



## Agenda Item # 14

SUB-003482-2025, SUB-SW-003519-2025 & ZON-UDC-003518-2025

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

[Applicant Materials for Consideration – Subdivision](#)

[Applicant Materials for Consideration – Sidewalk Waiver](#)

[Applicant Materials for Consideration – Rezoning](#)

### DETAILS

**Location:**

7125 Bellingrath Road

**Subdivision Name:**

Addition to First Baptist Church of Theodore  
Subdivision

**Applicant / Agent:**

T.J. Debrow, Sr., First Baptist Church of Theodore

**Property Owners:**

First Baptist Church of Theodore

**Current Zoning:**

R-1, Single-Family Residential Suburban District

**Proposed Zoning:**

R-1, Single-Family Residential Suburban District,  
& B-4, General Business 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 two (2) legal lots of record.
- Request to waive the construction of a sidewalk along Bellingrath Road.
- Rezoning from R-1, to R-1 & B-4
  - 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.

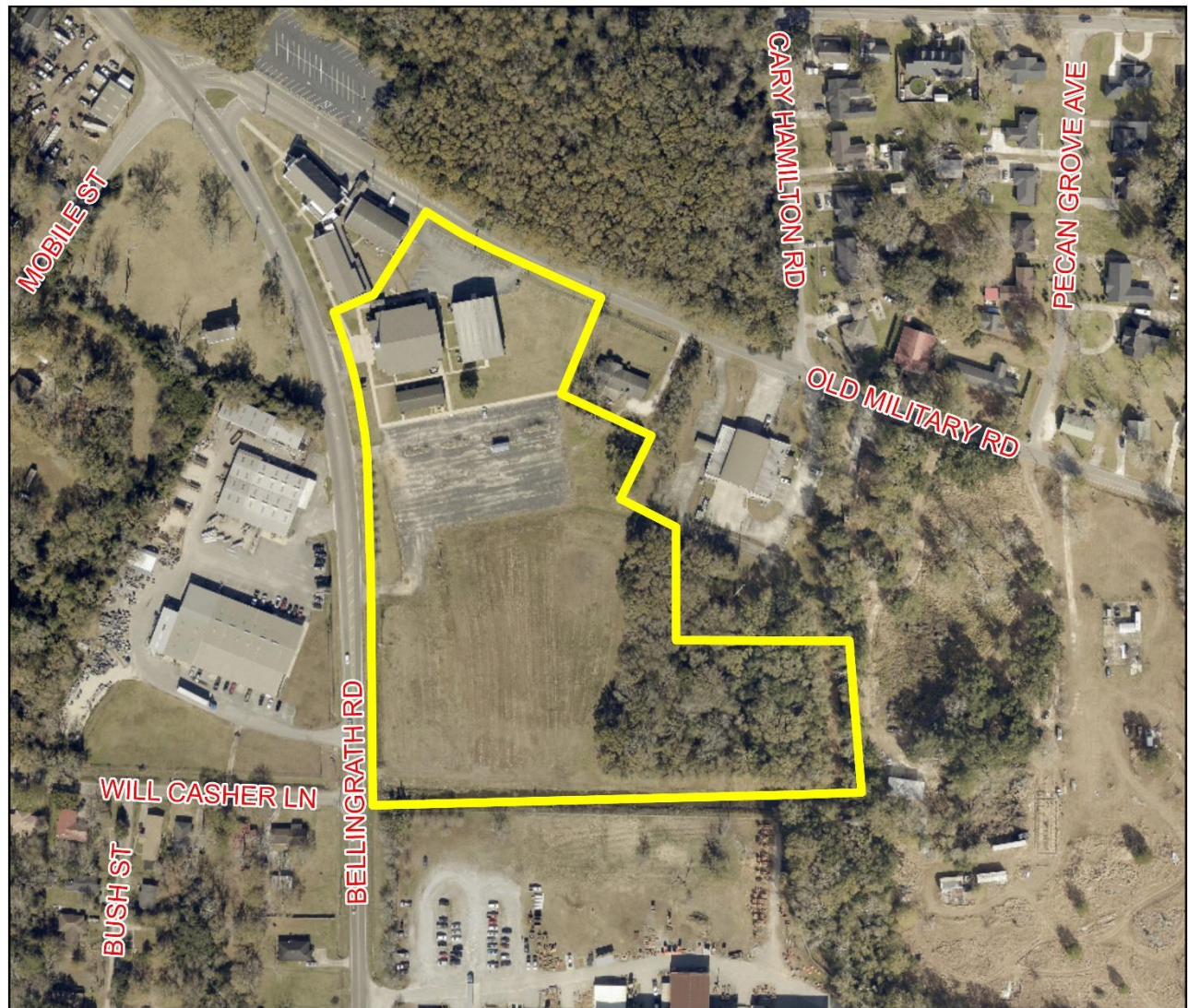
**Commission Considerations:**

1. Subdivision proposal with eight (8) conditions;
2. Sidewalk Waiver request; and
3. Rezoning with four (4) conditions.

**Report Contents:**

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# PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER 14 DATE November 20, 2025  
 APPLICANT Addition to First Baptist Church of Theodore Subdivision  
 REQUEST Subdivision, Sidewalk Waiver, Rezoning from R-1 to B-4



## SITE HISTORY

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The site has been the subject of the following subdivision approvals:

- First Baptist Church Theodore Alabama Subdivision – a two (2)-lot subdivision approved and recorded in July 1976, prior to annexation into the City of Mobile;
- First Baptist Church of Theodore Subdivision, Resubdivision of Parcel A – a two (2)-lot subdivision approved and recorded in April 2009, following annexation into the City;
- First Baptist Church of Theodore Subdivision, Resubdivision of Lot 2 – a two (2)-lot subdivision approved and recorded in June 2018; and
- First Baptist Church of Theodore Subdivision, Resubdivision of Lot 2B, Resubdivision of Lot 2, Resubdivision of Parcel A – a two (2)-lot subdivision approved and recorded in September 2024.

Following annexation, the site retained its R-1, Single-Family Residential District zoning classification. It was developed for use as a religious facility prior to annexation and is considered non-conforming, as current regulations require Conditional Use Permit approval by the Planning Commission and City Council for religious facilities in the R-1 zoning district.

No additional Planning Commission or Board of Zoning Adjustment actions are associated with the site.

## 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. Delete ENGINEERING NOTES #6 and insert “As shown on the 1984 aerial photo (Flight 21 #97) LOT 1 and LOT 2 will share the 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 1 – 18,000 SF and LOT 2 – NONE.”
- C. Retain NOTES 7 – 9, 13, and 15.
- D. 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.

#### Sidewalk Waiver:

1. It appears that there is sufficient room within the ROW, or within the property on the back side of the roadside ditch, for the construction of a sidewalk that could be approved through the Permitting process.

#### 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 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 application is to create two (2) legal lots of record from one (1) existing legal lot. The site is served by public water and sanitary sewer.

Both proposed lots will have frontage along Bellingrath Road, with Proposed Lot 2 also having frontage along Old Military Road. Old Military Road is a minor street without curb and gutter improvements, requiring a 60-foot-wide right-of-way, while Bellingrath Road is a major street requiring a 100-foot-wide right-of-way. Neither street is currently depicted with sufficient right-of-way width. However, previous subdivision approvals granted a waiver of Section 6.B.9. of the Subdivision Regulations, allowing increased front yard setbacks in lieu of additional right-of-way dedication.

The current plat illustrates a 45-foot front yard setback along Bellingrath Road and a 35-foot setback along Old Military Road, consistent with the most recently recorded subdivision plat. Therefore, a renewed waiver of Section 6.B.9. may again be appropriate. If approved, these increased setbacks should be retained on the Final Plat.

Proposed Lot 2 constitutes a double-frontage lot, which is generally discouraged by Section 6.C.7. of the Subdivision Regulations. Nonetheless, previous subdivision approvals permitted this configuration, suggesting that a waiver of Section 6.C.7. may be appropriate.

Both lots exceed the minimum area and size requirements for lots served by public water and sanitary sewer within the site's existing and proposed zoning classifications. Lot dimensions and area are correctly labeled in both square feet and acres on the preliminary plat, in compliance with Section 5.A.2(e)(4) of the Subdivision Regulations. This information should be retained and updated on the Final Plat to reflect any required dedications.

The proposed lots also exceed the minimum width requirements of Sections 6.C.2(b)(2) and 6.C.2(b)(4) of the Subdivision Regulations for both residential and non-residential frontages.

As noted, the 45-foot and 35-foot front yard setbacks along Bellingrath and Old Military Roads, respectively, exceed the dimensional requirements of Article 2 for both the existing and proposed zoning districts. These setbacks should be retained on the Final Plat, if approved. If additional right-of-way dedication is required along either frontage, the Final Plat must illustrate a minimum 25-foot front yard setback along each street frontage, as required by Section 6.C.8. of the Subdivision Regulations.

### **Sidewalk Waiver**

The site is currently developed with a religious facility. The applicant proposes to develop Proposed Lot 2 of the concurrent subdivision request, which is presently undeveloped. Accordingly, any new development on the site

will be subject to full compliance with the Unified Development Code (UDC), the Subdivision Regulations, and all other applicable codes and ordinances.

Pursuant to Section 7.C.4. of the Subdivision Regulations, sidewalks are required along the property's Bellingrath Road frontage. The applicant requests a waiver from this requirement, citing the absence of existing sidewalks and the open-ditch design of the roadway as factors rendering sidewalk construction impractical.

Proposed Lot 1, which will remain developed following subdivision approval, was established prior to adoption of the current regulations. Therefore, sidewalk installation along its Bellingrath Road and Old Military Road frontages is not required at this time. However, any future development or redevelopment of that lot will be required to comply with current regulations, including sidewalk installation along Old Military Road, unless the Planning Commission approves another Sidewalk Waiver.

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

### **Rezoning**

The applicant proposes to subdivide and rezone a portion of the property (Proposed Lot 2) from R-1, Single-Family Residential Suburban District, to B-4, General Business District, to allow development of a truck repair facility. The overall property is currently occupied by the First Baptist Church of Theodore, which, according to the applicant, historically encompassed approximately 16 acres. Over time, the church has reduced its active footprint, leaving the proposed lot as an undeveloped portion of the larger site.

Voluntary conditions and use restrictions have been submitted in conjunction with the rezoning request. Additional details, including the complete application, are available via the link provided on Page 1 of this report.

The subject site is bordered to the south by Heavy Industrial (I-2) property, with additional warehousing and manufacturing uses located further along Bellingrath Road. To the north, the property adjoins the remaining church facilities and residential parcels zoned R-1. Overall, the surrounding area contains a mix of residential, institutional, commercial, and light industrial uses, reflecting the corridor's ongoing transition from a predominantly rural setting to a more commercial and employment-oriented corridor, as noted by the applicant.

The Unified Development Code (UDC) and its associated zoning map are derived from long-range comprehensive planning studies intended to promote orderly, desirable development. Casual or unsupported amendments to the UDC can undermine this purpose. Therefore, rezoning requests are evaluated according to the following criteria:

- Consistency with the Comprehensive Plan
- Existence of a mistake or error in the original zoning map
- Compatibility with the surrounding neighborhood
- Promotion of public health, safety, and welfare
- Capacity of infrastructure to support the proposed zoning
- Presence of changed or changing conditions justifying the amendment

In support of the request, the applicant suggests that the proposed B-4 zoning, in combination with the Voluntary Conditions and Use Restrictions offered, would provide an appropriate transitional buffer between the heavy industrial operations to the south and the remaining residential and institutional uses to the north. As truck repair is a permitted use in the B-4 district, the applicant further suggests that the proposed development—when designed with adequate site buffering and screening—would be compatible with nearby industrial activities.

The applicant also notes that the Bellingrath Road corridor has experienced increasing levels of commercial and small-scale industrial development in recent years. Its proximity to U.S. Highway 90, Downtown Mobile, and the Interstate system has enhanced its appeal for service and distribution-oriented businesses. These evolving conditions represent a significant change from the area's original residential character. The proposal is therefore presented as a response to those trends, promoting reuse of underutilized land, supporting local business growth, and encouraging continued reinvestment in the corridor.

The Future Land Use Map (FLUM) of the Map for Mobile designates the site as Low Density Residential (LDR). While the requested B-4 zoning is not directly consistent with that designation, the Map for Mobile serves as a general policy guide. Site-specific rezoning requests may be appropriate where unique physical conditions, existing development patterns, or transitional relationships justify consideration of alternative zoning.

Although the LDR designation does not explicitly support B-4 zoning, the proposed amendment aligns with several guiding principles of the Map for Mobile, including:

- Strategic Infill – Encouraging reuse of underutilized parcels within established areas.
- Economic Development – Supporting job creation and local business investment.
- Efficient Use of Infrastructure – Leveraging existing access, utilities, and roadway capacity to support compatible development.

Any future commercial development of the site should include appropriate buffering, screening, and access management measures to minimize potential impacts on nearby residential and institutional properties. While a site plan was not submitted with this rezoning request—and is not required at this stage—a detailed site plan will be required during the permitting process if the rezoning is approved. That plan must demonstrate compliance with all applicable provisions of the UDC, including landscaping, buffering, parking, and access requirements.

Given the site's adjacency to heavy industrial uses, evolving land use conditions along Bellingrath Road, and the applicant's offer of Voluntary Use Restrictions to limit potential impacts, the proposed rezoning could be considered reasonable and contextually compatible.

If approved, the existing lot will be split-zoned until the subdivision is finalized; therefore, rezoning approval is contingent upon completion of the subdivision process.

Should the Commission find the request appropriate, approval could be recommended subject to compliance with the Voluntary Use Restrictions, and full compliance with all applicable requirements of the UDC, including landscaping, buffering, and access provisions.

## 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:

If the Planning Commission considers approving the Subdivision request, waivers of Sections 6.B.9 (to waive right-of-way dedication) and 6.C.7. of the Subdivision Regulations (for double frontage) will be required and the following conditions could apply:

1. Retention of the 45-foot front yard setback along Bellingrath Road and the 35-foot front yard setback along Old Military Road on the Final Plat, consistent with the most recently recorded subdivision plat;
2. If any additional right-of-way dedication is required by the City Engineer, the Final Plat should illustrate a minimum 25-foot front yard setback along any affected street frontage, in compliance with Section 6.C.8. of the Subdivision Regulations;
3. Retention of the lot sizes in both square feet and acres on the Final Plat, consistent with Section 5.A.2(e)(4), adjusted for any required dedication;
4. Completion of the Rezoning request to eliminate the potential for any split-zoned lots;
5. Compliance with all Engineering comments noted in this staff report;
6. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
7. Compliance with all Urban Forestry comments noted in this staff report; and,
8. Compliance with all Fire Department comments noted in this staff report.

## SIDEWALK WAIVER CONSIDERATIONS

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### Standards of Review:

On May 31, 2011, the Mobile City Council adopted a “Complete Streets” policy to promote the design and construction of transportation corridors that provide safe, convenient, and equitable access for all users—including pedestrians, bicyclists, transit riders, motorists, commercial vehicles, emergency responders, and individuals of all ages and abilities.

Sidewalk installation is generally encouraged citywide, including in areas where pedestrian infrastructure is currently lacking. However, in determining the appropriateness of sidewalk construction along Monk Avenue, the Planning Commission should consider the broader context—such as existing development patterns, site-specific topographic constraints, and the presence or absence of nearby pedestrian infrastructure.

### Considerations:

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

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



## REZONING CONSIDERATIONS

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### 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 the zoning classification.

The UDC states that an application for rezoning shall include a statement of justification for the proposed amendment that addresses all of the following:

- A) Consistency. Whether the proposed amendment is consistent with the Comprehensive Plan;
- B) Mistake. For a Rezoning, whether there was a mistake or error in the original zoning map; and
- C) Compatibility. Whether the proposed amendment is compatible with:
  - (1) The current development trends, if any, in the vicinity of the subject property;
  - (2) Surrounding land uses;
  - (3) Would adversely impact neighboring properties; or
  - (4) Cause a loss in property values.
- D) Health, Safety and General Welfare. Whether the proposed amendment promotes the community's public health, safety, and general welfare;
- E) Capacity. Whether the infrastructure is in place to accommodate the proposed amendment; and
- F) Change. Whether changed or changing conditions in a particular area make an amendment necessary and desirable.
- G) 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.

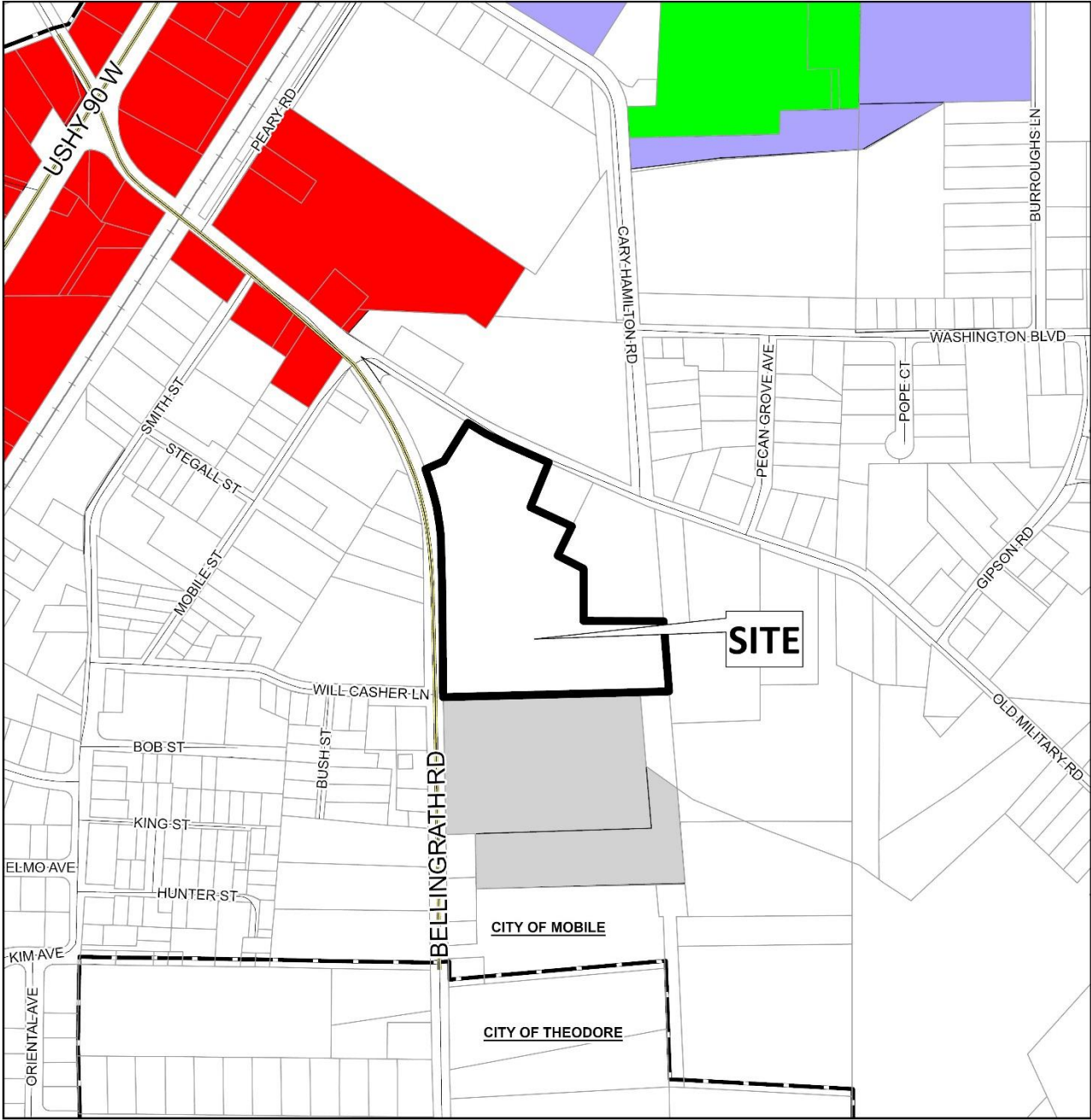
The applicant's responses to address the above criteria are available in the link on page one (1).

### 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 the associated Voluntary Conditions and Use Restrictions;
3. Compliance with all Engineering, Traffic Engineering, Urban Forestry, and Fire Department comments noted in this staff report; and,
4. Full compliance with all municipal codes and ordinances.

# LOCATOR ZONING MAP



APPLICATION NUMBER 14 DATE November 20, 2025

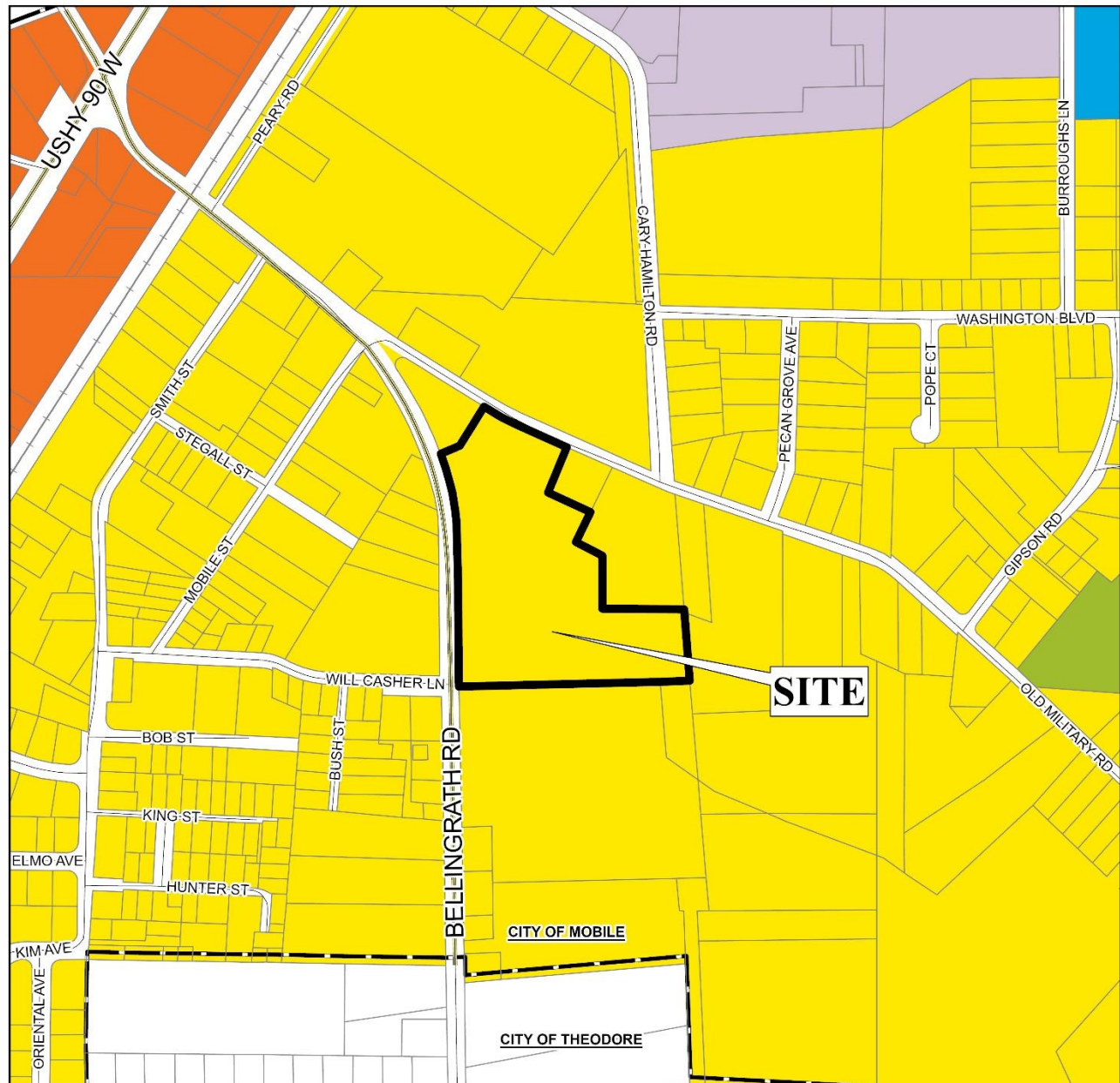
APPLICANT Addition to First Baptist Church of Theodore Subdivision

REQUEST Subdivision, Sidewalk Waiver, Rezoning from R-1 to B-4



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## FLUM LOCATOR MAP



APPLICATION NUMBER 14 DATE November 20, 2025

APPLICANT Addition to First Baptist Church of Theodore Subdivision

REQUEST Subdivision, Sidewalk Waiver, Rezoning from R-1 to B-4

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



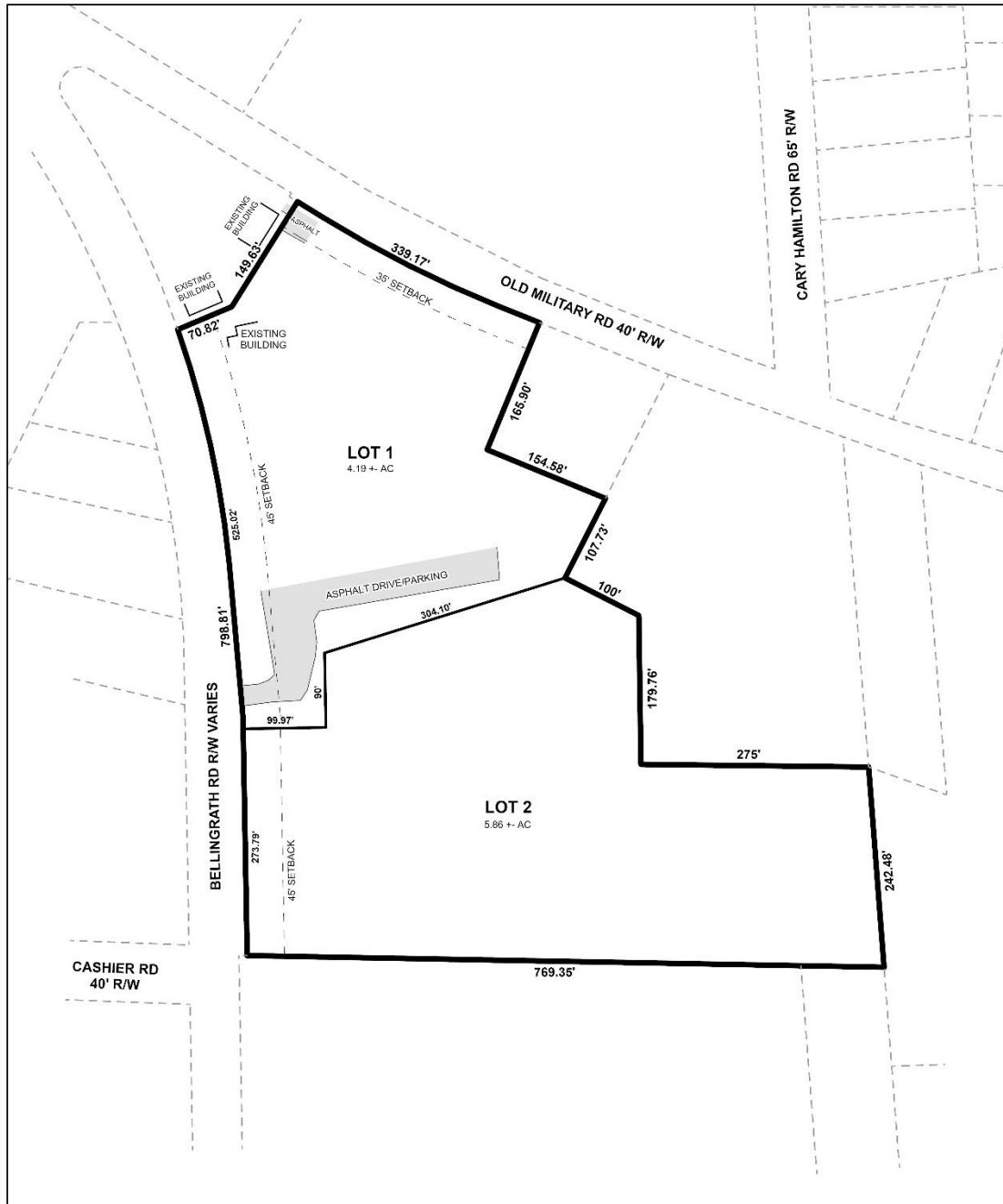
The site is surrounded by residential units.

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R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2
R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6
R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1	



## SITE PLAN



The site plan illustrates existing asphalt and setbacks.

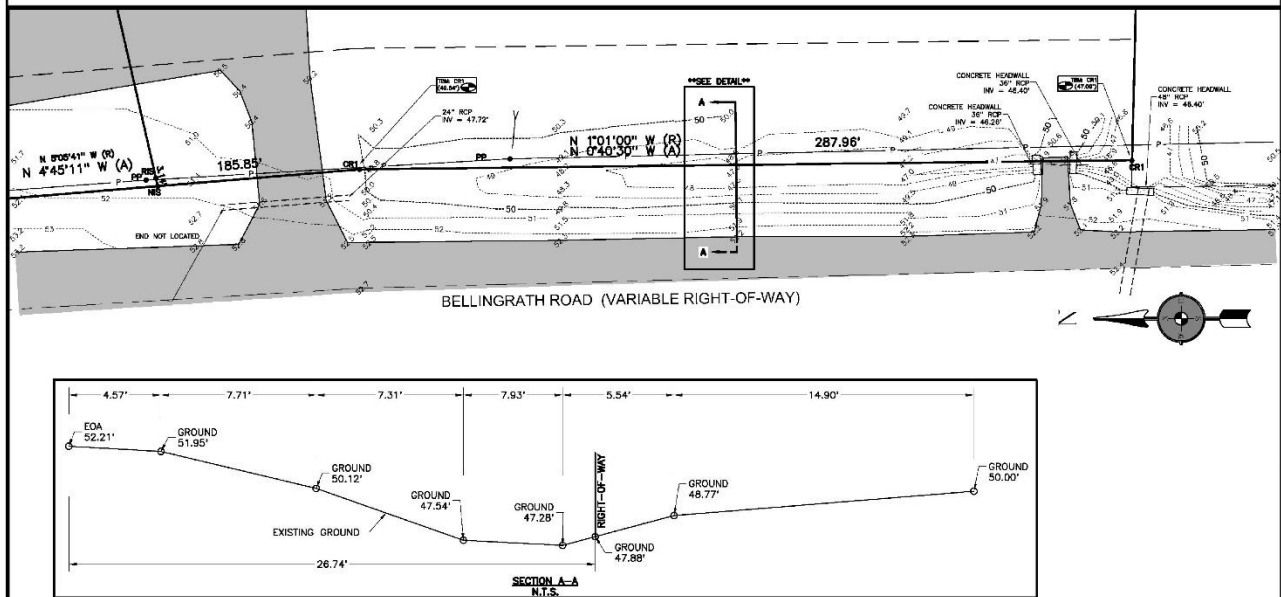
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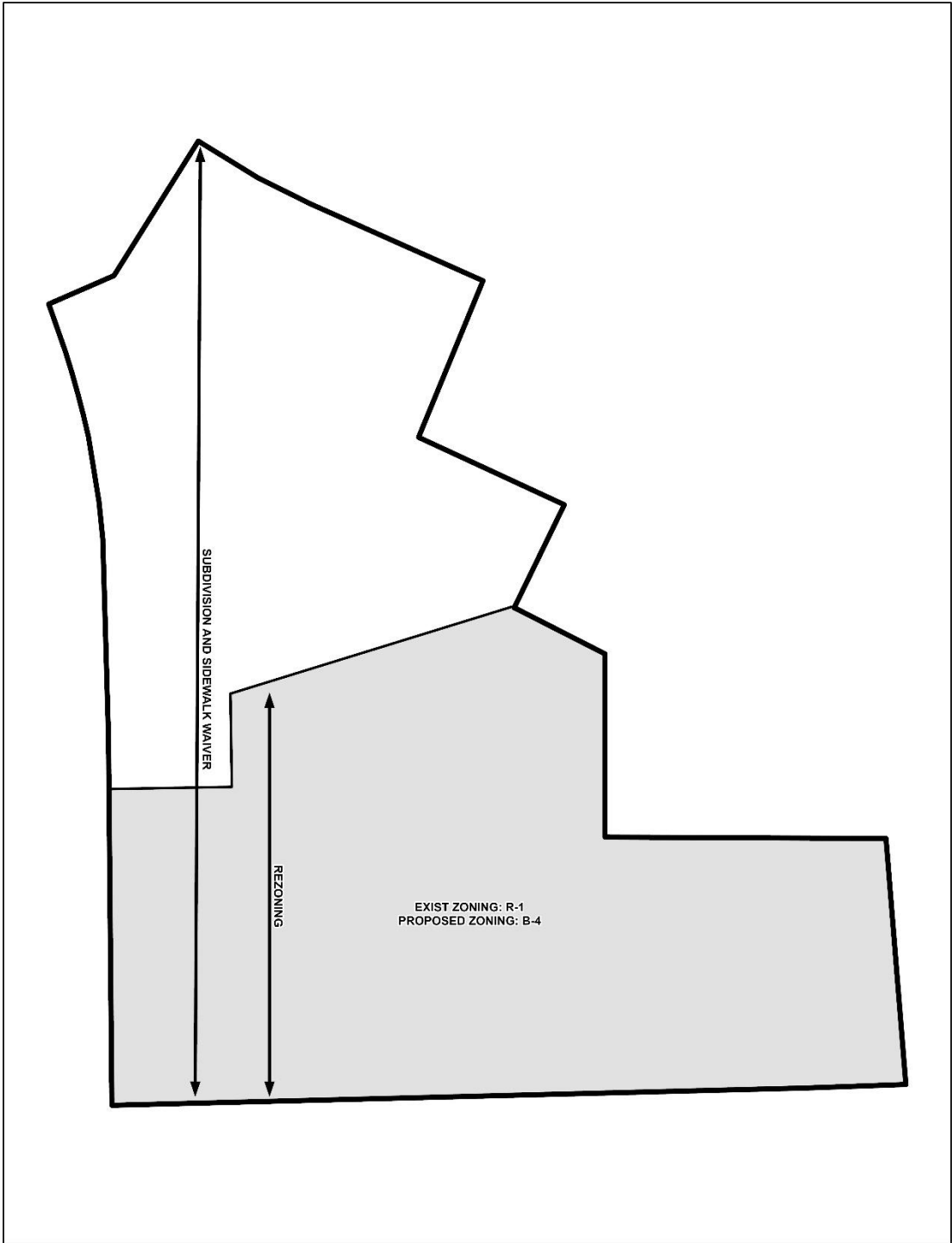
## DETAIL SITE PLAN



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# DETAIL SITE PLAN



APPLICATION NUMBER 14 DATE November 20, 2025

APPLICANT Addition to First Baptist Church of Theodore Subdivision

REQUEST Subdivision, Sidewalk Waiver, Rezoning from R-1 to B-4



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.

### 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

