Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 7.b
Case No. Z-18018
Turberville Property
Rezone RA, Rural Agriculture District, to B-4, Major Commercial District
May 3, 2018

Subject Property Information

Planning District:	30
General Location:	West of the intersection of Brinks Willis Rd and James Rd
Physical Address:	20651 Brinks Willis Road
Parcel Number:	05-61-05-16-0-001-019.004
Existing Zoning:	RA, Rural Agriculture District
Proposed Zoning:	B-4, Major Commercial District
Existing Land Use:	Undeveloped
Proposed Land Use:	RV repair and storage
Acreage:	5.22 acres, more or less
Applicant:	Nick Turberville 9413 Brighton Ave Elberta, AL 36530
Owners:	Same
Lead Staff:	Celena Boykin, Planner
Attachments:	*Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Vacant	RA, Rural Agriculture
South	Residential & Brinks Willis Rd	RSF-1, Single Family Residential and RHM, Residential Manufactured Home
East	Vacant	RA, Rural Agricultural
West	Vacant	B4, Major Commercial

Summary

The subject property, which consists of 5.22 acres, is currently zoned RA, Rural Agriculture District and is vacant. The designation of B-4, Major Commercial District, has been requested for the purpose of establishing recreational vehicle storage and repair business.

Current Zoning Requirements

Section 3.2 RA Rural Agricultural District

3.2.1 *Generally*. This zoning district provides for large, open, unsubdivided land that is vacant or is being used for agricultural, forest or other rural purposes.

3.2.2 *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) Outdoor recreation uses.

(d) The following general commercial uses: animal clinic and/or kennel; farm implement sales; farmers market/truck crops; nursery; landscape sales; country club.

(e) The following local commercial uses: fruit and produce store.

(f) The following institutional uses: church or similar religious facility; school (public or private).

(g) Agricultural uses.

(h) Single family dwellings including manufactured housing and mobile homes.

(i) Accessory structures and uses.

3.2.3 *Special exceptions*. 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 special exceptions:

(a) The following general commercial uses: recreational vehicle park (see *Section 13.9: Recreational Vehicle Parks*).

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

3.2.4 *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) Transportation, communication, and utility uses not permitted by right.

(b) Institutional uses not permitted by right.

3.2.5 *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
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	3 Acres
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	210-Feet

3.2.6 *Area and dimensional modifications*. Within the RA 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 5.4 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.

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

5.4.5 *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.

5.4.6 *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.

5.4.7 *Landscaping and buffering.* All B-4, Major Commercial District, uses shall meet the requirements of *Article 17, Landscaping and Buffers*.

Agency Comments

Baldwin County Highway Department:

Seth Peterson – Turnout permits, utility permits and stormwater plans will be reviewed during the land use permitting process. I do not have any comments for the rezoning.

ADEM: No comments received.

ALDOT: N/A

Municipality: 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 vacant. The property adjoins Brinks Willis Road to the south. The adjoining properties to the west and east are vacant. The adjoining properties to the south 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?

Since Planning District 30 became zoned in February 21, 1995 there have been several rezonings on Brinks Willis Rd. Two parcels to the west of the subject property were rezoned to B-4, Major Commercial District (Case no. Z-14016 and Z-18002). Also, two parcels located on the south side of Brinks Willis Road were rezoned to M-1 and the other to RMH. There has also been several parcels along Brinks Willis Rd. that have been annexaed into the City of Foley.

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

The Baldwin County Master Plan, 2013, provides a future land use designation of Agricultural 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?

No conflicts.

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

RV storage and repair typically doesn't generate large amounts or traffic. Access will be reviewed during the land use permitting process at the time the property is developed.

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 properties are primarily vacant with residential parcels being located directly to the south. However, there are 2 parcels to the west of the subject property that have been recently zoned to B-4, Major Commercial District. In addition, a parcel located on the south side of Brinks Willis Road is zoned M-1 (Wittichen Supply Company).

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

There are 2 parcels in the vicinity that are zoned B-4. One of them is adjacent to the subject property and was rezoned to B-4 in 2014 (Z-14016). The second parcel zoned B-4 is about 700' to the west of the subject property and was rezoned this year (Z-18002).

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 anticipates no adverse impacts on environmental conditions or historic resources.

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

Staff anticipates no major impacts.

11.) Other matters which may be appropriate.

Rezoning to B-4 will require a landscaped buffer of 25-feet.

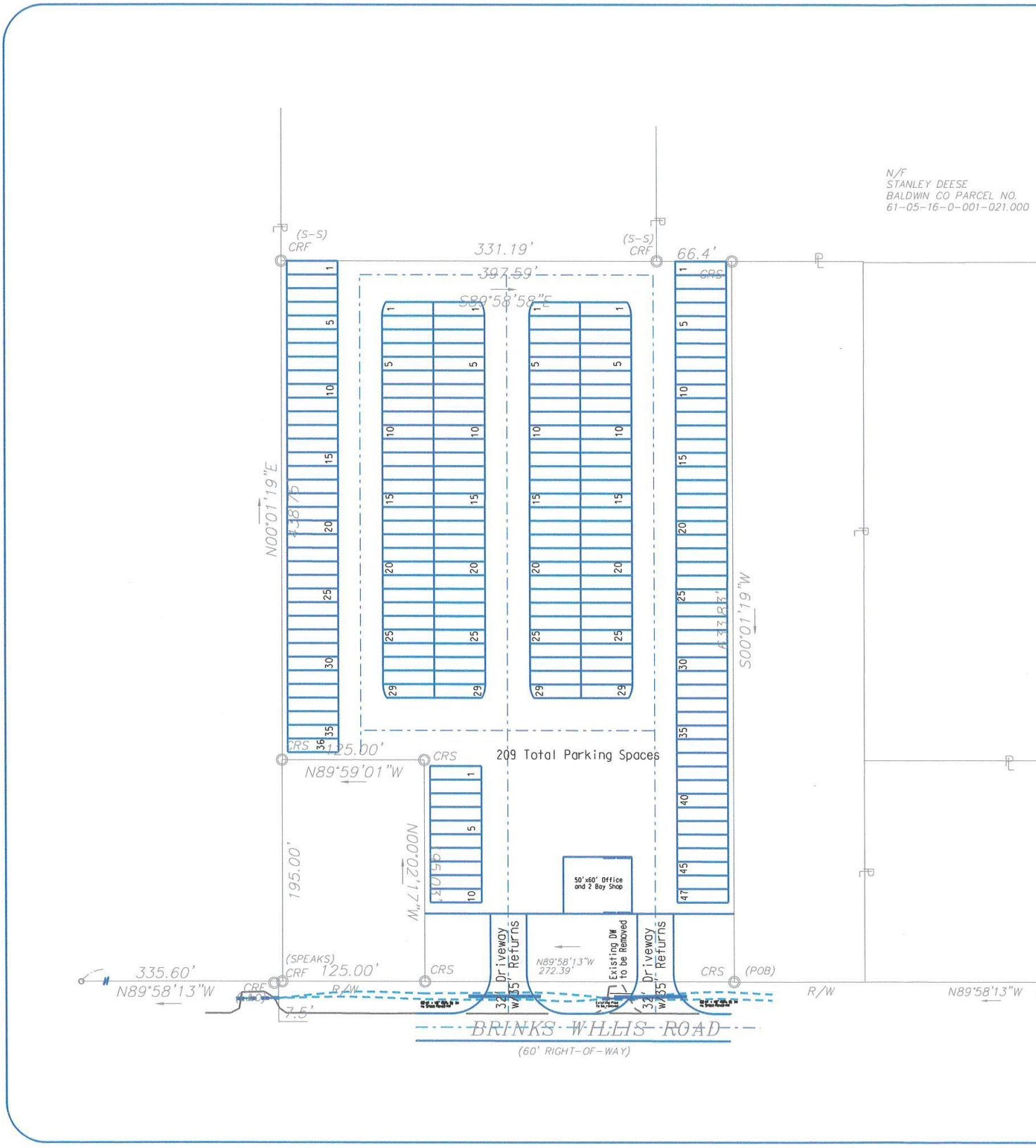
Staff Comments and Recommendation

As stated previously, the subject property, which consists of 5.22 acres, is currently zoned RA, Rural Agriculture District and is vacant. The designation of B-4, Major Commercial District, has been requested for the purpose of establishing recreational vehicle storage and repairs business.

Staff has no major issues with this request and recommends **APPROVAL** to the County Commission. * A decision should be made, based on the information obtained at the public hearing.

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

SITE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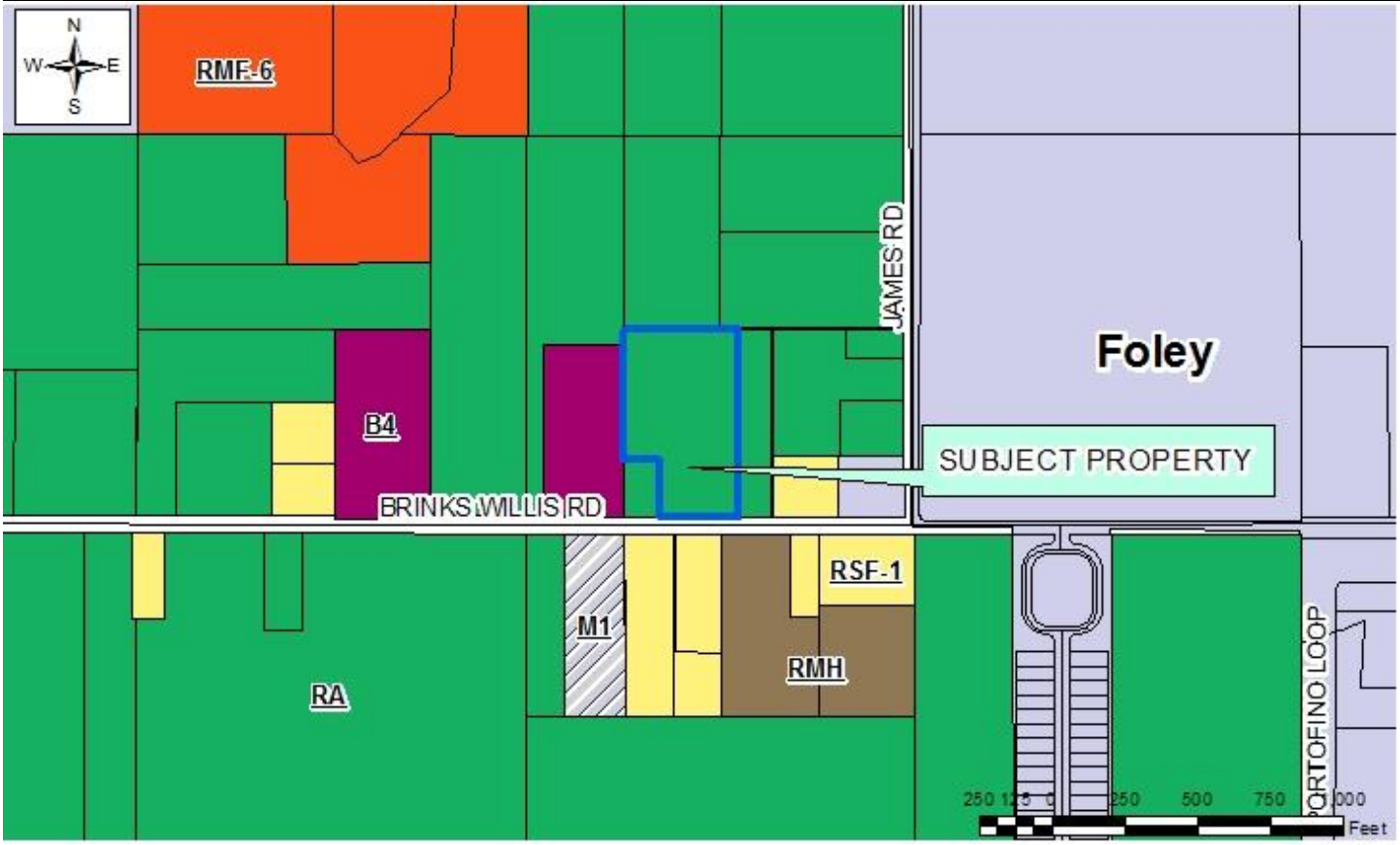
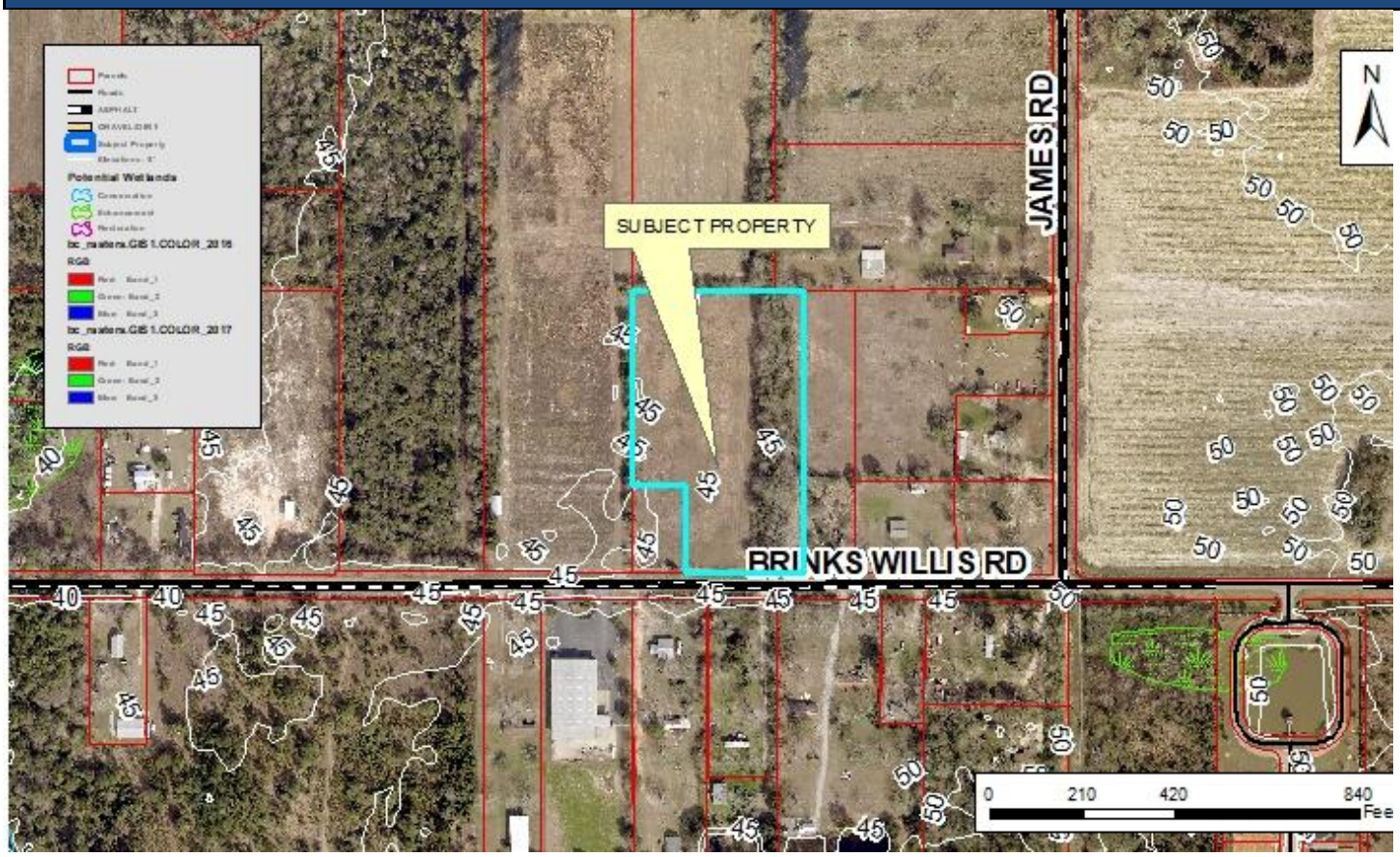
BALDWIN CO PARCEL NO.
61-05-16-0-001-021.000
(S-S)
CRF
331.19'
397.59'
S89°58'58"E
(S-S)
CRF
66.4'
CRS
N00°01'19"E
438.75'
S00°01'19"W
438.75'
CRS
125.00'
N89°59'01"W
CRS
209 Total Parking Spaces
195.00'
N00°01'19"E
195.00'
50'x60' Office and 2 Bay Shop
Existing DW to be Removed
N89°58'13"W
272.39'
32' w/35' Returns
Driveway
32' w/35' Returns
Driveway
335.60'
N89°58'13"W
(SPEAKS)
CRF
125.00'
CRS
CRS
(POB)
CRF
R/W
7.5'
R/W
N89°58'13"W
BRINKS WILLIS ROAD
(60' RIGHT-OF-WAY)

Property Images

FOR SALE
.56 ACRES (+/-)
125' X 195'
$49,900
304-559-6593
OWNER FINANCING AVAILABLE
ADJOINING VACANT
PROPERTY TO THE WEST
04/10/2018

ADJOINING VACANT
PROPERTY TO THE EAST
04/10/2018

Locator Map



Site Map