



# Baldwin County Planning & Zoning Department

## Baldwin County Planning Commission Staff Report

**Agenda Item 7.c**

**Case No. Z-19042**

**Parnell Development Property**

**Rezone RSF-1, Residential Single-Family District to RSF-E, Residential Single-Family Estate District**

**October 3, 2019**

### Subject Property Information

**Planning District:** 4  
**General Location:** West of St Hwy 225  
**Physical Address:** N.A.  
**Parcel Number:** 05-29-09-42-0-000-003.033  
**Existing Zoning:** RSF-1, Residential Single-Family District  
**Proposed Zoning:** RSF-E, Residential Single-Family Estate District  
**Existing Land Use:** Forested Timberland  
**Proposed Land Use:** Residential Subdivision with Horses  
**Acreage:** 64.82± acres  
**Applicant:** Tensaw Estates – Les Parnell  
7152-A Cloverleaf Landing Rd  
Bay Minette, AL 36507  
**Owner:** Parnell Development  
**Lead Staff:** Celena Boykin, Planner  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Forested Timberland	RSF-1, Residential Single Family District
South	Forested Timberland/Residential	RR, Rural District and RSF-E, Residential Estate Family District
East	Forested Timberland/Residential	RSF-1, Residential Single Family District and RSF-E, Residential Estate Family District
West	Forested Timberland	RSF-1, Residential Single Family District and RSF-E, Residential Estate Family District

### Summary

The subject property is currently zoned RSF-1, Residential Single Family District. The property is accessed from State Highway 225 to the east. The adjoining properties are residential and forested timberland. The requested zoning designation is RSF-E, Residential Single Family Estate District. According to the submitted information, the purpose of this request is to allow horses in a residential subdivision.

## 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 4.1 RSF-E, Residential Single Family Estate District

4.1.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a very low density residential environment consisting of single family homes on estate size lots.

4.1.2 *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) Agricultural uses.
- (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.

4.1.3 *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.

4.1.4 *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*).

4.1.5 *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	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	80,000 Square Feet
Minimum Lot Width at Building Line	165-Feet
Minimum Lot Width at Street Line	165-Feet
Maximum Ground Coverage Ratio	.35

4.1.6 *Area and dimensional modifications.* Within the RSF-E 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-19042, from a desktop review, it appears that the subject property likely contains streams and wetlands which are protected resources under the ADEM and U.S. Army Corps of Engineers; the applicant is encouraged to evaluate the property for the presence of streams and wetland area(s) and plan site development so as to avoid any future direct, indirect, or accidental impacts to streams and/or 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 which may flow across the property from runoff associated with development or operations, sediments and nutrients being primary concerns. Riparian buffers should be established along stream banks to protect water quality. Activities conducted at the site must not cause a violation of water quality criteria in state waters. Prior to engaging in site development activities the applicant should contact the ADEM regarding the applicability of ADEM's storm water regulations to determine if an NPDES construction stormwater permit from the ADEM is warranted.

**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 also known as Tensaw Estates. The requested zoning designation is RSF-E, Residential Single Family Estate District. Most of the surrounding properties are zoned RSF-E and are a mixture of residential and agriculture, 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 4 was zoned in February 1995. The subject property was originally zoned OR, Outdoor Recreation District. Then in 2005 the property was rezoned to RSF-1. In July of this year the subject property was approved for a subdivision, Tensaw Estates.

**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?**

The subdivision has already received approval and the rezoning to allow horses would not have an adverse effect on 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 and residential with large lots. The applicant is only asking for the larger lots in the back to be rezoned to RSF-E.

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

Yes, most of this area is zoned RSF-E. Tensaw Estates is a 23 lot subdivision with lots ranging in size from 1 acre to 20 acres.

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

This area of Planning District 4 is mostly zoned RSF-E, Residential Single Family Estate with a few properties zoned RSF-1. 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?**

The subdivision has already been approved and staff anticipates no adverse impacts allowing horses on the larger lots within the subdivision.

**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. The property is accessed from State Highway 225 to the east. The adjoining properties are residential and forested timberland. The requested zoning designation is RSF-E, Residential Single Family Estate District. According to the submitted information, the purpose of this request is to allow horses in a residential subdivision.

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.*





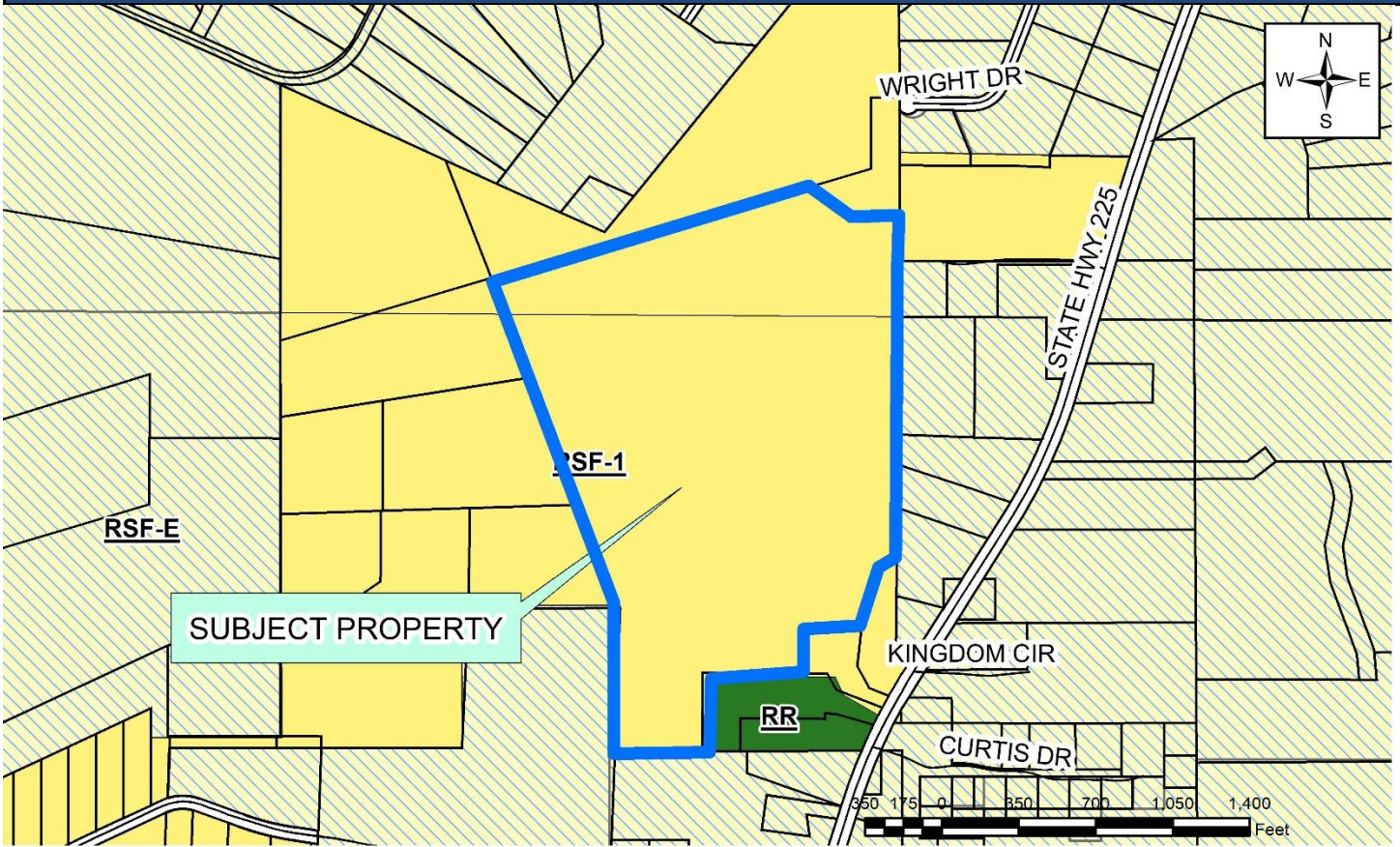


## Property Images





## Locator Map



## Site Map

