



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 7.b

Case No. Z-19010

LMS Properties LLC Property

Rezone RSF-1, Single Family District to B-1, Professional Business District

March 7, 2019

Subject Property Information

Planning District: 33
General Location: NE corner of Ickler Av N and Santa Piedro St.
Physical Address: 12626 Santa Piedro St., Lillian, AL
Parcel Numbers: 05-52-07-26-0-002-025.000
Existing Zoning: RSF-1, Single Family District
Proposed Zoning: B-1, Professional Business District
Existing Land Use: Residential
Proposed Land Use: Commercial/Dental Office
Acreage: 0.4 ± acres
Applicant: Wayne Wight
35 Gulf Breeze Pkwy
Gulf Breeze, FL 32561
Owner: LMS Properties LLC
14632 South Blvd
Silverhill, AL 36576
Lead Staff: Celena Boykin, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Commercial (Dental Office)	B-2, Neighborhood Business District
South	Residential	RSF-1, Single Family District
East	Residential	RSF-1, Single Family District
West	Fire Station	Santa Piedro St., RSF-1, Single Family District

Summary

The subject property is currently zoned RSF-1, Single Family District, and is occupied with a dwelling and an accessory structure. The requested zoning designation is B-1, Professional Business District. According to information submitted on the rezoning application, the purpose of this request is to build a new dental office.

The owner currently has a dental office on the adjacent parcel to the north and would like to build a new 2,400 sq ft dental office on the subject property.

Current Zoning Requirements

Section 4.2 RSF-1, Single Family District

4.2.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a low density residential environment consisting of single family homes on large lots.

4.2.2 *Permitted uses.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) The following agricultural uses: Silviculture.
- (d) Single family dwellings including manufactured housing and mobile homes.
- (e) Accessory structures and uses.
- (f) The following institutional use: church or similar religious facility.

4.2.3 *Conditional uses.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as conditional uses:

- (a) Outdoor recreation uses.
- (b) The following institutional uses: day care home; fire station; school (public or private).
- (c) The following general commercial uses: country club.

4.2.4 *Special exception.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following use and structures designed for such use may be allowed as a special exception:

The following local commercial use: bed and breakfast or tourist home (see *Section 13.10: Bed and Breakfast Establishments*).

4.2.5 *Area and dimensional ordinances.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.6 Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35-Feet
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet

Minimum Lot Area	30,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.35

Section 5.1 B-1, Professional Business District

5.1.1 *Purpose and intent.* The B-1, Professional Business and Office District, is intended to allow a concentration of office type buildings and land uses that are most compatible with, and located near, residential areas. Most B-1 commercial, professional and business office districts will be placed in close proximity to residential areas, and therefore serve as a transitional zoning district between residential areas and higher intensity commercial zoning districts. The types of office uses permitted are those that do not have high traffic volumes throughout the day, which extend into the evening hours. They will have morning and evening short-term peak conditions. The market support for these office uses should be those with a localized basis of market support as opposed to office functions requiring inter-jurisdictional and regional market support. Because office functions have significant employment characteristics, which are compounded when aggregations occur, certain personal service uses shall be permitted, to provide a convenience to office-based employment. Such convenience commercial uses shall be made an integral part of an office building as opposed to the singular use of a building.

5.1.2 Permitted uses. The following uses are permitted as of right, or as uses accessory to permitted uses in the B-1, Professional Business and Office District:

- | | |
|---|--|
| (a) Accessory structures and uses | (k) Laboratory (scientific, medical or dental) |
| (b) Bank | (l) Library |
| (c) Barber shop or beauty parlor | (m) Office |
| (d) Child care center | (n) Optician |
| (e) Child care institution | (o) Police station |
| (f) Church or similar religious facility | (p) Post office |
| (g) Clinic or dentist office (medical, dental, psychiatric) | (q) School (public or private) |
| (h) Club or lodge | (r) Silviculture |
| (i) Extraction or removal of natural resources on or under land | (s) Studio for dance, music, photography, painting, etc. |
| (j) Fire station | (t) Water well (public or private) |

5.1.3 Conditional uses. The following uses are permissible as conditional uses in the B-1 Commercial Professional and Business Office District, subject to the standards and procedures established in Section 18.11: Conditional Uses:

- (a) Arboretum
- (b) Ball field
- (c) Golf course
- (d) Park or playground
- (e) Riding academy
- (f) Swimming pool (outdoor)
- (g) Tennis court (outdoor)
- (h) Wildlife sanctuary
- (i) Dwellings, in combination with commercial uses, subject to the standards listed under Section 5.1.4: Mixed uses

5.1.4 Mixed uses. Mixed residential and commercial uses may be permissible as conditional uses in the (B-1) commercial professional and Business office district, subject to the standards and procedures established in Section 18.11: Conditional Uses, and subject to the following criteria:

- (a) The commercial uses in the development may be limited in hours of operation, size of delivery trucks, and type of equipment;
- (b) The residential uses shall be designed so that they are compatible with the commercial uses;
- (c) Residential and commercial uses shall not occupy the same floor of a building;
- (d) Residential and commercial uses shall not share the same entrances;
- (e) The number of residential dwelling units shall be controlled by the dimensional standards of the B-1 district. A dwelling unit density of .5 (1/2) dwelling units per 1,000 square feet of the gross floor area devoted to commercial uses, may be allowed (structures with less than 2,000 square feet devoted to commercial uses shall be allowed one dwelling unit). In no case, however, shall the overall dwelling unit density for a mixed use project exceed 4 dwelling units per acre;
- (f) Building height shall not exceed three stories;
- (g) A minimum of 30 percent of the mixed use development shall be maintained as open space. The following may be used to satisfy the open space requirements: areas used to satisfy water management requirements, landscaped areas, recreation areas, or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained);
- (h) The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible, and;
- (i) Off-street parking spaces for the mixed residential and commercial uses shall be the sum total of the residential and commercial uses computed separately (See Article 15: Parking and Loading Requirements).

5.1.6 Lighting standards. The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.

5.1.7 Distance between structures. If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15-feet or a distance equal to one-half the sum of their heights, whichever is the greater.

5.1.8 Landscaping and buffering. All B-1, Professional Business and Office District, uses shall meet the requirements of Article 17: Landscaping and Buffers.

Agency Comments

ADEM: No comments received.

Permit/Subdivision Manager, Seth Peterson: I do not have comments on the rezoning, however if approved our office would need to review stormwater improvements and ROW improvements for the proposed site during the permitting process.

Baldwin County Highway Department, Frank Lundy: The Maintenance Section does not have any comments to add.

Staff Analysis and Findings

The following factors for reviewing zoning amendments are found in Section 19.6 of the *Baldwin County Zoning Ordinance*. These factors are to be considered when an application is being reviewed for rezoning.

1.) Is the requested change compatible with the existing development pattern and the zoning of nearby properties?

The subject property is currently occupied with a dwelling and an accessory structure. The property adjoins Santa Pedro Street to the west. The adjoining properties are residential and commercial.

2.) Has there been a change in the conditions upon which the original zoning designation was based? Have land uses or conditions changed since the zoning was established?

The zoning for Planning District 33 was approved by the Baldwin County Commission on August 6, 2002. The adjacent property to the north was rezoned to B-2 in 2005. This area does have a mixture of residential and commercial.

3.) Does the proposed zoning better conform to the Master Plan?

The Baldwin County Master Plan, 2013, provides a future land use designation of Residential for the subject property. If the rezoning is approved, the Future Land Use Map will be amended to reflect the designation of Commercial.

4.) Will the proposed change conflict with existing or planned public improvements?

Staff is unaware of any conflicts.

5.) Will the proposed change adversely affect traffic patterns or congestion?

In 5.1.1, Purpose and intent of B-1, of the Zoning Ordinance it states: The B-1, Professional Business and Office District, is intended to allow a concentration of office type buildings and land uses that are most compatible with, and located near, residential areas. Most B-1 commercial, professional and business office districts will be placed in close proximity to residential areas, and therefore serve as a transitional zoning district between residential areas and higher intensity commercial zoning districts. The types of office uses permitted are those that do not have high traffic volumes throughout the day, which extend into the evening hours. They will have morning and evening short-term peak conditions.

6.) Is the proposed amendment consistent with the development patterns in the area and appropriate for orderly development of the community? The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.

See response to Standards Number 1 and 2.

7.) Is the proposed amendment the logical expansion of adjacent zoning districts?

Yes, as stated above, the intent of B-1 zoning is to allow a concentration of office type buildings and land uses that are most compatible with, and located near, residential areas. Most B-1 commercial, professional and business office districts will be placed in close proximity to residential areas, and therefore serve as a transitional zoning district between residential areas and higher intensity commercial zoning districts.

8.) Is the timing of the request appropriate given the development trends in the area?

Timing is not a factor.

9.) Will the proposed change adversely impact the environmental conditions of the vicinity or the historic resources of the County?

Staff anticipates no adverse impacts.

10.) Will the proposed change adversely affect the health, safety and welfare of the County and the vicinity?

Staff anticipates no adverse impacts.

11.) Other matters which may be appropriate.

Staff Comments and Recommendation

As stated previously, The subject property is currently zoned RSF-1, Single Family District, and is occupied with a dwelling and an accessory structure. The requested zoning designation is B-1, Professional Business District. According to information submitted on the rezoning application, the purpose of this request is to build a new dental office. The owner currently has a dental office on the adjacent parcel to the north and would like to build a new office.

Staff has no major concerns with this request. Unless information to the contrary is revealed at the public hearing, staff recommends **APPROVAL** of Case Z-19010 to the County Commission. *

**On rezoning applications, the Planning Commission will be making a recommendation to the County Commission.*

Property Images





**ADJOINING PROPERTY
TO THE WEST
"FIRE STATION"**

02/13/2019



**ADJOINING RESIDENCE
TO THE SOUTH**

02/13/2019

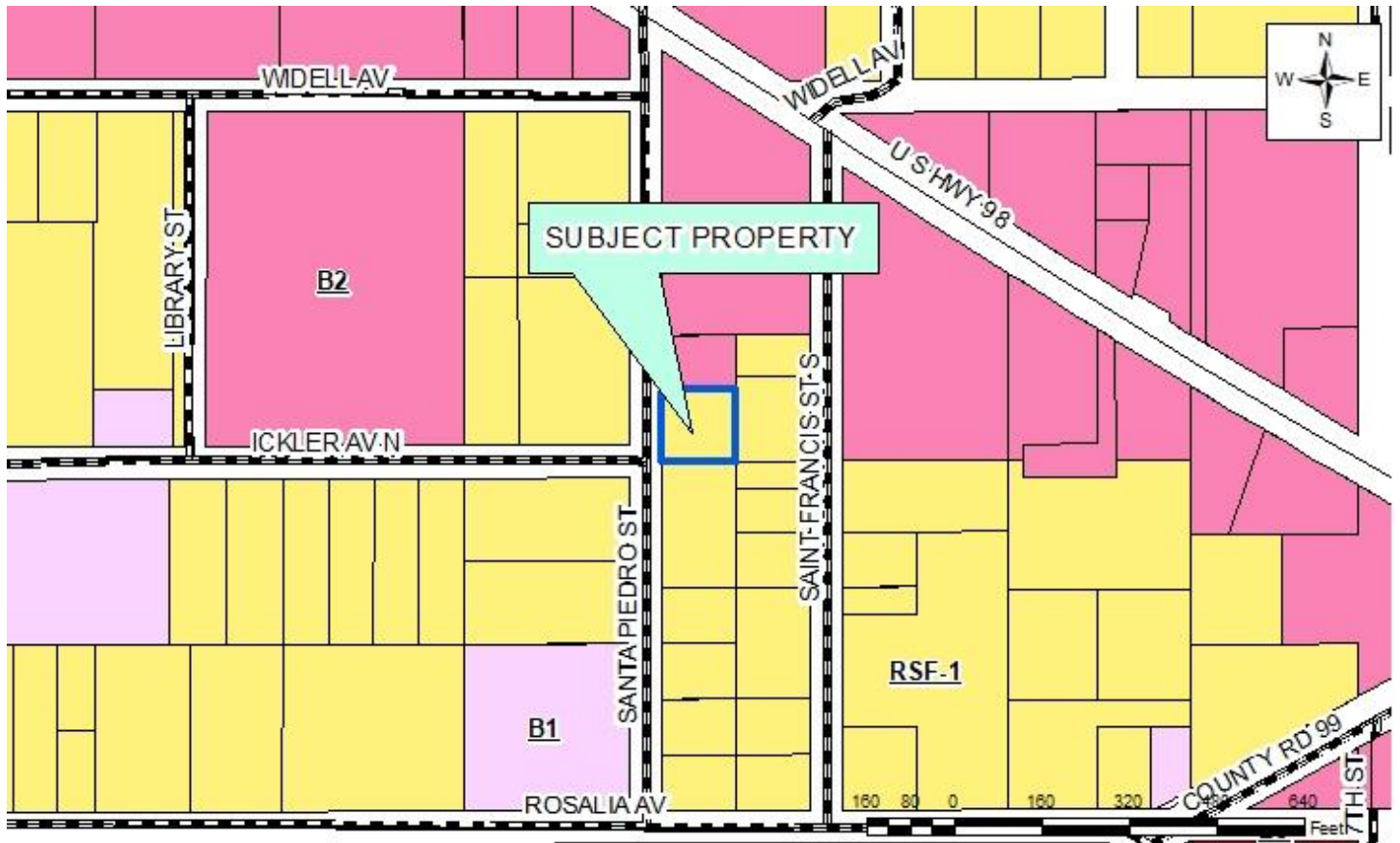


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**ADJOINING PROPERTY
TO THE NORTH
"DENTIST OFFICE"**

02/13/2019

Locator Map



Site Map

