

**PLANNED UNIT DEVELOPMENT  
& SUBDIVISION STAFF REPORT****Date: May 20, 2010****DEVELOPMENT NAME**

Checkers Broad Street Subdivision

**SUBDIVISION NAME**

Checkers Broad Street Subdivision

**LOCATION**

8 North Broad Street

Southeast corner of North Broad Street and St. Francis Street, extending to the Northeast corner of North Broad Street and Dauphin Street

**CITY COUNCIL  
DISTRICT**

District 2

**AREA OF PROPERTY**

1 Lot / 0.7 ± acres

**CONTEMPLATED USE**

Planned Unit Development Approval to allow two buildings on a single building site, and Subdivision approval to create 1 lot.

**TIME SCHEDULE  
FOR DEVELOPMENT**

Already developed

**ENGINEERING  
COMMENTS**

Property is located in the AE and X-Shaded Flood Zones. Show Minimum Finished Floor Elevation on Plat. There is to be no fill placed within the limits of the flood plain without providing compensation. Must comply with all storm water and flood control ordinances. The construction of any new dumpster pads will require connection to sanitary sewer, cannot discharge to storm sewer. 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 ALDOT 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).

Site will require a final tree inspection due to dead or missing heritage trees.

**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 2, and according to the applicant is served by public water and sanitary sewer.

The purpose of this application is to create a legal lot, and to create a PUD that legalizes the addition of a free-standing freezer, which was placed on the site without permits around May 2009. The site was originally developed as a drive through restaurant in 1996, according to permit records.

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.

The site is currently developed with a 694 square foot Checkers drive-through restaurant, with one walk-up window and outside seating (10 tables in an area of approximately 1000 square feet). A 112 square foot freestanding freezer, the reason for the application, takes up two parking spaces, leaving 21 available parking spaces. A portion of the paved circulation area for the site utilizes land on an adjacent parcel to the East, however, this area is striped, and it appears that it is not otherwise utilized by Checkers or the owner of the adjacent parcel.

The site has frontage onto Broad Street, a proposed major street, and Dauphin Street and St. Francis Streets (both minor streets at this location). The existing right-of-way for Broad Street is 100-feet, however, the Major Street Plan component of the Comprehensive Plan recommends that this segment of Broad have a right-of-way of 120 feet, thus the plat should be revised to reflect the dedication of 10-feet of right-of-way (note that the dedication will result in their freestanding sign being located in public right-of-way).

The site has two curb-cuts onto Broad Street, one onto Dauphin Street, and one onto St. Francis Street. The site should be limited to the existing curb-cuts, and any change to the design or location of curb-cuts must be approved by Traffic Engineering and ALDOT (for Broad Street), and conform to AASHTO standards.

It should be noted that circulation on the site is extremely constrained, thus deliveries by trucks would likely block a portion of the site's circulation.

The site is zoned B-4, General Business District, thus the current use is allowed by right. Parking for the use is calculated as one parking space for each outside table, and one space per employee. As previously mentioned, there are 21 parking spaces on the site for 10 tables and an unspecified number of employees. As the Checkers main building is only 694 square feet, the Chief Building Code Official states that the maximum occupancy of the structure would be 7 employees, thus adequate parking is available on site.

It should be pointed out that the site appears to be in the FEMA designated AE and X-shaded floodzones, thus any new construction will have to comply with FEMA requirements.

The preliminary plat and the PUD site plan reflect the 25-foot setbacks from street frontages required by the Subdivision Regulations, however, the site is located in a B-4 zone, which allows a 0-foot setback along street frontages. The Planning Commission may wish to waive Section V.D.9. of the Subdivision Regulations to allow the application of the setbacks allowed by Section 64-3.E.4. of the Zoning Ordinance: setbacks would need to be revised on the site plan and plat. However, if the dedication of right-of-way along Broad Street is not required by the Commission, the minimum building setback line along Broad Street should be placed where the property line would be if dedication had been required.

Finally, no information has been provided regarding tree and landscape compliance for the site. The site was developed after implementation of the tree and landscape requirements of the Zoning Ordinance, and there is an approved tree/landscape plan for the site from 1996. Urban Forestry comments indicate that the site has fallen out of compliance due to the fact that trees have died or been removed from the site: the site must be restored to compliance with the approved tree/landscape plan.

## **RECOMMENDATION**

**Subdivision:** With a waiver of Section V.D.9., the application is recommended for Tentative Approval, subject to the following conditions:

- 1) Compliance with Engineering comments (*Property is located in the AE and X-Shaded Flood Zones. Show Minimum Finished Floor Elevation on Plat. There is to be no fill placed within the limits of the flood plain without providing compensation. Must comply with all storm water and flood control ordinances. The construction of any new dumpster pads will require connection to sanitary sewer, cannot discharge to storm sewer. Any work performed in the right of way will require a right of way permit.*);
- 2) Dedication of 10-feet of right-of-way along Broad Street;

- 3) Revision of the minimum building setback on the plat to reflect those allowed by Section 64-3.E.4. of the Zoning Ordinance;
- 4) Placement of a note on the final plat stating that the site is limited to its existing curb-cuts (two to Broad Street, one to St. Francis Street, and one to Dauphin Street), and that any change to a curb-cut must be approved by Traffic Engineering and ALDOT, and conform to AASHTO standards;
- 5) Compliance with and placement of Urban Forestry comments as a note on the plat (*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). Site will require a final tree inspection due to dead or missing heritage trees.*); and
- 6) Provision of two (2) copies of the revised PUD site plan prior to the signing of the final plat.

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

- 1) Compliance with Engineering comments (*Property is located in the AE and X-Shaded Flood Zones. Show Minimum Finished Floor Elevation on Plat. There is to be no fill placed within the limits of the flood plain without providing compensation. Must comply with all storm water and flood control ordinances. The construction of any new dumpster pads will require connection to sanitary sewer, cannot discharge to storm sewer. Any work performed in the right of way will require a right of way permit.*);
- 2) Dedication of 10-feet of right-of-way along Broad Street;
- 3) Revision of the minimum building setback on the site plan to reflect those allowed by Section 64-3.E.4. of the Zoning Ordinance;
- 4) Placement of a note on the site plan stating that the site is limited to its existing curb-cuts (two to Broad Street, one to St. Francis Street, and one to Dauphin Street), and that any change to a curb-cut must be approved by Traffic Engineering and ALDOT, and conform to AASHTO standards;
- 5) Compliance with and placement of Urban Forestry comments as a note on the site plan (*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). Site will require a final tree inspection due to dead or missing heritage trees.*); and
- 6) Provision of two (2) copies of the revised PUD site plan prior to the signing of the final plat; and
- 7) Full compliance with all other municipal codes and ordinances.

## LOCATOR MAP



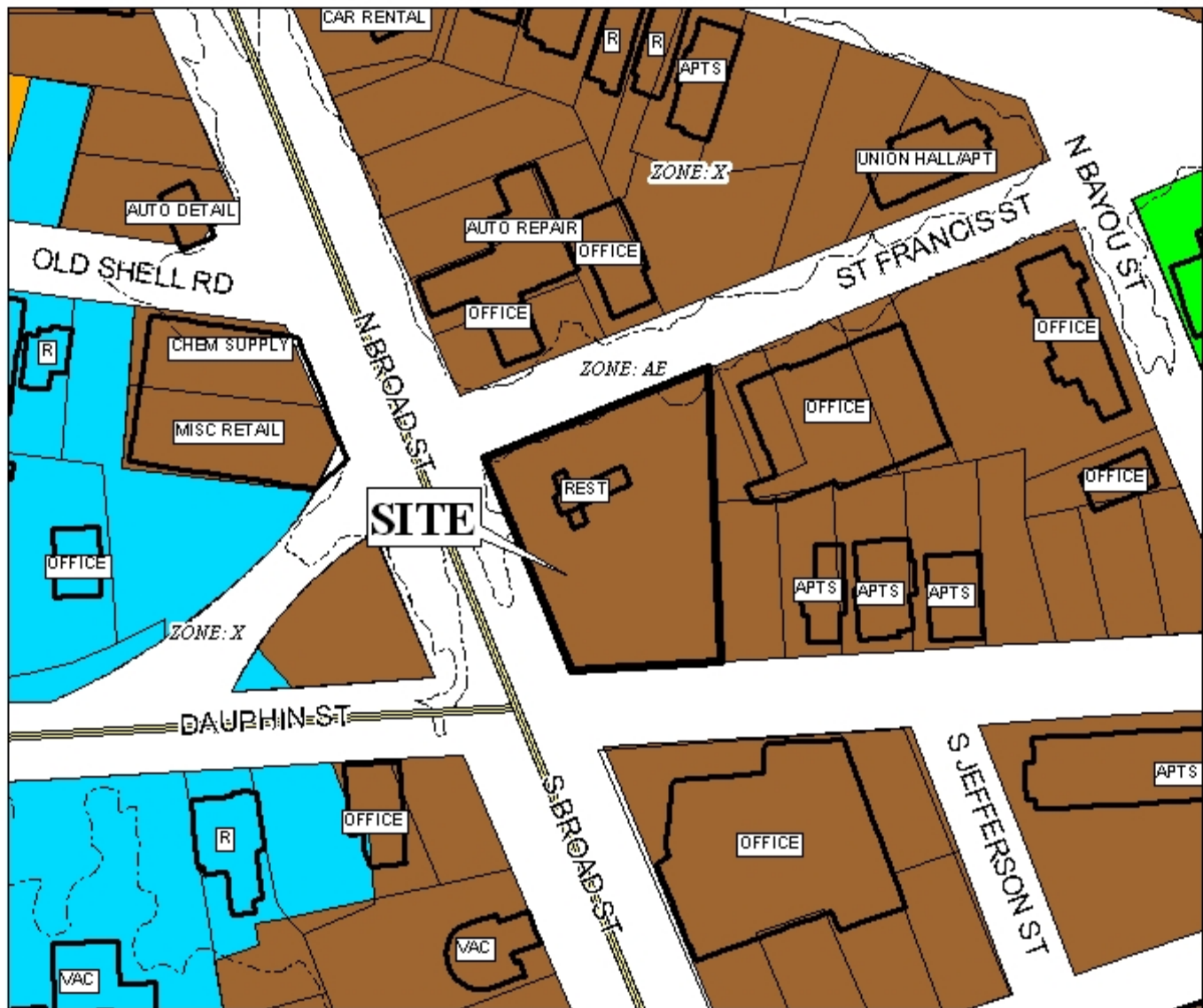
APPLICATION NUMBER 6 & 7 DATE May 20, 2010

APPLICANT Checkers Broad Street Subdivision

REQUEST Subdivision, PUD



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



There are offices to the north, east, and south of the site, and a vacant lot to the west.

APPLICATION NUMBER 6 & 7 DATE May 20, 2010

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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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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

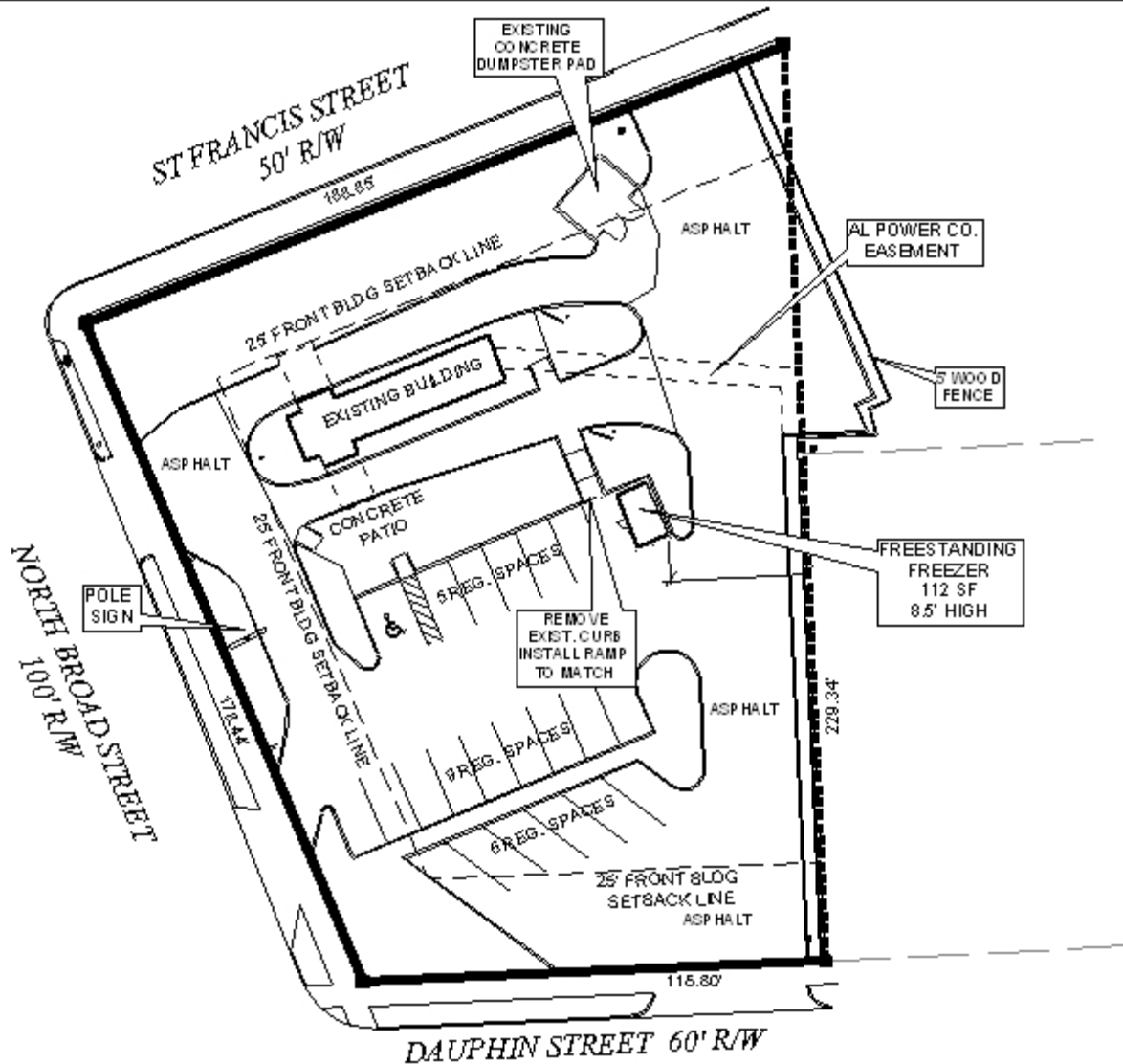


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# SITE PLAN



The site plan illustrates the existing and proposed buildings, parking, and setbacks.

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