

PLANNING APPROVAL STAFF REPORT

Date: August 19, 2021

NAME

Box Owt, LLC (Artious Walker, Agent)

LOCATION

265 and 267 Dauphin Street
(South side of Dauphin Street, 43'± East of South Jackson Street)

CITY COUNCIL DISTRICT

District 2

PRESENT ZONING

T-5.2 Mixed Use - Medium Intensity Subdistrict

AREA OF PROPERTY

0.15± Acres

CONTEMPLATED USE

Planning Approval to allow a food court with an occupancy load over 100 in a T-5.2 Sub-district of the Downtown Development District.

TIME SCHEDULE FOR DEVELOPMENT

None provided

ENGINEERING COMMENTS

1. 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 and paving 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.
2. 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.
3. 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. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.

TRAFFIC ENGINEERING COMMENTS

No comment.

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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites 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 food court and event space with an occupancy load over 100 in the Downtown Development District. Planning Approval is required for bar uses with an occupant load of more than 100 people in T-5.2 Subdistricts.

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.

At the time the application was submitted the plans illustrated an event center and outdoor food court; however, a project narrative was not included. The morning staff reports were to be posted, the applicant submitted the narrative. Submitted earlier the week this report was being prepared, an architect submitted plans that differ from those submitted by the applicant.

Based on the differing plans, the late narrative providing the scope of operation (restaurant, food court, bar, event center) specific elements of the project are unclear and in order for the staff to provide concrete information and analysis, a holdover until the September 2nd meeting is needed.

RECOMMENDATION

Planning Approval: Staff recommends the application be heldover to the September 2, 2021 meeting to allow the applicant to address the following items:

- 1) Provide clarification on the discrepancies between the narrative and site plan submitted.

Revised for the September 2nd meeting:

The application was heldover by the Planning Commission at its August 19th meeting to allow the application to be advertised with an appropriate description. New public hearing notices were sent out describing the proposed project as a food court only, and not an event center.

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:

Box Owt will serve as Mobile County's first container food park, providing an array of dining options to the downtown area. This park is designed to maximize outdoor dining capabilities, which has been most desired since the COVID pandemic first occurred. It will soon serve as "ground-zero" for families who want to dine out but all want something

different to eat. This effort will also allow five small-business food vendors an opportunity to display their cuisine in the most population-dense work area... without the requirement of \$100K investment into a new restaurant. It will provide countless job opportunities during and after completion of construction while boosting the local economy and furthering the development of Downtown Mobile.

Development of the Courtyard: Our intent is to construct a total of six containers, five designed to serve as leased kitchens and one serving as a park-owned beverage container. There will be dining areas in the center of the courtyard as well as on top of two decks that will run alongside both adjacent buildings... stretching over the containers. There is an area earmarked to be the only play yard for children on Lower Dauphin St. and an entrance at the sidewalk side of the yard.

Development of the Building: Primary focus for this facility will be to provide an indoor dining option in the event weather does not promote eating outside. There will be two garage-style entrances that will allow easy access to/from the courtyard and one additional 60 in. door. Bathrooms located inside the building will be designed to withstand personnel capacity for both the building and the courtyard. There will also be a bar located on the wall that separates both areas.

Operations of Box Owt: Our sole focus will be on providing a multi-concept dining experience for guests. We will not serve as a club, simply because loud music doesn't pair well with customers screaming orders to food vendors. We plan to operate daily with 10am being the earliest we will be open and Midnight being the latest we will close. Our focus will remain on keeping a family-friendly atmosphere.

Note: While the sections of the indoor dining area may be made available for reservation of an event, there is no intention to remove excessive tables/chairs in an attempt to increase room capacity. These reservations will primarily serve to host seated events with the available food vendors providing any catered/ dining meals.

Since 2015, fifteen (15) other locations have received Planning Approval to have an occupant load greater than 100 people:

MTG DATE	LOCATION	PROPOSED USE	Occupancy	Decision
11/6/2014	401 DAUPHIN ST	ENTERTAINMENT VENUE	907	Denied
3/5/2015	455 DAUPHIN ST	RESTAURANT	148	Approved
4/16/2015	453 & 457 CONTI ST	EVENT SPACE	120	Approved
8/6/2015	51 S CONCEPTION ST	EVENT SPACE	205	Denied
9/3/2015	401 DAUPHIN ST	ENTERTAINMENT VENUE	850	Denied
3/3/2016	251 ST FRANCIS ST AND 15 N JOACHIM ST	ENTERTAINMENT / EVENT SPACE	497	Approved
10/20/2016	609 & 611 DAUPHIN ST	RESTAURANT	133	Approved
3/9/2017	615 DAUPHIN ST	RESTAURANT	271	Approved
12/21/2017	200 DAUPHIN ST	EVENT SPACE	142	Approved

1/18/2018	258 DAUPHIN ST	CIGAR BAR / LOUNGE	122	Approved
3/1/2018	555 DAUPHIN ST	RESTAURANT	169	Approved
7/19/2018	853 DAUPHIN ST	RESTAURANT / EVENT SPACE	1035	Approved
12/6/2018	571 DAUPHIN ST	BAR / LOUNGE	148	Approved
1/9/2020	401 DAUPHIN ST	ENTERTAINMENT VENUE	750	Denied
4/15/2021	755 MONROE ST	BAR / RESTAURANT	149	Approved
5/6/2021	508 & 518 DAUPHIN ST	BAR / RESTAURANT	246	Approved
8/5/2021	555 DAUPHIN ST	RESTAURANT	258	Approved
8/19/2021	213 CONTI ST	BAR	286	Approved

Based on the site plan provided, the applicant proposes to place six (6) small “pods” to be used by food vendors on what is currently being used as a community garden (265 Dauphin Street), with shared restroom facilities and an indoor seating area next door (267 Dauphin Street). The food court area will also have an elevated, second story above the food vendors to accommodate visitors to the site. The occupant load provided is 172 for the existing building, and 374 for the proposed food court, for a combined occupant load of 546 people.

While the occupant load exceeds 500 (546 for the site), the subject site is located in an entertainment district and is in the middle of one of the more densely developed blocks in downtown. Furthermore, the site encompasses two lots, essentially twice the area of many existing bars and restaurants in the DDD. The site will also include a roof top dining area which as seen in recent Planning Commission agendas are increasing in use in the DDD. Additionally, based on the applicant’s narrative and the specificity of Planning Approval, with an occupant load exceeding 100, the site will be used for restaurant and dining only; not a bar or event space which could, in the absence of tables and chairs, attract masses of patrons.

There is no proposed on-site parking, however the DDD does not require parking. There are several public parking lots and on-street parking available in the area. As no on-site parking is proposed, the site should be prohibited from having a curb cut.

Furthermore, it should be noted that any improvements to the site will require approval from both the Consolidated Review Committee and the Architectural Review Board prior to the issuance of building permits. Details were not provided regarding building materials and other information, making it difficult to determine if the proposed site plan will comply with Downtown Development District regulations. It should be noted that the site may require variances from the Board of Zoning Adjustment prior to the issuance of permits.

RECOMMENDATION

Staff recommends the following finding of fact for Approval of the request:

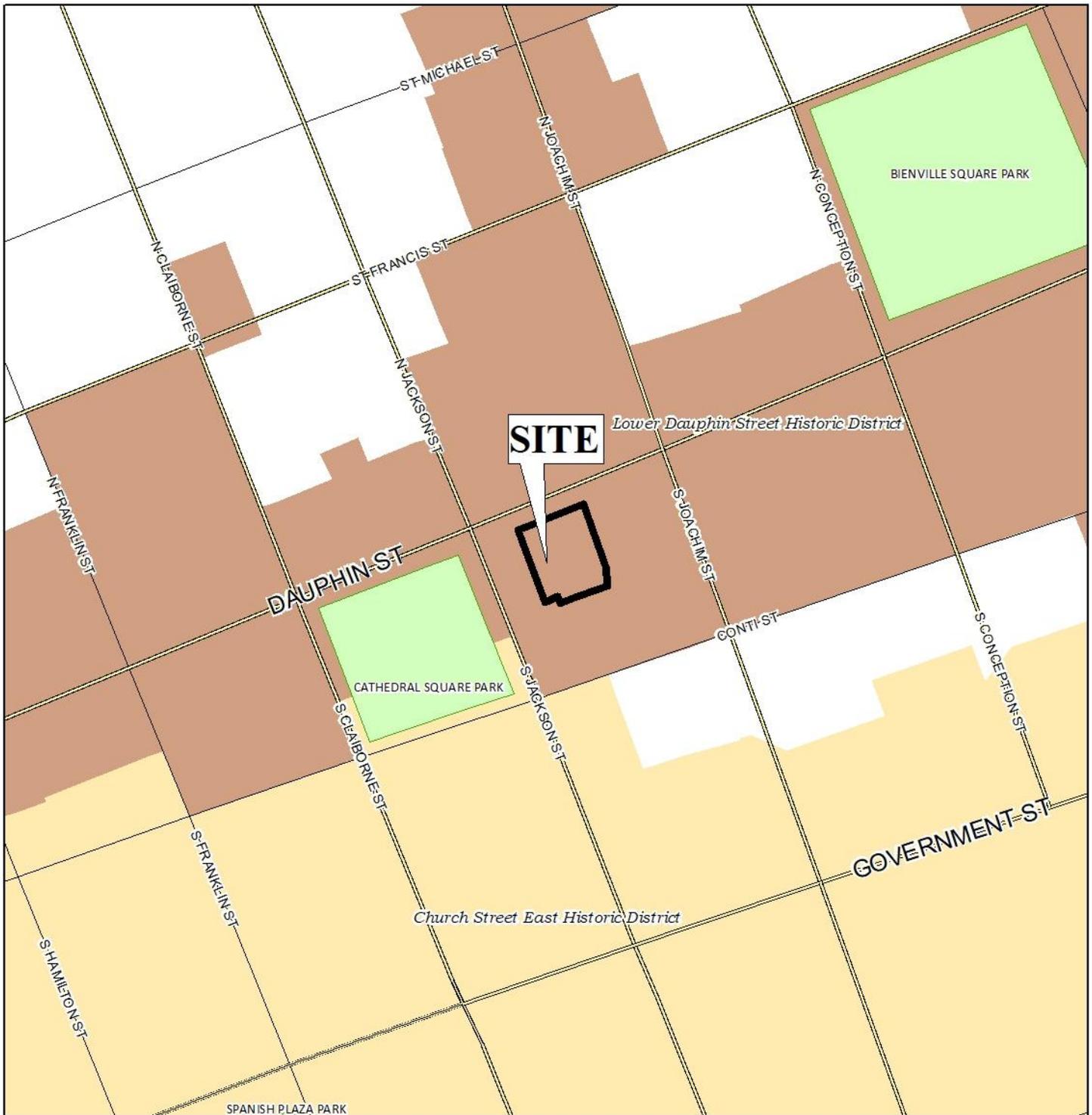
- a. the proposal will be appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, because the area is already provided with these services;*

- b. *The proposal will not cause undue traffic congestion or create a traffic hazard, because the area contains available commercial off-site and on-street parking; and*
- c. *the proposal will be in harmony with the orderly and appropriate development of the district in which the use is located, because it allows for a new business that is in character with existing developments in the area.*

The approval should be subject to the following conditions:

- 1) *Obtaining of all necessary permits for the addition;*
- 2) *Any increase in the occupancy load above 546 persons, or changes to the site plan will require new Planning Approval to be obtained from the Planning Commission;*
- 3) *Obtaining of approval from the Consolidated Review Committee prior to the issuance of permits, including signage;*
- 4) *Compliance with Engineering comments: (1. 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 and paving 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. 2. 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. 3. 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. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.);*
- 5) *Compliance with the 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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.); and*
- 6) *Compliance with the 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.); and*
- 7) *Full compliance with all municipal codes and ordinances.*

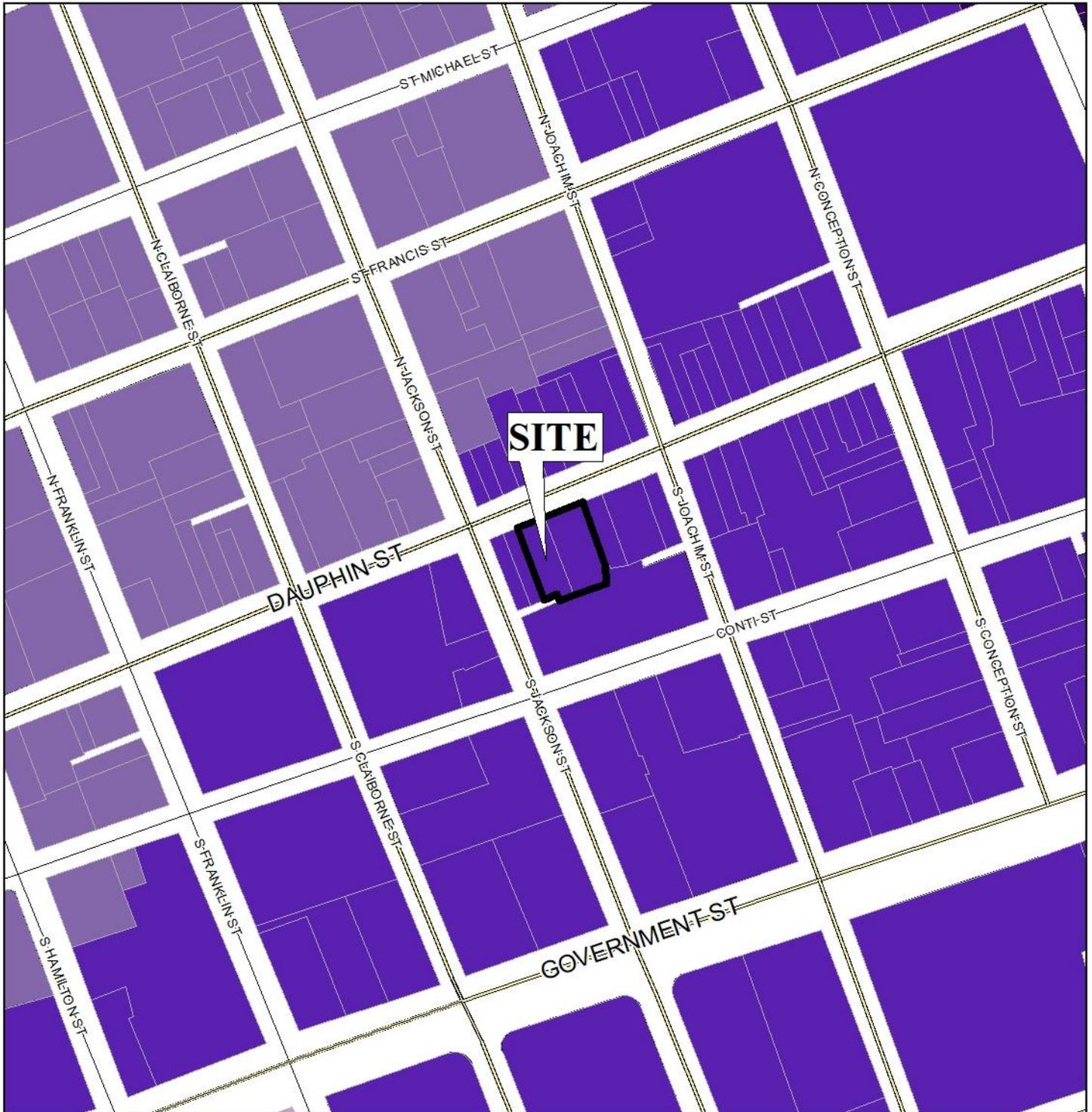
LOCATOR MAP



APPLICATION NUMBER	2	DATE	September 2, 2021
APPLICANT	Box Owt, LLC		
REQUEST	Planning Approval		



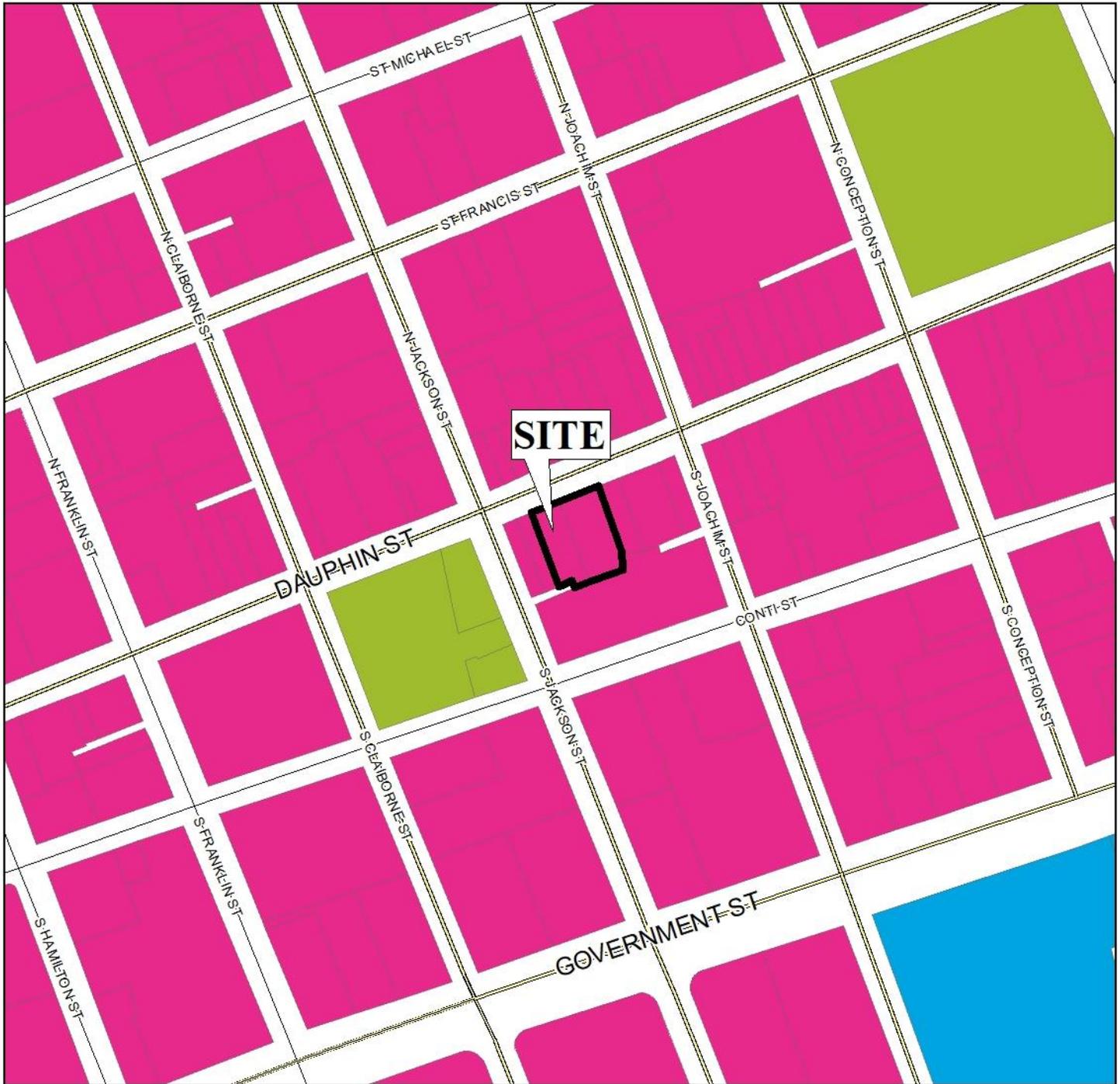
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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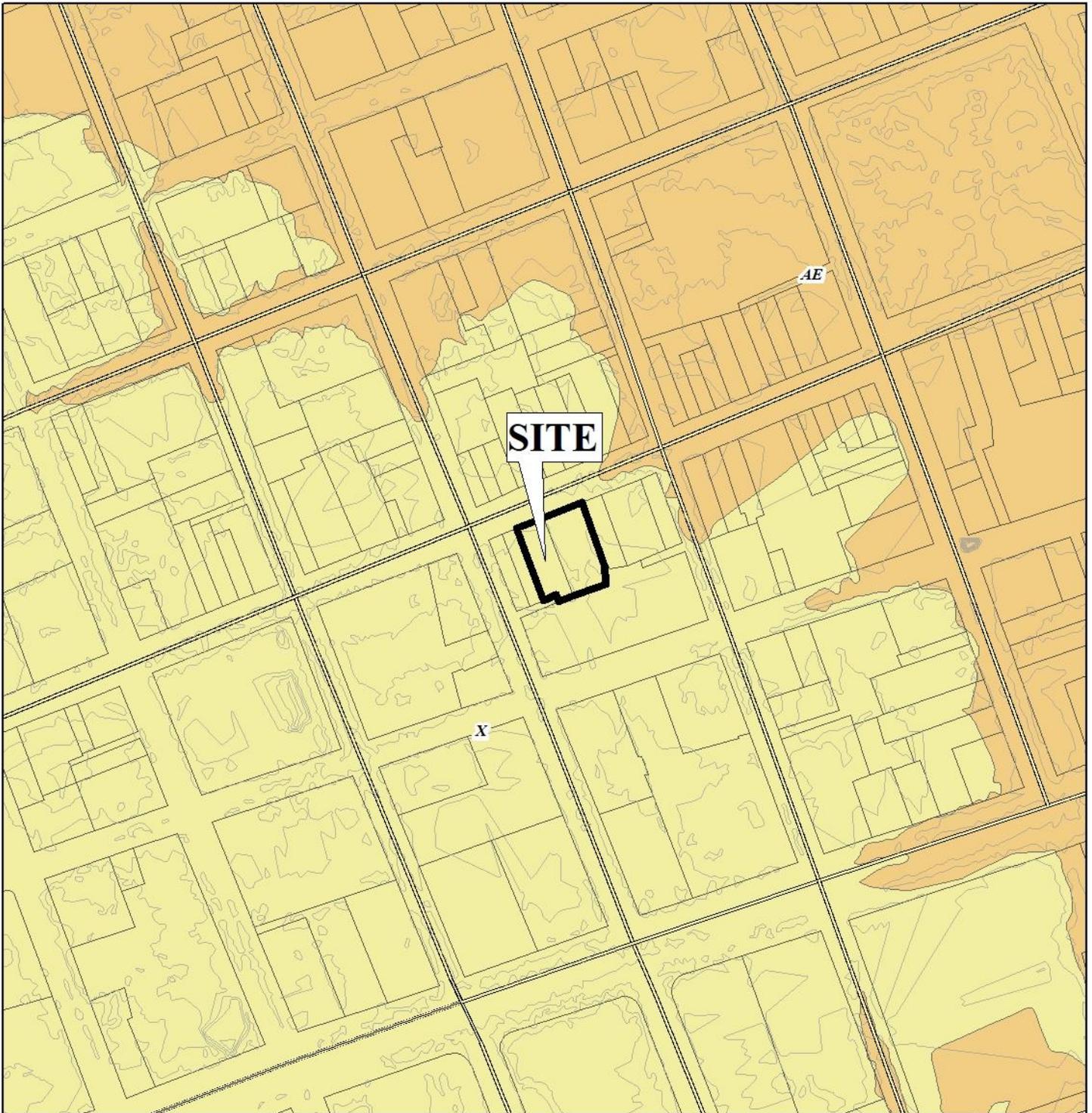
APPLICANT Box Owt, LLC

REQUEST Planning Approval

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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 | |



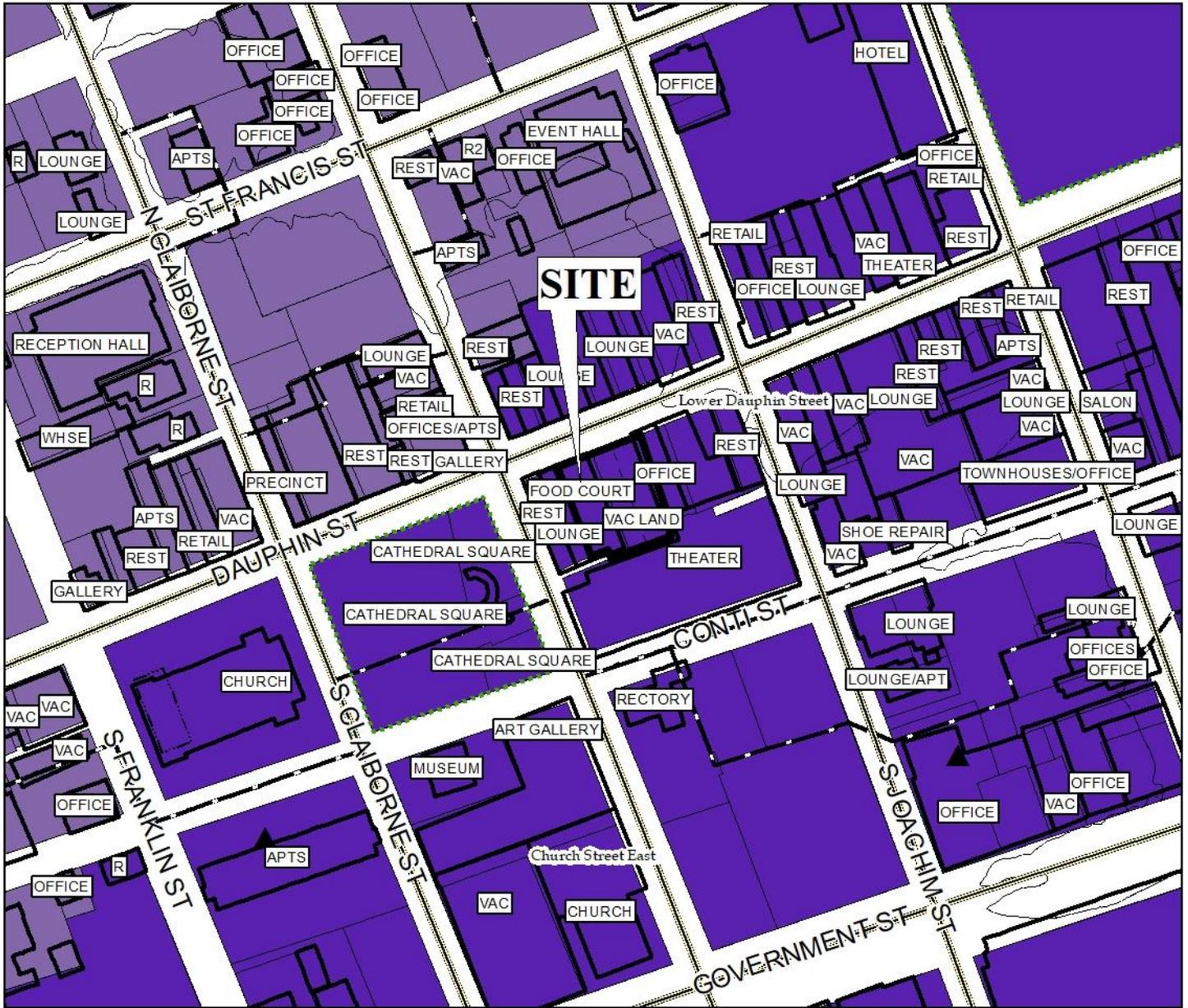
ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 2 DATE September 2, 2021
APPLICANT Box Owt, LLC
REQUEST Planning Approval



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units, and a church to the west.

APPLICATION NUMBER 2 DATE September 2, 2021

APPLICANT Box Owt, LLC

REQUEST Planning Approval

 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

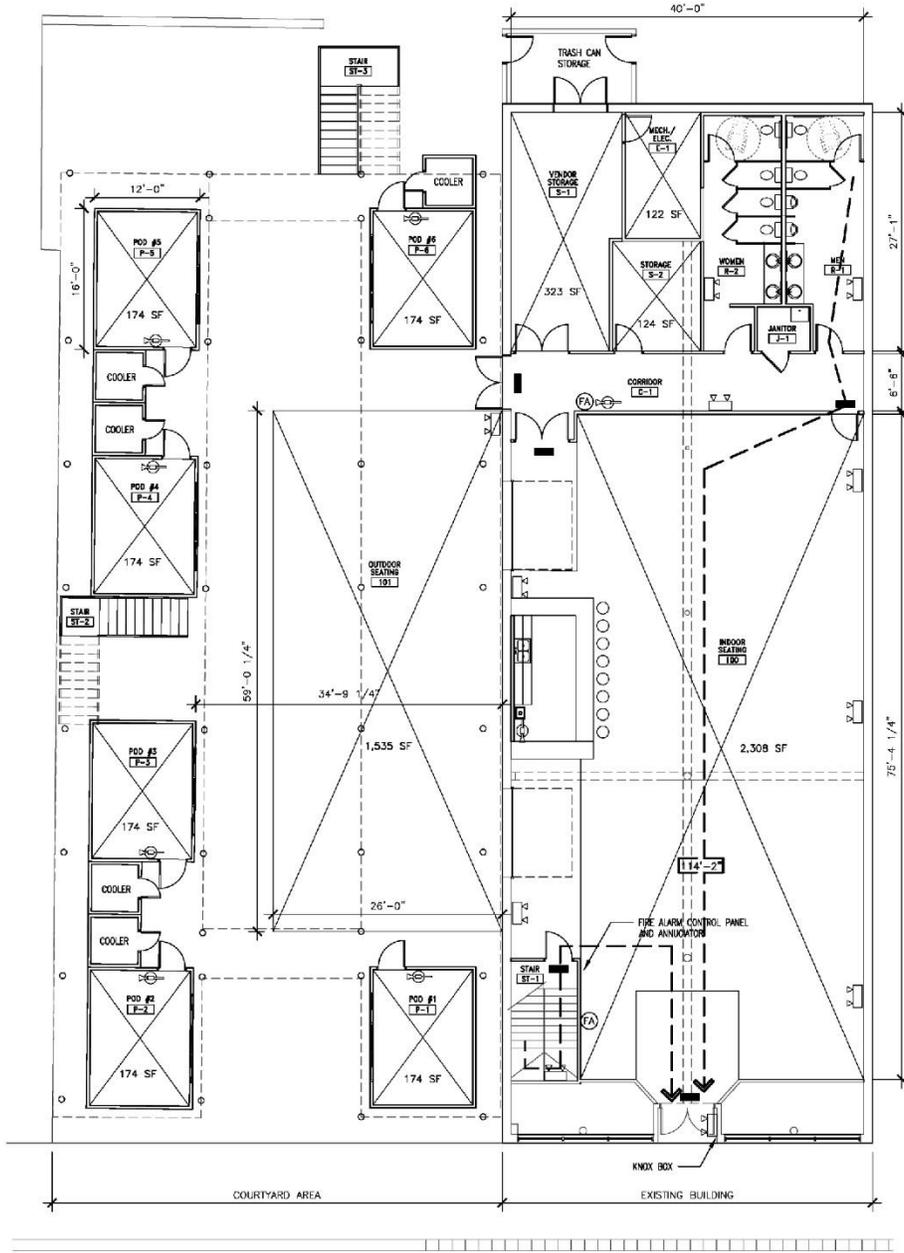


The site is surrounded by commercial and residential units, and a church to the west.

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DETAIL SITE PLAN

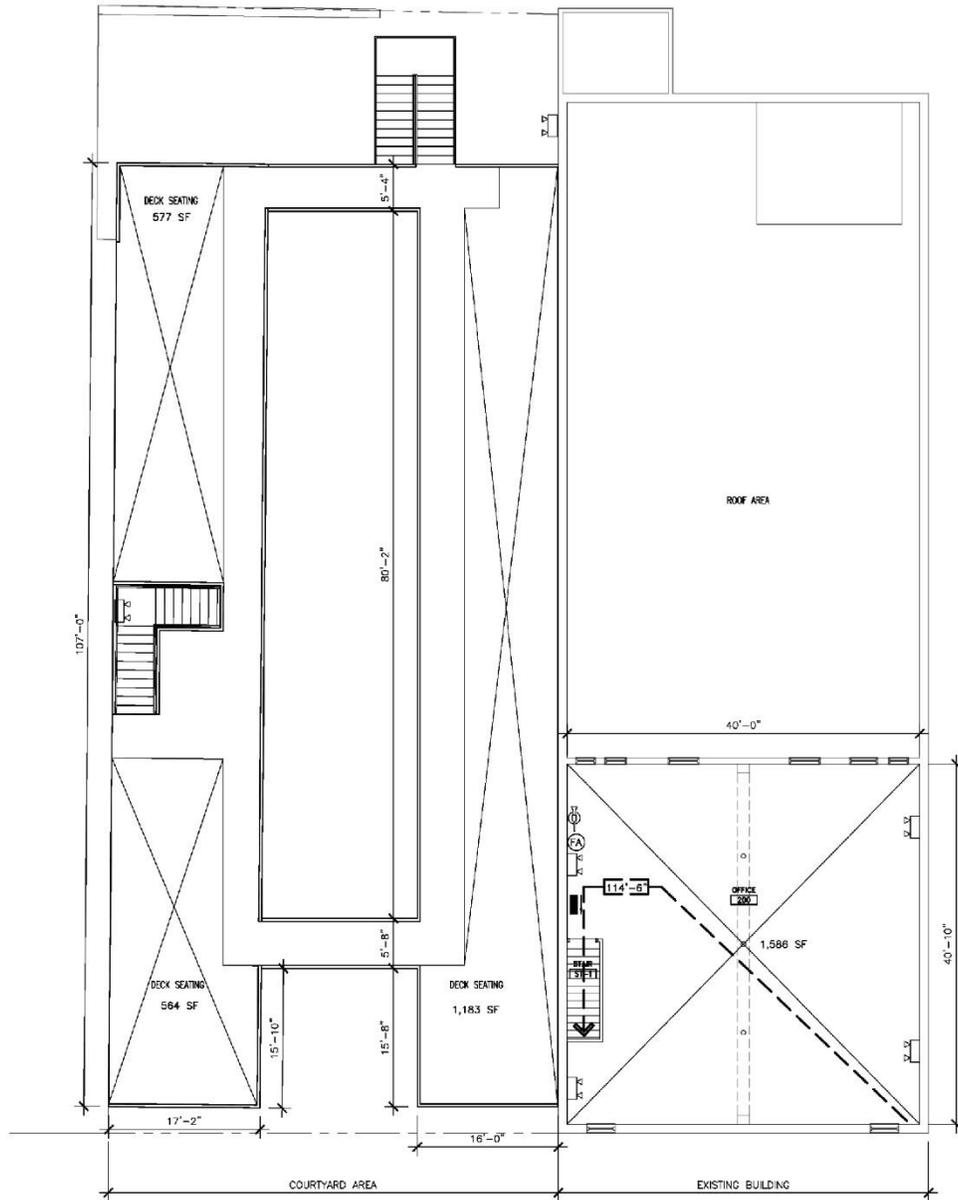


(E1) LIFE SAFETY PLAN – FOOD COURT / BUILDING LEVEL-1
1/8"=1'-0"

APPLICATION NUMBER 2 DATE September 2, 2021
 APPLICANT Box Owt, LLC
 REQUEST Planning Approval



DETAIL SITE PLAN



(E1) LIFE SAFETY PLAN – LEVEL-2
1/8"=1'-0"

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 APPLICANT Box Owt, LLC
 REQUEST Planning Approval

