



Baldwin County Planning & Zoning Department

Baldwin County Commission Staff Report

Agenda Item

Case No. Z-19051

Crowe Property

Rezone RSF-1, Single Family District to RSF-2, Single Family District and RTF-4, Two Family District

January 21, 2020

Subject Property Information

Planning District: 22
General Location: North and South sides of Collier Road, East of County Road 93
Physical Address: N/A
Parcel Numbers: 05-52-05-22-0-000-011.000 (a part of), 05-52-05-22-0-000-013.008 and 05-52-05-22-0-000-013.009
Existing Zoning: RSF-1, Single Family District
Proposed Zoning: RSF-2, Single Family District and RTF-4, Two Family District
Existing Land Use: Residential
Proposed Land Use: Divide properties based on existing dwelling units (No additional units proposed, Residential use will continue)
Acreage: 3.46 acres more or less (Total property includes 4.52 acres)
Applicant: Marco Toledo
3151 Boulevard de Sevilla, Unit 102
Foley, Alabama 36535
Owner: Robert O. Crowe
13656 County Road 93
Lillian, Alabama 36549
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-1, Single Family
South	Residential	RSF-1, Single Family
East	Residential	RSF-1, Single Family
West	Residential & Agricultural	RSF-1 & RA, Rural Agricultural

Summary

This request involves three parcels. The properties in question are currently zoned RSF-1, Single Family District. The first parcel (05-52-22-0-000-011.000), which consists of approximately 2.56 acres, is located on the north side of Collier Road. It is the site for three duplex structures, three single family dwellings and a barn. Under this proposal, the center and eastern portions of the parcel would be rezoned to RTF-4, Two Family District. The western 139-feet would remain RSF-1. The second and third parcels (05-52-05-22-0-000-013.008 and 05-52-05-22-0-000-013.009) are located on the south side of Collier Road. Each parcel is the site for two single family dwellings (manufactured homes), and both would be rezoned to RSF-2, Single Family

District. According to the applicant, the purpose of this rezoning request is to address conformity issues and allow individual dwelling units to be sold. No additional units are proposed.

Current Zoning Requirements

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

Section 4.6 RTF-4, Two Family District

4.6.1 *Generally.* The intent of this zoning designation is to provide the opportunity for two family residential development.

4.6.2 *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) Two family dwellings.
- (e) Single family dwellings including manufactured housing and mobile homes.
- (f) Accessory structures and uses.
- (g) The following institutional use: church or similar religious facility.

4.6.3 *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.

4.6.4 *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*).

4.6.5 *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
Maximum Density	4 Dwelling Units per Acre
Minimum Lot Area/Dwelling Unit	7,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Ground Coverage Ratio	.35

Agency Comments

Planning and Zoning, Subdivisions (Mary Booth): No comments.

Municipality: N/A

Baldwin County Highway Department: No comments.

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 properties are currently occupied with dwellings and accessory structures. Specifically, the parcel located on the north side of Collier Road is the site for three duplex structures, three single family dwellings and a barn. The two parcels located on the south side of Collier Road are each the site for two single family dwellings (manufactured homes). The adjacent properties are residential with agricultural properties being located west of County Road 93.

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 22 was adopted by the Baldwin County on November 16, 2002. This area appears to be relatively stable with few, if any, changes since the adoption of zoning. In addition, the dwellings on the subject parcels were in place prior to the adoption of zoning. As a result, these parcels are nonconforming. Approval of the requested rezoning would address the conformity issues.

3.) Does the proposed zoning better conform to the Master Plan?

The Baldwin County Master Plan, 2013, provides future land use designations for properties located within the zoned areas of the County. These categories represent the recommendations for the physical development of the unincorporated areas of the County. They are intended for planning purposes only and do not represent the adoption of zoning designations for areas which have not voted their desire to come under the zoning authority of the Baldwin County Commission. Although not legally binding, the future land use designations are evaluated in conjunction with criteria found in the Baldwin County Zoning Ordinance (Zoning Ordinance), the Baldwin County Subdivision Regulations, the Baldwin County Flood Damage Prevention Ordinance and any other ordinances and regulations which the County Commission may adopt.

The Baldwin County Master Plan, 2013, provides future land use designations of Residential for the subject properties. 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 rezoning will not require a change to the future land use designations.

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

Staff is unaware of any planned public improvements which would be impacted by this request.

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

This request will not involve additional dwelling units. As a result, there should be no adverse effects 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.

As stated previously, the subject properties are currently occupied with dwellings and accessory structures. Specifically, the parcel located on the north side of Collier Road is the site for three duplex structures, three single family dwellings and a barn. The two parcels located on the south side of Collier Road are each the site for two single family dwellings (manufactured homes). The development patterns were in place prior to the adoption of zoning. No changes are proposed.

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

The primary zoning of surrounding properties is RSF-1, Single Family District. Properties zoned RA, Rural Agricultural District, are located west of County Road 93. RSF-2, which is proposed for the two lots located on the south side of Collier Road, is a single family designation which represents the next step up from RSF-1. The designation of RTF-4, Two Family District, is proposed for the parcel located on the north side of Collier Road. Approval of this designation would introduce a different element into the area. However, the use (duplexes) which would be associated with this designation was established prior to the adoption of zoning.

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

There appear to be no significant development trends in this area. In addition, this request will not represent new development. As a result, 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 which 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 purpose of this request is to address conformity issues and allow individual dwelling units to be sold. No additional units are proposed. Staff does not anticipate any adverse impacts from two additional dwellings.

11.) Other matters which may be appropriate.

N/A

Staff Comments and Recommendation

As stated above, this request involves three parcels. The properties in question are currently zoned RSF-1, Single Family District. The first parcel (05-52-22-0-000-011.000), which consists of approximately 2.56 acres, is located on the north side of Collier Road. It is the site for three duplex structures, three single family dwellings and a barn. Under this proposal, the center and eastern portions of the parcel would be rezoned to RTF-4, Two Family District. The western 139-feet would remain RSF-1. The second and third parcels (05-52-05-22-0-000-013.008 and 05-52-05-22-0-000-013.009) are located on the south side of Collier Road. Each parcel is the site for two single family dwellings (manufactured homes), and both would be rezoned to RSF-2, Single Family District. According to the applicant, the purpose of this rezoning request is to address conformity issues and allow individual dwelling units to be sold. No additional units are proposed.

The request was first presented at the November 7, 2019, Planning Commission meeting but was tabled at that time. Questions were raised concerning the availability of water and the presence of businesses on the subject property. Staff visited the site and verified that two of the parcels are served by wells, while the remainder are served by public water. As a result, the entirety of the properties requested for rezoning could be served by public water in the future. However, and as stated previously, the applicant is not planning to add additional units. Therefore, the availability of water should not be a concern for this rezoning request. With regard to businesses, there are two businesses which were in existence prior to the adoption of zoning in Planning District 22 (November 19, 2002). These appear to be home based businesses which were grandfathered. In addition, they are not located on any portion of property proposed for rezoning. Staff sees no issues with the businesses.

For the most part, staff has no major issues with this request. The one area of hesitancy would be the request for RTF-4. This designation would allow for two family dwellings (duplexes) which are not currently provided for the properties zoned RSF-1. However, the duplexes in question were already constructed at the time of zoning adoption. The applicant has provided no plans for the construction of additional duplex units. In addition, new duplex units would not be feasible due to the existing structures and acreage available.

Unless information to the contrary (staff has received no information on opposition thus far) is revealed during the public hearing, this rezoning request should be **APPROVED**. *

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

Property Images





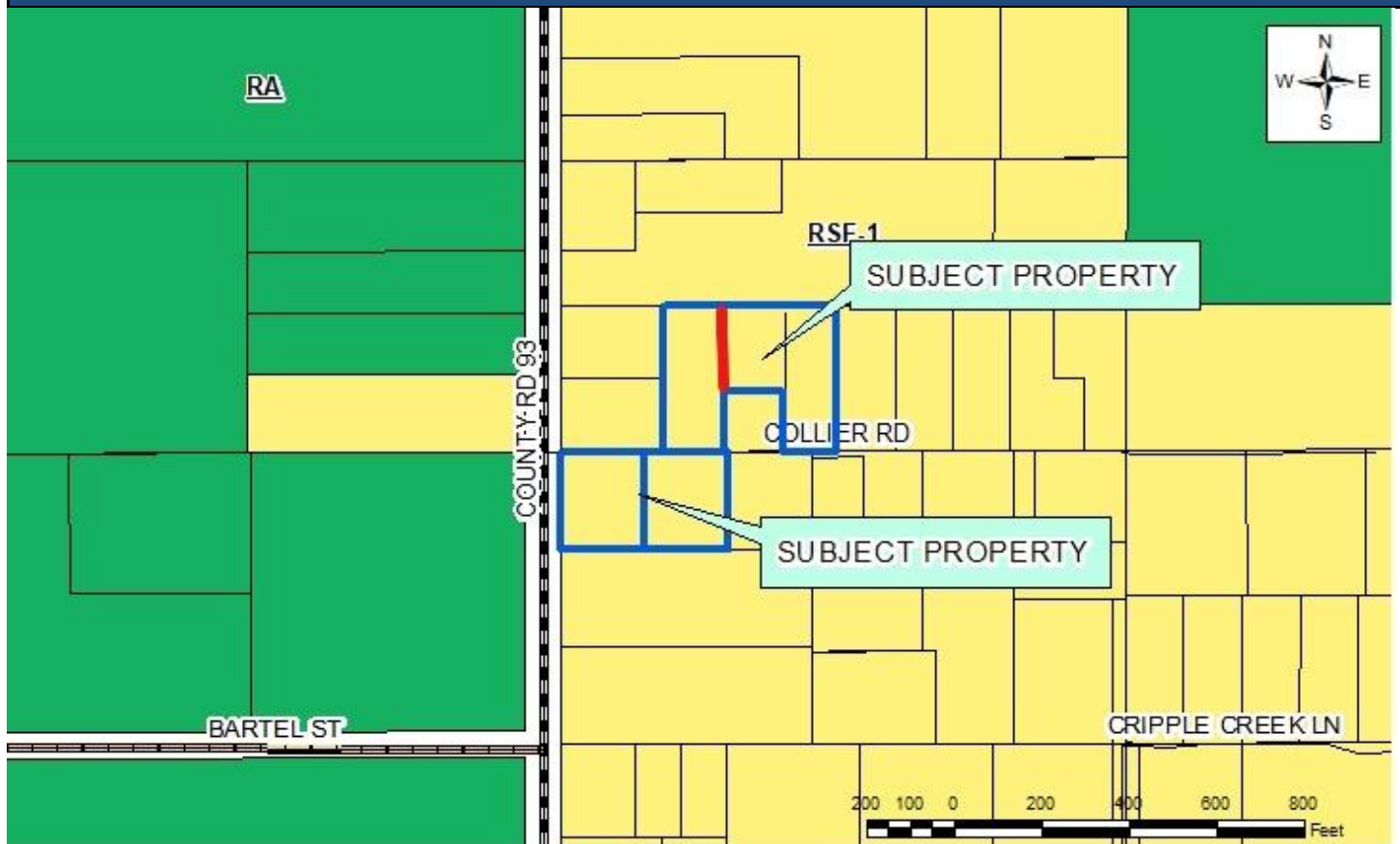








Locator Map



Site Map

