



Agenda Item # 28

SUB-003755-2026 & MOD-003762-2026

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

[Applicant Materials for Consideration – Subdivision](#)

[Applicant Materials for Consideration – Planning Approval Modification](#)

DETAILS

Location:

753 and 755 Bolling Brothers Boulevard

Applicant / Agent:

Elizabeth Tonsmeire, McGowin Properties, LTD

Property Owner(s):

McGowin Properties, LTD

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

Mixed Commercial Corridor

Applicable Codes, Policies, and Plans:

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

Schedule for Development:

- N/A

Proposal:

- Subdivision approval to create three (3) legal lots of record.
- Modification of a previously approved Planning Approval.

Considerations:

1. Subdivision proposal with ten (10) conditions; and
2. Modification of a previously approved Planning Approval with seventeen (17) conditions.

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PLANNING COMMISSION

VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

APPLICATION NUMBER 28 DATE July 16, 2026
 APPLICANT 90/65 Commercial Park Subdivision
 REQUEST Subdivision, PA Modification



SITE HISTORY

The site was annexed into the City of Mobile in 1956.

At its March 7, 1996, meeting the Planning Commission recommended approval of a rezoning request to reclassify the property from R-1, Single-Family Residential District, to B-3, Community Business District. At the same meeting, the Planning Commission approved a Planning Approval to allow the construction and operation of a baseball park, stadium, ice rink, and museum within the proposed B-3 district.

The City Council adopted the rezoning on April 9, 1996, and the site was subsequently developed with Hank Aaron Stadium, the associated museum, and accessory structures.

The property is currently described as a metes-and-bounds parcel.

There are no other Planning Commission or any 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. Review and revise the written legal description or plan view distance on the east side (502.22' or 508.22'?).
- C. Revise NOTES #13 to read - As shown on the 1984 aerial photo LOTS 1 - 3 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 – NONE, LOT 2 - NONE, LOT 3 - NONE. Stormwater detention will be required for any additional impervious area that exceeds the allowable credit for that LOT.
- D. Retain NOTES #6 – 8, 12, and 15.
- E. 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.

Planning Approval Modification

ADD THE FOLLOWING NOTES TO THE PLANNING APPROVAL SITE PLAN:

- 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 request is to subdivide one (1) existing metes-and-bounds parcel into three (3) legal lots of record and establish a shared private access easement between them. The site is served by public water and sanitary sewer.

Proposed Lots 1 and 3 have frontage along Bolling Brothers Boulevard, a minor street with curb and gutter improvements requiring a 50-foot-wide right-of-way. A 100-foot-wide right-of-way is depicted on the preliminary plat; therefore, no additional dedication is required.

Proposed Lots 2 and 3 have frontage along U.S. I-65, an Alabama Department of Transportation-maintained interstate requiring a minimum 300-foot-wide right-of-way. A varying right-of-way is depicted on the preliminary plat. Internal mapping and parcel data indicate sufficient right-of-way exists; however, if approved, the plat should be revised to illustrate either the minimum existing right-of-way width or a 300-foot-wide right-of-way along U.S. I-65, whichever is greater.

The preliminary plat depicts a paved 50-foot-wide easement labeled as a "Private Road Easement," which will provide shared access from the proposed lots to Bolling Brothers Boulevard. Such access is permitted by Article 3, Section 64-3-2.A.1. of the Unified Development Code (UDC) and is further encouraged by Section 64-3-4.C.1.

It should be noted that the easement functions more as a shared ingress/egress easement than a private street. To avoid confusion, the applicant should consider relabeling the easement as an "Ingress/Egress Easement," or similar designation, rather than a "Private Road Easement." Otherwise, the drive may become subject to the improvement standards, covenants, and other requirements applicable to private street subdivisions under Section 9.D.1. of the Subdivision Regulations.

As proposed, each lot exceeds the minimum lot size requirements for properties served by public water and sanitary sewer in the B-3, Community Business Suburban District. The preliminary plat identifies the area of each lot in both square feet and acres. This information should be retained on the Final Plat, adjusted for any required dedication, or provided in a table containing the same information.

Each lot also meets the minimum 60-foot lot width requirement for commercial lots within the Suburban sub-district pursuant to Section 6.C.(b)(4) of the Subdivision Regulations.

If approved, the plat should be revised to illustrate the required 25-foot front yard setback along U.S. I-65 and along Bolling Brothers Boulevard for Lots 1 and 3, where each lot has 60 feet of frontage, adjusted for any required dedication. This revision is necessary to demonstrate compliance with Section 6.C.8. of the Subdivision Regulations and Article 2, Section 64-2-14.E. of the UDC for lots within the B-3 Suburban District.

Approval of the subdivision will modify the boundaries of an existing Planning Approval granted in 1996 for the development of a baseball park, stadium, ice rink, and museum within the B-3 district. Because the Planning Approval did not identify future development plans for proposed Lots 1 and 2, and those portions of the site remain undeveloped, the concurrent Major Modification request seeks to remove them from the approved Planning Approval boundary. Therefore, approval of the subdivision should be contingent upon approval of the associated Major Modification to prevent the creation of lots that straddle the Planning Approval boundaries.

Planning Approval Modification

The site plan depicts the proposed modification to the existing Planning Approval by illustrating the three (3) proposed lots, consistent with the concurrent subdivision request. Existing site improvements on proposed Lot 3, including the baseball stadium and associated parking areas, are generally depicted; however, not all existing improvements are clearly identified, and some areas are shown only in a generalized manner.

As previously noted, approval of the associated subdivision request would modify the boundaries of the Planning Approval granted in 1996. Because the original Planning Approval did not identify future development plans for the portion of the site proposed as Lots 1 and 2, and that area remains undeveloped, the concurrent Major Modification request seeks to remove those areas from the approved Planning Approval boundary.

A detailed description of the request and supporting application materials is available through the link provided on Page 1 of this report. No modifications to the existing Planning Approval are proposed at this time other than the removal of proposed Lots 1 and 2 from the approved site.

If both the subdivision and Major Modification requests are approved, the Final Planning Approval Site Plan should be revised to include a note stating: "Lots 1 and 2 are hereby removed from the Planning Approval."

The Final Planning Approval Site Plan should also be revised to identify the size of each lot in both square feet and acres, adjusted for any required right-of-way dedication. Alternatively, this information may be provided in a table on the plan.

In addition, the required 25-foot front yard setback should be depicted along all street frontages, adjusted as necessary for any required dedication resulting from the subdivision, in compliance with Article 2, Section 64-2-14.E. of the Unified Development Code for properties within the B-3 Suburban District.

All existing site improvements should be accurately depicted on the Final Planning Approval Site Plan. While no new development is proposed, each existing building should be labeled with its square footage. The plan should also clearly identify all existing parking areas, loading areas, driveways, maneuvering areas, and other relevant site features.

Parking calculations for all required and existing parking spaces should be provided in a table on the Final Planning Approval Site Plan. All curbing and wheel stops should also be clearly illustrated.

Any existing dumpsters or dumpster enclosures should be shown on the Final Planning Approval Site Plan. If waste collection is provided through curbside service, a note indicating as much should be included on the plan.

It is unclear whether the site was subject to previous landscaping or tree planting requirements. However, it appears that the majority of the development predates the current zoning regulations and that no recent expansion of the building footprint has occurred that would trigger compliance with current landscaping standards. If any landscaping or tree planting requirements were imposed through prior approvals or permits, a note should be added to the Final Planning Approval Site Plan stating that the site will continue to maintain compliance with those requirements.

Any future development, redevelopment, or site modifications may require additional amendments to the Planning Approval, subject to review and approval by the Planning Commission and City Council. A note to that effect should be included on the Final Planning Approval Site Plan.

A revised Modified Planning Approval Site Plan, in both hard-copy and PDF format, should be submitted to and approved by the Planning and Zoning Department prior to recording the plan in Probate Court, in accordance with Section 64-5-8.B.2(f) of the Unified Development Code (UDC).

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 the following conditions could apply:

1. Revision of the Final Plat to illustrate either the minimum existing right-of-way width or a 300-foot-wide right-of-way along U.S. I-65, whichever is greater;
2. Relabeling of the proposed easement on the Final Plat as an "Ingress/Egress Easement," or similar designation, rather than a "Private Road Easement";
3. Retention of the lot size labels in square feet and acres on the Final Plat, adjusted for any required dedication, or provision of a table on the Final Plat with the same information;
4. Revision of the Final Plat to illustrate a 25-foot front yard setback along U.S. Interstate 65, adjusted for any required dedication;
5. Revision of the Final Plat to illustrate a 25-foot front yard setback along Bolling Brothers Boulevard where Lot 1 and Lot 3 are each 60 feet wide;
6. Approval of the Major Planning Approval Modification;
7. Compliance with all Engineering comments noted in this staff report;
8. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
9. Compliance with all Urban Forestry comments noted in this staff report; and,
10. Compliance with all Fire Department comments noted in this staff report.

PLANNING APPROVAL MODIFICATION CONSIDERATIONS

Standards of Review:

The Unified Development Code (UDC) in Section 64-5-8-B.(5) states the following concerning Planning Approval Modifications:

Approval Criteria. The Planning Commission shall not recommend a major modification for approval, and the City Council shall not approve the modification, unless the proposed modification:

1. Is consistent with all applicable requirements of this Chapter;
2. Is compatible with the character of the surrounding neighborhood;
3. Will not impede the orderly development and improvement of surrounding property;
4. Will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood:

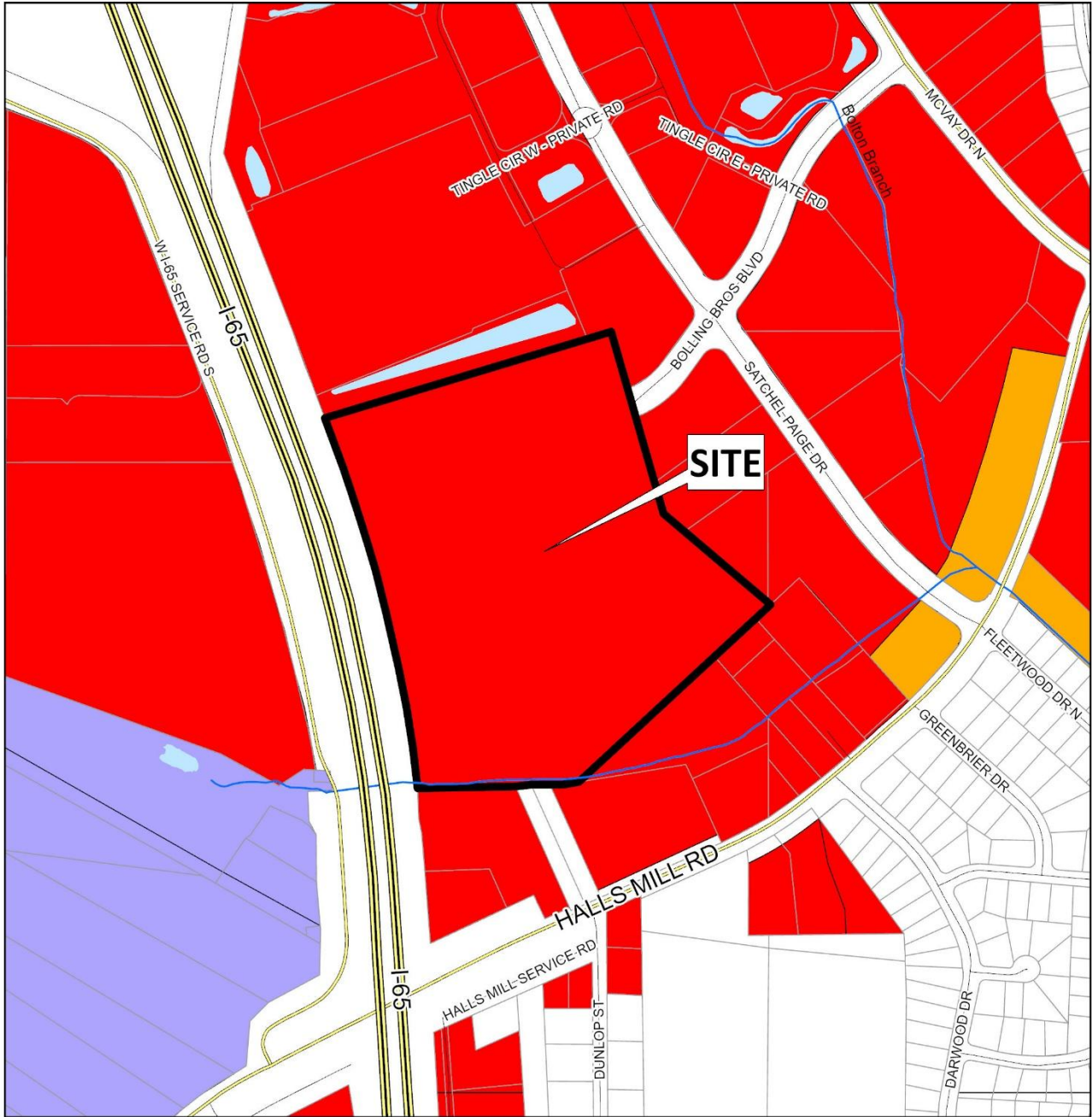
- a. In making this determination, the Planning Commission and City Council shall consider the location, type and height of buildings or structures, the type and extent of landscaping and screening, lighting, hours of operation or any other conditions that mitigate the impacts of the proposed development; and
 - b. Includes adequate public facilities and utilities;
5. Is subject to adequate design standards to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
 6. Is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
 7. Shall not be detrimental or endanger the public health, safety or general welfare.
 8. 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.

Considerations:

If the Planning Commission considers a recommendation of approval of the Modified Planning Approval, the following conditions could apply:

1. Provision of a note on the Final Planning Approval Site Plan stating: "Lots 1 and 2 are hereby removed from the Planning Approval";
2. Revision of the Final Planning Approval Site Plan to label the size of each lot in both square feet and acres, adjusted for any required dedication resulting from the subdivision approval, or provision of a table on the Final Planning Approval Site Plan with the same information;
3. Revision of the Final Planning Approval Site Plan to illustrate the 25-foot front yard setback along all street frontages;
4. Revision of the Final Planning Approval Site Plan to label each existing building with its size in square feet;
5. Revision of the Final Planning Approval Site Plan to depict all other existing site features;
6. Provision of a table on the Final Planning Approval Site Plan showing required and existing parking calculations;
7. Revision of the Final Planning Approval Site Plan to illustrate any/all curbing and/or wheel stops;
8. Revision of the Final Planning Approval Site Plan to depict any dumpsters or dumpster enclosures, or provision of a note on the Final Planning Approval Site Plan stating curbside waste collection is utilized;
9. If any tree plantings or landscaped areas were required under prior approvals or permits, provide a note on the Final Planning Approval Site Plan stating that the site will continue to maintain compliance with those applicable requirements;
10. Provision of a note on the Final Planning Approval Site Plan stating that any future development or redevelopment of the site may require additional modification of the Planning Approval, subject to Planning Commission and City Council approval;
11. Completion of the subdivision process prior to recording the Final Planning Approval Site Plan in Probate Court;
12. Compliance with all Engineering comments noted in this staff report;
13. Compliance with all Traffic Engineering comments noted in this staff report;
14. Compliance with all Urban Forestry comments noted in this staff report;
15. Compliance with all Fire Department comments noted in this staff report;
16. Submittal to and approval by Planning and Zoning of the revised Modified Planning Approval site plan prior to its recording in Probate Court, and the provision of one (1) copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
17. Full compliance with all municipal codes and ordinances.

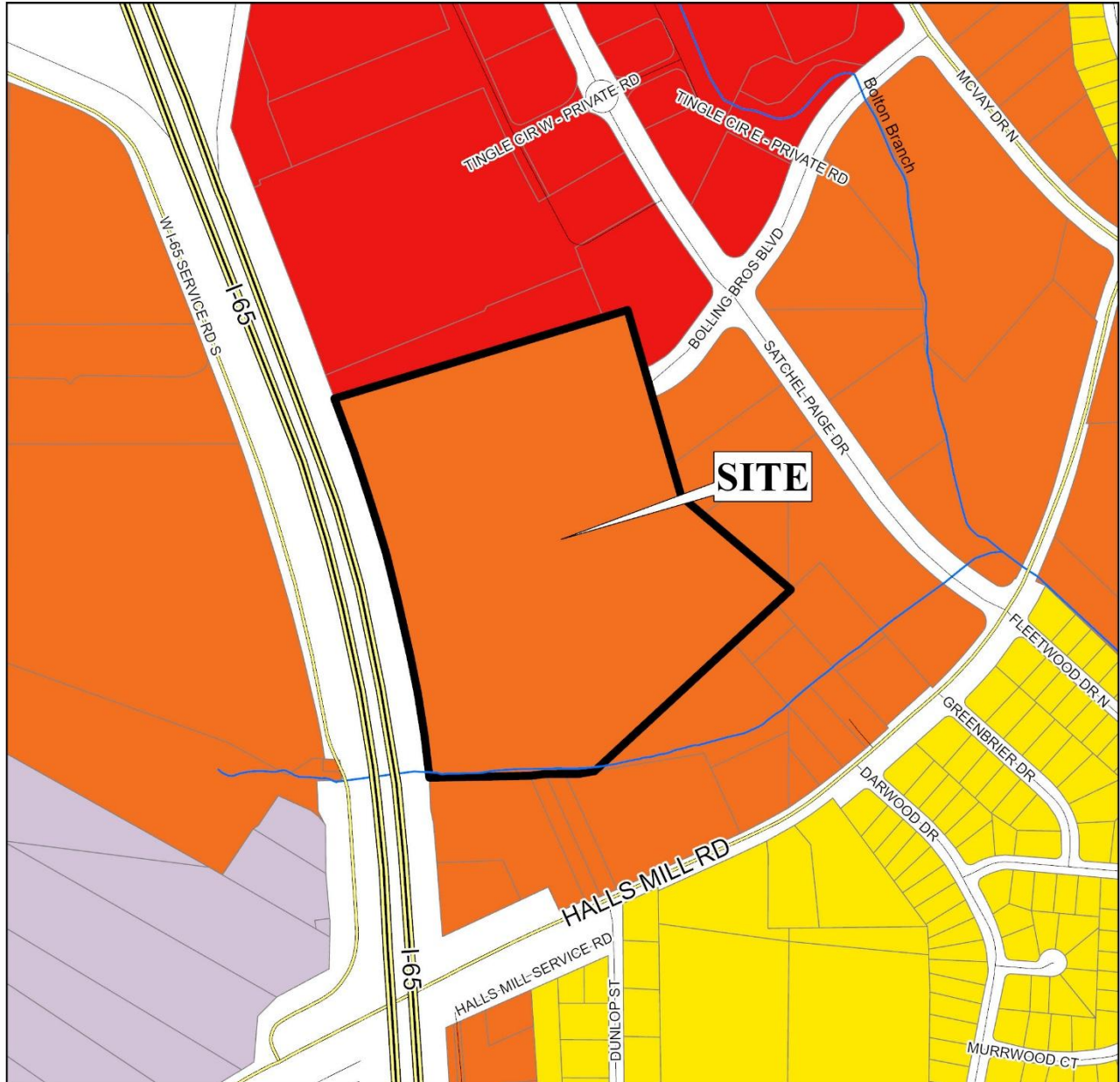
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



APPLICATION NUMBER 28 DATE July 16, 2026

APPLICANT 90/65 Commercial Park Subdivision

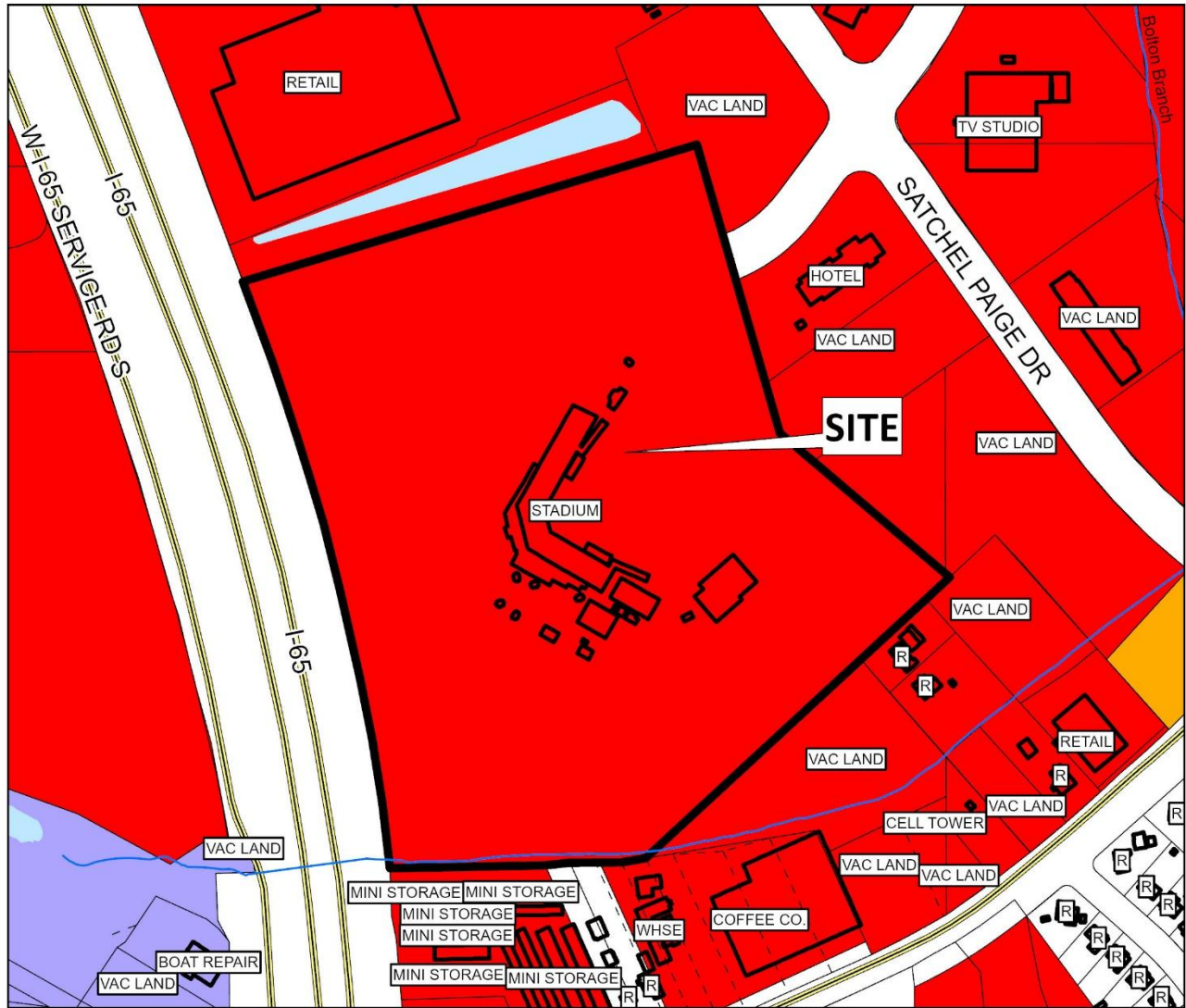
REQUEST Subdivision, PA Modification

- | | | | |
|---|--|---|---|
| ■ 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.

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APPLICANT 90/65 Commercial Park Subdivision

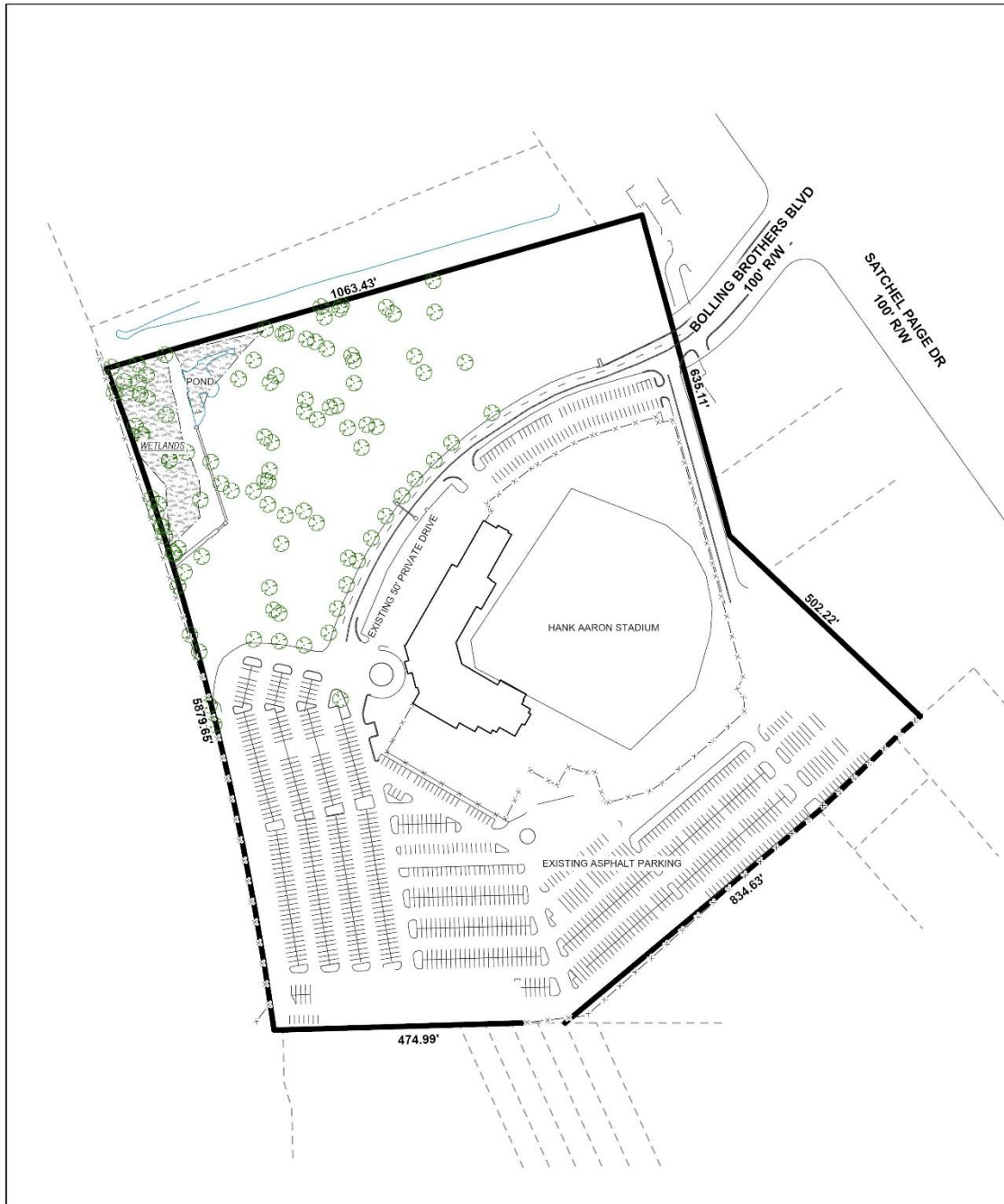
REQUEST Subdivision, PA Modification

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	



NTS

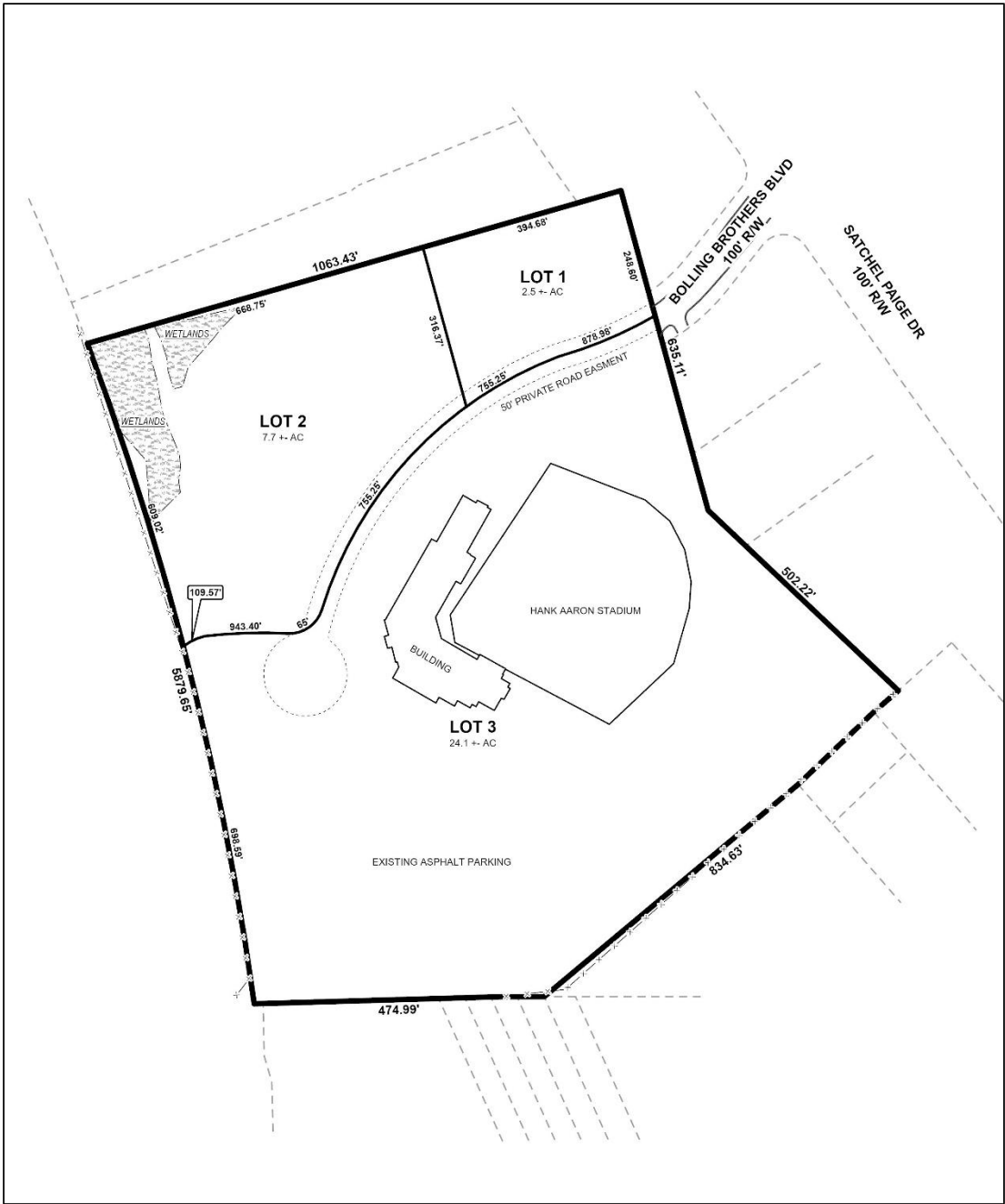
MODIFICATION SITE PLAN



The site plan illustrates existing structures, parking, and wetlands.

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SUBDIVISION SITE PLAN



The site plan illustrates proposed lots, existing structures, wetlands, and easements.

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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 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.

Development Intent

- › 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.

Land use mix

Primary Uses

- › Commercial
- › Office

Secondary Uses

- › Residential, Multifamily
- › Residential, Attached
- › Civic
- › Parks

Housing mix

- › Multifamily buildings
- › Attached residential such as duplexes, multiplexes, and townhomes

Character Example

