

PLANNING APPROVAL STAFF REPORT**Date: March 4, 2021****NAME**

Rata Investments, LLC

LOCATION755 Monroe Street
(Southeast corner of Monroe Street and South Bayou Street)**CITY COUNCIL
DISTRICT**

District 2

PRESENT ZONING

T-5.1 Mixed Use - Medium Intensity Subdistrict

AREA OF PROPERTY

0.6± Acres

CONTEMPLATED USE

Planning Approval to allow a bar with an occupancy load over 100 in the Downtown Development District.

**TIME SCHEDULE
FOR DEVELOPMENT**

Immediately

**ENGINEERING
COMMENTS**

No comment.

**TRAFFIC ENGINEERING
COMMENTS**

No site improvements appear to be proposed as part of this application. The recent redevelopment in this immediate area has put strain on the parking that is available in the right-of-way. As part of an approval for a nearby business, parking spaces were marked on the service road of Canal Street. Additionally, parking restriction signs have been installed on part of Monroe Street to accommodate concerns raised by the neighbors. There may not be requirements for on-site parking, however there needs to be a balance in this area of downtown where the residential land uses outweigh the commercial that has been introduced.

**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 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.

**FIRE DEPARTMENT
COMMENTS**

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential

buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

REMARKS

The applicant is requesting Planning Approval to allow a bar with an occupancy load over 100 in the Downtown Development District. Planning Approval is required for bar/restaurant uses with an occupant load of more than 100 people in T-5.1 Subdistricts.

The subject site is currently used as a lounge, on the condition that the business is limited to a maximum occupancy load of 100 people. The applicant now wishes to have outside seating available to the existing lounge, which will increase the maximum occupancy to over 100 individuals. The applicant is also planning on utilizing the existing building for an inside golf practice facility and a commissary kitchen. These proposed additional uses are allowed by right in a T-5.1 sub-district, and are not the subject of this application.

The site is bounded to the South (across Canal Street) by R-3, Multi-Family Residential District; to the East and West by T-3; and to the North by T-5.1 and T-3.

The review required for Planning Approval examines the applicant's location and site plan with regard to transportation, parking and access, public utilities and facilities, traffic congestion and hazard, and to determine if the proposal is in harmony with the orderly and appropriate development of the district.

It is very important to note that the Planning Approval review is site plan specific; therefore *any* future changes to the site/floor plan or to the scope of operations for the restaurant that will increase the occupant load beyond what is approved, by current or future applicants, must be submitted for Planning Approval review.

The site has been given a Downtown (DT) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

Downtown is called out as a separate land use designation due to its distinct role, layout and fabric.

As a land use district, Downtown (DT) is the ultimate mixed-use environment. Land development and redevelopment will emphasize variety, mixed uses, and unity of form within buildings or complexes.

As the city's and region's center for commercial and service employment, Downtown supports intense development and a dynamic combination of uses: specialty and regional retail shopping and offices; business support services; urban housing at higher densities (starting at 10 dwelling units per acre); civic, educational and cultural destinations; entertainment options; and other public amenities including active and passive park space. The successful integration of a mix of housing types and densities will be critical to achieve a vibrant, 24/7-active Downtown Mobile.

Development in the DT district will focus on new, redeveloped and adaptively reused buildings that frame attractive, human-scaled streetscapes, memorable public spaces, bicycle and pedestrian-friendly streets and convenient transit access to jobs, housing and entertainment. Accordingly, certain areas of Downtown will be more intensively developed to facilitate that pedestrian orientation.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

The applicant states:

The proposed improvements yield two requests of the Planning Commission:

- A) Approval requested to allow over 100-person occupancy in an assembly use*
- B) Approval requested to allow operation of a catering/commissary kitchen in a T5.1 district.*

Over 100-Person Occupancy Request

The request to allow over 100-person occupancy is triggered by proposed improvements to three spaces: the outdoor yard space, and the development of the rest of the building into a two separate uses as a commissary kitchen and an indoor golf practice business.

The proposed outdoor addition of a “play yard” to the Ice Box Bar will include shade structures, outdoor tables and seating, and outdoor game areas. All improvements made will be contained within the existing wooden privacy fence. The added occupancy numbers in the play area are to be added to the Ice Box’s current A-2 occupancy. The existing occupancy is 93 people. The calculated addition of 37 people in the yard brings total Ice Box occupancy to 130. Detailed occupancy calculations and the required number of exits (gates) and travel distances can be seen on the submitted site plan.

The proposed indoor improvements divide the vacant space behind the Ice Box into two usable commercial spaces. The buildout of a commissary kitchen will add 5 people to the occupancy count, bringing the requested occupancy to 135. The buildout of a golf practice business will add another 12 people, bringing the total requested occupancy for the building to 147 people.

New Uses in T5.1

The proposed indoor improvements will divide space currently used as storage into two new uses: a 1902 square foot golf practice business and an 871 square foot commissary kitchen.

The Downtown Development District permits a Commercial Mixed-use Retail Component in T5.1 by right. The addition of the golf practice business will result in several improvements to this indoor space. The space will be separated from adjacent occupancies by two-hour walls, and one ADA accessible restroom will be added. This new use will require its own exits, so two proposed exits as well as an ADA accessible ramp are shown as proposed on the submitted site plan.

The Downtown Development District permits a Commercial Catering use only with Planning Approval. The request to allow the addition the commissary kitchen will result in minor improvements. A two-hour separation will be constructed between the commissary kitchen and the remainder of the building, and one ADA accessible restroom will be added. Existing doors will remain.

The proposed improvements will begin immediately upon approval and be completed within one year.

Plan Consistency Statement

The proposed plans are consistent with the Comprehensive Plan and the Future Land Use Plan. The addition of the Ice Box play yard, the commissary kitchen, and the golf practice business is a development plan that promotes strategic infill and redevelopment. The uses are highly complementary and are intended to bring vibrancy to the neighborhood.

Bringing these new uses to a building that is partially vacant, will concentrate community amenities within a walkable distance for the residents and visitors of the Church Street East Historic District. By providing this infill development, the development seeks to enhance the pedestrian-friendly urban environment and accentuate the unique sense of place already present at the Ice Box. The addition of the commissary kitchen will bring exciting dining options to the neighborhood with a variety of food trucks, and the golf business and play yard will bring new entertainment options.

The DDD regulations do not require the provision of parking for existing or new developments within T-3 through T-5.2 subdistricts. The intent is to allow existing buildings to be renovated and repurposed, and to encourage a walkable downtown area. However, based on recent complaints, and as indicated in the Traffic Engineering comments, there is a parking problem. While parking in the DDD is not required, the occupancy load does require Planning Approval, which examines an application in regard to parking and access.

The site is across the street from a bar/lounge with food trucks, that is currently operating with an occupancy load under 100. However, the majority of properties surrounding the subject site are developed residentially, and the proposed outdoor “play areas” adjoin single-family homes. As Planning Approval also evaluates an application to determine if the proposal is in harmony with the orderly and appropriate development of the area, the application should be heldover to allow the applicant to address concerns regarding parking and play yards.

RECOMMENDATION

Planning Approval: Based on the preceding, Staff recommends the application be heldover to the Planning Commission's April 1st meeting, with revisions due by March 18, 2021 to address the following:

- 1) Address parking and outdoor play yard concerns.

Revised for the April 15, 2021 meeting:

This application was heldover to the April 1st by the Planning Commission at the request of the applicant. Prior to that meeting, the applicant requested additional time to address neighborhood concerns, therefore, it was heldover to the April 15th meeting. The applicant has submitted a revised site plan and narrative.

The revised site plan shows the addition of a gate at the outside "play area", and the relocation of a proposed gate on the North side of the property. Also, a six-foot tall privacy fence, and a ten-foot tall privacy fence are depicted where one was not previously. These proposed changes to the exterior of the property will need to be reviewed both by the Architectural Review Board and the Consolidated Review Committee. Various changes have been made to the proposed layout of the interior as well, including adding a bar to the proposed golfing business, and the elimination of the proposed kitchen. The changes result in the proposed occupancy load being increased to 149 people.

The revised narrative states:

During the initial planning commission meeting we learned our abutting neighbors concerns with adding occupancy to this property. Since that initial meeting we have met with staff once and our abutting neighbors twice. In these meetings we discussed concerns such as parking, noise and litter. Here are the actions we have taken and the actions we propose to help with these issues.

1) Litter, we have hired someone to pickup littler around the perimeter of our property on Friday, Saturday and Sunday mornings.

2) Noise, we have moved an existing out door speaker to ground level to keep the noise down and have added protocol for staff to turn off the outdoor speaker at 10pm. Further we have removed and reduced the area of games that we believe was causing most of the noise and turned this area to outdoor storage. We also have changed the use of the closet indoor space to the neighbors to storage and retail/office to reduce noise. Finally we are proposing to build a 10 foot privacy fence on the remaining shared property line between our outdoor play area and our neighbors back yard. We have researched styles of fence and have found a style that we believe will dramatically reduce sound carry across our property line.

3) Parking, we have been in communication with the police department to better monitor the no parking areas in the neighborhood. We have also talked with representatives at Ben May Public Library and are working on a relationship to be able to use their parking lot when it is unused.

We hope that these efforts will show our willingness to work with our neighbors. We want to be a place that the neighborhood is proud of. Thank you for your consideration

Based upon the revised information, it would appear that the outside play area is existing and in use, thus the existing bar is already operating beyond the 100-person occupant load, without Planning Approval.

The revised floor plan does not clearly indicate that there will be no internal cross access between three tenant spaces. Additionally, a roll-up curtain door is proposed, in addition to a regular door, that would allow direct access from the internal golfing use to the external play area.

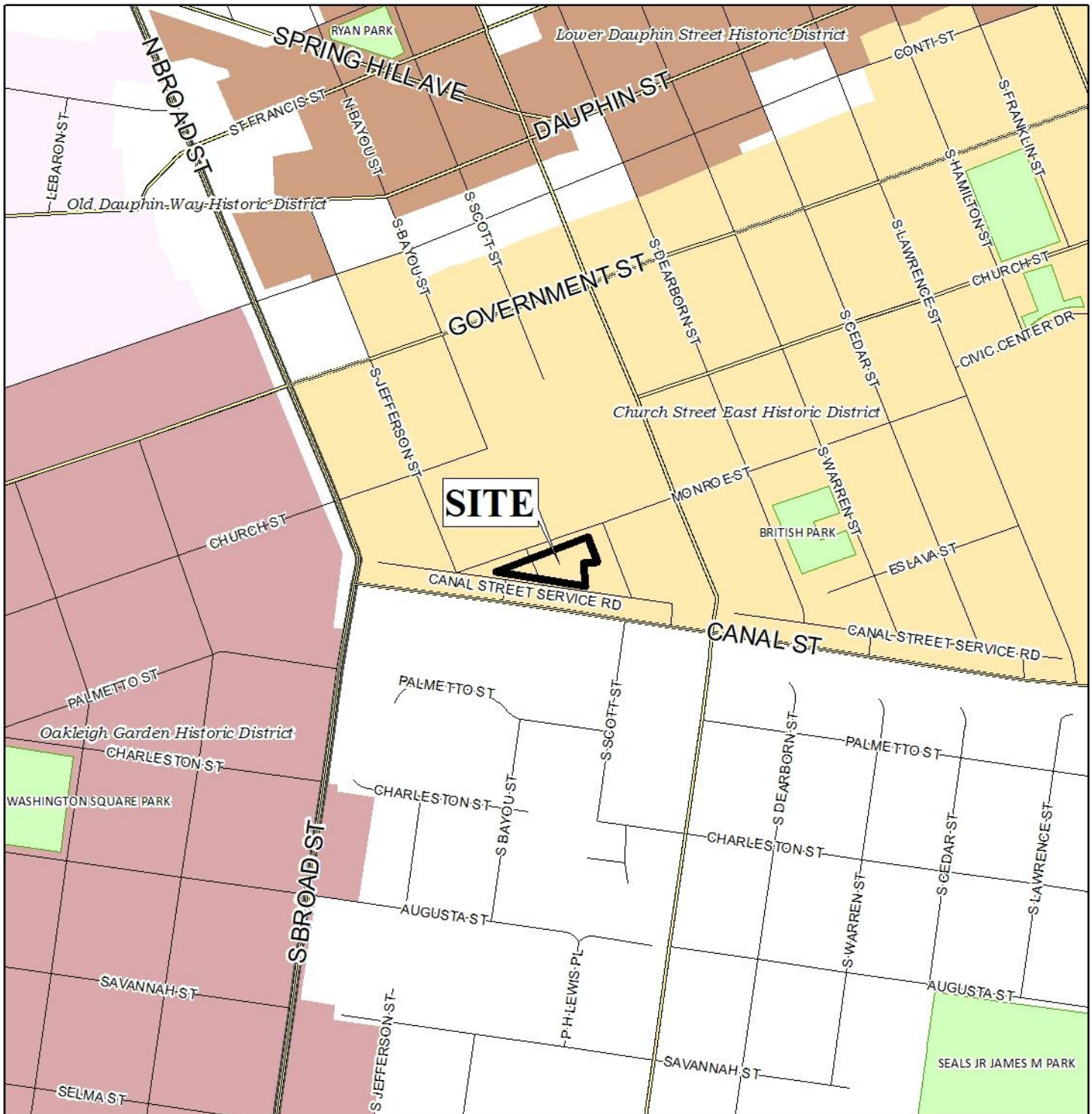
The applicant should be advised that the proposed office/retail space and the outdoor play area may need to comply with accessibility requirements. Also, it should be noted that the DDD allows a maximum height of eight-feet for privacy fences.

While parking is not required for the proposed uses, there is on-site parking available. If approved, the site plan should be revised to indicate improvements to these parking areas, to include screening compliant with Section 64-3.I.11.(b) (3) of the Zoning Ordinance.

RECOMMENDATION

Planning Approval: *Based on the preceding, staff recommends that the Board consider all relevant facts prior to making a decision.*

LOCATOR MAP



APPLICATION NUMBER 1 DATE April 15, 2021

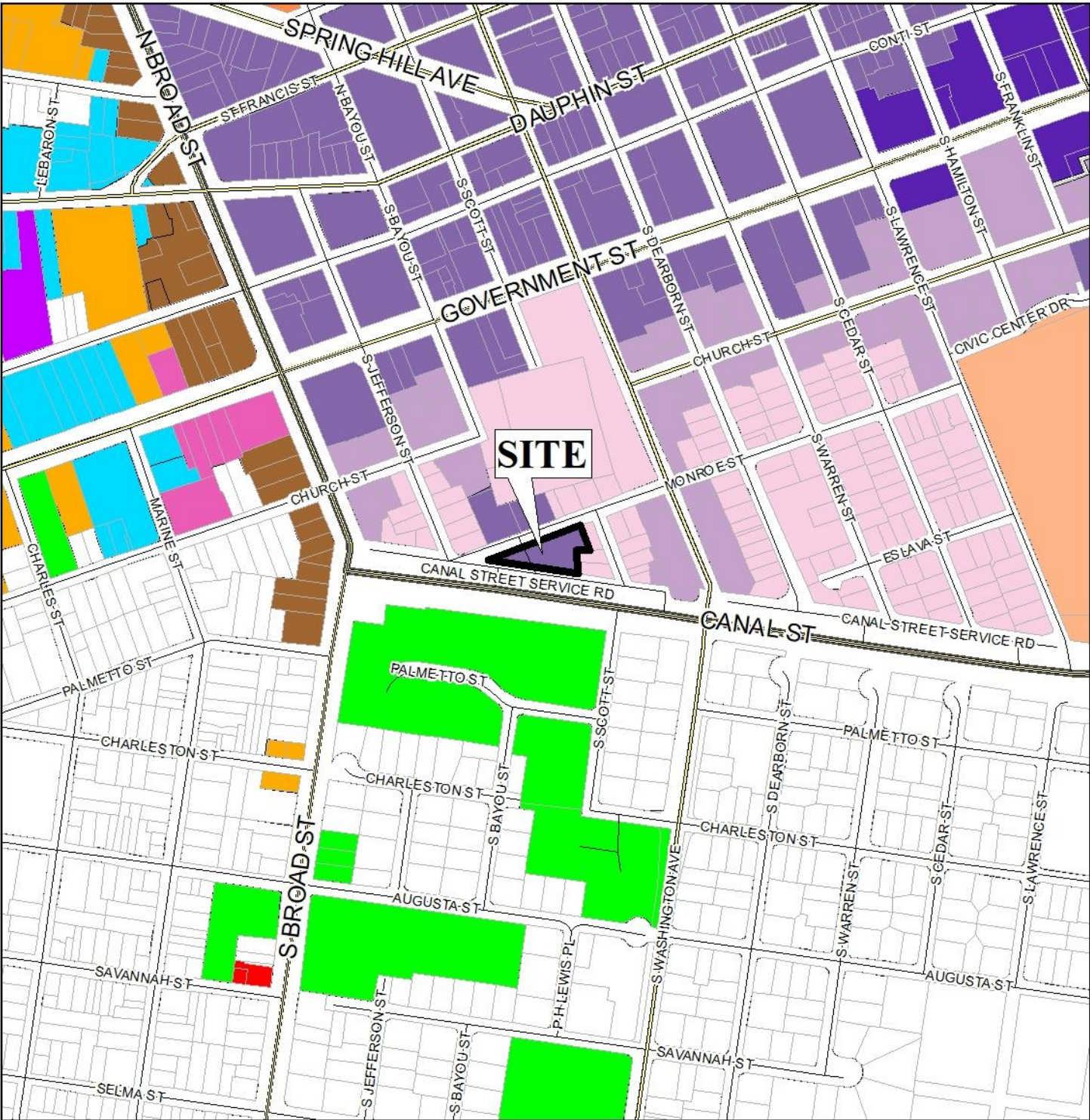
APPLICANT Rata Investments LLC

REQUEST Planning Approval



NTS

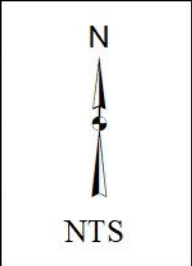
LOCATOR ZONING MAP



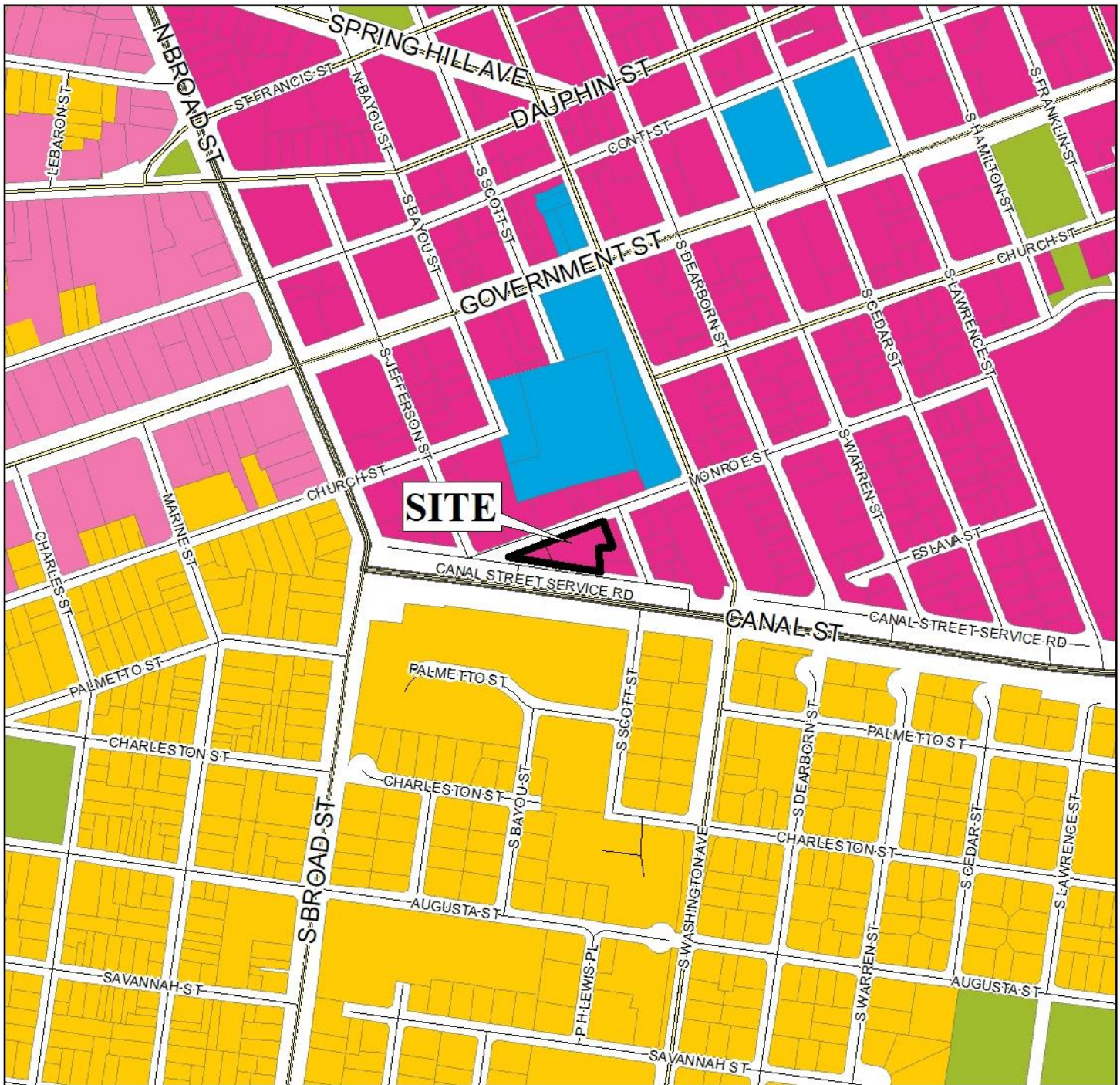
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FLUM LOCATOR MAP



APPLICATION NUMBER 1 DATE April 15, 2021

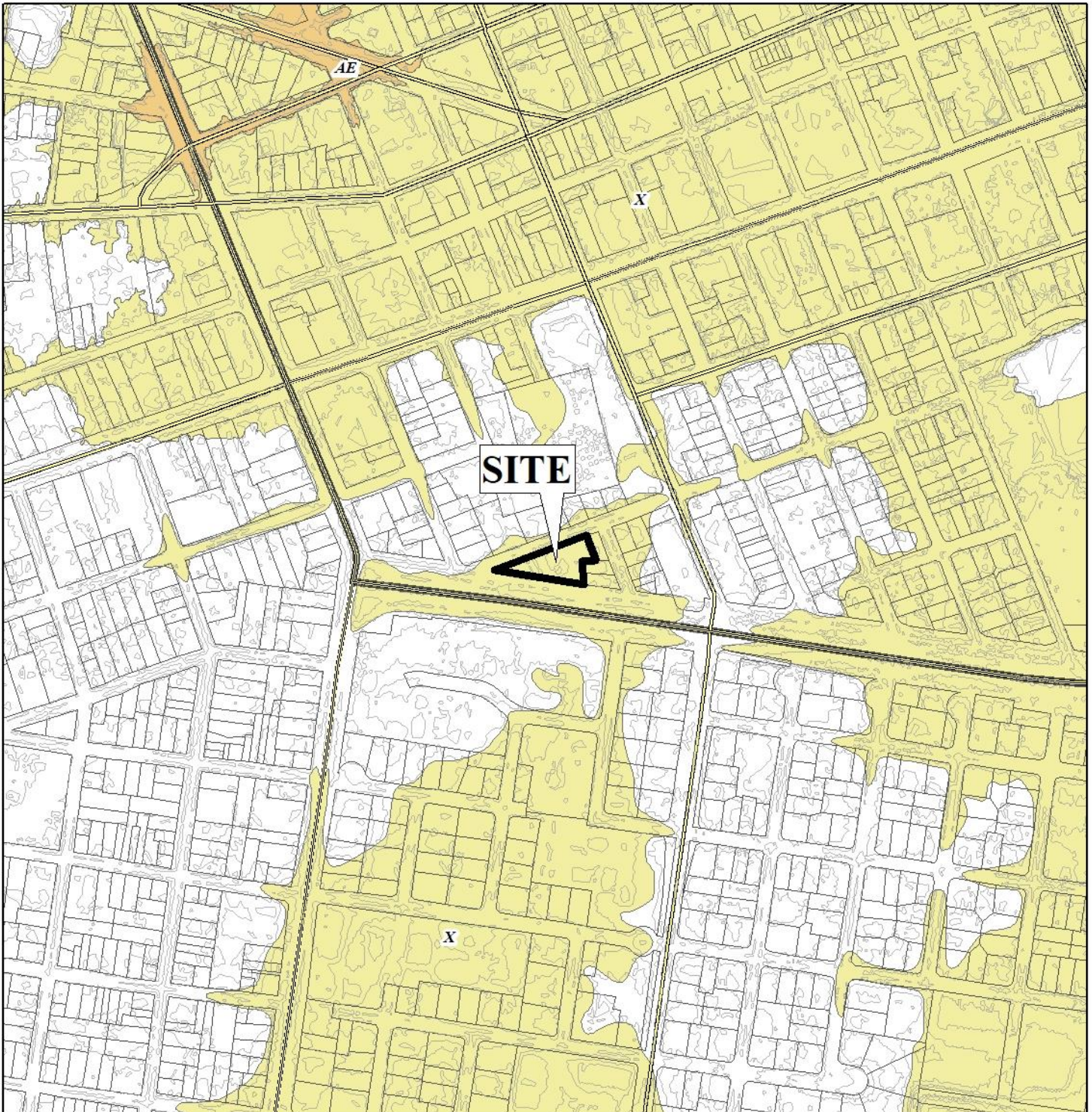
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	



ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 1 DATE April 15, 2021

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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units, commercial units, vacant lands and apartments.

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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 AERIAL



The site is surrounded by single family residential units,
commercial units, vacant lands and apartments.

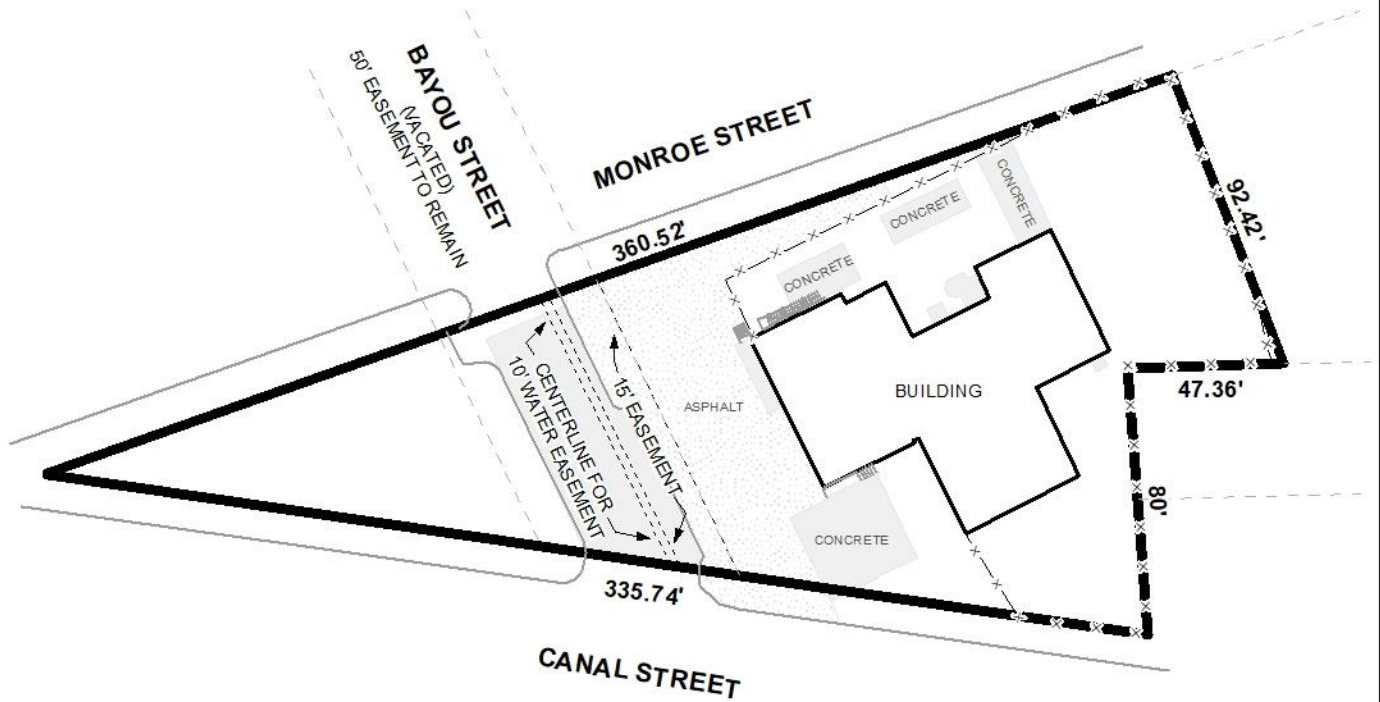
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SITE PLAN



The site plan illustrates existing building, easements and vacated right of way.

APPLICATION NUMBER 1 DATE April 15, 2021

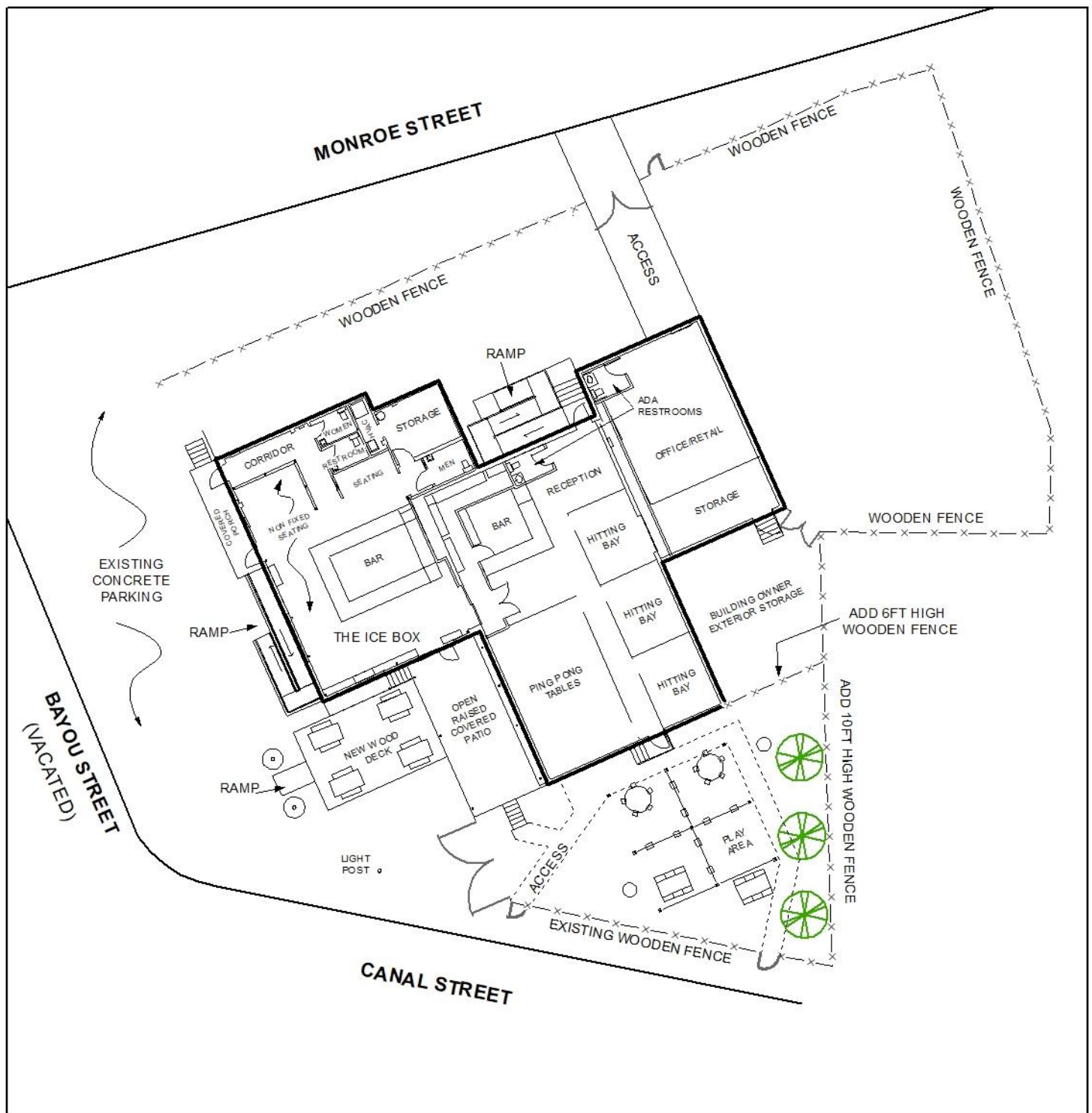
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DETAIL SITE PLAN



APPLICATION NUMBER 1 DATE April 15, 2021

APPLICANT Rata Investments LLC

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