



# Baldwin County Planning & Zoning Department

## Baldwin County Planning Commission Staff Report

### Agenda Item 8.b

Case No. Z-19028

### Silcox Property

Rezoning RSF-E, Residential Single Family Estate District to B-3, General Business District

July 11, 2019

## Subject Property Information

**Planning District:** 12  
**General Location:** East side of Baldwin Beach Express, North of Oakdale Ln.  
**Physical Address:** NA  
**Parcel Numbers:** 05-41-02-09-0-000-001.018  
**Existing Zoning:** RSF-E, Residential Single Family Estate District  
**Proposed Zoning:** B-3, General Business District  
**Existing Land Use:** Residential  
**Proposed Land Use:** Retail Store  
**Acreage:** 3.36± acres  
**Applicant:** The Broadway Group, LLC  
PO Box 18968  
Huntsville, AL 35804  
**Owner:** Bonnie Silcox  
20617 Oakdale Dr  
Robertsdale, AL 36567  
**Lead Staff:** Celena Boykin, Planner  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF- E, Residential Single Family Estate
South	Oakdale Dr and Commercial	Oakdale Dr and B4, Major Commercial
East	Residential	RSF- E, Residential Single Family Estate
West	Baldwin Beach Express and Agriculture	Baldwin Beach Express & B-4, Major Commercial

## Summary

The subject property, which consists of 3.36 acres and is currently zoned RSF-E, Residential Single Family Estate District. The designation of B-3 General Business District, has been requested for approximately 1.45 acres of the subject property for the purpose of establishing retail store.

**Plot Plan of 1.45 acre Portion Requested to be Rezoned**



**SURVEYOR CERTIFICATION  
TO THE BROADWAY GROUP LLC & CH**

**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 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.

4.1.4 *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:

The following local commercial use: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

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 18.6 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	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

### 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:

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>(a) All uses permitted by right under the B-2 zoning designation</li> <li>(b) Air conditioning sales and service</li> <li>(c) Amusement arcade</li> <li>(d) Animal clinic/kennel</li> <li>(e) Arboretum</li> <li>(f) Auto convenience market</li> <li>(g) Automobile service station</li> <li>(h) Bakery, wholesale</li> <li>(i) Ball field</li> <li>(j) Bicycle sales and service</li> <li>(k) Bowling alley</li> <li>(l) Business machine sales and service</li> <li>(m) Business school or college</li> <li>(n) Butane gas sales</li> <li>(o) Cemetery</li> <li>(p) City hall or courthouse</li> <li>(q) Country club</li> <li>(r) Department store</li> <li>(s) Discount/variety store</li> <li>(t) Drug store</li> <li>(u) Elevator maintenance service</li> <li>(v) Exterminator service office</li> <li>(w) Farmer's market/truck crops</li> <li>(x) Firing range</li> </ul> | <ul style="list-style-type: none"> <li>(y) Fitness center or gym</li> <li>(z) Florist</li> <li>(aa) Fraternity or sorority house</li> <li>(bb) Fruit and produce store</li> <li>(cc) Funeral home</li> <li>(dd) Golf course</li> <li>(ee) Golf driving range</li> <li>(ff) Grocery store</li> <li>(gg) Landscape sales</li> <li>(hh) Marine store and supplies</li> <li>(ii) Miniature golf</li> <li>(jj) Mini-warehouse</li> <li>(kk) Night club, bar, tavern</li> <li>(ll) Nursery</li> <li>(mm) Office equipment and supplies sales</li> <li>(nn) Park or playground</li> <li>(oo) Pawn shop</li> <li>(pp) Pet shop</li> <li>(qq) Plumbing shop</li> <li>(rr) Printing/publishing establishment</li> <li>(ss) Restaurant sales and supplies</li> <li>(tt) Riding academy</li> <li>(uu) Rug and/or drapery cleaning service</li> <li>(vv) Seafood store</li> <li>(ww) Sign shop</li> </ul> |
|--|--|

- (xx) Skating rink
- (yy) Stone monument sales
- (zz) Swimming pool (outdoor)
- (aaa) Taxidermy

- (bbb) Teen club or youth center
- (ccc) Tennis court (outdoor)
- (ddd) Wildlife sanctuary
- (eee) YMCA, YWCA

5.3.3 *Conditional uses.* The following uses are permissible as conditional uses in the B-3: General Commercial District, subject to the standards and procedures established in *Section 18.11: Conditional Use*:

- (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
- (k) Broadcasting station
- (l) Building materials
- (m) Bus and railroad terminal facility
- (n) College or university
- (o) Convalescent or nursing home
- (p) Correctional or penal institution
- (q) Dog pound
- (r) Electric power substations
- (s) Farm implements
- (t) Flea market
- (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
- (aa) Manufactured housing sales, service and repair
- (bb) Marina
- (cc) Motorcycle sales service and repair
- (dd) Movie theatre
- (ee) Radio/television tower
- (ff) Railroad facility
- (gg) Recreational vehicle park
- (hh) Recreational vehicle sales service, and repair
- (ii) Restaurant, drive-in
- (jj) Restaurant, fast-food
- (kk) Sewage treatment plant
- (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 in Feet	40
Maximum Height of Structure 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
Maximum Impervious Surface Ratio	.70
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

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: Landscaping and Buffers.*

### Agency Comments

**Baldwin County Highway Department:**

**From:** Frank Lundy

**Sent:** Tuesday, June 18, 2019 9:47 AM

**To:** D Hart <[DHart@baldwincountyal.gov](mailto:DHart@baldwincountyal.gov)>

**Cc:** Seth L. Peterson <[SPETERSON@baldwincountyal.gov](mailto:SPETERSON@baldwincountyal.gov)>; Tyler W. Mitchell <[TMITCHELL@baldwincountyal.gov](mailto:TMITCHELL@baldwincountyal.gov)>; Vince Jackson <[VJACKSON@baldwincountyal.gov](mailto:VJACKSON@baldwincountyal.gov)>

**Subject:** FW: Z-19028 Silcox Property

DJ,

Given the very close proximity to the Oakdale Dr / BBE intersection, traffic impacts will need to be analyzed.

Thanks,

Frank Lundy

**Baldwin County Subdivision Department:**

**From:** Seth L. Peterson

**Sent:** Monday, June 17, 2019 1:39 PM

**To:** D Hart <[DHart@baldwincountyal.gov](mailto:DHart@baldwincountyal.gov)>

**Cc:** Laurie Rumbaugh <[LRUMBAUGH@baldwincountyal.gov](mailto:LRUMBAUGH@baldwincountyal.gov)>; Mary Booth <[MBOOTH@baldwincountyal.gov](mailto:MBOOTH@baldwincountyal.gov)>

**Subject:** RE: Z-19028 Silcox Property

DJ,

Direct access to the BBE will not be allowed for this development. Access and drainage improvements will be reviewed during the permitting phase. Access will be reviewed closely due to the proximity to the BBE and a traffic study will likely be required.

Thanks,

Seth

**ADEM:** No comments received.

**ALDOT:** No comments received.

## 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 residential. The property adjoins Oakdale Drive to the south and the Baldwin Beach Express to the west. The adjoining properties are residential.

**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 new interchange at Interstate 10 and Baldwin Beach Express has been constructed just north of the subject property. As a result, several parcels throughout the area have been rezoned from RA to B-4.

**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. Approval of the rezoning will result in an amendment of the Future Land Use Map to commercial.

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

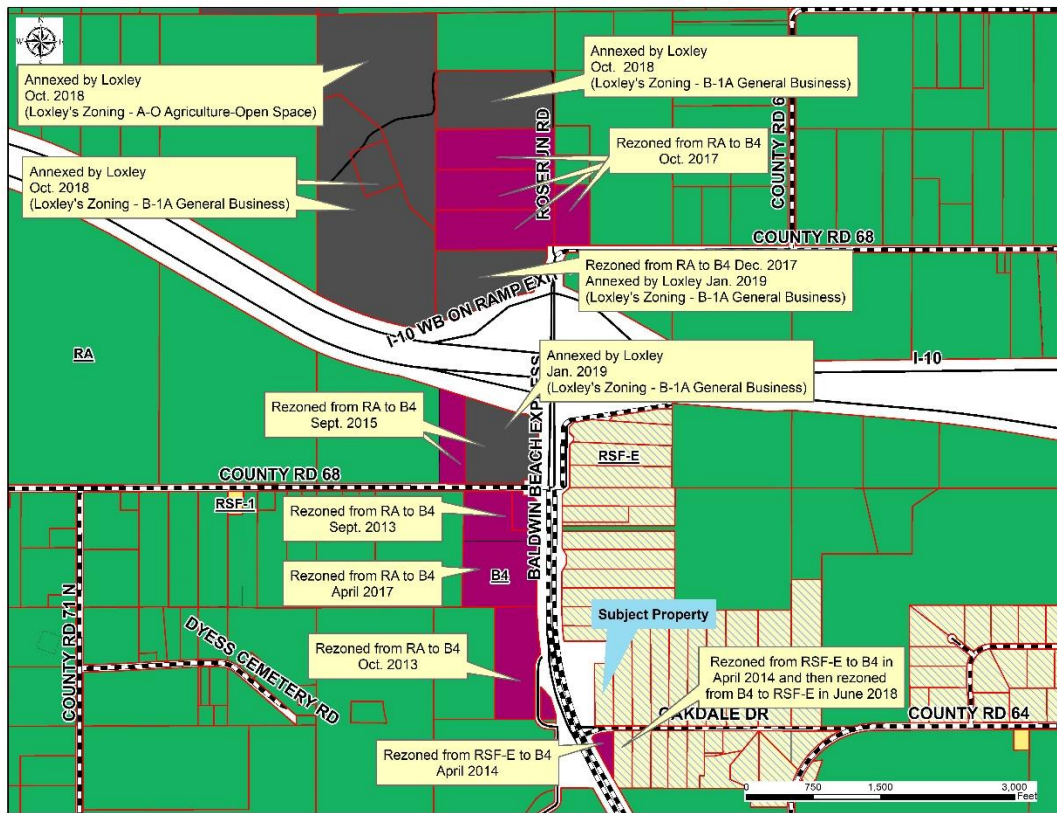
Staff is not aware of any planned public improvements.

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

Traffic in the area has increased since the opening of the interchange and Buc-ee's. The intersection of Oakdale Dr. and BBE does have a crossover but no traffic light. As stated above by Seth Peterson, "Direct access to the BBE will not be allowed for this development. Access and drainage improvements will be reviewed during the permitting phase. Access will be reviewed closely due to the proximity to the BBE and a traffic study will likely be required."

**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 primary surrounding land uses are residential and agricultural. There have been numerous rezonings to B-4, Major Commercial District in this area along the Baldwin Beach Express. Many of these B-4 parcels have not been developed commercially yet. Buc-ee's was the first commercial building and was recently annexed by the Town of Loxley. The only parcel that is in the County that is currently developed as commercial is the smaller parcel south of Oakdale Dr. This parcel is being used for car sales.



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

See response to item number 6 which is listed above.

**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 doesn't anticipate any 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, which consists of 3.36 acres and is currently zoned RSF-E, Residential Single Family Estate District. The designation of B-3 General Business District, has been requested for approximately 1.45 acres of the subject property for the purpose of establishing retail store.

Unless information to the contrary is revealed at the public hearing, staff recommends that case Z-19028 be recommended for **DENIAL**.\*

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

Property Images





**ADJOINING PROPERTY  
TO THE EAST**

06/18/2019



**ADJACENT PROPERTY  
TO THE SOUTH EAST**

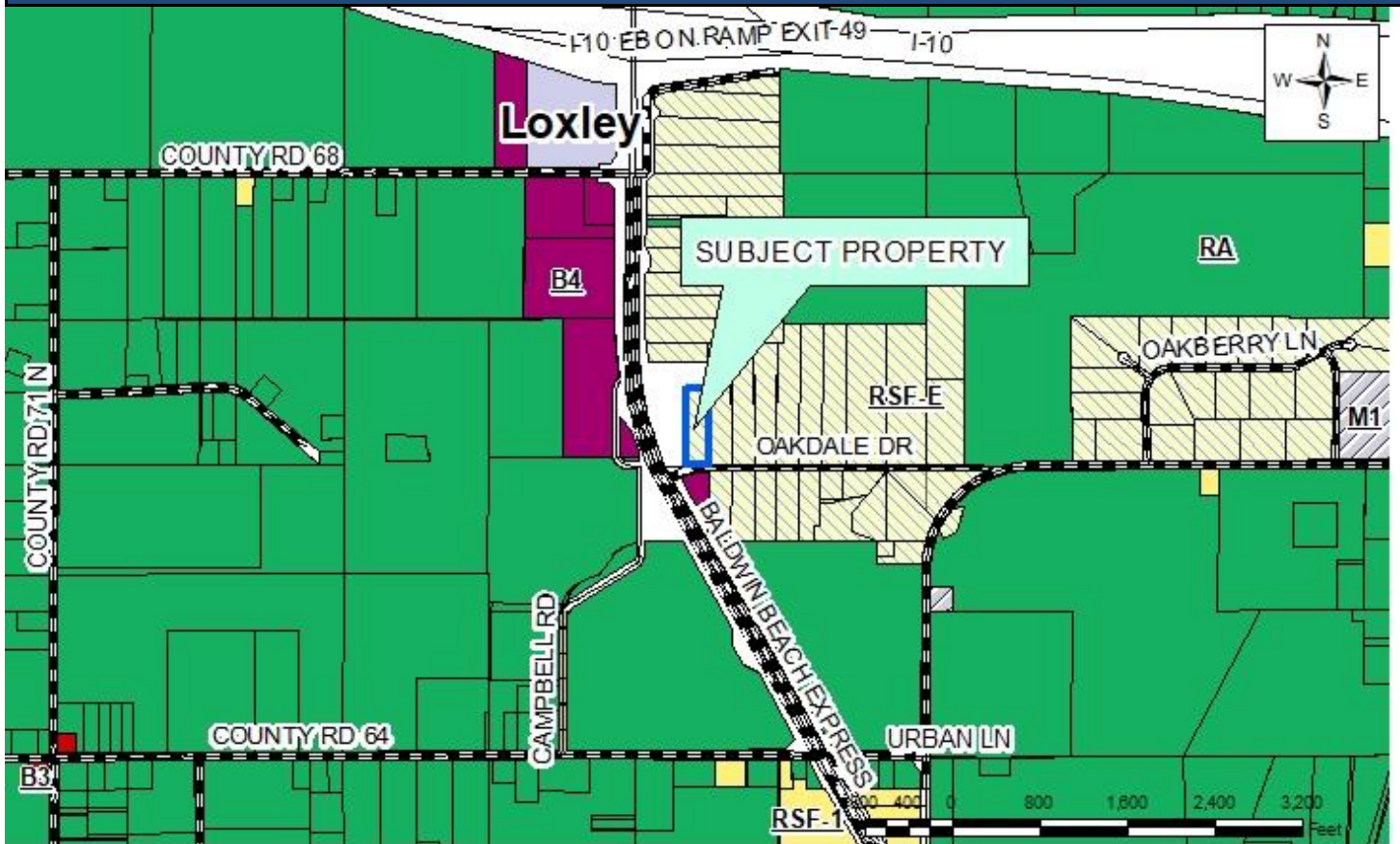
06/18/2019



**ADJOINING PROPERTY  
TO THE SOUTH**

06/18/2019

### Locator Map



### Site Map

