

**PLANNED UNIT DEVELOPMENT
& SUBDIVISION STAFF REPORT****Date: January 3, 2019**

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| <u>DEVELOPMENT NAME</u> | Outlaw 2 Lot Subdivision, Resubdivision of Lot 2 |
| <u>SUBDIVISION NAME</u> | Outlaw 2 Lot Subdivision, Resubdivision of Lot 2 |
| <u>LOCATION</u> | 5413 & 5415 U. S. Highway 90 West (Northeast corner of U.S. Highway 90 West and Wiley Orr Road) |
| <u>CITY COUNCIL DISTRICT</u> | District 4 |
| <u>AREA OF PROPERTY</u> | 1 Lot / .02 ± acres (Subdivision) 2 Lots/ .85 ± acres (PUD) |
| <u>CONTEMPLATED USE</u> | Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access between building sites and reduced side yard setbacks for a proposed restaurant, and a one lot subdivision to alter existing setbacks from a previously recorded plat. |
| <u>TIME SCHEDULE FOR DEVELOPMENT</u> | Immediately |
| <u>ENGINEERING COMMENTS</u> | |

Subdivision: FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer):

- 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 the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- C. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance 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. Add a note to the Plat stating that 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.

- E. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved.
- F. Add a note to the plat stating that all proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile.
- G. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process.
- H. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
- I. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the red-line markup, the ORIGINAL (with all other signatures) and one (1) copy of the revised original (signatures not required) of the revised Final Plat to the Engineering Department.

Planned Unit Development: ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN:

- 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 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).
- 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**

U.S. Highway 90 is an ALDOT maintained roadway. Driveway number, size, location and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. Any 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 (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site 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

REMARKS

The applicant is requesting Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access between building sites and allow reduced side yard setbacks for a proposed restaurant; as well as a one lot subdivision to alter existing setbacks from a previously recorded plat. The site is located in Council District 4, and according to the applicant the site is served by public water and sanitary sewer.

This site was approved by the Planning Commission at the August 8, 2010 meeting to allow two buildings on a single building site with shared access and parking, and subdivision approval to create two legal lots of record. The applicant now wishes to revise the previously approved PUD and to allow a reduced building setback (16.5 feet) along Wiley Orr Road.

The site has been given a Mixed Commercial Corridor (MCC) land use designation, per the 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.

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.

Lot 1 is developed with an existing 2,411 square foot Popeye's restaurant. Lot 2 was developed with 688 square foot square foot Checkers drive-through restaurant, with one walk-up window and 8 tables for outside seating. The applicant has demolished the original Checkers restaurant and now proposes to construct a new 917 square foot Checkers drive-through restaurant with 4 outside dining tables. The applicant is also proposing to have a more modern and efficient building with a restroom available to the outside for customers.

The site has frontage on U.S. Highway 90 West, a proposed major street and Wiley Orr Road, a minor street. Neither the site plan nor the preliminary plat illustrates the total right-of-way widths for either street; however, the previous subdivision required dedication sufficient to provide 125' from the centerline of U.S. Highway 90 West and 25' from the centerline of Wiley Orr Road. Therefore sufficient dedication has already been provided which resulted in portions of the parking area becoming a part of the right-of-way, and menu boards and portions of the buildings within the setbacks. Both the plat and the site plan should be revised to illustrate the total right-of-way widths for U.S Highway 90 West and Wiley Orr Road.

Because U.S. Highway 90 West is a major street, access management is a concern; therefore, a note should be placed on the Final Plat stating that the subdivision is limited to the existing curb-cuts along U.S. Highway 90 West and Wiley Orr Road with the size, location, and design of any additional curb-cuts to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards.

Regarding site circulation, there appears to be sufficient aisle widths, and compliant access and maneuvering areas. In regards to parking, the site is required to have a total of 33 parking spaces due to the two restaurants, and the site plan illustrates 39 parking spaces. The parking summary for Lot 1 should be revised to depict "LOT-1, Existing Popeye's 37 spaces" instead of 38 spaces and the number "9" used to represent the total number of spaces closest to the Popeye's should be changed to label "8".

Due to complete demolition of the original Checkers building, tree planting and landscaping compliance must be coordinated with the Planning staff.

The 25-foot minimum building setback line is depicted on the preliminary plat and on the site plan where the site has frontage along U.S Highway 90 West. With regards to Lot 2, the previous building encroached within the 25' minimum building setback on the recorded plat and the newly proposed plat and site plan depict a 16.5' minimum building setback along Wiley Orr Road. Ultimately, the applicant is requesting to continue the reduced setback along Wiley Orr Road for the new Checker's restaurant building and build per the requested setbacks illustrated on the proposed plat and PUD.

It should be noted, the lot sizes are not depicted in square feet or acres. The site plan and plat should be revised to depict the lot sizes in both square feet and acres or the provision of a chart depicting the same information is be required.

RECOMMENDATION

Subdivision: Based upon the preceding, and with a waiver of Section V.D.9 for the 25-foot setback along Wiley Orr, the application is recommended for Tentative Approval, subject to the following conditions:

- 1) revision of the plat to depict the total right-of-way widths for U.S Highway 90 W and Wiley Orr Road;
- 2) revision of the plat to depict the lot size in square feet and acres, or the provision of a chart depicting the same information;
- 3) retention of the 25-foot minimum building setback line along U.S. Highway 90 West and the 16.5-foot minimum building setback along Wiley Orr Road;
- 4) compliance with Engineering comments: *"FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): 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 the*

Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. C. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance 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. Add a note to the Plat stating that 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. E. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved. F. Add a note to the plat stating that all proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile. G. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process. H. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing. I. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the red-line markup, the ORIGINAL (with all other signatures) and one (1) copy of the revised original (signatures not required) of the revised Final Plat to the Engineering Department."

- 5) placement of a note on the Final Plat stating the following Traffic Engineering comments: *"U.S. Highway 90 is an ALDOT maintained roadway. Driveway number, size, location and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. Any on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance."*;
- 6) compliance with 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 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit."*;
- 7) compliance with Fire 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)"*;
- 8) submission of two copies of the revised PUD site plan to the Planning Division prior to the signing of the Final Plat; and
- 9) full compliance with all municipal codes and ordinances.

Planned Unit Development: 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 allows a business to redevelop a site and bring it up to new code requirements with a more modern look;

- 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 the existing restaurant has been demolished and the construction of a new restaurant will be built and will be constructed to newer codes/standards;
- 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 is within an existing developed area;
- d) 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.

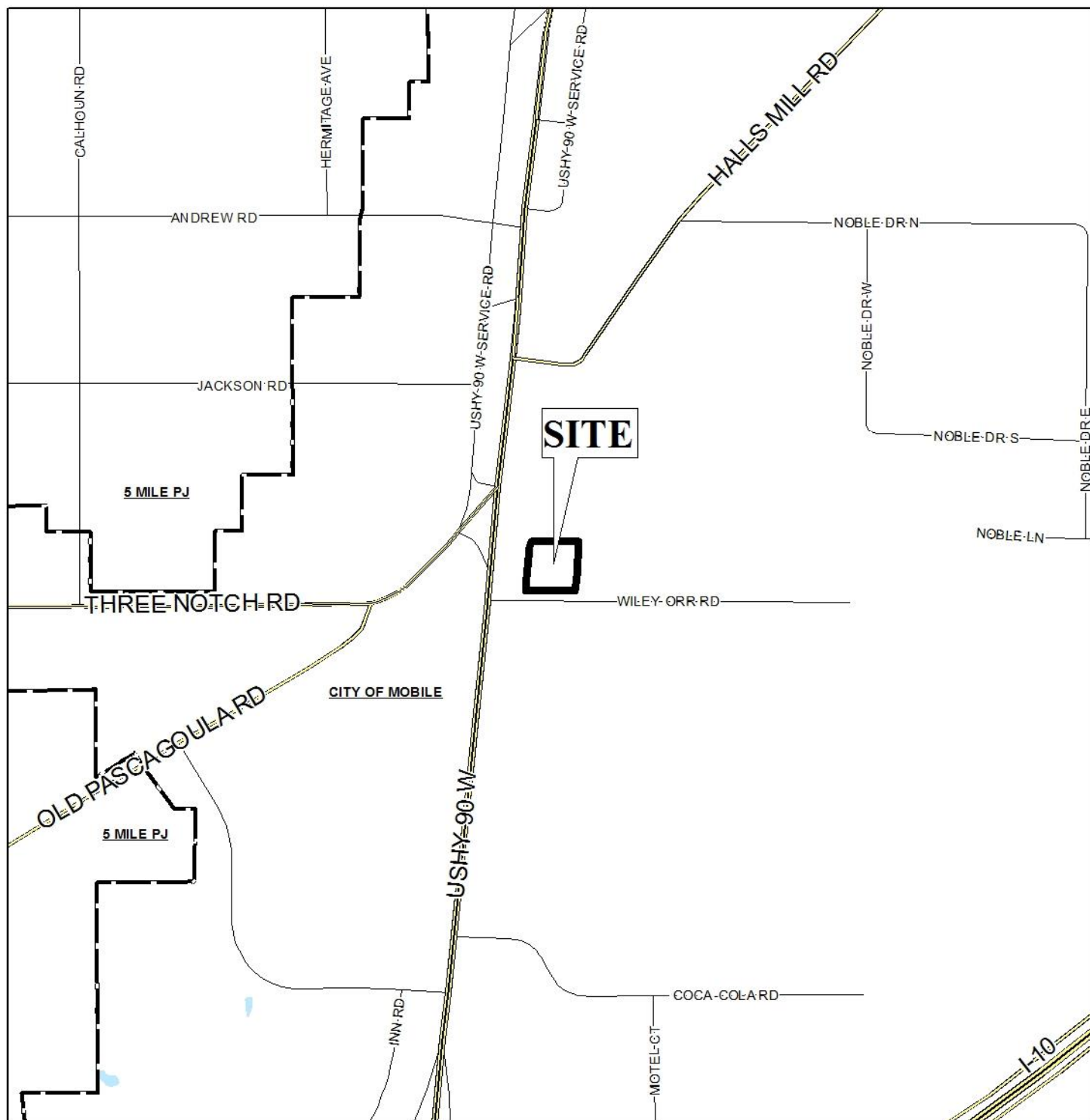
Based upon the preceding, this application is recommended for Approval, subject to the following conditions:

- 1) revision of site plan to depict the total right-of-way widths for U.S Highway 90 W and Wiley Orr Road;
- 2) revision of the site plan to depict the lot size in square feet and acres or the provision of a chart depicting the same information;
- 3) revision of the site plan to change the parking summary chart from illustrating 38 total parking spaces to depict 37 spaces and the number "9" used to represent the total number of spaces closest to the Popeye's should be changed to label "8";
- 4) retention of the 25-foot minimum building setback line along U.S. Highway 90 West and the 16.5-foot minimum building setback along Wiley Orr Road;
- 5) tree planting and landscaping compliance to be coordinated with the Planning staff;
- 6) compliance with Engineering comments: "ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: 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 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). 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.”

- 7) placement of a note on the site plan stating the following Traffic Engineering comments: *“U.S. Highway 90 is an ALDOT maintained roadway. Driveway number, size, location and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. Any on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City’s Zoning Ordinance.”*;
- 8) compliance with 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 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.”*;
- 9) compliance with Fire 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)”*;
- 10) placement of a note on the site plan stating that any changes to the site plan will require new applications for Planned Unit Development Approval prior to the issuance of any permits;
- 11) submission of revised site plans to the Planning Division prior to signing of the Final Plat; and
- 12) full compliance with all municipal codes and ordinances.

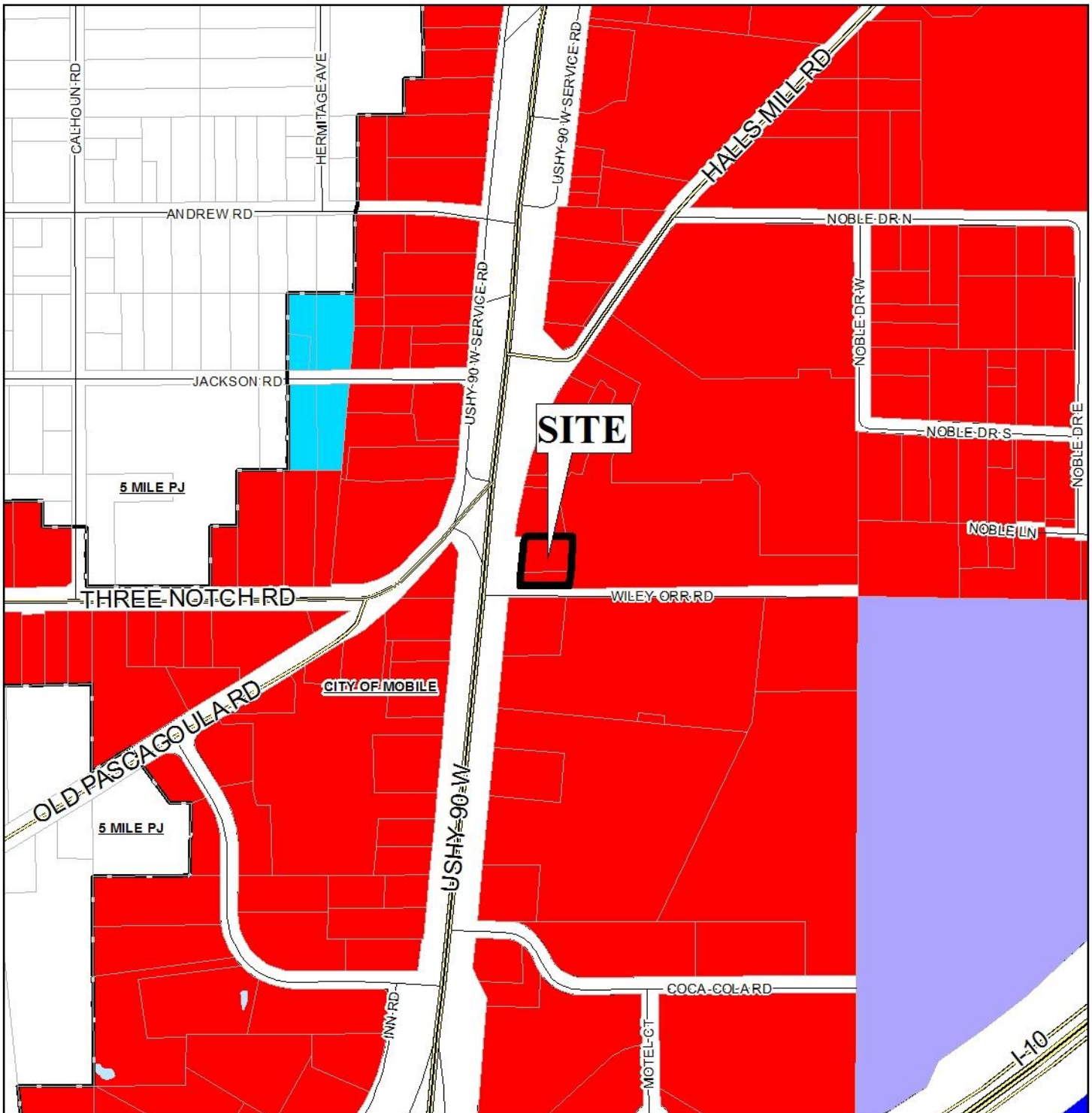
LOCATOR MAP



APPLICATION NUMBER 6 DATE January 3, 2019
APPLICANT Outlaw 2 Lot Subdivision, Resubdivision of Lot 2
REQUEST Subdivision, Planned Unit Development



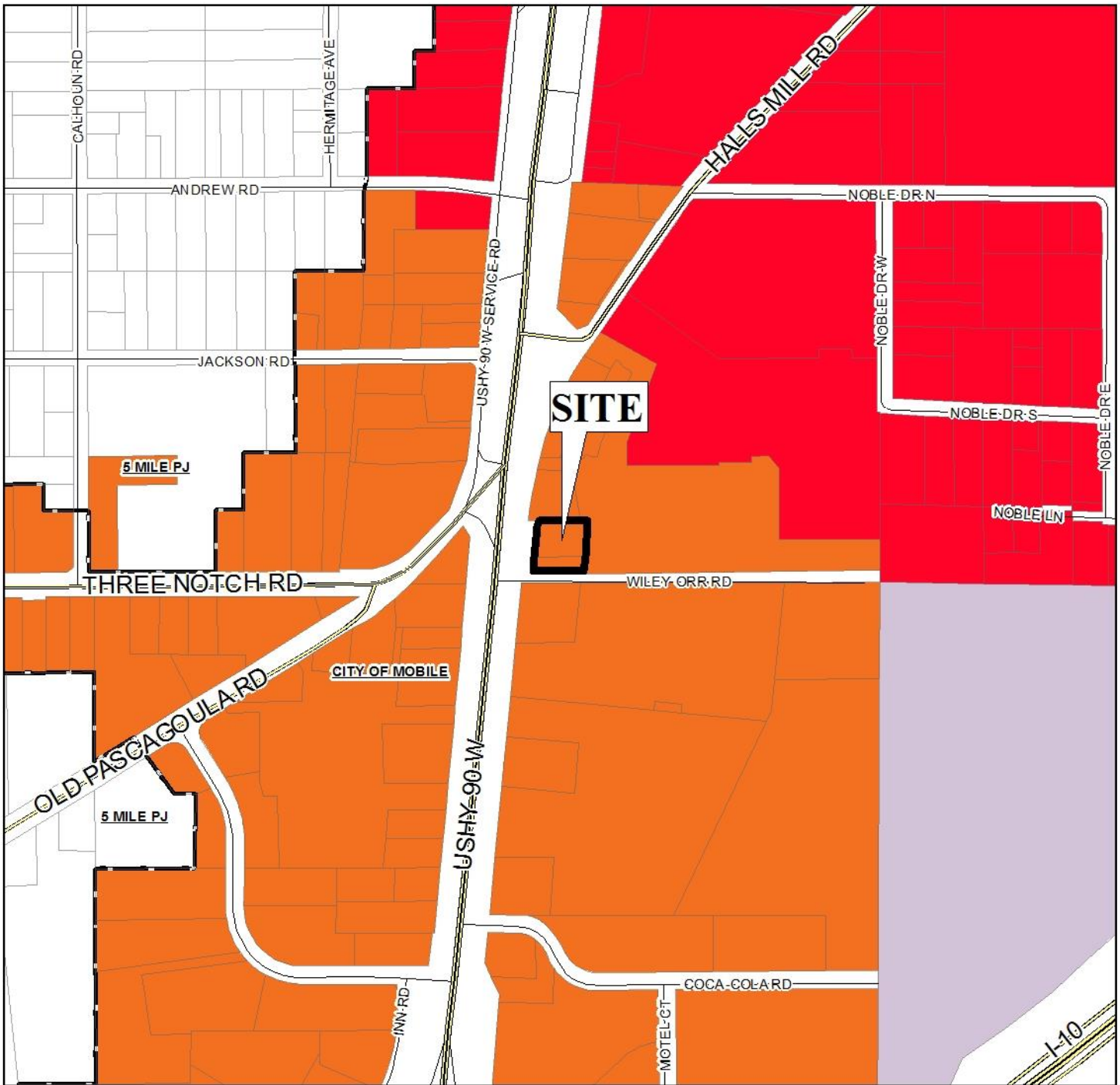
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



APPLICATION NUMBER 6 DATE January 3, 2019

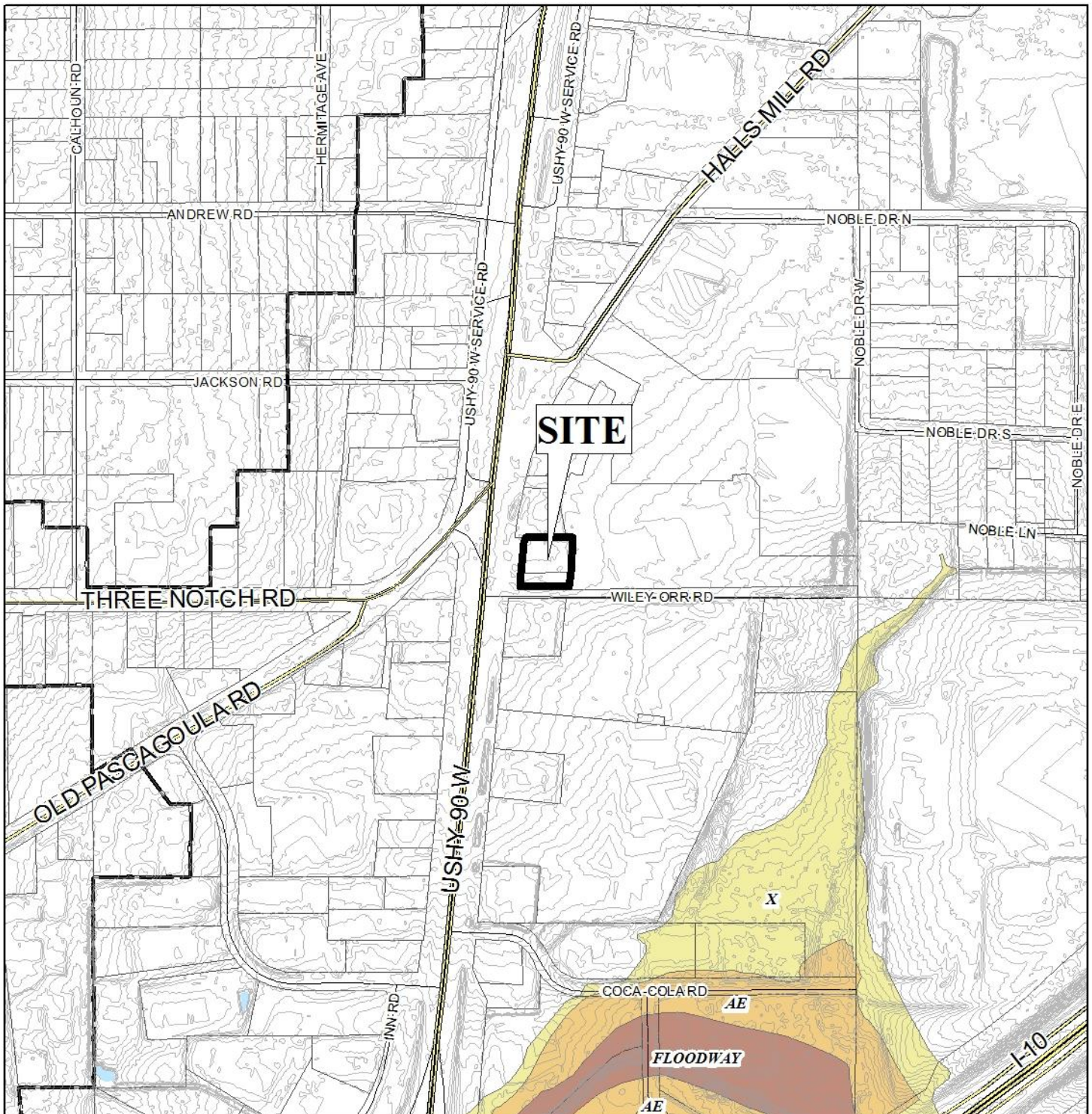
APPLICANT Outlaw 2 Lot Subdivision, Resubdivision of Lot 2

REQUEST Subdivision, 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 | |



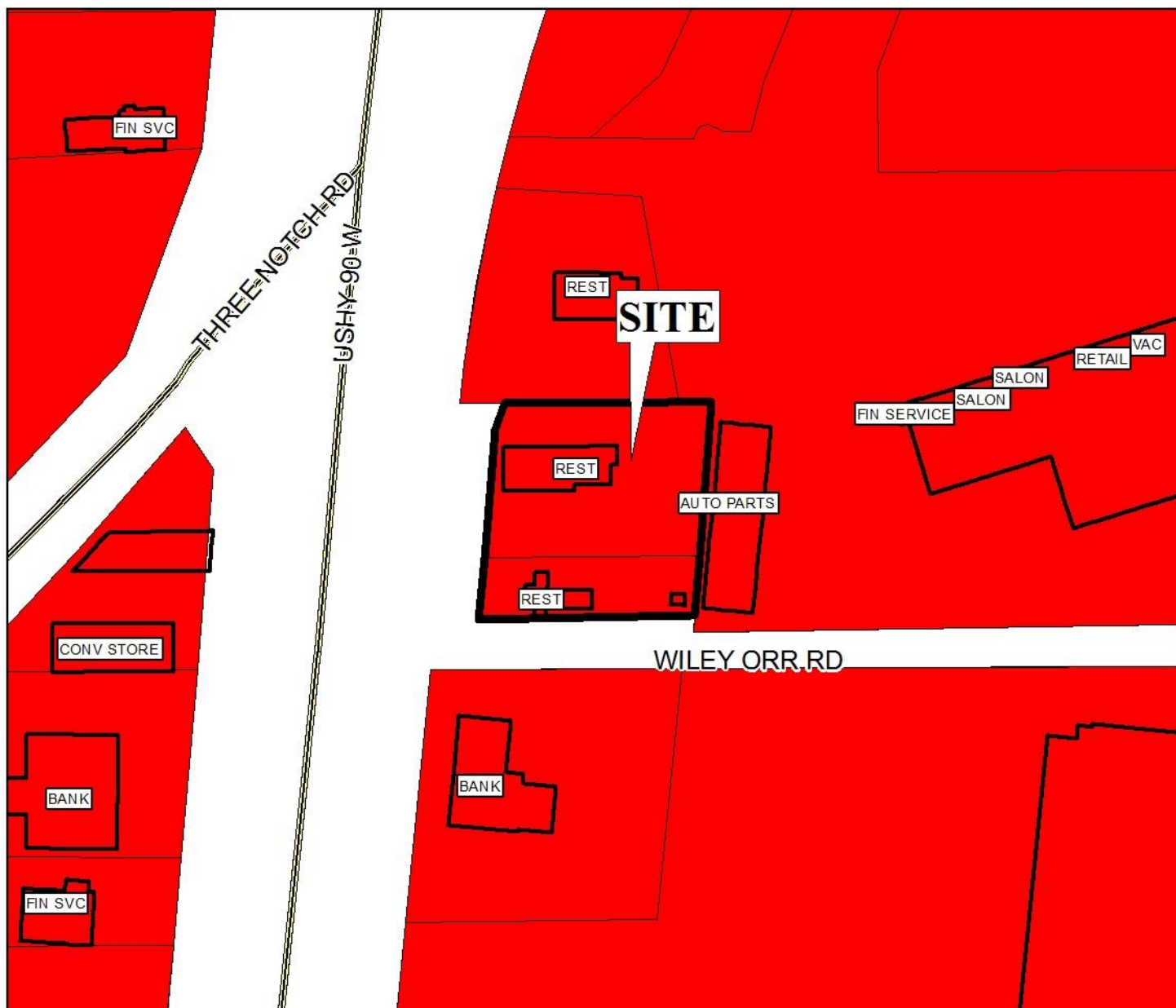
ENVIRONMENTAL LOCATOR MAP



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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

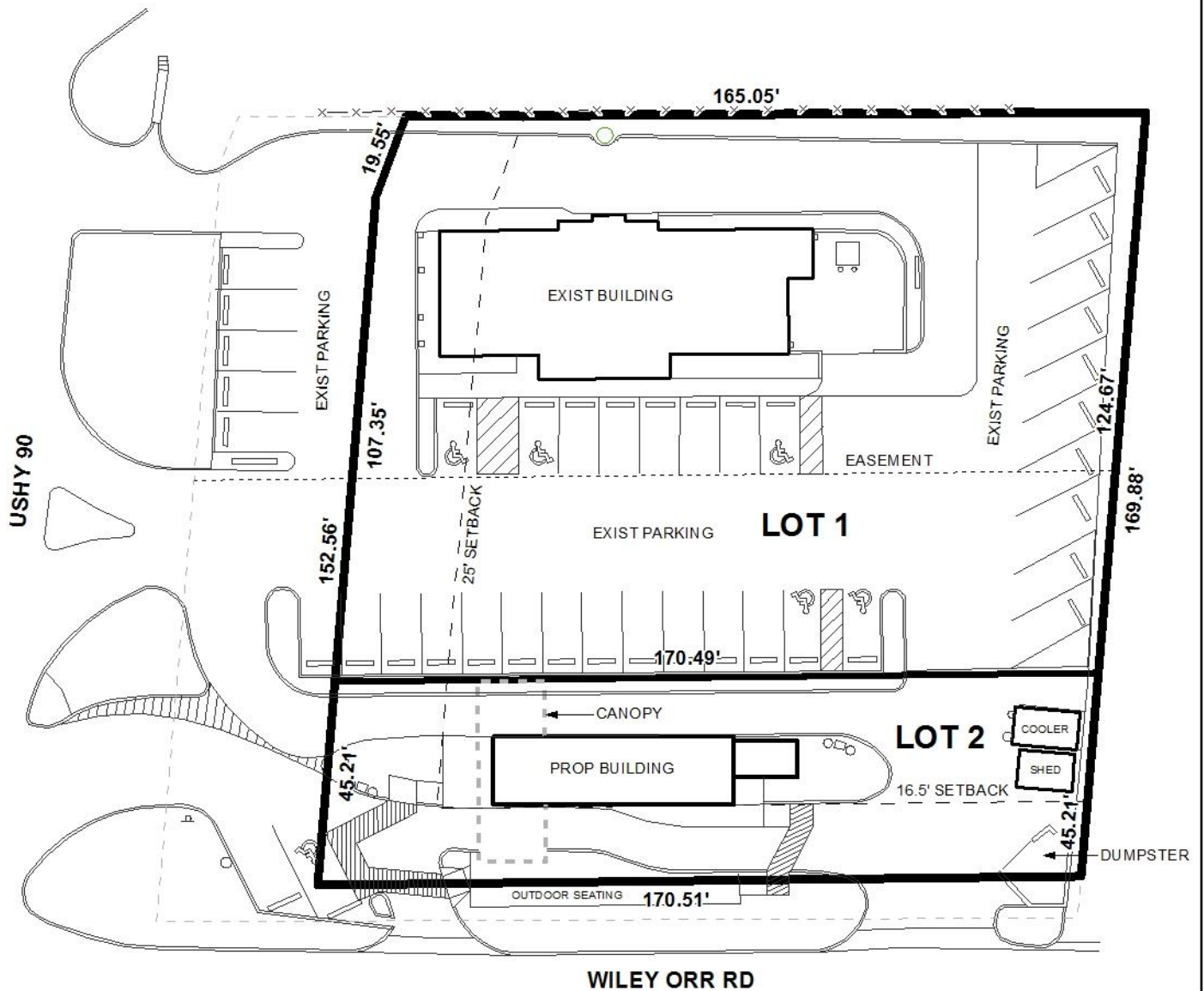


The site is surrounded by commercial units.

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SITE PLAN

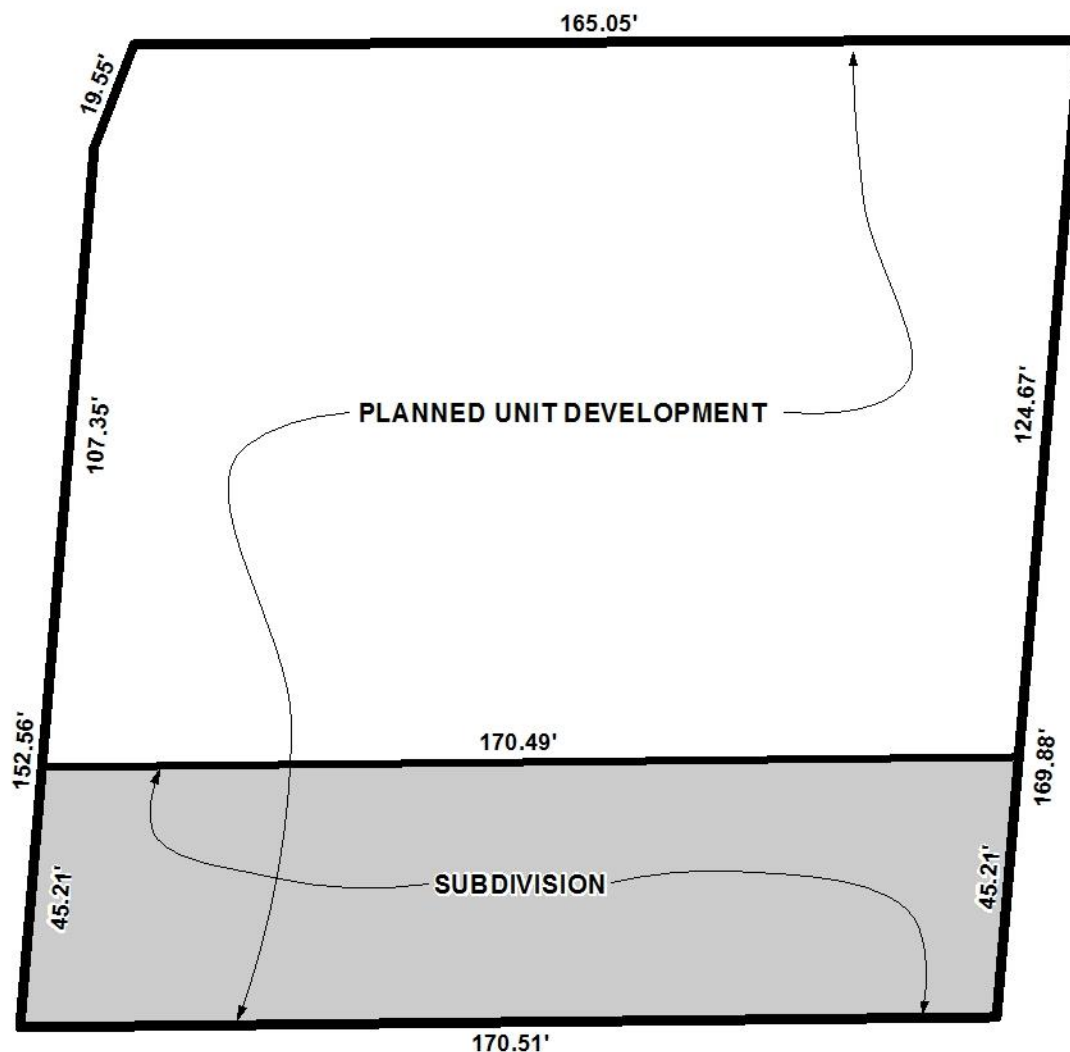


The site plan illustrates the existing buildings, existing parking, easement, setbacks, proposed building, and proposed lot.

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DETAIL SITE PLAN



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REQUEST Subdivision, Planned Unit Development

