



Baldwin County Planning & Zoning Department

Baldwin County Commission Staff Report

Agenda Item

Case No. Z-20008

Lambert Ventures LLC Property

Rezone RSF-2, Single Family, to RA, Rural Agricultural District

August 4, 2020

Subject Property Information

Planning District: 28
General Location: South of Hwy 90
Physical Address: N/A
Parcel Number: 05-32-07-36-0-000-001.015
05-32-07-36-0-000-001.002
05-32-07-36-0-000-001.016
Existing Zoning: RSF-2, Single Family District
Proposed Zoning: RA, Rural Agricultural District
Existing Land Use: Undeveloped
Proposed Land Use: Landscaping Business
Acreage: 13 acres, more or less
Applicant: Jay Oberkirch
2200 US 98 Suit 4 PMB 103
Daphne, AL 36526
Owners: Lambert Ventures LLC
11623 Halcyon Loop
Daphne, AL 36526
Lead Staff: Celena Boykin, Senior Planner (Presented by Vince Jackson, Planning Director)
Attachments: *Within Report*

Adjacent Land Use		Adjacent Zoning
North	Agricultural	RA, Rural Agricultural
South	Residential	RSF-2, Single Family
East	Residential/Agricultural	RSF-2, Single Family
West	Agricultural	RA, Rural Agricultural
Summary		

The subject property, which encompasses approximately 13 acres, is currently zoned RSF-2, Single Family District and is vacant. According to the information provided, the applicant would like to move his landscaping business to the subject property and therefore requested a rezoning to RA, Rural Agricultural

Section 4.3 RSF-2, Single Family District

4.3.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a moderate density residential environment consisting of single family homes.

4.3.2 *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.

4.3.3 *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) 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.

4.3.4 *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:

The following local commercial use: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

4.3.5 *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-Feet
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	15,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

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

Agency Comments

Baldwin County Highway Department (Tyler Mitchell): Connection to US 90 would need to be coordinated with ALDOT. There appears to be active use of portions of this property for a power line easement and storm water pond for Bay Branch Estates. Are there easements in these locations? Will these uses remain?

Planning & Zoning/Subdivisions (Mary Booth, Subdivision Coordinator): No comments.

ADEM: No comments received.

ALDOT: No comments received.

City of Daphne (Adrienne Jones, Planning Director): A residential zoning is more palatable than a business zone. Is there a requirement for a buffer along the east side where abutting houses?

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 vacant. The property adjoins State Highway 90 to the north. The adjoining properties are residential and forested timberland.

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 28 was adopted by the Baldwin County on October 13, 1992. This area appears to be relatively stable with few, if any, changes since the adoption of zoning.

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

The Baldwin County Master Plan, 2013, provides a future land use designation of Residential for the subject property. If the rezoning is approved, the Future Land Use Map will be amended to reflect the designation of Agriculture. The future Land Use designation of Agriculture is agriculture, forestry and similar activities are included with this future land use category. Single family dwellings, institutional uses, recreational uses, limited commercial uses which are intended to serve a rural area and transportation, communication and utility uses are also included subject to the requirements found within the Zoning Ordinance. This category is designed to protect the essential open character of rural areas until it is timely to reclassify the land to appropriate residential, commercial or industrial categories. Zoning designations may include RR, CR, RA and RSF-E.

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

Staff is unaware of any planned public improvements which would be impacted by this request.

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

Per the Federal Highway Administration the functional classification of US 90 is minor arterial. Arterials provide a high level of mobility and a greater degree of access control. This business should not have much impact on traffic patterns or congestion. Access to this site from US 90 would require approval from ALDOT.

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. Also as stated above, this area appears to be relatively stable with few, if any, changes since the adoption of zoning.

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

RA zoning is located adjacent to the west and north of the subject property.

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

Timing is not a factor. There appears to be no significant development trends in this area.

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 environmental conditions or historic resources which would be adversely impacted by this request.

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

If the rezoning is approved and the property is developed, the impact should not be significant. Access to this site would require approval from ALDOT.

Development of the property will be considered as a major project. Prior to the issuance of a Land Use Certificate, staff will evaluate all submitted materials, including building plans, drainage plans, landscaping plans and site plans in order to ensure complete compliance with the requirements of the zoning ordinance. Required landscaped buffers will help to mitigate the potential for adverse impacts.

11.) Other matters which may be appropriate.

N/A

Staff Comments and Recommendation

As stated above, the subject property, which encompasses approximately 13 acres, is currently zoned RSF-2, Single Family District and is vacant. According to the information provided, the applicant would like to move his landscaping business to the subject property and therefore requested a rezoning to RA, Rural Agricultural.

Unless information to the contrary is revealed at the public hearing, staff feels this rezoning application should be **APPROVED**. *

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

[illegible]

Property Images





Locator Map



Site Map

