

**PLANNED UNIT DEVELOPMENT  
& SUBDIVISION STAFF REPORT****Date: August 5, 2010**

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| <b><u>DEVELOPMENT NAME</u></b>      | Outlaw 2 Lot Subdivision   |
| <b><u>SUBDIVISION NAME</u></b>      | Outlaw 2 Lot Subdivision   |
| <b><u>LOCATION</u></b>              | 5413 & 5415 U. S. Highway 90 West (Northeast corner of U.S. Highway 90 West and Wiley Orr Road)  |
| <b><u>CITY COUNCIL DISTRICT</u></b> | District 4   |
| <b><u>AREA OF PROPERTY</u></b>      | 2 Lots / .85 ± acres   |
| <b><u>CONTEMPLATED USE</u></b>      | Planned Unit Development Approval to allow two buildings on a single building site and shared access and parking, and Subdivision approval to create 2 lots. |

**TIME SCHEDULE  
FOR DEVELOPMENT**

Existing

**ENGINEERING**

Must comply with all storm water and flood control ordinances. Must comply with all storm water and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right of way (including easements) will require a right of way permit, in addition to any required land disturbance permits. Any existing damaged sidewalk panels will need to be replaced. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.

**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 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.

Both lots are currently developed to include a 2,380 square foot Popeyes restaurant and an 805 square foot Checkers drive-through restaurant, with one walk-up window and 8 tables for outside seating. A 112 square foot freestanding freezer necessitates the PUD application, taking up two parking spaces. These applications were heldover at the May 20<sup>th</sup> meeting to allow the applicant to submit a 2-lot subdivision to include the remaining portion of the site; however, the applicant submitted a new application at a later date.

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. Dedication may result in portions of the parking area becoming a part of the right-of-way. A right-of-way use agreement may be required after dedication.

While 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 curbs 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 maneuvering areas. In regards to parking, the site is required to have a total of 38 parking spaces due to the two restaurants and the site plan illustrates 42 parking spaces.

The 25-foot minimum building setback line is depicted on the preliminary plat, and should be retained on the Final Plat along all rights-of-way, if approved. The setback line should be revised to reflect any required dedications.

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, the application is recommended for Tentative Approval, subject to the following conditions:

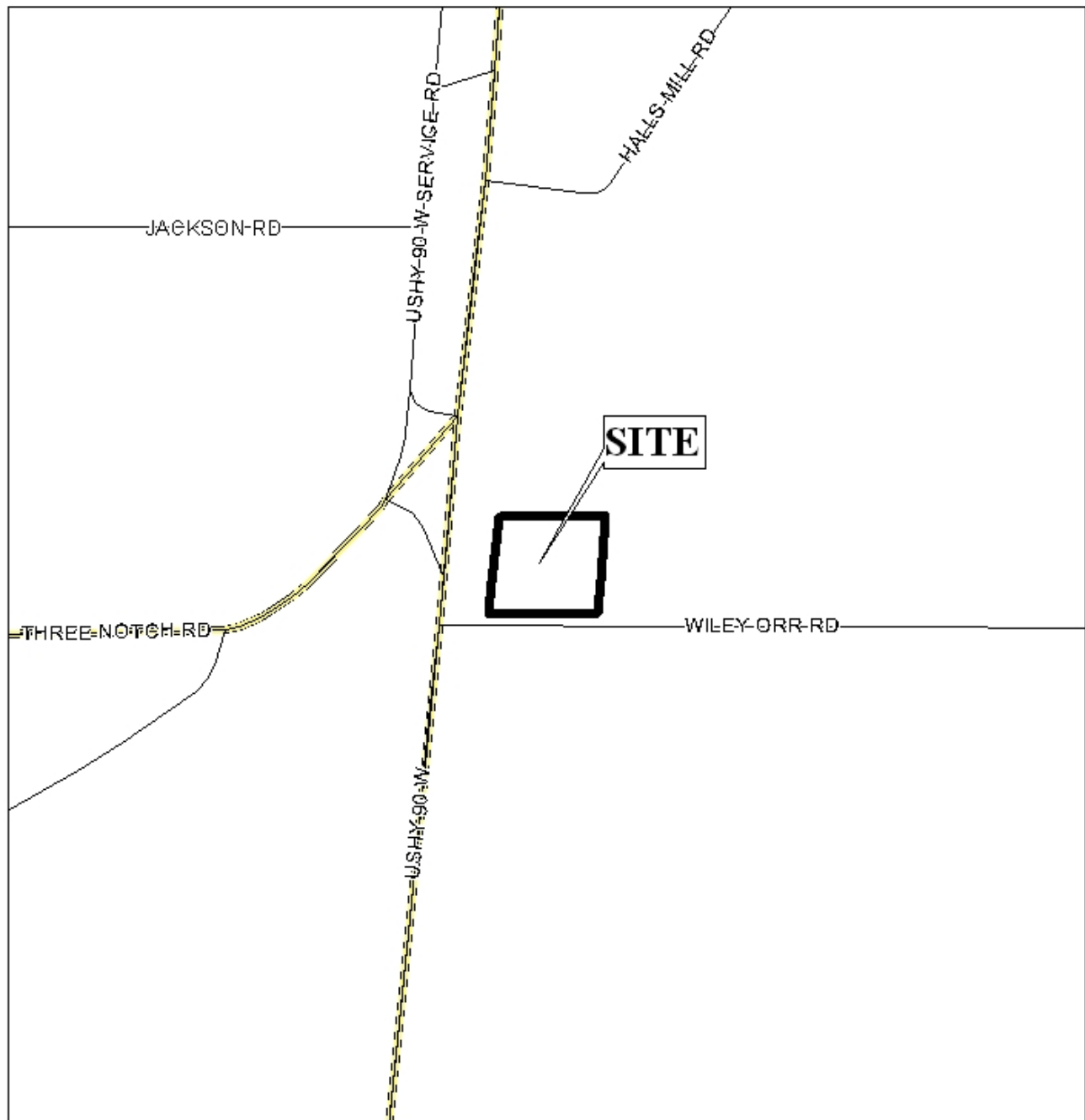
- 1) dedication of sufficient right-of-way to provide 125' from the centerline of U.S. Highway 90 West and 25' from the centerline of Wiley Orr Road;
- 2) completion of the subdivision process prior to application for building/Land Disturbance permits;
- 3) placement of a note on the Final Plat stating 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;
- 4) retention of the 25-foot minimum building setback line along U.S. Highway 90 West and Wiley Orr Road adjusted for any required dedications;
- 5) retention of the labeling of the size of the lot, in square feet, or provision of a table on the plat with the same information;
- 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 61-929 and City Code Chapters 57 and 64). Full compliance with frontage tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry;*
- 7) compliance with Engineering comments: *Must comply with all storm water and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right of way (including easements) will require a right of way permit, in addition to any required land disturbance permits. Any existing damaged sidewalk panels will need to be replaced. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;*

- 8) placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies for endangered, threatened or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
- 9) submission of one copy of the revised PUD site plan to the Planning Section prior to signing of the Final Plat; and
- 10) full compliance with all municipal codes and ordinances.

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

- 1) obtain a right-of-way use agreement for the parking and signage, if necessary, due to dedication;
- 2) revision of the site plan to reflect right-of-way dedication along U.S. Highway 90 West and Wiley Orr Road;
- 3) revision of the site plan to illustrate the square footage of the Popeyes restaurant;
- 4) revision of the site plan to illustrate the number of employees that can work at Checkers at any give time and depiction of the outdoor seating area;
- 5) placement of a note on the site plan stating that the site 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;
- 6) retention of the 25-foot minimum building setback line along U.S. Highway 90 West and Wiley Orr Road adjusted for any required dedications;
- 7) retention of the labeling of the size of the lot, in square feet, or provision of a table on the plat with the same information;
- 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 61-929 and City Code Chapters 57 and 64). Full compliance with frontage tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry;*
- 9) *compliance with Engineering comments: Must comply with all storm water and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right of way (including easements) will require a right of way permit, in addition to any required land disturbance permits. Any existing damaged sidewalk panels will need to be replaced. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;*
- 10) placement of a note on the site plan stating that approval of all applicable Federal, state and local agencies for endangered, threatened or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
- 11) 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;
- 12) submission of one copy of each of the revised site plan/Final Plat to the Planning Section prior to signing of the Final Plat; and
- 13) full compliance with all municipal codes and ordinances.

# LOCATOR



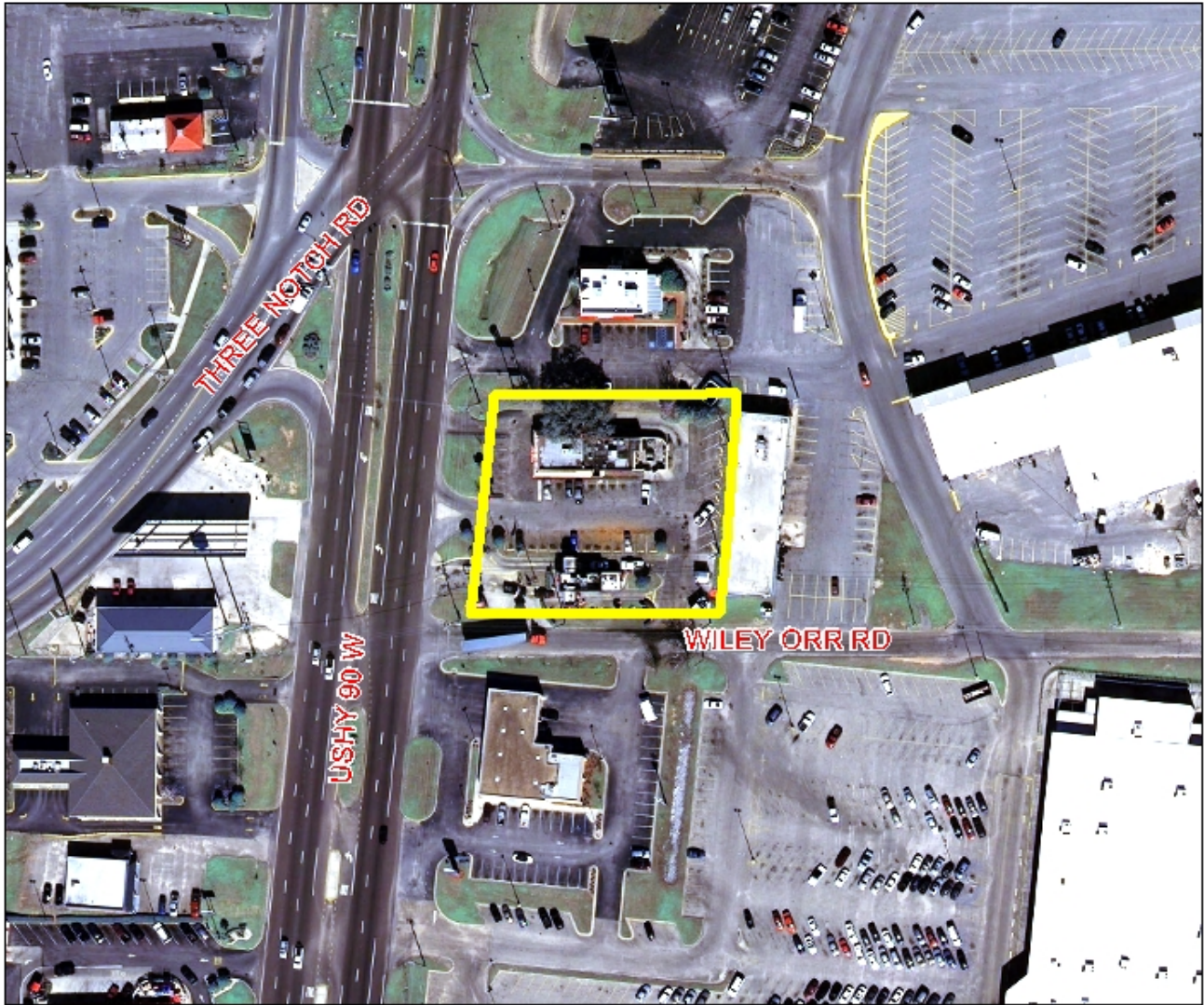
APPLICATION NUMBER 9 & 10 DATE August 5, 2010

APPLICANT Outlaw 2 Lot Subdivision

REQUEST Subdivision, Planned Unit Development



## PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site plan is surrounded by business land use.

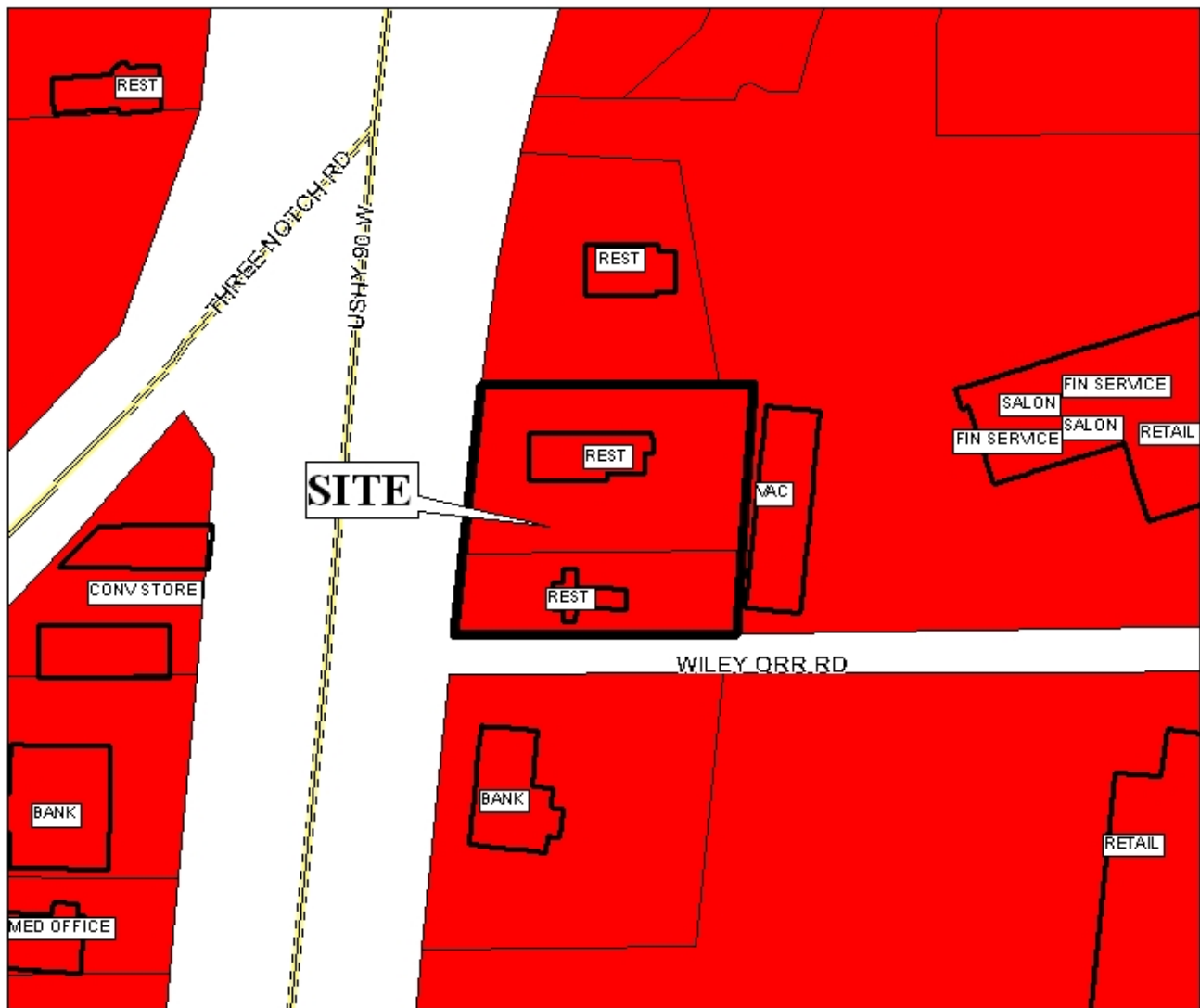
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N  
NTS

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LEGEND

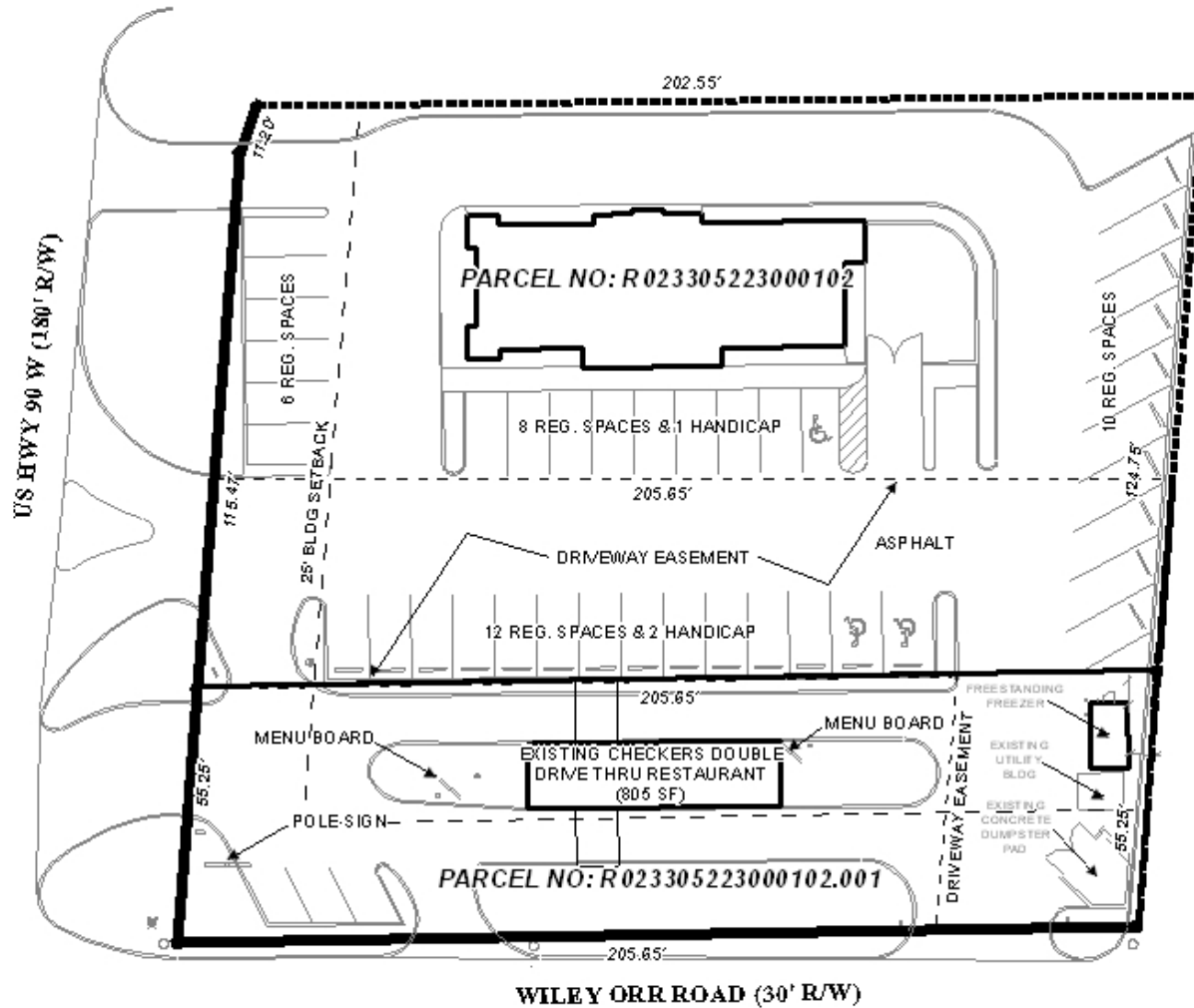
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|     |     |     |     |     |     |     |     |      |     |     |     |     |     |     |
| R-1 | R-2 | R-3 | R-A | R-B | H-B | T-B | B-1 | LB-2 | B-2 | B-3 | B-4 | B-5 | I-1 | I-2 |



NTS



# SITE PLAN



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

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N  
 NTS