



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.b

Case No. Z-18034 Wise Property

Rezone B-2, Neighborhood Business District, to M-1, Light Industrial District and B-4, Major Commercial District

August 2, 2018

Subject Property Information

Planning District: 15
General Location: West side of State Highway 181, South of Milton Jones Road
Physical Address: N/A
Parcel Numbers: 05-43-05-22-0-000-022.008 & 012
Existing Zoning: B-2, Neighborhood Business District
Proposed Zoning: M-1, Light Industrial District and B-4, Major Commercial District
Existing Land Use: Vacant
Proposed Land Use: Commercial & Industrial (Office/Warehouse & Recreational Vehicle and Boat Storage & mini warehouse)
Acreage: 11.89 acres, more or less
Applicant: Larry Smith
1 S School St
Fairhope, AL 36532
Owners: John S. Wise Jr.
Lead Staff: Celena Boykin, Planner
Attachments: *Within Report*

Adjacent Land Use		Adjacent Zoning
North	Residential/Commercial	Milton Jones Rd/City of Daphne/ RSF-3
South	Industrial/Agriculture	RSF-E, Estate Residential & M-1, Light Industrial
East	Commercial/Industrial	M-1, Light Industrial
West	Industrial/Residential	M-1, Light Industrial & RSF-1, Single Family Residential
Summary		

The subject request involves two parcels which are currently zoned B-2 and consist of approximately 11.89 acres. The B-4, Major Commercial has been requested for the purpose of building an office/warehouse. The M-1, Light Industrial Designation has been requested for the purpose of being

consistent with parcels to the west and east and to allow for the establishment of climate controlled storage and recreational vehicle (RV)/boat storage facility.

Current 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:

- (a) All uses permitted by right under the B-1 zoning designation
- (b) Antique store
- (c) Apparel and accessory store
- (d) Appliance store including repair
- (e) Art gallery or museum
- (f) Art supplies
- (g) Bait store
- (h) Bakery retail
- (i) Bed and breakfast or tourist home
- (j) Bicycle sales and service
- (k) Boarding, rooming or lodging house, dormitory
- (l) Book store
- (m) Café
- (n) Camera and photo shop
- (o) Candy store
- (p) Car wash
- (q) Catering shop or service
- (r) Copy shop
- (s) Delicatessen
- (t) Discount/variety store (not to exceed 8,000 square feet)
- (u) Drug store (not to exceed 8,000 square feet)
- (v) Fixture sales
- (w) Floor covering sales or service
- (x) Florist
- (y) Fraternity or sorority house
- (z) Fruit and produce store
- (aa) Gift shop
- (bb) Hardware store, retail
- (cc) Ice cream parlor
- (dd) Interior decorating shop
- (ee) Laundry, self service
- (ff) Lawnmower sales and service

- (gg) Locksmith
- (hh) Music store
- (ii) Neighborhood convenience store
- (jj) News stand
- (kk) Paint and wallpaper store
- (ll) Picture framing and/or mirror silvering
- (mm) Restaurant
- (nn) Shoe repair shop
- (oo) Shoe store
- (pp) Sign shop
- (qq) Sporting goods store
- (rr) Tailor shop
- (ss) Tobacco store
- (tt) Toy store

5.2.3 *Conditional uses.* The following uses are permissible as conditional uses in the B-2, Neighborhood Business District, subject to the standards and procedures established in *Section 18.11: Conditional Uses*:

- (a) Air conditioning sales and service
- (b) Amusement arcade
- (c) Animal clinic/kennels
- (d) Arboretum
- (e) Ball field
- (f) Business machine sales and service
- (g) Car wash
- (h) Country club
- (i) Discount/variety store (exceeding 8,000 square feet)
- (j) Drug store (exceeding 8,000 square feet)
- (k) Exterminator service office
- (l) Golf course
- (m) Liquor store
- (n) Mini-warehouse
- (o) Night club, bar, tavern
- (p) Office equipment and supplies sales
- (q) Park or playground
- (r) Pawn shop
- (s) Pet shop
- (t) Plumbing shop
- (u) Restaurant sales and supplies
- (v) Riding academy
- (w) Rug and/or drapery cleaning service
- (x) Seafood store
- (y) Swimming pool (outdoor)
- (z) Tennis court (outdoor)
- (aa) Water storage tank

- (bb) Wildlife sanctuary
- (cc) Wireless telecommunication facility
- (dd) Dwellings, in combination with commercial uses, subject to the standards listed under *Section 5.2.4: Mixed uses*

5.2.4 *Mixed uses.* Mixed residential and commercial uses may be permissible as conditional uses in the B-2 Neighborhood 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 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.
- (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*).

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*.

Section 8.1 M-1, Light Industrial District

8.1.1 *Generally.* The purpose of this zoning district is to provide a suitable protected environment for manufacturing, research and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions, and generate little industrial traffic.

8.1.2 *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) Light industrial uses.
- (c) Transportation, communication, and utility uses except landfills and sewer treatment plants.
- (d) Outdoor recreation uses.

- (e) Marine recreation uses.
- (f) General commercial uses except race tracks.
- (g) Local commercial uses.
- (h) Professional service and office uses.
- (i) Institutional uses.
- (j) Agricultural uses.
- (k) Accessory structures and uses.

8.1.3 *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) Transportation, communication, and utility uses not permitted by right per *Section 8.2(c): Permitted uses*.
- (b) General commercial uses not permitted by right per *Section 8.2(f): Permitted uses*.

8.1.4 *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	45
Maximum Height of Structure in Habitable Stories	4
Minimum Front Yard	25-Feet
Minimum Rear Yard	see (a & b)
Minimum Side Yards	see (a & b)
Minimum Lot Area	40,000 Square Feet
Maximum Impervious Surface Ratio	.80
Minimum Lot Width at Building Line	120-Feet
Minimum Lot Width at Street Line	No Minimum

- (a) No minimum except where abutting a residential district, in which case there shall be a minimum yard of 25-feet abutting the residential district.
- (b) The required yards shall be increased by one foot for each foot of building height in excess of 35-feet.

Agency Comments

Permit/Subdivision Manager, Seth Peterson: No comments.

Baldwin County Highway Department: No comments.

ADEM: No concerns received.

BCBE: No comments received.

Municipality: No comments received.

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 vacant. The property adjoins Milton Jones Road to the north. The adjoining properties are commercial and 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?

No changes.

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

The Baldwin County Master Plan, 2013, provides a future land use designation of Commercial for the subject property. If the application is approved the northern 397 feet will remain commercial as the future land use designation and the remaining will change to Industrial on the which will be consistent with the adjacent parcels to the east and west.

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 a significant amount of traffic and should not adversely affect traffic patterns.

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.

There are a number of M-1 and commercial parcels and in the surrounding area.

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

There are numerous parcels zoned M-1 and commercial in the surrounding area.

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

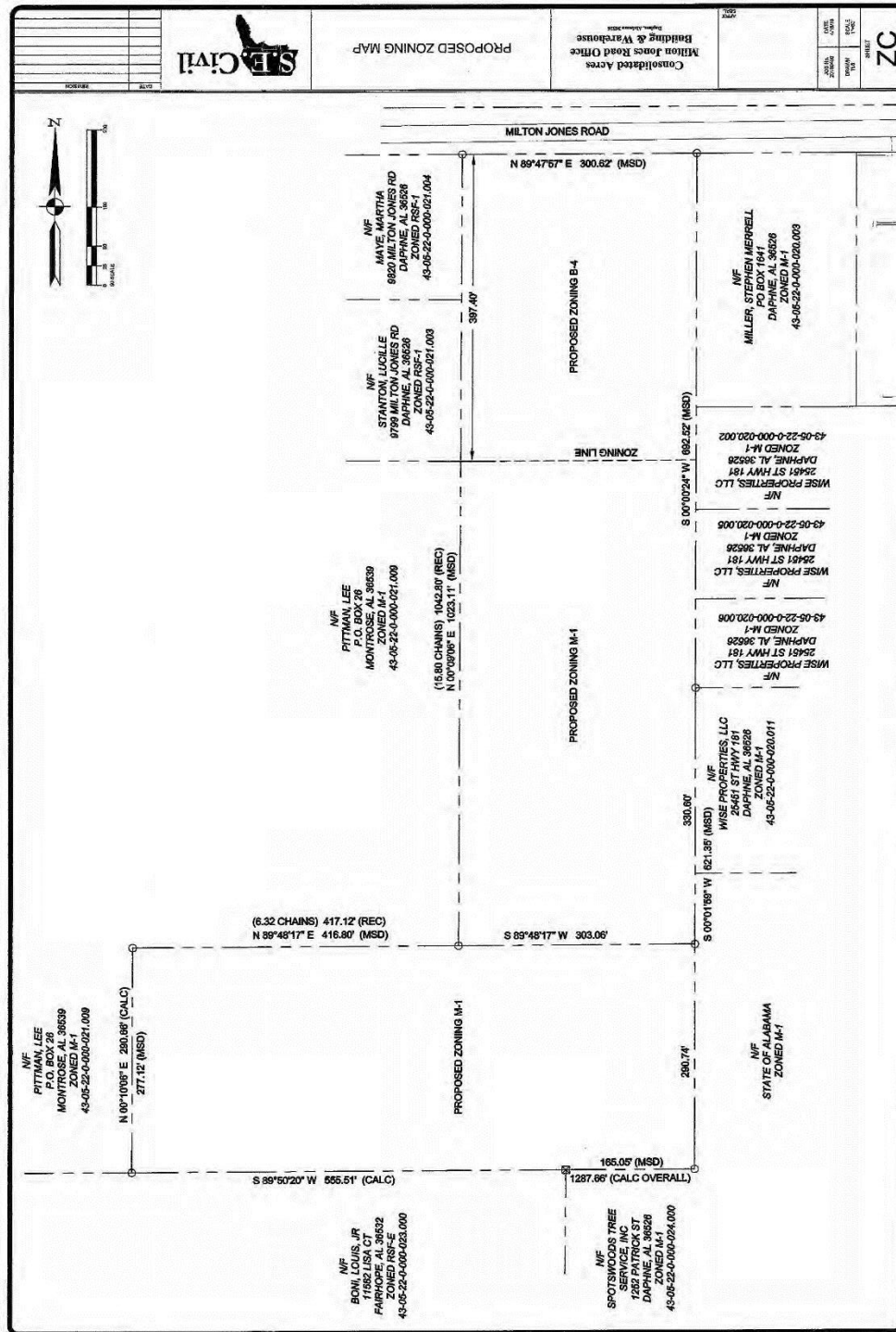
Staff Comments and Recommendation

As stated previously, the subject request involves two parcels which are currently zoned B-2 and consist of approximately 11.89 acres. The B-4, Major Commercial has been requested for the purpose of building an office/warehouse. The M-1, Light Industrial Designation has been requested for the purpose of being consistent with parcels to the west and east and to allow for the establishment of climate controlled storage and recreational vehicle (RV)/boat storage facility.

With the above comments in mind, this rezoning request should be recommended to the County Commission for **APPROVAL**.*

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

Survey



Property Images



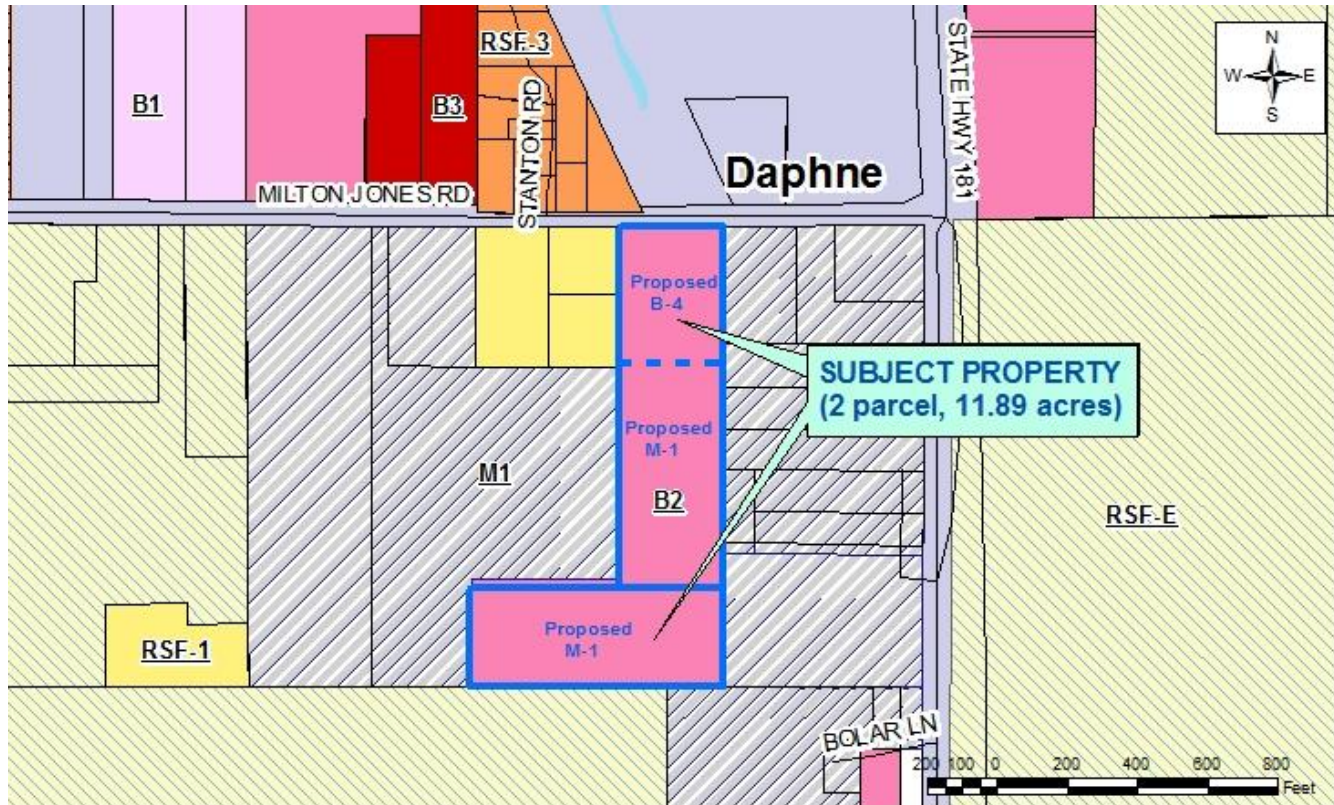




**ADJOINING PROPERTIES TO THE EAST
AND FRONTING STATE HWY. 181**

07/11/2018

Locator Map



Site Map

