

# Z23-5 STRACK PROPERTY

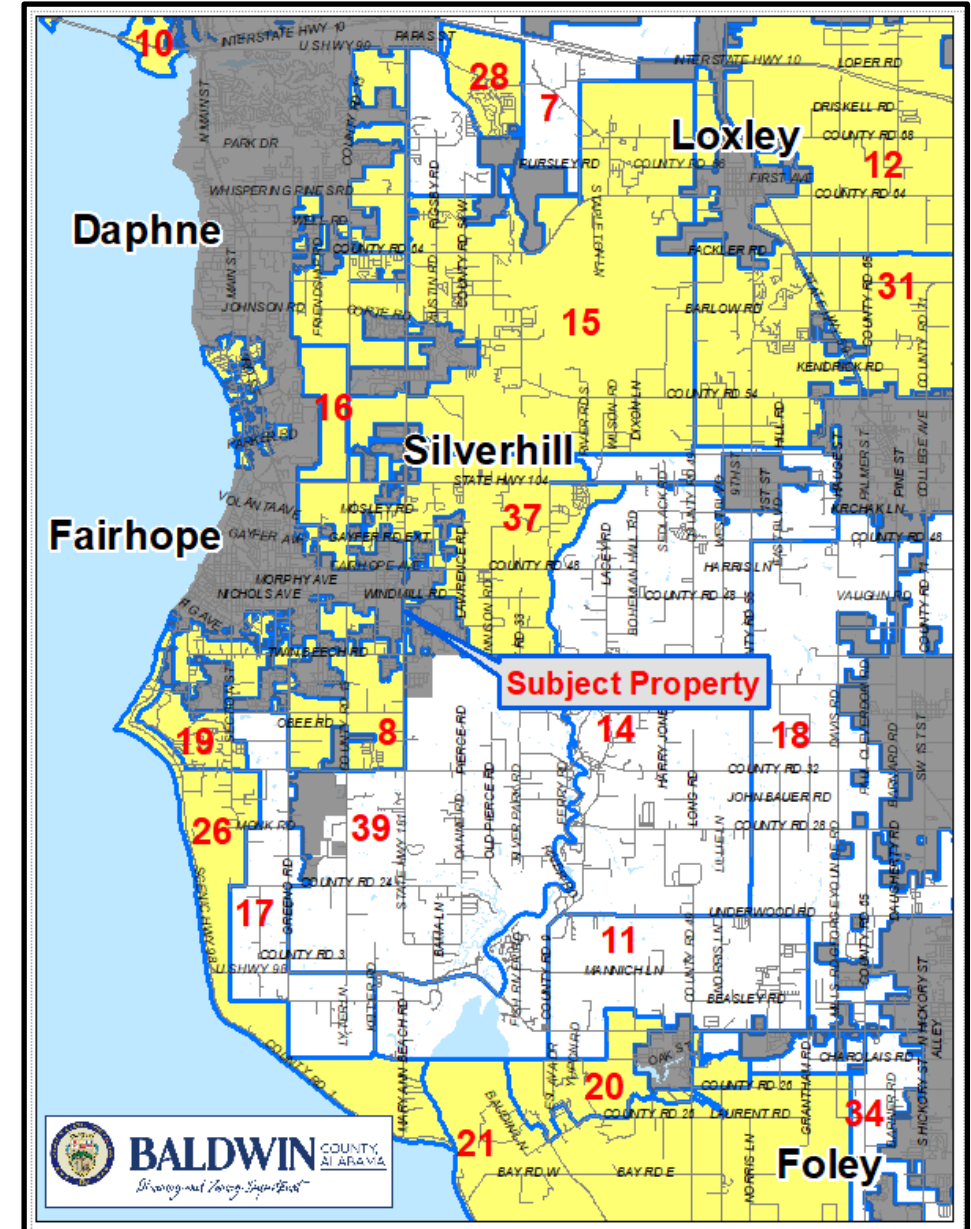
Lead Staff: Celena Boykin, Senior Planner

Request before Planning Commission:

**Rezone 2.64+/- acres From RSF-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](https://baldwincountyal.gov/departments/planning-zoning/meeting-agenda)



# Z23-5 STRACK PROPERTY

Lead Staff: Celena Boykin, Senior Planner

**Planning District:** 37

**Zoned:** RSF-1, Single Family District

**Location:** Subject property is located east of State Hwy 181 and south of Windmill Road.

**Current Use:** Residential and Commercial

**Acreage:** 2.64 +/- acres

**Physical Address:** NA

**Applicant:** Patrick Strack

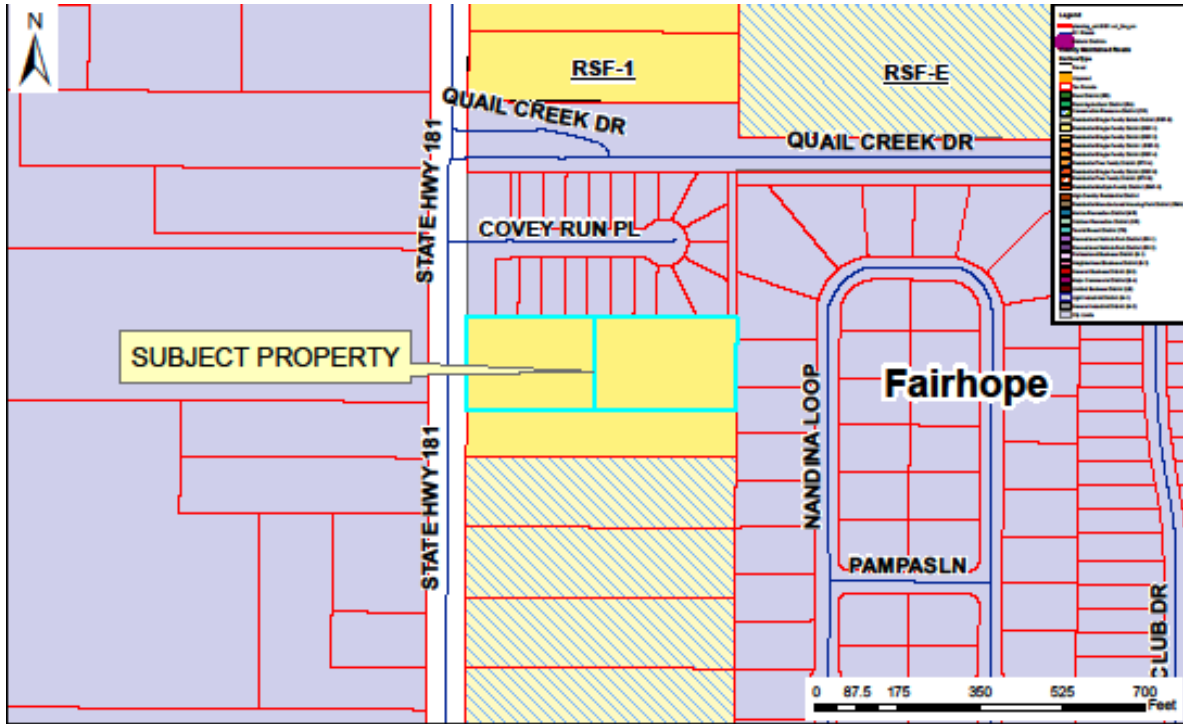
**Owner:** Same

**Proposed Zoning:** B-2, Neighbor Business District

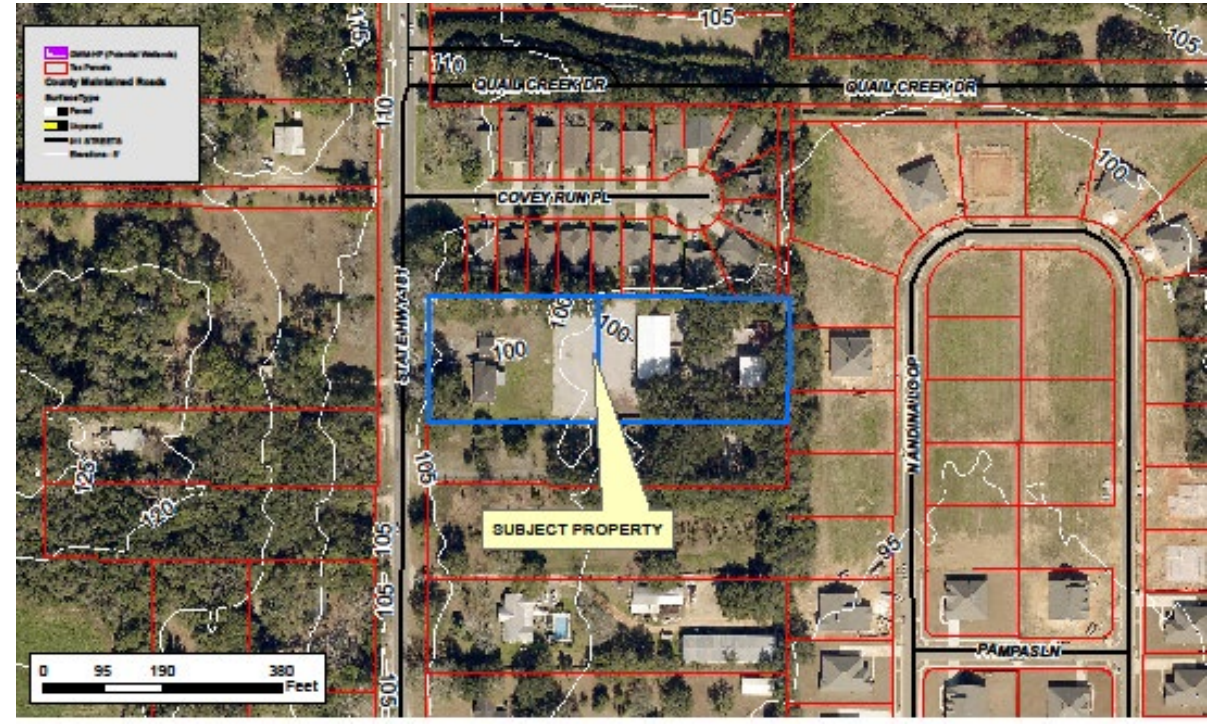
**Applicant's Request:** To rezone to B-2 to allow for continue use as commercial and undecided on future use at this time.

**Online Case File Number:** The official case number for this application is Z23-5, however, when searching online CitizenServe database, please use Z23-000005.

# Locator Map



# Site Map



## Adjacent Zoning

North

City of Fairhope – R-3PGH Patio/Garden Single Family

South

RSF-1, Residential Single Family

East

City of Fairhope – PUD Planned Unit Development

West

City of Fairhope – R-A Residential/Agriculture

## Adjacent Land Use

Residential

Residential

Residential

Residential



# Property Images





# Property Images





# Property Images





# Current 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 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*).

**4.2.4 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	35-Feet
Maximum Height in Habitable Stories	2 ½
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

# 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-1, Single Family District and is residential and commercial. The adjacent properties are in the City of Fairhope with a residential zoning and the adjacent parcel to the south is in the county and zoned RSF-1. The adjacent uses are residential.

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

The zoning for Planning District 37 was adopted by the County Commission on July 19, 2022. Since this time there have been no rezonings in the immediate area but we have had multiple pre-app meetings with citizens in this area along State Hwy 181 wanting to rezone to commercial due to the widening of 181.



# Staff Analysis and Findings

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

A future land use designation of Residential is provided for these parcels. 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 require a change to the Future Land Use Map to Commercial. 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 believes this rezoning will not conflict with any planned public improvements.

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

Per the Federal Highway Administration, the functional classification of this section of State Hwy 181 is minor arterial. Arterials provide a high level of mobility and a greater degree of access control. See comments below from ALDOT about access to the site.

## **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 current use on the subject properties are residential and commercial. The front parcel is residential and the back parcel is used as commercial. The adjacent properties are residential.

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

The purpose and intent of the requested B-2 is to provide a limited commercial convenience facility, servicing nearby residential neighborhoods, planned and developed as an integral unit. Staff believes the proposed amendment is consistent with the development patterns in the area.



# 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:**

200' of frontage with two access points.

- Only one point of access will remain into the frontage of 181. It seems an access was constructed along the northern edge of the property that was not permitted by ALDOT. All access will have to be brought into compliance.

Will need to see a site plan including square footage of building(s) and usage

Same owner for the western and eastern property. There is already an access drive in place that both parcels can use.

- This access would be right in right out as it is in front of a TWTL

Depending on usage may need a right turn lane if feasible.

Contours show ponding on the property, so a drainage report will be needed if directed to ALDOT ROW.

## **ADEM, Scott Brown:** No Comments Received

## **Baldwin County Highway Department – Tyler Mitchell:** No Comments Received

## **Baldwin County Subdivision– Shawn Mitchell:** No Comments Received

## **City of Fairhope:** No Comments Received

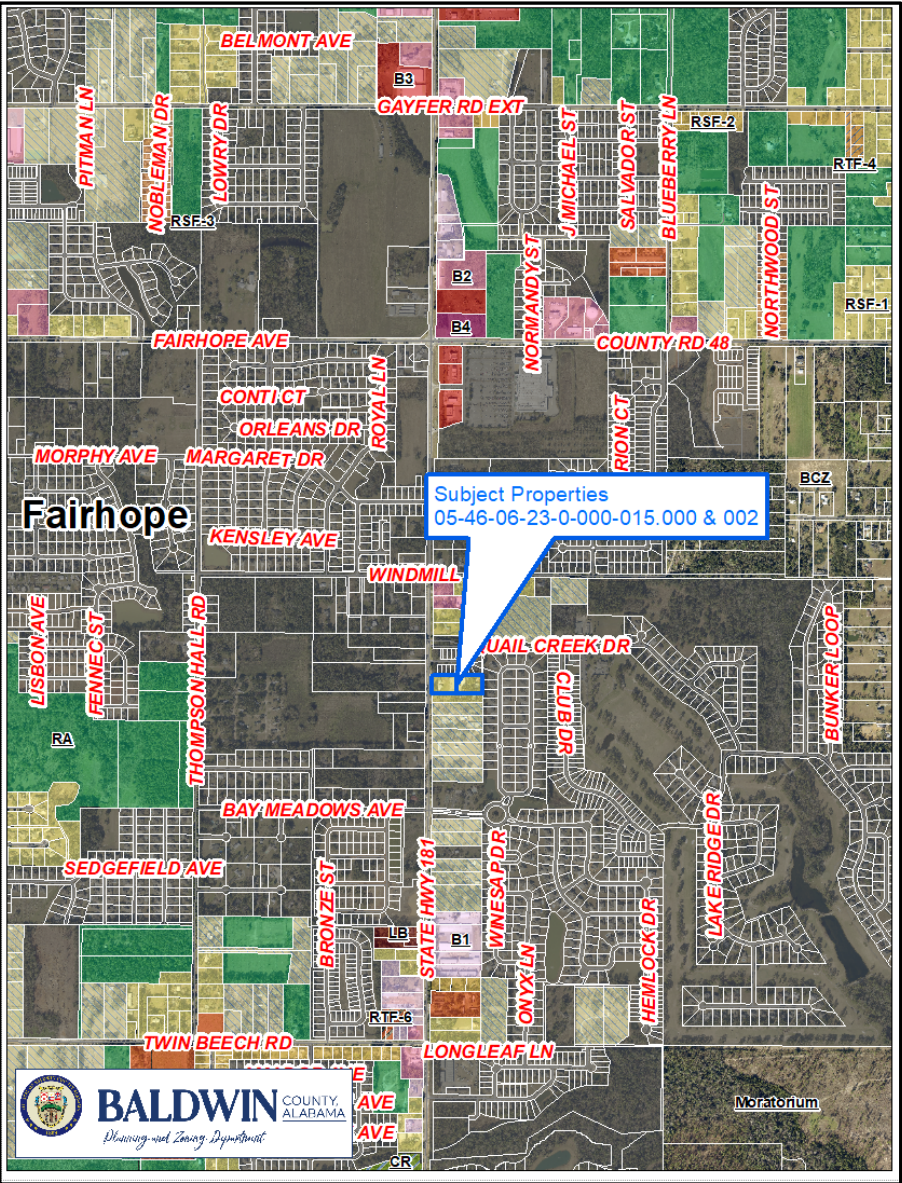
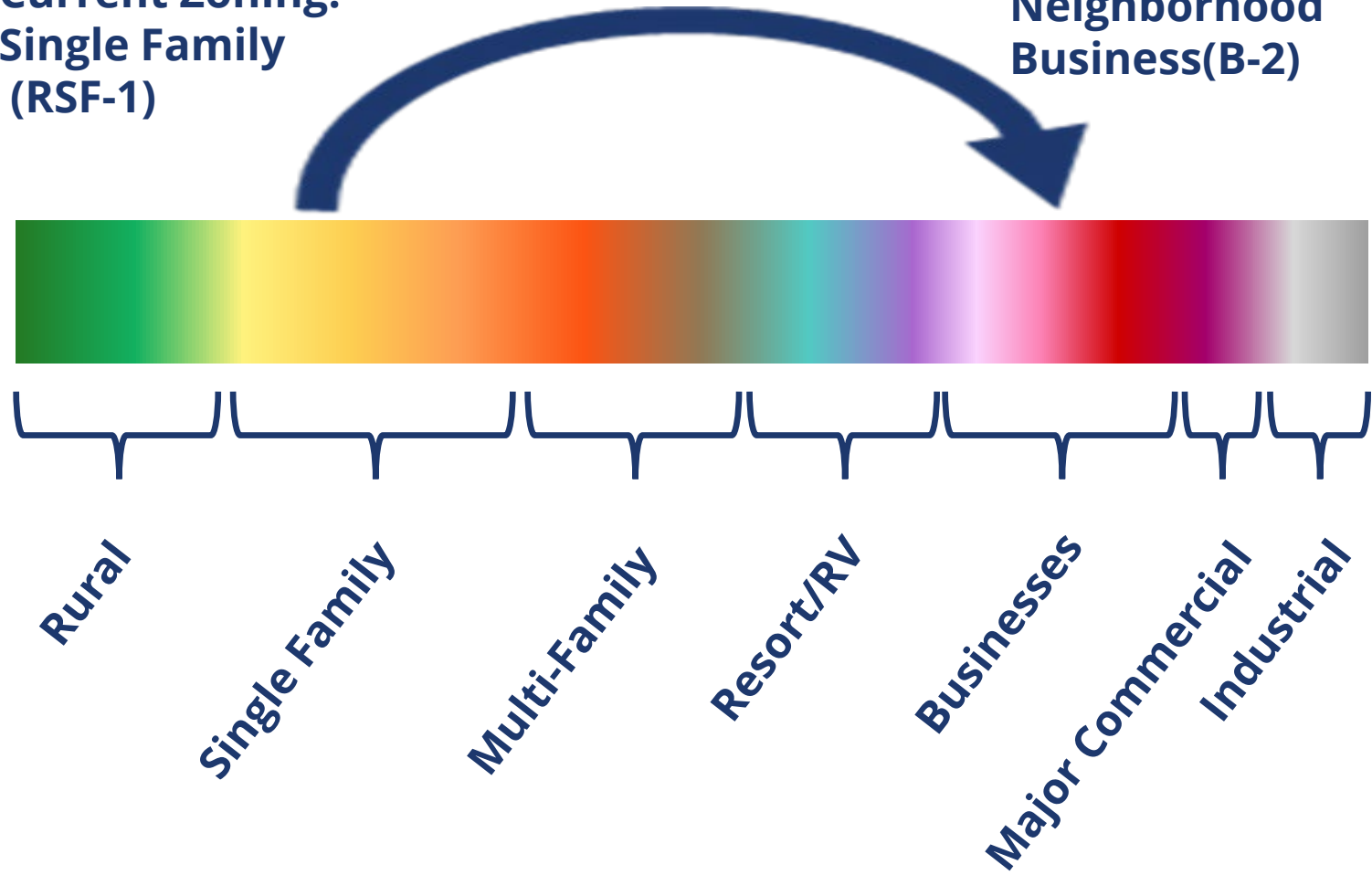


# Z23-5 STRACK PROPERTY

Lead Staff: Celena Boykin,  
Senior Planner

Current Zoning:  
Single Family  
(RSF-1)

Requested Zoning:  
Neighborhood  
Business(B-2)



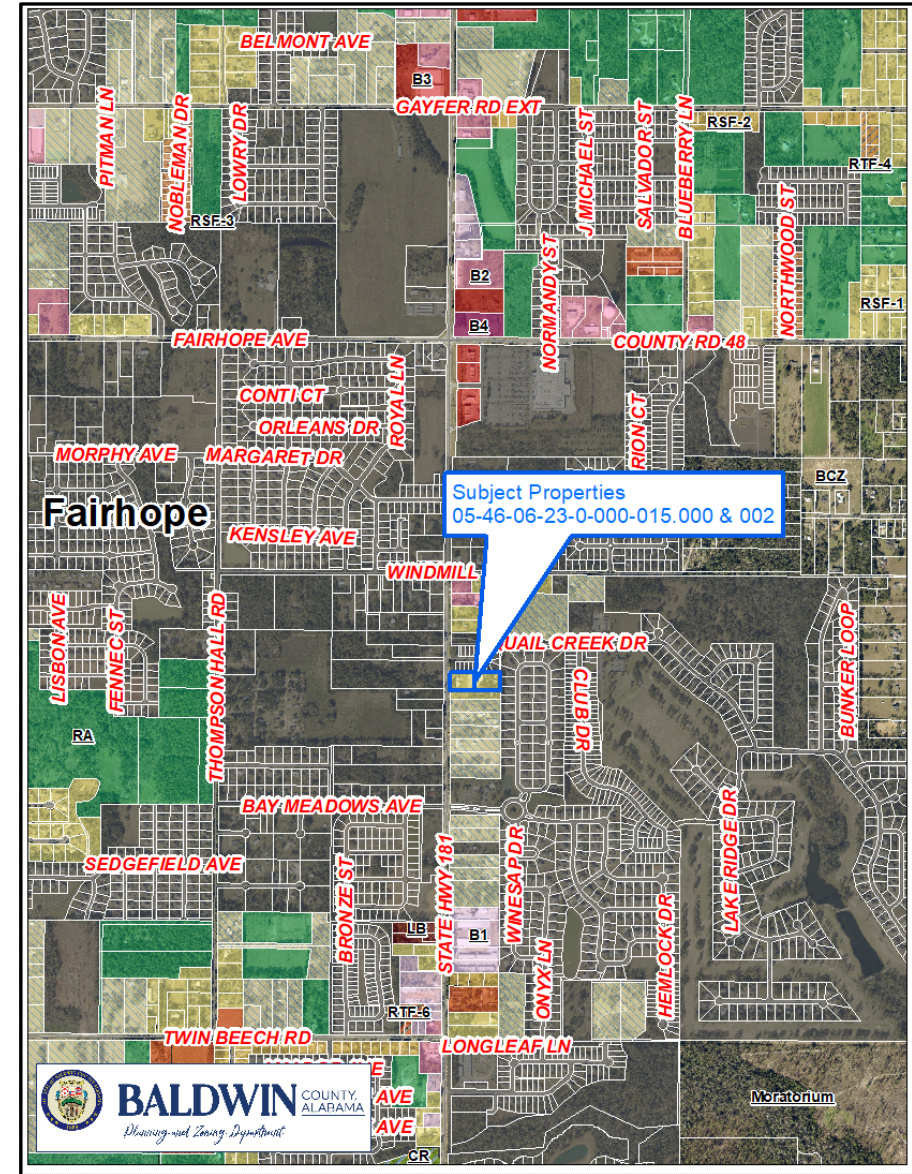


# Z23-5 STRACK PROPERTY

Lead Staff: Celena Boykin, Senior Planner

## Staff's Summary and Comments:

As stated previously, the subject properties are currently zoned RSF-1, Single Family District and is currently residential and commercial. The property adjoins State Highway 181 and the adjoining properties are residential. The requested zoning designation is B-2, Neighborhood Business District. According to the submitted information, the purpose of this request is to allow continued use of commercial on properties.





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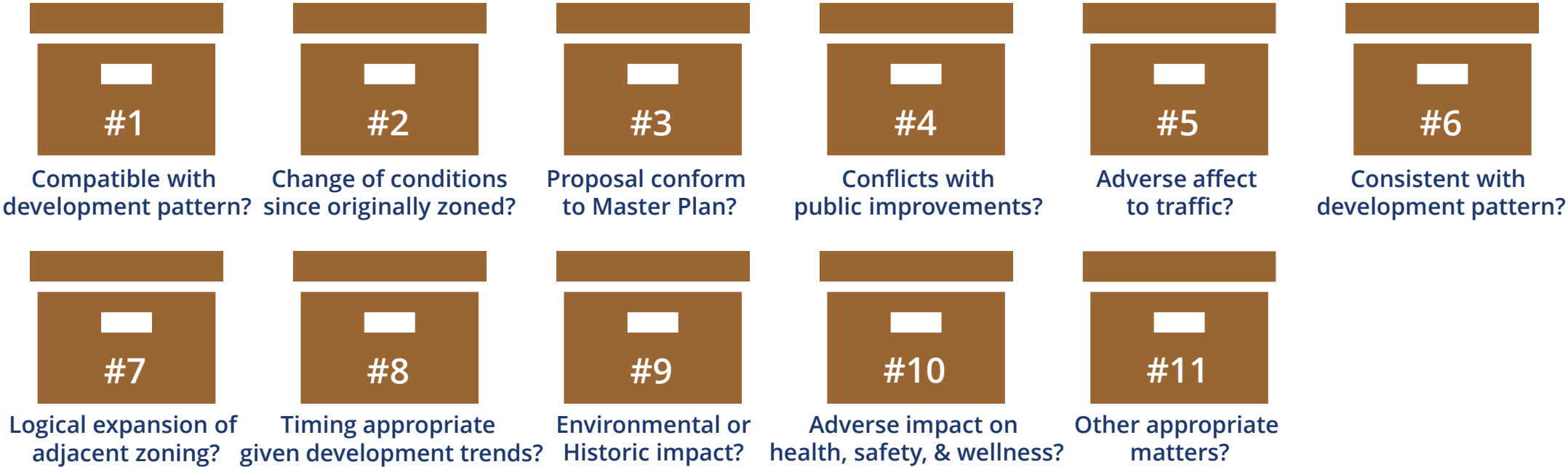
## Staff's Recommendation:

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

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

# Factor Summary:

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



# Public Hearing:

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



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