

**PLANNED UNIT DEVELOPMENT
STAFF REPORT**

Date: November 4, 2021

<u>DEVELOPMENT NAME</u>	Hill Foley Rossi, LLC (Casey Durden, Agent)
<u>LOCATION</u>	4707 Airport Boulevard (South side of Airport Boulevard, at the South terminus of General Bullard Avenue).
<u>CITY COUNCIL DISTRICT</u>	District 6
<u>AREA OF PROPERTY</u>	0.85± Acre
<u>CONTEMPLATED USE</u>	Planned Unit Development Approval to amend a previously approved Administrative Planned Unit Development to allow shared access and parking between multiple building sites, and to allow a reduced front yard setback in a B-2, Neighborhood Business District.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	As soon as possible.

**ENGINEERING
COMMENTS**

1. Label the PLAN as PUD SITE PLAN.
2. ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN:
 - a. 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 (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
 - b. 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.
 - c. 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.

- d. 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.
- e. 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.
- f. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

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 Section 64-6 of the City’s Zoning Ordinance.

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 (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.

REMARKS

The applicant is requesting Planned Unit Development Approval to amend a previously approved Administrative Planned Unit Development to allow shared access and parking between multiple building sites, and to allow a reduced front yard setback in a B-2, Neighborhood Business District.

The subject site received Administrative Planned Unit Development Approval in 2013 to allow shared access between multiple building sites to allow the construction of a new restaurant.

That approved site plan indicated a drive-thru lane along the East side of the subject site which expanded to two lanes as it curved toward the West at the North end of the site parallel to Airport Boulevard. Eleven on-site parking spaces bordered along the East side of the drive-thru lane. The applicant proposes to add an additional drive-thru lane along the East side of the site and adjacent to the existing lane which would eliminate the adjacent parking spaces. Also proposed is a canopy over the existing order point and pick-up point. The proposed order point canopy would encroach into the 25-foot minimum building setback line along Airport Boulevard. The applicant submitted plans for building permits for the proposed site renovations, but staff and legal counsel have determined that the proposed changes would require either a full PUD to be submitted to the Planning Commission, or a Site Variance to be submitted to the Board of Zoning Adjustment due to the setback issue; hence this application.

The site has been given a Mixed Commercial Corridor (MCC) land use designation, per the adopted Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

PUD 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.

In pursuit of these purposes, the objectives to be met by a PUD are as follows: a) to encourage innovative and diversified design in building form and site development; b) flexibility, to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations; c) to encourage the most efficient and sustainable use of land, especially tracts in the inner part of the city that remain undeveloped or that are appropriate for re-development; d) to preserve and protect as urban amenities the natural features and characteristics of land; e) to encourage the provision of common open space through efficient site design; and, f) to encourage optimum use of available public utilities, streets and community facilities.

PUD approval is site-plan specific, thus any changes to the site plan / Subdivision plat will require approval by the Planning Commission. Also, PUD approvals expire within one (1) year if no permits for the development are obtained.

The applicant states:

Thank you for your consideration of the request to modify the parking and existing site conditions at the #3313 Chick-fil-A located at 4707 Airport Boulevard. The existing restaurant is approximately 4,559 sf with a 475 sf patio area for a total of approximately 5,034 sf. No building area modifications are proposed. The site area is 0.847 acres and is controlled via a long-term ground lease with JWV Inc. 22.5% int, et al as the land owner.

The proposed remodel project is to modify the existing drive thru configuration, remove 11 spaces and add a permanent black metal canopy where customers order. A second canopy is proposed at the pick-up window. The proposed site modifications would create a second lane in the drive thru to improve traffic circulation and safety.

A 25-foot setback exists along Airport Blvd. The proposed order point canopy would be approximately 23 feet from the right of way encroaching 2 feet into the 25-foot setback. It is our understanding this is acceptable per the City of Mobile ordinance.

An offsite parking agreement is in place with the adjacent shopping center owner who is also the owner of the Chick-fil-A parcel. The existing site has 23 spaces. The proposed site would have 12 spaces on site. The adjacent shopping center is being utilized today for parking and would be utilized after the remodel for most of the parking requirements.

Plan Consistency Statement: The scope of work for this project will not change the existing operation of this site nor have any effects on the Future Land Use Plan.

Development Schedule: The construction schedule for this project is approximately an 8-week period of work with the start date being as soon as possible.

Utility Systems: No changes are proposed to the existing storm or sewer systems. A gas line is proposed to the new canopy.

The proposed additional drive-thru lane on the East side of the site should have no negative impact on the site given that the eleven lost on-site parking spaces are compensated for by the allowance of off-site parking on the adjacent site, which is also under the same ownership as the subject site. In fact, additional landscaping will be provided on the site within the portions of the removed parking spaces which are not within the proposed drive-thru lane. No landscaping or tree plantings will be lost where the new drive-thru land merges into the existing Northern-most drive-thru lane parallel with Airport Boulevard.

Two new canopies are proposed for the site. One is along the West side of the existing restaurant building which will extend approximately half-way over the existing order pick-up drive-thru lane on that side. This canopy would be well within the buildable limits of the site and should have no negative impact on the site. The other proposed canopy would be over the ordering point for the two drive-thru lanes parallel with Airport Boulevard at the North end of the site. It would span the entire width of the Southern-most lane, but would only cover approximately half of the Northern-most lane. It would, however, be within 23 feet of the front property line, and would encroach two feet into the 25-foot building setback line.

As the proposed canopy encroachment into the 25-foot building setback line is minor, and as customer service trends in the fast food restaurant business did not generally include covered drive-thru order station lanes at the time of the site's original development, the allowance of the canopy encroachment into the setback would seem justified in this instance.

If approved, a note should be placed on the Final Plat stating Traffic Engineering comments.

As PUD's are site-plan specific, any changes to the approved site plan will require an amended PUD to the Planning Commission. A note should be required on the site plan stating such. A revised site plan incorporating all conditions of approval should be submitted to and approved by Planning and Zoning prior to the submittal of revised site plans for development permits on the site.

RECOMMENDATION

Staff recommends the following Findings of Fact for Approval for the Planned Unit Development:

- a. the proposal promotes the objective of Creative design (to encourage innovative and diversified design in building form and site development), because it is a developed lot that will be able to afford additional customer service amenities;
- b. the proposal promotes the objective of Flexibility (*to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations*), because it will allow the applicant to amend a previously approved Planned Unit Development allowing shared access between sites;

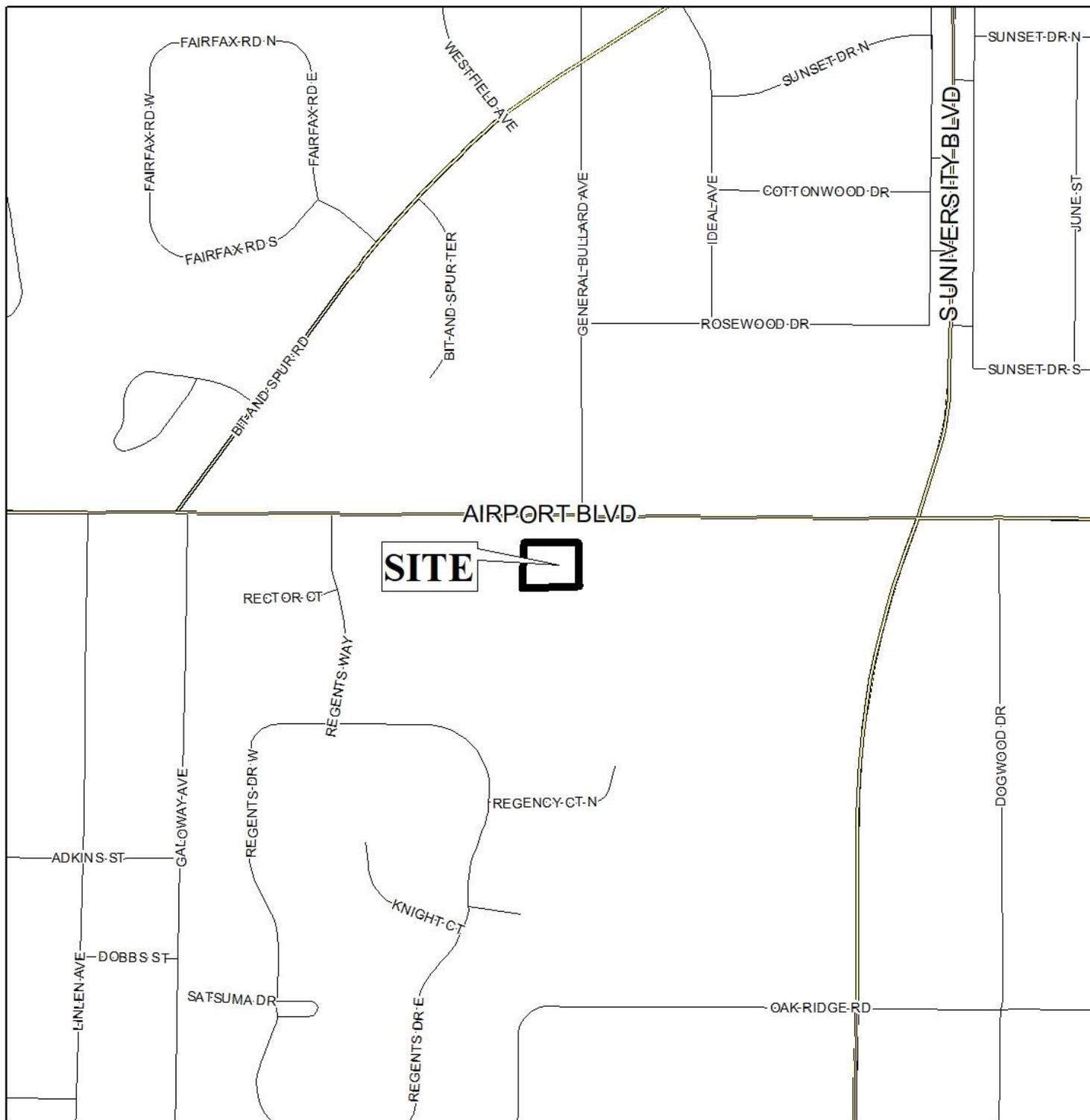
- c. the proposal promotes the objective of Efficient land use (to encourage the most efficient and sustainable use of land, especially tracts in the inner part of the city that remain undeveloped or that are appropriate for redevelopment), because the site already contains an existing building and is located within a developed area.
- d. the proposal promotes the objective of Environment (to preserve and protect as urban amenities the natural features and characteristics of the land), because the project does not eliminate any existing urban amenities or natural features, and additional green space will be added to the site.
- e. the proposal promotes the objective of Open space (to encourage the provision of common open space through efficient site design), because the project is within an existing developed area.
- f. the proposal promotes the objective of Public services (to encourage optimum use of available public utilities, streets and community facilities), because no new public infrastructure must be constructed to meet the applicant's needs.

Based upon the preceding, this application is recommended for approval subject to the following conditions:

- 1) placement of a note on the site plan stating that any changes to the approved site plan will require an amended PUD to the Planning Commission;
- 2) compliance with the Engineering comments: *(Label the PLAN as PUD SITE PLAN. ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: a. 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 (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). b. 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. c. 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. d. 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. e. 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. f. The proposed development must comply with all Engineering Department design requirements and Policy Letters.);*
- 3) placement of a note on the Final Plat stating 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 Section 64-6 of the City's Zoning Ordinance.);*
- 4) compliance with the 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.);*
 - 5) compliance with the 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.); ;*
 - 6) submittal to and approval by Planning and Zoning of a revised site plan (hard copy and pdf) incorporating all conditions of approval prior to the submittal of revised site plans for development permits on the site; and
 - 7) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



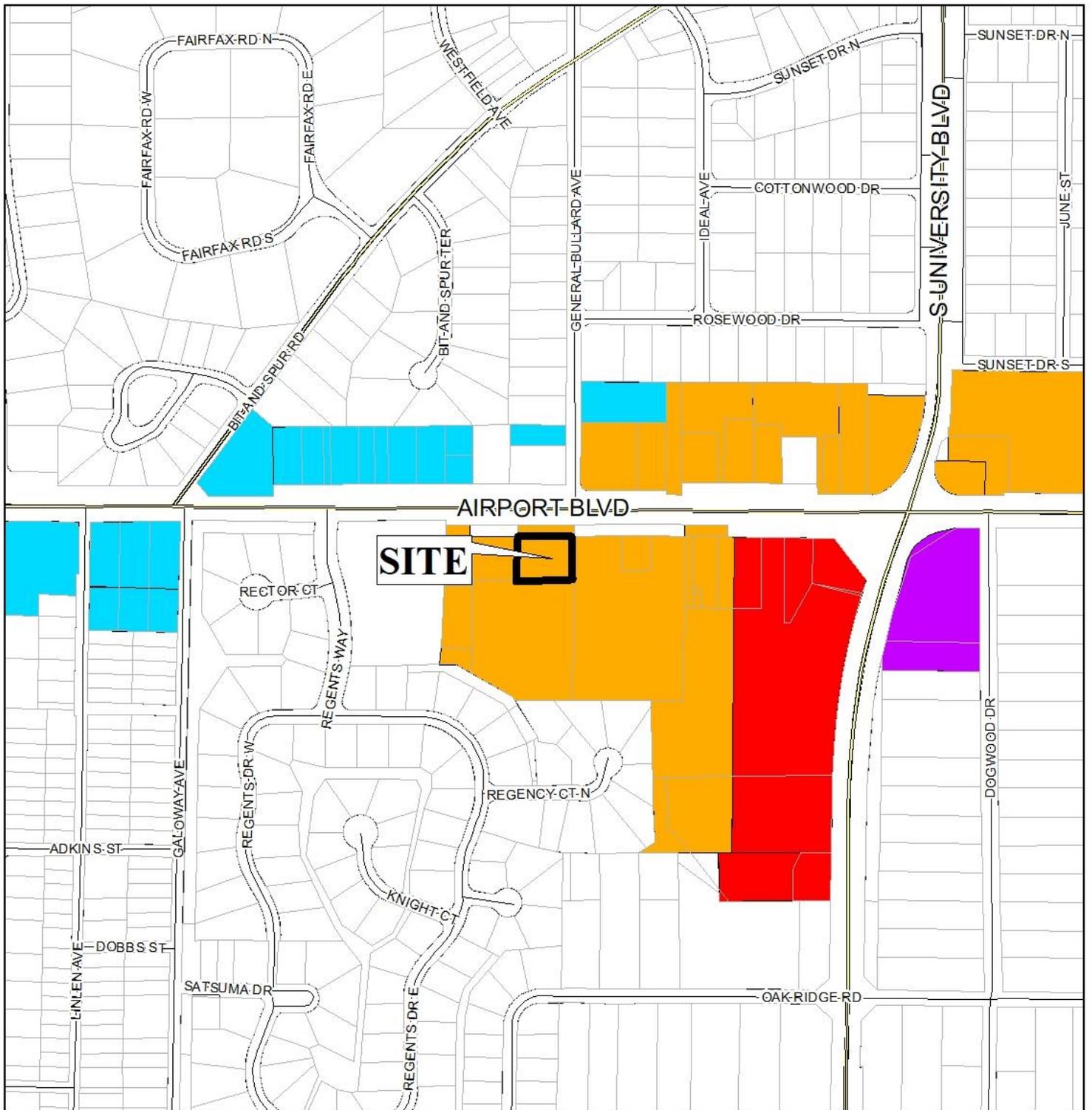
APPLICATION NUMBER 4 DATE November 4, 2021

APPLICANT Hill Foley Rossi, LLC (Casey Durden, Agent)

REQUEST Planned Unit Development



LOCATOR ZONING MAP



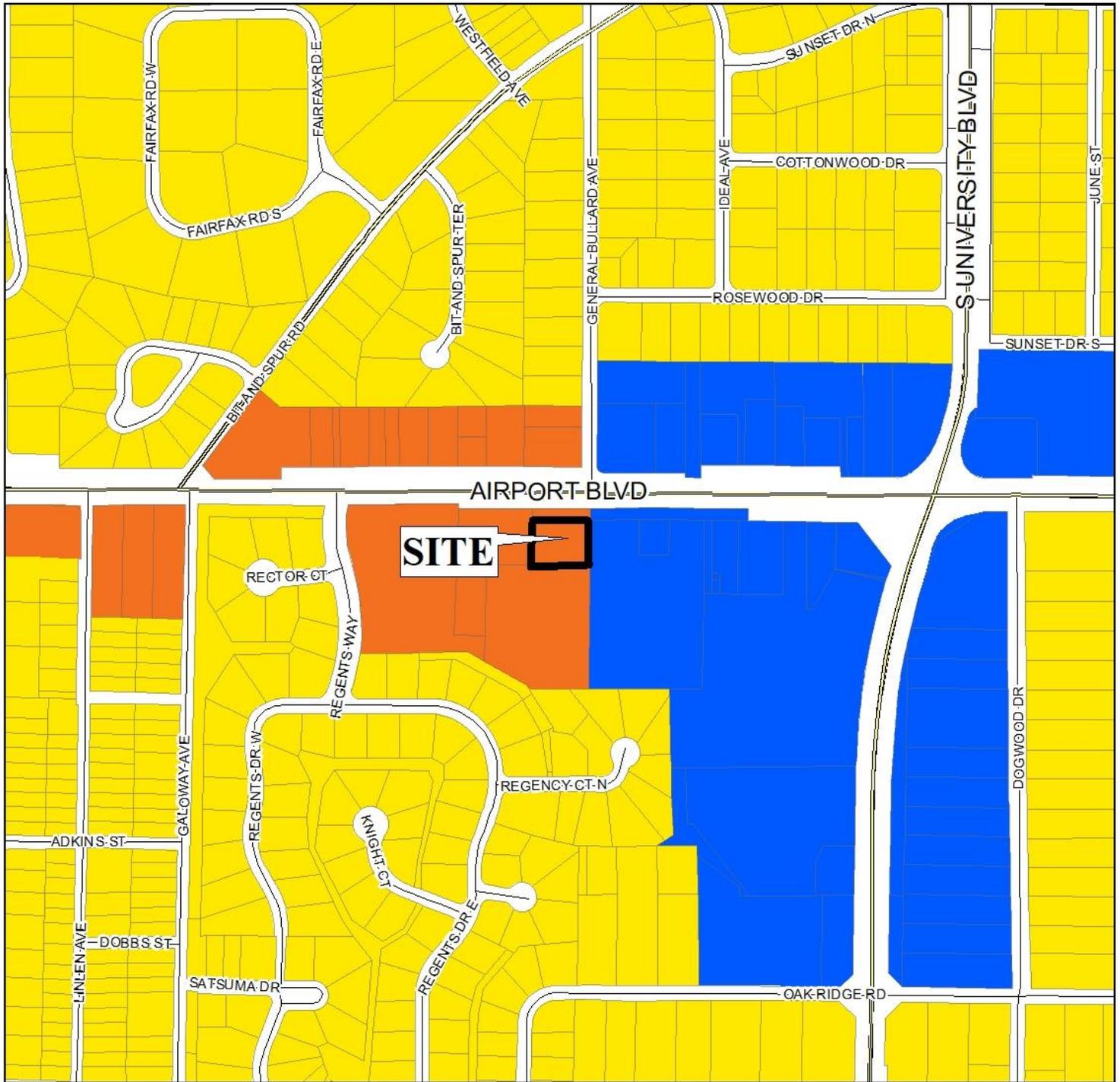
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REQUEST Planned Unit Development



FLUM LOCATOR MAP



APPLICATION NUMBER 4 DATE November 4, 2021

APPLICANT Hill Foley Rossi, LLC (Casey Durden, Agent)

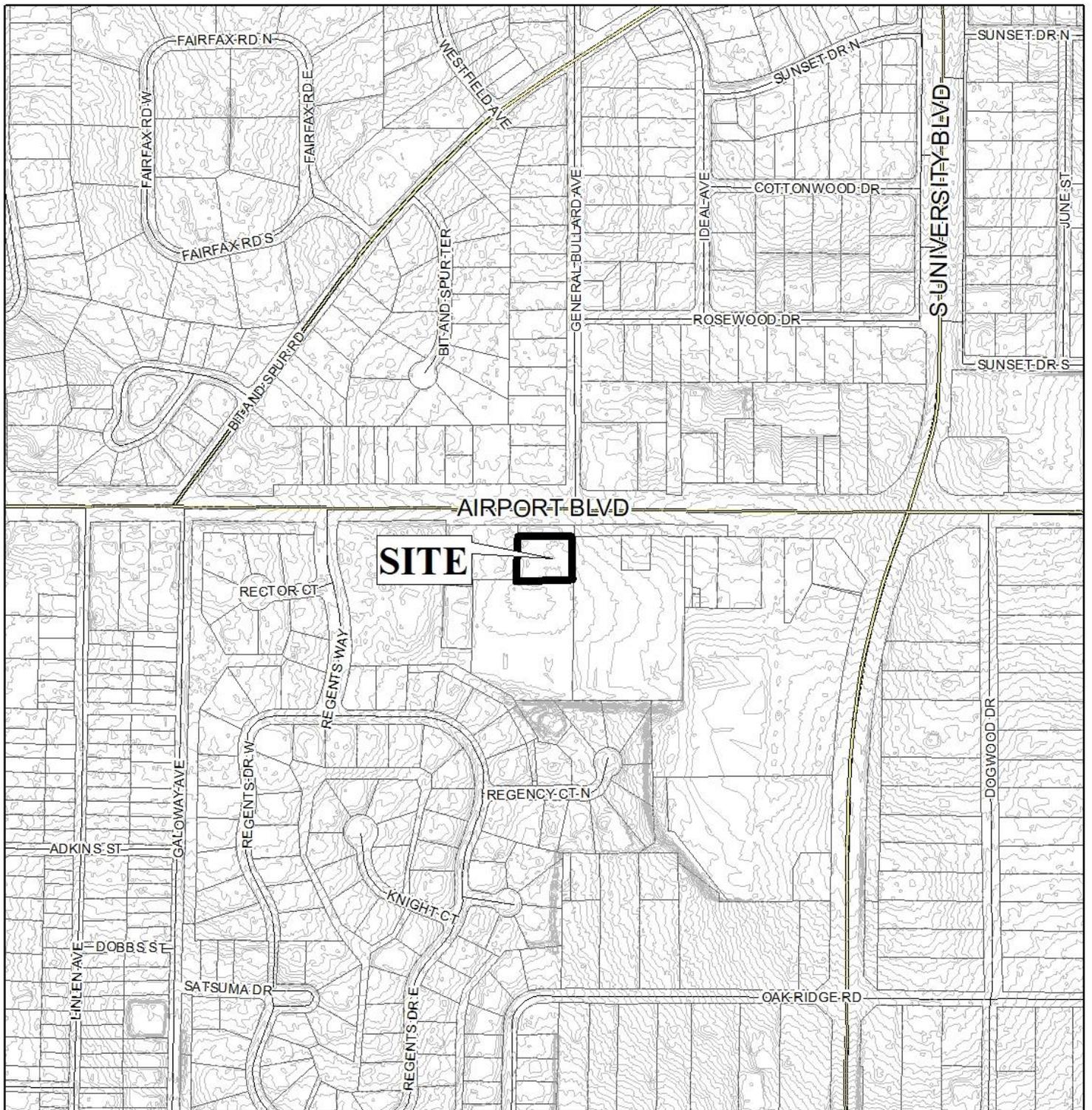
REQUEST Planned Unit Development

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|---------------------------|-----------------------------------|---------------------|--------------------|
| 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 | |



NTS

ENVIRONMENTAL LOCATOR MAP



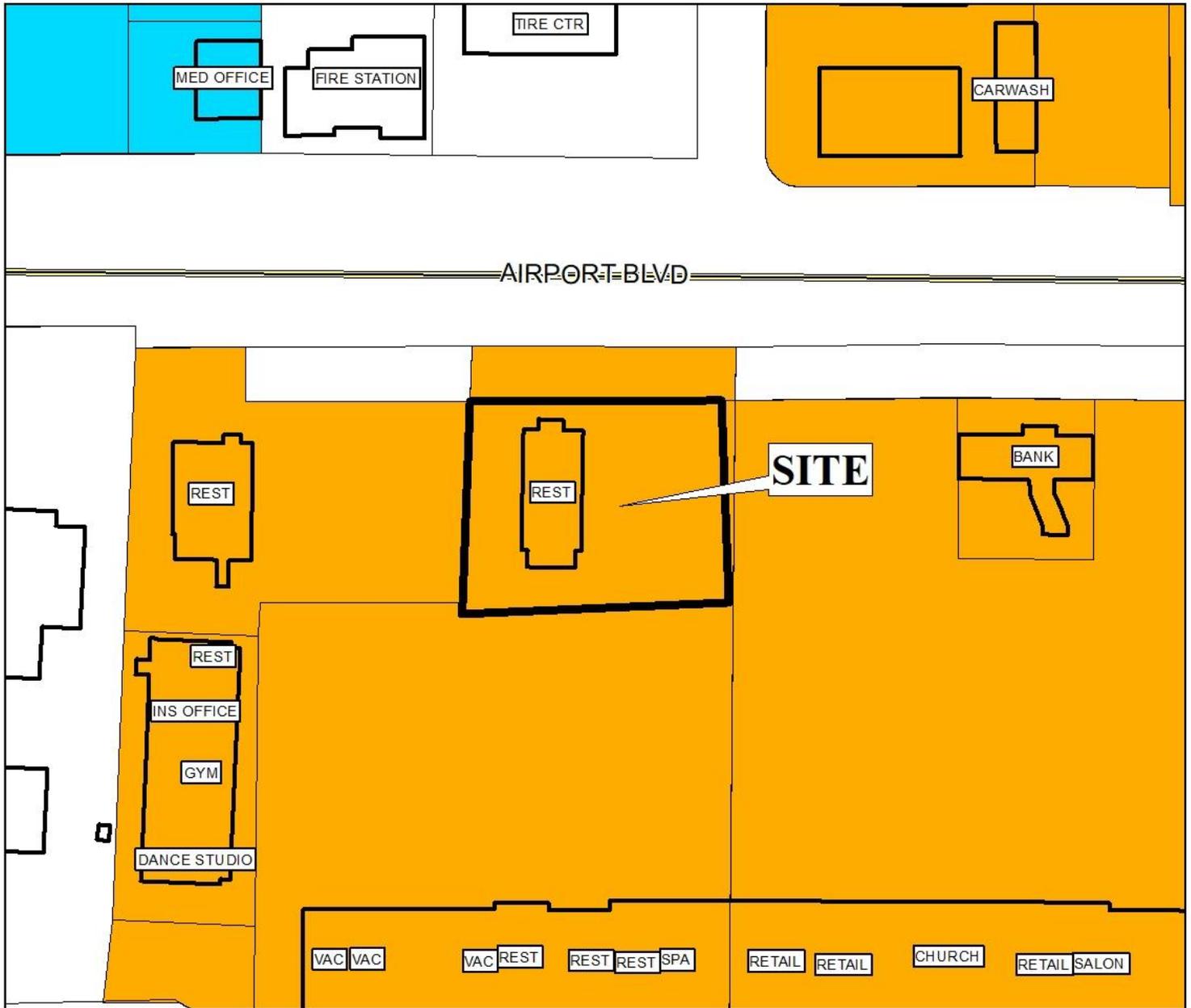
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL

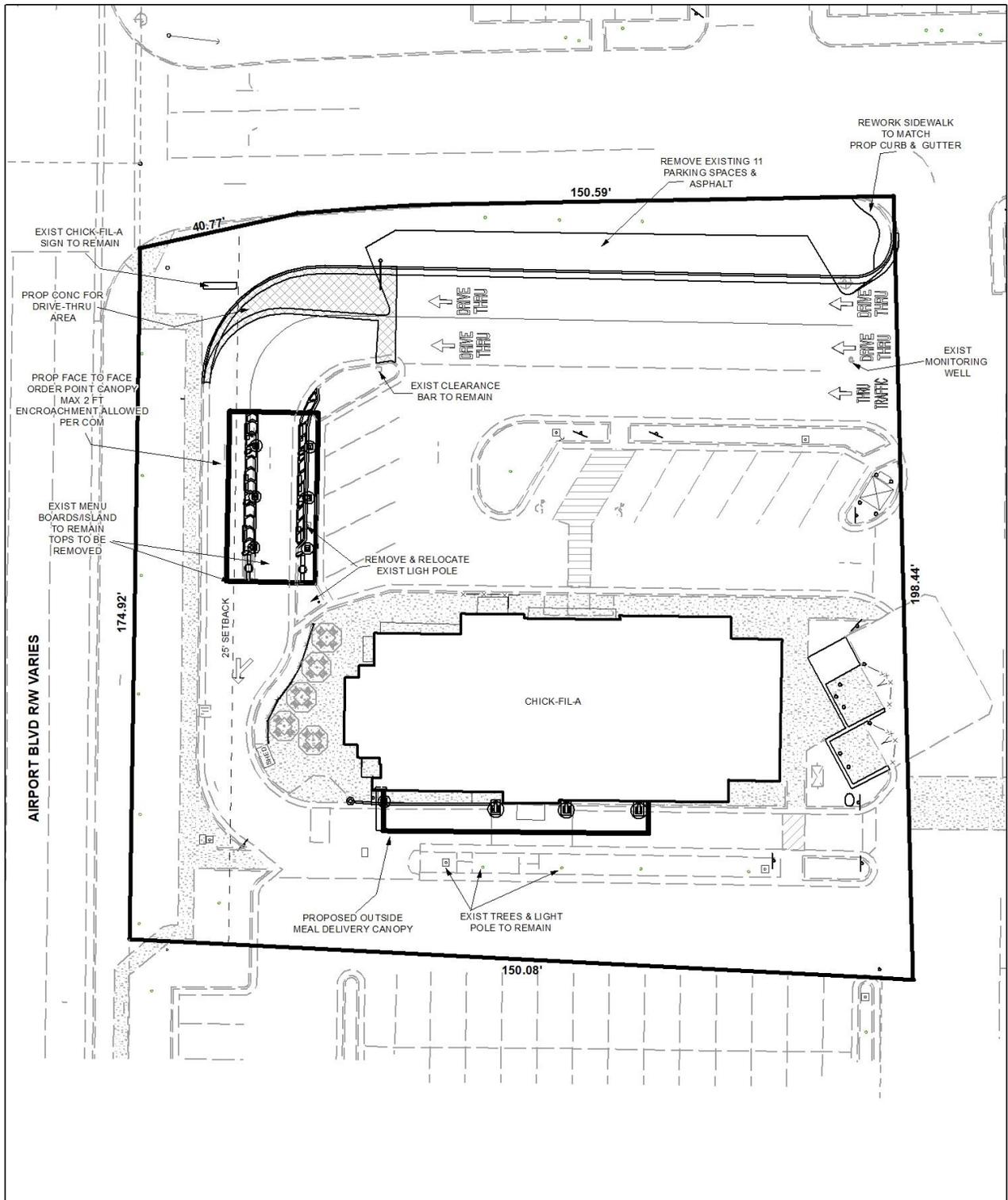


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SITE PLAN



The site plan illustrates the existing building, proposed canopy, proposed drive, setback, and parking.

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