



## Agenda Item # 12

### MOD-003555-2025

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

[Applicant Materials for Consideration](#)

## DETAILS

**Location:**

580 Providence Park Drive East

**Applicant / Agent:**

Thomas Bender, Bender Clinics, LLC

**Property Owner:**

Bender Clinics, LLC

**Current Zoning:**

B-3, Community Business Suburban District

**Future Land Use:**

Institutional

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

- Unified Development Code
- Map for Mobile Comprehensive Plan

**Schedule for Development:**

- Not provided

**Proposal:**

- Modification of a previously approved Planned Unit Development

**Considerations:**

1. Modification of a previously approved Planned Unit Development with thirteen (13) conditions.

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# PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

|                    |                                    |      |                   |
|--------------------|------------------------------------|------|-------------------|
| APPLICATION NUMBER | 12                                 | DATE | December 18, 2025 |
| APPLICANT          | Thomas Bender, Bender Clinics, LLC |      |                   |
| REQUEST            | PUD Modification                   |      |                   |



## SITE HISTORY

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The site has been before the Planning Commission several times for various Subdivisions and Planned Unit Developments. The most recent applications before the Planning Commission in June 2021, were a seven (7) lot Subdivision (Providence Park POB West Subdivision, North Addition, Resubdivision of Lot 3A) and Planned Unit Development (PUD) to amend a previously approved PUD Master Plan to allow shared access and parking between multiple building sites. Both applications were approved, and the Subdivision was recorded in Probate Court.

The site has not been before the Board of Zoning Adjustment previously.

## 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 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 Major Modification of a previously approved Planned Unit Development amending a previously approved master plan, to allow the construction of a parking lot serving an existing healthcare facility, with shared access and parking between multiple building sites.

Detailed descriptions of the request are available via the links on page 1 of this report.

The applicant operates a dermatology office located at 580 Providence Park Drive East, and is proposing to construct a new parking lot with 32 parking spaces. The existing office is a two-story building with approximately 20,240 square feet under the roof, thus requiring 51 parking spaces. Approximately 14 of the existing parking spaces and seven (7) existing tree plantings on the site are to be removed to make room for new handicapped parking spaces, a new curb cut to a private street and to allow internal connections between the existing parking lot and the proposed parking lot. It should be noted that the site plan appears to be missing a parking space delineation towards the North of the new parking lot. Also, the row of parking spaces abutting the proposed parking expansion has two (2) parking spaces that are not counted. The proposed parking layout will result in a total of 95 parking spaces. The site plan states that 93 spaces are proposed. If approved, the site plan should be revised to clearly delineate all proposed parking spaces, and count all existing parking spaces accurately. As the site will have more parking spaces than the UDC requires, all of the proposed parking spaces should have an alternative paving surface instead of asphalt or concrete, per Section 64-3-12.A.(3).5.d. of the UDC.

The subject site was required to comply with tree planting and landscape area requirements in 2014 when the dermatology office was initially constructed. As the proposed changes to the site will result in the removal of



several required trees, as well as developing a previously undeveloped lot, both lots should be required to fully comply with tree planting and landscape area requirements of the UDC at the time of permitting.

It should be noted that because of the increase in proposed parking by more than 25%, a compliant photometric site plan will be required at the time of permitting.

The private street to the North that the subject site proposes a new curb cut to is currently under construction in association with a separate project to the North at 550 Providence Park Drive East. As such, if approved, the site plan should either be revised to depict sidewalks along the private street for both lots or the applicant should apply for a Sidewalk Waiver.

It should be noted that future development or redevelopment of either lot may require additional modifications of the PUD to be approved by the Planning Commission and City Council. A note stating as much should be placed on the recorded site plans, if approved.

## **PLANNED UNIT DEVELOPMENT MODIFICATION CONSIDERATIONS**

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### **Standards of Review:**

The Unified Development Code (UDC) in Section 64-5-8-B.(5) states the following concerning Planned Unit Development / Planning Approval Modifications:

Approval Criteria. The Planning Commission shall not recommend a major modification for approval, and the City Council shall not approve the modification, unless the proposed modification:

1. Is consistent with all applicable requirements of this Chapter;
2. Is compatible with the character of the surrounding neighborhood;
3. Will not impede the orderly development and improvement of surrounding property;
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:
  - a. In making this determination, the Planning Commission and City Council shall consider the location, type and height of buildings or structures, the type and extent of landscaping and screening, lighting, hours of operation or any other conditions that mitigate the impacts of the proposed development; and
  - b. Includes adequate public facilities and utilities;
5. Is subject to adequate design standards to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
6. Is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
7. Shall not be detrimental or endanger the public health, safety or general welfare.
8. 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.

### **Considerations:**

If the Planning Commission considers a recommendation of approval for the Modified Planning Approval / Planned Unit Development, the following Findings of Fact must apply:

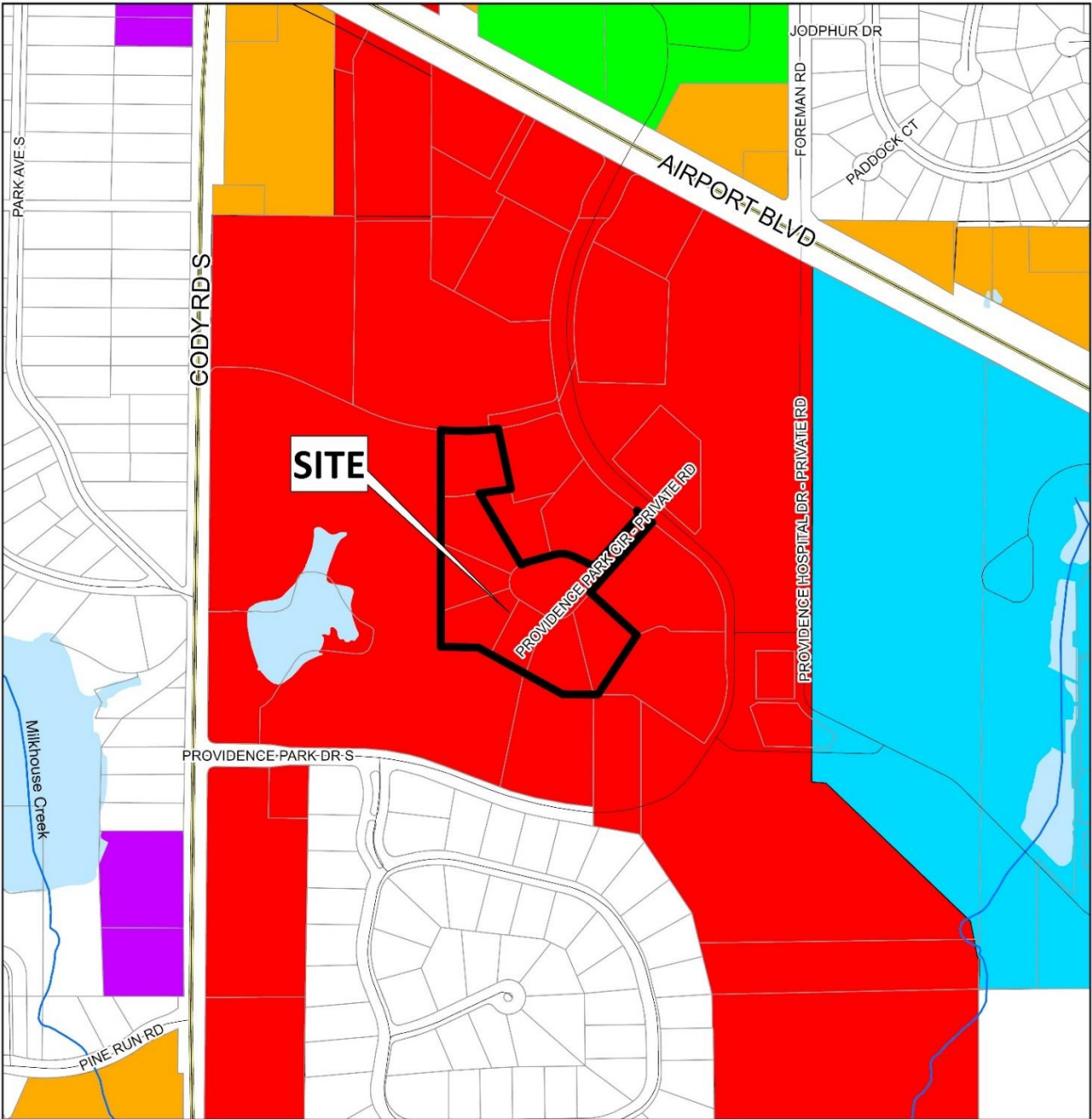
- a. The request is consistent with all applicable requirements of this Chapter;

- b. The request is compatible with the character of the surrounding neighborhood;
- c. The request will not impede the orderly development and improvement of surrounding property;
- d. The request 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:
  - 1. In making this determination, the Planning Commission and City Council shall consider the location, type and height of buildings or structures, the type and extent of landscaping and screening, lighting, hours of operation or any other conditions that mitigate the impacts of the proposed development; and
  - 2. Includes adequate public facilities and utilities;
- e. The request is subject to adequate design standards to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
- f. The request is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- g. The request shall not be detrimental or endanger the public health, safety or general welfare.
- h. 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.

If approved, the following conditions could apply:

- 1. Revision of the site plan to clearly delineate the 32 proposed parking spaces;
- 2. Revision of the site plan to correctly count all existing and proposed parking spaces;
- 3. Revision of the site plan to depict all proposed parking spaces will have an alternative paving surface;
- 4. Placement of a note on the site plan stating that the both the existing development and proposed parking lot will fully comply with tree planting and landscape area requirements;
- 5. Provision of a compliant photometric site plan at the time of permitting;
- 6. Either revision of the site plan to depict a sidewalk along the private street to the North of both lots or obtain Sidewalk Waiver approval from the Planning Commission;
- 7. Placement of a note on the site plan stating future development or redevelopment of the property may require approval by the Planning Commission and City Council;
- 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;
- 11. Compliance with all Fire Department comments noted in this staff report;
- 12. Submittal to and approval by Planning and Zoning of the revised Modified Planned Unit site plan prior to their recording in Probate Court, and the provision of copies of the recorded site plans (.pdf) to Planning and Zoning; and,
- 13. Full compliance with all municipal codes and ordinances.

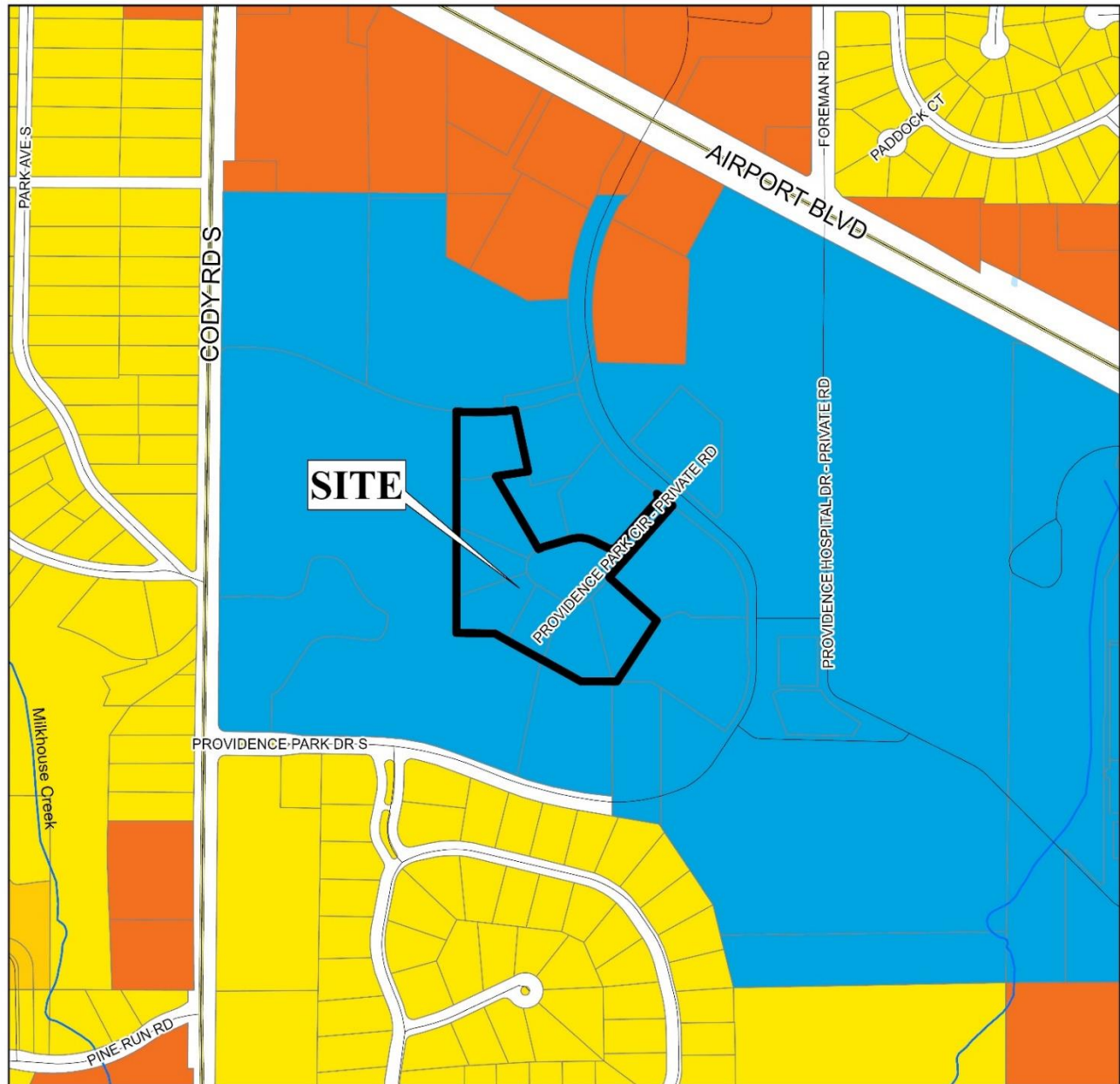
# LOCATOR ZONING MAP



APPLICATION NUMBER 12 DATE December 18, 2025  
APPLICANT Thomas Bender, Bender Clinics, LLC  
REQUEST PUD Modification



## FLUM LOCATOR MAP



APPLICATION NUMBER 12 DATE December 18, 2025

APPLICANT Thomas Bender, Bender Clinics, LLC

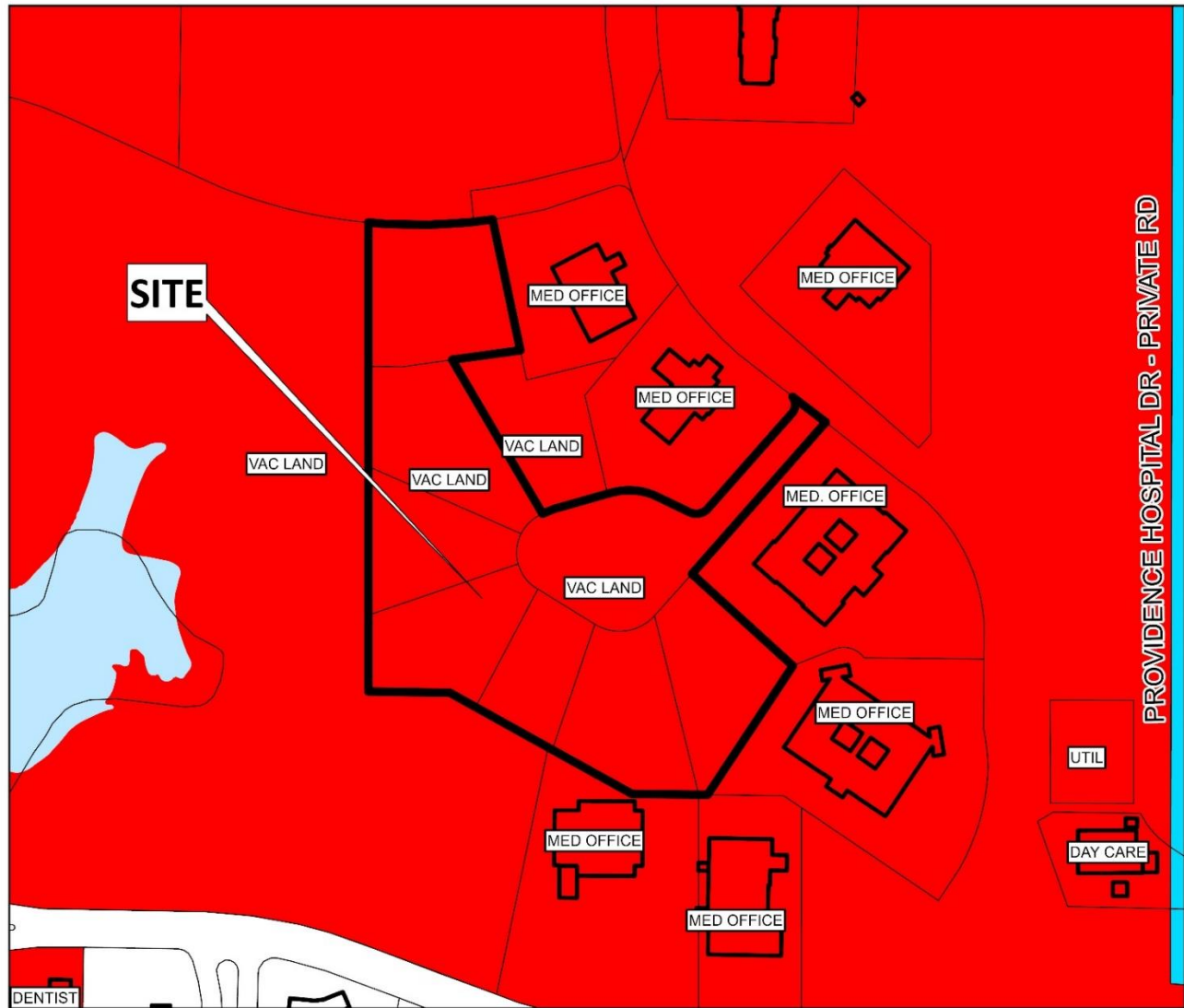
REQUEST PUD Modification

- |                           |                                   |                   |                 |
|---------------------------|-----------------------------------|-------------------|-----------------|
| 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 |                 |





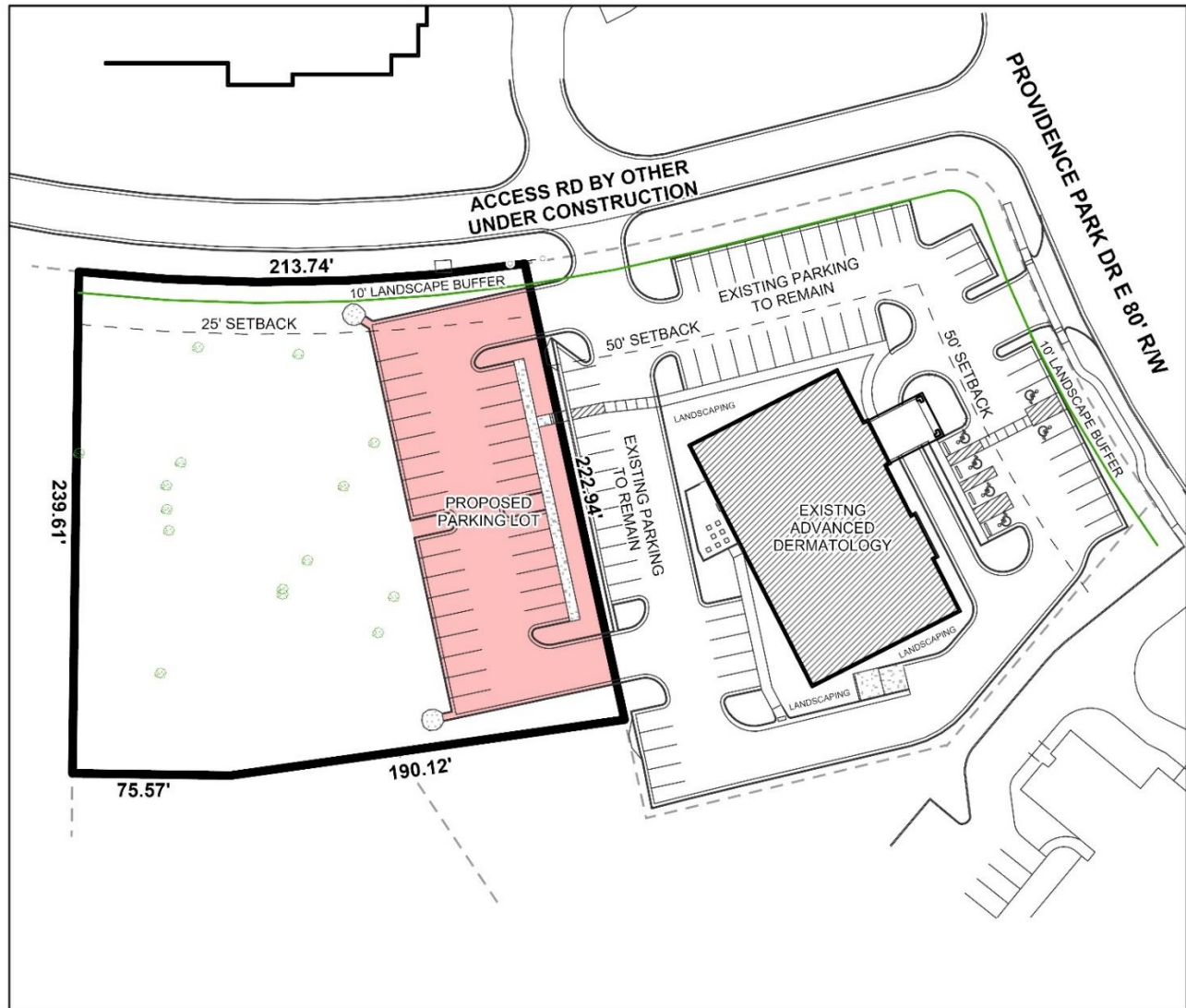
# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

|  |  |         |
|--|--|---------|
| APPLICATION NUMBER <u>12</u> DATE <u>December 18, 2025</u>   |  | <br>NTS |
| APPLICANT <u>Thomas Bender, Bender Clinics, LLC</u>  |  |         |
| REQUEST <u>PUD Modification</u>  |  |         |
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## SITE PLAN



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

APPLICATION NUMBER 12 DATE December 18, 2025

APPLICANT Thomas Bender, Bender Clinics, LLC

REQUEST PUD Modification



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]

## INSTITUTIONAL LAND USE (INS)

This designation includes land and buildings occupied by municipal and other governmental agencies for the exercise of their functions, to serve the public or provide a civic use or amenity. These include major libraries, airports, public schools and public safety facilities. Semi-public uses such as schools, colleges and universities, hospitals, and other major institutions that serve the public and/or operate in a public function are included.

### Development Features

- ▶ The specific location and design of these complementary uses is subject to zoning. In some cases, depending on ownership, these areas may not be subject to City zoning.
- ▶ Small-scale properties (less than 2 acres) accommodating subsidiary public and semi-public facilities, such as branch libraries, substations, satellite clinics, etc., may not be specifically called out in the FLUM under this land use designation, but may instead be considered part of the array of integrated complementary uses typically found in a residential neighborhood or a mixed-use center or corridor.

### Character Example



## PARKS AND OPEN SPACE (POS)

This designation applies to land maintained in a natural, semi-natural state, or developed with facilities and set aside for human enjoyment and recreation or for the protection of wildlife or natural habitats. This designation includes existing parks, squares, playgrounds, playfields, gardens, greens, cemeteries, greenways and blueways, and other recreational areas and facilities that are accessible to the public. These areas are generally owned by a public entity but may include some privately owned areas that have been designated as open space. This designation is not intended to identify public land acquisition or to prohibit the development potential of individual privately-owned properties.

### Character Example

