

**ZONING AMENDMENT &  
PLANNING APPROVAL  
STAFF REPORT****June 2, 2022**

<b><u>NAME</u></b>	Alexandra Rousos Theris
<b><u>LOCATION</u></b>	2500 Dauphin Street (Northwest corner of Dauphin Street and Hurlbert Street).
<b><u>CITY COUNCIL DISTRICT</u></b>	District 1
<b><u>PRESENT ZONING</u></b>	R-1, Single-Family Residential District
<b><u>PROPOSED ZONING</u></b>	B-1, Buffer Business District
<b><u>AREA OF PROPERTY</u></b>	0.18± Acres
<b><u>CONTEMPLATED USE</u></b>	Rezoning from R-1, Single-Family Residential District to B-1, Buffer Business District and Planning Approval to allow a daycare/school in a B-1, Buffer Business District. <b>It should be noted, however, 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.</b>
<b><u>TIME SCHEDULE</u></b>	None given.
<b><u>ENGINEERING COMMENTS</u></b>	

**Rezoning:**

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 (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.

**Planning Approval:**

No comments.

**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 Section 64-6 of the City's Zoning Ordinance.

**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 to B-1, Buffer Business District and Planning Approval to allow a daycare/school in a B-1, Buffer Business District.

The site has been given a Mixed Density Residential (MxDR) 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 designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4- residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 dwelling units per acre, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.

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.

As stated in Section 64-9. of the Zoning Ordinance, 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 has been the subject of several variances over the years. In 1972, A side yard setback variance was granted to allow the construction of an attached garage within the required side yard setback. In 1979, a use variance was granted to allow the conversion of the property from residential to commercial use; a condition of the use variance limited the site to a two (2) square

foot wall sign. In 1980, a sign variance was granted to allow a sign not exceeding 12 square feet per side, and a minimum of eight-feet from the South and West property lines. The property immediately to the West of the subject site was rezoned from R-1, Single-Family Residential District to B-1, Buffer Business District in 1981.

In regards to the rezoning request, the applicant provided the following statement:

*The property at 2500 Dauphin Street has been given Mixed Density Residential land use designation per the Future Land Use Plan and Map as adopted by the Planning Commission on May 18, 2017. The location sits amidst a growing neighborhood area that includes the Publix grocery store, various restaurants, and both retail and office spaces. Many of the area's local businesses such as Cammie's Old Dutch Ice Cream, Nasser Gymnastics, and the retail shops in the Publix shopping center provide a warm and welcoming family atmosphere for the Midtown and surrounding areas in Mobile. The Play House plans to continue the current trend with a vision that aligns with the Future Land Use Plan designated by the city with its neighborhood-nested learning environment for young children to play, explore, and develop in a quiet and intimate setting.*

*While many of the growing businesses in the surrounding neighborhood provide amenities necessary to the fabric, safety, and convenience of the neighborhood's design, the Play House will enhance the neighborhood's structure by providing a center for the community's youngest learners. Because the Midtown Mobile area is sought after by both young families and small businesses, this property and business align with the same ideals and would support the growth, enhancement, and popularity of this area.*

*A B1 commercial zoning for the home located at 2500 Dauphin Street is consistent with the Future Land Use Plan as set out by the Planning Commission for Mixed Density Residential Use in the surrounding area. The plans for this business are nothing if not consistent with the trends current neighborhood outlook. Please support this application for The Play House rezoning this property. Our team looks forward to collaborating with the city in designing and developing this important new environment for the growth of the Mobile area and its children.*

The adjacent property to the West is vacant and is zoned, B-1, Buffer Business District, however, next to it is an office building in a B-1 district. Properties to the North, South, and East are all zoned R-1, Single-Family Residential, with properties to the South and East developed with dwellings, and property to the North, partially developed with a parking lot for the previously mentioned office building.

The site abuts R-1, Single-Family Residential property to the North of the site. A brick wall is depicted along the North property line, but no mention is made of the height. Based on photographs of the property submitted with the application, it does not appear to be a sufficient height to comply with Section 64-4.D.1. of the Zoning Ordinance. If approved, the site plan should be revised to depict a compliant residential buffer along the North property line. It should be noted that there was an application to rezone the property to the North of the site to B-1, to accommodate a proposed parking lot, which was denied by the Planning Commission at its March 7, 1996

meeting. As previously stated, a portion of the “vacant” R-1 property to the North is developed with a parking lot that serves the office building at 2504 Dauphin Street, and has apparently been in place since at least 1984.

Section 64-9.2.b. of the Zoning Ordinance states that a new B-1 district should have a minimum of two (2) acres, or abut an existing B-2, B-3, B-4, I-1, or I-2 district. The site does not meet these standards, however, the other properties on the same block, facing Dauphin Street are all currently zoned B-1, Buffer Business District, making the proposed rezoning in keeping with the area. The applicant does not specifically state which of the four (4) conditions exist which make the proposed rezoning necessary and desirable, but given that the site has operated commercially for over 40 years, changing conditions may exist in the area to justify the proposed zoning change.

The review required for Planning Approval examines the applicant’s location and site plan with regard to transportation, parking and access, public utilities and facilities, traffic congestion and hazard, and to determine if the proposal is in harmony with the orderly and appropriate development of the district.

It is very important to note that the Planning Approval review is site plan specific; therefore, any future changes to the site plan or to the scope of operations for the daycare/school, must be submitted for Planning Approval review.

In regards to the PA, the applicant provided the following statement:

*The Play House is an indoor children's exploration and learning center founded with the goal of creating a play environment that fosters growth and development in children. Designed as a fun but educational space supported with the philosophy of purposeful play, the Play House has plans to serve the surrounding neighborhood and entire Mobile community by creating a nurturing and educational play center for children ages 2-12. The concept for this business involves a combination of both open play and guided play times, which include times for parent/guardian supervision as well as drop-off elements depending on the activity. Open play times (for all ages) require the supervision of an adult or guardian, whereas classes catered to certain age groups will allow for parents to drop off children for a specific activity or class. Although the target age for open play times is children 2-12 years old, The Play House "guided play" curriculum will incorporate age specific classes taught by owners Alexandra Roussos Theris and Monica Cook. Examples include 1.5- 2 hour courses in cooking/baking, messy play (kinetic sand, shaving cream etc), process art, and sensory exploration experiences. These classes will be geared toward specific ages and enrollment for those classes based on that age group, allowing for 8-12 students per class. The Play House also has plans to offer limited enrollment classes focused on infant development for children approximately ten months to two years with a supervising parent/guardian present during attendance. These classes would allow no more than 6-8 infants and parents at any time.*

*This business and curriculum concept is the product of an ideal partnership between owners Alexandra Roussos Theris and Monica Cook. Alexandra is a Mobile Bay area*

*native and educator. She has been working with children for fifteen years. Last year's "Best Preschool Teacher" Nappie winner and this year a Nappie finalist in the same category, Alexandra excited to begin this new business in the Mobile community. After working with a nonprofit organization in Boston helping teachers open small schools all over the country, as well as founding her own Montessori school in Providence, Rhode Island, Alexandra and her husband moved home to Mobile with the hopes of bringing a fresh perspective to the children's purposeful play education movement. A certified Montessori teacher and children's cookbook author with extensive school administrative experience, Alexandra has an entrepreneurial spirit and is looking forward to continuing the long-standing tradition of business in the Mobile community that the Roussos family has been proud to be a part of since the 1950's by founding The Play House with business partner Monica Cook. In addition to being a former middle and high school educator of eight years, Monica currently has four sons whose ages range from 2-10 years old. Raising them in Mobile since 2014 has allowed her to see the need for more purposeful educational play spaces in Mobile and how opening The Play House at 2500 Dauphin Street would be a tremendous benefit to the community. Together, Alexandra and Monica share the same drive, vision, and love of children's education through play in their plans for The Play House.*

*Currently zoned an RI property, 2500 Dauphin Street has had an "office space" use variance in place since the 1970's. The Play House team has plans to align with this same "light" business use of the property. The only shift would be the intent to provide education services (B1 commercial use) in the form of a quiet, neighborhood-nested learning and play center. With the growth and transitioning in the property location area of Florida and Dauphin streets, the addition of The Play House will continue the growth and development of the neighborhood businesses and culture for Midtown Mobile.*

*The layout as well as the location of 2500 Dauphin Street aligns with the Play House vision. Our team will prepare each room located on the bottom floor of the property to provide a unique studio play experience for children, with the upstairs area reserved for office and management space. Current plans for the lower floor areas include a sensory exploration room to offer sensory exploration and messy play, like water or sand sensory tables. Other rooms will include areas providing process art experiences, guided food preparation and kitchen play, a gross motor and movement center to allow free movement and exploration, and STEM areas for manipulatives and engineering like Lego play. Parents and caregivers will have multiple play options offered throughout the week, including times to drop off children for scheduled guided classes or to attend an open play time with their children. With a more focused experience in plans, no more than 12-15 children would be on site at any given play time (scheduled or open play). The Play House owners, Alexandra Roussos Theris and Monica Cook will be on site during operating hours to manage all areas.*

*Operating from Tuesday- Saturday from approximately 7:00 a.m. to 7:00 p.m. in the evening, The Play House will offer both open and guided play times, as well as special classes and curriculum opportunities for young learners. Though class times will not begin before 8 a.m. , both owners foresee they may be on location to prepare for the day*

*as early as 7 a.m. Although the schedule might vary weekly with various classes and open play times throughout the week, most weekday hours of operation will end by 5:30 p.m. Saturdays will alternate use for open play as well as special scheduled events or birthday parties. Depending on demand, Sundays may also be used for special events or birthday parties during busy seasons.*

*Structurally, the outdoor areas of the property are already suited for use by The Play House. The back area of the property has already been retrofitted for ample parking space. A designated drop-off zone and entrance will be designed at the building's existing Hurlburt Street side entrance for classes lasting between one and three hours. Parents will have access to parking in the existing parking lot behind the building for a short term drop-off time, and The Play House intends to line the existing parking area to allow for a smooth, safe, and convenient drop-off zone. With the majority of our activities being scheduled, short term drop-off parking will allow for multiple customers to utilize the drop off area within a time period. Only one employee (owner) parking space will be used during daily activities. Also, the property includes an existing brick privacy fence that separates the property from the neighborhood's commercial neighbors to the west and north and the residential neighbors to the north, south and east. In addition, The Play House team has no plans for any major structural changes to property. Any changes made would be strictly aesthetic with focus on the interior decor and design of the house to create a welcoming environment for children and families.*

*With the goal of anticipated opening in September 2022, The Play House has full plans to have any and all parking areas and aesthetic changes to the interior and design by that time, as well as any modifications to comply with requirements for our zoning. Once zoning procedures are complete, July and August will be used to ready the interior of the building for a September grand opening date.*

*Overall, The Play House design is intended to enhance the entire Mobile community by creating a safe environment for children to learn, play, explore, and grow. In order to accomplish this goal, the 2500 Dauphin Street property will need to be rezoned to B I status for commercial use. Our team welcomes the opportunity to collaborate with the city and with neighbors as we move through the zoning, planning, and development phase of this exciting new business for Mobile.*

The subject site was most recently used as an attorney's office under the 1979 variance approval, which is a B-1, Buffer Business District use. The applicant is proposing to rezone the property to B-1, to allow a business that is a hybrid of a daycare, school, and miscellaneous educational services, which requires Planning Approval in a B-1 district.

The Zoning Ordinance requires parking to be provided for daycares/schools at a ratio of 1.5 parking spaces per teaching station. As the applicant proposes only two (2) teachers to be on-site, a total of three (3) parking spaces is required. While not specifically depicted on the site plan, there is an existing parking area at the rear of the existing structure, there is room for up to five or six compliant parking spaces, with compliant access and maneuvering areas. However, there is

no indication of proposed van accessible parking, which may be required by federal Americans with Disabilities Act, or via the building code. It should also be noted that the ground floor area of the building is 2,400± square feet, which for an office use would require at least eight (8) parking spaces, therefore resulting in a shortage of parking spaces available, should the site revert back to office use.

It should be noted that the proposed use may be considered a change of occupancy per the International Building Code.

As the site has been zoned residentially, if the rezoning application is approved, the site should be required to provide frontage tree plantings, to be coordinated with staff to insure they are properly spaced so as to allow them to grow and thrive.

The site plan does not depict a dumpster, nor is it mentioned that curbside garbage pickup will be utilized. If approved, the site plan should be revised to either depict a compliant dumpster, including enclosure and sanitary sewer connection, or include a note stating that curbside pickup will be utilized.

### **RECOMMENDATION:**

**Rezoning:** Based on the preceding, this application is recommended for Approval for the following reasons:

- 1) changing conditions in a particular area make a change in the Ordinance necessary and desirable.

The rezoning should be subject to the following condition:

- 1) full compliance with all municipal codes and ordinances.

**Planning Approval:** Staff recommends the following Findings of Fact for Approval for the Planned Unit Development:

- a. the proposal will be appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, because adequate infrastructure currently exists;
- b. the proposal will be in harmony with the orderly and appropriate development of the district in which the use is located, because the proposed hours of operation will limit the impact to the surrounding area.

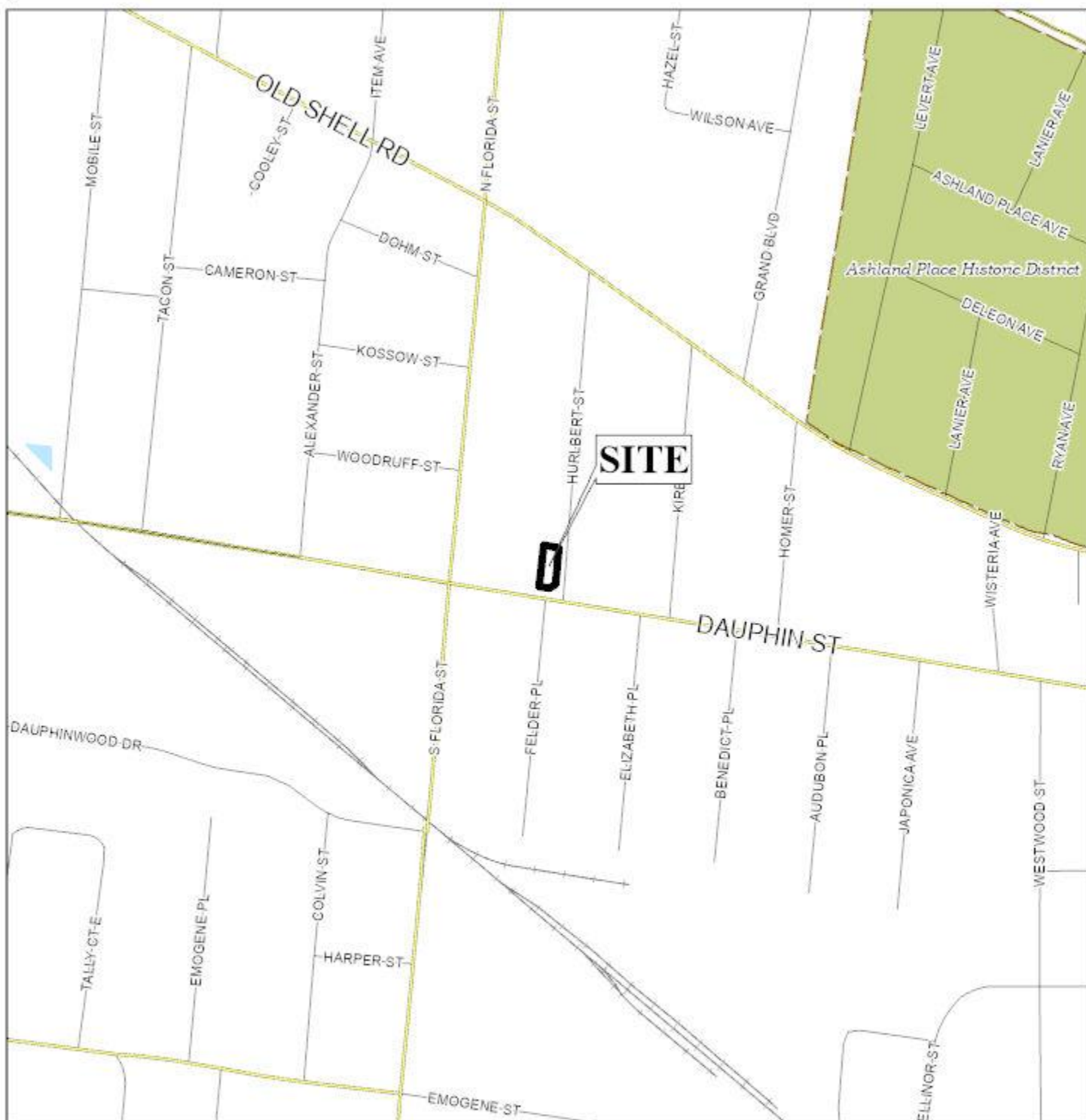
The approval should be subject to the following condition:

- 1) no more than 12 students allowed at the site at a time;
- 2) hours of operation are limited to 7 AM – 7 PM;



- 3) revision of the site plan to depict a compliant residential buffer along the North property line;
- 4) revision of the site plan to either depict a compliant dumpster, with enclosure and sanitary sewer connection, or placement of a note stating that curbside pickup will be utilized;
- 5) provision of frontage trees, to be coordinated with staff;
- 6) submittal of a revised site plan prior to the issuance of permits or licenses; and
- 7) full compliance with all municipal codes and ordinances.

# LOCATOR MAP



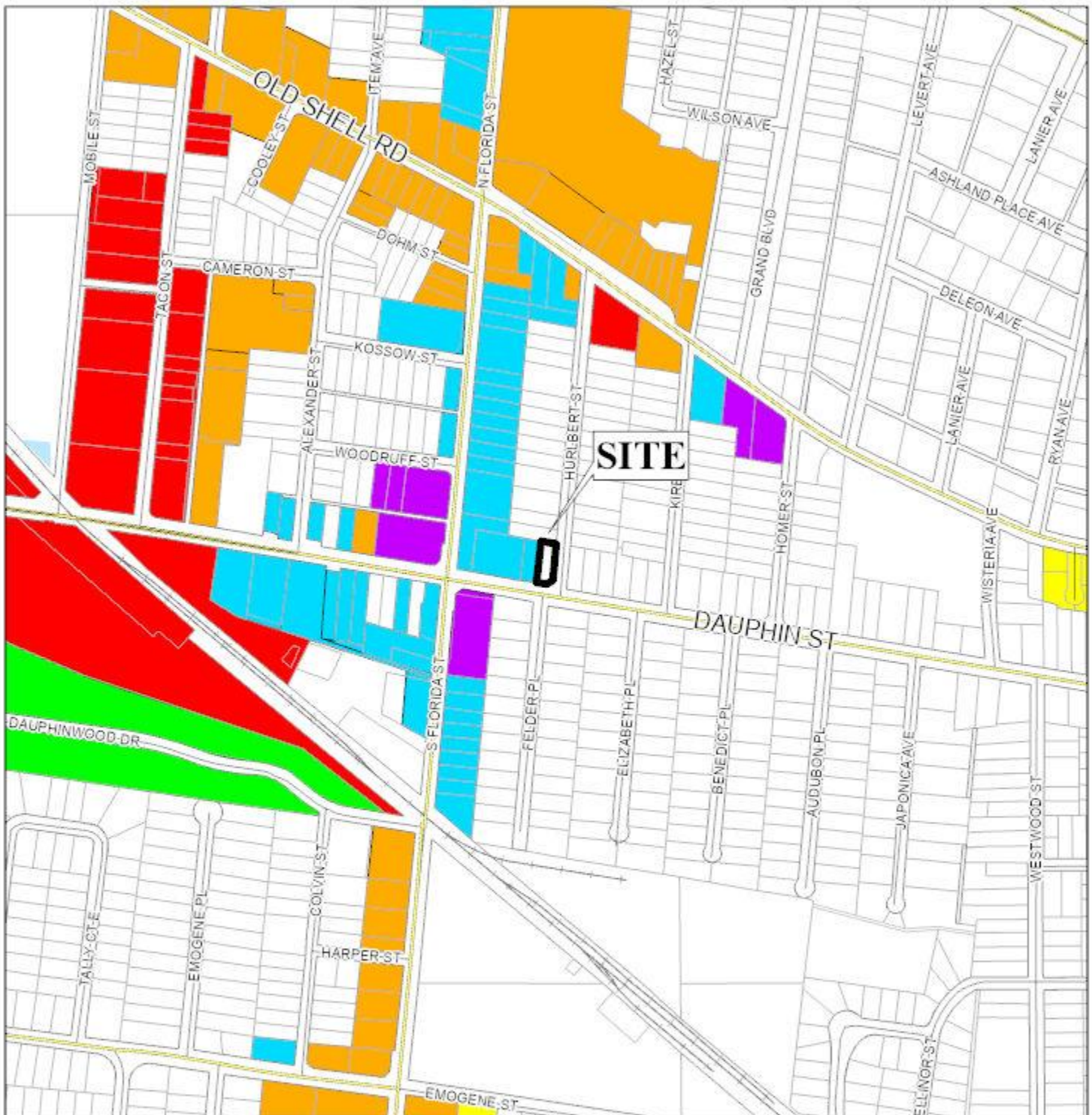
APPLICATION NUMBER 6 DATE June 2, 2022

APPLICANT Alexandra Rousos Theris

REQUEST Rezoning & Planning Approval



# LOCATOR ZONING MAP



APPLICATION NUMBER 6 DATE June 2, 2022

APPLICANT Alexandra Rousos Theris

REQUEST Rezoning & Planning Approval





# FLUM LOCATOR MAP



APPLICATION NUMBER 6 DATE June 2, 2022

APPLICANT Alexandra Rousos Theris

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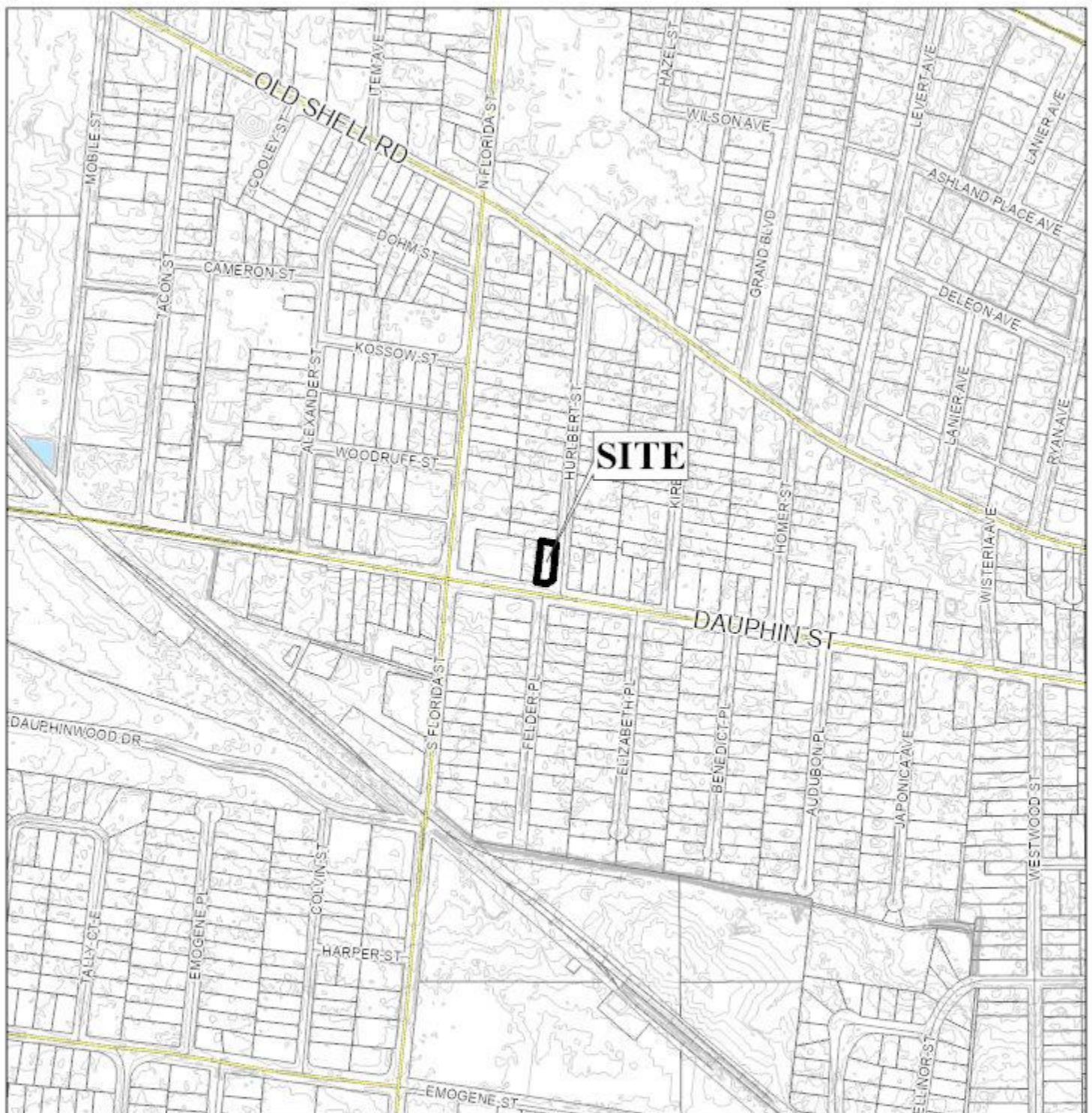
## Layer2

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





# ENVIRONMENTAL LOCATOR MAP



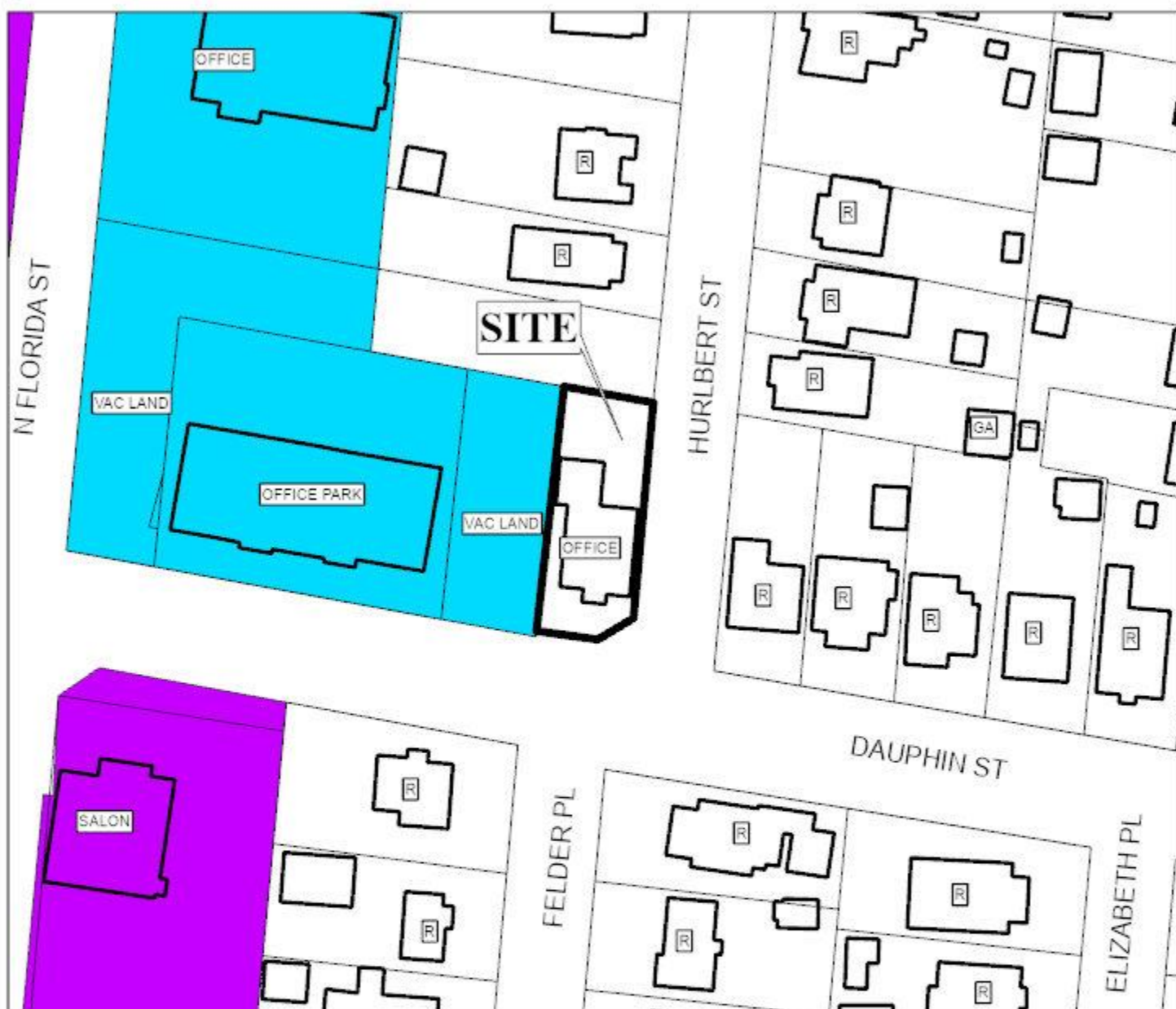
APPLICATION NUMBER 6 DATE June 2, 2022

APPLICANT Alexandra Rousos Theris

REQUEST Rezoning & Planning Approval



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by residential units, with commercial units to the west.

APPLICATION NUMBER 6 DATE June 2, 2022

APPLICANT Alexandra Rousos Theris

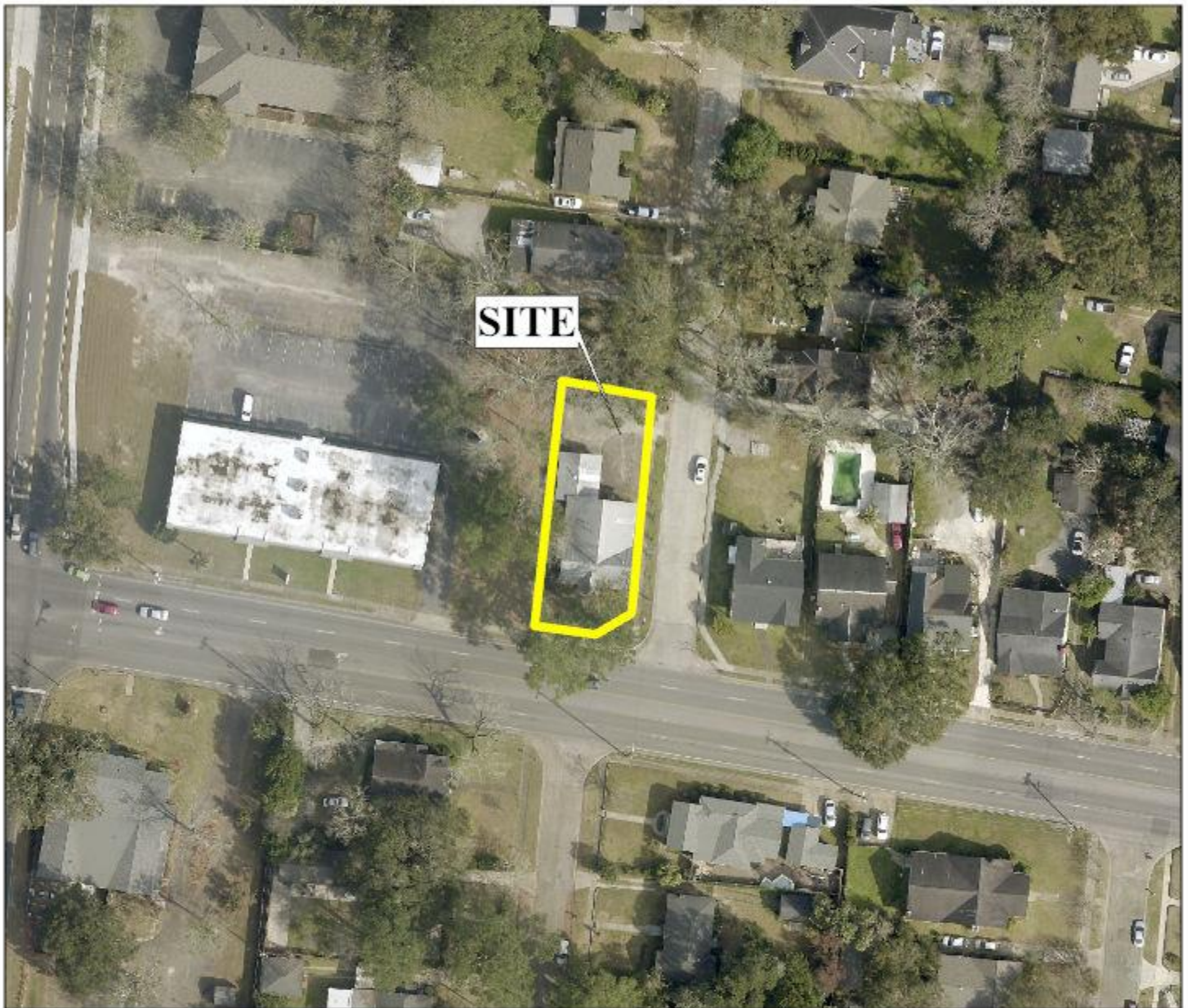
REQUEST Rezoning & Planning Approval

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





# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by residential units, with commercial units to the w

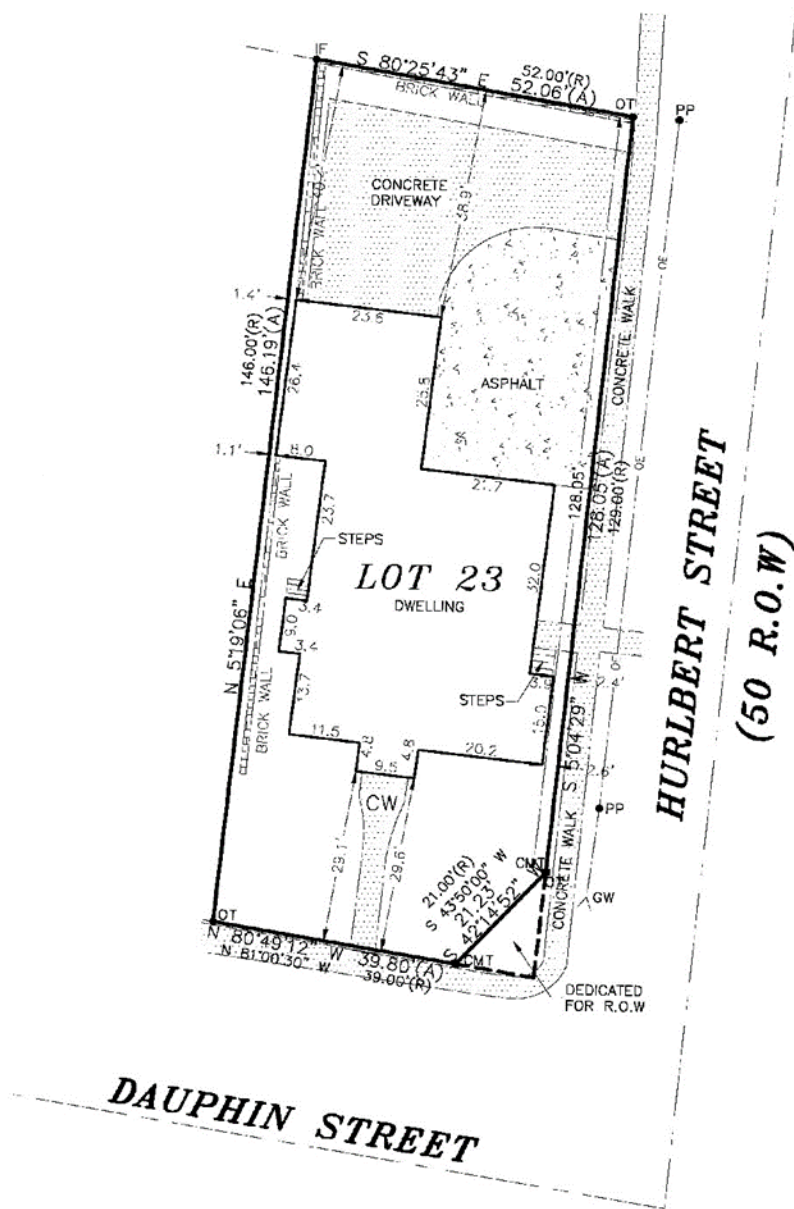
APPLICATION NUMBER 6 DATE June 2, 2022

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# SITE PLAN



This site illustrates the existing building.

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