



Agenda Item # 5 - HOLDOVER

ZON-UDC-003728-2026

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

97 Center Drive

Applicant / Agent:

Silvertone Enterprises, LLC (Casey Pipes, Helmsing Leach, P.C., Agent)

Property Owner:

Silvertone Enterprises, LLC

Current Zoning:

R-1, Single Family Residential Suburban District

Proposed Zoning:

R-3, Multi-Family Residential Suburban District

Future Land Use:

Mixed Density Residential

Neighborhood Meeting:

- A Neighborhood Meeting was required due to the proposed rezoning to a higher zoning classification.
- The meeting was held on March 26, 2026, at 5:00 p.m. at 6345 Old Shell Road.

Applicable Codes, Policies, and Plans:

- Unified Development Code
- Map for Mobile Comprehensive Plan

Proposal:

- Rezoning from R-1 Suburban to R-3 Suburban
- **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 5 DATE July 16, 2026
 APPLICANT Silvertone Enterprise, LLC (Casey Pipes, Helmsing Leach, P.C., Agent)
 REQUEST Rezoning from R-1 to R-3



HOLDOVER COMMENTS

The Planning Commission held over the request from its May 21 meeting to allow the applicant additional time to clarify the proposal and address questions raised by neighboring property owners regarding the proposed apartment density, building locations, and overall site design. While an additional neighborhood meeting was not required, the Commission noted that the holdover would provide an opportunity for the applicant to engage further with surrounding property owners and address their concerns.

No revisions to the application have been submitted since the May 21 meeting, and staff is unaware of any additional neighborhood meetings conducted by the applicant. However, on June 8, the applicant submitted a notarized Voluntary Conditions and Use Restrictions form that would limit the property to residential use and restrict development to a maximum of 32 bedrooms. If approved, these restrictions would run with the property and remain in effect unless removed through a future rezoning action.

If the rezoning request is approved by the City Council, the Voluntary Conditions and Use Restrictions form should be recorded in the Mobile County Probate Court concurrent with the adopted rezoning ordinance.

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 recommends approval of the rezoning request to the City Council, the following conditions should apply:

1. Recording of the Voluntary Conditions and Use Restrictions form in the Mobile County Probate Court concurrent with the City Council-approved rezoning ordinance; and
2. Full compliance with all applicable municipal codes and ordinances.

SITE HISTORY

The site was originally part of the *Western Hills Subdivision*, the plat for which was recorded in the Mobile County Probate Court in January 1940. The site was later part of the *Alday Subdivision*, the plat for which was recorded in December 1965.

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

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. 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:

The applicant is requesting to rezone the subject property from R-1, Single-Family Residential Suburban District, to R-3, Multi-Family Residential Suburban District, to allow the construction of two (2) multi-family apartment buildings. A detailed description and justification of the request are provided in the applicant's narrative, accessible via the link on Page 1 of this report.

The subject site is bordered by properties zoned R-3, Multi-Family Residential Suburban District, to the north, east, and west, and by property zoned R-1, Single-Family Residential Suburban District, to the south.

The submitted site plan depicts two (2), two-story apartment buildings, each containing four (4) dwelling units with four (4) bedrooms per unit. The plan also illustrates 36 parking spaces, concrete pedestrian walkways, a 24-foot-wide drive aisle, and a privacy fence along the southern property line. A note on the site plan indicates that a compliant landscaping plan will be submitted at the time of permitting. Any future development of the site must comply with all applicable building and site design standards of Article 3 of the Unified Development Code (UDC).

The site is located within the University District, which requires one (1) parking space per bedroom, plus an additional 10 percent of the total required spaces. Based on the proposed development, 36 parking spaces are required and have been provided.

It should be noted that the proposed development spans two existing lots and may require subdivision approval to combine the properties into a single legal lot of record.

Any proposed signage will be required to comply with the UDC and obtain separate permitting through the Planning and Zoning Department.

The applicant states that the proposed rezoning is consistent with the Comprehensive Plan and the Future Land Use Map (FLUM), which designates the area as Mixed-Density Residential. This designation encourages a mix of housing types, including multi-family residential development, particularly in traditional urban neighborhoods near institutional and commercial uses.

The applicant further cites changing conditions in the area, including continued enrollment growth at the University of South Alabama and increasing demand for student-oriented housing near campus. The applicant also notes that surrounding properties to the north, east, and west are already zoned R-3 and references a broader trend of multi-family rezonings and development within the University Overlay District and along Old Shell Road.

Staff acknowledges that the proposed R-3 zoning classification is generally consistent with the Mixed-Density Residential FLUM designation, which contemplates a range of residential housing types and densities. Additionally, the site's proximity to the University and surrounding multi-family development supports the applicant's argument regarding changing conditions and increased demand for multi-family housing in the area. However, while the Comprehensive Plan and FLUM serve as guiding policy documents, rezoning requests must also be evaluated based on compatibility with surrounding development patterns, potential impacts to nearby residential properties, infrastructure capacity, and the broader public interest.

The applicant has not alleged that the original zoning classification was established in error. Rather, the request is primarily justified on the basis of changing conditions in the area and the increasing need for multi-family housing associated with the University of South Alabama.

Overall, the applicant has provided justification addressing several of the rezoning criteria contained in Section 64-5-5.E. of the UDC, particularly with respect to consistency with the FLUM, changing conditions in the area, and increasing housing demand near the University.

REZONING CONSIDERATIONS

Standards of Review:

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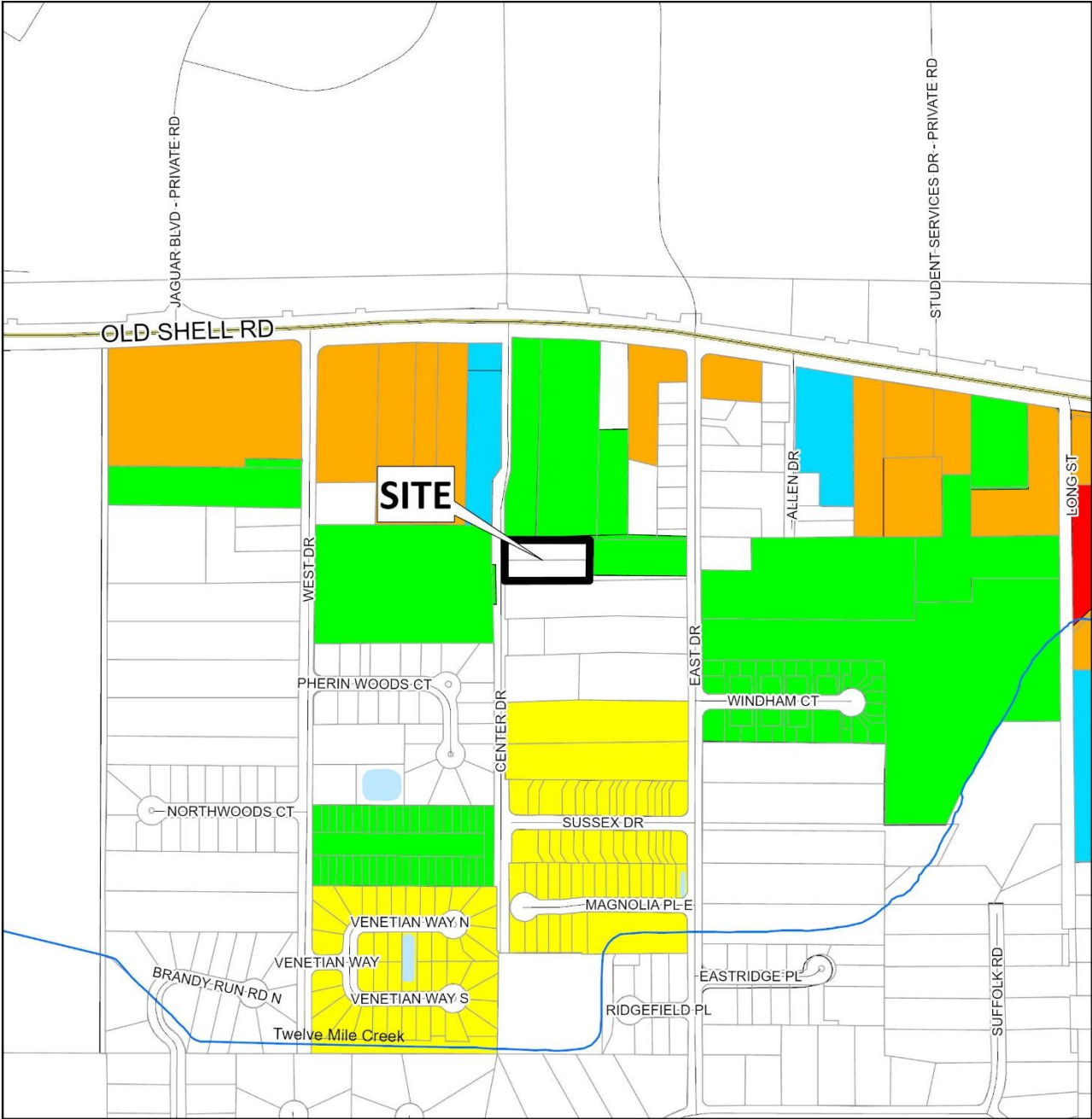
The applicant's responses to address the above criteria are available in the link on page one (1).

Considerations:

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

1. Full compliance with all municipal codes and ordinances.

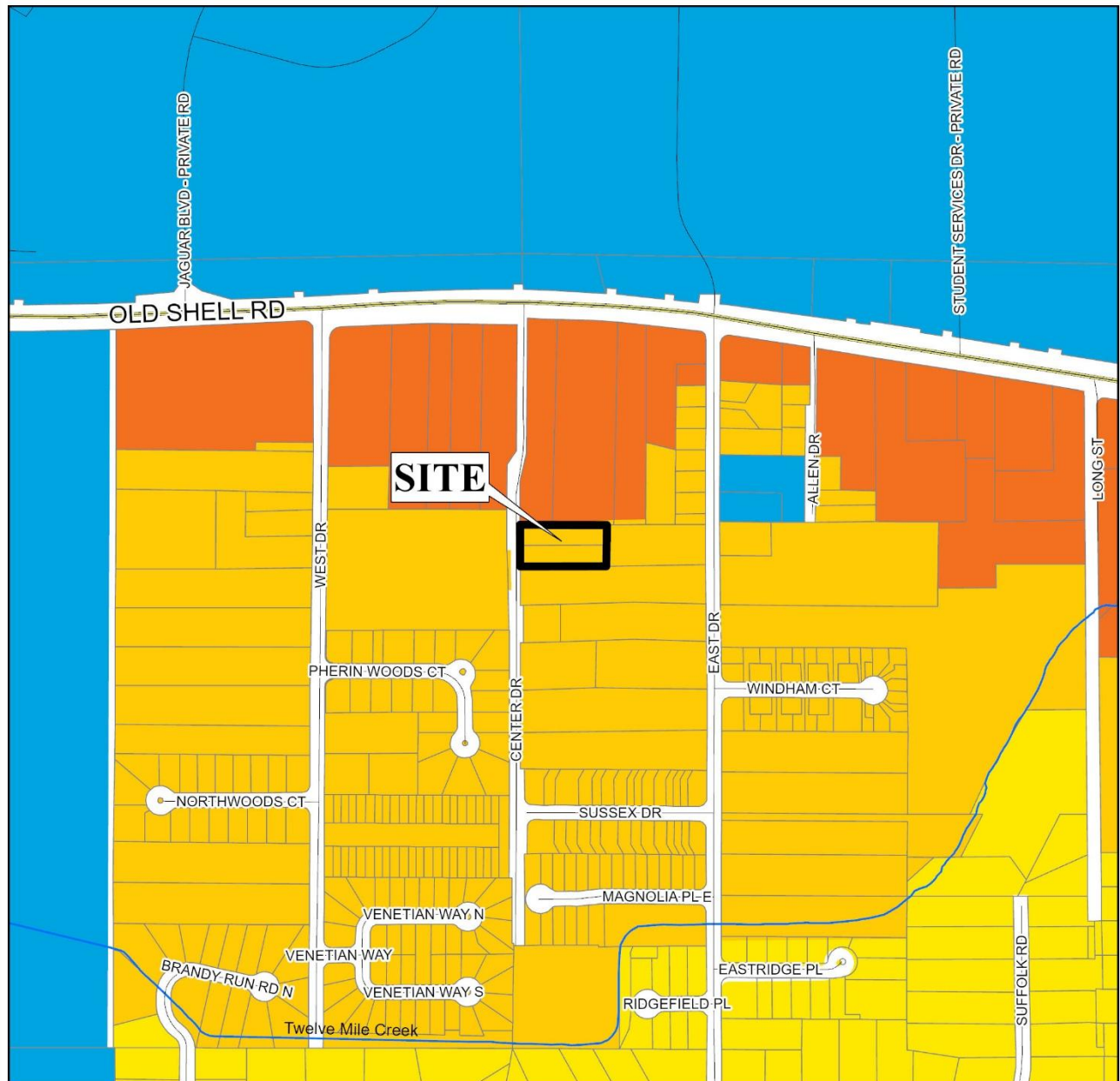
LOCATOR ZONING MAP



APPLICATION NUMBER 5 DATE July 16, 2026
APPLICANT Silvertone Enterprise, LLC (Casey Pipes, Helmsing Leach, P.C., Agent)
REQUEST Rezoning from R-1 to R-3



FLUM LOCATOR MAP



APPLICATION NUMBER 5 DATE July 16, 2026
 APPLICANT Silvertone Enterprise, LLC (Casey Pipes, Helmsing Leach, P.C., Agent)
 REQUEST Rezoning from R-1 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 | |



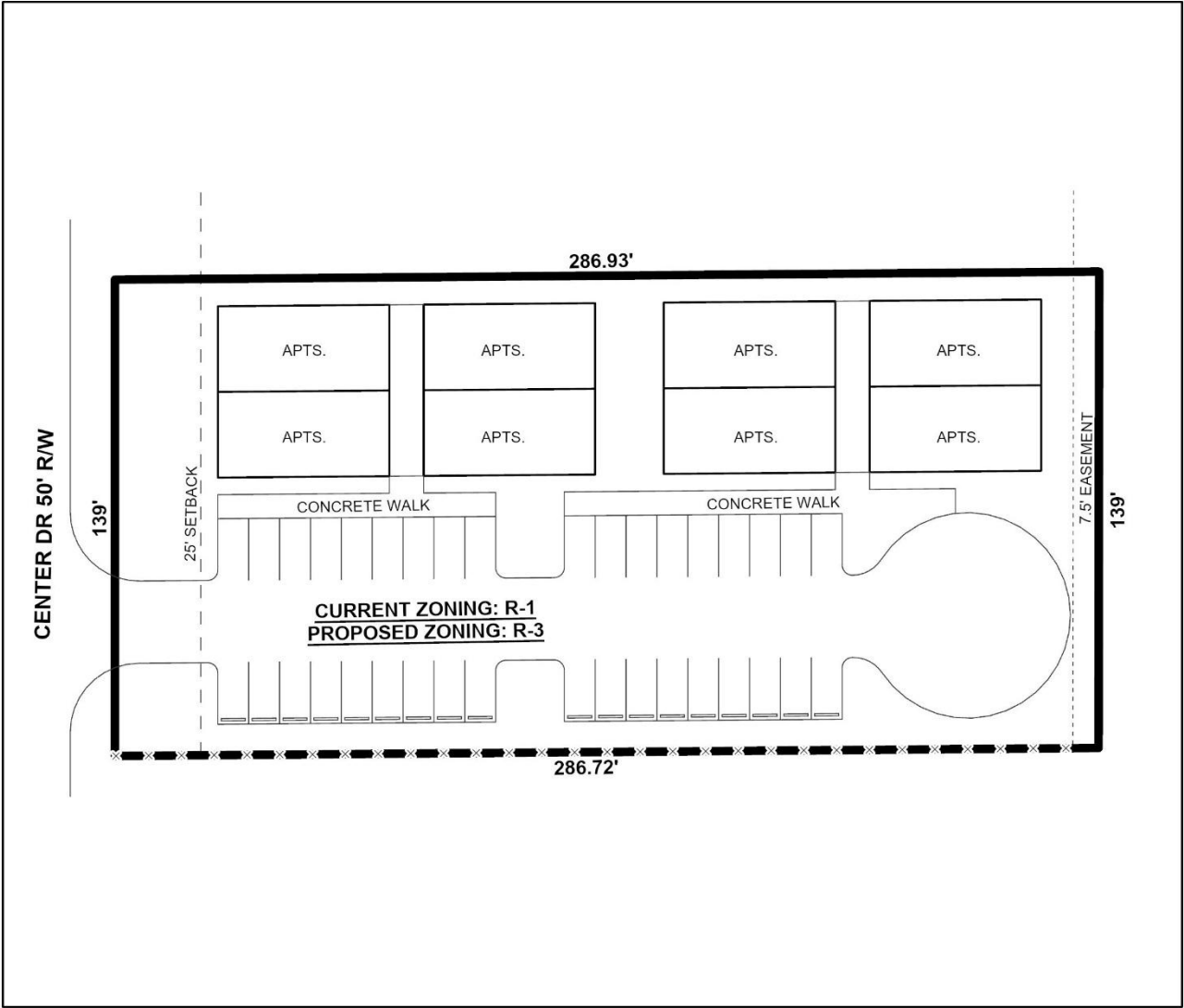
PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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R-1	R-2	R-3	B-1	B-2	B-3	B-4	B-5	B-6	ML	I-1	I-2	I-3	PD	SD	SD-WH	T-1	T-2	T-3	T-4	T-5.1	T-5.2	T-6																									
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SITE PLAN



The site plan illustrates proposed apartments, setbacks, and parking.

APPLICATION NUMBER	5	DATE	July 16, 2026
APPLICANT	Silvertone Enterprise, LLC (Casey Pipes, Helmsing Leach, P.C., Agent)		
REQUEST	Rezoning from R-1 to R-3		
N NTS			

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

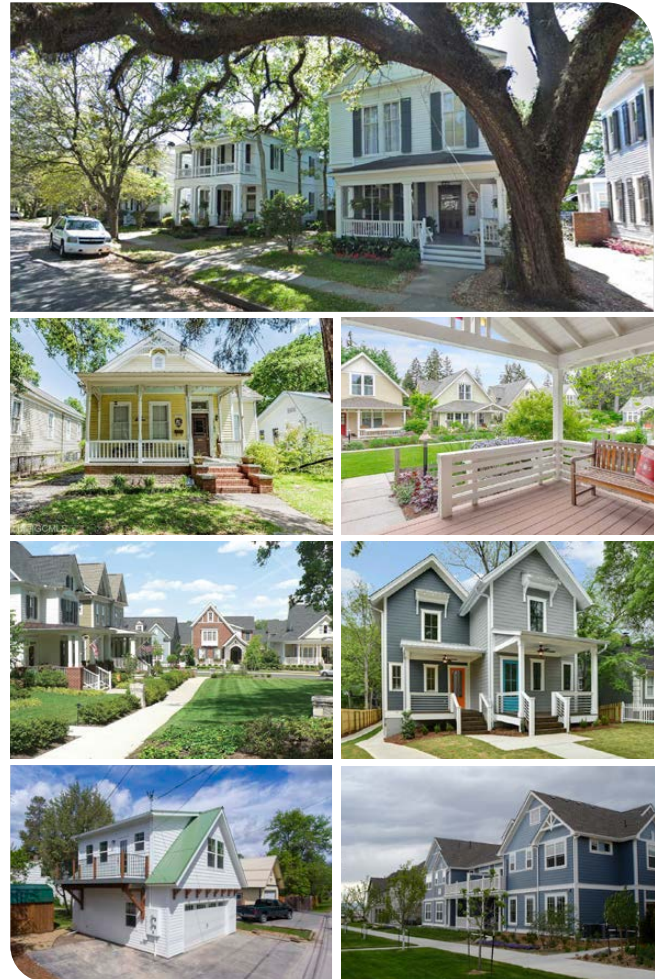
Secondary Uses

- › 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