



Baldwin County Planning & Zoning Department

Baldwin County Commission Staff Report

Agenda Item

Case No. Z-21028

Weaver Property

Rezone RA, Rural Agricultural District to RR, Rural District

September 21, 2021

Subject Property Information

Planning District: 22
General Location: South side of Kichler Circle North west of County Road 83
Physical Address: 24488 Kichler Circle North
Parcel Number: 05-53-04-18-0-000-011.001
Existing Zoning: RA, Rural Agricultural District
Proposed Zoning: RR, Rural District
Existing Land Use: Residential and Accessory Structures
Proposed Land Use: Auto Repair Shop and Small Auto Sales Business
Acreage: 4.70± acres
Applicant: Christina and Fontavian Weaver
24488 Kichler Circle North
Elberta, AL 36530
Owner: Christina and Fontavian Weaver
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RA, Rural Agricultural District
South	Agricultural	RA, Rural Agricultural District
East	Agricultural	RA, Rural Agricultural District
West	Residential	RA, Rural Agricultural District

Summary

The subject property is currently zoned RA, Rural Agricultural District, and is currently occupied with a single-family dwelling and accessory structures. The property adjoins Kichler Circle North to the south. The adjoining properties are residential, and agricultural. The requested zoning designation is RR, Rural District. According to the applicant, the purpose of this request is to allow for an existing accessory structure to be used for auto repair and to allow for a small auto sales business. If the rezoning request is approved, the applicant will need approval of a Special Exception to allow the proposed uses.

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

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:

From: Alfreda Jeffords <Weesie.Jeffords@baldwincountyal.gov>

Sent: Wednesday, July 21, 2021 1:51 PM

To: D Hart <DHart@baldwincountyal.gov>

Cc: Joey Nunnally <JNunnally@baldwincountyal.gov>; Frank Lundy <FLundy@baldwincountyal.gov>; Buford King <Buford.King@baldwincountyal.gov>; Mary Booth <MBOOTH@baldwincountyal.gov>; Tyler W. Mitchell <TMITCHELL@baldwincountyal.gov>

Subject: RE: Z-21028 Weaver Property

DJ,

I have the following comments for the proposed rezoning:

1. The existing connections would need to be upgraded to comply with the commercial turnout permit requirements to provide access to business usage. One entrance currently is used for residential access to the home and a second appears to be used for light agricultural purposes.
2. Any additional commercial development/building on the site would need to be reviewed for stormwater compliance.
3. Kichler Cir N traffic is low volume with a 2019 traffic count ADT of under 200 vehicles per day. The roadway functional classification is local.

Thanks,
Weesie

US Army Corp of Engineers:

From: Buckelew, James E CIV (USA) <James.E.Buckelew@usace.army.mil>

Sent: Wednesday, July 21, 2021 1:20 PM

To: Brown, Scott <jsb@adem.alabama.gov>; D Hart <DHart@baldwincountyal.gov>; Crosson, Steven B CIV USARMY CESAM (USA) <Steven.B.Crosson@usace.army.mil>

Cc: Smith, Katie M <katiem.smith@adem.alabama.gov>; Mickle, Sarila A <sarila.mickle@adem.alabama.gov>; Rainey, Mark <mark.rainey@adem.alabama.gov>; Nitz, Autumn <autumn.nitz@adem.alabama.gov>; Collins, Roy <RHC@adem.alabama.gov>

Subject: RE: **Z-21028** and Z-21027

Neither of these sites appear to have any wetlands based upon a review of recent aerial photographs. However, a site inspection requested by the property owner would be required for a definitive assessment.

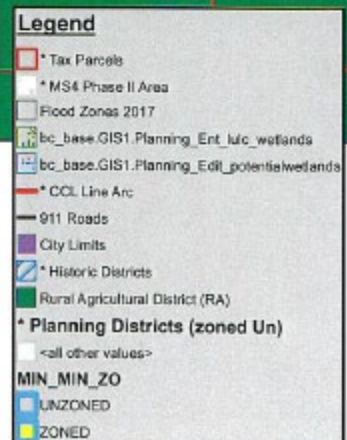
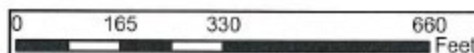
This response is based upon a review of available on-line data and should in no way be considered an official wetland jurisdictional determination for either of these lots.

James "Eric" Buckelew
Senior Project Manager
CESAM-RD

Site Map



The information contained in this representation of digital data distributed by the Baldwin County Commission's Planning and Zoning Department is derived from a variety of public and private sources and is considered to be dependable. However, the accuracy, completeness, and currency thereof are not guaranteed. The Baldwin County Commission makes no warranties, expressed or implied, as to the accuracy, completeness, currency, reliability, or suitability of information or data contained in or generated from the County Geographic Database for any particular purpose. Additionally, the Baldwin County Commission or any agent, servant, or employee thereof assume no liability associated with the use of this data, and assume no responsibility to maintain it in any matter or form. For more information concerning this map call 251.580.1655.



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 zoned RA, Rural Agricultural District, and is occupied with a single-family dwelling and accessory structures. The adjacent properties are zoned RA. The adjacent uses are residential, and agricultural. The requested change is a rural designation which allows the proposed auto repair and auto sales with Special Exception approval from the Board of Adjustment.

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?

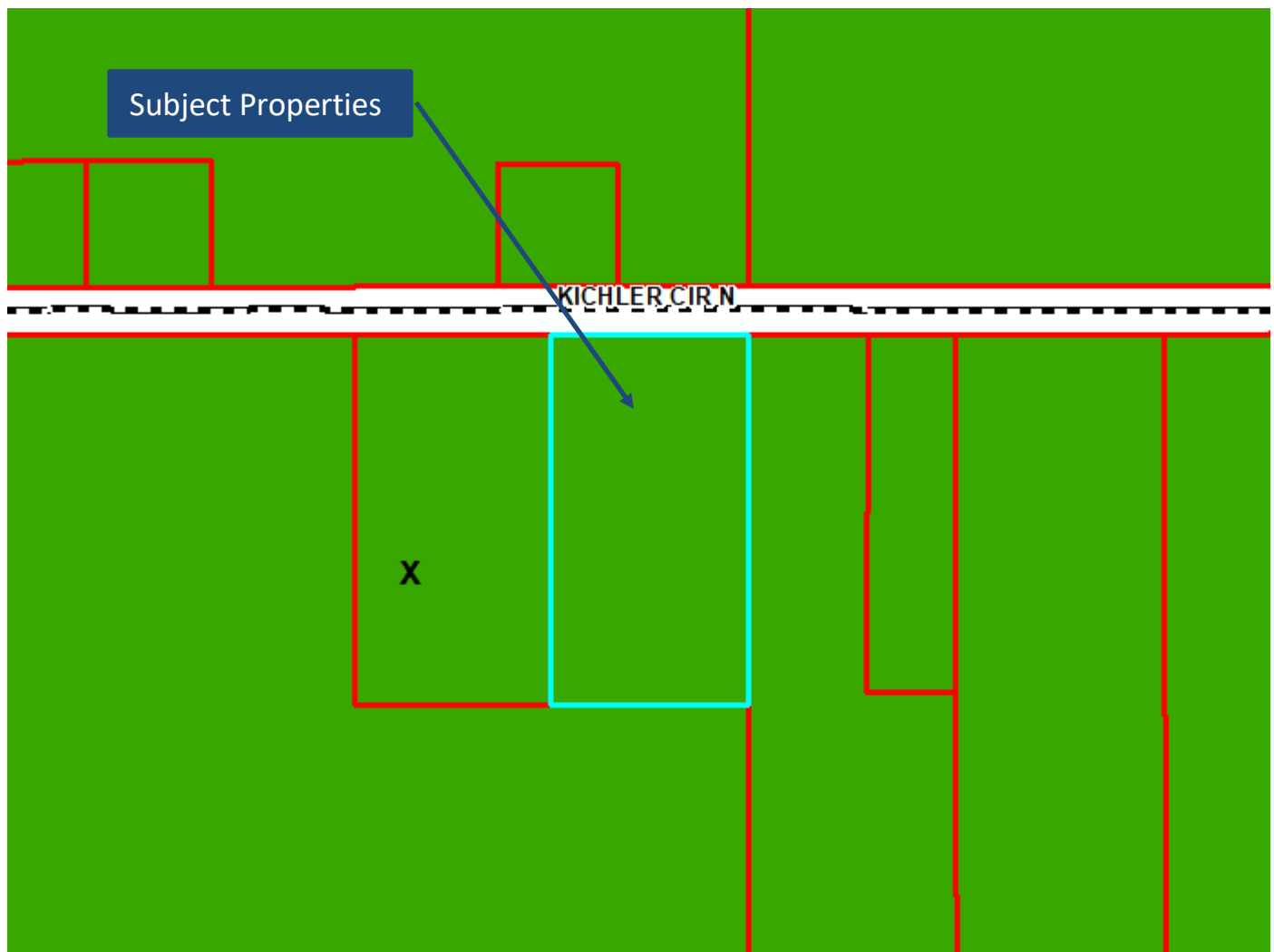
Planning District 22 zoning map was adopted in November 2002. The subject property was zoned RA, Rural Agricultural District at that time. The zoning designations in this area have mostly remained RA since zoning was implemented with a few automatic re-zonings to RSF-1.

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

The Baldwin County Master Plan, 2013, provides future land use designations for properties located within the zoned areas of the County. These categories represent the recommendations for the physical development of the unincorporated areas of the County. They are intended for planning purposes only and do not represent the adoption of zoning designations for areas which have not voted their desire to come under the zoning authority of the Baldwin County Commission. Although not legally binding, the future land use designations are evaluated in conjunction with criteria found in the Baldwin County Zoning Ordinance (Zoning Ordinance), the Baldwin County Subdivision Regulations, the Baldwin County Flood Damage Prevention Ordinance and any other ordinances and regulations which the County Commission may adopt.

The master plan provides a future land use designation of Agricultural for the subject property. 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. Approval of this request will not require an amendment to the Future Land Use Map.

The proposed zoning change conforms to the Master Plan.



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 Kichler Circle N is local road. Locally classified roads account for the largest percentage of all roadways in terms of mileage. They are not intended for use in long distance travel, except at the origin or destination end of the trip, due to their provision of direct access to abutting land. Bus routes generally do not run on Local Roads. They are often designed to discourage through traffic. As public roads, they should be accessible for public use throughout the year. Access to this site would require approval from the Baldwin County Highway Department. Please see comments from 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.

The RR zoning designation allows for residential and agricultural uses which would be consistent with the development patterns in the area and appropriate for orderly development of the community. The proposed uses would be allowed with Special Exception approval from the Board of Adjustment. Elberta Pump Repair is located on the north side of Kichler Circle N, however staff is uncertain as to whether or not commercial activity is performed on site.

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

This area of Planning District 22 consists mostly of rural agricultural zoning districts. Adjacent properties are zoned for agricultural uses. The proposed zoning designation is a rural designation which allows some commercial uses. Therefore, staff believes the proposed rezoning is a logical expansion of adjacent zoning districts.

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

Staff believes that 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?

Staff is unaware of any environmental conditions or historic resources that would be adversely impacted by this request. The Alabama Department of Environmental Management (ADEM) provided no comments. However, automotive workshops carry out a range of activities which can lead to the pollution of waterways. Pollutants such as oil, dust, detergents, sediment, or other substances should not leave the site.

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.

Staff feels that the RR designation is almost like a rural light industrial designation providing significant latitude in use of the property. In comparing the RA and RR designations, professional and local business uses are permitted by right in the RR designations. Most of these uses are not likely to locate in this area. Other more intense uses would require Special Exception or Conditional Use approval to determine if they are appropriate for the area.

Staff is unaware of any opposition to this rezoning request.

Staff Comments and Recommendation

As stated previously, the subject property is currently zoned RA, Rural Agricultural District, and is currently occupied with a single-family dwelling and accessory structures. The property adjoins Kichler Circle North to the south. The adjoining properties are residential, and agricultural. The requested zoning designation is RR, Rural District. According to the applicant, the purpose of this request is to allow for an existing accessory structure to be used for auto repair and to allow for a small auto sales business. If the rezoning request is approved, the applicant will need approval of a Special Exception to allow the proposed uses.

The Baldwin County Planning Commission considered this request at its August 5, 2021 meeting and voted to recommend APPROVAL to the County Commission. Staff concurs with that recommendation.

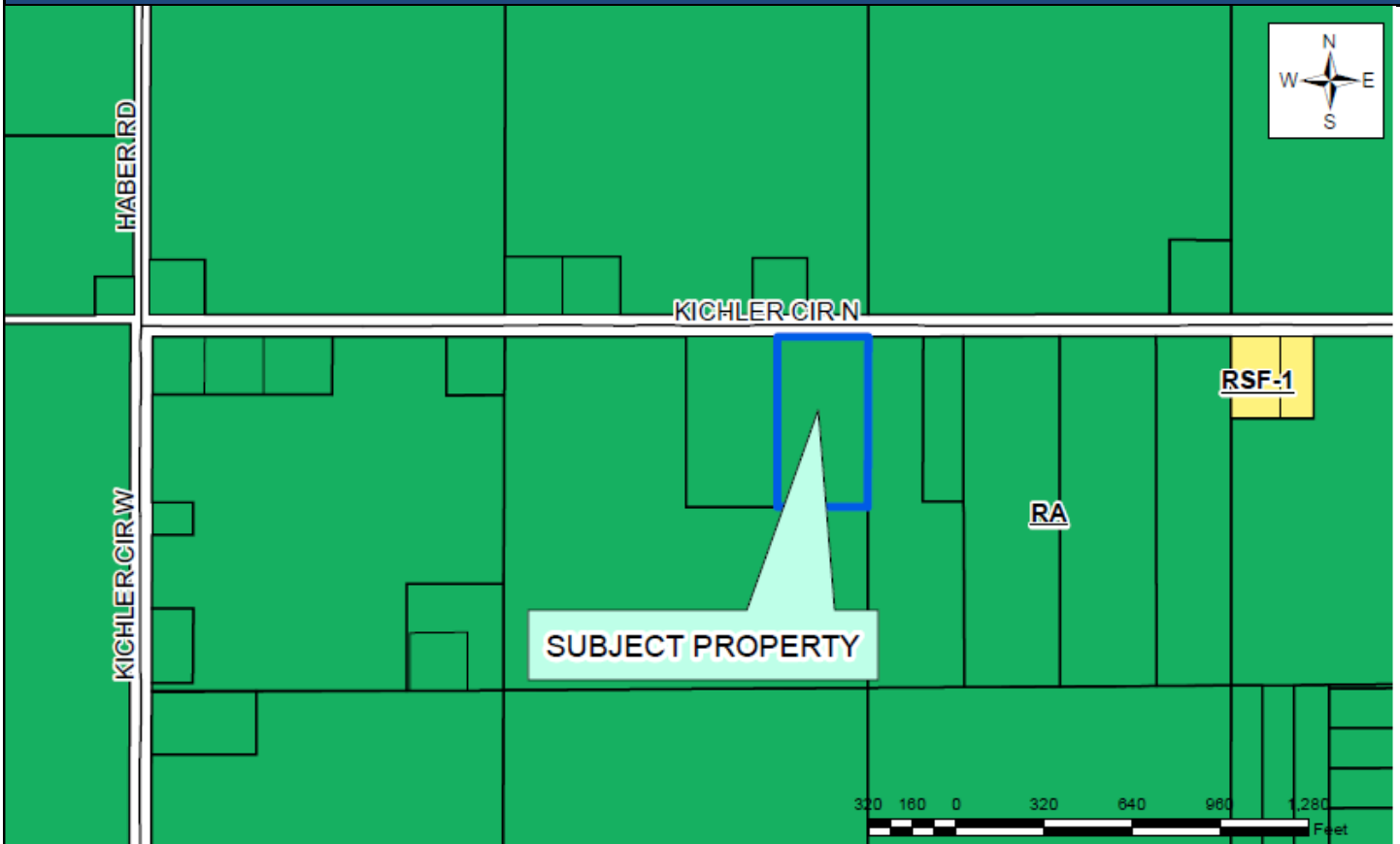
**On rezoning applications, the County Commission will have the final decision.*

Property Images





Locator Map



Site Map

