



Baldwin County Planning & Zoning Department

Baldwin County Commission Staff Report

Agenda Item

Case No. Z-19057

Clement Property

Rezone RSF-1, Single Family District to RSF-4, Single Family District

January 21, 2020

Subject Property Information

Planning District: 21
General Location: North side of County Road 12 South, between Magnolia Springs Highway and Sherman Road
Physical Address: N/W
Parcel Number: 05-60-02-10-0-000-019.004
Existing Zoning: RSF-1, Single Family District
Proposed Zoning: RSF-4, Single Family District
Existing Land Use: Vacant (partially constructed subdivision)
Proposed Land Use: Sarah Farms, Phase II (91 lots)
Acreage: 26 acres, more or less
Applicant: Tom F. Clement and Frances R. Clement
9295 Bay Point Drive
Elberta, Alabama 36530
Owner: Tom F. Clement and Frances R. Clement
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Agricultural/Undeveloped	RSF-1, Single Family
South	Residential	RSF-2, Single Family
East	Residential/Agricultural	RSF-2, Single Family
West	Agricultural	RA, Rural Agricultural District

Summary

The subject property is currently zoned RSF-1, Single Family District, and consists of approximately 26 acres. The designation of RSF-4, Single Family District has been requested in order to complete a 91-lot subdivision to be known as Sarah Farms, Phase II. The preliminary plat for Sarah Farms, Phase II, was approved by consent decree on May 8, 2007. On, February 5, 2009, the Planning Commission granted a 24-month preliminary plat extension which expired on May 8, 2011. According to the information provided, approximately 50 percent of improvements have been installed.

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 4.5 RSF-4, Single Family District

4.5.1 *Generally.* This zoning designation is provided to afford the opportunity for the choice of a moderate density residential development consisting of single family homes.

4.5.2 *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.

4.5.3 *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.

4.5.4 *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*).

4.5.5 *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	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area per Dwelling Unit	7,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

Agency Comments

Baldwin County Subdivision Department: No comments received.

Municipality (Town of Magnolia Springs): No comments received.

Baldwin County Highway Department: No comments received.

ADEM: 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, Single Family District and is vacant with partially completed subdivision improvements. The property adjoins County Road 12 to the south and Sherman Road to the east. The property located across County Road 12, to the south, is the location for a single family subdivision which is zoned RSF-2. Adjacent properties to the north, east and west are residential and agricultural with the zoning designations of RA, RSF-1 and RSF-2.

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?

The zoning for Planning District 21 was adopted by the Baldwin County Commission on June 2, 2009. The original approval, by consent decree, occurred on May 8, 2007. The 24-month preliminary plat extension was granted on February 5, 2009. Both approvals were granted prior to the adoption of zoning. Construction had taken place on a sporadic basis prior to the extension, but was basically dormant at the time the extension was granted. The RSF-1 zoning designation, which was approved on June 2, 2009, was not consistent with the lot sizes which had been approved. Staff is unsure as to why this property was zoned RSF-1, given the fact that the subdivision was in an effective approval period, and due also to the fact that some construction had been completed. RSF-4 is the most restrictive designation which would allow for the area and dimensional requirements from the original approval.

It should be noted that the subdivision regulations have been amended several times since the date of the original approval. Any new subdivision of the subject property will be required to meet the current regulations which became effective on September 6, 2019.

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. Approval of this request will not require a change in the future land use designation.

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

Staff is unaware of any planned public improvements. The connection to County Road 12 South is subject to the approval of the Baldwin County Highway Department. As a condition to the original preliminary plat approval, turn lanes for the main entrance of the development were required. The applicant, at the time, did begin the approval and permitting process, but it was not completed prior to the stop of work.

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

A development of the type proposed would typically generate approximately nine (9) vehicle trips per day for each unit. This would equate to around 819 daily trips for the case at hand. This is not a definitive number. The exact impact may be more or less depending on how the subdivision develops, as well as other factors.

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 zoned RSF-1, Single Family District and is vacant with partially completed subdivision improvements. The property located across County Road 12, to the south, is the location for a single family subdivision which is zoned RSF-2. Adjacent properties to the north, east and west are residential and agricultural with the zoning designations of RA, RSF-1 and RSF-2.

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

A number of different zoning designations are found in the area around the subject property. These include RR, RA, RSF-1, RSF-2, RSF-3, RMH, B-2, B-3 and M-1. Many of these designations would allow development which would be more intense than that which has been proposed for Sarah Farms II. However, there are no properties in the vicinity which are zoned RSF-4.

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 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 primary concern under this standard would be traffic impact. Please Standard 4 and Standard 5 listed above.

11.) Other matters which may be appropriate.

- Staff received no agency comments for this request.
- Any new subdivision on the subject property will be required to meet the current subdivision regulations which became effective on September 6, 2019.

Staff Comments and Recommendation

As stated previously, the subject property is currently zoned RSF-1, Single Family District, and consists of approximately 26 acres. The designation of RSF-4, Single Family District has been requested in order to complete a 91-lot subdivision to be known as Sarah Farms, Phase II. The preliminary plat for Sarah Farms, Phase II, was approved by consent decree on May 8, 2007. On, February 5, 2009, the Planning Commission granted a 24-month preliminary plat extension which expired on May 8, 2011. According to the information provided, approximately 50 percent of improvements have been installed.

Staff is somewhat concerned with introducing RSF-4 into an area where there are no existing parcels which currently carry the designation. However, staff cannot ignore the fact that Sarah Farms II was a previously approved subdivision where some improvements have been constructed.

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

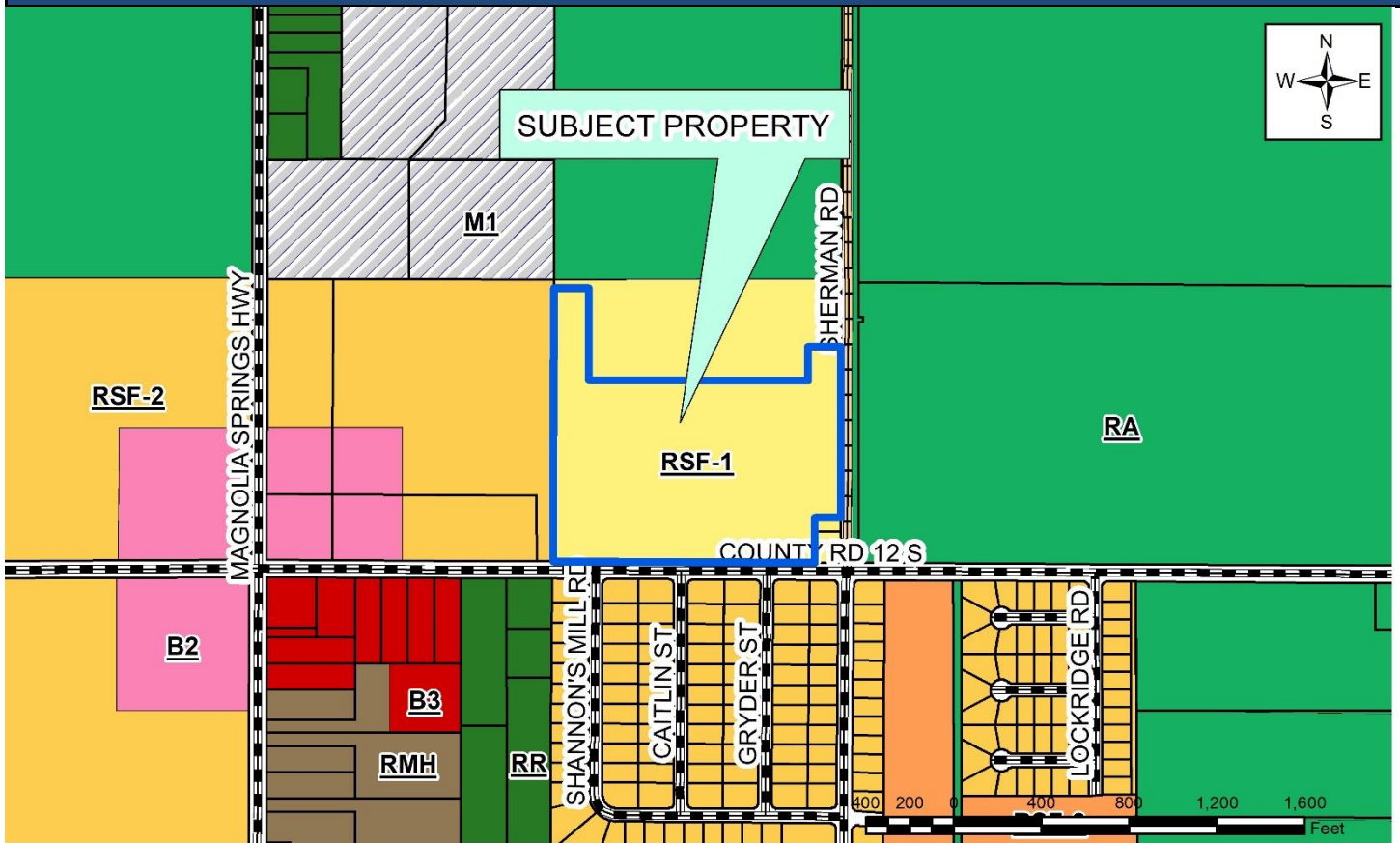
**On rezoning applications, the County Commission will have the final decision.*

Property Images





Locator Map



Site Map

