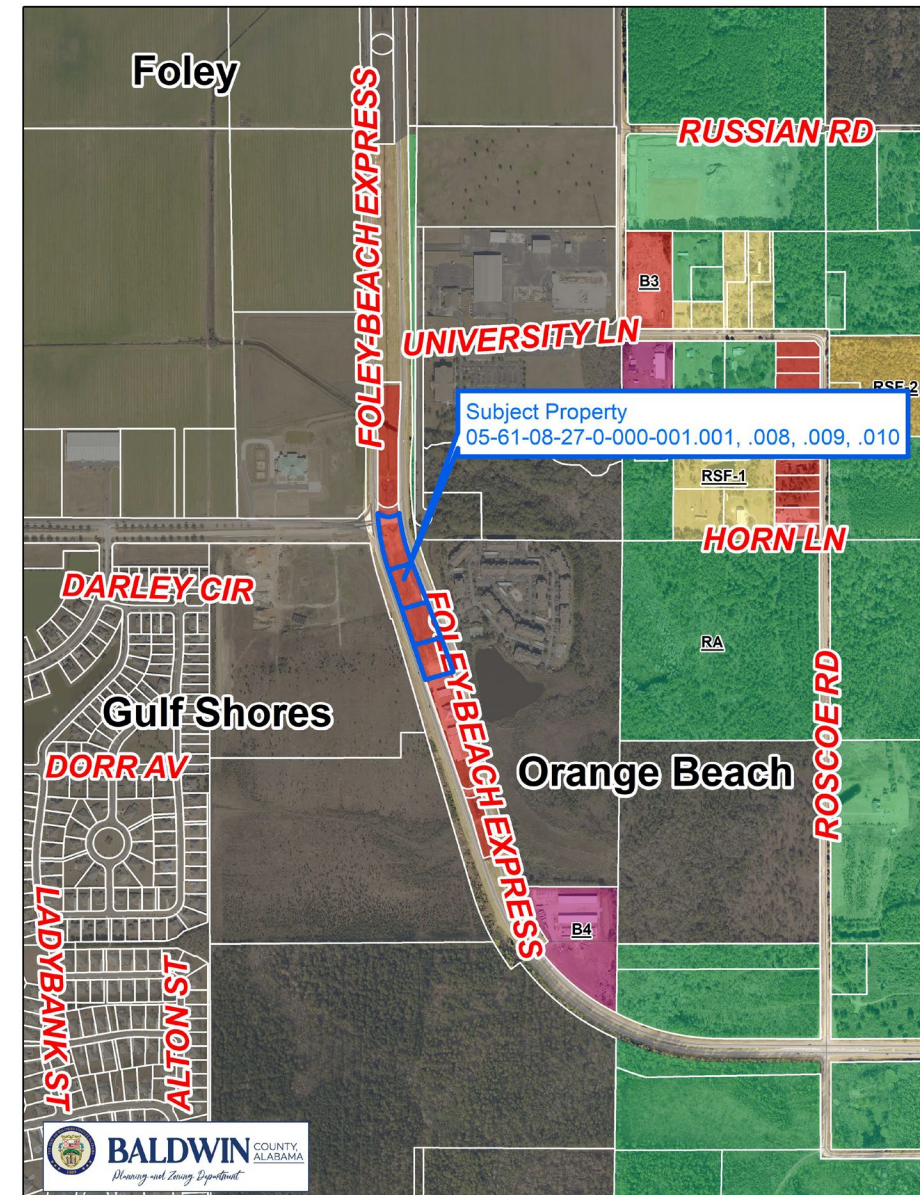


Z-21035 TWIN OAKS Co. PROPERTY

Lead Staff: Celena Bovkin, Senior Planner

REZONING REQUEST FROM B-3 TO B-4

- **Planning District:** 30 **Zoned:** B-3
- **Location:** Subject property is located in the median of the Foley Beach Express
- **Current Use:** Vacant
- **Acreage:** 4.22 acres
- **Physical Address:** N/A
- **Applicant:** Sawgrass Consulting LLC
- **Owner:** Twin Oaks Co., Paul Moore

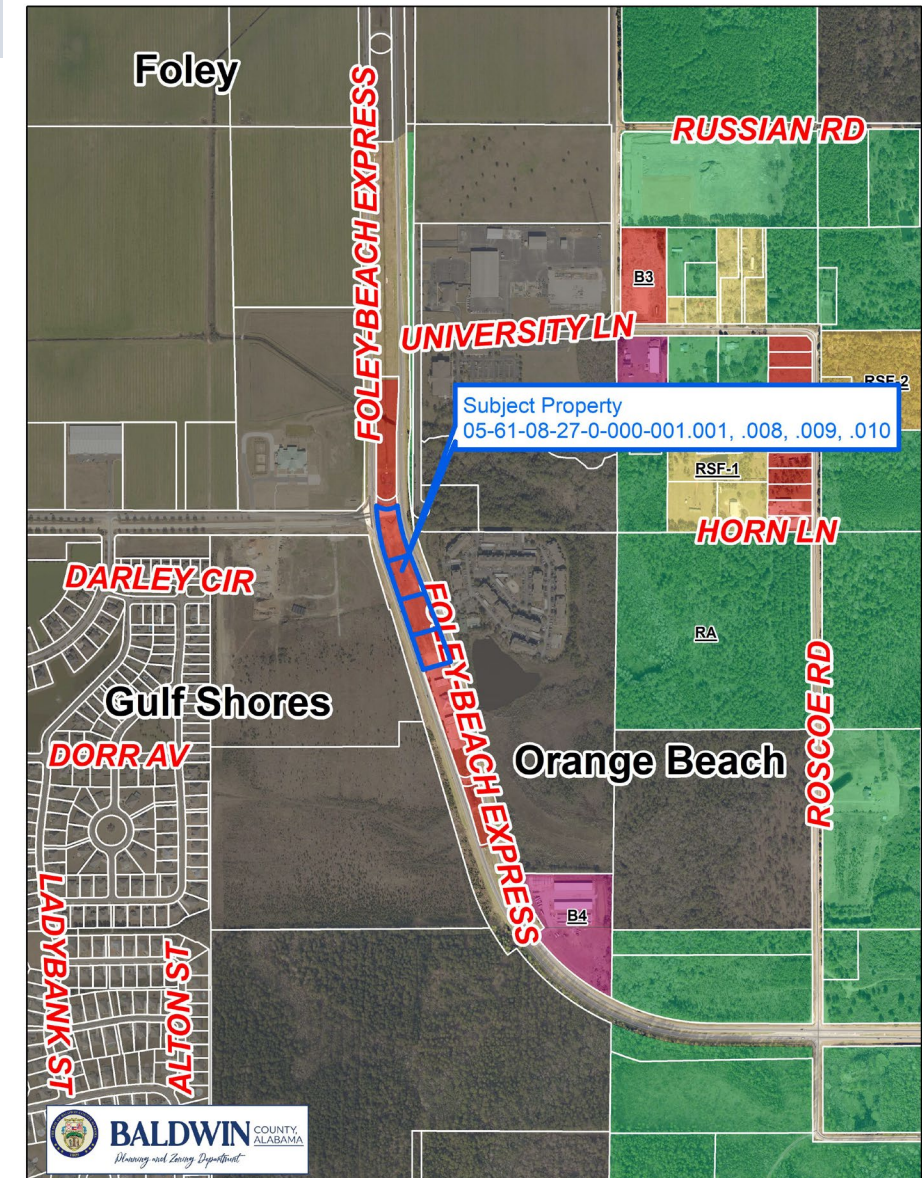


Z-21035 TWIN OAKS Co. PROPERTY

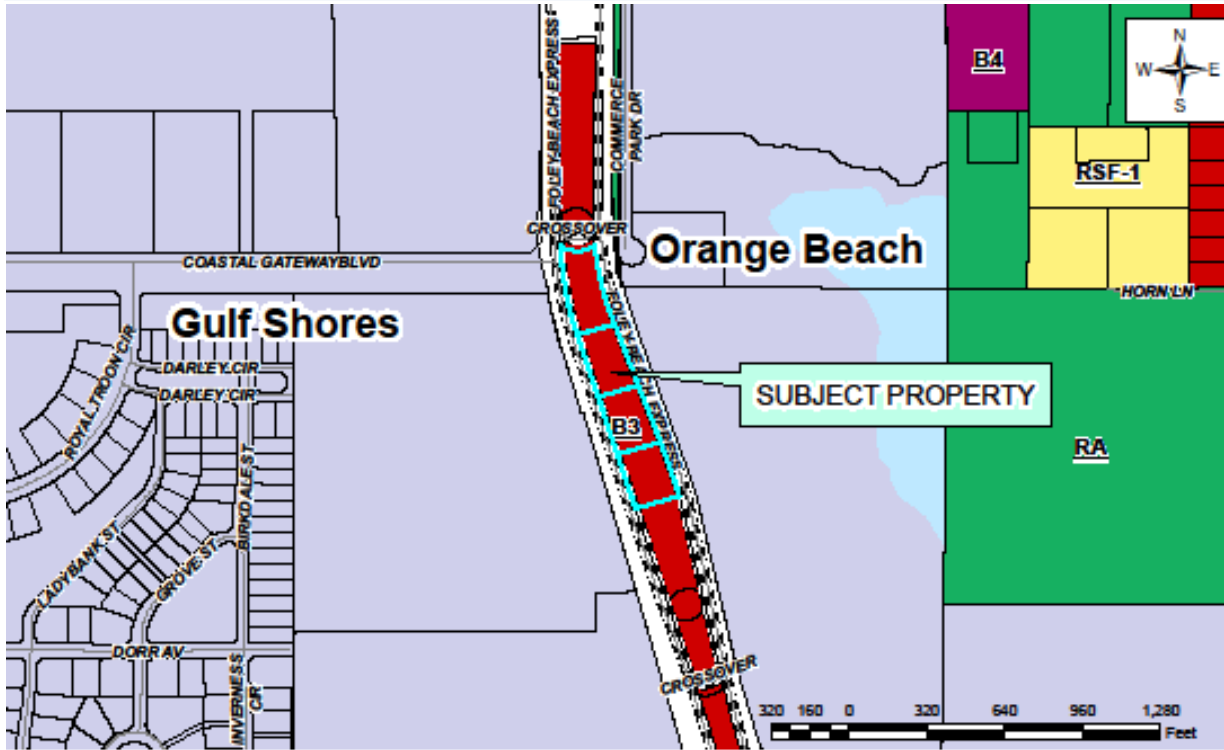
Lead Staff: Celena Boykin, Senior Planner

REZONING REQUEST FROM B-3 TO B-4

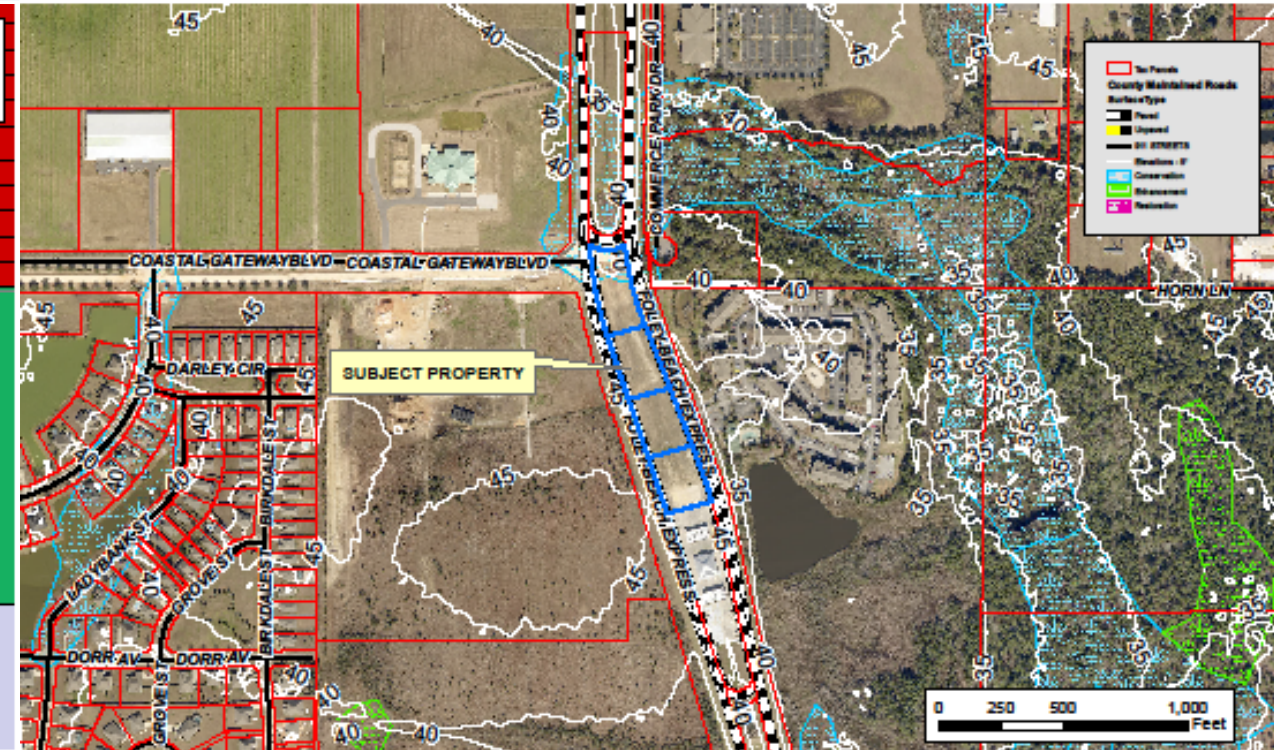
- **Proposed Zoning:** B-4, Major Commercial
- **Proposed Use:** Commercial Development
- **Applicant's Request:** Requesting to be rezoned to create more opportunities and allow for a more diverse commercial development.



Locator Map



Site Map



Adjacent Zoning

North

B-3, General Business District

South

B-3, General Business District

East

City of Orange Beach(RO-Retail Office and A-TBD Annexed to be Determined)

West

City of Gulf Shores (ED-Education District)

Adjacent Land Use

Vacant

Gas Station

Foley Beach Express, Multi-Family - Apartments

Vacant

Property Images



Property Images



Current 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, conditioned on the Commission Site Plan Approval requirements of Section 18.9::

- (a) All uses permitted by right under the B-2 zoning designation
- (b) Air conditioning sales and service
- (c) Amusement arcade
- (d) Animal clinic/kennel
- (e) Arboretum
- (f) Auto convenience market
- (g) Automobile service station
- (h) Bakery, wholesale
- (i) Ball field
- (j) Bicycle sales and service
- (k) Bowling alley
- (l) Business machine sales and service
- (m) Business school or college
- (n) Butane gas sales
- (o) Cemetery
- (p) City hall or courthouse
- (q) Country club
- (r) Department store
- (s) Discount/variety store
- (t) Drug store
- (u) Elevator maintenance service
- (v) Exterminator service office
- (w) Farmer's market/truck crops
- (x) Firing range
- (y) Fitness center or gym
- (z) Florist

- (aaa) Taxidermy
- (bbb) Teen club or youth center
- (ccc) Tennis court (outdoor)

- (aa) Fraternity or sorority house
- (bb) Fruit and produce store
- (cc) Funeral home
- (dd) Golf course
- (ee) Golf driving range
- (ff) Grocery store
- (gg) Landscape sales
- (hh) Marine store and supplies
- (ii) Miniature golf
- (jj) Mini-warehouse
- (kk) Night club, bar, tavern
- (ll) Nursery
- (mm) Office equipment and supplies sales
- (nn) Park or playground
- (oo) Pawn shop
- (pp) Pet shop
- (qq) Plumbing shop
- (rr) Printing/publishing establishment
- (ss) Restaurant sales and supplies
- (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)

- (ddd) Wildlife sanctuary
- (eee) YMCA, YWCA

Current Zoning Requirements

5.3.3 *Commission Site Plan Approval.* The following uses are permissible as Commission Site Plan Approval uses in the B-3: General Commercial District, subject to the standards and procedures established in *Section 18.9: Commission Site Plan Approval*:

- | | |
|------------------------------------------------------|-----------------------------------------------------|
| (a) Airport | (x) Hospital |
| (b) Ambulance/EMS service | (y) Landfill |
| (c) Amusement park | (z) Maintenance |
| (d) Armory | facility/storage yard for |
| (e) Auditorium, stadium, coliseum | schools, government agencies, and telephone |
| (f) Automobile parts sales | and cable companies |
| (g) Automobile repair (mechanical and body) | (aa) Manufactured housing sales, service and repair |
| (h) Automobile storage (parking lot, parking garage) | (bb) Marina |
| (i) Barge docking | (cc) Motorcycle sales service and repair |
| (j) Boat sales and service | (dd) Movie theatre |
| (k) Broadcasting station | (ee) Radio/television tower |
| (l) Building materials | (ff) Railroad facility |
| (m) Bus and railroad terminal facility | (gg) Recreational vehicle park |
| (n) College or university | (hh) Recreational vehicle sales service, and repair |
| (o) Convalescent or nursing home | (ii) Restaurant, drive-in |
| (p) Correctional or penal institution | (jj) Restaurant, fast-food |
| (q) Dog pound | (kk) Sewage treatment plant |
| (r) Electric power substations | (ll) Taxi dispatching station |
| (s) Farm implements | (mm) Taxi terminal |
| (t) Flea market | (nn) Telephone exchange |
| (u) Freight depot, rail or truck | (oo) Water or sewage pumping station |
| (v) Home improvement center | (pp) Water storage tank |
| (w) Hotel or motel | (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*.

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, conditioned on the Commission Site Plan Approval requirements of Section 18.9:

- | | |
|------------------------------------------------------------------|----------------------------------------------------|
| (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 Commission Site Plan Approval. The following uses are permissible as Commission Site Plan Approval uses in the B-4, Major Commercial District, subject to the standards and procedures established in Section 18.9: Commission Site Plan Approval:

- | | |
|-----------------------------------|----------------------------------------|
| (a) Airport | (f) Broadcasting station |
| (b) Ambulance/EMS service | (g) Bus and railroad terminal facility |
| (c) Armory | (h) College or university |
| (d) Auditorium, stadium, coliseum | (i) Convalescent or nursing home |
| (e) Barge docking | |

- (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

Proposed Zoning Requirements

5.4.4 *Area and dimensional ordinances.*

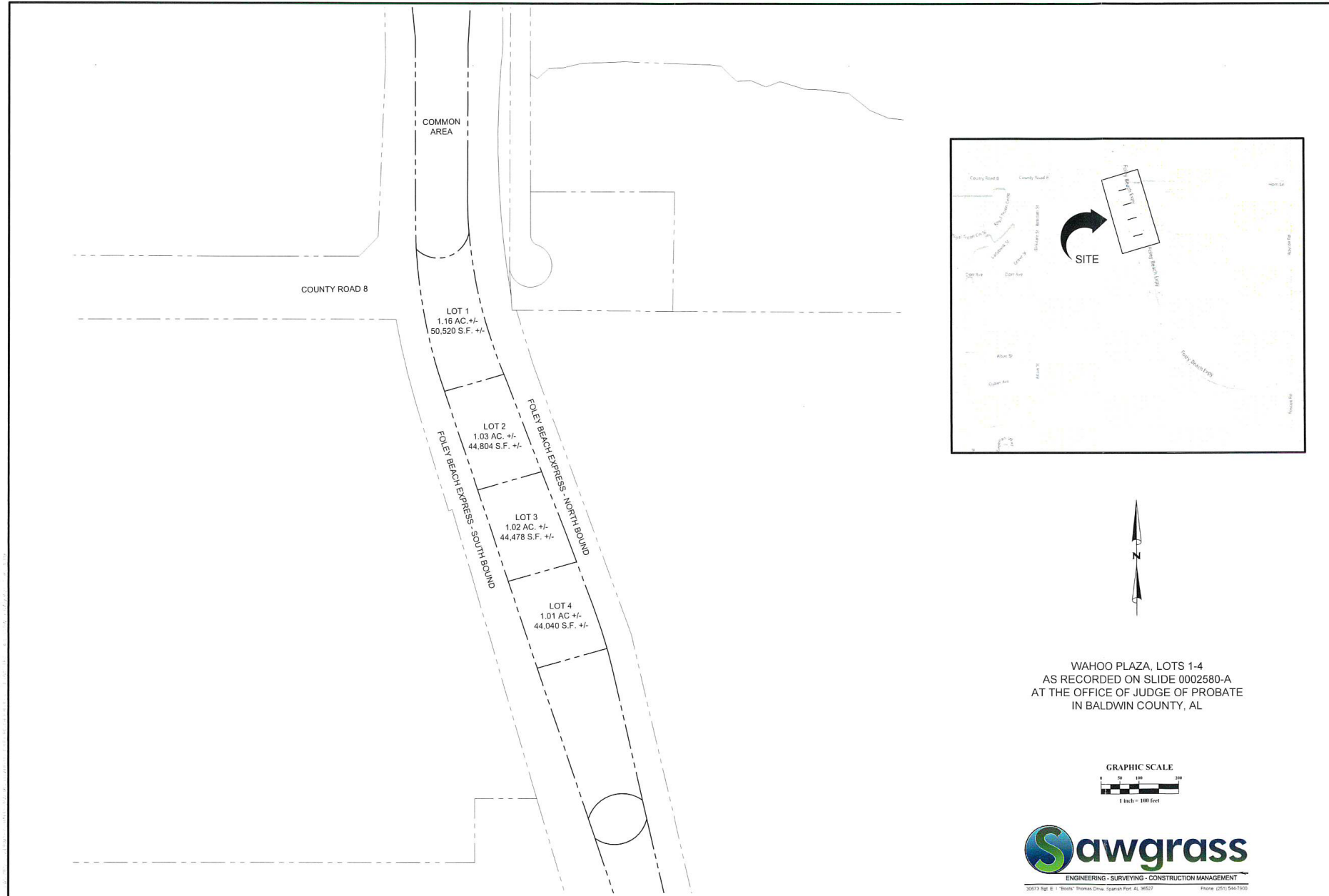
Maximum Height of Structure in Feet	40
Maximum Height of Structure in Habitable Stories	3
Minimum Front Yard	40-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.70
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width 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*.

Site Plan



Staff Analysis and Findings

1.) Is the requested change compatible with the existing development pattern and the zoning of nearby properties?

The subject property is currently undeveloped. The property adjoins the Foley Beach Express to the west and the east. The property to the east is the location for an apartment complex. This parcel, which is located within the city limits of Orange Beach, consists of 50 acres with the apartment complex being located at the northern end of the property. The complex was developed under County zoning prior to annexation. The property to the west is undeveloped and owned by the City of Gulf Shores. The property to the south is a gas station and zoned B3.

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?

Property along the Foley Beach Express has seen significant development in recent years. In addition, properties which were originally subject to County zoning have been annexed into the cities of Gulf Shores and Orange Beach.

Staff Analysis and Findings

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 Commercial has been provided for the subject property. 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 not aware of any planned public improvements.

Staff Analysis and Findings

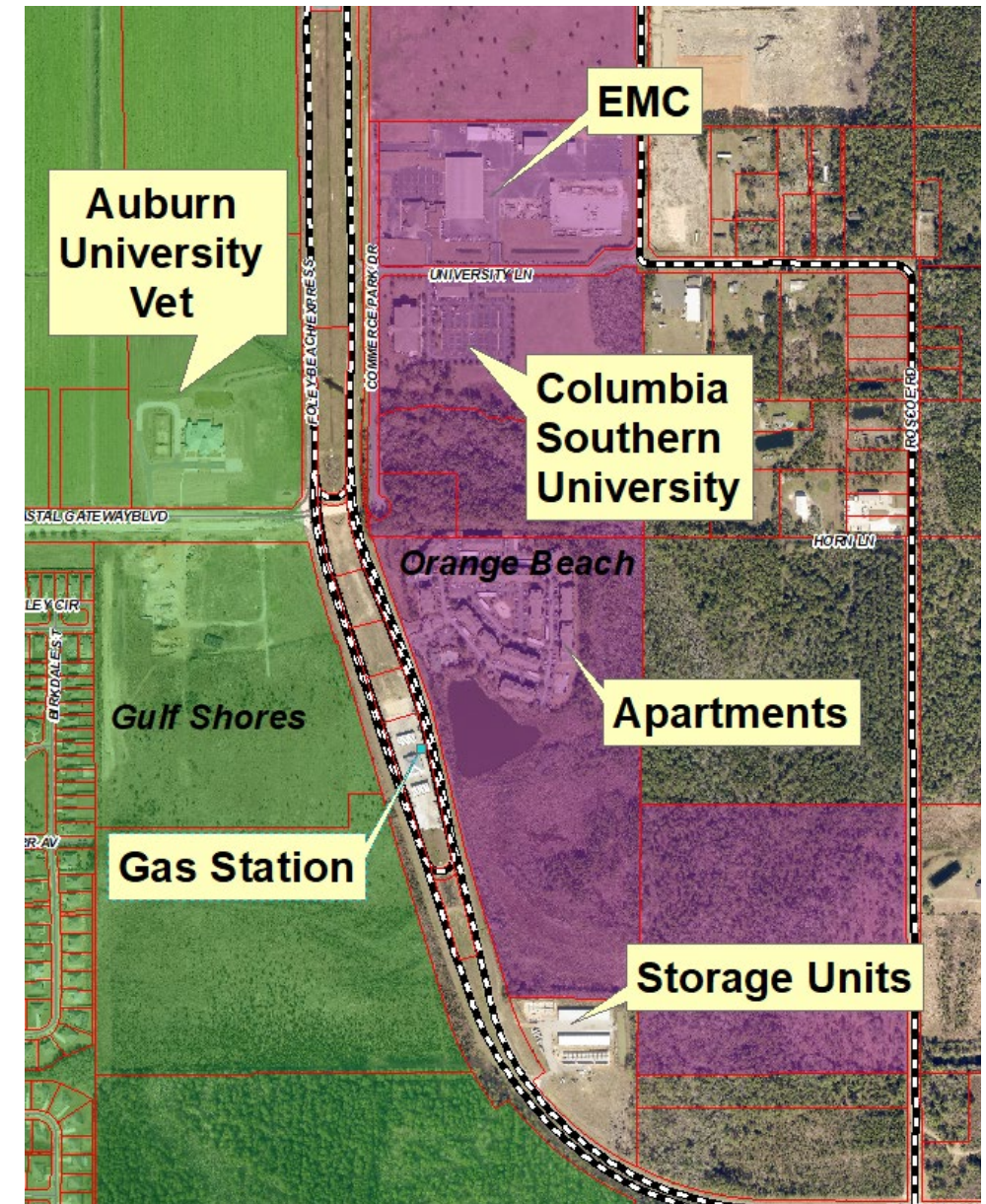
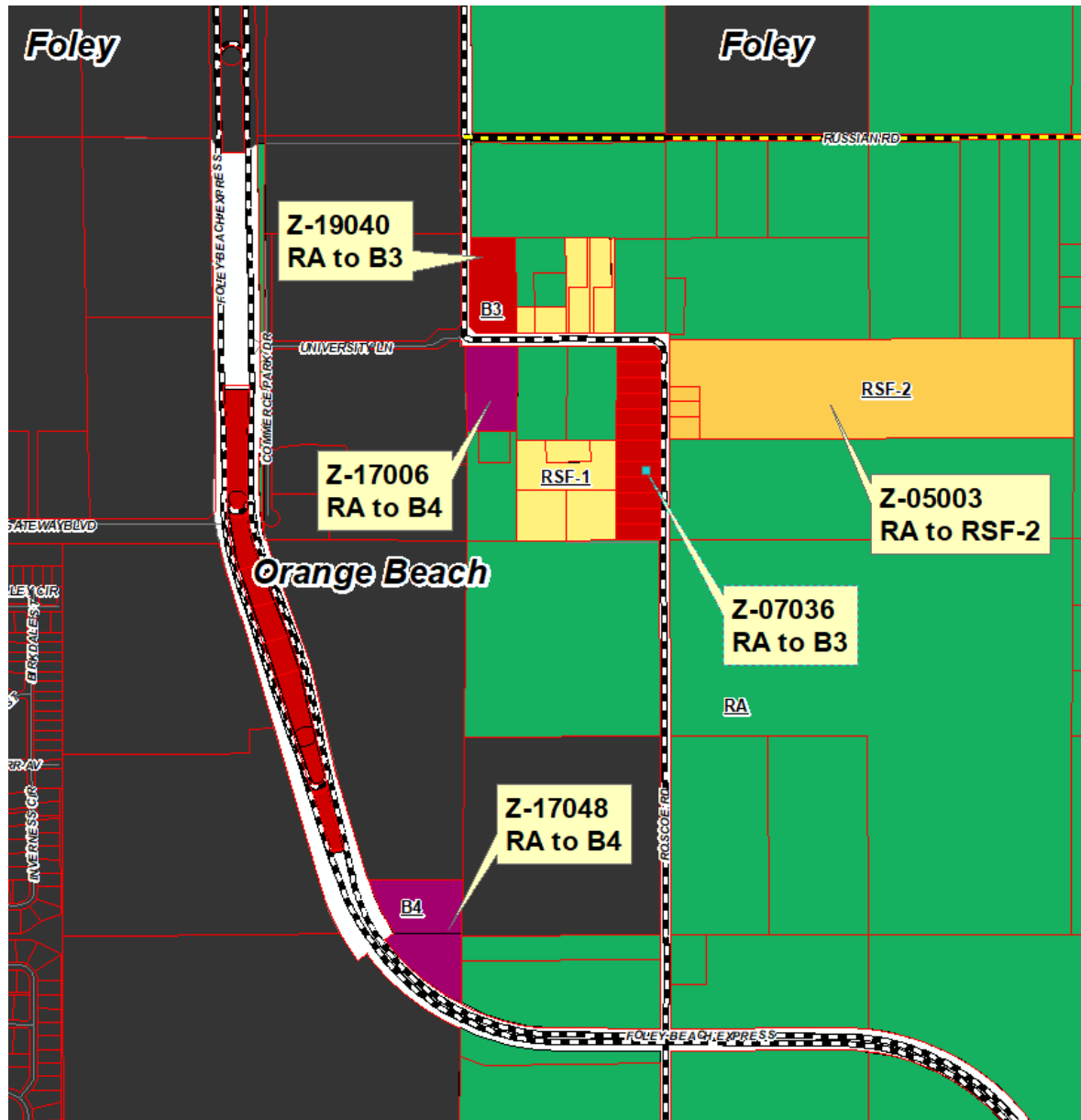
5.) Will the proposed change adversely affect traffic patterns or congestion?

It could affect traffic patterns and congestion but it all depends on what type businesses will be located on each lot. The highway department stated that the location of these lots are subject to the Access Management Plan for the Beach Express and will need to utilize the existing auxiliary service lanes. All access will need to be coordinated with the Highway Department. Additional traffic study analysis may be needed to identify the impacts to the Coastal Gateway BLVD and Beach Express intersection.

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.

Yes, see maps below.

Staff Analysis and Findings



Staff Analysis and Findings

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

Yes, there are a couple of properties zoned B4 in the area, as well as B3 zonings. Most of the development in the area along the Beach Express is commercial. There is also the large apartment complex.

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

Yes, the request is in line with the 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.

Staff Analysis and Findings

10.) Will the proposed change adversely affect the health, safety and welfare of the County and the vicinity?

Although there might be an increase in traffic, if the rezoning is approved and the property is developed, the impact should not be significant. Access to this site would require approval from 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 and site plans in order to ensure complete compliance with the requirements of the zoning ordinance. Required landscaped buffers will help to mitigate the potential for adverse impacts.

Highway commented: *The location of these lots are subject to the Access Management Plan for the Beach Express and will need to utilize the existing auxiliary service lanes. All access will need to be coordinated with the Highway Department. Additional traffic study analysis may be needed to identify the impacts to the Coastal Gateway BLVD and Beach Express intersection.*

11.) Other matters which may be appropriate.

None

Agency Comments

- **Baldwin County Highway Department – Weesie Jeffords:**

The location of these lots are subject to the Access Management Plan for the Beach Express and will need to utilize the existing auxiliary service lanes. All access will need to be coordinated with the Highway Department. Additional traffic study analysis may be needed to identify the impacts to the Coastal Gateway BLVD and Beach Express intersection.

Individual drainage mitigation may be needed on the lots and will be required to follow the County stormwater management requirements. These lots' runoff currently drains to the north to a common area, then flows southeast crossing the northbound Beach Express lane to Cotton Creek.

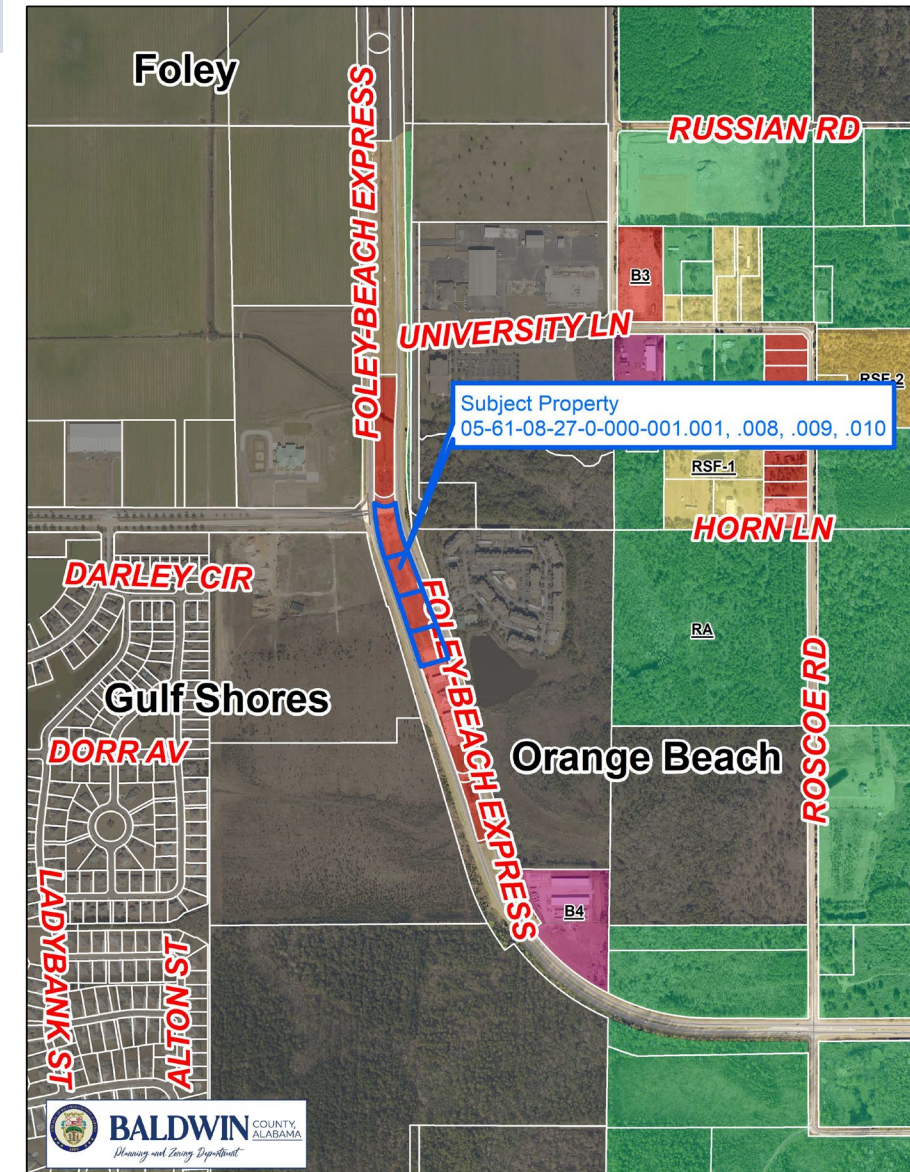
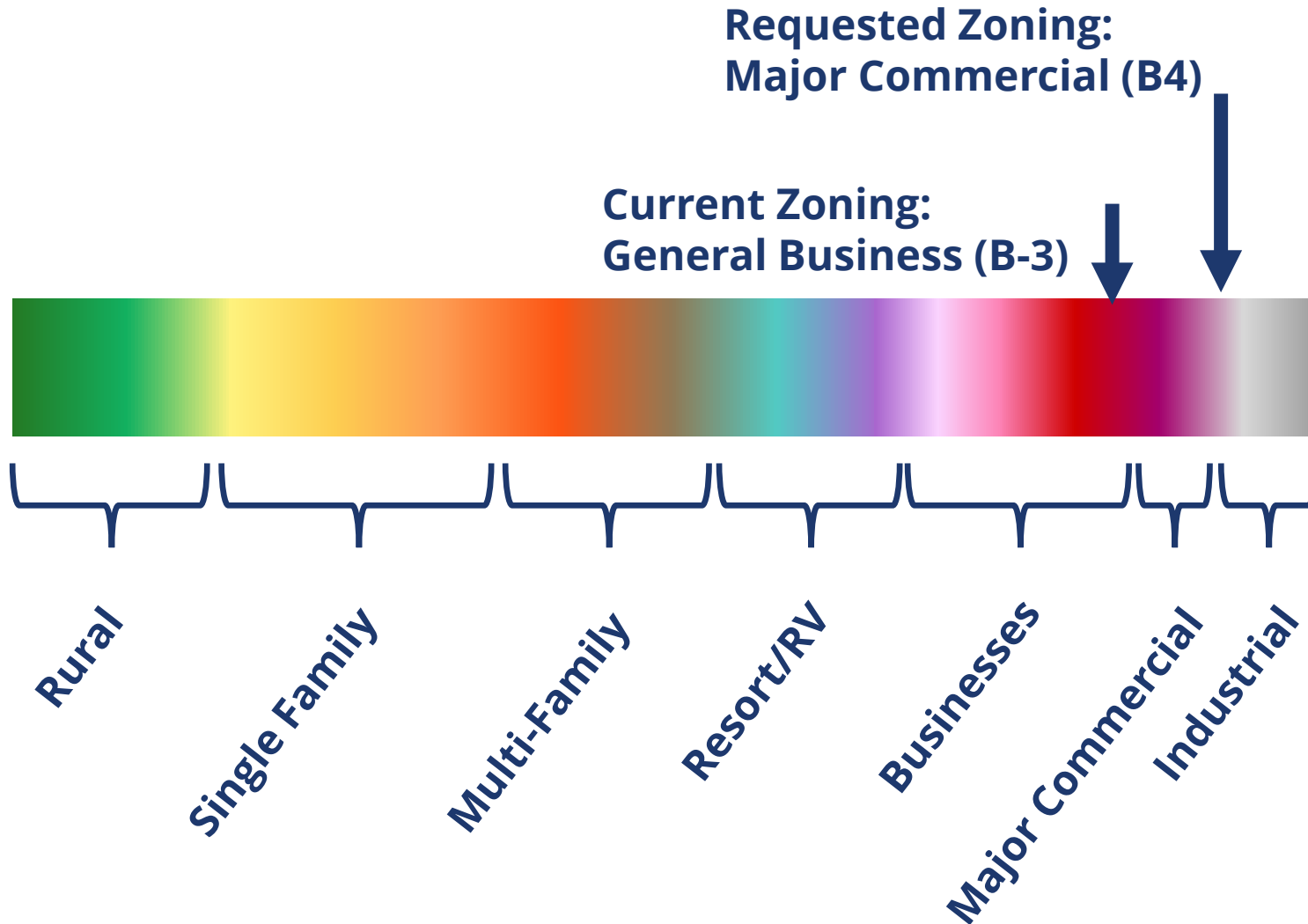
- **ADEM, Scott Brown:** *No Response.*
- **City of Orange Beach:** *No Response.*
- **City of Gulf Shores – Andy Bauer:**

The City of Gulf Shores has no comments on the rezoning application.

Z-21035 TWIN OAKS Co. PROPERTY

Lead Staff: Celena Boykin, Senior Planner

REZONING REQUEST FROM **B-3** TO **B-4**



Z-21035 TWIN OAKS Co. PROPERTY

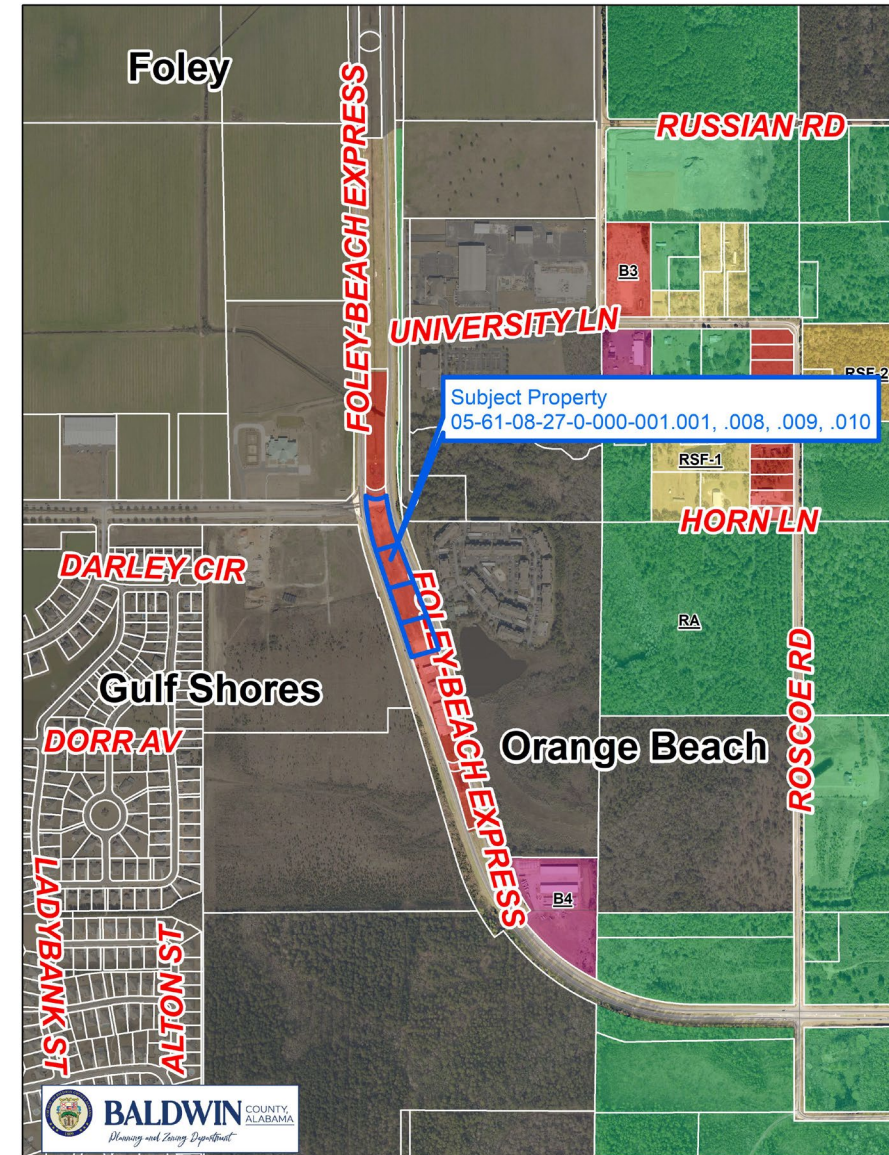
REZONING REQUEST FROM B-3 TO B-4

Lead Staff: Celena Boykin, Senior Planner

- Staff's Summary and Comments:**

As stated previously, the subject property is currently zoned B3, General Business District. It consists of approximately 4.22 acres and is currently undeveloped. The designation of B-4, Major Commercial District, has been requested in order to create more opportunities and allow for a more diverse commercial development.

Staff has no major concerns with this request due primarily to the development trends along the Foley Beach Express.



Z-21035 TWIN OAKS Co. PROPERTY

REZONING REQUEST FROM **B-3** TO **B-4**

Lead Staff: Celena Boykin, Senior Planner

Staff's Recommendation:

Unless information to the contrary is revealed at the public hearing, staff feels this rezoning application should be recommended for **Approval**.*

**On rezoning applications, the Planning Commission will be making a recommendation to the County Commission.*