Baldwin County Planning & Zoning Department

Baldwin County Commission Staff Report

Agenda Item
Case No. Z-16034
Matthews Property
Rezone RSF-1, Single Family District to RSF-3, Single Family District
November 15, 2016

Subject Property Information

Planning District:	25
General Location:	North side of Ponce De Leon Court east of 3 Mile Road
Physical Address:	2845 Ponce de Leon Court
Parcel Number:	05-69-08-01-0-003-019.000
Existing Zoning:	RSF-1, Residential Single Family District
Proposed Zoning:	RSF-3, Residential Single Family District
Existing Land Use:	Residential
Proposed Land Use:	Residential
Acreage:	0.45± acres
Applicant:	Bill R. Matthews 12451 Moffett Road Wilmer, AL 36587
Owner:	Same
Lead Staff:	Linda Lee, Planner
Attachments:	*Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-1, Single Family District
South	Residential	RTF-4, Two Family District
East	Vacant	RSF-1, Single Family District
West	Residential	RSF-1, Single Family District

Summary

The subject property is currently zoned RSF-1, Residential Single Family District, and is occupied with one single family dwelling. The requested designation is RSF-3, Residential Single Family District. According to the submitted information, the purpose of this request is to allow for a family division of land in order for the son to build a house.

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 4.4 RSF-3, Single Family District

4.4.1 *Generally*. This zoning district is provided to afford the opportunity for the choice of a moderate density residential environment consisting of single family homes.

4.4.2 *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.

4.4.3 *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.

4.4.4 *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*).

4.4.5 *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	10,000 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.

Army Corps of Engineers: No comments received.

ADEM: No comments received

Baldwin County Subdivision Department:

From: Seth L. Peterson
Sent: Wednesday, September 14, 2016 3:08 PM
To: D Hart <DHart@baldwincountyal.gov>
Cc: Laurie Rumbaugh <LRUMBAUGH@baldwincountyal.gov>
Subject: RE: Z-16034 Mathews Property

I do not have any comments for this case.

Thanks,

Seth Peterson, P.E.
Permit/Subdivision Manager
Baldwin County Highway Department - Permit Division
Office: (251) 937-0278
Fax: (251) 580-1656

Municipality: No comments received.

Fort Morgan Planning & Zoning Advisory Committee:

FORT MORGAN PLANNING AND ZONING ADVISORY COMMITTEE MEETING
SEPTEMBER 22, 2016

A called meeting of the Fort Morgan Planning and Zoning Advisory Committee was held at the Shell Banks Baptist Church on September 22, 2016 in response to a request submitted by Mr. Bill Matthews to rezone his property, 0.453~ acres from RSF-1 to RSF-3, Case No. Z-16034.

In the absence of Chair Ken Steiner, Vice Chair Bonnie Lowry chaired the meeting.
The members reviewed the map, discussed the possible outcomes of the rezoning, and unanimously voted to recommend approval of the request with one addition:

"No objection to the rezoning from RSF-1 to RSF-3, but restricted to a single-family dwelling only."

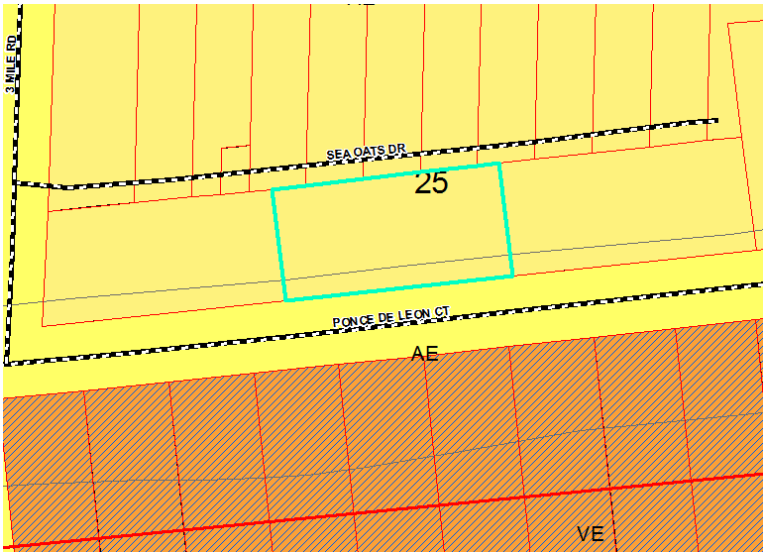
Submitted by Secretary, Carol N. Kittrell

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 parcel is currently occupied with one single family dwelling. The property adjoins Ponce de Leon Court to the south. The adjoining property to the east is vacant. The adjoining properties to the north, south and west are residential. The adjoining properties are all residential zonings.

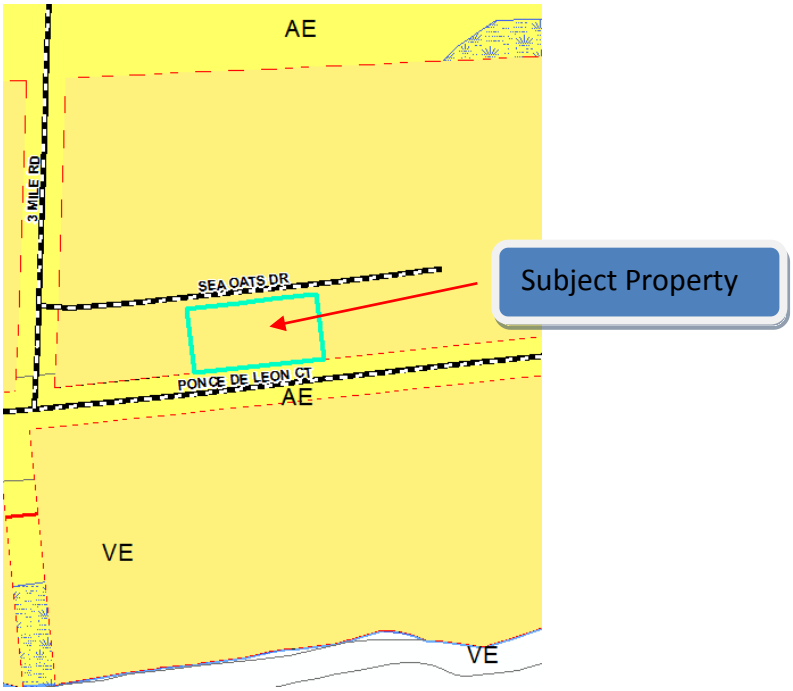


2.) Has there been a change in the conditions upon which the original zoning designation was based? Have land uses or conditions changed since the zoning was established?

Staff is unaware of any changes.

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. 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 proposed zoning is in conformity with the Master Plan.



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

No conflicts.

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

Staff anticipates no major impacts to 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.

The adjacent properties are zoned residential. The proposed zoning designation is a residential zoning classification that would allow for the proposed lot sizes of 10,000 square feet each. In 1993 when the zoning map was approved for Planning District 25 the zoning designations available were different from the current zoning designations.

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

N/A

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 anticipates no adverse impacts.

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

Staff anticipates no adverse impacts.

11.) Other matters which may be appropriate.

N/A

Staff Comments and Recommendation

As stated previously, the subject property is currently zoned RSF-1, Residential Single Family District, and is occupied with one single family dwelling. The requested designation is RSF-3, Residential Single Family District. According to the submitted information, the purpose of this request is to allow for a family division of land in order for the son to build a house. Accessory dwellings are not allowed in Planning District 25.

The Baldwin County Planning Commission, at its October 6, 2016 meeting, voted to recommend **DENIAL** of the request.

Unless information to the contrary is revealed at the public hearing, staff recommends **APPROVAL**.* of this request.

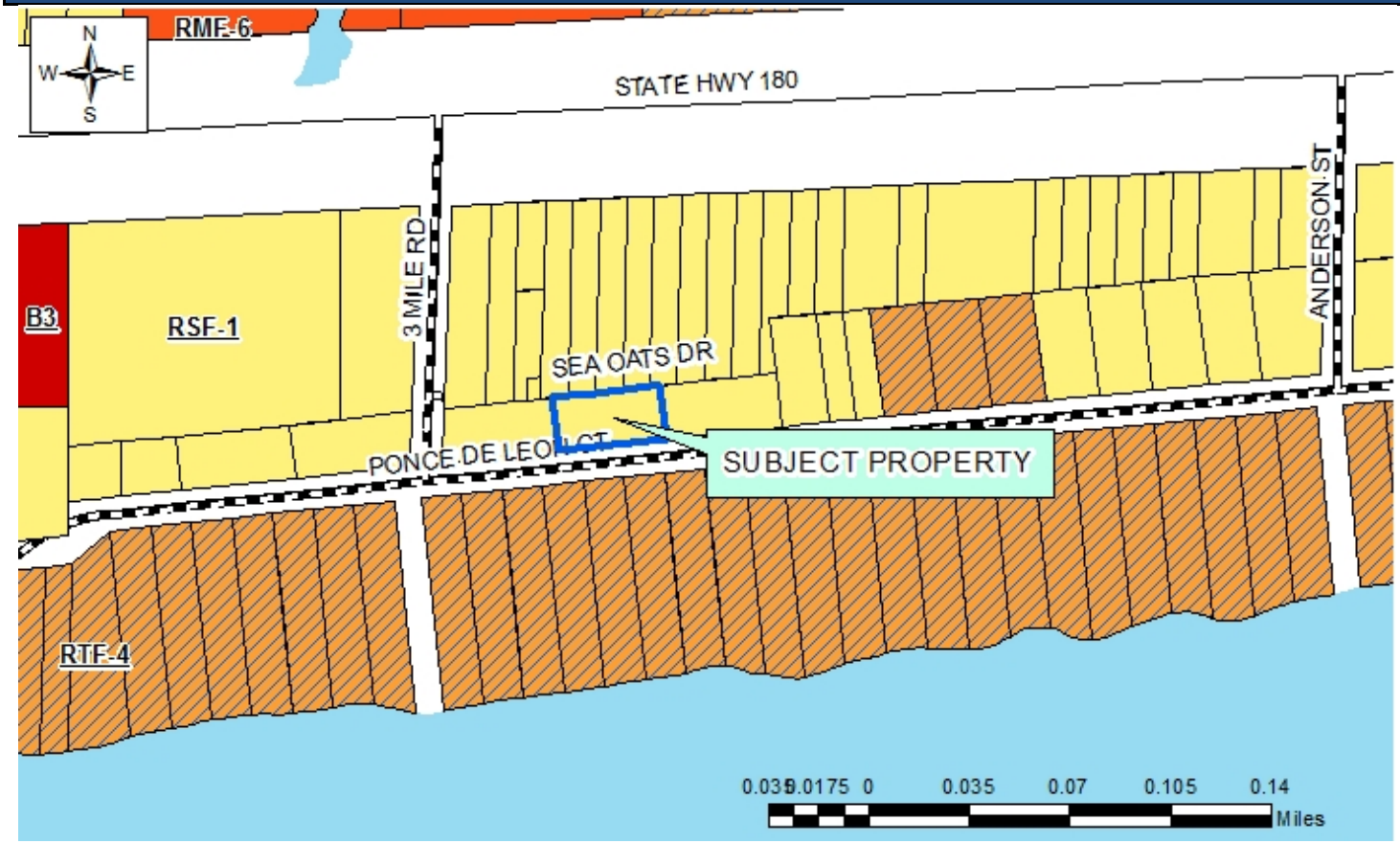
**On rezoning applications, County Commission will have the final vote.*

Property Images

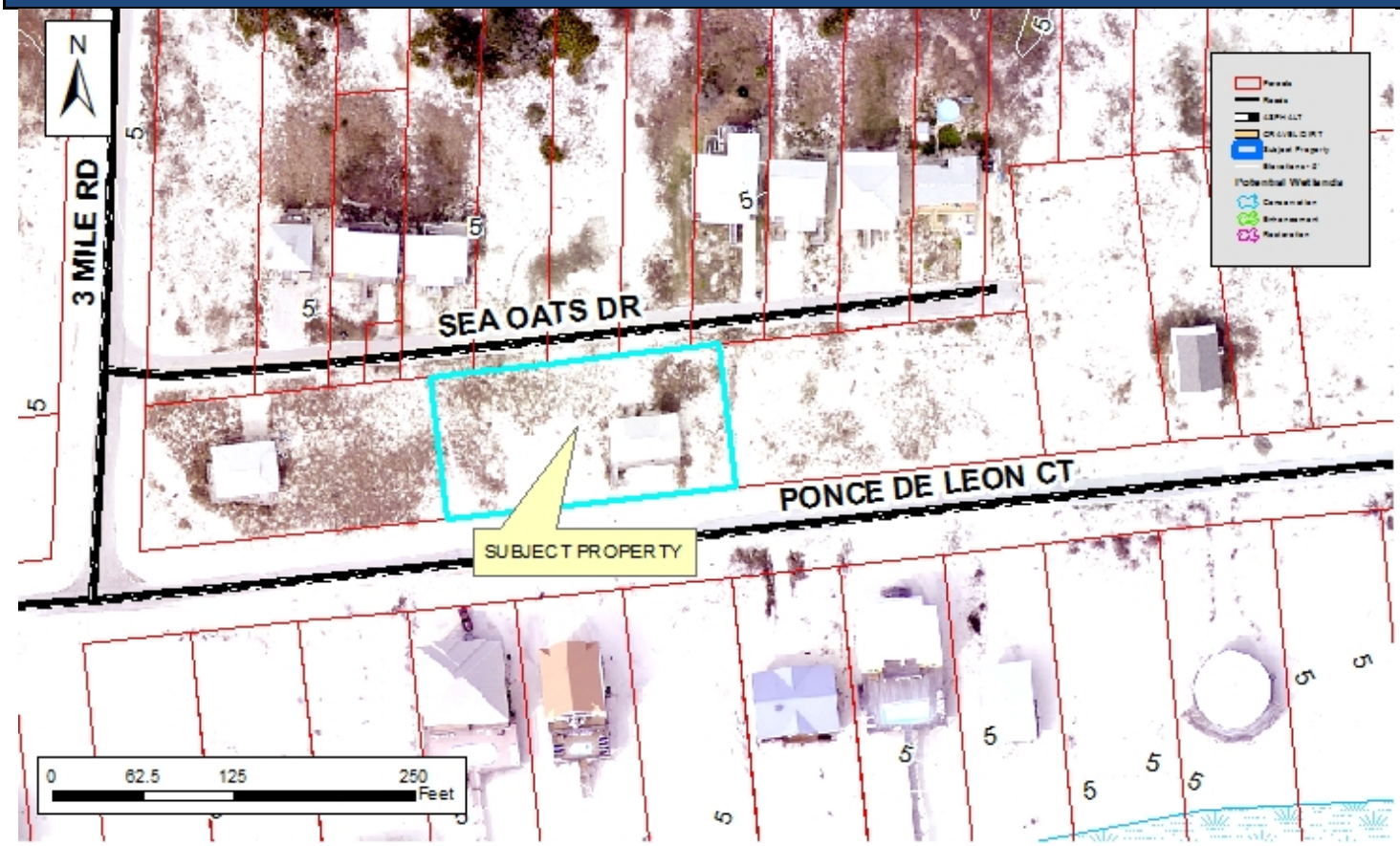
ADJOINING PROPERTY
TO THE SOUTH
09/12/2016

ADJOINING PROPERTY
TO THE WEST
09/12/2016

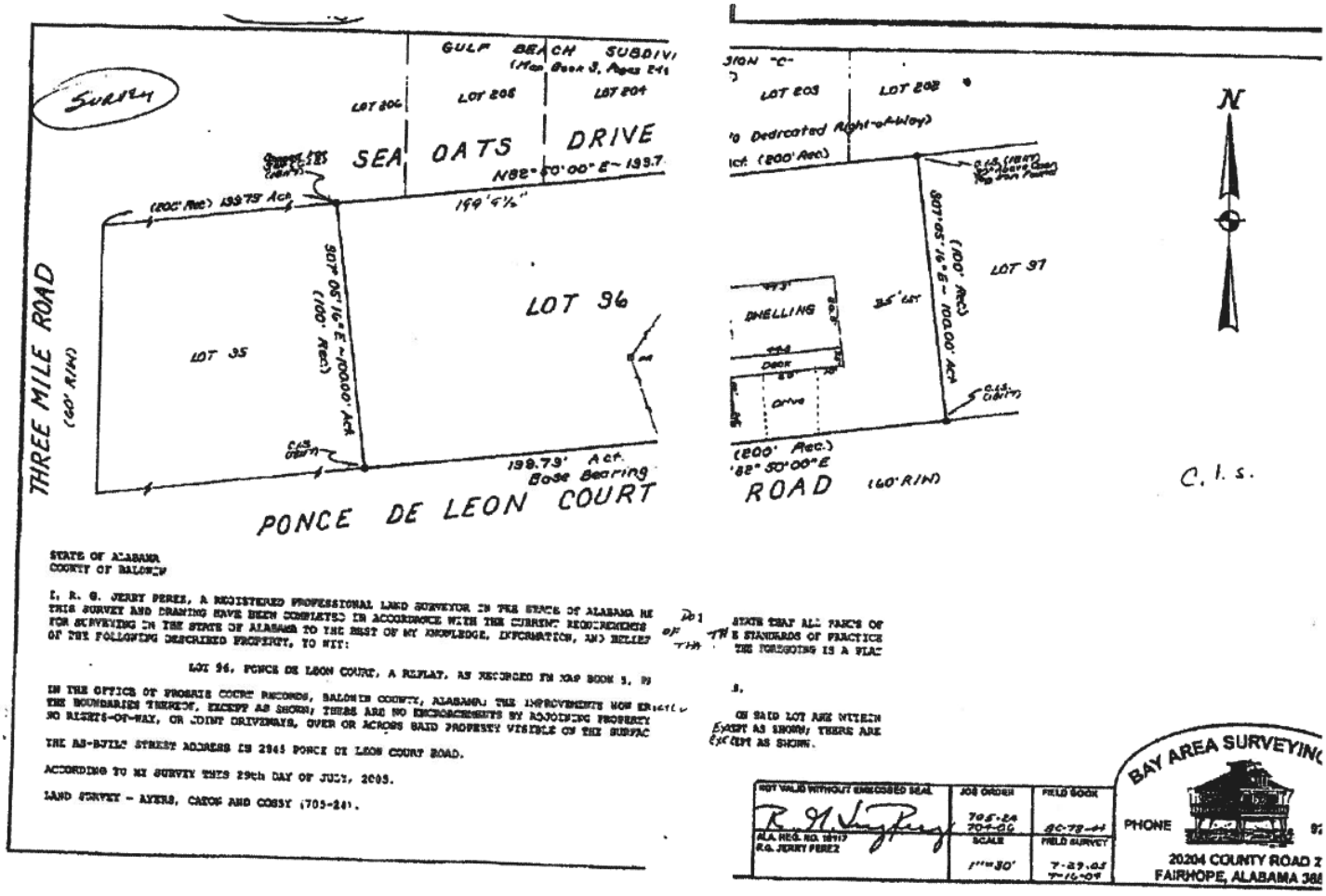
Locator Map



Site Map



Survey Submitted



STATE OF ALABAMA
COUNTY OF BALDWIN

I, R. G. JERRY PEREZ, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALABAMA HE THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF OF THE FOLLOWING DESCRIBED PROPERTY, TO WIT:

LOT 96, PONCE DE LEON COURT, A REPLAT, AS RECORDED IN MAP BOOK 3, PA

IN THE OFFICE OF PROBATE COURT RECORDS, BALDWIN COUNTY, ALABAMA; THE IMPROVEMENTS NOW ER[illegible] THE BOUNDARIES THEREOF, EXCEPT AS SHOWN; THERE ARE NO ENCROACHMENTS BY ADJOINING PROPERTY NO RIGHTS-OF-WAY, OR JOINT DRIVEWAYS, OVER OR ACROSS SAID PROPERTY VISIBLE ON THE SURFAC

THE AS-BUILT STREET ADDRESS IS 2965 PONCE DE LEON COURT ROAD.

ACCORDING TO MY SURVEY THIS 29th DAY OF JULY, 2005.

LAND SURVEY - AYERS, CAROL AND COSBY (705-24).

STATE THAT ALL PARTS OF
E STANDARDS OF PRACTICE
THE FOREGOING IS A PLAT

S.

ON SAID LOT ARE WITHIN
EXCEPT AS SHOWN; THERE ARE
EXCEPT AS SHOWN.

NOT VALID WITHOUT EMBOSSED SEAL	JOB ORDER	FIELD BOOK
R. G. Jerry Perez	705-24 204-06	90-79-44
ALA. REG. NO. 18917 R.G. JERRY PEREZ	SCALE	FIELD SURVEY
	1"=30'	7-29-05 7-16-09

BAY AREA SURVEYING
PHONE
20204 COUNTY ROAD 2
FAIRHOPE, ALABAMA 36

Planning District 25 Zoning Designations in 1993

ARTICLE VI

DISTRICTS, BOUNDARIES AND GENERAL REQUIREMENTS

6.1 ESTABLISHMENT OF DISTRICTS. In order to regulate and restrict the height, number of stories and size of buildings or structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures, and land for trade, industry, residences or other purposes, the Zoning District 25 in Baldwin County has established zoning use districts based on the following use classifications or variations thereof.

6.11 R-1, Low Density Residential District. This district is provided to afford the opportunity for the choice of a low density residential environment consisting of single family homes on large lots.

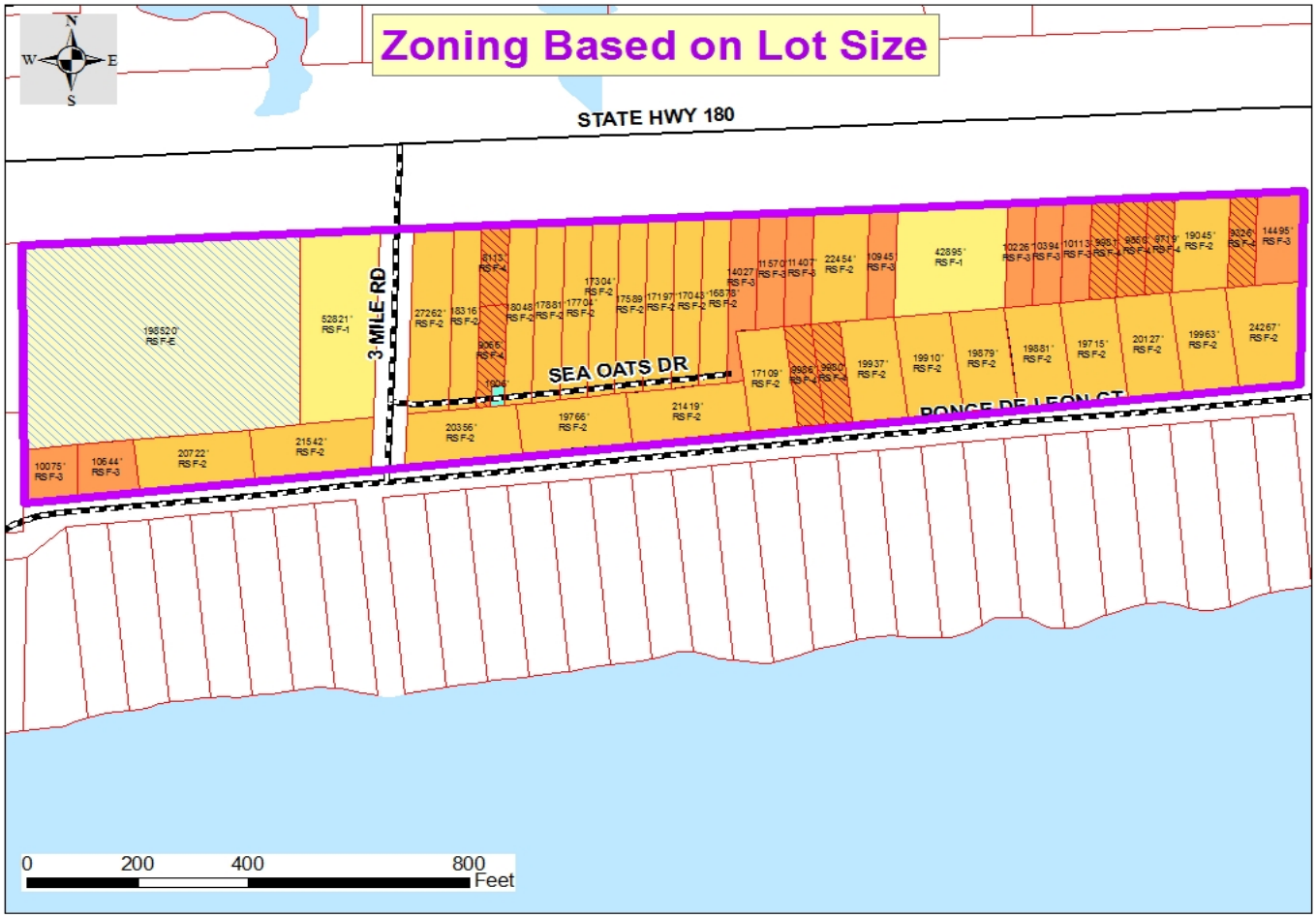
6.12 R-2, Medium Density Residential District. The purpose of this district is to provide for medium density residential developments in duplex family structures on medium sized lots.

6.13 R-3, High Density Residential District. The intent of this district is to provide the opportunity for high density, single-family, duplex and multi family residential development.

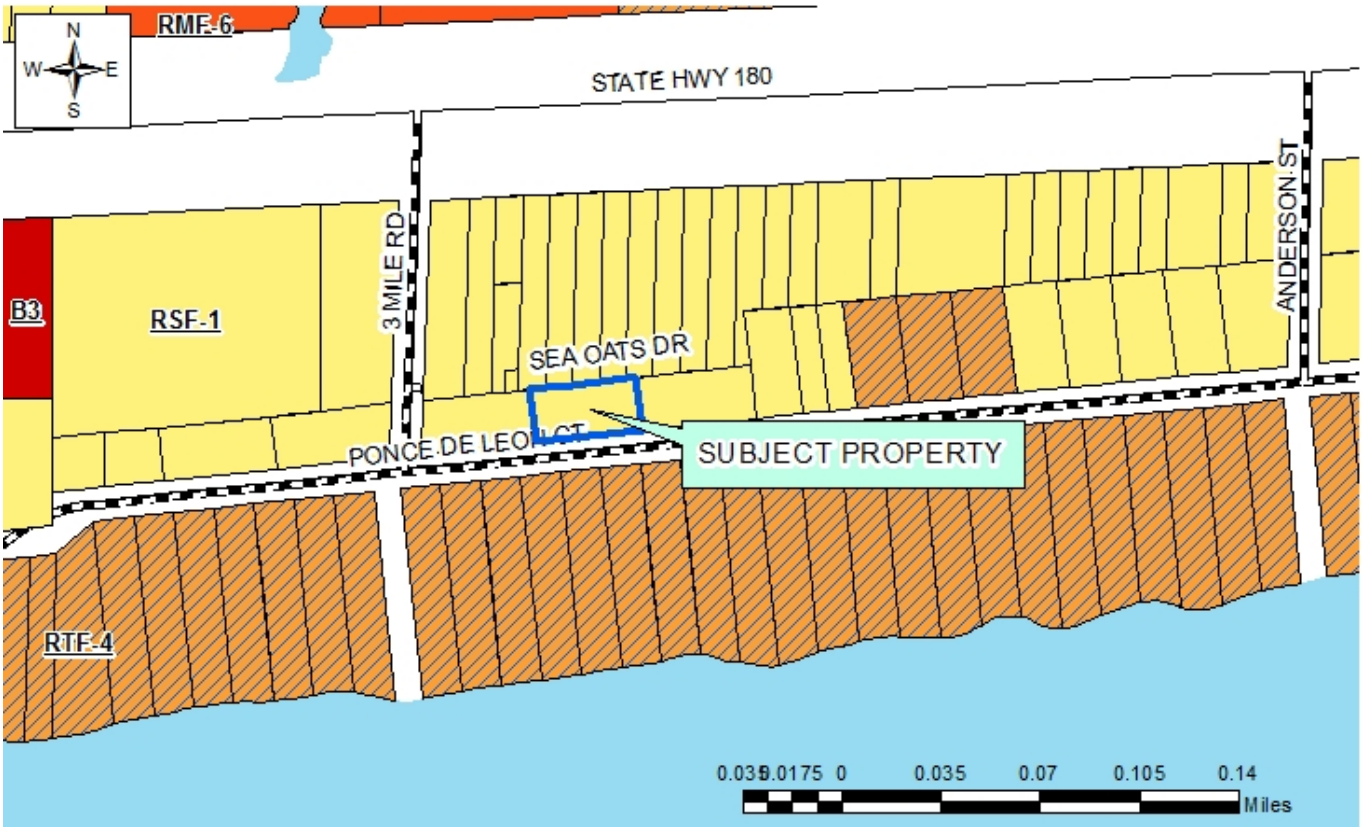
6.14 B-1, General Business District. This district is intended to provide opportunity for activities causing noise and heavy traffic, not considered compatible in the more restrictive business district. These uses also serve a regional as well as a local market and require location in proximity to major transportation routes. Recreational vehicle parks, very light production and processing activities are included.

6.15 C-1, Outdoor Recreation District. This district is established to preserve and maintain the land within such district for outdoor recreational uses and open space.

6.16 C-2, Alabama State Preservation District. This district is established and intended to preserve in their natural state, to the extent possible, those areas that should not be developed due to their unique and environmentally sensitive character. Where the requirements of this district apply to privately held land, such land may be acquired for preservation in the public domain.



Current Zoning Designations



Email in Opposition

Linda Lee

From: Laureen Fregeau <lfregeau57@gmail.com>
Sent: Monday, October 03, 2016 1:47 PM
To: Linda Lee
Subject: rezoning public announcement 16034

We would like to know if we are permitted to disagree with rezoning the Matthews property on Ponce de Leon fro R1 to R3? Our house is not contiguous however it is on the same road. This rezoning would be detrimental to our area as it sets a president for higher density construction on a relatively small lot.
Sincerely,
Laureen Fregeau & Robert Leier