



# BALDWIN COUNTY, ALABAMA

*Planning and Zoning Department*

RE-ZONING REQUEST

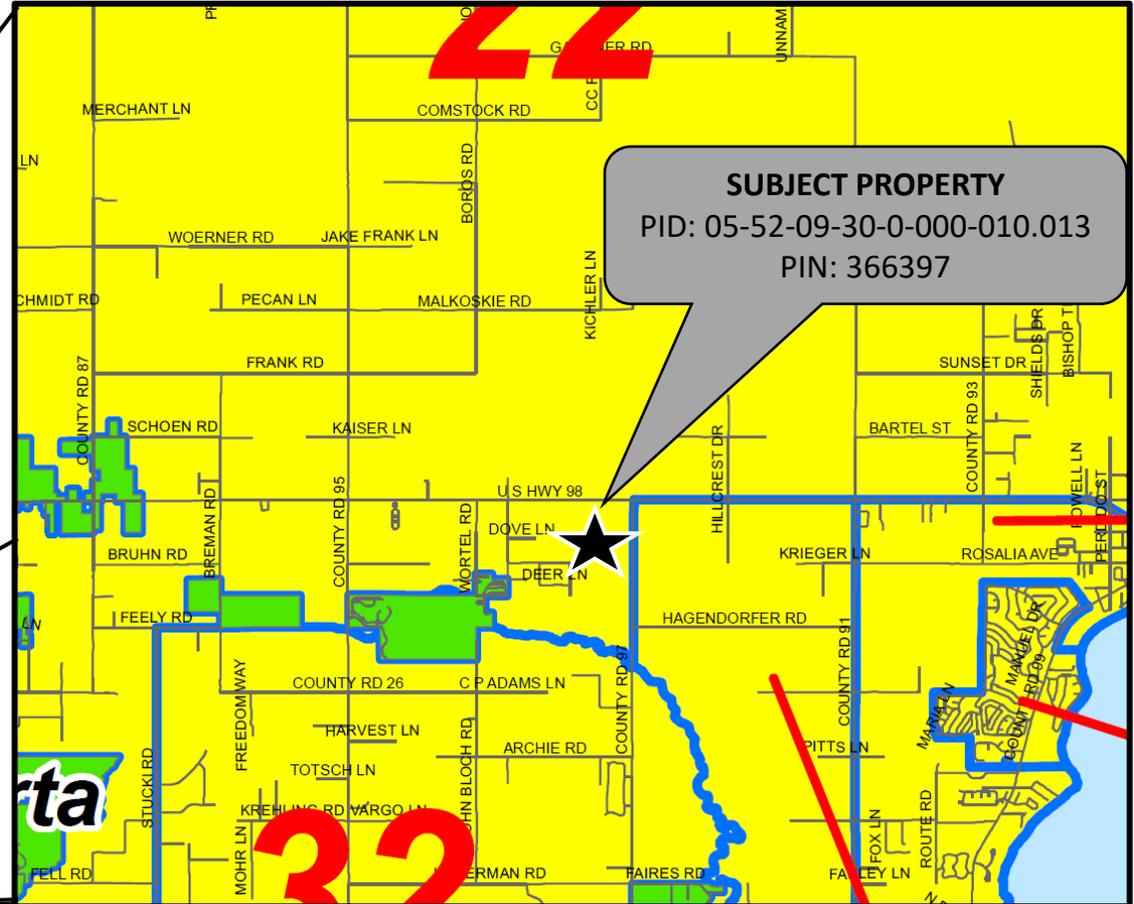
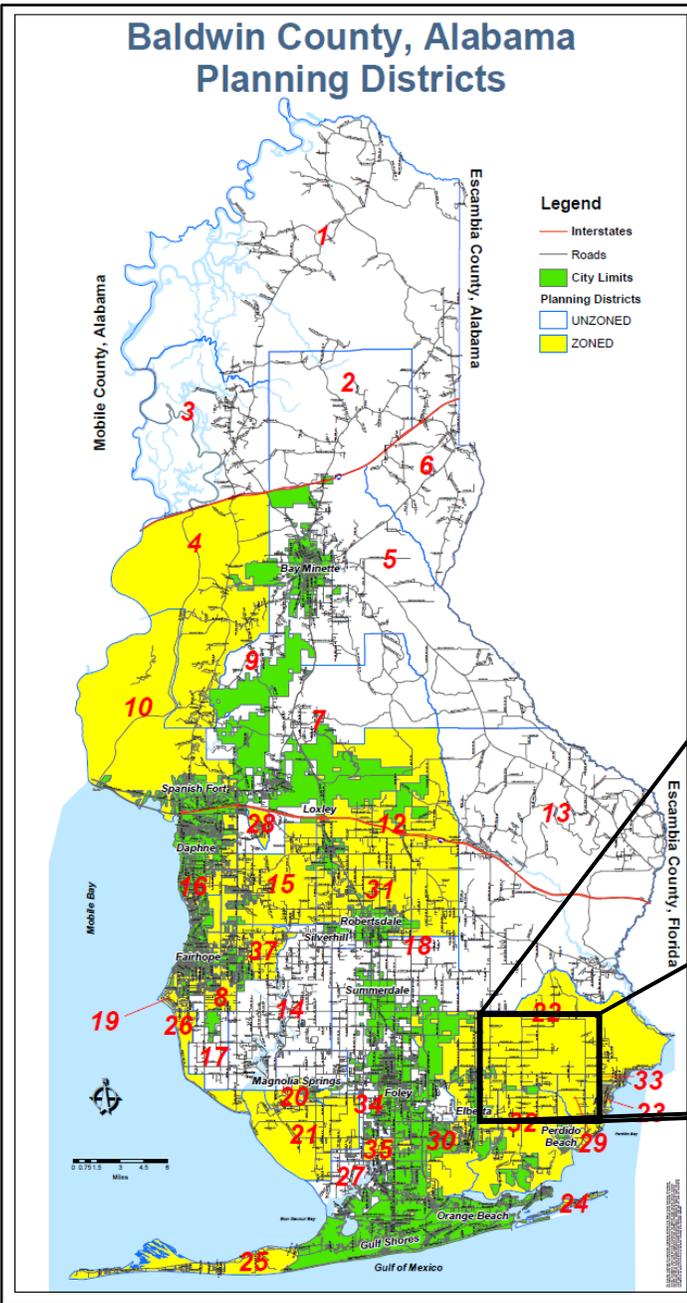
Z24-4, LEWIS PROPERTY

PLANNING COMMISSION: MARCH 7, 2024

COUNTY COMMISSION: APRIL 16, 2024

PRESENTED BY: CORY RHODES, PLANNER

# Baldwin County, Alabama Planning Districts



# Z24-4 LEWIS PROPERTY

## RE-ZONING REQUEST FROM **RA** TO **B-3**

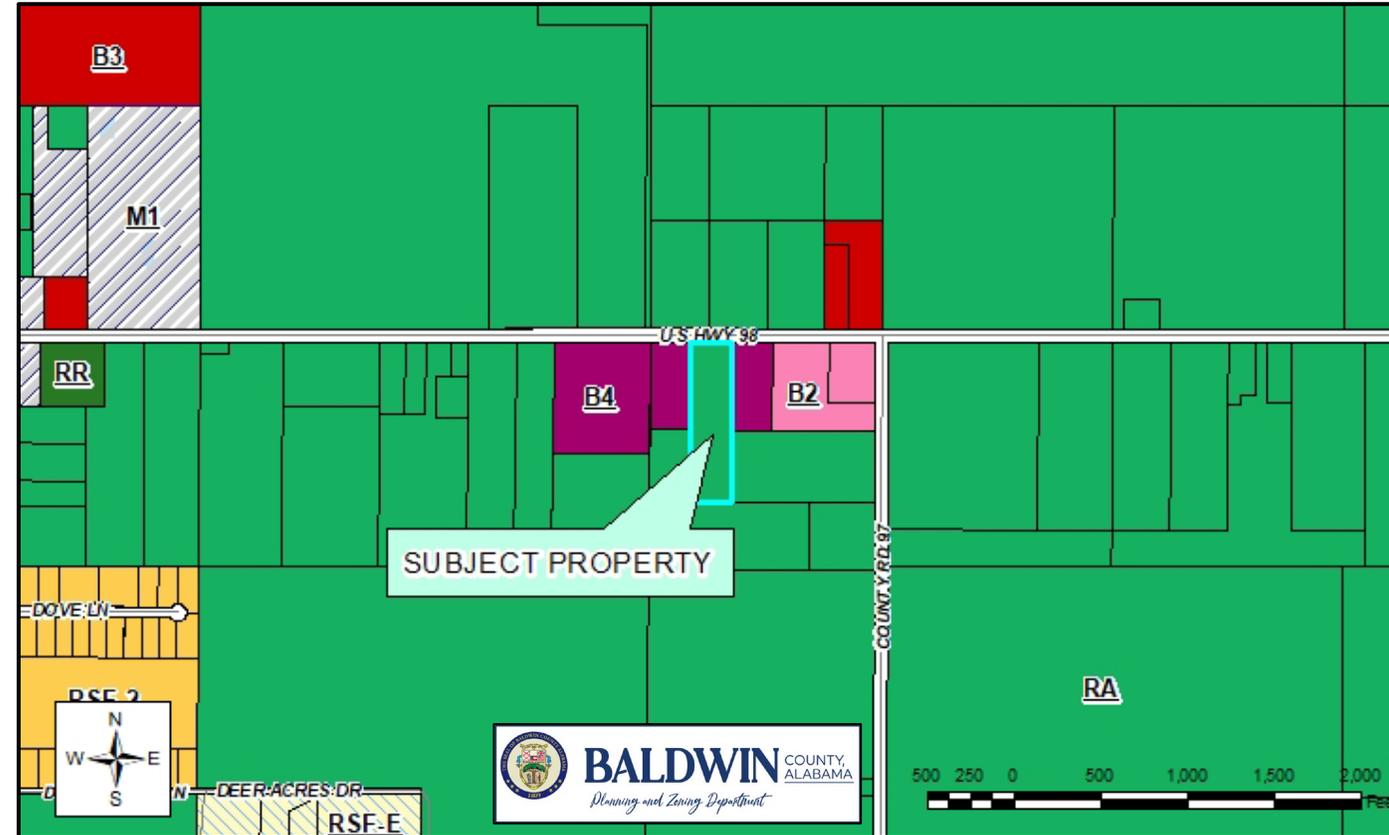
Lead Staff: Cory Rhodes, Planner

Request before the Baldwin  
County Commission:

### Rezone +/- 5 acres from RA to B-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)



# Z24-4 LEWIS PROPERTY

## RE-ZONING REQUEST FROM **RA** TO **B-3**

Lead Staff: Cory Rhodes, Planner

**Planning District:** 22

**PIN:** 366397

**Zoned:** RA, Rural Agricultural District

**Location:** Subject property is located on the south side of US Highway 98 and west of County Road 97 in Elberta

**Current Use:** Agricultural

**Acreage:** +/- 5 acres

**Physical Address:** 30080 US Hwy 98, Elberta, AL  
36530

**Applicant/Owner:** Michael Lewis

**Proposed Zoning:** B-3, General Business District

**Applicant's Request:** The applicant would like to rezone for a golf driving range.

**Online Case File Number:** The official case number for this application is Z24-4, however, when searching the online CitizenServe database, please use Z24-000004.

**PARCEL:** 05-52-09-30-0-000-010.013

**PIN:** 366397

# Factor Summary:

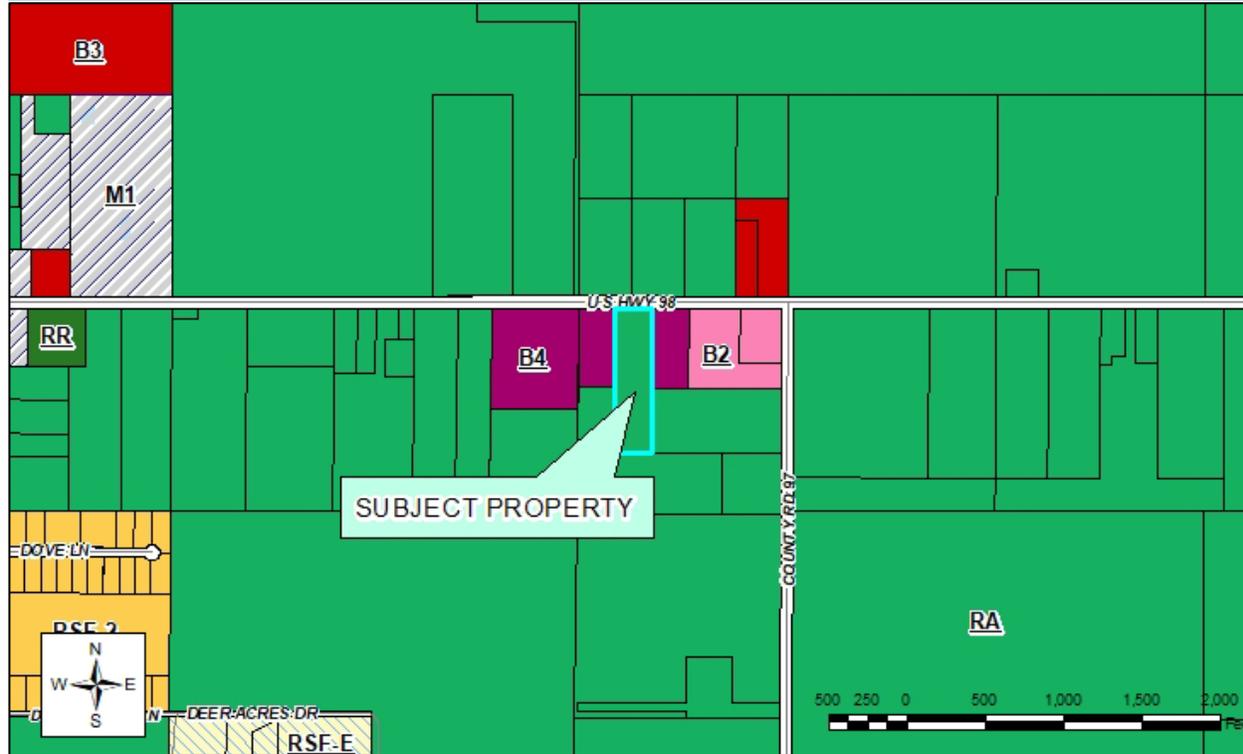
- Factors do not necessarily carry equal weight.
- Staff review is based on information provided by the applicant and other readily available information.

 #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	 #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.

# Locator Map



# Site Map

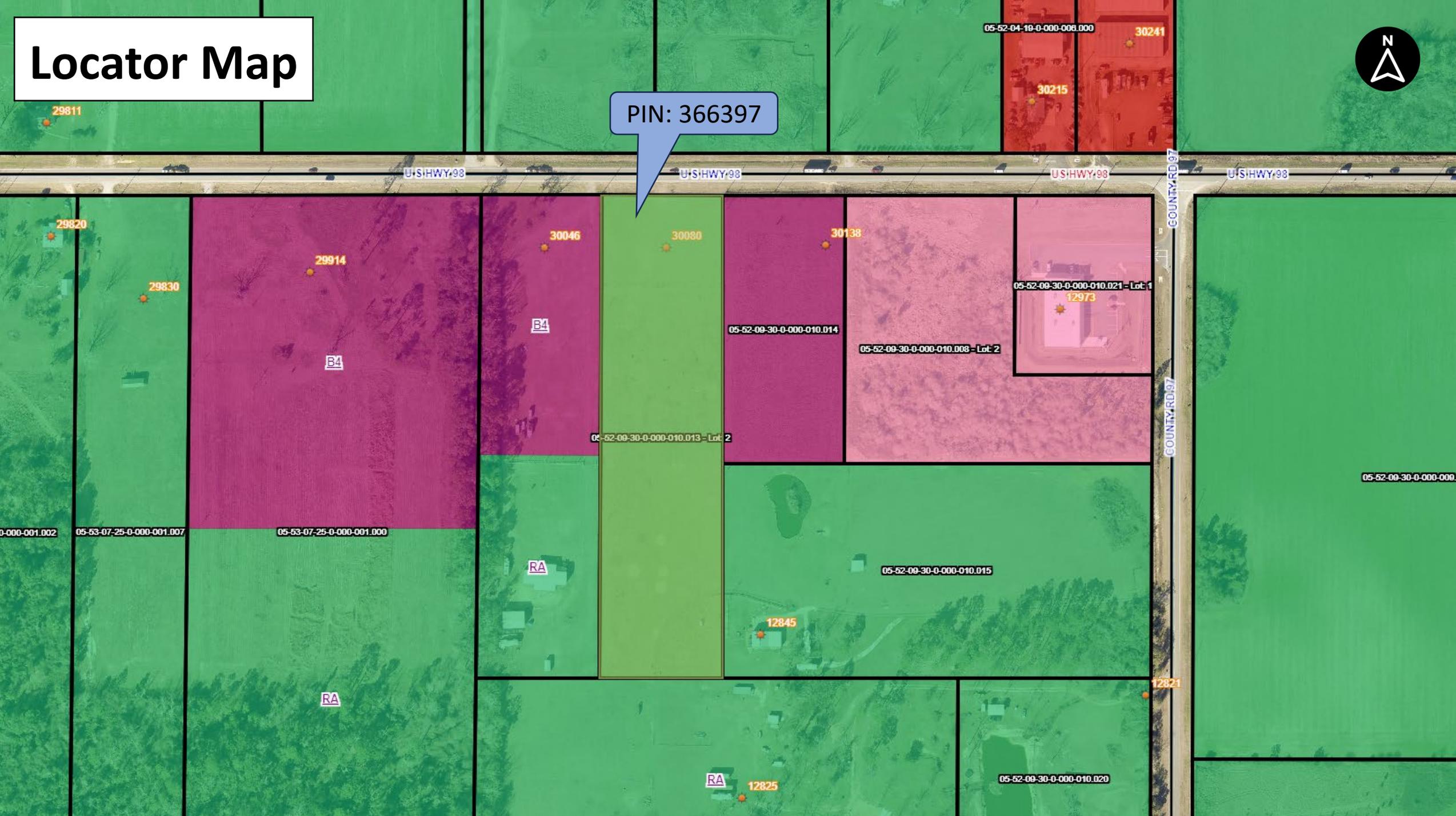


	Adjacent Zoning	Adjacent Land Use
North	RA, Rural Agricultural District	Agricultural
South	RA, Rural Agricultural District	Residential
East	B-4, Major Commercial District & RA, Rural Agricultural District	Agricultural & Residential
West	B-4, Major Commercial District & RA, Rural Agricultural District	Residential

# Locator Map



PIN: 366397



# Site Map



PIN: 366397



# Z24-4 LEWIS PROPERTY

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

Lead Staff: Cory Rhodes, Planner

Staff Recommendation: **Approval**

Planning Commission Recommendation: **Approval** (11-0)

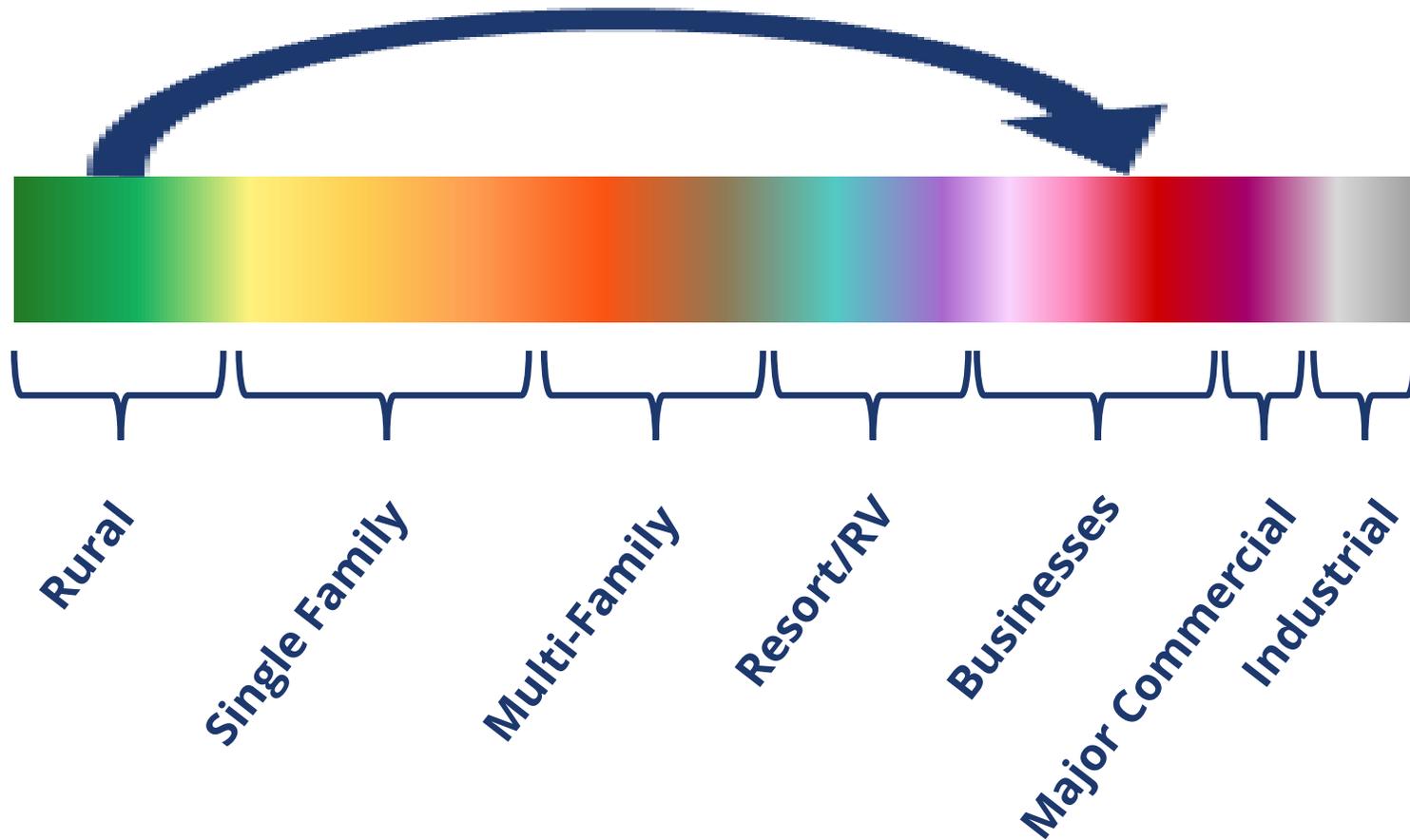
# Z24-4 LEWIS PROPERTY

## RE-ZONING REQUEST FROM **RA** TO **B-3**

Lead Staff: Cory Rhodes, Planner

*Current Zoning:* Rural  
Agricultural District (RA)

*Proposed Zoning:* General  
Business District (B-3)

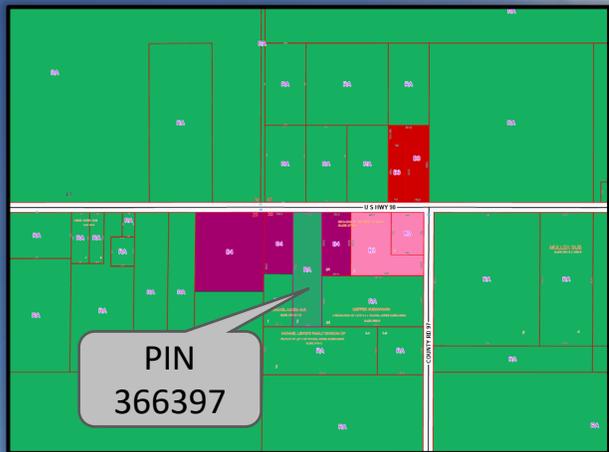


### Staff's Recommendation:

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.

Feb 7, 2024 at 9:42:53 AM  
169° S



Subject Property

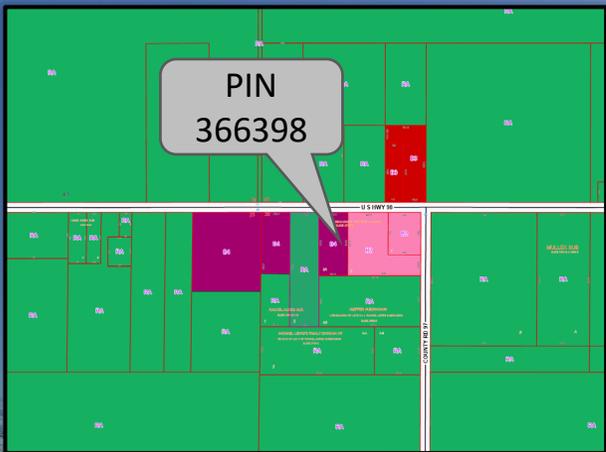


REZONING  
PROPOSED  
FOR THIS PROPERTY  
Z24-000004  
For Information Contact  
Baldwin County Planning &  
Zoning Department  
(251) 580-1655

Subject property looking south  
from US Hwy 98



Feb 7, 2024 at 9:45:00 AM  
161° S



Adjoining Property  
to the East

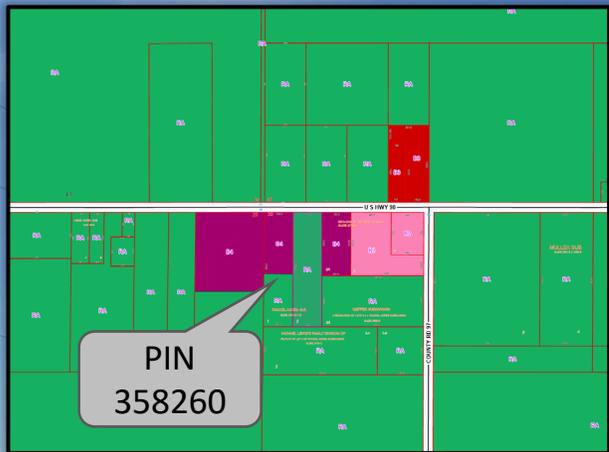
PIN 366399  
Beyond



Property to the east looking  
south from US Hwy 98



Feb 7, 2024 at 9:43:32 AM  
190° S

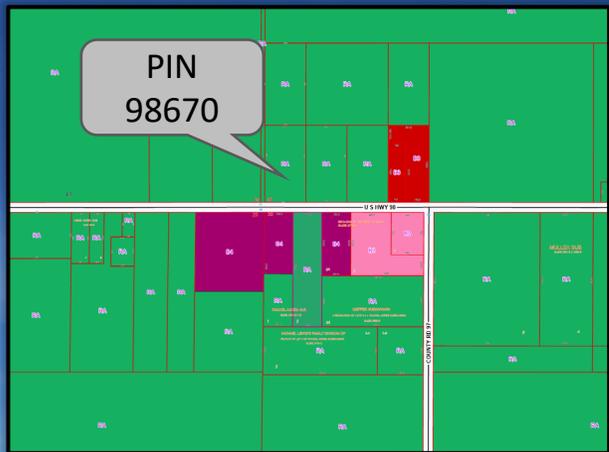


Adjoining Property  
to the West

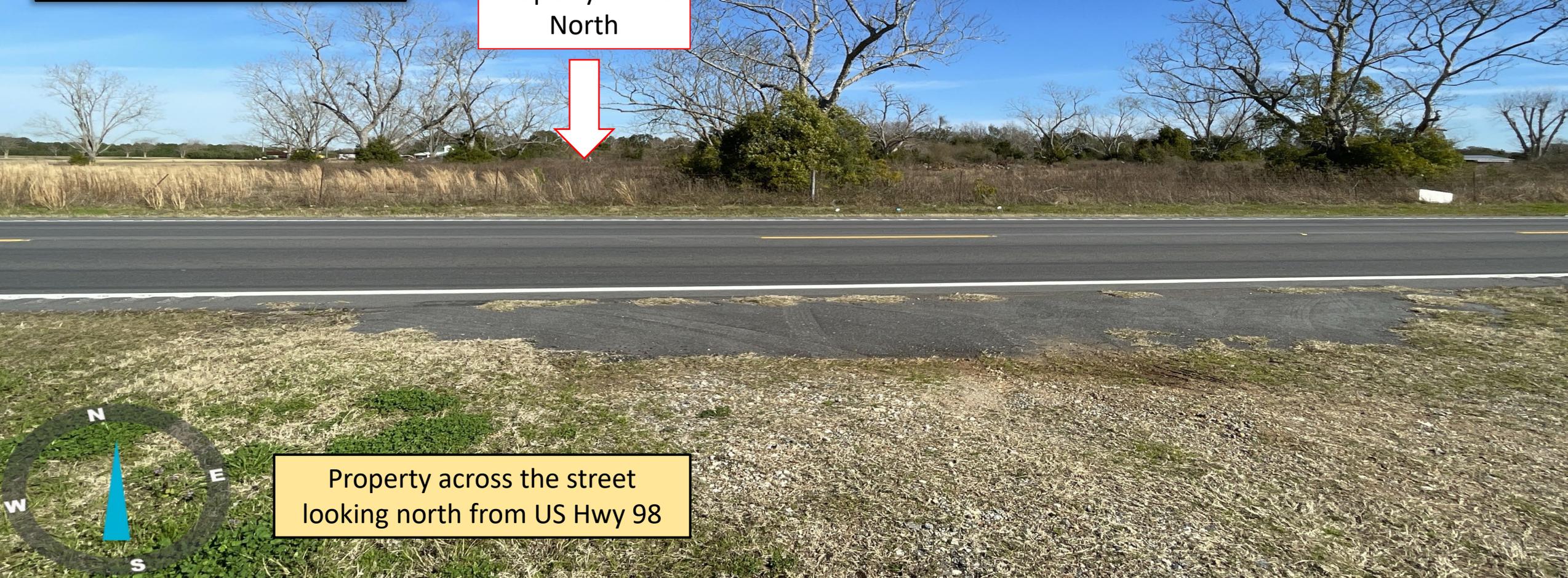


Adjoining property to the west  
looking south from US Hwy 98

Feb 7, 2024 at 9:44:16 AM  
12° N



Property to the North



Property across the street  
looking north from US Hwy 98



# 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 5.3 B-3, General Business District

5.3.1 *Purpose and intent.* The purpose of this district is to provide for a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs. This district shall only be applied at appropriate locations: to conveniently meet these needs; in conformance with the goals, objectives and policies and location criteria of the Comprehensive Plan; compatible with the surrounding land uses and zoning districts; where it will not adversely impact the facilities and services of the County; where it will not set a precedent for the introduction of inappropriate uses into an area; and so as not to encourage non-residential strip development along streets

5.3.2 *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the B-3, General Business District, conditioned on the Commission Site Plan Approval requirements of Section 18.9:

- |  |  |
|--|--|
| (a) All uses permitted by right under the B-2 zoning designation | (cc) Funeral home                        |
| (b) Air conditioning sales and service                           | (dd) Golf course                         |
| (c) Amusement arcade   | (ee) <b>Golf driving range</b>           |
| (d) Animal clinic/kennel   | (ff) Grocery store                       |
| (e) Arboretum  | (gg) Landscape sales                     |
| (f) Auto convenience market                                      | (hh) Marine store and supplies           |
| (g) Automobile service station                                   | (ii) Miniature golf                      |
| (h) Bakery, wholesale  | (jj) Mini warehouse                      |
| (i) Ball field   | (kk) Night club, bar, tavern             |
| (j) Bicycle sales and service                                    | (ll) Nursery                             |
| (k) Bowling alley  | (mm) Office equipment and supplies sales |
| (l) Business machine sales and service                           | (nn) Park or playground                  |
| (m) Business school or college                                   | (oo) Pawn shop                           |
| (n) Butane gas sales   | (pp) Pet shop                            |
| (o) Cemetery   | (qq) Plumbing shop                       |
| (p) City hall or courthouse                                      | (rr) Printing/publishing establishment   |
| (q) Country club   | (ss) Restaurant sales and supplies       |
| (r) Department store   | (tt) Riding academy                      |
| (s) Discount/variety store                                       | (uu) Rug and/or drapery cleaning service |
| (t) Drug store   | (vv) Seafood store                       |
| (u) Elevator maintenance service                                 | (ww) Sign shop                           |
| (v) Exterminator service office                                  | (xx) Skating rink                        |
| (w) Farmer's market/truck crops                                  | (yy) Stone monument sales                |
| (x) Firing range   | (zz) Swimming pool (outdoor)             |
| (y) Fitness center or gym  | (aaa) Taxidermy                          |
| (z) Florist  | (bbb) Teen club or youth center          |
| (aa) Fraternity or sorority house                                | (ccc) Tennis court (outdoor)             |
| (bb) Fruit and produce store                                     | (ddd) Wildlife sanctuary                 |
|  | (eee) YMCA, YWCA                         |

5.3.3 *Conditional Use Commission Site Plan Approval.* The following uses are permissible as Commission Site Plan Approval uses in the B-3: General Commercial District, subject to the standards and procedures established in Section 18.9: *Commission Site Plan Approval:*

- |  |   |
|--|---|
| (a) Airport  | (y) Landfill  |
| (b) Ambulance/EMS service                            | (z) Maintenance facility/storage yard for schools, government agencies, and telephone and cable companies |
| (c) Amusement Park                                   | (aa) Manufactured housing sales, service and repair   |
| (d) Armory   | (bb) Marina   |
| (e) Auditorium, stadium, coliseum                    | (cc) Motorcycle sales service and repair  |
| (f) Automobile parts sales                           | (dd) Movie theatre  |
| (g) Automobile repair (mechanical and body)          | (ee) Radio/television tower   |
| (h) Automobile storage (parking lot, parking garage) | (ff) Railroad facility  |
| (i) Barge docking                                    | (gg) Recreational vehicle park  |
| (j) Boat sales and service                           | (hh) Recreational vehicle sales service, and repair   |
| (k) Broadcasting station                             | (ii) Restaurant, drive-in   |
| (l) Building materials                               | (jj) Restaurant, fast-food  |
| (m) Bus and railroad terminal facility               | (kk) Sewage treatment plant   |
| (n) College or university                            | (ll) Taxi dispatching station   |
| (o) Convalescent or nursing home                     | (mm) Taxi terminal  |
| (p) Correctional or penal institution                | (nn) Telephone exchange   |
| (q) Dog pound  | (oo) Water or sewage pumping station  |
| (r) Electric power substations                       | (pp) Water storage tank   |
| (s) Farm implements                                  | (qq) Wireless telecommunication facility  |
| (t) Flea market                                      | (rr) Zoo  |
| (u) Freight depot, rail or truck                     |   |
| (v) Home improvement center                          |   |
| (w) Hotel or motel                                   |   |
| (x) Hospital   |   |

5.3.4 *Area and dimensional ordinances.*

Maximum Height of Structure	40-Feet
Maximum Height of Structure in Habitable Stories	3
Minimum Front Yard	40-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.70
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

5.3.5 *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.

5.3.6 *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.

5.3.7 *Landscaping and buffering.* All B-3, General Business District, uses shall meet the requirements of Article 17: *Landscaping and Buffers.*

# Staff Analysis and Findings

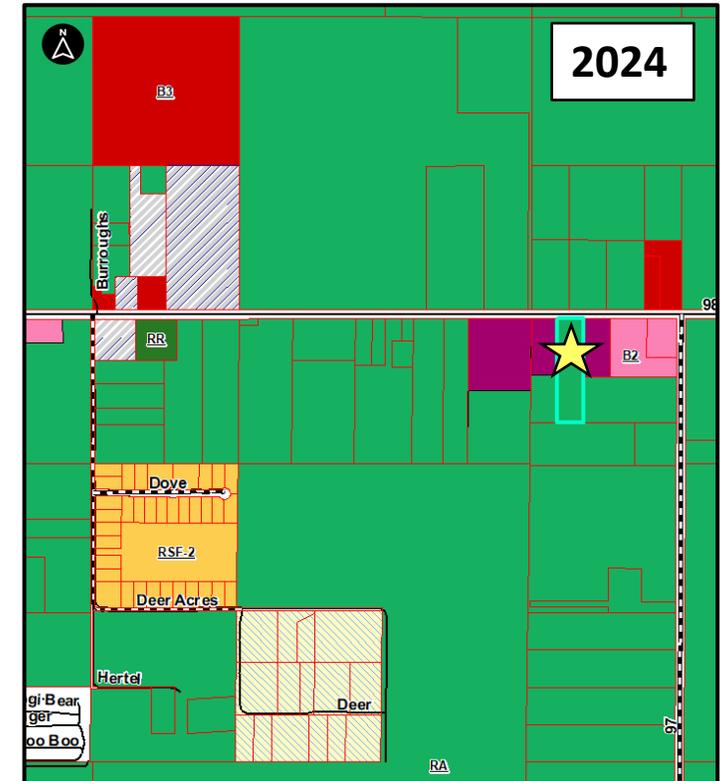
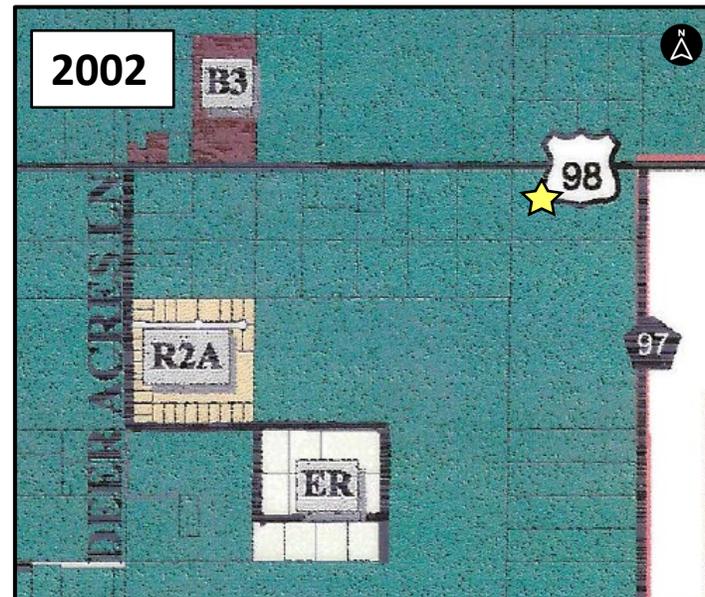
## 1.) Is the requested change compatible with the existing development pattern and the zoning of nearby properties?

The subject property is currently zoned RA, Rural Agricultural District. Surrounding parcels within ¼ mile of the subject property are zoned RA, B-3, and B-4. The uses adjacent to the subject property are vacant and residential, with commercial near the intersection of US Highway 98 and County Road 97 as well as to the west (PIN 2364, which has been approved for Boat & RV Storage). Staff feels that the requested change is compatible with the development pattern of the surrounding areas.

## 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 22 adopted zoning on November 19, 2002. It appears that the subject property was zoned RA at the time the Planning District 22 zoning map was adopted.

There appear to be additional rezonings to commercial use in the area since 2002.



# Staff Analysis and Findings

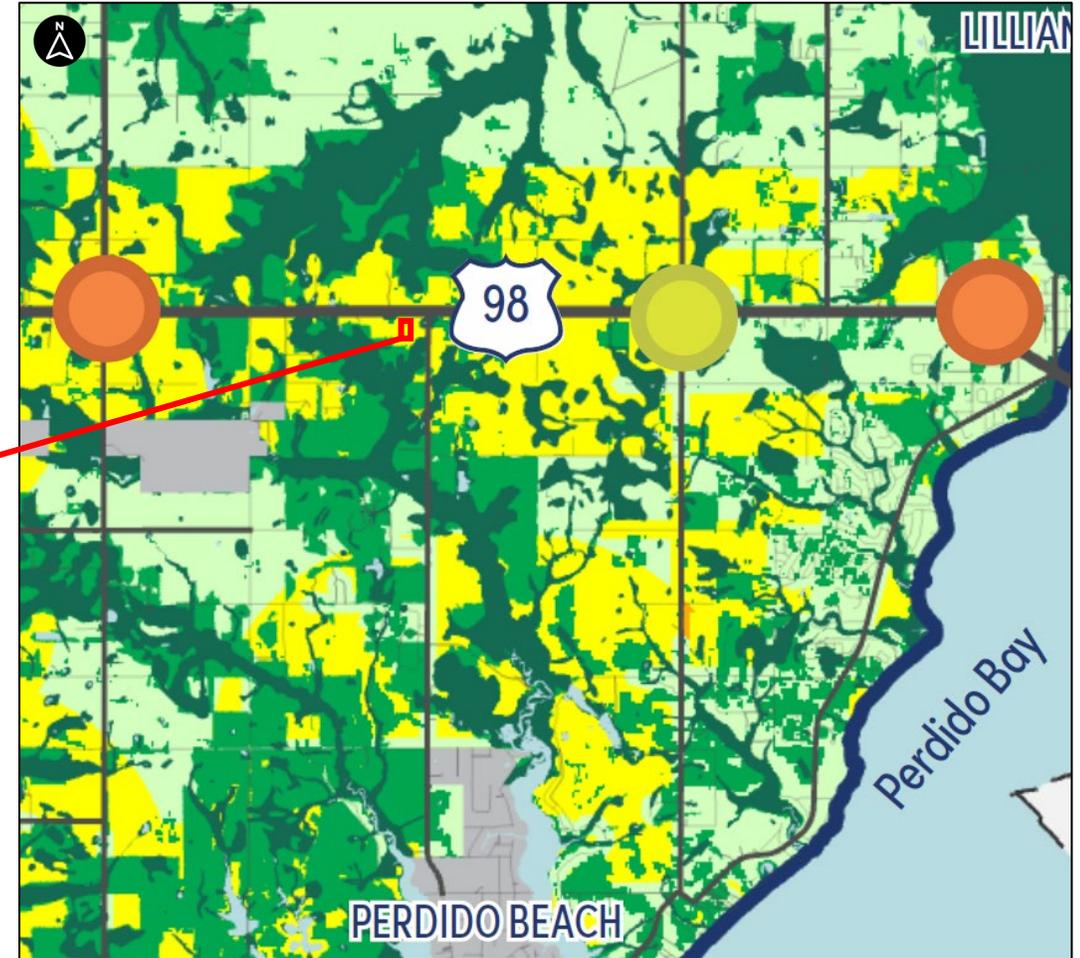
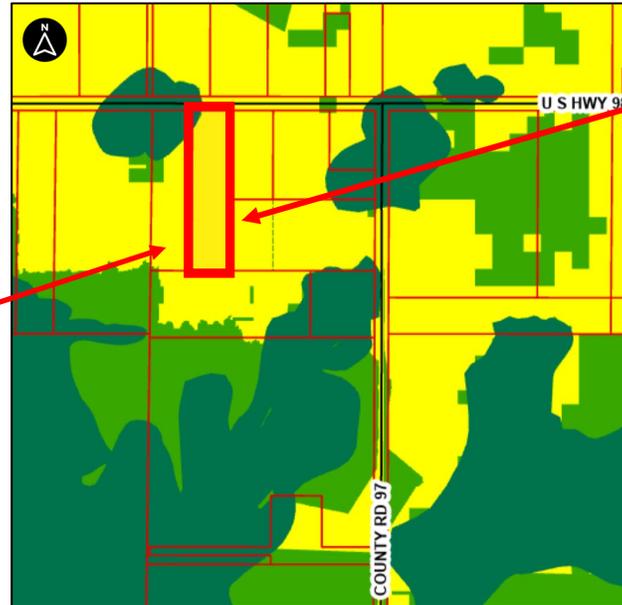
## 3.) Does the proposed zoning better conform to the Master Plan?

The future land use for the property includes Moderate Density Development Potential. The projected use of the property is commercial; therefore, the requested rezone to B-3 does not conform to the Master Plan. The use would be better suited for **high-density development potential**.

### LEGEND

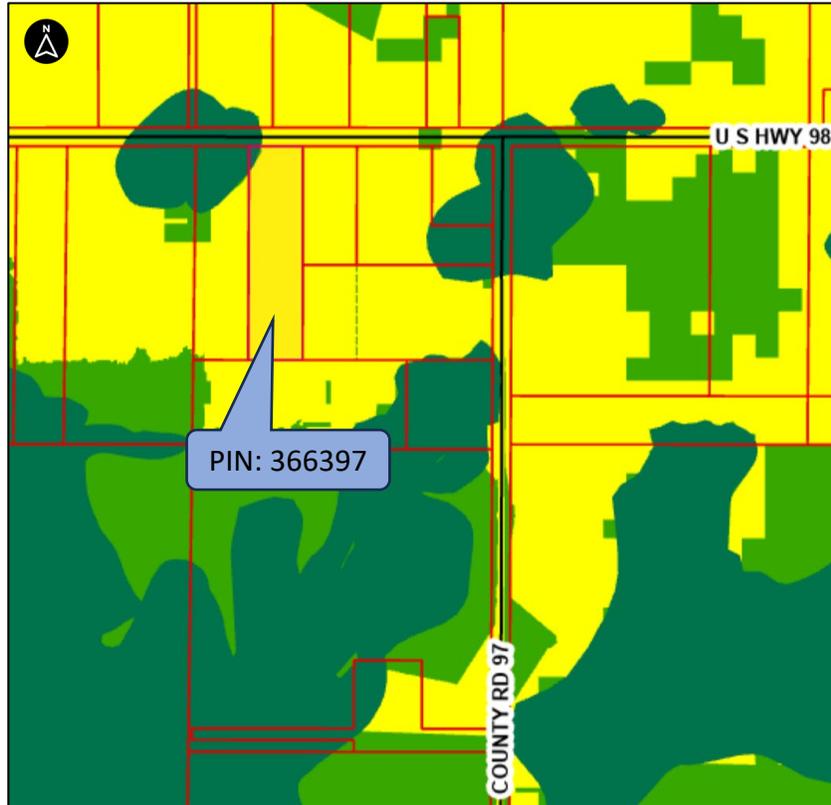
#### PLACE TYPES

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



# Staff Analysis and Findings

## Future Land Use Map (FLUM)



**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

### CONNECTIVITY NETWORK

- Suburban street networks/ limited use cul-de-sacs
- Open space, parks and amenities provided within neighborhoods
- Streets with sidewalks, bike lanes, and/or side paths based on local character and context
- Suburban greenways and trails

# 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?**

U.S. Highway 98 is classified as a Principal Arterial. These roadways serve major centers of metropolitan areas, provide a high degree of mobility and can also provide mobility through rural areas. Staff is unaware of any adverse affects of traffic patterns or congestion as a result of this proposed change, however these factors are more stringently reviewed should a commercial turnout permit, subdivision, or site plan be submitted for the property. Commercial turnout permits are reviewed by ALDOT for turnouts onto US HWY 98.

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

&

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

This area of Planning District 22 consists of residential and commercial zoning districts, and adjacent properties are zoned as such. Therefore, the proposed rezoning would be consistent with the area.

# Staff Analysis and Findings

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

Staff sees no issue with timing.

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

Staff does not anticipate any adverse impacts on environmental conditions of the vicinity or the historic resources of the County.

**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

- ALDOT, Michael Smith: No Comments Received
- Baldwin County Permit Engineer, Wade Clements Subject property fronts upon US HWY 98 and thus all turnout permits will be reviewed and approved by ALDOT
- Senior Planner, Subdivisions, Shawn Mitchell: A subdivision request was not included with the request for re-zoning and it is unknown if a subdivision will be requested in the future. Any future subdivision will be reviewed according to the *Baldwin County Subdivision Regulations*.
- USACE, James Buckelew: No Comments Received
- ADEM, Scott Brown: No Comments Received
- Town of Elberta: No Comments Received