



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 7.b

Case No. Z-19041

Thomas Robert Trebesh Trust Property

Rezone RSF-1, Residential Single Family District to RA, Rural Agricultural District

October 3, 2019

Subject Property Information

Planning District: 12
General Location: South of US Hwy 90 on CO Rd 62 South
Physical Address: N.A.
Parcel Number: 05-48-01-01-0-000-003.002
Existing Zoning: RSF-1, Residential Single Family District
Proposed Zoning: RA, Rural Agricultural District
Existing Land Use: Farming
Proposed Land Use: Residential and Horse Ranch
Acreage: 19.75± acres
Applicant: GMC - Stuart Smith
P.O. Box 1127
Daphne, AL 36526
Owner: Thomas Robert Trebesh Trust
P.O. Box 912
Foley, AL 36536
Lead Staff: Celena Boykin, Planner
Attachments: *Within Report*

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

Summary

The subject property is currently zoned RSF-1, Residential Single Family District, and is currently occupied with an accessory structure. The property adjoins County Road 62 S to the west. The adjoining properties are residential, agricultural, and vacant. The requested zoning designation is RA, Rural Agricultural District. According to the submitted information, the purpose of this request is to allow for a residence and a horse ranch.

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 3.2 RA Rural Agricultural District

3.2.1 Generally. This zoning district provides for large, open, unsub divided 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:

I have no comments from a Highway standpoint.

ADEM, Scott Brown:

Regarding Case Z-19041, from a desktop review, it appears that the subject property likely contains wetlands which are protected resources under the U.S. Army Corps of Engineers; the applicant is encouraged to evaluate the property for the presence of wetland area(s) and plan site development so as to avoid any future direct, indirect, or accidental impacts to wetlands, including filling and/or dredging resulting from any future development or land disturbance. Best management practices must be employed to protect the quality of state waters; activities conducted at the site must not cause a violation of water quality criteria in state waters.

Baldwin County Subdivision: No Comments received.

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, Residential Single Family District, and is occupied with an accessory structure. The requested zoning designation is RA, Rural Agricultural District. Most of the surrounding properties are zoned RA and are used for agricultural purposes, therefore 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 12 was zoned in November 2006. The subject property was zoned RA, Rural Agricultural District in 2006. In October 2017, the applicant requested an automatic rezoning to RSF-1 to subdivide.

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.

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

County Road 62 is a county maintained paved road. Staff doesn't anticipate any adverse affect to traffic patterns or 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.

Yes, the majority of surrounding land uses in this area are rural.

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

This area of Planning District 12 is mostly zoned RA, Rural Agricultural with a few properties zoned RSF-1 and RSF-E. Most of the surrounding properties zoned RA and are used for agricultural purposes, therefore the requested change is a logical expansion of adjacent zoning districts.

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

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 not aware of any environmental conditions or historic resources which would be impacted by this request.

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.

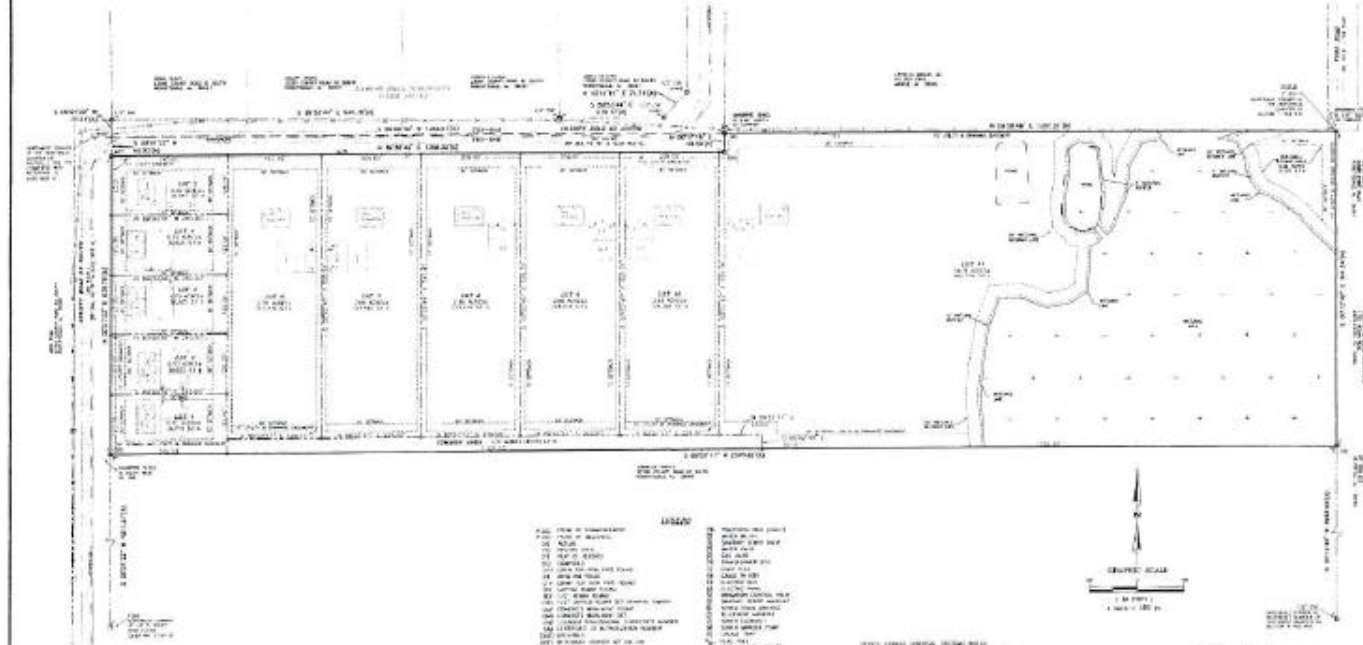
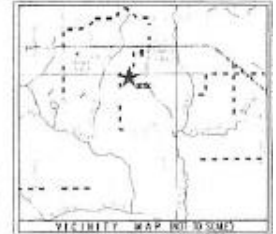
Staff Comments and Recommendation

As stated previously, the subject property is currently zoned RSF-1, Residential Single Family District, and is currently occupied with an accessory structure. The property adjoins County Road 62 S to the west. The adjoining properties are residential, agricultural, and vacant. The requested zoning designation is RA, Rural Agricultural District. According to the submitted information, the purpose of this request is to allow for a residence and a horse ranch.

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

**On rezoning applications, the Planning Commission will be making a recommendation to the County Commission.*

CHAI PLACE SUBDIVISION



GENERAL STATISTICAL NOTES

1. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
2. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
3. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
4. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
5. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
6. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
7. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
8. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
9. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
10. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.

- LEGEND**
- 1. LOT 1
 - 2. LOT 2
 - 3. LOT 3
 - 4. LOT 4
 - 5. LOT 5
 - 6. LOT 6
 - 7. LOT 7
 - 8. LOT 8
 - 9. LOT 9
 - 10. LOT 10
 - 11. LOT 11
 - 12. LOT 12
 - 13. LOT 13
 - 14. LOT 14
 - 15. LOT 15
 - 16. LOT 16
 - 17. LOT 17
 - 18. LOT 18
 - 19. LOT 19
 - 20. LOT 20
 - 21. LOT 21
 - 22. LOT 22
 - 23. LOT 23
 - 24. LOT 24
 - 25. LOT 25
 - 26. LOT 26
 - 27. LOT 27
 - 28. LOT 28
 - 29. LOT 29
 - 30. LOT 30
 - 31. LOT 31
 - 32. LOT 32
 - 33. LOT 33
 - 34. LOT 34
 - 35. LOT 35
 - 36. LOT 36
 - 37. LOT 37
 - 38. LOT 38
 - 39. LOT 39
 - 40. LOT 40
 - 41. LOT 41
 - 42. LOT 42
 - 43. LOT 43
 - 44. LOT 44
 - 45. LOT 45
 - 46. LOT 46
 - 47. LOT 47
 - 48. LOT 48
 - 49. LOT 49
 - 50. LOT 50
 - 51. LOT 51
 - 52. LOT 52
 - 53. LOT 53
 - 54. LOT 54
 - 55. LOT 55
 - 56. LOT 56
 - 57. LOT 57
 - 58. LOT 58
 - 59. LOT 59
 - 60. LOT 60
 - 61. LOT 61
 - 62. LOT 62
 - 63. LOT 63
 - 64. LOT 64
 - 65. LOT 65
 - 66. LOT 66
 - 67. LOT 67
 - 68. LOT 68
 - 69. LOT 69
 - 70. LOT 70
 - 71. LOT 71
 - 72. LOT 72
 - 73. LOT 73
 - 74. LOT 74
 - 75. LOT 75
 - 76. LOT 76
 - 77. LOT 77
 - 78. LOT 78
 - 79. LOT 79
 - 80. LOT 80
 - 81. LOT 81
 - 82. LOT 82
 - 83. LOT 83
 - 84. LOT 84
 - 85. LOT 85
 - 86. LOT 86
 - 87. LOT 87
 - 88. LOT 88
 - 89. LOT 89
 - 90. LOT 90
 - 91. LOT 91
 - 92. LOT 92
 - 93. LOT 93
 - 94. LOT 94
 - 95. LOT 95
 - 96. LOT 96
 - 97. LOT 97
 - 98. LOT 98
 - 99. LOT 99
 - 100. LOT 100

- ADDITIONAL NOTES**
- 1. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
 - 2. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
 - 3. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
 - 4. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
 - 5. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
 - 6. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
 - 7. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
 - 8. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
 - 9. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
 - 10. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.

ADDITIONAL NOTES

- 1. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
- 2. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
- 3. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
- 4. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
- 5. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
- 6. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
- 7. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
- 8. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
- 9. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
- 10. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.

ADDITIONAL NOTES

- 1. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
- 2. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
- 3. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
- 4. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
- 5. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
- 6. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
- 7. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
- 8. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
- 9. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.
- 10. SUBJECT OF SUBDIVISION MAP IS LOCATED IN THE NORTHWEST CORNER OF THE SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST.

		HUTCHINSON, MOORE & RAUCH, LLC 2030 MAIN STREET DALLAS, TEXAS 75201 TEL: (214) 625-2020 FAX: (214) 625-2024 info@hmrllc.com			
CHAI PLACE SUBDIVISION PRELIMINARY/TINAL PLAT		THOMAS TREBESH		1 OF 2	

Property Images





ADJOINING PROPERTY
TO THE NORTH WEST

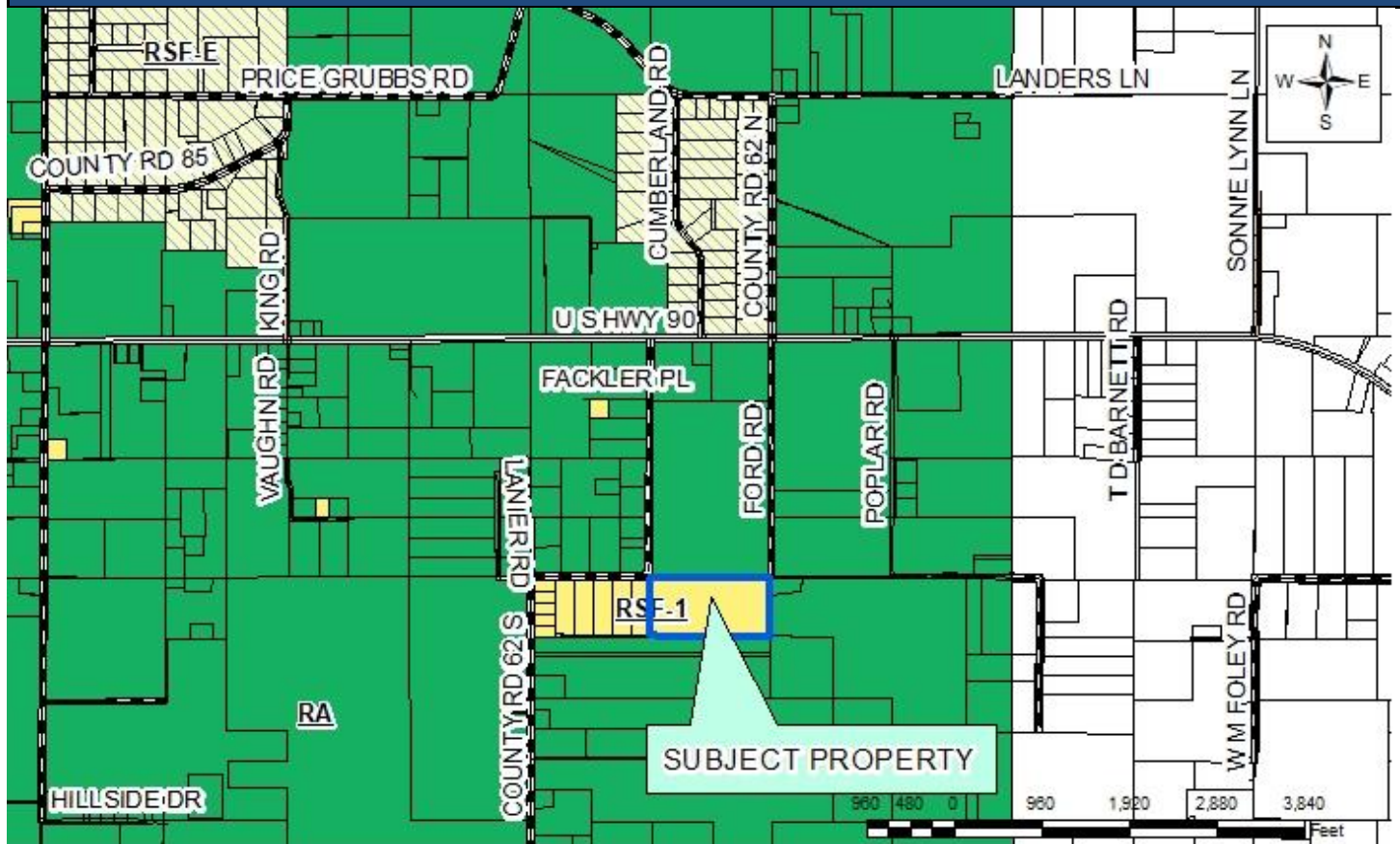
09/11/2019



ADJOINING PROPERTY
TO THE NORTH

09/11/2019

Locator Map



Site Map

