

**ZONING AMENDMENT STAFF REPORT**

**Date: October 6, 2022**

**NAME** Royal Academy Daycare (Brittany Williams, Agent)

**LOCATION** 2819 Government Boulevard  
(South side of Government Boulevard, 235'± East of Thompson Drive, extending to the North side of Thompson Drive North, 75'± East of Thompson Drive).

**CITY COUNCIL DISTRICT** District 3

**PRESENT ZONING** R-1, Single-Family Residential District, and B-2, Neighborhood Business District

**PROPOSED ZONING** B-2, Neighborhood Business District

**AREA OF PROPERTY** 0.9± Acre

**CONTEMPLATED USE** Rezoning from R-1, Single-Family Residential District, and B-2, Neighborhood Business District, to B-2, Neighborhood Business District.  
**It should be noted that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.**

**TIME SCHEDULE FOR DEVELOPMENT** Not provided.

**ENGINEERING COMMENTS**

1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department (251-208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.

3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control; the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
4. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.
5. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

**TRAFFIC ENGINEERING**

**COMMENTS**

No comments.

**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 (2012 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.

**REMARKS**

The applicant is requesting rezoning from R-1, Single-Family Residential District, and B-2, Neighborhood Business District, to B-2, Neighborhood Business District.

The site has been given a Mixed Commercial Corridor (MCC) 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 mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

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 subject site appears to have been assigned the current split zoning with the adoption of the original Zoning Ordinance in May, 1967. One month later, a variance was granted to allow the construction of an office and dry cleaning laundry plant on the site. The dry cleaning and laundry closed in November 2019. The applicant now proposes to operate a child day care center on the site which requires a change of occupancy, to include compliance with the Zoning Ordinance. Since the site is split-zoned, the classification must be changed to one classification which would allow the new proposed use; hence this request.

The applicant states the following concerning the request:

*REZONING IS REQUIRED BECAUSE CURRENT PORPERTY IS SPLIT ZONED R-1 & B-2. REZONING IS REQUIRED TO COMBINE PROPERTY INTO ONE ZONING CLASSIFICATION.*

Section 64-9. of the Zoning Ordinance states that the intent of the Ordinance and corresponding Zoning Map is to carry out the comprehensive planning objective of sound, stable and desirable development. While changes to the Ordinance are anticipated as the city grows, the established public policy is to amend the ordinance only when one or more of the following conditions prevail: 1) there is a manifest error in the Ordinance; 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable; 3) there is a need to increase the number of sites available to business or industry; or 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

The site plan submitted with the application indicates the site “as-is” with no modifications proposed to meet the site compliance requirements of the Zoning Ordinance. However, as Rezoning approvals are not site plan specific, the application can be reviewed based upon the proposed use and the prevailing conditions cited by the applicant.

The proposed use as a child day care is allowed by right in a B-2 District. As the site is currently split-zoned, the rezoning to B-2 would bring the entire site into the proper zoning classification for the proposed use. It should be emphasized that the proposed classification of B-2 is in keeping with the Future Land Use Map classification for the site. The applicant has demonstrated that there is a manifest error in the Ordinance with regard to zoning classifications, and the rezoning request should be considered for approval.

It should be noted that the site is a metes-and-bounds legal description. Therefore, either the site should be made into one legal lot of record via a one-lot Subdivision, or a deed from 1962 or earlier describing the property in its current configuration should be required, if approved.

As previously stated, the review for a Rezoning application is not site plan specific. If approved, full compliance with all municipal codes and ordinances, including, but not limited to parking surfacing and maneuvering area, refuse removal, required sidewalks, and residential buffering will be required.

### **RECOMMENDATION**

Based on the preceding, the application is recommended for Approval due to the following:

- 1) The applicant has demonstrated that there is a manifest error in the Ordinance with regard to zoning classifications; and
- 2) The need to make the subject site a legal lot of record would justify the Rezoning to a single classification.

The rezoning should be subject to the following conditions:

- 1) either completion of the Subdivision process or provision of a 1962 or earlier deed describing the property in its current configuration; and
- 2) full compliance with all municipal codes and ordinances.

# LOCATOR MAP



APPLICATION NUMBER 5 DATE October 6, 2022  
APPLICANT Royal Academy Daycare (Brittany Williams, Agent)  
REQUEST Rezoning From R-1 And B-2 To B-2



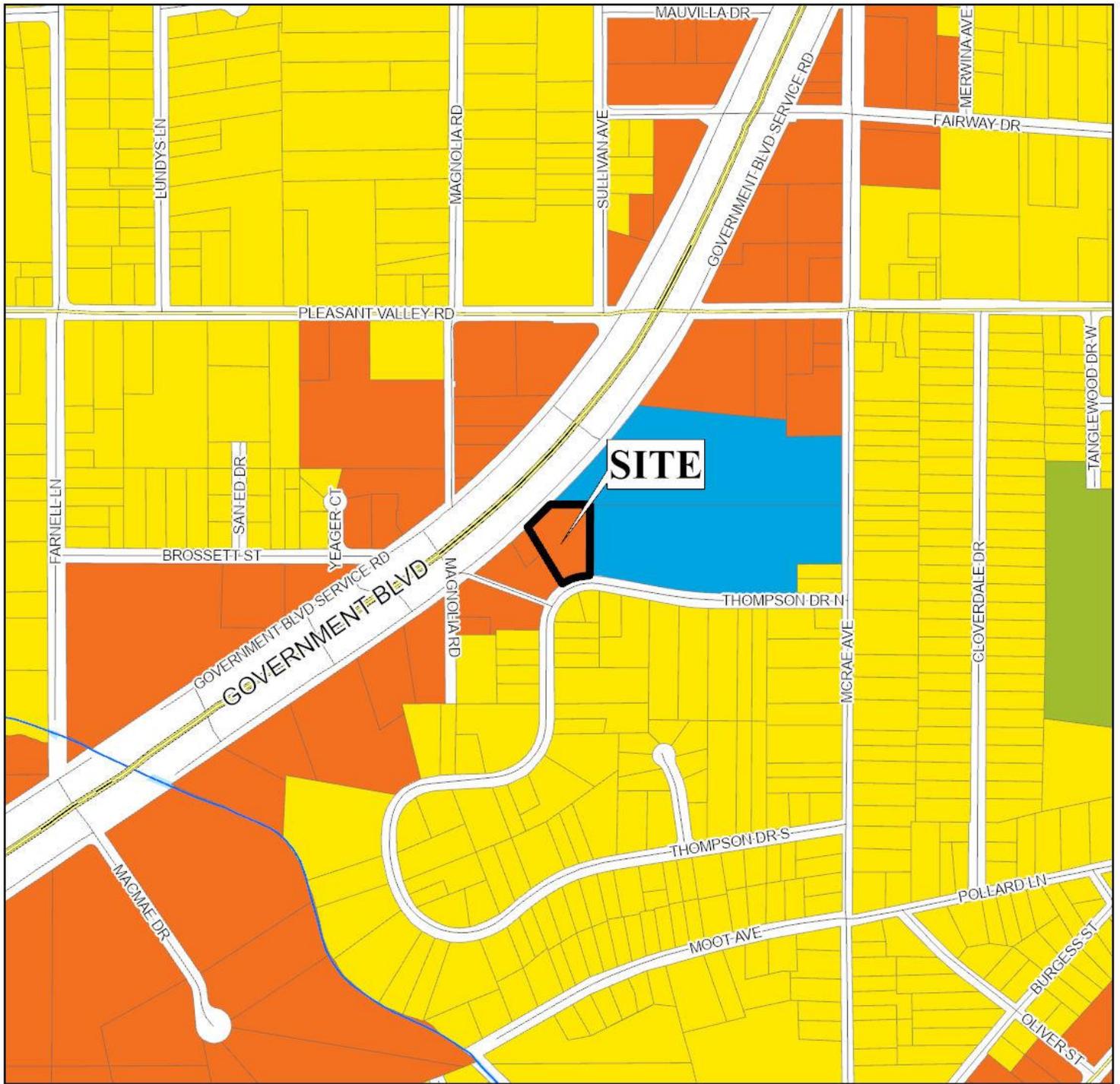
# LOCATOR ZONING MAP



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# FLUM LOCATOR MAP



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REQUEST Rezoning From R-1 And B-2 To B-2

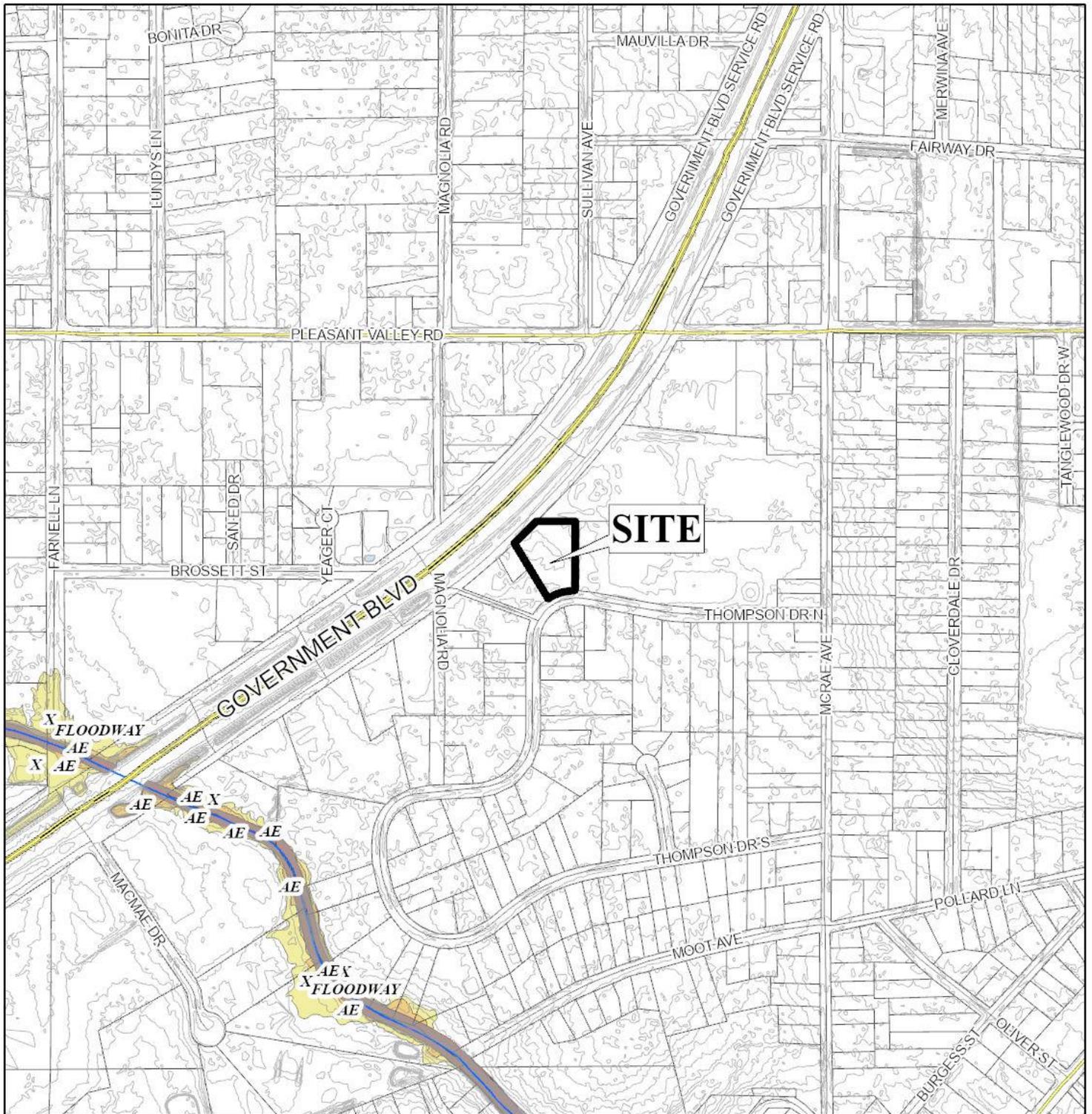
**Layer2**

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



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# ENVIRONMENTAL LOCATOR MAP



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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units to the west, and residential units to the southeast. A school lies east of the site.

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<span style="display: inline-block; width: 15px; height: 15px; background-color: cyan; border: 1px solid black;"></span> R-A	<span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span> R-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: tan; border: 1px solid black;"></span> T-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> B-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: blue; border: 1px solid black;"></span> B-5	<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> MUN	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> SD-WH	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> T5.1
<span style="display: inline-block; width: 15px; height: 15px; background-color: white; border: 1px solid black;"></span> R-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black;"></span> R-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: cyan; border: 1px solid black;"></span> B-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black;"></span> B-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span> I-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightgreen; border: 1px solid black;"></span> OPEN	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpink; border: 1px solid black;"></span> T3	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkpurple; border: 1px solid black;"></span> T5.2
<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> R-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: peachpuff; border: 1px solid black;"></span> H-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> LB-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: brown; border: 1px solid black;"></span> B-4	<span style="display: inline-block; width: 15px; height: 15px; background-color: gray; border: 1px solid black;"></span> I-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> SD	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpurple; border: 1px solid black;"></span> T4	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkblue; border: 1px solid black;"></span> T6



# PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL

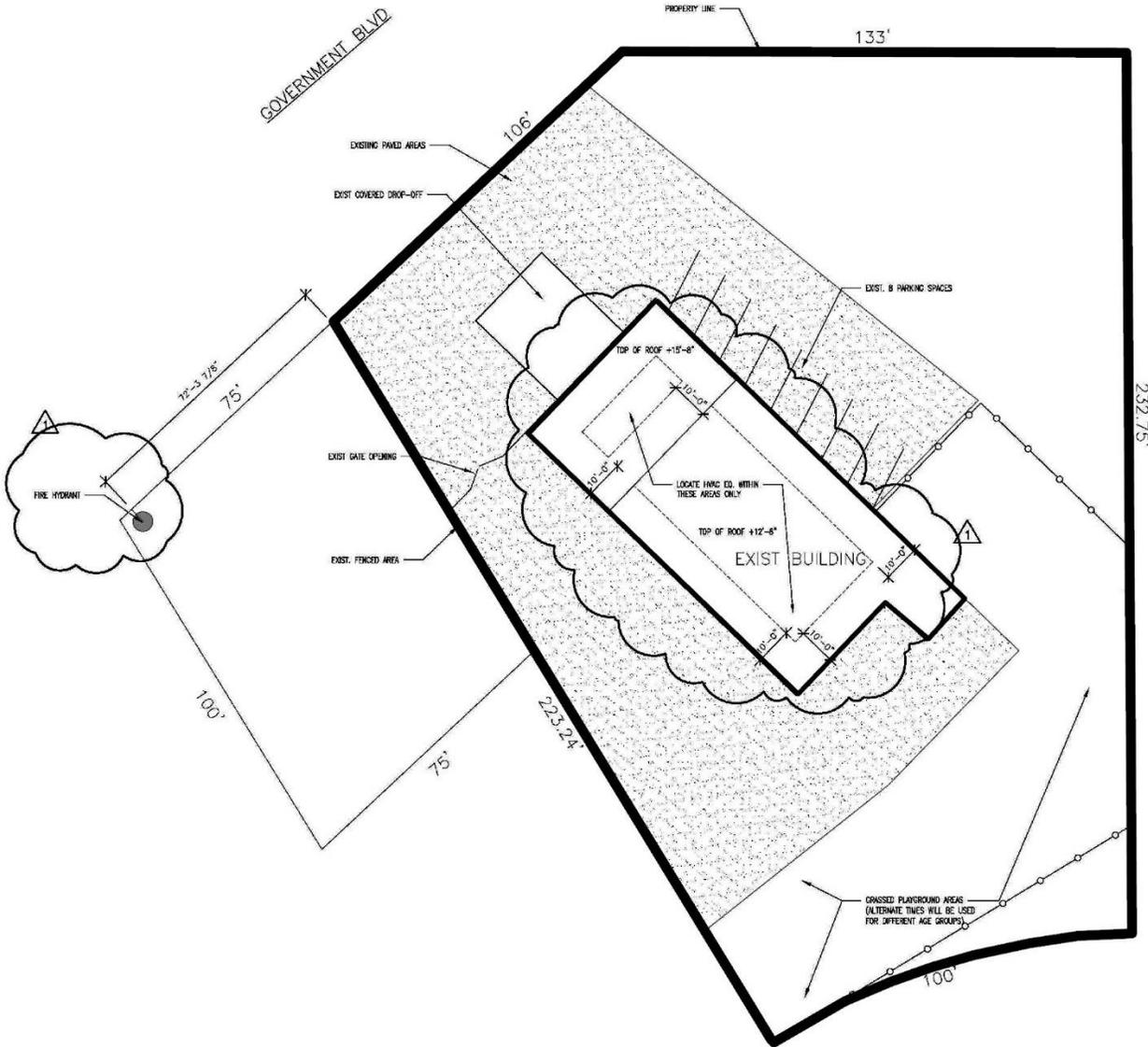


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# SITE PLAN

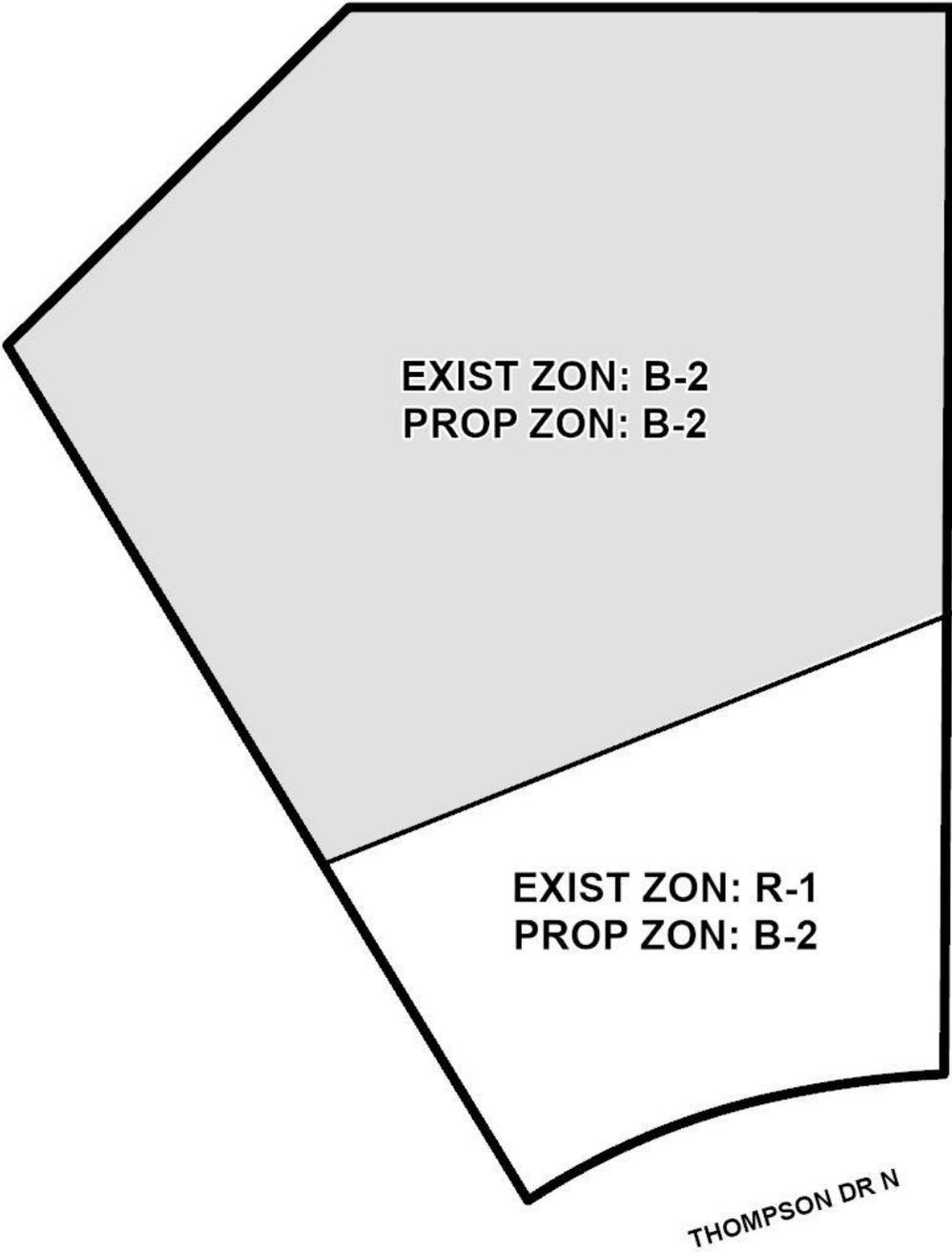


The site illustrated the existing building, fencing, and playground area.

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**DETAIL SITE PLAN**



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