



# Baldwin County Planning & Zoning Department

## Baldwin County County Commission Staff Report

Case No. Z25-23

CM Counseling, LLC Property

Rezone RSF-E, Residential Single Family Estate District to B-1, Professional Business District

June 24, 2025

### Subject Property Information

**Planning District:** 15  
**General Location:** North of County Road 64 and East of State Highway 181 in Daphne  
**Physical Address:** 10391 County Road 64, Daphne, AL 36526  
**Parcel Numbers:** 05-43-06-14-0-000-020.000  
**Existing Zoning:** RSF-E, Residential Single Family Estate District  
**Proposed Zoning:** B-1, Professional Business District  
**Existing Land Use:** Residential  
**Proposed Land Use:** Commercial  
**Acreage:** 1 ± acres  
**Applicant:** Chris Mitchum  
10391 County Road 64  
Daphne, AL 36526  
**Owner:** same  
**Lead Staff:** Cory Rhodes, Planner  
**Attachments:** *Within Report*

Adjacent Land Use		Adjacent Zoning
North	Commercial	RSF-E, Residential Single Family Estate District
South	Residential	RSF-E, Residential Single Family Estate District
East	Residential	RSF-E, Residential Single Family Estate District
West	Residential	RSF-E, Residential Single Family Estate District

### Summary

The subject property encompasses approximately 1 acre and is currently zoned as RSF-E, Residential Single Family Estate District. A request has been made to change the designation to B-1, Professional Business District, to facilitate future commercial use.

## 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 Use Commission Site Plan Approval.* 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 by the site plan approval process:

- (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.
- (d) The following local commercial use: bed and breakfast or tourist home (see *Section 13.10: Bed and Breakfast Establishments*).

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: Not Applicable

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 18.4 *Variances*, and Article 20: *Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure	35-Feet
Maximum Height in Habitable Stories	2 ½
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
<del>Minimum Lot Width at Street Line</del>	<del>165-Feet</del>
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
<del>Minimum Lot Width at Building Line</del>	<del>120-Feet</del>
Minimum Lot Width at Street Line	120-Feet

## Section 5.1 B-1, Professional Business District

**5.1.1 Purpose and intent.** The B-1, Professional Business and Office District, is intended to allow a concentration of office type buildings and land uses that are most compatible with, and located near, residential areas. Most B-1 commercial, professional and business office districts will be placed in close proximity to residential areas, and therefore serve as a transitional zoning district between residential areas and higher intensity commercial zoning districts. The types of office uses permitted are those that do not have high traffic volumes throughout the day, which extend into the evening hours. They will have morning and evening short-term peak conditions. The market support for these office uses should be those with a localized basis of market support as opposed to office functions requiring inter-jurisdictional and regional market support. Because office functions have significant employment characteristics, which are compounded when aggregations occur, certain personal service uses shall be permitted, to provide a convenience to office-based employment. Such convenience commercial uses shall be made an integral part of an office building as opposed to the singular use of a building.

**5.1.2 Permitted uses.** The following uses are permitted as of right, or as uses accessory to permitted uses in the B-1, Professional Business and Office District, conditioned on the Commission Site Plan Approval requirements of *Section 18.9*:

- |   |  |
|---|--|
| (a) Accessory structures and use                                | (j) Fire station                                   |
| (b) Bank  | (k) Laboratory (scientific, medical, or dental)    |
| (c) Barber shop or beauty parlor                                | (l) Library  |
| (d) Childcare center  | (m) Office   |
| (e) Childcare institution                                       | (n) Optician                                       |
| (f) Church or similar religious facility                        | (o) Police station                                 |
| (g) Clinic or dentist office (medical, dental, psychiatric)     | (p) Post office                                    |
| (h) Club or lodge   | (q) School (public or private)                     |
| (i) Extraction or removal of natural resources on or under land | (r) Silviculture                                   |
|   | (s) Studio for dance, music, photography, painting |
|   | (t) Water well (public or private)                 |

5.1.3 *Conditional Use Commission Site Plan Approval.* The following uses are permissible as Commission Site Plan Approval uses in the B-1 Commercial Professional and Business Office District, subject to the standards and procedures established in *Section 18.9: Commission Site Plan Approval*:

- |                             |                               |
|-----------------------------|-------------------------------|
| (a) Arboretum               | (h) Dwellings, in combination |
| (b) Swimming pool (outdoor) | with commercial uses,         |
| (c) Ball field              | subject to the standards      |
| (d) Tennis court (outdoor)  | listed under Section 5.1.4:   |
| (e) Golf course             | Mixed uses                    |
| (f) Wildlife sanctuary      | (i) Riding academy            |
| (g) Park or playground      |                               |

5.1.4 *Mixed uses.* Mixed residential and commercial uses may be permissible as Commission Site Plan Approval uses in the (B-1) commercial professional and Business office district, subject to the standards and procedures established in *Section 18.9: Commission Site Plan Approval*, 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-1 district. A dwelling unit density of .5 (½) 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).~~ Open Space in accordance with the requirements of Article 17 Open Space, Landscaping, and Buffers.

- (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, and
- (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*).

#### 5.1.5 Area and dimensional ordinances.

Maximum Height of Structure	35-Feet
Maximum Height of Structure in Habitable Stories	2½
Minimum Front Yard	30-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.60
Minimum Lot Width at Building Line	80-Feet
<del>Minimum Lot Width at Street Line</del>	<del>60-Feet</del>

5.1.6 *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.

5.1.7 *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.

5.1.8 *Landscaping and buffering.* All B-1, Professional Business and Office District, uses shall meet the requirements of *Article 17: Landscaping and Buffers*.

## Agency Comments

**USACE, James Buckelew:** Staff reached out 5/13/2025 but received no comments.

**ADEM, Scott Brown:** Staff reached out 5/13/2025 but received no comments.

**City of Daphne, Adrienne Jones:** Staff reached out 5/13/2025 but received no comments.

**Subdivisions, Fabia Waters:** A subdivision or multi occupancy office space does not appears to be proposed. If the property owner decides that three or more spaces will be available to be leased to different business, a PUD will be required.

**Civil Engineer, Tyler Austin:** No development currently proposed. Current residential building on subject property. Any future development or site improvements will require review for drainage and construction plans. Subject property has existing access - any improvements to the access will require CTP from Baldwin County Planning & Zoning Department.

## Staff Analysis and Findings

The criteria for reviewing zoning amendments are outlined in Section 19.6 of the Baldwin County Zoning Ordinance. Staff carefully considered all of these factors during the evaluation of the application.

The subject property is situated in Planning District 15, which adopted a zoning map in August 2006. Following this adoption, there have been many changes in local conditions, with numerous residentially-zoned parcels along County Road 64 rezoned for commercial use. Therefore, the proposed amendment appears to be a logical expansion and aligns with the existing development patterns in the area. The proposed B-1 zoning is intended to allow for a concentration of office type buildings and land uses that are most compatible with, and located near, residential areas. Additionally, the Future Land Use Map shows the subject property is located within an urban mixed-use area, which supports the proposed zoning request.

## Staff Comments and Recommendation

As previously mentioned, the subject property encompasses approximately 1 acre and is currently zoned as RSF-E, Residential Single Family Estate District. A request has been submitted for the designation of B-1, Professional Business District. The subject property is located on County Road 64 and situated between commercial uses. It is also located within an urban mixed use center, which supports B-1 zoning. Staff has carefully evaluated all relevant factors concerning this application and recommends that the rezoning application be approved.

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



## Property Images

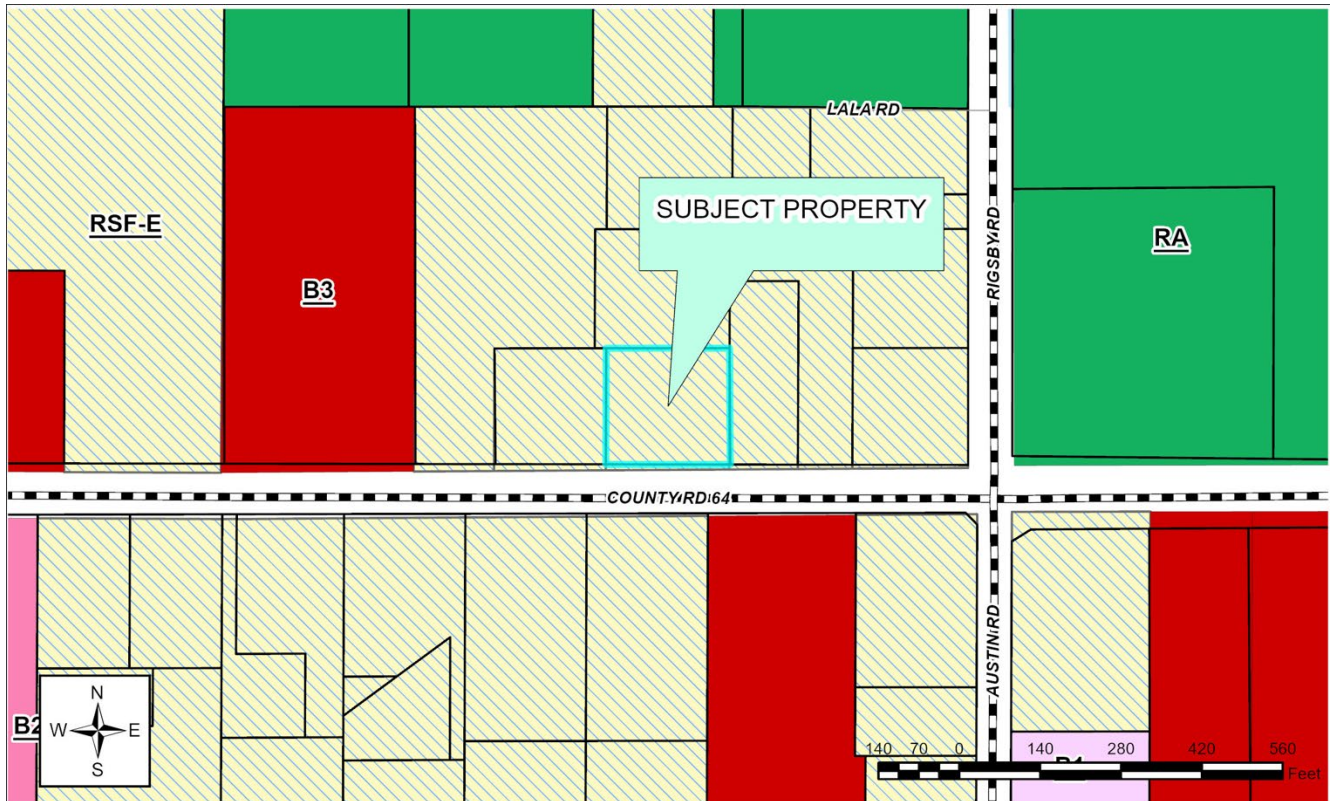




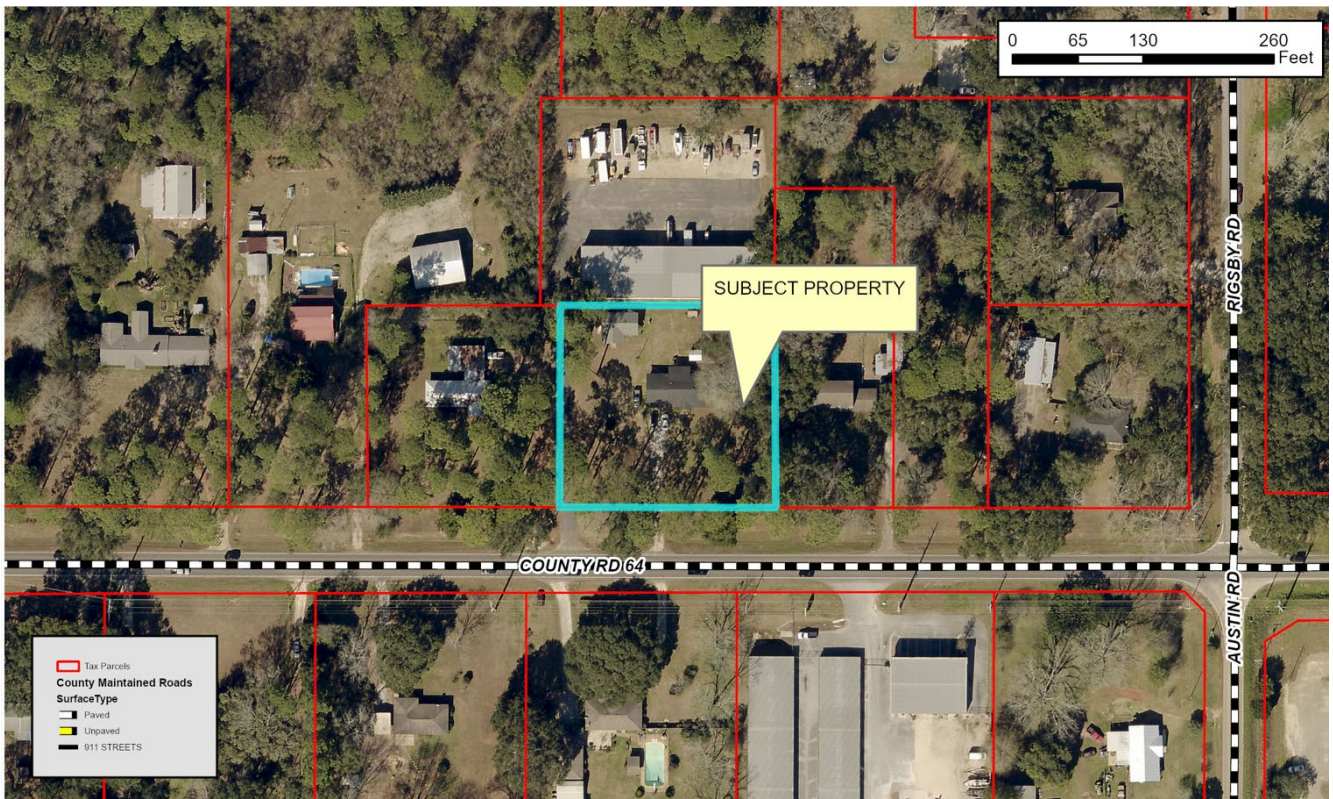




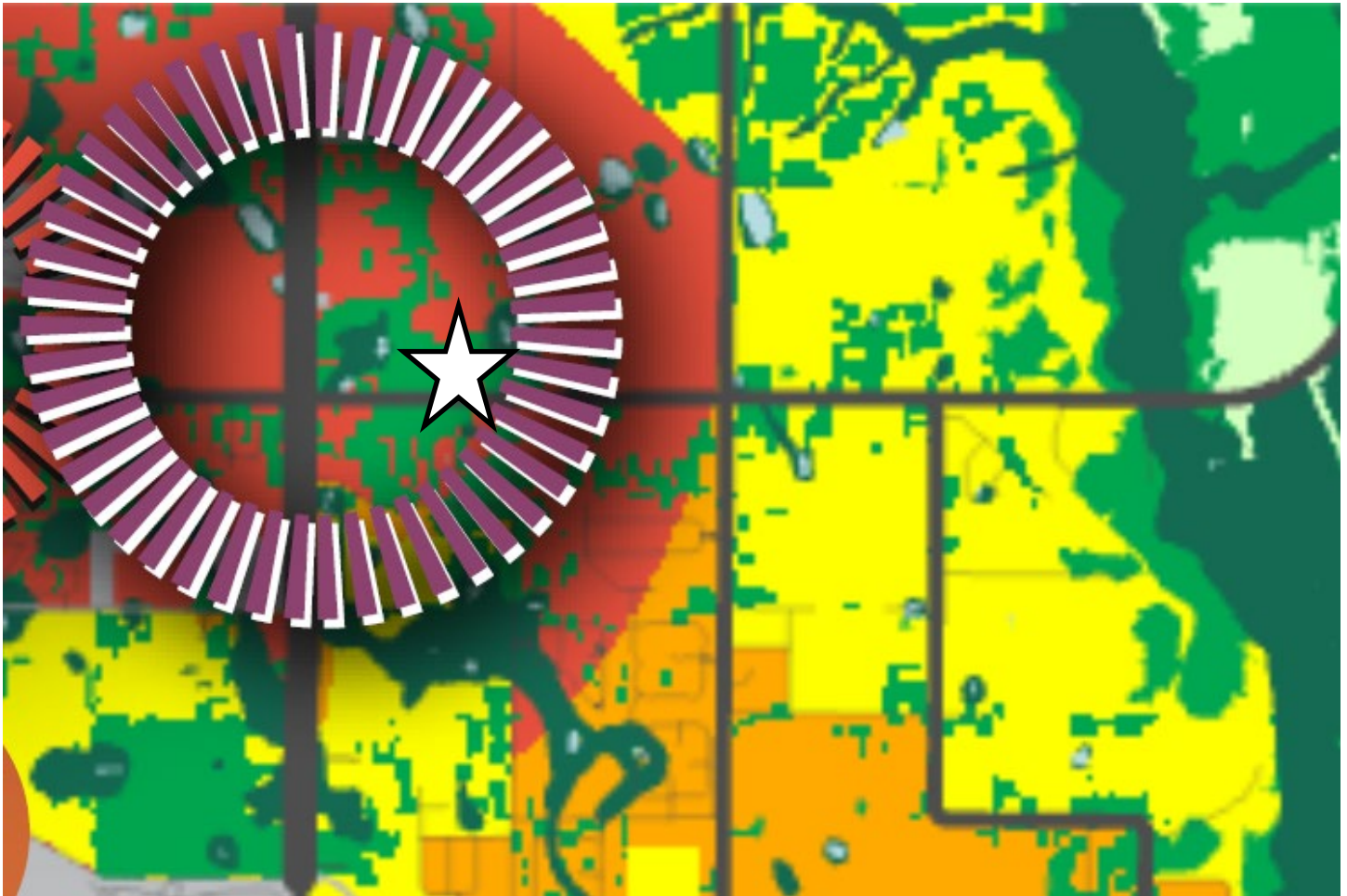
## Locator Map



## Site Map







#### RELATED ZONING DISTRICTS

- B-1 Professional Business District
- B-2 Neighborhood Business District
- B-3 General Business District
- RMF-6 Residential Multifamily District
- HDR High Density Residential District

#### PLACE TYPES

- IDEAL CONSERVATION/PRESERVATION
- CONSERVATION DEVELOPMENT POTENTIAL
- RURAL/AGRICULTURE/LID POTENTIAL
- MODERATE DEVELOPMENT POTENTIAL
- MID-DENSITY DEVELOPMENT POTENTIAL
- HIGH-DENSITY DEVELOPMENT POTENTIAL

MUNICIPAL JURISDICTIONS

#### NODE TYPES

- RURAL CROSSROADS CENTER
- NEIGHBORHOOD CENTER
- VILLAGE CENTER
- URBAN MIXED-USE CENTER
- COMMERCIAL/INDUSTRIAL CENTER