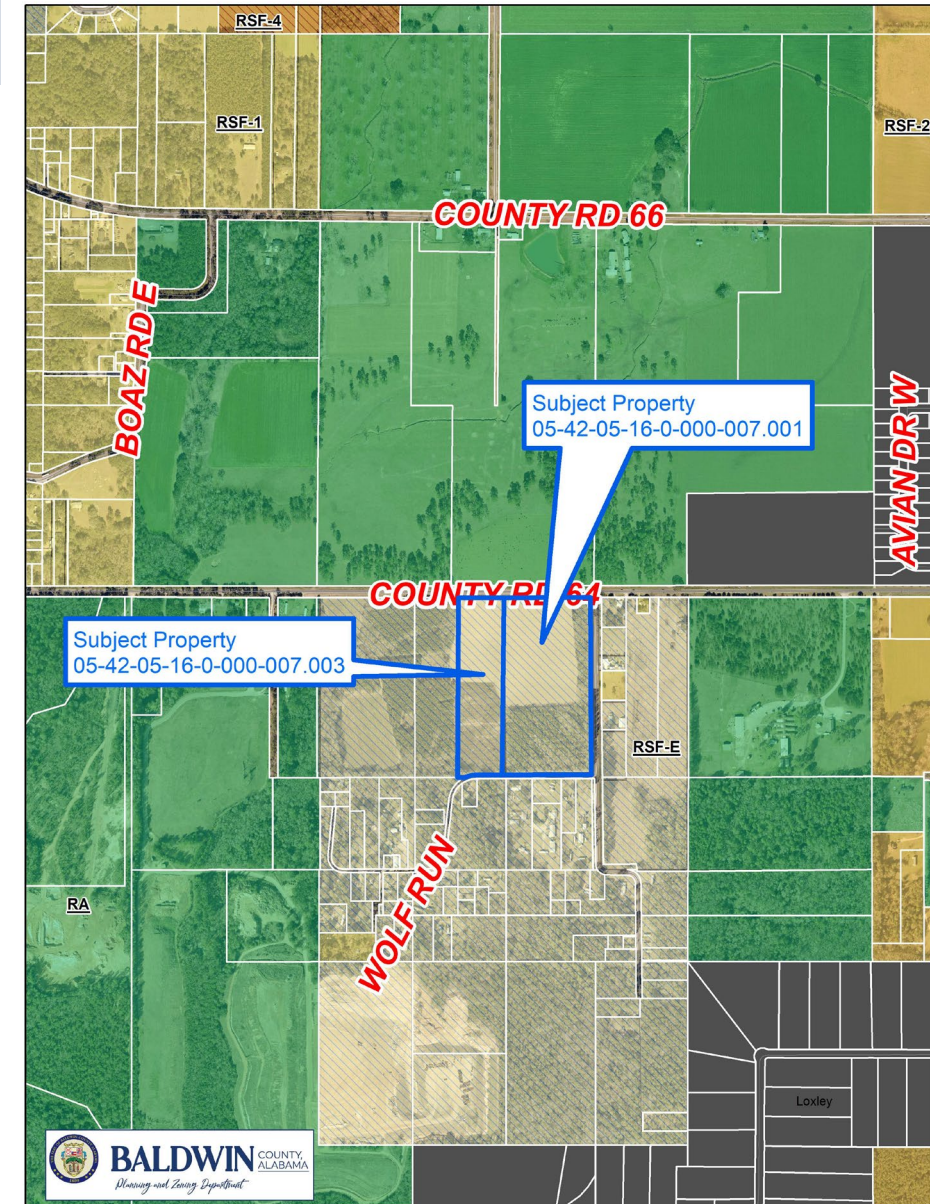


# 7.C) Z-21034 LAZZARI PROPERTY

Lead Staff: Celena Boykin, Senior Planner

## REZONING REQUEST FROM RSF-E TO RA

- **Planning District:** 15    **Zoned:** RSF-E
- **Location:** Subject property is located on the south side of County Rd 64, east of McBride Rd
- **Current Use:** Agriculture
- **Acreage:** 27.66
- **Physical Address:** N/A
- **Applicant:** Smith Clark & Associates LLC
- **Owner:** Jeanne Lazzari

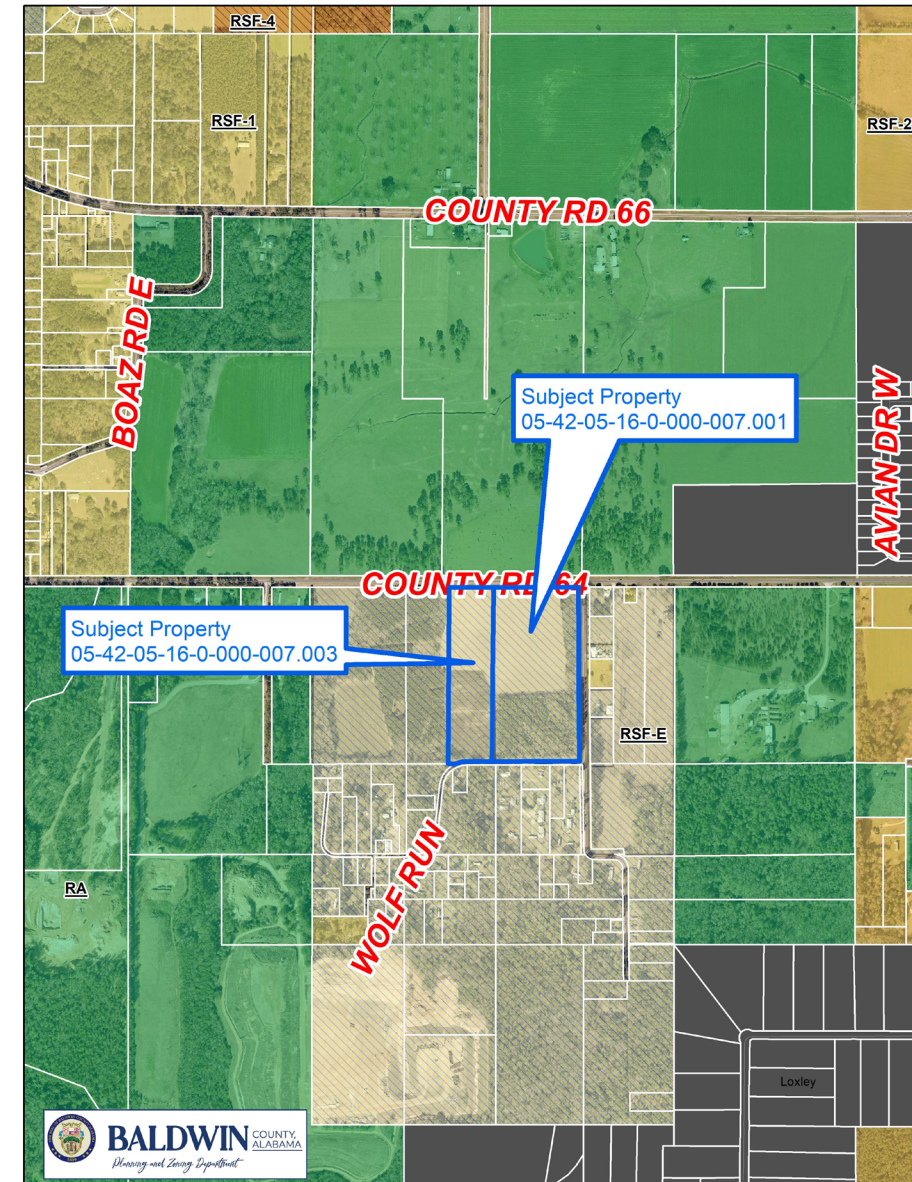


# Z-21034 LAZZARI PROPERTY

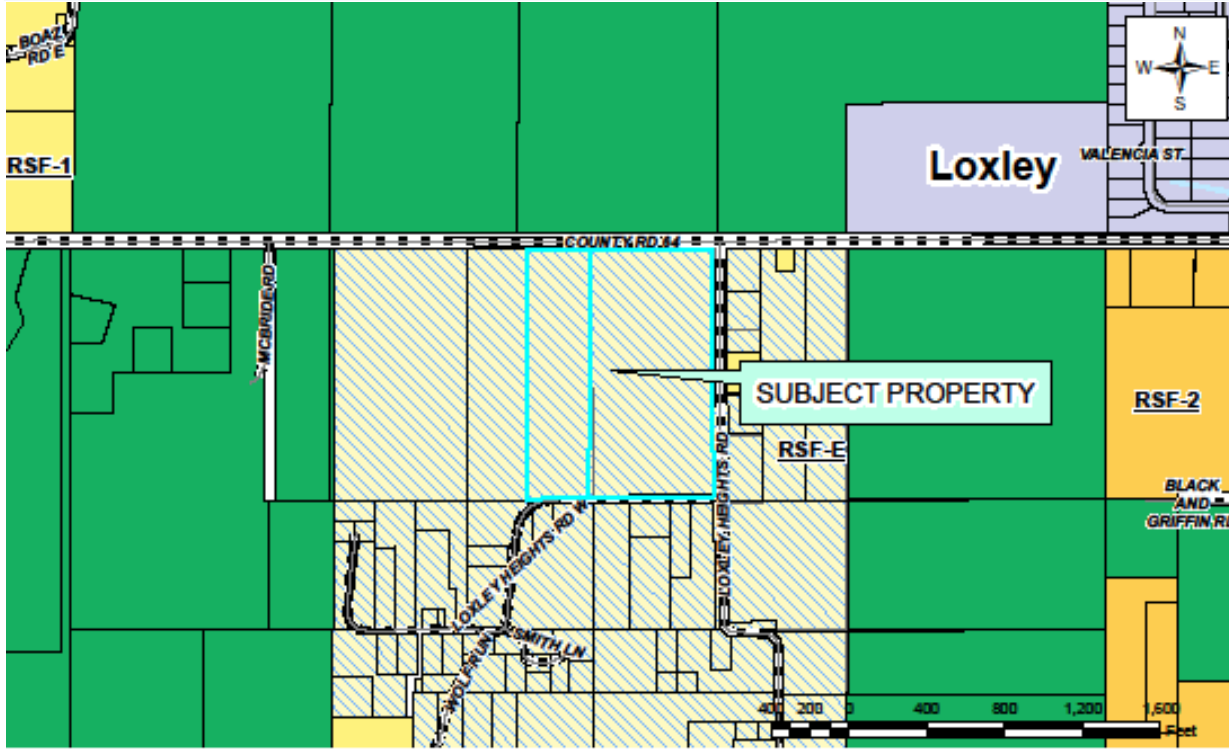
## REZONING REQUEST FROM RSF-E TO RA

Lead Staff: Celena Boykin, Senior Planner

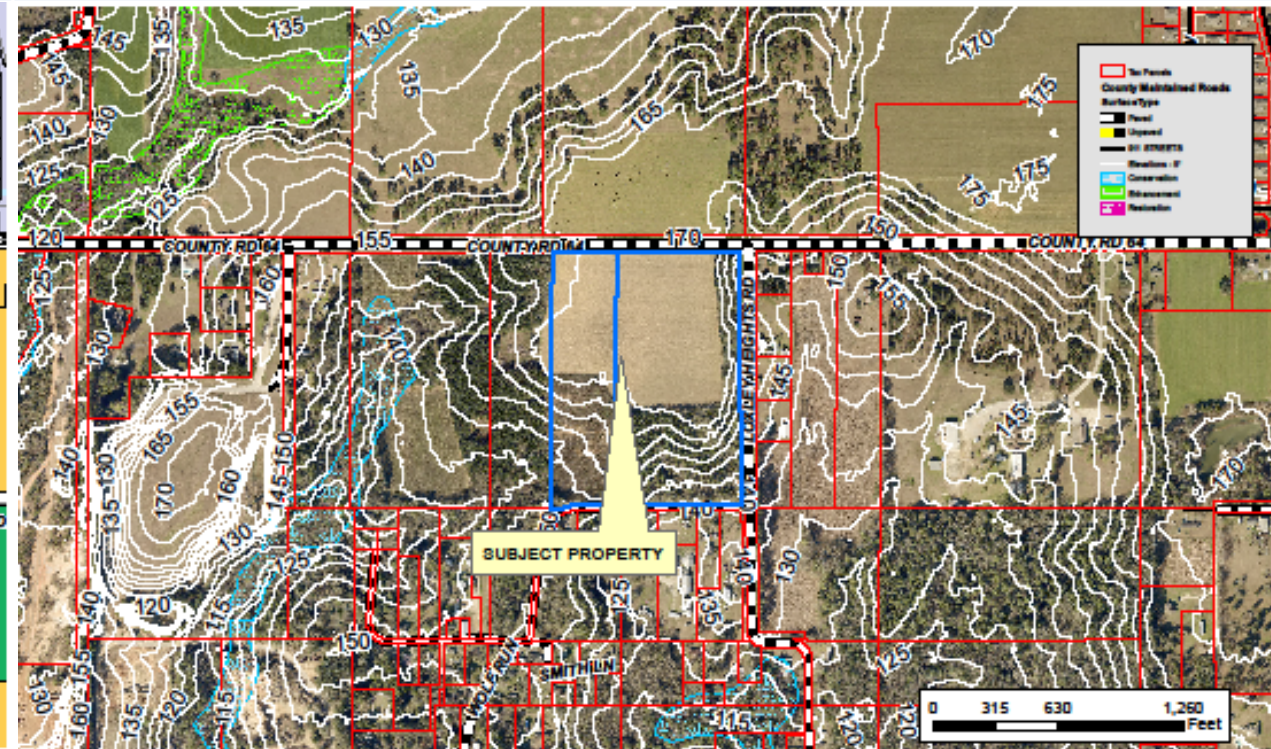
- **Proposed Zoning:** RA, Rural Agriculture
- **Proposed Use:** Open Air Storage Facility
- **Applicant's Request:** The owners would like to develop the property as an open air storage facility.



## Locator Map



## Site Map



### Adjacent Zoning

North

County Rd 64 and RA, Rural Agriculture District

South

RSF-E, Estate Single Family District

East

RSF-E, Estate Single Family District/ Loxley Heights Rd

West

RSF-E, Estate Single Family District

### Adjacent Land Use

Agriculture

Residential

Residential

Timberland

# Property Images



Subject property



Adjoining property to the west



Property across the road to the east



Property across the road to the north

# Current 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 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.

**4.1.4 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:

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

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

Maximum Height of Structure in Feet	35-Feet
Maximum Height in Habitable Stories	2 1/2
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

# Proposed 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:

- (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.

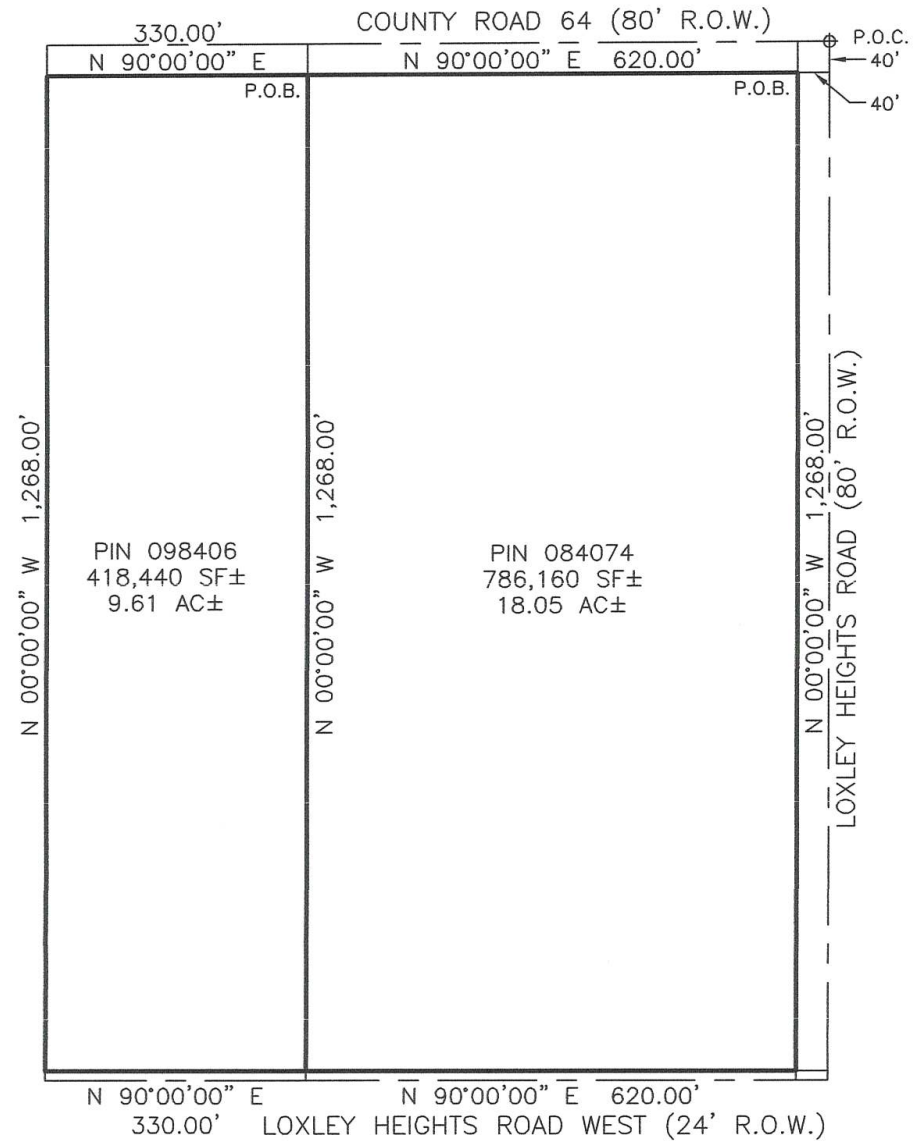
3.2.5 *Area and dimensional ordinances.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.6 Variances*, 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

# Site Plan



# Staff Analysis and Findings

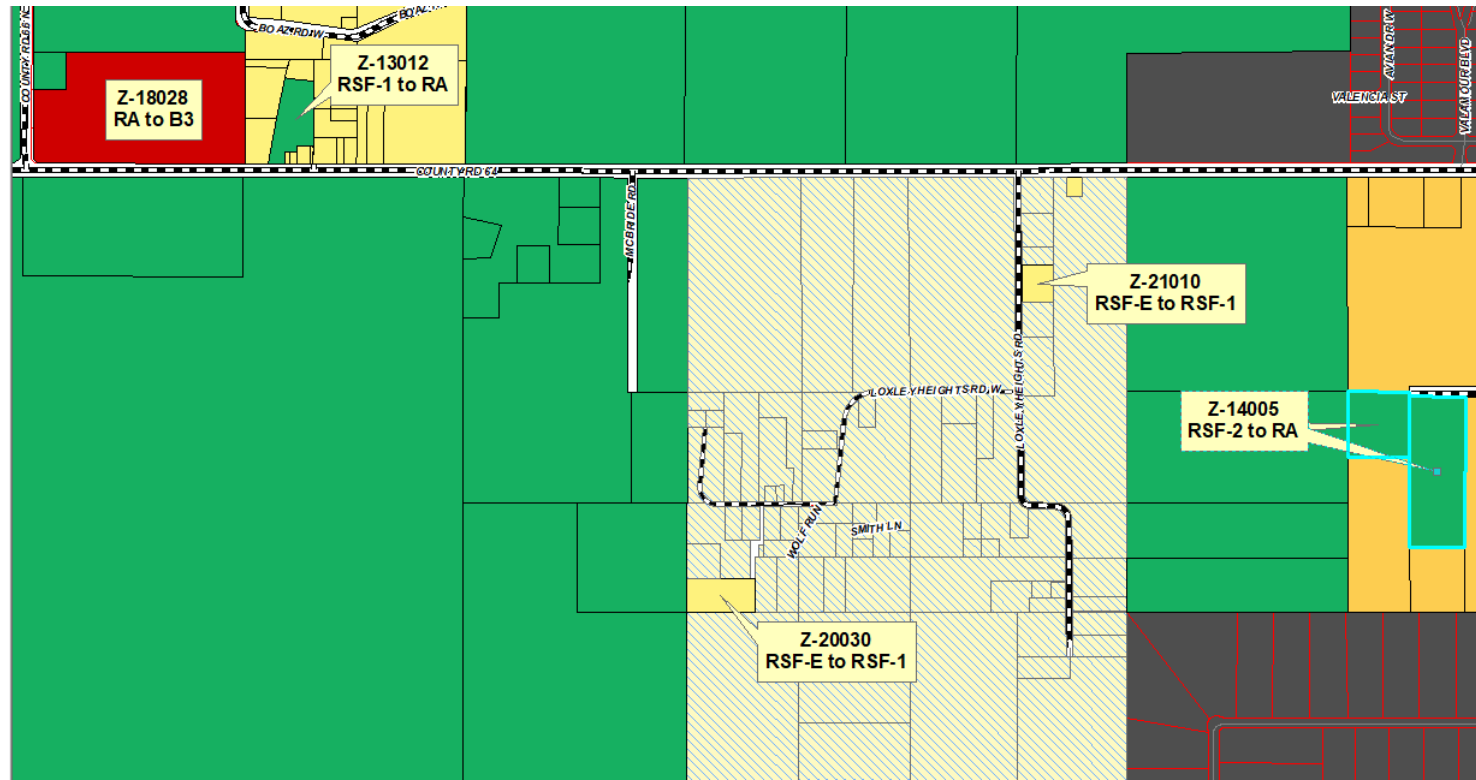
## **1.) Is the requested change compatible with the existing development pattern and the zoning of nearby properties?**

The subject property is currently zoned RSF-E, Residential Single Family Estate District, and is currently farmed. The requested zoning designation is RA, Rural Agricultural District. Most of the surrounding properties are zoned RSF-E and RA and are used for residential and agricultural purposes, therefore the requested change is compatible with the zoning of nearby properties. However, the request to have a commercial use is not compatible with adjacent properties.

# Staff Analysis and Findings

**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 adopted by the County Commission on August 1, 2006. The subject property was zoned RA, Rural Agricultural District at that time. There have been very few rezonings in the area. There has been two automatic rezonings and about a mile to the west of the subject property, 19 acres were rezoned from RA to B3.



# Staff Analysis and Findings

## **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.

A future land use designation of Residential has been provided for the subject property. This category is provided for residential dwelling units including single family dwellings, two family (duplex) dwellings, multiple family dwellings, manufactured homes, manufactured housing parks and Planned Residential Developments. Institutional uses, recreational uses and limited neighborhood commercial uses may be included subject to the provisions of the Zoning Ordinance. To the greatest extent possible, residential areas should be accessible to major thoroughfares connecting with work areas, shopping areas and recreational areas. Zoning designations may include RR, RA, CR, RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RSF-6, RTF-4, RTF-6, RMF-6, RMH and PRD.

Approval of the rezoning will result in an amendment of the Future Land Use Map to agricultural. 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.

## Staff Analysis and Findings

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

Staff is unaware of any planned improvements. The Highway department did state *“The proposed use will require a commercial turnout permit through the Highway Department for access. Drainage for the site will need to be addressed following the County stormwater requirements.”*

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

Per the Federal Highway Administration, the functional classification of County Road 64 is major arterial. Arterials provide a high level of mobility and a greater degree of access control. Access to this site from County Road 64 would require approval from the Baldwin County Highway Department. Please see comments from the Highway Department and comments from applicant.

## Staff Analysis and Findings

**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.**

Most of the surrounding properties are zoned RSF-E and RA and are used for residential and agricultural purposes, therefore the requested change is compatible with the zoning of nearby properties. However, the request to have a commercial use is not compatible with adjacent properties.

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

The proposed amendment is an equivocal expansion of adjacent zoning districts. All the adjacent zoning are RSF-E except for across County Rd 64 there is RA zoning that is used for farming and not commercial.

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

Timing is not a factor with this request.

# Staff Analysis and Findings

## **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.

## **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 applicant will have to come back and get a Commission Site Plan Approval for the storage facility. A 30' landscape buffer would be required and all other design requirements for a storage facility.

# Agency Comments

- **Baldwin County Highway Department – Wessie Jeffords:**

*The proposed use will require a commercial turnout permit through the Highway Department for access. Drainage for the site will need to be addressed following the County stormwater requirements.*

- **Mary Booth, Subdivision Coordinator:** *No comments received.*
- **ADEM, Scott Brown:** *No comments received.*

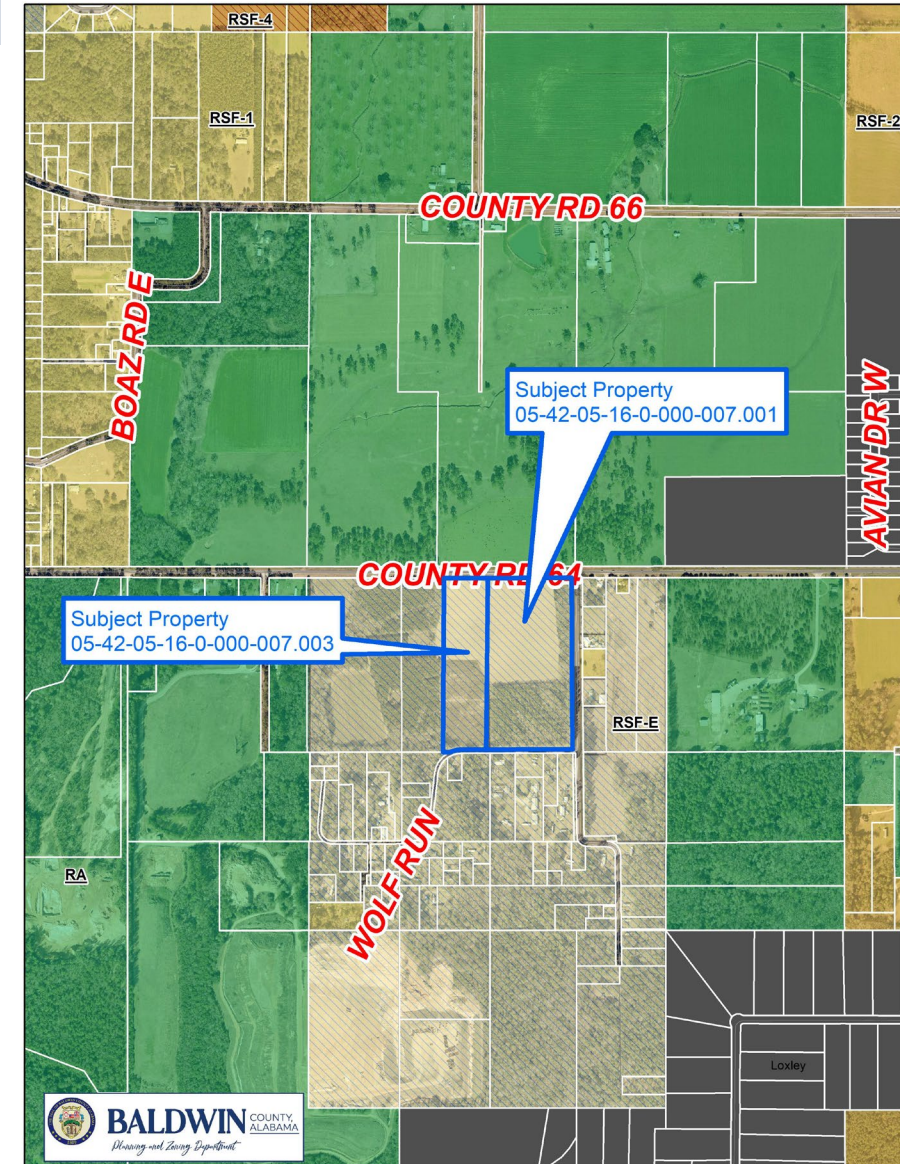
# Z-21034 LAZZARI PROPERTY

## REZONING REQUEST FROM RSF-E TO RA

Lead Staff: Celena Boykin, Senior Planner

- Staff's Summary and Comments:**

As stated previously, the subject property is currently zoned RSF-E, Residential Single Family Estate District, and is currently farmed. The requested zoning designation is RA, Rural Agricultural District. Most of the surrounding properties are zoned RSF-E and RA and are used for residential and agricultural purposes, therefore the requested change is compatible with the zoning of nearby properties. However, the request to have a commercial use is not compatible with adjacent properties.



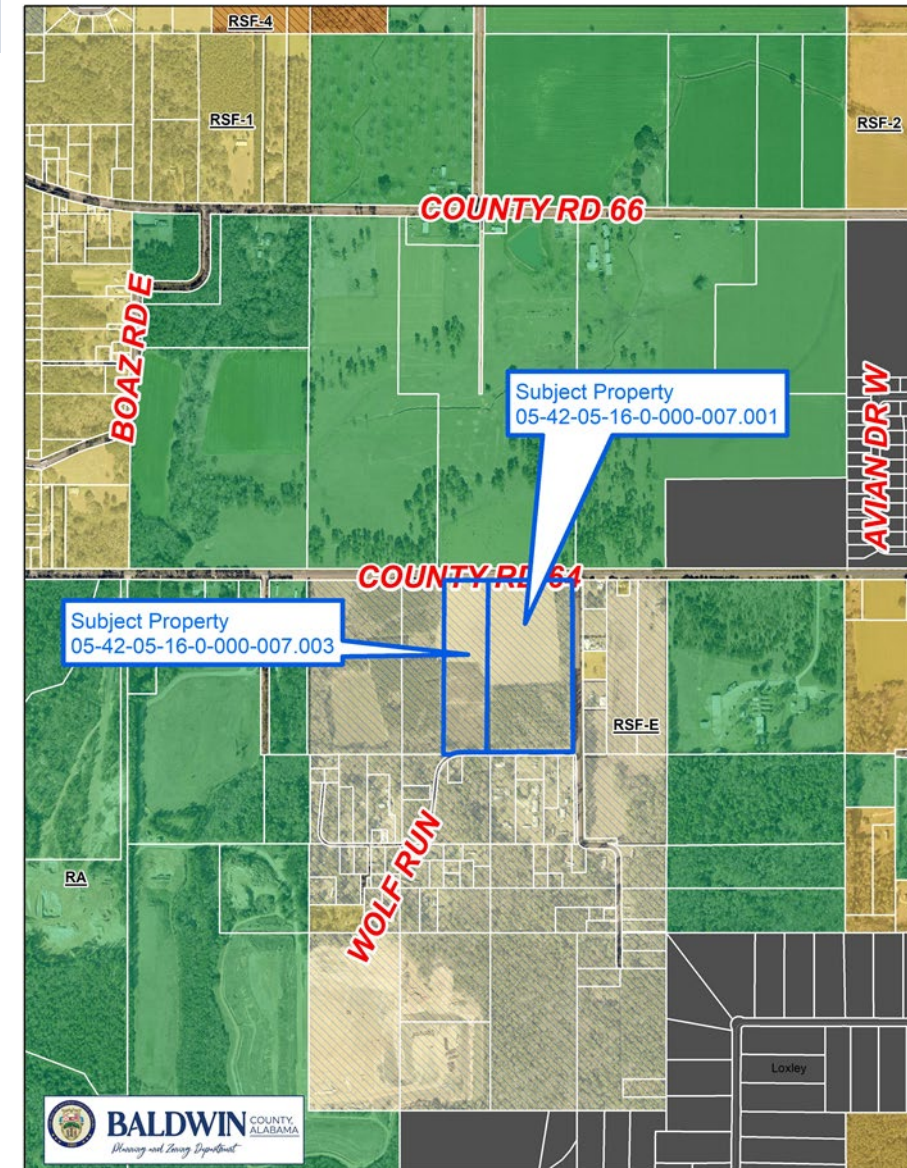
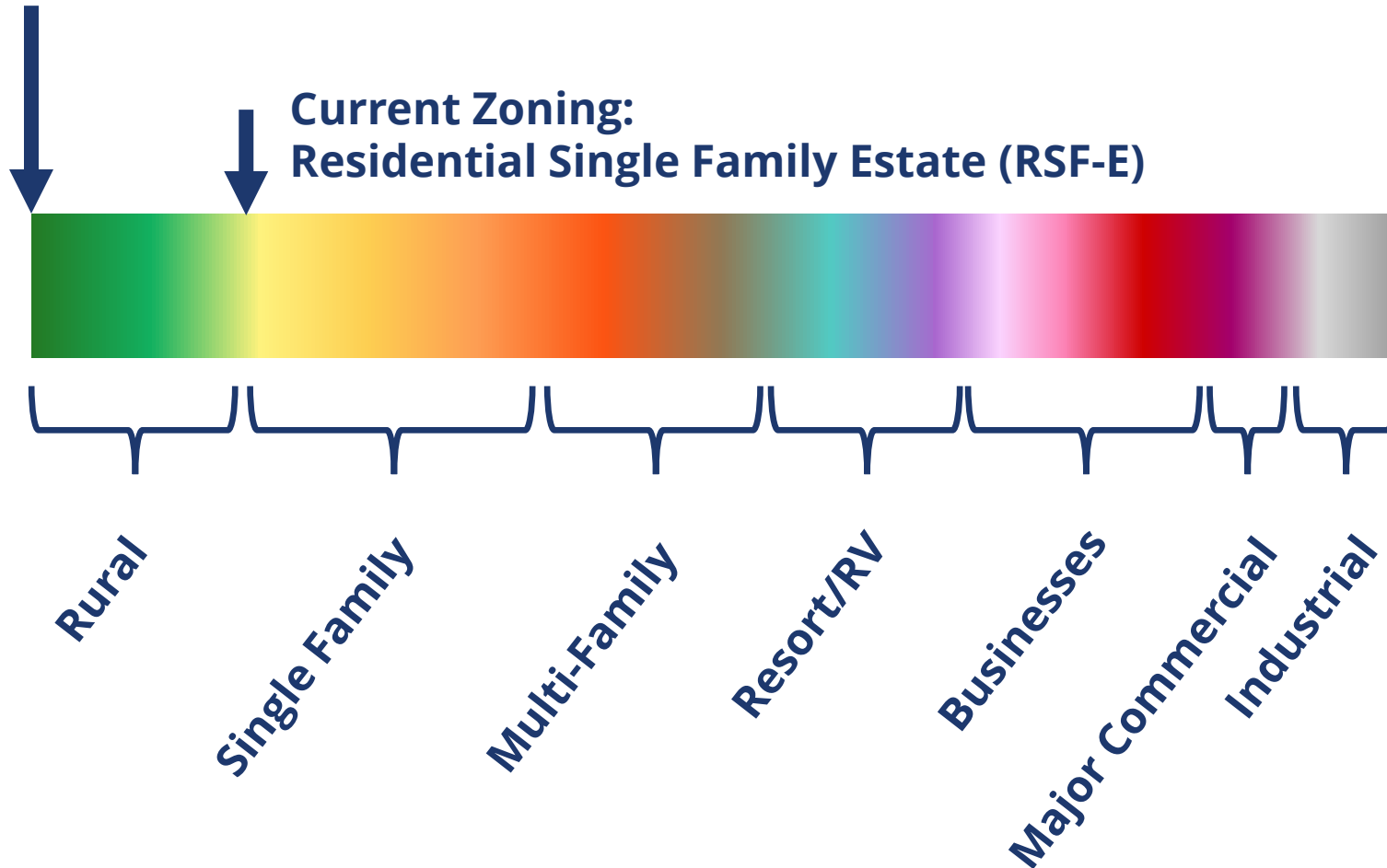
# Z-21034 LAZZARI PROPERTY

REZONING REQUEST FROM **RSF-E** TO **RA**

Lead Staff: Celena Boykin, Senior Planner

Requested Zoning:  
Rural Agriculture (RA)

Current Zoning:  
Residential Single Family Estate (RSF-E)



**From:** [franklm7891@gmail.com](mailto:franklm7891@gmail.com)  
**To:** Planning  
**Cc:** "Yhmed22"; "Shedja Franklin"; [franklin@jenner.com](mailto:franklin@jenner.com)  
**Subject:** Notice of Public Hearing; Case No. Z-21034  
**Date:** Thursday, October 7, 2021 10:43:47 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear Sir/Madam:

I am commenting on behalf of the Franklin family who owns Heir Property adjacent to parcels 05-42-05-16-0-000-007.3 and 05-42-05-16-0-000-007.001 (Notice of Public Hearing request submitted by Smith Clark & Associates LLC on behalf of Jeanne Lazzari, owner of property located on Co Rd 64 in Planning District 15). Ms. Lazzari is requesting approval to rezone 27.66 acres of land from RSF-E-Estate to RA Rural Agricultural District. I understand that as the land is currently zoned, RSF-E, both farm animals and housing structures can be put on the property – the best of both worlds. Therefore, we don't really understand the need for this Smith Clark & Associates LLC rezone request.

While we are told the applicant is not required to give all details, it is our understanding that Ms. Lazzari plans to put an "Open Air Storage Facility" on her property. Whether an Open Air Storage Facility or some other structure(s), if the Baldwin County Planning & Zoning Commission's intent is to provide Public Hearing notices to people living in the bordering community, such notices should be served at least 30 days before the Public Hearing.

The property that we own – next to Co Rd 64 – has been in our family for decades (70+ years). There are many young, close-knit, working-class families living in the Loxley Heights community. Our property and the contiguous community might be impacted, positively or negatively, by any structure that's built on Ms. Lazzari's land. At this point, we are mostly concerned about the short Public Hearing notice (1-week requirement), especially given this Covid era and the fact that over the past year mail delivery has been slowed considerably. Such short notice does not give working-class people time to react/comment.

Please note that the Ms. Lazzari's property is bordered on the west side by a landfill. This landfill was constructed several years ago without the community's input. We oppose the rezoning of Ms. Lazzari's property at this time based on the short notice provided. We want this Public Notice reissued/mailed to adjoining land owners at least 30 days in advance. One (1) week is not much notice. We don't want to be in dark about large or small projects that stand to impact our community.

Thanking you in advance for your time and consideration.

Respectfully,  
M. Leona (Lea) Franklin

Cc: Artie Franklin

**From:** Thomas F  
**To:** Planning; [franklm7891@gmail.com](mailto:franklm7891@gmail.com)  
**Cc:** "Shedja Franklin"; [franklin@jenner.com](mailto:franklin@jenner.com)  
**Subject:** Re: Notice of Public Hearing; Case No. Z-21034  
**Date:** Thursday, October 7, 2021 11:31:15 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Thanks Lea! I concur with the contents of this letter!

Thomas Franklin

On Thursday, October 7, 2021, 10:43:45 AM CDT, [franklm7891@gmail.com](mailto:franklm7891@gmail.com) <[franklm7891@gmail.com](mailto:franklm7891@gmail.com)> wrote:

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Respectfully,  
M. Leona (Lea) Franklin

Cc: Artie Franklin