



Baldwin County Planning & Zoning Department

Baldwin County Commission Staff Report

Case No. Z-18043

Creek Gulf Investments LLC Property

Rezone B-3, General Business District to RMH, Residential Manufactured Housing Park District

October 16, 2018

Subject Property Information

Planning District: 21
General Location: East side of Magnolia Springs Highway South of County Road 12
Physical Address: 8878 Magnolia Springs Highway
Parcel Number: 05-60-05-15-0-000-005.012 and part of 05-60-05-15-0-000-005.013
Existing Zoning: B-3, General Business District
Proposed Zoning: RMH, Residential Manufactured Housing Park District
Existing Land Use: Manufactured Housing Park
Proposed Land Use: Manufactured Housing Park
Acreage: Lot 8 – 1.26 acres±; Lot 9 – 1.68 of 4.03 acres±
Applicant: John Strutz on behalf of Creek Gulf Investments
8878 Magnolia Springs Highway
Foley, AL 36535
Owner: Creek Gulf Investments LLC
508 Mohawk Street
Tecumseh, MI 49286
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Commercial	B-3, General Business District
South	Residential	RMH, Residential Manufactured Housing Park District
East	Commercial	B-3, General Business District
West	Vacant	RSF-2, Single Family District and B-2, Neighborhood Business District

Summary

The subject properties are currently zoned B-3, General Business District, and are occupied with mobile homes and one structure used for a business. Only the portion of lot nine containing mobile homes is requested to be rezoned. The requested designation is RMH, Residential Manufactured Housing Park District. The purpose of this request is to allow for the continued use of the existing manufactured housing park.

The Baldwin County Planning Commission considered this request at its September 6, 2018 meeting and voted to recommend APPROVAL to the County Commission. Staff concurs with that recommendation.

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

Section 5.3 B-3, General Business District

5.3.1 Purpose and intent. The purpose of this district is to provide for a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs. This district shall only be applied at appropriate locations: to conveniently meet these needs; in conformance with the goals, objectives and policies and location criteria of the Comprehensive Plan; compatible with the surrounding land uses and zoning districts; where it will not adversely impact the facilities and services of the County; where it will not set a precedent for the introduction of inappropriate uses into an area; and so as not to encourage non-residential strip development along streets

5.3.2 Permitted uses. The following uses are permitted as of right, or as uses accessory to permitted uses in the B-3, General Business District:

- | | |
|--|--|
| (a) All uses permitted by right under the B-2 zoning designation | (cc) Funeral home |
| (b) Air conditioning sales and service | (dd) Golf course |
| (c) Amusement arcade | (ee) Golf driving range |
| (d) Animal clinic/kennel | (ff) Grocery store |
| (e) Arboretum | (gg) Landscape sales |
| (f) Auto convenience market | (hh) Marine store and supplies |
| (g) Automobile service station | (ii) Miniature golf |
| (h) Bakery, wholesale | (jj) Mini-warehouse |
| (i) Ball field | (kk) Night club, bar, tavern |
| (j) Bicycle sales and service | (ll) Nursery |
| (k) Bowling alley | (mm) Office equipment and supplies sales |
| (l) Business machine sales and service | (nn) Park or playground |
| (m) Business school or college | (oo) Pawn shop |
| (n) Butane gas sales | (pp) Pet shop |
| (o) Cemetery | (qq) Plumbing shop |
| (p) City hall or courthouse | (rr) Printing/publishing establishment |
| (q) Country club | (ss) Restaurant sales and supplies |
| (r) Department store | (tt) Riding academy |
| (s) Discount/variety store | (uu) Rug and/or drapery cleaning service |
| (t) Drug store | (vv) Seafood store |
| (u) Elevator maintenance service | (ww) Sign shop |
| (v) Exterminator service office | (xx) Skating rink |
| (w) Farmer's market/truck crops | (yy) Stone monument sales |
| (x) Firing range | (zz) Swimming pool (outdoor) |
| (y) Fitness center or gym | (aaa) Taxidermy |
| (z) Florist | (bbb) Teen club or youth center |
| (aa) Fraternity or sorority house | (ccc) Tennis court (outdoor) |
| (bb) Fruit and produce store | (ddd) Wildlife sanctuary |
| | (eee) YMCA, YWCA |

5.3.3 Conditional uses. The following uses are permissible as conditional uses in the B-3: General Commercial District, subject to the standards and procedures established in *Section 18.11: Conditional Use*:

- | | |
|---|--|
| (a) Airport | (h) Automobile storage (parking lot, parking garage) |
| (b) Ambulance/EMS service | (i) Barge docking |
| (c) Amusement park | (j) Boat sales and service |
| (d) Armory | (k) Broadcasting station |
| (e) Auditorium, stadium, coliseum | (l) Building materials |
| (f) Automobile parts sales | (m) Bus and railroad terminal facility |
| (g) Automobile repair (mechanical and body) | (n) College or university |

- (o) Convalescent or nursing home
- (p) Correctional or penal institution
- (q) Dog pound
- (r) Electric power substations
- (s) Farm implements
- (t) Flea market
- (u) Freight depot, rail or truck
- (v) Home improvement center
- (w) Hotel or motel
- (x) Hospital
- (y) Landfill
- (z) Maintenance facility/storage yard for schools, government agencies, and telephone and cable companies
- (aa) Manufactured housing sales, service and repair
- (bb) Marina

- (cc) Motorcycle sales service and repair
- (dd) Movie theatre
- (ee) Radio/television tower
- (ff) Railroad facility
- (gg) Recreational vehicle park
- (hh) Recreational vehicle sales service, and repair
- (ii) Restaurant, drive-in
- (jj) Restaurant, fast-food
- (kk) Sewage treatment plant
- (ll) Taxi dispatching station
- (mm) Taxi terminal
- (nn) Telephone exchange
- (oo) Water or sewage pumping station
- (pp) Water storage tank
- (qq) Wireless telecommunication facility
- (rr) Zoo

5.3.4 *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

5.3.5 *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.

5.3.6 *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.

5.3.7 *Landscaping and buffering.* All B-3, General Business District, uses shall meet the requirements of *Article 17: Landscaping and Buffers*.

Proposed Zoning Requirements

Section 4.11 RMH, Residential Manufactured Housing Park District

4.11.1 *Generally.* The intent of this zoning district is to provide the opportunity for manufactured housing parks.

4.11.2 *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) Mobile home/manufactured home.
- (e) Manufactured Housing Park.
- (f) Accessory structures and uses.
- (g) The following institutional use: church or similar religious facility.

4.11.3 *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.

4.11.4 *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.

- (a) *Development area.* A manufactured housing park shall have a minimum lot area of 1 contiguous acre.
- (b) *Space size.* Each manufactured housing space shall have a minimum area of 5,000 square feet and a minimum width of fifty (50) feet for single wide homes and a minimum area of 6,500 square feet and a minimum width of fifty (50) feet for multisectional units. Manufactured housing parks not served by a public water or sewer system may have larger minimum area requirements as established by the Health Department.
- (c) *Setbacks.*
 1. Each manufactured housing park shall have a front yard of 50-feet extending for the full width of the subject parcel.
 2. Each manufactured housing park shall have a rear yard and a side yard on both sides of the parcel devoted to said use of not less than 30-feet.
 3. There shall be a front yard setback of at least 10-feet from all interior park roads.
 4. Manufactured homes shall be so located on each space that there shall be at least a 20-foot clearance between manufactured homes. Where manufactured homes are parked end to end, the end to end clearance may not be less than 20-feet and shall not be less than 20-feet to any building within the park.
- (d) *Density.* The maximum density of a manufactured housing park shall not exceed six (6) spaces per acre.
- (e) *Height.* The maximum height of a structure shall not exceed 35-feet.

4.8.5 *Compliance with Subdivision Regulations.* All manufactured housing parks are subject to the provisions of *Article 9: Manufactured Housing Parks* of the *Baldwin County Subdivision Regulations*.

Agency Comments

Baldwin County Highway Department:

From: Frank Lundy

Sent: Friday, August 17, 2018 9:07 AM

To: D Hart <DHart@baldwincountyal.gov>

Cc: Audra Mize <AMIZE@baldwincountyal.gov>

Subject: FW: Z-18043 Creek Gulf Investments

DJ,

The Maintenance Section does not have any comments to add.

Thanks,
Frank

Army Corps of Engineers: No comments received.

ADEM: No comments received.

Baldwin County Subdivision Department: Subdivision approval will be required.

From: Seth L. Peterson

Sent: Thursday, August 16, 2018 3:22 PM

To: D Hart <DHart@baldwincountyal.gov>

Cc: Laurie Rumbaugh <LRUMBAUGH@baldwincountyal.gov>

Subject: RE: Z-18043 Creek Gulf Investments Property

DJ,

If the rezoning is approved, the developer will need to obtain Final Site Plan Approval in accordance with the Baldwin County Subdivision Regulations.

Thanks,
Seth

Municipality (Foley): 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 properties are currently zoned B-3, General Business District, and are occupied with mobile homes and one structure used for a business. Only the portion of lot nine containing mobile homes is requested to be rezoned. The adjoining properties to the south are zoned RMH, Residential Manufactured Housing 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?

Planning District 21 was zoned in June 2009. The existing Mobile Home Park was established at the time zoning was implemented with one mobile home on lot eight and four mobile homes on lot nine.

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 properties. If the rezoning is approved, the Future Land Use Map will be amended to reflect the designation of Residential. The surrounding future land use designations are Residential and Commercial.

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

Staff is unaware of any planned public improvements.

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

Magnolia Springs Highway is a County Maintained Road. There are currently a total of seven mobile homes on the property with the proposed addition of one more mobile home. Staff does not anticipate any adverse affect to traffic patterns or congestion.

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.

Yes, the adjacent land uses to the south are manufactured housing parks.

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

See response to item number 6 which is listed above. In addition, the adjoining property to the north is zoned commercial which is more in keeping with a manufactured housing park.

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

Timing is not an issue with this request.

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.

If the rezoning request is approved, final site plan approval will be required in accordance with the Baldwin County Subdivision Regulations.

Staff Comments and Recommendation

As stated previously, the subject properties are currently zoned B-3, General Business District, and are occupied with mobile homes and one structure used for a business. Only the portion of lot nine containing mobile homes is requested to be rezoned. The requested designation is RMH, Residential Manufactured Housing Park District. The purpose of this request is to allow for the continued use of the existing manufactured housing park.

Staff is not aware of any opposition to this rezoning request.

The Baldwin County Planning Commission considered this request at its September 6, 2018 meeting and voted to recommend APPROVAL to the County Commission. Staff concurs with that recommendation.

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

Property Images





SUBJECT PROPERTY

08/14/2018



**ADJOINING PROPERTY
TO THE SOUTH**

08/14/2018



ADJOINING PROPERTY
TO THE NORTH

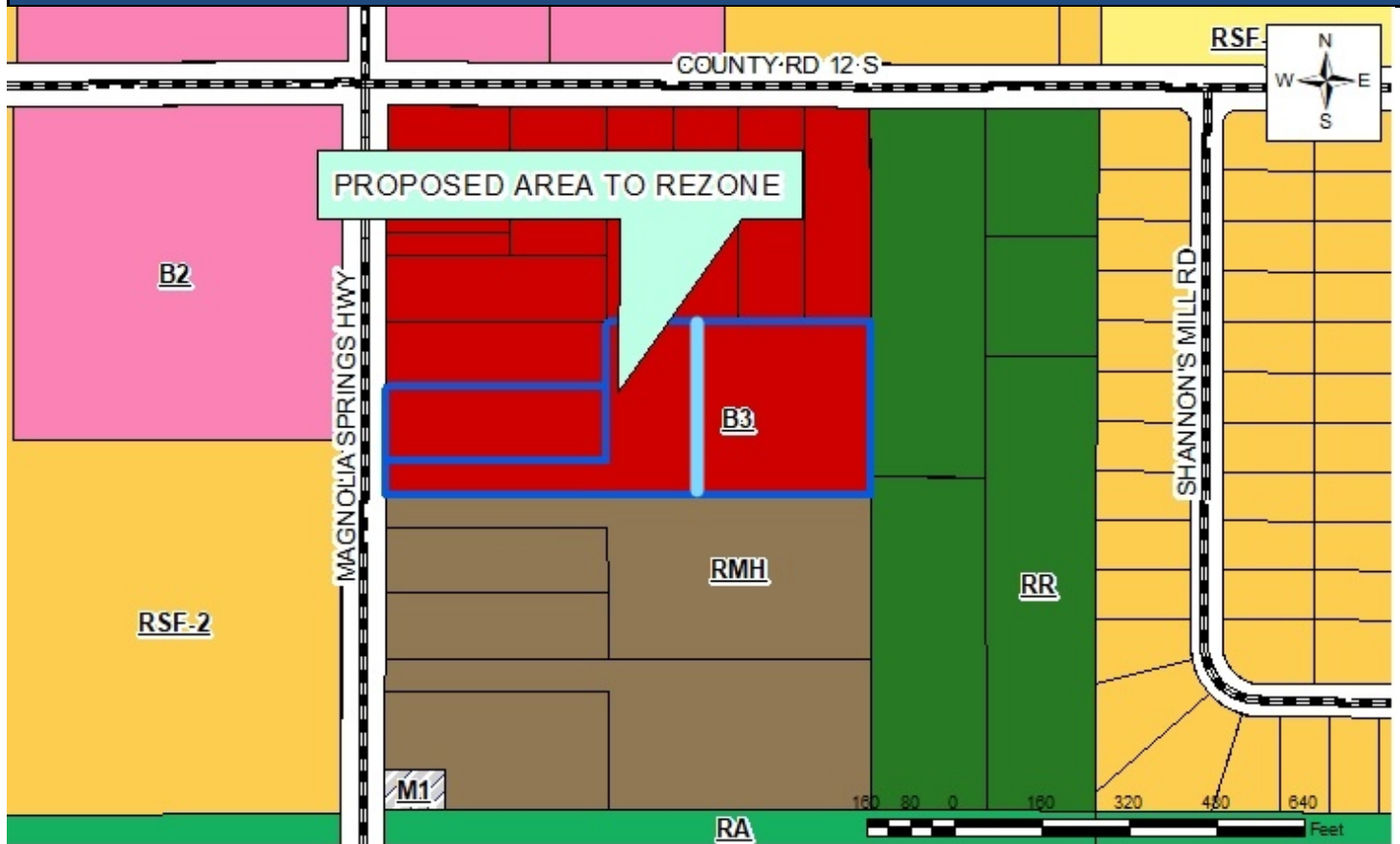
08/14/2018

Google Earth 2018 Images

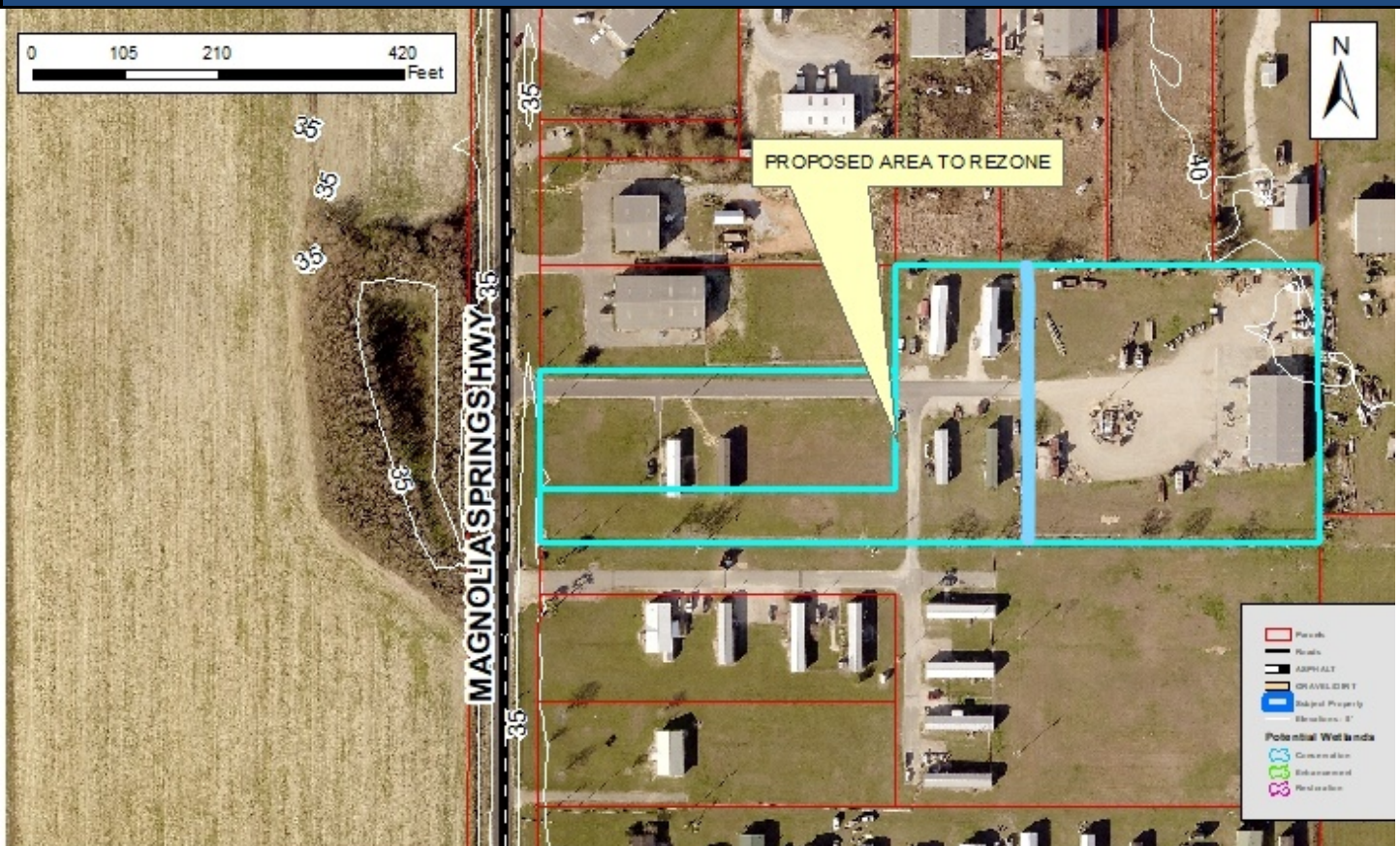




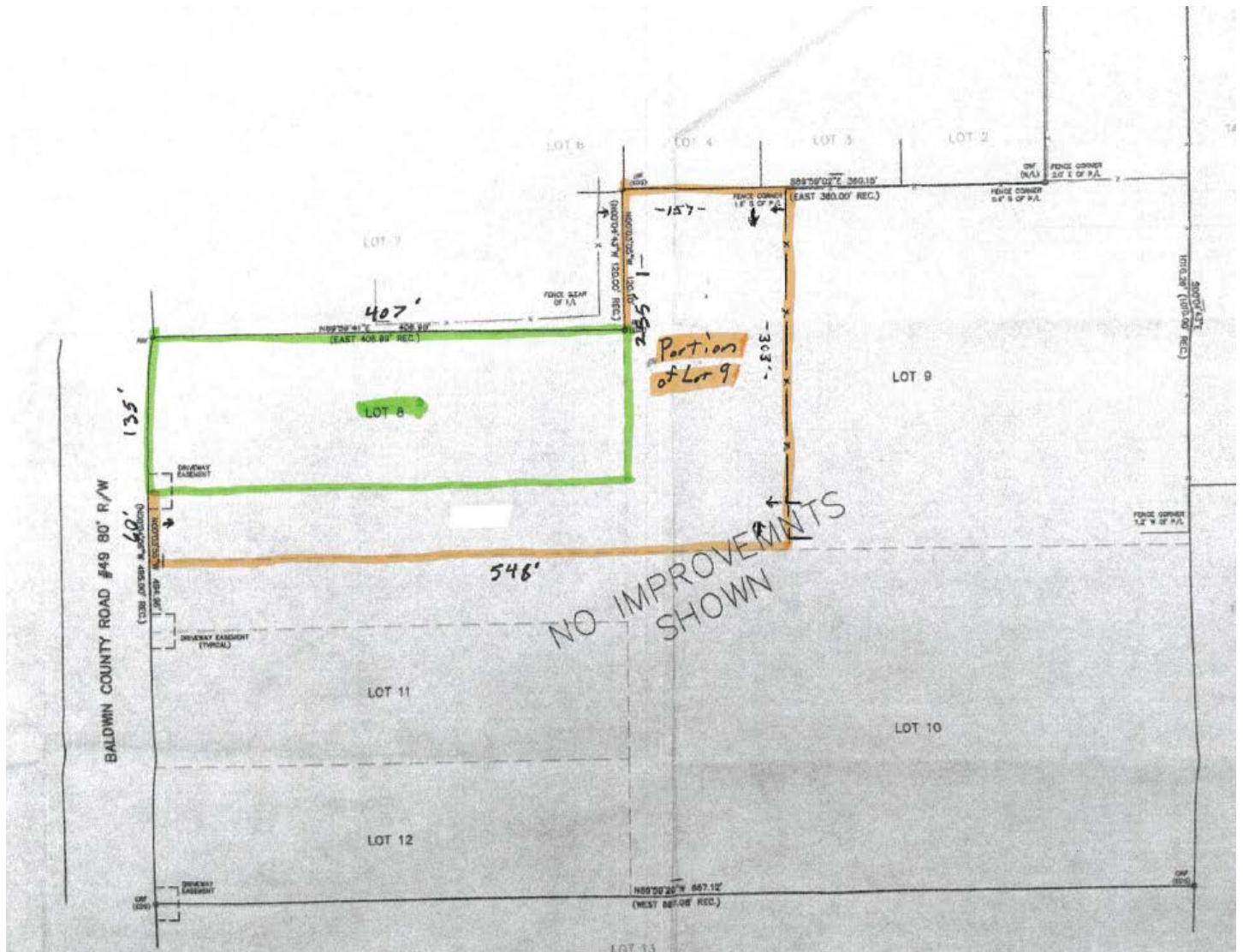
Locator Map



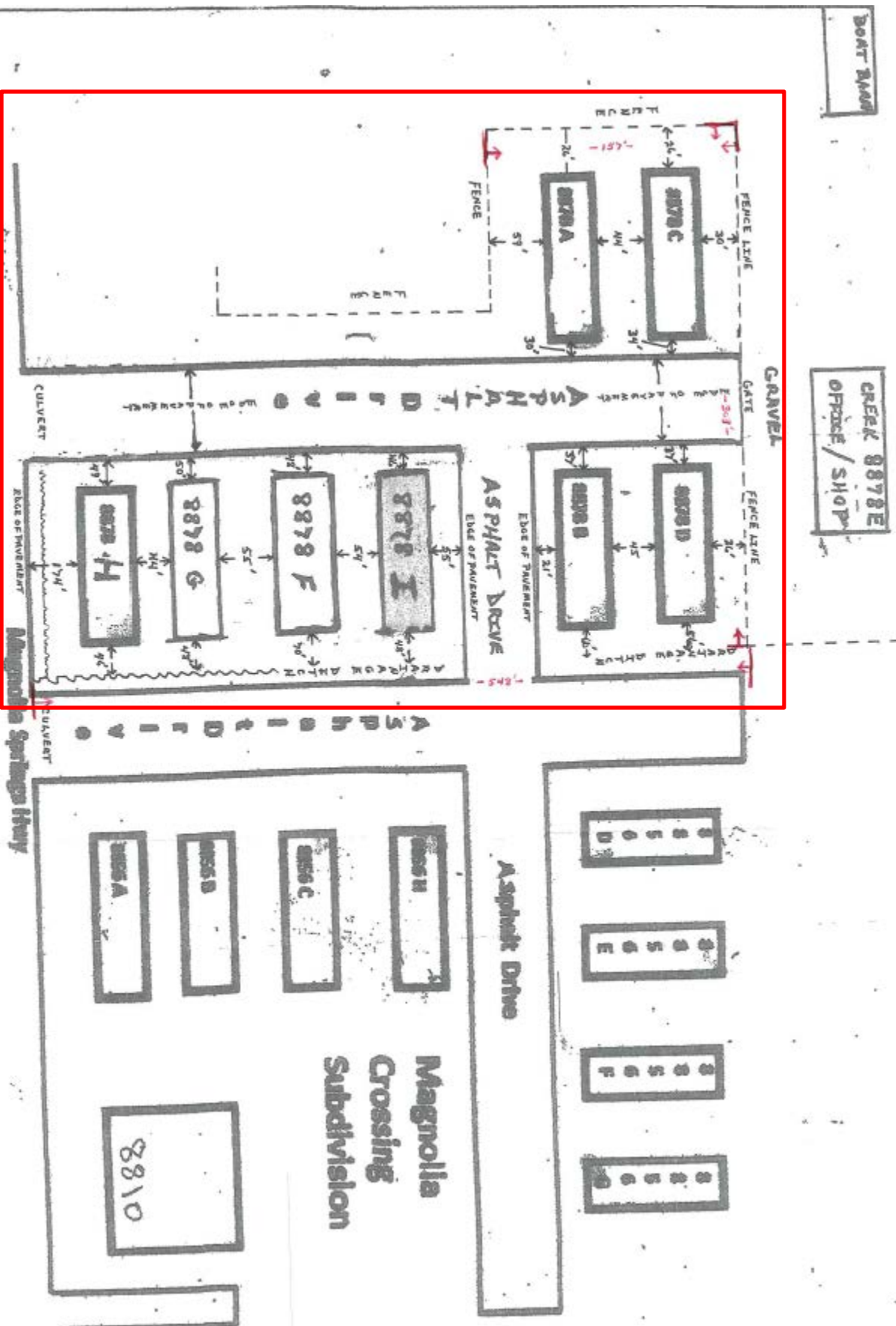
Site Map



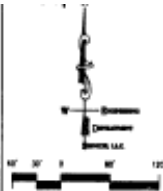
Area Requested to be Rezoned



Layout of Manufactured Housing Park



Magnolia Crossing Subdivision Plat



ENGINEER'S ADDRESS:
ENGINEERING DEVELOPMENT SERVICES, LLC
P.O. BOX 1180 FAIRHOPE, ALABAMA 36533
C. MICHAEL ARNOLD, AL. P.E. LIC. NO. 128940
JOSEPH P. MULLOCK, AL. P.E. LIC. NO. 10312

DEVELOPER'S ADDRESS:
OWNER: CREYENHE, L.L.C.
P.O. BOX 1282
POLEY, AL 36558
DEVELOPER: SAME

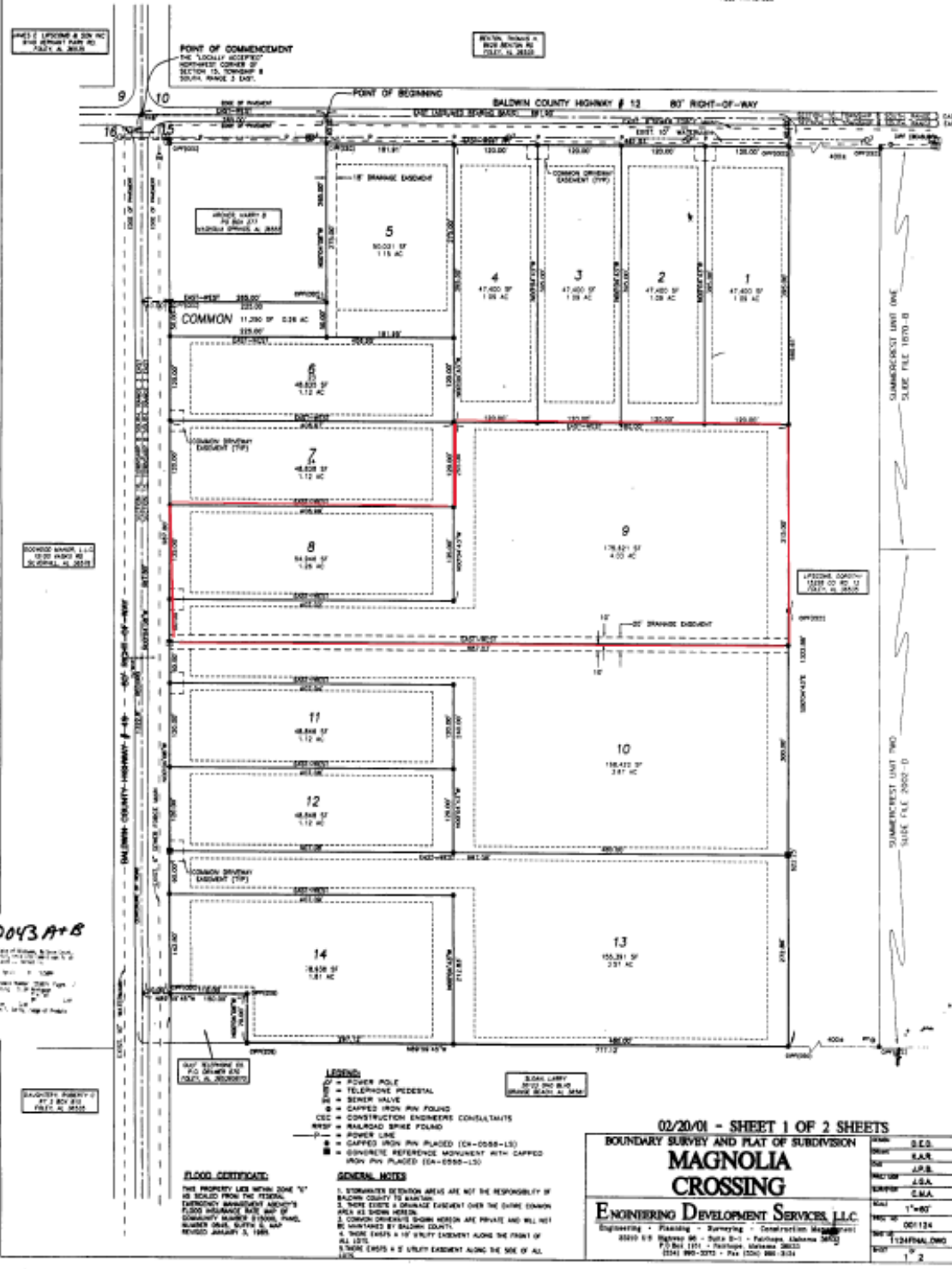
SITE DATA:
CURRENT ZONING: HOME
MINIMUM LOT SIZE: 7,500 SF
LIN. FT. STREETS: 5
NUMBER OF LOTS: 14
SMALLEST LOT: 47,400 SF
LARGEST LOT: 175,819 SF
COMMON AREAS: 0.26 AC
TOTAL AREA: 34.76 AC

REQUIRED SETBACKS:
FRONT: 30'
REAR: 30'
SIDE: 10'
SIDE STREET: 30'

WATER SERVICE: RIVERA UTILITIES
SEWER SERVICE: BALDWIN COUNTY SEWER SERVICE
ELECTRIC SERVICE: BALDWIN COUNTY EMC
TELEPHONE SERVICE: GULF TELEPHONE

ENGINEER'S NOTES

1. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH U.S. STANDARDS.
2. DESCRIPTION AS FURNISHED BY CLIENT.
3. THERE MAY BE RECORDS OF UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF THIS PROPERTY.
4. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF ANY SUB-SURFACE FEATURES.
5. THE LINES REPRESENTING THE CENTERLINE AND RIGHT-OF-WAY OF THE STREETS ARE SHOWN FOR INFORMATION ONLY AND WERE NOT SURVEYED UNLESS RIGHT-OF-WAY DOCUMENTATION IS FILED HEREIN.
6. SURVEY WAS CONDUCTED ON OCTOBER 1ST 1999.
7. BEARINGS AND DISTANCES SHOWN HEREON WERE OBTAINED FROM FIELD TRAVELERS.



02/20/01 - SHEET 1 OF 2 SHEETS
BOUNDARY SURVEY AND PLAT OF SUBDIVISION
MAGNOLIA CROSSING
ENGINEERING DEVELOPMENT SERVICES, LLC
Engineering • Planning • Surveying • Construction Management
2850 S. Highway 96 • Suite 201 • Fairhope, Alabama 36533
P.O. Box 1171 • Fairhope, Alabama 36533
(904) 999-3372 • Fax (904) 999-3374

NAME	S.E.C.
OWNER	CREYENHE, L.L.C.
DESIGNER	EDS
ENGINEER	C.M.A.
DATE	11-07
PROJECT NO.	02/124
DATE	11/24/99
SCALE	1"=80'

2043-A