



Agenda Item # 33

SUB-003789-2026 & ZON-UDC-003790-2026

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:

Northwest corner of Bear Fork Road and Moffett Road

Subdivision Name:

Moffett-Bear Fork Subdivision

Applicant / Agent:

Byrd Surveying, Inc.

Property Owner:

Michael D. Address (Buildings, Trailers & More, LLC)

Current Zoning:

R-1, Single-Family Residential Suburban District

Proposed Zoning:

B-3, Community Business Suburban 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 June 22, 2026, at 5:00 p.m. at 6159 Moffett Road.

Applicable Codes, Policies, and Plans:

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

Proposal:

- Subdivision approval to create three (3) legal lots of record.
- Rezoning from R-1 Suburban to B-3 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 eight (8) conditions.
2. Rezoning with three (3) conditions)

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PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

APPLICATION NUMBER	33	DATE	July 16, 2026
APPLICANT	Moffett-Bear Fork Subdivision, Resubdivision of Lot 2		
REQUEST	Subdivision, Rezoning from R-1 to B-3		



SITE HISTORY

The subject site was made a legal lot of record via Moffett – Bear Fork Subdivision, a two (2)-lot subdivision, approved by the Planning Commission and recorded in July 1999, when the site was within the Planning Jurisdiction.

The site was annexed into the City of Mobile in July 2023 and assigned its current R-1, Single-Family Residential Suburban zoning classification.

There are no previous 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. Add a note - As shown on the 1984 aerial photo LOTS A, B, and C will share the historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) and share the 4,000 SF credit provided to the original SF residential lot as follows: LOT A – NONE, LOT B – 4,000 sf, and LOT C – NONE. 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 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:

Subdivision

The purpose of this subdivision request is to create three (3) legal lots of record from one (1) existing legal lot of record. The site is served by public water and on-site septic system.

Proposed Lot A fronts Moffett Road, a Principle Arterial Street requiring a 100-foot-wide right-of-way at this location. The preliminary plat indicates a current right-of-way width along proposed Lot A varying from 104.93 feet to approximately 88 feet. As the current 100-foot right-of-way width requirement is the same as was required at the time of the approval of Moffett – Bear Fork Subdivision, and no dedication was required with that approval to provide 100 feet, no dedication should be required in this case.

Proposed Lot B fronts both Moffett Road and Bear Fork Road. As the portion fronting Moffett Road is indicated to have a right-of-way width of just over 104 feet, no dedication would be required along Moffett Road. Bear Fork Road is a Minor Arterial Street with a planned and current right-of-way width of 80 feet. Therefore, no dedication would be required along Bear Fork Road. As proposed Lot C also fronts Bear Fork Road, no dedication would be required along Bear Fork Road. As on the preliminary plat, the right-of-way widths of Moffett Road and Bear Fork Road should be retained on the Final Plat, if approved.

The preliminary plat illustrates a 25-foot minimum building setback line along both street frontages, and this should be retained on the Final Plat, if approved.

All lots meet the minimum lot sizes of Section 6.C.2.(a)(1)a of the Subdivision Regulations for sites served by public water and individual septic services, and the lot size labels in both square feet and acres should be retained on the Final Plat, if approved, or a table should be furnished on the Final Plat providing the same information.

Proposed Lot C exceeds the maximum depth standards of Section 6.C.3. of the Subdivision Regulations and would require a waiver of that section, if approved.

Rezoning

The subject site is vacant and does not appear to have ever been developed. The applicant is requesting rezoning of all three (3) of the proposed lots from R-1, Single-Family Residential Suburban District, to B-3, Community Business Suburban District. Proposed Lot A would be used for camper sales and service, and proposed Lot B would be used for mobile home sales. Both uses are permitted within the B-3 zoning district. No development plan is yet proposed for Lot C.

The applicant's narrative and justification for the rezoning request can be viewed via the link provided on Page 1 of this report.

In support of the application, the applicant states that the proposed development will be adjacent to existing B-3 uses which will develop a Neighborhood Center as described under Suburban Corridor land use designation in the Map for Mobile. It is further stated that the Future Land Use Map (FLUM) allows for mixed commercial uses along the corridor. However, the applicant mistook the subject site's current Low Density Residential FLUM designation for the Mixed Commercial Corridor designation of the developed adjacent site, which is also owned by the subject site's owner.

The applicant also states there have been comparable developments in the area over the past ten (10) years as justification for the rezoning.

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 June 22, 2026, at 5:00 p.m. at 6159 Moffett Road. According to the sign-in sheet provided by the applicant, two (2) members of the public attended. The meeting remained open until 6:02 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 site is surrounded by a mix of commercial and residential development. The property to the East and North is vacant R-1; adjacent to the West is B-3, used by the applicant for sales of campers. Properties to the South across Moffett Road are zoned R-1 and used for single-family dwellings, and vacant land associated with the City of Mobile's Millers Park. To the South across Bear Fork Road is vacant B-2 Neighborhood Business Suburban District zoning.

The site plan submitted with the rezoning application depicts the proposed camper sales on Lot A, and the proposed mobile home sales on Lot B. Parking areas are indicated on each lot, but no parking calculations are provided. A dumpster is indicated for each lot, but the dumpster for Lot B is indicated to be in the front yard of the site. Section 64-3-13 A.2. of the UDC specifically states that dumpsters are not to be placed in a front yard. Therefore, the site plan should be revised to relocate the dumpster to a compliant location on the site.

The site plan does not indicate a public sidewalk along the street frontages or pedestrian connections for the main building entrances. The site plan should be revised to provide a public sidewalk and pedestrian connections, or a Sidewalk Waiver must be granted by the Planning Commission. Compliant landscaping calculations are provided, but no tree planting calculations are provided. If the Rezoning is approved, it should be subject to the provision of a revised site plan at the time of submission for development permits showing compliance with the development standards of Article 3 of the Unified Development Code.

The Unified Development Code (UDC) and corresponding zoning map are based on long-range comprehensive planning studies intended to promote orderly and desirable development. Unsubstantiated or inconsistent amendments to the UDC may undermine this purpose. Therefore, rezoning requests are evaluated according to the following criteria:

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

The applicant has not identified which of these criteria would support approval of the request.

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.3. of the Subdivision Regulations will be required (for width-to-depth ratio), and , the following conditions could apply:

1. Retention of the right-of-way widths of Moffett Road and Bear Fork Road on the Final Plat;
2. Retention of the 25-foot minimum building setback line along both street frontages on the Final Plat;
3. Retention of the lot size labels in both square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;
4. Completion of the Rezoning process prior to signing the Final Plat;
5. Compliance with all Engineering comments noted in this staff report;
6. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
7. Compliance with all Urban Forestry comments noted in this staff report; and,
8. Compliance with all Fire Department comments noted in this staff report.

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:

- Consistency. Whether the proposed amendment is consistent with the Comprehensive Plan;
- Mistake. For a Rezoning, whether there was a mistake or error in the original zoning map; and
- 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.
- Health, Safety and General Welfare. Whether the proposed amendment promotes the community's public health, safety, and general welfare;
- Capacity. Whether the infrastructure is in place to accommodate the proposed amendment; and
- Change. Whether changed or changing conditions in a particular area make an amendment necessary and desirable.

- **Benefits Consideration.** In addition, consideration should also be given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

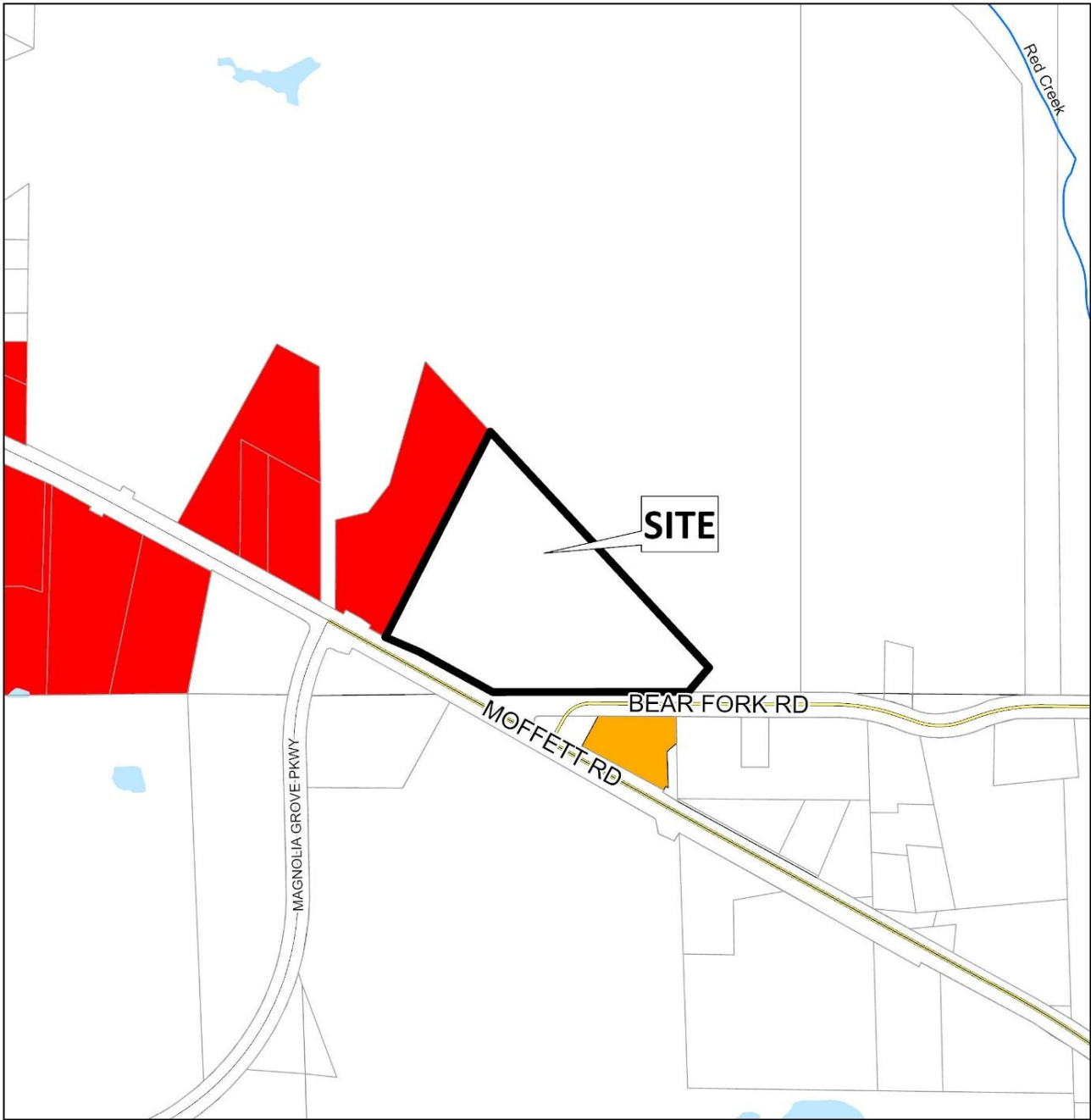
The applicant's responses to address the above criteria are available in the link on page one (1).

Considerations:

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

1. Provision of a revised site plan at the time of submission for development permits showing compliance with the development standards of Article 3 of the Unified Development Code;
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.

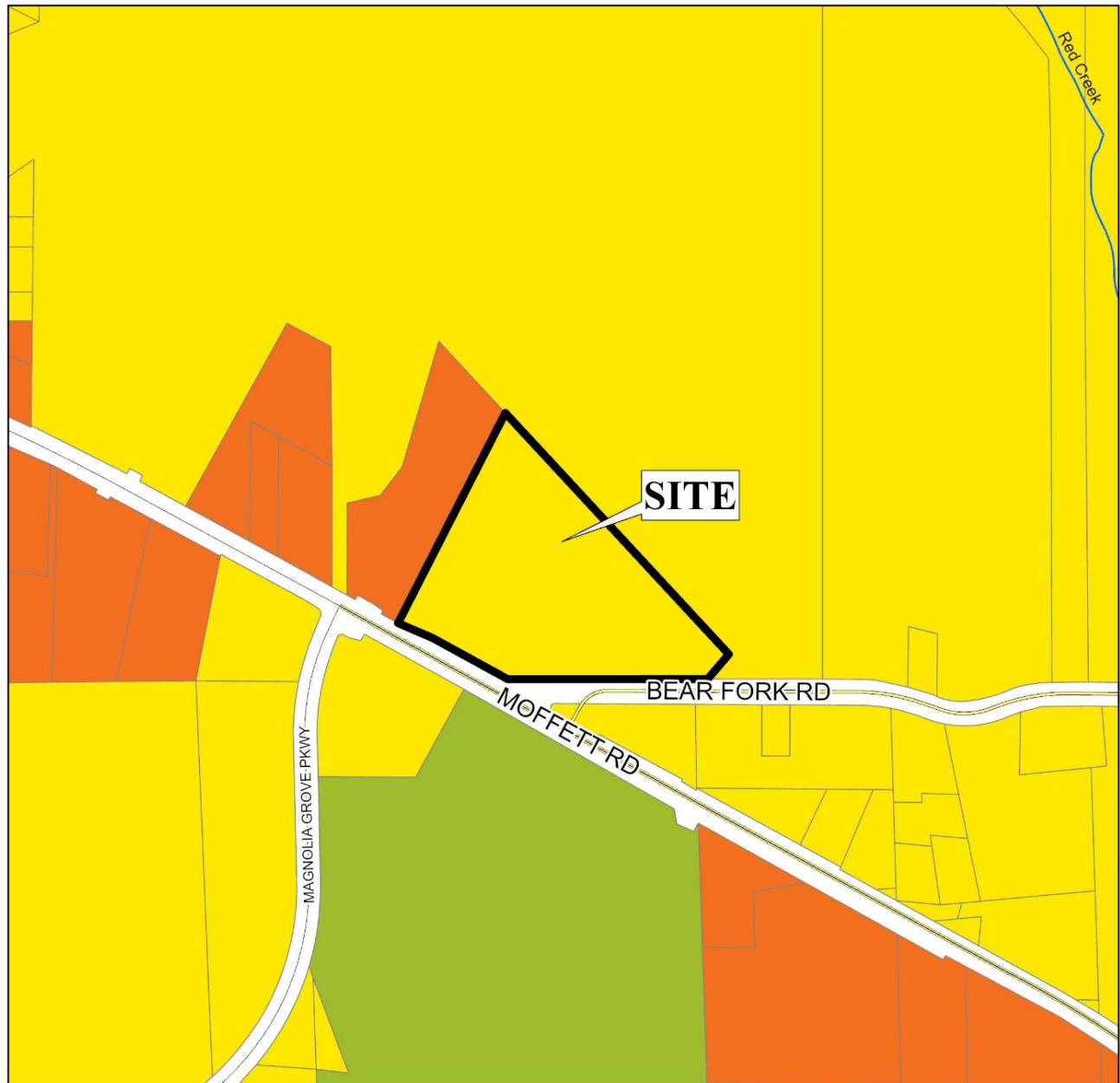
LOCATOR ZONING MAP



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REQUEST	Subdivision, Rezoning from R-1 to B-3		



FLUM LOCATOR MAP

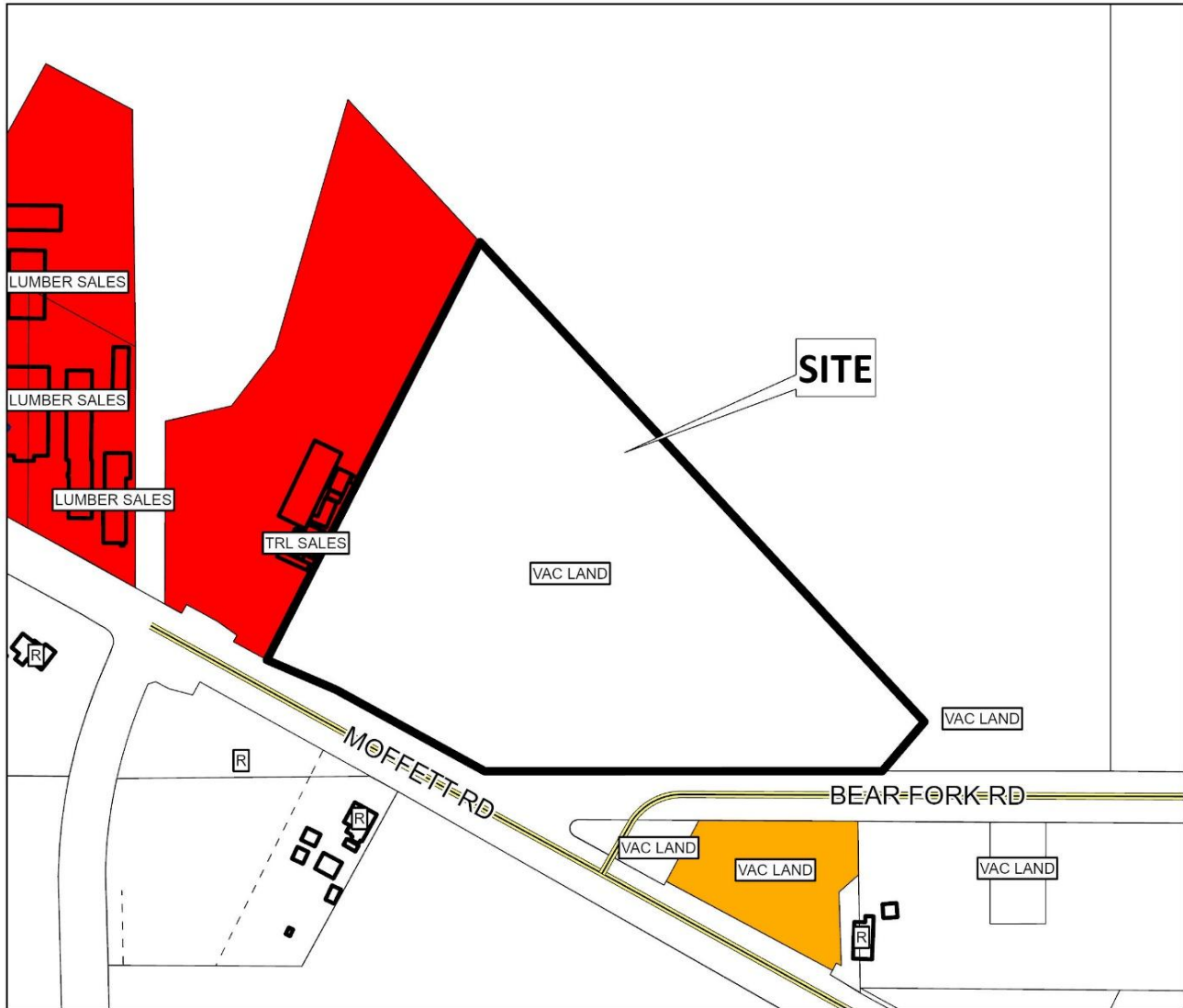


APPLICATION NUMBER 33 DATE July 16, 2026
 APPLICANT Moffett-Bear Fork Subdivision, Resubdivision of Lot 2
 REQUEST Subdivision, Rezoning from R-1 to B-3

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 commercial and residential units.

APPLICATION NUMBER <u>33</u> DATE <u>July 16, 2026</u>		 NTS							
APPLICANT _____									
REQUEST <u>Subdivision, Rezoning from R-1 to B-3</u>									
R-A R-1 R-2	R-3 R-B H-B	B-1 T-B LB-2	B-2 B-3 B-4	B-5 CW B-4	ML MH MM	I-2 PD MUN	OPEN SD SD-WH	T-3 T-4 T-5.1	T-5.2 T-6

SITE PLAN

The site plan illustrates a triangular plot divided into three lots:

- LOT A**: 5.128 +/- AC. Contains an OFFICE, MAINTENANCE building, CAMPER DISPLAY AREA, and DUMPSTER.
- LOT B**: 5.125 +/- AC. Contains an INVENTORY DISPLAY AREA.
- LOT C**: 2.381 +/- AC. Contains an OFFICE and DUMPSTER.

Key features and dimensions include:

- Boundaries**: Moffett Rd R/W Varies (left), Bear Fork Rd 80' R/W (bottom).
- Setbacks**: 2nd SETBACK 206.66' (along bottom boundary), 2nd SETBACK 624.31' (along right boundary).
- Dimensions**: Various lot boundaries are labeled (e.g., 792.02', 141.08', 1131.18', 628.07', 116.45', 90', 64', 714.31').
- Other Labels**: EXISTING ZONING: R-1, PROPOSED ZONING: B-3.

The site plan illustrates proposed zoning, lots, proposed buildings, and setbacks.

APPLICATION NUMBER	33	DATE	July 16, 2026	N ↑ NTS	
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The site plan illustrates proposed zoning, lots, proposed buildings, and setbacks.

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N
NTS

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]

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

