

**PLANNED UNIT DEVELOPMENT  
& SUBDIVISION STAFF REPORT****Date: July 8, 2010****DEVELOPMENT NAME**

Checkers Hwy 90 W. Subdivision

**SUBDIVISION NAME**

Checkers Hwy 90 W. Subdivision

**LOCATION**

5415 U. S. Highway 90 West (Northeast corner of U.S. Highway 90 West and Wiley Orr Road)

**CITY COUNCIL****DISTRICT**

District 4

**AREA OF PROPERTY**

1 Lot / .25 ± acres

**CONTEMPLATED USE**

Planned Unit Development Approval to allow two buildings on a single building site, and Subdivision approval to create 1 lot.

**TIME SCHEDULE****FOR DEVELOPMENT**

Existing

**ENGINEERING****COMMENTS**

Must comply with all storm water and flood control ordinances. The construction of any new dumpster pads will require connection to sanitary sewer, cannot discharge to storm sewer. Any work performed in the right of way will require a right of way permit.

**TRAFFIC ENGINEERING****COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

**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 (State Act 61-929 and City Code Chapters 57 and 64).

Full compliance with frontage and parking tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.

**FIRE DEPARTMENT****COMMENTS**

All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate.

**REMARKS**

The applicant is seeking Planned Unit Development Approval to allow two buildings on a single building site, and Subdivision approval to create one lot. The site is located in Council District 4, and according to the applicant is served by public water and sanitary sewer.

Planned Unit Development review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD. PUD approval is site plan specific, thus any changes to the site plan / Subdivision plat will require approval by the Planning Commission.

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.

The site is currently developed as an 805 square foot Checkers drive-through restaurant, with one walk-up window and outside seating (8 tables in an area of approximately 1500 square feet). A 112 square foot freestanding freezer, the reason for the application, takes up two parking spaces, leaving 19 available parking spaces. A portion of the paved circulation area for the site utilizes land on an adjacent parcel to the North.

The site has frontage on U.S. Highway 90 West, a proposed major street providing 180' of right-of-way and Wiley Orr Road, a minor street providing 30' of right-of-way. The Major Street Plan component of the Comprehensive Plan recommends that this segment of Highway 90 have a right-of-way of 250' and minor streets have right-of-way widths of 50'; thus, the plat should be revised to reflect dedication sufficient to provide 125' from the centerline of U.S. Highway 90 West and 25' from the centerline of Wiley Orr Road.

The site has three curb-cuts onto U.S. Highway 90 West, two curb-cuts onto Wiley Orr Road, and a shared access way in the rear with the neighboring Popeye's restaurant.

It should be noted that staff has several issues of concern with both the subdivision application and the PUD application. The applicant is proposing to create a legal lot of record from two metes and bounds parcels. A two lot subdivision is required to make both parcels legal lots of record, instead of leaving one (Popeyes) as a metes and bounds parcel. Secondly, google maps shows an eighteen wheeler delivery truck crossing both parcels to make a delivery to Checkers, which further justifies the need to bring both restaurants into the PUD. Finally, both sites have multiple shared access points that need to be addressed in one PUD application.

The 25-foot minimum building setback line is not depicted on the preliminary plat. The Final Plat should be revised to depict the 25-foot minimum building setback line along all rights-of-way, if approved.

The geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

## **RECOMMENDATION**

**Subdivision:** Based upon the preceding, this application is recommended for Holdover until the June 17<sup>th</sup> meeting to allow the applicant to provide the following by June 1<sup>st</sup>:

- 1) submittal of a two lot subdivision application to include the remaining portions of Outlaw Land LLP RBP 4620 PG 91 (including the provision of new postage fees to allow for corrected notifications). Revisions and fees must be submitted by June 1<sup>st</sup>; and
- 2) revision of the plat to depict the 25' minimum building setback line along all street frontages.

**Planned Unit Development:** Based upon the preceding, this application is recommended for Holdover until the June 17<sup>th</sup> meeting to allow the applicant to provide the following information by June 1<sup>st</sup>:

- 1) inclusion of the property located to the North (Popeyes) as part of the PUD (showing parking, total building area and use, footprint area, landscape area, etc), with owner approval and new labels and postage for the entire notification area to be provided to Planning by June 1<sup>st</sup>, or revision of the site plan to eliminate shared access between the two sites; and
- 2) revision of the site plan to reflect compliance with Urban Forestry comments: *Full compliance with frontage and parking tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.*

### ***Revised for the July 8<sup>th</sup> meeting:***

*This application was heldover from the May 20<sup>th</sup> meeting to allow the applicant to provide the following information:*

- 1) *submittal of a two lot subdivision application to include the remaining portions of Outlaw Land LLP RBP 4620 PG 91 (including the provision of new postage fees to allow for corrected notifications). Revisions and fees must be submitted by June 15, 2010; and,*
- 2) *revision of the plat to depict the 25' minimum building setback line along all street frontages.*
- 3) *inclusion of the property located to the North (Popeye's) as part of the PUD (showing parking, total building area and use, footprint area, landscape area, etc), with owner approval and new labels and postage for the entire notification area to be provided to*

*Planning by June 15, 2010, or revision of the site plan to eliminate shared access between the two sites; and,*

- 4) revision of the site plan to reflect compliance with Urban Forestry comments: (Full compliance with frontage and parking tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.)*

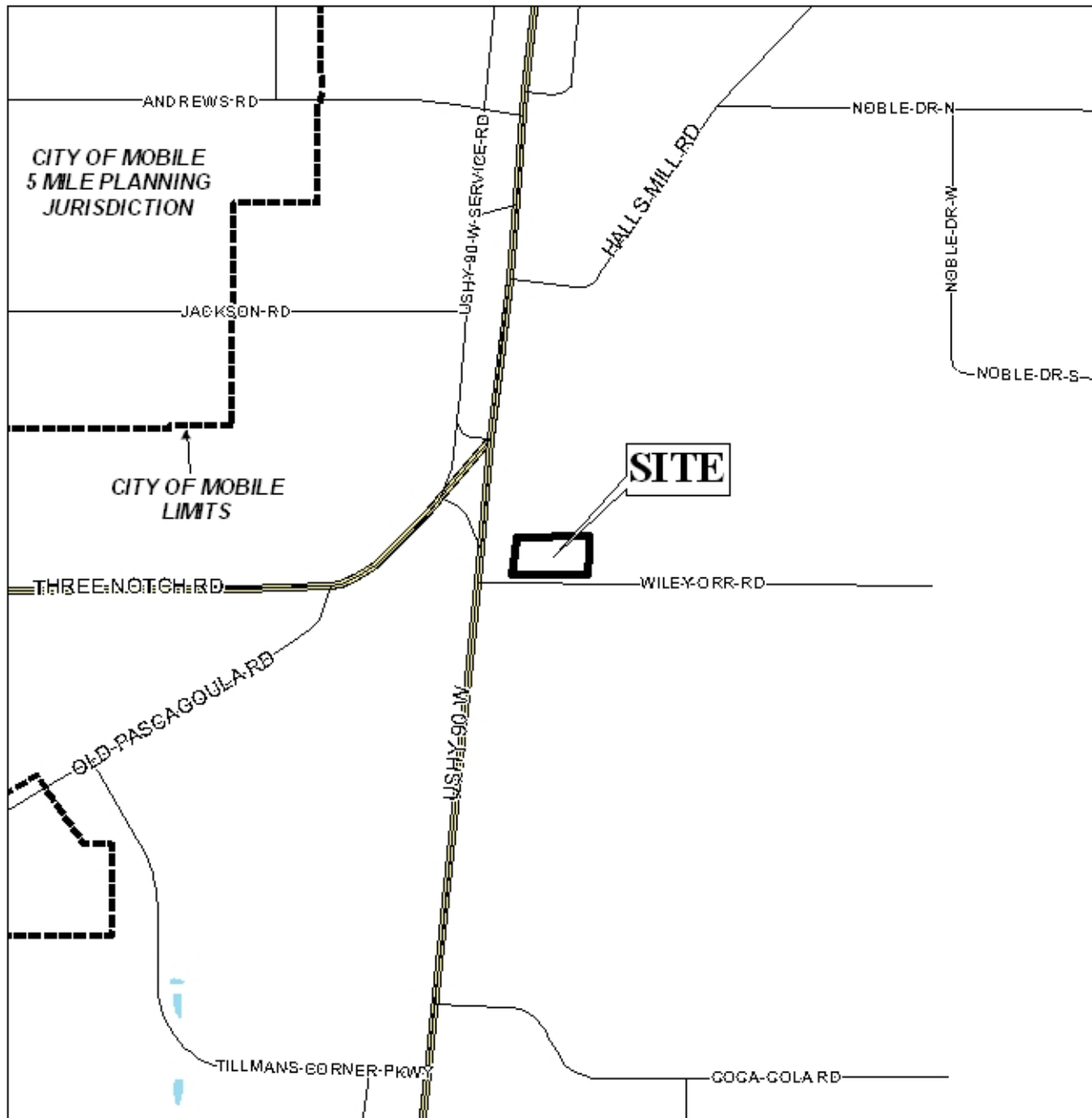
*It should be noted that no information was submitted for these applications; however, the applicant has submitted new subdivision and Planned Unit Development applications with postage fees to be heard at the August 5<sup>th</sup> meeting.*

## **RECOMMENDATION**

**Subdivision:** Based upon the preceding, this application is recommended to be withdrawn.

**Planned Unit Development:** Based upon the preceding, this application is recommended to be withdrawn.

# LOCATOR



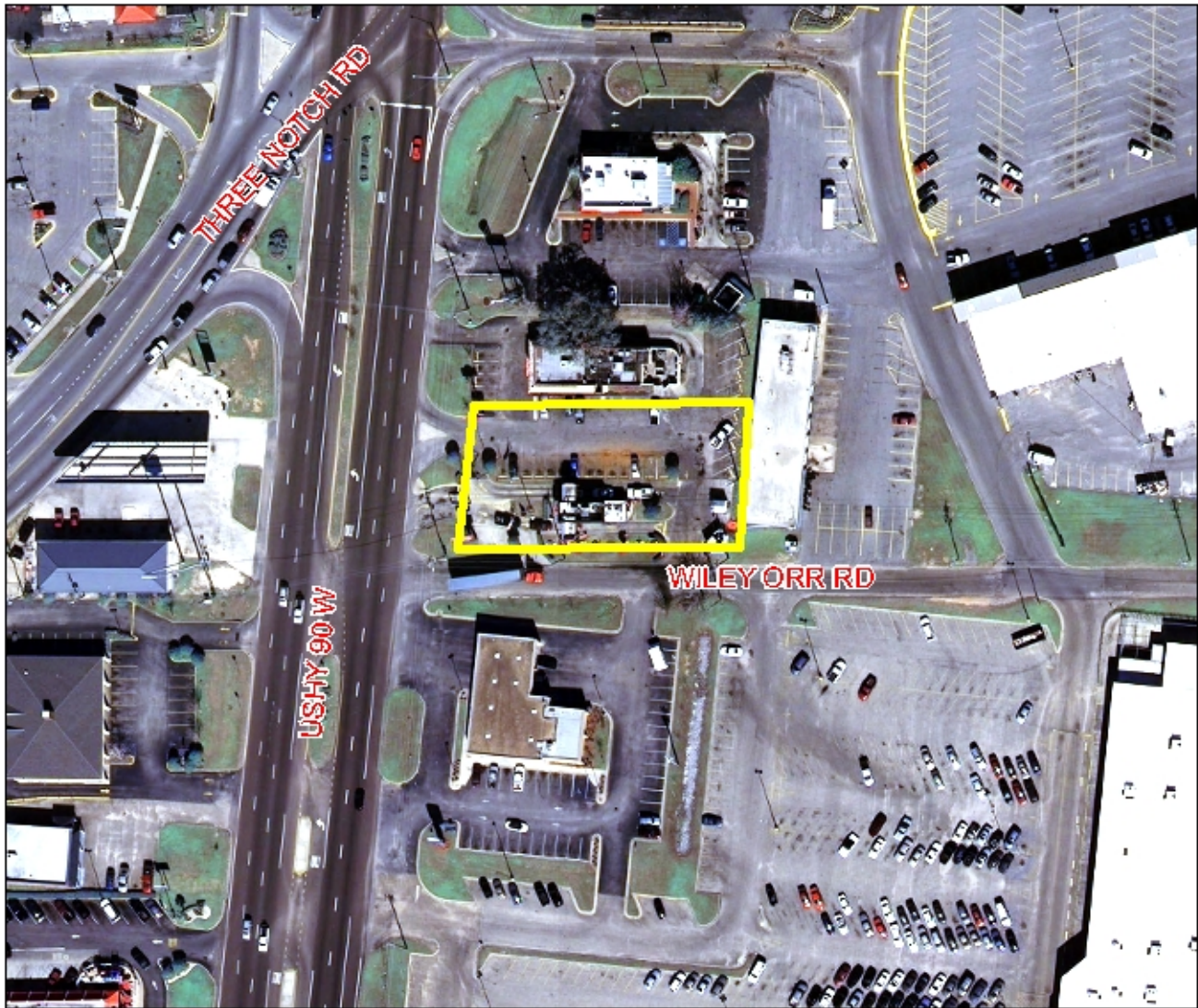
APPLICATION NUMBER 1 & 2 DATE July 8, 2010

APPLICANT Checkers Hwy 90 W. Subdivision

REQUEST Subdivision, Planned Unit Development



## PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by business land use.

APPLICATION NUMBER 1 & 2 DATE July 8, 2010

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REQUEST Subdivision, Planned Unit Development



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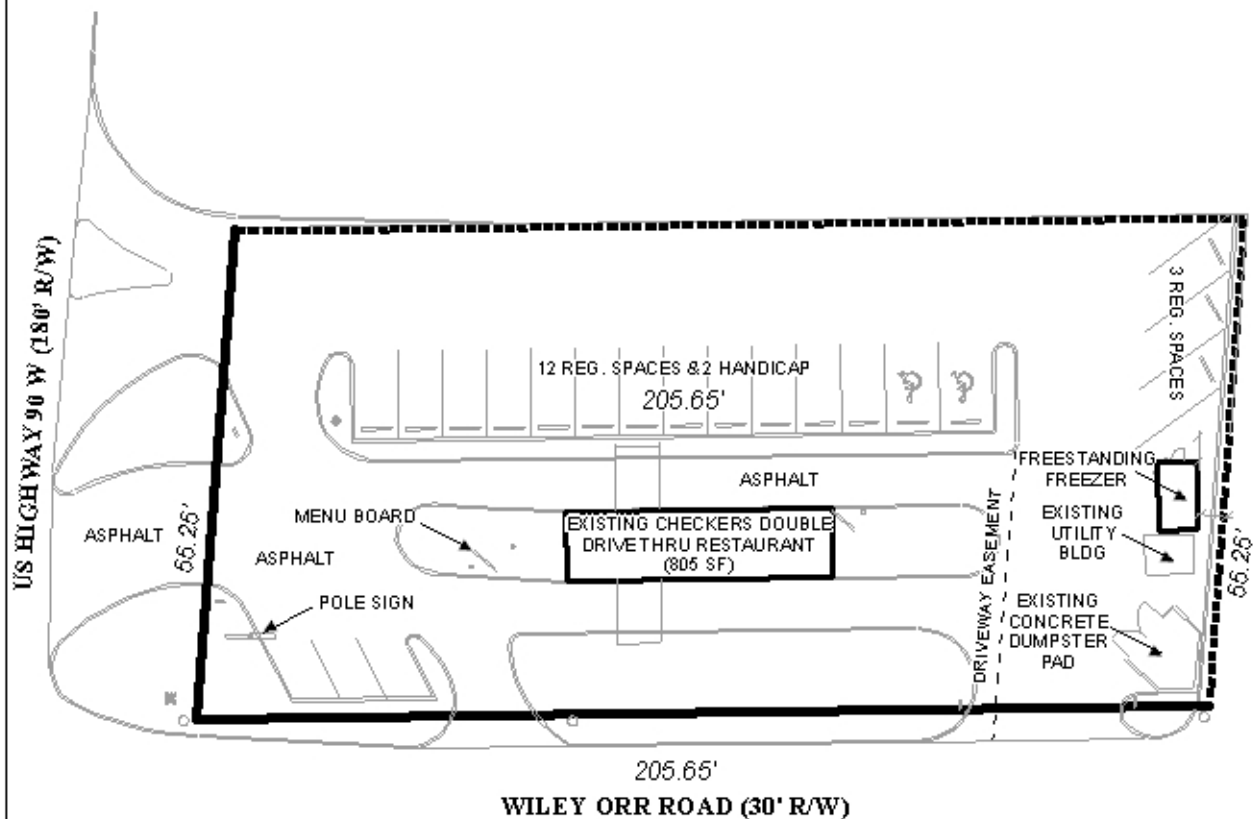
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LEGEND 

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2	NTS
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## SITE PLAN



This site plan illustrates the proposed subdivision and planned unit development.

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