



Baldwin County Planning & Zoning Department

Baldwin County Commission Staff Report

Agenda Item
Case No. Z-16036
P.K. Garg Family, LLC Property
Rezone RA, Rural Agriculture District to B-4, Major Commercial District
November 15, 2016

Subject Property Information

Planning District: 12
General Location: East side of County Road 49, south of Flying K Road and north of Nandina Road
Physical Address: N/A
Parcel Number: 05-33-08-34-0-000-017.001
Existing Zoning: RA, Rural Agriculture District
Proposed Zoning: B-4, Major Commercial District
Existing Land Use: Vacant
Proposed Land Use: Truck parking for Love's Truck Stop
Acreage: 3.94 acres, more or less
Applicant: Stacy Pippin, Chipola Engineering Group, Inc.
 4420 Jackson Street
 Marianna, FL 32448
Owner: P.K. Garg Family, LLC
 5553 Highway 90
 Pace, FL 32571
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Commercial (Motel)	B-4, Major Commercial
South	Agricultural/Commercial (Nursery)	RA, Rural Agriculture District
East	Residential	RA, Rural Agricultural
West	Commercial (Love's Truck Stop)	Town of Loxley

Summary

The subject property is currently zoned RA, Rural Agriculture District. It consists of approximately 3.94 acres and is vacant. The designation of B-4, Major Commercial District, has been requested for the expansion of truck parking for Love's Truck Stop. According to the information provided, the additional parking will allow Love's to provide needed service to its growing customer base.

Current Zoning Requirements

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

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
- (b) Amusement park
- (c) Auto convenience market (limited to less than 4,000 sq.ft. of gross floor area and maximum of 4 fueling pumps)
- (d) Automobile parts sales
- (e) Automobile repair (mechanical and body)
- (f) Automobile sales
- (g) Automobile service station
- (h) Automobile storage (parking lot, parking garage)
- (i) Boat sales and service
- (j) Building materials
- (k) Farm implements
- (l) Flea market
- (m) Home improvement center
- (n) Hotel or motel
- (o) Manufactured housing sales, service and repair
- (p) Marina
- (q) Motorcycle sales service and repair
- (r) Movie theatre
- (s) Recreational vehicle park
- (t) Recreational vehicle sales, service and repair
- (u) Restaurant, drive-in
- (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
- (b) Ambulance/EMS service
- (c) Armory
- (d) Auditorium, stadium, coliseum
- (e) Barge docking
- (f) Broadcasting station
- (g) Bus and railroad terminal facility
- (h) College or university
- (i) Convalescent or nursing home
- (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

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.*

Agency Comments

Baldwin County Highway Department:

Seth Peterson – A stormwater management plan will need to be reviewed and approved by the County Highway Department.

ADEM: No comments received.

BCBE: No comments received.

Municipality (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 vacant. The property adjoins County Road 49 to the west. The adjoining property to the north is a motel. The adjoining property to the west is "Loves Truck Stop". The adjoining property to the south is a nursery. The adjoining property to the east is 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?

There have been no changes other than the fact that the property to the north, which is now the location for Bay Inn & Suites was rezoned to B-4 following the adoption of zoning.

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

The Baldwin County Master Plan, 2013, provides a future land use designation of Agricultural for the subject property. If the rezoning is approved, the Future Land Use Map will be amended to reflect the designation of Commercial. This designation will be appropriate due to the surrounding land uses.

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

No conflicts. The applicant is proposing improvements to County Road 49 and is coordinating with the Town of Loxley.

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

Due to the fact that the proposed parking lot will serve the existing Love's Truck Stop, any potential impacts on traffic patterns should be minimal. Also, see response to Standard #4.

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. The surrounding area is primarily commercial in nature.

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

Property to the north is zoned B-4 which is the subject of this request. Love's Truck Stop, which is located within the Town of Loxley and which is across County Road 49 to the west, would be allowed by right under the B-4 designation if it was subject to County zoning.

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?

County GIS indicates an area of potential wetlands at the east end of the subject property. Based on the information provided, it does not appear that this will be a significant issue with regard to the proposed parking lot. Wetland issues, if any, will be evaluated during the land disturbance permit process.

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.

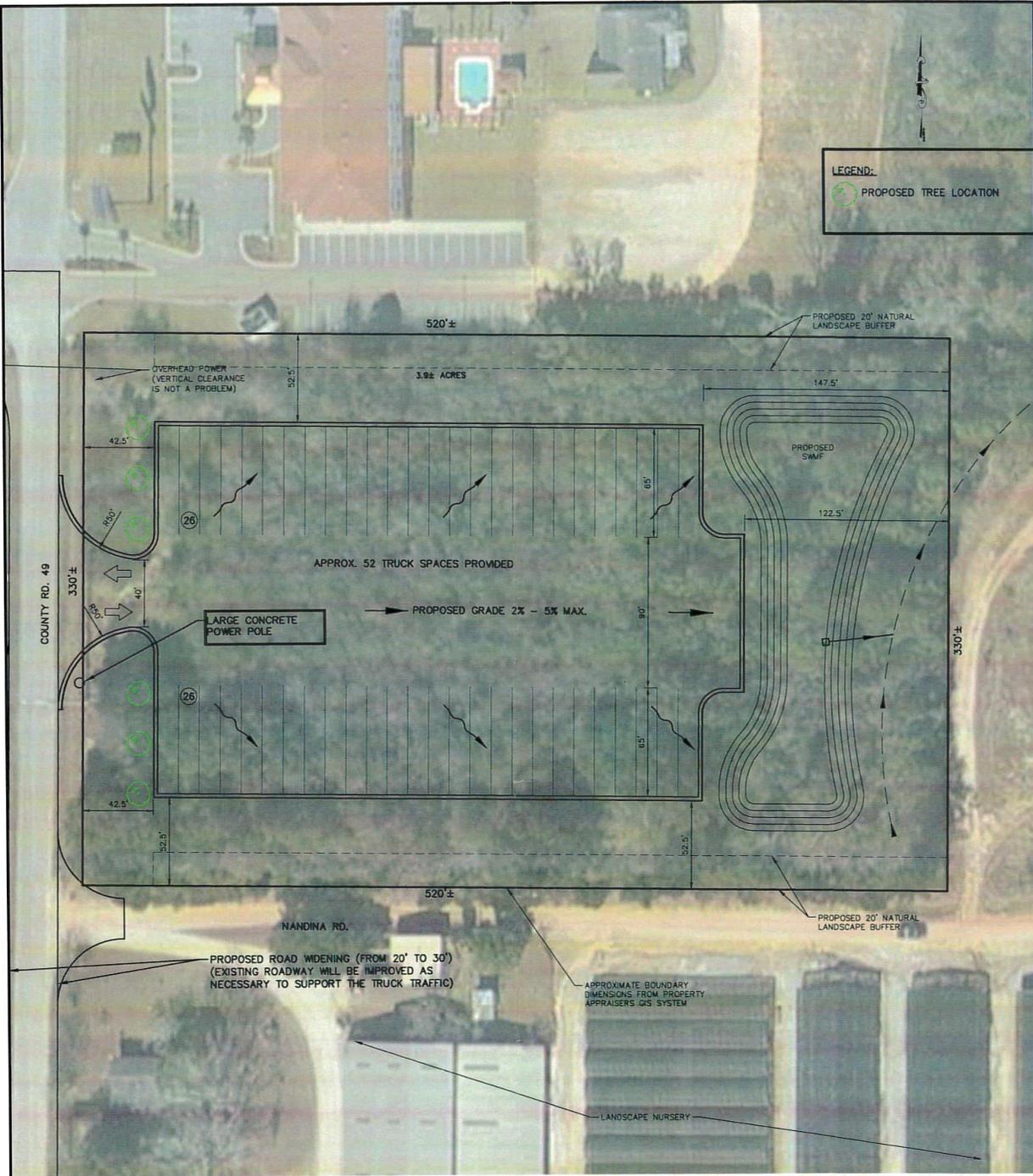
The applicant has requested a variance from the interior landscaping requirements for the parking lot, due to the nature of the parking which will take place. Perimeter landscaping, however, will be provided in excess of County requirements. The variance will be considered by the Commission District Three Board of Adjustment on October 17, 2016. Approval or denial of the variance will have no bearing on the outcome of the rezoning request.

Staff Comments and Recommendation

As stated previously, the subject property is currently zoned RA, Rural Agriculture District. It consists of approximately 3.94 acres and is vacant. The designation of B-4, Major Commercial District, has been requested for the expansion of truck parking for Love's Truck Stop. According to the information provided, the additional parking will allow Love's to provide needed service to its growing customer base.

Staff has no major issues with this request and recommends that the rezoning be **APPROVED**.*

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



LANDSCAPE (TREE) PLACEMENT PROPOSED
IF VARIANCE IS APPROVED

FOR PERMITTING ONLY

J.C.	PROJECT :	LOXLEY, AL	SHEET TITLE :	CONCEPTUAL SITE PLAN (PARKING ADDITION) 8/18/16	SEAL	PROJ. NO. :	2016010
					NOT VALID UNLESS EMBOSSED	SHEET NO. :	1

Property Images



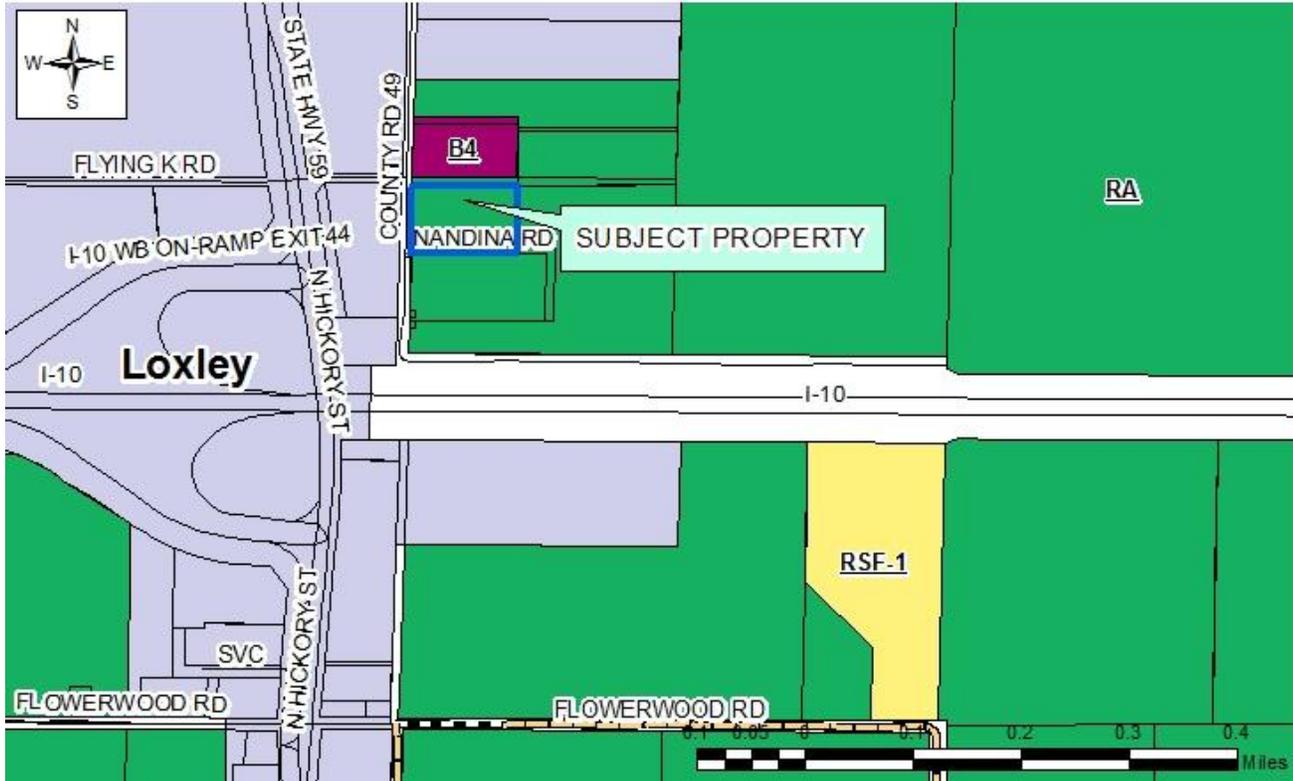
ADJOINING PROPERTY
TO THE NORTH







Locator Map



Site Map

