



Baldwin County Planning & Zoning Department

Baldwin County Commission Staff Report

Agenda Item

Case No. Z-18035

Stout Property

Rezone RSF-1, Single Family District to LB, Limited Business District

September 18, 2018

Subject Property Information

Planning District: 22
General Location: Southwest corner of 6th Street and Barclay Avenue in the Lillian Community
Physical Address: 12999 6th Street
Parcel Number: A part of 05-52-07-26-0-001-050.000
Existing Zoning: RSF-1, Single family District
Proposed Zoning: LB, Limited Business District
Existing Land Use: Residential with existing commercial building
Proposed Land Use: Community Bakery
Acreage: .12 acres of total parcel
Applicant: Anthony W. Stout
12985 6th Street
Lillian, AL 36549
Owner: Same
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Undeveloped	RSF-1, Single Family District
South	Undeveloped	RSF-1 and B-1
East	Residential	RSF-1, Single Family District
West	Residential and RV Park	RSF-1, Single Family District

Summary

The subject property is currently zoned RSF-1, Single Family District. It is currently occupied with a dwelling and a structure previously used as a commercial business. The designation of LB, Limited Business District, has been requested. According to the submitted information, the purpose of this application is to allow for the establishment of a community bakery in the existing commercial building. The rezoning, if approved, would only be applicable to this portion of the property.

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 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.

4.2.4 *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:

The following local commercial use: bed and breakfast or tourist home (see *Section 13.10: Bed and Breakfast Establishments*).

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 18.6 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	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

Section 5.7 LB, Limited Business District

5.7.1 Purpose and intent. The LB, Limited Business District, is intended to allow specific uses in areas where commercial development is warranted, but where limitations and special requirements are needed due to environmental, historic and other unique characteristics. This designation may also serve as transitional zoning between residential areas and higher intensity commercial zoning districts.

5.7.2 Permitted uses. The uses listed below are permitted as of right, or as uses accessory to permitted uses in the LB, Limited Business District. Unless otherwise stated herein, said uses shall be limited to structures and other improvements not to exceed 4,000 square feet of gross floor area.

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|--|------------------|
| (a) Accessory structures and uses | (ff) Tailor shop |
| (b) Antique store | (gg) Toy store |
| (c) Apparel and accessory store | |
| (d) Art gallery or museum | |
| (e) Art supplies | |
| (f) Bakery, retail | |
| (g) Bank | |
| (h) Barber shop or beauty parlor | |
| (i) Book store | |
| (j) Café | |
| (k) Camera and photo shop | |
| (l) Candy store | |
| (m) Catering shop or service | |
| (n) Church or similar religious facility* | |
| (o) Club or lodge ("lodge" to be defined as "club" at Section 22.2, Words and Terms Defined) | |
| (p) Delicatessen | |
| (q) Extraction or removal of natural resources on or under the land | |
| (r) Florist | |
| (s) Fruit and produce store | |
| (t) Gift shop | |
| (u) Ice cream parlor | |
| (v) Library | |
| (w) Medical office (medical, dental, psychiatric) | |
| (x) Music store | |
| (y) Neighborhood convenience store (not to include gasoline sales) | |
| (z) News stand | |
| (aa) Office | |
| (bb) Restaurant (not to include drive-up facilities) | |
| (cc) Shoe store | |
| (dd) Silviculture | |
| (ee) Studio for dance, music, photography, painting, etc. | |

*Churches or similar religious facilities shall not be limited to 4,000 square feet of gross floor area.

5.7.3 Conditional uses. The uses listed below are permissible as conditional uses in the LB, Limited Business District, subject to the standards and procedures established in *Section 18.11: Conditional Uses*:

- (a) Uses listed as permitted by right under Section 5.7.2 in which structures and improvements exceed 4,000 square feet up to a maximum of 8,000 square feet. Churches and other places of worship shall be exempt from this square footage restriction.
- (b) Dwellings, in combination with commercial uses, subject to the standards listed under *Section 5.1.4: Mixed uses*.

5.7.4 Mixed uses. Mixed residential and commercial uses may be permissible as conditional uses in the LB, Limited Business District, subject to the standards and procedures established in *Section 18.11: Conditional Uses*, 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 may occupy the same floor of a building, but shall not share the same entrances;
- (d) The number of residential dwelling units shall not exceed the number of commercial units;
- (e) 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;
- (f) 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*).

5.7.5 Special exceptions. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the uses and structures designed for such uses listed below may be allowed as special exceptions subject to the standards and procedures established in *Section 18.8: Special Exceptions*.

- (a) Bed and breakfast or tourist home, subject to the standards listed under *Section 13.10: Bed and Breakfast Establishments*).
- (b) Outdoor music of an acoustic nature which is not amplified.

5.7.6 Area and dimensional standards.

Maximum Height of Structure in Feet	35
Minimum Front Yard	30-Feet
Minimum Rear Yard	(a)
Minimum Side Yards	(b)
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

(a) No minimum except where abutting a residential district, in which case there shall be a minimum rear yard of 25-feet abutting the residential district.

(b) No minimum except where abutting a residential district, in which case there shall be a minimum side yard of 15-feet abutting the residential district.

5.7.7 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.

5.7.8 Landscaping and buffering. All LB, Limited Business District, uses shall meet the requirements of *Article 17: Landscaping and Buffers*.

Agency Comments

Baldwin County Highway Department (Frank Lundy): No comments.

Army Corps of Engineers: No comments.

ADEM (Scott Brown): No comments.

Baldwin County Subdivision Department (Seth Peterson): No comments.

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 currently occupied with a dwelling and a structure previously used as a commercial business. The adjoining properties are residential, vacant and a recreation vehicle (RV) park.

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 22 was adopted by the County Commission on November 19, 2002. At that time, the property was zoned B-1, Professional Business District, due to the fact that an optical center was operating in the commercial structure. During 2008, the previous owners had the property rezoned to the current residential designation for financing purposes.

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

The Baldwin County Master Plan, 2013, provides a future land use designation of Residential for the subject property. If the rezoning is approved, the Future Land Use Map will be amended to reflect the designation of Commercial.

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?

The proposed use should not generate significant amounts of traffic.

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.

See response to item number 1 and item number 2 listed above.

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

LB, Limited Business District, is a fairly new zoning category. If the rezoning is approved, the subject property will be the first to have the LB designation.

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?

Staff is unaware of any 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?

No adverse impacts.

11.) Other matters which may be appropriate.

The commercial building was originally constructed in 1950 and served as a post office for the Lillian community. The most recent use, as previously stated, was an optical center. During the intervening years, additional businesses were located in the building including a bait shop.

Staff Comments and Recommendation

As stated above, the subject property is currently zoned RSF-1, Single Family District. It is currently occupied with a dwelling and a structure previously used as a commercial business. The designation of LB, Limited Business District, has been requested. According to the submitted information, the purpose of this application is to allow for the establishment of a community bakery in the existing commercial building. The rezoning, if approved, would only be applicable to this portion of the property.

Staff believes that this is a reasonable request which meets the intentions of the Limited Business designation. Unless information to the contrary is revealed at the public hearing, this rezoning application should be **APPROVED**. *

**On rezoning applications, the County Commission will have the final decision.*

Property Images

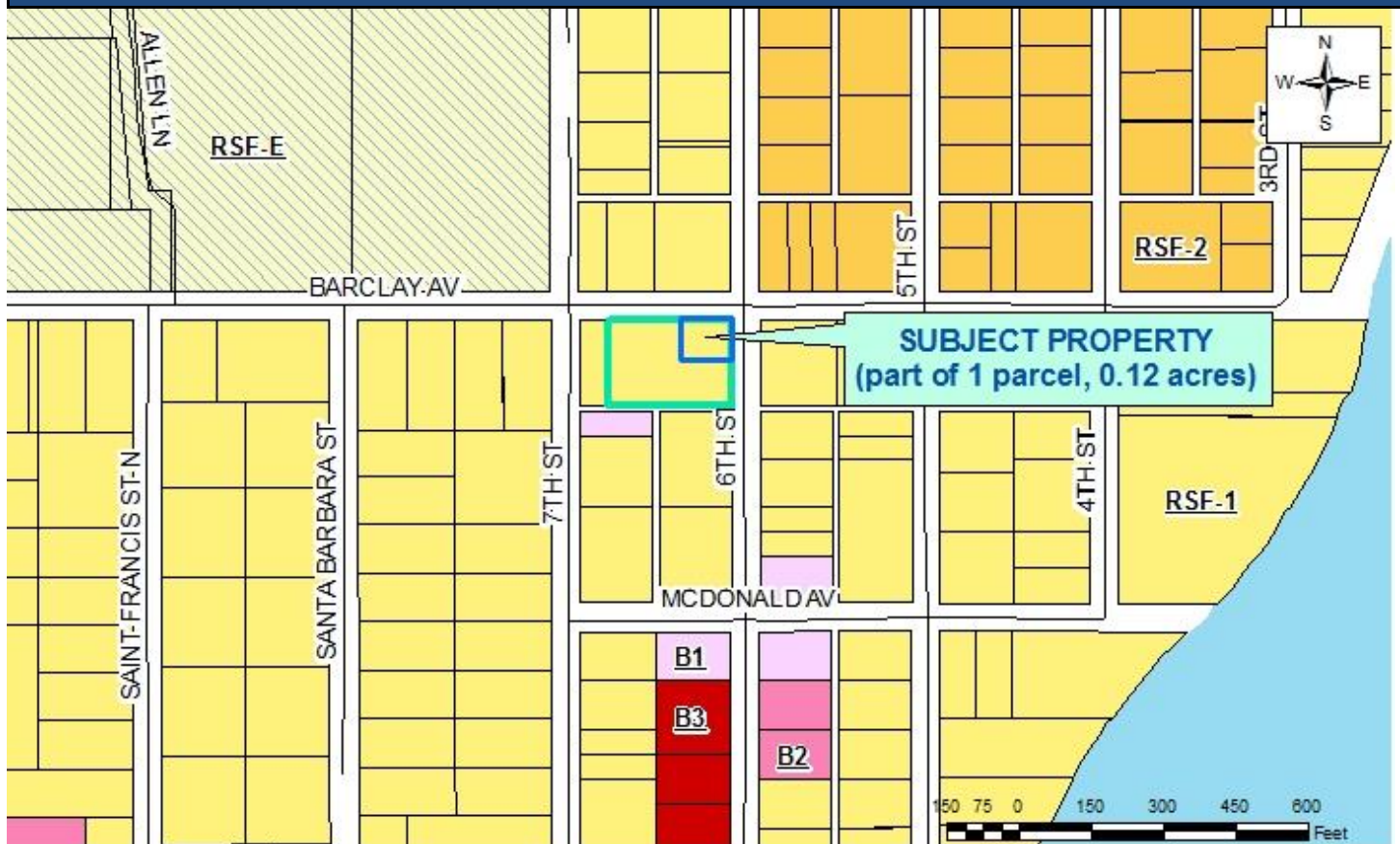








Locator Map



Site Map

