



## Agenda Item # 5

SUB-003552-2025

Planning Commission  
December 18, 2025

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

[Applicant Materials for Consideration](#)

### DETAILS

**Location:**

58 Batre Lane

**Subdivision Name:**

Counts Estate Subdivision

**Applicant:**

Bryan & Stefanie Maisel, SBM Investments, LLC

**Property Owner:**

William Everett Counts, Sr.

**Current Zoning:**

R-1, Single-Family Residential Suburban 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 one (1) legal lot of record from one (1) metes-and-bounds parcel.

**Commission Considerations:**

1. Subdivision proposal with eight (8) conditions.

**Report Contents:**

**Page**

Context Map .....	2
Site History .....	3
Staff Comments .....	3
Subdivision Considerations .....	5
Exhibits .....	6

## COUNTS ESTATE SUBDIVISION



APPLICATION NUMBER 5 DATE December 18, 2025



## SITE HISTORY

---

The site was originally subdivided as part of a partition deed recorded in the Mobile County Probate Court in August 1913. Since that time, development of the area has resulted in the shifting of lot lines without approval from the Planning Commission, such that the designs of many of the lots are no longer compatible with the recorded deed. This includes the subject site, which now has a metes-and-bounds description.

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

## STAFF COMMENTS

---

### Engineering Comments:

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. Show and label the POB.
- C. Clearly show and label the monuments set and found at all corners and the dedicated ROW.
- D. Provide the bearing and distance labels for the est property line of the proposed subdivision.
- E. Show and label the area dedicated to public ROW in acres and square feet.
- F. Revise NOTES 8 to read as follows – “As shown on the 1984 aerial photo LOT 1 will receive the 900 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 the 4,000 SF credit provided to the original SF residential lot as follows: LOT 1 – 4,900 sf. Stormwater detention will be required for any additional impervious area that exceeds the allowable credit for that LOT.
- G. Retain NOTES 9 – 13.
- H. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at [land.disturbance@cityofmobile.org](mailto:land.disturbance@cityofmobile.org) prior to obtaining any signatures. No signatures are required on the drawing.

### Traffic Engineering Comments:

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

### 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 purpose of this request is to create one (1) legal lot of record from an existing metes-and-bounds parcel. The site is served by public water and sanitary sewer.

The lot fronts Batre Lane, a minor street with curb and gutter improvements requiring a 50-foot-wide right-of-way. The preliminary plat depicts varying right-of-way widths along Batre Lane at this location; however, the applicant proposes dedication sufficient to provide a minimum of 25 feet from the roadway centerline. As such, no additional dedication should be required, but the proposed dedication must be retained on the Final Plat, if approved.

The proposed lot does not meet the minimum area requirements of Article 2, Section 64-2-5.E. of the Unified Development Code (UDC) for lots served by public water and sanitary sewer within the R-1, Single-Family Residential Suburban District. This lot configuration is common in the surrounding neighborhood and may support consideration of a waiver of Section 6.C.2(a) of the Subdivision Regulations.

The lot is properly labeled with its area 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, adjusted for any required dedication; alternatively, a table providing the same data is acceptable.

The proposed lot meets the minimum 60-foot width requirement of Section 6.C.2(b)(2) of the Subdivision Regulations for residential lots within a Suburban sub-district.

A 25-foot minimum front yard setback is illustrated along Batre Lane, as required by Section 6.C.8. of the Subdivision Regulations and Article 2, Section 64-2-5.E. of the UDC. This information should be retained on the Final Plat, if approved.



Side and rear setbacks are shown on the preliminary plat, though they are not required by the Subdivision Regulations. If approved, these setbacks should be removed from the Final Plat.

## SUBDIVISION CONSIDERATIONS

---

### **Standards of Review:**

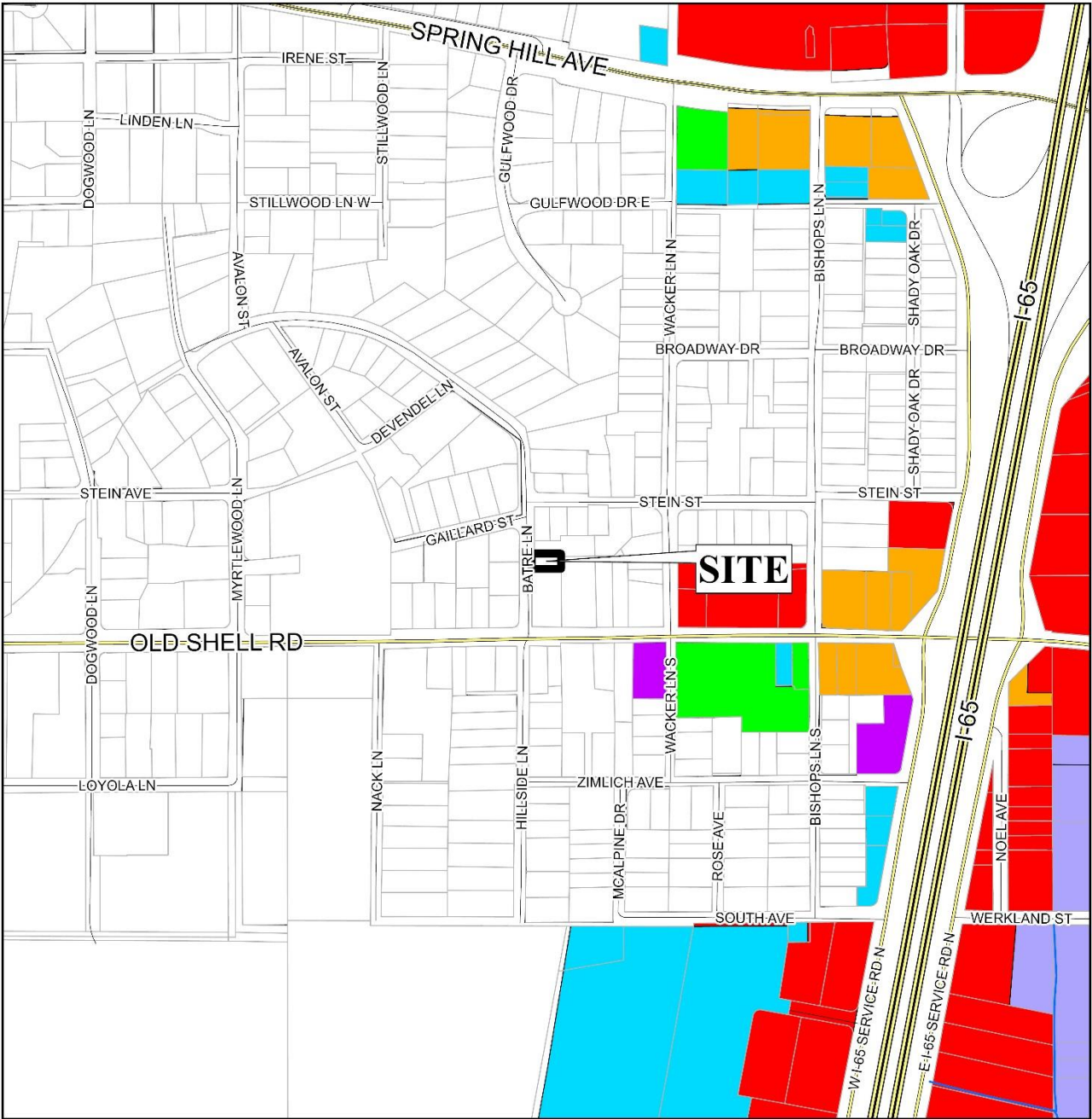
Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

### **Considerations:**

If the Subdivision request is considered for approval a waiver of Section 6.C.2.(a) (for lot size) of the Subdivision Regulations will be required, and the following conditions could apply:

1. Retention of the proposed right-of-way dedication along Batre on the Final Plat, as depicted on the preliminary plat;
2. Retention of the lot's size in both square feet and acres, or provision of a table on the Final Plat with the same information;
3. Retention of the 25-foot minimum front yard setback line along Batre Lane;
4. Removal of the side and rear setbacks;
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.

# LOCATOR ZONING MAP

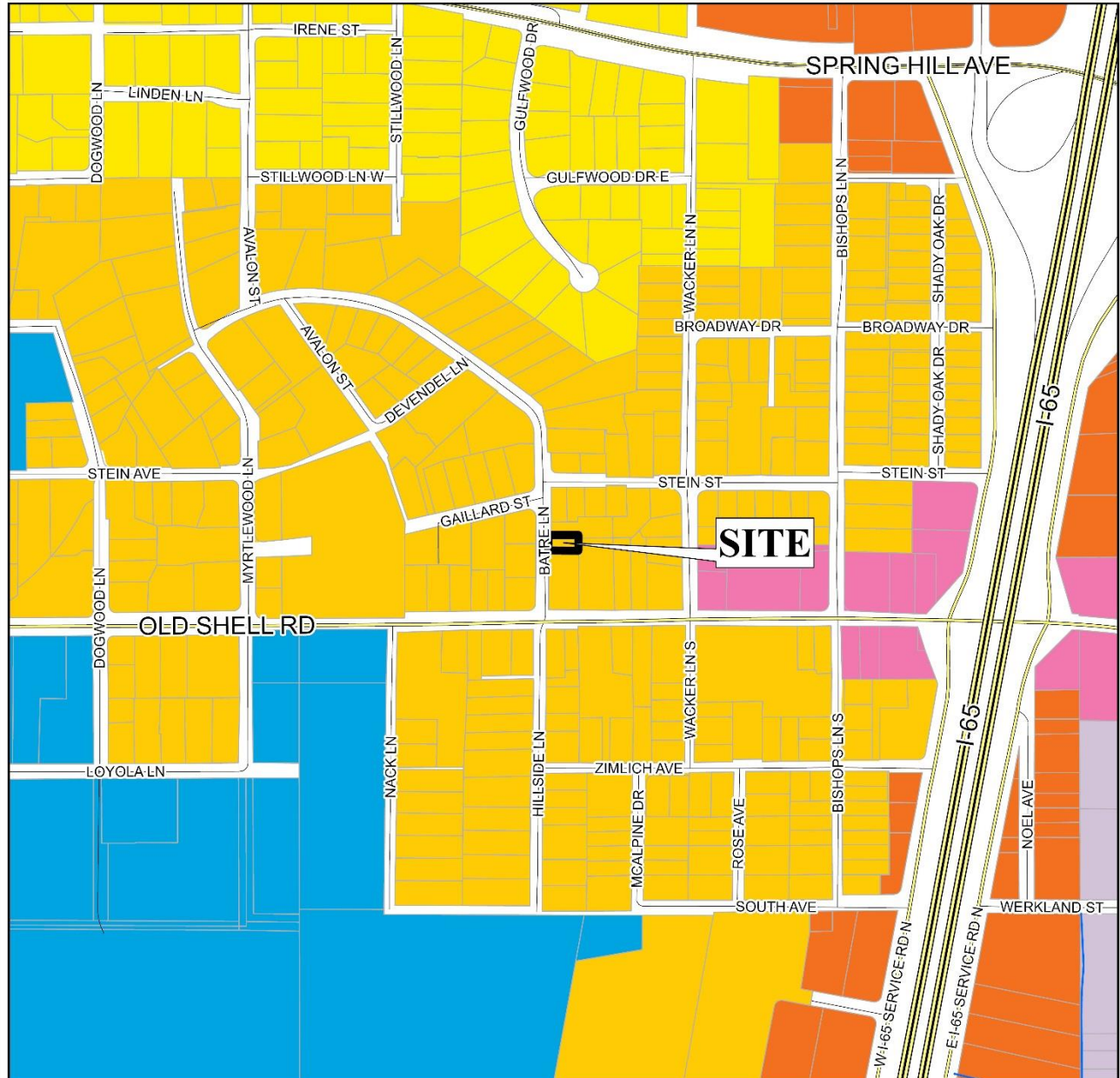


APPLICATION NUMBER	5	DATE	December 18, 2025
APPLICANT	Counts Estate Subdivision		
REQUEST	Subdivision		

N

NTS

# FLUM LOCATOR MAP



APPLICATION NUMBER 5 DATE December 18, 2025

APPLICANT Counts Estate Subdivision

REQUEST Subdivision

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



# COUNTS ESTATE SUBDIVISION



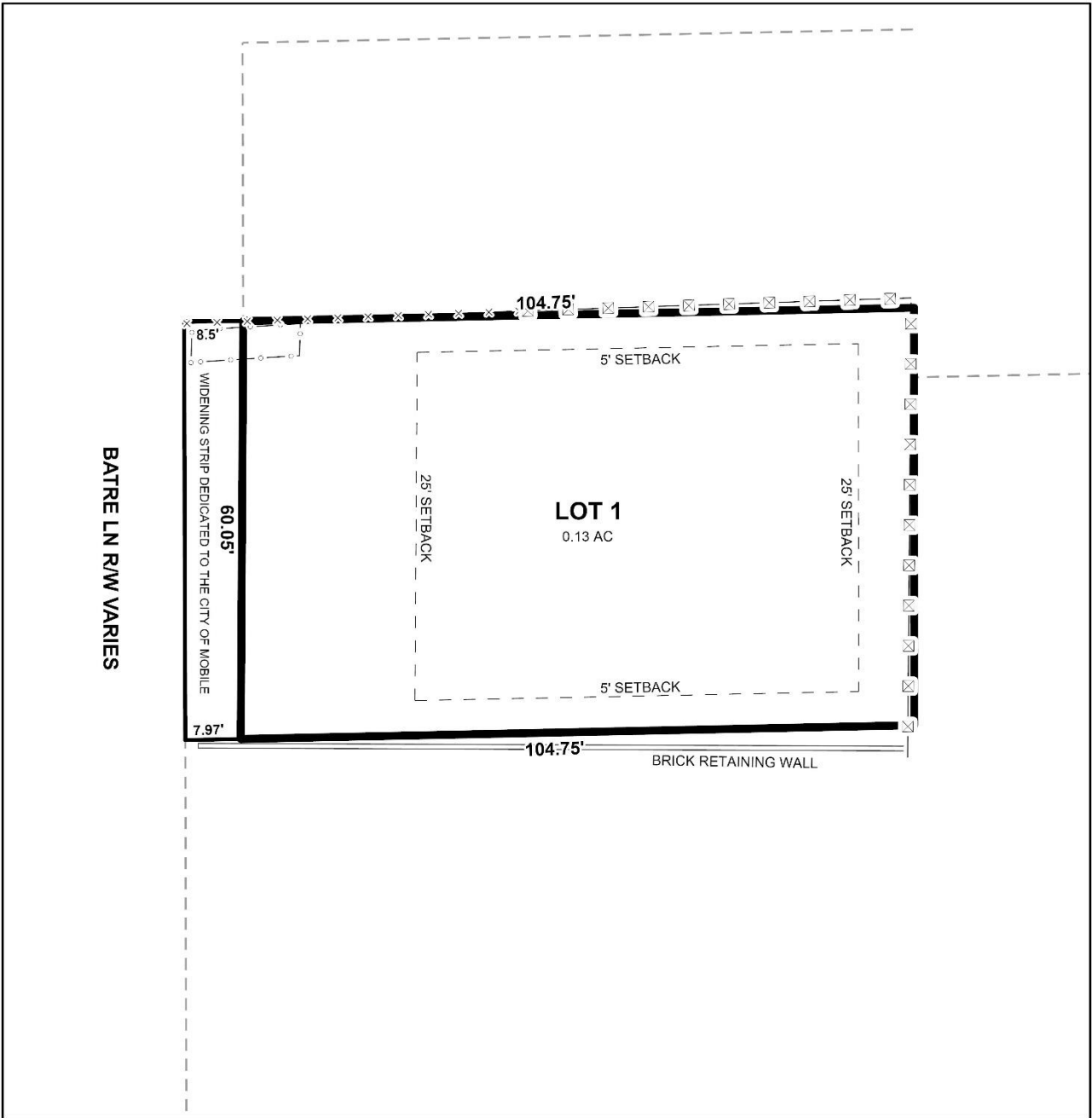
APPLICATION NUMBER 5 DATE December 18, 2025

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	





# DETAIL SITE PLAN



APPLICATION NUMBER 5 DATE December 18, 2025

APPLICANT Counts Estate Subdivision

REQUEST Subdivision



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]

### 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

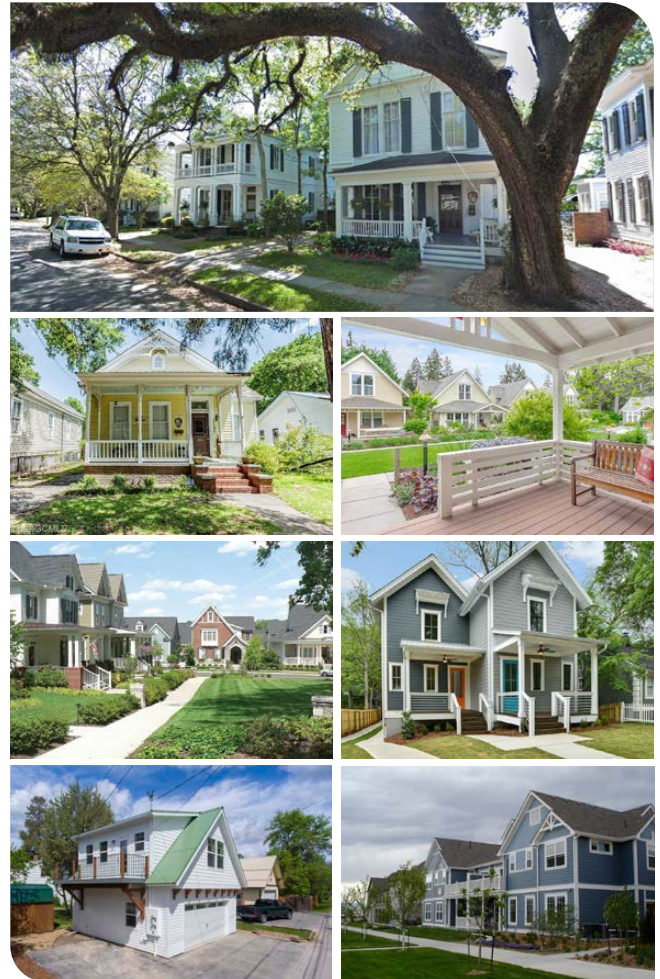
##### Secondary Uses

- 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