



Baldwin County Planning & Zoning Department

Baldwin County Planning Staff Report

Agenda Item

Case No. Z-18037

Lazzari Property

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

September 18, 2018

Subject Property Information

Planning District: 15
General Location: Southwest corner of the Intersection of County Road 64 and County Rd 54 West
Physical Address: N/A
Parcel Number: 05-43-06-23-0-000-001.000
Existing Zoning: RSF-E, Residential Single Family Estate District
Proposed Zoning: B-4, Major Commercial District
Existing Land Use: Undeveloped
Proposed Land Use: Commercial
Acreage: 8.7 ± acres
Applicants: John C. Archer II and Harry B. Archer
P.O. Box 2525
Daphne, AL 36526
Owners: Celeste Lazzari and Cynthia Lazzari
24801 County Road 54 West
Daphne, AL 36526
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Agricultural	RA, Rural Agricultural District
South	Residential	RSF-2, Single Family District
East	Residential and Agricultural	RSF-E and RA
West	Vacant	RA, Rural Agriculture District

Summary

The subject property is currently zoned RSF-E, Residential Single Family Estate District, and is currently undeveloped. The property adjoins County Road 64 to the north and County Road 54 West to the east. The adjoining properties are residential, agricultural, and commercial. The requested zoning designation is B-4 Major Commercial District. According to the submitted information, the purpose of this request is to allow for the construction of an auto convenience market and recreational vehicle (RV) storage.

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

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

Proposed Zoning Requirements

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 | (l) Flea market |
| (b) Amusement park | (m) Home improvement center |
| (c) Auto convenience market | (n) Hotel or motel |
| (d) Automobile parts sales | (o) Manufactured housing sales, service and repair |
| (e) Automobile repair (mechanical and body) | (p) Marina |
| (f) Automobile sales | (q) Motorcycle sales service and repair |
| (g) Automobile service station | (r) Movie theatre |
| (h) Automobile storage (parking lot, parking garage) | (s) Recreational vehicle park |
| (i) Boat sales and service | (t) Recreational vehicle sales, service and repair |
| (j) Building materials | (u) Restaurant, drive-in |
| (k) Farm implements | (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 | (g) Bus and railroad terminal facility |
| (b) Ambulance/EMS service | (h) College or university |
| (c) Armory | (i) Convalescent or nursing home |
| (d) Auditorium, stadium, coliseum | (j) Correctional or penal institution |
| (e) Barge docking | (k) Dog pound |
| (f) Broadcasting station | (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*.

Article 22 Definitions

Section 22.2 Words and Terms Defined

As used in these ordinances, the following words and terms shall have the meaning defined:

Auto convenience market. A retail establishment where motor vehicle fuel is retailed directly to the public on the premises in combination with retailing of items typically found in a neighborhood convenience store. An auto convenience market may include a drive-through car wash but may not include automobile service bays.

Agency Comments

Baldwin County Highway Department:

Seth Peterson – Commercial turnout permits will be required for accessing the County maintained roadways. This would be reviewed/approved during the site plan review process.

Frank Lundy – If approved, access to the site and potential impacts to the CR 64 / CR 54W intersection need to be closely reviewed.

ADEM: No comments received.

Municipality (City of Daphne, Adrienne Jones, Planning Director):

From: Adrienne Jones [<mailto:ajones@daphneal.com>]

Sent: Tuesday, July 24, 2018 1:45 PM

To: D Hart <DHart@baldwincountyal.gov>

Subject: RE: P-18005 Lazzari Property

Hi DJ,

According to the school board, the site is roughly ½ mile west from the proposed school site (southwest intersection of CR 64 and CR 54 E. I know there are other storage facilities in the area but no convenience store/gas station. If it's rezoned, I hope there are measures to protect the residences to the south.

Adrienne

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 zoned RSF-E, Residential Single Family Estate District, and is currently undeveloped. The property adjoins County Road 64 to the north and County Road 54 West to the east. The adjoining properties are residential, agricultural, and commercial. The requested zoning designation is B-4 Major Commercial District.

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 15 was zoned on August 1, 2006. Since that time, there have been numerous rezonings to commercial designations throughout the planning district.

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. The adjacent future land use designation to the west is 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?

If the property is rezoned and developed, there will be an impact on traffic, but it is difficult to determine what that impact will be. Improvements may be required in order to alleviate concerns.

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 Standard Number 1 listed above.

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

The adjacent parcel to the west is zoned B-3, General Business District. Moving westward along County Road 64, the next adjacent parcel is zoned B-4, Major Commercial District, followed by a second B-3 parcel.

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 not aware 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?

Staff anticipates no adverse impacts.

11.) Other matters which may be appropriate.

According to the Baldwin County Zoning Ordinance, a 25-foot buffer will be required along the south property line.

Section 17.2 Buffers of Unlike Land Uses and Zoning Designations

(c) Institutional uses, Professional Business uses (B-1), Neighborhood Business uses (B-2), General Business uses (B-3), Major Commercial uses (B-4) and Marine Recreation (MR) uses when adjacent to a Rural District (RR, RA and CR), Residential Single Family Estate District (RSF-E) or Single Family District (RSF-1, RSF-2, RSF-3, RSF-4 and RSF-6) shall require a minimum buffer of 25-feet.

Staff Comments and Recommendation

As stated previously, the subject property is currently zoned RSF-E, Residential Single Family Estate District, and is currently undeveloped. The property adjoins County Road 64 to the north and County Road 54 West to the east. The adjoining properties are residential, agricultural, and commercial. The requested zoning designation is B-4 Major Commercial District. According to the submitted information, the purpose of this request is to allow for the construction of an auto convenience market and recreational vehicle (RV) storage.

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

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

Property Images





**ADJACENT BUSINESS
TO THE EAST**

07/11/2018



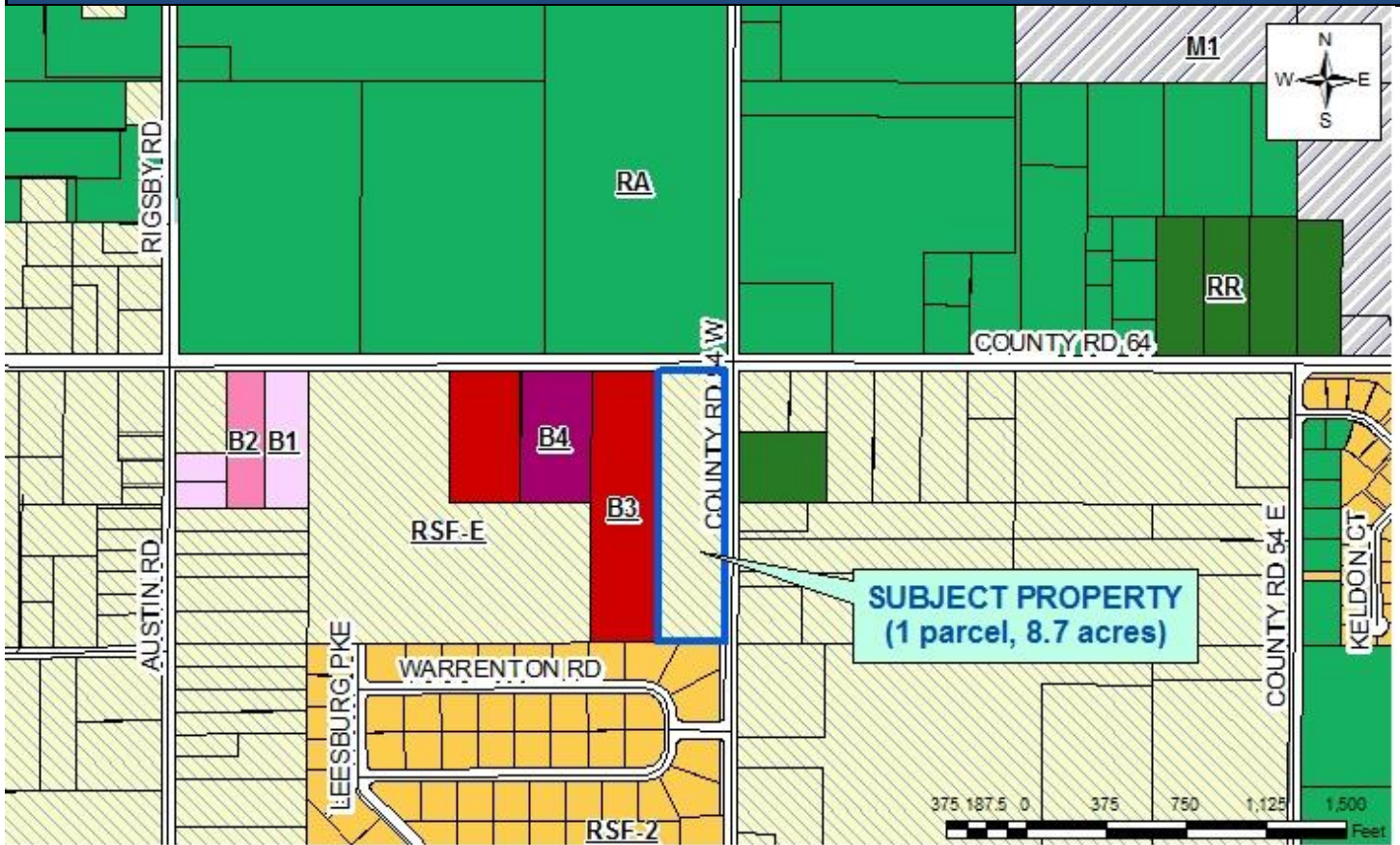
**ADJACENT RESIDENCE
TO THE EAST**

07/11/2018





Locator Map



Site Map

