

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

6471/6399/6281/6280

APPLICANT NAME

Storm Volleyball Club

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:** Parking ratio variance to allow a parking lot with less than the required number of 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, 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 Use and Parking variance for the expansion of the existing Mobile Storm Volleyball Club & Amp Performance (Suites #100, 110 & 120) into Suite #130, located at the Werkland Street Warehouse at the corner of Werkland Street and Sidney Phillips Drive. It is our intent to seek a Use Variance to allow the use of a sports club and personal training facility to remain at this space.

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 (Suite 100)*
 - d. Mobile Storm Volleyball Club practice courts / Amp Performance area: ±19,560 SF (Suites 110 & 120)*
 - e. Vacant Unoccupied Space: ±9,490 SF (Amp Performance Expansion, Suite 130)*
 - f. Lower Alabama Volleyball Club: ±26,000 SF (Suite 140)*
 - g. Vacant Unoccupied Space: ±20,145 SF (Suite 150)*
- B. MSVC/Amp Performance currently has 2 full-time and 36 part-time employees.*
- C. MSVC/Amp Performance currently has:*
 - a. 350 members, girls, aged 4 y.o. – 18 y.o.*
 - b. 40 members, various ages*
- D. MSVC hours of operation vary based on school calendar.*

- a. August-May (school calendar) MON-FRI 3pm-9pm; SAT 9am-6pm; SUN 1pm-9pm
 - b. May-August (summer break) MON-FRI 9am-9pm; SAT CLOSED; SUN 1pm-9pm
- E. Amp Performance hours of operation are as follows:
 - a. MON-WED-FRI: 5:30 am - 8:00 pm
 - b. TUE-THU: 8:00 am - 8:00 pm
 - c. SAT: 8:30 - 12:30 pm
 - d. SUN: Closed
- F. MSVC/Amp Performance is calculated as commercial personal service establishment with a requirement of 1 parking space per 300 SF of gross floor area.
 - a. MSVC: $21,080\text{SF} / 300 = 70.26$ or 71 parking spaces required.
 - b. Amp Performance: $19,560 / 300 = 65.20$ or 66 parking spaces required.
 - c. The current zoning ordinance requires 271 parking spaces at the complex.
 - d. Overall, there are 209 parking spaces available at the complex.
 - i. Note: Given their age, many MSVC members do not drive and are dropped off.
- G. MSVC estimated customers per day varies by season
 - a. August – November, estimated 30 visitors / hour
 - b. November – May, estimated 45 visitors / hour
 - c. May – August, estimated 10 visitors / hour
 - d. The Maximum Number of employees at any given time is 8.
- H. Amp Performance estimated customers is 45 visitors / hours during peak (summer break) season.

We feel that a Use Variance should be granted to allow this sports club to expand into Suite #130 in its current I-1 Zoned location, and continue operations, else they would enter into hardship for several reasons.

- 1) *Hardship based on Establishment. The first reason for hardship is basis of establishment. The Mobile Storm Volleyball Club and Amp have been in joint-operation together since the initial acceptance of this space 5 years ago. Amp has always been the name of the specific training area for the volleyball club, and as such was originally located in Suite #100. Given the success and growth of the MSVC, when the expansion into Suite #110 occurred, Amp simply shifted to the larger space to allow for more court space at Suite #100. We believe that being in operation for 5 years the indoor volleyball practice courts and subsequent training space, and recently signing an additional 5 years of tenancy, that breaking these leases will cause undue hardship for the members, staff, and families of the Mobile Storm Volleyball Club and its Amp training space.*
- 2) *Hardship due to lack of viable spaces available. MSVC had explored numerous properties, eventually ending up in what is currently Suite #100 (separate application) as its primary base of operation, and recent expansion into Suite #110. Given numerous spaces with lack of clearances and prior adequate research for various properties, MSVC had found itself an adequate space in the Werkland Street Warehouse, which supported what was its original needs, supports its current state, and supports room for future growth. Being established for 5 years, it is our opinion that given the room necessary to facilitate this growth of the Mobile Storm Volleyball Club, it is infeasible there is any other space available for what could be considered adequate to support this growth of a dedicated*

indoor volleyball facility, which includes its training area, and other space needs. In particular, the expansion into Suite #110 with taller ceilings (25' to 32'), allows for expansion of up to 4 additional practice courts. The taller warehouse ceilings add the capability of hosting future volleyball events as well, which subsequently provide opportunity of additional income for City of Mobile.

- 3) *Hardship of Displacement. Currently, MSVC has 35 employees and 350 members as part of the indoor volleyball club. Amp Performance has 3 part time employees and 40 members, combined 38 employees and 390 members. Currently, there are several other smaller volleyball clubs, most of which are exclusive to private organizations such as schools or churches. MSVC is the largest publicly accessible girls' volleyball club in Mobile, allowing students from anywhere to be members. MSVC has become a gathering place for youth volleyball players that encourages after-school activities and dedication to activities. Currently, there is no other establishment that could facilitate the current volleyball members and staff. The training area called Amp Performance has always operated hand-in-hand with the volleyball club, with the primary trainer for Amp being of the two full-time employees for the MSVC, being their primary physical trainer and maintaining the training space. The intent has always been for convenience to the members, the staff, and the members' families, instead of having to go to one or multiple off-site training sessions, and back and forth to the practice courts, the girls are able to have their entire training routine and practices in a single, monitored facility with the same familiar staff.*

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. We believe that this is a special circumstance on a unique property and a unique situation. There are no specific provisions for indoor volleyball and performance sports clubs 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 club and training area to remain in and expand into Suite #130 in this I-1 zoned building at Werkland Street. The MSVC has been using what was the most available, feasible and physically adequate space available for indoor volleyball. Since their establishment, the Mobile Storm Volleyball Club has formed strong relationships with nearby schools and smaller volleyball clubs who come to this facility to practice, or when their facilities are out-of-order. Neither the volleyball club nor training area produce excessive noise since they are indoor activities; They in no way cause harm to the nearby businesses or communities, again being entirely indoor and private from adjacent properties; And, as previously indicated, the presence of the Mobile Storm Volleyball Club creates an environment that promotes positive core values such as teamwork for youth in the City of Mobile.

This site has been before the Board several times. The Board first considered Use variances for the Storm Volleyball and Amp Performance uses at the September 2019 meeting, after it was discovered by the City that both were operating without appropriate Fire, Zoning or Building approvals. The Board approved the requested variances, subject to conditions that all necessary work be completed to comply with Building and Fire Code requirements. An extension of the initial approvals was granted in May 2020.

At the July 2021 meeting, the Board granted Use and Parking Ratio variances to a separate volleyball facility within the same building, the Lower Alabama Volleyball Club. The Parking Ratio variance was required due to the other two uses previously approved (but technically expired) still operating within the building. The Lower Alabama Volleyball Club completed its permitting process and is operating in a compliant manner.

The application today is for Use and Parking Ratio variances for both Storm Volleyball and Amp Performance and the overall building and all combined uses within. The Parking Ratio variance is required with these applications because their prior Use approvals expired in November 2020, and thus they technically were not operating legally when the Lower Alabama Volleyball Club obtained its approvals in July 2021.

Overall, the range of volleyball and fitness uses (existing and proposed) will require 256 parking spaces, with an additional 15 spaces required for the other warehouse and office uses within the building. In total, 271 parking spaces are required, but the applicant states that only 209 spaces are available and are reflected on the submitted site plan. What is not depicted on the site plan are the parking spaces that have been painted in, which extend into the right-of-way of Sidney Phillips Drive, and the 3,000 ± square foot aggregate area that has been added around the double handicap-accessible parking spaces on the east side of the building. Also, it is clear that there is sufficient existing paved area on the site to address all of the required parking for the current range of uses, however, much of the paved area is on the west side of the building but is fenced off and not accessible to volleyball and fitness users – it appears that all of this area is restricted for use for truck circulation associated with the warehouse side of the building. Finally, parts of the property between the building and Sidney Phillips Drive and Werkland Street are grass and dirt, and thus provide sufficient area to provide paved compliant parking in the needed quantities for the range of uses, without imposing on the west side of the building truck circulation area.

RECOMMENDATION:

Staff recommends that the application be heldover to allow a revised site plan that either shows additional parking being provided in existing paved areas on the west side of the building (including the relocation of any fencing that restricts circulation), or that new paved compliant parking be provided along the grass and dirt areas along the east and north side of the existing building.

LOCATOR MAP



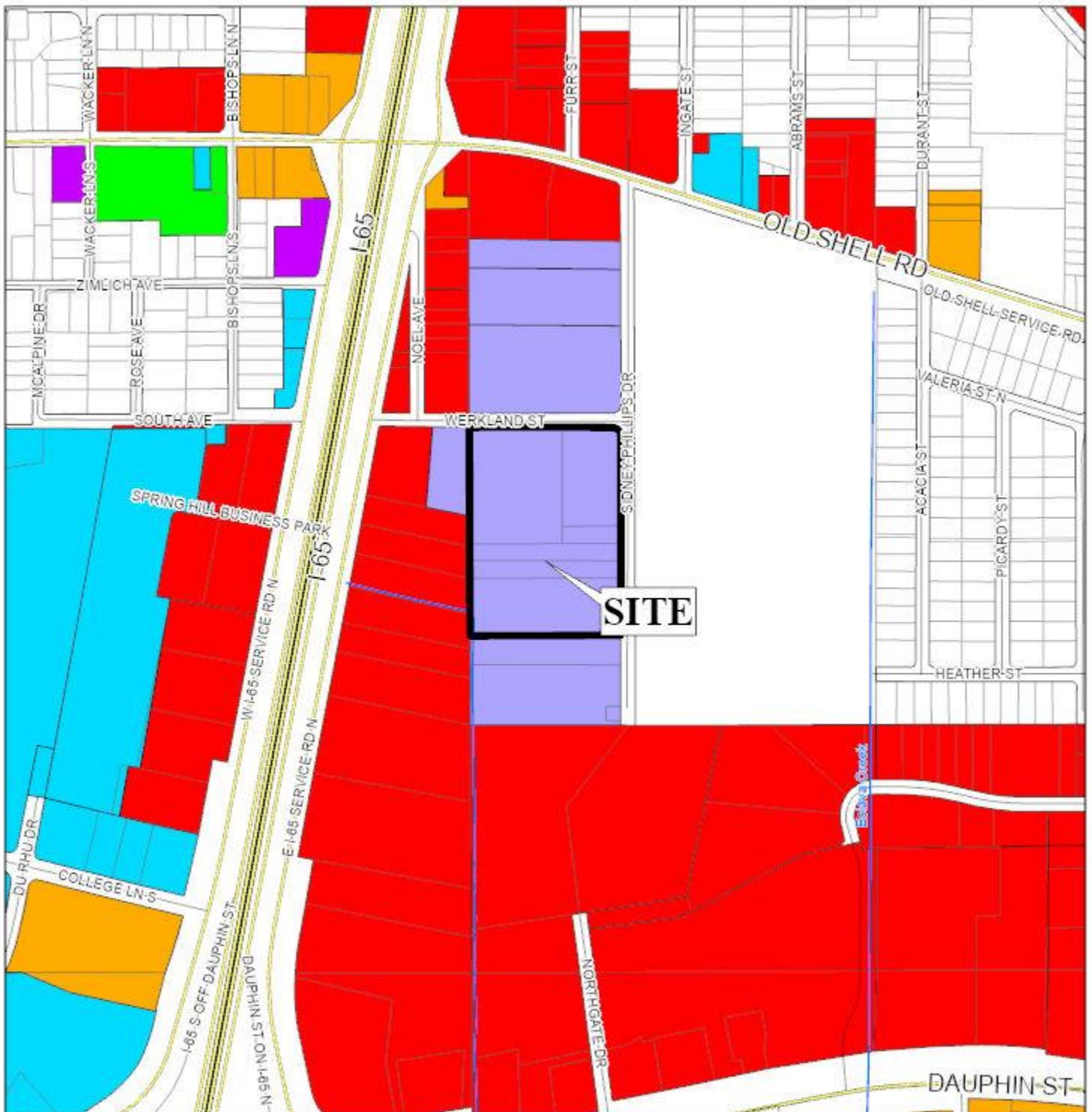
APPLICATION NUMBER 6471 DATE August 1, 2022

APPLICANT Storm Volleyball Club

REQUEST Use And Parking Ratio Variances



LOCATOR ZONING MAP



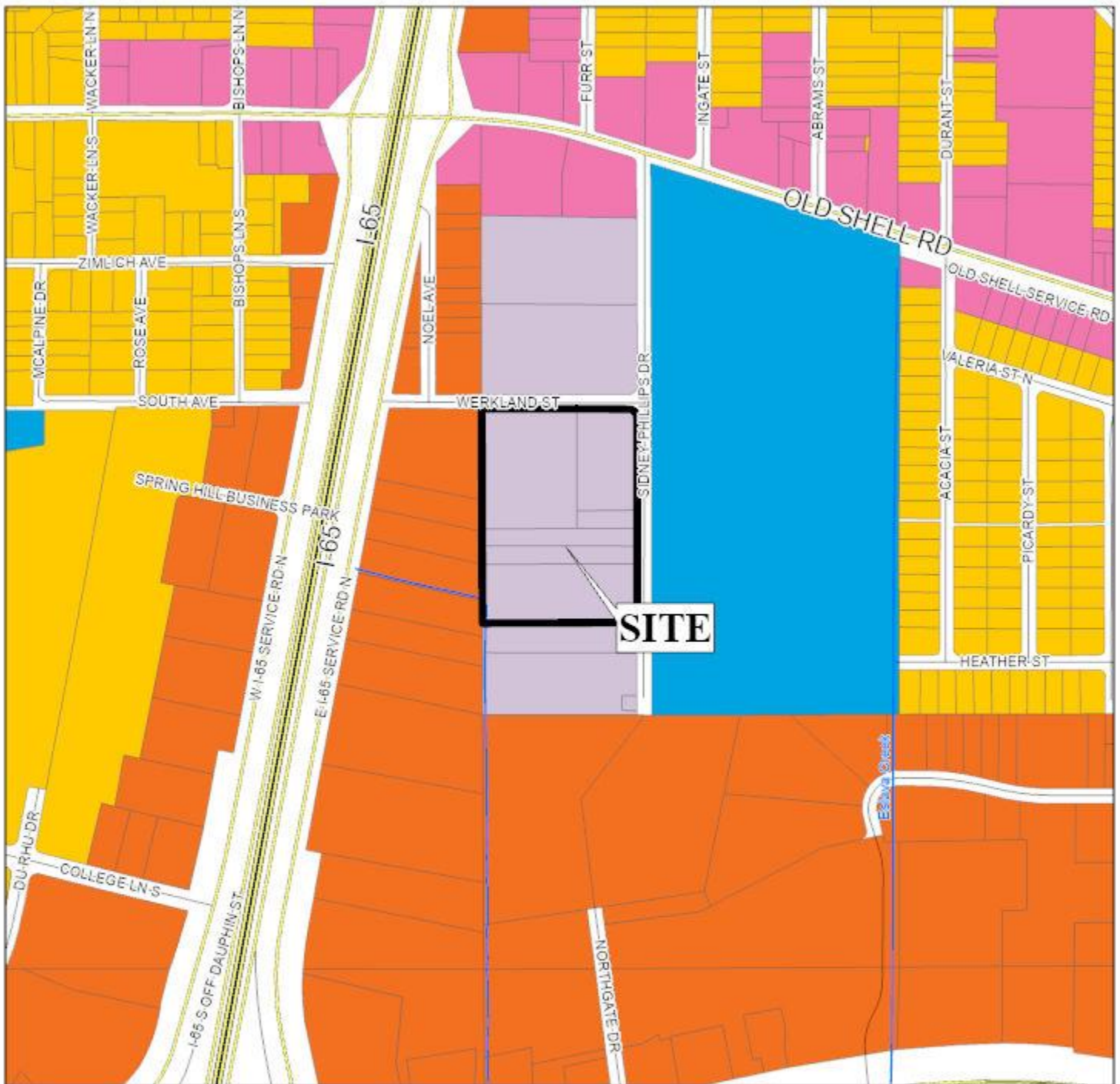
APPLICATION NUMBER 6471 DATE August 1, 2022

APPLICANT Storm Volleyball Club

REQUEST Use And Parking Ratio Variances



FLUM LOCATOR MAP



APPLICATION NUMBER 6471 DATE August 1, 2022

APPLICANT Storm Volleyball Club

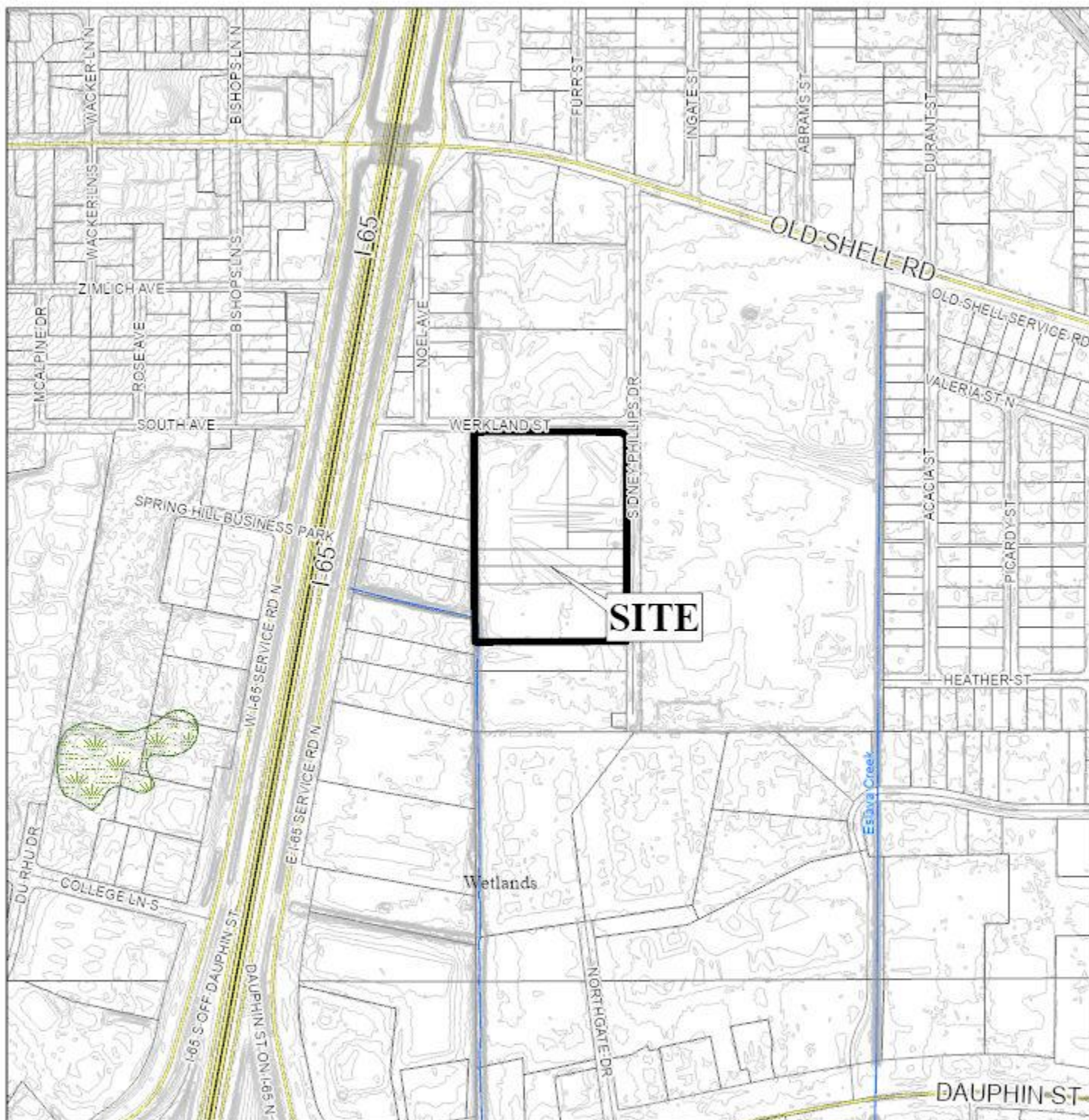
REQUEST Use And Parking Ratio Variances

Layer2

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



ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 6471 DATE August 1, 2022

APPLICANT Storm Volleyball Club

REQUEST Use And Parking Ratio Variances



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



This site is surrounded by commercial units.

APPLICATION NUMBER 6471 DATE August 1, 2022

APPLICANT Storm Volleyball Club

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

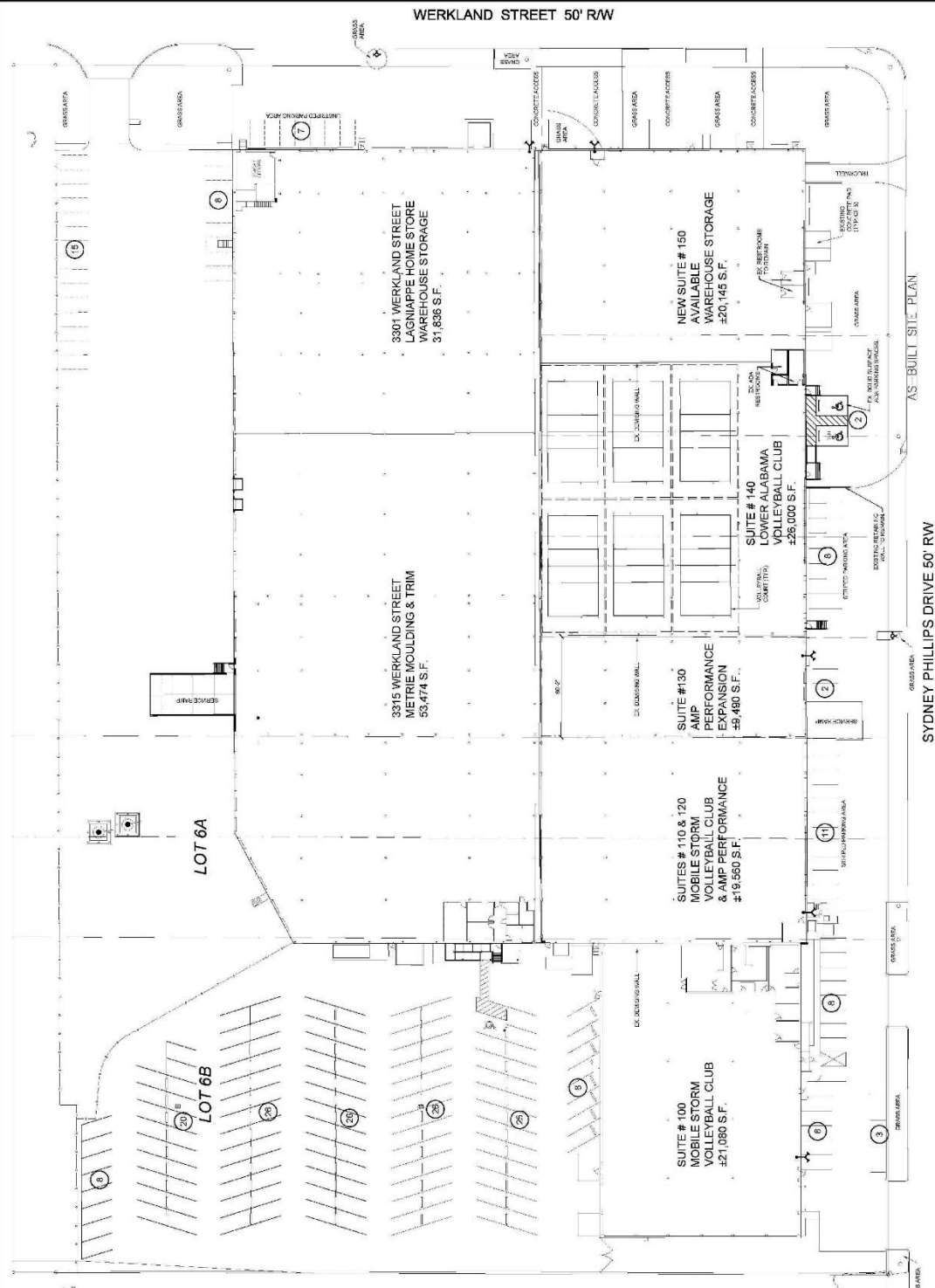


This site is surrounded by commercial units.

APPLICATION NUMBER	6471	DATE	August 1, 2022
APPLICANT	Storm Volleyball Club		
REQUEST	Use And Parking Ratio Variances		



DETAIL SITE PLAN



APPLICATION NUMBER 6471 DATE August 1, 2022
 APPLICANT Storm Volleyball Club
 REQUEST Use And Parking Ratio Variances





