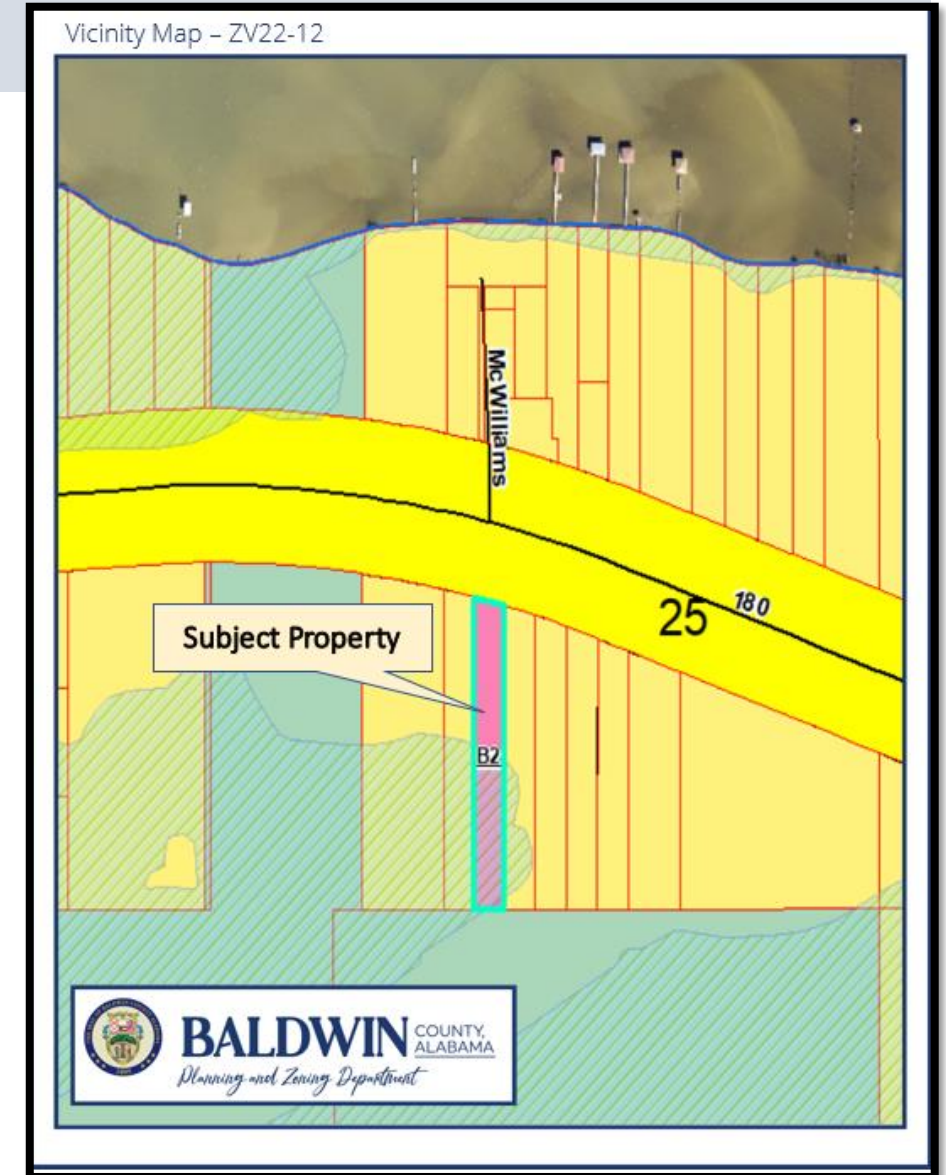


Z22-12 AHMADI PROPERTY

RE-ZONING REQUEST FROM B-2 TO RSF-1

Staff Report
Lead Staff: Paula Bonner, Planning Technician

- **Planning District:** 25 **Zoned:** B-2
- **Location:** Subject property is located on the south side of State Highway 180, south of McWilliams Lane in Fort Morgan.
- **Current Use:** Single-family dwelling
- **Acreage:** 1.12
- **Physical Address:** 12822 State Highway 180
- **Applicant:** Alicia Ahmadi
- **Owner:** Alicia Ahmadi

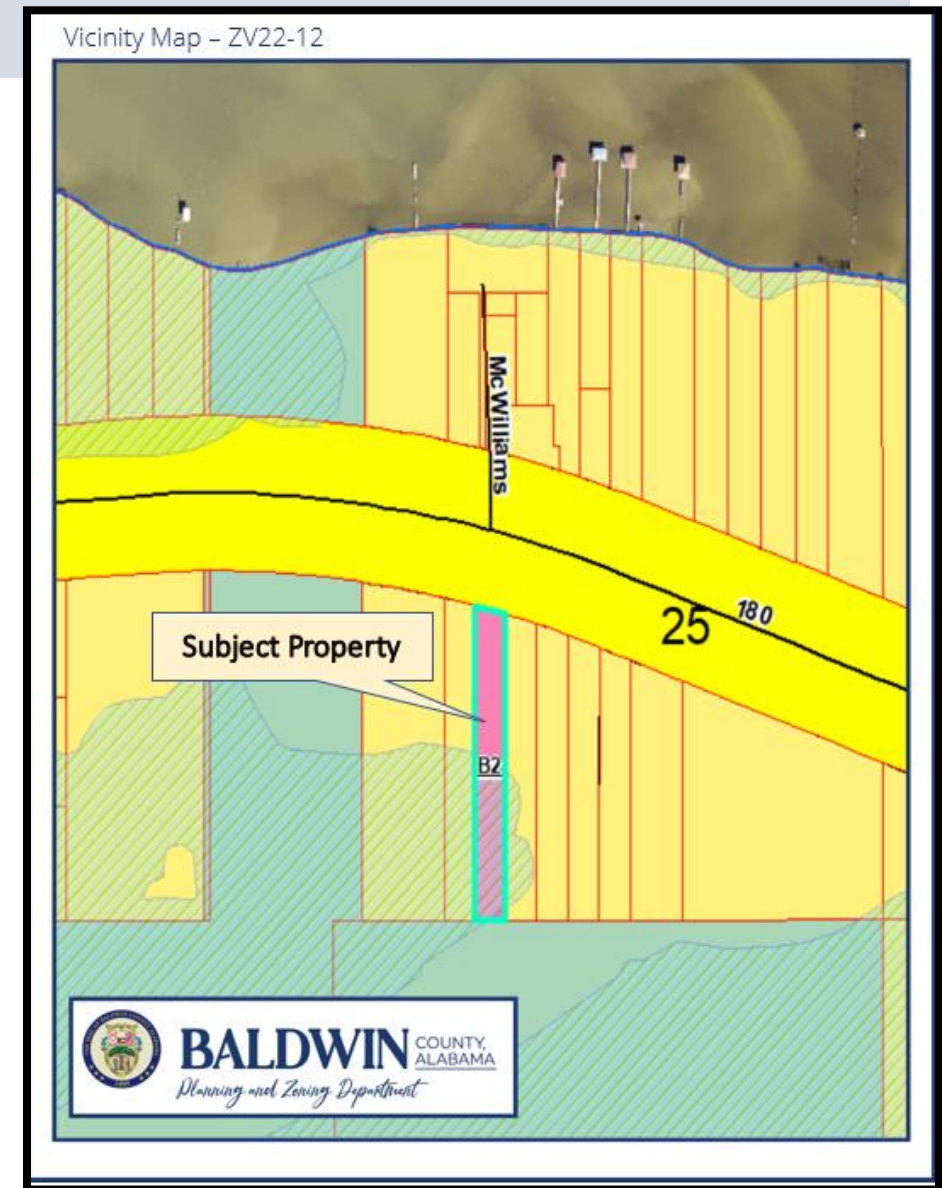


Z-22-12 AHMADI PROPERTY

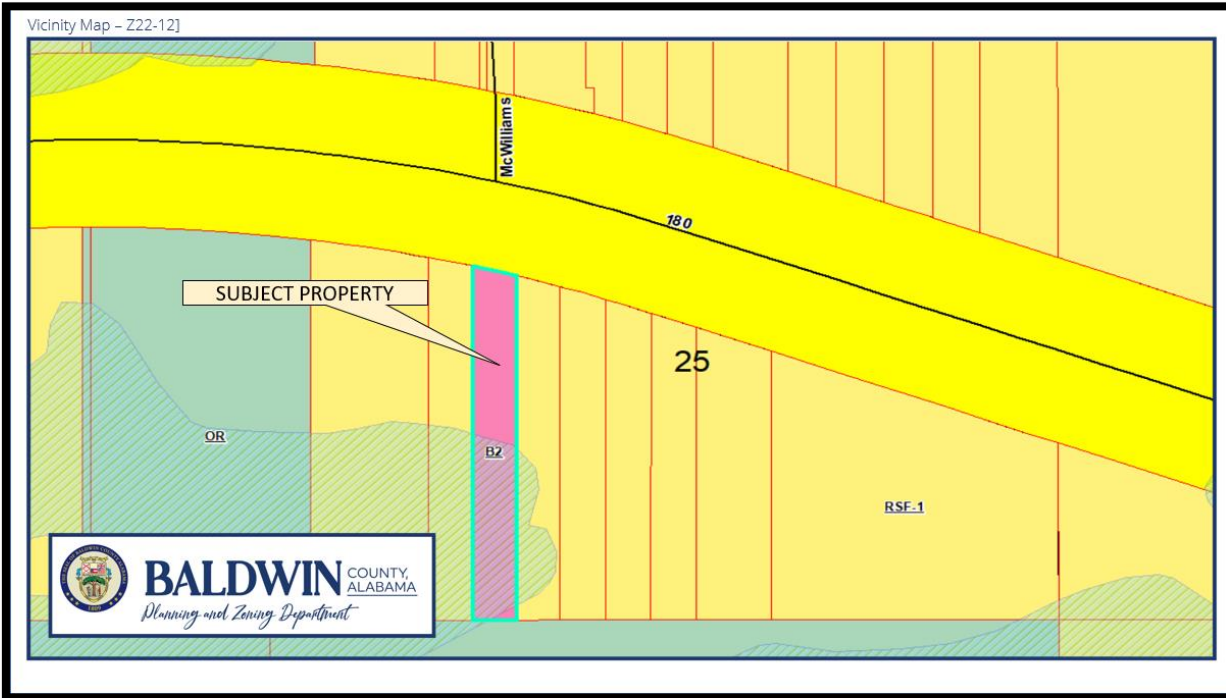
REZONING REQUEST FROM B-2 TO RSF-1

Lead Staff: Paula Bonner, Planning Technician

- **Proposed Zoning:** RSF-1, Residential Single-Family
- **Proposed Use:** Residential Single-Family
- **Applicant's Request:** The owner would like to be rezoned to the current use of single-family dwelling in order to construct a three-car garage.



Locator Map



Site Map



Adjacent Zoning

North

RSF-1, Single Family District

South

OR, Outdoor Recreation District

East

RSF-1, Single Family District

West

RSF-1, Single Family District

Adjacent Land Use

Residential

Vacant

Vacant

Vacant

Property Images



Property Images



Property Images



Jun 10, 2022 2:29:51 PM

Property Images



Current Zoning Requirements

Section 5.2 B-2, Neighborhood Business District

5.2.1 Purpose and intent. The purpose and intent of the B-2 Neighborhood Business District is to provide a limited commercial convenience facility, servicing nearby residential neighborhoods, planned and developed as an integral unit.

5.2.2 Permitted uses. The following uses are permitted as of right, or as uses accessory to permitted uses in the B-2, Neighborhood Business District, conditioned on the Commission Site Plan Approval requirements of Section 18.9:

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

5.2.3 Commission Site Plan Approval. The following uses are permissible as Commission Site Plan Approval uses in the B-2, Neighborhood Business District, subject to the standards and procedures established in Section 18.9: *Commission Site Plan Approval*:

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

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 18.9: *Commission Site Plan Approval*, 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

Current Zoning Requirements

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*.

Proposed Zoning Requirements

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 *Commission Site Plan Approval.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed by the site plan approval process:

- (a) Outdoor recreation uses.
- (b) The following institutional uses: day care home; fire station; school (public or private).
- (c) The following general commercial uses: country club.
- (d) The following local commercial use: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

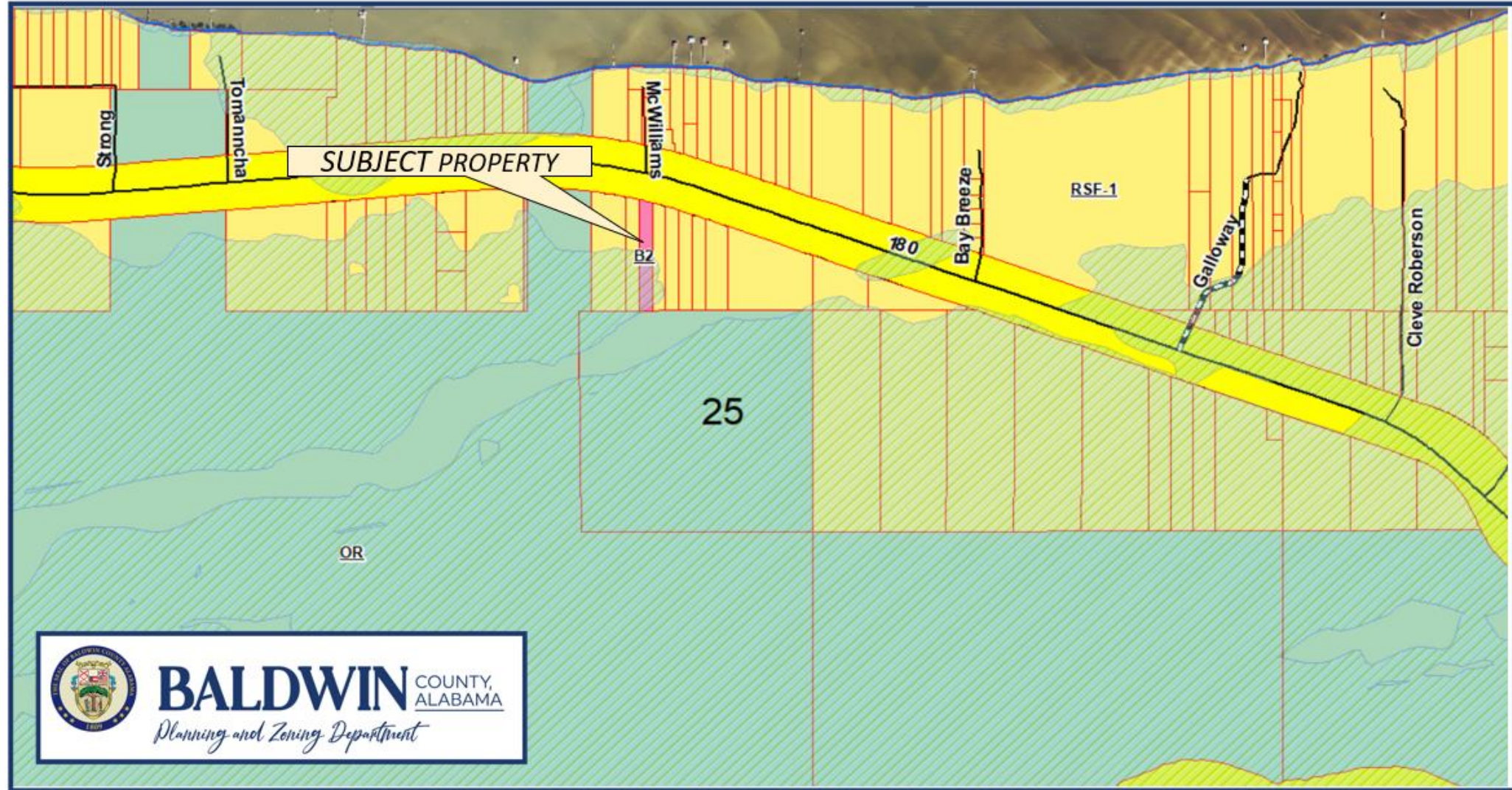
4.2.4 *Special exception.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following use and structures designed for such use may be allowed as a special exception: Not Applicable

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

Maximum Height of Structure in Feet	35-Feet
Maximum Height in Habitable Stories	2 1/2
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

Staff Analysis and Findings

Vicinity Map – Z22-12



Staff Analysis and Findings

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

The subject property is currently zoned B-2, Neighborhood Business District and contains a single-family dwelling. This is the only parcel in the immediate area with a commercial zone. **Staff feels that the requested change is compatible with the surrounding properties and uses.**

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 came into effect on November 16, 1993. Per Revenue the existing single-dwelling was estimated to be built in 1997. It appears that the subject parcel was zoned B-2 at the time Planning District 25 came into effect in 1993.

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

The Baldwin County Master Plan provides a future land use designation of the subject property as commercial. Approval of the rezoning will result in an amendment to the Future Land Use map to residential.

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

Staff is unaware of any planned public improvements.

Staff Analysis and Findings

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

Per the Baldwin County Highway there is an existing drive access to the property. The owner will need to contact the Alabama Department of Transportation if any changes are made to the site in the future.

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

The surrounding land uses are residential single-family and outdoor recreation. There is currently a residential single-family dwelling on the subject property. The owner would like to rezone the parcel to RSF-1 to bring the current single-family dwelling in compliance and to construct a residential accessory structure (garage). The proposed residential garage is not permitted in the B-2 zone.

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

The surrounding land uses are residential and outdoor recreation. **Staff feels the proposed amendment is consistent with the area.**

Staff Analysis and Findings

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

Staff perceives no time 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 does not anticipate any adverse impacts on environmental conditions of the vicinity or the historic resources of the County.

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

Staff does not anticipate any adverse impacts to the health, safety and welfare of the County and the vicinity.

11.) Other matters which may be appropriate.

There appear to be potential wetlands on the subject property. A wetland delineation may be required in order to verify there is no disturbance within a 30' wetland buffer. Please see agency comments regarding wetlands.

Agency Comments

- **Baldwin County Highway Department – Weesie Jeffords:**

There is an existing drive access to this property. The owners will need to contact ALDOT if any changes are made to the site in the future.

- **Mary Booth, Subdivision Coordinator:**

Subdivision Comments: The subject property considered for rezoning to B-2 to RSF-1. If future division is proposed, proposed development would need to meet subdivision regulations and be in compliance with the zoning ordinance in place at time of preliminary plat submittal. There appear to be potential wetlands which may require a wetland delineation.

- **ADEM, Scott Brown:**

From a desktop review it appears that this parcel, which is located in the defined coastal area of Alabama (ADEM Admin. Code r.335-8-1-.02([k])), may contain wetlands – a highly protected coastal resource. The applicant should be advised that no alteration of the existing natural grade/elevation (neither by placing fill onto nor dredging material from) any wetlands on this parcel without authorization from the ADEM. The ADEM encourages the applicant to have a wetlands delineation survey completed prior to undertaking any site development activities in order to avoid potential of an enforcement action.

- **Eric Buckelew:**

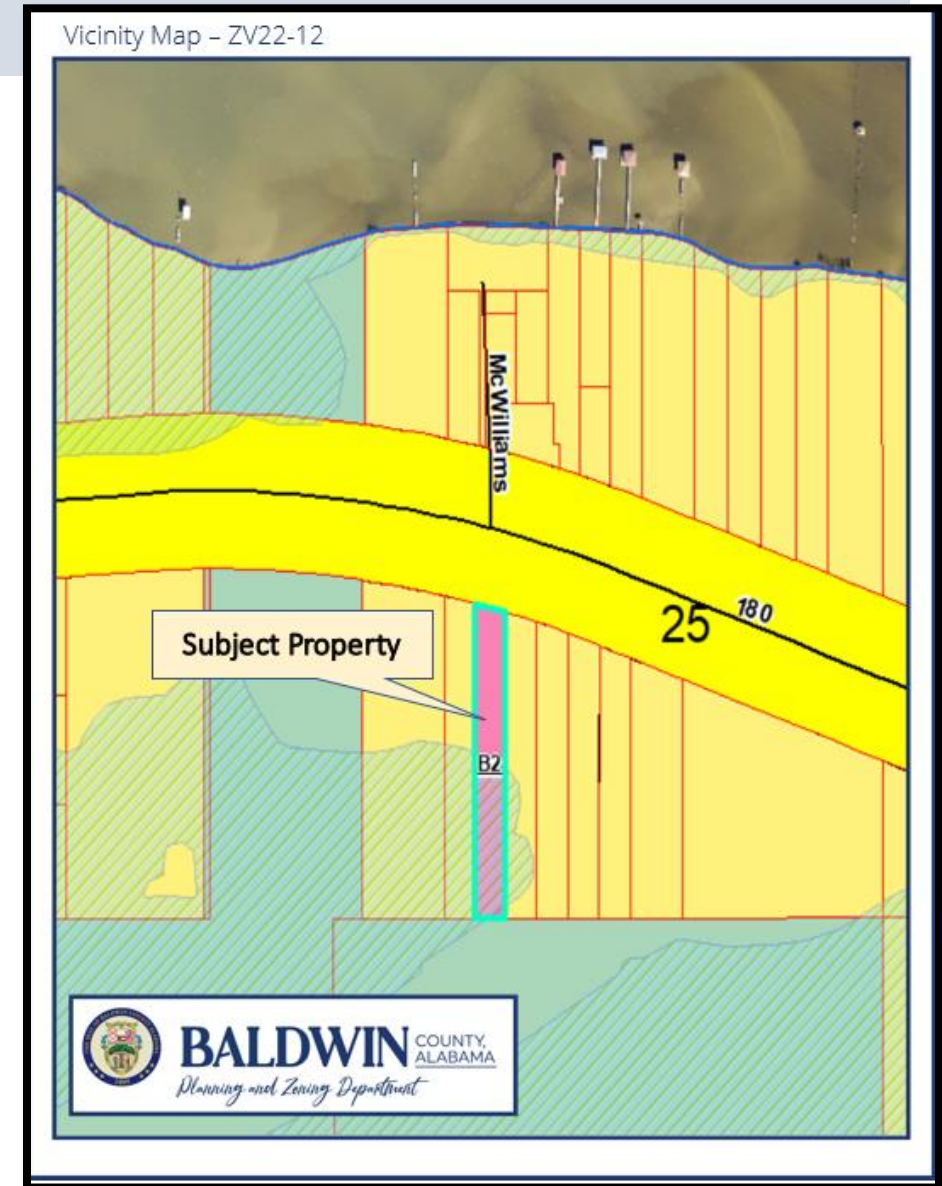
South side of property appears to be all wetlands. This area will require a USACE permit if impacted by filling or mechanized land clearing activities. Cutting, burning or herbiciding vegetation would not require a USACE permit.

Z-22-12 AHMADI PROPERTY

REZONING REQUEST FROM B-2 TO RSF-1

Lead Staff: Paula Bonner, Planning Technician

- **Proposed Zoning:** RSF-1, Residential Single-Family
- **Proposed Use:** Residential Single-Family
- **Applicant's Request:** The owner would like to be rezoned to the current use of single-family dwelling in order to construct a three-car garage.



Z22-12 AHMADI PROPERTY

REZONING REQUEST FROM B-2 TO RSF-1

Residential Single Family
Estate (RSF-1)



Rural

Single Family

Multi-Family

Resort/RV

Businesses

Major Commercial

Industrial

Staff's Recommendation:

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

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