



Baldwin County Planning & Zoning Department

Baldwin County Commission Staff Report

Case No. Z25-63

Hehman Property

Rezone from RA, Rural Agriculture District, to B-1, Professional Business District

February 19, 2026

Subject Property Information

Planning District: 30
General Location: South of Russian Road and east of Roscoe Road
Physical Address: N/A
Parcel Number: 05-61-06-23-0-000-002.001
Existing Zoning: RA, Rural Agriculture District
Proposed Zoning: B-1, Professional Business District
Existing Land Use: Vacant
Proposed Land Use: Commercial
Acreage: 4.9 +/- acres
Applicant: Nicholas Hehman
1417 Regency RD
Gulf Shores, AL 36542
Owner: Nicholas Hehman
1417 Regency RD
Gulf Shores, AL 36542
Lead Staff: Celan Boykin, Senior Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Vacant	City of Foley
South	Vacant	RA, Rural Agriculture District
East	Residential	RA, Rural Agriculture District
West	Vacant	RA, Rural Agriculture District

Summary

The subject property encompasses approximately 4.9 acres and is currently zoned as RA, Rural Agriculture District. A request has been made to change the designation to B-1, Professional Business District, for commercial use.

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. Low-density residential development that maintains the rural character of the district is permitted in accordance with the permitted uses and area and dimensional requirements of this section.

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 Permit Exemptions for Agricultural Uses and Agriculture Buildings. Agricultural uses and Agriculture Buildings, as defined in this ordinance, within the RA zoning district, shall be exempt from the Zoning Site Plan and Zoning Land Disturbance permitting requirements of this ordinance.

3.2.4 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

3.2.5 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) Transportation, communication, and utility uses not permitted by right.
- (b) Institutional uses not permitted by right.

(c) The following general commercial uses: low density recreational vehicle park (see *Section 13.8: Recreational Vehicle Parks*).

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

3.2.6 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.

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

3.2.7 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

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 18.10:

(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 18.10: Commission Site Plan Approval:

(a) Arboretum	(h) Dwellings, in combination with commercial uses, subject to the standards listed under Section 5.1.4: Mixed uses
(b) Swimming pool (outdoor)	(i) Riding academy
(c) Ball field	(j) Gym/Fitness Center
(d) Tennis court (outdoor)	
(e) Golf course	
(f) Wildlife sanctuary	
(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 18.10: 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 (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 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 in Habitable Stories	2 ½
Minimum Front Yard	30-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Maximum Ground Coverage Ratio	.60

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: Open Space, Landscaping and Buffers.

Agency Comments

USACE, James Buckelew: No comments.

ADEM, Scott Brown: The property is located well outside of the defined coastal area of Alabama and as such the ADEM's coastal program regulations will not apply.

Natural Resources, Ashley Campbell: No Comments

Subdivisions, Fabia Waters: No Comments

Civil Engineer, Tyler Austin: No 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 spans approximately 4.9 acres and is currently designated as RA, Rural Agriculture District. A request has been submitted to rezone the property to B-1, Professional Business District, for commercial use. The neighboring parcels are also zoned RA, Rural Agriculture. The parcel adjacent to the north, located within the City of Foley, is similarly zoned as Agriculture. Additionally, several parcels along Roscoe Road are zoned as B-3 and B-4, representing commercial districts, while one parcel is zoned as HDR, High-Density Residential.

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

The Future Land Use Map (FLUM) represents a combination of development and environmental suitability factors, which direct growth and development patterns for the unincorporated areas of the County. The FLUM has identified the subject property and surrounding area as having primarily Ideal Conservation/Preservstion Area. 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.

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

The property is situated along Roscoe Road, which is designated as a Local Road and is an unpaved County-maintained roadway. If the applicant's plans involve developing a Planned Unit Development (PUD), paving the road will be required.

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

The district adopted a zoning map in 1995 and many of the surrounding parcels have been rezoned or annexed by Foley or Orange Beach.

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

A large area of potential wetlands appear on the subject property. A wetland delineation will be required to determine if wetlands are present on the property. No historic or cultural resources should be affected, as the property is not within a Historic district.

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

The proposed request should have no impact to the health, safety and welfare of the property or surrounding properties.

Staff Comments

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 would be somewhat consistent with the factors specified within the

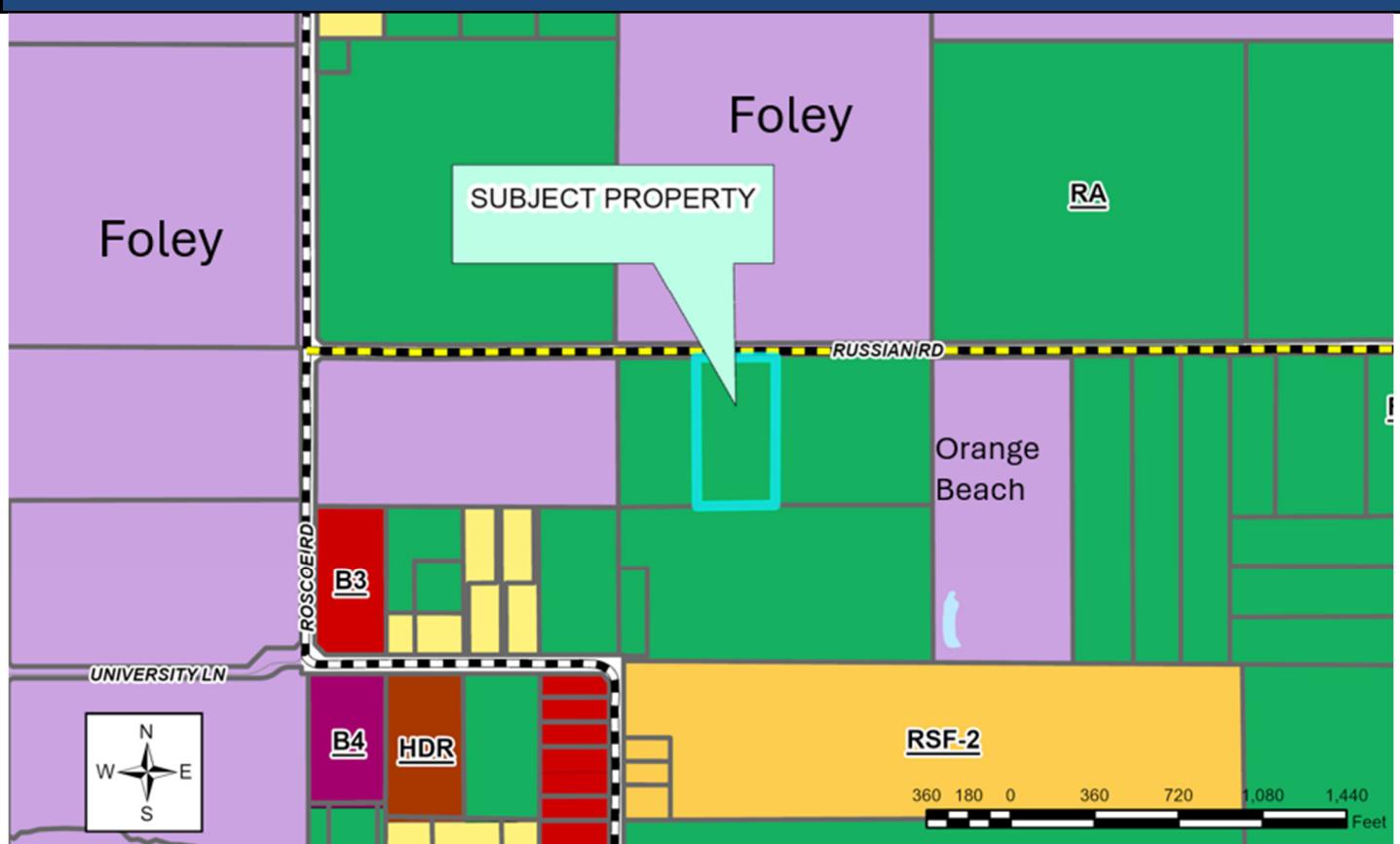
Baldwin County Zoning Ordinance but is not consistent with the Baldwin County Master Plan Future Land Use Map.

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

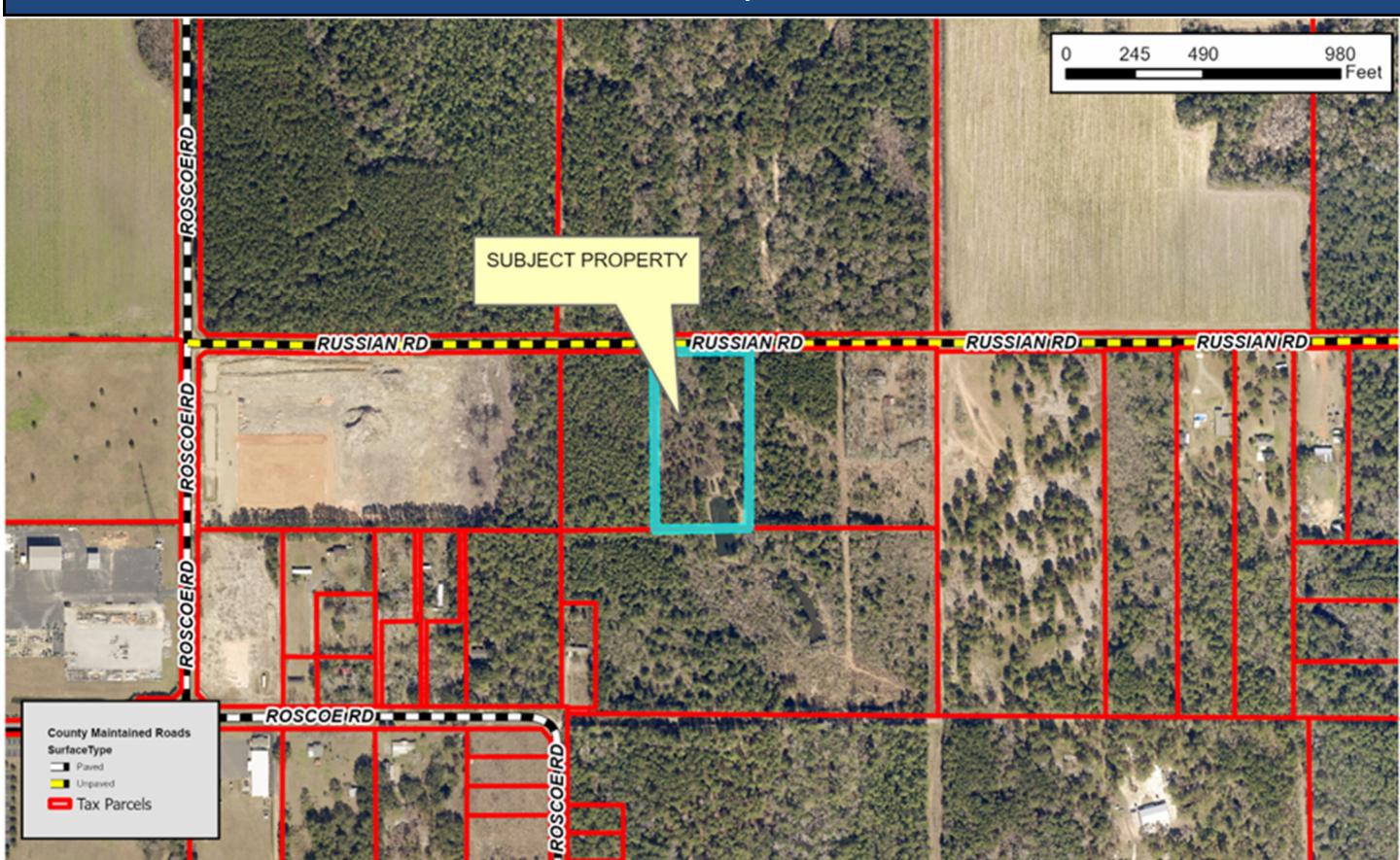
County Map



Locator Map

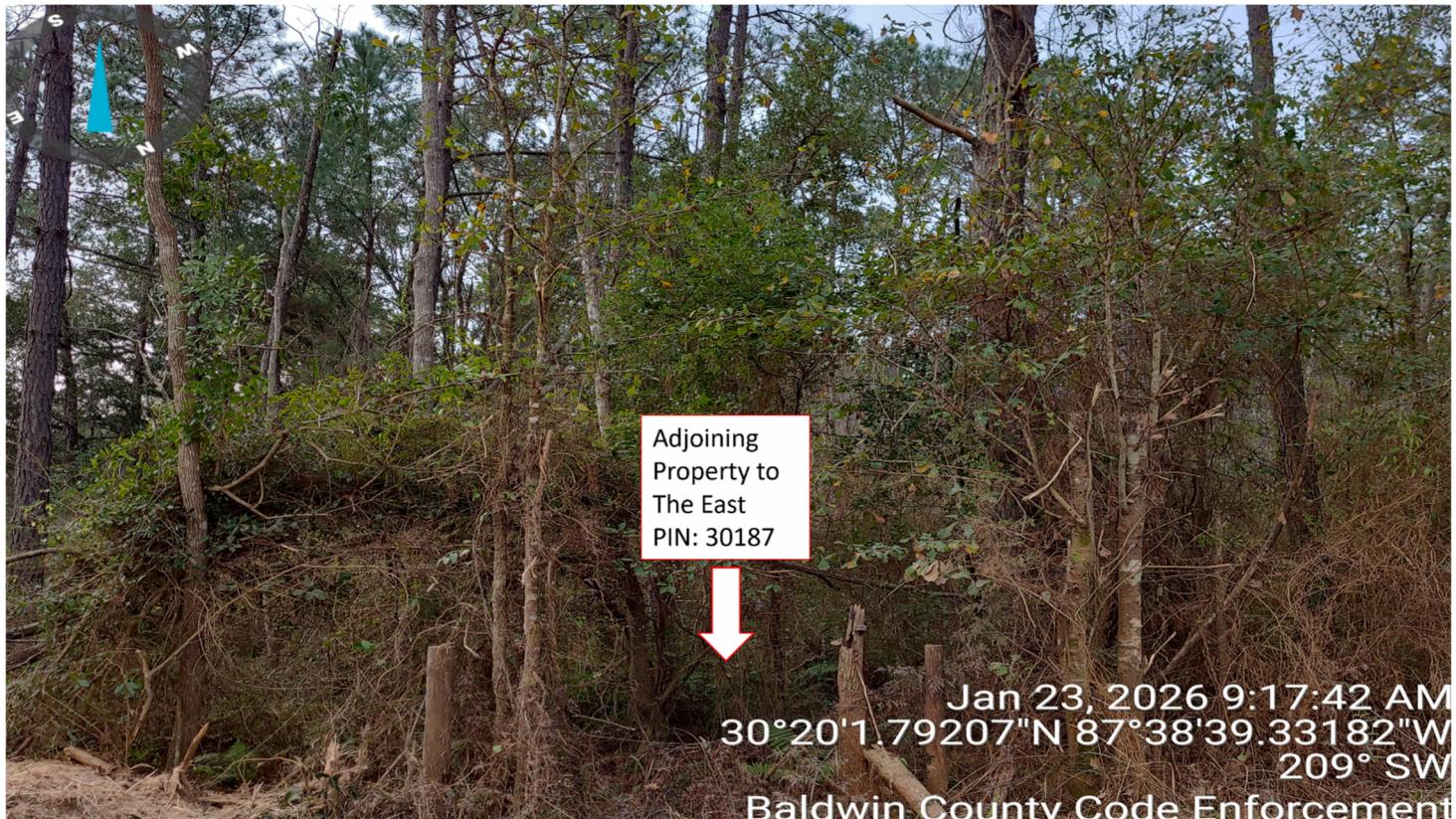


Site Map



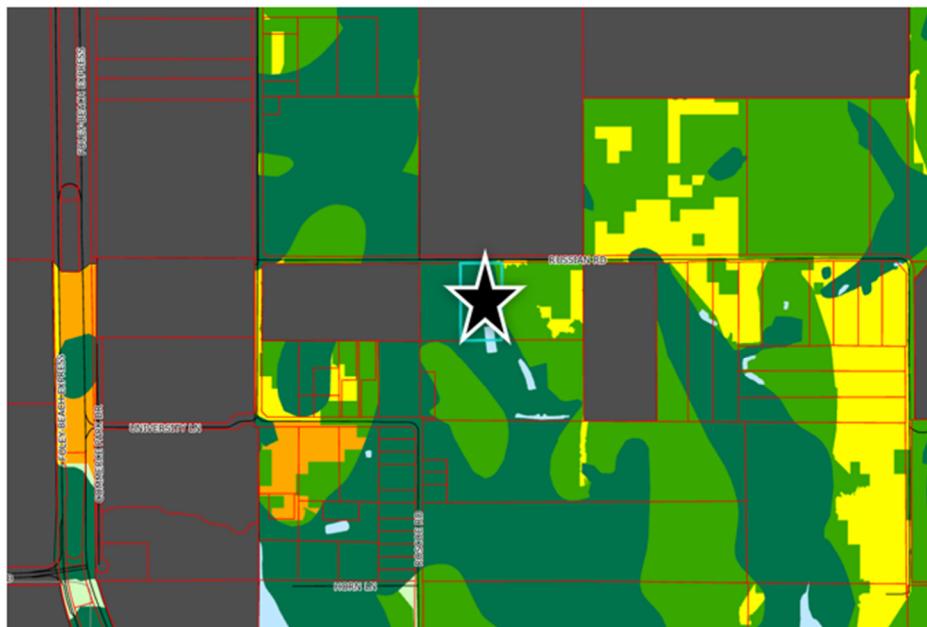
Property Images







FLUM



LEGEND

- PLACE TYPES
 - IDEAL CONSERVATION/PRESERVATION
 - CONSERVATION DEVELOPMENT POTENTIAL
 - RURAL/AGRICULTURE/LD 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

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

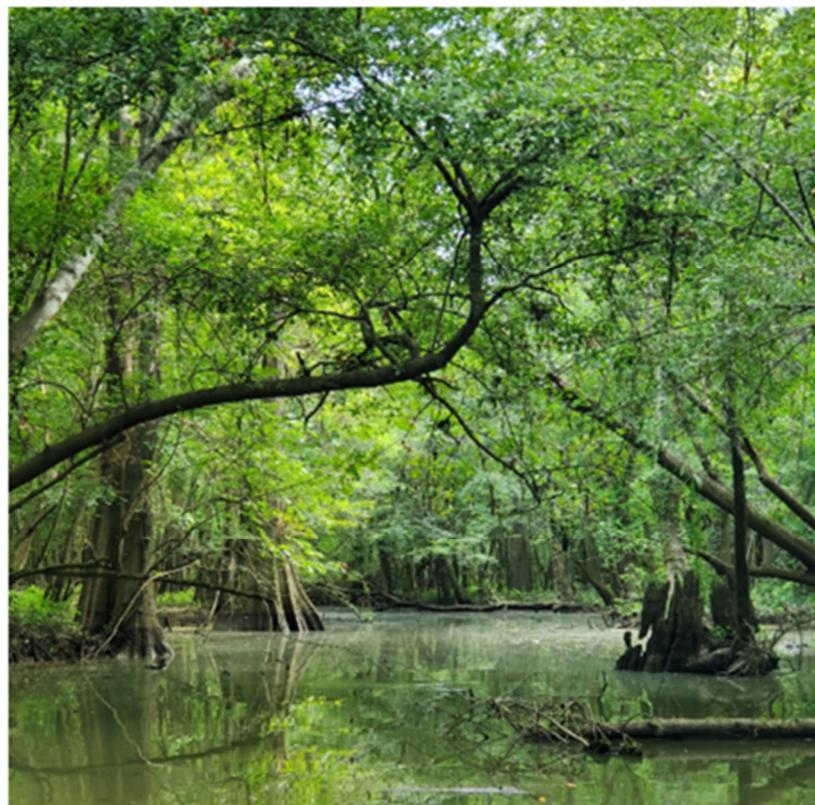
- Natural areas that are publicly and privately owned and managed
- Permanently protected lands such as conservation easements, parks, cemeteries
- Parks and open spaces devoted primarily to passive recreation and trails
- Lands with important cultural landmarks or assets
- Scenic view corridors

RELATED ZONING DISTRICTS

- Environmental Conservation

CONNECTIVITY NETWORK

- Greenways and trails



Scorecard

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	SOMETHREE SUPPORTS	SOMETHREE 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?			1		
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)		0			
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?					-2
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"				-2
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)		-4			
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.		1		
Does the property allow access from at least two existing or planned streets?	Existing or planned streets located outside of the applicant property.				-2
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			
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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.	1			
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Total Transportation & Utility Score (out of 10 points)	3
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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?		2			
Total Environmental Score (out of 10 points)					2
TOTAL SMART GROWTH SCORE					1
					0
RECOMMENDATION					SOMEWHAT SUPPORTS
					0
					0