



# Baldwin County Planning & Zoning Department

## Baldwin County Commission Staff Report

### Agenda Item

Case No. Z-19040

Advanced Restoration Technologies Inc., Property

Rezone RA, Rural Agricultural District to B-3, General Business District

November 19, 2019

## Subject Property Information

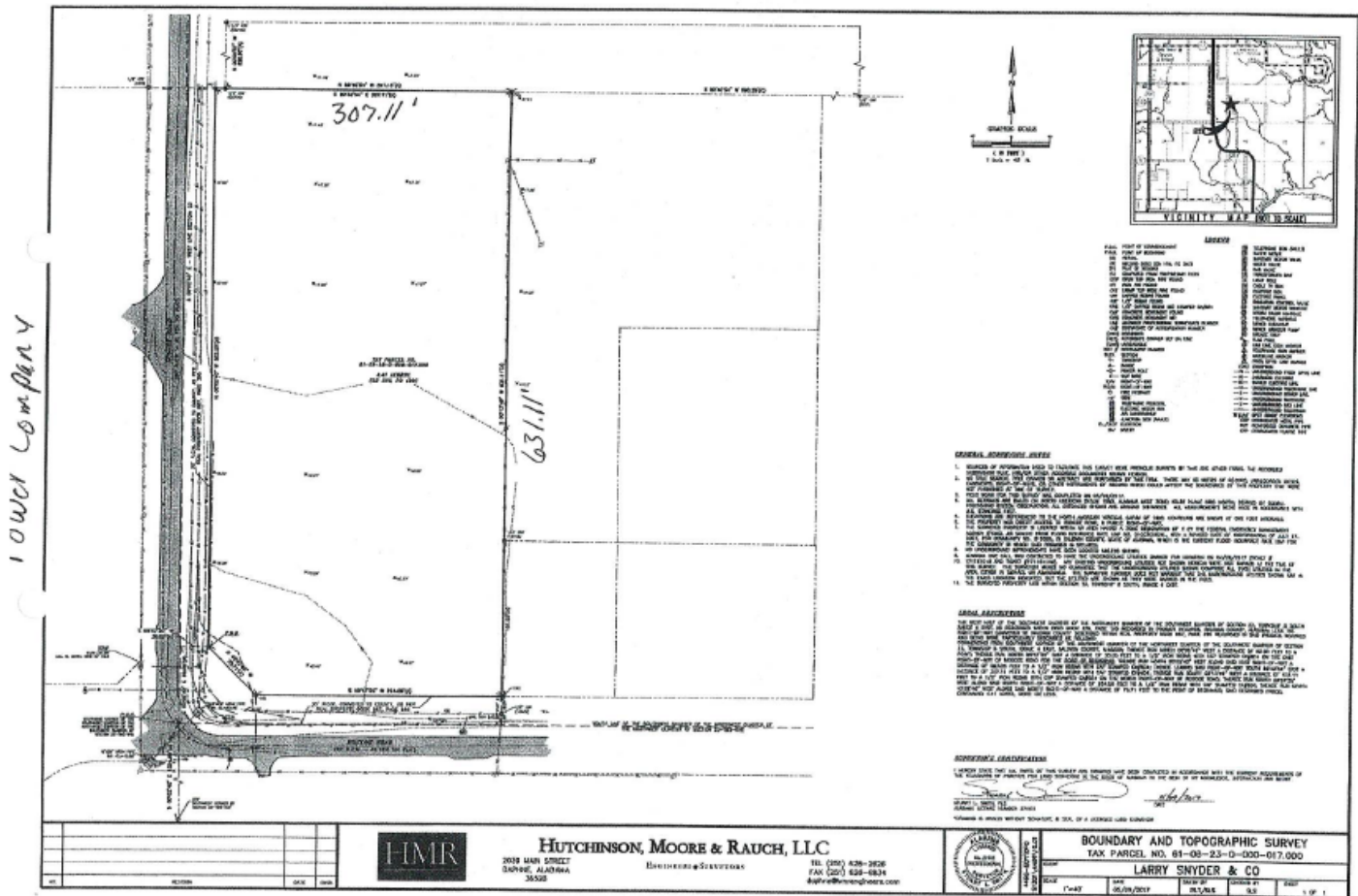
**Planning District:** 30  
**General Location:** Northeast corner of Roscoe Road  
**Physical Address:** 7300 Roscoe Road  
**Parcel Numbers:** 05-61-06-23-0-000-017.000  
**Existing Zoning:** RA, Rural Agricultural District  
**Proposed Zoning:** B-3, General Business District  
**Existing Land Use:** Vacant  
**Proposed Land Use:** Marine Retail Sales  
**Acreage:** 4.4± acres  
**Applicant:** Thomas Mueller  
Advanced Restoration Technologies, Inc  
31220 River Road  
Orange Beach, AL 36561  
**Owner:** Same  
**Lead Staff:** Linda Lee, Planner  
**Attachments:** *Within Report*

|       | Adjacent Land Use   | Adjacent Zoning                                                  |
|-------|---------------------|------------------------------------------------------------------|
| North | Forested Timberland | RA                                                               |
| South | Commercial          | B-4, Major Commercial District                                   |
| East  | Residential         | RA, Rural Agricultural District<br>RSF-1, Single Family District |
| West  | Commercial          | City of Orange Beach                                             |

## Summary

The subject property, which consists of 4.4 acres, is currently zoned RA, Rural Agricultural District. The designation of B-3 General Business District, has been requested for the purpose of establishing a marine retail sales business. The subject property is currently vacant. The property adjoins Roscoe Road to the west and south. The adjoining properties are residential, forested timberland, and commercial.

## Survey Submitted



## Current Zoning Requirements

### Section 3.2 RA Rural Agricultural District

**3.2.1 Generally.** This zoning district provides for large, open, unsubdivided land that is vacant or is being used for agricultural, forest or other rural purposes.

**3.2.2 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) Outdoor recreation uses.
- (d) The following general commercial uses: animal clinic and/or kennel; farm implement sales; farmers market/truck crops; nursery; landscape sales; country club.
- (e) The following local commercial uses: fruit and produce store.

- (f) The following institutional uses: church or similar religious facility; school (public or private).
- (g) Agricultural uses.
- (h) Single family dwellings including manufactured housing and mobile homes.
- (i) Accessory structures and uses.

**3.2.3 Special exceptions.** 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 special exceptions:

- (a) The following general commercial uses: recreational vehicle park (see *Section 13.9: Recreational Vehicle Parks*).
- (b) The following local commercial uses: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

**3.2.4 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.
- (b) Institutional uses not permitted by right.

**3.2.5 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       |
| Minimum Front Yard                  | 40-Feet  |
| Minimum Rear Yard                   | 40-Feet  |
| Minimum Side Yards                  | 15-Feet  |
| Minimum Lot Area                    | 3 Acres  |
| Minimum Lot Width at Building Line  | 210-Feet |
| Minimum Lot Width at Street Line    | 210-Feet |

**3.2.6 Area and dimensional modifications.** Within the RA 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           |

### 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*.

## Agency Comments

### Baldwin County Highway Department:

**From:** "Tyler W. Mitchell" <[TMITCHELL@baldwincountyal.gov](mailto:TMITCHELL@baldwincountyal.gov)>

**Date:** September 20, 2019 at 12:59:04 PM CDT

**To:** D Hart <[DHart@baldwincountyal.gov](mailto:DHart@baldwincountyal.gov)>, Mary Booth <[MBOOTH@baldwincountyal.gov](mailto:MBOOTH@baldwincountyal.gov)>

**Cc:** Laurie Rumbaugh <[LRUMBAUGH@baldwincountyal.gov](mailto:LRUMBAUGH@baldwincountyal.gov)>

**Subject:** RE: October rezoning cases

DJ,

I have no comments from a Highway standpoint.

Thanks,

Tyler

**Baldwin County Subdivision Department:** No comments.

**ADEM:** No comments received.

**ALDOT:** No comments received.

**Municipality:** Comments requested from Orange Beach – non 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 property adjoins Roscoe Road to the west and south. The adjoining properties are residential, forested timberland, and commercial. The property to the north was recently annexed into the city of Orange Beach. The city council zoned this property GB (General Business) on September 3, 2019. The property to the south was rezoned from RA to B-4, Major Commercial District in 2017 (case Z-17006). The properties to the west are in the city of Orange Beach 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?

Planning District 30 zoning map was adopted in February 1995. The property to the north was recently annexed into the city of Orange Beach. The city council zoned this property GB (General Business) on September 3, 2019. The property to the south was rezoned from RA to B-4, Major Commercial District in 2017 (case Z-17006). The properties to the west are in the city of Orange Beach and commercial.

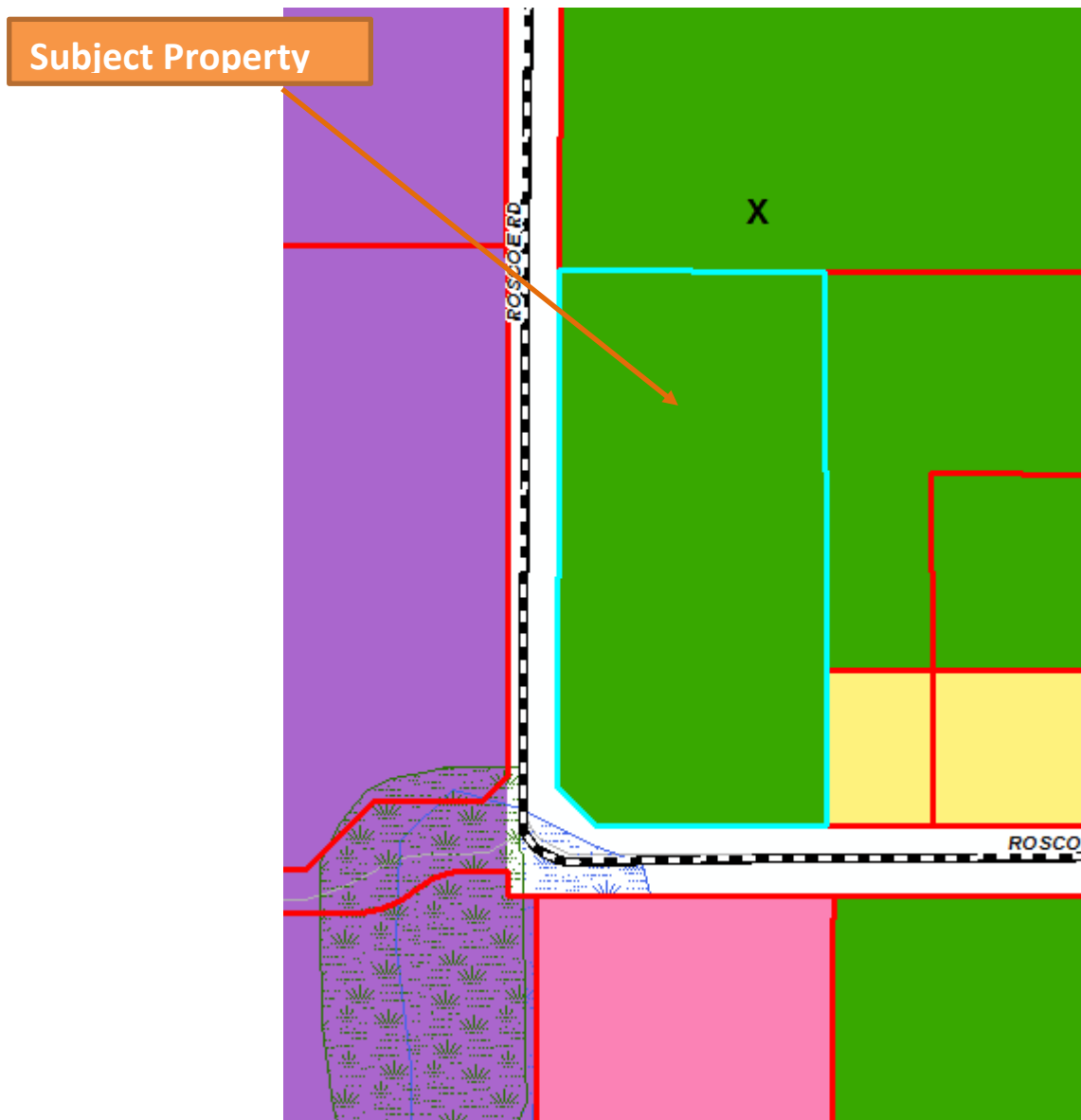
### 3.) Does the proposed zoning better conform to the Master Plan?

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 Agricultural has been provided for the subject property. Agriculture, forestry and similar activities are included with this future land use category. Single family dwellings, institutional uses, recreational uses, limited commercial uses which are intended to serve a rural area and transportation, communication and utility uses are also included subject to the requirements found within the Zoning Ordinance. This category is designed to protect the essential open character of rural areas until it is timely to reclassify the land to appropriate residential, commercial or industrial categories. Zoning designations may include RR, CR, RA and RSF-E.

Approval of the rezoning will result in an amendment of the Future Land Use Map to commercial. The commercial category is provided 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, MR and TR.



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

Staff is not aware of any planned public improvements.

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

Per the Federal Highway Administration the functional classification of Roscoe Road is local. Locally classified roads account for the largest percentage of all roadways in terms of mileage. They are not intended for use in long distance travel, except at the origin or destination end of the trip, due to their provision of direct access to abutting land. Bus routes generally do not run on Local Roads. They are often designed to discourage through traffic. As public roads, they should be accessible for public use throughout the year. Local Roads are often classified by default. In other words, once all Arterial and Collector roadways have been identified, all remaining roadways are classified as Local Roads. The traffic going to and from the marine retail sales business could have an impact on traffic patterns or congestion. Access to this site would require approval from Baldwin County Highway Department.

**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 previously, the adjoining properties are residential, forested timberland, and commercial. The property to the north was recently annexed into the city of Orange Beach. The city council zoned this property GB (General Business) on September 3, 2019. The property to the south was rezoned from RA to B-4, Major Commercial District in 2017 (case Z-17006). The properties to the west are in the city of Orange Beach and commercial.

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

The properties to the west and south are currently zoned commercial. The property to the north was recently annexed by the city of Orange Beach and zoned GB (General Business).

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

The property to the west is the Baldwin County Electric Membership Corporation facility. The property to the southwest is Columbia Southern University. The property to the south is a storage facility for Columbia Southern University. All of these uses have been developed since zoning was implemented in planning district 30. 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?**

Staff is unaware of any environmental conditions or historic resources that would be adversely impacted by this request. 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?**

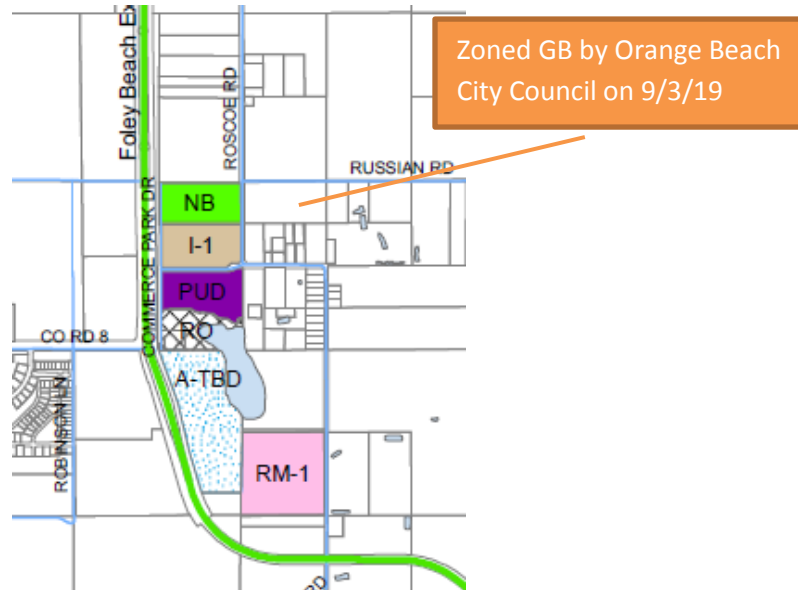
Although there will be an increase in traffic, if the rezoning is approved and the property is developed, the impact should not be significant. Access to this site would require approval from Baldwin County Highway Department. Development of the property will be considered as a major project. Prior to 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 will help to mitigate the potential for adverse impacts.



According to the Baldwin County Zoning Ordinance, a 25-foot landscaped buffer will be required along the portions of the property which abut residential uses if the property is rezoned.

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

Below are the Orange Beach zoning designations for properties adjacent to the subject property.



**3.0210 NB: Neighborhood Business District**

This District is intended to provide locations for a restricted range of retail and professional businesses and services. No metal sided commercial or retail building will be allowed in this district.

**3.0212 GB: General Business District**

This District is intended to provide locations for retail trades and services that serve the resident and seasonal populations of the City and visitors. Types of uses permitted are restricted to those that are compatible with the City's resort character.

**3.0213 RO: Retail Office District**

This district is intended to provide appropriate locations for offices and less intense commercial uses. It is intended to be more restrictive than GB but less restrictive than NB. This district is designated to provide the necessary office and retail uses without permitting by right in appropriate intense commercial/industrial type uses. (rev. 01/15/2008)

**3.0214 I-1: Industrial District**

This District is intended to provide locations for heavier commercial and light industrial activities which will not detract from the general livability and resort character of the City because of hazardous operations, unsightly appearance of buildings and surroundings, objectionable emissions, or other factors.

### Staff Comments and Recommendation

As stated previously, the subject property, which consists of 4.4 acres, is currently zoned RA, Rural Agricultural District. The designation of B-3 General Business District, has been requested for the purpose of establishing a marine retail sales business. The subject property is currently vacant. The property adjoins Roscoe Road to the west and south. The adjoining properties are residential, forested timberland, and commercial.

The Baldwin County Planning Commission considered this request at its October 3, 2019 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














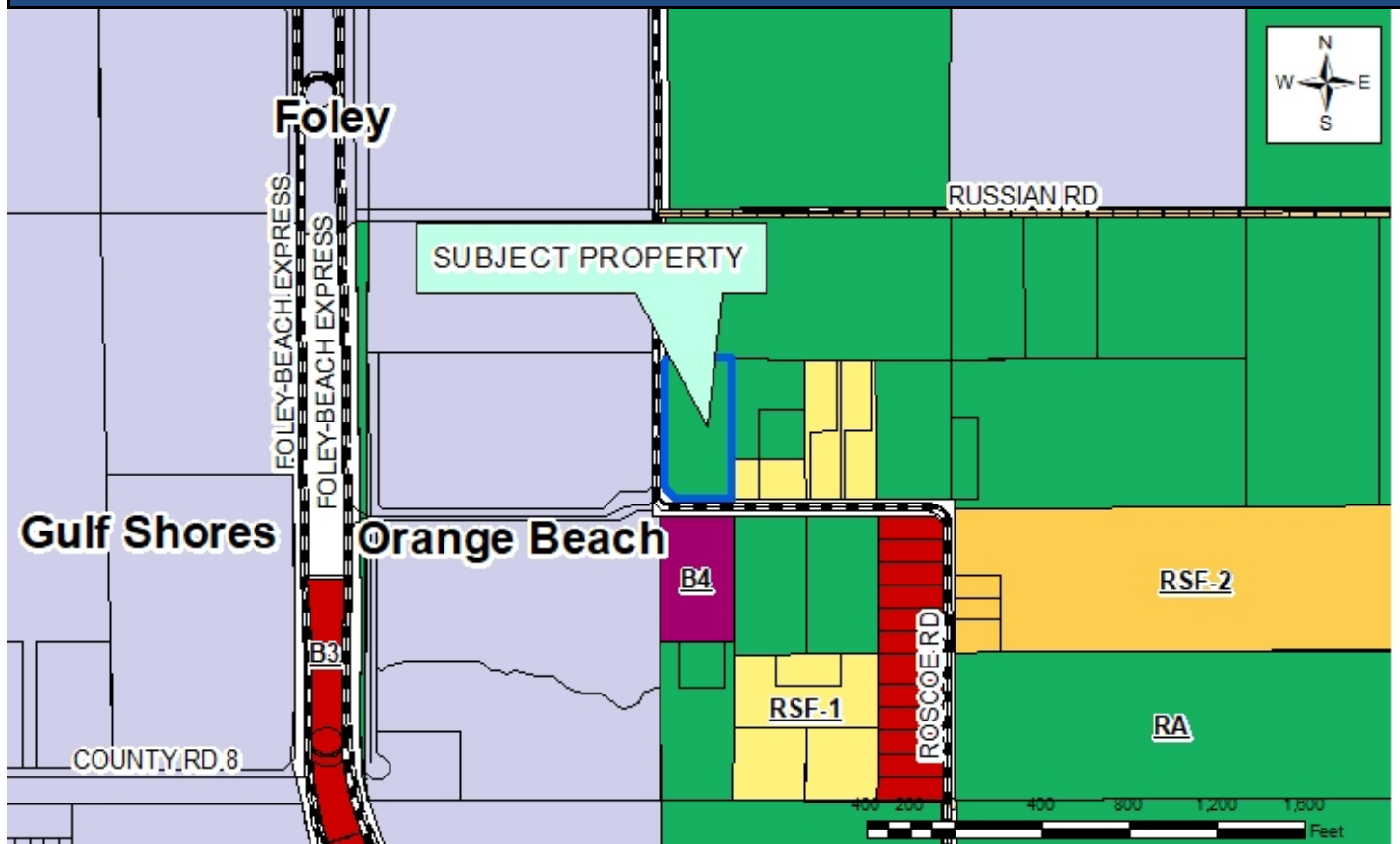


**ADJOINING PROPERTY  
TO THE WEST**

09/11/2019



Locator Map



Site Map

