

**PLANNED UNIT DEVELOPMENT  
STAFF REPORT****Date: August 3, 2017****DEVELOPMENT NAME**

Chinnis Holdings LLC

**LOCATION**

5401 Cottage Hill Road

**LOCATION**

(Southwest corner of Cottage Hill Road and Vivian Drive).

**CITY COUNCIL****DISTRICT**

District 4

**PRESENT ZONING**

B-2, Neighborhood Business District

**AREA OF PROPERTY**

2 Lots / 1.09± Acres

**CONTEMPLATED USE**

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access between two building sites to include an 8' X 24' trailer/smoker within the 11' of side yard setback with reduced parking for a dining area expansion for an existing restaurant.

**TIME SCHEDULE  
FOR DEVELOPMENT**

None given.

**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, paving, and all above ground structures, 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. 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.
5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

## **TRAFFIC ENGINEERING**

### **COMMENTS**

Site is limited to the existing curb cuts to Cottage Hill Road and Vivian Drive. Any new 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 61-929 and City Code Chapters 57 and 64).

## **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 two building sites to include an 8' X 24' trailer/smoker within the side yard setback, and to allow reduced parking for a dining area expansion for an existing restaurant.

The subject site received Subdivision approval in 2008 as two legal lots of record via Papa John's Subdivision. In 2012, a PUD was approved to amend a previously approved PUD to allow shared access between the two building sites to include an 8' X 20' portable trailer/smoker to be parked in the front yard of the site. . The applicant now proposes to amend the 2012 PUD to allow the trailer to be located within 11' of the side street property line, and to allow continued shared access between the two lots with reduced parking for a dining area expansion for an existing restaurant. The corner lot contains an existing 4,900 square-foot, 2-story building with a restaurant and retail shop, and the adjacent lot contains a 4,211 square-foot building used as an automobile repair shop.

The site has been given a Mixed Commercial Corridor land use designation, per the recently adopted Future Land Use Plan and Map. 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 if any new construction is anticipated that will change an approved site plan, an application to amend an existing, approved PUD must be made prior to any construction activities. PUD approval expires in one year if no permits are obtained.

The applicant states:

*"The subject property is located at 5401 Cottage Hill Road, west of University Blvd. Drive and east of Knollwood Drive."*

*"This site has a previously approved amended PUD (ZON2012-01872) to allow for shared access between two building sites (Lots 1 & 2, Papa John's S/D) and to include an 8' x 20' trailer."*

*"The current site layout consists of an existing 4,900 sf 2-story building with the 1<sup>st</sup> floor being occupied by "Meat Boss" restaurant and the remaining space is vacant. The building owner and operator of "Meat Boss" occupies approximately 25% of the 2<sup>nd</sup> floor area for office space with the remainder of the area being vacant. There is an adjacent 4,211 sf building used as a automobile repair business. Remainder of the site consists of asphalt/concrete paved parking and landscaping with three (3) frontage trees."*

*“The owner recently moved the portable trailer/smoker, for which he had all required approvals to operate, from the location shown on the previously approved PUD. However, Mobile County Health Department notified him that he was required to relocate the trailer closer to the building. Therefore, it is now located adjacent to the east side of the existing building and within the 25’ minimum building setback.”*

*“The owner is planning to expand the current restaurant dining area into a portion of existing suite “1C” which is now vacant. The remainder of suite “1C” will become suite “1B” with its use to be determined. The new dining area will have an independent access via an existing covered walkway. All meals taken into the new dining area will be prepared and bagged at the existing kitchen area as currently done. The PUD drawing shows proposed re-striping of the parking lot which will increase the total provided number to 51 spaces which is three (3) short of the required 54 spaces. The current development requires 46 parking spaces based on the building’s use and areas.”*

*“This purpose of this application is to request approval to allow for a portable 24’ x 8’ trailer/smoker to be located within the 25’ minimum building and a reduced parking requirement for the future restaurant dining area expansion.”*

*“This application is not pertinent to the Map of Mobile Comprehensive Plan. Approval of this PUD application will not have a negative impact on this site or the surrounding area and will not create any safety issues.”*

The site plan indicates the proposed configuration of the parking area providing 51 parking spaces, with parking calculations indicating the required 54 spaces based on the size and uses of the buildings. However, the parking calculations do not include the seating area on the front porch containing three picnic-style tables and two smaller tables. Also, not shown on the site plan are two large containerized shipping storage containers in the rear parking area, and a large electrical equipment unit between the building and Vivian Drive. The site plan does not indicate compliance with the 2008 approval of Papa John’s Subdivision requiring the closing of the continuous curb cut along Vivian Drive. The already-relocated trailer/smoker is indicated within the 25’ setback along Vivian Drive as is the dumpster. Not only is the dumpster within the 25’ setback, it is also encroaching into the drive aisle off Vivian Drive. The applicant indicated with the approval of the 2012 PUD that the then-existing dumpster would be removed as it would be cost prohibitive to make it compliant with location and sanitary sewer connection.

It should be noted that the site plan is erroneously drawn in that it includes a 5’ dedication along Vivian Drive required by the Papa John’s Subdivision as being part of the subject property. The 25’ minimum building setback line along Vivian Drive is depicted accurately.

The trailer/smoker is situated in such an area that could impede what limited traffic circulation might be allowed between the parking areas and past the electrical equipment unit. Additionally, during a predevelopment meeting with the applicant several months ago, and in a recent telephone conversation, the Mobile County Health Department stated that the smoker must be enclosed within a structure; and due to the separation of the trailer/smoker from the building, the

access to the building may possibly have to be enclosed as well. This is not reflected on the site plan submitted.

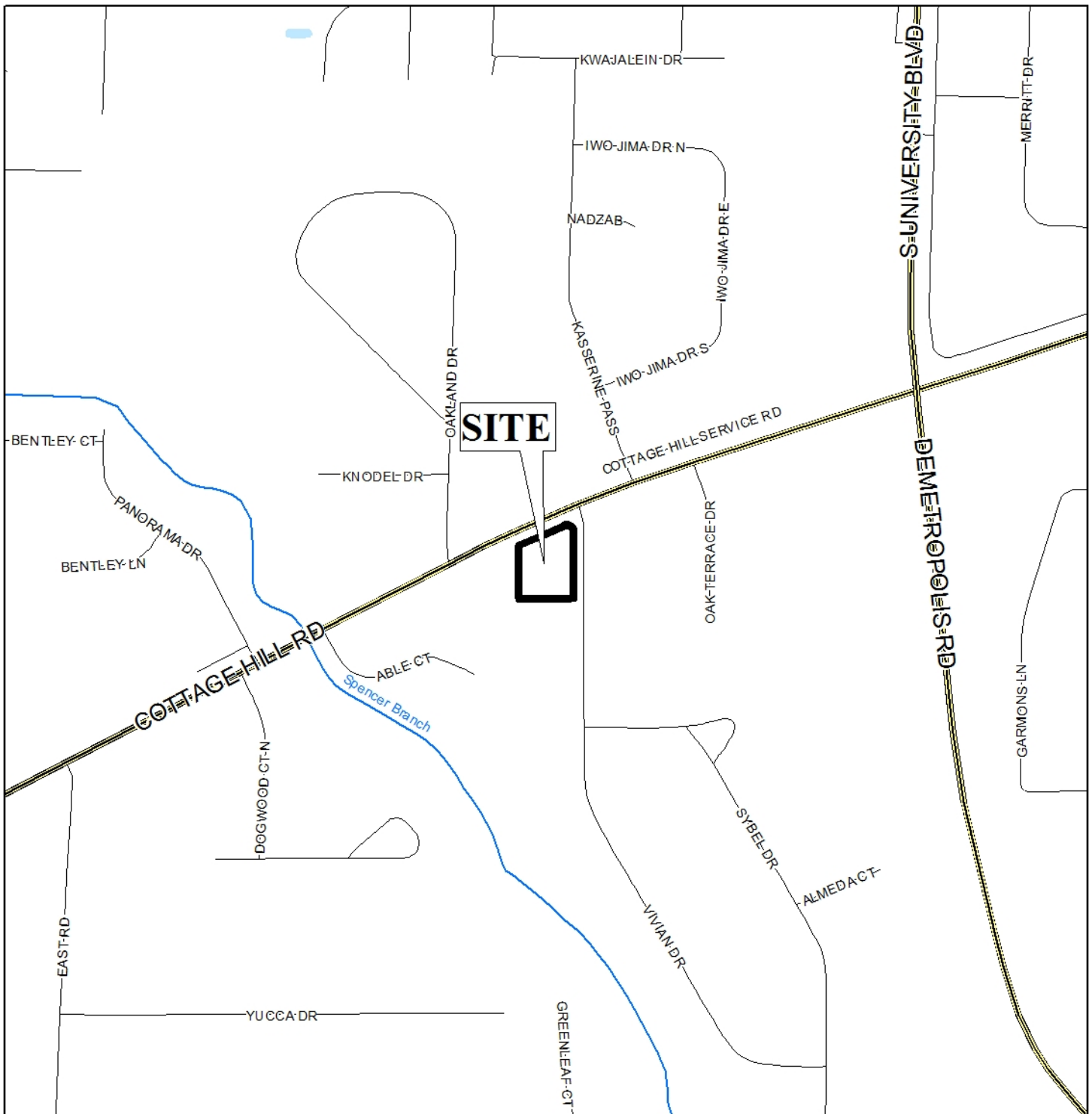
The site has been the subject of several complaints from the public concerning traffic congestion. Indeed, Google Street View indicates vehicles parked in the right-of-way along Vivian Drive, as well as 18-wheel food services delivery trucks parked in Vivian Drive while unloading. Also noted are vehicles parked across Vivian Drive in a cordoned-off entrance drive to the commercial site at 5311 Cottage Hill Road. A weekend after-hours site visit by staff revealed that there were 31 vehicles parked on the site, presumably associated with the auto repair shop, and four vehicles parked off-site within the Cottage Hill Road right-of-way to the West of the site. The parking calculations for the 2012 PUD indicated 45 parking spaces to be provided.

The expanded restaurant use would now require 34 parking spaces, the office and vacant uses would require 18 parking spaces, and the auto repair shop would require 2 parking spaces. However, the parking requirements of the Zoning Ordinance do not require parking spaces for vehicles awaiting repair. In light of the fact that the site is proposed to have a shortage of three parking spaces based strictly on uses, when including the parking required for the vehicles awaiting repair, a serious deficiency in on-site parking becomes obvious. Due to the inordinate parking situation currently on-site, the allowance of a reduced parking ratio would exacerbate the problem further. That, combined with the fact that the dumpster must be re-located out of the right-of-way and out of the entrance drive, and not knowing if the storage containers are proposed to remain, there may be a further reduction in parking spaces and access/maneuvering area on the site.

**RECOMMENDATION**      **Planned Unit Development:** Based upon the preceding, this application is recommended for Holdover to the September 7<sup>th</sup> meeting to allow the applicant to submit a revised site plan addressing the following items:

- 1) elimination of the continuous curb cut along Vivian Drive and the installation of two 24' wide drives and curbing, gutters and landscaping along Vivian Drive;
- 2) elimination of the paving within the area where the trailer/smoker was previously approved to be located and replacement with frontage landscaping;
- 3) relocation of the dumpster, with compliant screening and sanitary sewer connection;
- 4) correction of the property line along Vivian Drive to not include the 5' dedicated strip;
- 5) inclusion of the large electrical equipment box to the East of the building;
- 6) revision of the site plan to indicate the enclosure of the trailer/smoker and access to the building required by the Mobile County Health Department; and
- 7) revision of the landscaping calculations for the increased frontage landscaping and the corrected property line along Vivian Drive.

# LOCATOR MAP



APPLICATION NUMBER 8 DATE August 3, 2017

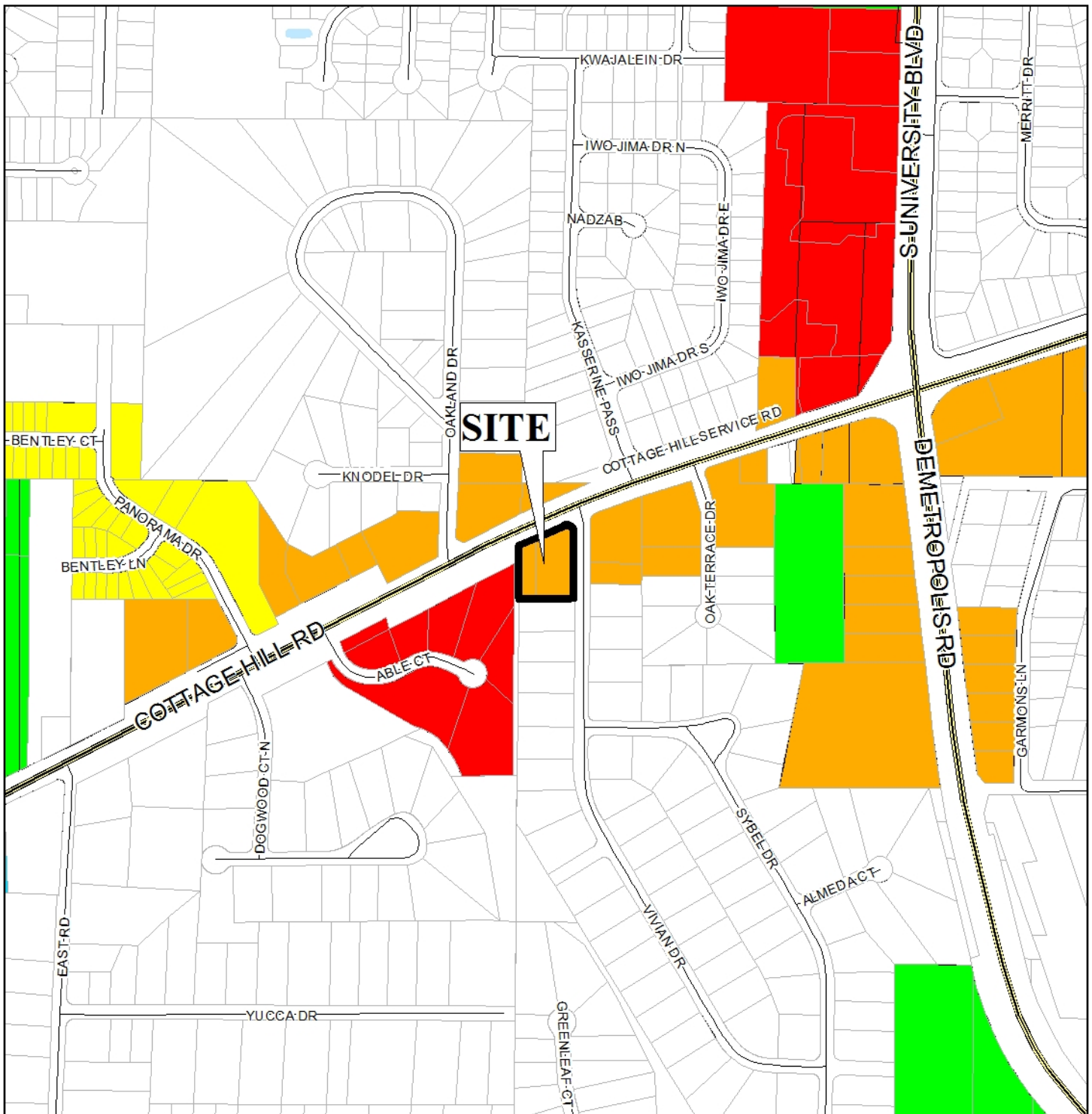
APPLICANT Chinnis Holdings LLC

REQUEST Planned Unit Development



NTS

# LOCATOR ZONING MAP



APPLICATION NUMBER 8 DATE August 3, 2017

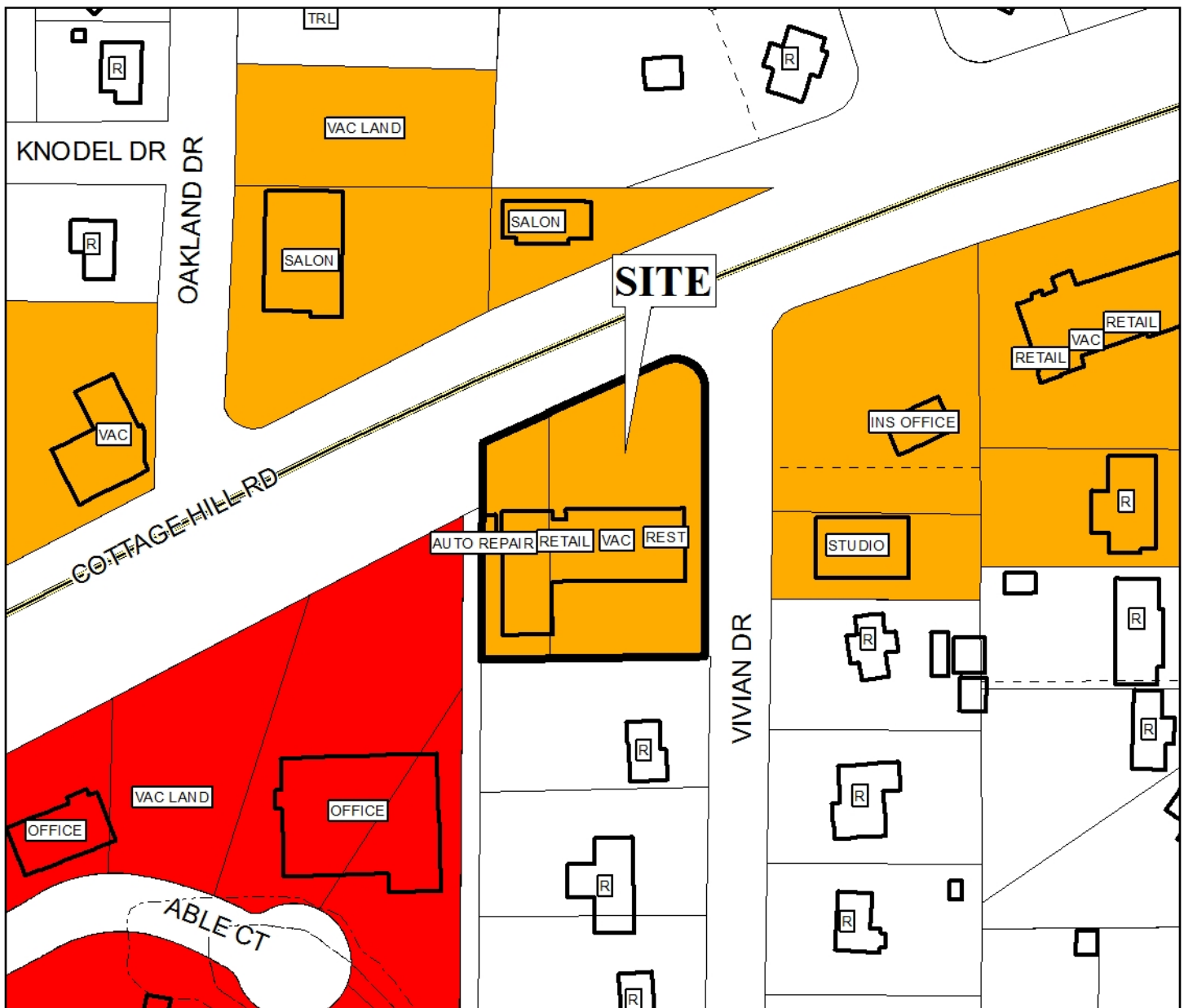
APPLICANT Chinnis Holdings LLC

REQUEST Planned Unit Development



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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the north and south.  
Commercial units are to the west and east.

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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

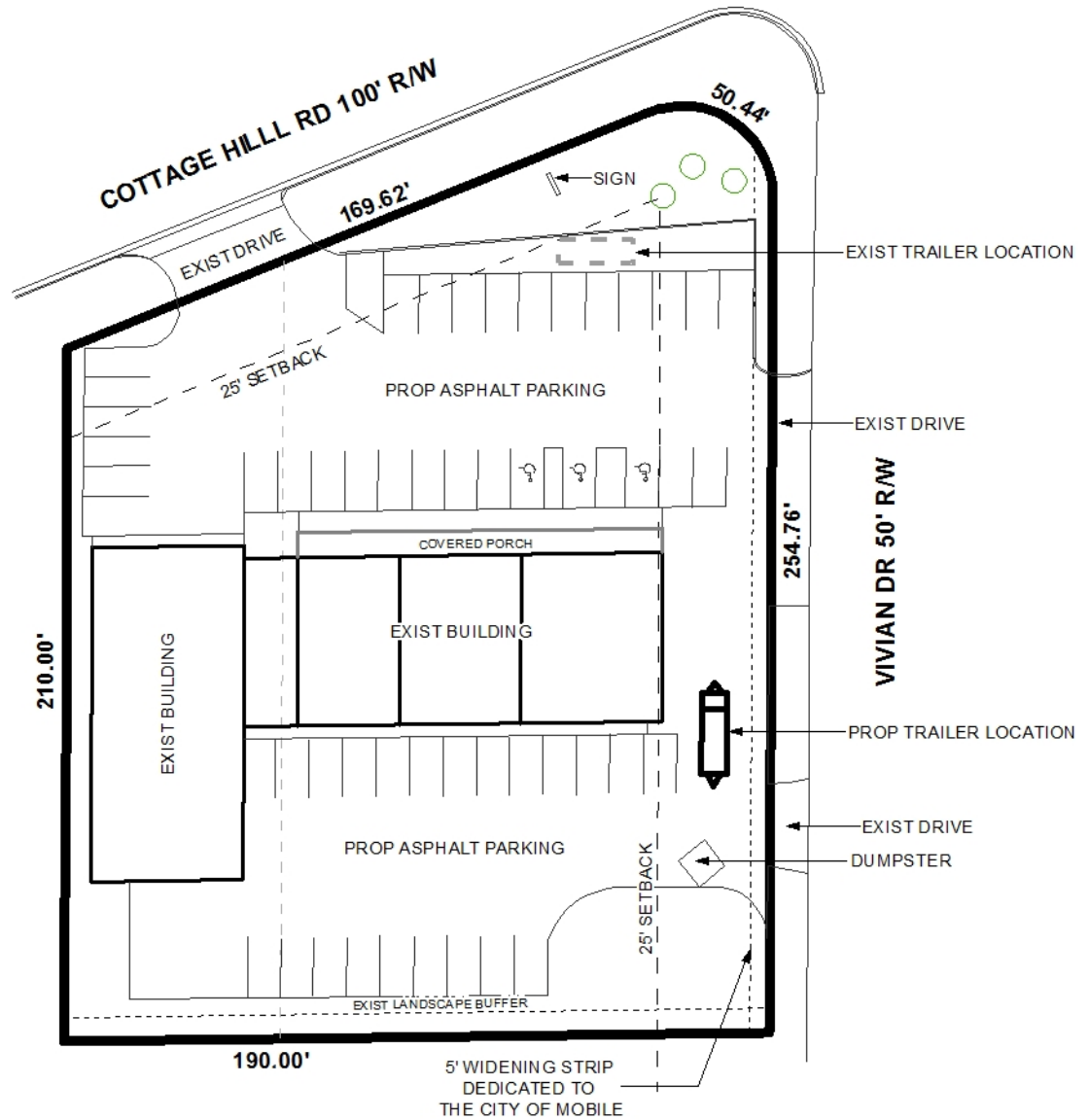


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# SITE PLAN



The site plan illustrates the existing buildings, existing drives, setbacks, easements, proposed parking, and proposed trailer location.

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