

Case No./Project Name: Z24-17 Point Clear Village Phase III
Meeting Date: November 7, 2024
Requested Action: Zoning change for 2.2 acres from Local Business District (B-2) to Residential Single-Family (RSF-2) for a residential development

Recommendation: **Approval**

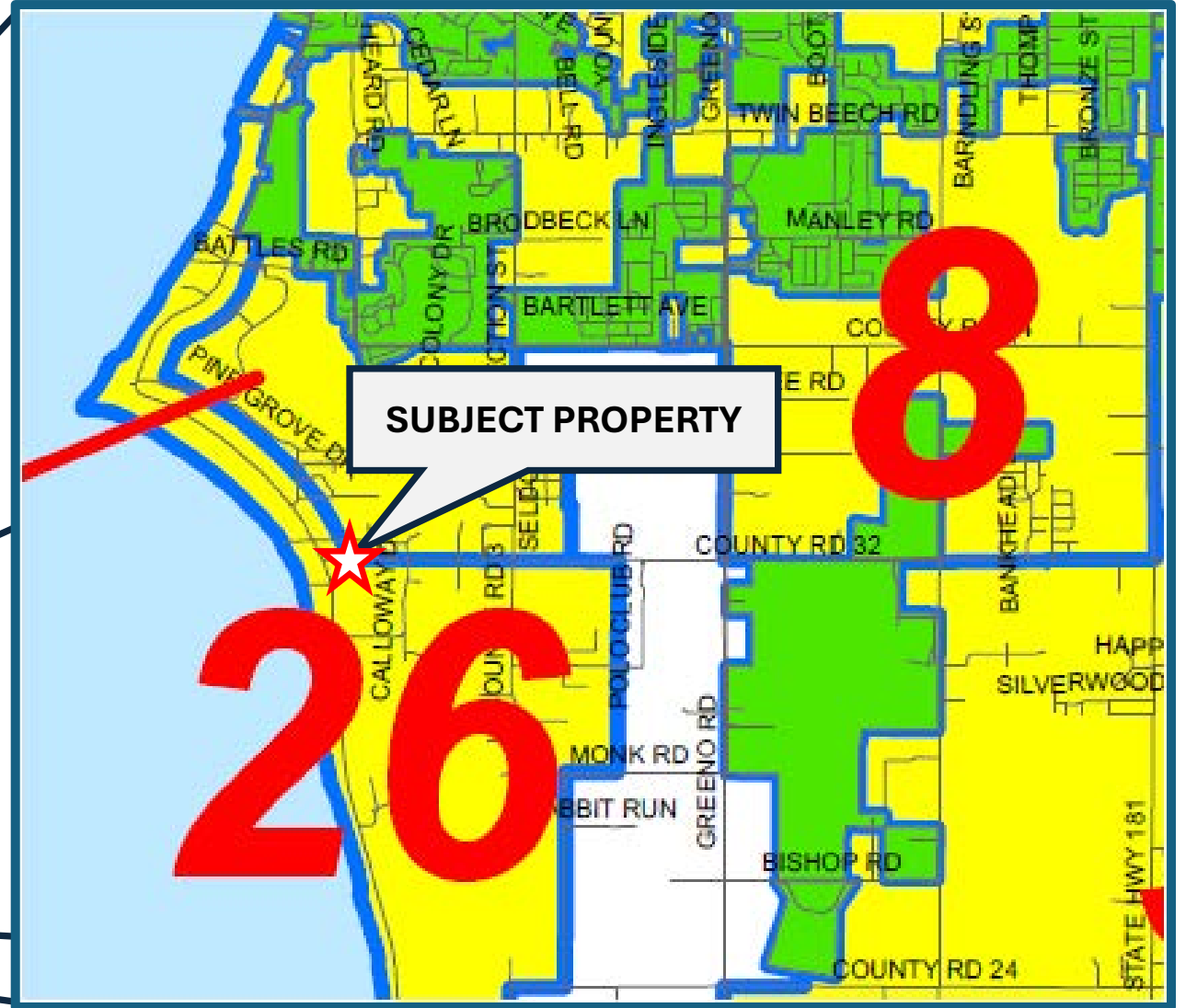
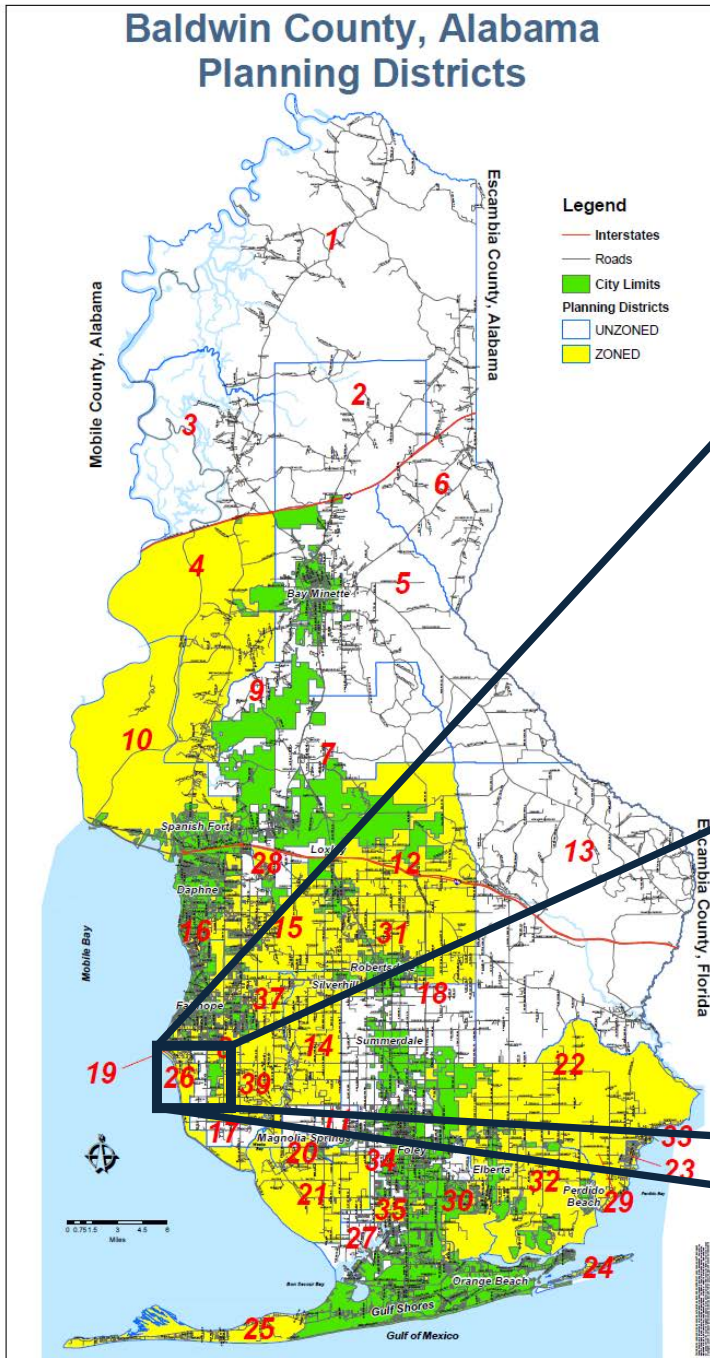
Staff Lead: Shawn Mitchell, Senior Planner

Presented by: J. Buford King

Applicant: *Goodwyn Mills Cawood, LLC*

Owner: William Dorgan, *Point Clear 98, LLC*

Baldwin County, Alabama Planning Districts



Z24-17 POINT CLEAR VILLAGE PH. III

RE-ZONING REQUEST FROM **B-2** TO **RSF-2**

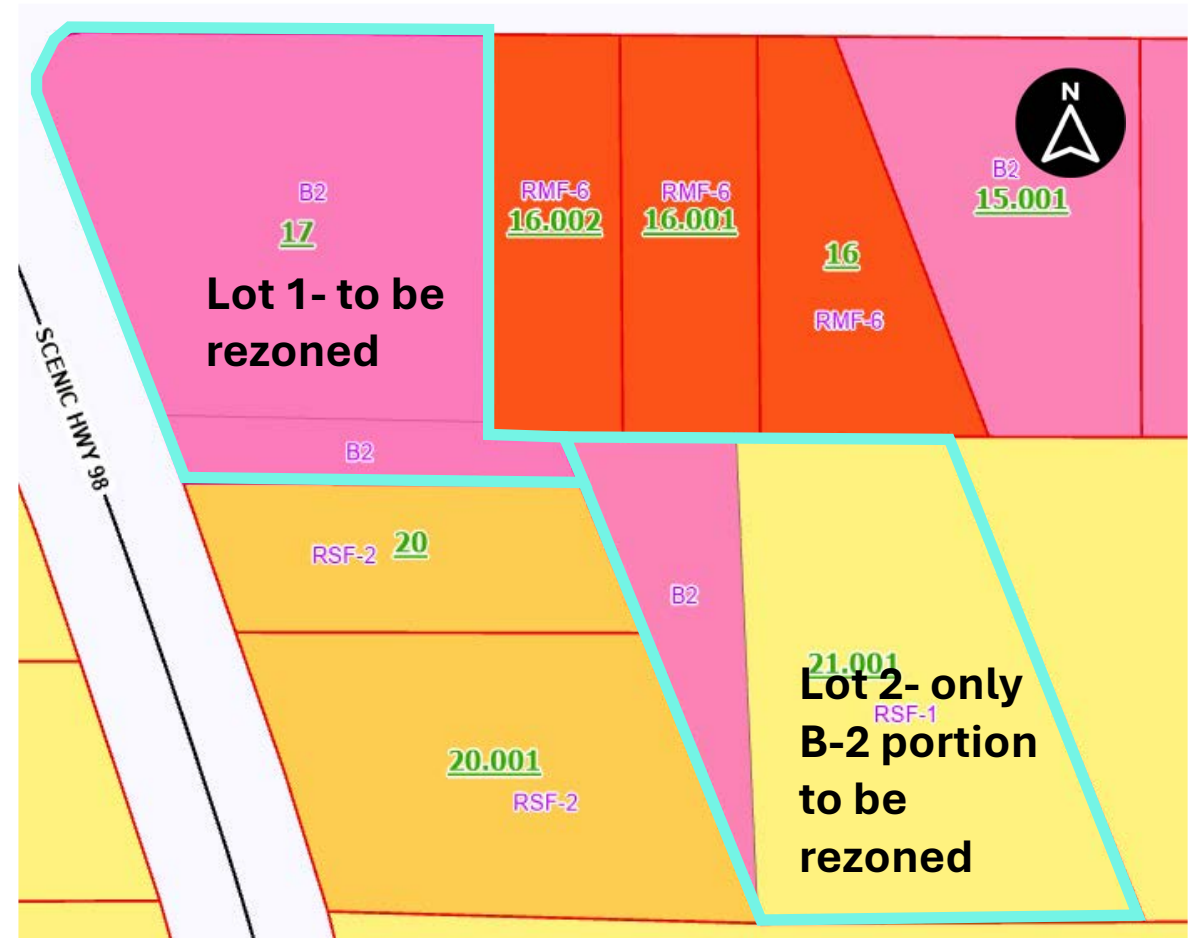
Lead Staff: Shawn Mitchell, Senior Planner

Request before the Baldwin
County Commission:

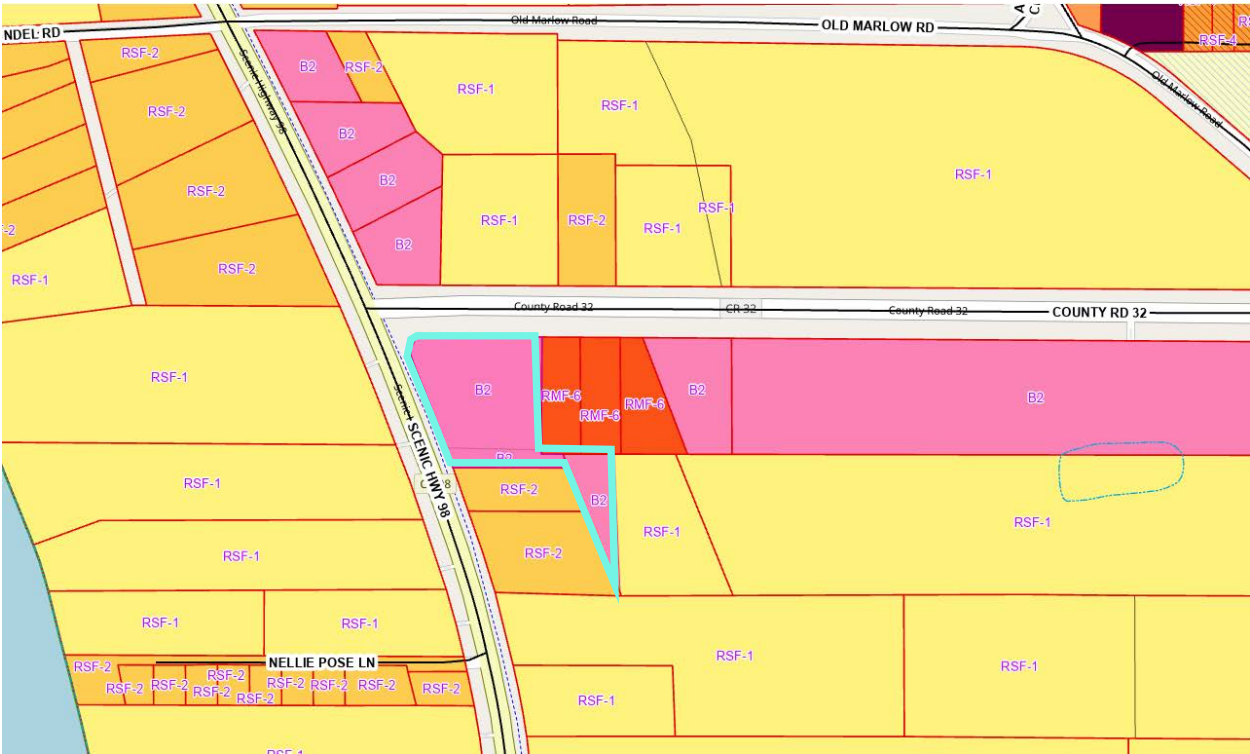
**Rezone +/- 2.2 acres from
B-2 to RSF-2**

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

[https://baldwincountyal.gov/departments/
planning-zoning/meeting-agenda](https://baldwincountyal.gov/departments/planning-zoning/meeting-agenda)



Locator Map














Site Map



	Adjacent Zoning	Adjacent Land Use
North	B-2 Local business, RSF-1 & RSF-2 Single family residential	Commercial and residential
South	RSF-1 and RSF-2 Single family residential	Residential
East	RMF-6 and RSF-1 Single family residential	Residential (single family)
West	RSF-1 Single family residential	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.

Z24-17 POINT CLEAR VILLAGE PHASE III

RE-ZONING REQUEST FROM **B-2** TO **RSF-2**

Shawn Mitchell, Senior Planner

Staff Recommendation: **Approval**

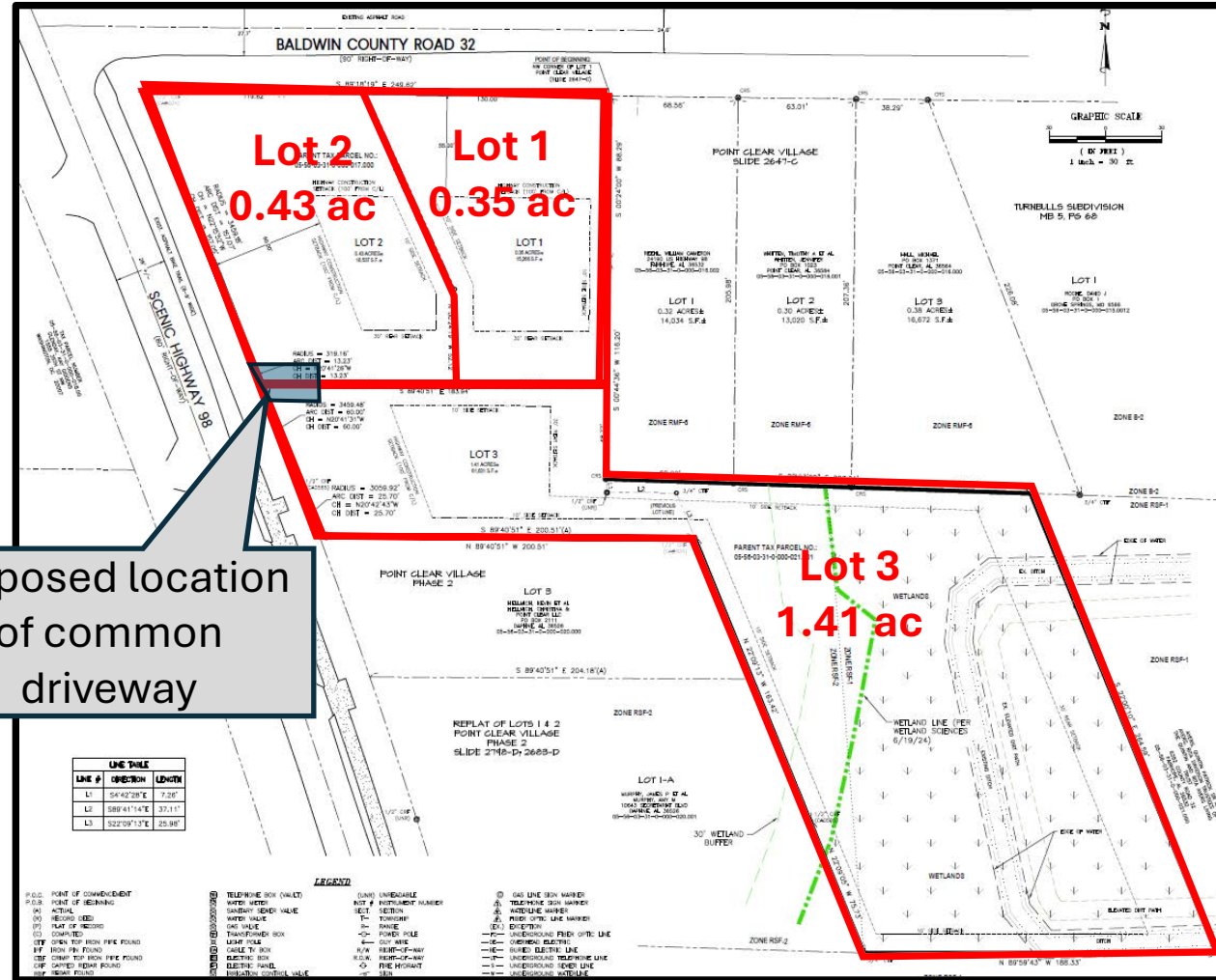
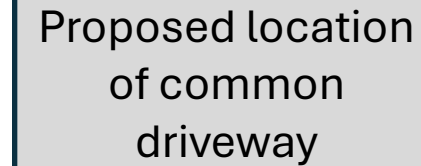
- Planning Commission Recommendation: **Approval** (7-0)

Fully compliant with 6 of the 11 rezoning factors

- 3 additional partially-compliant factors will attain *full compliance* when the subdivision proposed for subject property is completed
 - SPP24-22 has been submitted and attained conditional approval
- Master Plan non-compliance is due to the Master Plan not contemplating the various improvements and adjacent properties that pre-date Master Plan creation
- Compliant with Planning District 26 local provisions

1. Scenic Hwy 98 and Country Rd 32 are both classified as minor arterials. The installation of common drives is required on arterials (*Subdivision Regulations, Section 5.5.17*). A common driveway must be installed on Hwy 98 for Lots 2 & 3.

2. The installation of infrastructure, including common drives, requires a Preliminary Plat application rather than a Concurrent Plat application. The Preliminary Plat application was submitted on Sept. 24, 2024



Subject Property Information

Planning District: 26

Parcel ID: 05-56-03-31-0-000-017.000 **PIN:** 979
05-56-03-31-0-000-021.001 **PIN:** 300361

Current Use: Vacant

Size: Approximately 2.2 acres

Location: The subject property is located at the southeast corner of the intersection of Scenic Hwy 98 and County Rd 32, south of the City of Fairhope.

Physical Address: Scenic Highway 98, Fairhope, AL 36532

Applicant: Melissa Hadley, *GMC LLC*, 2039 Main St., Daphne, AL 36525

Owner: *Point Clear 98, LLC*, William Dorgan

Current Zoning: B-2, Local Business District

Proposed Zoning: RSF-2, Residential Single-Family District

Applicant's Request: The applicant would like to rezone a portion of the property for residential use.

Online Case File Number: The official case number for this application is Z24-17, however, when searching the online CitizenServe database, please use Z24-000017.

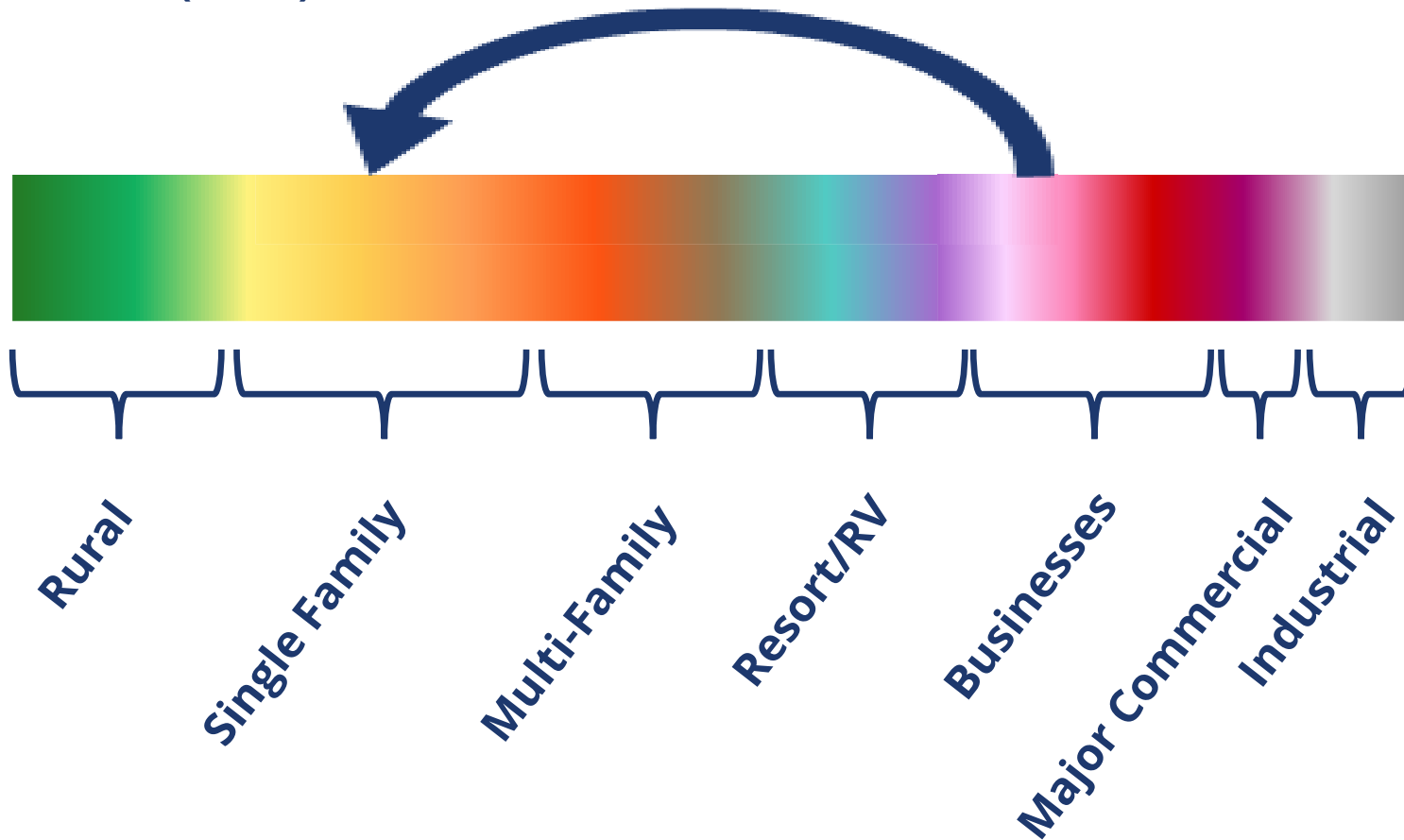


Z24-17 POINT CLEAR VILLAGE PH. III

RE-ZONING REQUEST FROM B-2 TO RSF-2

Proposed Zoning:
Residential Single-Family
District (RSF-2)

*Current Zoning: Local
Business (B-2)*



Staff's Recommendation:

Staff finds the application should be recommended for **Approval*** unless information to the contrary is revealed at the public hearing.

- Cross reference the conditions of approval related to Z24-17 and SPP24-22 for coordinating information related to the approved 3-lot subdivision.

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

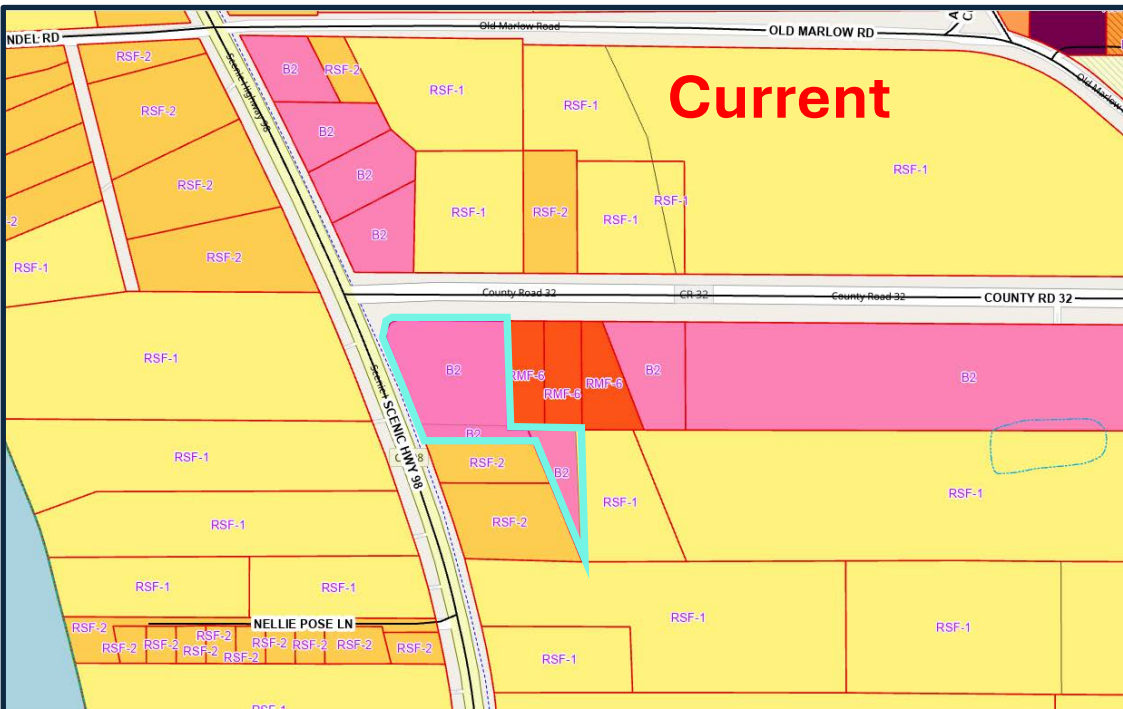
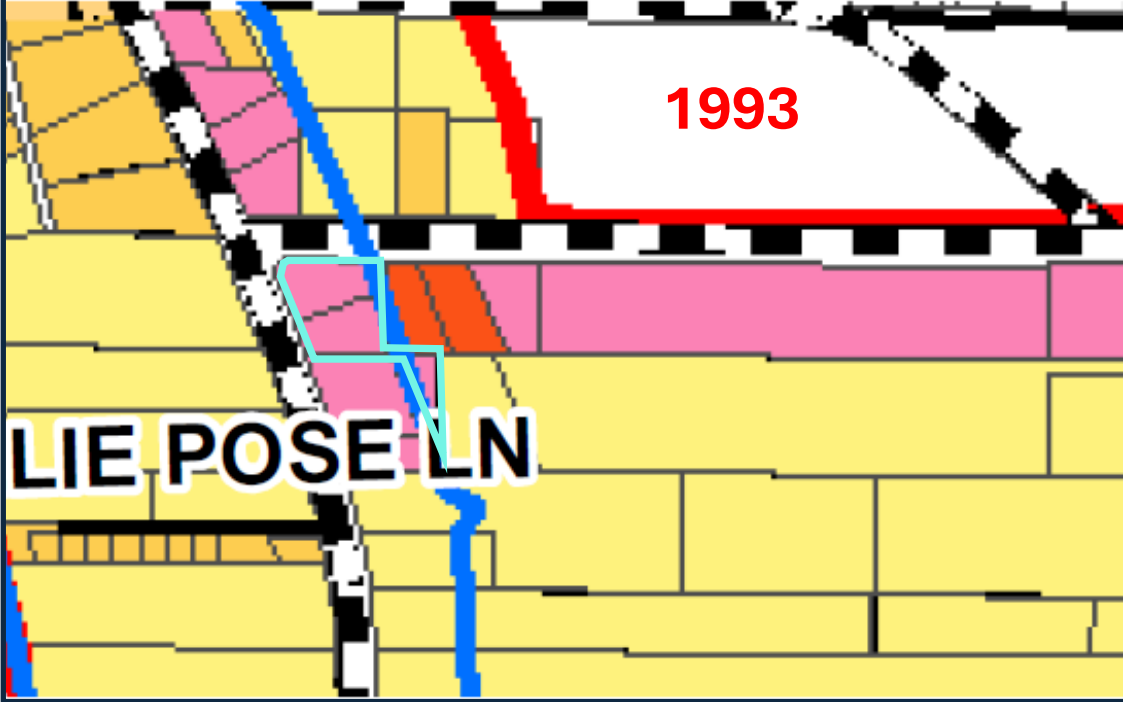
ANALYSIS:

1. **Compatibility with the existing development pattern and the zoning of nearby properties?** The subject property is currently vacant and zoned B-2, Local Business District. The surrounding lots are zoned for commercial and residential use. The parcels immediately to the east are zoned RMF-6 but are used for single family residential homes and the lot size matches RSF-2 zoning. Most parcels in the area are zoned RSF-1. Staff feels that rezoning to residential use is compatible with the surrounding area.

RSF-2, Single Family District

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	15,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

2. **Has there been a change in the conditions upon which the original zoning designation was based? Has land uses or conditions changed since the zoning was established?** Planning District 26 adopted zoning on June 9, 1992, and local provisions were amended in 2023. The original zoning map from 1992 shows that the subject property was zoned B-2. Two parcels south of the subject property have been rezoned from B-2 to RSF-2. This factor supports rezoning.



ANALYSIS:

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

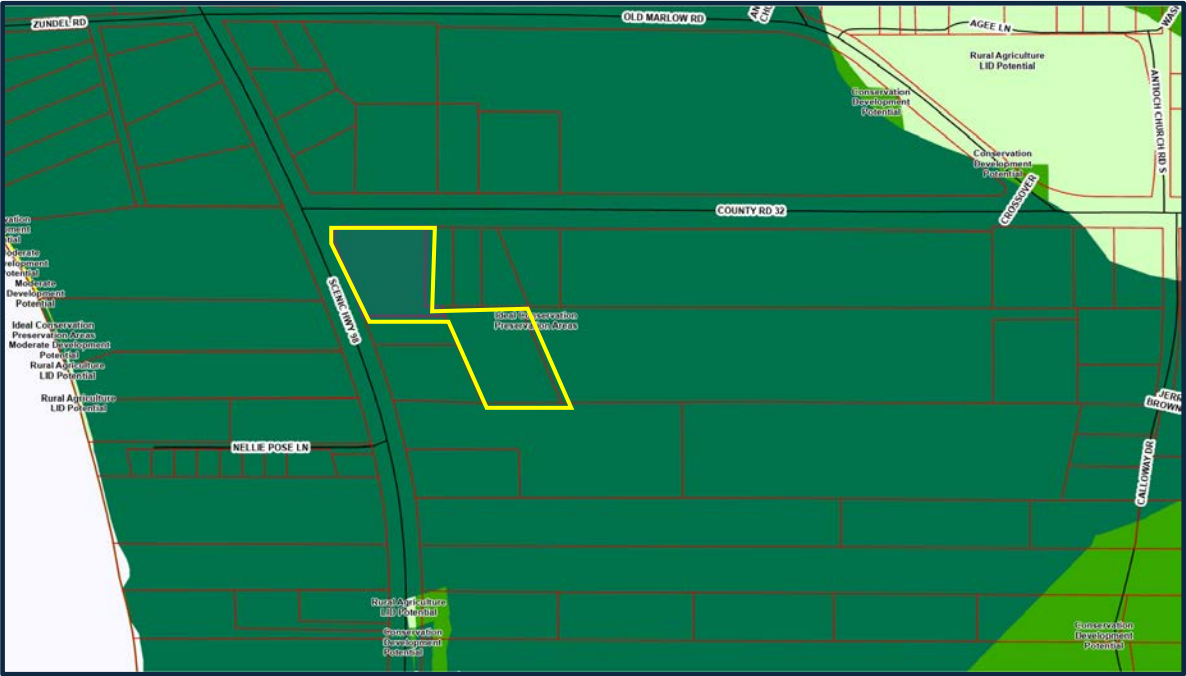
The future land use for the property includes Ideal Conservation Development due to the presence of wetlands and coastal flooding in this area. The recommended zonings are CR-Conservation Resource District and OR-Outdoor Recreational District. The projected use of the property is residential and does not conform to the Master Plan.

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? Scenic Hwy 98 and Country Rd 32 are both classified as minor arterials with a 100-foot highway construction setback. Residential use would not generate significant traffic, but residential driveways must comply with the Baldwin County Highway Department recommendations.

6. Is the proposed amendment consistent with the development patterns in the area and appropriate for orderly development of the community? The development pattern shows primarily residential use in the area. Rezoning for low density residential use would be compatible.

Future Land Use Map



PRIMARY LAND USES

- 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 Conservation
- 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

LEGEND

PLACE TYPES

- IDEAL CONSERVATION/PRESERVATION
- CONSERVATION DEVELOPMENT POTENTIAL
- RURAL/AGRICULTURE/LID POTENTIAL

7. Is the proposed amendment the logical expansion of adjacent zoning designations? The surrounding land uses in this area are primarily residential and commercial. Staff believes this factor supports the rezoning request.

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?

Local provisions for Planning District 26 prohibit rezoning that increases land use density or intensity. Rezoning from B-2 to residential would decrease intensity. Under B-2, the lot could be used for mixed use (commercial and residential) which could increase density.

10. Will the proposed change adversely affect the health, safety and welfare of the County and the vicinity? The subject property is near Mobile Bay in a flood hazard area and near wetlands. Increasing the amount of impervious surface could increase the risk of flooding for either commercial or residential development. Low density residential use would be the best use of the property

Uses allowed in B-2

- | | |
|--|--|
| (a) All uses permitted by right under the B-1 zoning designation | (s) Discount/variety store (not to exceed 8,000 square feet) |
| (b) Antique store | (t) Drug store (not to exceed 8,000 square feet) |
| (c) Apparel and accessory store | (u) Fixture sales |
| (d) Appliance store including repair | (v) Floor covering sales or service |
| (e) Art gallery or museum | (w) Florist |
| (f) Art supplies | (x) Fraternity or sorority house |
| (g) Bait store | (y) Fruit and produce store |
| (h) Bakery retail | (z) Gift shop |
| (i) Bed and breakfast or tourist home | (aa) Hardware store, retail |
| (j) Bicycle sales and service | (bb) Ice cream parlor |
| (k) Boarding, rooming or lodging house, dormitory | (cc) Interior decorating shop |
| (l) Book store | (dd) Laundry, self service |
| (m) Café | (ee) Lawnmower sales and service |
| (n) Camera and photo shop | (ff) Locksmith |
| (o) Candy store | (gg) Music store |
| (p) Catering shop or service | (hh) Neighborhood convenience store |
| (q) Copy shop | (ii) News stand |
| (r) Delicatessen | (jj) Paint and wallpaper store |

11. Other matters which may be appropriate.

N/A

Local provisions for Planning District 26 2.3.26.3(i) Baldwin Co. Zoning Ordinance

- (i) Following the adoption of this amendment, increases in land use density or intensity through re-zoning or similar land use regulation changes are prohibited and shall not be permitted in those parts of Planning District 26 which are designated by the Baldwin County Master Plan “Guide to the Future” dated July 18, 2023, or amendments thereto, as either an Ideal Conservation/Preservation Area or a Conservation Development Area (Future Land Use Map).

Baldwin Co. Parcel Viewer – flood zones

