



Baldwin County Planning & Zoning Department

Baldwin County Commission Staff Report

Case No. Z26-04

Brown Hawk Landing, LLC Property

Rezone from M-1, Light Industrial District to M-2, General Industrial District

March 17, 2026

Subject Property Information

Planning District: 22
General Location: North of US Highway 98 and east of County Road 95 in Elberta
Physical Address: 28935 U.S. Highway 98, Elberta, AL 36530
Parcel Number: 05-53-06-23-0-000-016.000
PIN#: 10805
Existing Zoning: M-1, Light Industrial District
Proposed Zoning: M-2, General Industrial District
Existing Land Use: Industrial
Proposed Land Use: Industrial
Acreage: 20 ± acres
Applicant: David Fitzpatrick, P.A.
Owner: Brown Hawk Landing, LLC
10100 Aileron Avenue
Pensacola, FL 32506
Lead Staff: Cory Rhodes, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Timberland	RA, Rural Agricultural
South	Timberland	RA, Rural Agricultural
East	Timberland	RA, Rural Agricultural
West	Vacant	RA, Rural Agricultural

Summary

The subject property encompasses approximately 20 acres and is currently zoned as M-1, Light Industrial District. A request has been made to change the designation to M-2, General Industrial District, for continued industrial use.

Section 8.1 M-1, Light Industrial District

8.1.1 Generally. The purpose of this zoning district is to provide a suitable protected environment for manufacturing, research and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions, and generate little industrial traffic.

8.1.2 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, conditioned on the *Commission Site Plan Approval requirements of Section 18.10*:

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) Light industrial uses.
- (c) Transportation, communication, and utility uses except landfills and sewer treatment plants.
- (d) Outdoor recreation uses.
- (e) Marine recreation uses.
- (f) General commercial uses except racetracks.
- (g) Local commercial uses.
- (h) Professional service and office uses.
- (i) Institutional uses.
- (j) Agricultural uses.
- (k) Accessory structures and uses.

8.1.3 Conditional Use Commission Site Plan Approval. 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 Commission Site Plan Approval uses:

- (a) Transportation, communication, and utility uses not permitted by right per 8.2.2(c): Permitted uses.
- (b) General commercial uses not permitted by right per 8.2.2(f): Permitted uses.

8.1.4 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 18.5: Variances, and Article 20: Nonconformities, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure	45-Feet
Maximum Height in Habitable Stories	4
Minimum Front Yard	25-Feet
Minimum Rear Yard	see (a & b)
Minimum Side Yards	see (a & b)
Minimum Lot Area	40,000 Square Feet
Minimum Lot Width at Building Line	120-Feet
Maximum Impervious Surface Ratio	.80

- (a) No minimum except where abutting a residential district, in which case there shall be a minimum yard of 25-feet abutting the residential district.
- (b) The required yards shall be increased by one foot for each foot of building height in excess of 35-feet.

Proposed Zoning Requirements

Section 8.2 M-2, General Industrial District

8.2.1 Generally. It is the intent of this zoning district to provide opportunity for the location of industrial, manufacturing, processing, warehousing, or research and testing operations that, due to employment of heavy equipment or machinery or to the nature of the materials and processes employed, require special location and development safeguards to prevent pollution of the environment by noise, vibration, odors or other factors, and may also require extensive sites for storage and parking, may require extensive community facilities or generate heavy motor traffic.

8.2.2 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, conditioned on the Commission Site Plan Approval requirements of Section 18.10:

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) Light industrial uses.
- (c) Transportation, communication, and utility uses except landfills and sewer treatment plants.
- (d) Outdoor recreation uses.

- (e) Marine recreation uses.
- (f) General commercial uses except racetracks.
- (g) Local commercial uses.
- (h) Professional service and office uses.
- (i) Institutional uses.
- (j) Agricultural uses
- (k) Accessory structures and uses.

8.2.3 Conditional Use Commission Site Plan Approval. 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 Commission Site Plan Approval uses:

- (a) Transportation, communication, and utility uses not permitted by right.
- (b) Light industrial uses not permitted by right.
- (c) General commercial uses not permitted by right.

8.2.4 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 18.5: Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure	45-Feet
Maximum Height in Habitable Stories	4
Minimum Front Yard	25-Feet
Minimum Rear Yard	see (a & b)
Minimum Side Yards	see (a & b)
Minimum Lot Area	3 acres
Minimum Lot Width at Building Line	210-Feet
Maximum Impervious Surface Ratio	.80

- (a) No minimum except where abutting a residential district, in which case there shall be a minimum yard of 30-feet abutting the residential district.
- (b) The required yards shall be increased by one foot for each foot of building height in excess of 35-feet.

Agency Comments

USACE, James Buckelew: Staff reached out 2/6/2026 but received no comments.

ADEM, Scott Brown: Staff reached out 2/6/2026 but received no comments.

ALDOT, Jason Shaw and Chase Chitwood: Staff reached out 2/6/2026 but received no comments.

Subdivisions, Fabia Waters: A subdivision development is not proposed at this time, no further comments.

Engineering, Kaylan Driskell: No change needed from P&Z Engineering.

Staff Analysis and Findings

The criteria for reviewing zoning amendments are outlined in Section 19.6 of the Baldwin County Zoning Ordinance. Staff carefully considered all of these factors during the evaluation of the application.

a) Degree of compatibility of the proposed rezoning with existing and allowable land uses in the vicinity.

The subject property encompasses roughly 20 acres, and an application has been submitted to rezone it to M-2 to permit outdoor storage in support of its current use (salvage). Surrounding properties are predominantly zoned RA and consist of either undeveloped land or single-family residences on sizable lots.

b) Degree of conformity of the proposed rezoning to the Master Plan.

The Future Land Use Map (FLUM) represents a combination of development and environmental suitability factors, which direct growth and development patterns for the unincorporated areas of the County. The FLUM designates the subject property and surrounding area for Conservation and Moderate Development Potential. These place types allow for limited, conservation-focused development and support a range of residential uses, including large- and medium-lot single-family detached homes. Neighborhood centers or nodes at key intersections may accommodate a mix of retail, office, and service uses to serve the surrounding community. While the proposed rezoning is not consistent with the Master Plan, the existing use has been in place since 2014 and would continue under M-2 zoning.

c) Proximity of the proposed rezoning to existing transportation network and utility infrastructure.

The subject property is located along a Principal Arterial, a roadway intended to serve major metropolitan centers by providing a high level of mobility, while also accommodating through-movement in rural areas and offering direct access to adjacent land uses.

d) Timing of the request and development trends in the area.

The subject property presently contains thirteen (13) large warehouses utilized for the storage of aviation parts, a use that has been ongoing since 2014. The proposed rezoning to M-2, which would permit the addition of another warehouse and outdoor storage, aligns with the current operations on the site.

e) Impacts on environmental conditions of the vicinity or the historic resources of the County.

A small portion of the subject property includes wetlands, which are not proposed to be filled. A 30-foot natural buffer shall be established to protect the wetlands from any disturbance.

f) Impacts to the health, safety and welfare of the County and the vicinity.

The proposed request should have no impact to the health, safety and welfare of the property or surrounding properties.

Staff Comments and Recommendation

Upon review of the *Factors for Reviewing Proposed Zoning Map Amendments* specified within Section 19.6 of the Baldwin County Zoning Ordinance and themes of the Baldwin County Master Plan, staff has determined that the requested Zoning Map Amendment is **somewhat consistent** with the factors specified within the Baldwin County Zoning Ordinance but **not consistent** with Baldwin County Master Plan Future Land Use Map.

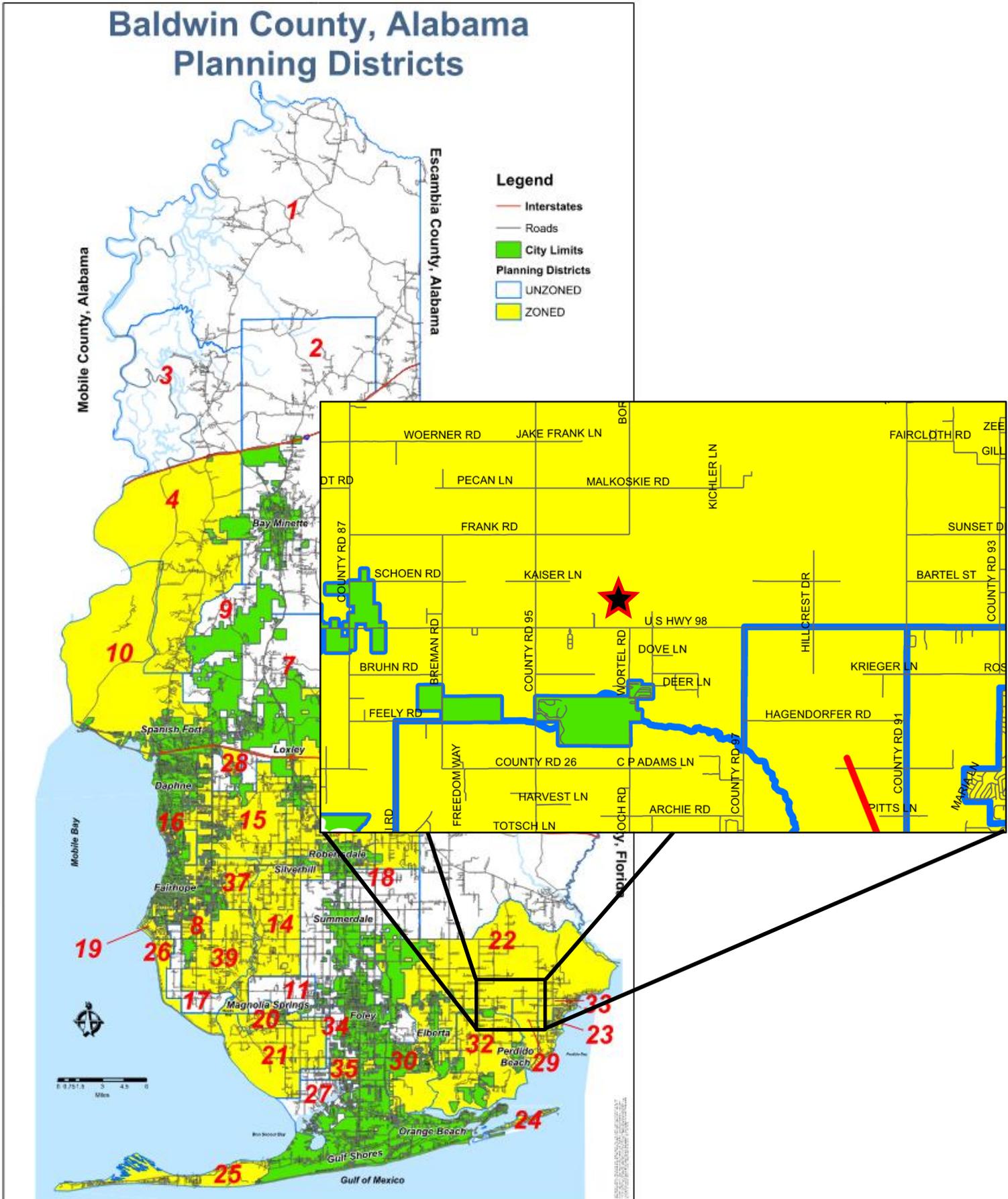
The requested Zoning Map Amendment was also evaluated using the Smart Growth Scorecard (attached) which **somewhat supports** the request.

County Map

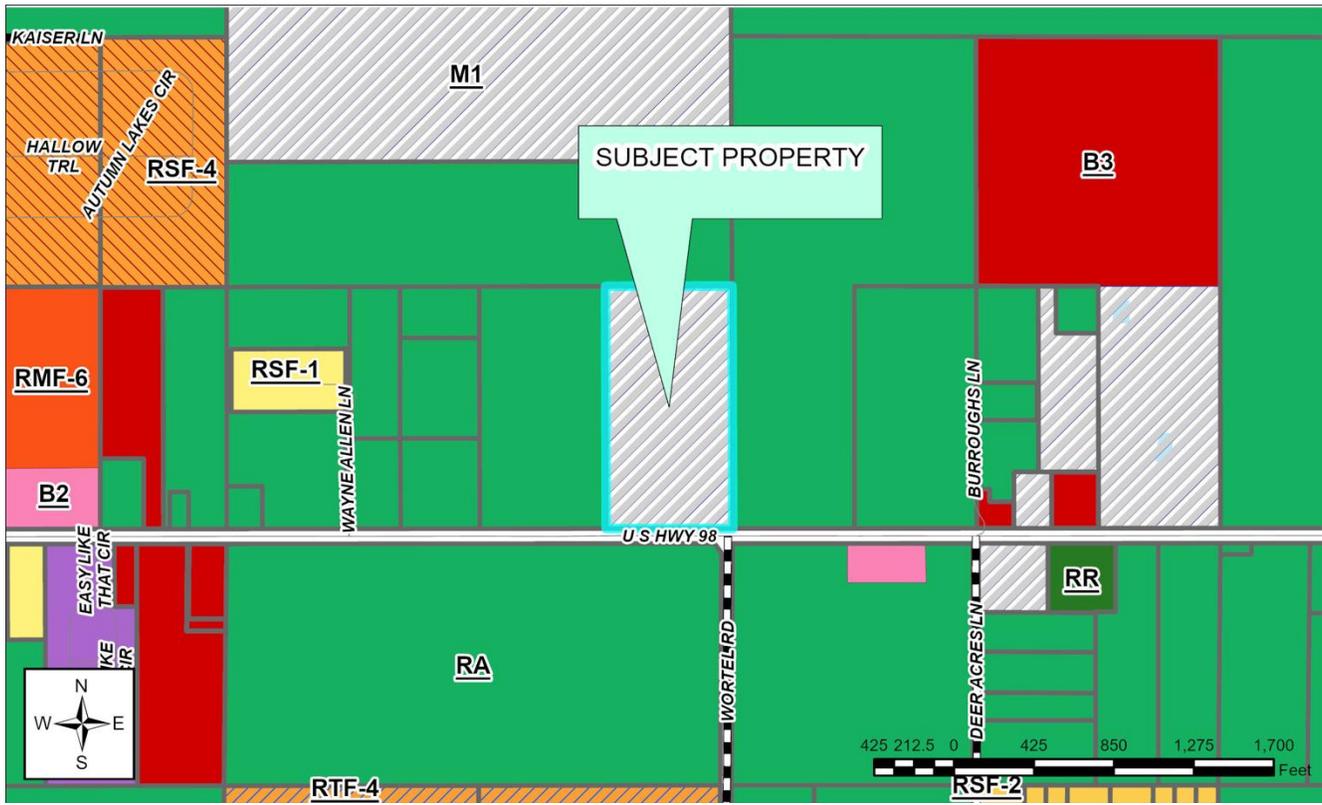
Baldwin County, Alabama Planning Districts

Legend

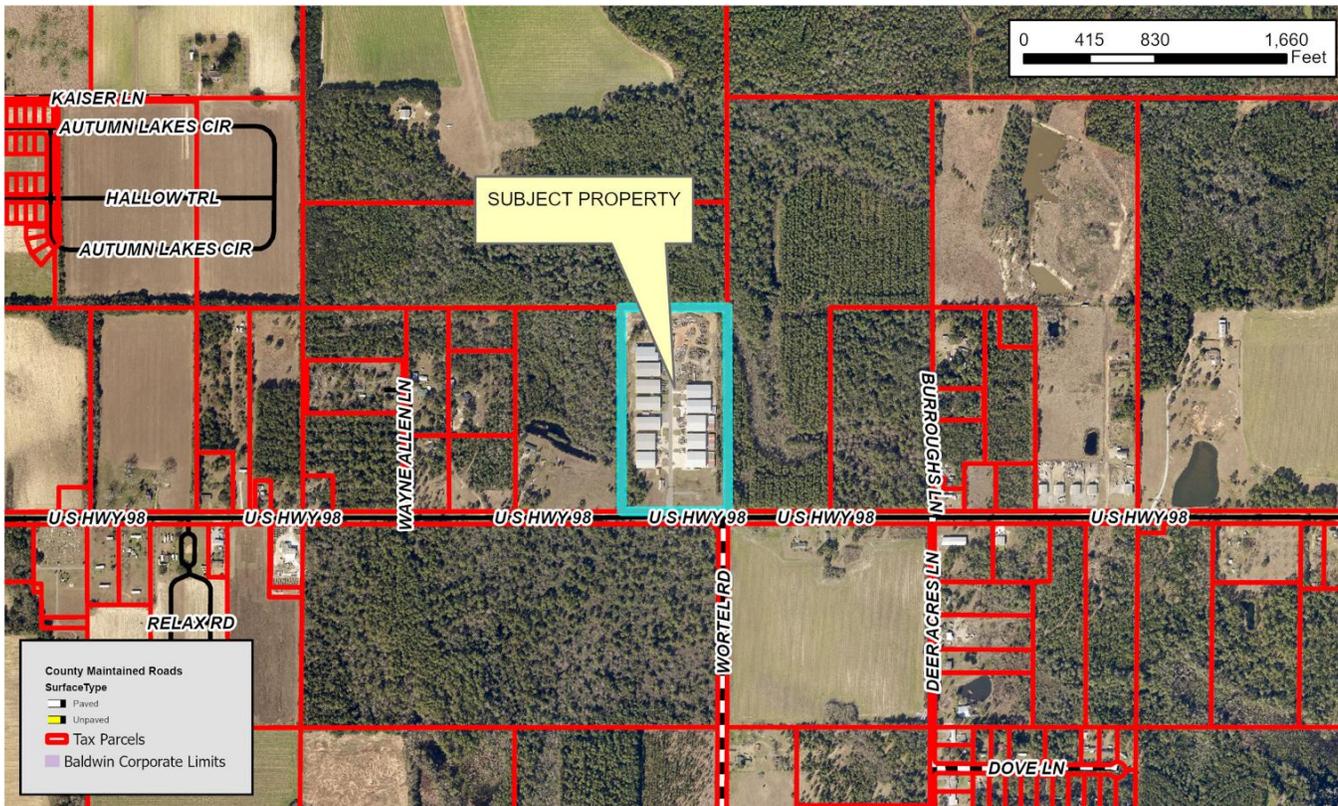
- Interstates
- Roads
- City Limits
- Planning Districts
- UNZONED
- ZONED



Locator Map

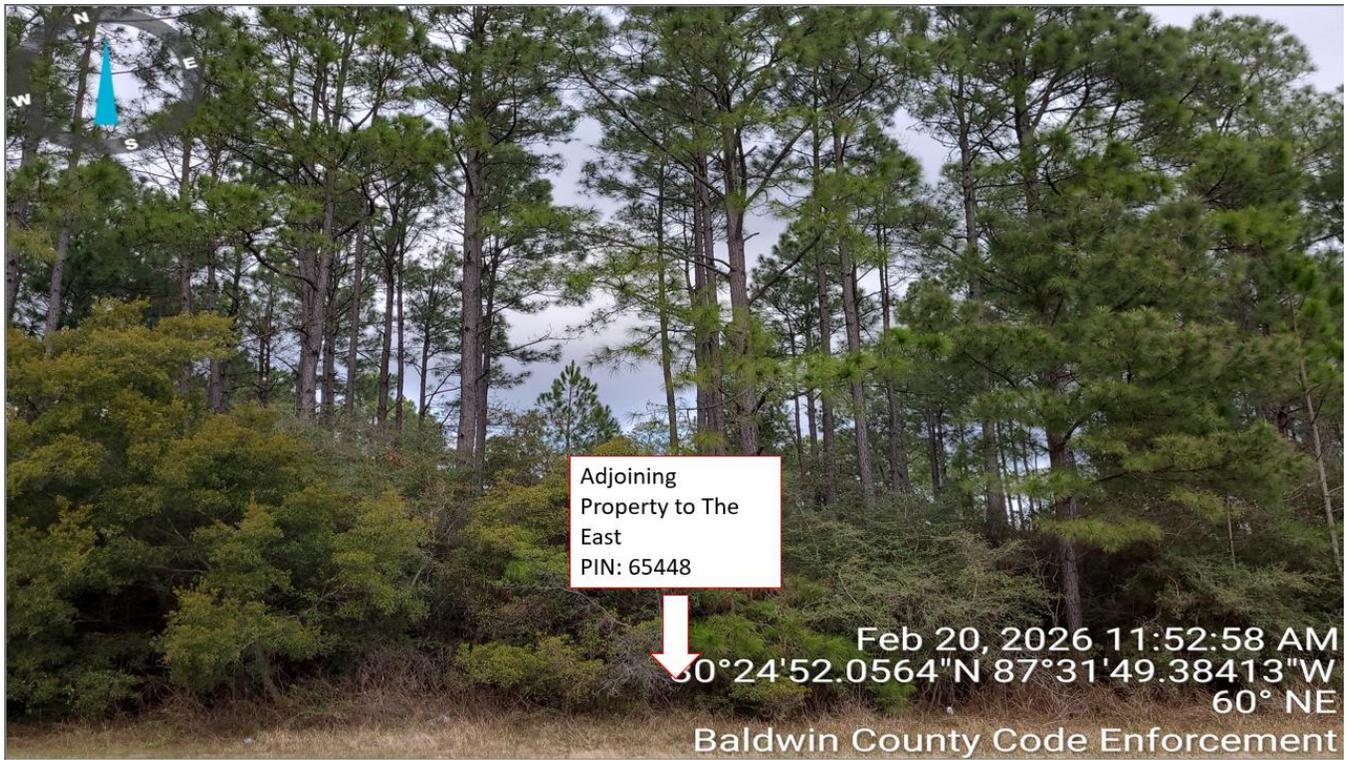


Site Map

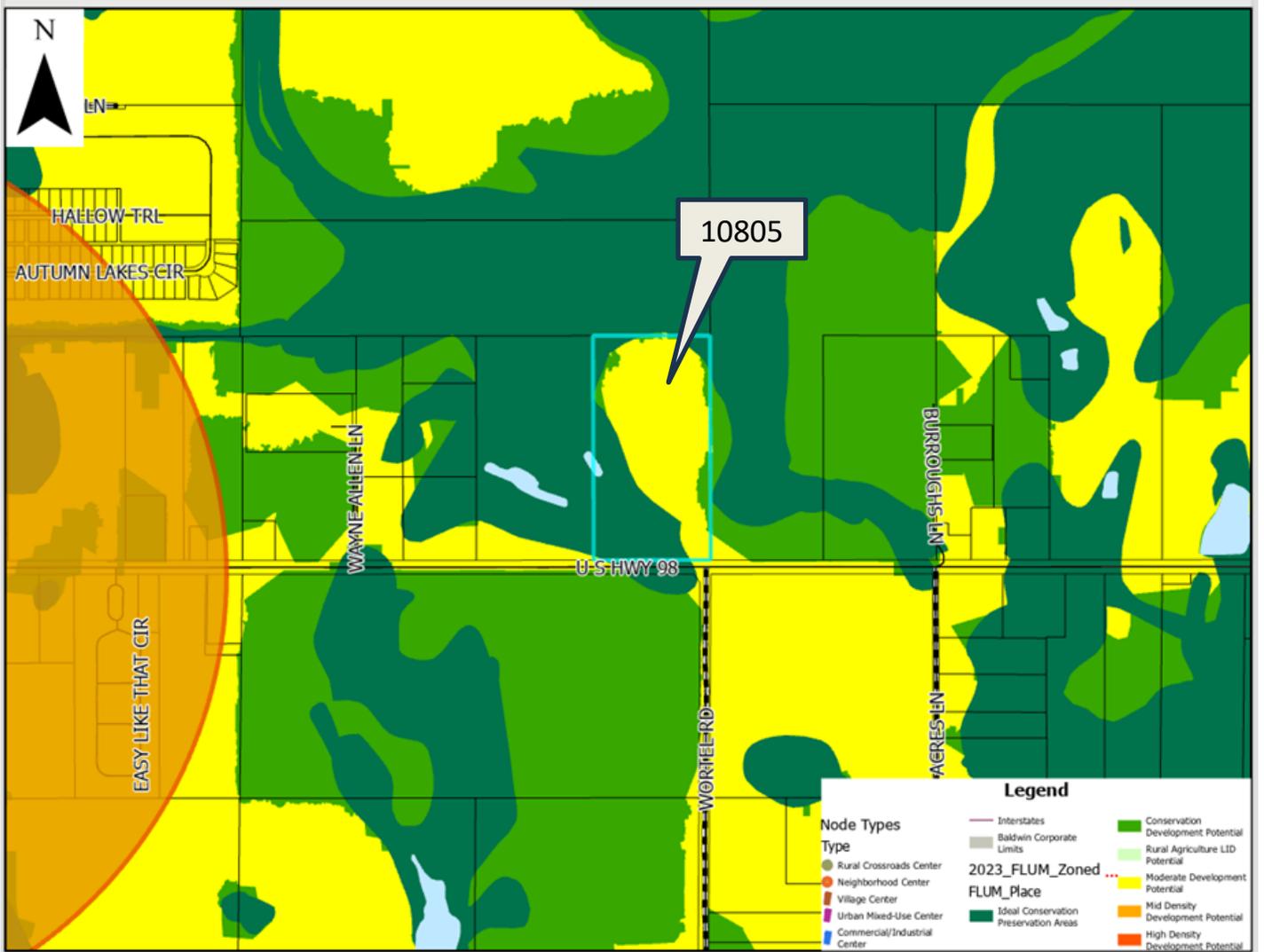


Property Images





FLUM



LEGEND

- PLACE TYPES**
- IDEAL CONSERVATION/PRESERVATION
 - CONSERVATION DEVELOPMENT POTENTIAL
 - RURAL/AGRICULTURE/LID POTENTIAL
 - MODERATE DEVELOPMENT POTENTIAL
 - MID-DENSITY DEVELOPMENT POTENTIAL
 - HIGH-DENSITY DEVELOPMENT POTENTIAL
- MUNICIPAL JURISDICTIONS

- NODE TYPES**
- RURAL CROSSROADS CENTER
 - NEIGHBORHOOD CENTER

CONSERVATION DEVELOPMENT AREAS

Conservation Development Potential Areas are suitable for all of the land uses described in the Ideal Conservation/Preservation Areas place type but would allow for limited development based on low-impact design principles. Allowing conservation-based subdivisions in these areas could help to balance the pressure of residential development with environmental preservation and rural character. Conservation-based subdivisions allow for the clustering of residential dwellings to protect open space that is valued for natural resource protection—such as stream buffers, mature forest habitat, or wetlands—working farmland, or recreational amenities.

PRIMARY LAND USES

- Conservation-based or cluster development with high levels of Low Impact Design (LID) and sustainable development practices
- Natural areas that are publicly and privately owned and managed
- Permanently protected lands such as conservation easements, parks, cemeteries
- Parks and open spaces devoted primarily to passive recreation and trails
- Lands with important cultural landmarks or assets
- Scenic view protection

RELATED ZONING DISTRICTS

- Environmental Conservation
- CR Conservation Resource District
- OR Outdoor Recreation District

CONNECTIVITY NETWORK

- Rural streets with paved shoulders, bike lanes, or side paths
- Greenways and trails along environmental buffers

MODERATE DEVELOPMENT POTENTIAL AREAS

Moderate Development Potential Areas are suitable for all of the land uses described in the previous place types but may also include a variety of home types from large and medium-lot single-family detached homes to single-family attached homes such as duplexes and townhomes. Subdivision patterns may be amenity-based communities with small gardens, parks and playgrounds within private lots or part of a community space. Neighborhood centers or nodes at key intersections would allow for a combination of retail, office, and service uses to meet the needs of the community.

PRIMARY LAND USES

- Single-family neighborhoods (suburban)
- Amenity-based communities
- Neighborhood center/node

RELATED ZONING DISTRICTS

- RSF-1 Single Family District
- RSF-2 Single Family District

CONNECTIVITY NETWORK

- Suburban street networks/ limited use cul-de-sacs
- Open space, parks and amenities provided within neighborhoods
- Streets with sidewalks, bike lanes, and/or side paths based on local character and context
- Suburban greenways and trails

IDEAL CONSERVATION/PRESERVATION AREAS

Ideal Conservation or Preservation Areas would include land that is undeveloped, or minimally developed, and protected by local, state, and federal agencies or by public, private, and nonprofit organizations. This could include areas conserved for the protection of critical habitat, clean water, open space, or cultural heritage.

PRIMARY LAND USES

- Natural areas that are publicly and privately owned and managed
- Permanently protected lands such as conservation easements, parks, cemeteries
- Parks and open spaces devoted primarily to passive recreation and trails
- Lands with important cultural landmarks or assets
- Scenic view corridors

RELATED ZONING DISTRICTS

- Environmental Conservation

CONNECTIVITY NETWORK

- Greenways and trails

SMART GROWTH SCORECARD TOOL

Score each element based on the following: +2 (Strongly Supports), +1 (Somewhat Supports), -1 (Somewhat Does Not Support), and -2 (Strongly Does Not Support). Each category will be totaled and then combined for a final score to evaluate whether the development aligns with the vision and themes of the Master Plan. The following final score ranges will be used in this evaluation.

STRONGLY SUPPORTS

SOMEWHAT SUPPORTS

SOMEWHAT DOES NOT SUPPORT

STRONGLY DISAPPROVE

Score of 20 to 40

Score of 0 to 19

Score of 0 to -19

Score of -20 to -40

SMART GROWTH SCORECARD

SCORE

SMART GROWTH SCORECARD		SCORE			
Conformity with Surrounding Land Use		2	1	-1	-2
Is the property contiguous to a complementary use or zoning district to what is being proposed?					-2
Does the density/intensity of the proposed use conform to the surrounding area or provide a use that would support the surrounding existing or permitted land uses?				-1	
Does the proposed land use provide a mix of uses or diversity of housing types in the area?	For single use projects evaluate the diversity of uses within 1/2 mile		1		
Does the proposed land use require building separation and buffers that fit the character of the surrounding area?				-1	
Does the proposed land use promote development that fits the character of the surrounding area?				-1	
Total Land Use Score (out of 10 points)		-4			
Conformity with Master Plan		2	1	-1	-2
Does the location and proposed land use support the need identified in the Master Plan for the surrounding community?					-2

Is the request located in an area identified for development in the Master Plan?	Evaluate the uses identified for the area in the Master Plan not the "equivalent zoning"		1		
Does the size & scale of the proposal fit the recommendations in the Master Plan and the character of the surrounding community?	Evaluate the uses identified for the area in the Master Plan not the "equivalent zoning"				-2
Is the property located within 1/2 mile of a municipal boundary or node identified in the Master Plan?	Rate +2 if property is within 1/2 mile, +1 for 1/2 to 1 mile, -1 for 1 to 1.5 mile, & -2 for outside of 1.5 mile. For "downzoning" requests outside of 1 mile from municipal boundary or node, score +1.	2			
Does the proposed use provide housing or commercial uses that are consistent with the growth and demand projections for the surrounding area?					-2
Total Master Plan Score (out of 10 points)			-3		
Proximity to Transportation & Utility Infrastructure		2	1	-1	-2
Is the property located within 1/2 mile of an existing roadway that is classified appropriately to support the proposed use?	Major projects should be located near collector road or greater. Minor projects should be located near local street or greater.	2			
Does the property allow access from at least two existing or planned streets?	Existing or planned streets located outside of the applicant property.				-2
Are frequently visited uses within 1 mile of the proposed use?	For residential uses, schools/daycares, employment centers, grocery/convenience shopping. For commercial, housing & similar intensity commercial uses. Rate +2 for within 1/2 mile, +1 for 1/2 to 1 mile, -1 for 1 to 1.5 mile, & -2 for greater than 1.5 mile.				-2

Is the proposed use within the service boundary of existing water service?	Rate +2 if within service boundary and adjacent to water main sufficient to serve development, +1 if within service boundary but requires water main upgrade or extension to serve development, -1 for outside of service area but within 1/2 mile of service area, -2 for outside of service area and greater than 1/2 mile.	2			
Is the proposed use within the service boundary of existing sewer service?	Rate +2 if within service boundary and adjacent to sewer main sufficient to serve development, +1 if within service boundary but requires sewer main upgrade or extension to serve development, -1 for outside of service area but within 1/2 mile of service area, -2 for outside of service area and greater than 1/2 mile.	2			
Total Transportation & Utility Score (out of 10 points)		2			
Environmental Conditions & Historic Resources		2	1	-1	-2
Can the property be reasonably developed without impacting jurisdictional wetlands/streams or buffers?			1		
Can the property be reasonably developed without filling within the floodplain or contributing to a net loss of flood capacity?		2			

Does the proposed use limit growth in environmentally sensitive or flood prone areas?	The more environmentally sensitive the area, the lower the overall density should be. Rate +2 for non-sensitive area, +1 for somewhat sensitive area but density can be clustered to avoid impacts, -1 for moderate sensitive area that would be challenging to avoid impacts, -2 for significantly sensitive area that would be unable to avoid impacts.		1		
Can the proposed use implement a stormwater facility that would aide regional stormwater management?			1		
Would the proposed use have any impacts to historic or cultural resources in the area?		2			
Total Environmental Score (out of 10 points)			7		
TOTAL SMART GROWTH SCORE			2		
RECOMMENDATION			0	SOMEWHAT SUPPORTS	0