



## Agenda Item # 11

### ZON-CUP-003506-2025

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

[\*\*Applicant Materials for Consideration – Conditional Use Permit\*\*](#)

## DETAILS

**Location:**

1356 Government Street & 120 Espejo Street

**Applicant /Agent:**

Reverend Wayne Miller, Grace Lutheran Church

**Property Owners:**

Grace Lutheran Church

**Current Zoning:**

R-1, Single-Family Residential Urban District

**Future Land Use:**

Traditional Corridor and Mixed Density Residential

**Applicable Codes, Policies, and Plans:**

- Unified Development Code
- Map for Mobile Comprehensive Plan

**Proposal:**

- Conditional Use Permit approval to allow expansion of a religious facility in an R-1, Single-Family Residential Urban District, to permit use of an off-site single-family dwelling as offices and meeting space.

**Commission Considerations:**

1. Conditional Use Permit approval to allow expansion of a religious facility in an R-1, Single-Family Residential Urban District, to permit use of an off-site single-family dwelling as offices and meeting space with seven (7) conditions

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**PLANNING COMMISSION  
VICINITY MAP - EXISTING AERIAL**



The site is surrounded by commercial and residential units.

APPLICATION NUMBER	11	DATE	December 18, 2025	 N NTS
APPLICANT	Reverend Wayne Miller, Grace Lutheran Church			
REQUEST	Conditional Use Permit			

## SITE HISTORY

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The subject site was annexed into the City in 1889.

With the adoption of the Zoning Ordinance in 1967, the main church site was assigned a B-1, Buffer Business District, and R-1, Single-Family Residential zoning classification. The off-site parking lot and the proposed office/meeting space site were also assigned R-1 zoning classifications.

In 1991, the Planning Commission granted Planning Approval to allow the off-site paved parking lot with landscaping.

There have been several cases before the Board of Zoning Adjustment associated with portions of the three properties. In November 1953, Side and Rear Yard Variances were approved to permit the construction of an addition to the existing building to come 3'-2" off the side property line for the lot at the Northeast corner of Government Street and Espejo Street.

In February 1955, the same lot was the subject of a Front Yard Variance to permit construction of an addition to the existing residence, but that request was denied.

In January 1962, a Use Variance was requested to allow the use of a portion of a house at 1360 Conti Street for a ceramics studio. That site is now the Western-most of the three (3) lots on what is now the off-site parking area for the church on the North side of Conti Street. That request was denied.

In June 1962, a Use Variance was requested for the same site to allow the use of the house as a ceramics studio and two (2) apartments. That request was also denied.

In May 1963, the same request as the January 1962 Use Variance was again requested and approved.

In November 1973, a Use Variance was requested to allow an insurance company at the Northwest corner of Conti Street and Espejo Street, but was denied.

In May 1984, a Rear Yard Variance was approved for the main church site to allow a fellowship hall and gymnasium.

## STAFF COMMENTS

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### 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:**

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 is requesting a Conditional Use Permit to allow expansion of a religious facility in an R-1, Single-Family Residential Urban District, to permit use of an off-site single-family dwelling as offices and meeting space. The applicant's narrative justifying the request can be viewed using the link on Page 1 of this report.

The applicant, Grace Lutheran Church, owns three (3) separate sites: the main sanctuary site with on-site parking; an off-site parking lot; and an off-site single-family dwelling. The single-family dwelling is proposed to be used for offices and meeting space. Since it is zoned R-1, Single-Family Residential Urban District, the proposed use must be granted via a Conditional Use Permit. No changes are proposed for the main sanctuary site or the off-site parking lot. An ADA-compliant ramp leading to a deck at the rear entry is proposed for the single-family dwelling.

The hours of operation are stated to be Monday – Thursday, 10:00 AM to 4:00 PM, and Sundays 9:00 AM to 12:00 noon. Two (2) employees are proposed, and, other than the office space, the dwelling will only be used for small Bible studies and board meetings. As the church has parking space available in both the on-site and off-site parking areas, no additional parking requirements would be necessitated by this request.

Though the proposed use should have minimal impact on the adjacent residential uses, a six-foot (6') high privacy fence should be required along the North and West property lines, dropping to three feet (3') in height within the ten-foot (10') front yard setback. This should be indicated on a revised site plan.

It should be noted that, if approved, any changes to the scope of operations or site plan may require additional review of a modified Conditional Use Permit request by the Planning Commission and approval by City Council. This information should be provided as a note on the revised site plan.

## **CONDITIONAL USE PERMIT CONSIDERATIONS**

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### **Standards of Review:**

Conditional Use Permits (CUPs) are required for certain uses in the Use Table (Table 64-2-24.1). These uses may have some special impact which differs from the potential impacts of permitted uses, such as exceeding permitted uses in intensity, or have unique requirements specified for compliance in the Unified Development Code (UDC).

Article 5, Section 6-E. of the Unified Development Codes states the City Council shall not approve an Application for Conditional Use Permit unless the proposed use:

1. Is consistent with all applicable requirements of this Chapter, including:
  - (a) Any applicable development standards; and
  - (b) Any applicable use regulations.
2. Is compatible with the character of the surrounding neighborhood;
3. Will not impede the orderly development and improvement of surrounding property; and

4. Will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood. In making this determination, the Planning Commission and City Council 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; and
  - (e) Other conditions that might require mitigation of the adverse impacts of the proposed development.
5. Is designed to provide ingress and egress that minimizes traffic hazards and traffic congestion on the public roads;
6. Is designed to minimize the impact on storm water facilities;
7. Will be adequately served by water and sanitary sewer services;
8. Is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
9. Shall not be detrimental to or endanger the public health, safety or general welfare.
10. 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.
11. Criteria by Use. The Planning Commission and City Council shall give careful consideration to the warrants and criteria set forth in this section in judging applications for Conditional Use Permits involving the following uses. In considering a Conditional Use Permit, the Planning Commission and City Council may attach such reasonable conditions and safeguards in addition to those set forth in this section, as they may deem necessary to implement the purposes of this Chapter.

## **Considerations:**

Based on the requested Conditional Use Permit application, if the Commission and City Council consider approval of the request, the following Findings of Fact must be present. The application:

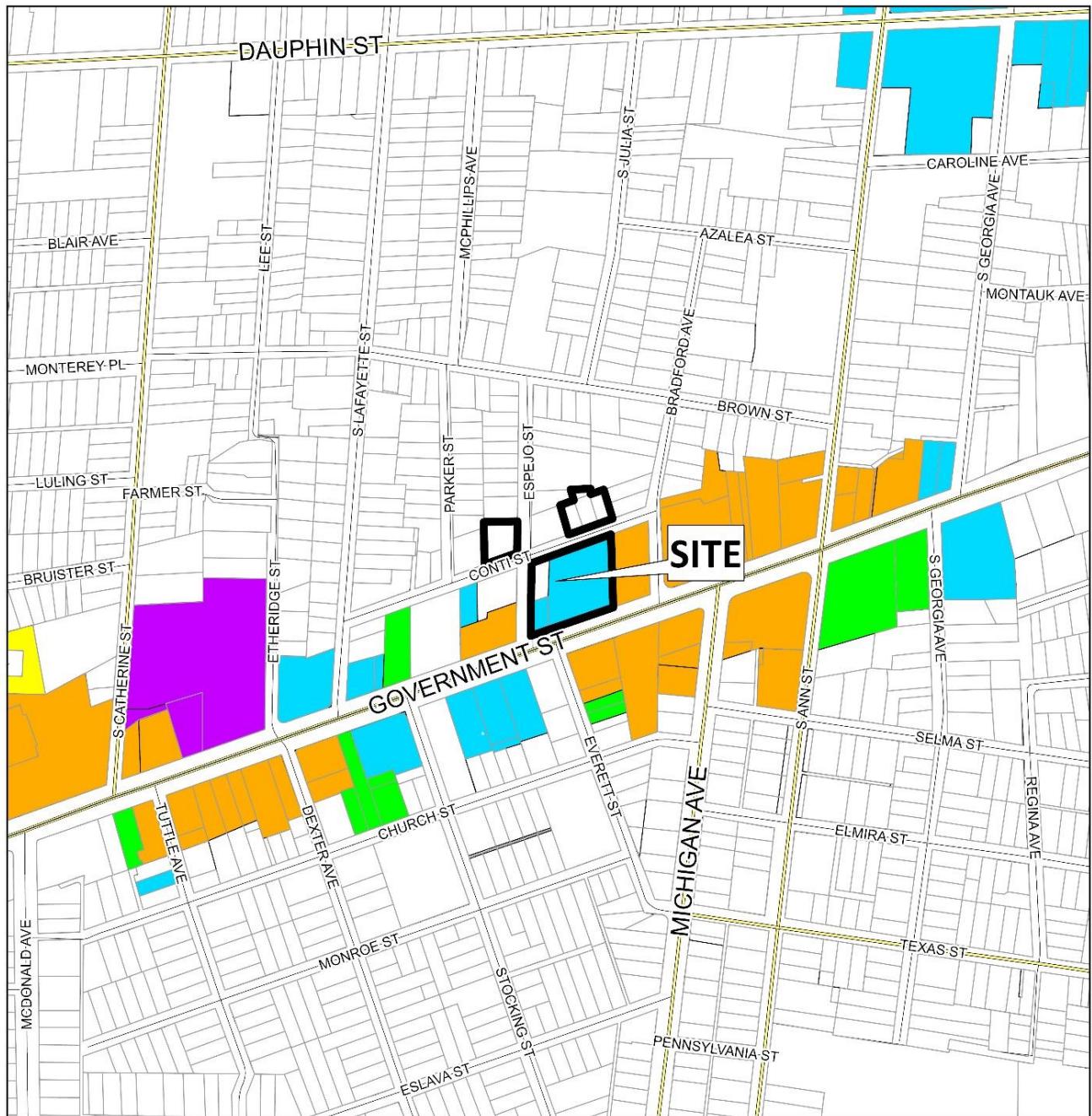
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2. Is compatible with the character of the surrounding neighborhood;
3. Will not impede the orderly development and improvement of surrounding property; and
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5. Is designed to provide ingress and egress that minimizes traffic hazards and traffic congestion on the public roads;
6. Is designed to minimize the impact on storm water facilities;
7. Will be adequately served by water and sanitary sewer services;
8. Is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
9. Shall not be detrimental to or endanger the public health, safety or general welfare.
10. The proposed use will meet the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

If the application is considered for approval, it should be subject to the following conditions:

- 1) Hours of operation limited to 10:00 AM to 4:00 PM Monday through Thursday, and 9:00 AM to 12:00 noon on Sundays;
- 2) Use limited to office and small group meetings;
- 3) Provision of a six-foot (6') high privacy fence along the North and West property lines, dropping to three feet (3') in height within the ten-foot (10') front yard setback;
- 4) Placement of a note on a revised site plan stating that any changes to the scope of operations or site plan may require additional review of a modified Conditional Use Permit request by the Planning Commission and approval by City Council;
- 5) Submittal to and approval by Planning and Zoning of a revised site plan prior to forwarding of the request for City Council hearing; and
- 6) Full compliance with all municipal codes and ordinances.

## LOCATOR ZONING MAP



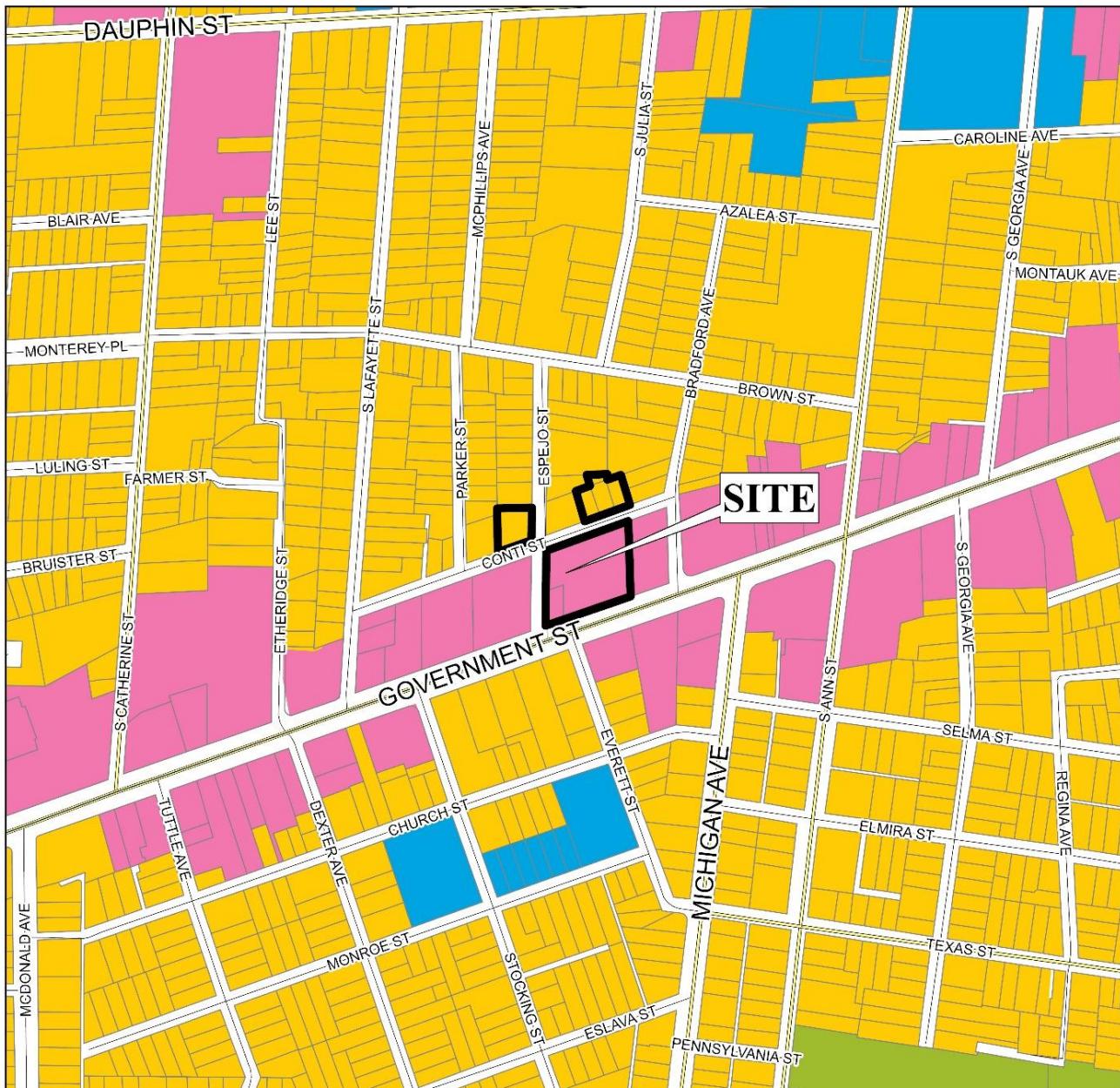
APPLICATION NUMBER 11 DATE December 18, 2025

APPLICANT Reverend Wayne Miller, Grace Lutheran Church

REQUEST Conditional Use Permit



## FLUM LOCATOR MAP



APPLICATION NUMBER 11 DATE December 18, 2025

APPLICANT Reverend Wayne Miller, Grace Lutheran Church

REQUEST Conditional Use Permit

Yellow	Low Density Residential	Maroon	Neighborhood Center - Traditional	Purple	Light Industry	Blue	Water Dependent
Yellow	Mixed Density Residential	Purple	Neighborhood Center - Suburban	Purple	Heavy Industry		
Pink	Downtown	Pink	Traditional Corridor	Blue	Institutional		
Red	District Center	Orange	Mixed Commercial Corridor	Green	Parks, Open Space		



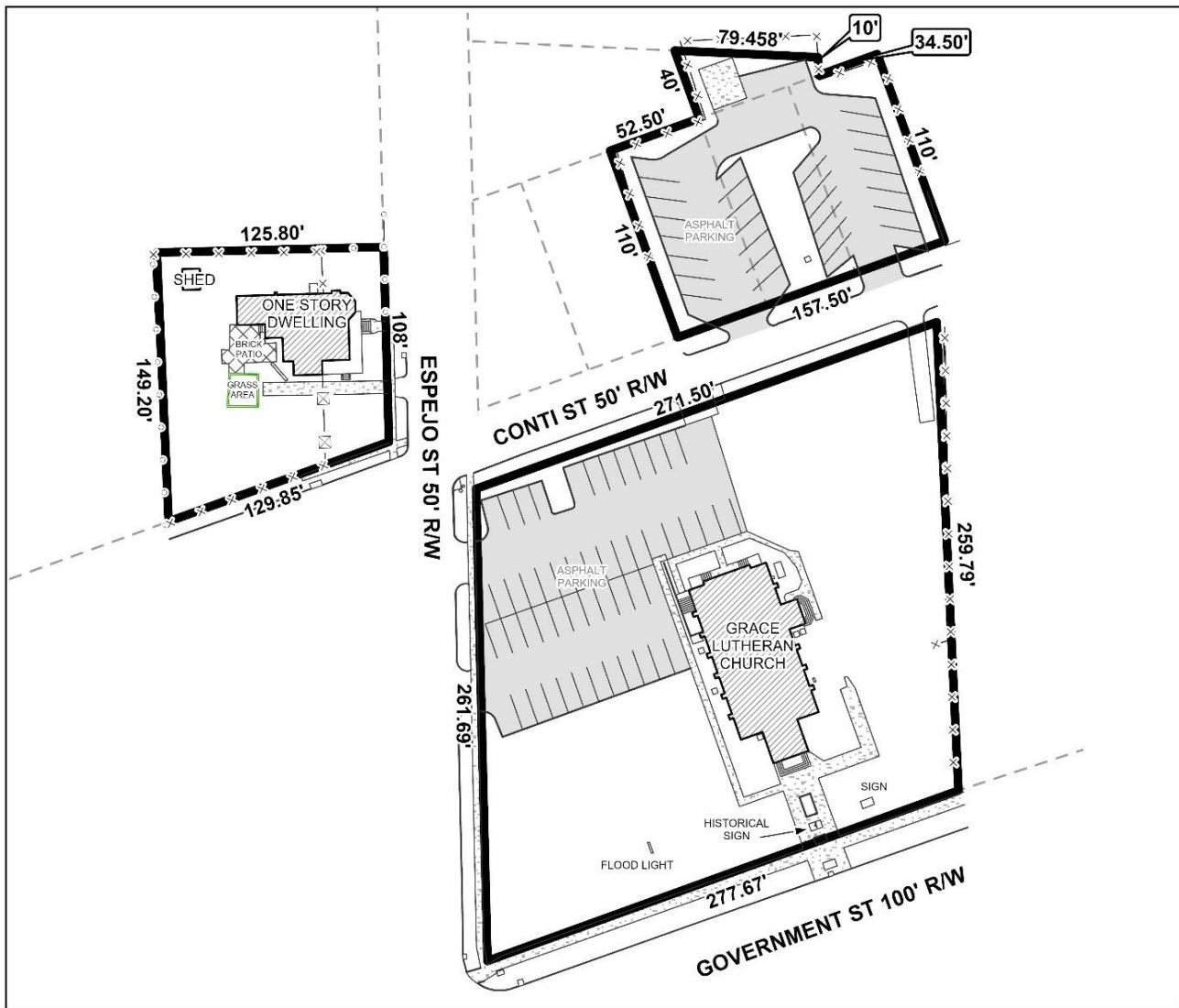
## PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

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<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">R-A</td> <td style="width: 10%;">R-3</td> <td style="width: 10%;">B-1</td> <td style="width: 10%;">B-2</td> <td style="width: 10%;">B-5</td> <td style="width: 10%;">ML</td> <td style="width: 10%;">I-2</td> <td style="width: 10%;">OPEN</td> <td style="width: 10%;">T-3</td> <td style="width: 10%;">T-5.2</td> </tr> <tr> <td>R-1</td> <td>R-B</td> <td>T-B</td> <td>B-3</td> <td>CW</td> <td>MH</td> <td>PD</td> <td>SD</td> <td>T-4</td> <td>T-6</td> </tr> <tr> <td>R-2</td> <td>H-B</td> <td>LB-2</td> <td>B-4</td> <td>MM</td> <td>I-1</td> <td>MUN</td> <td>SD-WH</td> <td>T-5.1</td> <td></td> </tr> </table>					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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## SITE PLAN



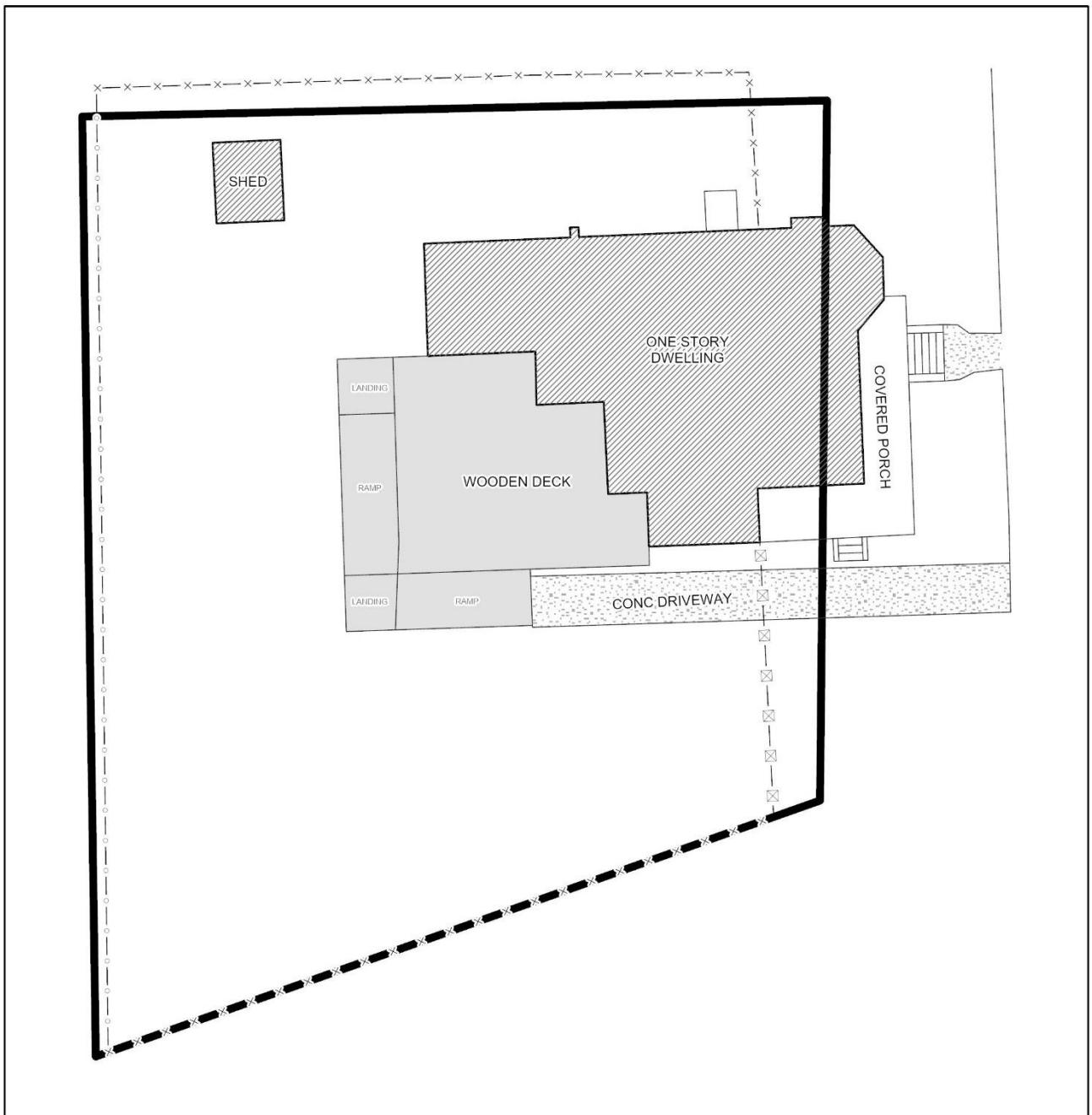
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## DETAIL SITE PLAN



APPLICATION NUMBER 11 DATE December 18, 2025

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REQUEST Conditional Use Permit



## 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

## Residential Land Use Areas

### 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

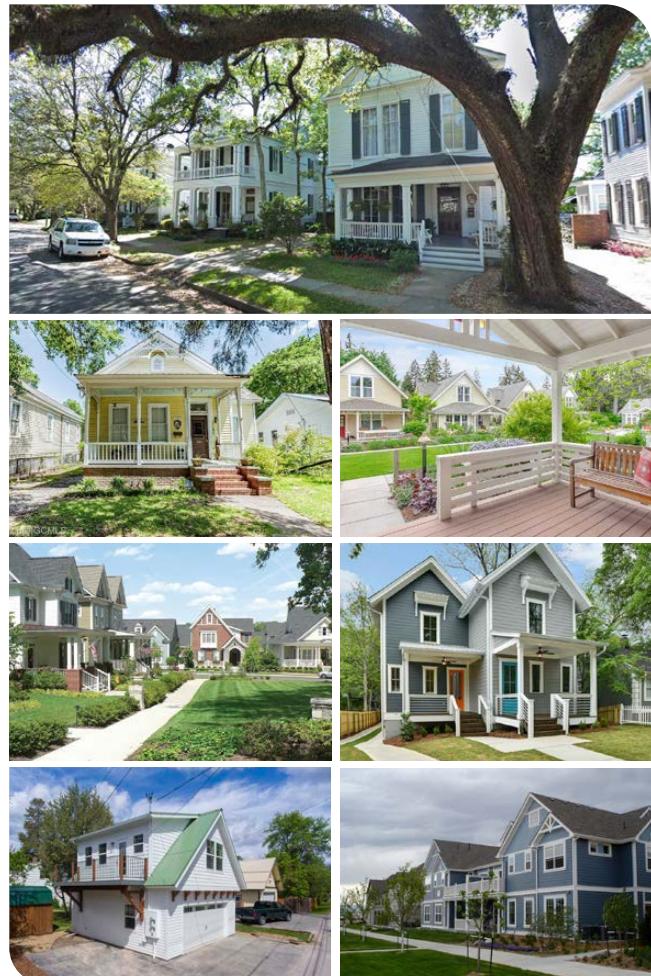
##### Secondary Uses

- › 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

## Mixed Use Areas: Corridors

### TRADITIONAL CORRIDOR (TC)

This land use designation generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods. Depending on their location, these areas incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures, and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving.

#### Development Intent

- Incorporate attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving.
- Special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.

#### Land use mix

##### Primary Uses

- Commercial
- Office
- Civic
- Residential, Multifamily

##### Secondary Uses

- Residential, Attached
- Parks

#### Character Example



#### Housing mix

- Various types ranging in density from 10 to 30 du/ac;
- Residential units above ground-floor retail
- Multifamily buildings (small scale)
- Attached residential such as duplexes, multiplexes, and townhomes