

8.c)Z22-6 ACTION AUTO WHOLESALE PROPERTY

Lead Staff: DJ Hart, Planning Technician

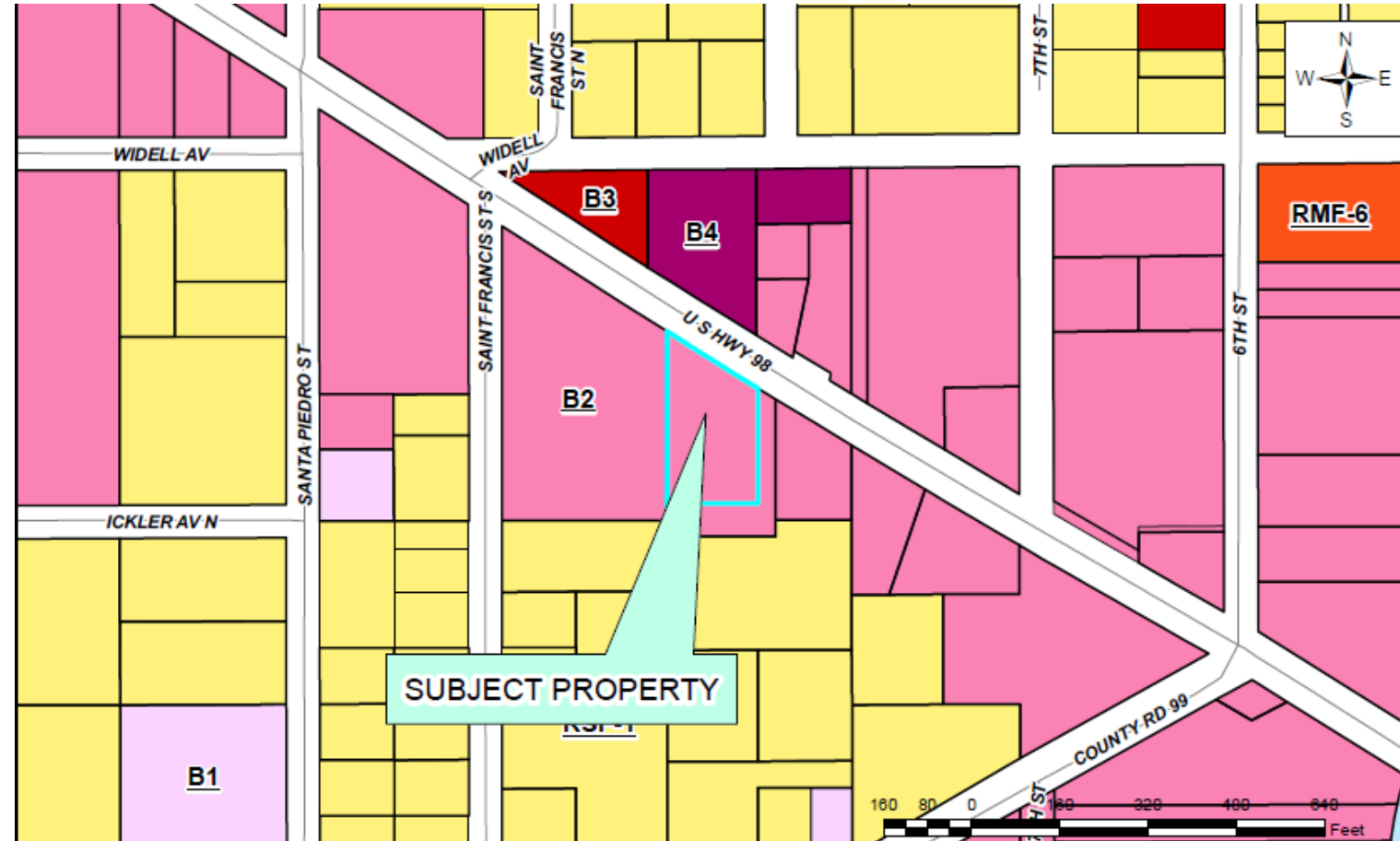
Request before Planning
Commission:

**Rezone 1.00 +/- acres From
B2 to B3**

**Parcel# 05-52-07-26-0-002-
009.000**

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

[https://baldwincountyal.gov/departments/
planning-zoning/meeting-agenda](https://baldwincountyal.gov/departments/planning-zoning/meeting-agenda)



Z22-6 ACTION AUTO WHOLESAL PROPERTY

Lead Staff: DJ Hart, Planning Technician

Planning District: 33

Zoned: B2, Neighborhood Business

Location: Subject property is located on the south side of US Hwy 98

Current Use: Used Car Lot

Acreage: 1.00 +/- acres

Physical Address: 34382 US Hwy 98,
Lillian, AL

Applicant: Action Auto Wholesale

Owner: Action Auto Wholesale

Proposed Zoning: B3, General Business

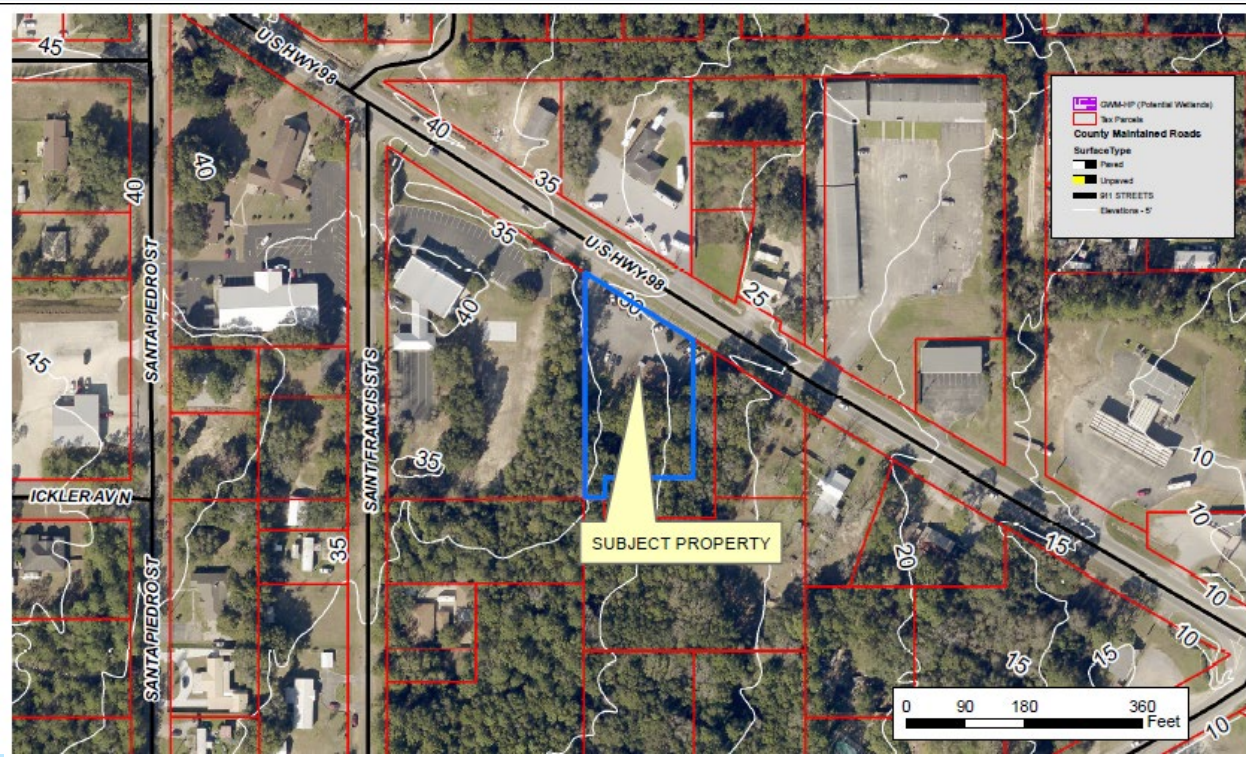
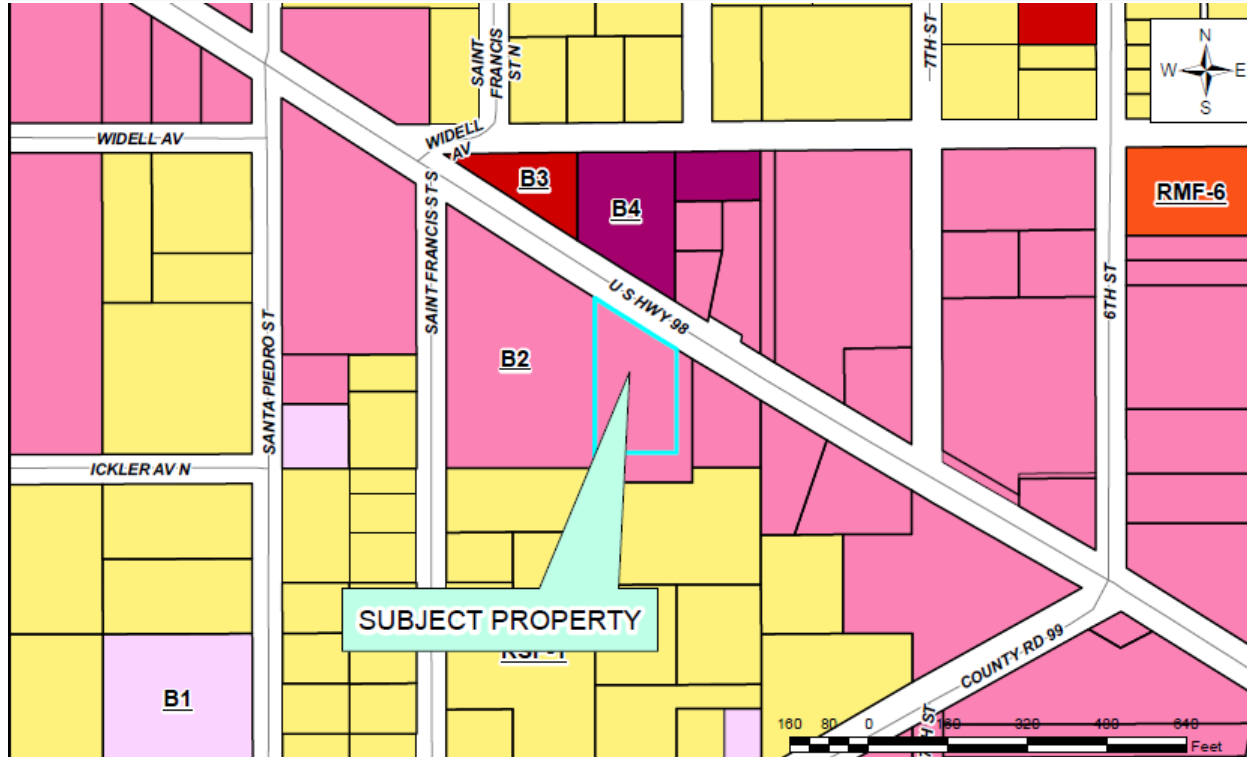
Proposed Use: Used Car Sales and Tire Shop* will require Commission Site Plan Approval for this use.

Applicant's Request: Rezone 1.00 acre from B2 to B3.

Online Case File Number: The official case number for this application is Z22-6, however, when searching online CitizenServe database, please use Z22-000006.

Locator Map

Site Map



Adjacent Zoning

Adjacent Land Use

North

B4, Major Business

Commercial

South

B2, Neighborhood Business & RSF-1
Residential Single Family

Vacant

East

B2, Neighborhood Business

Vacant

West

B2, Neighborhood Business

Commercial

Property Images

Subject Property



Apr 12, 2022 3:22:24 PM



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 | (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 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 | (q) Park or playground |
| (b) Amusement arcade | (r) Pawn shop |
| (c) Animal clinic/kennels | (s) Pet shop |
| (d) Arboretum | (t) Plumbing shop |
| (e) Ball field | (u) Restaurant sales and supplies |
| (f) Business machine sales and service | (v) Riding academy |
| (g) Car wash | (w) Rug and/or drapery cleaning service |
| (h) Country club | (x) Seafood store |
| (i) Discount/variety store (exceeding 8,000 square feet) | (y) Swimming pool (outdoor) |
| (j) Drug store (exceeding 8,000 square feet) | (z) Tennis court (outdoor) |
| (k) Exterminator service office | (aa) Water storage tank |
| (l) Golf course | (bb) Wildlife sanctuary |
| (m) Liquor store | (cc) Wireless telecommunication facility |
| (n) Mini-warehouse | (dd) Dwellings, in combination with commercial uses, subject to the standards listed under <i>Section 5.2.4: Mixed uses</i> |
| (o) Night club, bar, tavern | |
| (p) Office equipment and supplies sales | |

5.2.4 Mixed uses. Mixed residential and commercial uses may be permissible as conditional uses in the B-2 Neighborhood Business 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-2 district. A dwelling unit density of .5 (1/2) 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

Current Zoning Requirements

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. 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 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.

(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 in Feet	35
Maximum Height of Structure in Habitable Stories	2 1/2
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

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: 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 18.9.:

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

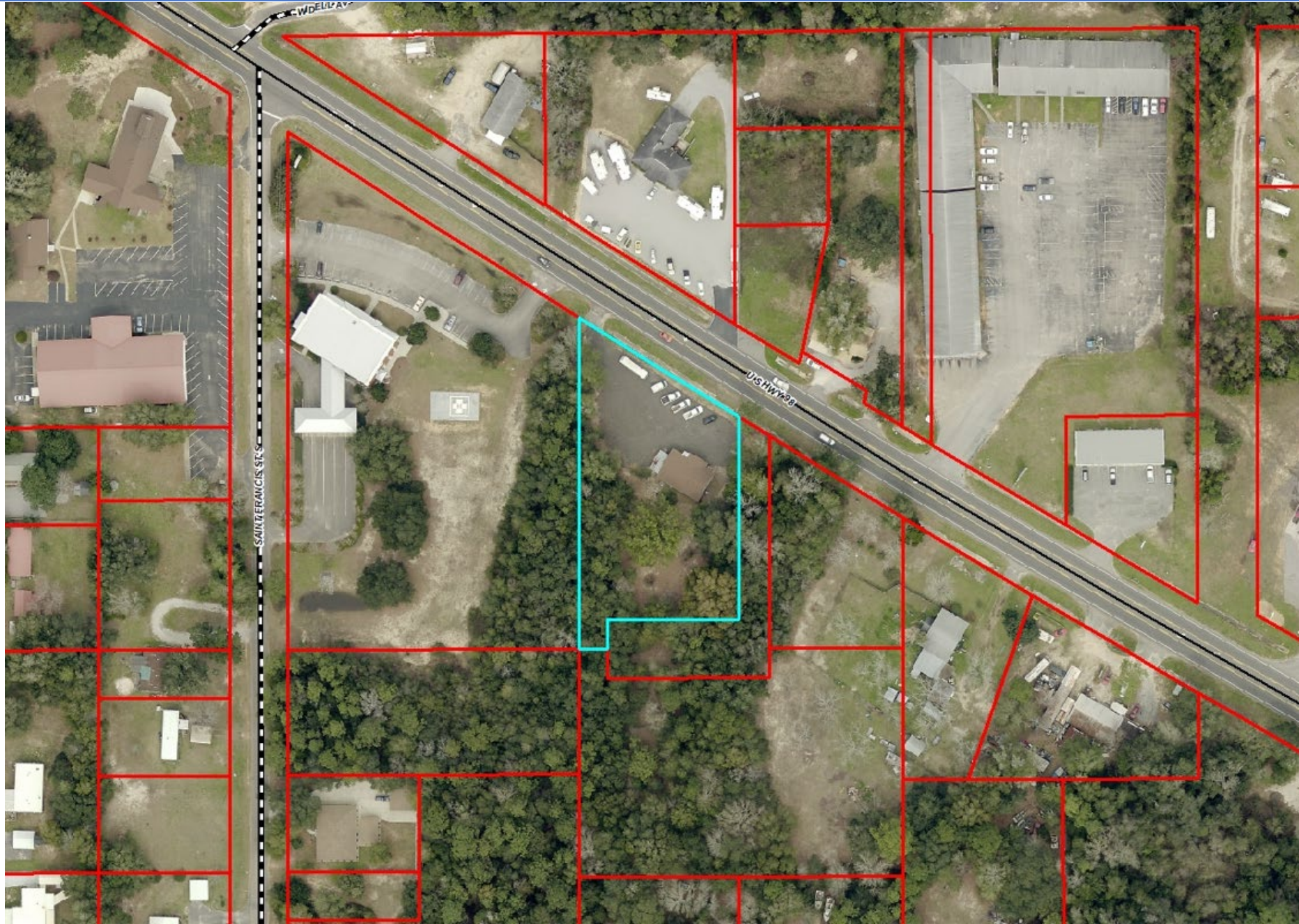
5.3.3 Commission Site Plan Approval. The following uses are permissible as Commission Site Plan Approval uses in the B-3: General Commercial District, subject to the standards and procedures established in Section 18.9: Commission Site Plan Approval:

- | | |
|--|---|
| (a) Airport | (x) Hospital |
| (b) Ambulance/EMS service | (y) Landfill |
| (c) Amusement park | (z) Maintenance facility/storage yard for schools, government agencies, and telephone and cable companies |
| (d) Armory | (aa) Manufactured housing sales, service and repair |
| (e) Auditorium, stadium, coliseum | (bb) Marina |
| (f) Automobile parts sales | (cc) Motorcycle sales service and repair |
| (g) Automobile repair (mechanical and body) | (dd) Movie theatre |
| (h) Automobile storage (parking lot, parking garage) | (ee) Radio/television tower |
| (i) Barge docking | (ff) Railroad facility |
| (j) Boat sales and service | (gg) Recreational vehicle park |
| (k) Broadcasting station | (hh) Recreational vehicle sales service, and repair |
| (l) Building materials | (ii) Restaurant, drive-in |
| (m) Bus and railroad terminal facility | (jj) Restaurant, fast-food |
| (n) College or university | (kk) Sewage treatment plant |
| (o) Convalescent or nursing home | (ll) Taxi dispatching station |
| (p) Correctional or penal institution | (mm) Taxi terminal |
| (q) Dog pound | (nn) Telephone exchange |
| (r) Electric power substations | (oo) Water or sewage pumping station |
| (s) Farm implements | (pp) Water storage tank |
| (t) Flea market | (qq) Wireless telecommunication facility |
| (u) Freight depot, rail or truck | (rr) Zoo |
| (v) Home improvement center | |
| (w) Hotel or motel | |

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

Aerial Map from 2013



Current Aerial Map



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 B2, Neighborhood Business District, and is being used as a Used Car Lot. The adjacent properties are zoned B2, Neighborhood Business District and RSF-1, Residential Single-Family District. The adjacent uses are institutional and vacant. **Staff believes the requested change is compatible with the existing development patterns of the area.**

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 33 zoning map was adopted in August 2002. At that time, the property was zoned B2, Neighborhood Business.

Staff Analysis and Findings

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

The Baldwin County Master Plan, 2013, provides future land use designations for properties located within the zoned areas of the County. These categories represent the recommendations for the physical development of the unincorporated areas of the County. They are intended for planning purposes only and do not represent the adoption of zoning designations for areas which have not voted their desire to come under the zoning authority of the Baldwin County Commission. Although not legally binding, the future land use designations are evaluated in conjunction with criteria found in the Baldwin County Zoning Ordinance (Zoning Ordinance), the Baldwin County Subdivision Regulations, the Baldwin County Flood Damage Prevention Ordinance and any other ordinances and regulations which the County Commission may adopt.

A future land use designation of Commercial has been provided for the subject property. This category is provided for retail and wholesale trade facilities which offer convenience and other types of goods and services. Institutional uses, recreational uses, mixed-use developments and transportation, communication and utility uses may be included in accordance with the Zoning Ordinance. Multiple family developments may also be included.

Commercial uses should be located on major streets so as to be accessible to the residential population. Zoning designations may include RR, B-1, B-2, B-3, B-4, MR and TR.

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?

Per the Federal Highway Administration, the functional classification of US Hwy 98 is principal arterial. These roadways serve major centers of metropolitan areas, provide a high degree of mobility and can also provide mobility through rural areas. Unlike their access-controlled counterparts, abutting land uses can be served directly. Forms of access for Other Principal Arterial roadways include driveways to specific parcels and at-grade intersections with other roadways. For the most part, roadways that fall into the top three functional classification categories (Interstate, Other Freeways & Expressways and Other Principal Arterials) provide similar service in both urban and rural areas. The primary difference is that there are usually multiple Arterial routes serving a particular urban area, radiating out from the urban center to serve the surrounding region. In contrast, an expanse of a rural area of equal size would be served by a single Arterial. The traffic going to and from the auto sales business could have an impact on traffic patterns or congestion. Access to this site would require approval from the Alabama Department of Transportation.

Staff Analysis and Findings

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 commercial, and the subject property also fronts US Hwy 98. Staff believes the proposed amendment is consistent with the development patterns in the area.

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

Adjacent properties to the south, east and west are zoned B-2, with the exception of a small RSF-1 area at the southwest corner of the parcel. A parcel zoned B-3 is located across the street to the north, which is the requested designation for the subject property. The subject property fronts US Hwy 98

Staff Analysis and Findings

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

Staff believes that timing is not an issue.

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

Staff is unaware of any environmental conditions or historic resources that would be adversely impacted by this request. The Alabama Department of Environmental Management (ADEM) provided no comments.

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.

Agency Comments

ALDOT, Michael Smith: No Comments Received

ADEM, Scott Brown: No Comments

Baldwin County Highway Department – Weesie Jeffords

DJ,

Below are my comments for the May Planning Commission re-zoning and site plan cases.

Z22-6 – Action Auto Wholesale LLC

- a. Access would need to be coordinated with ALDOT if there is a change in use.
- b. Drainage will need to be reviewed if any changes are to occur onsite

Baldwin County Subdivision Coordinator, Mary Booth

DJ,

Please see Subdivision comments below.

1. Z22-6 – Action Auto Wholesale LLC
 - a. No additional comments from Subdivision.
 - b. Concur with Hwy comments

Z22-6 ACTION AUTO WHOLESALE PROPERTY

Lead Staff: DJ Hart, Planning Technician

Requested Zoning:
General Business (B3)

Current Zoning:
Niegborhood Business (B2)



Rural

Single Family

Multi-Family

Resort/RV

Businesses

Major Commercial

Industrial



Z22-6 ACTION AUTO WHOLESALE PROPERTY

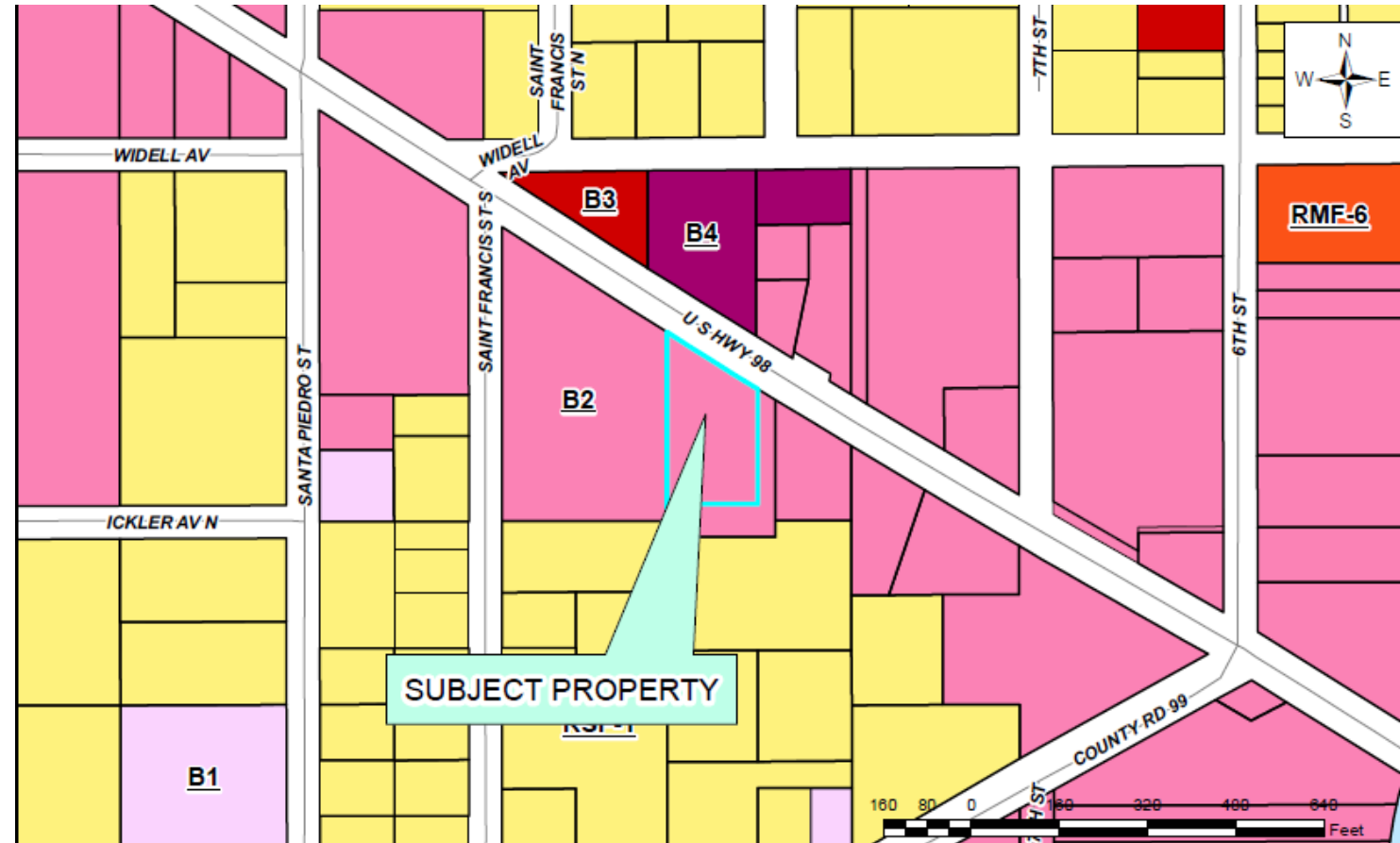
Lead Staff: DJ Hart, Planning Technician

Staff's Summary and Comments:

As stated previously, the subject property is currently zoned B-2, Neighborhood Business District, and is currently being used as a used car lot. The property adjoins US Hwy 98. The adjoining properties are zoned commercial. The requested zoning designation is B-3, General Business District. According to the submitted information, the purpose of this request is to allow for a used car lot and tire shop. If the property is rezoned, the proposed uses will require Commission Site Plan approval from the Planning Commission.

The applicant stated that this business has operated since 2011 and this was confirmed with the Probate Office.

This rezoning request is a result of a violation and the need to come into compliance with the current zoning ordinance.



Z22-6 ACTION AUTO WHOLESAL PROPERTY

Lead Staff: DJ Hart, Planning Technician

Staff's Recommendation:

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

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

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