



# Baldwin County Planning & Zoning Department

## Baldwin County Commission Staff Report

### Agenda Item

Case No. Z-20028

Estate of Inez Stots Property

Rezone RSF-1, Single Family District to B-2, Neighborhood Business District

October 6, 2020

## Subject Property Information

**Planning District:** 15  
**General Location:** North side of U.S. Highway 90, west of County Road 66 North  
**Physical Address:** 28045 County Road 66 North  
**Parcel Numbers:** 05-42-03-05-0-000-012.000  
05-43-03-05-0-000-013.000  
**Existing Zoning:** RSF-1, Single Family District  
**Proposed Zoning:** B-2, Neighborhood Business District  
**Existing Land Use:** Residential  
**Proposed Land Use:** Commercial (Use not specified)  
**Acreage:** 7.91 ± acres  
**Applicant:** Patricia Reed  
28045 County Road 66 North  
Loxley, Alabama 36551  
**Owner:** 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-1, Single Family District
South	Residential	RSF-1, Single Family District
East	Industrial	RSF-1, Single Family District
West	Residential	RSF-1/RR, Rural District

## Summary

This request involves two parcels which are currently zoned RSF-1, Single Family District. The total acreage is approximately 7.91 acres. The designation of B-2, Neighborhood Business District has been requested in order to achieve the best use of the property. No proposed use has been specified. Case Z-20027 is a similar request involving the same applicant.

## Section 4.2 RSF-1, Single Family District

4.2.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a low density residential environment consisting of single family homes on large lots.

4.2.2 *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) 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.

4.2.3 *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.

4.2.4 *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 13.10: Bed and Breakfast Establishments*).

4.2.5 *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-Feet
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	30,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-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.

**5.2.2 Permitted uses.** The following uses are permitted as of right, or as uses accessory to permitted uses in the B-2, Neighborhood Business District:

- |  |  |
|--|--|
| (a) All uses permitted by right under the B-1 zoning designation | (v) Floor covering sales or service          |
| (b) Antique store  | (w) Florist                                  |
| (c) Apparel and accessory store                                  | (x) Fraternity or sorority house             |
| (d) Appliance store including repair                             | (y) Fruit and produce store                  |
| (e) Art gallery or museum  | (z) Gift shop                                |
| (f) Art supplies   | (aa) Hardware store, retail                  |
| (g) Bait store   | (bb) Ice cream parlor                        |
| (h) Bakery retail  | (cc) Interior decorating shop                |
| (i) Bed and breakfast or tourist home                            | (dd) Laundry, self service                   |
| (j) Bicycle sales and service                                    | (ee) Lawnmower sales and service             |
| (k) Boarding, rooming or lodging house, dormitory                | (ff) Locksmith                               |
| (l) Book store   | (gg) Music store                             |
| (m) Café   | (hh) Neighborhood convenience store          |
| (n) Camera and photo shop  | (ii) News stand                              |
| (o) Candy store  | (jj) Paint and wallpaper store               |
| (p) Catering shop or service                                     | (kk) Picture framing and/or mirror silvering |
| (q) Copy shop  | (ll) Restaurant                              |
| (r) Delicatessen   | (mm) Shoe repair shop                        |
| (s) Discount/variety store (not to exceed 8,000 square feet)     | (nn) Shoe store                              |
| (t) Drug store (not to exceed 8,000 square feet)                 | (oo) Sign shop                               |
| (u) Fixture sales  | (pp) Sporting goods store                    |
|  | (qq) Tailor shop                             |
|  | (rr) Tobacco store                           |
|  | (ss) Toy store                               |

**5.2.3 Conditional uses.** The following uses are permissible as conditional uses in the B-2, Neighborhood Business District, subject to the standards and procedures established in *Section 18.11: Conditional Uses*:

- |  |  |
|--|--|
| (a) Air conditioning sales and service                   | (q) Park or playground   |
| (b) Amusement arcade                                     | (r) Pawn shop  |
| (c) Animal clinic/kennels                                | (s) Pet shop   |
| (d) Arboretum  | (t) Plumbing shop  |
| (e) Ball field   | (u) Restaurant sales and supplies  |
| (f) Business machine sales and service                   | (v) Riding academy   |
| (g) Car wash   | (w) Rug and/or drapery cleaning service  |
| (h) Country club   | (x) Seafood store  |
| (i) Discount/variety store (exceeding 8,000 square feet) | (y) Swimming pool (outdoor)  |
| (j) Drug store (exceeding 8,000 square feet)             | (z) Tennis court (outdoor)   |
| (k) Exterminator service office                          | (aa) Water storage tank  |
| (l) Golf course  | (bb) Wildlife sanctuary  |
| (m) Liquor store   | (cc) Wireless telecommunication facility   |
| (n) Mini-warehouse                                       | (dd) Dwellings, in combination with commercial uses, subject to the standards listed under Section 5.2.4: Mixed uses |
| (o) Night club, bar, tavern                              |  |
| (p) Office equipment and supplies sales                  |  |

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*).

5.2.5 *Area and dimensional ordinances.*

Maximum Height of Structure in Feet	35
Maximum Height of Structure in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.60
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

5.2.6 *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.

5.2.7 *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.

5.2.8 *Landscaping and buffering.* All B-2, Neighborhood Business District, uses shall meet the requirements of *Article 17: Landscaping and Buffers*.

## Agency Comments

### Baldwin County Highway Department, Tyler Mitchell and Weesie Jeffords:

DJ,

I agree with Tyler's comments.

Any connection to HWY 90 (Minor Arterial) will require a permit through ALDOT and there is a 100ft highway construction setback from the center of ROW.

Connection to County Road 66N (local road) will require a commercial turnout permit through the Baldwin County Highway Department and has a 40ft highway construction setback from the center of the ROW.

Thank you,  
Weesie

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

**Sent:** Tuesday, July 21, 2020 4:06 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)>

**Cc:** Frank Lundy <[FLundy@baldwincountyal.gov](mailto:FLundy@baldwincountyal.gov)>; Joey Nunnally <[JNunnally@baldwincountyal.gov](mailto:JNunnally@baldwincountyal.gov)>

**Subject:** RE: Z-20028 Estate of Inez Stots Property (case 2)

DJ,

For any future development of the property, access to County Road 66 N would need to be coordinated with the Baldwin County Highway Department. Any connection to Hwy 90 would need to be coordinated with ALDOT.

Thanks,

**Tyler Mitchell, P.E.**

Construction Manager

Baldwin County Highway Department

o: 251-937-0371

c: 251-525-0497

**ADEM:** No comments received.

**Baldwin County Subdivision Department, Mary Booth:** No comments.

**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 property is currently occupied with one dwelling and accessory structures. The property adjoins U.S. Highway 90 to the south and County Road 66 North to the east. Property to the east is the location for a grandfathered concrete plant. Properties to the north, south and west 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?**

Planning District 15 was zoned in August 2006. There have been no changes which would impact rezoning of the subject property.

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

The Baldwin County Master Plan, 2013, provides a future land use designation of Residential for the subject property. 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, RMH and PRD.

If the rezoning is approved, the Future Land Use Map will be amended to reflect the designation of 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 unaware of any existing or planned public improvements which would be impacted.

Baldwin County Highway Department Comments

DJ,

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Thanks,

**Tyler Mitchell, P.E.**  
Construction Manager  
Baldwin County Highway Department  
o: 251-937-0371  
c: 251-525-0497

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

Traffic will increase with commercial development on the property. The exact nature and extent of the increase is difficult to ascertain at this time. This will be looked at 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 majority of the surrounding land uses are residential. Property to the west, across County Road 66 North, is the location of a concrete plant which was established prior to the adoption of zoning. This property, however, is zoned RSF-1.

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

The surrounding zoning designations are RSF-1, with an area of RR, Rural District, located to the west. The nearest B-2 zoned parcel is located across from the RR parcel on the south side of U.S. Highway 90.

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

Timing 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?**

Staff anticipates no adverse impacts. Access to this site would require approval from Baldwin County Highway Department on County Road 66 North and from the Alabama Department of Transportation (ALDOT) on U.S. highway 90. 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, buffers and site plans in order to ensure compliance with the requirements of the zoning ordinance.

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

N/A

## Staff Comments and Recommendation

As stated previously, this request involves two parcels which are currently zoned RSF-1, Single Family District. The total acreage is approximately 7.91 acres. The designation of B-2, Neighborhood Business District has been requested in order to achieve the best use of the property. No proposed use has been specified. Case Z-20027 is a similar request involving the same applicant. Like Case Z-20027, this application represents speculative rezoning. The situation in this area is somewhat different however, in that we do have multiple zoning designations and have not see a significant number of rezoning applications. Staff believes, however, that residential development of the subject properties is unlikely due to the location on U.S. Highway 90, and due also to the presence of the concrete plant.

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 be making the final decision.*



## Property Images







**ADJOINING PROPERTY  
TO THE EAST**

**07/16/2020**



**PROPERTY LOCATED AT THE  
SOUTH EAST CORNER OF  
US HIGHWAY 90 & COUNTY ROAD 66N**

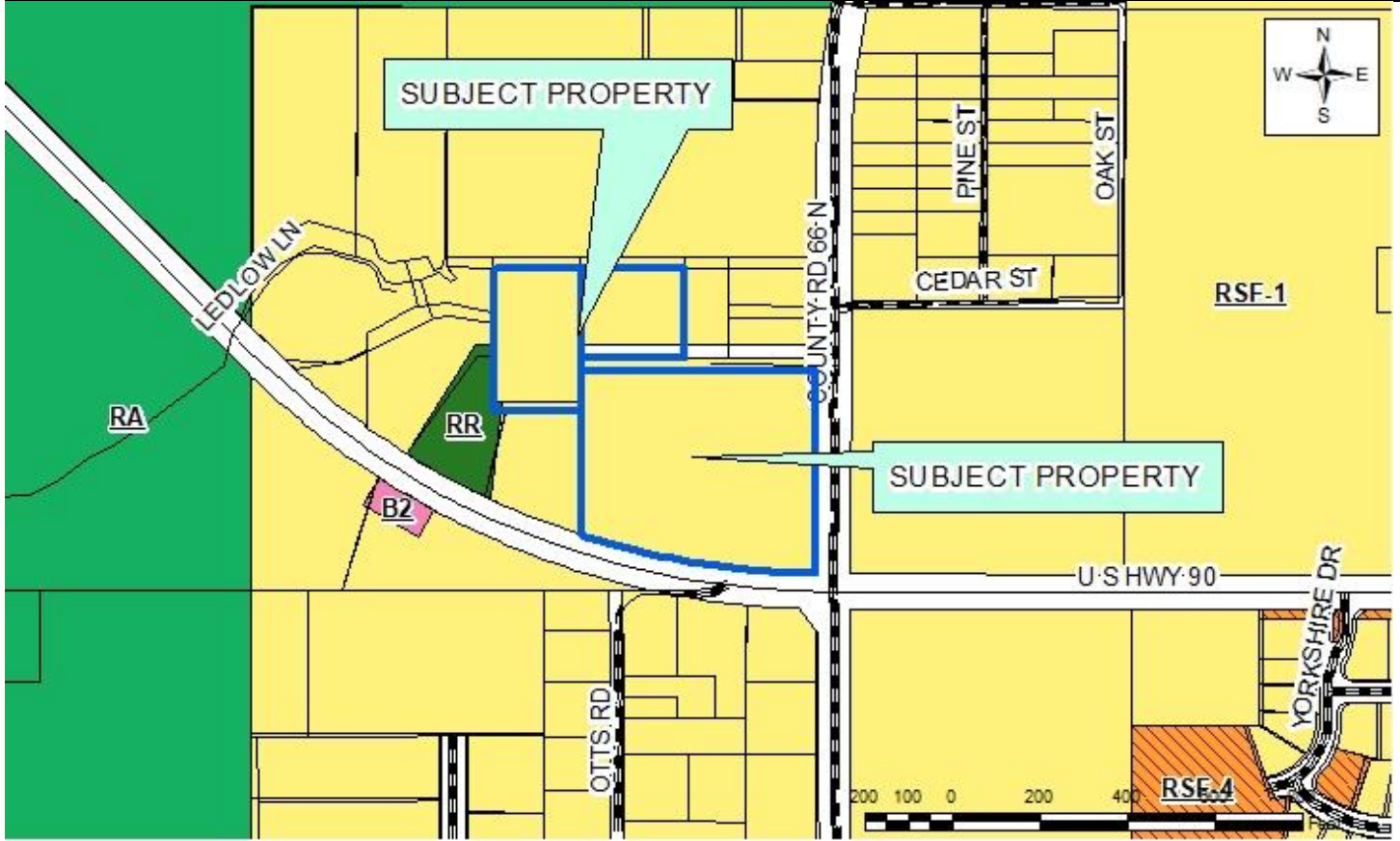
**07/16/2020**







## Locator Map



Site Map

