



Agenda Item # 22

ZON-UDC-003752-2026

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

4460 Dauphin Island Parkway

Applicant / Agent:

Matthew Noel, Daddy's Boy Seafood

Property Owner:

Charlene Rash

Current Zoning:

R-1, Single Family Residential Suburban District

Proposed Zoning:

ML, Maritime Light District

Future Land Use:

Low Density Residential

Neighborhood Meeting:

- A Neighborhood Meeting was required due to the proposed rezoning to a higher zoning classification.
- The meeting was held on May 1, 2026, at 5:00 p.m. at 1621 Boykin Boulevard.

Applicable Codes, Policies, and Plans:

- Unified Development Code
- Map for Mobile Comprehensive Plan

Proposal:

- Rezoning from R-1 Suburban to ML, Maritime Light
- **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 seven (7) conditions.

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PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER	22	DATE	July 16, 2026
APPLICANT	Matthew Noel, Daddy's Boy Seafood		
REQUEST	Rezoning from R-1 to ML		



SITE HISTORY

The subject site was annexed into the City in 1956.

With the adoption of the Zoning Ordinance in 1967, the property was assigned an R-1, Single-Family Residential District, zoning classification.

In January 2001, a rezoning application was submitted to rezone the site from R-1, Single-Family Residential District, to B-3, Community Business District, to allow a marina and seafood sales operation. The request was subsequently denied by the City Council.

There are no other Planning Commission or any Board of Zoning Adjustment cases associated with the site.

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. A 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state.
7. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

Traffic Engineering Comments:

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

Urban Forestry Comments:

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

Fire Department Comments:

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

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

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

Fire hydrant placement shall comply with the following minimum standards:

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

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

Planning Comments:

The applicant requests the rezoning of the subject property from R-1, Single-Family Residential Suburban District, to ML, Maritime Light District, to allow seafood sales directly from a boat. A detailed description and justification of the request are provided in the applicant's narrative, 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 (UDC) 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 1, 2026, at 5:00 p.m. at Our Lady of Lourdes Church, located at 1621 Boykin Boulevard. According to the sign-in sheet submitted by the applicant, at least 33 members of the public, excluding the applicant and property owner, attended. All required Neighborhood Meeting documentation was submitted within the prescribed timeframe prior to the Planning Commission meeting, and the applicant executed the required checklist attesting to the accuracy and completeness of the information provided.

The subject site is surrounded by properties zoned R-1, Single-Family Residential Suburban District. Many of the surrounding properties consist of vacant woodlands, tidal marshes, or a combination thereof.

A survey depicting existing site conditions was submitted with the application; however, no site plan or development plan was provided. Because the proposed use involves the sale of seafood directly from a docked vessel, no building is proposed. Nevertheless, the UDC requires a minimum of 12 percent landscaped area within the ML, Maritime Light District, as well as compliance with applicable tree planting requirements. No landscaping or tree planting information was provided with the application.

Likewise, no parking is proposed for the site. While Table 64-3-12.1, Minimum Parking Spaces, does not establish a parking requirement for seafood sales directly from a vessel, it is reasonable to expect that some level of off-street parking would be necessary to accommodate customers and employees, particularly given the site's location along a heavily traveled two-lane segment of Dauphin Island Parkway.

No public sidewalk is depicted adjacent to the property. As such, installation of a sidewalk or approval of a Sidewalk Waiver would be required.

The site consists of portions of two legal lots of record. Therefore, the property should either be established as a single legal lot of record through a one-lot subdivision or documentation should be provided demonstrating that the property existed in its current configuration prior to 1962.

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

The UDC states that rezoning requests should promote sound, stable, and desirable development patterns and should be evaluated based on consistency with the Comprehensive Plan, compatibility with surrounding development patterns and adjacent uses, available infrastructure capacity, changing conditions within the area, and the broader public benefit of the request.

The Future Land Use Map (FLUM) designates the subject property as Low Density Residential, a classification that generally supports single-family residential development but may accommodate small-scale complementary uses and other residential types in appropriate locations. The proposed ML, Maritime Light District, zoning classification is generally not consistent with this FLUM designation, as the Water Dependent, Light Industry, and Heavy Industry FLUM categories are more closely aligned with the intent of the ML District. Additionally, Section 64-2-19.C. of the UDC states that new ML districts are not appropriate within any overlay district, and the subject site is located within the Peninsula Overlay District.

The applicant does not contend that the existing R-1 zoning classification was established in error. Rather, the request is based on the applicant's desire to promote economic activity and revitalization along the Dauphin Island Parkway corridor.

It should also be noted that the applicant submitted a petition containing 510 signatures in support of the rezoning request.

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.

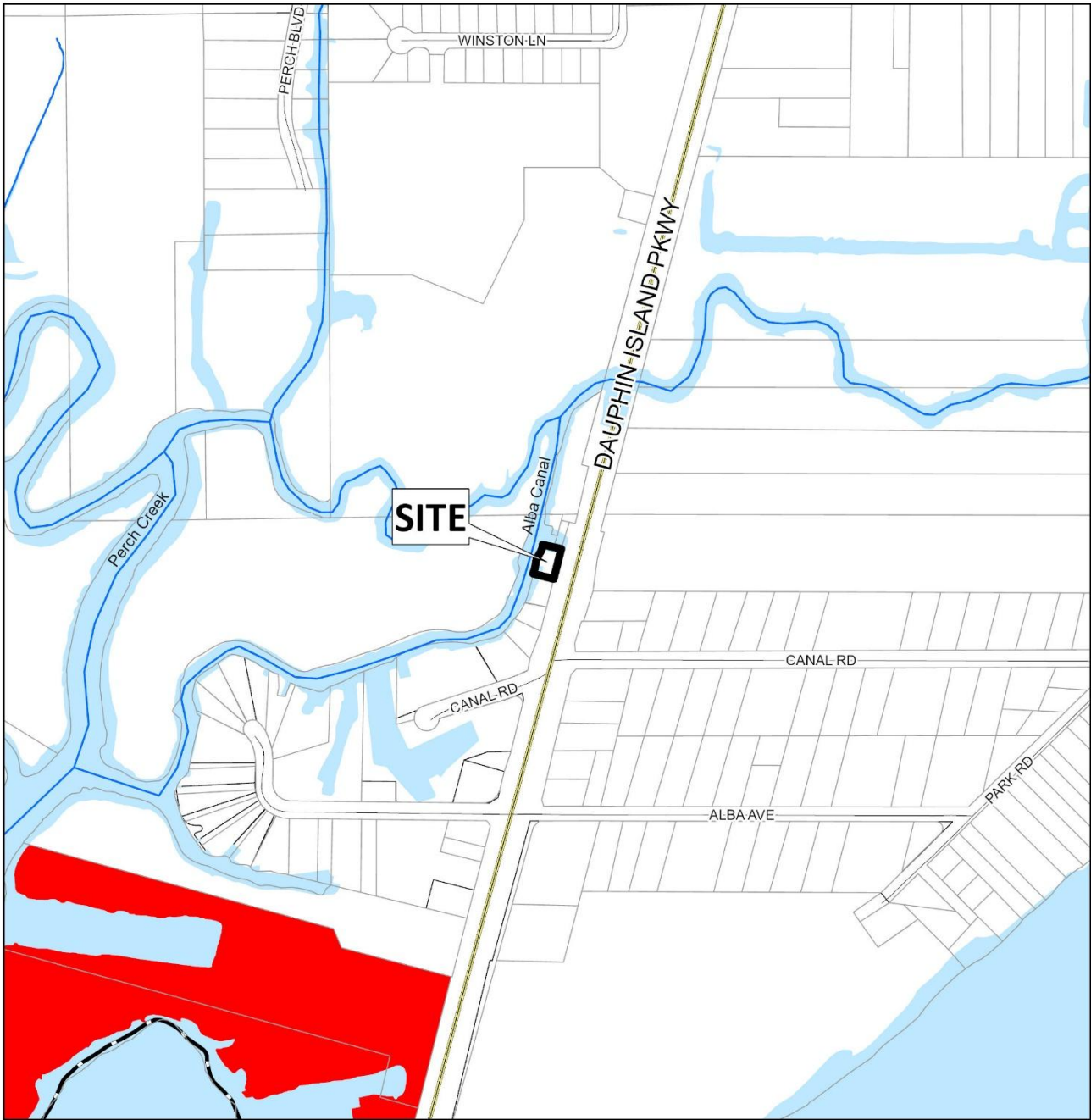
The applicant's responses to address the above criteria are available in the link on page one (1).

Considerations:

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

1. Compliance with the landscaping and tree planting requirements of the Unified Development Code, subject to review and approval by Planning and Zoning;
2. Compliance with the off-street parking requirements of the Unified Development Code for the proposed use, subject to review and approval by Planning and Zoning;
3. Construction of a public sidewalk along the property frontage, or approval of a Sidewalk Waiver prior to the issuance of any development permits;
4. Approval of a one (1)-lot subdivision establishing the site as a legal lot of record, or submission of documentation demonstrating that the property existed in its current configuration prior to 1962;
5. Obtaining all required permits and approvals for any proposed signage;
6. Compliance with all applicable local, state, and federal permits and regulations related to the proposed seafood sales operation and any associated water-dependent facilities; and
7. Full compliance with all applicable municipal codes, ordinances, and regulations.

LOCATOR ZONING MAP

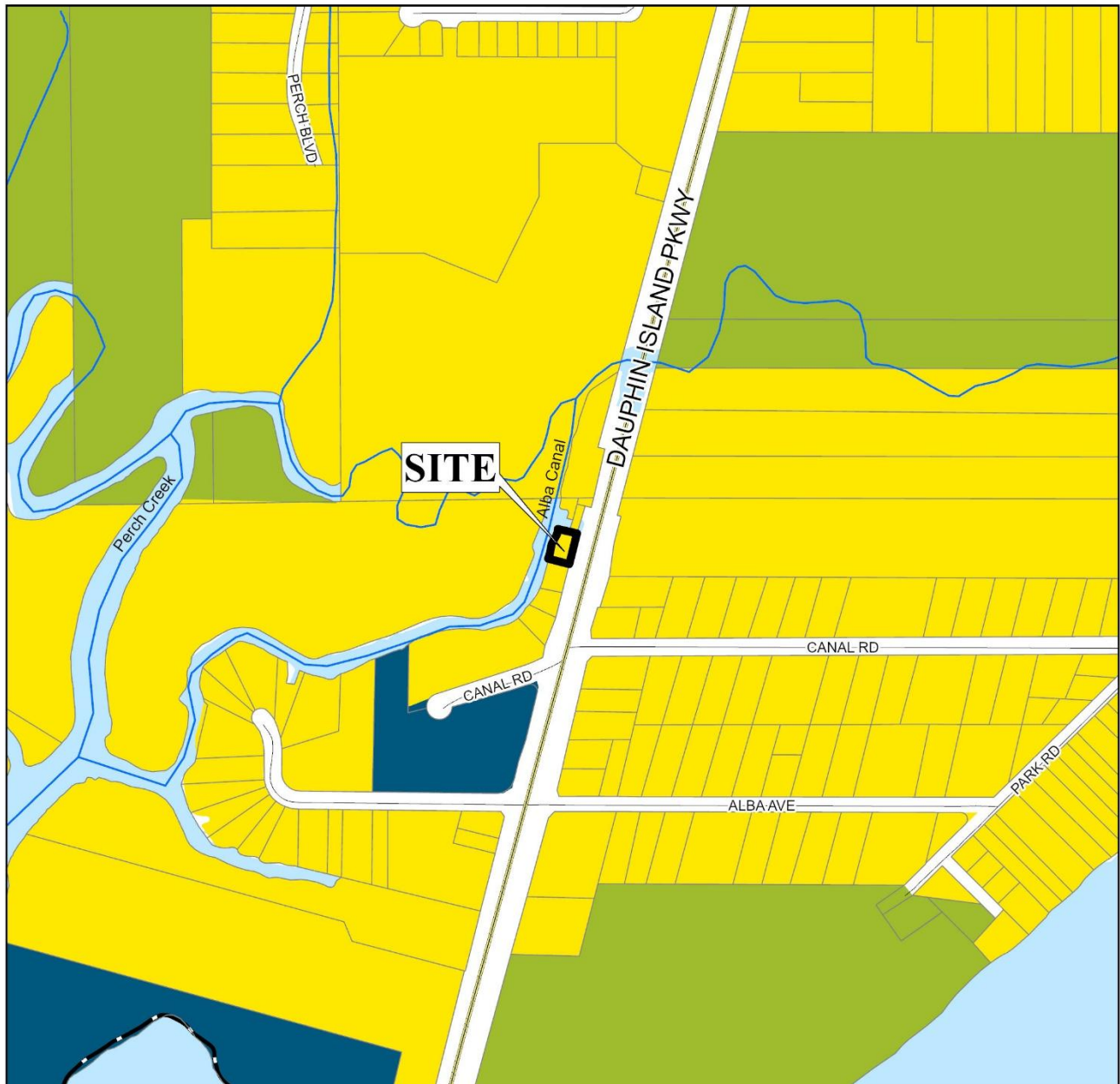


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FLUM LOCATOR MAP



APPLICATION NUMBER 22 DATE July 16, 2026

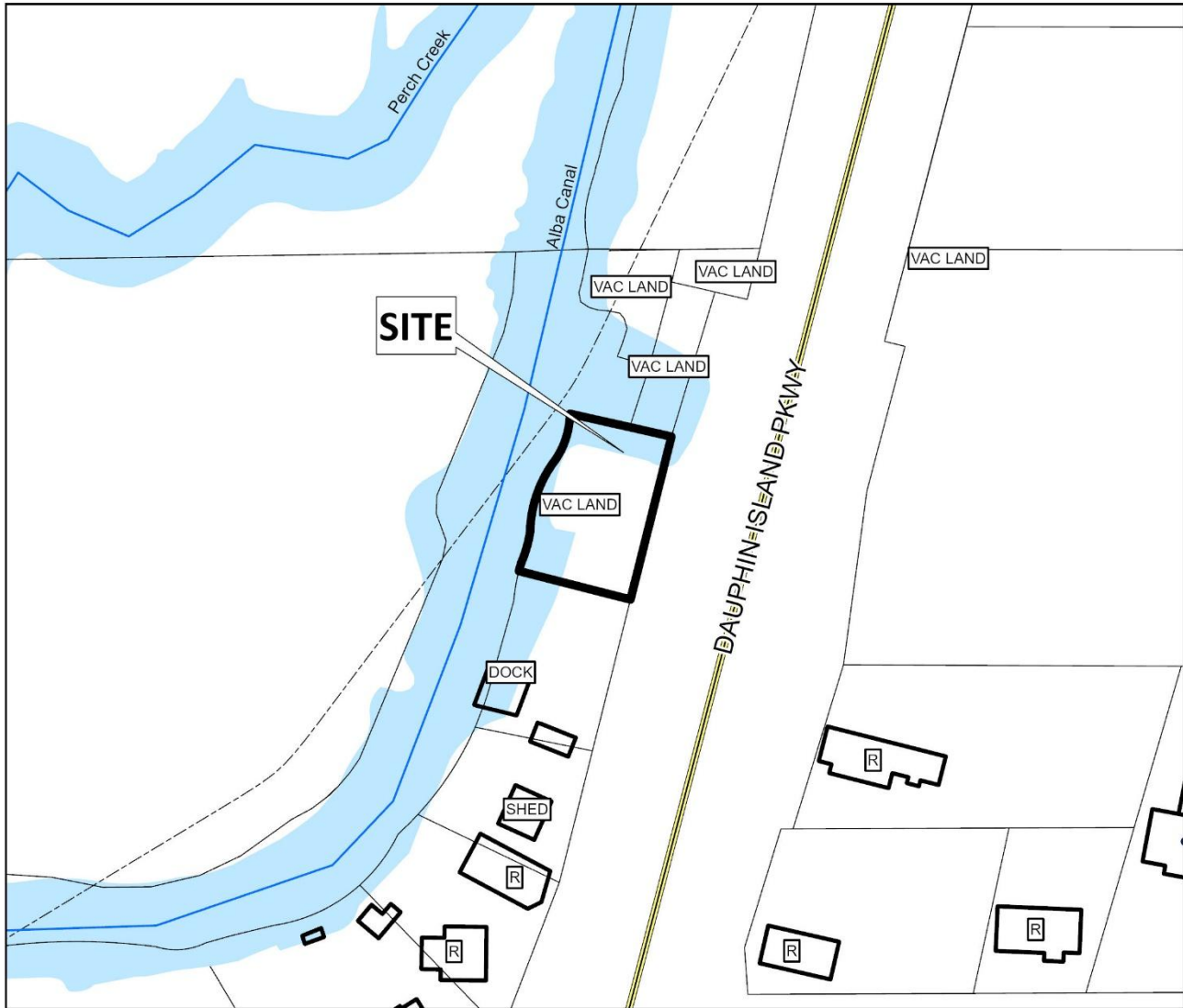
APPLICANT Matthew Noel, Daddy's Boy Seafood

REQUEST Rezoning from R-1 to ML

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



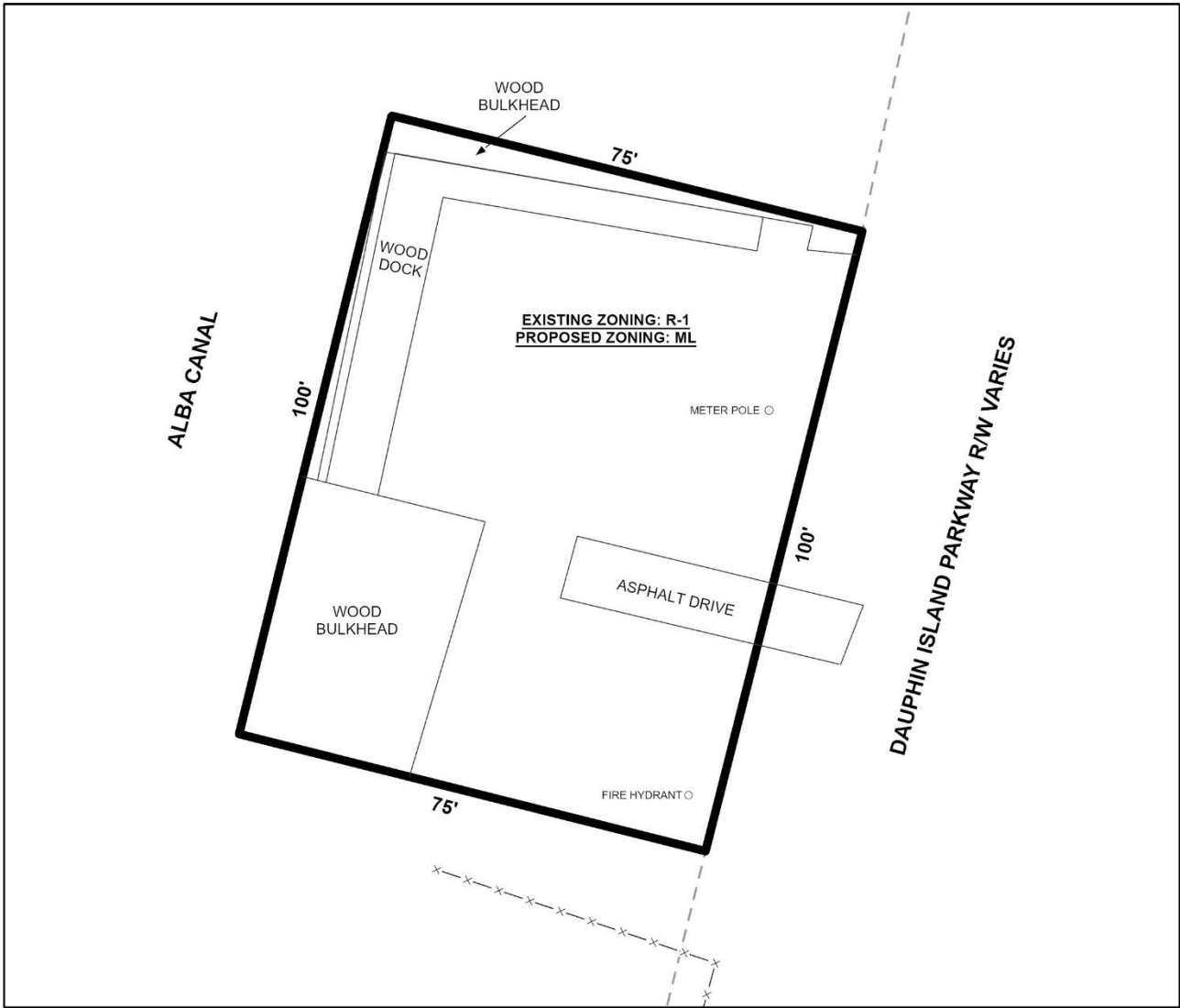
PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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<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 wooden bulkhead, dock and driveway.

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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).

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.

Zoning correspondence matrix

[illegible]

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

