



Case No./Name: Z24-18, Bengston Property

Meeting Date: October 3, 2024

Request: Rezoning request of ±21 acres from RA to RSF-3 for residential development

Recommendation: **Approval**

Staff Lead: Cory Rhodes, Planner

Applicant: Dwayne Smith

Owner: Bill Bengston, Jr.

To view maps/plats in higher resolution and public comments received related to this case, please visit the "Upcoming Items" Planning and Zoning webpage: <https://baldwincountyal.gov/departments/planning-zoning/meeting-agenda>

Z24-18 BENGSTON PROPERTY

RE-ZONING REQUEST FROM **RA** TO **RSF-3**

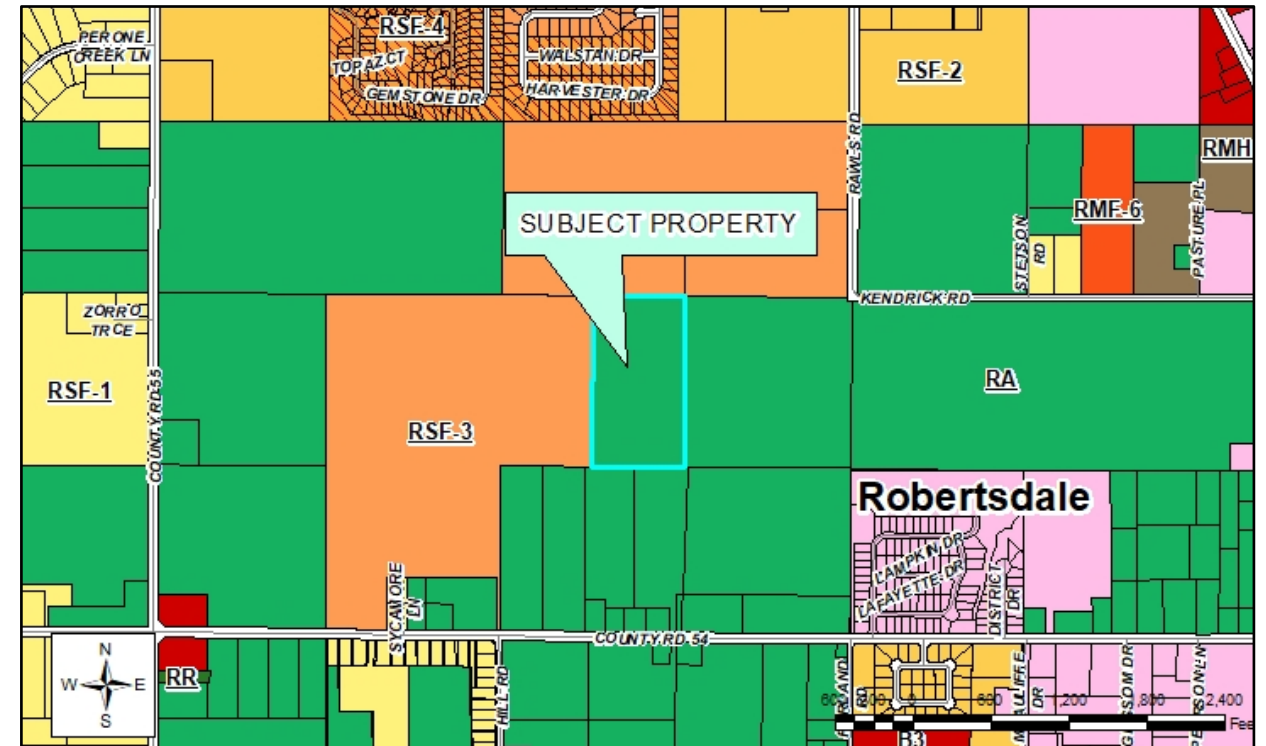
Lead Staff: Cory Rhodes, Planner

Request before the Baldwin
County Commission:

Rezone +/- 21 acres from RA to RSF-3

To view maps/plats in higher resolution
please visit the "Upcoming Items" Planning
and Zoning webpage:

[https://baldwincountyal.gov/departments/
planning-zoning/meeting-agenda](https://baldwincountyal.gov/departments/planning-zoning/meeting-agenda)



Z24-18 BENGSTON PROPERTY

RE-ZONING REQUEST FROM RA TO RSF-3

Lead Staff: Cory Rhodes, Planner

Planning District: 12

Parcel ID #: 05-42-07-35-0-000-002.006

PIN: 275338

Zoned: RA, Rural Agricultural District

Location: Subject property is located north of County Road 54 and west of Highway 59 in the Robertsdale area

Current Use: Agricultural

Acreage: +/- 21 acres

Physical Address: 16475 County Road 54, Robertsdale, AL 36567

Applicant: Dwayne Smith

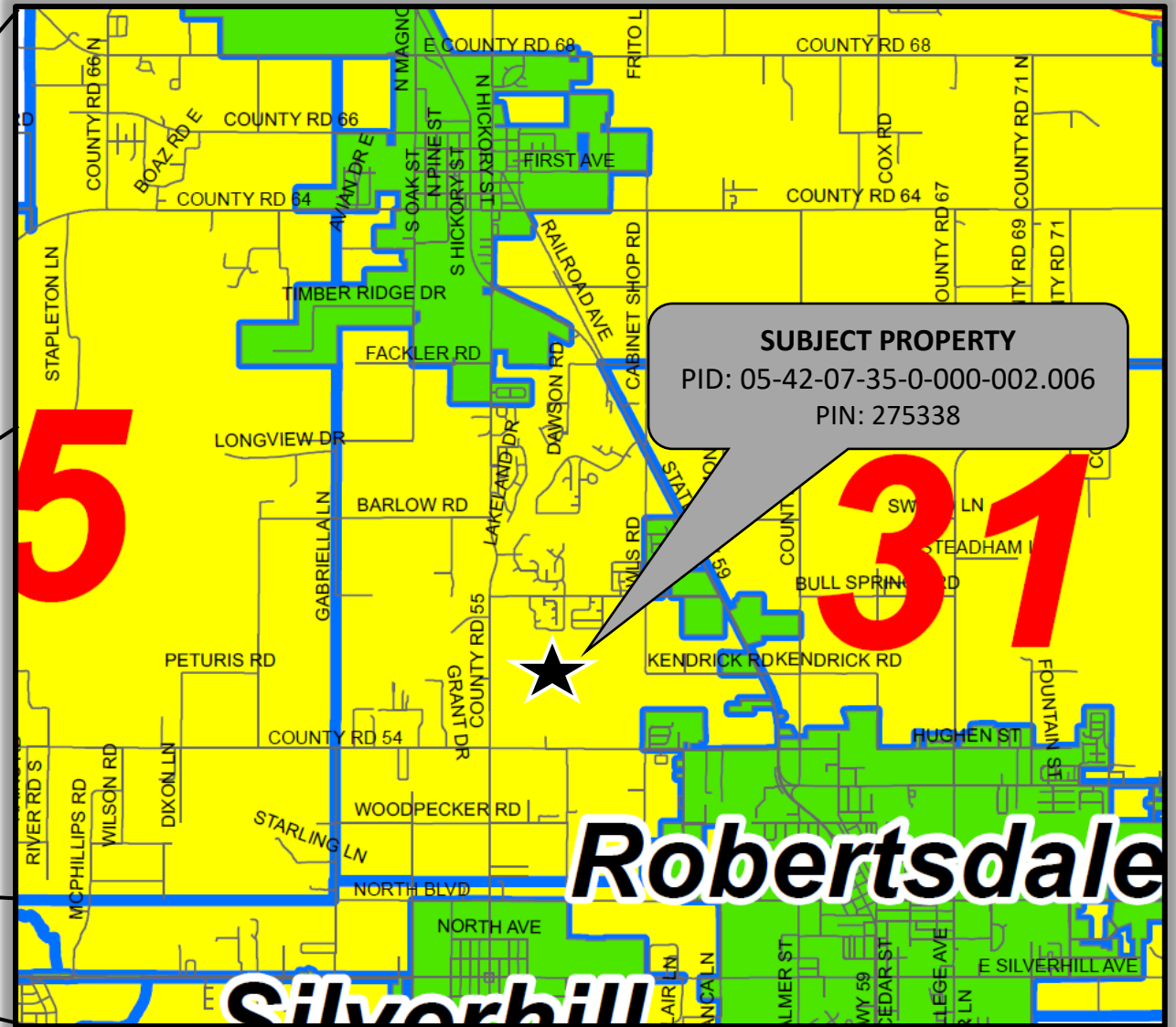
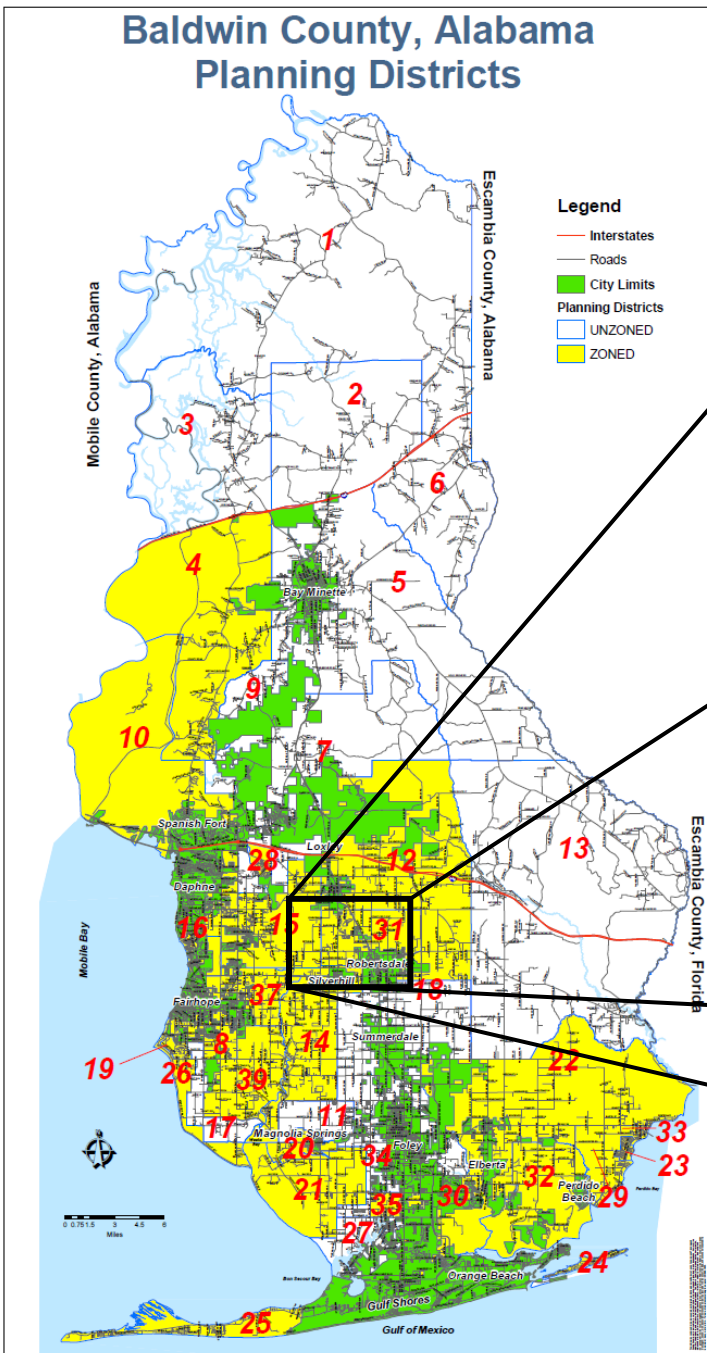
Owner: Bill Bengston, Jr.

Proposed Zoning: RSF-3, Residential Single-Family District

Applicant's Request: The applicant would like to rezone for residential use.

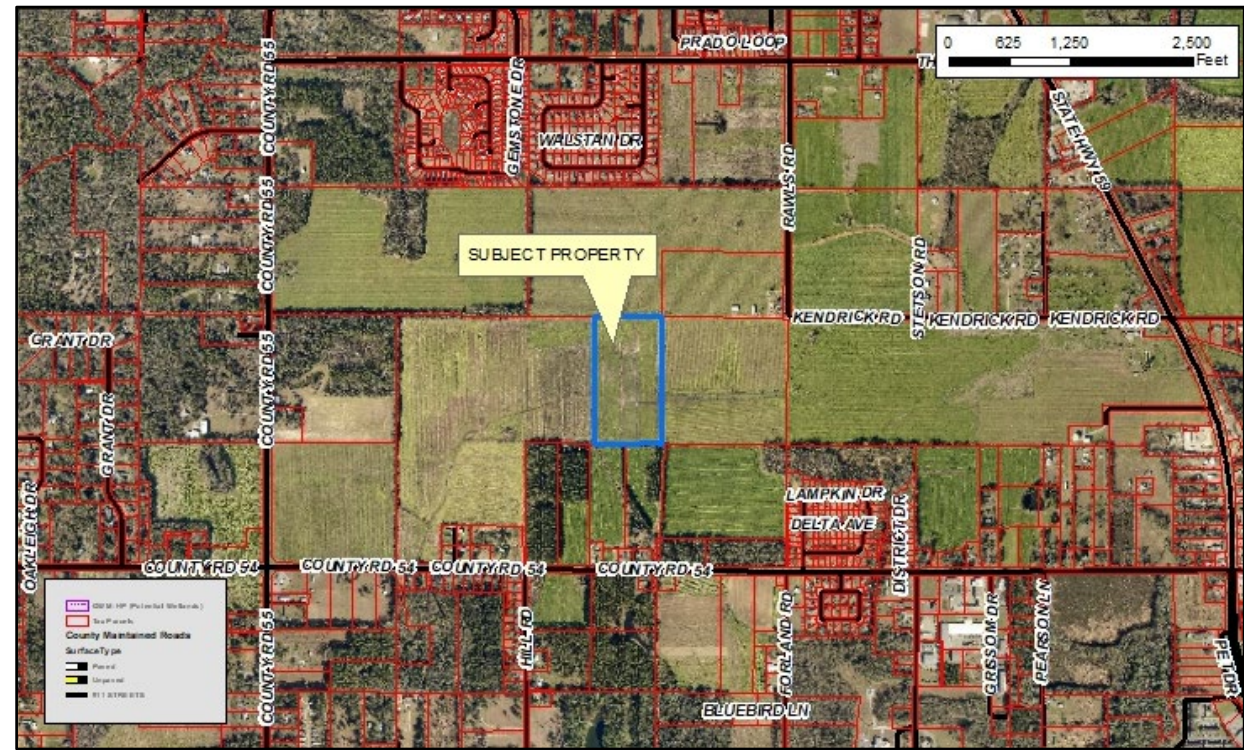
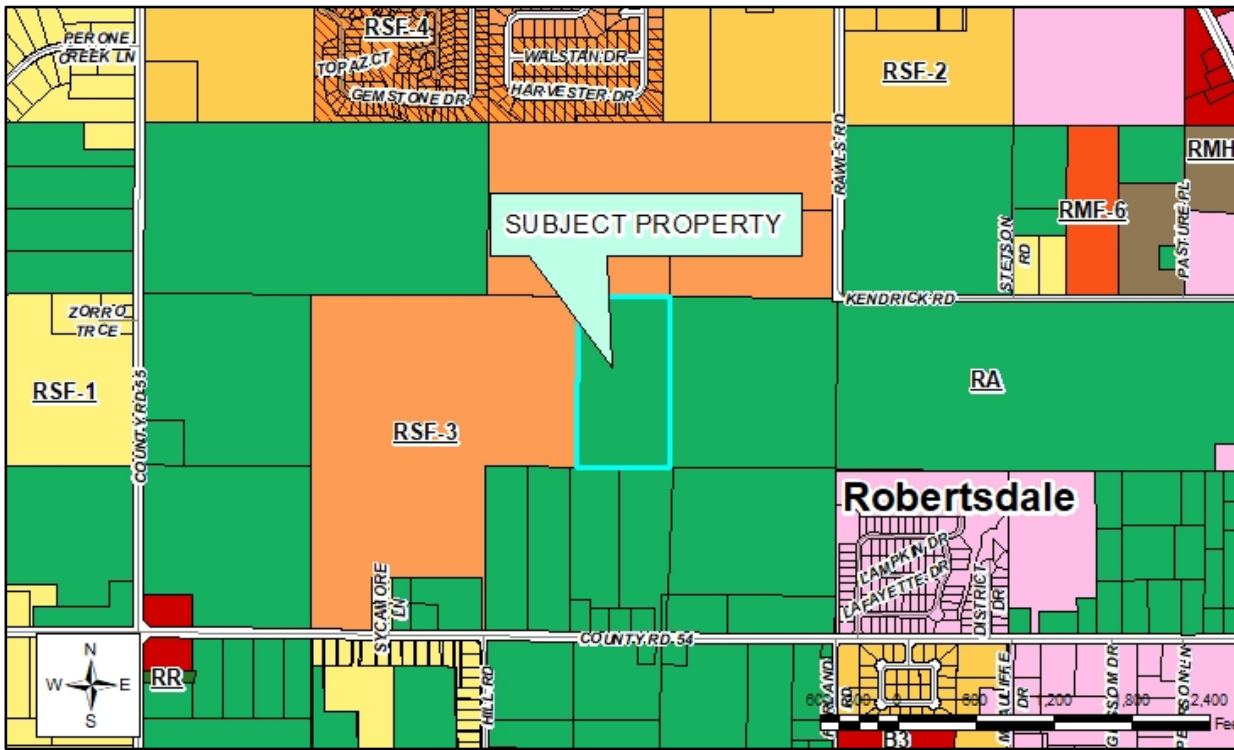
Online Case File Number: The official case number for this application is Z24-18, however, when searching the online CitizenServe database, please use Z24-000018.

Baldwin County, Alabama Planning Districts



Locator Map

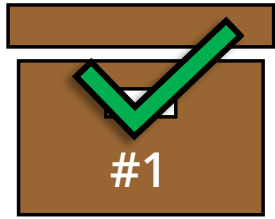
Site Map



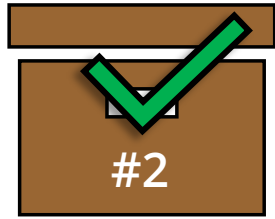
	Adjacent Zoning	Adjacent Land Use
North	RSF-3, Residential Single-Family District	Agricultural
South	RA, Rural Agricultural District	Agricultural
East	RA, Rural Agricultural District	Agricultural
West	RSF-3, Residential Single-Family District	Agricultural

Factor Summary:

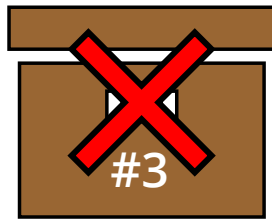
- Factors do not necessarily carry equal weight.
- Staff review is based on information provided by the applicant and other readily available information.



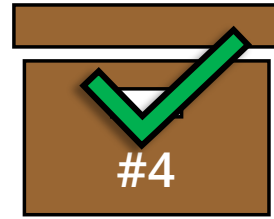
Compatible with development pattern?



Change of conditions since originally zoned?



Proposal conform to Master Plan?



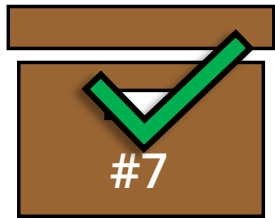
Conflicts with public improvements?



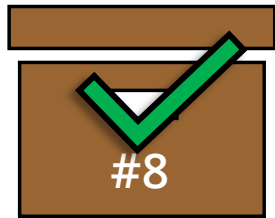
Adverse affect to traffic?



Consistent with development pattern?



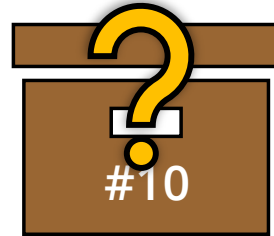
Logical expansion of adjacent zoning?



Timing appropriate given development trends?



Environmental or Historic impact?



Adverse impact on health, safety, & wellness?



Other appropriate matters?

Public Hearing:

Only credible information impacting one of the factors above will be considered by the Planning Commission.

Z24-18 BENGSTON PROPERTY

RE-ZONING REQUEST FROM **RA** TO **RSF-3**

Lead Staff: Cory Rhodes, Planner

Staff Recommendation: **Approval**

Planning Commission Recommendation: **Denial** (9-0)

*Denial recommendation due to traffic, drainage, wetlands, flooding,
and non-compliance with the Master Plan*

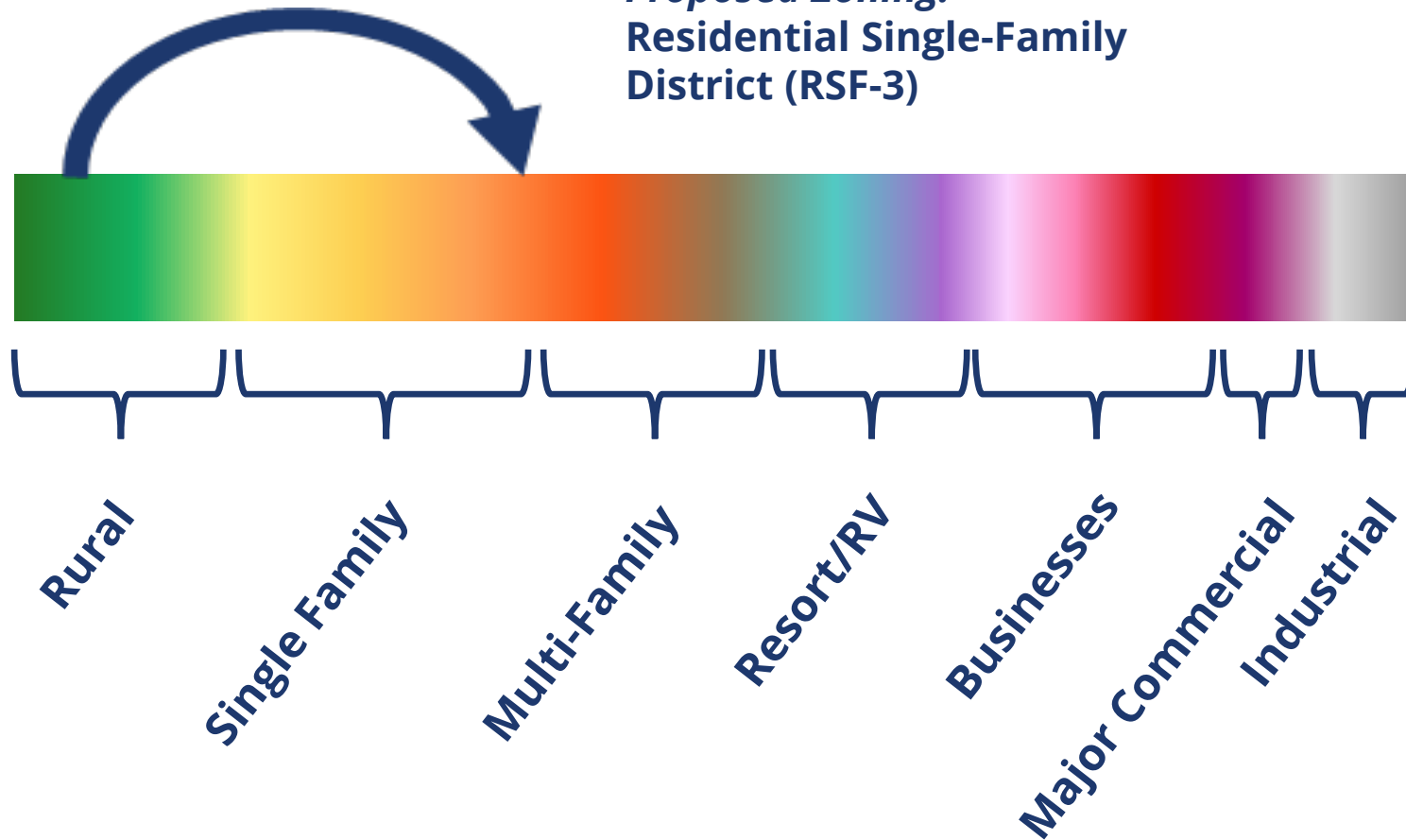
Z24-18 BENGSTON PROPERTY

RE-ZONING REQUEST FROM RA TO RSF-3

Lead Staff: Cory Rhodes, Planner

Current Zoning: Rural
Agricultural District (RA)

Proposed Zoning:
Residential Single-Family
District (RSF-3)



Staff's Recommendation:

Staff finds the application should be recommended for **Approval*** unless information to the contrary is revealed at the public hearing.

- Cross reference the conditions of approval related to Z24-28 and PRD24-05 for coordinating information related to the Cambridge PRD.

*On rezoning applications, the Planning Commission will be making a recommendation to the County Commission.

Agency Comments

- **Senior Planner, Subdivisions, Shawn Mitchell**: If the rezoning is approved, preliminary and final plat approval will be required to create a subdivision.
- **ADEM, Autumn Nitz**: This project is outside the coastal area.
- **ADEM, Scott Brown**: Staff reached out 6/12/2024 but received no comments.
- **USDA NRCS Soil Survey, Joey Koptis**: “My thoughts on this piece of farmland is that the ditch is the lifeline of this parcel and is what makes it suitable for farming. This parcel is what USDA calls “prior converted” which is a designation assigned to any piece of active farmland that was ditched and drained prior to the passage of the 1985 Food Security Act that prevents a producer from draining wetlands in order to make it capable of producing a crop. The attached map shows the photo-tone probably better than any vintage that I have looked at. They were going to put the property in a conservation easement program a few years back, but decided the property was more valuable to them as cropland. If the ditch were to be plugged, this property would revert back to a huge wetland.”
- **USACE, James Bucklew**: Staff reached out 6/12/2024 but received no comments.
- **City of Robertsdale, Mark Fincher**: Staff reached out 6/12/2024 but received no comments
- **City of Robertsdale, Greg Smith**: Staff reached out 6/12/2024 but received no comments



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: Not Applicable

3.2.4 *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:

- (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 13.9: Recreational Vehicle Parks*).

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

3.2.5 *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
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

Proposed Zoning Requirements

Section 4.4 RSF-3, Single Family District

4.4.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a moderate density residential environment consisting of single-family homes.

4.4.2 *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 agricultural uses: Silviculture.
- (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.

4.4.3 *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*).

4.4.4 *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

4.4.5 *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	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	10,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

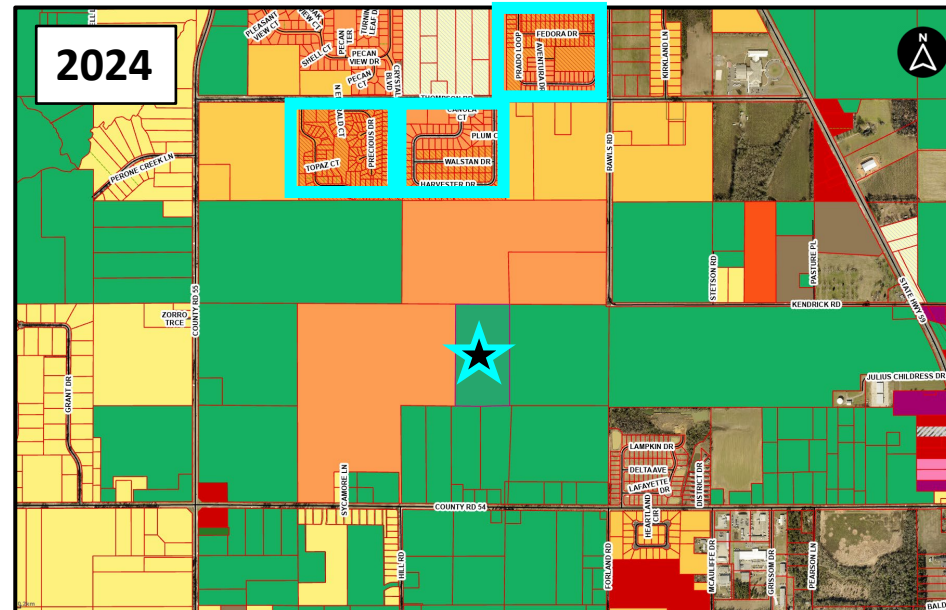
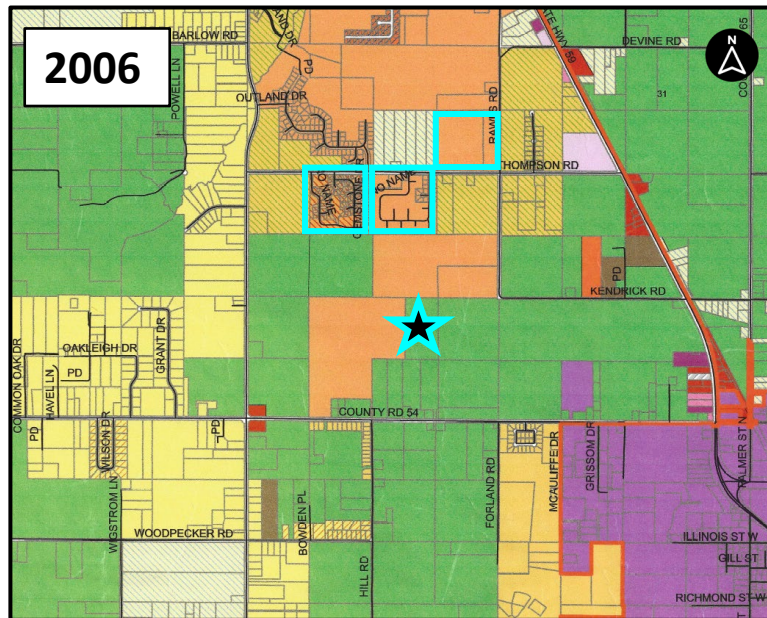
Staff Analysis and Findings

1.) Is the requested change compatible with the existing development pattern and the zoning of nearby properties?

The subject property is currently zoned RA, Rural Agricultural District. Adjacent parcels are zoned RA and RSF-3 and are primarily agricultural. Although not developed, the adjacent property to the west is zoned for mid-density residential use and the subject property is proposed to be an extension of this use. Because of this, it can be concluded that the existing development pattern is compatible with the requested change.

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?

Planning District 12 adopted zoning on November 7, 2006. The original map from 2006 shows that the subject property was zoned RA, with parcels to the north and west zoned RSF-3. As shown in the current map, while there have been only a few rezonings in the area, properties to the north that were zoned for residential use have now been developed.

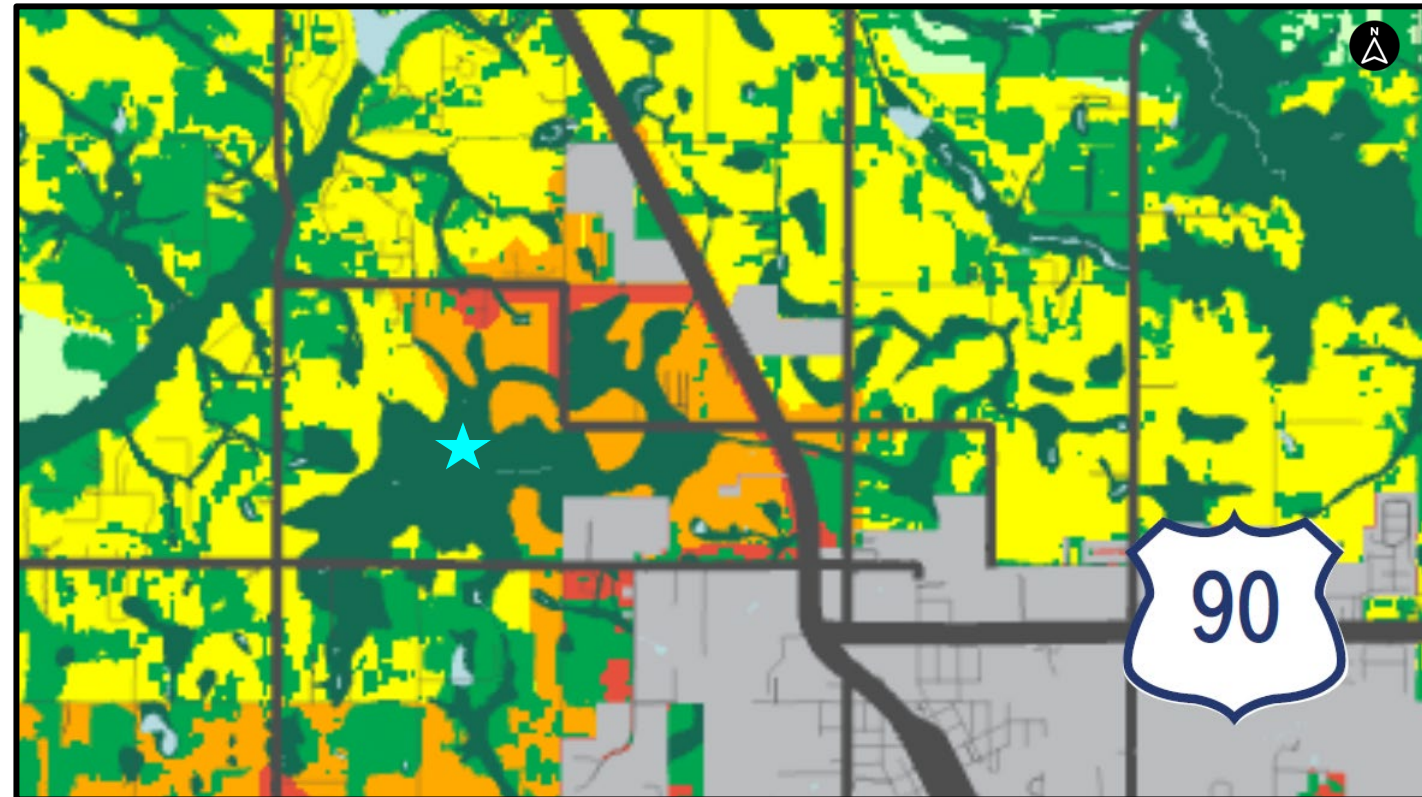
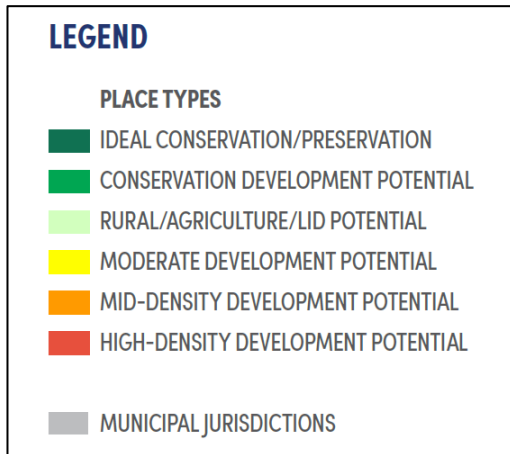


Staff Analysis and Findings

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

The future land use for the property shows Ideal Conservation Development Potential. This includes land that is minimally developed and protected by local, state, and federal agencies or by public, private, and nonprofit organizations.

The proposed request would be better suited for a developmental area with mid-density potential.



Staff Analysis and Findings

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

Staff is unaware of any planned public improvements.

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

County Road 54 is classified as a Major Collector. Collectors are major and minor roads that connect local roads and streets with arterials. Collectors provide less mobility than arterials at lower speeds and for shorter distances. They balance mobility with land access. Any proposed residential use will likely influence traffic within the area.

 **6.) Is the proposed amendment consistent with the development patterns in the area and appropriate for orderly development of the community?**

The surrounding land uses are agricultural. While the adjacent properties to the west and north are zoned for mid-density residential use, they have not been developed as such. It is the intent that the existing mid-density zoned parcel to the west to be developed for residential use, with adjacent parcels on both sides being an extension of this use. Because of this, it can be concluded that the proposed amendment could be consistent with the future development pattern of the surrounding area.

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

As mentioned earlier, the surrounding properties to the north and west are zoned RSF-3. Therefore, the proposed change of the subject property to RSF-3 would be a logical expansion of the adjacent district.

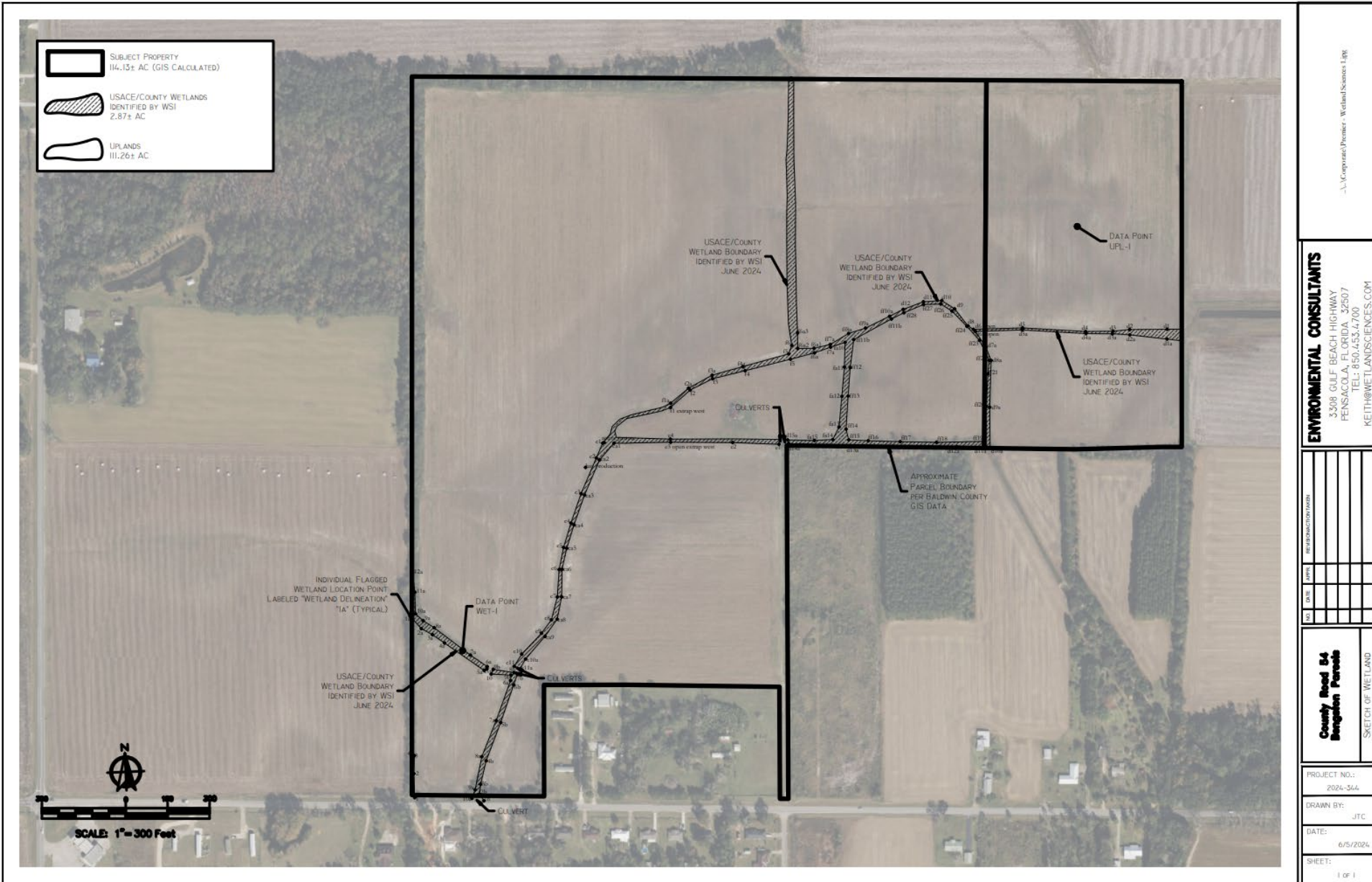
Staff Analysis and Findings

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

Staff believes timing is not a factor for this request.

? **9.) Will the proposed change adversely impact the environmental conditions of the vicinity or the historic resources of the County?**

Two wetland delineations were conducted for the subject property and adjacent parcels to the west. The first delineation provided by Environmental Consultants identifies approximately 2.87± acres of jurisdictional wetlands while the second delineation provided by Thompson Engineering shows approximately 2.1± acres of wetlands and 1.9± acres of non-wetland ditches. Per the Natural Resource Planner, the two wetland delineations reflecting jurisdictional wetlands (based on the professional wetland delineators' opinions) shall be reconciled into a single document and also reflected on the PRD Site Plan to be presented to the County Commission.



Environmental Sciences Lab
 Environmental Consultants
 3308 GULF BEACH HIGHWAY
 PENSACOLA, FLORIDA 32507
 TEL: 850.452.4700
 KEITH@WETLANDSCIENCES.COM

NO.	DATE	REVISIONS

**County Road B4
 Berenger Park**
 SKETCH OF WETLAND
 RESOURCES

PROJECT NO.:
 2024-364

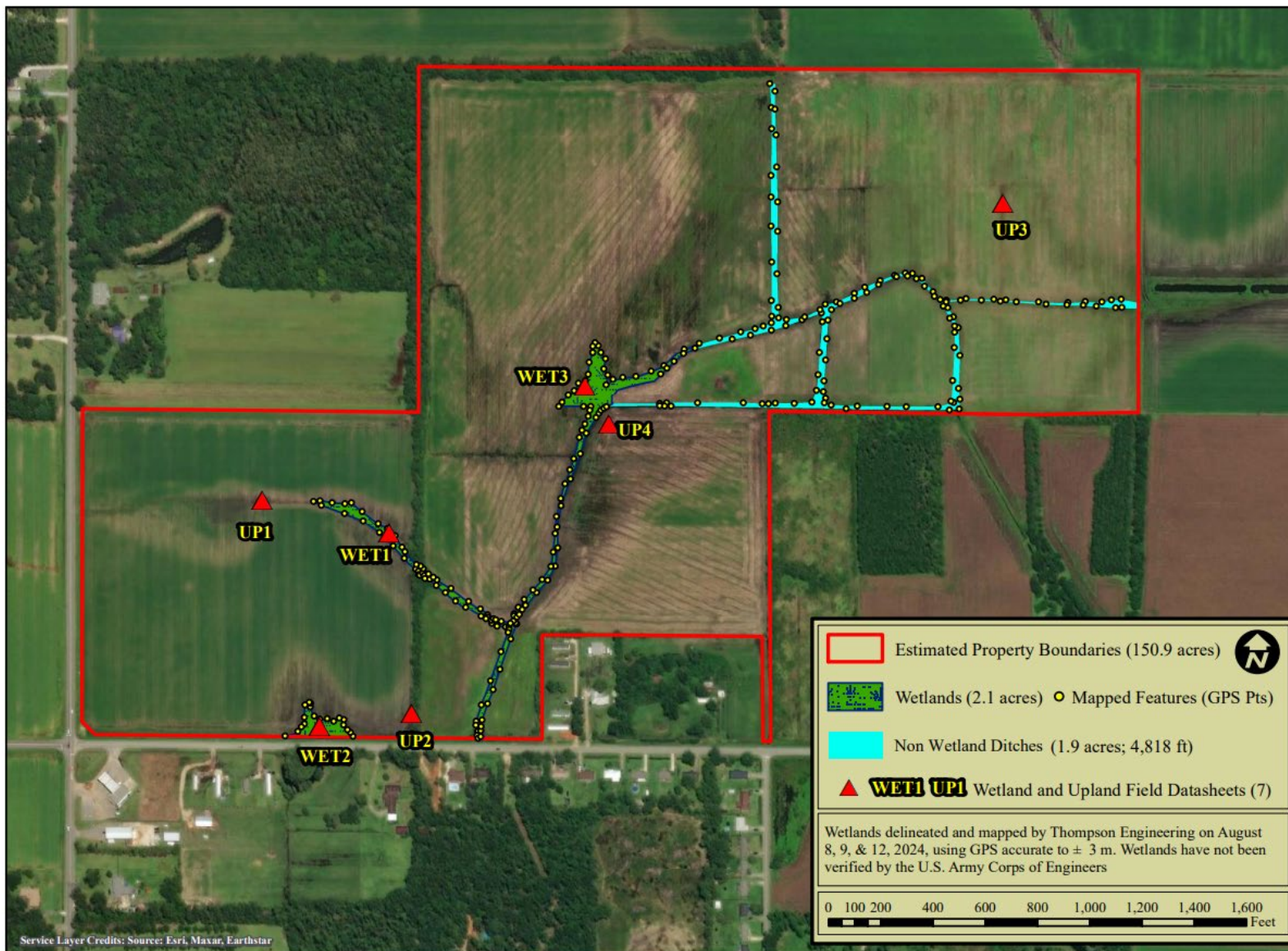
DRAWN BY:
 JTC

DATE:
 6/5/2024

SHEET:
 1 OF 1

First wetland delineation provided by Environmental Consultants identifies approximately 2.87± acres of jurisdictional wetlands on the subject property

First wetland delineation courtesy of Environmental Consultants, prepared on June 5, 2024.



Second wetland delineation provided by Thompson Engineering identifies approximately 2.1± acres of wetlands on the subject property.

The areas shown in light blue are non-wetland ditches (1.9± acres), which are identified as non-jurisdictional

Figure 3. Wetland Map (Aerial View)

Second wetland delineation courtesy of Thompson Engineering. The delineation was performed on August 8, 9, and 12, 2024

Staff Analysis and Findings

? 10.) Will the proposed change adversely affect the health, safety and welfare of the County and the vicinity?

Staff does not anticipate any adverse affects to the health and welfare of the County or vicinity because of the proposed change. Safety with regards to an increase in traffic may be a concern if the site were to be developed.

11.) Other matters which may be appropriate. N/A