



# Baldwin County Planning & Zoning Department

## Baldwin County Commission Staff Report

**Case No. Z25-59**

**Lett Property**

**Rezone from B-2, Neighborhood Business District, to B-3, General Business District**

**December 16, 2025**

### Subject Property Information

**Planning District:** 33  
**General Location:** On US Hwy 98 south of Powell Lane in the Lillian community  
**Physical Address:** 33802 US Highway 98, Lillian, AL 36549  
**Parcel Number:** 05-52-08-27-0-000-002.006  
**Existing Zoning:** B-2, Neighborhood Business District  
**Proposed Zoning:** B-3, General Business District  
**Existing Land Use:** Vacant  
**Proposed Land Use:** Commercial  
**Acreage:** 2.01 +/- acres  
**Applicant:** Binkley Engineering, PA – Ross Binkley  
424 Benning Drive  
Destin, FL 32541  
**Owner:** Timothy Lett  
PO Box 551  
Lillian, AL 36549  
**Lead Staff:** Cory Rhodes, Planner  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RA, Rural Agricultural District
South	Commercial	B-2, Neighborhood Business District
East	Commercial	B-4, Major Commercial District
West	Commercial	B-2, Neighborhood Business District

### Summary

The subject property encompasses approximately 2.01 acres and is currently zoned as B-2, Neighborhood Business District. A request has been made to change the designation to B-3, General Business District, for commercial use.

## Section 5.2 **B-2, Local 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 18.10*:

- |  |  |
|--|--|
| (a) All uses permitted by right under the B-1 zoning designation | (v) Floor covering sales or service          |
| (b) Antique store  | (w) Florist                                  |
| (c) Apparel and accessory store                                  | (x) Fraternity or sorority house             |
| (d) Appliance store including repair                             | (y) Fruit and produce store                  |
| (e) Art gallery or museum  | (z) Gift shop                                |
| (f) Art supplies   | (aa) Hardware store, retail                  |
| (g) Bait store   | (bb) Ice cream parlor                        |
| (h) Bakery retail  | (cc) Interior decorating shop                |
| (i) Bed and breakfast or tourist home                            | (dd) Laundry, self service                   |
| (j) Bicycle sales and service                                    | (ee) Lawnmower sales and service             |
| (k) Boarding, rooming or lodging house, dormitory                | (ff) Locksmith                               |
| (l) Book store   | (gg) Music store                             |
| (m) Café   | (hh) Neighborhood convenience store          |
| (n) Camera and photo shop  | (ii) News stand                              |
| (o) Candy store  | (jj) Paint and wallpaper store               |
| (p) Catering shop or service                                     | (kk) Picture framing and/or mirror silvering |
| (q) Copy shop  | (ll) Restaurant                              |
| (r) Delicatessen   | (mm) Shoe repair shop                        |
| (s) Discount/variety store (not to exceed 8,000 square feet)     | (nn) Shoe store                              |
| (t) Drug store (not to exceed 8,000 square feet)                 | (oo) Sign shop                               |
| (u) Fixture sales  | (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 18.10: Commission Site Plan Approval*

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

*5.2.4 Mixed uses.* Mixed residential and commercial uses may be permissible as Commission Site Plan in the B-2 Neighborhood Business District, subject to the standards and procedures established in *Section 18.10: Commission Site Plan Approval*, 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-2 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.
- (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 in accordance with the requirements of Article 17 *Open Space, Landscaping, and Buffers*.
- (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.

- (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*)

#### 5.2.5 Area and dimensional ordinances.

Maximum Height of Structure	35-Feet
Maximum Height in Habitable Stories	2 ½
Minimum Front Yard	30-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Maximum Impervious Surface Ratio	.60

**5.2.6 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.

**5.2.7 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.

**5.2.8 Landscaping and buffering.** All B-2, Neighborhood Business District, uses shall meet the requirements of *Article 17 Open Space, Landscaping and Buffers*.

## Proposed Zoning Requirements

### Section 5.3 **B-3, General Business District**

**5.3.1 Purpose and intent.** The purpose of this district is to provide for a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs. This district shall only be applied at appropriate locations: to conveniently meet these needs; in conformance with the goals, objectives and policies and location criteria of the Comprehensive Plan; compatible with the surrounding land uses and zoning districts; where it will not adversely impact the facilities and services of the County; where it will not set a precedent for the introduction of inappropriate uses into an area; and so as not to encourage non-residential strip development along streets.

*5.3.2 Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the B-3, General Business District, conditioned on the Commission Site Plan Approval requirements of *Section 18.10: Commission Site Plan Approval*:

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- |  |  |
|--|--|
| (a) All uses permitted by right under the B-2 zoning designation | (dd) Golf course                         |
| (b) Air conditioning sales and service                           | (ee) Golf driving range                  |
| (c) Amusement arcade   | (ff) Grocery store                       |
| (d) Animal clinic/kennel   | (gg) Landscape sales                     |
| (e) Arboretum  | (hh) Marine store and supplies           |
| (f) Auto convenience market                                      | (ii) Miniature golf                      |
| (g) Automobile service station                                   | (jj) Mini warehouse                      |
| (h) Bakery, wholesale  | (kk) Night club, bar, tavern             |
| (i) Ball field   | (ll) Nursery                             |
| (j) Bicycle sales and service                                    | (mm) Office equipment and supplies sales |
| (k) Bowling alley  | (nn) Park or playground                  |
| (l) Business machine sales and service                           | (oo) Pawn shop                           |
| (m) Business school or college                                   | (pp) Pet shop                            |
| (n) Butane gas sales   | (qq) Plumbing shop                       |
| (o) Cemetery   | (rr) Printing/publishing establishment   |
| (p) City hall or courthouse                                      | (ss) Restaurant sales and supplies       |
| (q) Country club   | (tt) Riding academy                      |
| (r) Department store   | (uu) Rug and/or drapery cleaning service |
| (s) Discount/variety store                                       | (vv) Seafood store                       |
| (t) Drug store   | (ww) Sign shop                           |
| (u) Elevator maintenance service                                 | (xx) Skating rink                        |
| (v) Exterminator service office                                  | (yy) Stone monument sales                |
| (w) Farmer's market/truck crops                                  | (zz) Swimming pool (outdoor)             |
| (x) Firing range   | (aaa) Taxidermy                          |
| (y) Fitness center or gym  | (bbb) Teen club or youth center          |
| (z) Florist  | (ccc) Tennis court (outdoor)             |
| (aa) Fraternity or sorority house                                | (ddd) Wildlife sanctuary                 |
| (bb) Fruit and produce store                                     | (eee) YMCA, YWCA                         |
| (cc) Funeral home  |  |

*5.3.3 Conditional Use Commission Site Plan Approval.* The following uses are permissible as Commission Site Plan Approval uses in the B-3: General Commercial District, subject to the standards and procedures established in *Section 18.10: Commission Site Plan Approval*:



- (a) Airport
- (b) Ambulance/EMS service
- (c) Amusement Park
- (d) Armory
- (e) Auditorium, stadium, coliseum
- (f) Automobile parts sales

- (g) Automobile repair  
(mechanical and body)
- (h) Automobile storage (parking  
lot, parking garage)
- (i) Barge docking
- (j) Boat sales and service

**5.3.5 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.

**5.3.6 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.

**5.3.7 Landscaping and buffering.** All B-3, General Business District, uses shall meet the requirements of *Article 17 Open Space, Landscaping and Buffers*.

- (u) Freight depot, rail or truck
- (v) Home improvement center
- (w) Hotel or motel
- (x) Hospital
- (y) Landfill
- (z) Maintenance facility/storage  
yard for schools, government  
agencies, and telephone and  
cable companies

- (kk) Sewage treatment plat
- (ll) Taxi dispatching station
- (mm) Taxi terminal
- (nn) Telephone exchange
- (oo) Water or sewage pumping  
station
- (pp) Water storage tank
- (qq) Wireless telecommunication  
facility
- (rr) Zoo

#### **5.3.4 Area and dimensional ordinances.**

Maximum Height of Structure	40-Feet
Maximum Height in Habitable Stories	3
Minimum Front Yard	40-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Maximum Impervious Surface Ratio	.70

#### **Agency Comments**

**USACE, James Buckelew**: Staff reached out 11/10/2025 but received no comments.

**ADEM, Scott Brown**: Staff reached out 11/10/2025 but received no comments.

**ALDOT, Chase Chitwood and Jason Shaw:** Staff reached out 11/10/2025 but received no comments.

**Natural Resources, Ashley Campbell:** After inspecting the site, I have the following comments:

1. Site has slabs and remnants of an old development
2. There's a stormwater pond and dam located on the adjacent property on the south east corner of the property. Drainage appears to flow from the south to the north on the east side of the property. The ditch is at the edge of the property line. Most likely offsite.
3. Right away entrance appears to be in good shape, but there's some erosion on the east side.

**Subdivisions, Fabia Waters:** No subdivision appears to be proposed at this time, no additional comments.

**Civil Engineer, Tyler Austin:** No development proposed at this time. Any future development will require construction & drainage review and permitting from Baldwin County Planning & Zoning Department. Any access/improvements along AL Highway 98 will require permit from ALDOT.

### 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 consists of approximately 2.01 acres and is currently zoned as B-2 (Neighborhood Business). A rezoning request has been submitted to change the designation to B-3 (General Business) to allow for commercial use (drive-thru restaurant). The surrounding areas located around the property are commercial, while properties to the north across from U. S. Highway 98 are primarily residential.

**(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 has identified the subject property and surrounding area as having Rural / Agriculture / Low-Impact Development Potential, which allows for limited development based on low-impact design principles. The property is also located within a Neighborhood Center activity node, whose primary land uses include local-serving businesses, such as restaurants. This activity node also encompasses the adjoining commercial properties, which include a gas station as well as a discount variety store.

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

The property is located along U.S. Highway 98, which is classified as a Principal Arterial. These roadways serve major centers of metropolitan areas, provide a high degree of mobility and can also provide mobility through rural areas. As such, abutting land uses can be served directly.

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

As mentioned earlier, the areas south of U.S. Highway 98 are primarily commercial. The requested change to B-3 for a drive-thru restaurant would be in alignment with the surrounding uses, as this area (south of U.S. Highway 98) is largely commercial.

**(e) Impacts to environmental conditions of the vicinity or the historic resources of the County.**

There are no potential wetlands present on the property. Also, no historic or cultural resources should be affected, as the property is not within a Historic district.

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

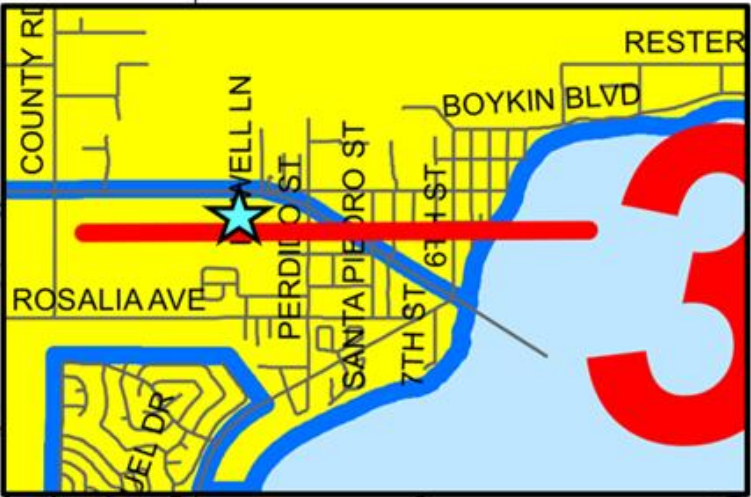
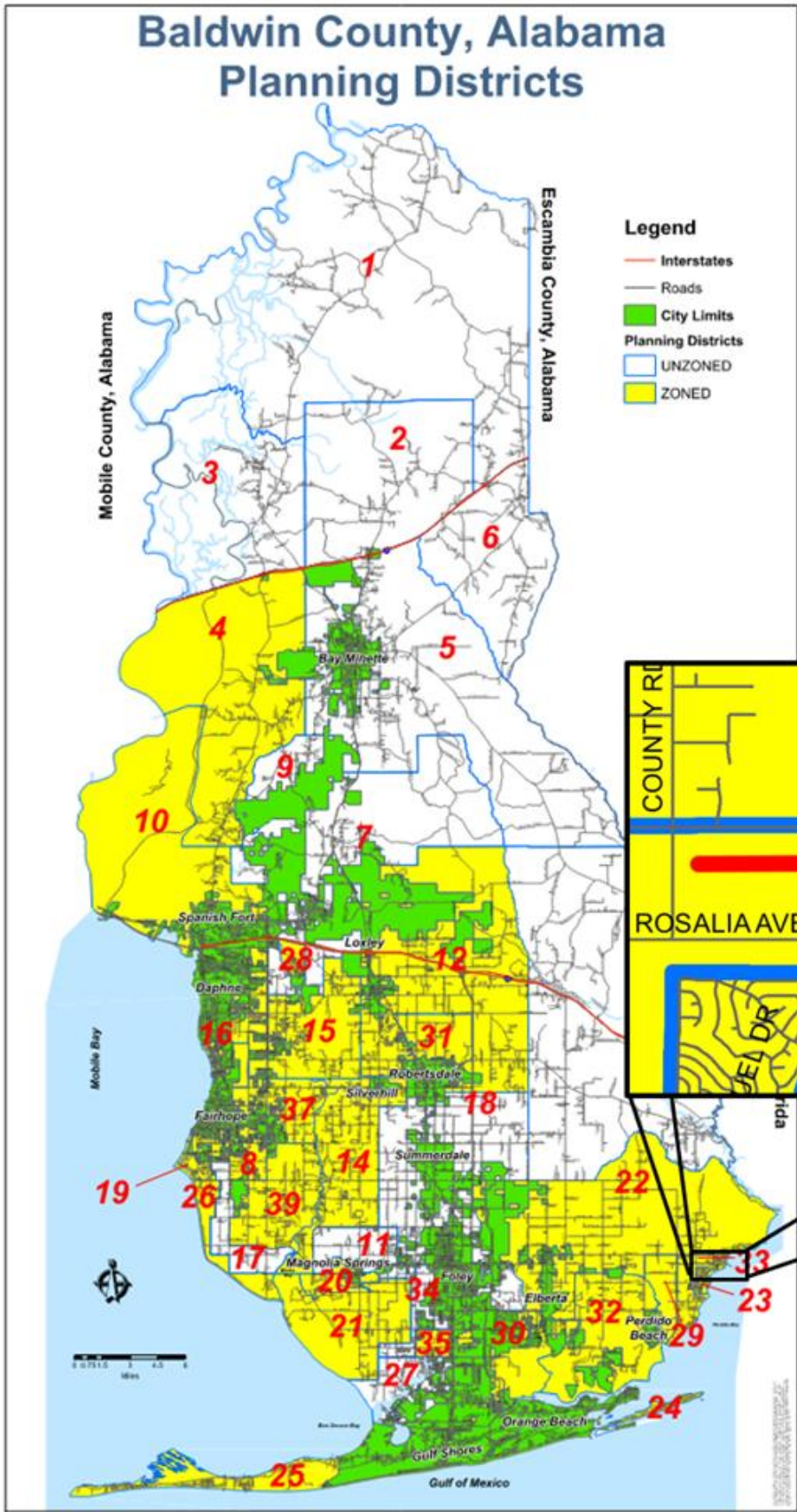
The proposed request should have no impact to the health, safety and welfare of the property or surrounding properties.

**Staff Comments**

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 would be consistent with the factors specified within the Baldwin County Zoning Ordinance as well as the Baldwin County Master Plan Future Land Use Map.

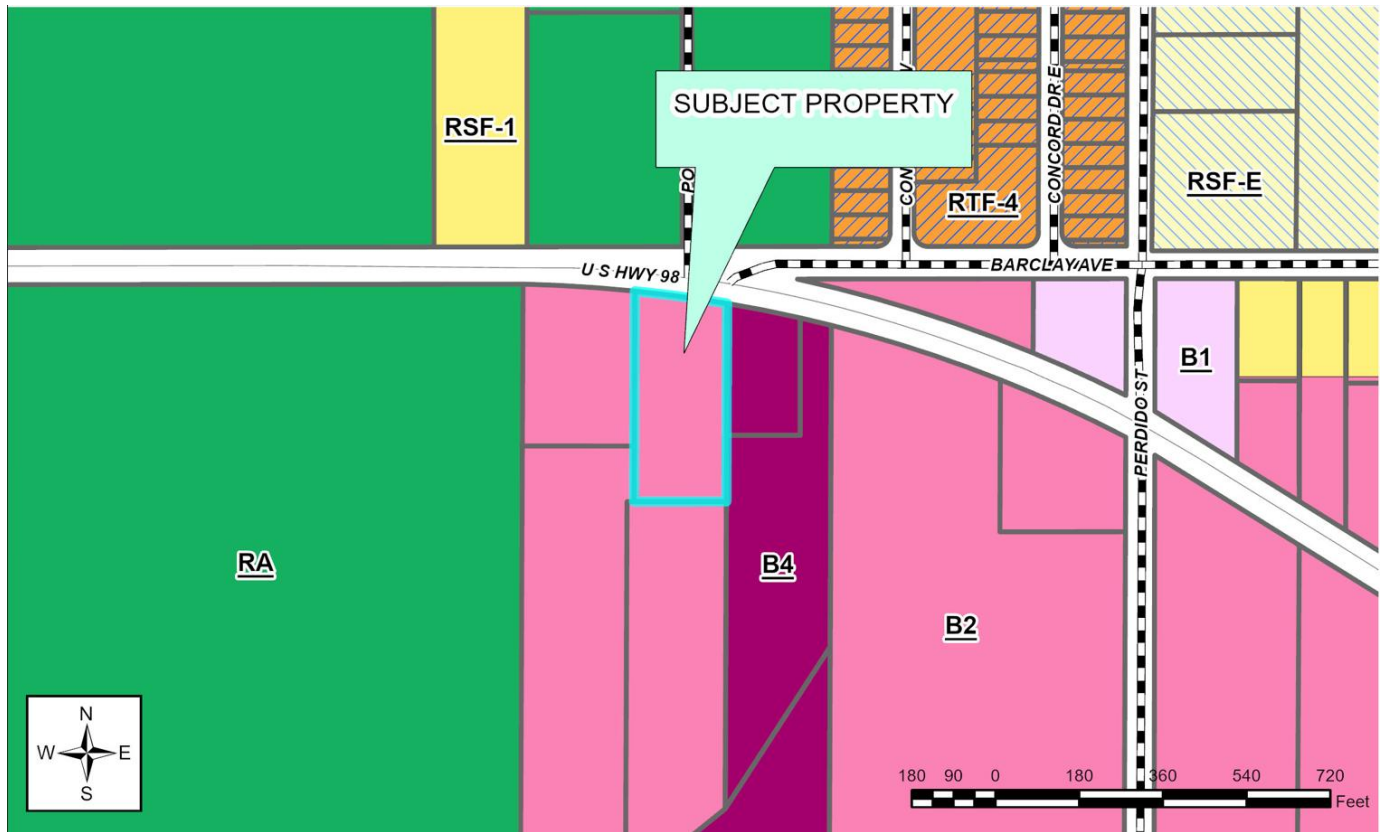
The requested Zoning Map Amendment was also evaluated using the Smart Growth Scorecard (attached) which **strongly supports** the request.



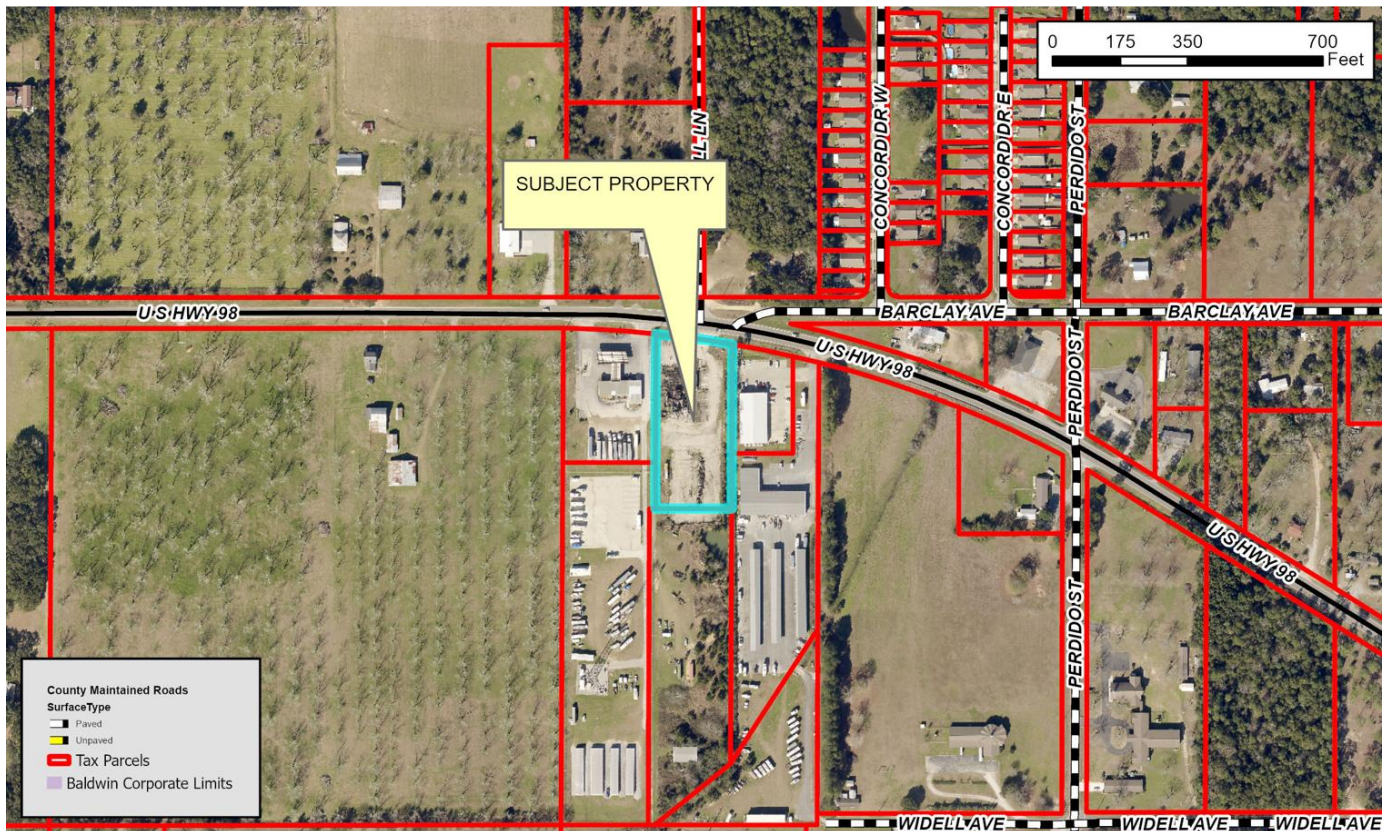




## Locator Map



## Site Map





## Property Images











Property to The  
North  
PIN: 33568



Nov 20, 2025 11:58:24 AM  
30°24'47.38615"N 87°27'0.60448"W  
141° SE  
Baldwin County Code Enforcement

## RURAL/AGRICULTURE/LOW IMPACT DEVELOPMENT POTENTIAL AREAS

Rural Development Potential Areas include large lots, open space views, and a large buffer distance between buildings. Residential homes may be on large tracts and could include estate homes and working farmland. The development pattern may also include conservation-based subdivisions to 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. Lands within these areas should be developed with additional Low Impact Development (LID) standards and buffers to limit the impact to adjacent critical environments. At key rural crossroads, rural centers or nodes could allow for a combination of retail and service uses to meet the needs of the community.

### PRIMARY LAND USES

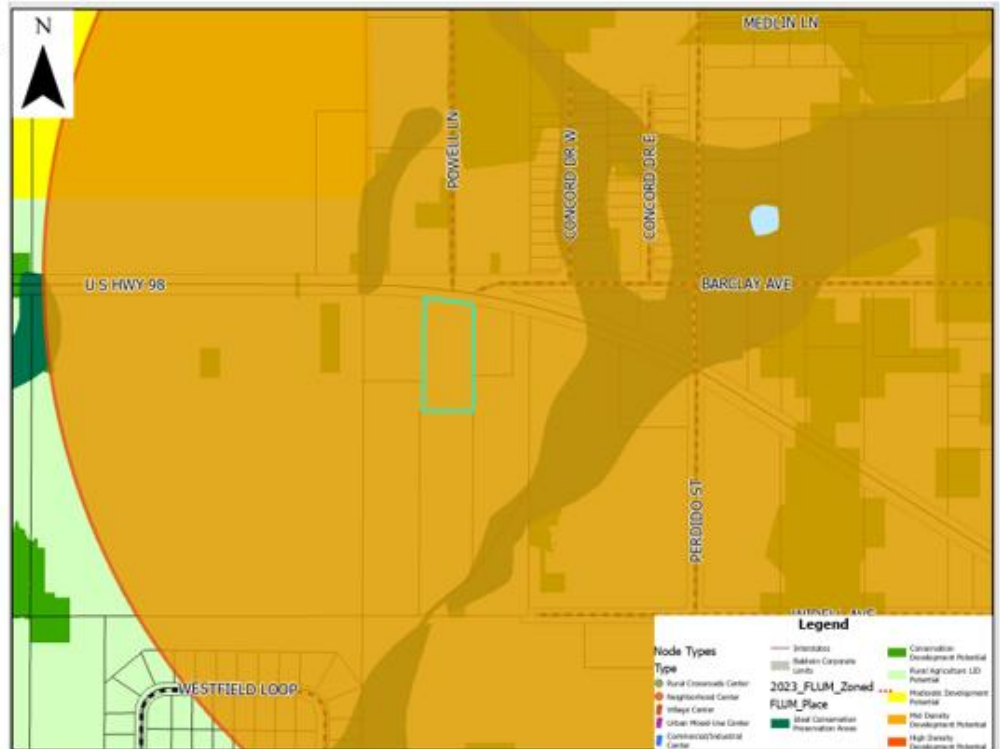
- Single-family detached homes
- Hobby farms
- Agri-hoods
- Cultivated farmland, timber/managed forest, pastureland
- Clustered manufactured housing communities
- Rural crossroads center/node

### RELATED ZONING DISTRICTS

- RR Rural District
- RA Rural Agricultural District
- RSF-E Residential Single Family Estate

### CONNECTIVITY NETWORK

- Rural streets with sidewalks, paved shoulders, bike lanes, and/or side paths based on local character and context
- Rural greenways and trails along environmental buffers



## NEIGHBORHOOD CENTER

### PRIMARY LAND USES

- Small-scale shops, restaurants and local-serving businesses—neighborhood-scaled retail, gas station, convenience grocery store, farm stand, hardware store.
- Agriculture-support businesses, services
- Public safety and services
- Small parks, playgrounds, and open spaces

### RELATED ZONING DISTRICTS

- B-2 Neighborhood Business District

### CONNECTIVITY NETWORK

- Gridded walkable streets
- Parking in rear of buildings
- Bus stop locations
- Greenway and trail access





# 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			
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?		2			
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	2			
Does the proposed land use require building separation and buffers that fit the character of the surrounding area?		2			
Does the proposed land use promote development that fits the character of the surrounding area?		2			
Total Land Use Score (out of 10 points)		10			
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?				-1	

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"			-1	
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?			1		
Total Master Plan Score (out of 10 points)			2		
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.		1		
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.		1		
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.		1		
<b>Total Transportation &amp; Utility Score (out of 10 points)</b>		<b>7</b>			
<b>Environmental Conditions &amp; Historic Resources</b>		<b>2</b>	<b>1</b>	<b>-1</b>	<b>-2</b>
Can the property be reasonably developed without impacting jurisdictional wetlands/streams or buffers?		2			
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.	2			
Can the proposed use implement a stormwater facility that would aide regional stormwater management?		2			
Would the proposed use have any impacts to historic or cultural resources in the area?		2			
<b>Total Environmental Score (out of 10 points)</b>		<b>10</b>			
<b>TOTAL SMART GROWTH SCORE</b>		<b>29</b>			
<b>RECOMMENDATION</b>		<b>STRONGLY SUPPORTS</b>			
		0			
		0			