

Z22-18 DAVIS PROPERTY

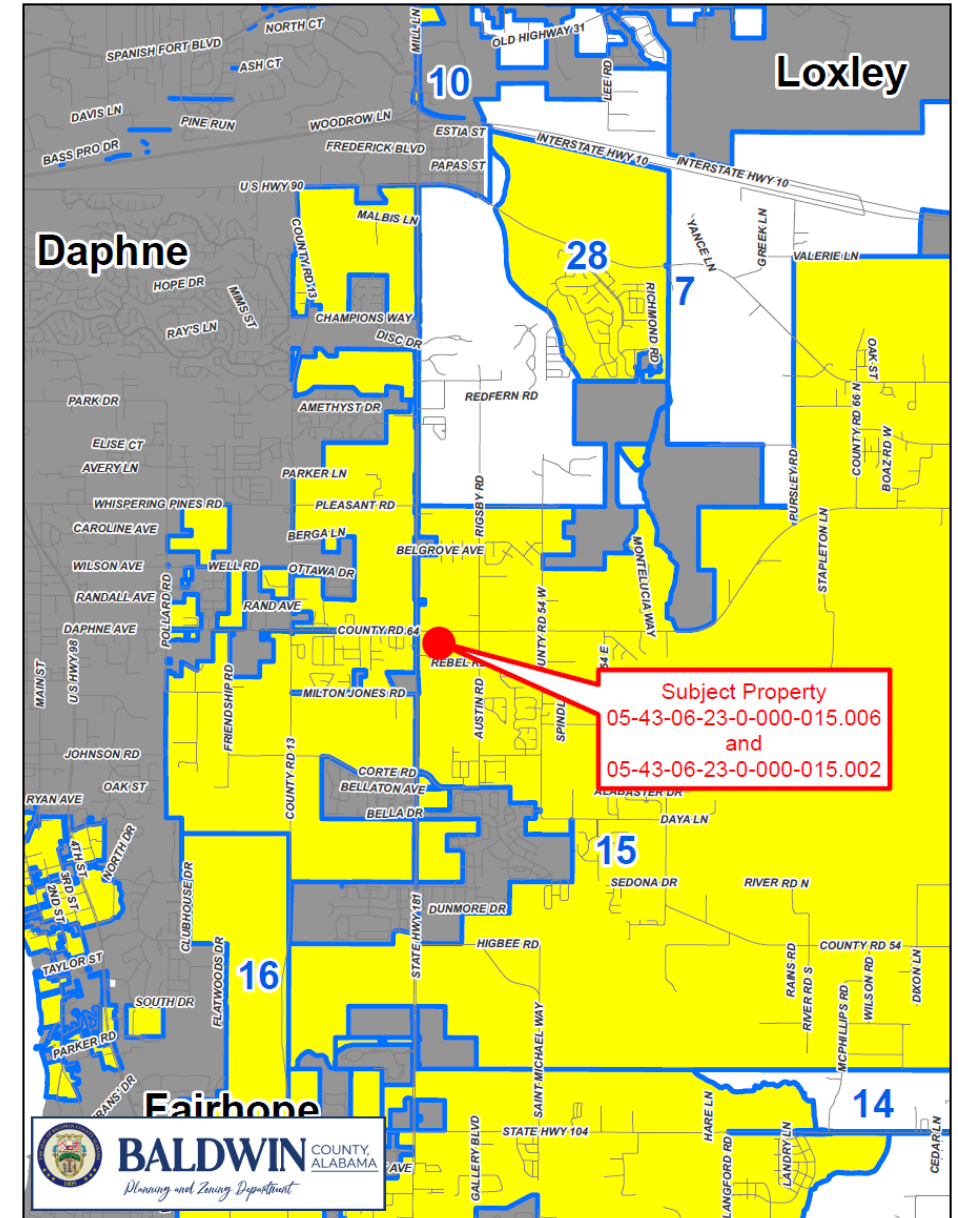
Lead Staff: Celena Boykin, Senior Planner

Request before Planning Commission:

Rezone 4.1+/- acres From RSF-E and B-1 to B-2

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

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



Z22-18 DAVIS PROPERTY

Lead Staff: Celena Boykin, Senior Planner

Planning District: 15

Zoned: RSF-E, Single Family Estate District and B-1, Professional Business District

Location: Subject property is located east of State Hwy 181 and south of County Road 64.

Current Use: Residential

Acreage: 4.1 +/- acres

Physical Address: NA

Applicant: Dwayne Smith

Owner: Bradley Davis

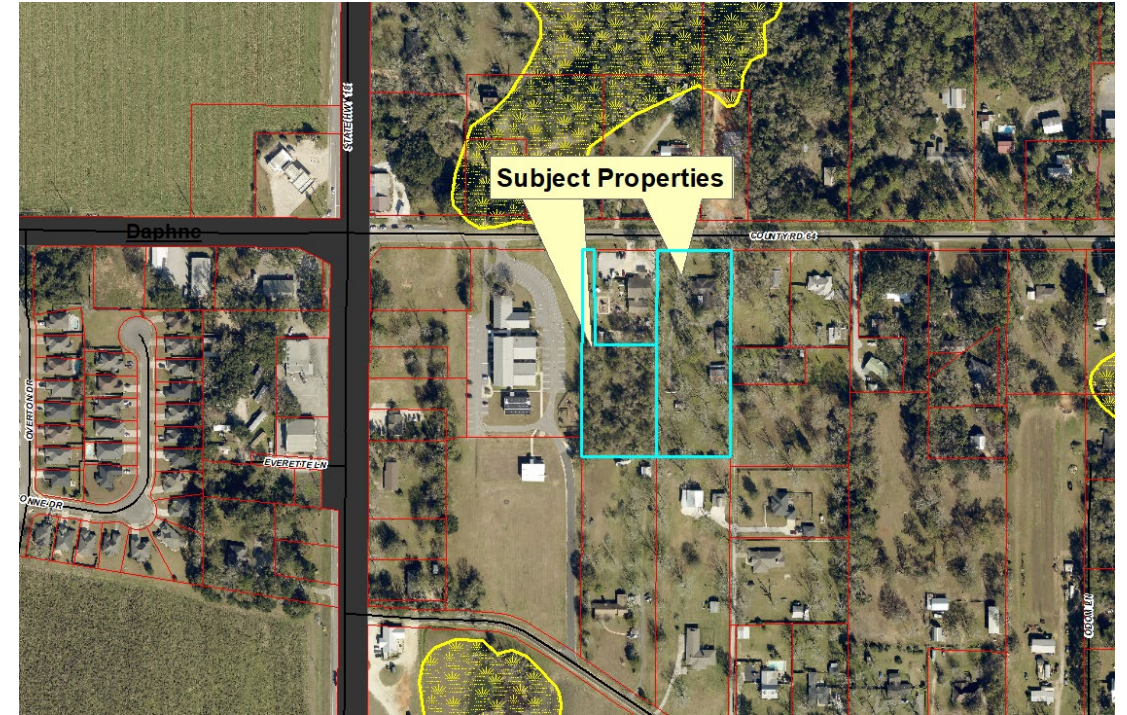
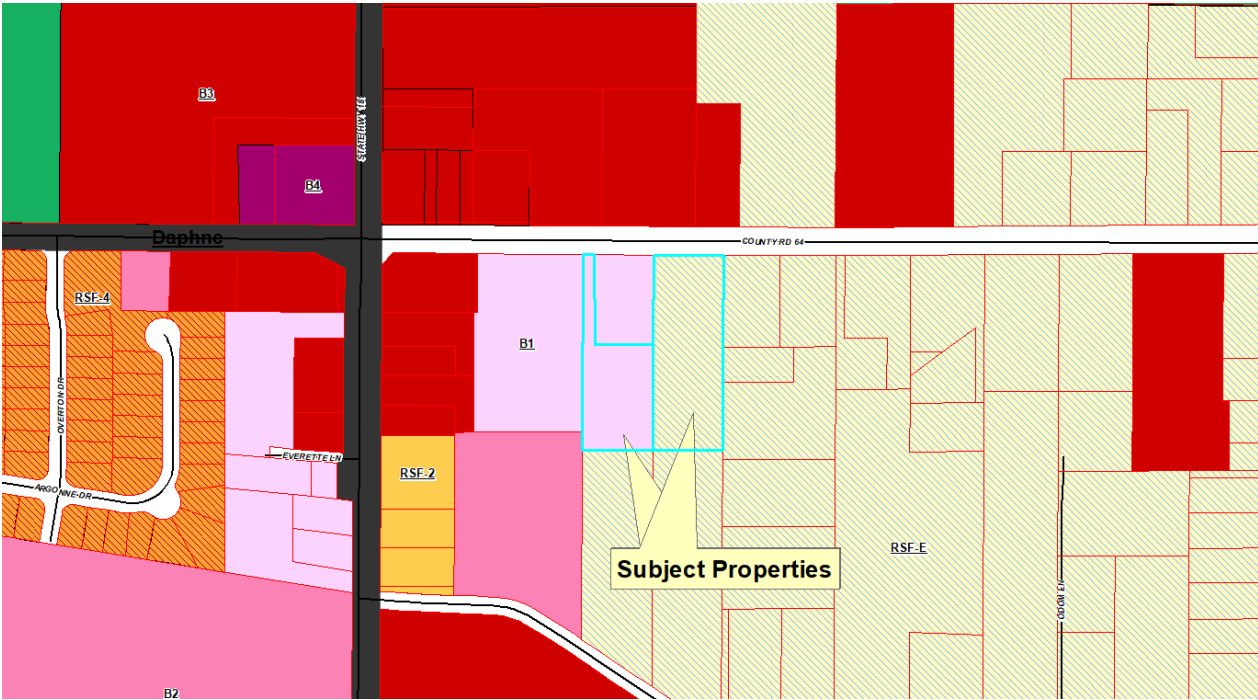
Proposed Zoning: B-2, Neighborhood Business District

Applicant's Request: To rezone to B-2 to allow for business offices and storage units

Online Case File Number: The official case number for this application is Z22-18, however, when searching online CitizenServe database, please use Z22-000018.

Locator Map

Site Map



| | Adjacent Zoning | Adjacent Land Use |
|-------|---|-----------------------|
| North | B-3, General Business District | Commercial & Co Rd 64 |
| South | RSF-E, Residential Estate Single Family | Residential |
| East | RSF-E, Residential Estate Single Family | Residential |
| West | B-1, Professional Business District | Commercial |

Property Images



Current Zoning Requirements

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

- (a) Outdoor recreation uses.
- (b) The following institutional uses: day care home; fire station; school (public or private).
- (c) The following general commercial uses: country club.
- (d) The following local commercial use: bed and breakfast or tourist home (see *Section 13.10: Bed and Breakfast Establishments*).

4.1.4 *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: Not Applicable

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 18.4 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 | 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 |

Current Zoning Requirements

Section 5.1 B-1, Professional Business District

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

5.1.2 Permitted uses. The following uses are permitted as of right, or as uses accessory to permitted uses in the B-1, Professional Business and Office District, conditioned on the Commission Site Plan Approval requirements of Section 18.9:

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

5.1.3 Conditional Use Commission Site Plan Approval. The following uses are permissible as Commission Site Plan Approval uses in the B-1 Commercial Professional

and Business Office District, subject to the standards and procedures established in Section 18.9: Commission Site Plan Approval:

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

5.1.4 Mixed uses. Mixed residential and commercial uses may be permissible as Commission Site Plan Approval uses in the (B-1) commercial professional and Business office 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-1 district. A dwelling unit density of .5 (1/2) dwelling units per 1,000 square feet of the gross floor area devoted to commercial uses, may be allowed (structures with less than 2,000 square feet

Current Zoning Requirements

devoted to commercial uses shall be allowed one dwelling unit). In no case, however, shall the overall dwelling unit density for a mixed-use project exceed 4 dwelling units per acre;

(f) Building height shall not exceed three stories;

(g) A minimum of 30 percent of the mixed-use development shall be maintained as open space. The following may be used to satisfy the open space requirements: areas used to satisfy water management requirements, landscaped areas, recreation areas, or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained);

(h) The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units to the greatest extent possible, and;

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

5.1.5 Area and dimensional ordinances.

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

5.1.6 *Lighting standards.* The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be

designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.

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

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

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

- | | |
|---------------------------|--------------------|
| (mm) Shoe repair shop | (qq) Tailor shop |
| (nn) Shoe store | (rr) Tobacco store |
| (oo) Sign shop | (ss) Toy store |
| (pp) Sporting goods store | |

5.2.3 Conditional Use 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 <i>Section 5.2.4: 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 Commission Site Plan in the B-2 Neighborhood Business District, subject to the standards

Proposed Zoning Requirements

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 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.

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*.

Staff Analysis and Findings

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

The subject property is currently zoned RSF-E, Single Family Estate District, and B-1, Professional Business District and is residential. The adjacent properties are zoned the RSF-E, B-1, and B-3. The adjacent uses are residential and commercial. A development trend appears to exist at the commercial node at the intersection of SR 181 and County Road 64. Zoning encourages a transition from more intense uses to less intense uses, a less intense commercial use is likely an appropriate transition from the intense commercial growth at the commercial node and the existing residential developments.

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. Since this time there have been multiple rezonings in the area, mainly along SR 181 and County Rd 64. Many of these rezonings were commercial.

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

A future land use designation of Residential is provided for parcel 05-43-06-23-0-000-015.002 (RSF-E). 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. Approval of the requested rezoning will not require a change to the Future Land Use Map.

A future land use designation of Commercial is provided for parcel 05-43-06-23-0-000-015.006 (B-1). This 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.

Staff Analysis and Findings

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

Staff is unaware of any planned public improvements.

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

Per the Federal Highway Administration, the functional classification of County Road 64 is major arterial. Arterials provide a high level of mobility and a greater degree of access control. Access to this site from County Road 64 would require approval from the Baldwin County Highway Department.

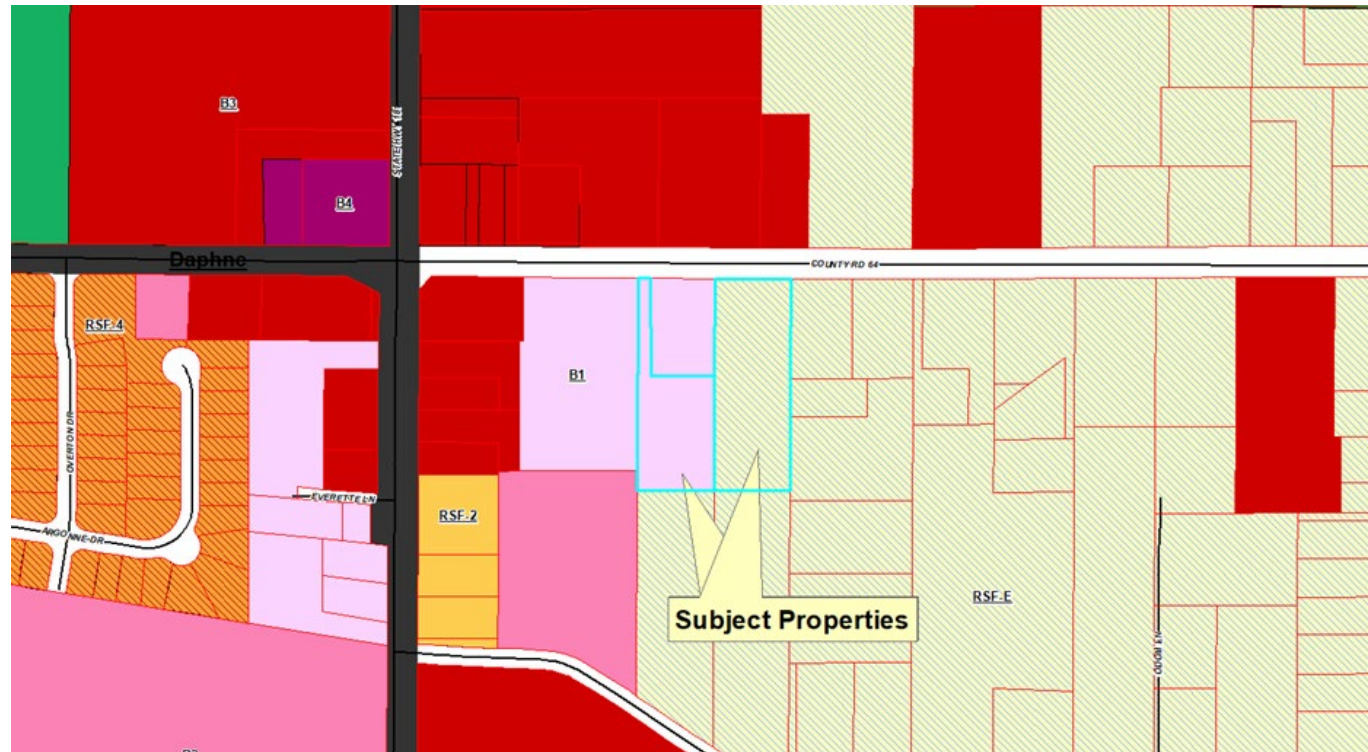
6.) Is the proposed amendment consistent with the development patterns in the area and appropriate for orderly development of the community? The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.

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

Staff Analysis and Findings

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

The property adjacent to the north and west are zoned commercial. As you can see from the zoning map below this is a transition area between commercially zoned and residentially zoned properties. The more intense commercial areas are at the intersection of County Rd 64 and Hwy 181 and then transitions out to less intense uses. Staff feels the proposed amendment is a logical expansion of the adjacent zoning.



Staff Analysis and Findings

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

Staff believes that timing is not an issue.

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

Staff is unaware of any environmental conditions or historic resources that would be adversely impacted by this request. The Alabama Department of Environmental Management (ADEM) provided no comments.

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

Staff anticipates no adverse impacts.

11.) Other matters which may be appropriate. NA

Agency Comments

ALDOT, Michael Smith: No Comments

ADEM, Scott Brown: No Comments

Baldwin County Highway Department – Tyler Mitchell:

Any connection to CR 64 will require obtaining a commercial turnout permit from the Baldwin County Highway Department

Baldwin County Subdivision– Shawn Mitchell: No Comments

City of Daphne – Adrienne Jones: Thank you for sharing this information and providing an opportunity for me to share my thoughts.

The trickle of commercial zoning is moving eastward of the intersection of 181 and County Road 64. I don't have to preach to the choir about traffic in this area. If I had a wish list, it would be for shared access along CR 64 or the requirement for right of way improvements for turn lanes into the sites. As the zoning intensity increases along this corridor, particularly where adjacent to residential land uses, I'm sure there are mitigation measures for landscaping, screening and buffering. Mini-warehouse establishments tend to run security lighting during the night. Additionally, placement of trash/refuse and stormwater management facilities away from the residential uses would be justifiable where practicable.

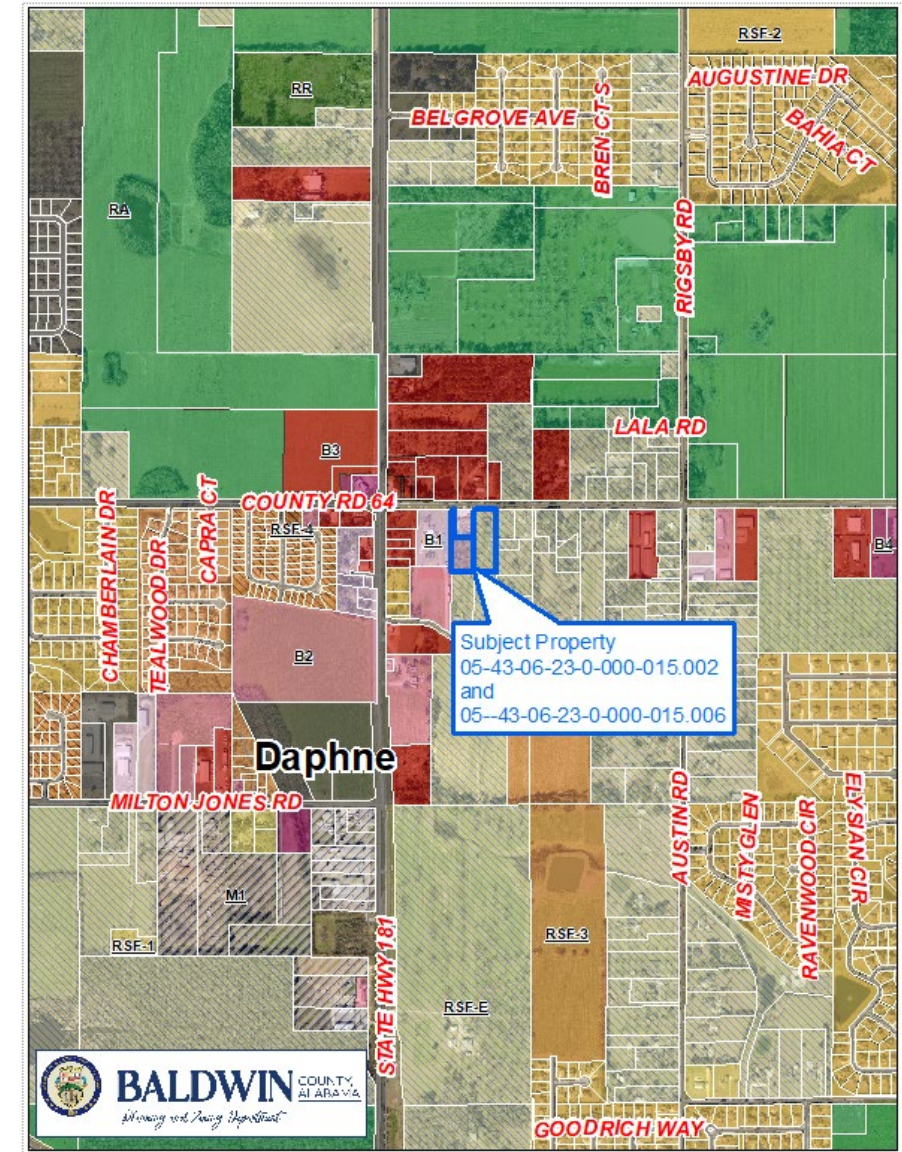
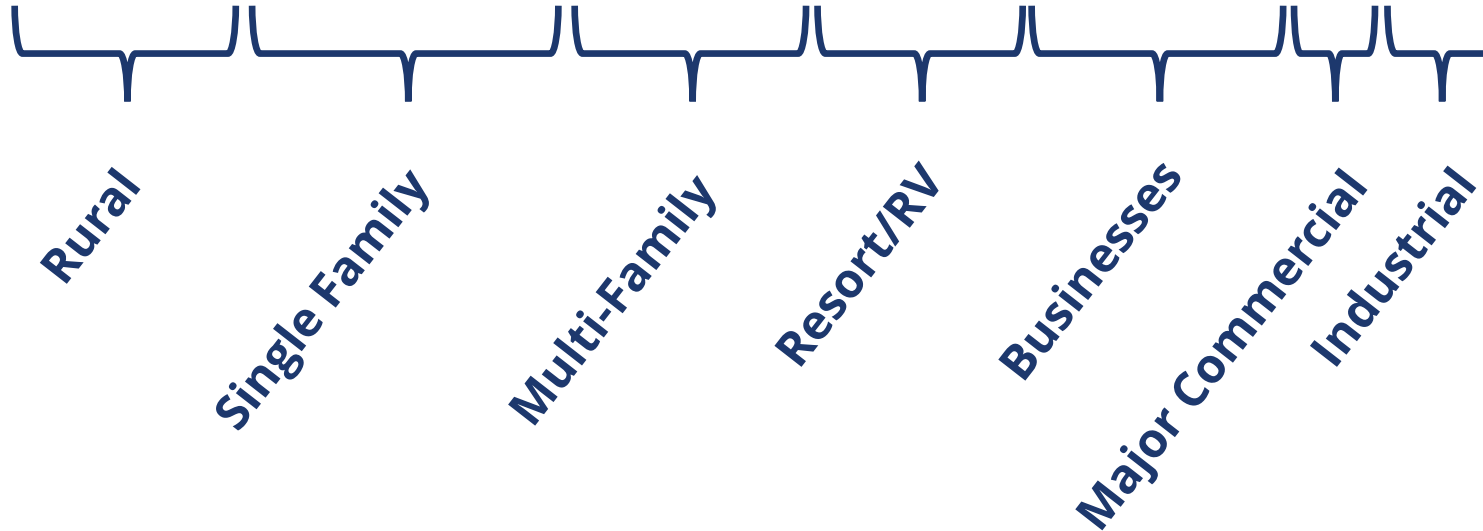
Ultimately, I have no concern with commercial zoning in this stretch of County Road 64. I advocate for all mitigation measures to be utilized during the site plan review process to diminish the impact on the adjacent residences.

Z22- 18 DAVIS PROPERTY

Lead Staff: Celena Boykin,
Senior Planner

Current Zoning:
Estate Single
Family
(RSF-E)

Requested Zoning:
Neighborhood
Business(B-2)

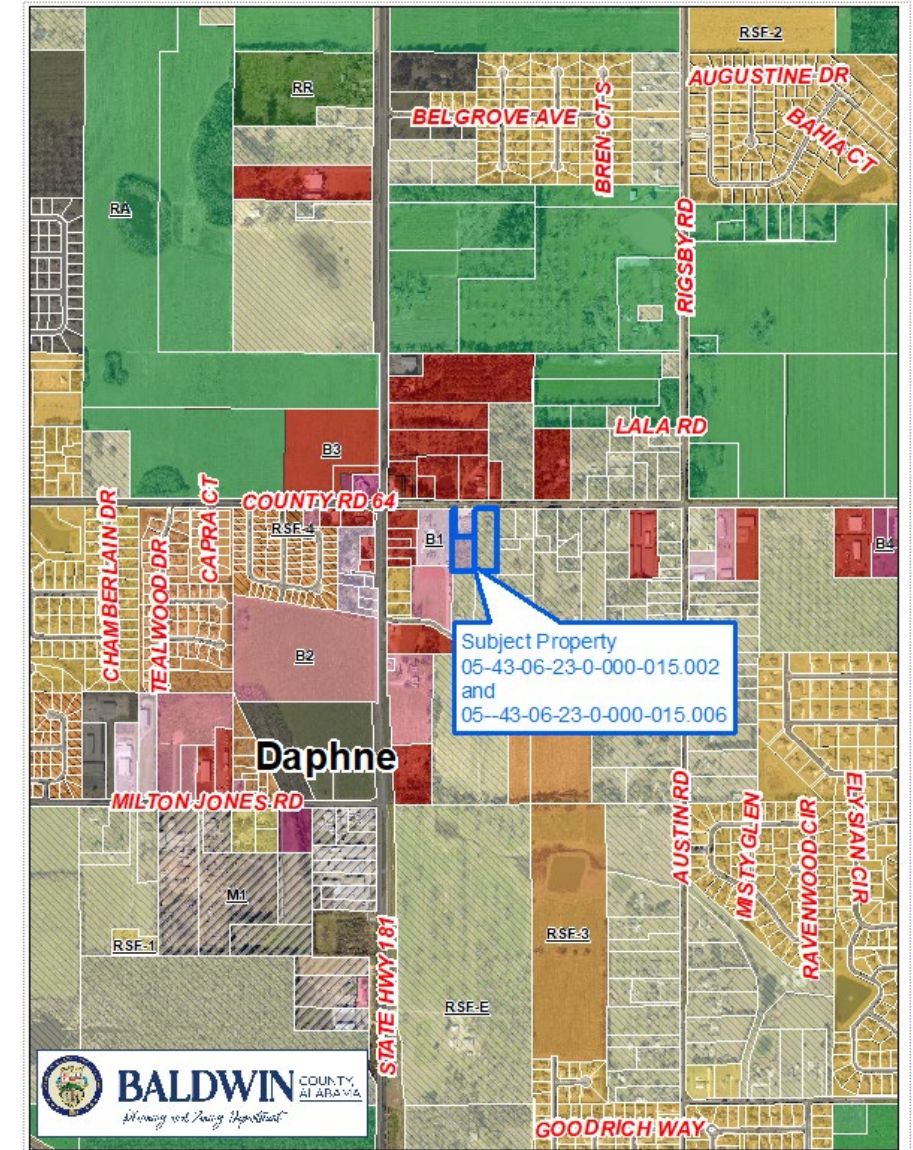


Z22- 18 DAVIS PROPERTY

Lead Staff: Celena Boykin,
Senior Planner

Staff's Summary and Comments:

As stated previously, the subject property is currently zoned RSF-E, Estate Single Family District and B-1, Professional Business District, and is currently residential. The property adjoins County Road 64 and the adjoining properties are residential and commercial. The requested zoning designation is B-2, Neighborhood Business District. According to the submitted information, the purpose of this request is to allow for a business office and storage units. **If the property is rezoned, the applicant will have to come back and get Commission Site Plan approval.**



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Lead Staff: Celena Boykin, Senior Planner

Recommendation:

- Staff Recommends **Approval**.
- Planning Commission Recommends **Approval**.

Factor Summary:

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

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

Public Hearing:

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