



Agenda Item # 7
BOA-SE-003821-2026

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

[**Applicant Materials for Consideration**](#)

DETAILS

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:

6778/6663

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:

	Page
Context Map	2
Site History	3
Staff Comments	3
Special Exception Considerations	5
Exhibits	8

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

APPLICATION NUMBER	6778	DATE	September 14, 2026
APPLICANT	Derica Smith		
REQUEST	Special Exception		



SITE HISTORY

On April 7, 2025, the site was before the Board of Zoning Adjustment for a Special Exception approval to allow the site to be used as a daycare. The application was approved, but no permits were obtained, and the approval was allowed to expire.

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

STAFF COMMENTS

Engineering Comments:

No comments.

Traffic Engineering Comments:

Driveway number, size, location, and design to be approved by ALDOT (where applicable) and 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 located within the City Limits of Mobile shall comply with the provisions of the City of Mobile Fire Code Ordinance, which adopts the 2021 edition of the International Fire Code (IFC).

Fire apparatus access roads shall be provided to within 150 feet of all non-sprinklered commercial buildings and within 300 feet of all sprinklered commercial buildings, as measured along an approved route around the exterior of the facility.

An approved fire water supply capable of meeting the requirements set forth in Appendices B and C of the 2021 IFC shall be provided for all commercial buildings.

Fire hydrant placement shall comply with the following minimum standards:

- Within 400 feet of non-sprinklered commercial buildings
- Within 600 feet of sprinklered commercial buildings
- Within 100 feet of fire department connections (FDCs) serving standpipe or sprinkler systems

Although the International Residential Code (IRC) functions as a stand-alone document for the construction of one- and two-family dwellings and townhouses, it does not govern the design or layout of emergency access or community-level fire protection infrastructure. Therefore, residential developments must also comply with the

applicable requirements of the International Fire Code, including, but not limited to, those listed above concerning the design, construction, regulation, and maintenance of fire apparatus access roads and fire protection water supplies.

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 vacant 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 Special Exception approval. It should be noted that the site plan initially 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 by the placement of a new six-foot (6') tall privacy fence.

The site plan submitted depicts nine (9) parking spaces, and notes that there are four (4) teaching spaces. The UDC requires two (2) parking spaces per teaching station, for a total of eight (8) required spaces. It should be noted that the four (4) parking spaces to the rear of the building are depicted as being nine-feet (9') wide and seventeen-feet, three-inches (17' 3") long. The UDC requires parking spaces to be a minimum of nine-feet (9') wide and eighteen-feet (18') long. Therefore, if approved, the parking area should be revised so that all parking spaces meet the minimum required dimensions.

In lieu of a dumpster, the site plan has a note that states that curb side pickup will be utilized for the site. If approved, this note should be retained on the site plan.

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. The site plan depicts a six-foot (6') tall privacy fence along the South property line, which should be shown as reducing to three-feet (3') in height within the 25-foot minimum setback line along Providence Street.

SPECIAL EXCEPTION CONSIDERATIONS

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 fences 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:

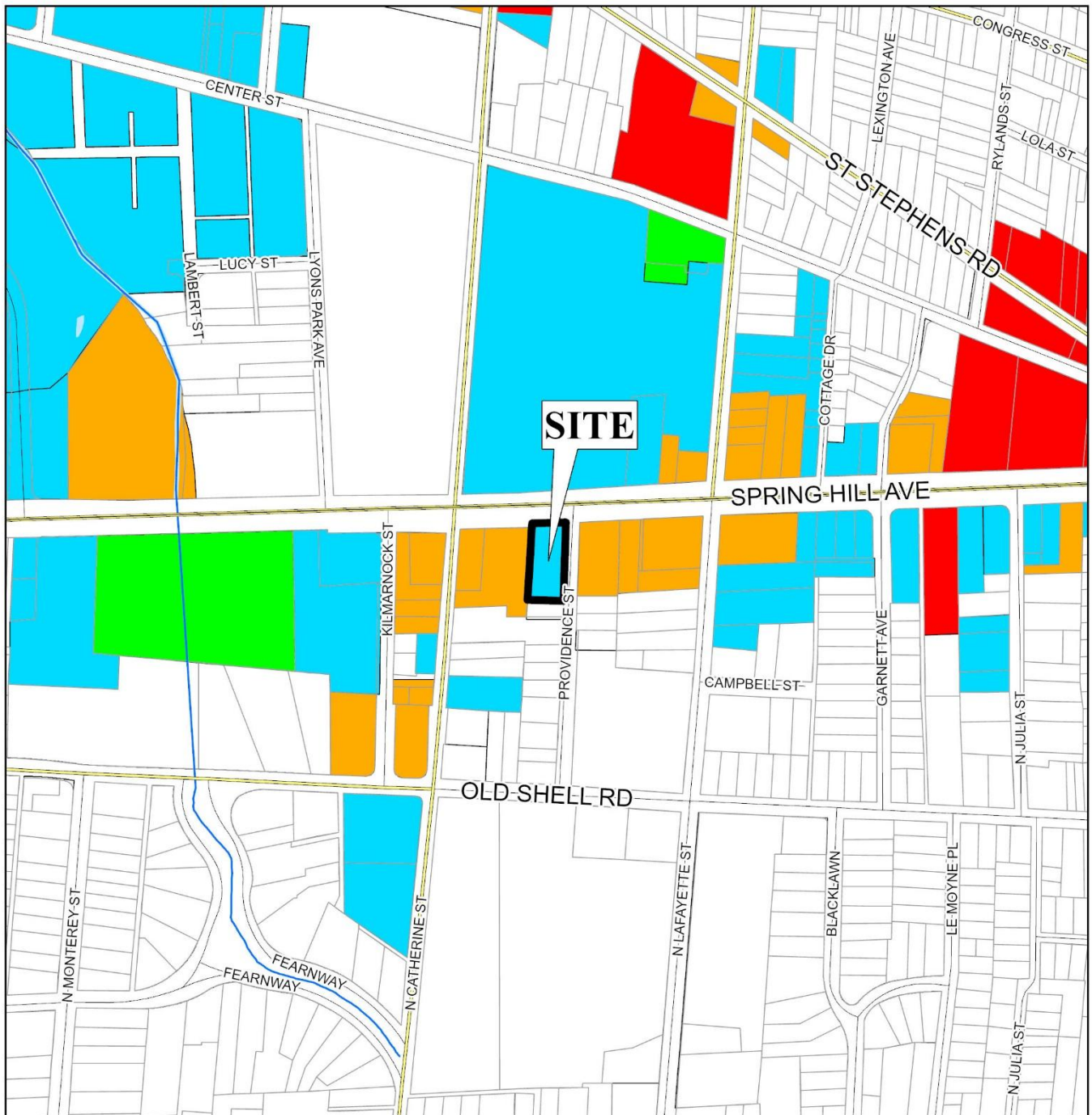
- A) The proposed use **is** in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- B) The proposed use at the proposed location **shall not** result 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 the four (4) parking spaces at the rear of the site are a minimum of nine-feet (9') wide and eighteen-feet (18') long as required by the UDC;
- 2) Revise the site plan to depict a compliant residential buffer along the South property line;
- 3) Submittal of a revised site plan (.pdf) to planning@cityofmobile.gov prior to the issuance of permits; and
- 4) Full compliance with all municipal codes and ordinances.

LOCATOR ZONING MAP



APPLICATION NUMBER 6778 DATE September 14, 2026

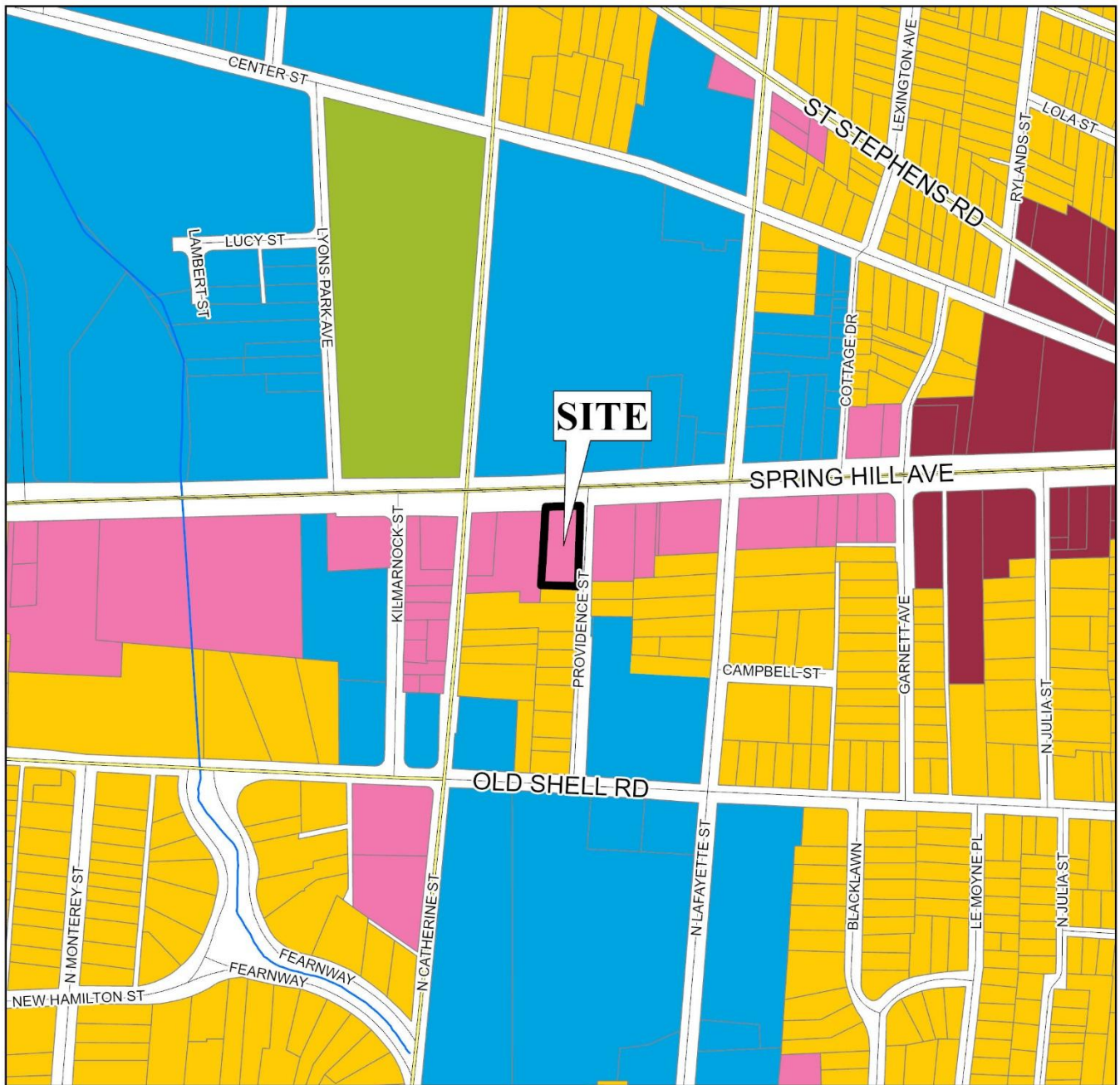
APPLICANT Derica Smith

REQUEST Special Exception



NTS

FLUM LOCATOR MAP



APPLICATION NUMBER 6778 DATE September 14, 2026

APPLICANT Derica Smith

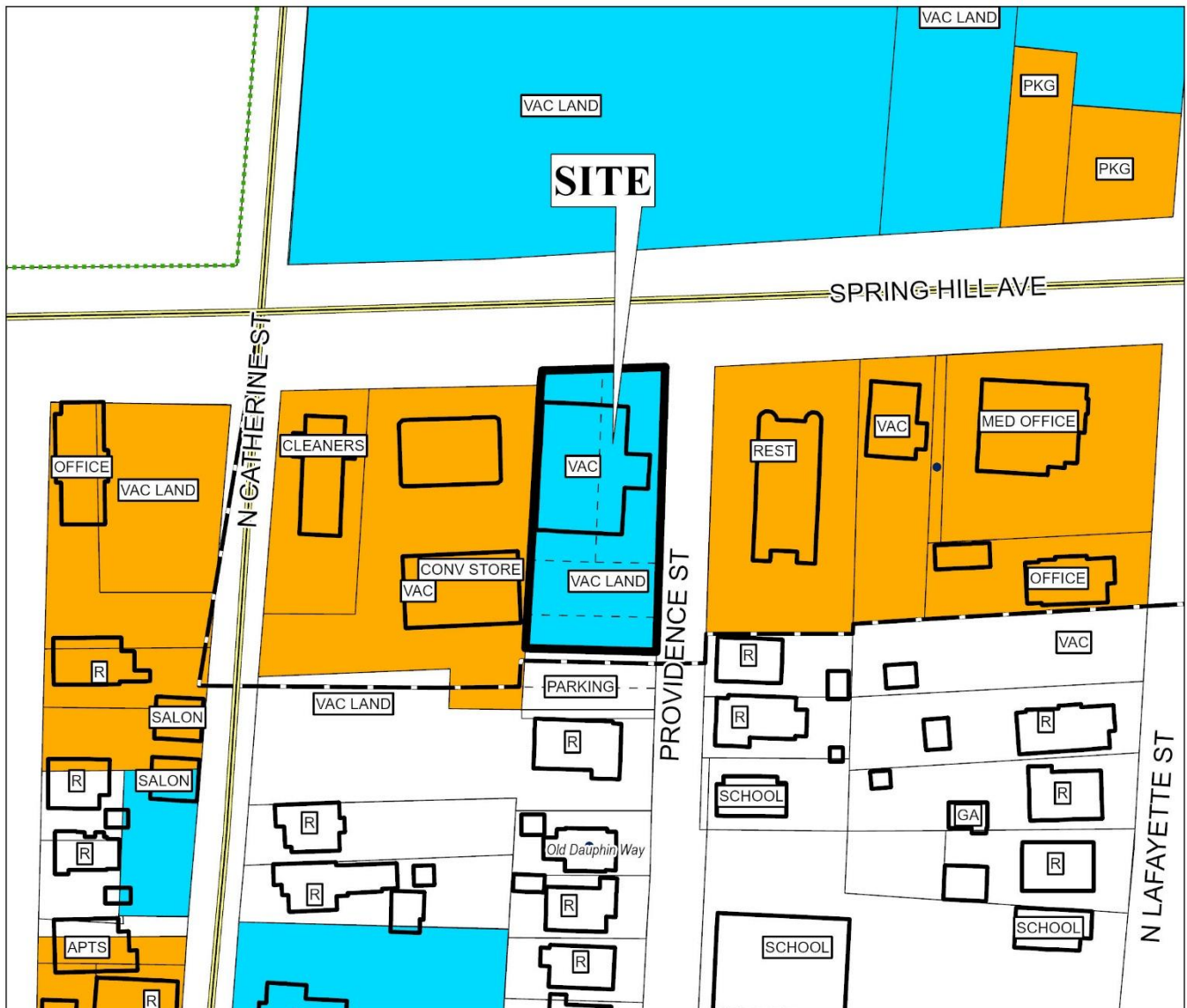
REQUEST Special Exception

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



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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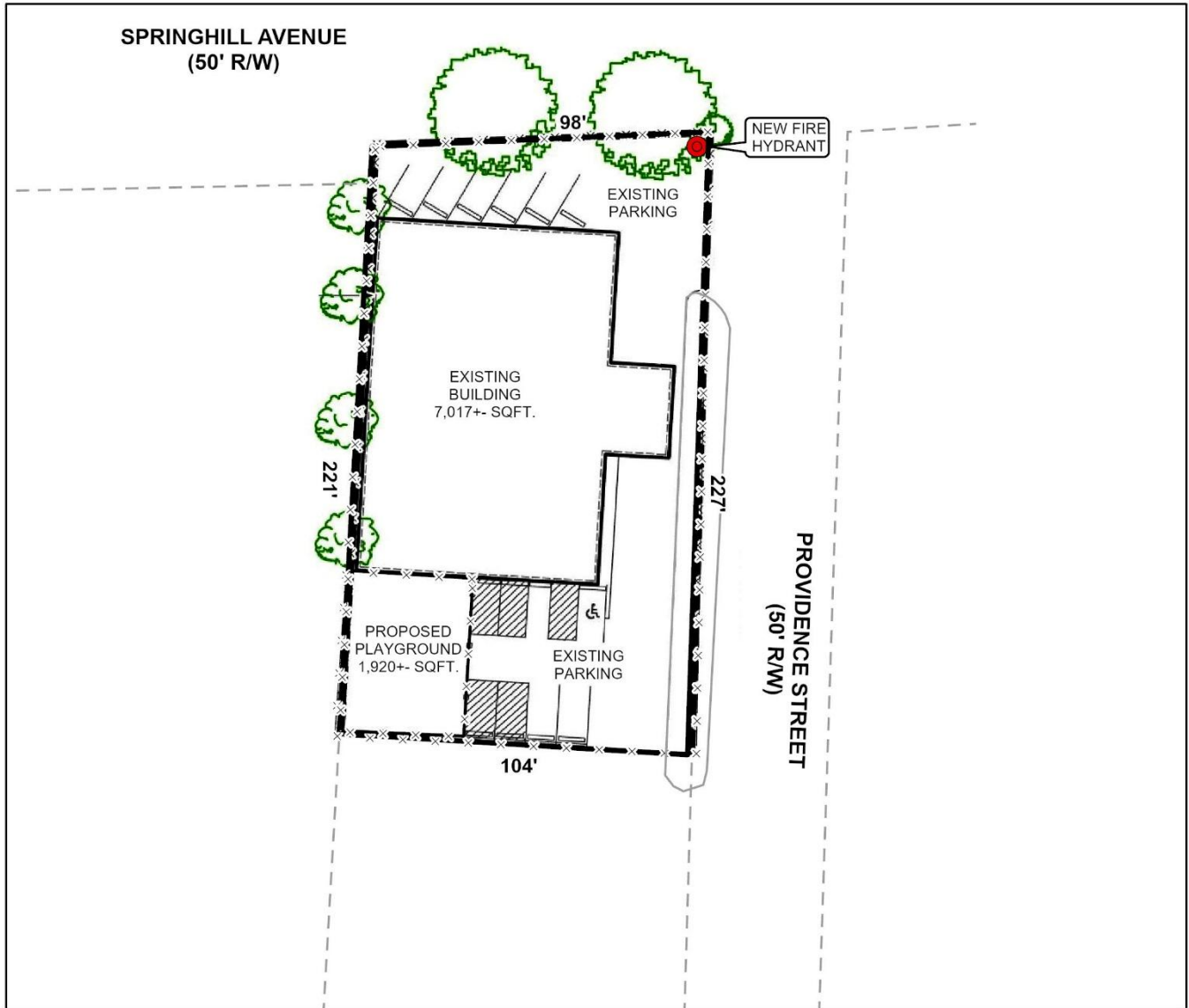
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REQUEST Special Exception

R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2
R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6
R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1	



SITE PLAN



The site plan illustrates the proposed property additions and current buildings.

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FUTURE LAND USE MAP CORRESPONDENCE TO ZONING

A primary purpose of the Future Land Use Map is to guide zoning decisions. In many cases the designation on the FLUM may match the existing use of land, but in others the designated land use may differ from what is on the ground today. For example, a parcel that is in commercial use today but designated as any of the “mixed use” types on the map could redevelop with a mix of residential and commercial uses (such as retail, office, entertainment, etc., depending on the location).

Each future land use designation on the FLUM will have at least one corresponding zoning district, allowing a more precise application of the FLUM based on specific local conditions. In most cases, there are multiple combinations or types of zoning techniques that can accomplish the future land use designation's objectives.

The correspondence between the FLUM and the zoning district structure is described in the matrix below. This tool gives the City the flexibility over the long-term to determine appropriate changes to the zoning map based on various factors.

The designation of an area with a FLUM land use category does not mean that the most intense zoning district consistent with that category is “automatically” assigned to a property. Instead, an area retains its existing zoning category until it is changed through a landowner-initiated rezoning application, or a rezoning that follows an area plan. This is because the FLUM is a long-term designation, while a change in zoning considers current conditions – such as market demands, availability of infrastructure, or impacts on the immediate neighborhood.

Zoning correspondence matrix

[illegible]

Mixed Use Areas: Corridors

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. Depending on their location, these areas 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, and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving.

Development Intent

- › Incorporate attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving.
- › Special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.

Land use mix

Primary Uses

- › Commercial
- › Office
- › Civic
- › Residential, Multifamily

Secondary Uses

- › Residential, Attached
- › Parks

Housing mix

- › Various types ranging in density from 10 to 30 du/ac;
- › Residential units above ground-floor retail
- › Multifamily buildings (small scale)
- › Attached residential such as duplexes, multiplexes, and townhomes

Character Example

