

**SUBDIVISION,
PLANNED UNIT DEVELOPMENT,
& SIDEWALK WAIVER REQUEST
STAFF REPORT****Date: November 20, 2014**

<u>NAME</u>	McDonald's USA, LLC
<u>SUBDIVISION NAME</u>	Hamilton McDonald's Subdivision
<u>LOCATION</u>	Southeast corner of U.S. Highway 90 West and Hamilton Boulevard
<u>CITY COUNCIL DISTRICT</u>	District 4
<u>PRESENT ZONING</u>	B-3, Community Business District
<u>AREA OF PROPERTY</u>	2 Lot / 6.9± Acres
<u>CONTEMPLATED USE</u>	<i>Planned Unit Development</i> approval to shared access and parking between two building sites, <i>Subdivision</i> approval to create 2 legal lots of record, and <i>Sidewalk Waiver</i> approval to waive construction of sidewalks along U.S. Highway 90 West and Hamilton Boulevard.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	2015

ENGINEERING**COMMENTS**

Subdivision: The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer:

- A. 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.
- B. 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.
- C. Provide legible street names in the vicinity map.
- D. Provide a written legal description for the proposed subdivision and matching bearing and distance labels. Include a tie(s) from the POC to the POB.
- E. Provide and label the monument set or found at each subdivision corner.
- F. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.

- G. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.
- H. Remove the County Engineer's signature block from the Plat. The County Engineer no longer signs plats within the municipal limits of the City of Mobile.
- I. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

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

- 1. Any work performed in the existing City of Mobile 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. Any work performed in the existing ALDOT ROW (right-of-way) will require a permit from the ALDOT 9th Division. Provide a copy of any permit approvals and drawings to the City of Mobile with the Land Disturbance or ROW Permit.
- 3. 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.
- 4. 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.
- 5. The proposed development must comply with all Engineering Department Policy Letters.

Sidewalk Waiver: It appears that there is sufficient room within the ALDOT ROW, or within the property, for the construction of a sidewalk that could be approved through the City of Mobile ROW Permit process. Applicant will need to contact ALDOT for their permitting requirements.

TRAFFIC ENGINEERING

COMMENTS

U.S. Highway 90 is an ALDOT maintained roadway. The site is limited to its existing curb cuts, with size, location and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. 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).

MAWSS**COMMENTS**

MAWSS has water and sewer services available, but a Capacity Assurance application for **additional** sewer service has not been applied for. MAWSS cannot guarantee **additional** sewer service until a Capacity application is approved by Volkert Engineering Inc.

FIRE DEPARTMENT**COMMENTS**

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile. As per Appendix D, Section D107.1, one and two family developments with more than 30 dwelling units shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

REMARKS

The applicant is requesting *Planned Unit Development* approval to shared access and parking between two building sites, *Subdivision* approval to create 2 legal lots of record, and *Sidewalk Waiver* approval to waive construction of sidewalks along U.S. Highway 90 West and Hamilton Boulevard.

The applicant is proposing to re-locate an interior property line to accommodate a second drive-thru lane for an existing fast-food restaurant that currently shares access and parking with an existing shopping center.

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 must be approved by the Planning Commission.

It should be noted that landscaping area and tree planting calculations are not provided for the entire development, however the applicant is not proposing to increase or decrease the building footprints by 50% or more, therefore compliance will not be required at this time. If approved, a note should be placed on the site plan stating that full compliance with tree planting and landscaping will be required at such a time that the building footprint is cumulatively increased or decreased by 50%.

The total amount of square footage for retail and restaurant usage is not provided; therefore it is difficult for staff to determine if the site provides the minimum number of parking spaces

required. If any building expansion is proposed in the future, documentation should be submitted illustrating parking compliance.

The site fronts Hamilton Boulevard and U.S. Highway 90 West, both planned major streets. The Major Street Plan component of the Comprehensive Plan calls for 100-feet of right-of-way for Hamilton Boulevard, and a 250-foot right-of-way for U.S. Highway 90 West. Hamilton Boulevard is illustrated as having an existing right-of-way of 80-feet, while U.S. Highway 90 West is illustrated as having an existing right-of-way that varies. While dedication would typically be required, this would result in existing parking spaces and maneuvering areas being located within the right-of-way. If approved, an increased setback should be illustrated to accommodate the future right-of-way. The minimum right-of-way width of U.S. Highway 90 West should be labeled. The minimum building setback line should be adjusted an additional 10 feet.

A note should be placed on the site plan and Final Plat stating that each lot is limited to the existing curb-cuts, with the size, design and location to be approved by Traffic Engineering and comply with AASHTO standards.

The proposed lot size is provided in square feet and acres, and would exceed the minimum required lot size in Section V.D.2. of the Subdivision Regulations. This information should be retained on the Final Plat, if approved.

There is a 10' sanitary sewer easement and a 30' Alabama Power utility easement on the site. A note should be placed on the Final Plat stating that no structures shall be erected in any easement.

Finally, the applicant is requesting the waiver of the sidewalk requirements for U.S. Highway 90 West and Hamilton Boulevard. Their request is justified, in their opinion, due to a lack of sidewalks in the vicinity. North and West of the site are various businesses including a gas station and bank, while South and East of the site, is an undeveloped B-5, Office-Distribution District.

It should be pointed out that the Mobile City Council adopted a "complete streets" policy on May 31, 2011. The purpose of the complete streets policy is to support the design and construction of streets to enable safe access to all users, including pedestrians, bicyclists, transit riders, motorists, commercial and emergency vehicles, and for people of all ages and abilities. A waiver of the sidewalk, as requested, will limit accessibility for pedestrians, transit riders and cyclists.

Despite the presence of a ditch along U.S. Highway 90 West, there appears to be adequate room for the provision of a sidewalk either within ALDOT right-of-way, or on private property. However, the Planning Commission approved a similar sidewalk waiver request in 2013 for a site approximately 770 feet to the North along U.S. Highway 90 West.

RECOMMENDATION

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

- 1) retention of the lot sizes in square feet and acres;
- 2) revision of the minimum building setback line to accommodate the future right-of-way along both U.S. Highway 90 West (125' from centerline) and Hamilton Boulevard (50' from centerline);
- 3) placement of a note stating that if the building footprints are cumulatively increased or decreased by 50%, full compliance with tree planting and landscaping requirements will be required;
- 4) placement of a note stating that no structures will be erected in any easement;
- 5) placement of a note on the site plan stating that both lots are limited to existing curb cuts, with the size, design and location to be approved by ALDOT (where applicable) and Traffic Engineering and comply with AASHTO standards;
- 6) full compliance with the Traffic Engineering comments (*U.S. Highway 90 is an ALDOT maintained roadway. The site is limited to its existing curb cuts, with size, location and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. 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.*);
- 7) full compliance with Engineering comments (*ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: Any work performed in the existing City of Mobile 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). Any work performed in the existing ALDOT ROW (right-of-way) will require a permit from the ALDOT 9th Division. Provide a copy of any permit approvals and drawings to the City of Mobile with the Land Disturbance or ROW Permit. 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. 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. The proposed development must comply with all Engineering Department Policy Letters.); and*
- 8) provision of two (2) revised PUD site plans to the Planning Section of Urban Development prior to the signing of the Final Plat.

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

- 1) retention of the lot sizes in square feet and acres;
- 2) revision of the minimum building setback line to accommodate the future right-of-way along both U.S. Highway 90 West (125' from centerline) and Hamilton Boulevard (50' from centerline);
- 3) placement of a note stating that no structures will be erected in any easement;

- 4) placement of a note on the site plan stating that both lots are limited to existing curb cuts, with the size, design and location to be approved by ALDOT (where applicable) and Traffic Engineering and comply with AASHTO standards;
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- 7) provision of two (2) revised PUD site plans to the Planning Section of Urban Development prior to the signing of the Final Plat.

Sidewalk Waiver: The request is recommended for Denial, due to the following reason:

- 1) there is sufficient room either within ALDOT right-of-way, or on private property to allow for the provision of a sidewalk along U.S. Highway 90 West and Hamilton Boulevard, subject to ALDOT approval.

Revised for the January 15th meeting:

The application was heldover from the November 20th meeting at the applicant's request. The applicant has since submitted a letter from ALDOT stating that they have no plans for further widening of U.S. Highway 90 West, and that the safety of a sidewalk along the same right-of-way would be questionable. Therefore, it may be appropriate for the Planning Commission to waive the requirement for an increased setback and sidewalk along U.S. Highway 90 West.

It should be noted that Hamilton Boulevard is not an ALDOT controlled right-of-way, and therefore the site should still be required to have an increased setback to accommodate the future right-of-way. Due to the relatively small change that is proposed on the site, a sidewalk

should not be required until the building footprint has been increased or decreased by 50% or more.

RECOMMENDATION

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

- 1) retention of the lot sizes in square feet and acres;
- 2) revision of the minimum building setback line to accommodate the future right-of-way along Hamilton Boulevard (50' from centerline);
- 3) placement of a note stating that no structures will be erected in any easement;
- 4) placement of a note on the site plan stating that both lots are limited to existing curb cuts, with the size, design and location to be approved by ALDOT (where applicable) and Traffic Engineering and comply with AASHTO standards;
- 5) full compliance with the Traffic Engineering comments (U.S. Highway 90 is an ALDOT maintained roadway. The site is limited to its existing curb cuts, with size, location and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. 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.);
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- 8) provision of two (2) revised PUD site plans to the Planning Section of Urban Development prior to the signing of the Final Plat.

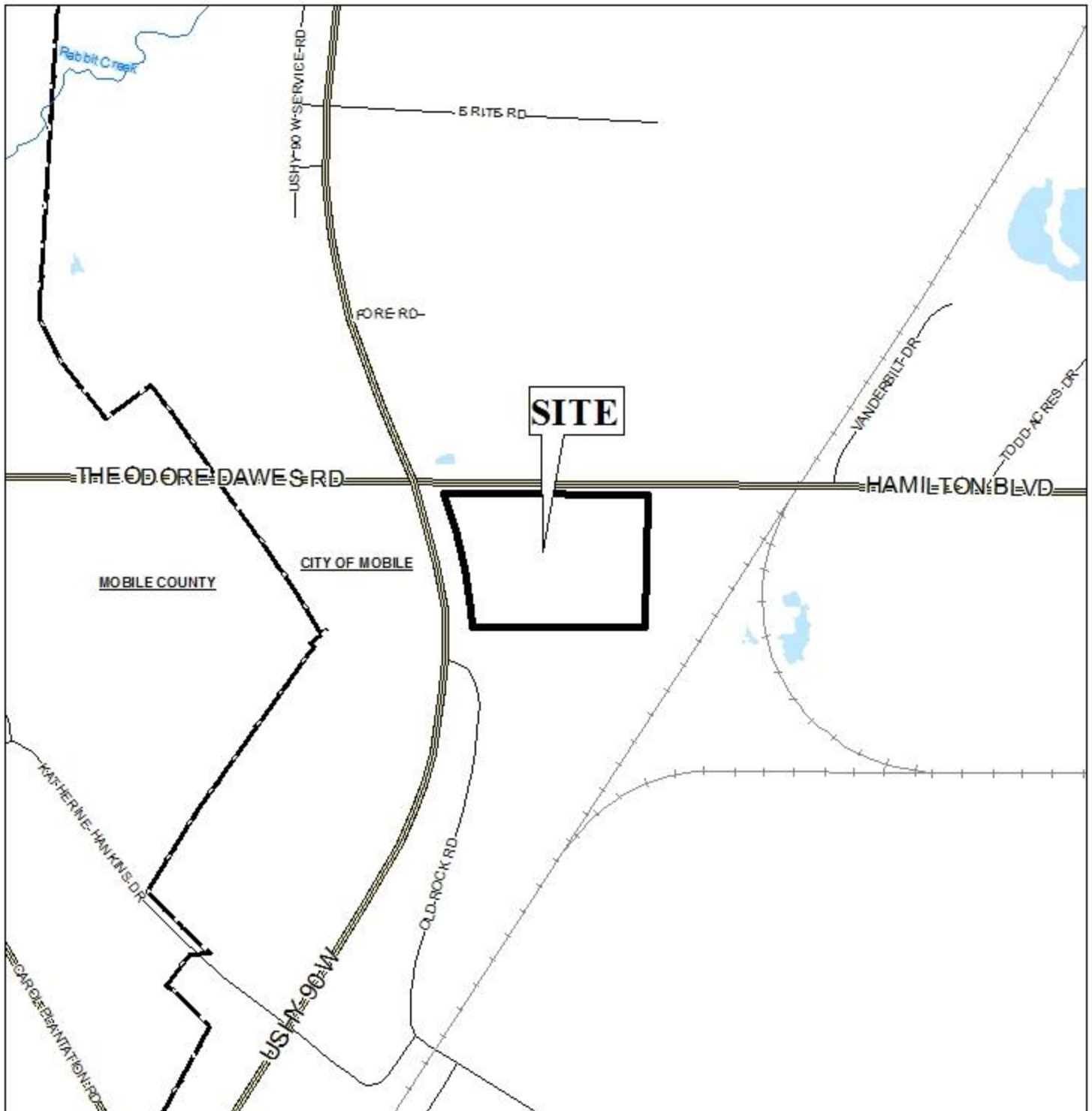
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- 3) placement of a note stating that if the building footprints are cumulatively increased or decreased by 50%, full compliance with tree planting and landscaping requirements will be required;
- 4) placement of a note stating that if the building footprints are cumulatively increased or decreased by 50%, a sidewalk will be required along Hamilton Boulevard;
- 5) placement of a note stating that no structures will be erected in any easement;
- 6) placement of a note on the site plan stating that both lots are limited to existing curb cuts, with the size, design and location to be approved by ALDOT (where applicable) and Traffic Engineering and comply with AASHTO standards;
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- 9) provision of two (2) revised PUD site plans to the Planning Section of Urban Development prior to the signing of the Final Plat.

Sidewalk Waiver: The request is recommended for Approval along U.S. Highway 90 West, and Approved along Hamilton Boulevard, until such time as:

- 1) *the building footprints are cumulatively increased or decreased by 50%, then a sidewalk will be required along Hamilton Boulevard.*

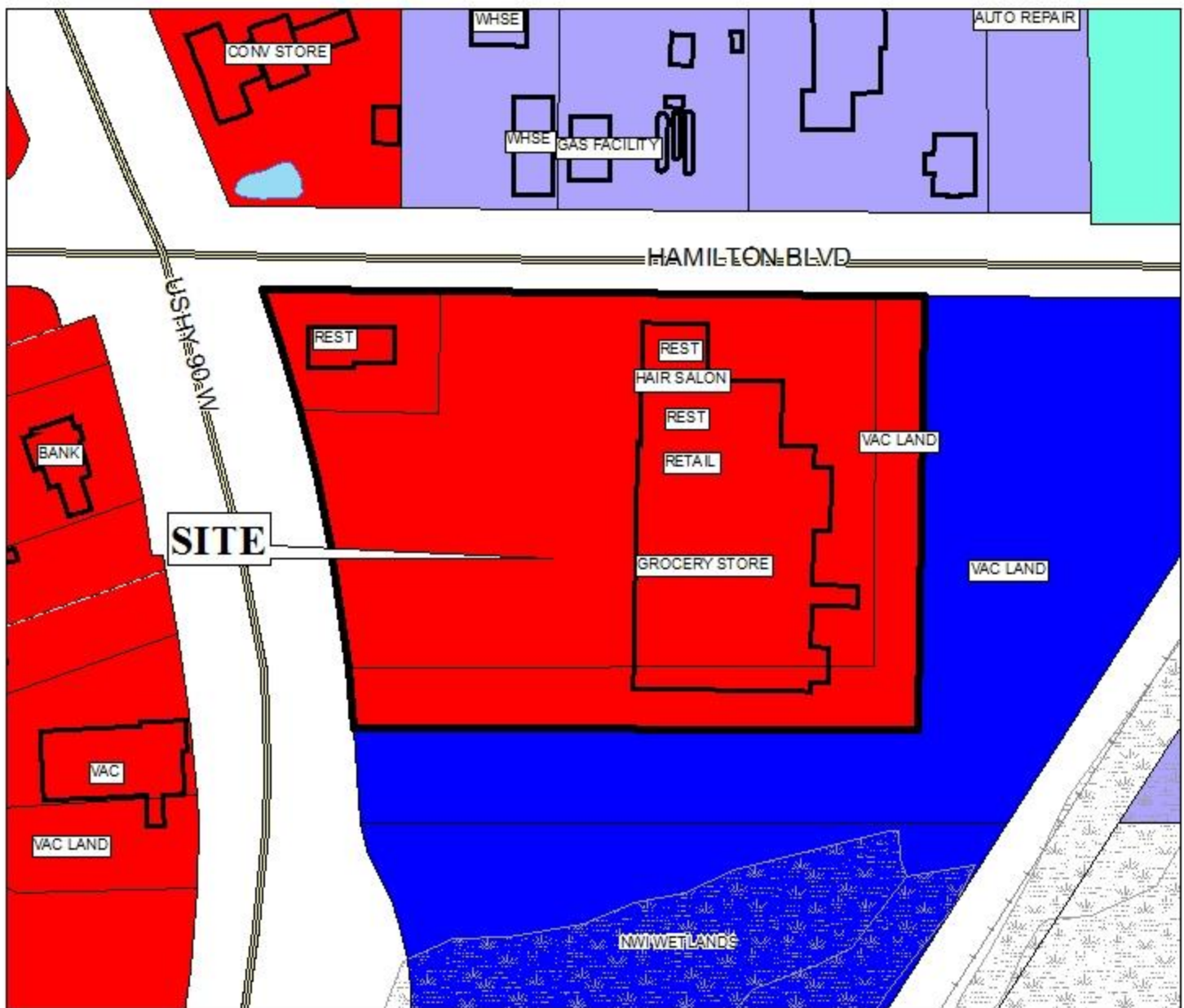
LOCATOR MAP



APPLICATION NUMBER 2 DATE January 15, 2015
APPLICANT Hamilton McDonald's Subdivision
REQUEST Subdivision, Planned Unit Development, Sidewalk Waiver



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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 APPLICANT Hamilton McDonald's Subdivision
 REQUEST Subdivision, Planned Unit Development, Sidewalk Waiver

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 ZONING

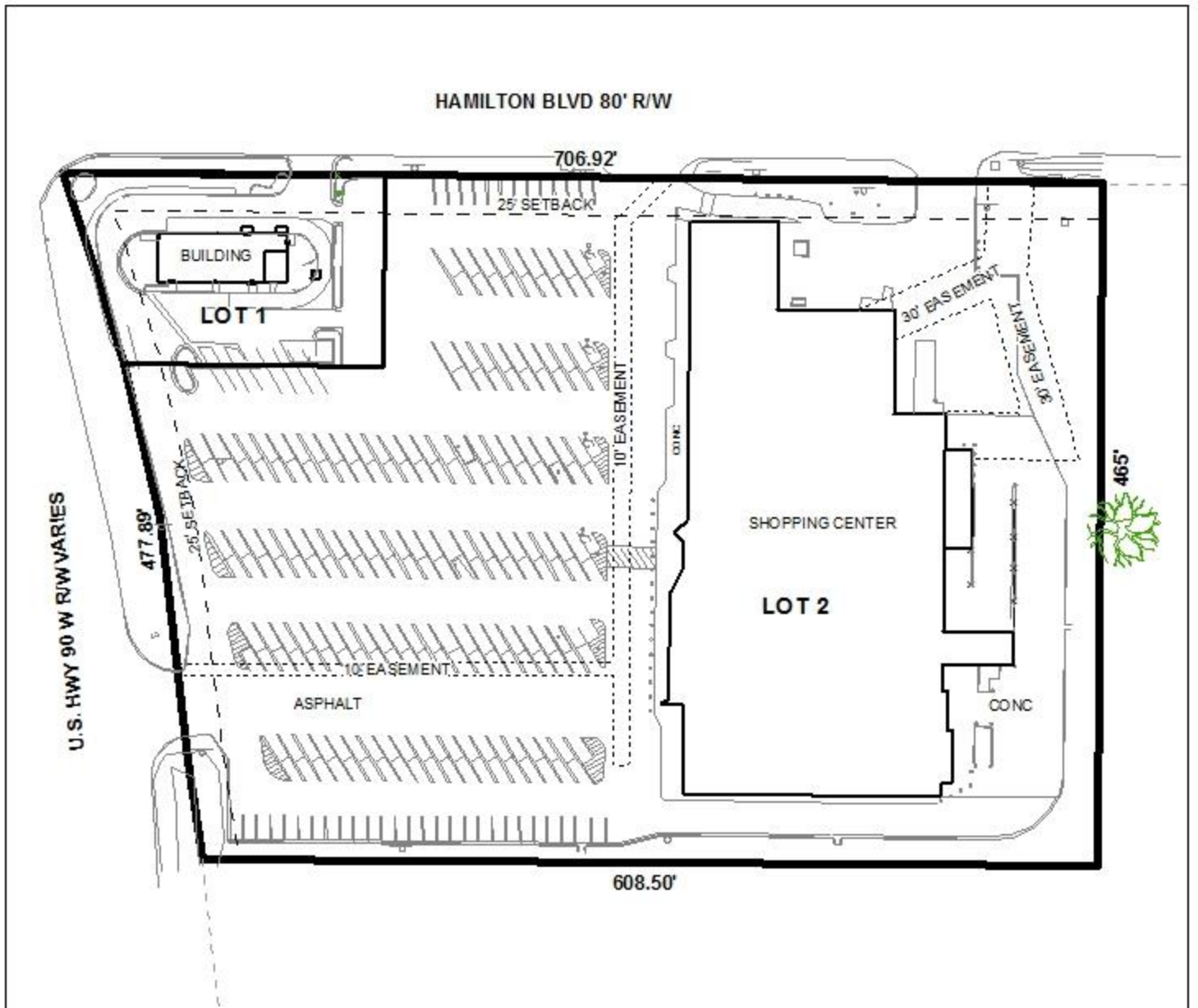


The site is surrounded by commercial units.

APPLICATION NUMBER 2 DATE January 15, 2015
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SITE PLAN

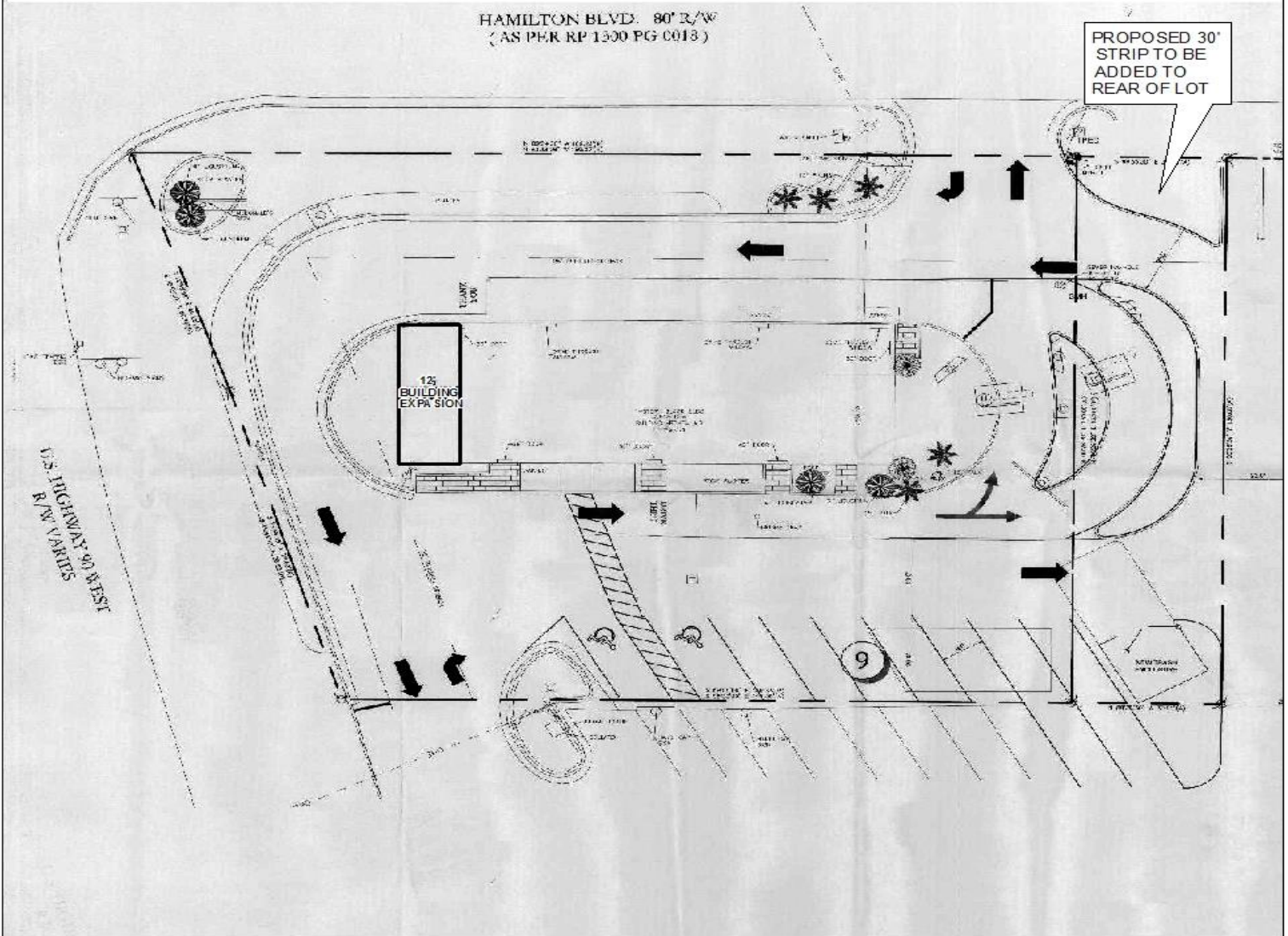


The site illustrates the setbacks, easements, buildings, and proposed lots.

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SITE PLAN



The site plan illustrates the proposed building expansion, and proposed lot expansion.

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APPLICANT Hamilton McDonald's Subdivision

REQUEST Subdivision, Planned Unit Development, Sidewalk Waiver



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