

Case No./Name: Z24-42 Howle Property

Meeting Date: December 17, 2024

Request: Rezoning request for B-2 to B-4

Recommendation: <u>Approval</u>

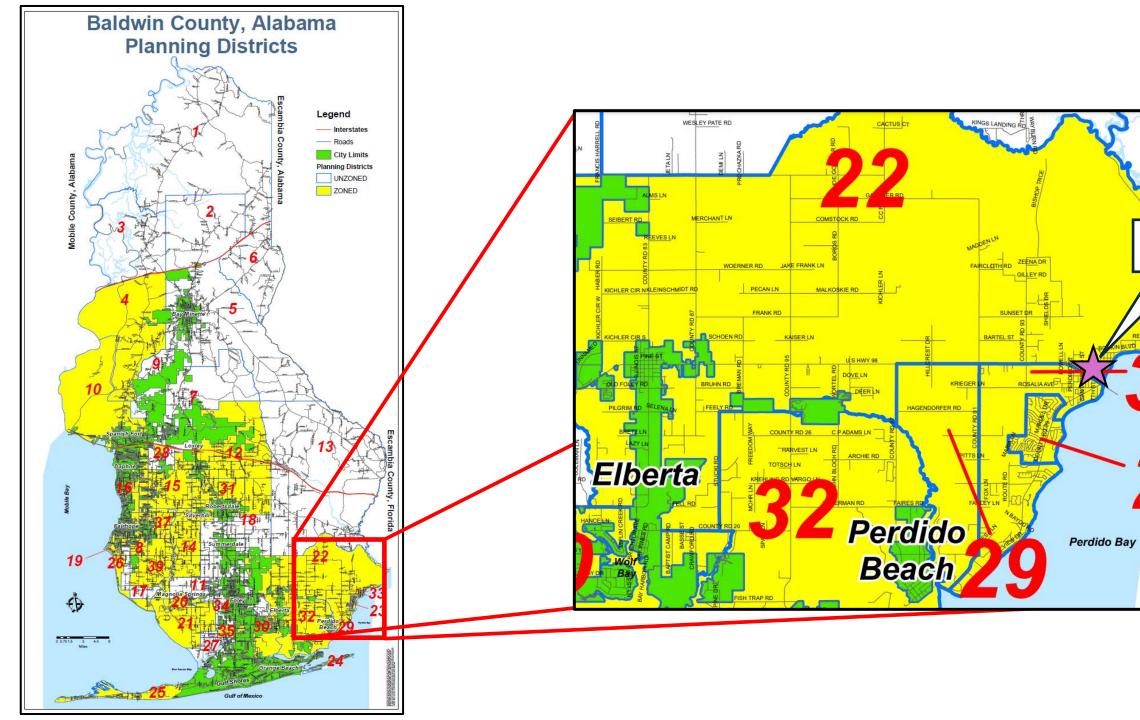
Staff Lead: Brittany Epling

Presented by: J. Buford King

Owner: Christopher and Janine Howle

Applicant: Christopher Howle

To view maps/plats in higher resolution and public comments received related to this case, please visit the "Upcoming Items" Planning and Zoning webpage: https://baldwincountyal.gov/departments/planning-zoning/meeting-agenda



SUBJECT PROPERTY

Z24-42 HOWLE PROPERTY

RE-ZONING REQUEST FROM B-2 TO B-4

Lead Staff: Brittany Epling, Planning Technician II

Planning District: 22

Parcel ID #: 05-52-07-26-0-001-117.000

PIN: 3302

Zoned: B-2 – Neighborhood Business District

Location: Subject property is located north of US

Highway 98, between Saint Francis Street and 6th Street

Current Use: Vacant

Acreage: 0.45 +/- acres

Applicant: Christopher Howle

Owner: Christopher and Janine Howle

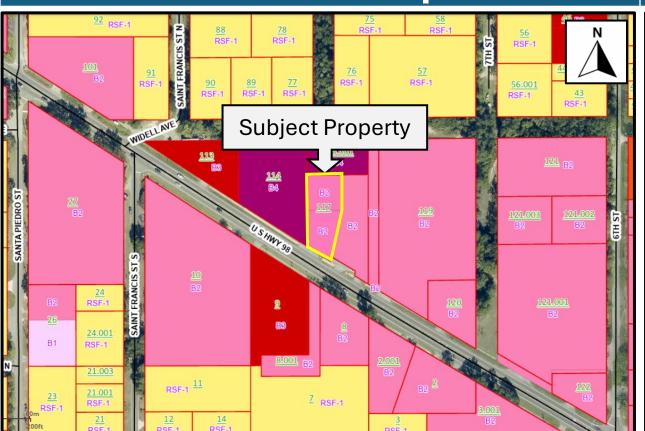
Proposed Zoning: B-4, Major Commercial District

Applicant's Request: The applicant would like to rezone approximately 0.45 acres from B-2 (Neighborhood Business District) to B-4 (Major Commercial District) to establish continuity with the adjacent properties owned by the applicant in preparation for future sale or development of the property.

Online Case File Number: The official case number for this application is Z24-42, however, when searching the online CitizenServe database, please use Z24-000042.

Locator Map

Site Map



B-2, Neighborhood Business District

B-4, Major Commercial District

East

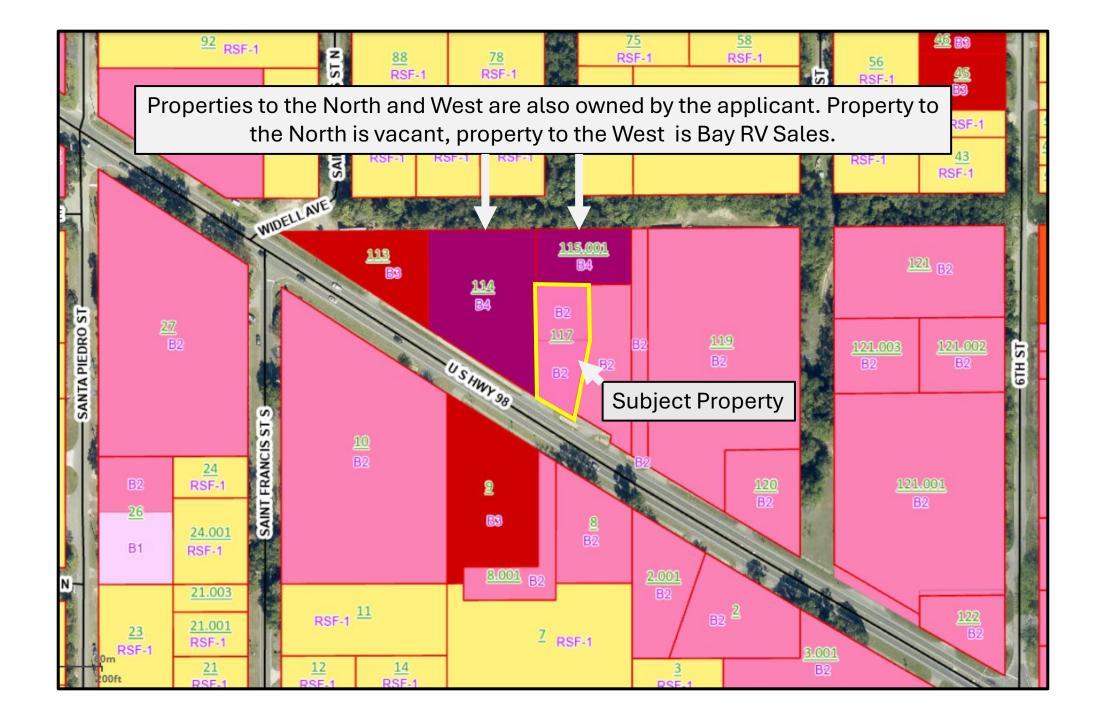
West



Residential

Commercial

21.003 23 RSF-1 21.001 RSF-1 21.001 RSF-1	2 2 120	21 22 24.001 22 24.001 21 22 24 24.001 21 22 24 24.001
	Adjacent Zoning	Adjacent Land Use
North	B-4, Major Commercial District	Vacant
South	B-2, Neighborhood Business District	Commercial



Factor Summary:

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



Public Hearing:

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

RE-ZONING REQUEST FROM B-2 TO B-4

Lead Staff: Brittany Epling, Planning Technician II

Staff Recommendation: Approval

• Planning Commission Recommendation: Approval (8-0)

Fully compliant with 8 of the 11 rezoning factors (factor "11" is N/A)

- Factor "3" Master Plan zoning of the immediate surrounding area predates the Master Plan by several years with B-3 and B-4 zoning existing on several parcels along US98, a growth corridor.
 - Factor "3" is mitigated by Commission Site Plan approval by the Planning Commission that is required for virtually all B-4 land uses
- Factor "5" will become compliant by satisfying ALDOT ROW or turnout requirements at the time of development activities

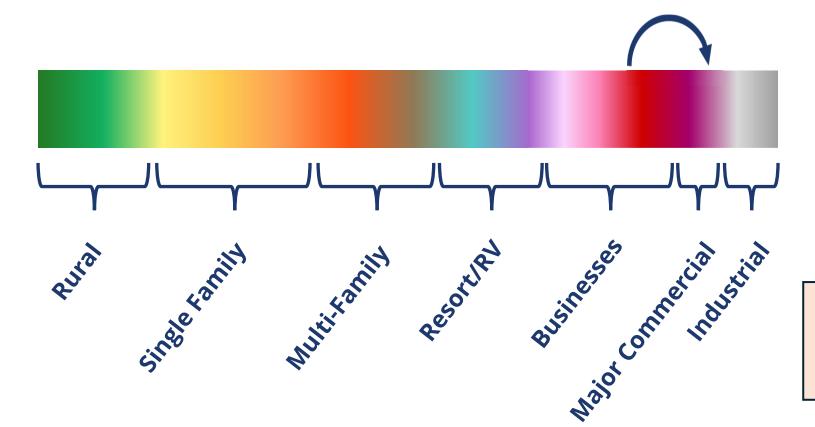
Z24-42 HOWLE PROPERTY

RE-ZONING REQUEST FROM B-2 TO B-4

Lead Staff: Brittany Epling, Planning Technician II



Proposed Zoning: Major Commercial District (B-4)



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.

The Planning Commission recommended Approval with a vote of 8-0 at their November 7th meeting.



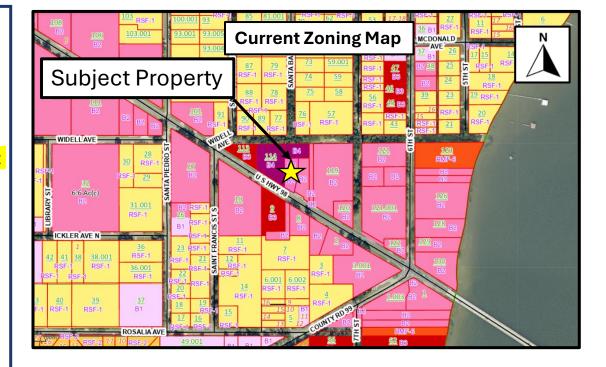
STAFF ANALYSIS

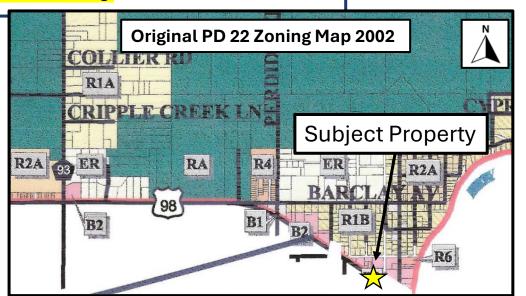
1.) Is the requested change compatible with the existing development pattern and the zoning of nearby properties?

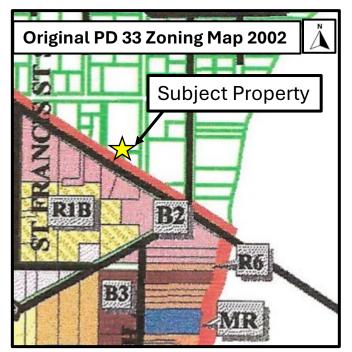
The subject property is currently zoned B2, Professional Business District and is vacant. Nearby parcels are zoned B2, B3, and B4. The uses adjacent to the subject property are commercial, residential, and vacant. Staff feels that the requested change is compatible with the development pattern of the surrounding areas.

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 22 adopted a zoning map in 2002. Planning District 33 (adjacent to the subject property to the south adopted zoning in 2002. Since this time, there have four up zonings in the immediate area from a lesser intense commercial to a higher intensity commercial zoning.







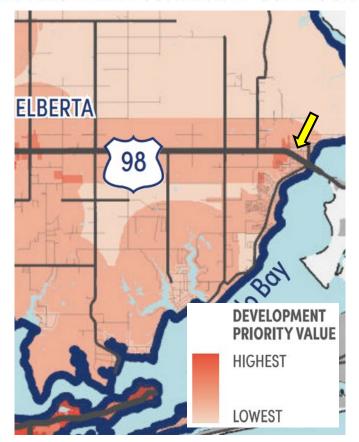
3.) Does the proposed zoning better conform to the Master Plan?

The Future Land Use Map (FLUM) designates the subject property as a Low Impact Development Potential area, aligning with rural, agricultural, or low-density residential zoning, however, this property was zoned and divided prior to the creation of the FLUM. The subject property is located at a neighborhood center node which would encourage the existing **B-2 zoning** with small-scale shops and local serving business and retail land use. It is situated on US Highway 98, which is identified as a growth corridor, which is a key factor in assessing development suitability. Additionally, the property is close to existing community facilities and lies within an urban area of a zoned county planning district in

unincorporated Baldwin County. The area's environmental conditions do support this request, as the property is not located in a flood zone, wetland, hurricane surge area, or priority habitat. The master plan encourages development to be contained to areas with lower environmental

value.

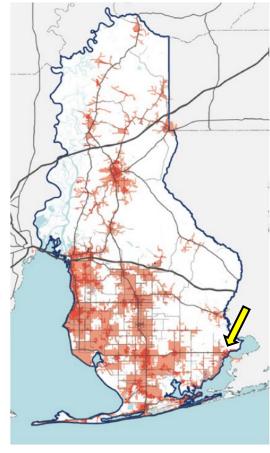
DEVELOPMENT SUITABILITY COMPOSITE FUTURE LAND USE MAP (FLUM) WITH NODES



NODE TYPES
RURAL CROSSROADS CENTER
NEIGHBORHOOD CENTER



URBAN AREAS



PROXIMITY TO EXISTING COMMUNITY FACILITIES



PROXIMITY TO GROWTH CORRIDORS (1 MILE)

*Maps all found within the Master Plan

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?

US Highway 98, a Principal Arterial, connects key metropolitan and rural areas. B-4 zoning is designed for business uses that require access to major roads and intersections to ensure safe traffic flow. B-4 developments typically generate significant traffic due to their intensity. While future development details are uncertain, staff believes this location may be well-suited for the requested zoning and anticipate minimal impact. If a commercial project is proposed, a commercial turnout permit from ALDOT will be required and assessed during the site plan approval process. Further, staff memorialized that US Highway 98 requires a highway construction setback of 125' for any potential development fronting the road.

6.) Is the proposed amendment consistent with the development patterns in the area and appropriate for orderly development of the community?

The proposed zoning (B-4) allows for high intensity commercial uses, which is consistent with the adjacent development to the west but is slightly more intense than other developments in the vicinity. It appears this area is trending toward a more intense commercial area with recent rezonings from B-2 to B-3 on the same block within the last 10 years.

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

The applicant owns both the adjacent parcels to the west and north, which are zoned B-4. Staff believes this is a logical expansion to adjacent zoning and land uses.

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

Staff believes there are no conflicts regarding the timing of 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 with the proposed change. There are no potential wetlands on the site, and this parcel is not located in a historic district.
- 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. N/A

Agency Comments

Buford King, Deputy Director: Though an exhaustive study of the property history was not conducted, subject property appears to consists of Lots 3-7 of an older subdivision that was recorded prior to the more modern subdivision regulations that require direct access to paved roads. Further, it appears that Lots 3-7 are unified into a single tax parcel for taxation purposes but are available for individual sale as they are existing "lots of record". Staff memorializes that should the property be successfully re-zoned, developing the property will be challenging if individual lots are sold due to the lack of access to US98. The Planning Commission and County Commission may have numerous questions about the development of the property that cannot be addressed at the time of a "straight re-zoning" consideration and that is why a site plan approval process is required for many types of land use. Staff further memorializes that US HWY 98 is functionally classified as a Principle Arterial for which a 125' Highway Construction Setback (HCS) is required that may possibly consume the entirety of Lots 6 and 7 and also extend into Lot 5. In addition, the applicant is reminded that either a Commercial or Commission Site Plan (CSP) approval will be required for most available uses within B4 zoning. Should the property be successfully re-zoned, the applicant for development activity is urged to contact Baldwin County Planning and Zoning staff very early in the development process to review procedures for applying for a CSP, and the applicant is further advised any CSP application shall include a fully-approved turnout permit from ALDOT at the time of CSP submittal.

<u>Baldwin County Subdivision Department, Shawn Mitchell</u>: "If more than 2 businesses units will occupy and individual parcel, a Planned Unit Development application will be required."

ALDOT: No Comments Received.

Current Zoning Requirements

Section 5.2 B-2, Neighborhood Business District

- 5.2.1 *Purpose and intent.* The purpose and intent of the B-2 Neighborhood Business District is to provide a limited commercial convenience facility, servicing nearby residential neighborhoods, planned and developed as an integral unit.
- 5.2.2 Permitted uses. The following uses are permitted as of right, or as uses accessory to permitted uses in the B-2, Neighborhood Business District, conditioned on the Commission Site Plan Approval requirements of Section 18.9:
 - (a) All uses permitted by right under the B-1 zoning designation
 - (b) Antique store
 - (c) Apparel and accessory store
 - (d) Appliance store including repair
 - (e) Art gallery or museum
 - (f) Art supplies
 - (g) Bait store
 - (h) Bakery retail
 - (i) Bed and breakfast or tourist home
 - (j) Bicycle sales and service
 - (k) Boarding, rooming or lodging house, dormitory
 - (I) Book store
 - (m) Café
 - (n) Camera and photo shop
 - (o) Candy store
 - (p) Catering shop or service
 - (q) Copy shop
 - (r) Delicatessen
 - (s) Discount/variety store (not to exceed 8,000 square feet)
 - (t) Drug store (not to exceed 8,000 square feet)
 - (u) Fixture sales

- (v) Floor covering sales or service
- (w) Florist
- (x) Fraternity or sorority house
- (y) Fruit and produce store
- (z) Gift shop
- (aa) Hardware store, retail
- (bb) Ice cream parlor
- (cc) Interior decorating shop
- (dd) Laundry, self service
- (ee) Lawnmower sales and service
- (ff) Locksmith
- (gg) Music store
- (hh) Neighborhood convenience store
- (ii) News stand
- (jj) Paint and wallpaper store
- (kk) Picture framing and/or mirror silvering
- (II) Restaurant
- (mm) Shoe repair shop
- (nn) Shoe store
- (oo) Sign shop
- (pp) Sporting goods store
- (qq) Tailor shop
- (rr) Tobacco store
- (ss) Toy store

5.2.3 Conditional Use Commission Site Plan Approval. The following uses are permissible as Commission Site Plan Approval uses in the B-2, Neighborhood

Business District, subject to the standards and procedures established in Section 18.9: Commission Site Plan Approval:

- (a) Air conditioning sales and service
- (b) Amusement arcade
- (c) Animal clinic/kennels
- (d) Arboretum
- (e) Ball field
- (f) Business machine sales and service
- (g) Car wash
- (h) Country club
- (i) Discount/variety store (exceeding 8,000 square feet)
- (j) Drug store (exceeding 8,000 square feet)
- (k) Exterminator service office
- (I) Golf course
- (m) Liquor store
- (n) Mini warehouse
- (o) Night club, bar, tavern
- (p) Office equipment and supplies sales

- (q) Park or playground
- (r) Pawn shop
- (s) Pet shop
- (t) Plumbing shop
- (u) Restaurant sales and supplies
- (v) Riding academy
- (w) Rug and/or drapery cleaning service
- (x) Seafood store
- (y) Swimming pool (outdoor)
- (z) Tennis court (outdoor)
- (aa) Water storage tank
- (bb) Wildlife sanctuary
- (cc) Wireless telecommunication facility
- (dd) Dwellings, in combination with commercial uses, subject to the standards listed under Section 5.2.4: Mixed uses

5.2.5 Area and dimensional ordinances.

Maximum Height of Structure	35-Feet
Maximum Height of Structure in Habitable	Stories 21/2
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

Proposed Zoning Requirements

Section 5.4 B-4, Major Commercial District

5.4.1 Purpose and intent. The B-4, Major Commercial District, is intended for business uses which require a location with access to an arterial or major collector road (as defined by the Functional Classification System attached as Appendix) or which have close proximity to major intersections. Due to the nature of the businesses permitted within the B-4 district, this zoning designation should be limited to property fronting on principal arterials, major arterials, or minor arterials. Ingress and egress to a roadway should promote safe and smooth traffic flow for the general traveling public. It is also the intent of this district to provide areas for businesses which, because of their intensity, outside storage areas, or large volumes of traffic, would have significant negative impacts on adjoining properties. These uses often have an actual or potential negative impact on surrounding properties due to late hours of operation, noise, and or light.

5.4.2 Permitted uses. The following uses are permitted as of right, or as uses accessory to permitted uses in the B-4, Major Commercial District, conditioned on the Commission Site Plan Approval requirements of Section 18.9:

- (a) All uses permitted by right under the B-3 zoning designation
- (b) Amusement Park
- (c) Auto convenience market
- (d) Automobile parts sales
- (e) Automobile repair (mechanical and body)
- (f) Automobile sales
- (g) Automobile service station
- (h) Automobile storage (parking lot, parking garage)
- (i) Boat sales and service
- (j) Building materials
- (k) Farm implements

- (I) Flea market
- (m) Home improvement center
- (n) Hotel or motel
- (o) Manufactured housing sales, service and repair
- (p) Marina
- (q) Motorcycle sales service and repair
- (r) Movie theatre
- (s) Recreational vehicle park
- (t) Recreational vehicle sales, service and repair
- (u) Restaurant, drive-in
- (v) Restaurant, fast food
- 5.4.3 Conditional Use Commission Site Plan Approval. The following uses are permissible as Commission Site Plan Approval uses in the B-4, Major Commercial District, subject to the standards and procedures established in Section 18.9: Commission Site Plan Approval:

- (a) Airport
- (b) Ambulance/EMS service
- (c) Armory
- (d) Auditorium, stadium, coliseum
- (e) Barge docking
- (f) Broadcasting station
- (g) Bus and railroad terminal facility
- (h) College or university
- (i) Convalescent or nursing home
- (j) Correctional or penal institution
- (k) Dog pound
- (I) Electric power substations
- (m) Freight depot, rail or truck
- (n) Hospital
- (o) Landfill

- (p) Maintenance facility/storage yard for schools, government agencies, and telephone and cable companies
- (q) Racetrack
- (r) Radio and television station and transmitting tower
- (s) Railroad facility
- (t) Sewage treatment plat
- (u) Taxi dispatching station
- (v) Taxi terminal
- (w) Telephone exchange
- (x) Water or sewage pumping station
- (y) Water storage tank
- (z) Wireless telecommunication facility
- (aa) Zoo

5.4.4 Area and dimensional ordinances.

Maximum Height of Structure	40-Feet
Maximum Height of Structure in Habitable Storie	es 3
Minimum Front Yard	40-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area 20,00	0 Square Feet
Maximum Impervious Surface Ratio	.70
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

- 5.4.4 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.
- 5.4.5 Distance between structures. If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of

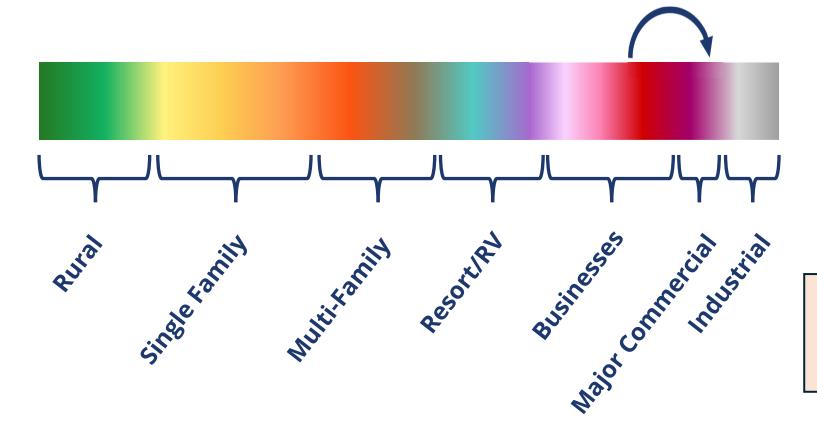
Z24-42 HOWLE PROPERTY

RE-ZONING REQUEST FROM B-2 TO B-4

Lead Staff: Brittany Epling, Planning Technician II



Proposed Zoning: Major Commercial District (B-4)



Staff's Recommendation:

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