



Agenda Item # 20

SUB-003893-2026 & MOD-003910-2026

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

[Applicant Materials for Consideration – Subdivision](#)

[Applicant Materials for Consideration – Planning Approval Modification](#)

DETAILS

Location:

957, 959, & 961 Lyons Street, and 354 Cherry Street

Applicant / Agent:

Byrd Surveying, Inc.

Property Owner(s):

Greater Union Baptist Church

Current Zoning:

R-2, Two-Family Residential Urban District

Future Land Use:

Mixed Density Residential

Applicable Codes, Policies, and Plans:

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

Proposal:

- Subdivision approval to create five (5) legal lots of record.
- Modification of a previously approved Planning Approval.

Considerations:

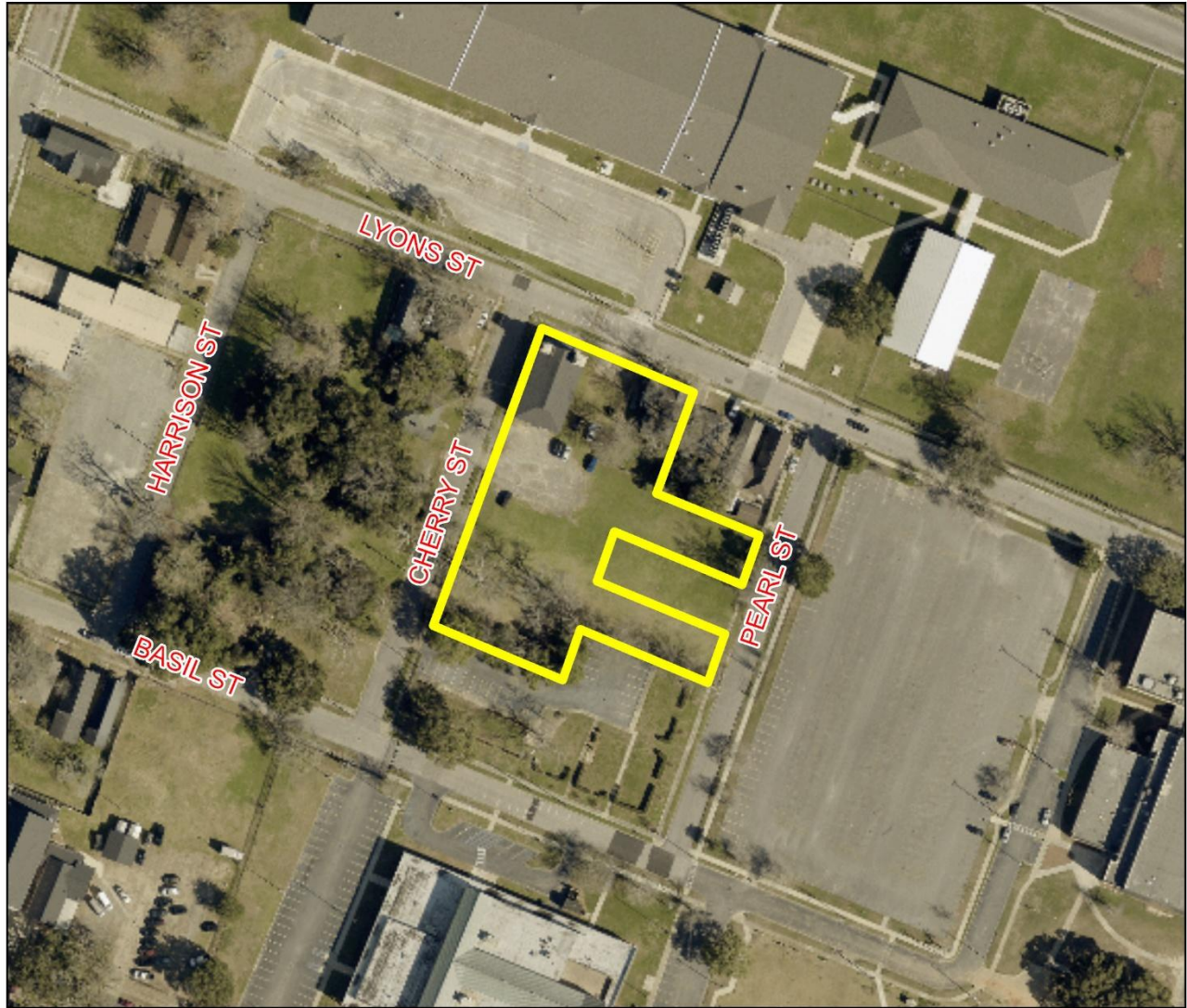
1. Subdivision proposal with ten (10) conditions; and
2. Modification of a previously approved Planning Approval with eighteen (18) conditions.

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PLANNING COMMISSION

VICINITY MAP - EXISTING AERIAL



The site is surrounded by industrial and commercial units.

APPLICATION NUMBER 20 DATE October 15, 2026
 APPLICANT Resubdivision of Greater Union Baptist Church Subdivision
 REQUEST Subdivision, Major Modification



SITE HISTORY

The site was annexed into the City of Mobile in 1814.

The site was subsequently included as part of the *Dunn Purchase* subdivision, the plat for which was recorded in the Mobile County Probate Court in May 1836.

The site was identified as residential on the City's 1934 Use District Map and was assigned an R-2 zoning classification upon adoption of the 1951 Zoning Ordinance. The site has retained the R-2 classification through the adoption of the 2023 Unified Development Code.

In December 2001, the Planning Commission approved the consolidation of nine (9) lots from the original subdivision into a single lot. The resulting plat was subsequently recorded in October 2002 as the *Greater Union Baptist Church Subdivision*.

Over the years, the site was developed with what appear to have been single-family dwellings and a church on individual lots. By 2002, however, the resulting single-lot subdivision contained only the church building and two (2) single-family dwellings.

In July 2003, the Planning Commission approved a Planning Approval application to allow for the expansion of the existing church within the R-2, Two-Family Residential District, as well as the expansion of the associated parking area.

One (1) of the single-family dwellings was demolished pursuant to a permit issued in 2007. The remaining single-family dwelling was demolished sometime after 2019; however, no associated demolition permit is on file. The property currently contains a single church building and its associated parking lot.

There are no other Planning Commission or any 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. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the NW corner of LOT 1 to the City of Mobile and list the amount of dedicated acreage in SF and ACRES.
- C. Revise NOTES #7 to read - As shown on the 1984 aerial photo LOTS 1 - 5 share the 11,000 sf of historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) and share the 4,000 SF credit provided to the original SF residential lot as follows: LOT 1 – 3,000 sf, LOT 2 - 3,000 sf, LOT 3 - 3,000 sf, LOT 4 - 3,000 sf, and LOT 5 - 3,000 sf. Stormwater detention will be required for any additional impervious area that exceeds the allowable credit for that LOT.
- D. Retain NOTES 1 - 5.

- E. 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.

Planning Approval Modification

ADD THE FOLLOWING NOTES TO THE PLANNING APPROVAL SITE PLAN:

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 request is to subdivide one (1) existing legal lot of record into five (5) legal lots of record. The site is served by public water and sanitary sewer.

Proposed Lots 1 and 2 have frontage along Lyons Street; Proposed Lots 1 and 5 have frontage along Cherry Street; and Proposed Lots 3 and 4 have frontage along Pearl Street. Lyons Street, Cherry Street, and Pearl Street are all minor streets with curbing and gutter improvements, each requiring a 50-foot-wide right-of-way. The plat depicts sufficient existing rights-of-way; therefore, no additional dedication is necessary.

Proposed Lot 1 is a corner lot and requires a 25-foot radius at the intersection of Lyons Street and Cherry Street, in accordance with Section 6.C.6. of the Subdivision Regulations. However, the lot is already developed, and both streets have long been established. Additionally, the site's subdivision in 2002 did not require dedication of a corner radius. Therefore, a waiver of Section 6.C.6. may again be appropriate.

The proposed lots exceed the minimum lot area requirements of Article 15, Section 64-15-1.E. of the Unified Development Code (UDC) and Section 9.E.3.(e)(3) of the Subdivision Regulations for lots served by public water and sanitary sewer within the Historic Avenue Overlay. Lot areas are labeled in both square feet and acres on the Preliminary Plat, as required by Section 5.A.2(e)(4) of the Subdivision Regulations. If approved, this information should be retained on the Final Plat; alternatively, a table containing the same information may be provided on the Final Plat.

Each proposed lot meets the minimum 20-foot lot width requirement of Article 15, Section 64-15-1.E. of the UDC and Section 9.E.3.(e)(3) of the Subdivision Regulations for lots within the Historic Avenue Overlay.

A five (5)-foot front yard setback is illustrated along each street frontage, in accordance with Article 15, Section 64-15-1.E. of the UDC, and Sections 6.C.8. and 9.E.3.(e)(3) of the Subdivision Regulations. Additionally, if approved, a note should be provided on the Final Plat stating that, pursuant to Article 15, Section 64-15-1.E. of

the UDC and Section 9.E.3.(e)(3) of the Subdivision Regulations, the maximum setback shall be no greater than the setback of any existing structure on the same side of the street within the same block face, but in no event more than 25 feet.

If approved, a note should also be provided on the Final Plat stating that the site is located within the Historic Avenue Overlay and, as such, development or redevelopment of each lot is subject to the applicable provisions of Article 15 of the Unified Development Code.

Approval of the subdivision will modify the boundaries of an existing Planning Approval granted in 2003 for the expansion of an existing church within the R-2 zoning district. Therefore, approval of the subdivision should be contingent upon approval of the associated Major Modification.

Planning Approval Modification

The site plan depicts the proposed modification to the existing Planning Approval and illustrates the five (5) proposed lots associated with the concurrent subdivision request. Existing site improvements on proposed Lot 1, including the church and associated parking lot, are also shown.

A detailed description of the request and supporting application materials is available through the link provided on Page 1 of this report. No modifications to the existing Planning Approval are proposed at this time other than the subdivision of the property into five (5) lots.

Approval of the associated subdivision request would modify the boundaries of the property subject to the Planning Approval originally granted in 2003. Although no other modifications to the Planning Approval are proposed at this time, the applicant should consider whether the Planning Approval should be limited to proposed Lot 1 if the existing church use is intended to remain solely on that lot. Limiting the Planning Approval to Lot 1 would allow the remaining lots to be developed independently, without requiring future amendments to the Planning Approval through the Planning Commission and City Council.

If the applicant elects to limit the Planning Approval to Lot 1, a revised site plan should be provided depicting the Planning Approval as limited to Lot 1 and include the following note: "Lots 2, 3, 4, and 5 are hereby removed from the Planning Approval."

The Final Planning Approval Site Plan should also be revised to include the following:

- The area of each lot, identified in both square feet and acres and adjusted for any required right-of-way dedication. This information may be provided in a table on the plan.
- The required five (5)-foot front yard setback along all street frontages, adjusted as necessary for any required dedication resulting from the subdivision, in accordance with Article 15, Section 64-15-1.E. of the UDC for properties within the Historic Avenue Overlay.
- A note stating that, pursuant to Article 15, Section 64-15-1.E. of the UDC, the maximum setback shall be no greater than the setback of any existing structure on the same side of the street within the same block face, but in no event more than 25 feet.
- The size of the existing church building in square feet.
- A table identifying all required and existing parking spaces, along with clear depictions of all curbing and wheel stops.
- The location of any existing dumpsters or dumpster enclosures. If waste collection is provided through curbside service, a note stating such should be included on the plan.
- The updated case number, MOD-003910-2026.

It is unclear whether the site was subject to landscaping or tree-planting requirements under previous approvals or permits. However, the development appears to predate the current zoning regulations, and no recent expansion of the building footprint appears to have occurred that would trigger compliance with current landscaping standards. If landscaping or tree-planting requirements were imposed through prior approvals or permits, a note should be added to the Final Planning Approval Site Plan stating that the site will continue to maintain compliance with those requirements.

A note should be added to the revised site plan stating that any future development, redevelopment, or site modifications may require an amendment to the Planning Approval, subject to review and approval by the Planning Commission and City Council.

A revised Modified Planning Approval Site Plan, in both hard-copy and PDF formats, must be submitted to and approved by the Planning and Zoning Department prior to recording the plan in Probate Court, in accordance with Section 64-5-8.B.2(f) of the Unified Development Code (UDC).

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, a waiver of Section 6.C.6. of the Subdivision Regulations will be required (for corner radius dedication) and the following conditions could apply:

1. Retention of the 50-foot-wide rights-of-way along all street frontages on the Final Plat;
2. Retention of the lot size labels in square feet and acres on the Final Plat, adjusted for any required dedication, or provision of a table on the Final Plat with the same information;
3. Retention of the five (5)-foot front yard setback along each street frontage, adjusted for any required dedication;
4. Provision of a note on the Final Plat stating that, pursuant to Article 15, Section 64-15-1.E. of the UDC and Section 9.E.3.(e)(3) of the Subdivision Regulations, the maximum setback shall be no greater than the setback of any existing structure on the same side of the street within the same block face, but in no event more than 25 feet;
5. Provision of a note on the Final Plat stating that the site is located within the Historic Avenue Overlay and, as such, development or redevelopment of each lot is subject to the applicable provisions of Article 15 of the Unified Development Code;
6. Approval of the Major Planning Approval Modification;
7. Compliance with all Engineering comments noted in this staff report;
8. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
9. Compliance with all Urban Forestry comments noted in this staff report; and,
10. Compliance with all Fire Department comments noted in this staff report.

PLANNING APPROVAL MODIFICATION CONSIDERATIONS

Standards of Review:

The Unified Development Code (UDC) in Section 64-5-8-B.(5) states the following concerning Planning Approval Modifications:

Approval Criteria. The Planning Commission shall not recommend a major modification for approval, and the City Council shall not approve the modification, unless the proposed modification:

1. Is consistent with all applicable requirements of this Chapter;
2. Is compatible with the character of the surrounding neighborhood;
3. Will not impede the orderly development and improvement of surrounding property;
4. Will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood:
 - a. In making this determination, the Planning Commission and City Council shall consider the location, type and height of buildings or structures, the type and extent of landscaping and screening, lighting, hours of operation or any other conditions that mitigate the impacts of the proposed development; and
 - b. Includes adequate public facilities and utilities;
5. Is subject to adequate design standards to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
6. Is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
7. Shall not be detrimental or endanger the public health, safety or general welfare.
8. 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.

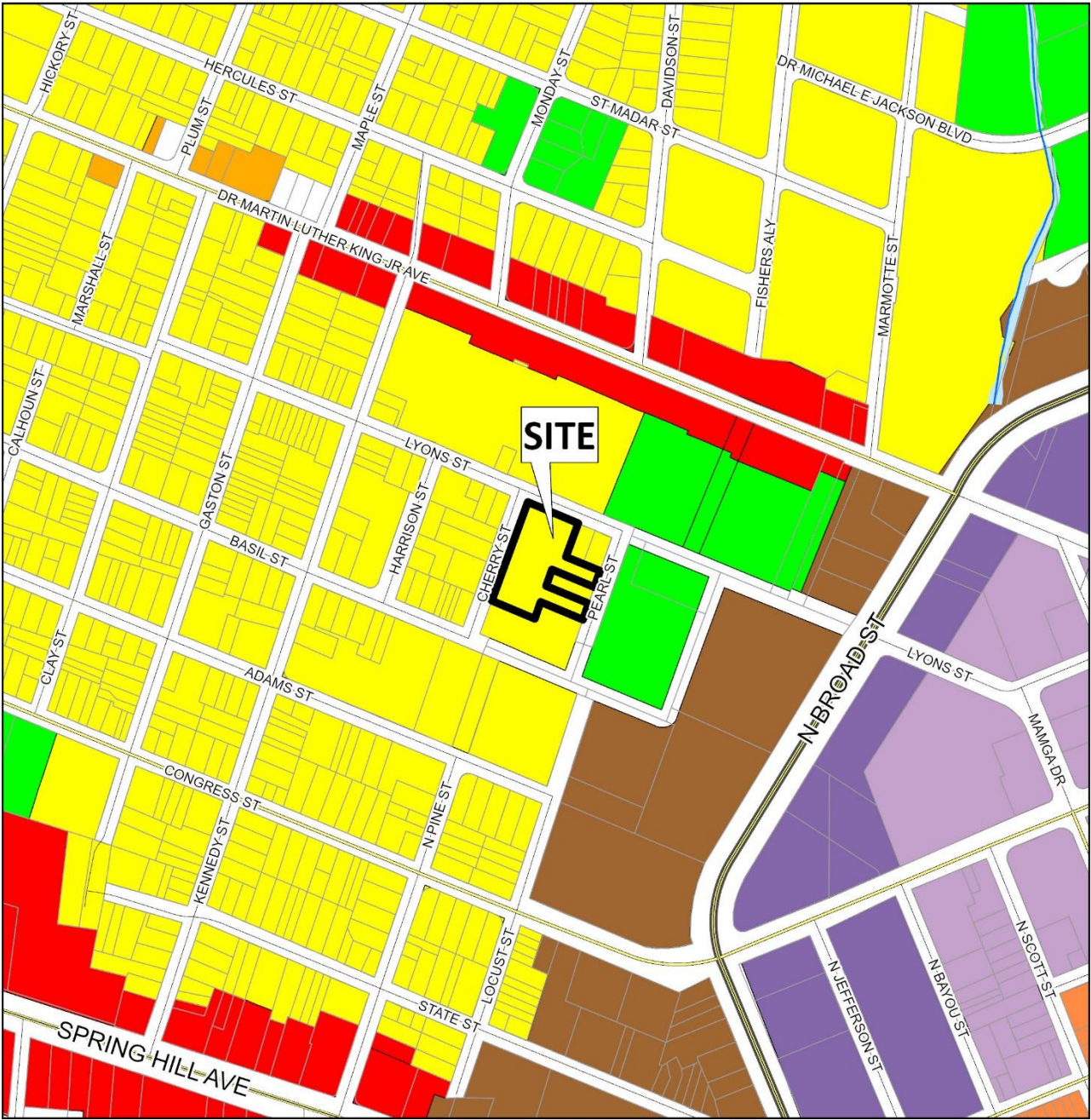
Considerations:

If the Planning Commission considers a recommendation of approval of the Modified Planning Approval, the following conditions could apply:

1. If the applicant elects to limit the Planning Approval to Lot 1, a revised site plan should be provided depicting the Planning Approval as limited to Lot 1 and include a note stating "Lots 2, 3, 4, and 5 are hereby removed from the Planning Approval";
2. Revision of the Final Planning Approval Site Plan to label the size of each associated lot in both square feet and acres, adjusted for any required dedication resulting from the subdivision approval, or provision of a table on the Final Planning Approval Site Plan with the same information;
3. Revision of the Final Planning Approval Site Plan to illustrate the five (5)-foot front yard setback along all street frontages, adjusted for any required dedication resulting from the subdivision approval;
4. Provision of a note on the Final Planning Approval Site Plan stating that, pursuant to Article 15, Section 64-15-1.E. of the UDC, the maximum setback shall be no greater than the setback of any existing structure on the same side of the street within the same block face, but in no event more than 25 feet;
5. Revision of the Final Planning Approval Site Plan to label the existing church building with its size in square feet;
6. Provision of a table on the Final Planning Approval Site Plan showing required and existing parking calculations;
7. Revision of the Final Planning Approval Site Plan to illustrate any/all curbing and/or wheel stops;

8. Revision of the Final Planning Approval Site Plan to depict any dumpsters or dumpster enclosures, or provision of a note on the Final Planning Approval Site Plan stating curbside waste collection is utilized;
9. Revision of the Final Planning Approval Site Plan to provide the current Planning Approval case number;
10. If any tree plantings or landscaped areas were required under prior approvals or permits, provide a note on the Final Planning Approval Site Plan stating that the site will continue to maintain compliance with those applicable requirements;
11. Provision of a note on the Final Planning Approval Site Plan stating that any future development or redevelopment of the site may require additional modification of the Planning Approval, subject to Planning Commission and City Council approval;
12. Completion of the subdivision process prior to recording the Final Planning Approval Site Plan in Probate Court;
13. Compliance with all Engineering comments noted in this staff report;
14. Compliance with all Traffic Engineering comments noted in this staff report;
15. Compliance with all Urban Forestry comments noted in this staff report;
16. Compliance with all Fire Department comments noted in this staff report;
17. Submittal to and approval by Planning and Zoning of the revised Modified Planning Approval site plan prior to its recording in Probate Court, and the provision of one (1) copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
18. Full compliance with all municipal codes and ordinances.

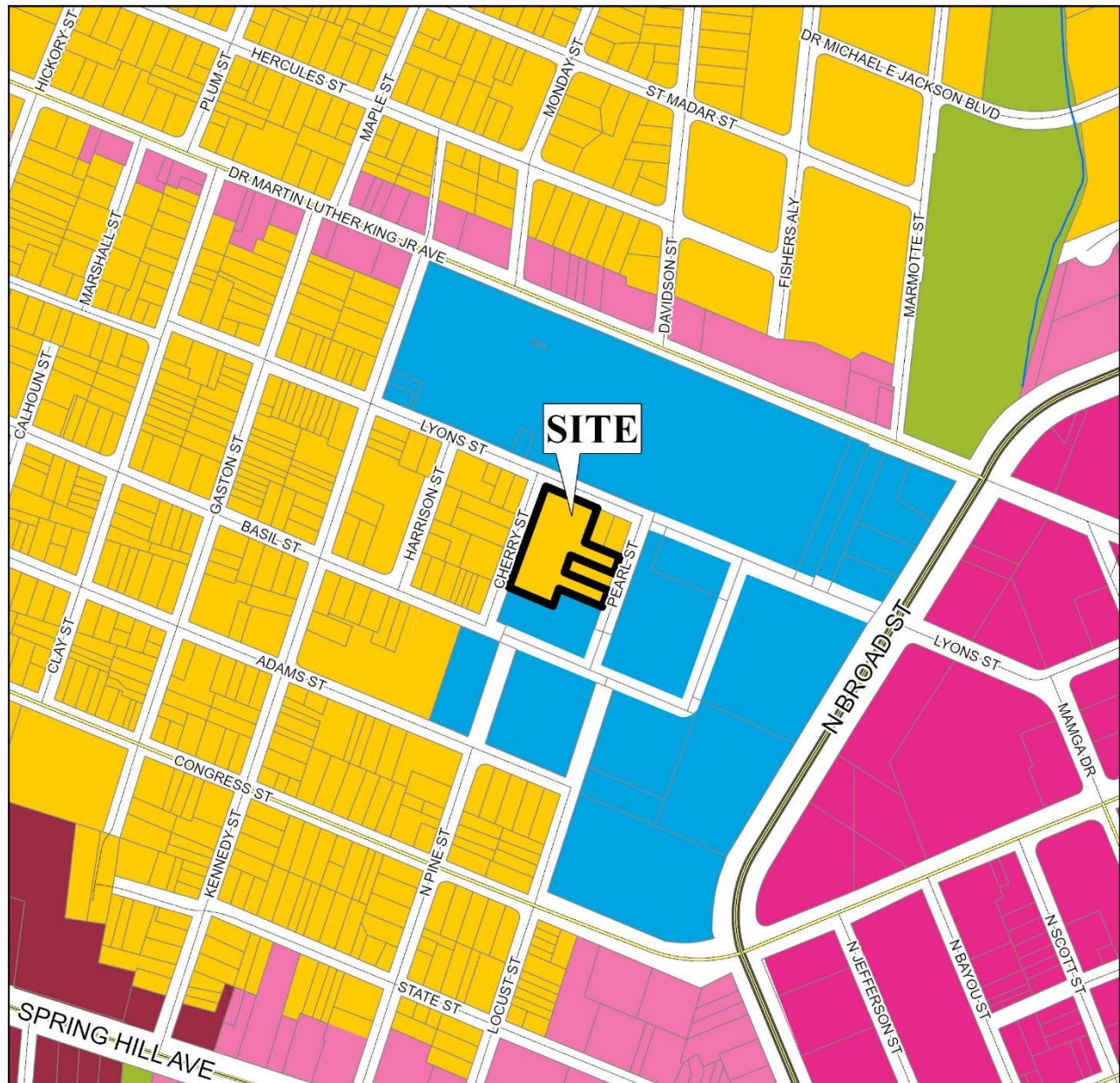
LOCATOR ZONING MAP



APPLICATION NUMBER 20 DATE October 15, 2026
APPLICANT Resubdivision of Greater Union Baptist Church Subdivision
REQUEST Subdivision, Major Modification



FLUM LOCATOR MAP



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 APPLICANT Resubdivision of Greater Union Baptist Church Subdivision
 REQUEST Subdivision, Major Modification

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	

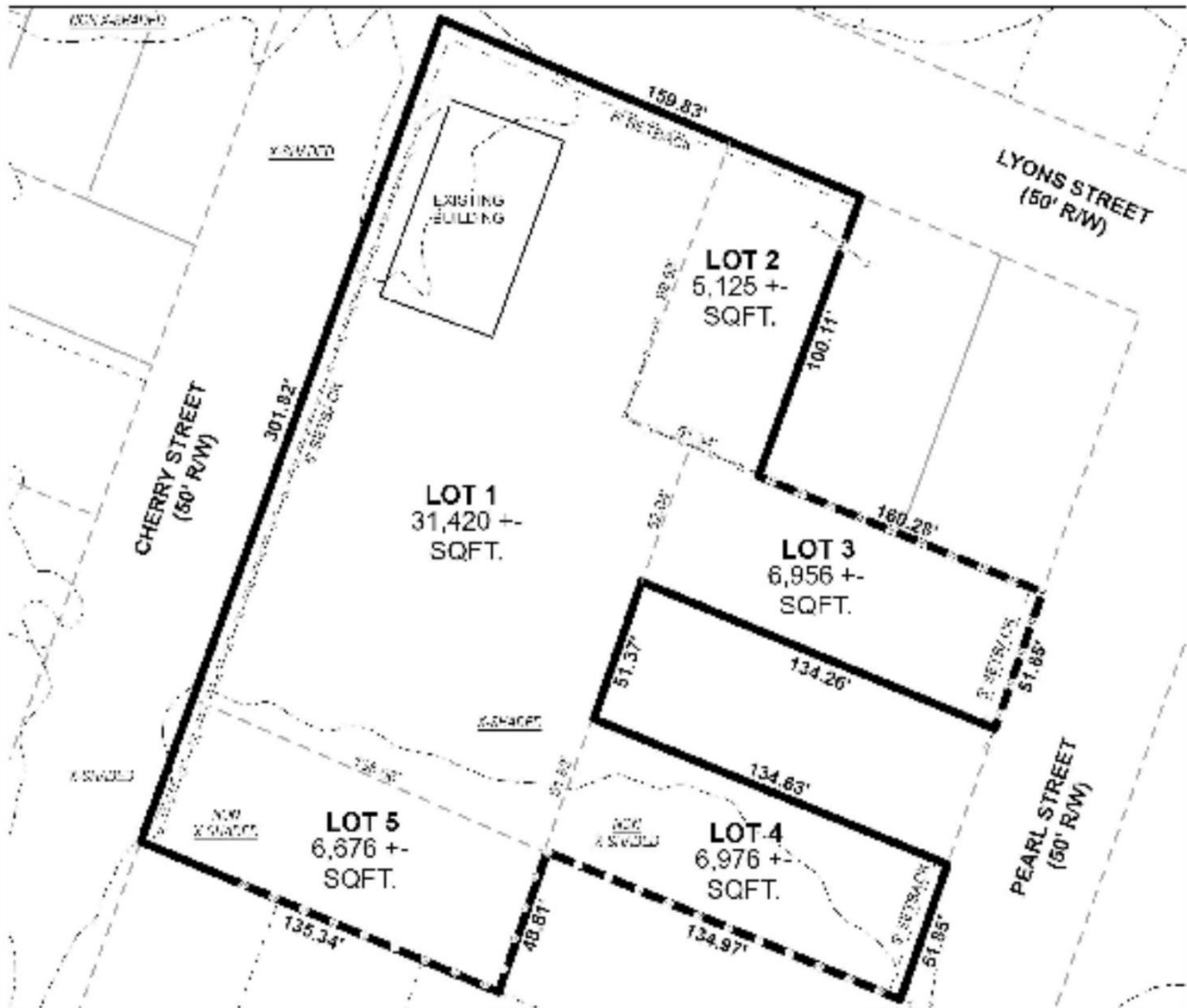


The map shows the proposed site (yellow) and surrounding areas. Streets include Lyons St, Harrison St, Cherry St, Basil St, and Pearl St. Existing buildings are labeled: SCHOOL, CHURCH, COLLEGE, and VAC LAND. Proposed developments are labeled: SITE, SCHOOL, CHURCH, VAC LAND, R, PKG, and PKG LOT. The map also shows a large green area labeled 'SCHOOL' and a brown area labeled 'COLLEGE'.

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SUBDIVISION SITE PLAN

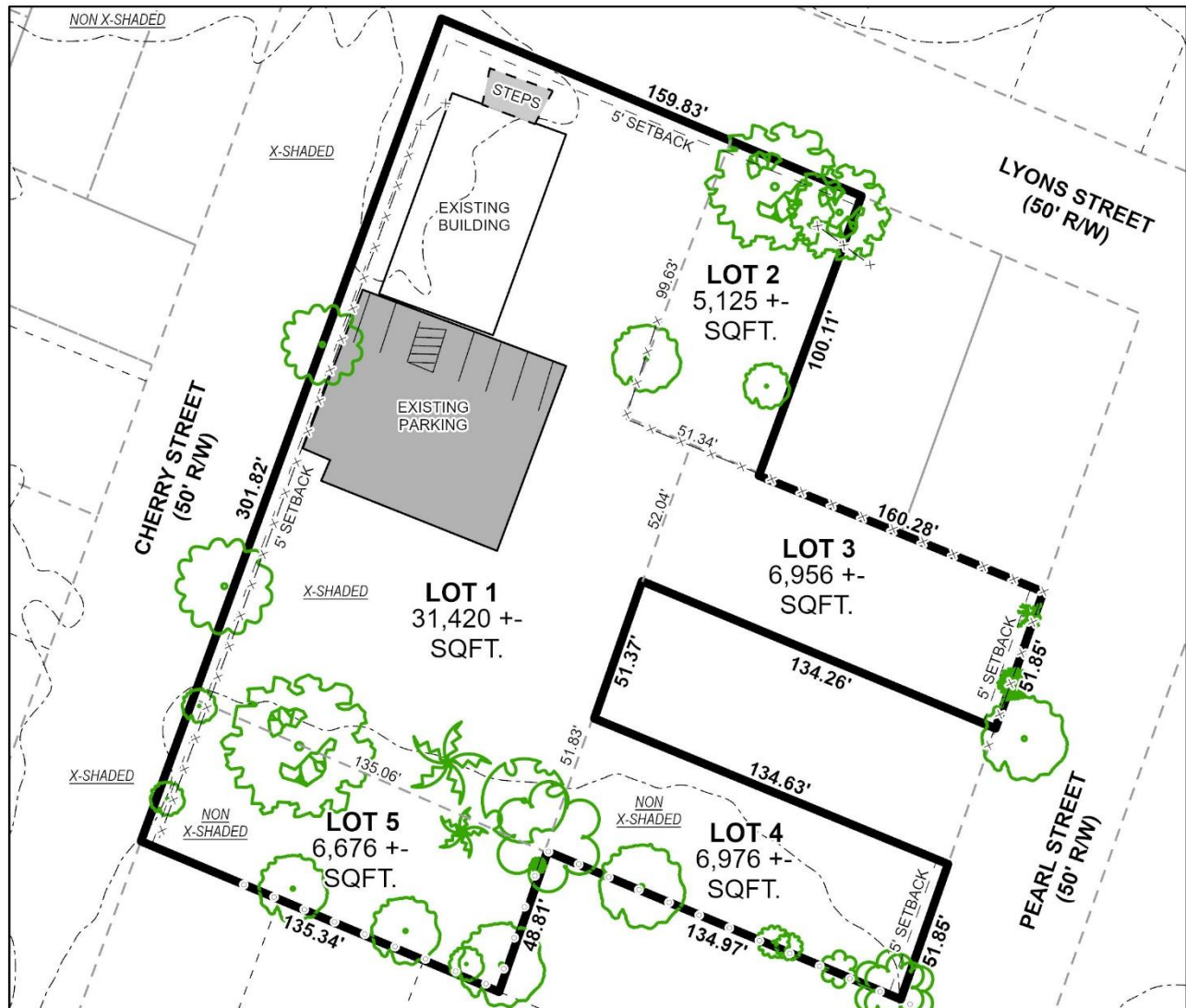


The site plan illustrates proposed lot subdivision and current landscape features.

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MODIFICATION SITE PLAN



The site plan illustrates proposed modifications and landscape improvements.

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 REQUEST Subdivision, Major Modification



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]

Residential Land Use Areas

MIXED DENSITY RESIDENTIAL (MDR)

This designation applies mostly to residential areas located between Downtown and I-65, where the predominant character is that of a traditional neighborhood laid out on an urban street grid. These areas should offer a variety of residential types in a compact pattern at the scale of a single family neighborhood. They typically have a walkable block pattern with integrated neighborhood amenities such as parks and schools. Small office, commercial, and civic uses may also exist in these areas near major thoroughfares. Residential density ranges between 6 and 30 dwelling units per acre (du/ac) depending on the mix, types, and locations of the housing as specified by zoning.

Development Intent

- Continue historic preservation efforts to maintain the existing neighborhood character within city-designated historic districts.
- Support residential infill that fits-in with neighboring homes (building scale, placement, etc.). Support more intense residential infill and redevelopment adjacent to commercial or mixed use centers.

Land use mix

Primary Uses

- Residential, Single family
- Residential, Attached

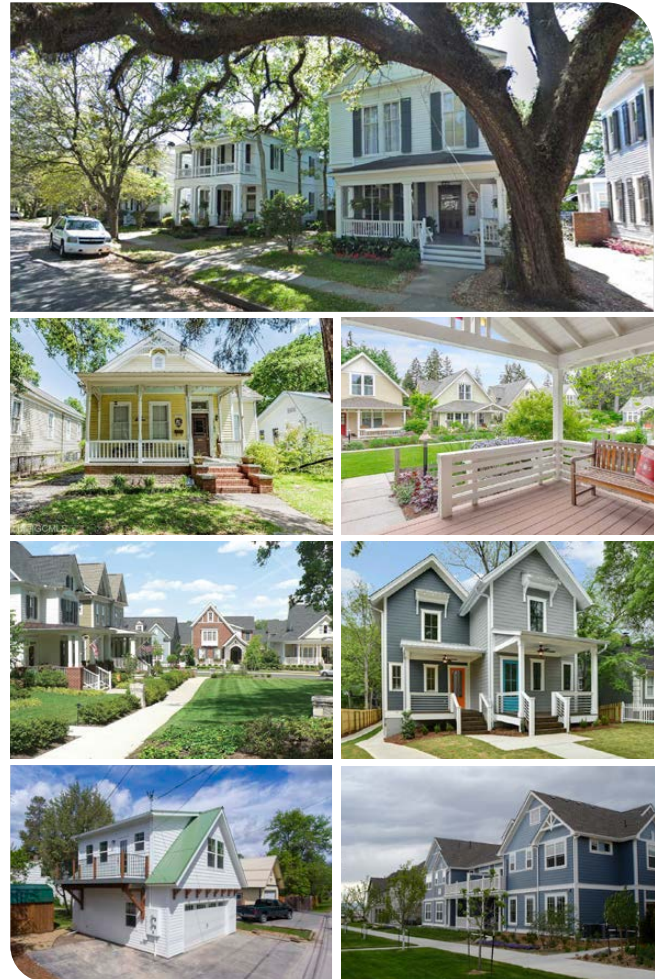
Secondary Uses

- Residential, Multifamily
- Commercial
- Civic
- Parks

Housing mix

- Single family on small to medium sized lots
- Attached residential such as duplexes, multiplexes, and townhomes
- Small scale multifamily buildings

Character Example



A mixed density neighborhood may include a range of housing types and densities at a similar scale.

Rendering: Dover Kohl