



Baldwin County Planning & Zoning Department

Baldwin County Commission Staff Report

Agenda Item

Case No. Z-18047

Stapleton Property

Rezone RA, Rural Agricultural District to RR, Rural District

January 15, 2019

Subject Property Information

Planning District: 15
General Location: North side of County Road 64, east of Pursley Road
Physical Address: 13045 County Road 64, Loxley
Parcel Number: 05-42-04-17-0-000-001.002
Existing Zoning: RA, Rural Agricultural District
Proposed Zoning: RR, Rural District
Existing Land Use: Commercial (Commercial kitchen/catering service)
Proposed Land Use: Commercial
Acreage: 6 acres, more or less
Applicant: Clifford D. Stapleton
29127 County Road Ext.
Robertsdale, AL 36567
Owner: Same
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Agricultural	RA, Rural Agricultural
South	Agricultural/Forested Timberland	RA, Rural Agricultural
East	Residential	RA, Rural Agricultural
West	Agricultural/Residential	RA, Rural Agricultural

Summary

The subject property, which consists of 6 acres, is currently zoned RA, Rural Agriculture District. The designation of RR, Rural District, has been requested in order to be consistent with the existing use (commercial kitchen/catering service) and to accommodate potential commercial uses. The catering service has been located at the subject property for more than 20 years. The case was considered and recommended for approval by the Planning Commission on November 1, 2018, but was returned by the County Commission in order to allow for new advertising consistent with the RR designation.

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:

- (a) The following general commercial uses: recreational vehicle park (see *Section 13.9: Recreational Vehicle Parks*).
- (b) The following local commercial uses: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

3.2.4 *Conditional uses.* 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 conditional uses:

- (a) Transportation, communication, and utility uses not permitted by right.
- (b) Institutional uses not permitted by right.

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 18.6 Variances, and Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
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 3.1 RR, Rural District (Recommended)

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; child care center; child care 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:

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

3.1.4 *Conditional use.* 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 conditional uses:

Transportation, communication, and utility uses not permitted by right.

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 18.6 Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
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

Agency Comments

Baldwin County Highway Department:

Seth Peterson – No comments.

ADEM: No comments received.

Municipality (Town of Loxley): No comments received.

Staff Analysis and Findings

The following factors for reviewing zoning amendments are found in Section 19.6 of the *Baldwin County Zoning Ordinance*. These factors are to be considered when an application is being reviewed for rezoning.

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

The subject property is currently occupied with a commercial building and accessory structure. The property adjoins County Road 64 to the south. The adjoining properties are residential, forested timberland, and agricultural.

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 zoning for Planning District 15 was approved by the Baldwin County Commission on August 1, 2006. There have been no changes which would affect the subject property.

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

The Baldwin County Master Plan, 2013, provides a future land use designation of Agricultural for the subject property. Approval of the rezoning will result in an amendment of the Future Land Use Map to commercial.

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

No conflicts.

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

No adverse impacts. In the event of new construction, access will be coordinated with the Baldwin County Highway Department.

6.) Is the proposed amendment consistent with the development patterns in the area and appropriate for orderly development of the community? The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.

See response to Standard Number 1.

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

The adjacent parcels are zoned RA. There are no parcels which are zoned RR in the immediate vicinity. Staff is recommending RR in order to maintain some consistency with the surrounding RA parcels. A parcel located to the east, at the intersection of County Road 64 and County Road 66 N, is zoned B-3, General Business District.

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

Timing is not a factor.

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

There are no environmental issues or historic resources which would be impacted by this rezoning.

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

Staff anticipates no adverse impacts.

11.) Other matters which may be appropriate.

The catering service was established prior to the adoption of zoning. Staff is unsure as to why the property was not zoned in a manner to reflect the existing use.

Staff Comments and Recommendation

As stated previously, the subject property, which consists of approximately 6 acres, is currently zoned RA, Rural Agriculture District. The designation of RR, Rural District, has been requested. The first and foremost reason for this application is to achieve zoning which is consistent with the current existing use. In addition, the applicant has stated that he has two offers on the property pending approval of the rezoning. B-4 was originally advertised in order to make sure that all potential bases were covered. In researching the application and discussing it with the applicant, however, staff determined that RR, Rural District would be a better option. RR is primarily oriented towards rural and residential uses, and would therefore be more consistent with the surrounding RA properties. At the same time, a number of commercial uses, including catering, would be allowed by right. Other commercial uses could be accommodated through either the Conditional Use or Special Exception processes. These would require public hearings before the Planning Commission or Board of Adjustment depending on the respective application. This case was originally considered by the Planning Commission on November 1, 2018, and the RR designation was recommended for approval at the time. However, it has been returned by the County Commission for new advertising consistent with RR.

With the above comments in mind, staff again recommends **APPROVAL** of RR, Rural District, to the County Commission. * The Planning Commission should base its decision on the information obtained at the public hearing.

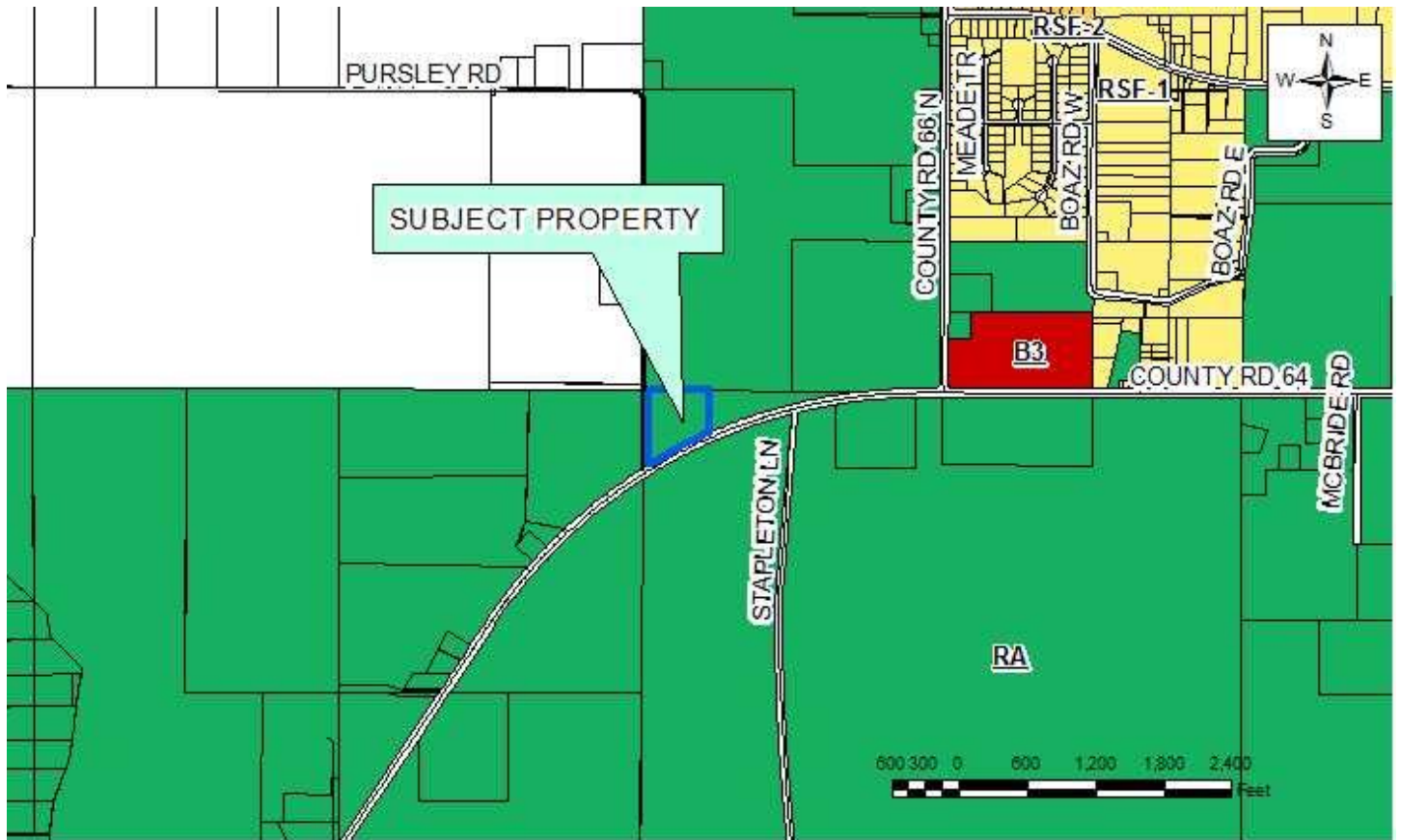
**On rezoning applications, the County Commission will have the final vote.*

Property Images





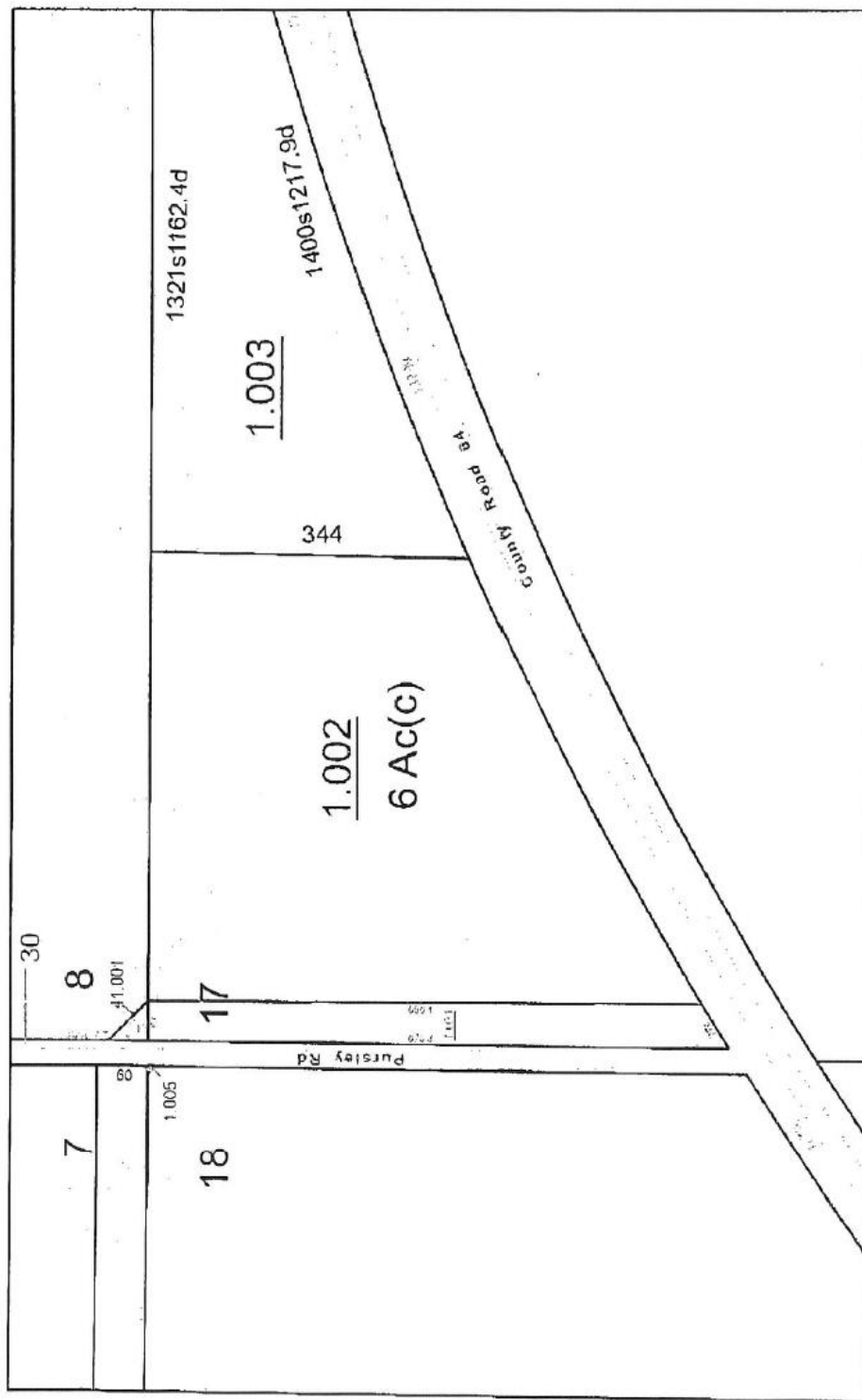
Locator Map



Site Map

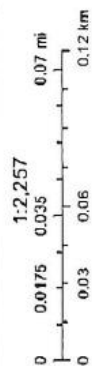


Viewer Map



September 14, 2018

- ☐ Misc
- ☐ County Boundary
- ☐ Parcels
- ☐ Lot Lines



KCS
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,

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