

PLANNING APPROVAL STAFF REPORT**Date: March 5, 2015****NAME**

Chakli Diggs

LOCATION455 Dauphin Street
(South side of Dauphin Street, 50'± West of South
Hamilton Street)**CITY COUNCIL
DISTRICT**

District 2

PRESENT ZONING

Form Based Code T5.1

AREA OF PROPERTY

0.66± Acres

CONTEMPLATED USEPlanning Approval to allow a restaurant with a maximum
building occupancy of 148 persons (including employees),
in the Downtown Development District.**TIME SCHEDULE
FOR DEVELOPMENT**

Within 60 days of permit issuance.

**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 (State Act
61-929 and City Code Chapters 57 and 64).**FIRE DEPARTMENT
COMMENTS**All projects within the City of Mobile Fire Jurisdiction
must comply with the requirements of the 2009 International Fire Code, as adopted by the City
of Mobile.**REMARKS**The applicant is requesting Planning Approval to allow a
restaurant with a maximum building occupancy of 148 persons (including employees), in the
Downtown Development District (DDD). The Form Based Code Ordinance requires Planning
Approval for restaurants with occupancy loads over 100 persons in a T5.1 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 applicant is requesting approval of the stated occupant load (over 100 occupants) based on the requirement of the new Downtown Development District Code. These calculations are based upon the usage of the space as a two-story restaurant with associated kitchen, restrooms and other back-of-house functions.

The applicant does not believe the proposed amendment will do anything besides improve the surrounding properties. That stretch of Dauphin Street has multiple vacancies and is in need for infill establishments such as that of this proposal"

The subject site has been used fairly consistently as a restaurant and/or bar since at least 1992. It is located within a mixed-use area of Lower Dauphin Street consisting of retail, offices, residential and vacant properties. As the proposed re-use is consistent with the use history for the past 23 years, the restriction of the occupancy load below what the building can safely accommodate according to the Building Code and Fire Department limits would certainly seem out-of-character with the on-going efforts to revitalize this area. If this were a totally new use and change of occupancy for the building, or new construction, the enforcement of the 100-person maximum occupancy load could be considered in order for the area. However, the request for the 148-person occupancy load would seem in order as the scope and nature of the proposed use would not appear to create an undue burden or negative impact on adjacent uses. And as the site is within an existing building, there would be no requirement for on-site parking.

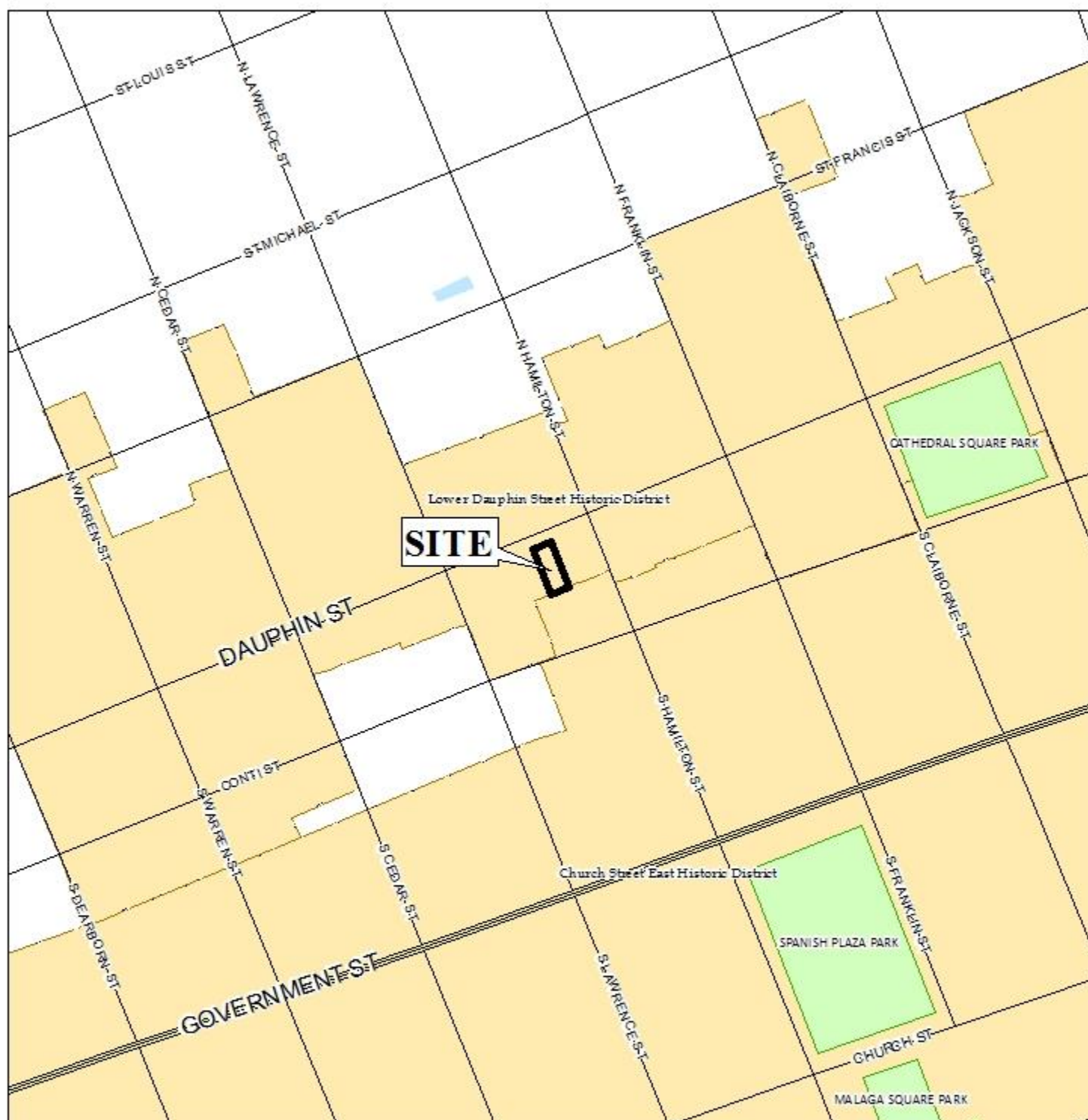
The proposed re-use would be in keeping with the previous use and occupancy load restrictions, and to not allow the restaurant to achieve its full customer and employee safe capacity potential would not be justified. Therefore, staff recommends that this request be approved.

RECOMMENDATION

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

- 1) obtaining of all necessary permits for the building's renovation;
- 2) the occupancy load not to exceed that as rated by the Building Code and Fire Department;
- 3) compliance with the Fire Department comments; and
- 4) full compliance with all municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 16 DATE March 5, 2015

APPLICANT Chakli Diggs

REQUEST Planning Approval



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 ZONING

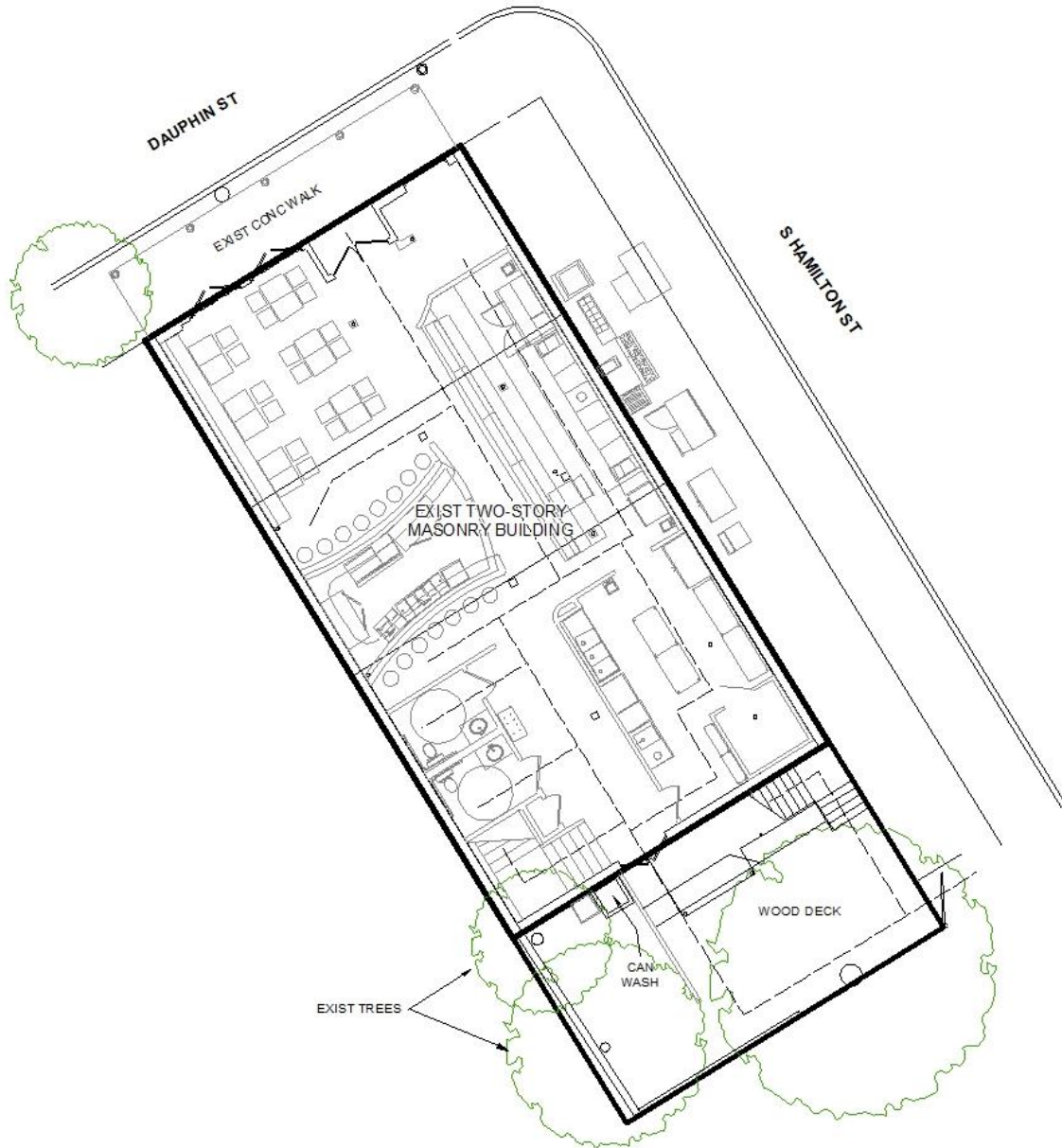


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SITE PLAN



The site plan illustrates the existing building, and the interior renovations.

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NTS