



## Baldwin County Planning & Zoning Commission Agenda

Thursday, August 2, 2018

6:00 p.m.

Baldwin County Central Annex

Main Auditorium

22251 Palmer Street

Robertsdale, Alabama

[www.planning.baldwincountyal.gov](http://www.planning.baldwincountyal.gov)

1. **Call to order.**
2. **Invocation and prayer.**
3. **Pledge of Allegiance.**
4. **Roll call.**
5. **Approval of meeting minutes:**  
  
July 12, 2018 meeting
6. **Announcements/Registration to address the Commission.**
7. **Consideration of Applications and Requests: Subdivision Cases**
  - a.) **Case S-18030 – Mullek Fowler Subdivision  
Development Permit Approval**

Disclosure of Prior Outside Communication –Pursuant to Article VI,  
Section 15(b), Planning Commission By-Laws

Purpose: The applicant is requesting Development Permit approval for a 4- lot subdivision.

Location: The subject property is located on the north side of Hagendorfer Road approximately ½ mile east of County Road 97.

## 8. Consideration of Applications and Requests: Re-zoning Cases

### a.) Case P-18005 Lazarri Property

#### Disclosure of Prior Outside Communication –Pursuant to Article VI, Section 15(b), Planning Commission By-Laws

Purpose: The applicant is requesting Conditional Use Approval for the construction of a cell tower and support structures on property zoned RA.

Location: The property is located on County Road 54 West, in Planning District 15.

### b.) Case Z-18034 Wise Property

#### Disclosure of Prior Outside Communication –Pursuant to Article VI, Section 15(b), Planning Commission By-Laws

Purpose: The applicant is requesting to rezone 11.89 acres from B-2 to B-4 and M-1 to allow office/warehouse building to be built.

Location: The subject property is located on the west side of State Highway 181, south of Milton Jones Road, in Planning District 15.

### c.) Case Z-18035 Stout Property

#### Disclosure of Prior Outside Communication –Pursuant to Article VI, Section 15(b), Planning Commission By-Laws

Purpose: The applicant is requesting to rezone .12 acres from RSF-1 to LB to allow a neighborhood bakery to operate in an existing building.

Location: The subject property is located on the southwest corner of 6<sup>th</sup> Street and Barclay Avenue in the Lillian Community, in Planning District 22.

**d.) Case Z-18036 Boykin Property**

*Disclosure of Prior Outside Communication –Pursuant to Article VI, Section 15(b), Planning Commission By-Laws*

*Purpose:* The applicant is requesting to rezone 3.4 acres from OR to RSF-2 to allow the family subdivision of the parcel.

*Location:* The subject property is located on the east side of Williams Road, north of Blakeley Road, in Planning District 4.

**e.) Case Z-18037 Lazarri Property**

*Disclosure of Prior Outside Communication –Pursuant to Article VI, Section 15(b), Planning Commission By-Laws*

*Purpose:* The applicant is requesting to rezone 8.7 acres from RSF-E to B-4 to allow commercial use of the property

*Location:* The subject property is located on the southwest corner of the intersection of County Road 64 and County Road 54 West, in Planning District 15.

**f.) Case Z-18038 Godbold Property**

*Disclosure of Prior Outside Communication –Pursuant to Article VI, Section 15(b), Planning Commission By-Laws*

*Purpose:* The applicant is requesting to rezone 29.78 acres from RA to RSF-3 to allow the development of the remaining phases of Hawthorn Subdivision.

*Location:* The subject property is located on the east side of Sherman Road, south of County Road 12 South, in Planning District 21.

**g.) Case Z-18039 Osburn Property**

*Disclosure of Prior Outside Communication –Pursuant to Article VI, Section 15(b), Planning Commission By-Laws*

*Purpose:* The applicant is requesting to rezone .998 acres from B-2 to B-3 to allow additional commercial activity on the property.

*Location:* The subject property is located on the east side of US Highway 98, north of Parker Road, in Planning District 16.

**h.) Case Z-18040 George C Meyer Foundation Property**

*Disclosure of Prior Outside Communication –Pursuant to Article VI,  
Section 15(b), Planning Commission By-Laws*

*Purpose:* The applicant is requesting to rezone 6.8 acres from RA to B-3 to allow a Piggly Wiggly grocery store to be built on the parcel.

*Location:* The subject property is located on the west side of State Highway 59, north of Thompson Road, in Planning District 12.

**9. Public Comment:**

**10. Old Business:**

**11. Reports and Announcements:**

Next Regular Meeting: September 6, 2018

Staff Reports

Legal Counsel Report

**12. Adjournment.**



**Baldwin County Planning and Zoning Commission**  
**Case No. S-18030 Mullek Fowler Subdivision**  
**Development Permit Approval**  
**Staff Report for Planning and Zoning Commission Public Hearing**  
**August 2, 2018**  
**Agenda Item 7.a**

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This report is prepared by the Baldwin County Highway Department, Permit Division Staff to provide information to the Baldwin County Planning and Zoning Commission to assist in making decisions on this application.

**I. PUBLIC HEARINGS:**

**Planning Commission:** August 2, 2018 Development Permit Approval Pending

**Attachments:** Vicinity Map  
Site Map  
Proposed Plat

**II. IDENTIFICATION AND LOCATIONAL INFORMATION:**

**Planning District:** District 29 – Zoned RA

**Location of Property:** The subject property is located on the north side of Hagendorfer Road approximately ½ mile east of County Road 97.

**Parcel Number:** 05-52-09-30-0-000-010.011

**Report Prepared By:** Seth Peterson; Permit/Subdivision Manager

**III. SUBDIVISION PROPOSAL:**

**Proposed number of Lots:** 4

**Linear Feet of Streets:** NA

**Total Acreage:** ± 39.43 acres

**Smallest Lot Size:** ± 9.86 acres

**Proposed Use:** Residential

**Applicant:** Jeanine Mullek Fowler  
412 Dauphin Street Unit C  
Mobile, AL 36602

**Request:** The applicant is requesting Development Permit approval for the above-mentioned subdivision from the Baldwin County Planning and Zoning Commission.

#### **IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS:**

**Public Utilities Services:**      Water:              Wells  
   Sewer:              Septic Systems  
   Electricity:      Riviera Utilities

**Transportation:**              Each lot in this proposed subdivision will front on an existing County maintained road.

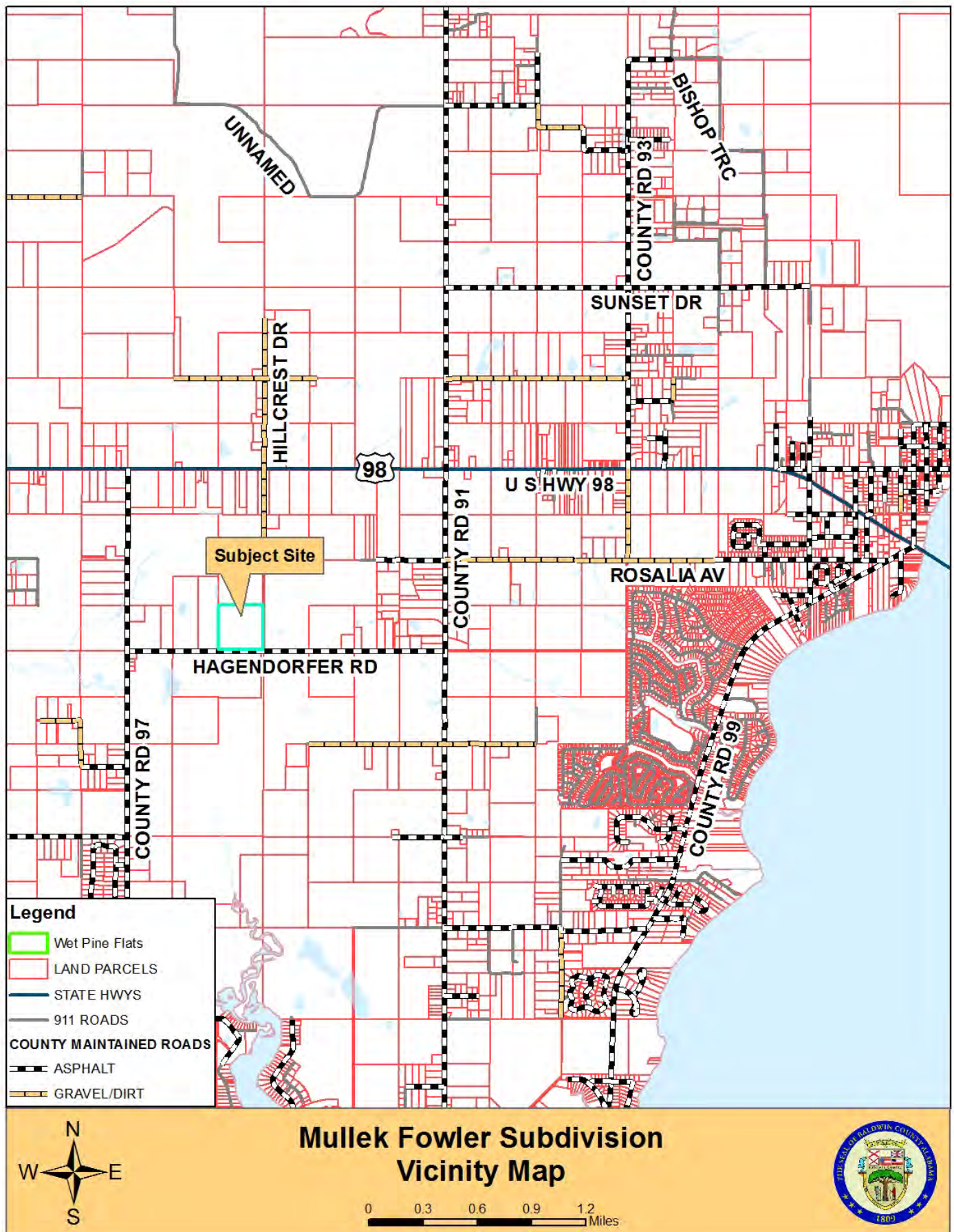
#### **V. STAFF COMMENTS:**

Items for consideration:

The proposed plat meets the requirements of the *Baldwin County Subdivision Regulations*.

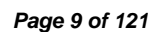
#### **VI. RECOMMENDATIONS:**

Staff recommends that the Development Permit for Case No. S-18030, Mullek Fowler Subdivision, be **APPROVED**.













# Baldwin County Planning & Zoning Department

## Baldwin County Planning Commission Staff Report

**Agenda Item 8.a**

**Case No. P-18005**

**Lazzari Property**

**Conditional Use Approval for a Wireless Communications Tower**

**August 2, 2018**

### Subject Property Information

**Planning District:** 15  
**General Location:** County Road 54 West  
**Physical Address:** 24900 County Road 54 West  
**Parcel Numbers:** 05-43-07-25-0-000-004.001  
**Existing Zoning:** RA, Rural Agricultural District  
**Existing Land Use:** Agricultural  
**Proposed Land Use:** Wireless Communications Tower  
**Acreage:** 39 ± acres  
**Applicant:** Bob Chopra, Sam Inc for Verizon Wireless  
3300 S. OBT Suite 106  
Orlando, FL 32839  
**Owner:** Celeste & Cynthia Lazzari  
24801 County Road 54 West  
Daphne, AL 36526  
**Lead Staff:** Payton Rogers, Planning Technician  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Agricultural	RA, Rural Agricultural District
South	Agricultural	RA, Rural Agricultural District
East	Agricultural	RA, Rural Agricultural District
West	Agricultural	RA, Rural Agricultural District

### Summary and Recommendation

The applicant is requesting Conditional Use approval to allow for the construction of a 200' tall self-support communications tower to improve wireless coverage in and around the nearby residential communities and south Baldwin County for Verizon Wireless customers. The subject property is zoned RA, consists of approximately 39 acres, and is currently being used for agricultural uses. A tower of this type may be allowed under the RA designation, subject to the Conditional Use approval of the Planning Commission.

## 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

#### Agency Comments

**Baldwin County Highway Department:** No comments.

**ADEM:** No comments.

**Municipality (City of Daphne):** No comments received.

#### Staff Analysis and Findings

The following factors for reviewing Conditional Use approvals are found in Section 18.11.1 of the *Baldwin County Zoning Ordinance*.

**Section 18.11.1 Authorization.** The Planning Commission may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any use that is expressly permitted as a Conditional Use in a particular zoning district; however, the county reserves full authority to deny any request for Conditional Use, to impose conditions on the use, or to revoke approval at any time, upon finding that the permitted use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

**Section 18.11.4 Standards for approval.** A Conditional Use may be approved by the Planning Commission only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:

- (a) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Baldwin County Master Plan, these ordinances, or any other official plan, program, map or ordinance of Baldwin County.**



The Baldwin County Master Plan provides a future land use designation of Rural for the subject property. Agriculture, forestry, and similar activities are included with this future land use category. Single family dwellings, institutional uses, recreational uses, limited commercial uses which are intended to serve a rural area and transportation, communication and utility uses are also included subject to the requirements found within the Zoning Ordinance. This category is designed to protect the essential open character of rural areas until it is timely to reclassify the land to appropriate residential, commercial or industrial categories. Zoning designations may include RR, CR, RA and RSF-E. Since the proposed use is analogous to a use which may be allowed under the RA designation, it is consistent with the Zoning Ordinance as well as the Master Plan.

**(b) The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location.**

The subject property's current land use is agricultural. The property adjoins County Road 54 West on its western property line and the adjoining properties to the north, east, south, and west are agricultural.

**(c) The proposed use shall not unduly decrease the value of neighboring property.**

Staff anticipates no significant impacts. Although there are residences located on nearby properties, the submitted information indicates proposed setbacks which will more than account for the overall height of the tower as well as the distances from residences on nearby parcels.

A use of this type will not generate heavy traffic.

**(d) The use shall be compatible with the surrounding area and not impose an excessive burden or have substantial negative impact on surrounding or adjacent uses or on community facilities or services.**

Please see responses to items (b) and (c), listed above.

Section 18.11.5 *Conditions and restrictions on approval.* In approving a Conditional Use, the Planning Commission may impose conditions and restrictions upon the property benefited by the Conditional Use approval as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such conditional use upon the property in the neighborhood, and to carry out the general purpose and intent of the ordinances. In approving any Conditional Use, the Planning Commission may specify the period of time for which such approval is valid for the commencement of the proposed Conditional Use. The Planning Commission may, upon written request, grant extensions to such time allotments not exceeding 6 months each without written notice or hearing. Failure to comply with any such condition or restriction imposed by the Planning Commission shall constitute a violation of these ordinances. Those Conditional Uses which the Planning Commission approves subject to conditions shall have specified by the Planning Commission the time allotted to satisfy such conditions.

As stated previously, the applicant is requesting Conditional Use approval to allow for the construction of a 200' tall self-support communications tower to improve wireless coverage in and around the nearby residential communities and south Baldwin County for Verizon Wireless customers. The subject property is zoned RA, consists of approximately 39 acres, and is currently being used for agricultural uses. A tower of this type may be allowed under the RA designation, subject to the Conditional Use approval of the Planning Commission.

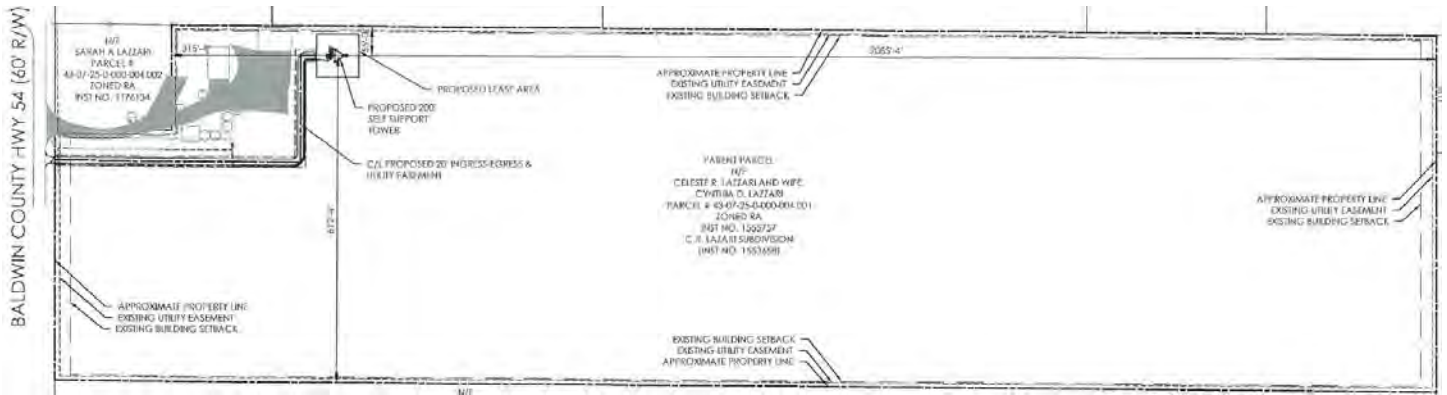
Staff recommends that request be **APPROVED** subject to the following conditions: \*

- Approval shall be for this applicant and this location only.
- A Baldwin County Land Use Certificate shall be obtained no later than six (6) months from the date of Conditional Use approval. The Planning Commission may grant additional time if deemed necessary.
- Signage, if any, must comply with Article 16 of the *Baldwin County Zoning Ordinance*.
- Appropriate lighting, if required by the FAA, shall be provided.
- All requirements of the *Baldwin County Subdivision Regulations* shall be met.
- Any expansion of the proposed tower shall necessitate additional review and approval by the Planning Commission.
- FAA approval required, if applicable.
- The Planning Commission may impose additional conditions as it sees fit.

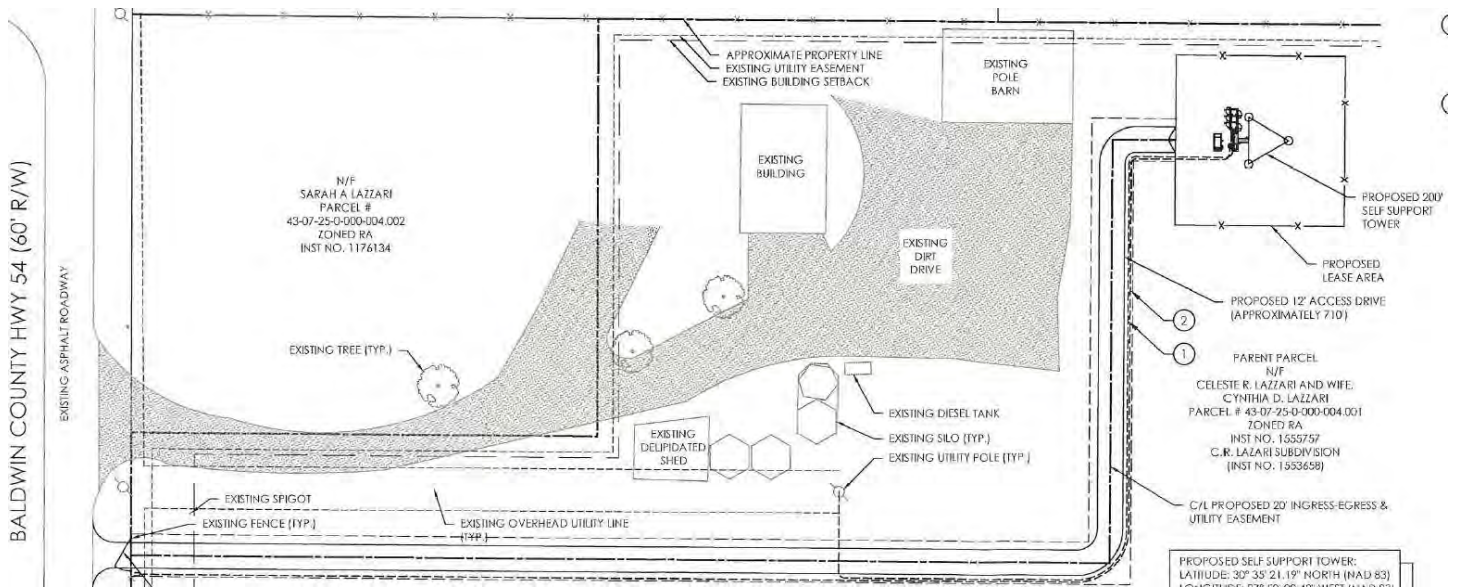
*\*On Conditional Use applications, the Planning Commission makes the final decision.*

# Site Plan

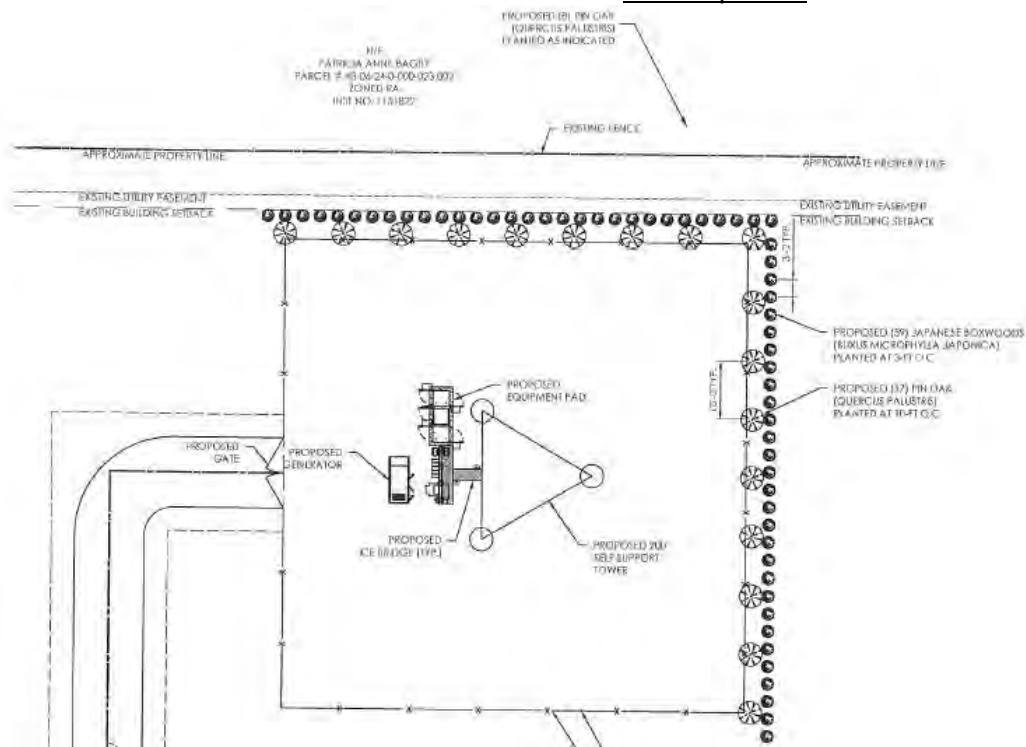
## Full Parcel View



## Zoomed-In Site View



## Landscape Plan



## Property Images





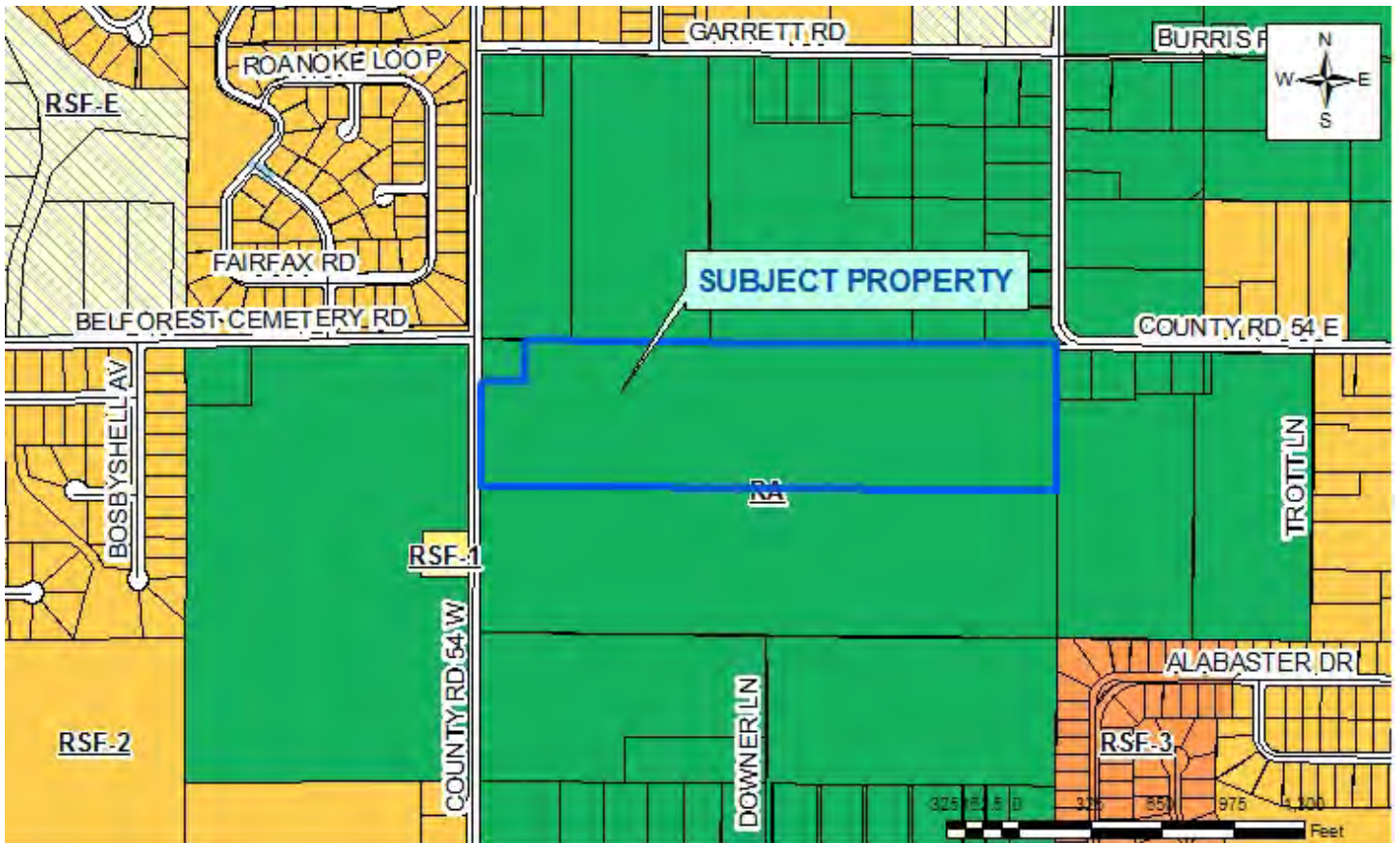




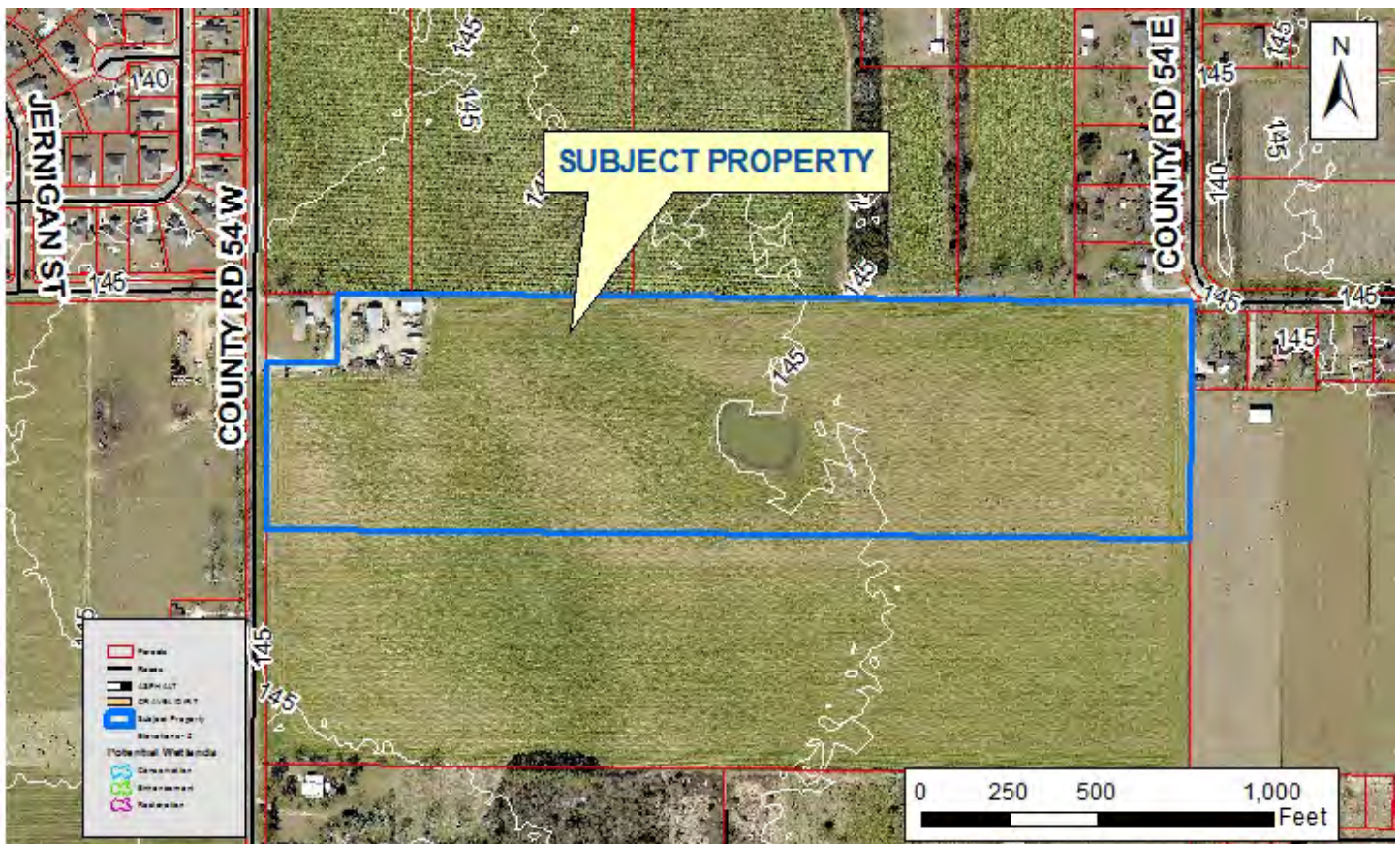




## Locator Map



## Site Map





## Chaucer-HGCE-AL – Baldwin County, AL Coverage Objectives

Coverage predictions are using Reference Single Receive Power (RSRP), is the average power of a single downlink reference signal. Downlink is from the centerline of the antenna to the mobile.

RSRP level above -85 dBm is consider good indoor coverage.

RSRP level between -85 dBm and -95 dBm is consider good outdoor coverage and poor indoor coverage.

RSRP level below -95 dBm is consider poor coverage.





## Chaucer-HGCE-AL – Baldwin County, AL Coverage Objectives

1.5 MILES FROM 127262  
BELFOREST  
3.0 MILES FROM 127718  
HOMESTEAD  
4 MILES FROM 127224  
DAPHNE  
4.1 MILES FROM 127289  
MOB MONTROSE  
4.2 MILES FROM 127258  
SILVER HILL

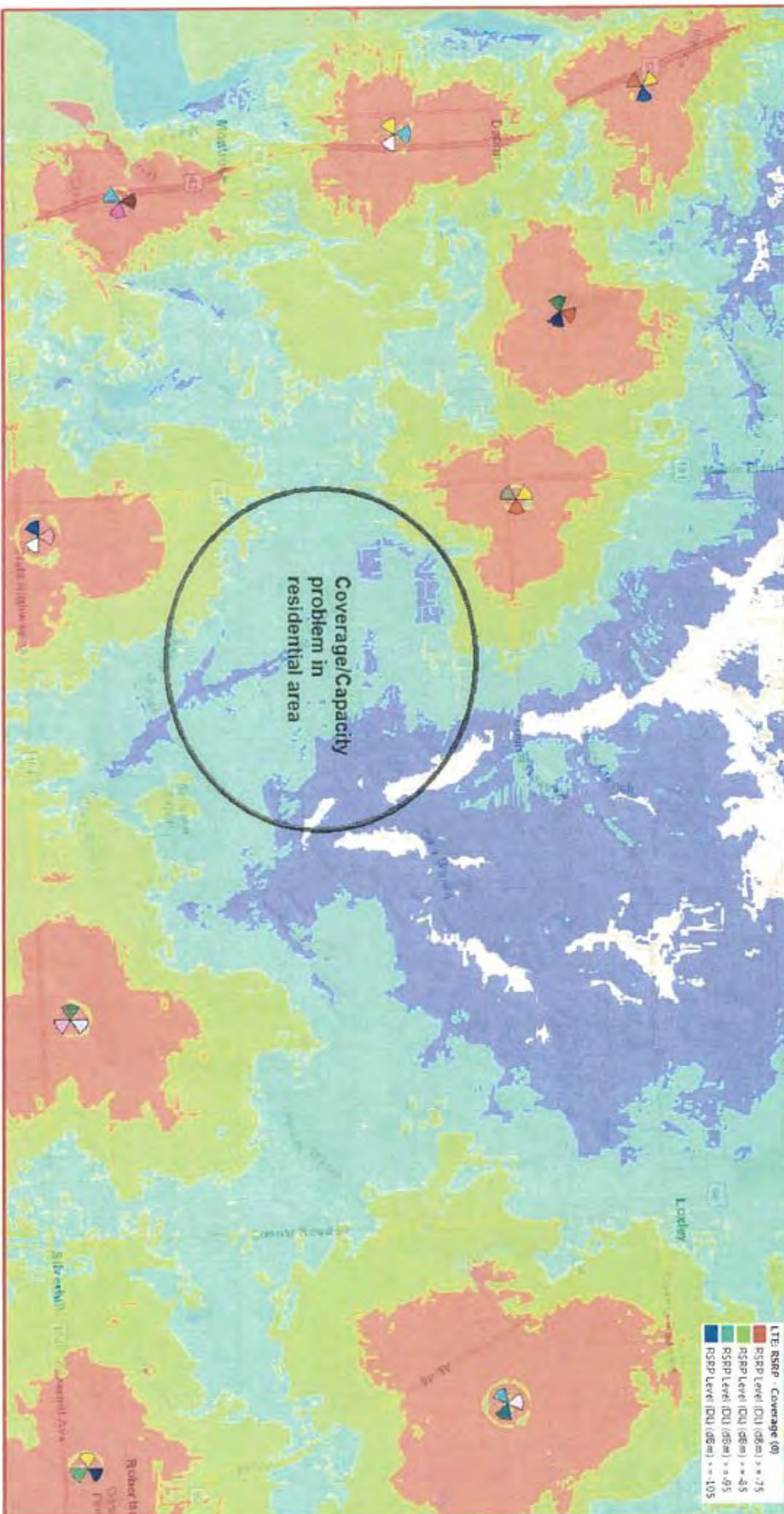






# CURRENT COVERAGE

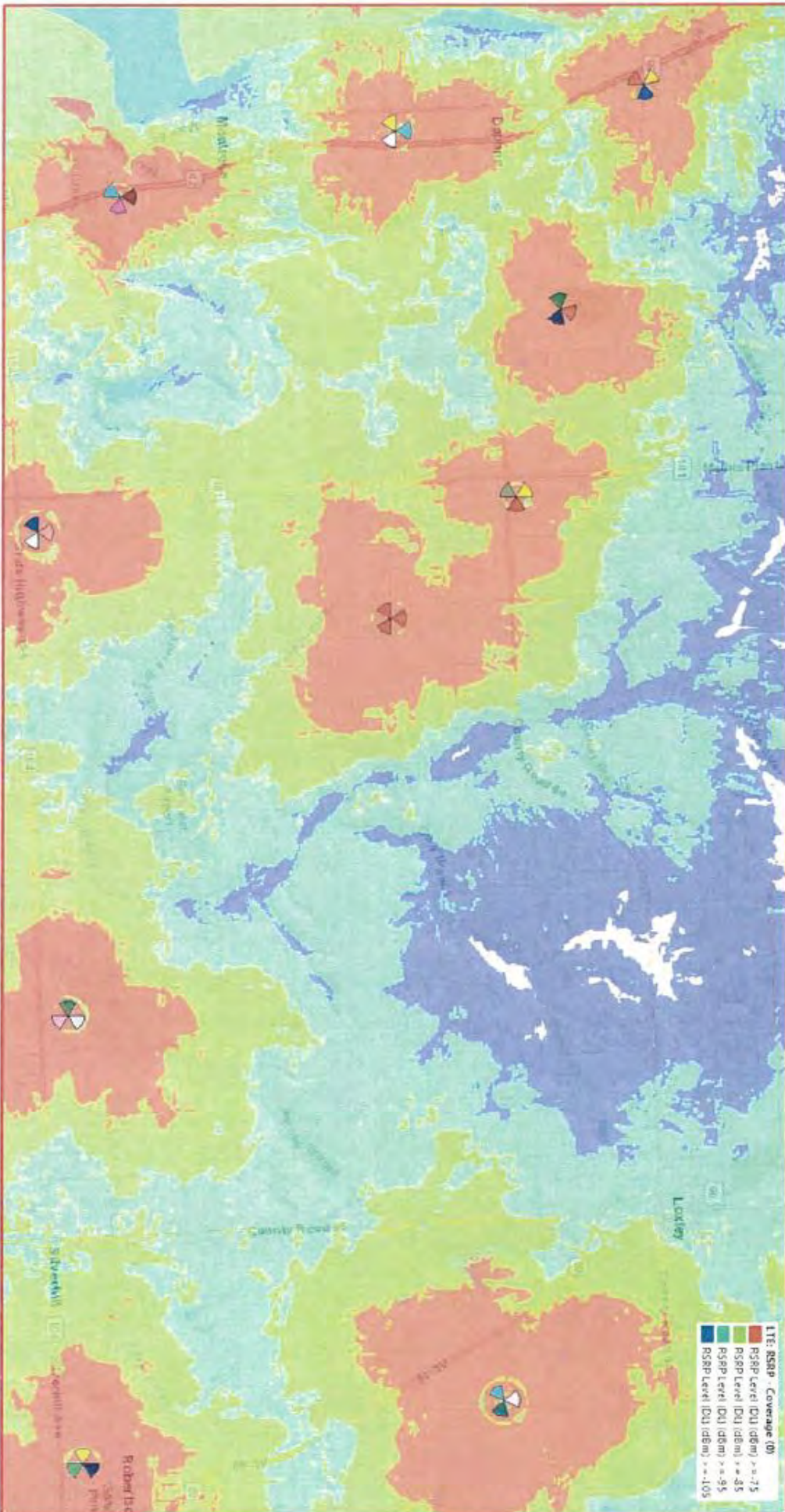
## LTE: 700 RSRP COVERAGE







# COVERAGE with CHAUCER - New Build Site LTE: 700 RSRP COVERAGE





# Baldwin County Planning & Zoning Department

## Baldwin County Planning Commission Staff Report

### Agenda Item 8.b

#### Case No. Z-18034 Wise Property

#### Rezone B-2, Neighborhood Business District, to M-1, Light Industrial District and B-4, Major Commercial District

August 2, 2018

### Subject Property Information

**Planning District:** 15  
**General Location:** West side of State Highway 181, South of Milton Jones Road  
**Physical Address:** N/A  
**Parcel Numbers:** 05-43-05-22-0-000-022.008 & 012  
**Existing Zoning:** B-2, Neighborhood Business District  
**Proposed Zoning:** M-1, Light Industrial District and B-4, Major Commercial District  
**Existing Land Use:** Vacant  
**Proposed Land Use:** Commercial & Industrial (Office/Warehouse & Recreational Vehicle and Boat Storage & mini warehouse)  
**Acreage:** 11.89 acres, more or less  
**Applicant:** Larry Smith  
1 S School St  
Fairhope, AL 36532  
**Owners:** John S. Wise Jr.  
**Lead Staff:** Celena Boykin, Planner  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential/Commercial	Milton Jones Rd/City of Daphne/ RSF-3
South	Industrial/Agriculture	RSF-E, Estate Residential & M-1, Light Industrial
East	Commercial/Industrial	M-1, Light Industrial
West	Industrial/Residential	M-1, Light Industrial & RSF-1, Single Family Residential
Summary		

The subject request involves two parcels which are currently zoned B-2 and consist of approximately 11.89 acres. The B-4, Major Commercial has been requested for the purpose of building an office/warehouse. The M-1, Light Industrial Designation has been requested for the purpose of being

consistent with parcels to the west and east and to allow for the establishment of climate controlled storage and recreational vehicle (RV)/boat storage facility.

## 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:

- (a) All uses permitted by right under the B-1 zoning designation
- (b) Antique store
- (c) Apparel and accessory store
- (d) Appliance store including repair
- (e) Art gallery or museum
- (f) Art supplies
- (g) Bait store
- (h) Bakery retail
- (i) Bed and breakfast or tourist home
- (j) Bicycle sales and service
- (k) Boarding, rooming or lodging house, dormitory
- (l) Book store
- (m) Café
- (n) Camera and photo shop
- (o) Candy store
- (p) Car wash
- (q) Catering shop or service
- (r) Copy shop
- (s) Delicatessen
- (t) Discount/variety store (not to exceed 8,000 square feet)
- (u) Drug store (not to exceed 8,000 square feet)
- (v) Fixture sales
- (w) Floor covering sales or service
- (x) Florist
- (y) Fraternity or sorority house
- (z) Fruit and produce store
- (aa) Gift shop
- (bb) Hardware store, retail
- (cc) Ice cream parlor
- (dd) Interior decorating shop
- (ee) Laundry, self service
- (ff) Lawnmower sales and service

- (gg) Locksmith
- (hh) Music store
- (ii) Neighborhood convenience store
- (jj) News stand
- (kk) Paint and wallpaper store
- (ll) Picture framing and/or mirror silvering
- (mm) Restaurant
- (nn) Shoe repair shop
- (oo) Shoe store
- (pp) Sign shop
- (qq) Sporting goods store
- (rr) Tailor shop
- (ss) Tobacco store
- (tt) Toy store

5.2.3 *Conditional uses.* The following uses are permissible as conditional uses in the B-2, Neighborhood Business District, subject to the standards and procedures established in *Section 18.11: Conditional Uses*:

- (a) Air conditioning sales and service
- (b) Amusement arcade
- (c) Animal clinic/kennels
- (d) Arboretum
- (e) Ball field
- (f) Business machine sales and service
- (g) Car wash
- (h) Country club
- (i) Discount/variety store (exceeding 8,000 square feet)
- (j) Drug store (exceeding 8,000 square feet)
- (k) Exterminator service office
- (l) Golf course
- (m) Liquor store
- (n) Mini-warehouse
- (o) Night club, bar, tavern
- (p) Office equipment and supplies sales
- (q) Park or playground
- (r) Pawn shop
- (s) Pet shop
- (t) Plumbing shop
- (u) Restaurant sales and supplies
- (v) Riding academy
- (w) Rug and/or drapery cleaning service
- (x) Seafood store
- (y) Swimming pool (outdoor)
- (z) Tennis court (outdoor)
- (aa) Water storage tank

- (bb) Wildlife sanctuary
- (cc) Wireless telecommunication facility
- (dd) Dwellings, in combination with commercial uses, subject to the standards listed under *Section 5.2.4: Mixed uses*

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 18.11: Conditional Uses*, 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 (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 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*).



## 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.

**5.4.2 Permitted uses.** The following uses are permitted as of right, or as uses accessory to permitted uses in the B-4, Major Commercial District:

- |  |  |
|--|--|
| (a) All uses permitted by right under the B-3 zoning designation | (l) Flea market                                    |
| (b) Amusement park   | (m) Home improvement center                        |
| (c) Auto convenience market                                      | (n) Hotel or motel                                 |
| (d) Automobile parts sales                                       | (o) Manufactured housing sales, service and repair |
| (e) Automobile repair (mechanical and body)                      | (p) Marina   |
| (f) Automobile sales   | (q) Motorcycle sales service and repair            |
| (g) Automobile service station                                   | (r) Movie theatre                                  |
| (h) Automobile storage (parking lot, parking garage)             | (s) Recreational vehicle park                      |
| (i) Boat sales and service                                       | (t) Recreational vehicle sales, service and repair |
| (j) Building materials   | (u) Restaurant, drive-in                           |
| (k) Farm implements  | (v) Restaurant, fast food                          |

**5.4.3 Conditional uses.** The following uses are permissible as conditional uses in the B-4, Major Commercial District, subject to the standards and procedures established in *Section 18.11: Conditional Uses*:

- |                                   |  |
|-----------------------------------|--|
| (a) Airport                       | (g) Bus and railroad terminal facility |
| (b) Ambulance/EMS service         | (h) College or university              |
| (c) Armory                        | (i) Convalescent or nursing home       |
| (d) Auditorium, stadium, coliseum | (j) Correctional or penal institution  |
| (e) Barge docking                 | (k) Dog pound                          |
| (f) Broadcasting station          | (l) Electric power substations         |



- (m) Freight depot, rail or truck
- (n) Hospital
- (o) Landfill
- (p) Maintenance facility/storage yard  
for schools, government  
agencies, and telephone and cable  
companies
- (q) Race track
- (r) Radio and television station and  
transmitting tower
- (s) Railroad facility
- (t) Sewage treatment plant
- (u) Taxi dispatching station
- (v) Taxi terminal
- (w) Telephone exchange
- (x) Water or sewage pumping  
station
- (y) Water storage tank
- (z) Wireless telecommunication  
facility
- (aa) Zoo

#### 5.4.4 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

5.4.5 *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*.

### Section 8.1 M-1, Light Industrial District

8.1.1 *Generally.* The purpose of this zoning district is to provide a suitable protected environment for manufacturing, research and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions, and generate little industrial traffic.

8.1.2 *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) Light industrial uses.
- (c) Transportation, communication, and utility uses except landfills and sewer treatment plants.
- (d) Outdoor recreation uses.

- (e) Marine recreation uses.
- (f) General commercial uses except race tracks.
- (g) Local commercial uses.
- (h) Professional service and office uses.
- (i) Institutional uses.
- (j) Agricultural uses.
- (k) Accessory structures and uses.

8.1.3 *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) Transportation, communication, and utility uses not permitted by right per *Section 8.2(c): Permitted uses*.
- (b) General commercial uses not permitted by right per *Section 8.2(f): Permitted uses*.

8.1.4 *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	45
Maximum Height of Structure in Habitable Stories	4
Minimum Front Yard	25-Feet
Minimum Rear Yard	see (a & b)
Minimum Side Yards	see (a & b)
Minimum Lot Area	40,000 Square Feet
Maximum Impervious Surface Ratio	.80
Minimum Lot Width at Building Line	120-Feet
Minimum Lot Width at Street Line	No Minimum

- (a) No minimum except where abutting a residential district, in which case there shall be a minimum yard of 25-feet abutting the residential district.
- (b) The required yards shall be increased by one foot for each foot of building height in excess of 35-feet.

## Agency Comments

**Permit/Subdivision Manager, Seth Peterson:** No comments.

**Baldwin County Highway Department:** No comments.

**ADEM:** No concerns received.

**BCBE:** No comments received.

**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 Milton Jones Road to the north. The adjoining properties are commercial and 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?**

No changes.

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

The Baldwin County Master Plan, 2013, provides a future land use designation of Commercial for the subject property. If the application is approved the northern 397 feet will remain commercial as the future land use designation and the remaining will change to Industrial on the which will be consistent with the adjacent parcels to the east and west.

### **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?**

The proposed use should not generate a significant amount of traffic and should not adversely affect traffic patterns.

**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.**

There are a number of M-1 and commercial parcels and in the surrounding area.

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

There are numerous parcels zoned M-1 and commercial in the surrounding area.

**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?**

There are no environmental conditions or historic resources which would be impacted by this request.

**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.**

N/A

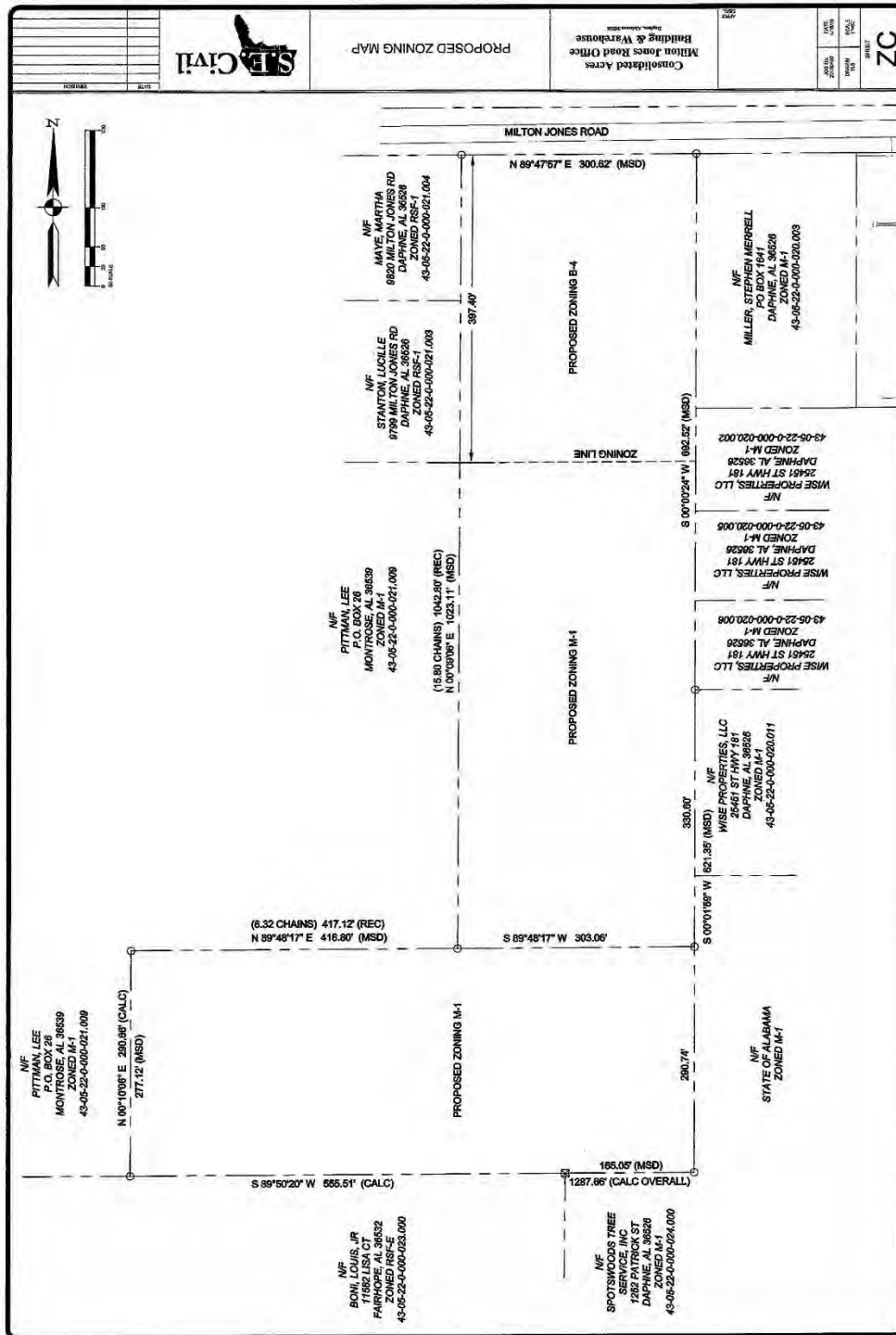
#### **Staff Comments and Recommendation**

As stated previously, the subject request involves two parcels which are currently zoned B-2 and consist of approximately 11.89 acres. The B-4, Major Commercial has been requested for the purpose of building an office/warehouse. The M-1, Light Industrial Designation has been requested for the purpose of being consistent with parcels to the west and east and to allow for the establishment of climate controlled storage and recreational vehicle (RV)/boat storage facility.

With the above comments in mind, this rezoning request should be recommended to the County Commission for **APPROVAL**.\*

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

# Survey





## Property Images









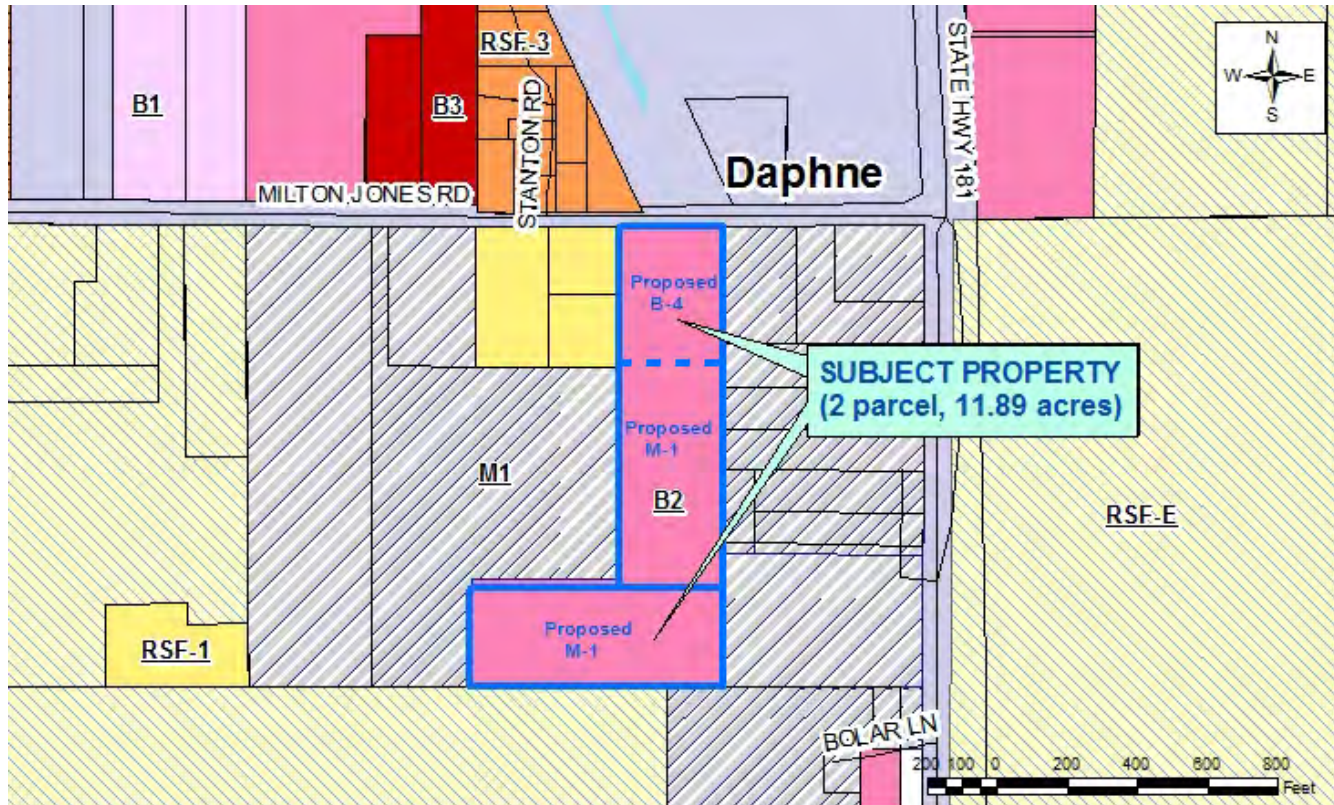


ADJOINING PROPERTIES TO THE EAST  
AND FRONTING STATE HWY. 181

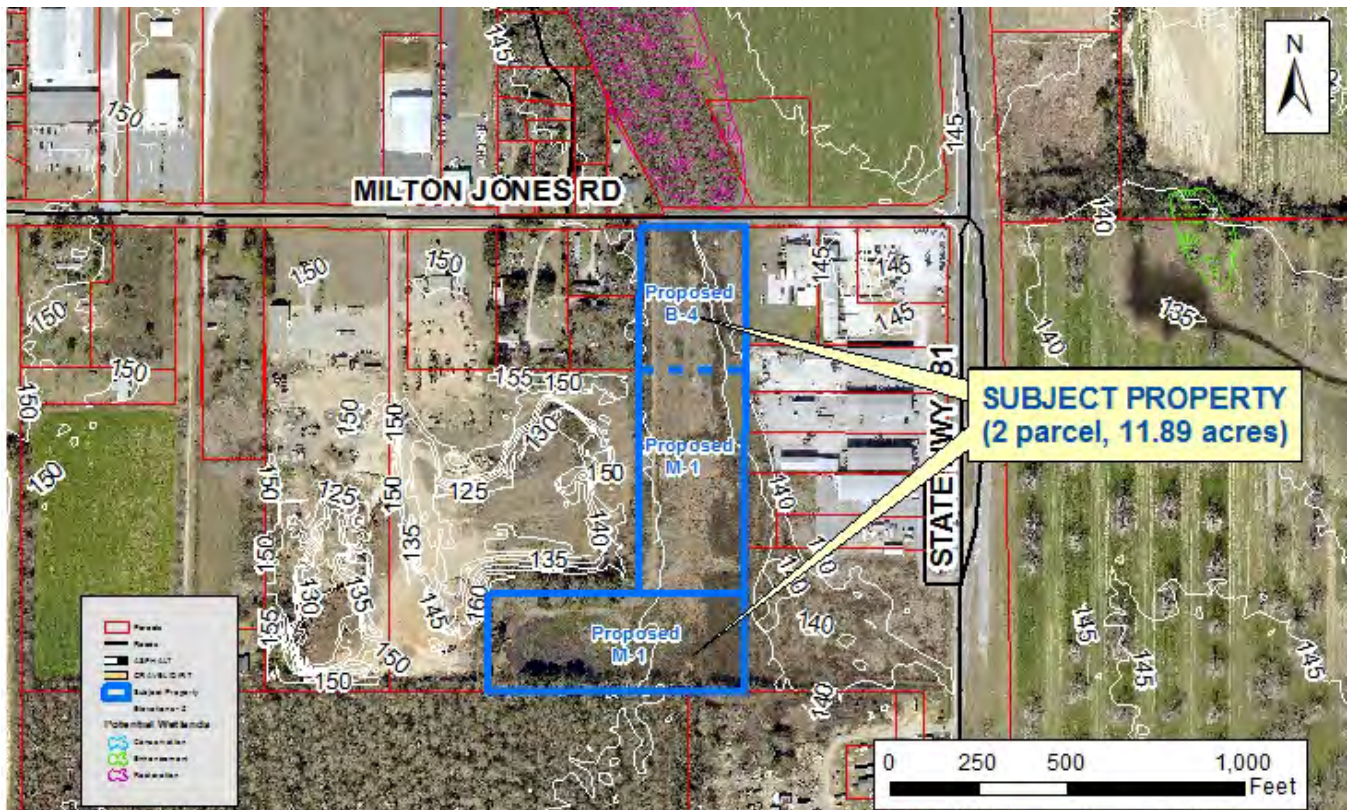
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## Locator Map



## Site Map







# Baldwin County Planning & Zoning Department

## Baldwin County Planning Commission Staff Report

### Agenda Item 8.c

Case No. Z-18035

Stout Property

Rezone RSF-1, Single family District to LB, Limited Business District

August 2, 2018

## Subject Property Information

**Planning District:** 22  
**General Location:** Southwest corner of 6<sup>th</sup> Street and Barclay Avenue in the Lillian Community  
**Physical Address:** 12999 6<sup>th</sup> Street  
**Parcel Number:** A part of 05-52-07-26-0-001-050.000  
**Existing Zoning:** RSF-1, Single family District  
**Proposed Zoning:** LB, Limited Business District  
**Existing Land Use:** Residential with existing commercial building  
**Proposed Land Use:** Community Bakery  
**Acreage:** .12 acres of total parcel  
**Applicant:** Anthony W. Stout  
12985 6<sup>th</sup> Street  
Lillian, AL 36549  
**Owner:** Same  
**Lead Staff:** Vince Jackson, Planning Director  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Undeveloped	RSF-1, Single Family District
South	Undeveloped	RSF-1 and B-1
East	Residential	RSF-1, Single Family District
West	Residential and RV Park	RSF-1, Single Family District

## Summary

The subject property is currently zoned RSF-1, Single Family District. It is currently occupied with a dwelling and a structure previously used as a commercial business. The designation of LB, Limited Business District, has been requested. According to the submitted information, the purpose of this application is to allow for the establishment of a community bakery in the existing commercial building. The rezoning, if approved, would only be applicable to this portion of the property.

## Section 4.2 RSF-1, Single Family District

4.2.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a low density residential environment consisting of single family homes on large lots.

4.2.2 *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) 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.

4.2.3 *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.

4.2.4 *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 13.10: Bed and Breakfast Establishments*).

4.2.5 *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-Feet
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	30,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.35



## Section 5.7 LB, Limited Business District

**5.7.1 Purpose and intent.** The LB, Limited Business District, is intended to allow specific uses in areas where commercial development is warranted, but where limitations and special requirements are needed due to environmental, historic and other unique characteristics. This designation may also serve as transitional zoning between residential areas and higher intensity commercial zoning districts.

**5.7.2 Permitted uses.** The uses listed below are permitted as of right, or as uses accessory to permitted uses in the LB, Limited Business District. Unless otherwise stated herein, said uses shall be limited to structures and other improvements not to exceed 4,000 square feet of gross floor area.

- |  |                  |
|--|------------------|
| (a) Accessory structures and uses  | (ff) Tailor shop |
| (b) Antique store  | (gg) Toy store   |
| (c) Apparel and accessory store  |                  |
| (d) Art gallery or museum  |                  |
| (e) Art supplies   |                  |
| (f) Bakery, retail   |                  |
| (g) Bank   |                  |
| (h) Barber shop or beauty parlor   |                  |
| (i) Book store   |                  |
| (j) Café   |                  |
| (k) Camera and photo shop  |                  |
| (l) Candy store  |                  |
| (m) Catering shop or service   |                  |
| (n) Church or similar religious facility*  |                  |
| (o) Club or lodge ("lodge" to be defined as "club" at Section 22.2, Words and Terms Defined) |                  |
| (p) Delicatessen   |                  |
| (q) Extraction or removal of natural resources on or under the land                          |                  |
| (r) Florist  |                  |
| (s) Fruit and produce store  |                  |
| (t) Gift shop  |                  |
| (u) Ice cream parlor   |                  |
| (v) Library  |                  |
| (w) Medical office (medical, dental, psychiatric)  |                  |
| (x) Music store  |                  |
| (y) Neighborhood convenience store (not to include gasoline sales)                           |                  |
| (z) News stand   |                  |
| (aa) Office  |                  |
| (bb) Restaurant (not to include drive-up facilities)   |                  |
| (cc) Shoe store  |                  |
| (dd) Silviculture  |                  |
| (ee) Studio for dance, music, photography, painting, etc.                                    |                  |

\*Churches or similar religious facilities shall not be limited to 4,000 square feet of gross floor area.

**5.7.3 Conditional uses.** The uses listed below are permissible as conditional uses in the LB, Limited Business District, subject to the standards and procedures established in *Section 18.11: Conditional Uses*:

- (a) Uses listed as permitted by right under Section 5.7.2 in which structures and improvements exceed 4,000 square feet up to a maximum of 8,000 square feet. Churches and other places of worship shall be exempt from this square footage restriction.
- (b) Dwellings, in combination with commercial uses, subject to the standards listed under *Section 5.1.4: Mixed uses*.

**5.7.4 Mixed uses.** Mixed residential and commercial uses may be permissible as conditional uses in the LB, Limited Business District, subject to the standards and procedures established in *Section 18.11: Conditional Uses*, 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 may occupy the same floor of a building, but shall not share the same entrances;
- (d) The number of residential dwelling units shall not exceed the number of commercial units;
- (e) 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, and;
- (f) 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*).

**5.7.5 Special exceptions.** Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the uses and structures designed for such uses listed below may be allowed as special exceptions subject to the standards and procedures established in *Section 18.8: Special Exceptions*.

- (a) Bed and breakfast or tourist home, subject to the standards listed under *Section 13.10: Bed and Breakfast Establishments*).
- (b) Outdoor music of an acoustic nature which is not amplified.

**5.7.6 Area and dimensional standards.**

Maximum Height of Structure in Feet	35
Minimum Front Yard	30-Feet
Minimum Rear Yard	(a)
Minimum Side Yards	(b)
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

(a) No minimum except where abutting a residential district, in which case there shall be a minimum rear yard of 25-feet abutting the residential district.

(b) No minimum except where abutting a residential district, in which case there shall be a minimum side yard of 15-feet abutting the residential district.

**5.7.7 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.

**5.7.8 Landscaping and buffering.** All LB, Limited Business District, uses shall meet the requirements of *Article 17: Landscaping and Buffers*.

#### Agency Comments

**Baldwin County Highway Department (Frank Lundy):** No comments.

**Army Corps of Engineers:** No comments.

**ADEM (Scott Brown):** No comments.

**Baldwin County Subdivision Department (Seth Peterson):** No comments.

**Municipality:** N/A

#### 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 occupied with a dwelling and a structure previously used as a commercial business. The adjoining properties are residential, vacant and a recreation vehicle (RV) park.

**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 zoning for Planning District 22 was adopted by the County Commission on November 19, 2002. At that time, the property was zoned B-1, Professional Business District, due to the fact that an optical center was operating in the commercial structure. During 2008, the previous owners had the property rezoned to the current residential designation for financing purposes.

**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. If the rezoning is approved, the Future Land Use Map will be amended to reflect the designation of 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?**

The proposed use should not generate significant amounts of traffic.

**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.**

See response to item number 1 and item number 2 listed above.

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

LB, Limited Business District, is a fairly new zoning category. If the rezoning is approved, the subject property will be the first to have the LB designation.

**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 is unaware of any environmental conditions or historic resources which would be impacted by this request.

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

No adverse impacts.

**11.) Other matters which may be appropriate.**



The commercial building was originally constructed in 1950 and served as a post office for the Lillian community. The most recent use, as previously stated, was an optical center. During the intervening years, additional businesses were located in the building including a bait shop.

#### Staff Comments and Recommendation

As stated above, the subject property is currently zoned RSF-1, Single Family District. It is currently occupied with a dwelling and a structure previously used as a commercial business. The designation of LB, Limited Business District, has been requested. According to the submitted information, the purpose of this application is to allow for the establishment of a community bakery in the existing commercial building. The rezoning, if approved, would only be applicable to this portion of the property.

Staff believes that this is a reasonable request which meets the intentions of the Limited Business designation. Unless information to the contrary is revealed at the public hearing, this rezoning application should be recommended for **APPROVAL**. \*

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

Property Images







**ADJACENT RESIDENCE  
TO THE EAST**

**07/12/2018**



**ADJACENT VACANT PROPERTY  
TO THE NORTH**

**07/12/2018**







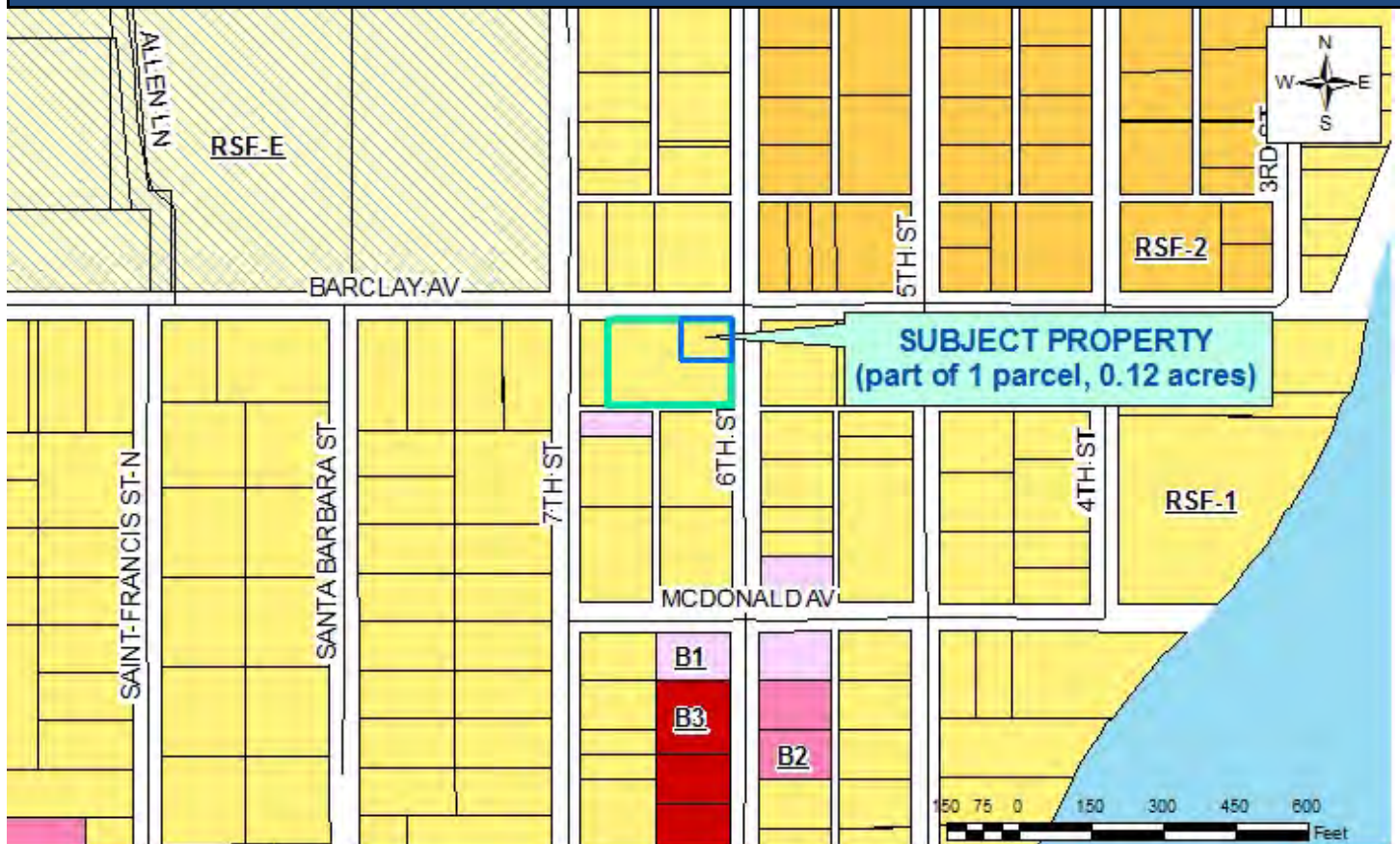


ADJOINING PROPERTY TO THE WEST  
GRANDFATHERED RV PARK

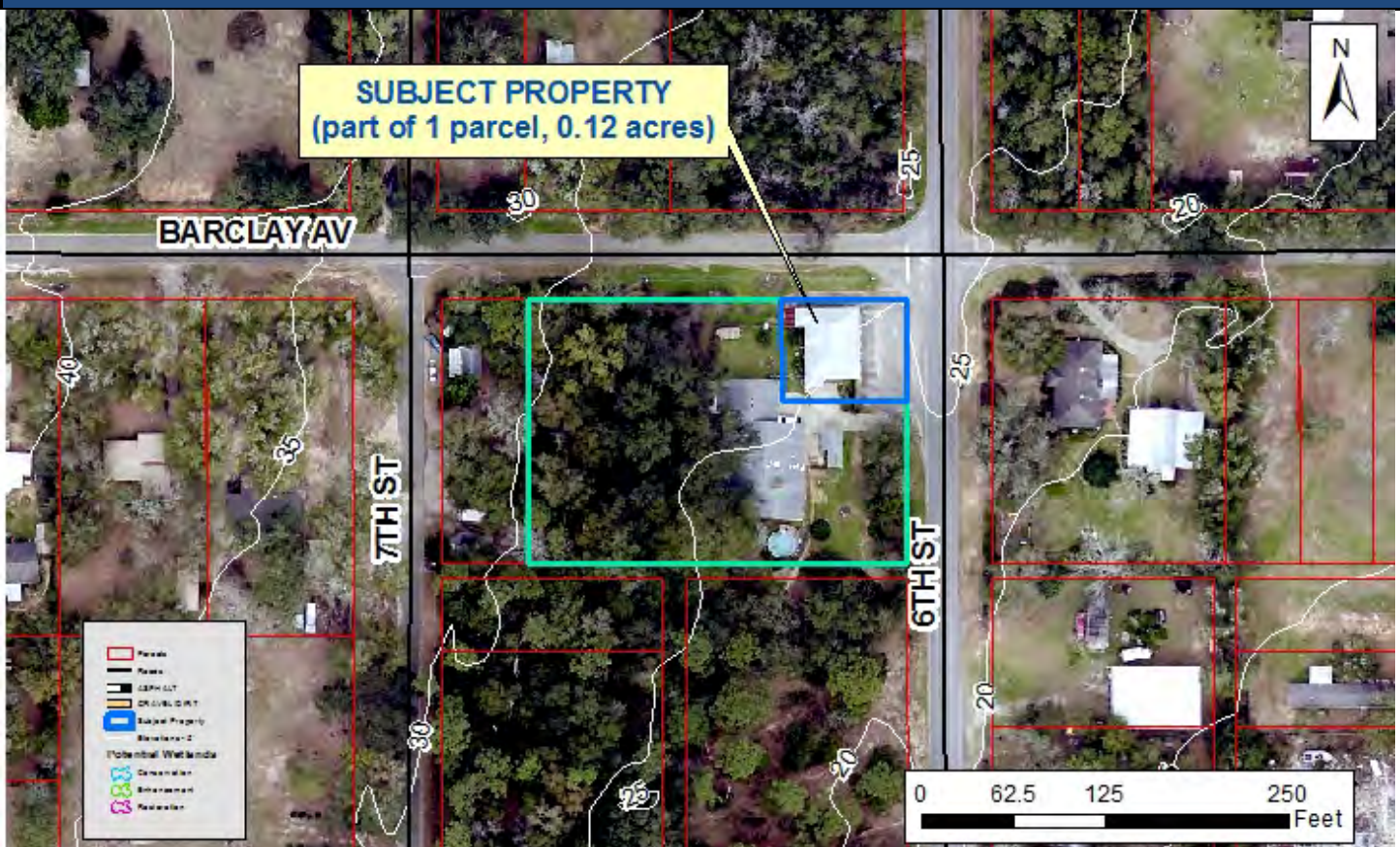
07/12/2018



## Locator Map



## Site Map




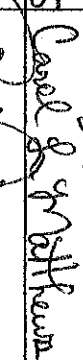










# Petition to allow rezoning for Lillian Bakery/Coffee Shop

Petition summary and background:

The property at the corner of 6th St and Barclay Ave has been used for business for many years. The Lillian neighbors support the plan to open a bakery, and a coffee shop at this location.

Action petitioned for:

We, the undersigned, agree with rezoning of this property for limited business use - case number Z18035

Printed name	Signature	Address	Comment	Date
Doug Powell		32218 Geneva Lane Lillian AL 36549	I support the opening of this bakery & coffee shop	7-7-18
Corey Matthews		32210 Geneva Lane Lillian AL 36549	I support the opening of this bakery & coffee shop	7-7-18
John Anderson		24897 Dime St Elberta, AL 36530	Yes please Re Zone	7-10-18
Robert DeLoach		6820 Foley Bush Expd Orangeburg AL 36550	Yes Rezone	7-10-18
JANICE LEWIS		P.O. BOX 151 Elberta, AL 36530	Yes Rezone	7-10-18
DONALD KROOSTER		P.O. BOX 248 Elberta, AL 36530	Yes - Rezone	7-10-18
Tracy Roberts		25205 State St Elberta	Re Zone	7-10-18
Jon Ray		661 Colonial Hwy #309/302	I support	7-10-18
Jane Williams		12310 Laurel Hill Lane 25223-4 US 40088	Yes Rezone	7-10-18
Gina Hittles		Elberta AL 36530	I support	7-10-18
Sharon Calver		13062 Elmwood St Elberta, AL 36530	I support	7-10-18
Michael Gansel		1046 Elberta AL	I Support	7-10-18

Printed name	Signature	Address	Comment	Date
Angela McGee	[Signature]	10619 Hwy 1 Borne Elberta AL 36530	yes rezone	7-10-18
Don Pillerel	[Signature]	31779 Highway Rd. Robertsdale AL	yes rezoned	7/10/18
Justin Dorell	[Signature]	31855 Baraco Rd Lillian, AL 36549	yes rezone	7/11/18
Beth Morris	[Signature]	Staley, AL 10395 Co Rd 53	yes rezone	7/11/18
Barbara Parker	[Signature]	Elberta AL 10395 Co Rd 53	yes Rezone	7/13/18
Stacy VANDERSEN	[Signature]	Elberta AL PO Box 36530	yes Rezone	7/13/18
Jeffrey A. Stewart	[Signature]	PO Box Elberta AL 36530	yes Rezone	7/13/18
Johnny L. Frost	[Signature]	PO Box Elberta AL 36530	yes Rezone	7/13/18
Ron Plasse	[Signature]	10833A Church Rd. #9 Elberta AL	yes Rezone	7/13/18
Emily Kline	[Signature]	620 E. Pedigo Ave Foley AL 36535	yes Rezone	7/13/18
Chris Gillosie	[Signature]	17324 US Hwy 98 Foley AL 36535	yes Rezone	7/13/18
Loise Stodman	[Signature]	17324 US Hwy 98 Foley AL 36535	yes Rezone	7/13/18
Carlyne & Fred	[Signature]	515 Geraldson St Foley, AL 36535	yes Rezone	7/13/18
Arnold J. Ramm	[Signature]	515 Geraldson St Foley, AL 36535	yes Rezone	7/13/18
Debbie H. Lee	[Signature]	81998 Pine Ridge Dr. Foley, AL	yes Rezone	7/13/18
Wesley C. Lee	[Signature]	27899 River Road Foley, AL	yes Rezone	7/13/18



Printed name	Signature	Address	Comment	Date
Samuel Fowler	[Signature]	19627 Fowler Ln Summersdale AL 36550	YES & REZONE	7/13/18
Jeff Schunkoff	[Signature]	501 Gate Ann Ct Foley, AL 36535	NOSS Red zone	7/13/18
Wendy Walton	[Signature]	9941 Wilson Rd Elevate, AL 36530	YES-Red Zone	7/13/18
Will Goodale	[Signature]	13796 C.R. 93 Lillian AL 36549	YES Re-Zone	7-14-18
Lee Werner	[Signature]	37476 C.R. 90 Elevate, AL 36530	YES Re-Zone	7-14-18
Greg Mcbown	[Signature]	11011 Tanton Lane Pensacola FL 32506	YES Re-Zone	7-14-18
Andy Pitts	[Signature]	16913 Sugar 100P Foley AL 36535	YES Rezone	7/14/18
Caitlin Moss	[Signature]	25281 Gardner Rd. Fibers AL 36530	I support	7-14-18
Heather Carlisle	[Signature]	25405 Co Rd 30 Summersdale, AL 36580	YES! Re-Zone	7-15-18
Elizabeth	[Signature]	25405 Co Rd 30 Summersdale, AL	YES Re-Zone	7-15-18
Ken Lee	[Signature]	18133 Actua Ct Elevate AL 36530	YES Re-Zone	7-14
James Lee	[Signature]	99227 HILDETH DR Pensacola FL 32506	YES Rezone	7-14
Abby McMahon	[Signature]	329 B GADIS ST 1530 Tommy St Pensacola FL 32534	YES Rezone	7-14
Marlene McKinnon	[Signature]	1530 Tommy St Pensacola FL 32534	YES Rezone	7-14-18
Donna Gaudin	[Signature]	99227 HILDETH DR	YES Rezone	7-14-18
Virginia McMahon	[Signature]	399 F Gladys St	YES, Please Rezone	7-14-18

# Petition to allow rezoning for Lillian Bakery/Coffee Shop

Petition summary and background:

The property at the corner of 6th St and Barclay Ave has been used for business for many years. The Lillian neighbors support the plan to open a bakery, and a coffee shop at this location.

Action petitioned for:

We, the undersigned, agree with rezoning of this property for limited business use - case number Z18035

Printed name	Signature	Address	Comment	Date
Andy Mason	[Signature]	25293 ARCADE	Yes	7-14-18
Donald Schick	[Signature]	5102 STIFF G S AL	Rezone	3-5-42
Tecou Stewart	[Signature]	502 STIFF G S AL	Rezone	3-5-42
Gary Kiefer	[Signature]	9018 Tusculose Dr Elbe	Rezone	7-14-18
Thomas Llyr	[Signature]	7019 AL	Rezone	7-14-18
David Alexander	[Signature]	514 Elberta Loop	Rezone	7-14-18
Marina Foster	[Signature]	Summerville, AL	Rezone	7-14-18
Dianne Shumelt	[Signature]	17373 Buw du Elbe	Rezone	7-14-18
Berry Stuart	[Signature]	PO Box 1634 Fairview	Rezone	7-20-18
Tristan Bowen	[Signature]	508 Orange St Fayette	Rezone	7-20-18
Shane Fehr	[Signature]	Elberta	Rezone	7-24-18
Ed Anderson	[Signature]	Elberta	Rezone	7-21-18



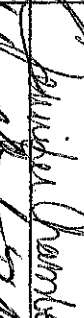


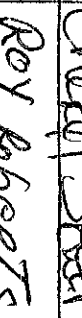
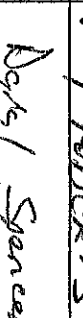
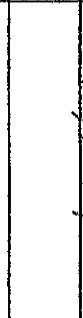
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Action petitioned for:

We, the undersigned, agree with rezoning of this property for limited business use - case number Z18035

Printed name	Signature	Address	Comment	Date
Tim Anderson		24397 OLIVE ST ALBERTA AL.	REZONE	7-21-18
John Nicholson		3205 CORMACK ST FOLEY AL	REZONE	7-21-18
Jennifer Chambers		974 Wilson Rd lot 35 Alberta, AL	REZONE	7-21-18
Michelle Smith		25152 Old Foley	REZONE	7-21-18
Bryan Green		300 Hwy 59 APT 210	REZONE	7-21-18
Chad Smith		13254 Harrison Men	REZONE	7-21-18
Roy Robert		11011 Tanager Lane	REZONE	7-21-18
Debbie		13298 CRIPPLE CREEK	REZONE	7-21-18

# Petition to allow rezoning for Lillian Bakery/Coffee Shop

Petition summary and background:

The property at the corner of 6th St and Barclay Ave has been used for business for many years. The Lillian neighbors support the plan to open a bakery, and a coffee shop at this location.

Action petitioned for:

We, the undersigned, agree with rezoning of this property for limited business use - case number Z18035

Printed name	Signature	Address	Comment	Date
Vicki Baggett	<i>Vicki Baggett</i>	531 Buena Vista Dr.	Yes!!	7-10-18
Angie Christie	<i>Angie Christie</i>	4026 Lochmoor Dr.	Need it!	7-10-18
Arille Spivey	<i>Arille Spivey</i>	12658 S. Santa Piedra	Yes to the rezoning	7-12-18
Lillian Gerhard	<i>Lillian Gerhard</i>	2016 E. Scott St. Lillian	Yes!	7-12-18
Kathryn Halzman	<i>Kathryn Halzman</i>	P.O. Box 3050 Rosalia, FL 32510	Where'd I'm!!	7-12-18
Katherine Britton	<i>Katherine Britton</i>	11366 Bagley Ct 32506		7-12-18
Angie James	<i>Angie James</i>	P.O. Box 1977 ELBERTA 36530	Yes	7-12-18
Doreen Fox	<i>Doreen Fox</i>	1746 Spoil 100 N.S.	Yes - Big Deal!!	7-13-18
William M. Asher	<i>William M. Asher</i>	9410 NEUMANN DR ELBERTA, GA	yes - very good for all	7-18-18
JANET B. ASHER	<i>JANET B. ASHER</i>	9410 Neumann Dr. Elberta, GA	yes - needed	7-18-18
Alicia Holloway	<i>Alicia Holloway</i>	1452 A Krehing Rd AL ELBERTA, GA	Lillian Needs this bakery	7/21/18
Mary Jane Martin	<i>Mary Jane Martin</i>	9058 Bayview Dr	Lillian Al. 36549	7-21-18





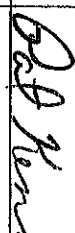
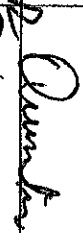
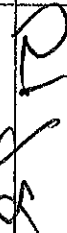

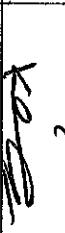


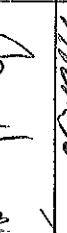

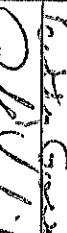
# Petition to allow rezoning for Lillian Bakery/Coffee Shop

Petition summary and background:

The property at the corner of 6th St and Barclay Ave has been used for business for many years. The Lillian neighbors support the plan to open a bakery, and a coffee shop at this location.

Action petitioned for:

We, the undersigned, agree with rezoning of this property for limited business use - case number Z18035

Printed name	Signature	Address	Comment	Date
Robert Payne		8304 CR 24 Fairhope, AL 36532	Yes!!	7-8-18
Ethan Payne		8304 CR 24 Fairhope, AL 36532	We need this!	7-10-18
Pat Henry		6938 FOREST GLEN CT 36606	Vote Yes	7-10-18
Quinton Taylor		2155 OLD COUNTRY MOBILE AL 36606	Yes!!	7-11-18
Richard Jennings		5706 GREEN HILL CIRCLE Mobile AL 36609	Open Bakery	7-11-18
Thomas E Fisher		9863 TOWNSTON DR. MOBILE	What's the problem?	July - 11th
Hayle Edwin		8401 Cottage Hill Rd 26695 Mobile AL	Open the Bakery	7-11-2018
Randy Blanton		2880 Edmunds Cir Lillian, AL 36549	Open the Bakery	7-21-18
Michael Wofford		10762 CYTHETON LOOP Lillian AL 36549	Yes	7/21/18
Toy Huekey		3518 Hwy 95A North Cottonwood, FL 32533	Best Cake Decorator!	
Robby Gossett		5922 1st St Cottonwood FL 32507	Let them open a keep wouldn't go anywhere else!!	
Jeff Laliberte		1033 Ridgebrook Dr Lillian AL 36530	Do it	7-22-18

# Petition to allow rezoning for Lillian Bakery/Coffee Shop

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The property at the corner of 6th St and Barclay Ave has been used for business for many years. The Lillian neighbors support the plan to open a bakery, and a coffee shop at this location.

Action petitioned for:

We, the undersigned, agree with rezoning of this property for limited business use - case number Z18035

Printed name	Signature	Address	Comment	Date
Alfred M. Leonard	Alfred M. Leonard	33808 Rosalia Blvd	Yes we need it	July 4, 2018
Klan Leonard	William Leonard	517 Riverside Dr	We need a good area restaurant in Lillian	July 4, 2018
Ashley Christie	Ashley Christie	13298 Cripple Creek Ln. Al. 36654	The Baker is amazing	7/4/2018
Dwight Brockwell	Dwight Brockwell	26440 Williams Dr. Al. 36654	Vote Yes Rezone	7/4/2018
Bethel Brown	Bethel Brown	13099 4th St Al. 36654	We need them here!!!	7/5/18
Sandra Coffey	Sandra Coffey	12446 White Oak Dr. S	We need a good bakery	7/6
Vivian Coffey	Vivian Coffey	12446 White Oak Dr. S	Yes for me	7/6
Lucy Smith	Lucy Smith	8680 Patterson Park	Absolutely! add'n to the area	7/6
Jeannie Bodie	Jeannie Bodie	13103 5th St. Lillian, AL	Yes!	7/6/18
Frank Harris	Frank Harris	864 Sterling Way, Pen. 36601	People Have Spoken!!	7/6/18
Chaisty Brooks	Chaisty Brooks	10511 Suwanee Rd. Pen. 36601	Yes!	7/6/18
Tony Cravelor	Tony Cravelor	P.O. Box 309 Phil Campbell, AL	Yes!	7/6/18

with 25 July 2018

Printed name	Signature	Address	Comment	Date
Doug Powell	Doug Powell	32211 Jessup Ln. W/1049 AC	Rezone	7/6/18
Donna Williams	Donna Williams		Rezone	7/12/18
Nora Wilcox	Nora Wilcox	11010 Bridge Creek Drive	Rezone - Utlah Ashby Rd. 7-12-18 we love the streets	7-14-18
Monica Leonard	Monica Leonard	2670 Clubhouse Dr	Rezone	7-14-18
Wayne Shaffer	Wayne Shaffer	4013 Eschmida Loop	Rezone	7-14-18
Liberty Shaffer	Liberty Shaffer	6013 Eschmida Loop	Rezone	7-14-18
Doc Chastain	Doc Chastain	1510 Oak Dr	Rezone	7-14-18
Sharon Monaghan	Sharon Monaghan	1510 Oak Dr	Rezone	7/14/18
Lisa Lipscomb	Lisa Lipscomb	34241 Kathryn Dr	Rezone	7-14-18
Natalie Lipscomb	Natalie Lipscomb	34241 Kathryn Dr	Rezone	7-14-18
Jan Corbett	Jan Corbett	34090 Kathryn Dr	Rezone	7-14-18
Donna Williams	Donna Williams	34090 Kathryn Dr	Rezone	7-14-18
Donna Williams	Donna Williams		Rezone	
Line Lighted	Line Lighted	35529 Boykin Blvd	Rezone	7-14-18
Richard Lighted	Richard Lighted	35529 Boykin Blvd	Rezone Commercial	7-14-18
Sally McKinney	Sally McKinney	1508 Martinez Dr.	Rezone Commercial	7-18-18



Printed name	Signature	Address	Comment	Date
Sarah Greth	<i>Sarah Greth</i>	1436 Keith Lane, <sup>Mag No</sup>	AL 36553 <sup>108 Spring 95</sup> Yes	7-11-18
Jim Wingate	<i>Jim Wingate</i>	PO BOX 582	Lillian AL	7-14-18
Faye Winkate	<i>Faye Winkate</i>	34208 Kathryn Dr.	Lillian AL	7-14-18
Laird M. Miller	<i>Laird M. Miller</i>	2687 Club House Dr	ll " Yes	7/18/18
Kristina Clever	<i>Kristina Clever</i>	33667 Field Stone Ln	Lillian, AL Yes	7-24-18
Rae Hegg	<i>Rae Hegg</i>	12170 Co. Rd. 89	Filling, AL	7-24-18
Robin Burroughs	<i>Robin Burroughs</i>	18623 Alabama St	Elberta, AL. Yes	7-26-18
Jesse Vance	<i>Jesse Vance</i>	18622 E. Alabam St.	Elberta, AL. Yes	7-26-18

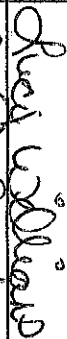







# Petition to allow rezoning for Lillian Bakery/Coffee Shop

Petition summary and background:

The property at the corner of 6th St and Barclay Ave has been used for business for many years. The Lillian neighbors support the plan to open a bakery, and a coffee shop at this location.

Action petitioned for:

We, the undersigned, agree with rezoning of this property for limited business use - case number Z18035

Printed name	Signature	Address	Comment	Date
Lucy Williams		21419 Cawpen Creek road	rezone	7-14-18
Manda Starnes		20841 Oakdale Dr.	Rezone	7-14-18
Joe Starnes		P.O. Box 1297	rezone	7/14/18
Rebeccah Williams		24049 Lantier road. <sup>estate</sup> <sub>5050</sub>	rezone	7/14/18
Scott Tolmie		16210 Tebeft Road	Rezone	7/14/18
Kayley Redburn		24040 Williams Lane	rezone	7/15/18
James Coak		21040 Williams Lane	Rezone	7-15-18
Alisa Tom Sawyer		2395 Selma Ave, Port St. Beach, AL 36530	rezone	7/24/18

# Petition to allow rezoning for Lillian Bakery/Coffee Shop

Petition summary and background:

The property at the corner of 6th St and Barclay Ave has been used for business for many years. The Lillian neighbors support the plan to open a bakery, and a coffee shop at this location.

Action petitioned for:

We, the undersigned, agree with rezoning of this property for limited business use - case number Z18035

Printed name	Signature	Address	Comment	Date
David Robbins	<i>David Robbins</i>	13180 5th St Lillian AL		7-4-18
Shelia Dunn	<i>Shelia Dunn</i>	Chavron		7-5-18
Alex Bae	<i>Alex Bae</i>	33780 US Hwy 28		7/5/18
K. Suarez	<i>K. Suarez</i>	34677 Rosalva		7/5
Randy Ornel	<i>Randy Ornel</i>	38837 Heyden Rd Elberta AL 36530	Yes	7-8-18
Danielle Walker	<i>Danielle Walker</i>	27205 Cordoba	Yes opened.	7-14-18
Shannon Dunsen	<i>Shannon Dunsen</i>	33031 Guilley Rd.		7-14-18









Attendee Name	Signature	Address	Comments	Date
Rickey Mander	[Signature]	4912 West 21st St	"We need this"	
Debra Johnson	[Signature]	3250 Mahol St	must have?	
Brandon R. Johnson	[Signature]	710 Deedon	need this maybe	
Walter Johnson	[Signature]	3205 Olive Rd	must have	
Asheley Hargis	[Signature]	3205 Olive Rd	Must have	
Michelle Mahol	[Signature]	8221 Mahol St	must appear	
Tom Mahol	[Signature]	1518 E. LA Run	Must have	
At Mahol	[Signature]	15300 Shepherd Rd	We need this	





# Baldwin County Planning & Zoning Department

## Baldwin County Planning Commission Staff Report

### Agenda Item 8.d

Case No. Z-18036

Boykin Property

Rezone OR, Outdoor Recreation District to RSF-2, Residential Single Family District

August 2, 2018

## Subject Property Information

**Planning District:** 4  
**General Location:** East side of Williams Road, north of Blakeley Road  
**Physical Address:** 35590 Williams Road, Bay Minette, Al. 39507  
**Parcel Numbers:** 05-29-10-44-0-000-001.015  
**Existing Zoning:** OR, Outdoor Recreation District  
**Proposed Zoning:** RSF-2, Residential Single Family District  
**Existing Land Use:** Residential  
**Proposed Land Use:** Family Subdivision of Property  
**Acreage:** 3.4 acres, more or less  
**Applicant:** Peggy Boykin  
47455 Joshua Drive  
Bay Minette, AL 36507  
**Owner:** Same  
**Lead Staff:** DJ Hart, Planning Technician  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Vacant Land	RSF-E, Residential Single Family Estate District
South	Vacant Land	OR, Outdoor Recreation District
East	Residential	RSF-1, Residential Single Family District
West	Vacant Land	OR, Outdoor Recreation District

## Summary

The subject property is currently zoned OR, Outdoor Recreation District. The designation of RSF-2, Residential Single Family District, has been requested in order to allow for the exempt family subdivision of the property into 5 lots. According to the information provided, the applicant is dividing one .5 acre lot with the existing home and the remaining lots will be approximately .73 acres each.

## Current Zoning Requirements

### Section 6.2 OR, Outdoor Recreation District

6.2.1 *Generally.* This zoning district is intended to provide for outdoor recreation activities.

6.2.2 *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 institutional uses: church or similar religious facility.
- (e) The following agricultural uses: Silviculture.
- (f) Accessory structures and uses.

6.2.3 *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
Maximum Height of Structure in Habitable Stories	2½
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	20-Feet
Minimum Lot Area	3 Acres
Maximum Impervious Surface Ratio	.80
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	No Minimum

## Proposed Zoning Requirements

### Section 4.3 RSF-2, Single Family District

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

4.3.2 *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.

4.3.3 *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.

4.3.4 *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*).

4.3.5 *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	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	15,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35



## Agency Comments

### Baldwin County Highway Department

**Seth Peterson, P.E.:**

DJ,

Either public water or public sewer will be needed for the proposed lot sizes mentioned on the application.

Thanks,  
Seth

**Frank Lundy, P.E.:** No comments.

**ADEM (J. Scott Brown):** No comments.

**Army Corp of Engineers (Eric Buckelew):** 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 occupied with a dwelling. The property adjoins Williams Road. The adjoining properties are residential or vacant land.

### **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?**

This parcel was believed to be part of Historic Blakeley Foundation and was originally zoned OR, outdoor recreation along with the remaining portion of Historic Blakeley State Park. Granting this rezoning to RSF-2 will bring the current use of the property, which is residential, into a conforming status.

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

The Baldwin County Master Plan, 2013, indicates a future land use designation of Conservation for the subject property. If the rezoning is approved, the future land use designation will change to residential.

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

No conflict

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

No impacts.

**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 proposal is consistent. The number of proposed lots for the exempt subdivision is 5.

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

There is a mixture of Residential zoning adjacent to the property and to the south of the property. The adjacent properties are zoned RSF-E, Residential Single Family Estate District to the north and RSF-1, Residential Single Family District to the east.

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

Timing is not a factor with this request.

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

No 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.**

The applicant will need to ensure that each lot has a minimum width of 40-feet at the street line and 80-feet at the building line. Each new lot must have a minimum of 15,000 square feet and must meet all subdivision requirements for the exempt subdivision.

City water is available on the property.

#### **Staff Comments and Recommendation**

As stated previously, the subject property is currently zoned OR, Outdoor Recreation District. The designation of RSF-2, Residential Single Family District, has been requested in order to allow for the exempt family subdivision of the property into 5 lots. According to the information provided, the applicant is dividing one .5 acre lot with the existing home and the remaining lots will be approximately .73 acres each.

Staff has no major concerns with this request. Unless information to the contrary is revealed at the public hearing, staff recommends **APPROVAL** of Case Z-18036 to the County Commission. \*

*\*On rezoning applications and Planned Residential Developments Site Plan applications, the Planning Commission will be making a recommendation to the County Commission.*



## Property Images

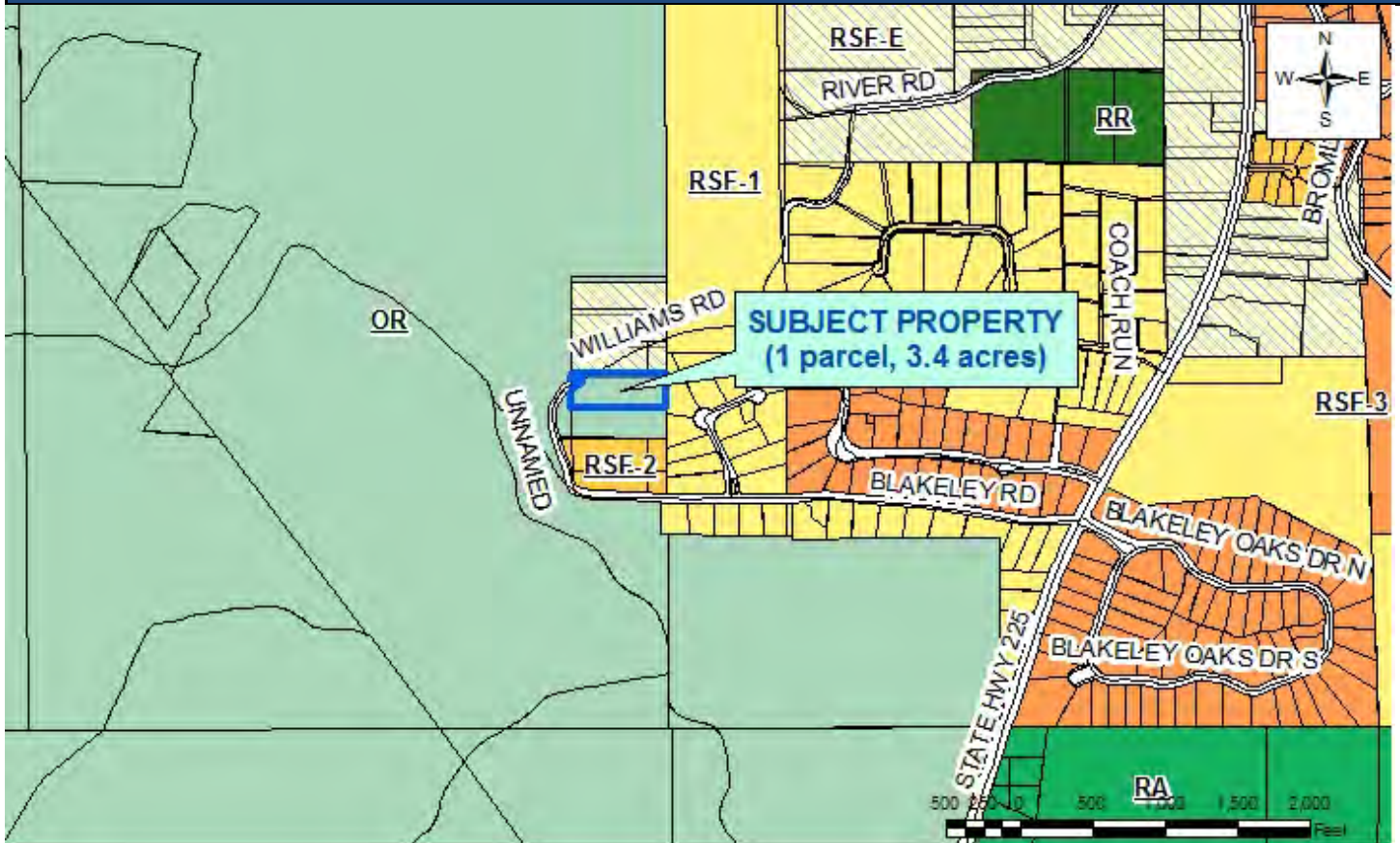




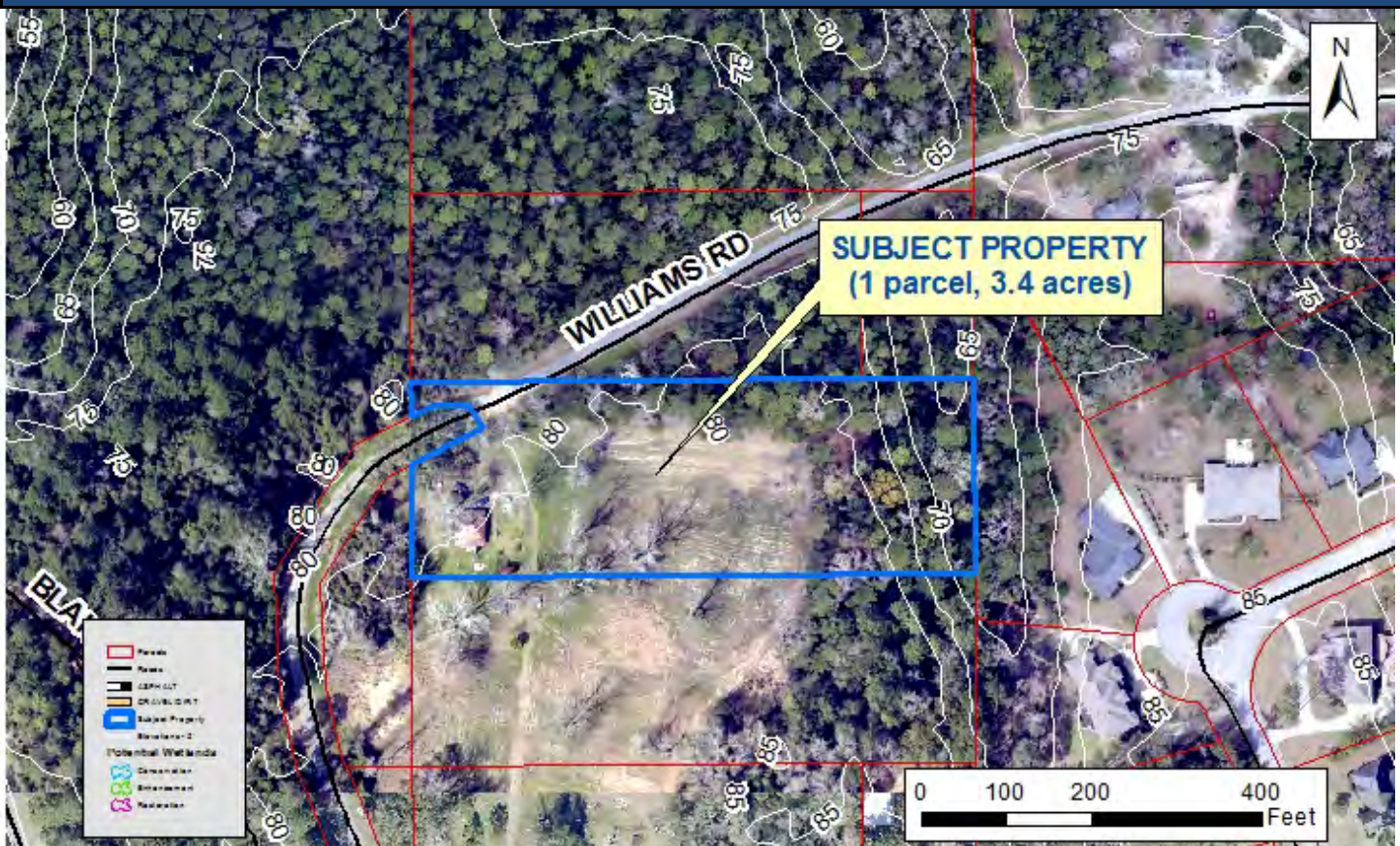




## Locator Map



## Site Map











# Baldwin County Planning & Zoning Department

## Baldwin County Planning Commission Staff Report

### Agenda Item 8.e

Case No. Z-18037

Lazzari Property

Rezone RSF-E, Residential Single Family Estate District to B-4, Major Commercial District

August 2, 2018

## Subject Property Information

**Planning District:** 15  
**General Location:** Southwest corner of the Intersection of County Road 64 and County Rd 54 West  
**Physical Address:** N/A  
**Parcel Number:** 05-43-06-23-0-000-001.000  
**Existing Zoning:** RSF-E, Residential Single Family Estate District  
**Proposed Zoning:** B-4, Major Commercial District  
**Existing Land Use:** Undeveloped  
**Proposed Land Use:** Commercial  
**Acreage:** 8.7 ± acres  
**Applicants:** John C. Archer II and Harry B. Archer  
P.O. Box 2525  
Daphne, AL 36526  
**Owners:** Celeste Lazzari and Cynthia Lazzari  
24801 County Road 54 West  
Daphne, AL 36526  
**Lead Staff:** Vince Jackson, Planning Director  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Agricultural	RA, Rural Agricultural District
South	Residential	RSF-2, Single Family District
East	Residential and Agricultural	RSF-E and RA
West	Vacant	RA, Rural Agriculture District

## Summary

The subject property is currently zoned RSF-E, Residential Single Family Estate District, and is currently undeveloped. The property adjoins County Road 64 to the north and County Road 54 West to the east. The adjoining properties are residential, agricultural, and commercial. The requested zoning designation is B-4 Major Commercial District. According to the submitted information, the purpose of this request is to allow for the construction of an auto convenience market and recreational vehicle (RV) storage.

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

## 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 5.4 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.

5.4.2 *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the B-4, Major Commercial District:

- |  |  |
|--|--|
| (a) All uses permitted by right under the B-3 zoning designation | (l) Flea market                                    |
| (b) Amusement park   | (m) Home improvement center                        |
| (c) Auto convenience market                                      | (n) Hotel or motel                                 |
| (d) Automobile parts sales                                       | (o) Manufactured housing sales, service and repair |
| (e) Automobile repair (mechanical and body)                      | (p) Marina   |
| (f) Automobile sales   | (q) Motorcycle sales service and repair            |
| (g) Automobile service station                                   | (r) Movie theatre                                  |
| (h) Automobile storage (parking lot, parking garage)             | (s) Recreational vehicle park                      |
| (i) Boat sales and service                                       | (t) Recreational vehicle sales, service and repair |
| (j) Building materials   | (u) Restaurant, drive-in                           |
| (k) Farm implements  | (v) Restaurant, fast food                          |

5.4.3 *Conditional uses.* The following uses are permissible as conditional uses in the B-4, Major Commercial District, subject to the standards and procedures established in *Section 18.11: Conditional Uses*:

- |                                   |  |
|-----------------------------------|--|
| (a) Airport                       | (g) Bus and railroad terminal facility |
| (b) Ambulance/EMS service         | (h) College or university              |
| (c) Armory                        | (i) Convalescent or nursing home       |
| (d) Auditorium, stadium, coliseum | (j) Correctional or penal institution  |
| (e) Barge docking                 | (k) Dog pound                          |
| (f) Broadcasting station          | (l) Electric power substations         |



- (m) Freight depot, rail or truck
- (n) Hospital
- (o) Landfill
- (p) Maintenance facility/storage yard for schools, government agencies, and telephone and cable companies
- (q) Race track
- (r) Radio and television station and transmitting tower
- (s) Railroad facility
- (t) Sewage treatment plant
- (u) Taxi dispatching station
- (v) Taxi terminal
- (w) Telephone exchange
- (x) Water or sewage pumping station
- (y) Water storage tank
- (z) Wireless telecommunication facility
- (aa) Zoo

#### 5.4.4 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

5.4.5 *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*.

## Article 22 Definitions

### Section 22.2 Words and Terms Defined

As used in these ordinances, the following words and terms shall have the meaning defined:

**Auto convenience market.** A retail establishment where motor vehicle fuel is retailed directly to the public on the premises in combination with retailing of items typically found in a neighborhood convenience store. An auto convenience market may include a drive-through car wash but may not include automobile service bays.

### Agency Comments

#### Baldwin County Highway Department:

Seth Peterson – Commercial turnout permits will be required for accessing the County maintained roadways. This would be reviewed/approved during the site plan review process.

Frank Lundy – If approved, access to the site and potential impacts to the CR 64 / CR 54W intersection need to be closely reviewed.

**ADEM:** No comments received.

**Municipality (City of Daphne, Adrienne Jones, Planning Director):**

**From:** Adrienne Jones [<mailto:ajones@daphneal.com>]

**Sent:** Tuesday, July 24, 2018 1:45 PM

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

**Subject:** RE: P-18005 Lazzari Property

Hi DJ,

According to the school board, the site is roughly ½ mile west from the proposed school site (southwest intersection of CR 64 and CR 54 E. I know there are other storage facilities in the area but no convenience store/gas station. If it's rezoned, I hope there are measures to protect the residences to the south.

Adrienne

### 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 zoned RSF-E, Residential Single Family Estate District, and is currently undeveloped. The property adjoins County Road 64 to the north and County Road 54 West to the east. The adjoining properties are residential, agricultural, and commercial. The requested zoning designation is B-4 Major Commercial District.

**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 15 was zoned on August 1, 2006. Since that time, there have been numerous rezonings to commercial designations throughout the planning district.

**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. If the rezoning is approved, the Future Land Use Map will be amended to reflect the designation of Commercial. The adjacent future land use designation to the west is 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?**

If the property is rezoned and developed, there will be an impact on traffic, but it is difficult to determine what that impact will be. Improvements may be required in order to alleviate concerns.

**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.**

See response to Standard Number 1 listed above.

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

The adjacent parcel to the west is zoned B-3, General Business District. Moving westward along County Road 64, the next adjacent parcel is zoned B-4, Major Commercial District, followed by a second B-3 parcel.

**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 is not aware of any environmental conditions or historic resources which would be impacted by this request.

**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.**

According to the Baldwin County Zoning Ordinance, a 25-foot buffer will be required along the south property line.

**Section 17.2 Buffers of Unlike Land Uses and Zoning Designations**

(c) Institutional uses, Professional Business uses (B-1), Neighborhood Business uses (B-2), General Business uses (B-3), Major Commercial uses (B-4) and Marine Recreation (MR) uses when adjacent to a Rural District (RR, RA and CR), Residential Single Family Estate District (RSF-E) or Single Family District (RSF-1, RSF-2, RSF-3, RSF-4 and RSF-6) shall require a minimum buffer of 25-feet.

**Staff Comments and Recommendation**

As stated previously, the subject property is currently zoned RSF-E, Residential Single Family Estate District, and is currently undeveloped. The property adjoins County Road 64 to the north and County Road 54 West to the east. The adjoining properties are residential, agricultural, and commercial. The requested zoning designation is B-4 Major Commercial District. According to the submitted information, the purpose of this request is to allow for the construction of an auto convenience market and recreational vehicle (RV) storage.

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.*









ADJACENT BUSINESS  
TO THE EAST

07/11/2018



ADJACENT RESIDENCE  
TO THE EAST

07/11/2018



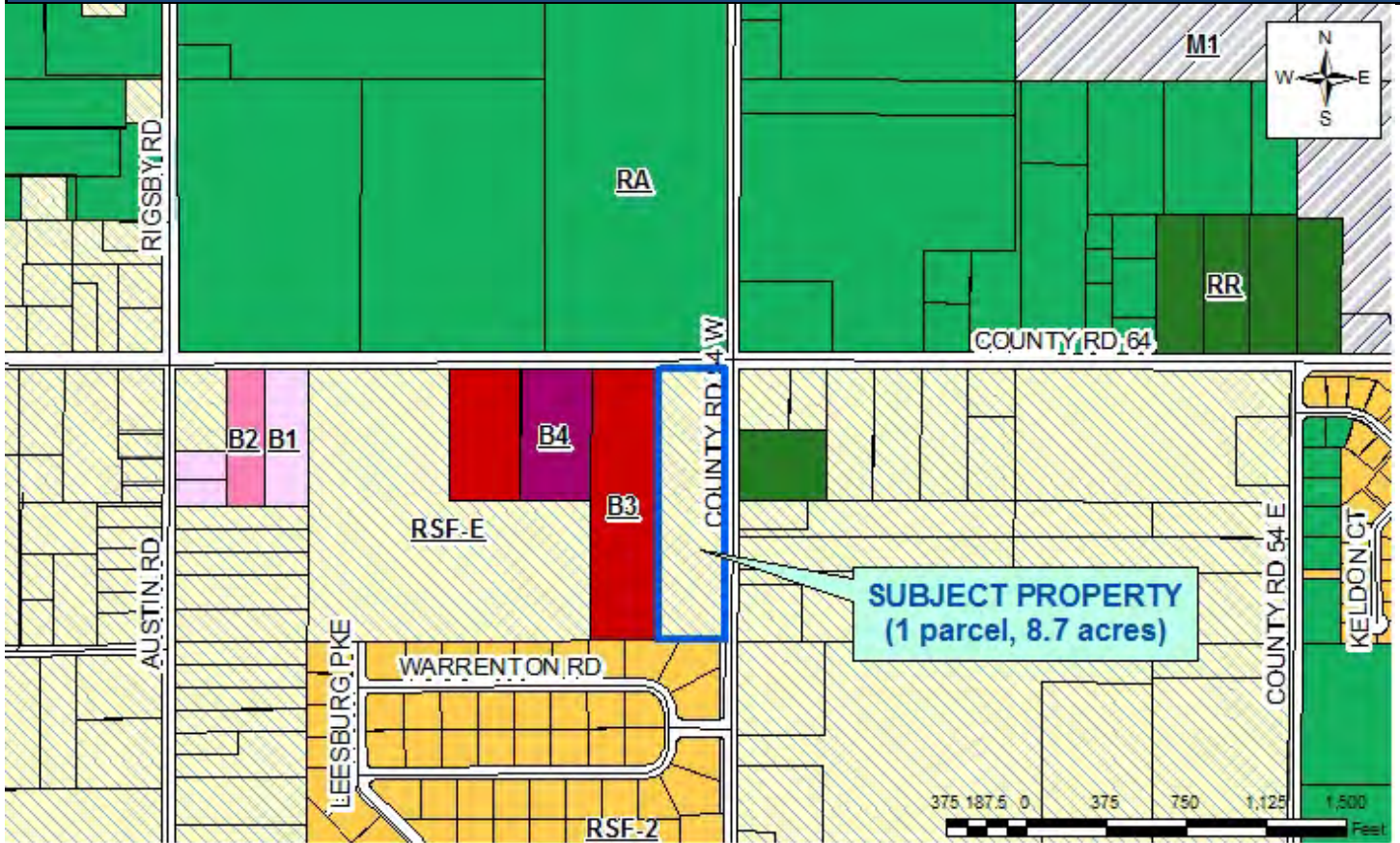




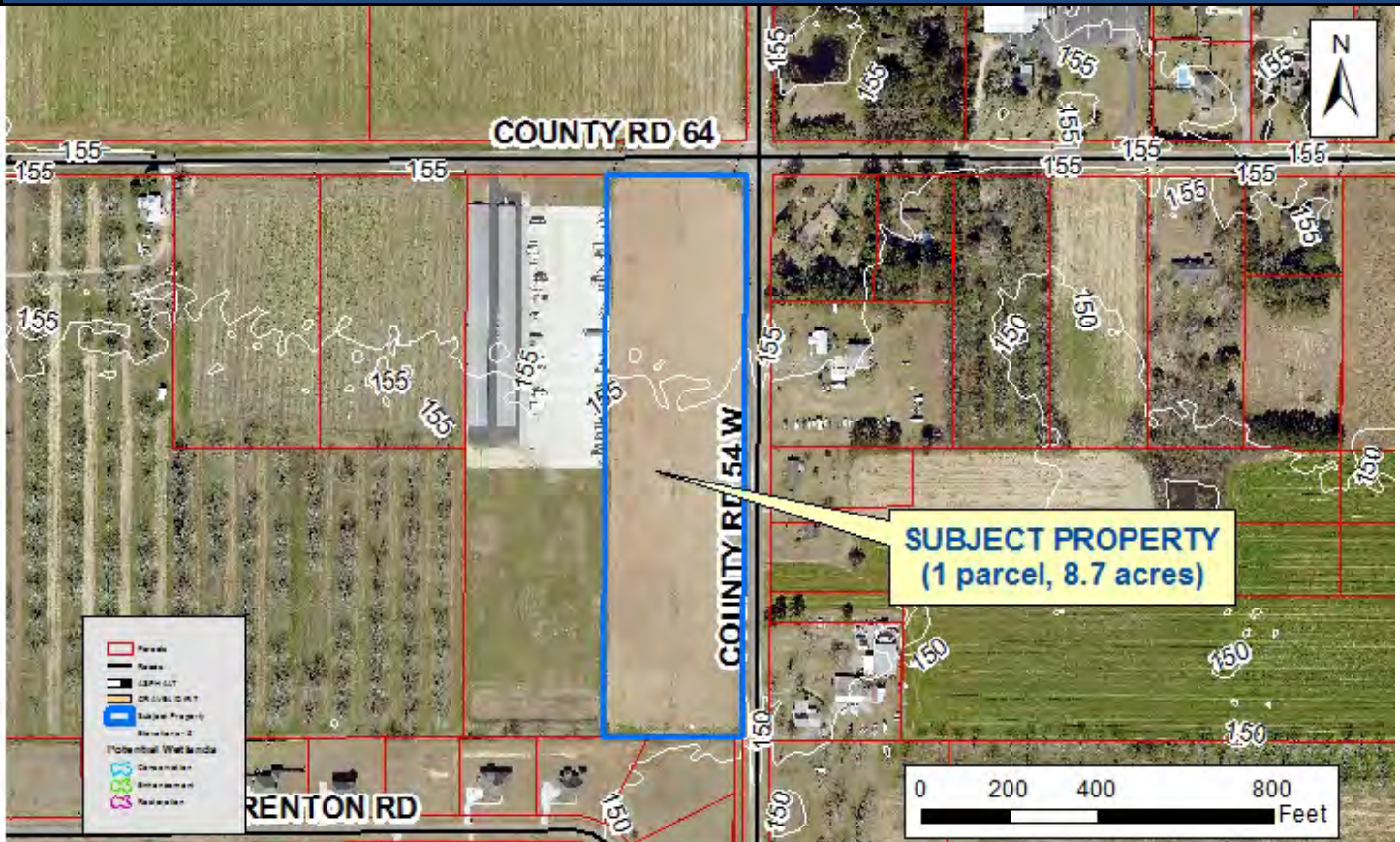




# Locator Map



# Site Map





# Baldwin County Planning & Zoning Department

## Baldwin County Planning Commission Staff Report

**Agenda Item 8.f**

**Case No. Z-18038**

**Godbold Property**

**Rezone RA, Rural Agriculture District to RSF-3, Single Family District**

**August 2, 2018**

### Subject Property Information

**Planning District:** 21  
**General Location:** South of CR 12S and East of Sherman Rd.  
**Physical Address:** N/A  
**Parcel Number:** 05-60-05-15-0-000-003.000, 162, 159  
**Existing Zoning:** RA, Rural Agriculture District  
**Proposed Zoning:** RSF-3, Single Family District  
**Existing Land Use:** Undeveloped  
**Proposed Land Use:** Continue the remaining phases of Hawthorn Subdivision  
**Acreage:** 29.78 acres, more or less  
**Applicant:** David Shumer  
3213 Midtown Park S.  
Mobile, AL 36606  
**Owner:** Josh Godbold  
12423 CR 87  
Elberta, AL 36530  
**Lead Staff:** Celena Boykin, Planner  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Agricultural	RA, Rural Agricultural & RSF-2, Residential Single Family
South	Agricultural	RA, Rural Agricultural
East	Residential	RA, Rural Agricultural & RSF-2, Residential Single Family
West	Residential	RA, Rural Agricultural & RSF-2, Residential Single Family

### Summary

The subject property is currently zoned RA, Rural Agriculture District. It consists of approximately 29.78 acres and is currently undeveloped. The designation of RSF-3, Single Family District, has been requested in order to continue the remaining phases of Hawthorn subdivision.



## 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 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 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.

4.4.4 *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:

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

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 18.6 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	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

#### Agency Comments

**Baldwin County Highway Department (Seth Peterson):** No comments.

**Army Corps of Engineers:** No comments received.

**ADEM (Scott Brown):** No comments received.

**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 County Road 12 South to the north. The adjoining properties to the west and east are residential. The adjacent property to the north is agricultural.



**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 zoning for Planning District 21 was adopted by the County Commission on June 2, 2009. The subject property was zoned RA, Rural Agriculture District, at that time. There hasn't been any rezonings in this area.

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

The Baldwin County Master Plan, 2013, indicates a future land use designation of Agricultural for the subject property. If the rezoning is approved, the future land use designation will change to residential.

**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?**

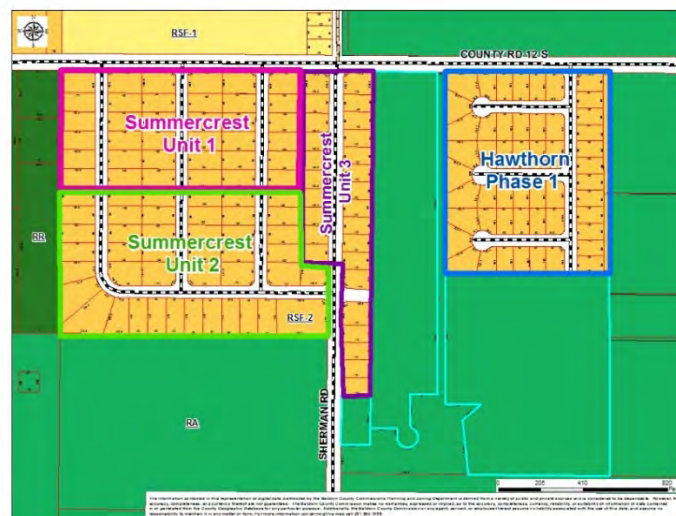
A subdivision can bring an increase in traffic. However, traffic impacts and access requirements will be addressed during the Subdivision process.

**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.**

Please see the responses to number 1 and number 2.

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

There is no RSF-3 zoning in the immediate vicinity. In first phase of Hawthorn, the smallest lot is 10,400 sq ft and the largest lot is 17,737 sq ft. Most of these lots are smaller than the required minimum lot size of 15,000 sq ft for RSF-2. The same with Summercrest Unit 3, these lots average at 12,000 sq ft. Unit 1 and 2 of Summercrest does meet the minimum lot size for RSF-2. These adjacent subdivisions were approved before Planning District 21 became zoned.



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

Timing is not a factor with this request.

**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 which would be impacted by this request.

**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.**

N/A

**Staff Comments and Recommendation**

As stated previously, the subject property is currently zoned RA, Rural Agriculture District. It consists of approximately 29.78 acres and is currently undeveloped. The designation of RSF-3, Single Family District, has been requested in order to continue the remaining phases of Hawthorn subdivision.

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.*

## Property Images

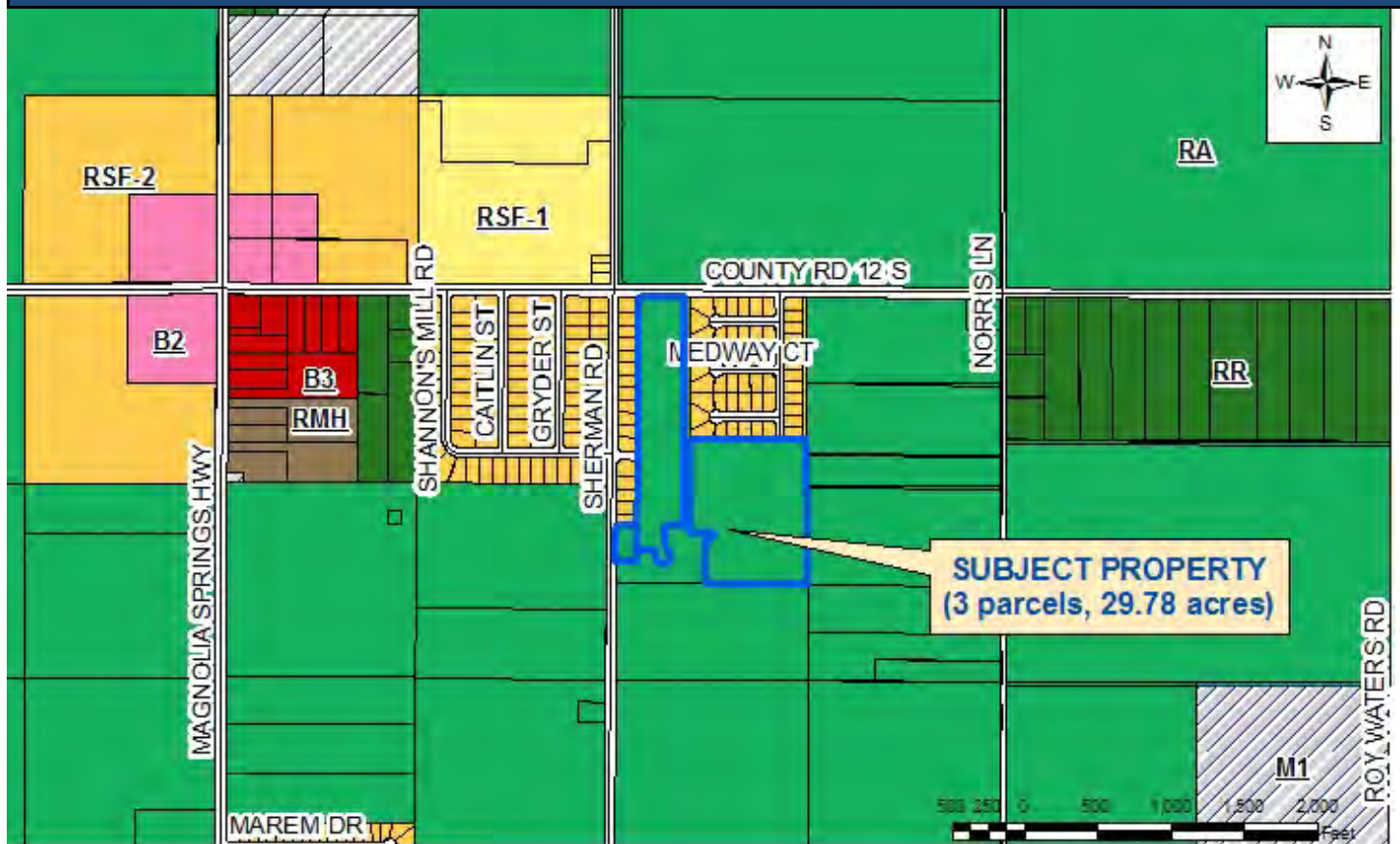




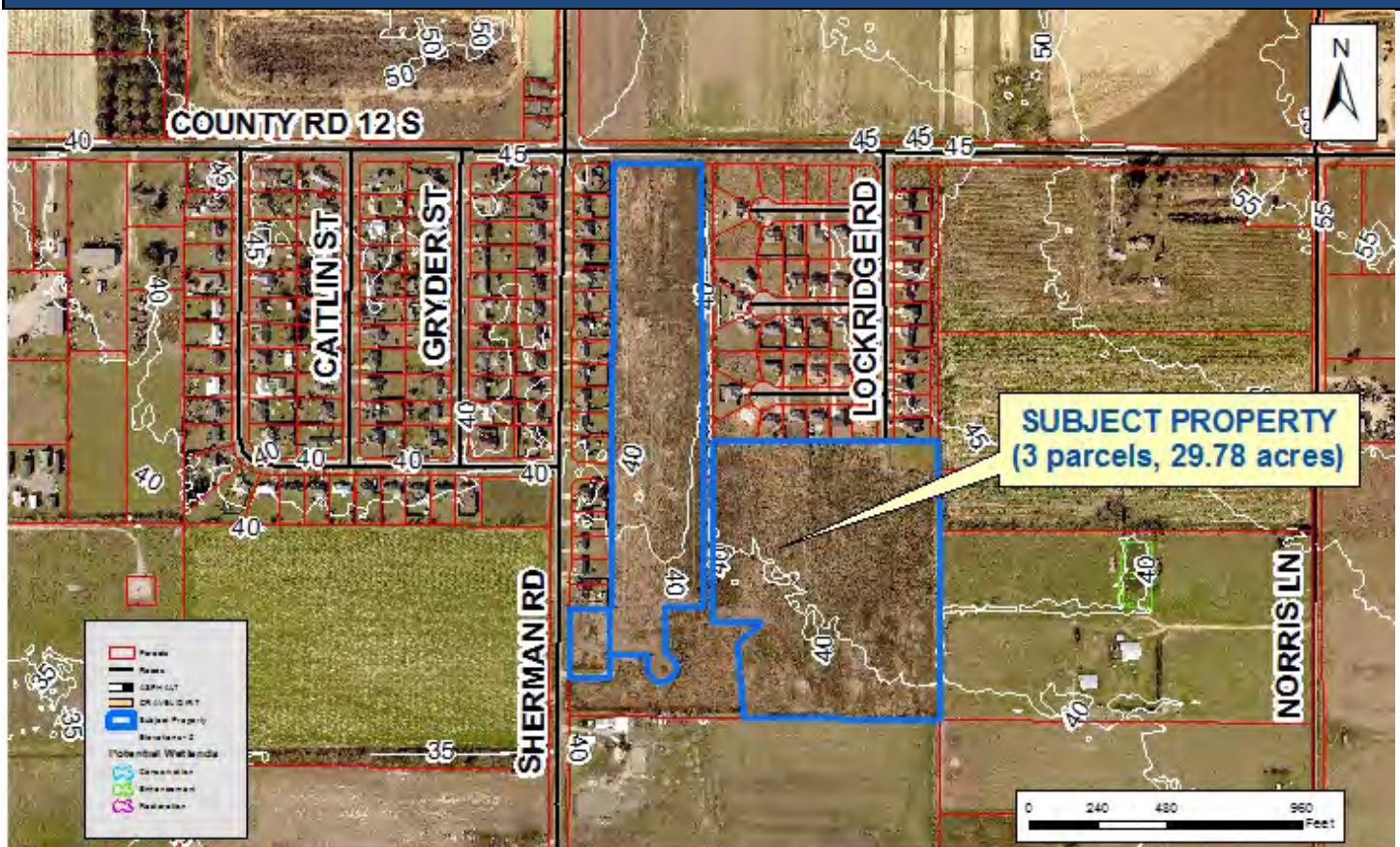




## Locator Map



## Site Map





# Baldwin County Planning & Zoning Department

## Baldwin County Planning Commission Staff Report

**Agenda Item 8.g**

**Case No. Z-18039**

**Osburn Property**

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

**August 2, 2018**

### Subject Property Information

**Planning District:** 16  
**General Location:** East Side of US Highway 98, North of Parker Road  
**Physical Address:** N/A  
**Parcel Number:** 05-46-03-05-0-000-013.000  
**Existing Zoning:** B-2, Neighborhood Business District  
**Proposed Zoning:** B-3, General Business District  
**Existing Land Use:** Undeveloped  
**Proposed Land Use:** Commercial  
**Lot Area:** 44,552.7 square feet +/-  
**Applicant:** Mallory White  
16201 Greeno Road  
Fairhope, AL 36532  
**Owner:** Charles Osburn  
P.O. Box 791  
Montrose, AL 36559  
**Lead Staff:** Vince Jackson, Planning Director  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Commercial	B-2, Neighborhood Business
South	Commercial	B-2, Neighborhood Business
East	Planned Unit Development (Inactive)	City of Fairhope
West	Commercial	B-2, Neighborhood Business

### Summary

The subject property is currently zoned B-2, Neighborhood Business District. The designation of B-3, General Business District, has been requested in order to have a designation which is more consistent with the uses of adjacent properties and more reflective of the activities taking place along U.S. Highway 98. According to the information provided, a number of potential sales have been lost due to the fact that the property is zoned B-2 instead of B-3. A letter from the applicant, detailing the reasons for the request is attached.



## **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:

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

5.2.3 *Conditional uses.* The following uses are permissible as conditional uses in the B-2, Neighborhood Business District, subject to the standards and procedures established in *Section 18.11: Conditional Uses*:

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

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 18.11: Conditional Uses*, 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 (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 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*).

## 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:

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



(uu) Riding academy  
 (vv) Rug and/or drapery cleaning service  
 (ww) Seafood store  
 (xx) Sign shop  
 (yy) Skating rink  
 (zz) Stone monument sales

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

#### 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

**Permit/Subdivision Manager, Seth Peterson:** No comments.

**Baldwin County Highway Department:** No comments.

**ADEM:** No comments received.

**ALDOT:** No comments received.

#### **Municipality (City of Fairhope):**

**From:** Wayne Dyess [<mailto:wayne.dyess@fairhopeal.gov>]

**Sent:** Monday, July 23, 2018 11:19 AM

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

**Cc:** Buford King <[buford.king@fairhopeal.gov](mailto:buford.king@fairhopeal.gov)>; Emily Boyett <[emily.boyett@cofairhope.com](mailto:emily.boyett@cofairhope.com)>

**Subject:** RE: Z-18039 Osburn Property

Hello D.J.

The subject property is adjacent to the Fairhope Corporate Limits. The east side of the subject property abuts a PUD (inactive) and B-2 General Business District to the west across U.S. 98. We have no objection to Case No. Z-18039: Osburn Property for a B-3 Zoning.

Please note that the subject property does fall within the City's permit jurisdiction. Therefore, the City's tree and landscape ordinance, sign ordinance, red clay ordinance etc. will apply.

Best Regards,  
Wayne

**From:** D Hart [<mailto:DHart@baldwincountyal.gov>]  
**Sent:** Wednesday, July 18, 2018 1:10 PM  
**To:** Wayne Dyess <[wayne.dyess@fairhopeal.gov](mailto:wayne.dyess@fairhopeal.gov)>  
**Subject:** Z-18039 Osburn Property

The attached case is scheduled for the August 2, 2018 Planning and Zoning Commission meeting. Let me know if you have any comments.

Thanks,  
DJ

**DJ Hart, Planning Technician**  
**Baldwin County Planning and Zoning Department**  
22070 Hwy 59  
Robertsdale, Al. 36567  
**251-580-1655 ext. 7230**  
[dhart@baldwincountyal.gov](mailto:dhart@baldwincountyal.gov)

### 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 undeveloped. The property adjoins U.S. Highway 98 to the west. The adjoining properties to the north, south and west are commercial. An inactive Planned Unit Development (PUD), within the City of Fairhope, is located to the east.

**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 zoning for Planning District 16 was approved by the County Commission on March 3, 1993. Due to amendments to the text of the zoning ordinance, the B-2 which existed at the time of zoning adoption, is different from the B-2 of today. Many of the uses currently found along Highway 98 would be more appropriately zoned B-3 or B-4.

This area has seen significant development since the adoption of zoning.

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

The Baldwin County Master Plan, 2013, provides a future land use designation of Commercial for the subject property. This is consistent with the current and proposed zoning designations.

**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?**

Development of this property will serve the traffic which is already traveling along U.S. Highway 98. There should be no significant impact to traffic patterns or congestion.

**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.**

See response to Standard Number 1.

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

Adjacent property to the north and south is zoned B-2. However, the adjacent property to the north is the location for Lott's Auto Care (a B-4 use), and the adjacent property to the south is the location for a CEFCO auto convenience market (a B-3 use).

**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?**

There are no environmental conditions or historic resources which would be impacted by this request.

**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.**

See comments from the City of Fairhope listed above.

**Staff Comments and Recommendation**

As stated previously, the subject property is currently zoned B-2, Neighborhood Business District. The designation of B-3, General Business District, has been requested in order to have a designation which is more consistent with the uses of adjacent properties and more reflective of the activities taking place along U.S. Highway 98. According to the information provided, a number of potential sales have been lost due to the fact that the property is zoned B-2 instead of B-3.

Staff believes that this is a reasonable request which should be recommended to the County Commission for **APPROVAL.** \*

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









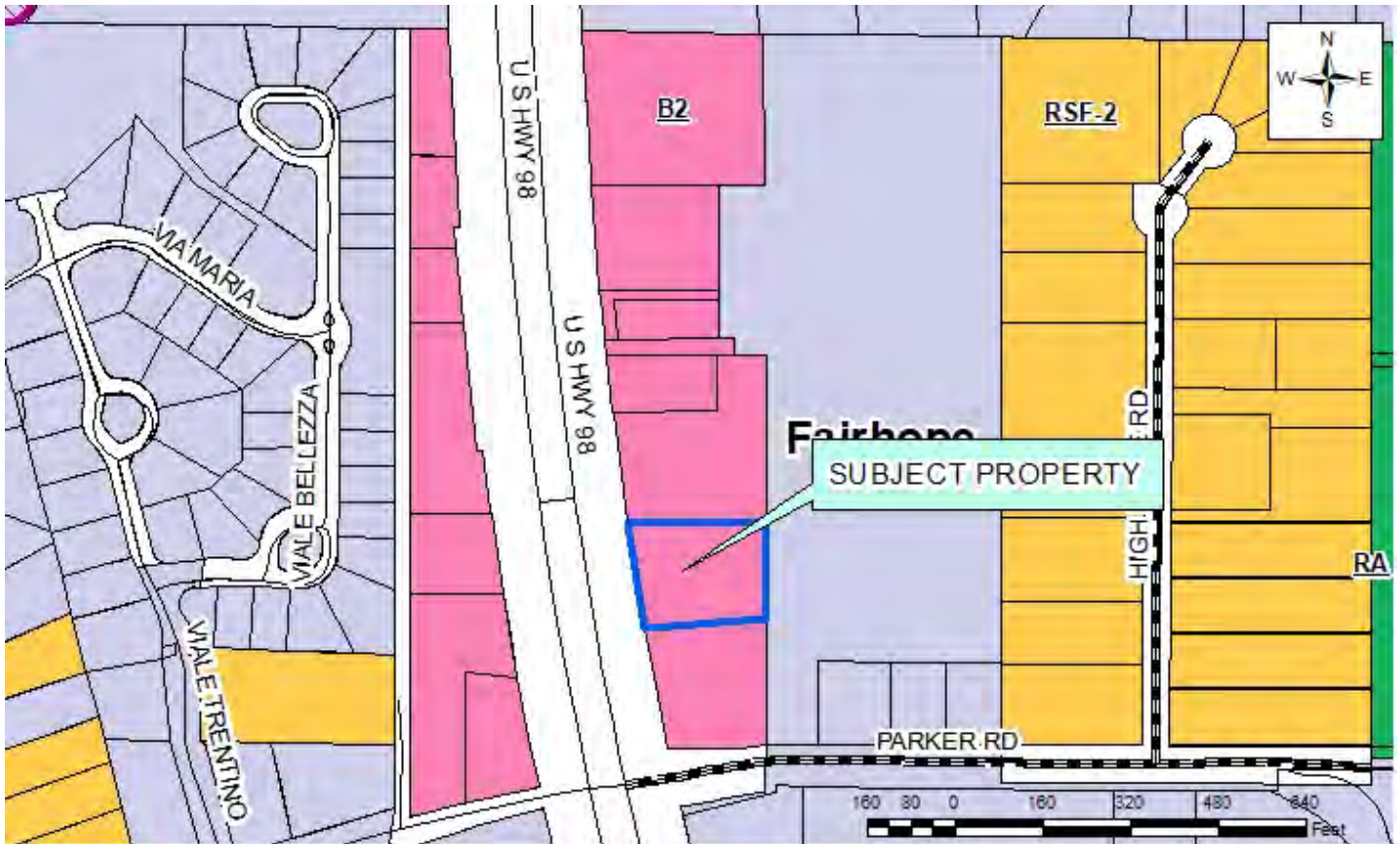


ADJOINING PROPERTIES  
TO THE NORTH

07/11/2018



## Locator Map



## Site Map







July 2<sup>nd</sup>, 2018

Dear Baldwin County Commission,

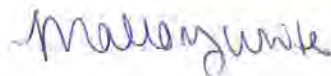
Thank you for taking the time to review and strongly consider this application and related documents to re-zone vacant land located at 0 US HIGHWAY 98 FAIRHOPE, AL TAX PPIN 68657 from B-2 to B-3. I am the realtor and the authorized agent for this property and I think rezoning is in the best interest of the surrounding businesses and future business owners and I will explain why.

There are two very important factors I hope you will take into consideration to re-zone. The first being that the surrounding businesses are all zoned B-3: gas station, auto repair businesses (2), grocery store, animal shelter/humane society and many more. Secondly, I have had very interested buyers call me from seeing my sign, and once they find out the property is zoned B-2, they walk away: 2 oil change businesses, an auto detailing business and an automobile parts sales business inquired heavily about this property. I explained that the offer would be contingent on the ability to re-zone to B-3, but they "didn't want to go through the headache of trying to re-zone and possibly being declined in the end, and the time waiting could have been spent on looking for another property to suit their business needs." We also had an offer fall through as well: car detailing and mechanical service station.

I rarely get phone calls from the MLS and I think the reason why all the calls are coming from seeing my listing sign is because they see the surrounding businesses and assume their business would fit perfectly where they and the surrounding businesses would benefit from their services. I would personally love to see an oil change station right there. I could fill up with gas, go through the car wash, drop my car off at the oil change station then walk over to the Shoppes at Fairhope Village and eat at the Shanghai Cottage or do a little grocery shopping at Publix all while my 9 and 10 year old daughters are at the Little Gym Gymnastics class or Sheffield Dance studio.

Please consider heavily why re-zoning this property to B-3 is in the best interest of the current and future business owners and the Fairhope community. Again, thank you for your time and I look forward to telling my clients the application was approved. Thank you.

Respectfully,



Mallory White, Realtor  
Jason Will Real Estate  
251-424-4953  
mallory@mallorywhitehomes.com





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Bank,  
publix grocery store  
restaurants

0 45 90 180 270 360 Feet





# Baldwin County Planning & Zoning Department

## Baldwin County Planning Commission Staff Report

### Agenda Item 8.h

Case No. Z-18040

George C. Meyers Foundation Inc. Property

Rezone RSF-2, Residential Single Family District to B-3, General Business District

August 2, 2018

## Subject Property Information

**Planning District:** 12  
**General Location:** North of Thompson Rd. and West of Hwy 59  
**Physical Address:** N/A  
**Parcel Number:** 05-42-07-25-0-000-010.000  
**Existing Zoning:** RSF-2, Residential Single Family District  
**Proposed Zoning:** B-3, General Business District  
**Existing Land Use:** Vacant  
**Proposed Land Use:** Piggly Wiggly  
**Acreage:** 6.8 ± acres  
**Applicant:** Chris Lieb  
22881 Hwy 98  
Fairhope, AL 36532  
**Owner:** George C. Meyer Foundation Inc. Property  
P.O. Box 489  
Foley, AL 36536  
**Lead Staff:** Celena Boykin, Planner  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential/Commercial	RSF-2, Residential Single Family & B-2, Neighborhood Business
South	Central Baldwin Middle School	City of Robertsedale
East	Hwy 59 & Agriculture	Hwy 59 & RA, Rural Agricultural District
West	Agricultural	City of Robertsedale

## Summary

The subject property is currently zoned RSF-2, Residential Single Family District, and is currently vacant. The designation of B-3, General Business District, has been requested. According to the submitted information, the purpose of this application is to allow for the construction of a Piggly Wiggly grocery store.



### Section 4.3 RSF-2, Single Family District

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

4.3.2 *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.

4.3.3 *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.

4.3.4 *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*).

4.3.5 *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	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	15,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

### 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:

- |  |  |
|--|--|
| (a) All uses permitted by right under the B-2 zoning designation | (cc) Funeral home                        |
| (b) Air conditioning sales and service                           | (dd) Golf course                         |
| (c) Amusement arcade   | (ee) Golf driving range                  |
| (d) Animal clinic/kennel   | (ff) Grocery store                       |
| (e) Arboretum  | (gg) Landscape sales                     |
| (f) Auto convenience market                                      | (hh) Marine store and supplies           |
| (g) Automobile service station                                   | (ii) Miniature golf                      |
| (h) Bakery, wholesale  | (jj) Mini-warehouse                      |
| (i) Ball field   | (kk) Night club, bar, tavern             |
| (j) Bicycle sales and service                                    | (ll) Nursery                             |
| (k) Bowling alley  | (mm) Office equipment and supplies sales |
| (l) Business machine sales and service                           | (nn) Park or playground                  |
| (m) Business school or college                                   | (oo) Pawn shop                           |
| (n) Butane gas sales   | (pp) Pet shop                            |
| (o) Cemetery   | (qq) Plumbing shop                       |
| (p) City hall or courthouse                                      | (rr) Printing/publishing establishment   |
| (q) Country club   | (ss) Restaurant sales and supplies       |
| (r) Department store   | (tt) Riding academy                      |
| (s) Discount/variety store                                       | (uu) Rug and/or drapery cleaning service |
| (t) Drug store   | (vv) Seafood store                       |
| (u) Elevator maintenance service                                 | (ww) Sign shop                           |
| (v) Exterminator service office                                  | (xx) Skating rink                        |
| (w) Farmer's market/truck crops                                  | (yy) Stone monument sales                |
| (x) Firing range   | (zz) Swimming pool (outdoor)             |
| (y) Fitness center or gym  | (aaa) Taxidermy                          |
| (z) Florist  | (bbb) Teen club or youth center          |
| (aa) Fraternity or sorority house                                | (ccc) Tennis court (outdoor)             |
| (bb) Fruit and produce store                                     | (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  | (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
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 (Frank Lundy):** No comments received.

**Army Corps of Engineers:** No comments received.

**ADEM (Scott Brown):** No comments.

**Baldwin County Subdivision Department (Seth Peterson):** No comment.

**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 zoned RSF-2, Residential Single Family District, and is currently vacant. The property adjoins State Highway 59 to the east. The adjoining properties are a school, residential, and agricultural.

**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 zoning for Planning District 12 was adopted by the County Commission on November 7, 2006. The subject property was zoned RSF-2, Residential Single Family District at that time. There has been several commercial rezonings along Hwy 59 since Planning District 12 became zoned.

**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. If the rezoning is approved, the Future Land Use Map will be amended to reflect the designation of 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?**

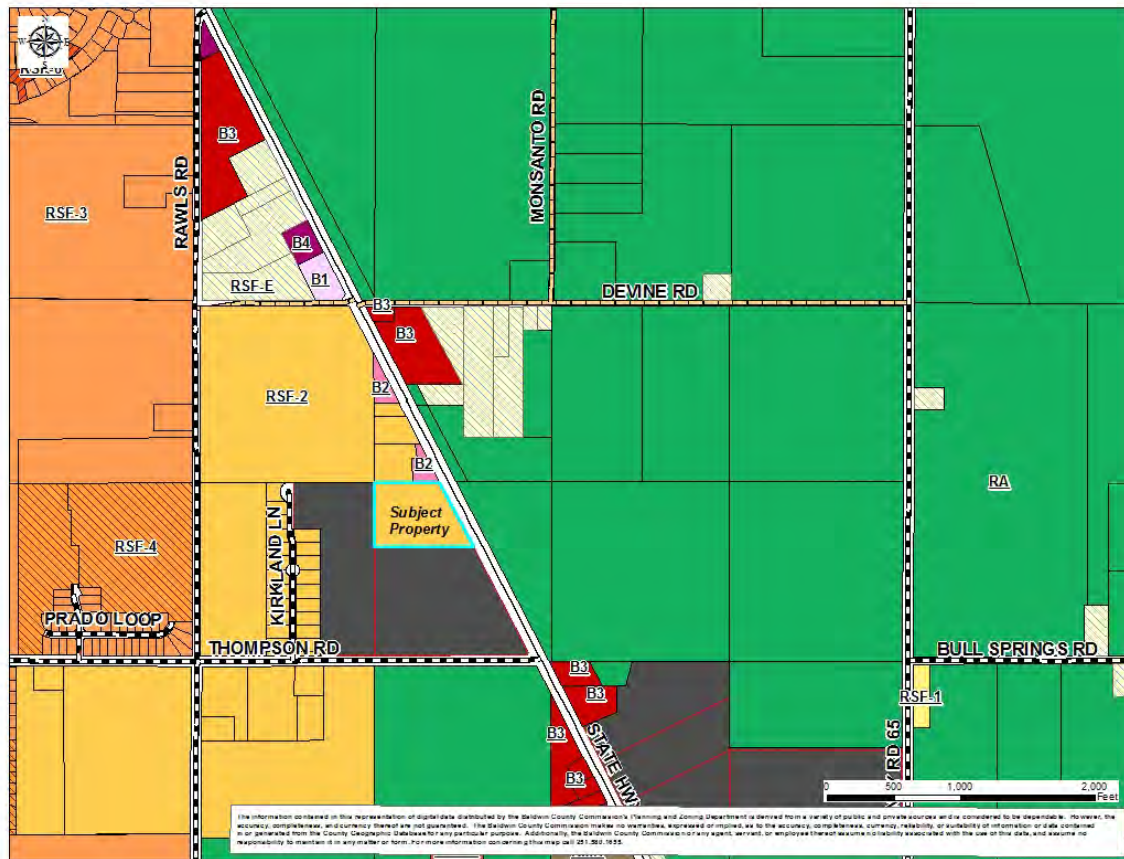
Commercial development will bring about an increase in traffic. Access requirements will be determined and reviewed during the development process.

**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.**

See response to item number 1 listed above.

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

There is B-2 adjacent to the subject property and numerous B-3 zoning near the subject property.



**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 is unaware of any environmental conditions or historic resources which would be impacted by this request.

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

No adverse impacts.

**11.) Other matters which may be appropriate.**

N/A

## Staff Comments and Recommendation

As stated previously, the subject property is currently zoned RSF-2, Residential Single Family District, and is currently vacant. The designation of B-3, General Business District, has been requested. According to the submitted information, the purpose of this application is to allow for the construction of a Piggly Wiggly grocery store.

Unless information to the contrary is revealed at the public hearing, staff feels this rezoning application should be recommended for **APPROVAL**. \* It should be noted that drainage and required access improvements will be addressed during the land use certificate process.

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







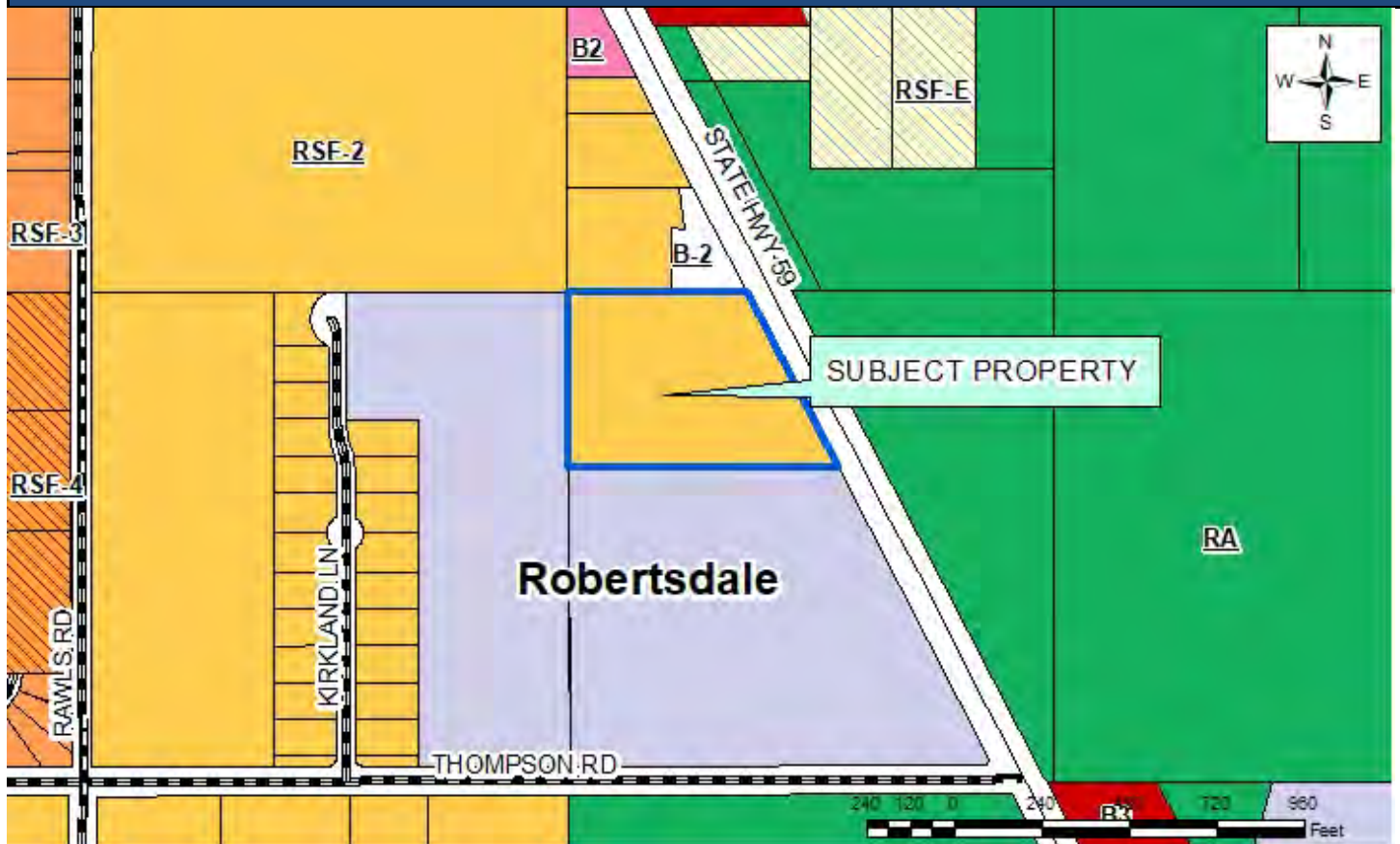








## Locator Map



## Site Map

