



Agenda Item # 3

SUB-002811-2024

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:

Cody Road Subdivision

Applicant / Agent:

Michael Thomas, Bluewater Design, LLC

Property Owners:

Brandon Elliott, Elliott Land Developments

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:

The following is a summary of the proposal:

- Subdivision approval to create one (1) legal lot of record from two (2) metes-and-bounds parcels.

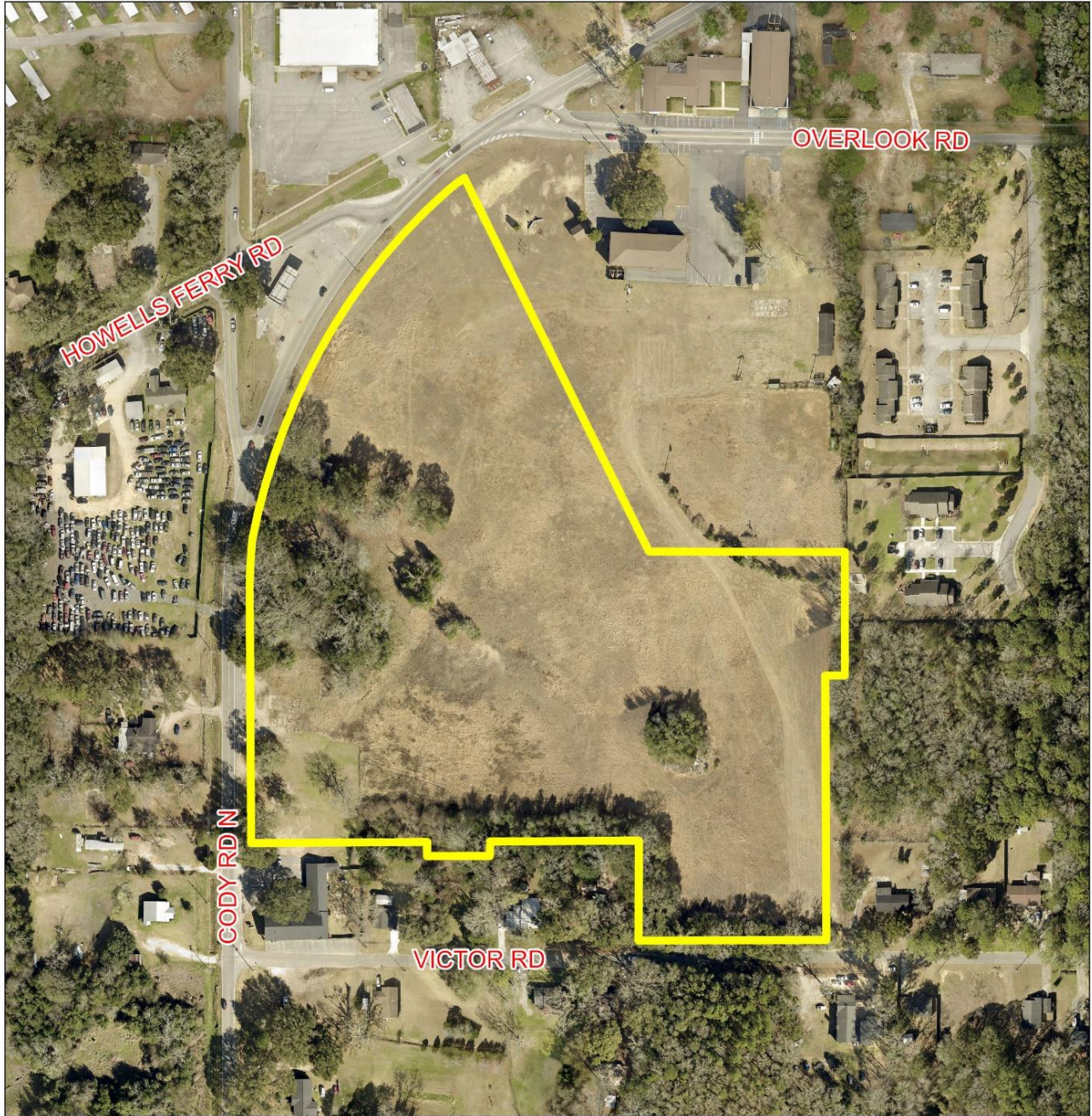
Considerations:

1. Subdivision approval with twelve (12) conditions.

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CODY ROAD SUBDIVISION



APPLICATION NUMBER 3 DATE February 22, 2024



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-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-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' 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.

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 a LOT designation (i.e. 1 or A)
- C. Provide and label the monument set or found at each subdivision corner.
- D. Add a north arrow.
- E. Update the Traffic Engineering note to provide reference to the new UDC.
- F. Revise the signature block from "MOBILE CITY ENGINEERING" to "CITY ENGINEER".

- G. Add "TRAFFIC ENGINEER" UNDER THE Traffic Engineering signature block.
- H. Revise the Notary Public certifications to read "2024".
- I. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 18 - #71) LOT ?? will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT ?? – 11,000 sf.
- J. Revise the ninth NOTE from "ALL PROPOSED DETENTION FACILITIES..." to "ALL EXISTING AND PROPOSED DETENTION FACILITIES..."
- K. 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:

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 request is to create one (1) legal lot of record from two (2) metes-and-bounds parcels. The site is served by public water and sanitary sewer services.

The site has frontage along Cody Road North, Overlook Road, and Victor Road. Cody Road North is a Major Collector street without curb and gutter requiring a 100-foot right-of-way, Overlook Road is a minor street without curb and gutter requiring a 60-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, a 70-foot right-of-way along Overlook Road, 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. A 70-foot right-of-way is depicted along Overlook Road and is sufficient.

Regarding Victor Road, if approved, the plat should be revised to illustrate dedication sufficient to provide 25 feet from its centerline.

A 25-foot front yard setback is not illustrated along any street frontage, as required by Section 64-2.7.E. of the Unified Development Code (UDC) for lots in an R-3 Suburban District. The Final Plat should be revised to depict this information, if approved, adjusted for any required dedication.

The lot size is provided in both square feet and acres on the preliminary plat and exceeds the minimum size requirement for lots served by public water and sanitary sewer in an R-3 Suburban District. If approved, this information should be retained on the Final Plat, adjusted for any required dedication; or a table should be furnished on the Final Plat providing the same information.

The proposed lot is not labeled. If approved, the lot should be labeled on the Final Plat (e.g. Lot 1, Lot A, etc.).

The subdivision is labeled as "Orchard Park" on the preliminary plat, but the application indicates the proposed subdivision will be named 'Cody Road Subdivision.'" The applicant will need to verify with staff the correct name of the subdivision prior to signing of the Final Plat, if approved.

Finally, a 25-foot wide access easement is illustrated on the plat, extending from Victor Road to an adjacent lot to the North. A note on the plat states no structure shall be constructed or placed within any easements without the permission of the easement holder. If approved, this note should be retained on the Final Plat.

SUBDIVISION CONSIDERATIONS

Standards of Review:

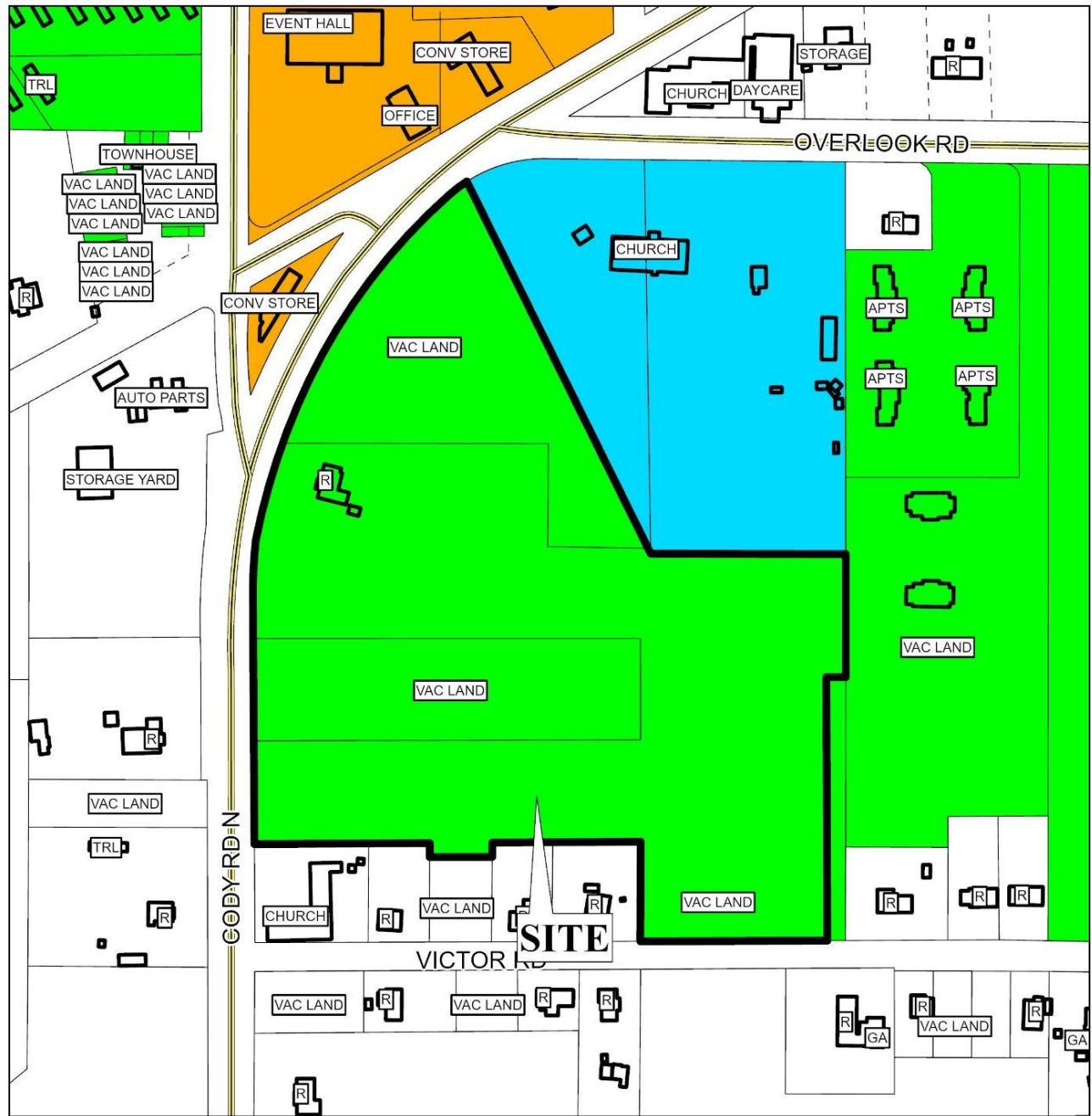
Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

Considerations:

Based on the preceding, if the Subdivision request is considered for approval, the following conditions could apply:

1. Revision of the plat to depict dedication sufficient to provide 50 feet from the centerline of Cody Road North;
2. Revision of the plat to depict dedication sufficient to provide 25-feet from the centerline of Victor Road;
3. Retention of the right-of-way along Overlook Road, as depicted on the preliminary plat;
4. Revision of the plat to illustrate a 25-foot setback along all street frontages, adjusted for dedication;
5. Retention of the lot sizes in both square feet and acre on the Final Plat, or provision of a table on the Final Plat with the same information, adjusted for dedication;
6. Provision of a lot label on the Final Plat;
7. Correction of the name of the Subdivision on the Final Plat;
8. Retention of a note on the Final Plat that states that no structures shall be constructed on any easement without permission from the easement holder;
9. Compliance with all Engineering comments noted in this staff report;
10. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
11. Compliance with all Urban Forestry comments noted in this staff report; and,
12. Compliance with all Fire Department comments noted in this staff report.

CODY ROAD SUBDIVISION

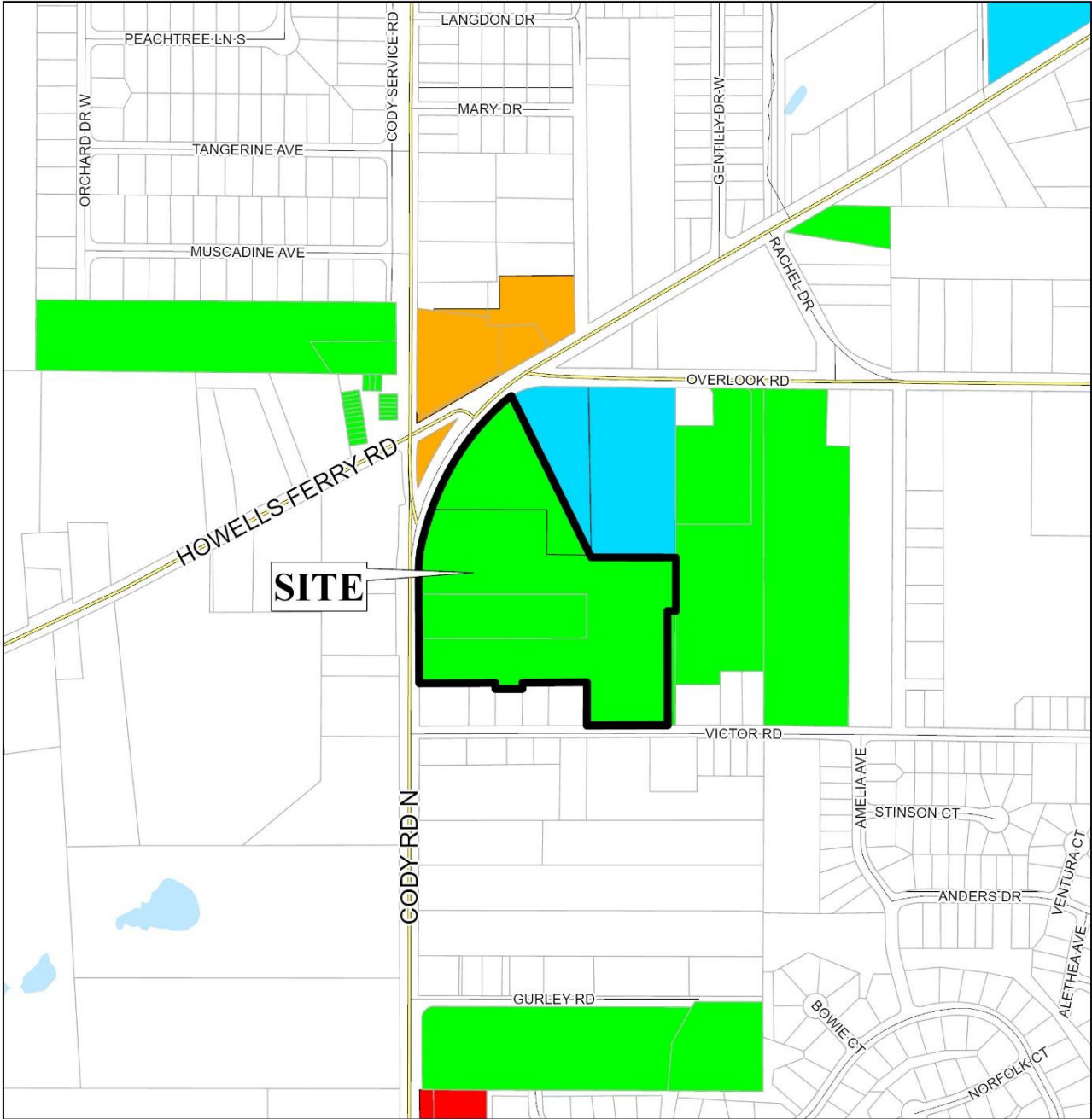


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 R-A	 R-3	 B-1	 B-2	 B-5	 ML	 I-2	 OPEN	 T-3	 T-5.2
 R-1	 R-B	 T-B	 B-3	 CW	 MH	 PD	 SD	 T-4	 T-6
 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1	



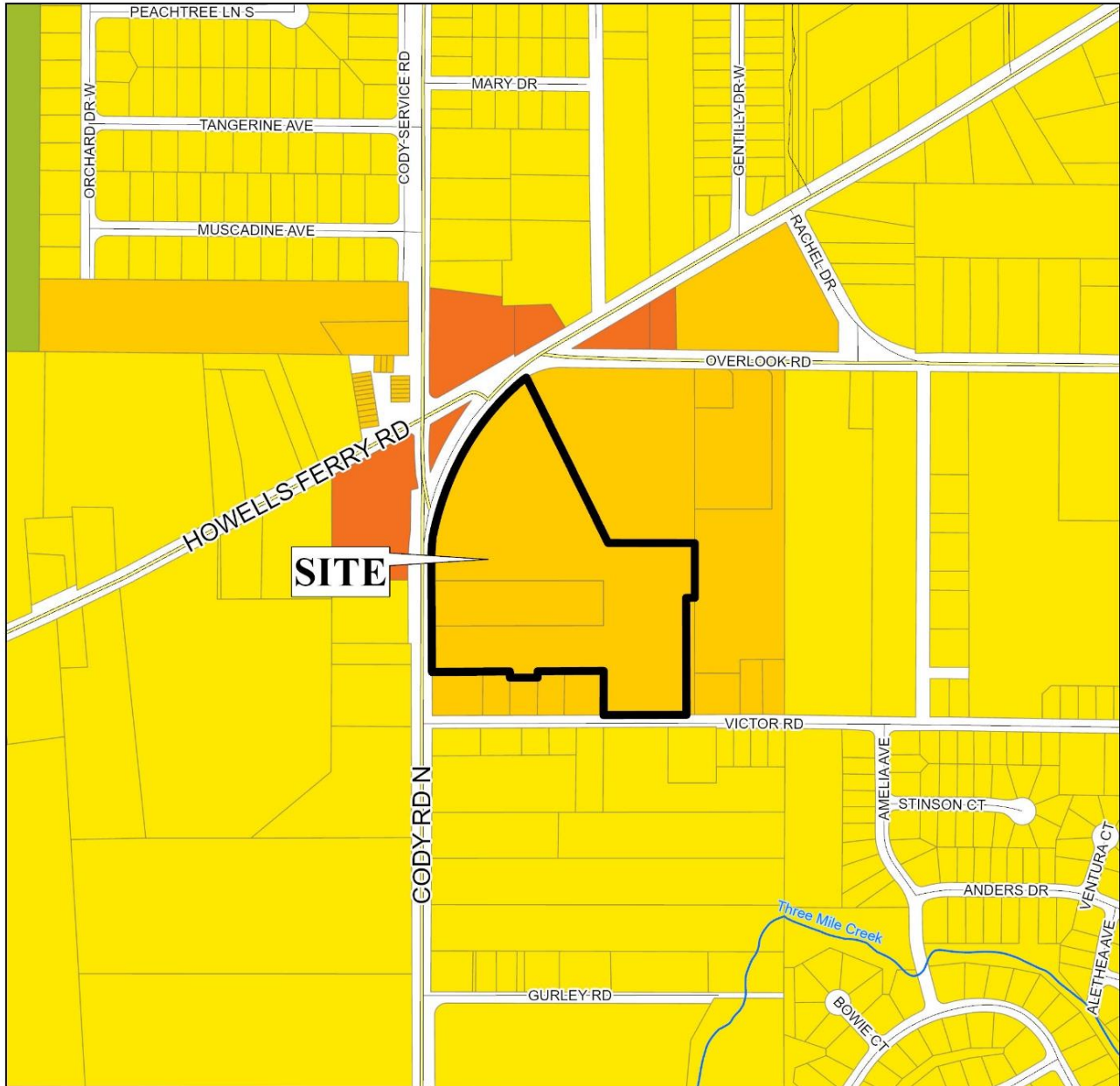
LOCATOR ZONING MAP



APPLICATION NUMBER	3	DATE	February 22, 2024
APPLICANT	Cody Road Subdivision		
REQUEST	Subdivision		



FLUM LOCATOR MAP



APPLICATION NUMBER 3 DATE February 22, 2024

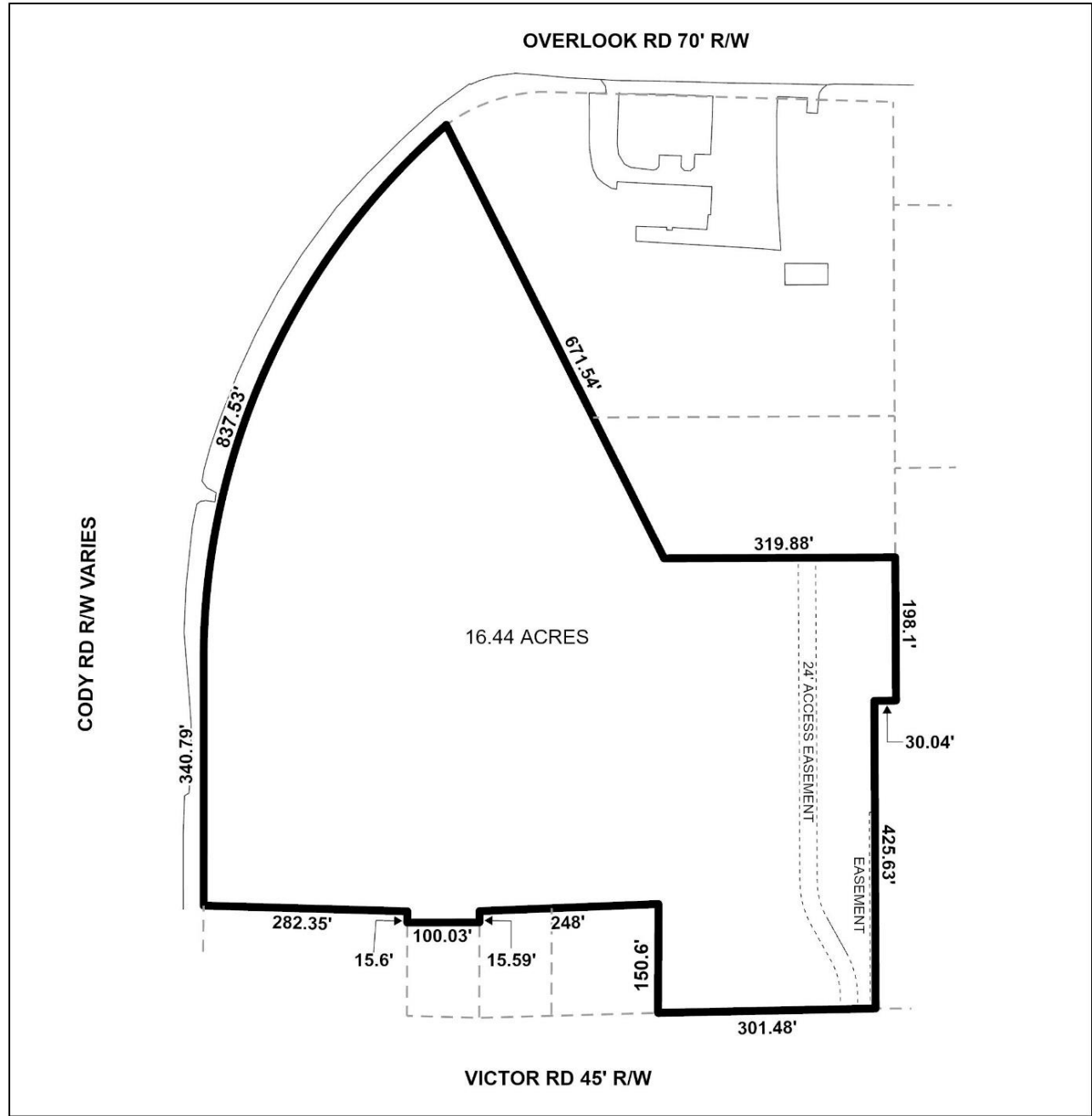
APPLICANT Cody Road Subdivision


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 | |



SITE PLAN



APPLICATION NUMBER <u>3</u> DATE <u>February 22, 2024</u>	
APPLICANT <u>Cody Road Subdivision</u>	
REQUEST <u>Subdivision</u>	

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)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWURU)
RESIDENTIAL - AG	R-A												<input type="checkbox"/>		
ONE-FAMILY RESIDENCE	R-1	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>					<input type="checkbox"/>		
TWO-FAMILY RESIDENCE	R-2	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	
MULTIPLE-FAMILY	R-3	<input type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						<input type="checkbox"/>	<input type="checkbox"/>	
RESIDENTIAL-BUSINESS	R-B		<input type="checkbox"/>			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	
TRANSITIONAL-BUSINESS	T-B		<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input type="checkbox"/>		
HISTORIC BUSINESS	H-B			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>					<input type="checkbox"/>		
VILLAGE CENTER	TCD					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						<input type="checkbox"/>		
NEIGH. CENTER	TCD					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						<input type="checkbox"/>		
NEIGH. GENERAL	TCD					<input checked="" type="checkbox"/>							<input type="checkbox"/>		
DOWNTOWN DEV. DDD	T-6			<input checked="" type="checkbox"/>									<input type="checkbox"/>		
DOWNTOWN DEV. DDD	T-5.1			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>					<input type="checkbox"/>		
DOWNTOWN DEV. DDD	T-5.2			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>							<input type="checkbox"/>		
DOWNTOWN DEV. DDD	T-4			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>					<input type="checkbox"/>		
DOWNTOWN DEV. DDD	T-3			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>							<input type="checkbox"/>		
DOWNTOWN DEV. DDD	SD-WH									<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>		
DOWNTOWN DEV. DD	SD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>		
BUFFER BUSINESS	B-1		<input type="checkbox"/>			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	
NEIGH. BUSINESS	B-2		<input type="checkbox"/>			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	
LIMITED BUSINESS	LB-2		<input type="checkbox"/>			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	
COMMUNITY BUSINESS	B-3				<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
GEN. BUSINESS	B-4			<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
OFFICE-DISTRIBUTION	B-5								<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	
LIGHT INDUSTRY	I-1									<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HEAVY INDUSTRY	I-2										<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

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.