

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: July 12, 2021****CASE NUMBER**

6399/6281/6280

APPLICANT NAME

Zito Russell Architects, PC

LOCATION65 Sidney Phillips Drive
(Southwest corner of Werkland Street and Sidney Phillips Drive)**VARIANCE REQUEST****USE:** Use Variance to allow a volleyball club in an I-1, Light Industrial District.**PARKING RATIO:** To allow less than the required parking spaces in an I-1, Light Industry District.**ZONING ORDINANCE
REQUIREMENT****USE:** The Zoning Ordinance does not allow sports and recreation clubs to operate in an I-1, Light Industrial District.**PARKING RATIO:** The Zoning Ordinance requires compliant parking in an I-1, Light Industry District.**ZONING**

I-1, Light Industrial District

AREA OF PROPERTY

127,656 square feet

**CITY COUNCIL
DISTRICT**

District 1

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

The parking estimates are for use of the volleyball space as a practice facility only. If tournament events are hosted at the facility, the required parking calculations may not be ample. Those type events typically occur on the weekend when other tenants may be closed. The former loading areas shown as unmarked parking on the site plan should also be converted to proper parking areas to define the available site parking.

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.

ANALYSIS

The applicant is requesting Use and Parking Ratio Variances to allow a volleyball club with less than the required number of parking spaces in an I-1, Light Industry District; the Zoning Ordinance does not allow sports and recreation clubs to operate in, and requires compliant parking, in an I-1, Light Industry District.

The site has been given a Light Industry (LI) 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.

This land use designation applies to an array of modern, low-impact industrial uses that include assembly and processing, warehousing, distribution and wholesaling facilities. The bulk of the light industrial use must be contained within a building or facility. If a light industrial use requires outside storage, the storage must be limited in area and appropriately screened from view in accordance to specific zoning requirements. This designation may also include uses such as complementary offices and retail.

LI also includes areas that may be regarded as “industrial business”, where the land uses include business administration and logistics operations for industrial concerns, building trade contractors facilities and advance research facilities, as well as stand-alone educational, scientific and industrial research facilities, or any combination of those facilities located in light industrial and technology parks. Many parcels used for industrial business are smaller and scattered throughout Mobile. For this reason, these parcels are not singled out in the FLUM, but rather are addressed through zoning.

Light industrial uses are characterized by attractive, accessible and connected development, compatible with the character of surrounding neighborhoods. Development may take the form of planned campuses in park-like settings or unified design corridors, with consideration to factors such as site and building orientation, building design, landscaping and buffering, lighting, continuity of pedestrian networks, access and connectivity to transit and to freight transportation.

Heavy commercial and, in some cases, high-density residential land uses may serve as transitions between LI and other, lower-intensity land use designations. Protection buffers may also be required by zoning.

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 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 provided the following statement regarding the request:

We are writing to seek a variance for the Lower Alabama Volleyball Club (LAVC) Suite #140, located at the Werkland Street Warehouse at the corner of Werkland Street and Sidney Phillips Drive. It is our intent to seek a Use and Parking Variance to allow an occupancy of a youth volleyball club in the currently zoned I-1 district.

Specifics on the space and property:

- A) *The property currently consists of the following spaces:*
 - a. *Metrie Warehouse ±53,474 SF (3315 Werkland)*
 - b. *Lagniappe Warehouse ±31,858 SF (3301 Werkland)*
 - c. *Mobile Storm Volleyball Club practice courts & operations area ±21,080 SF (65 Sidney Phillips Dr., Suite 100)*
 - d. *Amp Performance ±19,560 SF (Suites 110 & 120)*
 - e. *Vacant Unoccupied Space ±9,490 SF (Suite 130)*
 - f. *Proposed Lower Alabama V.C. ±26,000 SF (Suite 140)*
 - g. *Vacant Unoccupied Space ±20,145 SF (Suite 150)*
- B) *LAVC currently has 36 employees.*
- C) *LAVC currently has 205 members, aged 9 y.o. – 18y.o.*
- D) *LAVC hours of operation vary based on school calendar.*
 - a. *August-May (school calendar) MON-FRI 4pm-10pm; SAT varies, minimal use;*

SUN 1pm-7pm

b. July-August (summer break) MON-FRI 9am-9pm; SAT CLOSED; SUN 1pm-9pm

E) LAVC is calculated as commercial personal service establishment with a requirement of parking space per 300 SF of gross floor area (z.o.). Tenant requires 25 parking spaces for their use. See site plan for calculations..

a. $26000 \text{ SF} / 300 = 86.67$ or 87 parking spaces required.

b. The current zoning ordinance requires 273 parking spaces at the complex.

c. Overall, there are 209 parking spaces available at the complex..

i. Note: Given their age, many members do not drive and are dropped-off.

F) LAVC estimated customers per day varies by season

a. September - June, estimated 60 visitors / 2 hours

b. July – August, estimated 30 visitors / 2 hours

c. The Maximum Number of employees at any given time is 14. This being 2 coaches per each of the 6 courts, and 2 additional support staff.

We feel that a Use Variance should be granted to allow this volleyball club tenant to occupy this space in its current I-1 Zoned location, else they would enter into hardship for a few reasons.

1) Hardship due to lack of viable spaces available. Prior to selecting this site, the owner had indicated, they spent nearly a year researching and visiting various commercial properties and facilities in search of a space that had the essential physical clearance requirements necessary for indoor volleyball practice. These other properties had either the interior space requirements, or the interior ceiling requirements, but not both. The Warehouse space at 65 Sidney Phillips Street, has a $\pm 23'$ eave height clearance, and the 30'x60' clear ground space between columns that could accommodate multiple courts. Typically, most single-story commercial properties will have 12'- 18' clear space for common commercial uses. As such, this ruled out most commercial spaces as feasible targets for indoor volleyball. Other potential spaces were gymnasiums. However, attempting to rent out a gymnasium with a club of this size, creates a myriad of critical problems that the tenant was previously experiencing prior to this space. These include frequent scheduling conflicts with other events, lack of dedicated space, and getting locked-out or forgotten. Therefore, the owner felt gymnasium spaces dedicated to other sports, schools, or churches, could not properly facilitate the needs of this type of club with a growing membership which needed a dedicated space. Based on these limitations and restrictions, the owner used simple process of elimination, and found themselves at this warehouse space, which was the only viable candidate for the specific use of indoor volleyball.

2) Hardship of Displacement. Currently, LAVC has 36 employees and 205 members as part of the indoor volleyball club. Additionally, there are several other smaller volleyball clubs, most of which are exclusive to private organizations such as schools or churches. LAVC is a publicly accessible girls' volleyball club in Mobile, allowing students from anywhere in the city to be members. These players are typically dropped off after school and during LAVC business hours. As such, LAVC will be a gathering place for youth

volleyball players that encourages after-school activities and dedication to these activities.

In conclusion, The Zoning code states that I-1 Light Industrial District is "...suitable for such uses, where the use and its operation do not directly adversely affect nearby residential and business uses." Given, there are no immediately adjacent residential uses, and adjacent business properties face the I-65 East Service Road and are separated by a permanent drainage stream feeding Eslava Creek, other adjacent properties are warehouses/self-storage facilities, and schools, we feel there are no nearby properties that would be adversely affected. There are no specific provisions for indoor volleyball in the Zoning Ordinance, only sports clubs in general. We believe the requirements of various sports clubs, specifically indoor, all vary greatly, and as such, are seeking for the allowance of the Volleyball court in this I-1 zoned building at Werkland Street. This location is the most feasible and physically adequate space available for indoor volleyball.

Since their establishment, the Lower Alabama Volleyball Club has formed strong relationships with nearby schools and smaller volleyball clubs who would come to this facility to practice, or when their facilities are out-of-order. The volleyball club produces no excessive noise since it is an indoor sport, in no way causes harm to the nearby businesses or communities and most importantly, will become an environment that promotes positive core values such as teamwork for youth in the City of Mobile.

It should be noted that a similar Use Variance request was granted at the subject site in September, 2019, for Mobile Storm Volleyball Club. An extension for that variance was granted in May, 2020, and the required Building, Electrical, Plumbing, Mechanical and Fire permits were obtained, but renovations for the proposed use were not completed and the Use Variance expired. The applicant again proposes the same use, albeit expanded, and must obtain a similar Use Variance, and due to a shortage of required on-site parking spaces, a Parking Ratio Variance is also sought.

The previously approved Use Variance covered Suites 100, 110/120, and 130, with a combined area of 50,130 square feet. The applicant now proposes to use those same units, and wishes to add Suite 140, which has an area of 26,000 square feet. Whereas the area covered in the previous approval required 169 parking spaces, the current proposal would require 256 on-site parking spaces. Other current office/warehouse uses on the site require 15 parking spaces, bringing the total on-site parking requirement to 271 spaces. The site is able to provide 209 parking spaces; thus, there is a shortage of 62 parking spaces. The applicant states that only 25 parking spaces are required for the use of Suite 140, but justification for this reduced number is not provided.

As the proposed use is the same as that which was approved via the previously approved, it would stand that approval of the current request would be in order. However, due to the lack of sufficient on-site parking for the expanded scope of the operation, any approval should be limited to just those units which were included in the previous approval in order to provide

sufficient on-site parking. Therefore, the Board should consider approving the proposed use for Suites 100, 110/120 and 130. The request to expand the use into Suite 140 should be considered for denial. With that, the request for a Parking Ratio Variance would be a moot point.

RECOMMENDATION: Based on the preceding, staff recommends to the Board the following findings of fact for Approval for the use of Suites 100, 110/120 and 130:

- 1) Granting the variance will not be contrary to the public interest, in that the use would be the same as was previously approved for the site;
- 2) Special conditions exist with the property itself, such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship if the organization is required to relocate to another facility, if such a facility with specific space requirements exists or is available; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the applicant and the surrounding neighborhood by granting the requested variance as the applicant has taken steps to address the Building, Electrical, Plumbing, Mechanical and Fire Code issues.

The Approval should be subject to the following conditions:

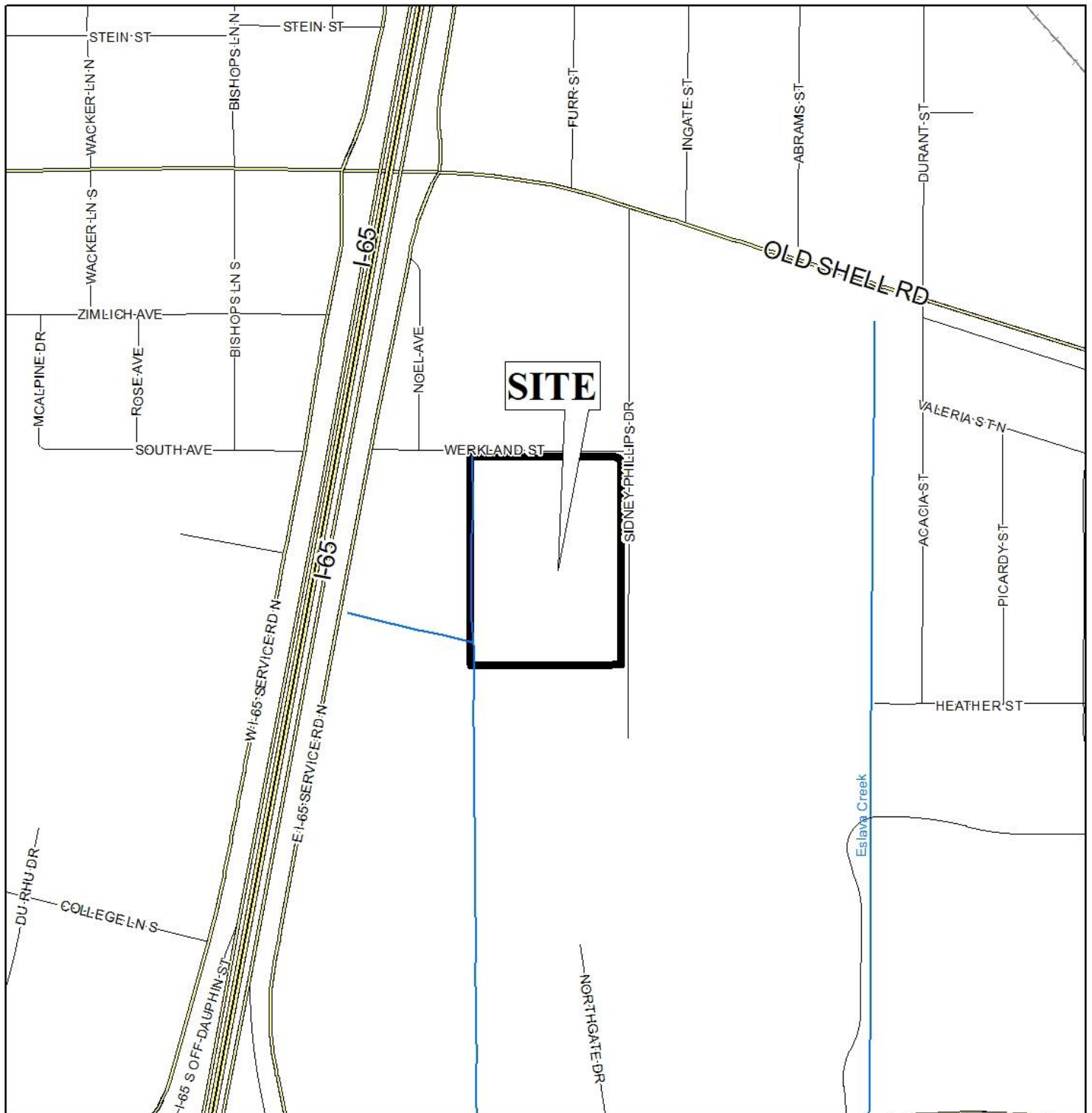
- 1) subject to the Traffic Engineering comments: *(The parking estimates are for use of the volleyball space as a practice facility only. If tournament events are hosted at the facility, the required parking calculations may not be ample. Those type events typically occur on the weekend when other tenants may be closed. The former loading areas shown as unmarked parking on the site plan should also be converted to proper parking areas to define the available site parking.);*
- 2) completion of the permitting and construction processes necessary to bring the structure into compliance with the applicable Building, Electrical, Plumbing, Mechanical and Fire Codes for the use;
- 3) obtaining of sign permits for any proposed signage;
- 4) securing the necessary business license(s); and
- 5) full compliance with all municipal codes and ordinances.

Staff recommends to the Board the following findings of fact for Denial of the request to expand the use into Suite 140:

- 1) Granting the variance will be contrary to the public interest, in that the expanded use would require additional on-site parking;
- 2) Special conditions do not appear to exist, primarily that the site can accommodate the expanded parking requirements, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall not be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance in that it will create a situation in which patrons cannot adequately park on-site.

Due to the recommendation for Denial of the expanded use, the Parking Ratio Variance request is a moot point.

LOCATOR MAP



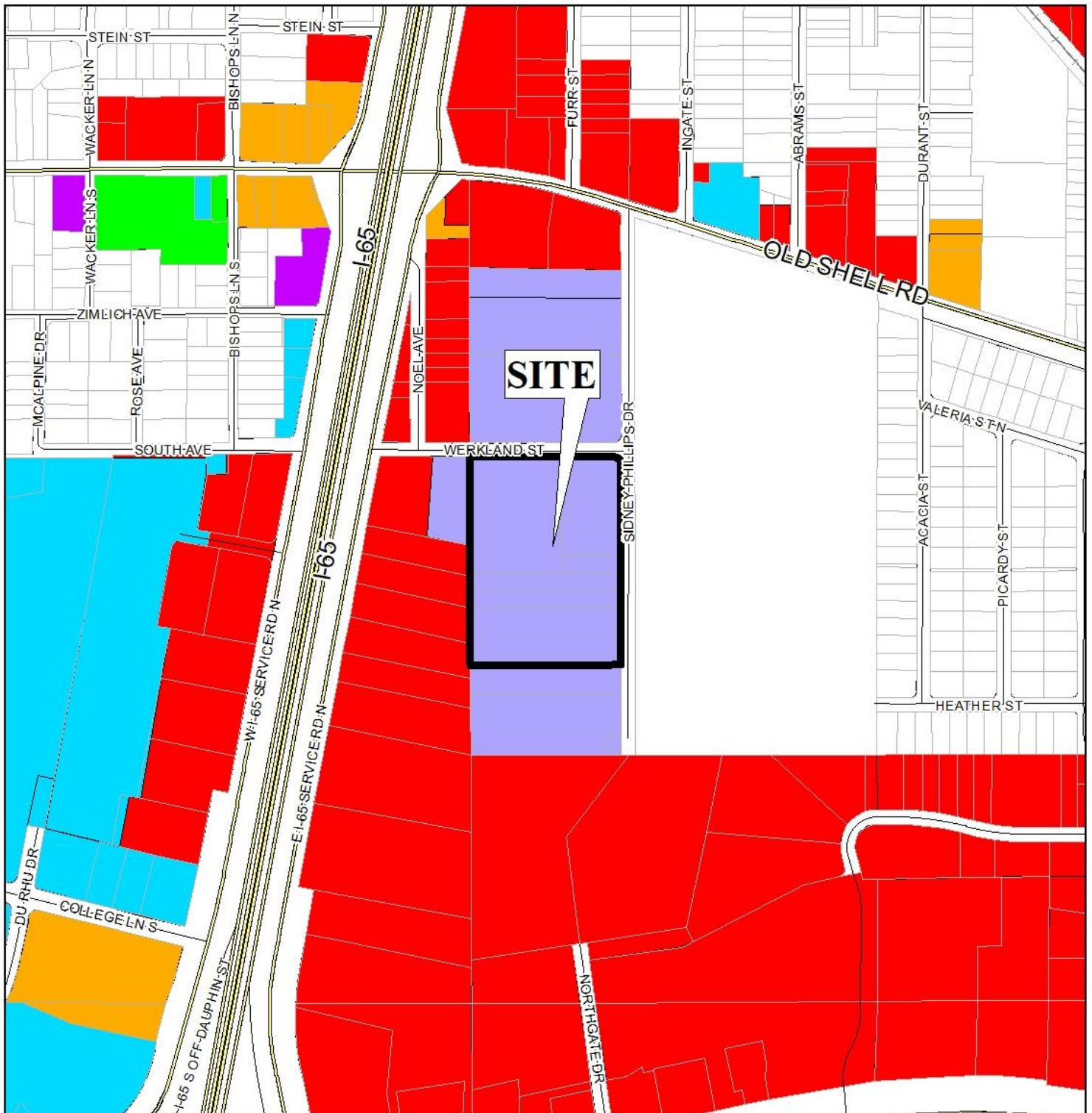
APPLICATION NUMBER 6399 DATE July 12, 2021

APPLICANT Zito Russell Architects, PC

REQUEST Use and Parking Ratio Variances



LOCATOR ZONING MAP



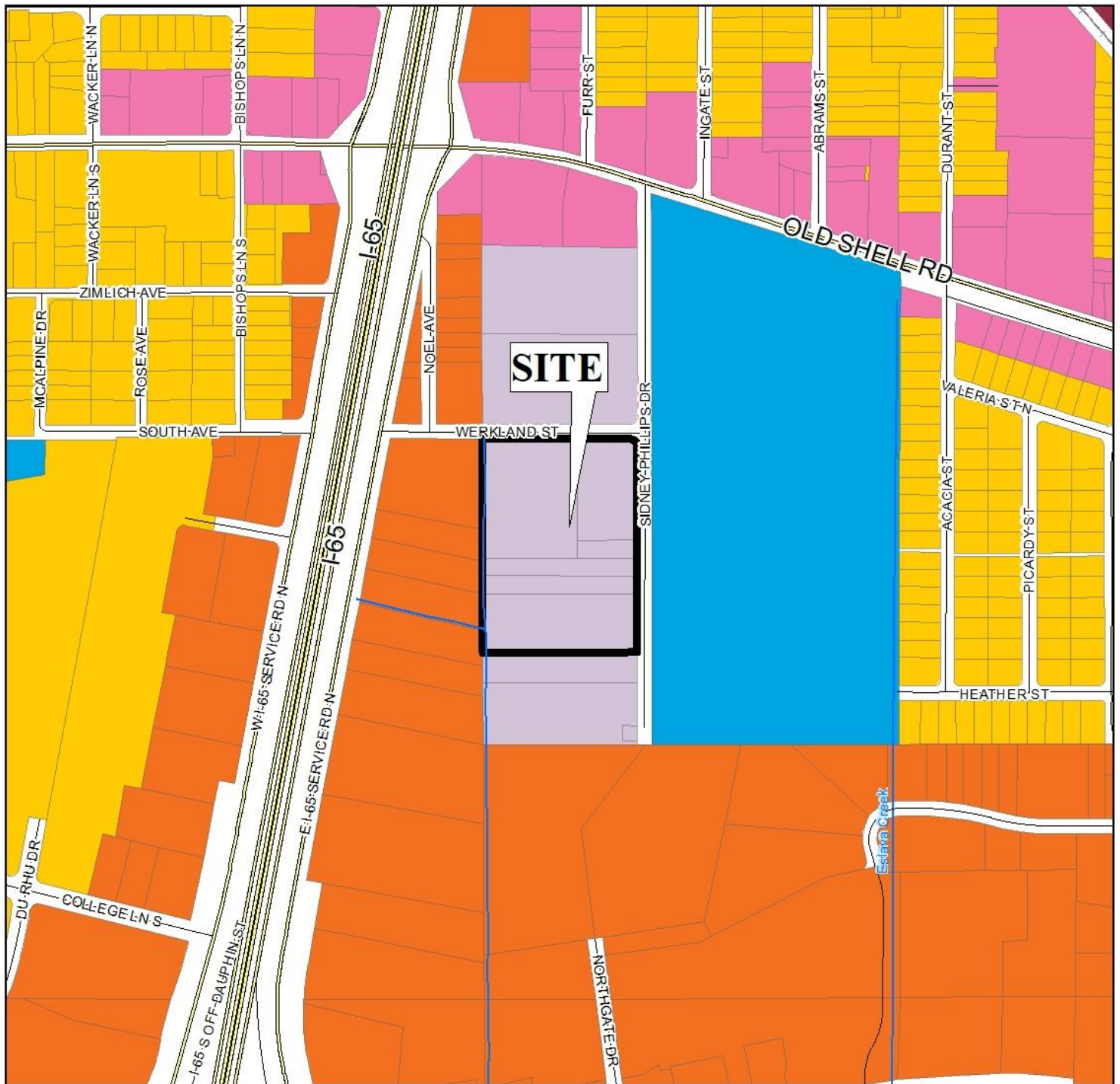
APPLICATION NUMBER 6399 DATE July 12, 2021

APPLICANT Zito Russell Architects, PC

REQUEST Use and Parking Ratio Variances



FLUM LOCATOR MAP



APPLICATION NUMBER 6399 DATE July 12, 2021

APPLICANT Zito Russell Architects, PC

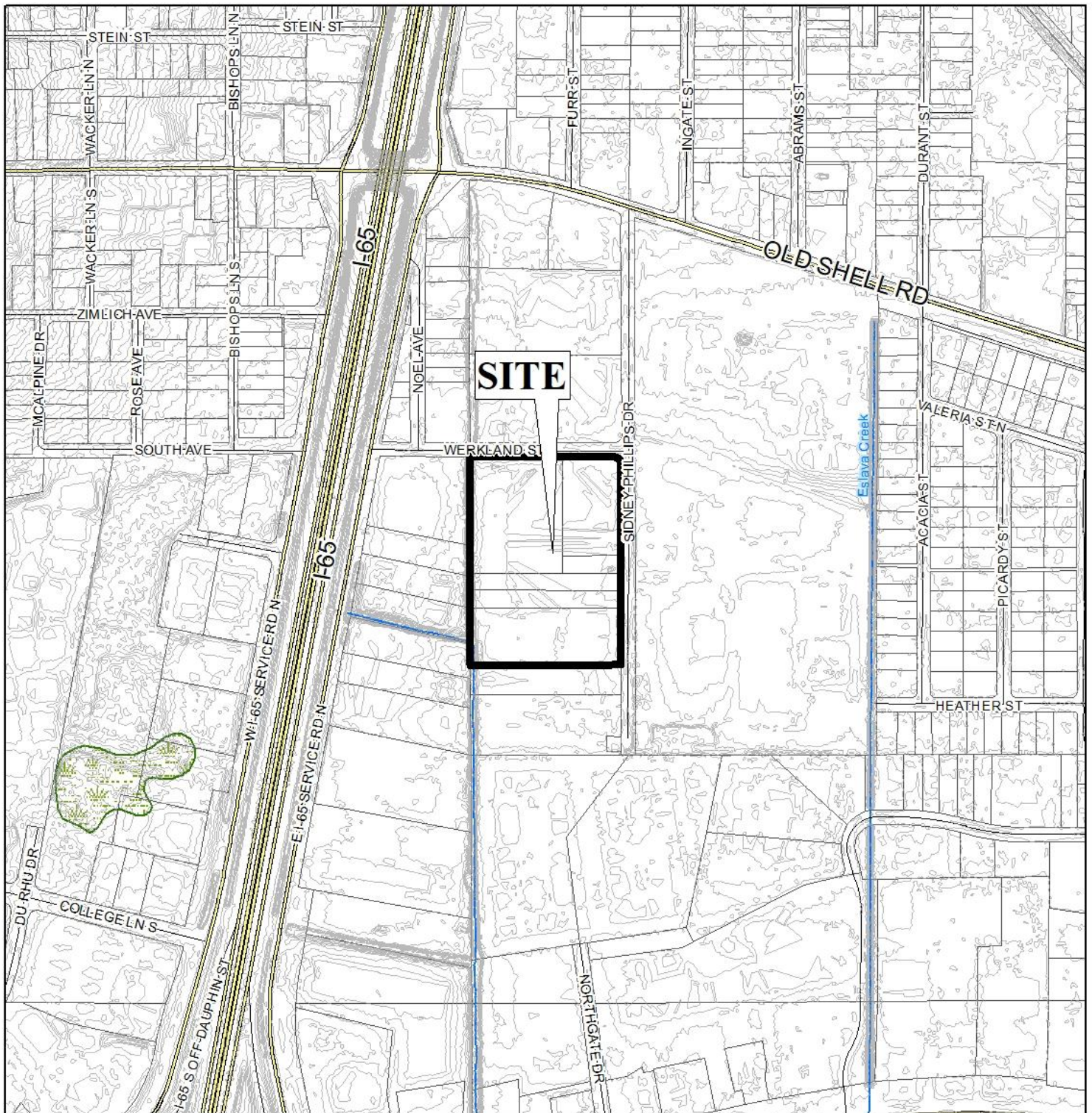
REQUEST Use and Parking Ratio Variances

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	



NTS

ENVIRONMENTAL LOCATOR MAP



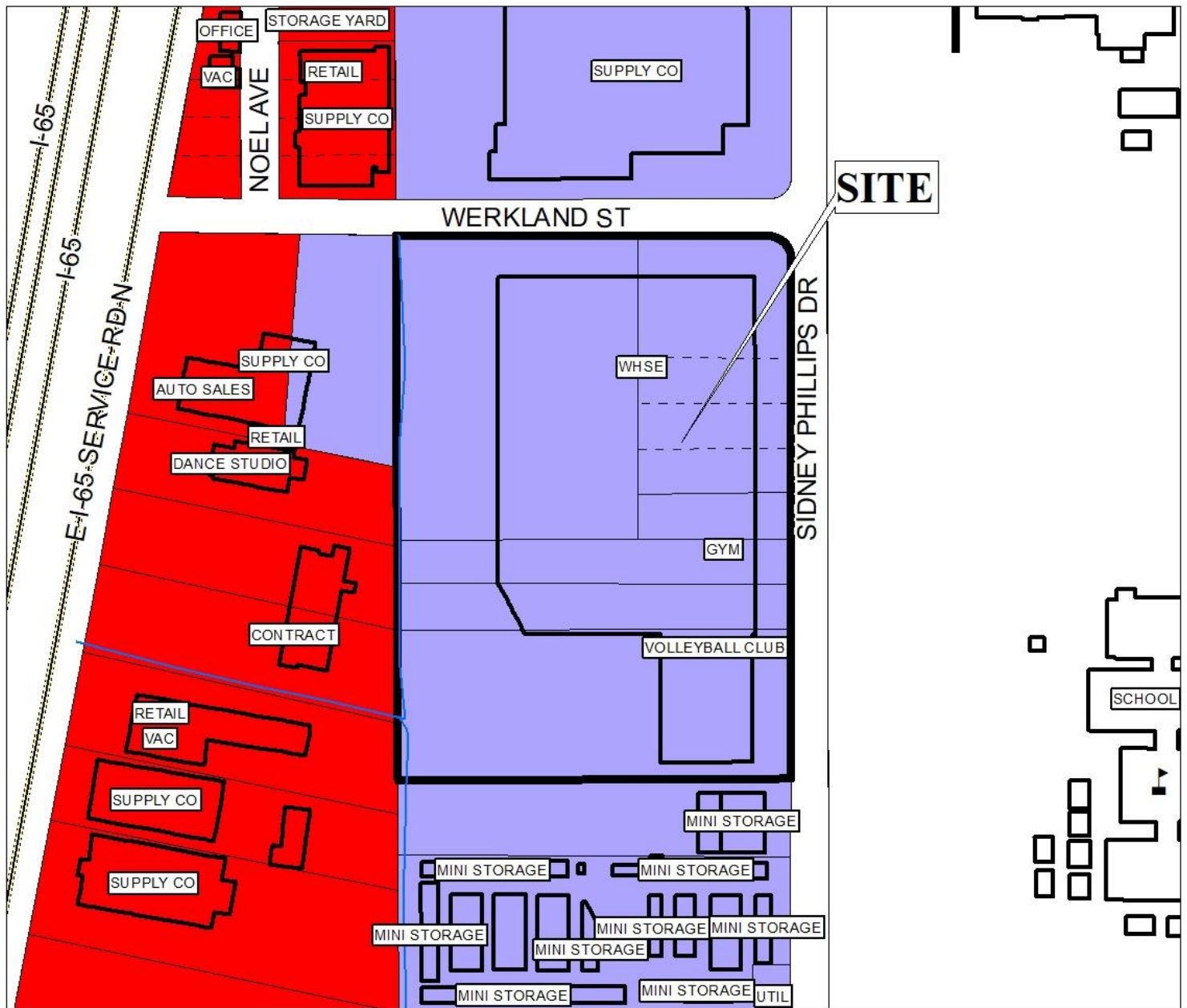
APPLICATION NUMBER 6399 DATE July 12, 2021

APPLICANT Zito Russell Architects, PC

REQUEST Use and Parking Ratio Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by warehouses, retail spaces and a school to the east of the property.

APPLICATION NUMBER 6399 DATE July 12, 2021

APPLICANT Zito Russell Architects, PC

REQUEST Use and Parking Ratio Variances

 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 AERIAL

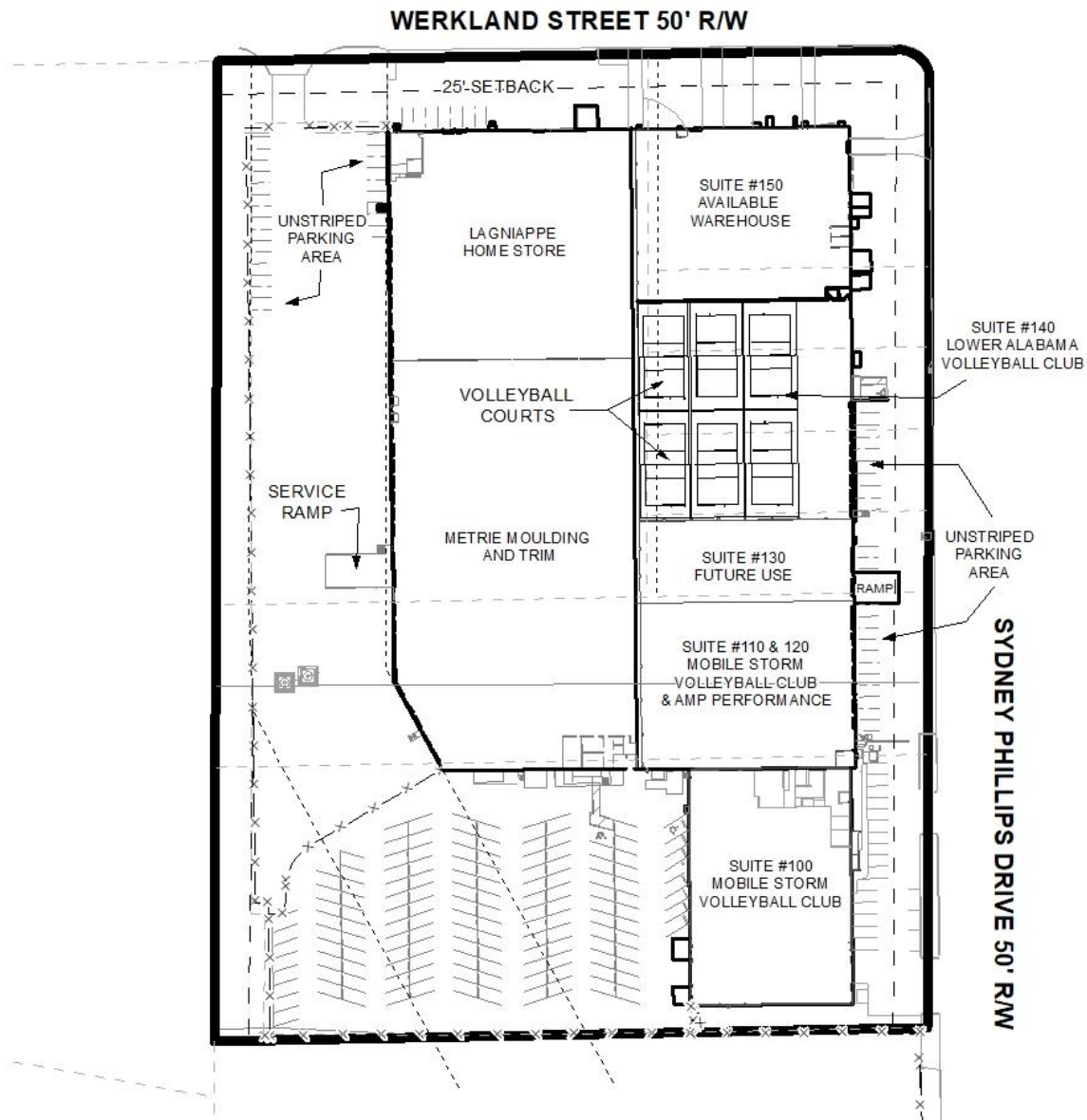


This site is surrounded by warehouses, retail spaces and a school to the east of the property.

APPLICATION NUMBER <u>6399</u> DATE <u>July 12, 2021</u>
APPLICANT <u>Zito Russell Architects, PC</u>
REQUEST <u>Use and Parking Ratio Variances</u>



SITE PLAN



The site plan illustrates existing and proposed parking areas and building use, as well as existing setbacks and right of ways.

APPLICATION NUMBER 6399 DATE July 12, 2021

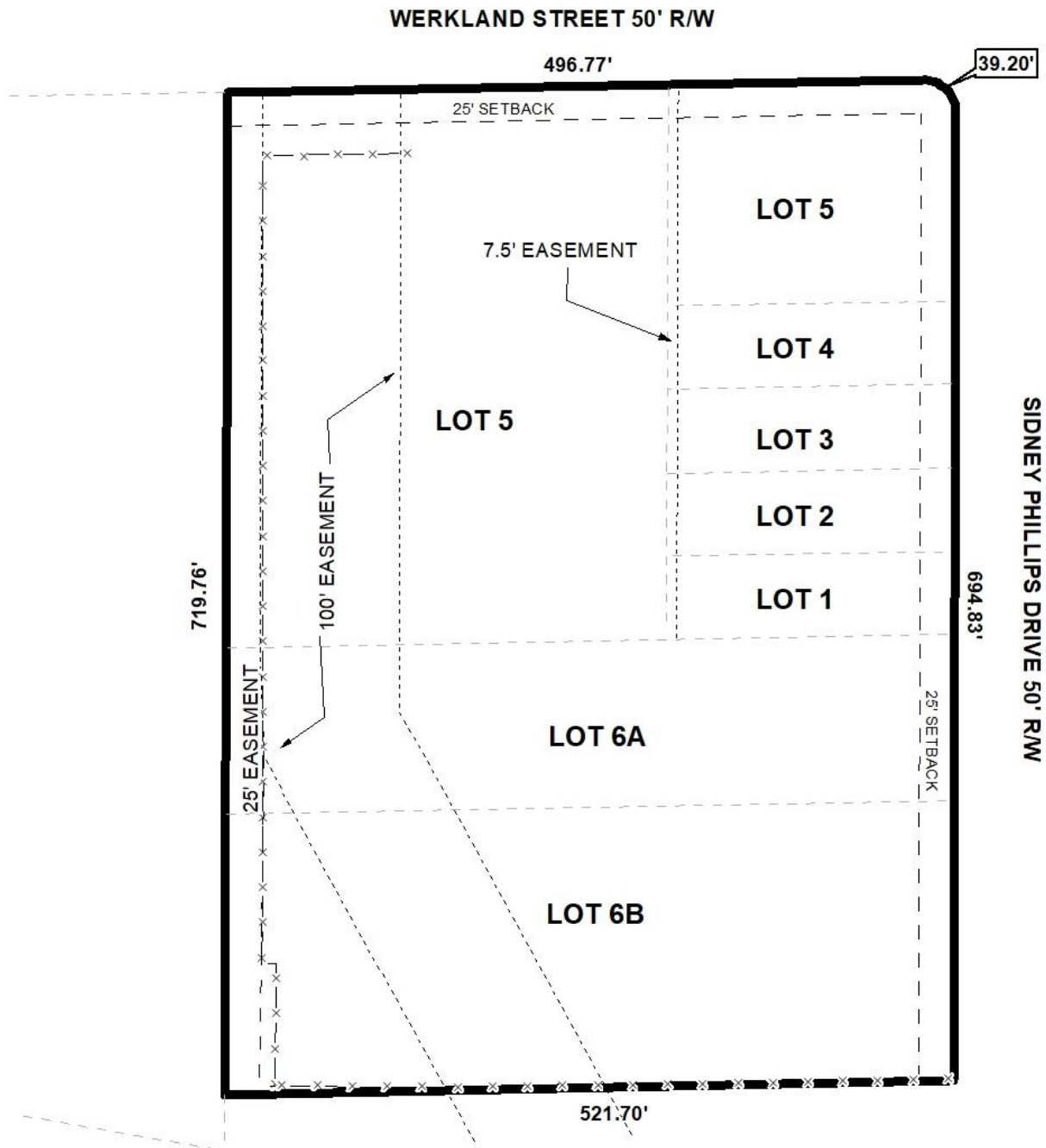
APPLICANT Zito Russell Architects, PC

REQUEST Use and Parking Ratio Variances



NTS

DETAIL SITE PLAN



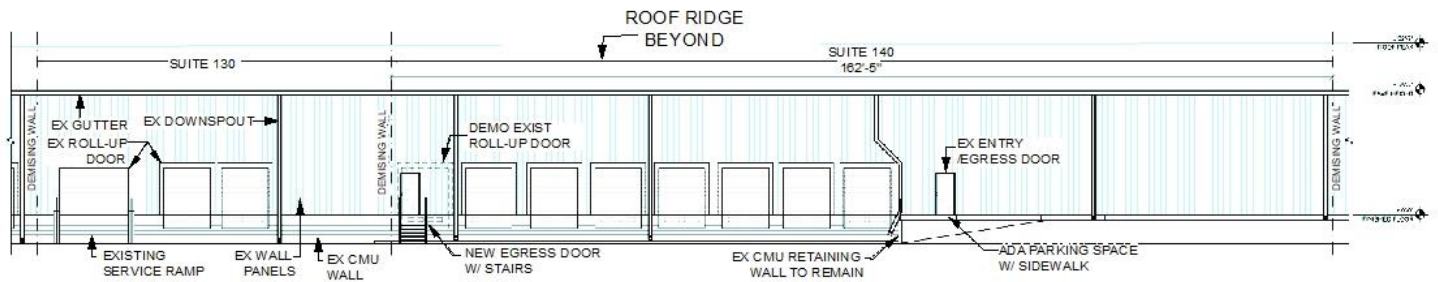
APPLICATION NUMBER 6399 DATE July 12, 2021

APPLICANT Zito Russell Architects, PC

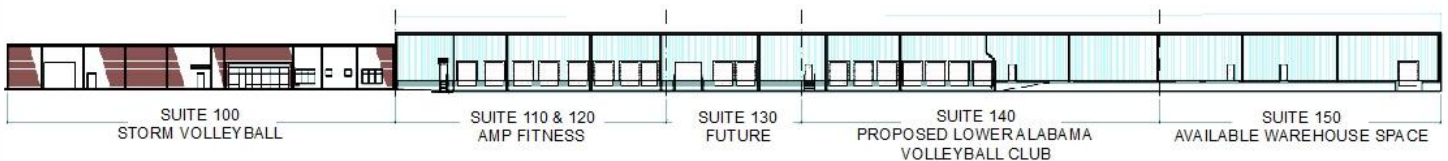
REQUEST Use and Parking Ratio Variances



DETAIL SITE PLAN



PARTIAL EAST ELEVATION



OVERALL EAST ELEVATION

APPLICATION NUMBER 6399 DATE July 12, 2021

APPLICANT Zito Russell Architects, PC

REQUEST Use and Parking Ratio Variances



NTS