



Agenda Item # 20

ZON-UDC-003734-2026

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

4600-A Hamilton Boulevard

Applicant / Agent:

K & R Diesel Repair / Byrd Surveying, Inc.

Property Owner:

Hunter Mason, MW Real Estate Investments, LLC

Current Zoning:

R-A, Residential Agriculture District

Proposed Zoning:

I-2, Heavy Industry District

Future Land Use:

Heavy Industry

Neighborhood Meeting:

- A Neighborhood Meeting was required due to the proposed rezoning to a higher zoning classification.
- The meeting was held on May 5, 2026, at 5:00 p.m. at 5055 Plantation Road.

Applicable Codes, Policies, and Plans:

- Unified Development Code
- Map for Mobile Comprehensive Plan

Proposal:

- Rezoning from R-A to I-2
- **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.

Commission Considerations:

1. Rezoning with one (1) condition.

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PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential and commercial units.

APPLICATION NUMBER <u> 20 </u> DATE <u> July 16, 2026 </u>
APPLICANT <u> K & R Diesel Repair (Byrd Surveying, Inc., Agent) </u>
REQUEST <u> Rezoning from R-A to I-2 </u>



SITE HISTORY

The site was originally part of the *Island Farms Extension* subdivision, the plat for which was recorded in the Mobile County Probate Court in October 1940. Since that time, development of the area has resulted in the shifting of lot lines without proper approvals, such that the designs of many of the lots are no longer compatible with the recorded subdivision plat. This includes the subject site, which now has a metes-and-bounds legal description.

The site was later annexed into the City of Mobile in 2008 under the Theodore/Tillman's Corner Annexation and assigned an R-A, Residential Agricultural zoning designation.

The site is currently developed with an open structure and a shed and is surfaced with aggregate material.

There are no Planning Commission or Board of Zoning Adjustment cases associated with the property.

STAFF COMMENTS

Engineering Comments:

1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department (251-208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
4. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.
5. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

Traffic Engineering Comments:

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code.

Urban Forestry Comments:

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

Fire Department Comments:

All projects located within the City Limits of Mobile shall comply with the provisions of the City of Mobile Fire Code Ordinance, which adopts the 2021 edition of the *International Fire Code (IFC)*.

Fire apparatus access roads shall be provided to within 150 feet of all non-sprinklered commercial buildings and within 300 feet of all sprinklered commercial buildings, as measured along an approved route around the exterior of the facility.

An approved fire water supply capable of meeting the requirements set forth in *Appendices B and C* of the 2021 IFC shall be provided for all commercial buildings.

Fire hydrant placement shall comply with the following minimum standards:

- Within 400 feet of non-sprinklered commercial buildings
- Within 600 feet of sprinklered commercial buildings
- Within 100 feet of fire department connections (FDCs) serving standpipe or sprinkler systems

Although the *International Residential Code (IRC)* functions as a stand-alone document for the construction of one- and two-family dwellings and townhouses, it does not govern the design or layout of emergency access or community-level fire protection infrastructure. Therefore, residential developments must also comply with the applicable requirements of the *International Fire Code*, including, but not limited to, those listed above concerning the design, construction, regulation, and maintenance of fire apparatus access roads and fire protection water supplies.

Planning Comments:

The applicant requests the rezoning of the subject property from R-A, Residential Agricultural District, to I-2, Heavy Industry District, to allow the site to be used as a diesel repair shop. A detailed description of and justification for the request is provided in the applicant's narrative, which is accessible via the link 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 due to the request for rezoning to 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 May 5, 2026, at 5:00 p.m. at 5055 Carol Plantation Road. According to the sign-in sheet provided by the applicant, no members of the public attended. The meeting remained open until 6:00 p.m., satisfying the requirement that Neighborhood Meetings be scheduled for a minimum of one (1) hour. The applicant submitted all required Neighborhood Meeting documentation within the prescribed timeframe prior to the Planning Commission meeting and executed the required checklist attesting to the accuracy and completeness of the information provided.

The subject site is bordered by properties zoned R-A, Residential Agricultural District, to the north, east, and west. Property located immediately south of the site is zoned I-1, Light Industry District.

The requested I-2, Heavy Industry District, zoning classification is generally compatible with the established development pattern in the surrounding area, which includes a mix of residential, institutional, commercial, and industrial uses. Additionally, multiple properties zoned I-2 are in the immediate vicinity of the subject site, beginning approximately 60 feet to the west and extending westward for approximately one-half (½) mile toward U.S. Highway 90. This existing concentration of industrially zoned property provides context for the proposed rezoning and supports its compatibility with surrounding land uses.

The site is currently developed with an open structure and a shed and is surfaced with aggregate material. Prior to annexation into the City of Mobile, the property was utilized as a hydraulic crane repair facility, a use that would have become nonconforming upon annexation under the assigned R-A zoning designation. No new development is illustrated on the submitted site plan. As the property is described by a metes-and-bounds legal description, any future development of the site will require approval of at least a one-lot subdivision.

The site has frontage along Hamilton Boulevard, a Principal Arterial Street. The submitted plan depicts a right-in/right-out driveway connection. Any future development of the site must comply with the applicable provisions of Article 3 of the Unified Development Code (UDC), and such compliance must be demonstrated on all site plans submitted for review as part of any associated development permit applications.

Any signage proposed for the site must comply with the requirements of the UDC and will require separate permitting through the Planning and Zoning Department.

The applicant states that the proposed rezoning is consistent with the Comprehensive Plan and the Future Land Use Map (FLUM), which designates the area as Heavy Industry. This land use classification encourages uses that may generate noise, vibration, and/or odors and that benefit from access to a multimodal freight transportation network.

The applicant further states that no significant changing conditions exist within the area and notes that surrounding properties to the north, east, south, and west are already developed with or zoned for commercial and industrial uses.

Staff acknowledges that the proposed I-2 zoning classification is generally consistent with the Heavy Industry FLUM designation, which contemplates a range of industrial and supporting commercial uses. Furthermore, the site's proximity to existing commercial, industrial, mining, and material storage operations supports the applicant's position regarding the request's compatibility with the surrounding area.

However, while the Comprehensive Plan and FLUM provide important policy guidance, rezoning requests must also be evaluated based on compatibility with surrounding development patterns, potential impacts on nearby residential properties, infrastructure capacity, and the broader public interest.

The UDC and official zoning map are founded upon long-range comprehensive planning efforts intended to promote orderly and desirable development. Amendments that are unsupported by adequate justification may undermine these planning objectives. Accordingly, rezoning requests are evaluated based on 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 the public health, safety, and welfare;
- Adequacy of infrastructure to support the proposed zoning classification; and
- Presence of changed or changing conditions that justify the amendment.

The applicant has alleged that the original zoning classification was established in error. The property was annexed into the City of Mobile in 2008 as part of the Theodore/Tillman's Corner Annexation. At the time of annexation, the site was operating as a hydraulic crane repair facility but was assigned an R-A, Residential Agricultural District zoning designation, which was not consistent with the existing use of the property.

Overall, the applicant has provided justification addressing several of the rezoning criteria contained in Section 64-5-5.E. of the UDC, particularly with respect to consistency with the FLUM, the potential existence of a mistake or error in the original zoning map, and the area's established industrial development pattern.

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 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:
 - (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.

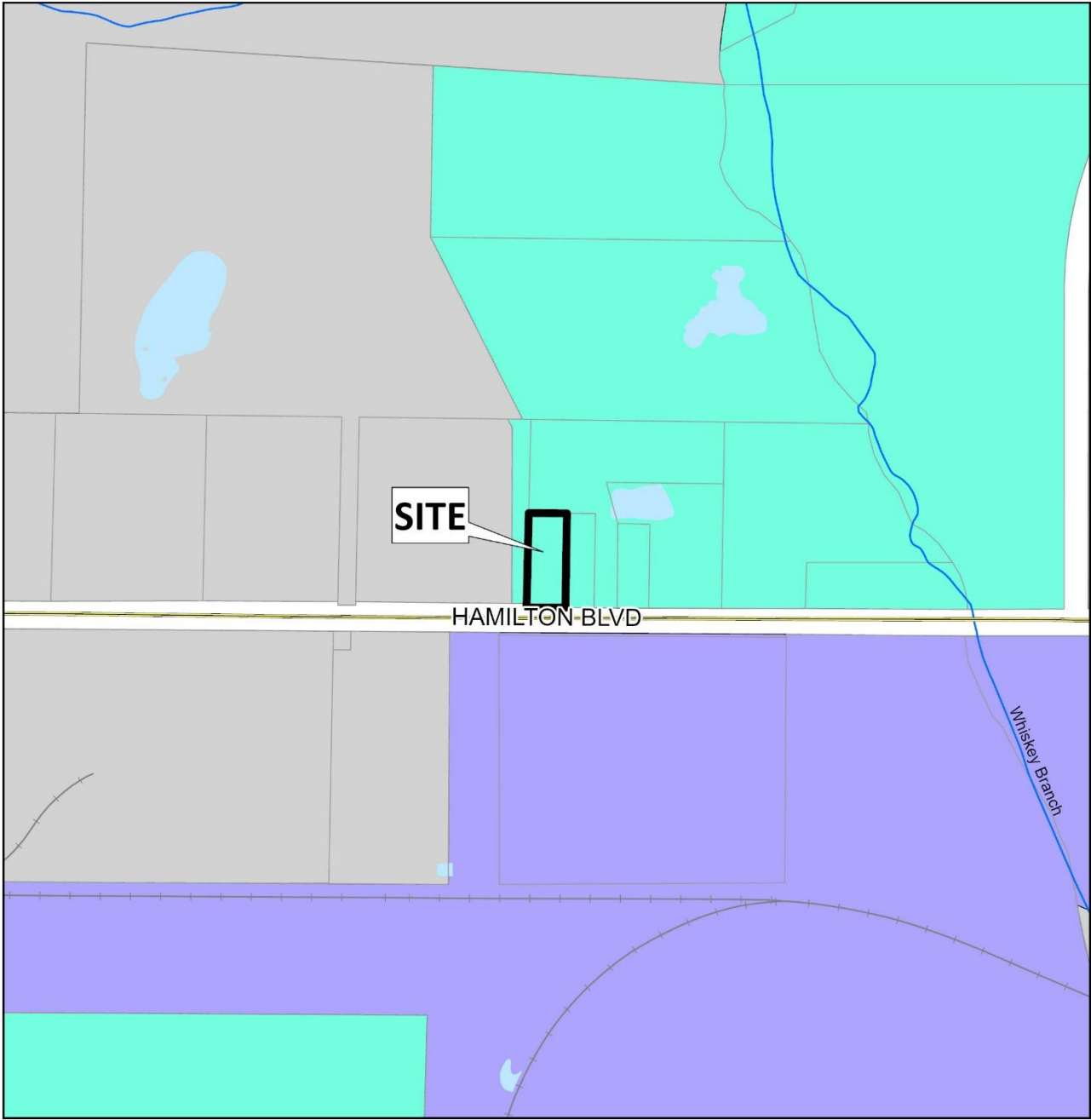
The applicant's responses to address the above criteria are available in the link on page one (1).

Considerations:

If the Planning Commission considers a recommendation of approval of the request to the City Council to Rezone the site to I-2, the following condition could apply:

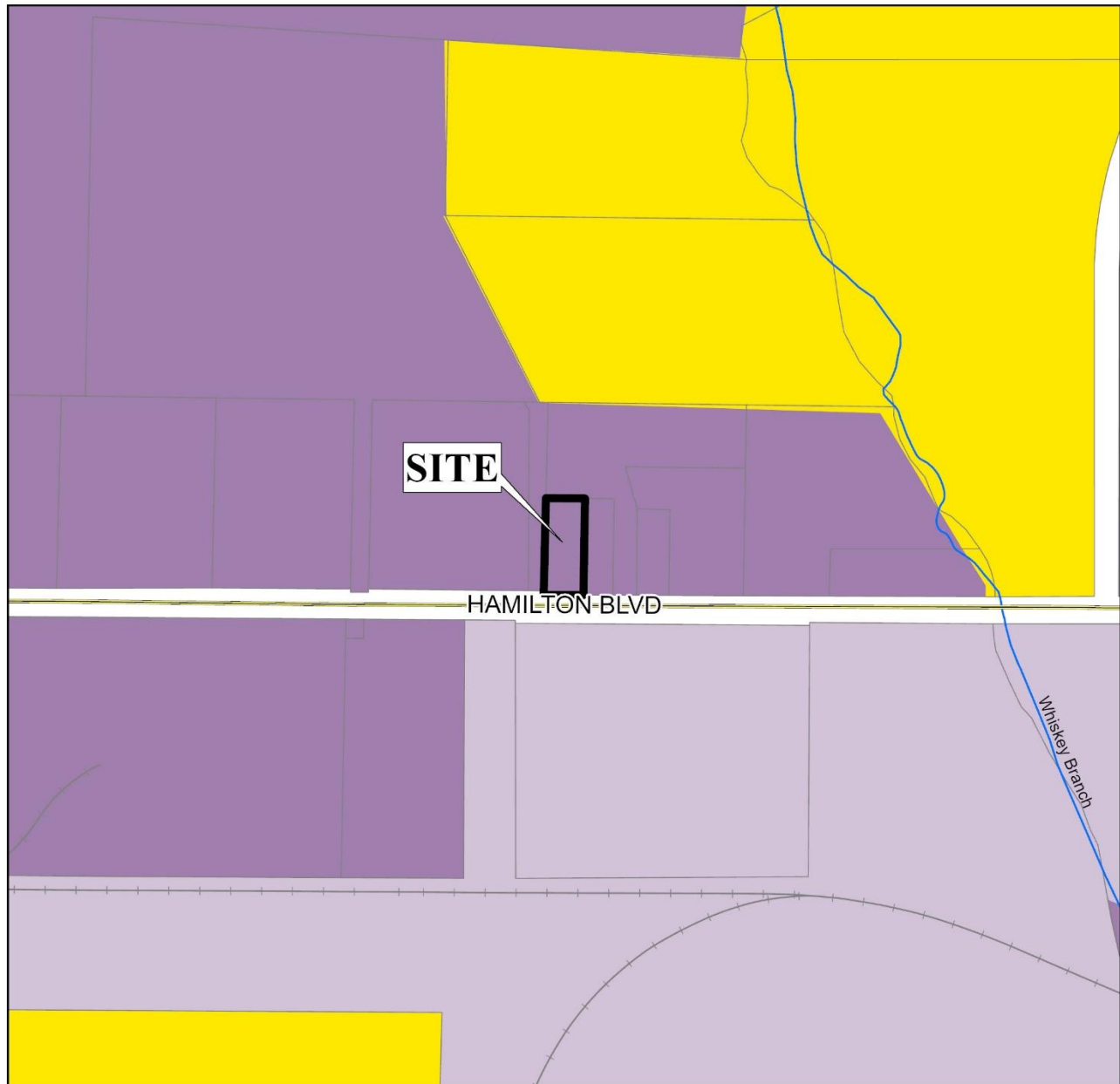
1. Full compliance with all municipal codes and ordinances.

LOCATOR ZONING MAP



APPLICATION NUMBER _____ 20 _____	DATE _____ July 16, 2026	 NTS
APPLICANT _____ K & R Diesel Repair (Byrd Surveying, Inc., Agent)		
REQUEST _____ Rezoning from R-A to I-2		

FLUM LOCATOR MAP

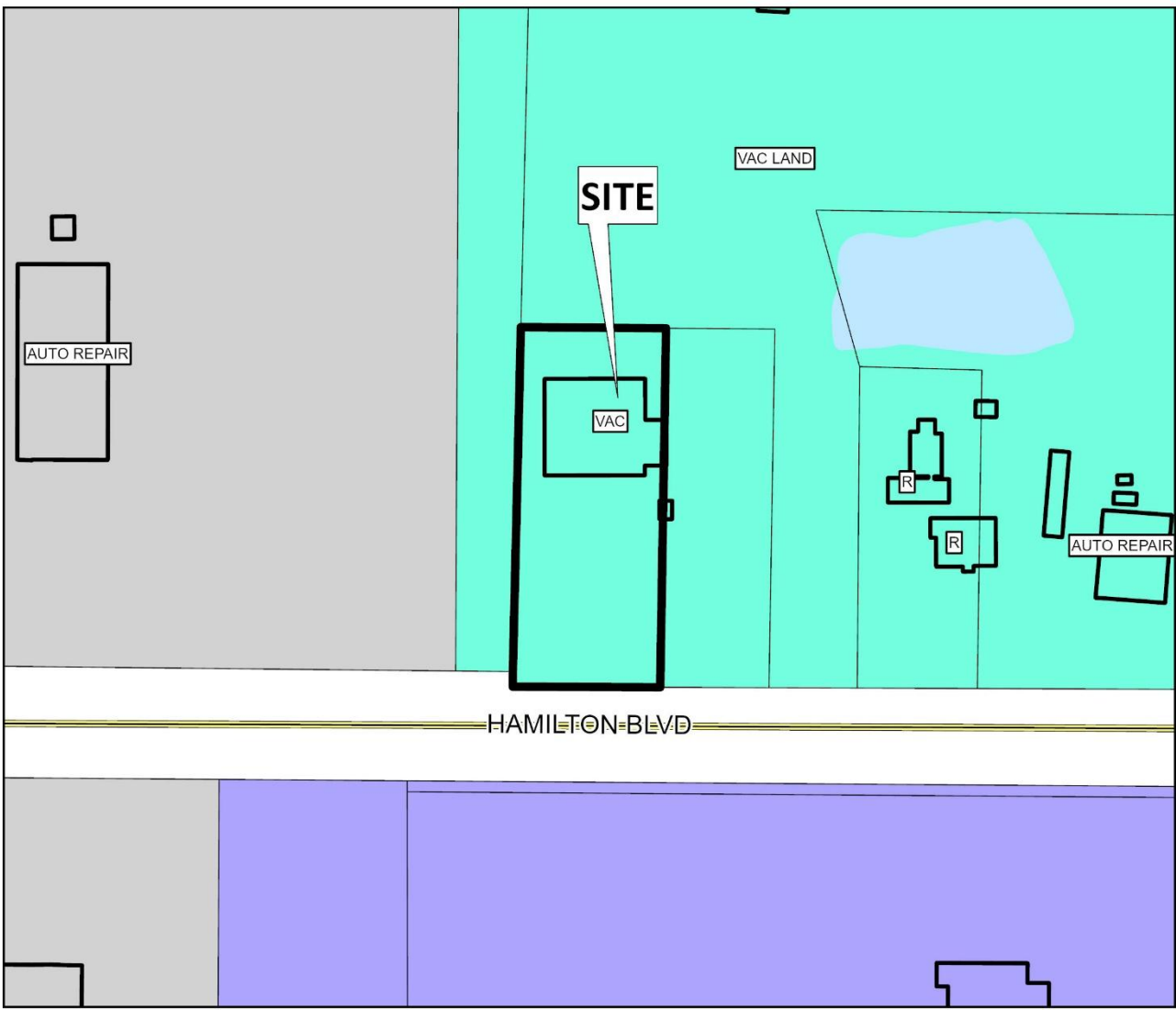


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Low Density Residential	Neighborhood Center - Traditional	Light Industry	Water Dependent
Mixed Density Residential	Neighborhood Center - Suburban	Heavy Industry	
Downtown	Traditional Corridor	Institutional	
District Center	Mixed Commercial Corridor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



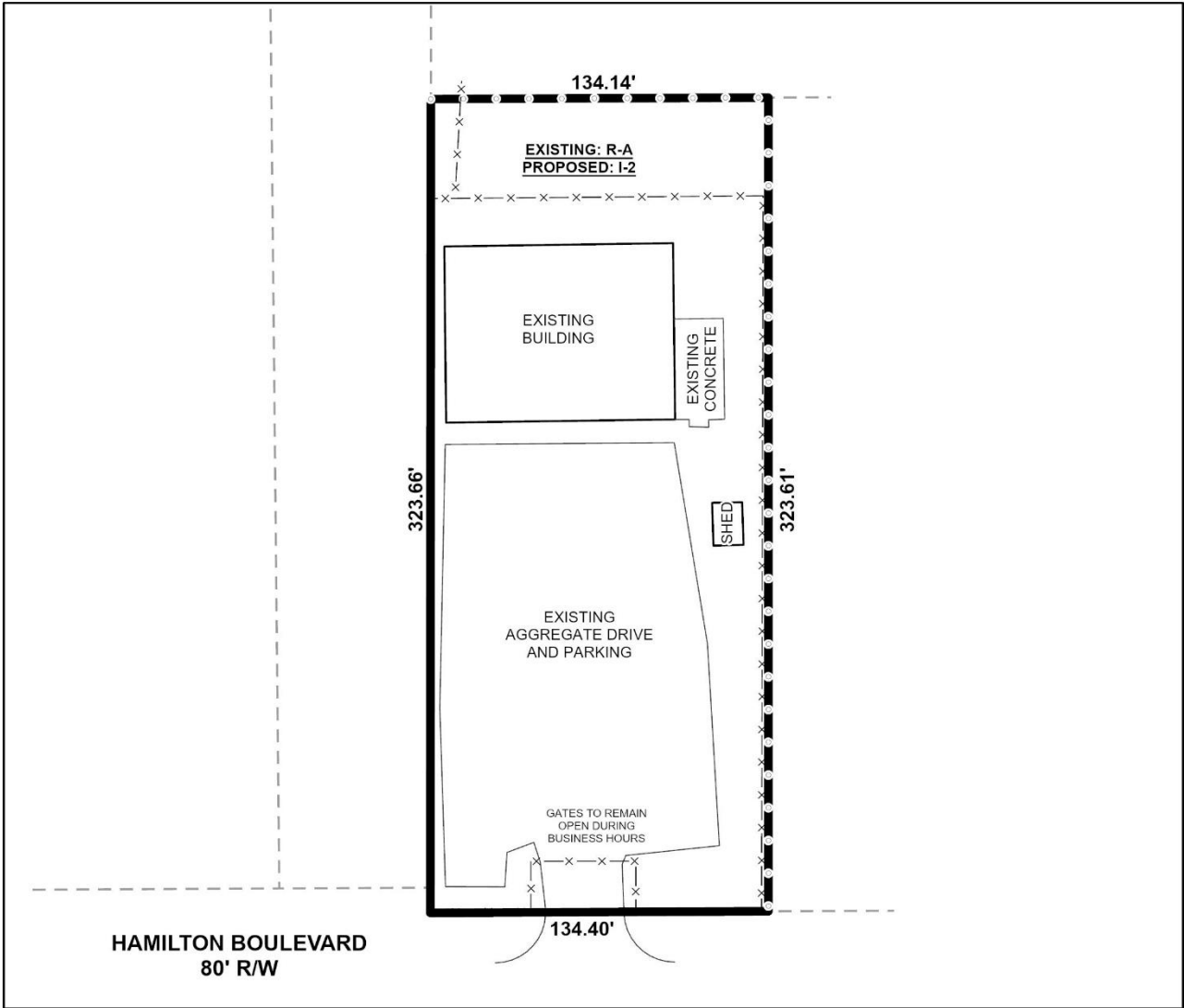
PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

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<table border="0"> <tr> <td> R-A</td> <td> R-3</td> <td> B-1</td> <td> B-2</td> <td> B-5</td> <td> ML</td> <td> I-2</td> <td> OPEN</td> <td> T-3</td> <td> T-5.2</td> </tr> <tr> <td> R-1</td> <td> R-B</td> <td> T-B</td> <td> B-3</td> <td> CW</td> <td> MH</td> <td> PD</td> <td> SD</td> <td> T-4</td> <td> T-6</td> </tr> <tr> <td> R-2</td> <td> H-B</td> <td> LB-2</td> <td> B-4</td> <td> MM</td> <td> I-1</td> <td> MUN</td> <td> SD-WH</td> <td> T-5.1</td> <td></td> </tr> </table>			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	
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 buildings, drives, and proposed zoning.

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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

[illegible]

HEAVY INDUSTRY (HI)

This designation applies to larger parcels primarily devoted to high-impact industrial activity which is preferably removed from residential and commercial uses. Light industry, industrial business or commercial lands may separate heavy industry from other land uses. Heavy industrial areas are distinguished by the presence of noise, vibration, and/or odors, and benefit from easy access to a multimodal freight transportation network. Some industrial areas along Mobile's waterways are treated separately on the FLUM and classified as Water Dependent Uses

Development Intent

- › Certain types of heavy industry are characterized by low building coverage and activities that rely on large areas of outdoor storage of raw material stockpiles and/or waste-product disposal areas, storage tanks, pipelines, and transportation yards to handle the transfer of heavy materials.
- › The outdoor storage areas should be screened as much as possible by the nature of the stored materials.
- › Land designated as HI may be underdeveloped due to the presence of wetlands on portions of the parcel. In these cases, the wetlands may serve to buffer surrounding uses from the potential impacts of the heavy industrial use.
- › Undeveloped areas of HI parcels that have tree cover may be used as buffering between the heavy industrial use and other uses. Where buffers do not exist naturally, they should be provided as spelled out in the zoning and subdivision regulations.
- › Open areas reserved for dredge disposal are also designated as HI and may contain wetlands.

Land use mix

Primary Uses

- › Heavy Industrial
- › Mining and Material Storage

Secondary Uses

- › Commercial

Character Example

