

**PLANNED UNIT DEVELOPMENT  
STAFF REPORT****Date: March 20, 2008****DEVELOPMENT NAME**

Pericles, LLC

**LOCATION**

2032 Airport Boulevard  
(Northwest corner of Airport Boulevard and Williams  
Street, and extending Northwest along the Illinois Central  
Gulf Railroad right-of-way to Glenwood Street)

**CITY COUNCIL  
DISTRICT**

District 2

**PRESENT ZONING**

B-3, Community Business District

**AREA OF PROPERTY**

1 Lot / 1.4 + Acres

**CONTEMPLATED USE**

Planned Unit Development Approval to amend a  
previously approved Planned Unit Development to remove  
a 6-foot wooden privacy fence condition.

**TIME SCHEDULE  
FOR DEVELOPMENT**

Immediate

**ENGINEERING  
COMMENTS**

Must comply with all storm water and flood control  
ordinances. Any work performed in the right of way will require a right of way permit.

*Revised for the April 17<sup>th</sup> meeting: It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. 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. Eliminate parking spaces which are in direct conflict with the driveway entrance.

*Revised for the April 17<sup>th</sup> meeting: Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. To eliminate the four*

*parking spaces that conflict with the driveway entrance, Traffic Engineering suggest allowing some of the space be narrowed and signed for small car use only.*

## **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 must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, with local amendments, and the 2003 International Existing Building Code. New fire hydrant should be relocated to island across drive at center of driveway.

### **REMARKS**

The applicant is requesting Planned Unit Development Approval to amend a previously approved Planned Unit Development to remove a 6-foot wooden privacy fence condition.

The applicant is requesting a removal of a privacy fence condition that was required as a condition of approval at the March 15, 2007 meeting of the Planning Commission. The applicant states that the existing 40-foot wide railroad right-of-way acts as an adequate buffer and separation from the residential uses located on the North side of the railroad right-of-way, thus the buffer requirement of the Zoning Ordinance does not apply to the site in question.

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.

The site will be used for a strip retail center and a restaurant. Dumpsters will be located on the northern boundary of the site, where it abuts the railroad right-of-way. While the residential uses are located across the railroad right-of-way from the site, the commercial nature of the site will result in increased activities, vehicular traffic and garbage. A fence would decrease the impact of noise, headlights and blowing garbage for residents living to the North of the site. Furthermore, a fence would keep patrons of the businesses from trespassing on the railroad right-of-way, which is an *active* rail facility. Therefore, it is recommended that the fence be required for the entirety of the northern boundary of the site along the railroad right-of-way, in order to protect the health, safety and welfare of the adjacent residents and the patrons of the commercial site.

Several other issues have been identified on the site plan submitted with the application. It appears that the curb-cut for the site has moved 18-feet to the East from the originally approved PUD site plan. While some flexibility is possible on site plan specific approvals as they move into construction, it would appear that a relocation of 18-feet may substantiate a new PUD application. The issue is as it relates to traffic circulation on the site and the potential impacts of the circulation on Airport Boulevard. The proposed internal circulation within the site is very poor, and the depicted location of the curb-cut will result in entering traffic conflicting with parking spaces – parked cars may have difficult exiting spaces (staff also anticipates that traffic entering the site will cause congestion on Airport Boulevard due to the inability of entering traffic to adequately disperse into the parking area during peak restaurant times). The Traffic Engineering comment indicates that the spaces causing conflict at the entrance should be eliminated. Elimination of these parking spaces will result in the development falling below the required parking (based upon the mix of retail and restaurant uses). A variance from the parking requirements will be required if this is the case.

It also appears that the site plan submitted with the application has decreased the landscape area (versus the previously approved PUD site plan and the approved tree plan submitted for commercial site plan review and building permits), and increased the amount of paved area. It *appears*, however, that the minimum landscape area and tree requirements are met on the revised plan. However, revised tree and landscape plans will be required for the associated building permits, and must be approved prior to the issuance of certificates of occupancy for any tenant space.

The increase in paving area may also change the detention requirements for the site.

### **RECOMMENDATION**

**Planned Unit Development:** Based upon the preceding, this application is recommended for Holdover until the April 17<sup>th</sup> meeting so that the following can take place:

- 1) Revision of the site plan to comply with Traffic Engineering requirements and Fire Department comments, and meet the minimum number of parking spaces required based upon the retail and restaurant tenant mix (five copies of revised site plan to be submitted by March 28<sup>th</sup>).

### ***Revised for the April 17<sup>th</sup> meeting:***

*The applicant submitted a revised PUD site plan. The revised site plan depicts compliance with the requirements of Traffic Engineering.*

*As a reminder, the applicant is requesting the removal of a privacy fence condition that was required as a condition of approval at the March 15, 2007 meeting of the Planning Commission.*

*Staff review of the property to the West shows that a portion of the parking area for the adjacent Ruth Chris restaurant occurs on land that is part of the Pericles PUD lot, and that it was paved and fenced (along the railroad tracks) without the appropriate permits.*

*While the site is adjacent to a railroad right-of-way, screening of the parking area from an adjacent R-1, Single-Family residential district may be required by Section 64-6.3.i. of the*

*Zoning Ordinance if the railroad right-of-way can be considered similar in nature to a street. The parking lot and screening landscape requirements would be a “brick wall or evergreen hedge of a minimum height of five and one-half (5 ½) feet and a maximum of eight (8) feet placed five (5) feet inside the street property line.” Thus, a wooden privacy fence on the property line may be a less onerous requirement than a brick wall or evergreen hedge located five feet from the property line. Furthermore, the flexibility of the PUD approval gives the Planning Commission the ability 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.*

*Finally, as the location of the site next to an active railroad facility presents a real threat to health, safety and welfare, and as a portion of the Pericles PUD lot is already fenced (without appropriate permits) along the railroad right-of-way, the request to remove the privacy fence condition required by the Planning Commission at its March 2007 meeting should be denied.*

**RECOMMENDATION**

***Planned Unit Development:** The request to remove the privacy fence condition required as a condition of approval at the March 15, 2007 meeting of the Planning Commission is recommended for denial for the following reasons:*

- 1) The adjacent railroad right-of-way presents a real danger to health, safety and welfare; and*
- 2) A portion of the Pericles PUD site is already fenced along the railroad right-of-way, along the Western portion of the site.*

**Thus, the PUD conditions remain as originally approved on March 15, 2007.**

# LOCATOR MAP



APPLICATION NUMBER 8 DATE April 17, 2008

APPLICANT Pericles, LLC

REQUEST Planned Unit Development



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Residential units are located to the north, west, and east of the site.  
Commercial sites are located to the east, south, and west of the site.

APPLICATION NUMBER 8 DATE April 17, 2008

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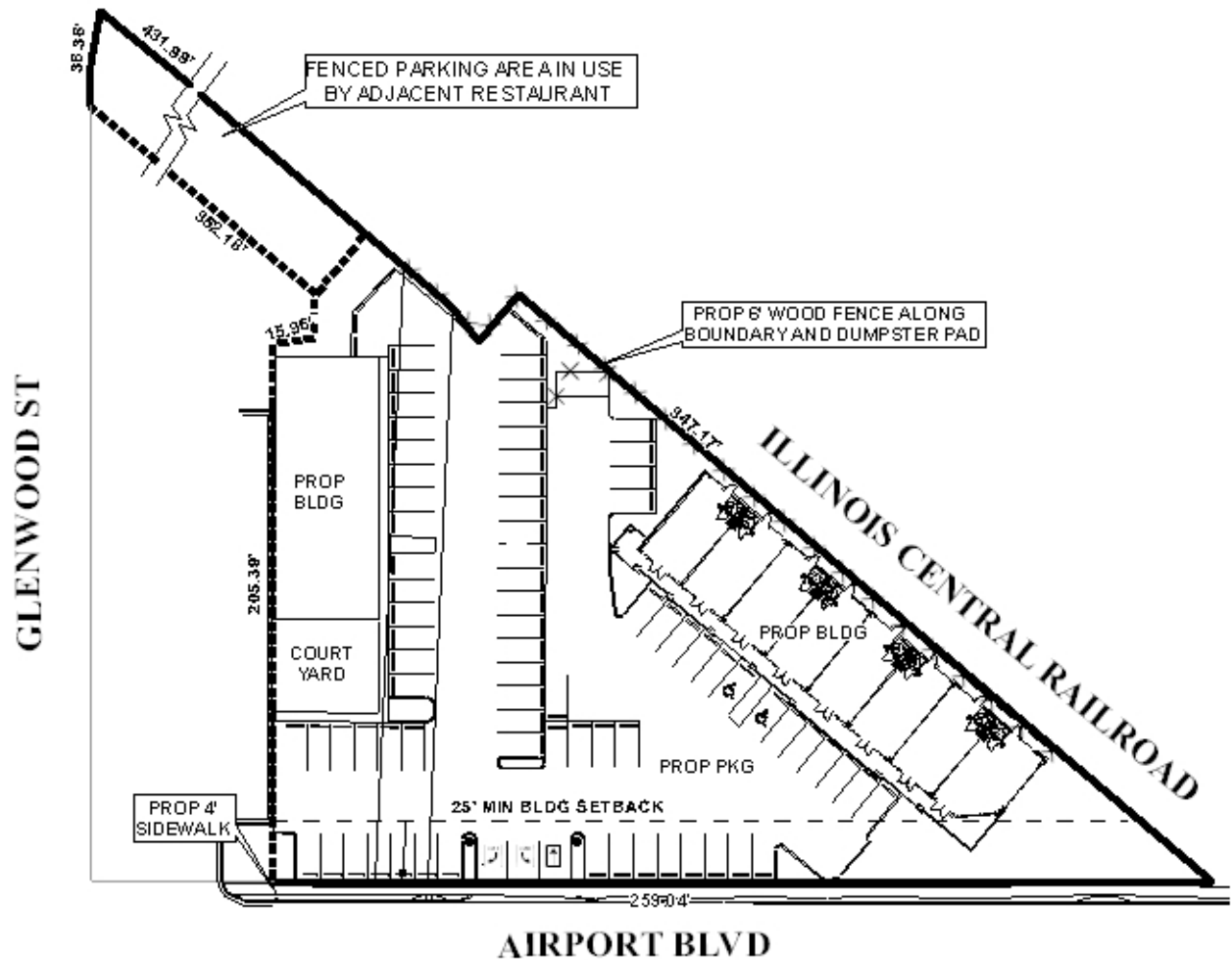
REQUEST Planned Unit Development

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
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# SITE PLAN



The site plan illustrates the proposed buildings and parking

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