



Agenda Item # 13

SUB-003671-2026 (HOLDOVER) & ZON-UDC-003720-2026

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

[Applicant Materials for Consideration – Subdivision](#)

[Applicant Materials for Consideration – Rezoning](#)

DETAILS

Location:

4630, 4700, and 4960 Dauphin Island Parkway

Subdivision Name:

Perch Creek – Dockside Marina Subdivision

Applicant / Agent:

Don Coleman, Coleman Marine, LLC & Audubon Properties, LLC / Byrd Surveying, Inc.

Property Owner(s):

Coleman Marine, LLC & Audubon Properties, LLC

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

Low Density Residential & Water Dependent

Applicable Codes, Policies, and Plans:

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

Proposal:

- Subdivision approval to create two (2) legal lots of record.
- Rezoning from B-3, Community Business Suburban District to B-3, Community Business Suburban District to remove a previous condition of rezoning approval limiting development of the site to a Planned Unit Development.
 - 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.

Considerations:

1. Subdivision proposal with seven (7) conditions.
2. Rezoning with three (3) conditions)


Report Contents:

	Page
Context Map	2
Site History	3
Staff Comments	4
Commission Considerations	6
Exhibits	9

PLANNING COMMISSION
VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential and commercial units.

APPLICATION NUMBER <u> 13 </u> DATE <u> May 21, 2026 </u>	 NTS
APPLICANT <u> Perch Creek – Dockside Marina Subdivision </u>	
REQUEST <u> Subdivision, Rezoning from B-3 to B-3 </u>	

SITE HISTORY

In October 1998, the property owner submitted documentation asserting that the marina was a legal nonconforming use, having been in operation prior to the adoption of the Zoning Ordinance in 1967, with multiple structures located on a single building site.

A portion of the subject property (4700 and 4960 Dauphin Island Parkway; see map on page 10) was before the Planning Commission in November 2006 with applications for a two-lot Subdivision, a Planned Unit Development (PUD) to allow multiple buildings on a single building site, and Rezoning. The rezoning request included changing one proposed lot from R-1 (Single-Family Residential) to B-3 (Community Business) to accommodate the existing marina, and the other lot from R-1 to R-3 (Multi-Family Residential) to allow a multi-family development. These approvals were subsequently allowed to expire.

In August 2008, the same properties returned to the Planning Commission with a PUD request to allow multiple buildings on a single building site and a Rezoning request from R-1 to B-3 to facilitate improvements to the existing marina. The PUD request was denied; however, the rezoning was approved by both the Planning Commission and the City Council.

The 2008 rezoning approval was subject to the following conditions:

1. Development limited to an approved PUD;
2. No permits or licenses to be issued until a PUD is submitted and approved;
3. Limited to one curb cut to Dauphin Island Parkway, with size, location, and design subject to approval by Traffic Engineering and ALDOT;
4. Compliance with engineering requirements, including FEMA flood zone regulations, stormwater management, wetland verification, and right-of-way permitting;
5. Approval from all applicable federal, state, and local agencies prior to issuance of permits or land disturbance;
6. Full compliance with all municipal codes and ordinances; and
7. Compliance with all applicable regulations regarding endangered, threatened, or protected species.

In November 2013, the properties were again before the Planning Commission for a one-lot Subdivision, a PUD to allow multiple buildings on a single building site for marina improvements, and a Sidewalk Waiver along Dauphin Island Parkway. All applications were approved, and the *Dockside Marina Subdivision* was recorded in Probate Court; however, the PUD was never acted upon and subsequently expired.

In September 2014, a new PUD application was approved to allow construction of a restaurant at the existing marina. This PUD was also never acted upon and expired.

In March 2015, the properties returned with another PUD application to allow construction of a pavilion. This PUD was likewise never acted upon and expired.

At its December 7, 2023, meeting, the Planning Commission approved a two-lot Subdivision and a Rezoning request to remove the previously imposed conditions requiring development of the site to be subject to approval of a PUD. However, both applications expired because the Final Plat was not submitted for signatures or recorded in Mobile County Probate Court (a condition of rezoning approval), and the required advertising fees for the rezoning were not submitted. As a result, the rezoning request was never forwarded to or considered by the City Council.

Most recently, at its April 16 meeting, the Planning Commission considered applications for a two-lot Subdivision and the termination of a previously approved PUD. However, as previously noted, staff determined that the 2023

rezoning request had never been considered by the City Council and had subsequently expired after one (1) year due to the applicant taking no action to advance the request. Staff further determined that all previously approved PUDs associated with the site had likewise expired, rendering the PUD Termination request unnecessary. Accordingly, staff recommended withdrawal of the PUD Termination application and a holdover of the Subdivision application to allow the applicant time to submit a new Rezoning application to remove the original conditions requiring development to be subject to PUD approval.

There are no Board of Zoning Adjustment cases associated with the site.

STAFF COMMENTS

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 a written description for the proposed subdivision boundary.
- C. National Wetlands Inventory (NWI) mapping, as shown on City of Mobile GIS information, indicates that there is potential for wetlands within the property or properties shown on this plat. Show and label the delineated wetlands or provide a note stating that the wetlands shown on this plat are scaled from the NWI data and have not been delineated.
- D. Provide a note that a 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state.
- E. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an A, AE, or X (shaded) flood zone designation. BFE = 12.
- F. Retain NOTES 6, 7, 8, 12, and 15.
- G. Delete NOTES # 13.
- H. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.gov prior to obtaining any signatures. No signatures are required on the drawing.

Rezoning

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 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:

Subdivision (HOLDOVER)

The purpose of this subdivision request is to create two (2) legal lots of record from one (1) existing legal lot of record and one (1) metes-and-bounds parcel. The site is served by public water and sanitary sewer.

The proposed lots have frontage along Dauphin Island Parkway, a Principal Arterial street requiring a 100-foot-wide right-of-way at this location. A 125-foot-wide right-of-way is depicted on the preliminary plat making additional dedication unnecessary.

Both lots exceed the minimum area requirements of Article 2, Section 64-2-14.E. of the Unified Development Code (UDC) for properties served by public water and sanitary sewer within the B-3, Community Business Suburban District. The preliminary plat properly labels each lot with its area in both square feet and acres. If approved, this information should be retained on the Final Plat; alternatively, a table providing the same information will suffice.

The proposed lots also exceed the minimum width requirements of Section 6.C.2.(b)(4) of the Subdivision Regulations for lots within commercial zoning districts.

If approved, a 25-foot front yard setback should be illustrated along Dauphin Island Parkway, consistent with the requirements of Section 6.C.8. of the Subdivision Regulations and Article 2, Section 64-2-14.E. of the Unified Development Code (UDC) for lots within the B-3 Suburban district.

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.

Rezoning

The subject site is bordered by property zoned R-1, Single-Family Residential Suburban District, to the north, south, and east, with Dog River located to the west.

The applicant has submitted a site plan depicting the existing marina and states that no improvements to the site are proposed at this time. The purpose of the rezoning request is to remove the previous rezoning conditions requiring Planned Unit Development (PUD) approval for the property (Conditions #1 and #2).

It should be noted that the site is located within the Peninsula Overlay District. Therefore, any future development of the property will be required to comply with the applicable provisions of the Unified Development Code (UDC), including Article 12.

SUBDIVISION (HOLDOVER) CONSIDERATIONS

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:

If the Planning Commission considers approving the Subdivision request, the following conditions could apply:

1. Retention of the existing right-of-way for Dauphin Island Parkway;
2. Retention of the lot sizes in both square feet and acres, or the provision of a table on the Final Plat with the same information;
3. Revision of the plat to illustrate a 25-foot minimum building setback line along Dauphin Island Parkway;
4. Compliance with all Engineering comments noted in this staff report;
5. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
6. Compliance with all Urban Forestry comments noted in this staff report; and,
7. Compliance with all Fire Department comments noted in this staff report.

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 with 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.

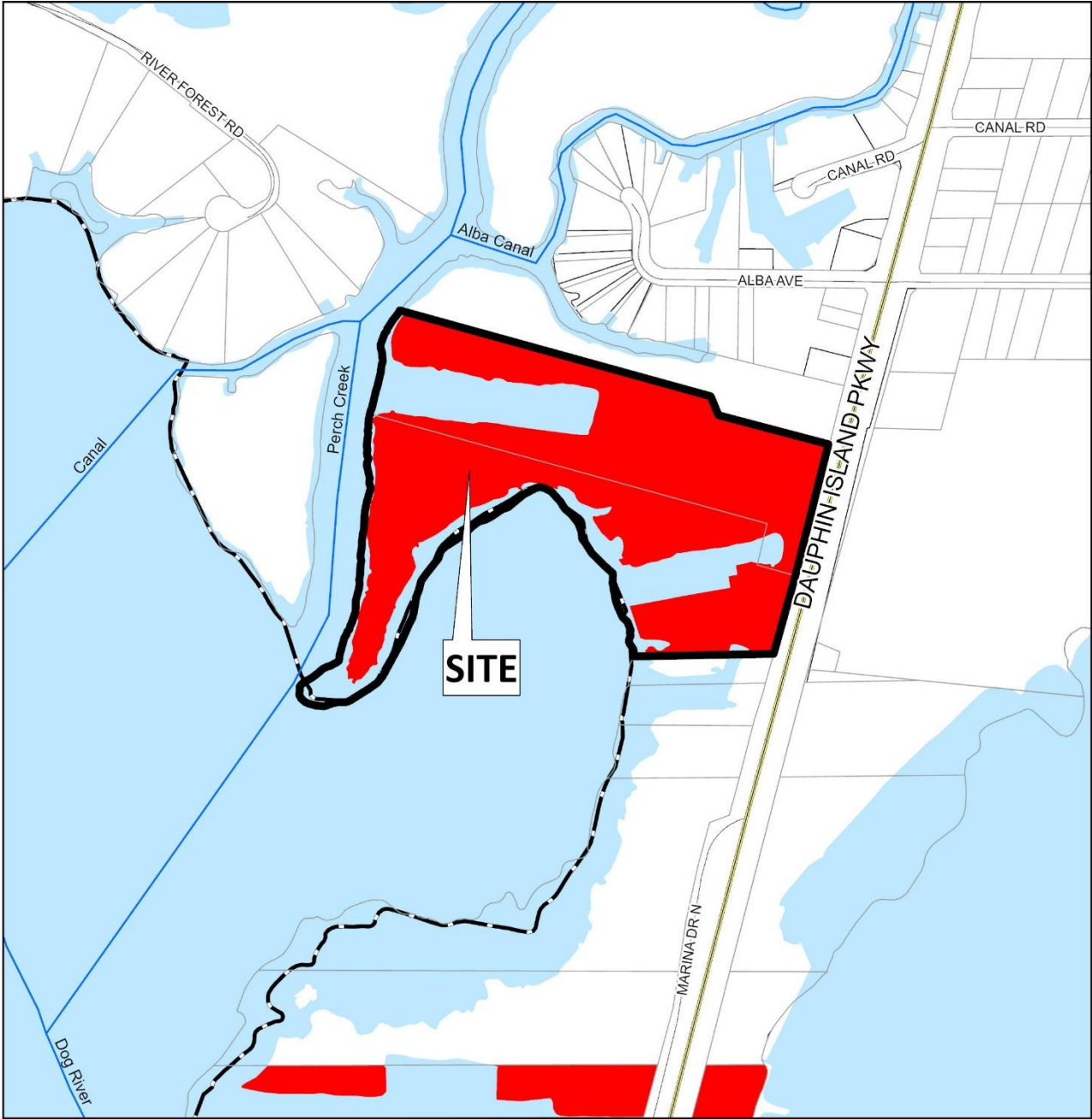
The applicant's responses to address the above criteria are available in the link on page one (1).

Considerations:

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

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

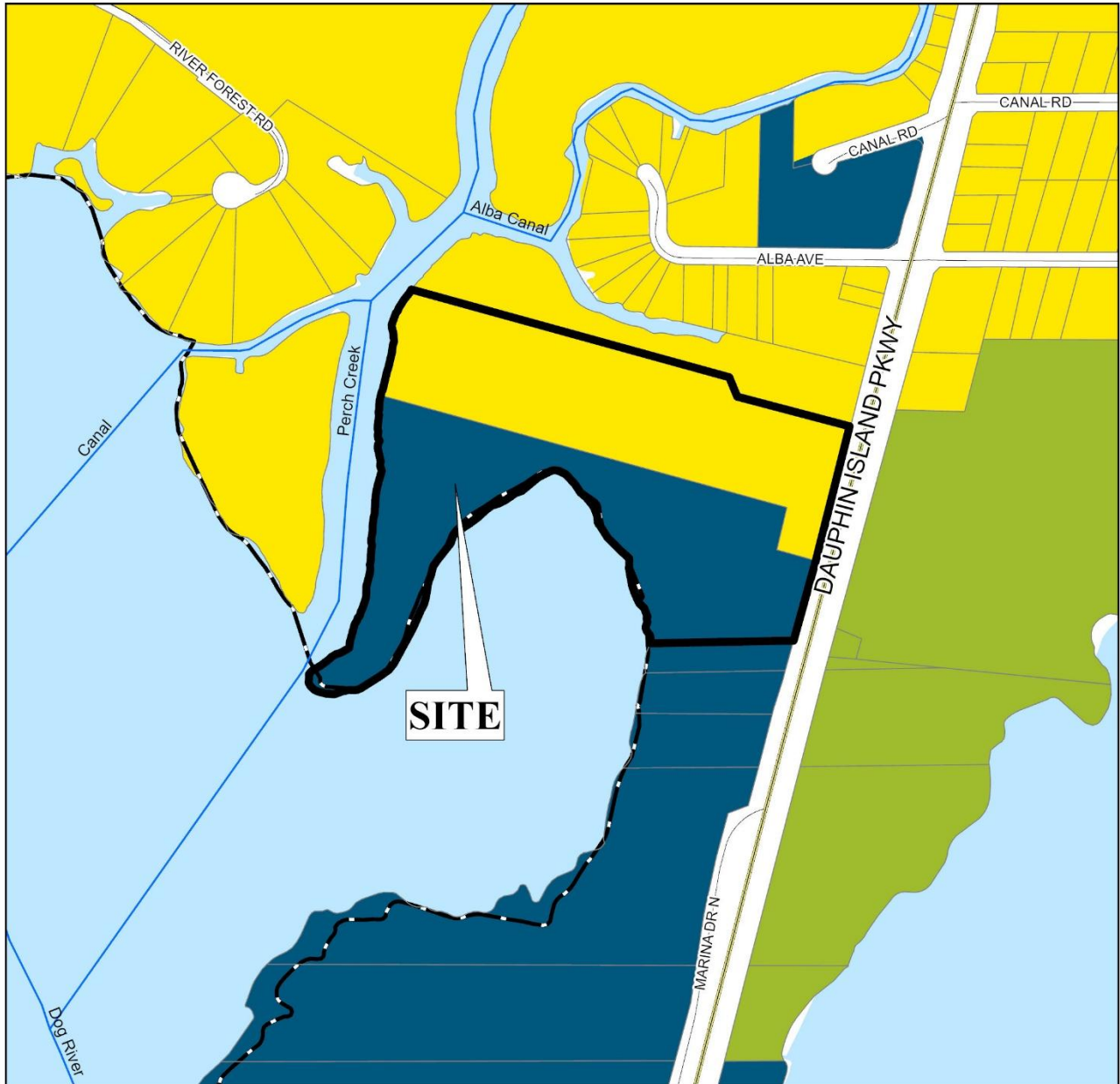
LOCATOR ZONING MAP



APPLICATION NUMBER <u>13</u>	DATE <u>May 21, 2026</u>
APPLICANT <u>Perch Creek – Dockside Marina Subdivision</u>	
REQUEST <u>Subdivision, Rezoning from B-3 to B-3</u>	



FLUM LOCATOR MAP



APPLICATION NUMBER 13 DATE May 21, 2026

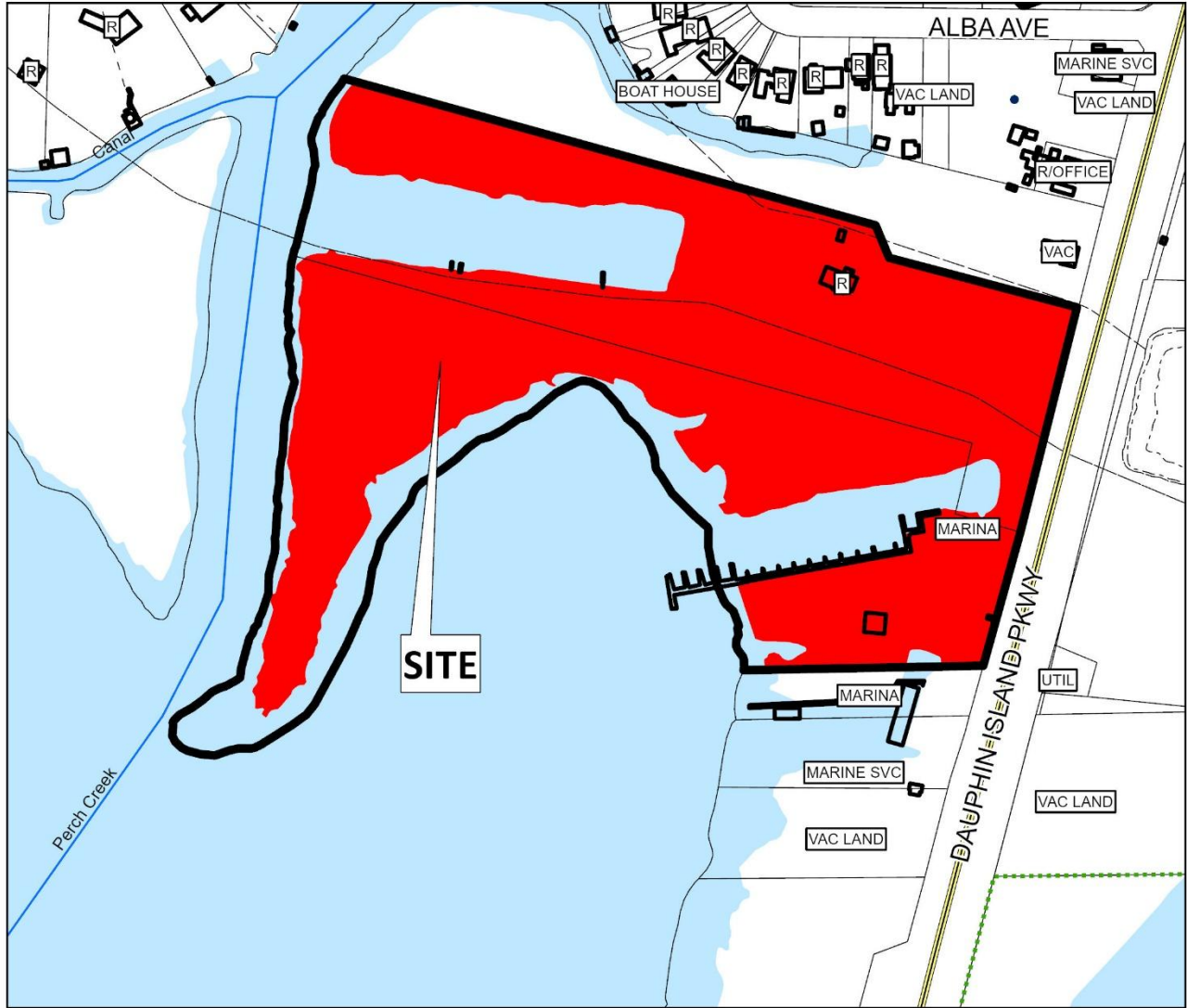
APPLICANT Perch Creek – Dockside Marina Subdivision

REQUEST Subdivision, Rezoning from B-3 to B-3

- | | | | |
|---|--|---|---|
| ■ 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 residential and commercial units.

APPLICATION NUMBER 13 DATE May 21, 2026

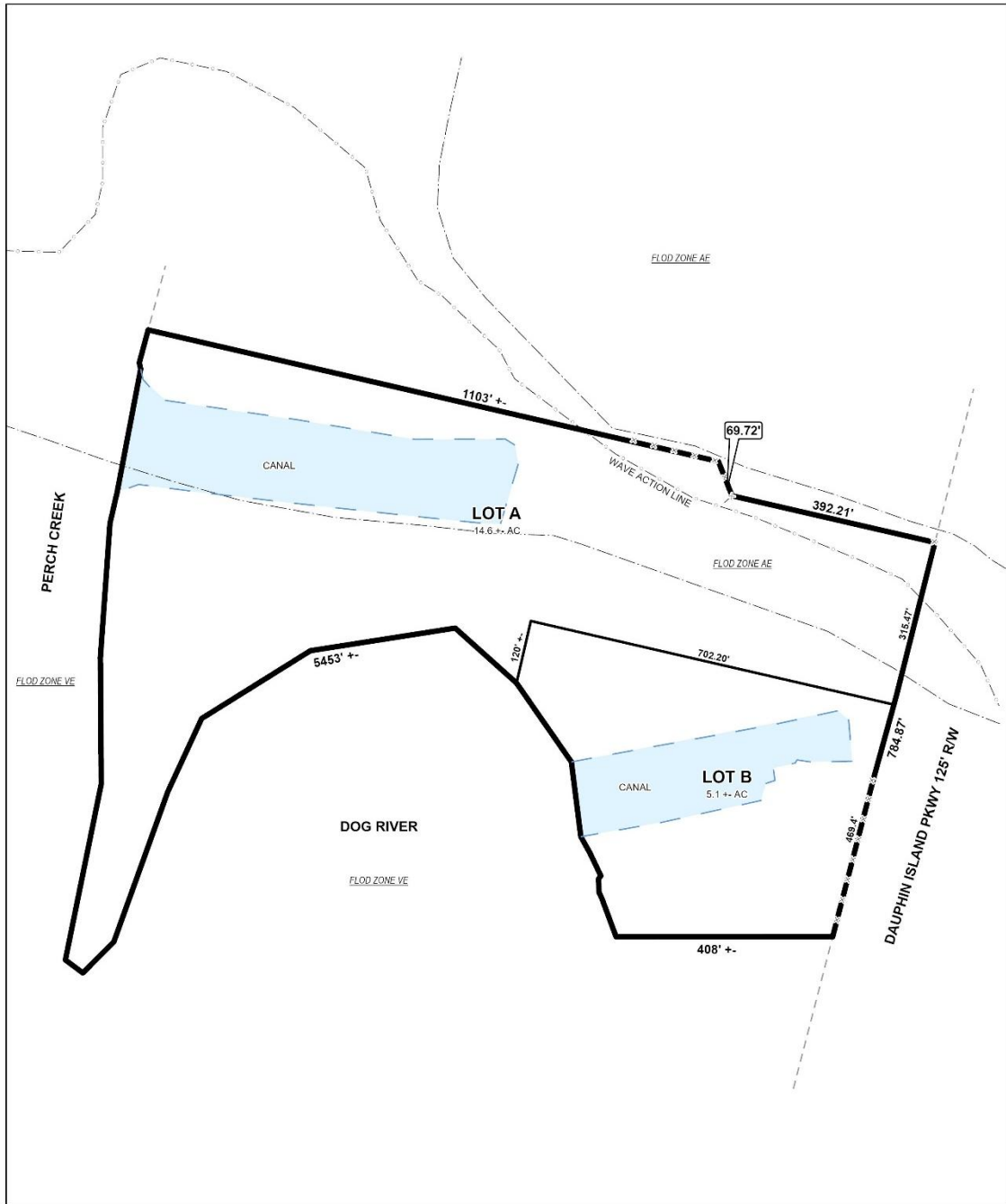
APPLICANT Perch Creek – Dockside Marina Subdivision

REQUEST Subdivision, Rezoning from B-3 to B-3


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	



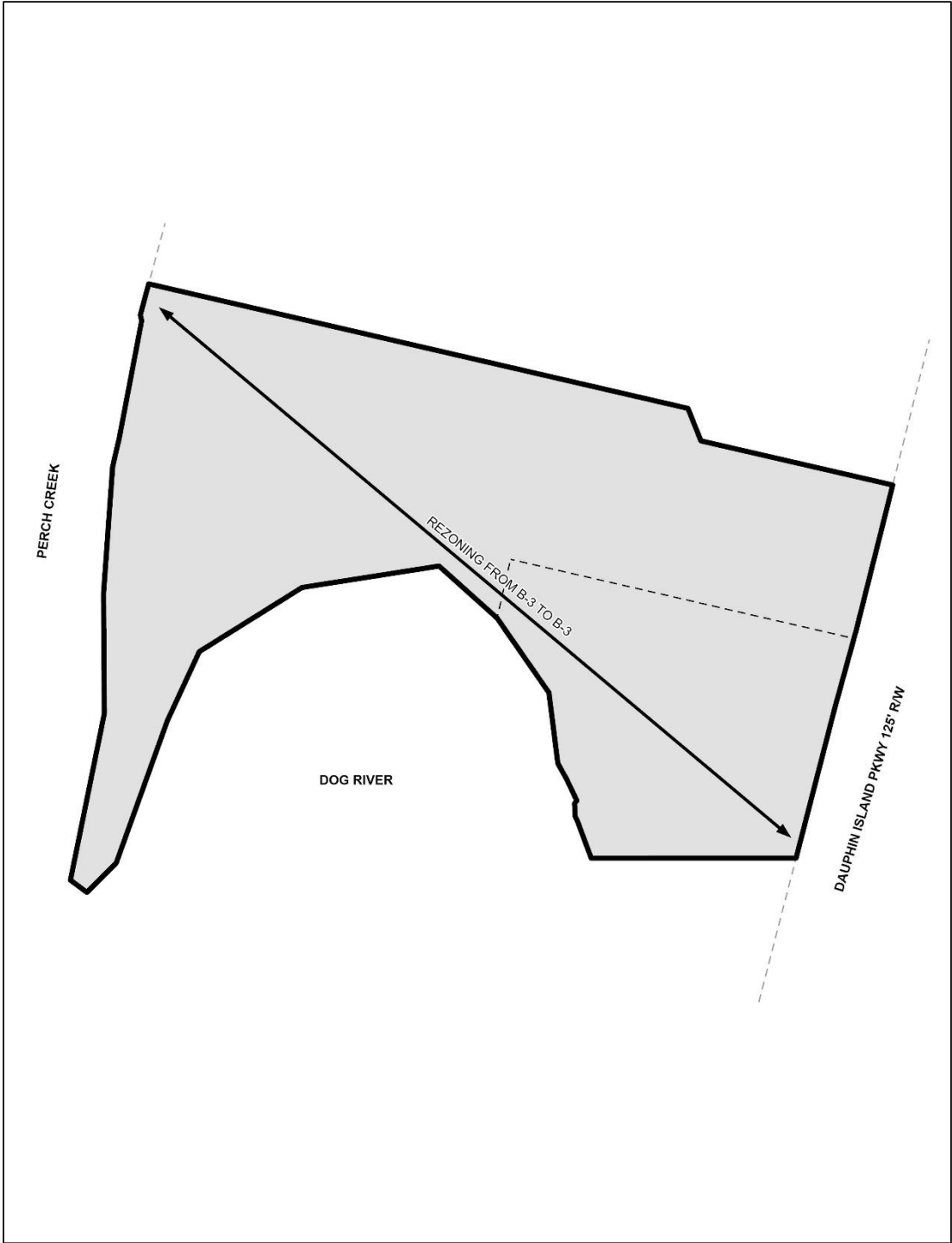
MODIFICATION SITE PLAN



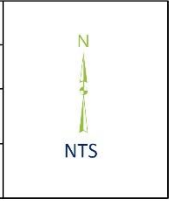
The site plan illustrates proposed lots and flood zones.

APPLICATION NUMBER	13	DATE	May 21, 2026	
APPLICANT	Perch Creek – Dockside Marina Subdivision			
REQUEST	Subdivision, Rezoning from B-3 to B-3			

SUBDIVISION SITE PLAN



APPLICATION NUMBER	13	DATE	May 21, 2026
APPLICANT	Perch Creek – Dockside Marina Subdivision		
REQUEST	Subdivision, Rezoning from B-3 to B-3		



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

Primary Uses

- › Residential, Single family
- › Residential, Attached

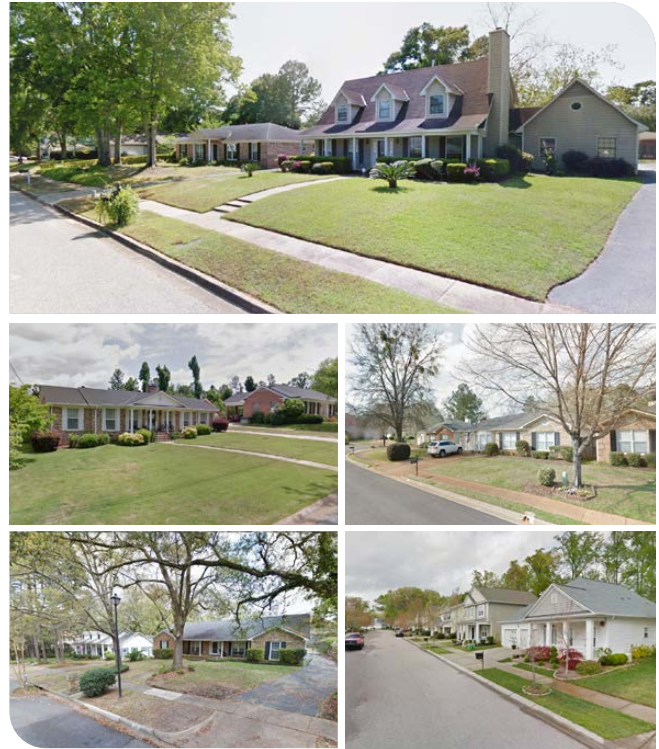
Secondary Uses

- › Residential, Multifamily
- › 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



WATER-DEPENDENT & WATER-RELATED USES (WDWRU)

This designation applies to areas within the Mobile-Tensaw River Delta, Mobile Bay, Dog River, and associated tributaries, where potential future uses must, under normal operating conditions, be located on, in, or immediately adjacent to coastal waters in order to be physically and economically practicable. This includes various Uses of Regional Benefit. It may also apply to water-related and water-enhanced uses such as marinas, complementary marine businesses, industry and warehousing, housing, restaurants, and other facilities that are open to the public and offer public access to the waters of the state. These areas include port terminal facilities, docks, shipyards, drydocks, etc., that are mostly owned by the State of Alabama (but are not subject to local zoning).



ENVIRONMENTALLY SENSITIVE AREAS

Environmentally Sensitive Areas identify land that may exhibit potential for flooding or have significant development limitations due environmental conditions. In some cases, these lands also serve as buffers to separate areas that may have the potential to become conflicting land uses. The purpose of this overlay is to identify these sensitive areas so that they are given consideration for protection or incorporated as amenities within new developments. This designation does not mean existing development cannot expand in these areas.

The FLUM depicts these areas partially based upon data on environmental constraints that may not correspond precisely with conditions on the ground. However, these areas may also contain specific limitations such as riparian buffer overlays which have a defined width established through the zoning code. When considering rezoning requests or other development proposals, some areas classified as Environmentally Sensitive may be determined not to contain anticipated development constraints, or that existing conditions can reasonably be mitigated. In such cases, the future preferred land use should be based on the underlying designations, contextual considerations, and other relevant City policies.



Intent

- ▶ Conserve environmentally sensitive land.
- ▶ Buffer incompatible land uses with open space.
- ▶ Develop a connected open space network through the city for recreation.