



# Baldwin County Planning & Zoning Department

## Baldwin County Commission Staff Report

### Agenda Item

Case No. Z-20027

### Estate of Inez Stots Property

Rezone RSF-3, Single Family, to B-2, Neighborhood Business District

October 6, 2020

## Subject Property Information

**Planning District:** 15  
**General Location:** North side of Milton Jones Road, west of State Highway 181  
**Physical Address:** 9765 Milton Jones Road, Daphne  
**Parcel Number:** 05-43-05-22-0-000-019.002  
**Existing Zoning:** RSF-3, Single Family District  
**Proposed Zoning:** B-2, Neighborhood Business District  
**Existing Land Use:** Residential  
**Proposed Land Use:** Commercial (No use specified. Seeking best use of property.)  
**Acreage:** .5 acres, more or less  
**Applicant:** Patricia Reed  
28045 County Road 66 North  
Loxley, Alabama 36551  
**Owners:** Estate of Inez Stots (Patricia Reed, Executor)  
28045 County Road 66 North  
Loxley, Alabama 36551  
**Lead Staff:** Vince Jackson, Development Review Planner  
**Attachments:** *Within Report*

Adjacent Land Use		Adjacent Zoning
North	Residential	RSF-3, Single Family District
South	Light Industrial/Residential	M-1, Light Industrial/RSF-1
East	Residential	RSF-3, Single Family District
West	Commercial	B-3, General Business
Summary		

The subject property, which consists of approximately .5 acres, is currently zoned RSF-3, Single Family District. B-2, Neighborhood Business District has been requested. According to the submitted information, the purpose of the request is to achieve the best use of the property and a designation which is consistent with its location. This application involves the same applicant as Case Z-20028, which is a similar request.

### Section 4.3 RSF-3, Single Family District

4.4.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a moderate density residential environment consisting of single family homes.

4.4.2 *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) The following agricultural uses: Silviculture.
- (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.

4.4.3 *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.

4.4.4 *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*).

4.4.5 *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	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	10,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

## 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.

**5.2.4 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*).

**For additional information on use provisions, please Section 5.2, Section 5.3 and Article 23 of the zoning ordinance.**

## Agency Comments

**Baldwin County Highway Department:** Tyler Mitchell and Weesie Jeffords

DJ,

I agree with Tyler's comments.

Thanks,  
Weesie

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

**Sent:** Tuesday, July 21, 2020 4:00 PM

**To:** D Hart <[DHart@baldwincountyal.gov](mailto:DHart@baldwincountyal.gov)>; Alfreda Jeffords <[Weesie.Jeffords@baldwincountyal.gov](mailto:Weesie.Jeffords@baldwincountyal.gov)>; Mary Booth <[MBOOTH@baldwincountyal.gov](mailto:MBOOTH@baldwincountyal.gov)>; Frank Lundy <[FLundy@baldwincountyal.gov](mailto:FLundy@baldwincountyal.gov)>; Joey Nunnally <[JNunnally@baldwincountyal.gov](mailto:JNunnally@baldwincountyal.gov)>

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

**Subject:** RE: Z-20027 Estate of Inez Stots Property

DJ,

For any future development of the property, access to Milton Jones Rd would need to be coordinated with Daphne.

Thanks,

**Tyler Mitchell, P.E.**

Construction Manager

Baldwin County Highway Department

o: 251-937-0371

c: 251-525-0497

**ADEM:** No comments received.

**Municipality:** City of Daphne. Adrienne Jones, Planning Director.

Good morning,

With regard to the Estate of Inez Stots property, in order to make an informed recommendation, I need information. For example, which zoning district does the county consider to be an appropriate transitional zone, one that is typically found on the edge of a heavier commercial district and a residential district?

From my direct observation Milton Jones Road has become increasingly more commercialized or perhaps industrialized, therefore, it is not surprising that a request for commercial zoning has been submitted for this parcel. A low intensity use or some type 9 am to 5 pm operation with adequate buffering/landscaping along the north and eastern boundary lines would be suitable. If B-2 is such a district to permit this, then I would recommend approval.

I hope this is helpful,

Adrienne

## 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 occupied with one dwelling. The property adjoins Milton Jones Road to the south. The adjoining properties are residential 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. Since that time, Highway 181 has been widened to four lanes from US Highway 90, south to Milton Jones Road, which has seen numerous rezonings from residential to commercial and industrial designations. In addition, it should be noted that property located at the intersection of State Highway 181 and County Road 64 has been annexed into the City of Daphne.

### **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.

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

Milton Jones Road is under the jurisdiction of the City of Daphne. Staff is unaware of any conflicts with existing or planned public improvements if the rezoning is approved.

#### **Baldwin County Highway Department Comments**

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[Construction Manager](#)

Baldwin County Highway Department

o: 251-937-0371

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

Commercial development of the subject property will cause an increase in traffic. The extent will depend on the nature and type of use to be constructed. Given the existing zoning designations and development patterns, traffic impact should be minimal.

#### **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. This is an area in transition with Milton Jones Road becoming more commercialized as rezonings to commercial and industrial designations have been approved. Staff feels that this request is consistent with development patterns in the area.

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

Adjacent property to the west is zoned B-3, General Business District, with property further west being zoned B-2. Properties to the south are zoned M-1, Light Industrial District.

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

Timing is not a factor, with this request. Given the trends in the area, requests for commercial rezonings will probably increase in the future.

**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?**

This is a broad standard which anticipates impacts which would extend beyond the subject property and adjacent parcels. 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 consists of approximately .5 acres, is currently zoned RSF-3, Single Family District. B-2, Neighborhood Business District has been requested. According to the submitted information, the purpose of the request is to achieve the best use of the property and a designation which is consistent with its location. This application involves the same applicant as Case Z-20028, which is a similar request. For continued residential use of the subject

For the most part, staff does not support speculative rezoning requests. Although not required, information related to specific plans is useful in evaluating standards and formulating recommendations. In the case at hand however, the changing nature of the Milton Jones Road area makes the future prospects for continued residential use of the subject property unlikely. In addition, rezoning can create a transitional zoning designation between the B-3 property to the west and the remaining residential property to the east.

Unless information to the contrary is revealed at the public hearing, this request should be **APPROVED**. \*

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



## Property Images









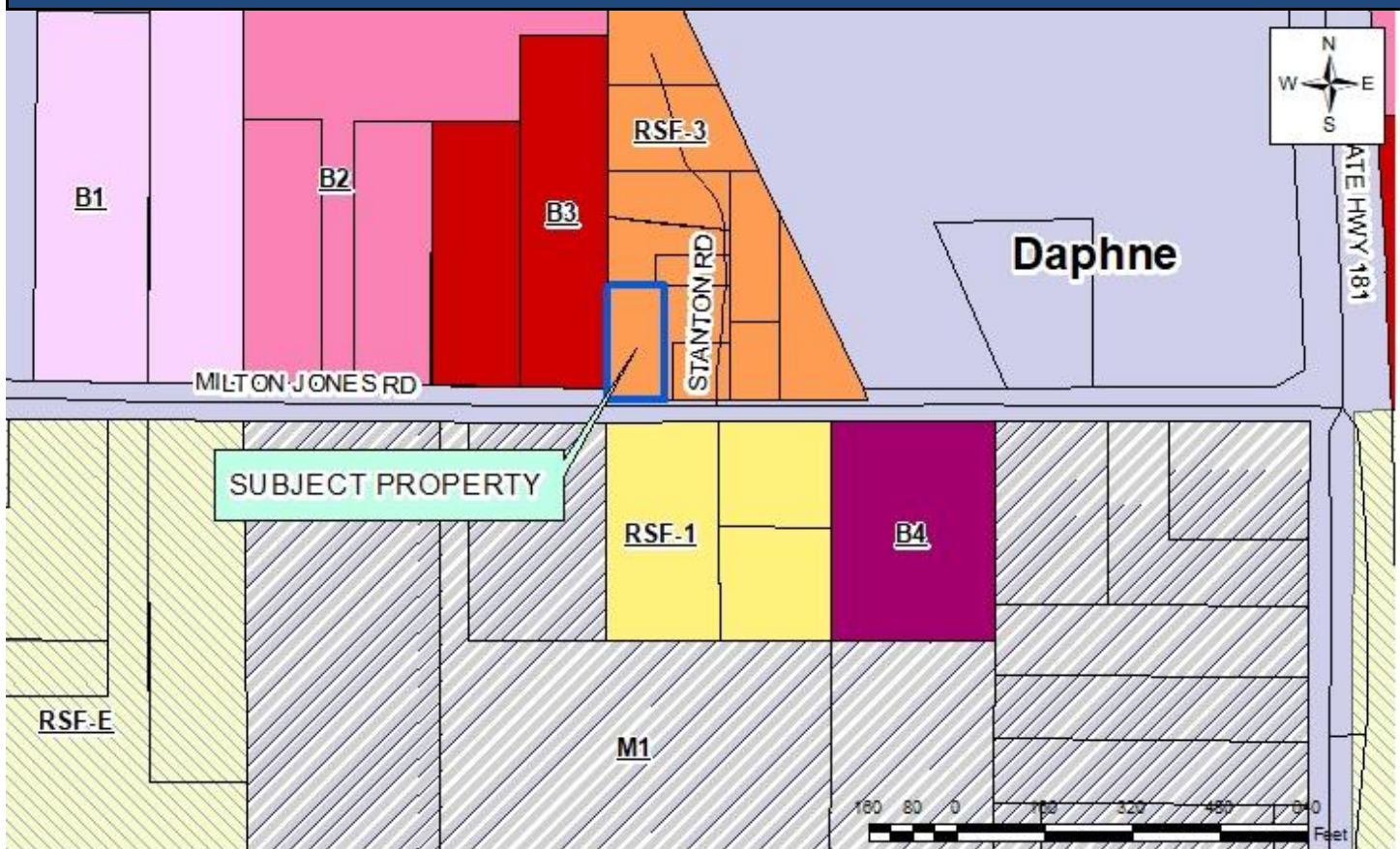


**ADJOINING PROPERTY  
TO THE EAST**

07/16/2020



# Locator Map



# Site Map

