



Baldwin County Planning & Zoning Commission Agenda

Thursday, February 6, 2020

6:00 p.m.

Baldwin County Central Annex

Main Auditorium

22251 Palmer Street

Robertsdale, Alabama

www.planning.baldwincountyal.gov

1. **Call to order.**
2. **Invocation and prayer.**
3. **Pledge of Allegiance.**
4. **Roll call.**
5. **Approval of meeting minutes:**

January 9, 2020 meeting minutes
6. **Announcements/Registration to address the Commission.**
7. **Consideration of Applications and Requests: Subdivision Cases**

a.) **Case S-20003, Osprey Park, Final Site Plan Approval**

Disclosure of Prior Outside Communication –Pursuant to Article VI,

Section 15(b), Planning Commission By-Laws

- Purpose: The applicant is requesting Final Site Plan Approval for a 8-site RV Park on 20 acres.
- Location: The subject property is located on the east side of Osprey Lane approximately 0.65 miles west of County Road 64 in the Wilcox area.

b.) Case S-20004, Thompson Hall Quadplexes, Final Site Plan Approval

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section 15(b), Planning Commission By-Laws

- Purpose: The applicant is requesting Final Site Plan Approval for a 16-unit development on 1.98 acres.
- Location: The subject property is located on the northeastern intersection of Thompson Hall Road and Twin Beech Road, approximately 0.50 miles west of State Highway 181 in Fairhope.

c.) Case S-20009, Burnstand Subdivision, Development Permit Approval

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section 15(b), Planning Commission By-Laws

- Purpose: The applicant is requesting Development Permit Approval for a Development Permit Approval for a 3-lot subdivision on 6.12 acres.
- Location: The subject property is located on the east side of Co Rd 62 approximately 1.15 miles south of Highway 90 in the Elsanor Community.

d.) Case S-20011, Magnolia Acres Ph 2, Variance

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section 15(b), Planning Commission By-Laws

- Purpose: The applicant is requesting Variance approval from the *Baldwin County Subdivision Regulations* as it relates to minimum lot width.

Location: The subject property is located on the south side of Co Rd 28, approximately 0.65 miles west of Co Rd 55 in the Summerdale area.

e.) Case S-20012, Silver Pines, resub of lot 1,3 and 5, Development Permit Approval

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section 15(b), Planning Commission By-Laws

Purpose: The applicant is requesting Development Permit Approval for a 4-lot subdivision on 9.25 acres.

Location: The subject property is located on the west side of Co Rd 49, between Woodpecker Rd and North Blvd in the Silverhill area.

f.) Case HS-20001, Roberto Barboza, Highway Construction Setback Variance

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section 15(b), Planning Commission By-Laws

Purpose: The applicant is requesting an appeal from the Highway Construction Setback Legislation to construct a detached tire changing area next to an existing building.

Location: The subject property is located on the north side of US Highway 98, east of Saint Francis St. N in the Lillian area.

8. Consideration of Applications and Requests: Re-Zoning Cases

a.) Case P-20001, Pittman Property

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section 15(b), Planning Commission By-Laws

Purpose: The applicant is requesting Conditional Use Approval to allow boat/RV storage and mini warehouse facility on property zoned B-2

Location: The subject property is located on the north side of Milton Jones Road, in Planning District 15.

b.) Case P-20003, Sutton Property

Disclosure of Prior Outside Communication –Pursuant to Article VI,

Section 15(b), Planning Commission By-Laws

Purpose: The applicant is requesting Conditional Use Approval to allow a used tire store on property zoned B-3.

Location: The subject property is located on the corner of US Hwy 98 and Saint Frances St., in Planning District 22.

9.) Old Business:

10.) New Business:

11.) Public Comments

12.) Reports and Announcements:

Staff Reports

Legal Counsel Report

Next Regular Meeting: March 5, 2020

13.) Adjournment.

Baldwin County Planning and Zoning Commission
Case No. S-20003 – Osprey Park
Final Site Plan Approval
Staff Report for Planning and Zoning Commission Public Hearing
February 6, 2020
Agenda Item 7.a

This report is prepared by the Baldwin County Planning and Zoning, Subdivision Staff to provide information to the Baldwin County Planning and Zoning Commission to assist in making decisions on this application.

I. PUBLIC HEARINGS:

Planning Commission: February 6, 2020 Final Site Plan Approval Pending
January 9, 2020 Final Site Plan Approval (tabled)

Attachments: Vicinity Map
Site Map
Letter of Opposition
Proposed Plat

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 13 – Unzoned

Location of Property: The subject property is located on the east side of Osprey Lane approximately 0.65 miles west off of County Road 64 in the Wilcox area.

Parcel Numbers: 05-35-09-30-0-000-006.004

Report Prepared By: Mary Booth; Subdivision Coordinator

III. SUBDIVISION PROPOSAL:

Proposed number of Sites: 8

Linear Feet of Streets: 1,070LF

Total Acreage: ± 20.0 acres

Smallest Site Size: ± 360 square feet

Owner: Walter E. Orzolic
12 Oak Lane
Shalimar, FL 32579

Engineer/Surveyor: Rowe Surveying & Engineering Co., Inc.
3502 Laughlin Dr., Suite B
Mobile, AL 36693

Request: The applicant is requesting Final Site Plan approval for the above-mentioned subdivision from the Baldwin County Planning and Zoning Commission.

IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS:

Public Utilities Services: Water: Onsite Well
 Sewer: Onsite Septic
 Electricity: Baldwin EMC

Transportation: The proposed sites will front internal gravel roads.

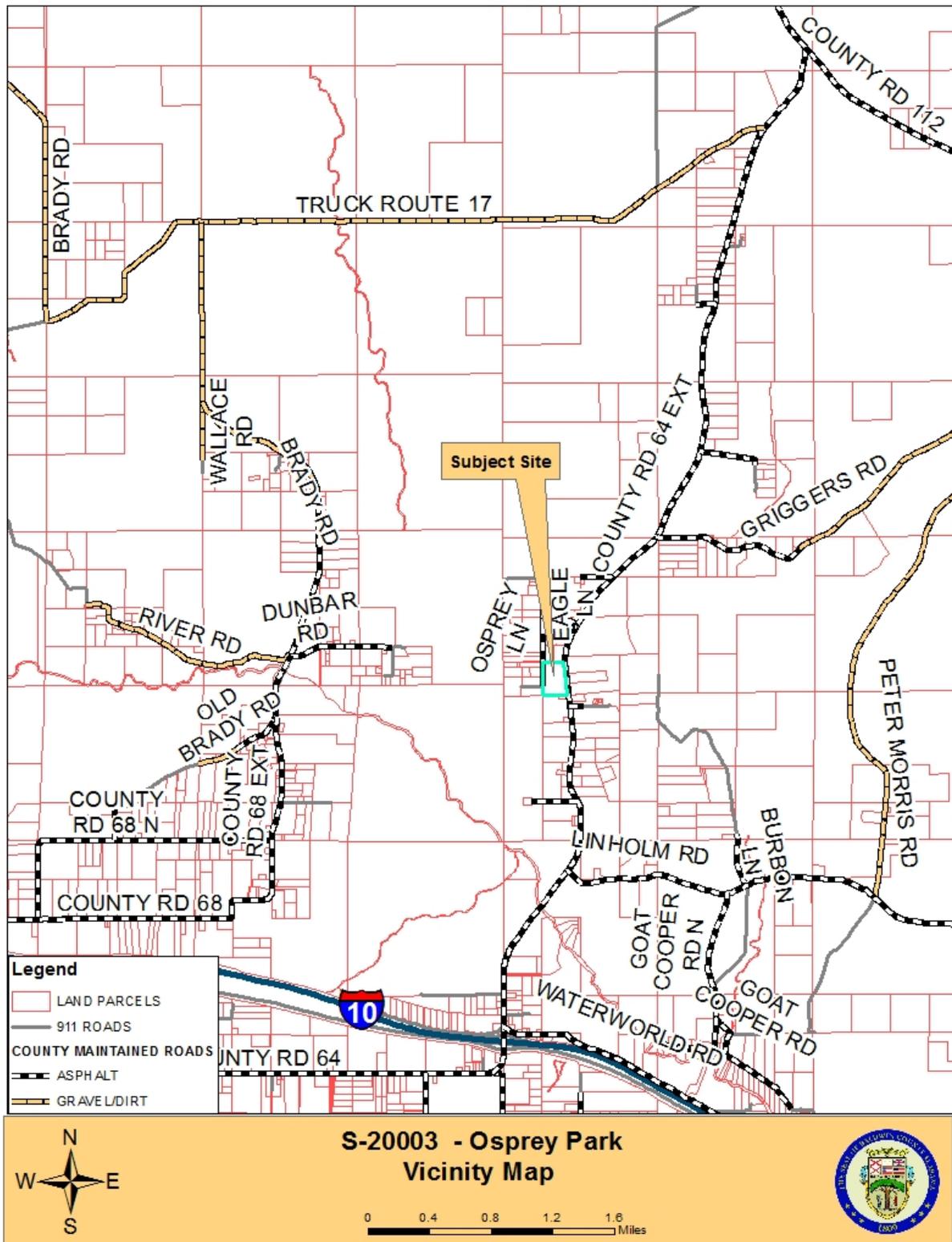
V. STAFF COMMENTS:

Items for consideration:

- All items of the Final Site Plan application meet the requirements of the subdivision regulations.

VI. RECOMMENDATIONS:

Staff recommends that the Final Site Plan approval for Case No. S-20003, Osprey Park be **APPROVED**.





January 6, 2020

Dear commission,

We are writing this letter in opposition to the proposed development of Osprey Park, an 8 unit RV park, as we are unable to attend the scheduled hearing. We live in direct proximity of the proposed development. Our concerns consist of the following:

Low income transient housing of this nature is historically known to create negative impacts on an area. These impacts range from lowering neighboring property values to stimulating nefarious activities.

Our concerns are not only regarding the proposed plans of today's project but also what potentially could be constructed or allowed to develop in the future if it were to be sold or further development created or repurposed.

This community has been working towards revitalizing our area over the last several years, removing drug infestation and blighted homes and now to have this type of environment be approved would dramatically change the culture of our community for the negative. I have spoken with our local law enforcement officers in the past about this area prior to moving here and they had shared with me how the area has been improving and we the residents have been working towards building a better community by building single family, well maintained homes that promote a quiet peaceful community. Transient low income housing does the complete opposite of what not only the residents but also the law enforcement community envisions for this neighborhood.

Regarding the negative impact on property values. This community is a single family dwelling community and there is no recent precedent to support having this type of subdivision approved. There is no doubt the value of our homes will suffer and as a result some residents could find themselves with an upside down mortgage due to the lost value.

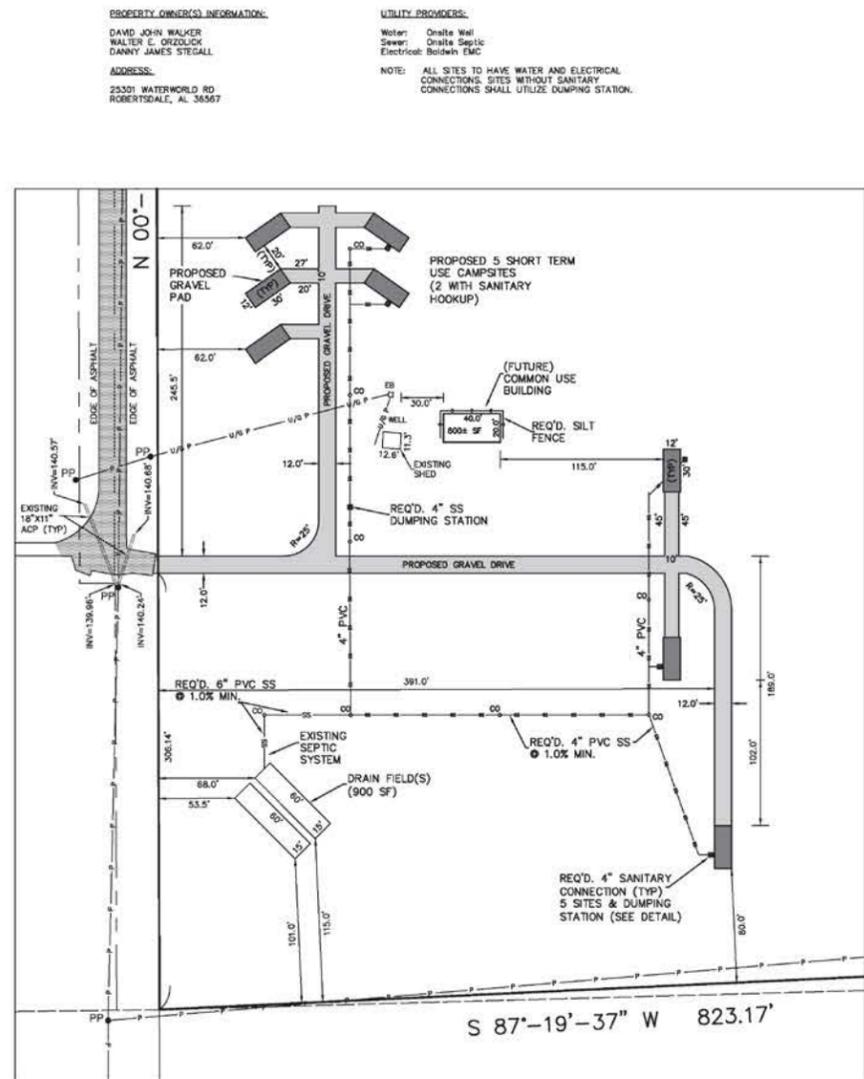
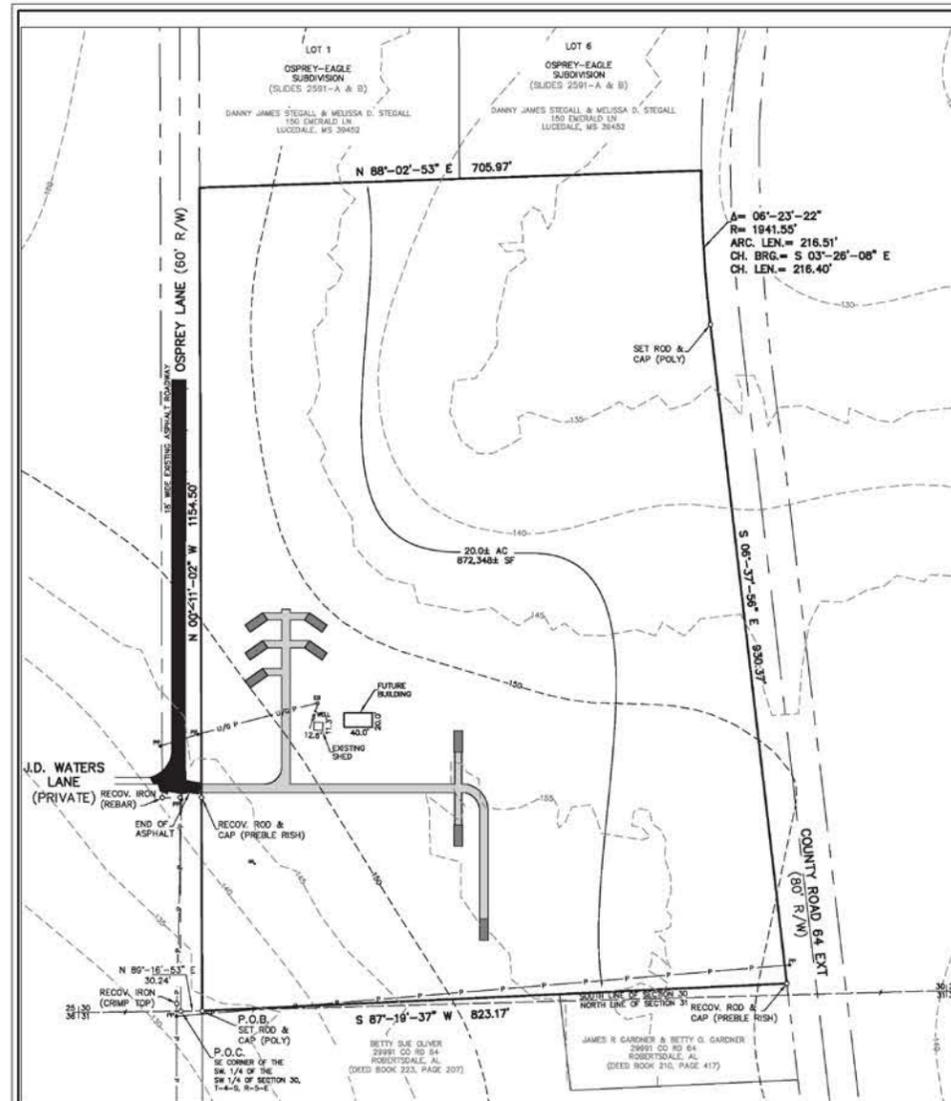
Another major concern is the added noise pollution and traffic associated with such a development. There has been discussion by the developer of adding an ATV track, as well as an open air movie theater which would greatly increase the noise pollution. Traffic concerns should be considered as well, as an 8 unit park would immediately increase the number of vehicles on a dead end residential street. Again this is a quiet residential community and there is no place for such a development in this area.

Finally I ask each of you to consider if it was your neighborhood and your property, would you want to live next to an RV park much less one that could have an outdoor theater and ATV track.

Thank you for hearing our concerns and acting responsibly.

Drs. Jody and Tania Nolfé

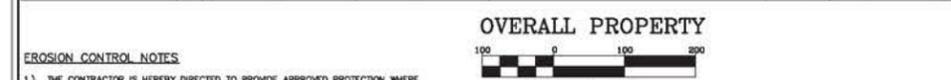
Last modified: 6:55 PM



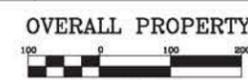
- NOTES:**
- Standards of Practice for Land Surveying in Alabama require that "the horizontal position of physical features must be plotted to 1/200th inch of final map scale". Dimensions "inapped" from the electronic version of this map should be considered to be no more accurate than 1/200th of the map scale notes. Critical clearance dimensions must be field checked.
 - Boundary taken from Poly Surveying & Engineering drawing dated 07-25-2014.
 - Topographic contours are scaled from Baldwin County GIS data. Existing driveway culverts were field verified and are referenced to NAVD 83, established by RTK GPS utilizing ALDOT Net as a continuously operating reference station.
 - The property is located in Planning District 13 and is unzoned.
 - Maintenance of common open areas, buildings or other facilities will be the responsibility of the property owners.

LEGAL DESCRIPTION
 STATE OF ALABAMA
 COUNTY OF BALDWIN
 Property conveyed by Instrument No. 1544739,
 Probate Court Records, Baldwin County, Alabama.

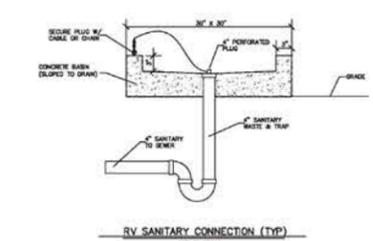
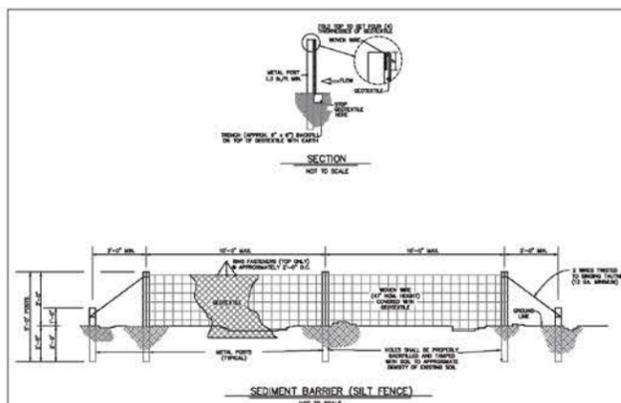
SITE DATA:
 Proposed Use: Private (Non-Commercial) RV Campground
 Total Acreage: 20.0± AC (872,348± SF)
 Total Number of Sites: 8
 Total Site Size (±): 360± SF
 Total Linear Feet of Road(s): 1,070 LF (Includes drives)
 Designated Number of Parking Spaces: 2 (for each site)
 Total: 16
 Proposed Impervious Area: 945± SF
 Density: 2.5 Sites Per Acre
 Total Open Space: 19.66± AC (856,529± SF)



- EROSION CONTROL NOTES**
- THE CONTRACTOR IS HEREBY DIRECTED TO PROVIDE APPROVED PROTECTION WHERE NECESSARY TO PREVENT SILT-LADEN RUNOFF FROM ENTERING THE STREAMS NEAR THE PROPOSED PROJECT.
 - GRASS GROUND COVER SHALL BE MAINTAINED UPON COMPLETION OF CONSTRUCTION.
 - THE EROSION CONTROL ITEMS SHOWN ON THE PLANS ARE PROVIDED AS A STARTING POINT FOR A COMPREHENSIVE EROSION PLAN TO BE IMPLEMENTED THROUGHOUT CONSTRUCTION. THE CONTRACTOR SHOULD BE PREPARED TO ANTICIPATE AND ADJUST BEST MANAGEMENT PRACTICES AS NECESSARY THROUGHOUT CONSTRUCTION TO PREVENT SILT-LADEN RUNOFF FROM LEAVING THE PROJECT.
 - BEST MANAGEMENT PRACTICES (BMPs) ARE DEFINED AS: SCHEDULES OF ACTIVITIES, PROHIBITIONS OF PRACTICES, MAINTENANCE PROCEDURES AND OTHER MANAGEMENT PRACTICES TO PREVENT OR REDUCE THE POLLUTION OF WATERS OF THE UNITED STATES. BMPs ALSO INCLUDE TREATMENT REQUIREMENTS, OPERATING PROCEDURES, AND PRACTICES TO CONTROL PLANT SITE RUNOFF, SPILLAGE OR LEAKS, SLUDGE OR WASTE DISPOSAL, OR DRAINAGE FROM RAW MATERIAL STORAGE. WITH REGARD TO CONSTRUCTION THIS MAY INCLUDE STRUCTURAL DEVICES OR NONSTRUCTURAL PRACTICES THAT ARE DESIGNED TO PREVENT POLLUTANTS FROM ENTERING WATER OR TO DIRECT THE FLOW OF WATER.
 - EROSION CONTROL ITEMS SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE FOLLOWING HANDBOOKS:
 - ALABAMA HANDBOOK FOR EROSION CONTROL, SEDIMENT CONTROL, AND STORM WATER MANAGEMENT ON CONSTRUCTION SITES AND URBAN AREAS, VOLUMES I & II, LATEST EDITION.
 - EPA STORM WATER MANAGEMENT FOR CONSTRUCTION ACTIVITIES.
 - EPA GUIDANCE SPECIFYING MANAGEMENT MEASURES FOR SOURCES OF NON-POINT POLLUTION IN COASTAL AREAS.
 - ASHTO GUIDELINES FOR EROSION AND SEDIMENT CONTROL IN HIGHWAY CONSTRUCTION.
 - SOUTH ALABAMA REGIONAL PLANNING COMMISSION BEST MANAGEMENT PRACTICES FOR NON-POINT SOURCE RUNOFF CONTROL, MOBILE & BALDWIN COUNTIES, ALABAMA.
 - EROSION CONTROL METHODS DESCRIBED WITHIN THESE PLANS ARE A GUIDE ONLY. A CONTRACTOR SHALL USE WHATEVER MEANS ARE NECESSARY TO PREVENT SILT LADEN RUNOFF FROM LEAVING THE PROJECT. IN THE EVENT OF FAILURE OF EROSION CONTROL MEASURES, THE CONTRACTOR SHALL IMMEDIATELY CLEAN UP AND TAKE FURTHER MEASURES TO PREVENT REOCCURRENCE OF THE FAILURE. THE CONTRACTOR SHALL HAVE SOLE RESPONSIBILITY FOR DAMAGES AND CONSEQUENTIAL DAMAGES WHICH MAY BE ATTRIBUTED TO SILT WHICH LEAVES THE PROJECT.



INDEX	SPEC. DWG. NO.	DESCRIPTION
1150-1150-A	ESC-100	BEST MANAGEMENT PRACTICE REFERENCE MATRIX
1161-C	ECS-300	DETAILS OF SILT FENCE (TYPE A) INSTALLATION
1162-A	ECS-300	TEMPORARY EROSION, SEDIMENT AND POLLUTION CONTROL MEASURES, SILT FENCE AND HAY BALE DITCH CHECKS



APPROVED:

Eric Orzolic Date: 1-21-2020
 ERIC D. ORZOLICK, P.E.
 Alabama Licensed Professional Engineer
 Registration No. 34844
 Prints not valid unless signed and sealed.

OSPREY PARK
PROPOSED SITE PLAN
 30084 OSPREY LANE ROBERTSDALE, AL 36567

PREPARED FOR
WALT ORZOLICK

ROWE
 ENGINEERING & SURVEYING
 CONSULTING ENGINEERS
 3602 LAUREN DR • SUITE D • MOBILE, AL 36688
 PHONE 851-686-2766 • FAX 851-686-1640

REVISIONS:
 1/20/2020
 BALDWIN CO. COMMENTS

DRAWING: 2018Plan.dwg
 DRAWN BY: BWZ
 CHECKED BY: BJ

JOB: 20088
 FD:

PLAT DATE:
 Nov 02, 2019

SCALE:
 As Noted

SHEET NO.
 1 OF 1

REVISED - RECEIVED 1-21-20

Baldwin County Planning and Zoning Commission
Case No. S-20004 – Thompson Hall Quadplexes
Final Site Plan Approval
Staff Report for Planning and Zoning Commission Public Hearing
February 6, 2020
Agenda Item 7.b

This report is prepared by the Baldwin County Planning and Zoning, Subdivision Staff to provide information to the Baldwin County Planning and Zoning Commission to assist in making decisions on this application.

I. PUBLIC HEARINGS:

Planning Commission: February 6, 2020 Final Site Plan Approval Pending
January 9, 2020 Final Site Plan Approval (tabled)

Attachments: Vicinity Map
Site Map
Proposed Plat

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 17 – Unzoned

Location of Property: The subject property is located on the northeastern intersection of Thompson Hall Road and Twin Beech Road (County Road 44), approximately 0.50 miles west of State Highway 181 in Fairhope.

Parcel Numbers: 05-46-05-22-0-000-001.558

Report Prepared By: Mary Booth; Subdivision Coordinator

III. SUBDIVISION PROPOSAL:

Proposed number of Units: 16

Linear Feet of Streets: 351LF

Total Acreage: ± 1.98 acres

Smallest Unit Size: ± 938 square feet

Owner: Provision Investments, LLC
19940 State Hwy 181
Fairhope, AL 36532

Engineer/Surveyor: S.E. Civil Engineering & Surveying
880 Holcombe Blvd., Ste 2F
Fairhope, AL 36532

Request: The applicant is requesting Final Site Plan approval for the above-mentioned subdivision from the Baldwin County Planning and Zoning Commission.

IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS:

Public Utilities Services: Water: Fairhope Utilities
 Sewer: Fairhope Utilities
 Electricity: Fairhope Utilities

Transportation: The proposed units will front on an internal, private and paved road with direct access from Thompson Hall Road, a paved and county maintained road.

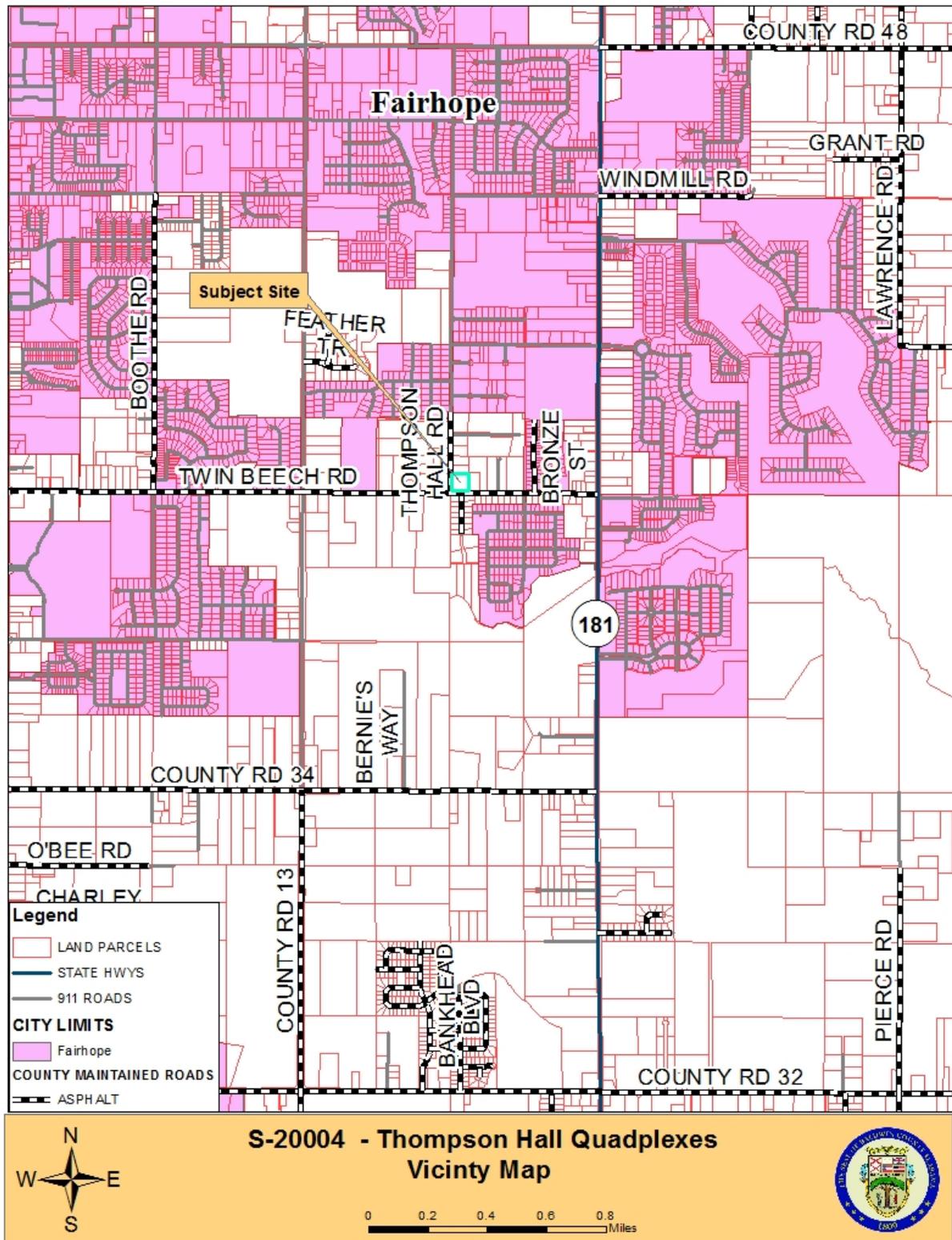
V. STAFF COMMENTS:

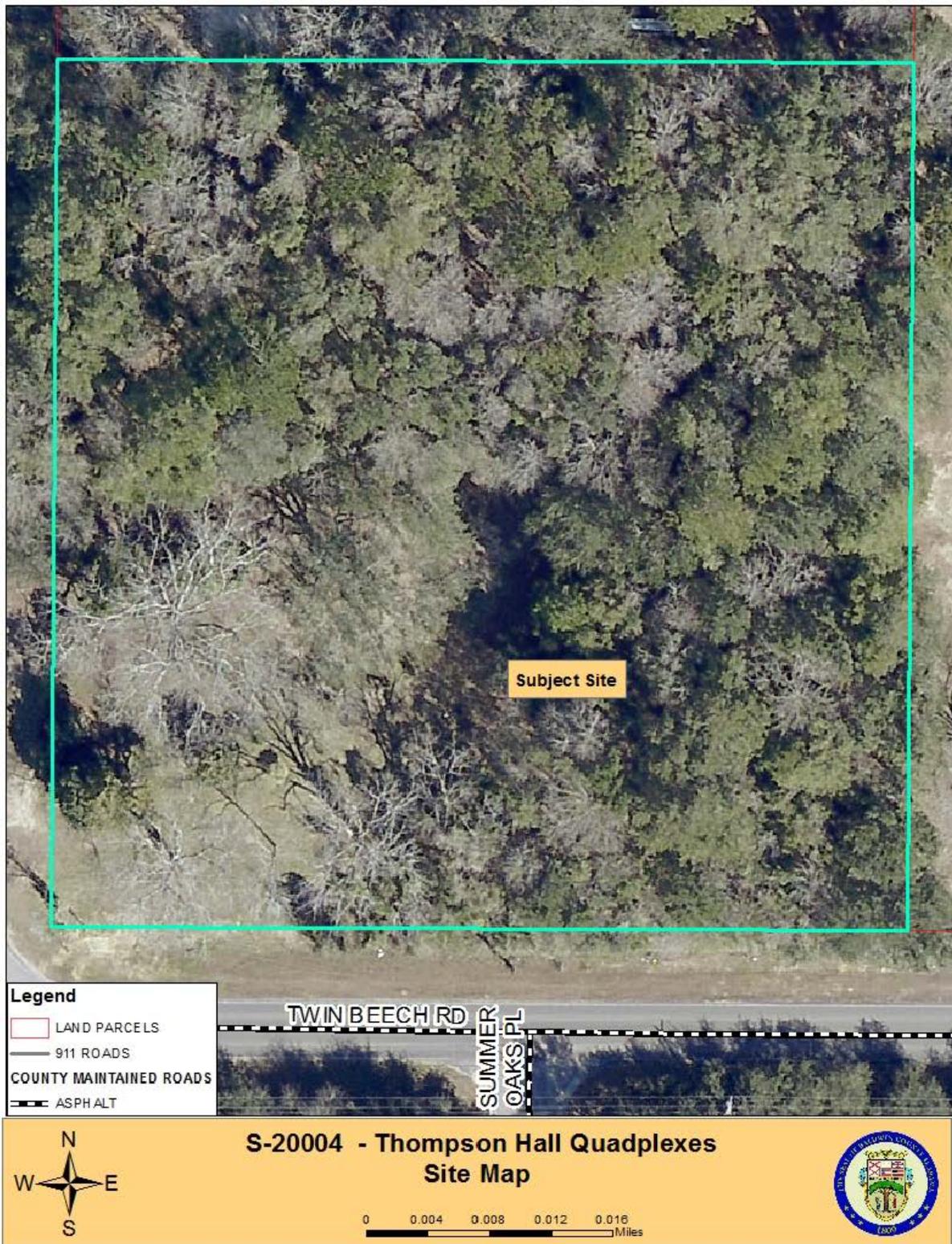
Items for consideration:

- All items of the Final Site Plan application meet the requirements of the subdivision regulations.

VI. RECOMMENDATIONS:

Staff recommends that the Final Site Plan approval for Case No. S-20004, Final Site Plan be **APPROVED.**





PARKING DATA	
PARKING REQUIREMENT	SPACES
TOTAL REQUIRED (2 SPACES/UNIT) =	32
TOTAL PROVIDED =	32

PARKING - EACH UNIT HAS A SINGLE CAR GARAGE. THERE IS ALSO AN UNCOVERED PARKING SPACE (DRIVEWAY)

LAND USAGE		
DESCRIPTION	AREA	% OF PROPERTY AREA
PROPERTY AREA	1.98 ACRES (86,242 SF)	--
BUILDING AREA (UNDER ROOF)	0.34 ACRES (15,004 SF)	17.4%
IMPERVIOUS PAVING	0.37 ACRES (15,907 SF)	18.5%
GRASSED/LANDSCAPED AREA	1.27 ACRES (55,241 SF)	64.1%

SITE ANALYSIS		
SITE ACREAGE (PROPOSED)	BUILDING HEIGHT	BUILDING (UNDER ROOF)
1.98 AC (86,242 SF)	35 FT (MAX.)	15,004 SF (4 QUADPLEXES)
REQUIRED PARKING 32 SPACES (SEE PARKING DATA)		PROVIDED PARKING 32 SPACES
JURISDICTION BALDWIN COUNTY (C.O. FAIRHOPE ET.)		ZONING UN-ZONED
IMPERVIOUS AREA 0.71 AC (31,594 SF)		PERVIOUS AREA 1.27 AC (54,648 SF)
BUILDING SETBACKS: FRONT YARD: SIDE YARD: REAR YARD:	REQUIRED: 20 FT 20 FT 20 FT	
MAXIMUM BUILDING HEIGHT:	35'	

- ### SITE PLAN NOTES
- ALL WORK AND MATERIALS SHALL COMPLY WITH THE CITY OF FAIRHOPE & BALDWIN COUNTY REGULATIONS AND CODES AS WELL AS O.S.H.A. AND ADOPT STANDARDS.
 - ALL ISLANDS WITH CURB & GUTTER SHALL BE LANDSCAPED.
 - ALL DIMENSIONS AND RADII ARE TO THE EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
 - EXISTING STRUCTURES WITHIN CONSTRUCTION LIMITS ARE TO BE ABANDONED, REMOVED OR RELOCATED AS NECESSARY. ALL COST SHALL BE INCLUDED IN THE BASE BID.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, INCLUDING BUT NOT LIMITED TO ALL UTILITIES, STORM DRAINAGE, SIGNS, TRAFFIC SIGNALS & POLES, ETC. AS REQUIRED FOR SITE WORK. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.
 - THE SURVEY OF EXISTING CONDITIONS IS SHOWN WITHIN THESE PLANS. ALL EXISTING CONDITIONS SHALL BE VERIFIED TO BE TRUE AND ACCURATE PRIOR TO BEGINNING WORK.
 - REFER TO THE LANDSCAPING PLANS FOR PLANTING LOCATIONS AND ISLAND DETAILS.
 - PAINTED STRIPING SHALL BE BRIGHT AND CLEAR. STRIPES SHALL BE PER PLAN AND PAINTED ON CLEAN ASPHALT OR CONCRETE.
 - CURBING SHALL BE FORMED AND POURED CONCRETE UNLESS OTHERWISE DETAILED WITHIN THE DRAWINGS. CONCRETE FOR CURBING SHALL BE 3000 PSI.
 - THIS SITE IS UN-ZONED.
 - TOTAL SITE ACREAGE = 1.98 ACRES.
 - NOTIFY CITY OF FAIRHOPE INSPECTIONS 24 HOURS BEFORE THE BEGINNING OF EVERY PHASE OF CONSTRUCTION.
 - ALL STRIPING IN R.O.W. TO BE CLASS A TYPE 2 THERMOPLASTIC.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED GOVERNMENTAL INSPECTIONS.
 - A COPY OF THE APPROVED LAND DISTURBANCE PLAN AND PERMIT SHALL BE PRESENT ON SITE WHENEVER LAND DISTURBANCE ACTIVITY IS IN PROGRESS.
 - CONSTRUCTION EQUIPMENT SHALL NOT BE PARKED IN REQUIRED R.O.W. AND MUST BE STORED WITHIN THE SITE.
 - DURING CONSTRUCTION, ACCESS ROADWAYS CONSTRUCTED OF AN ALL WEATHER SURFACE CAPABLE OF SUPPORTING 80,000 POUNDS GROSS WEIGHT SHALL BE PROVIDED. THE WIDTH OF THE ACCESS ROADWAY, DURING CONSTRUCTION, SHALL BE 20 FT PER STANDARD FIRE PREVENTION CODE, LATEST EDITION.
 - ALL TRAFFIC CONTROL SIGNS AND MARKINGS USED ON THE SITE WILL CONFORM WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), FHWV, LATEST EDITION. REFERENCE THE SIGN CODES CONTAINED IN THE MUTCD FOR ALL TRAFFIC CONTROL SIGNS. NOTE THE COLOR AND SIZE OF ALL PAVEMENT MARKINGS. REFERENCING DETAILS IN A.DOT'S ROADWAY AND TRAFFIC DESIGN STANDARDS WHERE APPLICABLE.
 - NO "PROTECTED TREES" WILL BE REMOVED, DESTRUCTIVELY DAMAGED, MULTIFLED, RELOCATED, DISFIGURED, DESTROYED, CUT DOWN, OR EXCESSIVELY PRUNED DURING CONSTRUCTION ACTIVITIES.
 - FIRE LANES AND SIGNAGE TO MEET REQUIREMENTS OF NFPA 1 CHAPTER 18.
 - THE CONTRACTOR SHALL FAMILIARIZE THEMSELVES WITH ALL OF THE EXISTING CONDITIONS AT THE SITE INCLUDING UTILITIES, SURFACE, ETC. AND SHALL BE FULLY RESPONSIBLE FOR ANY DAMAGES THEY CAUSE TO NEW AND EXISTING CONSTRUCTION, PROPERTY AND ANY UNAUTHORIZED DISRUPTION TO UTILITIES ON SITE AND TO ADJACENT PROPERTIES.
 - PRIOR TO CONSTRUCTION, EXISTING UTILITIES AT PROPOSED CONNECTIONS AND CROSSINGS SHALL BE FIELD EXCAVATED TO VERIFY LOCATION, ELEVATION AND SIZE. NOTIFY THE ENGINEER IMMEDIATELY WITH ANY DEVIATIONS OF CONFLICTS.
 - CONTRACTOR SHALL REFER TO THE ARCH. PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF EXIT PORCHES, PRECISE BUILDING DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
 - THE DIMENSIONS SHOWN ARE TO THE FACE OF BUILDING UNLESS OTHERWISE NOTED.

SITE PLAN LEGEND

EXISTING	TRAFFIC CONTROL ARROW	PROPOSED
EDGE OF PAVEMENT	HEADER CURB	RIBBON CURB
GRAVEL PAVING	CONCRETE PAVING	ASPHALT PAVING

3" x 3" x 1/2" WIDE SINGLE YELLOW SOLID LINE
 3" x 3" x 1/2" WIDE DOUBLE YELLOW SOLID LINE
 3" x 3" x 1/2" WIDE SINGLE WHITE SOLID LINE

SITE DATA

1. ACREAGE IN TOTAL TRACT:	1.98 ACRES
2. SMALLEST LOT/UNIT SIZE:	938 SF
3. TOTAL SQUARE FEET OF EACH LOT OR UNIT:	15,004 SF
4. TOTAL NUMBER OF LOTS OR UNITS:	18
5. LINEAR FEET IN STREETS:	351 LF (PRIVATE)
6. NUMBER OF PARKING SPACES:	32 SPACES
7. AMOUNT OF IMPERVIOUS SURFACE:	0.71 ACRES
8. DENSITY (GROSS):	8.08 UNITS/AC
9. DENSITY (NET) FOR CALCULATING GREENSPACE, FAIRHOPE:	10.20 UNITS/AC
10. TOTAL SF OF ALL AREAS RESERVED FOR TOTAL OPEN SPACE:	N/A
11. TOTAL SF OF ALL AREAS RESERVED FOR USEABLE OPEN SPACE:	N/A
12. GREENSPACE:	0.52 ACRES

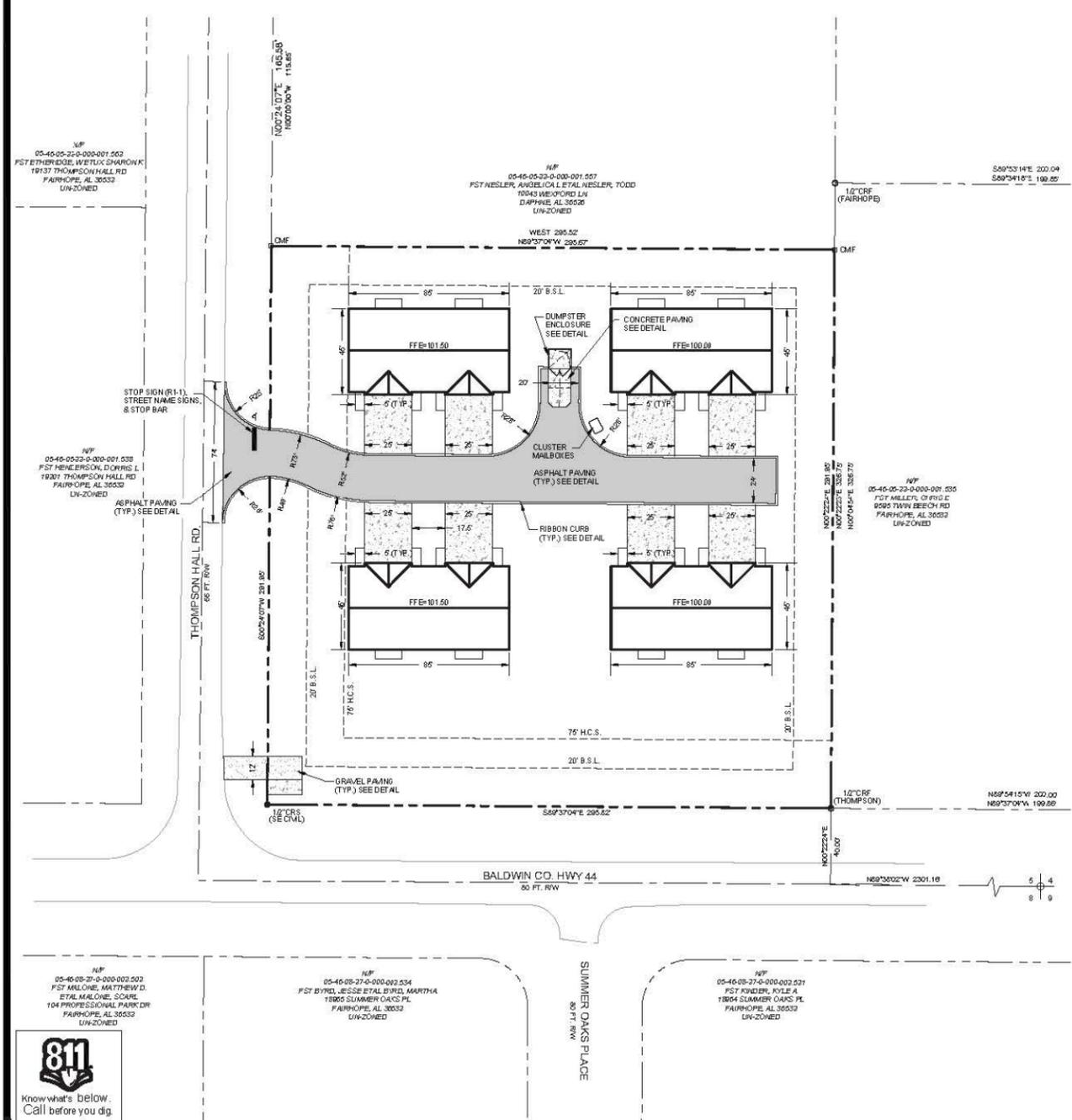
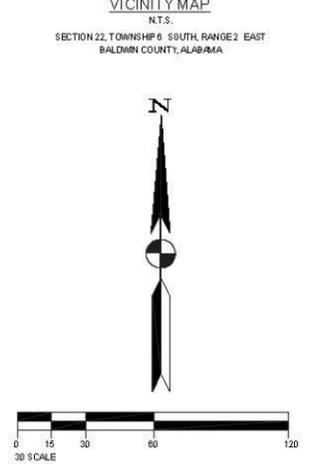
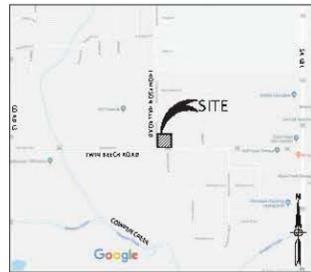
NOTE: THE INTERNAL RIGHT-OF-WAY, ROADS, EASEMENTS AND DRAINAGE FACILITIES ARE PRIVATE AND WILL BE MAINTAINED BY THE DEVELOPER/OWNER. THE INTERNAL RIGHT-OF-WAYS, ROADS, EASEMENTS AND DRAINAGE FACILITIES WILL NOT BE MAINTAINED BY BALDWIN COUNTY. IF INDIVIDUAL LOTS, SITES, UNITS, ETC. ARE TO BE SOLD, THE DEVELOPER/OWNER SHALL BE REQUIRED TO MEET THE CURRENT BALDWIN COUNTY SUBDIVISION REGULATIONS IN EFFECT AT THAT TIME, AND THE PROPERTY SHALL BE BROUGHT INTO COMPLIANCE WITH THOSE REGULATIONS PRIOR TO SUCH SALE OR A TT EMPLOYED SALE.

OWNER:
PROVISION INVESTMENTS, LLC
19940 STATE HWY 181
FAIRHOPE, AL 36532

FLOOD ZONE:
FIRM NO. 0100300683M EFFECTIVE DATE APRIL 19, 2019, SHOWS THE PROPERTY TO BE SITUATED IN ZONE X UNSHADED.

UTILITY PROVIDERS:
WATER - FAIRHOPE UTILITIES
SEWER - FAIRHOPE UTILITIES
ELECTRIC - RMR&A UTILITIES

GREENSPACE CALCULATIONS (CITY OF FAIRHOPE):
ACREAGE IN TOTAL TRACT: 1.98 ACRES
WETLANDS: 0 ACRES
POND: 0.24 ACRES
ASPHALT ROADS: 0.18 ACRES
NET ACREAGE: 1.56 ACRES
DENSITY (NET) = 18 UNITS/1.56 ACRES: 10.20 UNITS/ACRE
GREENSPACE REQUIRED (25% OF 1.98 ACRES): 0.50 ACRES
GREENSPACE PROVIDED: 0.52 ACRES



SITE PLAN

Thompson Hall Quadplexes
Thompson Hall Road
Fairhope, AL 36532



JOB NO. 20190574	DATE 1/14/20
DRAWN JRB	SCALE 1"=30'
SHEET C01	

REVISED - Received 1-16-20

Baldwin County Planning and Zoning Commission
Case No. S-20009 Burnstand Subdivision
Development Permit Approval
Staff Report for Planning and Zoning Commission Public Hearing
February 6, 2020
Agenda Item 7.c

This report is prepared by the Baldwin County Planning and Zoning, Subdivision Staff to provide information to the Baldwin County Planning and Zoning Commission to assist in making decisions on this application.

I. PUBLIC HEARINGS:

Planning Commission: February 6, 2020 Development Permit Approval pending

Attachments: Vicinity Map
Site Map
Proposed Plat

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 12 – Zoned RSF-1

Location of Property: The subject property is located on the east side of County Road 62 approximately 1.15 miles south of Highway 90 in the Elsanor community.

Parcel Numbers: 05-48-01-01-0-000-007.000

Report Prepared By: Mary Booth; Subdivision Coordinator

III. SUBDIVISION PROPOSAL:

Proposed number of Lots: 3

Linear Feet of Streets: N/A

Total Acreage: ± 6.12

Smallest Lot Size: ± 1.81 acres

Owner/Developer: BJ's Residential Properties, LLC
1299 Greystone Crest
Birmingham, AL 35242

Engineer: David Shumer
Barton & Shumer Engineering, LLC
3123 Midtown Park S.
Mobile, AL 36606

Surveyor: Geo Surveying, Inc.
129 Club Drive
Fairhope, AL 36532

Request: The applicant is requesting Development Permit approval for the above-mentioned subdivision from the Baldwin County Planning and Zoning Commission.

IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS:

Public Utilities Services: Water: East Central Baldwin County Water Authority
Sewer: On-Site septic
Electricity: Baldwin EMC

Transportation: The proposed lots will front on County Road 62, a county maintained paved road.

V. STAFF COMMENTS:

Items for consideration:

- All items of the Development Permit application meet the requirements of the subdivision regulations.

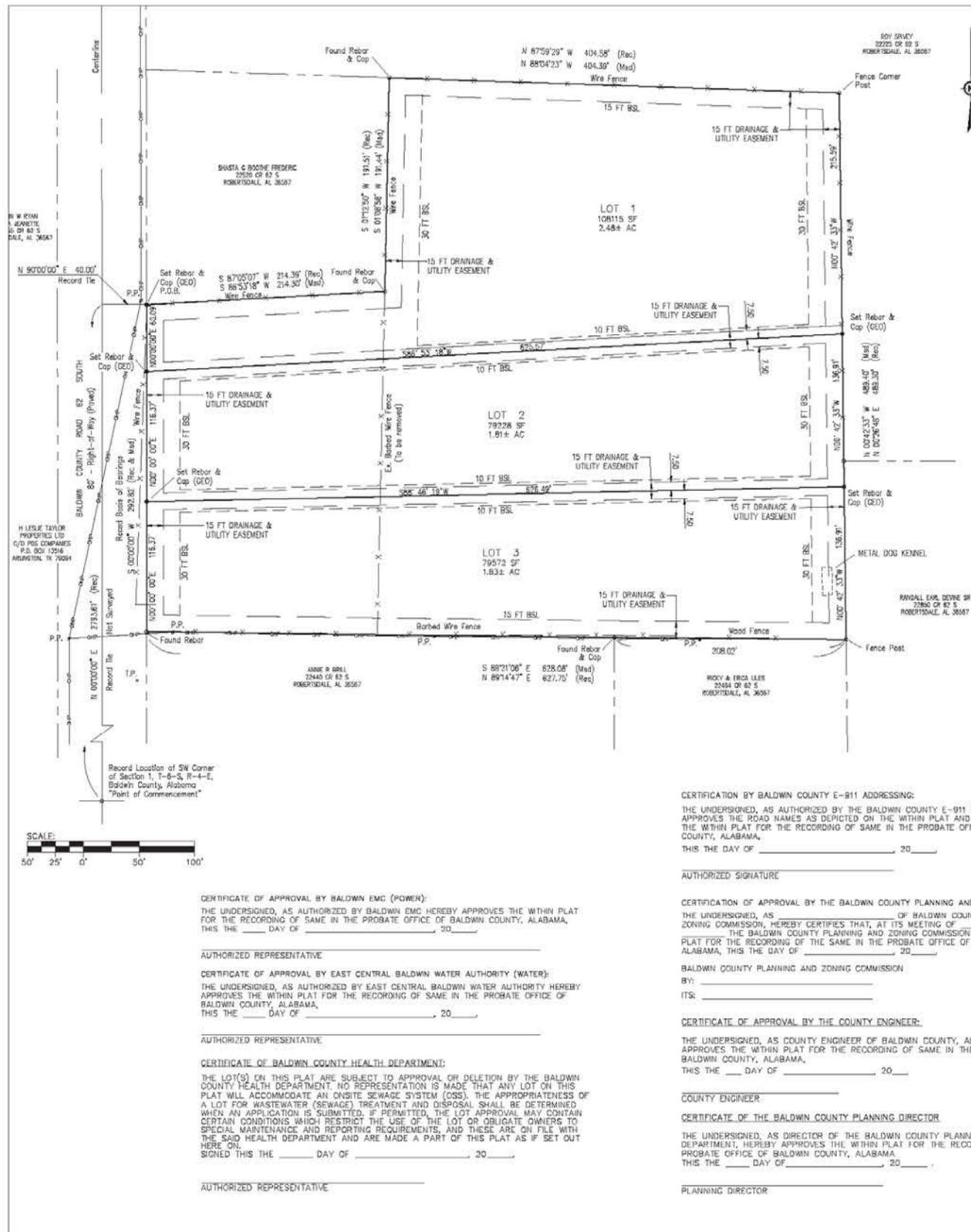
VI. RECOMMENDATIONS:

Staff recommends that the Development Permit for Case No. S-20009, Burnstand Subdivision be **APPROVED**.



**S-2009 Burnstand Subdivision
Vicinity Map**





SITE DATA:
 TAX PARCEL NO: 05-48-01-01-0-000-007.000
 ZONING DISTRICT 12 ZONING: RSF-1
 TOTAL LOTS: 3
 LARGEST: 108115 SQ FT
 SMALLEST: 79228 SQ FT
 TOTAL AREA: 266915 SQ FT (6.12+ AC)
BUILDING SETBACKS:
 FRONT: 30 FT
 REAR: 30 FT
 SIDE: 10 FT
 HIGHWAY CONSTRUCTION SETBACK: 40 FT

UTILITIES:
 WATER SERVICE: EAST CENTRAL BALDWIN WATER AUTHORITY
 SEWER SERVICE: CHS SITE SEPTIC
 ELECTRIC SERVICE: BALDWIN EMC

DRAINAGE & UTILITY EASEMENTS:
 ALL LOTS ARE SUBJECT TO A 15' DRAINAGE AND UTILITY EASEMENT ON ALL LOT LINES, (7.5 FEET ON EACH SIDE) ALONG ALL INTERIOR SIDE LOT LINES.

FLOOD ZONE:
 THIS PROPERTY IS LOCATED IN FLOOD ZONE X (UNSHADED) ACCORDING TO THE FLOOD INSURANCE RATE MAP 0100320695M DATED 19 APRIL 2019.

- NOTES:**
1. THIS SURVEY DOES NOT TAKE INTO CONSIDERATION ADDITIONAL FACTS THAT AN ACCURATE AND CORRECT TITLE SEARCH AND/OR EXAMINATION MIGHT DISCLOSE INCLUDING, BUT NOT LIMITED TO, DESCRIPTIONS CONTAINED IN DEEDS FOR ADJACENT PROPERTIES. IN ADDITION, THERE TO, THE ATTACHED DRAWING DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH, OTHER THAN WHAT IS VISIBLE ON THE GROUND, PROVIDED BY OUR CLIENT, OR RECORDS WE HAPPEN TO HAVE ON FILE FURNISHED BY OTHERS.
 2. BEARINGS AND DISTANCES SHOWN HEREON WERE "COMPUTED" FROM ACTUAL FIELD TRAVERSES.
 3. MEASUREMENTS SHOWN HEREON WERE MADE IN ACCORDANCE WITH U.S. STANDARDS.
 4. THERE MAY BE RECORDED OR UNRECORDED DEEDS, EASEMENTS, RIGHTS-OF-WAY, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTY.
 5. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF ANY SUB-SURFACE FEATURES.
 6. PROPERTY IS SUBJECT TO ANY RESTRICTIONS OR CONDITIONS WHICH MAY BE ON COVENANTS OR DOCUMENTS NOT DISCLOSED TO OUR FIRM.
 7. BUILDING SETBACK LINES SHALL CONFORM TO THOSE SHOWN ON THE PLAT OR THOSE IN EFFECT AT THE TIME OF PERMITTING, WHICHEVER IS MORE STRINGENT.
 8. OWNERS SHOULD CONTACT ALABAMA LINE LOCATORS PRIOR TO ANY CONSTRUCTION AT 800-292-8525.

CERTIFICATION OF OWNERSHIP AND DEDICATION:
 STATE OF ALABAMA)
 COUNTY OF BALDWIN)
 THIS IS TO CERTIFY THAT I THE UNDERSIGNED IS THE OWNER OF THE LAND SHOWN AND DESCRIBED IN THE PLAT, AND THAT I HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREON, FOR THE USES AND PURPOSES HEREIN SET FORTH AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DESIGN AND TITLE HEREON INDICATED AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.
 DATED THIS THE ____ DAY OF _____, 2020.

BJ BLANCHARD
 B/J'S RESIDENTIAL PROPERTIES, LLC
 1789 GREYSTONE CREST
 BIRMINGHAM, AL 35242

ACKNOWLEDGEMENT OF NOTARY PUBLIC:
 STATE OF ALABAMA)
 COUNTY OF BALDWIN)

I, MATTHEW KOUNTZ, A LICENSED SURVEYOR OF COUNTY, ALABAMA, HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY OF B/J'S RESIDENTIAL PROPERTIES, SITUATED IN BALDWIN COUNTY, ALABAMA AND DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 00 MINUTES EAST ALONG THE CENTERLINE OF BALDWIN COUNTY ROAD 62 SOUTH, A DISTANCE OF 2790.81 FEET TO A POINT; THENCE RUN NORTH 00°00'00" EAST A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING ON THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD; THENCE RUN SOUTH 00°00'00" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 292.82 FEET TO A POINT; THENCE RUN NORTH 89°21'06" EAST A DISTANCE OF 628.08 FEET TO A POINT; THENCE RUN NORTH 00°42'33" EAST A DISTANCE OF 489.40 FEET TO A POINT; THENCE RUN NORTH 88°04'23" WEST A DISTANCE OF 404.39 FEET TO A POINT; THENCE RUN SOUTH 01°08'58" WEST A DISTANCE OF 101.44 FEET TO A POINT; THENCE RUN SOUTH 86°53'18" WEST A DISTANCE OF 214.30 FEET TO THE POINT OF BEGINNING.
 AND THAT THE PLAT OR MAP CONTAINED HEREON IS A TRUE AND CORRECT MAP SHOWING THE SUBDIVISION INTO WHICH THE PROPERTY DESCRIBED IS DIVIDED GIVING THE LENGTH AND BEARINGS OF EACH LOT AND EASEMENT AND ITS NUMBER AND SHOWING THE STREETS, ALLEYS AND PUBLIC GROUNDS AND GIVING THE BEARINGS, LENGTH, WIDTH AND NAMES OF THE STREETS, SAID MAP FURTHER SHOWS THE RELATION OF THE LAND SO PLATTED TO THE GOVERNMENT SURVEY, AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED AT POINTS MARKED THUS (D) AS HEREON SHOWN.
 I FURTHER CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.
 GIVEN UNDER MY HAND AND SEAL AT _____, ALABAMA,
 THIS THE ____ DAY OF _____, 2020.

NOTARY PUBLIC

CERTIFICATION BY SURVEYOR:
 STATE OF ALABAMA)
 COUNTY OF BALDWIN)

I, MATTHEW KOUNTZ, A LICENSED SURVEYOR OF COUNTY, ALABAMA, HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY OF B/J'S RESIDENTIAL PROPERTIES, SITUATED IN BALDWIN COUNTY, ALABAMA AND DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 00 MINUTES EAST ALONG THE CENTERLINE OF BALDWIN COUNTY ROAD 62 SOUTH, A DISTANCE OF 2790.81 FEET TO A POINT; THENCE RUN NORTH 00°00'00" EAST A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING ON THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD; THENCE RUN SOUTH 00°00'00" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 292.82 FEET TO A POINT; THENCE RUN NORTH 89°21'06" EAST A DISTANCE OF 628.08 FEET TO A POINT; THENCE RUN NORTH 00°42'33" EAST A DISTANCE OF 489.40 FEET TO A POINT; THENCE RUN NORTH 88°04'23" WEST A DISTANCE OF 404.39 FEET TO A POINT; THENCE RUN SOUTH 01°08'58" WEST A DISTANCE OF 101.44 FEET TO A POINT; THENCE RUN SOUTH 86°53'18" WEST A DISTANCE OF 214.30 FEET TO THE POINT OF BEGINNING.
 AND THAT THE PLAT OR MAP CONTAINED HEREON IS A TRUE AND CORRECT MAP SHOWING THE SUBDIVISION INTO WHICH THE PROPERTY DESCRIBED IS DIVIDED GIVING THE LENGTH AND BEARINGS OF EACH LOT AND EASEMENT AND ITS NUMBER AND SHOWING THE STREETS, ALLEYS AND PUBLIC GROUNDS AND GIVING THE BEARINGS, LENGTH, WIDTH AND NAMES OF THE STREETS, SAID MAP FURTHER SHOWS THE RELATION OF THE LAND SO PLATTED TO THE GOVERNMENT SURVEY, AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED AT POINTS MARKED THUS (D) AS HEREON SHOWN.
 I FURTHER CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.
 GIVEN UNDER MY HAND AND SEAL AT _____, ALABAMA,
 THIS THE ____ DAY OF _____, 2020.

MATTHEW S. KOUNTZ, P.L.S.
 ALABAMA REG. NO. 20359

CERTIFICATION BY BALDWIN COUNTY E-911 ADDRESSING:
 THE UNDERSIGNED, AS AUTHORIZED BY THE BALDWIN COUNTY E-911 BOARD, HEREBY APPROVES THE ROAD NAMES AS DEPICTED ON THE WITHIN PLAT AND HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.
 THIS THE DAY OF _____, 20____.

AUTHORIZED SIGNATURE _____

CERTIFICATION OF APPROVAL BY THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION:
 THE UNDERSIGNED, AS _____ OF BALDWIN COUNTY PLANNING AND ZONING COMMISSION, HEREBY CERTIFIES THAT, AT ITS MEETING OF _____, _____, THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION APPROVED THE WITHIN PLAT FOR THE RECORDING OF THE SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE DAY OF _____, 20____.

BALDWIN COUNTY PLANNING AND ZONING COMMISSION
 BY: _____
 ITS: _____

CERTIFICATION OF APPROVAL BY THE COUNTY ENGINEER:
 THE UNDERSIGNED, AS COUNTY ENGINEER OF BALDWIN COUNTY, ALABAMA, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA,
 THIS THE ____ DAY OF _____, 20____.

COUNTY ENGINEER _____

CERTIFICATION OF THE BALDWIN COUNTY PLANNING DIRECTOR
 THE UNDERSIGNED, AS DIRECTOR OF THE BALDWIN COUNTY PLANNING AND ZONING DEPARTMENT, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA,
 THIS THE ____ DAY OF _____, 20____.

PLANNING DIRECTOR _____



CERTIFICATE OF APPROVAL BY BALDWIN EMC (POWER):
 THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN EMC HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA,
 THIS THE ____ DAY OF _____, 20____.

AUTHORIZED REPRESENTATIVE _____

CERTIFICATE OF APPROVAL BY EAST CENTRAL BALDWIN WATER AUTHORITY (WATER):
 THE UNDERSIGNED, AS AUTHORIZED BY EAST CENTRAL BALDWIN WATER AUTHORITY HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA,
 THIS THE ____ DAY OF _____, 20____.

AUTHORIZED REPRESENTATIVE _____

CERTIFICATE OF BALDWIN COUNTY HEALTH DEPARTMENT:
 THE LOT(S) ON THIS PLAT ARE SUBJECT TO APPROVAL OR DELETION BY THE BALDWIN COUNTY HEALTH DEPARTMENT. NO REPRESENTATION IS MADE THAT ANY LOT ON THIS PLAT WILL ACCOMMODATE AN ONSITE SEWAGE SYSTEM (OSS). THE APPROPRIATENESS OF A LOT FOR WASTEWATER (SEWAGE) TREATMENT AND DISPOSAL SHALL BE DETERMINED WHEN AN APPLICATION IS SUBMITTED. IF PERMITTED, THE LOT APPROVAL MAY CONTAIN CERTAIN CONDITIONS WHICH RESTRICT THE USE OF THE LOT OR OBLIGATE OWNERS TO SPECIAL MAINTENANCE AND REPORTING REQUIREMENTS, AND THESE ARE ON FILE WITH THE SAID HEALTH DEPARTMENT AND ARE MADE A PART OF THIS PLAT AS IF SET OUT HERE ON.
 SIGNED THIS THE ____ DAY OF _____, 20____.

AUTHORIZED REPRESENTATIVE _____

GEO SURVEYING, INC.
 PROFESSIONAL LAND SURVEYORS
 126 CLUB DRIVE
 FAIRHOPE, ALABAMA 36532
 PHONE: 251-990-0815 FAX: 251-990-0886

BURNSTAND SUBDIVISION
 PRELIMINARY / FINAL PLAT

PROJECT NO:	1917
DATE:	01-27-2020
SCALE:	1" = 50'
DRAWN BY:	DMS
CHECKED BY:	MK
FIELD WORK DATE:	11/20/18
FIELD BOOK NO.:	RCRS
SHEET:	1 OF 1 SHEETS

REVISED - RECEIVED 1-30-20

Baldwin County Planning and Zoning Commission
Case No. S-20011 – Magnolia Acres, Ph 2
Variance Request Approval
Staff Report for Planning and Zoning Commission Public Hearing
February 6, 2019
Agenda Item 7.d

This report is prepared by the Baldwin County Planning and Zoning, Subdivision Staff to provide information to the Baldwin County Planning and Zoning Commission to assist in making decisions on this application.

I. PUBLIC HEARINGS:

Planning Commission: February 6, 2020 Variance Request Approval Pending

Attachments: Vicinity Map
Site Map
Letter from Applicant
Proposed Sketch for Reduced Lot Width

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 14 – Unzoned

Location of Property: The subject property is located on south side of County Road 28 approximately 0.65 miles west of County Road 55 in the Summerdale area.

Parcel Number: 05-55-02-10-0-000-001.000

Report Prepared By: Mary Booth; Permit/Subdivision Coordinator

III. SUBDIVISION PROPOSAL:

The applicant/developer is proposing to develop Lot 11 of Magnolia Acres as Magnolia Acres Phase 2 and is requesting a reduction of the minimum lot width for three of the proposed 17 lots. With the minimum 30' front setback line, the lot width will not meet the 120' but will meet the minimum lot size requirements as required per the design standards.

Owner/Developer: James Ellis
Ellis Civil
PO Box 190
Summerdale, AL 36580

Engineer: Jason W. Wooten
1249 Pencarro Blvd
Foley, AL 36535

Surveyor: Kelvin Harris
1810 Trammel Motorway
Sylacauga, AL 35150

Request: The applicant is requesting a Variance approval for the above-mentioned subdivision from the Baldwin County Planning and Zoning Commission to allow for a variance of the current subdivision regulations for minimum lot width for three of the proposed 17 lots.

IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS:

Public Utilities Services: Water: Well
Sewer: On-Site Septic
Electricity: Baldwin EMC

Transportation: The proposed lots will front on Stellata Lane, a proposed public and paved road with access from County Road 28.

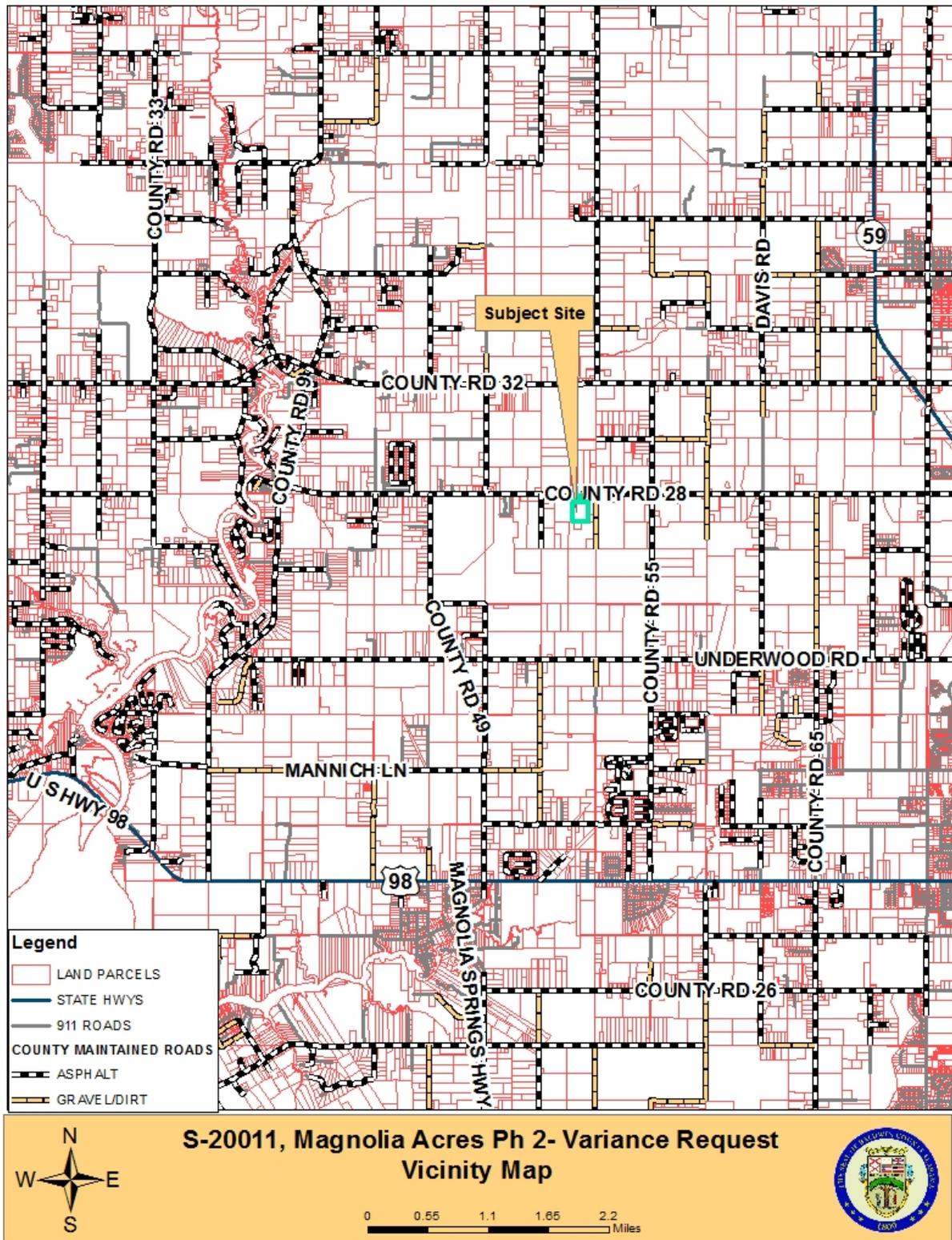
V. STAFF COMMENTS:

Items for consideration:

- The request for a variance does meet the conditions as set forth in the current subdivision regulations.

VI. RECOMMENDATIONS:

Staff recommends that the Variance Request for Case No. S-20011, Magnolia Acres, Phase 2, be **APPROVED.**





S-20011, Magnolia Acres Ph 2- Variance Request Site Map

Ellis Civil
P.O. Box 190
Summerdale, AL 36580
January 7, 2020

RE: Magnolia Acres Phase 2 Variance Request

Dear Baldwin County Commission,

Magnolia Acres Subdivision is characterized by lots that are a minimum of 40,000 square feet and have a minimum lot width of 120' as stipulated in the minimum design standards of Section 5.1.1 of the Baldwin County Subdivision Regulations. When the minimum lot widths of 120' (as defined in Section 3.2) have been calculated moving southward along the proposed roadway for phase 2 of the development; it causes for an unavoidable extraordinary hardship / practical difficulty in regard to lot 17, lot 18, lot 19, and lot 20 of the proposed plat for phase 2. Under section 3.2 of the subdivision regulations the term "lot width" is defined as follows: "The horizontal distance between side lot lines, measured at the minimum front setback line, as required by either the Baldwin County Subdivision Regulations, or the Baldwin County Zoning Ordinance". When the minimum front setback line has been drafted on our proposed plat for lot 17, lot 19, and lot 20; it causes for extraordinary hardship / practical difficulty whereas the building areas on those lots are irregularly shaped and the particular surroundings of the specific property involved and a particular hardship to the owner would result if the strict letter of the typical regulations were carried out (as defined in Section 8.1B and 8.1C). Considering these findings for Phase 2 of Magnolia Acres; we would ask for a variance that would allow the minimum lot width requirements to be differentiated for lots 17, lot 19, and lot 20. As supporting documentation and to give a visual aid to the variance request; below is a draft of what the setback lines of lots 17 through lot 20 would look like if the subdivision regulations were met without a variance. In consideration to the findings as conveyed in this variance request; we feel that the feasibility of this variance request is substantiated by the facts as presented herein and would ask for the commissioner's approval of this request.

Truly,



James Ellis
Ellis Civil

Baldwin County Planning and Zoning Commission
Case No. S-20012, Silver Pines Subdivision, Re-Sub of Lots 1, 3 and 5
Development Permit Approval
Staff Report for Planning and Zoning Commission Public Hearing
February 6, 2020
Agenda Item 7.e

This report is prepared by the Baldwin County Planning and Zoning, Subdivision Staff to provide information to the Baldwin County Planning and Zoning Commission to assist in making decisions on this application.

I. PUBLIC HEARINGS:

Planning Commission: February 6, 2020 Development Permit Approval pending

Attachments: Vicinity Map
Site Map
Proposed Plat

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 12 – Zoned RSF-1

Location of Property: The subject property is located on the west side of County Road 49 and between Woodpecker Road and North Blvd in the Silverhill community.

Parcel Numbers: 05-47-02-03-0-000-002.005
05-47-02-03-0-000-002.007
05-47-02-03-0-000-002.009

Report Prepared By: Mary Booth; Subdivision Coordinator

III. SUBDIVISION PROPOSAL:

Proposed number of Lots: 4

Linear Feet of Streets: N/A

Total Acreage: ± 43.31

Smallest Lot Size: ± 9.25 acres

Owner/Developer: Silverhill 72, LLC
21780 Pollard Rd
Daphne, AL 36526

Engineer/Surveyor: S.E. Civil Engineering & Surveying
880 Holcombe Blvd
Fairhope, AL 36532

Request: The applicant is requesting Development Permit approval for the above-mentioned subdivision from the Baldwin County Planning and Zoning Commission.

IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS:

Public Utilities Services: Water: On-Site Well
 Sewer: On-Site septic
 Electricity: Baldwin EMC

Transportation: The proposed lots 1, 3 and 5B will front on County Road 49, a county maintained paved road and Lot 5A will front on West Blvd, a county maintained paved road.

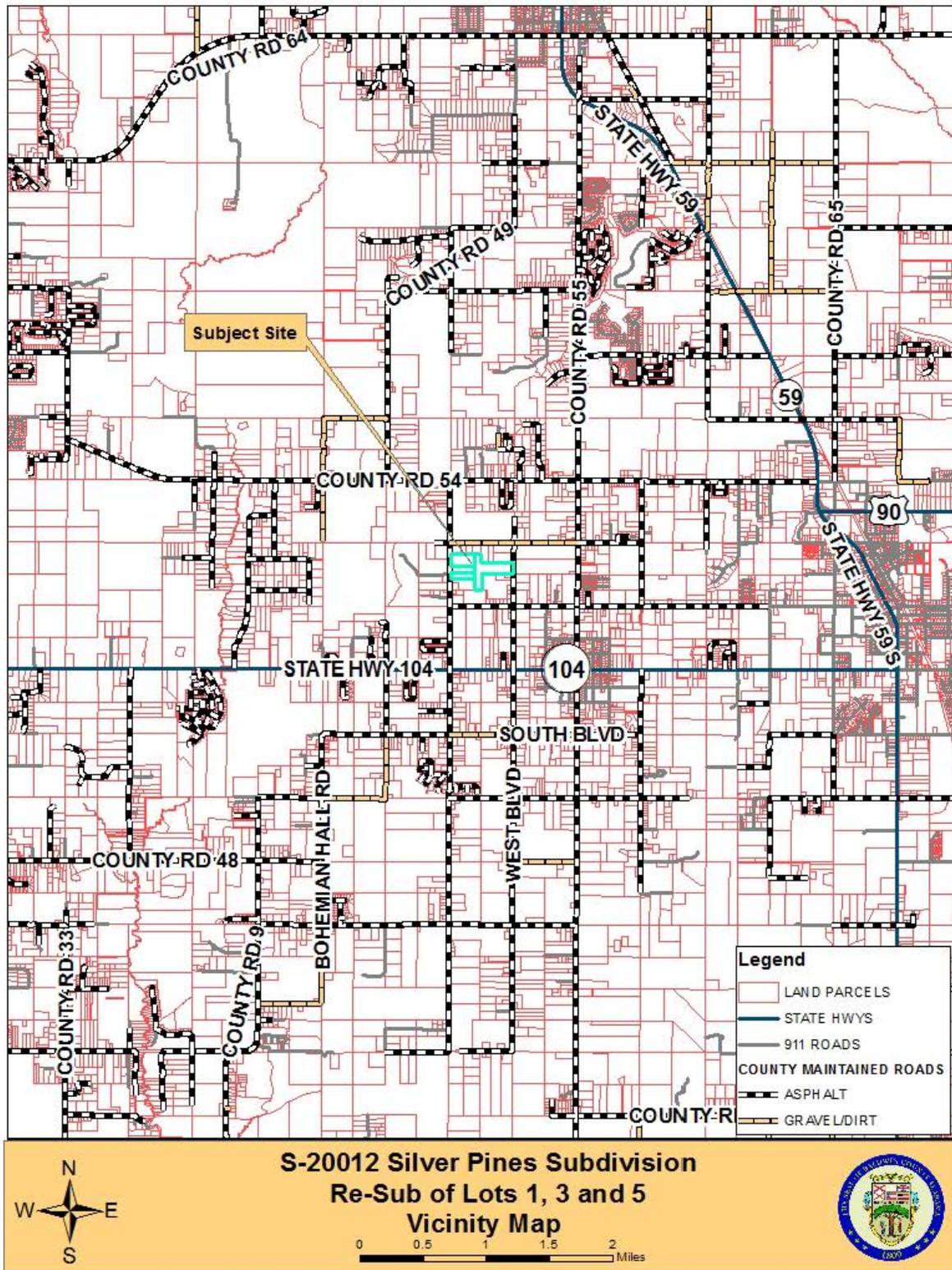
V. STAFF COMMENTS:

Items for consideration:

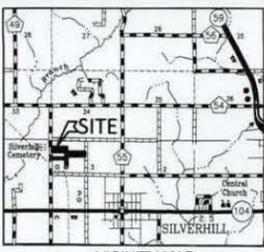
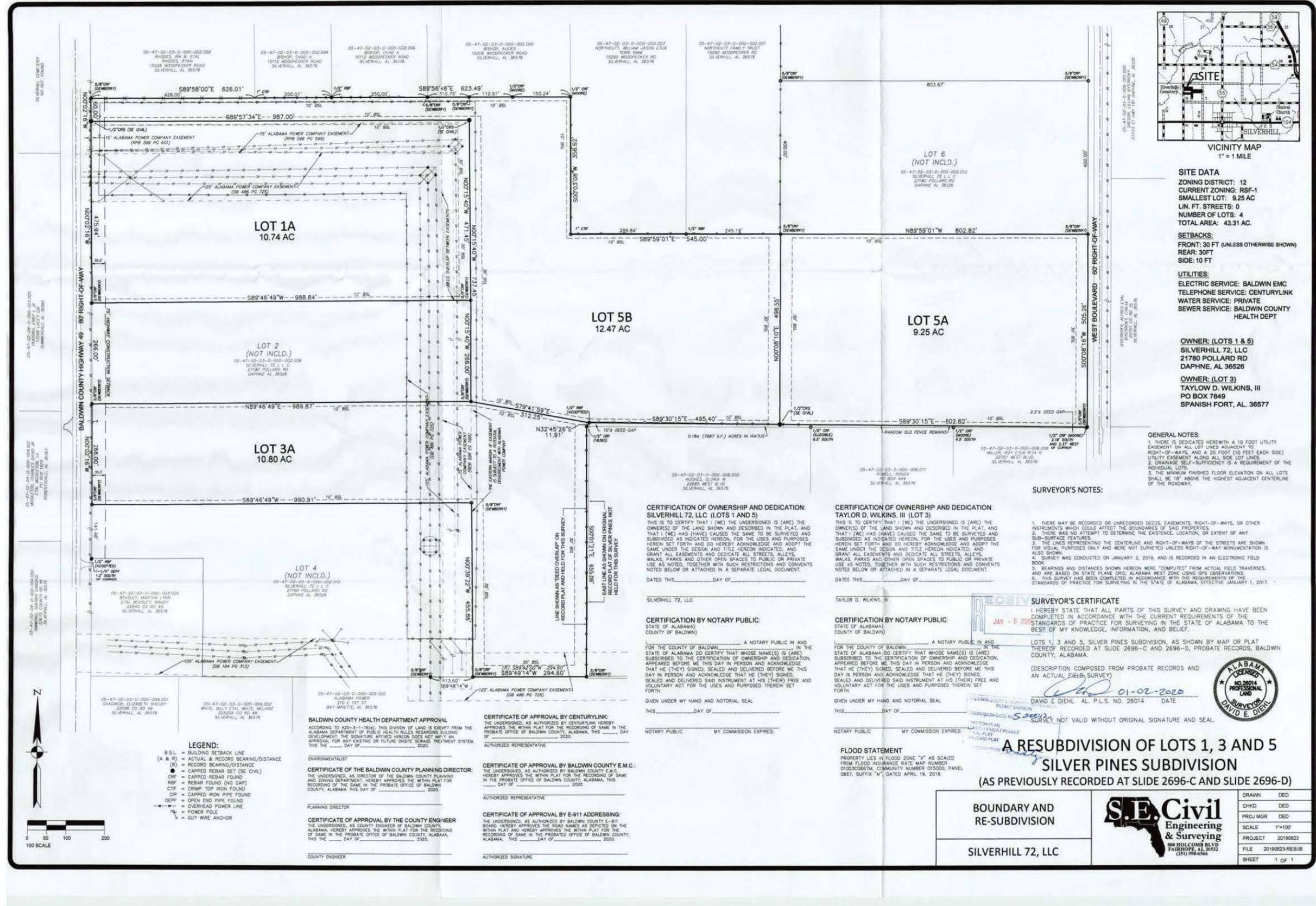
- All items of the Development Permit application meet the requirements of the subdivision regulations.

VI. RECOMMENDATIONS:

Staff recommends that the Development Permit for Case No. S-20012, Silver Pines Subdivision, Re-Sub of Lots 1, 3 and 5, be **APPROVED**.







SITE DATA
 ZONING DISTRICT: 12
 CURRENT ZONING: RSF-1
 SMALLEST LOT: 9.25 AC
 LIN. FT. STREETS: 0
 NUMBER OF LOTS: 4
 TOTAL AREA: 43.31 AC.

SETBACKS:
 FRONT: 30 FT (UNLESS OTHERWISE SHOWN)
 REAR: 30 FT
 SIDE: 10 FT

UTILITIES:
 ELECTRIC SERVICE: BALDWIN EMC
 TELEPHONE SERVICE: CENTURYLINK
 WATER SERVICE: PRIVATE
 SEWER SERVICE: BALDWIN COUNTY HEALTH DEPT

OWNER: (LOTS 1 & 5)
 SILVERHILL 72, LLC
 21780 POLLARD RD
 DAPHNE, AL 36528

OWNER: (LOT 3)
 TAYLOR D. WILKINS, III
 PO BOX 7849
 SPANISH FORT, AL 36577

GENERAL NOTES:
 1. THERE IS DEDICATED HEREWITH A 10 FOOT UTILITY EASEMENT ON ALL LOT LINES ADJACENT TO RIGHT-OF-WAYS, AND A 20 FOOT (10 FEET EACH SIDE) UTILITY EASEMENT ALONG ALL SIDE LOT LINES.
 2. DRAINAGE SELF-SUFFICIENCY IS A REQUIREMENT OF THE INDIVIDUAL LOTS.
 3. THE MINIMUM FINISHED FLOOR ELEVATION ON ALL LOTS SHALL BE 18" ABOVE THE HIGHEST ADJACENT CENTERLINE OF THE ROADWAY.

SURVEYOR'S NOTES:

1. THERE MAY BE RECORDED OR UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTIES.
2. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF ANY SUB-SURFACE FEATURES.
3. THE LINES REPRESENTING THE CENTERLINE AND RIGHT-OF-WAYS OF THE STREETS ARE SHOWN FOR VISUAL PURPOSES ONLY AND WERE NOT SURVEYED UNLESS RIGHT-OF-WAY MONUMENTATION IS ALSO SHOWN.
4. SURVEY WAS CONDUCTED ON JANUARY 2, 2019, AND IS RECORDED IN AN ELECTRONIC FIELD BOOK.
5. BEARINGS AND DISTANCES SHOWN HEREON WERE COMPUTED FROM ACTUAL FIELD TRAVERSERS, AND ARE BASED ON STATE PLANE GRID, ALABAMA WEST ZONE USING GPS OBSERVATIONS.
6. THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, EFFECTIVE JANUARY 1, 2017.

CERTIFICATION OF OWNERSHIP AND DEDICATION: SILVERHILL 72, LLC (LOTS 1 AND 5)
 THIS IS TO CERTIFY THAT I (WE) THE UNDERSIGNED IS (ARE) THE OWNER(S) OF THE LAND SHOWN AND DESCRIBED IN THE PLAT, AND THAT I (WE) HAS (HAVE) CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREON, FOR THE USES AND PURPOSES HEREIN SET FORTH AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DESIGN AND TITLE HEREON INDICATED, AND GRANT ALL EASEMENTS AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED, TOGETHER WITH SUCH RESTRICTIONS AND CONVENTS NOTED BELOW OR ATTACHED IN A SEPARATE LEGAL DOCUMENT.
 DATED THIS _____ DAY OF _____

SILVERHILL 72, LLC

CERTIFICATION BY NOTARY PUBLIC:
 STATE OF ALABAMA
 COUNTY OF BALDWIN
 I, _____, A NOTARY PUBLIC IN AND FOR THE COUNTY OF BALDWIN, _____ IN THE STATE OF ALABAMA DO CERTIFY THAT WHOSE NAME(S) IS (ARE) SUBSCRIBED TO THE CERTIFICATION OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE (THEY) SIGNED, SEALED AND DELIVERED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE (THEY) SIGNED, SEALED AND DELIVERED SAID INSTRUMENT AT HIS (THEIR) FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.
 GIVEN UNDER MY HAND AND NOTORIAL SEAL
 THIS _____ DAY OF _____

NOTARY PUBLIC MY COMMISSION EXPIRES: _____

CERTIFICATION OF OWNERSHIP AND DEDICATION: TAYLOR D. WILKINS, III (LOT 3)
 THIS IS TO CERTIFY THAT I (WE) THE UNDERSIGNED IS (ARE) THE OWNER(S) OF THE LAND SHOWN AND DESCRIBED IN THE PLAT, AND THAT I (WE) HAS (HAVE) CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREON, FOR THE USES AND PURPOSES HEREIN SET FORTH AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DESIGN AND TITLE HEREON INDICATED, AND GRANT ALL EASEMENTS AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED, TOGETHER WITH SUCH RESTRICTIONS AND CONVENTS NOTED BELOW OR ATTACHED IN A SEPARATE LEGAL DOCUMENT.
 DATED THIS _____ DAY OF _____

TAYLOR D. WILKINS, III

CERTIFICATION BY NOTARY PUBLIC:
 STATE OF ALABAMA
 COUNTY OF BALDWIN
 I, _____, A NOTARY PUBLIC IN AND FOR THE COUNTY OF BALDWIN, _____ IN THE STATE OF ALABAMA DO CERTIFY THAT WHOSE NAME(S) IS (ARE) SUBSCRIBED TO THE CERTIFICATION OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE (THEY) SIGNED, SEALED AND DELIVERED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE (THEY) SIGNED, SEALED AND DELIVERED SAID INSTRUMENT AT HIS (THEIR) FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.
 GIVEN UNDER MY HAND AND NOTORIAL SEAL
 THIS _____ DAY OF _____

NOTARY PUBLIC MY COMMISSION EXPIRES: _____

FLOOD STATEMENT
 PROPERTY LIES IN FLOOD ZONE "X" AS SCALED FROM FLOOD INSURANCE RATE MAP NUMBER 010303067M, COMMUNITY NUMBER 010500, PANEL 0267, SUFFIX "N", DATED APRIL 19, 2019.

BALDWIN COUNTY HEALTH DEPARTMENT APPROVAL
 ACCORDING TO 420-3-1-16(a), THIS DIVISION OF LAND IS EXEMPT FROM THE ALABAMA DEPARTMENT OF PUBLIC HEALTH RULES REGARDING BUILDING DEVELOPMENT. THE SIGNATURE AFFIXED HEREON DOES NOT IMPLY AN APPROVAL FOR ANY EXISTING OR FUTURE ON-SITE SEWAGE TREATMENT SYSTEM.
 THIS THE _____ DAY OF _____ 2020.

CERTIFICATE OF APPROVAL BY CENTURYLINK
 THE UNDERSIGNED, AS AUTHORIZED BY CENTURYLINK HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS _____ DAY OF _____ 2020.
 AUTHORIZED REPRESENTATIVE _____

CERTIFICATE OF APPROVAL BY BALDWIN COUNTY E.M.C.
 THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY E.M.C. BOARD, HEREBY APPROVES THE ROAD NAMES AS DEPICTED ON THE WITHIN PLAT AND HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS _____ DAY OF _____ 2020.
 AUTHORIZED REPRESENTATIVE _____

CERTIFICATE OF APPROVAL BY E-911 ADDRESSING
 THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY E-911 BOARD, HEREBY APPROVES THE ROAD NAMES AS DEPICTED ON THE WITHIN PLAT AND HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS _____ DAY OF _____ 2020.
 AUTHORIZED SIGNATURE _____

LEGEND:
 B.S.L. = BUILDING SETBACK LINE
 (A & R) = ACTUAL & RECORD BEARING/DISTANCE
 (R) = RECORD BEARING/DISTANCE
 ● = CAPPED REBAR SET (SEE CIVIL)
 ○ = CAPPED REBAR FOUND
 ○ = REBAR FOUND (NO CAP)
 ○ = CRAMP TOP IRON FOUND
 ○ = CAPPED IRON PIPE FOUND
 ○ = OPEN END PIPE FOUND
 ○ = OVERHEAD POWER LINE
 ○ = POWER POLE
 ○ = GUY WIRE ANCHOR

BALDWIN COUNTY PLANNING DIRECTOR APPROVAL
 THE UNDERSIGNED, AS DIRECTOR OF THE BALDWIN COUNTY PLANNING AND ZONING DEPARTMENT, HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS DAY OF _____ 2020.

PLANNING DIRECTOR

CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER
 THE UNDERSIGNED, AS COUNTY ENGINEER OF BALDWIN COUNTY, ALABAMA, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS _____ DAY OF _____ 2020.
 COUNTY ENGINEER _____

RECEIVED SURVEYOR'S CERTIFICATE
 I HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.
 LOTS 1, 3 AND 5, SILVER PINES SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2696-C AND 2696-D, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA.
 (DESCRIPTION COMPOSED FROM PROBATE RECORDS AND AN ACTUAL FIELD SURVEY)
 DAVID E. DIEHL, AL. P.L.S. NO. 26014 DATE 01-02-2020
 SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.

A RESUBDIVISION OF LOTS 1, 3 AND 5 SILVER PINES SUBDIVISION
 (AS PREVIOUSLY RECORDED AT SLIDE 2696-C AND SLIDE 2696-D)

BOUNDARY AND RE-SUBDIVISION	SILVERHILL 72, LLC		DRAWN	DED
			CHKD	DED
			PROJ MGR	DED
			SCALE	1"=100'
			PROJECT	20190623
			FILE	20190623-RESUB
			SHEET	1 OF 1

Baldwin County Planning & Zoning Commission
Case No. HS- 20001 – Barboza Appeal –U.S. Highway 98
Highway Construction Setback Appeal
Staff Report for Planning Commission Meeting
February 6, 2020
Agenda Item 7.f

This report is prepared by the Baldwin County Planning & Zoning, Subdivision Staff to provide information to the Planning Commission to assist in making decisions on this application.

I. PUBLIC HEARINGS:

Planning Commission: February 6, 2020 Hwy Const. Setback Appeal Pending

Attachments: Vicinity Map
Site Map
Highway Construction Setback Map
Site Sketch
Section 45-2-260 from the Code of Alabama 1975

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 22, Zoned B3

Location of Property: The subject site is located on the north side of U.S. Highway 98 just east of Saint Francis St. N. in Lillian.

Parcel No: 05-52-07-26-0-001-113.000

Report Prepared By: Mary Booth, Subdivision Coordinator

III. GENERAL INFORMATION:

Acreage: ± 0.55 acres

Proposed Use: 20' x 20' tire changing area

Applicant: Roberto Barboza
PO Box 206
Foley, AL 36536

Request: This is an appeal to the County administrative ruling concerning the enforcement of the Code of Alabama 1975 - [Section 45-2-260 Regulation of setbacks](#) (a.k.a. - Act No. 94-572 Highway Construction Setback) submitted by Alan Campbell, JR. The applicant is requesting an appeal from the Highway Construction Setback Legislation to construct a detached tire changing area beside an existing building.

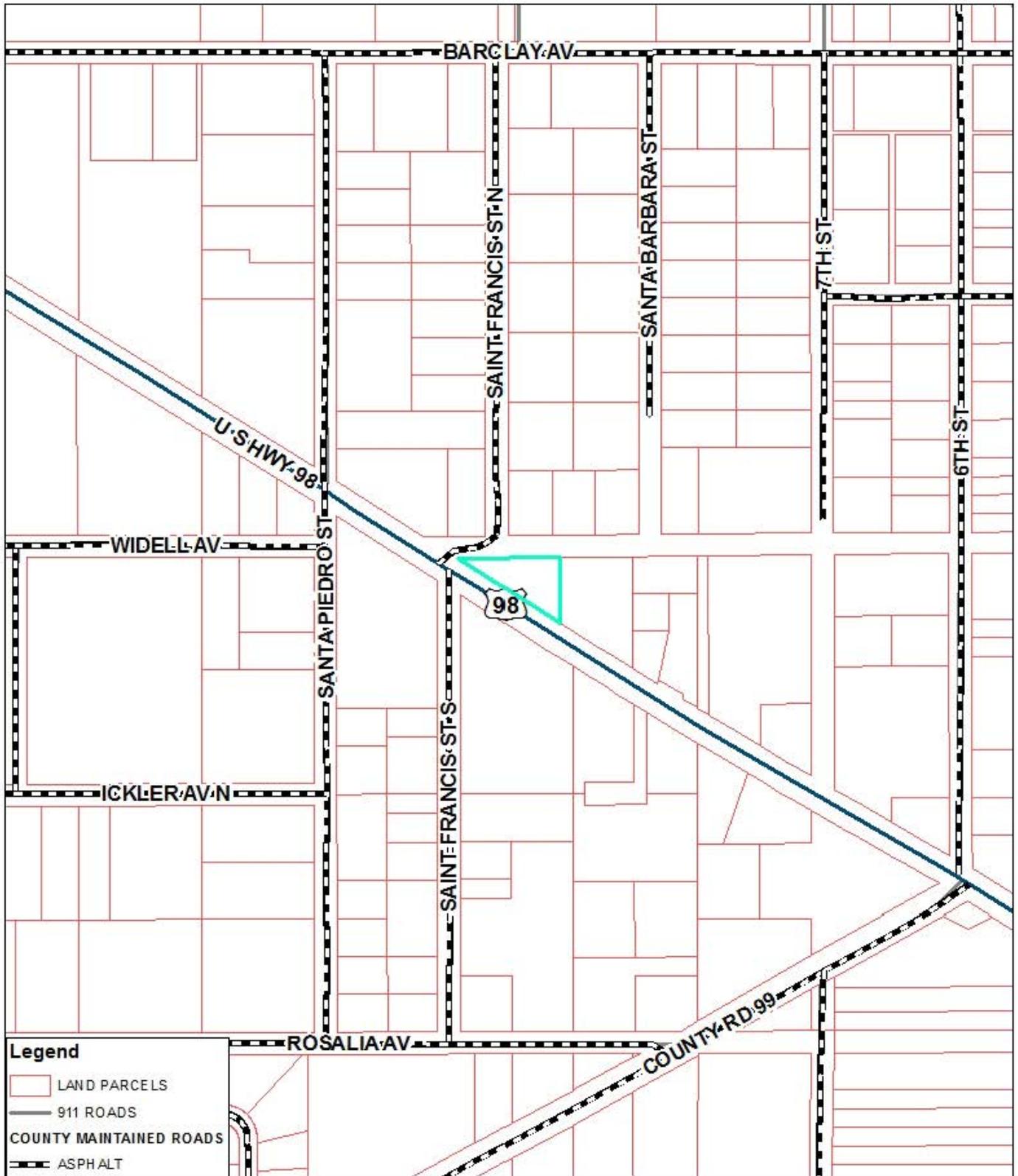
IV. STAFF COMMENTS:

Items for consideration:

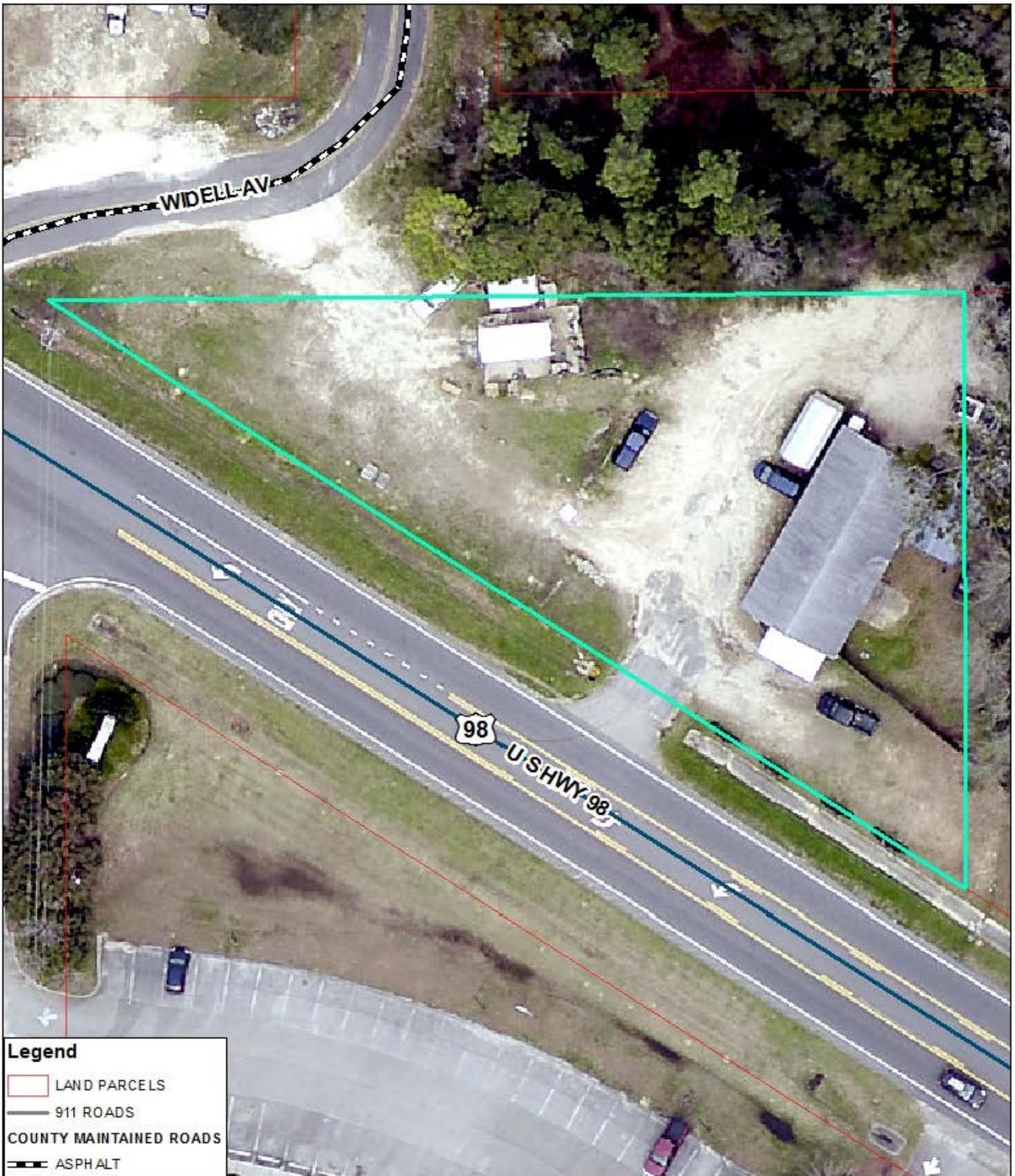
- The lot is an irregular shaped lot approximately 320' x 270'. The zoning setbacks are 30 feet front, 25 feet rear, 15 feet side.
- The existing building is currently within the Highway Construction Setback (see attached).
- With the setbacks enforced by zoning combined with the Highway Construction Setback, this makes this existing lot practically unusable.
- The applicant is proposing to construct a 20' x 20' detached covered area for changing tires. The proposed covered area will extend fully within the 125-foot Highway Setback.

V. RECOMMENDATIONS:

Staff has reviewed this request and recommends the Planning Commission approve the setback appeal for Case HS-20001 to allow the proposed detached covered area to extend approximately 10 feet into the Highway Construction Setback. Staff feels that enforcing the Highway Setback of 125 feet would make the property unusable due to the existing size of the property and location of existing building.




**HS-2001 - Barboza Setback Appeal
Vicinity Map**

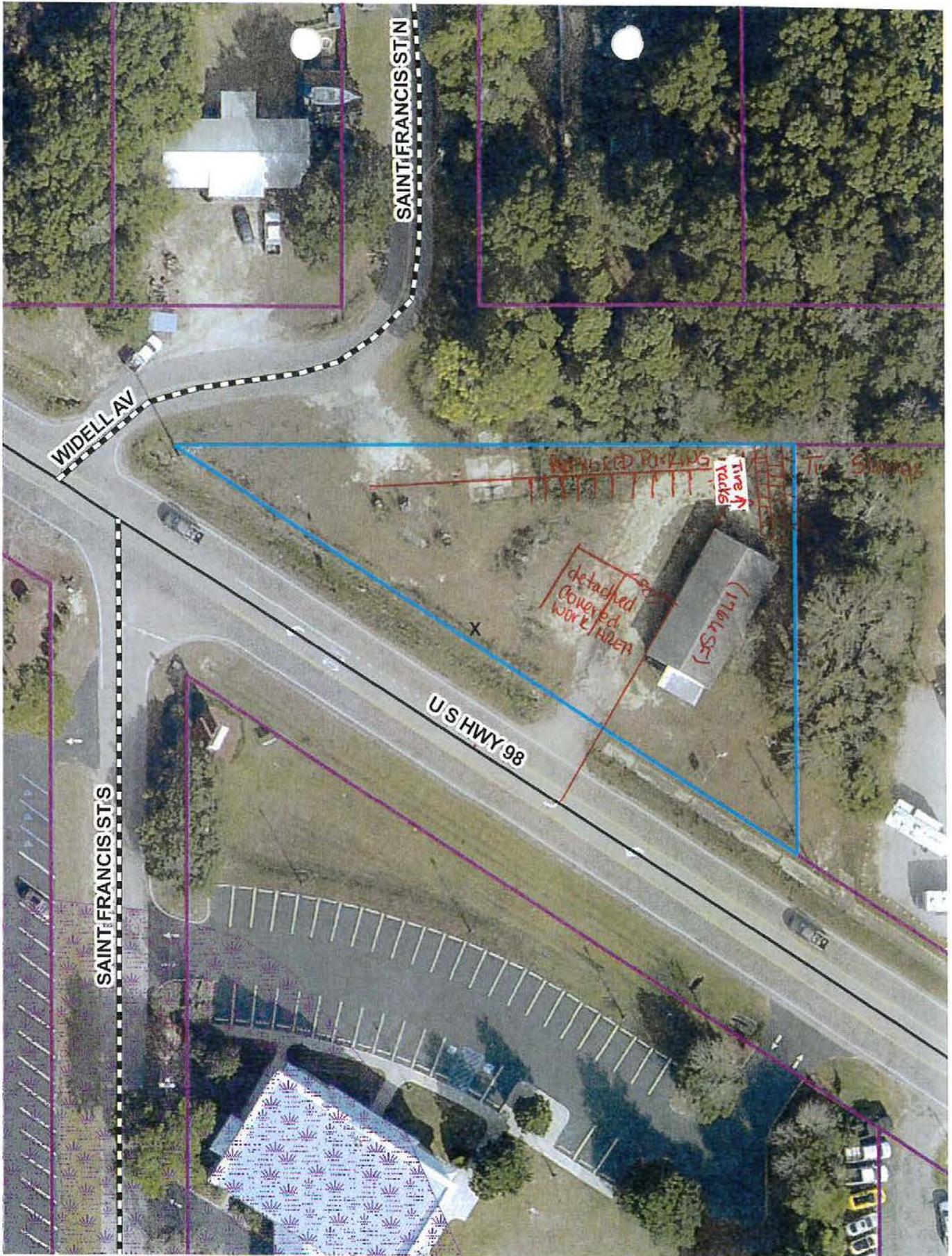




HS-20001 - Barboza Setback Appeal Site Map




**HS-20001 - Barboza Setback Appeal
Highway Construction Setback Map**





The Code of Alabama 1975

Title 45 LOCAL LAWS

Chapter 2 BALDWIN COUNTY

Article 26 Zoning and Planning

Part 1 Construction Setbacks

[Section 45-2-260](#) Regulation of setbacks

Section 45-2-260 - Regulation of setbacks

“HIGHWAY CONSTRUCTION SETBACK ENABLING LEGISLATION”

(a) This section shall apply only to Baldwin County.

(b) The Baldwin County Commission, through the county planning and zoning commission, shall regulate the construction setback from the centerline of any state or county public road or highway located outside the corporate limits of a municipality in Baldwin County.

(c) The provisions of this section do not apply to poles, facilities, structures, water, gas, sewer, electric, telephone, bill boards, or utility lines or other facilities of public utilities.

(d) The construction setback from any state or county public road or highway shall vary according to the highway functional classifications submitted by the Baldwin County Commission and approved by the Federal Highway Administration for Baldwin County.

(e) The functional classifications and the construction setbacks required for each classification are established as follows:

(1) Principal arterials require a 125 foot setback from the centerline of the right-of-way.

(2) Minor arterials require a 100 foot setback from the centerline of the right-of-way.

(3) Major collectors require a 75 foot setback from the centerline of the right-of-way.

(4) Minor collectors require a 50 foot setback from the centerline of the right-of-way.

(f) No permanent structure shall be erected or constructed within the designated construction setback.

(g) Any landowner or other aggrieved party may appeal any decision made pursuant to this section by filing notice with the Baldwin County Planning and Zoning Commission within a reasonable time after such decision. On such appeal, the Baldwin County Planning and Zoning Commission shall have authority to grant such relief as it may deem appropriate to remedy a gross inequity or extreme economic hardship as may be occasioned by

strict enforcement of this section or any determination made pursuant to it. From the decision of the Baldwin County Planning and Zoning Commission, and within 30 days thereof, any party may appeal the decision to the Circuit Court of Baldwin County, Alabama, for trial, de novo.

(h) The county may institute an appropriate civil action to prevent an unlawful setback or to otherwise enforce this section.

(i) The provisions of this section are supplemental to any laws or any rules, regulations, or ordinances, state or local, relating to the right-of-way and the construction setback along or near any county or state public road or highway outside the corporate limits of a municipality in Baldwin County.

(Act 94-572, p. 1044, §§1-9.)

The following list of exempt, permitted and prohibited structures was adopted as policy by the Baldwin County Planning & Zoning Commission on September 1, 1999.

Structures exempt from provisions of the Act:

Billboards

Utility structures such as poles, utility lines, and other utility structures

Non permanent structures permitted within the required construction setback

Signs

Access drives or roads

Overflow parking in excess of required parking spaces

Landscaping

Fences

Portable accessory structures such as a yard shed

Sidewalks & bike paths

Permanent structures prohibited within the required construction setback:

Any permanent structure not specifically permitted above including:

Buildings

Houses

Decks or porches

Mobile homes

Swimming pools

Drainage detention or retention structures

Septic tanks

Gas pumps

Underground storage tanks

Required parking spaces



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.a
 Case No. P-20001
 Pittman Property
 Conditional Use Approval, Mini-Warehouse Facility
 February 6, 2020

Subject Property Information

Planning District: 15
General Location: North side of Milton Jones Road, west of State Highway 181 (Lot 1 of Parker Subdivision)
Physical Address: N/A
Parcel Numbers: 05-43-05-22-0-000-013.076
Existing Zoning: B-2, Neighborhood Business District
Existing Land Use: Undeveloped (a greenhouse is currently located on the subject property)
Proposed Land Use: Mini-warehouse facility with buildings for boat and rv storage
Acreage: 7.2 acres +/-
Applicant: Curt Achee
 P.O. Box 2244
 Fairhope, Alabama 36533
Owner: Lee D. Pittman
 P.O. Box 26
 Montrose, Alabama 36559
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-3, Single Family District
South	Commercial, Undeveloped & Light Industrial	B-2, B-3 & M-1, Light Industrial
East	Commercial & Residential	B-2, B-3, General Commercial & RSF-3
West	Commercial	B-2 & B-1, Professional Business District

Summary

The applicant is requesting Conditional Use approval to allow for the construction of a mini-warehouse facility with buildings for the storage of boats and recreational vehicles. As proposed, the facility would have eight (8) structures. On January 21, 2020, the Baldwin County Commission approved a text amendment to the zoning ordinance which provides standards for mini-warehouse facilities (Section 13.14). This application will be reviewed in accordance with these standards.

Section 13.14 Mini-Warehouses

13.14.1 *Purpose.* The purpose of this section is to establish minimum standards for mini-warehouse facilities.

13.14.2 *Procedures and standards.*

(a) *Land use certificate required.* All mini-warehouse facilities are subject to the standards contained in this section and will be required to obtain a land use certificate prior to being granted a building permit.

(b) *Where permitted.* Mini-warehouse facilities are permitted as follows:

1. Special Exception – RR, Rural District, and RA, Rural Agricultural District
2. **Conditional Use** – RMF-6, Multiple Family District, HDR, High Density Residential District, B-1, Professional Business District and **B-2, Neighborhood Business District**
3. By Right – B-3, General Business District, B-4, Major Commercial District, M-1, Light Industrial District and M-2 General Industrial District

(c) *Land area.* The minimum land area of a mini-warehouse facility shall be three (3) acres.

(d) *Coverage.* Building coverage shall not exceed forty (40) percent of the total lot area.

(e) *Access.*

1. No mini-warehouse facility shall be located except with direct access to a paved county, state or federal highway, with a minimum lot width of not less than 50-feet for the portion used for entrance and exit.
2. All storage spaces shall be served by an access driveway of 11-feet minimum width for each direction of travel. Access drives shall be improved with a suitable hard surface permanent type of pavement such as asphalt, concrete, gravel, limestone or another similar surface.

(f) *Buffering.* In the event a mini-warehouse facility is located adjacent to residentially developed or zoned property, a landscaped buffer with a minimum width of 30-feet shall be provided. Said buffer shall consist of a combination of canopy trees, understory trees and shrubs which shall be of sufficient height to create a visual barrier.

(g) *Design and other requirements.*

1. *Facades.* Facades which are visible from a public right-of-way shall be constructed of masonry, wood or other materials which will present a pleasing appearance and which will be compatible with the surrounding area.
2. *Fencing.* The entire site of a mini-warehouse facility shall be enclosed by security fencing. The minimum height for fencing, along the side and rear property lines, shall be eight (8) feet, for fencing constructed to the exterior of required buffers, or six (6) feet for fencing constructed to the interior of required buffers. Fencing shall be composed of materials

designed for such use including masonry, iron, steel, chain link (painted or vinyl coated only), wood or a combination thereof. Fencing along the front of a mini-warehouse facility may be decorative in nature and may be built to a minimum height of four (4) feet.

3. *Lighting.* The maximum height of exterior lights shall be 20-feet. Light fixtures shall be designed to cast light downward. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.
4. *Compartments.* Each storage compartment shall have an independent entrance under the exclusive control of the tenant. The use of storage compartments shall be limited to the storage of personal property and no other use shall be permitted within such compartments.
5. *Outdoor storage.* Outdoor storage of goods and materials, with the exception of boats, recreational vehicles and trailers, shall be prohibited. Boats, recreational vehicles and trailers may be stored on site only if located in an enclosed building or if fully screened from public view by fences, walls, landscaping or a combination thereof.
6. *Parking and landscaping.* Unless otherwise stated herein, all mini-warehouse facilities shall meet the requirements of *Article 15: Parking and Loading Requirements* and *Article 17: Landscaping and Buffers*.

The area and dimensional requirements for the B-2 zoning designation are listed as follows:

5.2.5 Area and dimensional ordinances.

Maximum Height of Structure in Feet	35
Maximum Height of Structure in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.60
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

Agency Comments

Baldwin County Highway Department: *No comments received.*

ADEM: *No comments received.*

Municipality (City of Daphne): *No issues.*

Staff Analysis and Findings

The following factors for reviewing Conditional Use approvals are found in Section 18.11.1 of the *Baldwin County Zoning Ordinance*.

Section 18.11.1 *Authorization.* The Planning Commission may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any use that is expressly permitted as a Conditional

Use in a particular zoning district; however, the county reserves full authority to deny any request for Conditional Use, to impose conditions on the use, or to revoke approval at any time, upon finding that the permitted use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

Section 18.11.4 *Standards for approval*. A Conditional Use may be approved by the Planning Commission only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:

- (a) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Baldwin County Master Plan, these ordinances, or any other official plan, program, map or ordinance of Baldwin County.**

The Baldwin County Master Plan – 2013 indicates a future land use designation of Commercial for the subject property. The commercial category is provided for retail and wholesale trade facilities which offer convenience and other types of goods and services. Institutional uses, recreational uses, mixed-use developments and transportation, communication and utility uses may be included in accordance with the Zoning Ordinance. Multiple family developments may also be included. Commercial uses should be located on major streets so as to be accessible to the residential population. Zoning designations may include RR, B-1, B-2, B-3, B-4, MR and TR. The proposed use is consistent with the Master Plan and the requirements of the zoning ordinance.

- (b) The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location.**

The subject property is currently undeveloped, but occupied with a greenhouse (accessory structure). The property adjoins Milton Jones Road to the south. The adjoining properties on the north side of Milton Jones Road are commercial, residential and undeveloped. Property located across Milton Jones Road to the south is light industrial.

- (c) The proposed use shall not unduly decrease the value of neighboring property.**

A number of existing commercial and industrial structures are located in the vicinity and on adjacent properties. Staff believes that the proposed mini-warehouse facility is consistent with the existing structures and that there will be no significant change in property values as a result. In addition, required buffers will help to mitigate impacts on the adjacent residential properties. It should be noted that a mini-warehouse facility was previously approved for an adjacent parcel prior to it being subdivided from the subject property. This facility, however, was never constructed, and a different commercial building was built instead.

- (d) The use shall be compatible with the surrounding area and not impose an excessive burden or have substantial negative impact on surrounding or adjacent uses or on community facilities or services.**

See response to item (c) above. Staff knows of no excessive burdens or negative impacts which would result from approval of this conditional use application. In addition, the facility will be located approximately 500-feet north of Milton Jones Road which will help to lessen its impacts.

Section 18.11.5 *Conditions and restrictions on approval.* In approving a Conditional Use, the Planning Commission may impose conditions and restrictions upon the property benefited by the Conditional Use approval as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such conditional use upon the property in the neighborhood, and to carry out the general purpose and intent of the ordinances. In approving any Conditional Use, the Planning Commission may specify the period of time for which such approval is valid for the commencement of the proposed Conditional Use. The Planning Commission may, upon written request, grant extensions to such time allotments not exceeding 6 months each without written notice or hearing. Failure to comply with any such condition or restriction imposed by the Planning Commission shall constitute a violation of these ordinances. Those Conditional Uses which the Planning Commission approves subject to conditions shall have specified by the Planning Commission the time allotted to satisfy such conditions.

Staff Comments and Recommendation

As stated above, the applicant is requesting Conditional Use approval to allow for the construction of a mini-warehouse facility with buildings for the storage of boats and recreational vehicles. As proposed, the facility would have eight (8) structures. On January 21, 2020, the Baldwin County Commission approved a text amendment to the zoning ordinance which provides standards for mini-warehouse facilities.

Staff has reviewed this proposal in accordance with the new standards in Section 13.14 and has found that the proposal meets the specified requirements. Staff offers the following comments:

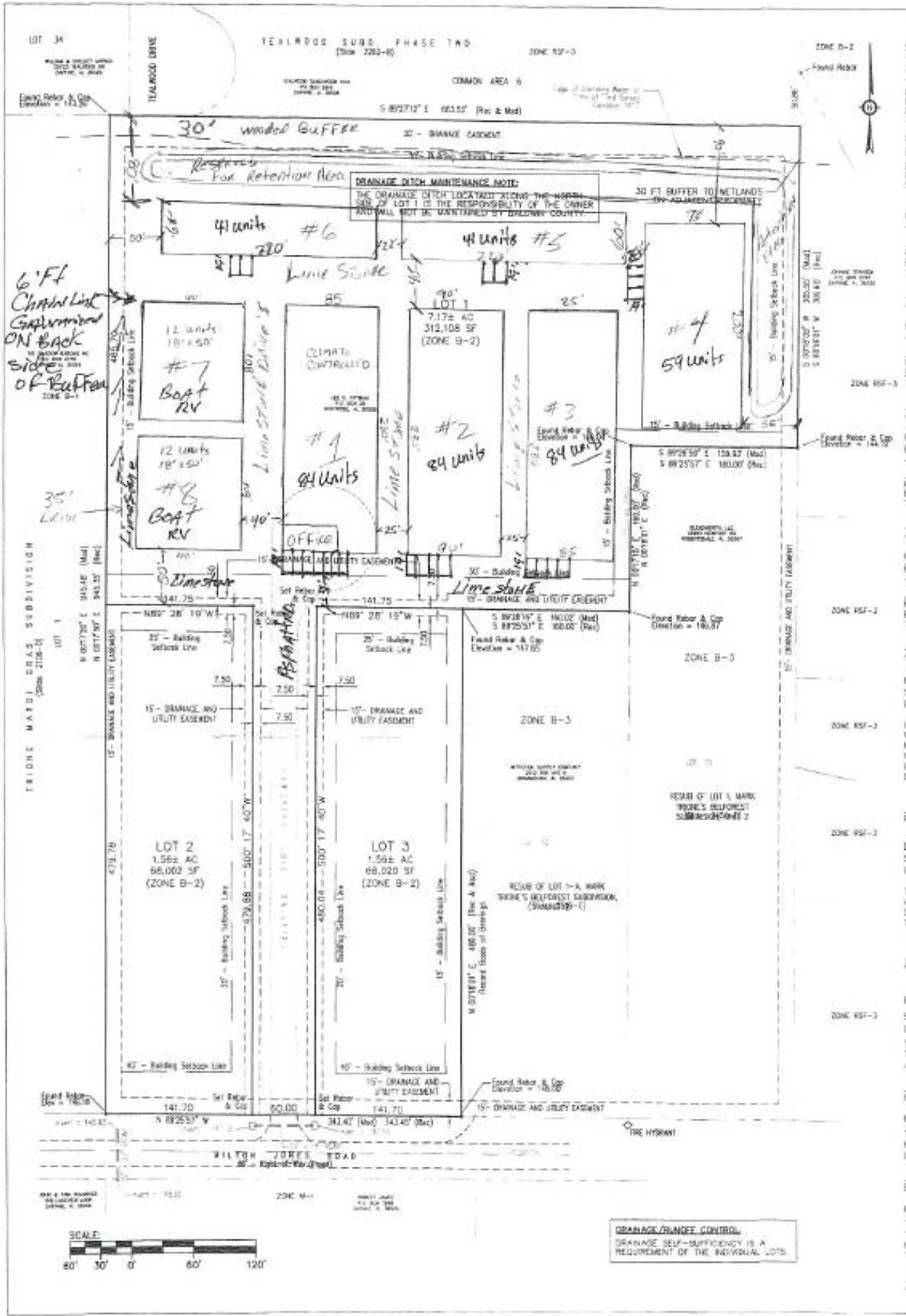
- Of the eight buildings proposed, two (Building #7 and Building #8) will have boat and recreational vehicle storage. A total of 417 storage units are proposed.
- Building coverage will be 119,400 square feet which represents 38 percent of the total site. A maximum of 40 percent building coverage is allowed.
- Twenty-two (22) off-street parking spaces with dimensions of 9'x19' are proposed. Nineteen (19) spaces would be required.
- The paving surface will be hard surface from the end of the existing private road to the office parking area. The remaining onsite drive system will be limestone with filter fabric under it, for weed control.
- The property has sufficient natural vegetation to meet the 30' buffer requirement on the north and east property lines. The applicant plans to retain the existing vegetation. A black, galvanized chain link fence with a height of 6' is proposed. The fence would be located to the interior of the vegetation as allowed. A portion of the property is already fenced due to fencing located on an adjacent parcel.
- The facade for the office will be a combination of architectural metal panels and glass for the front wall. It also will have a steeper pitch roof than typical. The facility will be located approximately 500' north of Milton Jones Road. As a result, visibility from the road should not be an issue. In addition, a commercial building is proposed for Lot 3, and a commercial building will likely be constructed on Lot 2 in the future.
- Exterior Lighting will be LED side wall lights attached to the buildings.
- The exact location for the retention areas is difficult to pin down at this time due to the fact that the property is being surveyed for wetlands. Staff believes that there is sufficient area for the retention and the required buffer and will work with the applicant to ensure that these requirements are met.

Staff recommends that Case P-20001 be **APPROVED**, subject to the following conditions:

- Approval shall be for this applicant and this location only.
- A land use certificate shall be obtained with six (6) months from the date of approval. Additional time may be granted by the Planning Commission if necessary.
- If signage is proposed, a Sign Permit application, demonstrating compliance with Article 16 of the zoning ordinance, shall be submitted to and approved by the Planning and Zoning Department.
- All requirements found in Section 13.14 shall be met.
- Any major changes and/or additions shall result in further review and approval by the Planning Commission.

**On Conditional Use applications, the Planning Commission makes the final decision.*

Site Plan



Property Images





**ADJOINING PROPERTY
TO THE SOUTH**

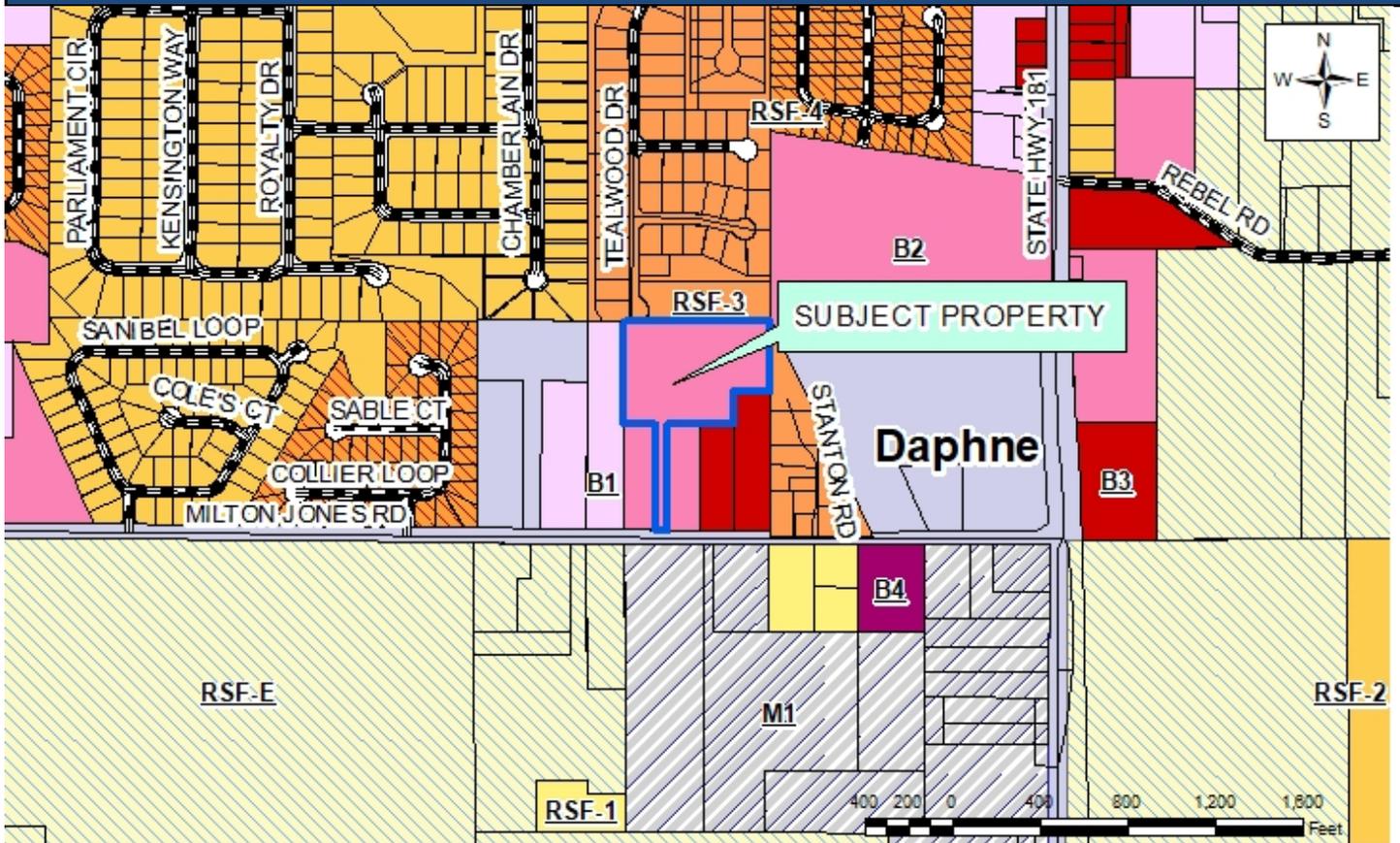
12/16/2019



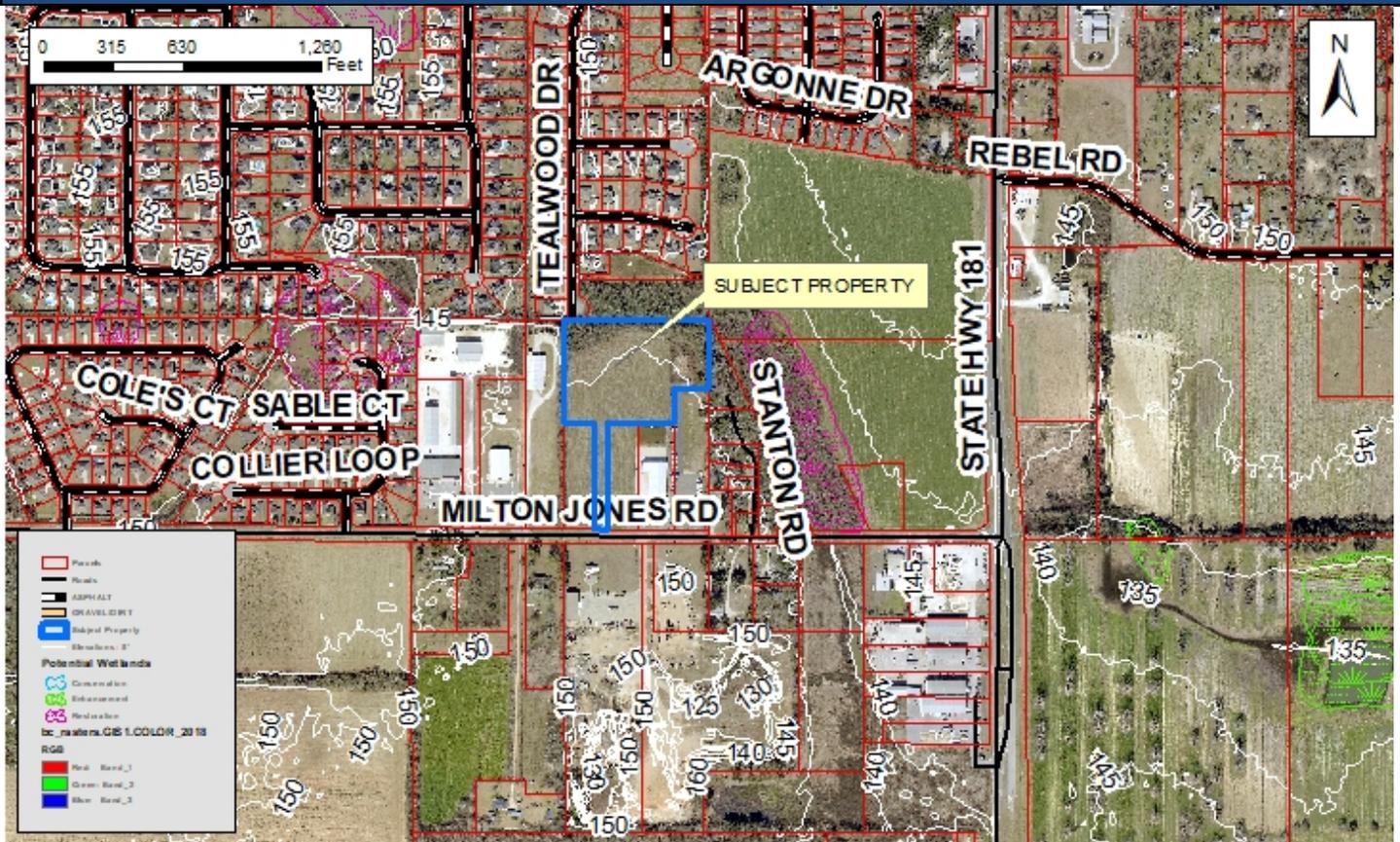
**EQUIPMENT SALES BUSINESS LOCATED
TO THE SOUTH EAST**

12/16/2019

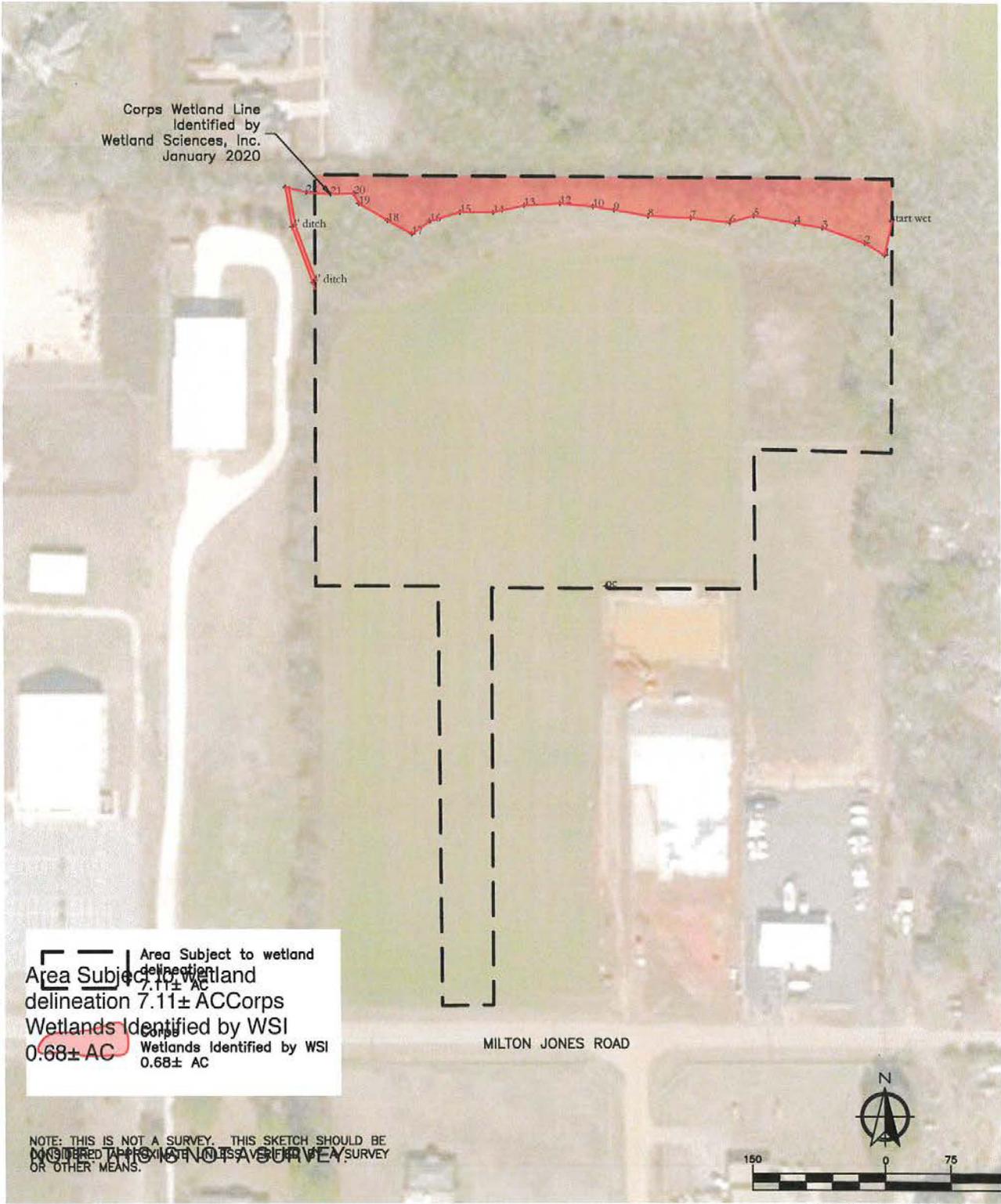
Locator Map



Site Map







ENVIRONMENTAL CONSULTANTS
 3308 GULF BEACH HIGHWAY
 PENSACOLA, FLORIDA 32507
 TEL: 850.453.4700
 CRAIG@WETLANDSCIENCES.COM

PROJECT NAME: MILTON JONES ROAD	
JURISDICTIONAL WETLAND SKETCH	
PROJECT NO.: 2020-020	
DRAWN BY: AJN	DATE: 01/20/2020
SHEET: 1 OF 1	



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.b
 Case No. P-20003
 Sutton Property
 Conditional Use Approval
 February 6, 2020

Subject Property Information

Planning District: 22
General Location: The parcel is located at the northeast corner of US Hwy 98 and Saint Francis St.
Physical Address: 34351 US Highway 98, Lillian, Al. 36549
Parcel Numbers: 05-52-07-26-0-001-113.000
Existing Zoning: B-3, General Business District
Existing Land Use: Commercial
Proposed Land Use: Commercial, used tire store
Acreage: .55 ± acres
Applicant: Roberto Barboza Ismael Fernandez
 P.O. Box 206
 Foley, Al. 36536
Owner: Richard Sutton
Lead Staff: D.J. Hart, Planning Technician
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-1, Residential Single-Family
South	Commercial	B-2, Neighborhood Business
East	Commercial	B-2, Neighborhood Business
West	Commercial	B-2, Neighborhood Business

Summary and Recommendation

The applicant is requesting Conditional Use approval to allow the operation of a used tire store on property zoned B-3.

Staff recommends that Case P-20003, Sutton Property be **APPROVED*** based on the information contained in this staff report.

**On Conditional Use applications, the Planning Commission makes the final decision.*

Section 5.3 B-3, General Business District

5.3.1 *Purpose and intent.* The purpose of this district is to provide for a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs. This district shall only be applied at appropriate locations: to conveniently meet these needs; in conformance with the goals, objectives and policies and location criteria of the Comprehensive Plan; compatible with the surrounding land uses and zoning districts; where it will not adversely impact the facilities and services of the County; where it will not set a precedent for the introduction of inappropriate uses into an area; and so as not to encourage non-residential strip development along streets

5.3.2 *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the B-3, General Business District:

- | | |
|--|--|
| (a) All uses permitted by right under the B-2 zoning designation | (dd) Funeral home |
| (b) Air conditioning sales and service | (ee) Golf course |
| (c) Amusement arcade | (ff) Golf driving range |
| (d) Animal clinic/kennel | (gg) Grocery store |
| (e) Arboretum | (hh) Landscape sales |
| (f) Auto convenience market | (ii) Marine store and supplies |
| (g) Automobile service station | (jj) Miniature golf |
| (h) Bakery, wholesale | (kk) Mini-warehouse |
| (i) Ball field | (ll) Night club, bar, tavern |
| (j) Bicycle sales and service | (mm) Nursery |
| (k) Boat sales and service | (nn) Office equipment and supplies sales |
| (l) Bowling alley | (oo) Park or playground |
| (m) Business machine sales and service | (pp) Pawn shop |
| (n) Business school or college | (qq) Pet shop |
| (o) Butane gas sales | (rr) Plumbing shop |
| (p) Cemetery | (ss) Printing/publishing establishment |
| (q) City hall or courthouse | (tt) Restaurant sales and supplies |
| (r) Country club | (uu) Riding academy |
| (s) Department store | (vv) Rug and/or drapery cleaning service |
| (t) Discount/variety store | (ww) Seafood store |
| (u) Drug store | (xx) Sign shop |
| (v) Elevator maintenance service | (yy) Skating rink |
| (w) Exterminator service office | (zz) Stone monument sales |
| (x) Farmer's market/truck crops | (aaa) Swimming pool (outdoor) |
| (y) Firing range | (bbb) Taxidermy |
| (z) Fitness center or gym | (ccc) Teen club or youth center |
| (aa) Florist | (ddd) Tennis court (outdoor) |
| (bb) Fraternity or sorority house | (eee) Wildlife sanctuary |
| (cc) Fruit and produce store | (fff) YMCA, YWCA |

5.3.3 **Conditional uses.** The following uses are permissible as conditional uses in the B-3: General Commercial District, subject to the standards and procedures established in *Section 18.11: Conditional Use*:

- | | |
|-----------------------------------|--|
| (a) Airport | (f) Automobile parts sales |
| (b) Ambulance/EMS service | (g) Automobile repair (mechanical and body) |
| (c) Amusement park | (h) Automobile storage (parking lot, parking garage) |
| (d) Armory | (i) Barge docking |
| (e) Auditorium, stadium, coliseum | (j) Broadcasting station |
| | (k) Building materials |

- (l) Bus and railroad terminal facility
- (m) College or university
- (n) Convalescent or nursing home
- (o) Correctional or penal institution
- (p) Dog pound
- (q) Electric power substations
- (r) Farm implements
- (s) Flea market
- (t) Freight depot, rail or truck
- (u) Home improvement center
- (v) Hotel or motel
- (w) Hospital
- (x) Landfill
- (y) Maintenance facility/storage yard for schools, government agencies, telephone and cable companies
- (z) Manufactured housing sales, service and repair
- (aa) Marina
- (bb) Motorcycle sales service and repair
- (cc) Movie theatre
- (dd) Radio/television tower
- (ee) Railroad facility
- (ff) Recreational vehicle park
- (gg) Recreational vehicle sales service, and repair
- (hh) Restaurant, drive-in
- (ii) Restaurant, fast-food
- (jj) Sewage treatment plant
- (kk) Taxi dispatching station
- (ll) Taxi terminal
- (mm) Telephone exchange
- (nn) Water or sewage pumping station
- (oo) Water storage tank
- (pp) Wireless telecommunication facility
- (qq) Zoo

5.3.4 *Area and dimensional ordinances.*

Maximum Height of Structure in Feet	40
Maximum Height of Structure in Habitable Stories	3
Minimum Front Yard	40-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.70
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

5.3.5 *Lighting standards.* The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one-foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.

5.3.6 *Distance between structures.* If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15-feet or a distance equal to one-half the sum of their heights, whichever is the greater.

5.3.7 *Landscaping and buffering.* All B-3, General Business District, uses shall meet the requirements of *Article 17: Landscaping and Buffers.*

Agency Comments

Baldwin County Highway Department:

Subdivision Manager, Mary Booth: I do not have any comments

Frank Lundy, P.E.: no comments received

Construction Manager- Tyler Mitchell, PE:

DJ,

It appears that some of the proposed improvements will fall within the highway construction setback. Access to Saint Francis St N would require a turnout permit from the County Highway Department. Anything pertaining to Hwy 98 would require coordination with ALDOT.

Thanks,

Tyler Mitchell, P.E.

Construction Manager

Baldwin County Highway Department

o: 251-937-0371

c: 251-525-0497

ADEM: no comments received

ALDOT:

Good afternoon DJ,

I think we would want the access shaped and headwalls redone for this new use. Just looking at the aerial imagery, it does not appear to be 24' wide and the radii are not large enough for commercial use. I would assume a delivery truck would need to enter the site periodically to bring tires. Enlarging would require pipe to be added as well. Thanks for reaching out. Let us know if you have anything else.

MICHAEL SMITH

AREA PERMIT MNGR.

OFFICE: 251- 470- 8273

CELL: 251 - 331 - 0104

Municipality: N/A

Staff Analysis and Findings

As stated previously, the applicant is requesting Conditional Use approval to allow a used tire store to be located on the subject property. The subject property was re-zoned to B-3 by the Baldwin County Commission during the December 17, 2019 public hearing. The requested use, used tire store, is allowed under the B-3 designation, subject to the Conditional Use approval of the Planning Commission.

The following factors for reviewing Conditional Use approvals are found in Section 18.11.1 of the *Baldwin County Zoning Ordinance*.

Section 18.11.1 *Authorization*. The Planning Commission may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any use that is expressly permitted as a Conditional Use in a particular zoning district; however, the county reserves full authority to deny any request for Conditional Use, to impose conditions on the use, or to revoke approval at any time, upon finding that the permitted use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

Section 18.11.4 *Standards for approval*. A Conditional Use may be approved by the Planning Commission only upon determination that the application and evidence presented clearly indicate that all the following standards have been met:

- (a) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Baldwin County Master Plan, these ordinances, or any other official plan, program, map or ordinance of Baldwin County.**

The Baldwin County Master Plan – 2013 indicates the subject property as Commercial.

B-3 General Business District

The purpose of this district is to provide for a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs. This district shall only be

applied at appropriate locations: to conveniently meet these needs; in conformance with the goals, objectives and policies of the Master Plan; compatible with the surrounding land uses and zoning districts; where it will not adversely impact the facilities and services of the County; where it will not set a precedent for the introduction of inappropriate uses into an area; and so as not to encourage non-residential strip development along streets.

Since the proposed use is analogous to a use which may be allowed under the B-3 designation, it is consistent with the Zoning Ordinance as well as the Master Plan.

(b) The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location.

The subject property is currently occupied with one commercial Building. The applicant plans to construct a 20 x 20 detached covered area for use in changing tires. The applicant has applied for a Highway Construction Setback Variance to allow the location shown on the site plan. If approved, the detached cover will be allowed to be in the area shown.

The property adjoins US Highway 98 and Saint Frances Street. The adjoining property to the north is residential. The adjoining properties to the east, west and south are commercial.

(c) The proposed use shall not unduly decrease the value of neighboring property.

Properties adjacent to this parcel are currently being used as commercial. The proposed use shouldn't unduly decrease the value of neighboring properties. The existing building has been used as commercial since 1994 and a tire store had been operated as recent as 2016.

(d) The use shall be compatible with the surrounding area and not impose an excessive burden or have substantial negative impact on surrounding or adjacent uses or on community facilities or services.

Staff anticipates no major burdens or impacts. Please see responses to items (b) and (c), listed above.

Section 18.11.5 *Conditions and restrictions on approval.* In approving a Conditional Use, the Planning

Commission may impose conditions and restrictions upon the property benefited by the Conditional Use approval as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such conditional use upon the property in the neighborhood, and to carry out the general purpose and intent of the ordinances. In approving any Conditional Use, the Planning Commission may specify the period of time for which such approval is valid for the commencement of the proposed Conditional Use. The Planning Commission may, upon written request, grant extensions to such time allotments not exceeding 6 months each without written notice or hearing. Failure to comply with any such condition or restriction imposed by the Planning Commission shall constitute a violation of these ordinances. Those Conditional Uses which the Planning Commission approves subject to conditions shall have specified by the Planning Commission the time allotted to satisfy such conditions.

Staff Comments and Recommendation

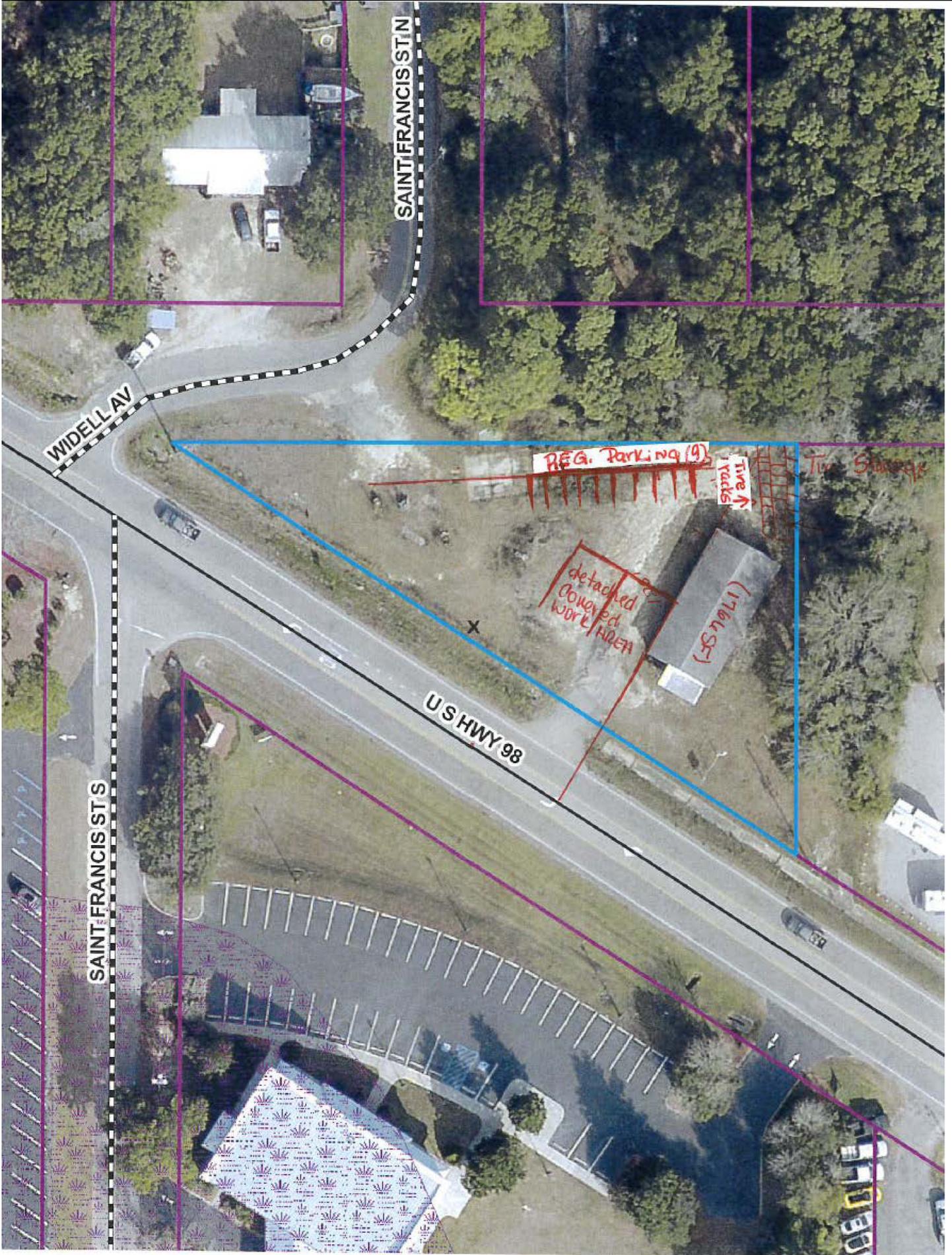
As stated previously, the applicant is requesting Conditional Use approval to allow a used tire store on the parcel. Staff feels this is a reasonable request and recommends the request be **APPROVED*** based on the conditions listed below.

If the Planning and Zoning Commission votes to approve the request the following conditions should be included:

- Approval shall be for this applicant and this location only.
- All storage and display of tires shall be confined behind the building, as shown on the submitted site plan.
- All parking associated with the business shall be located on the subject property and shall be confined to the area designated for parking on the submitted site plan. No required parking is allowed in the Highway Construction Setback. Parking shall meet the requirements of Article 15 of the *Baldwin County Zoning Ordinance*. (9 parking spaces)
- Any lighting, whether permanent or temporary shall meet the requirements of section 5.3.5 of the *Baldwin County Zoning Ordinance*.
- A Baldwin County Land Use Certificate shall be obtained no later than six (6) months from the date of Conditional Use approval. The Planning Commission may grant additional time if deemed necessary.
- All signage must comply with Article 16 of the *Baldwin County Zoning Ordinance*.
- Any expansion of the proposed business shall necessitate additional review and approval by the Planning Commission.
- The Planning Commission may impose additional conditions as it sees fit.

**On Conditional Use applications, the Planning Commission makes the final decision.*

Site Plan



Property Images

b





**ADJOINING PROPERTY
TO THE EAST**

10/15/2019

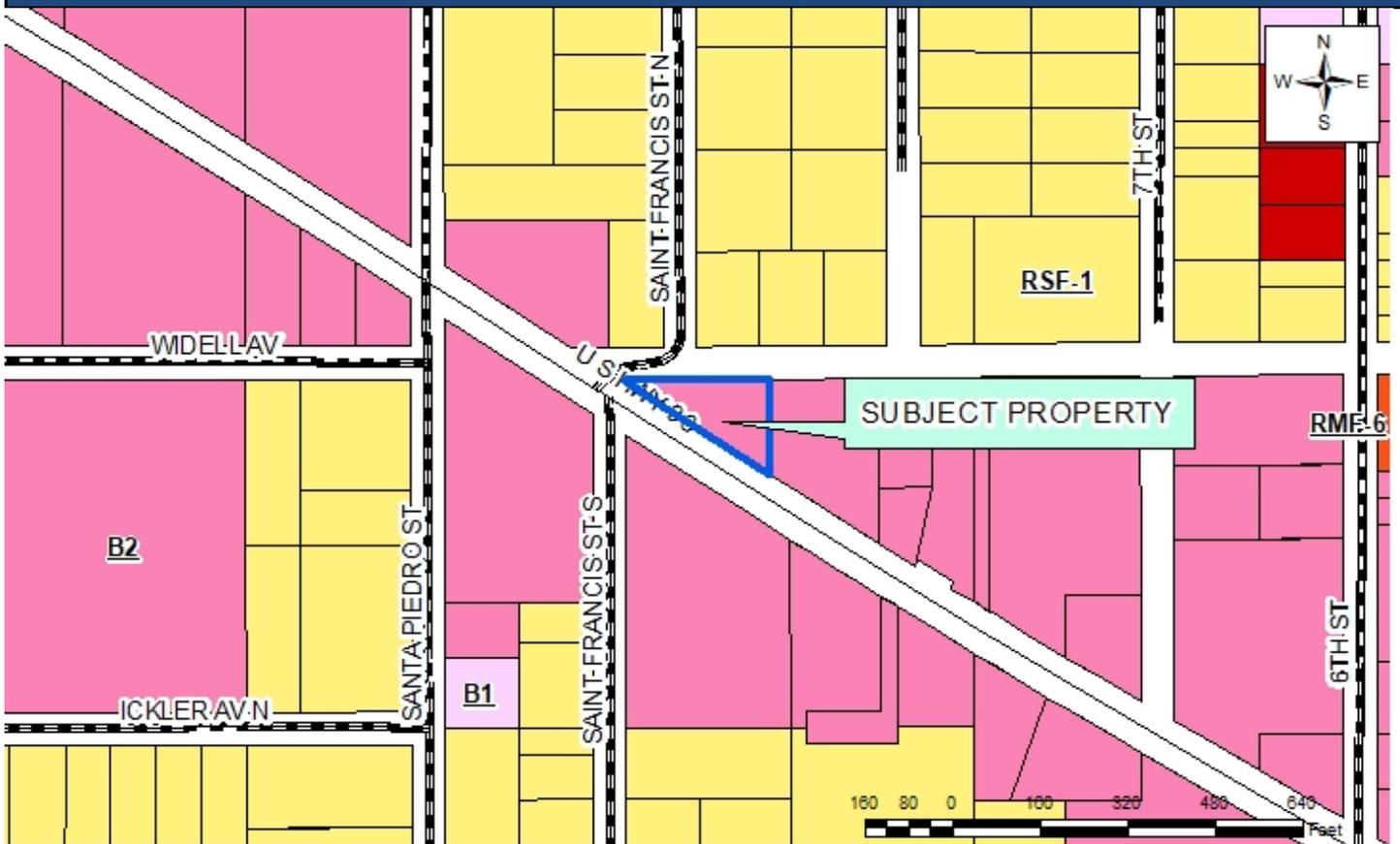


**ADJOINING RESIDENCE
TO THE WEST**

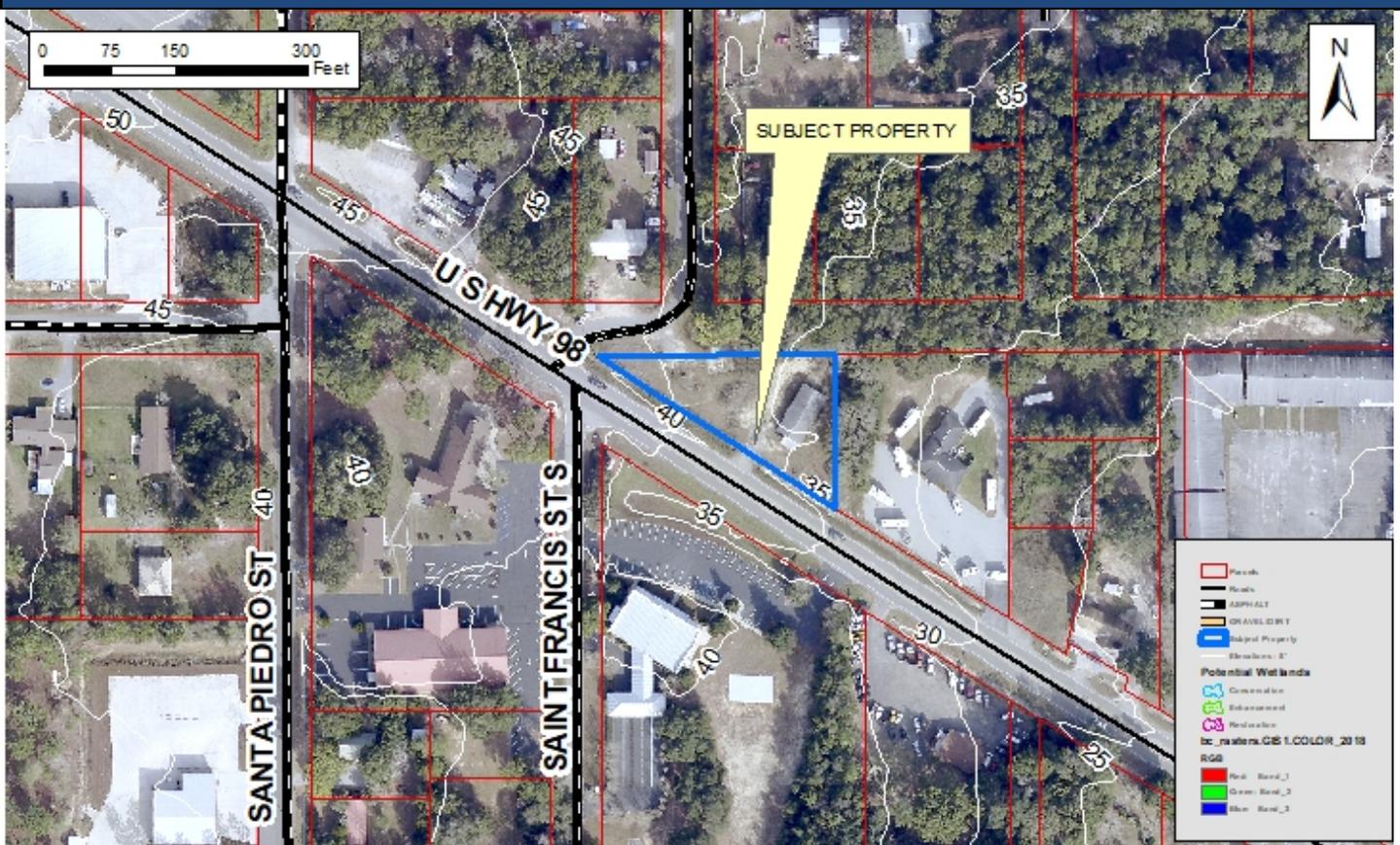
10/15/2019



Locator Map



Site Map





Baldwin County Planning & Zoning Commission
Agenda
ADDENDUM

Thursday, February 6, 2020

6:00 p.m.

Baldwin County Central Annex

Main Auditorium

22251 Palmer Street

Robertsdale, Alabama

www.planning.baldwincountyal.gov

1. Re-Zoning CASE

a.) Case Z-20002, Foster Property

*Disclosure of Prior Outside Communication –Pursuant to Article VI,
Section 15(b), Planning Commission By-Laws*

Purpose: The applicant is requesting to rezone 5 acres from RSF-E to B-3 to allow for commercial development.

Location: The subject property is located on the north side of Co. Rd. 64, just east of State Highway 181, in Planning District 15.



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 1.a

Case No. Z-20002

Foster Property

Rezone RSF-E, Residential Single Family Estate District to B-3, General Business District

February 6, 2020

Subject Property Information

Planning District: 15
General Location: North side of County Road 64, east of State Highway 181
Physical Address: 10143 County Road 64 and 10145 County Road 64
Parcel Numbers: 05-43-06-14-0-000-013.000 and 05-43-06-14-0-000-013.001
Existing Zoning: RSF-E, Residential Single Family Estate District
Proposed Zoning: B-3, General Business District
Existing Land Use: Residential
Proposed Land Use: Commercial (Proposed retail center)
Acreage: 5 acres +/-
Applicants: Sidney S. and Barbara A. Foster
 10145 County Road 64
 Daphne, Alabama 36526
 Michael Edward Foster
 686 River Route
 Magnolia Springs, Alabama 36555
Owner: Same
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	B-3, General Business District
South	Residential, Commercial & Institutional	B-1, General Business & RSF-E
East	Residential	RSF- E, Residential Single Family Estate
West	Vacant	B-3, General Business District

Summary

This application involves two parcels which together consist of approximately 5 acres. The subject properties are currently zoned RSF-E, Residential Single Family Estate District. The designation of B-3 General Business District, has been requested for the purpose of constructing a commercial retail center in conjunction with adjacent commercially zoned parcels.

Section 4.1 RSF-E, Residential Single Family Estate District

4.1.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a very low density residential environment consisting of single family homes on estate size lots.

4.1.2 *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) Agricultural uses.
- (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.

4.1.3 *Conditional uses.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as conditional uses:

- (a) Outdoor recreation uses.
- (b) The following institutional uses: day care home; fire station; school (public or private).
- (c) The following general commercial uses: country club.

4.1.4 *Special exception.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following use and structures designed for such use may be allowed as a special exception:

The following local commercial use: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

4.1.5 *Area and dimensional ordinances.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.6 Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35-Feet
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	80,000 Square Feet
Minimum Lot Width at Building Line	165-Feet
Minimum Lot Width at Street Line	165-Feet
Maximum Ground Coverage Ratio	.35

4.1.6 *Area and dimensional modifications.* Within the RSF-E district, area and dimensional requirements may be reduced, as set forth below, where property is divided among the following legally related family members: spouse, children, siblings, parents, grandparents, grandchildren, or step-related individuals of the same status.

Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	40,000 Square Feet
Minimum Lot Width at Building Line	120-Feet
Minimum Lot Width at Street Line	120-Feet

Proposed Zoning Requirements

Section 5.3 B-3, General Business District

5.3.1 *Purpose and intent.* The purpose of this district is to provide for a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs. This district shall only be applied at appropriate locations: to conveniently meet these needs; in conformance with the goals, objectives and policies and location criteria of the Comprehensive Plan; compatible with the surrounding land uses and zoning districts; where it will not adversely impact the facilities and services of the County; where it will not set a precedent for the introduction of inappropriate uses into an area; and so as not to encourage non-residential strip development along streets

5.3.2 *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the B-3, General Business District:

- | | |
|--|--|
| (a) All uses permitted by right under the B-2 zoning designation | (y) Fitness center or gym |
| (b) Air conditioning sales and service | (z) Florist |
| (c) Amusement arcade | (aa) Fraternity or sorority house |
| (d) Animal clinic/kennel | (bb) Fruit and produce store |
| (e) Arboretum | (cc) Funeral home |
| (f) Auto convenience market | (dd) Golf course |
| (g) Automobile service station | (ee) Golf driving range |
| (h) Bakery, wholesale | (ff) Grocery store |
| (i) Ball field | (gg) Landscape sales |
| (j) Bicycle sales and service | (hh) Marine store and supplies |
| (k) Bowling alley | (ii) Miniature golf |
| (l) Business machine sales and service | (jj) Mini-warehouse |
| (m) Business school or college | (kk) Night club, bar, tavern |
| (n) Butane gas sales | (ll) Nursery |
| (o) Cemetery | (mm) Office equipment and supplies sales |
| (p) City hall or courthouse | (nn) Park or playground |
| (q) Country club | (oo) Pawn shop |
| (r) Department store | (pp) Pet shop |
| (s) Discount/variety store | (qq) Plumbing shop |
| (t) Drug store | (rr) Printing/publishing establishment |
| (u) Elevator maintenance service | (ss) Restaurant sales and supplies |
| (v) Exterminator service office | (tt) Riding academy |
| (w) Farmer's market/truck crops | (uu) Rug and/or drapery cleaning service |
| (x) Firing range | (vv) Seafood store |
| | (ww) Sign shop |

- (xx) Skating rink
- (yy) Stone monument sales
- (zz) Swimming pool (outdoor)
- (aaa) Taxidermy

- (bbb) Teen club or youth center
- (ccc) Tennis court (outdoor)
- (ddd) Wildlife sanctuary
- (eee) YMCA, YWCA

5.3.3 *Conditional uses.* The following uses are permissible as conditional uses in the B-3: General Commercial District, subject to the standards and procedures established in *Section 18.11: Conditional Use*:

- (a) Airport
- (b) Ambulance/EMS service
- (c) Amusement park
- (d) Armory
- (e) Auditorium, stadium, coliseum
- (f) Automobile parts sales
- (g) Automobile repair (mechanical and body)
- (h) Automobile storage (parking lot, parking garage)
- (i) Barge docking
- (j) Boat sales and service
- (k) Broadcasting station
- (l) Building materials
- (m) Bus and railroad terminal facility
- (n) College or university
- (o) Convalescent or nursing home
- (p) Correctional or penal institution
- (q) Dog pound
- (r) Electric power substations
- (s) Farm implements
- (t) Flea market
- (u) Freight depot, rail or truck
- (v) Home improvement center
- (w) Hotel or motel
- (x) Hospital
- (y) Landfill
- (z) Maintenance facility/storage yard for schools, government agencies, and telephone and cable companies
- (aa) Manufactured housing sales, service and repair
- (bb) Marina
- (cc) Motorcycle sales service and repair
- (dd) Movie theatre
- (ee) Radio/television tower
- (ff) Railroad facility
- (gg) Recreational vehicle park
- (hh) Recreational vehicle sales service, and repair
- (ii) Restaurant, drive-in
- (jj) Restaurant, fast-food
- (kk) Sewage treatment plant
- (ll) Taxi dispatching station
- (mm) Taxi terminal
- (nn) Telephone exchange
- (oo) Water or sewage pumping station
- (pp) Water storage tank
- (qq) Wireless telecommunication facility
- (rr) Zoo

5.3.4 *Area and dimensional ordinances.*

Maximum Height of Structure in Feet	40
Maximum Height of Structure in Habitable Stories	3
Minimum Front Yard	40-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.70
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

5.3.5 *Lighting standards.* The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one-foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No light shall be aimed directly toward a property designated residential, which is located within 200-feet of the source of the light.

5.3.6 *Distance between structures.* If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15-feet or a distance equal to one-half the sum of their heights, whichever is the greater.

5.3.7 *Landscaping and buffering.* All B-3, General Business District, uses shall meet the requirements of *Article 17: Landscaping and Buffers.*

Agency Comments

Baldwin County Highway Department: No comments available at this time. Comments will be made available when received.

Planning & Zoning/Subdivisions (Mary Booth, Subdivision Coordinator): No comments.

ADEM: No comments received.

ALDOT: No comments received.

City of Daphne (Adrienne Jones, Planning Director): The rezoning case is near a commercial intersection and it would be reasonable to recommend approval.

Staff Analysis and Findings

The following factors for reviewing zoning amendments are found in Section 19.6 of the *Baldwin County Zoning Ordinance*. These factors are to be considered when an application is being reviewed for rezoning.

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

The subject properties, which are currently residential are occupied with single family dwellings, accessory structures and a cellular communication tower. According to the information provided, the cellular tower will remain in place if the properties are rezoned and developed. The properties adjoin County Road 64 to the south. The adjoining properties to the north and west, which are zoned commercial, are residential and vacant. Properties to the south and east and zoned commercial and residential and are commercial, institutional and residential.

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?

The zoning for Planning District 15 was adopted by the County Commission on August 1, 2006. The area has seen significant residential growth since that time. As a result, there is an increased demand for commercial development to serve the residents of the area.

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

The Baldwin County Master Plan, 2013, provides future land use designations for properties located within the zoned areas of the County. These categories represent the recommendations for the physical development of the unincorporated areas of the County. They are intended for planning purposes only and do not represent the adoption of zoning designations for areas which have not voted their desire to come under the zoning authority of the Baldwin County Commission. Although not legally binding, the future land use designations are evaluated

in conjunction with criteria found in the Baldwin County Zoning Ordinance (Zoning Ordinance), the Baldwin County Subdivision Regulations, the Baldwin County Flood Damage Prevention Ordinance and any other ordinances and regulations which the County Commission may adopt.

A future land use designation of Residential is provided for the subject properties. Approval of the rezoning will necessitate an automatic change in the future land use designation to Residential. This category is provided for residential dwelling units including single family dwellings, two family (duplex) dwellings, multiple family dwellings, manufactured homes, manufactured housing parks and Planned Residential Developments. Institutional uses, recreational uses and limited neighborhood commercial uses may be included subject to the provisions of the Zoning Ordinance. To the greatest extent possible, residential areas should be accessible to major thoroughfares connecting with work areas, shopping areas and recreational areas. Zoning designations may include RR, RA, CR, RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RSF-6, RTF-4, RTF-6, RMF-6, HDR, RMH and PRD.

If the rezoning is approved, the Future Land Use Map will be amended to reflect the designation of Commercial. This category provides for retail and wholesale trade facilities which offer convenience and other types of goods and services. Institutional uses, recreational uses, mixed-use developments and transportation, communication and utility uses may be included in accordance with the Zoning Ordinance. Multiple family developments may also be included. Commercial uses should be located on major streets so as to be accessible to the residential population. Zoning designations may include RR, B-1, B-2, B-3, B-4, LB, RV-1, RV-2, MR and TR.

The adjacent future land use designations to the north, south and west are commercial.

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

The Highway Department is currently in the design phase of corridor improvements to County Road 64 in this area. The preliminary site plan for the proposed development shows turn lanes, a proposed traffic signal on County Road 64 and a proposed traffic signal on State Highway 181. In the event that the property is rezoned and the development moves forward, access and required improvements will be addressed during the Land Use Certificate process. Since the development would be commercial, it would be classified as a major project. Based on the information provided, it appears that the developers have had some preliminary discussions with the Highway Department. However, comments from Highway pertaining to possible conflicts with the proposed improvements have not been provided. Comments will be forwarded to the members of the Planning Commission when they are received.

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

Traffic congestion is a major concern in this area. A development of the type proposed will certainly impact traffic patterns and congestion. The exact impact however, will be dependent upon the types of businesses which might be located in the development and is therefore difficult to ascertain. As stated previously, it appears that the developers have had some preliminary discussions with the Highway Department. However, comments from Highway pertaining to possible conflicts with the proposed improvements have not been provided. Comments will be forwarded to the members of the Planning Commission when they are received.

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 primary surrounding land uses are residential, commercial and institutional. The subject properties are located to the east of a commercial intersection. Please also see the responses to Standards 1 and 2.

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

Adjacent property to the north and west is zoned B-3 which is the requested designation for the subject properties. Property across County Road 64, to the south is zoned B-1, Professional Business District. In addition, and as stated above, the property is located to the east of a commercial intersection. Property at the intersection is primarily zoned B-3, with two parcels zoned B-4, Major Commercial District, at the northwest corner.

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

As stated previously, this area has experienced significant population growth which has led to a demand for commercial development. Timing, however, is not a factor with this request.

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

Aerial photography shows a pond on one of the parcels which will need to be filled if the development is constructed as proposed. Staff knows of no other adverse impacts to environmental conditions or historic resources.

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

As stated previously, traffic congestion is a major concern in this area. This would also be the primary concern in terms of health, safety and welfare. A development of the type proposed will certainly impact traffic patterns and congestion. The exact impact however, will be dependent upon the types of businesses which might be located in the development and is therefore difficult to ascertain. As stated previously, it appears that the developers have had some preliminary discussions with the Highway Department. However, comments from Highway pertaining to possible conflicts with the proposed improvements have not been provided. Comments will be forwarded to the members of the Planning Commission when they are received.

11.) Other matters which may be appropriate.

If the properties are rezoned and developed, a 25' landscaped buffer will be required along the east property line where commercial property would abut residential property.

Staff Comments and Recommendation

As stated above, this application involves two parcels which together consist of approximately 5 acres. The subject properties are currently zoned RSF-E, Residential Single Family Estate District. The designation of B-3 General Business District, has been requested for the purpose of constructing a commercial retail center in conjunction with adjacent commercially zoned parcels. As proposed, the development would include 64,250 square feet of retail space, along with six (6) out parcels. A 4500-square foot convenience store is proposed for out parcel number 3, and would be located at the northeast corner of the intersection of State Highway 181 and County Road 64. Of the 18.61 acres proposed for the development, approximately 13.61 acres are already zoned B-3.

Staff is not providing a recommendation at this time, in anticipation of comments from the Baldwin County Highway Department. Comments and a recommendation will be forwarded to the Planning Commission when they are available. If comments are not provided, a decision should be made based on information obtained from the public hearing. In that event, staff will provide guidance at the meeting. *

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

Property Images









**ADJOINING PROPERTY
TO THE SOUTH**

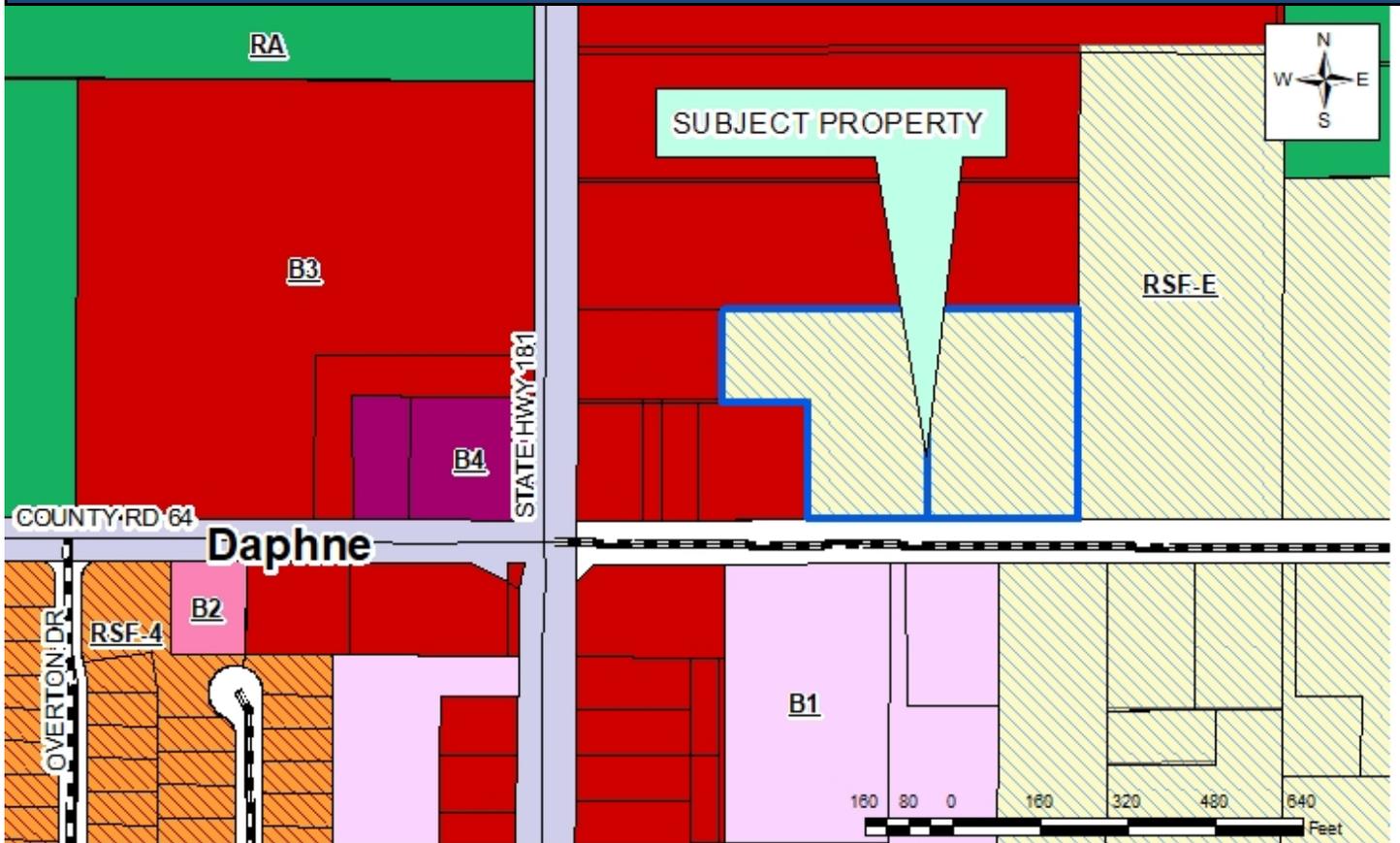
01/09/2020



**ADJOINING PROPERTY
TO THE SOUTH**

01/09/2020

Locator Map



Site Map

