



# Baldwin County Planning & Zoning Department

## Baldwin County Commission Staff Report

### Agenda Item

Case No. Z-20044

Dan & Dan LLC Property

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

January 19, 2021

## Subject Property Information

**Planning District:** 22  
**General Location:** Southeast Corner of US Highway 98 and County Road 95  
**Physical Address:** 12990 County Road 95  
**Parcel Number:** 05-53-07-26-0-000-004.000  
**Existing Zoning:** RA, Rural Agricultural District  
**Proposed Zoning:** B-3, General Business District  
**Existing Land Use:** Undeveloped  
**Proposed Land Use:** Convenience Store and Gas Station  
**Acreage:** 3.00± acres  
**Applicant:** Hetal Patel  
4088 Craigend Loop  
Gulf Shores, AL 36542  
**Owner:** Dan & Dan LLC  
PO Box 3185  
Carmel, IN 46082  
**Lead Staff:** Linda Lee, Planner  
**Attachments:** *Within Report*

Adjacent Land Use		Adjacent Zoning
North	Agricultural	B-2, Neighborhood Business District
South	Residential	RA, Rural Agricultural District
East	Residential and Agricultural	B-2, Neighborhood Business District RA, Rural Agricultural District
West	Commercial and Residential	B-3, General Business District RA, Rural Agricultural District

## Summary

The subject property is currently zoned RA, Rural Agricultural District, and is undeveloped. The property adjoins State Highway 98 to the north and County Road 95 to the west. The adjoining properties are agricultural, commercial, and residential. The requested zoning designation is B-3, General Business District. According to the submitted information, the purpose of this request is to allow for a convenience store and gas station.

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

- (uu) Rug and/or drapery cleaning service
- (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
- (b) Ambulance/EMS service
- (c) Amusement park
- (d) Armory
- (e) Auditorium, stadium, coliseum
- (f) Automobile parts sales
- (g) Automobile repair (mechanical and body)
- (h) Automobile storage (parking lot, parking garage)
- (i) Barge docking
- (j) Boat sales and service
- (k) Broadcasting station
- (l) Building materials
- (m) Bus and railroad terminal facility
- (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:** No comments received.

**Army Corps of Engineers:** No comments received.

**ADEM:** No comments received.

**Baldwin County Subdivision Department:**

**From:** Alfreda Jeffords <[Weesie.Jeffords@baldwincountyal.gov](mailto:Weesie.Jeffords@baldwincountyal.gov)>

**Sent:** Friday, November 20, 2020 12:58 PM

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

**Subject:** RE: December Planning Commission Cases

DJ,

For Case Z-20044:

The property has frontage on both US 98 and County Rd 95. US 98 is maintained by the State, is a principle arterial route, has a highway construction setback of 125ft from the centerline of the ROW, and will require coordination with ALDOT for access.

County Rd 95 is maintained by Baldwin County, is a minor collector at the location, has a highway construction setback of 50ft from the centerline of ROW, and would require a commercial access permit through our Highway Department. The convenience store proposed usage will require a traffic impact study per the permit requirements.

Thanks,  
Weesie

**Municipality:** No comments received

**Alabama Department of Transportation:**

**From:** Smith, Michael <[smithmi@dot.state.al.us](mailto:smithmi@dot.state.al.us)>

**Sent:** Monday, November 16, 2020 1:30 PM

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

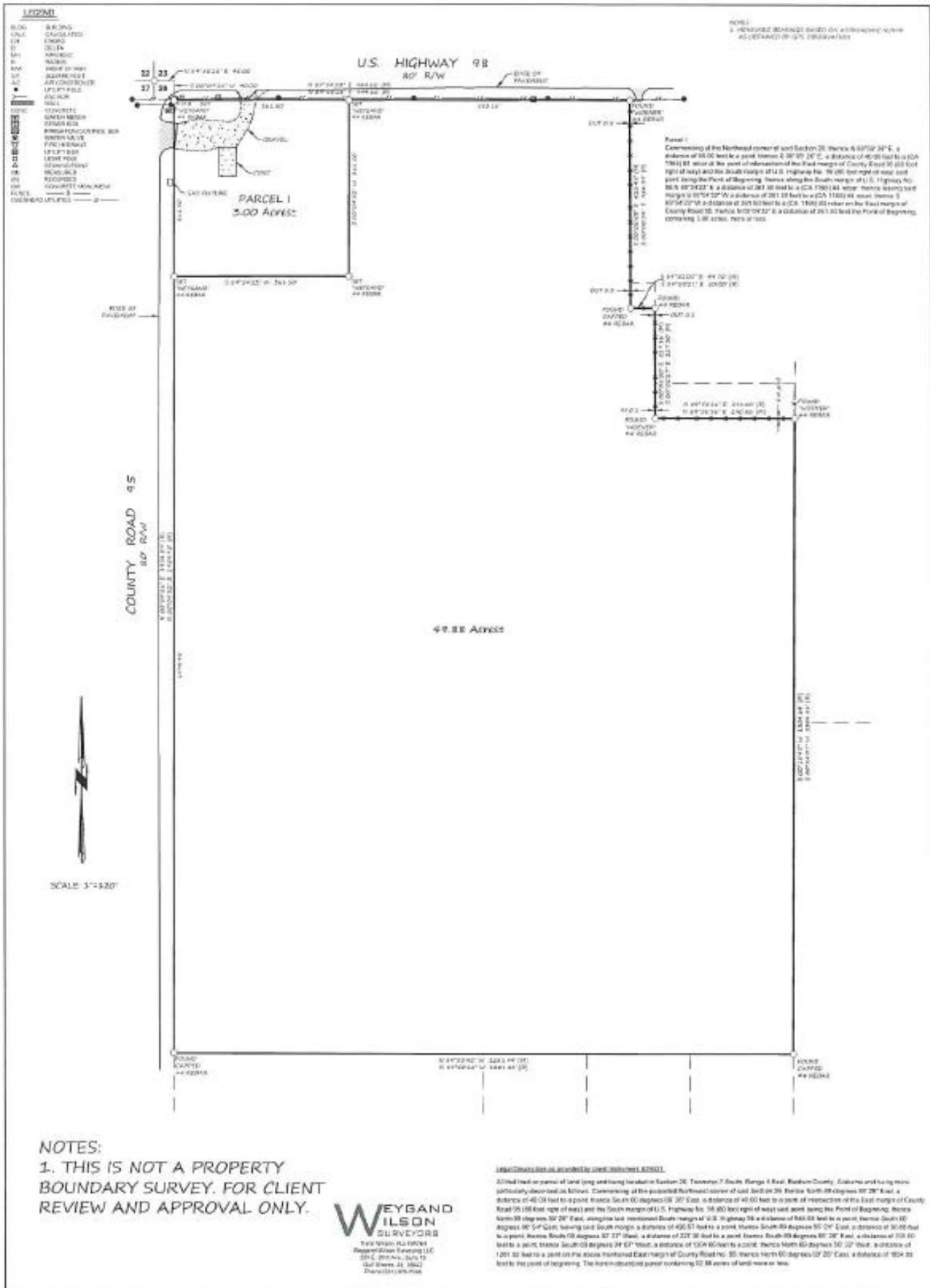
**Subject:** RE: December Planning Commission cases

Good afternoon DJ,  
As always, thanks for the notice on these.

Z-20044: ALDOT will need to see a site plan for final determination of the requirement, however, the existing access to US 98 will not be allowed to remain in its current location. It will likely be required shifting to the east, and may be deemed directional only, unless additional widening is performed by the developer to allow for extension of the WB left turn lane. Again, without a site plan it is hard to say at this stage, but this gives you an idea of requirements.

**MICHAEL SMITH**  
**AREA PERMIT MNGR.**  
OFFICE: 251-470-8273  
CELL: 251-331-0104

# Survey



## 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 zoned RA, Rural Agricultural District, and is undeveloped. The requested zoning designation is B-3, General Business District. The adjacent properties are zoned RA, B-2 and B-3. The adjacent uses are commercial, residential and agricultural. There are B-3 zoned properties adjacent to this property to the west. The requested change is compatible with the existing zoning of nearby properties.

### **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 22 was zoned in November 2002. The subject property was zoned RA, Rural Agricultural District at that time. There have been numerous re-zonings to commercial designations on US Hwy 98 since that time.

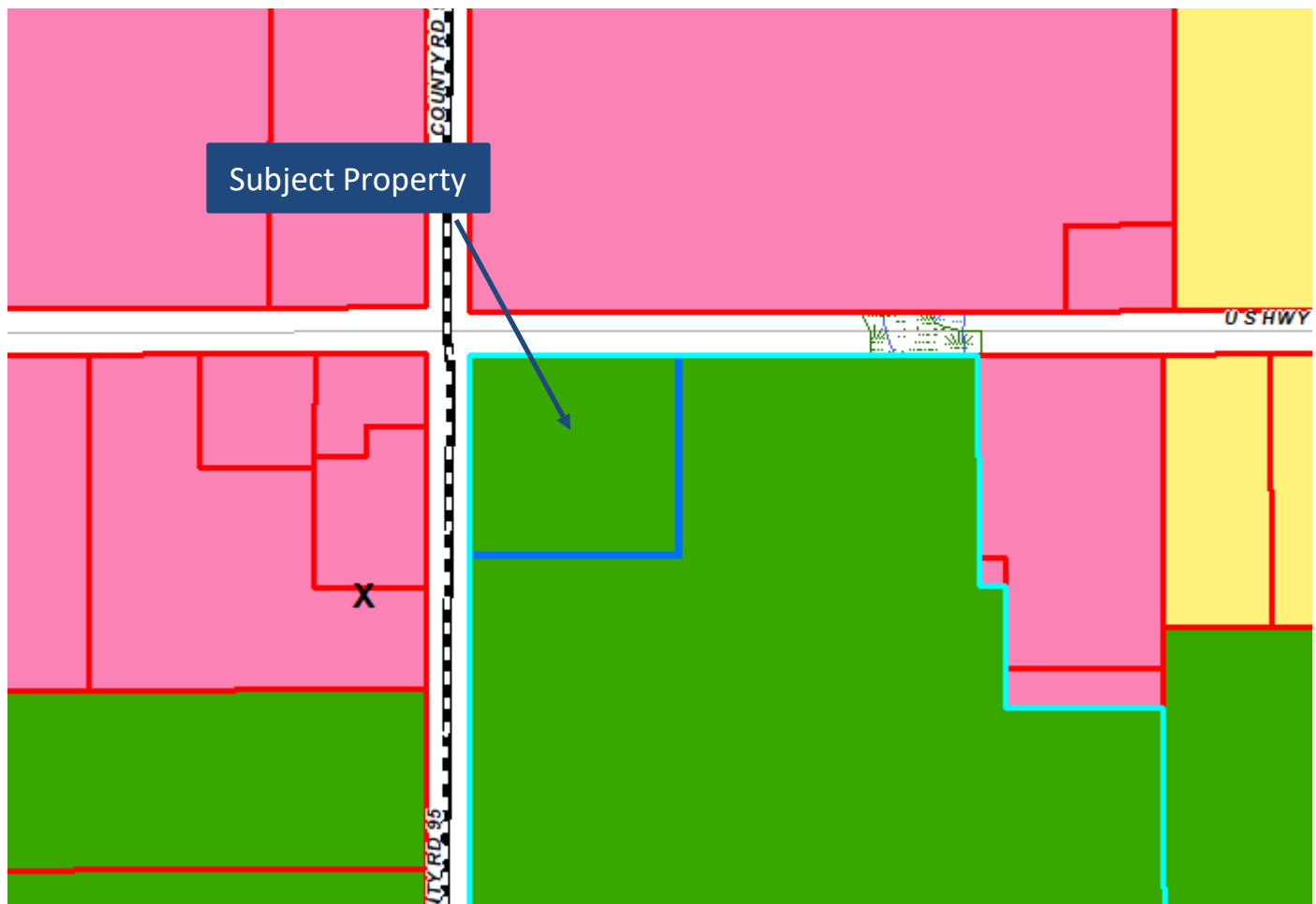
### **3.) Does the proposed zoning better conform to the Master Plan?**

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.

The proposed zoning designation conforms to the Master Plan.



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

Staff is unaware 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 US Highway 98 is principal arterial. These roadways serve major centers of metropolitan areas, provide a high degree of mobility and can also provide mobility through rural areas. Unlike their access-controlled counterparts, abutting land uses can be served directly. Forms of access for Other Principal Arterial roadways include driveways to specific parcels and at-grade intersections with other roadways. For the most part, roadways that fall into the top three functional classification categories (Interstate, Other Freeways & Expressways and Other Principal Arterials) provide similar service in both urban and rural areas. The primary difference is that there are usually multiple Arterial routes serving a particular urban area, radiating out from the urban center to serve the surrounding region. In contrast, an expanse of a rural area of equal size would be served by a single Arterial. The functional classification of County Road 95 is minor collector. Collectors gather traffic from local roads and funnel them to the arterial network. Minor Collectors generally serve primarily intra-county travel and constitute those routes on which predominant travel distances are shorter than on arterial routes. The traffic going to and from the convenience store/gas station could have an impact on traffic patterns or congestion. Access to this site would require approval from the Alabama Department of Transportation and/or the 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.**



There are B-3 zoned properties with frontage on State Highway 98 west and east of this property. The requested change is consistent with the development patterns in the area.

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

This area of Planning District 22 consists of commercial, residential and agricultural zoning districts. The other three properties at this intersection are zoned commercial. There are numerous commercial uses in this area, therefore the requested change is a logical expansion of adjacent zoning districts.

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

Staff believes that timing is appropriate given development trends in the area.

**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 the Alabama Department of Transportation (ALDOT) and/or the 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, buffers and site plans in order to ensure compliance with the requirements of the zoning ordinance.

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

The Highway Construction Setback for State Highway 98 is 125 feet from the centerline of the right-of-way. The Highway Construction Setback for County Road 95 is 50 feet from the centerline of the right-of-way.

A landscaping buffer of 25-feet will be required on the south and east property lines adjacent to rural zoning.

**Staff Comments and Recommendation**

As stated previously, the subject property is currently zoned RA, Rural Agricultural District, and is undeveloped. The property adjoins State Highway 98 to the north and County Road 95 to the west. The adjoining properties are agricultural, commercial, and residential. The requested zoning designation is B-3, General Business District. According to the submitted information, the purpose of this request is to allow for a convenience store and gas station.

The Baldwin County Planning Commission considered this request at its December 3, 2020 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

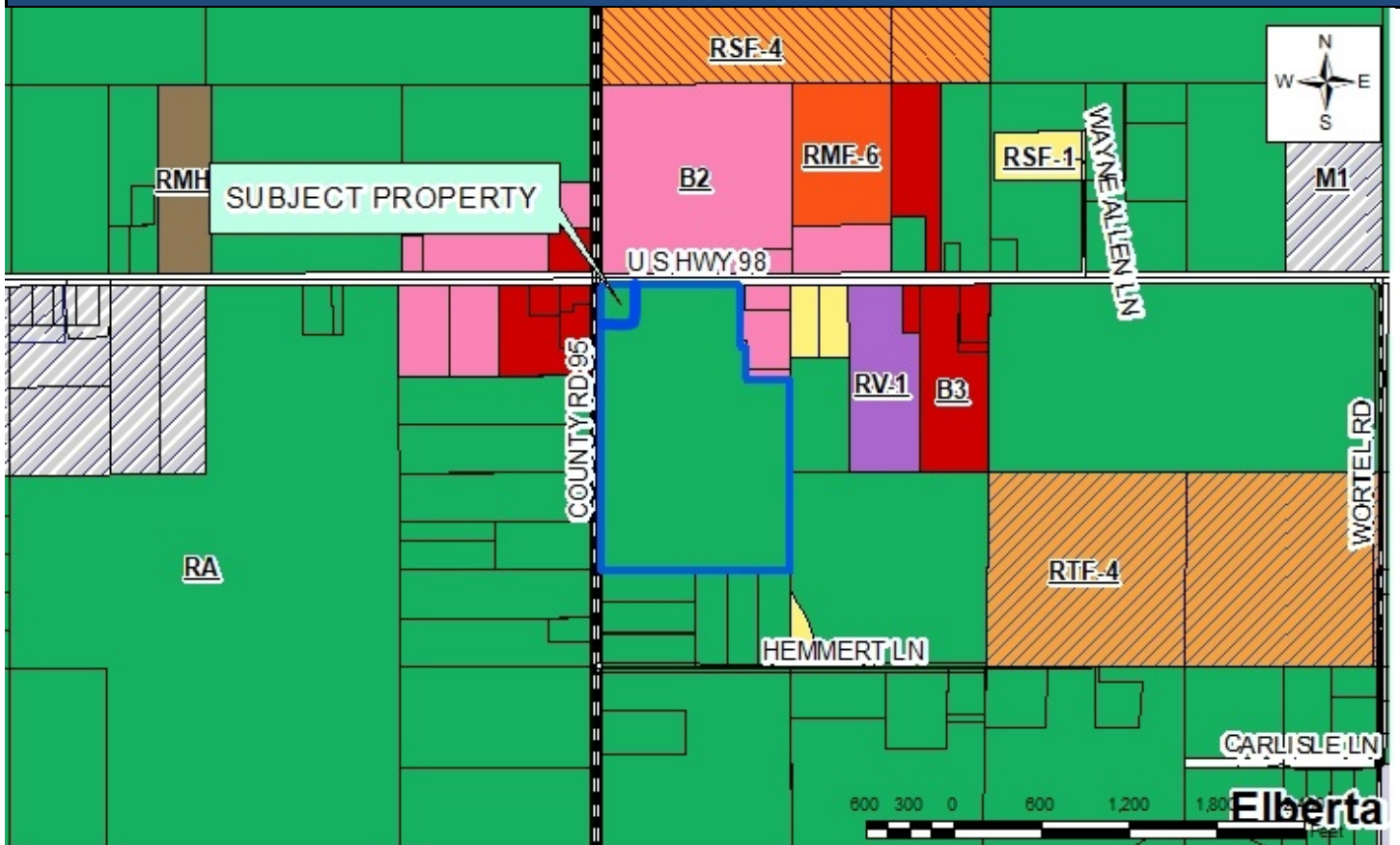








# Locator Map



# Site Map

