



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.d

Case No. Z-19019

Breedin Property

Rezone B-2, Neighborhood Business District to B-3, General Business District

May 2, 2019

Subject Property Information

Planning District: 15
General Location: East Side of State Highway 181, North of Milton Jones Rd
Physical Address: N/A
Parcel Number: 05-43-06-23-0-000-026.005
Existing Zoning: B-2, Neighborhood Business District
Proposed Zoning: B-3, General Business District
Existing Land Use: Undeveloped
Proposed Land Use: Commercial
Lot Area: 4.3 acres more or less
Applicant: Larry Smith, PE
1 S. School St
Fairhope, AL 36532
Owner: Myrline Breedin
27480 Main St.
Daphne, AL 36526
Lead Staff: Celena Boykin, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Commercial/Agriculture	B-2, Neighborhood Business
South	Agriculture	RSF-E, Residential Single Family Estate
East	Agriculture	RSF-E, Residential Single Family Estate
West	Agriculture	St Hwy 181/City of Daphne

Summary

The subject property is currently zoned B-2, Neighborhood Business District. The designation of B-3, General Business District, has been requested in order to install an animal clinic with kennels and boarding.

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

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 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	(w)	Exterminator service office
(b)	Air conditioning sales and service	(x)	Farmer's market/truck crops
(c)	Amusement arcade	(y)	Firing range
(d)	Animal clinic/kennel	(z)	Fitness center or gym
(e)	Arboretum	(aa)	Florist
(f)	Auto convenience market	(bb)	Fraternity or sorority house
(g)	Automobile service station	(cc)	Fruit and produce store
(h)	Bakery, wholesale	(dd)	Funeral home
(i)	Ball field	(ee)	Golf course
(j)	Bicycle sales and service	(ff)	Golf driving range
(k)	Boat sales and service	(gg)	Grocery store
(l)	Bowling alley	(hh)	Landscape sales
(m)	Business machine sales and service	(ii)	Marine store and supplies
(n)	Business school or college	(jj)	Miniature golf
(o)	Butane gas sales	(kk)	Mini-warehouse
(p)	Cemetery	(ll)	Night club, bar, tavern
(q)	City hall or courthouse	(mm)	Nursery
(r)	Country club	(nn)	Office equipment and supplies sales
(s)	Department store	(oo)	Park or playground
(t)	Discount/variety store	(pp)	Pawn shop
(u)	Drug store	(qq)	Pet shop
(v)	Elevator maintenance service	(rr)	Plumbing shop

(ss) Printing/publishing establishment
 (tt) Restaurant sales and supplies
 (uu) Riding academy
 (vv) Rug and/or drapery cleaning service
 (ww) Seafood store
 (xx) Sign shop
 (yy) Skating rink

(zz) Stone monument sales
 (aaa) Swimming pool (outdoor)
 (bbb) Taxidermy
 (ccc) Teen club or youth center
 (ddd) Tennis court (outdoor)
 (eee) Wildlife sanctuary
 (fff) 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	(ee) Railroad facility
(b) Ambulance/EMS service	(ff) Recreational vehicle park
(c) Amusement park	(gg) Recreational vehicle sales service, and repair
(d) Armory	(hh) Restaurant, drive-in
(e) Auditorium, stadium, coliseum	(ii) Restaurant, fast-food
(f) Automobile parts sales	(jj) Sewage treatment plant
(g) Automobile repair (mechanical and body)	(kk) Taxi dispatching station
(h) Automobile storage (parking lot, parking garage)	(ll) Taxi terminal
(i) Barge docking	(mm) Telephone exchange
(j) Broadcasting station	(nn) Water or sewage pumping station
(k) Building materials	(oo) Water storage tank
(l) Bus and railroad terminal facility	(pp) Wireless telecommunication facility
(m) College or university	(qq) Zoo
(n) Convalescent or nursing home	
(o) Correctional or penal institution	
(p) Dog pound	
(q) Electric power substations	
(r) Farm implements	
(s) Flea market	
(t) Freight depot, rail or truck	
(u) Home improvement center	
(v) Hotel or motel	
(w) Hospital	
(x) Landfill	
(y) Maintenance facility/storage yard for schools, government agencies, and telephone and cable companies	
(z) Manufactured housing sales, service and repair	
(aa) Marina	
(bb) Motorcycle sales service and repair	
(cc) Movie theatre	
(dd) Radio/television tower	

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*.

Agency Comments

Permit/Subdivision Manager, Seth Peterson: I do not have any comments for this case.

ADEM: No comments received.

ALDOT: No comments received.

Municipality (City of Daphne, Adrienne Jones): Thanks for the information. I have no issue with the proposed rezoning.

Municipality (City of Daphne Public Works): 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 State Highway 181 to the west. The adjoining properties are agricultural and commercial.

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 15 was approved by the County Commission on August 1, 2006. There have been 12 rezonings within less than ½ mile of the subject property. There have been four rezonings to M-1 (Light Industrial), one rezoning to B-4(Major Commercial), three to B-3(General Business), one rezoning to B-2(Neighborhood Business), one rezoning to B-1(Professional Business), and two rezonings to Residential. The property to the west of the subject property was annexed by the City of Daphne in January of 2017 and has the zoning of B-3, Professional Business.

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. This is consistent with the current and proposed zoning designations.

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?

No conflicts.

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?

As stated above in Standard Number 2 there have been numerous rezonings in the area, mostly commercial. The adjacent property to the north is zoned B-2. The property to the west is in the City of Daphne and has their zoning of B-3. The property to the east and south is zoned RSF-E and is being farmed.

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.

None.

Staff Comments and Recommendation

As stated previously, the subject property is currently zoned B-2, Neighborhood Business District. The designation of B-3, General Business District, has been requested in order to install an animal clinic with kennels and boarding.

Staff believes that this is a reasonable request which should be recommended to the County Commission for **APPROVAL.** *

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

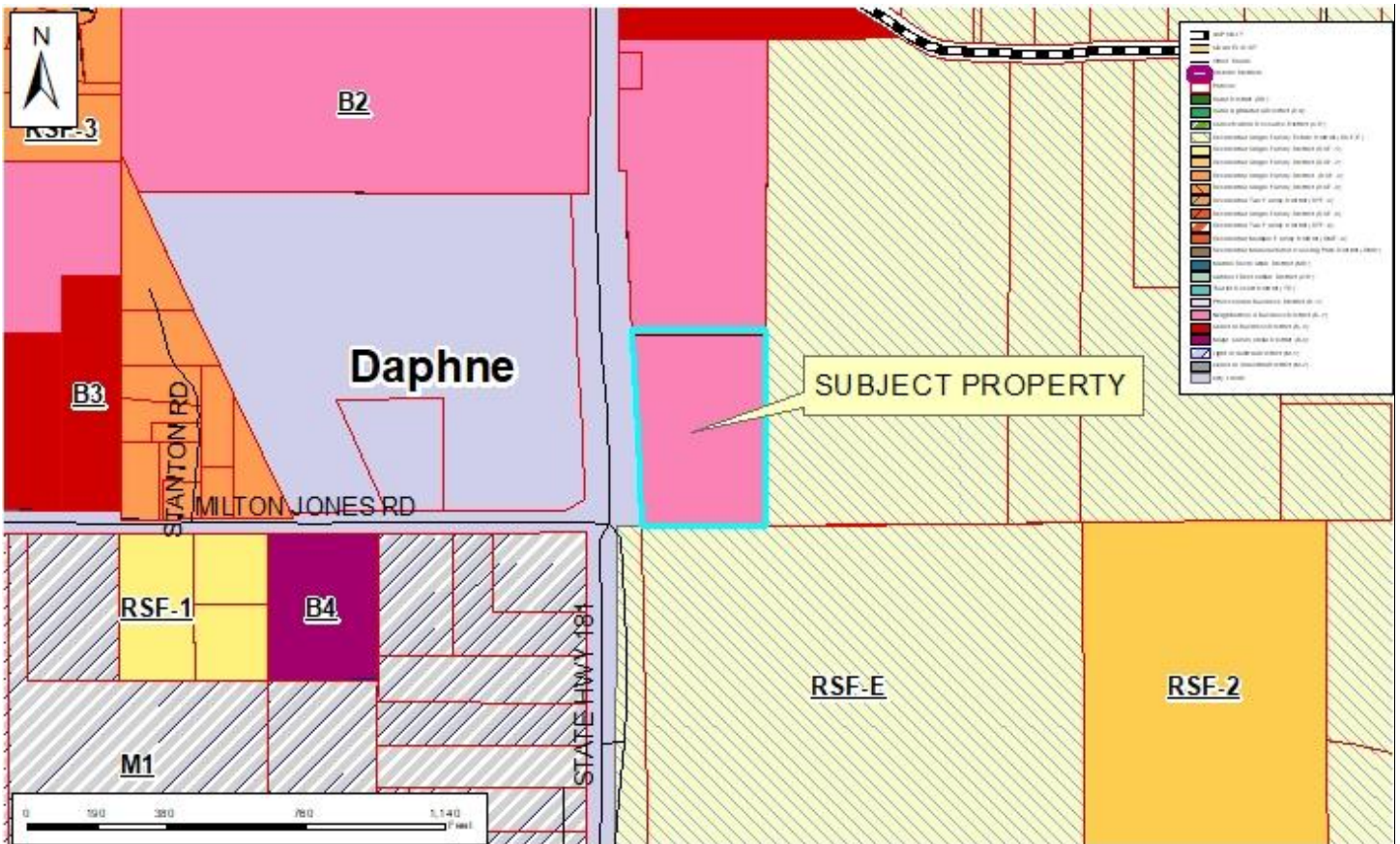
Property Images







Locator Map



Site Map



Survey

