



Baldwin County Planning & Zoning Department

Baldwin County Commission Staff Report

Agenda Item

Case No. Z-16032

Watts Property

Rezone B-2, Neighborhood Business District to B-3, General Business District

November 15, 2016

Subject Property Information

Planning District: 16
General Location: Lot 1, Montfair Commercial Place (East Side of US Highway 98, North of Montrose Woods Drive)
Physical Address: 23736 US Highway 98
Parcel Number: 05-43-09-32-0-000-001.030
Existing Zoning: B-2, Neighborhood Business District
Proposed Zoning: B-3, General Business District
Existing Land Use: Commercial
Proposed Land Use: Automobile Repair and Sales (Conditional Use under proposed B-3)
Acreage: One (1) acre, more or less
Applicants: Robert E. and Melissa A. Watts
1207 Lovette Lane
Daphne, AL 36526
Owners: Same
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Commercial	B-3 and B-2
South	Commercial	B-2, Neighborhood Business
East	Residential	RSF-2, Single Family
West	Montrose Cemetery	RSF-2, Single Family

Summary

The subject property is currently zoned B-2, Neighborhood Business District. The designation of B-3, General Business District, has been requested for the purpose of utilizing the existing building for automotive repair services and possible car sales. According to the information provided, the building is already configured for these uses. If the rezoning request is approved, the proposed uses will be subject to the Conditional Use review and approval of the Planning Commission. The applicants have submitted a Conditional Use application which will move forward pending the outcome of the rezoning.

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:

- | | |
|--|---|
| <ul style="list-style-type: none"> (a) All uses permitted by right under the B-1 zoning designation (b) Antique store (c) Apparel and accessory store (d) Appliance store including repair (e) Art gallery or museum (f) Art supplies (g) Bait store (h) Bakery retail (i) Bed and breakfast or tourist home (j) Bicycle sales and service (k) Boarding, rooming or lodging house, dormitory (l) Book store (m) Café (n) Camera and photo shop (o) Candy store (p) Car wash (q) Catering shop or service (r) Copy shop (s) Delicatessen (t) Discount/variety store (not to exceed 8,000 square feet) (u) Drug store (not to exceed 8,000 square feet) (v) Fixture sales (w) Floor covering sales or service (x) Florist (y) Fraternity or sorority house (z) Fruit and produce store (aa) Gift shop (bb) Hardware store, retail (cc) Ice cream parlor (dd) Interior decorating shop (ee) Laundry, self service (ff) Lawnmower sales and service (gg) Locksmith (hh) Music store (ii) Neighborhood convenience store (jj) News stand (kk) Paint and wallpaper store (ll) Picture framing and/or mirror silvering (mm) Restaurant (nn) Shoe repair shop (oo) Shoe store | <ul style="list-style-type: none"> (pp) Sign shop (qq) Sporting goods store (rr) Tailor shop (ss) Tobacco store (tt) 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
- (b) Amusement arcade
- (c) Animal clinic/kennels
- (d) Arboretum
- (e) Ball field
- (f) Business machine sales and service
- (g) Car wash
- (h) Country club
- (i) Discount/variety store (exceeding 8,000 square feet)
- (j) Drug store (exceeding 8,000 square feet)
- (k) Exterminator service office
- (l) Golf course
- (m) Liquor store
- (n) Mini-warehouse
- (o) Night club, bar, tavern
- (p) Office equipment and supplies sales
- (q) Park or playground
- (r) Pawn shop
- (s) Pet shop
- (t) Plumbing shop
- (u) Restaurant sales and supplies
- (v) Riding academy
- (w) Rug and/or drapery cleaning service
- (x) Seafood store
- (y) Swimming pool (outdoor)
- (z) Tennis court (outdoor)
- (aa) Water storage tank
- (bb) Wildlife sanctuary
- (cc) Wireless telecommunication facility
- (dd) Dwellings, in combination with commercial uses, subject to the standards listed under *Section 5.2.4: Mixed uses*

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*).

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

(uu)	Riding academy		(aaa)	Swimming pool (outdoor)
(vv)	Rug and/or drapery cleaning	service	(bbb)	Taxidermy
(ww)	Seafood store		(ccc)	Teen club or youth center
(xx)	Sign shop		(ddd)	Tennis court (outdoor)
(yy)	Skating rink		(eee)	Wildlife sanctuary
(zz)	Stone monument sales		(fff)	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 | (ff) Recreational vehicle park |
| (b) Ambulance/EMS service | (gg) Recreational vehicle sales service, and repair |
| (c) Amusement park | (hh) Restaurant, drive-in |
| (d) Armory | (ii) Restaurant, fast-food |
| (e) Auditorium, stadium, coliseum | (jj) Sewage treatment plant |
| (f) Automobile parts sales | (kk) Taxi dispatching station |
| (g) Automobile repair (mechanical and body) | (ll) Taxi terminal |
| (h) Automobile storage (parking lot, parking garage) | (mm) Telephone exchange |
| (i) Barge docking | (nn) Water or sewage pumping station |
| (j) Broadcasting station | (oo) Water storage tank |
| (k) Building materials | (pp) Wireless telecommunication facility |
| (l) Bus and railroad terminal facility | (qq) Zoo |
| (m) College or university | |
| (n) Convalescent or nursing home | |
| (o) Correctional or penal institution | |
| (p) Dog pound | |
| (q) Electric power substations | |
| (r) Farm implements | |
| (s) Flea market | |
| (t) Freight depot, rail or truck | |
| (u) Home improvement center | |
| (v) Hotel or motel | |
| (w) Hospital | |
| (x) Landfill | |
| (y) Maintenance facility/storage yard for schools, government agencies, and telephone and cable companies | |
| (z) Manufactured housing sales, service and repair | |
| (aa) Marina | |
| (bb) Motorcycle sales service and repair | |
| (cc) Movie theatre | |
| (dd) Radio/television tower | |
| (ee) Railroad facility | |

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

Permit/Subdivision Manager, Seth Peterson: No comments.

Baldwin County Highway Department: No comments.

ADEM: No comments received.

BCBE: No comments received.

Municipality: 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, which adjoins US Highway 98 to the west, is currently occupied with a commercial building. Adjoining properties to the north and south are commercial. The adjoining property to the east is residential. Property across US Highway 98 is the location for the Montrose Cemetery.

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 existing building was constructed in 1986 which was seven years prior to the adoption of zoning in Planning District 16. The building appears to be configured for automotive uses. The B-2 designation, as it was originally conceived, would have allowed automotive uses by right, as would B-3. Subsequent changes to the zoning ordinance and the commercial designations removed automotive uses from B-2 and limited them to Conditional Use approval under B-3. It is likely that the use existing when zoning was adopted met the requirements of the ordinance at that time.

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

The Baldwin County Master Plan, 2013, provides a future land use designation of Commercial for the subject property. This is consistent with the current and proposed zoning designations.

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

No conflicts.

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

Due to the fact that there is already a commercial building located on the property, and due also to the fact that the adjacent uses are commercial, there should be no adverse impact on traffic patterns or congestion.

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 #1.

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

Adjacent property to the north is zoned B-3.

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

Timing is not a factor.

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?

Staff anticipates no adverse impacts.

11.) Other matters which may be appropriate.

In the event the rezoning is approved, Conditional Use approval from the Planning Commission will be required for the proposed automotive uses. The applicants have submitted a Conditional Use application which will move forward pending the outcome of the rezoning request.

Staff Comments and Recommendation

As stated previously, the subject property is currently zoned B-2, Neighborhood Business District. The designation of B-3, General Business District, has been requested for the purpose of utilizing the existing building for automotive repair services and possible car sales. According to the information provided, the building is already configured for these uses.

Staff believes that this is a reasonable request which should be **APPROVED**. *

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



SUBJECT PROPERTY

09/13/2016

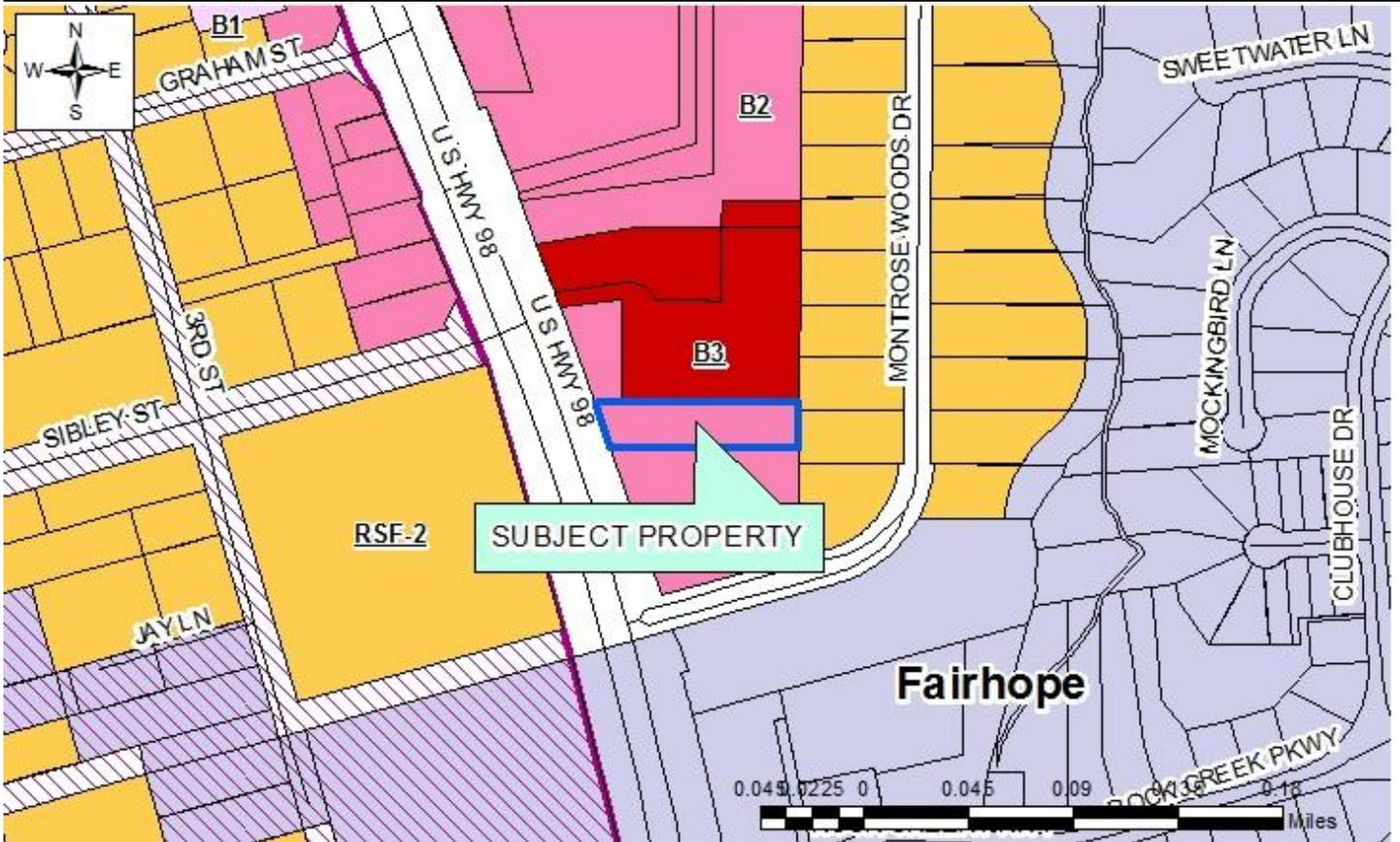


**ADJOINING PROPERTY
TO THE NORTH**

09/13/2016



Locator Map



Site Map

