



## Agenda Item # 8

BOA-SE-003266-2025

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration](#)

### DETAILS

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**Location:**

1501 Spring Hill Avenue

**Applicant / Agent:**

Derica Smith

**Property Owner:**

Mountain Creek Properties, LLC

**Current Zoning:**

B-1, Buffer Business Urban District

**Future Land Use:**

Traditional Corridor

**Case Number:**

6663

**Unified Development Code (UDC) Requirement:**

- The Unified Development Code (UDC) requires a Special Exception approval to allow a daycare in a B-1, Buffer Business Urban District.

**Board Consideration:**

- Special Exception approval to allow a daycare in a B-1, Buffer Business Urban District.

**Report Contents:**

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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential and commercial units.

APPLICATION NUMBER 6663 DATE April 7, 2025

APPLICANT Derica Smith

REQUEST Special Exception



NTS

## SITE HISTORY

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There have been no Planning Commission or Board of Zoning Adjustment applications associated with the site.

## STAFF COMMENTS

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### Engineering Comments:

No comments to the proposed variance; however; according to the submitted plans, the proposed project will require a Land Disturbance Permit to be submitted through Central Permitting.

### Traffic Engineering Comments:

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code.

### 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 (2021 International Fire Code). Fire apparatus access is required to be within 150' of all non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinklered commercial buildings, within 600' of sprinklered commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

### Planning Comments:

The applicant has requested a Special Exception approval to allow a daycare in a B-1, Buffer Business Urban District; the Unified Development Code (UDC) requires Special Exception approval to allow a daycare in a B-1, Buffer Business Urban District.

The complete application is available via the link on page 1.

The subject site currently has a vacant building, which was most recently occupied by a dentist office, and associated parking.

The property abutting the subject site to the West, is zoned B-2, Neighborhood Business Urban District, and is occupied by a gas station. The property abutting the subject site to the South, is zoned R-1, Single-Family Residential Urban District, and is occupied by a non-conforming parking lot. The property to the East of the subject

site (across Providence Street) is occupied by a drive-thru restaurant. The property to the North of the subject site (across Spring Hill Avenue) is vacant property owned by the University of South Alabama.

A building permit was submitted in November 2024 to convert the building on the subject site from a dentist office to a daycare facility, which was denied due to the site needing a Special Exception approval. It should be noted that the site plan associated with the building permit included the R-1 property to the South, which is a parking lot that has been developed without the required Planning & Zoning approvals. The site plan submitted with the Special Exception application does not include the R-1 parking lot, and if approved, access to the adjacent parking lot should be eliminated, as illustrated on the site plan submitted.

It should be noted that both a site plan and an architectural site plan were submitted with the application being considered, and while there are some discrepancies in the parking lot configuration, both depict a total of 27 parking spaces being on site. However, as the application does not provide information on the number of teachers to be employed, it is difficult for staff to determine if sufficient parking is available. If approved, the applicant should provide a revised site plan showing an accurate parking layout, as well as the number of teaching stations at the proposed daycare. The curb cuts also differ on the site plans submitted, with the width of the two (2) curb cuts varying. If approved, the curb cuts layout should be accurately depicted.

Both site plans submitted depict a proposed dumpster with screening in the Southwest corner of the subject site. However, as the property abutting the subject site to the South is zoned R-1, the dumpster must be a minimum of 10-feet from the South property line. If approved, a revised site plan depicting the dumpster relocated to a compliant location should be submitted.

Furthermore, as the site abutting the subject site to the South is zoned R-1, a compliant residential buffer should be provided along the South property line, if approved.

## SPECIAL EXCEPTION CONSIDERATIONS

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### Standards of Review:

Special Exceptions are those uses that may have some special impact which differs from the potential impacts of permitted uses, exceeds permitted uses in intensity, or have a uniqueness such that their effect on the surrounding environment cannot readily be determined in advance of the use being proposed in a particular location.

Article 5 Section 11-E.1. of the Unified Development Codes states the Board of Adjustment will not approve an Application for Special Exception unless the request complies with the following criteria:

- (a) The proposed use is in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- (b) The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.

- (c) The proposed use will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities or services are not available or adequate to service the proposed use in the proposed location, the Applicant shall, as part of the application and as a condition to approval of the proposed Special Exception permit, be responsible for establishing ability, willingness and commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this Chapter, and other plans, programs, maps and ordinances adopted by the City to guide its growth and development. The approval of the Special Exception Permit shall be conditioned upon such improvements, facilities, utilities and services being provided and guaranteed by the Applicant.
- (d) The proposed use is consistent with all applicable requirements of this Chapter, including:
  - (1) Any applicable development standards in Article 3; and
  - (2) Any applicable use regulations in Article 4.
- (e) The proposed use is compatible with the character of the neighborhood within the same zoning district in which it is located;
- (f) The proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district; and
- (g) The proposed use will have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.
  - (1) In making this determination, the Board of Adjustment shall consider:
    - a. The location, type and height of buildings or structures;
    - b. The type and extent of landscaping and screening;
    - c. Lighting;
    - d. Hours of operation; or
    - e. Other conditions that might require mitigation of any adverse impacts of the proposed development.
- (h) The site is designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads.
- (i) The site is designed to minimize the impact on storm water facilities.
- (j) The use will be adequately served by water and sanitary sewer services.
- (k) The use is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- (l) The use will not be detrimental or endanger the public health, safety or general welfare.

Article 5 Section 11-E.2. states; that when considering a Special Exception application, the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request should also be evaluated.

Additionally, Article 5, Section 11-E.3. states:

The Board of Adjustment shall give careful consideration to the warrants and criteria set forth in this section in judging applications for Special Exceptions involving the following uses. In granting a Special Exception, the board may attach such reasonable conditions and safeguards in addition to those set forth in this section, as it may deem necessary to implement the purposes of this Chapter.

In addition to the general standards of review, there are additional criteria specific to a daycare facility, which include:

- (1) Safe, convenient driveways shall be provided. All loading and unloading of children or infirm adults shall take place on the premise of the day care facilities and not on the street.
- (2) If the facility is for children, it should be adequate in size, suitably fenced and adequately landscaped to provide a suitable environment for children and to prevent adverse effects upon adjacent uses.

### Considerations:

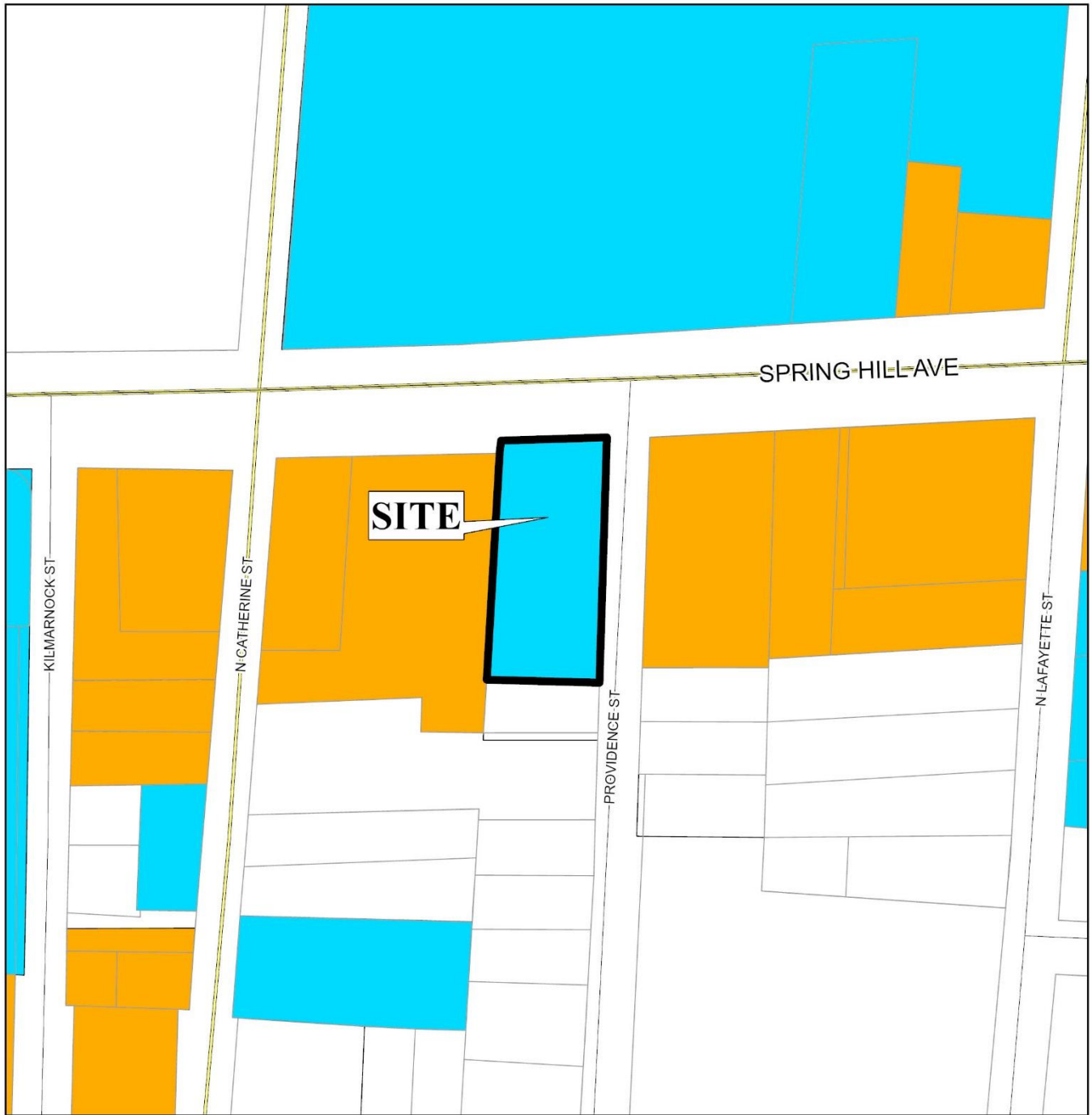
Based on the requested Special Exception application, if the Board considers approval of the request, the following findings of fact must be present:

- A) The proposed use **is** in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- B) The proposed use at the proposed location **shall not** result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
- C) The proposed use **will** be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection.
- D) The proposed use **is** consistent with all applicable requirements of this Chapter, including: any applicable development standards in Article 3; and any applicable use regulations in Article 4.
- E) The proposed use **is** compatible with the character of the neighborhood within the same zoning district in which it is located.
- F) The proposed use **will not** impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
- G) The proposed use **will** have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.
- H) The site **is** designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads.
- I) The site **is** designed to minimize the impact on storm water facilities.
- J) The use **will** be adequately served by water and sanitary sewer services.
- K) The use **is not** noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- L) The use **will not** be detrimental or endanger the public health, safety or general welfare.

If approved, the Special Exception should be subject to the following conditions:

- 1) Revise the site plan to show an accurate parking layout;
- 2) Revise the site plan to provide the number of teaching stations;
- 3) Revise the site plan to accurately depict the curb cuts to Providence Street;
- 4) Revise the site plan to relocate the dumpster to more than 10-feet from the South property line;
- 5) Revise the site plan to depict a compliant residential buffer along the South property line;
- 6) Submittal of a revised site plan (.pdf) to [planning@cityofmobile.org](mailto:planning@cityofmobile.org); and
- 7) Full compliance with all municipal codes and ordinances.

# LOCATOR ZONING MAP



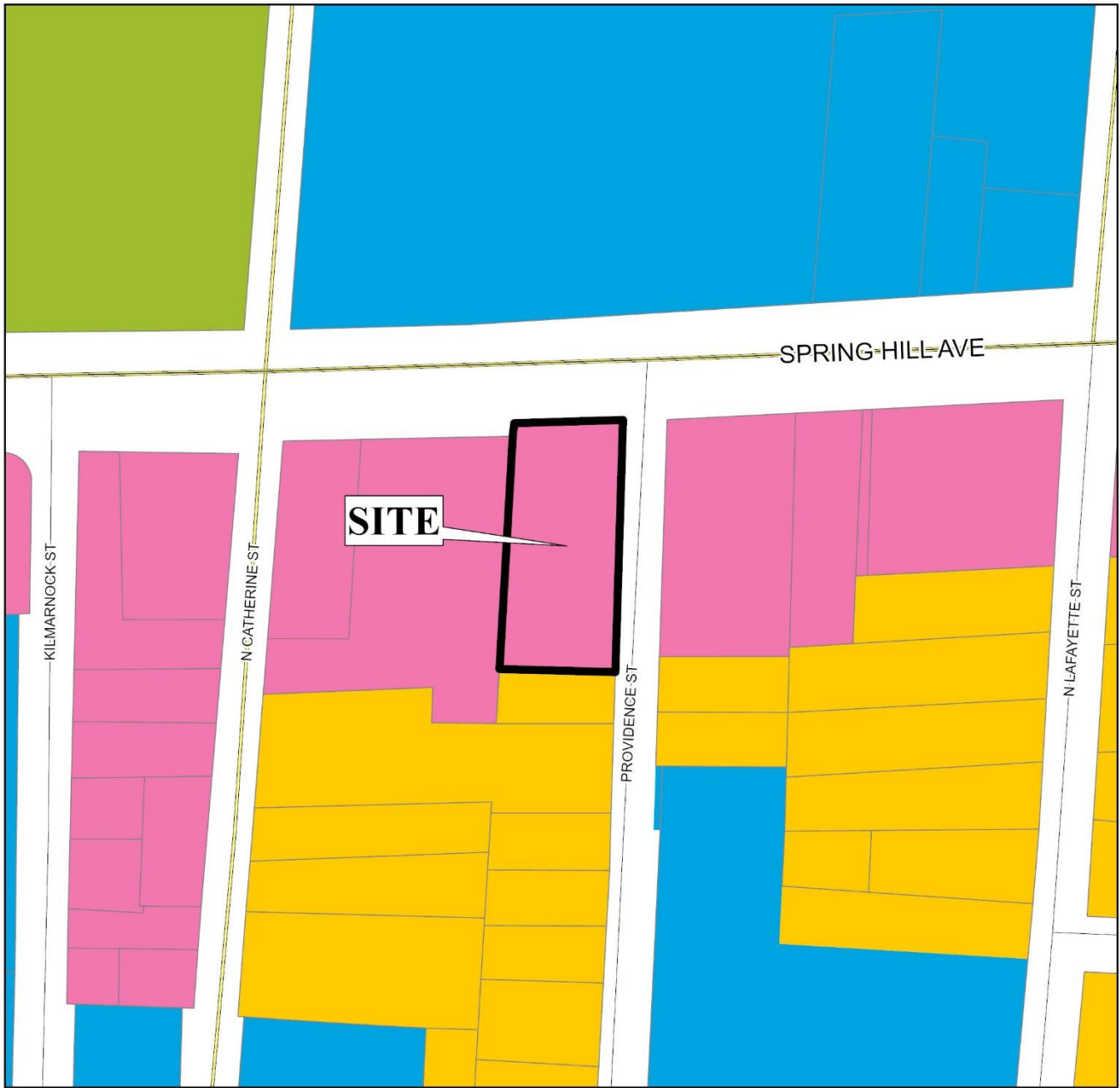
APPLICATION NUMBER 6663 DATE April 7, 2025

APPLICANT Derica Smith

REQUEST Special Exception



# FLUM LOCATOR MAP



APPLICATION NUMBER 6663 DATE April 7, 2025

APPLICANT Derica Smith

REQUEST Special Exception

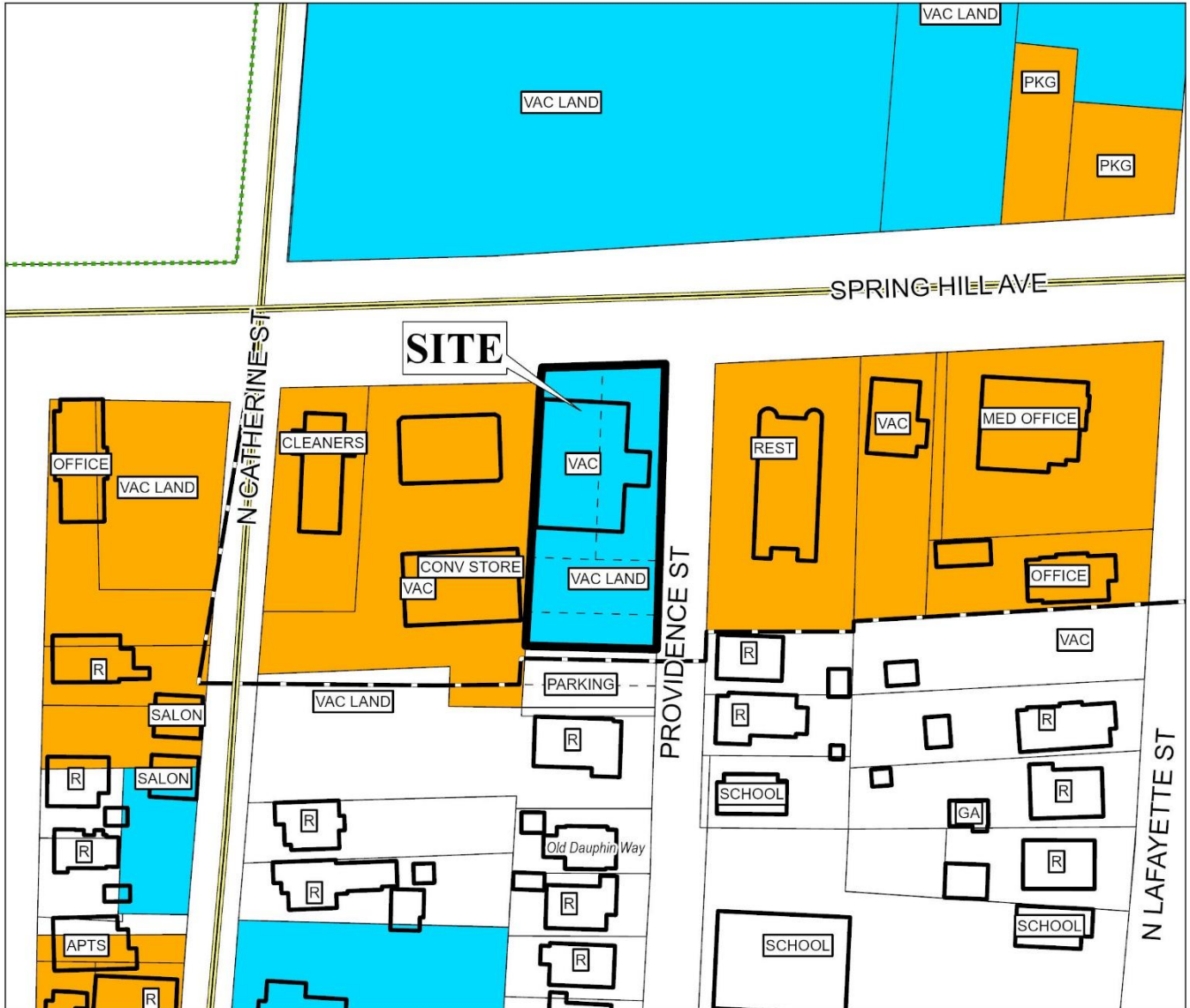
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|---|--|---|---|
| <span style="color: yellow;">■</span> Low Density Residential   | <span style="color: red;">■</span> Neighborhood Center - Traditional | <span style="color: lightblue;">■</span> Light Industry | <span style="color: darkblue;">■</span> Water Dependent |
| <span style="color: orange;">■</span> Mixed Density Residential | <span style="color: purple;">■</span> Neighborhood Center - Suburban | <span style="color: grey;">■</span> Heavy Industry      |   |
| <span style="color: pink;">■</span> Downtown                    | <span style="color: lightpink;">■</span> Traditional Corridor        | <span style="color: blue;">■</span> Institutional       |   |
| <span style="color: red;">■</span> District Center              | <span style="color: orange;">■</span> Mixed Commercial Corridor      | <span style="color: green;">■</span> Parks, Open Space  |   |



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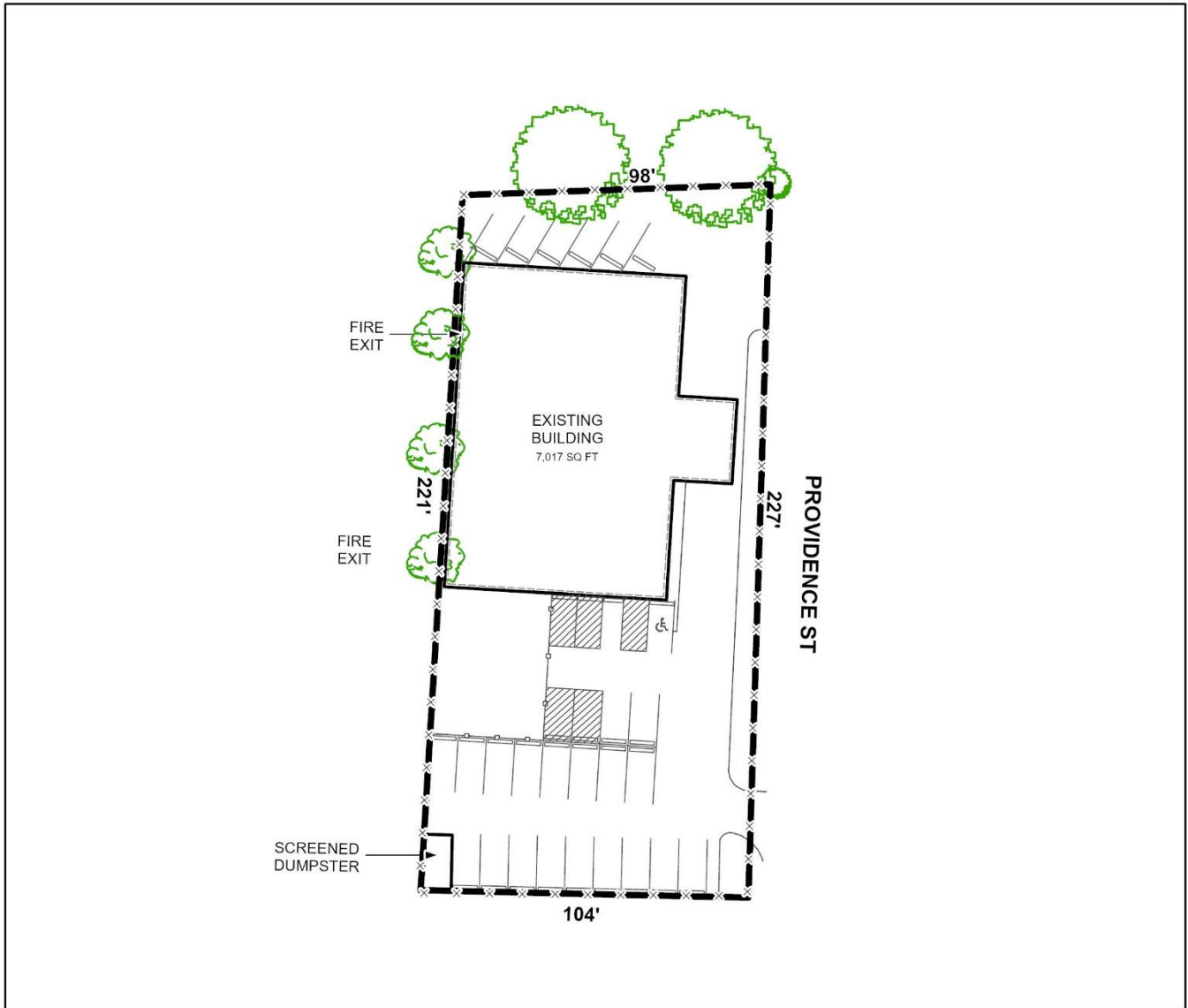
# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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# SITE PLAN



The site plan illustrates the existing building, landscaping, fences, parking and proposed playground.

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APPLICANT Derica Smith  
REQUEST Special Exception



ZONING DISTRICT CORRESPONDENCE MATRIX		LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDW/UR)
RESIDENTIAL - AG	R-A														
ONE-FAMILY RESIDENCE	R-1	■				■		■					□		
TWO-FAMILY RESIDENCE	R-2	■				■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■			■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○			■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■					□		
HISTORIC BUSINESS	H-B			■		■		■					□		
VILLAGE CENTER	TCD					■	■						□		
NEIGH. CENTER	TCD					■	■						□		
NEIGH. GENERAL	TCD					■							□		
DOWNTOWN DEV. DDD	T-6			■									□		
DOWNTOWN DEV. DDD	T-5.1			■		■		□					□		
DOWNTOWN DEV. DDD	T-5.2			■		■							□		
DOWNTOWN DEV. DDD	T-4			■		■		□					□		
DOWNTOWN DEV. DDD	T-3			■		■							□		
DOWNTOWN DEV. DDD	SD-WH									○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□			□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○			□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○			□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3				■				■			○	□	○	
GEN. BUSINESS	B-4			■					■			○	□	○	
OFFICE-DISTRIBUTION	B-5								■	■			□	□	
LIGHT INDUSTRY	I-1									■			□	□	□
HEAVY INDUSTRY	I-2										■		□		□

**Zoning District Correspondence Matrix**

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)



## **TRADITIONAL CORRIDOR (TC)**

This land use designation generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods (equivalent to Map for Mobile's Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), TC designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 du/ac; and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.