Planning Commission
February 19, 2026

Agenda Item # 10
SUB-SW-003610-2026

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

Applicant Materials for Consideration – Sidewalk Waiver

DETAILS

Location:
4575 Hermitage Avenue

Applicant / Agent:
Garrett Baker, KD Tillman's Corner, LLC

Property Owner:
KD Tillman's Corner, LLC

Current Zoning:
B-3, Community Business Suburban District

Future Land Use:
District Center

Applicable Codes, Policies, and Plans:
- Unified Development Code
- Subdivision Regulations
- Map for Mobile Comprehensive Plan

Proposal:
- Request to waive the construction of a sidewalk along Hermitage Avenue.

Commission Considerations:
1. Sidewalk Waiver

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PLANNING COMMISSION
VICINITY MAP - EXISTING AERIAL

The site is surrounded by residential units.

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APPLICANT

REQUEST Sidewalk Waiver

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SITE HISTORY

The subject site was included in the West Mobile Annexation, adopted by the City Council in September 2007. As part of the annexation process, the property was rezoned from R-1, Single-Family Residential District, to B-3 Community Business District, with the rezoning formally adopted by the City Council on January 15, 2008.

The site was part of the four-lot *Tillman's Corner Development Subdivision*, which was approved by the Planning Commission at its November 21, 2024, meeting.

A sidewalk waiver waiving construction of a sidewalk along Nevius Road was approved in February 2025. The same request to waive a sidewalk along Hermitage Avenue was denied.

No additional Planning Commission or Board of Zoning Adjustment applications have been associated with the site.

STAFF COMMENTS

Engineering Comments:

It appears that there is sufficient room within the ROW, or within the property, for the construction of a sidewalk that could be approved through the ROW Permit process.

Traffic Engineering Comments:

No comments.

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 currently in the process of obtaining permits for a proposed coffee shop with a drive-thru window and a walk-up service window. As a result, the development must comply fully with all applicable provisions of the Unified Development Code (UDC), the Subdivision Regulations, and all other relevant codes and ordinances.

Pursuant to Section 7.C.4. of the Subdivision Regulations, a sidewalk is required along the property's Heritage Avenue frontage. The applicant has requested a waiver from this requirement, citing the absence of existing sidewalks in the vicinity and previous right-of-way dedication requirements from Mobile County presenting difficulty in the placement of sidewalks, as justification for the request.

A detailed narrative supporting the sidewalk waiver request, along with related documentation—including the site plan, cross-section drawings, and exhibits—is available via the link provided on Page 1 of this report.

SIDEWALK WAIVER CONSIDERATIONS

Standards of Review:

The Mobile City Council adopted a "Complete Streets" policy on May 31, 2011. The purpose of the Complete Streets Policy is to support the design and construction of streets to enable safe access to all users, including pedestrians, bicyclists, transit riders, motorists, commercial and emergency vehicles, and for people of all ages and abilities.

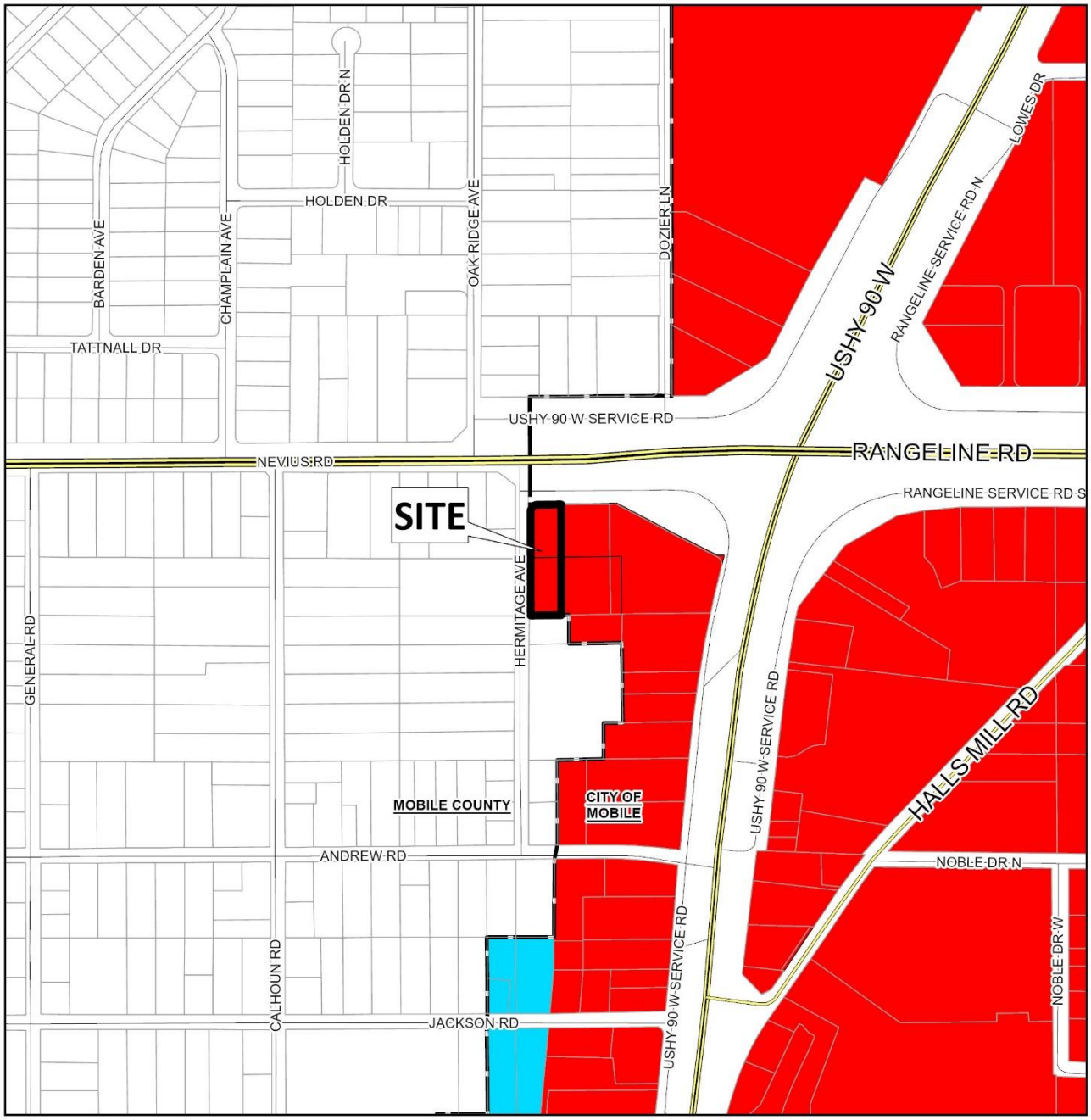
Sidewalks are typically encouraged, even in areas where none currently exist, although the appropriateness of sidewalks should also consider the existing infrastructure in the area.

Considerations:

In rendering a decision, the Planning Commission should evaluate the following factors:

1. The City of Mobile Complete Streets Policy which supports the design and construction of streets for all users, including pedestrians;
2. The existing infrastructure in the area, such as adequate room for construction of a sidewalk, topography, as well as connectivity to existing sidewalks; and
3. Engineering comments, which indicate that there is sufficient room within the ROW, or within the property, for the construction of a sidewalk that could be approved through the ROW Permit process.

LOCATOR ZONING MAP



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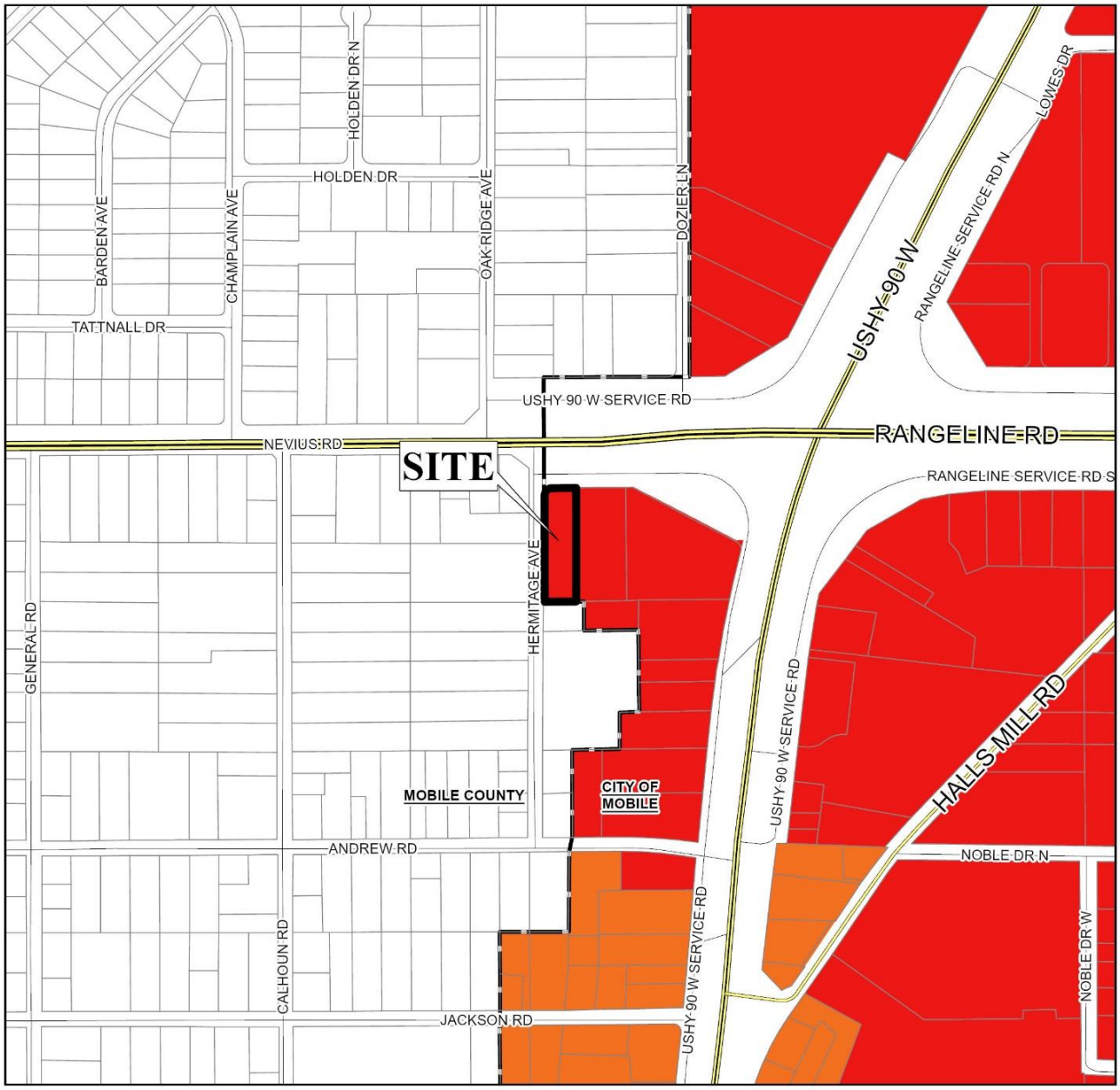
FLUM LOCATOR MAP



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- 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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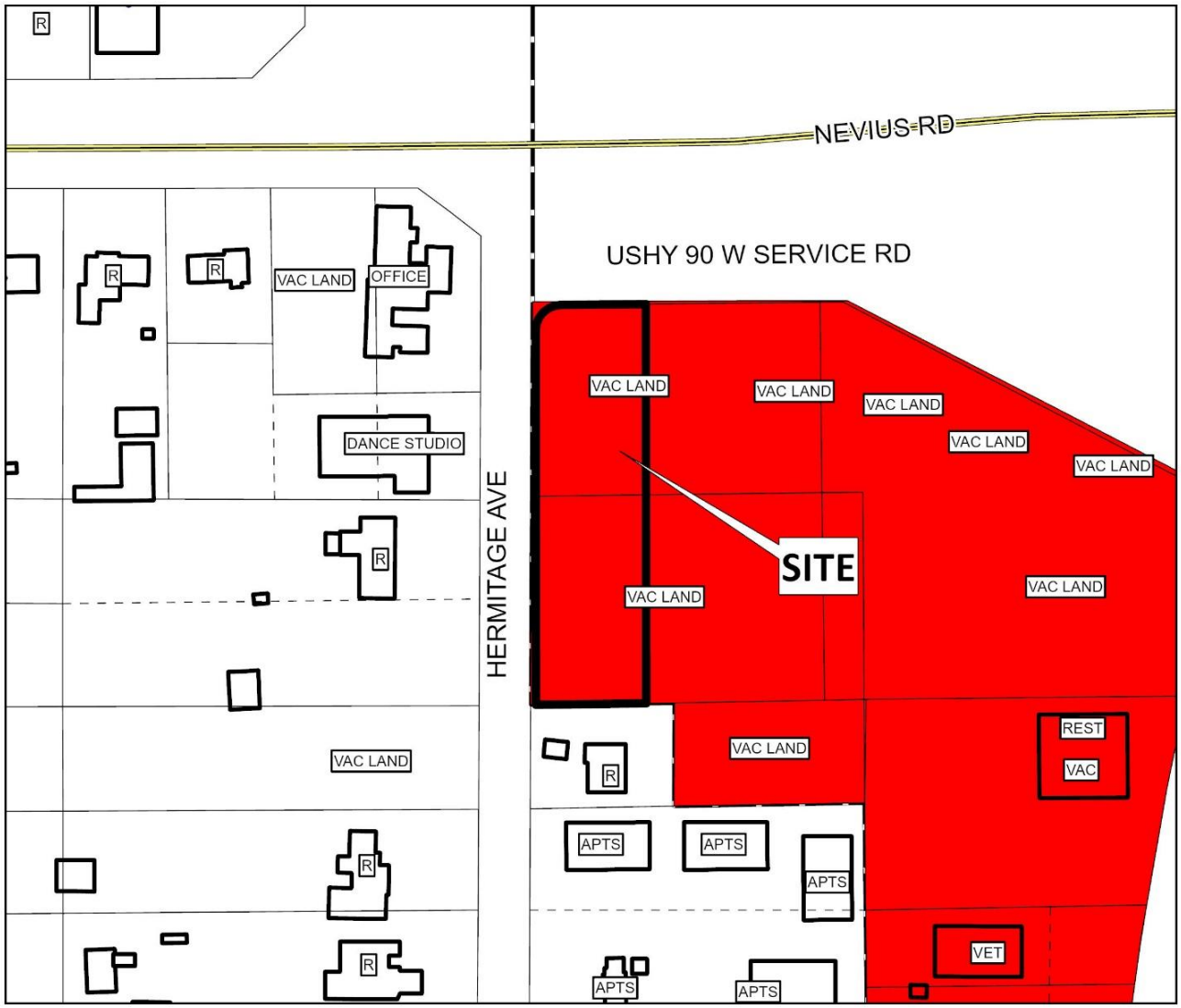
PLANNING COMMISSION
VICINITY MAP - EXISTING ZONING



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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

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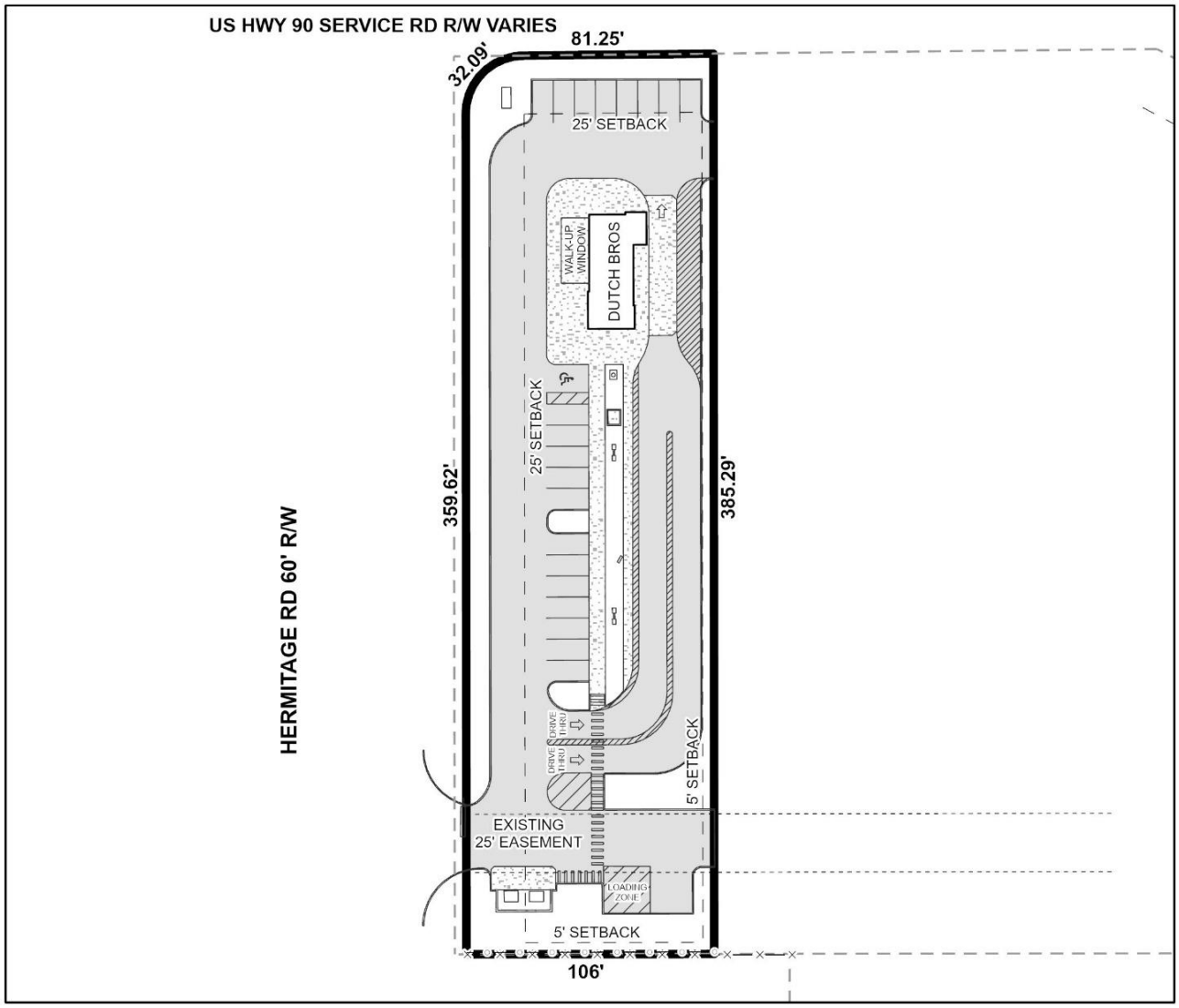
SITE PLAN



The site plan illustrates proposed buildings, parking, and setbacks.

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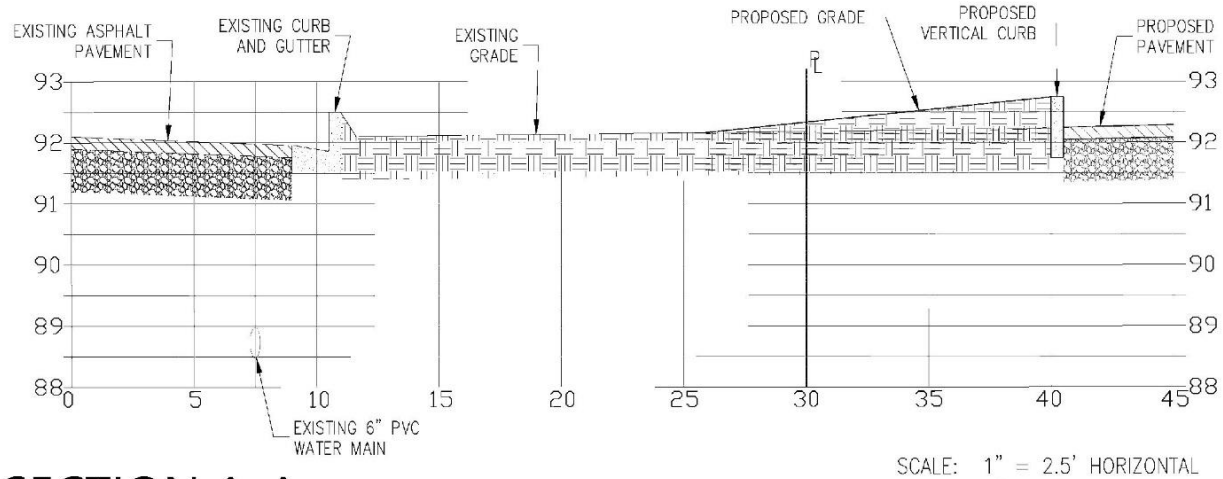
DETAIL SITE PLAN



SECTION A-A

SCALE: 1" = 2.5' HORIZONTAL
1" = 1' VERTICAL

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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.

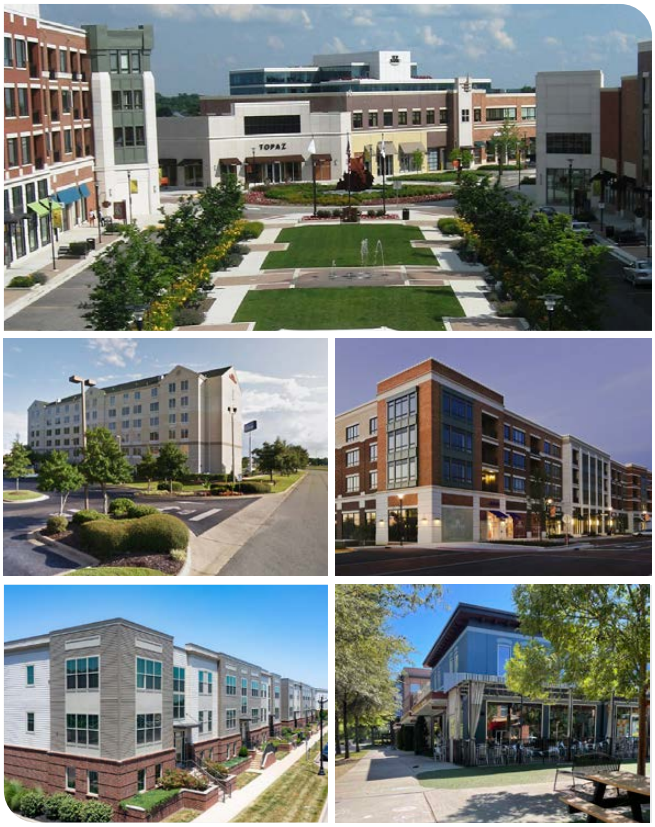
□ Zoning district is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

	RESIDENTIAL - AG (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)	■					○									■	■	■		○										

DISTRICT CENTER (DC)

This designation applies across the city beyond Downtown to large areas of existing mixed-use character or where such character is encouraged. District Centers generally serve several surrounding neighborhoods and may even have a city-wide or region-wide reach. They are often anchored by a major commercial or institutional employer such as a shopping mall or a medical center. Depending on location residential areas in District Centers may incorporate a mix of housing types with minimum densities of 20 du/ac in dynamic, horizontal or vertical mixed-use environments ranging from mid-rise multifamily buildings containing apartments and lofts, to townhouses and detached single-family homes. Major civic cultural institutions and public spaces provide regional and neighborhood destinations.

Character Example



Development intent

- District Centers should be designed to induce pedestrian activity, with high quality streetscapes connecting the different components of a center as well as the center to its surrounding area.
- District Centers may be served by transit and include development of an intensity and design that supports transit use.

Land use mix

Primary Uses

- Commercial
- Office
- Civic
- Residential, Multifamily

Secondary Uses

- Residential, Attached
- Residential, Single Family
- Parks

Housing mix

- Residential units above ground-floor retail
- Multifamily buildings
- Attached residential such as duplexes, multiplexes, and townhomes

Existing district centers should evolve into large walkable mixed-use areas.

Rendering: Dover Kohl