

RE-ZONING REQUEST

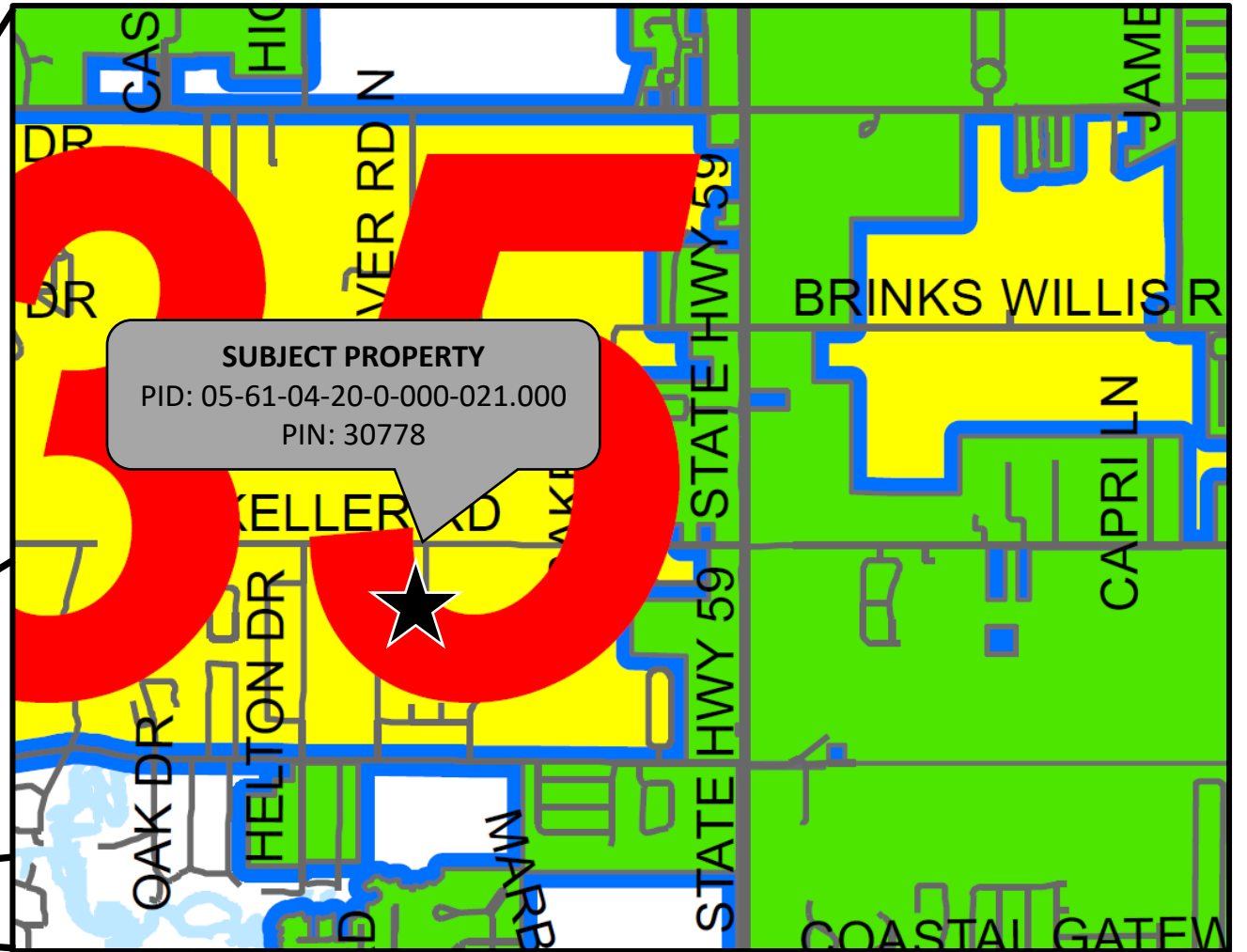
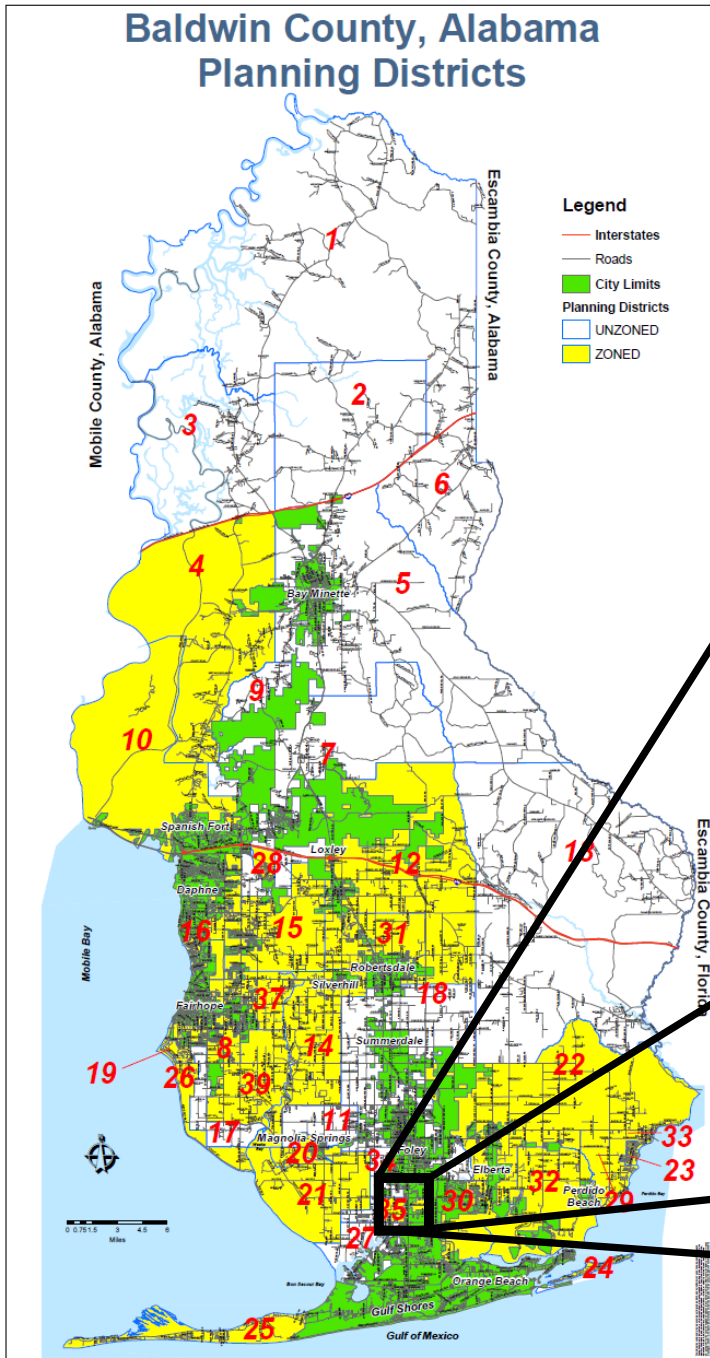
Z24-26, JOHNSON PROPERTY

PLANNING COMMISSION: AUGUST 1, 2024

COUNTY COMMISSION: SEPTEMBER 17, 2024

PRESENTED BY: CORY RHODES, PLANNER

Baldwin County, Alabama Planning Districts



Z24-26 JOHNSON PROPERTY

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

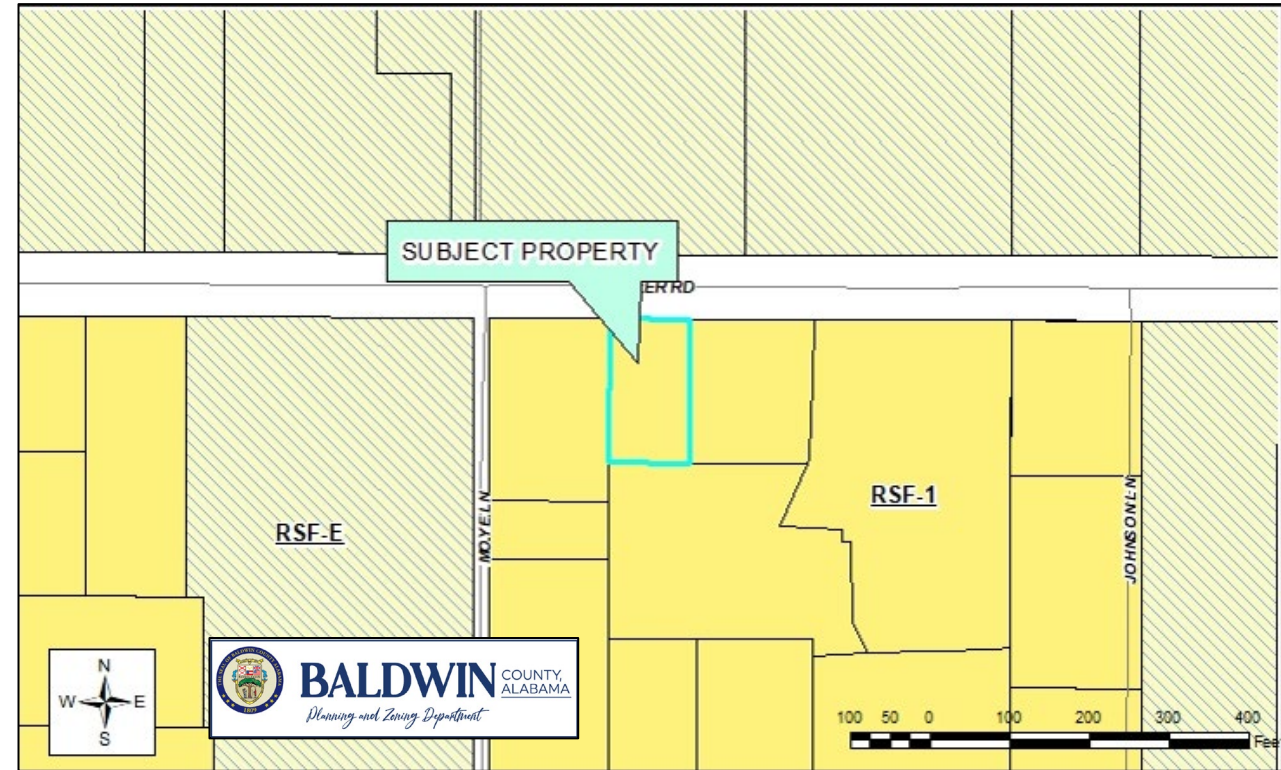
Lead Staff: Cory Rhodes, Planner

Request before the Baldwin
County Commission:

**Rezone +/- 0.40 acres from RSF-1
to RR**

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)



Z24-26 JOHNSON PROPERTY

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

Lead Staff: Cory Rhodes, Planner

Planning District: 35

Parcel ID #: 05-61-04-20-0-000-021.000

PIN: 30778

Zoned: RSF-1, Residential Single-Family District

Location: Subject property is located south of Keller Road and west of Helton Road in the Foley area

Current Use: Commercial

Acreage: +/- 0.40 acres

Physical Address: 19154 Keller Road, Foley, AL 36535

Applicant: Kim Johnson

Owner: Maxine Johnson

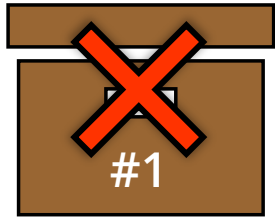
Proposed Zoning: RR, Rural District

Applicant's Request: The applicant would like to rezone to allow an existing plumbing shop that pre-dates zoning by approximately 40 years to add a supporting accessory structure to the property.

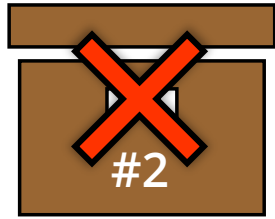
Online Case File Number: The official case number for this application is Z24-26, however, when searching the online CitizenServe database, please use Z24-000026.

Factor Summary:

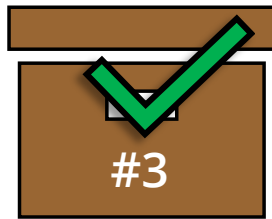
- Factors do not necessarily carry equal weight.
- Staff review is based on information provided by the applicant and other readily available information.



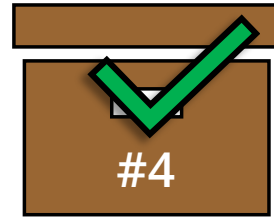
Compatible with development pattern?



Change of conditions since originally zoned?



Proposal conform to Master Plan?



Conflicts with public improvements?



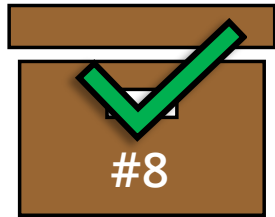
Adverse affect to traffic?



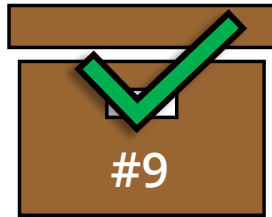
Consistent with development pattern?



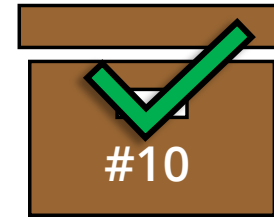
Logical expansion of adjacent zoning?



Timing appropriate given development trends?



Environmental or Historic impact?



Adverse impact on health, safety, & wellness?

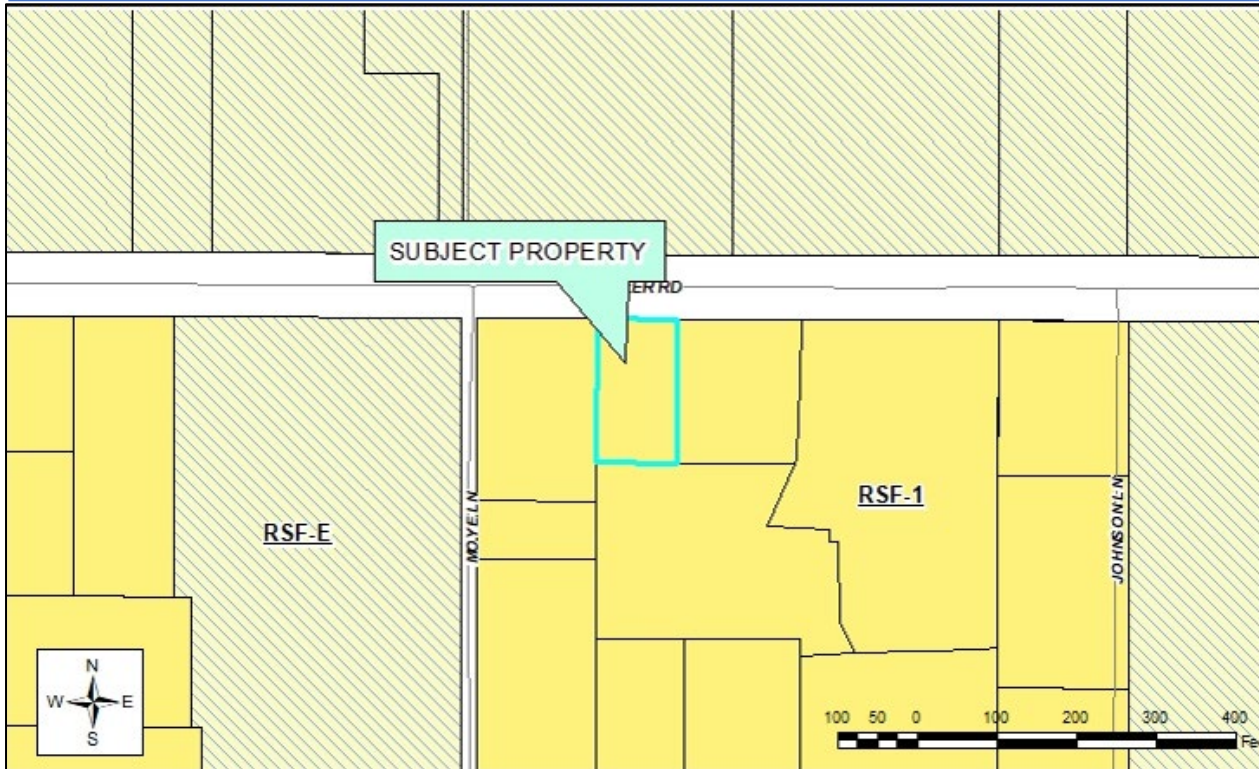


Other appropriate matters?

Public Hearing:

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

Locator Map



Site Map



	Adjacent Zoning	Adjacent Land Use
North	RSF-E, Residential Single-Family Estate District	Residential
South	RSF-1, Residential Single-Family District	Residential
East	RSF-1, Residential Single-Family District	Residential
West	RSF-1, Residential Single-Family District	Commercial

Z24-26 JOHNSON PROPERTY

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

Lead Staff: Cory Rhodes, Planner

Staff Recommendation: **Approval**

Planning Commission Recommendation: **Approval (6-2)**

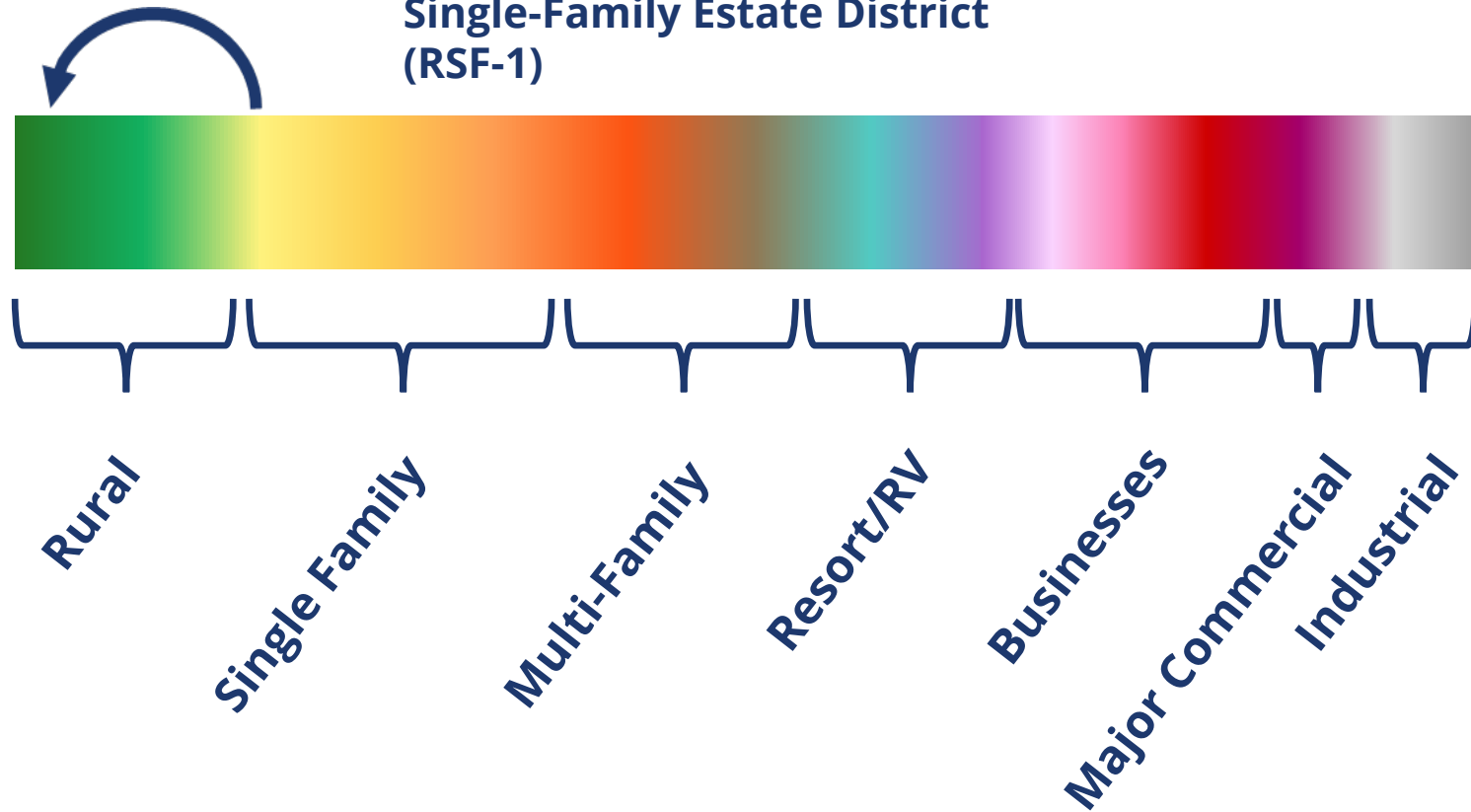
Z24-26 JOHNSON PROPERTY

RE-ZONING REQUEST FROM RSF-1 TO RR

Lead Staff: Cory Rhodes, Planner

Proposed Zoning: Rural District (RR)

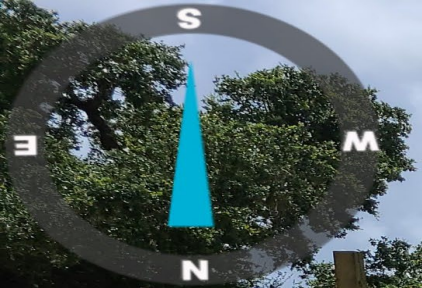
Current Zoning: Residential Single-Family Estate District (RSF-1)



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.



Subject Property
PIN: 30778



**REZONING
PROPOSED
FOR THIS PROPERTY**
Case Number
Z24-000026
For Information Contact
Baldwin County Planning &
Zoning Department
(251) 580-1655

A Stop Work Order was issued in April 2024 for the construction of a pole barn without proper permits. The applicant was unaware that the property has been zoned since 2022.



Adjoining Property
to the East
PIN: 50203

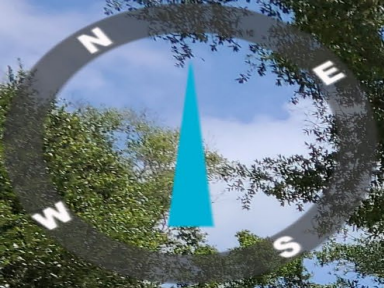




Adjoining Property
to the South
PIN: 30776



Jul 29, 2024 2:15:11 PM
283° W



Property to
the North
PIN: 32276



Jul 9, 2024 12:47:00 PM
34° NE



Adjoining Property
to the West
PIN: 30777



Jul 9, 2024 12:47:36 PM
203° SW

Agency Comments

- **Baldwin County P&Z Permitting Department**, *Buford King on behalf of the vacant permit engineer*: A commercial turnout permit may be required and possibly a Commission or Commercial site plan will be required to add a structure to the property. A plumbing shop is a General Commercial Use.
- **Senior Planner, Subdivisions**, *Shawn Mitchell*: “If the rezoning is approved, preliminary and final plat approval will be required to create a subdivision.”
- **City of Foley**, *Miriam Boone*: Staff reached out 7/10/2024 but received no comments.
- **USACE**, *James Buckelew*: Staff reached out 7/10/2024 but received no comments.
- **ADEM**, *Scott Brown*: Staff reached out 7/10/2024 but received no comments.
- **ADEM**, *Autumn Nitz*: Staff reached out 7/10/2024 but received no comments.

Current 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.
- (g) Agricultural uses, on RSF-1 zoned parcels that otherwise meet the minimum area and dimension requirements for Rural Agricultural District under Section 3.1.5 herein, agricultural uses shall be permitted uses, except that the minimum front yard for barns and other agricultural structures shall be 100 feet when constructed on an RSF-1 zoned parcel where no primary dwelling currently exists.

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

Proposed Zoning Requirements

Section 3.1 RR, Rural District

3.1.1 *Generally.* This zoning district is provided to accommodate the rural areas of Baldwin County. Rural District ordinances are designed to protect the rural character of the area.

3.1.2 *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) Marine recreation uses.
- (d) Outdoor recreation uses.
- (e) The following general commercial uses: animal clinic and/or kennels; farm implement sales; farmer's market/truck crops; nursery; landscape sales.
- (f) Local commercial uses.
- (g) Professional service and office uses.
- (h) The following institutional uses: church or similar religious facility; childcare center; childcare institution; day care home; fire station; library; post office; school (public or private).
- (i) Agricultural uses.
- (j) Single family dwellings including manufactured housing and mobile homes.
- (k) Accessory structures and uses.

3.1.3 *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

3.1.4 *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 Commission site plan approval process:

- (a) Transportation, communication, and utility uses not permitted by right.
- (b) Light industrial uses.
- (c) General commercial uses not permitted by right, except racetrack.
- (d) Institutional uses not permitted by right, except correctional, detention, or penal institution and sanitarium.
- (e) Boarding house, rooming house, lodging house, or dormitory.
- (f) Fraternity or sorority house.

3.1.5 *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
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

3.1.6 *Area and dimensional modifications.* Within the RR 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	20,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	80-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 RSF-1, Residential Single-Family District. Nearby parcels are zoned RSF-1, RSF-E and RA with primarily residential uses. While the requested change is possibly incompatible with the existing development pattern and zoning of nearby property, it can be argued that the existing business on the subject property has been in operation for over 40 years and was possibly zoned incorrectly when Planning District 35 adopted zoning.

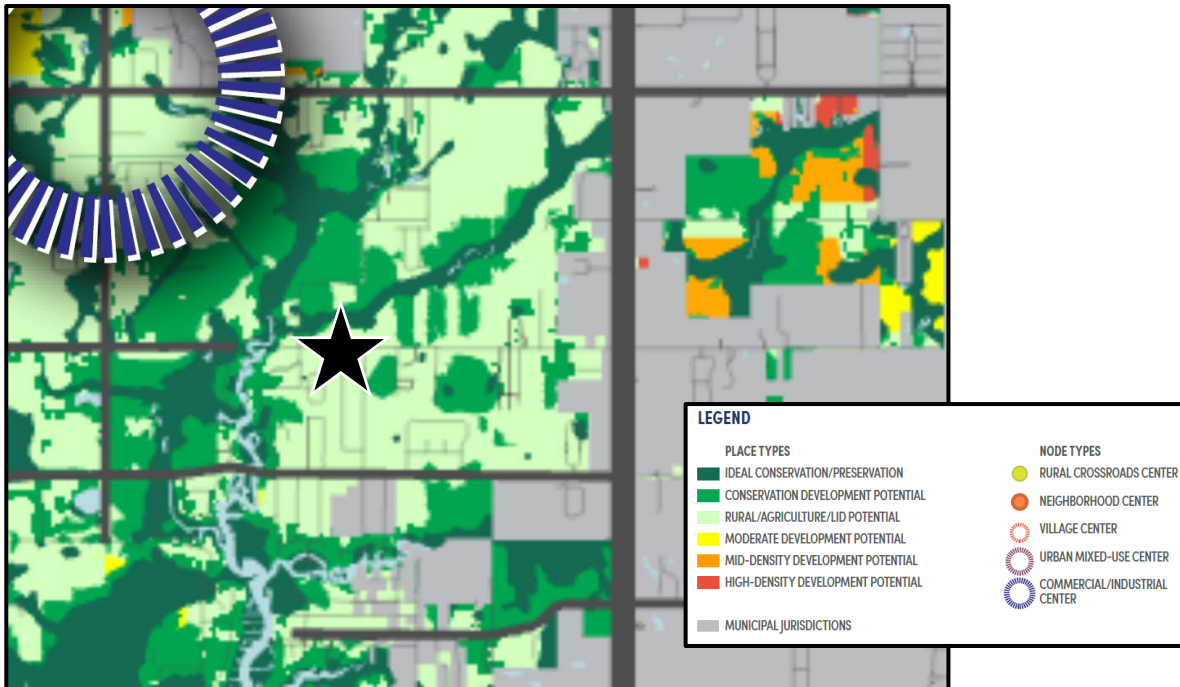
2.) Has there been a change in the conditions upon which the original zoning designation was based? Have land uses or conditions changed since the zoning was established?

Planning District 35 adopted zoning in October of 2022. There have been no changes in the immediate area since zoning was adopted.

Staff Analysis and Findings

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

The future land use for the property is Rural / Agriculture / Low-Impact Development Potential. 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 proposed request conforms to the Master Plan.



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

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 effect traffic patterns or congestion?

The functional classification for this section of Keller Road is a Local Road. Local Roads provide limited mobility and are the primary access to residential areas, businesses, farms, and other areas. The proposed change is not expected to have adverse effects on traffic patterns or congestion because the intention of the applicant is to add a supporting accessory structure to a land use that has been in place for more than 40 years.

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?

As mentioned earlier, the business on the property existed well before zoning was adopted. While the proposed change may not be consistent with the surrounding residential development pattern or a logical expansion of adjacent residential zoning districts, the request to Rural zoning is compatible with the existing use, which is akin to a Plumbing Shop. A Plumbing Shop is permissible in Rural zoning with Commission Site Plan Approval.

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. As mentioned previously, a Commission or Commercial Site Plan (CSP) approval will likely be required in order to make alterations to the site and all required regulations will be enforced as a function of the CSP review process.

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