



**Baldwin County  
Commission  
June 15, 2021  
S-21047  
Blackwater Farms  
Subdivision  
Appeal**


**S-21047 Blackwater Farms Subdivision**  
Vicinity Map

Legend

- LAND PARCELS
- Interstate
- US Highway
- State Highway
- Paved
- Unpaved
- 911 Roads

0 0.3 0.6 1.2 1.8 2.4 Miles

S-21047 Blackwater Farms Subdivision  
Vicinity Map

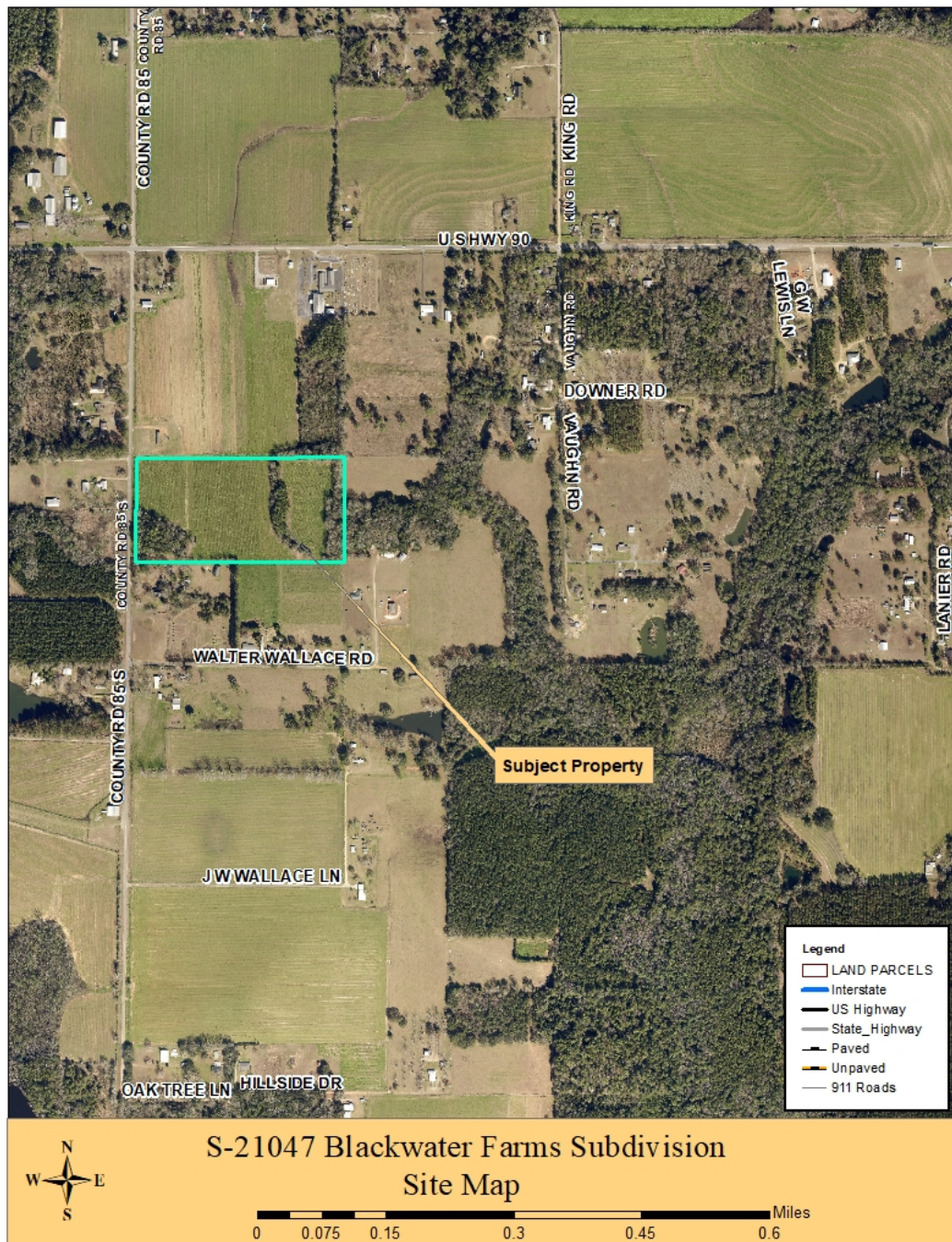


0 0.3 0.6 1.2 1.8 2.4 Miles

# S-21047 Blackwater Farms Subdivision Development Permit Approval

- District 12, Zoned RA and RSF-1

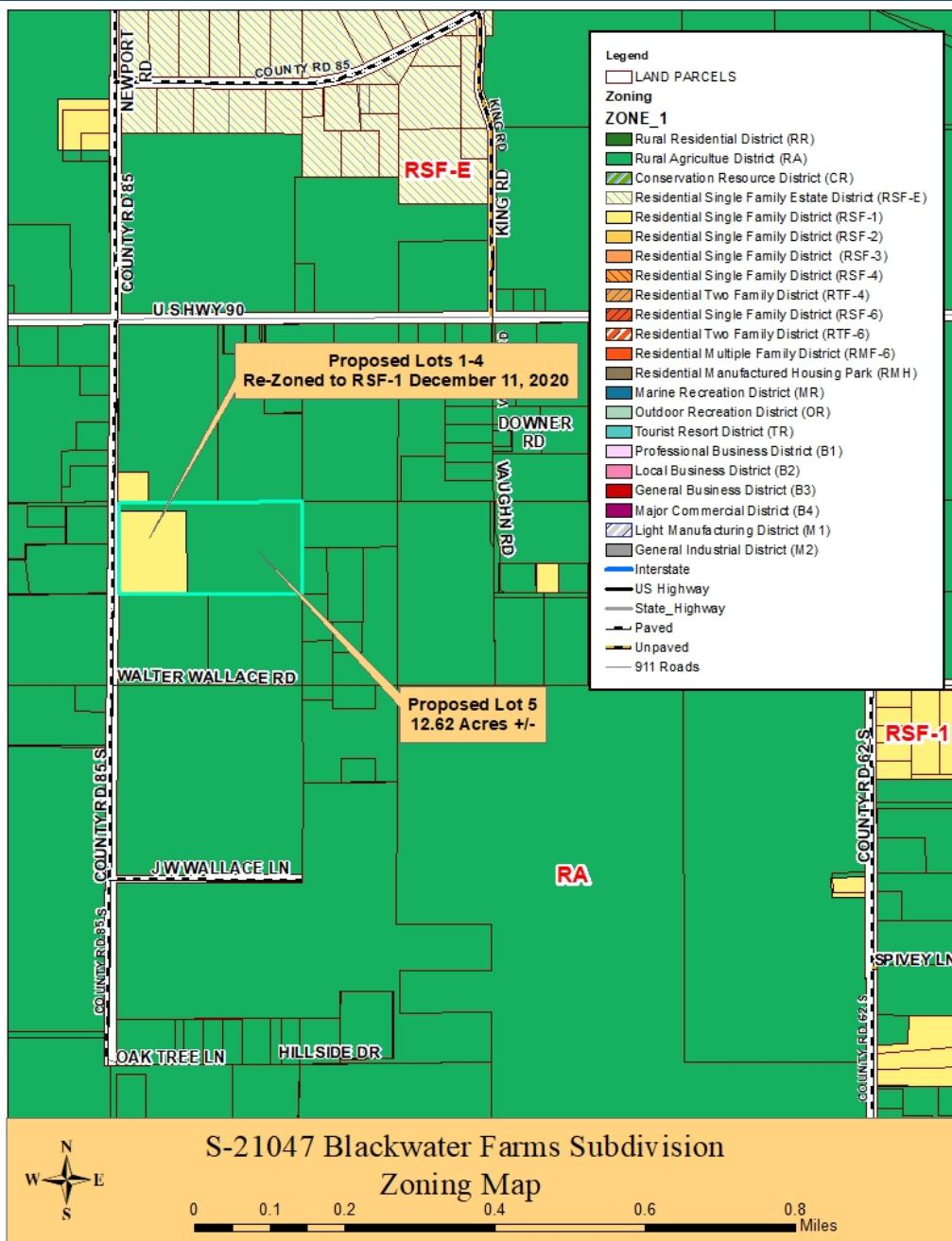
The subject property is located on the east side of County Road 85 approximately 0.25 miles south of US HWY 90 in the Elsanor Community near Robertsdale.





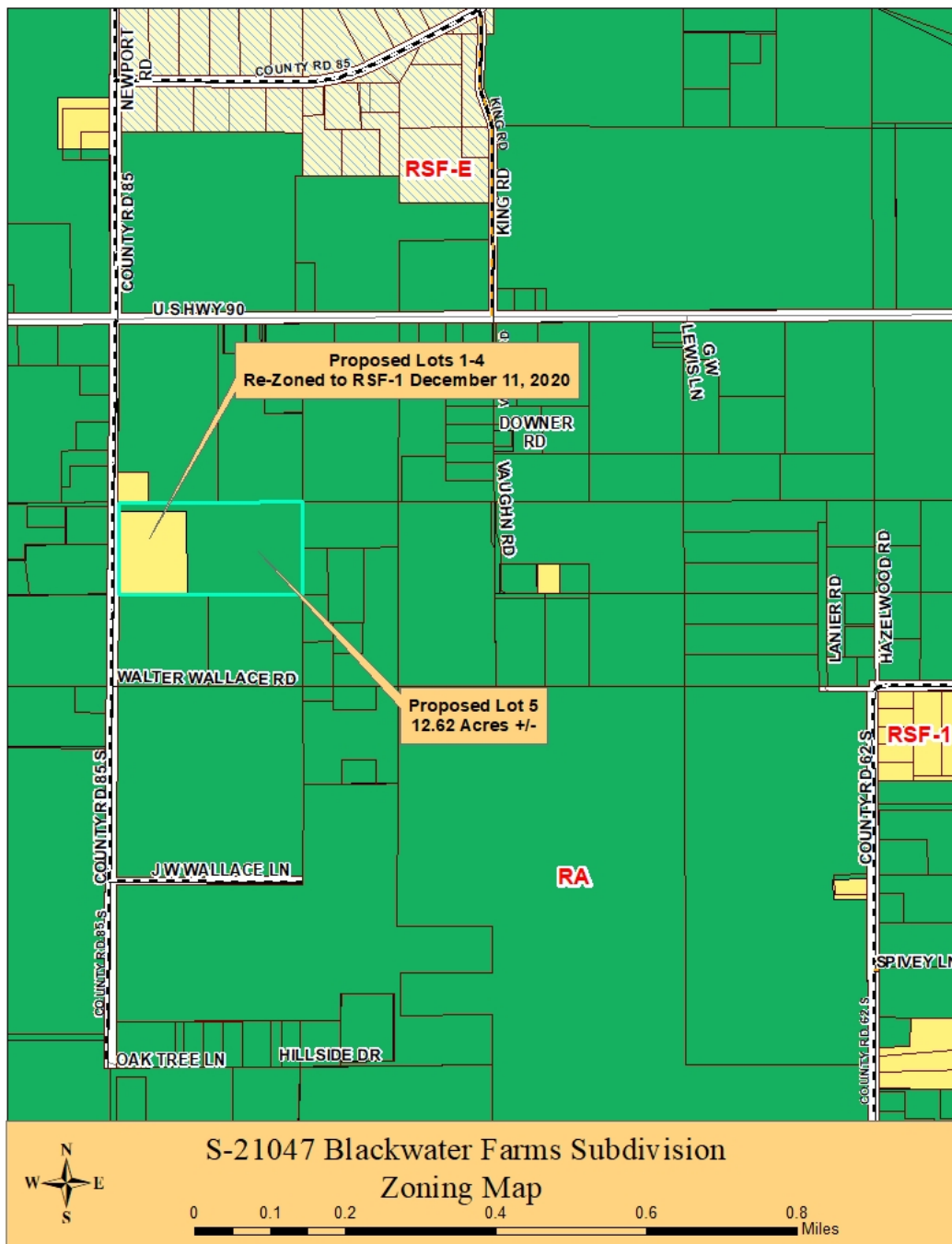
# S-21047 Blackwater Farms Subdivision Development Permit Approval

- Approximately 19.06 Total Acres
- 5 Proposed Lots
- Smallest Lot Size – 1.6 acres
- Water – East Central Baldwin Water Authority
- Sewer – On-site Septic
- Electricity – Baldwin EMC

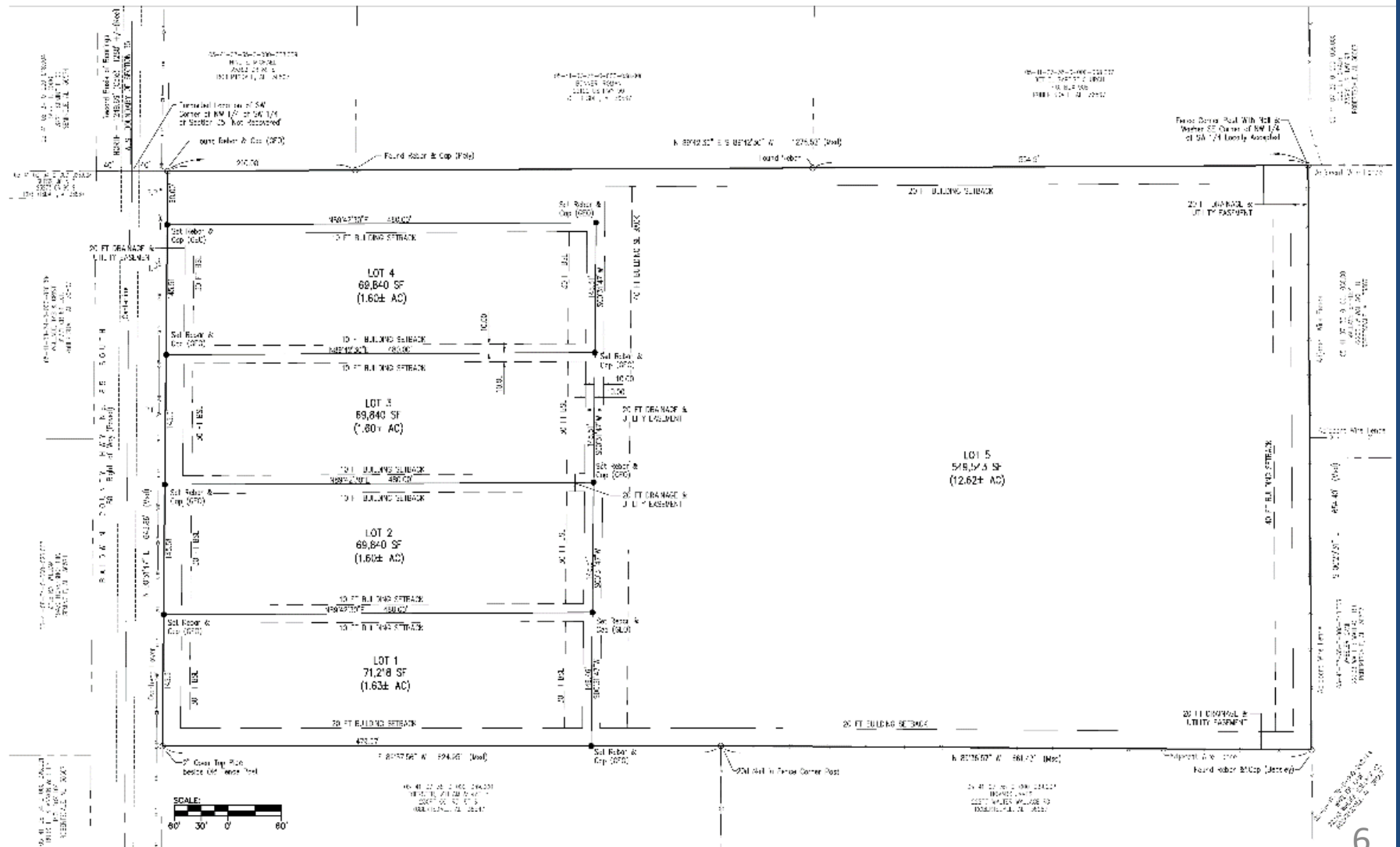


# S-21047 Blackwater Farms Subdivision Development Permit Approval

The legend has been removed from the map to more clearly show all surrounding properties and their zoning classifications



# S-21047 Blackwater Farms Subdivision Plat



# S-21047 Planning and Zoning Commission *Staff Recommendation*

Recommendation to the Baldwin County Planning and Zoning Commission at its May 6, 2021 regular meeting:  
**APPROVAL OF DEVELOPMENT PERMIT**

No deficiencies with the application were identified by staff

# S-21047 County Commission *Staff* *Recommendation*

Discuss and allow public comments regarding Case No. S-21047, Blackwater Farms Subdivision, appeal from the Baldwin County Planning and Zoning Commission denial of a Development Permit for a proposed six lot subdivision in the Elsanor area and take one of the following actions (please select one):

- 1) Affirm the decision of the Baldwin County Planning and Zoning Commission and deny the Development Permit for Case No. S-21047, Blackwater Farms Subdivision; or
- 2) Reverse the decision of the Baldwin County Planning and Zoning Commission and approve the Development Permit for Case No. S-21047, Blackwater Farms Subdivision; or
- 3) Modify the decision of the Baldwin County Planning and Zoning Commission as it relates to the Development Permit for Case No. S-21047, Blackwater Farms Subdivision.



# S-21047 Blackwater Farms Subdivision Additional Supporting Information: contours

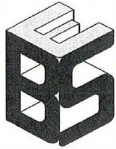


# S-21047 Blackwater Farms Subdivision Additional Supporting Information

- The property contains a “ridge” in the center. The drainage calculations account for the ridge and thus reflect “east” and “west” flow (C) and time of concentration ( $T_c$ ) calculations
- The Baldwin County Board of Education provides the following student yield factors that would be generated by the subdivision:

Total Units	Attendance Zone	Student Yield Factor	Expected Number of Students
5	Elsanor Elementary	forthcoming	forthcoming
5	Central Baldwin Middle	forthcoming	forthcoming
5	Robertsdale High	forthcoming	forthcoming





## BARTON & SUMER ENGINEERING, LLC

3213 MIDTOWN PARK SOUTH  
MOBILE, AL 36606  
251.219.4942  
www.bartoneng.com

### BLACKWATER FARMS SUBDIVISION

Baldwin County, Alabama

#### Drainage Methodology:

This project consists of the division of a single piece of land into five (5) residential lots. The property is located on the east side of County Road 85 South with  $\pm 640$  feet of roadway frontage. The property is the north half of the southwest quarter of the southwest quarter of Section 35 and contains approximately 19.06 acres. The property is being subdivided into four (4) lots of  $\pm 1.6$  acres each and a remnant parcel containing 12.62 acres. The majority of the property is currently used as farm land with row crops with some isolated areas of trees.

The property has a ridge that runs from north to south approximately 600 feet from County Road 85 South. The drainage analysis consisted of two area calculations for each watershed (east and west). The east portion of the subdivision contains the five (5) smaller lots and the west is entirely within the remnant parcel. Based on the USGS Web Soil Survey the western portion of the property is primarily soil group A and B while the east side of the ridge contains B and C soils. Soil Group B was used to establish the Curve Numbers for the impact analysis of this development.

Calculations for the weighted curve number for each portion of the property were performed by treating the existing row crop property (CN=81) as pasture land (50-75% ground cover fair condition - CN=69), the smaller lots were calculated as 1.3 acre lots (CN=67.1) based on the one (1) (CN=68) and two (2) (CN=65) acre lots as a basis and the larger lot was calculated as two (2) acre lots (CN=65).

Using the SCS method with there will **not be an increase in runoff** as a result of changing from a farmed property to the proposed residential lots.

Site Area = 830,280 SF ( $\pm 19.06$  AC)

#### WEST EXISTING:

CN = 67

(60) WOODED = 1.81 AC

(69) PASTURE = 6.77 AC

Tc = 4 min (Kirpich)

#### EAST EXISTING:

CN = 68

(60) WOODED = 1.59 AC

(69) PASTURE = 8.89 AC

Tc = 5 min (Kirpich)

#### WEST PROPOSED:

C = 66.58

(67.1) RESIDENTIAL (1.3 AC) = 6.44 AC

(65) RESIDENTIAL (12.6 AC) = 2.14 AC

Tc = 4 min (Kirpich)

#### EAST PROPOSED:

C = 65

(65) RESIDENTIAL (12.6 AC) - 100%

Tc = 5 min (Kirpich)

The results of the subdivision will not increase the runoff from the site based on the SCS method. No storm water runoff abatement is proposed.



# S-21047 Blackwater Farms Subdivision Development Permit Approval

Document at left is an excerpt  
of the drainage report  
submitted by the Engineer of  
Record (EOR)

# S-21047 Blackwater Farms Subdivision Development Permit Approval

Document at left contains the  
review comments provided by  
Baldwin County Highway  
Department staff

## **Buford King**

---

**From:** Alfreda Jeffords  
**Sent:** Thursday, April 22, 2021 5:26 PM  
**To:** Buford King  
**Cc:** Jessie Parfait; Mary Booth  
**Subject:** RE: S-21047 Blackwater Farms Subdivision package

Buford,

The lots could apply for residential driveway permits if/when they build homes/buildings on the properties. Any additional land use changes would have to be reviewed to accommodate for additional runoff.

Let me know if you need further information.

Thanks,  
Weesie

---

**From:** Buford King  
**Sent:** Tuesday, April 20, 2021 10:31 AM  
**To:** Debra Ann. Morris < > ; Alfreda Jeffords  
**Cc:** Matthew Brown < > ; Jessie Parfait  
Mary Booth  
**Subject:** S-21047 Blackwater Farms Subdivision package

Deb/Wessie, good morning, I have a new subdivision case for you:

S-21047, Blackwater Farms Subdivision, a 5-lot subdivision along CR 85 east of Robertsdale in planning district 12, to be heard at the May 6<sup>th</sup> PC meeting, all digital files at this link:

Weesie you'll see that David Shumer provided a drainage narrative with his PE stamp. Four of the five lots are 1.6 acres +/- and the fifth lot is 12.62 acres +/- . The area that will contain the four 1.6 acre +/- lots is zoned RSF-1 to allow the smaller lot size.

Please provide any review comments you may have, and via e-mail copy you'll see when my review comments go to the engineer.

Thank you,

J. Buford King, MPA, LEED AP  
Development Review Planner  
Baldwin County Planning and Zoning  
22251 Palmer Street  
Robertsdale, AL 36567

# S-21047 Blackwater Farms Subdivision Additional Supporting Information *Case # S-21005*

S-21005 was a six-lot subdivision requested for the same property and considered by the Baldwin County Planning and Zoning Commission on January 7, 2021

- Staff found no deficiencies with that application and recommend approval of the Development Permit
- S-21005 was denied by the Baldwin County Planning and Zoning Commission
- Though an appeal of the denial of S-21005 was submitted to the Baldwin County Commission, in lieu of consideration by the Commission the applicant submitted subject application S-21047 and reduced the request from six (6) to five (5) lots and increased the lot sizes within the RSF-1 area.

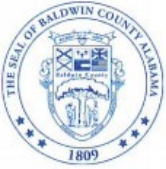


# S-21047 Blackwater Farms Subdivision Additional Supporting Information *Land Use Certificates*

## Land Use Certificate Requirements

- Required before the issuance of any building permit
  - Includes Plumbing, electrical, and HVAC
- Request for Land Use Certificate shall include
  - an accurate site plan drawn to scale showing:
    - the actual shape, dimensions and size of the lot to be built upon,
    - The size, shape, height, floor area and location of the buildings to be erected
    - dimensions and locations of existing buildings
    - width of front side and rear yards
    - existing and proposed parking
    - ingress to and egress from the site
    - such other information as may be reasonably requested to determine compliance with these zoning ordinances including but not limited to:
      - landscaping plan
      - erosion control plan
      - stormwater management plan
      - utilities plan.

## RA to RSF-1 Automatic Rezoning



### BALDWIN COUNTY COMMISSION

#### PLANNING & ZONING DEPARTMENT

[www.planning.baldwincountyal.gov](http://www.planning.baldwincountyal.gov)

Main Office Physical:  
22070 Hwy 59  
Robertsdale, AL 36567  
Telephone 251.580.1655  
Fax 251.580.1656

Main Office Mailing:  
22251 Palmer Street  
Robertsdale, AL 36567

Foley Office:  
201 East Section Avenue  
Foley, AL 36535  
Telephone 251.972.8523  
Fax 251.972.8520

December 11, 2020

David Shumer  
3213 Midtown Park S.  
Mobile, AL 36606

Dear Mr. Shumer,

**Case No. Z-21008**

Based upon your request on December 11, 2020, a portion of the property, 05-41-07-35-0-000-039.001, identified as:

FROM THE SW CORNER OF THE NW 1/4 OF THE SW 1/4 OF SECTION 35 TRAVEL EAST 40 FEET TO THE EAST ROW LINE OF BALDWIN COUNTY ROAD 85 SOUTH; THEN TRAVEL SOUTH 60 FEET ALONG SAID ROW LINE TO THE POINT OF BEGINNING. TRAVEL N 89D42'30" E, 480.0 FT TO A POINT THEN TRAVEL S 31'47" W, 586.01 FT, THEN TRAVEL S 89D57'56" W TO THE EAST ROW LINE OF BALDWIN COUNTY ROAD 85 SOUTH, THEN TRAVEL N 31'47", 583.85 FT TO THE POINT OF BEGINNING CONTAINING 6.44± ACRES

has been rezoned from RA, Rural Agricultural District, to RSF-1 – Single Family District, in accordance with *Section 19.17 Agricultural Land* of the *Baldwin County Zoning Ordinances*.

Sincerely,

A handwritten signature in blue ink that reads "Linda Lee".

Linda Lee  
Planner

CC: Celena Boykin  
D J Hart

BJ's Residential Properties LLC  
1299 Greystone Crest  
Birmingham, AL 35242

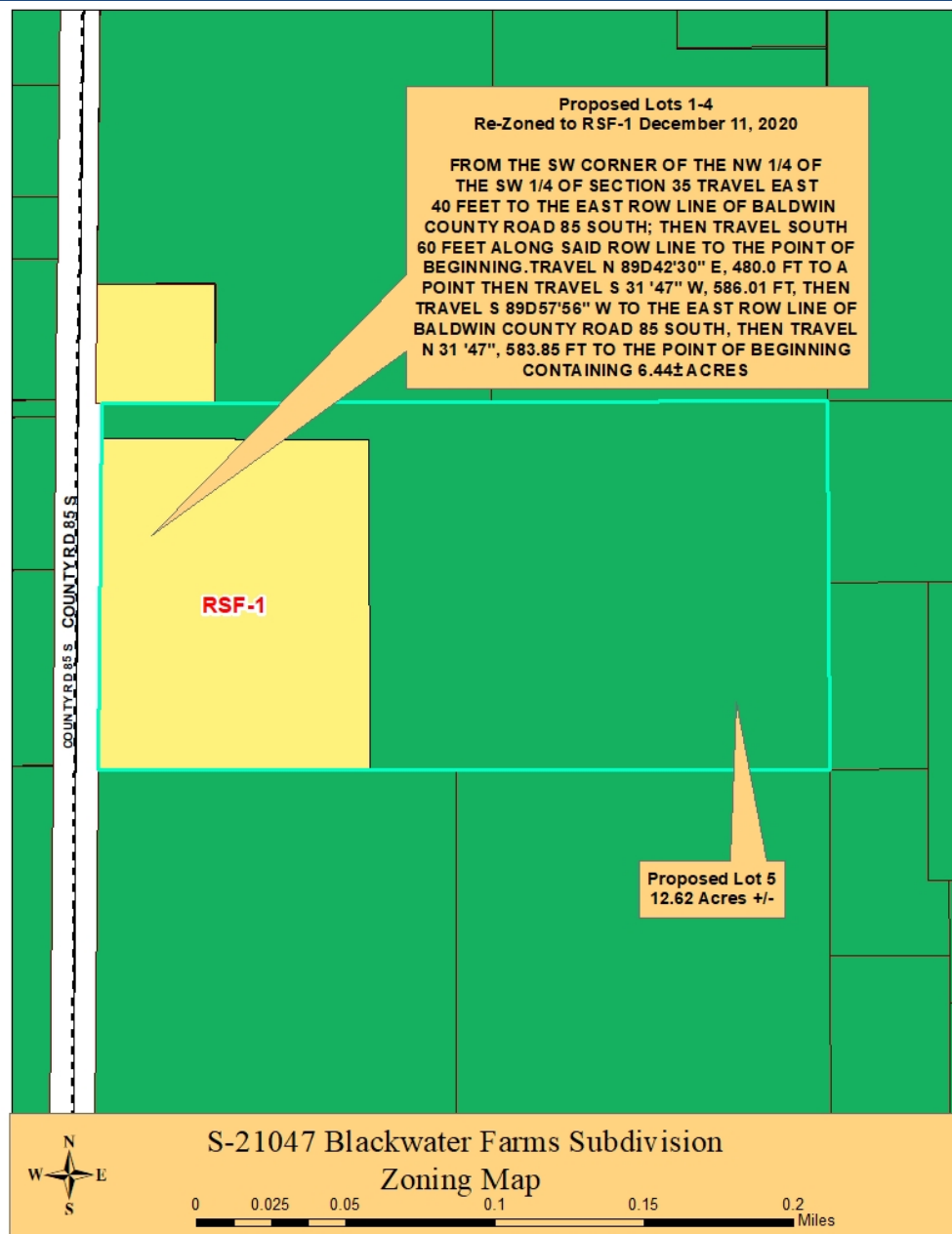
# S-21047 Blackwater Farms Subdivision

## Baldwin County Zoning Ordinance:

### Section 19.17 Agricultural Land

*In any planning district which has elected to come under the planning and zoning jurisdiction of the Baldwin County Commission, undeveloped land or land zoned or used for agricultural purposes or timber growing, shall automatically be rezoned to the RSF-1 Single family District upon the submission of a complete application by the owner.*

## Enlarged Zoning Map



# S-21047 Blackwater Farms Subdivision Development Permit Approval

- Approximately 19.06 Total Acres
- 5 Proposed Lots
- Smallest Lot Size – 1.6 acres
- Water – East Central Baldwin Water Authority
- Sewer – On-site Septic
- Electricity – Baldwin EMC

# S-21047

## Blackwater Farms Subdivision

### Development Permit Approval

LOT #	ZONING	PROPOSED LOT SIZE	REQUIRED LOT SIZE	COMPLIANT?
1	RSF-1	1.63 acres	30,000sf (0.67 acres)	YES
2	RSF-1	1.6 acres	30,000sf (0.67 acres)	YES
3	RSF-1	1.6 acres	30,000sf (0.67 acres)	YES
4	RSF-1	1.6 acres	30,000sf (0.67 acres)	YES
5	RA	12.62 acres	3 acres	YES

# S-21047 Blackwater Farms Subdivision Additional Supporting Information *RA Allowable Uses*

## **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.



# S-21047 Blackwater Farms Subdivision Additional Supporting Information *RA Special Exception and Conditional Uses*

3.2.3 *Special exceptions (approved by Board of Adjustment)*. 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 (approved by Planning Commission)*. 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.

# S-21047 Blackwater Farms Subdivision Additional Supporting Information *RA Dimensional Standards*

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-Feet
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

# S-21047 Blackwater Farms Subdivision Additional Supporting Information *RSF-1 Allowable Uses*

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.

# S-21047 Blackwater Farms Subdivision Additional Supporting Information *RSF-1 Special Exceptions and Conditional Uses*

4.2.3 *Conditional uses (approved by Planning Commission)*. 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 (approved by Board of Adjustment)*. 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*).

# S-21047 Blackwater Farms Subdivision Additional Supporting Information *RSF-1 Dimensional Standards*

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
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:	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



# S-21047 Blackwater Farms Subdivision Additional Supporting Information *Planning District 12* *Information*

## 2.3.12 *Planning District 12.*

On June 20, 2006, a majority of qualified electors in Planning District 12 voted to institute County Zoning. On November 7, 2006, the County Commission adopted the Planning District 12 Zoning Map and Ordinances.

### 2.3.12.3 Local Provisions for Planning District 12

(a) Industrial uses shall not discharge into any river or natural surface body of water including wetlands.

(b) No additional Landfills.

(c) All utilities for new subdivisions shall be placed underground.

(d) Accessory dwellings are permitted by right in residential districts provided they do not exceed sixty (60) percent of the size, in square feet, of the principal residence.

(e) Cemeteries shall be allowed by right in the RA, Rural Agriculture District and the RSF-E, Residential Single Family Estate District.

(f) Adult Use Ordinance (**excerpt**)