



Agenda Item # 5

SUB-003689-2026

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

1370 & 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 nineteen (19) conditions.

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THE VILLAS AT CODY CROSSING SUBDIVISION



APPLICATION NUMBER 5 DATE May 21, 2026



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-tall 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 was not provided to staff for signatures and expired on February 22, 2025.

At its February 20, 2025 meeting, the Planning Commission approved a 229-lot, private road Subdivision for the subject site.

At the March 10, 2025 meeting, the Board of Zoning Adjustment approved Lot Size, Setback, Site Coverage, and Common Area Variances to allow reduced lot sizes, reduced setbacks, increased site coverage, and reduced common area for a new 230-lot development in an R-3, Multi-Family Residential Suburban District.

As no permits or extension were obtained, both the 2025 Subdivision and Variance approvals have expired.

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. Label each proposed PRIVATE ROW with the approved street name, ROW width, and "PRIVATE".
- C. Show and label the property line along Cody Road. There is a dashed line and a solid line but neither is labeled.
- D. If there is any dedication of property to public ROW it needs to be shown, labeled, and include the proposed area (sf and acre) of dedication.
- E. Provide a vicinity map.
- F. Show and label each and every Right-Of-Way and easement.
- G. Provide a table of "PROPOSED WEIGHTED RUNOFF COEFFICIENT (Cw)" for each LOT which will be used to review the land disturbance permit for each LOT; or, provide a note stating that the detention for the LOTS will be provided in a common detention pond.
- H. Retain NOTES 1 - 5.
- I. Add a note - The proposed roadway, drainage and detention pond improvements shall be complete and approved prior to issuing a CO for a residential construction permit.
- J. Add a note - The proposed private road shall be constructed in accordance with current Engineering Department policy letters and design criteria. This would allow the potential for future acceptance of the roadway (and dedicated ROW) by the city.
- K. Add a note - Provide the as-built certification form, test reports, etc. and as-built plans for the proposed infrastructure prior to providing a copy of the FINAL PLAT to the Engineering Dept. for FINAL PLAT review.
- L. Add a note - The street must be submitted for acceptance by the Mobile City Council prior to submitting the Final Plat for City Engineer signature.
- M. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.gov prior to obtaining any signatures. No signatures are required on the drawing.

Traffic Engineering Comments:

Traffic Engineering has received a Traffic Impact Study for the proposed development, prepared by ALCO Engineering Services on behalf of Elliott Land Developments, LLC. The submitted study is currently under review, is incomplete, and has not been accepted by the city. It does not include a warrant analysis for left and right turn lanes at the proposed entrance on Cody Road N and does not address internal traffic circulation. Due to the presence of on-street parking, further evaluation is required to determine whether supplemental parking lots or other provisions within the development are necessary to prevent adverse impacts to traffic flow and circulation to ensure unobstructed access for emergency vehicles. 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 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. It should be noted that the currently proposed configuration is very similar to the layout approved in 2025.

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-wide right-of-way, and Victor Road is a minor street with a ribbon curb and gutter requiring a 50-foot-wide right-of-way. The preliminary plat depicts a varying right-of-way along Cody Road North and a substandard, 45-foot-wide 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 June 1, 2026, 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). As such, approval of the Subdivision request is contingent upon approval of the associated Variances.

	UDC Requirement	Proposed
Lot Size	10,000 square feet	1,250 square feet minimum, 1,375 square feet average
Site Coverage	45%	80%
Front Setback	25-feet	10-feet
Side Setback	10-feet	0-feet
Rear Setback	10-feet	5-feet
Common Area	700 square feet/unit	Less than 481 square feet/unit

Several new private streets are proposed, and each is depicted with a 50-foot-wide 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 39-69 should be limited to one (1) street for access. As such, if approved, a waiver of Section 6.C.7. of the Subdivision Regulations

will be required, and a note should be placed on the Final Plat stating that Lots 39-69 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 International Fire Code (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.

The currently proposed lot sizes are as small as 1,250 square feet, with an average size of 1,375 square feet. The previously approved Variance allowed lot sizes ranging from 1,367 square feet to 2,179 square feet. Per Article 2, Section 64-2-7.E.1. 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.

The preliminary plat depicts several proposed common areas. No information regarding each of their sizes is depicted, as required by Section 5.A.2(f). of the Subdivision Regulations. 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. Pursuant to Section 2.A. of the Subdivision Regulations, a note should be placed on the Final Plat, if approved, stating that maintenance of all common area is the responsibility of the property owner(s) and not the City of Mobile.

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 64-2-7.E.6. 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:

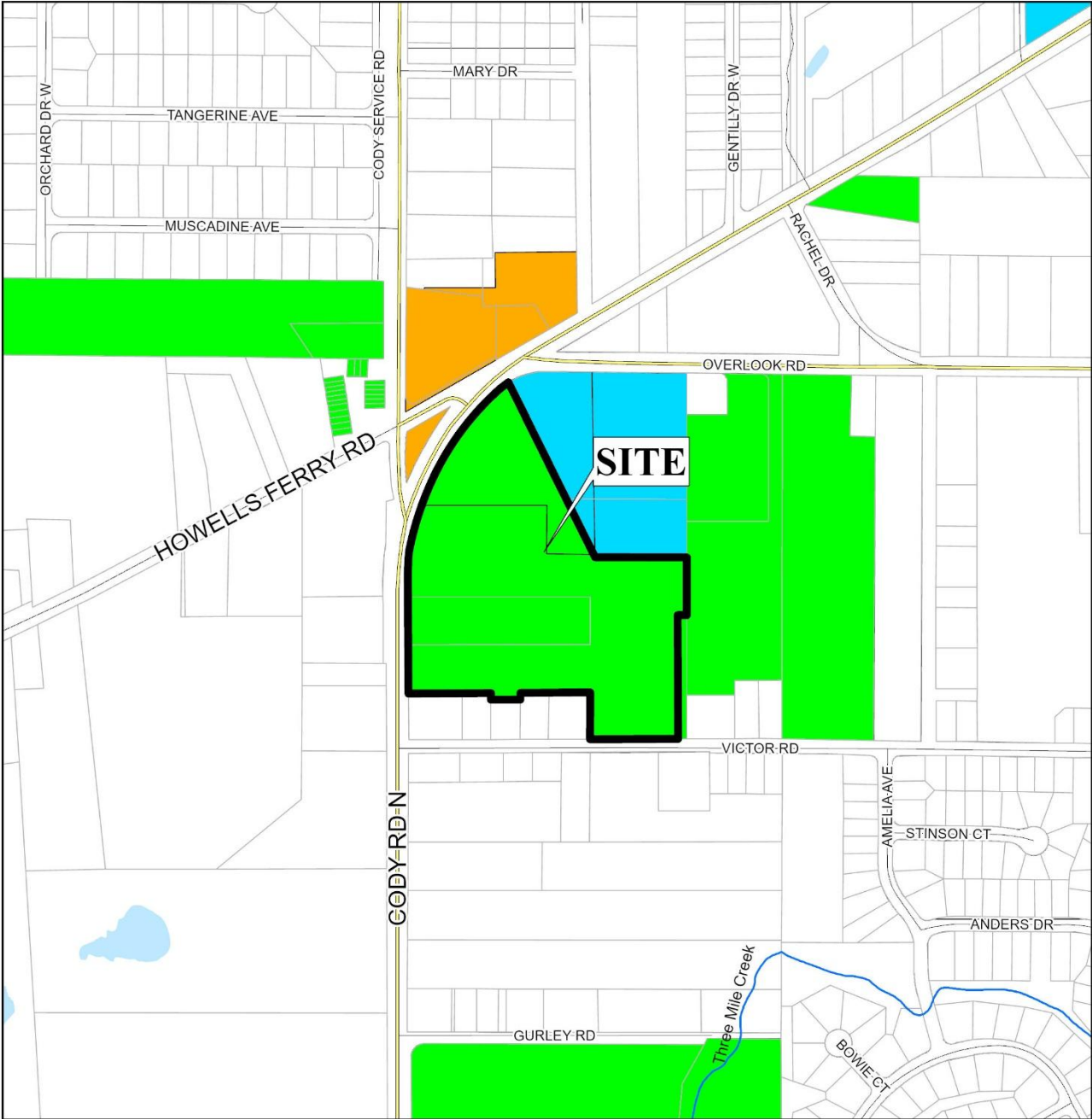
Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set 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), 6.C.2(b)(2) (for reduced lot width), and 6.C.7. (double frontage lots) 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 39-69 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. Either revision of the plat to depict compliance with lot sizes, setbacks, site coverage, and amount of Common Area, or approval of a Variance for these items;
15. Compliance with all Engineering comments noted in this staff report;
16. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
17. Compliance with all Urban Forestry comments noted in this staff report;
18. Compliance with all Fire Department comments noted in this staff report; and
19. Full compliance with all other codes and ordinances.

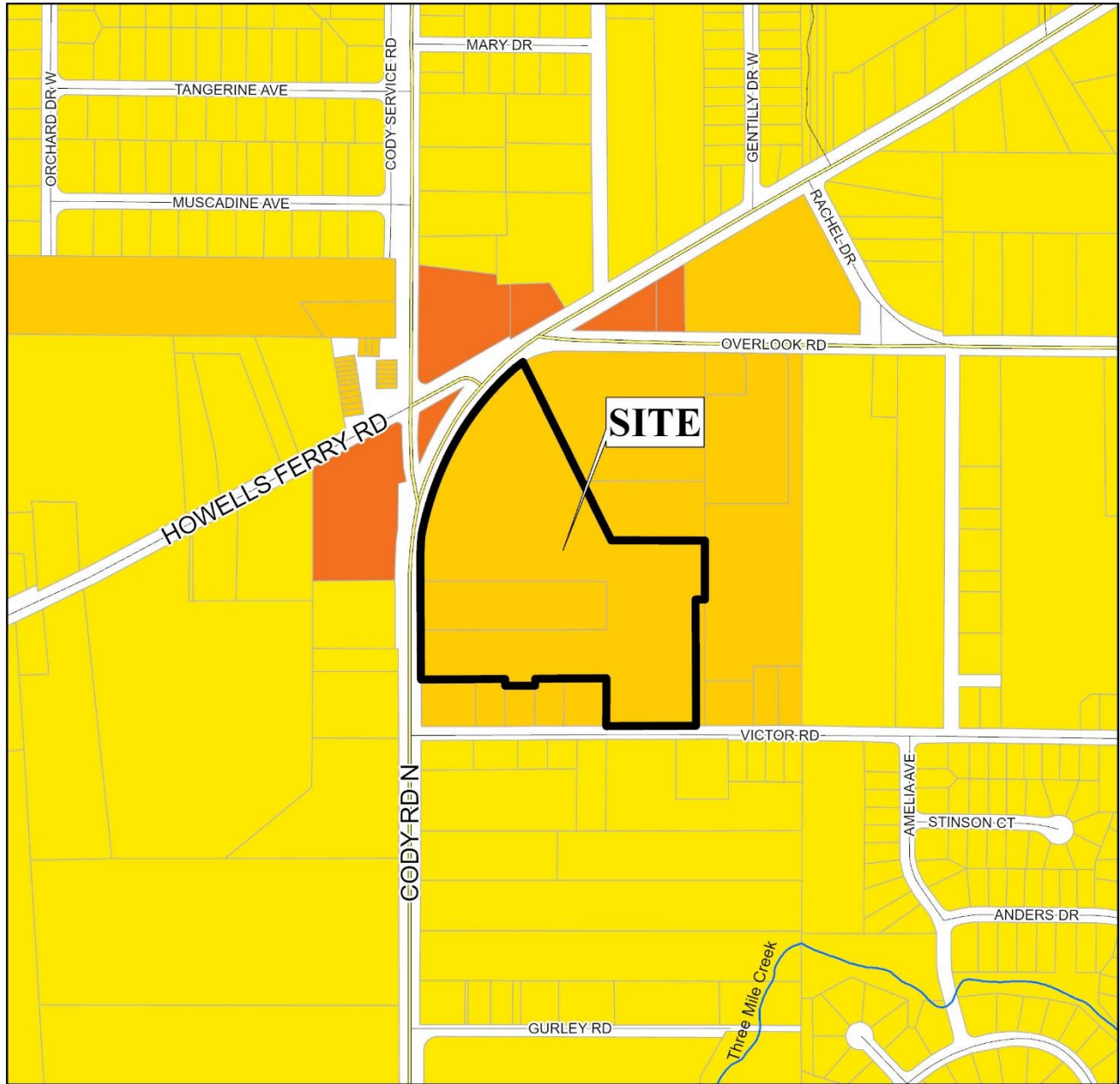
LOCATOR ZONING MAP



APPLICATION NUMBER <u>5</u>	DATE <u>May 21, 2026</u>
APPLICANT <u>The Villas at Cody Crossing Subdivision</u>	
REQUEST <u>Subdivision</u>	



FLUM LOCATOR MAP



APPLICATION NUMBER 5 DATE May 21, 2026

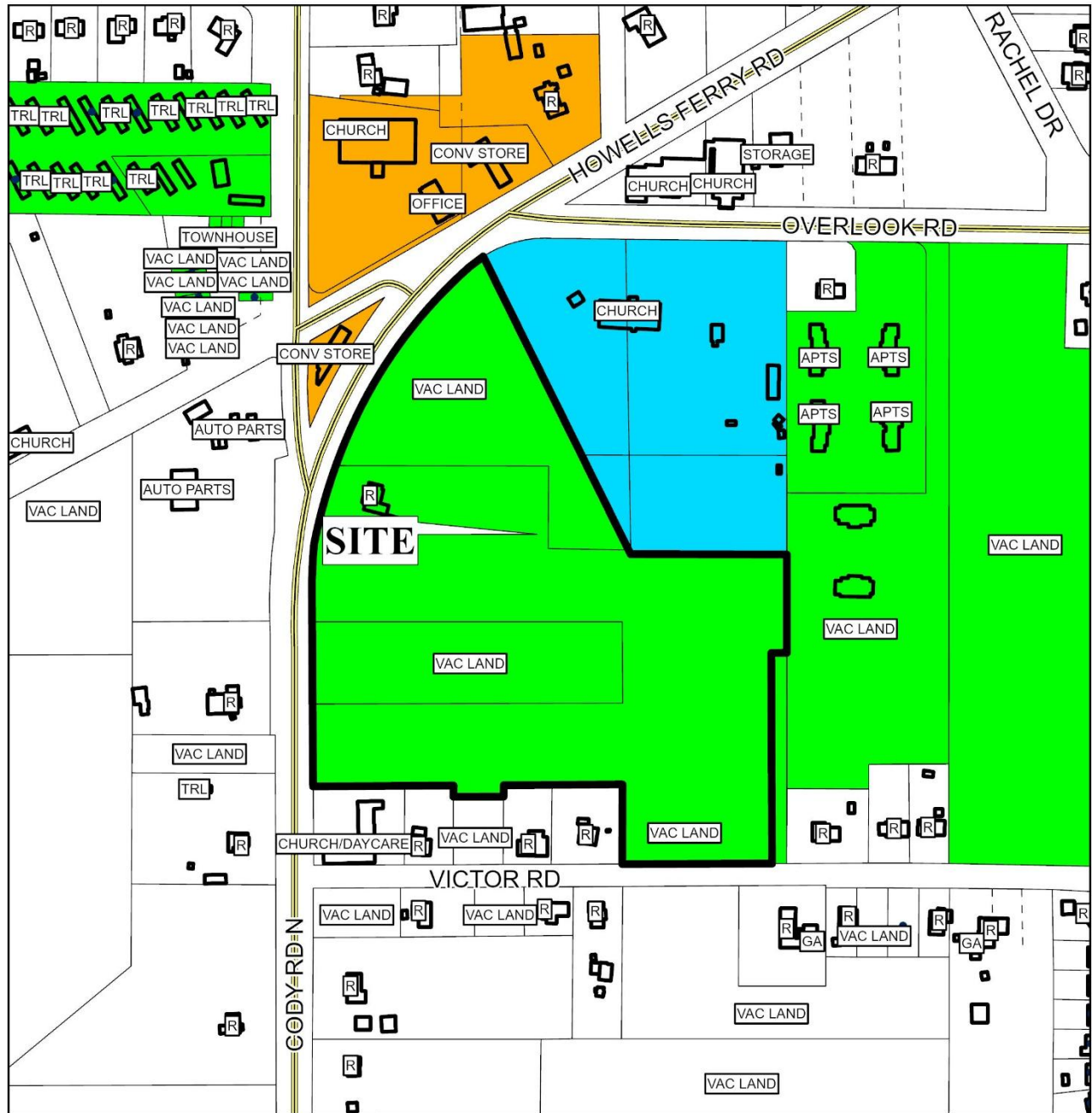
APPLICANT The Villas at Cody Crossing Subdivision

REQUEST Subdivision

- | | | | |
|---|--|---|---|
| ■ 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 | |



THE VILLAS AT CODY CROSSING SUBDIVISION

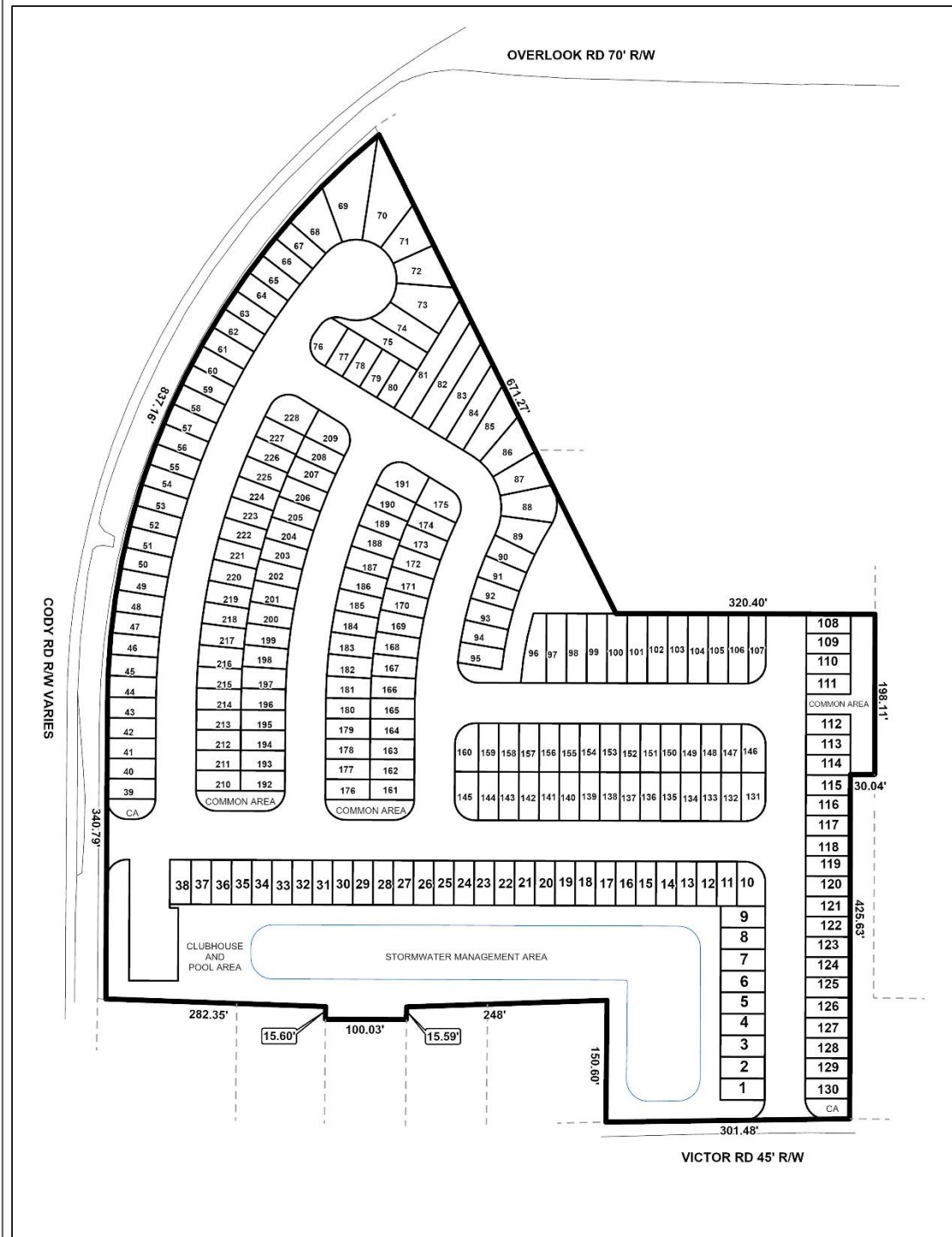


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 R-A	 R-3	 B-1	 B-2	 B-5	 ML	 I-2	 OPEN	 T-3	 T-5.2
 R-1	 R-B	 T-B	 B-3	 CW	 MH	 PD	 SD	 T-4	 T-6
 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1	



DETAIL SITE PLAN



APPLICATION NUMBER	5	DATE	May 21, 2026
APPLICANT	The Villas at Cody Crossing Subdivision		
REQUEST	Subdivision		



Residential Land Use Areas

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

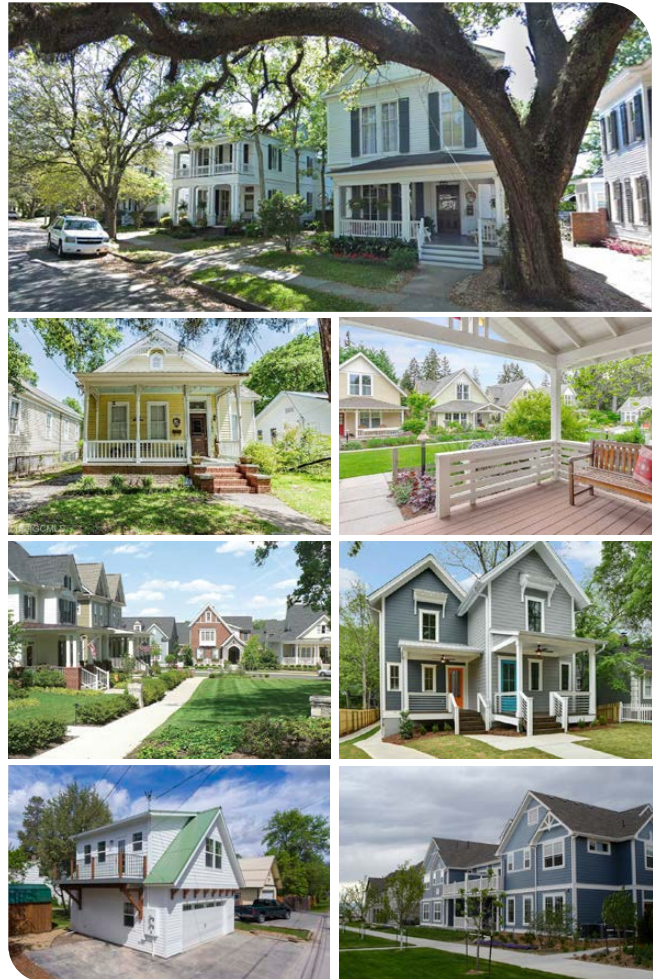
Secondary Uses

- › 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