



Agenda Item # 11

SUB-SW-003194-2025

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

5344 & 5348 U.S. Highway 90 West

Subdivision Name:

Tillmans Corner Development Subdivision

Applicant / Agent:

Garrett Baker, KD Tillman's Corner, LLC

Property Owner:

Garrett Baker, KD Tillman's Corner, LLC

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

District Center

Applicable Codes, Policies, and Plans:

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

Proposal:

- Waive construction of sidewalks along U.S. Highway 90 West, Nevius Road, and Hermitage Avenue.

Commission Considerations:

1. Sidewalk Waiver request.

Report Contents:

	Page
Context Map	2
Site History	3
Staff Comments	3
Sidewalk Waiver Considerations	4
Exhibits	5

PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

APPLICATION NUMBER	11	DATE	February 20, 2025
APPLICANT	Garrett Baker, KD Tillman's Corner, LLC		
REQUEST	Sidewalk Waiver		



SITE HISTORY

The subject site was initially a part of Bay View Terrace Subdivision, an old deed book plat.

In 1950, a portion of that subdivision was re-subdivided into Suburban Gardens Subdivision. Many of the lots within that subdivision were re-subdivided via parcel deeds prior to the area coming within the City's Planning Jurisdiction.

In 2006, the two legal lots of record contained within the most recent subdivision application were created via Suburban Gardens Subdivision, Resubdivision of Lot 8 and a portion of Lot 9, Block 1.

The Northern and Eastern portions of the site were annexed into the City of Mobile in 2008 and subsequently assigned a B-3, Community Business District zoning classification.

The current B-3, Community Business Suburban District classification was assigned to the areas within the City limits with the adoption of the Unified Development Code (UDC) in March 2023.

The Western portion of the site was granted a Pre-Zoning Request pursuant to Alabama Code 11-52-85 allowing pre-zoning of the property to B-3, Community Business Suburban District, subject to completion of the annexation process. The pre-zoning was approved by the Commission in July 2024, and subsequently adopted by the City Council on September 24, 2024. The site was also annexed into the City on that date.

On November 21, 2024, the site was the subject of Tillman's Corner Development Subdivision, a four (4)-lot subdivision which was approved by the Planning Commission. The Final Plat for that subdivision has been signed but not yet recorded.

The subject site has never been before the Board of Zoning Adjustment.

STAFF COMMENTS

Engineering Comments:

It appears that there is sufficient room within the ROW, or within the property, for the construction of a sidewalk that could be approved through the City ROW Permit process.

Traffic Engineering Comments:

No comments.

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 within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 International Fire Code). Fire apparatus access is required to be within 150' of all non-sprinklered

commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

Planning Comments:

The site is currently vacant with building permits under review for site development. The submitted site plans for development review do not indicate any public sidewalks proposed to be installed, as required by Section 7.C.4. of the Subdivision Regulations. The applicant seeks relief from the requirement to provide public sidewalks, hence this application.

A detailed description of the sidewalk waiver justification is available via the link on Page 1 of this report.

As justification for the waiver the applicant states that because none of the adjacent properties or properties in close proximity have sidewalks, the sidewalks that would be required to be installed would not attach to an existing sidewalk network.

The applicant also asks to be exempt from the sidewalk requirement because there is no City Right of Way touching the property. However, this is erroneous because the three abutting streets (U.S. Highway 90 West, Nevius Road, and Hermitage Avenue) are all public rights-of-way.

SIDEWALK WAIVER CONSIDERATIONS

Standards of Review:

The Mobile City Council adopted a "Complete Streets" policy on May 31, 2011. The purpose of the Complete Streets Policy is to support the design and construction of streets to enable safe access to all users, including pedestrians, bicyclists, transit riders, motorists, commercial and emergency vehicles, and for people of all ages and abilities.

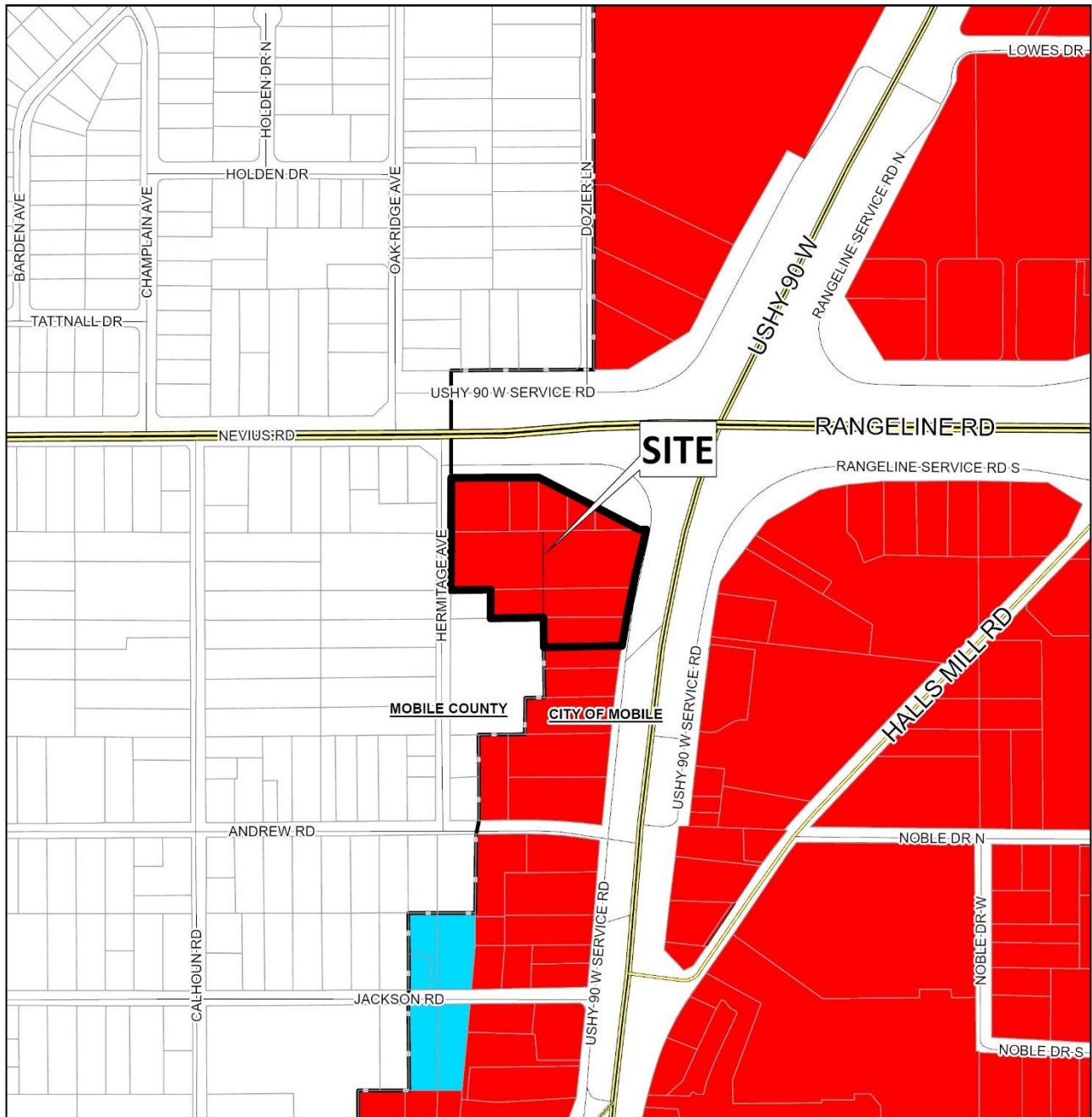
Sidewalks are encouraged, even in industrial developments, although the appropriateness of sidewalks should also take into account the existing infrastructure in the area, i.e., does the construction of the existing roadway safely allow for a sidewalk to be utilized.

Considerations:

In rendering a decision, the Planning Commission should evaluate the following factors:

1. The City of Mobile Complete Streets Policy which supports the design and construction of streets for all users, including pedestrians;
2. The existing infrastructure in the area, such as adequate room for construction of a sidewalk, as well as connectivity to existing sidewalks and future sidewalks; and
3. Engineering comments, which indicate that there is sufficient room within the ROW, or within the property, for the construction of a sidewalk that could be permitted through the Land Disturbance/ROW Permit process.

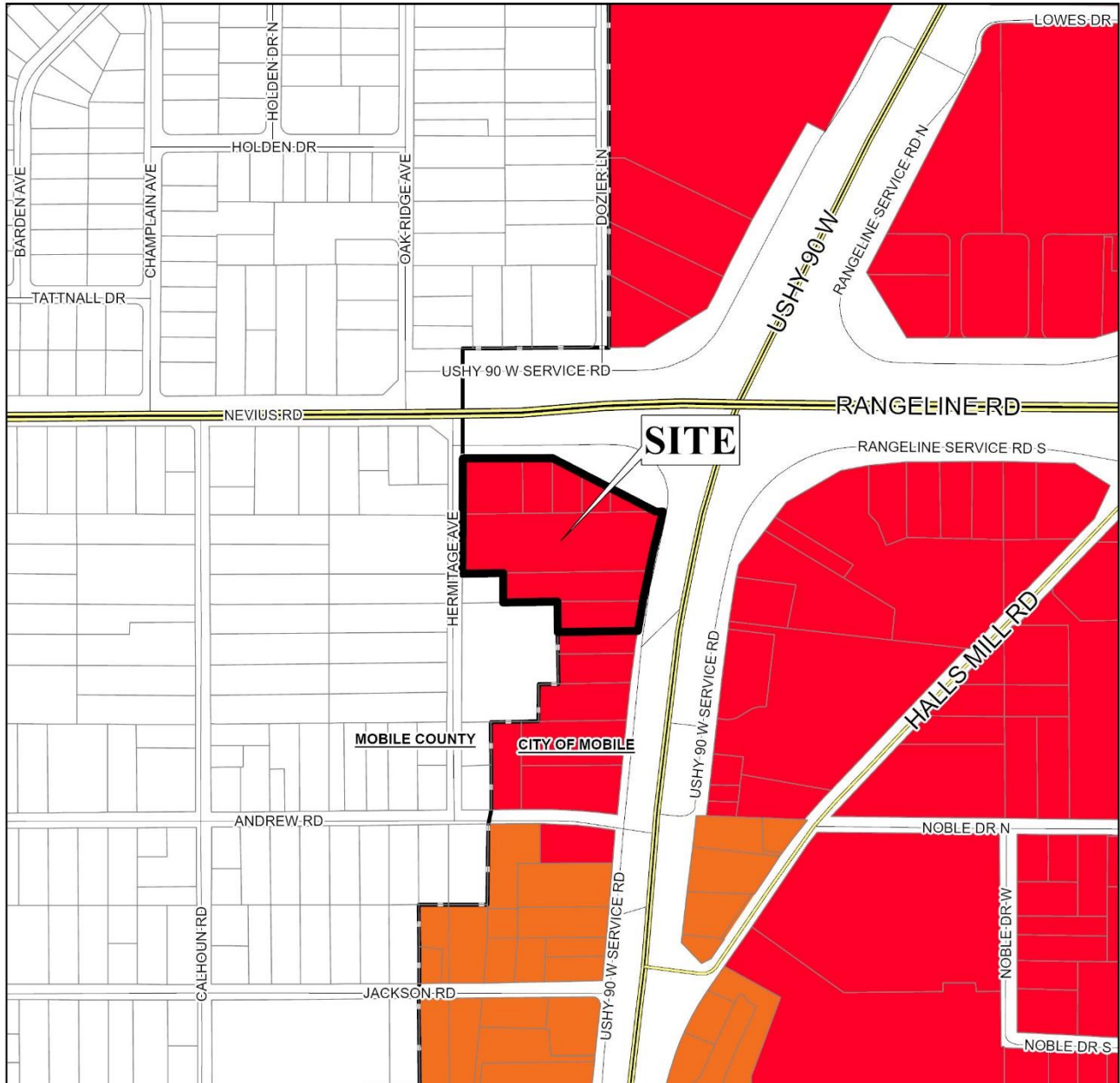
LOCATOR ZONING MAP



APPLICATION NUMBER <u>11</u>	DATE <u>February 20, 2025</u>
APPLICANT <u>Garrett Baker, KD Tillman's Corner, LLC</u>	
REQUEST <u>Sidewalk Waiver</u>	



FLUM LOCATOR MAP



APPLICATION NUMBER 11 DATE February 20, 2025

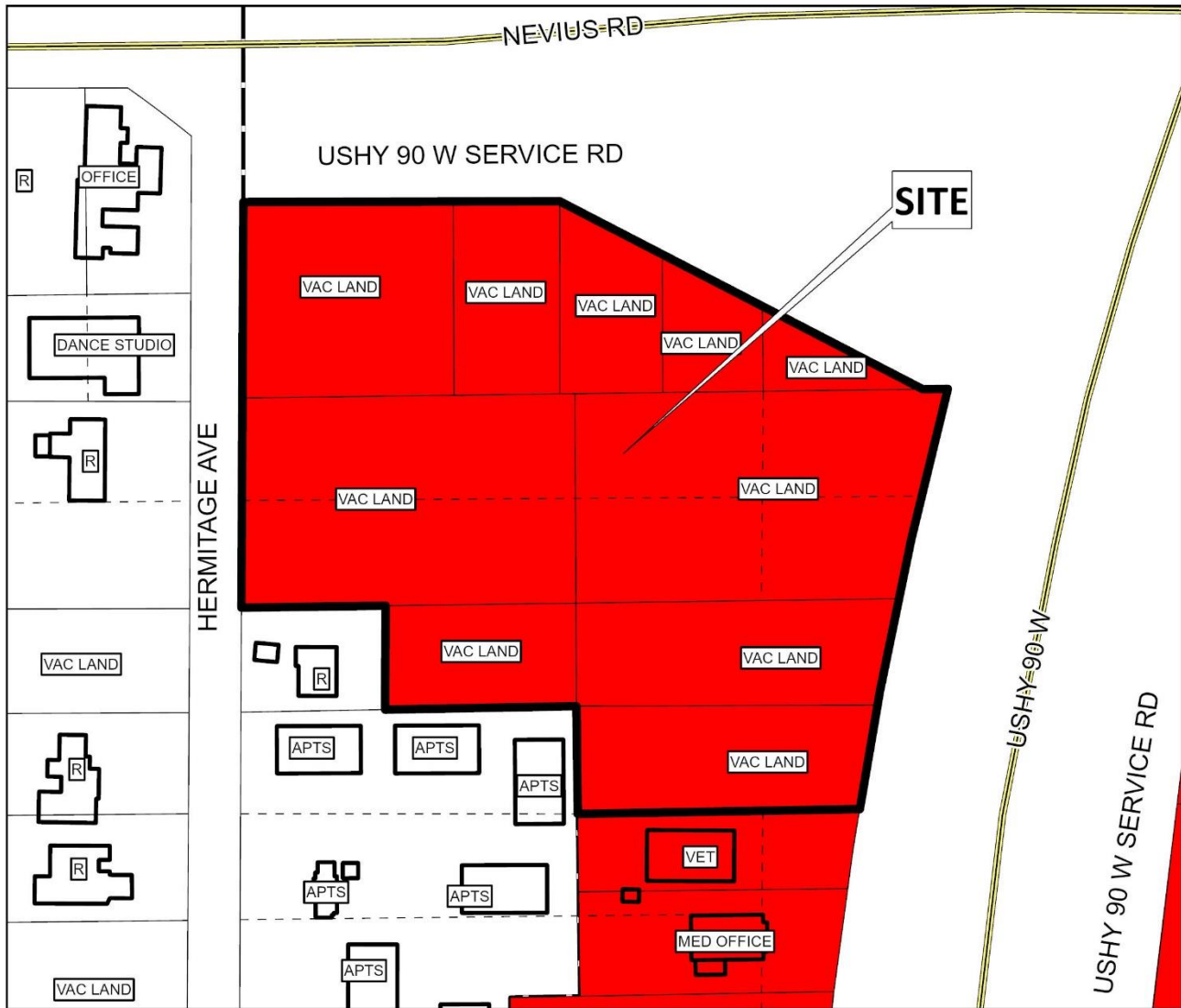
APPLICANT Garrett Baker, KD Tillman's Corner, LLC

REQUEST Sidewalk Waiver

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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING




The site is surrounded by commercial and 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																							
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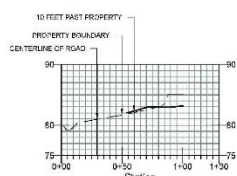
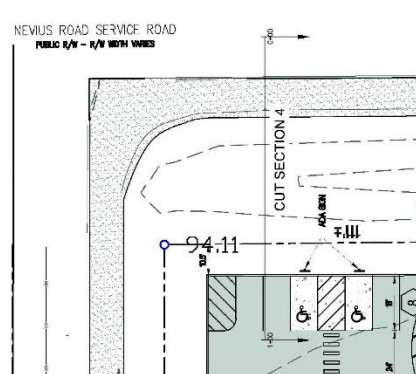
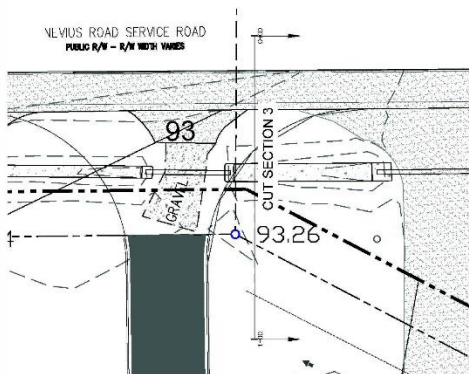
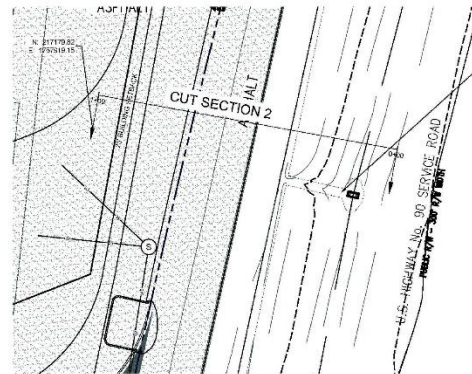
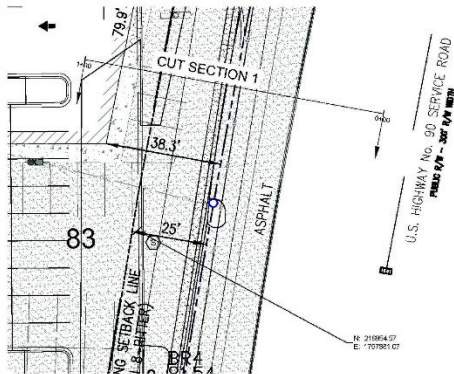
SITE PLAN



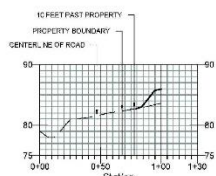
The site plan illustrates the proposed building, parking, and future development.

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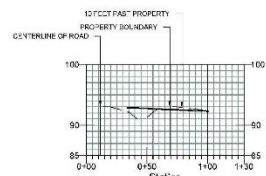
DETAIL SITE PLAN



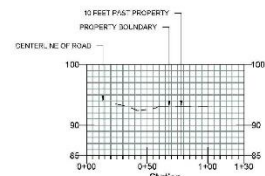
CUT SECTION 1
HORIZONTAL SCALE: 1"=50'
VERTICAL SCALE: 1"=10'



CUT SECTION 2
HORIZONTAL SCALE: 1"=50'
VERTICAL SCALE: 1"=10'



CUT SECTION 3
HORIZONTAL SCALE: 1"=50'
VERTICAL SCALE: 1"=10'



CUT SECTION 4
HORIZONTAL SCALE: 1"=50'
VERTICAL SCALE: 1"=10'

U.S. HIGHWAY No. 90 SERVICE ROAD
PUBLIC R/W - 30' R/W WITH

NEVIUS ROAD SERVICE ROAD
PUBLIC R/W - 30' R/W WITH

APPLICATION NUMBER 11 DATE February 20, 2025
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ZONING DISTRICT CORRESPONDENCE MATRIX																
			LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWU)
RESIDENTIAL - AG	R-A													□		
ONE-FAMILY RESIDENCE	R-1	■					■		■					□		
TWO-FAMILY RESIDENCE	R-2	■					■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■				■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○				■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○			■	■	■	■					□		
HISTORIC BUSINESS	H-B				■		■		■					□		
VILLAGE CENTER	TCD						■	■						□		
NEIGH. CENTER	TCD						■	■						□		
NEIGH. 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	○	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□				□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○				□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○				□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3					■				■			○	□	○	
GEN. BUSINESS	B-4				■					■			○	□	○	
OFFICE-DISTRIBUTION	B-5									■	■			□	□	
LIGHT INDUSTRY	I-1										■			□	□	□
HEAVY INDUSTRY	I-2											■		□		□

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)



MIXED COMMERCIAL CORRIDOR (MCC)

This land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.