



## Agenda Item # 12

SUB-003394-2025 & ZON-UDC-003511-2025

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:**

909 Government Street

**Subdivision Name:**

Donnie Manning Subdivision

**Applicant / Agent:**

Donald Manning

**Property Owners:**

Donald Manning

**Current Zoning:**

R-1, Single-Family Residential Urban District &  
R-B, Residential Business District

**Proposed Zoning:**

R-B, Residential Business District

**Future Land Use:**

Traditional Corridor

**Applicable Codes, Policies, and Plans:**

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

**Proposal:**

- Subdivision approval to create two (2) legal lots of record.
- Rezoning from R-1 & R-B to R-B.
  - 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. Subdivision proposal with eight (8) conditions; and
2. Rezoning with one (1) condition.

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# PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential and commercial units.

APPLICATION NUMBER	12	DATE	November 20, 2025
APPLICANT	Donnie Manning Subdivision		
REQUEST	Subdivision, Rezoning from R-1 to R-B		



## SITE HISTORY

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The site consists of a single tax parcel that is split-zoned R-1, Single-Family Residential Urban District, and R-B, Residential Business District. The property was annexed into the City of Mobile in 1814, and according to current Revenue Commission records, the northern portion was developed with a dwelling in 1872.

The property was later divided into two parcels from what was identified as *Square 69* of the Gordon Division of the Favre Tract Subdivision, the plat for which was recorded in a Deed Book in the Mobile County Probate Court in April 1875. Both parcels were identified as residential on the 1934 Land Use Map.

With the adoption of the 1951 Zoning Ordinance, the north parcel was assigned a C-3, Central Business District classification, while the south parcel received an R-3, Multiple-Family Residence District classification. With the adoption of the 1967 Zoning Ordinance, the north parcel was rezoned to B-4, General Business District, and the south parcel retained its R-3 classification.

Subsequent zoning changes were adopted through area-specific studies:

- On October 9, 1984, the City Council rezoned the north parcel from B-4 to R-B, Residential Business District, as part of the *Government Street Zoning Study*.
- On July 21, 1992, the south parcel was rezoned from R-3 to R-1, Single-Family Residential District, as part of the *Oakleigh Garden District Zoning Study*.

Both parcels, now under single ownership and combined into one tax parcel with a single metes-and-bounds legal description, have retained these zoning classifications through the 2023 adoption of the Unified Development Code (UDC).

The Board of Zoning Adjustment (BOA) has considered two prior applications for the site:

- In October 1996, the BOA approved a Use Variance to allow use of the south portion of the property as a parking lot in the R-1 district, to serve an adjacent office.
- In February 1997, the BOA approved a Use Variance to allow access to an attorney's office located within the R-B portion of the property via the R-1 portion.

No additional Planning Commission or Board of Zoning Adjustment cases are associated with the site.

## STAFF COMMENTS

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### 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. Provide a written description for the proposed subdivision boundary.
- C. Show and label all flood zones. New maps went into effect on June 5, 2020.
- D. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an A, AE, or X (shaded) flood zone designation.

- E. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo LOTS 1 and 2 will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT 1 – 3,000 and LOT 2 – NONE. The two lots will share the 4,000 SF credit provided to the original lot as follows: LOT 1 – 2,000 SF, LOT 2 – 2,000 SF. Stormwater detention will be required for any additional impervious area on LOT 1 over the 5,000 SF; and stormwater detention will be required for any additional impervious area on LOT 2 over the 2,000 SF .
- F. Add a note that a Land Disturbance permit will be required for any land disturbing activity in accordance 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.
- G. Add a note that 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.
- H. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved.
- I. Add a note that all existing and proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile.
- J. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- K. 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.

#### **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 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 application is to create two (2) legal lots of record from one (1) metes-and-bounds parcel. The site is currently served by public water and sanitary sewer.

Proposed Lot 1 will have frontage along Government Street, a Principal Arterial Street requiring a 100-foot-wide right-of-way at this location. Proposed Lot 2 will front Church Street, a minor street with curb and gutter improvements requiring a 50-foot-wide right-of-way. The preliminary plat depicts sufficient right-of-way widths along both streets; therefore, no additional dedication is required.

As proposed, both lots exceed the minimum area requirements for parcels served by public water and sanitary sewer in both the existing and proposed zoning districts. Lot areas are labeled in square feet and acres on the preliminary plat, as required by Section 5.A.2(e)(4) of the Subdivision Regulations. This information should be retained on the Final Plat, if approved, or provided in a table containing the same information.

Neither proposed lot meets the minimum 60-foot width requirement for commercial lots per Section 6.C.2(b)(4) of the Subdivision Regulations. However, the property appears to have existed in its current configuration prior to adoption of current standards, and similarly configured lots are common in the surrounding area. Therefore, a waiver of Section 6.C.2(b)(4) may be appropriate.

A 25-foot front yard setback is illustrated along both Government Street and Church Street; however, only a five (5)-foot front yard setback is required under the existing and proposed zoning districts. Accordingly, if approved, the Final Plat should reflect a minimum five (5)-foot front yard setback along each street frontage, in compliance with Article 2 of the Unified Development Code (UDC) and Section 6.C.8. of the Subdivision Regulations.

If approved, the subdivision will result in proposed Lot 1 being split-zoned R-1 and R-B. Therefore, approval of the Subdivision request will be contingent upon approval of the associated Rezoning application.

### **Rezoning**

As previously noted, approval of the subdivision request would result in proposed Lot 1 being split-zoned R-1 and R-B. The applicant's justification for the rezoning request can be viewed via the link provided on Page 1 of this report.

The site is bordered to the north, east, and west by R-B-zoned properties that are developed with a mix of residential and office uses. The property to the southeast is zoned R-1 and developed with a single-family dwelling.

The site plan submitted with the rezoning application depicts the existing structure on proposed Lot 1, labeled for use as a dwelling, along with a paved parking area on proposed Lot 2. No future development plans were submitted with this request. It should be noted that any future development or redevelopment of the properties may be subject to full compliance with all applicable requirements of the Unified Development Code (UDC).

The site is located within the Oakleigh Garden District Historic Overlay; thus any future development or redevelopment may also require review and approval by the Architectural Review Board.

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

In this case, the proposed subdivision may warrant reclassification to eliminate split zoning. If approved, the rezoning process should be completed prior to signing the Final Plat for the subdivision.

## SUBDIVISION CONSIDERATIONS

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### 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.2(b)(4) will be required (for lot width) and the following conditions could apply:

1. Retention of the right-of-way widths of Government Street (100 feet) and Church Street (50 feet) on the Final Plat;
2. Retention of the lot size labels in square feet and acres on the Final Plat, or provision of a table on the Final Plat with the same information, in compliance with Section 5.A.2(e)(4) of the Subdivision Regulations;
3. Retention of at least a five (5)-foot minimum front yard setback line along both street frontages;
4. Completion of the Rezoning process to eliminate the potential for split-zoning prior to signing the Final Plat;
5. Compliance with all Engineering comments noted in this staff report;
6. Compliance with 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

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### 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 with 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).

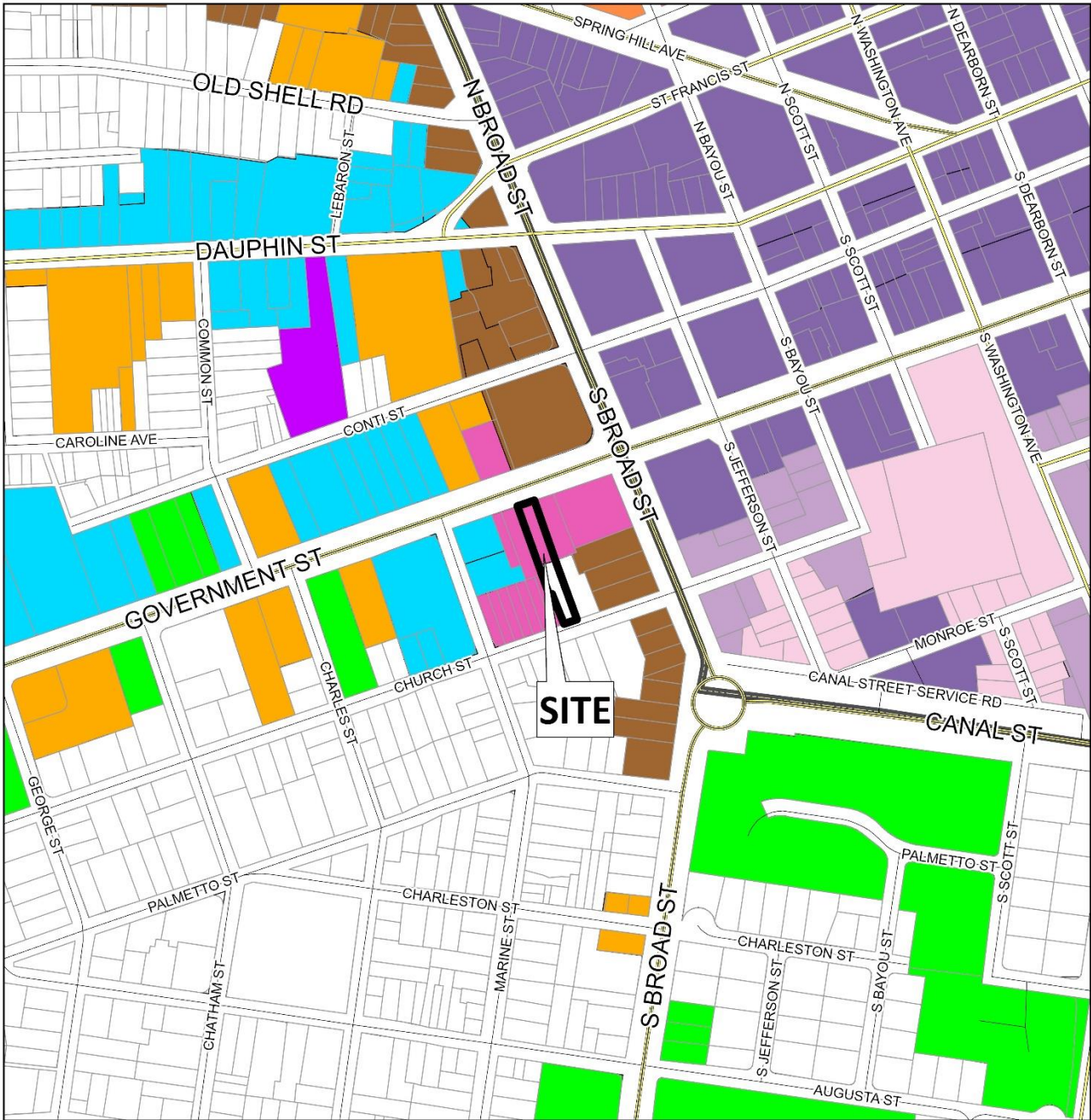
### **Considerations:**

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

1. Full compliance with all municipal codes and ordinances.



# LOCATOR ZONING MAP

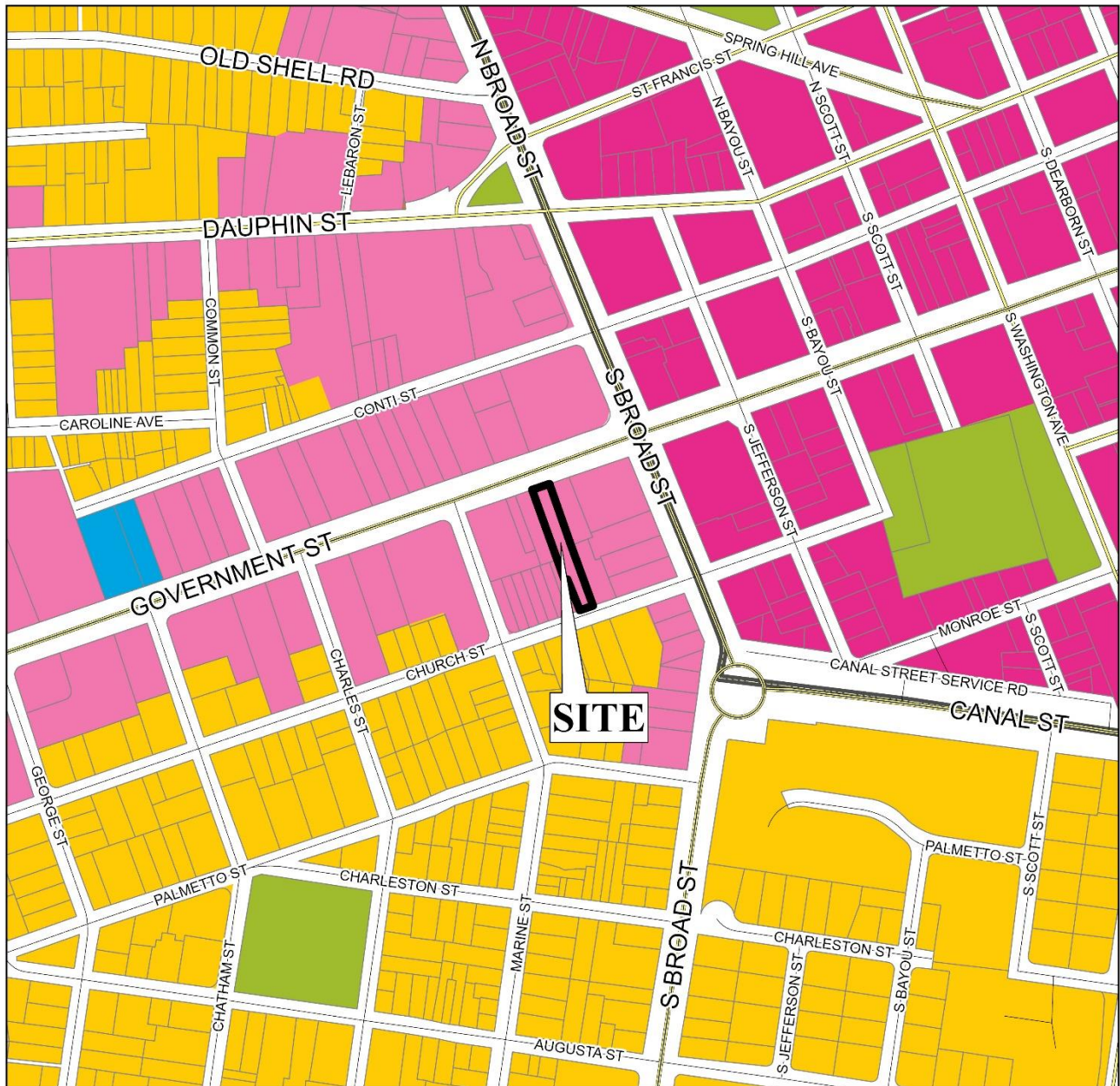


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REQUEST	Subdivision, Rezoning from R-1 to R-B		





## FLUM LOCATOR MAP



APPLICATION NUMBER 12 DATE November 20, 2025

APPLICANT Donnie Manning Subdivision

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

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





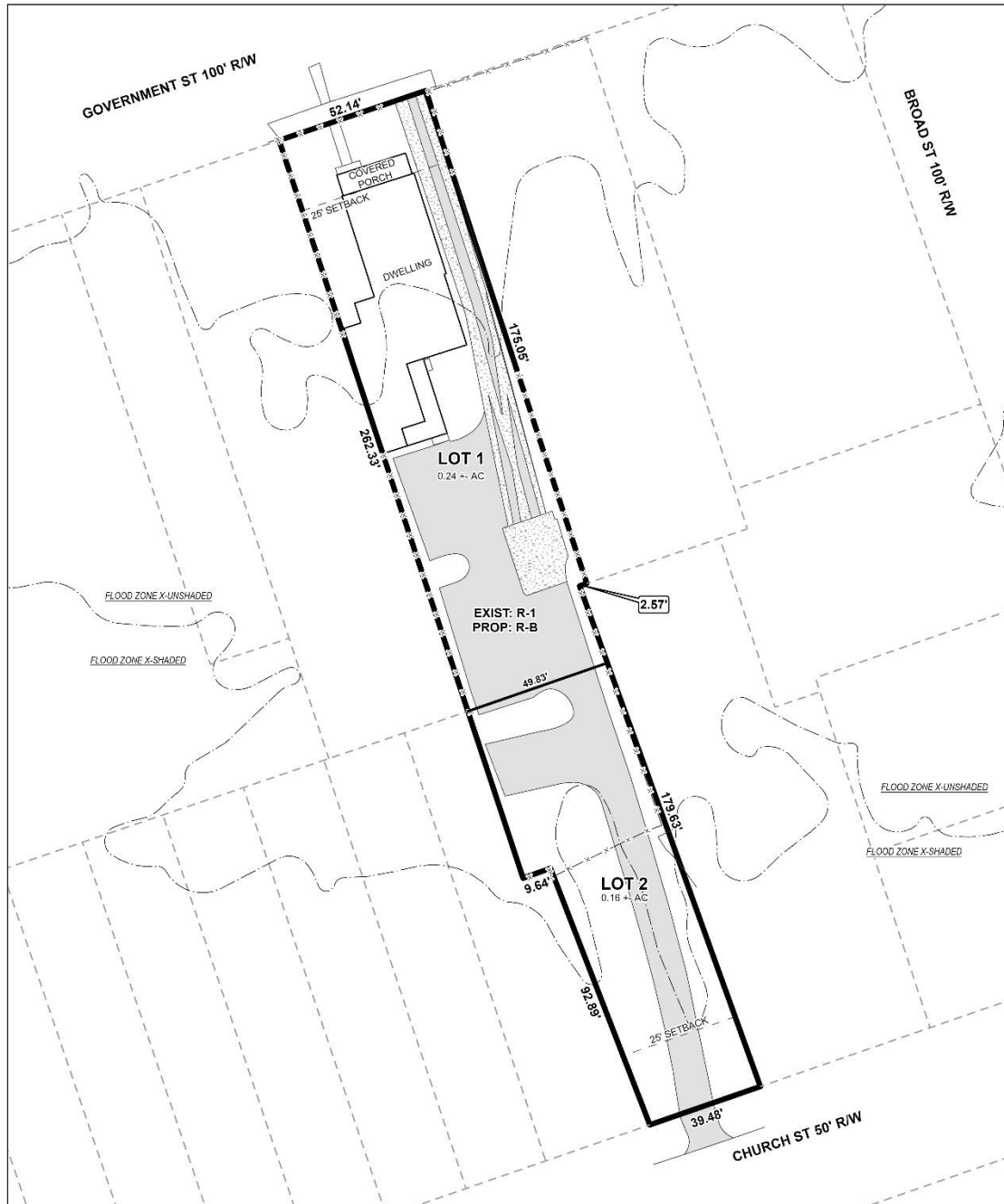
# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

APPLICATION NUMBER <u>12</u> DATE <u>November 20, 2025</u>																																
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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

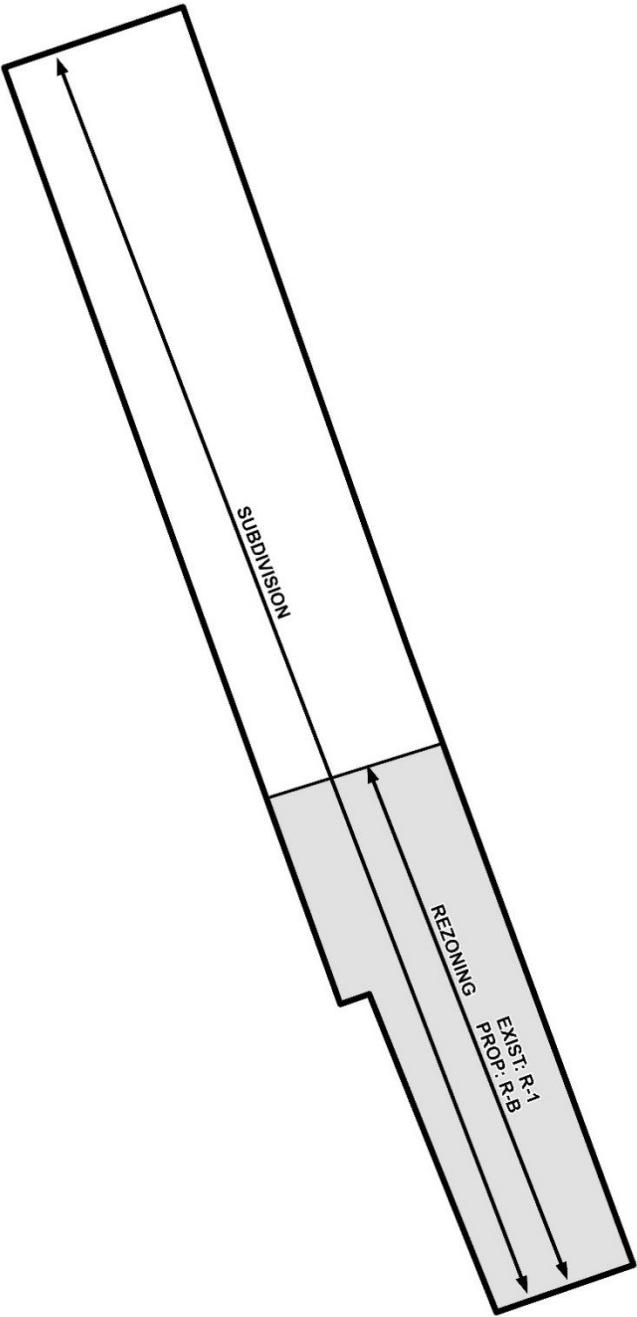


The site plan illustrates existing dwellings, drives, and proposed zoning.

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NTS

DETAIL SITE PLAN



APPLICATION NUMBER 12 DATE November 20, 2025

APPLICANT Donnie Manning Subdivision

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



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]



## Mixed Use Areas: Corridors

### TRADITIONAL CORRIDOR (TC)

This land use designation generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods. Depending on their location, these areas incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures, and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving.

#### Development Intent

- › Incorporate attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving.
- › Special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.

#### Land use mix

##### Primary Uses

- › Commercial
- › Office
- › Civic
- › Residential, Multifamily

##### Secondary Uses

- › Residential, Attached
- › Parks

#### Housing mix

- › Various types ranging in density from 10 to 30 du/ac;
- › Residential units above ground-floor retail
- › Multifamily buildings (small scale)
- › Attached residential such as duplexes, multiplexes, and townhomes

#### Character Example

