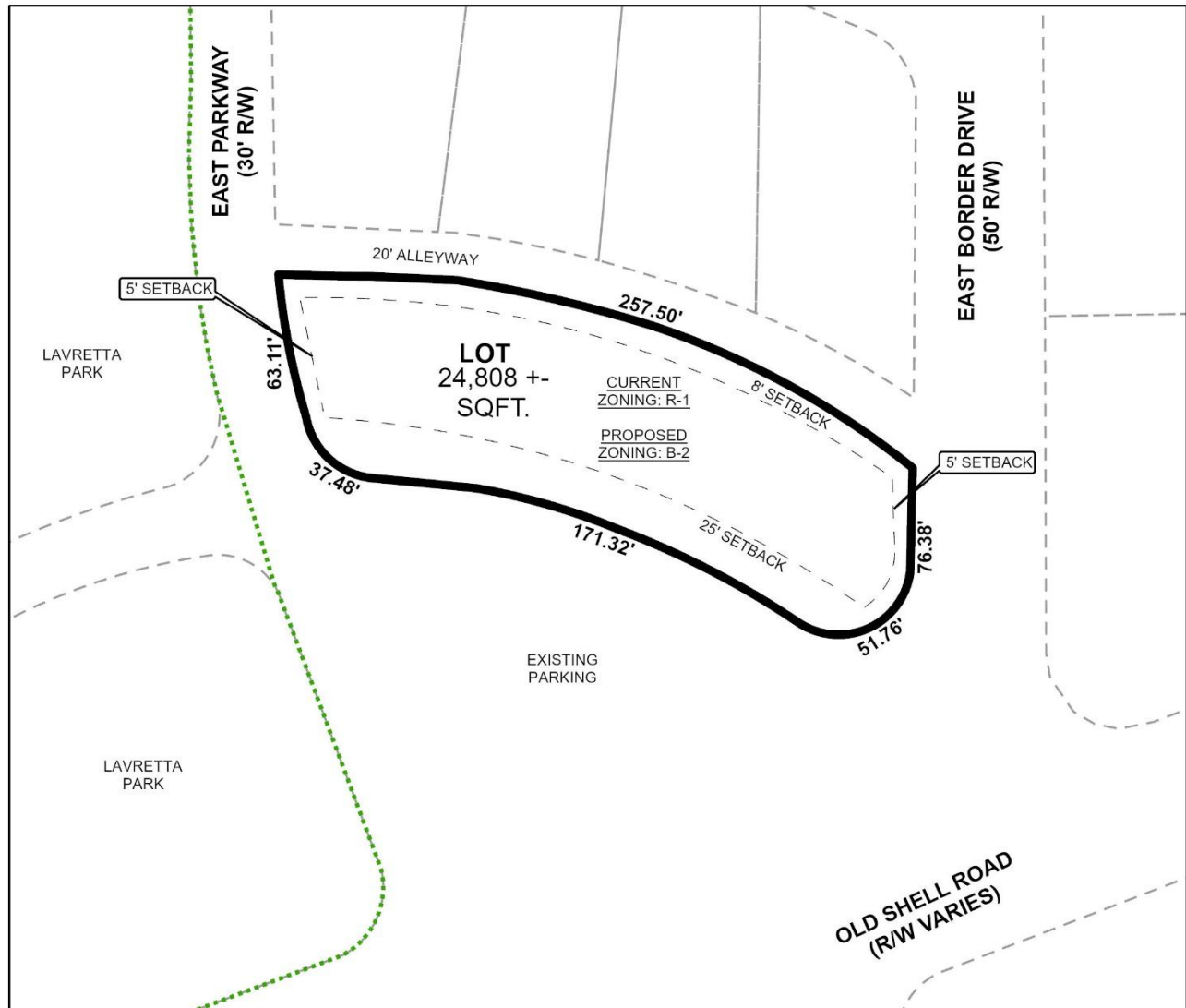


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REQUEST <u>Rezoning from R-1 to B-2</u>		

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	

REZONING SITE PLAN



The site plan illustrates proposed lot rezoning and landscape features.

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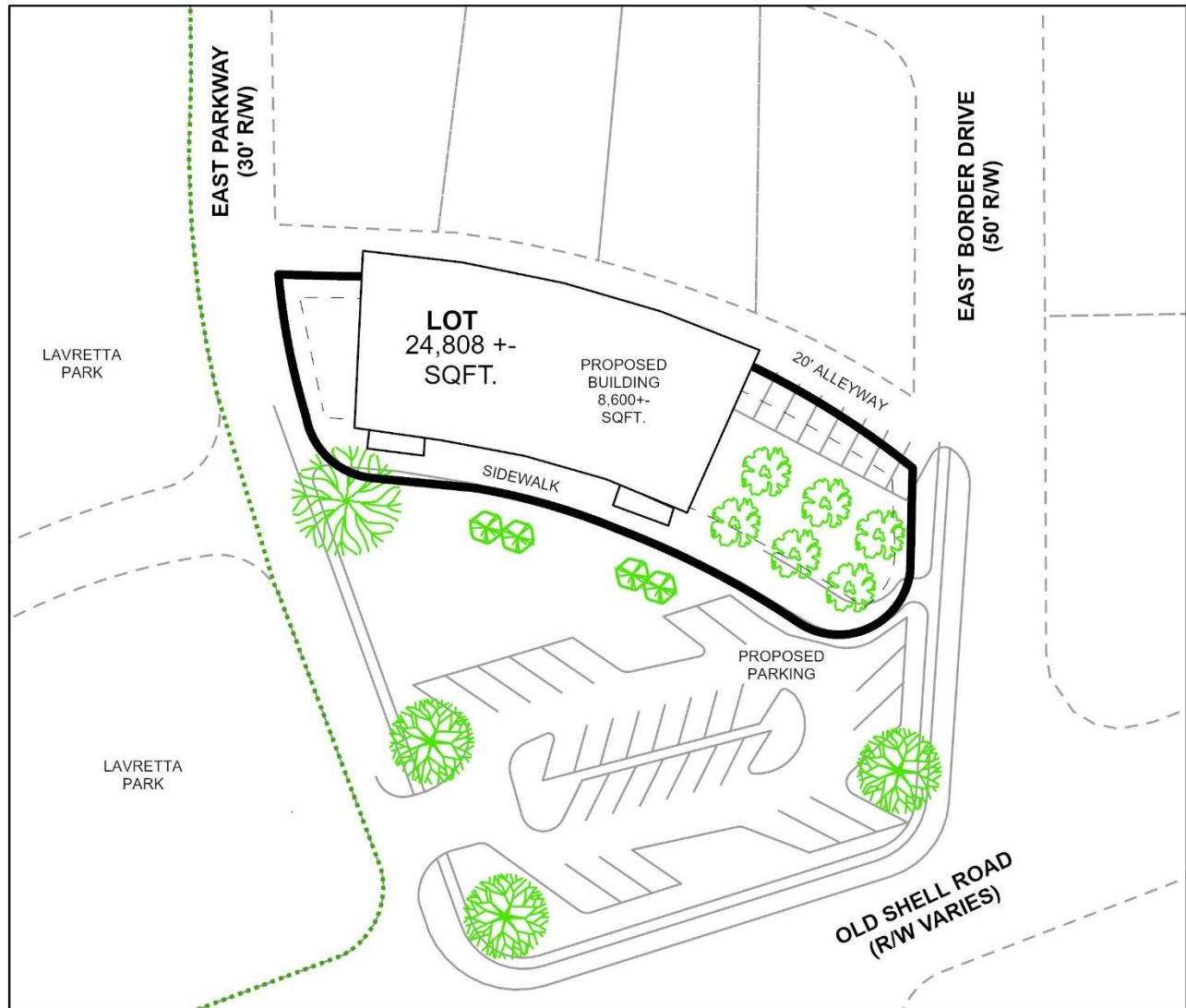
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NTS

MODIFICATION SITE PLAN



The site plan illustrates proposed building, parking areas, and landscape features.

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REQUEST Rezoning from R-1 to B-2



NTS

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 DENSITY RESIDENTIAL (MDR)

This designation applies mostly to residential areas located between Downtown and I-65, where the predominant character is that of a traditional neighborhood laid out on an urban street grid. These areas should offer a variety of residential types in a compact pattern at the scale of a single family neighborhood. They typically have a walkable block pattern with integrated neighborhood amenities such as parks and schools. Small office, commercial, and civic uses may also exist in these areas near major thoroughfares. Residential density ranges between 6 and 30 dwelling units per acre (du/ac) depending on the mix, types, and locations of the housing as specified by zoning.

Development Intent

- Continue historic preservation efforts to maintain the existing neighborhood character within city-designated historic districts.
- Support residential infill that fits-in with neighboring homes (building scale, placement, etc.). Support more intense residential infill and redevelopment adjacent to commercial or mixed use centers.

Land use mix

Primary Uses

- Residential, Single family
- Residential, Attached

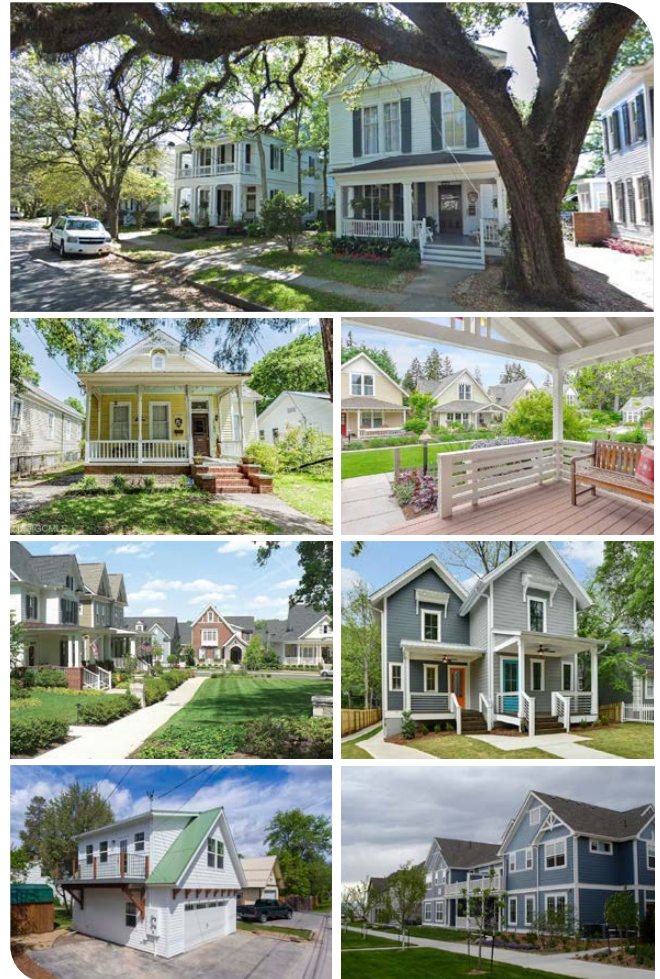
Secondary Uses

- Residential, Multifamily
- Commercial
- Civic
- Parks

Housing mix

- Single family on small to medium sized lots
- Attached residential such as duplexes, multiplexes, and townhomes
- Small scale multifamily buildings

Character Example



A mixed density neighborhood may include a range of housing types and densities at a similar scale.

Rendering: Dover Kohl