



Baldwin County Planning & Zoning Commission Agenda

Thursday, February 6, 2020

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:**

January 9, 2020 meeting minutes
6. **Announcements/Registration to address the Commission.**
7. **Consideration of Applications and Requests: Subdivision Cases**

a.) **Case S-20003, Osprey Park, Final Site Plan Approval**

Disclosure of Prior Outside Communication –Pursuant to Article VI,

Section 15(b), Planning Commission By-Laws

- Purpose: The applicant is requesting Final Site Plan Approval for a 8-site RV Park on 20 acres.
- Location: The subject property is located on the east side of Osprey Lane approximately 0.65 miles west of County Road 64 in the Wilcox area.

b.) Case S-20004, Thompson Hall Quadplexes, Final Site Plan Approval

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

- Purpose: The applicant is requesting Final Site Plan Approval for a 16-unit development on 1.98 acres.
- Location: The subject property is located on the northeastern intersection of Thompson Hall Road and Twin Beech Road, approximately 0.50 miles west of State Highway 181 in Fairhope.

c.) Case S-20009, Burnstand Subdivision, Development Permit Approval

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

- Purpose: The applicant is requesting Development Permit Approval for a Development Permit Approval for a 3-lot subdivision on 6.12 acres.
- Location: The subject property is located on the east side of Co Rd 62 approximately 1.15 miles south of Highway 90 in the Elsanor Community.

d.) Case S-20011, Magnolia Acres Ph 2, Variance

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

- Purpose: The applicant is requesting Variance approval from the *Baldwin County Subdivision Regulations* as it relates to minimum lot width.

Location: The subject property is located on the south side of Co Rd 28, approximately 0.65 miles west of Co Rd 55 in the Summerdale area.

e.) Case S-20012, Silver Pines, resub of lot 1,3 and 5, Development Permit Approval

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

Purpose: The applicant is requesting Development Permit Approval for a 4-lot subdivision on 9.25 acres.

Location: The subject property is located on the west side of Co Rd 49, between Woodpecker Rd and North Blvd in the Silverhill area.

f.) Case HS-20001, Roberto Barboza, Highway Construction Setback Variance

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

Purpose: The applicant is requesting an appeal from the Highway Construction Setback Legislation to construct a detached tire changing area next to an existing building.

Location: The subject property is located on the north side of US Highway 98, east of Saint Francis St. N in the Lillian area.

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

a.) Case P-20001, Pittman Property

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

Purpose: The applicant is requesting Conditional Use Approval to allow boat/RV storage and mini warehouse facility on property zoned B-2

Location: The subject property is located on the north side of Milton Jones Road, in Planning District 15.

b.) Case P-20003, Sutton Property

Disclosure of Prior Outside Communication –Pursuant to Article VI,

Section 15(b). Planning Commission By-Laws

Purpose: The applicant is requesting Conditional Use Approval to allow a used tire store on property zoned B-3.

Location: The subject property is located on the corner of US Hwy 98 and Saint Frances St., in Planning District 22.

9.) Old Business:

10.) New Business:

11.) Public Comments

12.) Reports and Announcements:

Staff Reports

Legal Counsel Report

Next Regular Meeting: March 5, 2020

13.) Adjournment.

Baldwin County Planning and Zoning Commission
Case No. S-20003 – Osprey Park
Final Site Plan Approval
Staff Report for Planning and Zoning Commission Public Hearing
February 6, 2020
Agenda Item 7.a

This report is prepared by the Baldwin County Planning and Zoning, Subdivision 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:	February 6, 2020 January 9, 2020	Final Site Plan Approval Pending Final Site Plan Approval (tabled)
Attachments:	Vicinity Map Site Map Letter of Opposition Proposed Plat	

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District:	District 13 – Unzoned
Location of Property:	The subject property is located on the east side of Osprey Lane approximately 0.65 miles west off of County Road 64 in the Wilcox area.
Parcel Numbers:	05-35-09-30-0-000-006.004
Report Prepared By:	Mary Booth; Subdivision Coordinator

III. SUBDIVISION PROPOSAL:

Proposed number of Sites:	8
Linear Feet of Streets:	1,070LF
Total Acreage:	± 20.0 acres
Smallest Site Size:	± 360 square feet
Owner:	Walter E. Orzolic 12 Oak Lane Shalimar, FL 32579
Engineer/Surveyor:	Rowe Surveying & Engineering Co., Inc. 3502 Laughlin Dr., Suite B Mobile, AL 36693
Request:	The applicant is requesting Final Site Plan approval for the above-mentioned subdivision from the Baldwin County Planning and Zoning Commission.

IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS:

Public Utilities Services: Water: Onsite Well
 Sewer: Onsite Septic
 Electricity: Baldwin EMC

Transportation: The proposed sites will front internal gravel roads.

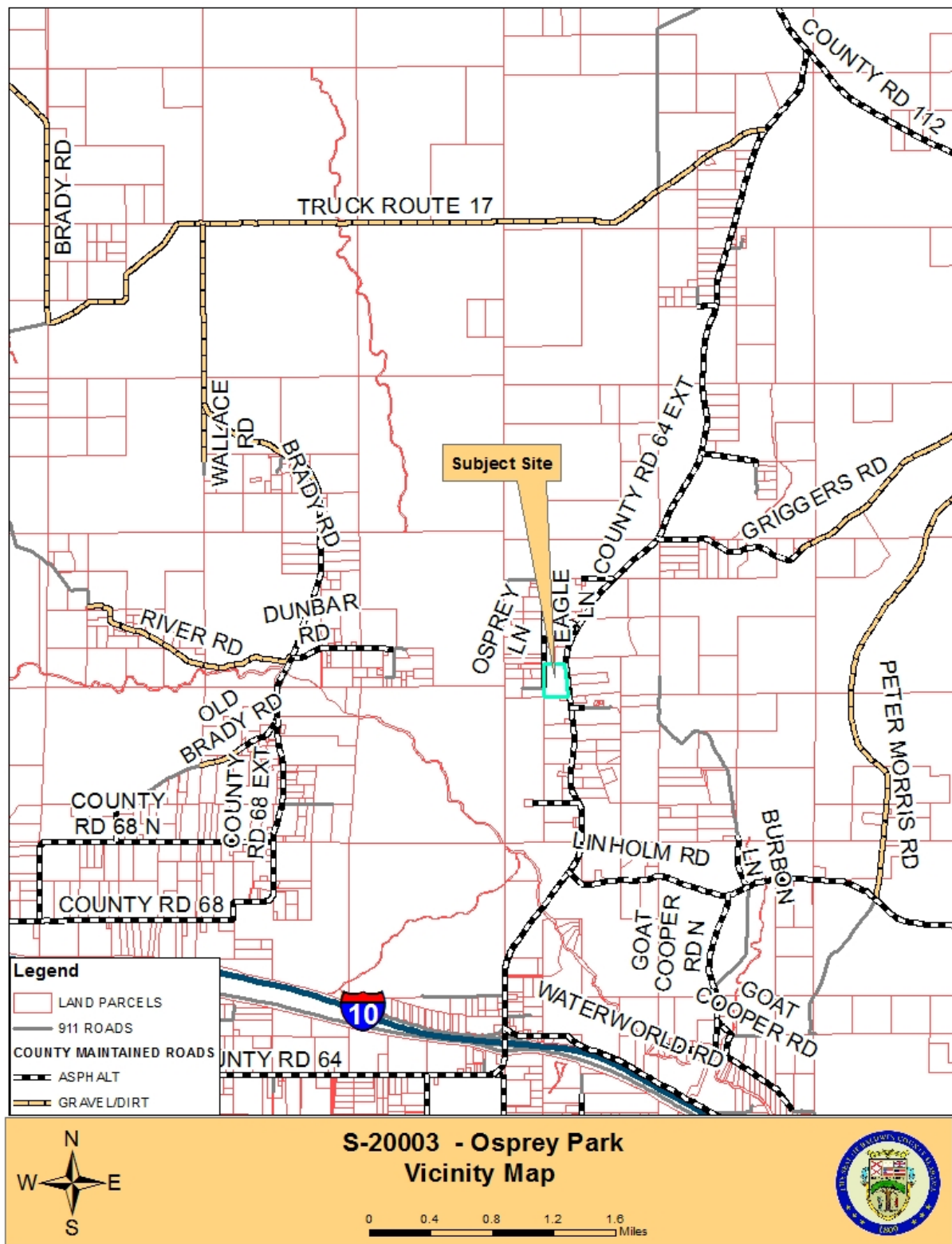
V. STAFF COMMENTS:

Items for consideration:

- All items of the Final Site Plan application meet the requirements of the subdivision regulations.

VI. RECOMMENDATIONS:

Staff recommends that the Final Site Plan approval for Case No. S-20003, Osprey Park be **APPROVED**.





January 6, 2020

Dear commission,

We are writing this letter in opposition to the proposed development of Osprey Park, an 8 unit RV park, as we are unable to attend the scheduled hearing. We live in direct proximity of the proposed development. Our concerns consist of the following:

Low income transient housing of this nature is historically known to create negative impacts on an area. These impacts range from lowering neighboring property values to stimulating nefarious activities.

Our concerns are not only regarding the proposed plans of today's project but also what potentially could be constructed or allowed to develop in the future if it were to be sold or further development created or repurposed.

This community has been working towards revitalizing our area over the last several years, removing drug infestation and blighted homes and now to have this type of environment be approved would dramatically change the culture of our community for the negative. I have spoken with our local law enforcement officers in the past about this area prior to moving here and they had shared with me how the area has been improving and we the residents have been working towards building a better community by building single family, well maintained homes that promote a quiet peaceful community. Transient low income housing does the complete opposite of what not only the residents but also the law enforcement community envisions for this neighborhood.

Regarding the negative impact on property values. This community is a single family dwelling community and there is no recent precedent to support having this type of subdivision approved. There is no doubt the value of our homes will suffer and as a result some residents could find themselves with an upside down mortgage due to the lost value.

Another major concern is the added noise pollution and traffic associated with such a development. There has been discussion by the developer of adding an ATV track, as well as an open air movie theater which would greatly increase the noise pollution. Traffic concerns should be considered as well, as an 8 unit park would immediately increase the number of vehicles on a dead end residential street. Again this is a quiet residential community and there is no place for such a development in this area.

Finally I ask each of you to consider if it was your neighborhood and your property, would you want to live next to an RV park much less one that could have an outdoor theater and ATV track.

Thank you for hearing our concerns and acting responsibly.

Drs. Jody and Tania Nolfé

Last modified: 6:55 PM

Baldwin County Planning and Zoning Commission
Case No. S-20004 – Thompson Hall Quadplexes
Final Site Plan Approval
Staff Report for Planning and Zoning Commission Public Hearing
February 6, 2020
Agenda Item 7.b

This report is prepared by the Baldwin County Planning and Zoning, Subdivision 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:	February 6, 2020 January 9, 2020	Final Site Plan Approval Pending Final Site Plan Approval (tabled)
Attachments:	Vicinity Map Site Map Proposed Plat	

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District:	District 17 – Unzoned
Location of Property:	The subject property is located on the northeastern intersection of Thompson Hall Road and Twin Beech Road (County Road 44), approximately 0.50 miles west of State Highway 181 in Fairhope.
Parcel Numbers:	05-46-05-22-0-000-001.558
Report Prepared By:	Mary Booth; Subdivision Coordinator

III. SUBDIVISION PROPOSAL:

Proposed number of Units:	16
Linear Feet of Streets:	351LF
Total Acreage:	± 1.98 acres
Smallest Unit Size:	± 938 square feet
Owner:	Provision Investments, LLC 19940 State Hwy 181 Fairhope, AL 36532
Engineer/Surveyor:	S.E. Civil Engineering & Surveying 880 Holcombe Blvd., Ste 2F Fairhope, AL 36532
Request:	The applicant is requesting Final Site Plan approval for the above-mentioned subdivision from the Baldwin County Planning and Zoning Commission.

IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS:

Public Utilities Services:	Water:	Fairhope Utilities
	Sewer:	Fairhope Utilities
	Electricity:	Fairhope Utilities

Transportation: The proposed units will front on an internal, private and paved road with direct access from Thompson Hall Road, a paved and county maintained road.

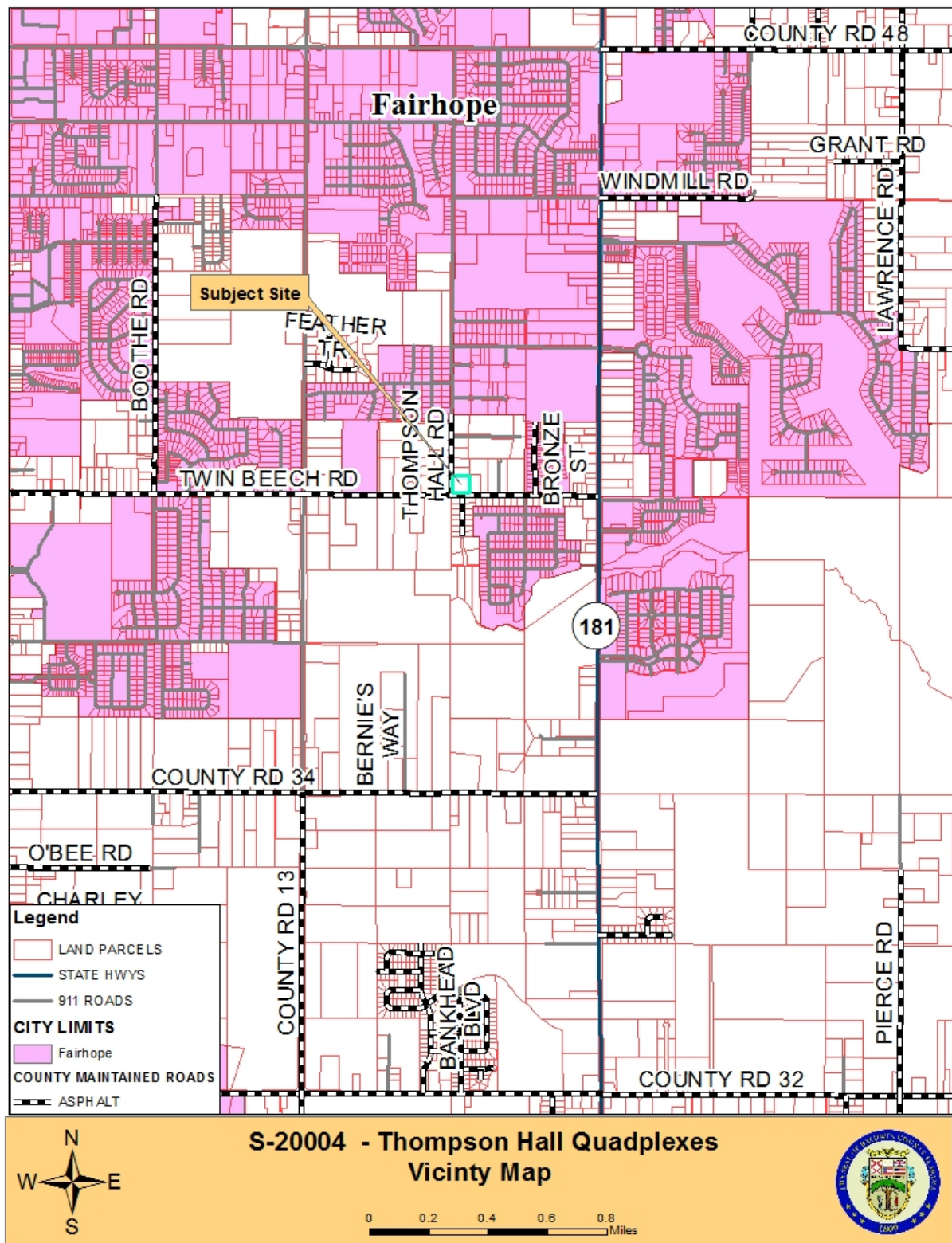
V. STAFF COMMENTS:

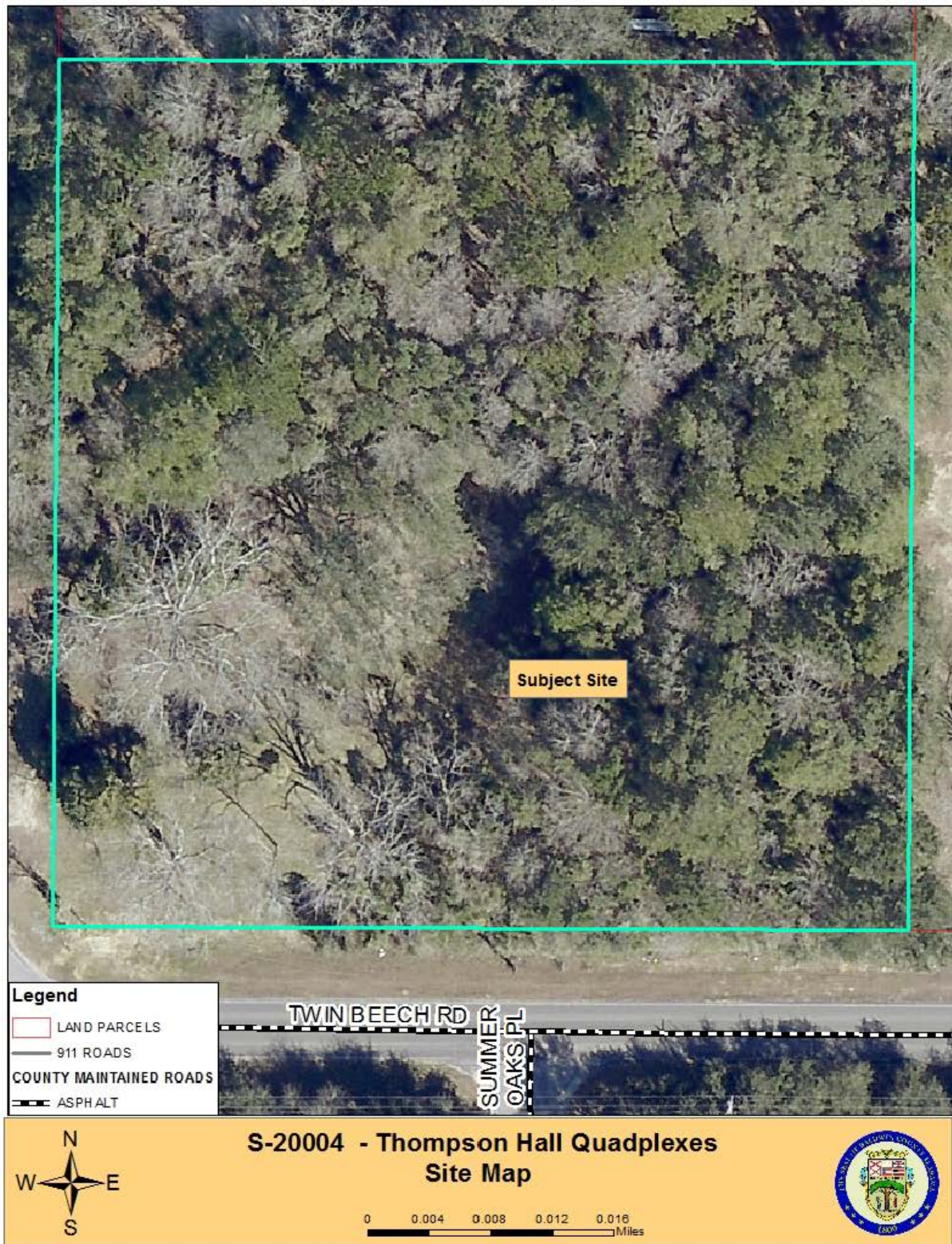
Items for consideration:

- All items of the Final Site Plan application meet the requirements of the subdivision regulations.

VI. RECOMMENDATIONS:

Staff recommends that the Final Site Plan approval for Case No. S-20004, Final Site Plan be **APPROVED.**





Baldwin County Planning and Zoning Commission
Case No. S-20009 Burnstand Subdivision
Development Permit Approval
Staff Report for Planning and Zoning Commission Public Hearing
February 6, 2020
Agenda Item 7.c

This report is prepared by the Baldwin County Planning and Zoning, Subdivision 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: February 6, 2020 Development Permit Approval pending

Attachments: Vicinity Map
 Site Map
 Proposed Plat

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 12 – Zoned RSF-1

Location of Property: The subject property is located on the east side of County Road 62 approximately 1.15 miles south of Highway 90 in the Elsanor community.

Parcel Numbers: 05-48-01-01-0-000-007.000

Report Prepared By: Mary Booth; Subdivision Coordinator

III. SUBDIVISION PROPOSAL:

Proposed number of Lots: 3

Linear Feet of Streets: N/A

Total Acreage: ± 6.12

Smallest Lot Size: ± 1.81 acres

Owner/Developer: BJ's Residential Properties, LLC
 1299 Greystone Crest
 Birmingham, AL 35242

Engineer: David Shumer
 Barton & Shumer Engineering, LLC
 3123 Midtown Park S.
 Mobile, AL 36606

Surveyor: Geo Surveying, Inc.
 129 Club Drive
 Fairhope, AL 36532

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: East Central Baldwin County Water Authority
Sewer: On-Site septic
Electricity: Baldwin EMC

Transportation: The proposed lots will front on County Road 62, a county maintained paved road.

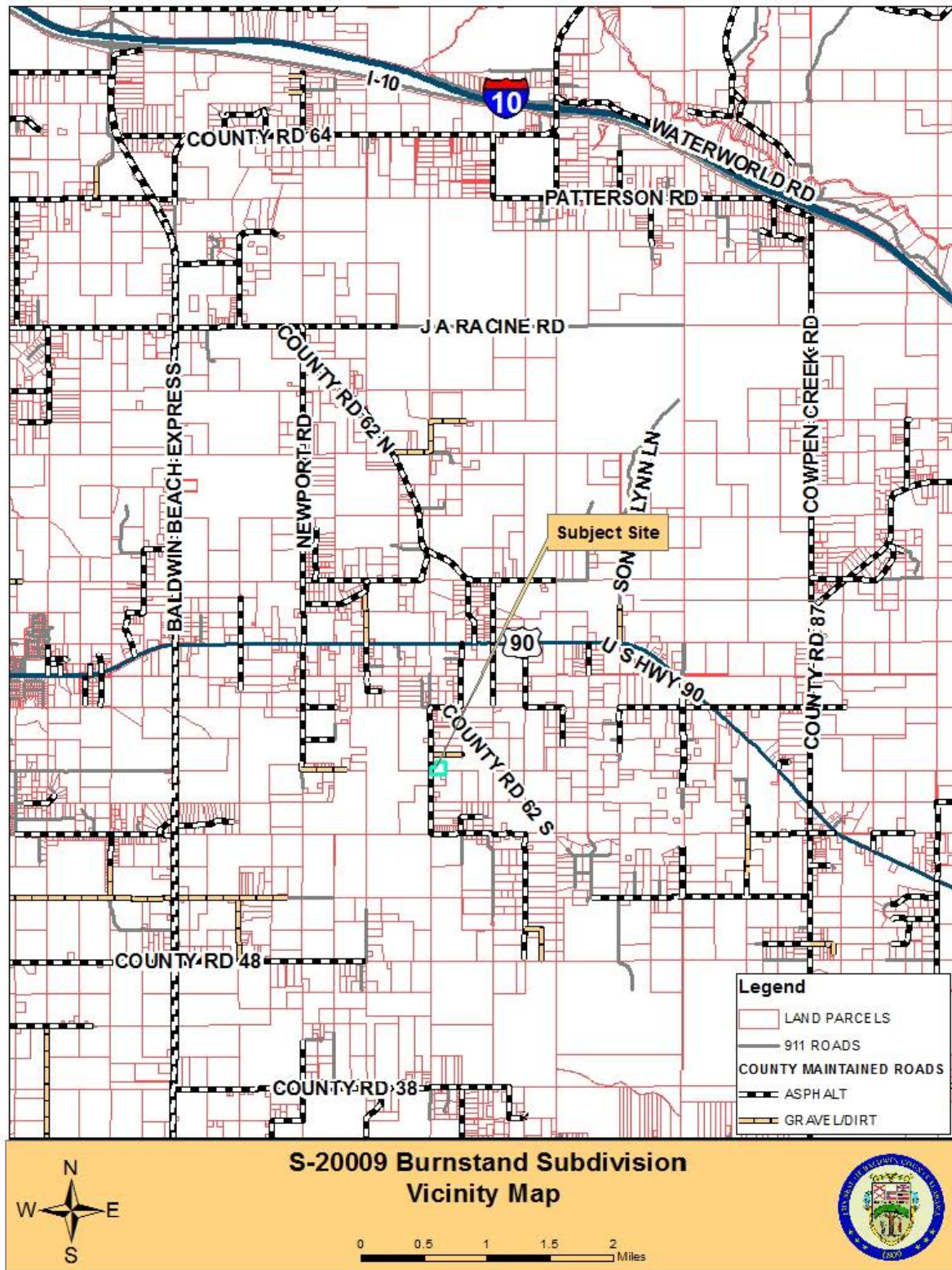
V. STAFF COMMENTS:

Items for consideration:

- All items of the Development Permit application meet the requirements of the subdivision regulations.

VI. RECOMMENDATIONS:

Staff recommends that the Development Permit for Case No. S-20009, Burnstand Subdivision be **APPROVED**.





Baldwin County Planning and Zoning Commission
Case No. S-20011 – Magnolia Acres, Ph 2
Variance Request Approval
Staff Report for Planning and Zoning Commission Public Hearing
February 6, 2019
Agenda Item 7.d

This report is prepared by the Baldwin County Planning and Zoning, Subdivision 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: February 6, 2020 Variance Request Approval Pending

Attachments: Vicinity Map
Site Map
Letter from Applicant
Proposed Sketch for Reduced Lot Width

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 14 – Unzoned

Location of Property: The subject property is located on south side of County Road 28 approximately 0.65 miles west of County Road 55 in the Summerdale area.

Parcel Number: 05-55-02-10-0-000-001.000

Report Prepared By: Mary Booth; Permit/Subdivision Coordinator

III. SUBDIVISION PROPOSAL:

The applicant/developer is proposing to develop Lot 11 of Magnolia Acres as Magnolia Acres Phase 2 and is requesting a reduction of the minimum lot width for three of the proposed 17 lots. With the minimum 30' front setback line, the lot width will not meet the 120' but will meet the minimum lot size requirements as required per the design standards.

Owner/Developer: James Ellis
Ellis Civil
PO Box 190
Summerdale, AL 36580

Engineer: Jason W. Wooten
1249 Pencarro Blvd
Foley, AL 36535

Surveyor: Kelvin Harris
1810 Trammel Motorway
Sylacauga, AL 35150

Request: The applicant is requesting a Variance approval for the above-mentioned subdivision from the Baldwin County Planning and Zoning Commission to allow for a variance of the current subdivision regulations for minimum lot width for three of the proposed 17 lots.

IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS:

Public Utilities Services: Water: Well
Sewer: On-Site Septic
Electricity: Baldwin EMC

Transportation: The proposed lots will front on Stellata Lane, a proposed public and paved road with access from County Road 28.

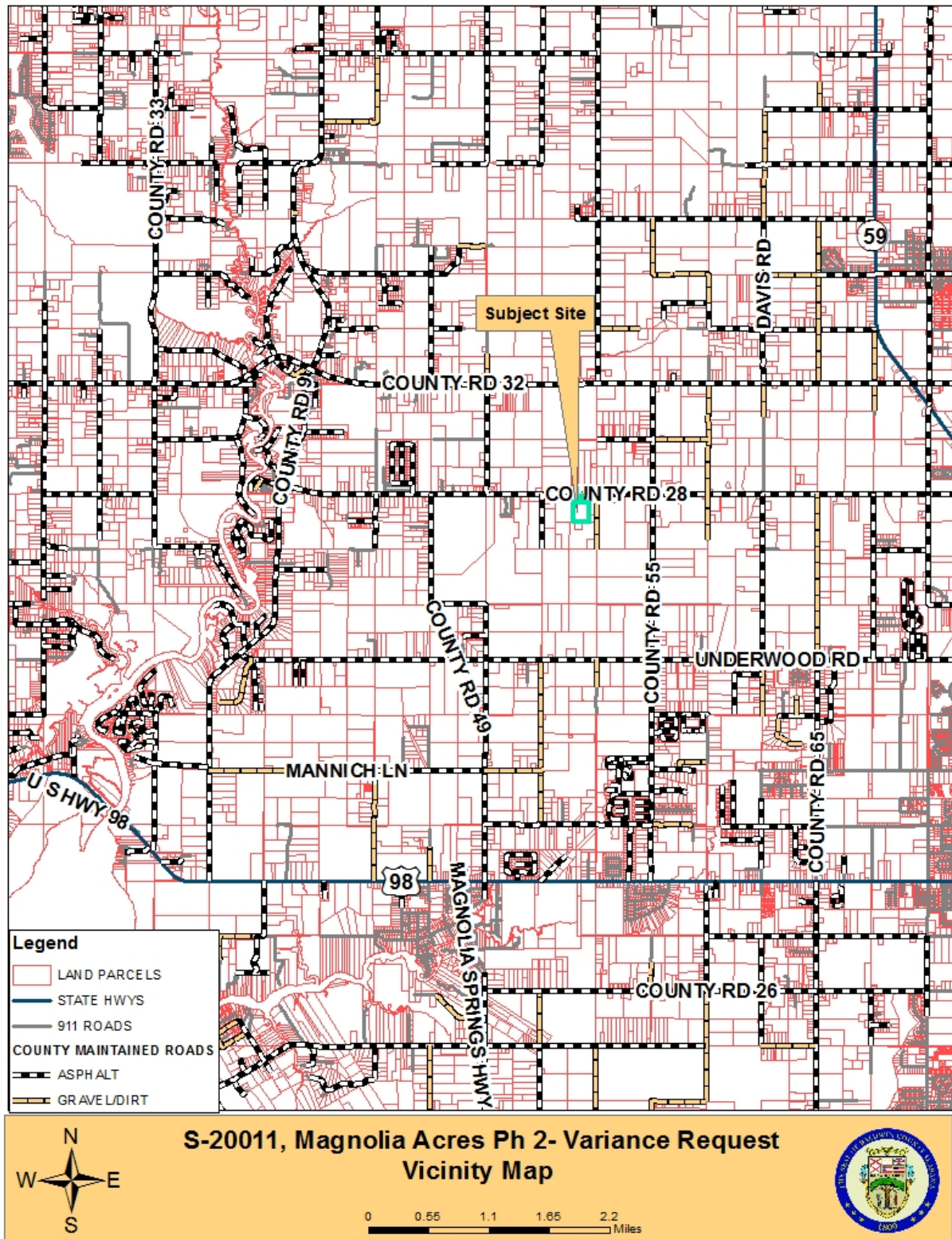
V. STAFF COMMENTS:

Items for consideration:

- The request for a variance does meet the conditions as set forth in the current subdivision regulations.

VI. RECOMMENDATIONS:

Staff recommends that the Variance Request for Case No. S-20011, Magnolia Acres, Phase 2, be **APPROVED.**





Ellis Civil
P.O. Box 190
Summerdale, AL 36580
January 7, 2020

RE: Magnolia Acres Phase 2 Variance Request

Dear Baldwin County Commission,

Magnolia Acres Subdivision is characterized by lots that are a minimum of 40,000 square feet and have a minimum lot width of 120' as stipulated in the minimum design standards of Section 5.1.1 of the Baldwin County Subdivision Regulations. When the minimum lot widths of 120' (as defined in Section 3.2) have been calculated moving southward along the proposed roadway for phase 2 of the development; it causes for an unavoidable extraordinary hardship / practical difficulty in regard to lot 17, lot 18, lot 19, and lot 20 of the proposed plat for phase 2. Under section 3.2 of the subdivision regulations the term "lot width" is defined as follows: "The horizontal distance between side lot lines, measured at the minimum front setback line, as required by either the Baldwin County Subdivision Regulations, or the Baldwin County Zoning Ordinance". When the minimum front setback line has been drafted on our proposed plat for lot 17, lot 19, and lot 20; it causes for extraordinary hardship / practical difficulty whereas the building areas on those lots are irregularly shaped and the particular surroundings of the specific property involved and a particular hardship to the owner would result if the strict letter of the typical regulations were carried out (as defined in Section 8.1B and 8.1C). Considering these findings for Phase 2 of Magnolia Acres; we would ask for a variance that would allow the minimum lot width requirements to be differentiated for lots 17, lot 19, and lot 20. As supporting documentation and to give a visual aid to the variance request; below is a draft of what the setback lines of lots 17 through lot 20 would look like if the subdivision regulations were met without a variance. In consideration to the findings as conveyed in this variance request; we feel that the feasibility of this variance request is substantiated by the facts as presented herein and would ask for the commissioner's approval of this request.

Truly,



James Ellis
Ellis Civil



Baldwin County Planning and Zoning Commission
Case No. S-20012, Silver Pines Subdivision, Re-Sub of Lots 1, 3 and 5
Development Permit Approval
Staff Report for Planning and Zoning Commission Public Hearing
February 6, 2020
Agenda Item 7.e

This report is prepared by the Baldwin County Planning and Zoning, Subdivision 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: February 6, 2020 Development Permit Approval pending

Attachments: Vicinity Map
Site Map
Proposed Plat

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 12 – Zoned RSF-1

Location of Property: The subject property is located on the west side of County Road 49 and between Woodpecker Road and North Blvd in the Silverhill community.

Parcel Numbers: 05-47-02-03-0-000-002.005
05-47-02-03-0-000-002.007
05-47-02-03-0-000-002.009

Report Prepared By: Mary Booth; Subdivision Coordinator

III. SUBDIVISION PROPOSAL:

Proposed number of Lots: 4

Linear Feet of Streets: N/A

Total Acreage: ± 43.31

Smallest Lot Size: ± 9.25acres

Owner/Developer: Silverhill 72, LLC
21780 Pollard Rd
Daphne, AL 36526

Engineer/Surveyor: S.E. Civil Engineering & Surveying
880 Holcombe Blvd
Fairhope, AL 36532

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: On-Site Well
 Sewer: On-Site septic
 Electricity: Baldwin EMC

Transportation: The proposed lots 1, 3 and 5B will front on County Road 49, a county maintained paved road and Lot 5A will front on West Blvd, a county maintained paved road.

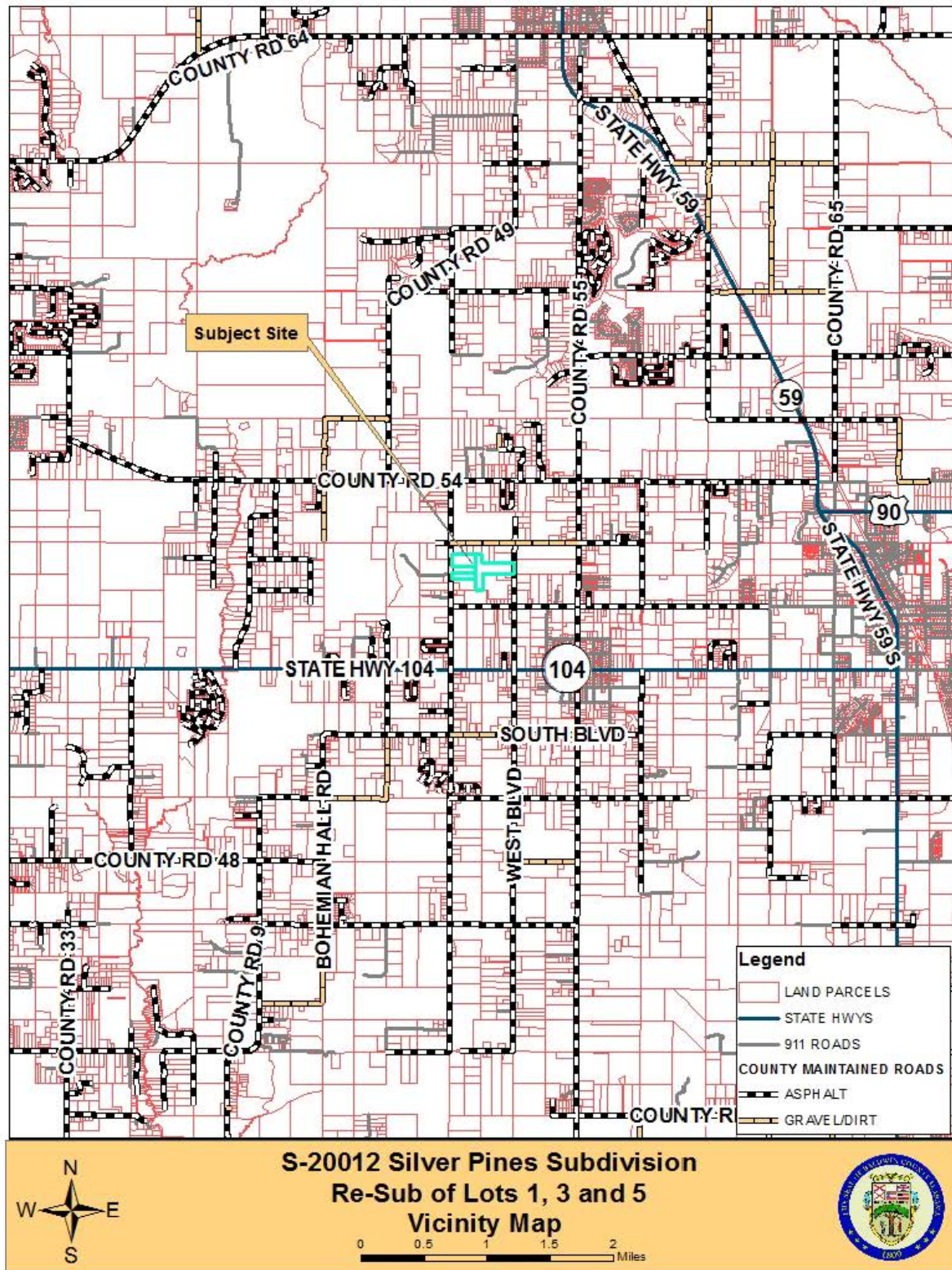
V. STAFF COMMENTS:

Items for consideration:

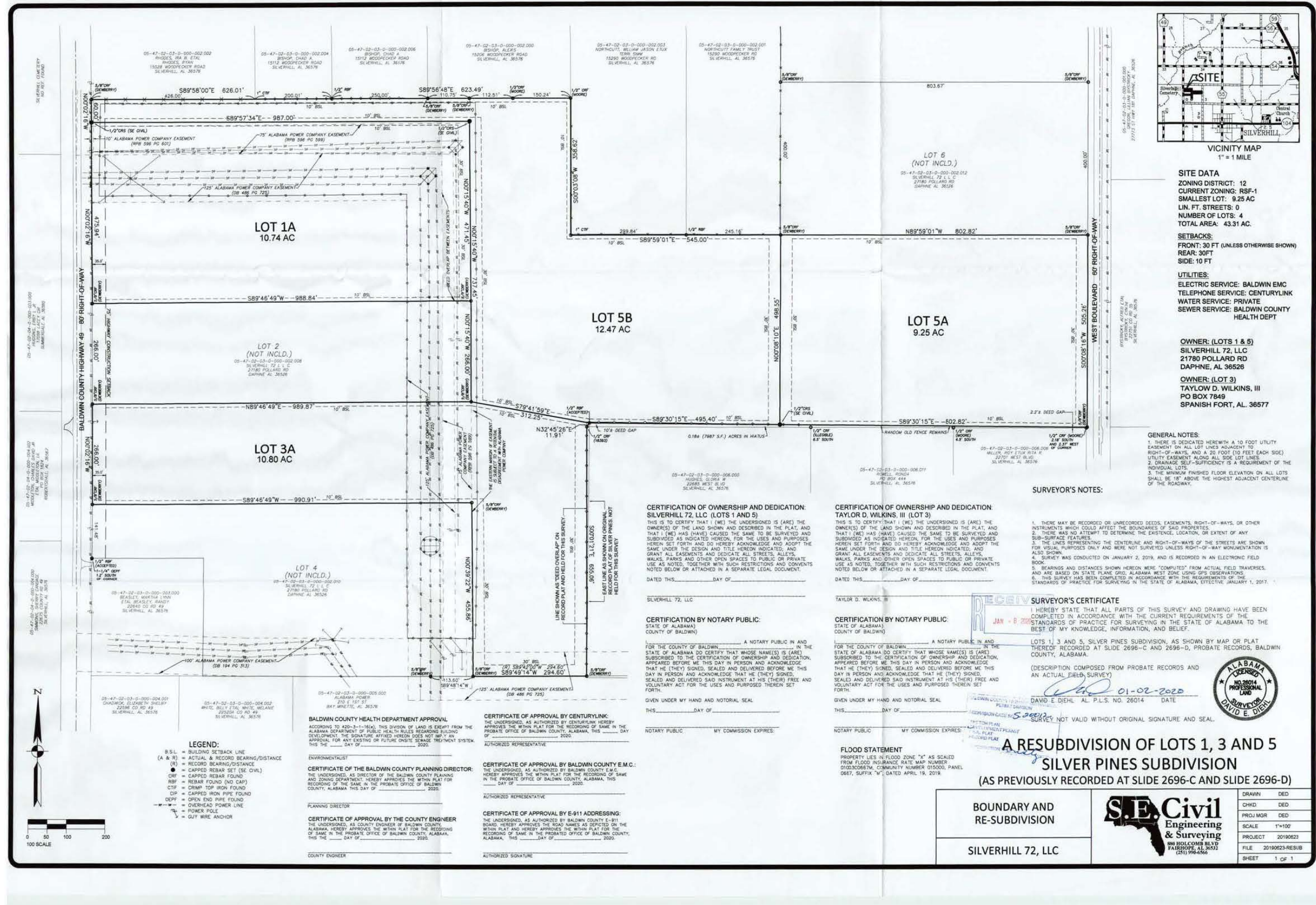
- All items of the Development Permit application meet the requirements of the subdivision regulations.

VI. RECOMMENDATIONS:

Staff recommends that the Development Permit for Case No. S-20012, Silver Pines Subdivision, Re-Sub of Lots 1, 3 and 5, be **APPROVED**.







Baldwin County Planning & Zoning Commission
Case No. HS- 20001 – Barboza Appeal –U.S. Highway 98
Highway Construction Setback Appeal
Staff Report for Planning Commission Meeting
February 6, 2020
Agenda Item 7.f

This report is prepared by the Baldwin County Planning & Zoning, Subdivision Staff to provide information to the Planning Commission to assist in making decisions on this application.

I. PUBLIC HEARINGS:

Planning Commission: February 6, 2020 Hwy Const. Setback Appeal Pending

Attachments: Vicinity Map
Site Map
Highway Construction Setback Map
Site Sketch
Section 45-2-260 from the Code of Alabama 1975

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 22, Zoned B3

Location of Property: The subject site is located on the north side of U.S. Highway 98 just east of Saint Francis St. N. in Lillian.

Parcel No: 05-52-07-26-0-001-113.000

Report Prepared By: Mary Booth, Subdivision Coordinator

III. GENERAL INFORMATION:

Acreage: ± 0.55 acres

Proposed Use: 20' x 20' tire changing area

Applicant: Roberto Barbozza
PO Box 206
Foley, AL 36536

Request: This is an appeal to the County administrative ruling concerning the enforcement of the Code of Alabama 1975 - [Section 45-2-260](#) *Regulation of setbacks* (a.k.a. - Act No. 94-572 Highway Construction Setback) submitted by Alan Campbell, JR. The applicant is requesting an appeal from the Highway Construction Setback Legislation to construct a detached tire changing area beside an existing building.

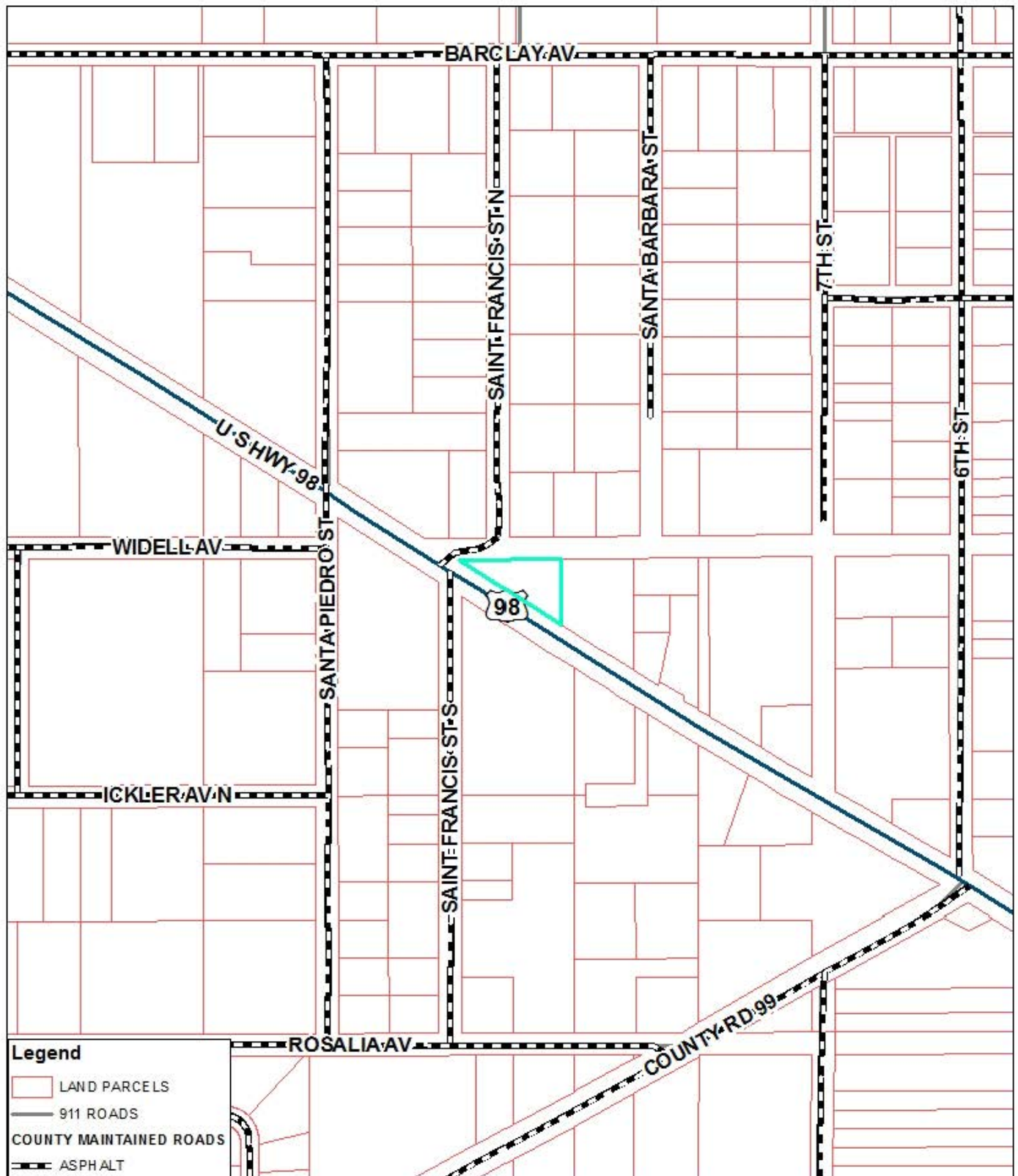
IV. STAFF COMMENTS:

Items for consideration:

- The lot is an irregular shaped lot approximately 320' x 270'. The zoning setbacks are 30 feet front, 25 feet rear, 15 feet side.
- The existing building is currently within the Highway Construction Setback (see attached).
- With the setbacks enforced by zoning combined with the Highway Construction Setback, this makes this existing lot practically unusable.
- The applicant is proposing to construct a 20' x 20' detached covered area for changing tires. The proposed covered area will extend fully within the 125-foot Highway Setback.

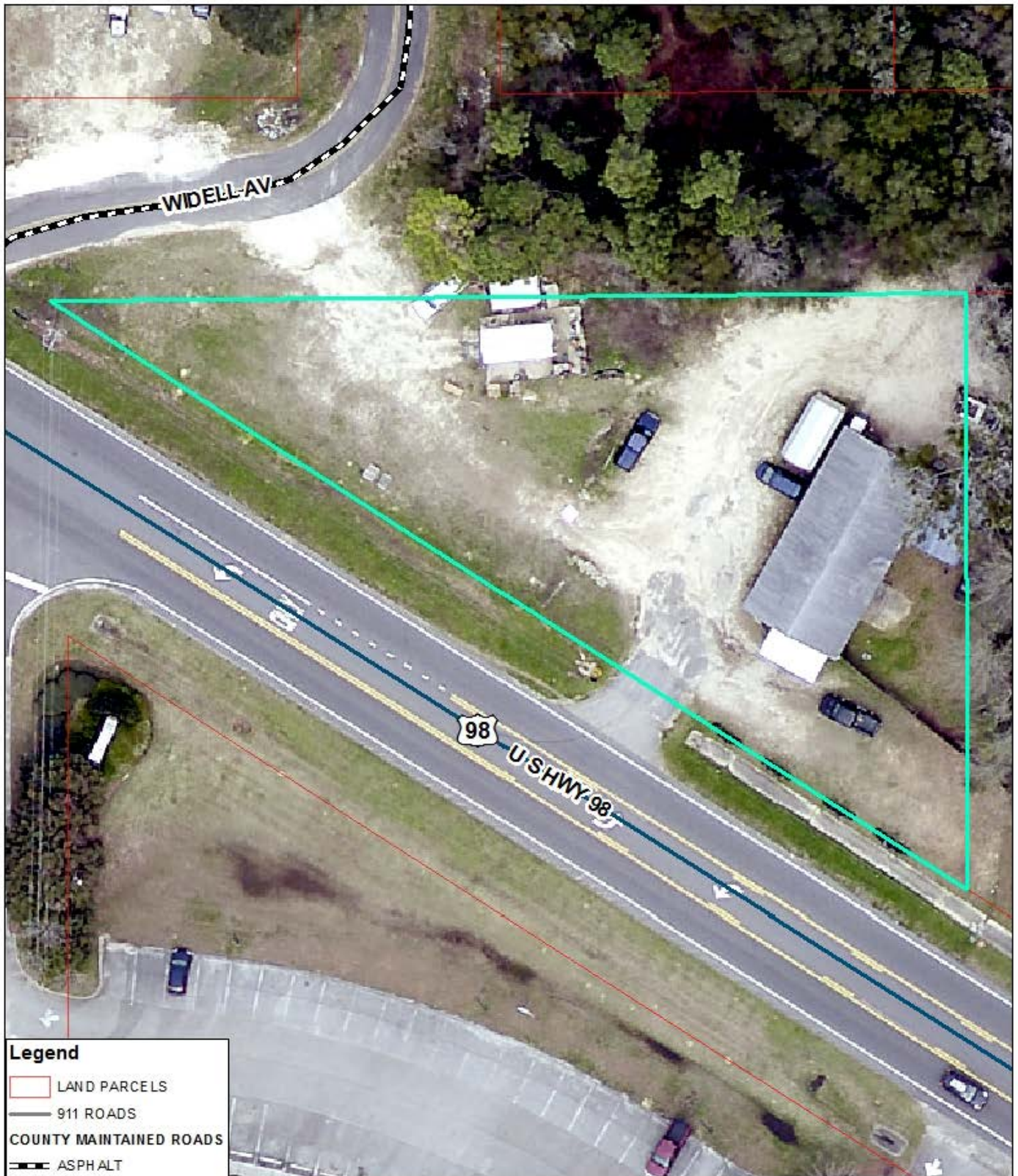
V. RECOMMENDATIONS:

Staff has reviewed this request and recommends the Planning Commission approve the setback appeal for Case HS-20001 to allow the proposed detached covered area to extend approximately 10 feet into the Highway Construction Setback. Staff feels that enforcing the Highway Setback of 125 feet would make the property unusable due to the existing size of the property and location of existing building.



HS-20001 - Barboza Setback Appeal Vicinity Map





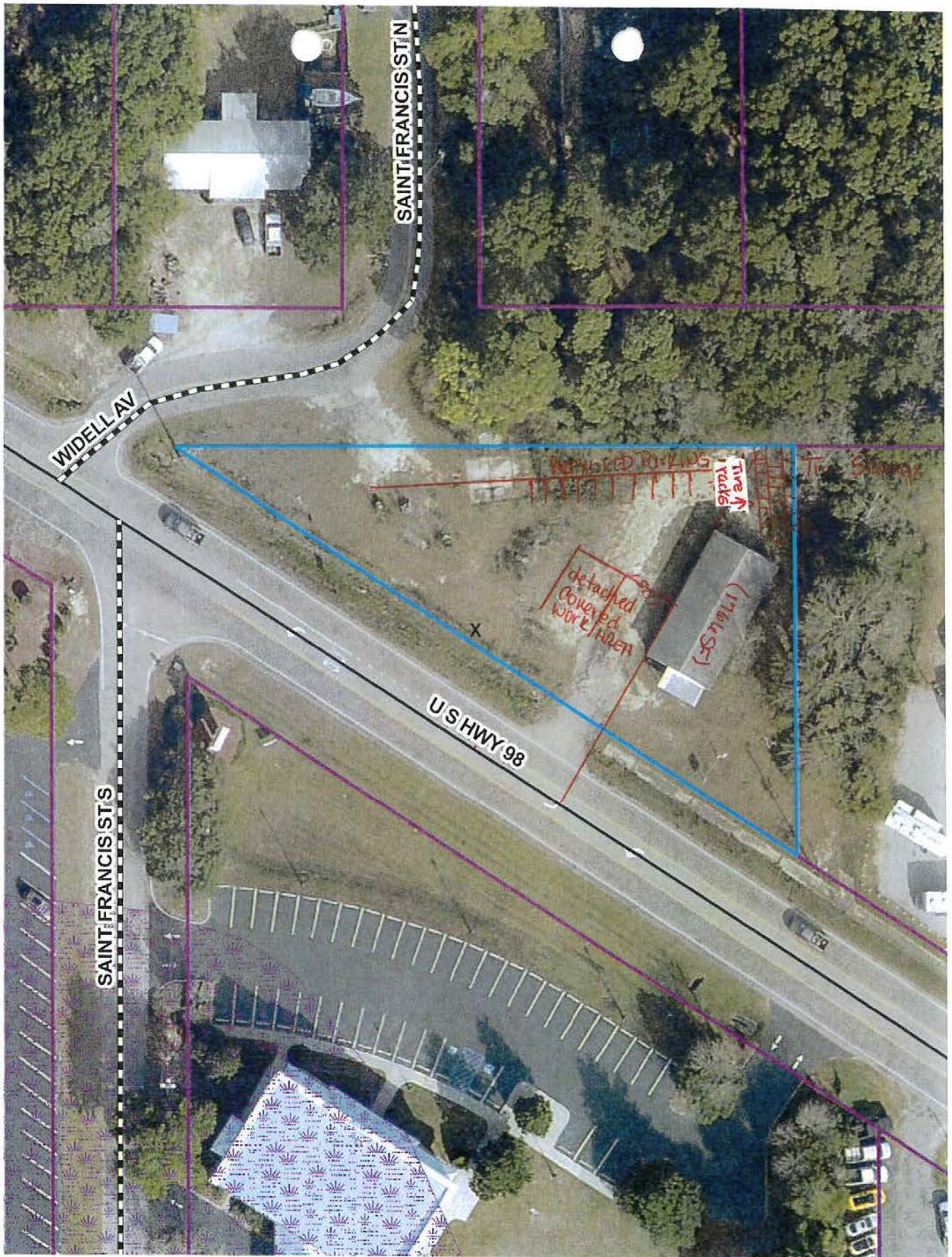
HS-20001 - Barboza Setback Appeal Site Map





HS-20001 - Barboza Setback Appeal Highway Construction Setback Map





The Code of Alabama 1975

Title 45 LOCAL LAWS

Chapter 2 BALDWIN COUNTY

Article 26 Zoning and Planning

Part 1 Construction Setbacks

[Section 45-2-260](#) Regulation of setbacks

Section 45-2-260 - Regulation of setbacks

“HIGHWAY CONSTRUCTION SETBACK ENABLING LEGISLATION”

(a) This section shall apply only to Baldwin County.

(b) The Baldwin County Commission, through the county planning and zoning commission, shall regulate the construction setback from the centerline of any state or county public road or highway located outside the corporate limits of a municipality in Baldwin County.

(c) The provisions of this section do not apply to poles, facilities, structures, water, gas, sewer, electric, telephone, bill boards, or utility lines or other facilities of public utilities.

(d) The construction setback from any state or county public road or highway shall vary according to the highway functional classifications submitted by the Baldwin County Commission and approved by the Federal Highway Administration for Baldwin County.

(e) The functional classifications and the construction setbacks required for each classification are established as follows:

(1) Principal arterials require a 125 foot setback from the centerline of the right-of-way.

(2) Minor arterials require a 100 foot setback from the centerline of the right-of-way.

(3) Major collectors require a 75 foot setback from the centerline of the right-of-way.

(4) Minor collectors require a 50 foot setback from the centerline of the right-of-way.

(f) No permanent structure shall be erected or constructed within the designated construction setback.

(g) Any landowner or other aggrieved party may appeal any decision made pursuant to this section by filing notice with the Baldwin County Planning and Zoning Commission within a reasonable time after such decision. On such appeal, the Baldwin County Planning and Zoning Commission shall have authority to grant such relief as it may deem appropriate to remedy a gross inequity or extreme economic hardship as may be occasioned by

strict enforcement of this section or any determination made pursuant to it. From the decision of the Baldwin County Planning and Zoning Commission, and within 30 days thereof, any party may appeal the decision to the Circuit Court of Baldwin County, Alabama, for trial, de novo.

(h) The county may institute an appropriate civil action to prevent an unlawful setback or to otherwise enforce this section.

(i) The provisions of this section are supplemental to any laws or any rules, regulations, or ordinances, state or local, relating to the right-of-way and the construction setback along or near any county or state public road or highway outside the corporate limits of a municipality in Baldwin County.

(Act 94-572, p. 1044, §§1-9.)

The following list of exempt, permitted and prohibited structures was adopted as policy by the Baldwin County Planning & Zoning Commission on September 1, 1999.

Structures exempt from provisions of the Act:

Billboards

Utility structures such as poles, utility lines, and other utility structures

Non permanent structures permitted within the required construction setback

Signs

Access drives or roads

Overflow parking in excess of required parking spaces

Landscaping

Fences

Portable accessory structures such as a yard shed

Sidewalks & bike paths

Permanent structures prohibited within the required construction setback:

Any permanent structure not specifically permitted above including:

Buildings

Houses

Decks or porches

Mobile homes

Swimming pools

Drainage detention or retention structures

Septic tanks

Gas pumps

Underground storage tanks

Required parking spaces



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.a
Case No. P-20001
Pittman Property
Conditional Use Approval, Mini-Warehouse Facility
February 6, 2020

Subject Property Information

Planning District: 15
General Location: North side of Milton Jones Road, west of State Highway 181 (Lot 1 of Parker Subdivision)
Physical Address: N/A
Parcel Numbers: 05-43-05-22-0-000-013.076
Existing Zoning: B-2, Neighborhood Business District
Existing Land Use: Undeveloped (a greenhouse is currently located on the subject property)
Proposed Land Use: Mini-warehouse facility with buildings for boat and rv storage
Acreage: 7.2 acres +/-
Applicant: Curt Achee
P.O. Box 2244
Fairhope, Alabama 36533
Owner: Lee D. Pittman
P.O. Box 26
Montrose, Alabama 36559
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-3, Single Family District
South	Commercial, Undeveloped & Light Industrial	B-2, B-3 & M-1, Light Industrial
East	Commercial & Residential	B-2, B-3, General Commercial & RSF-3
West	Commercial	B-2 & B-1, Professional Business District

Summary

The applicant is requesting Conditional Use approval to allow for the construction of a mini-warehouse facility with buildings for the storage of boats and recreational vehicles. As proposed, the facility would have eight (8) structures. On January 21, 2020, the Baldwin County Commission approved a text amendment to the zoning ordinance which provides standards for mini-warehouse facilities (Section 13.14). This application will be reviewed in accordance with these standards.

Section 13.14 Mini-Warehouses

13.14.1 *Purpose.* The purpose of this section is to establish minimum standards for mini-warehouse facilities.

13.14.2 *Procedures and standards.*

(a) *Land use certificate required.* All mini-warehouse facilities are subject to the standards contained in this section and will be required to obtain a land use certificate prior to being granted a building permit.

(b) *Where permitted.* Mini-warehouse facilities are permitted as follows:

1. Special Exception – RR, Rural District, and RA, Rural Agricultural District
2. **Conditional Use** – RMF-6, Multiple Family District, HDR, High Density Residential District, B-1, Professional Business District and **B-2, Neighborhood Business District**
3. By Right – B-3, General Business District, B-4, Major Commercial District, M-1, Light Industrial District and M-2 General Industrial District

(c) *Land area.* The minimum land area of a mini-warehouse facility shall be three (3) acres.

(d) *Coverage.* Building coverage shall not exceed forty (40) percent of the total lot area.

(e) *Access.*

1. No mini-warehouse facility shall be located except with direct access to a paved county, state or federal highway, with a minimum lot width of not less than 50-feet for the portion used for entrance and exit.
2. All storage spaces shall be served by an access driveway of 11-feet minimum width for each direction of travel. Access drives shall be improved with a suitable hard surface permanent type of pavement such as asphalt, concrete, gravel, limestone or another similar surface.

(f) *Buffering.* In the event a mini-warehouse facility is located adjacent to residentially developed or zoned property, a landscaped buffer with a minimum width of 30-feet shall be provided. Said buffer shall consist of a combination of canopy trees, understory trees and shrubs which shall be of sufficient height to create a visual barrier.

(g) *Design and other requirements.*

1. *Facades.* Facades which are visible from a public right-of-way shall be constructed of masonry, wood or other materials which will present a pleasing appearance and which will be compatible with the surrounding area.
2. *Fencing.* The entire site of a mini-warehouse facility shall be enclosed by security fencing. The minimum height for fencing, along the side and rear property lines, shall be eight (8) feet, for fencing constructed to the exterior of required buffers, or six (6) feet for fencing constructed to the interior of required buffers. Fencing shall be composed of materials

designed for such use including masonry, iron, steel, chain link (painted or vinyl coated only), wood or a combination thereof. Fencing along the front of a mini-warehouse facility may be decorative in nature and may be built to a minimum height of four (4) feet.

3. *Lighting.* The maximum height of exterior lights shall be 20-feet. Light fixtures shall be designed to cast light downward. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.
4. *Compartments.* Each storage compartment shall have an independent entrance under the exclusive control of the tenant. The use of storage compartments shall be limited to the storage of personal property and no other use shall be permitted within such compartments.
5. *Outdoor storage.* Outdoor storage of goods and materials, with the exception of boats, recreational vehicles and trailers, shall be prohibited. Boats, recreational vehicles and trailers may be stored on site only if located in an enclosed building or if fully screened from public view by fences, walls, landscaping or a combination thereof.
6. *Parking and landscaping.* Unless otherwise stated herein, all mini-warehouse facilities shall meet the requirements of *Article 15: Parking and Loading Requirements* and *Article 17: Landscaping and Buffers*.

The area and dimensional requirements for the B-2 zoning designation are listed as follows:

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

Agency Comments

Baldwin County Highway Department: *No comments received.*

ADEM: *No comments received.*

Municipality (City of Daphne): *No issues.*

Staff Analysis and Findings

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

Section 18.11.1 *Authorization.* The Planning Commission may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any use that is expressly permitted as a Conditional

Use in a particular zoning district; however, the county reserves full authority to deny any request for Conditional Use, to impose conditions on the use, or to revoke approval at any time, upon finding that the permitted use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

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

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

The Baldwin County Master Plan – 2013 indicates a future land use designation of Commercial for the subject property. The commercial category is provided for retail and wholesale trade facilities which offer convenience and other types of goods and services. Institutional uses, recreational uses, mixed-use developments and transportation, communication and utility uses may be included in accordance with the Zoning Ordinance. Multiple family developments may also be included. Commercial uses should be located on major streets so as to be accessible to the residential population. Zoning designations may include RR, B-1, B-2, B-3, B-4, MR and TR. The proposed use is consistent with the Master Plan and the requirements of the zoning ordinance.

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

The subject property is currently undeveloped, but occupied with a greenhouse (accessory structure). The property adjoins Milton Jones Road to the south. The adjoining properties on the north side of Milton Jones Road are commercial, residential and undeveloped. Property located across Milton Jones Road to the south is light industrial.

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

A number of existing commercial and industrial structures are located in the vicinity and on adjacent properties. Staff believes that the proposed mini-warehouse facility is consistent with the existing structures and that there will be no significant change in property values as a result. In addition, required buffers will help to mitigate impacts on the adjacent residential properties. It should be noted that a mini-warehouse facility was previously approved for an adjacent parcel prior to it being subdivided from the subject property. This facility, however, was never constructed, and a different commercial building was built instead.

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

See response to item (c) above. Staff knows of no excessive burdens or negative impacts which would result from approval of this conditional use application. In addition, the facility will be located approximately 500-feet north of Milton Jones Road which will help to lessen its impacts.

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

Staff Comments and Recommendation

As stated above, the applicant is requesting Conditional Use approval to allow for the construction of a mini-warehouse facility with buildings for the storage of boats and recreational vehicles. As proposed, the facility would have eight (8) structures. On January 21, 2020, the Baldwin County Commission approved a text amendment to the zoning ordinance which provides standards for mini-warehouse facilities.

Staff has reviewed this proposal in accordance with the new standards in Section 13.14 and has found that the proposal meets the specified requirements. Staff offers the following comments:

- Of the eight buildings proposed, two (Building #7 and Building #8) will have boat and recreational vehicle storage. A total of 417 storage units are proposed.
- Building coverage will be 119,400 square feet which represents 38 percent of the total site. A maximum of 40 percent building coverage is allowed.
- Twenty-two (22) off-street parking spaces with dimensions of 9'x19' are proposed. Nineteen (19) spaces would be required.
- The paving surface will be hard surface from the end of the existing private road to the office parking area. The remaining onsite drive system will be limestone with filter fabric under it, for weed control.
- The property has sufficient natural vegetation to meet the 30' buffer requirement on the north and east property lines. The applicant plans to retain the existing vegetation. A black, galvanized chain link fence with a height of 6' is proposed. The fence would be located to the interior of the vegetation as allowed. A portion of the property is already fenced due to fencing located on an adjacent parcel.
- The facade for the office will be a combination of architectural metal panels and glass for the front wall. It also will have a steeper pitch roof than typical. The facility will be located approximately 500' north of Milton Jones Road. As a result, visibility from the road should not be an issue. In addition, a commercial building is proposed for Lot 3, and a commercial building will likely be constructed on Lot 2 in the future.
- Exterior Lighting will be LED side wall lights attached to the buildings.
- The exact location for the retention areas is difficult to pin down at this time due to the fact that the property is being surveyed for wetlands. Staff believes that there is sufficient area for the retention and the required buffer and will work with the applicant to ensure that these requirements are met.

Staff recommends that Case P-20001 be **APPROVED**, subject to the following conditions:

- Approval shall be for this applicant and this location only.
- A land use certificate shall be obtained with six (6) months from the date of approval. Additional time may be granted by the Planning Commission if necessary.
- If signage is proposed, a Sign Permit application, demonstrating compliance with Article 16 of the zoning ordinance, shall be submitted to and approved by the Planning and Zoning Department.
- All requirements found in Section 13.14 shall be met.
- Any major changes and/or additions shall result in further review and approval by the Planning Commission.

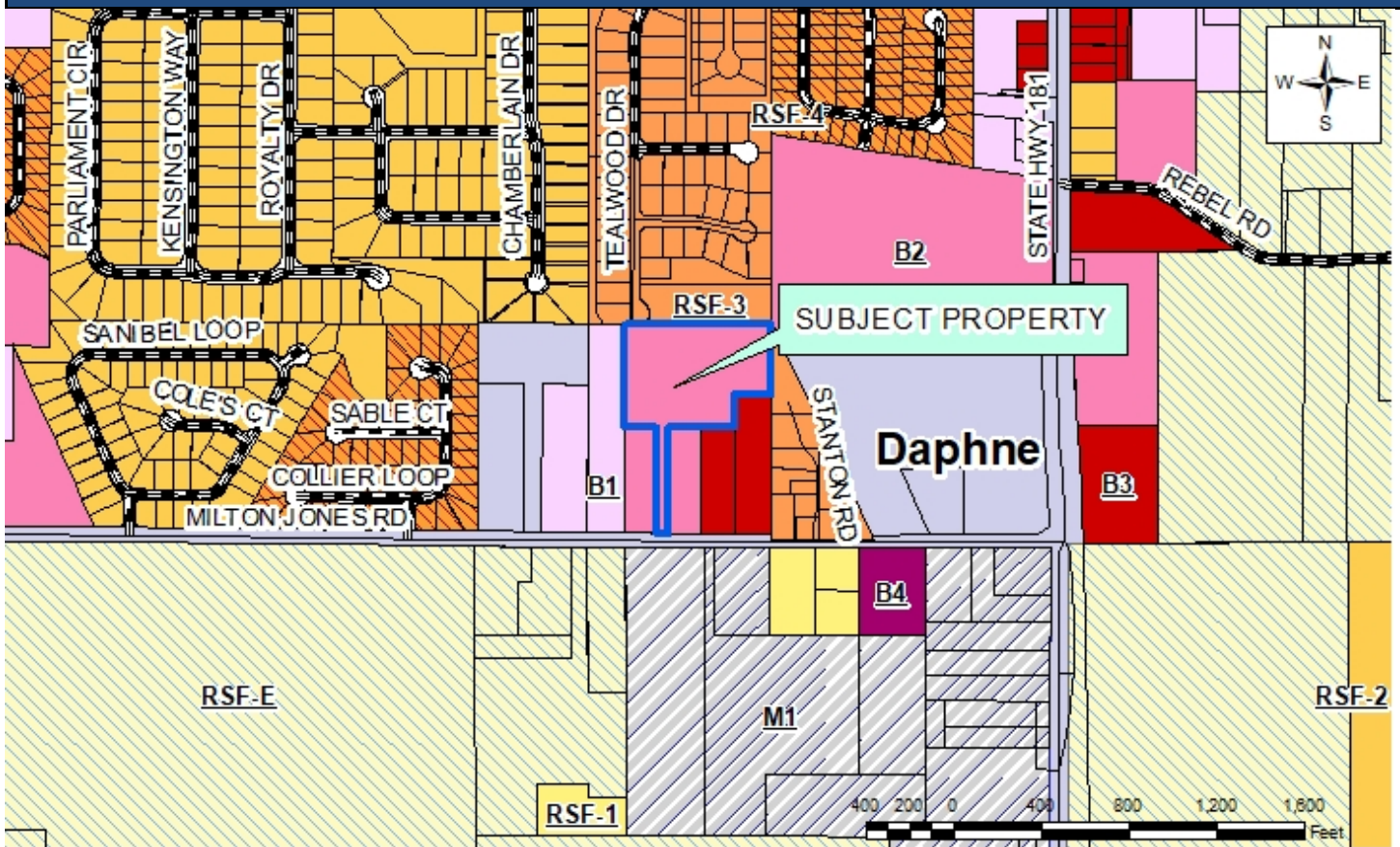
**On Conditional Use applications, the Planning Commission makes the final decision.*

Property Images

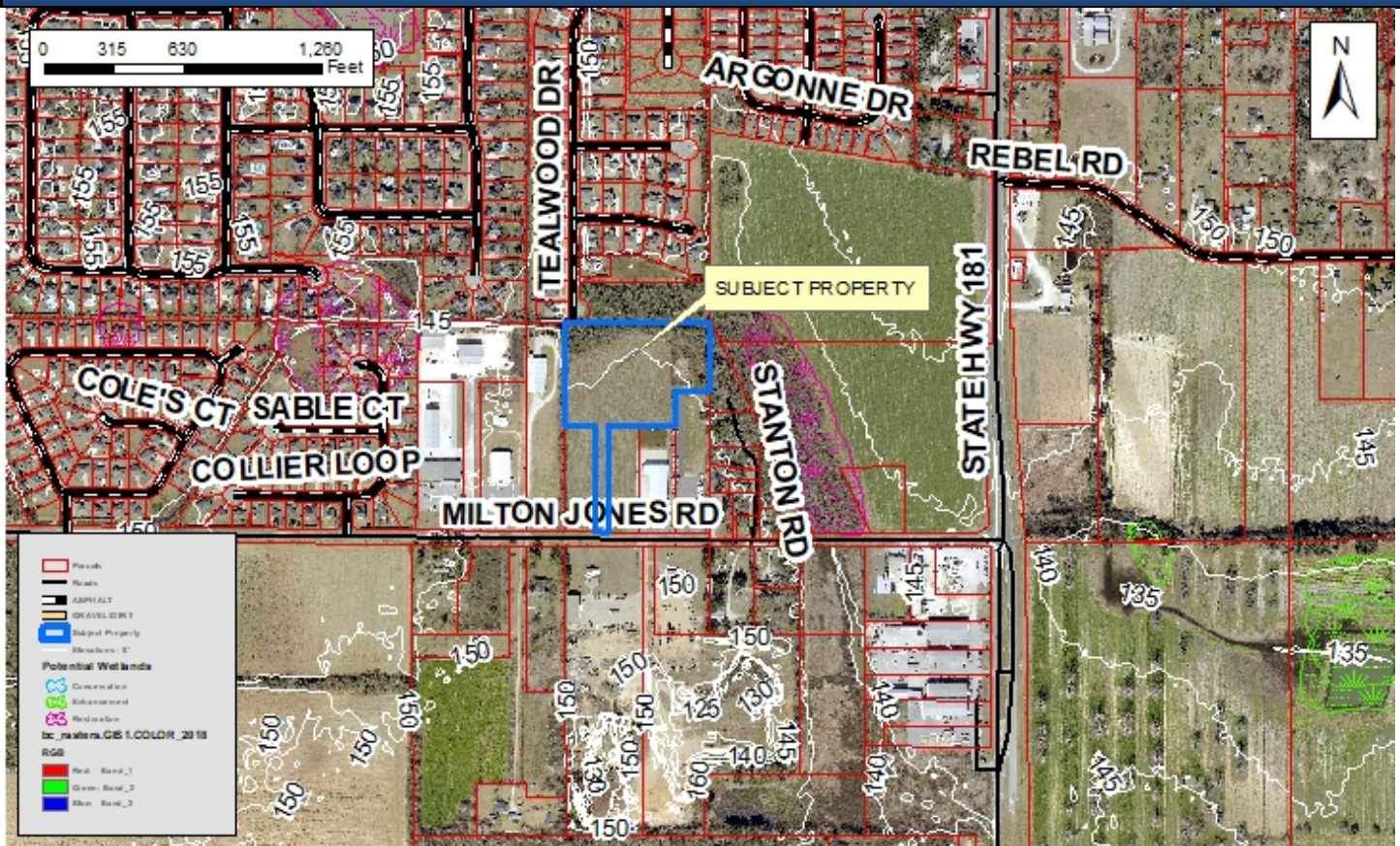




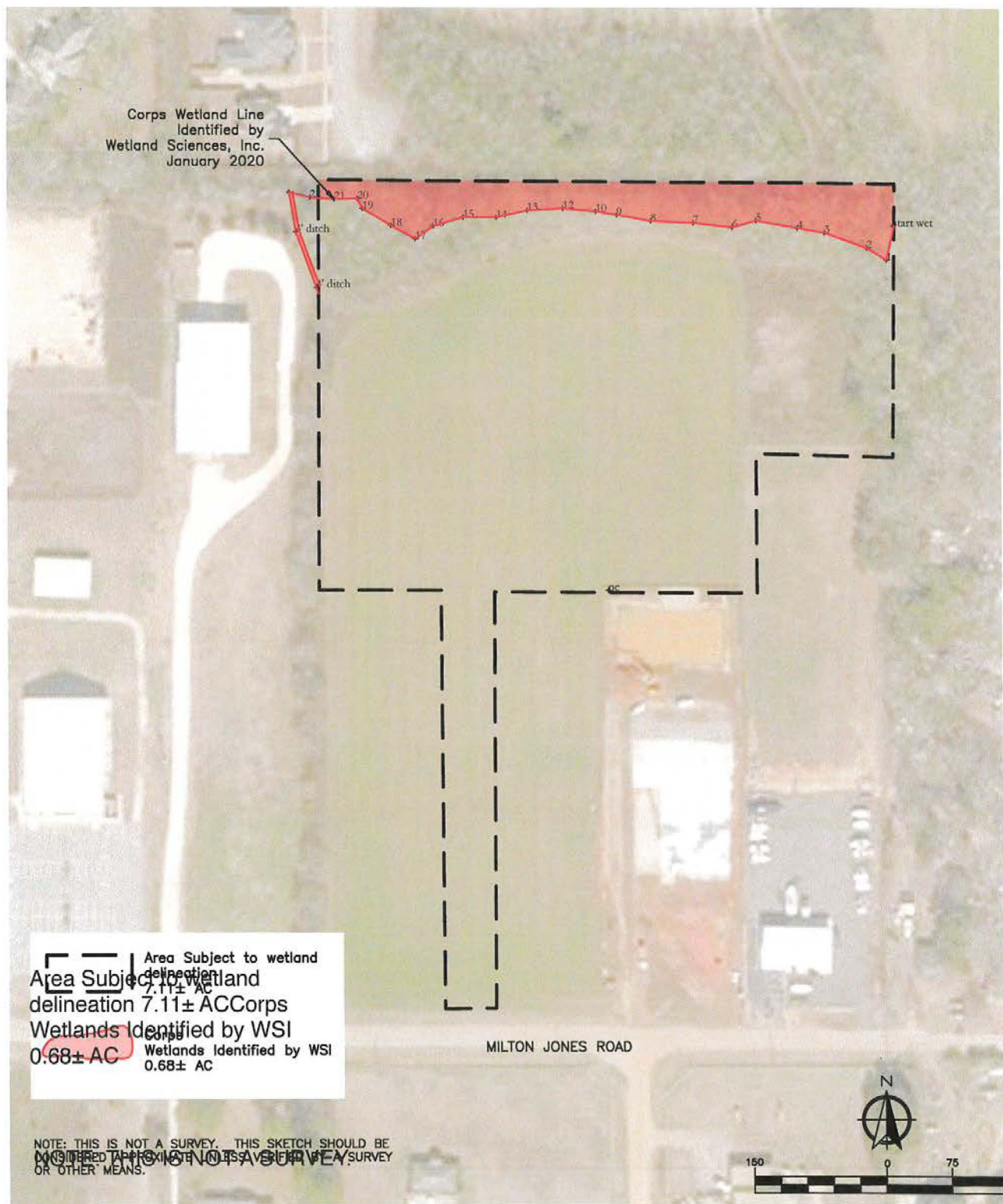
Locator Map



Site Map







ENVIRONMENTAL CONSULTANTS
 3308 GULF BEACH HIGHWAY
 PENSACOLA, FLORIDA 32507
 TEL: 850.453.4700
 CRAIG@WETLANDSCIENCES.COM

PROJECT NAME: MILTON JONES ROAD	
JURISDICTIONAL WETLAND SKETCH	
PROJECT NO.: 2020-020	
DRAWN BY: AJN	DATE: 01/20/2020
SHEET: 1 OF 1	



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.b
Case No. P-20003
Sutton Property
Conditional Use Approval
February 6, 2020

Subject Property Information

Planning District: 22
General Location: The parcel is located at the northeast corner of US Hwy 98 and Saint Francis St.
Physical Address: 34351 US Highway 98, Lillian, Al. 36549
Parcel Numbers: 05-52-07-26-0-001-113.000
Existing Zoning: B-3, General Business District
Existing Land Use: Commercial
Proposed Land Use: Commercial, used tire store
Acreage: .55 ± acres
Applicant: Roberto Barboza Ismael Fernandez
P.O. Box 206
Foley, Al. 36536
Owner: Richard Sutton
Lead Staff: D.J. Hart, Planning Technician
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-1, Residential Single-Family
South	Commercial	B-2, Neighborhood Business
East	Commercial	B-2, Neighborhood Business
West	Commercial	B-2, Neighborhood Business

Summary and Recommendation

The applicant is requesting Conditional Use approval to allow the operation of a used tire store on property zoned B-3.

Staff recommends that Case P-20003, Sutton Property be **APPROVED*** based on the information contained in this staff report.

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

Section 5.3 B-3, General Business District

5.3.1 Purpose and intent. The purpose of this district is to provide for a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs. This district shall only be applied at appropriate locations: to conveniently meet these needs; in conformance with the goals, objectives and policies and location criteria of the Comprehensive Plan; compatible with the surrounding land uses and zoning districts; where it will not adversely impact the facilities and services of the County; where it will not set a precedent for the introduction of inappropriate uses into an area; and so as not to encourage non-residential strip development along streets

5.3.2 Permitted uses. The following uses are permitted as of right, or as uses accessory to permitted uses in the B-3, General Business District:

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

5.3.3 Conditional uses. The following uses are permissible as conditional uses in the B-3: General Commercial District, subject to the standards and procedures established in *Section 18.11: Conditional Use*:

(a) Airport	(f) Automobile parts sales
(b) Ambulance/EMS service	(g) Automobile repair (mechanical and body)
(c) Amusement park	(h) Automobile storage (parking lot, parking garage)
(d) Armory	(i) Barge docking
(e) Auditorium, stadium, coliseum	(j) Broadcasting station
	(k) Building materials

- (l) Bus and railroad terminal facility
- (m) College or university
- (n) Convalescent or nursing home
- (o) Correctional or penal institution
- (p) Dog pound
- (q) Electric power substations
- (r) Farm implements
- (s) Flea market
- (t) Freight depot, rail or truck
- (u) Home improvement center
- (v) Hotel or motel
- (w) Hospital
- (x) Landfill
- (y) Maintenance facility/storage yard for schools, government agencies, telephone and cable companies
- (z) Manufactured housing sales, service and repair
- (aa) Marina
- (bb) Motorcycle sales service and repair
- (cc) Movie theatre
- (dd) Radio/television tower
- (ee) Railroad facility
- (ff) Recreational vehicle park
- (gg) Recreational vehicle sales service, and repair
- (hh) Restaurant, drive-in
- (ii) Restaurant, fast-food
- (jj) Sewage treatment plant
- (kk) Taxi dispatching station
- (ll) Taxi terminal
- (mm) Telephone exchange
- (nn) Water or sewage pumping station
- (oo) Water storage tank
- (pp) Wireless telecommunication facility
- (qq) Zoo

5.3.4 Area and dimensional ordinances.

Maximum Height of Structure in Feet	40
Maximum Height of Structure in Habitable Stories	3
Minimum Front Yard	40-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.70
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

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

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

5.3.7 *Landscaping and buffering.* All B-3, General Business District, uses shall meet the requirements of *Article 17: Landscaping and Buffers*.

Agency Comments

Baldwin County Highway Department:

Subdivision Manager, Mary Booth: I do not have any comments

Frank Lundy, P.E.: no comments received

Construction Manager- Tyler Mitchell, PE:

DJ,

It appears that some of the proposed improvements will fall within the highway construction setback. Access to Saint Francis St N would require a turnout permit from the County Highway Department. Anything pertaining to Hwy 98 would require coordination with ALDOT.

Thanks,

Tyler Mitchell, P.E.

Construction Manager

Baldwin County Highway Department

o: 251-937-0371

c: 251-525-0497

ADEM: no comments received

ALDOT:

Good afternoon DJ,

I think we would want the access shaped and headwalls redone for this new use. Just looking at the aerial imagery, it does not appear to be 24' wide and the radii are not large enough for commercial use. I would assume a delivery truck would need to enter the site periodically to bring tires. Enlarging would require pipe to be added as well. Thanks for reaching out. Let us know if you have anything else.

MICHAEL SMITH

AREA PERMIT MNGR.

OFFICE: 251- 470- 8273

CELL: 251 - 331 - 0104

Municipality: N/A

Staff Analysis and Findings

As stated previously, the applicant is requesting Conditional Use approval to allow a used tire store to be located on the subject property. The subject property was re-zoned to B-3 by the Baldwin County Commission during the December 17, 2019 public hearing. The requested use, used tire store, is allowed under the B-3 designation, subject to the Conditional Use approval of the Planning Commission.

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

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

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

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

The Baldwin County Master Plan – 2013 indicates the subject property as Commercial.

B-3 General Business District

The purpose of this district is to provide for a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs. This district shall only be

applied at appropriate locations: to conveniently meet these needs; in conformance with the goals, objectives and policies of the Master Plan; compatible with the surrounding land uses and zoning districts; where it will not adversely impact the facilities and services of the County; where it will not set a precedent for the introduction of inappropriate uses into an area; and so as not to encourage non-residential strip development along streets.

Since the proposed use is analogous to a use which may be allowed under the B-3 designation, it is consistent with the Zoning Ordinance as well as the Master Plan.

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

The subject property is currently occupied with one commercial Building. The applicant plans to construct a 20 x 20 detached covered area for use in changing tires. The applicant has applied for a Highway Construction Setback Variance to allow the location shown on the site plan. If approved, the detached cover will be allowed to be in the area shown.

The property adjoins US Highway 98 and Saint Frances Street. The adjoining property to the north is residential. The adjoining properties to the east, west and south are commercial.

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

Properties adjacent to this parcel are currently being used as commercial. The proposed use shouldn't unduly decrease the value of neighboring properties. The existing building has been used as commercial since 1994 and a tire store had been operated as recent as 2016.

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

Staff anticipates no major burdens or impacts. Please see responses to items (b) and (c), listed above.

Section 18.11.5 *Conditions and restrictions on approval.* In approving a Conditional Use, the Planning

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

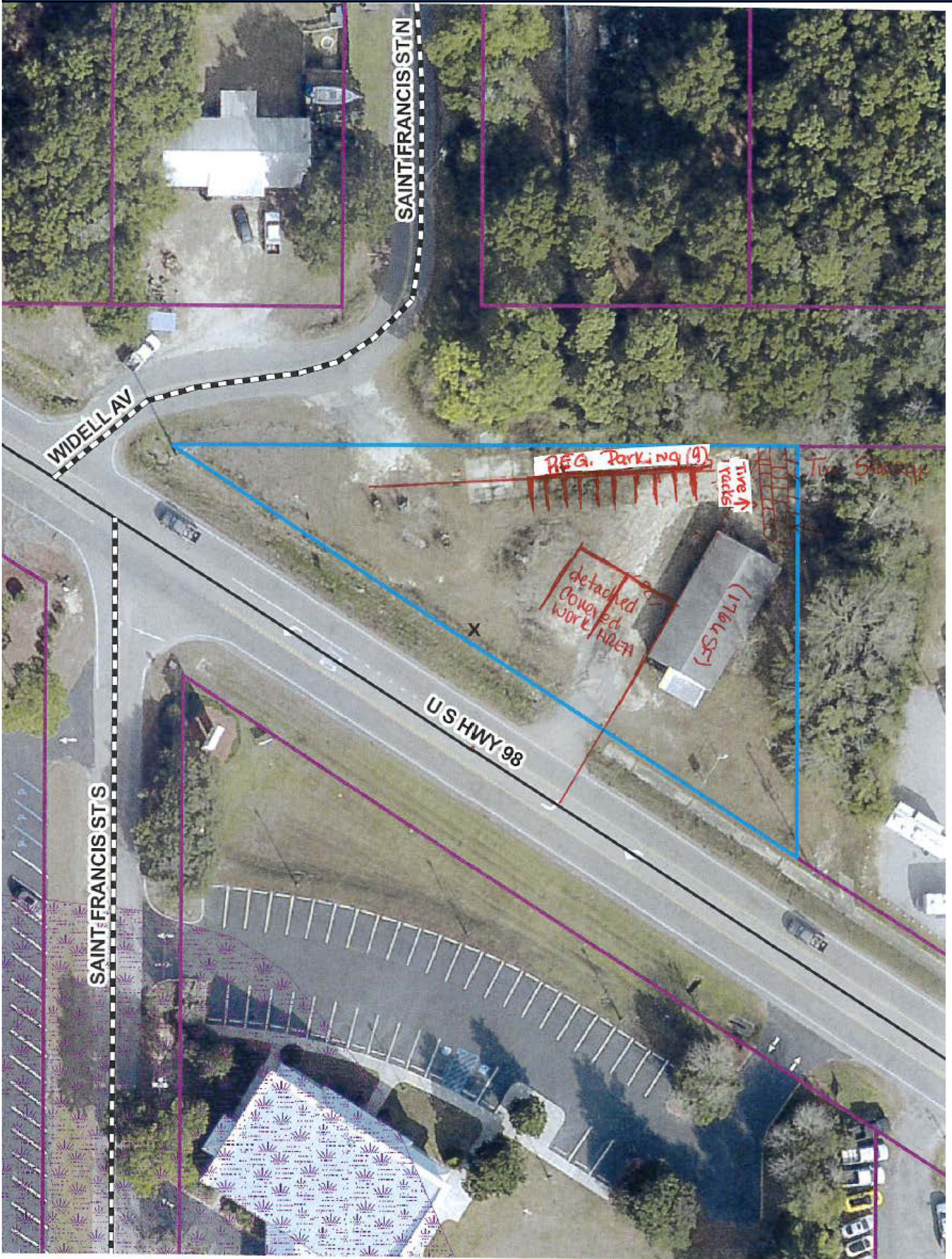
As stated previously, the applicant is requesting Conditional Use approval to allow a used tire store on the parcel. Staff feels this is a reasonable request and recommends the request be **APPROVED*** based on the conditions listed below.

If the Planning and Zoning Commission votes to approve the request the following conditions should be included:

- Approval shall be for this applicant and this location only.
- All storage and display of tires shall be confined behind the building, as shown on the submitted site plan.
- All parking associated with the business shall be located on the subject property and shall be confined to the area designated for parking on the submitted site plan. No required parking is allowed in the Highway Construction Setback. Parking shall meet the requirements of Article 15 of the *Baldwin County Zoning Ordinance*. (9 parking spaces)
- Any lighting, whether permanent or temporary shall meet the requirements of section 5.3.5 of the *Baldwin County Zoning Ordinance*.
- A Baldwin County Land Use Certificate shall be obtained no later than six (6) months from the date of Conditional Use approval. The Planning Commission may grant additional time if deemed necessary.
- All signage must comply with Article 16 of the *Baldwin County Zoning Ordinance*.
- Any expansion of the proposed business shall necessitate additional review and approval by the Planning Commission.
- The Planning Commission may impose additional conditions as it sees fit.

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

Site Plan



b





**ADJOINING PROPERTY
TO THE EAST**

10/15/2019

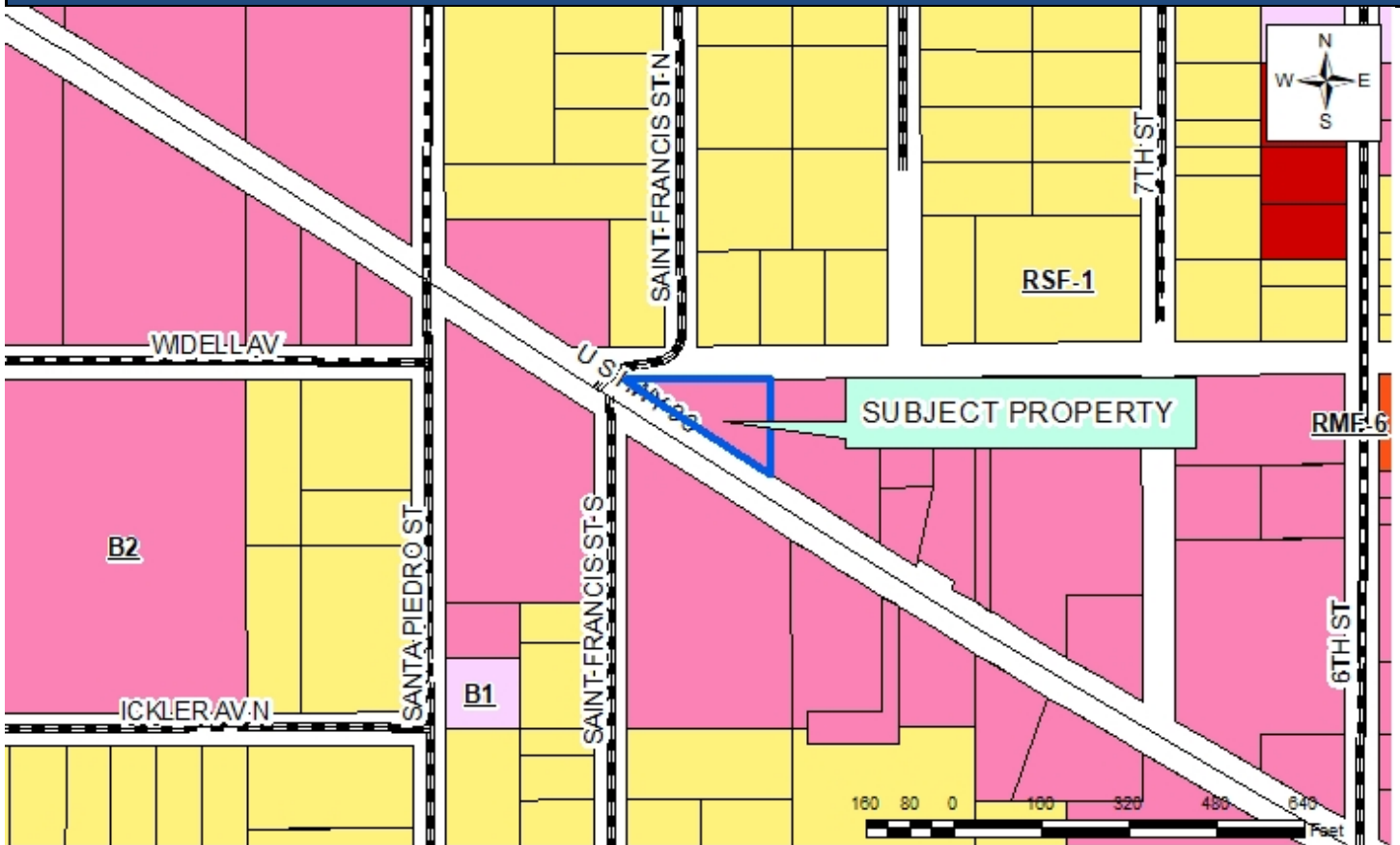


**ADJOINING RESIDENCE
TO THE WEST**

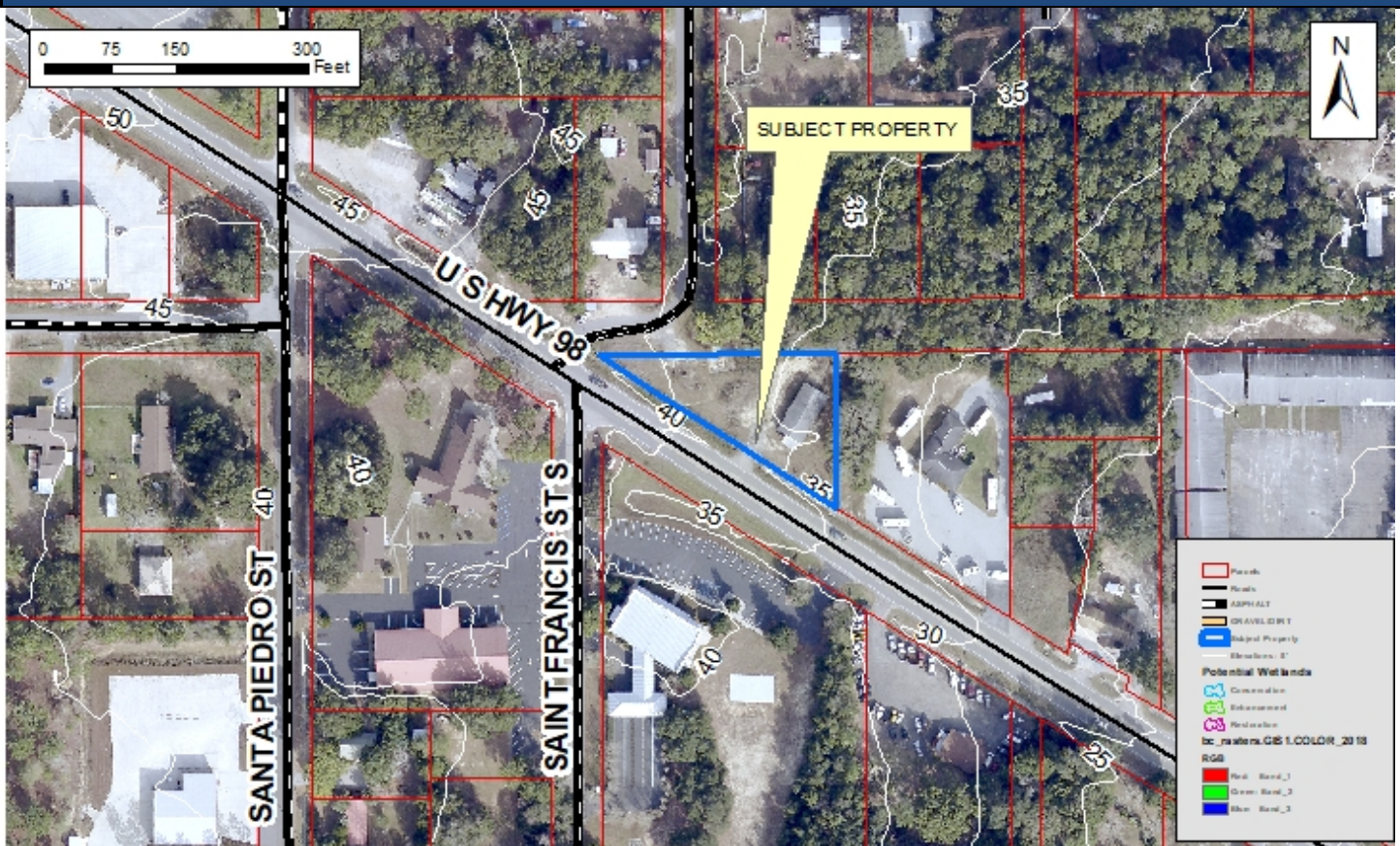
10/15/2019



Locator Map



Site Map





Baldwin County Planning & Zoning Commission Agenda ADDENDUM

Thursday, February 6, 2020

6:00 p.m.

Baldwin County Central Annex

Main Auditorium

22251 Palmer Street

Robertsdale, Alabama

www.planning.baldwincountyal.gov

1. Re-Zoning CASE

a.) Case Z-20002, Foster Property

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

Purpose: The applicant is requesting to rezone 5 acres from RSF-E to B-3 to allow for commercial development.

Location: The subject property is located on the north side of Co. Rd. 64, just east of State Highway 181, in Planning District 15.



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 1.a

Case No. Z-20002

Foster Property

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

February 6, 2020

Subject Property Information

Planning District:	15
General Location:	North side of County Road 64, east of State Highway 181
Physical Address:	10143 County Road 64 and 10145 County Road 64
Parcel Numbers:	05-43-06-14-0-000-013.000 and 05-43-06-14-0-000-013.001
Existing Zoning:	RSF-E, Residential Single Family Estate District
Proposed Zoning:	B-3, General Business District
Existing Land Use:	Residential
Proposed Land Use:	Commercial (Proposed retail center)
Acreage:	5 acres +/-
Applicants:	Sidney S. and Barbara A. Foster 10145 County Road 64 Daphne, Alabama 36526
Owner:	Michael Edward Foster 686 River Route Magnolia Springs, Alabama 36555
Lead Staff:	Vince Jackson, Planning Director
Attachments:	<i>Within Report</i>

	Adjacent Land Use	Adjacent Zoning
North	Residential	B-3, General Business District
South	Residential, Commercial & Institutional	B-1, General Business & RSF-E
East	Residential	RSF-E, Residential Single Family Estate
West	Vacant	B-3, General Business District

Summary

This application involves two parcels which together consist of approximately 5 acres. The subject properties are currently zoned RSF-E, Residential Single Family Estate District. The designation of B-3 General Business District, has been requested for the purpose of constructing a commercial retail center in conjunction with adjacent commercially zoned parcels.

Section 4.1 RSF-E, Residential Single Family Estate District

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

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

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) Agricultural uses.
- (d) Single family dwellings including manufactured housing and mobile homes.
- (e) Accessory structures and uses.
- (f) The following institutional use: church or similar religious facility.

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

- (a) Outdoor recreation uses.
- (b) The following institutional uses: day care home; fire station; school (public or private).
- (c) The following general commercial uses: country club.

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

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

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

Maximum Height of Structure in Feet	35-Feet
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	80,000 Square Feet
Minimum Lot Width at Building Line	165-Feet
Minimum Lot Width at Street Line	165-Feet
Maximum Ground Coverage Ratio	.35

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

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

Proposed Zoning Requirements

Section 5.3 B-3, General Business District

5.3.1 *Purpose and intent.* The purpose of this district is to provide for a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs. This district shall only be applied at appropriate locations: to conveniently meet these needs; in conformance with the goals, objectives and policies and location criteria of the Comprehensive Plan; compatible with the surrounding land uses and zoning districts; where it will not adversely impact the facilities and services of the County; where it will not set a precedent for the introduction of inappropriate uses into an area; and so as not to encourage non-residential strip development along streets

5.3.2 *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the B-3, General Business District:

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

- (xx) Skating rink
- (yy) Stone monument sales
- (zz) Swimming pool (outdoor)
- (aaa) Taxidermy

- (bbb) Teen club or youth center
- (ccc) Tennis court (outdoor)
- (ddd) Wildlife sanctuary
- (eee) YMCA, YWCA

5.3.3 *Conditional uses.* The following uses are permissible as conditional uses in the B-3: General Commercial District, subject to the standards and procedures established in *Section 18.11: Conditional Use*:

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

5.3.4 *Area and dimensional ordinances.*

Maximum Height of Structure in Feet	40
Maximum Height of Structure in Habitable Stories	3
Minimum Front Yard	40-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.70
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

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

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

5.3.7 *Landscaping and buffering.* All B-3, General Business District, uses shall meet the requirements of *Article 17: Landscaping and Buffers*.

Agency Comments

Baldwin County Highway Department: No comments available at this time. Comments will be made available when received.

Planning & Zoning/Subdivisions (Mary Booth, Subdivision Coordinator): No comments.

ADEM: No comments received.

ALDOT: No comments received.

City of Daphne (Adrienne Jones, Planning Director): The rezoning case is near a commercial intersection and it would be reasonable to recommend approval.

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 properties, which are currently residential are occupied with single family dwellings, accessory structures and a cellular communication tower. According to the information provided, the cellular tower will remain in place if the properties are rezoned and developed. The properties adjoin County Road 64 to the south. The adjoining properties to the north and west, which are zoned commercial, are residential and vacant. Properties to the south and east and zoned commercial and residential and are commercial, institutional and residential.

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

The zoning for Planning District 15 was adopted by the County Commission on August 1, 2006. The area has seen significant residential growth since that time. As a result, there is an increased demand for commercial development to serve the residents of the area.

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

The Baldwin County Master Plan, 2013, provides future land use designations for properties located within the zoned areas of the County. These categories represent the recommendations for the physical development of the unincorporated areas of the County. They are intended for planning purposes only and do not represent the adoption of zoning designations for areas which have not voted their desire to come under the zoning authority of the Baldwin County Commission. Although not legally binding, the future land use designations are evaluated

in conjunction with criteria found in the Baldwin County Zoning Ordinance (Zoning Ordinance), the Baldwin County Subdivision Regulations, the Baldwin County Flood Damage Prevention Ordinance and any other ordinances and regulations which the County Commission may adopt.

A future land use designation of Residential is provided for the subject properties. Approval of the rezoning will necessitate an automatic change in the future land use designation to Residential. 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. Institutional uses, recreational uses and limited neighborhood commercial uses may be included subject to the provisions of the Zoning Ordinance. To the greatest extent possible, residential areas should be accessible to major thoroughfares connecting with work areas, shopping areas and recreational areas. 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, HDR, RMH and PRD.

If the rezoning is approved, the Future Land Use Map will be amended to reflect the designation of Commercial. This category provides for retail and wholesale trade facilities which offer convenience and other types of goods and services. Institutional uses, recreational uses, mixed-use developments and transportation, communication and utility uses may be included in accordance with the Zoning Ordinance. Multiple family developments may also be included. Commercial uses should be located on major streets so as to be accessible to the residential population. Zoning designations may include RR, B-1, B-2, B-3, B-4, LB, RV-1, RV-2, MR and TR.

The adjacent future land use designations to the north, south and west are commercial.

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

The Highway Department is currently in the design phase of corridor improvements to County Road 64 in this area. The preliminary site plan for the proposed development shows turn lanes, a proposed traffic signal on County Road 64 and a proposed traffic signal on State Highway 181. In the event that the property is rezoned and the development moves forward, access and required improvements will be addressed during the Land Use Certificate process. Since the development would be commercial, it would be classified as a major project. Based on the information provided, it appears that the developers have had some preliminary discussions with the Highway Department. However, comments from Highway pertaining to possible conflicts with the proposed improvements have not been provided. Comments will be forwarded to the members of the Planning Commission when they are received.

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

Traffic congestion is a major concern in this area. A development of the type proposed will certainly impact traffic patterns and congestion. The exact impact however, will be dependent upon the types of businesses which might located in the development and is therefore difficult to ascertain. As stated previously, it appears that the developers have had some preliminary discussions with the Highway Department. However, comments from Highway pertaining to possible conflicts with the proposed improvements have not been provided. Comments will be forwarded to the members of the Planning Commission when they are received.

6.) Is the proposed amendment consistent with the development patterns in the area and appropriate for orderly development of the community? The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.

The primary surrounding land uses are residential, commercial and institutional. The subject properties are located to the east of a commercial intersection. Please also see the responses to Standards 1 and 2.

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

Adjacent property to the north and west is zoned B-3 which is the requested designation for the subject properties. Property across County Road 64, to the south is zoned B-1, Professional Business District. In addition, and as stated above, the property is located to the east of a commercial intersection. Property at the intersection is primarily zoned B-3, with two parcels zoned B-4, Major Commercial District, at the northwest corner.

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

As stated previously, this area has experienced significant population growth which has led to a demand for commercial development. Timing, however, 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?

Aerial photography shows a pond on one of the parcels which will need to be filled if the development is constructed as proposed. Staff knows of no other adverse impacts to environmental conditions or historic resources.

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

As stated previously, traffic congestion is a major concern in this area. This would also be the primary concern in terms of health, safety and welfare. A development of the type proposed will certainly impact traffic patterns and congestion. The exact impact however, will be dependent upon the types of businesses which might be located in the development and is therefore difficult to ascertain. As stated previously, it appears that the developers have had some preliminary discussions with the Highway Department. However, comments from Highway pertaining to possible conflicts with the proposed improvements have not been provided. Comments will be forwarded to the members of the Planning Commission when they are received.

11.) Other matters which may be appropriate.

If the properties are rezoned and developed, a 25' landscaped buffer will be required along the east property line where commercial property would abut residential property.

Staff Comments and Recommendation

As stated above, this application involves two parcels which together consist of approximately 5 acres. The subject properties are currently zoned RSF-E, Residential Single Family Estate District. The designation of B-3 General Business District, has been requested for the purpose of constructing a commercial retail center in conjunction with adjacent commercially zoned parcels. As proposed, the development would include 64,250 square feet of retail space, along with six (6) out parcels. A 4500-square foot convenience store is proposed for out parcel number 3, and would be located at the northeast corner of the intersection of State Highway 181 and County Road 64. Of the 18.61 acres proposed for the development, approximately 13.61 acres are already zoned B-3.

Staff is not providing a recommendation at this time, in anticipation of comments from the Baldwin County Highway Department. Comments and a recommendation will be forwarded to the Planning Commission when they are available. If comments are not provided, a decision should be made based on information obtained from the public hearing. In that event, staff will provide guidance at the meeting. *

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

Property Images

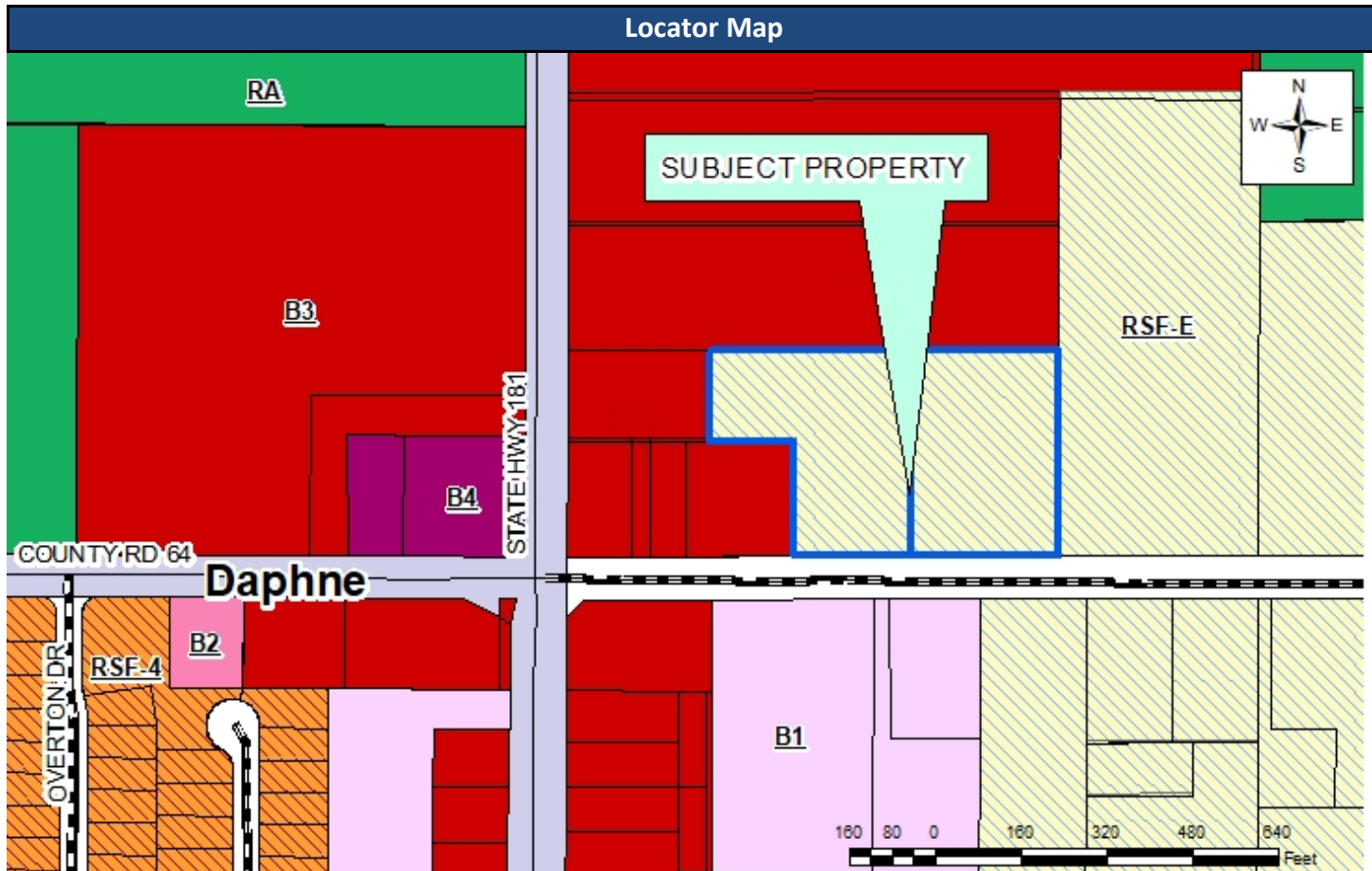




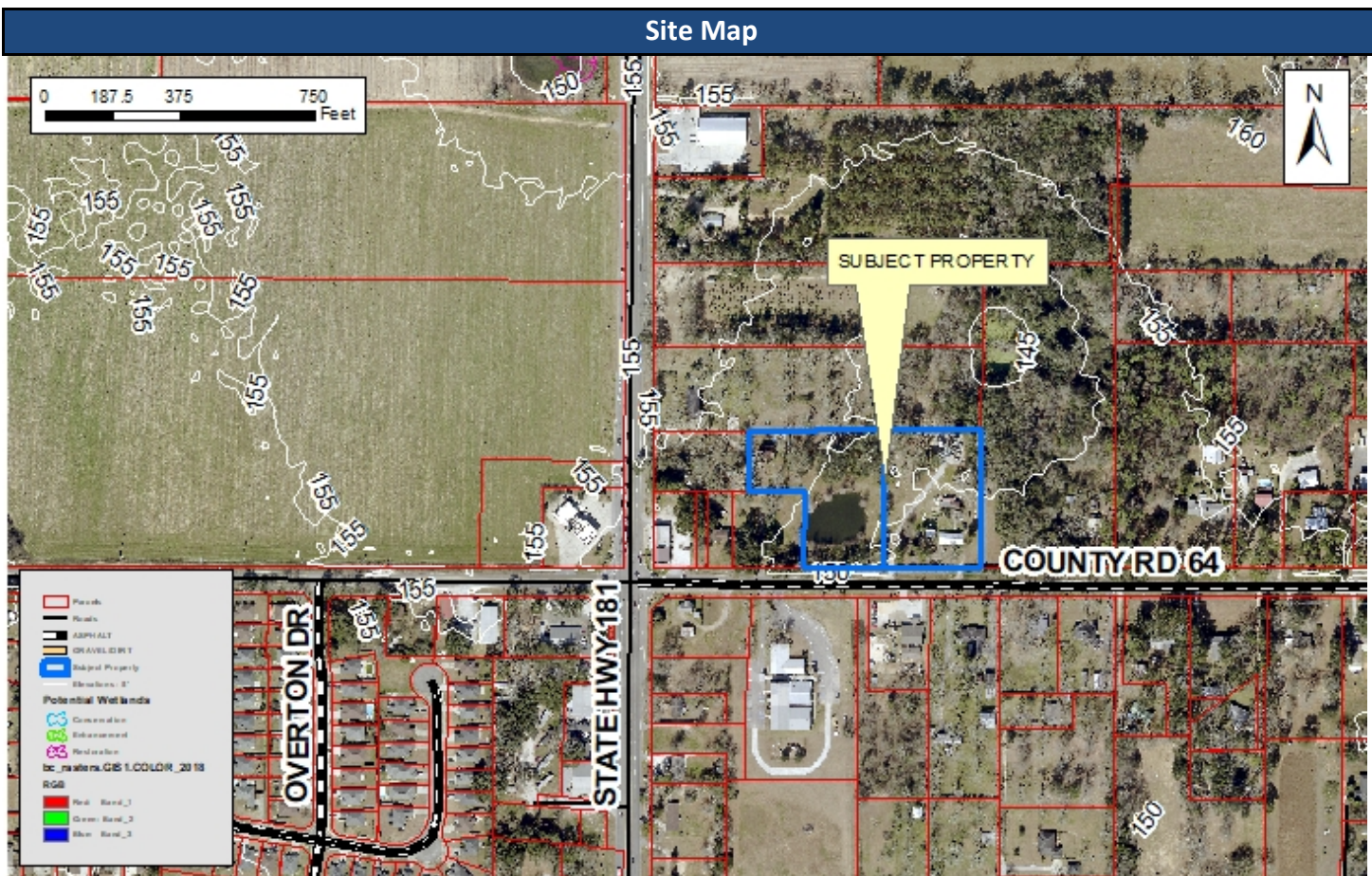




Locator Map



Site Map



[illegible]

PRELIMINARY SITE PLAN



SHEET

PS-2

PRELIMINARY SITE PLAN

2018128 PS-2.dwg 06.06.18

DRAWING RECORD

GREENSPACE %

PEIMA MAP

ISLAND REQ.: 1 ISLAND/10-15 SPACES

DATE: 02/09 DATE: 24/15

COMPACT STILL DIMENSIONS: ---" X ---"
COMPACT STALLS ALLOWED: ---"

RESTAURANT REQ: 10 SPACES/1,000 S.F.

PARKING SUMMARY

BUILDING SUMMARY

MAX. BUILDING HT.: 411' (5 STORES)

SIDE (10 RESIDENTIAL): 25' BUFFER

BUFFERS

FROM:	40
SIDE:	15'

PR. ZONING: B-3 (GENERAL BUSINESS)

ZONING CLASSIFICATION: (U) DIRM CO₂, AL

ZONING INFORMATION
ZONING: RES-1000 / DATE: MAY 2018

AL HIGHWAY 181
BALDWIN CO., AL 36526

DEVELOPMENT I

PROPOSED

PRO-301

PAULSON MITCHELL
INCORPORATED

**LAND PLANNERS
ENGINEERS • SURVEYORS
TRANSPORTATION
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