

**PLANNING APPROVAL STAFF REPORT****Date: September 16, 2021****NAME**

Kawauna Gill

**LOCATION**105 North Jackson Street  
(West side of North Jackson Street, 84'± North of St. Michael Street).**CITY COUNCIL  
DISTRICT**

District 2

**PRESENT ZONING**

Form Based Code T5.1

**AREA OF PROPERTY**

0.1± Acre

**CONTEMPLATED USE**

Planning Approval to an occupancy load of more than 100 persons for a lounge in a T5.1 Sub-District of the Downtown Development District.

**TIME SCHEDULE  
FOR DEVELOPMENT**

None provided.

**ENGINEERING  
COMMENTS**

1. Any work performed in the existing 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 Permitting 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. 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.
3. 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.
4. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in

the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.

- 5. 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.
- 6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

**TRAFFIC ENGINEERING**

**COMMENTS**

No comments.

**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 an occupancy load of more than 100 persons for a lounge in a T5.1 Sub-District of the Downtown Development District. The Form Based Code Ordinance requires Planning Approval for lounges with occupancy loads over 100 persons in a T5.1 District.

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 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 du/ac); 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 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 plan or to the scope of operations for the facility, as approved, by current or future applicants must be submitted for Planning Approval.

The applicant states the following concerning the request;

*Downtown Mobile is on the rise, and we are overly excited to be a part of the growth process. Canary Bar would like to offer a redeveloped bar/lounge that caters to the average downtown connoisseurs. This clientele could vary from shoppers, business individuals, tourists, and residents. Being in the middle of Dauphin Street and St. Louis allows us the perfect spot to provide a casual, relaxed entertainment venue that coincides with all the other business entities that downtown has to offer.*

*We are requesting a capacity load for 178. Our building is 4368 sq total it has 2 floors. We have had architect Carlos Gant with the city of mobile to come inside of our building and he ha! that he will deliver to you as well ...*

The subject site was issued a building permit in 2012 for a change of occupancy from office/retail use to a 2,010 square-foot lounge with an occupancy load of 89 persons.

Renovations were completed and the site began operation as Tag Nightclub in 2013. The applicant states that the building has 4,368 square feet with two floors, which would seem to indicate a larger occupancy load than the smaller area which was previously used as a lounge. However, as no site plan/floor plan was submitted with the application, no accurate review of the applicant's request can be conducted to determine an allowable occupancy load. Therefore, staff recommends that this request be heldover to the meeting of August 19<sup>th</sup> to allow the applicant to submit a site plan/floor plan for review. Plans should be submitted to Planning and Zoning no later than July 26<sup>th</sup>.

### **RECOMMENDATION**

**Planning Approval:** Based upon the preceding, this application is recommended for holdover to the meeting of August 19<sup>th</sup> to allow the applicant to submit a site plan/floor plan for review. Plans should be submitted no later than July 26<sup>th</sup>.

#### ***Revised for the August 5<sup>th</sup> meeting:***

*This application was heldover from the July 15<sup>th</sup> meeting to allow staff to review the site plan submitted at that meeting and to allow the applicant to meet with neighbors.*

*The site plan submitted indicates the interior lay-out of both floors of the subject site. The plan is actually that done in 2012 for the fire alarm system installed for the previously-referenced Tag Nightclub and clearly indicate a lounge/serving area on the ground floor and a stage/dance area on the second floor. However, the plan is not a sealed architectural plan and there are no calculations provided giving an occupancy load for the building.*

*As occupancy load calculations are dependent upon plans prepared by a registered architect, and as no such plans or calculations have been provided, a current occupancy load capacity based upon current building codes and fire codes cannot be determined.*

**RECOMMENDATION:** *As no site plan/floor plan done by a registered architect was submitted which included occupancy load calculations based upon current building codes and fire codes, this application is recommended for denial.*

#### ***Revised for the September 2<sup>nd</sup> meeting:***

*This application was heldover from the August 5<sup>th</sup> meeting in order to allow the applicant to provide additional information and for staff to review. The applicant submitted revised floor plans for the building with occupancy load calculations prepared by a registered architect which indicate the building has an occupancy load of 262 persons. Also submitted was an architect's drawing of an open courtyard shared with the adjacent property to North indicating an additional occupancy capacity of 79 persons. As this area has been used in the past in conjunction with the applicant's site, it is considered a legal nonconforming use and would be*

allowed in considering a total occupancy capacity of 341 persons for the subject site. Therefore, the requested occupancy load of 178 persons is well within the building's rated capacity.

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

As the site is located within Entertainment District 2, and as the proposed re-use is in keeping with the previous use, and as there have been similar approvals for increased occupancy loads within the Downtown Development District, staff recommends that this request be approved.

### **RECOMMENDATION**

Staff recommends the following Findings of Fact for Approval for the Planning Approval:

- 1) The proposal will be appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, due to the fact that no expansion is proposed, and the site is located within a developed area with public water and sewer services and with nearby fire and police stations;
- 2) The proposal will not cause undue traffic congestion or create a traffic hazard, because h on-street parking is allowed within the area and commercial parking lots are located near-by; and

- 3) *The proposal will be in harmony with the orderly and appropriate development of the district in which the use is located, because it is with an established Entertainment District, and similar requests have been granted within the area.*

*The approval is subject to the following conditions:*

- 1) *Occupancy load limited to 341 persons as per the architect's calculations; and*
- 2) *Full compliance with all other municipal codes and ordinance.*

***Revised for the September 16<sup>th</sup> meeting:***

*This application was heldover from the September 2<sup>nd</sup> meeting to allow the applicant to meet with neighbors. As no new information has been submitted, the previous recommendation would stand.*

**RECOMMENDATION**

*Staff recommends the following Findings of Fact for Approval for the Planning Approval:*

- 1) *The proposal will be appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, due to the fact that no expansion is proposed, and the site is located within a developed area with public water and sewer services and with nearby fire and police stations;*
- 2) *The proposal will not cause undue traffic congestion or create a traffic hazard, because on-street parking is allowed within the area and commercial parking lots are located near-by; and*
- 3) *The proposal will be in harmony with the orderly and appropriate development of the district in which the use is located, because it is with an established Entertainment District, and similar requests have been granted within the area.*

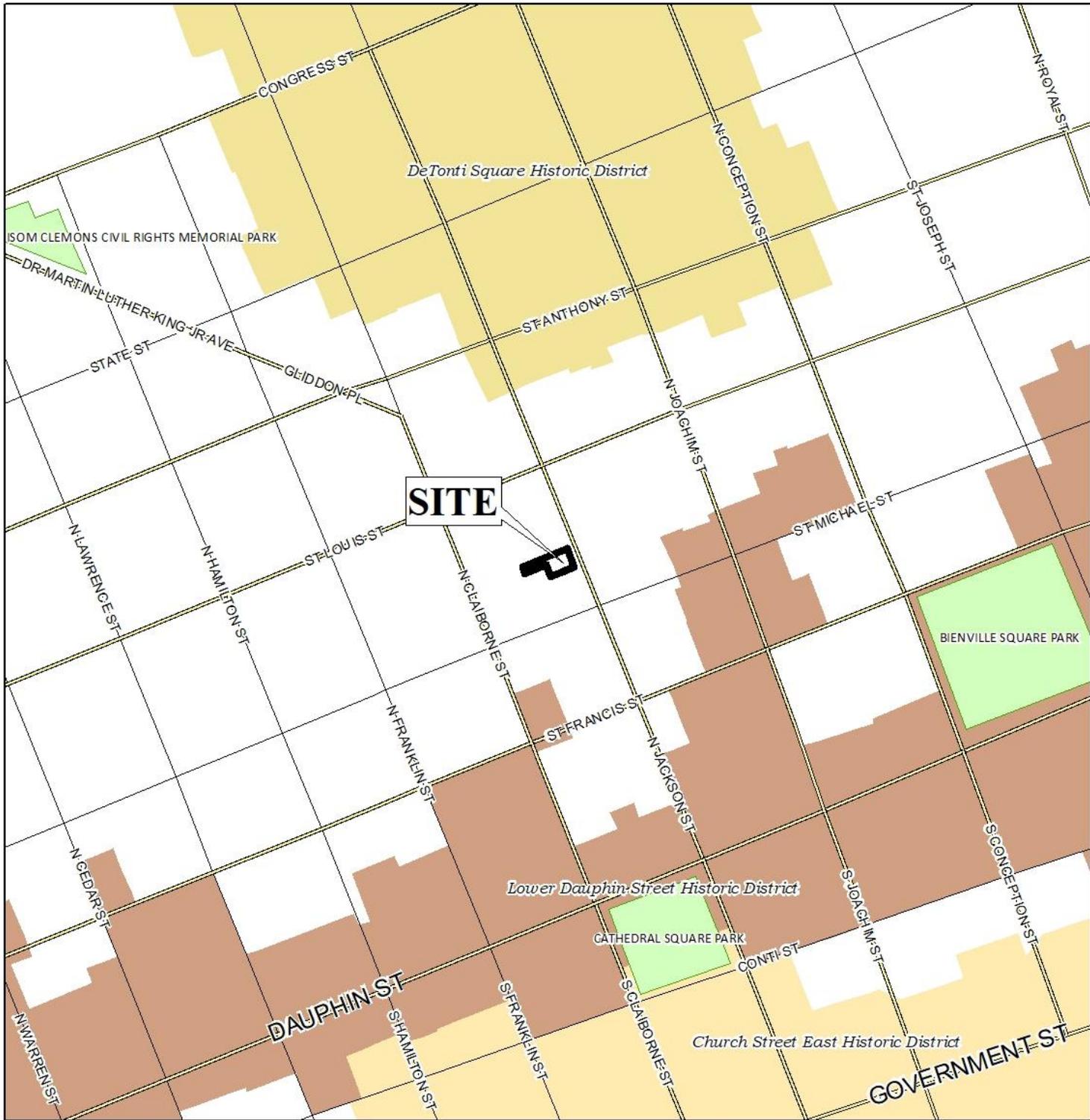
*The approval is subject to the following conditions:*

- 1) *Occupancy load limited to 341 persons as per the architect's calculations; and*
- 2) *Full compliance with all other municipal codes and ordinance.*

**In order for any concerns to be considered by the Planning Commission you must email your concerns to [planning@cityofmobile.org](mailto:planning@cityofmobile.org) or they may be uploaded to the website via the portal under the meeting date and case. Comments must be entered by 2:00 PM on Wednesday, September 15<sup>th</sup>, before the meeting, in order to be considered by the Commission.**

If you wish to participate in the meeting, you must email [planning@cityofmobile.org](mailto:planning@cityofmobile.org) by 2:00 PM on Wednesday, September 15<sup>th</sup>, before the meeting. In accordance with Planning Commission by-laws, no more than four (4) speakers are allowed to speak for or against an application. Speaking time is limited to five (5) minutes per speaker.

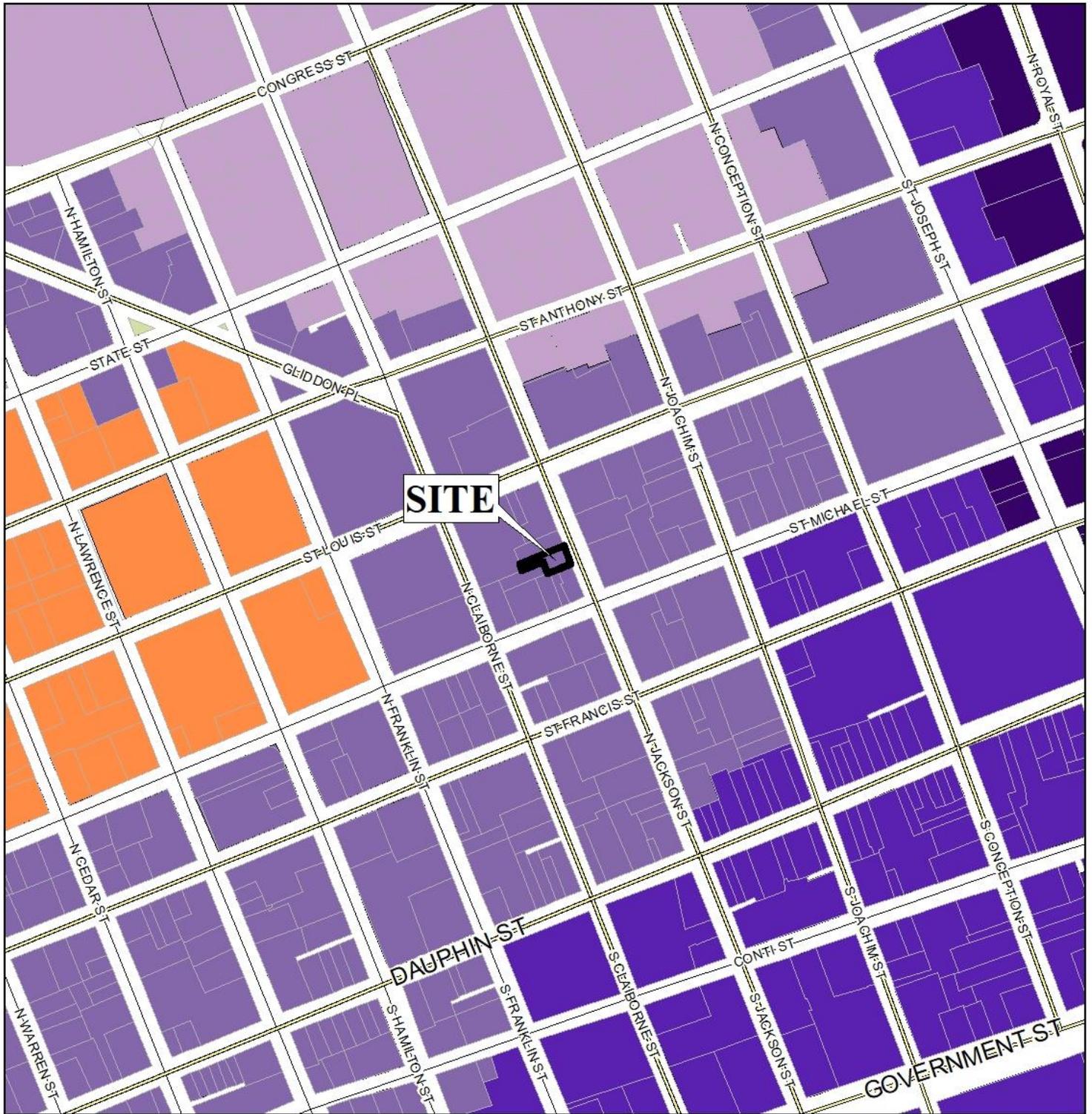
# LOCATOR MAP



APPLICATION NUMBER 2 DATE September 16, 2021  
APPLICANT Kawauna Gill  
REQUEST Planning Approval



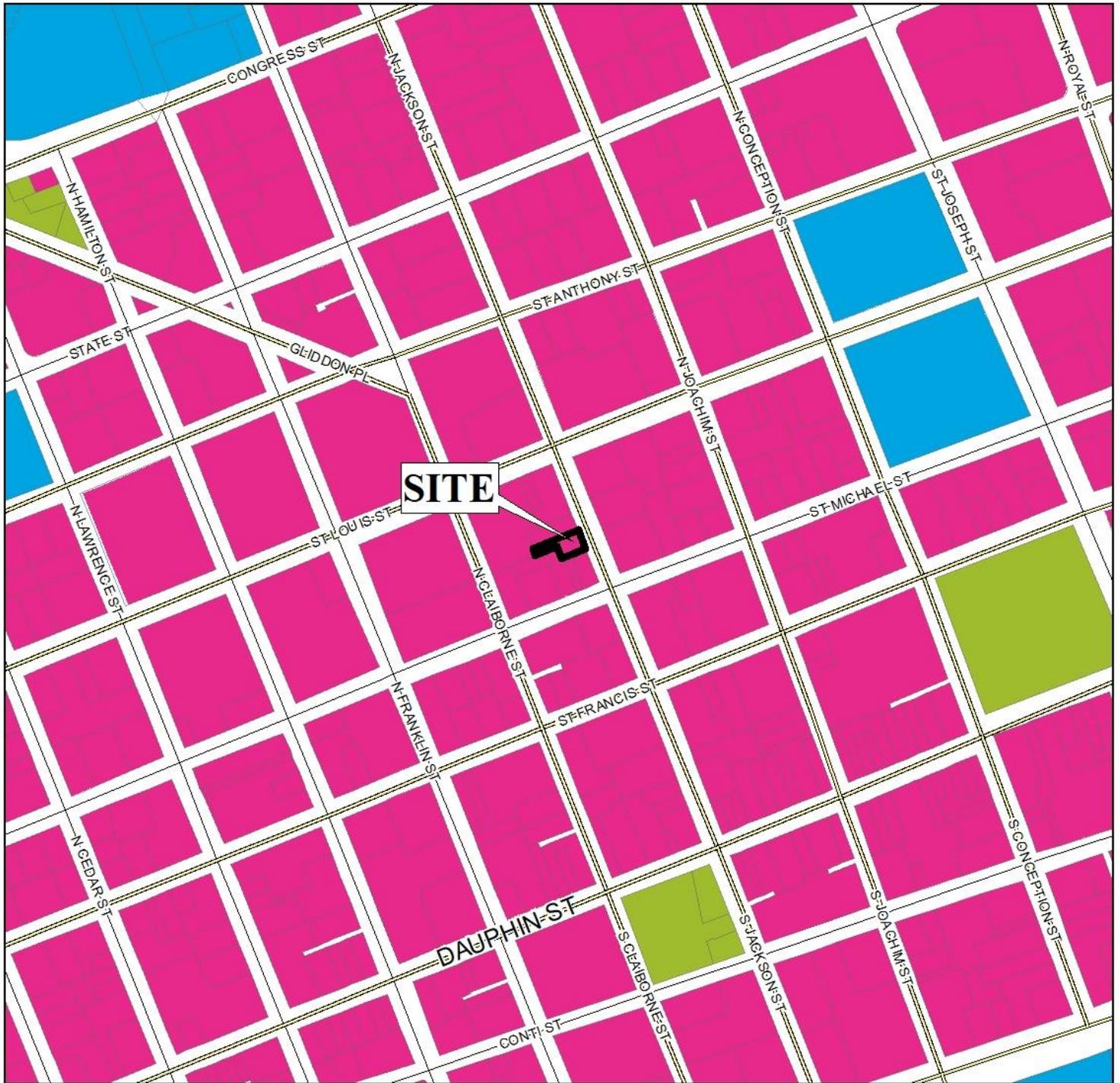
# LOCATOR ZONING MAP



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# FLUM LOCATOR MAP



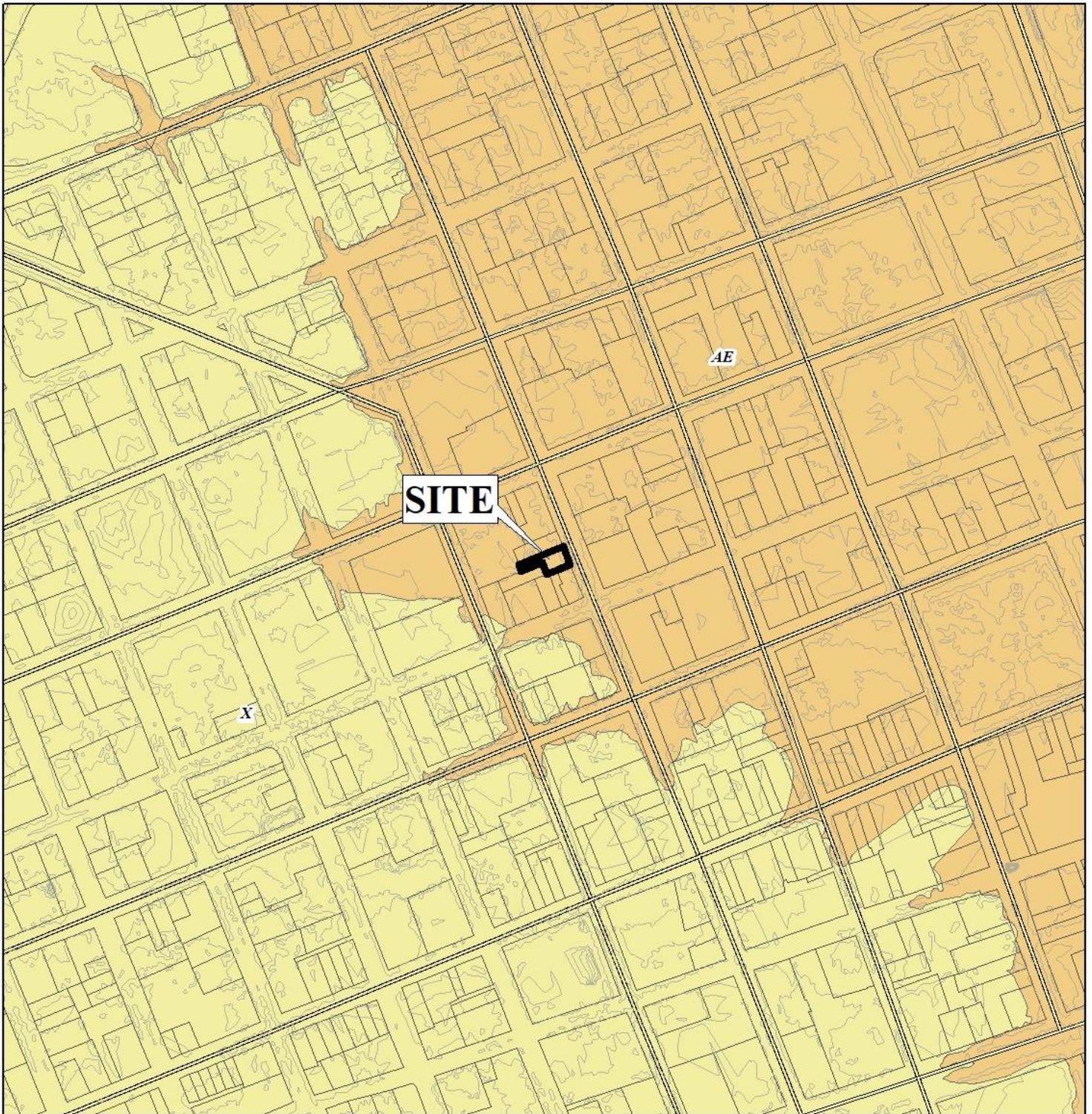
APPLICATION NUMBER 2 DATE September 16, 2021  
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- |                           |                                   |                     |                    |
|---------------------------|-----------------------------------|---------------------|--------------------|
| 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       |                    |



NTS

# ENVIRONMENTAL LOCATOR MAP



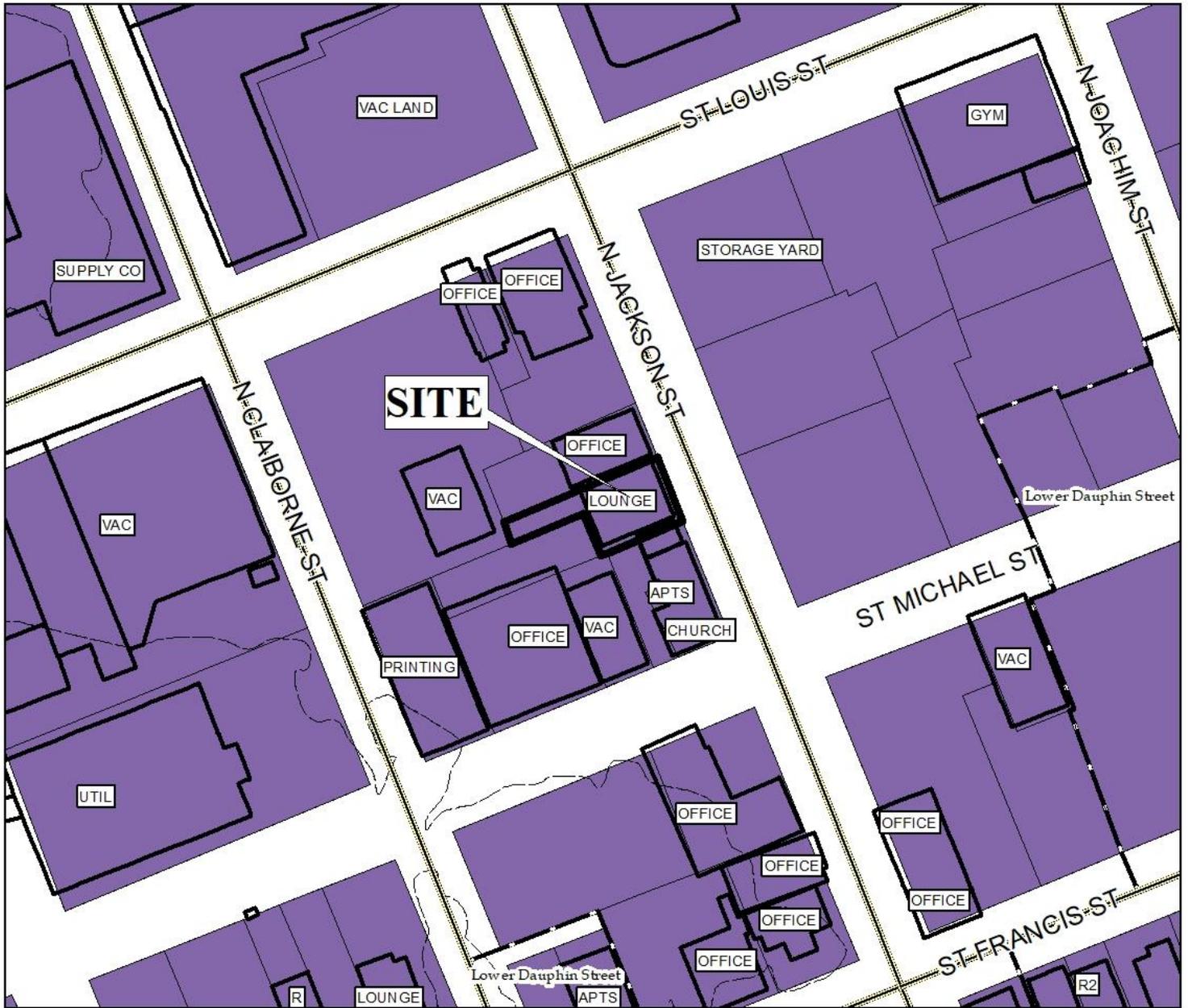
APPLICATION NUMBER 2 DATE September 16, 2021

APPLICANT Kawauna Gill

REQUEST Planning Approval



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units, vacant lands, offices,  
parking lots and residential units.

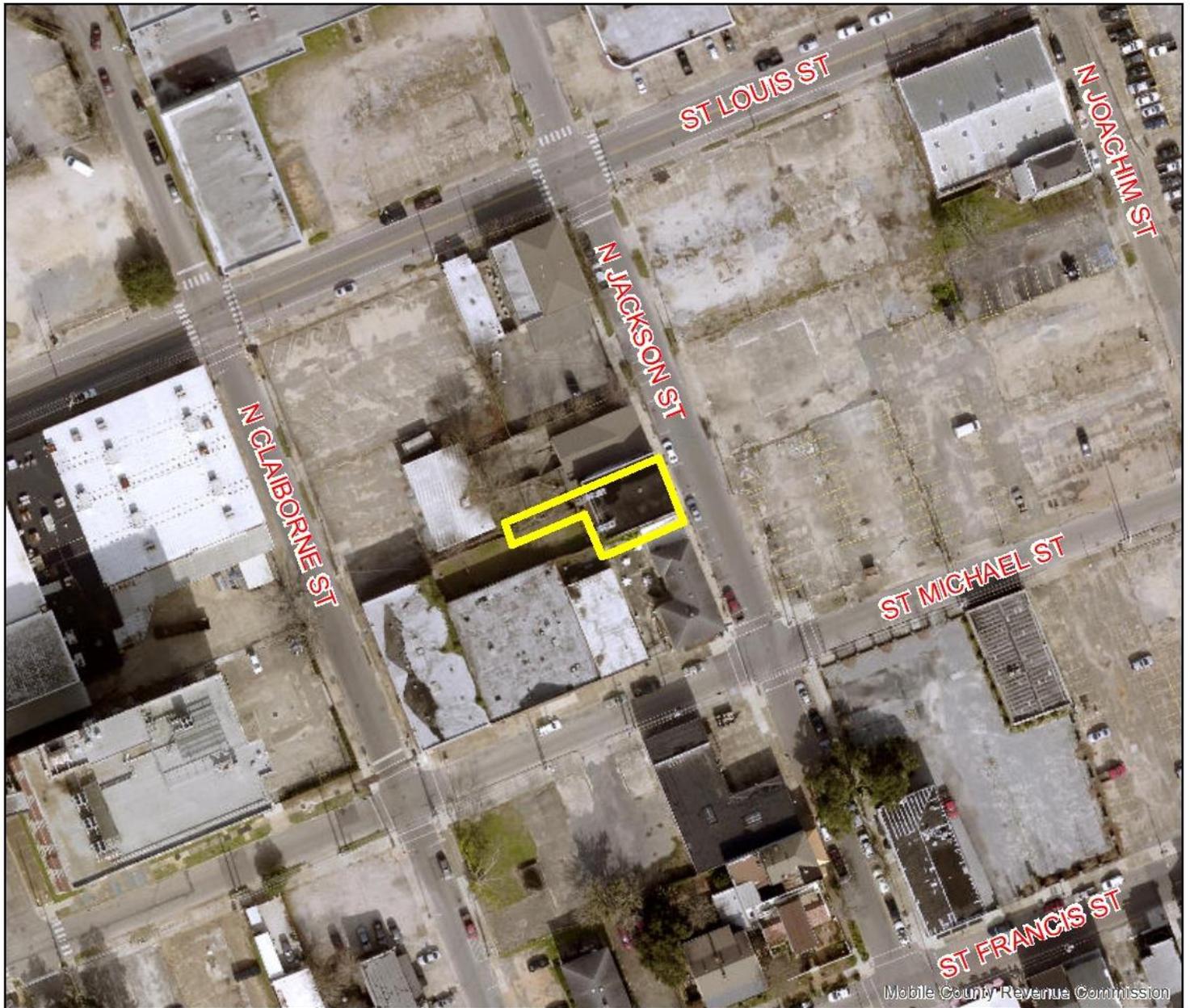
APPLICATION NUMBER 2 DATE September 16, 2021  
 APPLICANT Kawauna Gill  
 REQUEST Planning Approval

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



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



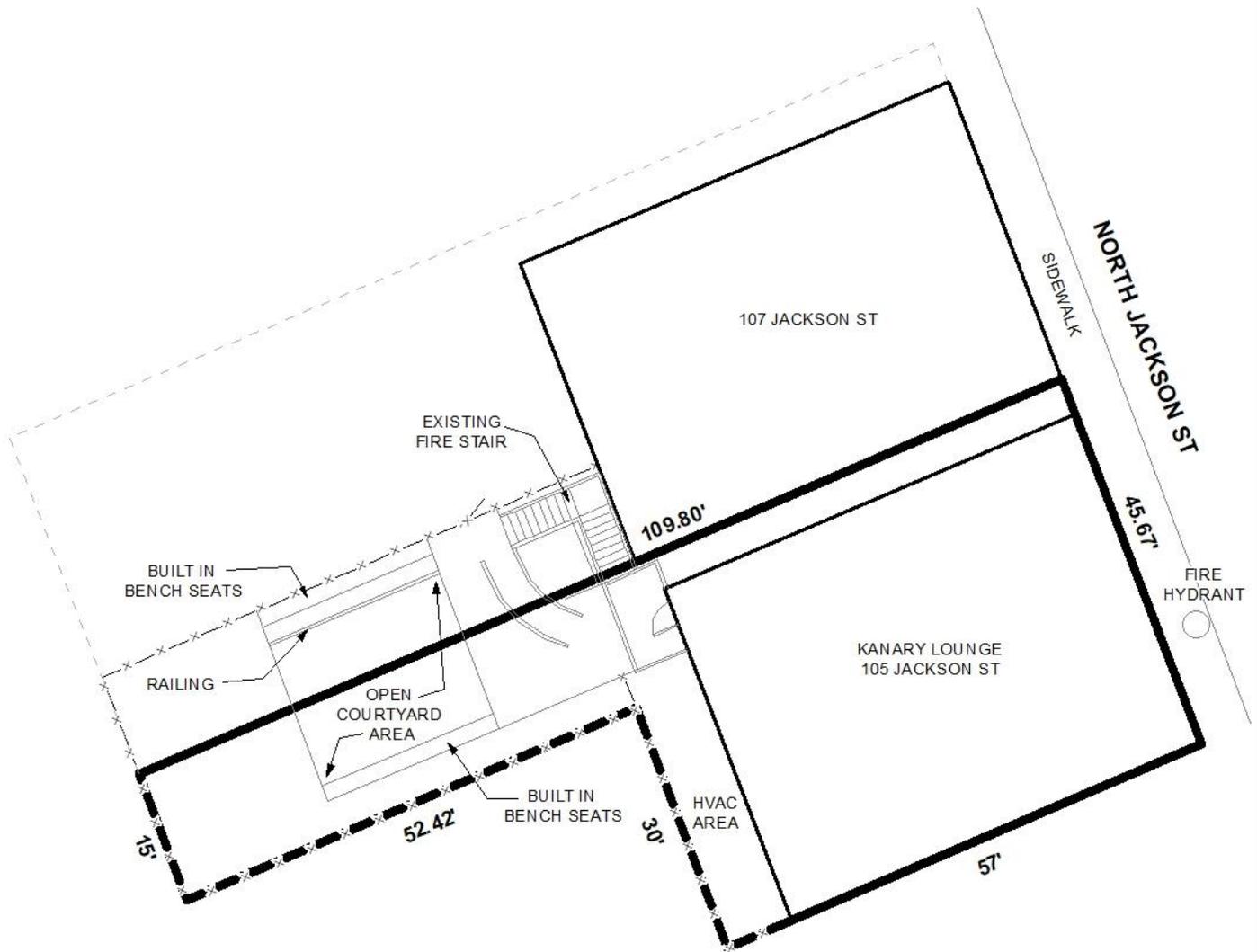
Mobile County Revenue Commission

The site is surrounded by commercial units, vacant lands, offices,  
parking lots and residential units.

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APPLICANT	Kawauna Gill		
REQUEST	Planning Approval		



# SITE PLAN

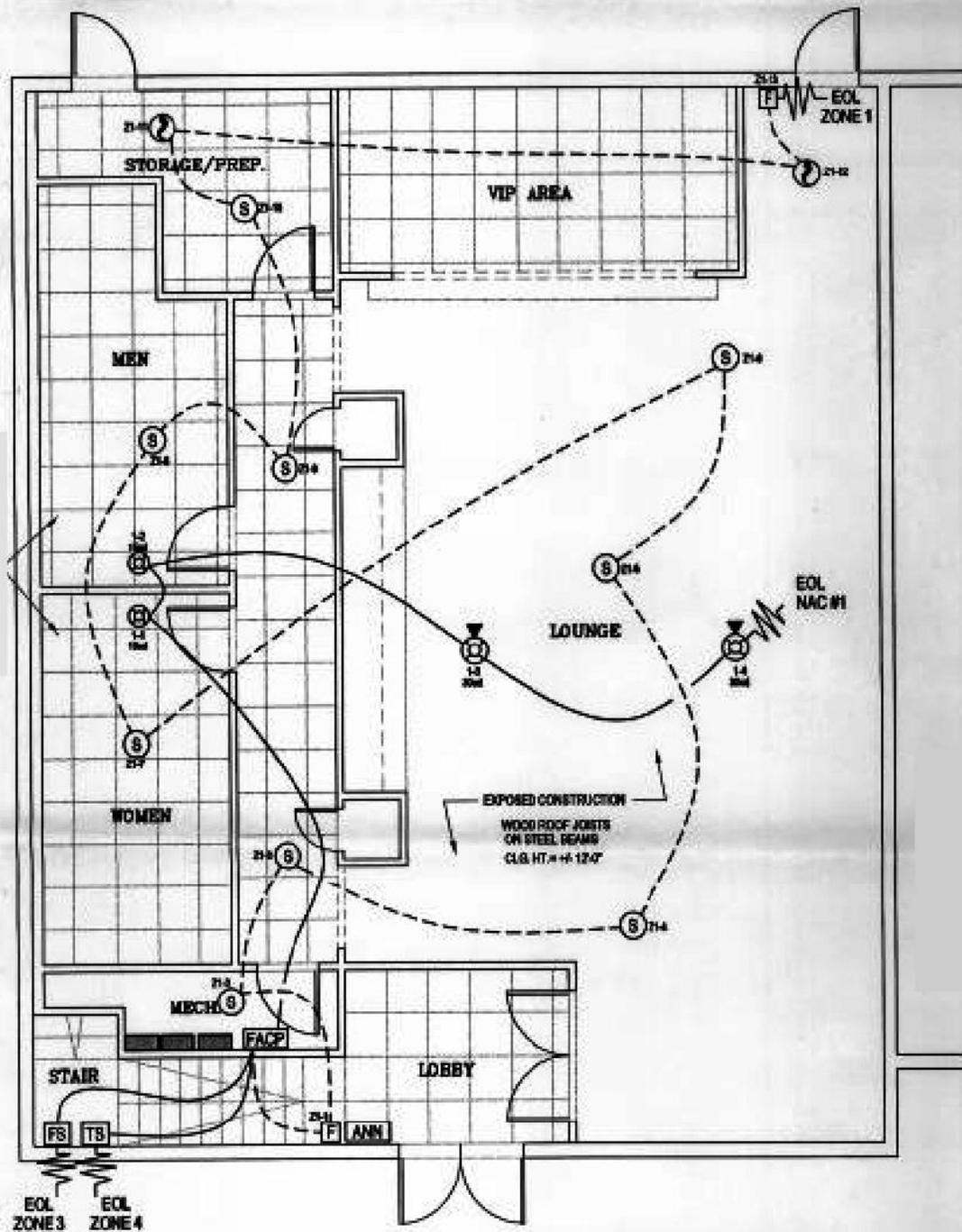


The site plan illustrates existing buildings and courtyard area.

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REQUEST	Planning Approval		



# DETAIL SITE PLAN

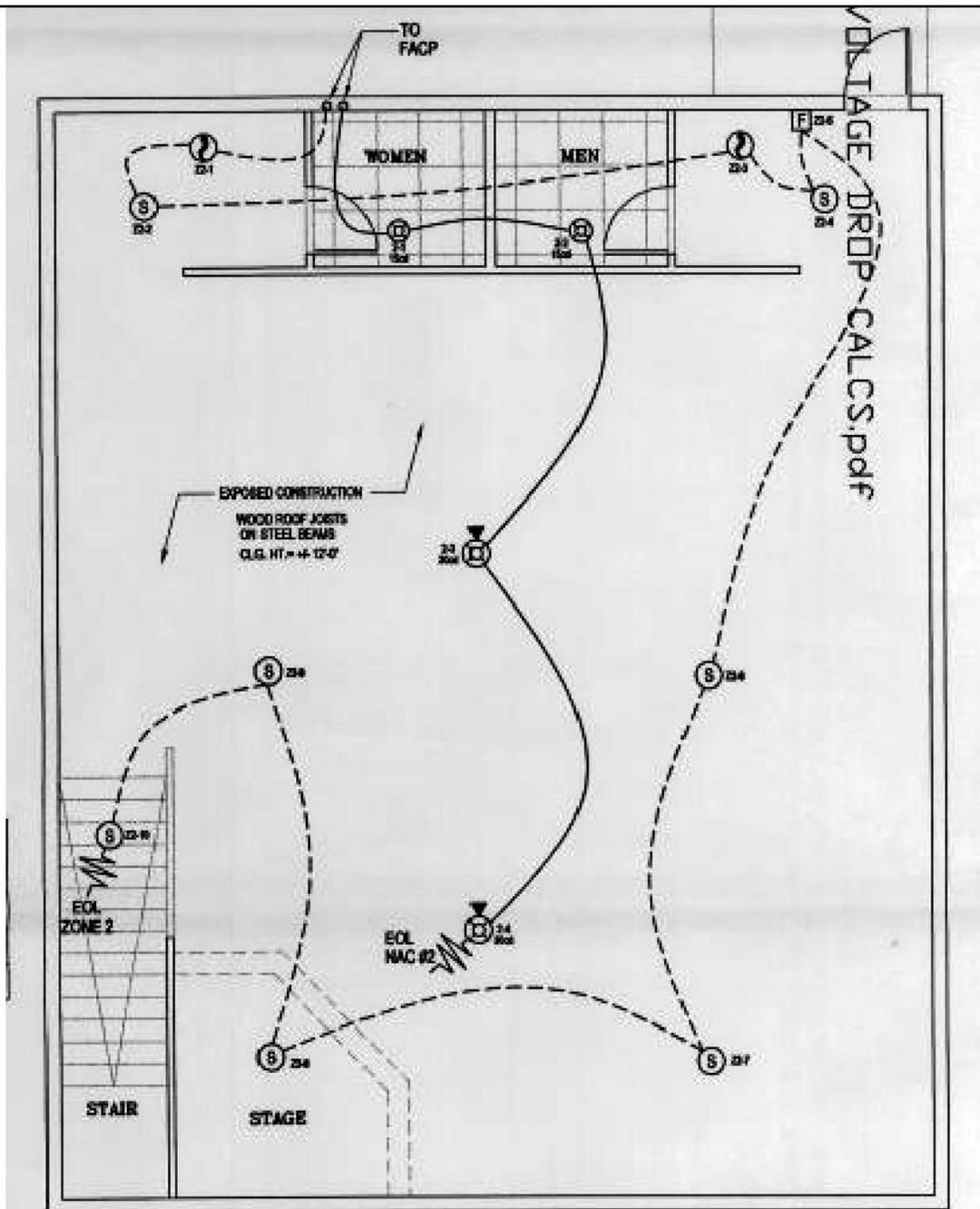


**1ST FLOOR FIRE ALARM SYSTEM PLAN**

APPLICATION NUMBER 2 DATE September 16, 2021  
 APPLICANT Kawauna Gill  
 REQUEST Planning Approval



# DETAIL SITE PLAN

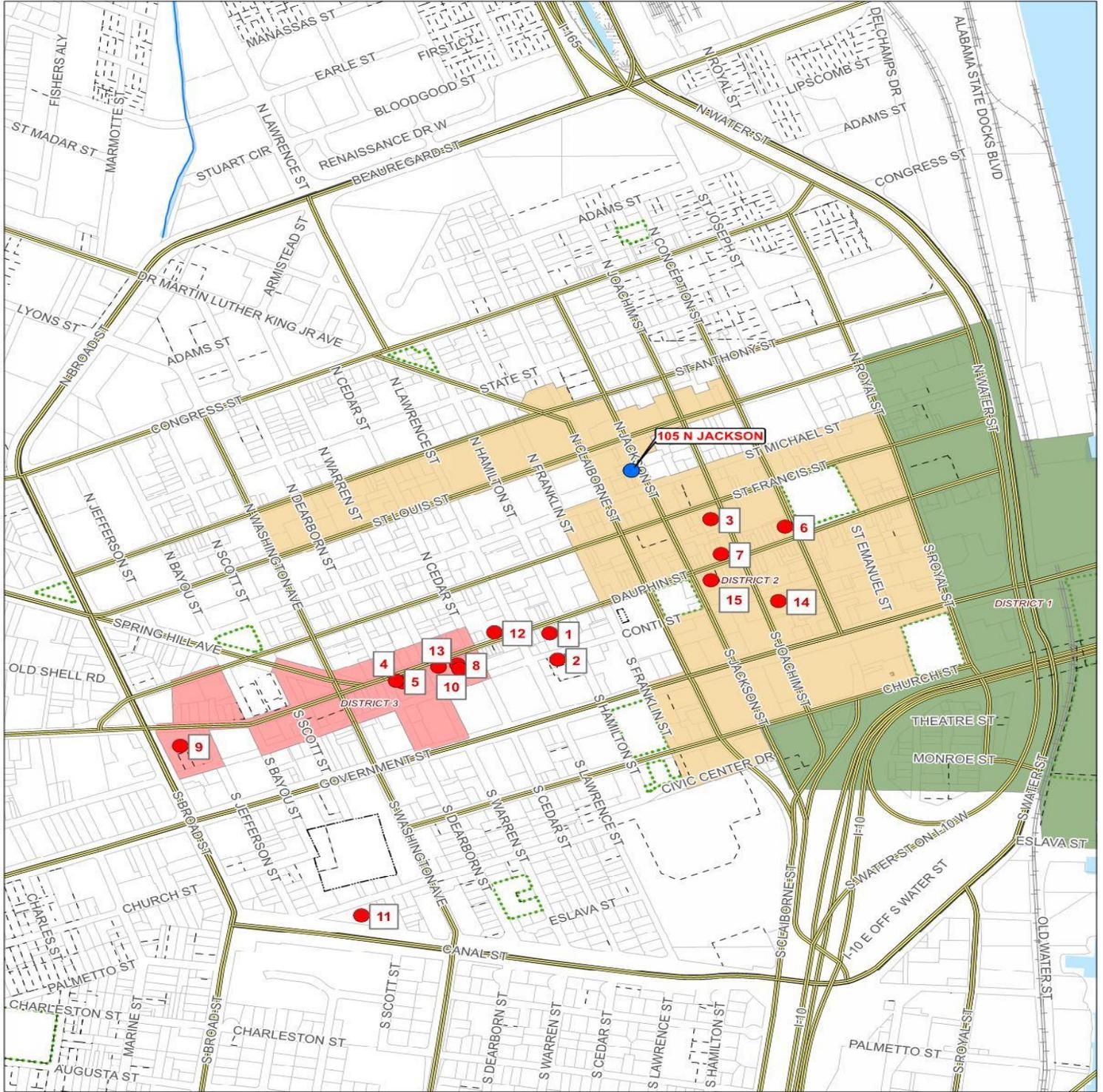


2ND FLOOR FIRE ALARM SYSTEM PLAN

APPLICATION NUMBER 2 DATE September 16, 2021  
 APPLICANT Kawauna Gill  
 REQUEST Planning Approval



# PLANNING APPROVALS



NO	ADDRESS	USE	OCCUPANCY
1	455 DAUPHIN ST	RESTAURANT	148
2	453 & 457 CONTI ST	EVENT SPACE	120
3	251 ST FRANCIS ST & 15 N JOACHIM ST	ENTERTAINMENT / EVENT SPACE	497
4	609 & 611 DAUPHIN ST	RESTAURANT	133
5	615 DAUPHIN ST	RESTAURANT	271
6	200 DAUPHIN ST	EVENT SPACE	142
7	258 DAUPHIN ST	CIGAR BAR / LOUNGE	122
8	555 DAUPHIN ST	RESTAURANT	169
9	853 DAUPHIN ST	RESTAURANT / EVENT SPACE	1035
10	571 DAUPHIN ST	BAR / LOUNGE	148
11	755 MONROE ST	BAR / RESTAURANT	149
12	508 & 518 DAUPHIN ST	BAR / RESTAURANT	246
13	555 DAUPHIN ST	RESTAURANT	258
14	213 CONTI ST	BAR	286
15	265 & 267 DAUPHIN ST	FOOD COURT/EVENT SPACE	546

