Planning Commission
November 19, 2026

Agenda Item # 18

SUB-003957-2026 & ZON-UDC-003958-2026

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:
6308 Airport Boulevard

Subdivision Name:
Happy Sushi Subdivision

Applicant / Agent:
Byrd Surveying, Inc.

Property Owner(s):
Gaye E. Gandy, Trustee

Current Zoning:
B-1, Buffer Business Suburban District

Proposed Zoning:
B-2, Neighborhood Business Suburban District

Future Land Use:
Neighborhood Center - Suburban

Neighborhood Meeting:

- A Neighborhood Meeting was required due to the proposed rezoning to a higher zoning classification.
- The meeting was held on October 15, 2026, at 5:00 p.m. at 6345 Old Shell Road.

Applicable Codes, Policies, and Plans:

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

Proposal:

- Subdivision approval to create one (1) legal lot of record.
- Rezoning from B-1 Suburban to B-2 Suburban.
- **Note:**
  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)

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PLANNING COMMISSION
VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units and vacant land.

APPLICATION NUMBER 18 DATE November 19, 2026

APPLICANT Happy Sushi Subdivision

REQUEST Subdivision, Rezoning from B-1 to B-2

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SITE HISTORY

The subject site was originally part of the *Spring Hill Estates Unit Number One* subdivision, the plat for which was recorded in the Mobile County Probate Court in March 1931.

The site was annexed into the corporate limits of the City of Mobile in 1956 and assigned an R-1, Single-Family Residential District, zoning classification. It retained this classification through the adoption of the 1967 Zoning Ordinance.

Over time, lot line adjustments made without Planning Commission approval resulted in the property's current metes-and-bounds description encompassing Lot 21 and a portion of Lot 18 of the aforementioned subdivision.

At its September 13, 1983, meeting, the City Council adopted an ordinance rezoning the property from R-1, Single-Family Residential District, to B-1, Buffer Business District. The rezoning was conditioned upon approval by the Traffic Engineering Department of a curb cut onto Airport Boulevard.

The property was previously developed with what appears to be a single-family dwelling; however, demolition of the structure occurred after 1997, and the site has since remained vacant except for a concrete slab.

At its April 20, 2017, meeting, the Planning Commission denied a request to subdivide the subject site and the adjoining property to the north into two (2) lots. The denial was based on the configuration of one of the proposed lots and its substandard access to Evergreen Road.

No other Planning Commission or Board of Zoning Adjustment cases are associated with the subject 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. Revise NOTES #7 to read - As shown on the 1984 aerial photo LOT A will receive 3,900 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 – 3,900 sf. Stormwater detention will be required for any additional impervious area that exceeds the allowable credit for that LOT.
C. Retain NOTES 1 - 5.
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.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 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 one (1) legal lot of record from one (1) metes-and-bounds parcel. The site is served by public water and sanitary sewer.

The proposed lot fronts Airport Boulevard, a Principal Arterial Street requiring a 100-foot-wide right-of-way at this location. The preliminary plat depicts a 140-foot-wide right-of-way, making additional dedication unnecessary.

The lot exceeds the minimum area requirements of Article 2, Sections 64-2-10.E. and 64-2-13.E. of the Unified Development Code (UDC) for properties served by public water and sanitary sewer within the B-1 (Buffer Business Suburban) and B-2 (Neighborhood Business Suburban) zoning districts. The lot area is provided on the preliminary plat in both square feet and acres. If approved, this information should be retained on the Final Plat; alternatively, a table containing the same information may be provided.

The proposed lot exceeds the minimum lot width requirement of Section 6.C.2.(b)(4) of the Subdivision Regulations for commercially zoned lots.

A 25-foot front yard setback is depicted along Airport Boulevard, consistent with Section 6.C.8. of the Subdivision Regulations and the applicable requirements of the UDC. If approved, the depicted setback should be retained on the Final Plat.

Rezoning

The applicant seeks to rezone the property from B-1, Buffer Business Suburban District, to B-2, Neighborhood Business Suburban District, to allow future development of the site with a restaurant.

In support of the request, the applicant states that the area is developed with businesses permitted in various commercial zoning districts, including the B-2 zoning district. The applicant's complete narrative and justification are available through the link provided on Page 1 of this report.

A Neighborhood Meeting was conducted in accordance with Article 5, Section 64-5-4 of the Unified Development Code (UDC) because the request seeks a higher zoning classification. The meeting was properly advertised, and notice of the date, time, and location was mailed to all property owners within 300 feet of the subject site. The meeting was held on October 15, 2026, at 5:00 p.m. at 6345 Old Shell Road. According to the submitted sign-in sheet, two (2) members of the public attended. The meeting summary indicates that those in attendance were there simply to learn about the request and hear any comments from the neighborhood. No comments were noted. The meeting remained open until 6:00 p.m., satisfying the minimum one-hour requirement. The applicant timely submitted all required Neighborhood Meeting documentation, including the executed checklist certifying the completeness and accuracy of the materials.

The subject site is located within an area characterized by a mix of commercial, institutional, and residential development. Properties to the north are zoned R-1 and are developed with single-family residences. The property to the east is zoned B-1 and developed with a multi-tenant healthcare facility. Properties to the south are zoned R-1 and B-3 (Community Business Suburban) and developed with a religious facility and a mixed-use, multi-tenant commercial retail, restaurant, medical service, and other personal services operation.

A site plan was submitted with the rezoning application and depicts a proposed 3,200-square-foot restaurant building, parking lot, dumpster enclosure, and residential protection buffer. Restaurants are permitted in the B-2 zoning district but are not allowed in the B-1 zoning district.

It should be noted that approval of the rezoning request would not authorize any particular development, and all future development would remain subject to the applicable provisions of Article 3 of the UDC and all other City codes and ordinances.

The Unified Development Code and Official Zoning Map are founded upon long-range comprehensive planning principles intended to promote orderly growth, compatible land use patterns, and the public health, safety, and welfare. Consequently, amendments to the Official Zoning Map should be supported by evidence demonstrating that the proposed change is warranted. In evaluating rezoning requests, the Planning Commission considers:

- Consistency with the Comprehensive Plan;
- Whether the existing zoning resulted from a mistake or error;
- Compatibility with the surrounding neighborhood;
- Promotion of the public health, safety, and welfare;
- Availability of adequate public infrastructure; and
- The presence of changed or changing conditions warranting the amendment.

While the applicant identifies the property's location along Airport Boulevard, its Neighborhood Center – Suburban Future Land Use Map designation, and the presence of various commercial zoning classifications and uses in the surrounding area as justification for the request, the submitted materials do not adequately demonstrate why an amendment from B-1, Buffer Business Suburban District, to B-2, Neighborhood Business Suburban District, is warranted.

The existing B-1 classification already permits a broad range of commercial uses, providing substantial flexibility for the property's future development. Although a restaurant is not permitted within the B-1 district, the applicant's desire to develop the property with a restaurant does not, in itself, establish that a higher zoning classification is appropriate. Rather, the request would expand the range of uses permitted on the property, and the applicant has not sufficiently demonstrated why that broader range of uses is appropriate or warranted at this location.

Furthermore, while the Comprehensive Plan identifies the area as a Neighborhood Center – Suburban, this designation alone does not establish that the requested B-2 classification is appropriate. Similarly, the presence of other B-2 and B-3 properties in the vicinity does not necessarily demonstrate that the existing B-1 classification is inappropriate or that conditions have changed in a manner warranting the proposed amendment.

The applicant's justification also provides limited substantive analysis addressing compatibility with adjoining residential properties, potential impacts, public infrastructure, or the broader public benefits of the requested zoning change. Although the submitted site plan depicts a proposed restaurant and residential protection buffer, approval of the rezoning would not be limited to that particular development or use.

Ultimately, the Planning Commission must evaluate the request based on the established rezoning criteria and determine whether the evidence presented demonstrates that the proposed amendment is consistent with the City's long-range planning objectives and is otherwise warranted. While the applicant has identified circumstances that may be considered in support of the request, the information provided does not sufficiently establish that the existing B-1 classification is inappropriate or that a change to B-2 would better serve the public health, safety, and welfare. Accordingly, the Planning Commission should carefully consider whether the applicant has provided sufficient justification to support the requested increase in zoning intensity.

SUBDIVISION 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 140-foot-wide right-of-way along Airport Boulevard on the Final Plat;
2. Retention of the lot's size in both square feet and acres, or the provision of a table on the Final Plat with the same information;
3. Retention of the 25-foot front yard setback line along Airport Boulevard, in compliance with Section 6.C.8. of the Subdivision Regulations;
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 Rezonings are 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 the 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:
    - 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.
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.

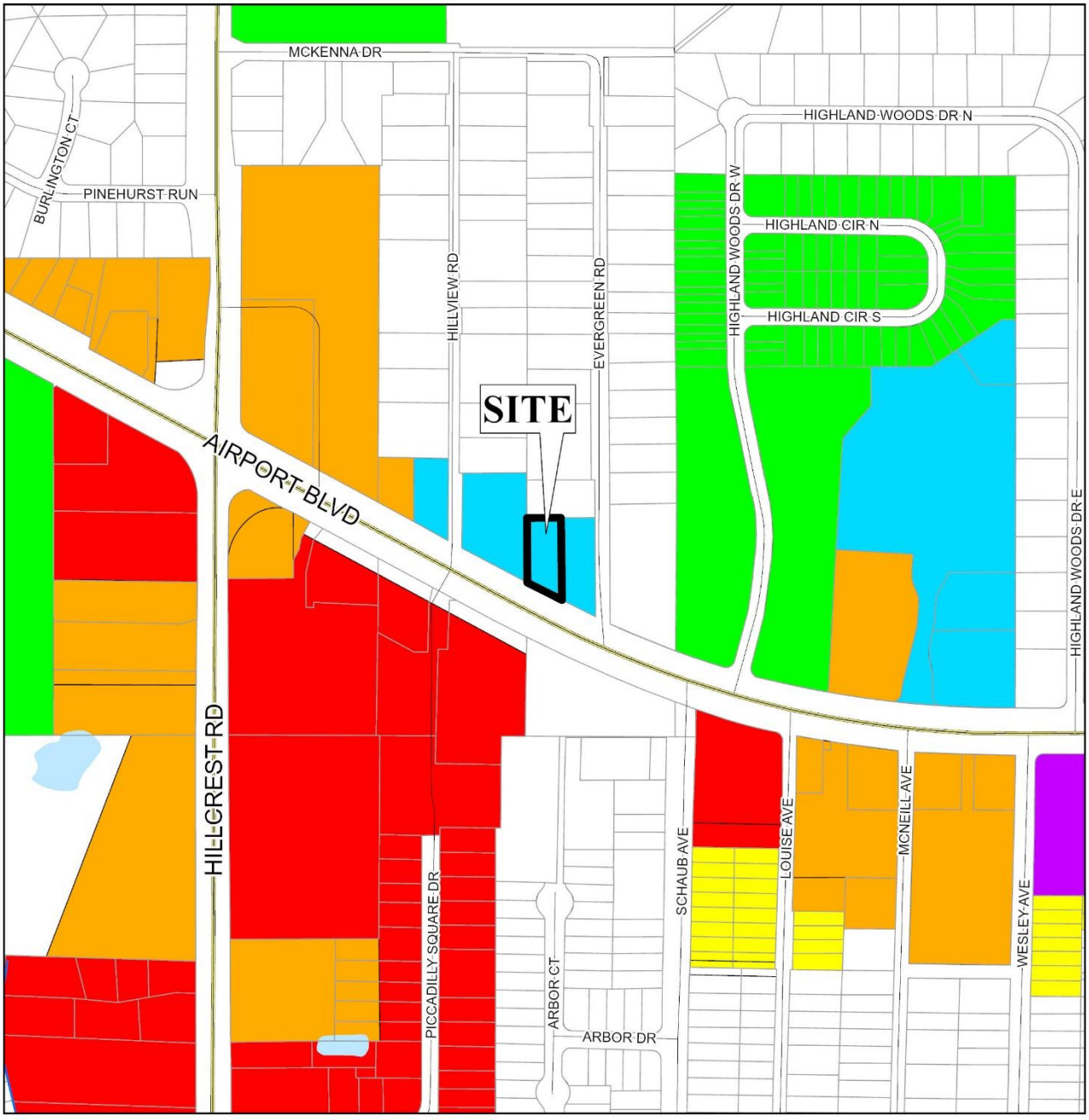
The applicant's responses to address the above criteria are available in the link on page one (1).

Considerations:

If the Planning Commission considers a recommendation of approval of the request to the City Council to Rezone the site to B-2, 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



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APPLICANT Happy Sushi Subdivision

REQUEST Subdivision, Rezoning from B-1 to B-2

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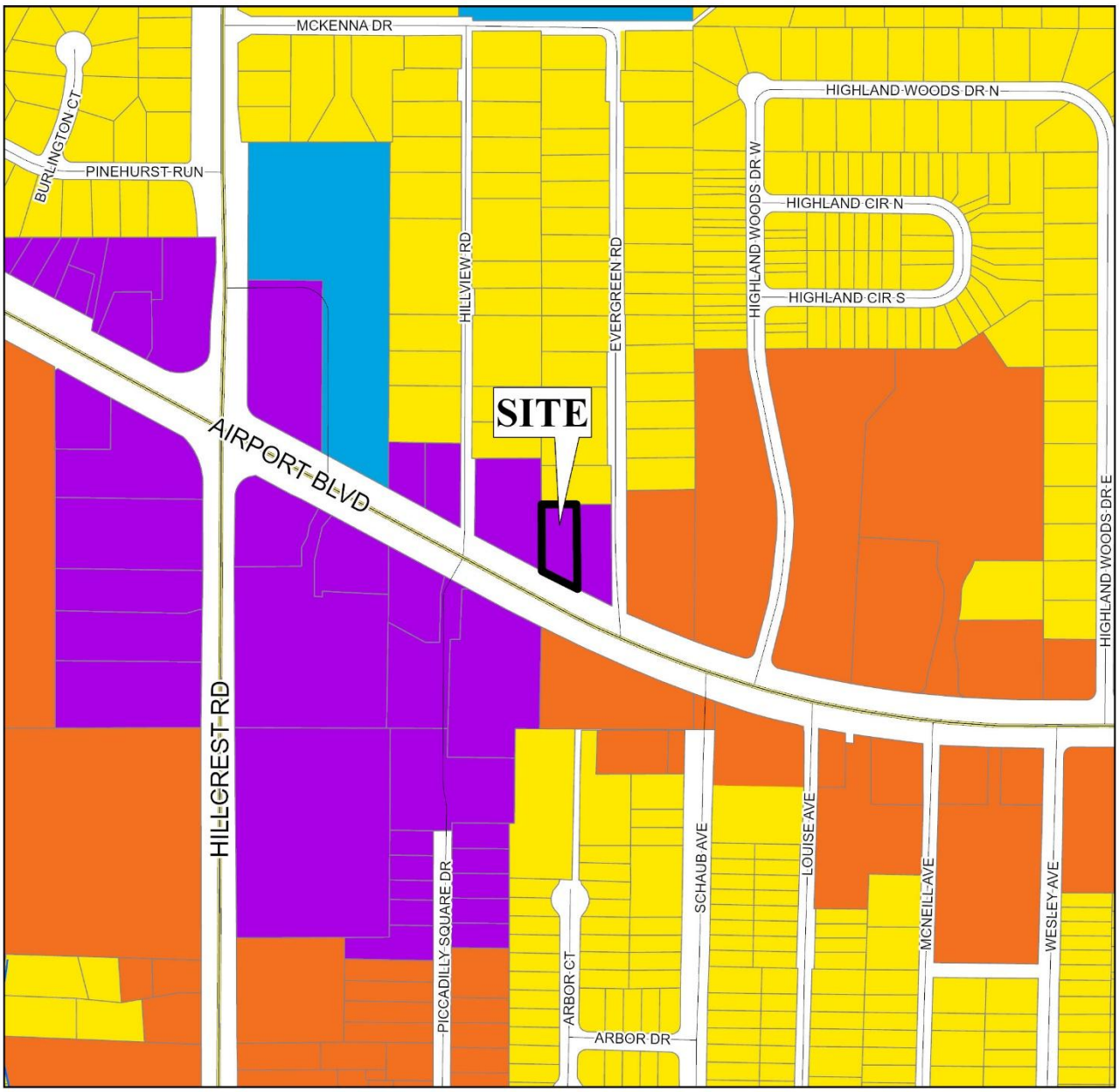
FLUM LOCATOR MAP



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APPLICANT Happy Sushi Subdivision

REQUEST Subdivision, Rezoning from B-1 to B-2

- Low Density Residential
- Mixed Density Residential
- Downtown
- District Center
- Neighborhood Center - Traditional
- Neighborhood Center - Suburban
- Traditional Corridor
- Mixed Commercial Corridor
- Light Industry
- Heavy Industry
- Institutional
- Parks, Open Space
- Water Dependent

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NTS

PLANNING COMMISSION
VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units and vacant land.

APPLICATION NUMBER 18 DATE November 19, 2026

APPLICANT Happy Sushi Subdivision

REQUEST Subdivision, Rezoning from B-1 to B-2

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

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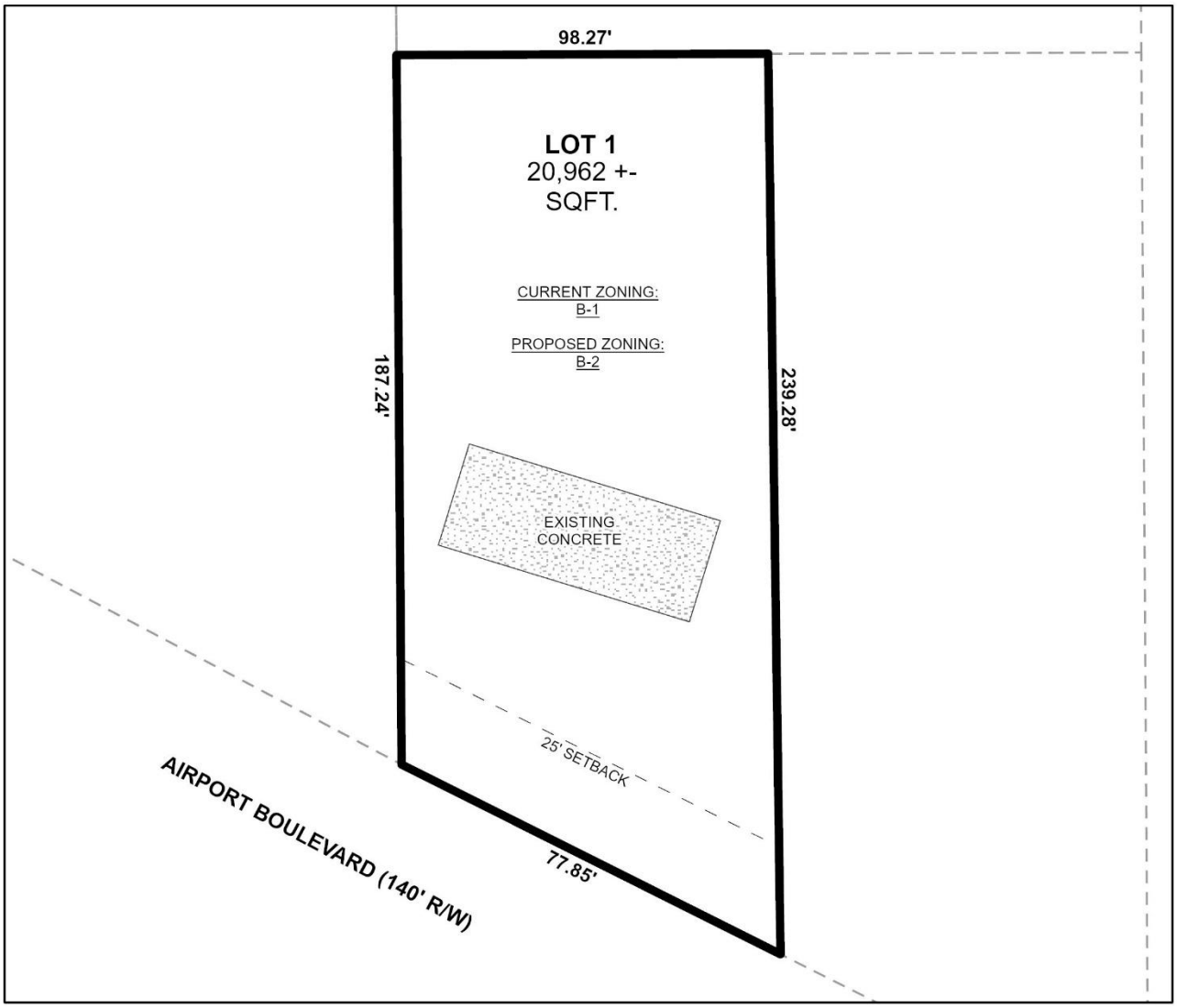
NTS

SUBDIVISION SITE PLAN



The site plan illustrates proposed lot subdivision, current and proposed zoning, and existing landscape features.

APPLICATION NUMBER 18 DATE November 19, 2026

APPLICANT Happy Sushi Subdivision

REQUEST Subdivision, Rezoning from B-1 to B-2

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NTS

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

■ Zoning district is appropriate to implement the future land use category.

U S Zoning district with Urban or Suburban subdistrict is appropriate to implement the future land use category.

○ Elements of the zoning district are related to the future land use category and may be appropriate with qualifications or conditions.

□ Zoning district is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

	RESIDENTIAL - AC (R-A)	ONE-FAMILY RESIDENCE (R-1)	TWO-FAMILY RESIDENCE (R-2)	MULTIPLE-FAMILY (R-3)	RESIDENTIAL BUSINESS (R-B)	HISTORIC BUSINESS (H-B)	BUFFER BUSINESS (B-1)	TRANSITIONAL BUSINESS (T-B)	LIMITED BUSINESS (LB-2)	NEIGHBORHOOD BUSINESS (B-2)	COMMUNITY BUSINESS (B-3)	GENERAL BUSINESS (B-4)	OFFICE-DISTRIBUTION (B-5)	COMMERCIAL WAREHOUSE (CW)	MARITIME MIXED (MM)	MARITIME LIGHT (ML)	MARITIME HEAVY (MH)	LIGHT INDUSTRY (I-1)	HEAVY INDUSTRY (I-2)	VILLAGE CENTER (TCD)	NEIGHBORHOOD CENTER (TCD)	NEIGHBORHOOD GENERAL (TCD)	DOWNTOWN DEV. DDD (T-6)	DOWNTOWN DEV. DDD (T-5.1)	DOWNTOWN DEV. DDD (T-5.2)	DOWNTOWN DEV. DDD (T-4)	DOWNTOWN DEV. DDD (T-3)	DOWNTOWN DEV. DDD (SD-WH)	DOWNTOWN DEV. DD (SD)
LOW DENSITY RESIDENTIAL (LDR)	■	S	S	S			○							○															○
MIXED DENSITY RESIDENTIAL (MDR)		U	U	■	■			■	■	■					■															○
DOWNTOWN (DT)						■					■													■	■	■	■	■	○	○
DISTRICT CENTER (DC)								■			U	○	○																	
NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)		■	■	U	■	■	○	■	○	○	○										■	■	■							
NEIGHBORHOOD CENTER - SUBURBAN (NC-S)				S			S	■	S	S	○									■	■									○
TRADITIONAL CORRIDOR (TC)		■	■		■	■	U	■	U	U	○																			○
MIXED COMMERCIAL CORRIDOR (MCC)							■		■	■	■	■	■	■	■															
LIGHT INDUSTRIAL (LI)													■	■	■	■			■										○	○
HEAVY INDUSTRY (HI)																■	■	■	■										○	○
INSTITUTIONAL LAND USE (INS)											■	■		○	○				○											
PARKS & OPEN SPACE (POS)	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□
WATER DEPENDENT USES (WDWRU)	■					○								■	■	■		○												

NEIGHBORHOOD CENTERS (NC)

Neighborhood Center applies to smaller hubs of mixed commercial, community, and recreational activity that cater to adjacent residential areas. Many of these centers exist today in some form. The following principles apply not just to the future development of new centers, but also to the redevelopment of existing centers. These principles are common to all neighborhood centers, but the appropriate design varies depending on whether a center is in a more "traditional" or more "suburban" context.

- Support a limited amount of commercial employment
- Incorporate some residential use, compatible in character with that of surrounding residential development, providing appropriate transitions in height, massing and other buffering from one land use district to the next.
- The retail and housing uses should merge around vibrant, compact, accessible nodes, located at key neighborhood intersections or along short road segments. Form vibrant, compact, accessible nodes, located at key neighborhood intersections or along short road segments.
- Be connected to the surrounding neighborhood and nearby public uses (e.g., schools, parks, etc.) via well-designed sidewalks and complete streets.

Land use mix

Primary Uses

- Commercial
- Office
- Residential, Multifamily

Secondary Uses

- Residential, Attached
- Civic
- Parks

Housing mix

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



NC TRADITIONAL (NCT)

These tend to be in areas connected to MxDR neighborhoods. They primarily occur east of I-65.

Development Intent

- Buildings should orient to the street, with on-site parking typically pushed to the back of the site.
- Design qualities of the public realm are emphasized, including the provision of continuous sidewalks, tree canopy, pedestrian amenities, on-street parking and bicycle facilities where appropriate.







NC SUBURBAN (NCS)

These generally are located among the LDR neighborhoods west of the I-65. Where they exist, these centers currently have a more pronounced vehicular orientation.

Development Intent

- Support increase in mix and density of uses (e.g., infill of outparcels, addition of housing, etc.).
- Retrofit to improve internal walkability (e.g., through the addition of sidewalks, tree canopy, protection from the elements) and external connectivity to the surrounding areas (via sidewalks, paths and trails, street crossings, transit stops, etc.)





