



Baldwin County Planning & Zoning Department

Baldwin County Commission Staff Report

Agenda Item
Case No. Z-19006
Willis Property

Rezone RSF-1, Single Family District to RSF-2, Single Family District
March 19, 2019

Subject Property Information

Planning District: 25
General Location: South side of Old Fort Morgan Trail
Physical Address: 13790 Old Fort Morgan Trail
Parcel Number: 05-67-04-20-1-001-015.000 and 05-67-04-20-1-001-015.001
Existing Zoning: RSF-1, Single Family District
Proposed Zoning: RSF-2, Single Family District
Existing Land Use: Vacant
Proposed Land Use: Divide into three (3) lots
Acreage: 1.4± acres
Applicant: Chad C. Willis
330 W. Fort Morgan Road
Gulf Shores, AL 36542
Owner: Chad C. Willis
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-1, Single Family District
South	Vacant	RSF-1, Single Family District
East	Vacant	RSF-1, Single Family District
West	Vacant	RSF-1, Single Family District

Summary

The subject properties are currently zoned RSF-1, Single Family District, and unoccupied. The property adjoins Old Fort Morgan Trail West to the north. The adjoining property to the north is residential. The adjoining properties to the south, east and west are vacant. The requested zoning designation is RSF-2, 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 to give to family members. This application was originally submitted as a request for RSF-4, Single Family District, and was recommended for approval on November 1, 2018. It has been returned to the Planning Commission in order to be re-advertised as a request for RSF-2, Single Family District.

The Baldwin County Planning Commission considered this request at its February 7, 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 4.3 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 Subdivision Department:

From: Seth L. Peterson

Sent: Friday, October 12, 2018 2:00 PM

To: D Hart <DHart@baldwincountyal.gov>

Cc: Laurie Rumbaugh <LRUMBAUGH@baldwincountyal.gov>

Subject: RE: Z-18051 Willis Property (Z-19006 no new comments)

DJ,

The following lot sizes will be required depending on the utilities:

40,000 SF & 120 feet wide if you have neither public water nor public sewer

20,000 SF & 80 feet wide if you have either public water or public sewer, but not both

7,500 SF & 60 feet wide if you have both public water and public sewer

Thanks,

Seth

Fort Morgan Planning and Zoning Advisory Committee:

Case No: Z-19006 Willis Property

The members reviewed the zoning request and voted unanimously for approval of the zoning change from RSF-1 to RSF-2 that will allow for four single family homes on the property.

The committee had reported in their previous review of October 17, 2018, that they felt a RSF-2 zoning would be adequate for this case.

ADEM:

From: Brown, Scott [<mailto:jsb@adem.alabama.gov>]

Sent: Friday, January 11, 2019 8:22 AM

To: D Hart <DHart@baldwincountyal.gov>

Cc: USACE | J. Eric Buckelew <James.E.Buckelew@usace.army.mil>; Connoles, Timothy N <TNC@adem.alabama.gov>;

Denson, Dana T <DDenson@adem.alabama.gov>

Subject: ADEM Comments Baldwin County rezoning cases

Case No. Z-19006: Willis Property

This parcel may contain coastal wetlands which would be protected coastal resources under the Alabama Coastal Area Management Program (ACAMP). The applicant is encouraged to evaluate the property for the presence of wetland area(s) in order to avoid any future direct, indirect, or accidental impacts thereto, including filling and/or dredging, resulting from any future use of the new sub parcels. Any subdivision of the existing parcel into sub parcels should incorporate sufficient buildable uplands into each sub parcel so as to avoid inadvertently creating a lot on which future construction or other reasonable use would be inconsistent with the ACAMP (ADEM Admin. Code r. 335-8-2-.11[2]).

Municipality:

From: Andy Bauer [<mailto:abauer@gulfshoresal.gov>]

Sent: Wednesday, January 16, 2019 8:31 AM

To: D Hart <DHart@baldwincountyal.gov>

Subject: RE: rezoning cases

DJ:

Due to the existing summer time traffic and constraints of State Highway 180 West and State Highway 59 the City of Gulf Shores does not support the up-zoning of property that creates additional density.

Please let me know if I can be of further assistance.

Andy Bauer, AICP

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?

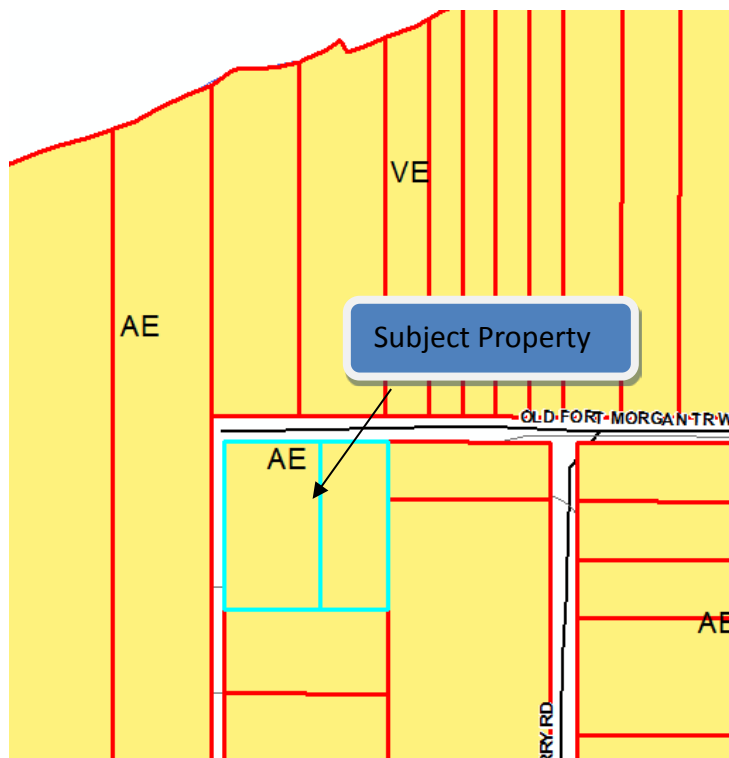
The subject property is currently zoned RSF-1, Single Family District and consist of approximately 1.4 acres more or less. The requested designation is RSF-2, Single Family District. The purpose of this request is to allow for the property to be divided into three (3) lots to give to family members. The adjacent properties are all zoned RSF-1.

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 25 was zoned in November 1993. Based on the descriptions for the zoning designations at that time, the lots in this area were zoned to provide a low density residential environment. Most of the lots in this area meet or exceed the minimum lot area for RSF-1. There are several lots that based on today's zoning designations would be more in line with the RSF-2 designation.

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.

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

Old Fort Morgan Trail is a privately maintained road. Three single family dwellings could have some affect on traffic patterns and/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.

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?

See response to item number 6.

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 anticipates no adverse impacts.

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 properties are currently zoned RSF-1, Single Family District, and unoccupied. The property adjoins Old Fort Morgan Trail West to the north. The adjoining property to the north is residential. The adjoining properties to the south, east and west are vacant. The requested zoning designation is RSF-2, 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 to give to family members.

The Baldwin County Planning Commission considered this request at its February 7, 2019 meeting and voted to recommend APPROVAL to the County Commission. Staff concurs with that recommendation.

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Property Images





**ADJOINING PROPERTIES
TO THE NORTH**

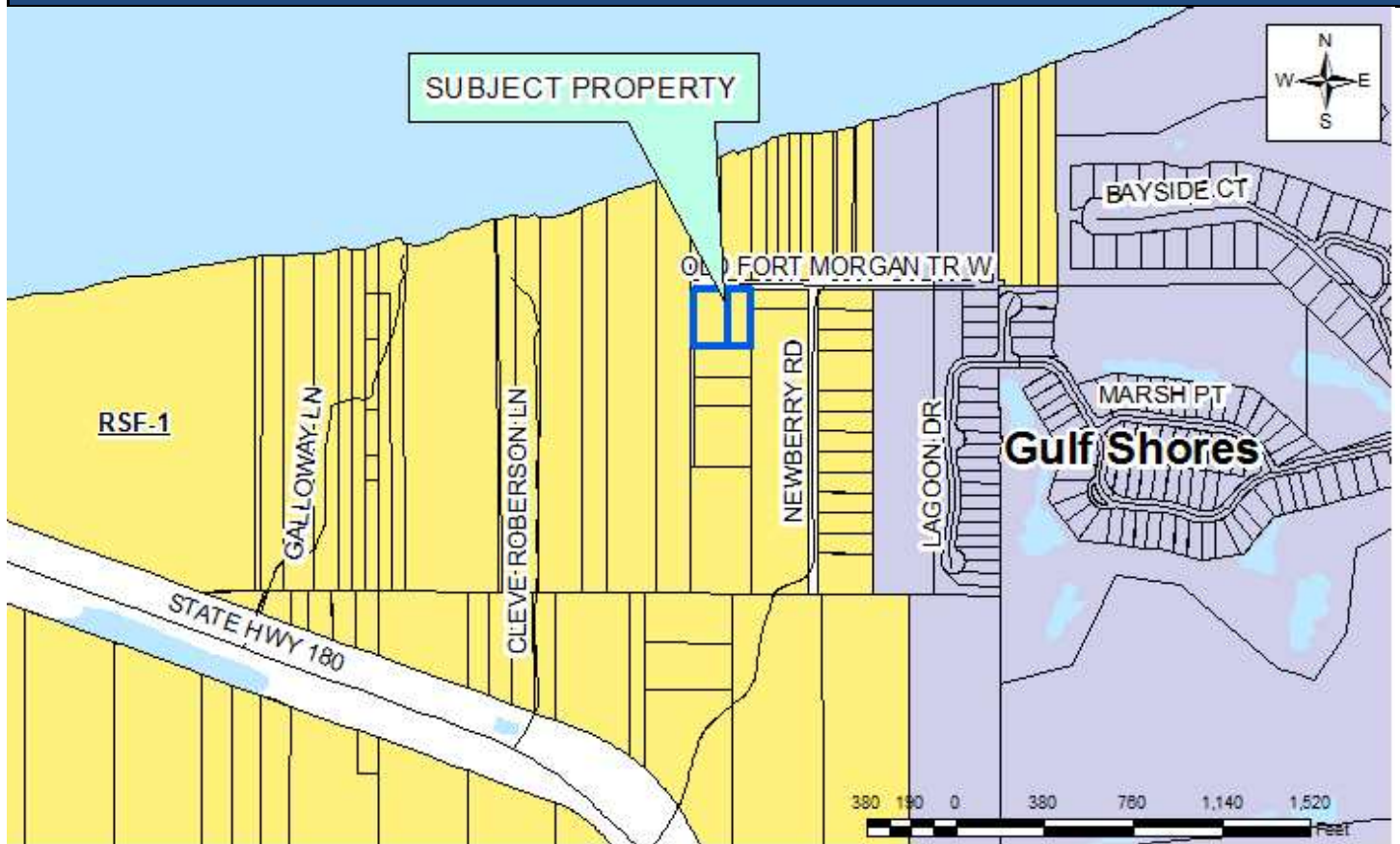
10/10/2018



**ADJOINING PROPERTY
TO THE WEST**

10/10/2018

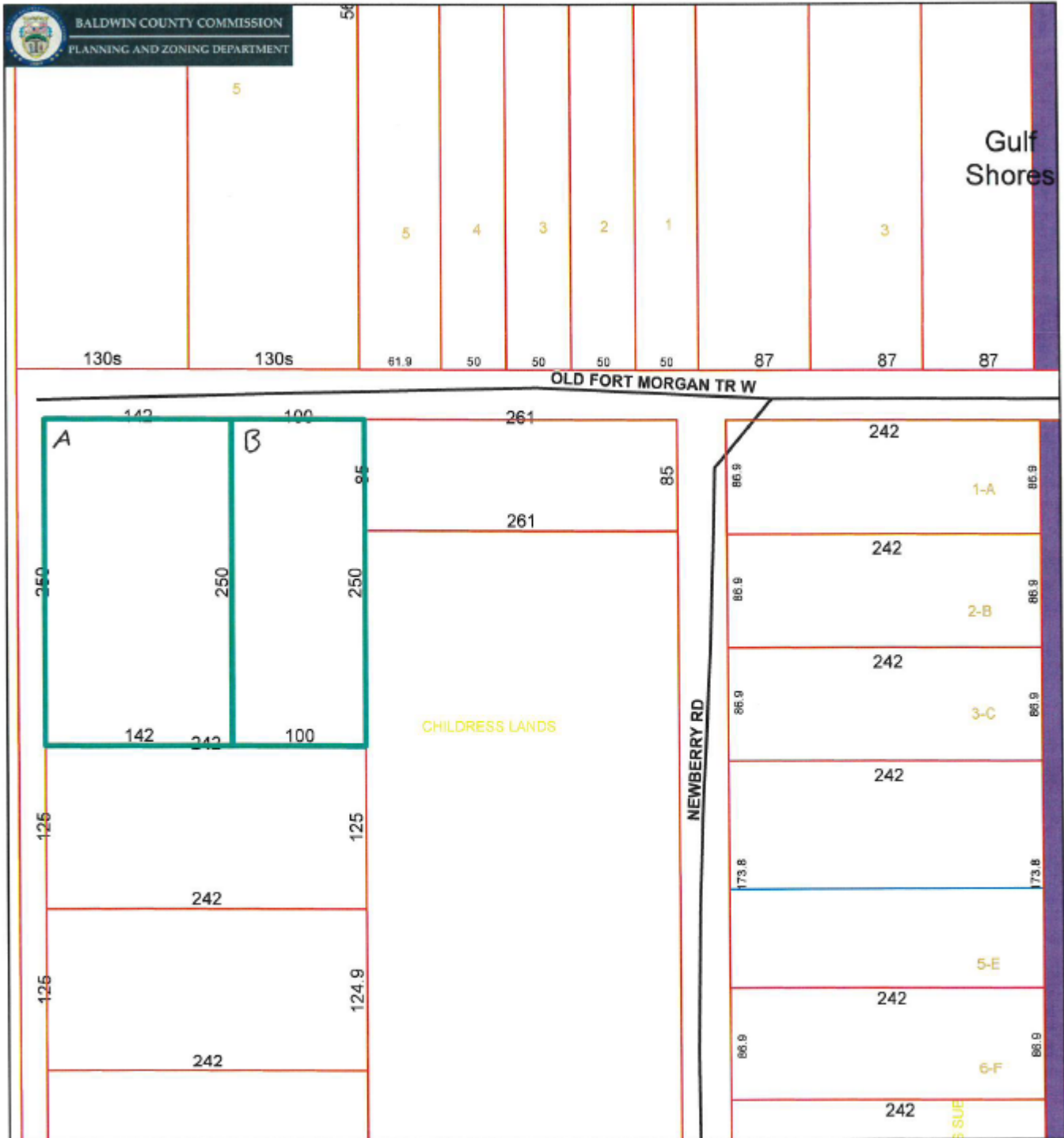
Locator Map



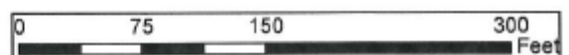
Site Map



Site Map Submitted by Applicant



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Opposition Letter from Z-18051

To: Baldwin County Planning Commission
2251 Palmer St.
Robertsdale, AL 36567
Phone No. 251-580-1655

From: Anthony Portella
13826 Newberry Rd
Gulf Shores, AL 36542
Phone No. 251-709-8183
Email Address: arportella1958@att.net

Date: October 22, 2018

Ref: Proposed Rezoning Case No. Z-18051

My wife and I own 4 lots and 2 houses on Newberry Road. The total investment is appraised at \$650,000. The lots are 252' x 86' or 21,672 square feet. It is my understanding that the proposed rezoning would resize the 2 lots in case number Z-18051 to 7,500 square feet. I have several concerns with rezoning the lots listed below.

- 1) The population density would increase to without the proper infrastructure to support it.
- 2) The monetary investment that we've made would devalue with the smaller size lots.
- 3) The road is a private drive that isn't maintained by the county, and won't support the additional traffic that would be induced by dividing these lots up into such small plots.

Please keep me posted via email if possible of any further developments. My email address is:

arportella1958@att.net

Regards,
Anthony R Portella

Anthony R Portella