

PLANNING APPROVAL STAFF REPORT**Date: January 9, 2020**

<u>NAME</u>	Cabana Royale, LLC
<u>LOCATION</u>	401 Dauphin Street (Southwest corner of Dauphin Street and North Franklin Street).
<u>CITY COUNCIL DISTRICT</u>	District 2
<u>PRESENT ZONING</u>	T-5.1, Mixed Use - Medium Intensity Sub-District
<u>AREA OF PROPERTY</u>	4,963 ± sf / 0.1 ± Acres
<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>	No time frame provided.
<u>ENGINEERING COMMENTS</u>	<ol style="list-style-type: none">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. 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, <u>Storm Water Management and Flood Control</u>; the <u>City of Mobile, Alabama Flood Plain Management Plan</u> (1984); and, the <u>Rules For Erosion and Sedimentation Control and Storm Water Runoff Control</u>.4. 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. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING**COMMENTS**

A traffic impact study was referenced in the narrative but has not been reviewed by Traffic Engineering. There is no information provided about ingress/egress for ticketed events. Similar venues that have been discussed by the applicant have main entrances on north/south collector streets and not the main thoroughfare of Dauphin Street into downtown. The narrow sidewalk and on-street parking adjacent to the site may hinder any lines that may be anticipated in the right-of-way. Coordination may also be necessary with Downtown Central Precinct, not just off-duty officers, if large crowds are anticipated to extend into the travel lanes of Dauphin Street.

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 load of over 100 in the Downtown Development District (DDD). Planning Approval is required for restaurants, bars and entertainment venues with an occupancy load over 100 people within T-5.1 and T-5.2 Sub-districts of the DDD, but is allowed "by-right" in T-6 and SD-WH Sub-districts.

The site came before the Planning Commission for similar requests at both the November 6, 2014 and September 3, 2015 meetings. In each case the requests were denied. The current request at hand is different from the 2015 request in that the requested occupancy load has been reduced from 850 people to 750 people, and there are no plans for a roof deck.

The applicant provided the following narrative regarding the request:

Contemplated Use; Assembly, Combination Entertainment Venue & Banquet Hall Use, 750 Occupancy, Complete Historic Restoration following National Park Service Certified Historic Preservation guidelines. This is a request for the same entertainment use recently granted to The Steeple developers located in the same T5.1 district. The Venue will only be open for "ticketed" events except when provided for Banquet Hall use for Cathedral Place seniors, Wedding Receptions, and other events. Our project will help the City address the ongoing blight on our primary commercial corridor and support the City promotions as a tourism destination. After discussions with neighbors and city leaders, applicant has reduced its 850 occupancy and removed rooftop access.

The following review of the project is necessary for Planning Commission Approval;

1. *Transportation and Access; parking not required, City not allowing new parking structures due to large number of vacant downtown buildings.*
2. *Water Supply, Waste Disposal; will utilize existing City services.*
3. *Fire, Police Protection and Other Public Facilities; Venue will hire City police presence.*
4. *Traffic Congestion; see "Traffic Study Summary"*
5. *Harmony with Orderly Development of the District; T5.1 is defined as "a mixed use district of medium intensity", with numerous existing music venues as well as two new music venues since 2015, the building renovation will remove the widespread blight affecting downtown Mobile, Alabama, partner with local senior community, and provide foot traffic for existing restaurants, residential and retail.*

This request is necessary because;

- a. *Our adjacent neighbor's building at 407 Dauphin continues to degrade, with the South wall collapsed at the ground floor, and homeless living in the downstairs of the building starting fires to keep warm in winter. Our renovation will provide repairs for our neighbor and eliminate "blight" on the least developed block on all of Dauphin Street.*
- b. *We want our building to become a source of pride to Mobile's Historic Downtown, since it is the only remaining Art Moderne architectural style on Dauphin Street.*
- c. *There are over 20 vacant properties contributing to the blight in the 3 adjacent blocks on Dauphin Street, and this is after 9+ years of US economic expansion.*
- d. *Architecturally, the Building cannot be separated into multiple businesses without altering the façade and losing the NPS tax credit.*
- e. *Restaurants, Residential and Retail are not viable at 401 Dauphin. The City of Mobile ongoing population exodus (3800 net loss between 2000 and 2010, and another 4000 expected between 2010 and 2020) has created a soft market for existing restaurants and residential. In the last 12 months Saisho Restaurant (453 Dauphin), Buck's Pizza (350 Dauphin), and Montegos (225 Dauphin) have permanently closed. Brick-and-Mortar retail has weakened throughout the US due to Amazon and online retailers. Residential is saturated in the current market with 600 new units created in the past 5 years. In addition our building does not have parking which is not conducive to residential.*

Transportation and Access

- a. *The probable effects on the surrounding land uses and properties would be positive, based on the nature of the Entertainment District.*

- b. *The mixed use nature of the Downtown Development District offers three distinct Use categories that all complement each other with regard to use and parking;*
 - 1. *Commercial (8a-5p),*
 - 2. *Entertainment (5p-2a),*
 - 3. *Residential (5p-5a)*
- c. *Nearby streets and parking used earlier in the day for Commercial during 8a-5p are empty and available for Entertainment Use after stores close.*
- d. *Building is located on the primary street of Mobile's entertainment corridor, within the Downtown Development District. There are at least 3 other buildings within 5 blocks that have Assembly Use with similar occupancies, and all are far enough apart that they would not create congestion.*
- e. *Building development will not modify or create any changes to existing street and parking.*

Police Protection

- a. *Venue will employ Off Duty Mobile Police Officers because of their familiarity with City Ordinances. Off Duty Police will keep the building Use and crowds in compliance with City Ordinances.*
- b. *Soundproofing experts will contribute to the design of sound control features, and will be tested for City Ordinance compliance. Also Off-Duty Police will enforce compliance, all combining to ensure no noise related issues.*

Traffic Study Summary

- a. *A Traffic Study was commissioned and will be released during design phase. The Study identifies "cruiser" traffic as the primary congestion issue, identifies 401 Dauphin Venue traffic as "destination" traffic that adheres to parking/routing suggestions, acknowledges the reduced parking needs created by ride-sharing services, anticipates 211 additional cars during our largest events, and recommends parking in the St. Louis corridor to help the fledgling single-point businesses in this area receive "patron sightings".*
- b. *Based on the Traffic Study, 401 Dauphin will promote the St. Louis corridor parking (and subsequent foot traffic) through website and ticket notifications.*

Harmony With the Orderly Development of the District

- a. *Our "District" is T5.1, defined as "a mixed use district of medium intensity".*
 - a. *Although residential is allowed, the words "residential" are not used in the T5 definition, where "residential" is used to describe both T4 and T3.*
- b. *There are numerous other music venues in our T5 "district" under the above definition.*
 - a. *The following T5 venues have occupancies exceeding 750 people: Moes,*

- The Temple, Saenger Theater, Soul Kitchen, and O'Daley's.*
- b. *The Garage has OPEN DOOR CONCERTS and residential & windows 60' away.*
 - c. *Ezell House has OUTDOOR CONCERTS and residential 60' away.*
 - c. *Using the definition of the district to define "harmony";*
 - a. *"Harmony" in a commercial district would involve developing a use that does not put other area businesses out of business. Our building as a restaurant, residential or retail use would compete against the declining Mobile population.*
 - b. *"Harmony" assumes our project complies with all applicable City ordinances.*
 - c. *The Venue will have a harmonious effect on the emotional well-being of Mobile's senior community. Cathedral Place Apartments' 200 senior residents will be provided no-charge use of the venue to host monthly "Big Band Nights" that will be created and produced by a Cathedral resident Social Committee. They will also be offered the venue for daytime senior fitness classes. Our unique location is within walking distance from Cathedral Place, and will encourage the seniors' social interaction and fitness. Our Art Moderne 1930s architecture was the prevalent architectural style for our seniors, creating a positive emotional attraction for our venue. Our venue's unique location and architecture will grow into a downtown hub for city-wide senior events.*
 - d. *Operations are expected to bring substantial lodging, restaurant and tourism business that will provide approximately \$3M-\$5M annually to downtown businesses and the City of Mobile.*
 - e. *The City's downtown music venues are all located within the T5 District. The Steeple recently received approval for 627 occupancy which is the maximum allowable occupancy for the building, indicating the city acknowledges music tourism is in harmony with the district.*

Plan Consistency Analysis Narrative

The 401 Dauphin renovation project supports the Map for Mobile Action Plan through rehabilitation of an existing building to reduce City expenditures associated with urban sprawl, reducing blight, preservation of an historic building, and actively promoting Mobile as a music tourism destination to a 300 mile radius promotional target market.

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 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 school, as approved, by current or future applicants must be submitted for Planning Approval.

The site is located in a T 5.1, Mixed Use - Medium Intensity district. It has frontage on Dauphin Street, an "A" class street, and South Franklin Street, also an "A" class street. The primary frontage of the building is on Dauphin Street.

The property is also located within the Lower Dauphin Street Historic District, thus any exterior improvements will additionally require review by the Mobile Historic Development Commission.

The property is located just outside of the three Entertainment Districts in downtown. The site is located at the East end of a three-block long gap between Entertainment Districts 2 and 3 along Dauphin Street. The Entertainment Districts were expanded on May 14, 2019 by the City Council, to include additional areas along St. Louis Street, the waterfront, and Dauphin Street, between Bayou and Broad Streets.

The reasons for the previous denials by the Planning Commission were:

2014

1. *There are multiple residential uses within 300 feet that, despite sound attenuation measures, may still be impacted by noise;*
2. *The exclusion of this site and the associated three blocks from the Entertainment District indicates an apparent intent by the Mobile City Council to restrict the types of activities within the excluded area;*
3. *The proposed occupancy load of 907 people far exceeds any of the other uses within the immediate vicinity, thus would be out of character for the area; and*
4. *There are other, more appropriate districts within the Downtown Development District for the proposed use and the proposed occupancy load.*

2015

“the proposal was not in harmony with the orderly and appropriate development of the district”

Since the last application in 2015, eight (8) 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

The two largest approved entertainment venues / event spaces, one with a Planning Commission approved occupant load of 497, and the other with a Planning Commission approved occupant load of 1035, are each in close proximity to residential or hotel uses. The 853 Dauphin Street site (*former Red Cross Building*) is across Dauphin Street from residences (70 feet), and across South Jefferson Street from an assisted living facility (112 feet). The 251 Saint Francis Street site is 276 feet from a hotel. Neither of these facilities faced any concerns expressed by nearby residents when they came before the Planning Commission.

The applicant states in their narrative that the 251 Saint Francis Street site, The Steeple, has an occupant load of 627 people (*638 per the associated building permit*). While this may be the maximum possible occupancy per Building and Fire related codes, the site is only approved by the Planning Commission to have a maximum of 497 people using the facility at any time.

As noted by the applicant in the narrative, parking is not required within the Downtown Development District for existing buildings, thus no other entertainment venue / event space approved by the Planning Commission has been *required* to provide any parking. The Downtown Development District regulations also prohibit the creation of new surface parking lots if there is no associated building (existing or proposed) on the same site. Thus the intent is to utilize existing on and off-street parking. There are on-street parking spaces and surface parking lots within 500 feet of the proposed venue, but they may not all be available for use by patrons of the venue. The 853 Dauphin Street site, which contains the largest approved occupant load to date, does provide on-site parking, and thus is not fully dependent upon on-street parking and other off-street parking locations.

For comparison, the monthly Art Walk, held primarily along the Dauphin Street corridor, brings several thousand people to the vicinity. Additionally, the Saenger Theatre has a seating capacity of 1,921, while the theater at the Mobile Civic Center has a seating capacity of 1,940 people.

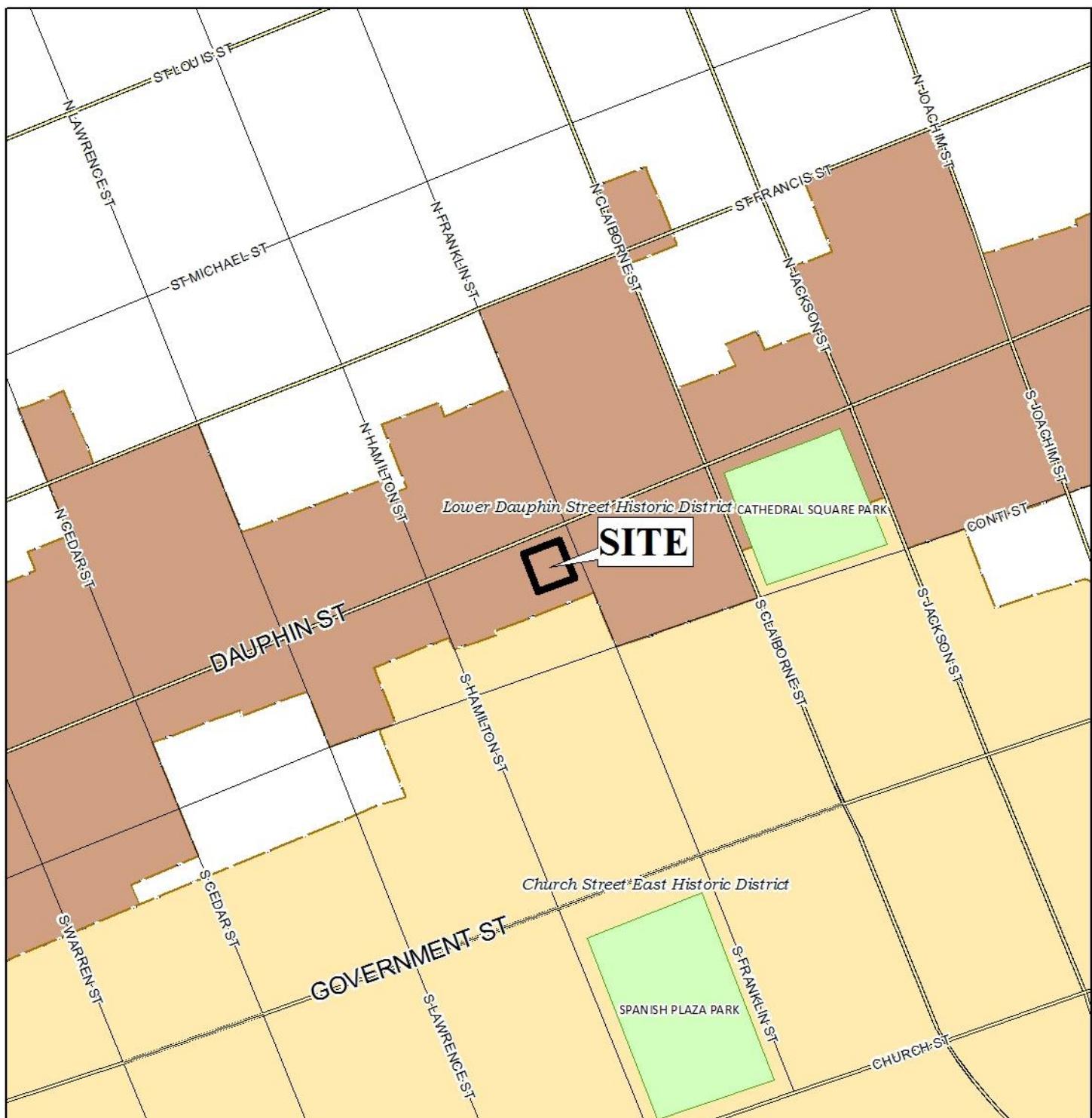
In making any decision regarding the request, the Planning Commission must determine “findings of fact” based upon the following:

- i. the proposal will be or will not be appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities;
- ii. the proposal will or will not cause undue traffic congestion or create a traffic hazard; and
- iii. the proposal will or will not be in harmony with the orderly and appropriate development of the district in which the use is located.

RECOMMENDATION

Planning Approval: Based upon the preceding, staff recommends that the Planning Commission consider all relevant aspects of the request, and determine if the proposed increased occupancy load associated with the proposed use merits approval or denial, based upon the findings of fact.

LOCATOR MAP



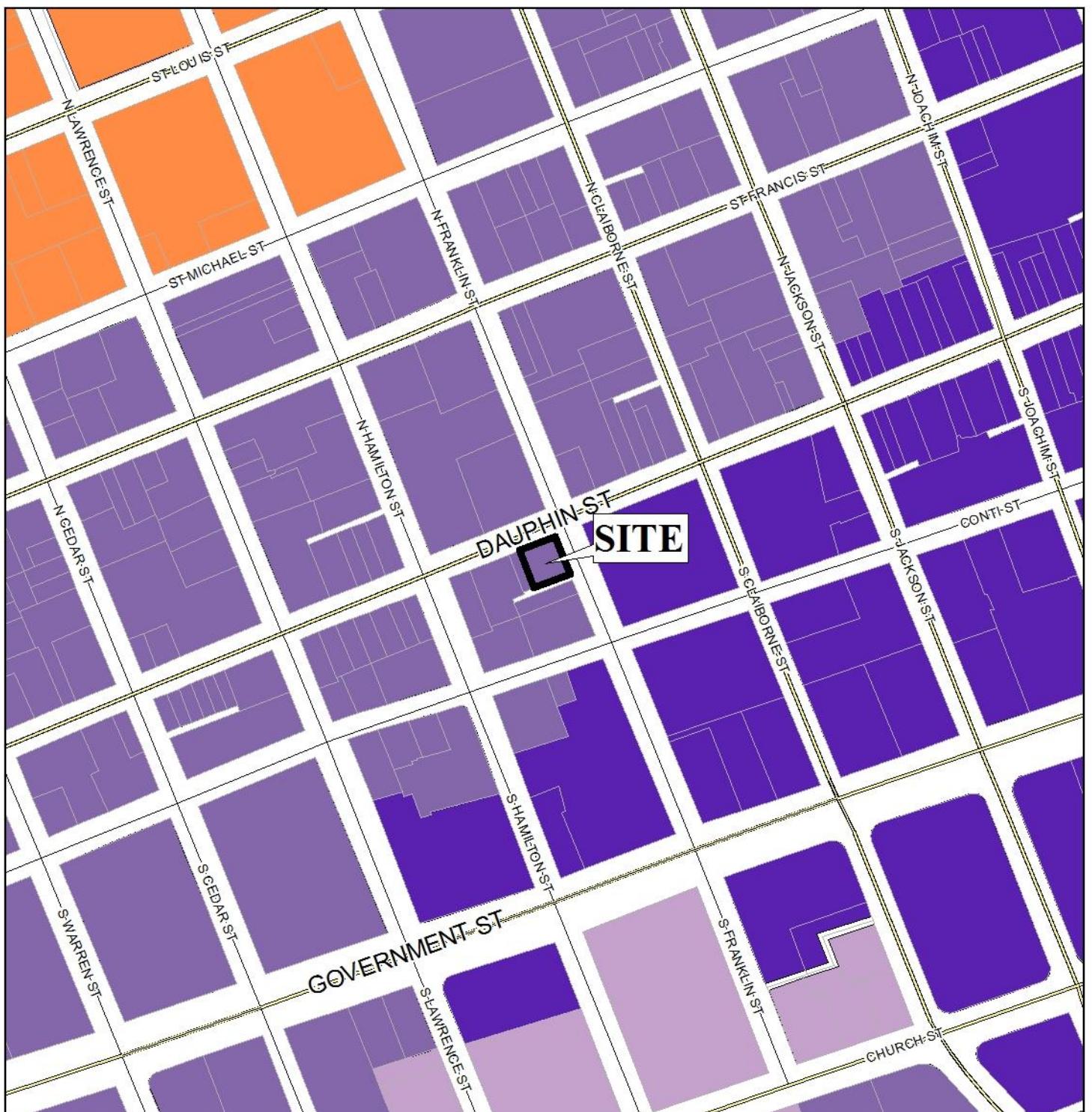
APPLICATION NUMBER 6 DATE January 9, 2020

APPLICANT Cabana Royale, LLC

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LOCATOR ZONING MAP



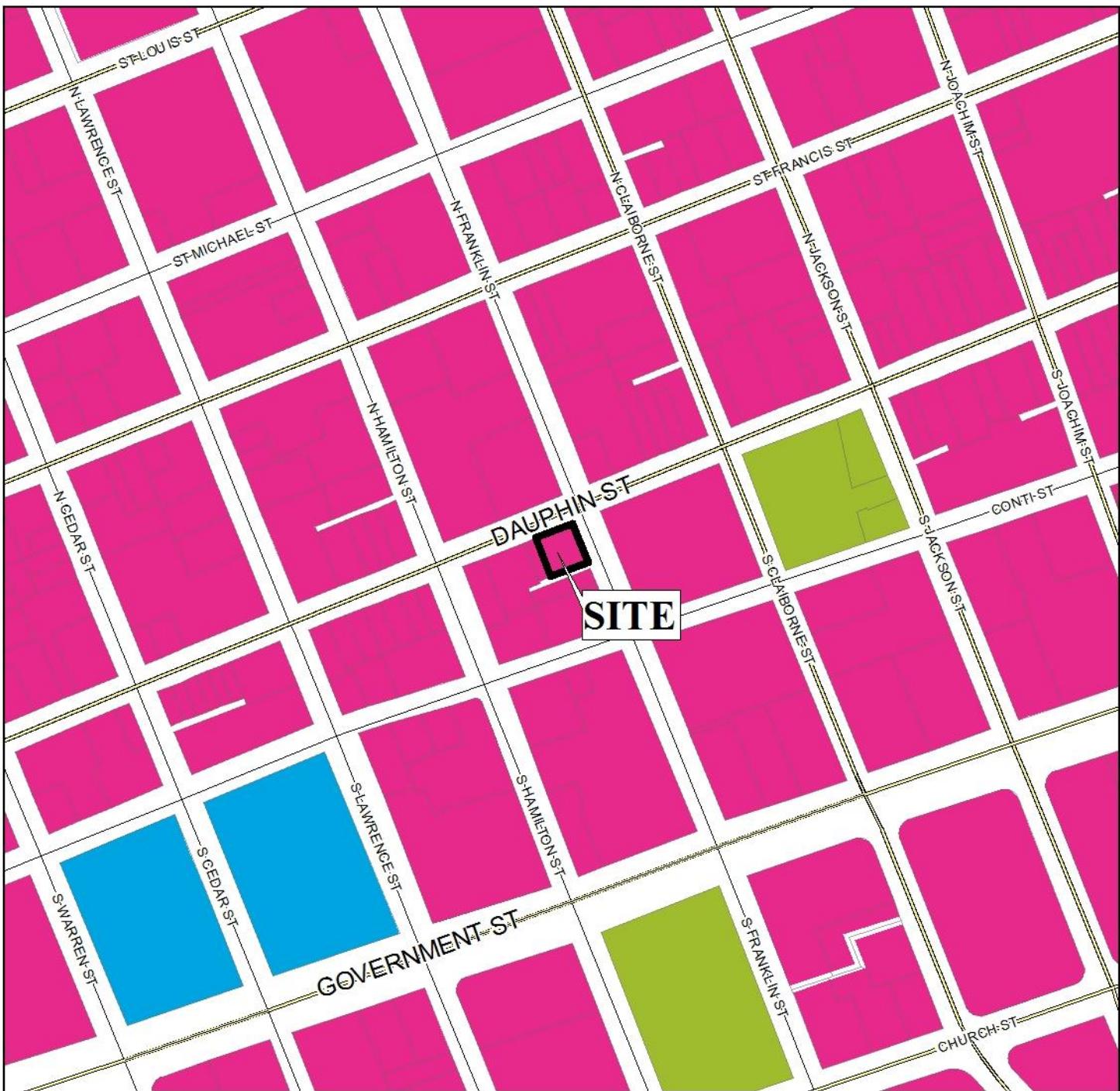
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FLUM LOCATOR MAP



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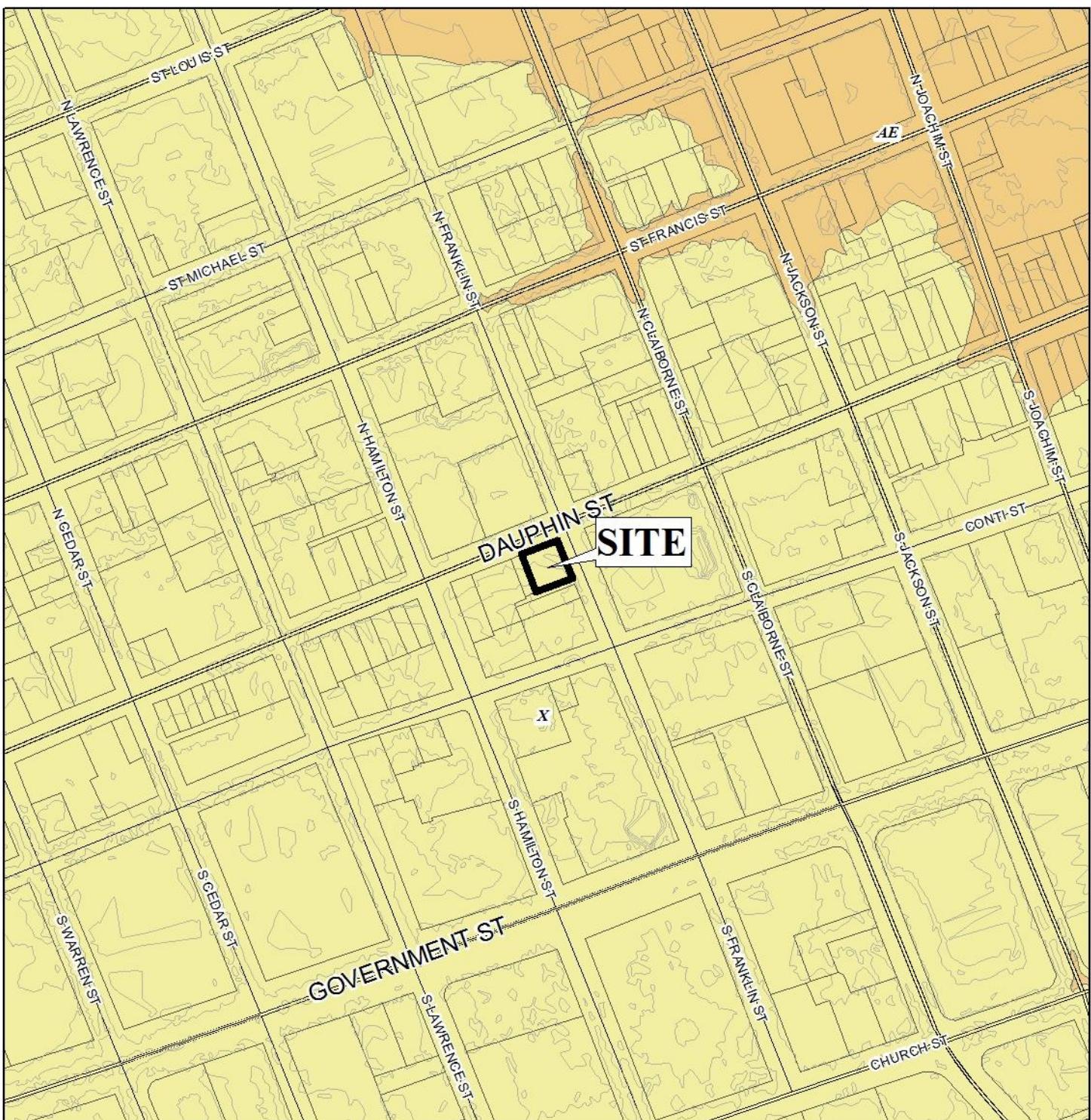
APPLICANT Cabana Royale, LLC

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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	Institutional
District Center	Mixed Commercial Corridor		

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ENVIRONMENTAL LOCATOR MAP



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous commercial and residential units.

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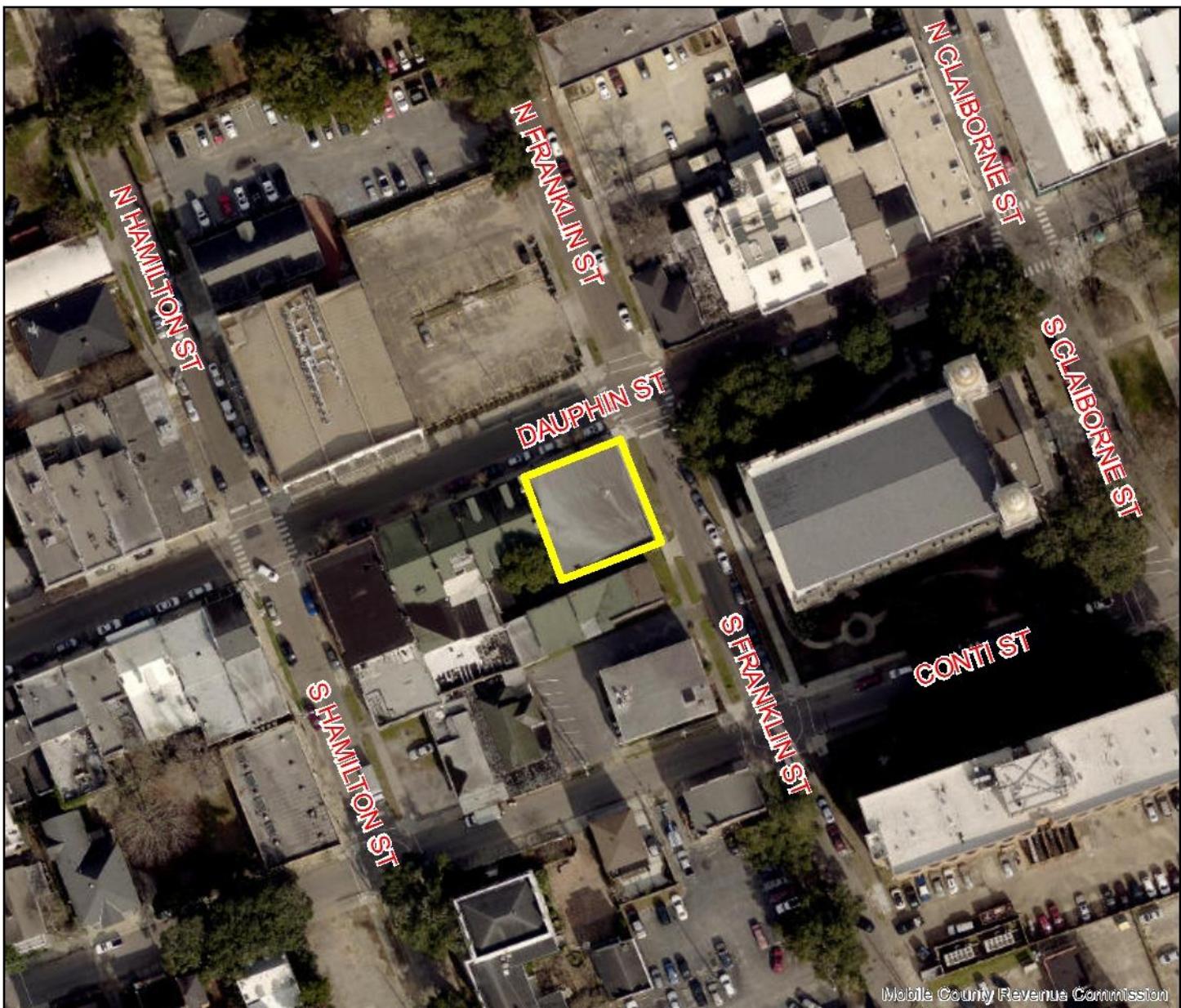
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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



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**PLANNING COMMISSION
VICINITY MAP - EXISTING AERIAL**



The site is surrounded by miscellaneous commercial and residential units.

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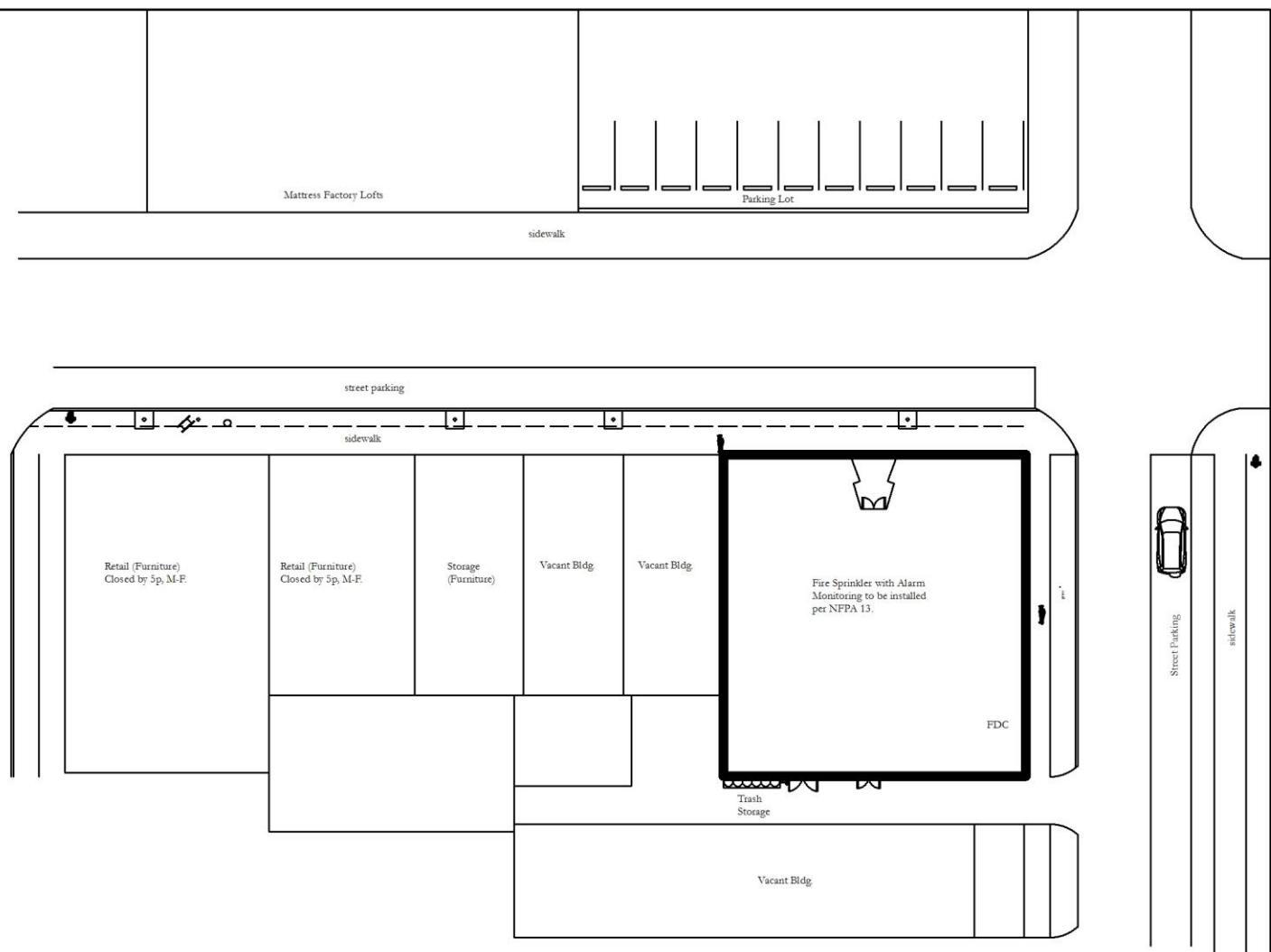
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SITE PLAN



The site plan illustrates the existing building, and surrounding buildings.

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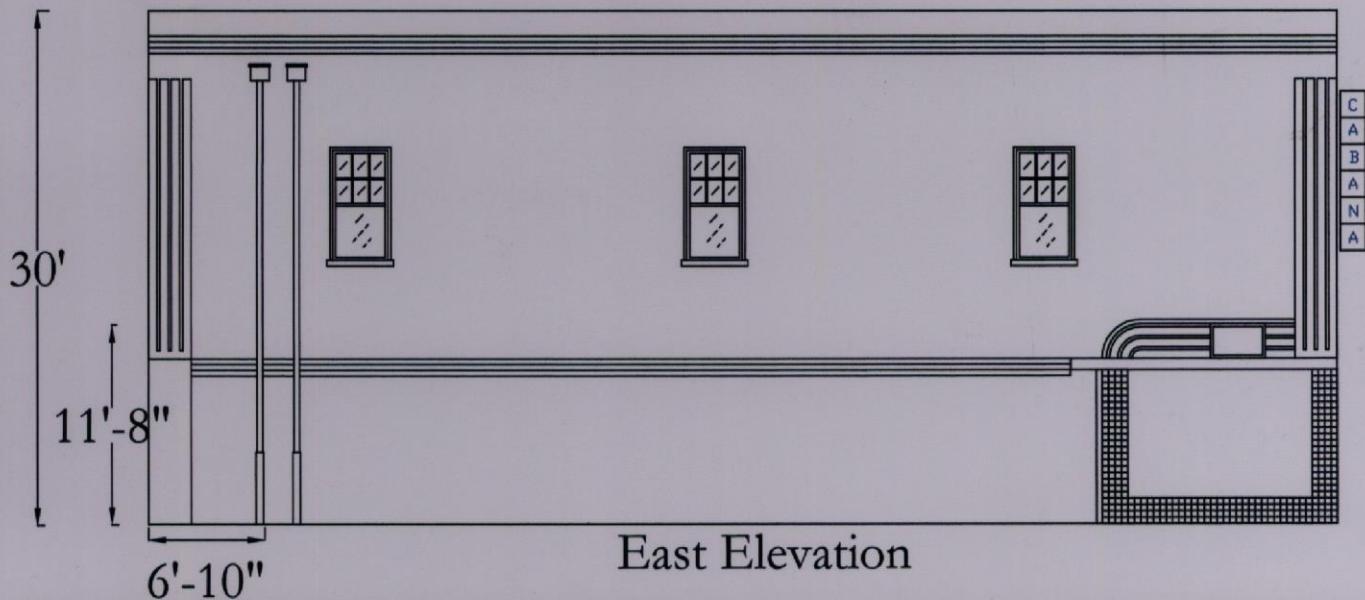


DETAIL SITE PLAN



North Elevation

70'



East Elevation

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