



BALDWIN COUNTY, ALABAMA

Planning and Zoning Department

RE-ZONING REQUEST

Z24-6, SMITH PROPERTY

PLANNING COMMISSION: APRIL 4, 2024

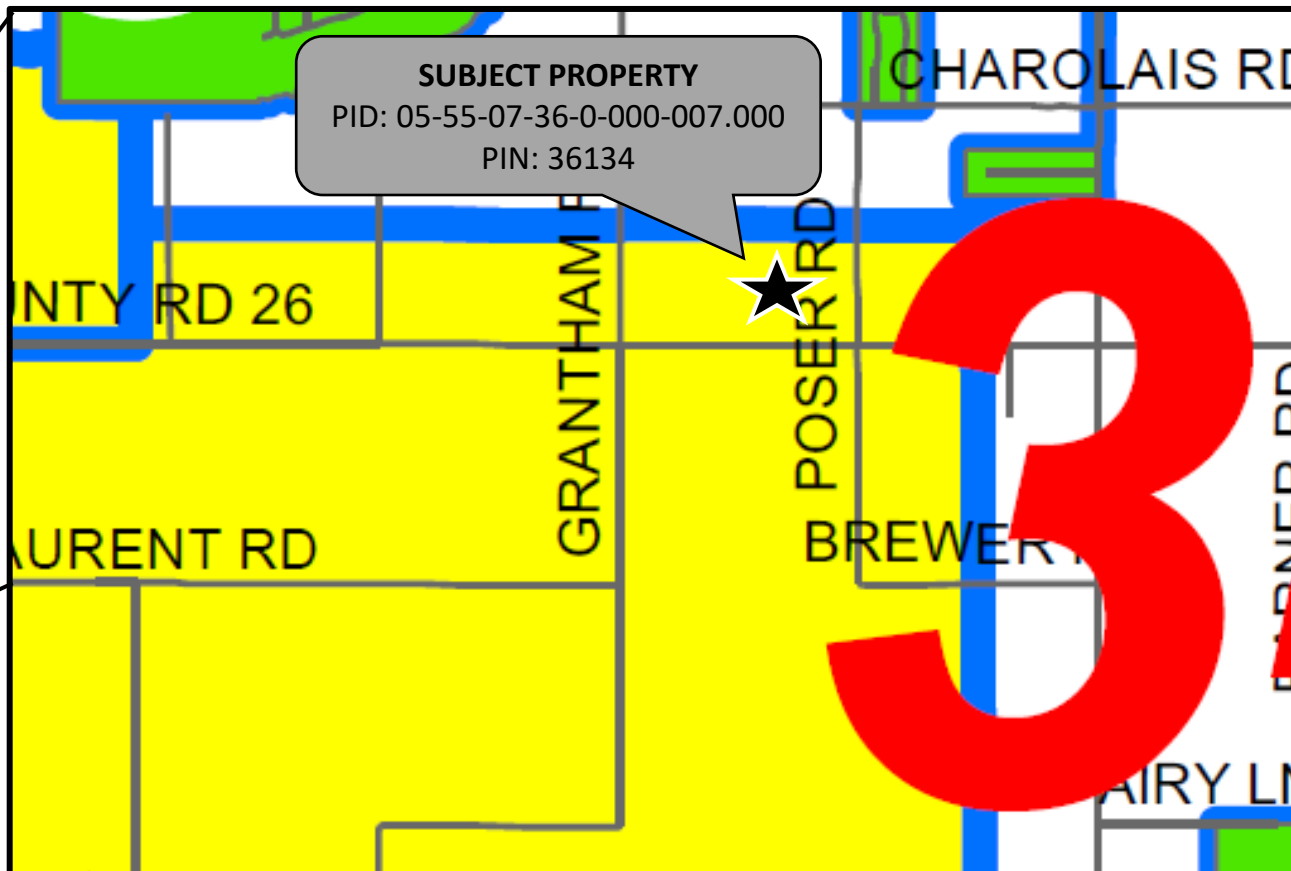
COUNTY COMMISSION: MAY 21, 2024

PRESENTED BY: CORY RHODES, PLANNER

Baldwin County, Alabama Planning Districts

Legend

- Interstates
- Roads
- City Limits
- Planning Districts
- UNZONED
- ZONED



Z24-6 SMITH PROPERTY

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

Lead Staff: Cory Rhodes, Planner

Request before the Baldwin
County Commission:

**Rezone +/- 38 acres from RA to
RSF-E**

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)



Z24-6 SMITH PROPERTY

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

Lead Staff: Cory Rhodes, Planner

Planning District: 21

PIN: 36134

Zoned: RA, Rural Agricultural District

Location: Subject property is located north of County Road 26 and west of Poser Road in Foley

Current Use: Agricultural

Acreage: +/- 38 acres

Physical Address: No address at the time of application

Applicant: Axis Engineering Group

Owner: Janet Smith












Proposed Zoning: RSF-E, Residential Single-Family Estate District

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

Online Case File Number: The official case number for this application is Z24-6, however, when searching the online CitizenServe database, please use Z24-000006.

Factor Summary:

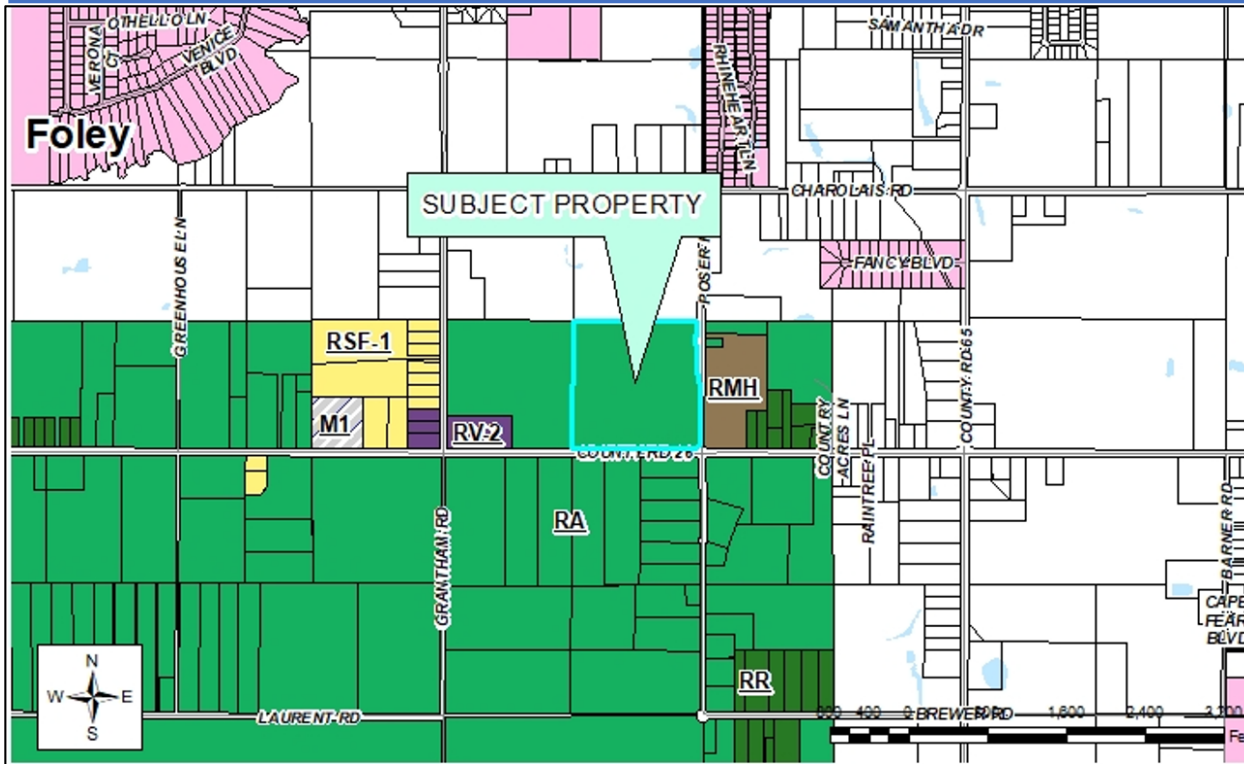
- Factors do not necessarily carry equal weight.
- Staff review is based on information provided by the applicant and other readily available information.

 #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?	

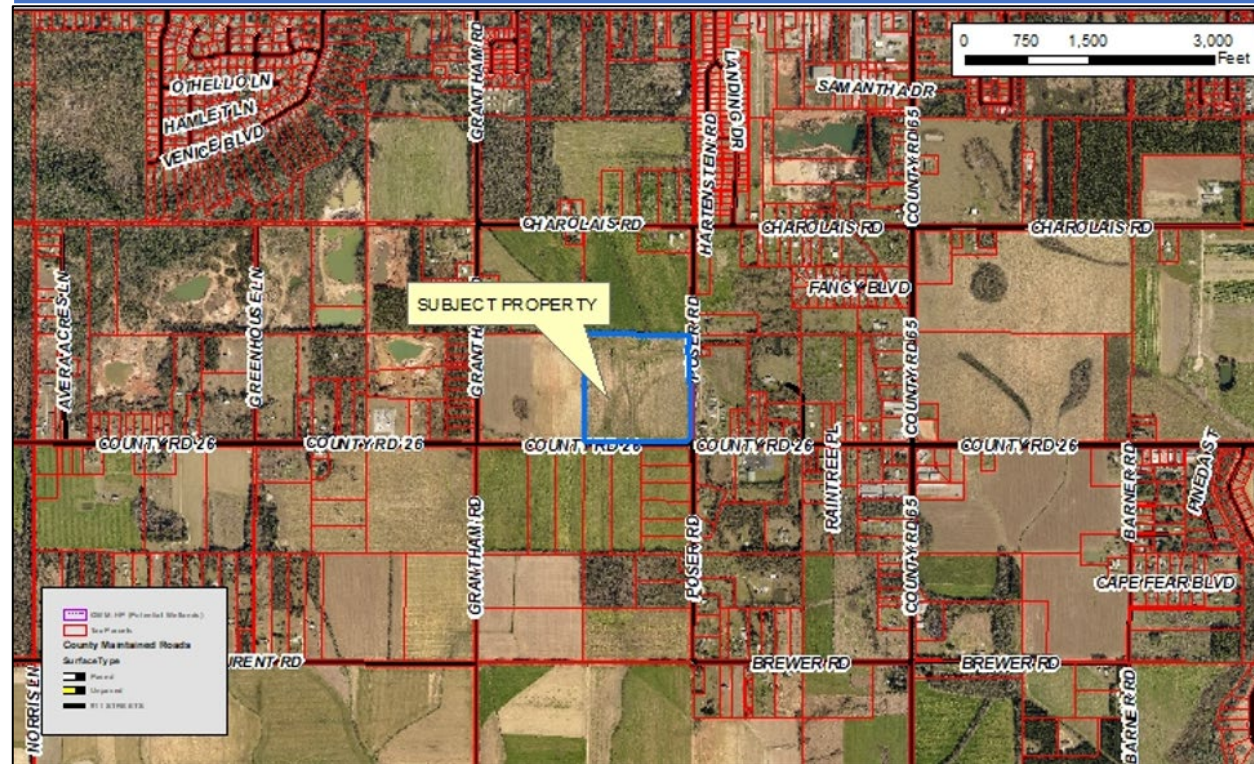
Public Hearing:

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	Unzoned	Agricultural
South	RA, Rural Agricultural District	Vacant
East	RMH, Residential Mobile Home District & RA, Rural Agricultural District	Residential
West	RA, Rural Agricultural District & RV-2, Recreation Vehicle District	RV Park & Agricultural

Z24-6 SMITH PROPERTY

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

Lead Staff: Cory Rhodes, Planner

Staff Recommendation: **Approval**

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

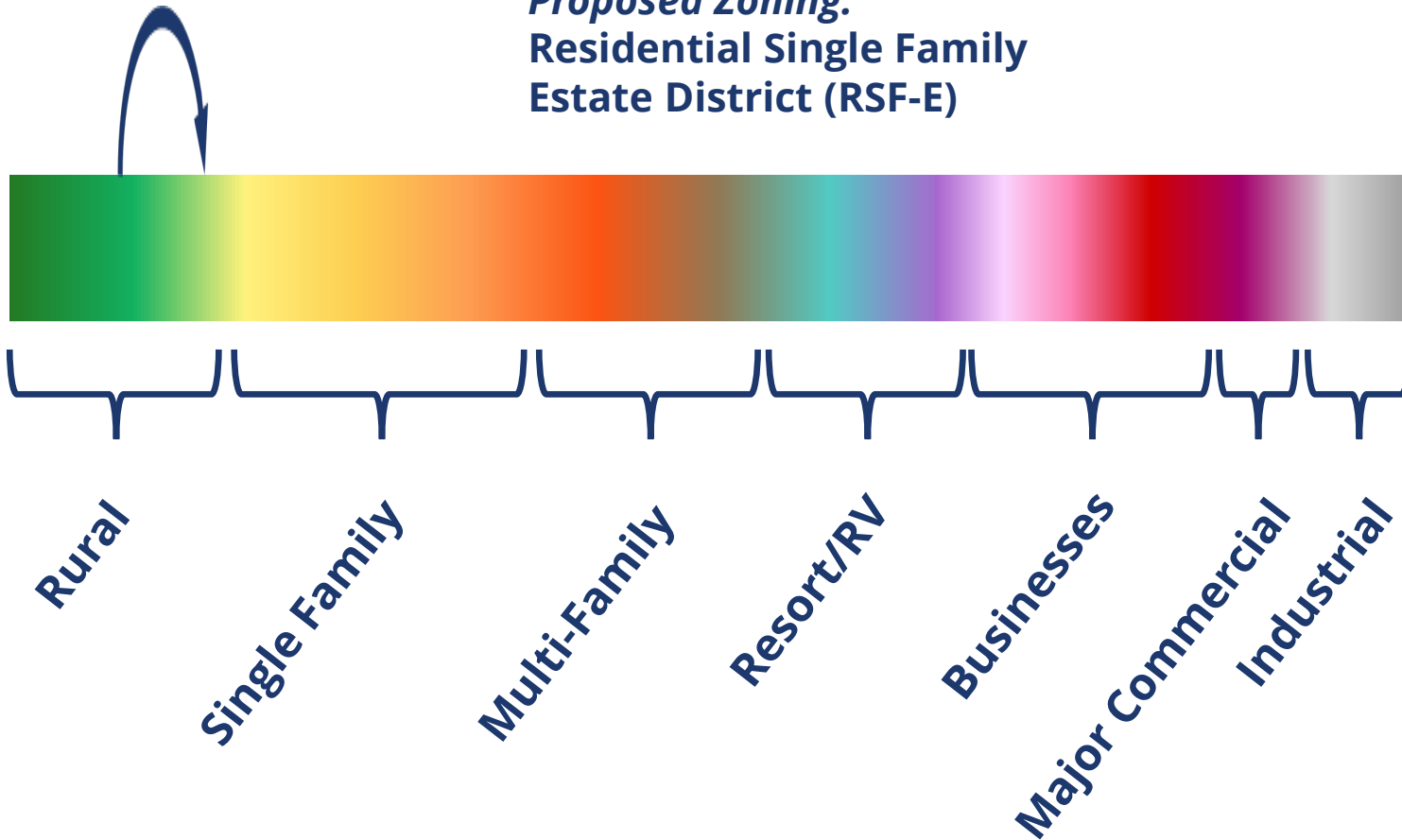
Z24-6 SMITH PROPERTY

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

Lead Staff: Cory Rhodes, Planner

Current Zoning: Rural
Agricultural District (RA)

Proposed Zoning:
Residential Single Family
Estate District (RSF-E)

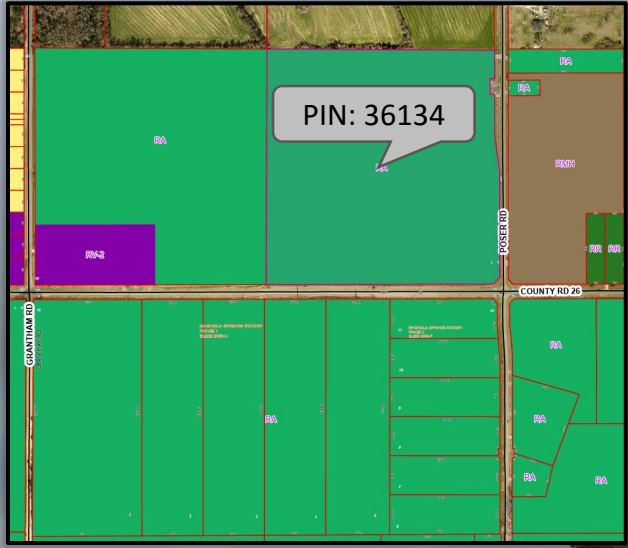


Staff's Recommendation:

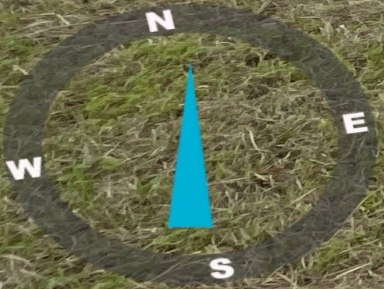
Unless information to the contrary is revealed at the public hearing, staff feels the application should be recommended for **Approval**.*

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

Mar 4, 2024 at 11:25:02 AM
11° N



Subject Property

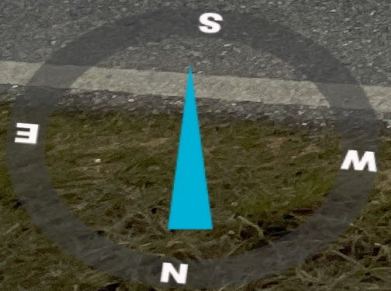


Subject property looking north
from County Road 26

Mar 4, 2024 at 11:25:22 AM
174° S



Property to the
South

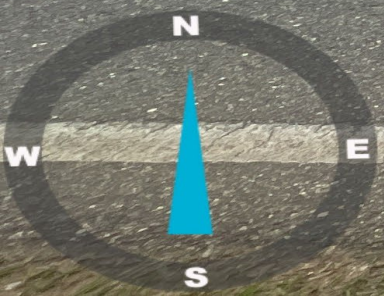


Property to the south looking
south from County Road 26

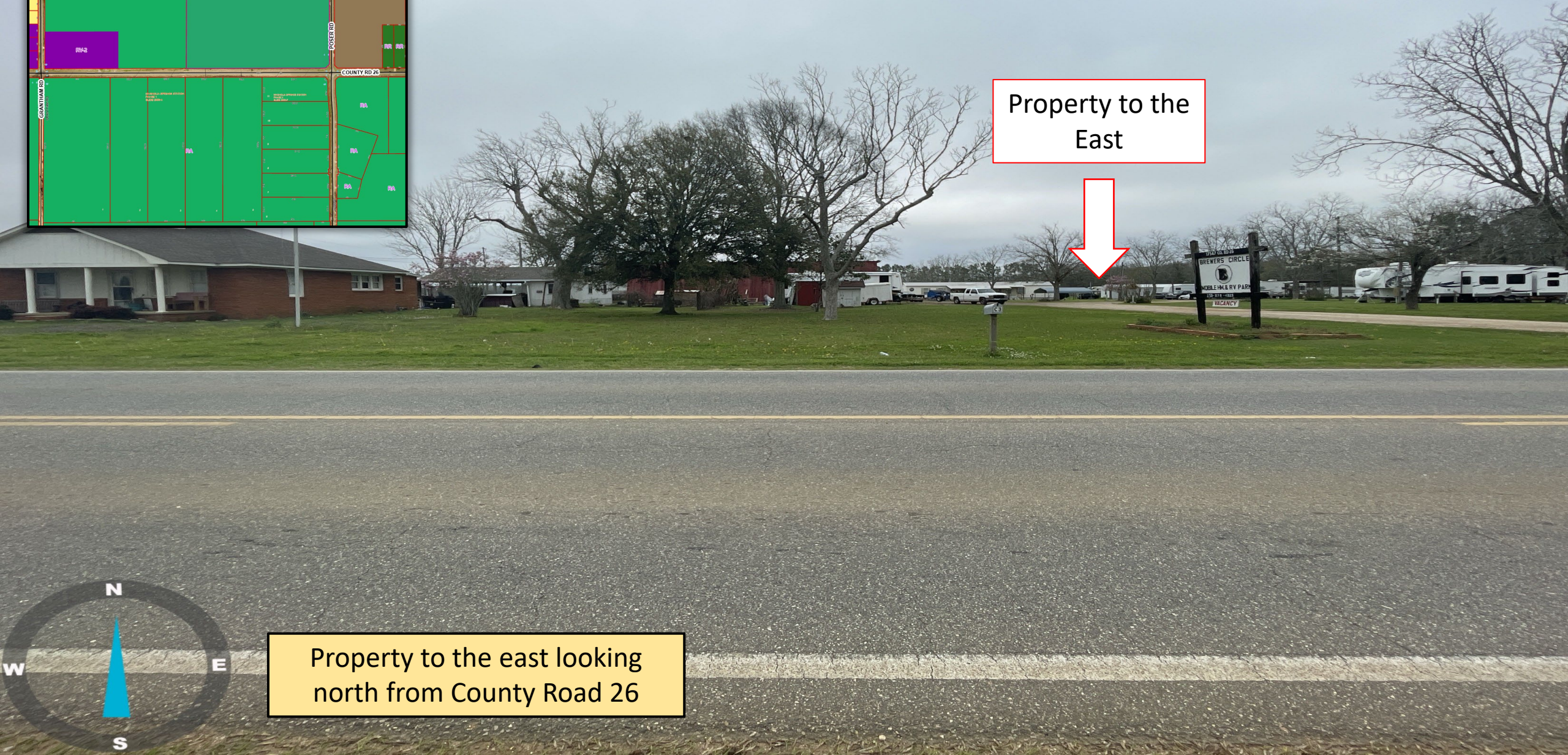
Mar 4, 2024 at 11:30:47 AM
2° N



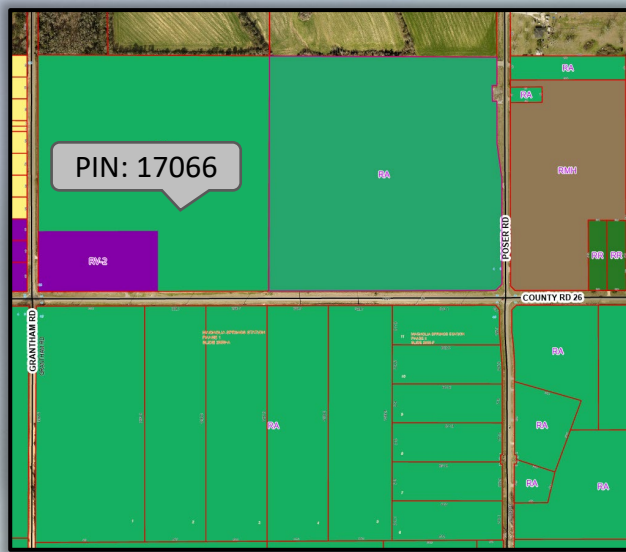
Property to the East



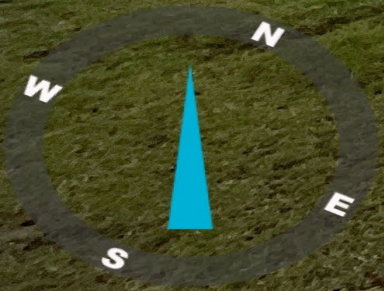
Property to the east looking
north from County Road 26



Mar 4, 2024 at 11:25:46 AM
333° NW



Adjoining Property
to the West



Property to the west looking
north from County Road 26

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 4.1 RSF-E, Residential Single Family Estate District

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

4.1.2 *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) Agricultural uses.
- (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.

4.1.3 *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*).

4.1.4 *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

4.1.5 *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 18.4 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	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	80,000 Square Feet
Minimum Lot Width at Building Line	165-Feet
Minimum Lot Width at Street Line	165-Feet
Maximum Ground Coverage Ratio	.35

4.1.6 *Area and dimensional modifications*. Within the RSF-E 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

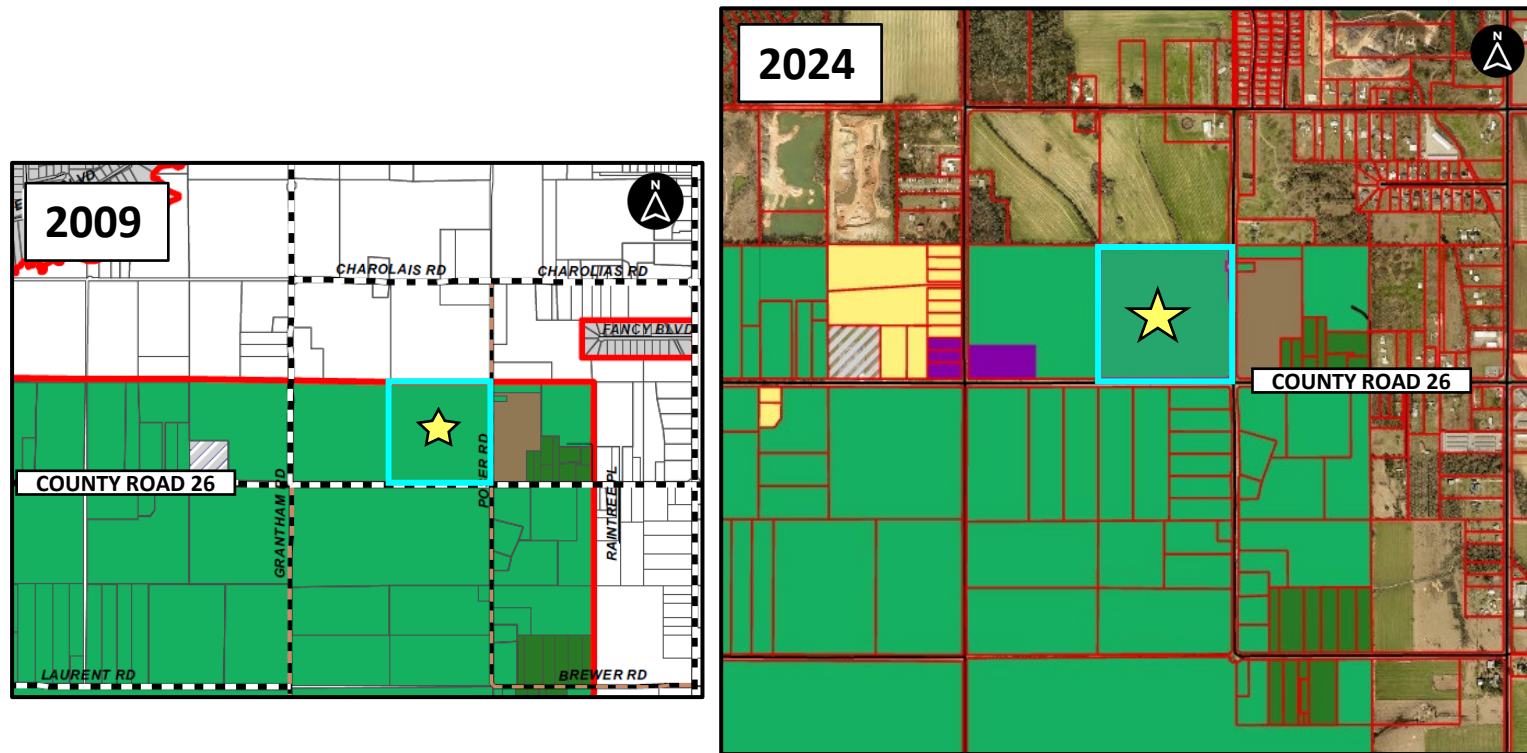
Staff Analysis and Findings

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 are zoned RA, RV-2 and RMH, with agricultural and residential uses, respectively. Property to the east is zoned and used residentially. Therefore, it can be concluded that the requested change is compatible with the zoning and development of surroundings 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 21 adopted zoning on June 2, 2009. The original zoning map from 2009 shows that the subject property was zoned RA at the time the Planning District 21 zoning map was adopted. There appear to be only a handful of rezonings to residential in the area since 2009. Of these, only a couple have been developed.



Staff Analysis and Findings

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

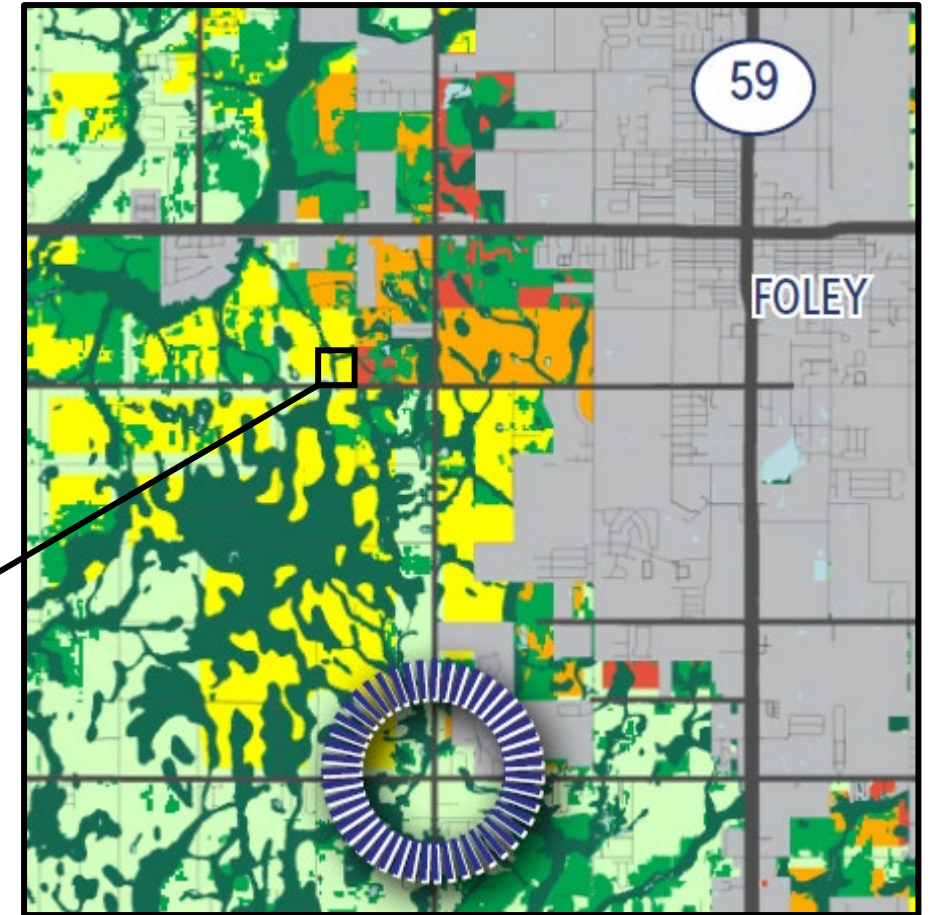
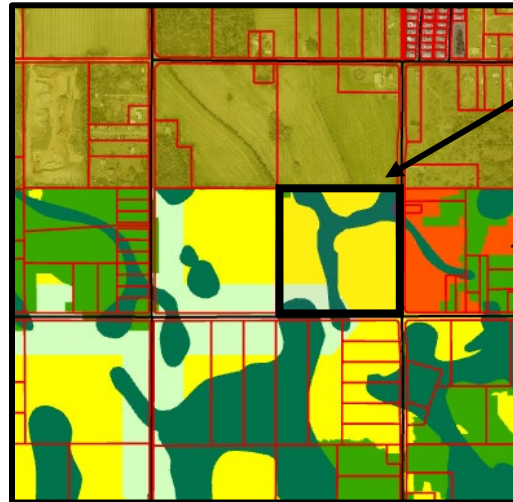
The future land use for the property includes Ideal Conservation Development, Rural Development, and Moderate Development Potential. The projected use of the property is residential; therefore, the requested rezone to RSF-E conforms to the Master Plan.

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

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

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?

Per the Federal Highway Administration, the functional classification of County Road 26 is a local road. Local roads are designed specifically to have high accessibility and to connect to collector and arterial roads and are typically not used for through traffic. The applicant did not submit a proposed site plan for a future development, and a proposed site plan is not required for a “straight” rezoning. Staff will rely on the subdivision process (Preliminary Plat) and the City of Foley, who has subdivision jurisdiction, to review the traffic patterns for any adverse affects because of the proposed change. Due to the proximity to County Road 65, staff memorializes that an additional entrance onto Poser Road will likely be required, which will be reviewed during the Preliminary Plat review process.

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?

The surrounding land uses are agricultural and residential. As mentioned earlier, the adjacent parcels to the east are used residentially and are within the Rural Agricultural District or Mobile Home Park District, respectively. This supports the development patterns in the area.

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?

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

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 Permit Engineer, Wade Clements**: If the rezoning request is approved and future improvements are designed; the drainage review and access request will be reviewed at that time.
- **Senior Planner, Subdivisions, Shawn Mitchell**: This parcel is in Foley's subdivision jurisdiction. The City will review and approve the subdivision. Because it is zoned, the applicant will also submit a preliminary plat application to the County for administrative approval.
- **Baldwin County Board of Education**: Staff reached out 3/11/2024 but received no comments.
- **USACE, James Buckelew**: Staff reached out 3/11/2024 but received no comments.
- **ADEM, Scott Brown**: Staff reached out 3/11/2024 but received no comments.
- **City of Foley, Miriam Boone**: Since these rezonings are for large lots I don't think we have any comments.