



BALDWIN COUNTY, ALABAMA

Planning and Zoning Department

RE-ZONING REQUEST

Z24-09, LEWIS PROPERTY

APRIL 4, 2024

PRESENTED BY: BEN GUERRERA, PLANNING TECH I

Z24-09 LEWIS PROPERTY

RE-ZONING REQUEST FROM **RA** TO **RSF-1**

Lead Staff: Ben Guerrero, Planning Tech I

Request before County Commission:

Rezone 3.3 acres from RA to RSF-1

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)



Z24-09 LEWIS PROPERTY

RE-ZONING REQUEST FROM RA TO RSF-1

Lead Staff: Ben Guerrero, Planning Tech I

Planning District: 22

Zoned: RA, Rural Agriculture District

Parcel Number: 05-52-09-30-0-000-010.015

PIN: 366399

Location: Subject property is located on County Road 97 just South of US Highway 98

Current Use: Agricultural

Acreage: 7.8 +/- acres

Physical Address: 12845 County Road 97

Applicant: Michael Lewis

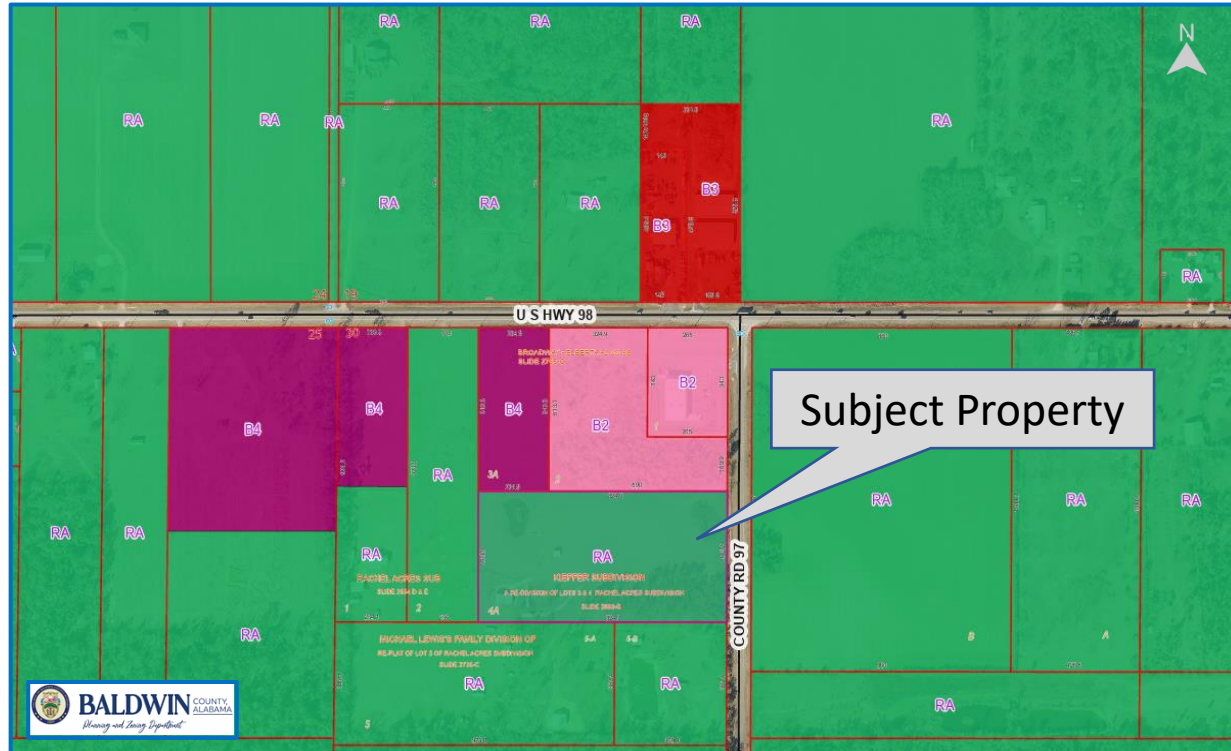
Owner: Michael Lewis

Proposed Zoning: RSF-1, Single Family District

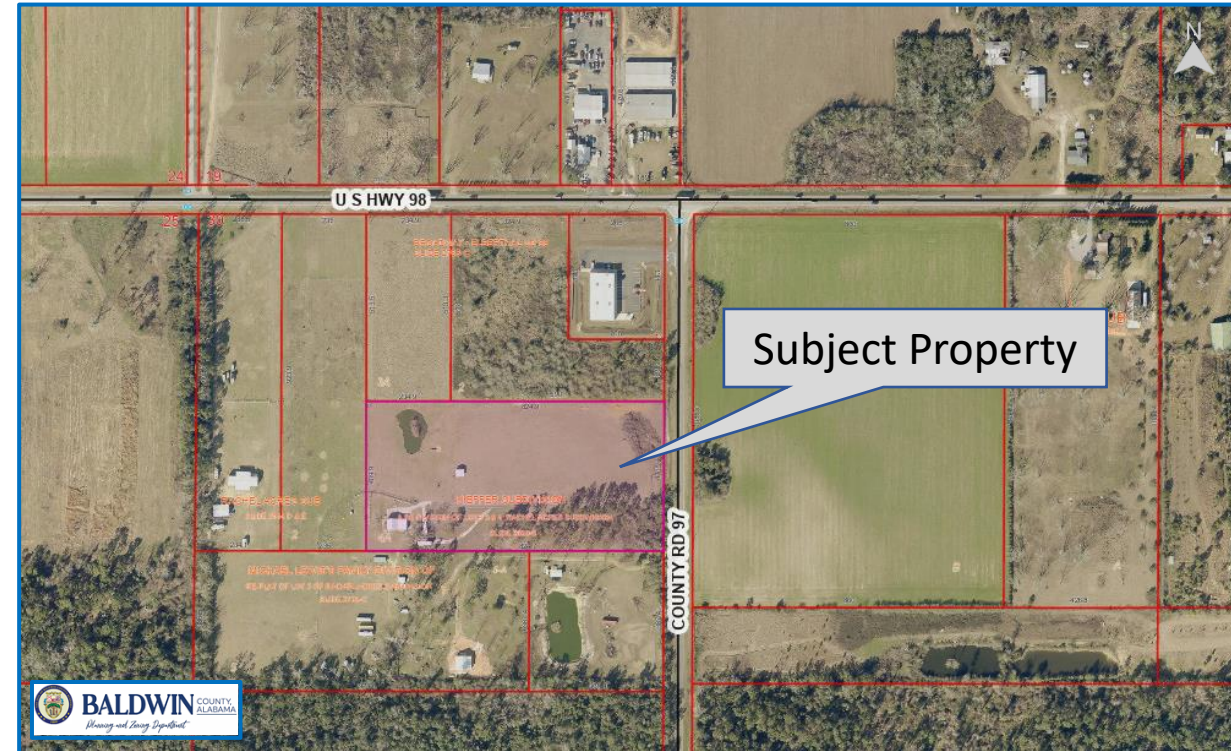
Applicant's Request: The applicant would like to develop a 3-lot single-family subdivision.

Online Case File Number: The official case number for this application is Z24-09, however, when searching the online CitizenServe database, please use Z24-000009.

Locator Map



Site Map

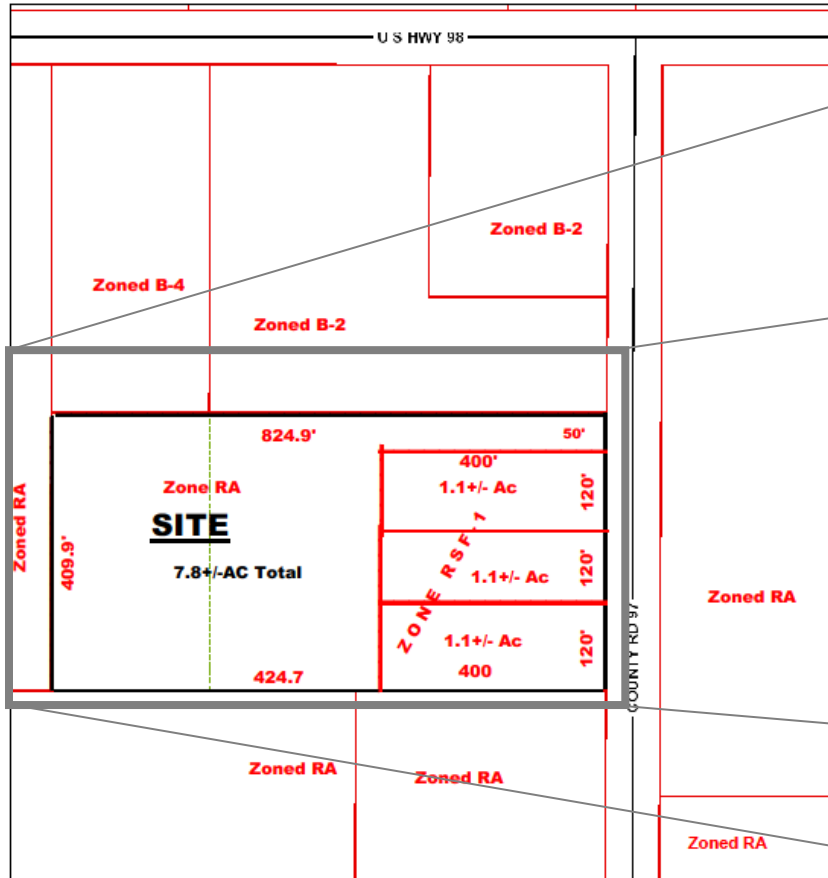


	Adjacent Zoning
North	B-2, Local Business and B-4, Major Commercial
South	RA, Rural Agricultural
East	RA, Rural Agriculture
West	RA, Rural Agriculture

Adjacent Land Use
Vacant
Residential
Agricultural
Agricultural

Proposed Rezoning

Viewer Map

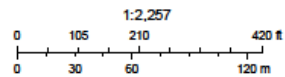


December 11, 2023

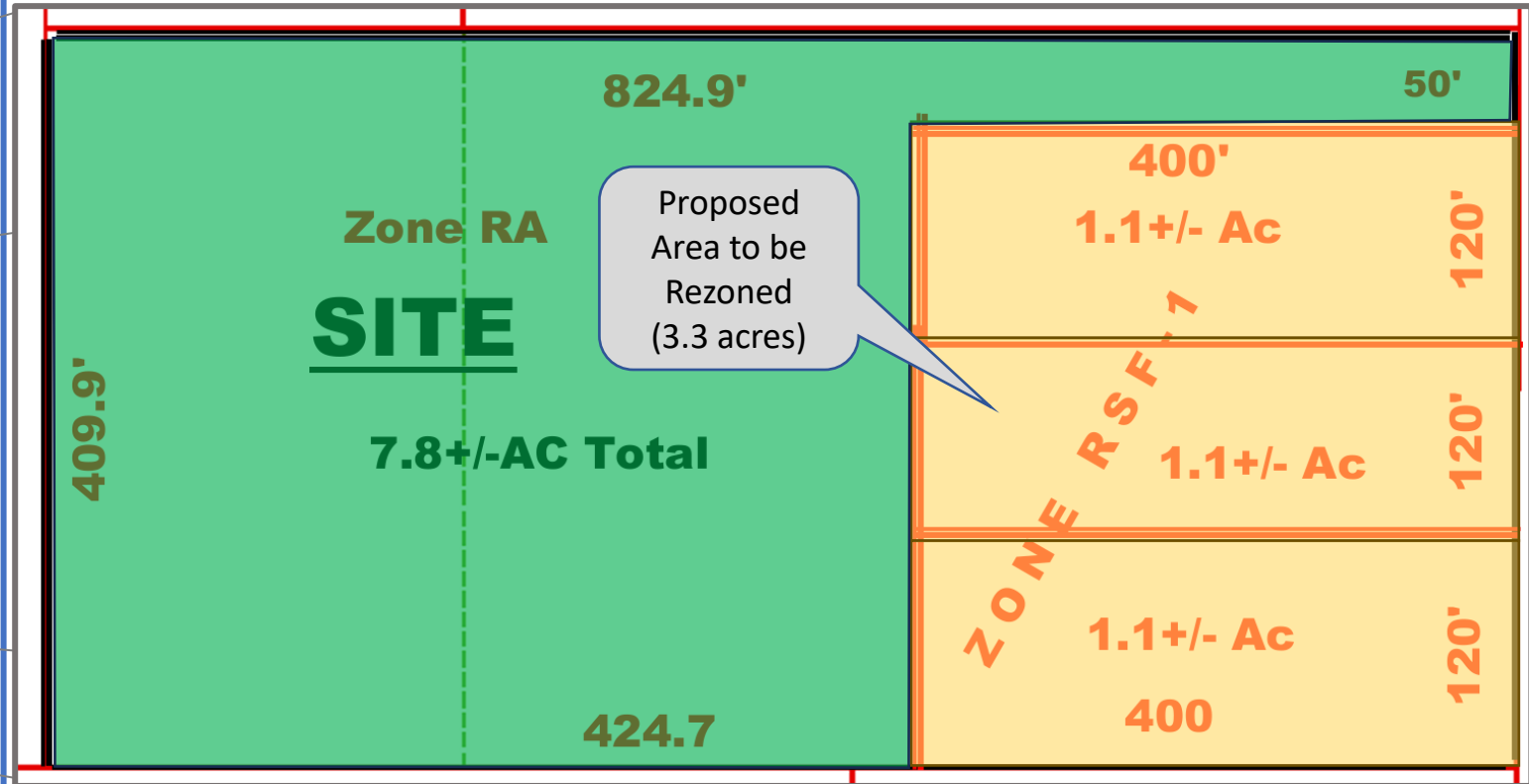
- Parcels
- Centerlines
- Lot Lines

05-52-09-30-0-000-010.015
PIN: 366399
LEWIS, MICHAEL A
12845 CO RD 97
ELBERTA AL 36530

**Proposed
Re-Zoning**






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Factor Summary:

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

 #1	 #2	 #3	 #4	 #5	 #6
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?
 #7	 #8	 #9	 #10	N/A #11	
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:

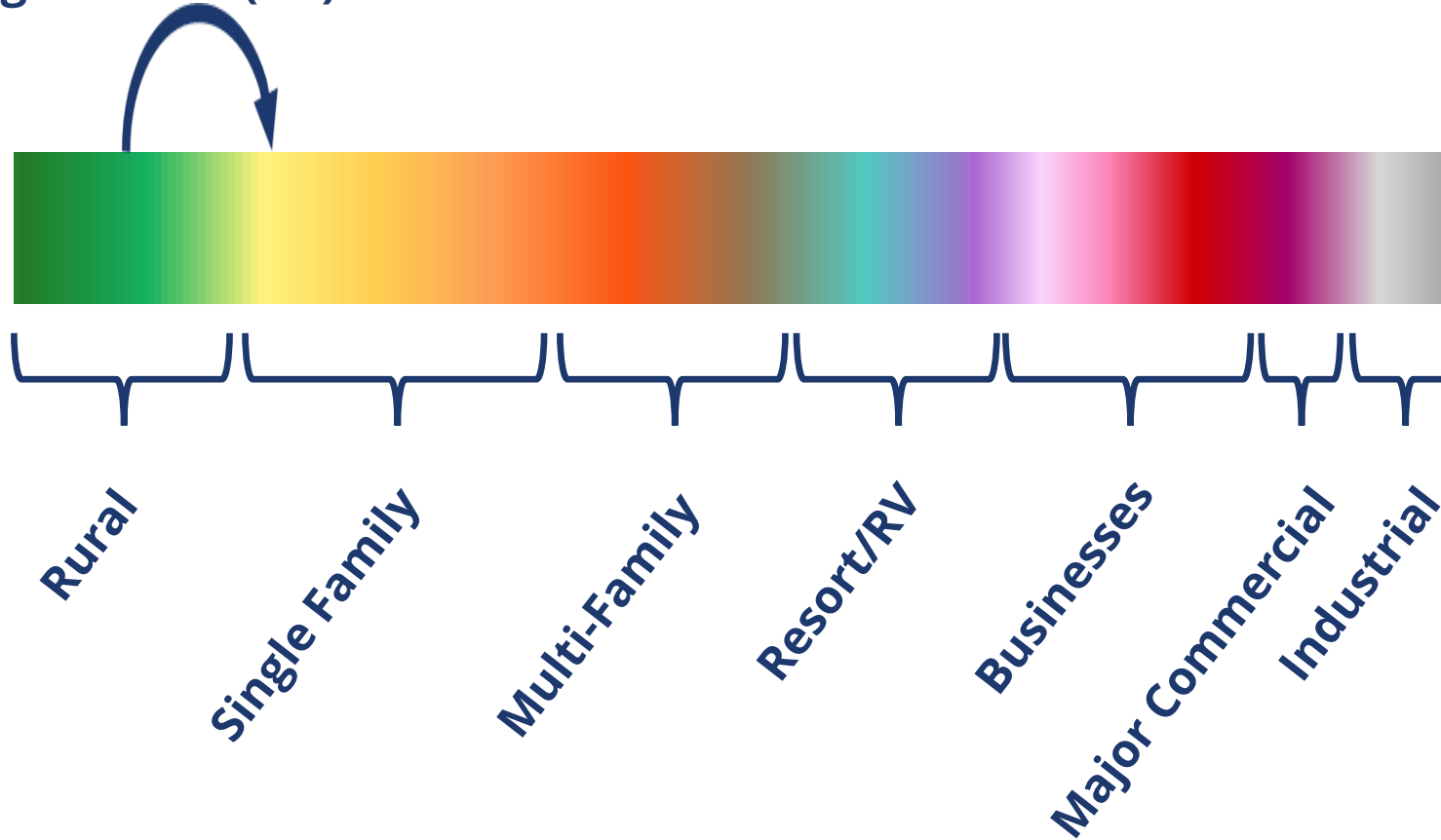
Only credible information impacting one of the factors above will be considered by the Planning Commission.

Z24-09 LEWIS PROPERTY

RE-ZONING REQUEST FROM **RA** TO **RSF-1**

Lead Staff: Ben Guerrero, Planning Tech I

**Current Zoning: Rural
Agriculture (RA)**



Staff's Recommendation:

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

*On rezoning applications, the Planning Commission will be making a recommendation to the County Commission. Further, staff **memorializes** within this recommendation the various comments regarding future development procedures in items 4, 5, 8, and 9 in Staff Analysis and Findings.

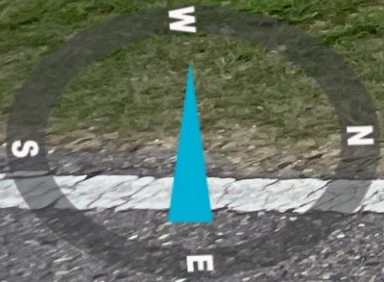
Property Images

Mar 4, 2024 at 2:40:26 PM
273° W

Subject Property



**REZONING
PROPOSED
FOR THIS PROPERTY**
Case Number
Z24-000009
For information contact
Baldwin County Planning &
Zoning Department
(251) 580-1655



Property Images



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 4.2 RSF-1, Single Family District

4.2.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a low density residential environment consisting of single family homes on large lots.

4.2.2 *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) 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.

4.2.3 *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*).

4.2.4 *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

4.2.5 *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
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	30,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.35

Staff Analysis and Findings

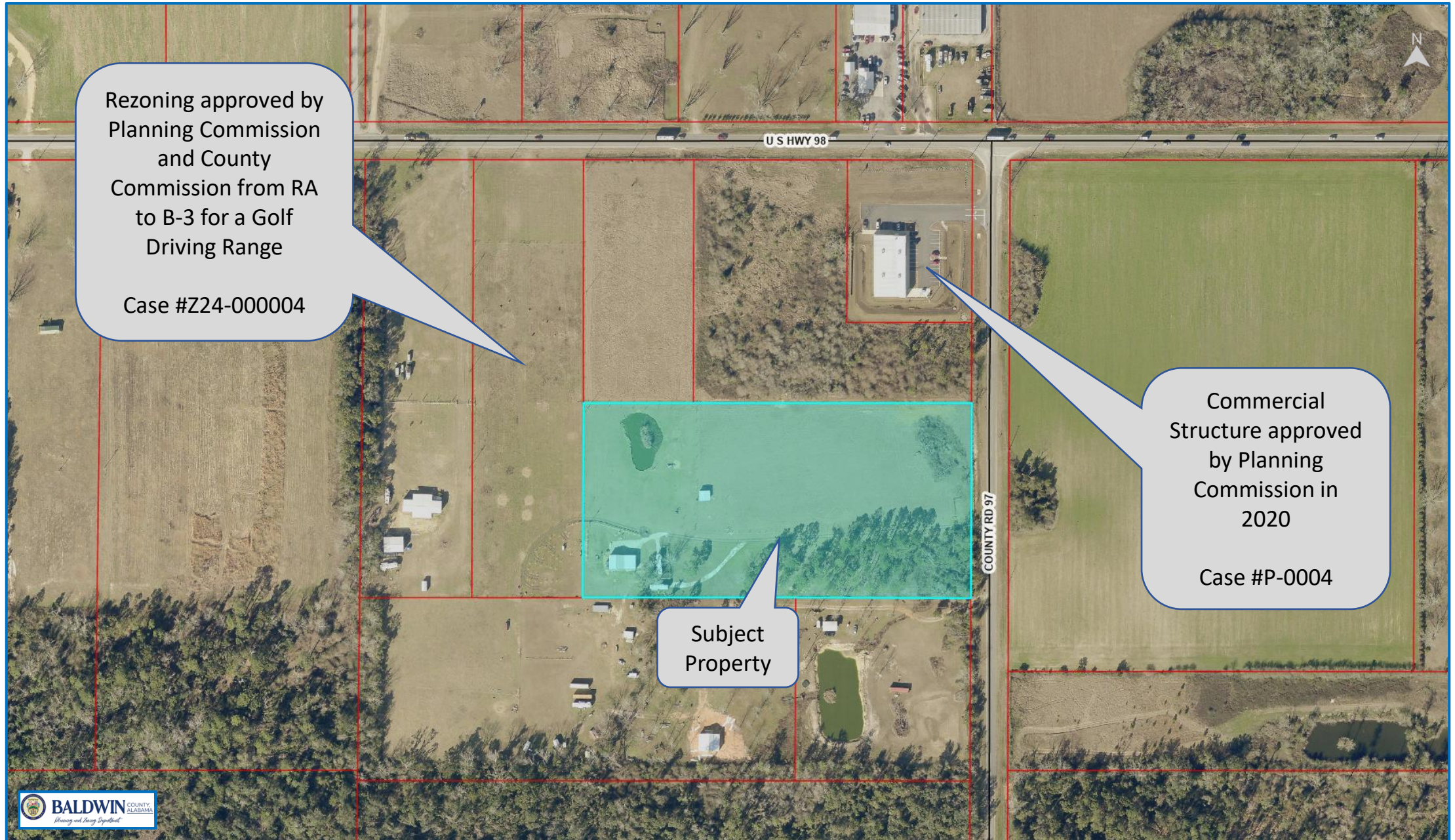
1.) Is the requested change compatible with the existing development pattern and the zoning of nearby properties?

The subject property is currently zoned RA, Rural Agricultural District. Surrounding parcels in the immediate area are zoned RA (Rural Agriculture), B-2 (Local Business), and B-4 (Major Commercial). The adjacent uses are residential, agricultural, and commercial. The Planning Commission recently approved the development of commercial retail facility just north of the subject property and a rezoning from RA to B-3 to the west. Staff feels that the requested change is compatible with the surrounding development pattern and the zoning of nearby properties.

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?

The subject property was previously combined with the adjoining parcel to the North zoned B-4. The property was subdivided in 2018 into two separate parcels, one being the B-4 property that fronts Highway 98, and the other being the RA parcel to the south that is the subject of this rezoning case. The land use for the parcel has remained agricultural.

Staff Analysis and Findings



Staff Analysis and Findings

3.) Does the subject property better conform to the Master Plan?

The future land use for the subject property includes Moderate Development Potential and Ideal Conservation Preservation Areas. Moderate Development Potential areas are suitable for a variety of home types and the related zoning districts include RSF-1, which the applicant has requested. Ideal Conservation Areas are typically undeveloped or minimally developed to protect their natural resources or cultural heritage. Due to the minuscule size of the Ideal Conservation Areas on the property, and the fact that similarly designated areas adjoining the property have been developed, staff feels that the subject property does conform to the Master Plan. The subject property is not within a node or a 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

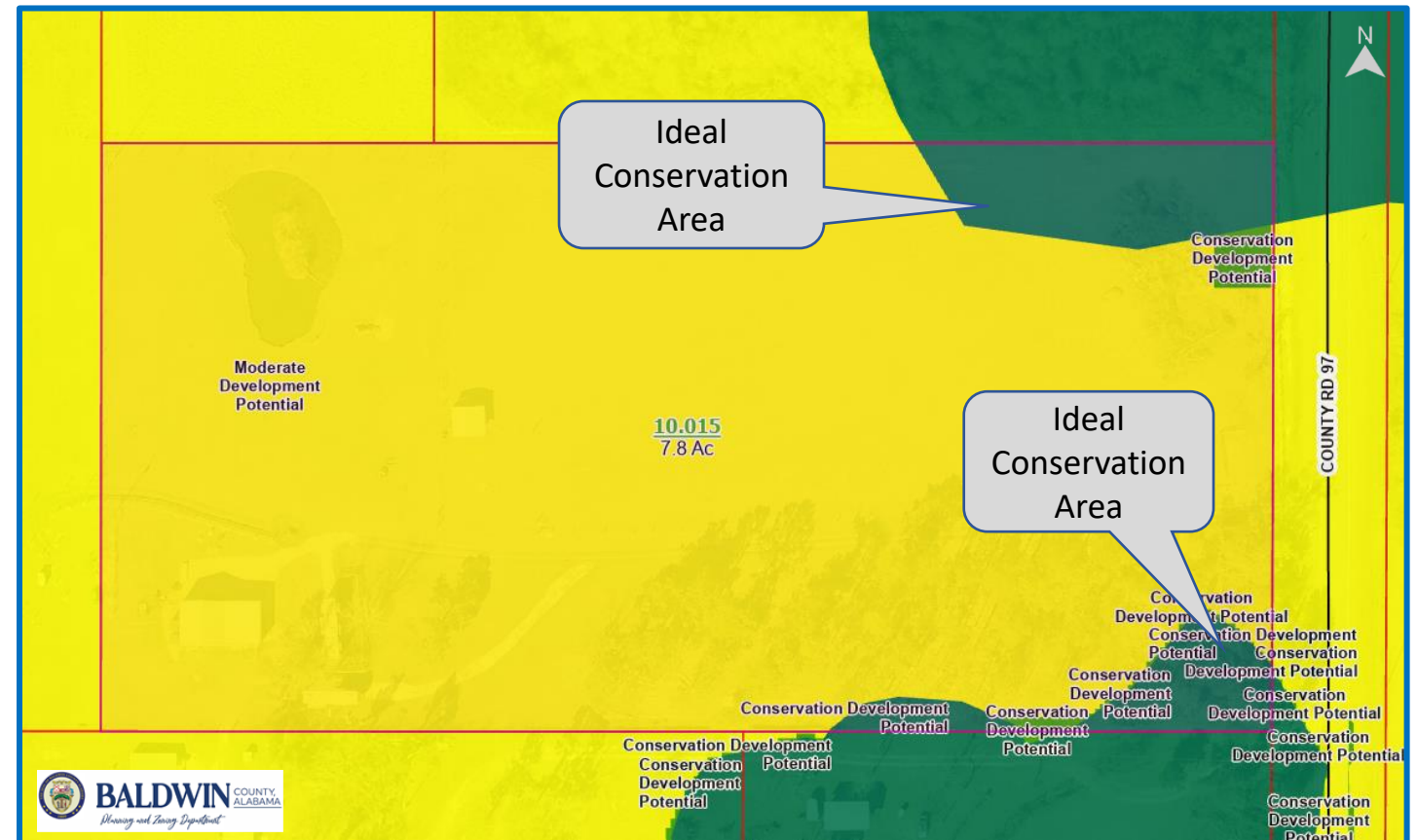
- Natural areas that are publicly and privately owned and managed
- Permanently protected lands such as conservation easements, parks, cemeteries
- Parks and open spaces devoted primarily to passive recreation and trails
- Lands with important cultural landmarks or assets
- Scenic view corridors

RELATED ZONING DISTRICTS

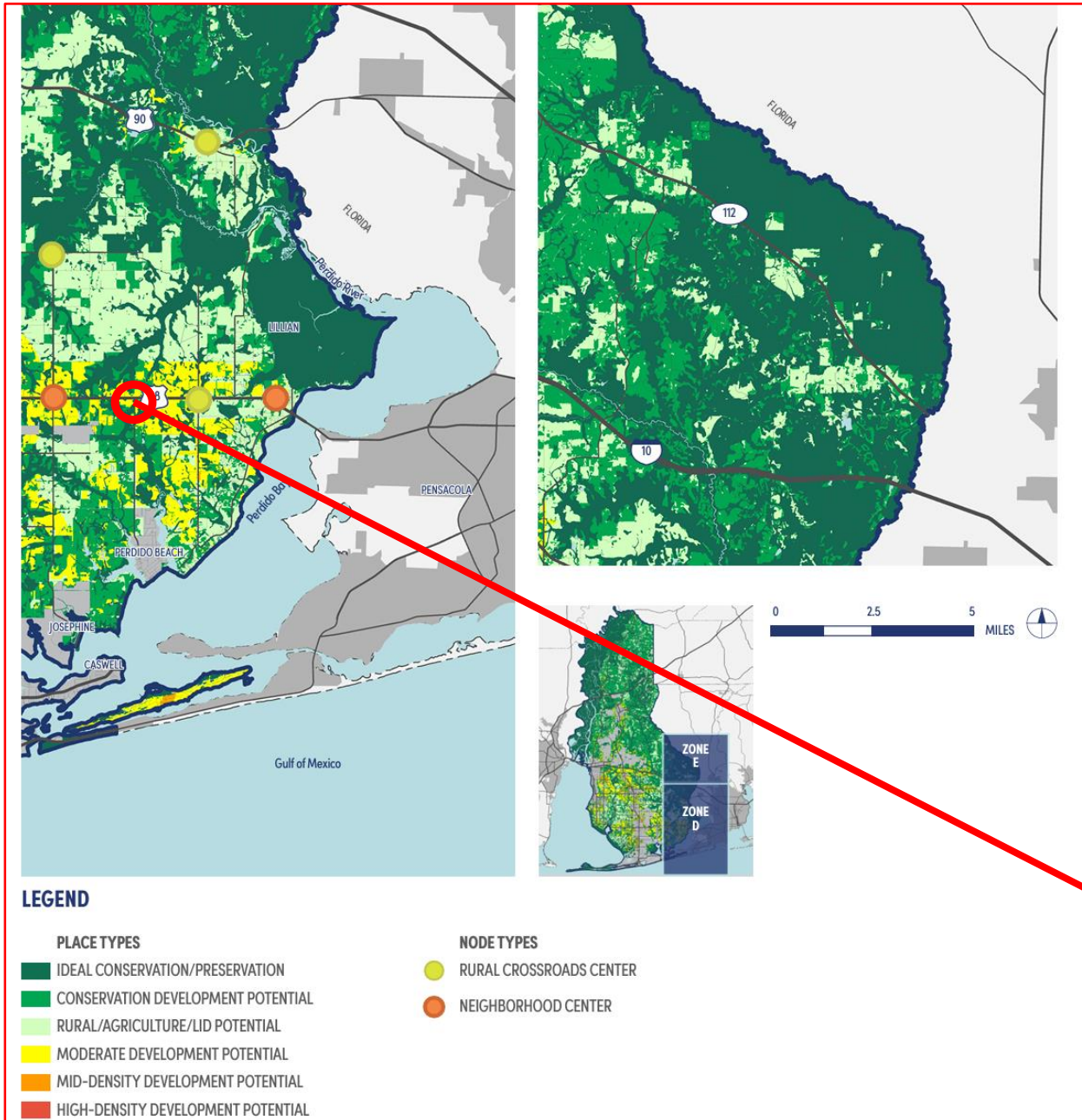
- Environmental Conservation

CONNECTIVITY NETWORK

- Greenways and trails



Staff Analysis and Findings



MODERATE DEVELOPMENT POTENTIAL AREAS

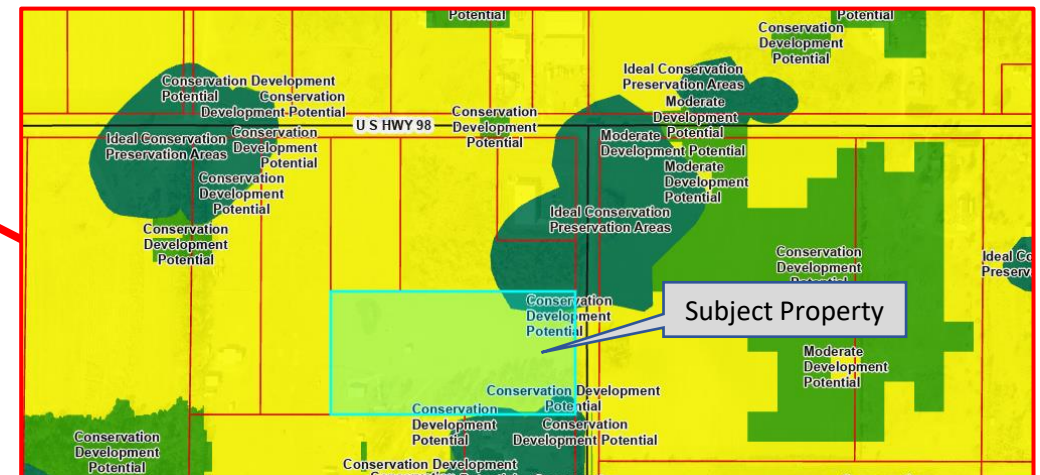
Moderate Development Potential Areas are suitable for all of the land uses described in the previous place types but may also include a variety of home types from large and medium-lot single-family detached homes to single-family attached homes such as duplexes and townhomes. Subdivision patterns may be amenity-based communities with small gardens, parks and playgrounds within private lots or part of a community space. Neighborhood centers or nodes at key intersections would allow for a combination of retail, office, and service uses to meet the needs of the community.

PRIMARY LAND USES

- Single-family neighborhoods (suburban)
- Amenity-based communities
- Neighborhood center/node

RELATED ZONING DISTRICTS

- RSF-1 Single Family District
- RSF-2 Single Family District



Staff Analysis and Findings

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

Staff is unaware of any planned public improvements that would potentially conflict with the future development of the subject property.

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

Staff believes that the applicants request of RSF-1 (Residential Single-Family) Zoning intended to allow a three-lot subdivision will not adversely affect traffic patterns or congestion.

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

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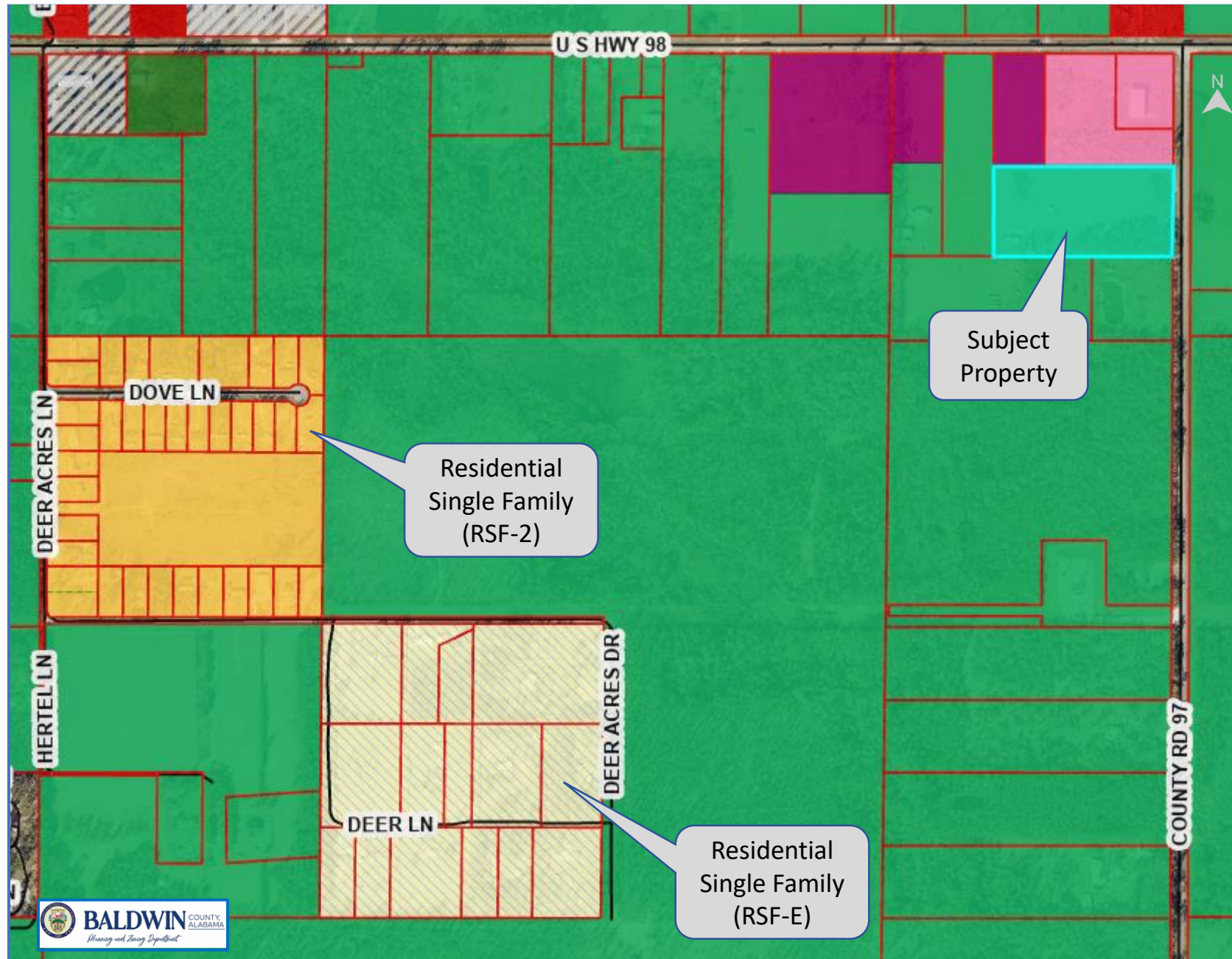
7.) Is the proposed amendment the logical expansion of adjacent zoning districts?

This area of Planning District 22 consists of rural agricultural, residential, and commercial zoning districts. The requested zoning is in-keeping with over a dozen parcels zoned RSF-2 and RSF-E to the southwest. There are several commercial parcels to the north of the property which represent a more intense land use than what is being requested by the applicant. **Staff feels that the proposed amendment is consistent with local development patterns and is a logical expansion of adjacent zoning districts.**

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

Staff perceives no time factor with this request.

Nearby Residential Zoning



Staff Analysis and Findings

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

Staff is unaware of any actionable environmental conditions as there are no wetlands or any other historic resources on the subject property.

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

Staff does not anticipate any adverse impacts to the health, safety and welfare of the County and the vicinity.

11.) Other matters which may be appropriate.

N/A

Agency Comments

- **Baldwin County Highway Department, Tucker Stuart**: No comments Received
- **Subdivision Coordinator, Shawn Mitchell**: “This is a recorded subdivision (Slide 2699-B) so it will need to go through the “Concurrent Subdivision” review and approval process. Assuming the rezoning is approved, each lot must have direct access to County Rd 97 and meet requirements for RSF-1 zoning (minimum 30,000 SF, 100 ft wide at the street).”
- **ADEM, Scott Brown**: “The parcel is outside of the coastal area of Alabama and is not subject to the ADEM’s Division 8 (Coastal Program) Administrative Code”
- **Permit Engineer, Wade Clements**: “If this section of CR 97 is classified as a collector or arterial, it is likely that common driveways will be required for these subdivided lots per Baldwin County Subdivision Regulations.”