

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: March 6, 2023**

<u>CASE NUMBER</u>	6504/6471/6399/6281/6280
<u>APPLICANT NAME</u>	White-Spunner Realty (Mitch Peters, Agent)
<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 baseball club in an I-1, Light Industrial District.
<u>ZONING ORDINANCE REQUIREMENT</u>	USE: The Zoning Ordinance does not allow baseball clubs 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>	All parking and necessary access aisles should be paved surfaces, unless a surface variance is obtained otherwise. Parking should not be within the right-of-way or require maneuvering in the right-of-way unless a variance is obtained otherwise.
<u>URBAN FORESTRY COMMENTS</u>	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-RESCUE DEPARTMENT**COMMENTS**

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 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 Variance to allow a baseball club in an I-1, Light Industry District; the Zoning Ordinance does not allow baseball clubs 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 Deep South Baseball, Suite #150, 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 for an occupancy of a baseball & softball training facility 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 S.F. (3315 Werkland)*
 - b. Lagniappe Warehouse ±31,858 S.F. (3301 Werkland)*
 - c. Mobile Storm Volleyball Club practice courts & operations area ±21,080 S.F. (65 Sidney Phillips Dr., Suite 100)*
 - d. Amp Performance ±19,560 S.F. (Suites 110 & 120)*
 - e. Vacant Unoccupied Space ±9,490 S.F. (Suite 130)*
 - f. Lower Alabama Volleyball Club ±26,000 S.F. (Suite 140)*
 - g. Proposed Deep South Baseball (DSBB) ±20,145 S.F. (Suite 150)**
- B) DSBB will have 4 employees.*
- C) DSBB will provide training for youth baseball & softball, ages 5 thru collegiate level.*
- D) DSBB hours of operation are as follows:
 - a. MON-FRI 4pm-8pm*
 - b. SAT-SUN 8am-8pm*
 - c. DSBB estimated customers per day are 25-30, with each training session lasting approx. 30 minutes.**

We feel that a Use Variance should be granted to allow Deep South Baseball (DSBB) to occupy this space in its current I-1 Zoned location. The Werkland Street Warehouse building has the proper height & width requirements to allow for installation of the tenant's batting, pitching and fielding enclosures. Other prospective facilities in the

Mobile area lack adequate space to fit their needs and specifications. DSBB has indicated they spent a great deal of time talking with various entities and visiting many commercial properties and facilities in search of a space that had the essential physical clearance requirements necessary for an indoor baseball and softball training facility. The Warehouse space at 65 Sidney Phillips Drive, has a ± 23' eave height clearance with enough clear ground space between columns that will accommodate their needs.

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 or adversely affect nearby residential, or 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 baseball or softball training facilities 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 this baseball and softball training facility in this I-1 zoned building at Werkland Street. This location is the most feasible and physically adequate space available for this indoor baseball and softball training facility.

This training facility will not produce excessive noise. All the training will occur indoors, and in no way will cause harm to nearby businesses or communities and most importantly, will become an environment that promotes positive core values 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.

Storm Volleyball obtained approvals for Use and Parking Ratio variances in September 2022 to operate at the location. That approval was contingent upon: 1) the provision of paved surfacing for all parking being paved, 2) obtaining a non-utility right-of-way use agreement for parking extending into the right-of-way, and 3) no tournaments to be held on site. The site plan submitted with the current application still depicts some aggregate drive aisles on the site.

In regards to the proposed baseball club utilizing the space, it would seem to be in keeping with the previous approvals for the volleyball clubs, and therefore may be appropriate.

The applicant submitted a revised site plan for the Storm Volleyball September 2022 application, which depicted a total of 318 parking spaces proposed (338 spaces required), with none being located in the right-of-way, as the associated non-utility right-of-way use permit was denied. The site plan submitted with the current application states that 254 parking spaces are required currently. It appears that the reduction in required parking from 338 spaces to 254 spaces, is due to the applicant's use of the parking ratios set forth in the Unified Development Code (UDC), which went into effect on March 1, 2023. It should be noted however, that the application under consideration was not submitted when the UDC was active, and therefore should be considered under the Zoning Ordinance in effect at the time the application was submitted. If considered using the pre-UDC Zoning Ordinance, the site will still need a parking ratio variance, as the site will be 82 parking spaces short of the required parking.

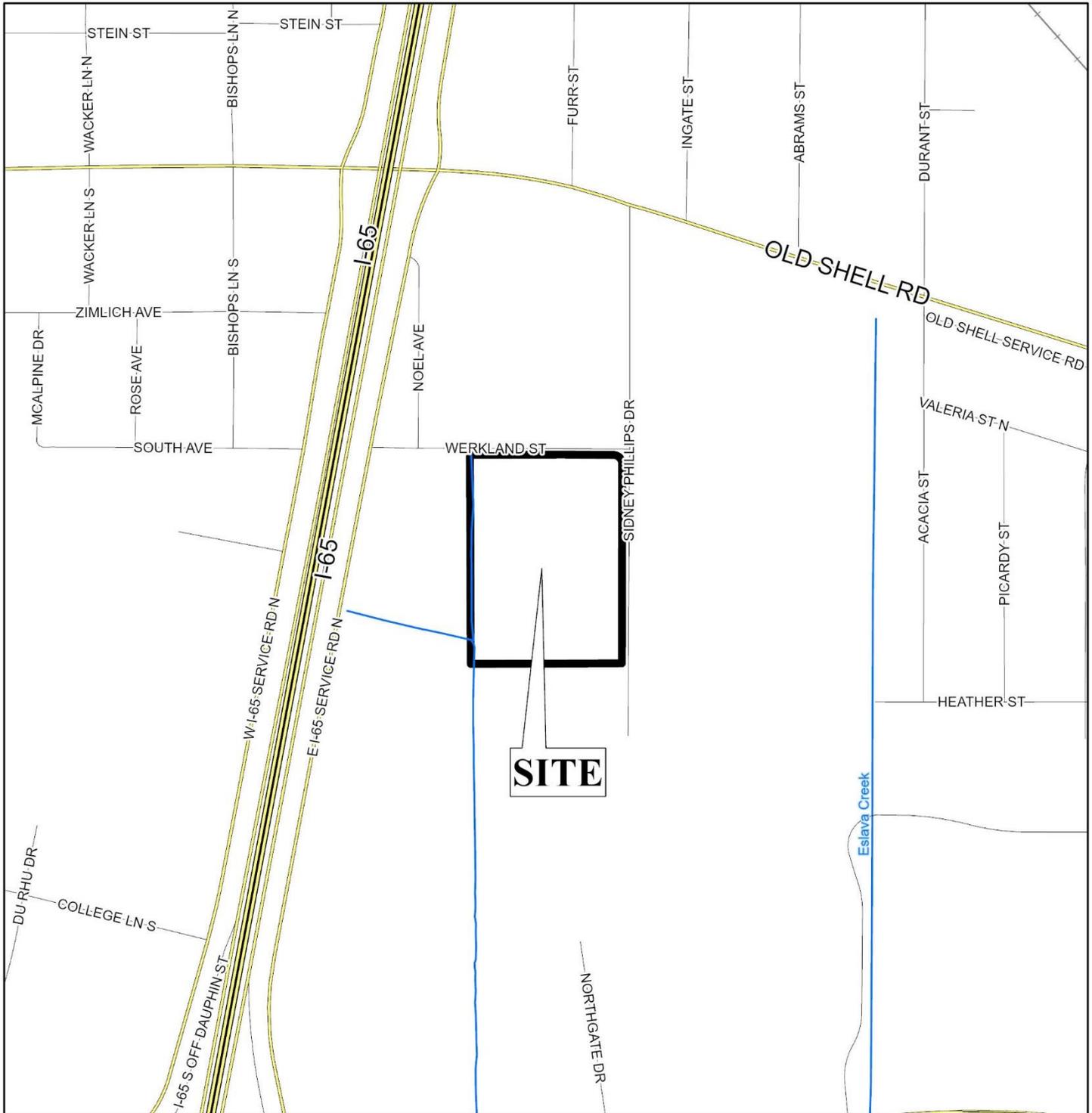
The applicant can either withdraw the current application, and re-submit a new application to be considered under the UDC standards, thereby making the parking ratio variance request unnecessary, or amend the current application to include the additional parking variance request.

It should finally be noted that while revised site plans were submitted for the September 2022 variance approval, no permits or business licenses have been issued for the location, making the previous variance likely to expire on March 12, 2023 if no permits, licenses, or extensions are granted.

RECOMMENDATION:

Staff recommends that the applicant either withdraw the application, and re-submit to be considered under the UDC regulations, or amend the existing application (to include additional fees) to include a parking ratio request.

LOCATOR MAP



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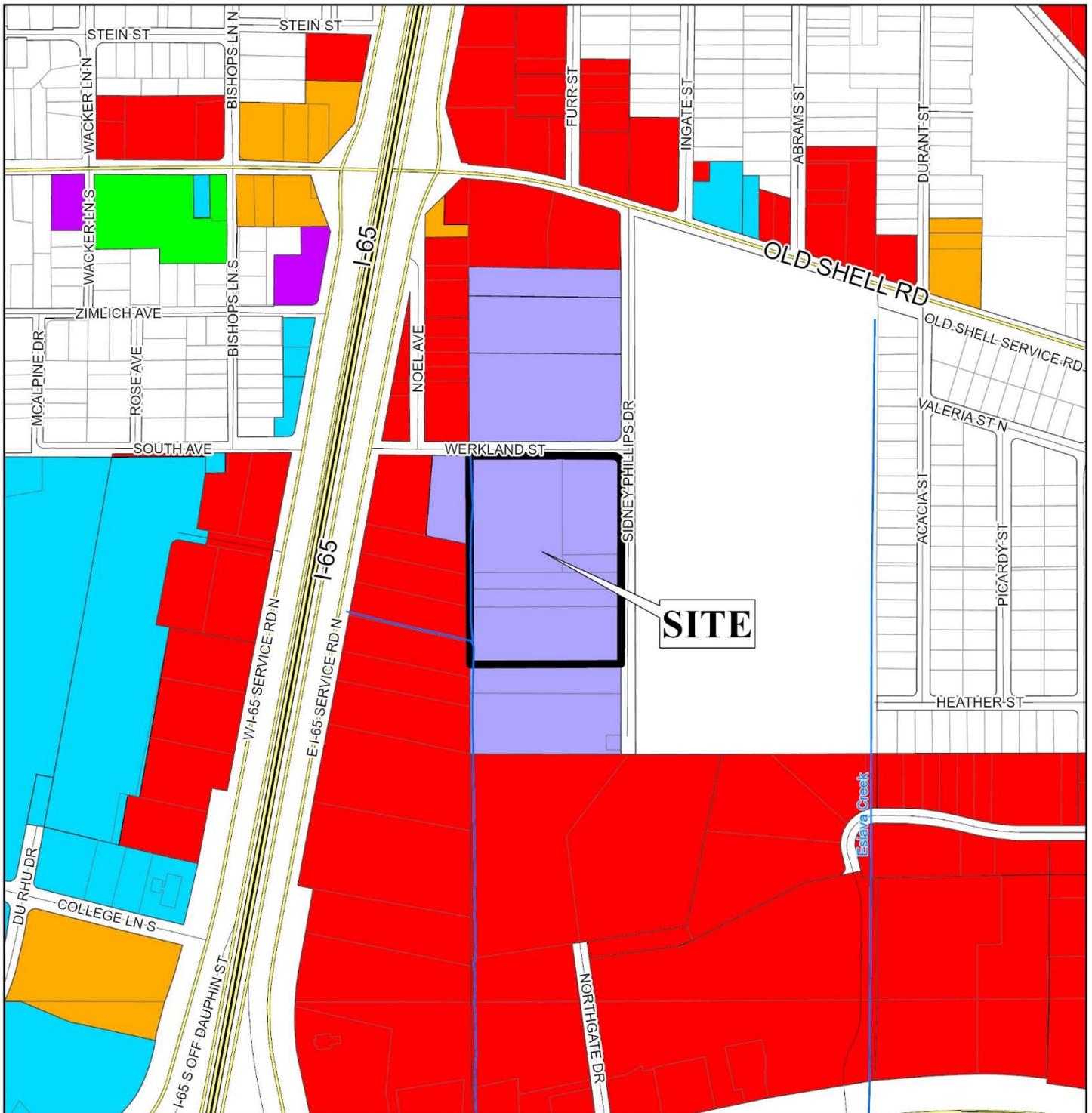
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REQUEST Use Variance



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LOCATOR ZONING MAP



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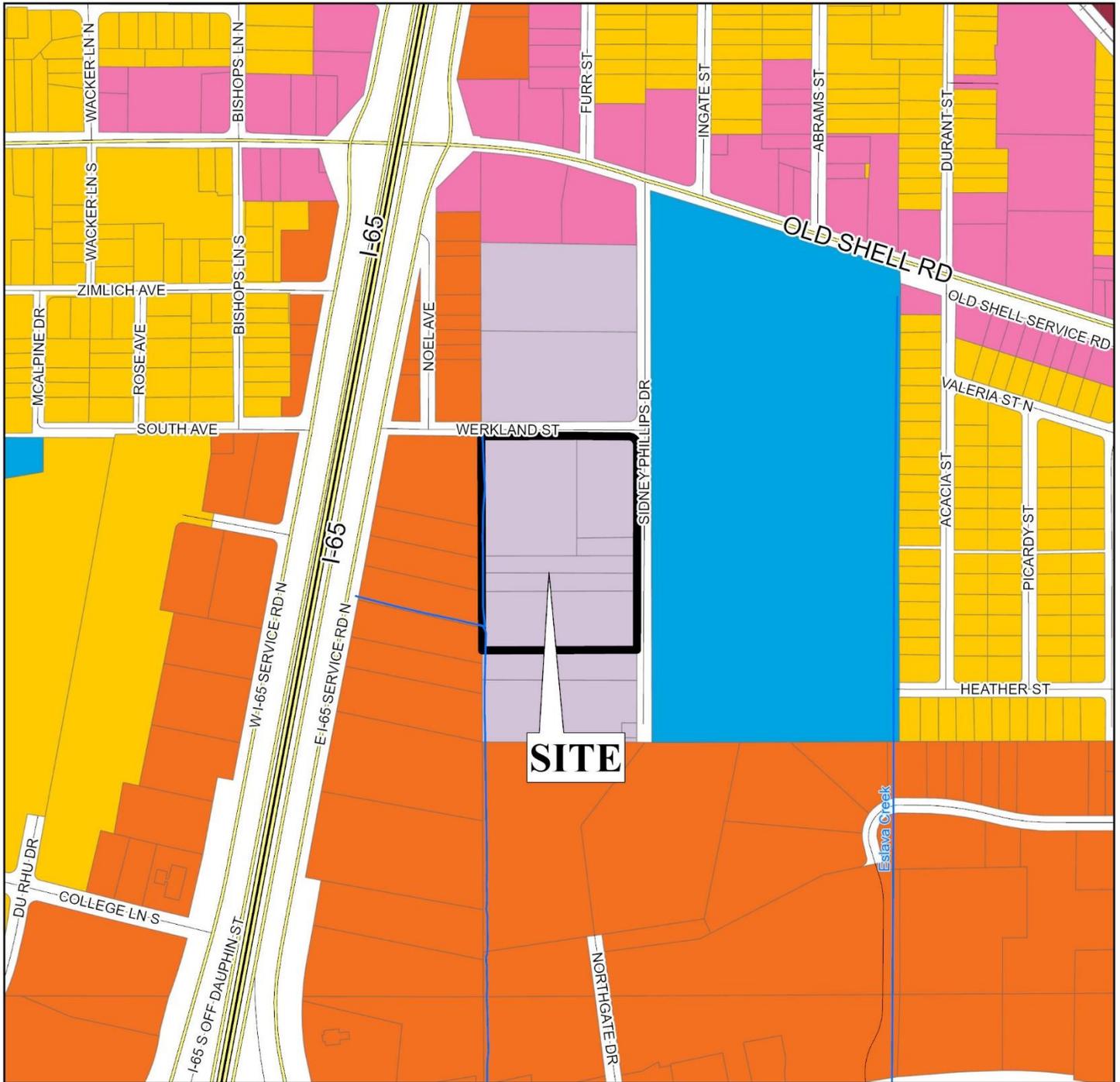
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FLUM LOCATOR MAP



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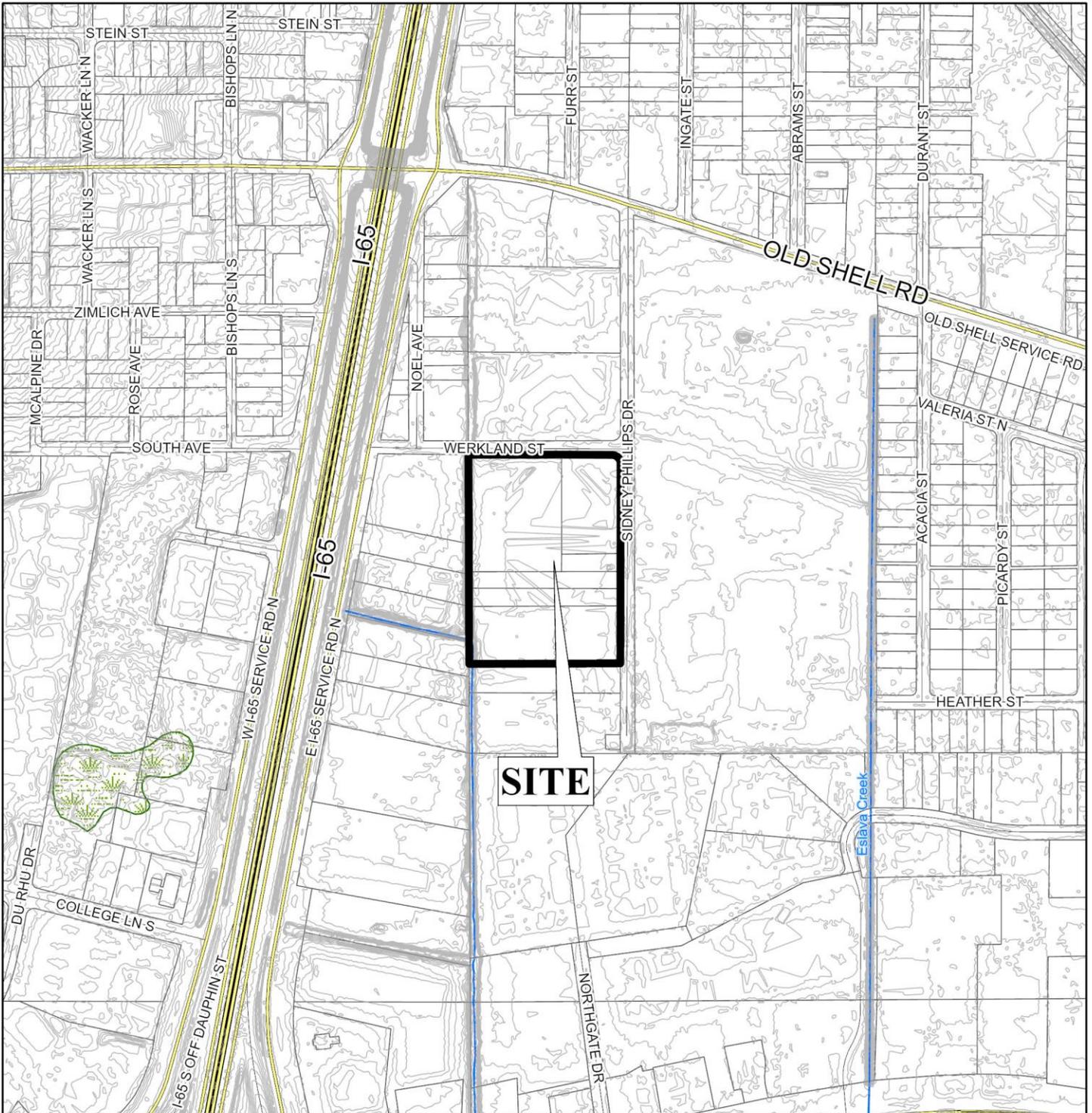
FLUM

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



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ENVIRONMENTAL LOCATOR MAP



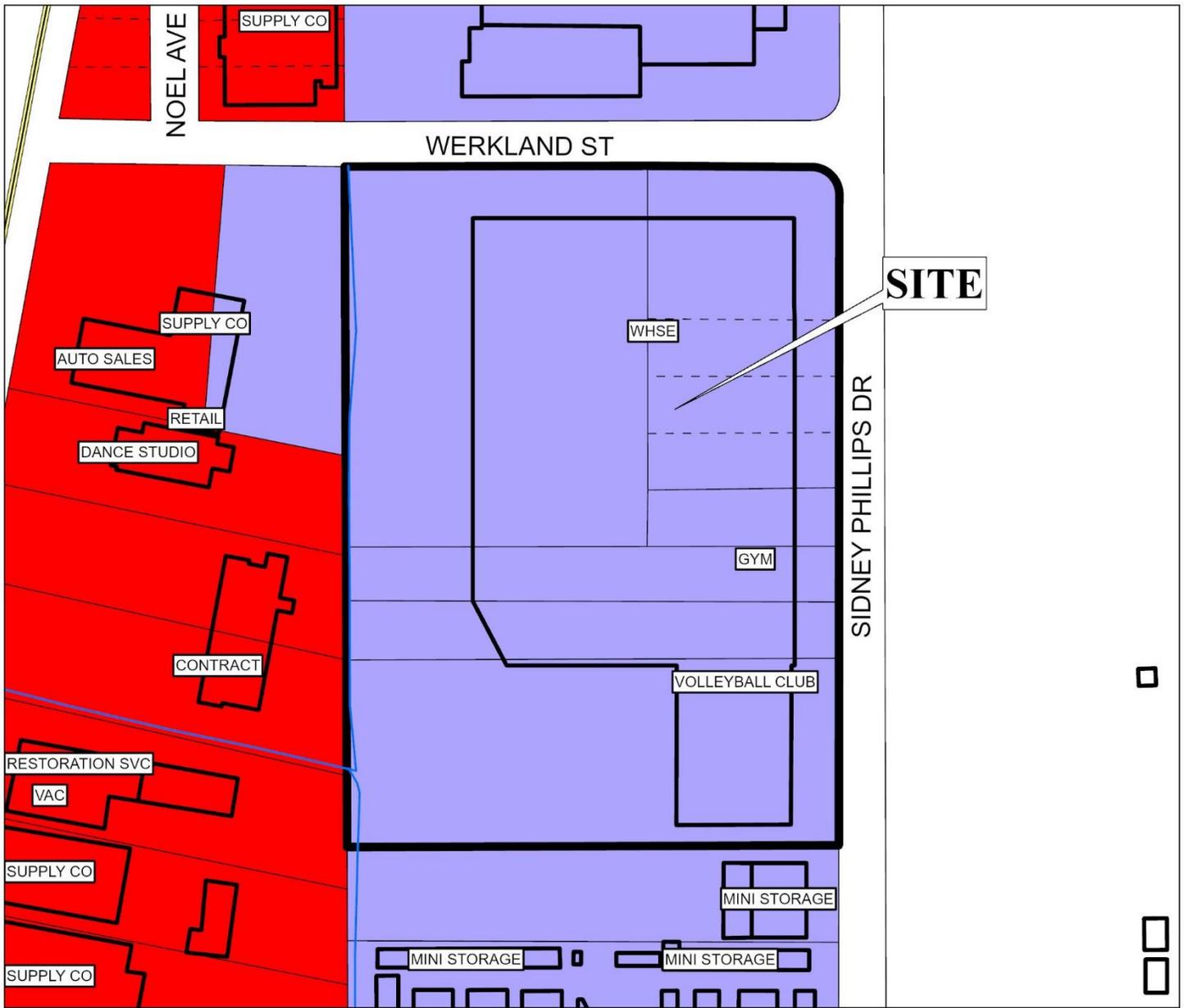
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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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



The site is surrounded by

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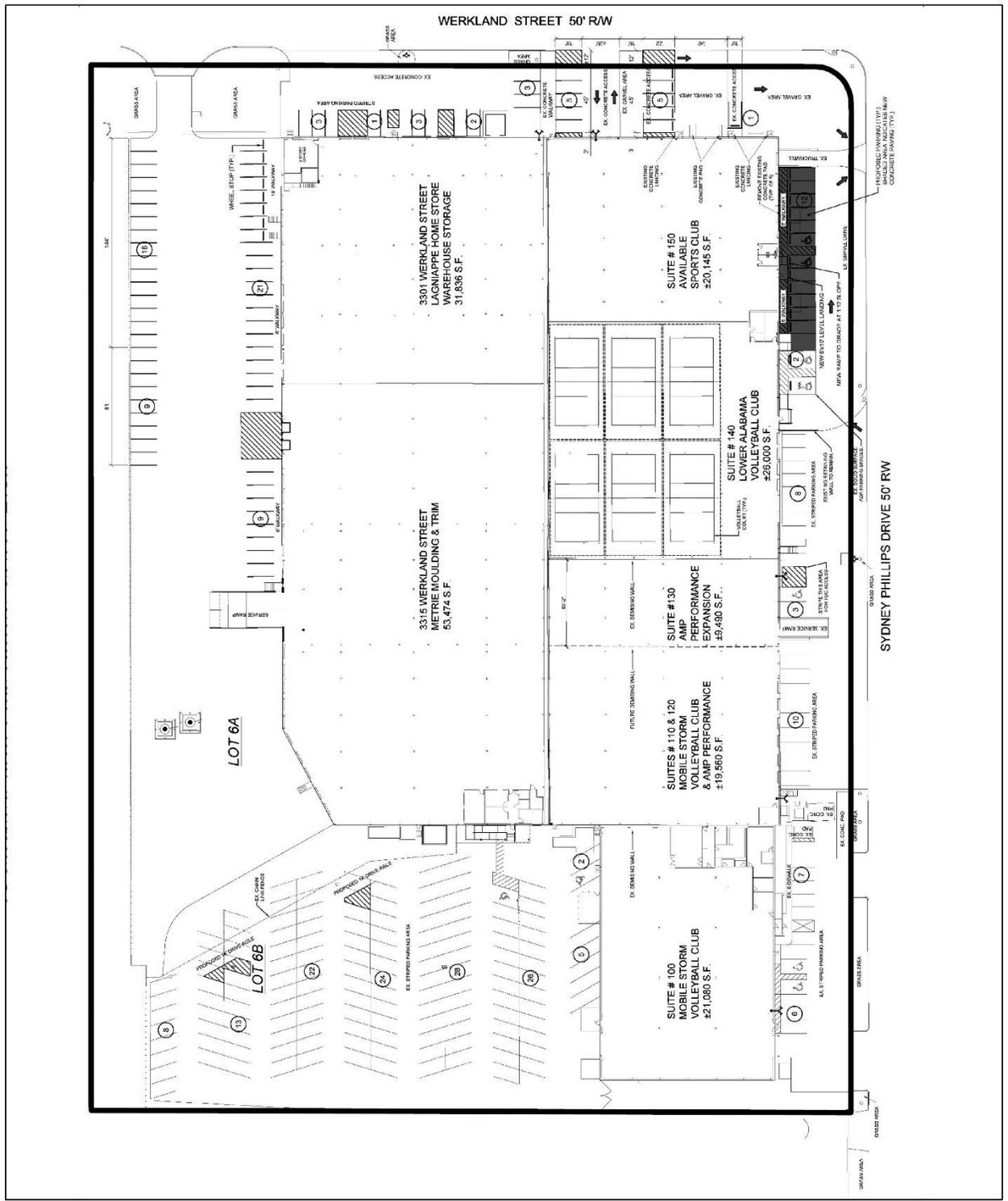
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SITE PLAN



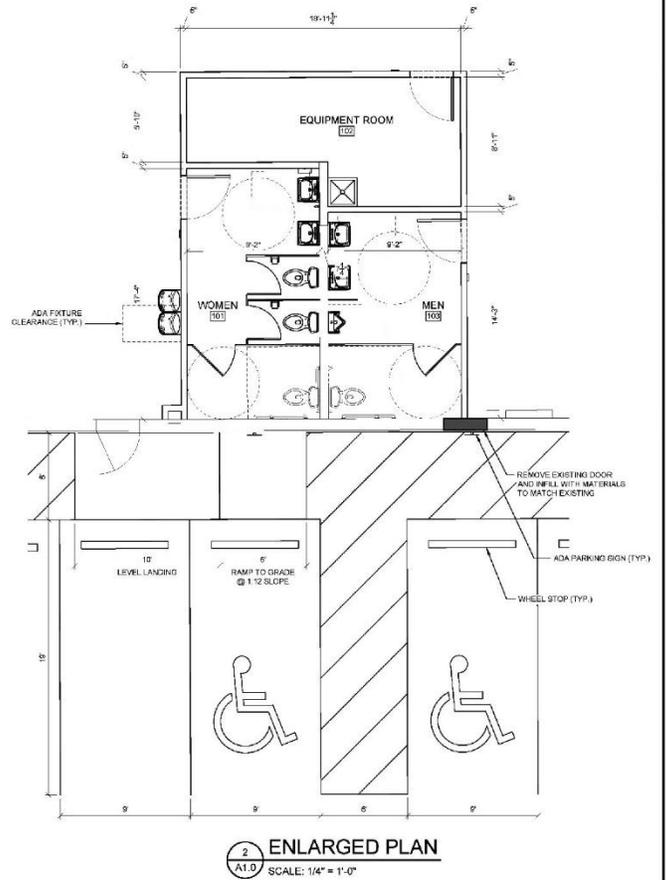
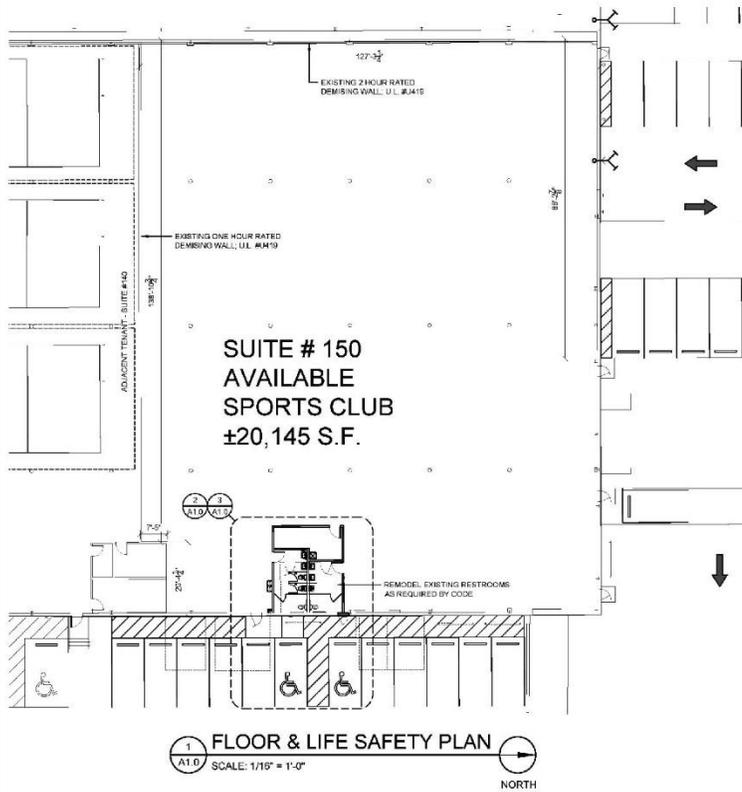
The site plan illustrates the existing buildings, warehouse, parking, and volleyball use configuration.

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DETAIL SITE PLAN



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REQUEST Use Variance



