

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: January 4, 2016****CASE NUMBER**

6022

APPLICANT NAME

Wells Ventures, LLC

LOCATION600 Government Street
(Northwest corner of Government Street and South Warren Street)**VARIANCE REQUEST****USE:** Use Variance to allow the processing of food and beverage products in a T5.1 Zoning Sub-District in the Downtown Development District.**ZONING ORDINANCE
REQUIREMENT****USE:** The Zoning Ordinance requires a minimum of a SD-WH Zoning Sub-District to allow the processing of food and beverage products in the Downtown Development District.**ZONING**

T-5.1 Zoning Sub-District

AREA OF PROPERTY

43,406 square feet / 0.99 ± Acres

**CITY COUNCIL
DISTRICT**

District 2

**ENGINEERING
COMMENTS**

If the variance is approved for use the applicant will need to have the following conditions met:

1. Submit and receive a Land Disturbance Permit for the proposed site development through Central Permitting. The proposed improvements 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.
2. Submit a ROW Permit (City of Mobile) for the work within the public ROW.

**TRAFFIC ENGINEERING
COMMENTS**

The estimated trip generation for this establishment would greatly exceed the estimated trip generation for the previous establishment (automobile care center). As such, the Board should consider requiring the applicant, at a minimum, to close one driveway on Government Street. Since Government Street is an ALDOT maintained roadway, ALDOT approval of the site driveway(s) on Government Street should be necessary. An

additional driveway on Warren Street may be appropriate based on ALDOT access management requirements. The proposed parking layout on the south side of the building may require maneuvering in the right-of-way, obstructing the sidewalk. Required access changes on Government Street would be a safety improvement for both vehicles and pedestrians.

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). The site is located within two historic districts, thus the trimming or removal of any 8 inch or larger tree from the site (other than popcorn, water oak or camphor trees) will require a tree trimming/removal permit. Any proposed trimming or removal of trees within the right-of-way will require an application to the Mobile Tree Commission.

FIRE

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)

ANALYSIS

The applicant is requesting a Use Variance to allow the processing of food and beverage products in a T-5.1 Zoning Sub-District in the Downtown Development District; the Zoning Ordinance requires a minimum of a SD-WH Zoning Sub-District to allow the processing of food and beverage products in the Downtown Development District.

The site is located within two historic districts: the Lower Dauphin Street Historic District and the Church Street East Historic District. Any exterior improvements to the site and building will require review by the Architectural Review Board. Exterior improvements to the building and site must also be reviewed and approved by the Consolidated Review Committee prior to the issuance of any permits for exterior or site work.

The application included the following narrative:

The applicant intends to have both a use which is categorized in the Zoning Ordinance as "processing of food and beverages", as well as also having a "café", serving food and on-premise alcohol consumption to less than a hundred people. Under the Downtown Development District (DDD) as it is currently written, the "processing of food and beverage products" is only allowed in a SD-WH District, and "café" is not addressed at all. The proposed amendments to the DDD will allow a café serving less than a hundred people by right in a T 5.1 District, but approval of those amendments could take months, and is not guaranteed.

We believe there is serious error in the DDD by not addressing the use of a café in any of the downtown districts. Since rezoning is frowned upon in the DDD, a variance is our only legal alternative. If the amendments are approved as written, the café would be allowed by right, and we would need to seek a variance for the manufacture of beer for all premise consumption.

The building on the property in question is perfect for our intended uses, and will need no new construction, other than exterior renovations as shown on the attached elevations. There will be no exterior noise or smell associated with the brewing process. It is interesting to note that under the amendments proposed to the DDD, a "brew pub", which does manufacture beer on premises, would be allowed with Planning Approval in a T 5.1 District, indicating that there is no noise or smell which would have a negative impact on the surrounding properties.

The area in question is perfect for this type of "mixed use". This area of Government Street has three fast food restaurants in the immediate vicinity. The site has sufficient on-site parking, and is also within walking distance of the Dauphin Street entertainment district, from where many of our patrons will come via foot. This use will have no negative impact on the surrounding area, but will, instead, have a positive impact on the redevelopment and regrowth of this part of downtown.

Additionally, the applicant states the following:

In the early 1990's a beer revival in Alabama began with the ratification of the Alabama Brewpub Act {Code of Alabama 1975, Title 28, Chapter 4A} which created a hybrid of restaurant and brewery that hand make and serve their beer on site. The City of Mobile, the Port City, was proposed to be the site of Alabama's first brewery since Prohibition. One of the original purposes of the Brewpub Act was to spur redevelopment in vacant downtown and historic business districts. Therefore, the Port City Brewery opened in 1993 and became an anchor and hub in what is now known as the Lower Dauphin Entertainment District or LODA. Numerous other brewpubs sprang up in other major Alabama cities beginning in 1995. The Mobile brewpub was key to many other restaurant and music venue developments downtown and continued to operate under several names and groups until 2006 when property managers desired to redevelop the building into offices and a smaller tenet leased restaurant space. It was a tremendous success in many ways, but the laws that allowed brewpubs would eventually lead to the downfall of them all; a restriction to growth and market access. It was a true loss to the growing downtown districts. In 2011, the Brewery Modernization Act helped ease some of those restrictions resulting in over 25 independent breweries in nearly every major population area in the State — except Mobile. Serda Brewing Company has a plan to remedy that.

A new niche in craft breweries that branch away from the brewpub example is the brewery tap-room and this concept is showing unprecedented success. The model is a hybrid of a small scale brewery that kegs and packages beer for distribution, and a hospitality area that features a tasting room and tours, a lounge area, and in-house promotional events. Sometimes a limited kitchen is featured, but food is usually delivered from other nearby restaurants or through food truck vendors. Serda Brewing Company is an ideal fit for this location.

Serda Brewing Company and the L ODA district will benefit from each other:

- *The property has been unoccupied for about 5 years and is in disrepair*

- *An occupied and operating business will increase security in the immediate area*
- *Extensive landscaping and property improvements are planned*
- *Features of the building are suitable for renovation as a brewery and tap room*
- *A brewery or brewpub downtown has always been a popular destination*
- *The location is directly on a Mardi Gras parade route and will be a feature to revelers*
- *A brewery is known to draw tourists and locals into a city's entertainment district*
- *Area restaurants will see additional business due to the customers a brewery will draw*
- *Area bars and restaurants will be able to sell the brewery's beer brands if they wish*
- *A brewery of this size will initially employ 18-20 full time staff of median salary*
- *Mobile can have another pearl that it can be proud of*
- *A brewery invests in the community through sponsorship and philanthropy*
- *This type of business is manufacturing, retail and hospitality*
- *Tax revenue is generated through all retail sales and on all tiers of production excise*

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The applicant incorrectly states that “café” is not addressed within the Downtown Development District regulations. The Use Table specifically allows cafes in T-4, T-5.1, T-5.2, T-6, and SD-WH sub-districts, with the understanding that a café has an occupancy load of 100 persons or less. The “processing of food and beverage products” is only allowed within the SD-WH sub-district.

Per the applicant’s submittal, the existing 11,688 ± square foot building (per applicant) will be renovated, and the site itself will be modified to provide a large courtyard and outdoor seating area of approximately 10,670 ± square feet (measured by staff). Existing greenspace on the site, approximately 3,500 square feet, will be replaced with paving to provide a total of 43 parking spaces. New greenspace appears to be proposed around the perimeter of the site.

The changes and improvements to the parking area must include the provision of screening in compliance with Section 64.3.I.11.(b).3. of the Downtown Development District regulations. The site plan should be revised to reflect the screening requirements. Furthermore, changes to

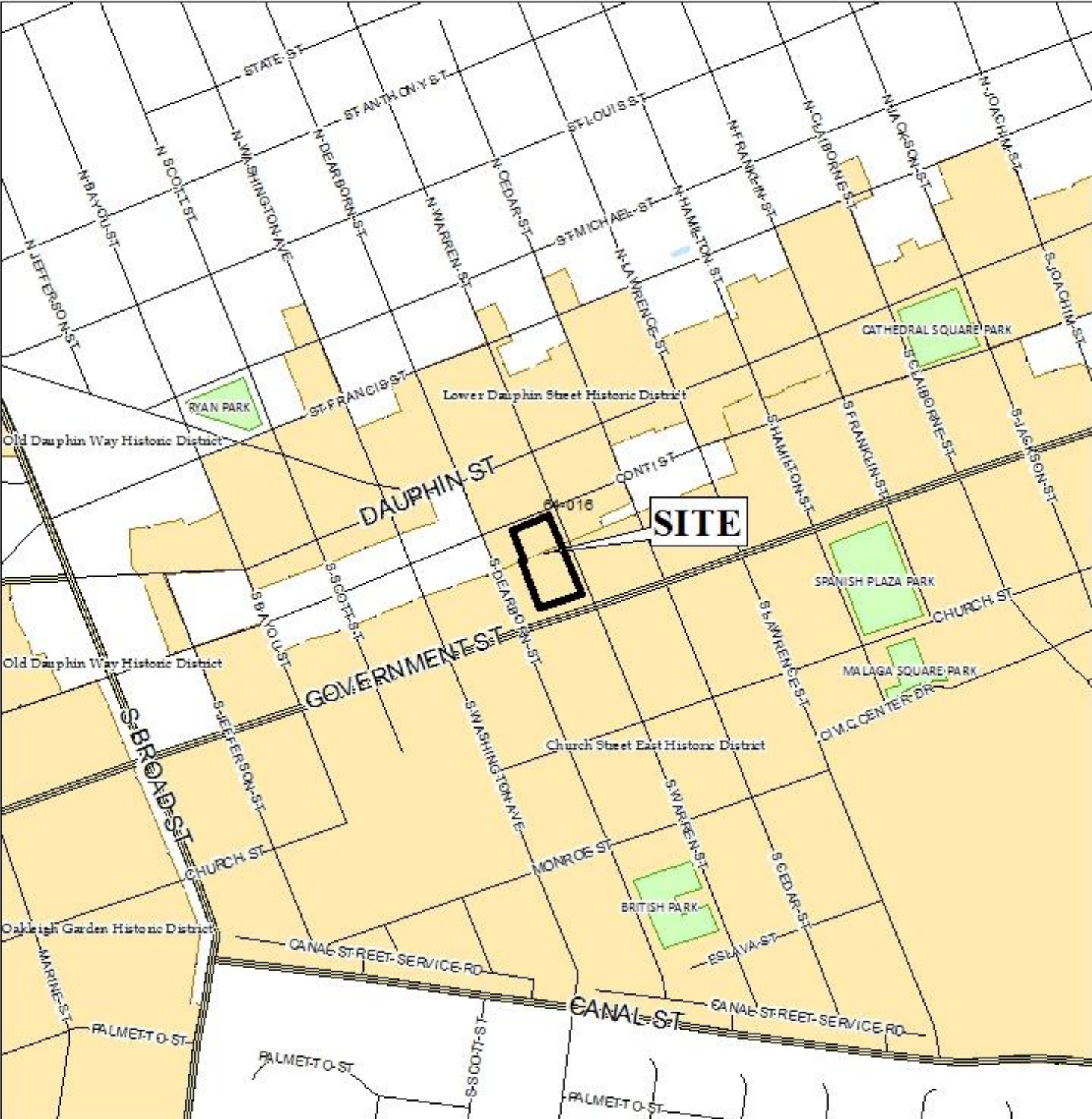
the site, including the removal of existing green space, will require a land disturbance application and full compliance with Engineering Department requirements for sites within flood zones.

No detail has been provided regarding the generally proposed internal layout of the building, the hours of operation of either the food service or brewery aspect of the proposed uses, the anticipated volume of on-site versus off-site sales, production volumes, etc. Also, as the outdoor seating area and courtyard will require occupancy load calculations, there is insufficient information for staff to consider the application, as submitted. If the proposed occupancy (with outdoor areas) is more than 100 people, including the outdoor area, a Planning Approval request to the Planning Commission may be required.

RECOMMENDATION: Based on the preceding, staff recommends the holdover of the request until the February 1, 2016 meeting so that the following can be addressed by January 19th:

- 1) Revised occupancy calculations to reflect the courtyard / outdoor dining area;
- 2) Submission of a Planning Approval request if the total occupancy will be more than 100 people;
- 3) Revision of the site plan to reflect Traffic Engineering comments (*The estimated trip generation for this establishment would greatly exceed the estimated trip generation for the previous establishment (automobile care center). As such, the Board should consider requiring the applicant, at a minimum, to close one driveway on Government Street. Since Government Street is an ALDOT maintained roadway, ALDOT approval of the site driveway(s) on Government Street should be necessary. An additional driveway on Warren Street may be appropriate based on ALDOT access management requirements. The proposed parking layout on the south side of the building may require maneuvering in the right-of-way, obstructing the sidewalk. Required access changes on Government Street would be a safety improvement for both vehicles and pedestrians.*);
- 4) Revision of the site plan to reflect compliance with the parking screening requirements of Section 64.3.I.11.(b).3. of the Downtown Development District regulations;
- 5) Revision of the site plan and narrative to include information regarding the allocation of space between “café” and “processing of food and beverage products” uses;
- 6) Revision of narrative to include information about hours of operation for each of the proposed uses;
- 7) Revision of the narrative to include information of on-site versus off-site sales volumes (projected production capacity); and
- 8) Provision of any additional information the applicant may deem relevant regarding the variance request.

LOCATOR MAP



APPLICATION NUMBER 6022 DATE January 4, 2015

APPLICANT Wells Ventures, LLC

REQUEST _____ Use Variance



NTS

BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

APPLICATION NUMBER 6022 DATE January 4, 2015

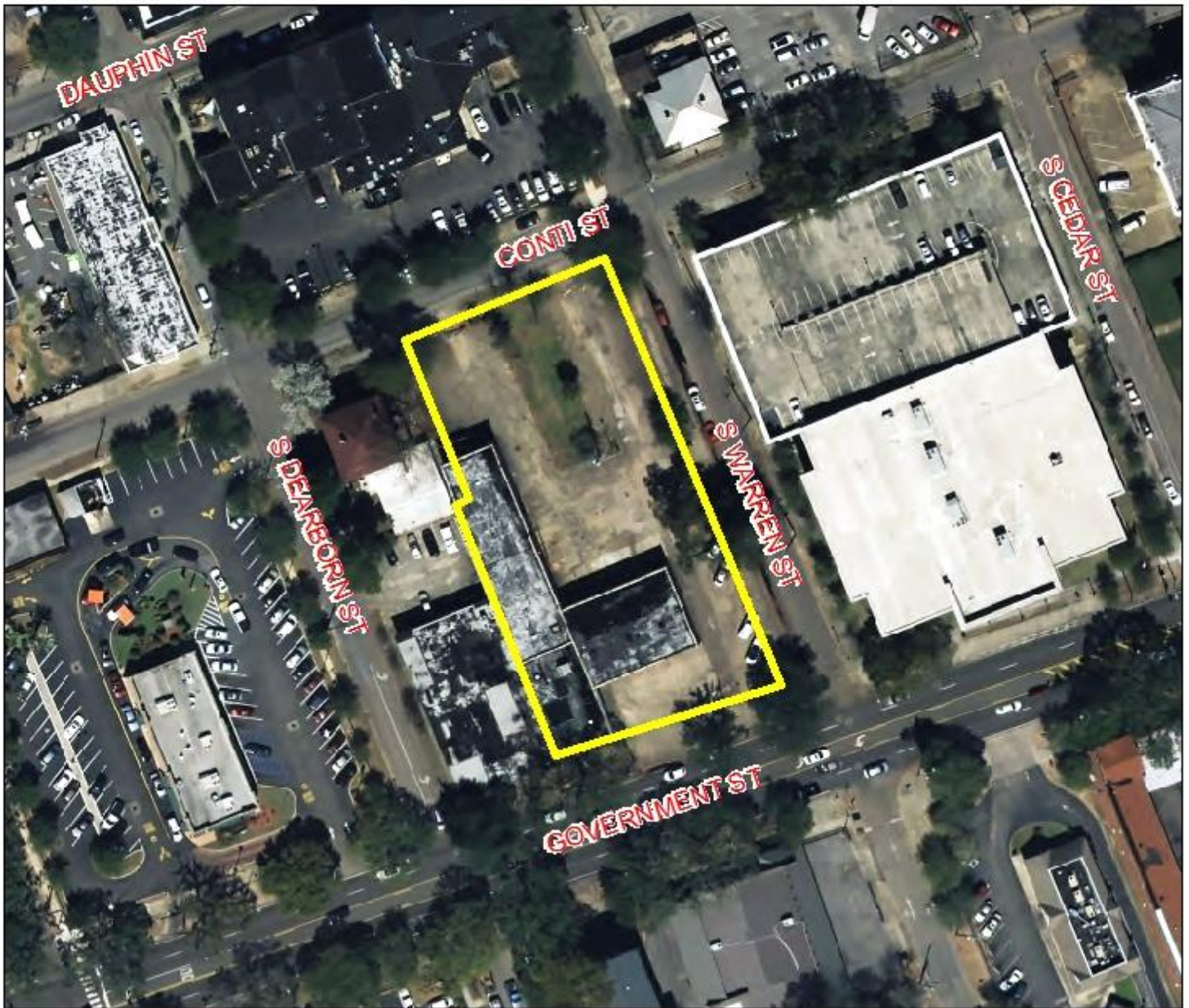
APPLICANT Wells Ventures, LLC

REQUEST Use Variance

 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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

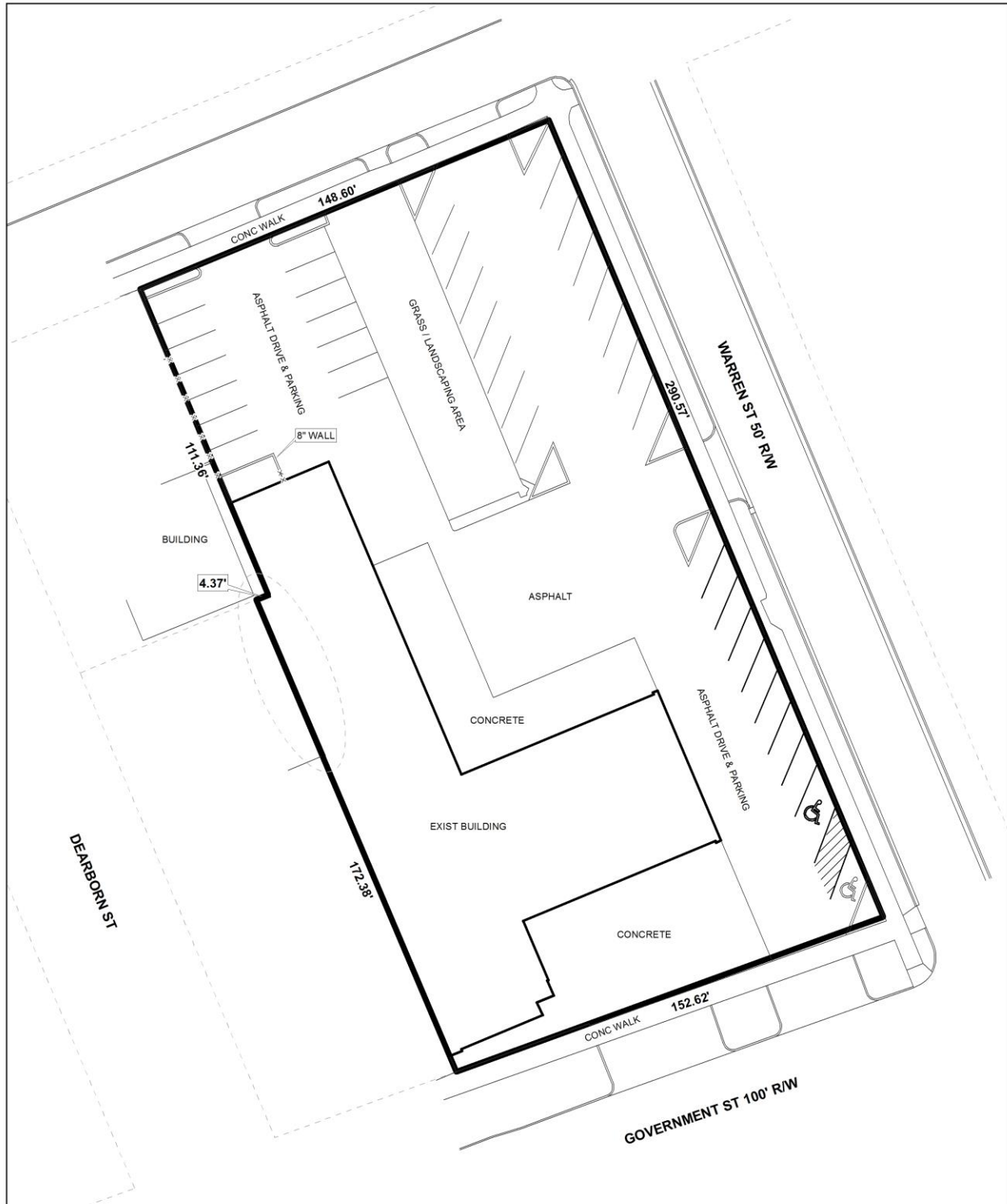
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APPLICANT Wells Ventures, LLC

REQUEST Use, Tree Planting and Landscape Variances



EXIST SITE PLAN



The site illustrates the existing building, parking, and landscape area.

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REQUEST	Use Variance		



NTS

PROPOSED SITE PLAN



The site illustrates the existing building, parking, and landscape area.

APPLICATION NUMBER 6022 DATE January 4, 2015
 APPLICANT Wells Ventures, LLC
 REQUEST Use Variance



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