

Z23-8 / PRD23-1 RSA PROPERTY

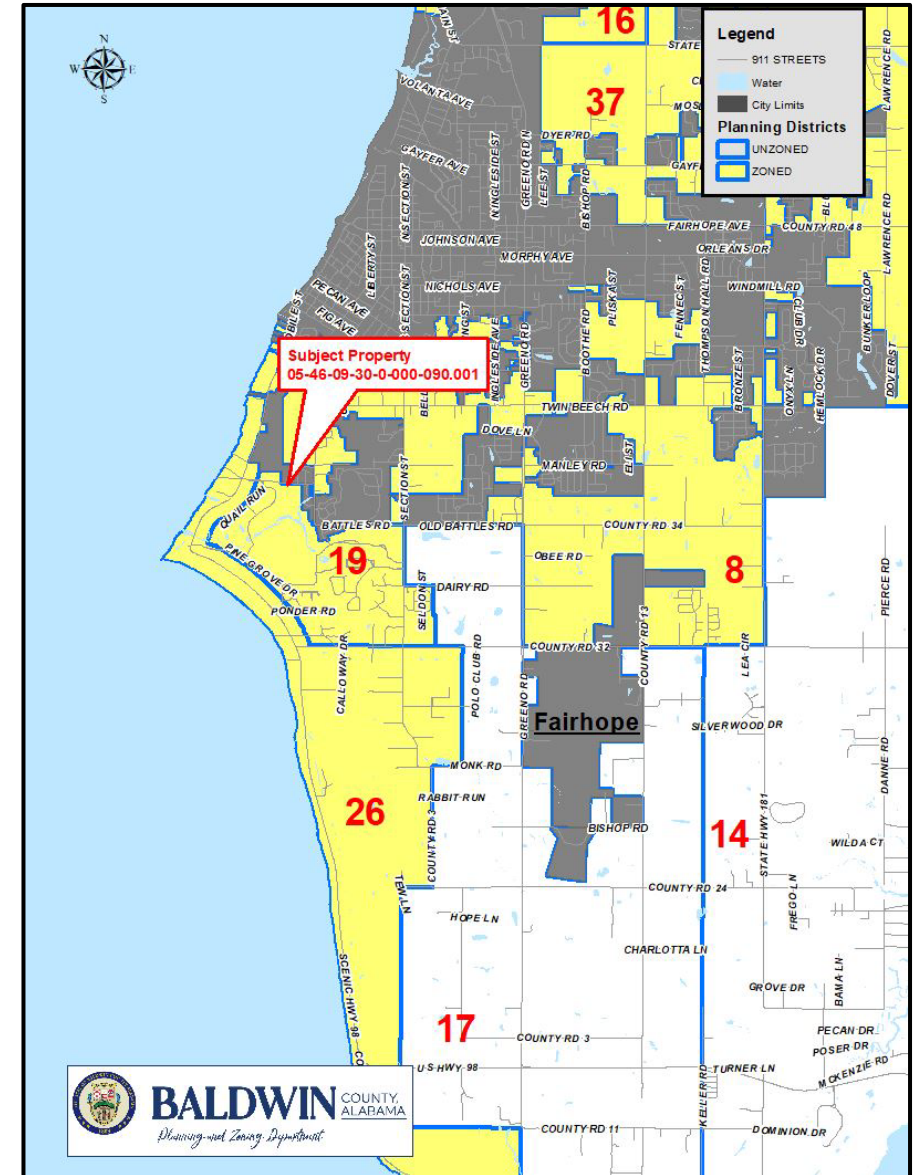
Lead Staff: Celena Boykin, Senior Planner

Request before Planning Commission:

Rezone 7.2+/- acres from OR to RSF-1 and consider a Planned Residential Development (PRD) site plan on the same property

To view maps/plats in higher resolution please visit the "Upcoming Items" Planning and Zoning webpage:

<https://baldwincountyal.gov/departments/planning-zoning/meeting-agenda>



Z23-8 / PRD23-1 RSA PROPERTY

Lead Staff: Celena Boykin, Senior Planner

Planning District: 19

Zoned: OR, Outdoor Recreation District

Location: Subject property is located south of Battles Road and East of Scenic Hwy 98.

Current Use: Undeveloped land between existing golf course fairways.

Acreage: 7.2 +/- acres

Physical Address: NA

Applicant: Melissa Currie – Goodwyn, Mills, & Cawood, LLC

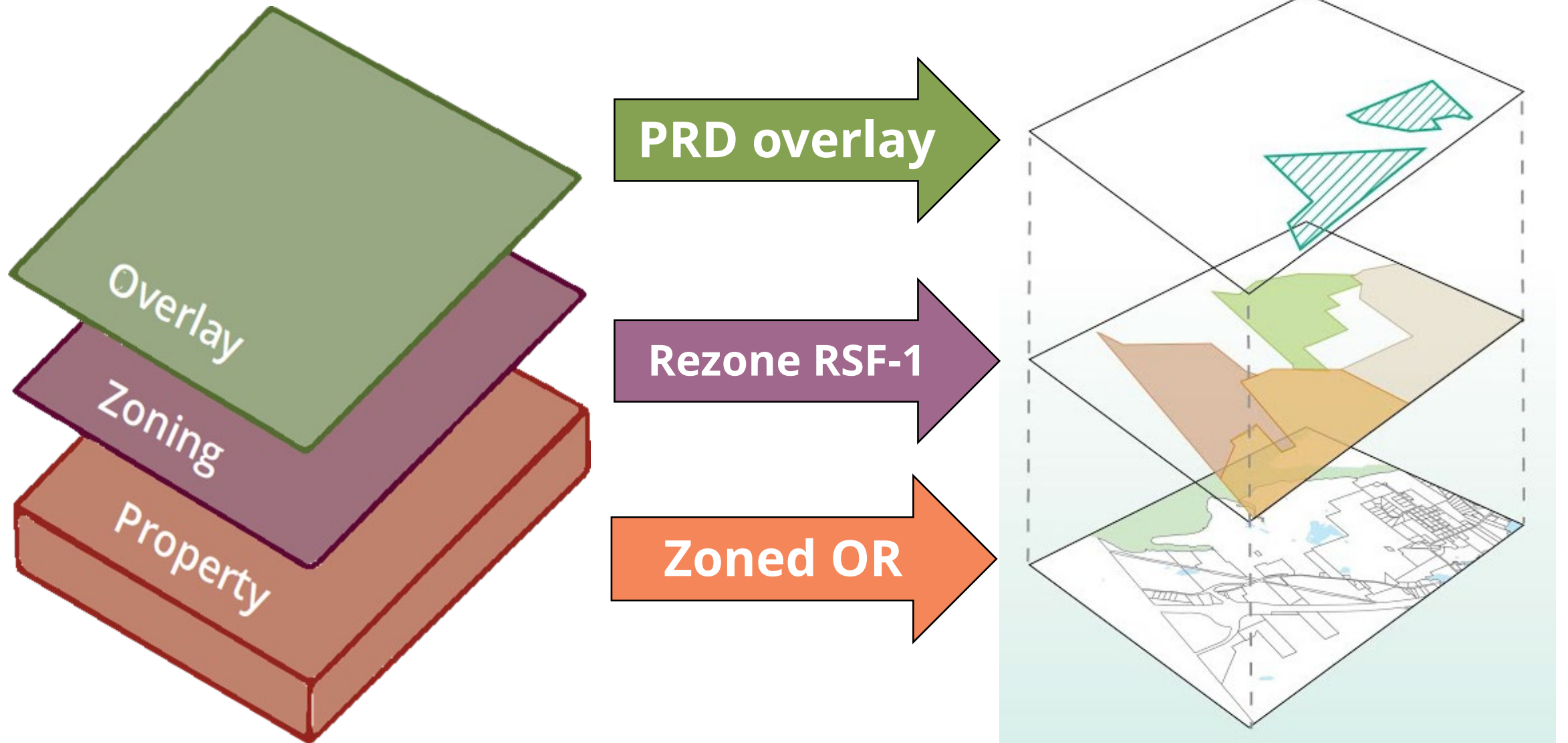
Owner: RSA

Proposed Zoning: RSF-1, Residential Single-Family District with a PRD

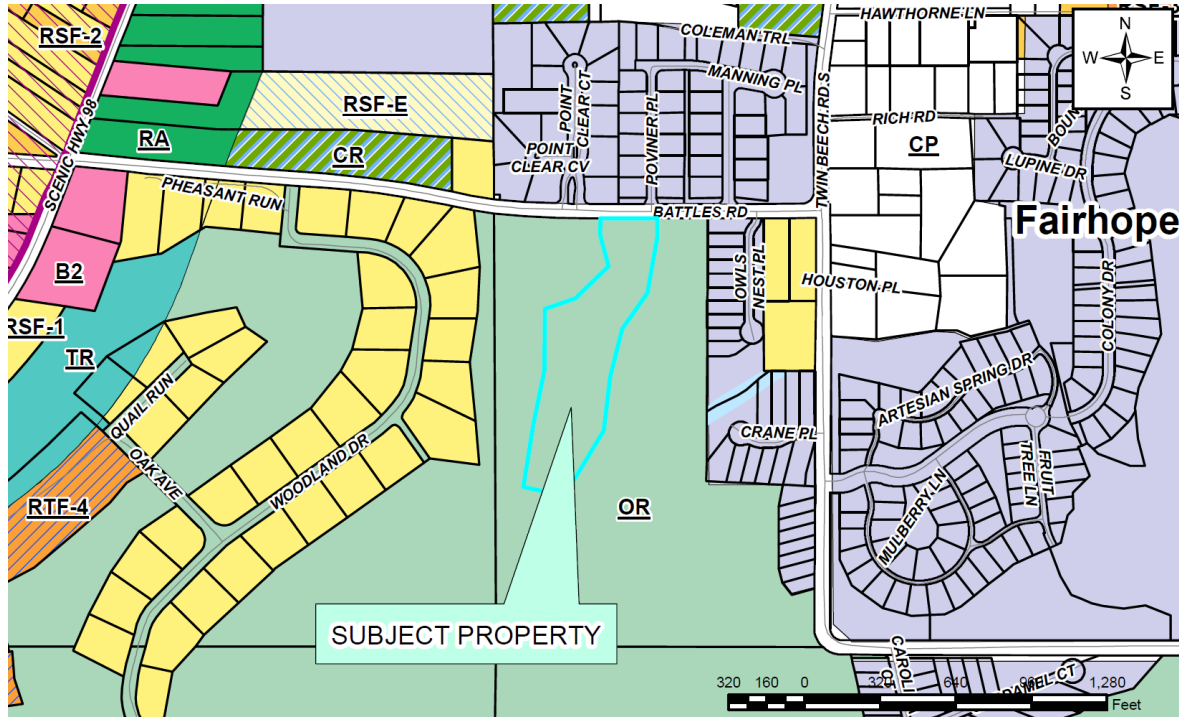
Applicant's Request: Rezone to RSF-1 to allow for a proposed 6 lot PRD and later subdivision.

Online Case File Number: The official case numbers for this application is Z23-8 and PRD23-1, however, when searching the online CitizenServe database, please use Z23-000008 and PRD23-000001.

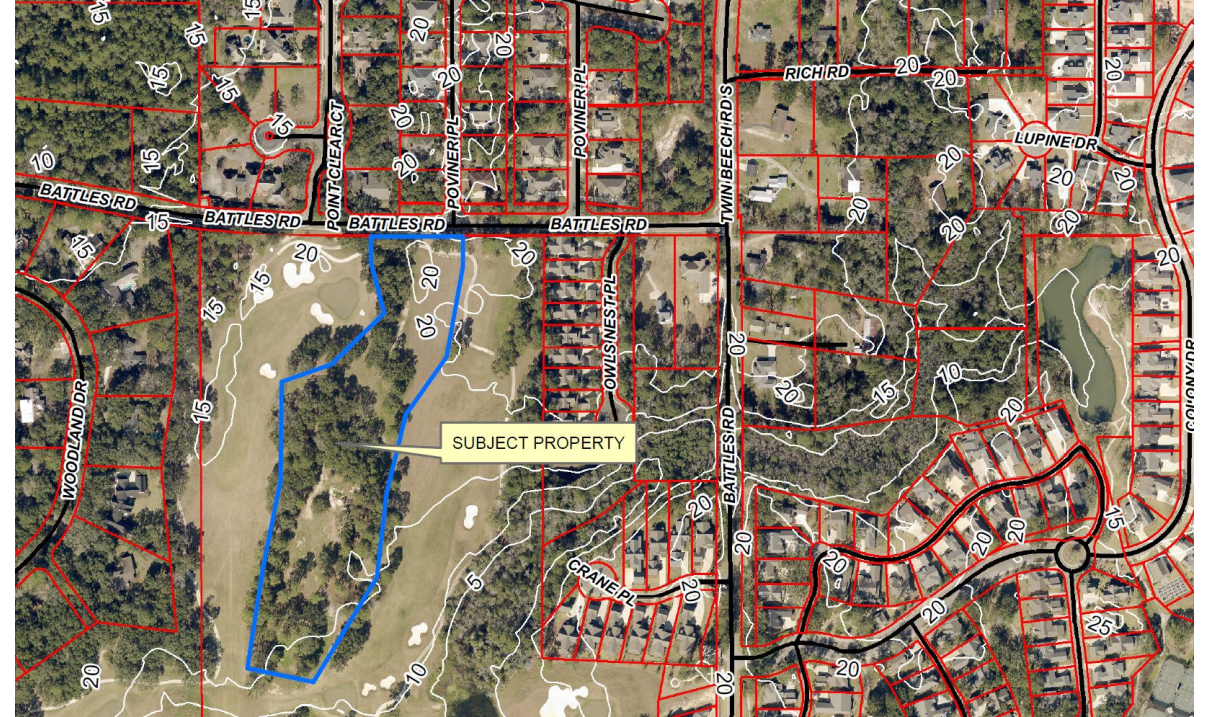
Zoning Overlay



Locator Map



Site Map



Adjacent Zoning

North	City of Fairhope – R-1, Low Density and PUD, Planned Unit Development
South	OR, Outdoor Recreation District
East	OR, Outdoor Recreation District
West	OR, Outdoor Recreation District

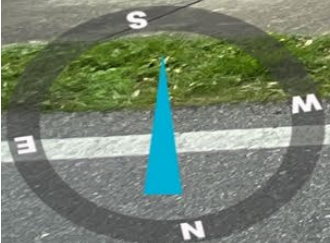
Adjacent Land Use

Battles Road and Residential
Golf Course
Golf Course
Golf Course

Property Images

Apr 5, 2023 at 11:14:21 AM
191° S

Subject Property



Property Images

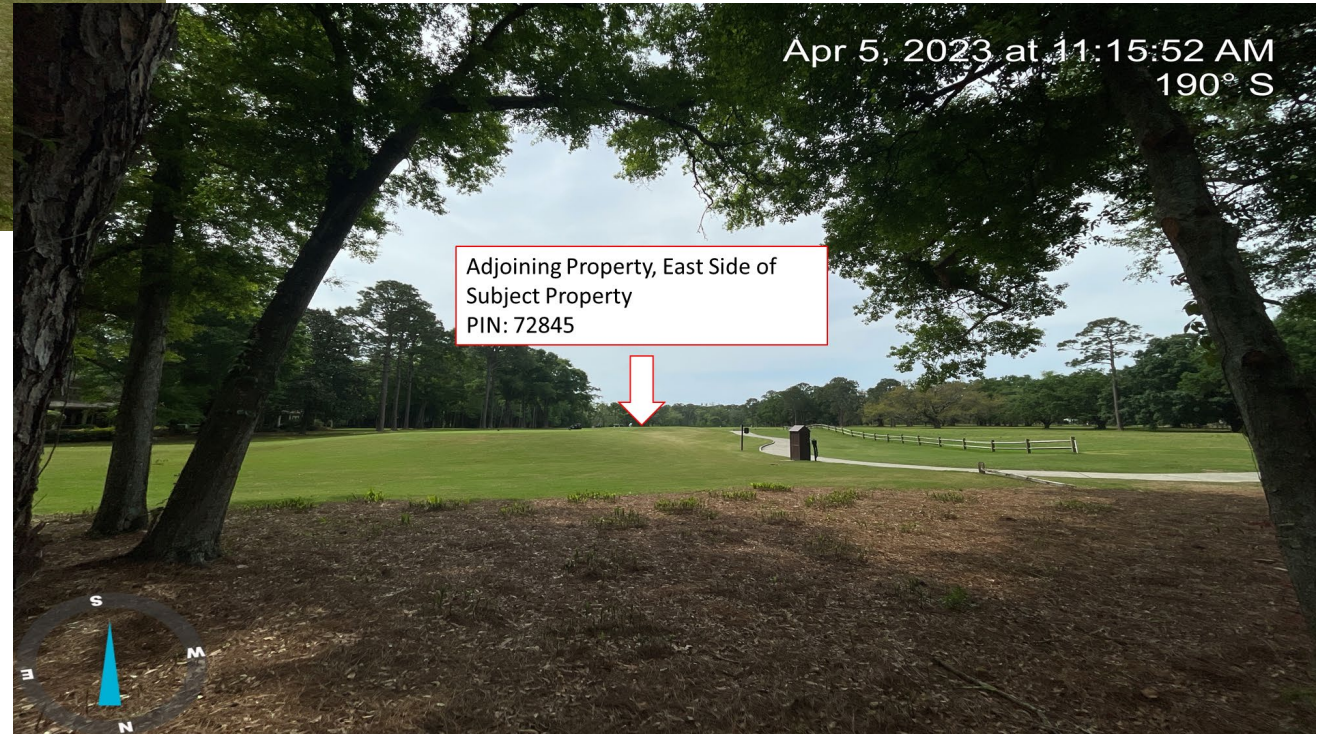
Apr 5, 2023 at 11:12:52 AM
191° S

Adjoining Property, West Side
of Subject property PIN: 72845



Apr 5, 2023 at 11:15:52 AM
190° S

Adjoining Property, East Side of
Subject Property
PIN: 72845



Property Images







SLIDE 2127-E

58.016

POINT CLEAR COURT
SLIDE 1936-B &
REWARD SLIDE 1937-B

THE COLONY AT THE
GOLF AND NORTH SUB
SLIDE 2281E & F

30.001
7.2 Ac

30
36 Ac (6)

Potential Wetlands

Watershed South Sub
Slide 2534-D

CAMELLIA
AT THE COLONY
SLIDE 2652-D

BATTLES TRACE
AT THE COLONY
PHASE 2
SLIDE 2349 E & F

HOUSTON PL

WOODLAND DR

POVINER PL

TWIN BEECH RD S

BATTLES RD



Current Zoning Requirements

Section 6.2 OR, Outdoor Recreation District

6.2.1 *Generally.* This zoning district is intended to provide for outdoor recreation activities.

6.2.2 *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, conditioned on the Commission Site Plan Approval requirements of Section 18.9:

- (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 institutional uses: church or similar religious facility.
- (e) The following agricultural uses: Silviculture.
- (f) Accessory structures and uses.

6.2.3 *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 18.4 Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure	35-Feet
Maximum Height of Structure in Habitable Stories	2½
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	20-Feet
Minimum Lot Area	3 Acres
Maximum Impervious Surface Ratio	.80
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	No Minimum

Proposed 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 Use Commission Site Plan Approval*. 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 by the site plan approval process:

(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.

(d) The following local commercial use: bed and breakfast or tourist home (see *Section 13.10: Bed and Breakfast Establishments*).

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: Not Applicable

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 18.4 Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure	35-Feet
Maximum Height in Habitable Stories	2 ½
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

Proposed Zoning Requirements - PRD

Article 9 Planned Development Districts

Section 9.1 Purpose

It is the purpose of this article to permit Planned Developments which are intended to encourage the development of land as planned communities, encourage flexible and creative concepts of site planning; preserve the natural amenities of the land by encouraging scenic and functional open areas; accomplish a more desirable environment than would be possible through the strict application of the minimum requirements of these ordinances; provide for an efficient use of land resulting in smaller networks of streets and utilities where access to regional systems is impractical and thereby lowering development and housing costs; and provide a stable environmental character compatible with surrounding areas.

Definitions. Words and phrases used in this section shall have the meanings as set forth in this section. Words and phrases not defined in this section but defined elsewhere in the zoning ordinances shall be given the meanings as set forth in such ordinances. All other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise.

Large scale planned developments: A development of five or more contiguous acres or more, that is under unified control and developed as a whole in a single development operation or programmed series of development stages. A large scale planned development of five acres or less is exempt from these provisions. Large Scale Planned Developments are required to obtain Conceptual Site Plan approval (reviewed by the Planning Commission and recommendation sent to the County Commission for consideration), and then obtain Final Site Plan approval from the County Commission for development, as outline herein.

Small scale planned developments: A development of land, occupying at least 5 acres and less than 1000 contiguous acres, that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. A small scale planned development containing 4 units or less is exempt from these provisions. Small Scale Planned Developments are required to obtain Final Site Plan approval as outlined herein.

Section 9.2 Planned Developments, Generally

9.2.1 **Unified control.** The parcel or parcels of land for a Planned Development shall be in unified control, and shall be owned or controlled by a single person, corporation, agency, or like organization. The applicant shall provide the county appropriate and necessary documents to indicate ownership. No application shall be considered until this section is fully complied with. An application must be filed by the owner or authorized agent of all property included in the project. In the case of multiple

A subdivision application will be required after PRD approval

ownerships, the approved final development plan shall be binding on all owners and any successors. The developer shall maintain and provide for unified control of the Planned Development until the project is complete. The entity designated to provide unified control shall ensure that all conditions of development are met. Individual properties may be sold after appropriate approvals and recordings have been completed and that proper recordings have been made which insures the continuance of the Planned Development as approved. Responsibility for unified control may be assigned to an individual or entity such as a homeowner's association that will provide for the maintenance of any common property and improvements.

9.2.2 Specific variations in off-street parking and loading requirements, sign requirements, landscaping requirements and area and dimensional requirements, including lot sizes, lot widths, setbacks and building height, may be approved by the County Commission, upon recommendation by the Planning Commission, and shall be shown on the approved Final Site Plan.

9.2.3 Where a planned development involves the subdivision of land, a subdivision plat shall be approved in accordance with the procedures established in the Baldwin County Subdivision Regulations.

9.2.4 *Approval of a planned development.* Approval of a large scale Planned Residential Development conceptual plan, small scale Planned Residential Development and Planned Industrial Development final site plan shall constitute a zoning map amendment for the subject property. The zoning designation "PRD" or "PID" shall be assigned on the official zoning map for the respective planning district.

Section 9.3 Planned Residential Developments

9.3.1 *Permitted uses.* Within the "Planned Residential Development" districts, the following uses and structures designed for such uses may be permitted as shown on the approved site plan:

- (a) Single family dwellings including manufactured housing and mobile homes.
- (b) Two family dwellings.
- (c) Multiple family dwellings including townhouses.
- (d) Non-residential land uses in accordance with limitations and restrictions contained herein.
- (e) Maintenance facilities and utility facilities.
- (f) Accessory structures and uses.

Proposed Zoning Requirements - PRD

9.3.2 *Required zoning districts.* A Planned Residential District may be established under the following zoning designations:

- RA: Rural Agricultural District
- RSF-E: Residential Single Family Estate District
- RSF-1: Single Family District
- RSF-2: Single Family District
- RSF-3: Single Family District
- RSF-4: Single Family District
- RTF-4: Two Family District
- RSF-6: Single Family District
- RTF-6: Two Family District
- RMF-6: Multiple Family District
- RMH: Residential Manufactured Housing Park District
- HDR: High Density Residential District
- RV-1: Recreational Vehicle Park District
- RV-2: Recreational Vehicle Park District

In Planning District 10, a Planned Residential District may also be established in the Rural District (RR) zone.

9.3.3 *Commercial land uses.* Commercial land uses including institutional uses, office and professional service uses, local commercial uses and general commercial uses may not occupy more than twenty (20) percent of the gross acreage of the PRD. The following location criteria shall be met to the County's satisfaction:

- (a) The location of commercial land uses demonstrates a rational development scheme.
- (b) The commercial land use is centrally located and interrelated to the development as a whole.
- (c) The commercial land use is located in the interior of the development, uses that front an exterior or a perimeter street or road should be limited.
- (d) Commercial zoning classifications are shown on the conceptual plan and final development plan.

9.3.4 *Open space and common area reservation.* A minimum of 20% of the gross land area of the planned development shall be set aside for permanent open space for passive and/or active recreation such as parks, recreational facilities, pedestrian ways, and/or for conserving sensitive elements of the site.

- (a) Unless constructed as an amenity, stormwater detention ponds, retention ponds, or similar holding basins for stormwater shall not be counted in determining open space. Steep slopes, internal street rights-of-way,

Requested rezoning
from OR to RSF-1
(Case Z23-8)

driveways, off-street parking areas, and off-street loading areas or similar uses shall not be counted in determining open space.

(b) All jurisdictional wetlands located within the development shall be set aside in the required open space.

(c) A minimum of fifty (50) percent of the required open space must be usable for passive or active recreation purposes. The usable open space shall not include steep slopes, streams, ponds, watercourses, wetlands, floodways and/or floodplains.

9.3.4.1 The required open space may be owned in common by the residents of the development. Any open space set aside for conservation shall be subjected to a conservation easement granted to a qualified land trust, conservation organization or government agency. Such conservation easement shall be in legal form satisfactory to the County.

9.3.4.2 Open space, common area or recreational facilities shall be provided in a manner which coincides with each development phase of a project. The amount and type shall be adequate to serve the needs of the residents or users within each phase.

9.3.5 *Development density.* All provisions concerning maximum density permitted in the underlying zoning district are applicable to Planned Residential Developments therein and shall not be exceeded. Land reserved for non-residential uses shall not be included in the allowable development density. Land set aside for open space shall be included in the allowable development density. For mixed use buildings where the gross floor area used for non-residential uses exceeds ten (10) percent of the total gross floor area, the entire footprint shall be considered as land reserved for non-residential uses.

9.3.6 *Development area.*

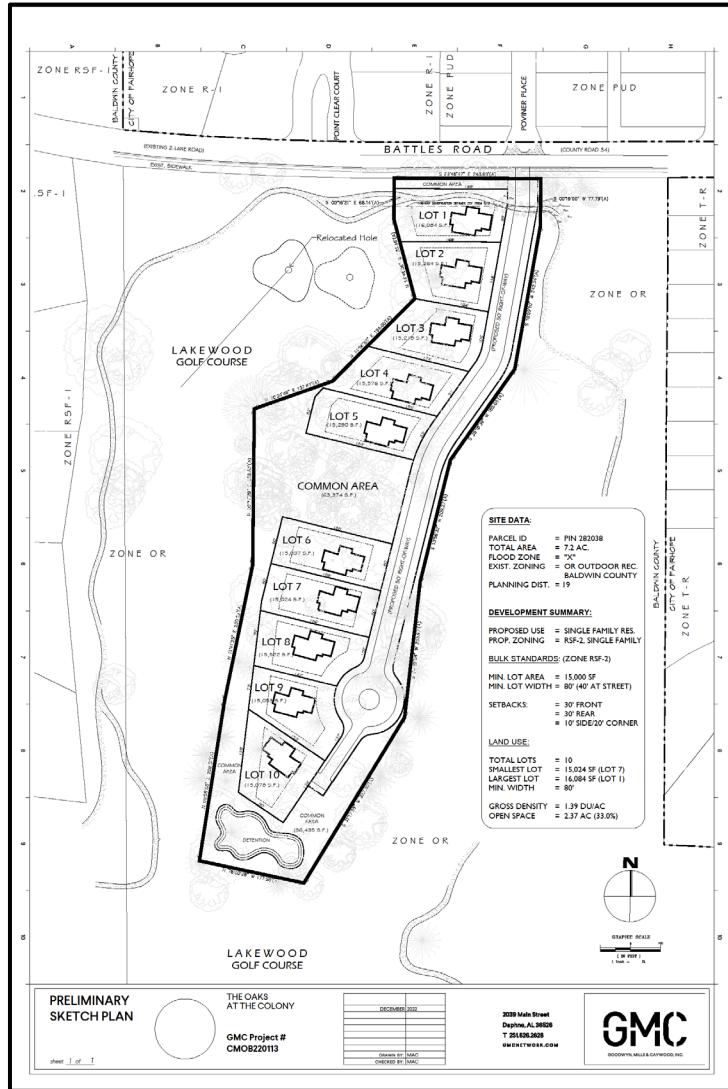
(a) *Development area, small scale.* A small scale planned residential development, occupying a minimum of five (5) contiguous acres and less than ten (10) contiguous acres may be established within those Planning Districts which permit planned residential developments (See Section 2.3: Establishment of Zoning in Planning District).

(b) *Development area, large scale.* A large scale planned residential development, occupying one thousand (1,000) contiguous acres or more may be established within those Planning Districts which permit planned residential developments (See Section 2.3: Establishment of Zoning in Planning Districts).

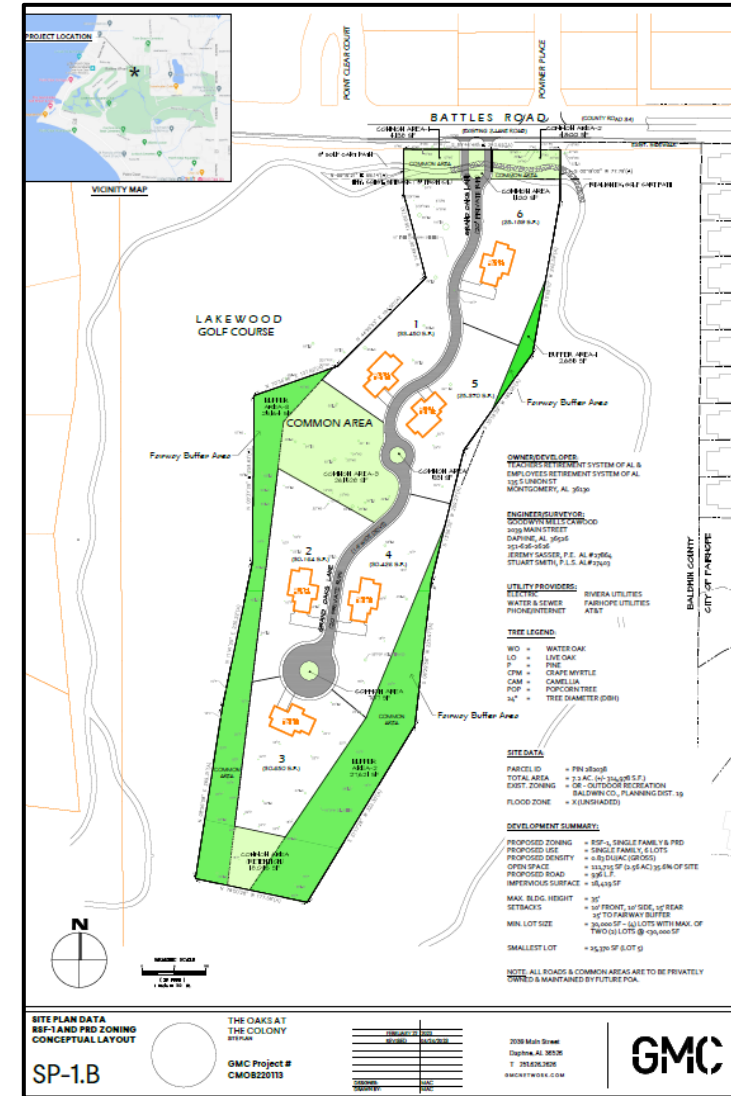
Subject
Property is
7.2 acres

Previous Proposals for the Subject Property

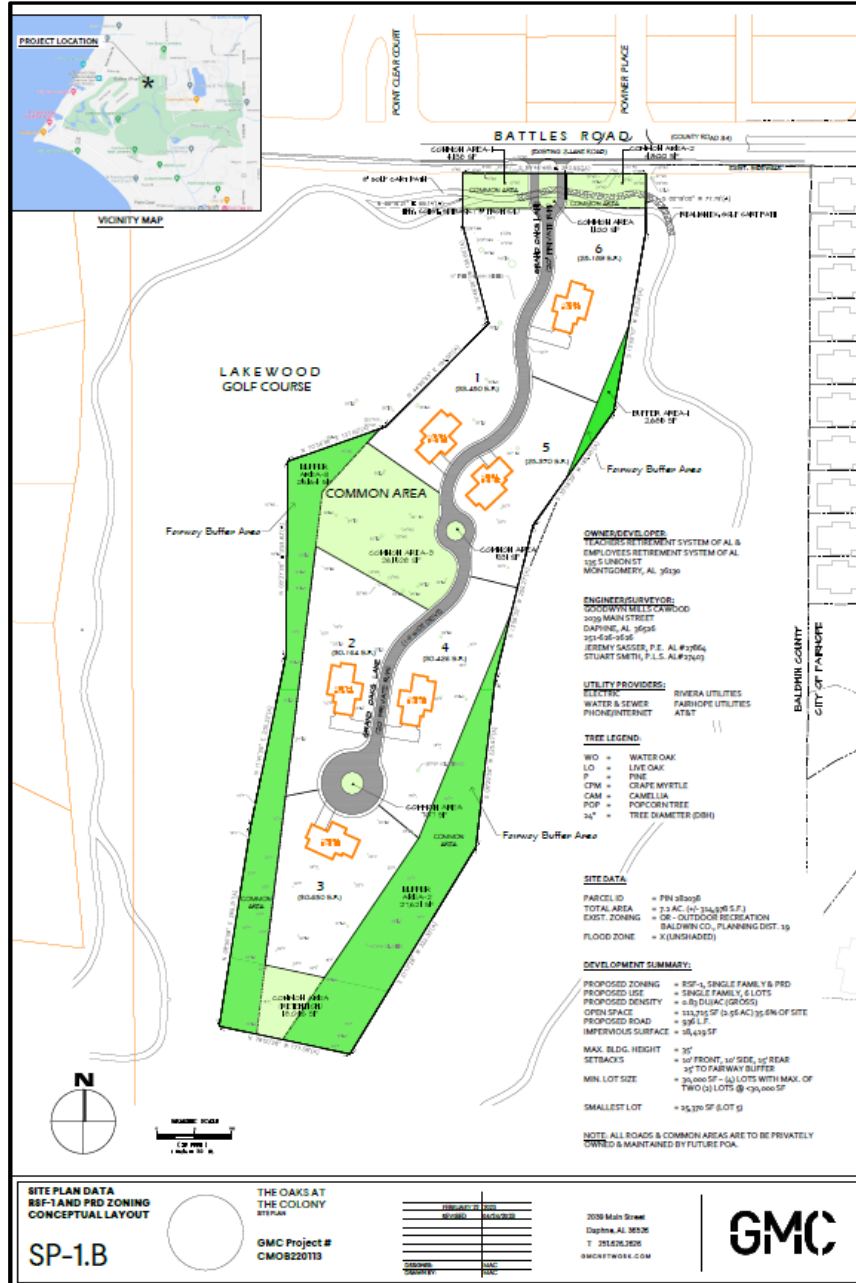
Previously Requested RSF-2 zoning:
10-lot single-family subdivision
 (Scheduled for February 2023 – withdrawn)



Proposed RSF-1 zoning with PRD:
6-lot single-family PRD



Proposed PRD



SITE DATA:

PARCEL ID = PIN 282038
 TOTAL AREA = 7.2 AC. (+/- 314,978 S.F.)
 EXIST. ZONING = OR - OUTDOOR RECREATION
 BALDWIN CO., PLANNING DIST. 19
 FLOOD ZONE = X (UNSHADED)

DEVELOPMENT SUMMARY:

PROPOSED ZONING = RSF-1, SINGLE FAMILY & PRD
 PROPOSED USE = SINGLE FAMILY, 6 LOTS
 PROPOSED DENSITY = 0.83 DU/AC (GROSS)
 OPEN SPACE = 111,715 SF (2.56 AC) 35.6% OF SITE
 PROPOSED ROAD = 936 L.F.
 IMPERVIOUS SURFACE = 18,419 SF

MAX. BLDG. HEIGHT = 35'
 SETBACKS = 10' FRONT, 10' SIDE, 15' REAR
 25' TO FAIRWAY BUFFER
 MIN. LOT SIZE = 30,000 SF ~ (4) LOTS WITH MAX. OF
 TWO (2) LOTS @ <30,000 SF
 SMALLEST LOT = 25,370 SF (LOT 5)

NOTE: ALL ROADS & COMMON AREAS ARE TO BE PRIVATELY OWNED & MAINTAINED BY FUTURE POA.

PRD Request Summary

PRDs allow for flexibility and creativity in planning developments. The following variations from the requirements of RSF-1 zoning have been requested.

	RSF-1	PRD Request
Lot size	30,000 SF	25,370 SF <small>smallest lot</small> 33,450 SF <small>largest lot</small>
Lot width	100 ft.	N/A (exceed 100 ft)
Setback lines	30 ft. front 30 ft. rear 10 ft. side	10 ft. front 15 ft. rear 10 ft. side
Density	1.45 units/acre	0.83 units/acre

PRDs are used to “exchange” reduced lot dimensions for a higher quality development than what is otherwise required by the zoning ordinance.

The approving body decides whether the developer is exchanging sufficient quality for the reduced lot dimension they are requesting.

Examples of items provided by the developer might include:

- Open space
- Amenities
- Landscaping
- Walking Paths

PRD Open Space Requirements

TOTAL AREA: 7.2 ac

OPEN SPACE (20% of total area, detention cannot be counted):

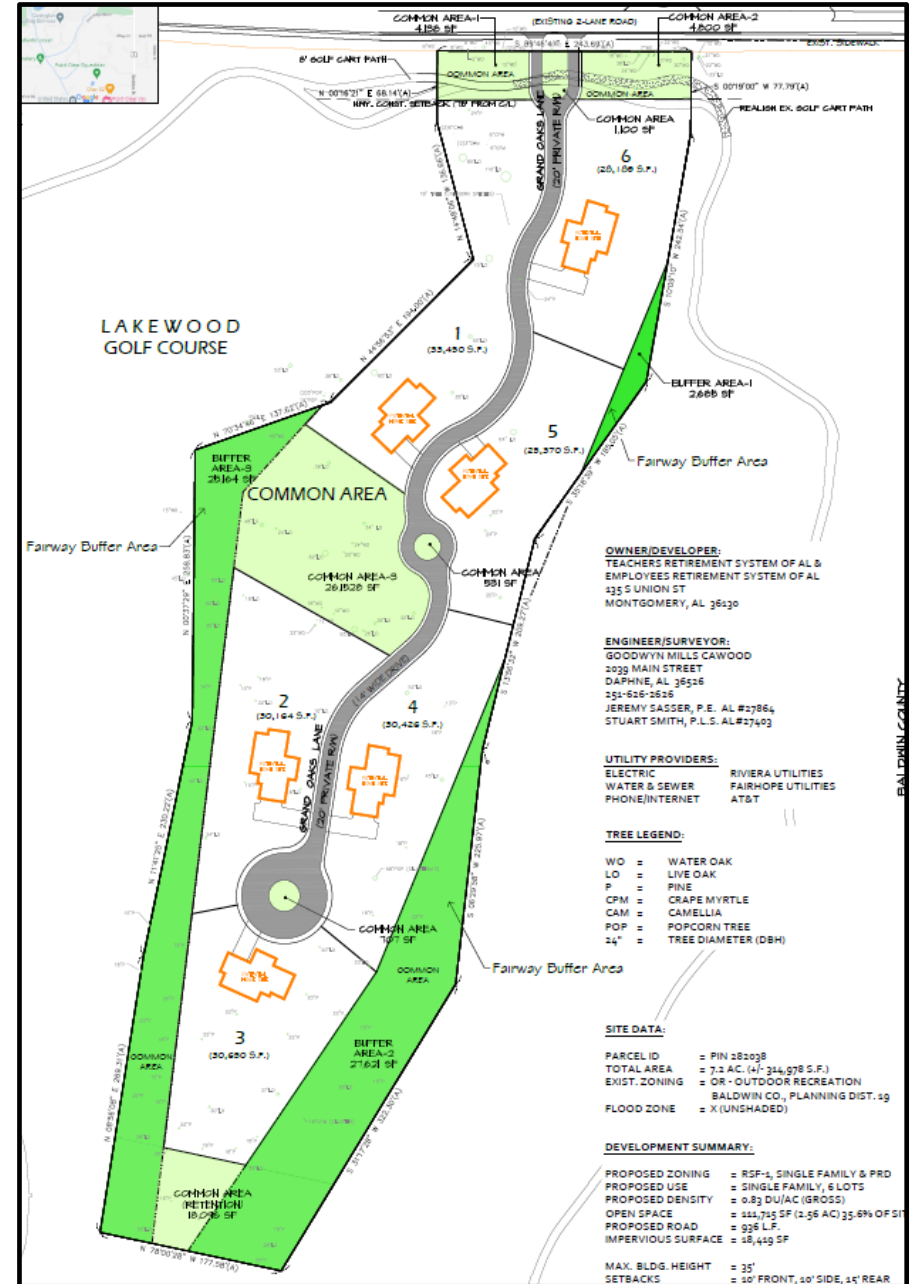
REQUIRED: $7.2 \times 0.2 =$ **1.44 acres**

PROVIDED: **2.55 acres**

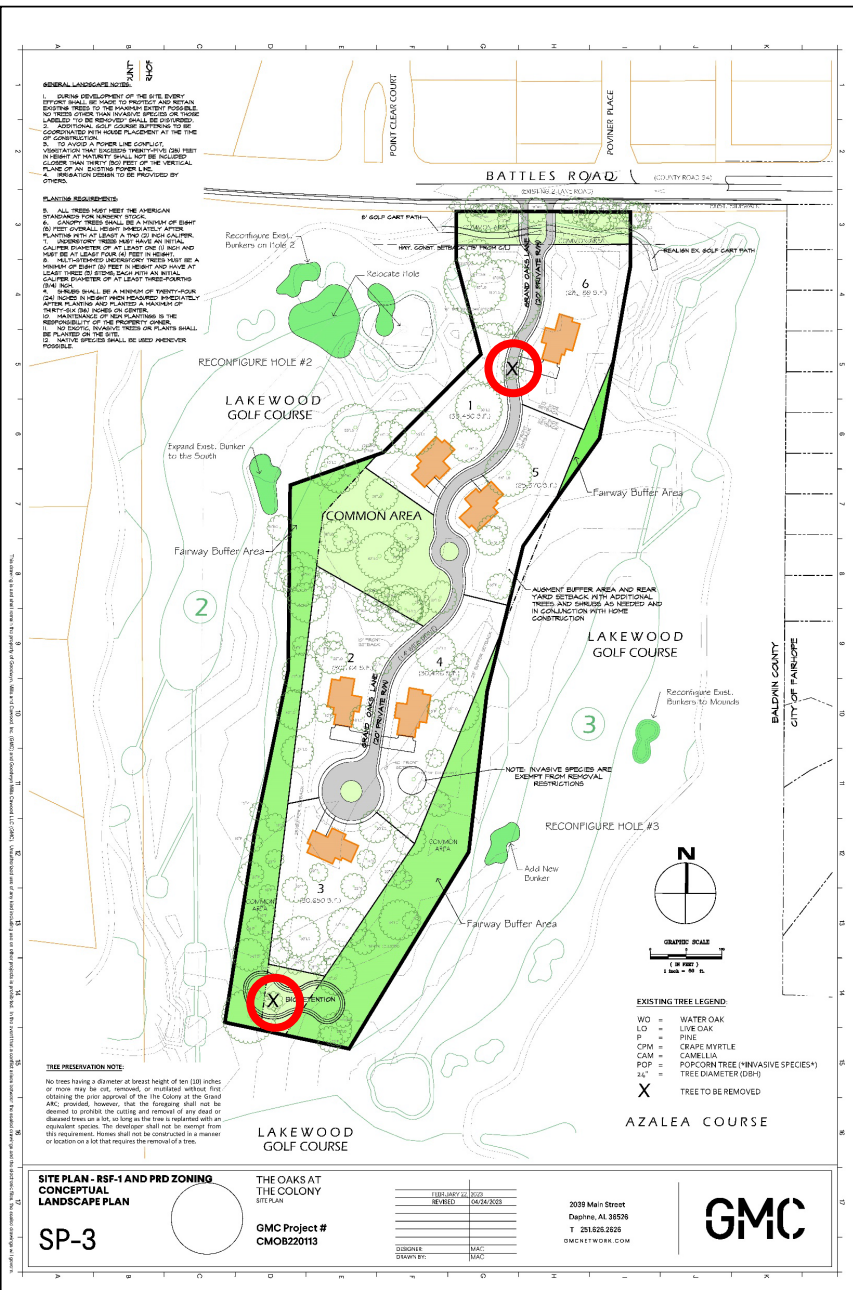
“USEABLE” OPEN SPACE (50% of open space):

REQUIRED: $1.44 \times 0.5 =$ **0.72 acres**

Revision requested from the Applicant, but common areas 1, 2, and 3 appear to total 0.78 acres.



Landscape Plan



EXISTING TREE LEGEND:

- WO = WATER OAK
- LO = LIVE OAK
- P = PINE
- CPM = CRAPE MYRTLE
- CAM = CAMELLIA
- POP = POPCORN TREE (*INVASIVE SPECIES*)
- 24" = TREE DIAMETER (DBH)
- X** = TREE TO BE REMOVED

I. DURING DEVELOPMENT OF THE SITE, EVERY EFFORT SHALL BE MADE TO PROTECT AND RETAIN EXISTING TREES TO THE MAXIMUM EXTENT POSSIBLE. NO TREES OTHER THAN INVASIVE SPECIES OR THOSE LABELED "TO BE REMOVED" SHALL BE DISTURBED.

Utilities



RIVIERA UTILITIES

413 East Laurel Avenue - Foley, AL 36535
Phone (251) 943-5001

3/2/2023

Barbara Garner
GMC
2039 Main Street
Daphne, AL 36526

RE: The Oaks at Fairhope

This letter is to confirm that based on the site plan received; Riviera Utilities is able to provide electric service to The Oaks at Fairhope project located in Fairhope, AL.

Riviera Utilities requires a 10' easement along all side property lines and a 15' easement along all front and rear property lines. Please ensure all property plats reflect the easements.

Upon final design, Riviera Utilities will provide estimates for service fees and system installation requirements to meet all Riviera specifications. Please contact the following Riviera employees concerning costs and requirements.

Name	Department	Email
Scott Sligh	Electric	ssligh@rivierautilities.com

If you have any questions or comments, contact Riviera Utilities at 251-943-5001.

Thank you,

James Wallace



March 1, 2023

GMC
2039 Main St
Daphne, AL 36526

Sherry Sullivan
Mayor

Council Members:
Kevin G. Boone
Jay Robinson
Jack Burrell, ACOMO
Jimmy Conyers
Corey Martin

Lisa A. Hanks, MMC
City Clerk

Kimberly Creech
Treasurer

Based on review of the sketch plan for PIN 282038, The Oaks at the Colony.

Water and Sewer are available with Fairhope Public Utilities. Upgrades will be required at the Developer/Owner's expense.

Water/Wastewater Superintendent

161 North Section St.
PO Drawer 429
Fairhope, AL 36533

251-928-2136 (p)
251-928-6776 (f)
www.fairhopeal.gov



AT&T Alabama
2155 Old Shell Rd
Mobile, AL 36607
www.att.com
T: 251.471.8361
F: 251.471.0410
w.mitchell@att.com

November 18, 2022

Barbara Garner
GMC Engineering

RE: Service Availability – The Oaks at the Colony Subdivision

Dear Ms. Garner,

This letter is in response to your request for information on the availability of service at the above location by AT&T.

This letter acknowledges that the above referenced property is located in an area served by AT&T. Any service arrangements for this location will be subject to later discussions and agreements between the developer and AT&T. Please be advised that this letter is not a commitment by AT&T to provide service to this location.

Please contact me at the phone number included in this letter with any questions.

Thank you for contacting AT&T.

Sincerely,

Wade Mitchell
Manager, OSP Planning and Design
AT&T Alabama
2155 Old Shell Rd
Mobile, Alabama 36607
Gulf District/ Mobile Office

Documents Submitted

STATE OF ALABAMA)
COUNTY OF BALDWIN)

TWELFTH AMENDMENT TO THE COLONY AT THE GRAND DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS

1.08 LANDSCAPING AND TREES.

(a) Cutting of Trees and Other Plant Life. No trees having a diameter at breast height of ten (10) inches or more may be cut, removed or mutilated without first obtaining the prior approval of the ARC; provided, however, that the foregoing shall not be (i) applicable to the cutting and removal of any trees situated within ten (10) feet of the foundation of any Dwelling or any driveways or parking areas for a Lot, (ii) deemed to prohibit the cutting and removal of any dead or diseased trees on a Lot or (iii) applicable to Developer. The provisions of this Section 1.08 shall be applicable at all times, including, without limitation, at the time of construction of a Dwelling on a Lot and after completion of construction of a Dwelling on a Lot. The terms and provisions of this Section 1.08 are in addition to the provisions of Section 5.06 of the Declaration.

(b) Obstructions. No plant materials shall be placed or permitted to remain on any Lot if the same would interfere with or obstruct traffic sight-lines for any of streets or roads. The determination of whether any such obstruction exists shall be made by the ARC, which determination shall be final, conclusive and binding on all Owners.

(c) Rocks and Rock Walls. No rocks, rock walls or other substances shall be placed or permitted to remain on any Lot as a front or side yard border to prevent vehicles from parking on or pedestrian access to any portion of such Lot or to otherwise impede or limit access to the same unless otherwise approved in writing by the ARC. Any walls, including retaining walls, to be constructed on any Lot shall be approved by the ARC.

(d) Native Plants. Each Owner shall, to the extent practicable, incorporate into the landscaping plan for his or her Dwelling the natural plant life existing on the Lot and shall otherwise take such steps which would, to the extent practicable, preserve the natural plant life, wild flowers and natural environment, including natural drainage channels, on the Lot. The ARC may from time to time promulgate rules and regulations adopting a landscaping plan for plant life which must be utilized on any Lot or Dwelling, which rules and regulations shall require that a minimum dollar amount be established and utilized as a landscaping budget for each Dwelling.

BALDWIN COUNTY, ALABAMA
TIM RUSSELL, PROBATE JUDGE
Filed/Cert. 6/11/2012 3:46 PM
TOTAL \$ 306.00
108 Pages

1948219



THE COLONY AT THE GRAND
DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS

Note to be Added to Landscape Plan

With the exception of trees specifically identified as invasive species on this site plan and the trees specifically noted for removal on this site plan, no trees having a diameter at breast height of ten (10) inches or more may be cut, removed, or mutilated without first obtaining the prior approval of The Colony at the Grand ARC, and such power shall not be vested in the ARC until the ARC has been turned over to the residents of The Colony at the Grand; provided, however, that the foregoing shall not be deemed to prohibit the cutting and removal of any dead or diseased trees on a lot, so long as the tree is replanted with an equivalent species. The developer shall not be exempt from this requirement. Homes shall not be constructed in a manner or location on a lot that requires the removal of a tree.

Documents Submitted



THE OAKS AT THE COLONY

Point Clear, Alabama



APRIL 24, 2023
GOODWYN MILLS CAWOOD
2039 Main Street | Daphne, AL 36526

1. Introduction

This application seeks approval of a Planned Residential Development (PRD) to allow the construction of a six (6)-lot single family development on an approximate 7-acre site within Baldwin County, Alabama, in the Point Clear area. Also submitted for concurrent review is a Rezoning Application to amend the underlying zoning from OR to RSF-1.

The site is to be known as "The Oaks at the Colony" and will be a private subdivision with all improvements privately owned and maintained by the future homeowner association. The site is located in Planning District 19 and contains one parcel (PIN 282038). It lies on the south side of Battles Road across from Point Clear Court and Poviner Place, and is bounded on the east by Fairway No. 2 and on the west by Fairway No. 3 of the Lakewood Golf Course (see Figure 1).

2. Application Description

The Oaks at the Colony proposes six (6) lots, which is the maximum that will be allowed for development on the site (refer to the attached Site Plans in Appendix A and D). The gross density that could potentially be achieved with the requested RSF-1 zoning using the minimum lot size of 30,000 square feet yields a total of 10.5 lots. The six lots proposed is well below this threshold, and the resulting density of 0.83 du/ac is much lower than the existing density of surrounding development as described above. Additionally, of the site's total area of 7.2-acres, 2.56 acres are designated as open space (or 35.6 percent), which exceeds the minimum requirement of 20 percent for PRD developments.

Documents Submitted



THE OAKS AT THE COLONY

Point Clear, Alabama



APRIL 24, 2023
GOODWYN MILLS CAWOOD
2039 Main Street | Daphne, AL 36526

Target Market

New homes in the Oaks at the Colony will be custom built with an anticipated target market of golf enthusiasts and/or affluent families. Homes will be individually built, custom designed homes on large lots and, therefore, more comparable to those in the existing Woodlands neighborhood to the west and dissimilar to the homes in the Owl's Nest neighborhood which are tract-built, nearly identical homes on small lots. Recent sales of homes along the adjoining fairways (see Figure 3) range from \$755,000 (sold on 10/27/2020 on Owl's Nest Place) to \$2.3 million (sold on 06/23/2021 on Woodland Drive). In addition to this data, homes currently for sale in these neighborhoods include a 2-bedroom/2-bath cottage for \$800,000 on Battles Road and a 4-bedroom/6-bath brick home on Woodland Drive for \$1.8 million. Thus, an anticipated sales price of homes in the Oaks at the Colony is \$900,000 and above. It should be noted that

future home prices in the Oaks at the Colony will be dictated by market conditions at the time of completion, and the information provided herein is for reference purposes only.

Documents Submitted



THE OAKS AT THE COLONY

Point Clear, Alabama



APRIL 24, 2023
GOODWYN MILLS CAWOOD
2039 Main Street | Daphne, AL 36526

3. Planned Development Statement

Ownership for the subject The Oaks at the Colony planned development is held initially by the property owner who will obtain permits and construct improvements. An amenities and stormwater agreement will be put in place to allow residents to use and be responsible for the maintenance of all common and stormwater areas located throughout the development. Documents to assure the maintenance and continued protection of the PRD, amenities, private drives, and open space will be recorded with governing articles. These documents will also contain guidelines for landscaping, specific maintenance and improvements to the fairway buffers, fencing, signage, and entry gates if constructed. The owner/applicant will have The Oaks at the Colony brought under the purview of the existing Covenants, Conditions, and Restrictions (CCRs) in place at The Colony at the Grand, with certain amendments to be determined as the project advances. Regarding protection for existing trees, see Section 1.08 of the Rules and Regulations of The Colony (and in Exhibit B to the original CCRs).

The site design submitted with this application may be modified slightly if deemed necessary through detailed engineering, but will not deviate substantially from the approved plan. Such minor modifications may include, for example, the size and configuration of stormwater areas, shifts in lot lines, small adjustments to the private road, or location of homesites.

Wetlands



April 25, 2023

Melissa Currie
GMC

Goodwyn Mills Cawood

11 North Water Street
Suite 15250
Mobile, AL 36602

T (251) 460-4006
F (251) 460-4423

www.gmcnetwork.com

**RE: Waters of the U.S. Delineation Summary
The Oaks at the Colony
Baldwin County, Alabama**

Melissa:

On April 21, 2023, representatives of Goodwyn Mills Cawood, LLC (GMC) performed a waters of the U.S. including wetlands and stream delineation at the above referenced project site. The approximate 7.2-acre lot is further described as being located south of Battles Road in Baldwin County, Alabama (Figure 1). The center coordinates of the site are latitude 30d29'24.79"N and longitude -87d55'07.91"W (Figures 1 and 2). The entire project area is located within the Fly Creek Watershed (HUC 31602050205).

Please find below a list of information that can be found in the attachments:

Appendix I - Figures

- Figure 1 – USGS Quadrangle Map
- Figure 2 – General Location Aerial Map
- Figure 3 – Soils Map
- Figure 4 – National Wetlands Inventory Map
- Baldwin County Parcel Viewer Potential Wetland Map

Appendix II – Photographs

Appendix III – Data Sheets

On behalf of GMC, a Professional Wetland Scientist (PWS) traversed jurisdictional waters of the U.S. including streams and wetlands, regulated streams (USACE). Jurisdictional streams are classified as perennial, intermittent, or ephemeral. Wetland areas were delineated in accordance with the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual and the 2010 Regional Supplement to the Corps Wetland Delineation Manual: Eastern Mountains and Piedmont Region. The wetlands were delineated by sampling and comparing soil colors against the Munsell color chart to determine whether the soils meet the USACE criteria of hydric soils. The wetland boundaries were flagged according to the three required wetland criteria (vegetation, hydrology, and soils). All waters of the U.S. identified on site were surveyed with a mapping grade (sub meter) Trimble Geo7x GPS system. A summary of the resources found on site is below.

Following the site visit, it was confirmed that no wetlands or jurisdictional streams are located on the site and the entire 7.2-acre lot consists entirely of uplands. Representative photographs are provided in Appendix II. Wetland Data Sheets are provided in Appendix III detailing the soil types, vegetation and hydrology present on the site.



Should you have any questions or need additional information, please feel free to contact me anytime either by phone or by email at lee.walters@gmcnetwork.com.












Sincerely,
GOODWYN, MILLS AND CAWOOD, LLC

Lee Walters
Professional Wetland Scientist

Following the site visit, it was confirmed that no wetlands or jurisdictional streams are located on the site and the entire 7.2-acre lot consists entirely of uplands. Representative photographs are provided in Appendix II. Wetland Data Sheets are provided in Appendix III detailing the soil types, vegetation and hydrology present on the site.

Factor Summary:

- Factors do not necessarily carry equal weight.
- Staff review is based on information provided by the applicant and other readily available information.

					
Compatible with development pattern?	Change of conditions since originally zoned?	Proposal conform to Master Plan?	Conflicts with public improvements?	Adverse affect to traffic?	Consistent with development pattern?
					
Logical expansion of adjacent zoning?	Timing appropriate given development trends?	Environmental or Historic impact?	Adverse impact on health, safety, & wellness?	Other appropriate matters?	

Staff Analysis and Findings

1.) Is the requested change compatible with the existing development pattern and the zoning of nearby properties?

The subject property is currently zoned OR, Outdoor Recreation District. Though undeveloped property, the parcel is situated within, and functions as part of, a golf course. Prior to 2006, the property was physically part of the Golf Course property, until subdivided out. The adjacent properties to the west, east, and south are also zoned OR and are portions of a golf course. The properties to the north are in the City of Fairhope and have the zonings of R-1, Low Density Residential and PUD. Fairhope's R-1 zoning has the same minimum lot size as our RSF-2, 15,000 square feet. A development trend in this area appears to be a mixture of residential and outdoor recreation.

Recognizing the unique character of this unincorporated community, staff places little weight on the development trends within the corporate limits of the City of Fairhope. In evaluating compatibility, staff considers, among other things, whether the proposed use would overwhelm and intrude on the existing residential community. While low density residential development alone would not create an intrusion into this residential community, staff believes that a residential development is "wedged" between active golf fairways could have a disrupting and intrusionary impact on the community. In a previous analysis, staff noted that the disrupting and intrusionary qualities could potentially be abated through a zoning site plan approval. The Applicant has submitted a new proposal with a 40% reduction in lots (10 lots to 6 lots) and a corresponding site plan that will ensure the preservation of existing trees.

While staff understand that the development of a relatively small area of land between two golf fairways will continue to have some intrusionary aspects, on balance, staff believes that, with the accompanying site plan approval, a rezoning to RSF-1 is appropriate and that therefore **factor one encourages approval** of this rezoning request, subject to the health, safety and welfare considerations in factor 10.

Staff Analysis and Findings

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 19 zoning map was adopted in June of 2021. There has been a single rezoning in District 19 since the June 2021 adoption of zoning. This case involved the rezoning of 1.31 Acres from RSF-1 (30,000 sf) to RSF-2 (15,000 sf).

A rezoning may be appropriate when the proposed use contributes to and supports neighborhood/community stability. Stable neighborhoods slowly change -- if at all -- over a period of time and any changes should not be forced through the introduction of incompatible uses.

While this neighborhood/community has experienced growth and development over the past two decades, much of this growth has occurred within the corporate limits of the City of Fairhope. Relatively little growth and development has occurred within those zoned areas of the unincorporated community. The nearest unincorporated zoning classification is RSF-1 (30,000 sf) and staff believes that RSF-1 zoning fits the development pattern of this community. Therefore, staff believes **factor two encourages approval** of this rezoning request.

Staff Analysis and Findings

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

Under the methodologies used in the current Master Plan, a future land use designation of Public and Semi-Public would be provided for this parcel based on its current zoning of Outdoor Recreation (OR). However, since this district became zoned after the 2013 Master Plan, there is currently no future land use designation assigned to the subject property. The Public and Semi-Public designation includes institutional uses; recreational uses; and transportation, communication, and utility uses.

Though given little weight in our analysis due to the lack of a formal future land use designation and because the proposed rezoning does not conform to the presumed future land use designation from the current Master Plan, **factor three encourages denial** of the rezoning request.

Staff Analysis and Findings

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

Staff is unaware of any planned public improvements or any conflicts with existing public improvements. Staff believes that **factor four tends to encourage approval** of the rezoning request.

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

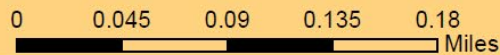
The subject property is located on Battles Road which is a County maintained road. Per the Federal Highway Administration, the functional classification of Battles Road is Major Collector. Major Collectors gather traffic from Local Roads and funnels them to the Arterial network.

A traffic count was taken by the Baldwin County Highway Department in 2021 just west of the subject property on Battles Road, recorded Average Daily Traffic (ADT) of 1,990 vehicles. With only 6 lots being proposed, the traffic generation (approximately 60 trips per day) is not anticipated to adversely affect traffic patterns or congestion. The County Engineer may require a traffic study if traffic concerns become an issue during a future subdivision approval process.

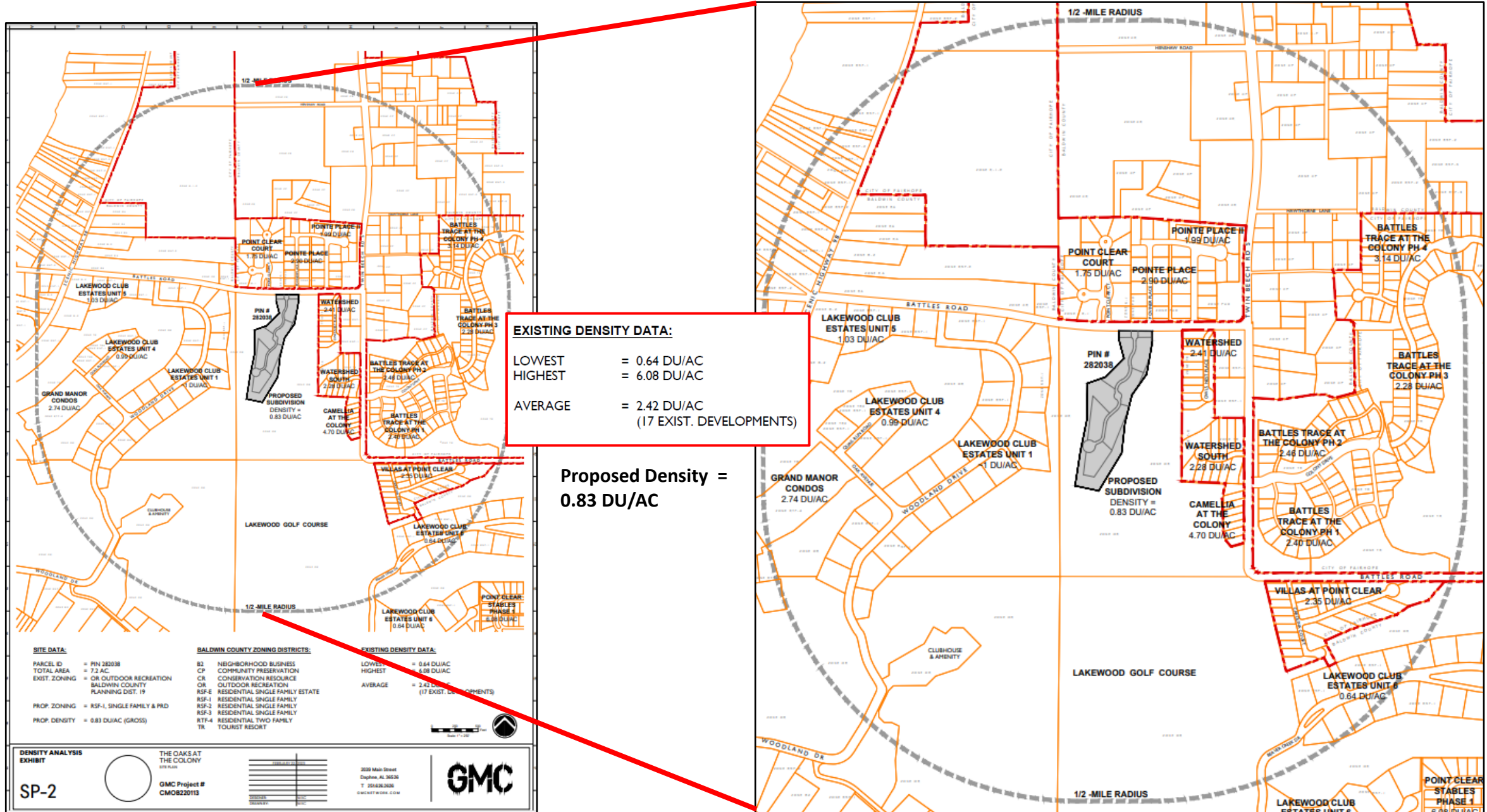
Staff believes that **factor five tends to encourage approval** of the rezoning request.



Baldwin County Highway Department
Battles Road - Between Scenic 98 and Twin Beach Road South



Proposed Subdivision (1/2 Mile Radius)



EXISTING DENSITY DATA:

LOWEST = 0.64 DU/AC
 HIGHEST = 6.08 DU/AC
 AVERAGE = 2.42 DU/AC
 (17 EXIST. DEVELOPMENTS)

Proposed Density = 0.83 DU/AC

SITE DATA:
 PARCEL ID = PN 282038
 TOTAL AREA = 7.3 AC
 EXIST. ZONING = OR OUTDOOR RECREATION
 BALDWIN COUNTY PLANNING DIST. 19
 PROP. ZONING = RSF-1, SINGLE FAMILY & PRD
 PROP. DENSITY = 0.83 DU/AC (GROSS)

BALDWIN COUNTY ZONING DISTRICTS:
 B2 NEIGHBORHOOD BUSINESS
 CP COMMUNITY PRESERVATION
 CR CONSERVATION RESOURCE
 OR OUTDOOR RECREATION
 RSF-1 RESIDENTIAL SINGLE FAMILY ESTATE
 RSF-2 RESIDENTIAL SINGLE FAMILY
 RSF-3 RESIDENTIAL SINGLE FAMILY
 RTF-4 RESIDENTIAL TWO FAMILY
 TR TOURIST RESORT

EXISTING DENSITY DATA:
 LOWEST = 0.64 DU/AC
 HIGHEST = 6.08 DU/AC
 AVERAGE = 2.42 DU/AC
 (17 EXIST. DEVELOPMENTS)

Staff Analysis and Findings

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

Given the relatively stable nature of this unincorporated residential, golf course community staff believes that development trends do not tend to support or oppose and RSF-1 zoning. Therefore, staff believes that **factor eight neither encourages nor discourages** the rezoning 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 actionable environmental conditions. The Alabama Department of Environmental Management (ADEM) provided no comments. However, a review of historic imagery supports the historic value of this property including a number of apparent historic trees. Tree cover is a highly valued character feature of this unincorporated community. **With the landscape plan proposed as part of the PRD site plan application, the applicant is proposing removal of native trees in only two limited areas.** On this basis, staff believes that **factor nine tends to encourage approval** of this rezoning request.

Staff Analysis and Findings

1950



1966



2001



2022



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

Staff recognizes the potential of this development having effects on health, safety, and welfare.

Staff does not purport to have expertise in the area of golf course design. However, the Applicant has provided an analysis from a reputable golf course architect who has represented that “the risk of errant golf balls in The Oaks is no greater than what one might experience at other recently developed residential golf course communities.” Without compelling evidence to the contrary, staff believes that factor ten would tend to encourage approval of this rezoning request, with accompanying site plan. However, given its lack of expertise, staff will defer heavily to the Planning Commission and County Commission’s evaluation of the expert opinion(s) related to this factor.

Golf Study

CLYDE JOHNSTON DESIGNS, INC.

GOLF COURSE ARCHITECTURE

March 9, 2023

To Whom It May Concern:

I was contacted by RSA representatives to review a proposed sketch plan for six homesites on 7.2 acres located between golf holes 2 & 3 of the Azalea Course at the Lakewood Club, in order to determine whether the design and layout met appropriate best practices for residential developments adjoining golf courses. The sketch plan is identified as "THE OAKS AT THE COLONY" and prepared by GMC.

Methodology

I reviewed a detailed survey of the property in question, which depicted:

1. The rear lot lines for properties along Woodland Drive.
2. All the golf hole features; tees, fairway, bunkers, green, cart path, trees and the topography.
3. The rear lot lines of properties to the east of golf hole 3, which is also the dividing line between Baldwin County and the City of Fairhope.
4. The Battles Road right of way and property north of the road.

From the survey data, I was able to establish the centerline of both golf holes in the same manner that I establish a centerline for new golf courses and for golf course renovations. This centerline runs from the middle of the back tee to the middle of the fairway to the middle of the green. With each golf hole centerline, I could establish the outer limits of the golf hole corridor based on commonly accepted dimensions in the golf course design industry.

In my opinion as an architect specializing in golf course design, it is best practice to maintain the following corridor distances for residential lots adjoining golf course fairways, such as the property at issue here:

1. A 75-foot circle radius around the middle of the back tee.
2. A 175-foot circle radius around the turning point or middle of the fairway.
3. A 175-foot circle radius around the middle of the proposed new green
4. The circles are then connected by tangent lines to form the outside limits of the golf hole corridor.

For a historical perspective, when these two golf holes were built, the dimensions commonly used to establish the outer corridor lines were much shorter. Due to the introduction of more advanced golf equipment in the early 1990's, golf course architects took a more defensive stance with respect to liability and safety, and most of the golf course design industry adopted a slightly wider golf hole corridor, particularly as to the landing area and green. I will note that the golf hole corridor widths will probably not contain 100% of all golf shots. However, the risk from errant golf balls in the proposed development is no greater than it is in the other residential developments adjacent to golf holes along the Lakewood golf course.

31 McINTOSH ROAD
HILTON HEAD ISLAND, SOUTH CAROLINA 29926
(843) 384-3806

Homesite 1: Based on the relocation of the 2nd green as shown on GMC's plan, this homesite has very little risk of having a golf ball enter the lot due to the distance from the green and the fact that there are quite a few trees between the home and the golf hole to stop/deflect any errant shots. Another factor is that most golfers are hitting a shorter, more accurate iron shot into the green as opposed to the common use of the driver from the tee.

Homesite 2: This homesite has a very low risk of errant shots and would only be impacted by a terrible tee shot, or a tee shot that hits a tree and ricochets onto the homesite. I will note that there is a fairway bunker on the right side of hole two that will make most golfers aim a little more left with their tee shot in order to avoid it.

Homesite 3: This homesite is low risk but could potentially be impacted by an errant shot hit to the third green. The homesite is located an appropriate distance from that green. The homesite is also adjacent to the White and Teal tees of the second hole but the likelihood of being impacted by a tee shot would be extremely rare.

Homesite 4: This homesite is located to the right of golf hole 3 and is positioned opposite the landing area for almost all golfers. This homesite has a very low risk of errant shots as it is the appropriate distance from the center of the golf hole and is also well protected by trees.

Homesite 5: This homesite is located midway between the tees and the landing area of the golf hole. It is the appropriate distance from the third golf hole and therefore a very low risk factor.

Homesite 6: This homesite is located to the right of the back three tees of the third hole and has very little to no chance of being impacted by an errant golf shot.

About the Author

Clyde Johnston, ASGCA, is a golf course architect based on Hilton Head Island, South Carolina with 49 years of professional experience. He is a member and past president of the American Society of Golf Course Architects. Johnston is also a member of the Lowcountry Golf Hall of Fame. Johnston has been involved in over 200 golf course projects with both new golf courses and renovations of existing golf courses. He established Clyde Johnston Designs, Inc. in 1987 to provide golf course design, land planning and golf course consultation primarily in the southeastern United States. Prior to having his own firm, Johnston apprenticed with established golf course architects Willard Byrd, Ron Kirby and Gary Player.

Johnston grew up in the golf business as the son of longtime North Carolina golf professional C.B. "Johnny" Johnston, PGA, who also dabbled in golf course design. Johnston himself has been playing golf for 66 years.

Adjustments to Golf Course

CLYDE JOHNSTON DESIGNS, INC.
GOLF COURSE ARCHITECTURE

April 21, 2023

Mr. Marshall Gardner
Maynard Nexsen
11 North Water Street
RSA Battle House Tower
Suite 24290
Mobile, AL 36602

Re: The Oaks at The Colony

Dear Marshall:

While I don't believe other modifications to golf holes 2 and 3 are necessary, other than relocation of the green on hole 2, the suggestions to changing the bunkers on holes 2 and 3 are acceptable.

The fairway bunker on hole 2 can be expanded in size to the south.

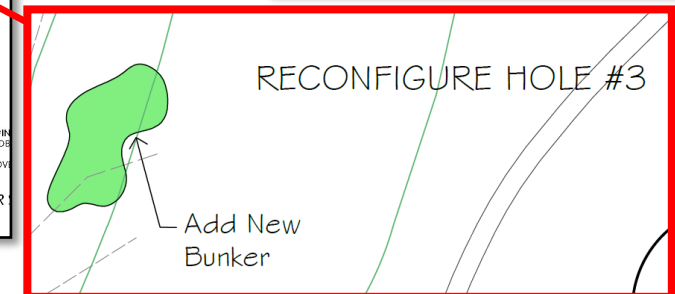
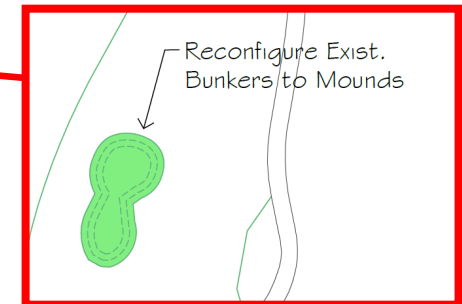
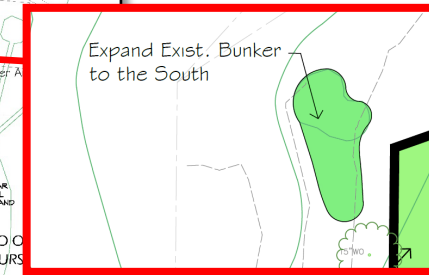
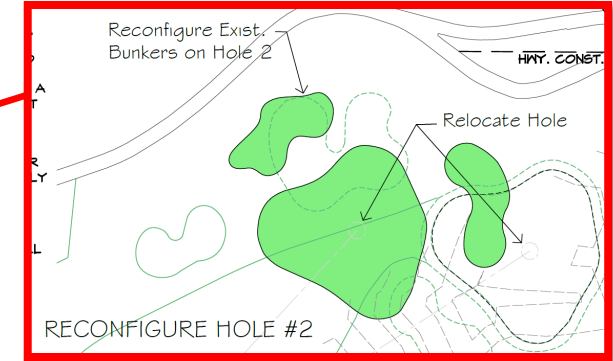
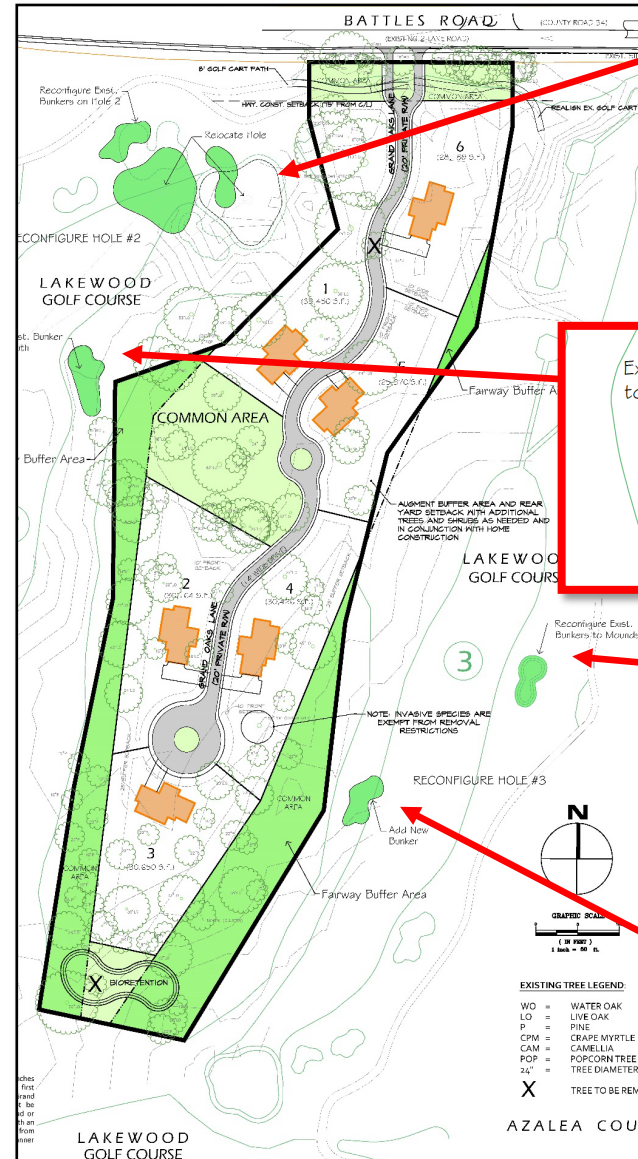
The existing fairway bunker on the left side of hole 3 will be eliminated and changed into mounds. A new fairway bunker will be added to the right side of the fairway to further discourage golfers from hitting in that direction.

Sincerely,



Clyde Johnston, ASGCA
Golf Course Architect

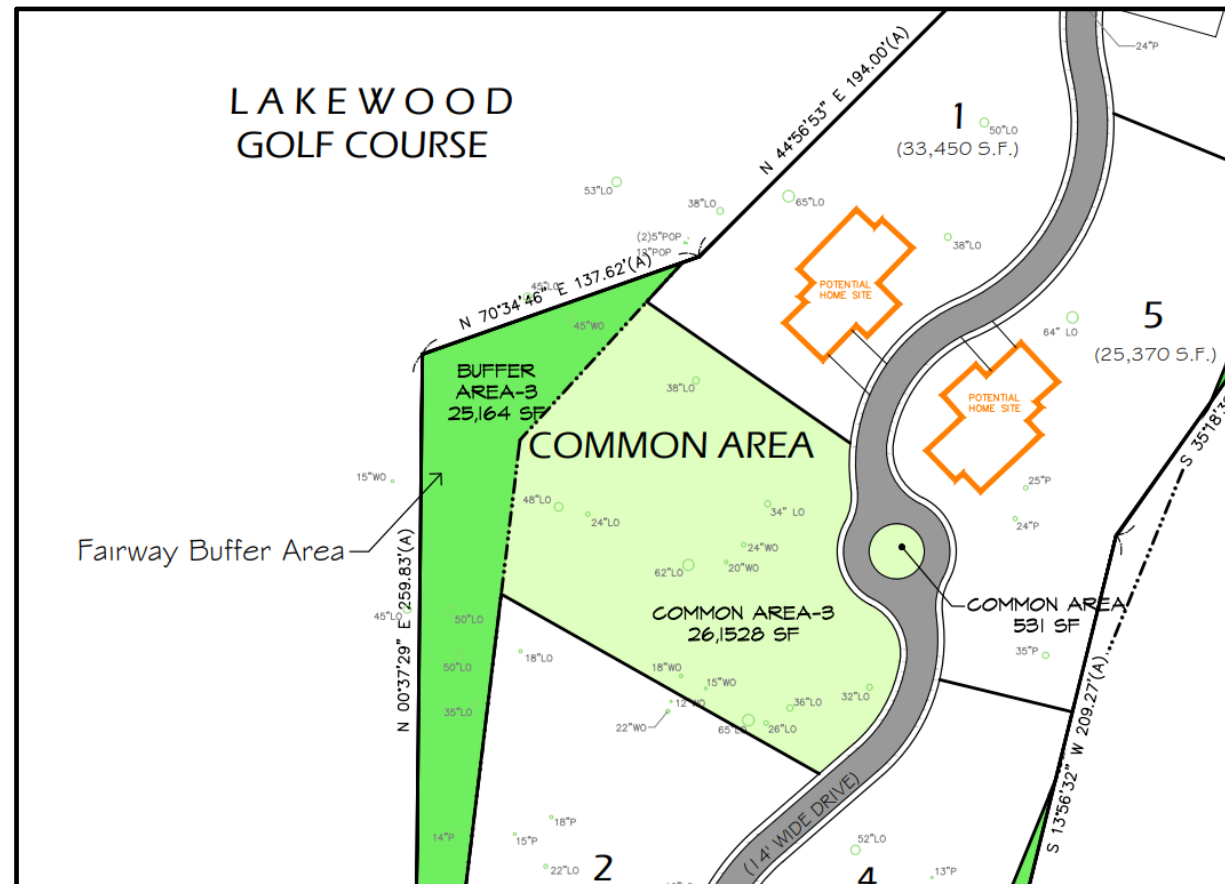
31 McINTOSH ROAD
HILTON HEAD ISLAND, SOUTH CAROLINA 29926
(843) 384-3806



Common Area Signage

1. Install signage where the common area meets the road to warn of the risk of errant golf balls to those who might use the common area for play or other leisure activities.

RESPONSE: The requested signage will be provided.



City of Fairhope Timeline

November 4, 2019

RSA (GMC) requested initial zoning of TR, Tourist Resort District, condition upon annexation into the City of Fairhope. The proposal was for 7.23 acres with a 10 lot subdivision.

Fairhope staff recommended **APPROVAL**. Planning Commission **TABLED** the request.



December 2, 2019

Same request was brought back to the Planning Commission

Fairhope staff recommended **APPROVAL**. Planning Commission recommended **Denial** 7 to 1 with concerns of health, safety, and welfare.



February 10, 2020

Same request was brought to the City Council

Fairhope City Council **Tabled** this item at request of applicant. Item was never brought back to Council.



May 4, 2020

A request for a preliminary plat approval for a 10 lot subdivision, Watershed West.

Fairhope staff recommended **APPROVAL**. Planning Commission **Denied** the request 7 to 1 with concerns of health, safety, and welfare.

Agency Comments

ADEM, Scott Brown: No Comments Received.

Baldwin County Highway Department – Tyler Mitchell:

- Any future subdivision of the property will need to meet the Baldwin County Subdivision Regulations in effect at that time.
- Battles Road is maintained by Baldwin County. Any connection to Battles Road will require a turnout permit from the Baldwin County Highway Department.
- Additional comments potentially forthcoming regarding drainage and road widths.

Baldwin County Subdivision– Shawn Mitchell:

Any future subdivision of the property will need to meet the Baldwin County Subdivision Regulations in effect at that time.

City of Fairhope : No Comments Received.

Staff Recommendation

Staff recommends approval of the PRD (PRD23-1) to the Planning Commission with the following caveat/conditions:

- **Caveat:** Planning Commission and County Commission's evaluation of any expert opinion(s) provided related to the safety risks associated with errant golf balls.
- **Conditions:**
 1. Roads shall not be narrower than displayed on site plan but will receive a full evaluation during the subdivision application and may be required to have increased dimensions.

Planning Commission Recommendation

The Planning Commission recommended **denial** four to three.

Z23-8 / PRD23-1 RSA PROPERTY

Staff Recommendation












Staff recommends the Planning Commission recommend **approval** of the zoning change from OR to RSF-1 (case Z23-8), conditioned on approval of the PRD site plan.

Planning Commission Recommendation

The Planning Commission recommended **denial** five to two.

Factor Summary:

- Factors do not necessarily carry equal weight.
- Staff review is based on information provided by the applicant and other readily available information.

					
Compatible with development pattern?	Change of conditions since originally zoned?	Proposal conform to Master Plan?	Conflicts with public improvements?	Adverse affect to traffic?	Consistent with development pattern?
					
Logical expansion of adjacent zoning?	Timing appropriate given development trends?	Environmental or Historic impact?	Adverse impact on health, safety, & wellness?	Other appropriate matters?	

Public Hearing:

Only credible information impacting one of the factors above will be considered by the Planning Commission.

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