

**PLANNING APPROVAL STAFF REPORT****Date: August 19, 2021****NAME**

Steve Stone

**LOCATION**213 Conti Street  
(South side of Conti Street, 56'± East of South Joachim Street)**CITY COUNCIL  
DISTRICT**

District 2

**PRESENT ZONING**

T-5.2 Mixed Use - Medium Intensity Subdistrict

**AREA OF PROPERTY**

0.07± Acres

**CONTEMPLATED USE**

Planning Approval to allow a bar with an occupancy load over 100 in a T-5.2 Sub-district of the Downtown Development District.

**TIME SCHEDULE  
FOR DEVELOPMENT**

Late 2021 / Early 2022

**ENGINEERING  
COMMENTS**

1. 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.
2. 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.
3. 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.

**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 [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 a bar with an occupancy load over 100 in the Downtown Development District. Planning Approval is required for bar uses with an occupant load of more than 100 people in T-5.1 Subdistricts.

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.

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 applicant states:

*Application description*

*The project at hand is to renovate the existing second floor rear porch deck, construct a new staircase from the second floor rear porch deck to a newly constructed roof deck. The roof deck will have a small non-enclosed bar, and storage. A small raised portion, approximately 36" in height above the roof deck will be constructed to surround an existing HVAC rooftop unit. If approved by the Planning Commission, The permit documents would be submitted to the City within 30 days and once approved by the City, construction would begin and would be completed later in 2021 or early 2022.*

*The current occupant load for the building is 237. This project proposes to add 49 occupants to the roof deck, bringing the proposed occupant load for the entire building to 286. To provide additional protection resulting from the additional occupant load, the Owner shall provide a new sprinkler system throughout the building.*

*Plan Consistency Statement*

*Located in a T5.2 (Mixed use of medium intensity) zone, the project is consistent with the framework laid out by the City in that it will be simply expanding on the current bar use. While this project does not lie within either the Lower Dauphin or Church Street East Historic District, we feel the design is sympathetic to adjacent districts and would not impair either. The positioning of the bar structure was designed to be far enough removed from Conti Street as to not be visible when looking directly from across the street. Because the adjacent lot is a parking lot, it could be seen from the east, but there's no avoiding that.*

Since 2015, fourteen (14) 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

The applicant proposes to add a roof-top bar to a bar that has existed prior to the adoption of the DDD, with an existing occupant load of 237. The proposed addition will increase the occupant load by 49, for a total of 286. There have been no 311 complaints regarding the existing use of the site.

There is no on-site parking available, however the DDD does not require parking. There are several public parking lots and on-street parking available in the area.

The subject site is located in an entertainment district. Roof decks are gaining popularity in urban areas, and the occupant load request is consistent with recent requests for other businesses of this size.

Furthermore, it should be noted that the roof-top bar and any other exterior improvements to the site will require approval from the Consolidated Review Committee prior to the issuance of building permits.

## **RECOMMENDATION**

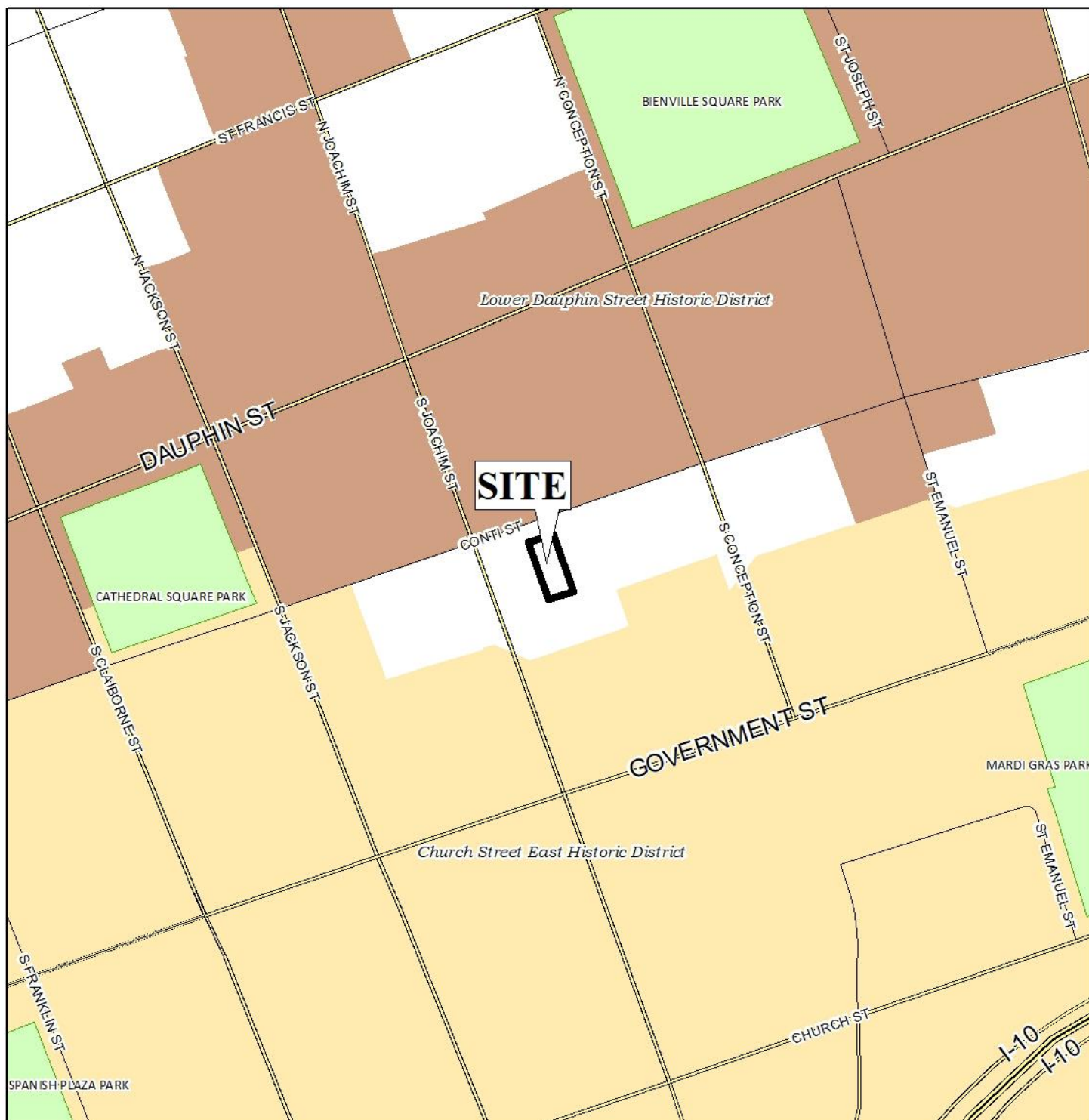
**Planning Approval:** Staff recommends the following Findings of Fact for Approval of the Planning Approval request:

- 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 the site is located within the developed downtown 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 the area contains available commercial off-site and on-street parking; and
- c. The proposal will be in harmony with the orderly and appropriate development of the district in which the use is located, because similar uses and approvals have been granted within this area, and the existing business has operated without complaints from neighbors.

Staff recommends that the Approval be subject to the following conditions:

- 1) obtaining of all necessary permits for the addition;
- 2) any increase in the occupancy load above 286 persons will require new Planning Approval to be obtained from the Planning Commission;
- 3) obtaining of approval from the Consolidated Review Committee prior to the permitting of any exterior alterations to the structure, including signage;
- 4) compliance with Engineering comments: (*1. 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. 2. 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. 3. 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) compliance with the 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.); and*
- 6) 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). 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.); and*
- 7) full compliance with all municipal codes and ordinances.

# LOCATOR MAP



APPLICATION NUMBER 8 DATE August 19, 2021

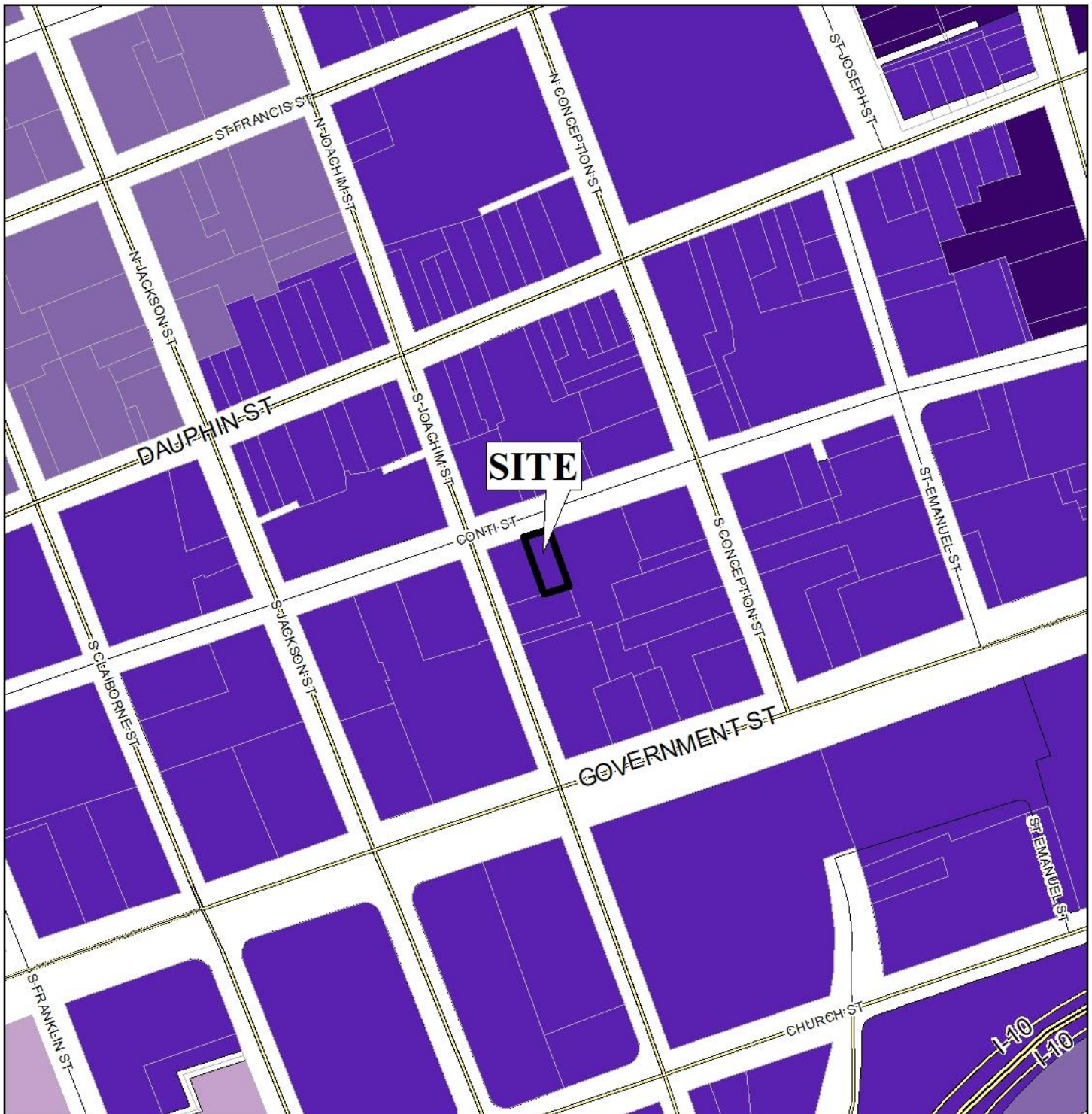
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# LOCATOR ZONING MAP



APPLICATION NUMBER 8 DATE August 19, 2021

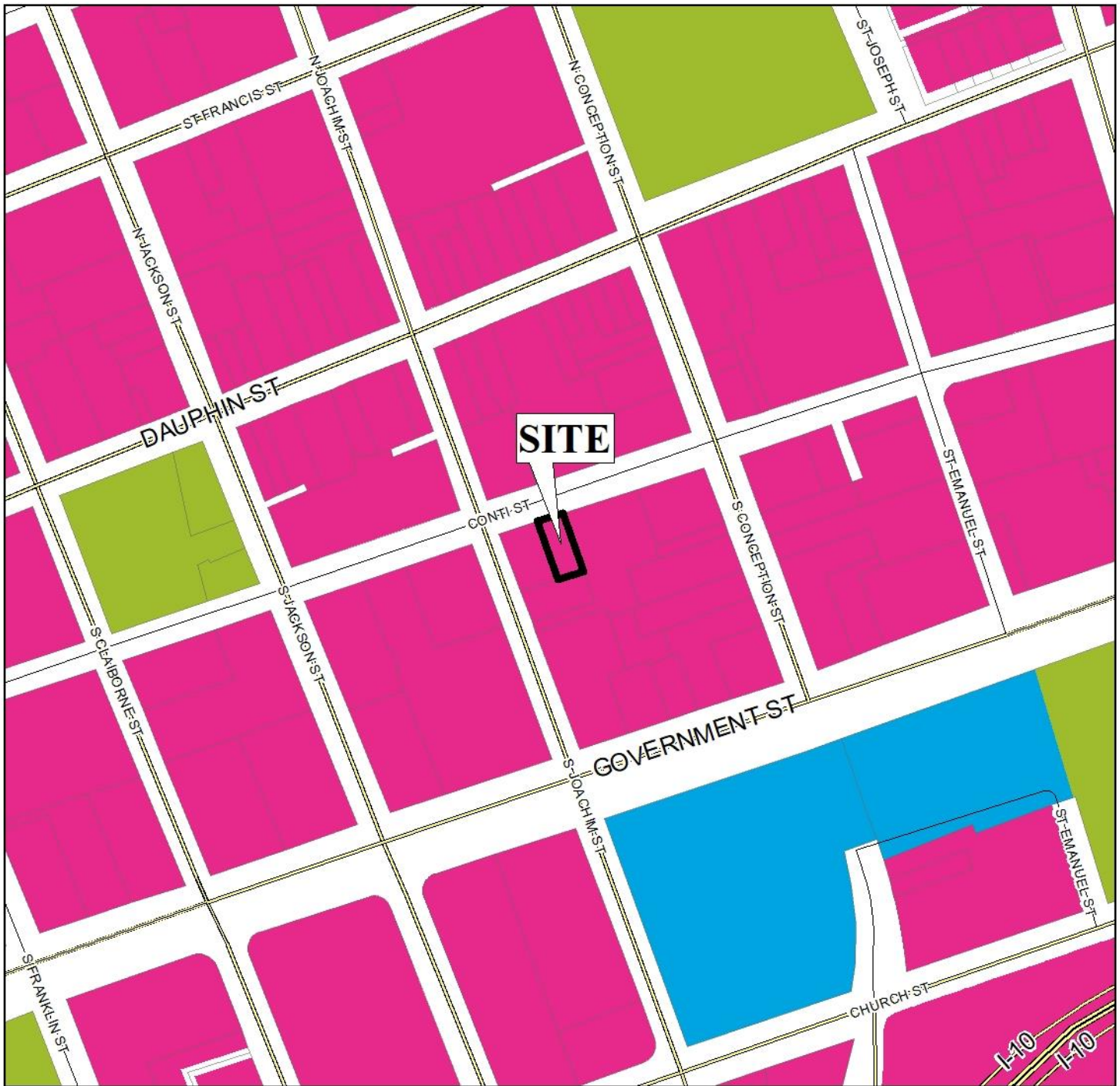
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# FLUM LOCATOR MAP



APPLICATION NUMBER 8 DATE August 19, 2021

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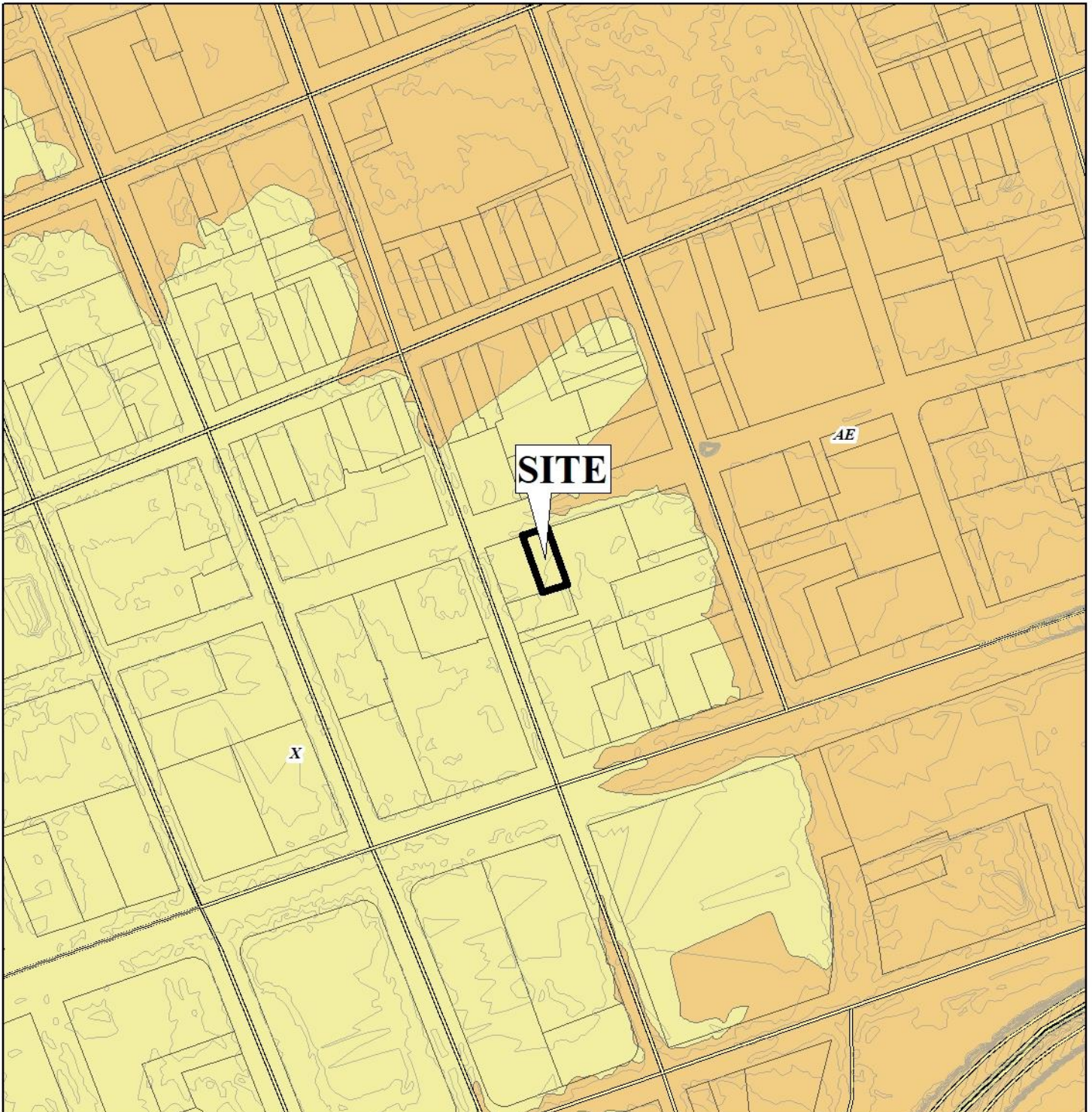
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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





# ENVIRONMENTAL LOCATOR MAP

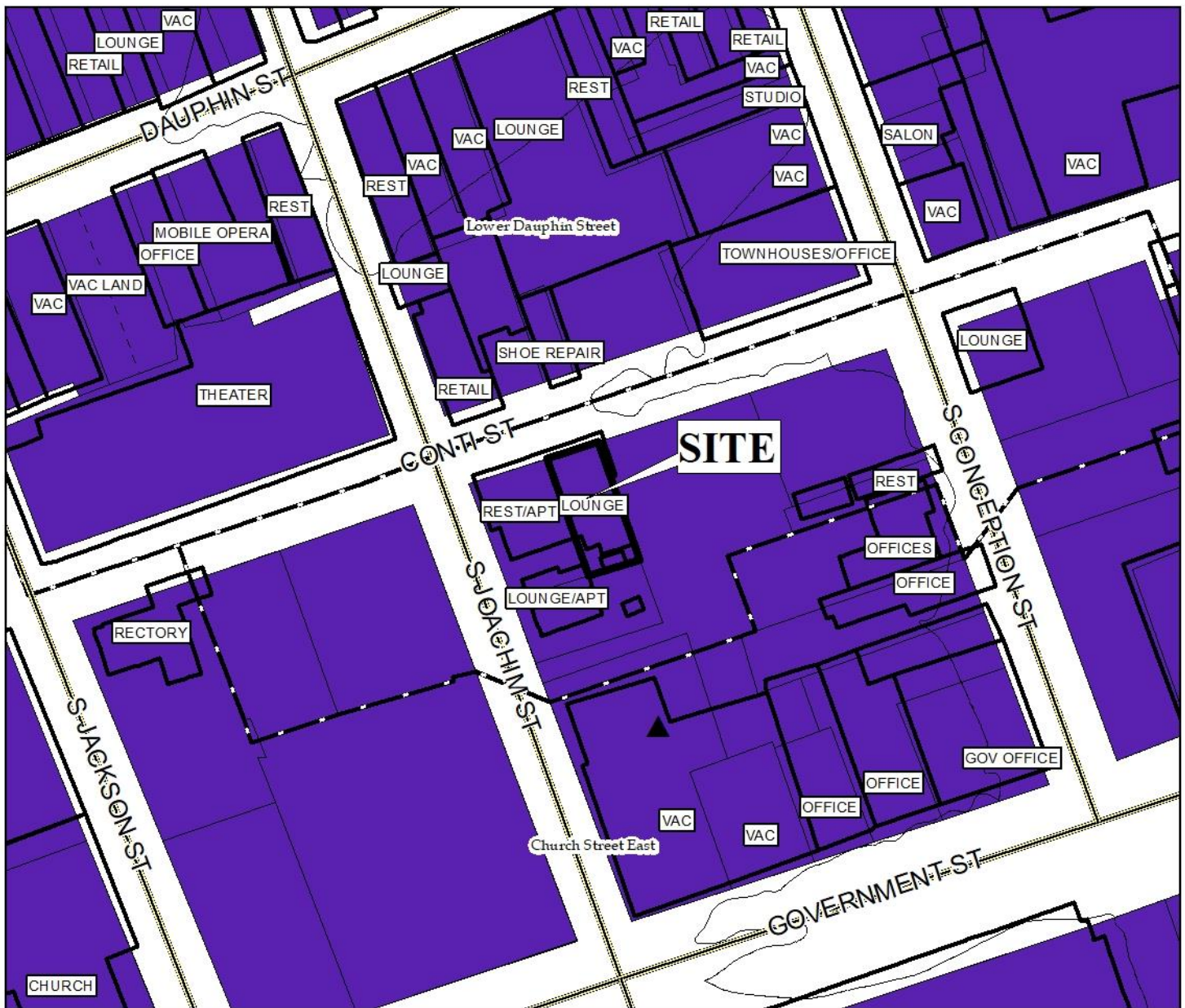


APPLICATION NUMBER 8 DATE August 19, 2021  
APPLICANT Steve Stone  
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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units and a church to the west.

APPLICATION NUMBER 8 DATE August 19, 2021

APPLICANT Steve Stone

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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

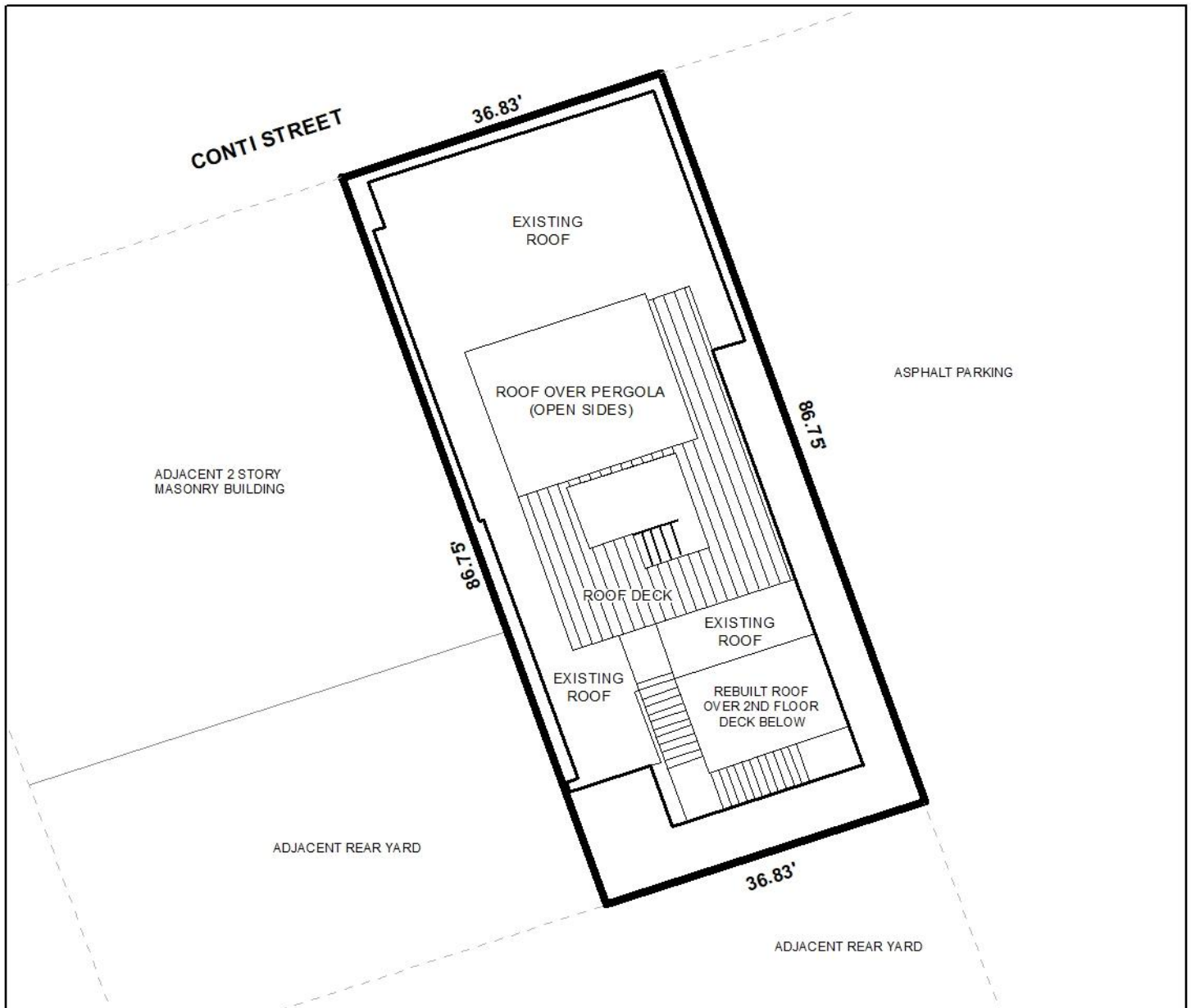


The site is surrounded by commercial units and a church to the west.

APPLICATION NUMBER	8	DATE	August 19, 2021
APPLICANT	Steve Stone		
REQUEST	Planning Approval		



# SITE PLAN



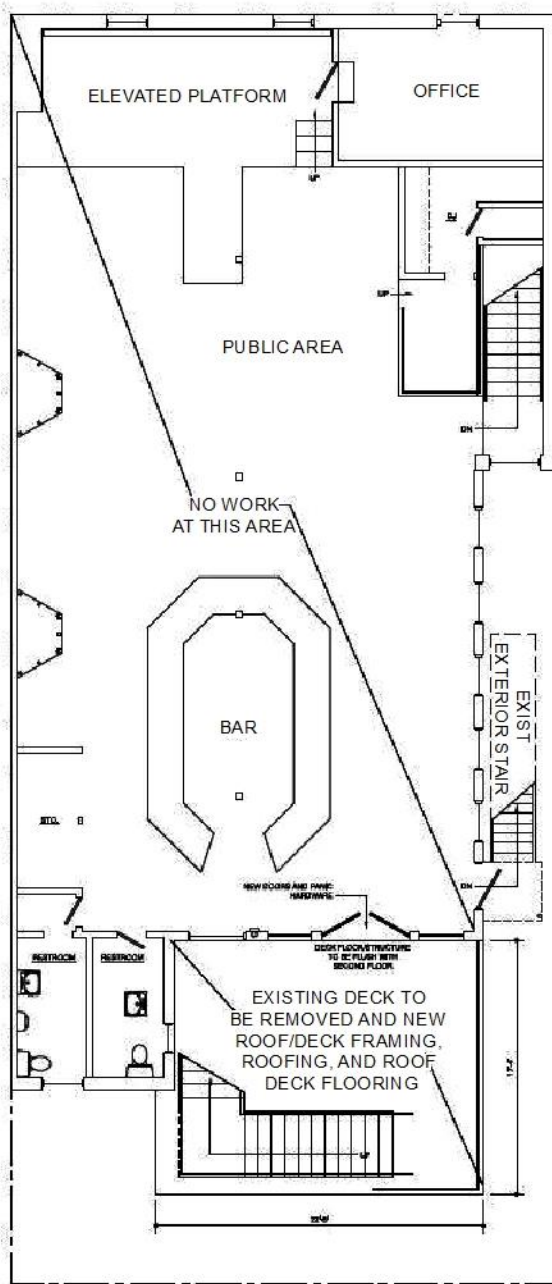
The site plan illustrates existing roof and proposed roof deck.

APPLICATION NUMBER 8 DATE August 19, 2021  
APPLICANT Steve Stone  
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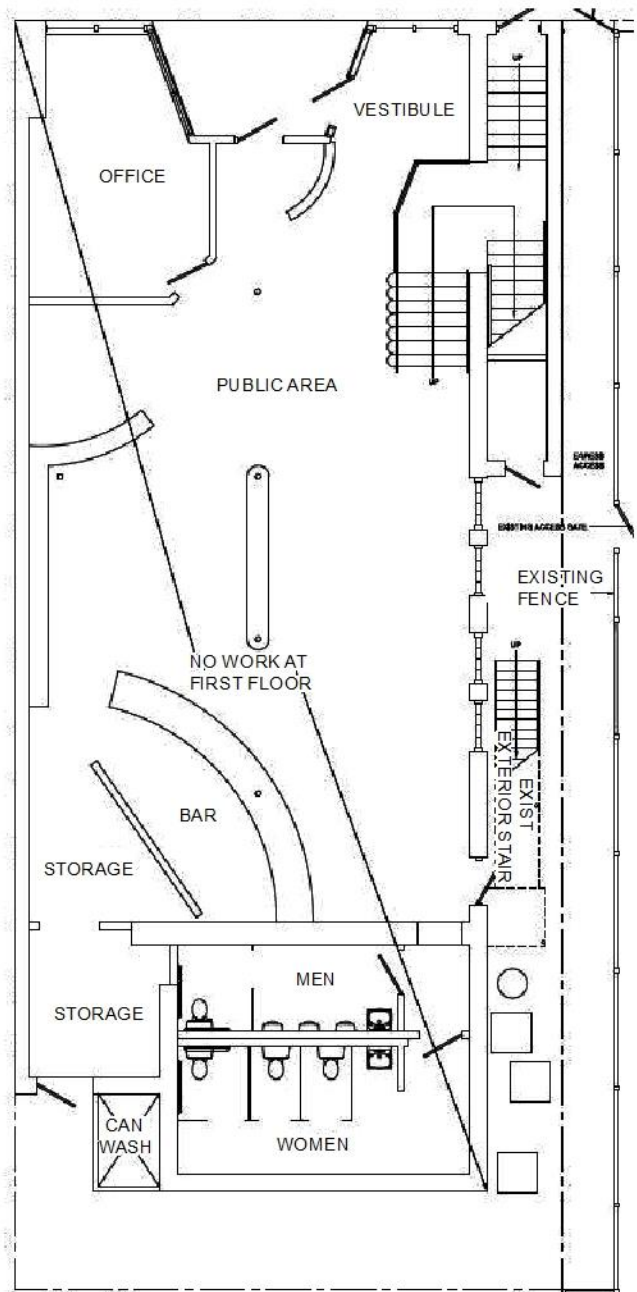




# DETAIL SITE PLAN



SECOND FLOOR PLAN



FIRST FLOOR PLAN

APPLICATION NUMBER 8 DATE August 19, 2021

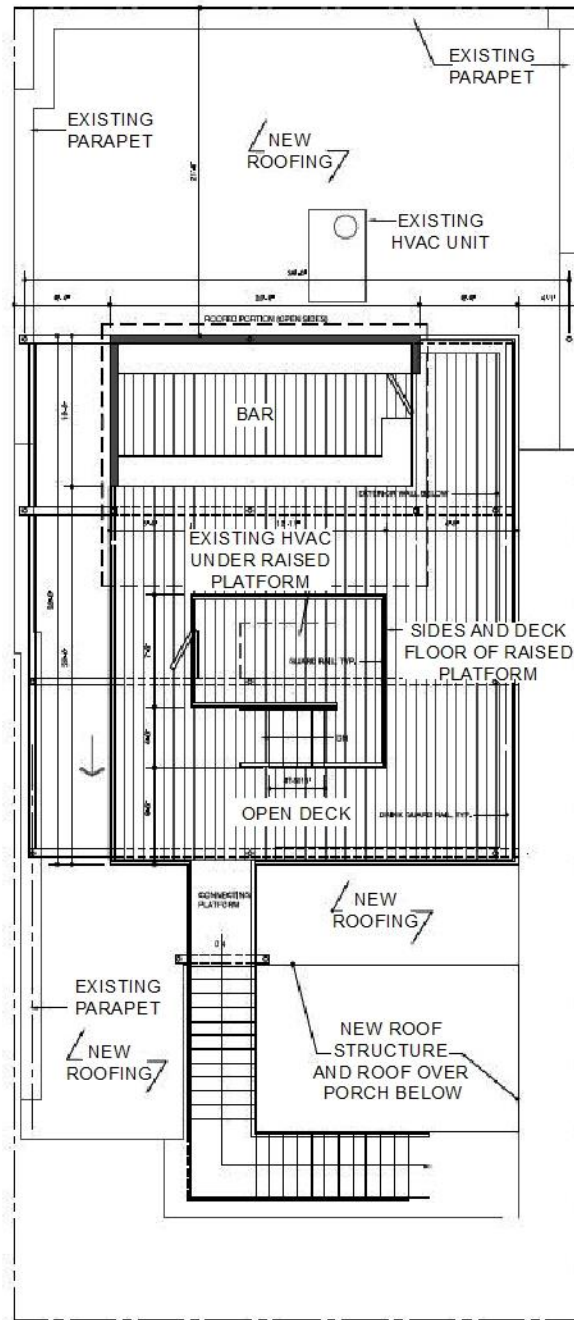
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NTS

# DETAIL SITE PLAN

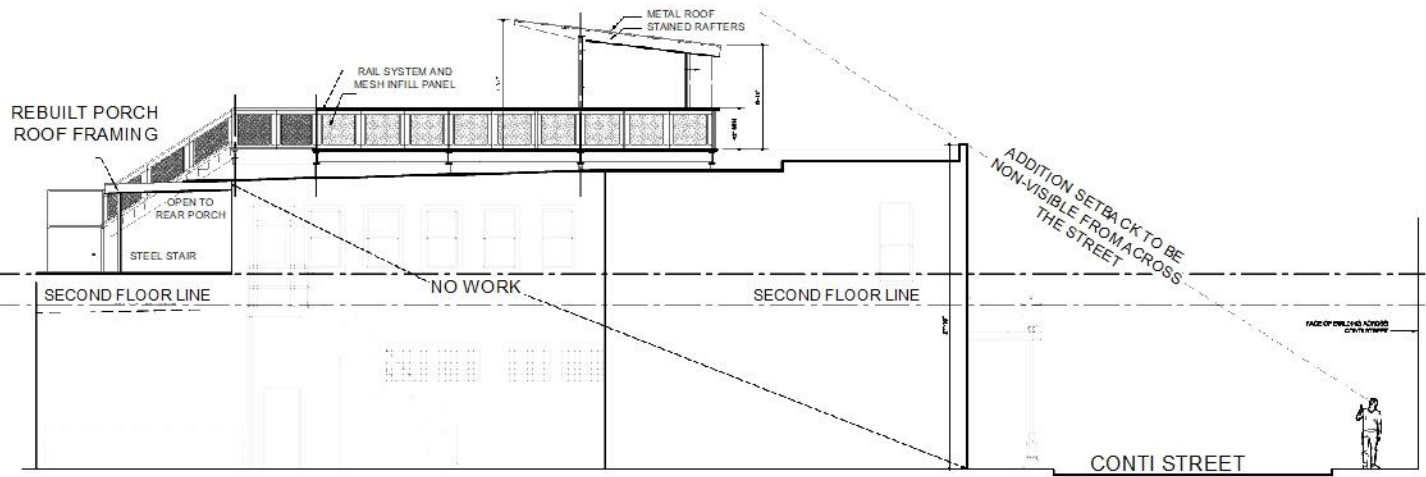


ROOF PLAN

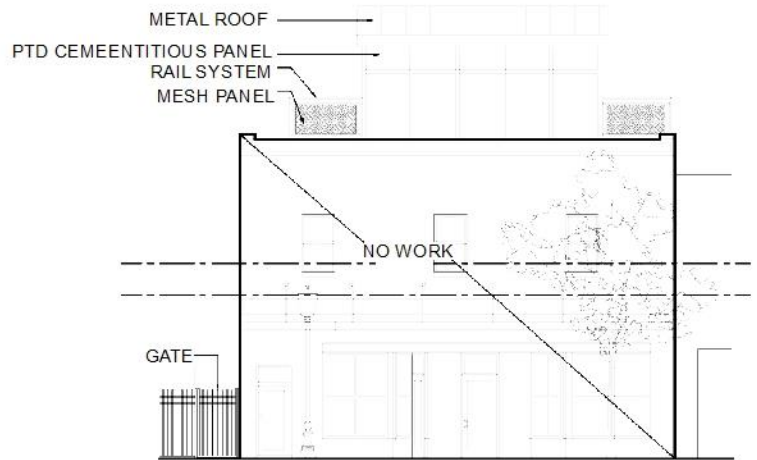
APPLICATION NUMBER 8 DATE August 19, 2021  
 APPLICANT Steve Stone  
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# DETAIL SITE PLAN



**PROPOSED EAST ELEVATION**



**PROPOSED NORTH ELEVATION**

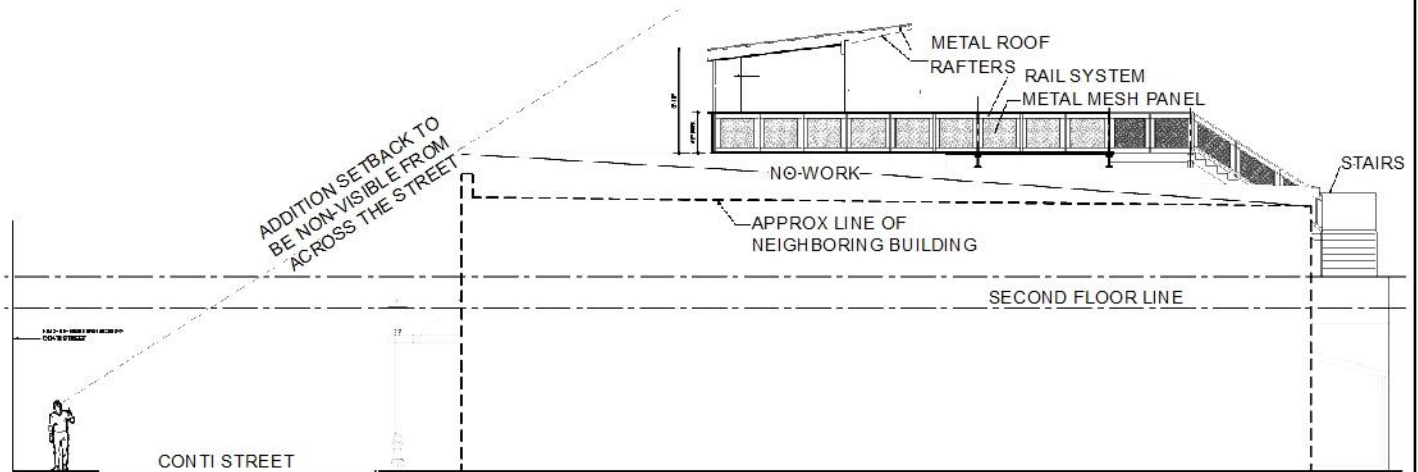
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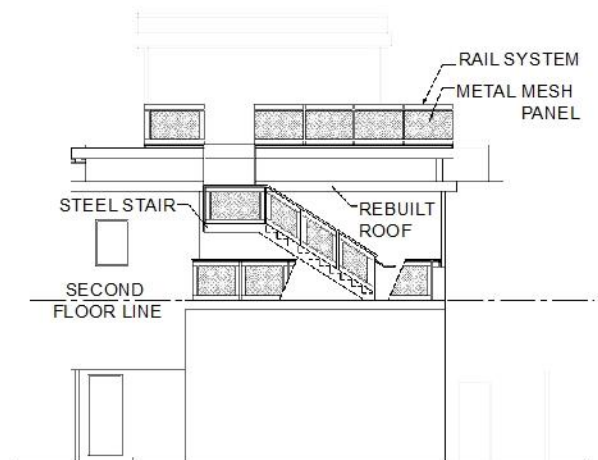
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# DETAIL SITE PLAN



**PROPOSED WEST ELEVATION**



**PROPOSED SOUTH ELEVATION**

APPLICATION NUMBER 8 DATE August 19, 2021

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