



Baldwin County Planning & Zoning Commission Agenda

Thursday, November 1, 2018

6:00 p.m.

Baldwin County Central Annex

Main Auditorium

22251 Palmer Street

Robertsdale, Alabama

www.planning.baldwincountyal.gov

1. **Call to order.**
2. **Invocation and prayer.**
3. **Pledge of Allegiance.**
4. **Roll call.**
5. **Approval of meeting minutes:**

October 4, 2018 meeting
6. **Announcements/Registration to address the Commission.**
7. **Consideration of Applications and Requests: Subdivision Cases**

a.) **Case S-18032, Hawthorn Unit 6 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 of a 48-lot subdivision, Hawthorn Unit 6.

Location: The subject property is located at the end of Lockridge Road off County Road 12 South, just east of Sherman Road.

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

a.) Case Z-18045, Lola & Associates Property

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

Purpose: The applicant is requesting to rezone 62.25 acres from RA to RSF-2, RSF-3 and RSF-4 to allow development a subdivision.

Location: The subject property is located between Co Rd 49 and West Blvd. in Planning District 12.

b.) Case Z-18047, Stapleton 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 acres from RA to B-4 to allow the operation of a commercial catering business, as well as other commercial activities, on the property.

Location: The subject property is located at 13045 Co Rd 64. in Planning District 15.

c.) Case Z-18048, Denk Property

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

Purpose: The applicant is requesting to rezone .44 acres of a 1.096- acre parcel from, RSF-E to RSF-2 to allow the family subdivision of the parcel.

Location: The subject property is located at 19055 Huguen Street. in Planning District 31.

d.) Case Z-18049, Easy Like That, LLC Property

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

Purpose: The applicant is requesting to rezone 13.4 acres from RA to B-4 to allow the development of an RV Park on the parcel.

Location: The subject property is located at 28376 US Hwy 98. in Planning District 22.

e.) Case Z-18050, Simms Property

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

Purpose: The applicant is requesting to rezone .312 acres of a .572- acre parcel from B-1 to RSF-1 to allow the building on the property to be used for dwelling.

Location: The subject property is located at 34419 Rosalia Ave. in Planning District 33

f.) Case Z-18051, Willis Property

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

Purpose: The applicant is requesting to rezone 1.39 acres from RSF-1 to RSF-4 to allow the family subdivision of the property.

Location: The subject property is located at 13790 Fort Morgan Trail W., in Planning District 25.

g.) Case Z-18052, Marina Holdings LLC Property

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

Purpose: The applicant is requesting to rezone 4.01 acres from B-2 to B-4 to allow the continued use as a marina.

Location: The subject property is located at 1577 State Highway 180, in Planning District 25.

9. Public Comment:

10. Old Business:

11. New Business:

12. Reports and Announcements:

Staff Reports

Legal Counsel Report

Next Regular Meeting: December 6, 2018

13. Adjournment.

Baldwin County Planning and Zoning Commission
Case No. S-18032 Hawthorn Unit 6
Development Permit Approval
Staff Report for Planning and Zoning Commission Public Hearing
November 1, 2018
Agenda Item 7.a

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:	October 4, 2018	Development Permit Approval Pending Tabled until the November 1, 2018 meeting
	November 1, 2018	Development Permit Approval Pending
Attachments:	Vicinity Map Site Map Proposed Plat	

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District:	District 21 – Zoned RSF-3
Location of Property:	The subject property is located at the end of Lockridge Road off County Road 12 South just to the east of Sherman Road.
Parcel Number:	05-60-05-15-0-000-003.000
Report Prepared By:	Seth Peterson; Permit/Subdivision Manager

III. SUBDIVISION PROPOSAL:

Proposed number of Lots:	48
Linear Feet of Streets:	2,247 feet
Total Acreage:	± 20.44 Acres
Smallest Lot Size:	± 10,001 Square Feet
Proposed Use:	Residential
Applicant:	Justin Palmer PO Box 213 Montrose, AL 36559
Engineer:	Barton & Shumer, c/o David Shumer 6304 Piccadilly Square Dr. #3 Mobile, AL 36609
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: Riviera Utilities
 Sewer: Baldwin County Sewer Service
 Electricity: Baldwin County EMC

Transportation: New internal streets are proposed that will provide access and frontage for the new lots. These streets will be built to meet the Baldwin County Design Standards for New Road Construction.

Stormwater: The design engineer has provided a generalized stormwater plan that meets the requirements of the *Baldwin County Subdivision Regulations*.

V. STAFF COMMENTS:

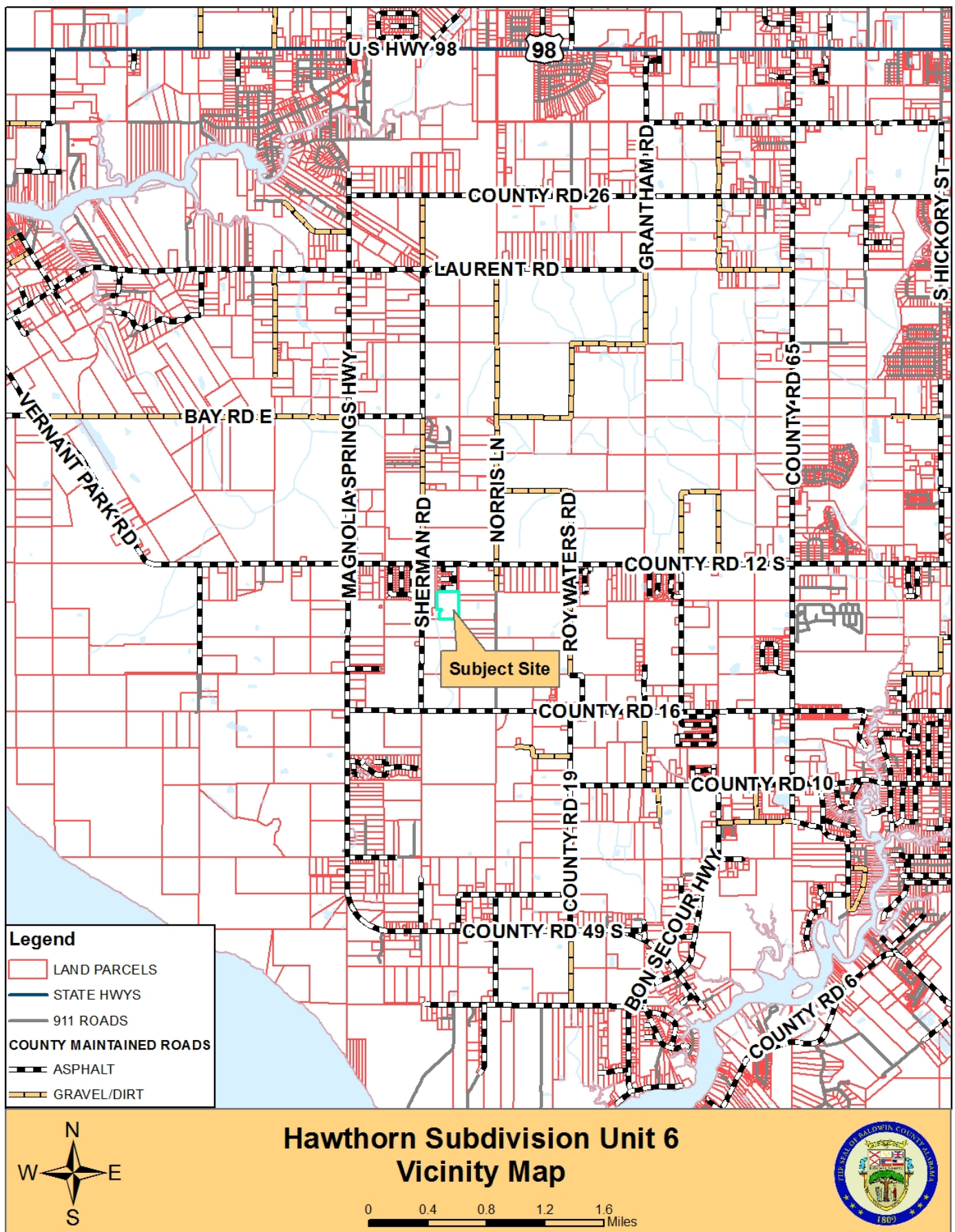
Items for consideration:

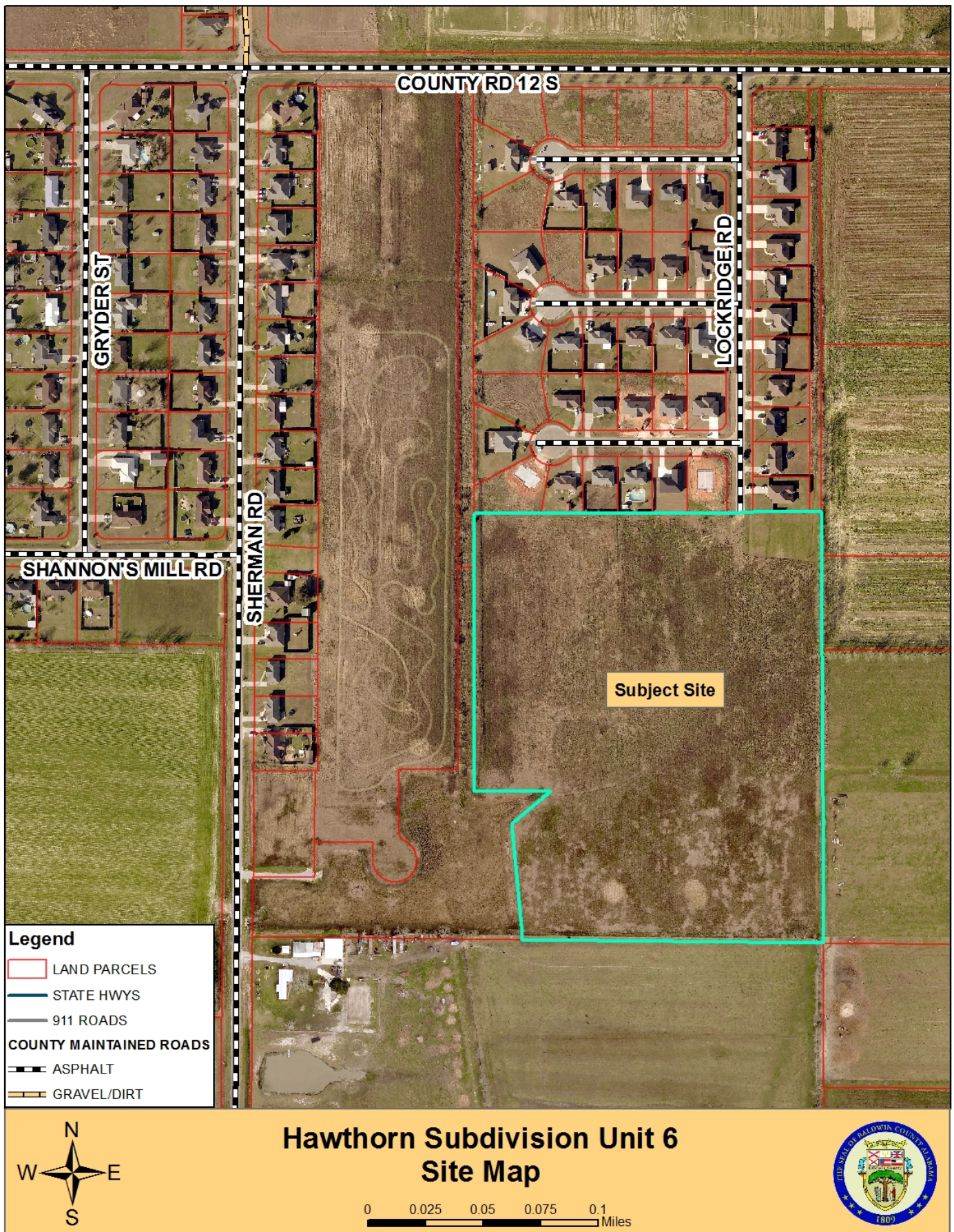
The following items do not meet the requirements of the *Baldwin County Subdivision Regulations*:

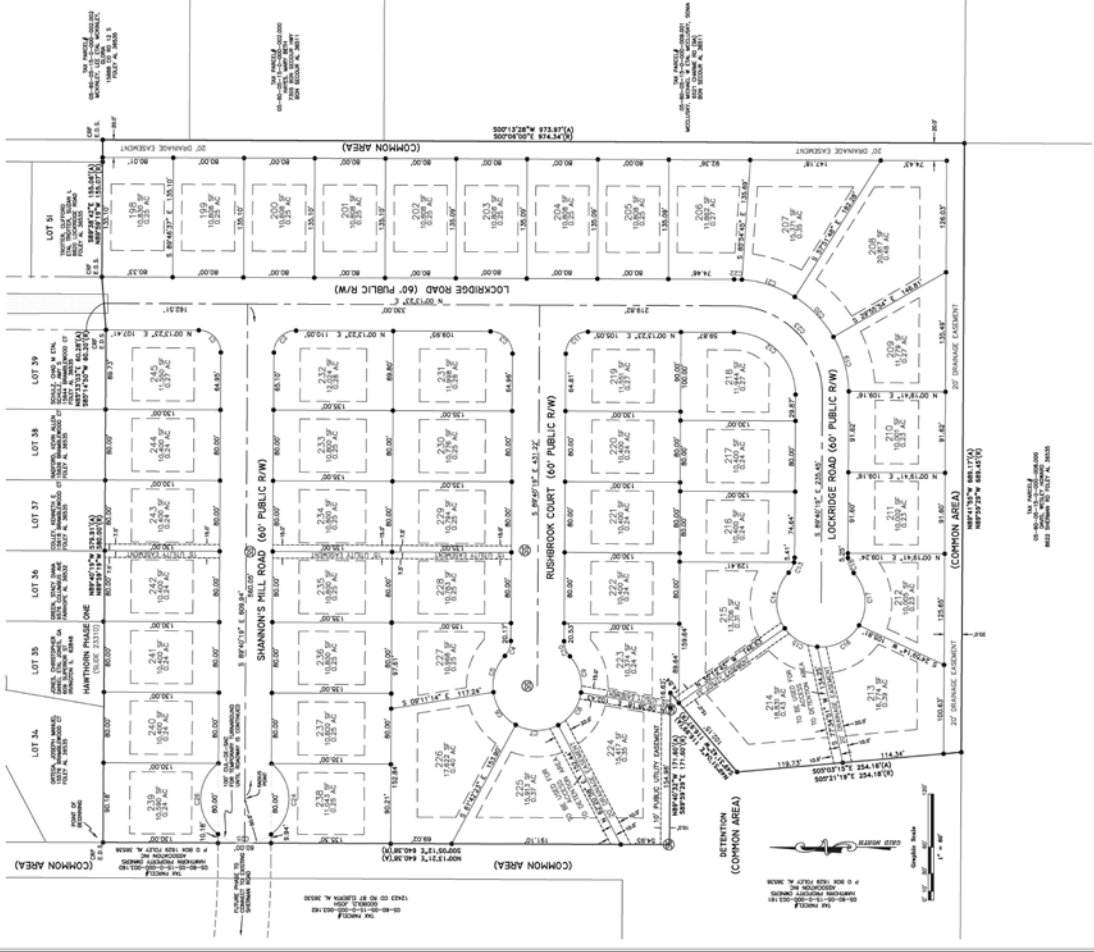
1. The traffic impact study is not complete. The traffic engineer has provided a letter stating the preliminary analysis indicates no improvements will be warranted.
2. Sidewalks are not proposed (variance request submitted)
3. Curb and gutter are not proposed (variance request submitted to allow open ditches)
4. Underground power is not proposed (variance request submitted to allow overhead power)
5. Street lights are not proposed (variance request submitted)

VI. RECOMMENDATIONS:

Staff recommends that the Development Permit for Case No. S-18032, Hawthorn Unit 6, be **DENIED** due to items listed above. If the traffic study is provided and the variance requests are approved, or if the applicant chooses to install the required items per the regulations, then staff's recommendation would be for the Planning Commission to approve the Development Permit.







COMMON AREA

LOT	AREA (SQ. FT.)	AREA (AC.)
1	1,234,567	0.028
2	1,234,567	0.028
3	1,234,567	0.028
4	1,234,567	0.028
5	1,234,567	0.028
6	1,234,567	0.028
7	1,234,567	0.028
8	1,234,567	0.028
9	1,234,567	0.028
10	1,234,567	0.028
11	1,234,567	0.028
12	1,234,567	0.028
13	1,234,567	0.028
14	1,234,567	0.028
15	1,234,567	0.028
16	1,234,567	0.028
17	1,234,567	0.028
18	1,234,567	0.028
19	1,234,567	0.028
20	1,234,567	0.028
21	1,234,567	0.028
22	1,234,567	0.028
23	1,234,567	0.028
24	1,234,567	0.028
25	1,234,567	0.028
26	1,234,567	0.028
27	1,234,567	0.028
28	1,234,567	0.028
29	1,234,567	0.028
30	1,234,567	0.028
31	1,234,567	0.028
32	1,234,567	0.028
33	1,234,567	0.028
34	1,234,567	0.028
35	1,234,567	0.028
36	1,234,567	0.028
37	1,234,567	0.028
38	1,234,567	0.028
39	1,234,567	0.028
40	1,234,567	0.028
41	1,234,567	0.028
42	1,234,567	0.028
43	1,234,567	0.028
44	1,234,567	0.028
45	1,234,567	0.028
46	1,234,567	0.028
47	1,234,567	0.028
48	1,234,567	0.028
49	1,234,567	0.028
50	1,234,567	0.028
51	1,234,567	0.028
52	1,234,567	0.028
53	1,234,567	0.028
54	1,234,567	0.028
55	1,234,567	0.028
56	1,234,567	0.028
57	1,234,567	0.028
58	1,234,567	0.028
59	1,234,567	0.028
60	1,234,567	0.028
61	1,234,567	0.028
62	1,234,567	0.028
63	1,234,567	0.028
64	1,234,567	0.028
65	1,234,567	0.028
66	1,234,567	0.028
67	1,234,567	0.028
68	1,234,567	0.028
69	1,234,567	0.028
70	1,234,567	0.028
71	1,234,567	0.028
72	1,234,567	0.028
73	1,234,567	0.028
74	1,234,567	0.028
75	1,234,567	0.028
76	1,234,567	0.028
77	1,234,567	0.028
78	1,234,567	0.028
79	1,234,567	0.028
80	1,234,567	0.028
81	1,234,567	0.028
82	1,234,567	0.028
83	1,234,567	0.028
84	1,234,567	0.028
85	1,234,567	0.028
86	1,234,567	0.028
87	1,234,567	0.028
88	1,234,567	0.028
89	1,234,567	0.028
90	1,234,567	0.028
91	1,234,567	0.028
92	1,234,567	0.028
93	1,234,567	0.028
94	1,234,567	0.028
95	1,234,567	0.028
96	1,234,567	0.028
97	1,234,567	0.028
98	1,234,567	0.028
99	1,234,567	0.028
100	1,234,567	0.028

REQUIRED SERVICES

1. THE ENGINEER HAS REVIEWED THE PLAT AND HAS DETERMINED THAT THE PLAT COMplies WITH THE REQUIREMENTS OF THE ALABAMA PLAT ACT AND THE ALABAMA ZONING ORDINANCES.

2. THE ENGINEER HAS REVIEWED THE PLAT AND HAS DETERMINED THAT THE PLAT COMplies WITH THE REQUIREMENTS OF THE ALABAMA PLAT ACT AND THE ALABAMA ZONING ORDINANCES.

3. THE ENGINEER HAS REVIEWED THE PLAT AND HAS DETERMINED THAT THE PLAT COMplies WITH THE REQUIREMENTS OF THE ALABAMA PLAT ACT AND THE ALABAMA ZONING ORDINANCES.

4. THE ENGINEER HAS REVIEWED THE PLAT AND HAS DETERMINED THAT THE PLAT COMplies WITH THE REQUIREMENTS OF THE ALABAMA PLAT ACT AND THE ALABAMA ZONING ORDINANCES.

5. THE ENGINEER HAS REVIEWED THE PLAT AND HAS DETERMINED THAT THE PLAT COMplies WITH THE REQUIREMENTS OF THE ALABAMA PLAT ACT AND THE ALABAMA ZONING ORDINANCES.

PROPERTY DESCRIPTION

THE PROPERTY DESCRIBED IN THIS PLAT IS A PORTION OF LOT 14, ACCORDING TO THE SECOND PLAT OF HAWTHORN UNIT 6, AS RECORDED ON PAGE 1232-0 IN THE OFFICE OF THE BALDWIN COUNTY CLERK, BALDWIN COUNTY, ALABAMA. THE PROPERTY IS A PORTION OF LOT 14, ACCORDING TO THE SECOND PLAT OF HAWTHORN UNIT 6, AS RECORDED ON PAGE 1232-0 IN THE OFFICE OF THE BALDWIN COUNTY CLERK, BALDWIN COUNTY, ALABAMA. THE PROPERTY IS A PORTION OF LOT 14, ACCORDING TO THE SECOND PLAT OF HAWTHORN UNIT 6, AS RECORDED ON PAGE 1232-0 IN THE OFFICE OF THE BALDWIN COUNTY CLERK, BALDWIN COUNTY, ALABAMA.

CERTIFICATION OF ENGINEER AND DESIGNER:

I, the undersigned, am a duly licensed Professional Engineer in the State of Alabama, and I am the Engineer of Record for the above-platted property. I hereby certify that the above-platted property is in compliance with the requirements of the Alabama Plat Act and the Alabama Zoning Ordinances, and that the above-platted property is suitable for the purposes for which it is intended.

DATED THIS _____ DAY OF _____, 2018.

CERTIFICATION BY NOTARY PUBLIC:

I, the undersigned, am a duly licensed Notary Public in the State of Alabama, and I am the Notary Public for the above-platted property. I hereby certify that the above-platted property is in compliance with the requirements of the Alabama Plat Act and the Alabama Zoning Ordinances, and that the above-platted property is suitable for the purposes for which it is intended.

DATED THIS _____ DAY OF _____, 2018.

CERTIFICATE OF APPROVAL BY BALDWIN COUNTY ENGINEER:

I, the undersigned, am the Engineer of Record for the above-platted property. I hereby certify that the above-platted property is in compliance with the requirements of the Alabama Plat Act and the Alabama Zoning Ordinances, and that the above-platted property is suitable for the purposes for which it is intended.

DATED THIS _____ DAY OF _____, 2018.

CERTIFICATE OF APPROVAL BY BALDWIN COUNTY ENGINEER:

I, the undersigned, am the Engineer of Record for the above-platted property. I hereby certify that the above-platted property is in compliance with the requirements of the Alabama Plat Act and the Alabama Zoning Ordinances, and that the above-platted property is suitable for the purposes for which it is intended.

DATED THIS _____ DAY OF _____, 2018.

CERTIFICATE OF APPROVAL BY BALDWIN COUNTY ENGINEER:

I, the undersigned, am the Engineer of Record for the above-platted property. I hereby certify that the above-platted property is in compliance with the requirements of the Alabama Plat Act and the Alabama Zoning Ordinances, and that the above-platted property is suitable for the purposes for which it is intended.

DATED THIS _____ DAY OF _____, 2018.

CERTIFICATE OF APPROVAL BY BALDWIN COUNTY ENGINEER:

I, the undersigned, am the Engineer of Record for the above-platted property. I hereby certify that the above-platted property is in compliance with the requirements of the Alabama Plat Act and the Alabama Zoning Ordinances, and that the above-platted property is suitable for the purposes for which it is intended.

DATED THIS _____ DAY OF _____, 2018.

CERTIFICATE OF APPROVAL BY BALDWIN COUNTY ENGINEER:

I, the undersigned, am the Engineer of Record for the above-platted property. I hereby certify that the above-platted property is in compliance with the requirements of the Alabama Plat Act and the Alabama Zoning Ordinances, and that the above-platted property is suitable for the purposes for which it is intended.

DATED THIS _____ DAY OF _____, 2018.

THE WOODLANDS GROUP

Surveying Solutions

CLIENT: ZON CORP	DATE: 07/27/2018
FIELD WORK BY: J. J. JO	DRAWING NO.: 1803-4
DRAWN BY: KJ	SHEET 1 OF 1
CHECKED BY: J	SCALE: 1"=40'

HAWTHORN UNIT 6

PRELIMINARY PLAT

BALDWIN COUNTY, ALABAMA

SECTION-15, TOWNSHIP-8-SOUTH, RANGE-3-EAST

REVISIONS	DATE
1.	
2.	
3.	
4.	



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.a

Case No. Z-18045

Lola and Associates, LLC Property

Rezone RA, Rural Agriculture District to RSF-2, RSF-3, and RSF-4 Single Family District

November 1, 2018

Subject Property Information

Planning District: 12
General Location: East of Co Rd 49 and west of West Blvd
Physical Address: N/A
Parcel Number: 05-47-02-03-0-000-002.000
Existing Zoning: RA, Rural Agriculture District
Proposed Zoning: RSF-2, Single Family District
RSF-3, Single Family District
RSF-4, Single Family District
Existing Land Use: Undeveloped
Proposed Land Use: Residential
Acreage: 62.25 acres, more or less
Applicant: Lola & Associates, LLC
P.O. Box 2925
Daphne, AL 36526
Owner: Same
Lead Staff: Celena Boykin, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential/Agricultural	RA, Rural Agricultural/Woodpecker Rd
South	Agricultural/Residential/Electric Power Substation	Unzoned/RA
East	Agricultural/Residential	RA, Rural Agricultural/West Blvd
West	Agricultural/Residential	RA, Rural Agricultural/ Co Rd 49

Summary

The subject property is currently zoned RA, Rural Agriculture District. It consists of approximately 72 acres and is currently undeveloped. The applicant is asking to rezone 62.25 acres of the 72 acres. The designation of RSF-2, RSF-3, and RSF-4, Single Family District, has been requested in order to develop into two single family residential subdivision. The proposed RSF-2 zoning consists of 10.92 acres, proposed RSF-3 consist of 34.08 acres, and the proposed RSF-4 consist of 17.25 acres.

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 4.3 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 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

Section 4.5 RSF-4, Single Family District

4.5.1 *Generally.* This zoning designation is provided to afford the opportunity for the choice of a moderate density residential development consisting of single family homes.

4.5.2 *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.

4.5.3 *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.

4.5.4 *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*).

4.5.5 *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	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area per Dwelling Unit	7,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

Agency Comments

Baldwin County Highway Department

Seth Peterson, P.E.: If the rezoning case is approved then the applicant will need to apply for subdivision approval.

Frank Lundy, P.E.: No Comments

ADEM (J. Scott Brown):No comments.

Municipality: No comments.

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 49 to the west and Woodpecker Road to the north. The adjoining properties are residential, forested timberland, 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?

Planning District 12 has seen a lot of residential and commercial growth since the adoption of zoning in 2006.

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.

Conformity with the Master Plan is based on an overall evaluation of the standards for rezoning.

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?

Subdivisions of this type will bring about 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 for factor number 1.

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

There has not been many rezonings in this area of Planning District 12. The subject property is mostly surrounded by RA and there is also numerous parcels nearby that are zoned RSF-1. Just south of the subject property in unzoned Planning District 14 there is a subdivision with the lot sizes ranging from 8,000 sq ft to 10,500 sq ft which is equivalent to the RSF-4 and RSF-3 lot sizes.

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?

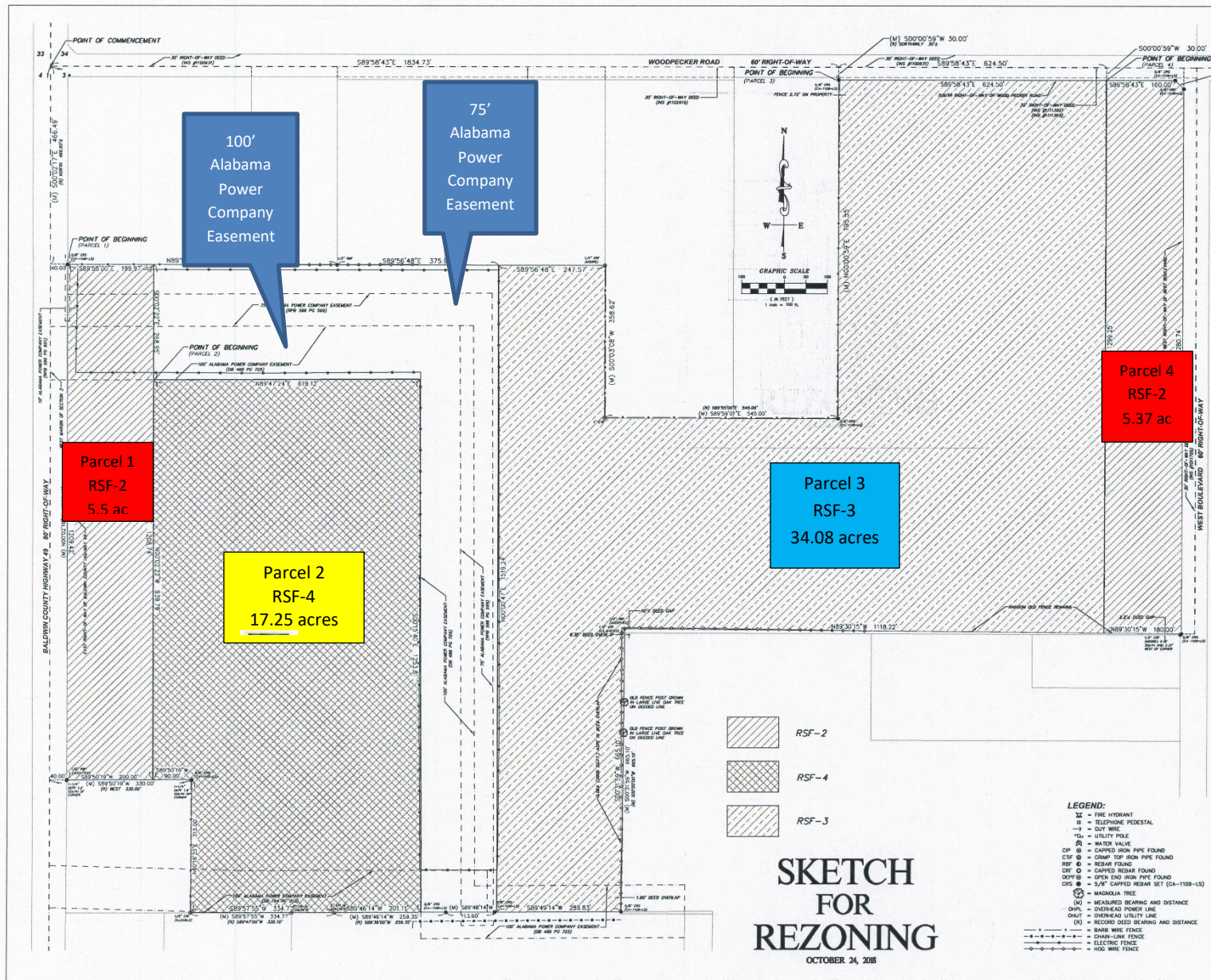
There are no environmental conditions or historic resources which would be impacted by this request.

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 proposed rezoning sketch below.



W:\50106370 - SILVERHILL\PLANNING\50106370_1\OLA SKETCH.dwg, 10/24/2018 11:51:42 AM

Staff Comments and Recommendation

As stated previously, the subject property is currently zoned RA, Rural Agriculture District. It consists of approximately 72 acres and is currently undeveloped. The applicant is asking to rezone 62.25 acres of the 72 acres. The designation of RSF-2, RSF-3, and RSF-4, Single Family District, has been requested in order to develop into two single family residential subdivision. The proposed RSF-2 zoning consists of 10.92 acres, proposed RSF-3 consist of 34.08 acres, and the proposed RSF-4 consist of 17.25 acres.

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

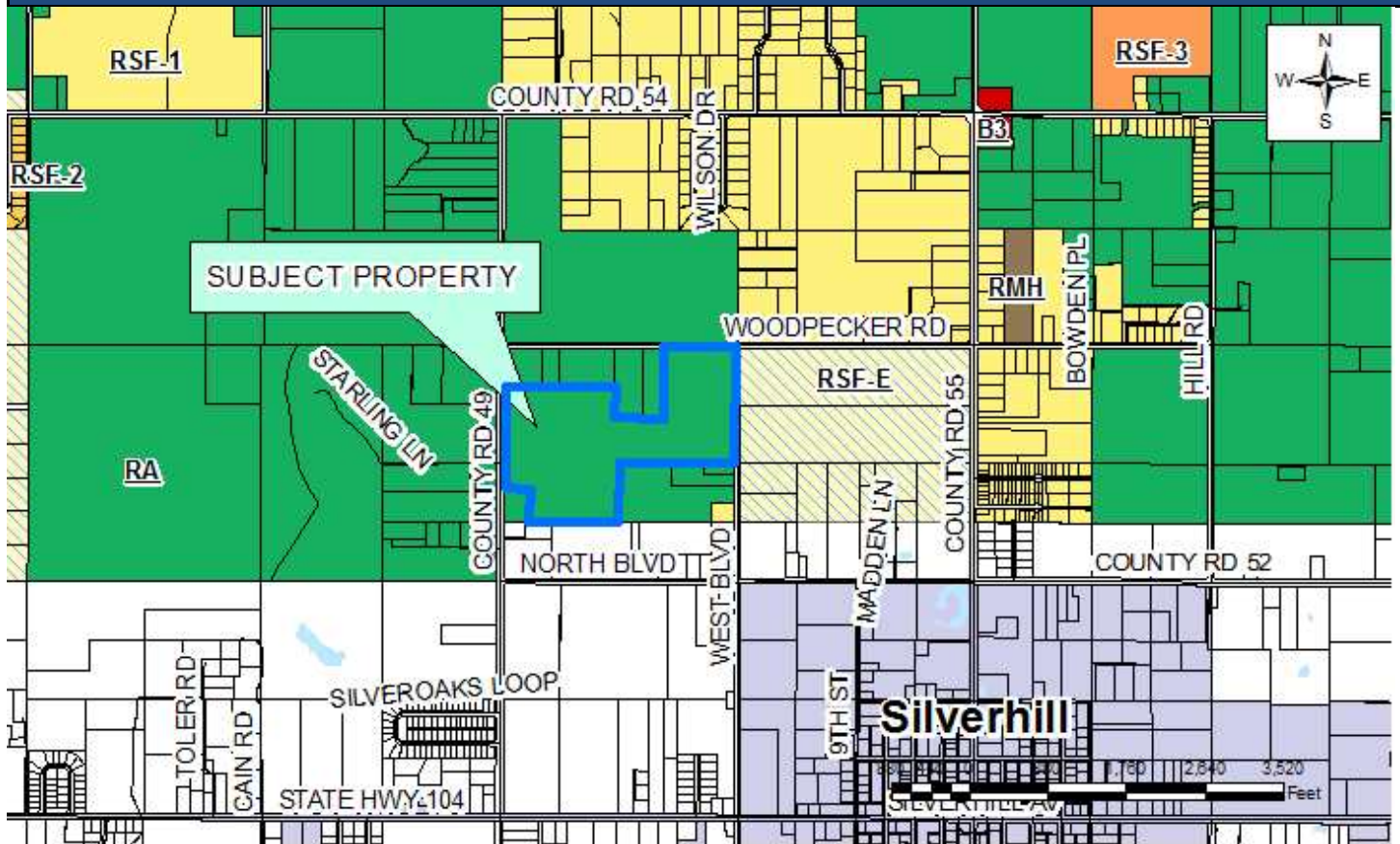
**On rezoning applications and Planned Residential Developments Site Plan applications, the Planning Commission will be making a recommendation to the County Commission.*

Property Images

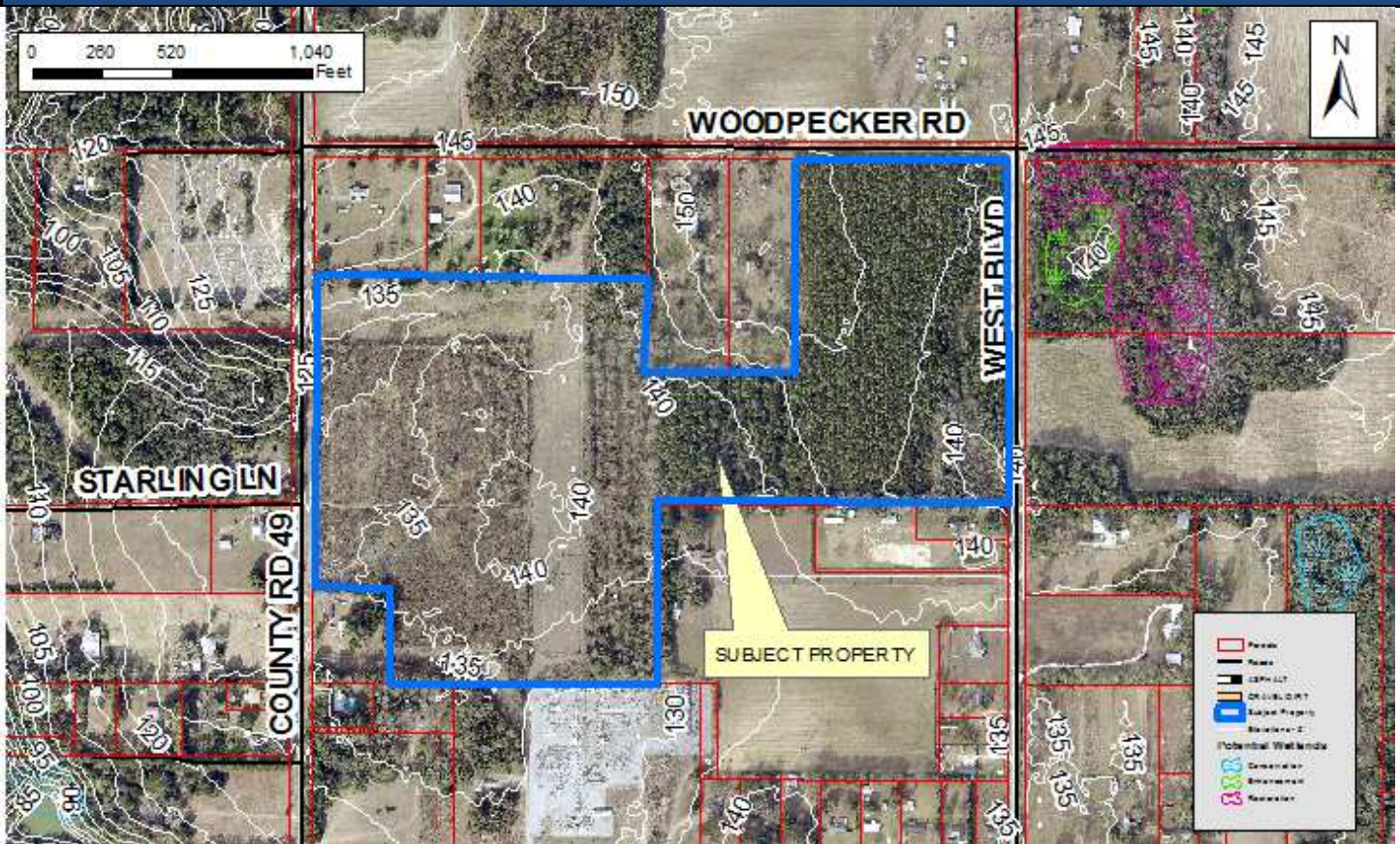




Locator Map



Site Map





Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.b

Case No. Z-18047

Stapleton Property

Rezone RA, Rural Agricultural District to B-4, Major Commercial District (RR, Rural District, Recommended)

November 1, 2018

Subject Property Information

Planning District: 15
General Location: North side of County Road 64, east of Pursley Road
Physical Address: 13045 County Road 64, Loxley
Parcel Number: 05-42-04-17-0-000-001.002
Existing Zoning: RA, Rural Agricultural District
Proposed Zoning: B-4, Major Commercial District
RR, Rural District, Recommended
Existing Land Use: Commercial (Commercial kitchen/catering service)
Proposed Land Use: Commercial
Acreage: 6 acres, more or less
Applicant: Clifford D. Stapleton
29127 County Road Ext.
Robertsdale, AL 36567
Owner: Same
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

Adjacent Land Use		Adjacent Zoning
North	Agricultural	RA, Rural Agricultural
South	Agricultural/Forested Timberland	RA, Rural Agricultural
East	Residential	RA, Rural Agricultural
West	Agricultural/Residential	RA, Rural Agricultural

Summary

The subject property, which consists of 6 acres, is currently zoned RA, Rural Agriculture District. The designation of B-4, Major Commercial District, has been requested in order to be consistent with the existing use (commercial kitchen/catering service) and to accommodate potential commercial uses. The catering service has been located at the subject property for more than 20 years. In discussing this request with the applicant, staff feels that RR, Rural District, would be the best fit for this property given the surrounding Rural Agricultural zoning.

Section 3.2 RA Rural Agricultural District

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

3.2.2 *Permitted uses.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) Outdoor recreation uses.
- (d) The following general commercial uses: animal clinic and/or kennel; farm implement sales; farmers market/truck crops; nursery; landscape sales; country club.
- (e) The following local commercial uses: fruit and produce store.
- (f) The following institutional uses: church or similar religious facility; school (public or private).
- (g) Agricultural uses.
- (h) Single family dwellings including manufactured housing and mobile homes.
- (i) Accessory structures and uses.

3.2.3 *Special exceptions.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as special exceptions:

- (a) The following general commercial uses: recreational vehicle park (see *Section 13.9: Recreational Vehicle Parks*).
- (b) The following local commercial uses: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

3.2.4 *Conditional uses.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as conditional uses:

- (a) Transportation, communication, and utility uses not permitted by right.
- (b) Institutional uses not permitted by right.

3.2.5 *Area and dimensional ordinances.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section 12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.6 Variances, and Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	3 Acres
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	210-Feet

3.2.6 *Area and dimensional modifications.* Within the RA district, area and dimensional requirements may be reduced, as set forth below, where property is divided among the following legally related family members: spouse, children, siblings, parents, grandparents, grandchildren, or step-related individuals of the same status.

Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	40,000 Square Feet
Minimum Lot Width at Building Line	120-Feet
Minimum Lot Width at Street Line	120-Feet

Proposed Zoning Requirements

Section 5.4 B-4, Major Commercial District (Advertised)

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
- (b) Amusement park
- (c) Auto convenience market (limited to less than 4,000 sq.ft. of gross floor area and maximum of 4 fueling pumps)
- (d) Automobile parts sales
- (e) Automobile repair (mechanical and body)
- (f) Automobile sales
- (g) Automobile service station
- (h) Automobile storage (parking lot, parking garage)
- (i) Boat sales and service
- (j) Building materials

- (k) Farm implements
- (l) Flea market
- (m) Home improvement center
- (n) Hotel or motel
- (o) Manufactured housing sales, service and repair
- (p) Marina
- (q) Motorcycle sales service and repair
- (r) Movie theatre
- (s) Recreational vehicle park
- (t) Recreational vehicle sales, service and repair
- (u) Restaurant, drive-in
- (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
- (b) Ambulance/EMS service
- (c) Armory
- (d) Auditorium, stadium, coliseum
- (e) Barge docking
- (f) Broadcasting station
- (g) Bus and railroad terminal facility
- (h) College or university
- (i) Convalescent or nursing home
- (j) Correctional or penal institution
- (k) Dog pound
- (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 3.1 RR, Rural District (Recommended)

3.1.1 *Generally.* This zoning district is provided to accommodate the rural areas of Baldwin County. Rural District ordinances are designed to protect the rural character of the area.

3.1.2 *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) Marine recreation uses.
- (d) Outdoor recreation uses.
- (e) The following general commercial uses: animal clinic and/or kennels; farm implement sales; farmer's market/truck crops; nursery; landscape sales.
- (f) Local commercial uses.
- (g) Professional service and office uses.
- (h) The following institutional uses: church or similar religious facility; child care center; child care institution; day care home; fire station; library; post office; school (public or private).
- (i) Agricultural uses.

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

(k) Accessory structures and uses.

3.1.3 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) Light industrial uses.

(b) General commercial uses not permitted by right, except race track.

(c) Institutional uses not permitted by right, except correctional, detention, or penal institution and sanitarium.

(d) Boarding house, rooming house, lodging house, or dormitory.

(e) Fraternity or sorority house.

3.1.4 Conditional use. 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:

Transportation, communication, and utility uses not permitted by right.

3.1.5 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
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

3.1.6 Area and dimensional modifications. Within the RR 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	20,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	80-Feet

Agency Comments

Baldwin County Highway Department:

Seth Peterson – No comments.

ADEM: No comments received.

Municipality (Town of Loxley): 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 commercial building and accessory structure. The property adjoins County Road 64 to the south. The adjoining properties are residential, forested timberland, 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 15 was approved by the Baldwin County Commission on August 1, 2006. There have been no changes which would affect the subject property.

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

The Baldwin County Master Plan, 2013, provides a future land use designation of Agricultural for the subject property. Approval of the rezoning will result in an amendment of the Future Land Use Map to commercial.

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

No conflicts.

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

No adverse impacts. In the event of new construction, access will be coordinated with the Baldwin County Highway Department.

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?

The adjacent parcels are zoned RA. There are no parcels which are zoned either B-4 or RR in the immediate vicinity. Staff is recommending RR in order to maintain some consistency with the surrounding RA parcels. A parcel located to the east, at the intersection of County Road 64 and County Road 66 N, is zoned B-3, General Business District.

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 issues or historic resources which would be impacted by this rezoning.

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 catering service was established prior to the adoption of zoning. Staff is unsure as to why the property was not zoned in a manner to reflect the existing use.

Staff Comments and Recommendation

As stated previously, the subject property, which consists of approximately 6 acres, is currently zoned RA, Rural Agriculture District. The designation of B-4, Major Commercial District, has been requested. The first and foremost reason for this application is to achieve zoning which is consistent with the current existing use. In addition, the applicant has stated that he has two offers on the property pending approval of the rezoning. B-4 was advertised in order to make sure that all potential bases were covered. In researching the application and discussing it with the applicant, however, staff determined that RR, Rural District would be a better option. RR is primarily oriented towards rural and residential uses, and would therefore be more consistent with the surrounding RA properties. At the same time, a number of commercial uses, including catering, would be allowed by right. Other commercial uses could be accommodated through either the Conditional Use or Special Exception processes. These would require public hearings before the Planning Commission or Board of Adjustment depending on the respective application.

With the above comments in mind, staff recommends **APPROVAL** of RR, Rural District, to the County Commission. * The Planning Commission should base its decision on the information obtained at the public hearing.

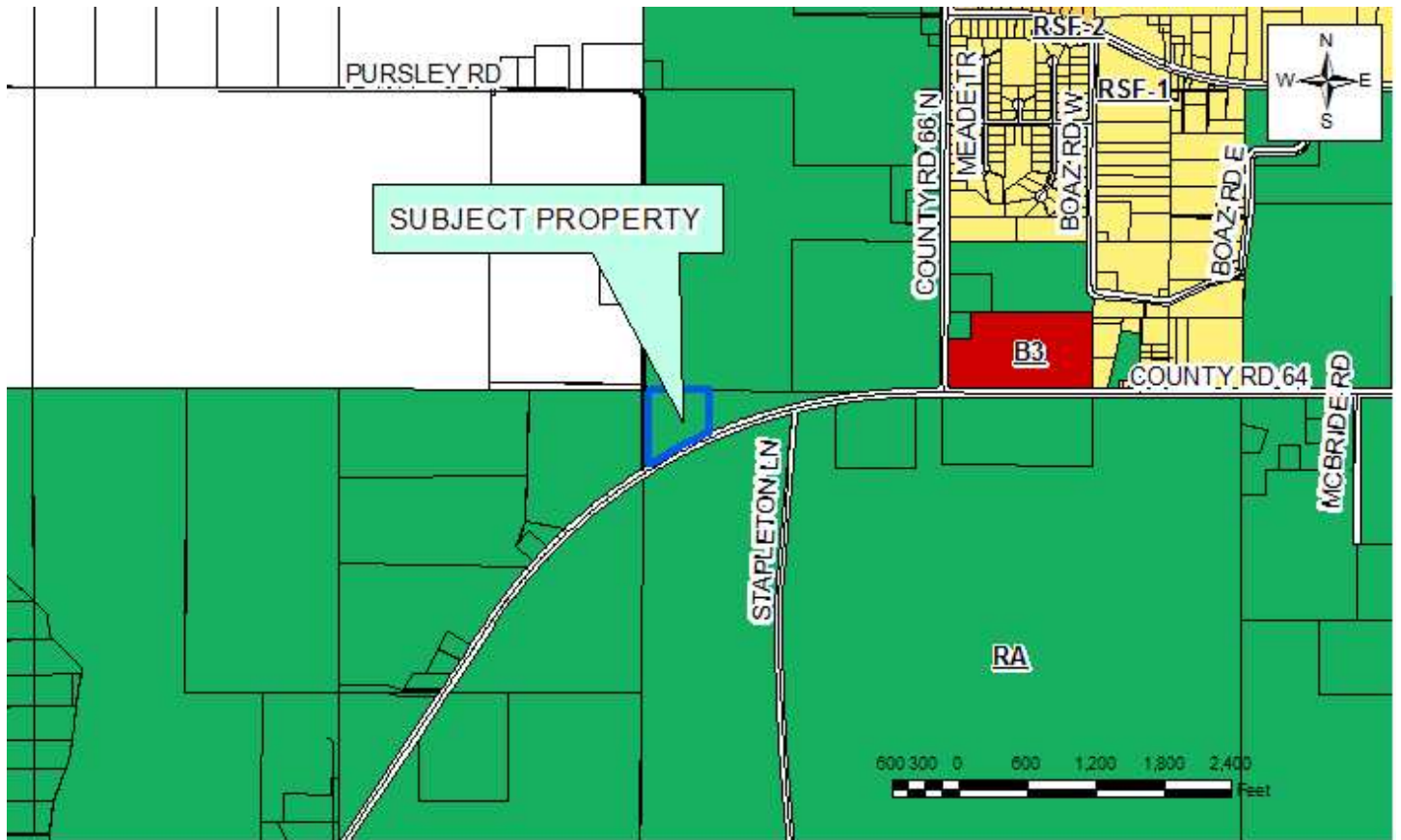
**On rezoning applications, the Planning Commission will be making a recommendation to the County Commission.*

Property Images

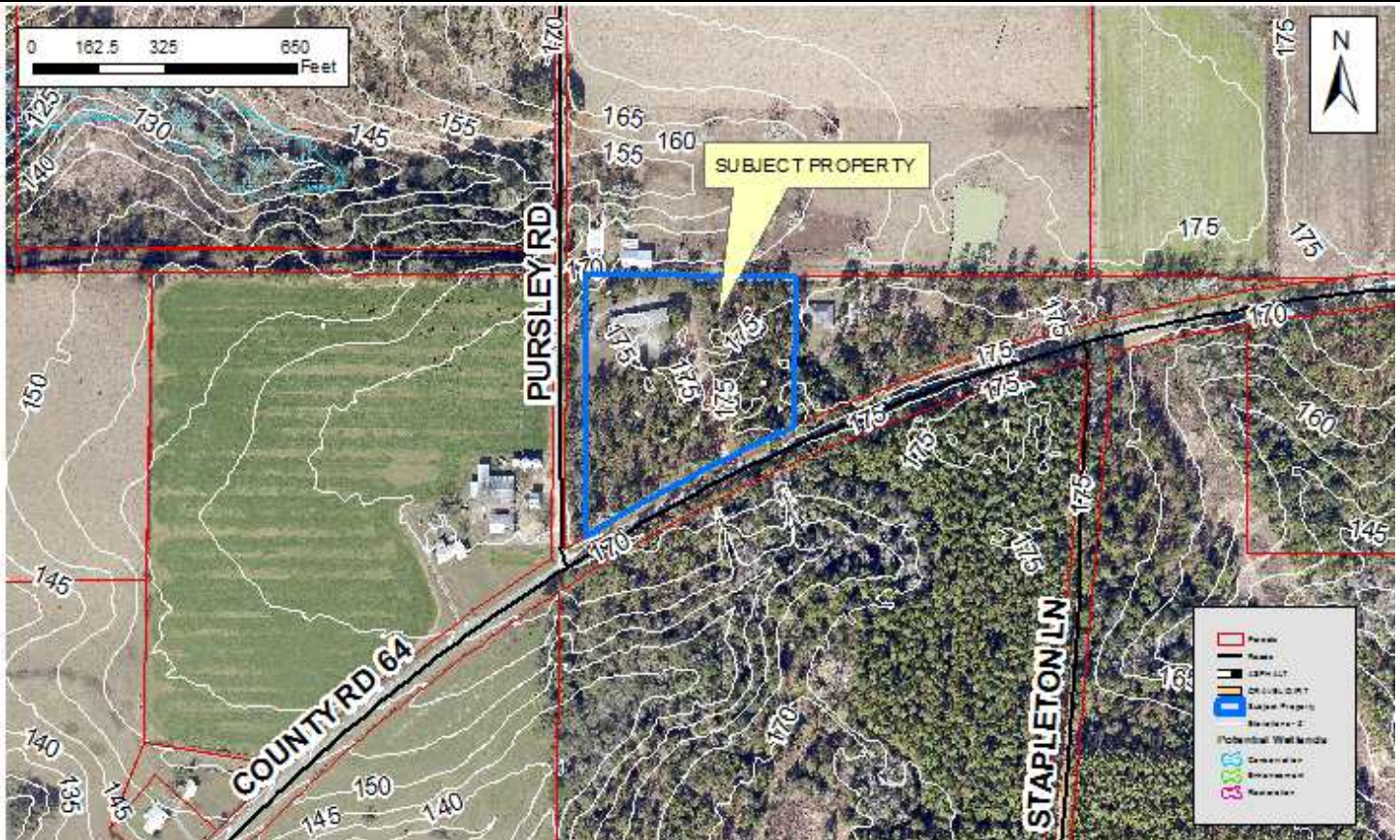




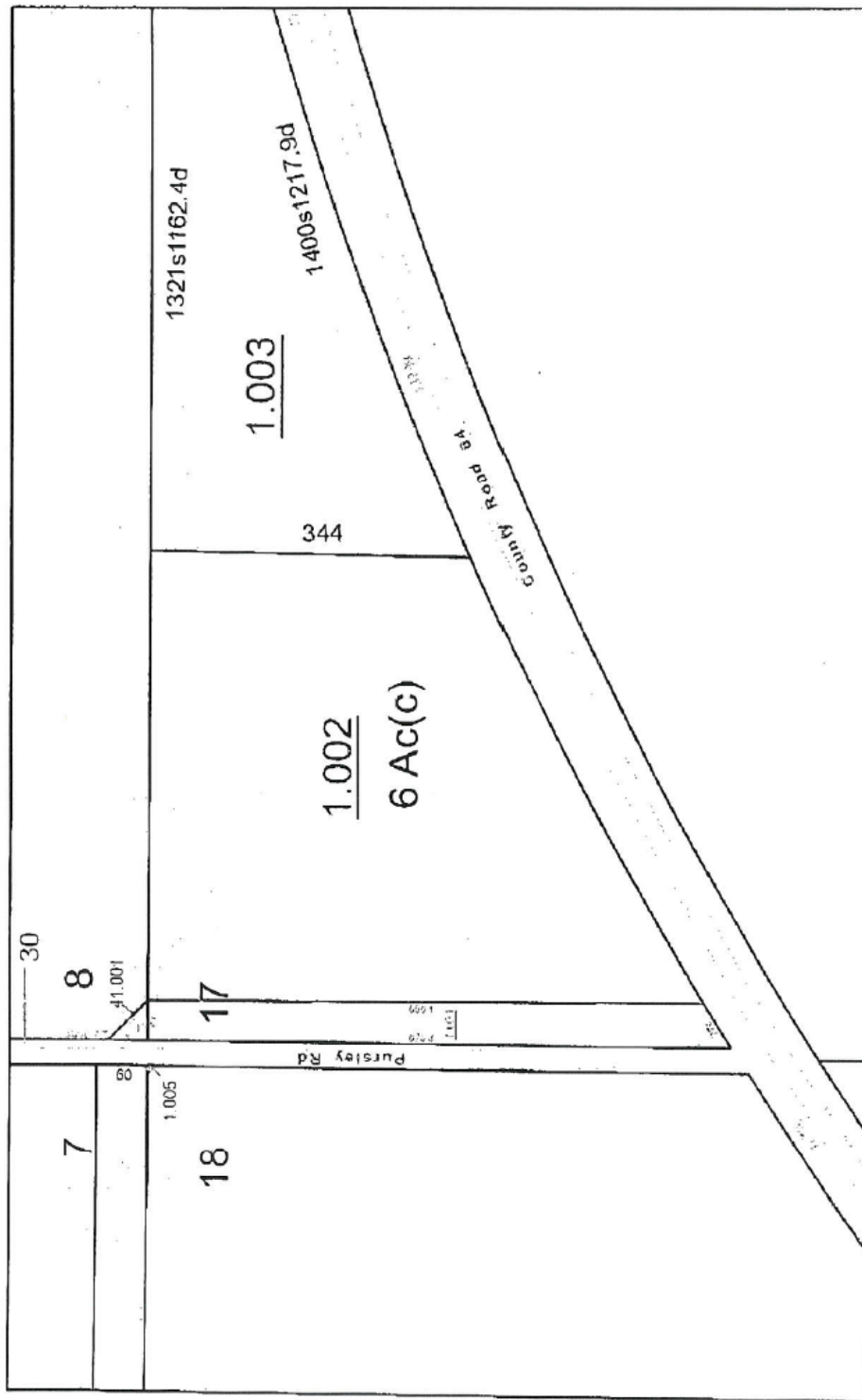
Locator Map



Site Map



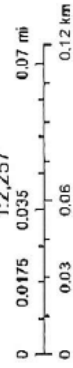
Viewer Map



September 14, 2018

- ☐ Misc
- ☐ County Boundary
- ☐ Parcels
- ☐ Lot Lines

1:2,257



KCS
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,

Copyright 2018



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.c

Case No. Z-18045

Denk Property

Rezone RSF-E, Single Family Estate District to RSF-2, Single Family District

November 1, 2018

Agenda Item 8.c

Subject Property Information

Planning District: 31
General Location: East of County Rd 71 and North of Hughen St
Physical Address: 19055 Hughen St, Robertsdale, AL
Parcel Number: 05-41-09-32-0-000-005.006
Existing Zoning: RSF-E, Single Family Estate District
Proposed Zoning: RSF-2, Single Family District
Existing Land Use: Residential
Proposed Land Use: Residential
Acreage: 0.44 acres +/-
Applicant: Samantha Rockenbauer
23476 College Ave
Robertsdale, AL 36567
Owner: Pauline Denk
Lead Staff: Celena Boykin, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-E
South	Residential	Hughen St
East	Residential	City of Robertsdale
West	Residential	RSF-E

Summary

The subject property is currently zoned RSF-E, Residential Single Family Estate District. It consists of approximately 1.09 acres and the applicant is asking for only the southern 0.44 acres to be rezoned. The designation of RSF-2, Single Family District, has been requested in order to establish a family subdivision.

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 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 (Frank Lundy): No comments.

Army Corps of Engineers: No comments received.

ADEM: No comments.

Baldwin County Subdivision Department (Seth Peterson):

Both public water and public sewer will need to be available if the applicant wishes to divide out a parcel less than 20,000 SF. If only one of the two are available, then they need to have at least 20,000 SF.

Municipality (City of Fairhope): No comments.

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 two single family dwelling. The property adjoins Huguen Street to the south. The adjoining properties are residential.

2.) Has there been a change in the conditions upon which the original zoning designation was based? Have land uses or conditions changed since the zoning was established?

Staff is unaware of any changes relevant to the subject property.

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. There will be no changes to the Future Land Use Map if the rezoning is approved.

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?

There are no additional home sites proposed at this time. The use of the property will remain residential.

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?

Adjacent parcels to the north and west are zoned RSF-E and RSF-1.

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.

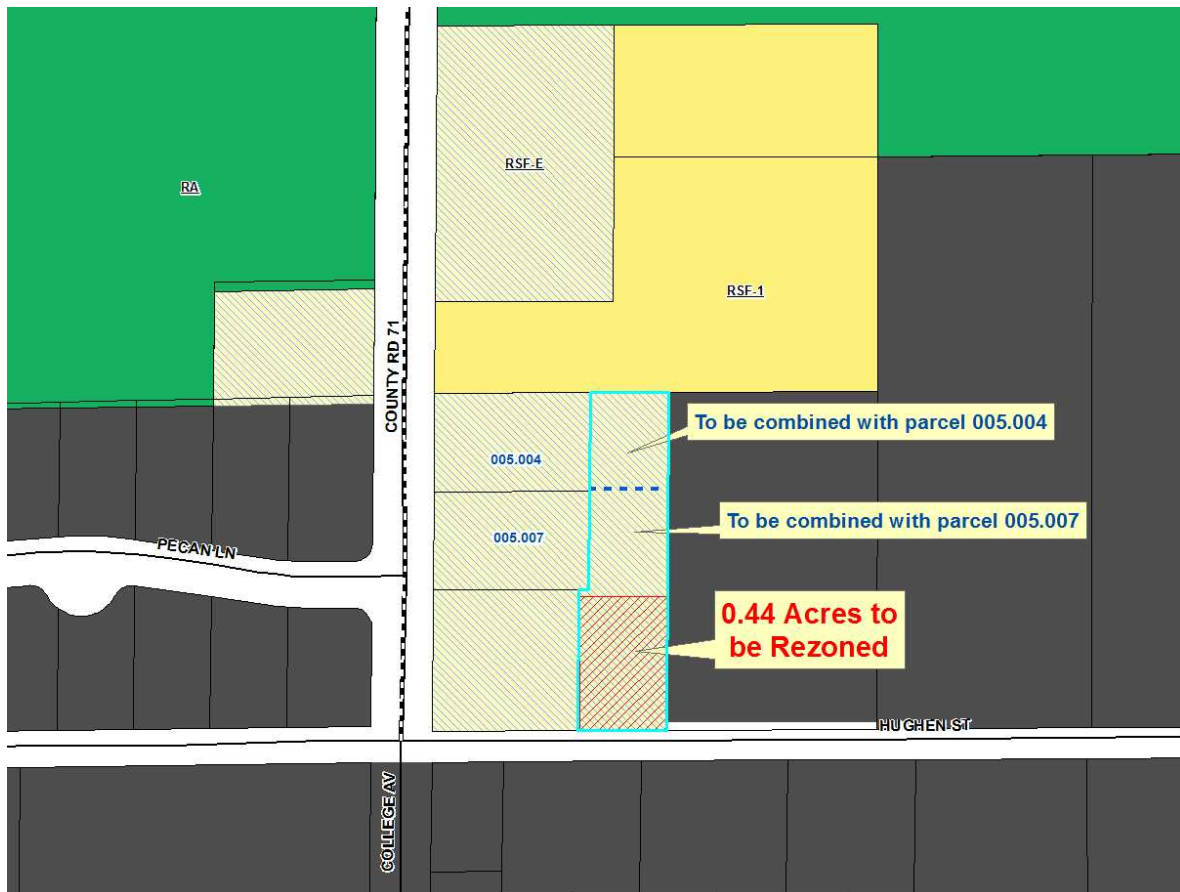
10.) Will the proposed change adversely affect the health, safety and welfare of the County and the vicinity?

No adverse impacts.

11.) Other matters which may be appropriate.

This parcel does have City of Robertsdale water and sewer.

The applicant plans to only rezone the southern 0.44 acres and then combine the remaining parcel with the adjacent parcels to the west for a family division.



Staff Comments and Recommendation

As stated previously, the subject property is currently zoned RSF-E, Residential Single Family Estate District. It consists of approximately 1.09 acres and the applicant is asking for only the southern 0.44 acres to be rezoned. The designation of RSF-2, Single Family District, has been requested in order to establish a family subdivision.

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-18048 to the County Commission. *

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









Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.d

Case No. Z-18049

Easy Like That Properties LLC Property

Rezone RA, Rural Agricultural District to B-4, Major Commercial District

November 1, 2018

Subject Property Information

Planning District: 22
General Location: South side of U.S. Highway 98, east of County Road 95
Physical Address: 28376 U.S. Highway 98, Elberta
Parcel Numbers: 05-53-07-26-0-000-002.000
Existing Zoning: RA, Rural Agricultural District
Proposed Zoning: B-4, Major Commercial District
Existing Land Use: Accessory Structure
Proposed Land Use: 100 Site RV Park with Amenities and a Small County Store
Acreage: 13.4± acres
Applicant: Lydia Franz
26021 Perdido Beach Boulevard
Orange Beach, AL 36561
Owner: Easy Like That Properties LLC
7001 Pine Springs Road
Meridian, MS 39305
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential and Agricultural	B-2, Neighborhood Business RA, Rural Agricultural
South	Agricultural	RA, Rural Agricultural
East	Commercial	B-3, General Business
West	Residential and Agricultural	RSF-1 Single Family RA, Rural Agricultural

Summary

The subject property, which consists of 13.4 acres, is currently zoned RA, Rural Agricultural District. The designation of B-4, Major Commercial District, has been requested for the purpose of establishing a RV Park with amenities and a small country store.

U.S. HWY. 98 (50' R.O.W.)

LEGEND

PERMITS

ADDITIONAL PROPOSED USE

ADDITIONAL CONSTRUCTION

PROPOSED CONSTRUCTION

PARKING TOTALS

RV PARKING: 100

TEMPORARY PARKING: 10

RV PARKING: 1

CAR PARKING: 10

PROPOSED RV PARK LAYOUT 30'

PROJECT: 101-101-10

SITE: 101-101-10

SCALE: 1"=100'

DATE: 10/10/10

13 ACRES, MORE OR LESS
U.S. HIGHWAY 98
ELBERTA, ALABAMA

Section 3.2 RA Rural Agricultural District

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

3.2.2 Permitted uses. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) Outdoor recreation uses.
- (d) The following general commercial uses: animal clinic and/or kennel; farm implement sales; farmers market/truck crops; nursery; landscape sales; country club.
- (e) The following local commercial uses: fruit and produce store.
- (f) The following institutional uses: church or similar religious facility; school (public or private).
- (g) Agricultural uses.
- (h) Single family dwellings including manufactured housing and mobile homes.
- (i) Accessory structures and uses.

3.2.3 Special exceptions. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as special exceptions:

- (a) The following general commercial uses: recreational vehicle park (see *Section 13.9: Recreational Vehicle Parks*).
- (b) The following local commercial uses: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

3.2.4 Conditional uses. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as conditional uses:

- (a) Transportation, communication, and utility uses not permitted by right.
- (b) Institutional uses not permitted by right.

3.2.5 Area and dimensional ordinances. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.6 Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet

Minimum Lot Area	3 Acres
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	210-Feet

3.2.6 Area and dimensional modifications. Within the RA district, area and dimensional requirements may be reduced, as set forth below, where property is divided among the following legally related family members: spouse, children, siblings, parents, grandparents, grandchildren, or step-related individuals of the same status.

Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	40,000 Square Feet
Minimum Lot Width at Building Line	120-Feet
Minimum Lot Width at Street Line	120-Feet

Proposed Zoning Requirements

Section 5.4 B-4, Major Commercial District

5.4.1 Purpose and intent. The B-4, Major Commercial District, is intended for business uses which require a location with access to an arterial or major collector road (as defined by the Functional Classification System attached as Appendix) or which have close proximity to major intersections. Due to the nature of the businesses permitted within the B-4 district, this zoning designation should be limited to property fronting on principal arterials, major arterials or minor arterials. Ingress and egress to a roadway should promote safe and smooth traffic flow for the general traveling public. It is also the intent of this district to provide areas for businesses which, because of their intensity, outside storage areas, or large volumes of traffic, would have significant negative impacts on adjoining properties. These uses often have an actual or potential negative impact on surrounding properties due to late hours of operation, noise, and or light.

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:

- | | |
|---|--|
| <ul style="list-style-type: none"> (a) All uses permitted by right under the B-3 zoning designation (b) Amusement park (c) Auto convenience market (d) Automobile parts sales (e) Automobile repair (mechanical and body) (f) Automobile sales (g) Automobile service station (h) Automobile storage (parking lot, parking garage) (i) Boat sales and service (j) Building materials (k) Farm implements | <ul style="list-style-type: none"> (l) Flea market (m) Home improvement center (n) Hotel or motel (o) Manufactured housing sales, service and repair (p) Marina (q) Motorcycle sales service and repair (r) Movie theatre (s) Recreational vehicle park (t) Recreational vehicle sales, service and repair (u) Restaurant, drive-in (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*:

- | | |
|--|--|
| <ul style="list-style-type: none"> (a) Airport (b) Ambulance/EMS service (c) Armory | <ul style="list-style-type: none"> (d) Auditorium, stadium, coliseum (e) Barge docking (f) Broadcasting station |
|--|--|

- (g) Bus and railroad terminal facility
- (h) College or university
- (i) Convalescent or nursing home
- (j) Correctional or penal institution
- (k) Dog pound
- (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*.

Agency Comments

Baldwin County Subdivision Department:

From: Seth L. Peterson

Sent: Friday, October 12, 2018 8:21 AM

To: D Hart <DHart@baldwincountyal.gov>

Cc: Laurie Rumbaugh <LRUMBAUGH@baldwincountyal.gov>

Subject: RE: Z-18049 Easy Like That LLC Property

DJ,

If the rezoning is approved then the applicant will need Planned Development approval per the Subdivision Regulations.

Thanks,
Seth

ADEM: No comments received.

ALDOT: No comments received.

Staff Analysis and Findings

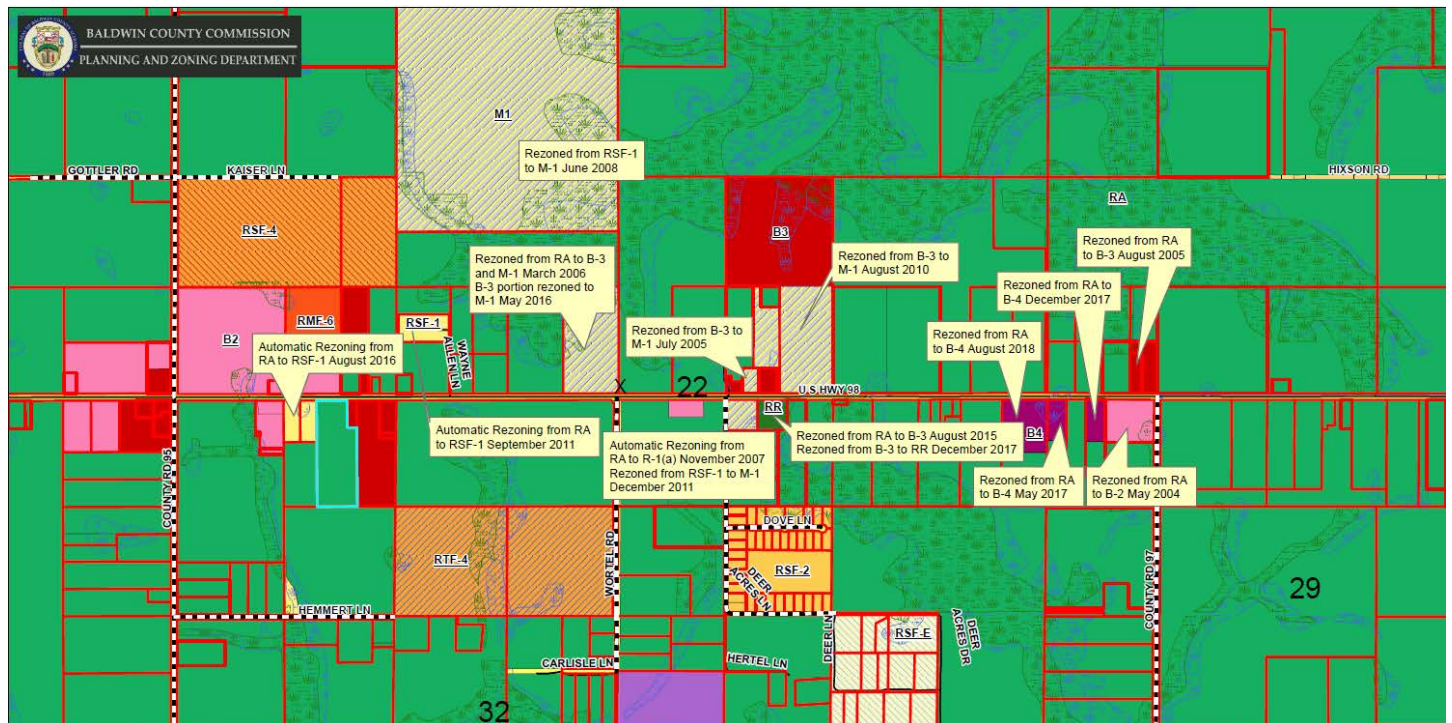
The following factors for reviewing zoning amendments are found in Section 19.6 of the *Baldwin County Zoning Ordinance*. These factors are to be considered when an application is being reviewed for rezoning.

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

The subject property is currently occupied with one accessory structure. The property adjoins State Highway 98 to the north. The adjoining properties are residential, commercial and agricultural. There are numerous commercial and industrial zoning designations in this area.

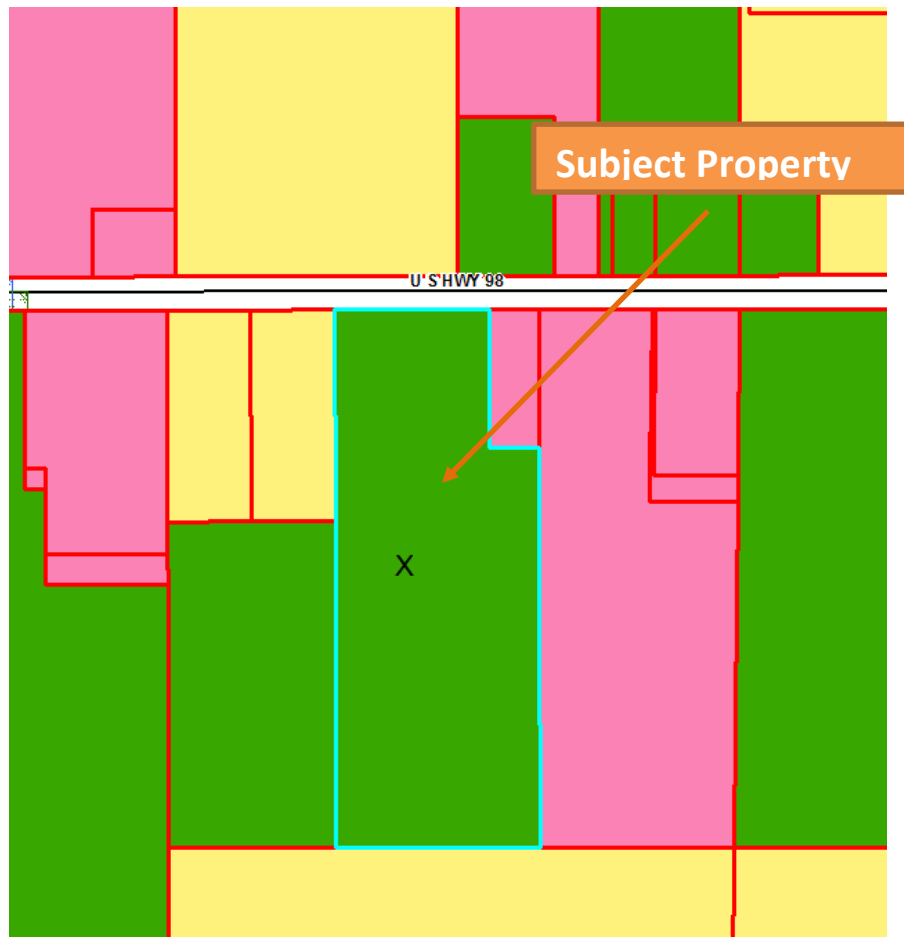
2.) Has there been a change in the conditions upon which the original zoning designation was based? Have land uses or conditions changed since the zoning was established?

The RA zoning designation is usually assigned to large undeveloped parcels. The new owners would like to develop the land with a RV Park. There have been numerous rezonings in this area since zoning was established.



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

The Baldwin County Master Plan, 2013, provides a future land use designation of Agricultural for the subject property. Approval of the rezoning will result in an amendment of the Future Land Use Map to commercial



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

Staff is not aware of any conflicts.

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

Per the Federal Highway Administration the functional classification of US Hwy 98 is principal arterial. Arterials provide a high level of mobility and a greater degree of access control. The traffic going to and from the RV Park could have a major impact on traffic patterns or congestion. Access to this site would require approval from ALDOT.

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 numerous commercial, industrial and residential uses in this area. The proposed rezoning would allow for the proposed use of a RV Park.

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

See response to item number 6 which is listed above.

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

Timing is not a factor.

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

Staff doesn't anticipate any adverse impacts.

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

Staff anticipates no adverse impacts.

11.) Other matters which may be appropriate.

N/A

Staff Comments and Recommendation

As stated previously, the subject property is currently zoned RA, Rural Agricultural District. The designation of B-4, Major Commercial District, has been requested for the purpose of establishing a RV Park with amenities and a small country store.

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

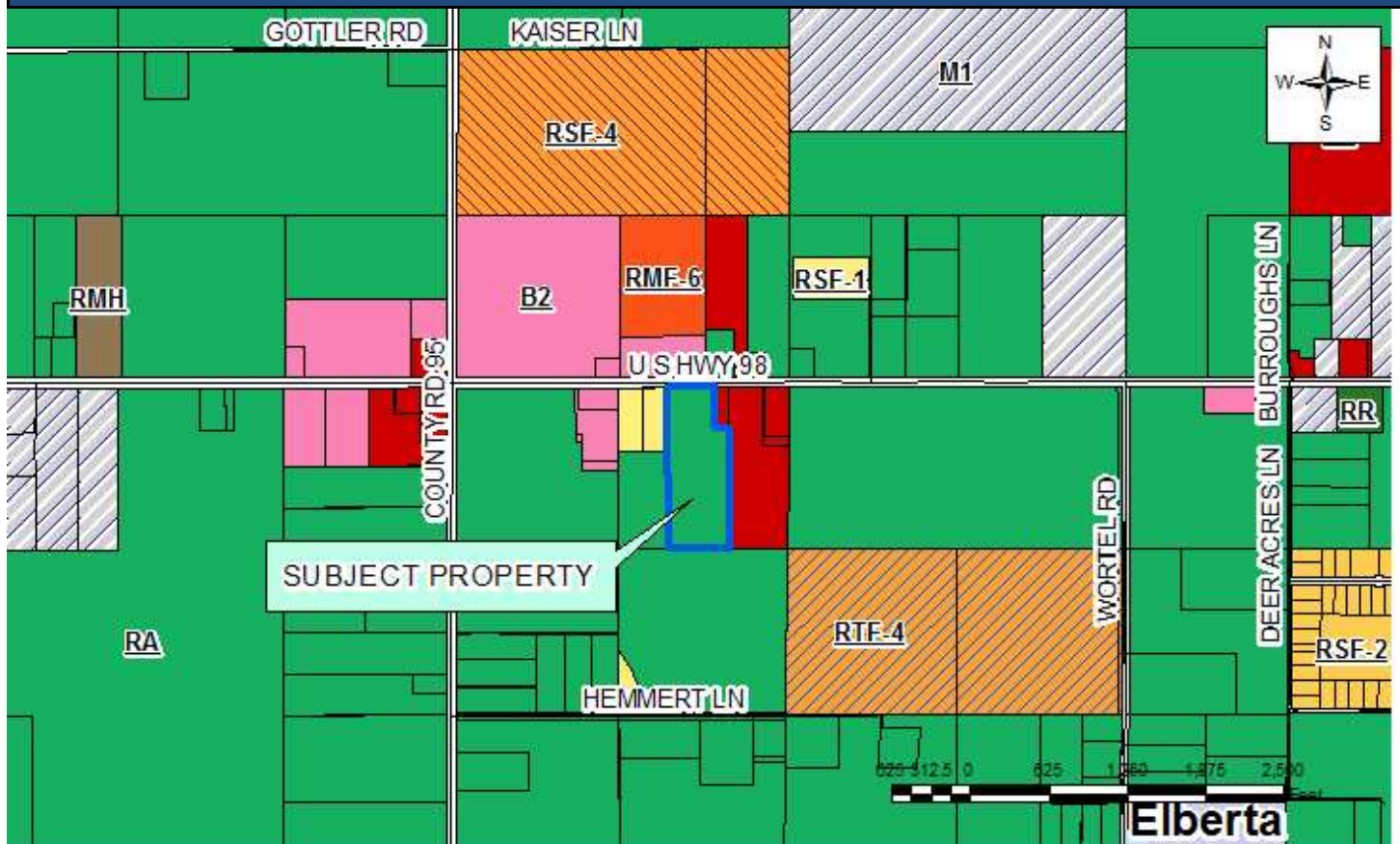
**On rezoning applications, the Planning Commission will be making a recommendation to the County Commission.*

Property Images





Locator Map



Site Map





Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.e

Case No. Z-18050

Simms Property

Rezone B-1, Professional Business District to RSF-1, Single Family District

November 1, 2018

Subject Property Information

Planning District: 33
General Location: North side of Rosalia Avenue where it intersects with County Road 99
Physical Address: 34419 Rosalia Avenue
Parcel Number: 05-52-07-26-0-002-005.000
Existing Zoning: B-1, Professional Business District
Proposed Zoning: RSF-1, Single Family District
Existing Land Use: Dog Grooming Business
Proposed Land Use: Single Family Residence
Acreage: 0.312± acres of a 0.572± acre parcel
Applicant: Veronica Simms
34419 Rosalia Avenue
Lillian, AL 36549
Owner: Veronica Simms
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

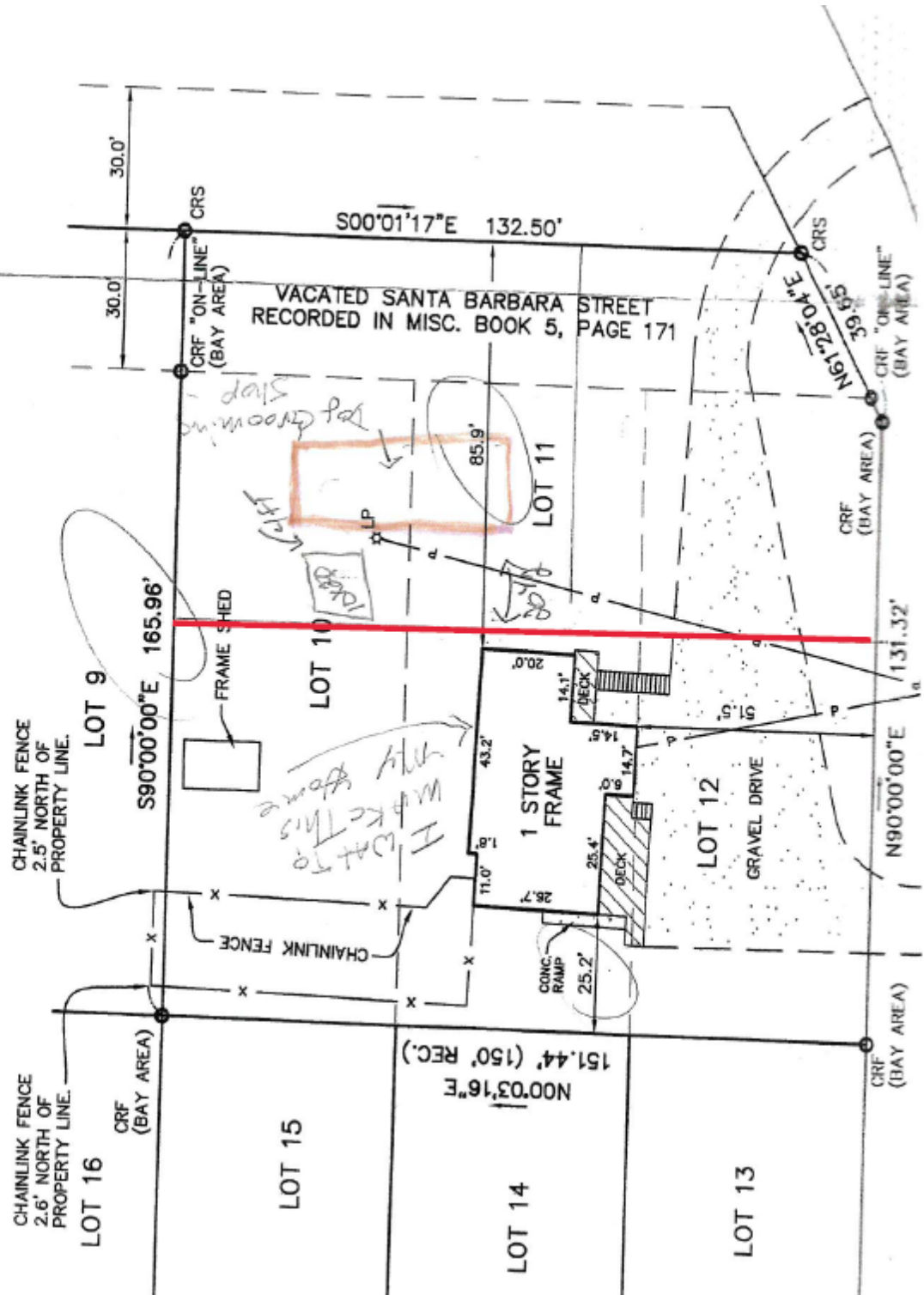
	Adjacent Land Use	Adjacent Zoning
North	Vacant	RSF-1, Single Family District
South	Vacant and Commercial	RTF-4, Two-Family District B-3, General Business District
East	Residential	RSF-1, Single Family District
West	Residential	RSF-1, Single Family District

Summary

The subject property is currently zoned B-1, Professional Business District, and is occupied with a house that is currently being used for a dog grooming business and two accessory structures. The requested designation is RSF-1, Single Family District for the portion of the property containing the house. According to the submitted information, the purpose of this request is to allow for the owner to use the house as her residence and move the dog grooming business to the accessory structures.

Proposed Site Plan

C-15042



Section 5.1 B-1, Professional Business District

5.1.1 Purpose and intent. The B-1, Professional Business and Office District, is intended to allow a concentration of office type buildings and land uses that are most compatible with, and located near, residential areas. Most B-1 commercial, professional and business office districts will be placed in close proximity to residential areas, and therefore serve as a transitional zoning district between residential areas and higher intensity commercial zoning districts. The types of office uses permitted are those that do not have high traffic volumes throughout the day, which extend into the evening hours. They will have morning and evening short-term peak conditions. The market support for these office uses should be those with a localized basis of market support as opposed to office functions requiring inter-jurisdictional and regional market support. Because office functions have significant employment characteristics, which are compounded when aggregations occur, certain personal service uses shall be permitted, to provide a convenience to office-based employment. Such convenience commercial uses shall be made an integral part of an office building as opposed to the singular use of a building.

5.1.2 Permitted uses. The following uses are permitted as of right, or as uses accessory to permitted uses in the B-1, Professional Business and Office District:

- | | |
|---|--|
| (a) Accessory structures and uses | (k) Laboratory (scientific, medical or dental) |
| (b) Bank | (l) Library |
| (c) Barber shop or beauty parlor | (m) Office |
| (d) Child care center | (n) Optician |
| (e) Child care institution | (o) Police station |
| (f) Church or similar religious facility | (p) Post office |
| (g) Clinic or dentist office (medical, dental, psychiatric) | (q) School (public or private) |
| (h) Club or lodge | (r) Silviculture |
| (i) Extraction or removal of natural resources on or under land | (s) Studio for dance, music, photography, painting, etc. |
| (j) Fire station | (t) Water well (public or private) |

5.1.3 Conditional uses. The following uses are permissible as conditional uses in the B-1 Commercial Professional and Business Office District, subject to the standards and procedures established in *Section 18.11: Conditional Uses*:

- | | |
|-----------------------------|--|
| (a) Arboretum | (g) Tennis court (outdoor) |
| (b) Ball field | (h) Wildlife sanctuary |
| (c) Golf course | (i) Dwellings, in combination with commercial uses, subject to the standards listed under <i>Section 5.1.4: Mixed uses</i> |
| (d) Park or playground | |
| (e) Riding academy | |
| (f) Swimming pool (outdoor) | |

5.1.4 Mixed uses. Mixed residential and commercial uses may be permissible as conditional uses in the (B-1) commercial professional and Business office 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-1 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, and;

(i)Off-street parking spaces for the mixed residential and commercial uses shall be the sum total of the residential and commercial uses computed separately (See *Article 15: Parking and Loading Requirements*).

5.1.5 *Area and dimensional ordinances.*

Maximum Height of Structure in Feet	35
Maximum Height of Structure in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.60
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

5.1.6*Lighting standards.* The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.

5.1.7*Distance between structures.* If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15-feet or a distance equal to one-half the sum of their heights, whichever is the greater.

5.1.8*Landscaping and buffering.* All B-1, Professional Business and Office District, uses shall meet the requirements of *Article 17: Landscaping and Buffers*.

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

Agency Comments

Baldwin County Highway Department: No comments received.

Army Corps of Engineers: No comments received.

ADEM: No comments received.

Baldwin County Subdivision Department:

From: Seth L. Peterson

Sent: Friday, October 12, 2018 2:03 PM

To: D Hart <DHart@baldwincountyal.gov>

Cc: Laurie Rumbaugh <LRUMBAUGH@baldwincountyal.gov>

Subject: RE: Z-18050 Simms Property

DJ,

I do not have any comments on this case.

Thanks,
Seth

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?

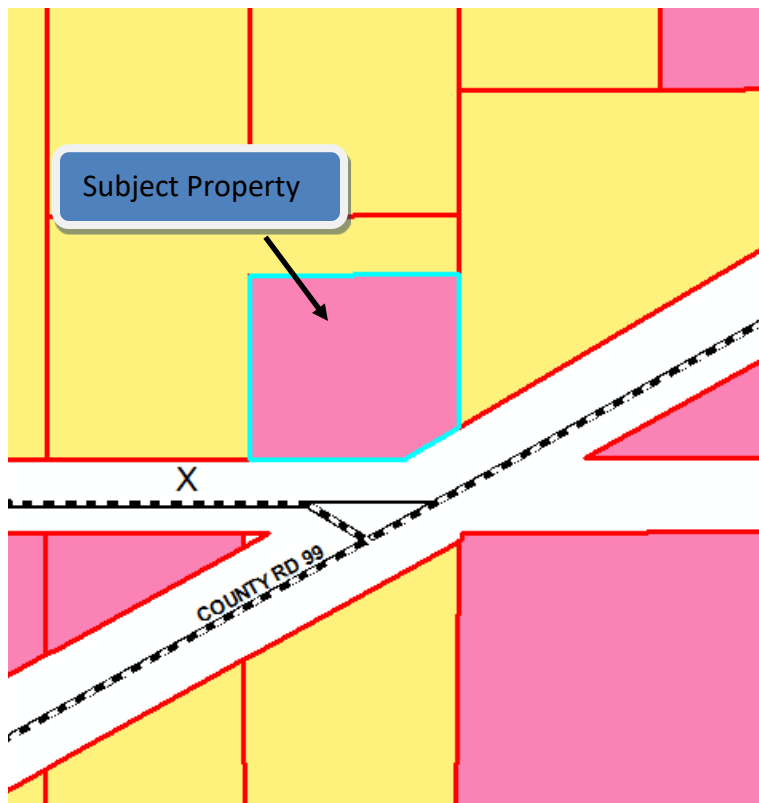
The subject property is currently zoned B-1, Professional Business District, and is occupied with a house that is currently being used for a dog grooming business and two accessory structures. The requested designation is RSF-1, Single Family District for the portion of the property containing the house. The adjacent properties to the north, east and west are zoned RSF-1.

2.) Has there been a change in the conditions upon which the original zoning designation was based? Have land uses or conditions changed since the zoning was established?

Planning District 33 was zoned in December 2001. At that time the house on the subject property was being used as a beauty salon so the property was zoned B-1 to accommodate that use. The current owner would like to make the house her dwelling and move her dog grooming business to the accessory structures on the property.

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 rezoning is approved, the Future Land Use Map will be amended to reflect the designation of Residential for the portion of the parcel requested to be rezoned. The proposed zoning would be inline with the surrounding properties.



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?

Staff anticipates no major impacts 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.

Yes. The surrounding properties are zoned residential.

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

See response to item number 6 which is listed above.

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

Yes.

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

Staff anticipates no adverse impacts.

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

Staff anticipates no adverse impacts.

11.) Other matters which may be appropriate.

Staff Comments and Recommendation

As stated previously, the subject property is currently zoned B-1, Professional Business District, and is occupied with a house that is currently being used for a dog grooming business and two accessory structures. The requested designation is RSF-1, Single Family District for the portion of the property containing the house. According to the submitted information, the purpose of this request is to allow for the owner to use the house as her residence and move the dog grooming business to the accessory structures.

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.*





ADJOINING RESIDENCE
TO THE EAST

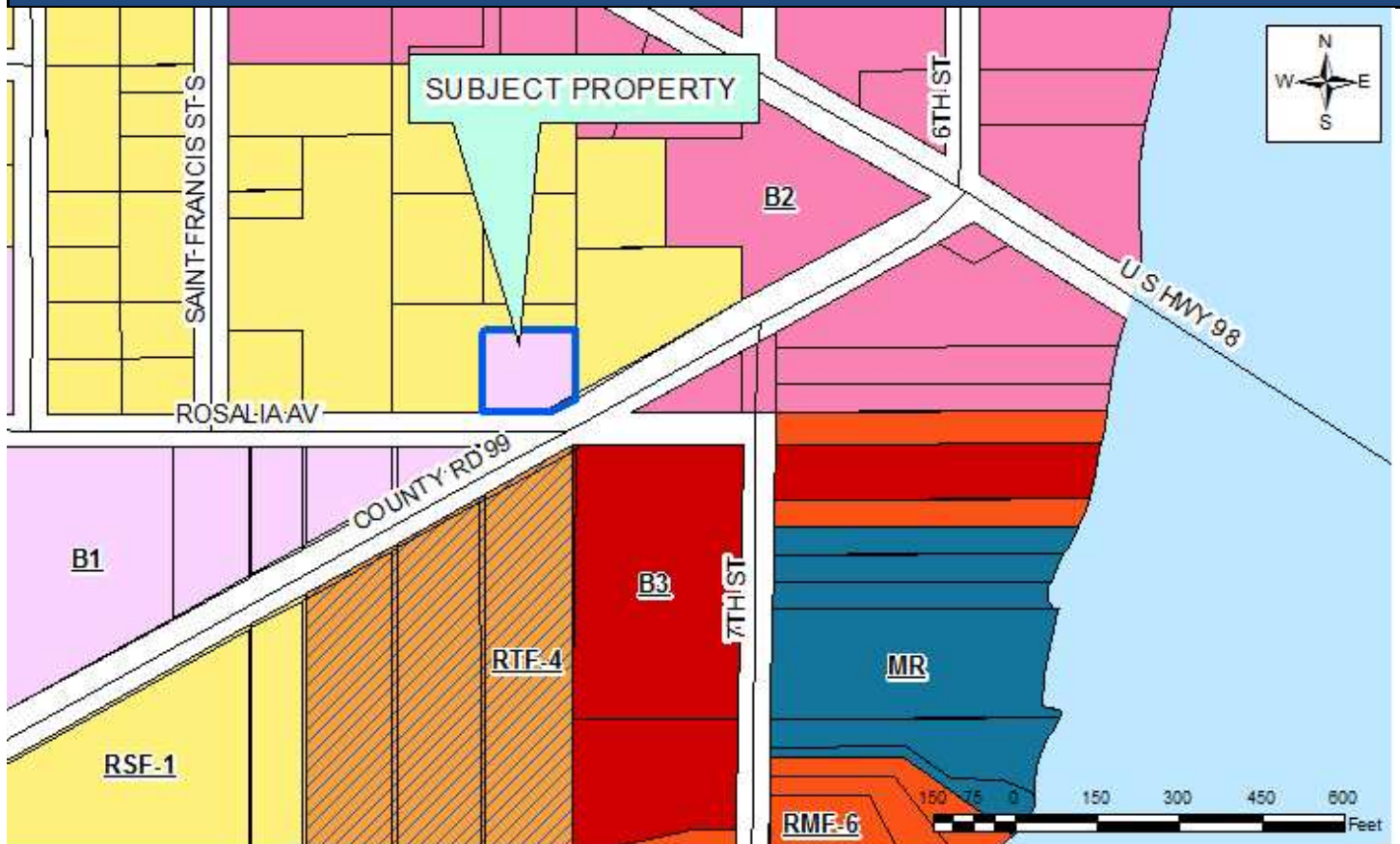
10/10/2018



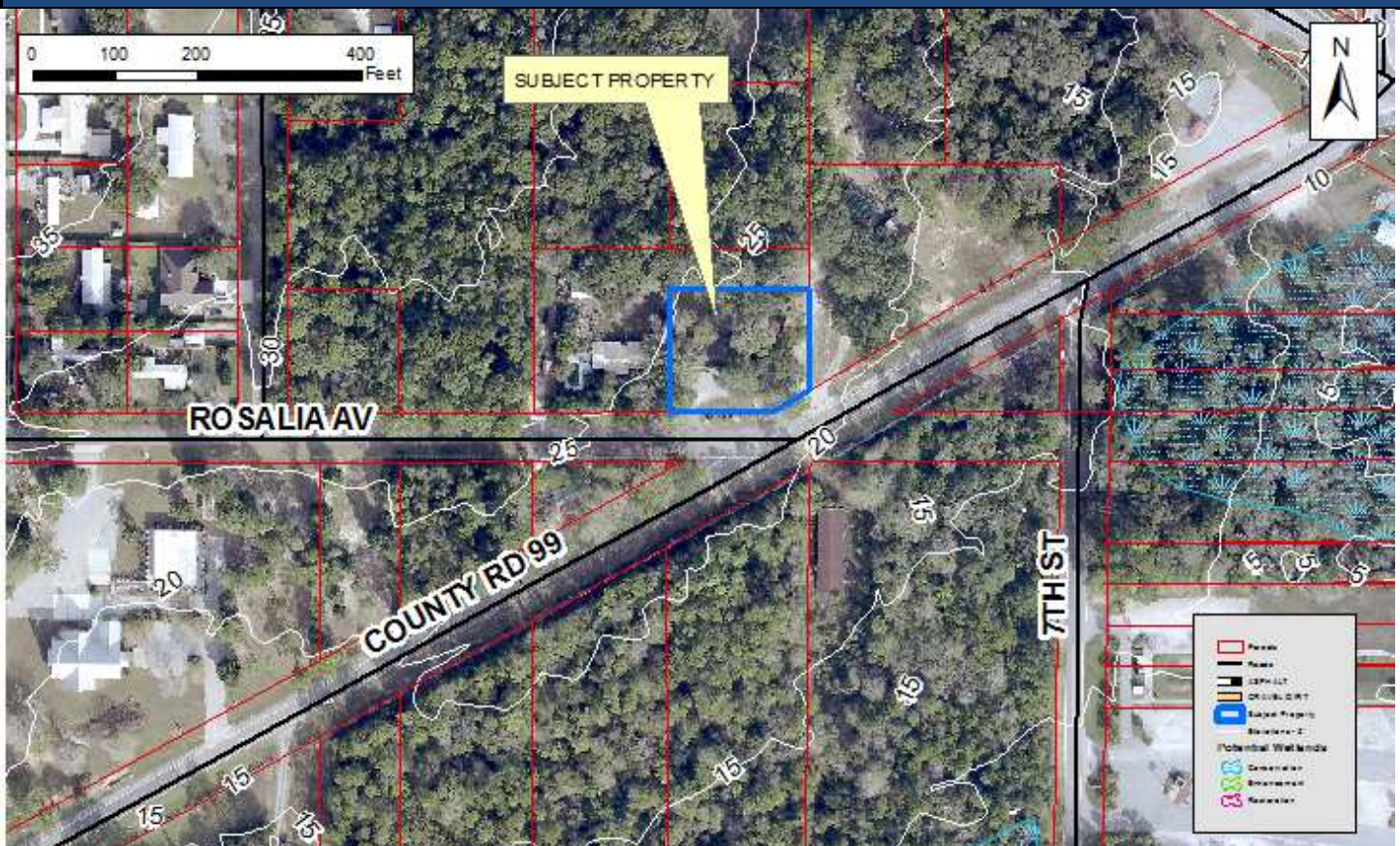
ADJOINING RESIDENCE
TO THE WEST

10/10/2018

Locator Map



Site Map





Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.f

Case No. Z-18051

Willis Property

Rezone RSF-1, Single Family District to RSF-4, Single Family District

November 1, 2018

Subject Property Information

Planning District: 25
General Location: South side of Old Fort Morgan Trail
Physical Address: 13790 Old Fort Morgan Trail
Parcel Number: 05-67-04-20-1-001-015.000 and 05-67-04-20-1-001-015.001
Existing Zoning: RSF-1, Single Family District
Proposed Zoning: RSF-4, Single Family District
Existing Land Use: Vacant
Proposed Land Use: Divide into four (4) lots
Acreage: 1.4± acres
Applicant: Chad C. Willis
330 W. Fort Morgan Road
Gulf Shores, AL 36542
Owner: Chad C. Willis
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-1, Single Family District
South	Vacant	RSF-1, Single Family District
East	Vacant	RSF-1, Single Family District
West	Vacant	RSF-1, Single Family District

Summary

The subject properties are currently zoned RSF-1, Single Family District, and unoccupied. The property adjoins Old Fort Morgan Trail West to the north. The adjoining property to the north is residential. The adjoining properties to the south, east and west are vacant. The requested zoning designation is RSF-4, Single Family District. According to the applicant, the purpose of this request is to allow for the existing parcels to be divided into four (4) lots to give to family members.

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 4.5 RSF-4, Single Family District

4.5.1 *Generally.* This zoning designation is provided to afford the opportunity for the choice of a moderate density residential development consisting of single family homes.

4.5.2 *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.

4.5.3 *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.

4.5.4 *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*).

4.5.5 *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	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area per Dwelling Unit	7,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

Agency Comments

Baldwin County Subdivision Department:

From: Seth L. Peterson

Sent: Friday, October 12, 2018 2:00 PM

To: D Hart <DHart@baldwincountyal.gov>

Cc: Laurie Rumbaugh <LRUMBAUGH@baldwincountyal.gov>

Subject: RE: Z-18051 Willis Property

DJ,

The following lot sizes will be required depending on the utilities:

40,000 SF & 120 feet wide if you have neither public water nor public sewer

20,000 SF & 80 feet wide if you have either public water or public sewer, but not both

7,500 SF & 60 feet wide if you have both public water and public sewer

Thanks,

Seth

Fort Morgan Planning and Zoning Advisory Committee:

RE: Case No. Z-18051 Willis Property

The Fort Morgan Planning and Zoning Advisory Committee met on October 17, 2018 with all members present. The committee reviewed the above case. By unanimous vote, the committee recommended that the rezoning request not be approved.

The group did indicate that they would consider a RSF-2 zoning.

ADEM:

From: Brown, Scott [<mailto:jsb@adem.alabama.gov>]

Sent: Monday, October 15, 2018 12:38 PM

To: D Hart <DHart@baldwincountyal.gov>

Cc: Leaptrott, Lacey M <lacey.leaptrott@adem.alabama.gov>

Subject: Case No. Z-18051 and Case No. Z-18052 • November Planning and Zoning cases

Case No. Z-18051

The applicant proposes to rezone in order to allow a family subdivision of the property; the parcels are located in the coastal area of Alabama (ADEM Admin. Code r. 335-8-1-.02[k]). The applicant should consider that any areas which are or could be delineated as wetlands on the existing parcels are subject to the requirements of ADEM Admin. Code r. 335-8-2-.02. The applicant should consider this when subdividing into parcels such that the resulting subparcels have sufficient buildable uplands and access thereto which does not require a U.S. Army Corps of Engineers wetlands fill permit.

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-1, Single Family District and consist of approximately 1.4 acres more or less. The requested designation is RSF-4, Single Family District. The purpose of this request is to allow for

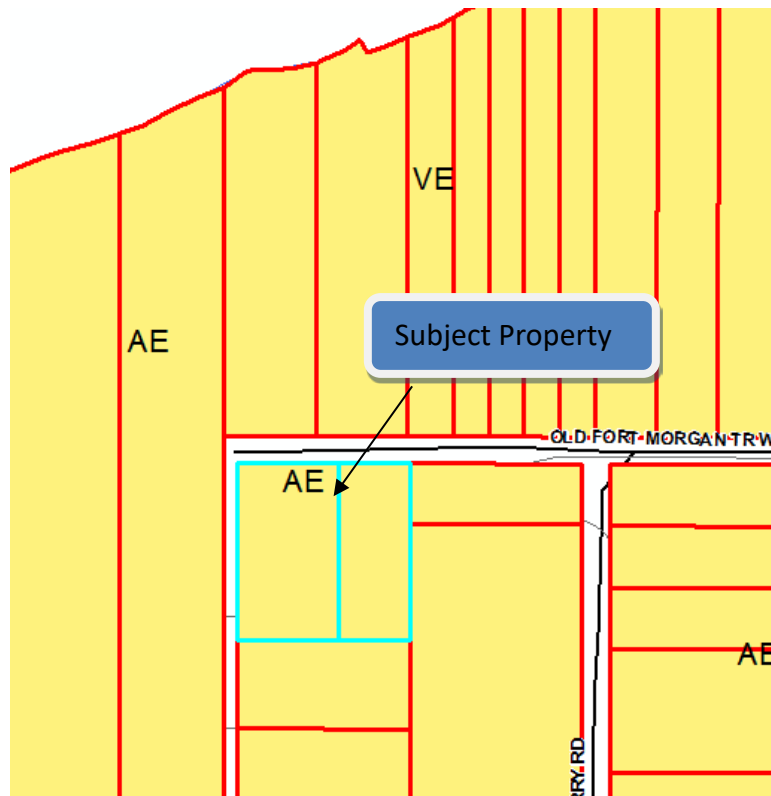
the property to be divided into four (4) lots to give to family members. The adjacent properties are all zoned RSF-1.

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 25 was zoned in November 1993. Based on the descriptions for the zoning designations at that time, the lots in this area were zoned to provide a low density residential environment. Most of the lots in this area meet or exceed the minimum lot area for RSF-1. There are several lots that based on today's zoning designations would be more in line with the RSF-2 designation.

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. This category is provided for residential dwelling units including single family dwellings, two family (duplex) dwellings, multiple family dwellings, manufactured homes, manufactured housing parks and Planned Residential Developments. Zoning designations may include RR, RA, CR, RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RSF-6, RTF-4, RTF-6, RMF-6, RMH and PRD.



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

Staff is unaware of any planned public improvements.

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

Old Fort Morgan Trail is a privately maintained road. Four single family dwellings could have some affect on traffic patterns and/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.

The adjacent properties are zoned residential single family. The proposed zoning designation is residential single family.

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

See response to item number 6.

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 anticipates no adverse impacts.

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

Staff anticipates no adverse impacts.

11.) Other matters which may be appropriate.

Staff Comments and Recommendation

As stated previously, the subject properties are currently zoned RSF-1, Single Family District, and unoccupied. The property adjoins Old Fort Morgan Trail West to the north. The adjoining property to the north is residential. The adjoining properties to the south, east and west are vacant. The requested zoning designation is RSF-4, Single Family District. According to the applicant, the purpose of this request is to allow for the existing parcels to be divided into four (4) lots to give to family members.

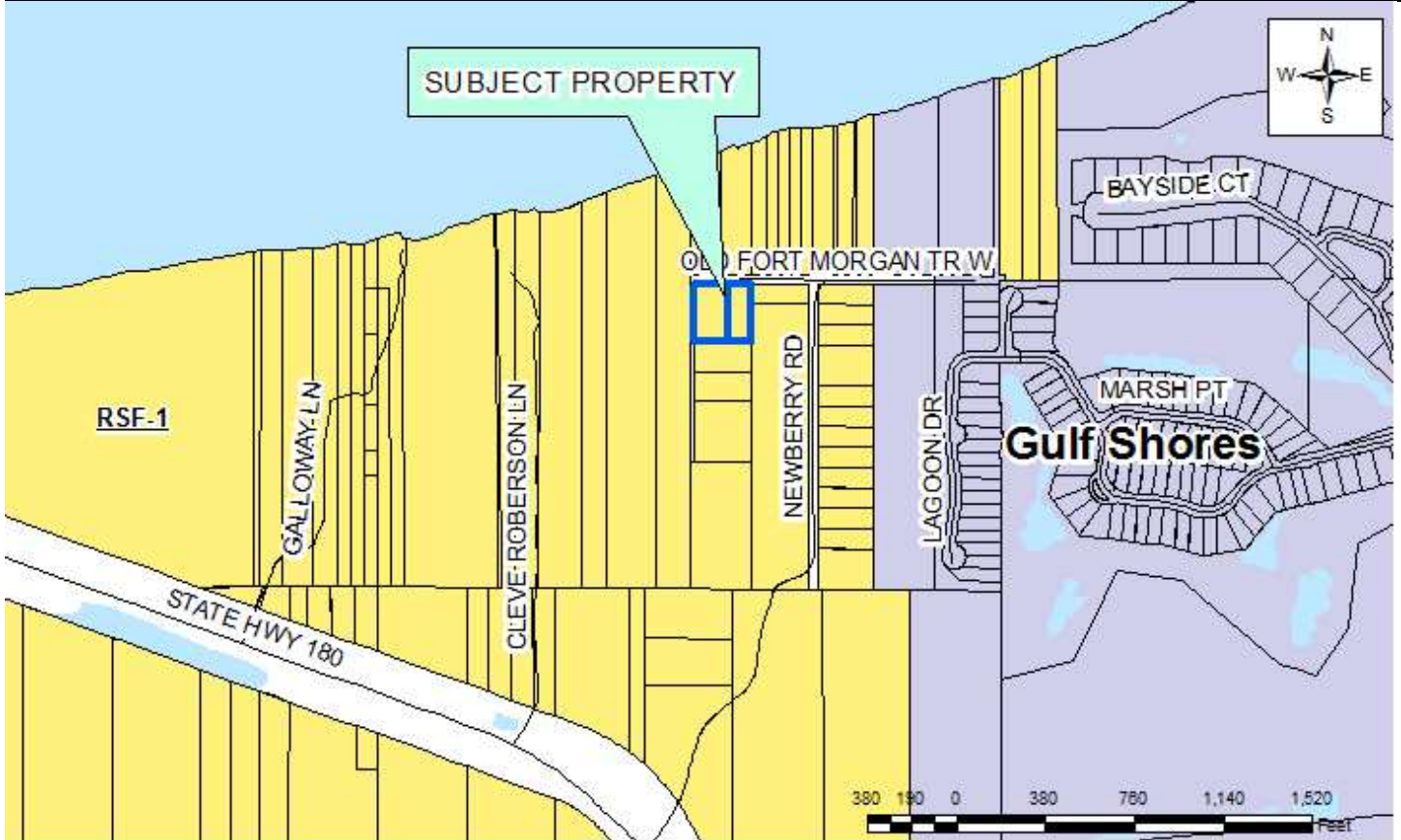
Unless information to the contrary is revealed at the public hearing, staff feels this rezoning application should be recommended for **APPROVAL**.*

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





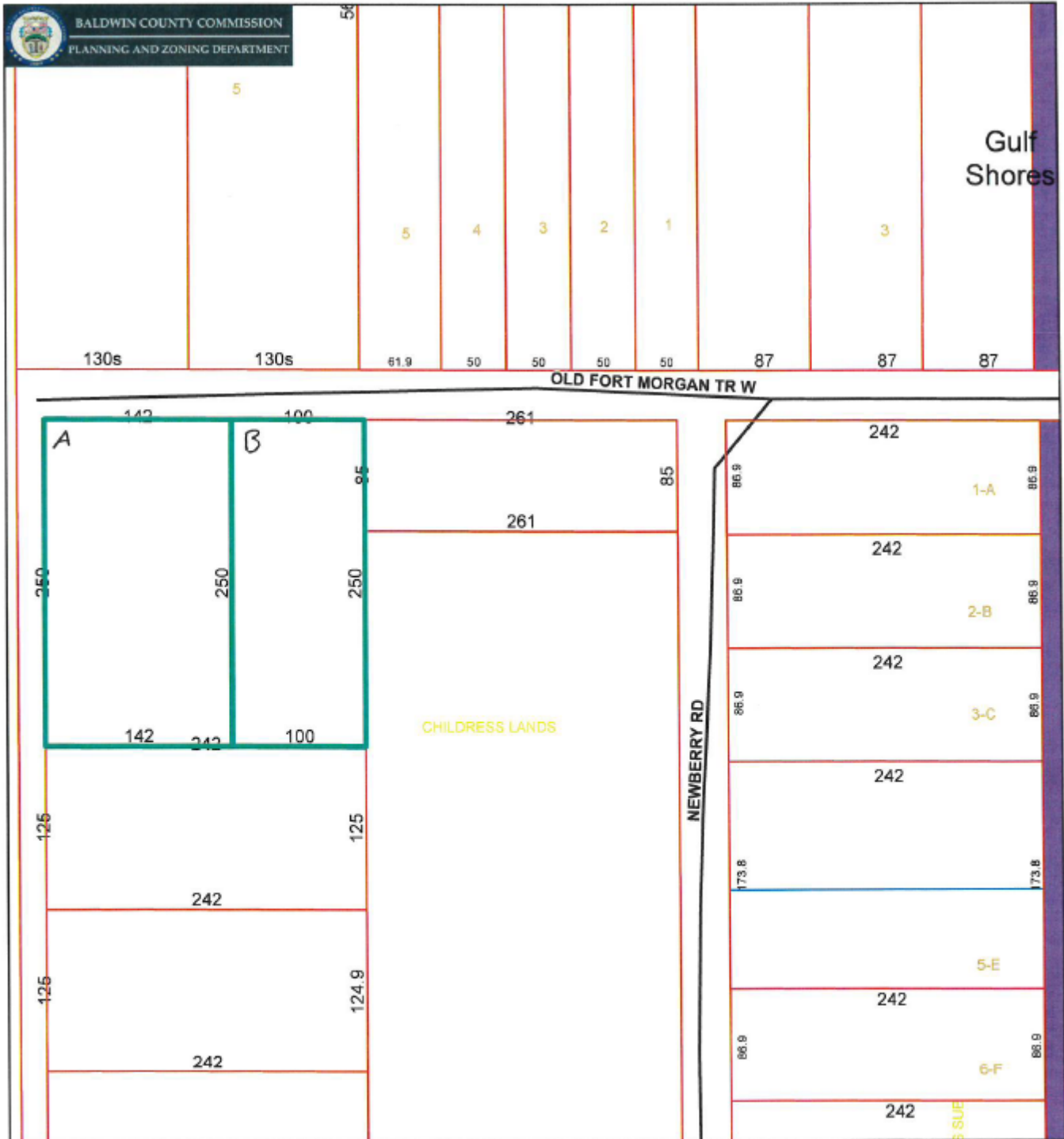
Locator Map



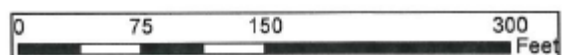
Site Map



Site Map Submitted by Applicant



The information contained in this representation of digital data distributed by the Baldwin County Commission's Planning and Zoning Department is derived from a variety of public and private sources and is considered to be dependable. However, the accuracy, completeness, and currency thereof are not guaranteed. The Baldwin County Commission makes no warranties, expressed or implied, as to the accuracy, completeness, currency, reliability, or suitability of information or data contained in or generated from the County Geographic Database for any particular purpose. Additionally, the Baldwin County Commission or any agent, servant, or employee thereof assume no liability associated with the use of this data, and assume no responsibility to maintain it in any matter or form. For more information concerning this map call 251.580.1655.



Opposition Letter

To: Baldwin County Planning Commission
2251 Palmer St.
Robertsdale, AL 36567
Phone No. 251-580-1655

From: Anthony Portella
13826 Newberry Rd
Gulf Shores, AL 36542
Phone No. 251-709-8183
Email Address: arportella1958@att.net

Date: October 22, 2018

Ref: Proposed Rezoning Case No. Z-18051

My wife and I own 4 lots and 2 houses on Newberry Road. The total investment is appraised at \$650,000. The lots are 252' x 86' or 21,672 square feet. It is my understanding that the proposed rezoning would resize the 2 lots in case number Z-18051 to 7,500 square feet. I have several concerns with rezoning the lots listed below.

- 1) The population density would increase to without the proper infrastructure to support it.
- 2) The monetary investment that we've made would devalue with the smaller size lots.
- 3) The road is a private drive that isn't maintained by the county, and won't support the additional traffic that would be induced by dividing these lots up into such small plots.

Please keep me posted via email if possible of any further developments. My email address is:

arportella1958@att.net

Regards,
Anthony R Portella





Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.g

Case No. Z-18052

**Marina Holdings WE, LLC, Property
Rezone B-2, Local Business District,
to B-4, Major Commercial District
November 1, 2018**

Subject Property Information

Planning District: 25
General Location: North Side of State Highway 180 (Lots 66-69, Gulf Beach Subdivision "A")
Physical Address: 1577 State Highway 180, Gulf Shores, AL
Parcel Numbers: 05-69-08-02-0-006-004.000
Existing Zoning: B-2, Neighborhood Business District
Proposed Zoning: B-4, Major Commercial District
Existing Land Use: Undeveloped
Proposed Land Use: Match adjacent zoning for marina and marina related purposes
Acreage: 4 acres, more or less
Applicant: HMR, Doug Bailey, P.E.
P.O. Box 1127
Daphne, AL 36526
Owner: Marina Holdings WE, LLC
1577 State Highway 180
Gulf Shores, AL 36542
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Mobile Bay	N/A
South	Residential	RMF-6, Multiple Family
East	Commercial (Marina)	B-4 Major Commercial
West	Residential	B-2, Neighborhood Business

Summary

The subject property is currently zoned B-2, Local Business District and consists of approximately 4 acres. The designation of B-4, Major Commercial District, has been requested in order to match the adjacent zoning for marina and marina related purposes.

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 | (ll) Restaurant |
| (b) Antique store | (mm) Shoe repair shop |
| (c) Apparel and accessory store | (nn) Shoe store |
| (d) Appliance store including repair | (oo) Sign shop |
| (e) Art gallery or museum | (pp) Sporting goods store |
| (f) Art supplies | (qq) Tailor shop |
| (g) Bait store | (rr) Tobacco store |
| (h) Bakery retail | (ss) Toy store |
| (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) Catering shop or service | |
| (q) Copy shop | |
| (r) Delicatessen | |
| (s) Discount/variety store (not to exceed 8,000 square feet) | |
| (t) Drug store (not to exceed 8,000 square feet) | |
| (u) Fixture sales | |
| (v) Floor covering sales or service | |
| (w) Florist | |
| (x) Fraternity or sorority house | |
| (y) Fruit and produce store | |
| (z) Gift shop | |
| (aa) Hardware store, retail | |
| (bb) Ice cream parlor | |
| (cc) Interior decorating shop | |
| (dd) Laundry, self service | |
| (ee) Lawnmower sales and service | |
| (ff) Locksmith | |
| (gg) Music store | |
| (hh) Neighborhood convenience store | |
| (ii) News stand | |
| (jj) Paint and wallpaper store | |
| (kk) Picture framing and/or mirror silvering | |

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*).

5.2.5 *Area and dimensional ordinances.*

Maximum Height of Structure in Feet	35
Maximum Height of Structure in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.60
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

5.2.6 *Lighting standards.* The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.

5.2.7 *Distance between structures.* If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15-feet or a distance equal to one-half the sum of their heights, whichever is the greater.

5.2.8 *Landscaping and buffering.* All B-2, Neighborhood Business District, uses shall meet the requirements of *Article 17: Landscaping and Buffers*.

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
- (b) Amusement park
- (c) Auto convenience market (limited to less than 4,000 sq.ft. of gross floor area and maximum of 4 fueling pumps)
- (d) Automobile parts sales
- (e) Automobile repair (mechanical and body)
- (f) Automobile sales
- (g) Automobile service station
- (h) Automobile storage (parking lot, parking garage)
- (i) Boat sales and service
- (j) Building materials
- (k) Farm implements
- (l) Flea market
- (m) Home improvement center
- (n) Hotel or motel
- (o) Manufactured housing sales, service and repair
- (p) Marina
- (q) Motorcycle sales service and repair
- (r) Movie theatre
- (s) Recreational vehicle park
- (t) Recreational vehicle sales, service and repair
- (u) Restaurant, drive-in
- (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
- (b) Ambulance/EMS service
- (c) Armory

- (d) Auditorium, stadium, coliseum
- (e) Barge docking
- (f) Broadcasting station
- (g) Bus and railroad terminal facility
- (h) College or university
- (i) Convalescent or nursing home
- (j) Correctional or penal institution
- (k) Dog pound
- (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*.

Agency Comments

Baldwin County Highway Department:

Seth Peterson – No comments.

ADEM (J. Scott Brown): The parcel is located in the coastal area of Alabama (ADEM Admin. Code r. 335-8-1-.02 [k]). The applicant should consider, during project design, that any areas which are or could be delineated as wetlands on the existing parcel are subject to the requirements of ADEM Admin. Code r. 335-8-2-.02.

Fort Morgan Advisory Committee:

RE: Case No. Z-18052 Marina Holdings We LLC Property

The committee also reviewed the above case, Z-18052 and vote unanimously to request denial of the rezoning to B-4 but would consider a MR rezoning.

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 State Highway 180 to the south. The adjoining properties are residential and commercial. Adjoining property to the east, which is zoned B-4, Major Commercial District, is the location of a marina. Property to the west, which is zoned B-2, Neighborhood Business District, is the location for two single family dwellings which were constructed prior to the adoption of zoning in Planning District 25.

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 25 was approved by the Baldwin County Commission on November 16, 1993. At that time, the subject property was zoned B-1. Currently, B-1 is a Professional Business designation which is primarily oriented towards offices. The original B-1 as found in Planning District 25, however, was described as a General Business District. It allowed uses which are more consistent with the current B-2 and B-3 designations. A full-service marina was also allowed. In 1999, the consolidated zoning ordinance was adopted, and the designation for the subject property was changed to B-2. This was done in an effort to bring about consistency between all zoned Planning Districts, as well as consistency with the commercial designations as they were then written. The change in zoning designation was not a rezoning. One difference with B-2 versus the original B-1 was that marinas were not permitted uses.

On August 8, 2005, the subject property and the adjacent marina property were annexed into the City of Gulf Shores. The marina property had been rezoned to B-4 earlier in 2005. Upon de-annexation, the subject property was returned to its B-2 designation and the marina property was returned to its B-4 designation. These parcels were not rezoned following the de-annexation.

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. Approval of this request will not necessitate a change to the future land use designation.

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?

Staff anticipates no major impacts 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 #1.

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

The adjacent property to the east (marina) is zoned B-4.

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?

See ADEM response under Agency Comments listed above.

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.

It has been suggested that the MR, Marine Recreation District, might be a better fit for the subject property. The requirements and standards for MR are listed as follows:

Section 6.1 MR, Marine Recreation District

6.1.1 Generally. This zoning district is intended to provide for water related recreation activities.

6.1.2 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) Marine recreation uses.
- (d) Outdoor recreation uses.
- (e) The following general commercial uses: country club; hotel or motel; night club, bar, tavern.
- (f) The following local commercial uses: bed and breakfast or tourist home; cafe; convenience store; delicatessen; gift shop; restaurant.
- (g) The following professional service and office uses: office.
- (h) The following institutional uses: church or similar religious facility.
- (i) The following agricultural uses: Silviculture.
- (j) Single Family dwellings including manufactured housing and mobile homes.
- (k) Accessory structures and uses.

6.1.3 *Conditional use.* 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 a conditional use:

The following institutional uses: day care home.

6.1.4 *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	25-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	80,000 Square Feet
Maximum Impervious Surface Ratio	.80
Minimum Lot Width at Building Line	165-Feet
Minimum Lot Width at Street Line	No Minimum

Staff Comments and Recommendation

As stated previously, the subject property is currently zoned B-2, Local Business District and consists of approximately 4 acres. The designation of B-4, Major Commercial District, has been requested in order to match the adjacent zoning for marina and marina related purposes.

Staff has no major issues with this request and recommends that the rezoning be recommended to the County Commission for **APPROVAL**. * This recommendation is based on the fact that the adjacent parcel to the east is already zoned B-4. In addition, a marina has been in place at this location for a number of years.

If the Planning Commission should find the B-4 designation to not be warranted at this time, staff would recommend the designation of MR, Marine Recreation District, as described above. The Planning Commission should base its decision on the information obtained at the public hearing.

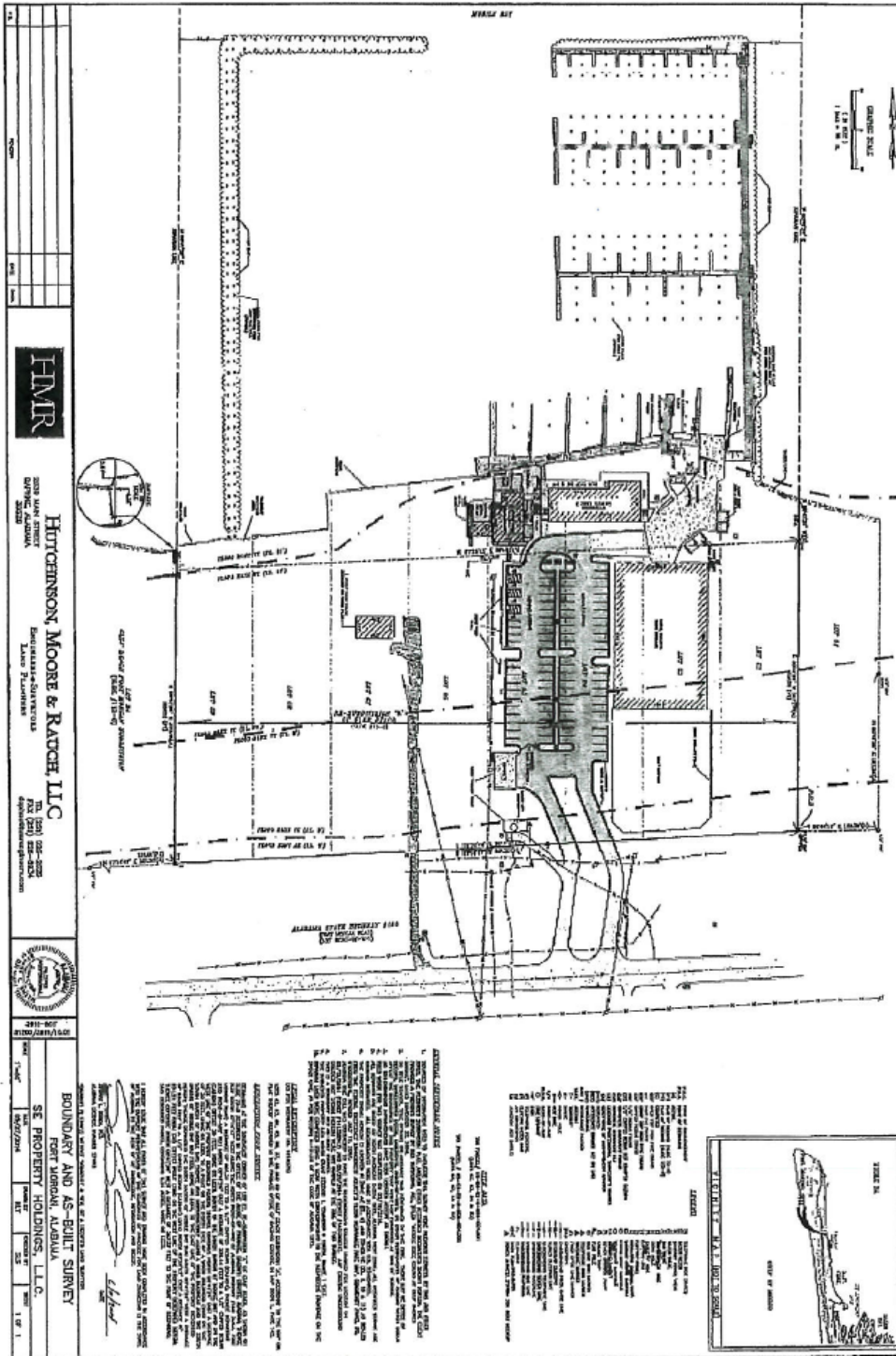
**On rezoning applications, the Planning Commission will be making a recommendation to the County Commission.*

Re-Zoning Explanation

The subject property to be re-zoned (lots 66-69) and the adjacent property (lots 62-65) have been used together for marina and marina related purposes since 2005. All of said property (lots 62-69) is now owned by Marina Holding WE, LLC ("Owner"), which acquired lots 62-69 via foreclosure several years ago. All of the property (lots 62-69) is currently under contract to be sold, and the prospective buyer (the "Buyer") and the Owner desire that lots 66-69 be re-zoned from B-2 to B-4 to match the zoning of lots 62-65.

A 2014 survey of all lots (62-69) is attached. As shown thereon, a sea wall protects the water in front of all the lots, even the western lots that Owner seeks to have re-zoned (lots 66-69), clearly showing that all of this property has been used as a marina for many years. When this area was "de-annexed" from the City of Gulf Shores, however, the eastern part of the marina (lots 62-65) was zoned B-4 by the county and the western part of the marina (lots 66-69) was zoned B-2. A marina is a permitted use under B-4 but not B-2. The Owner thinks the re-zoning of lots 66-69 as B-2 was a mistake and improper, and asserts Owner is still entitled to use lots 66-69 for a marina and marina related purposes. However, as part of its due diligence in acquiring the property, the Buyer wants lots 66-69 formerly re-zoned B-4 to remove all doubt and make the zoning uniform (B-4) for all of the marina property (lots 62-69). The Owner wants to accommodate the Buyer in these efforts by authorizing this application to be filed, but by doing so the Owner in no way (i) waives any right Owner now has to use lots 66-69 for a marina or marina related purposes (or any other purposes), or (ii) concedes that lots 66-69 are validly zoned B-2.

The re-zoning will not adversely affect the surrounding area or community. It will simply clarify and confirm lots 66-69 may continue to be used as those lots have been used for over 13 years. If the re-zoning is granted, the Buyer will have the assurances it desires that the marina uses are allowed. Without these assurances, the Buyer may be unwilling to acquire the property and invest the significant sums contemplated by Buyer to improve the marina. Buyer's investment and improvements to the property will be good for the community as a whole, which will benefit from an enhanced first class marina at the end of Ft. Morgan.

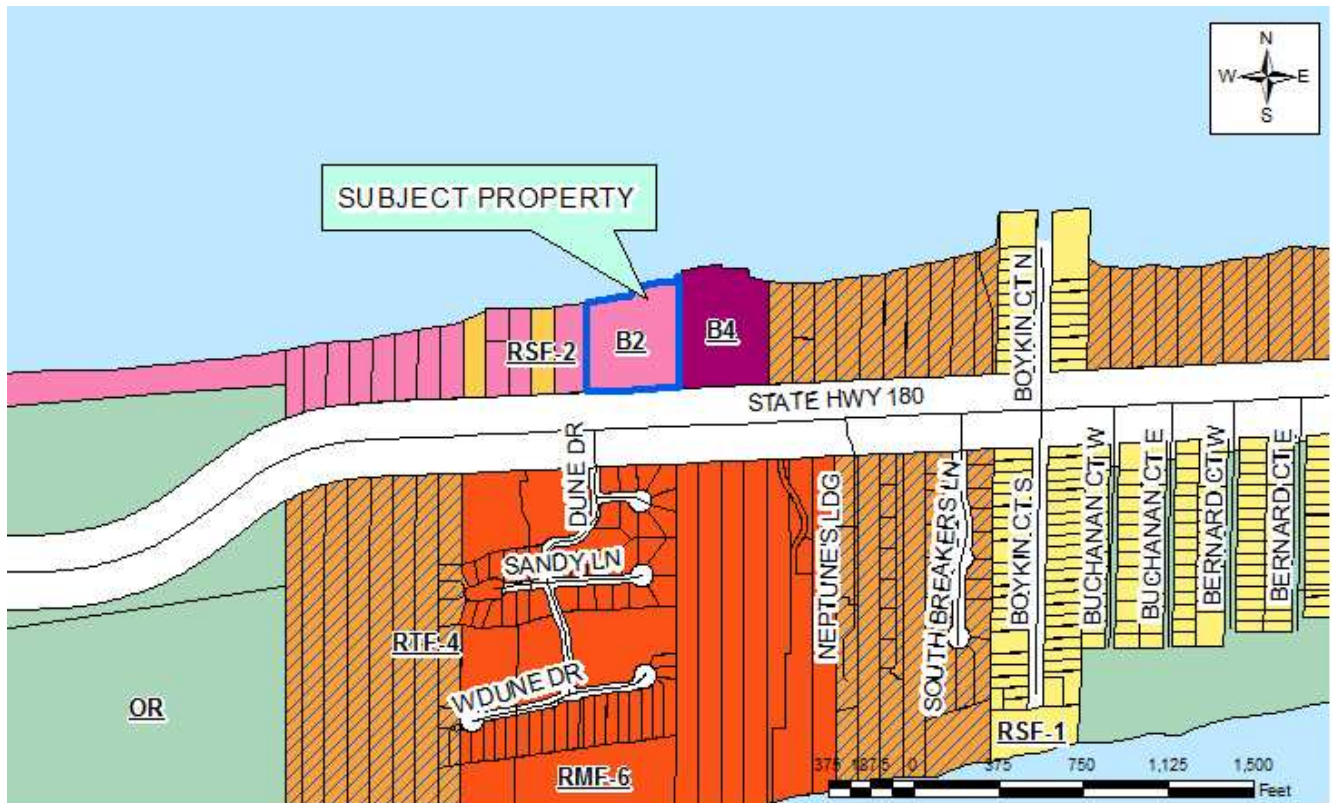


Property Images





Site Map



Site Map

