

REZONING REQUEST (Z23-36)

AND PLANNED RESIDENTIAL DEVELOPMENT APPROVAL (PRD23-08)

**WOODPECKER LANDING** 

OCTOBER 5, 2023

PRESENTED BY: FABIA WATERS, ASSOCIATE PLANNER

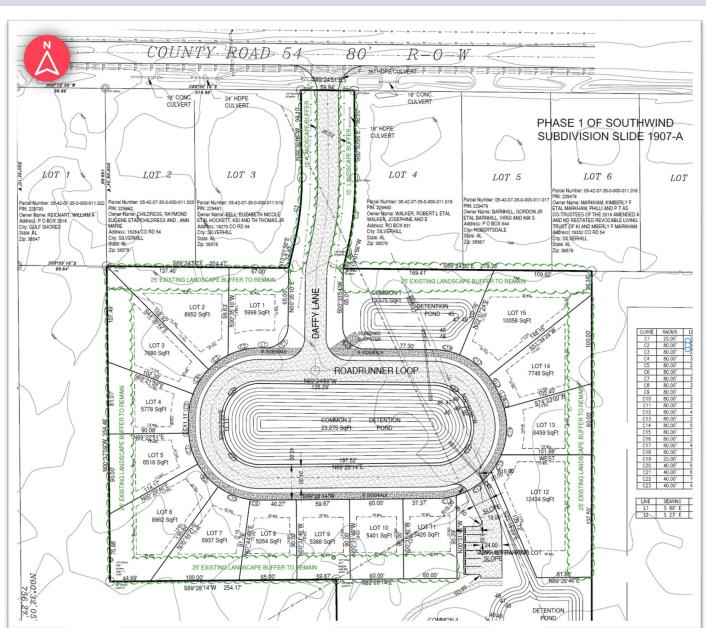
Staff Report Prepared by: Fabia Waters, Associate Planner

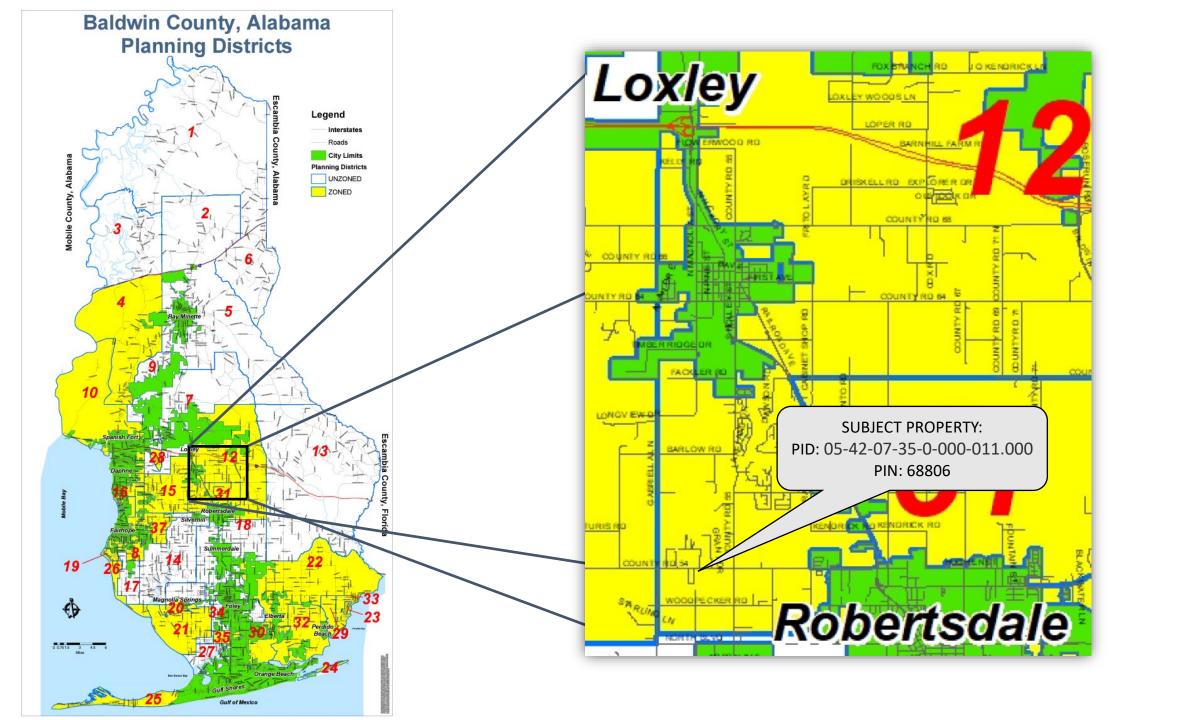
Request before Planning Commission:

PRD (Planned Residential Development) approval of Woodpecker Landing, a 15-lot PRD

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

https://baldwincountyal.gov/department s/planning-zoning/meeting-agenda





#### PRD23-8/Z23-36 WOODPECKER LANDING

#### **RE-ZONING REQUEST**

- **Planning District:** 12
- Current Zoning: RA- Rural Agricultural District
- **Location:** Subject property is south of County Rd. 54 and west of Hill Rd and County Rd 55.
- Current Use: Vacant
- Acreage: 11.62 acres
- **Physical Address:** 0 County Road 54, Silverhill AL 36576
- **Owner/Developer**: Mike Ohayon 16300 County Road 54, Silverhill AL 36576
- **Engineer:** Randy Arp- L.E. Stiffler Engineer LLC 309 W. Laurel Avenue, Foley 36535
- Subject Property:

PID: 05-42-07-35-0-000-011.000

PIN: 68806

- Proposed Zoning: RSF1- Single Family District
- **Proposed Use:** Single Family Development
- **Applicant's Request:** The applicant would like to create a "tiny house" community that he can use for short term rental.

**Proposed Density:** 0.73 u/ac

**Smallest Lot:** 5,264 sqft **Largest Lot:** 12,434 sqft

#### **Proposed Utilities:**

Baldwin EMC- Power City of Robertsdale- Water BCSS- Sewer

## **Locator Map**

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## **Site Map**



	Adjacent Zoning	Adjacent Land Use	
North	RSF-3: Single Family District & RSF2, RA	Residential/Agricultural	
South	RA: Rural Agricultural District	Residential/Agricultural	
East	RA: Rural Agricultural & RSF1	Residential/Agricultural	
West	RA, Rural Agricultural District	Agricultural	

## **Subject Property**

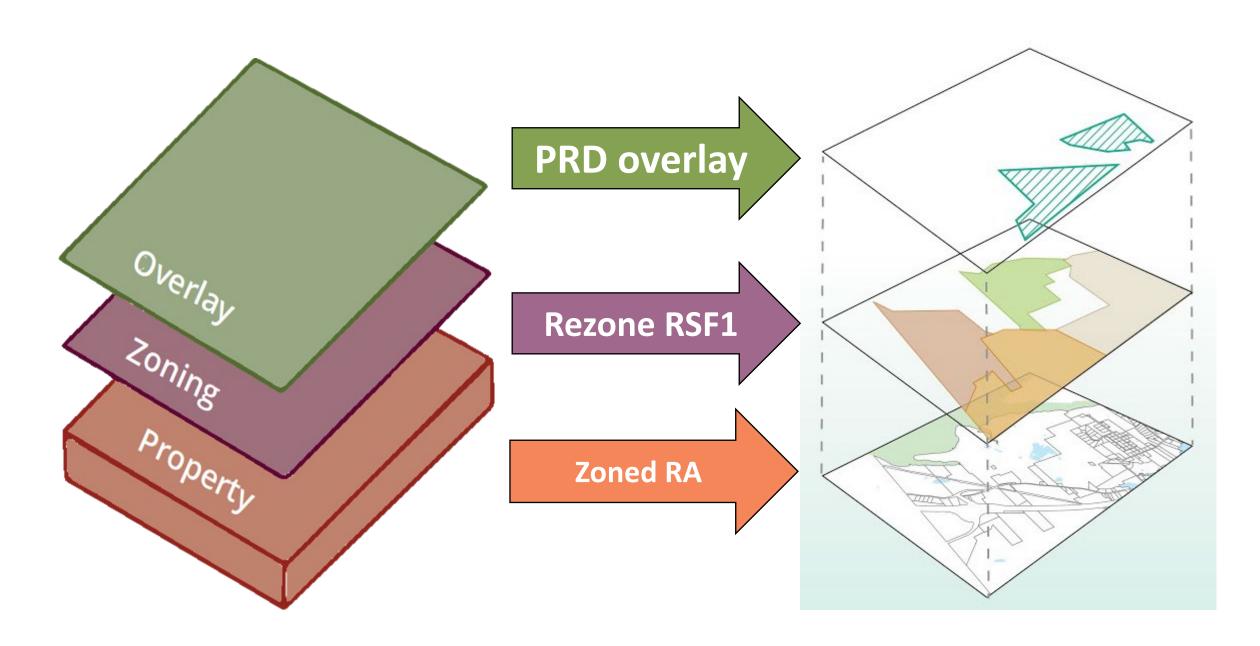








## **Zoning Overlay**



#### **Proposed Zoning Requirements – RSF1**

#### 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.

Baldwin County Zoning Ordinance

73

- (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

- (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-Fee
Maximum Height in Habitable Stories	2 1
Minimum Front Yard	30-Fee
Minimum Rear Yard	30-Fee
Minimum Side Yards	10-Fee
Minimum Lot Area 30,000	Square Fee
Minimum Lot Width at Building Line	100-Fee
Minimum Lot Width at Street Line	50-Fee
Maximum Ground Coverage Ratio	.3

**Proposed Setbacks** 

Front: 20ft Side: 7.5

Side Street: 15ft

Rear: 30ft

#### **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 land, occupying 1000 contiguous acres or more, 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 large scale planned development containing 4 units or less is exempt from these provisions. Large Scale Planned Developments are required to obtain Conceptual Site Plan approval (reviewed first by Planning Commission and recommendation sent to the County Commission for final consideration), and then obtain Final Site Plan approval for each phase of 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

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.

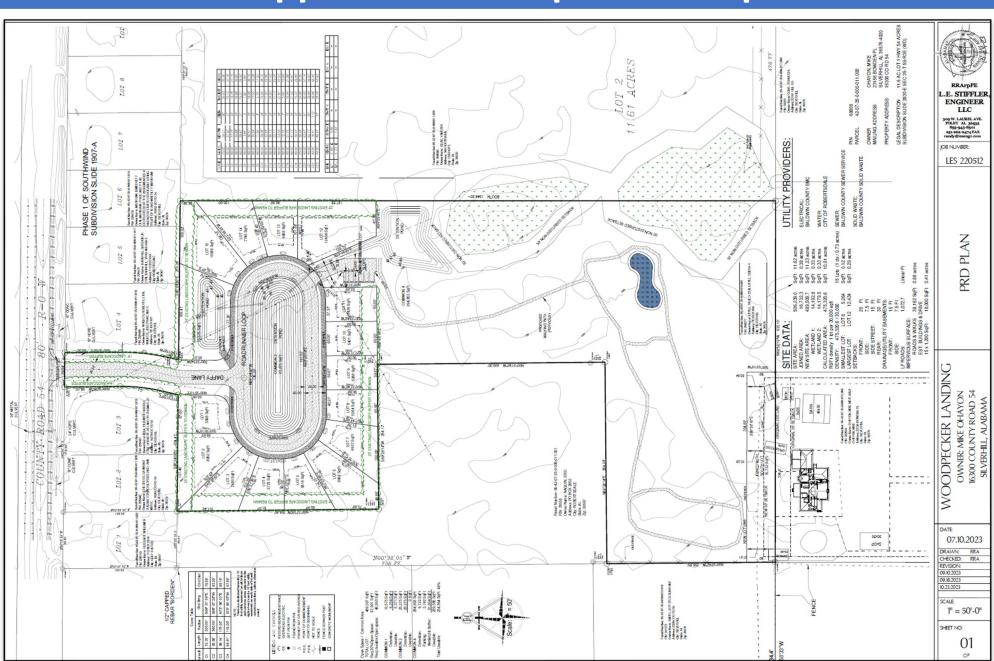
- 9.3.3 Commercial land uses. Commercial land uses including institutional uses, office and professional service uses, local commercial uses and general commercial uses may not occupy more than twenty (20) percent of the gross acreage of the PRD. The following location criteria shall be met to the County's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

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 one-thousand (1,000) 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).

#### PRD Application – Proposed site plan





#### **PRD Open Space Requirements**

TOTAL AREA: 11.62 ac

<u>OPEN SPACE (20% of total area)</u>:

REQUIRED:  $11.62 \times 0.2 = 2.34 \text{ acres}$ 

PROVIDED: 10.9 acres

"USEABLE" OPEN SPACE (50% of open space, includes

ponds as amenities):

REQUIRED: 1.12 acres

PROVIDED: 5.3. acres

**Common Space Management** 

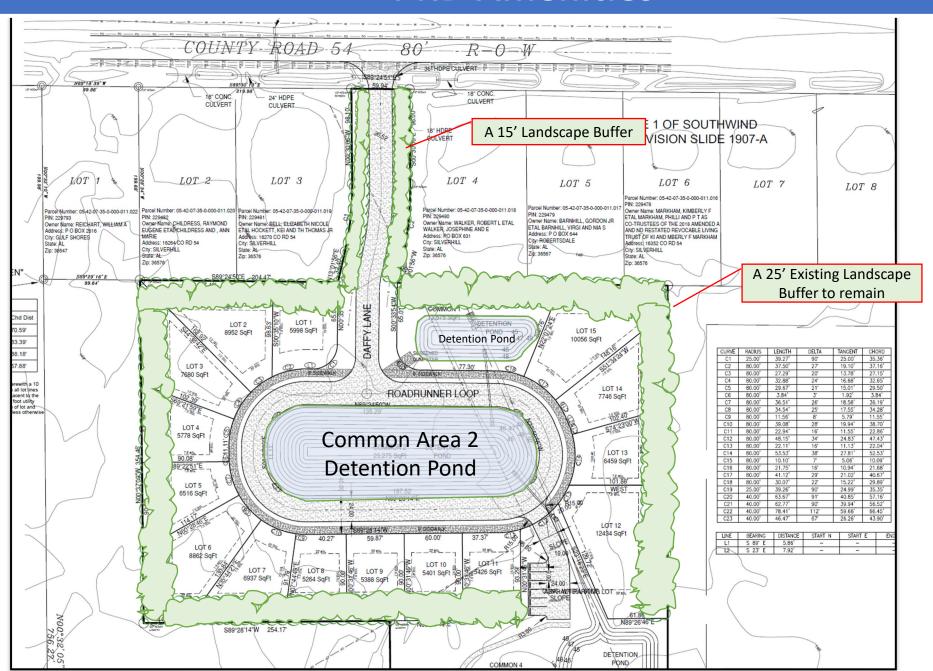
All common space areas will be maintained by the property owner

PRDs allow for flexibility and creativity in planning developments.

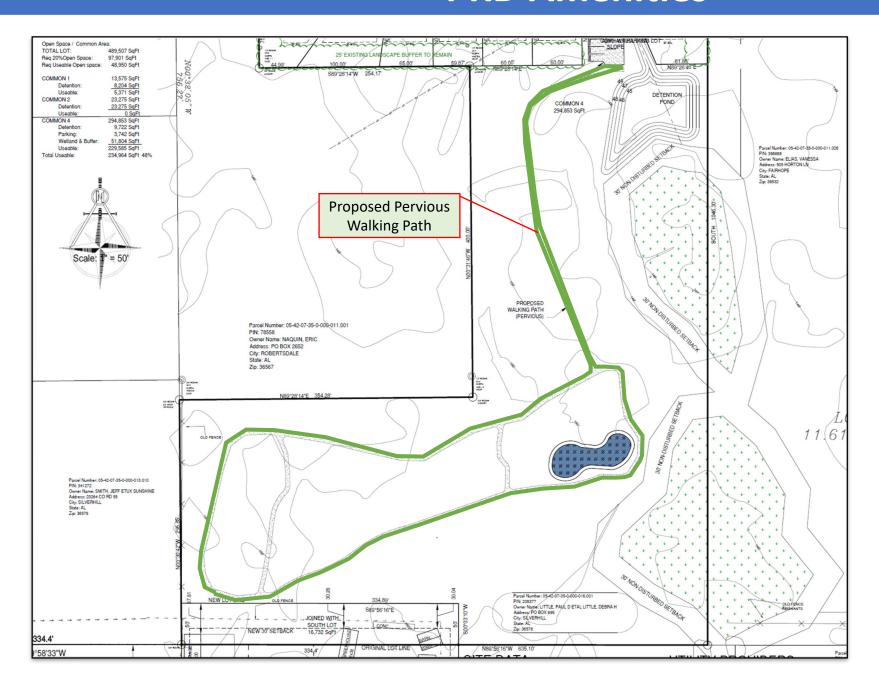
- Applicant is requesting smaller spaces for each lot: 5,264 – 12,434 SF rather than 30,000 SF.
- The proposed lots are narrower than the required 100 ft at the building setback line.

In exchange, they propose more open space and amenities such as ponds and walking trails.

#### **PRD Amenities**



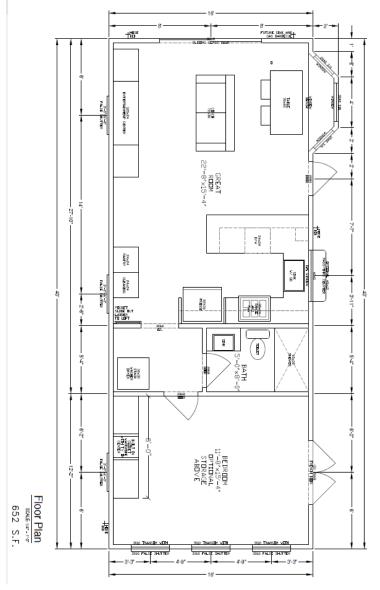
#### **PRD Amenities**



Open space & trail are in the common area to the south

## Single Family Dwelling Elevations/Floor Plan





- 1.) Is the requested zoning change compatible with the existing development pattern and the zoning of nearby properties? The subject property is currently RA- Rural Agricultural District. The surrounding parcels to the northeast along CR 54 are zoned RSF1, Single Family District. Staff feels that the requested change to RSF1 is compatible with the surrounding uses.
- 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?

Zoning within Planning District 12 was adopted by the County Commission o November 7, 2006. Zoning for the subject parcel and adjacent parcels has changed very little since zoning came into effect.

2023

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

The Baldwin County Master Plan, adopted in 2023, Although not legally binding, the future land use designations are evaluated in conjunction with criteria found in the Baldwin County Zoning Ordinance, Subdivision Regulations, and any other ordinances and regulations which the County Commission may adopt.

The new Master Plan identifies
this area as "Conservation
Development potential." Protected/
Open space, Conservation- based
Communities.

A clustered single-family development, with large areas of open space that preserve the existing forest, would conform to the master plan.

#### CONSERVATION DEVELOPMENT AREAS

Conservation Development Potential Areas are suitable for all of the land uses described in the Ideal Conservation/ Preservation Areas place type but would allow for limited development based on low-impact design principles. Allowing conservation-based subdivisions in these areas could help to balance the pressure of residential development with environmental preservation and rural character. Conservation-based subdivisions allow for the clustering of residential development with environmental preservation-based subdivisions allow for the clustering of residential dwellings to protect open space that is valued for natural resource protection—such as stream buffers, mature forest habitat, or wetlands—working farmland, or recreational amenities.



- Conservation-based or cluster development with high levels of Low Impact Design (LID) and sustainable development practices
- Natural areas that are publicly and privately owned and managed
- Permanently protected lands such as conservation easements, parks, cemeteries
- Parks and open spaces devoted primarily to passive recreation and trails
- Lands with important cultural landmarks or assets
- · Scenic view protection

#### RELATED ZONING DISTRICTS

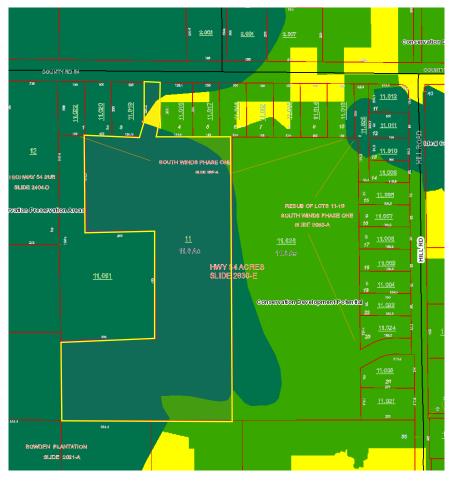
- Environmental Conservatio
- CR Conservation Resource District
- OR Outdoor Recreation District

#### CONNECTIVITY NETWORK

- Rural streets with paved shoulders, bike lanes, or side paths
- Greenways and trails along environmental buffers







Gulde for the Future 1 79

- **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?

A traffic study is not required for a **Zoning** PRD application and will not be required during the subdivision development review due to lot count of only 15 lots.

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 surrounding land uses are residential, agricultural. A rezoning to RSF1 is consistent with the development pattern of the area.

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

The surrounding land uses are residential, agricultural, and vacant. Staff feels the proposed amendment is consistent with the area.

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

This is a growing area where more options for affordable housing are appropriate.

# 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. All drainage improvements shall conform to the Baldwin County Subdivision Regulations.

## 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.

#### **Agency Comments**

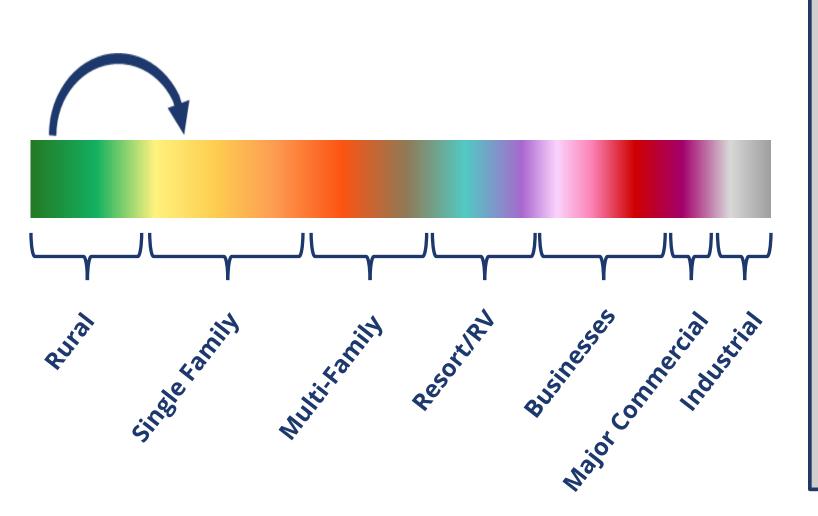
**Ashley Campbell**, *Natural Resource Planner* - No comments received

<u>J Scott Brown, ADEM</u> – No comments received

Michael Smith, ALDOT - No comments received

<u>Shawn Mitchell</u>, <u>Development Review Planner-</u> A Planned Unit Development application will be required prior to obtaining a subdivision permit.

#### REZONING REQUEST FROM RA TO RSF1



#### **Staff's Recommendation:**

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

The PRD application will be addressed in the next slide.

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

## PRD23-08/Z23-36 WOODPECKER LANDING

#### **Staff's Recommendation:**

Unless information to the contrary is revealed at the public hearing, staff feels this **PRD** application should be recommended for **Approval**\* with the following condition(s):

Approval of the rezoning request from RA to RSF1

with the following specific conditions:

- \* Show a 25' natural existing buffer
- \* Show a 15' natural landscaping buffer along the entrance
- \* Show the walking trails

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

## PRD23-08/Z23-36 WOODPECKER LANDING

#### **Planing Commission Recommendation:**

- The Planning Commission recommended APPROVAL of the Zoning Change (Z23-36) by vote of 9-0
- The Planning Commission recommended APPROVAL of the PRD (PRD23-8) by a vote of 9-0

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