



# Baldwin County Planning & Zoning Department

## Baldwin County Commission Staff Report

### Agenda Item

Case No. Z-19037

Wells Property

Rezone RSF-1, Single Family District to RSF-3, Single Family District

October 15, 2019

## Subject Property Information

**Planning District:** 30  
**General Location:** South side of County Road 12 S  
**Physical Address:** 20828 County Road 12 S  
**Parcel Number:** 05-61-05-16-0-001-008.000  
**Existing Zoning:** RSF-1, Single Family District  
**Proposed Zoning:** RSF-3, Single Family District  
**Existing Land Use:** Residential  
**Proposed Land Use:** Divide into three (3) lots  
**Acreage:** 1.01± acres  
**Applicant:** Brian K. Wells  
PO Box 1035  
Orange Beach, AL 36561  
**Owner:** Brian K. Wells  
**Lead Staff:** Linda Lee, Planner  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Agricultural	RA, Rural Agricultural District
South	Residential	RA, Rural Agricultural District
East	Residential	RSF-1, Single Family District
West	Church	RA, Rural Agricultural District

## Summary

The subject property is currently zoned RSF-1, Single Family District, and occupied with a dwelling and an accessory structure. The property adjoins County Road 12 to the north. The adjoining properties are residential, agricultural, and a church. The requested zoning designation is RSF-3, Single Family District. According to the applicant, the purpose of this request is to allow for the existing parcels to be divided into three (3) lots.

The Baldwin County Planning Commission considered this request at its September 5, 2019 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.*

**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 *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.

4.2.4 *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:

The following local commercial use: bed and breakfast or tourist home (see *Section 13.10: Bed and Breakfast Establishments*).

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 18.6 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	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

**Section 4.4 RSF-3, Single Family District**

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

4.4.2 *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.

4.4.3 *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.

4.4.4 *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*).

4.4.5 *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	10,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

**Baldwin County Subdivision Department:**

**From:** Mary Booth

**Sent:** Monday, August 12, 2019 3:05 PM

**To:** D Hart <DHart@baldwincountyal.gov>

**Cc:** Seth L. Peterson <SPETERSON@baldwincountyal.gov>; Tyler W. Mitchell <TMITCHELL@baldwincountyal.gov>; Laurie Rumbaugh <LRUMBAUGH@baldwincountyal.gov>

**Subject:** RE: ~~Z-19038~~ Z-19037

DJ,

Per Section 5.1.1, lots with less than 120' in width must have curb and gutter and front on a paved road. Per Section 5.5.7, for the lots not fronting on CR12, will need to front on and have continuous access from a paved road. The paved road will need to be paved to County design standards.

If you have any other questions, please let me know.

Thanks,

Mary Booth, Permit Subdivision Coordinator

**Municipality:**

**From:** Miriam Boutwell [mailto:mboutwell@cityoffoley.org]

**Sent:** Saturday, August 10, 2019 9:33 AM

**To:** D Hart <DHart@baldwincountyal.gov>

**Cc:** Chad Christian <cchristian@cityoffoley.org>

**Subject:** <EXTERNAL> Re: Z-19037

I don't see an issue with the rezoning. The City of Foley Future Land Use is Residential Medium Density so this seems to be compatible.

I know this will come later but when they come back to subdivide, how is the rear lot going to be accessed? An easement across one of the other parcels? It sounds like this wouldn't be a family split since the owner has a Gulf Breeze address? I'm not sure if an easement will work or if the rear lot would have to be a flag lot. I've copied our City Engineer in case he has comments.

Again - we realize this is just zoning at this point. We just want to make sure the future subdivision doesn't affect your minimum lot sizes for the zone.

Thanks,  
Miriam

Miriam Boutwell, MPA, AICP, CFM  
Community Development Director  
Planner/Building Official

**Baldwin County Highway Department:**

On Aug 22, 2019, at 3:40 PM, Linda Lee <[LLee@baldwincountyga.gov](mailto:LLee@baldwincountyga.gov)> wrote:

Good Evening,

Can one of you tell me if the County has any plans for road improvements on County Road 12 S between State Hwy 59 and James Road?

Thank you,

Linda Lee

Not aware of any at this time. The County's portion of this road was resurfaced about a year or so ago.

Thanks,  
Frank

**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 RSF-1, Single Family District and occupied with a dwelling and an accessory structure. It consists of approximately 1.01 acres more or less. The requested designation is RSF-3, Single Family District. The purpose of this request is to allow for the property to be divided into three (3) lots. The adjacent properties are agricultural, residential and a church.

**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 30 was zoned in February 1995. Since that time land uses have gone from mostly rural agricultural to include several residential subdivisions. Meadow Run Estates was platted in 1996. Willow Lakes was platted in 2003 and 2005. Cottages on the Green Phase One was platted in 2005.

From 1995 Map

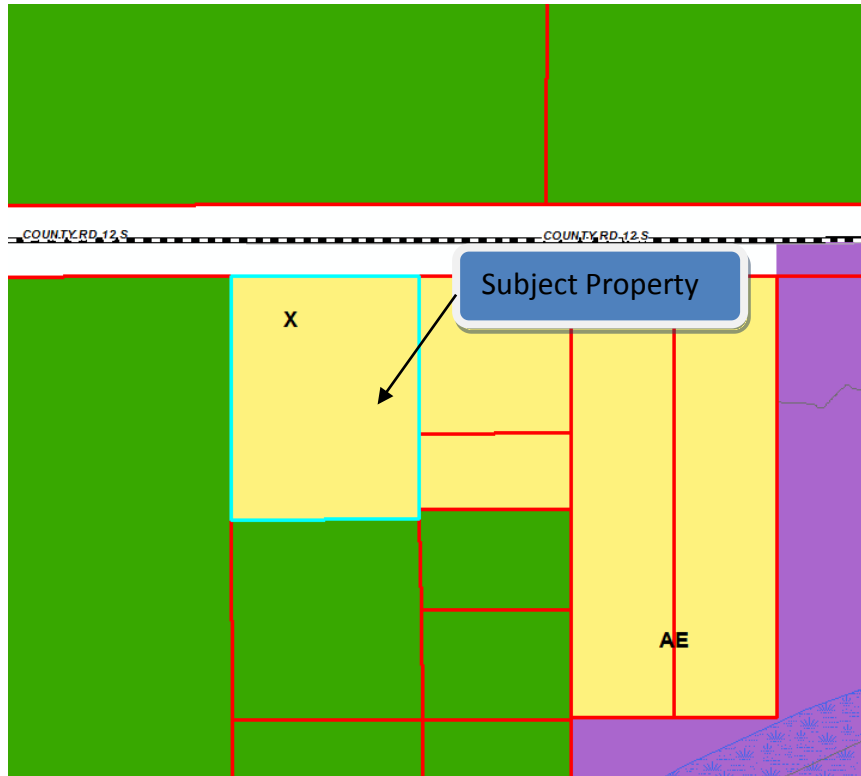


From 1999 Map



### 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. 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. 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.



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

Staff is unaware of any planned public improvements. Per the Highway Department the County's portion of this road was resurfaced about a year or so ago.

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

Per the Federal Highway Administration the functional classification of County Road 12 S is major collector. Collectors serve a critical role in the roadway network by gathering traffic from Local Roads and funneling them to the Arterial network. Two additional dwellings should not adversely affect traffic congestion.

### 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.

As stated previously, the subject property is currently occupied with a dwelling and an accessory structure. The adjacent properties are zoned residential single family. The proposed zoning designation is residential single family.

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

Although there aren't any properties zoned RSF-3 in the county portion of this vicinity, the subdivisions to the west and northeast contain lots that are smaller than the minimum lot size of 10,000 square feet for the RSF-3 zoning designation. West of this property is property zoned RMF-6 which has a minimum lot size of 6,500 square feet. The proposed lots are similar in size to three lots east of this parcel.

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

This area of Planning District 30 is mostly zoned RA, Rural Agricultural with a few properties zoned RSF-1 and RMF-6. This area is also surrounded by the city of Foley with several residential subdivisions providing smaller lot sizes. Timing is not a factor with this request.

**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.

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

The applicant is proposing to divide the parcel into three lots and build dwellings on the two new lots. Staff does not anticipate any adverse impacts from two additional dwellings.

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

**Staff Comments and Recommendation**

As stated previously, the subject property is currently zoned RSF-1, Single Family District, and occupied with a dwelling and an accessory structure. The property adjoins County Road 12 to the north. The adjoining properties are residential, agricultural, and a church. The requested zoning designation is RSF-3, Single Family District. According to the applicant, the purpose of this request is to allow for the existing parcels to be divided into three (3) lots.

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Property Images



08/12/2019



08/12/2019









**ADJOINING RESIDENCE  
TO THE EAST**

**08/12/2019**



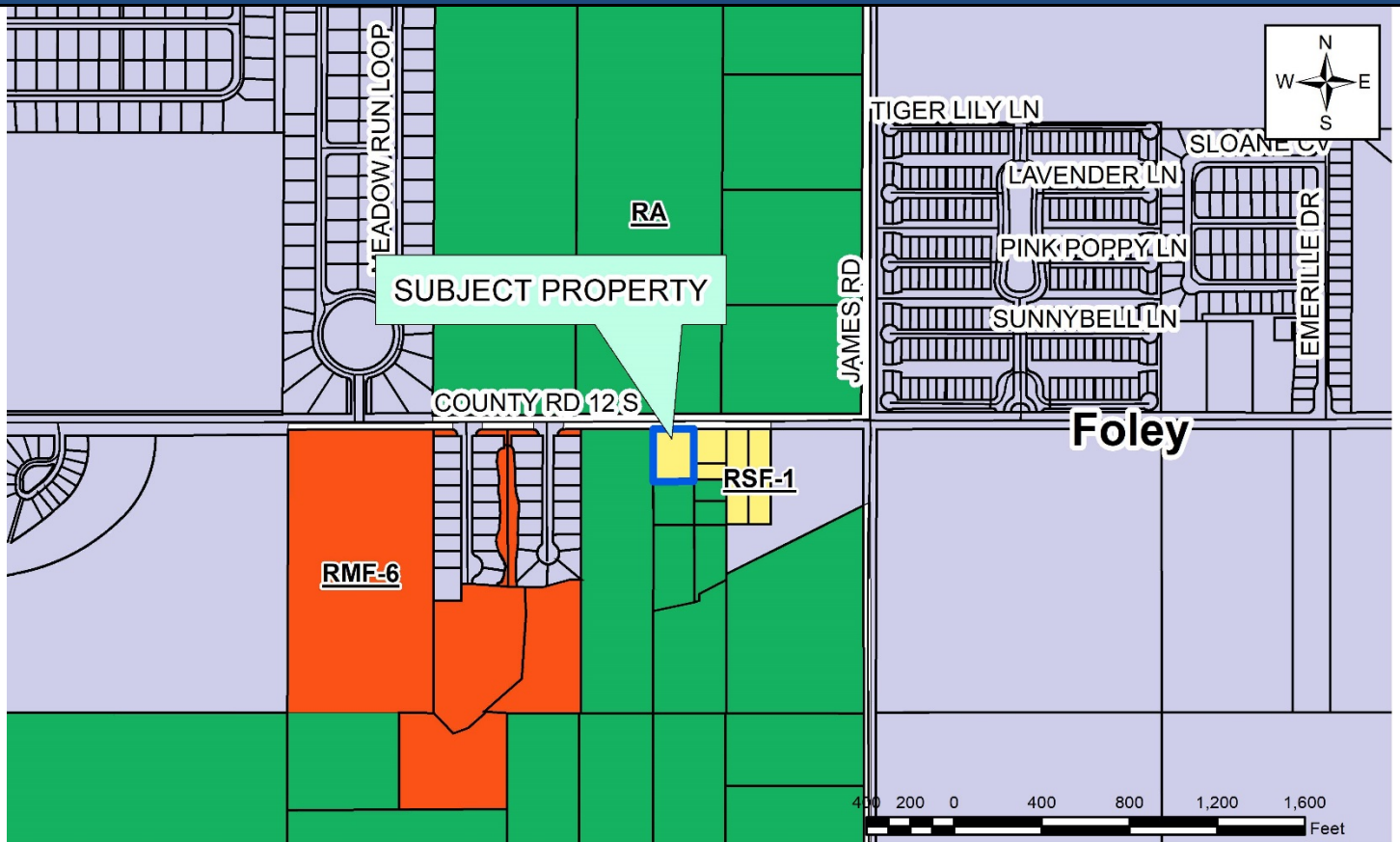
**ADJOINING PROPERTY  
TO THE NORTH**

**08/12/2019**



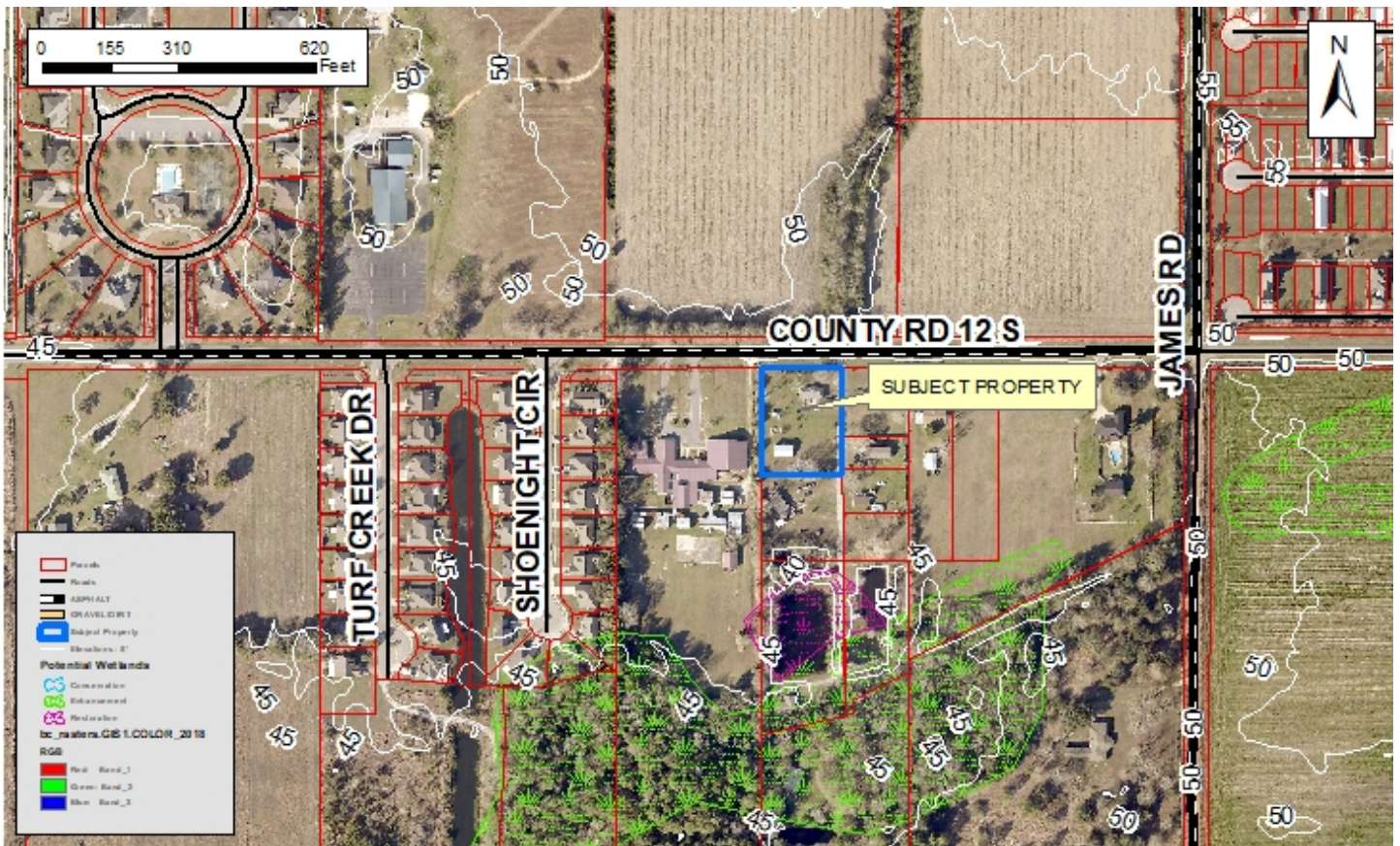
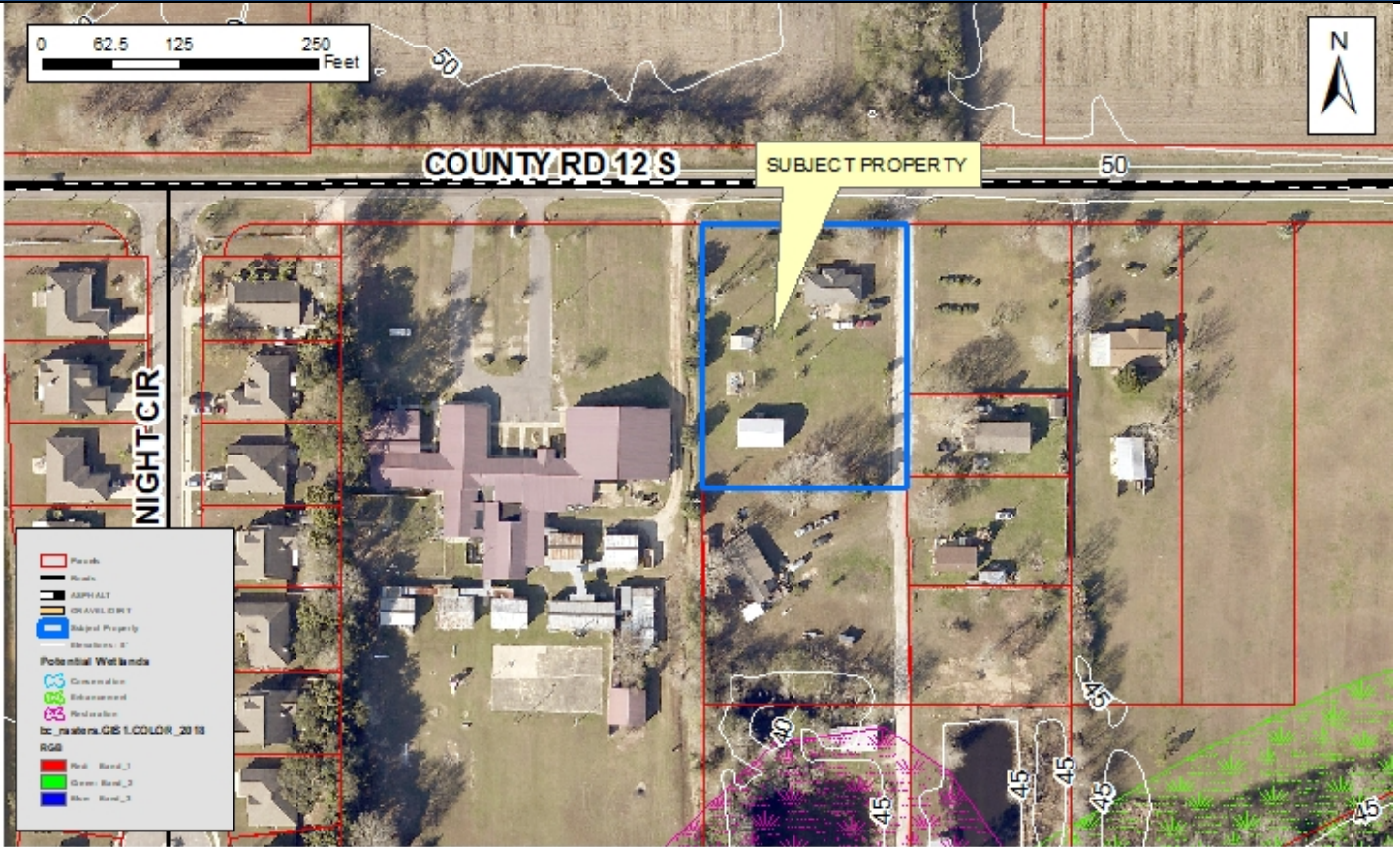


Locator Map





# Site Map







## Approximate Size of Adjacent Lots

