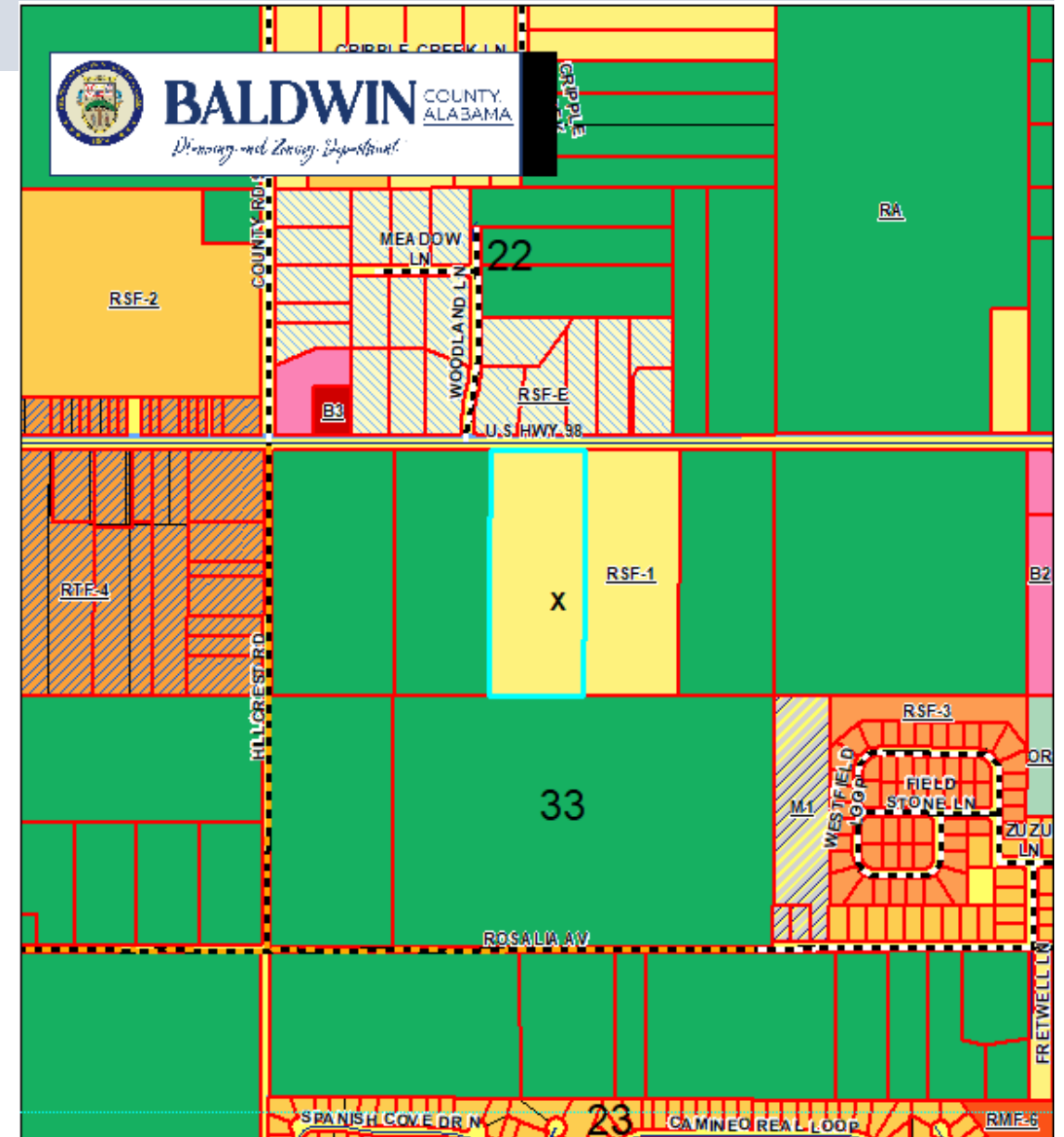


# Z-21033 KITTRELL PROPERTY

Lead Staff: Linda Lee, Planner

## REZONING REQUEST FROM RSF-1 TO RA

- **Planning District:** 33    **Zoned:** RSF-1
- **Location:** Subject property is located on the south side of US Highway 98, east of Hillcrest Road
- **Parcel Number:** 05-52-08-27-0-000-004.000
- **Current Use:** Forested Timberland
- **Acreage:** 14.71
- **Physical Address:** US Highway 98
- **Applicant:** Douglas A. Bailey
- **Owner:** M. A. Kittrell

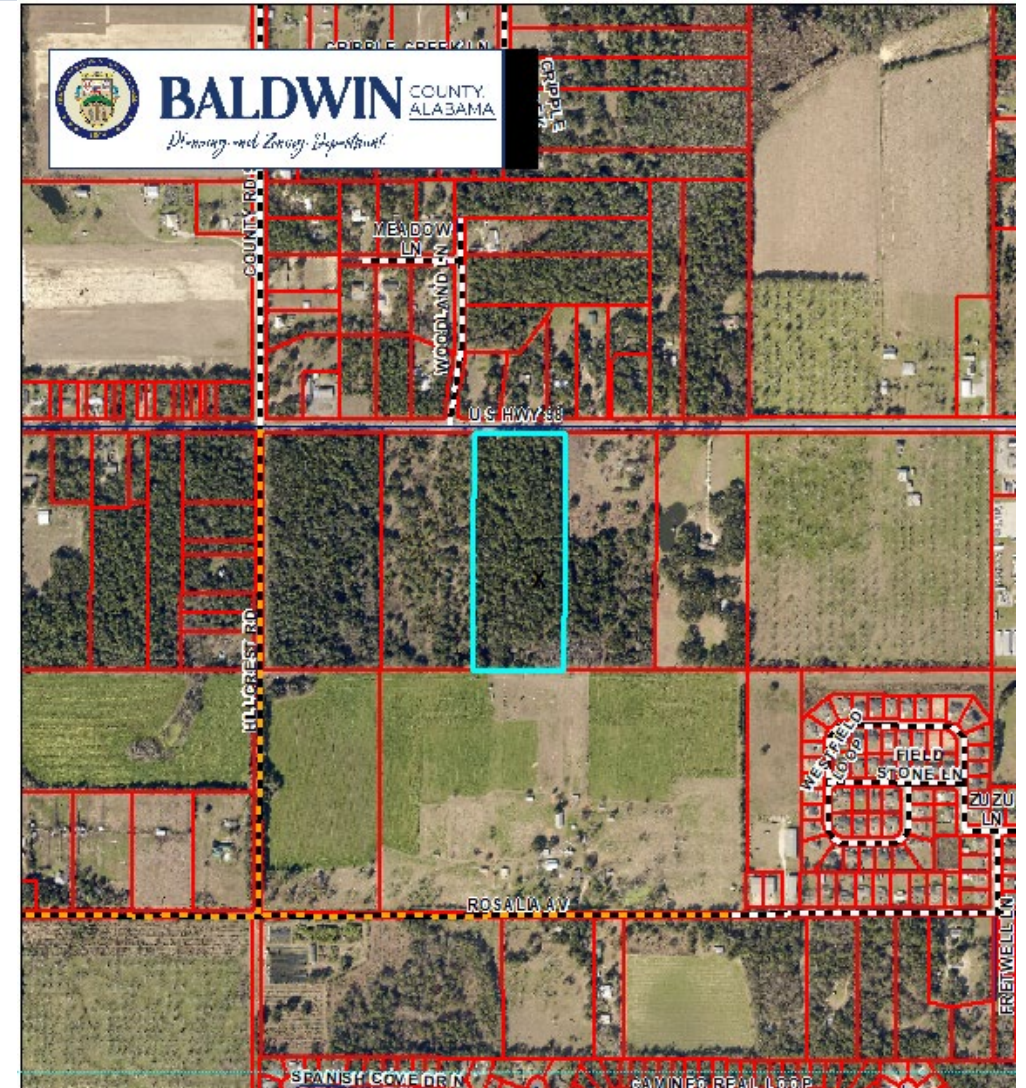


# Z-21033 KITTRELL PROPERTY

Lead Staff: Linda Lee, Planner

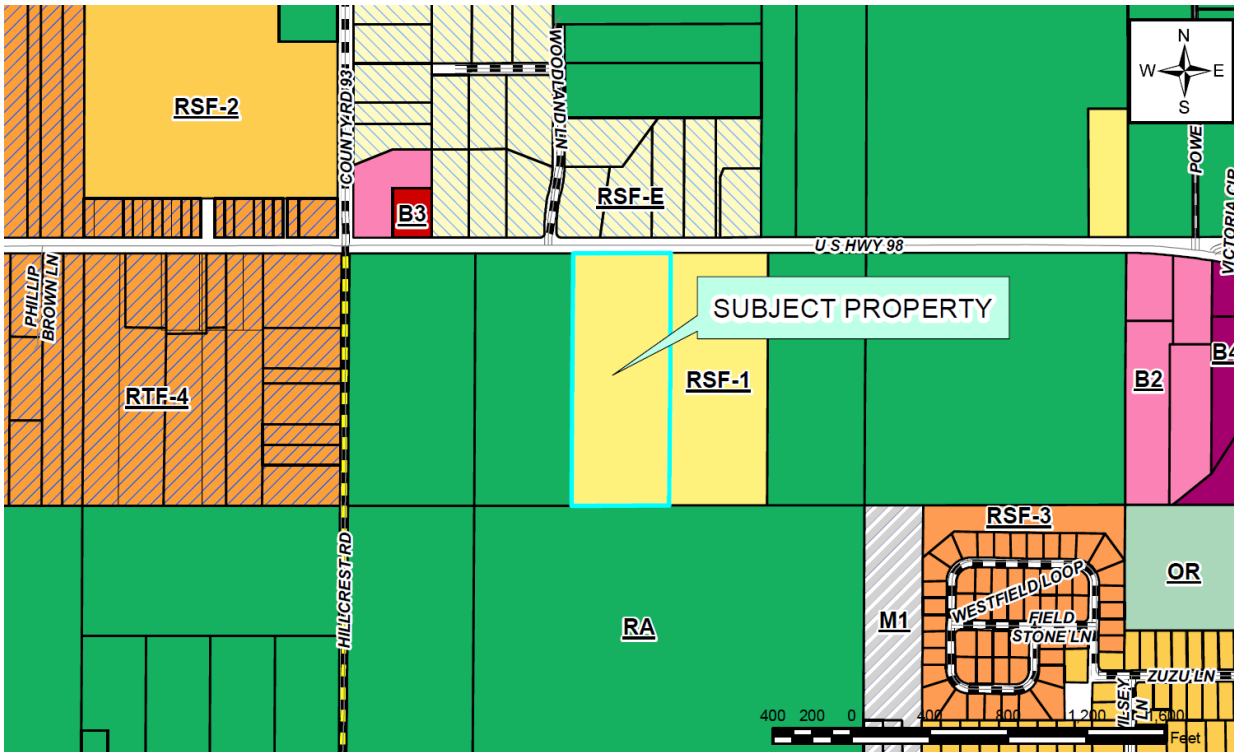
## REZONING REQUEST FROM **RSF-1** TO **RA**

- **Proposed Zoning:** RA, Rural Agriculture
- **Proposed Use:** Uses in compliance with agricultural zoning
- **Applicant's Request:** The owner would like to use the property for agricultural uses

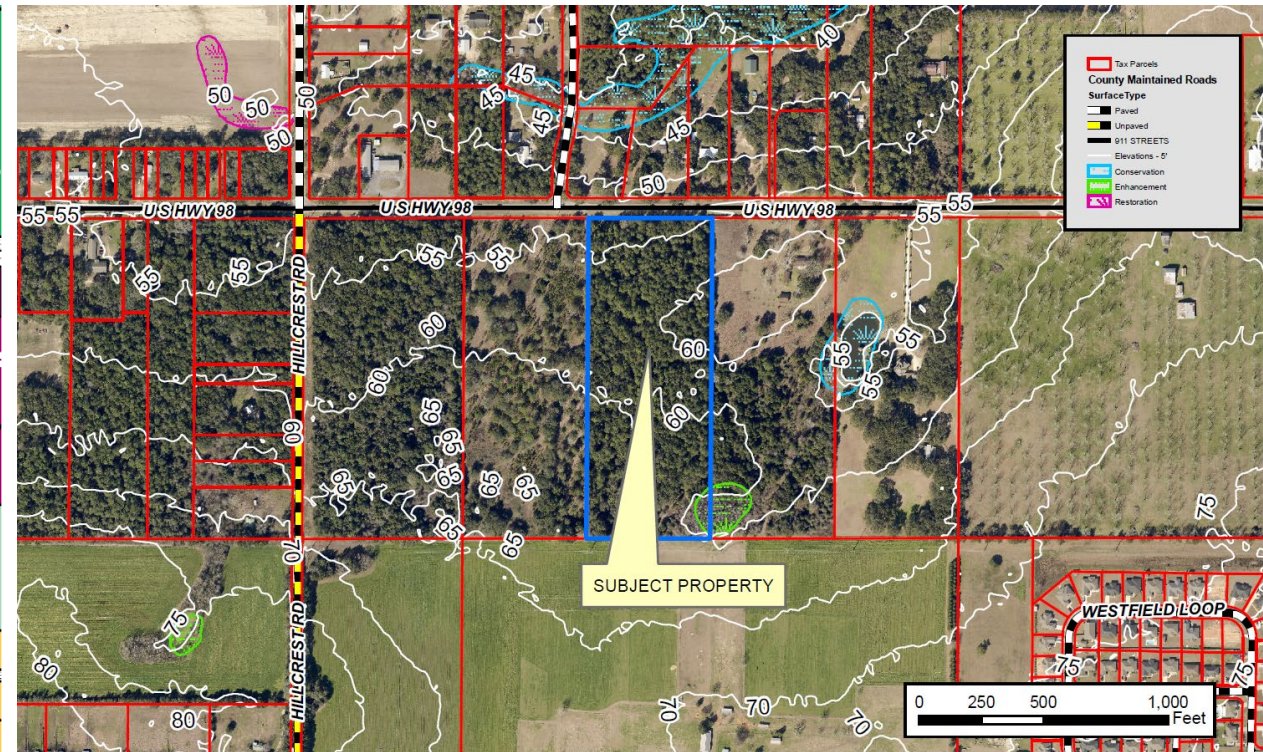




# Locator Map



# Site Map



## Adjacent Zoning

North

RSF-E, Estate Single Family District

South

RA, Rural Agricultural District

East

RSF-1, Single Family District

West

RA, Rural Agricultural District

## Adjacent Land Use

Residential

Agricultural

Residential

Timberland



# Property Images





# 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.

4.2.3 *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 13.11: 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 in Feet	35-Feet
Maximum Height in Habitable Stories	2 1/2
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 3.2 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: Not Applicable

3.2.4 *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) Transportation, communication, and utility uses not permitted by right.
- (b) Institutional uses not permitted by right.
- (c) The following general commercial uses: recreational vehicle park (see *Section 13.9: Recreational Vehicle Parks*).
- (d) The following local commercial uses: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

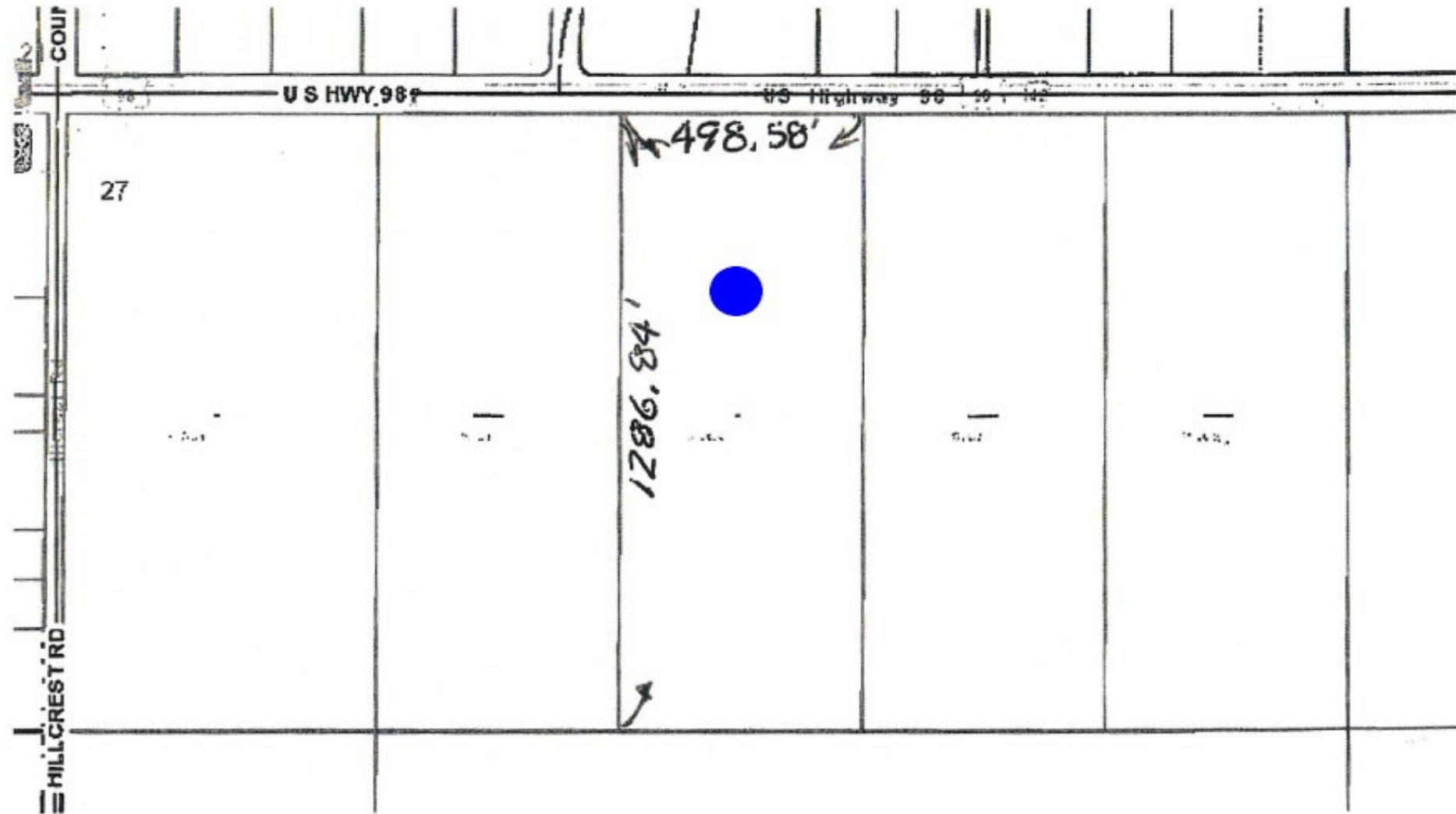
3.2.5 *Area and dimensional ordinances.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.4 Variances*, 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?**

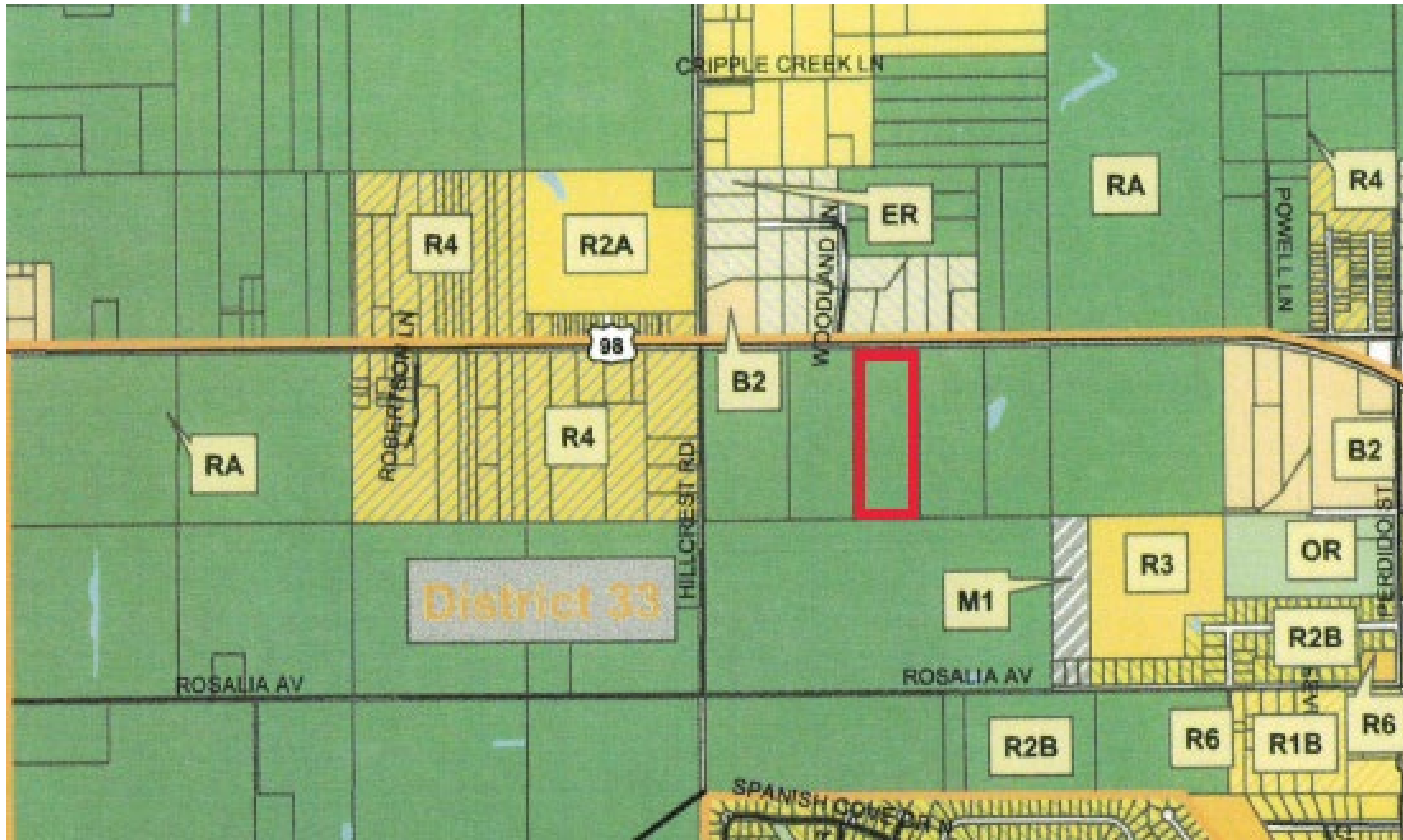
The subject property is currently zoned RSF-1, Single Family District, and is undeveloped. The adjacent properties are zoned RSF-E, and RA. The adjacent uses are residential and timberland. The requested change is a rural designation which allows agricultural uses. Staff believes the requested change is compatible with the existing development pattern and zoning of nearby properties.

## **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 33 zoning map was adopted in August 2002. At that time the property was zoned RA. In 2006 the property owner requested to rezone the property from RA to R3 to allow for a residential subdivision. The County Commission approved a rezoning to R1A. The nomenclature changed in 2009 to RSF-1.



# Planning District 33 Zoning Map – April 2004



# 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.



# Staff Analysis and Findings

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

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.

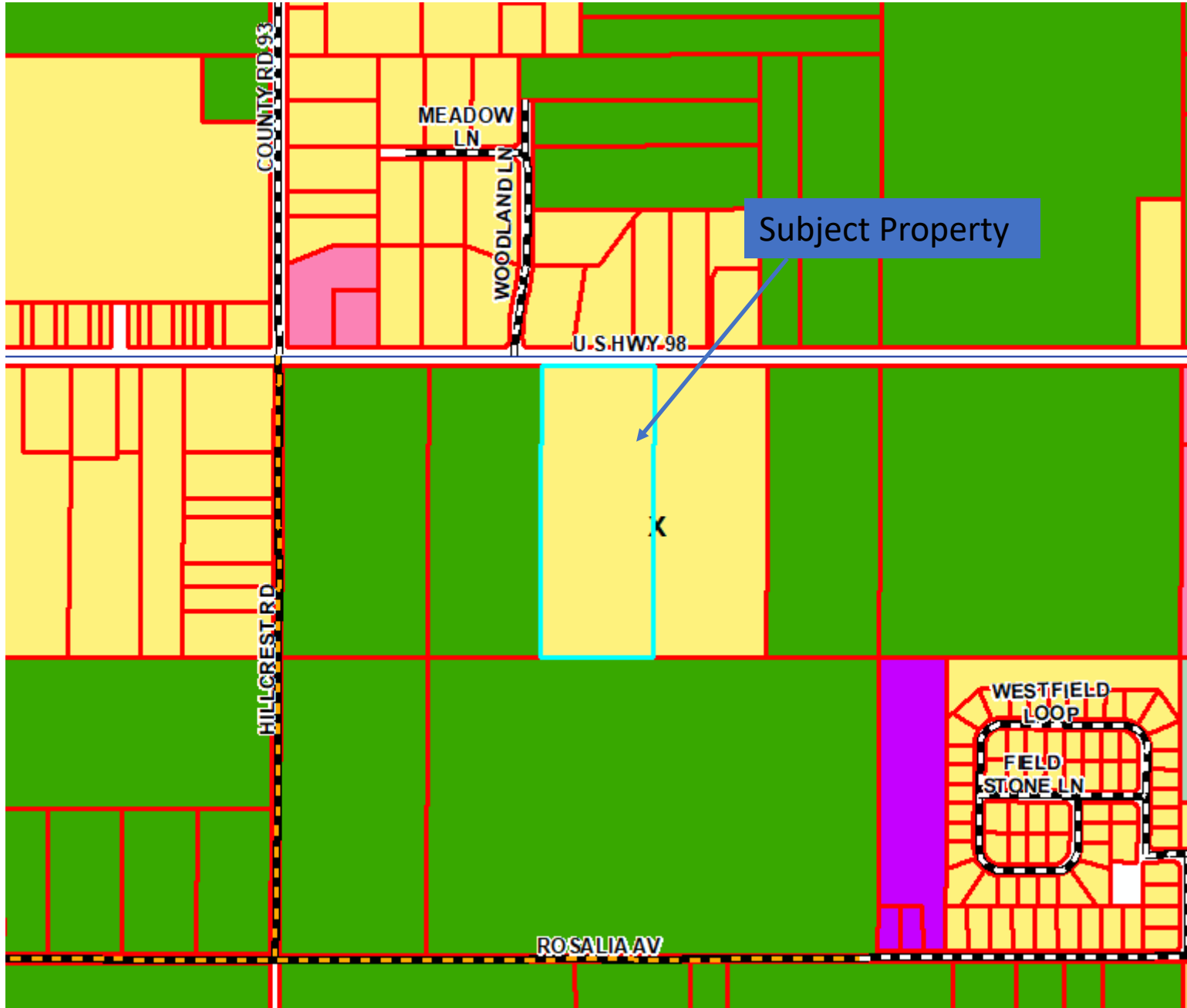
# Staff Analysis and Findings

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

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.



Future Land  
Use Map



# Staff Analysis and Findings

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

Staff is unaware of any planned public improvements. Staff has not received any comments from ALDOT.

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

Per the Federal Highway Administration, the functional classification of US Highway 98 is principal arterial. These roadways serve major centers of metropolitan areas, provide a high degree of mobility and can also provide mobility through rural areas. Unlike their access-controlled counterparts, abutting land uses can be served directly. Forms of access for Other Principal Arterial roadways include driveways to specific parcels and at-grade intersections with other roadways. For the most part, roadways that fall into the top three functional classification categories (Interstate, Other Freeways & Expressways and Other Principal Arterials) provide similar service in both urban and rural areas. The primary difference is that there are usually multiple Arterial routes serving a particular urban area, radiating out from the urban center to serve the surrounding region. In contrast, an expanse of a rural area of equal size would be served by a single Arterial. Access to this site from would require approval from the ALDOT.



## 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.**

The RA 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.

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

This area of Planning District 32 consists mostly of residential and agricultural zoning districts. Adjacent properties are zoned for residential and agricultural uses. Therefore, staff believes the proposed rezoning is a logical expansion of adjacent zoning districts and appropriate for the lot size.

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

Staff believes that timing is appropriate given development trends in the area.

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

## 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. Access to this site would require approval from the Alabama Department of Transportation (ALDOT).

### **11.) Other matters which may be appropriate.**

The Highway Construction Setback for US Highway 98 is 125 feet from the centerline of the right-of-way.

# Agency Comments

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

**From:** Alfreda Jeffords <[Weesie.Jeffords@baldwincountyal.gov](mailto:Weesie.Jeffords@baldwincountyal.gov)>

**Sent:** Wednesday, September 22, 2021 8:24 AM

**To:** D Hart <[DHart@baldwincountyal.gov](mailto:DHart@baldwincountyal.gov)>

**Subject:** RE: Z-21033 Kittrell Property

DJ,

This site may require a residential driveway permit if it is used for personal farming but may need a commercial turnout and drainage permit if it is used for any commercialized farming (farm stand, produce market, U-pick, Etc). Both types of accesses would be through ALDOT.

Current drainage for the property appears to slope towards US 98 and utilize Caney Branch, then flow to the State's wetland preserve area along Perdido River.

Let me know if you need anything further.

Thank you,

*Weesie Jeffords*



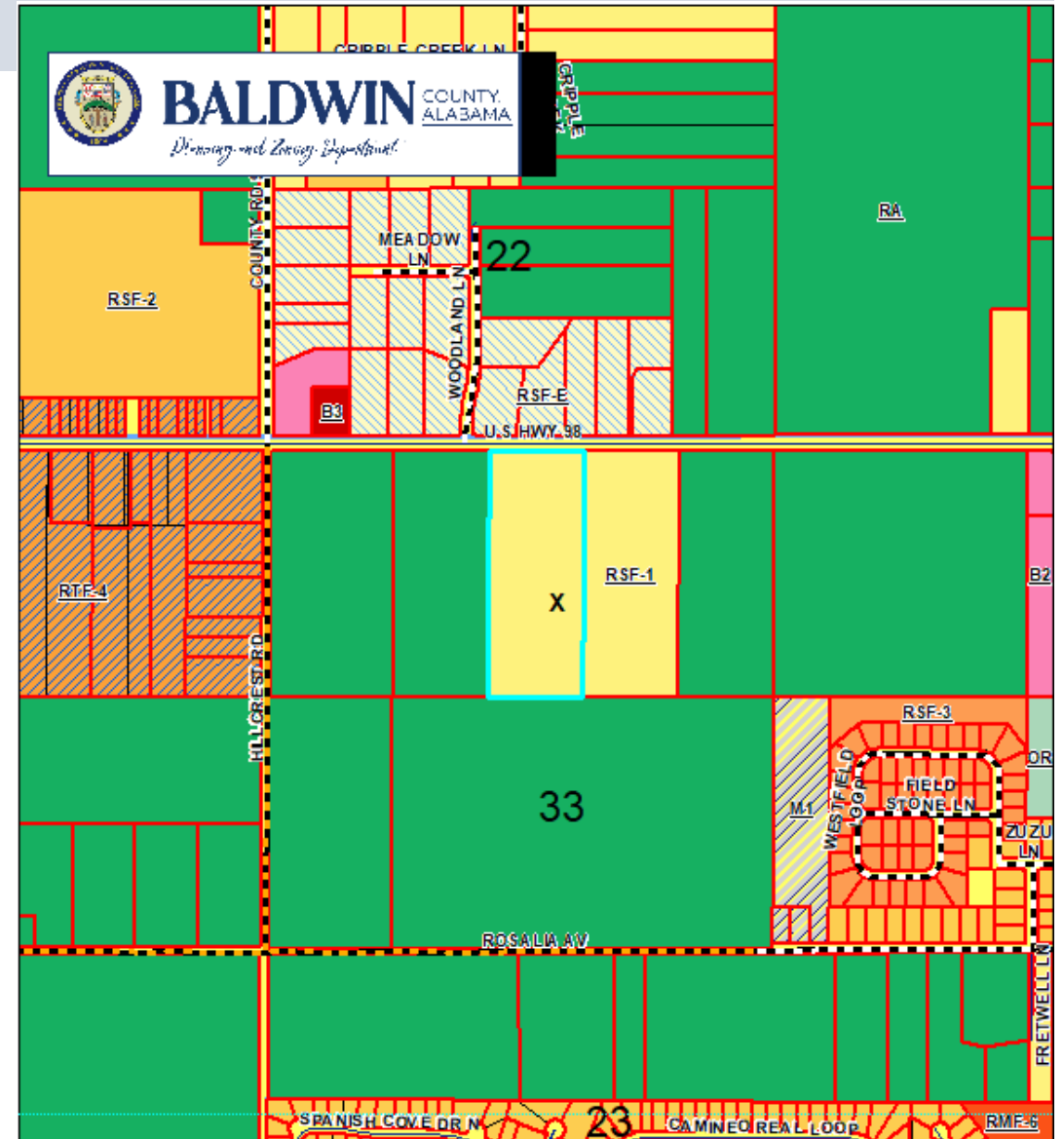
# Z-21033 KITTRELL PROPERTY

Lead Staff: Linda Lee, Planner

## REZONING REQUEST FROM RSF-1 TO RA

- Staff's Summary and Comments:**

The subject property is currently zoned RSF-1, Single Family District, and is currently undeveloped. The property adjoins US Highway 98 to the north. The adjoining properties are residential, and timberland. The requested zoning designation is RA, Rural Agricultural District. RA is more restrictive and less intense than the current designation of RSF-1. According to the submitted information, the purpose of this request is to allow for agricultural uses.

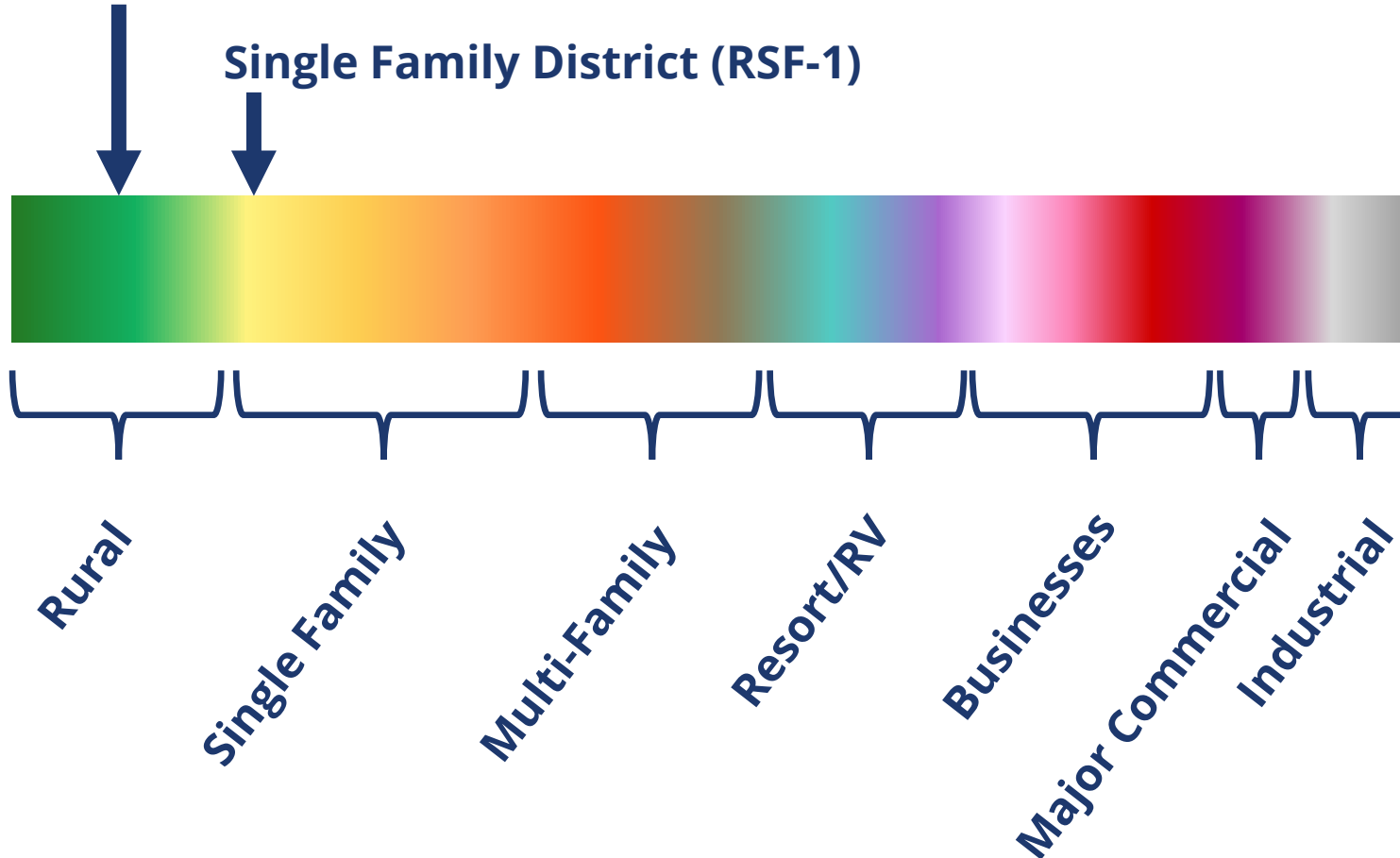


# Z-21033 KITTRELL PROPERTY

REZONING REQUEST FROM **RSF-1** TO **RA**

Rural Agricultural  
District (RA)

Single Family District (RSF-1)



## Staff's Recommendation:

The Baldwin County Planning Commission considered this request at its October 7, 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.*