

PLANNING APPROVAL STAFF REPORT**Date: August 6, 2015****NAME**

Ryan Johnson, Jingle Jangle LLC

LOCATION51 South Conception Street
(Southeast corner of South Conception Street and Conti Street)**CITY COUNCIL
DISTRICT**

District 2

PRESENT ZONING

Downtown Development District T5.2 Sub-District

AREA OF PROPERTY

0.03± Acre

CONTEMPLATED USE

Planning Approval to allow an event space with an occupancy load of 205 persons in the Downtown Development District.

**TIME SCHEDULE
FOR DEVELOPMENT**

Bar top and vestibule construction in July 2015, fully operational by August 20, 2015.

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**URBAN FORESTRY
COMMENTS**

No comments.

**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 event space with an occupancy load of 205 persons in the Downtown Development District (DDD). The DDD requires Planning Approval for uses with occupancy loads over 100 persons in a T5.2 District.

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 business property located at 51 S. Conception St will function as a multi-use space that is best described as a gallery/performing arts/exhibition hall. It is best categorized as a multi-use event space. Its primary use will be to service community and private events in addition to in-house promoted events that center heavily on the arts and the art community.”*

The subject site has been used commercially for many years; however, more recently the use has been somewhat sporadic. It was used as a parking lot in the 1990’s, while the building was apparently vacant from 1999 to 2008. The building was substantially renovated in 2008 and was used shortly as a retail store for home and garden accessories on the ground floor and apartments on the second floor, then the ground floor was vacant until 2011 when the first floor was used for a while as an advertising agency office for the current owner. The ground floor has been vacant since the end of 2012.

The site is located within a mixed-use area consisting of parking lots, offices, restaurants, retail, and condominium residential. The site is also located within the Entertainment District boundaries designated by the City Council.

In addition to the parking available on-site, there are numerous on-street parking spaces available as well as commercial surface parking lots within a two block area. While parking is not required for the reuse of existing buildings within the Downtown Development District, the availability of parking helps to address any concerns relating to creating any additional vehicular congestion.

Residential dwelling units are located diagonally across the Conti/Conception Street intersection from the site in the mixed-use O’Gwynn Building. Given that the proposed use of the site in question could include activities requiring amplified sound, either inside or outside of the structure, the Commission may wish to establish parameters for the operation of the site.

The existing building is two stories, and no information was provided regarding the proposed use of the second floor – if it would also be part of the overall proposed facility. Additionally, no information was provided regarding the hours of operation, crowd control, noise control, the location of any waste receptacles (especially if food will be handled onsite), or use of outdoor areas of the site. Thus staff is unable to provide a recommendation without additional information.

RECOMMENDATION

Planning Approval: Based upon the preceding, this application is recommended for Holdover until the August 6 meeting, with the following to be submitted by July 17:

- 1) Description of the proposed hours of operation;
- 2) Information regarding how the second floor of the building will be used;
- 3) Description of any crowd control measures;
- 4) Description of noise control, especially if use of the outdoor space is anticipated;
- 5) Identification of where garbage carts or dumpsters will be kept on site;
- 6) Information regarding the anticipated level of food preparation that may occur on-site; and
- 7) Description of any other physical improvements, either internal or external, that will be undertaken as part of the proposed use.

Revised for the August 6th meeting:

This application was heldover from the July 9th meeting to allow the applicant to address the above-listed items. The applicant has submitted a revised narrative addressing the items as follows:

1. PROPOSED HOURS

Tuesday – Thursday, 5PM – 12AM

Friday – Saturday, 5PM – 2AM

Sunday, 5PM – 12AM

Mondays, Closed

For closed-to-the-public private events (an example would be a wedding reception) start times may be earlier on the weekends only.

2. SECOND FLOOR USE

We do not currently intend to use the second floor to conduct business. We have subleased the western unit as an apartment. The eastern unit we intend to use for storage.

3. CROWD CONTROL

For regular bar service nights we will have casual arrival times so crowd control on those nights should not be an issue. For events with specific arrival times we intend to line guests up in the parking lot and have them enter through the rear/patio entrance so as not to disturb the flow of traffic on the sidewalks or in the street.

Furthermore, for any event with a confirmed guest list of greater than 100 we intend to hire additional security and/or off-duty police officers to ensure that the event will occur in a safe and orderly fashion.

4. NOISE CONTROL

We do anticipate amplified music in the interior only. We absolutely will ensure that our facility operates according to the city noise ordinance as defined in both sections 39-96 and 39-96.1 of the City Code.

We want to be sensitive to the mixed-use nature of the area and we want guests to come IN to our establishment to enjoy events featuring amplified music, and hearing it from the outside does neither of those tasks.

Again, we will take any and all measures to ensure that we are not in violation of city code.

5. LOCATION OF GARBAGE CONTAINERS

Currently we are storing our cans off of the public right-of-way, behind the 1'-wide brick wall located at the NE corner of the unit (See Attachment A-1). We also have a small open-air gated storage space (see Attachment A-2) that if the commission or DDD prefers, we can store our containers inside.

6. FOOD PREPARATION

No food preparation or cooking will occur on site. For private events requiring food, only off site catering services will be used.

7. PHYSICAL SITE IMPROVEMENTS

We intend to do the following improvements:

- Build a bar as seen on the floor plan.*
- Build a vestibule wall as seen on the floor plan.*
- Hang a diagonal corner sign, in compliance with the terms defined in table 5 located in section 64-3.1.16 of the City Code.*
- Add seating to the existing outdoor patio (See attachment B-1 for rough design and B-2 for sample aesthetics),*

It should be noted that since staff received the information requested in the Commission's July 9th holdover, a review of the site's occupancy capacity by the City Plumbing Inspection Unit based upon its plumbing capabilities indicates that it would have a maximum occupancy load of 150 persons instead of the 205 requested, unless upgrades were done. As the applicant does not intend to make any plumbing upgrades, the maximum occupancy load would then have to be limited to 150 persons. As the proposed use would constitute a change of occupancy under the Building Code, other occupancy load limitations less than 150 persons may apply.

Staff has received letters of concern from some of the neighboring property owners and owner/residents in the O'Gwynn Building diagonally across the street intersection from the subject site. These concerns center mainly around noise, parking, and crowd/trash management. Although the O'Gwynn Building has the only residential use in the neighborhood, the original ten-unit residential use has effectively diminished to six units as two units have been

converted to commercial use and two others have active building permits for conversion to commercial use. The disallowance of the proposed occupancy load, even reduced to 150 persons, does not automatically disqualify the proposed use as an event space as such would still be allowed by right with a maximum occupancy load of 100 persons. That, combined with the fact that the site is practically centered within the Eastern-most Entertainment District, would seem to favor the use, but with some limitations for the consideration of the neighborhood.

As the building's maximum occupancy load is rated for 150 persons by the City Plumbing Code and no upgrades are proposed by the applicant, and as stricter limits may be placed by any other Building and Fire Codes applicable for a change of occupancy, the maximum occupancy load should be limited to 150 persons or less if required by the Building and Fire Codes. Pertaining to the proposed hours of operation, events should be limited to the time schedule proposed by the applicant. For special events, guest entry should be limited to the rear patio entrance to avoid public sidewalk congestion and additional security personnel should be utilized.

As previously stated, commercial parking lots are within close proximity to this site. With the combination of existing on-street and off-street parking, as well as the proposed hours of operation, it would appear that there are sufficient facilities in place to accommodate the proposed use.

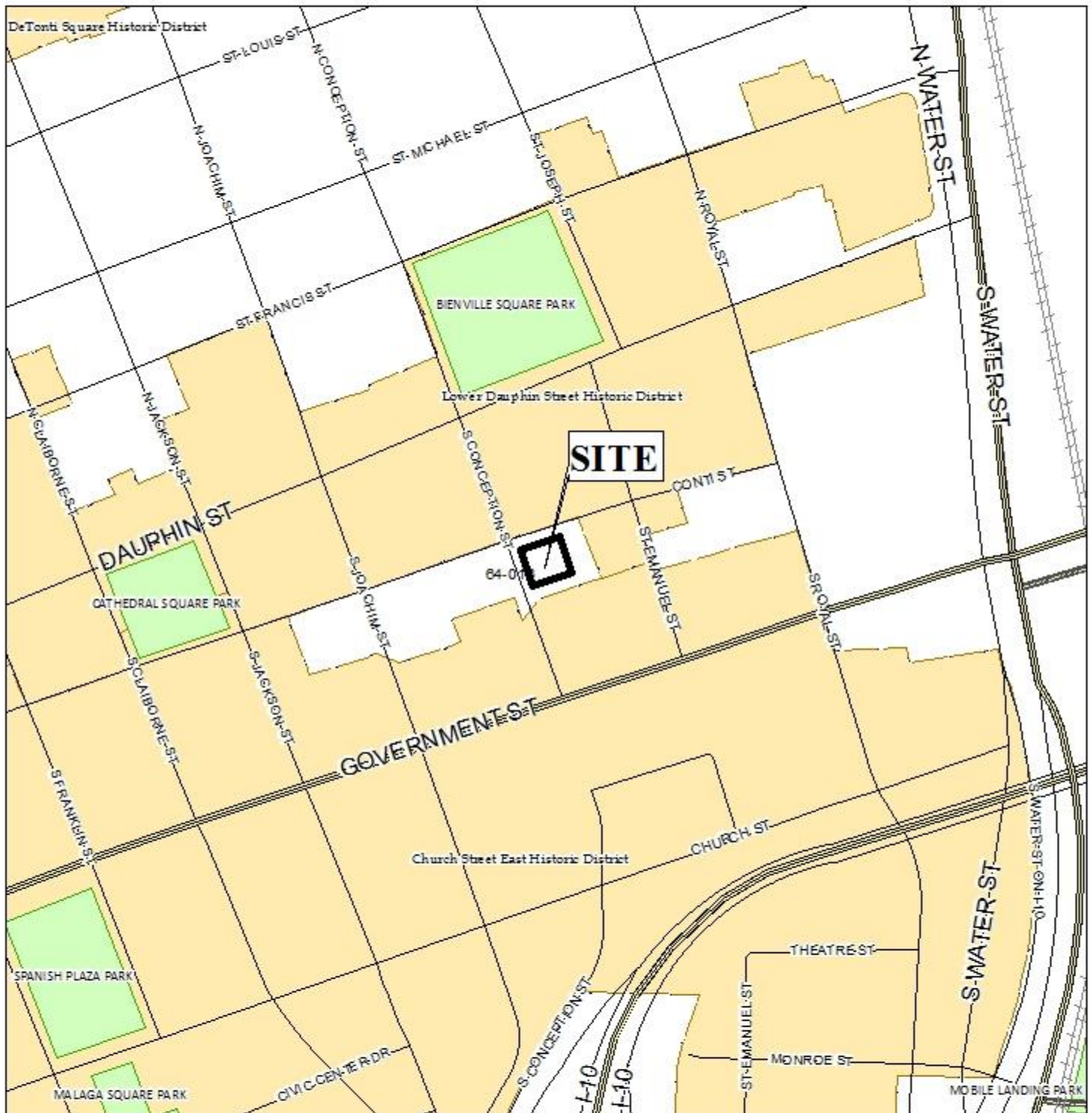
All amplified music and sounds should be limited to the building's interior only and the parking area should not be utilized for any activities with sound amplification.

RECOMMENDATION

Planning Approval: *Based on the preceding, this application is recommended for Approval, subject to the following conditions:*

- 1) obtaining of all necessary permits for a change of occupancy;*
- 2) the occupancy load not to exceed 150 persons or less as rated by the Building or Fire Codes;*
- 3) hours of operation limited to the time schedule proposed by the applicant (Tuesday - Thursday 5PM – 12AM, Friday – Saturday 5PM – 2AM, Sunday 5PM – 12AM, Monday closed, special events start times may be earlier on weekends only);*
- 4) guest entry for special events is limited to the rear patio entrance;*
- 5) additional security personnel are to be utilized during special events;*
- 6) all amplified music and sounds are limited to the building's interior;*
- 7) the parking area is not to be utilized for any activities with sound amplification;*
- 8) 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)]; and*
- 9) full compliance with all municipal codes and ordinances.*

LOCATOR MAP



APPLICATION NUMBER 5 DATE August 6, 2015

APPLICANT Ryan Johnson, Jingle Jangle LLC

REQUEST Planning Approval



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

APPLICATION NUMBER 5 DATE August 6, 2015

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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 ZONING



The site is surrounded by commercial units.

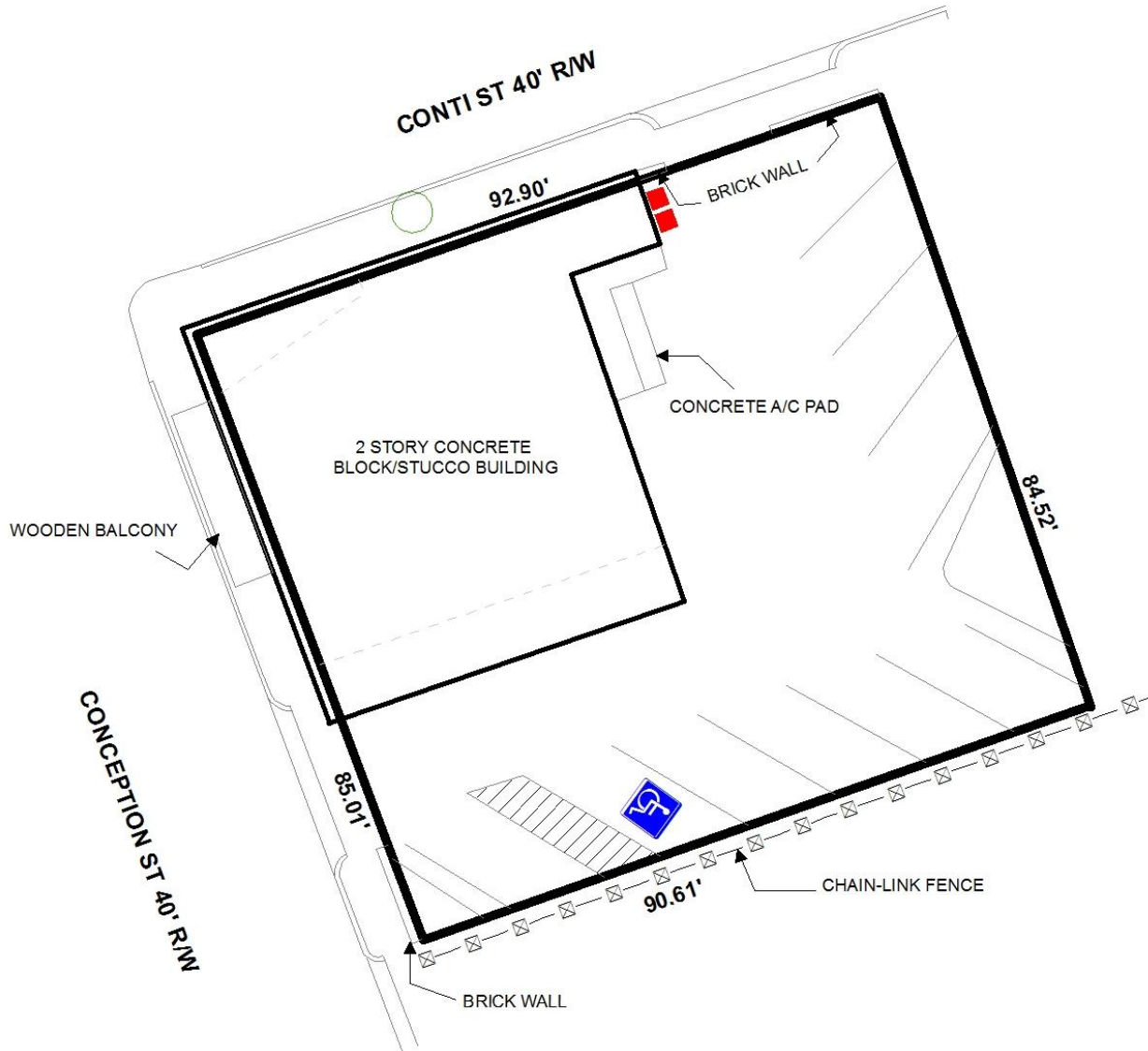
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SITE PLAN



The site plan illustrates the existing building, parking, and drives.

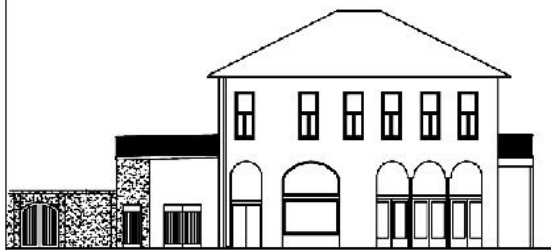
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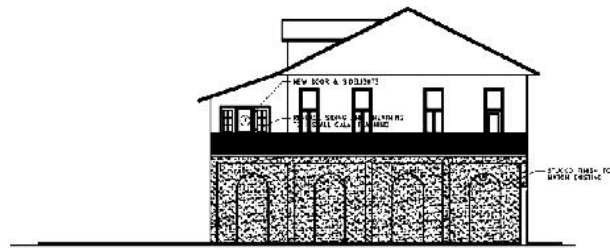
REQUEST Planning Approval



DETAIL SITE PLAN



NORTH ELEVATION
SCALE: 1/8" = 1'-0"



EAST ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



WEST ELEVATION
SCALE: 1/8" = 1'-0"

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NTS