

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: September 9, 2019

CASE NUMBER

6281

APPLICANT NAME

Mobile Storm Volleyball Club

LOCATION

65 Sidney Phillips Drive
(Southwest corner of Werkland Street and Sidney Phillips Drive)

VARIANCE REQUEST

USE: Use Variance to allow a personal training facility in an I-1, Light Industrial District.

**ZONING ORDINANCE
REQUIREMENT**

USE: The Zoning Ordinance does not allow personal training facilities in an I-1, Light Industrial District.

ZONING

I-1, Light Industrial District

AREA OF PROPERTY

62,604 square feet

**CITY COUNCIL
DISTRICT**

District 1

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

The Traffic Engineering Department has not received any complaints about the operation of this facility to date. With the potential to hosts events at this location the parking availability may need to be considered based on a public assembly and not a warehouse use to confirm there is ample parking on-site. The former loading areas should also be converted to proper parking areas to define the site parking.

**URBAN FORESTRY
COMMENTS**

No comments.

**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 a personal training facility in an I-1, Light Industrial District; the Zoning Ordinance does not allow personal training facilities 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 #110 and its physical training space, Amp Performance Training Gym, 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. 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 / Amp Performance area ±19,560 SF*
- e. Vacant Unoccupied Space ±9,490 SF*

B) MSVC/Amp currently has 2 full-time employees and 36 part-time employees.

C) MSVC/Amp currently has

- a. 350 members, girls, aged 4 y.o. — 18 y.o.*
- b. 40 members, various ages*

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) Amp hours of operation MON-SUN 5:30am-6:30am; 11am-7:30pm

F) MSCV/Amp is calculated as commercial personal service establishment with a requirements of 1 space per 300 SF of gross floor area.

- a. 19,560 SF / 300 = 66 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.*

- G) 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 8. H) Amp estimated customers is 45 visitors / hours during peak (summer break) season.

We feel that a Use Variance should be granted to allow this volleyball club tenant its' training area 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 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 it's 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 it's 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 one 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 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 club and training area to remain in this I-1 zoned building at Werkland Street. The MSVC 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. Neither the volleyball club nor training area produce excessive noise since they are indoor activities; They in no way causes harm to the nearby businesses or communities, again being entirely indoor and private from adjacent properties; They can self-park within the complex; 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.

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. Furthermore, the close link between the volleyball facility and the sports club / personal training facility makes relocation of the latter impracticable.

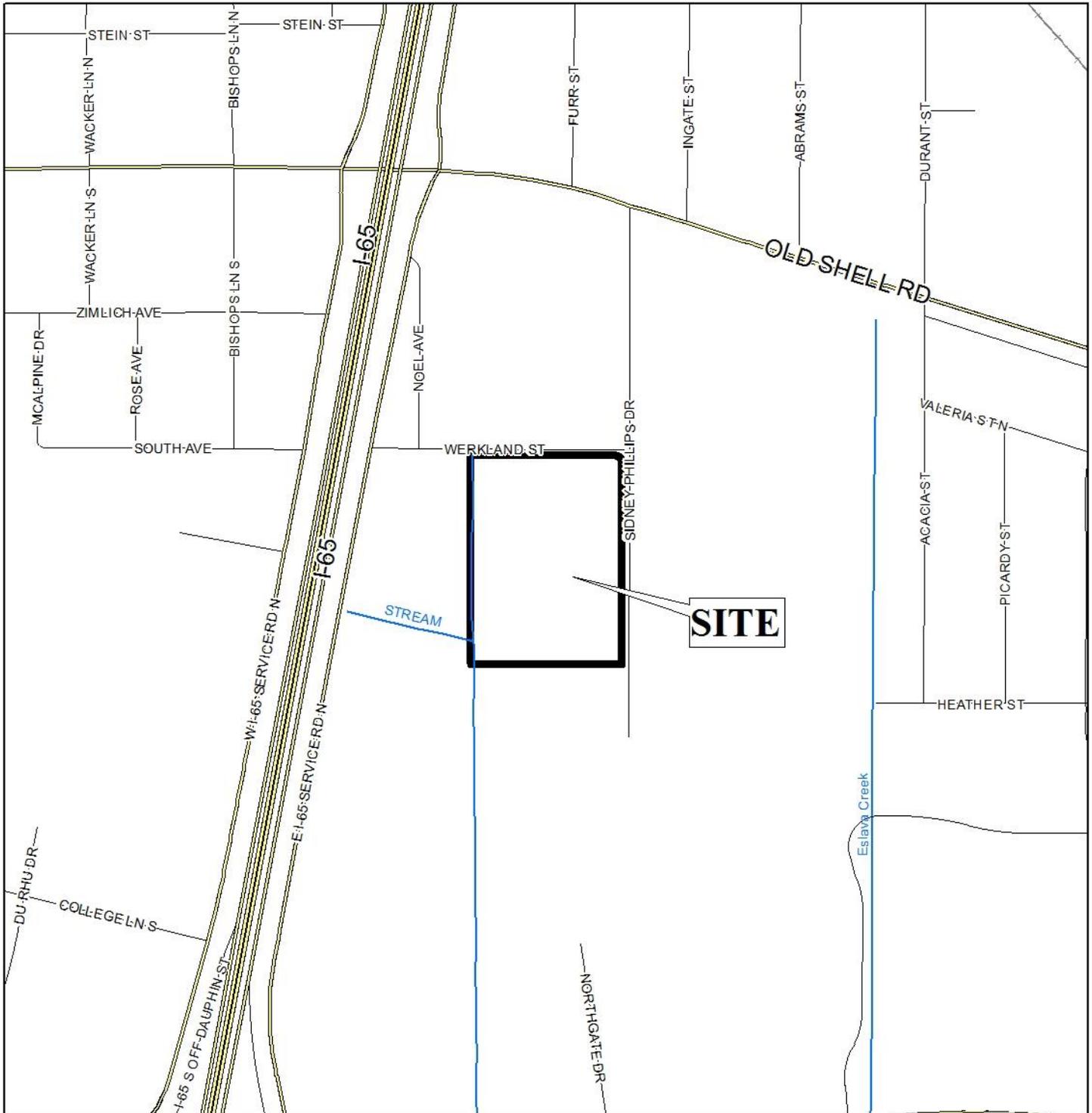
RECOMMENDATION: Based on the preceding, staff recommends to the Board the following findings of fact for Approval:

- 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 permits for signage;
- 3) Compliance with Traffic Engineering comments (*With the potential to hosts events at this location the parking availability may need to be considered based on a public assembly and not a warehouse use to confirm there is ample parking on-site. The former loading areas should also be converted to proper parking areas to define the site parking.*); and
- 4) Securing the necessary business license(s).

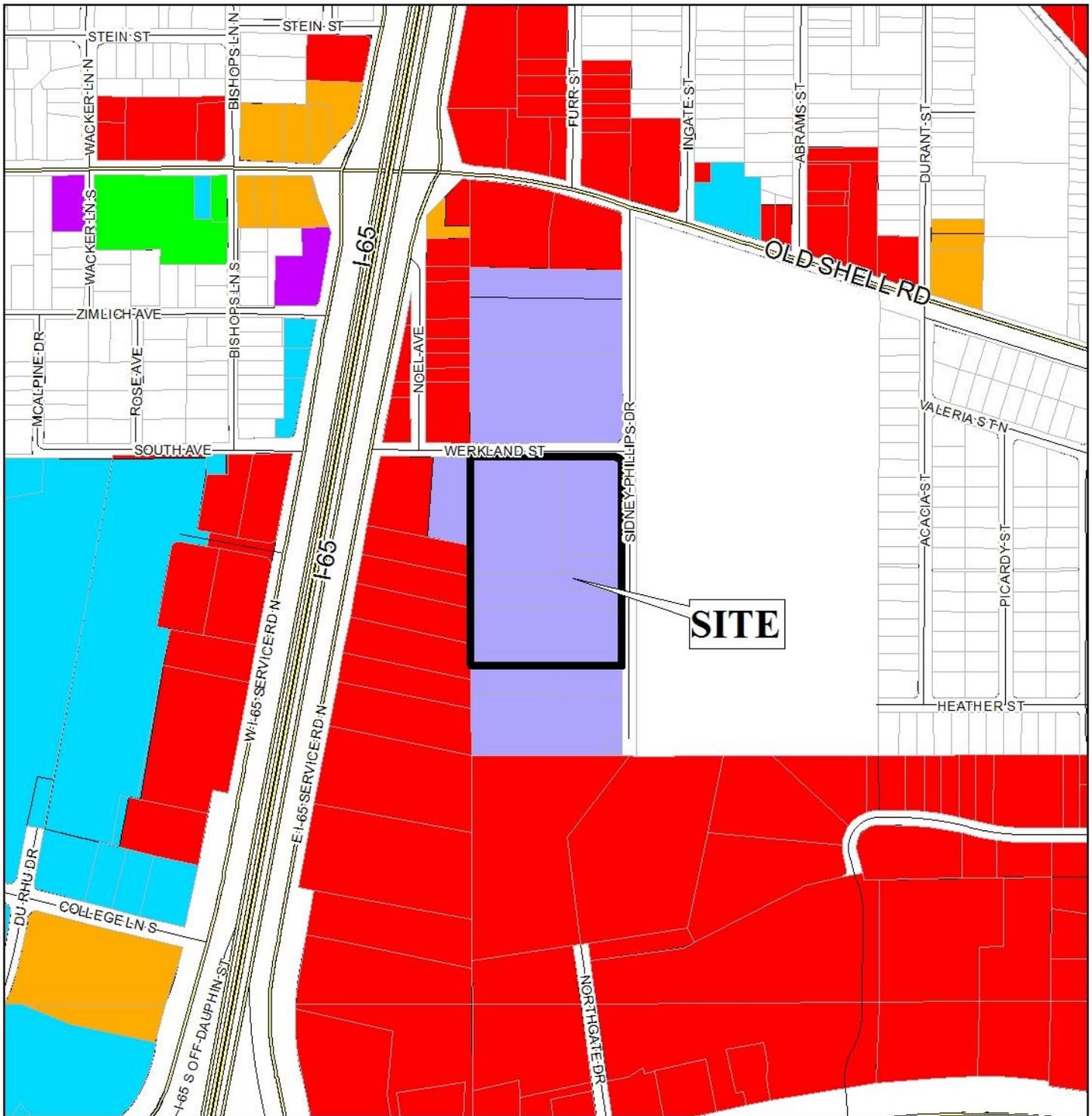
LOCATOR MAP



APPLICATION NUMBER 6281 DATE September 9, 2019
APPLICANT Mobile Storm Volleyball Club
REQUEST Use Variance



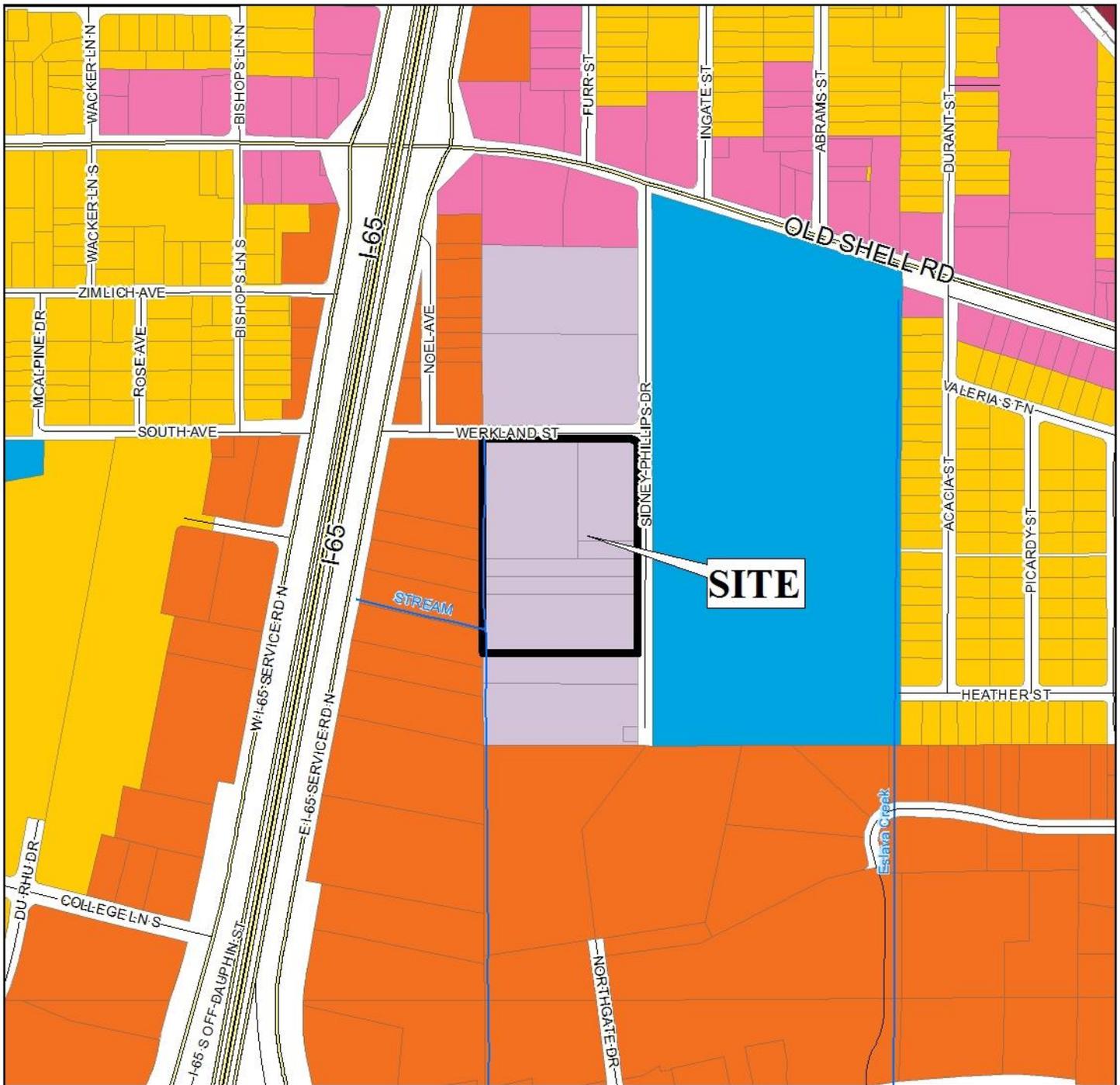
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



APPLICATION NUMBER 6281 DATE September 9, 2019

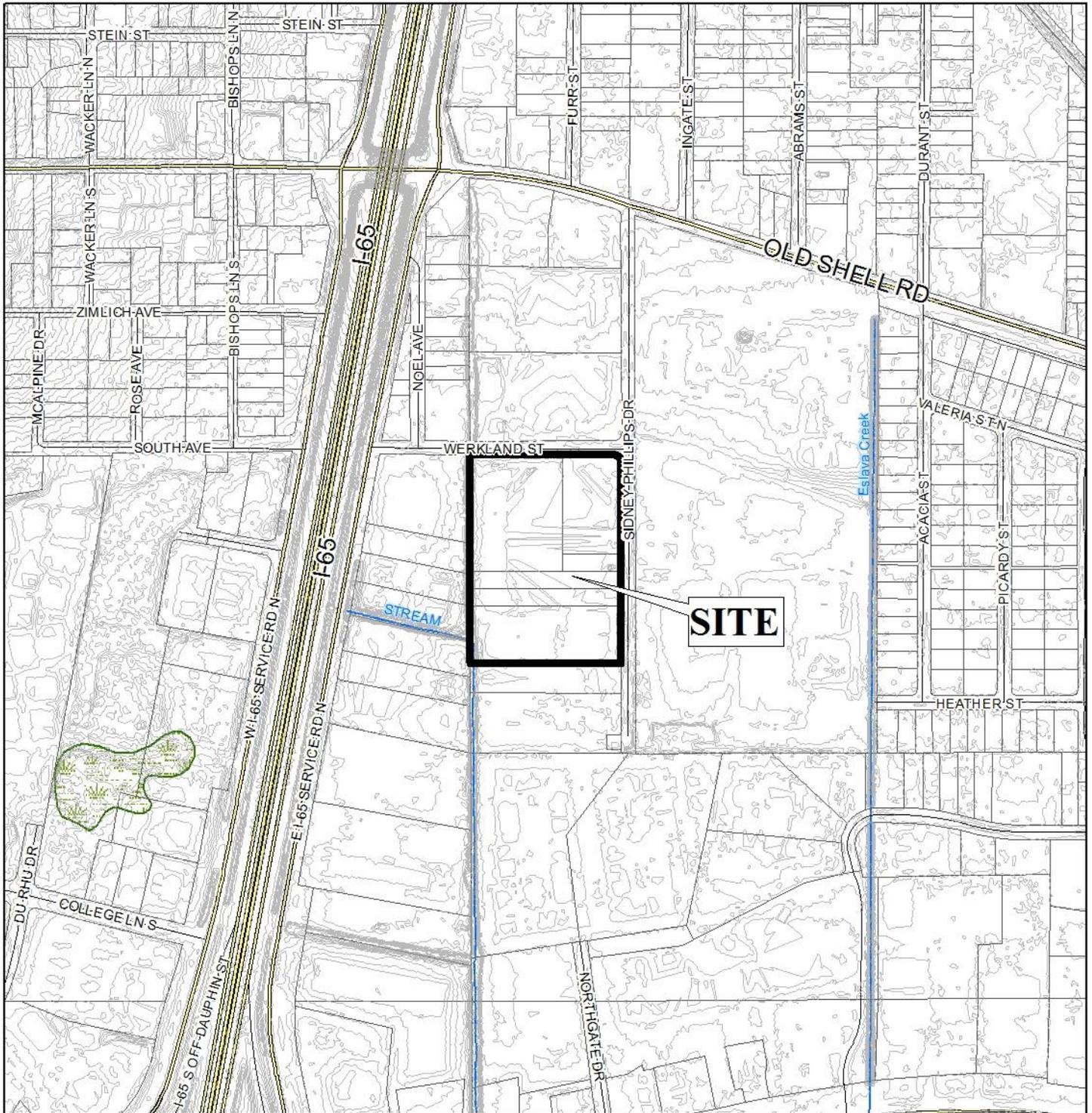
APPLICANT Mobile Storm Volleyball Club

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 | |



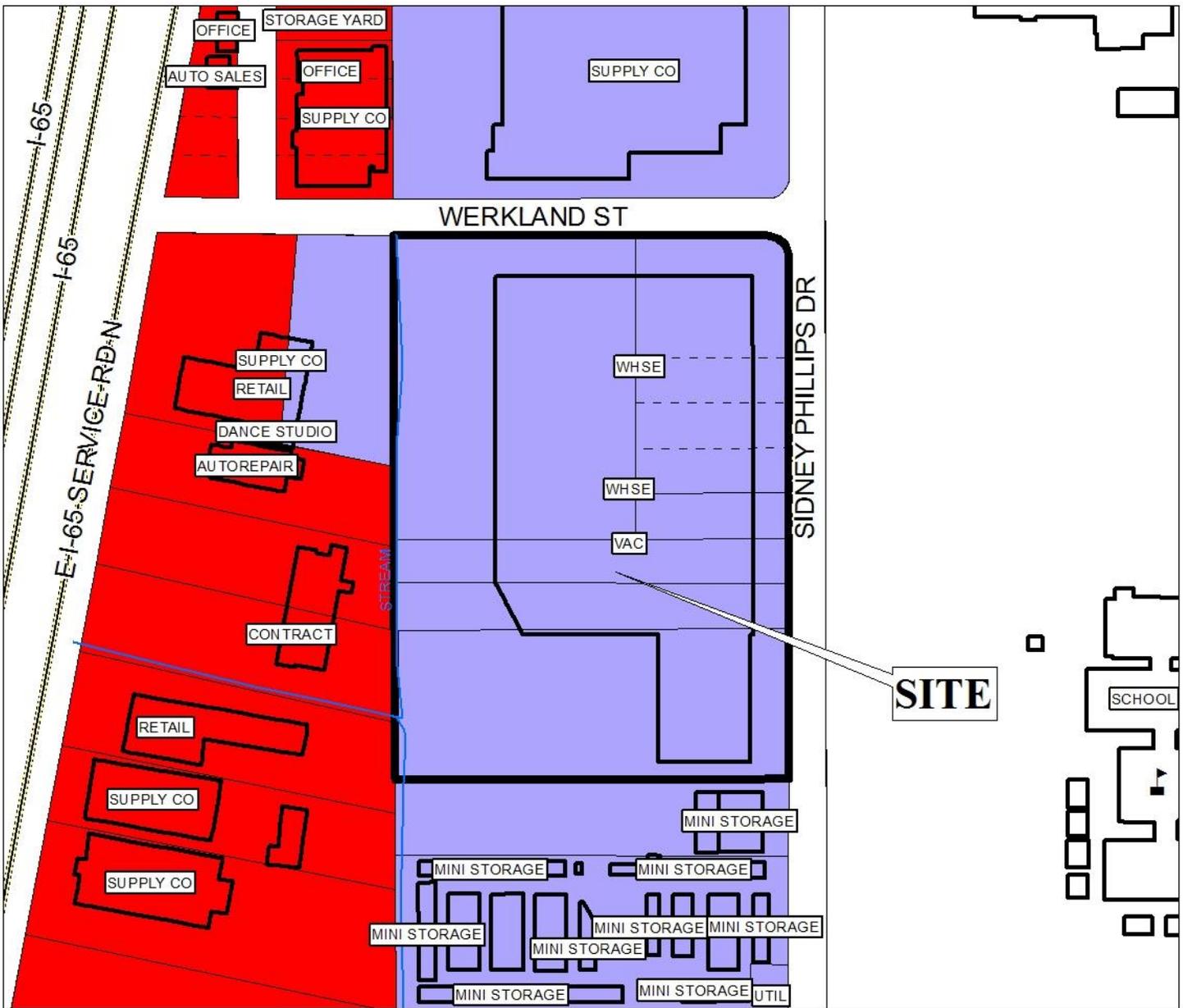
ENVIRONMENTAL LOCATOR MAP



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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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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



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



City of Mobile GIS Department

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

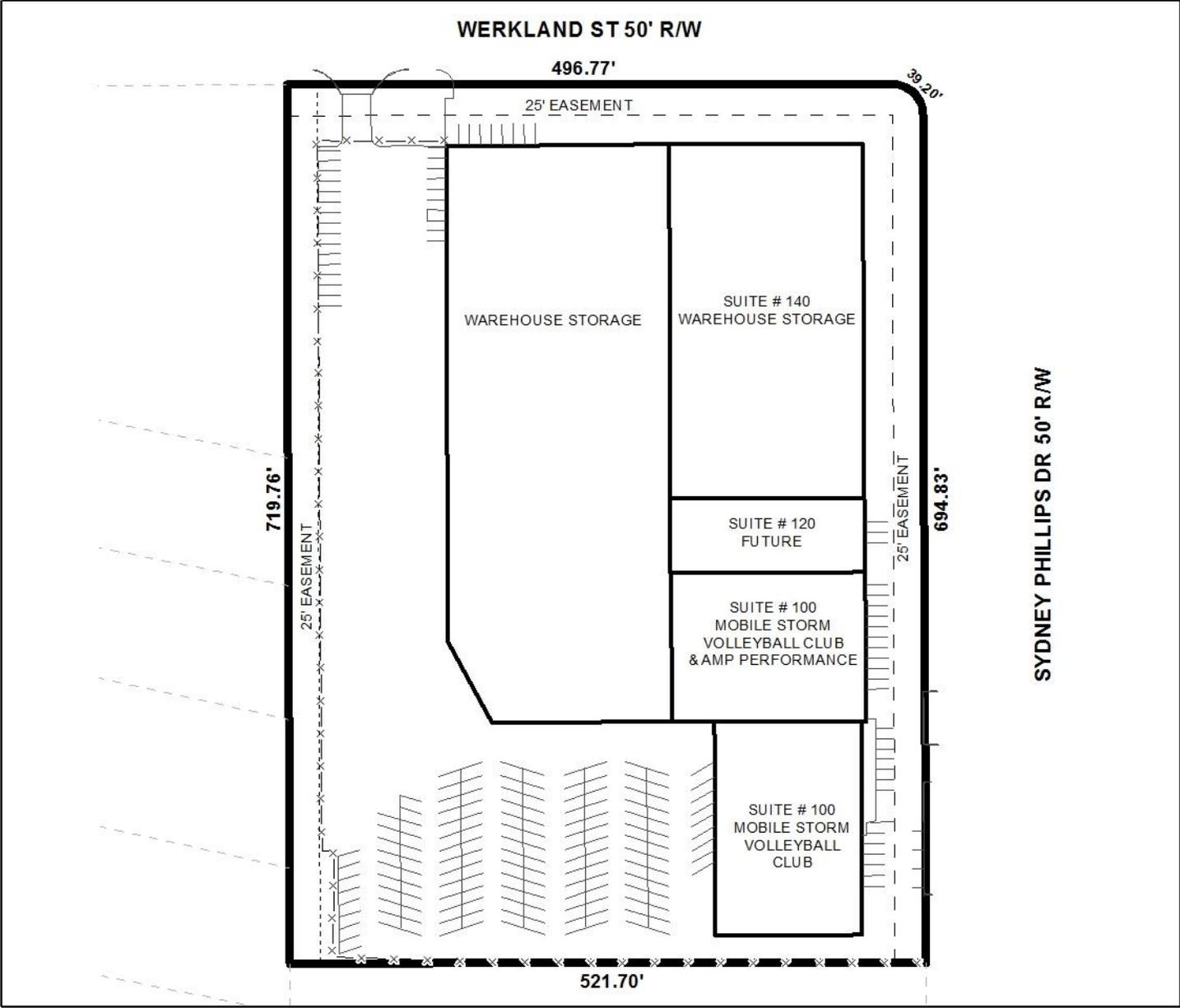
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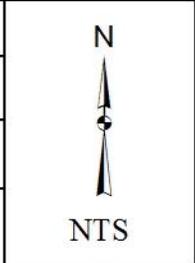


SITE PLAN

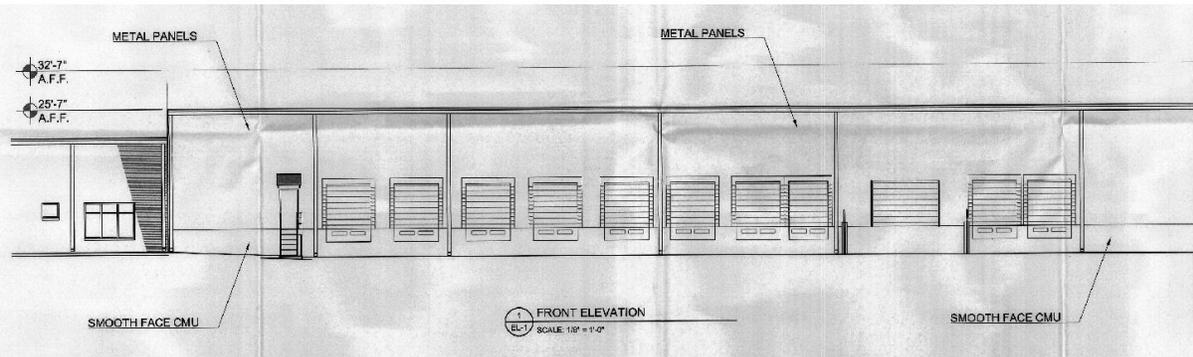


The site plan illustrates the existing volleyball club/warehouse building, parking, setbacks and easements.

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DETAIL SITE PLAN



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REQUEST Use Variance



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