

**PLANNING APPROVAL
STAFF REPORT****Date: January 9, 2019**

<u>NAME</u>	113 Dauphin, LLC.
<u>LOCATION</u>	113 Dauphin Street (South side of Dauphin Street, 150'± West of South Royal Street).
<u>CITY COUNCIL DISTRICT</u>	District 2
<u>PRESENT ZONING</u>	T-5.2, Sub-District within the Downtown Development District
<u>AREA OF PROPERTY</u>	0.06± Acre
<u>CONTEMPLATED USE</u>	Planning Approval to allow an occupancy load of over 100 in the Downtown Development District.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Immediate

**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 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. 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.
3. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

**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 (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).

REMARKS

The applicant is requesting Planning Approval to allow an occupancy level over 100 for a bar/lounge in the T-5.21 Mixed Use - Medium Intensity Subdistrict of the Downtown Development District. Planning Approval is required for bar/restaurant uses with an occupant load of more than 100 people in T-5.2 Subdistricts.

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 applicant states:

Background: The property located on 113 Dauphin Street is owned by 113 Dauphin LLC., hereinafter referred to as "Owner". The property current International Building Code (IBC) Use and Occupancy Classification is Assembly A-2.

The property is located in the Downtown Historical District and is landlocked on all sides.

The Owner operates a Bar under the name of Haberdasher in the property. The Haberdasher occupies the first floor with the second floor currently being used for storage only. The current maximum occupancy of the property is 98 people.

Prior to its current use as the Haberdasher, the building was occupied by a bar called the "Seaman's Lounge" which operated both the 1st and 2nd floors as a bar. The previous occupant also had a stairway that provided access to the roof.

A pre-development meeting was conducted with the City of Mobile staff to discuss the proposed built-out on November 12, 2019. During the meeting we were reminded of the City of Mobile rules and regulations that require for a change of occupancy under a Single Business Entity from an occupancy of less than 100 to an occupancy over 100 persons, requires Planning Commission.

Proposed Change of Occupancy: In line with the City of Mobile's desire to transfer the downtown area into a vibrant entertainment area, the Owner is proposing to expand the use of the property to attract more folks to the downtown area.

Specifically, the Owner proposes to convert the second floor from its current use of storage to a bar with a calculated maximum occupancy of 84 people.

Owner's plans also include restoring access from the 2nd floor bar to the roof top and using the roof top as a terrace, which would add a calculated occupancy of 74 people. The total calculated maximum occupancy of these two facilities operated under a single ownership would be 254 people after the completion of all conversions. The Owner proposes to operate both the 1st floor bar and the 2nd floor bar and roof-top terrace under a single Business Entity.

In accordance with the City of Mobile rules and regulations for a change of occupancy under a Single Business Entity from less than 100 to an occupancy over 100 persons, the Owner is requesting Planning Commission approval of the proposed increase.

The Owner's current plan calls a phased approach for this project with the conversion of the 2nd floor to start immediately following the approval by the Planning Commission and the issuance of Permits by the City of Mobile. Reconstruction of the stairway from

the 2nd floor to the roof and conversion of the roof to a roof-top terrace is currently slated to commence in sometime in 2022 or later.

Current Building Components and Features: *Currently the building has the following components and features*

- *Dedicated rated stairwell from the street-level to the second floor*
- *Both 1st and 2nd floor areas are protected by a Sprinkler System*
- *The first-floor entrance and the door leading to the second-floor stairwell have flood protection.*

Proposed Building Components and Features: *The following building components and features are proposed to be incorporated into the design of the built-out*

- *Expansion of the dedicated rated stairwell from the street-level to the second floor to the roof-top terrace.*
- *Additional of a sprinkler system coverage to the stairwell.*
- *In accordance with Chapter 14 of the International Existing Building Code (IEBC) the Owner's design team will prepare a performance compliance evaluation in support of the maximum calculated occupancy ratings.*
- *Bathroom facilities will be provided based on the calculated maximum occupancy complete with HC features as requested by the City of Mobile.*

Plan Consistency Analysis: *Given the location of the property in the center of one of the City of Mobile's entertainment districts we believe the proposed built-out of the 2nd floor and the opening of the roof-top terrace will greatly enhance the popularity of the property and the surrounding properties.*

The proposed built-out plans will be submitted to the City of Mobile for review and permit approval and do not change the exterior appearance of this historical building.

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.

As stated by the applicant, the subject site is currently in use as a bar. The owner proposes to expand the business to the second floor, which will result in an occupancy load of 182 people for the bar/lounge. Additionally, the owner intends to expand the business in the future with a roof top terrace, bringing the total occupancy load of the building to 256.

The site is bounded on all sides by active commercial buildings, all within the same T-5.2 Subdistrict, except for the property directly abutting to the south, which is within the T-6

Subdistrict. The Planning Commission has both approved and denied properties in the vicinity for similar requests. For example, a bar/lounge located at 200 Dauphin Street was approved with an occupancy load of 142 persons, while an event venue located at 51 South Conception Street was denied an occupancy load of 205. It's important to note however, that the Commission has approved several properties along Dauphin Street which are further West than the subject property, for occupancy loads of greater than 200.

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, on-street parking is available in the immediate proximity to the site.

The site is also within the Entertainment District designated by the City Council, and is across the street from other restaurants and bars. As such, the proposed use and the proposed occupancy load appears compatible with neighboring uses.

Given that there is on street parking and several other restaurants and bars within the immediate vicinity, it seems that the current request would not be out of character for the area.

RECOMMENDATION

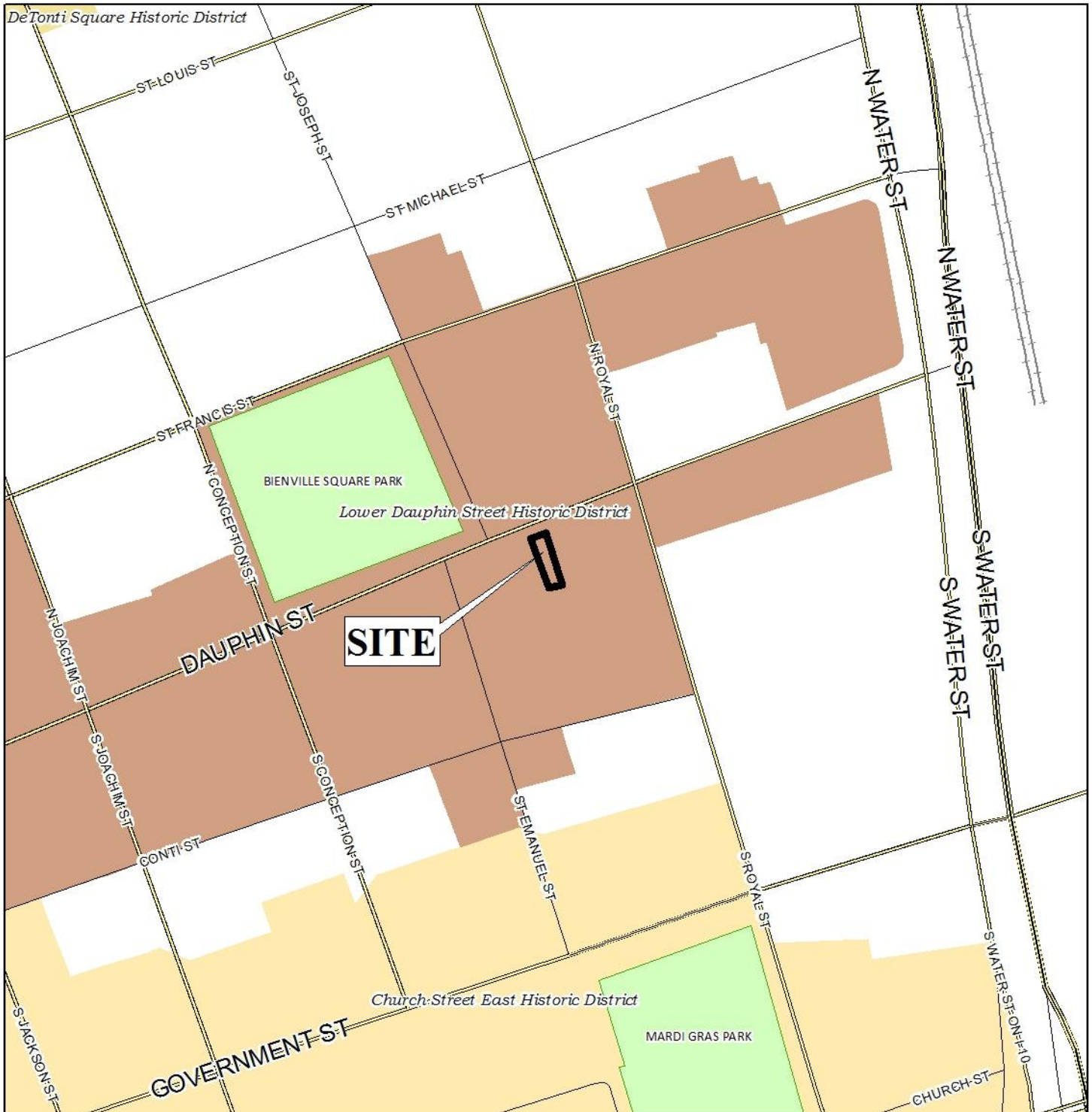
Planning Approval: Based upon the preceding, staff recommends to the Planning Commission the following findings of facts for Approval of the Planning Approval:

- a) the proposal will be appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, because it should have no impact on any of those items due to the fact that no new structure is proposed in which persons will live or work;
- b) the proposal will not cause undue traffic congestion or create a traffic hazard; and
- c) the proposal will be in harmony with the orderly and appropriate development of the district in which the use is located, because the facility would have no negative impact on the current and allowed uses within the area.

The Approval is subject to the following conditions:

- 1) Occupant load limited to 256 people, as requested; and
- 2) Full compliance with all other municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 5 DATE January 9, 2020

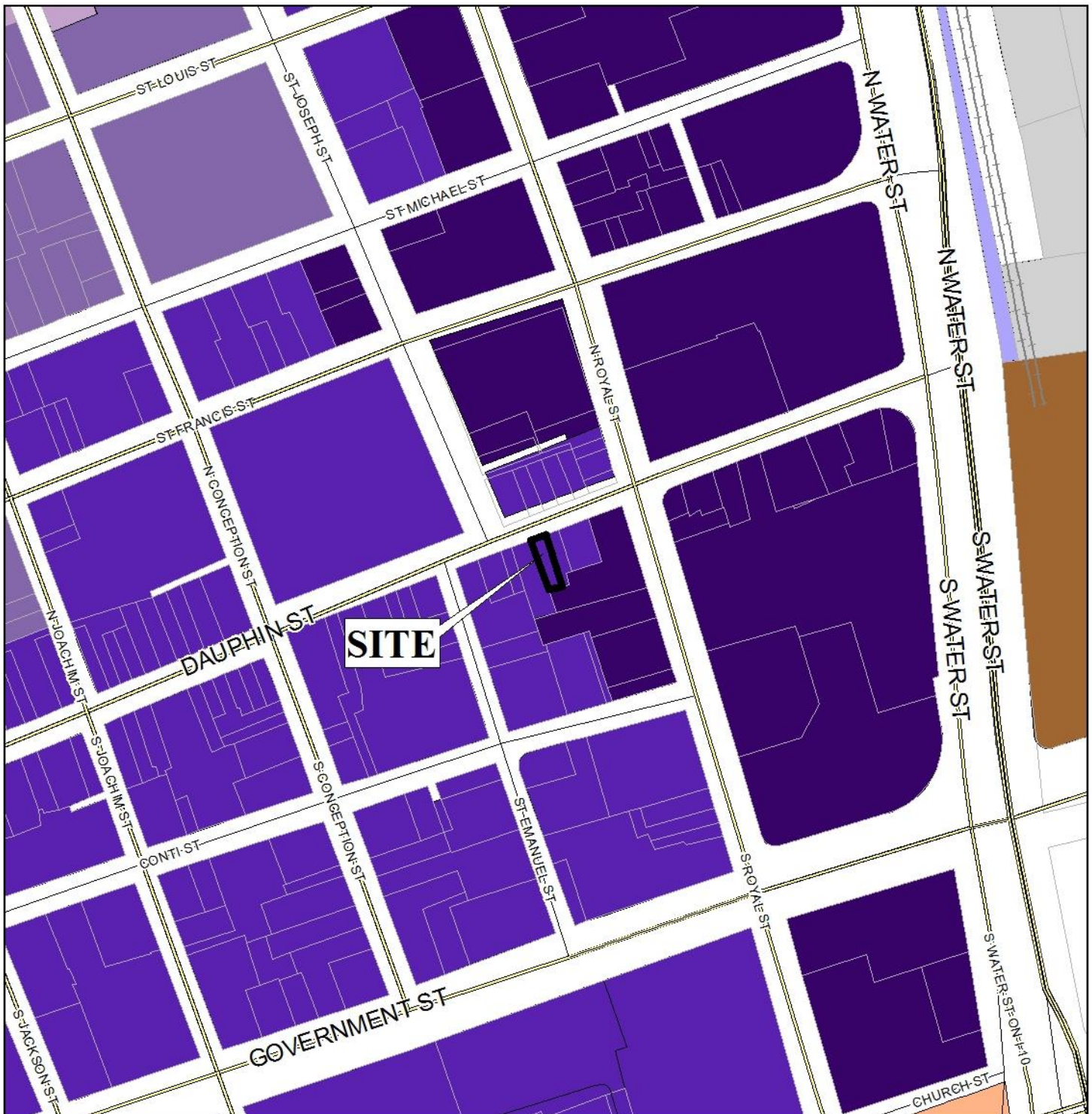
APPLICANT 113 Dauphin LLC

REQUEST Planning Approval



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LOCATOR ZONING MAP



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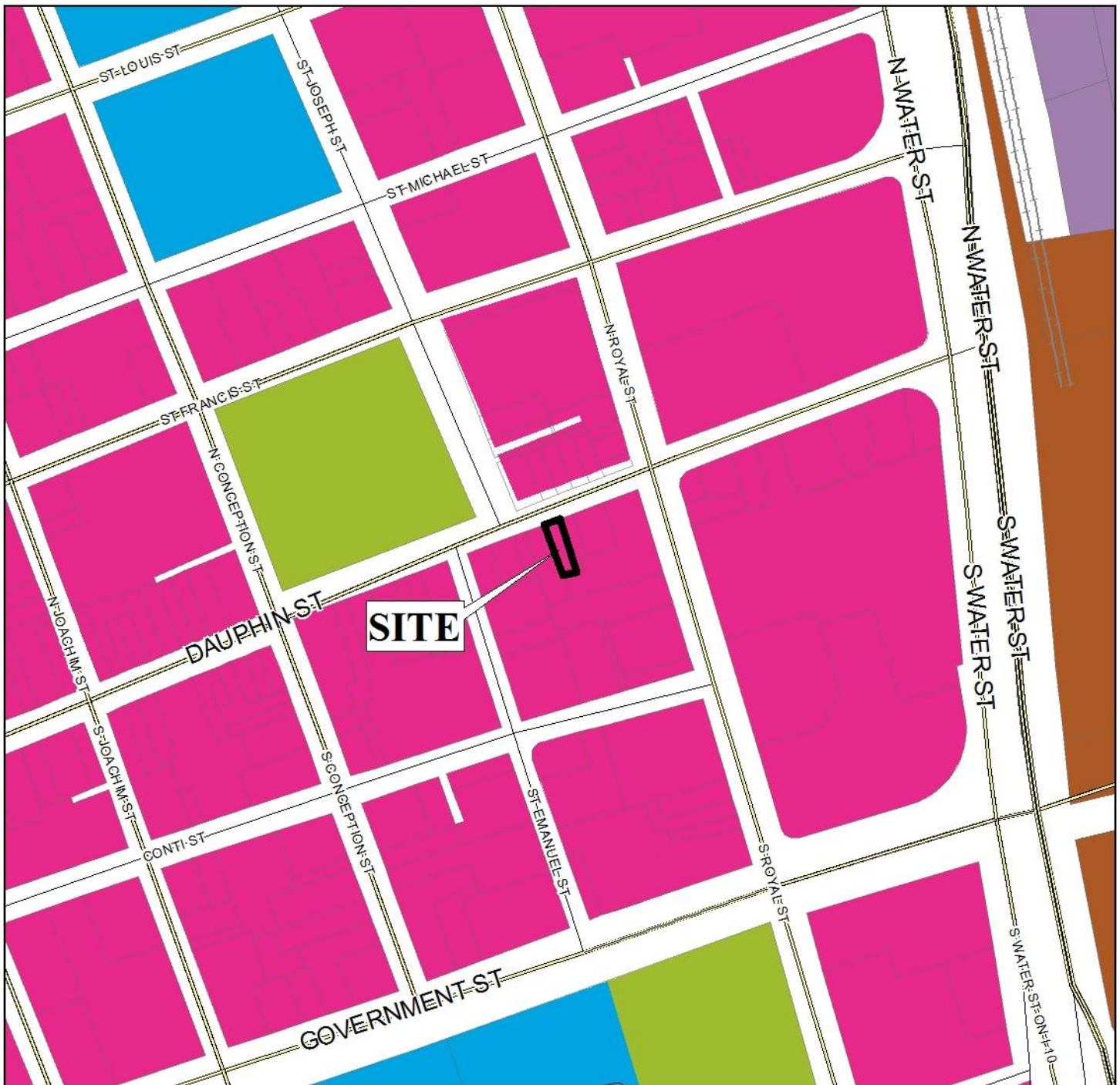
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FLUM LOCATOR MAP



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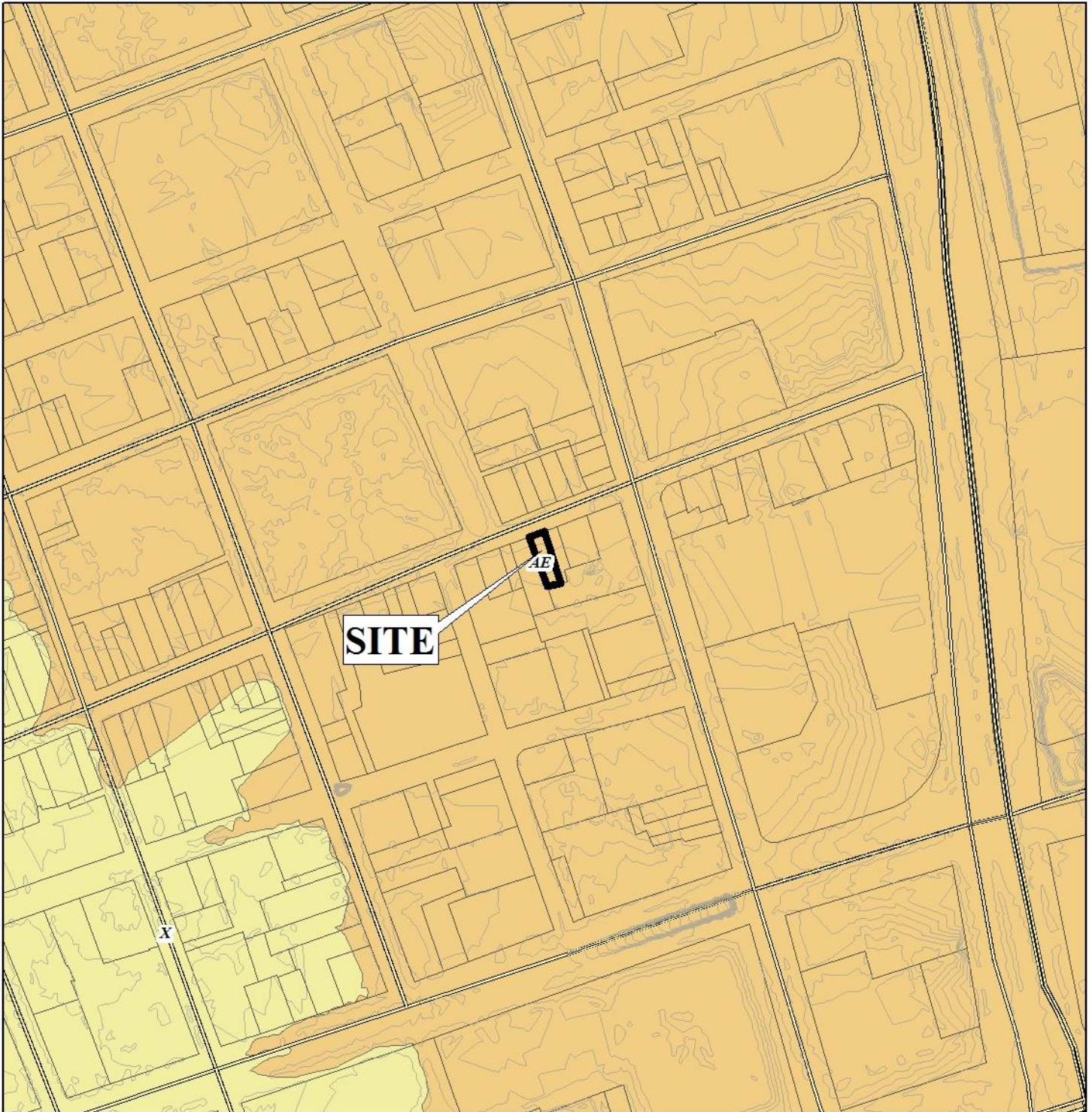
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



ENVIRONMENTAL LOCATOR MAP



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APPLICANT	113 Dauphin LLC		
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



















The site is surrounded by commercial units.









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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

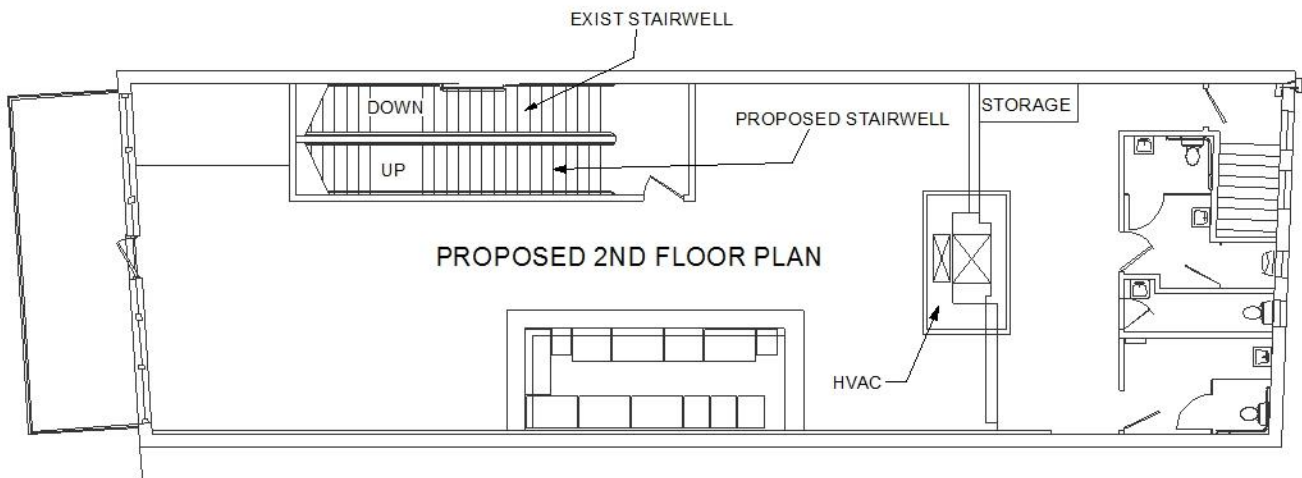
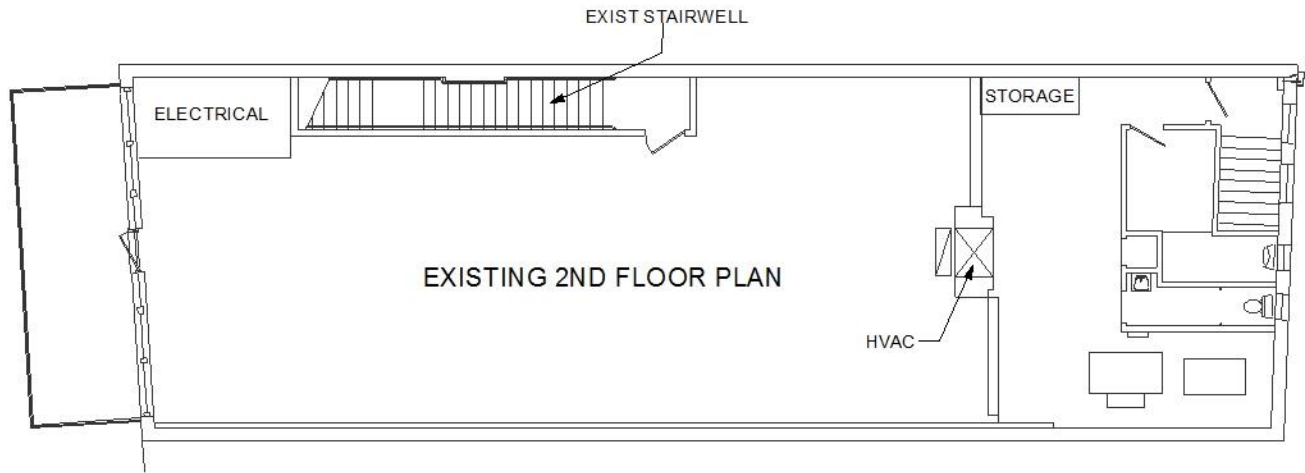


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SITE PLAN



The site plan illustrates the existing 2nd floor plan and the proposed 2nd floor plan.

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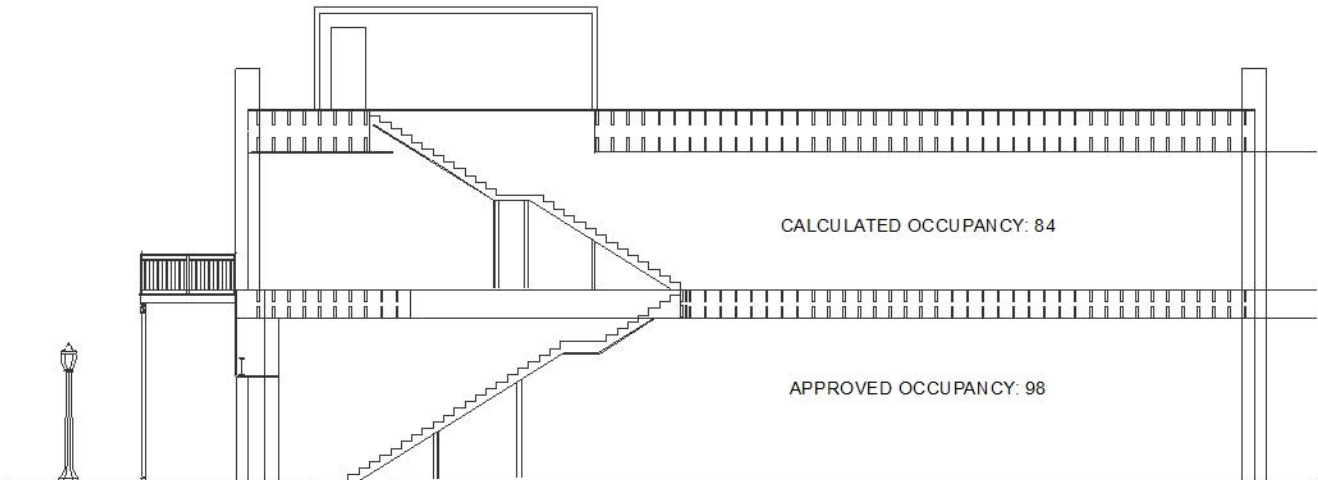
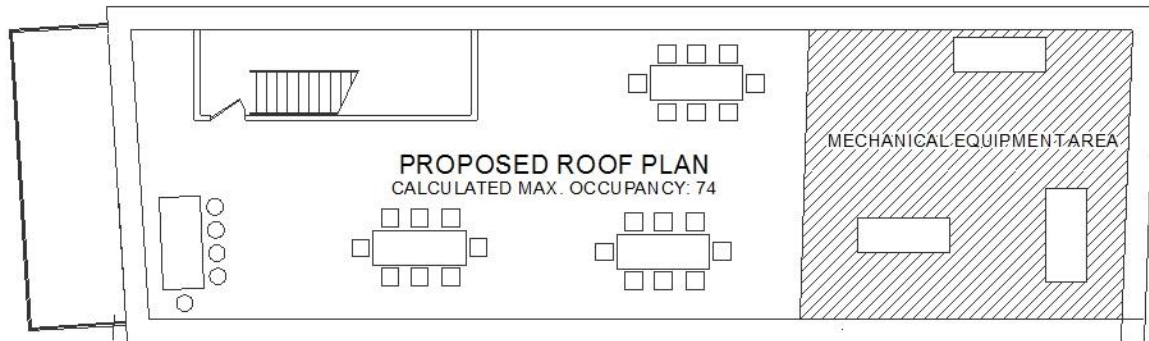
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SITE PLAN



The site plan illustrates the proposed roof plan.

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