



Agenda Item # 26

ZON-UDC-003784-2026

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

West side of Weinacker Avenue, 151'± North of
Virginia Street

Applicant / Agent:

MG Property Services, LLC

Property Owner:

Mark Gay

Current Zoning:

R-1, Single Family Residential Urban District

Proposed Zoning:

R-2, Two-Family Urban 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 June 24, 2026, at 5:00 p.m. at Ben May Main Public Library (701 Government Street).

Applicable Codes, Policies, and Plans:

- Unified Development Code
- Map for Mobile Comprehensive Plan

Proposal:

- Rezoning from R-1 Urban to R-2 Urban
- **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	26	DATE	July 16, 2026
APPLICANT	MG Property Services, LLC		
REQUEST	Rezoning from R-1 to R-2		



SITE HISTORY

The site was originally part of the *Porter's Second Addition Subdivision*, as Lot 6 and 7, the plat for which was recorded in the Mobile County Probate Court in July 1898.

This site was later annexed into Mobile City Limits in 1915.

There are no Planning Commission or any 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).
1. 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.
2. 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.
3. 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.
4. 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.
5. 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 Urban District, to R-2, Two-Family Residential Urban District, to allow a duplex on each lot. 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.

A Neighborhood Meeting was conducted in accordance with Article 5, Section 64-5-4 of the Unified Development Code due to the request for rezoning to a higher zoning classification. The meeting was properly advertised, and notice of the date, time, and location was mailed to all property owners within 300 feet of the subject site. The meeting was held on June 24, 2026, at 5:00 p.m. at the Ben May Main Public Library. According to the sign-in sheet provided by the applicant, nine (9) members of the public attended. The meeting remained open until 6:30 p.m., satisfying the requirement that Neighborhood Meetings be scheduled for a minimum of one (1) hour. The applicant submitted all required Neighborhood Meeting documentation within the prescribed timeframe prior to the Planning Commission meeting and executed the required checklist attesting to the accuracy and completeness of the information provided.

The subject site is bordered by properties zoned R-1, Single Family Residential Urban District, to the South, East, and West, and by property zoned R-2, Two-Family Residential Urban District, to the North.

It should be noted that the property to the North was rezoned from B-2 to R-2 in 2005 to allow a duplex.

The submitted site plan illustrates a 2,805 square-foot duplex on both Lots 6 and Lot 7. There is an access easement (to be recorded) illustrated on the site plan that extends from Weinacker Avenue and facilitates cross access between the lots.

A 5-foot minimum building setback line is illustrated on the site plan along the side, front and rear property lines. It should be noted that the site is located within the Leinkauf Historic District Overlay (HDO), where front yard setbacks are required to be consistent with structures located on the same side of the street within 150-feet of a proposed building site, measured in both directions and exclusive of right-of-way. The front yard maximum setback shall be no greater than the setback of any existing structure on the same side of the street within the same block face, but in no event more than 25 feet, per Article 14 of the Unified Development Code. The site plan illustrates each building setback approximately 50 feet or more. Compliant setbacks will be evaluated at the time of permitting.

Article 3, Section 64-3-12 of the Unified Development Code (UDC) requires 1.5 parking spaces per dwelling unit. The site plan depicts eight (8) parking spaces (four (4) spaces on each lot). Parking circulation and access and maneuvering will be reviewed at the time of permitting and will be required to meet the requirements of Article 3, Section 64-3-12 of the UDC.

It should be noted that full compliance with the UDC will be required at the time of any additional proposed development.

The site plan provides a table indicating 48.17% landscape area for Lot 6 and 49.17% landscape area for Lot 7. Per Section 64-3-7 of the UDC, R-2 properties are not subject to tree and landscaping requirements.

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

The applicant has noted changes in conditions in the surrounding area as justification for the rezoning request. They state that the area has *“experienced continued residential reinvestment and the demand for additional housing options, making a duplex zoning appropriate and desirable.”*

This site has a Mixed-Density Residential land use designation, per the Future Land Use Map (FLUM). Staff acknowledges that the proposed R-2 zoning classification is generally consistent with the Mixed-Density Residential FLUM designation, which contemplates a range of residential housing types and densities as well as small office and commercial uses. Additionally, the site’s proximity to the existing R-2 property supports the applicant’s argument regarding changing conditions 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 additional housing options in the area.

Overall, the applicant has provided justification addressing one or more of the rezoning criteria contained in Section 64-5-5.E. of the UDC, primarily the changing conditions in the area.

While not required for approval of the request, it should be reiterated that the future development of the site must comply with all applicable codes and ordinances. Such compliance must be illustrated on any/all plans submitted for any associated development permits.

REZONING 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 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.

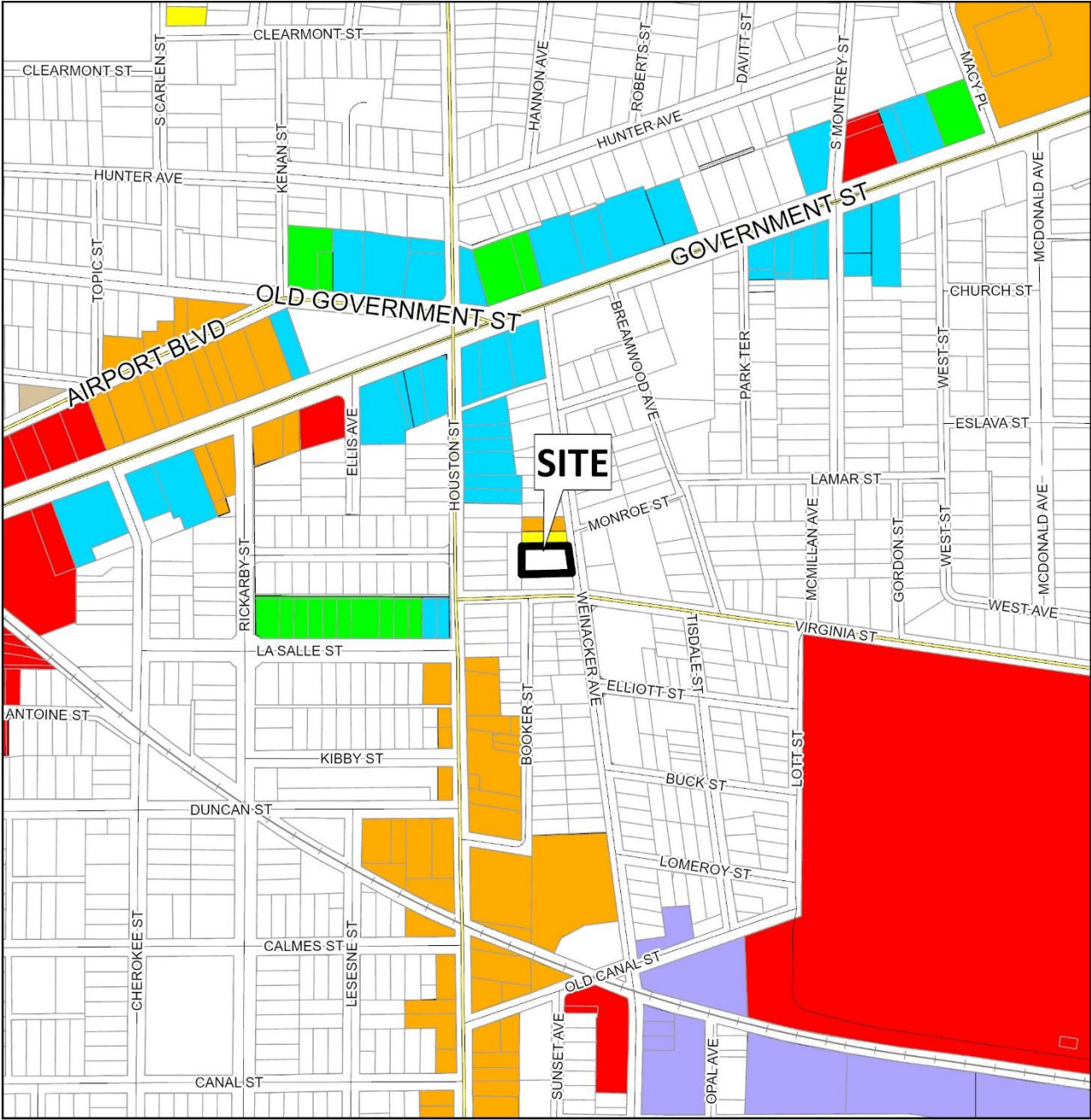
The applicant's responses to address the above criteria are available in the link on page one (1).

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.

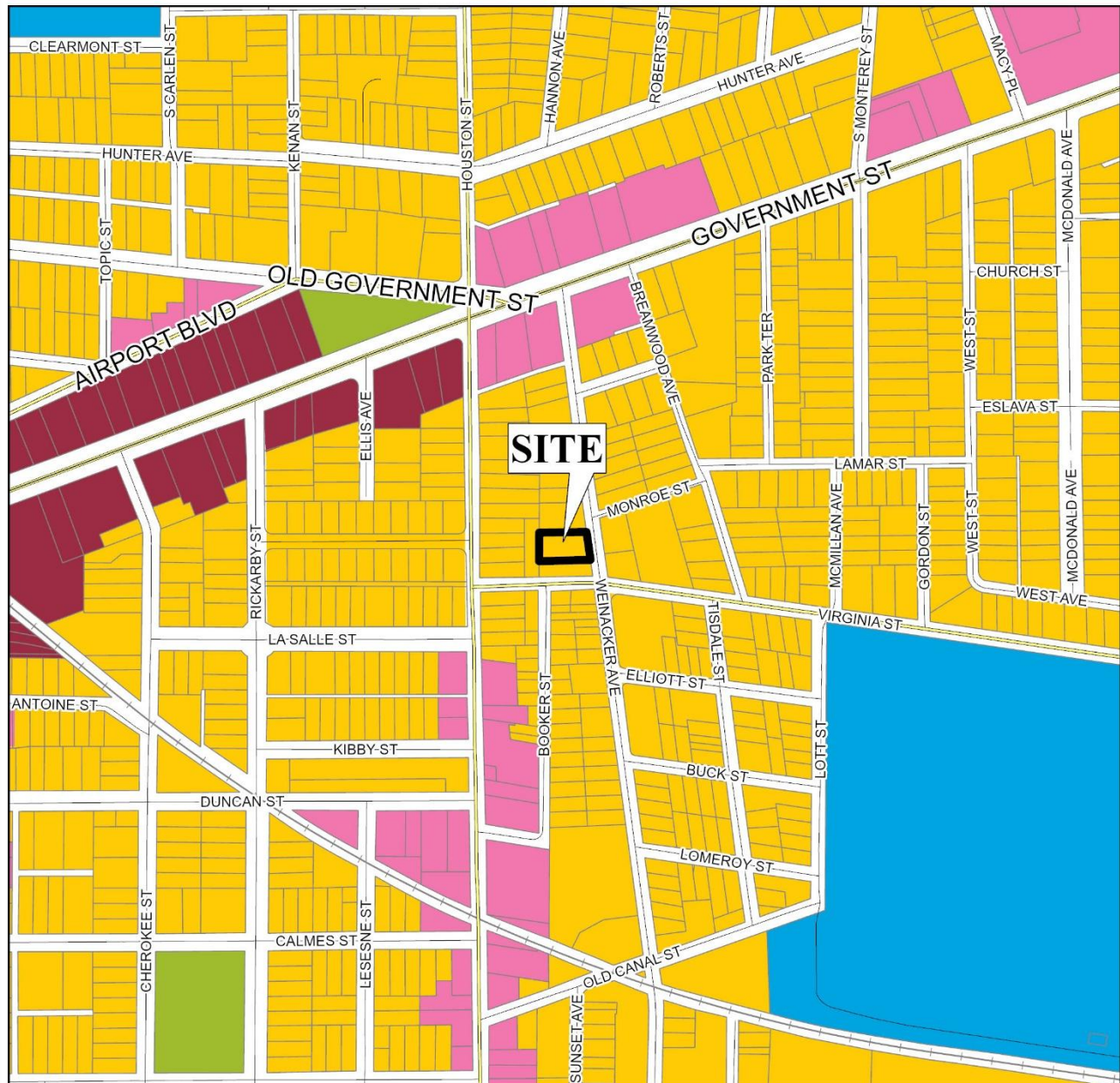
LOCATOR ZONING MAP



APPLICATION NUMBER	26	DATE	July 16, 2026
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REQUEST	Rezoning from R-1 to R-2		


NTS

FLUM LOCATOR MAP



APPLICATION NUMBER 26 DATE July 16, 2026

APPLICANT MG Property Services, LLC

REQUEST Rezoning from R-1 to R-2

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



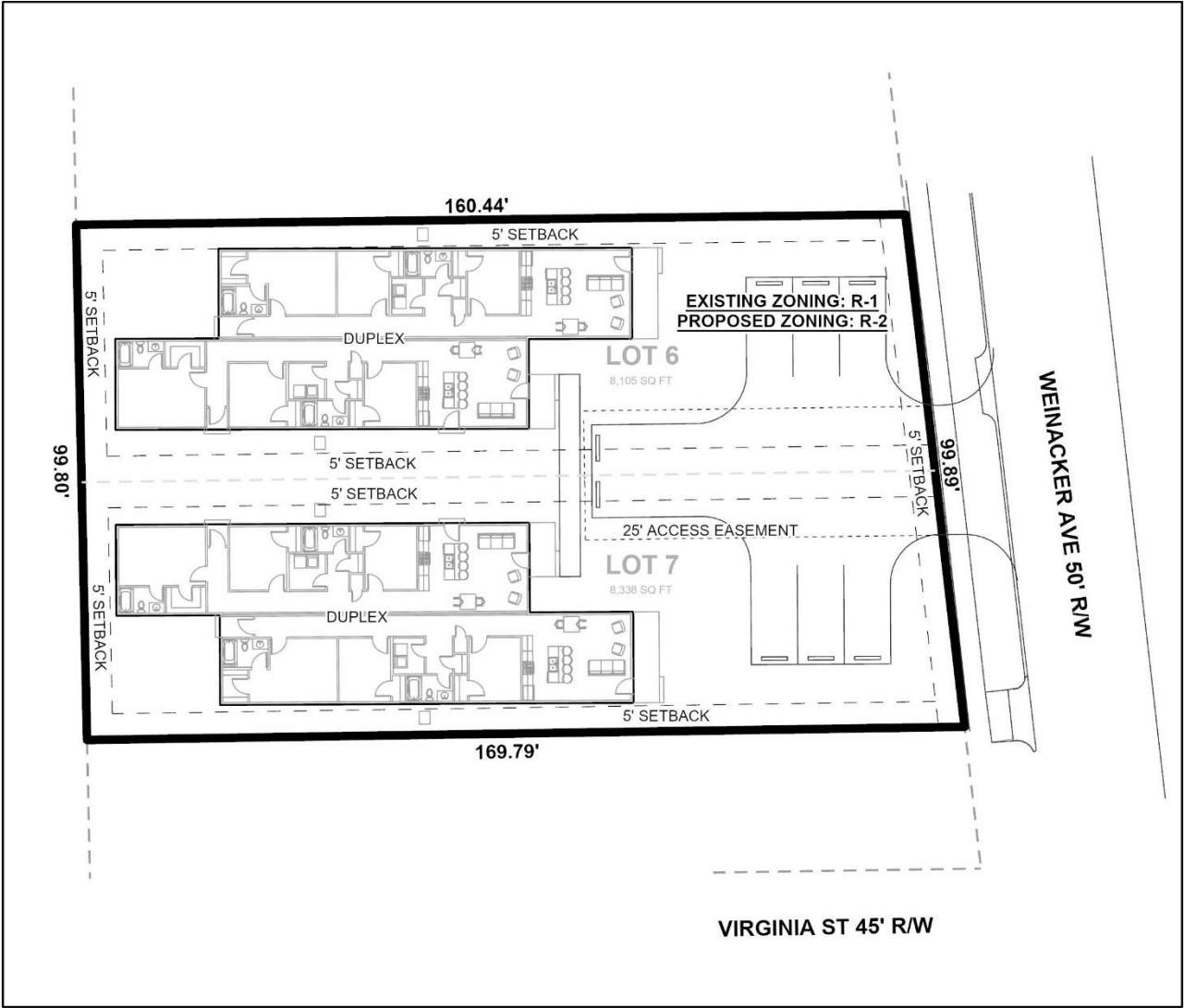
PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1																								

SITE PLAN



The site plan illustrates proposed duplexes, proposed zoning, parking, and setbacks.

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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 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

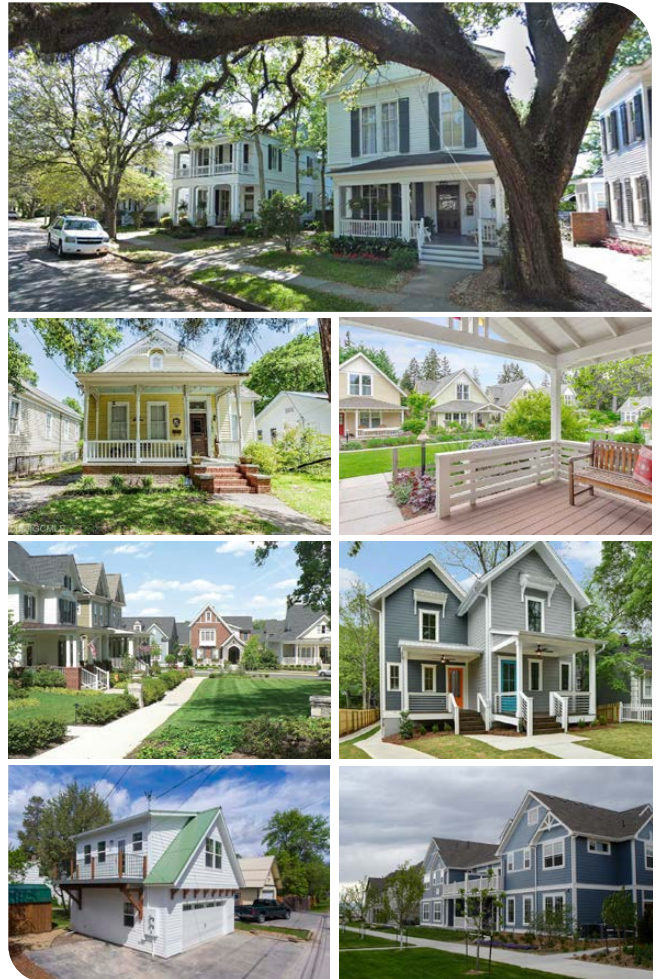
Secondary Uses

- 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