

ZONING BOARD OF ADJUSTMENT STAFF REPORT

February 28, 2022

ZBA-09-22

GENERAL INFORMATION

Property Owner () Petitioner (X)

Clint Carmichael

Requested Action and Purpose

A use variance to allow vehicle-mounted food sales, and outdoor amusement

Location and Existing Zoning

1708 16th Street. Zoned MG. (Council District 2)

Size and Existing Land Use

Approximately 1.46 acres, Industrial

Surrounding Land Use and Zoning

North: Commercial, BN

East: Industrial, MG

South: Industrial, MG

West: Industrial, MG

Applicable Regulations

Sec. 24-72. – Permitted uses.

Not an allowed use in the MG zoning district.

SUMMARY

The petitioner is requesting a use variance to allow vehicle-mounted food sales and outdoor amusement. The proposal is for a Dog daycare, boarding, and grooming facility that also has a Dog Bar and Park. The existing metal building will be converted into the bar and kennel areas. This will also require conditional use approval from City Council for the bar. The property was previously approved to allow RV game day parking. The owner stated at that point in time, this was a temporary use until a permanent Lessee could be found. This Dog Bar/Park offers a permanent use for this property.

Office of Urban Development, Planning Division: No comment

Office of Urban Development, Building and Inspections Division: No comment

Infrastructure and Public Services, Engineering Division: No comment

Tuscaloosa Fire and Rescue Service: No comment



ZONING BOARD OF ADJUSTMENT

PETITION APPLICATION

Last Updated, July 2021

Please complete all of the following required fields:

Location of Petitioned Property

Address: 1708 16th Street, Tuscaloosa, AL 35401

Property Owner

Name: Crawford Nixon

Phone: 205-331-4264

Email: crawford.nixon@nixoncompanies.com

Address: 2621 7th St, Tuscaloosa, AL

ZIP Code: 35401

Petitioner (if different from owner)

Name: Clint Carmichael

Phone: 205-292-3591

Email: ccarmich87@gmail.com

Address: 3491 tangle creek estates drive, Birmingham, AL

ZIP Code: 35243

The Petitioner requests the following item(s) from the Zoning Board of Adjustment:

A special exception is a conditional use which the zoning ordinance expressly permits under conditions specified in the zoning ordinance. A variance is a deviation from the regulations in the zoning ordinance which requires proof of an unnecessary hardship. An appeal is a formal challenge of the zoning officer's ruling.

☐ **Special Exception**

☒ **Use Variance**

☐ **Variance**

Commercial \$ 200.00 per lot

Commercial \$ 200.00 per lot

Commercial \$ 200.00 per lot

Residential \$ 50.00 per lot

Residential \$ 50.00 per lot

Residential \$ 50.00 per lot

☐ **Short-Term Rental** \$ 400.00 per lot

☐ **Appeal Zoning Officer's ruling** \$ 10.00 per lot

Briefly describe the variance, special exception, and/or appeal being requested. Include any related information, such as number of parking spaces, hours of operation, etc., related to your request.

While the "kennel" use is allowed under MG zoning, our business model also includes a dog park and bar business, which is a new concept, and does not fit into the 1972 zoning code. Therefore, we're requesting the following variances/exceptions: 1) ability for multiple food trucks to come on site during hours; 2) ability to provide outdoor amusement; 3) reduction in parking requirements. Please see more detail in attached supplement.

**PLEASE SUBMIT AN ELECTRONIC COPY OF THIS APPLICATION AND ANY
NECESSARY SUPPORTING MATERIALS TO:**

Office of Urban Development:
Planning Division

2201 University Boulevard, Annex III
Tuscaloosa, AL 35401

Email: zba@tuscaloosa.com

Answer the following for VARIANCE requests ONLY:

The petitioner must specifically state a hardship for the variance. Explain the ways in which the zoning regulation creates a hardship on the property. When a variance is at issue, the primary consideration is whether a literal enforcement of a zoning ordinance will result in unnecessary hardship. Explain any special circumstances or conditions that are peculiar to the land or buildings because of which a strict application of the ordinance would deprive the applicant of the reasonable use of such land or building.

~~While the "kennel" use is allowed under our current MG zoning, our business model also includes a dog park and bar business, which is a new concept, and does not fit into the 1972 zoning code. Our hardship is that we cannot have multiple food trucks on site, and we do not have an "outdoor amusement" use under MG zoning, so we could not operate our park/bar business as currently zoned.~~

Explain how the variance request is in harmony with the general purpose and intent of the regulations imposed by this ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

~~Our park/bar is a true amenity to the dog-friendly and growing Tuscaloosa community. We are adding a premium, and safe dog park to the community. As dog ownership and the overall population in Tuscaloosa continue to grow, Tuscaloosa will need more dog parks, and we are addressing that need. We have no residential neighbors that would be annoyed by the noise associated with a dog kennel. The dog park is fairly quiet because the dogs are with their owner.~~

Answer the following for SHORT-TERM RENTAL requests ONLY:

Provide the number of bedrooms and bathrooms the property has. Provide how many adults you are requesting to rent to and how many vehicles you are able to park in your driveway or parking areas (parking on the street is not allowed). Typically, two adults are allowed per vehicle. Include the width and length of your driveway. A typical parking space is 9' wide by 20' deep. Tandem parking (one vehicle behind the other) of not more than two vehicles is allowed, and a garage can be used. Photos can be provided with this application showing the proposed parking.

- For all requests for any variance from or special exception to a zoning requirement pertaining to a dimensional requirement or the site, a scaled site plan and/or building elevation produced by a registered land surveyor, professional engineer, or architect shall be required.
- Requests for an exception from fence requirements must depict proposed location and design of fence.
- Any request which will not be represented by the property owner at the public hearing must be accompanied by a designation of agent form.

Certification of Applicant

I certify that the foregoing facts, to the best of my knowledge, are true and correct and that except for the exception, variance, or appeal requested in this petition, the proposed construction and use complies with all requirements for the zoning district in which the property is located. I recognize the City will send public notification and place a sign on the property with information for the public. This Petition will not be accepted until all required information is provided.

Print Name: Clint Carmichael

Signature: 

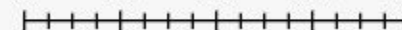
Date: 2-3-22



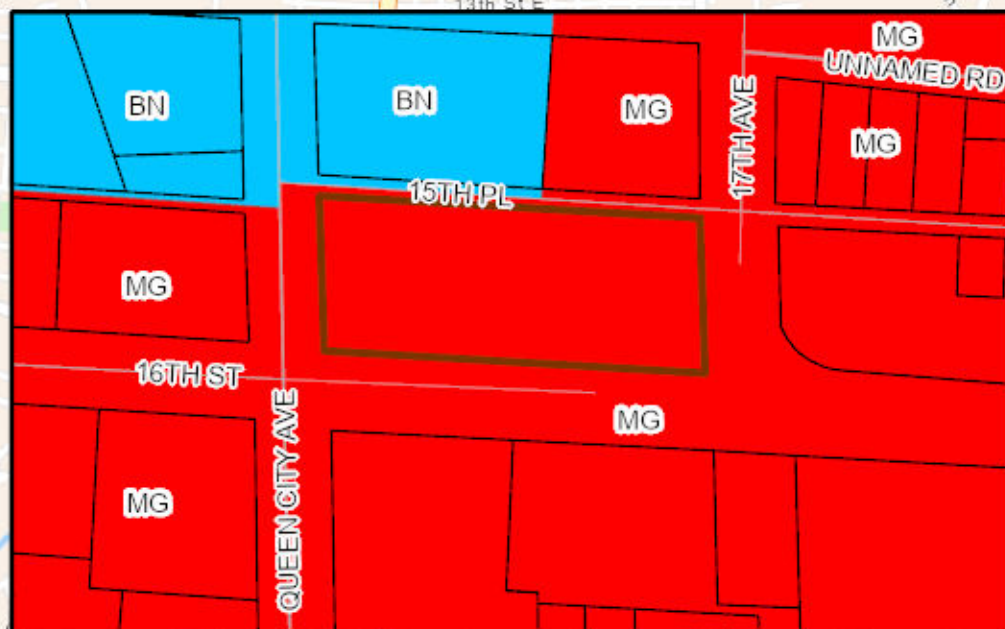
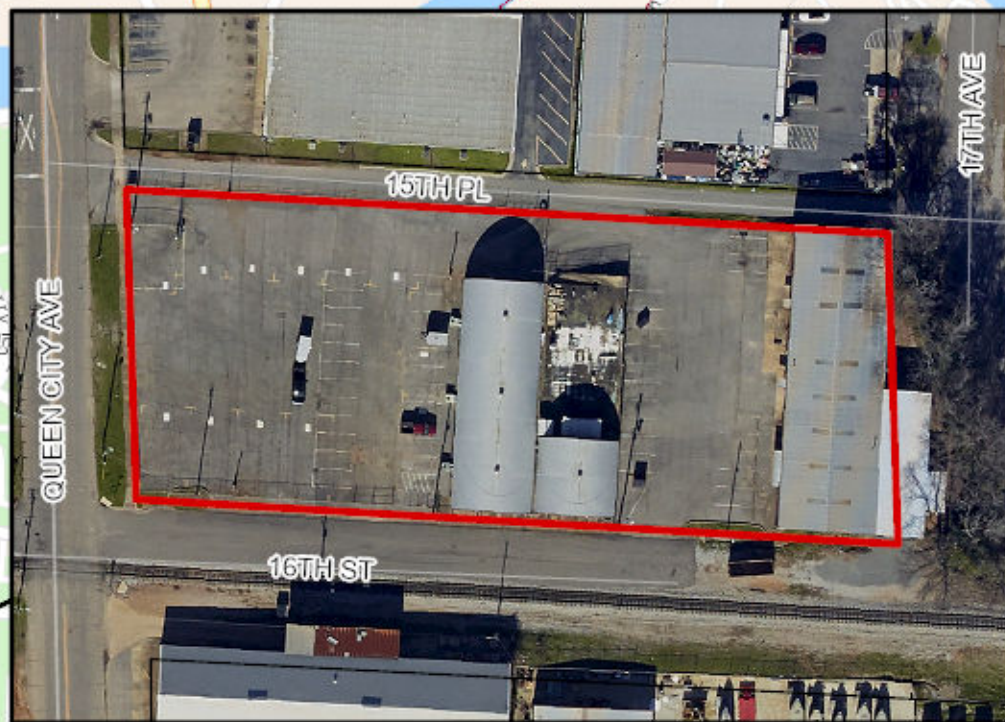
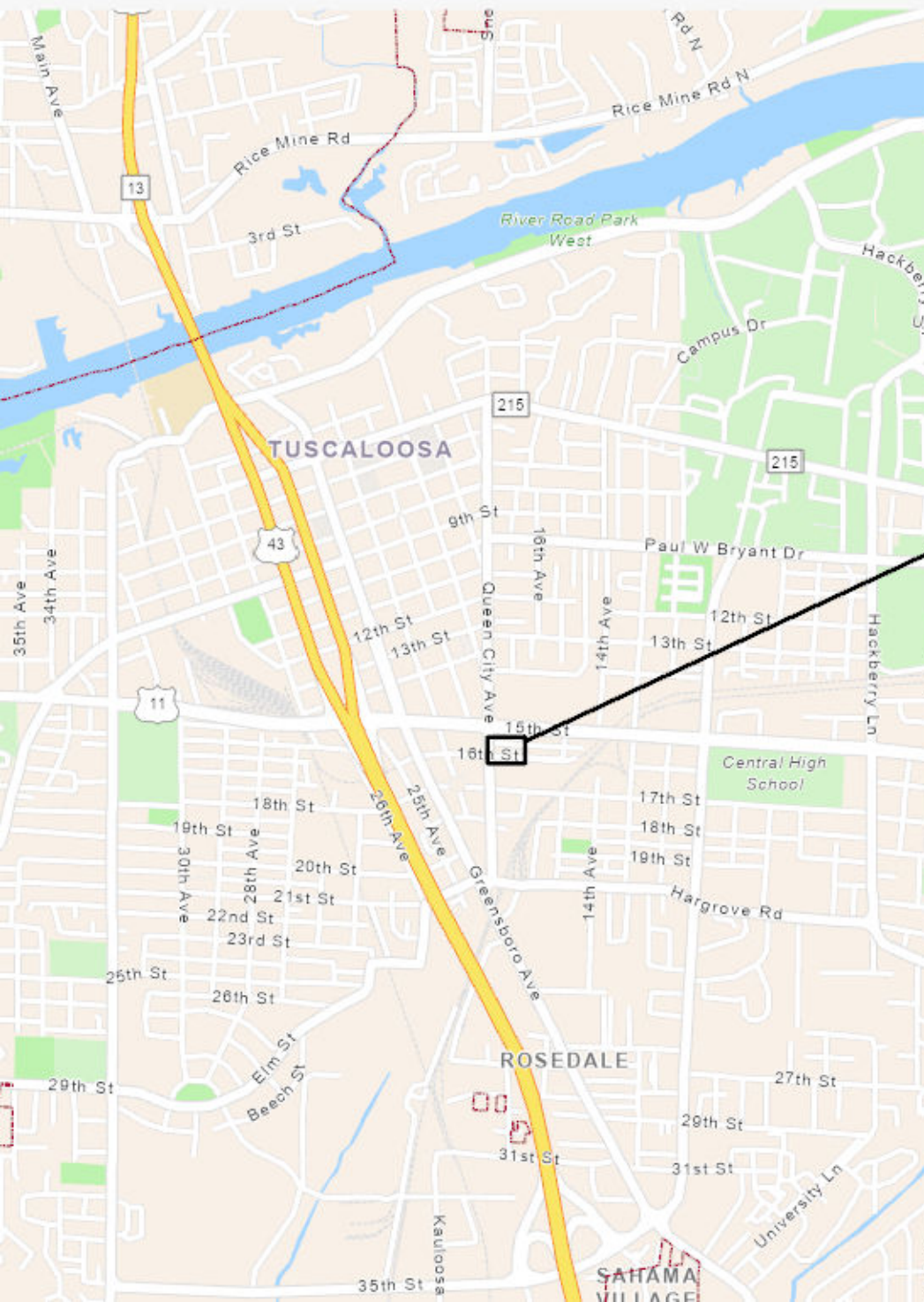
1708 16th Street

1 inch = 100 feet

0 50 100 150 200



N





1708 16th Street

1 inch = 100 feet

0 50 100 150 200

N

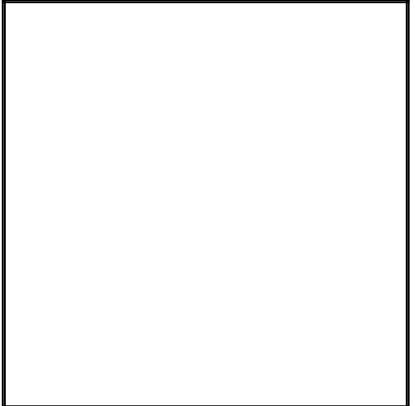
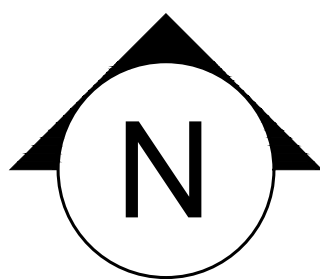
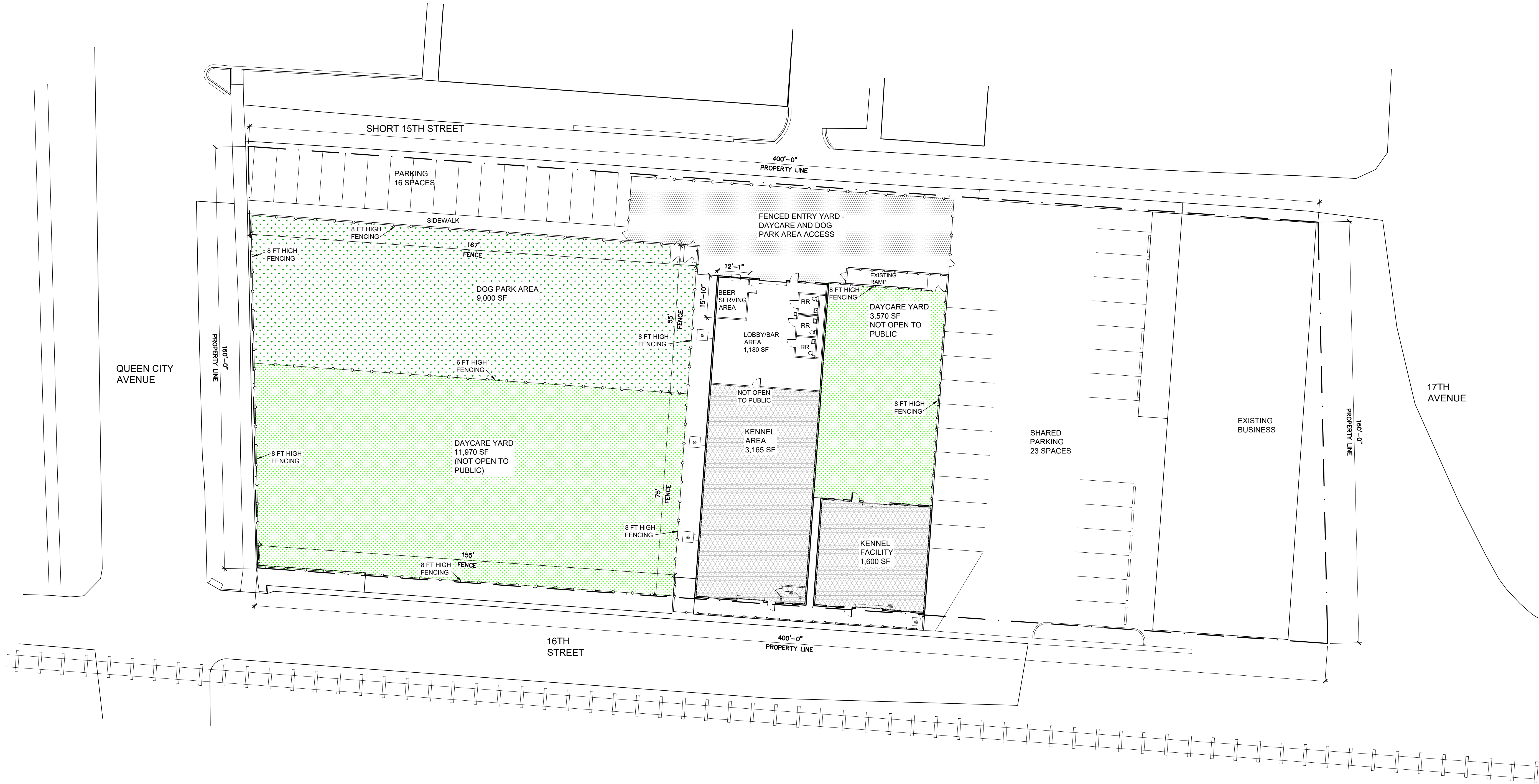


UNNAMED RD









ISSUE FOR
REVIEW
02-02-22

REV	DATE	DESCRIPTION

NEW FACILITY FOR
QUEEN CITY DOG PARK
TUSCALOOSA, AL

BLACK DESIGN ARCHITECTURE
 2121 1ST AVENUE NORTH
 SUITE 202
 SPRINGHAM, AL 35203
 MOBILE: 205-888-6922
 T: 205-888-6922
 EMAIL: LB@BLACKDESIGNARCH.COM

black

SHEET TITLE: _____
 PROJECT NUMBER: 22-1073
 SCALE: _____
 DRAWN BY: JS
 CHECKED BY: LB

SHEET NUMBER

Good Dog Variance Supplement

For a recent 2 minute overview from WBRC Fox in Birmingham please open this link: <https://www.wbrc.com/2022/01/28/good-dog-bar-dog-park-provide-fun-while-giving-back-birmingham/>

- Visit gooddogpark.org to learn more, **1% of all Good Dog revenue will go to Tuscaloosa Humane Societies (specific ones to be determined), but this is company policy.**

Overview: The Pawms Pet Resort is a dog daycare, boarding, and grooming facility, that also provides an off-leash dog park and bar, called “Good Dog”, on the same site. The Pawms (the kennel entity) has been operating since 2007, and recently started construction on a kennel/dog park combination in Birmingham and Auburn; construction is almost complete and those facilities will open in March.

Good Dog is a turfed and fenced dog paradise where customers can take their dog off a leash, and order a drink. Good Dog a safer version of a public dog park because before customers enter the park, they must show proof of their dog’s vaccinations and sign a waiver agreeing to a set of 20 rules (such as no children under the age of 16 in the off-leash area).

The park will also have “Bark Rangers”, or lifeguards that trained on dog behavior, that enforce rules and capacity caps, sanitize turf, and ensure dogs play well together. Good Dog is based on a proven concept by several businesses in the southeast, but specifically, Play Wash Pint, in Chattanooga, which offers dog daycare and a park bar. <https://playwashpint.com/>. Play Wash Pint is loved by the Chattanooga community, and is viewed as a true amenity to the community.

See the operating hours below; we are not open late, this is a true dog park where members can buy canned beer, wine, and seltzers (no liquor).

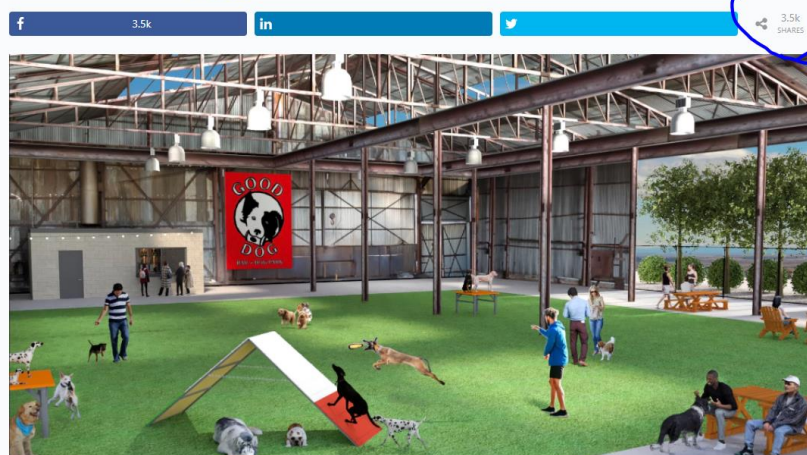
Dog Daycare / Dog Bar	Daycare	Bar
Hours of Operations		
Monday-Thursday	7am-7pm	4pm-9pm
Friday	7am-7pm	4pm-10pm
Weekend	7am- 5pm	12 noon-10pm

BhamNow

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NEW Good Dog Park & Bar coming to Rotary Trail, Spring 2022

NATHAN WATSON · 01/28/22 · 16463 VIEWS



The Dog Park/Bar concept has been met with much excitement in B-ham & Auburn and was in the top percentile of shares/views in Bham Now’s recent post. Tuscaloosa needs this!



Rendering of Near-Complete Auburn Good Dog – Park & Bar

- The Tuscaloosa Park and Bar would look like the above rendering in Auburn, and will have 8 picnic tables, 30 chairs, and plenty of room for seating.

Business Model & Use Classification: The Good Dog park and bar is only open to members, who either buy a \$10 day pass (per dog) or a \$300 annual membership. People may enter without a dog for free, but they just must sign a waiver. Good Dog will also generate revenue through beer, wine, and seltzer sales (no liquor). Kennel revenue will significantly outweigh bar revenue.

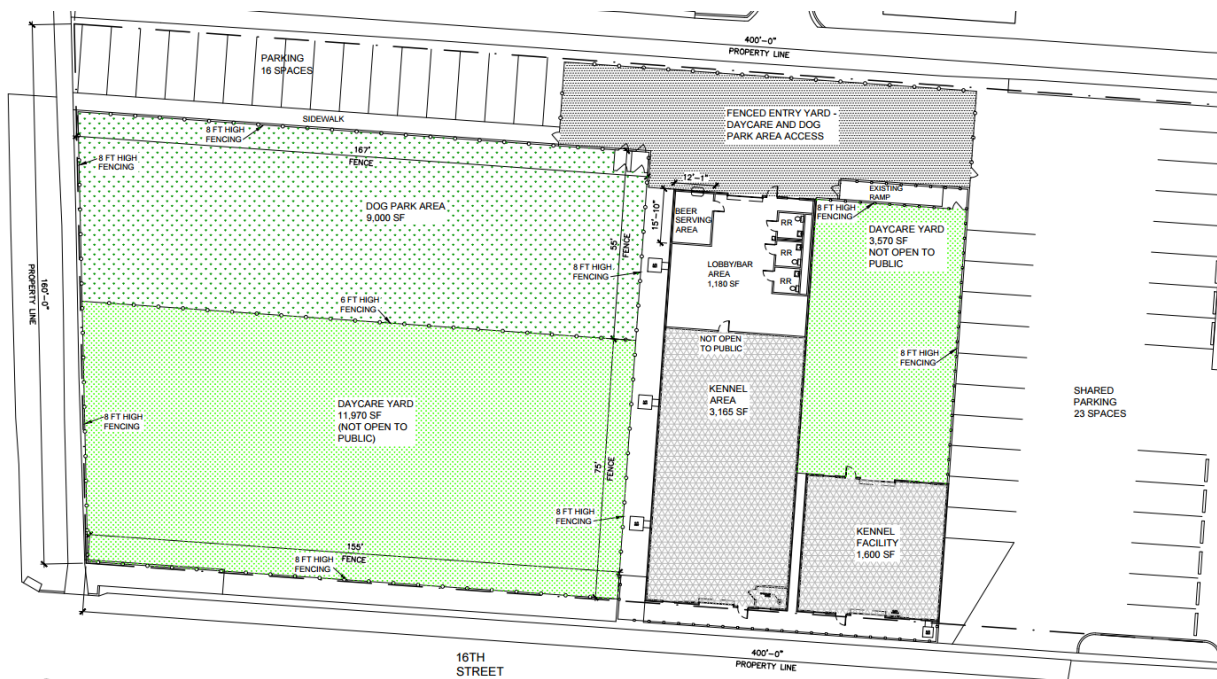
The cities of Birmingham and Auburn classified our primary use as “kennel” and they classified the park/bar use as “outdoor recreational use”.

Before & After Improvements to Site

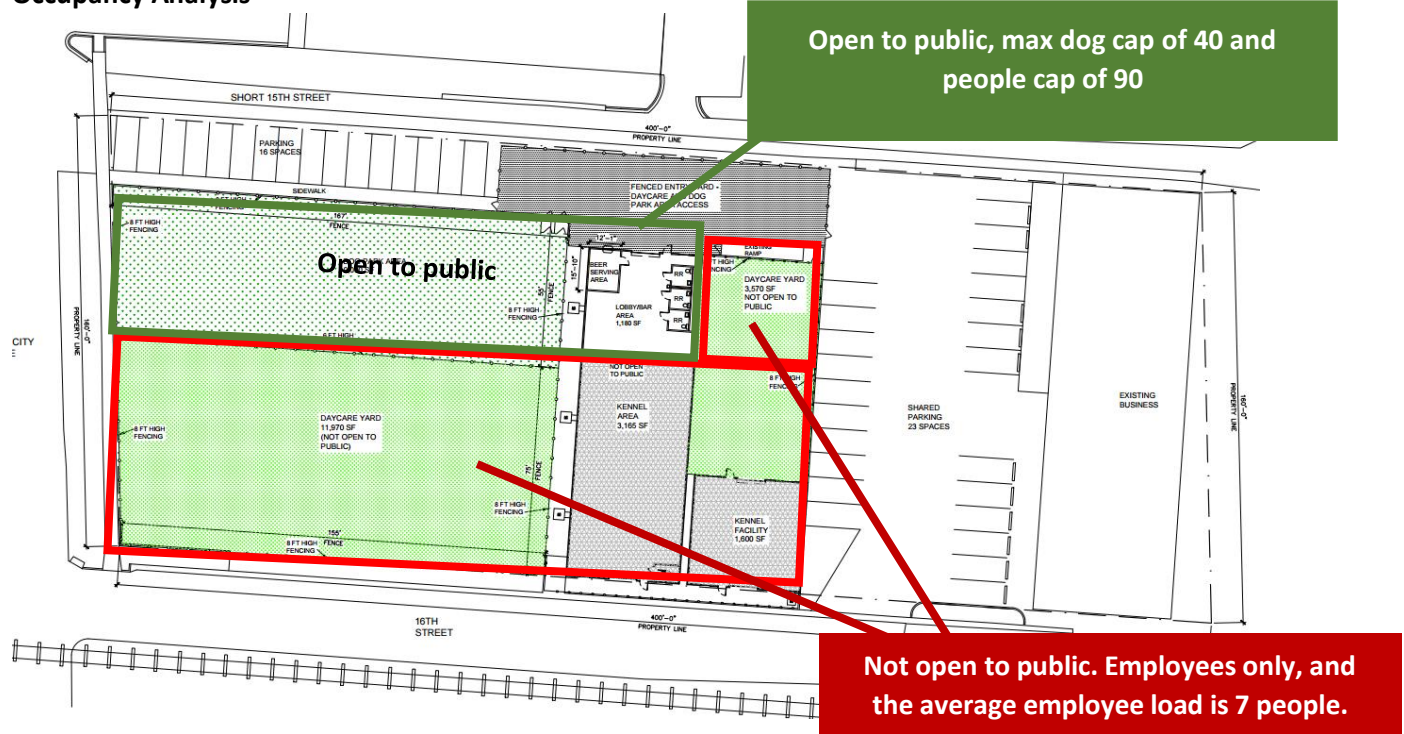
Before



After

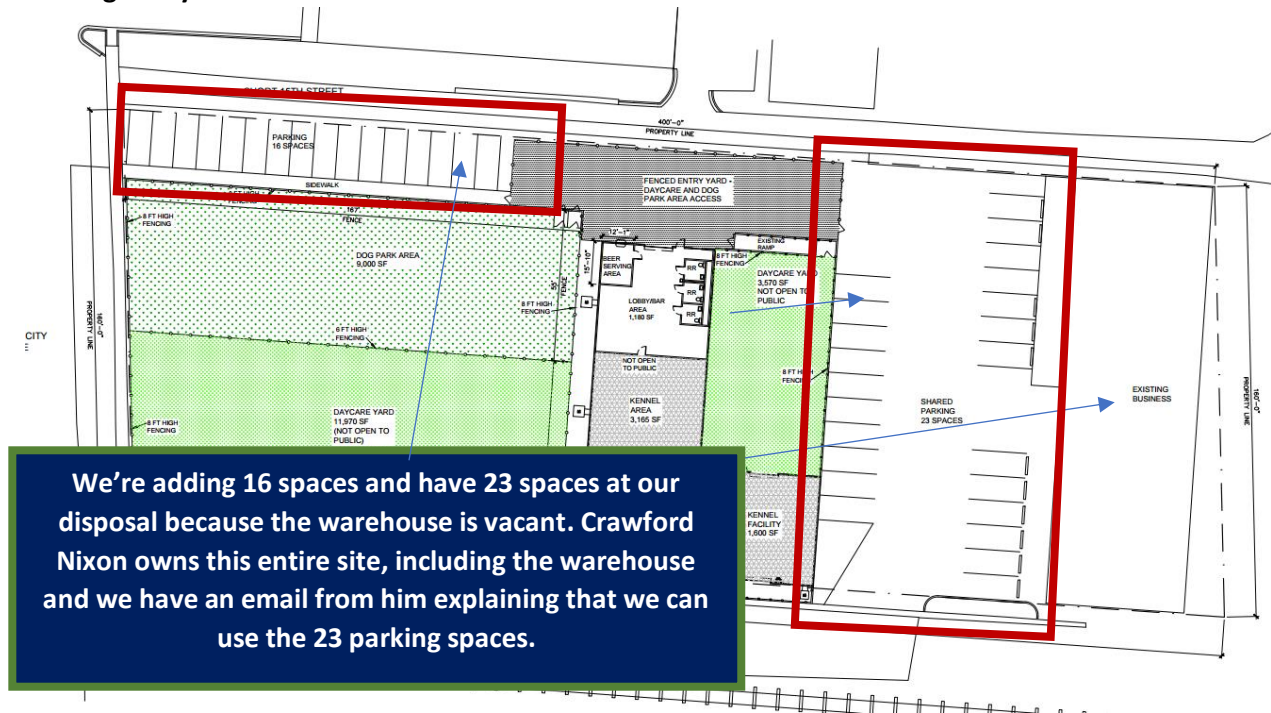


Occupancy Analysis



- The bar and park is 9,000 Sq. Feet, and the “Daycare Yard” above is NOT open to the public. The bar and daycare yard will be separated by an opaque wooden fence.
- **Bar Occupancy:** As we did in Auburn and Birmingham, in the public bar/park area, we limit dog capacity to 40 total dogs. **We also limit human capacity to 90 people.**
- **Kennel Occupancy:** The daycare/boarding will have an occupancy load of 5-9 employees, **or 7 people on average.**
- **Total Occupancy:** As such, the total occupancy at the building will never exceed 100 people.

Parking Analysis



Variance Requests & Special Exception

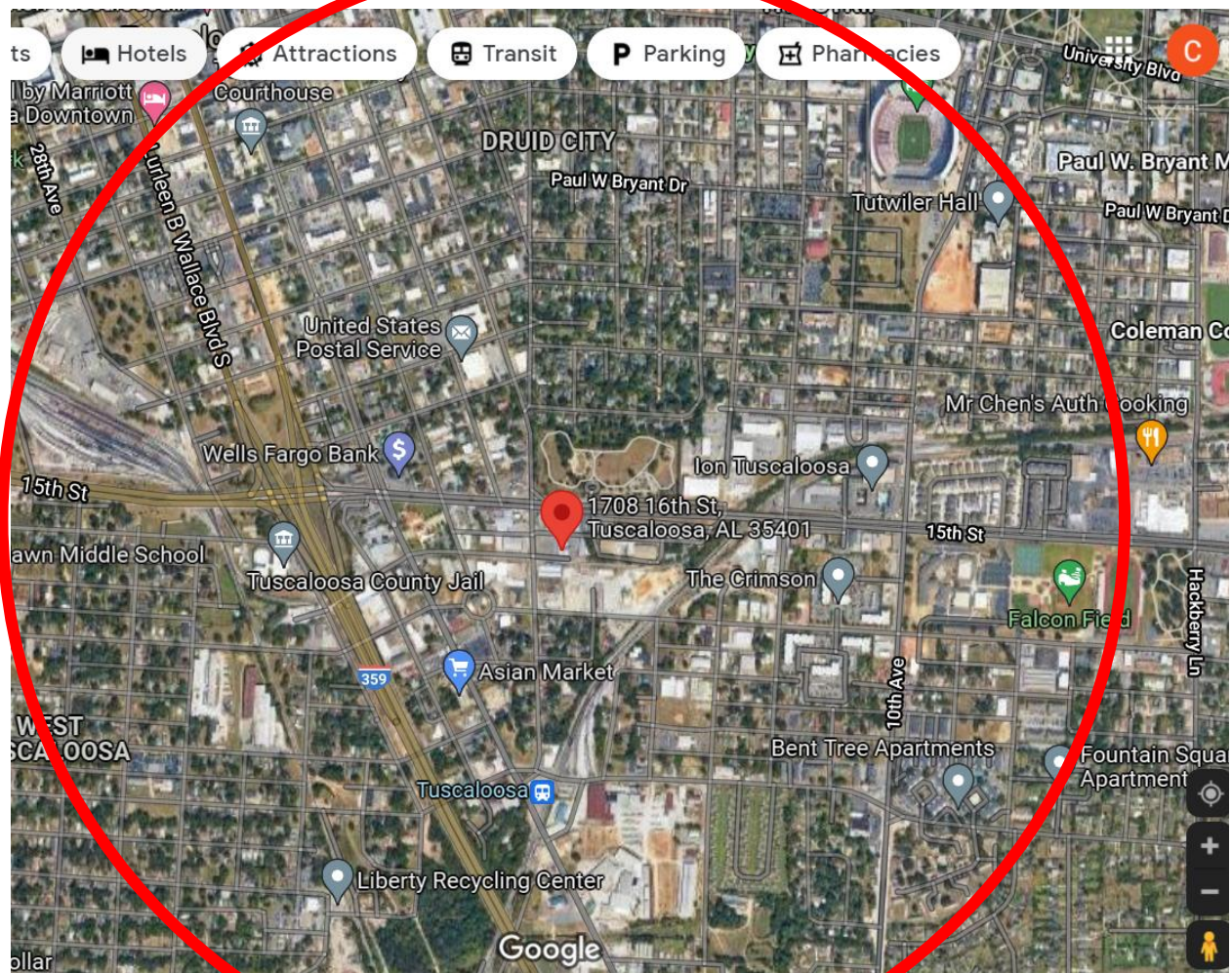
While the “kennel” use is allowed under our current MG zoning, our business model also includes a dog park and bar business, which is a new concept, and does not fit into the 1972 zoning code. Therefore, we’re requesting the following variances/exceptions: 1) ability for multiple food trucks to come on site during hours; 2) ability to provide outdoor amusement; 3) reduction in parking requirements, assuming our occupancy load results in more parking spots than we have. We have not heard back from the Fire Marshall yet with that information yet, but for the sake of time, we’re seeking a special exception in case the parking requirements are higher than the 39 spots we have.

- 1) **Food Truck Use:** We do not serve/allow food in the park. However, we will have a designated picnic area outside of the park, in the front entrance area, where members can enjoy a food truck meal. We want to support local food trucks and allow patrons to have a meal while on site.
- 2) **Outdoor Amusement Use:** Both Birmingham and Auburn classified the park use as “Outdoor Amusement” because it is far from a bar due to: 1) no liquor 2) large outdoor space, with picnic tables 3) we will limit the # of dogs to 40, and we limit the # of customers to 90.
- 3) **Parking Requirement:** The city is classifying our use as “outdoor amusement”, which requires 1 spot for every 3 occupants. We have sent our site plan to Patrick Stines, the Fire Marshall, but he has not yet responded with an occupancy load. We believe we only need 33 spaces, due to our company policy cap at of 90 humans in the park at 1 time, and because we only have 10 max employees in the facility. As such we will never have more than 100 people in the facility, and thus we only need 33 spots. However, we have 39 spots to be safe.

Parking Requirements in Birmingham and Auburn.

- 1) Despite the fact that the Auburn project is much larger (on 2 acres of land with a 10,000 Sf building and a 16,000 sf bar & park, **they only required 28 total spaces**, because they understood the limited parking needs for a daycare facility and appreciated the cap on the # of dogs at the park.
- 2) **We have zero on-site parking in Birmingham.** The city granted a variance to use street parking, because they understood the kennel requires minimal parking and we cap dog and human capacity.

Many members will walk to the park & bar, because it is less than a mile from much UofA student housing, and the surrounding area is very dog/walking friendly. See below.



- The red circle represents a 1-mile radius from the site. Many of our members will WALK from their homes nearby.
- At existing parks throughout the Southeast, many patrons walk from 1-2 miles away rather than drive.

Below, you can see that 15th and Queen City has a crosswalk, making it easy for students and patrons to safely walk to the dog park.

