



# Baldwin County Planning & Zoning Department

## Baldwin County Planning Commission Staff Report

**Agenda Item 7.c**

**Case No. Z-18019**

**Morgan Property**

**Rezone B-4, Major Commercial District to RSF-E, Residential Single Family Estate District**

**May 3, 2018**

### Subject Property Information

**Planning District:** 12  
**General Location:** East of Baldwin Beach Express and south of Oakdale Dr.  
**Physical Address:** 20640 Oakdale Dr., Robertsdale, AL  
**Parcel Numbers:** 05-41-02-09-0-000-005.002  
**Existing Zoning:** B-4, Major Commercial District  
**Proposed Zoning:** RSF-E, Residential Single Family Estate District  
**Existing Land Use:** Residential  
**Proposed Land Use:** Residential  
**Acreage:** 3 acres, more or less  
**Applicant:** William H. and Rebecca Morgan  
20640 Oakdale Dr.  
Robertsdale, AL 36567  
**Owner:** William & Rebecca Morgan  
**Lead Staff:** Celena Boykin, Planner  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Oakdale Dr/ Residential	RSF-E, Residential Single Family Estate
South	Agriculture	RA, Rural Agriculture
East	Residential	RSF-E, Residential Single Family Estate
West	Baldwin Beach Express/ Agriculture	B4, Major Commercial

### Summary

The subject property is currently zoned B-4, Major Commercial District. It consists of approximately 3 acres and is currently occupied with one dwelling and one accessory structure. The designation of RSF-E, Residential Single Family Estate District, has been requested for the purpose of refinancing their home because of a medical necessity. The applicant previously requested the B-4 zoning (Case Z-14018) for the purpose of future commercial development.

## Section 5.4 B-4, Major Commercial District

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

**5.4.2 Permitted uses.** The following uses are permitted as of right, or as uses accessory to permitted uses in the B-4, Major Commercial District:

- (a) All uses permitted by right under the B-3 zoning designation
- (b) Amusement park
- (c) Auto convenience market (limited to less than 4,000 sq.ft. of gross floor area and maximum of 4 fueling pumps)
- (d) Automobile parts sales
- (e) Automobile repair (mechanical and body)
- (f) Automobile sales
- (g) Automobile service station
- (h) Automobile storage (parking lot, parking garage)
- (i) Boat sales and service
- (j) Building materials
- (k) Farm implements
- (l) Flea market
- (m) Home improvement center
- (n) Hotel or motel
  
- (o) Manufactured housing sales, service and repair
- (p) Marina
- (q) Motorcycle sales service and repair
- (r) Movie theatre
- (s) Recreational vehicle park
- (t) Recreational vehicle sales, service and repair
- (u) Restaurant, drive-in
- (v) Restaurant, fast food

**5.4.3 Conditional uses.** The following uses are permissible as conditional uses in the B-4, Major Commercial District, subject to the standards and procedures established in *Section 18.11: Conditional Uses*:

- (a) Airport
- (b) Ambulance/EMS service
- (c) Armory
- (d) Auditorium, stadium, coliseum
- (e) Barge docking

- (f) Broadcasting station
- (g) Bus and railroad terminal facility
- (h) College or university
- (i) Convalescent or nursing home
- (j) Correctional or penal institution
- (k) Dog pound
- (l) Electric power substations
- (m) Freight depot, rail or truck
- (n) Hospital
- (o) Landfill
- (p) Maintenance facility/storage yard for schools, government agencies, and telephone and cable companies
- (q) Race track
- (r) Radio and television station and transmitting tower
- (s) Railroad facility
- (t) Sewage treatment plant
- (u) Taxi dispatching station
- (v) Taxi terminal
- (w) Telephone exchange
- (x) Water or sewage pumping station
- (y) Water storage tank
- (z) Wireless telecommunication facility
- (aa) Zoo

#### 5.4.4 *Area and dimensional ordinances.*

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

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

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

5.4.7 *Landscaping and buffering.* All B-4, Major Commercial District, uses shall meet the requirements of *Article 17, Landscaping and Buffers.*

## 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

#### Agency Comments

##### **Baldwin County Highway Department:**

Seth Peterson – I do not have any comments on this case.

**ADEM:** No comments received.

**ALDOT:** No comments received.

**Municipality:** N/A

#### Staff Analysis and Findings

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

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

The subject property is occupied with a dwelling and an accessory structure. The property adjoins Oakdale Drive to the north. The adjoining properties to the north and east are residential. The adjoining property to the south is agricultural.

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

The subject property was originally zoned RSF-E, Residential Single Family Estate District, when the zoning for Planning District 12 was adopted by the Baldwin County Commission on November 7, 2006. The property was rezoned to B-4, Major Commercial District on November 4, 2014 (Resolution Number 2015-017) for the purpose of possible future commercial development. Staff recommended denial of this rezoning because staff felt like it was premature for this area around Oakdale Dr. The Planning Commission voted to recommend approval at its October 2, 2014 meeting.

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

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

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

No conflicts.

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

No. The subject property is currently being used as residential.

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

The primary surrounding land uses in this area are agricultural and residential. The properties to the north and east along Oakdale Dr. are zoned Residential Single Family Estate District. The neighboring property to the west which abuts the Baldwin Beach Express is zoned B-4. This neighboring property was rezoned to B-4 at the same time and it consist of approximately 1.6 acres.

There have been numerous B-4 rezonings near the intersection of BBE and I-10 interchange. Currently only the southwest parcel adjacent to the interchange is being developed commercially (Buc-ee's).

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

See response to item number 6 which is listed above.

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

Timing is not a factor.

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

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

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

Staff anticipates no adverse impacts.

**11.) Other matters which may be appropriate.**

N/A

## Staff Comments and Recommendation

As stated previously, the subject property is currently zoned B-4, Major Commercial District. It consists of approximately 3 acres and is currently occupied with one dwelling and one accessory structure. The designation of RSF-E, Residential Single Family Estate District, has been requested for the purpose of refinancing their home because of a medical necessity.

Staff has no major concerns with this request. Unless information to the contrary is revealed at the public hearing, staff recommends **APPROVAL** of Case Z-18019 to the County Commission. \*

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





## Property Images





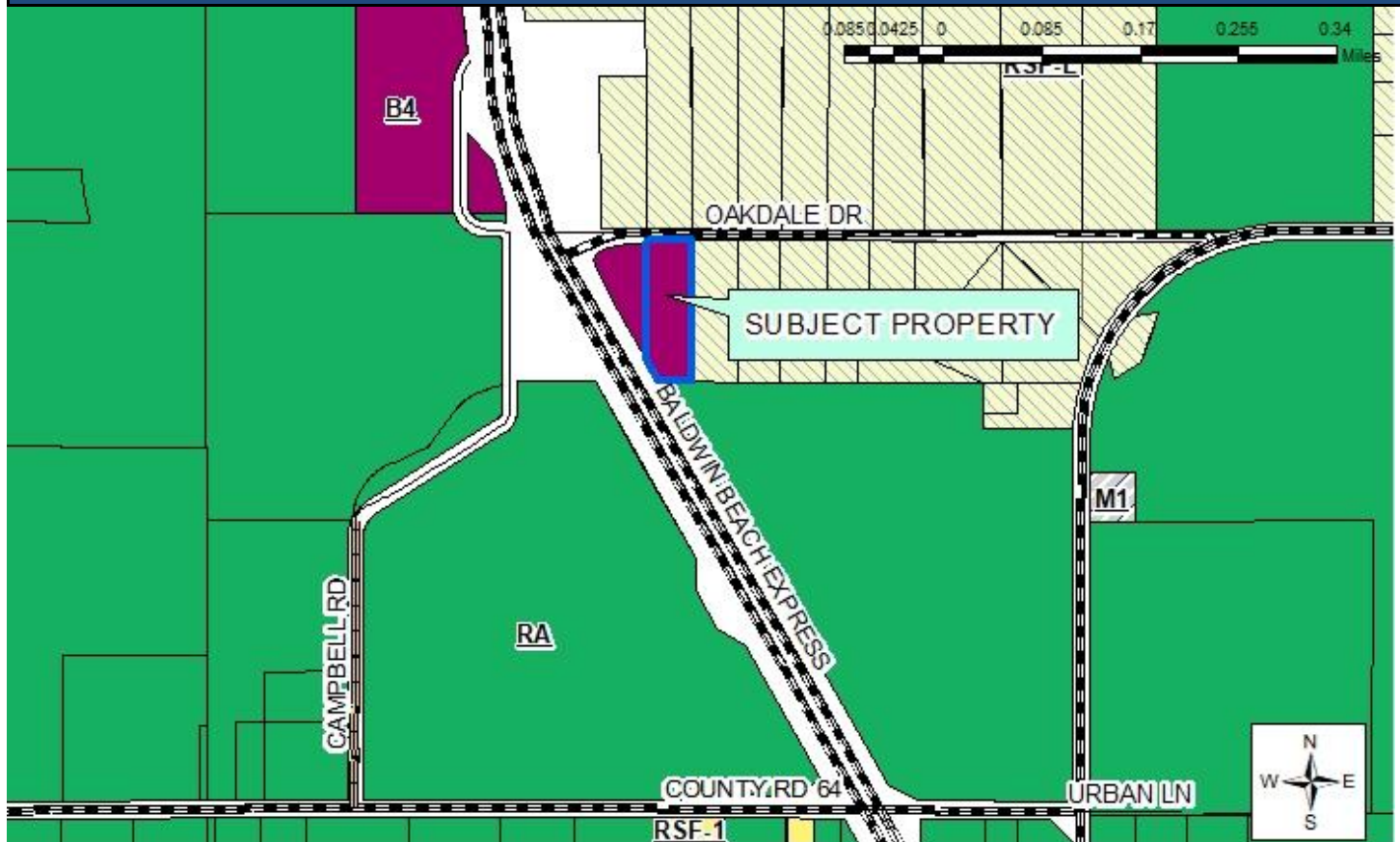


**ADJOINING RESIDENTIAL  
PROPERTY TO THE NORTH**

04/10/2018



# Locator Map



# Site Map

