

# Z23-35 BROWN PROPERTY

## RE-ZONING REQUEST FROM **RSF-E** TO **B1**

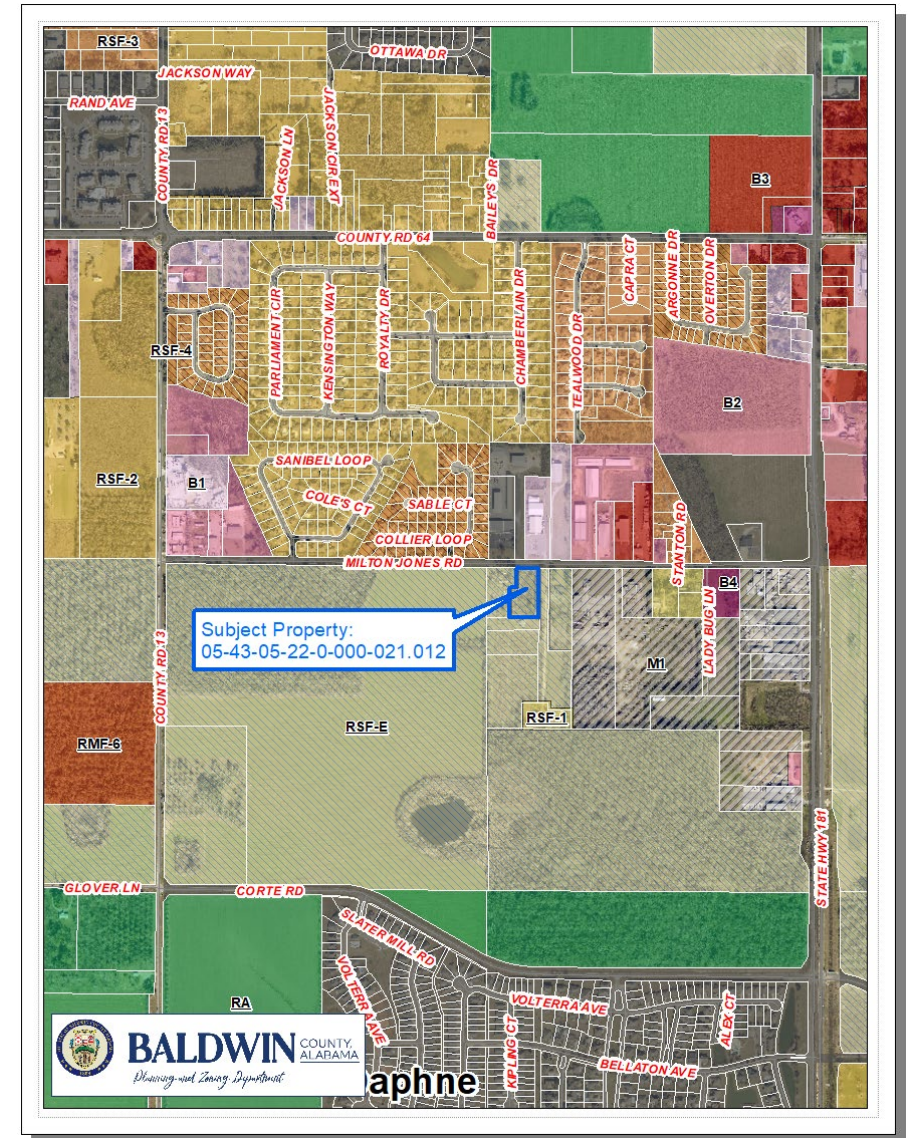
Lead Staff: Celena Boykin, Senior Planner

Request before Planning Commission:

Rezone 1.98+/- acres from RSF-E to B1

To view maps/plats in higher resolution please visit the "Upcoming Items" Planning and Zoning webpage:

<https://baldwincountyal.gov/departments/planning-zoning/meeting-agenda>



# Z23-35 BROWN PROPERTY

## RE-ZONING REQUEST FROM **RSF-E** TO **B1**

Lead Staff: Celena Boykin, Senior Planner

**Planning District:** 15

**Zoned:** RSF-E, Residential Single Family Estate District

**Location:** Subject property is located on the south side of Milton Jones Rd. and west of State Hwy 181

**Current Use:** Vacant

**Acreage:** 1.98 +/- acres

**Physical Address:** N/A

**Applicant:** Cale Myrick

**Owner:** Stacey Brown











**Proposed Zoning:** B1, Professional Business District

**Applicant's Request:** The applicant would like to put an office on property.

**Online Case File Number:** The official case number for this application is Z23-35, however, when searching the online CitizenServe database, please use Z23-000035.

# Factor Summary:

- Factors do not necessarily carry equal weight.
- Staff review is based on information provided by the applicant and other readily available information.

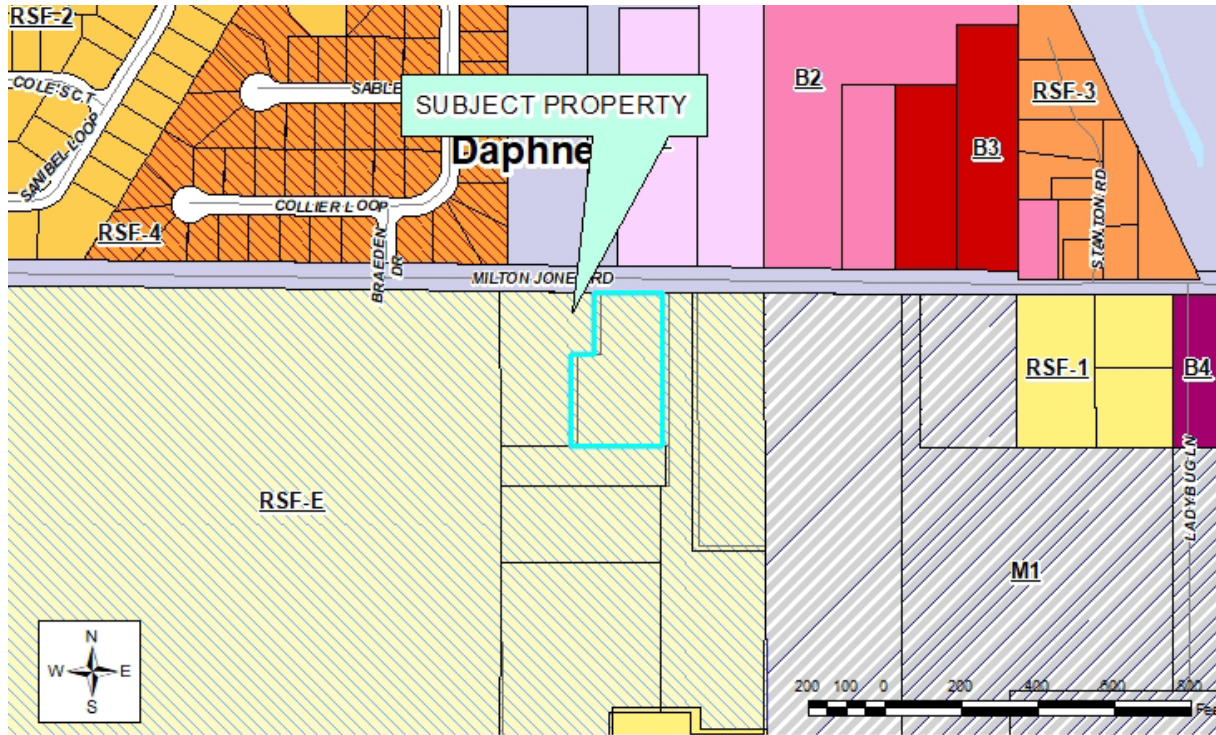
 #1	 #2	 #3	 #4	 #5	 #6
Compatible with development pattern?	Change of conditions since originally zoned?	Proposal conform to Master Plan?	Conflicts with public improvements?	Adverse affect to traffic?	Consistent with development pattern?
 #7	 #8	 #9	 #10	<b>N/A</b> #11	
Logical expansion of adjacent zoning?	Timing appropriate given development trends?	Environmental or Historic impact?	Adverse impact on health, safety, & wellness?	Other appropriate matters?	

# Public Hearing:

Only credible information impacting one of the factors above will be considered by the Planning Commission.



# Locator Map



# Site Map



	Adjacent Zoning	Adjacent Land Use
North	B-1, Professional Business District	Commercial
South	RSF-E, Single Family Estate District	Residential
East	RSF-E, Single Family Estate District	Residential
West	RSF-E, Single Family Estate District	Residential

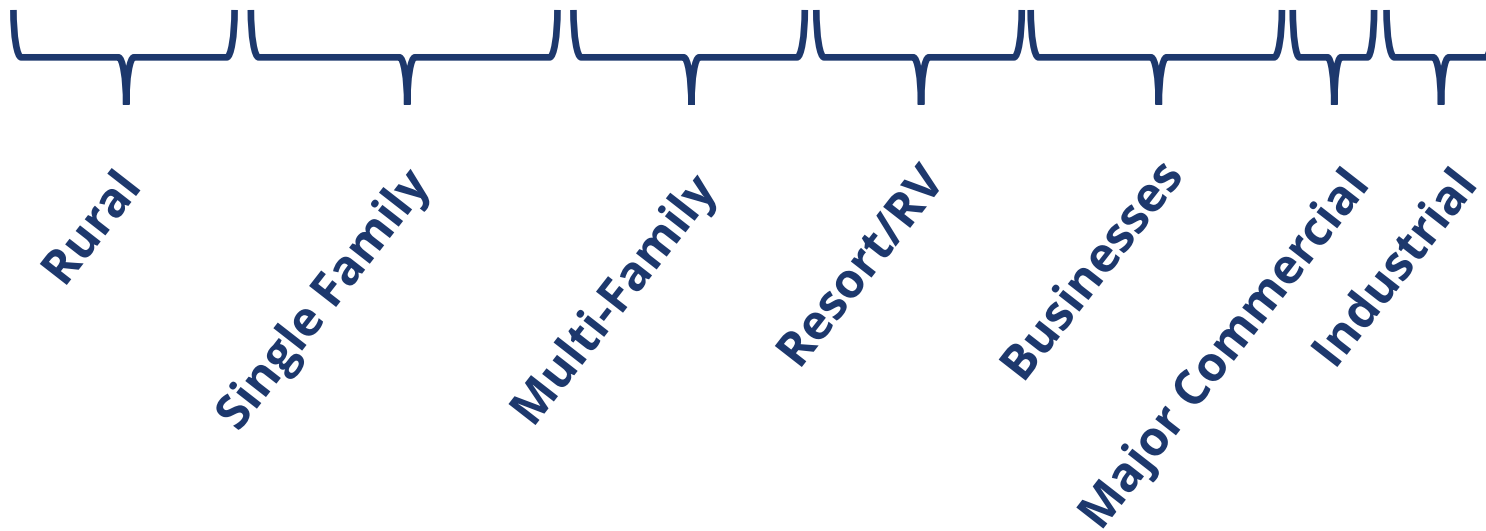
# Z23-35 BROWN PROPERTY

## RE-ZONING REQUEST FROM **RSF-E** TO **B1**

Lead Staff: Celena Boykin, Senior Planner

*Current Zoning:* Residential  
Single-Family Estate District  
(RSF-E)

*Proposed Zoning:*  
Professional  
Business  
District (B1)



### Staff's Recommendation:

Unless information to the contrary is revealed at the public hearing, staff feels the application should be recommended for **APPROVAL**.\*

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

# Z23-35 BROWN PROPERTY

## RE-ZONING REQUEST FROM **RSF-E** TO **B1**

Lead Staff: Celena Boykin, Senior Planner

**Staff's Recommendation:** Unless information to the contrary is revealed at the public hearing, staff feels the application should be recommended for **APPROVAL**.

**Planning and Zoning Commission Recommendation:**  
**APPROVAL.**



# Property Images





# Current Zoning Requirements

## Article 4 Residential Districts

### Section 4.1 RSF-E, Residential Single Family Estate District

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

4.1.2 *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:

- (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) Agricultural uses.
- (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.

4.1.3 *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 by the site plan approval process:

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

4.1.4 *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: Not Applicable

4.1.5 *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 18.4 Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure	35-Feet
Maximum Height in Habitable Stories	2 ½
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	80,000 Square Feet
Minimum Lot Width at Building Line	165-Feet
Minimum Lot Width at Street Line	165-Feet
Maximum Ground Coverage Ratio	.35

4.1.6 *Area and dimensional modifications.* Within the RSF-E district, area and dimensional requirements may be reduced, as set forth below, where property is divided among the following legally related family members: spouse, children, siblings, parents, grandparents, grandchildren, or step-related individuals of the same status.

Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	40,000 Square Feet
Minimum Lot Width at Building Line	120-Feet
Minimum Lot Width at Street Line	120-Feet



# Proposed Zoning Requirements

## Article 5 Commercial Districts

### 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, conditioned on the Commission Site Plan Approval requirements of Section 18.9:

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

5.1.3 *Conditional Use Commission Site Plan Approval.* The following uses are permissible as Commission Site Plan Approval uses in the B-1 Commercial Professional and Business Office District, subject to the standards and procedures established in *Section 18.9: Commission Site Plan Approval*:

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

5.1.4 *Mixed uses.* Mixed residential and commercial uses may be permissible as Commission Site Plan Approval uses in the (B-1) commercial professional and Business office district, subject to the standards and procedures established in *Section 18.9: Commission Site Plan Approval*, and subject to the following criteria:

- The commercial uses in the development may be limited in hours of operation, size of delivery trucks, and type of equipment
- The residential uses shall be designed so that they are compatible with the commercial uses
- Residential and commercial uses shall not occupy the same floor of a building
- Residential and commercial uses shall not share the same entrances
- The number of residential dwelling units shall be controlled by the dimensional standards of the B-1 district. A dwelling unit density of .5 (½) 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
- Building height shall not exceed three stories
- 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

# Proposed Zoning Requirements

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*).

## 5.1.5 Area and dimensional ordinances.

Maximum Height of Structure	35-Feet
Maximum Height of Structure in Habitable Stories	2½
Minimum Front Yard	30-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.60
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

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*.



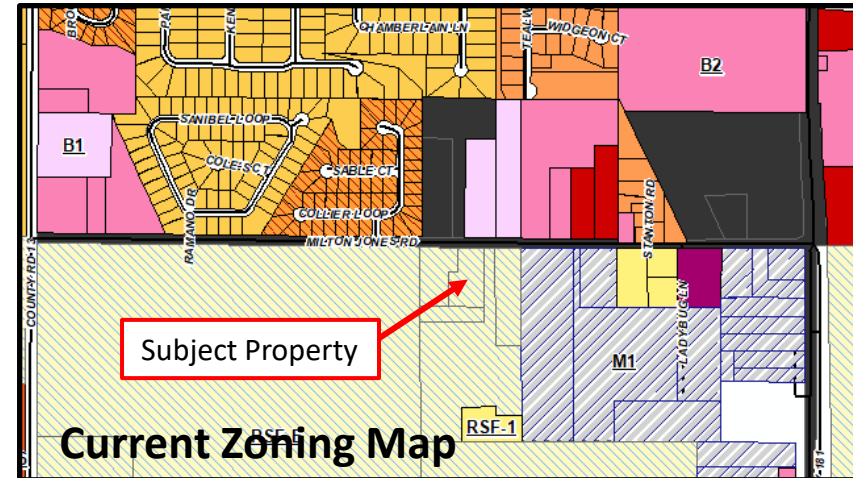
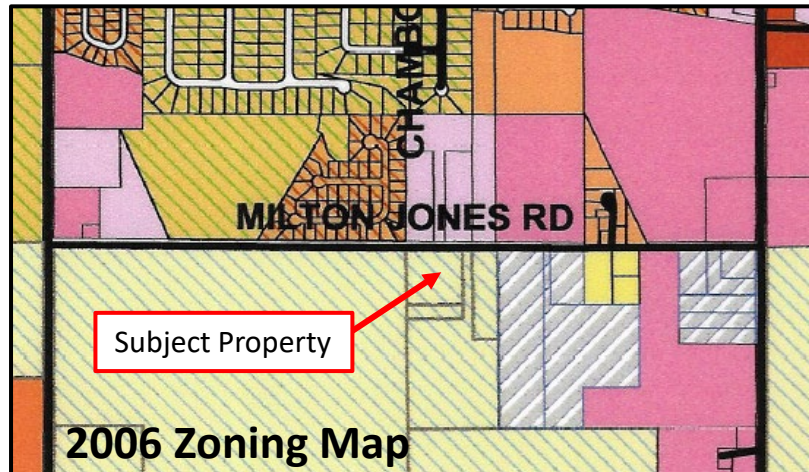
# Staff Analysis and Findings

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

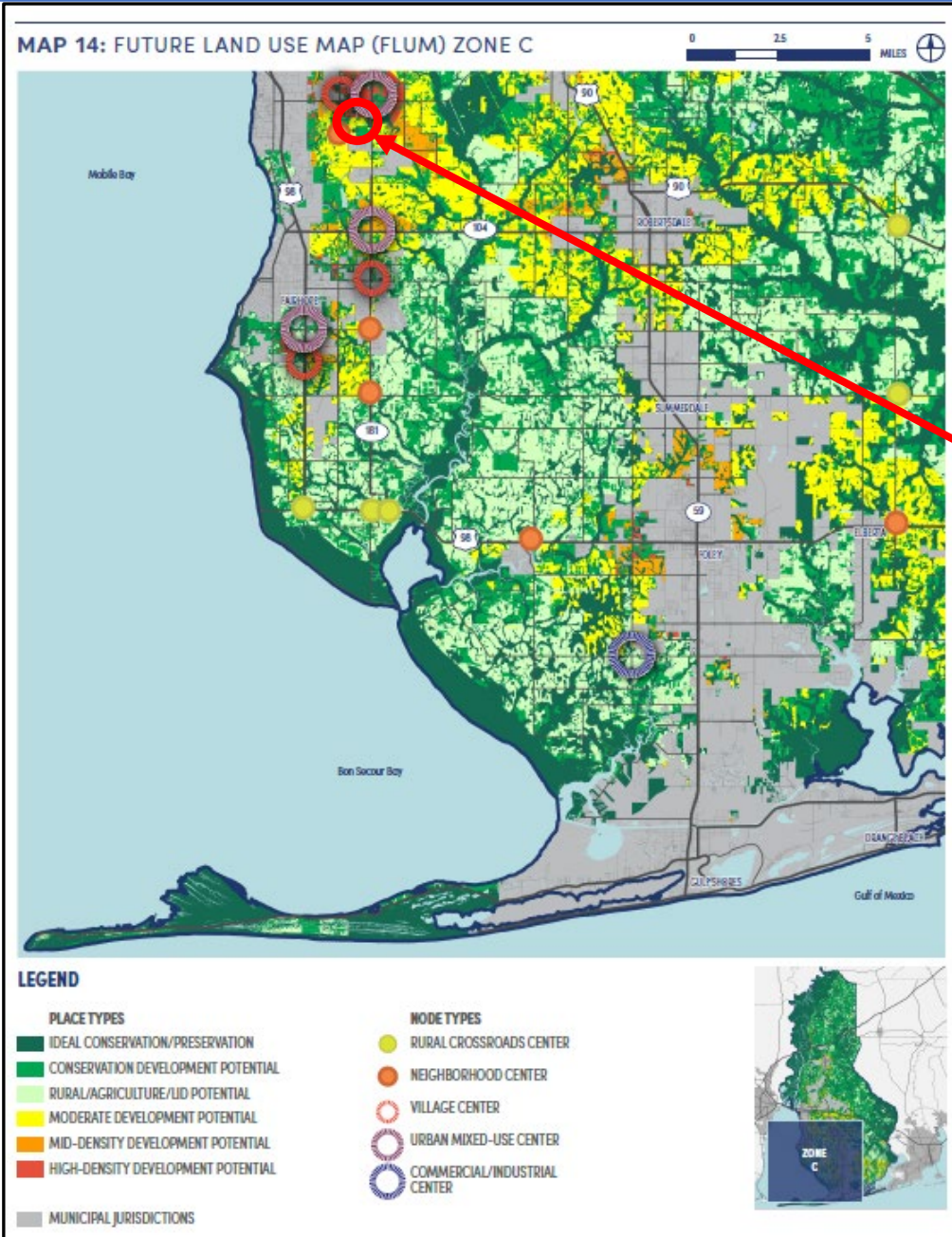
The subject property is currently zoned RSF-E, Single Family Estate District. The surrounding parcels in the immediate area are zoned Single Family, Rural Agriculture, and Commercial. The adjacent uses are residential, agriculture, and commercial. ***Staff feels that the requested change is compatible with the surrounding uses.***

## 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?

Planning District 15 came into effect on August 1, 2006. It appears that the subject parcel was zoned RSF-E at the time Planning District 15 came into effect in 2006. There have been several rezonings along Milton Jones Rd. from less intense commercial to more intense or industrial.

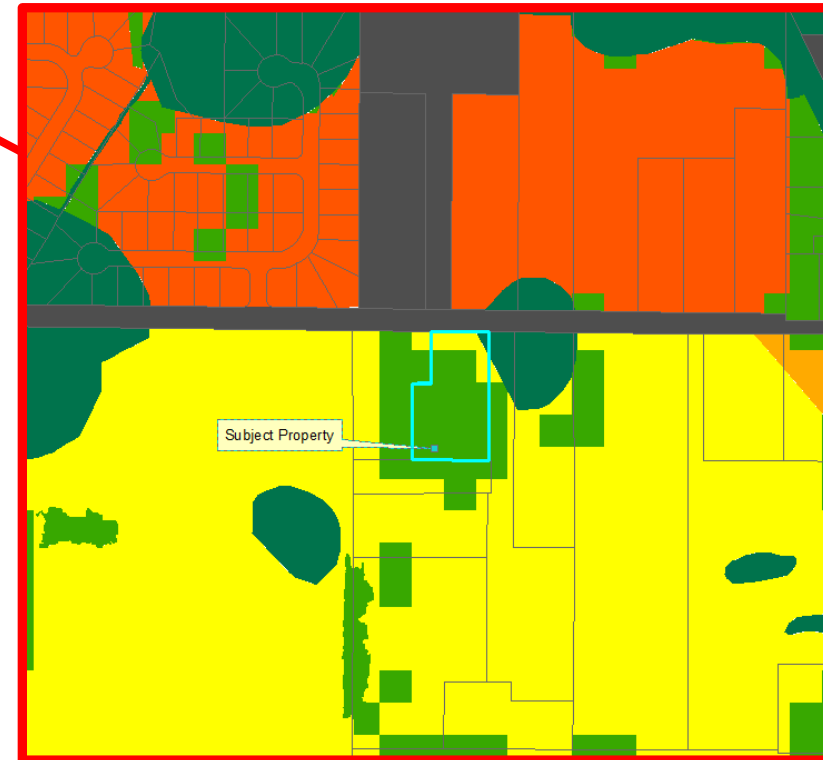


# Staff Analysis and Findings



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

The future land use for this property is mostly Conservation Development Potential and Moderate Development Potential. Mid-Density potential would be better suited for the proposed B-1 zoning.





# Staff Analysis and Findings

## 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

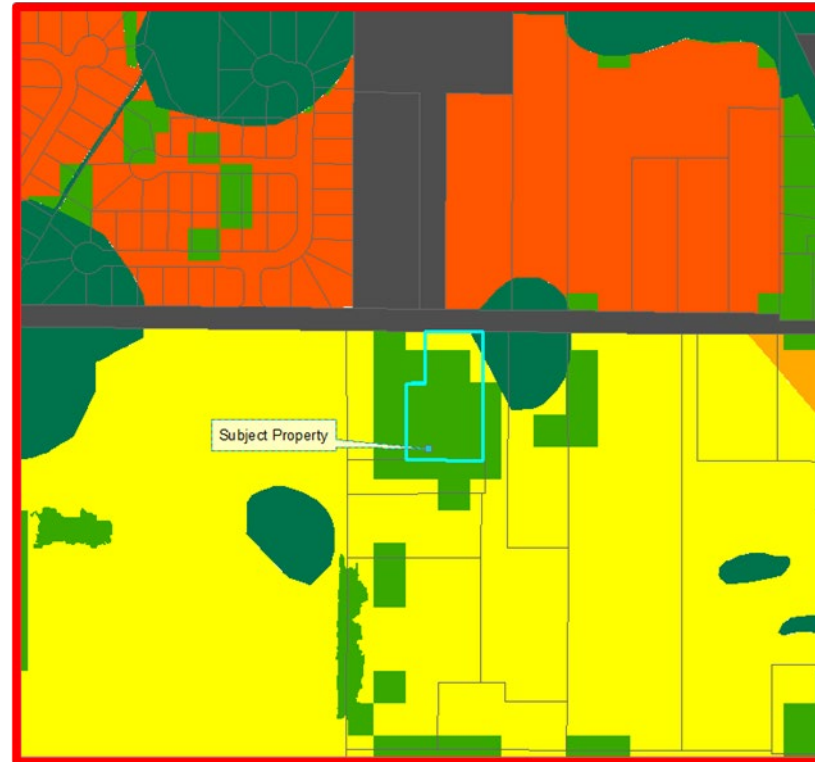
- Conservation-based or cluster development with high levels of Low Impact Design (LID) and sustainable development practices
- Natural areas that are publicly and privately owned and managed
- Permanently protected lands such as conservation easements, parks, cemeteries
- Parks and open spaces devoted 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

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

# Staff Analysis and Findings

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

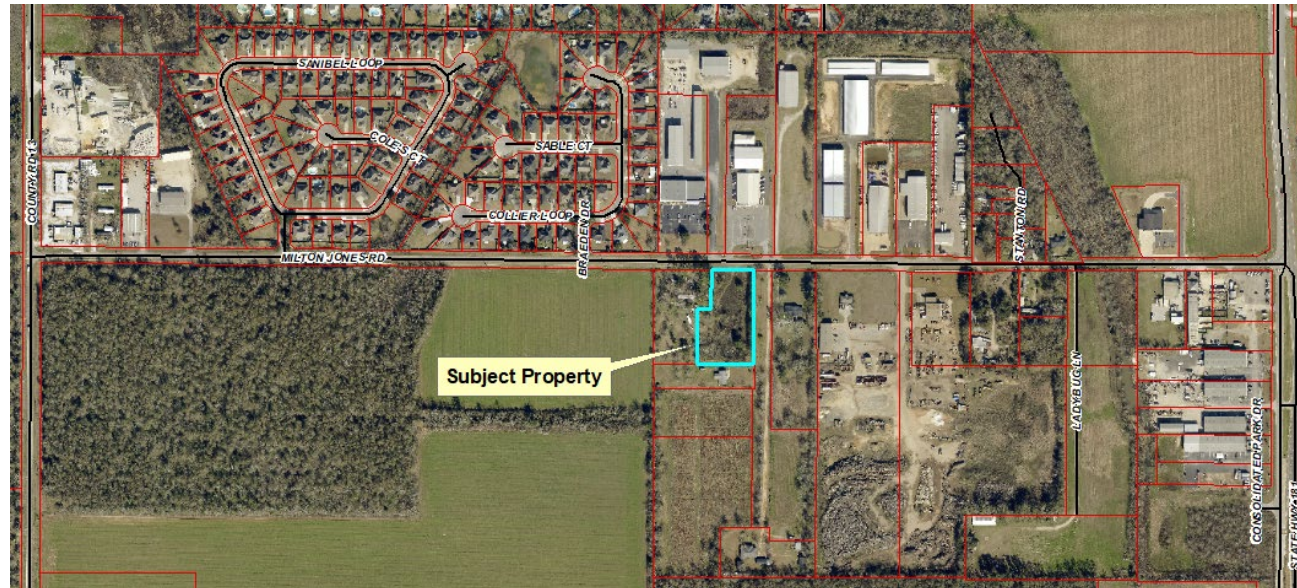
Staff is unaware of any planned public improvements.

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

Staff is unaware of any adverse affects of traffic patterns or congestion as a result of this proposed change. Milton Jones Road is maintained by the City of Daphne.

## 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.

The surrounding land uses are residential, commercial, and agriculture. As shown on the map below there are more intense uses at the intersection of State Hwy 181 and Milton Jones Rd. The proposed B-1 zoning helps with transitioning zoning district between residential areas and higher intensity commercial zoning districts.





# Staff Analysis and Findings

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

The surrounding land uses are residential, agriculture, and commercial. 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. *Staff feels the proposed amendment is consistent with the area.*

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

Staff perceives no time factor with this request.

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

Staff does not anticipate any adverse impacts on environmental conditions of the vicinity or the historic resources of the County.

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

Staff does not anticipate any adverse impacts to the health, safety and welfare of the County and the vicinity.

## **11.) Other matters which may be appropriate.**

NA

# Agency Comments

- Baldwin County Highway Department, Tucker Stuart: No Comments Received
- Subdivision Coordinator, Shawn Mitchell: No Comments Received
- ADEM, Scott Brown: No Comments Received
- City of Daphne: No Comments Received