



# Baldwin County Planning & Zoning Department

## Baldwin County Commission Staff Report

### Agenda Item

Case No. Z-18041

Dorgan Property

Rezone B-2, Neighborhood Business District to RSF-2, Single Family District

January 15, 2019

## Subject Property Information

**Planning District:** 26  
**General Location:** East Side of Scenic Highway 98, Approximately 350-feet South of County Road  
**Physical Address:** N/A  
**Parcel Numbers:** 05-56-03-31-0-000-020.000  
05-56-03-31-0-000-020.001  
**Existing Zoning:** B-2, Neighborhood Business District  
**Proposed Zoning:** RSF-2, Single Family District  
**Existing Land Use:** Vacant  
**Proposed Land Use:** Residential  
**Lot Area:** 1.04 acres +/-  
**Applicant:** William J. Dorgan  
Post Office Box 1255  
Point Clear, AL 36564  
**Owner:** Same  
**Lead Staff:** Vince Jackson, Planning Director  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Commercial/Vacant	B-2, Neighborhood Business
South	Residential	RSF-1, Single Family
East	Undeveloped	RSF-1, Single Family
West	Residential	RSF-1, Single Family

## Summary

The subject property is currently zoned B-2, Neighborhood Business District. The designation of RSF-2, Single Family District, has been requested. If the rezoning is approved, the smaller parcel (05-56-03-31-0-000-020.001) will remain as is. The larger parcel (05-56-03-31-0-000-020.000) would be subdivided into two (2) lots which would meet the area and dimensional requirements for the RSF-2 designation. This application was originally submitted as a request for RSF-4, and was recommended for approval on October 4, 2018. It has been returned to the Planning Commission in order to be re-advertised as a request for RSF-2.

## **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 | (pp) Sign shop            |
| (b) Antique store  | (qq) Sporting goods store |
| (c) Apparel and accessory store                                  | (rr) Tailor shop          |
| (d) Appliance store including repair                             | (ss) Tobacco store        |
| (e) Art gallery or museum  | (tt) Toy store            |
| (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  |                           |

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*).

## Proposed Zoning Requirements

### Section 4.3 RSF-2, Single Family District

4.3.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a moderate density residential environment consisting of single family homes.

4.3.2 *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.

4.3.3 *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.

4.3.4 *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*).

4.3.5 *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	15,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

## Agency Comments

**Permit/Subdivision Manager, Seth Peterson:** Scenic Highway 98 is classified as a minor arterial. Please note, the Highway Construction Setback is 100-feet from the centerline of Scenic Highway 98.

**Baldwin County Highway Department, Frank Lundy:** No comments.

**ADEM (J. Scott Brown):**

Good morning DJ:

Based on a desktop review, these lots are located in the coastal area (ADEM Admin. Code r. 335-8-1-.02[k]) and contain coastal wetlands which are regulated coastal resources. Therefore, any activity impacting any portion of wetlands located on these lots is regulated under ADEM Admin. Code r. 335-8-2-.02. The applicant should be made aware that dredging or filling any areas on the parcels which are or could be delineated as wetlands (ADEM Admin. Code r. 335-8-1-.02[nnn]) requires prior review and approval by both the U.S. Army Corps of Engineers and the ADEM. Unauthorized impacts to any wetlands on these parcels would be subject to enforcement action by the ADEM.

v/r,

J. Scott Brown, Chief

Mobile Branch Office

Field Operations Division

ADEM

251.304.1176

**Municipality (City of Fairhope):** This application is within the City of Fairhope's Planning Jurisdiction and will therefore require City approval.

## 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 Scenic Highway 98 to the west. The adjoining properties are residential, commercial and undeveloped.

### **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 26 was approved by the County Commission on September 1, 1993. The majority of residential lots throughout Planning District 26 are zoned RSF-1 and RSF-2. With a few exceptions, this has remained relatively constant.

**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 rezoning is approved, the Future Land Use Map will be amended to reflect a designation of 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?**

The property is currently vacant. As a result, any new development, whether commercial or residential, will bring about an increase in traffic. With commercial development, the exact impact would be difficult to ascertain because it would be dependent upon the nature of the specific use, as well as other factors such as hours of operation. The impact with residential development would most likely be less than with commercial development.

**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.

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

Adjacent properties are zoned B-2 and RSF-1. Properties to the northwest and southwest are zoned RSF-2. The nearest area with a different designation is located directly to the northeast of the subject property. This area, which consists of approximately one (1) acre is zoned RMF-6, Multiple Family District. It includes three (3) lots which were recently subdivided and recorded.

**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?**

The majority of the subject property is located within the Point Clear/Battles Wharf Historic District. As a result, any new construction will require the approval of the Baldwin County Architectural Review Board.

Please see Agency Comments, listed above, for wetland issues discussed by ADEM.

**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.**

Requests for rezoning from commercial to residential designations are typically approved without controversy. The case at hand, however, the original request for RSF-4 generated significant opposition from nearby property owners. It appears that the revised request for RSF-2 will be better received.

### Staff Comments and Recommendation

As stated previously, the subject property is currently zoned B-2, Neighborhood Business District. The designation of RSF-2, Single Family District, has been requested. If the rezoning is approved, the smaller parcel (05-56-03-31-0-000-020.001) will remain as is. The larger parcel (05-56-03-31-0-000-020.000) would be subdivided into two (2) lots which would meet the area and dimensional requirements for the RSF-2 designation. This application was originally submitted as a request for RSF-4, and was recommended for approval on October 4, 2018. It has been returned to the Planning Commission in order to be re-advertised and reconsidered as a request for RSF-2.

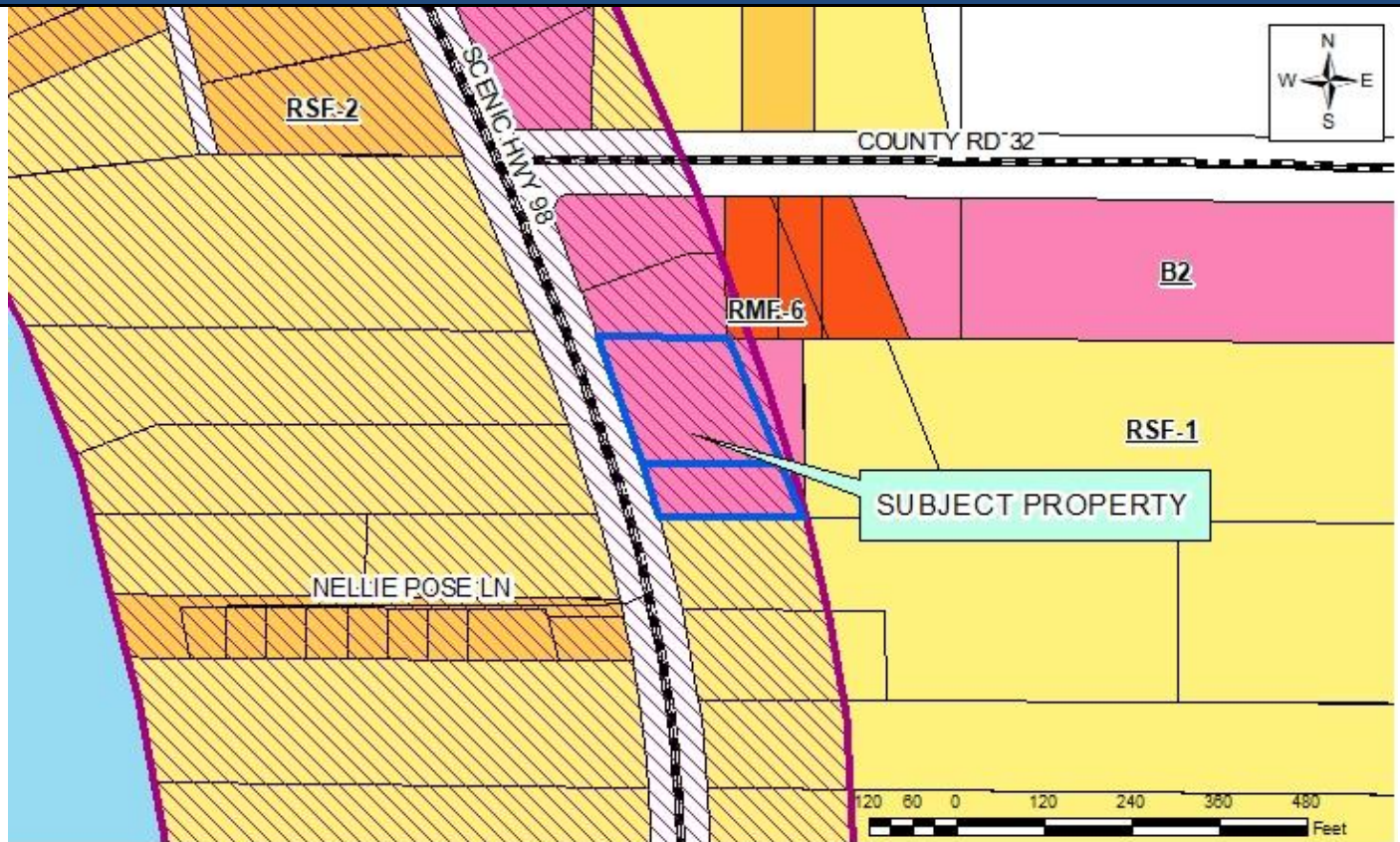
Staff believes that this is a reasonable request which should be recommended to the County Commission for **APPROVAL**. \* Comments from the public hearing should be considered as the Planning Commission determines its recommendation.

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





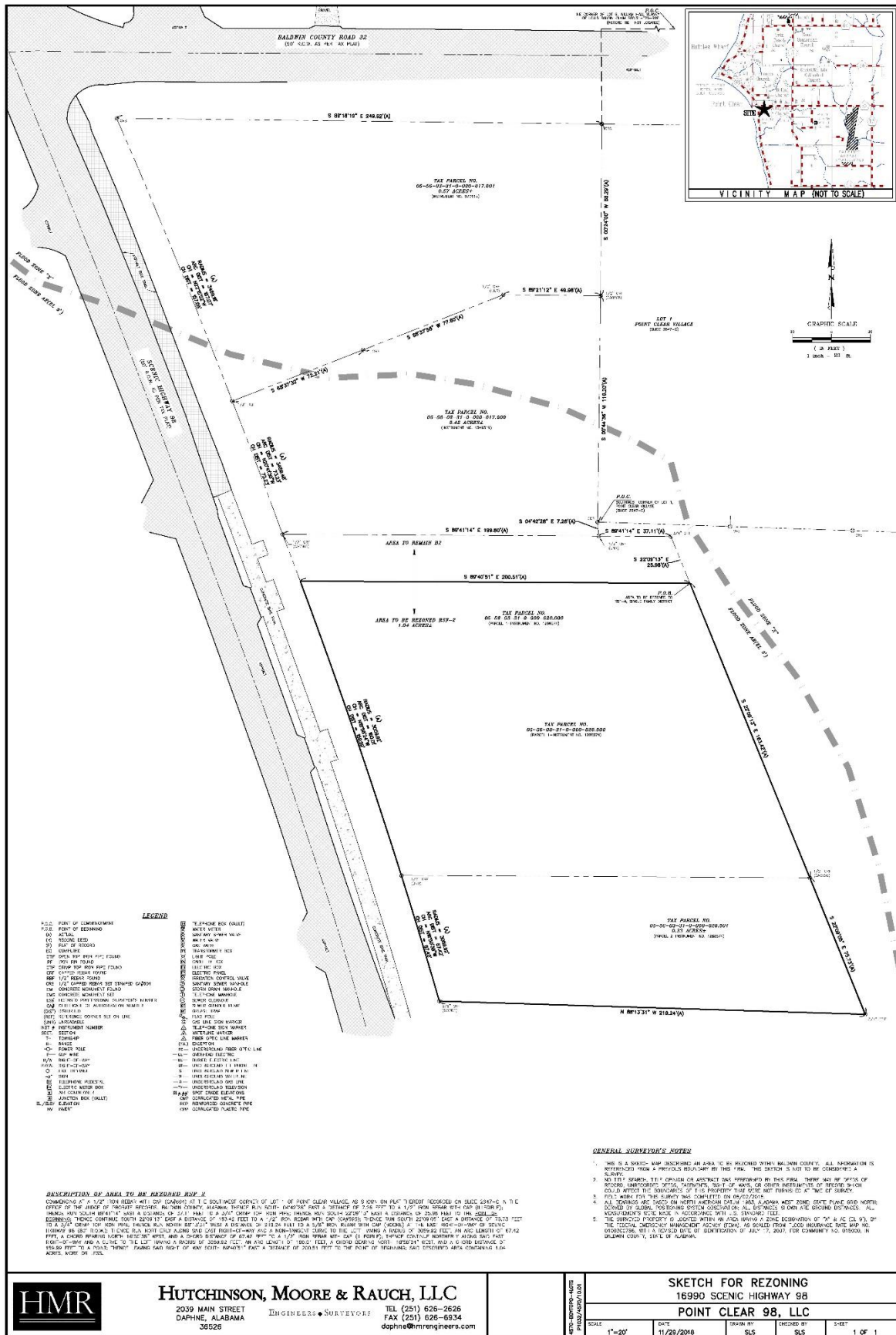
## Locator Map



## Site Map



## Survey



## Larger View of Survey

