



# Baldwin County Planning & Zoning Department

## Baldwin County Commission Staff Report

### Agenda Item

Case No. Z-20026

Merritt and Walding Properties, LLP Property

Rezone RA, Rural Agriculture District to B-4, Major Commercial District

October 6, 2020

## Subject Property Information

**Planning District:** 12  
**General Location:** Northeast Quadrant of I-10 and the Baldwin Beach Express  
**Physical Address:** N/A  
**Parcel Numbers:** 05-41-02-04-0-000-005.001  
**Existing Zoning:** RA, Rural Agriculture District  
**Proposed Zoning:** B-4, Major Commercial District  
**Existing Land Use:** Undeveloped  
**Proposed Land Use:** Commercial (Recreational Vehicle/Camper Dealership)  
**Acreage:** 19 acres, more or less  
**Applicant:** Merritt and Walding Properties, LLP  
P.O. Box 1670  
Point Clear, Alabama 36564  
**Owner:** Same  
**Lead Staff:** Vince Jackson, Planning Director  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning	
North	Residential/Agricultural	B-4 and RA, Rural Agricultural	
South	Interstate 10	N/A	
East	Residential/Agricultural	RA, Rural Agricultural	
West	Residential/Agricultural	Town of Loxley	Formerly B-4, Major Commercial

## Summary

The subject property, which is currently undeveloped, is zoned RA, Rural Agriculture District. It consists of approximately 19 acres and is located at the northeast quadrant of the I-10 and Baldwin Beach Express Interchange. The designation of B-4, Major Commercial District, has been requested in order to allow for a Recreational Vehicle (RV)/Camper Dealership. The proposed use would be allowed by right under the requested zoning.

## 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

#### 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
- (b) Amusement park
- (c) Auto convenience market (limited to less than 4,000 sq.ft. of gross floor area and maximum of 4 fueling pumps)
- (d) Automobile parts sales
- (e) Automobile repair (mechanical and body)
- (f) Automobile sales
- (g) Automobile service station
- (h) Automobile storage (parking lot, parking garage)
- (i) Boat sales and service
- (j) Building materials
- (k) Farm implements
- (l) Flea market

- (m) Home improvement center
- (n) Hotel or motel
- (o) Manufactured housing sales, service and repair
- (p) Marina
- (q) Motorcycle sales service and repair
- (r) Movie theatre
- (s) Recreational vehicle park
- (t) Recreational vehicle sales, service and repair
- (u) Restaurant, drive-in
- (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
- (b) Ambulance/EMS service
- (c) Armory
- (d) Auditorium, stadium, coliseum
- (e) Barge docking
- (f) Broadcasting station
- (g) Bus and railroad terminal facility
- (h) College or university
- (i) Convalescent or nursing home
- (j) Correctional or penal institution
- (k) Dog pound
- (l) Electric power substations
- (m) Freight depot, rail or truck
- (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:**

Tyler Mitchell

DJ,

Access to this property via CR 68 would need to be coordinated with the Highway Department and would require a commercial access/turnout permit. This access should be planned for the easterly portion of the property.

Thank you,

**Tyler Mitchell, P.E.**

Construction Manager

Baldwin County Highway Department

o: 251-937-0371

c: 251-525-0497

Weesie Jeffords

DJ,

Tyler talked to Joey about this one. Below are additional comments that go with his remarks.

Any connection to this property should be along the East/West portion of County Road 68. Connection should be permitted through the Baldwin County Highway Department Permits Section with a Commercial Turnout. Impacts to any current Highway project or projected project will be looked at if the application is submitted.

Access along the North/South portion of CR 68/Beach Express/I10 interchange can only be permitted through ALDOT. This would most likely would not be allowed due to this area being the "No Access Zone."

Thanks,

Weesie

**ADEM:** No comments received.

**Municipality (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 property is currently undeveloped and has been used for agricultural purposes. The property adjoins County Road 68 to the north and the I-10/Baldwin Beach Express Interchange. The adjacent properties are residential and agricultural. Properties to the north and northwest are zoned B-4. Buc-ee's is located at the southwest quadrant of the interchange.

### **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 County Commission on November 7, 2006. The major change affecting this area is the completion of the Baldwin Beach Express and the I-10 interchange. As a result, numerous parcels, both north and south of I-10, have been rezoned to B-4. The most significant development to occur so far is Buc-ee's, which was permitted and developed under County zoning prior to annexation into the Town of Loxley.

### **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 is provided for the subject property. Approval of the rezoning will result in an amendment of the Future Land Use Map to 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.

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

Baldwin County Highway Department Comments:

Tyler Mitchell

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Access to this property via CR 68 would need to be coordinated with the Highway Department and would require a commercial access/turnout permit. This access should be planned for the easterly portion of the property.

Thank you,

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Access along the North/South portion of CR 68/Beach Express/I10 interchange can only be permitted through ALDOT. This would most likely would not be allowed due to this area being the "No Access Zone."

Thanks,

Weesie

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

The area has seen a significant increase in traffic and congestion since Buc-ee's opened. Development of the subject property will also bring about an increase in traffic. However, the traffic generated by the proposed use should be somewhat less than that generated by Buc-ee's. In addition, the location north of I-10 and the proximity to the interchange should help to minimize impacts. This will be looked at further during the permitting process, as discussed above.

**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 subject property abuts the Baldwin Beach Express to the east and the I-10 interchange. As previously stated in the B-4 Major Commercial District purpose and intent, B-4 zoning "is intended for business uses which require a location with access to an arterial or major collector road or which have close proximity to major intersections." Please also refer to the responses for standards 1 and 2.

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

Adjacent properties to the north and northwest are zoned B-4. Several parcels, including the location of Buc-ee's, were zoned B-4 prior to annexation into the Town of Loxley.

**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.**

N/A

**Staff Comments and Recommendation**

As stated previously, the subject property, which is currently undeveloped, is zoned RA, Rural Agriculture District. It consists of approximately 19 acres and is located at the northeast quadrant of the I-10 and Baldwin Beach Express Interchange. The designation of B-4, Major Commercial District, has been requested in order to allow for a Recreational Vehicle (RV)/Camper Dealership. The proposed use would be allowed by right under the requested zoning.

If the requested rezoning is approved, the applicant will be required to apply for Land Use approval and meet all zoning requirements including, but not limited to setbacks, building height, parking, signage, landscaping and buffering. Drainage plans will be reviewed by the Baldwin County Highway Department.

Staff feels that this is a reasonable request and recommends **APPROVAL**. \* A decision should be made, based on the information obtained at the public hearing.

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



## Property Images







**ADJOINING PROPERTY  
TO THE EAST**

07/16/2020

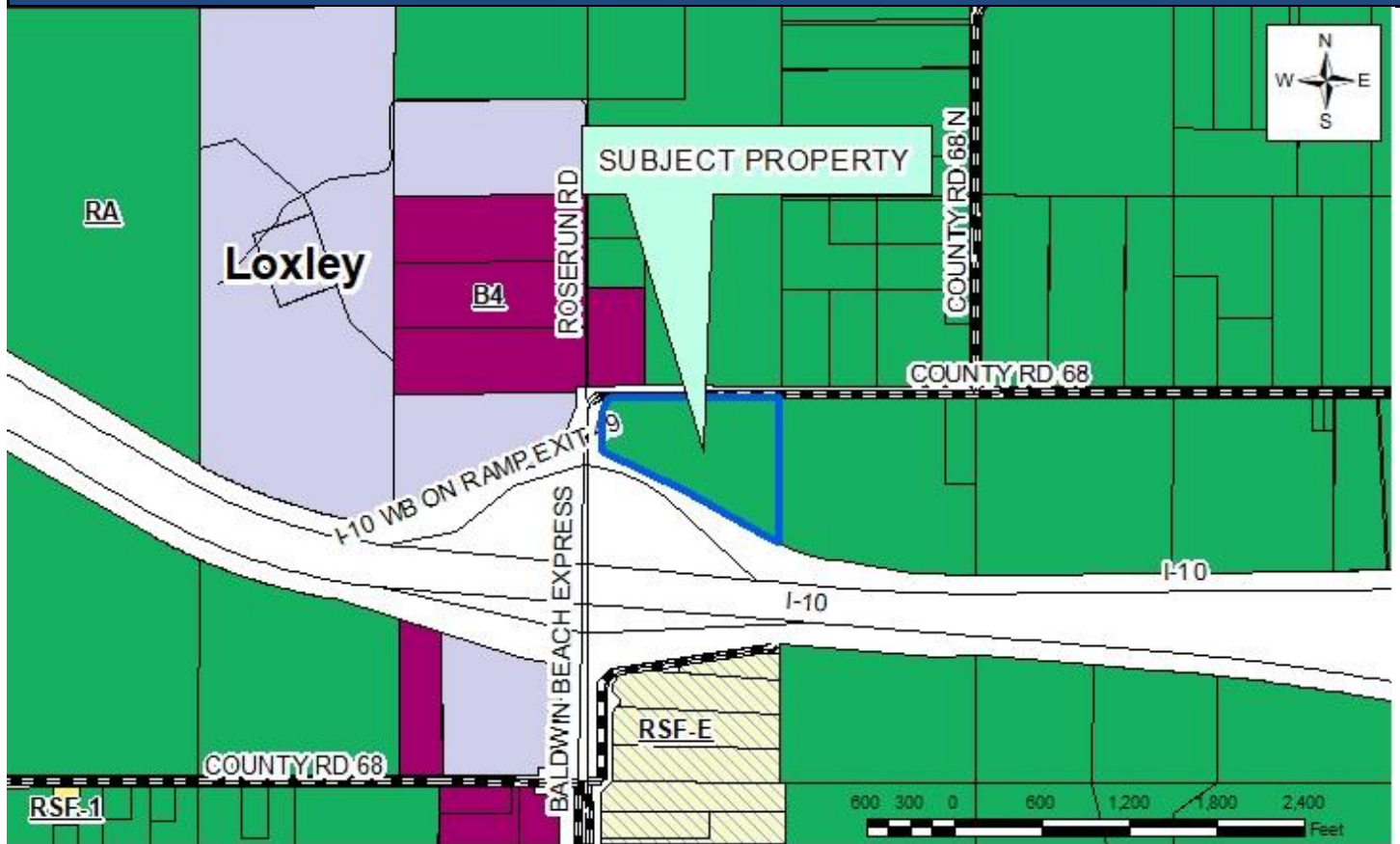


**ADJOINING PROPERTY  
TO THE NORTH**

07/16/2020



Locator Map



Site Map

