



**Case No./Name:** Z24-49 JOHNSON PROPERTY & PRD24-07 BEAR CREEK

**Meeting Date:** December 5, 2024

**Request:** Rezoning request and Planned Residential Development approval for a 247-site residential development.

**Recommendation:** Approval for Z24-49 and Approval for PRD24-07

**Planning Commission voted to recommend Denial of the rezoning with a vote of 4-2 and Denial of the PRD, with a vote of 6-0.**

**Staff Lead:** Cory Rhodes

**Developer:** KAD Properties LLC, 50 N Florida St., Mobile, AL 36607

**Surveyor:** Rowe Engineering, 3502 Laughlin Dr, Suite B, Mobile, AL

**Engineer:** Dwayne Smith, Anchor Engineering, 50 N Florida St, Mobile, AL

To view maps/plats in higher resolution and public comments received related to this case, please visit the "Upcoming Items" Planning and Zoning webpage : <https://baldwincountyal.gov/departments/planning-zoning/meeting-agenda>

**Location:** The subject property is located east of Hwy 83, north of Kichler Circle and south of Grubber's Lane near the town of Elberta.

**Proposed use:** A 247-unit planned residential development

**Planning District:** 22

**Zoning:** Current zoning: RA Rural Agricultural  
Requested zoning: RSF-1 Single Family Residential

**Parcel#:** 05-53-04-20-0-000-002.000 **PIN#:** 61731

**Parcel#:** 05-53-04-20-0-000-002.004 **PIN#:** 360531

**Total Property Area to be divided:** 116 +/- acres

**Total # of Lots requested:** 247 sites

RSF-2 Minimum required dimensions: 15,000 SF, width 80 ft  
Smallest site: 8,370 SF

**Density:** 2.20 lots / acre

Total area 116 – (7.06/2 wetlands) = 112.47 acres  
247 lots / 112.47 ac = 2.20 units/ac

A PRD allows lots smaller than the zoning minimum, but the overall density of the development cannot exceed the RSF-2 density of 2.9 units/acre.

**Open Space:** Required 116 x 20% = 23.2 ac

Provided (Site data table): 45.44 ac

Open space cannot include detention ponds or internal ROW.

**"Useable" open space:** Required 45.44 / 2 = 22.72 ac

Provided (Site data table): 38.38 ac

**Streets / Roads:** 10, 819 LF of street for public use

**Proposed setbacks:** 30 ft front and rear, 10 ft side, 20 ft street side

**Utility Providers (4.5.1(i), 5.2.5a(1)):** Capacity reports will be required for the preliminary plat

Water: East Central Water Authority (Letter dated November 4, 2024)

Electrical: Baldwin EMC. (Letter dated October 18, 2024).

Sewer: BCSS, Lillian Treatment Plant (Letter dated November 8, 2024)

Fiber: Brightspeed (Letter dated October 30, 2024)

**Traffic Study (5.5.14, Append. 6):** Not required for a PRD but will be required for a preliminary plat. The traffic study shall be conducted while school is in session.

**Drainage Improvements (4.5.1e, 5.11.7):** A full drainage plan is not required for the PRD but will be required for the preliminary plat. Maps showing proposed detention ponds, and pre- and post-drainage patterns were provided by Dwayne Smith, PE, *Anchor Engineering*.

**Wetlands (5.2.2):** Wetland report by Keith Johnson, *Wetlands Sciences, Inc.* Wetland acreage is 7.06 acres, shown with the required 30 ft non-disturbed buffer.

**Flood zone (5.19):** Zone X, no special requirements

**Fire Protection (5.2.5a(3)):** A fire flow test and letter from the local fire authority are not required for the PRD but will be required for the preliminary plat.

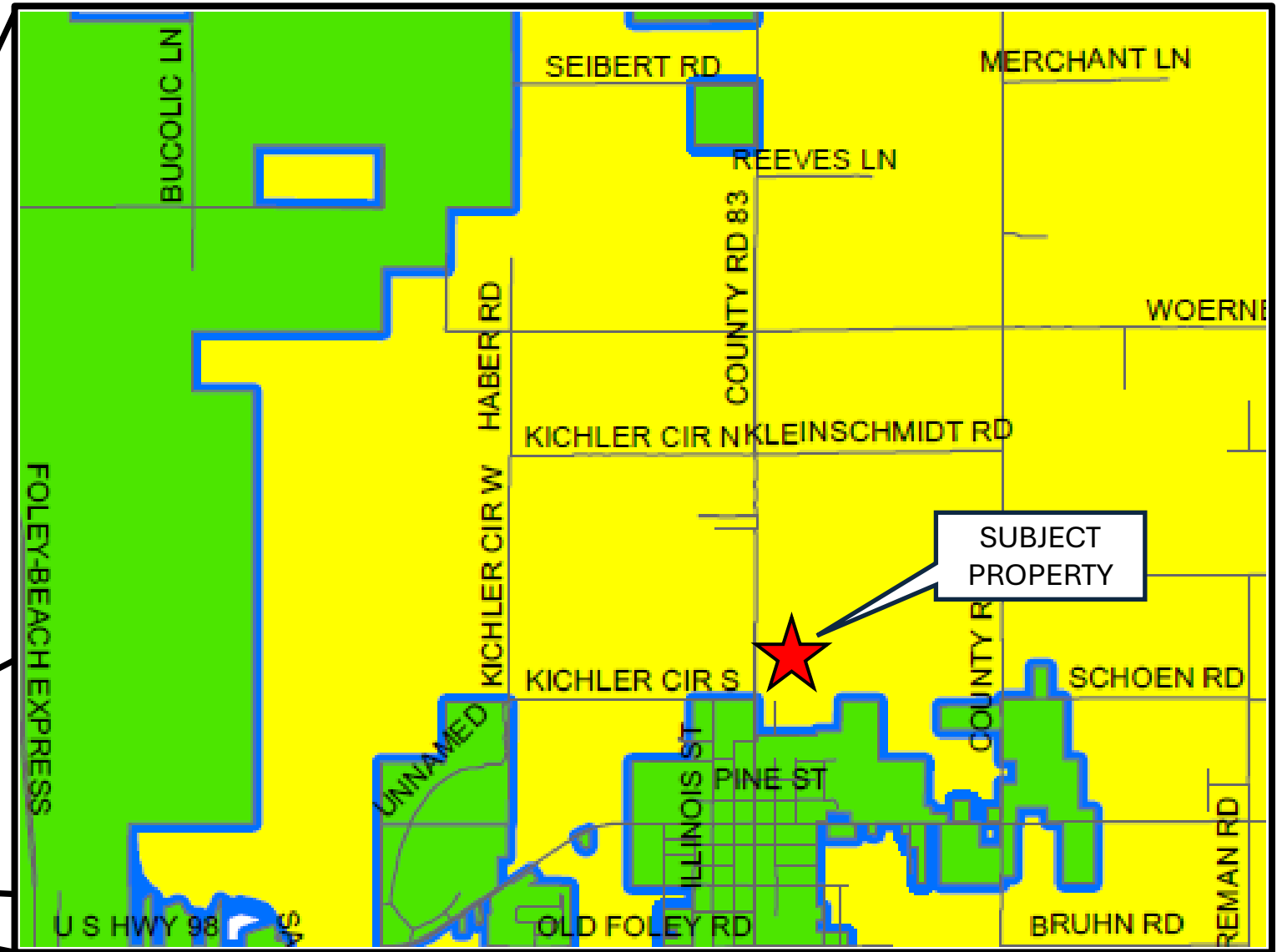
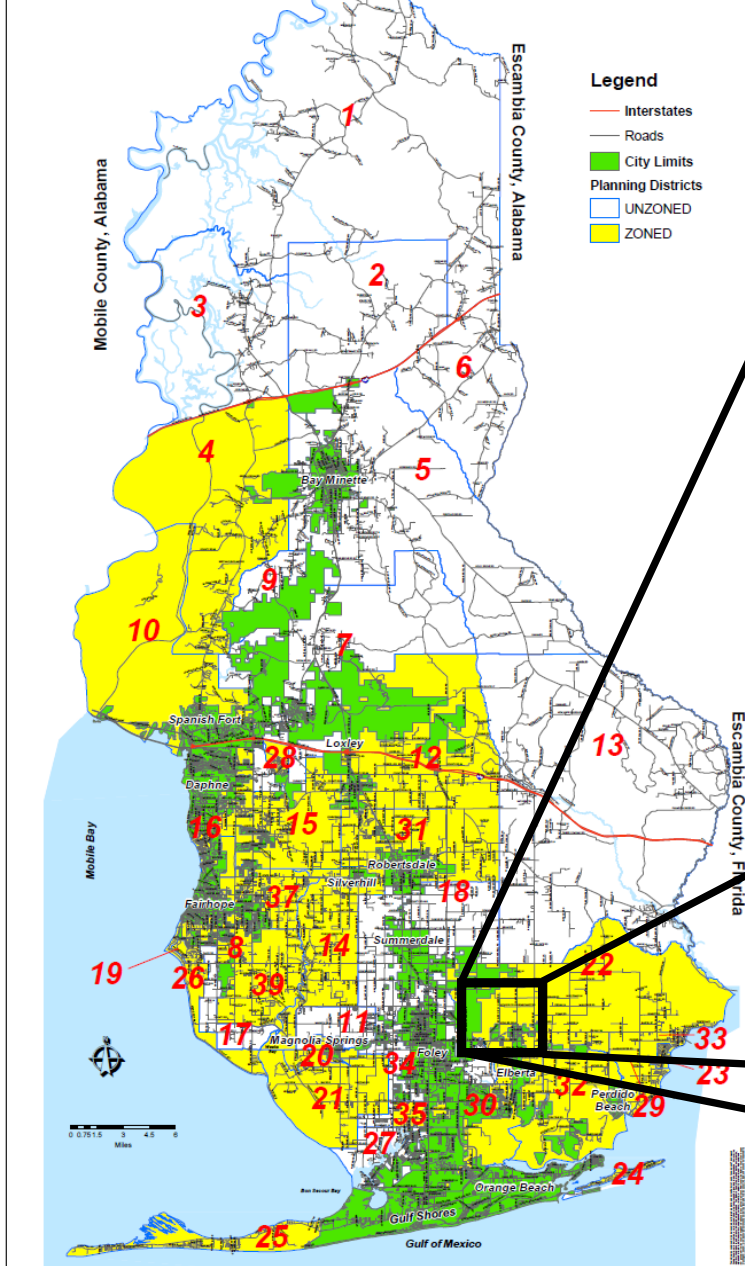
**BCBE Notification:** Email sent on October 29, 2024. They did not express opposition.

**Online Case File Number:** The case number is PRD24-07 or Z24-49. When searching online CitizenServe database, please use PRD24-000007 or Z24-000049.

### **Additional Information:**

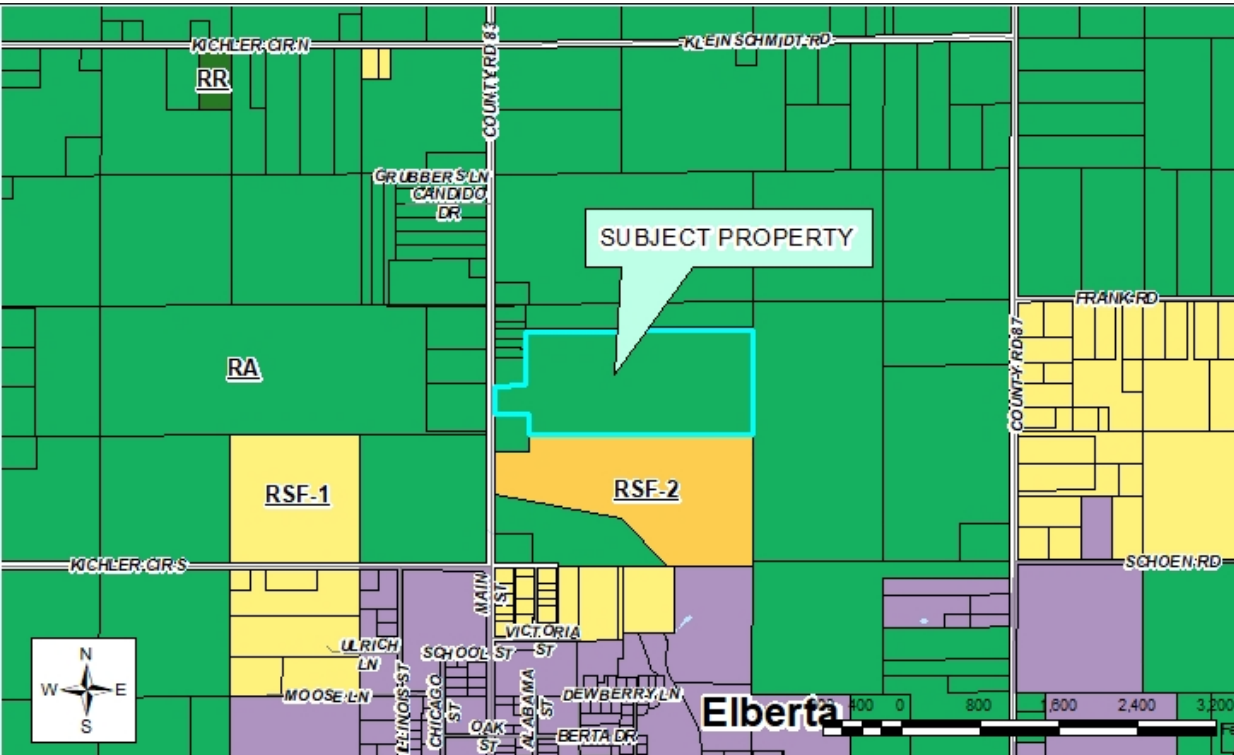
The request at hand includes a rezone of PIN 61731 from RA to RSF-1 as well as a PRD of PINs 61731 and 360531 (the adjacent property to the south), which is zoned RSF-2. RSF-1 requires an underlying density of 1.45 units per acre (UPA). The adjacent parcel to the south was recently rezoned in September of 2024 from RA to RSF-2, which requires an underlying density of 2.9 UPA. While a PRD allows for lot sizes and widths to be less than the minimum lot size and width requirements for the requested zoning, the underlying density must be met. A composite density of RSF-1 and RSF-2 is being requested, which equates to 2.2 UPA. It is less than what is allowed by RSF-2 zoning and is therefore still compliant.

# Baldwin County, Alabama Planning Districts

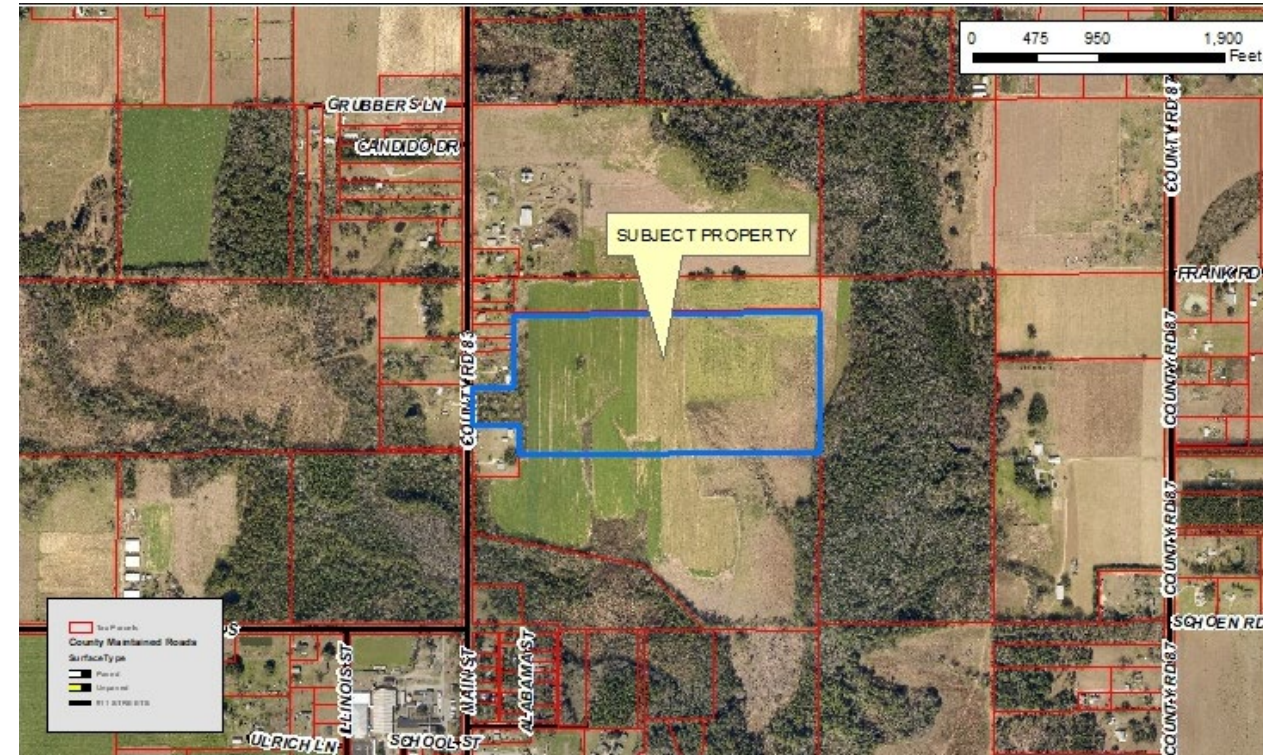




# Locator Map














# Site Map



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

# Factor Summary:

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

 #1	 #2	 #3	 #4	 #5	 #6
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?
 #7	 #8	 #9	 #10	 #11	
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.



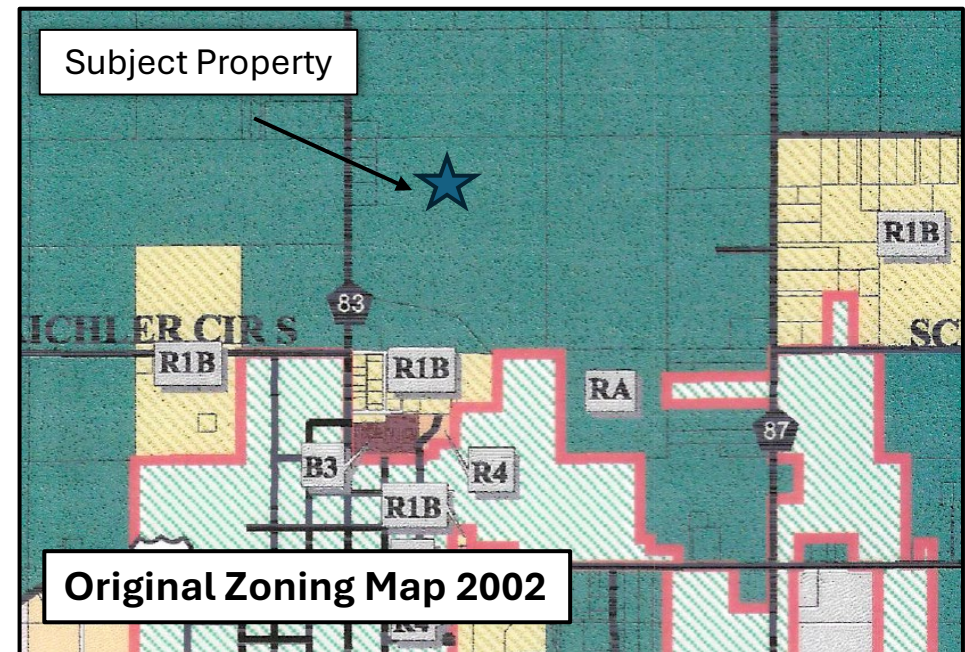
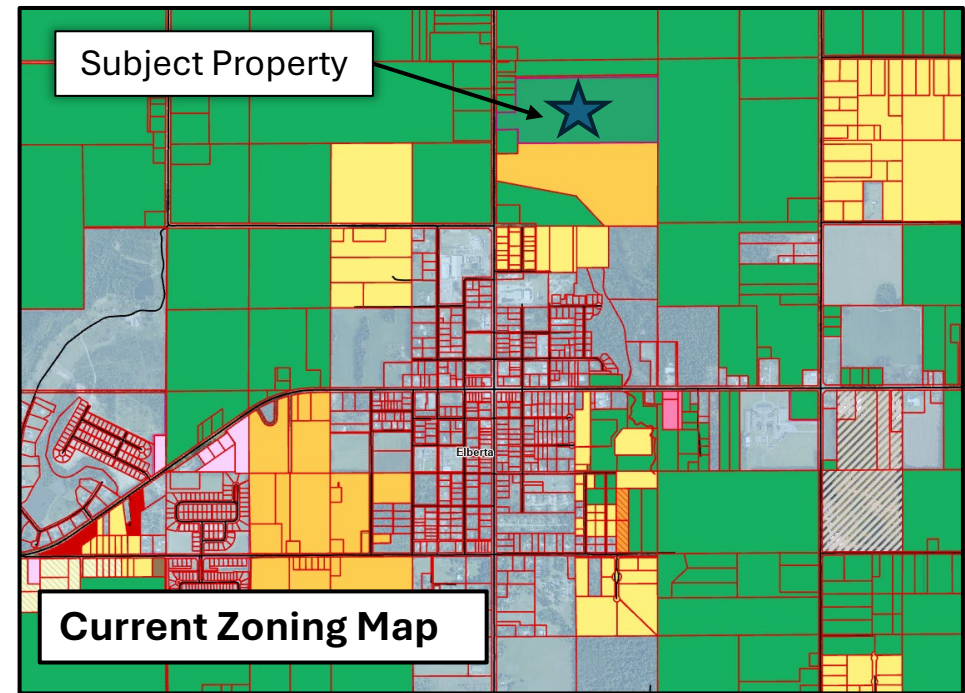
## STAFF ANALYSIS

### 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. Nearby parcels are zoned RA, RSF-1, and RSF-2. The uses adjacent to the subject property are agricultural and residential. The parcels within the Town of Elberta are residential, institutional, and commercial. Staff feels that the requested change is compatible with the development pattern of the surrounding areas.

### 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 22 adopted a zoning map on November 19, 2002. While there have been few rezones in the area, the adjacent parcel to the south, which is a part of the PRD in question, was rezoned to RSF-2 in September of 2024.



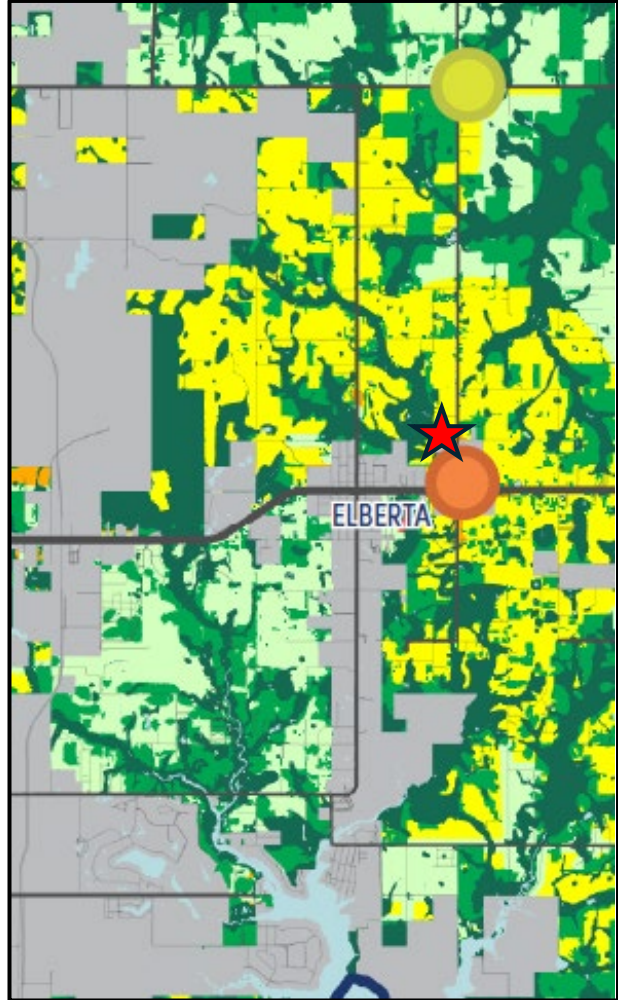




### 3.) Does the proposed zoning better conform to the Master Plan?

The majority of the future land use for the subject property is Moderate Development Potential Areas. Moderate Development Potential Areas are suitable for all land uses described in the previous place types but may also include a variety of home types from large and medium-lot single-family detached homes to single-family attached homes such as duplexes and townhomes. Subdivision patterns may be amenity-based communities with small gardens, parks and playgrounds within private lots or part of a community space.

Neighborhood centers or nodes at key intersections would allow for a combination of retail, office, and service uses to meet the needs of the community. The related zoning districts include RSF-1 and RSF-2.



**LEGEND**

**PLACE TYPES**

- IDEAL CONSERVATION/PRESERVATION
- CONSERVATION DEVELOPMENT POTENTIAL
- RURAL/AGRICULTURE/LID POTENTIAL
- MODERATE DEVELOPMENT POTENTIAL
- MID-DENSITY DEVELOPMENT POTENTIAL
- HIGH-DENSITY DEVELOPMENT POTENTIAL
- MUNICIPAL JURISDICTIONS

**NODE TYPES**

- RURAL CROSSROADS CENTER
- NEIGHBORHOOD CENTER
- VILLAGE CENTER
- URBAN MIXED-USE CENTER
- COMMERCIAL/INDUSTRIAL CENTER

## MODERATE DEVELOPMENT POTENTIAL AREAS

Moderate Development Potential Areas are suitable for all of the land uses described in the previous place types but may also include a variety of home types from large and medium-lot single-family detached homes to single-family attached homes such as duplexes and townhomes. Subdivision patterns may be amenity-based communities with small gardens, parks and playgrounds within private lots or part of a community space. Neighborhood centers or nodes at key intersections would allow for a combination of retail, office, and service uses to meet the needs of the community.

**PRIMARY LAND USES**

- Single-family neighborhoods (suburban)
- Amenity-based communities
- Neighborhood center/node

**RELATED ZONING DISTRICTS**

- RSF-1 Single Family District
- RSF-2 Single Family District

**CONNECTIVITY NETWORK**

- Suburban street networks/limited use cul-de-sacs
- Open space, parks and amenities provided within neighborhoods
- Streets with sidewalks, bike lanes, and/or side paths based on local character and context
- Suburban greenways and trails





**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, this section of County Road 83 is classified as a Major Collector, which provide travel between cities and towns, they are typically shorter and have slower speed limits than arterials. A traffic study is not required for a PRD but is required for preliminary plat approval. A turnout permit would be reviewed by the County for turnout onto County Road 83.



**6.) Is the proposed amendment consistent with the development patterns in the area and appropriate for orderly development of the community?**

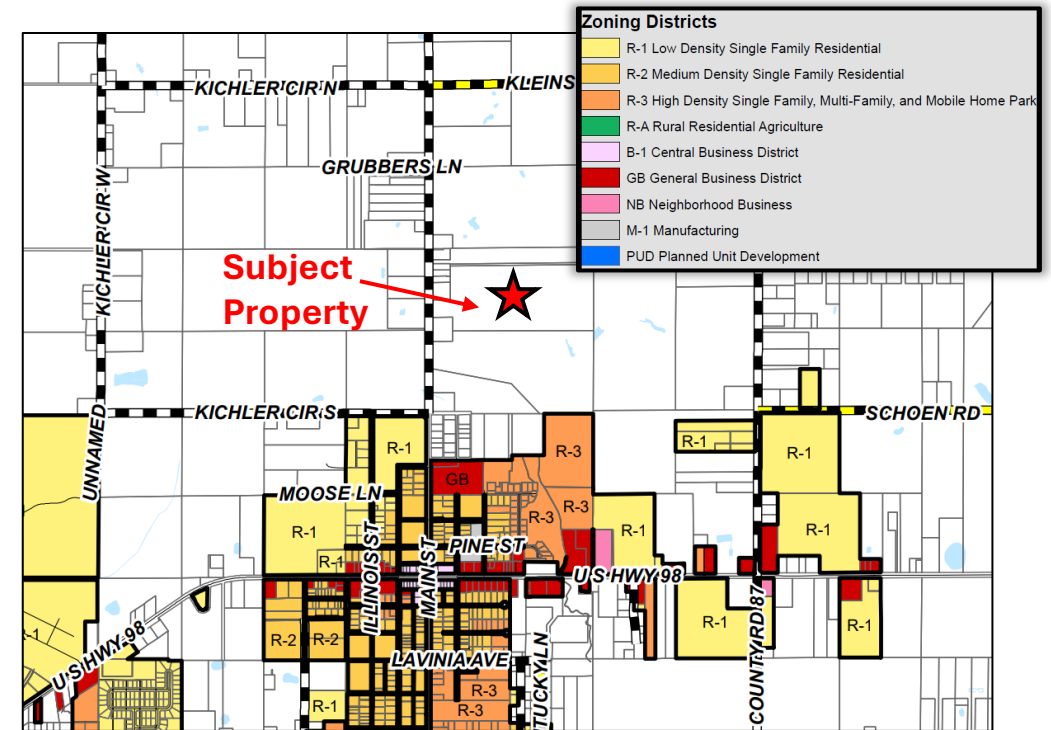


**7.) Is the proposed amendment the logical expansion of adjacent zoning districts?**

The proposed amendment is consistent with the adjacent zoning when taking in consideration the property to the south as well as the Town of Elberta zoning. The property located within the town of Elberta is zoned R-3, High Density Single Family, Multi-Family, and Mobile Home Park.

The adjacent property to the south was recently rezoned to RSF-2 for residential development and is associated with the PRD in question. The requested RSF-1 would be a good transition from high density located within Elberta to lower density.

## Town of Elberta Zoning Map





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

Staff believes timing is not a factor for this request.



**9.) Will the proposed change adversely impact the environmental conditions of the vicinity or the historic resources of the County?**

Staff does not anticipate any adverse impacts on environmental conditions of the vicinity or the historic resources of the County with the proposed change.



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

Staff does not anticipate any adverse impacts to the health, safety and welfare of the County and the vicinity.

**11.) Other matters which may be appropriate. N/A**

## **PRD REVIEW - Amenities**

- Walking trails
- Sports field
- Playground
- Pavilion
- Pickleball courts



## Agency Comments

- **USACE, James Buckelew**: Staff reached out 10/28/2024 but received no comments.
- **ADEM, Scott Brown**: Staff reached out 10/28/2024 but received no comments.
- **BCBE**: Staff reached out 10/29/2024 but received no comments.



## Agency Comments

**Town of Elberta, Caryn Woerner** : I am recapping some of the original comments from the rezoning request of the McCraney property to the South. It is my understanding that this property will be combined with this request for a large development of around 300 homes. Please correct me if I have misunderstood the proposal.

Initial concerns are toward drainage, wetlands, fire safety / impacts, police personnel impacts and traffic impacts so close to the High School and the main intersection of Elberta. Elberta requires a minimum residential lot size of 100' width and 15,000 square feet regardless of the residential zoning district. As well, back to back or back to side lot lines are not allowed without a 10' common area between them. Currently, we have a moratorium on Planned Unit Development applications as updated regulations are being prepared.

Some questions that come to mind with the proposed development of nearly 300 homes: *What are the offsetting benefits to the community/residents in allowing smaller lot sizes which brings increased traffic in close proximity to the High School, the new middle school proposed a few miles north and the main intersection at US Hwy 98 all on 2 lane roadways? Are there right of way improvements proposed by the County for County Road 83 to help offset these traffic impacts? Are there protections and buffering required for all wetlands as some of the site drainage for 300 homes may impact downstream properties and wetland conservation areas to the south and east of these properties? Smaller lot sizes tend to create parking on both sides of the streets, as we see in many other subdivisions in nearby communities, due to less parking area available for each lot. Does the developer have plans to combat parking in the streets which can cripple emergency responders, delivery trucks, garbage trucks, school buses, etc., trying to navigate same?*

It is likely that additional assistance from the Baldwin County's Sheriff's Office within the Elberta area may be needed due to the population increases with the RV parks, subdivisions, etc. that are being developed / proposed within Elberta's police jurisdiction, County Road 95, County Road 20 and the Lillian areas. At this time, Elberta has no paid EMT personnel or Fire Department personnel and those who serve work full time jobs outside their volunteer work. Although it appears that the Baldwin County Board of Education does not typically respond to your requests for comments, is some type of communication ongoing with officials of BCBE to evaluate additional student impacts from developments such as this on their existing and currently planned infrastructure since these homes are built so quickly?

We realize that Baldwin County as a whole is experiencing growing pains and in response, Elberta has updated various regulations recently in an effort to be mindful growth stewards of our community. Thank you for reaching out as we appreciate being kept abreast of the growth being proposed for the Elberta area and we honor the opportunity to comment on behalf of our community. I'm sure that county representatives will weigh the issues such as limited infrastructure, small workforces, drainage and the traffic impacts it brings to our community and to our 2 lane rural roadways as they review the proposed request and it is sincerely appreciated.

## **Agency Comments**

**Planning and Zoning Staff:** The property is subject to the Baldwin County Subdivision Regulations and the Baldwin County Zoning Ordinance. Any future development or subdivision of the property will be required to adhere to the adopted regulations that are current at the time of application for future development. A subdivision application may likely include, but not be limited to the following: a wetland delineation and/or wetland determination, a traffic study with the scope established by County staff, a subdivision preliminary plat to be considered by the Planning Commission, a subdivision permit depicting drainage and transportation improvements on subject property, a turnout or ROW permit depicting drainage improvements and transportation improvements in the public ROW, and any permits of other agencies such as the Alabama Department of Transportation (ALDOT), U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS), etc. Approval of a zoning change does not necessarily guarantee a subdivision will be approved on subject property.

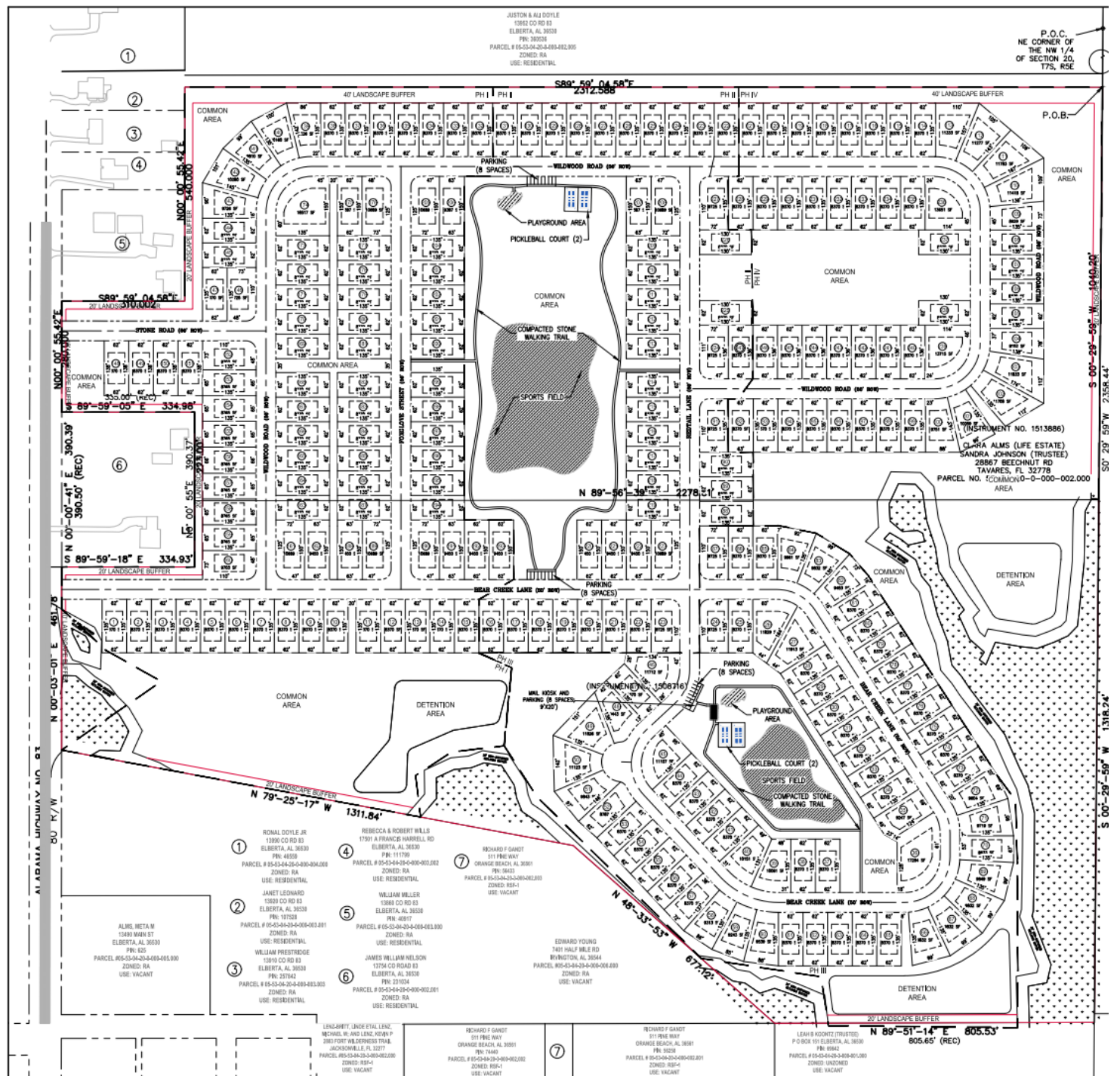
## Sketch Plan



## SITE DATA TABLE

STATE OF ALABAMA  
COUNTY OF BALDWIN

EXIST. TAX PARCEL ID:	05-53-04-20-0-000-002.000 (57 AC) 05-53-04-20-0-000-002.004 (59 AC)
TOTAL SITE AREA:	116 AC.
ADDRESS:	CR 83 ELBERTA, AL
CURRENT ZONING:	RA/RSF-2
PROPOSED ZONING:	PRD (RSF-1/RSF-2)
CURRENT LAND USE:	UNDEVELOPED
PROPOSED LAND USE:	SINGLE-FAMILY RESIDENTIAL
NO. OF STORIES:	2 MAX
MAX BLDG HEIGHT:	35' MAX
TYPICAL LOT DIMENSIONS:	62' x 135'
YARD SETBACKS:	
FRONT:	30'
SIDE:	10'
STREET SIDE:	20'
REAR:	30'
ROADWAY L.F. PROPOSED:	10,819
TOTAL LOTS PROPOSED:	247
DENSITY:	2.20 LOTS/AC
IMPERVIOUS SURFACE:	540,040 SF





# Site Plan



## VARIATIONS

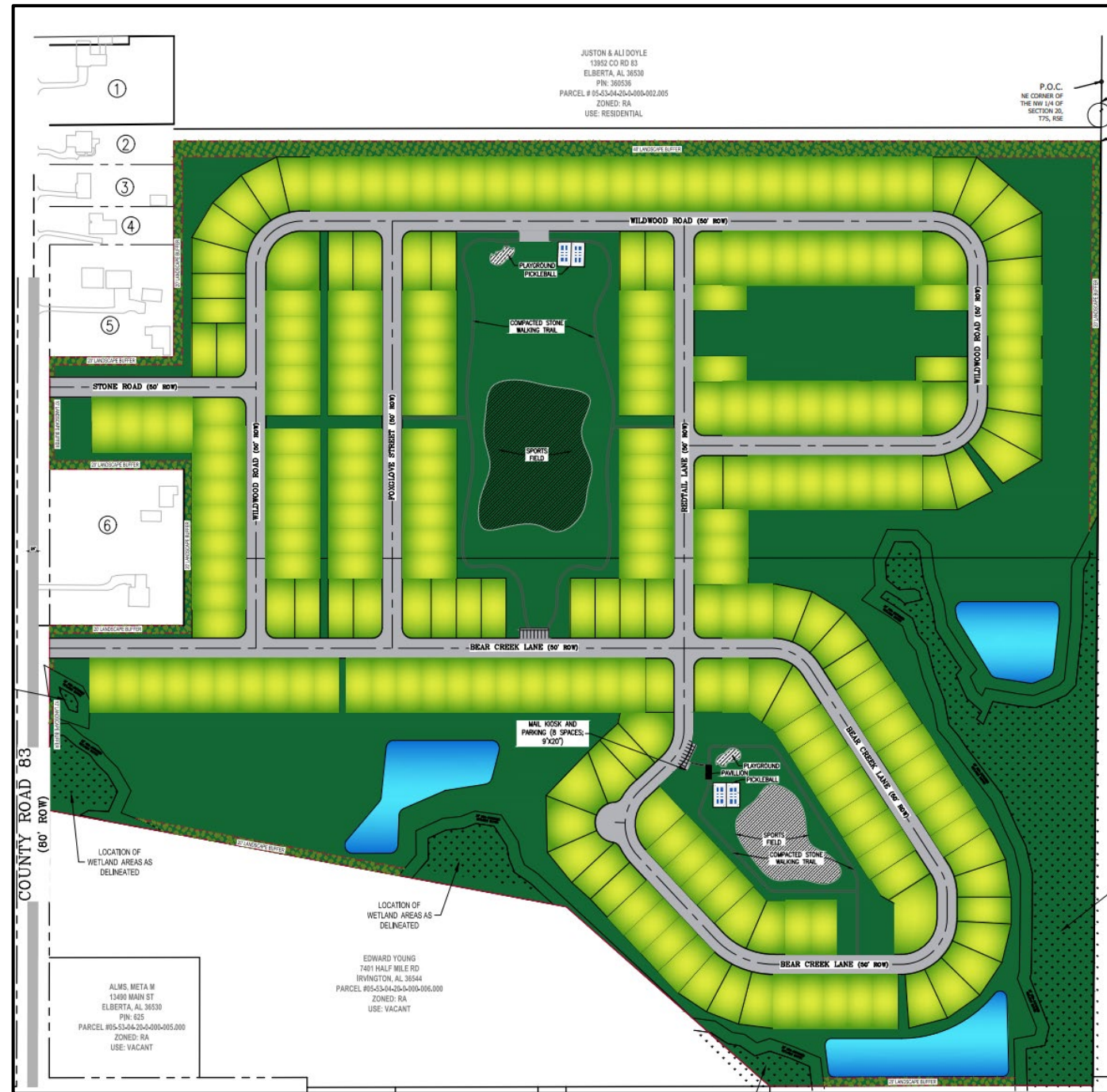
	CURRENT:	PROPOSED:
LOT WIDTH:	100' MIN.	62' MIN.
LOT SIZE:	30,000 SF	8370 SF

### LOT DENSITY CALCULATION:

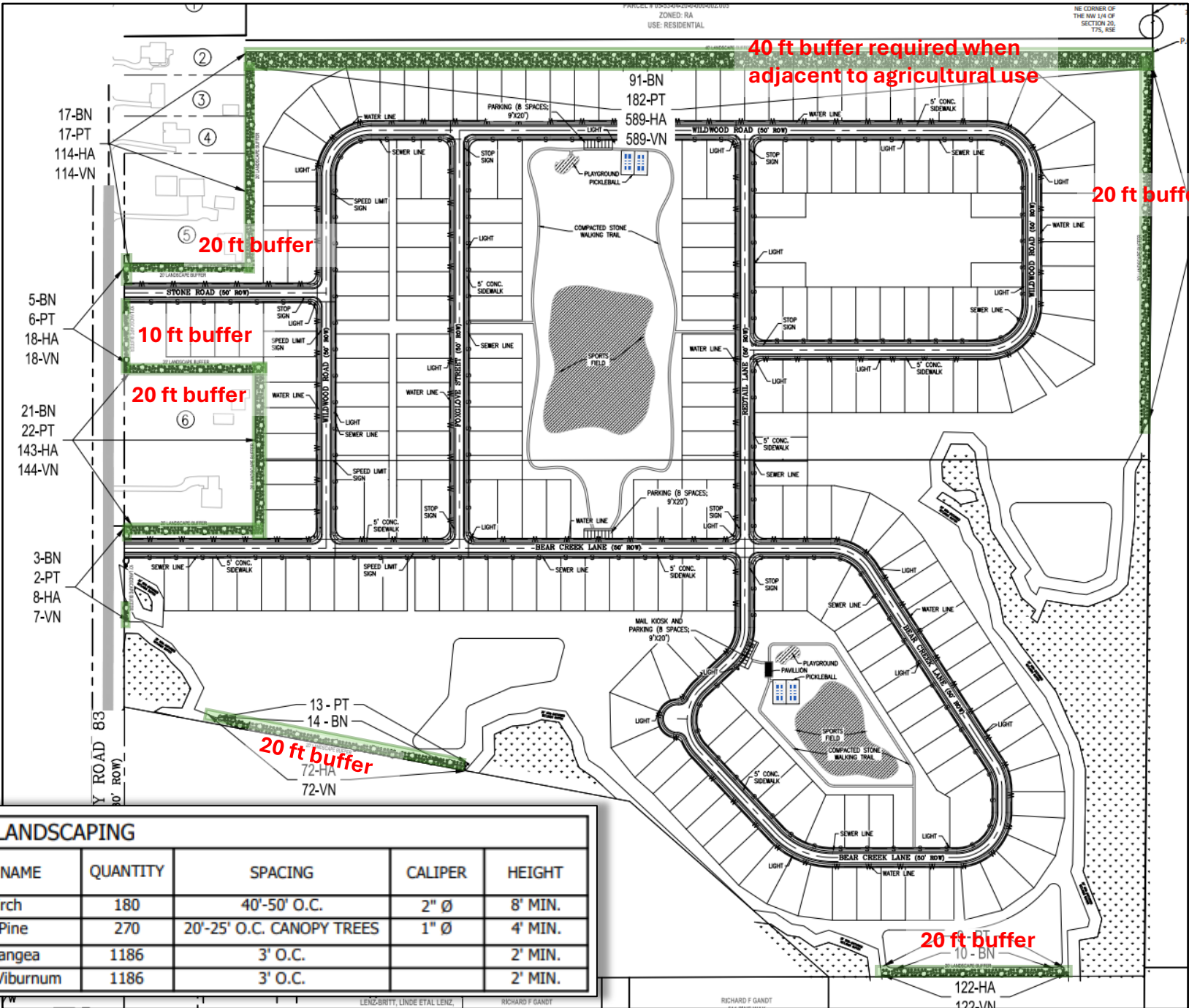
TOTAL SITE AREA: 116 AC  
 WETLANDS AREA (X 50%): -7.06 AC.  
 112.47 AC. (4,899,193 S.F.)  
 4,899,193 S.F. / 15,000 S.F. (PER RSF-2 ZONING) = 326.61  
**326 LOTS ALLOWED**

TOTAL OPEN SPACE PROVIDED:  
 ALL AREA OUTSIDE OF LOTS AND R/W: 48.78 AC.  
 PROPOSED DETENTION AREAS: -3.34 AC.  
 45.44 AC.

TOTAL USEABLE OPEN SPACE PROVIDED:  
 TOTAL OPEN SPACE: 45.44 AC.  
 WETLANDS: -7.06 AC.  
 38.38 AC.



# Landscape Plan



LANDSCAPING							
SYMBOL	LABEL	SCIENTIFIC NAME	COMMON NAME	QUANTITY	SPACING	CALIPER	HEIGHT
	BN	Betula Nigra	River Birch	180	40'-50' O.C.	2" Ø	8' MIN.
☉	PT	Pinus Taeda	Loblolly Pine	270	20'-25' O.C. CANOPY TREES	1" Ø	4' MIN.
○	HA	Hydrangea Arborescens	Wild Hydrangea	1186	3' O.C.		2' MIN.
○	VN	Viburnum Nudum	Possumhaw Viburnum	1186	3' O.C.		2' MIN.

## REZONING Staff's Recommendation:

### **Z24-49** RE-ZONING REQUEST FROM **RA** TO **RSF-1**

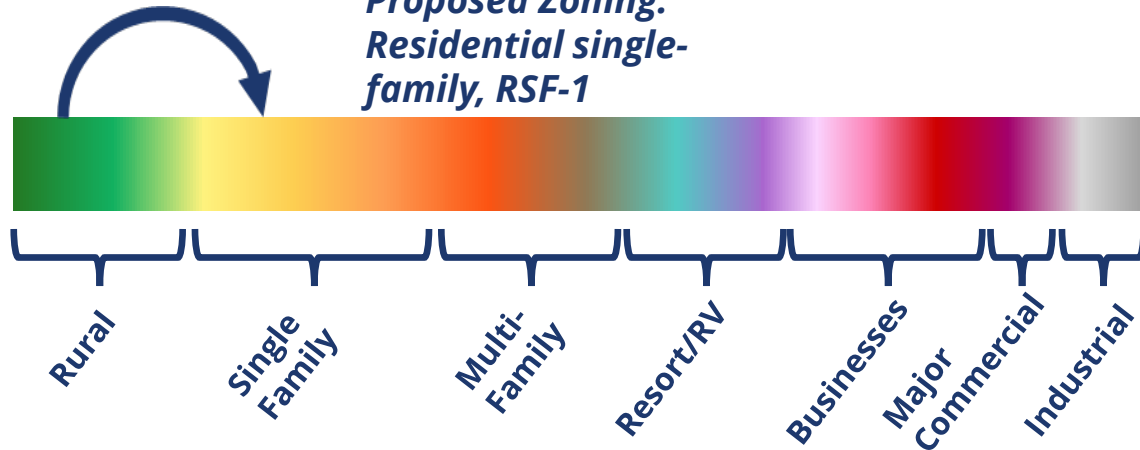
Unless information to the contrary is revealed at the public hearing, staff feels the application should be recommended for **APPROVAL\***

\*On rezoning applications, the Planning Commission will be making a recommendation to the County Commission.

**Planning Commission voted to recommend Denial, 4 to 2.**

**Current Zoning:** Rural  
agricultural (RA)

**Proposed Zoning:**  
*Residential single-  
family, RSF-1*



## PRD Staff's Recommendation:

Unless information to the contrary is revealed at the public hearing, staff feels that the **PRD24-07 Bear Creek** application should be recommended for **APPROVAL\*** with the following condition(s):

**Planning Commission voted to recommend Denial, 6 to 0.**

Conditions of approval:

1. Approval of the rezoning request (Z24-49) from RA to RSF-1.
2. If PRD24-07 is approved, it overrides PRD24-06 and PRD24-06 is rendered null, void, and of no effect.
3. The parcels must be under common control before applying for a Preliminary Plat.
4. The Traffic Impact Study shall be conducted while public and private schools that will serve the proposed development are in session.
5. Details for all amenities must be submitted during preliminary plat review.
6. Fire flow must meet ISO requirements for home spacing (1,000 gpm at 20 psi for spacing between 11-20 feet). If building setbacks must be increased, the amount of open space reflected on the site plan must be maintained.

*\*On rezoning applications, the Planning Commission will be making a recommendation to the County Commission.*