



Baldwin County Planning & Zoning Department

Baldwin County Commission Staff Report

Agenda Item

Case No. Z-21007

E & T Enterprises Property

Rezone RA, Rural Agricultural District to RSF-2, Single Family District

February 17, 2021

Subject Property Information

Planning District: 21
General Location: Southeast Corner of County Road 12 S and Nall Road
Physical Address: 17324 County Road 12 South
Parcel Number: 05-60-06-13-0-000-003.000
Existing Zoning: RA, Rural Agricultural District
Proposed Zoning: RSF-2, Single Family District
Existing Land Use: Residential and Agricultural
Proposed Land Use: Single Family Residential Development
Acreage: 75.93± acres
Applicant: Sawgrass Consulting, LLC
30673 Sgt. E.I. Boots Thomas Drive
Spanish Fort, AL 36527
Owner: E & T Enterprises
11045 Old Highway 31
Spanish Fort, AL 36527
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential and Agricultural	RA, Rural Agricultural District
South	Residential and Agricultural	RA, Rural Agricultural District
East	Agricultural	Un-Zoned
West	Residential	RSF-2 Single Family District

Summary

The subject property is currently zoned RA, Rural Agricultural District, and is developed with a single-family dwelling and accessory structure on the northwest corner. The remainder of the property is undeveloped. The property adjoins County Road 12 S to the north and Nall Road to the west. The adjoining properties are agricultural and residential. The requested zoning designation is RSF-2, Single Family District. According to the submitted information, the purpose of this request is to allow for development of a single-family residential development.

Section 3.2 RA Rural Agricultural District

3.2.1 Generally. This zoning district provides for large, open, unsubdivided land that is vacant or is being used for agricultural, forest or other rural purposes.

3.2.2 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) Outdoor recreation uses.
- (d) The following general commercial uses: animal clinic and/or kennel; farm implement sales; farmers market/truck crops; nursery; landscape sales; country club.
- (e) The following local commercial uses: fruit and produce store.
- (f) The following institutional uses: church or similar religious facility; school (public or private).
- (g) Agricultural uses.
- (h) Single family dwellings including manufactured housing and mobile homes.
- (i) Accessory structures and uses.

3.2.3 Special exceptions. 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 special exceptions:

- (a) The following general commercial uses: recreational vehicle park (see *Section 13.9: Recreational Vehicle Parks*).
- (b) The following local commercial uses: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

3.2.4 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) Transportation, communication, and utility uses not permitted by right.
- (b) Institutional uses not permitted by right.

3.2.5 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
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet

Minimum Lot Area	3 Acres
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	210-Feet

3.2.6 *Area and dimensional modifications.* Within the RA 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

Proposed Zoning Requirements

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
Maximum Height in Habitable Stories	2 1/2
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: No comments received.

From: Alfreda Jeffords <Weesie.Jeffords@baldwincountyal.gov>

Date: December 23, 2020 at 9:39:17 AM CST

To: D Hart <DHart@baldwincountyal.gov>

Subject: RE Z-21007

Z-21007(E&T Enterprises):

The proposed residential subdivision development will be subject to Baldwin County Subdivision Regulations, and requirements by the City of Foley since it is inside Foley's planning jurisdiction. CR 12 S is a major collector with 75ft highway construction setback, Nall Rd is a local classified road with 40ft highway construction setback, both from centerline of right-of-way. If 50 lots or over, the proposed will require a traffic impact study.

Thanks,
Weesie

Army Corps of Engineers: No comments received.

ADEM: No comments received.

Baldwin County Subdivision Department:

This is located inside Foley's ETJ and the City of Foley has primary review authority. The Owner/Developer/Applicant shall coordinate with the City of Foley Planning Commission for approval and compliance with their current regulations as well as Baldwin County.

The Owner/Developer/Applicant will need to submit a Development Permit application for preliminary plat approval and will need to meet current Baldwin County sub-regs. Below are the minimum lot size requirements. The subdivision will need a ROW access permit for CR12 and each lot shall front on and only have access from internal paved roads. County Road 12 is a minor collector and the HCS is 50' from centerline of ROW. The below setbacks should meet the HCS line. There are potential wetlands on the parcel and a wetland determination is required. There shall be a 30' from any wetlands. Fifty (50) lots or more will require a Traffic Impact Study. The Owner/Developer/Applicant shall provide stormwater calcs using the SCS method.

Minimum Standards for Subdivisions									
Lot Size*	Required Utilities	Roadway Type	Minimum Lot Width	Curb and Gutter	Side Walk***	Approval Body	Building Front Set Back****	Building Rear Set Back****	Building Side Set Back****
≥ 40,000 SF	overhead power	BCDS**	120 feet	no	no	Baldwin County Commission	30	30	10
20,000 SF to 40,000 SF	overhead power, either water or sewer	BCDS**	120 feet	no	no	Baldwin County Commission	30	30	10
20,000 SF to 40,000 SF	underground power, either water or sewer	BCDS**	80 feet	yes	no	Baldwin County Commission	30	30	10
7,500 SF to 20,000 SF	underground power, street lights, water and sewer	BCDS**	60 feet	yes	yes	Baldwin County Commission	30	30	10

*Minimum lot size shall be subject to Section 5.4(a)

** Baldwin County Design Standards for New Road Construction

***Side Walk Options:

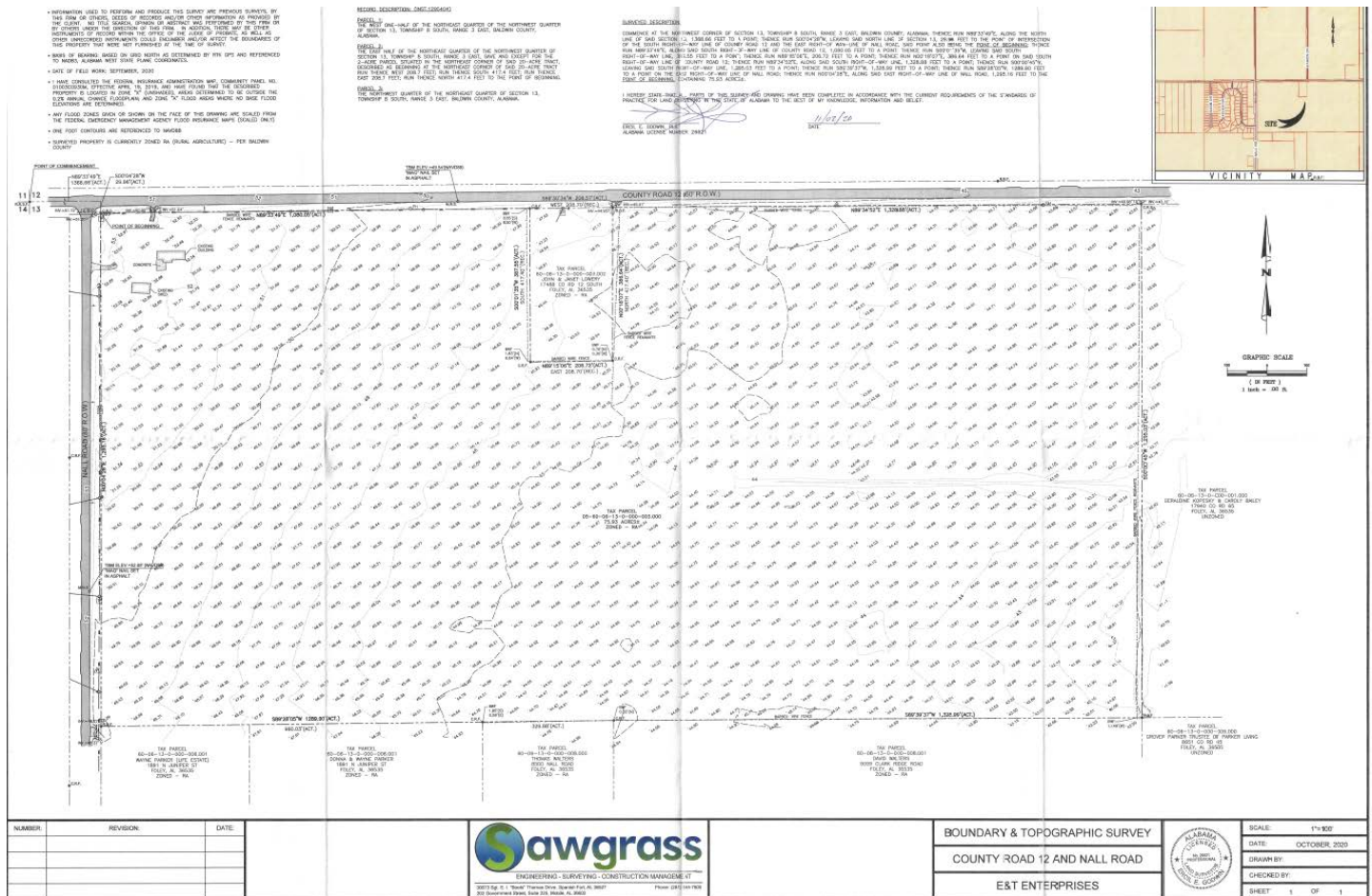
- 1) side walk on each side min. 5 feet wide
- 2) side walk on one side min. 8 feet
- 3) 8 feet road side side walk with striping

****In zoned areas of Baldwin County, the setbacks of the Baldwin County Zoning Ordinance shall apply. For non-residential subdivisions in unzoned areas see Section 5.4(g).

Municipality: No comments received

Alabama Department of Transportation: No comments received

Survey



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 RA, Rural Agricultural District, and is developed with a single-family dwelling and accessory structure. The adjacent properties are zoned RA and RSF-2. The adjacent uses are residential and agricultural. The subdivision to the west is zoned RSF-2. The requested change is compatible with the existing 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 21 was zoned in June 2009. The subject property was zoned RA, Rural Agricultural District at that time. The applicant is proposing to develop the land for a residential subdivision.

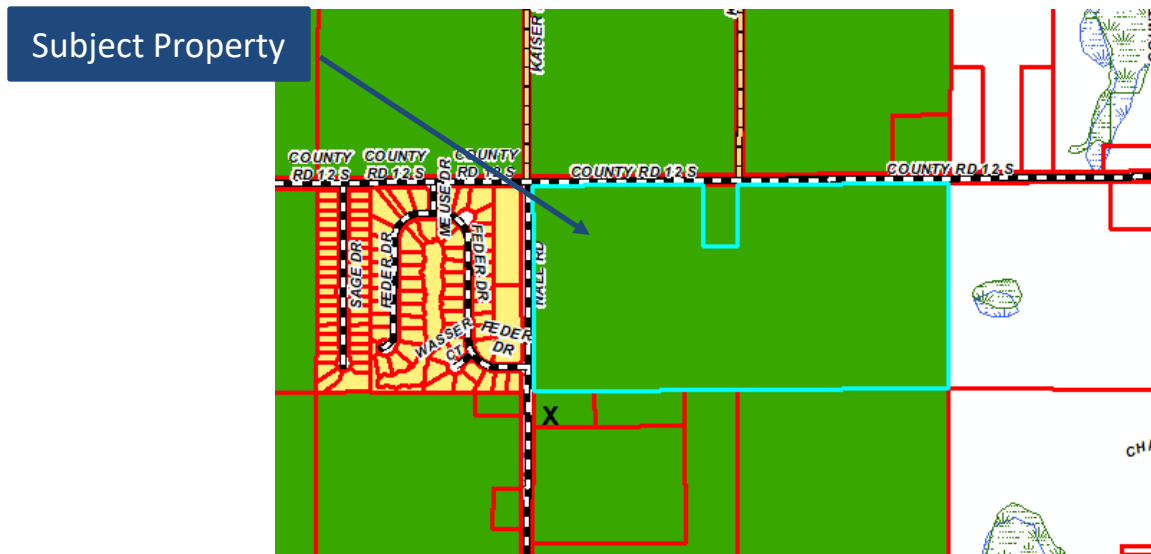
3.) Does the proposed zoning better conform to the Master Plan?

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.

A future land use designation of Agricultural has been provided for the subject property. Agriculture, forestry and similar activities are included with this future land use category. Single family dwellings, institutional uses, recreational uses, limited commercial uses which are intended to serve a rural area and transportation, communication and utility uses are also included subject to the requirements found within the Zoning Ordinance. This category is designed to protect the essential open character of rural areas until it is timely to reclassify the land to appropriate residential, commercial or industrial categories. Zoning designations may include RR, CR, RA and RSF-E.

Approval of the rezoning will result in an amendment of the Future Land Use Map to residential. Conformity with the Master Plan is based on an overall evaluation of the standards for rezoning. The residential 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. Institutional uses, recreational uses and limited neighborhood commercial uses may be included subject to the provisions of the Zoning Ordinance. To the greatest extent possible, residential areas should be accessible to major thoroughfares connecting with work areas, shopping areas and recreational areas. 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.

The adjacent future land use designation to the west is Residential.



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?

Per the Federal Highway Administration, the functional classification of County Road 12 S is minor collector. Collectors gather traffic from local roads and funnel them to the arterial network. Minor Collectors generally serve primarily intra-county travel and constitute those routes on which predominant travel distances are shorter than on arterial routes. Fifty (50) lots or more will require a Traffic Impact Study. Access to this site would require approval from the Baldwin County Highway Department.

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 proposal calls for the development of a single-family subdivision. If the rezoning is approved, approximately 220 lots could be constructed, subject to subdivision approval. Each lot would have a minimum of 15,000 square feet, with a minimum lot width of 80-feet at the building line.

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

This area of Planning District 21 consists of residential and agricultural zoning districts. The adjacent property to the west (Wellborn Lake Estates) is zoned RSF-2. Additional property located further west is also zoned RSF-2 (Greystone Farms Subdivision).

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

Staff believes that timing is appropriate given development trends in the area.

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. The Alabama Department of Environmental Management (ADEM) provided no comments.

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

Staff anticipates no adverse impacts. Access to this site would require approval from the Baldwin County Highway Department. Development of the property will require subdivision approval.

11.) Other matters which may be appropriate.

The Highway Construction Setback for County Road 12 S is 50 feet from the centerline of the right-of-way.

Staff Comments and Recommendation

As stated previously, the subject property is currently zoned RA, Rural Agricultural District, and is developed with a single-family dwelling and accessory structure on the northwest corner. The remainder of the property is undeveloped. The property adjoins County Road 12 S to the north and Nall Road to the west. The adjoining properties are agricultural and residential. The requested zoning designation is RSF-2, Single Family District. According to the submitted information, the purpose of this request is to allow for development of a single-family residential development.

The Baldwin County Planning Commission considered this request at its January 7, 2021 meeting and voted to recommend APPROVAL to the County Commission. Staff concurs with that recommendation.

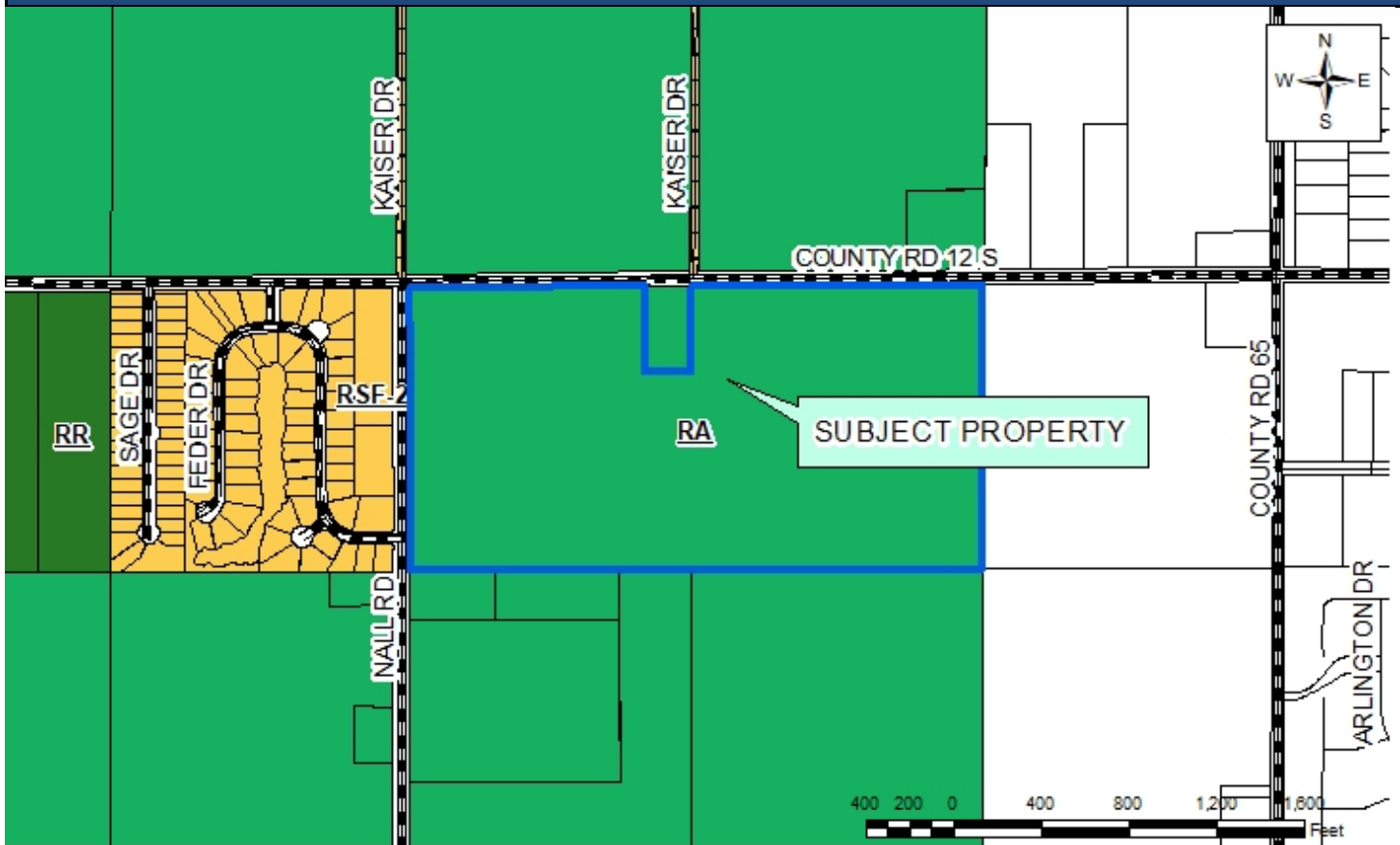
**On rezoning applications, the County Commission will have the final decision.*

Property Images





Locator Map



Site Map

