

BALDWIN COUNTY, ALABAMA

Planning and Zoning Department

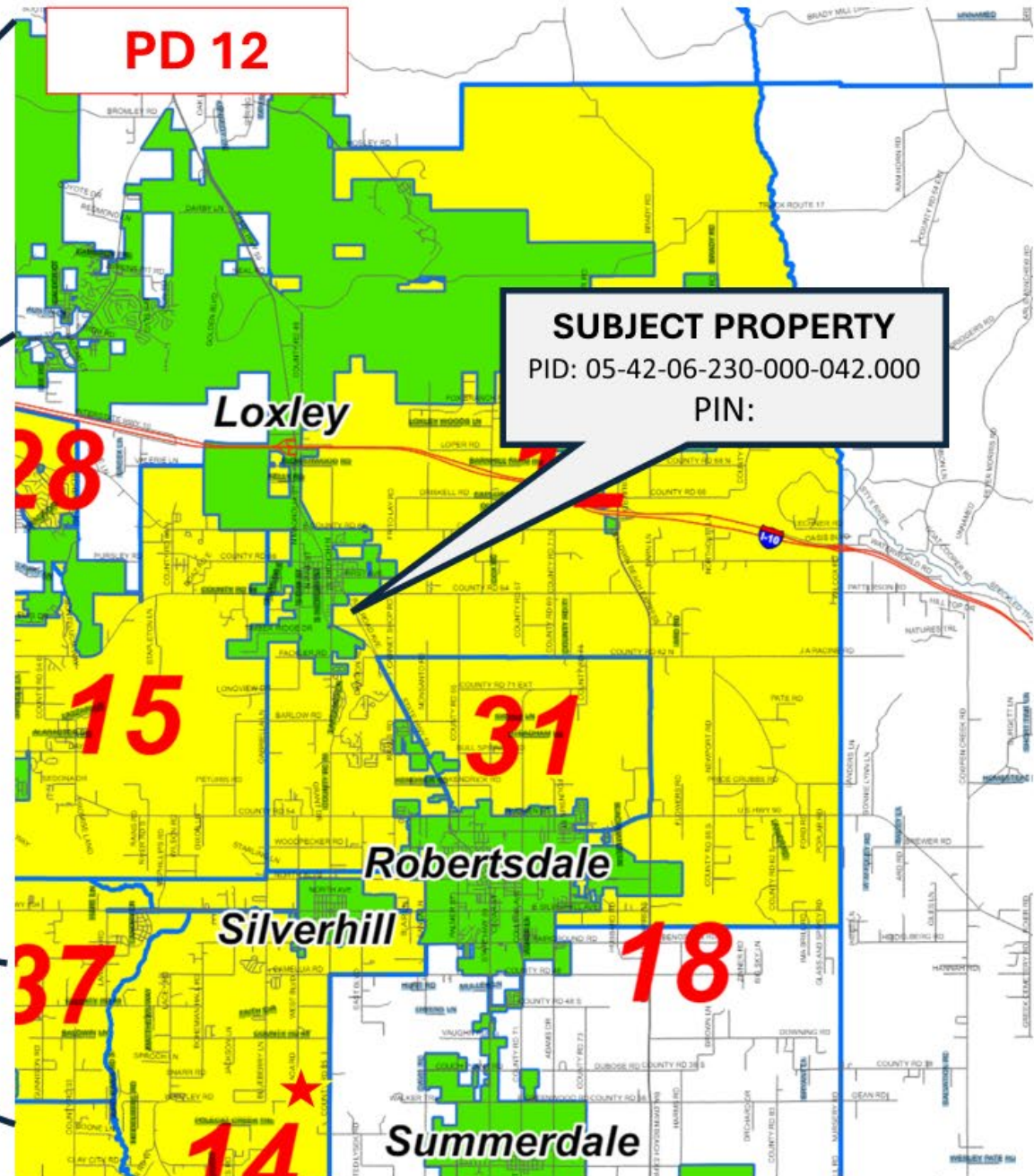
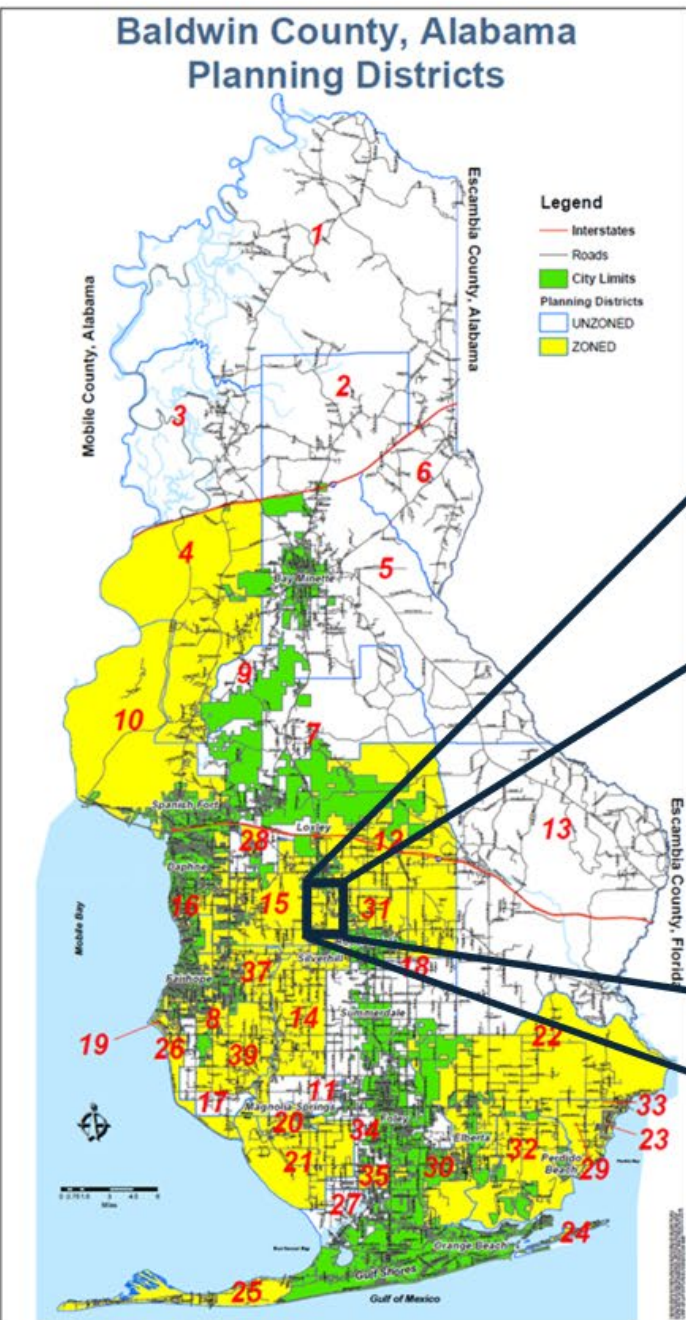
RE-ZONING REQUEST

Z24-15, SWINSON PROPERTY

JUNE 6, 2024

PRESENTED BY: CRYSTAL BATES, PLANNING TECHNICIAN II

Baldwin County, Alabama Planning Districts



Z24-15 SWINSON PROPERTY

RE-ZONING REQUEST FROM **RSF-3** TO **B-3**

Lead Staff: Crystal Bates, Planning Technician II

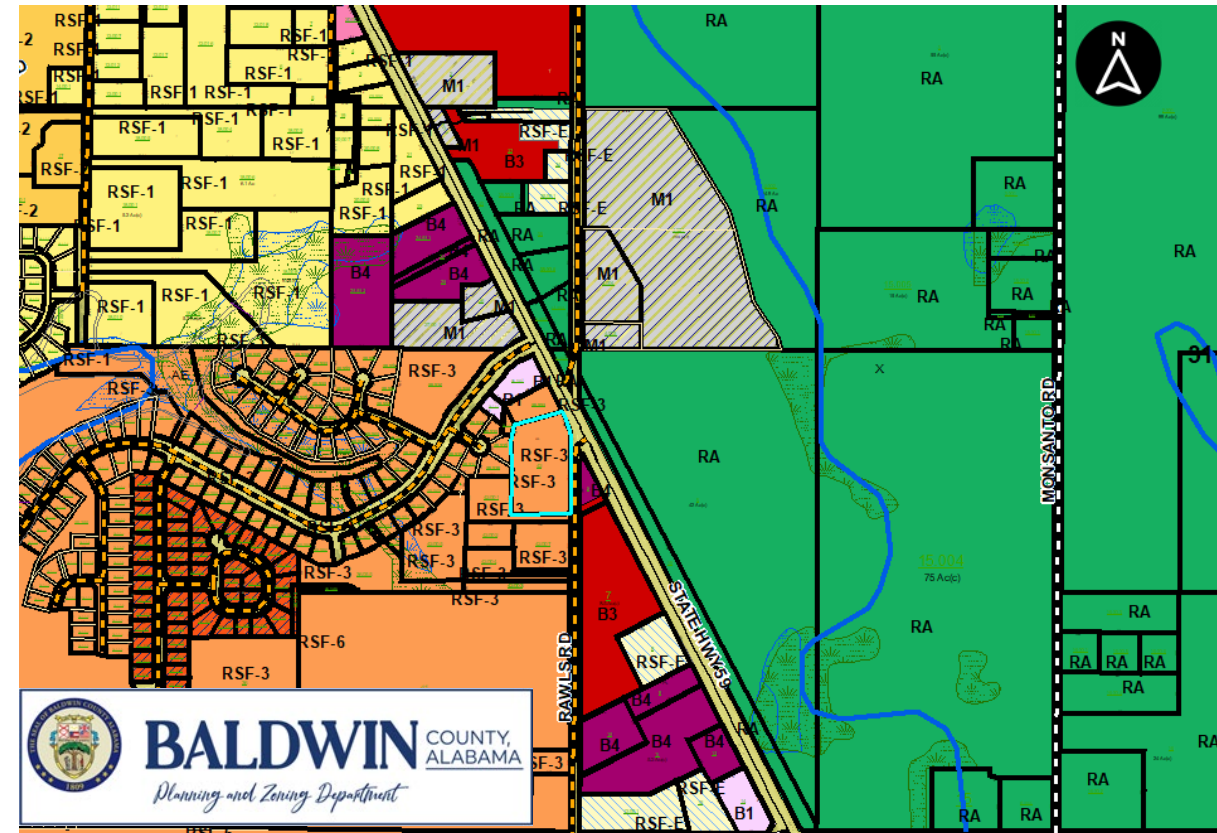
Request before Planning Commission:

Rezone 3.96+/- acres from RSF-3 to B-3

Parcel#: 05-42-06-23-0-000-042.000

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

<https://baldwincountyal.gov/departments/planning-zoning/meeting-agenda>



Z24-15 SWINSON PROPERTY

RE-ZONING REQUEST FROM **RSF-3** TO **B-3**

Lead Staff: Crystal Bates, Planning Technician II

Planning District: 12

Parcel ID: 05-42-06-23-0-000-042.000

PIN: 24017

Zoned: RSF-3, Residential Single Family

Location: Subject property is located Off St Hwy 59 and Rawls Rd

Current Use: Vacant

Roads: Rawls Rd is paved and County maintained and St Hwy 59 is paved and maintained by the State

Acreage: 3.96 +/- acres

Applicant: Smith Clark & Assoc. LLC Hunter Smith

Owner: Peter Swinson

Proposed Zoning: B-3, General Business District

Applicant's Request: The owner would like to rezone from RSF-3 to B-3

Online Case File Number: The official case number for this application is, when searching the online CitizenServe database, please use Z24-000015.

Factor Summary:

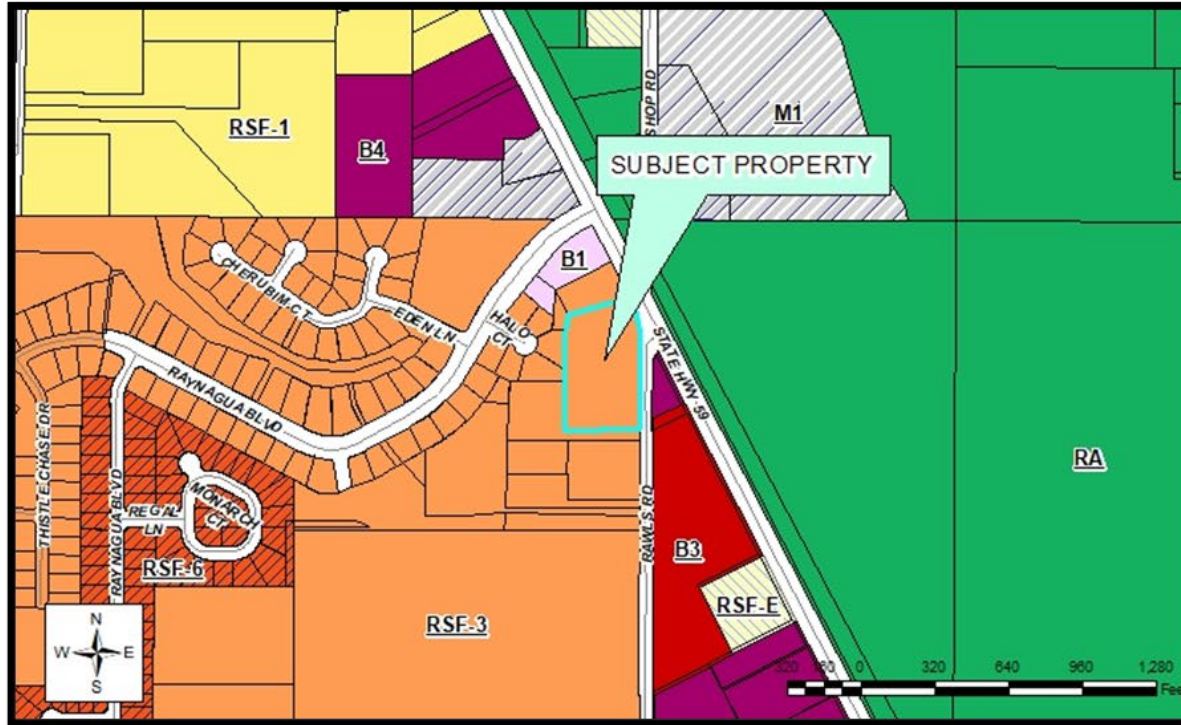
- Factors do not necessarily carry equal weight.
- Staff review is based on information provided by the applicant and other readily available information.

 #1	 #2	 #3	 #4	 #5	 #6
Compatible with development pattern?	Change of conditions since originally zoned?	Proposal conform to Master Plan?	Conflicts with public improvements?	Adverse affect to traffic?	Consistent with development pattern?
 #7	 #8	 #9	 #10	 #11	
Logical expansion of adjacent zoning?	Timing appropriate given development trends?	Environmental or Historic impact?	Adverse impact on health, safety, & wellness?	Other appropriate matters?	

Public Hearing:

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

Locator Map



Site Map



Adjacent Zoning

North	RSF-3, Residential Single-Family
South	RSF-3, Residential Single-Family
East	B-4, Major Commercial/B-3, General Business & RA, Rural Agriculture
West	RSF-3, Residential Single-Family

Adjacent Land Use

North	Vacant
South	Residential
East	Commercial/Vacant
West	Residential

Z24-15 Swinson Property

Rezoning Request From RSF-3 to B-3

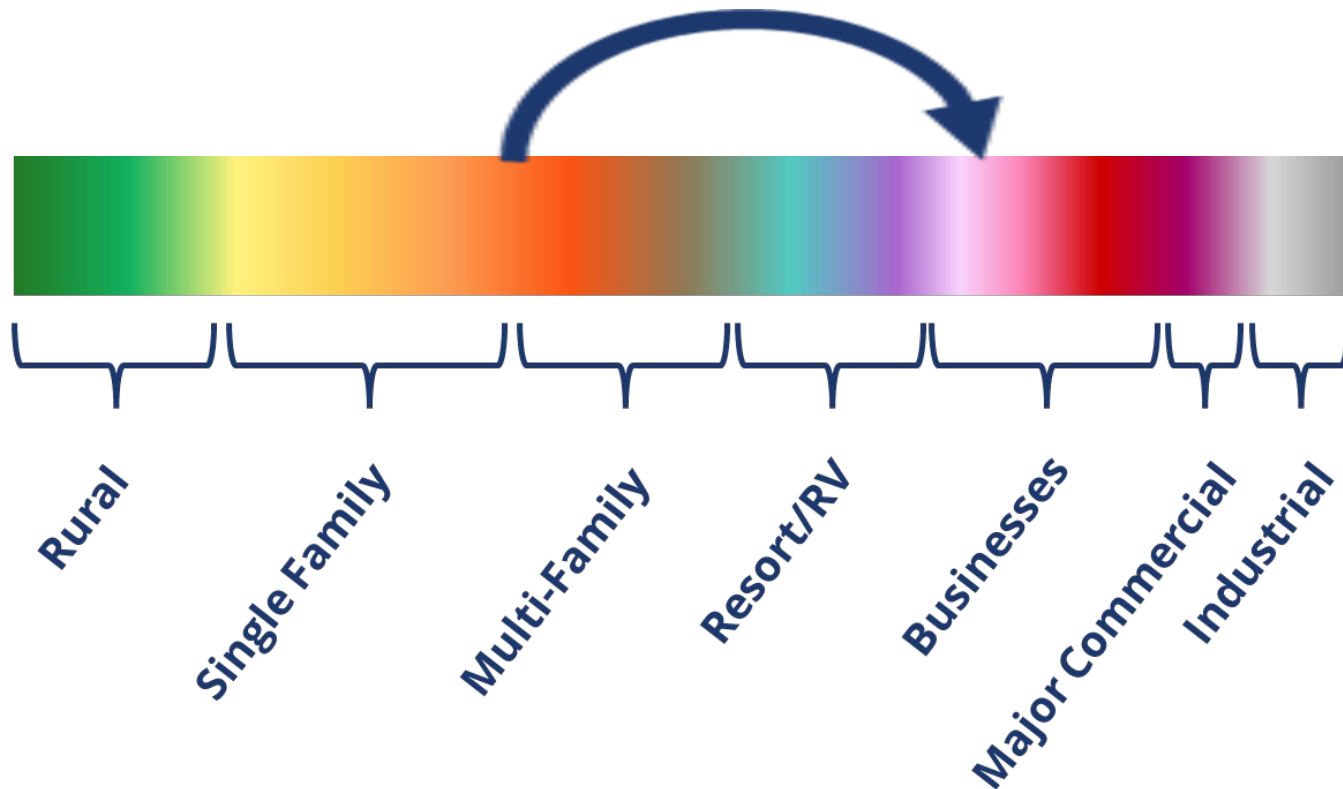
Lead Staff: Crystal Bates, Planning Technician II

Current Zoning:

RSF-3, Residential Single Family

Proposed Zoning:

B-3, General Business



Staff's Recommendation:

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



Subject Property



PROPOSED REZONING
FOR THIS PROPERTY
Case Number
Z24-000015
For Information Contact
Baldwin County Planning &
Zoning Department
(251)580-1655 / (251)990-4623
(251)972-8523

May 8, 2024 2:10:25 PM
251° W



Adjoining Property
to The North



May 8, 2024 2:11:22 PM
255° W



Adjoining Property
to The West



May 8, 2024 2:14:05 PM
97° E



Property to
The East



May 8, 2024 1:48:48 PM
163° S



Adjoining Property
to The South



May 8, 2024 2:02:31 PM
322° NW

Current Zoning Requirements

Section 4.4 RSF-3, Single Family District

4.4.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a moderate density residential environment consisting of single-family homes.

4.4.2 *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) The following agricultural uses: Silviculture.
- (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.

4.4.3 *Conditional Use Commission Site Plan Approval.* 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 by the site plan approval process:

(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.

(d) The following local commercial use: bed and breakfast or tourist home (see *Section 13.10: Bed and Breakfast Establishments*).

4.4.4 *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: Not Applicable

4.4.5 *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 18.4 Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure	35-Feet
Maximum Height in Habitable Stories	2 ½
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	10,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

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 | (l) Business machine sales and service |
| (b) Air conditioning sales and service | (m) Business school or college |
| (c) Amusement arcade | (n) Butane gas sales |
| (d) Animal clinic/kennel | (o) Cemetery |
| (e) Arboretum | (p) City hall or courthouse |
| (f) Auto convenience market | (q) Country club |
| (g) Automobile service station | (r) Department store |
| (h) Bakery, wholesale | (s) Discount/variety store |
| (i) Ball field | (t) Drug store |
| (j) Bicycle sales and service | (u) Elevator maintenance service |
| (k) Bowling alley | (v) Exterminator service office |

- | | |
|--|--|
| (w) Farmer's market/truck crops | (oo) Pawn shop |
| (x) Firing range | (pp) Pet shop |
| (y) Fitness center or gym | (qq) Plumbing shop |
| (z) Florist | (rr) Printing/publishing establishment |
| (aa) Fraternity or sorority house | (ss) Restaurant sales and supplies |
| (bb) Fruit and produce store | (tt) Riding academy |
| (cc) Funeral home | (uu) Rug and/or drapery cleaning service |
| (dd) Golf course | (vv) Seafood store |
| (ee) Golf driving range | (ww) Sign shop |
| (ff) Grocery store | (xx) Skating rink |
| (gg) Landscape sales | (yy) Stone monument sales |
| (hh) Marine store and supplies | (zz) Swimming pool (outdoor) |
| (ii) Miniature golf | (aaa) Taxidermy |
| (jj) Mini warehouse | |
| (kk) Night club, bar, tavern | |
| (ll) Nursery | |
| (mm) Office equipment and supplies sales | |
| (nn) Park or playground | |

5.3.3 *Conditional Use Commission Site Plan Approval* permissible as Commission Site Plan Approval use in Commercial District, subject to the standards and *Section 18.9: Commission Site Plan Approval*:

- | | |
|--|---|
| (a) Airport | (dd) Radio/television tower |
| (b) Ambulance/EMS service | (ee) Railroad facility |
| (c) Amusement Park | (ff) Recreational vehicle park |
| (d) Armory | (gg) Recreational vehicle sales service, and repair |
| (e) Auditorium, stadium, coliseum | (hh) Restaurant, drive-in |
| (f) Automobile parts sales | (ii) Restaurant, fast-food |
| (g) Automobile repair (mechanical and body) | (jj) Sewage treatment plant |
| (h) Automobile storage (parking lot, parking garage) | (kk) Taxi dispatching station |
| (i) Barge docking | (ll) Taxi terminal |
| | (mm) Telephone exchange |
| | (nn) Water or sewage pumping station |
| | (oo) Water storage tank |
| | (pp) Wireless telecommunication facility |
| | (qq) Zoo |

5.3.4 Area and dimensional ordinances.

Maximum Height of Structure	40-Feet
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.

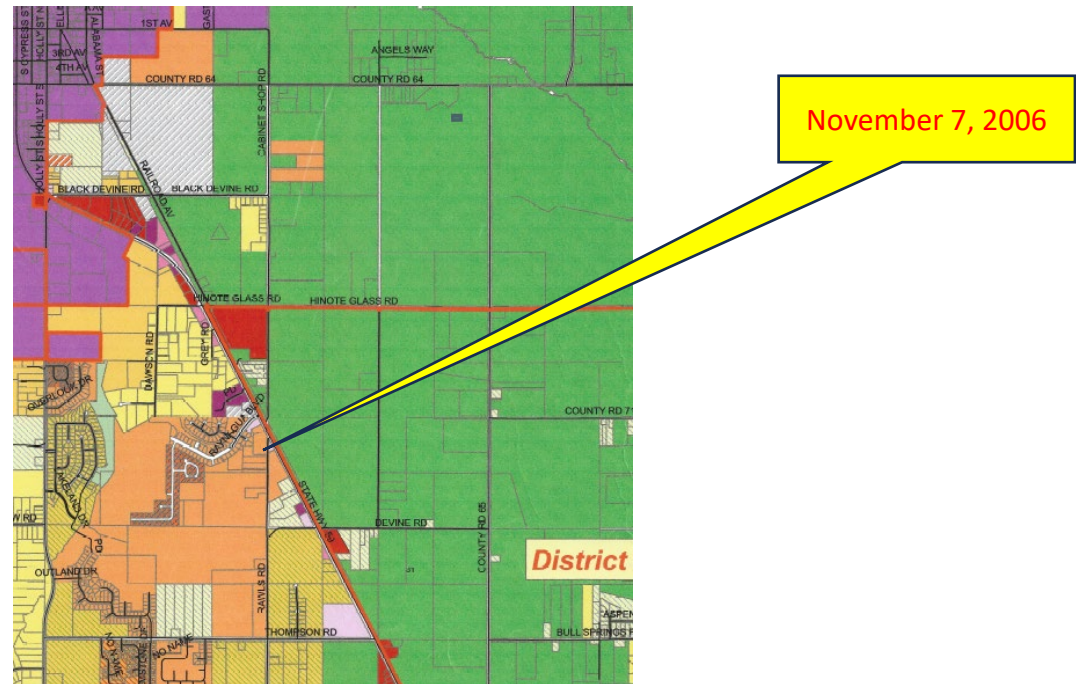
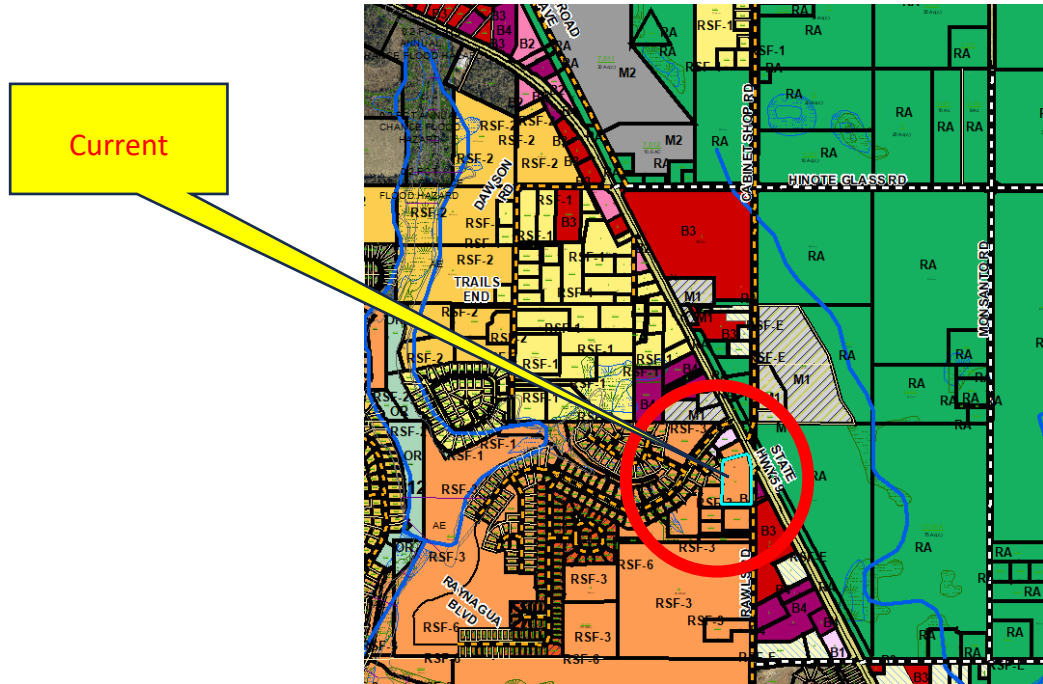
Staff Analysis and Findings

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

The subject property is currently zoned RSF-3 Residential Single-Family District. The requested designation is B-3, General Business. The subject property is vacant. Surrounding parcels in the immediate area are zoned RSF-2, B4, B3, and RA and are used for residential, office, and agriculture. Staff feels that the requested change is compatible with the adjacent properties

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?

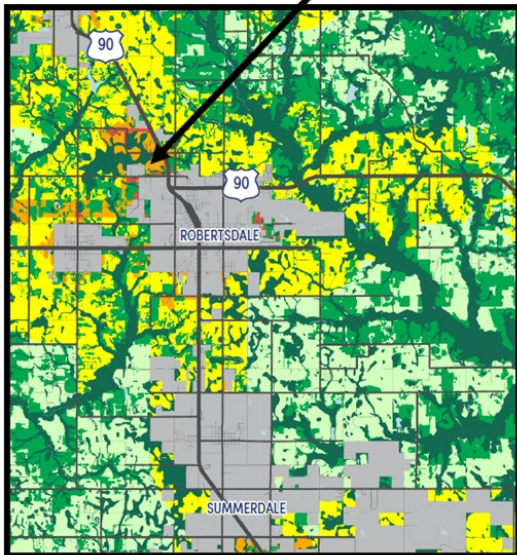
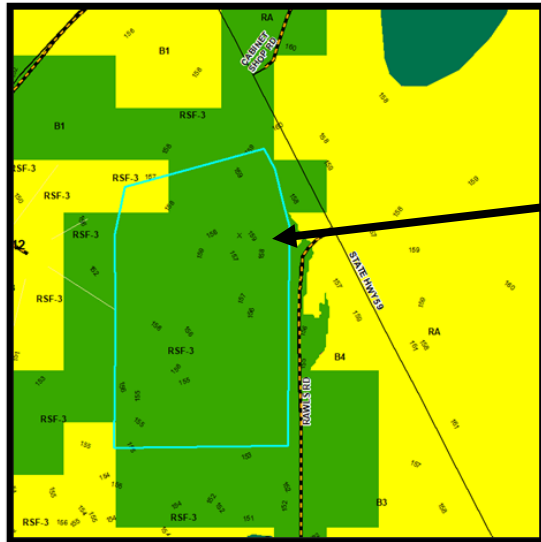
Planning District 12 adopted zoning on November 7, 2006. The property was zoned RSF-3 when Planning District 12 came into effect. There have been few rezonings in the area since. A rezoning may be appropriate when the proposed use contributes to and supports the adjacent parcel which appears to be the case for the subject property



Staff Analysis and Findings

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

The future land use for the property is the Conservation Preservation area. The proposed use of the property is a commercial office; therefore, the proposed zoning of B-3, General Business doesn't conform to the Master Plan.



CONSERVATION DEVELOPMENT AREAS

Conservation Development Potential Areas are suitable for all of the land uses described in the Ideal Conservation/Preservation Areas place type but would allow for limited development based on low-impact design principles. Allowing conservation-based subdivisions in these areas could help to balance the pressure of residential development with environmental preservation and rural character. Conservation-based subdivisions 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.



PRIMARY LAND USES

- Conservation-based or cluster development with high levels of Low Impact Design (LID) and sustainable development practices
- Natural areas that are publicly and privately owned and managed
- Permanently protected lands such as conservation easements, parks, cemeteries
- Parks and open spaces devoted primarily to passive recreation and trails
- Lands with important cultural landmarks or assets
- Scenic view protection

RELATED ZONING DISTRICTS

- Environmental Conservation
- CR Conservation Resource District
- OR Outdoor Recreation District

CONNECTIVITY NETWORK

- Rural streets with paved shoulders, bike lanes, or side paths
- Greenways and trails along environmental buffers



Staff Analysis and Findings

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

Staff is unaware of any planned public improvements or any conflicts with existing public improvements.

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

The property corners St Hwy 59 which is a principal arterial with a Highway construction setback of 125' and Rawls Rd which is classified as a local road with a Highway Construction Setback of 40' from the centerline of the right-of-way. Staff memorializes that roadway improvements and various other engineering-related factors are dealt with when the applicant submits for Commission Site Plan approval.

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

The surrounding land uses in this area are residential, business offices and agriculture. Staff believes that **factor six encourages Approval** of this rezoning request due to adjacent parcel uses.

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

This area of Planning District 12 consists of residential, business, and rural districts. Adjacent properties are zoned residential and commercial. The property abuts St Hwy 59. The B-3 General Business District would be consistent with adjoining property uses.

Staff Analysis and Findings

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

Staff believes that the timing is appropriate.

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

Drainage improvements, wetland delineation, and various other engineering-related factors are dealt with when the Commission Site plan is submitted or when development is requested for the subject property.

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 that will not be otherwise identified and mitigated by the Commission Site Plan, Land Disturbance, or other appropriate approval.

Staff Analysis and Findings

11.) Other matters which may be appropriate.

Agency Comments

ALDOT, Michael Smith: No Comments Received.

ADEM, Autumn Nitz: Outside coastal area.

Baldwin County Permit Engineer– Wade Clement: If rezoned to B-3, the proposed building improvements will require a drainage study and commercial turnout permit.

Baldwin County Subdivision– Shawn Mitchell: No subdivision is requested at this time. If 3 or more entities will lease space in the proposed building, a PUD application will be required.

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.*