

WAFFLE HOUSE SUBDIVISION

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.

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).

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.

The plat illustrates the proposed 1 lot, 0.56 acre \pm subdivision which is located at 1851 Government Street (Southwest corner of Government Street and Ellis Avenue), and is in Council District 3. The applicant states that the subdivision is served by both public water and sanitary sewer.

The purpose of this application is to modify a subdivision that was approved by the Planning Commission on August 5, 2010. It should first be noted that the plat that was approved on August 5 has already been recorded at Probate Court. Although development plans are usually not discussed in subdivision applications, the requested modifications are a direct result of them, and thus warrant mention. The applicant proposes to demolish the existing Sonic Drive-In restaurant on the site and construct a new Waffle House restaurant.

The Sonic restaurant was developed with two, two-way curb cuts to Government Street, and one, one-way curb cut to Ellis Avenue. In discussions with the applicant, it was determined that the two curb cuts to Government Street were sufficient for the proposed development, and that access to Ellis Avenue could be eliminated. Ellis Avenue is a closed-end, primarily residential street. The street dead-ends at Woodcock Elementary, and there is no regular thru access to the school from Ellis Avenue. The only commercial development is at the intersection with Government Street, namely the aforementioned restaurant on the Southwest corner and the Mobile County Personnel Board on the Southeast corner. As Ellis Avenue is primarily residential, staff determined a compelling need to restrict access to the street and recommended the access denial, which the Commission approved.

When the applicant submitted construction plans, City Traffic Engineering required modifications to the existing curb cuts, which also required approvals from ALDOT, as Government Street is a state highway (Highway 90). ALDOT, in their review, determined that the applicant would have to close one of the curb cuts to Government Street, and would be allowed only one right-in, right-out curb cut to Government Street. As a result of this, the

applicant is now requesting to access Ellis Avenue with a full curb cut, which necessitates this new application.

As previously mentioned, Ellis Avenue is primarily residential. The applicant's proposal places a heavy commercial traffic burden on this minor residential street by introducing heavy customer and large truck delivery traffic, which may be inappropriate. It should be noted that the Mobile County Personnel Board's access to their building is exclusively via Ellis Avenue, however, the Personnel Board building, while having heavy client traffic, has infrequent large deliveries, certainly less frequent than those of a 24-hour restaurant. Additionally, it should also be noted that the Personnel Board does not utilize a dumpster on site as the proposed Waffle House would. Frequent deliveries and customer traffic to the new development could congest the closed-end Ellis Avenue, and thus restrict access for residents on the street. As such, it would appear that access for the site to Ellis Avenue does not comply with the stated purposes of the Subdivision Regulations as codified in Sections I.C.4. and I.C.6. of the Subdivision Regulations regarding Land Uses and Circulation.

Otherwise, the proposed lot, as depicted, meets the minimum size and frontage requirements as regulated by the Subdivision Regulations. The lot area size is depicted on the plat in square feet, and this information should be retained on the final plat, if approved.

The 25-foot minimum building setback line is depicted along Government Street on the preliminary plat. A 20-foot minimum building line is depicted along Ellis Avenue. Section 64-4.D.3. of the Zoning Ordinance allows corner building sites to have a lesser setback of 20 feet. As such, a waiver of Section V.D.9. of the Subdivision Regulations may be appropriate along the Ellis Avenue frontage only. The applicant wishes to modify the previously recorded building setback to remove the tangential curve and replace it with more of an angled setback line, although still maintaining the required setback distances.

The site fronts Government Street to the North and Ellis Avenue to the East. Government Street is a planned major street as depicted on the Major Street Plan component of the Comprehensive Plan. The Major Street Plan requires a right-of-way of 100 feet, and an adequate 100-foot right-of-way is depicted on the Preliminary Plat. Regarding Ellis Avenue, Ellis Avenue is a minor street which is provided with curb and gutter. Section V.B.14. of the Subdivision Regulations requires a right-of-way of 50 feet for this type of street, and an adequate right-of-way of 50 feet is depicted. As such, no further dedication along Government Street or Ellis Avenue should be required.

The applicants, in the previous application, dedicated a curb radius at the intersection of Government Street and Ellis Avenue in compliance with Section V.B.16. of the Subdivision Regulations. As the plat was recorded, the dedication is complete, and no further dedications should be required. The submitted plat, along with the accompanying narrative, indicated the applicant's wish to modify the curb radius and provide a lesser curb radius. This action is not possible via replatting due the property already being dedicated. As such, the plat should be revised to indicate the existing curb radius from the previously recorded plat, and also to remove any indication of further dedication, as this is a moot point.

As previously discussed, access to the site should be limited to Government Street. As no City of Mobile agency opposes two curb cuts to Government Street, the note allowing such should remain in the event that ALDOT changes their determination. As such, a note should be placed on the Final Plat limiting the site to two curb cuts to Government Street, with the size, design, and exact location of all curb cuts to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards. A note should also be placed on the Final Plat denying the site access to Ellis Avenue. Additionally, the existing Ellis Avenue curb cut should be removed and the area grassed.

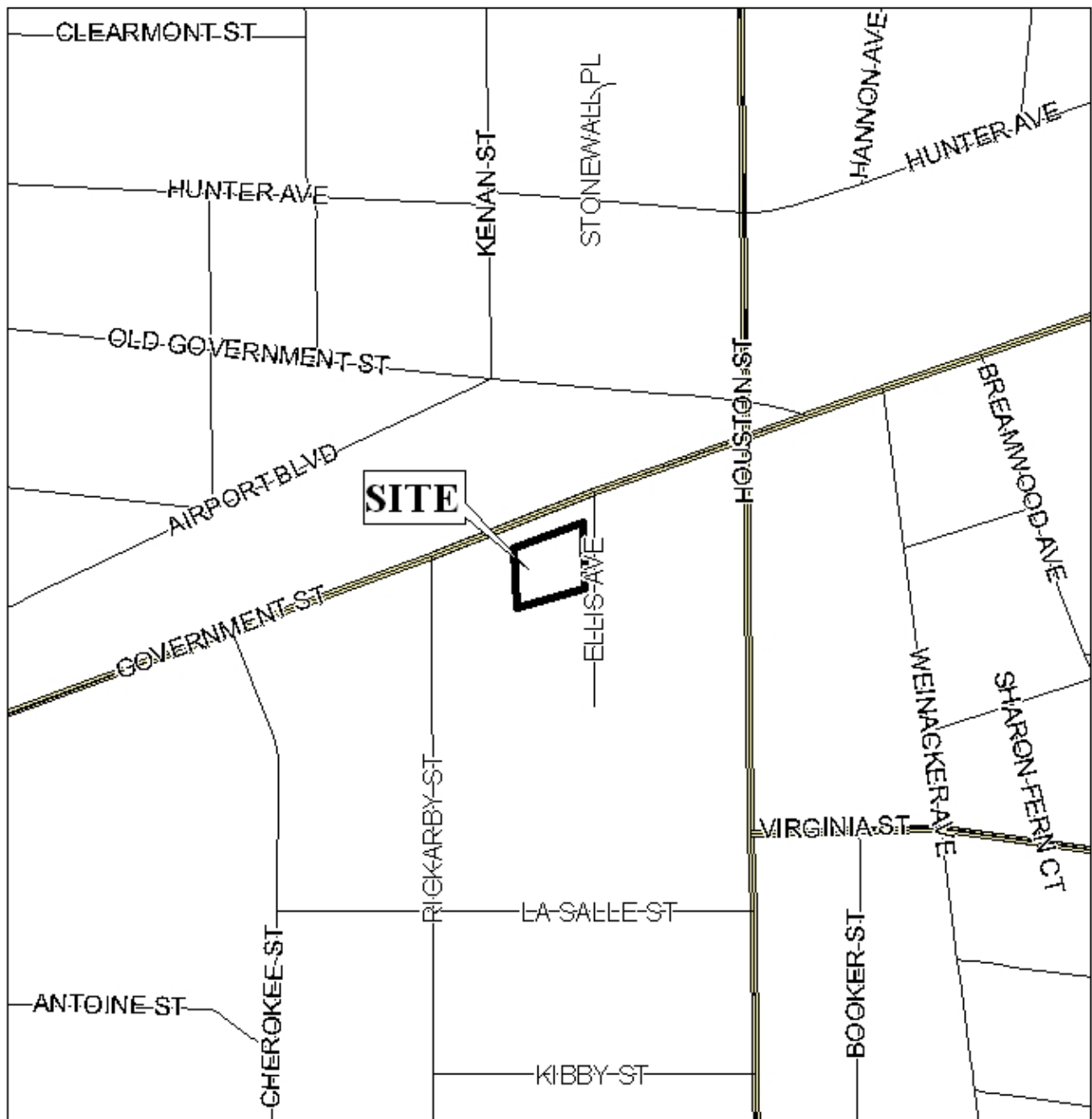
The geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

Finally, this proposed subdivision has the same name as the previously recorded subdivision. Section V.A.9. of the Subdivision Regulations does not allow duplicate subdivision names, and as such the subdivision name should be changed to Revised Waffle House Subdivision.

Based upon the preceding, and with a waiver of Section V.D.9. of the Subdivision Regulations along the Ellis Avenue frontage only, the application is recommended for tentative approval, subject to the following conditions:

- 1) modification of the name of the subdivision to comply with Section V.D.9. of the Subdivision Regulations;
- 2) retention of the 25-foot minimum building setback line along Government Street and the 20-foot minimum building line along Ellis Avenue on the Final Plat;
- 3) retention of the lot area size labeling, in square feet, on the Final Plat;
- 4) placement of a note on the Final Plat stating that the lot is limited to two curb cuts to Government Street, with the size, design, and exact location of all curb cuts to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards;
- 5) placement of a note on the Final Plat stating that the lot is denied access to Ellis Avenue (with appropriate removal of the existing curb cut); and
- 6) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

LOCATOR MAP



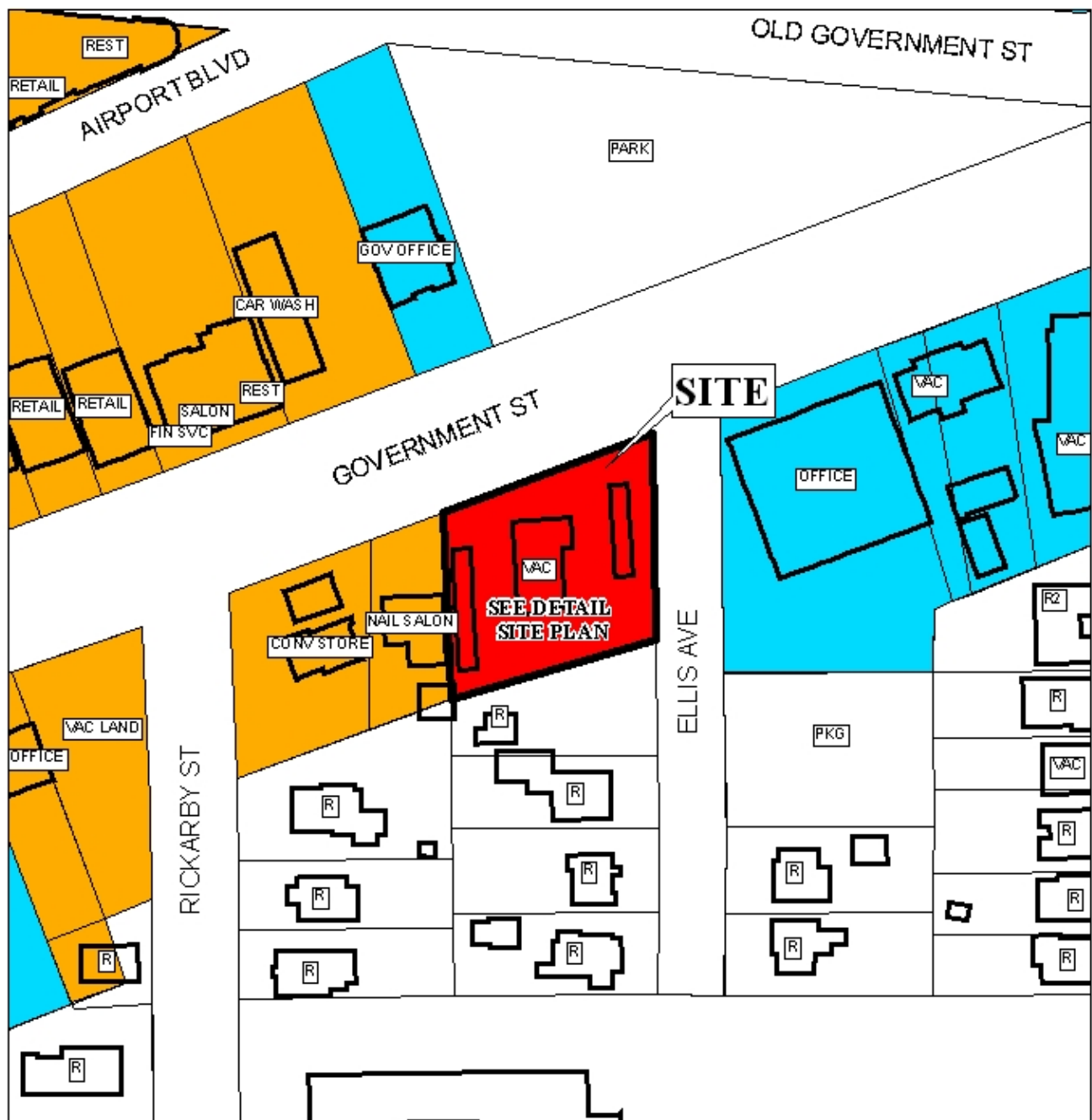
APPLICATION NUMBER 10 DATE October 7, 2010

APPLICANT Waffle House Subdivision

REQUEST Subdivision



WAFFLE HOUSE SUBDIVISION



APPLICATION NUMBER 10 DATE October 7, 2010

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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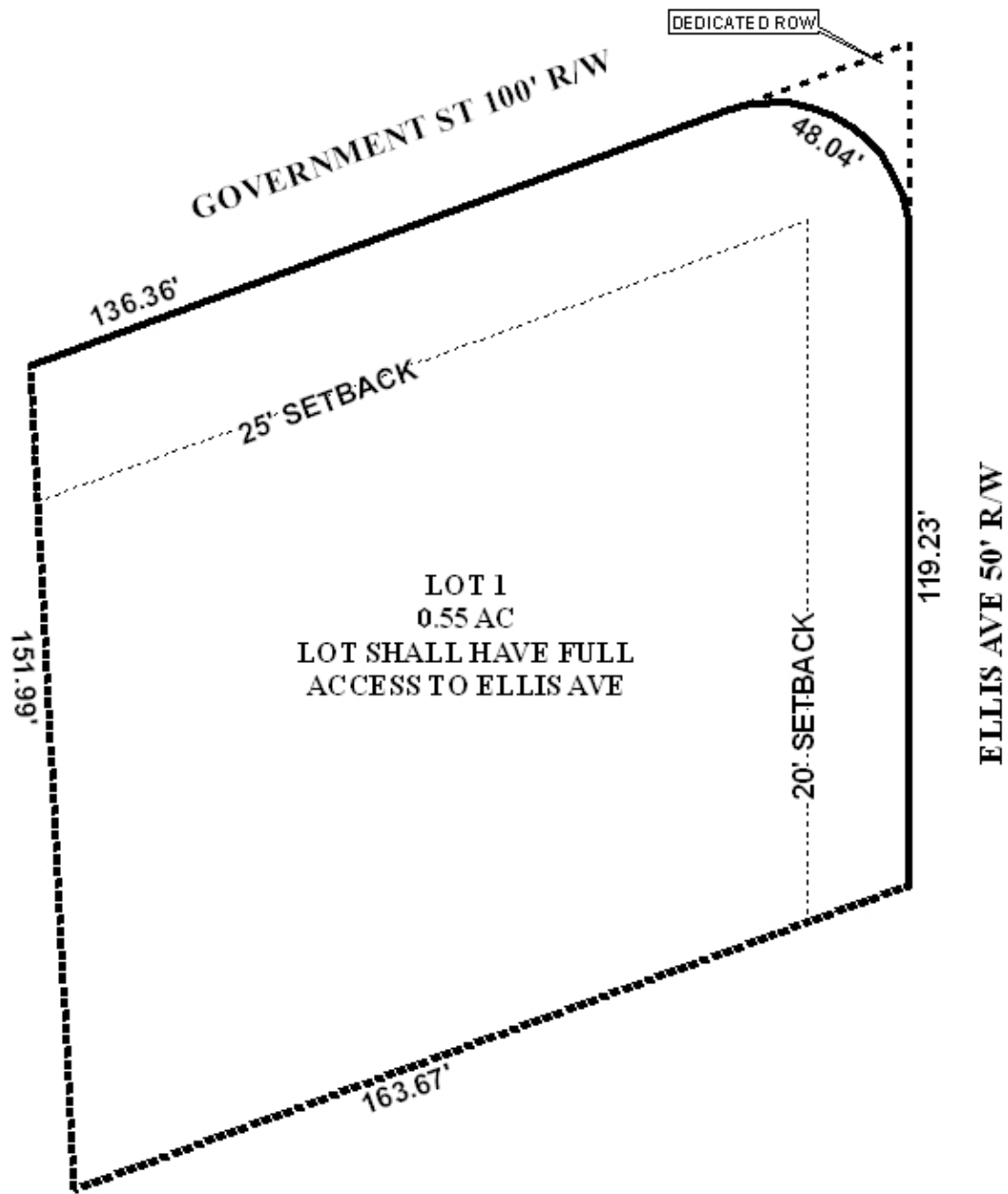
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DETAIL SITE PLAN



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REQUEST Subdivision

