

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: September 9, 2019**

<u>CASE NUMBER</u>	6280
<u>APPLICANT NAME</u>	Mobile Storm Volleyball Club
<u>LOCATION</u>	65 Sidney Phillips Drive (Southwest corner of Werkland Street and Sidney Phillips Drive)
<u>VARIANCE REQUEST</u>	USE: Use Variance to allow a volleyball club in an I-1, Light Industrial District.
<u>ZONING ORDINANCE REQUIREMENT</u>	USE: The Zoning Ordinance does not allow sports and recreation clubs to operate in an I-1, Light Industrial District.
<u>ZONING</u>	I-1, Light Industrial District
<u>AREA OF PROPERTY</u>	127,656 square feet
<u>CITY COUNCIL DISTRICT</u>	District 1
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	The Traffic Engineering Department has not received any complaints about the operation of this facility to date and do not anticipate traffic impacts associated with this variance request.
<u>URBAN FORESTRY COMMENTS</u>	No comments.
<u>FIRE COMMENTS</u>	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 a volleyball club in an I-1, Light Industrial District; the Zoning Ordinance does not allow sports and recreation clubs to operate in an I-1, Light Industrial District.

The request at hand is a result of a site inspection by the Bureau of Fire Prevention, and the discovery of the use in operation.

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 Mobile Storm Volleyball Club (MSVC) Suite #100, 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 continued occupancy of this youth girls' 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. Vacant Warehouse ±85,310 SF*
 - b. Occupied Warehouse ±46,145 SF*
 - c. Mobile Storm Volleyball Club practice courts & operations area ±21,080 SF*
 - d. Mobile Storm Volleyball Club expansion area, & Amp Performance ±19,560 SF*
 - e. Vacant Unoccupied Space ±9,490 SF*
- B) MSVC currently has 2 full-time employees and 33 part-time employees.*
- C) MSVC currently has 350 members, girls, aged 4 y.o. —18 y.o.*
- D) MSCV 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) MSCV is calculated as commercial personal service establishment with a requirements of 1 space per 300 SF of gross floor area.*
 - a. 21,080 SF / 300 = 71 parking spaces required.*
 - b. Overall, there are 174 required parking spaces at the complex.*
 - c. Overall, there are 200 parking spaces available at the complex.*
 - i. Note: Given their age, many member do not drive and are dropped-off.*
- F) MSCV 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 12. This being 2 coaches per each of the 5 courts, and 2 additional support staff.*

We feel that a Use Variance should be granted to allow this volleyball club tenant to continue occupancy in its current I-1 Zoned location, 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 has been operating out of this location for over 5 years. Being a successful and growing small business, they have recently (as of May 2019) signed a lease for an additional 5 years of tenancy. Due to their growth, MSVC has also had to expand functions and activities into additional warehouse space next door. MSVC has 5 full-sized indoor courts, which is the largest in their region, which spans from Hattiesburg, MS to Niceville, FL. MSVC also has a steady working relationship with Phillip's Preparatory across the street, and occasionally St. Paul's Episcopal School, and several other smaller volleyball clubs in their region who use their facilities to practice. The next largest volleyball club in Mobile, is an estimated 70 members.*
- 2) Hardship due to lack of viable spaces available. Prior to selecting this site approximately 5 years ago, 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 20'-5" 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. As an additional note, the current facility in Suite #100 is large enough for practice but not tall enough to host ranked events. And needs a space with higher ceilings and more structural clearance. As such the adjacent Suite #110 (Separate application) meets these clearances.*
- 3) Hardship of Displacement. Currently, MSVC has 35 employees and 350 members as part of the indoor volleyball club. 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. These players are typically dropped off after school and during business hours. As such, 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 members.

- 4) 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."*
- 5) 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 with which the MSVC has a mutual relationship with, we feel there are no nearby properties that would be adversely affected. We believe that this is a special circumstance on a unique property (given the Werkland Street Warehouse spans 4 separate properties with separate ownership), and a unique situation. 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 to remain in this I-1 zoned building at Werkland Street. The volleyball club has been using what was the most 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. The volleyball club, produces no excessive noise since it is an indoor sport, in no way causes harm to the nearby businesses or communities, can self-park with the complex, and most importantly, has become an environment that promotes positive core values such as teamwork for youth in the City of Mobile.*

As noted in the narrative, the use has been operating at this location for at least 5 years. Planning & Zoning only became aware of the use when the Bureau of Fire Prevention went to the warehouse to perform an inspection. Upon discovery of the use, an inspection of the site by other Building Trades and Planning & Zoning noted numerous other code and ordinance violations, due to the use occurring within a warehouse – a space not designed to accommodate the use.

During a post-inspection meeting with the applicants, it was indicated that they were willing to comply with all applicable health and safety issues identified during the site inspection. Given the nature of the use, the existing warehouse facility, and the existing zoning, it was determined that a use variance might be the most viable option to address Zoning Ordinance issues.

The applicant has demonstrated that this facility uniquely meets their specific space needs, and that there are few to no other physical spaces available within the city for the use.

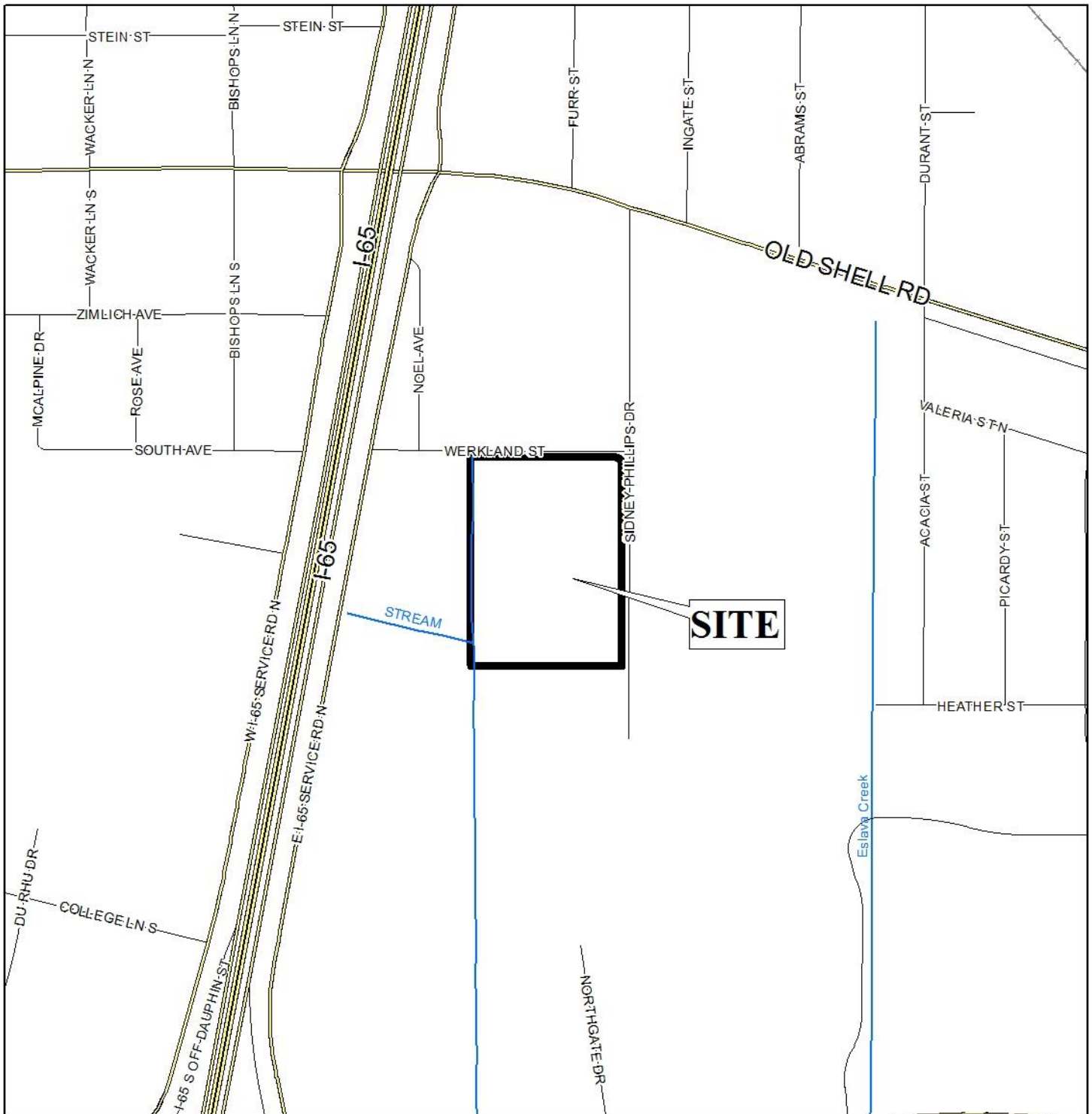
RECOMMENDATION: Based on the preceding, staff recommends to the Board the following findings of fact for Approval:

- 1) Granting the variance will not be contrary to the public interest, in that the use has operated within the facility for over 5 years without incident;
- 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 variances, 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) 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;
- 2) Obtaining of after the fact permits for signage; and
- 3) Securing the necessary business license(s).

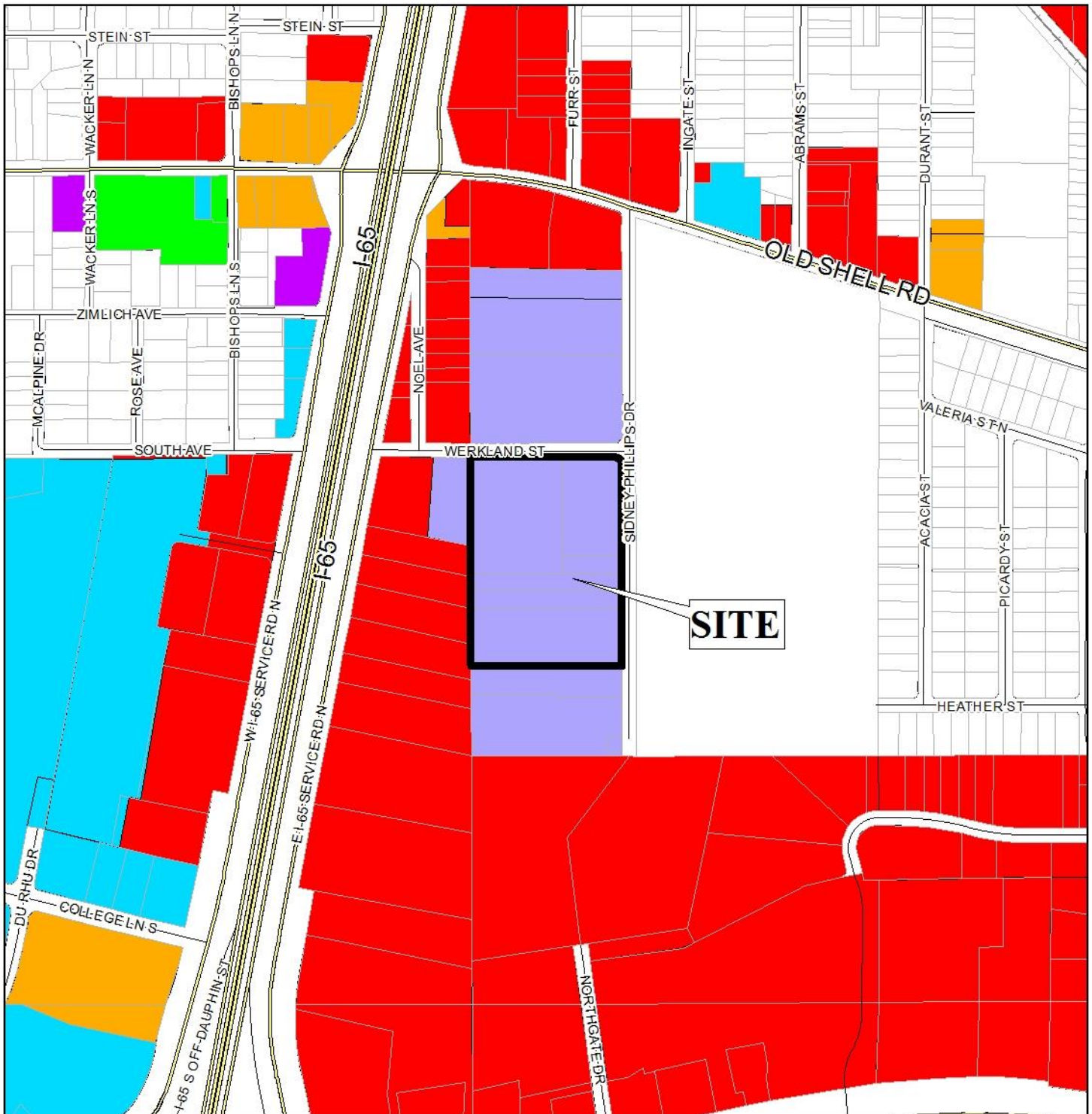
LOCATOR MAP



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APPLICANT Mobile Storm Volleyball Club
REQUEST Use Variance



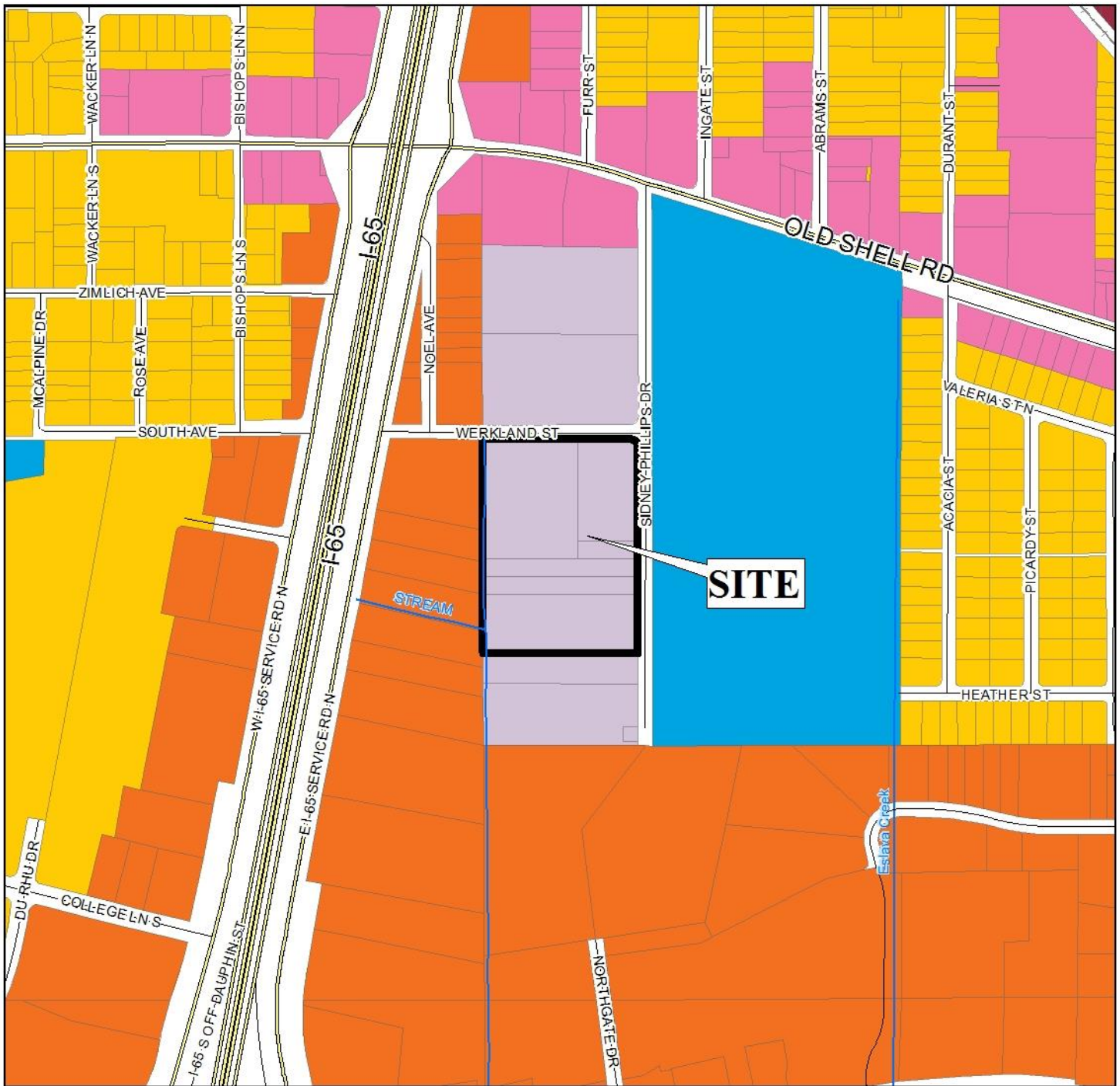
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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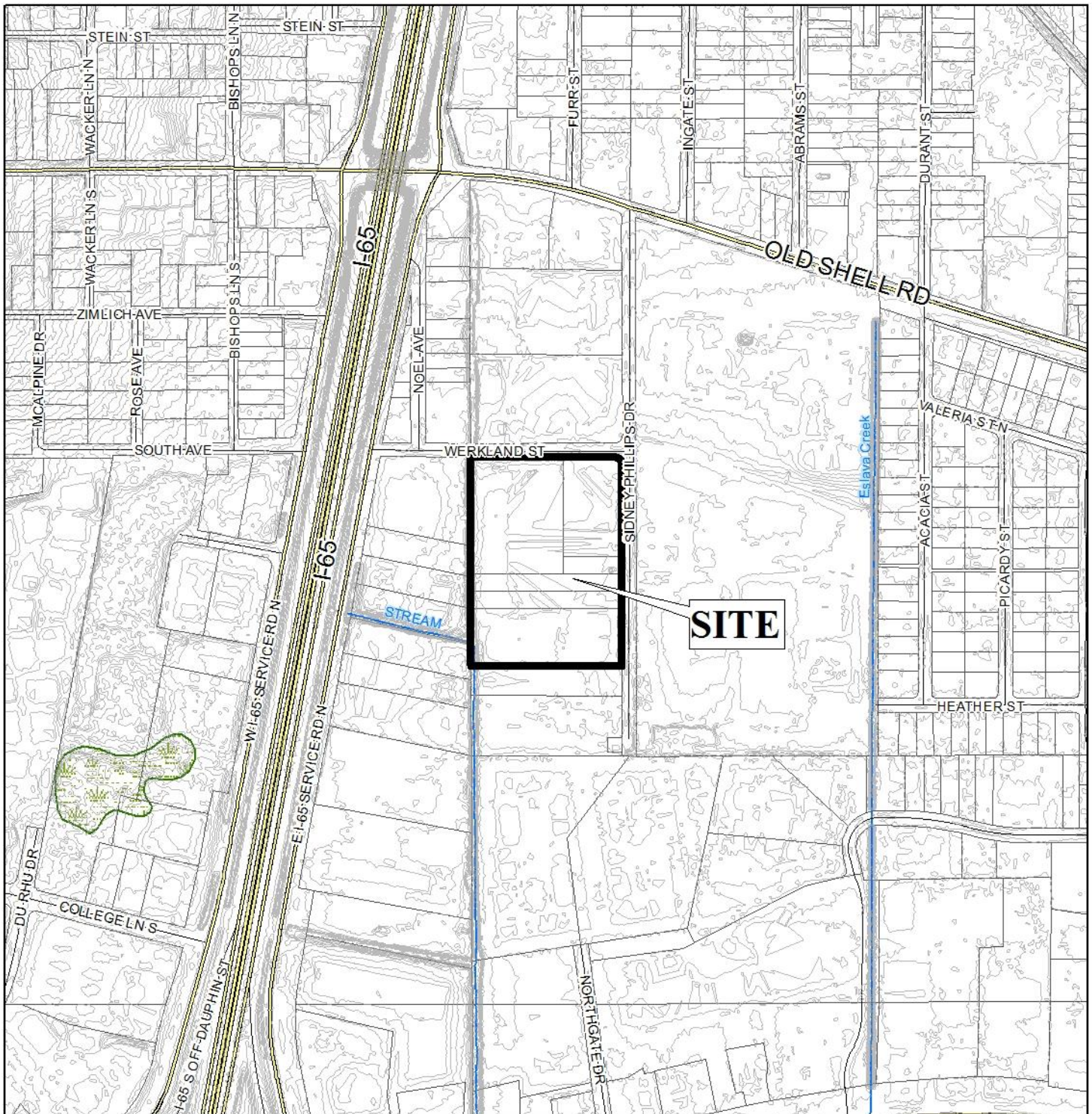
APPLICANT Mobile Storm Volleyball Club

REQUEST Use Variance

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	



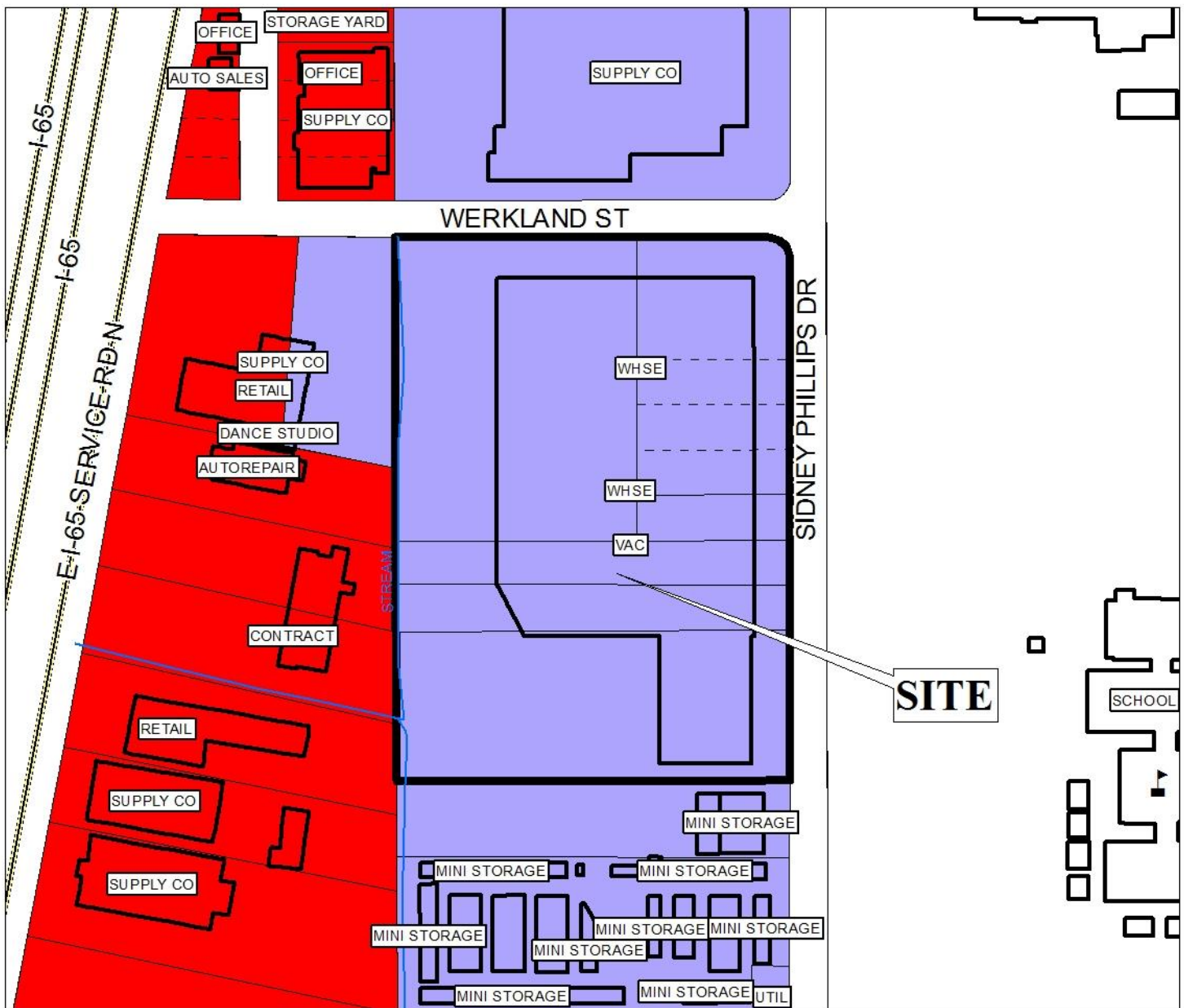
ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units with a school to the east.

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APPLICANT Mobile Storm Volleyball Club

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 AERIAL

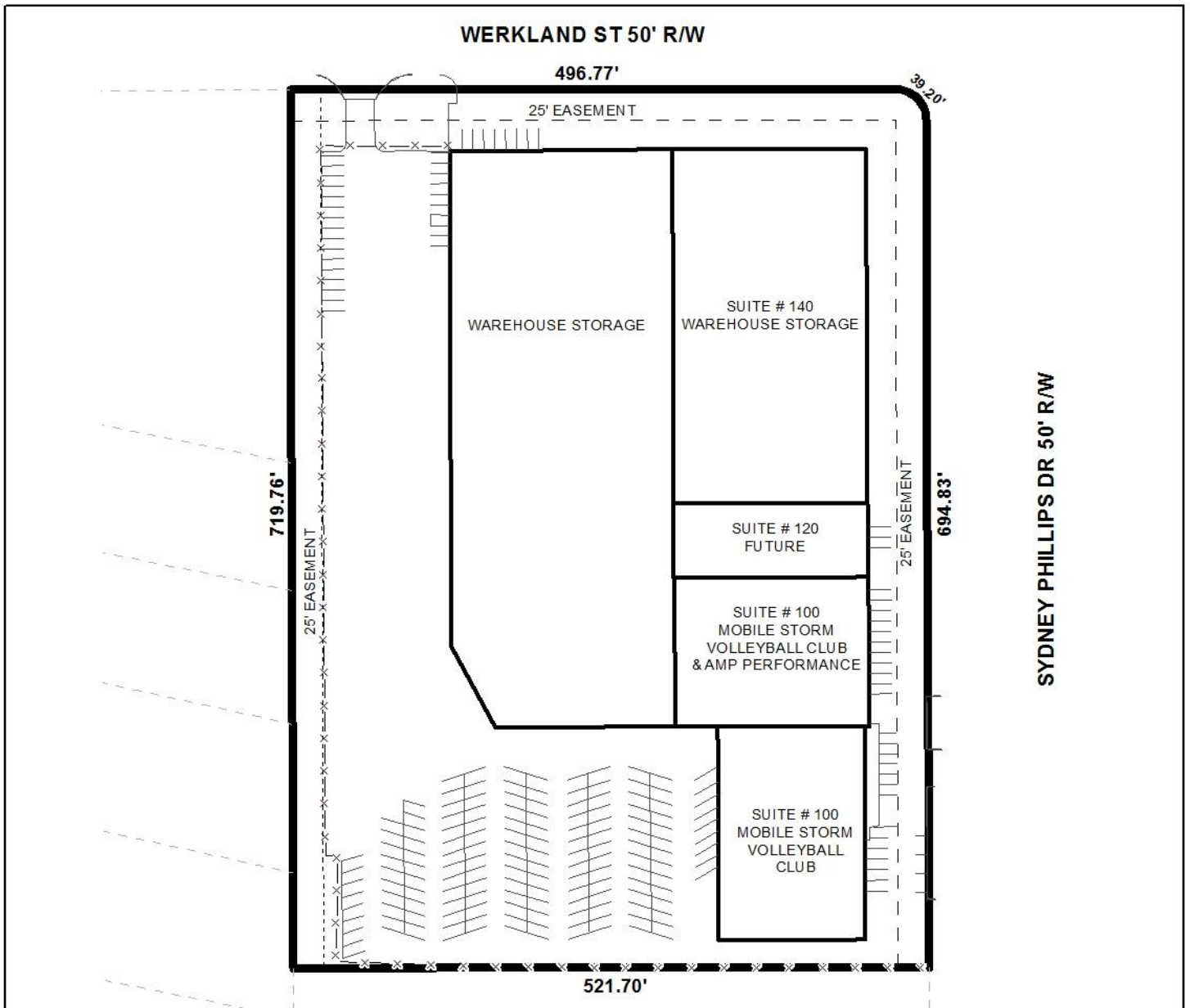


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SITE PLAN

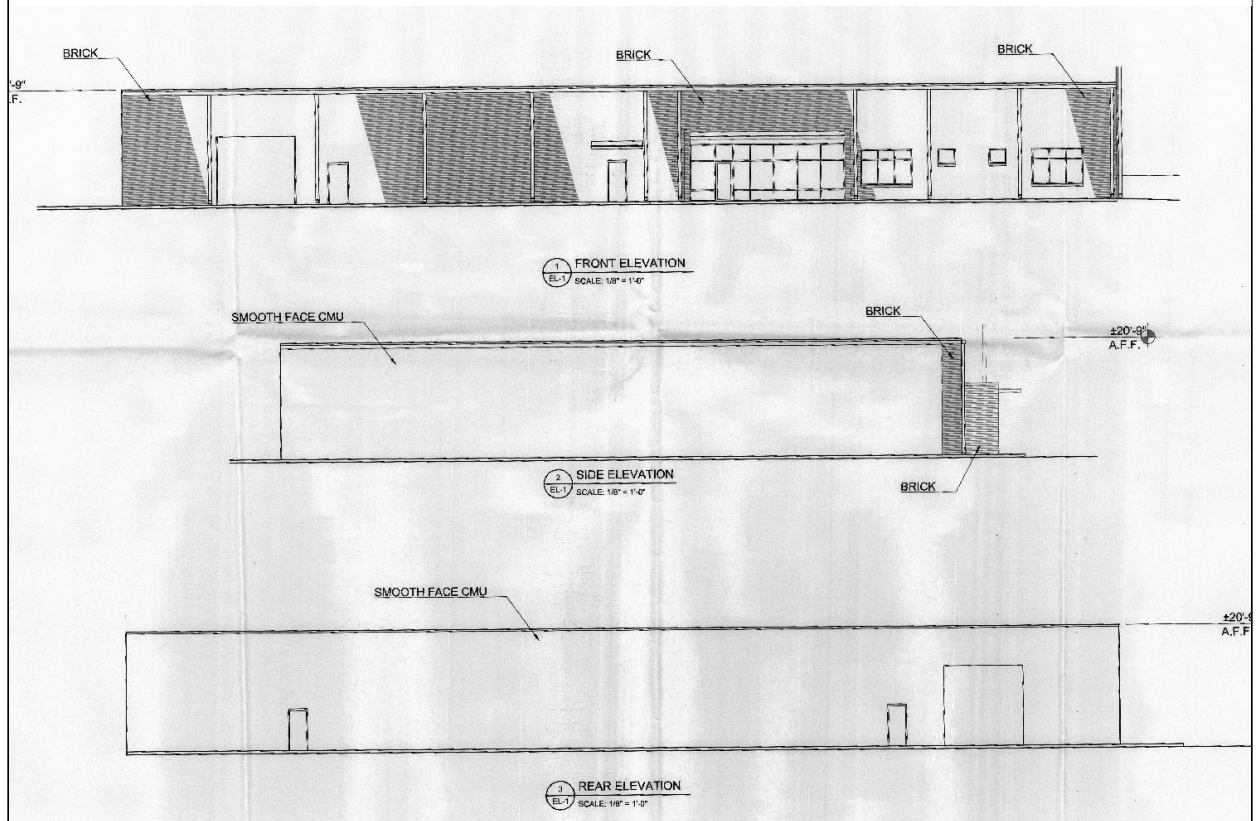


The site plan illustrates the existing volleyball club/warehouse building, parking, setbacks and easements.

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DETAIL SITE PLAN



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APPLICANT Mobile Storm Volleyball Club

REQUEST Use Variance



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