



THE CITY OF MOBILE, ALABAMA  
MOBILE CITY PLANNING COMMISSION

LETTER OF DECISION

September 19, 2022

Michael Thomas  
Ellery Development LLC  
778 Scout Creek Trail  
Hoover, Alabama 35244

**Re: 6960 #C Overlook Road and 1408 Cody Road North**  
(Southeast corner of Overlook Road and Cody Road North, extending to the North side of Victor Road, 625'± East of Cody Road North).  
Council District 7  
**SUB-002179-2022 (Subdivision)**  
**OBC Subdivision**  
**Number of Lots / Acres:** 3 Lots / 23.6± Acres  
**Engineer / Surveyor:** Bluewater Design, LLC

Dear Applicant(s)/ Property Owner (s):

At its meeting on September 15, 2022, the Planning Commission considered the above referenced Subdivision application.

**After discussion, the Planning Commission Tentatively Approved the request, subject to the following conditions:**

- 1) **Dedication to provide 50-feet to the centerline of Cody Road North;**
- 2) **Dedication to provide 25-feet to the centerline of Victor Road;**
- 3) **Removing all habitable structures, except for one associated with the existing church development on Lot 1, with necessary permits, prior to the signing of the Final Plat;**
- 4) **Removing all improvements on Lot 2 associated with the existing church development on Lot 1, with necessary permits, prior to the signing of the Final Plat;**
- 5) **Provision of the lot sizes in square feet and acres, adjusted for any dedication;**
- 6) **Depiction of the 25-foot front setback along all frontages, adjusted for dedication;**
- 7) **Placement of a note on the Final Plat stating that no structures are allowed in any easement without the easement holder's permission;**
- 8) **Full compliance with Engineering comments: (FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): 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 and label the monument set or found at each subdivision and lot corner. C. Clarify the label "23.43 acres". Is it another lot? D. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to**

**SUB-002179-2022 OBC SUBDIVISION**

**September 19, 2022**

*the Permitting Engineering Dept. for review at [land.disturbance@cityofmobile.org](mailto:land.disturbance@cityofmobile.org) prior to obtaining any signatures. No signatures are required on the drawing.);*

- 9) Placement of a note on the Final Plat stating Traffic Engineering comments: (An impact study may be required as the development changes or defined uses are presented to the City that may warrant additional review and study. Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 10) Compliance with 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.);*
- 11) Compliance with Fire Department comments: (All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.); and*
- 12) Full compliance with all municipal codes and ordinances.**

After you have obtained all the necessary approval signatures and the plat has been recorded in the Mobile County Probate Office, **five** copies of the recorded plat (including instrument number) must be submitted to the Planning and Zoning Department office. This procedure must be completed within one (1) year, or the Tentative Approval will expire.

Please also submit a CAD compatible (DXF) digital copy of the final plat to the Planning and Zoning Department office once the plat has been submitted to Probate for recording. This may be submitted on disk, flash drive, memory stick, or via e-mail to [planning@cityofmobile.org](mailto:planning@cityofmobile.org).

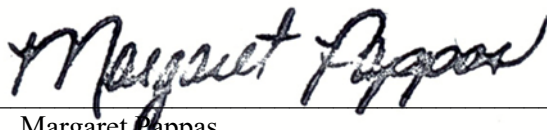
If you have any questions regarding this action, please call this office at 251-208-5895.

Sincerely,

**MOBILE CITY PLANNING COMMISSION**

Ms. Jennifer Denson, Secretary

By:



Margaret Pappas

Deputy Director of Planning and Zoning



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Council District 7  
**ZON-002180-2022 (Rezoning)**  
**Ellery Development, LLC**  
Rezoning from B-1, Buffer Business District and R-3, Multi-Family Residential District to B-1, Buffer Business District and R-1, Single Family Residential District.

Dear Applicant(s)/ Property Owner (s):

At its meeting on September 15, 2022, the Planning Commission considered the above referenced Subdivision application.

**After discussion, the Planning Commission determined that the following conditions prevail to support the rezoning request:**

- 1) changing conditions in a particular area make a change in the Ordinance necessary and desirable; and
- 2) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

**The rezoning should be subject to the following conditions:**

- 1) completion of the Subdivision process; and
- 2) full compliance with all municipal codes and ordinances.

**The advertising fee for this application based on the current legal description is \$884.10. Upon receipt of this fee (*check made out to the "City of Mobile"*), your application will be forwarded to the City Clerk's office to be scheduled for public hearing by the City Council.**

If you have any questions regarding this action, please call this office at 251-208-5895.

Sincerely,

**MOBILE CITY PLANNING COMMISSION**  
Ms. Jennifer Denson, Secretary

By: \_\_\_\_\_

  
Margaret Pappas

Deputy Director of Planning and Zoning