



Baldwin County Planning & Zoning Department

Baldwin County Commission Staff Report

Agenda Item

Case No. Z-20016

Puckett Property

Rezone RSF-E, Residential Single Family Estate District to B-3, General Business District

August 4, 2020

Subject Property Information

Planning District: 15
General Location: North side of County Road 64, east of State Highway 181
Physical Address: 10213 County Road 64
Parcel Numbers: 05-43-06-14-0-000-015.000
Existing Zoning: RSF-E, Residential Single Family Estate District
Proposed Zoning: B-3, General Business District
Existing Land Use: Residential
Proposed Land Use: Commercial
Acreage: 1 acres +/-
Applicants: Sawgrass Consulting
30673 SGT El Boots Thomas Dr
Spanish Fort, AL 36527
Owner: Jacqueline Simms Puckett
10213 Co Rd 64
Daphne, AL 36526
Lead Staff: Celena Boykin, Senior Planner (Presented by Vince Jackson, Planning Director)
Attachments: *Within Report*

Adjacent Land Use		Adjacent Zoning
North	Residential	RSF- E, Residential Single Family Estate
South	Residential	RSF- E, Residential Single Family Estate
East	Residential	RSF- E, Residential Single Family Estate
West	Residential, Commercial	B-3, General Business District

Summary

The subject property is currently zoned RSF-E, Residential Single Family Estate District and contains one (1) acre. The designation of B-3 General Business District, has been requested for the purpose of moving an existing business, which is located at the northeast corner of State Hwy 181 and County Rd. 64, to the subject property.

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 5.3 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:

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

- (xx) Skating rink
- (yy) Stone monument sales
- (zz) Swimming pool (outdoor)
- (aaa) Taxidermy

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

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: No comments available at this time. Comments will be made available when received.

Planning & Zoning/Subdivisions (Mary Booth, Subdivision Coordinator): No comments.

ADEM: No comments received.

ALDOT: We have no objections to the existing business moving up CR 64 away from the corner. Any new business/ development related to the corner parcel would of course need to be sent our way.

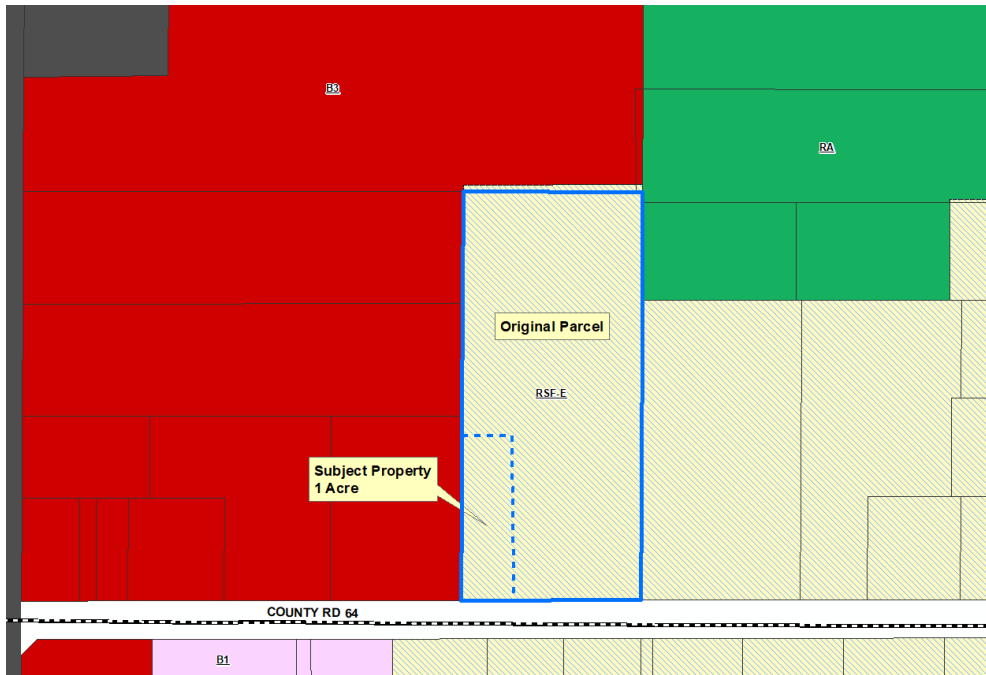
City of Daphne (Adrienne Jones, Planning Director): The Puckett zoning request is compatible with adjacent zoning to the west. Hopefully, there are regulations for a “meaningful” buffer between the subject site and the residential use to the east.

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 portion of the property being rezoned is vacant. The subject property, which contains 1 acre was originally part of a 7.26 acre parcel. The property owner submitted for an exempt subdivision and received approval. The property adjoins County Road 64 to the south. The adjoining properties are residential.



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 adopted by the County Commission on August 1, 2006. The area has seen significant residential growth since that time. As a result, there is an increased demand for commercial development to serve the residents of the area.

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 property. Approval of the rezoning will necessitate an automatic change in the future land use designation to Commercial. The Residential 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 west are commercial.

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

The Highway Department is currently in the design phase of corridor improvements to County Road 64 in this area. In the event that the property is rezoned and the development moves forward, access and required improvements will be addressed during the Land Use Certificate process. Since the development would be commercial, it would be classified as a major project.

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

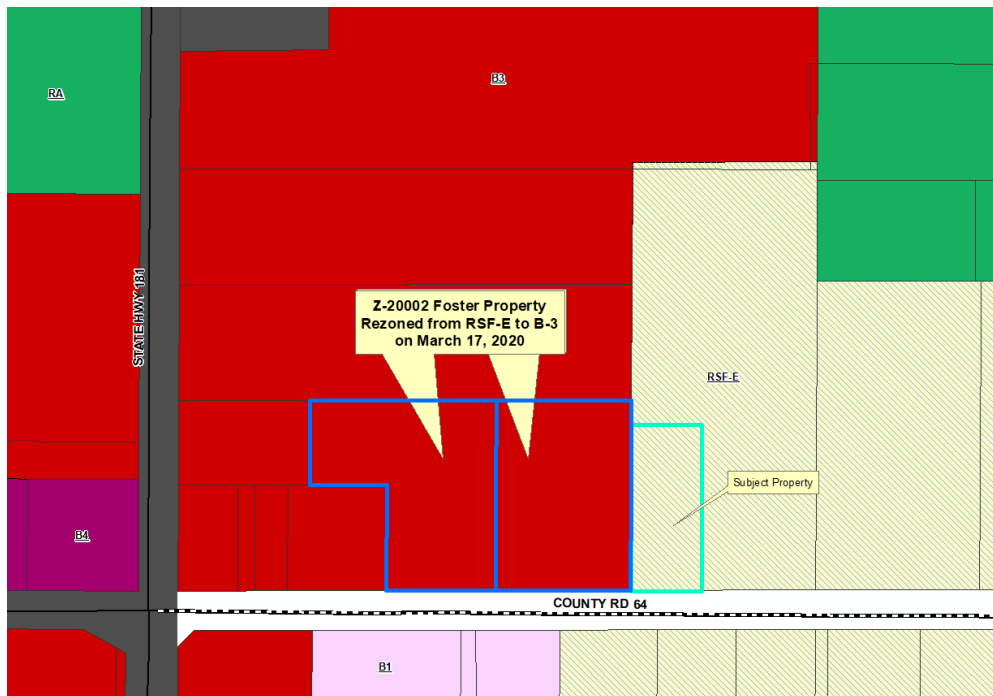
Traffic congestion is a major concern in this area. This development shouldn't have an impact on traffic patterns and congestion since the business currently exists 900 ft to the west on the same road.

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.

The primary surrounding land uses are residential, commercial and institutional. The subject property is located to the east of a commercial intersection. Please also see the responses to Standards 1 and 2.

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

Adjacent property to the west is zoned B-3 which is the requested designation for the subject property. The two parcels to the west was just rezoned from RSF-E to B-3 for a retail center. Properties to the south, north, and east are zoned RSF-E, Residential Single Family Estate District. As stated above, the property is located to the east of a commercial intersection. Property at the intersection is primarily zoned B-3, with two parcels zoned B-4, Major Commercial District, at the northwest corner.



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

As stated previously, this area has experienced significant population growth which has led to a demand for commercial development. 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 knows of no other adverse impacts to environmental conditions or historic resources.

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

As stated previously, traffic congestion is a major concern in this area. This would also be the primary concern in terms of health, safety and welfare.

11.) Other matters which may be appropriate.

If this rezoning is approved, this project will be considered a major project and will have to meet the buffer requirements as listed below from the zoning ordinance.

Article 17 Landscaping and Buffers

Section 17.1 Landscaping Plan

A landscaping plan is required for all major projects. Such plan shall be submitted in conjunction with an application for a land use certificate as herein provided. The plan shall clearly show what existing trees, shrubbery, and other vegetation will be retained, and what trees, shrubbery, and other vegetation will be added to complete the landscaping of the property. The developers shall attempt to retain as many trees as possible on the property unless the trees are a safety hazard to pedestrians, property, or vehicular traffic, or that their removal is necessary to construct the proposed improvements. In such case, the landscape plan shall indicate replacement trees at least 6 feet tall and one inch in diameter for each indigenous tree of at least three (3) inches in diameter removed, unless the property already has a tree density which does

not allow adequate space or light for additional trees. The landscape plan shall show the locations of the proper number of replacement trees. Replacement trees and other vegetation to be installed shall be native species or noninvasive exotics which are not likely to out-compete native vegetation and do not require excessive pesticides, fertilizer, or water to maintain growth.

(a) A major project which abuts a freeway/expressway, arterial or collector shall maintain a minimum of ten (10) feet of the required setback as a buffer along the entire width of the property which abuts said freeway/expressway, arterial or collector except where curb cuts provide ingress and egress. Said buffer shall be planted with trees, shrubs and grass or other ground cover so that an attractive appearance is presented as detailed in the required landscape plan.

Section 17.2 Buffers of Unlike Land Uses and Zoning Designations

17.2.1 Purpose and intent. Where unlike land uses or zoning designations occur, a buffer shall be required along the entire length of all such common boundaries. Said buffer shall be of the width specified below and shall be planted with canopy trees, understory trees and shrubs of sufficient density and of sufficient height (but in no case less than 8-feet high at the time of planting for canopy trees and 4-feet high at the time of planting for understory trees) to afford adequate sight, sound and debris protection. All screen planting shall be maintained in a clean and healthy condition.

17.2.2 Buffer Requirements. Landscaped buffers shall be located at the perimeter of the building site for any given use, and shall not be located in any portion of a public right-of-way. The required buffer widths are listed below. Additional information may be found at Appendix B:

(a) Multiple Family uses (RMF-6) 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**.

(b) Multiple Family uses (RMF-6) when adjacent to a Two Family District (RTF-4 and RTF-6) or Professional Business District (B-1) shall require a minimum buffer of **10-feet**.

(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**.

(d) 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 Two Family District (RTF-4 and RTF-6) or Multiple Family District (RMF-6) shall require a minimum buffer of **10-feet**.

(e) Manufactured Housing Parks (RMH) when adjacent to a 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**.

(f) Manufactured Housing Park (RMH) when adjacent to a Two Family District (RTF-4 and RTF-6), Multiple Family District (RMF-6) or Professional Business District (B-1) shall require a minimum buffer of **10-feet**.

(g) Light Industrial uses (M-1), General Industrial uses (M-2) and Transportation, Communication and Utility uses when adjacent to any residential property shall require a minimum buffer of **75-feet**.

(h) Light Industrial uses (M-1), General Industrial uses (M-2) and Transportation, Communication and Utility uses when adjacent to any Business District (B-1, B-2, B-3 and B-4) shall require a minimum buffer of **50-feet**.

Staff Comments and Recommendation

As stated above, the subject property is currently zoned RSF-E, Residential Single Family Estate District and contains approximately one (1) acre. The designation of B-3 General Business District, has been requested for the purpose of moving an existing business that is located at the northeast corner of State Hwy 181 and County Rd. 64 to the subject property.

Unless information to the contrary is revealed at the public hearing, staff feels this rezoning application should be **APPROVED**. *

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

Property Images







ADJOINING PROPERTY TO THE EAST

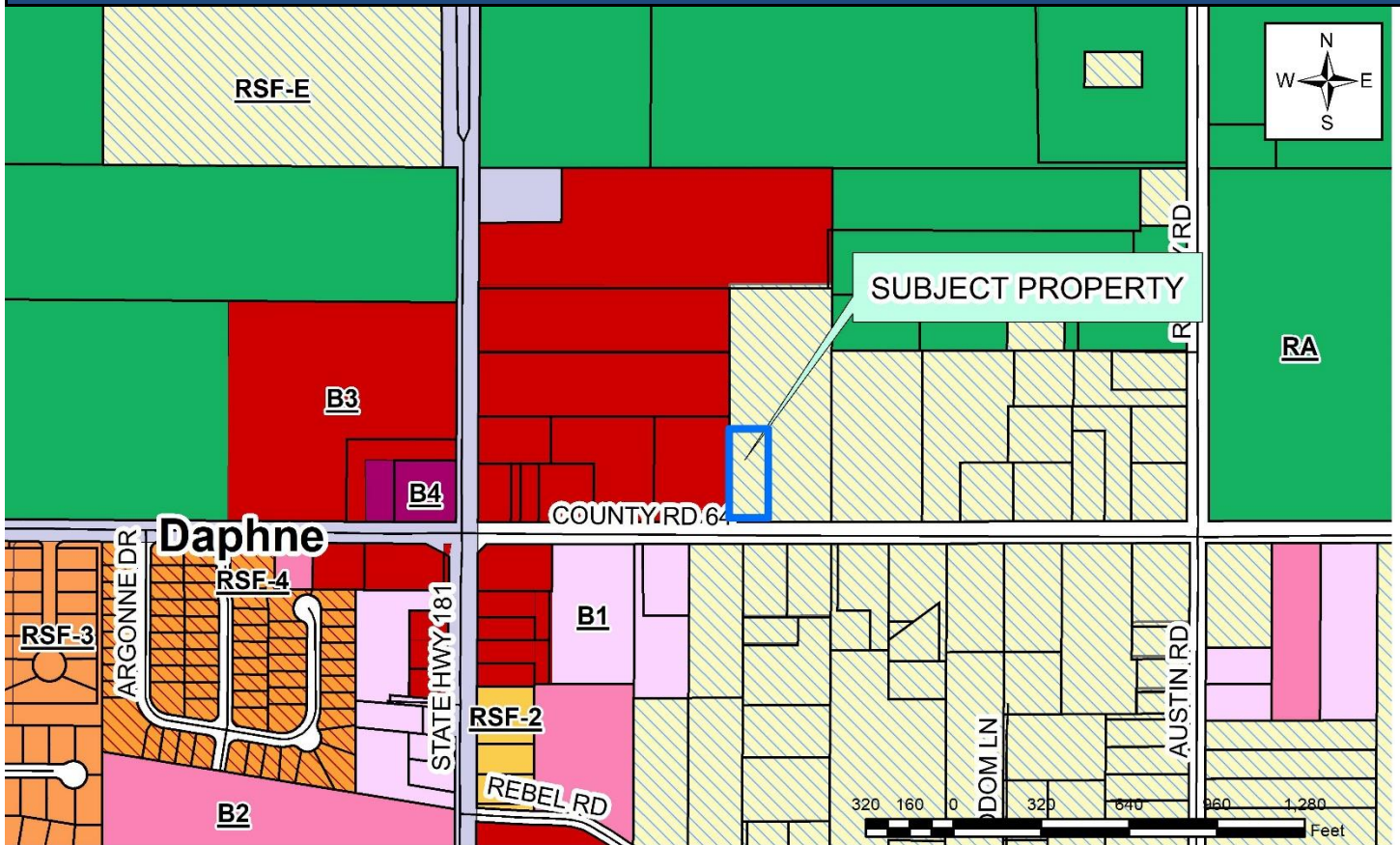
05/11/2020



SUBJECT PROPERTY

05/14/2020

Locator Map



Site Map

