



Agenda Item # 10

SUB-003211-2025

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

1408 Cody Road North

Subdivision Name:

The Villas at Cody Crossing Subdivision

Applicant / Agent:

Amanda Crose, Elliott Land Developments, LLC

Property Owner(s):

Elliott Land Developments, LLC

Current Zoning:

R-3, Multi-Family Residential Suburban District

Future Land Use:

Mixed Density Residential

Applicable Codes, Policies, and Plans:

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

Proposal:

- Subdivision approval to create 229 legal lots of record from two (2) metes-and-bounds parcels.

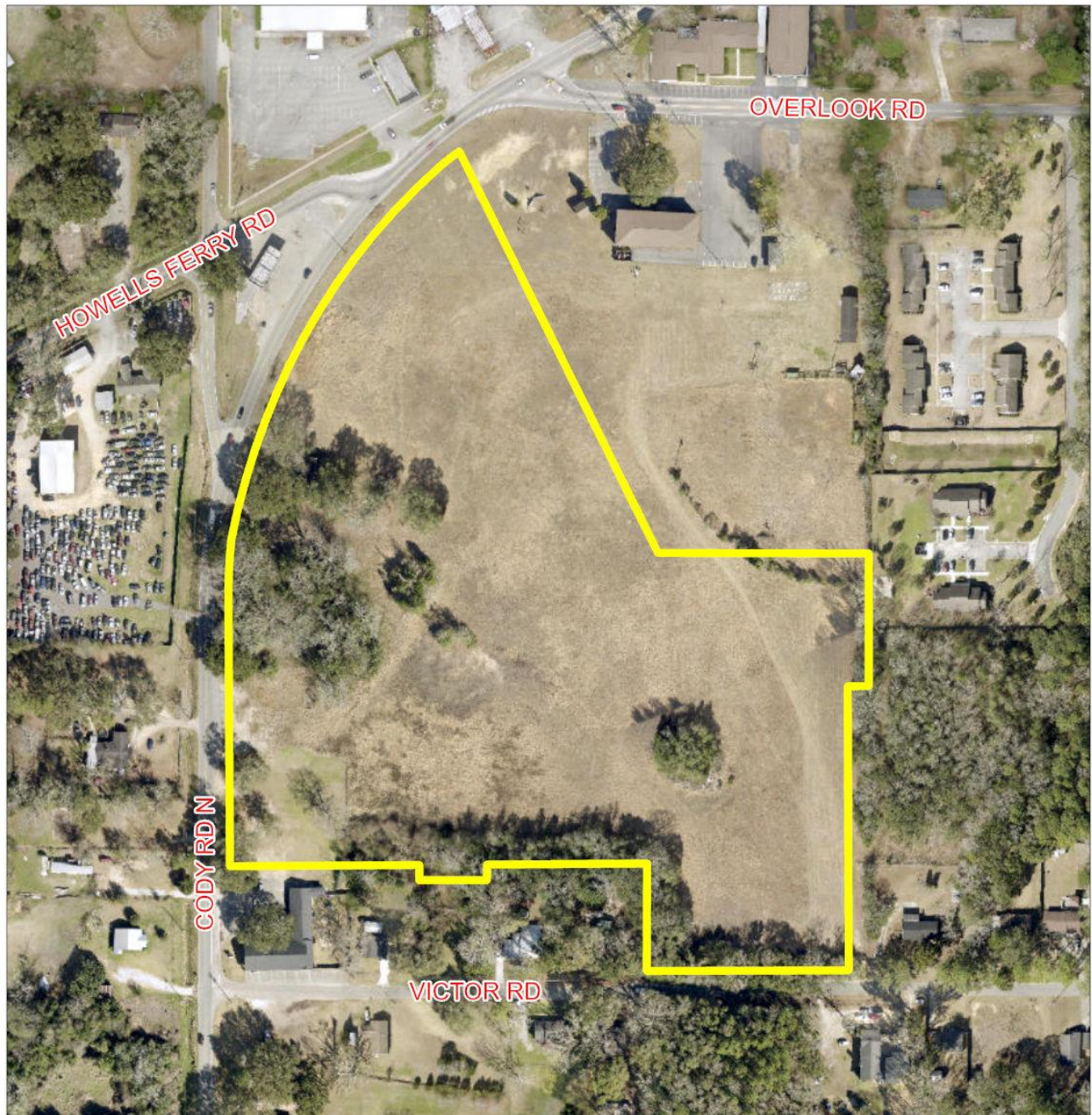
Commission Considerations:

1. Subdivision proposal with eighteen (18) conditions.

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THE VILLAS AT CODY CROSSING SUBDIVISION



APPLICATION NUMBER 10 DATE February 20, 2025



SITE HISTORY

The site was annexed into Mobile City limits in 1956.

A portion of the site was the subject of a Use Variance application requesting a wrecker service on an R-1 zoned property. The Board of Zoning Adjustment denied the request at its April 5, 1975 meeting.

At its April 19, 2007 meeting, the Planning Commission denied a request for a 62-lot subdivision of the site due to inadequacies with the preliminary plat that were not addressed by the applicant before the meeting. Later, at its May 3, 2007 meeting, the Planning Commission approved a similar request for a 62-lot subdivision. A one (1)-year extension of the May 2007 approval was granted in February 2008, but was allowed to expire before the subdivision process was completed.

At its July 10, 2008 meeting, the Planning Commission approved Subdivision, Planned Unit Development (PUD), and Rezoning requests for: a one (1)-lot subdivision; an apartment complex with multiple buildings on a single building site; and a rezoning from R-1 and B-2 to R-3, Multi-Family Residential District, to allow use of the property as an apartment complex. While the rezoning to R-3 was adopted by City Council at its August 19, 2008 meeting, the Subdivision and PUD approvals were allowed to expire before the subdivision process was completed, and before any development permits were obtained.

It should be noted that the rezoning to R-3 was subject to the following conditions: 1) dedication of sufficient right-of-way to provide a minimum of 50-feet from the centerline of Cody Road; 2) the provision of an 8-foot high wooden privacy fence where the site abuts R-1, Single-Family Residential; and 3) full compliance with all municipal codes and ordinances.

At its September 15, 2022 meeting, the Planning Commission approved Subdivision and Rezoning requests to subdivide the subject site and an adjacent lot to the North, abutting Overlook Road, into three (3) lots, and to rezone the property from R-3 and B-1, to R-1 and B-1. The following month, at its October 20, 2022 meeting, the Planning Commission approved another Subdivision request to further subdivide one of the lots approved in September 2022 into 74 lots; however, all of the approvals from September 2022 and October 2022 were allowed to expire.

At its February 22, 2024 meeting, the Planning Commission approved a one (1)-lot Subdivision for the subject site; however, the plat has not been provided to staff for signature, and is currently set to expire on February 22, 2025.

No other Planning Commission or Board of Adjustment cases have been associated with the site.

STAFF COMMENTS

Engineering Comments:

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 proposed street names for review and approval.
- C. Label each proposed ROW as PUBLIC or PRIVATE.

- D. Label the proposed ROW width(s).
- E. Label each separate Common Area with a unique designator (i.e. 1, 2). There appears to be 15 of them. Some of them are not labeled.
- F. No parking is allowed within the ROW.
- G. The cul-de-sac ROW radius is required to be 60'.
- H. Provide reference, on the map and the description, to a monumented corner.
- I. Provide and label the monument set or found at each subdivision corner.
- J. Provide an updated Plat for review after labeling the proposed centerlines and ROWs that will meet the current Subdivision Regulations.
- K. Provide a written legal description and matching bearing and distance labels for the proposed subdivision boundary.
- L. Revise the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information.
- M. Show and label each and every Right-Of-Way and easement.
- N. Provide a table of "PROPOSED WEIGHTED RUNOFF COEFFICIENT (Cw)" for each LOT. This number will be used to review the land disturbance permit for each structure.
- O. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- P. Provide the Surveyor's Certificate.
- Q. Provide the Surveyor's and Owner's (notarized) signatures.
- R. 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.
- S. 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.
- T. 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.
- U. 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.
- V. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- W. 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 prior to obtaining any signatures. No signatures are required on the drawing.

Traffic Engineering Comments:

A traffic impact study will be required. 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 within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 International Fire Code). Fire apparatus access is required to be within 150' of all non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

Planning Comments:

The purpose of this application is to create a 229-lot private street subdivision from two (2) metes-and-bounds parcels. The site is served by public water and sanitary sewer.

The site has frontage along Cody Road North and Victor Road. Cody Road North is a Major Collector street without curb and gutter requiring a 100-foot right-of-way, and Victor Road is a minor street with a ribbon curb and gutter requiring a 50-foot right-of-way. The Preliminary Plat depicts a varying right-of-way along Cody Road North and a substandard, 45-foot right-of-way along Victor Road. As mentioned, Cody Road North requires a 100-foot right-of-way. Furthermore, rezoning of the property to R-3 required dedication sufficient to provide 50-feet from the centerline of Cody Road. As such, if approved, the plat should be revised to depict compliance with this requirement. Regarding Victor Road, if approved, the plat should be revised to illustrate dedication sufficient to provide 25-feet from its centerline.

The site is proposed to be developed with single-family dwellings along new private streets, which are proposed to have reduced lot sizes, reduced setbacks, increased site coverage, and a reduced amount of Common Area. The applicant has an application on the March 10, 2025 Board of Zoning Adjustment agenda to have these items considered. If the Subdivision is approved and the associated variances are denied, the resulting lots will be required to be developed with standard setbacks and site coverage as allowed by the Unified Development Code (UDC).

Several new private streets are proposed, and each is depicted with a 50-foot right-of-way, which is compatible with Section 6.B.9. of the Subdivision Regulations for streets equipped with curb and gutter. As the streets will be private, a note should be required on the revised plat, if approved, stating that the streets are privately maintained and that there shall be no public right-of-way, per Sections 9.D.1(b)(5) and 9.D.1(b)(7) of the Subdivision Regulations. Another note should be required on the revised plat, if approved, stating that if the private streets are ultimately dedicated for public use and maintenance, 100-percent of the cost of the improvements required to bring the streets up to the prevailing standards shall be assessed to the property owner(s) at the time the private streets are dedicated, and that said assessment shall run with the land to any subsequent property owners, per Section 9.D.1(b)(9) of the Subdivision Regulations.

The names of the proposed streets are not provided on the preliminary plat and should be coordinated with the Engineering Department to avoid any duplicate street names within Mobile City limits. If approved, street names should be provided on the Final Plat.

If approved, the revised plat should depict utility easements acceptable to the appropriate provider of utility services within the proposed subdivision, per Section 9.D.1(b)(4) of the Subdivision Regulations.

Per Section 9.D.1(b)(6) of the Subdivision Regulations, prior to signing of the plat, the applicant should be required to present a legal document to the Planning and Zoning Department to run as a covenant with the land providing

for continuing maintenance of the private streets by an owners' association, or other entity, granting rights of ingress and egress for emergency and utility maintenance vehicles, and holding harmless the city from damages to any owner within the subdivision arising, or which may arise, out of the existence of the private streets. This document shall be approved by the City Attorney or their designee as to form and legality and shall be properly executed and recorded simultaneously with the plat in the records of Mobile County Probate Court. Furthermore, each individual owner of property abutting upon and with legal access to the private streets shall be a party to such document and agreement.

In compliance with Section 9.D.1(b)(8) of the Subdivision Regulations, a sign shall be posted and maintained at the entrances to the private streets with the street names and identifying them as private streets, per Manual on Uniform Traffic Control Devices (MUTCD) standards with blue backgrounds and white legends. The signs shall be made to city standards, and, as mentioned, the names of the private streets must be approved by the City Engineer.

Per Section 6.C.7. of the Subdivision Regulations, double frontage lots, such as the proposed Lots 1-24 and Lot 29, should be limited to one (1) street for access. As such, if approved a note should be placed on the Final Plat stating that Lots 1-24 and Lot 29 are denied direct access to Cody Road North.

It should be noted that the city does not guarantee garbage and/or trash services to properties located along private streets. As such, garbage and/or trash service(s) may be the responsibility of the property owners. Any dumpster(s) placed on the property will need to meet the enclosure and placement standards of Article 3, Section 64-3-13.A of the UDC, and be illustrated on the applicable site plans submitted for review of the associated development permits.

If security gates are provided at the entrances to the subdivision they must be constructed in compliance with the currently adopted IFC standards, and approved by the Fire Department. If the gates are not electronically operated, then they must be placed to meet the vehicle stacking requirements of Article 4, Section 64-4-6.B of the UDC.

Lot sizes range from 1,367 square feet to 2,179 square feet, which is incompatible with the minimum size requirement for lots served by public water and sanitary sewer in the R-3 suburban district. Per Article 2, Section 64-2-7.E. of the UDC, the minimum lot size for lots in the R-3 Suburban district is 10,000 square feet. As such, a waiver of Section 6.C.2.(a) of the Subdivision Regulations is required for approval of the request.

If approved, each lot should be labeled with its size in both square feet and acres on the Final Plat, as required by Section 5.A.2(f) of the Subdivision Regulations; or provision of a table on the Final Plat with the same information will suffice.

None of the lots meet the minimum 60-foot width requirement of Section 6.C.2(b)(2) of the Subdivision Regulations for residential lots located within the suburban sub-district. As such, a waiver of Section 6.C.2(b)(2) of the Subdivision Regulations will be required for approval of the request.

Seventeen (17) common areas are proposed. No information regarding each of their sizes is depicted, as required by Section 5.A.2(f). As such, if approved, each common area should be labeled with its size in both square feet and acres on the Final Plat; or provision of a table on the Final Plat with the same information will suffice.

A 10-foot front yard setback is requested on each proposed lot, which is incompatible with the minimum 25-foot front yard setback requirement of Article 2, Section 64-2-6.E. of the UDC for lots in the R-3 Suburban district. As

such, if approved, the Final Plat should be revised to illustrate a 25-foot front yard setback along each street frontage, unless a Variance allowing reduced setbacks is approved by the Board of Zoning Adjustment. It should be noted that, if approved, the development of each lot is subject to full compliance with the minimum standards of the UDC. This includes compliance with side and rear yard setbacks, site coverage, etc. The proposed development will not comply with these requirements without the approval of Variances from the Board of Zoning Adjustment.

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.

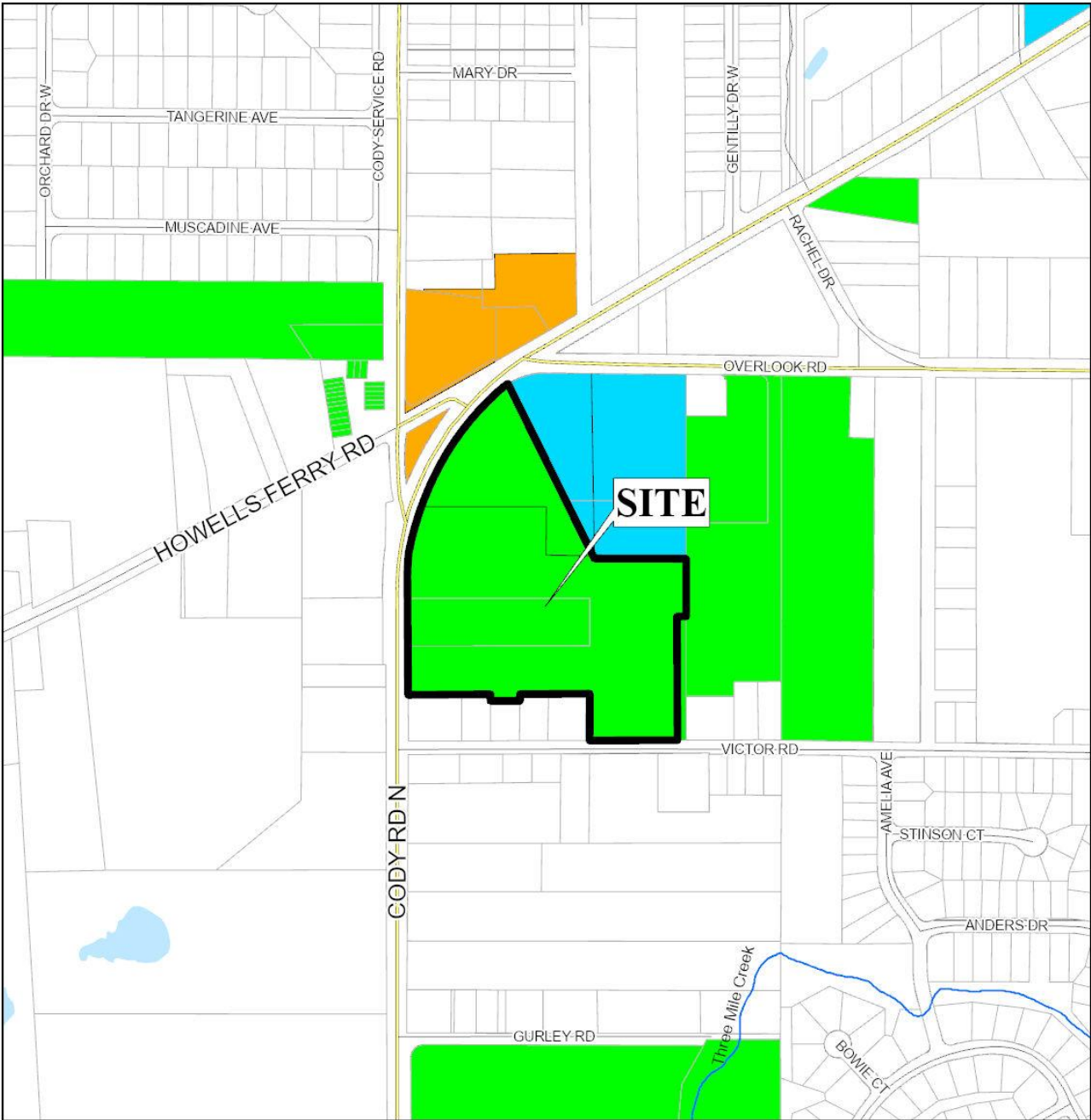
Considerations:

If the Planning Commission considers approving the Subdivision request, waivers of Sections 6.C.2(a) (for reduced lot size) and 6.C.2(b)(2) (for reduced lot width) of the Subdivision Regulations will be required and the following conditions could apply:

1. Dedication to provide 50-feet from the from the centerline of Cody Road;
2. Dedication to provide 25-feet from the from the centerline of Victor Road;
3. Approval of the proposed street names by the City Engineer, with any streets labeled on the Final Plat;
4. Provision of signs at the entrances to the private streets with the street names and identifying them as private streets, per Manual on Uniform Traffic Control Devices (MUTCD) standards;
5. Revision of the plat to illustrate the applicable utility easements, per Section 9.D.1(b)(4) of the Subdivision Regulations;
6. Placement of a note on the revised plat stating that the streets are privately maintained and that there shall be no public right-of-way, in compliance with Sections 9.D.1(b)(5) and 9.D.1(b)(7) of the Subdivision Regulations;
7. Placement of a note on the revised plat stating that if the private streets are ultimately dedicated for public use and maintenance, 100-percent of the cost of the improvements required to bring the streets up to the prevailing standards shall be assessed to the property owner(s) at the time the private streets are dedicated, and that said assessment shall run with the land to any subsequent property owners, in compliance with Section 9.D.1(b)(9) of the Subdivision Regulations;
8. Provision and approval of the required private street legal document in compliance with Section 9.D.1(b)(8) of the Subdivision Regulations, prior to signing of the Final Plat;
9. Placement of a note on the Final Plat stating that Lots 1-24 and Lot 29 are denied direct access to Cody Road North;
10. Revision of the plat to label each lot with its size in square feet and acres, adjusted for dedication, or provision of a table on the Final Plat with the same information;
11. Revision of the plat to label each common area with its size in square feet and acres, adjusted for dedication, or provision of a table on the Final Plat with the same information;
12. Placement of a note on the revised plat stating that the maintenance of all common areas is the responsibility of the property owner(s) and not the City of Mobile, in compliance with Section 2.A. of the Subdivision Regulations;

13. Revision of the plat to illustrate a 25-foot front yard setback along each proposed street, in compliance with Section 6.C.8. of the Subdivision Regulations, and with Article 2, Section 64-2-6.E. of the Unified Development Code, or acquisition of the necessary variances;
14. Compliance with all Engineering comments noted in this staff report;
15. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
16. Compliance with all Urban Forestry comments noted in this staff report;
17. Compliance with all Fire Department comments noted in this staff report; and
18. Full compliance with all other codes and ordinances.

LOCATOR ZONING MAP



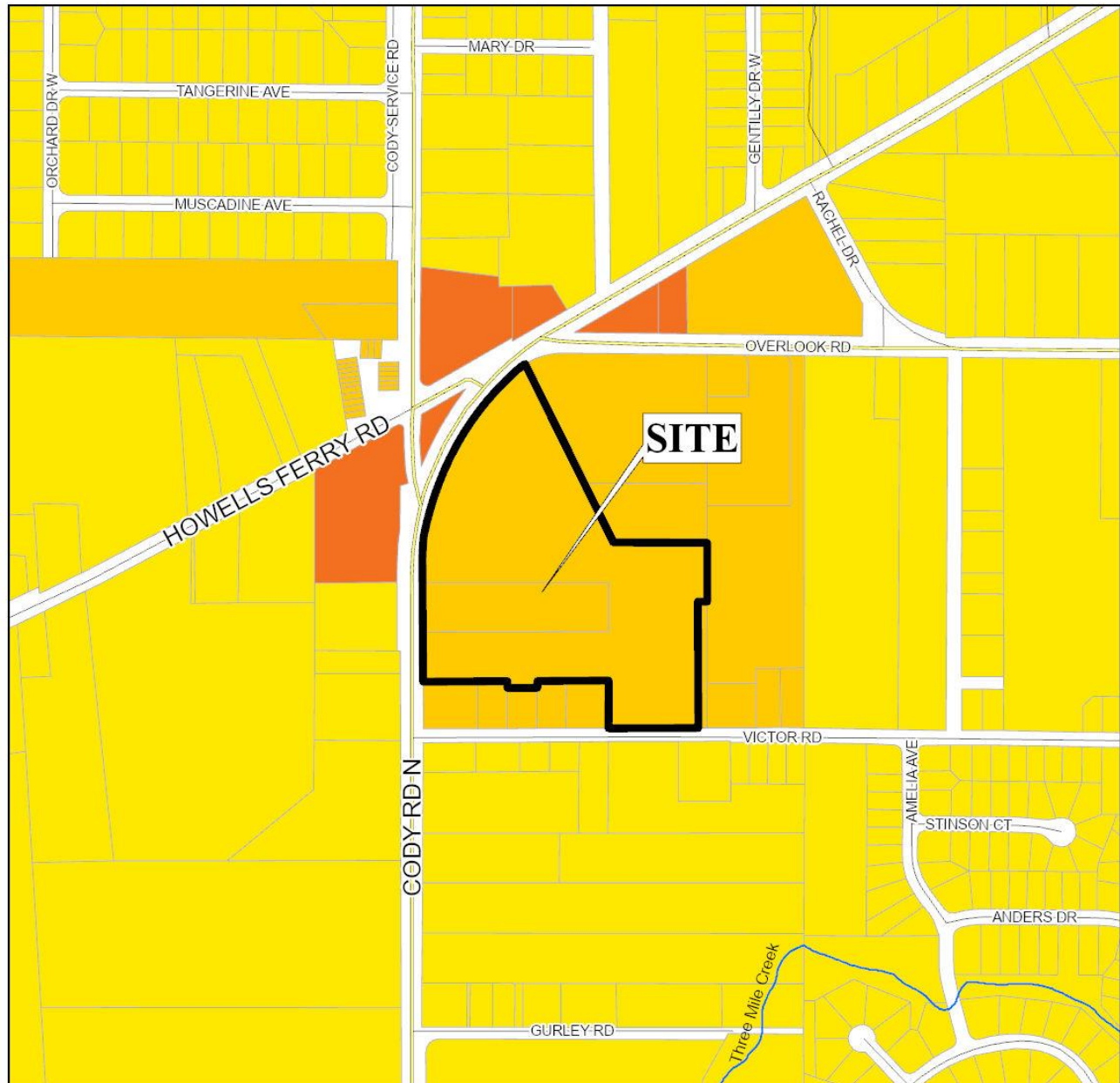
APPLICATION NUMBER 10 DATE February 20, 2025

APPLICANT The Villas at Cody Crossing Subdivision

REQUEST Subdivision



FLUM LOCATOR MAP



APPLICATION NUMBER 10 DATE February 20, 2025

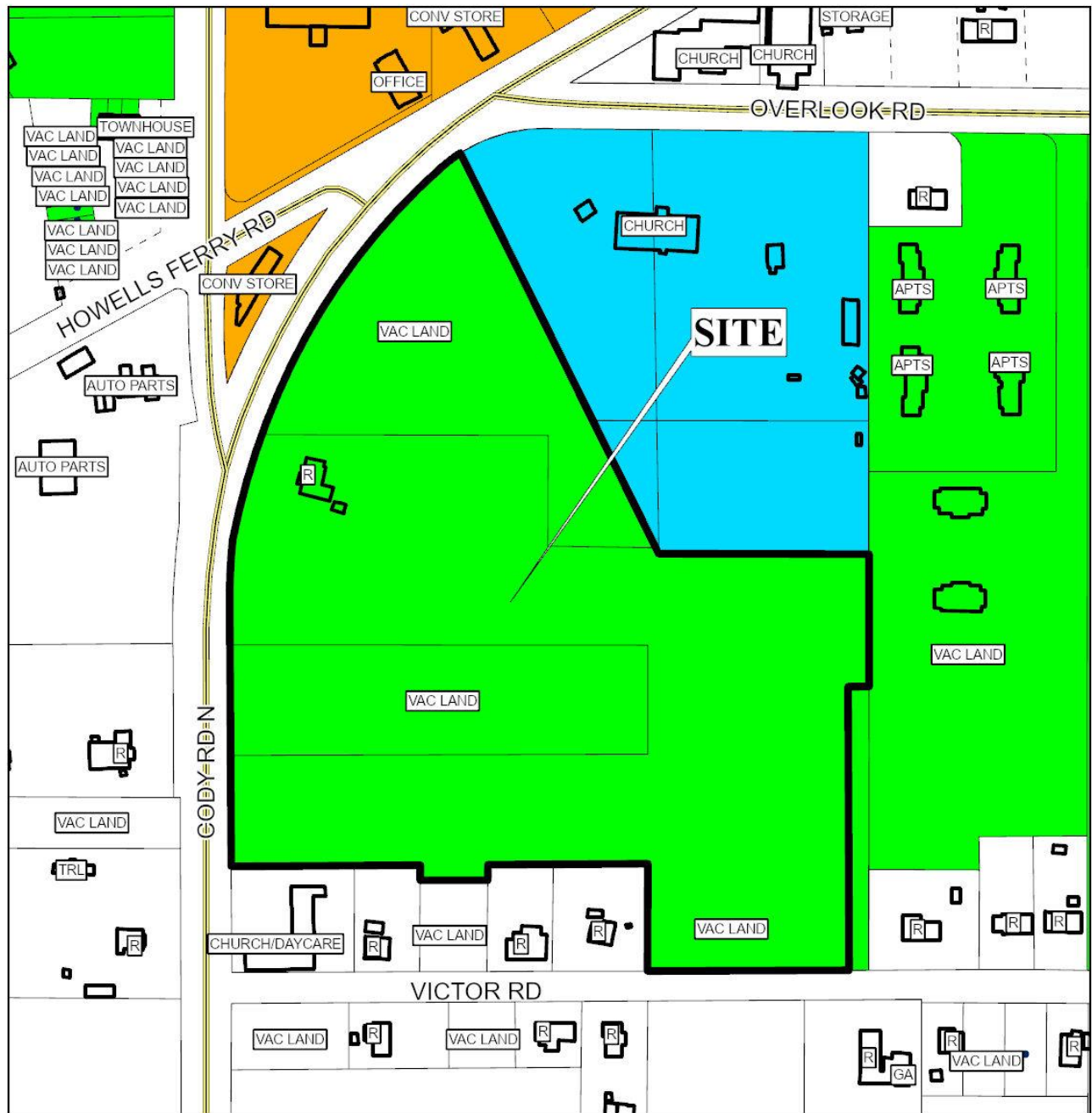
APPLICANT The Villas at Cody Crossing Subdivision

REQUEST Subdivision

- | | | | |
|---|--|--|---|
| ■ Low Density Residential | ■ Neighborhood Center - Traditional | ■ Downtown Waterfront | ■ Parks & Open Space |
| ■ Mixed Density Residential | ■ Neighborhood Center - Suburban | ■ Light Industry | ■ Water Dependent |
| ■ Downtown | ■ Traditional Corridor | ■ Heavy Industry | |
| ■ District Center | ■ Mixed Commercial Corridor | ■ Institutional | |



THE VILLAS AT CODY CROSSING SUBDIVISION

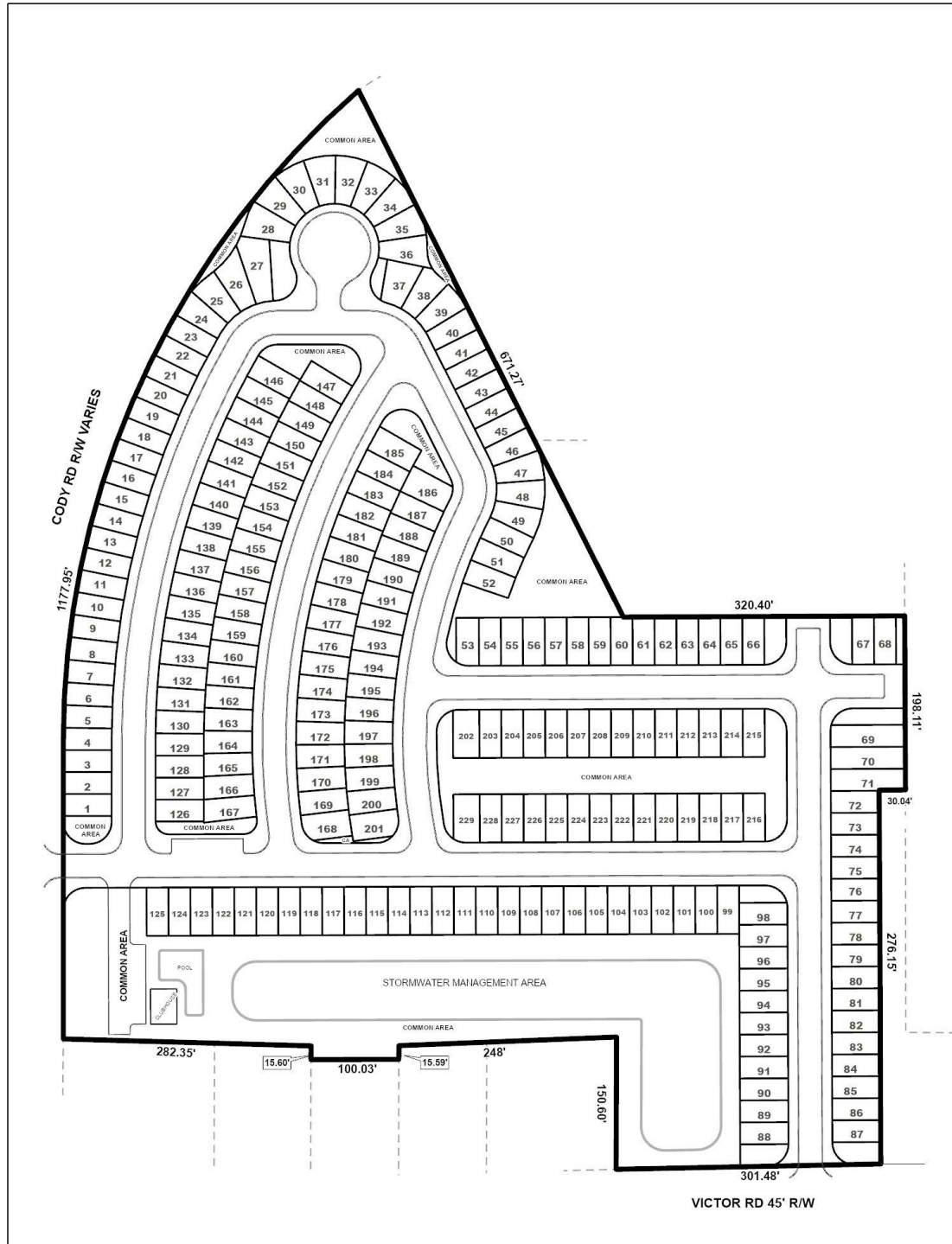


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R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2
R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6
R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1	



DETAIL SITE PLAN



APPLICATION NUMBER 10 DATE February 20, 2025

APPLICANT The Villas at Cody Crossing Subdivision

REQUEST Subdivision



ZONING DISTRICT CORRESPONDENCE MATRIX													
		LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)
RESIDENTIAL - AG	R-A												
ONE-FAMILY RESIDENCE	R-1	■				■		■					□
TWO-FAMILY RESIDENCE	R-2	■				■		■					□
MULTIPLE-FAMILY	R-3	○	■			■	■						□
RESIDENTIAL-BUSINESS	R-B		○			■		■					□
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■					□
HISTORIC BUSINESS	H-B			■		■		■					□
VILLAGE CENTER	TCD					■	■						□
NEIGH. CENTER	TCD					■	■						□
NEIGH. GENERAL	TCD					■							□
DOWNTOWN DEV. DDD	T-6			■									□
DOWNTOWN DEV. DDD	T-5.1			■		■		□					□
DOWNTOWN DEV. DDD	T-5.2			■		■							□
DOWNTOWN DEV. DDD	T-4			■		■		□					□
DOWNTOWN DEV. DDD	T-3			■		■							□
DOWNTOWN DEV. DDD	SD-WH									○	○		□
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○		○	○		□
BUFFER BUSINESS	B-1		□			□	■	■	■				□
NEIGH. BUSINESS	B-2		○			□	■	■	■				□
LIMITED BUSINESS	LB-2		○			□	■	■	■				□
COMMUNITY BUSINESS	B-3				■				■			○	□
GEN. BUSINESS	B-4			■					■			○	□
OFFICE-DISTRIBUTION	B-5								■	■			□
LIGHT INDUSTRY	I-1									■			□
HEAVY INDUSTRY	I-2										■		□

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)



MIXED DENSITY RESIDENTIAL (MxDR)

This designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4- residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 du/ac, depending on the mix, types, and locations of the housing as specified by zoning.

Like LDR areas, MxDR areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.