



# Baldwin County Planning & Zoning Department

## Baldwin County Commission Staff Report

### Agenda Item

Case No. Z-19029

### Middleton Property

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

August 20, 2019

## Subject Property Information

**Planning District:** 12  
**General Location:** West side of State Highway 59, east of Rawls Road and north of Devine Road  
**Physical Address:** 25171 State Highway 59, Loxley  
**Parcel Numbers:** 05-42-06-24-0-000-009.000 and 05-42-06-24-0-000-011.000  
**Existing Zoning:** RSF-E, Residential Single Family Estate District  
**Proposed Zoning:** B-4, Major Commercial District  
**Existing Land Use:** Residential, Commercial, Accessory Structures  
**Proposed Land Use:** Commercial (RV/Boat Storage and Potential Mini Storage Units)  
**Acreage:** 6.25 ± acres  
**Applicants:** Ernest Middleton  
25171 State Highway 59  
Loxley, AL 36551  
**Owners:** Same  
**Lead Staff:** Vince Jackson, Planning Director  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential, Undeveloped	RSF-E & B-3, General Business
South	Residential, Commercial	RSF-E & B-4, Major Commercial
East	Agricultural	RA, Rural Agricultural
West	Residential	RSF-3, Single Family District

## Summary

This request involves two parcels which together consist of 6.25 acres. The subject properties are currently zoned RSF-E, Residential Single Family Estate District, and are occupied with a dwelling and several accessory structures. The property adjoins State Highway 59 to the east and Rawls Road to the west. 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 promote the highest and best use of the property with direct access to a major traffic arterial. Proposed uses include rv/boat storage (indoor and outdoor) and potential mini storage units.

## 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                            | (h) College or university             |
| (b) Ambulance/EMS service              | (i) Convalescent or nursing home      |
| (c) Armory                             | (j) Correctional or penal institution |
| (d) Auditorium, stadium, coliseum      | (k) Dog pound                         |
| (e) Barge docking                      | (l) Electric power substations        |
| (f) Broadcasting station               | (m) Freight depot, rail or truck      |
| (g) Bus and railroad terminal facility | (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.*

### Agency Comments

#### **Baldwin County Highway Department:**

Seth Peterson – No comments.

Frank Lundy – No comments received.

**ALDOT:** No comments received

**ADEM:** No comments received.

**Municipality (Town of Loxley):** 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 RSF-E, Residential Single Family Estate District, and are occupied with a dwelling and several accessory structures. It is the location for an existing business. The property adjoins State Highway 59 to the east and Rawls Road to the west. An adjacent parcel to the south is the location for Power Equipment, Inc., and is zoned B-4, Major Commercial District (the designation requested for the subject property). Additional adjoining properties are residential and agricultural.

### **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 12 was approved by the Baldwin County Commission on November 7, 2006. Since that time, there have been numerous rezonings to commercial designations throughout the planning district, as well as the adjacent Planning District 31, with many of the areas along Highway 59 appearing to be in transition. As an example, the adjacent parcel to the south was rezoned to B-4 during 2011.

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

The Baldwin County Master Plan, 2013, provides future land use designations for properties located within the zoned areas of the County. These categories represent the recommendations for the physical development of the unincorporated areas of the County. They are intended for planning purposes only and do not represent the adoption of zoning designations for areas which have not voted their desire to come under the zoning authority of the Baldwin County Commission. Although not legally binding, the future land use designations are evaluated in conjunction with criteria found in the Baldwin County Zoning Ordinance (Zoning Ordinance), the Baldwin County Subdivision Regulations, the Baldwin County Flood Damage Prevention Ordinance and any other ordinances and regulations which the County Commission may adopt.

A future land use designation of Residential is provided for the subject properties. Approval of the rezoning will necessitate an automatic change in the future land use designation to Residential. This category is provided for residential dwelling units including single family dwellings, two family (duplex) dwellings, multiple family dwellings, manufactured homes, manufactured housing parks and Planned Residential Developments. Institutional uses, recreational uses and limited neighborhood commercial uses may be included subject to the provisions of the Zoning Ordinance. To the greatest extent possible, residential areas should be accessible to major thoroughfares connecting with work areas, shopping areas and recreational areas. Zoning designations may include RR, RA, CR, RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RSF-6, RTF-4, RTF-6, RMF-6, HDR, RMH and PRD.

If the rezoning is approved, the Future Land Use Map will be amended to reflect the designation of Commercial. This category provides for retail and wholesale trade facilities which offer convenience and other types of goods and services. Institutional uses, recreational uses, mixed-use developments and transportation, communication and utility uses may be included in accordance with the Zoning Ordinance. Multiple family developments may also be included. Commercial uses should be located on major streets so as to be accessible to the residential population. Zoning designations may include RR, B-1, B-2, B-3, B-4, LB, RV-1, RV-2, MR and TR.

The adjacent future land use designations to the north and south are commercial.

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

Staff is aware of no conflicts with existing or planned public improvements.

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

Commercial activity of the type proposed generally does not generate significant amounts of traffic. Access to the property, from State Highway 59, is the responsibility of the Alabama Department of Transportation. Prior to the submission of a Land Use Certificate and building permit, the applicant will need to obtain an access permit from ALDOT, and required improvements, if any, will be determined at the time. ALDOT provided no comments on this rezoning application.

**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.**

As stated above, the subject properties are currently zoned RSF-E, Residential Single Family Estate District, and are occupied with a dwelling and several accessory structures. It is the location for an existing business. The property adjoins State Highway 59 to the east and Rawls Road to the west. An adjacent parcel to the south is the location for Power Equipment, Inc., and is zoned B-4, Major Commercial District (the designation requested for the subject property). Additional adjoining properties are residential and agricultural.

The property which is located south of the Power Equipment location is a recreational vehicle park. It is zoned B-1, Professional Business District, and appears to have been in place prior to the adoption of zoning in Planning District 12. A recreational vehicle park is classified as a major commercial (B-4) use. Staff is uncertain as to why this property is zoned B-1 due to the fact that there are no provisions for recreational vehicle parks under the B-1 zoning designation.

Looking to the south, at the southeast corner of the intersection of Highway 59 and Devine Road, are two parcels which are zoned B-3, General Business District. These properties are the location for a manufactured housing dealership. This business would also be classified as a major commercial use.

To the north of the subject property, parcels zoned B-4 and M-1, Light Industrial District, are located adjacent to and near the entrance to Lakeland Subdivision. Two parcels which are adjacent to the south side of the entrance to Lakeland are zoned B-1.

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

An adjacent parcel to the south is zoned B-4. It was rezoned by the County Commission on March 3, 2011 (Case Z-11003, March Property).

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

Several rezonings to commercial have been approved in this area. A trend of transition from agricultural and residential uses to commercial is indicated. Timing, however, is not a factor with this request.

**9.) Will the proposed change adversely impact the environmental conditions of the vicinity or the historic resources of the County?**

Baldwin County GIS indicates an area of potential wetlands located on the east side of State Highway 59, across from the subject property. This should have no impact on the proposed rezoning. In addition, staff is not aware of any historic resources which would be impacted.

The Alabama Department of Environmental Management (ADEM) provided no comments.

**10.) Will the proposed change adversely affect the health, safety and welfare of the County and the vicinity?**

Although there will be an increase in traffic, if the rezoning is approved and the properties are developed, the impact should not be significant. Traffic improvements, if any are required, will be determined by ALDOT.

Development of the property will be considered as a major project. Prior to the issuance of a Land Use Certificate, staff will evaluate all submitted materials, including building plans, drainage plans, landscaping plans and site plans in order to ensure complete compliance with the requirements of the zoning ordinance. Required landscaped buffers, as discussed below, will help to mitigate the potential for adverse impacts.

**11.) Other matters which may be appropriate.**

- Mini storage facilities, which are proposed use with this request, are also allowed by right under B-3, General Business District (adjacent property to the north is zoned B-3). However, the inclusion of boat and rv storage would require Conditional Use approval from the Planning Commission. It should be noted that there would be no guarantee of Conditional Use approval if the property was rezoned to B-3 instead of B-4. This was discussed with the Planning Commission at its July 11, 2019 meeting.
- According to the Baldwin County Zoning Ordinance, a 25-foot landscaped buffer will be required along the portions of the property which abut residential zoning designations if the property is rezoned.

**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, this request involves two parcels which together consist of 6.25 acres. The subject properties are currently zoned RSF-E, Residential Single Family Estate District, and are occupied with a dwelling and several accessory structures. The property adjoins State Highway 59 to the east and Rawls Road to the west. 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 promote the highest and best use of the property with direct access to a major traffic arterial. Proposed uses include rv/boat storage (indoor and outdoor) and potential mini storage units.

Staff believes that this is a reasonable request. Unless information to the contrary is revealed during the public hearing, this rezoning application should be **APPROVED**. \*

If the County Commission does not find approval of the B-4 designation warranted but would potentially be agreeable to B-3, staff suggests that a new application requesting B-3, General Business District, be submitted.

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





Ernest Middleton

Property Dimensions

25171 State Hwy 59  
Loxley



## Property Images











ADJOINING PROPERTY  
TO THE NORTH

06/18/2019



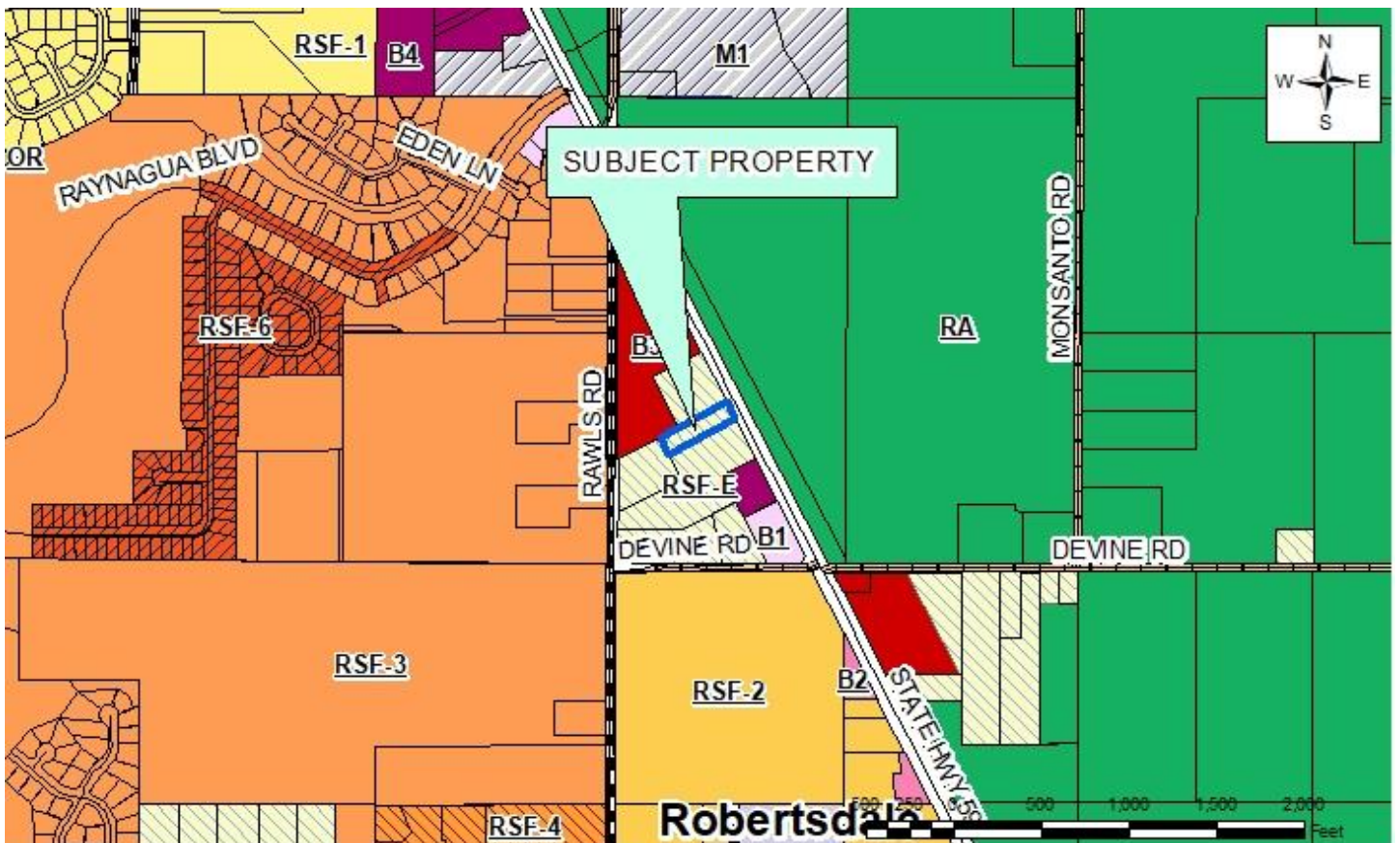
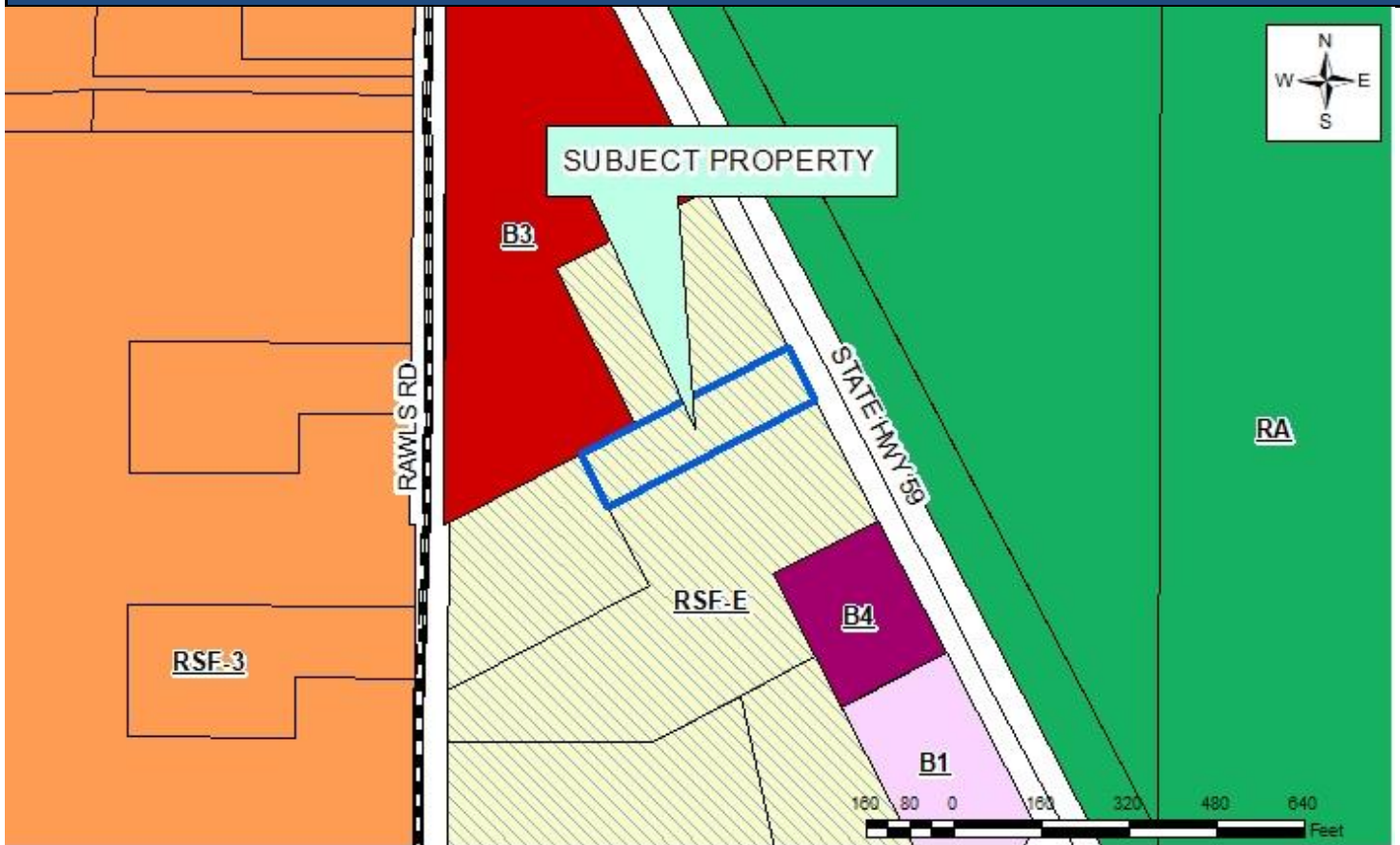
ADJOINING PROPERTY  
TO THE SOUTH

06/18/2019





# Locator Map





# Site Map

