



# Baldwin County Planning & Zoning Department

## Baldwin County Commission Staff Report

### Agenda Item

Case No. Z-21006

### Middleton Property

Rezone RSF-E, Single Family Estate District to B-4, Major Commercial District

February 17, 2021

## Subject Property Information

**Planning District:** 12  
**General Location:** East side of Rawls Road and North of Devine Road  
**Physical Address:** 25120 Rawls Road  
**Parcel Number:** 05-42-06-24-0-000-010.000  
**Existing Zoning:** RSF-E, Single Family Estate District  
**Proposed Zoning:** B-4, Major Commercial District  
**Existing Land Use:** Single Family Residence  
**Proposed Land Use:** Storage Units  
**Acreage:** 2.11± acres  
**Applicant:** Thomas Granger  
30673 Sgt. E. I. Boots Thomas Drive  
Spanish Fort, AL 36527  
**Owner:** Daniel Middleton  
22463 State Highway 59 S  
Robertsdale, AL 36567  
**Lead Staff:** Linda Lee, Planner  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Vacant	B-3, General Business District
South	Vacant	B-4, Major Commercial District
East	Commercial	B-4, Major Commercial District
West	Residential and Agricultural	RSF-3, Single Family District

## Summary

The subject property is currently zoned RSF-E, Single Family Estate District, and occupied with a dwelling. The property adjoins Rawls Road to the west. The adjoining properties are zoned residential and commercial. The requested zoning designation is B-4, Major Commercial District. According to the submitted information, the purpose of this request is to allow for storage units similar to their neighbors. A Land Use Certificate for an enclosed boat/RV storage and mini-warehouse storage facility on the adjacent property to the east was approved in September 2020.

## 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
Maximum Height in Habitable Stories	2 1/2
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 5.4 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 | (l) Flea market                                    |
| (b) Amusement park                                               | (m) Home improvement center                        |
| (c) Auto convenience market                                      | (n) Hotel or motel                                 |
| (d) Automobile parts sales                                       | (o) Manufactured housing sales, service and repair |
| (e) Automobile repair (mechanical and body)                      | (p) Marina                                         |
| (f) Automobile sales                                             | (q) Motorcycle sales service and repair            |
| (g) Automobile service station                                   | (r) Movie theatre                                  |
| (h) Automobile storage (parking lot, parking garage)             | (s) Recreational vehicle park                      |
| (i) Boat sales and service                                       | (t) Recreational vehicle sales, service and repair |
| (j) Building materials                                           | (u) Restaurant, drive-in                           |
| (k) Farm implements                                              | (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                            | (i) Convalescent or nursing home      |
| (b) Ambulance/EMS service              | (j) Correctional or penal institution |
| (c) Armory                             | (k) Dog pound                         |
| (d) Auditorium, stadium, coliseum      | (l) Electric power substations        |
| (e) Barge docking                      | (m) Freight depot, rail or truck      |
| (f) Broadcasting station               | (n) Hospital                          |
| (g) Bus and railroad terminal facility | (o) Landfill                          |
| (h) College or university              |                                       |

- (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.*

## Boundary Map Submitted by Applicant



### Agency Comments

**Baldwin County Highway Department:**

**From:** Mary Booth <[MBOOTH@baldwincountyal.gov](mailto:MBOOTH@baldwincountyal.gov)>

**Sent:** Thursday, December 17, 2020 1:53 PM

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

**Subject:** RE: Z-21006

I have no comments for Z-21006

**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)>

**Date:** December 23, 2020 at 9:39:17 AM CST

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

**Subject:** RE: Z-21006

Z-21006(Middleton):

Permit for Rawls Rd access should be a Commercial Access permitted through the Permits section for the proposed usage.

Thanks,  
Weesie

**Municipality:** No comments received

**Alabama Department of Transportation:** 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 zoned RSF-E, Single Family Estate District and is occupied with a dwelling and accessory structure. The requested zoning designation is B-4, Major Commercial District. The adjacent properties are zoned RSF-3, B-3 and B-4. The property adjoins Rawls Road to the west. The adjoining properties are residential, vacant, and commercial. The requested change is compatible with the existing adjacent zonings.

**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?**

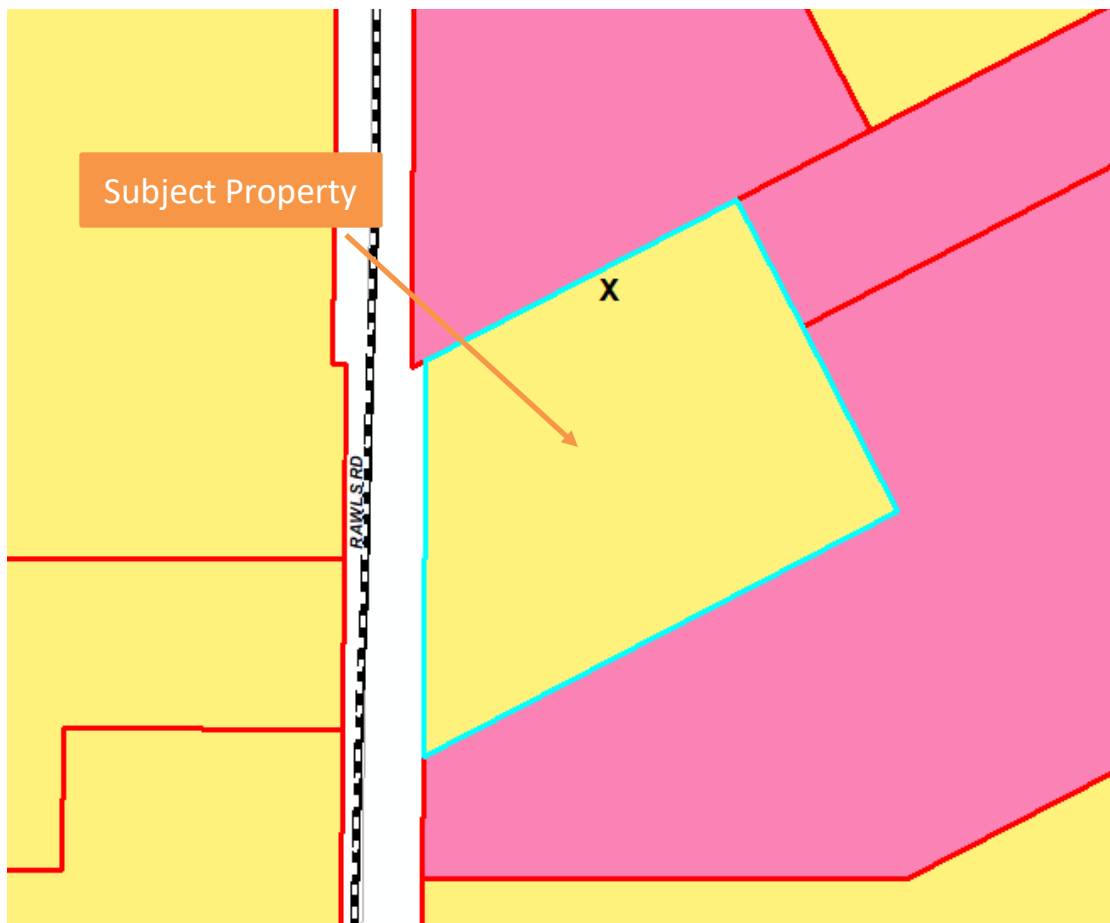
Planning District 12 was zoned in November 2006. The adjacent parcels to the east and south were rezoned from RSF-E to B-4 in 2019. The adjacent property to the north was rezoned from RSF-3 to B-3 in 2010.

**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.

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

Approval of the rezoning will result in an amendment of the Future Land Use Map to commercial. This 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 adjacent future land use designations to the north, south and east are commercial.



**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?**

Rawls Road is a 20-foot-wide, paved (10-foot lanes), County Maintained Road lying in a 60-foot ROW. Rawls Road is not classified by ALDOT and is by default a Local Road with a 40-foot Highway Construction Setback. Access to this site would require approval from the Baldwin County Highway Department. A business of this type is intended to serve a local area and generally does not draw a significant amount of traffic. As a result, 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.**

The proposed rezoning is consistent with the recent rezoning of the parcels to the east and south in 2019 to B-4.

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

The proposed amendment is the logical expansion of adjacent zoning districts as the adjacent parcels were recently rezoned to B-4.

**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.

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

**Staff Comments and Recommendation**

As stated previously, the subject property is currently zoned RSF-E, Single Family Estate District, and occupied with a dwelling. The property adjoins Rawls Road to the west. The adjoining properties are zoned residential and commercial. The requested zoning designation is B-4, Major Commercial District. According to the submitted information, the purpose of this request is to allow for storage units similar to their neighbors.

The Baldwin County Planning Commission considered this request at its January 7, 2021 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**

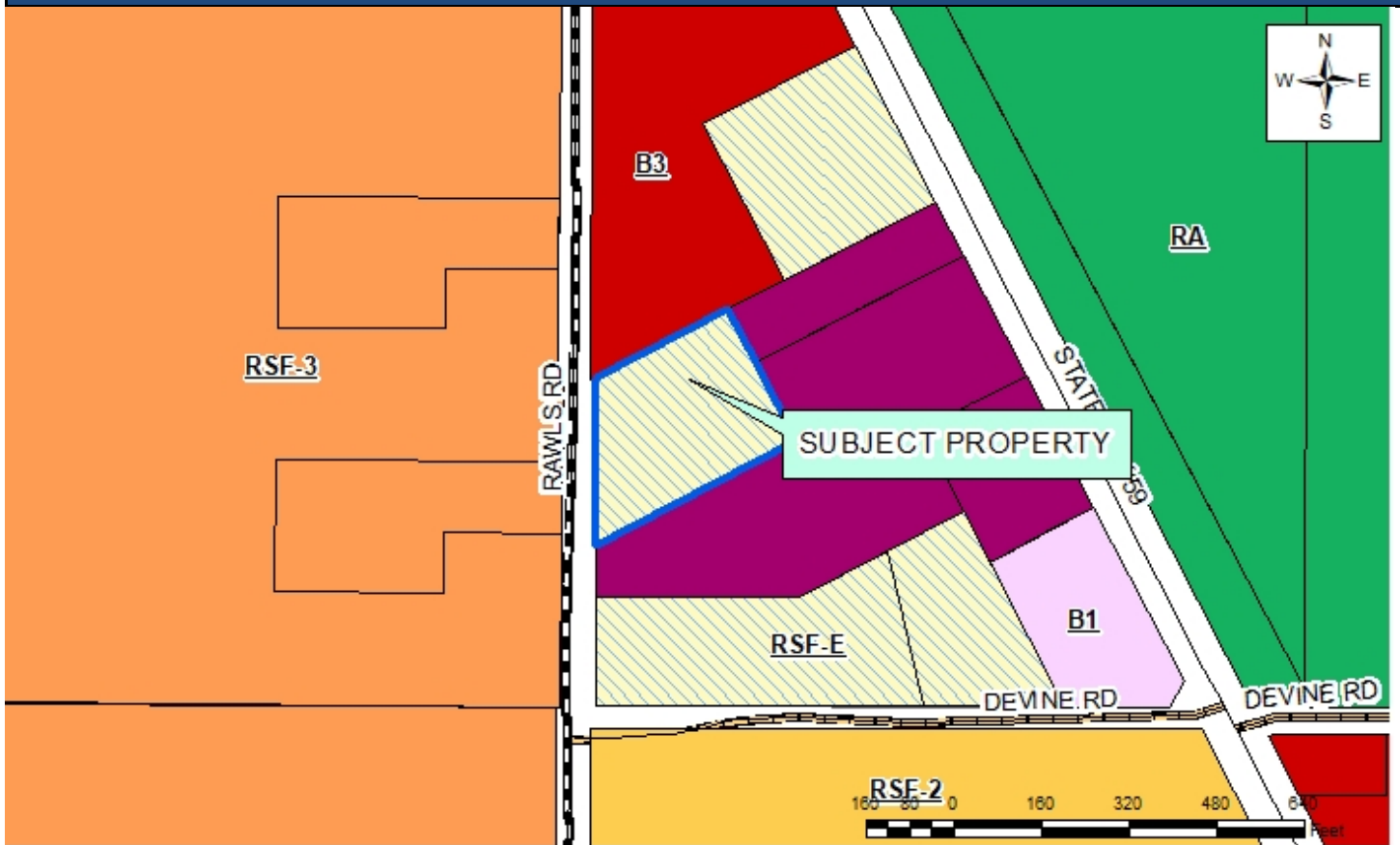








Locator Map



Site Map

