



# Baldwin County Planning & Zoning Department

## Baldwin County Commission Staff Report

**Agenda Item**  
**Case No. Z-18044**  
**DCF, LLC, Property**  
**Rezone RSF-1, Single Family District to RSF-2, Single Family District**  
**November 20, 2018**

### Subject Property Information

**Planning District:** 26  
**General Location:** West of Scenic Highway 98 and South of Battles Road on Mobile Bay  
**Physical Address:** 5480 Battles Road  
**Parcel Number:** 05-45-07-25-0-000-061.000  
**Existing Zoning:** RSF-1, Single Family District  
**Proposed Zoning:** RSF-2, Single Family District  
**Existing Land Use:** Residential  
**Proposed Land Use:** Planned Residential Development (Family Subdivision/Multi-generational Property)  
**Acreage:** 2.43 acres +/-  
**Applicant:** DCF, LLC  
23210 U.S. Highway 98, Suite A3  
Fairhope, AL 36532  
**Owner:** Same  
**Lead Staff:** Vince Jackson, Planning Director  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential/Undeveloped	RSF-1 and RSF-2
South	Residential	RSF-1 and RSF-2
East	Commercial	B-2, Neighborhood Business District
West	Mobile Bay	N/A

### Summary

The subject property is currently zoned RSF-1, Single District. The designation of RSF-2, Single Family District, has been requested in order to establish a family subdivision/multi-generational property through the Planned Residential Development (PRD) site plan process. If the rezoning is approved, the subject property would be combined with an adjacent RSF-2 parcel, and a PRD site plan application would be submitted at a later date.

**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 4.3 RSF-2, Single Family District**

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

4.3.2 *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.

4.3.3 *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.

4.3.4 *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*).

4.3.5 *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	15,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

## Agency Comments

**Baldwin County Highway Department (Frank Lundy):** No comments.

**Army Corps of Engineers:** No comments received.

**ADEM:** Any subdivision of the parcel should take into consideration ADEM Admin. Code r. 335-8-2-.11(2). Each new parcel should include sufficient buildable uplands with access thereto so as to avoid future need for wetlands fill in order to realize a reasonable use of the parcel.

**Baldwin County Subdivision Department (Seth Peterson):** Applicable subdivision approval will be required.

**Municipality (City of Fairhope):** This application is within the City of Fairhope's Planning Jurisdiction and will therefore require City approval.

## 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 occupied with one single family dwelling. The adjoining properties are residential, commercial and undeveloped. The property adjoins Mobile Bay to the west.

**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?**

Staff is unaware of any changes relevant to the subject property.

**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. There will be no changes to the Future Land Use Map if the rezoning is approved.

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

No conflicts.

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

Additional home sites are proposed which could bring about an increase in traffic. The use of the property, however, will remain residential.

**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.**

See response to item number 1 listed above.

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

Adjacent parcels to the north and south are zoned RSF-2.

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

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?**

The subject property is located within the Point Clear/Battles Wharf Historic District. As a result, new construction will require the review and approval of the Baldwin County Architectural Review Board.

Although the property is located on Mobile Bay, staff has received no comments pertaining to environmental issues.

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

No adverse impacts.

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

A variance application pertaining to the proposed PRD site plan is pending. This application will be considered by the Board of Adjustment for County Commission District 2 on October 8, 2018.

**Staff Comments and Recommendation**

As stated previously, the subject property is currently zoned RSF-1, Single District. The designation of RSF-2, Single Family District, has been requested in order to establish a family subdivision/multi-generational property through the Planned Residential Development (PRD) site plan process. If the rezoning is approved, the subject property would be combined with an adjacent RSF-2 parcel, and a PRD site plan application would be submitted at a later date.

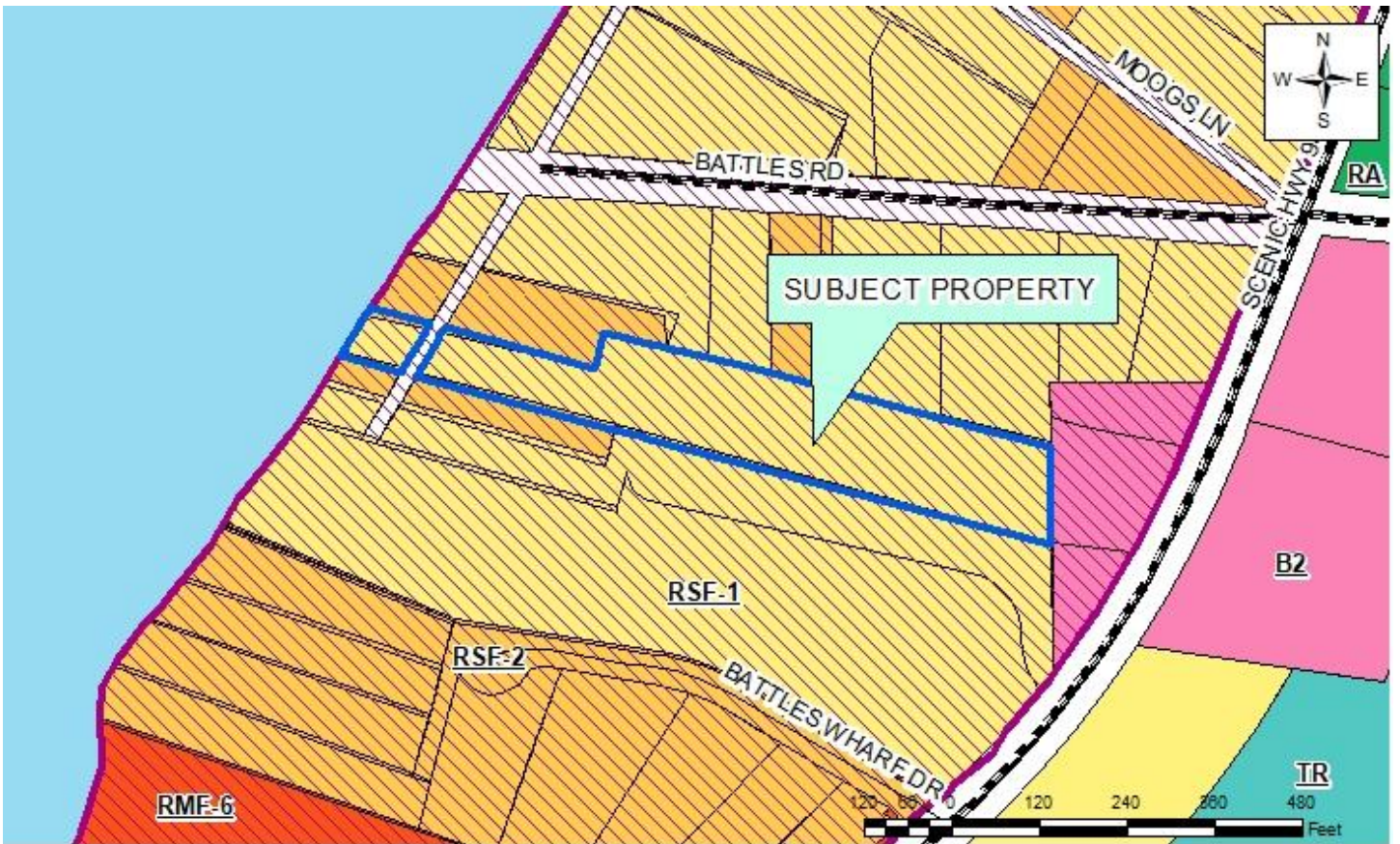
Unless information to the contrary is revealed during the public hearing, staff feels that this rezoning application should be **APPROVED**.\*

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

Property Images



# Locator Map



# Site Map



