Planning Commission
November 19, 2026

Agenda Item # 16

ZON-UDC-003944-2026

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

Applicant Materials for Consideration

DETAILS

Location:
West side of Cody Road, 695'± North of Cottage Hill Road

Applicant / Agent:
Byrd Surveying, Inc.

Property Owner:
Cooper Dees Morrow Properties, LLC

Current Zoning:
R-1, Single Family Residential Suburban District

Proposed Zoning:
R-3, Multi-Family Residential Suburban District

Future Land Use:
Low Density Residential

Neighborhood Meeting:

- A Neighborhood Meeting was required due to the proposed rezoning to a higher zoning classification.
- The meeting was held on October 6, 2026, at 5:00 p.m. at 2664 Sollie Road.

Applicable Codes, Policies, and Plans:

- Unified Development Code
- Map for Mobile Comprehensive Plan

Proposal:

- Rezoning from R-1 Suburban to R-3 Suburban
- **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 two (2) conditions.

Report Contents: **Page**

Context Map 2
Site History 3
Staff Comments 3
Commission Considerations 6
Exhibits 8

PLANNING COMMISSION
VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER 16 DATE November 19, 2026

APPLICANT Byrd Surveying, Inc.

REQUEST Rezoning from R-1 to R-3

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SITE HISTORY

The site was part of the *Dayspring Subdivision*, which was approved by the Planning Commission in 1998 when the property was within the City's Extraterritorial Planning Jurisdiction. The plat was subsequently recorded in the Mobile County Probate Court in July 1998.

The site was later annexed into the Mobile City Limits in 2023 and assigned an R-1 zoning classification.

There are no other 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).
2. 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.
3. 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.
4. 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.
5. 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.
6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

Traffic Engineering Comments:

Comments not to be placed on the site plan:

A traffic impact study will be required for this site.

Comments to be placed on the site plan:

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 seeks to rezone the property from R-1, Single-Family Residential Suburban District, to R-3, Multi-Family Residential Suburban District, to allow development of the approximately 7.36-acre site with a multi-family residential development consisting of seven (7) apartment buildings.

In support of the request, the applicant states that the property's proximity to the commercial intersection of Cody Road and Cottage Hill Road, adjoining B-3 zoning, and existing multi-family developments in the surrounding area make the site appropriate for the R-3 classification. The applicant maintains that multi-family residential development would provide a transition between the commercial corridor and surrounding single-family residential properties. The proposed development is also intended to provide an upscale, market-rate rental option for West Mobile residents, including those employed at Providence Hospital, the University of South Alabama, and other nearby employment centers. Additionally, the applicant identifies Providence Park and ACASA Inverness Lakes as examples of existing multi-family development in the area, and the Wawa development at Cody Road and Cottage Hill Road as evidence of continued commercial investment in the vicinity.

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 (UDC) because the request seeks 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 October 26, 2026, at 5:00 p.m. at Luke 4:18 Fellowship. According to the submitted sign-in sheet, nine (9) members of the public attended. Concerns were raised regarding stormwater runoff and potential traffic impacts. The meeting remained open until 6:00 p.m., satisfying the minimum one-hour requirement. The applicant timely submitted all required Neighborhood Meeting documentation, including the executed checklist certifying the completeness and accuracy of the materials.

The subject site is located within an area characterized by a mix of residential, institutional, and commercial development. Properties to the north, east, and west are zoned R-1, Single-Family Residential Suburban District, while the property to the south is zoned B-3, Community Business Suburban District. The applicant's supplemental narrative further identifies a church adjoining the northern boundary, an established residential subdivision across Cody Road to the east, and vacant properties adjoining the southern and western boundaries.

The submitted site plan depicts seven (7) two-story apartment buildings, each containing 24 dwelling units, for a total of 168 units. Of these, 72 units would contain one bedroom, and 96 units would contain two bedrooms, resulting in an overall density of approximately 22.8 dwelling units per acre. The site plan also depicts 252 parking spaces, satisfying the minimum requirement of 1.5 spaces per dwelling unit established by Article 3, Section 64-3-12 of the UDC. Additional site improvements include a swimming pool, clubhouse, amenity area, dumpster enclosure, and perimeter privacy fencing. A minimum 35-foot building setback line is also depicted along Cody Road. The applicant indicates that a compliant landscape plan will be submitted at the time of permitting. Parking circulation, access, and maneuvering, along with all other applicable site and building design standards, will be subject to review at the time of permitting. Any proposed signage must comply with the UDC and obtain separate permitting through the Planning and Zoning Department.

The subject site has a Low Density Residential designation on the Future Land Use Map (FLUM). The applicant cites the Map for Mobile, which supports expanding housing opportunities across various price points and types. Additionally, Article 2, Section 64-2-7.B.1 of the UDC identifies R-3 as a zoning classification that may be considered within the Low Density Residential designation. While this provides a basis for considering the requested classification, the Low Density Residential designation contemplates a density range of zero (0) to six (6) dwelling units per acre and is primarily characterized by single-family residential development. Multi-family housing may be considered within this designation but must be evaluated in relation to the surrounding development pattern, particularly with regard to size, scale, and density. The proposed density of approximately 22.8 dwelling units per acre substantially exceeds the density range contemplated by the designation.

The Unified Development Code and Official Zoning Map are founded upon long-range comprehensive planning principles intended to promote orderly growth, compatible land use patterns, and the public health, safety, and welfare. Consequently, amendments to the Official Zoning Map should be supported by evidence demonstrating that the proposed change is warranted. In evaluating rezoning requests, the Planning Commission considers:

- Consistency with the Comprehensive Plan;
- Whether the existing zoning resulted from a mistake or error;
- Compatibility with the surrounding neighborhood;
- Promotion of the public health, safety, and welfare;
- Availability of adequate public infrastructure; and
- The presence of changed or changing conditions warranting the amendment.

The applicant does not allege that the original R-1 classification resulted from a mistake or error. Rather, the request is primarily justified on the basis of comprehensive plan consistency (i.e. Map for Mobile), compatibility with surrounding development, changing conditions in the area, and the potential public benefit of providing additional housing options.

The presence of existing multi-family developments along Cody Road and Cottage Hill Road, together with continued commercial investment near the Cody Road and Cottage Hill Road intersection, provides some support for the applicant's argument that development conditions in the area are changing. Additionally, the property's proximity to commercially zoned property to the south may support consideration of multi-family residential development as a transition between commercial and single-family residential uses. However, the presence of other multi-family developments in the vicinity does not, by itself, establish that the proposed density and intensity are appropriate for the subject site.

While the applicant identifies proposed setbacks, privacy fencing, landscaping, and site design measures as means of mitigating potential impacts to surrounding properties, the proposed development would introduce 168 multi-family residential units into an area primarily characterized by single-family residential development. Furthermore, although the applicant indicates that traffic, stormwater management, and utility capacity will be addressed through subsequent engineering review, the supplemental narrative does not provide sufficient information to establish that existing infrastructure can adequately accommodate the proposed development. The historical traffic count provided for Cody Road dates to 2008 and does not establish current roadway conditions or available capacity.

Ultimately, the applicant has provided justification addressing several of the established rezoning criteria, particularly comprehensive plan consistency, changing development conditions, and the potential public benefit of additional housing opportunities. However, the proposed density substantially exceeds the range contemplated by the Low Density Residential Future Land Use designation, and the compatibility of the proposed development with surrounding single-family residential properties remains a significant consideration. The Planning Commission should carefully evaluate whether the applicant has sufficiently demonstrated that the requested R-3 classification is appropriate for the subject property and that the proposed increase in residential intensity is consistent with the City's long-range planning objectives and the public health, safety, and welfare.

REZONING CONSIDERATIONS

Standards of Review:

The Unified Development Code (UDC) in 64-5-5.E. states that Rezonings are 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 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:
    - The current development trends, if any, in the vicinity of the subject property;
    - Surrounding land uses;
    - Would adversely impact neighboring properties; or
    - 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.

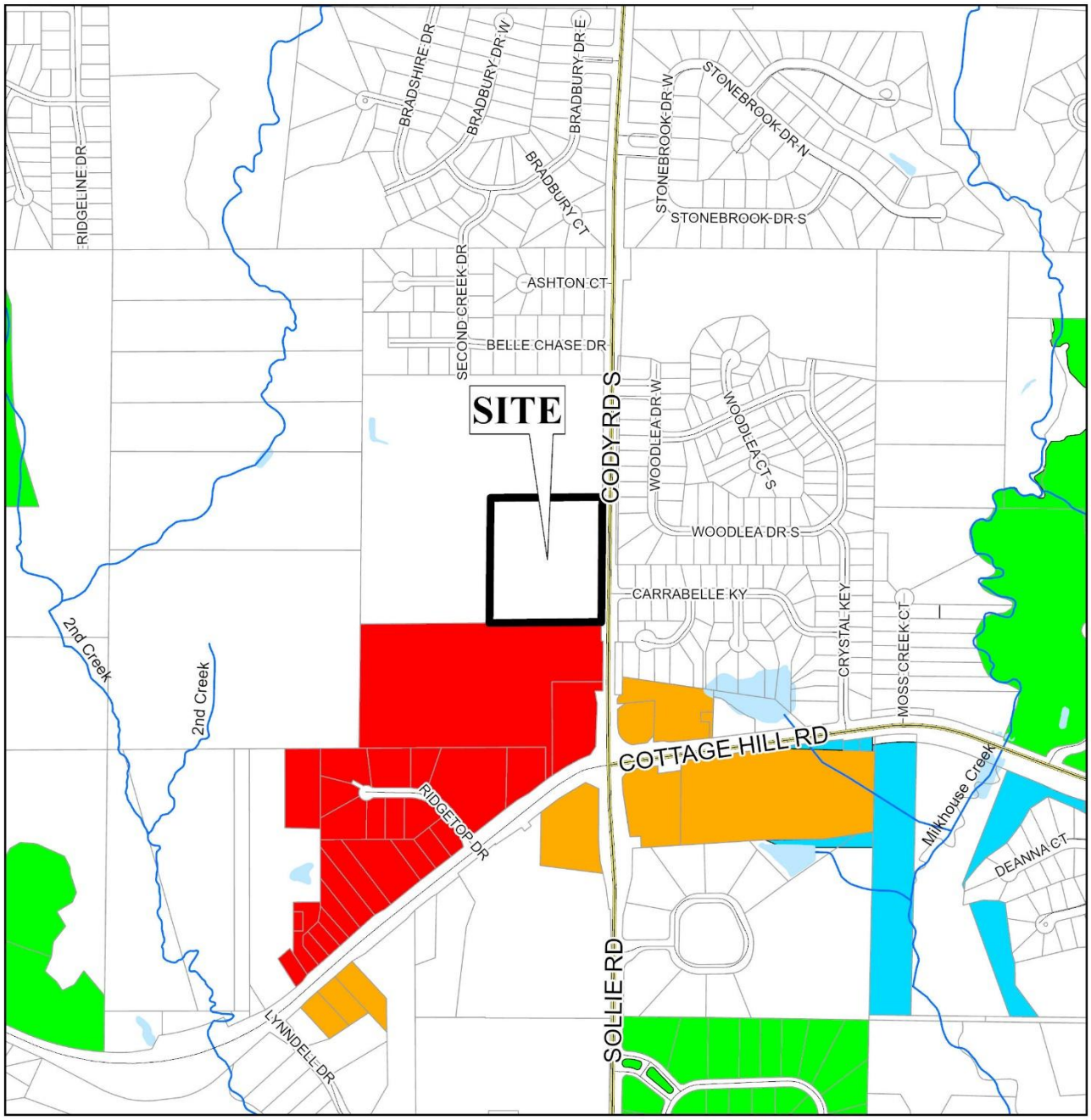
The applicant's responses to address the above criteria are available in the link on page one (1).

Considerations:

If the Planning Commission considers a recommendation of approval of the request to the City Council to Rezone the site to R-3, the following conditions could apply:

1. Compliance with all Engineering, Traffic Engineering, Urban Forestry, and Fire Department comments noted in this staff report; and,
2. Full compliance with all municipal codes and ordinances.

LOCATOR ZONING MAP



APPLICATION NUMBER 16 DATE November 19, 2026

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REQUEST Rezoning from R-1 to R-3

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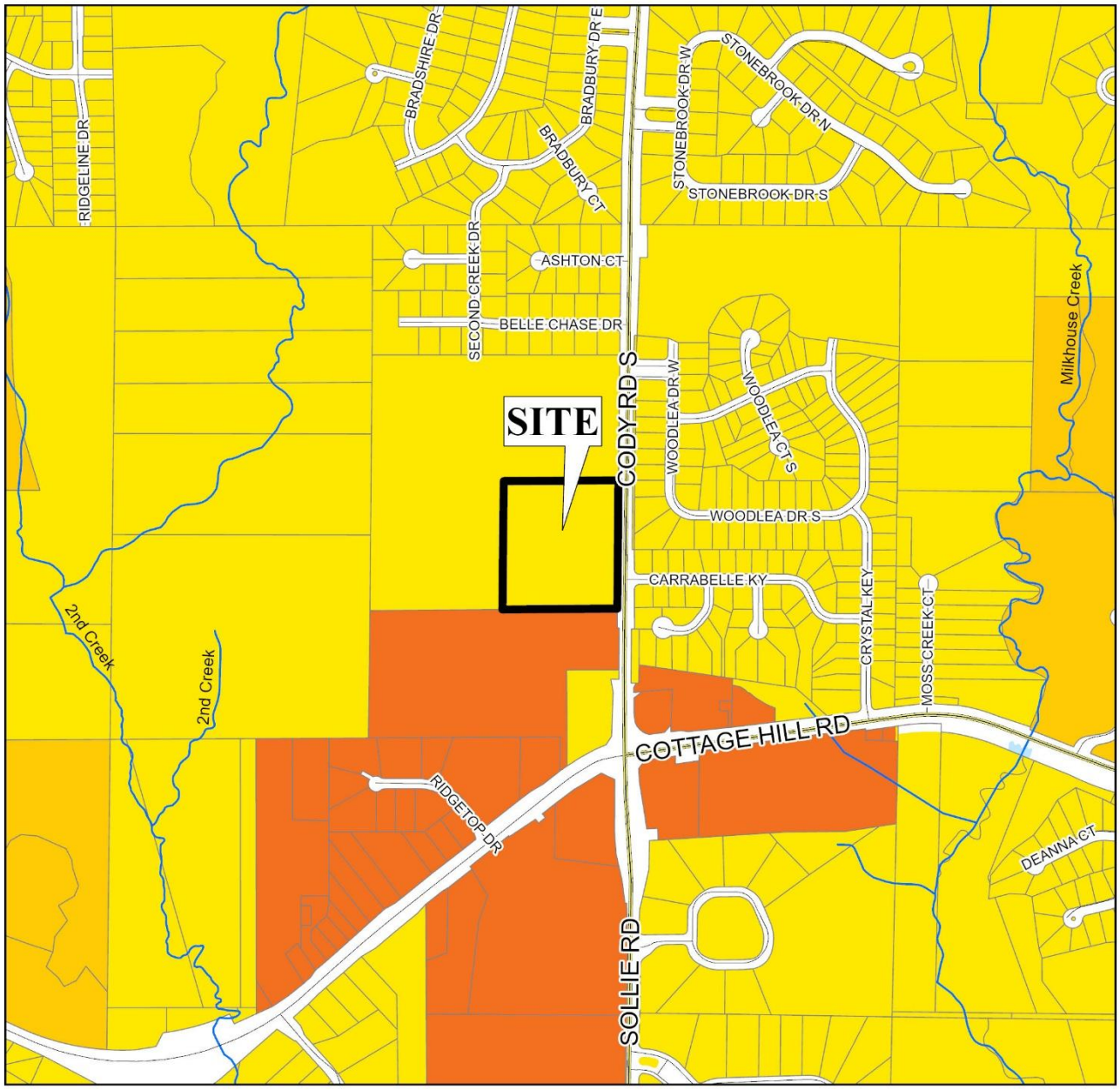
FLUM LOCATOR MAP



APPLICATION NUMBER 16 DATE November 19, 2026

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REQUEST Rezoning from R-1 to R-3

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

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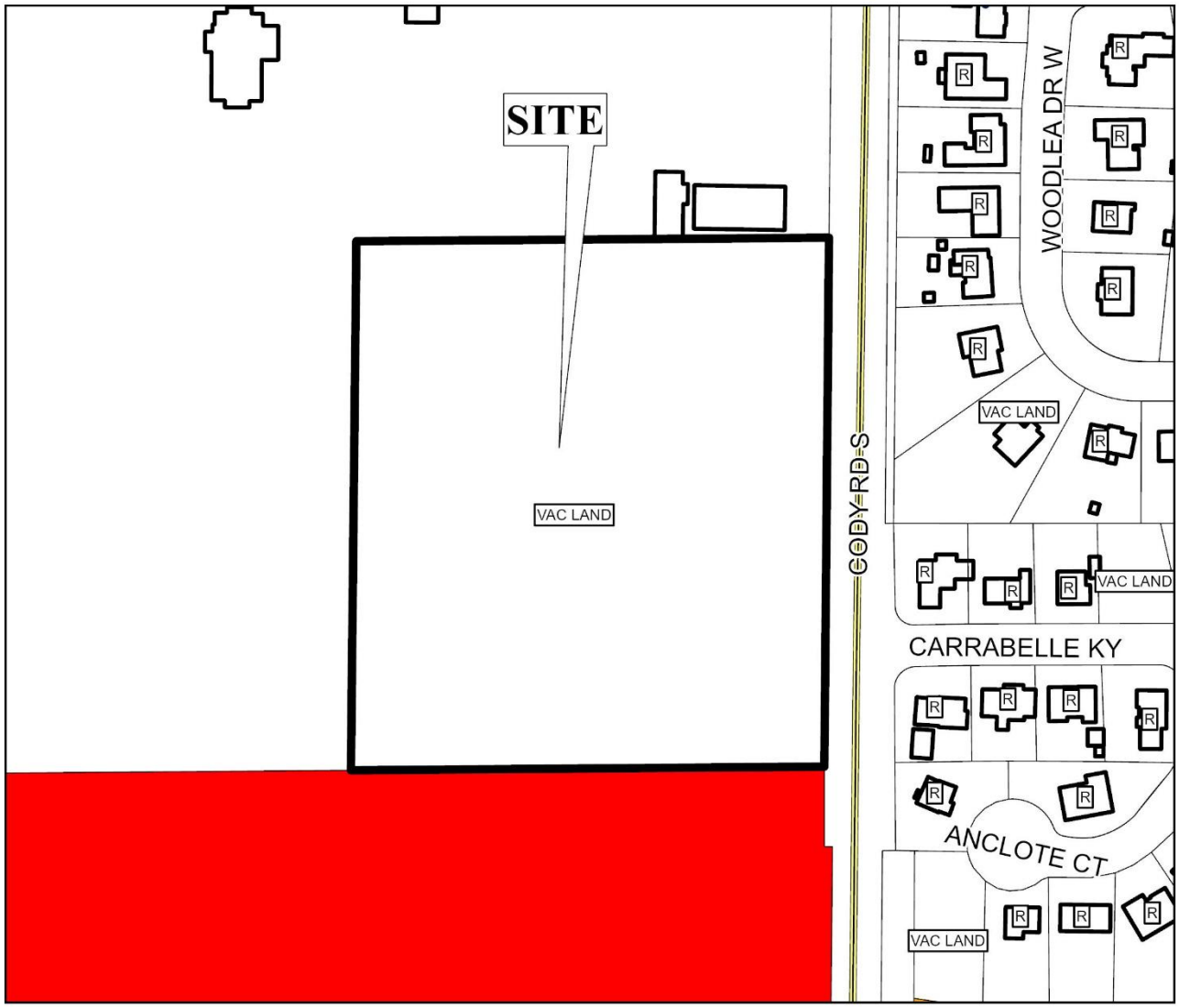
PLANNING COMMISSION
VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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REQUEST Rezoning from R-1 to R-3

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	

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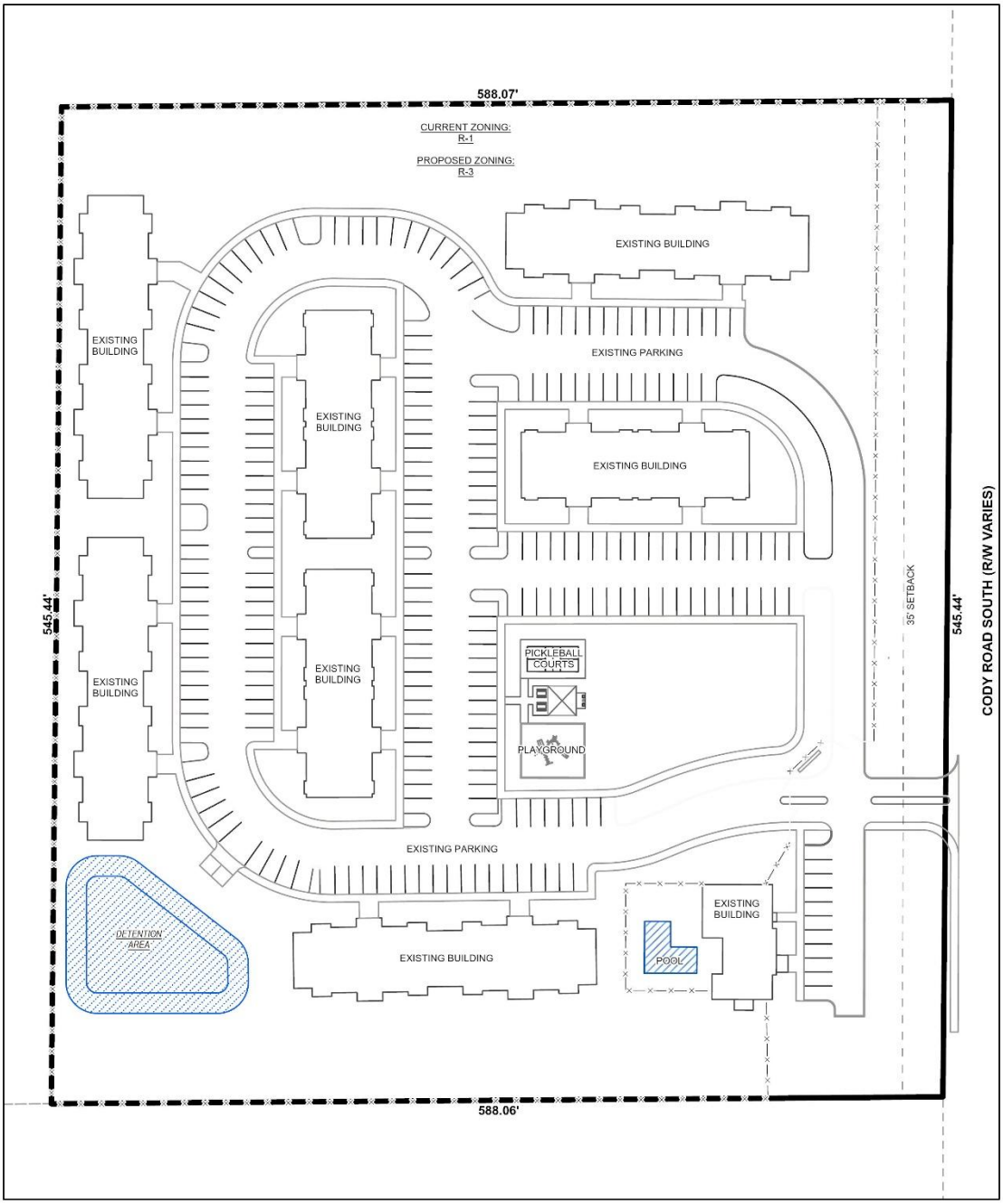
SITE PLAN



The site plan illustrates current and proposed zoning, existing buildings, setbacks, and landscape features.

APPLICATION NUMBER 16 DATE November 19, 2026

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FUTURE LAND USE MAP CORRESPONDENCE TO ZONING

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).

Each future land use designation on the FLUM will have at least one corresponding zoning district, allowing a more precise application of the FLUM based on specific local conditions. In most cases, there are multiple combinations or types of zoning techniques that can accomplish the future land use designation's objectives.

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.

The designation of an area with a FLUM land use category does not mean that the most intense zoning district consistent with that category is "automatically" assigned to a property. Instead, an area retains its existing zoning category until it is changed through a landowner-initiated rezoning application, or a rezoning that follows an area plan. This is because the FLUM is a long-term designation, while a change in zoning considers current conditions – such as market demands, availability of infrastructure, or impacts on the immediate neighborhood.

Zoning correspondence matrix

■ Zoning district is appropriate to implement the future land use category.

U S Zoning district with Urban or Suburban subdistrict is appropriate to implement the future land use category.

○ Elements of the zoning district are related to the future land use category and may be appropriate with qualifications or conditions.

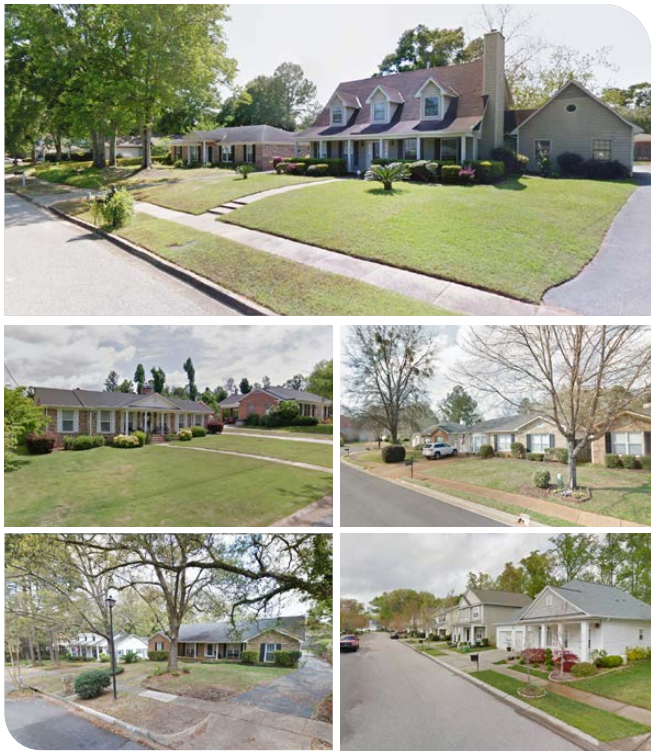
□ Zoning district is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

	RESIDENTIAL - AC (R-A)	ONE-FAMILY RESIDENCE (R-1)	TWO-FAMILY RESIDENCE (R-2)	MULTIPLE-FAMILY (R-3)	RESIDENTIAL BUSINESS (R-B)	HISTORIC BUSINESS (H-B)	BUFFER BUSINESS (B-1)	TRANSITIONAL BUSINESS (T-B)	LIMITED BUSINESS (LB-2)	NEIGHBORHOOD BUSINESS (B-2)	COMMUNITY BUSINESS (B-3)	GENERAL BUSINESS (B-4)	OFFICE-DISTRIBUTION (B-5)	COMMERCIAL WAREHOUSE (CW)	MARITIME MIXED (MM)	MARITIME LIGHT (ML)	MARITIME HEAVY (MH)	LIGHT INDUSTRY (I-1)	HEAVY INDUSTRY (I-2)	VILLAGE CENTER (TCD)	NEIGHBORHOOD CENTER (TCD)	NEIGHBORHOOD 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)
LOW DENSITY RESIDENTIAL (LDR)	■	S	S	S			○							○															○
MIXED DENSITY RESIDENTIAL (MDR)		U	U	■	■			■	■	■					■															○
DOWNTOWN (DT)						■					■													■	■	■	■	■	○	○
DISTRICT CENTER (DC)								■			U	○	○																	
NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)		■	■	U	■	■	○	■	○	○	○										■	■	■							
NEIGHBORHOOD CENTER - SUBURBAN (NC-S)				S			S	■	S	S	○									■	■									○
TRADITIONAL CORRIDOR (TC)		■	■		■	■	U	■	U	U	○																			○
MIXED COMMERCIAL CORRIDOR (MCC)							■		■	■	■	■	■	■	■															
LIGHT INDUSTRIAL (LI)													■	■	■	■			■										○	○
HEAVY INDUSTRY (HI)																■	■	■	■										○	○
INSTITUTIONAL LAND USE (INS)											■	■		○	○				○											
PARKS & OPEN SPACE (POS)	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□
WATER DEPENDENT USES (WDWRU)	■					○								■	■	■		○												

LOW DENSITY RESIDENTIAL (LDR)

This designation applies to residential neighborhoods found mostly west of I-65 or immediately adjacent to the east side of I-65. These areas are primarily single family residential, but may contain small-scale complimentary uses and other residential types at appropriate locations. An LDR area may include a wide range of lot sizes, housing size and styles, including some small-scale multi-unit buildings, but housing styles are highly consistent within a subdivision and tend to have limited connectivity between residential types and non-residential uses. Neighborhoods tend to have longer blocks and may be designed in a network of meandering streets. Residential density ranges between 0 and 6 dwelling units per acre (du/ac).

Character Example



Development Intent

- Complementary uses are designed and sited in a manner compatible with and connected to the surrounding context.
- The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.
- When establishing new residential areas or expanding existing developments, provide pedestrian and vehicular connectivity between adjacent developments.

Land use mix

Primary Uses

- Residential, Single family
- Residential, Attached

Secondary Uses

- Residential, Multifamily
- Civic
- Parks

Housing mix

- Predominantly single family subdivisions with lots smaller than one acre
- Attached residential such as duplexes, multiplexes, and townhomes that have the scale of a single family home