



Baldwin County Planning & Zoning Department

Baldwin County Commission Staff Report

Case No. Z26-12
Gillis Property
Rezone from BCZ, Base Community Zoning District to RR, Rural District
May 21, 2026

Subject Property Information

Planning District: 39
General Location: North of US Highway 98 and east of Mary Ann Beach Road Extension in Fairhope
Physical Address: 10125 US Highway 98, Fairhope, AL 36532
Parcel Number: 05-56-06-23-0-000-057.000
PIN#: 24896
Existing Zoning: BCZ, Base Community Zoning
Proposed Zoning: RR, Rural District
Existing Land Use: Vacant
Proposed Land Use: Commercial
Acreage: 0.97 ± acres
Applicant: Economic Development Services, LLC – Edward Lowe
PO Box 1266
Oneonta, AL 35121
Owner: Gerald Gillis
10071 Bay Haven Drive
Fairhope, AL 36532
Lead Staff: Cory Rhodes, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Vacant	BCZ, Base Community Zoning
South	Commercial	Unzoned (Planning District 17)
East	Residential	BCZ, Base Community Zoning
West	Residential	BCZ, Base Community Zoning

Summary

The subject property encompasses approximately 0.97 acres and is currently zoned as BCZ, Base Community Zoning District. A request has been made to change the designation to RR, Rural District, for commercial use.

Section 3.4 BCZ, Base Community Zoning

3.4.1 Generally. This zoning district is designed to preserve the character and sense of place in Baldwin County's unique communities and natural resource areas. As a result, the district may be applied to a wide variety of lot sizes and uses located within rural and suburban communities. Thus, the Base Community Zoning District places an emphasis on ensuring changes from the existing state do not disrupt the character and quality of life in a rural or suburban community. The appropriate time to apply a Base Community Zoning designation will generally be at the inception of zoning in a new Planning District.

3.4.2 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) The following institutional uses: church or similar religious facility; school (public or private).
- (d) Agricultural uses.
- (e) On parcels that are three (3) acres or greater in size, up to two (2) single family dwellings.
- (f) On parcels that are less than three (3) acres in size, a single-family dwelling and one accessory dwelling with a gross floor area no greater than 60% of the gross floor area of the primary dwelling.
- (g) Accessory structures and uses including a residential accessory structure on a vacant parcel.
- (h) A Home Occupation that conforms with Section 13.3 of the Baldwin County Zoning Ordinance.
- (i) All existing uses, unless one of the following changes is proposed:
 - 1. A change that would trigger a Commission Site Plan Approval under 18.10.3 *Applicable Uses*.
 - 2. Any division of land except an exempt division of land under Section 4.2 of the Baldwin County Subdivision Regulations or a division where each

resulting parcel meets the minimum area and dimension requirements for Residential Single Family Residential Estate (RSF-E) District under Section 4.1.5 herein.

Under Base Community Zoning, a use that has been abandoned for a period of five (5) years shall no longer be considered an existing use. The intent to abandon shall be presumed from the cessation of business or the removal of equipment, goods, structures, or other aspects of such nonconforming use of the property.

3.4.3 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: Not Applicable

3.4.4 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: Not Applicable

3.4.5 Area and dimensional regulations. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, and unless a change is triggered by *Section 3.4.2(i)*, the area and dimensional ordinances set forth below shall be observed for new construction:

(a) Primary Structures:

Maximum Height of Structure	35-Feet
Maximum Height in Habitable Stories	2 ½
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet

(b) Accessory Structures are not permitted in the front yard and shall be a minimum of 5-feet from property when located within the side or rear yard.

(c) When a residential accessory structure is proposed on a vacant parcel, it shall meet the dimensional regulations applicable to a primary structure.

3.4.6 Minimum requirements for exempt subdivisions. Within the Base Community Zoning district, the area and dimensional requirements of *Section 5.4(a)* of the Baldwin County Subdivision Regulations shall apply to exempt subdivisions.

3.4.7 Applicability of the Baldwin County Zoning Ordinances. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the remaining provisions of the Baldwin County Zoning Ordinances shall not apply to parcels within the Base

Community Zoning District, unless a change under *Section 3.4.2(i)*, is proposed. In which case, the following shall apply:

- (a) A rezoning application under the provisions of Article 19 *Amendments to Official Zoning Map and Ordinances* shall be submitted. The evaluation of compatibility under Section 19.6 *Factors for Reviewing Proposed Amendments* shall consist of an examination of existing uses rather than existing zoning designations.
- (b) If a rezoning is approved by the Baldwin County Commission under subsection (a), the provisions of the Baldwin County Zoning Ordinances shall thereafter apply to the rezoned lot as applicable.

3.4.8 Land Disturbance Requirements. The Land Disturbance Ordinance for Flood Prone Areas or Territories with Probable Exposure to Flooding in Unincorporated Baldwin County, Alabama, shall apply to land disturbances within the Base Community Zoning District.

3.4.9 Uses Expressly Disallowed. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, and *Article 20 Nonconformities*, the following uses are expressly disallowed in the Base Community Zoning District: Not Applicable

3.4.10 Severability and Reversion. Should any phrase, sentence, paragraph, section or provision of this *Section 3.4 BCZ Base Community Zoning District* be declared by the courts to be unconstitutional or invalid, such that the intent of this Section cannot be carried out, individual parcels within the Base Community Zoning District shall automatically revert to Rural Agriculture (RA), Residential Single-Family Estate (RSF-E), Residential Single-Family (RSF-1), and Residential Single-Family (RSF-2) based on the land area of each parcel in relation to the minimum lot size of each district.

Section 3.1 RR, Rural Districts

3.1.1 Generally. This zoning district is provided to accommodate the rural areas of Baldwin County. Rural District ordinances are designed to protect the rural character of the area.

3.1.2 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) Marine recreation uses.
- (d) Outdoor recreation uses.
- (e) The following general commercial uses: animal clinic and/or kennels; farm implement sales; farmer's market/truck crops; nursery; landscape sales.
- (f) Local commercial uses.
- (g) Professional service and office uses.
- (h) The following institutional uses: church or similar religious facility; childcare center; childcare institution; day care home; fire station; library; post office; school (public or private).
- (i) Agricultural uses.
- (j) Single family dwellings including manufactured housing and mobile homes.
- (k) Accessory structures and uses.

3.1.3 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: Not applicable

3.1.4 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 Commission site plan approval process:

- (a) Transportation, communication, and utility uses not permitted by right.
- (b) Light industrial uses.
- (c) General commercial uses not permitted by right, except racetrack.
- (d) Institutional uses not permitted by right, except correctional, detention, or penal institution and sanitarium.
- (e) Boarding house, rooming house, lodging house, or dormitory.
- (f) Fraternity or sorority house.

3.1.5 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 18.5: Variances, and Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure	35-Feet
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

3.1.6 Area and dimensional modifications. Within the RR 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	20,000 Square Feet
Minimum Lot Width at Building Line	80-Feet

Agency Comments

USACE, James Buckelew: Staff reached out 4/9/2026 but received no comments.

ADEM, Scott Brown: Staff reached out 4/9/2026 but received no comments.

ALDOT, Jason Shaw & Chase Chitwood: Staff reached out 4/9/2026 but received no comments.

Subdivisions, Fabia Waters: At this time it does not appear that a subdivision is not proposed, I have no further comments.

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.

a) Degree of compatibility of the proposed rezoning with existing and allowable land uses in the vicinity.

The subject property encompasses approximately 0.97 acres. A rezoning application has been submitted to designate the property as RR to permit commercial use, including the operation of an auto repair shop. Surrounding properties are predominantly zoned for residential use, with adjacent parcels classified under Base Community Zoning and unzoned land located to the south. Given that most nearby properties are residential, the proposed commercial use would be incompatible with the character of the surrounding area.

b) Degree of conformity of the proposed rezoning to the Master Plan.

The Future Land Use Map (FLUM) reflects a blend of development considerations and environmental suitability, guiding growth and development patterns in the County's unincorporated areas. It designates the subject property and surrounding lands primarily for Ideal Conservation or Rural/Conservation/Low-Impact Development. Ideal Conservation areas generally consist of land that is undeveloped or only minimally developed. In areas with low development potential, small rural nodes may exist, typically supporting a limited range of retail and service uses to meet local community needs.

c) Proximity of the proposed rezoning to existing transportation network and utility infrastructure.

The subject property lies north of a Principal Arterial roadway, which is designed to collect traffic from local streets and channel it into the broader arterial network. These roadways serve major metropolitan centers, offer a high level of mobility, and can also support travel through rural areas while directly serving adjacent land uses. According to the submitted rezoning application, any proposed development will have access to existing utility connections.

d) Timing of the request and development trends in the area.

The property in question is currently vacant. Staff has identified no concerns related to the timing of the request or to development trends in the surrounding area.

e) Impacts on environmental conditions of the vicinity or the historic resources of the County.

Potential wetlands have been identified on the subject property. If development is planned, a wetlands delineation will likely be required. No historic resources are located on the parcel.

f) Impacts to the health, safety and welfare of the County and the vicinity.

Most of the property lies within the Highway Construction Setback for the classified roadway. If this request is approved, a Highway Construction Setback appeal would be required during the Site Plan approval process. Additionally, because of the property's proximity to nearby residential homes, concerns may arise regarding noise from the proposed commercial use.

Staff Comments and Recommendation

Upon review of the *Factors for Reviewing Proposed Zoning Map Amendments* specified within Section 19.6 of the Baldwin County Zoning Ordinance and themes of the Baldwin County Master Plan, staff has determined that the requested Zoning Map Amendment is **somewhat consistent** with the factors specified within the Baldwin County Zoning Ordinance as well as the Baldwin County Master Plan Future Land Use Map.

The requested Zoning Map Amendment was also evaluated using the Smart Growth Scorecard (attached) which **somewhat supports** the request.

County Map

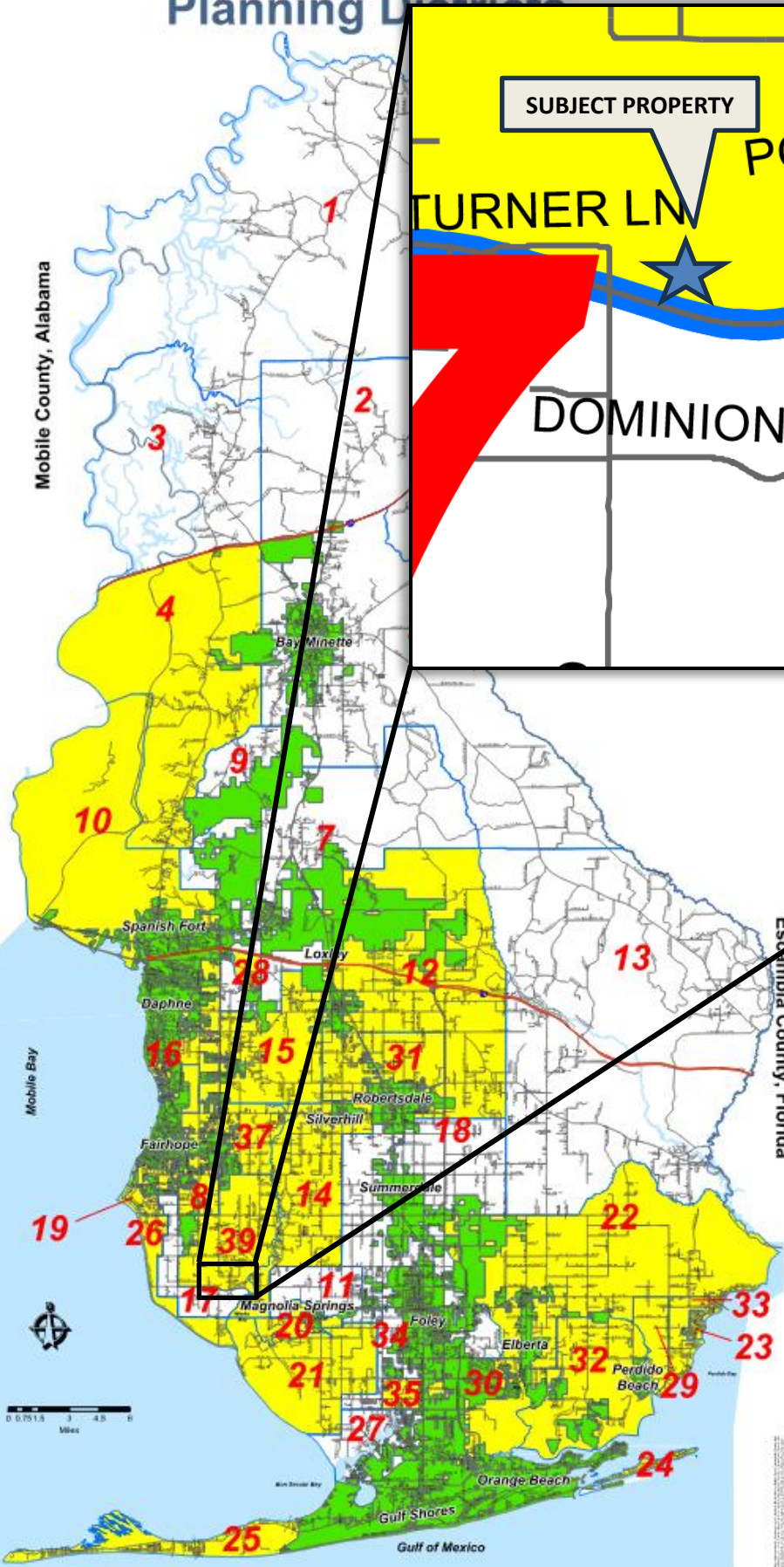
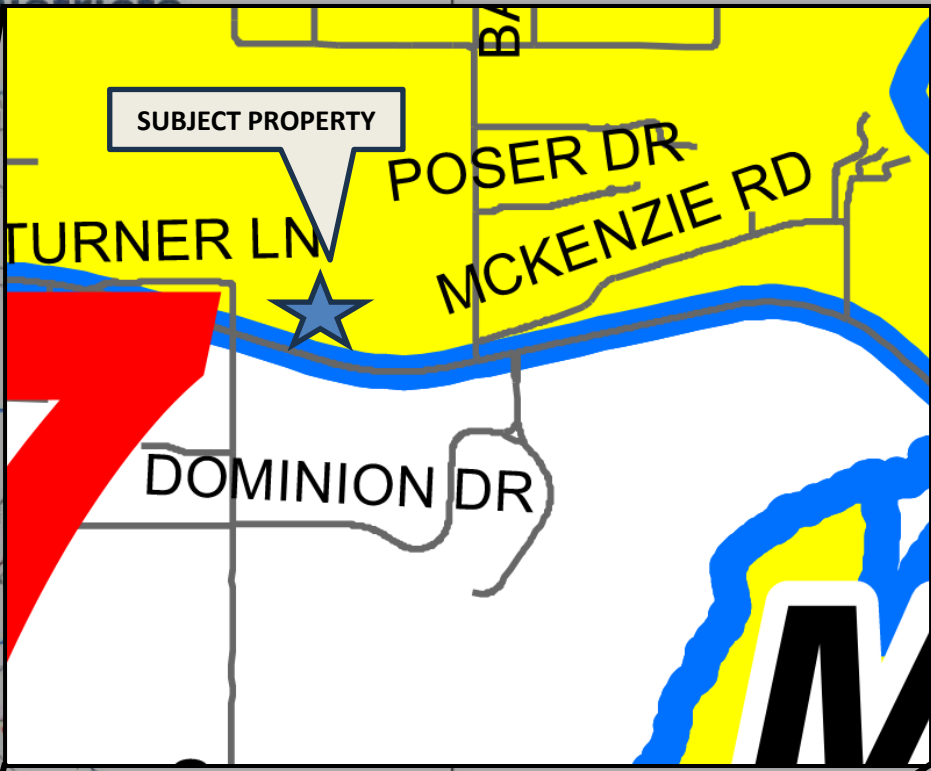
Baldwin County, Alabama Planning Districts

Mobile County, Alabama

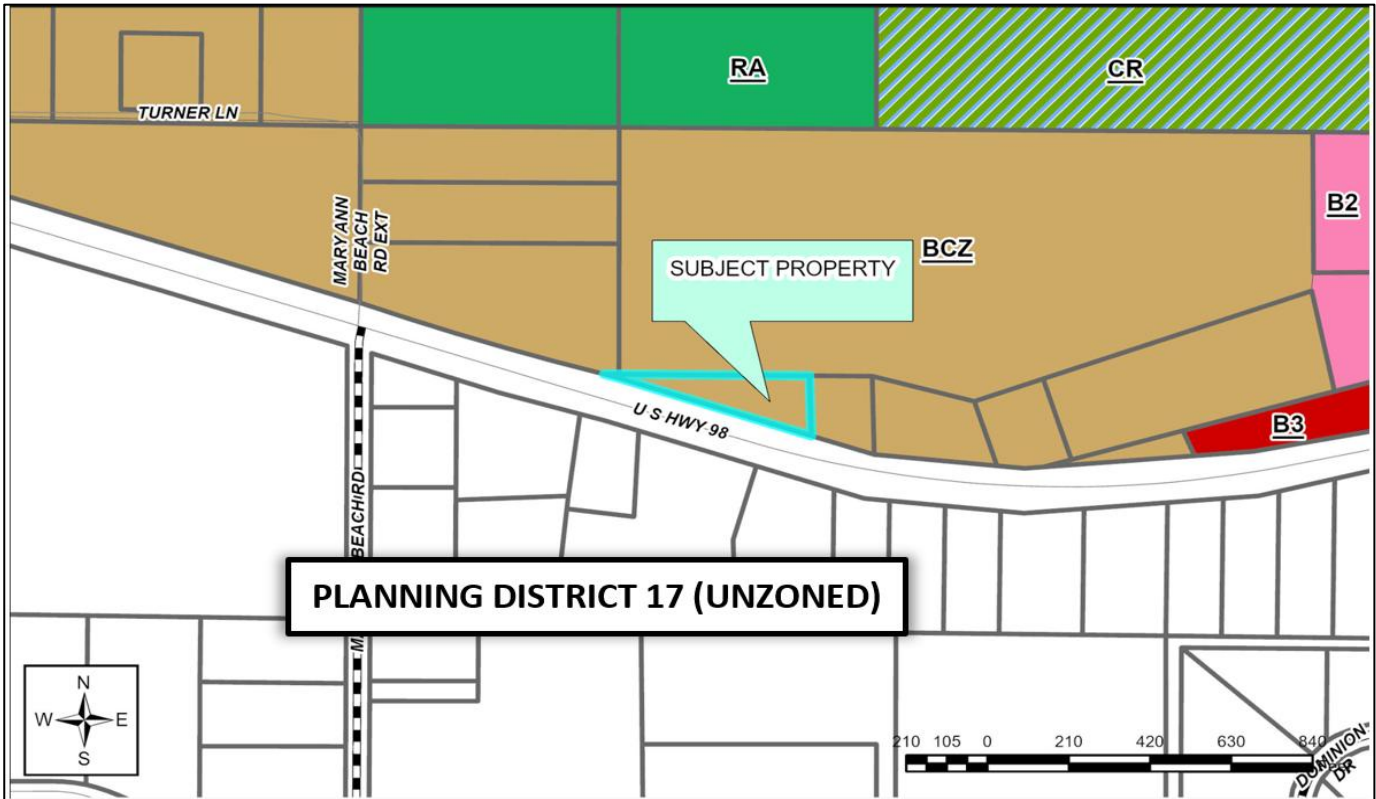
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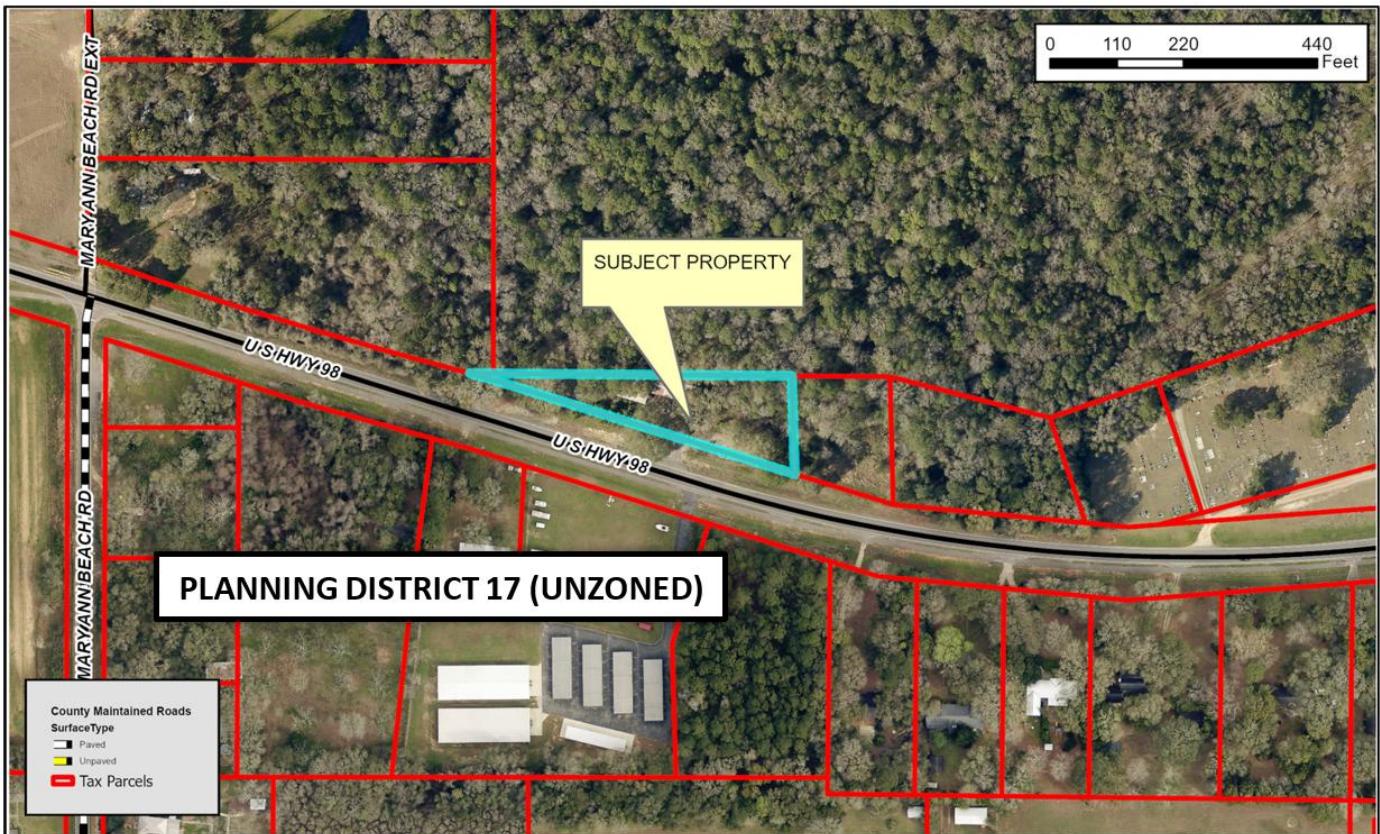
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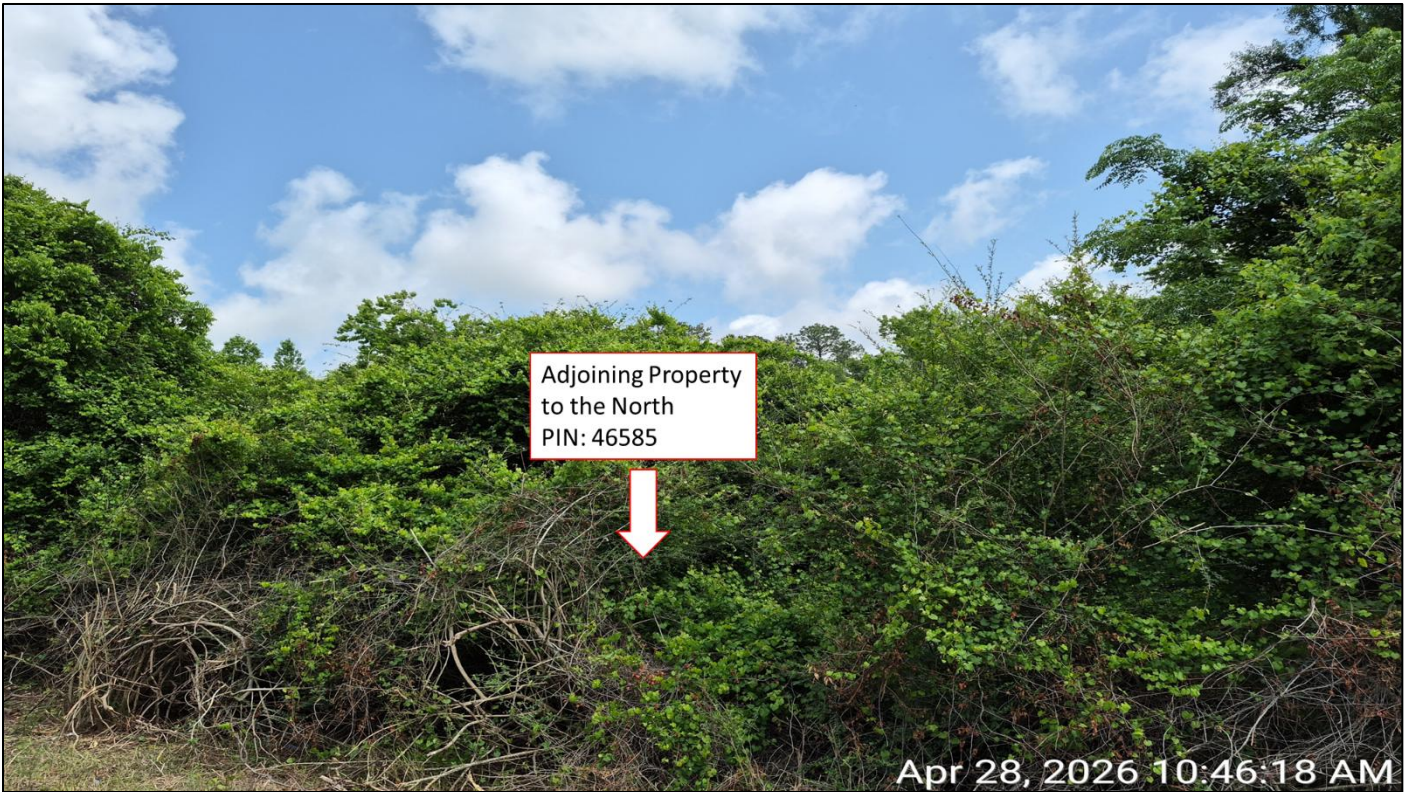
Locator Map



Site Map



Property Images





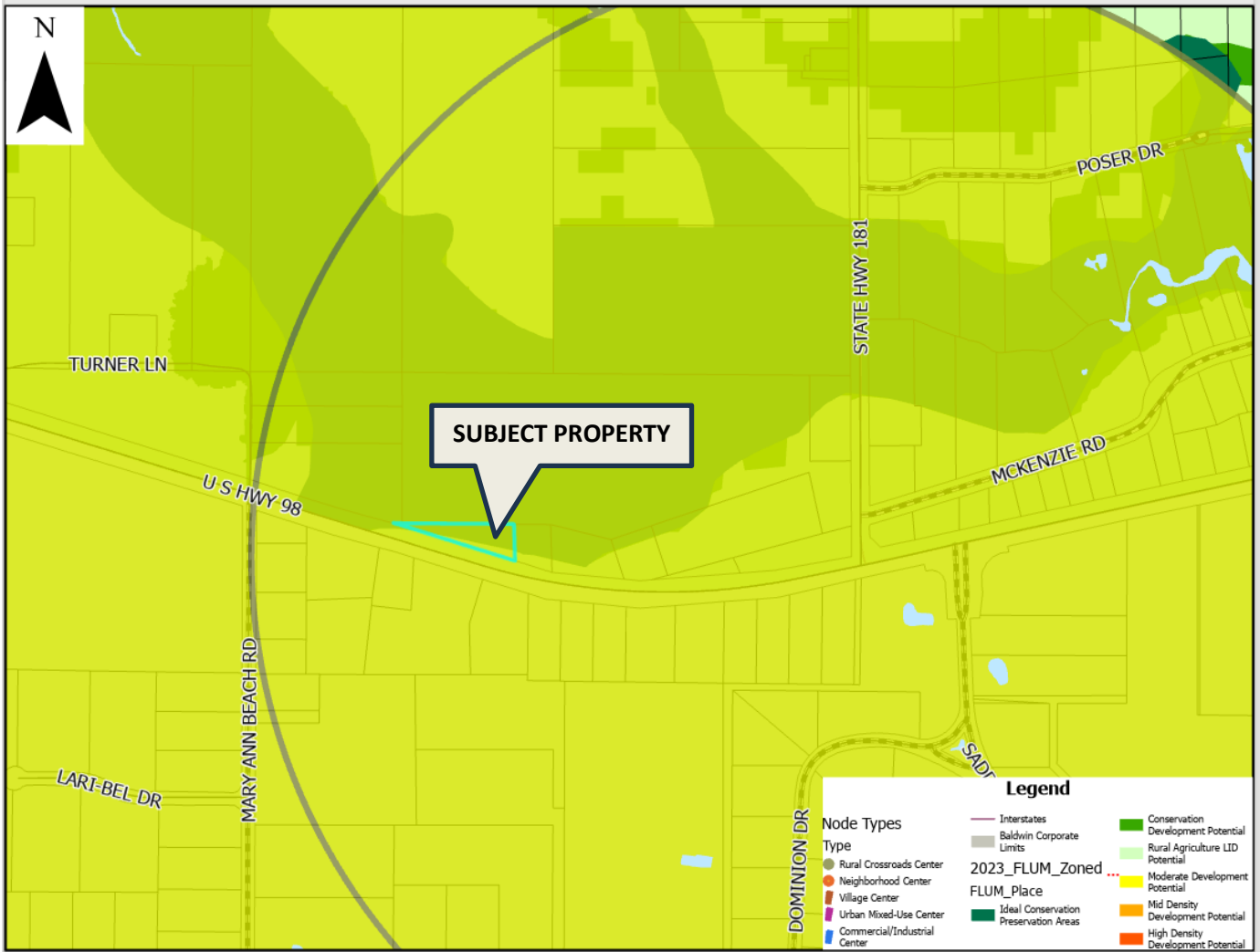


Adjoining Property
to the West
PIN: 22489



Apr 28, 2026 10:47:49 AM
13464 Mary Ann Beach Road
Fairhope
Baldwin County
Alabama

FLUM



LEGEND

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

RURAL/AGRICULTURE/LOW IMPACT DEVELOPMENT POTENTIAL AREAS

IDEAL CONSERVATION/ PRESERVATION AREAS

Ideal Conservation or Preservation Areas would include land that is undeveloped, or minimally developed, and protected by local, state, and federal agencies or by public, private, and nonprofit organizations. This could include areas conserved for the protection of critical habitat, clean water, open space, or cultural heritage.

PRIMARY LAND USES

- Natural areas that are publicly and privately owned and managed
- Permanently protected lands such as conservation easements, parks, cemeteries
- Parks and open spaces devoted primarily to passive recreation and trails
- Lands with important cultural landmarks or assets
- Scenic view corridors

RELATED ZONING DISTRICTS

- Environmental Conservation

CONNECTIVITY NETWORK

- Greenways and trails

Rural Development Potential Areas include large lots, open space views, and a large buffer distance between buildings. Residential homes may be on large tracts and could include estate homes and working farmland. The development pattern may also include conservation-based subdivisions to allow for the clustering of residential dwellings to protect open space that is valued for natural resource protection—such as stream buffers, mature forest habitat, or wetlands—working farmland, or recreational amenities. Lands within these areas should be developed with additional Low Impact Development (LID) standards and buffers to limit the impact to adjacent critical environments. At key rural crossroads, rural centers or nodes could allow for a combination of retail and service uses to meet the needs of the community.

PRIMARY LAND USES

- Single-family detached homes
- Hobby farms
- Agri-hoods
- Cultivated farmland, timber/managed forest, pastureland
- Clustered manufactured housing communities
- Rural crossroads center/node

RELATED ZONING DISTRICTS

- RR Rural District
- RA Rural Agricultural District
- RSF-E Residential Single Family Estate

CONNECTIVITY NETWORK

- Rural streets with sidewalks, paved shoulders, bike lanes, and/or side paths based on local character and context
- Rural greenways and trails along environmental buffers

RURAL CROSSROADS CENTER

PRIMARY LAND USES

- Small-scale shops, restaurants and local-serving businesses— neighborhood-scaled retail, gas station, convenience grocery, farm stand, hardware store, etc.

RELATED ZONING DISTRICTS

- RR Rural District
- RA Rural Agricultural District

CONNECTIVITY NETWORK

- Gridded walkable streets
- Parking in rear of buildings
- Rural greenway and trail access, small informal open space or gardens



SMART GROWTH SCORECARD TOOL

Score each element based on the following: +2 (Strongly Supports), +1 (Somewhat Supports), -1 (Somewhat Does Not Support), and -2 (Strongly Does Not Support). Each category will be totaled and then combined for a final score to evaluate whether the development aligns with the vision and themes of the Master Plan. The following final score ranges will be used in this evaluation.

STRONGLY SUPPORTS	SOMEWHAT SUPPORTS	SOMEWHAT DOES NOT SUPPORT	STRONGLY DISAPPROVE
Score of 20 to 40	Score of 0 to 19	Score of 0 to -19	Score of -20 to -40

SMART GROWTH SCORECARD		SCORE			
Conformity with Surrounding Land Use		2	1	-1	-2
Is the property contiguous to a complementary use or zoning district to what is being proposed?					-2
Does the density/intensity of the proposed use conform to the surrounding area or provide a use that would support the surrounding existing or permitted land uses?					-2
Does the proposed land use provide a mix of uses or diversity of housing types in the area?	For single use projects evaluate the diversity of uses within 1/2 mile			-1	
Does the proposed land use require building separation and buffers that fit the character of the surrounding area?				-1	
Does the proposed land use promote development that fits the character of the surrounding area?				-1	
Total Land Use Score (out of 10 points)		-7			
Conformity with Master Plan		2	1	-1	-2
Does the location and proposed land use support the need identified in the Master Plan for the surrounding community?				-1	

Is the request located in an area identified for development in the Master Plan?	Evaluate the uses identified for the area in the Master Plan not the "equivalent zoning"			-1	
Does the size & scale of the proposal fit the recommendations in the Master Plan and the character of the surrounding community?	Evaluate the uses identified for the area in the Master Plan not the "equivalent zoning"			-1	
Is the property located within 1/2 mile of a municipal boundary or node identified in the Master Plan?	Rate +2 if property is within 1/2 mile, +1 for 1/2 to 1 mile, -1 for 1 to 1.5 mile, & +2 for outside of 1.5 mile. For "downzoning" requests outside of 1 mile from municipal boundary or node, score +1.	2			
Does the proposed use provide housing or commercial uses that are consistent with the growth and demand projections for the surrounding area?				-1	
Total Master Plan Score (out of 10 points)				-2	
Proximity to Transportation & Utility Infrastructure		2	1	-1	-2
Is the property located within 1/2 mile of an existing roadway that is classified appropriately to support the proposed use?	Major projects should be located near collector road or greater. Minor projects should be located near local street or greater.	2			
Does the property allow access from at least two existing or planned streets?	Existing or planned streets located outside of the applicant property.			-1	
Are frequently visited uses within 1 mile of the proposed use?	For residential uses, schools/daycares, employment centers, grocery/convenience shopping. For commercial, housing & similar intensity commercial uses. Rate +2 for within 1/2 mile, +1 for 1/2 to 1 mile, -1 for 1 to 1.5 mile, & -2 for greater than 1.5 mile.		1		

Is the proposed use within the service boundary of existing water service?	Rate +2 if within service boundary and adjacent to water main sufficient to serve development, +1 if within service boundary but requires water main upgrade or extension to serve development, -1 for outside of service area but within 1/2 mile of service area, -2 for outside of service area and greater than 1/2 mile.	2			
Is the proposed use within the service boundary of existing sewer service?	Rate +2 if within service boundary and adjacent to sewer main sufficient to serve development, +1 if within service boundary but requires sewer main upgrade or extension to serve development, -1 for outside of service area but within 1/2 mile of service area, -2 for outside of service area and greater than 1/2 mile.	2			
Total Transportation & Utility Score (out of 10 points)		6			
Environmental Conditions & Historic Resources		2	1	-1	-2
Can the property be reasonably developed without impacting jurisdictional wetlands/streams or buffers?			1		
Can the property be reasonably developed without filling within the floodplain or contributing to a net loss of flood capacity?			1		

Does the proposed use limit growth in environmentally sensitive or flood prone areas?	The more environmentally sensitive the area, the lower the overall density should be. Rate +2 for non-sensitive area, +1 for somewhat sensitive area but density can be clustered to avoid impacts, -1 for moderate sensitive area that would be challenging to avoid impacts, -2 for significantly sensitive area that would be unable to avoid impacts.		1		
Can the proposed use implement a stormwater facility that would aide regional stormwater management?			1		
Would the proposed use have any impacts to historic or cultural resources in the area?			1		
Total Environmental Score (out of 10 points)			5		
TOTAL SMART GROWTH SCORE			2		
RECOMMENDATION			0	SOMEWHAT SUPPORTS	
			0		
			0		