



## Agenda Item # 13

SUB-003536-2025 & MOD-003533-2025

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

[Applicant Materials for Consideration – Subdivision](#)

[Applicant Materials for Consideration – PUD Termination](#)

## DETAILS

**Location:**

1800 Dauphin Island Parkway

**Subdivision Name:**

Fulton Road Baptist Church Subdivision, Resubdivision  
of Lot 1

**Applicant / Agent:**

Fulton Road Baptist Church / Byrd Surveying, Inc.

**Property Owner:**

Fulton Road Baptist Church

**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:**

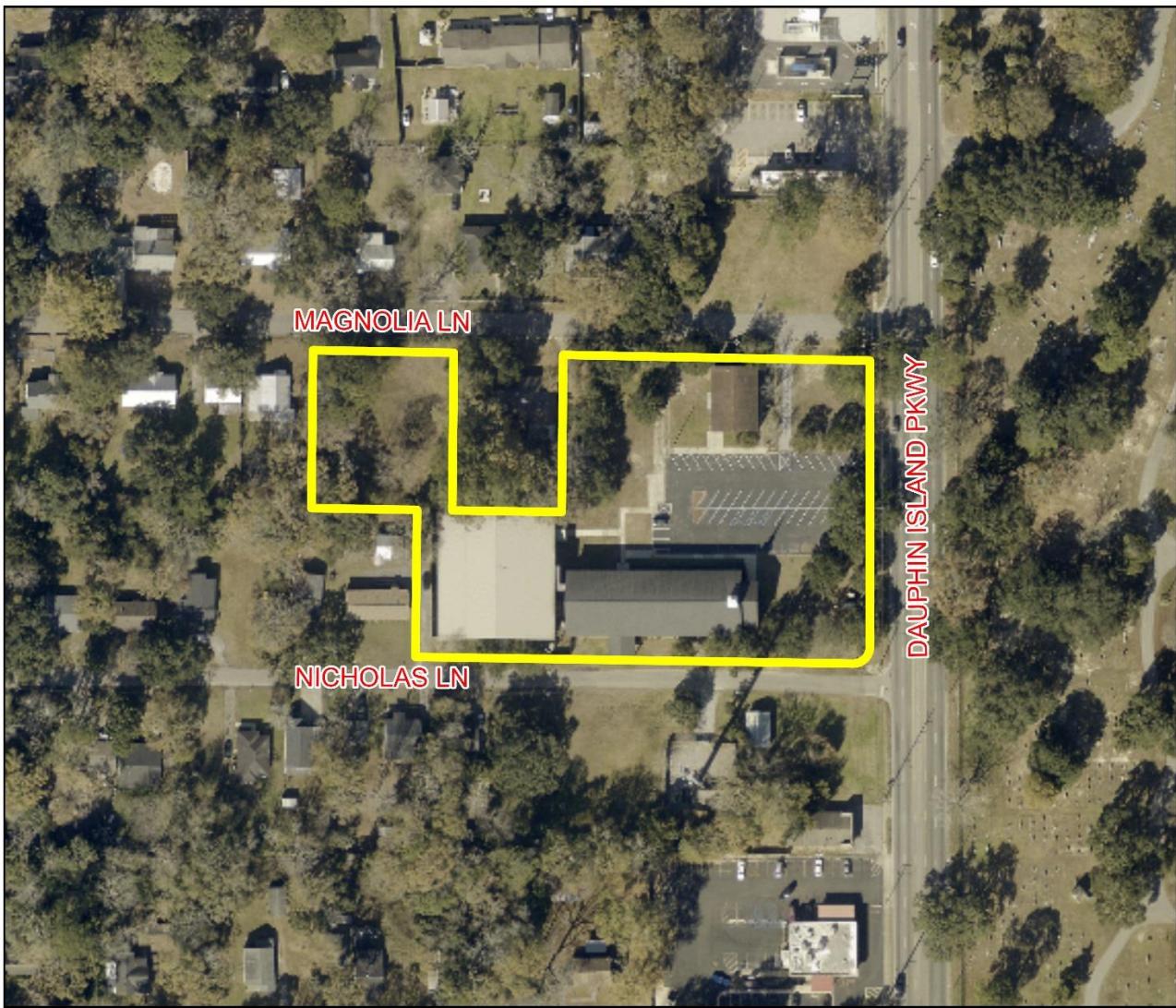
- Subdivision approval to create three (3) legal lots of record from one (1) legal lot of record.
- Termination of a previously approved Planned Unit Development

**Considerations:**

1. Subdivision proposal with eleven (11) conditions.
2. Termination of a previously approved Planned Unit Development with two (2) conditions.

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**PLANNING COMMISSION  
VICINITY MAP - EXISTING AERIAL**



The site is surrounded by residential units. A restaurant lies to the south.

APPLICATION NUMBER	13	DATE	December 18, 2025	 N NTS
APPLICANT	Fulton Road Baptist Church Subdivision, Resubdivision			
REQUEST	Subdivision, PUD Termination			

## SITE HISTORY

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The site was originally part of the 54-lot *Nicholas's Subdivision, Brick-Yard Tract*, recorded in the Mobile County Probate Court in February 1907, and the 47-lot *Re-Survey of Hakanson Subdivision*, recorded in January 1943.

In July 1983, the Board of Zoning Adjustment approved a Side Yard Variance for the eastern portion of the property to allow construction of a portico within the required side yard setback.

At its September 2, 2004, meeting, the Planning Commission approved a Subdivision, Planning Approval, and Planned Unit Development (PUD) for the site to allow a two-lot subdivision and construction of a multi-purpose building for an existing church with multiple buildings on a single site. The associated plat was subsequently recorded in the Mobile County Probate Court, identifying the subject property as Lot 1 of the *Fulton Road Baptist Church Subdivision*.

In August 2006, the Planning Commission approved a request to waive sidewalk construction along Dauphin Island Parkway, Magnolia Lane, and Nicholas Lane.

In November 2006, the Board of Zoning Adjustment approved a Side Street Side Yard Variance to allow construction of an eight-foot-tall wooden privacy fence within the required side street setback along Nicholas Lane.

It should be noted that, on January 4, 2018, the Planning Commission approved the subdivision of Lot 2 of the *Fulton Road Baptist Church Subdivision* into three lots. Because Lot 2 was never developed, it was later determined that the 2018 subdivision effectively removed Lot 2 from the previously approved Planning Approval, PUD, and Variances.

## STAFF COMMENTS

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### Engineering Comments:

#### Subdivision

##### 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. Provide and label the monument set or found at each subdivision corner.
- C. Add a graphic scale.
- D. Provide the bearing and distance labels for the proposed subdivision.
- E. Provide the recording information for the three (3) previously dedicated ROWs.
- F. Provide the recording information for the adjacent RESURVEY OF HAKANSON SUBDIVISION.
- G. Provide information for the existing flood zone.
- H. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the northeast corner of LOT A to the City of Mobile and list the amount of dedicated acreage in SF and Acres.
- I. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- J. Provide the Surveyor's Certificate.
- K. As shown on the 1984 aerial photo LOTS A, B, & C will share the 61,000 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) as follows: LOT A – 61,000 sf, LOT B - NONE, and LOT C - NONE. Stormwater detention will be required for any additional impervious area that exceeds the allowable credit for that LOT.

- L. Add a note that a Land Disturbance permit will be required for any land disturbing activity in accordance 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.
- M. Add a note that 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.
- N. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved.
- O. Add a note that all existing and proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile.
- P. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- Q. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at [land.disturbance@cityofmobile.org](mailto:land.disturbance@cityofmobile.org) prior to obtaining any signatures. No signatures are required on the drawing.

#### **Planned Unit Development Termination**

NO COMMENTS for terminating the existing PUD.

#### **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:

### Subdivision

The purpose of this subdivision request is to create three (3) legal lots of record from one (1) existing lot of record. The site is served by public water and sanitary sewer.

The proposed lots have frontage on Magnolia Lane, Dauphin Island Parkway, and Nicholas Lane. Magnolia Lane and Nicholas Lane are Minor Streets without curb and gutter improvements, each requiring a 60-foot-wide right-of-way. Dauphin Island Parkway is identified on the Major Street Plan as a Principal Arterial Street, with a planned 100-foot right-of-way at this location. The preliminary plat depicts 50-foot-wide rights-of-way along Magnolia Lane and Nicholas Lane, as dedicated with the 2004 subdivision approval; however, it depicts a 90-foot-wide right-of-way along Dauphin Island Parkway. Therefore, if approved, the Final Plat should be revised to illustrate dedication sufficient to provide 50 feet from the centerline of Dauphin Island Parkway, unless the Planning Commission grants a waiver of Section 6.B.2. of the Subdivision Regulations.

Since the Planning Commission approved dedication of 50-foot-wide rights-of-way along Magnolia Lane and Nicholas Lane, no additional dedication should be required along these streets.

A compliant corner radius is shown at the intersection of Nicholas Lane and Dauphin Island Parkway, consistent with Sections 6.B.12. and 6.C.6. of the Subdivision Regulations, however, a radius is not shown at the intersection of Magnolia Lane and Dauphin Island Parkway. Corner radii at both intersections were required and recorded as part of the 2004 subdivision. Therefore, if approved, the Final Plat should include a sufficient radius at the intersection of Magnolia Lane and Dauphin Island Parkway.

While Section 6.C.7. of the Subdivision Regulations discourages lots with multiple street frontages, it allows such lots if access is limited to one street per block face. Given that the site has historically maintained access from all three (3) street frontages without any apparent adverse impacts on the surrounding neighborhood, a waiver of Section 6.C.7. may be appropriate.

The proposed lots meet the minimum width requirements of Section 6.C.2.(b)(2) of the Subdivision Regulations for lots within Residential Suburban Districts.

The lots also exceed the minimum size requirements for lots served by public water and sanitary sewer in the R-1, Single-Family Residential Suburban District. Lot sizes are labeled in both square feet and acres on the preliminary plat, and this information should be retained on the Final Plat, if approved, adjusted for any required dedication.

The required 25-foot front yard setback is shown along Magnolia Lane, Dauphin Island Parkway, and Nicholas Lane on the preliminary plat, consistent with Section 6.C.8. of the Subdivision Regulations and Article 2, Section 64-2-5.E. of the Unified Development Code (UDC) for R-1 Suburban District lots. These setbacks should likewise be retained on the Final Plat, if approved, and adjusted for any required dedication.

Approval of this subdivision would modify the boundaries of the Fulton Road Baptist Church Planned Unit Development (PUD). Because the concurrent application seeks to terminate the overall PUD, subdivision approval should be conditioned upon approval of the PUD termination. Without the termination, the subdivision would create lots that straddle existing PUD boundaries, which would instead require a Major Modification to the PUD.

Because the property is also subject to a previously approved Planning Approval authorizing the religious facility use, the proposed subdivision cannot be finalized until the Planning Approval boundaries are updated to reflect the newly created lots. Recent applications of a similar nature have required a Major Modification to existing approvals unless the modification solely removed undeveloped land from the approval area. In this case, the subdivision would reduce, but not eliminate, the area governed by the existing Planning Approval and does not alter the approved use. Therefore, approval of the subdivision should be contingent upon completion, or at least approval, of the Minor Modification process to revise the Planning Approval boundaries accordingly. If the Minor Modification is not completed, the subdivision would instead require a Major Modification to the Planning Approval prior to final approval.

The site is located within the Peninsula Overlay District. Accordingly, if the subdivision is approved, the development of each lot will be subject to the provisions of Article 12 of the UDC.

#### **Planned Unit Development Termination**

The applicant seeks to terminate a previously approved Planned Unit Development (PUD) associated with the Fulton Road Baptist Church property. Under the former Zoning Ordinance, PUDs expired one (1) year after approval if no associated development permits were obtained. Article 5, Section 64-5-8.A.2. of the Unified Development Code (UDC) later extended the expiration of all unexpired PUDs approved prior to March 1, 2023, to two (2) years if no associated development permits had been obtained. For PUDs where development had commenced or was completed prior to March 1, 2023, any subsequent modifications must be reviewed by the Planning and Zoning Department, with Major Modifications requiring Planning Commission and City Council approval.

The applicant's narrative, provided on Page 1 of this report, suggests that because the UDC no longer requires PUD approval for the type of development constructed on the site, the PUD should be terminated and no longer subject to modification review.

The original PUD was established solely to permit multiple buildings on a single building site. Under the UDC, multiple buildings may now be located on a single site without special approval if they comply with the dimensional requirements of Article 2 for the underlying zoning district, including minimum lot area, maximum lot coverage, maximum building height, and minimum front, side, and rear setbacks. Multiple buildings are likewise permitted without special approval if all applicable Article 3 development standards are met, including building design standards, tree and landscape requirements, buffer requirements where applicable, off-street parking and loading requirements, parking lot lighting standards (including photometric plans), and bicycle parking requirements.

The submitted site plan depicts the development of Lot 1 within the Fulton Road Baptist Church Subdivision. The concurrent subdivision request proposes to divide the original Lot 1 into three (3) lots—Lots A, B, and C. Approval of the subdivision would modify the boundaries of the existing PUD. Because the subdivision would otherwise create lots that straddle the current PUD boundaries, subdivision approval must be conditioned upon approval of the PUD termination. Without termination of the PUD, the subdivision would require a Major Modification to adjust the PUD boundaries.

The original PUD approval included four (4) conditions:

1. Completion of the subdivision process;
2. Installation of an eight-foot wooden privacy fence along the north and west property lines where the site abuts residential development;
3. Compliance with all municipal codes, including landscaping and tree plantings per Section IV.E.3.a. of the former Zoning Ordinance; and
4. General compliance with all municipal codes and ordinances.

If the PUD is terminated, Lot A would continue to contain the existing religious facility, consisting of two (2) buildings, with vehicular circulation and pedestrian access remaining unchanged. The eight-foot privacy fence along Nicholas Lane would also remain. Lots B and C would be created for single-family residential use, with no additional site modifications proposed.

It remains unclear whether the site fully complies with all current UDC standards, as the submitted plan appears to reflect the 2004 proposed development rather than the development as constructed. However, because the original PUD did not waive any development requirements of the former Zoning Ordinance and only allowed multiple buildings, any dimensional or design deficiencies may be considered non-conforming. The applicant should be aware that termination of the PUD will remove any previously granted flexibility, and all future development or redevelopment will be required to comply fully with the UDC.

The conditions attached to the original PUD are now standard requirements under the UDC, which may render them obsolete in the context of the termination request. However, the PUD termination does not address the existing Planning Approval authorizing the religious facility use. For similar recent requests, staff has required the Major Modification process to reflect the revised development area unless the request merely removed undeveloped land from an approval. In this case, the subdivision and PUD termination would reduce, but not eliminate, the area subject to the existing Planning Approval. Therefore, approval of both applications should be conditioned upon completion, or at least approval, of the Minor Modification process to correctly depict the updated boundaries.

If the termination is approved, the ordinance adopted by the City Council must be recorded in the Office of the Judge of Probate within 90 days, in accordance with Section 64-5-8.1.J.1.(a) of the UDC, or the approval shall be rendered null and void.

## **SUBDIVISION CONSIDERATIONS**

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### **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:**

Based on the preceding, if the Subdivision request is considered for approval, and with a waiver of Section 6.C.7. of the Subdivision Regulations (for excess street frontage), the following conditions could apply:

1. Retention of the right-of-way widths along Magnolia Lane and Nicholas Lane, as depicted on the preliminary plat;
2. Revision of the Final Plat to depict dedication sufficient to provide 50 feet from the centerline of Dauphin Island Parkway, unless a waiver of Section 6.B.2. of the Subdivision Regulations is granted by the Planning Commission;
3. Retention of the lot size labels in both square feet and acres, or the provision of a table on the Final Plat providing the same information, adjusted for any required dedication;
4. Retention of the 25-foot front yard setback along all street frontages, adjusted for any required dedication;
5. Administrative approval of a Minor Modification to the Fulton Road Baptist Church Planning Approval;
6. City Council approval of the associated PUD termination request prior to the Planning and Zoning Department signing the Final Plat;
7. Placement of a note on the Final Plat stating that the future development of each lot must comply with the Peninsula Overlay regulations of Article 12 of the UDC;
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.

## PLANNED UNIT DEVELOPMENT TERMINATION CONSIDERATIONS

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### Standards of Review:

The Unified Development Code (UDC) in Section 64-5-8-B.1-F states the following concerning Planned Unit Development Terminations:

Approval Criteria. The Planning Commission shall not recommend a termination of a Previously approved Planned Unit Development for approval, and the City Council shall not approve the termination, unless the proposed termination:

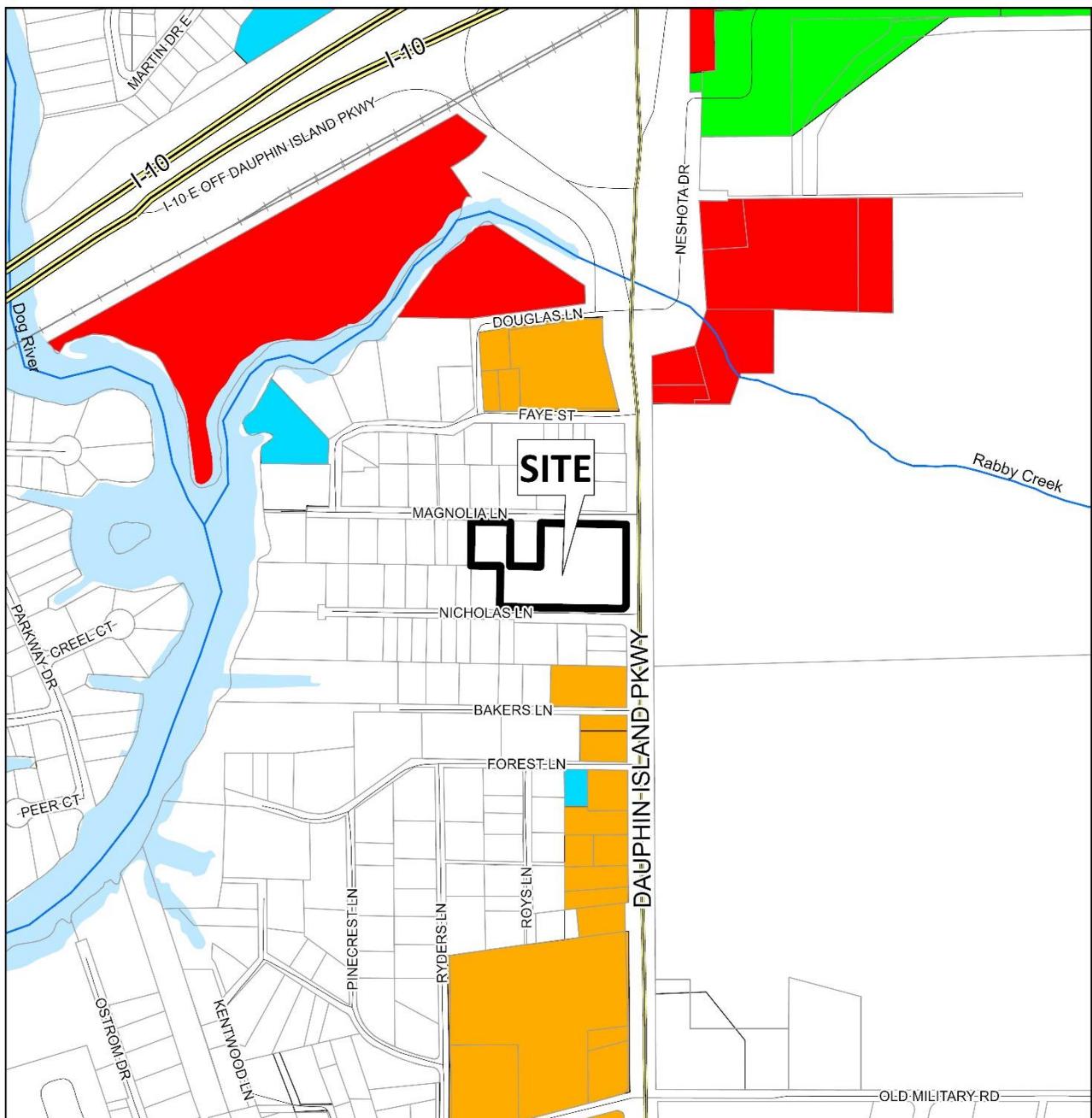
1. Is consistent with all applicable requirements of this Chapter;
2. Is compatible with the character of the surrounding neighborhood;
3. Will not impede the orderly development and improvement of surrounding property;
4. Will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood.

### Considerations:

If the Planning Commission considers approval of the request, the following conditions could apply.

1. Administrative approval of a Minor Modification to the Fulton Road Baptist Church Planning Approval;
2. Full compliance with all municipal codes and ordinances.

## LOCATOR ZONING MAP



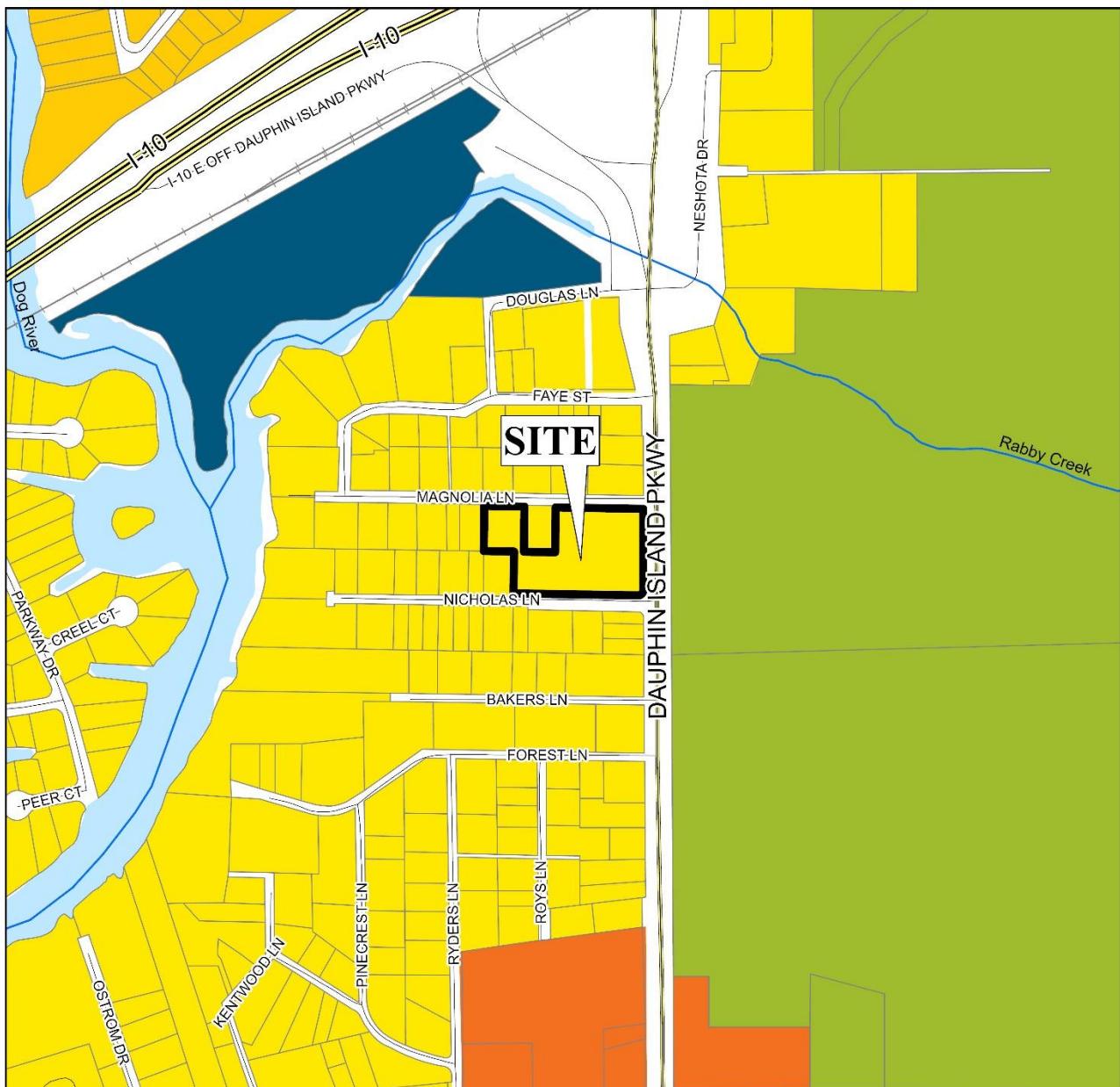
APPLICATION NUMBER 13 DATE December 18, 2025

APPLICANT Fulton Road Baptist Church Subdivision, Resubdivision

REQUEST Subdivision, PUD Termination



## FLUM LOCATOR MAP



APPLICATION NUMBER

13

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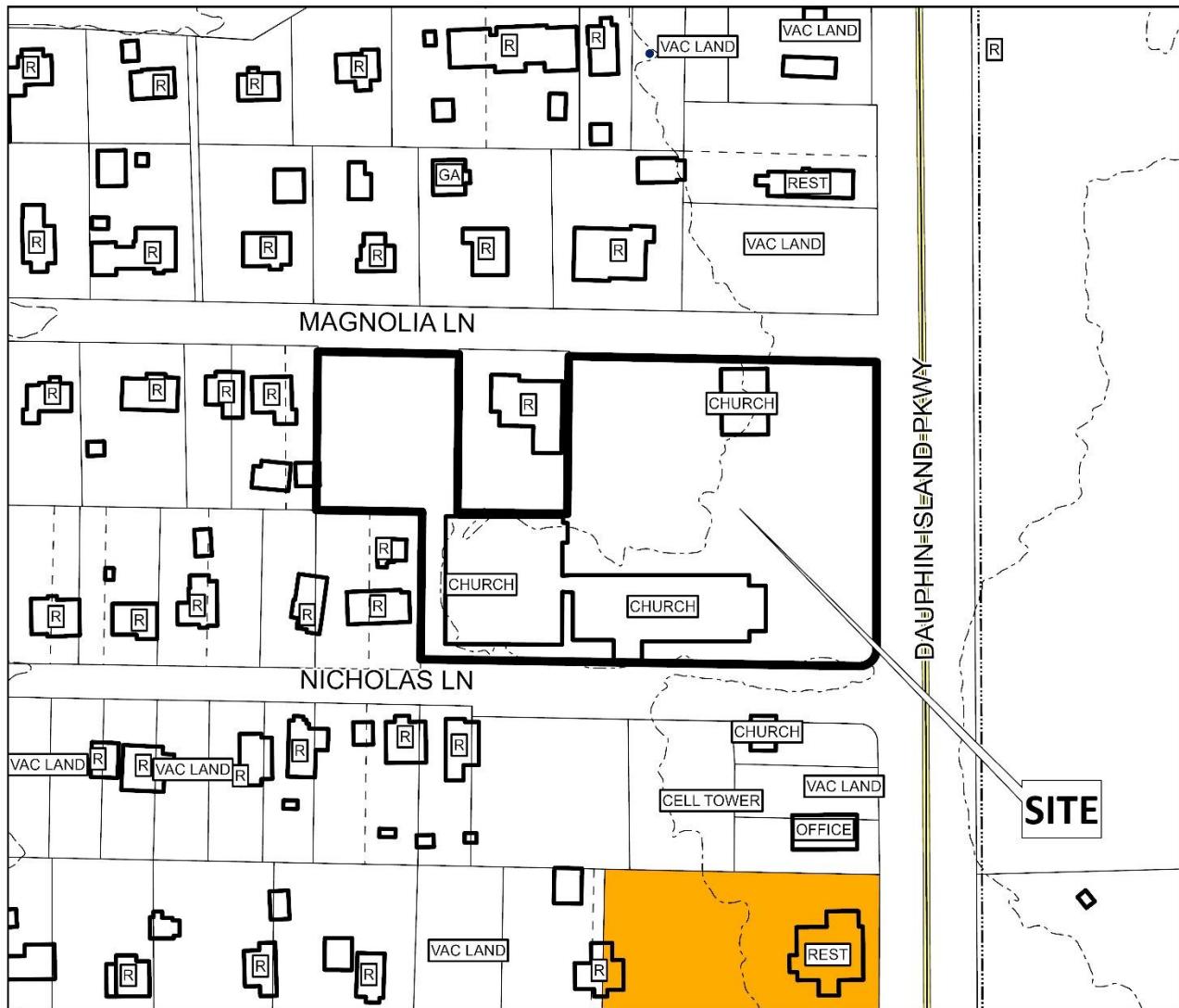
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Yellow	Low Density Residential	Maroon	Neighborhood Center - Traditional	Purple	Light Industry	Blue	Water Dependent
Yellow	Mixed Density Residential	Purple	Neighborhood Center - Suburban	Purple	Heavy Industry	Blue	Institutional
Pink	Downtown	Pink	Traditional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

N  
NTS

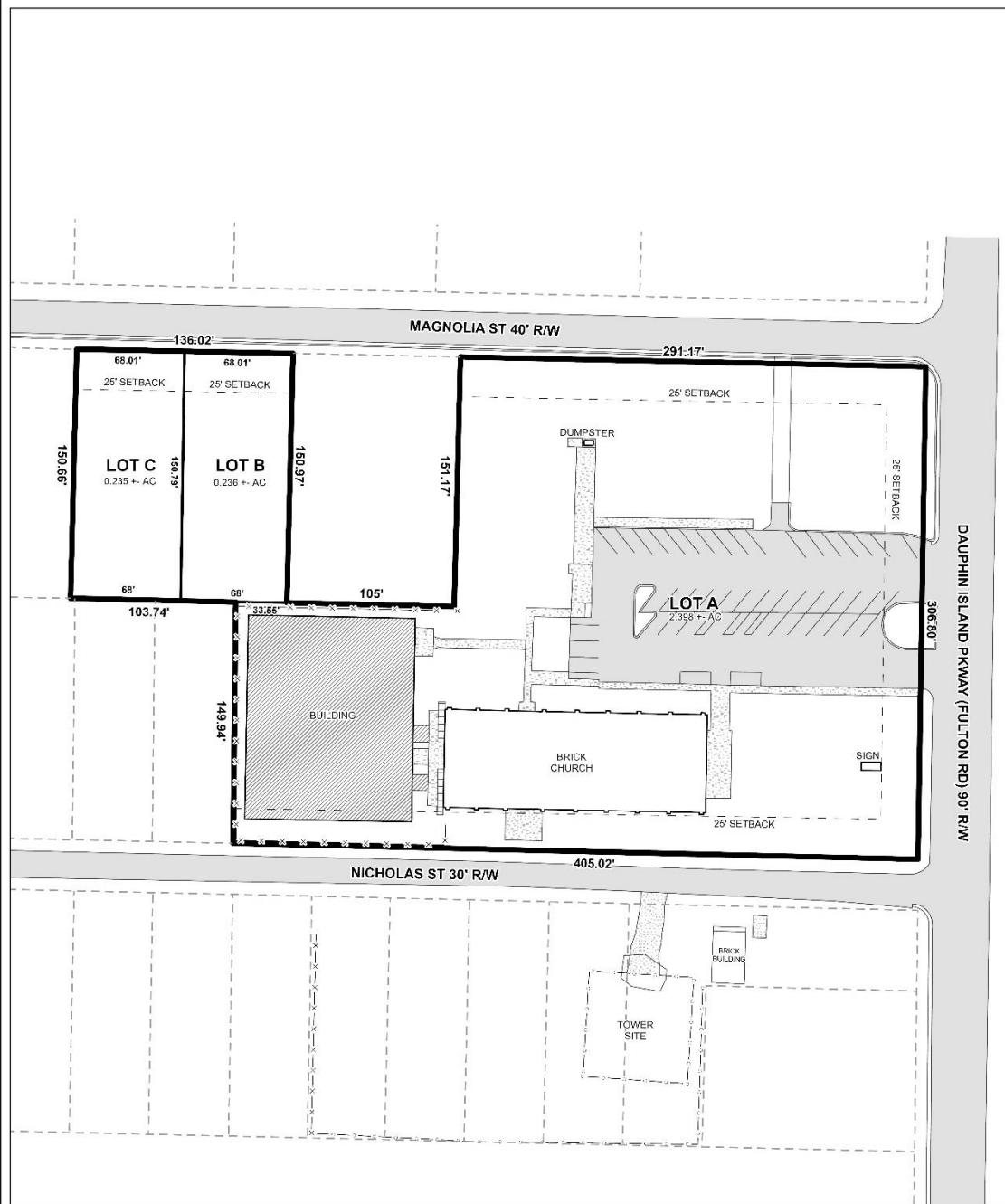
## PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units. A restaurant lies to the south.

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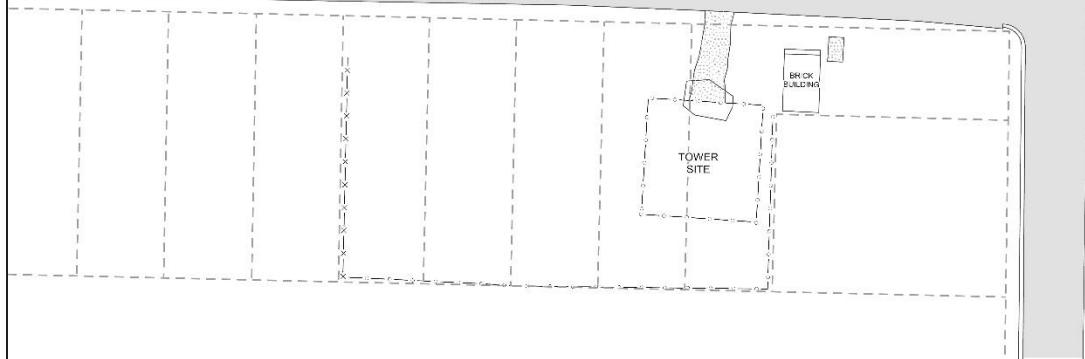
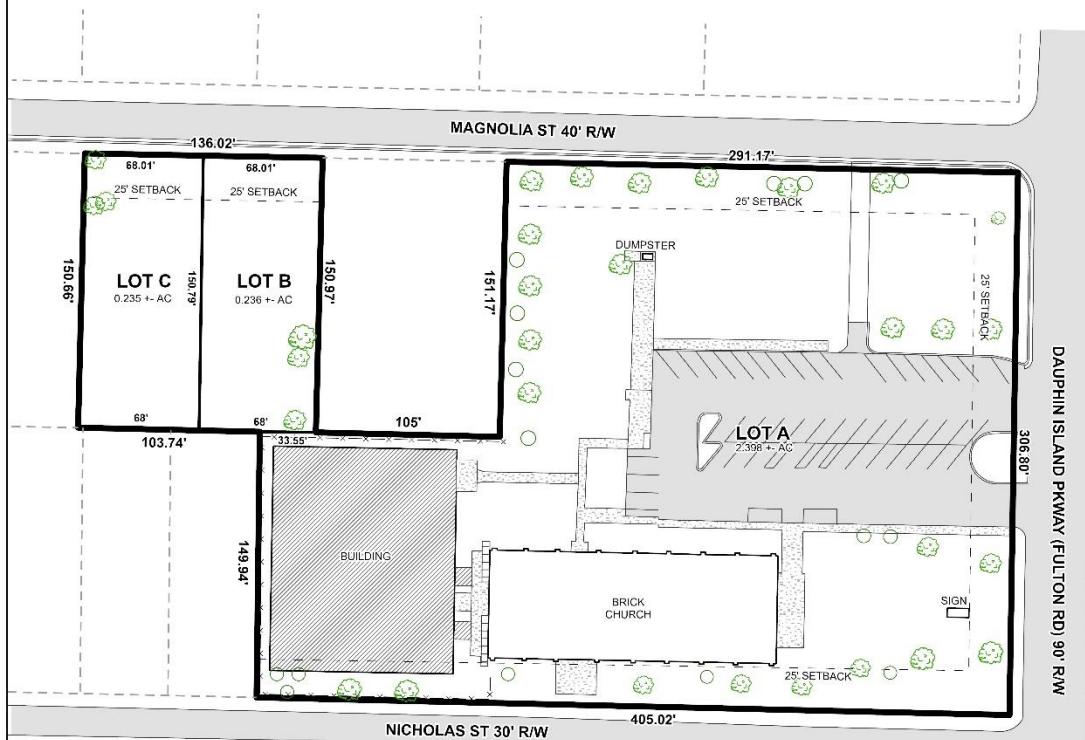
## SITE PLAN



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

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## LANDSCAPING PLAN



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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

## 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).

### 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

<b>Primary Uses</b>	<b>Secondary Uses</b>
› Residential, Single family	› Residential, Multifamily
› Residential, Attached	› 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

### Character Example

