



Agenda Item # 1 - HOLDOVER ZON-UDC-003780-2026

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

1451 Cedar Crescent Drive

Applicant / Agent:

John S. Ray, Tenacious 4, LLC

Property Owner:

Tenacious 4, LLC

Current Zoning:

R-3, Multi-Family Residential Suburban District

Proposed Zoning:

R-3, Multi-Family Residential Suburban District

Future Land Use:

Low Density Residential

Neighborhood Meeting:

- A Neighborhood Meeting was not required because the application does not include a request to change the property's existing zoning classification.

Applicable Codes, Policies, and Plans:

- Unified Development Code
- Map for Mobile Comprehensive Plan

Proposal:

- Rezoning from R-3 Suburban to R-3 Suburban to remove a previous condition of rezoning approval limiting the number of mobile dwellings on the site to 133 units.
- **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.

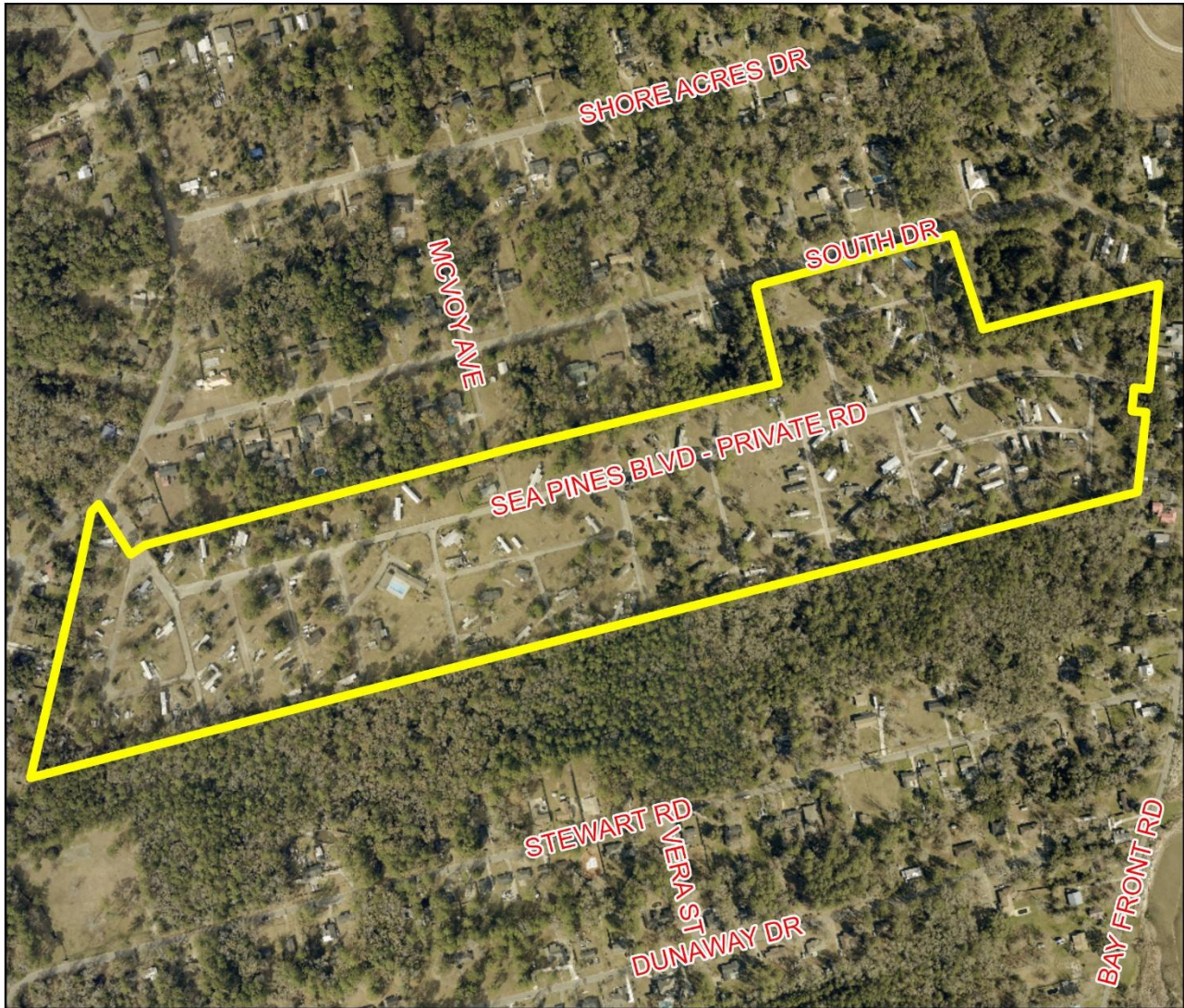
Commission Considerations:

1. Rezoning with one (1) condition.

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PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER	1	DATE	August 20, 2026
APPLICANT	John S. Ray, Tenacious 4, LLC		
REQUEST	Rezoning from R-3 to R-3		
			

HOLDOVER COMMENTS

The application was held over from the July 16 meeting to allow staff to determine the origin of the condition limiting the property to 133 mobile home dwellings. Review of the 2022 rezoning record found that the applicant's narrative stated: *"The current occupancy is 129 mobile homes with 4 available spaces and the management company imposed this number as the maximum spaces to be rented."* The 133-unit limitation was therefore identified by the applicant and subsequently codified as a condition of the rezoning ordinance adopted by the City Council in March 2022.

Based on the property's development and approval history, the mobile home park is considered a legal nonconforming use because it was never fully established in compliance with the conditions of the prior Special Exception, rezoning, and Variance approvals. The existing nonconforming use is limited to the 133 mobile home dwellings documented through the 2022 approvals. Because the prior approvals are no longer operative, the Board of Zoning Adjustment no longer has authority over the use or its associated conditions under the current Unified Development Code (UDC).

The pending rezoning is intended to remove the conditions associated with the prior approvals from the property's zoning and establish a clear regulatory framework moving forward. Removal of those conditions will not authorize an increase in the number of mobile home dwellings; the existing nonconforming use may continue with no more than 133 mobile home dwellings. It will, however, remove the previous conditions, including the buffering requirements, from the property's zoning and eliminate ambiguity regarding their continued applicability.

Any expansion beyond the existing 133 mobile home dwellings will require approval through the Conditional Use Permit process and compliance with all applicable current UDC requirements. This includes applicable subdivision, landscaping, tree planting, open space, parking, infrastructure, and other development requirements. The establishment of additional mobile home dwellings will also require applicable building, electrical, utility, and other permits.

The associated Variance recently considered by the Board of Zoning Adjustment will be addressed separately, with staff recommending withdrawal of the pending request at the September Board of Zoning Adjustment meeting.

HOLDOVER CONSIDERATIONS

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 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 IS recommended:

1. Full compliance with applicable codes and ordinances.

SITE HISTORY

Portions of the subject site were originally part of the *Campbell Tract* subdivision, the plat for which was recorded in the Mobile County Probate Court in 1876. Additional portions were later included within the *Bri-Cord Subdivision*, the plat for which was recorded in 1955. The property was annexed into the City of Mobile in 1956 and currently has a metes-and-bounds legal description.

At its June 20, 1970, meeting, the Board of Commissioners (City Council) approved the rezoning of the property to R-3, Multi-Family Residential District, subject to the entire site being enclosed with a storm fence and the installation of a ten (10)-foot-wide vegetative buffer around the perimeter. Shortly thereafter, at its July 13, 1970, meeting, the Board of Zoning Adjustment approved a Special Exception to allow the property to be developed as a mobile home park, subject to the same conditions.

The required fencing and buffering were never fully installed or maintained in accordance with the conditions of approval, resulting in numerous code enforcement actions over the years. In 1998, applications were submitted to amend the rezoning conditions to allow a privacy fence in lieu of the required storm fence and vegetative buffer; however, the associated Variance requests were denied by the Board of Zoning Adjustment, and the rezoning application subsequently expired without action by the City Council.

Prior to the adoption of the Unified Development Code (UDC) in 2023, the Zoning Ordinance allowed either a vegetative buffer or a privacy fence to satisfy buffering requirements. As such, portions of a privacy fence were installed over time; however, the site never achieved full compliance with the conditions of the 1970 Rezoning and Special Exception, and code enforcement issues continued.

At its January 10, 2022, meeting, the Board of Zoning Adjustment approved a Variance to waive the required buffer along the south property line, subject to construction of an eight (8)-foot-tall privacy fence along the east property line and compliance with the remaining conditions of the 1970 Rezoning. Because the Variance required modification of the original rezoning conditions, the Planning Commission subsequently considered a Rezoning application, which was approved by the City Council on March 15, 2022, subject to the following conditions:

1. Provision of an eight (8)-foot-tall privacy fence along the east property line, parallel to Bay Front Road.
2. Compliance with the remaining conditions of the 1970 Rezoning, including the required fencing and buffering along all remaining property lines, except the south property line.
3. A limit of one hundred thirty-three (133) mobile homes.
4. Compliance with all other applicable codes and ordinances.

Based on available records, permit history, aerial imagery, and recent Street View imagery, the site does not appear to have been brought into compliance with the 2022 conditions of approval beyond the fencing and vegetation that existed prior to the rezoning amendment.

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

STAFF COMMENTS

Engineering Comments:

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. A 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state.
5. 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.
6. 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.

7. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

Traffic Engineering Comments:

A traffic impact study will be required; this zoning change will increase the number of possible units to 449. 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:

The applicant requests rezoning of the subject property from R-3, Multi-Family Residential Suburban District to R-3, Multi-Family Residential Suburban District to remove a condition of a previous rezoning approval limiting the site to 133 mobile home dwellings.

In support of the request, the applicant states that the mobile home park was originally approved in 1970 with approximately 447 mobile home spaces and that the internal street network and utility infrastructure were constructed to serve that capacity. The applicant further contends that the 133-unit limitation imposed as part of the 2022 rezoning was based on information provided by the previous property management company and that

removing the condition would restore the site's originally approved capacity while retaining all other conditions of the 2022 rezoning. The applicant also asserts that approval of the request would provide additional affordable housing opportunities.

The subject site is surrounded by property zoned R-1, Single-Family Residential Suburban District to the north, east, and west, and R-3, Multi-Family Residential Suburban District to the south. Surrounding land uses are almost entirely single-family residential, except for Stewart Road Park, a city-maintained public park.

The Future Land Use Map (FLUM) of the Map for Mobile Comprehensive Plan designates the site as Low Density Residential. This designation is intended primarily for single-family residential neighborhoods while recognizing that other residential types may be appropriate in certain locations. Residential densities generally range from zero (0) to six (6) dwelling units per acre. While the existing mobile home park is an established use, increasing the permitted number of mobile home dwellings from 133 to approximately 447 would represent a substantial increase in development intensity that is not consistent with the intent of the Low Density Residential land use designation.

The site plan submitted with the application depicts 135 existing mobile home dwellings, exceeding the current maximum of 133 dwellings established as a condition of the 2022 rezoning. Staff also reviewed the plan submitted by the applicant, which the applicant states is the original 1970 development plan, and counted approximately 454 mobile home lots rather than the 447 spaces referenced in the application.

Regardless of the number of spaces originally approved, increasing the permitted number of mobile home dwellings from 133 to 447 would constitute an expansion of the existing development exceeding fifty (50) percent. Pursuant to Article 6 of the Unified Development Code (UDC), such an expansion would require compliance with current development standards, including creation of at least one (1) legal lot of record, compliance with tree planting and landscaping requirements, provision of the required open space for each mobile home dwelling, compliance with the maximum permitted density of 25 mobile home dwellings per acre, installation of sidewalks along public street frontages, compliance with off-street parking requirements, and compliance with current solid waste collection standards.

The site plan submitted with the application does not identify the proposed number or arrangement of mobile home dwellings following redevelopment, nor does it demonstrate compliance with the applicable provisions of the UDC. While rezonings are not site-plan specific, the requested amendment would authorize a substantial increase in development intensity without demonstrating that the site can comply with current development standards. Should the Planning Commission recommend approval of the requested amendment, staff believes any future expansion should be contingent upon submission and approval of a site plan demonstrating compliance with the applicable provisions of the UDC, unless relief is granted by the Board of Zoning Adjustment where permitted. Accordingly, the requested amendment should be evaluated not only in terms of the proposed increase in permitted mobile home dwellings, but also in light of the extent to which the existing development complies with the current provisions of the UDC.

The property's zoning history is also an important consideration. Although the applicant relies on the original 1970 approvals to support the request, the zoning conditions have been amended over time, most recently in 2022 when the City Council established a maximum of 133 mobile home dwellings. While the applicant contends that this limitation resulted from information provided by the previous property management company, the current request should be evaluated based on the property's existing zoning conditions and the criteria for amending the Official Zoning Map. Likewise, although the mobile home park was originally authorized by Special Exception in 1970, subsequent approvals have addressed site-specific development standards, including required buffering, fencing, and other zoning conditions, rather than the approved intensity of the use. The surrounding area has also evolved over the past five (5) decades into a predominantly single-family residential neighborhood. Accordingly, the request should be evaluated not only in the context of the original approvals, but also in light of the manner in which both the site and the surrounding area have developed over time.

The property also has a lengthy history of non-compliance with zoning conditions. Since the original 1970 Rezoning and Special Exception approvals, the required fencing and buffering have never been fully installed and maintained in accordance with the approved conditions, resulting in repeated code enforcement actions. Although those conditions were amended in 2022 to facilitate compliance, available records, permit history, aerial imagery, and recent Street View imagery indicate that the required improvements have not been completed. As such, the applicant is requesting an increase in the permitted development intensity while the property remains out of compliance with multiple conditions of the existing rezoning.

When evaluated against the criteria for amending the Official Zoning Map, staff finds that the applicant has not demonstrated changed or changing conditions that would support increasing the permitted development intensity of the site. Rather, the surrounding area has continued to develop predominantly as single-family residential since the original 1970 approvals, a pattern reflected in the Future Land Use Map and the property's subsequent zoning history. Furthermore, while the applicant contends that the site's infrastructure was originally constructed to accommodate a larger mobile home park, infrastructure capacity alone does not establish consistency with the Comprehensive Plan or compliance with the current provisions of the UDC.

While approval or denial of the zoning amendment ultimately rests with the Planning Commission and City Council, staff believes the request should be evaluated not only against the rezoning criteria established by the UDC, but also in light of the property's zoning history, its longstanding pattern of non-compliance with zoning conditions, and the evolution of the surrounding area since the original approvals were granted.

Finally, it should be noted that the existing mobile home park was approved by Special Exception under the former Zoning Ordinance, whereas mobile home parks are regulated differently under the UDC. Although the applicant seeks only to remove the condition limiting the site to 133 mobile home dwellings, the property's current zoning conditions include that limitation. Accordingly, removal of the condition would not necessarily restore the development intensity contemplated by the 1970 approvals. Rather, any proposal to increase the number of mobile home dwellings beyond the currently authorized maximum should be evaluated to determine whether additional approvals under the current UDC are required, such as a Special Exception or Conditional Use Permit, in addition to compliance with all applicable development standards.

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.

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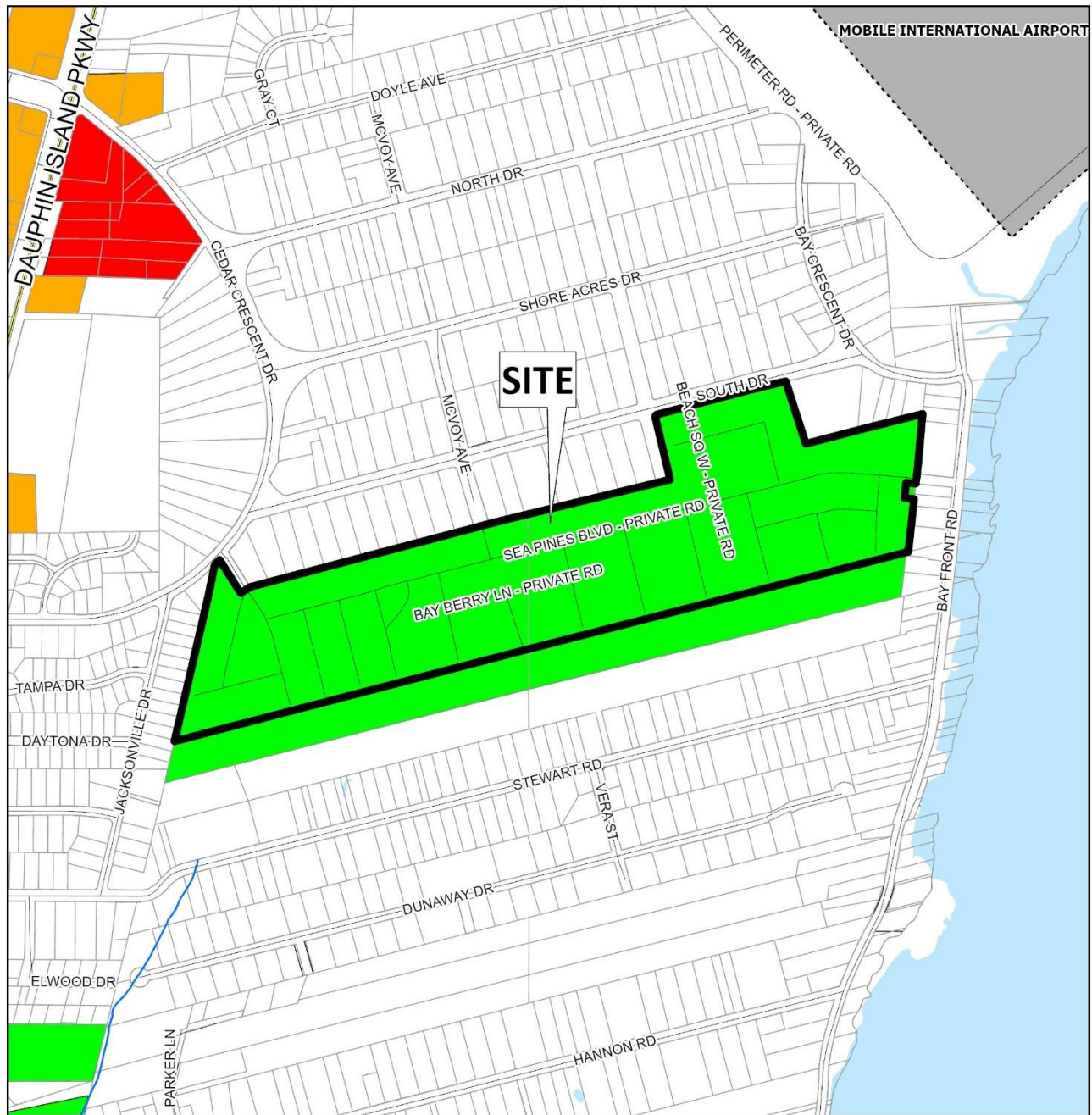
The applicant's responses to address the above criteria are available in the link on page one (1).

Considerations:

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

1. Completion of the subdivision process to create at least one (1) legal lot of record, unless evidence is submitted to and approved by the Planning and Zoning Department demonstrating that the property has existed in its current configuration since prior to 1962;
2. Submission and approval of a site plan demonstrating compliance with all applicable provisions of the Unified Development Code (UDC) prior to the issuance of permits for any additional mobile home dwellings, unless relief from such requirements is granted by the Board of Zoning Adjustment where permitted;
3. Obtaining any additional development approvals required under the Unified Development Code prior to the establishment of additional mobile home dwellings;
4. Compliance with all Engineering, Traffic Engineering, Urban Forestry, Fire Department, and other applicable agency comments noted in this staff report; and
5. Full compliance with all other municipal codes and ordinances.

LOCATOR ZONING MAP



APPLICATION NUMBER 1 DATE August 20, 2026

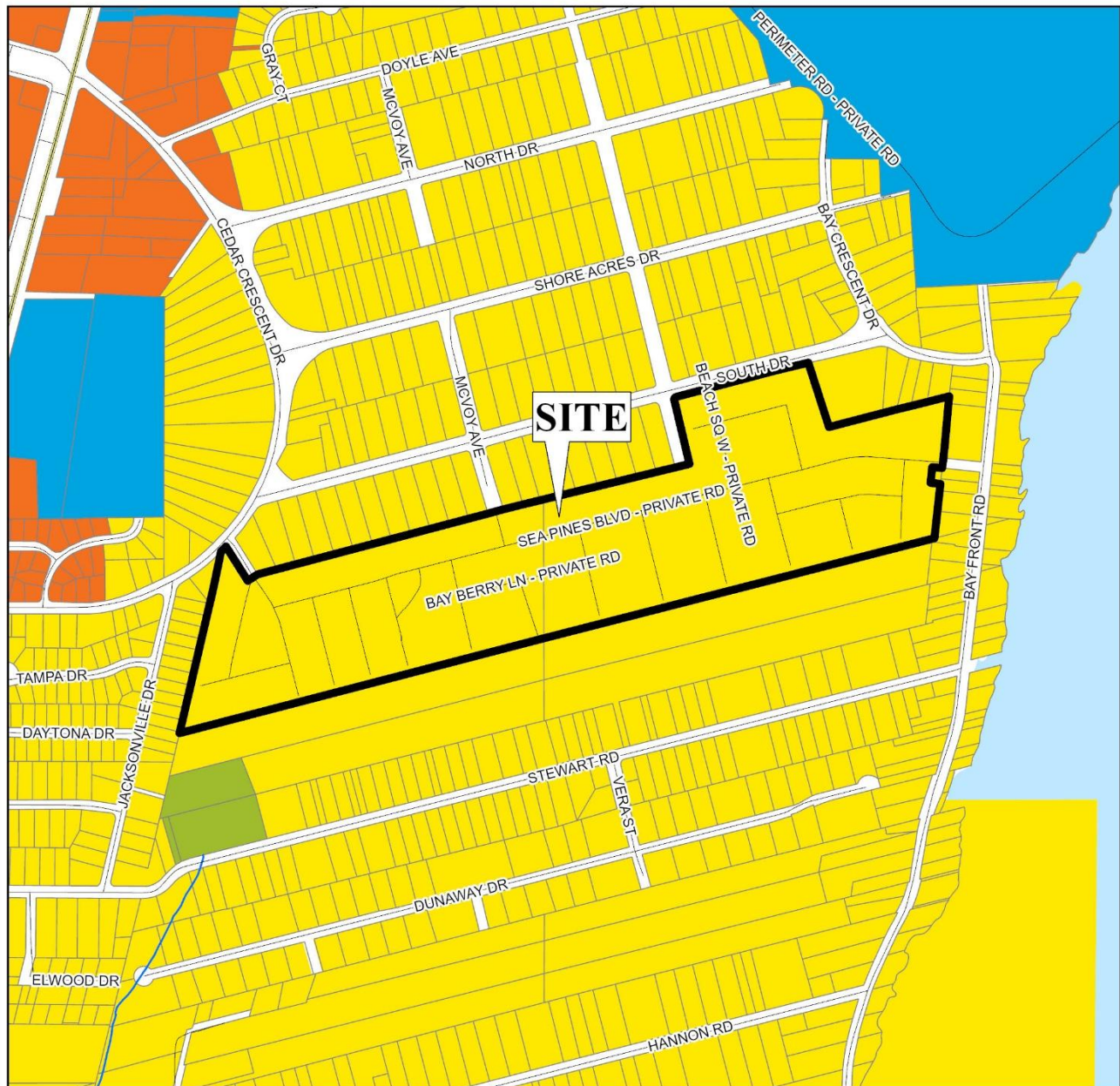
APPLICANT John S. Ray, Tenacious 4, LLC

REQUEST Rezoning from R-3 to R-3



NTS

FLUM LOCATOR MAP



APPLICATION NUMBER 1 DATE August 20, 2026

APPLICANT John S. Ray, Tenacious 4, LLC

REQUEST Rezoning from R-3 to R-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 residential units.

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APPLICANT John S. Ray, Tenacious 4, LLC

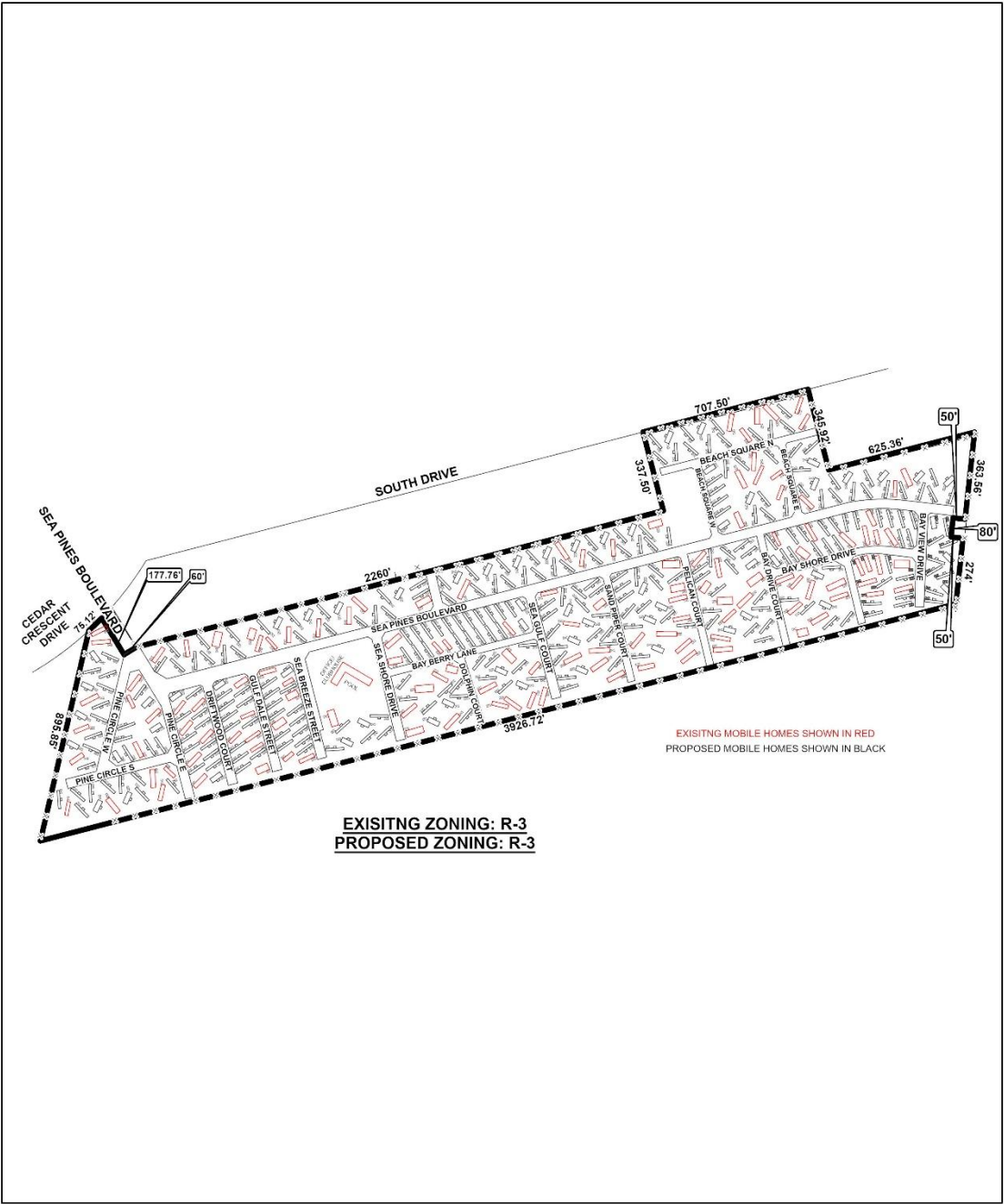
REQUEST Rezoning from R-3 to R-3

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

SITE PLAN



The site plan illustrates proposed homes, streets, and current buildings.

APPLICATION NUMBER	1	DATE	August 20, 2026
APPLICANT	John S. Ray, Tenacious 4, LLC		
REQUEST	Rezoning from R-3 to R-3		

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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

