

PLANNING APPROVAL STAFF REPORT**Date: November 3, 2022****NAME**

Kawauna Gill

LOCATION105 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 amend a previously approved 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.

**TIME SCHEDULE
FOR DEVELOPMENT**

None provided.

**ENGINEERING
COMMENTS**

No comments.

**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-RESCUE 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. This occupancy load will require a sprinkler system.

REMARKS

The applicant is requesting Planning Approval to amend a previously approved 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 received Planning Approval at the Commission's September 16, 2021 meeting to allow an occupancy load of more than 100 persons for the subject lounge, subject to the following conditions:

- 1) Occupancy load limited to 179;
- 2) No amplified sound outside after 10 PM;
- 3) Hours of operation to include closing by 10 PM Tuesday through Thursday, closing by 12 AM on Friday and Saturday, and closing by 9:00 PM on Sunday and;
- 4) Full compliance with all other municipal codes and ordinance.

The applicant states the following concerning the request;

The City of Mobile Planning Commission and the Mobile City Council previously approved Canary Bar's Application to operate its business in the City of Mobile. After considerable discussion at the hearings, and after consideration of all matters pertaining thereto, it was determined that Canary Bar could be open for business no later than 12:00 a.m. It was further determined that Canary Bar could request its hours of operations be reevaluated in the future.

Kanary Bar has been in operation for more than nine (9) months since the approval of its application. At 12:00 a.m. on the days of operation, numerous customers are still present at the bar and requesting service, but they're informed the bar has to close. Due to the 12:00 a.m. closing, Kanary Bar is losing considerable revenue. Different organizations have declined to have functions at Kanary Bar due to the 12:00 a.m. closing time.

It is respectfully requested that Kanary Bar's closing time on Friday and Saturday nights be extended to 2:00 a.m., and that it be granted until 3:00 a.m. to complete cleaning the facility. It is further requested that the said hours of operation be extended for Christmas, New Year's Eve and Mardi Gras events.

The applicant proposes to amend the hours of operation set by the existing Planning Approval. No changes to the approved occupancy load are proposed.

The existing Planning Approval application was initially heard at the Commission's July 15, 2021 meeting. There were two holdovers (August 5th and September 2nd) to allow review of a revised site plan and for neighborhood meetings. The proposed hours of operation were not submitted with the initial application, and were not discussed until the September 16th (2021) meeting. At the September 16th meeting the applicant proposed that the hours for Tuesday through Thursday be until 10:00 PM; Friday and Saturday until 2:00 AM; and until 9:00 PM on Sunday nights. The application was ultimately approved at the September 16, 2021 meeting; however, citing neighborhood concerns, the Commission limited the hours of operation on Friday and Saturday nights, requiring the business to close at midnight.

The applicant has submitted this application to amend the Friday and Saturday closing time from midnight to 2:00 AM and for extended hours of operation for Christmas, New Year's Eve or Mardi Gras events. No proposed hours were provided for the holiday operations.

Due to the concerns voiced at the previous public hearings, staff requested a police report for this address from September 2021 until the week of October 24, 2022. There were eight (8) requests for service at this address, all for a burglar alarm.

Other than restrictions on the hours in which outdoor activities with live music or amplified sound can be used, no other business in the DDD has restricted hours of operation. As the site is located within Entertainment District 2, and as the use and requested hours are in keeping with similar approvals within the Downtown Development District, staff recommends that this request be approved.

RECOMMENDATION

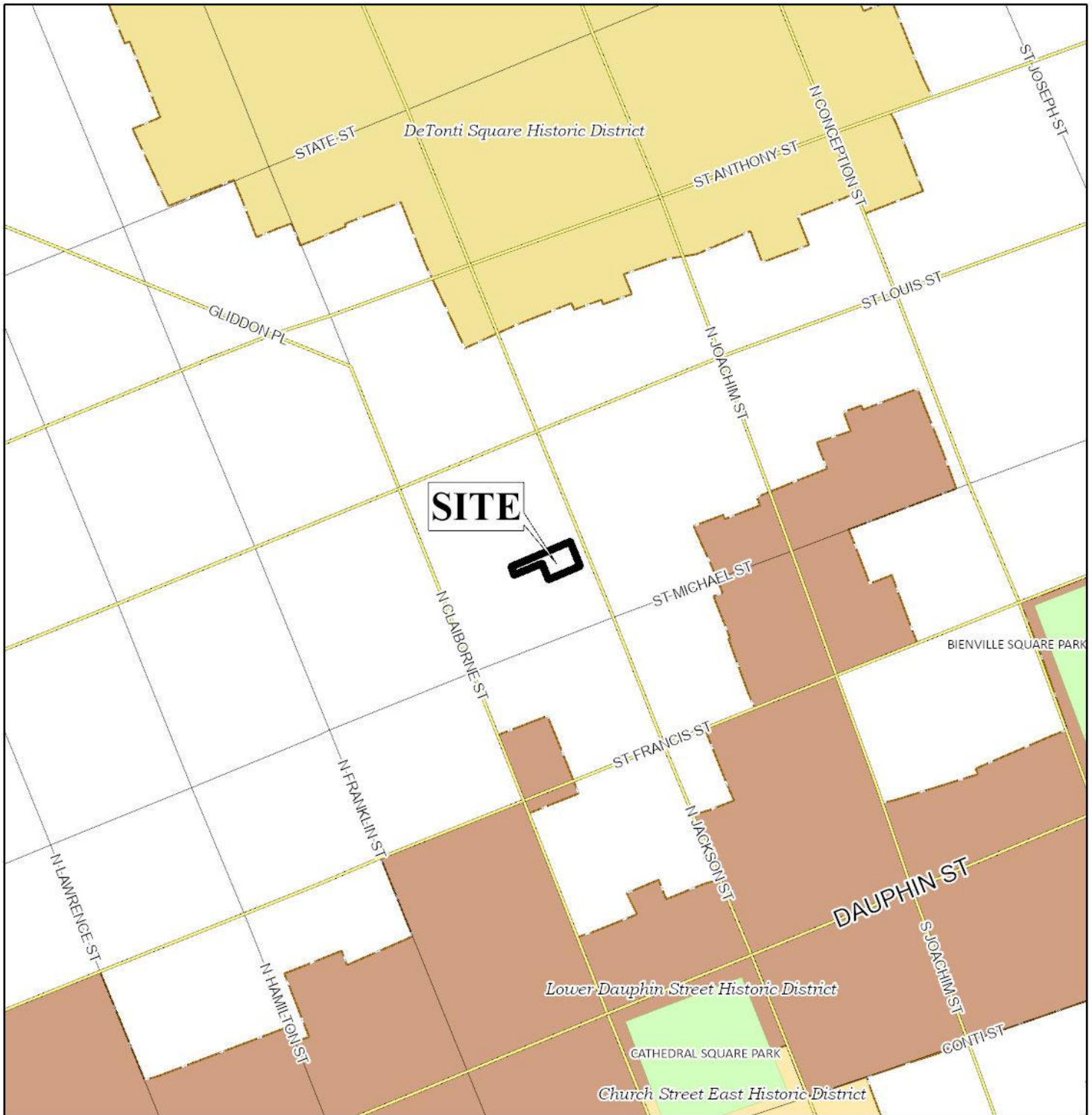
Based upon the preceding, staff recommends the following Findings of Fact for Approval for the Planning Approval:

- a) 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;
- b) 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 nearby; 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 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 179;
- 2) No amplified sound outside after 10 PM;
- 3) Hours of operation to include closing by 10 PM Tuesday through Thursday, closing by 2 AM on Friday night (Saturday morning) and Saturday night (Sunday morning), and closing by 9:00 PM on Sunday; and
- 4) Full compliance with all other municipal codes and ordinance.

LOCATOR MAP



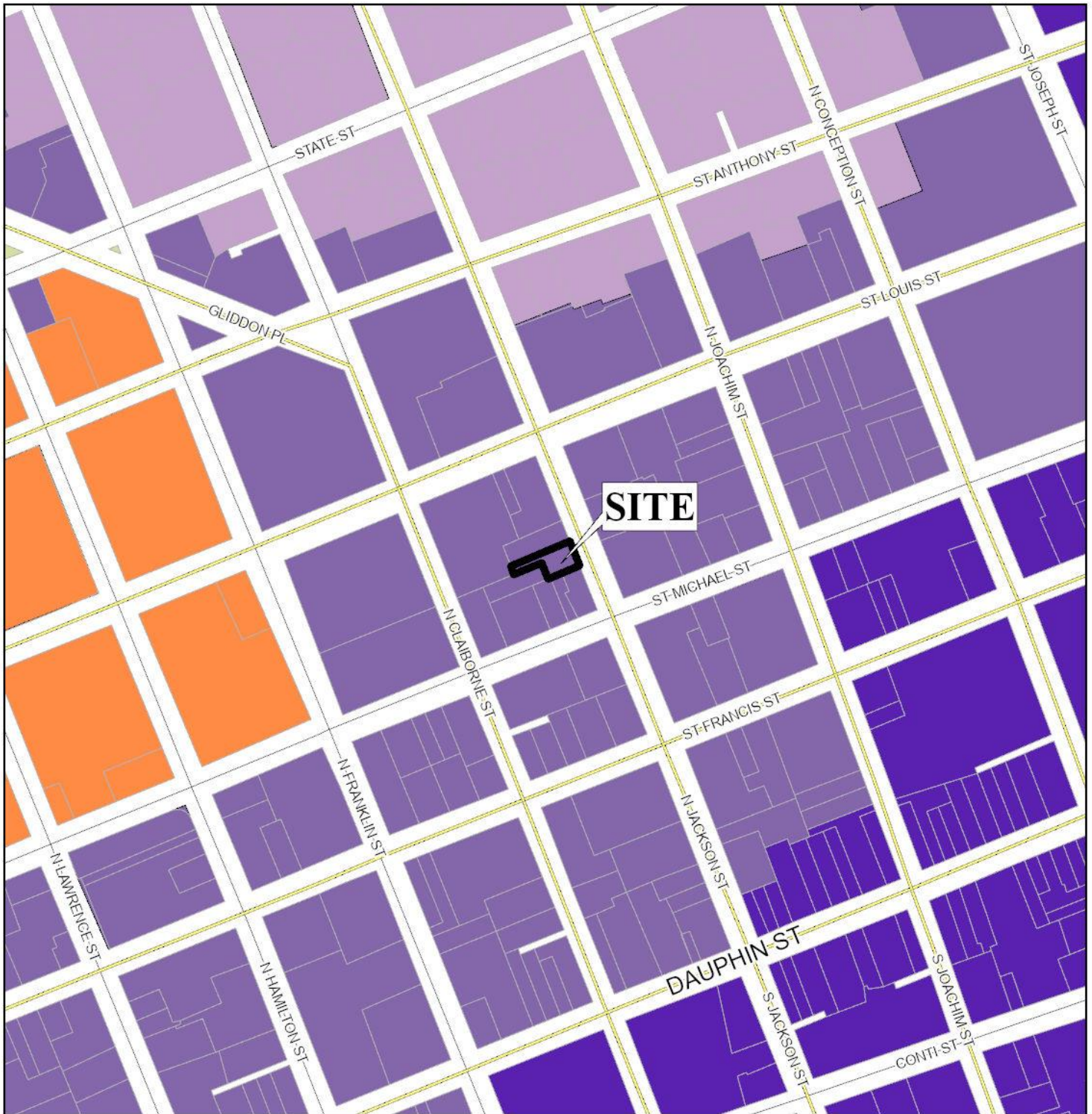
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LOCATOR ZONING MAP



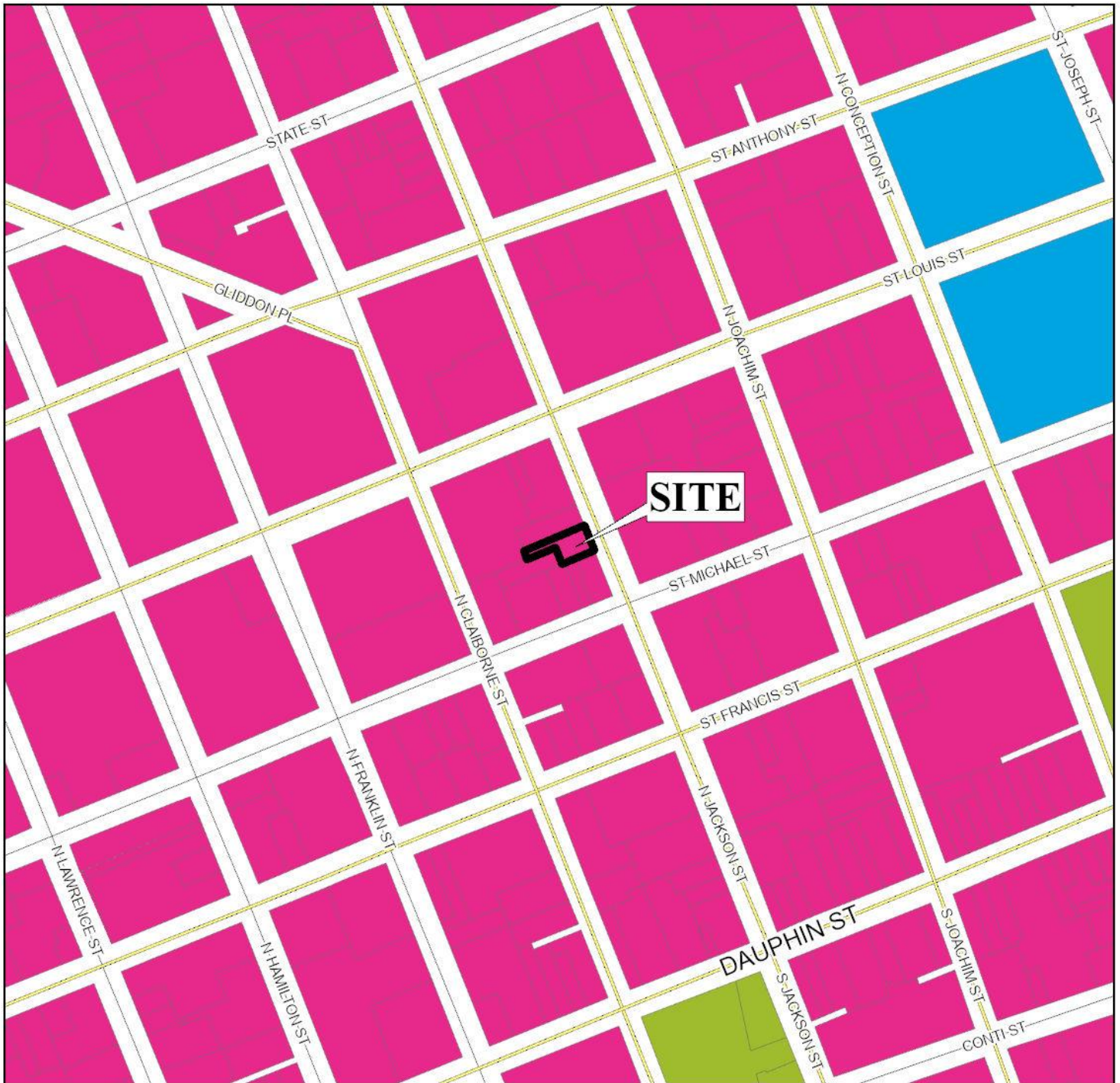
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FLUM LOCATOR MAP



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Layer2

Low Density Residential
Mixed Density Residential

Downtown

District Center

Neighborhood Center - Traditional

Neighborhood Center - Suburban

Traditional Corridor

Mixed Commercial Corridor

Downtown Waterfront

Light Industry

Heavy Industry

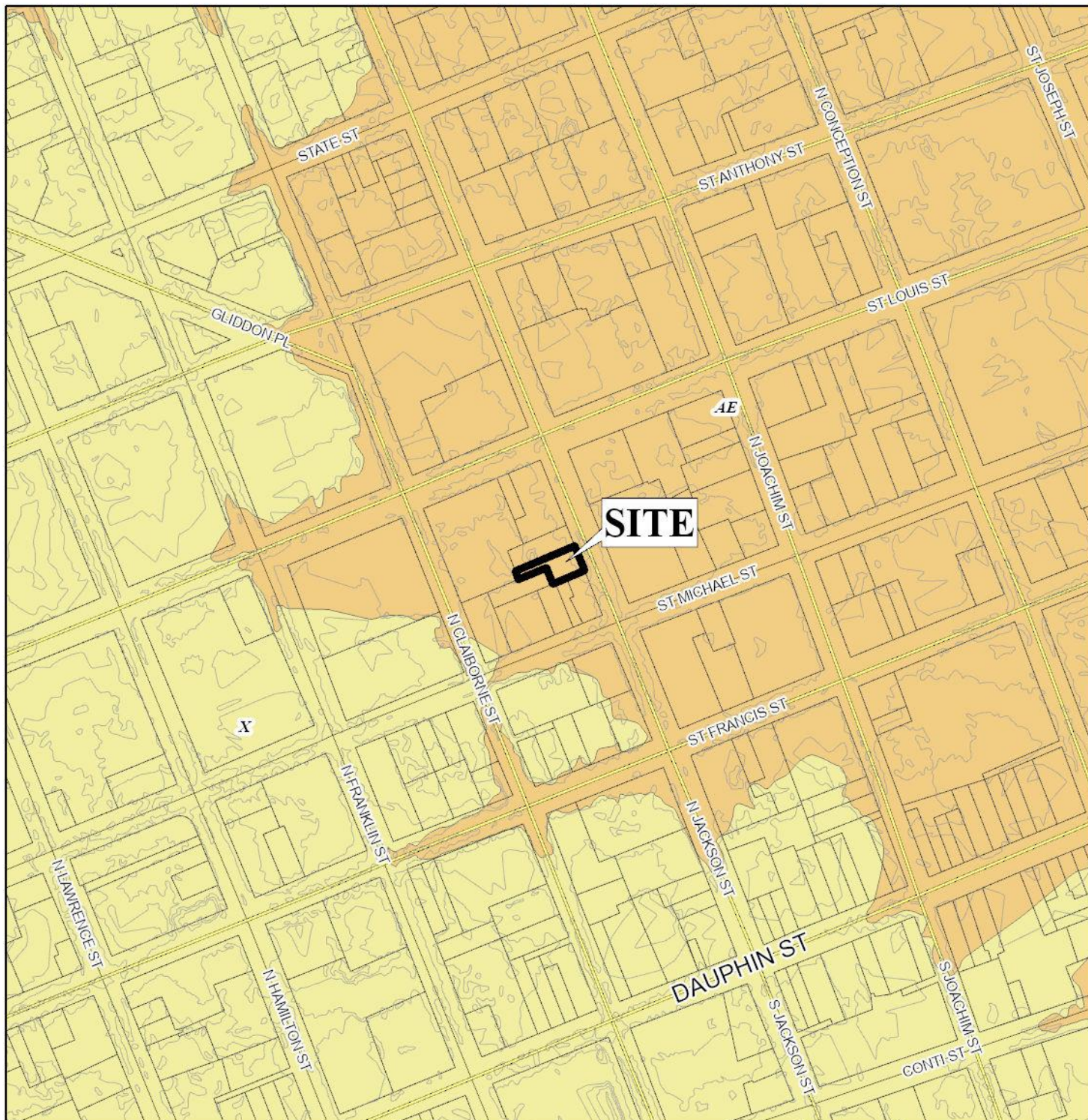
Institutional

Parks & Open Space

Water Dependent



ENVIRONMENTAL LOCATOR MAP



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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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 commercial units.

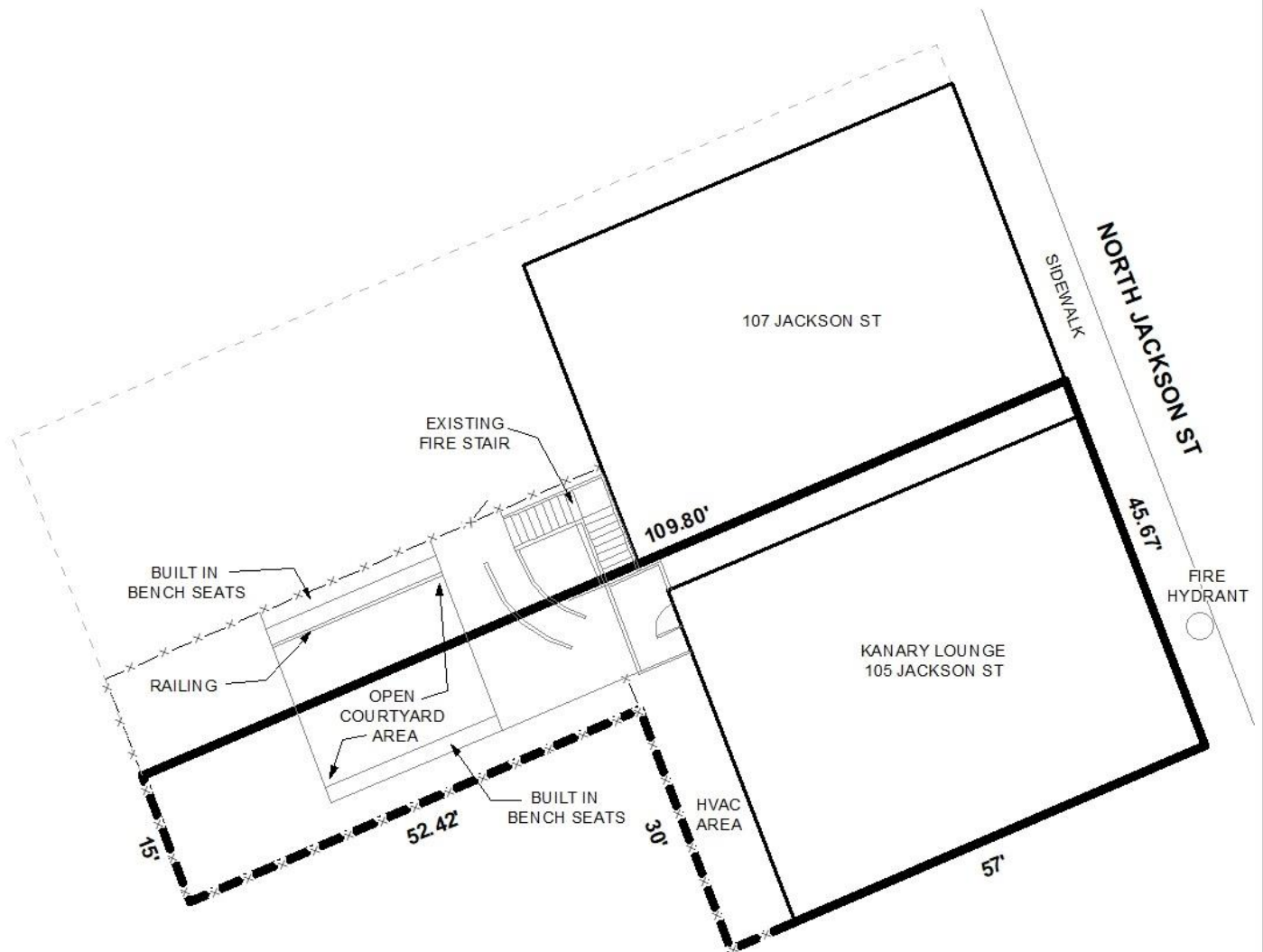
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SITE PLAN



The site plan illustrates existing buildings and courtyard area.

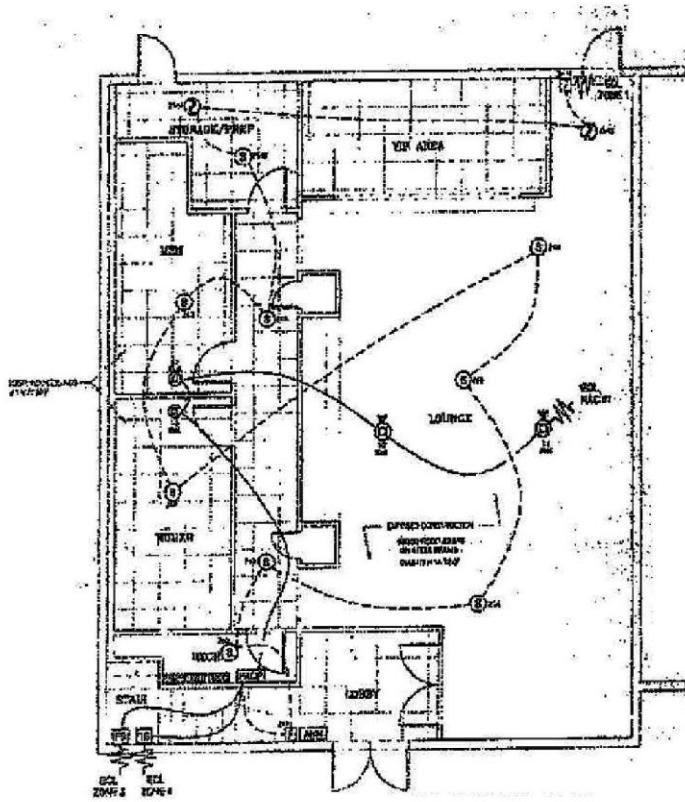
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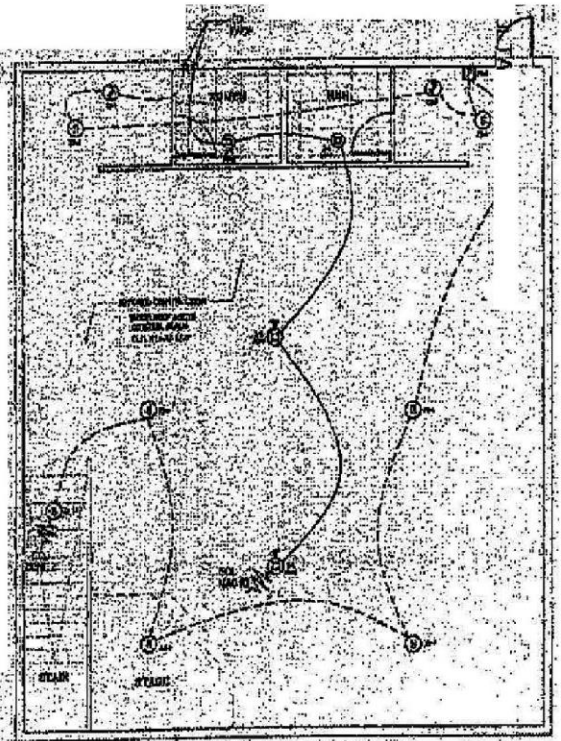
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DETAIL SITE PLAN



1ST FLOOR FIRE ALARM SYSTEM PLAN



2ND FLOOR FIRE ALARM SYSTEM PLAN

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