

BALDWIN COUNTY, ALABAMA

Planning and Zoning Department

RE-ZONING REQUEST

Z24-10 HAMM ENTERPRISES LDT PROPERTY

PLANNING COMMISSION: APRIL 4, 2024

COUNTY COMMISSION: MAY 21, 2024

PREPARED AND PRESENTED BY:

CELENA BOYKIN, SENIOR PLANNER

Z24-10 HAMM ENTERPRISES LDT PROPERTY

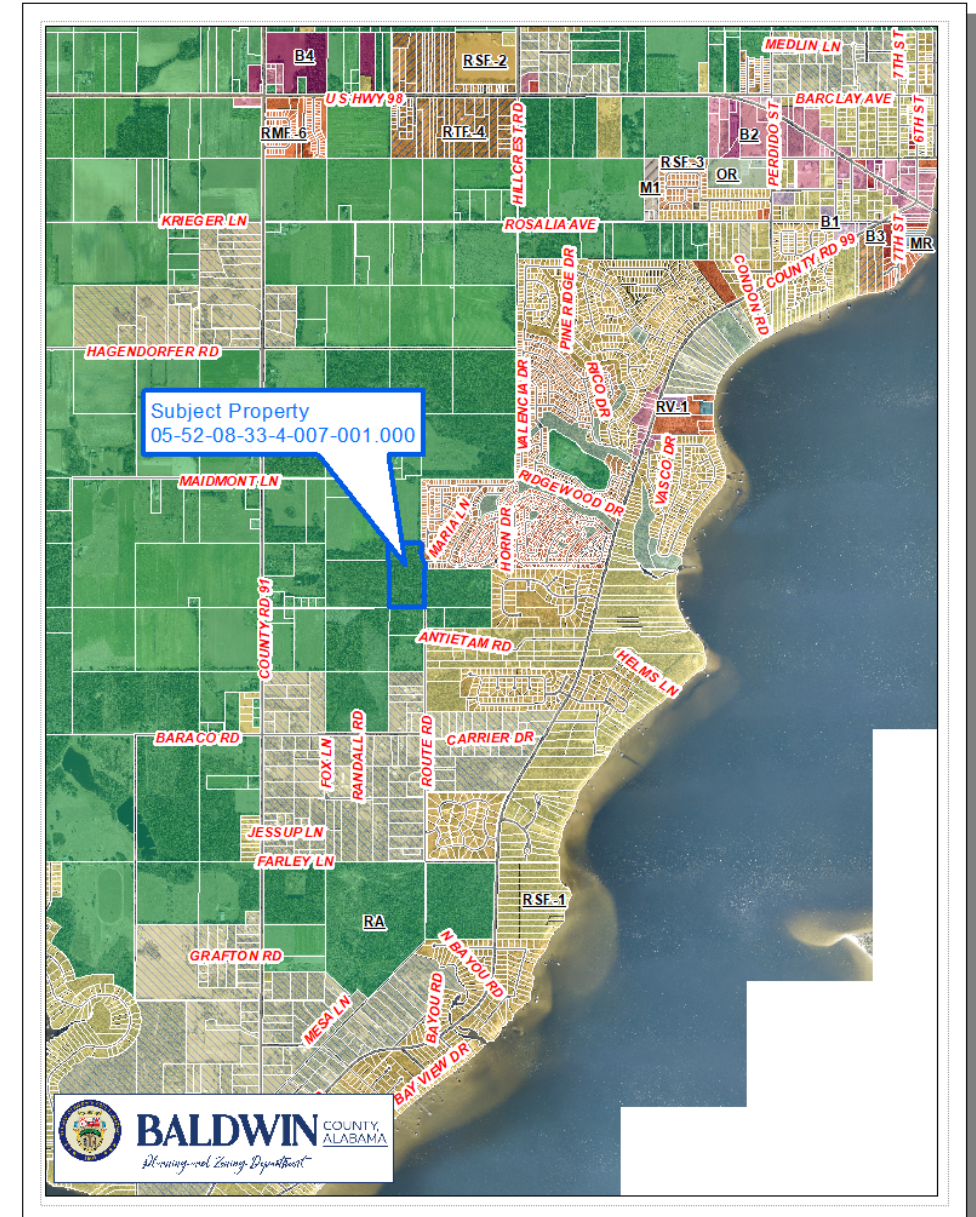
Lead Staff: Celena Boykin, Senior Planner

Request before Planning Commission:

Rezone 22.87 +/- acres from RA to RSF-4

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

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



Z24-10 HAMM ENTERPRISES LDT PROPERTY

Lead Staff: Celena Boykin, Senior Planner

Planning District: 33

Zoned: RA, Rural Agriculture District

Location: Subject property is located at the east of County Rd 95 and west of Ridgewood Dr

Current Use: Vacant

Acreage: 22.87 +/- acres

Physical Address: NA

Applicant: David Shumer, 3213 Midtown Park S, Mobile, AL

Owner: Hamm Enterprises LTD, Inc, P. O. Box 1608, Robertsedale, AL 36567

Proposed Zoning: RSF-4, Residential Single-Family District

Applicant's Request: Rezone to RSF-4 to allow for the future phase of Spanish Cove to be developed



Online Case File Number: The official case numbers for this application is Z24-10, however, when searching the online CitizenServe database, please use Z24-000010.

Parcel: 05-52-08-33-4-007-001.000

PIN: 71483

Factor Summary:

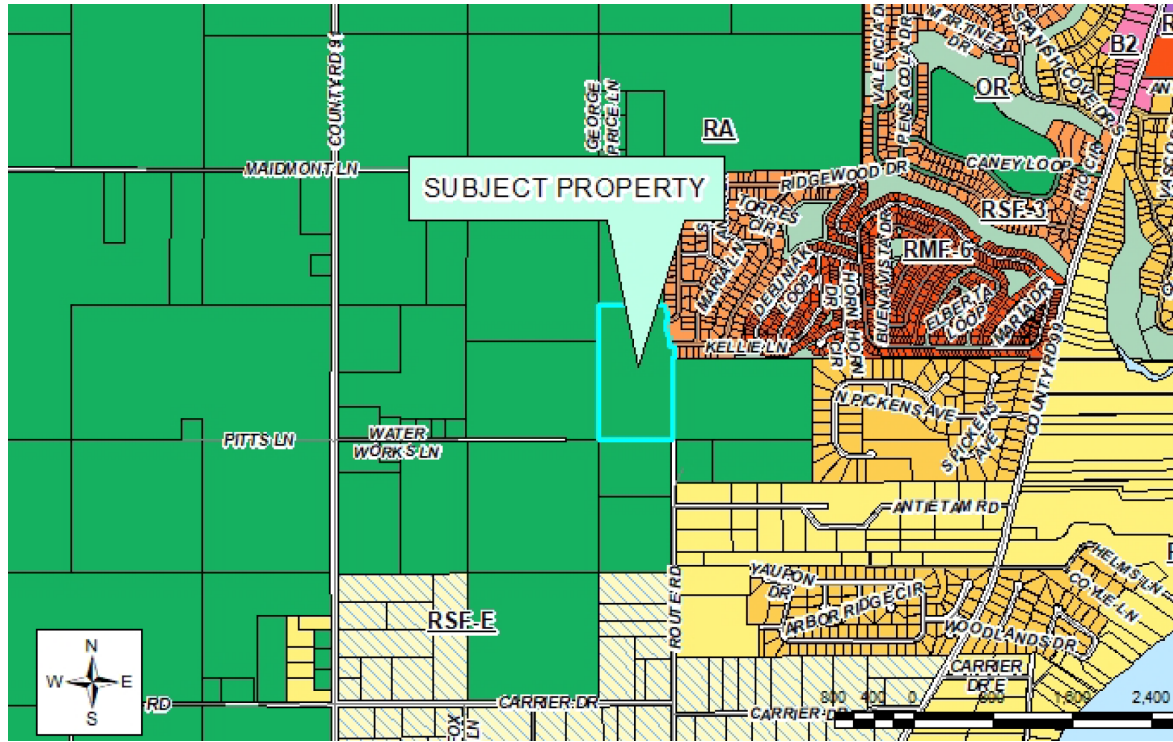
- Factors do not necessarily carry equal weight.
- Staff review is based on information provided by the applicant and other readily available information.

 #1	 #2	 #3	 #4	 #5	 #6
Compatible with development pattern?	Change of conditions since originally zoned?	Proposal conform to Master Plan?	Conflicts with public improvements?	Adverse affect to traffic?	Consistent with development pattern?
 #7	 #8	 #9	 #10	N/A #11	
Logical expansion of adjacent zoning?	Timing appropriate given development trends?	Environmental or Historic impact?	Adverse impact on health, safety, & wellness?	Other appropriate matters?	

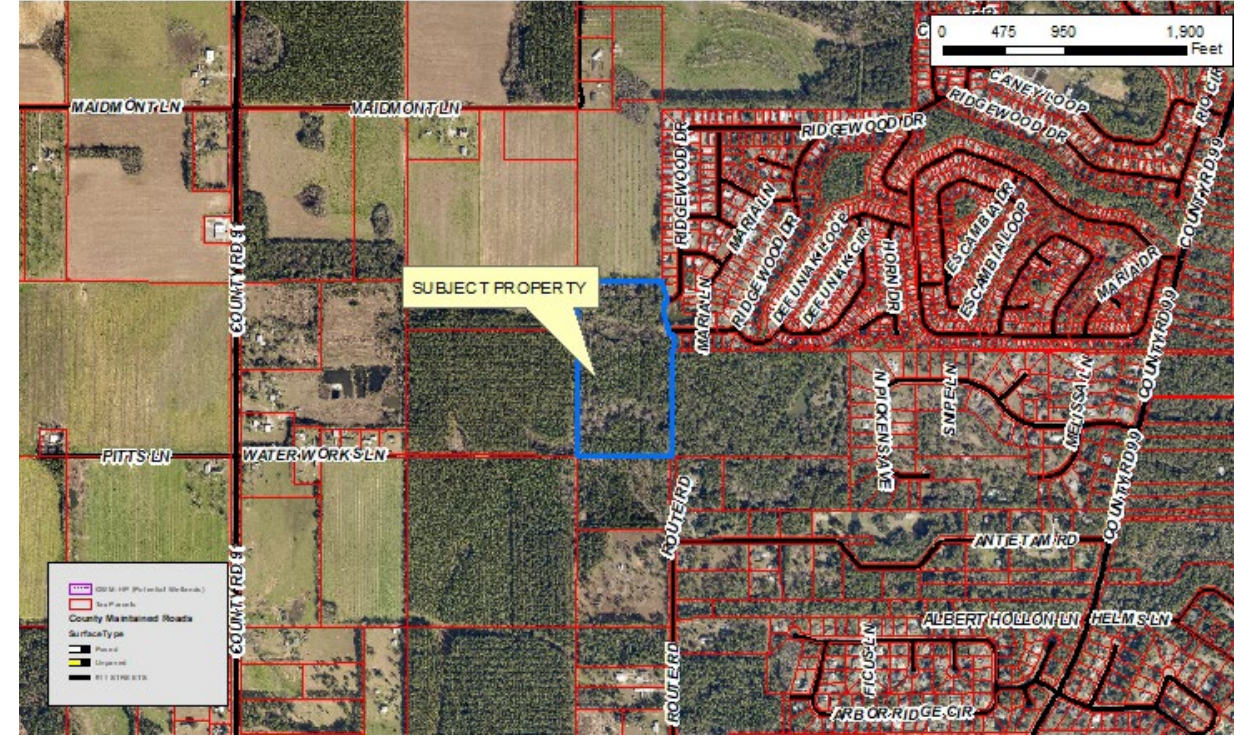
Public Hearing:

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

Locator Map



Site Map



Adjacent Zoning

North	RA, Rural Agriculture District
South	RA, Rural Agriculture District
East	RA, Rural Agriculture District and RSE-3, Residential Single Family
West	RA, Rural Agriculture District

Adjacent Land Use

Agriculture
Residential
Residential
Vacant

Z24-10 HAMM ENTERPRISES LDT PROPERTY
RE-ZONING REQUEST FROM **RA** TO **RSF-4**

Staff Recommendation: **Approval**

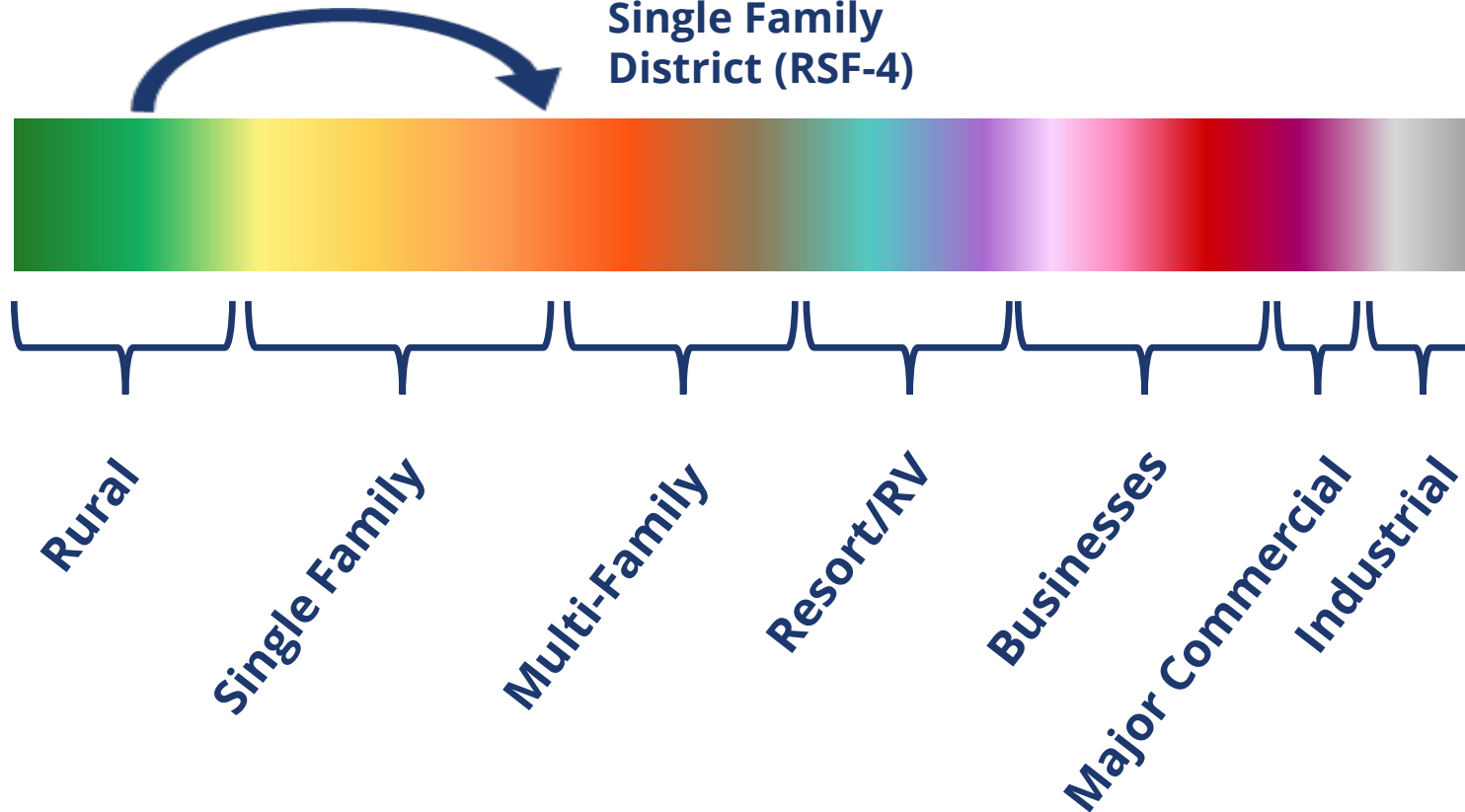
Planning Commission Recommendation: **Denial** (8-1)

Z24-10 HAMM ENTERPRISES LDT PROPERTY

Lead Staff: Celena Boykin, Senior Planner

Current Zoning: Rural
Agriculture (RA)

Proposed Zoning:
Single Family
District (RSF-4)



Staff's Recommendation:

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

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

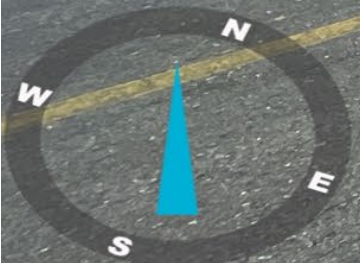
Property Images



Property Images

Mar 4, 2024 at 3:13:27 PM
338° N

Adjoining Property
to The East



Property Images

Mar 4, 2024 at 3:24:48 PM
810° NW

Adjoining Property
to The South



Property Images

Mar 4, 2024 at 3:34:54 PM
82° E

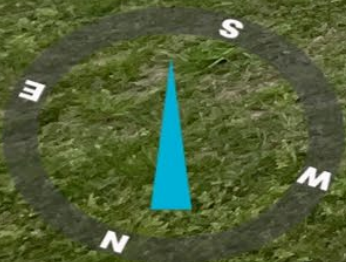
Adjoining Property
to the West



Property Images

Mar 4, 2024 at 3:41:54 PM
158° S

Adjoining Property
to the North



Current Zoning Requirements

Section 3.2 RA Rural Agricultural District

3.2.1 *Generally*. This zoning district provides for large, open, unsubdivided land that is vacant or is being used for agricultural, forest or other rural purposes.

3.2.2 *Permitted uses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) Outdoor recreation uses.
- (d) The following general commercial uses: animal clinic and/or kennel; farm implement sales; farmers market/truck crops; nursery; landscape sales; country club.
- (e) The following local commercial uses: fruit and produce store.
- (f) The following institutional uses: church or similar religious facility; school (public or private).
- (g) Agricultural uses.
- (h) Single family dwellings including manufactured housing and mobile homes.
- (i) Accessory structures and uses.

3.2.3 *Special exceptions*. 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 special exceptions: Not Applicable

3.2.4 *Conditional Use Commission Site Plan Approval*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed by the site plan approval process:

- (a) Transportation, communication, and utility uses not permitted by right.
- (b) Institutional uses not permitted by right.
- (c) The following general commercial uses: low density recreational vehicle park (see *Section 13.9: Recreational Vehicle Parks*).

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

3.2.5 *Area and dimensional ordinances*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.4 Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure	35-Feet
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	3 Acres
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	210-Feet

3.2.6 *Area and dimensional modifications*. Within the RA 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 4.5 RSF-4, Single Family District

4.5.1 *Generally*. This zoning designation is provided to afford the opportunity for the choice of a moderate density residential development consisting of single-family homes.

4.5.2 *Permitted uses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) The following agricultural uses: Silviculture.

- (d) Single family dwellings including manufactured housing and mobile homes.
- (e) Accessory structures and uses.
- (f) The following institutional use: church or similar religious facility.

4.5.3 *Conditional Use Commission Site Plan Approval*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed by the site plan approval process:

- (a) Outdoor recreation uses.
- (b) The following institutional uses: day care home; fire station; school (public or private).
- (c) The following general commercial uses: country club.
- (d) The following local commercial use: bed and breakfast or tourist home (see *Section 13.10: Bed and Breakfast Establishments*).

4.5.4 *Special exception*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following use and structures designed for such use may be allowed as a special exception: Not Applicable

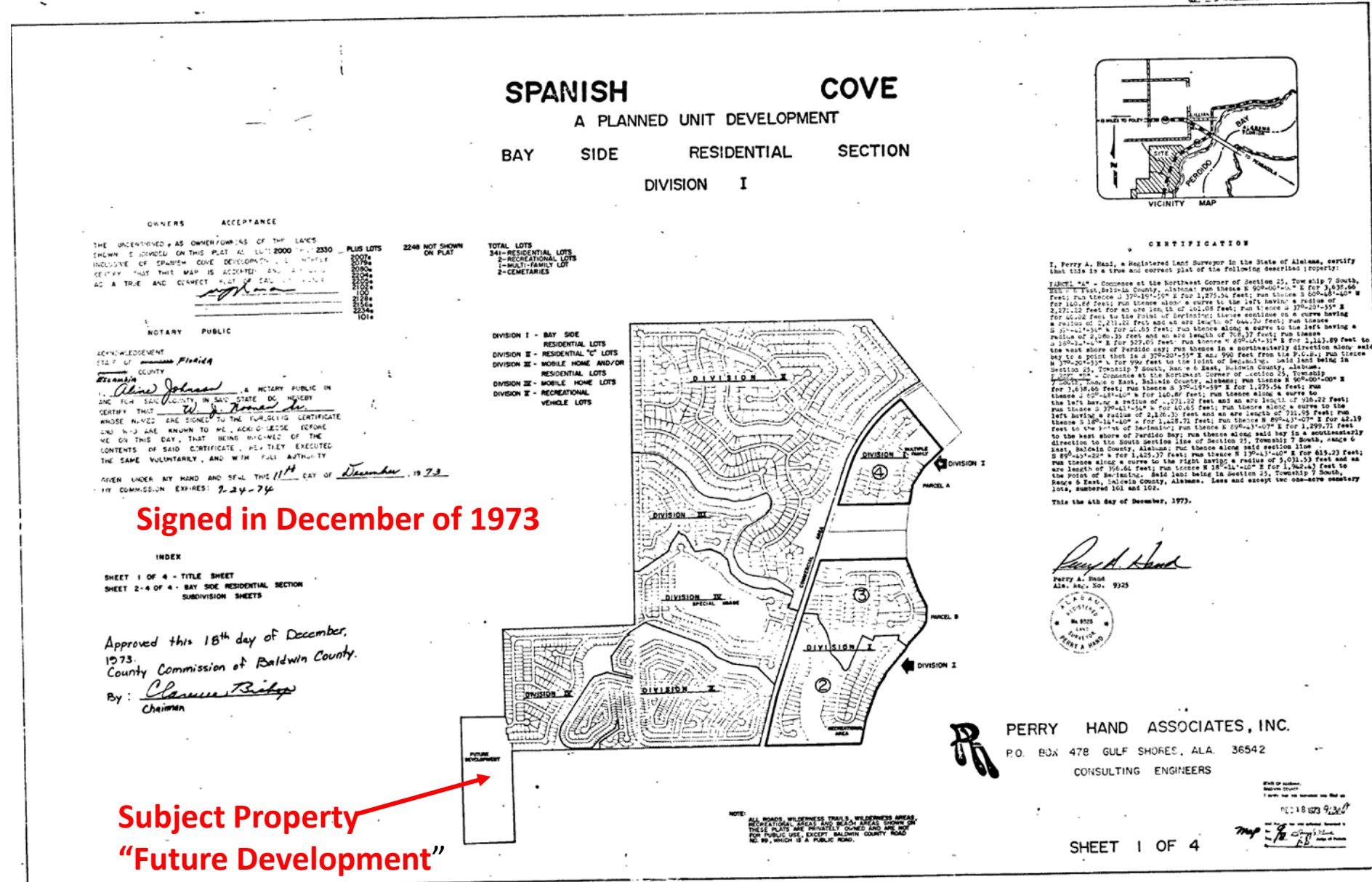
4.5.5 *Area and dimensional ordinances*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.6 Variances*,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

Maximum Height of Structure	35-Feet
Maximum Height in Habitable Stories	2 ½
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area per Dwelling Unit	7,500 Square Feet
Minimum Lot width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

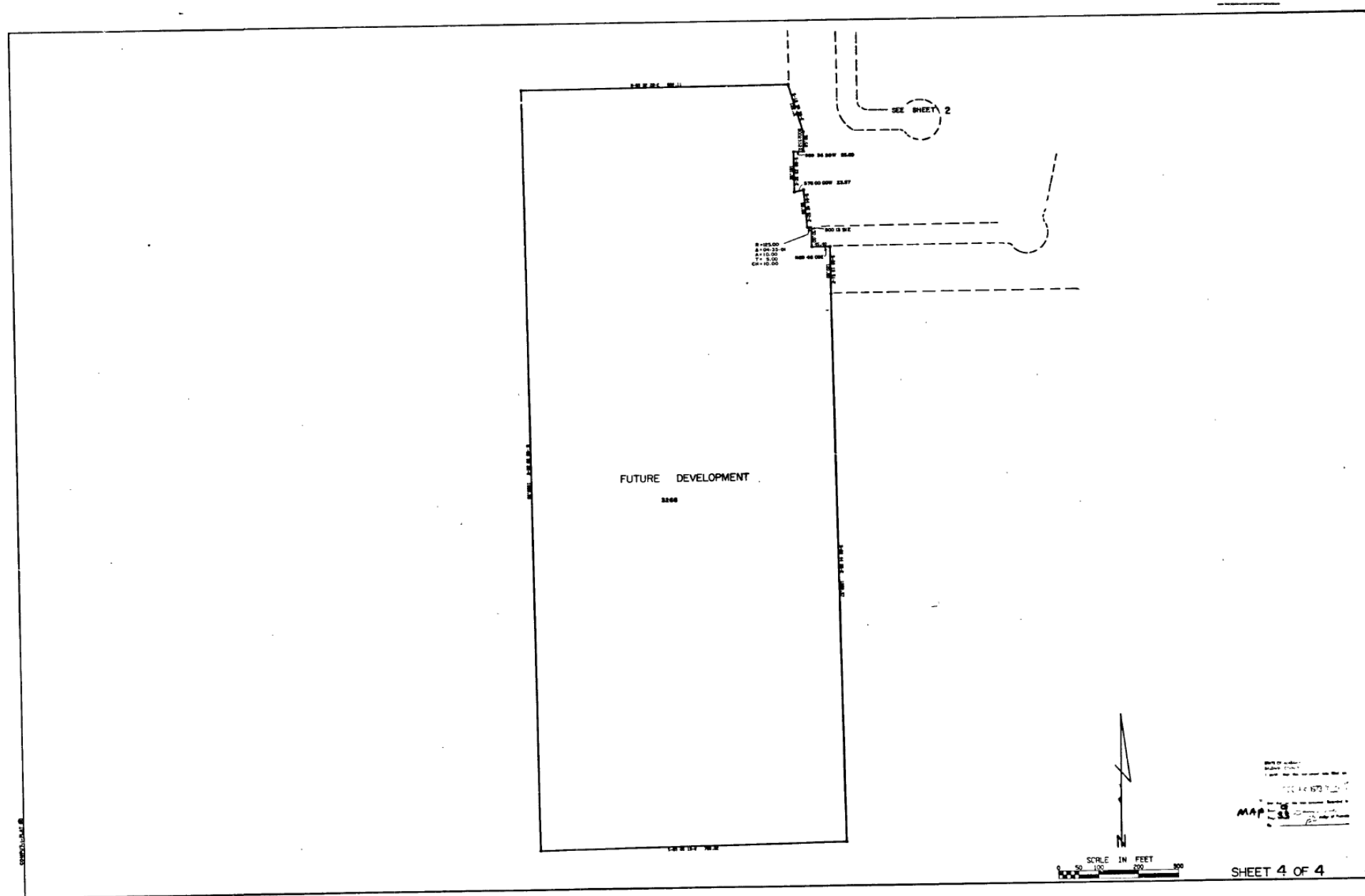
Staff Analysis and Findings

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

The subject property is currently zoned RA, Rural Agriculture District, and is undeveloped. The adjacent properties are zoned RA and RSF-3. The requested change is for a moderate density residential designation to develop another phase of Spanish Cove. Staff feels the RSF-4 is compatible with the existing subdivision which is located in a different planning district, Planning District 23.



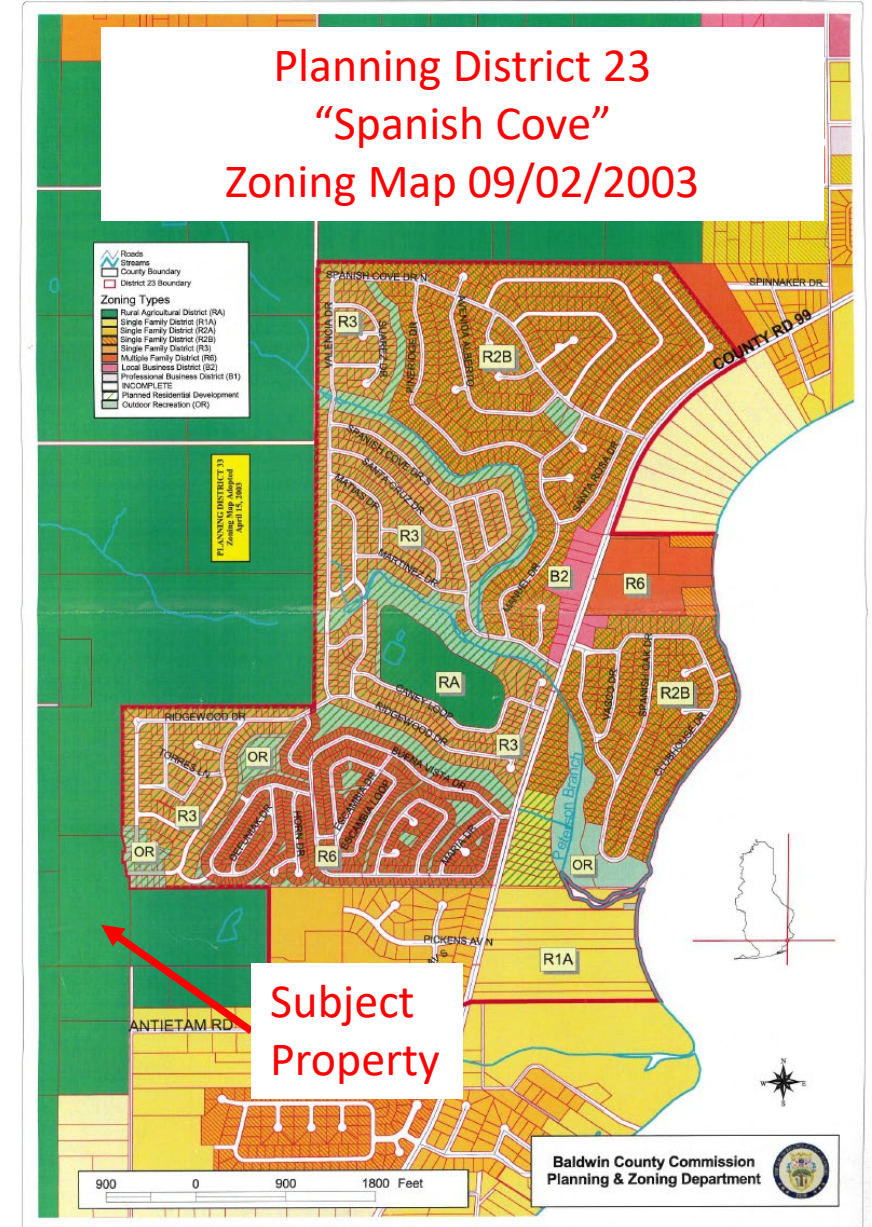
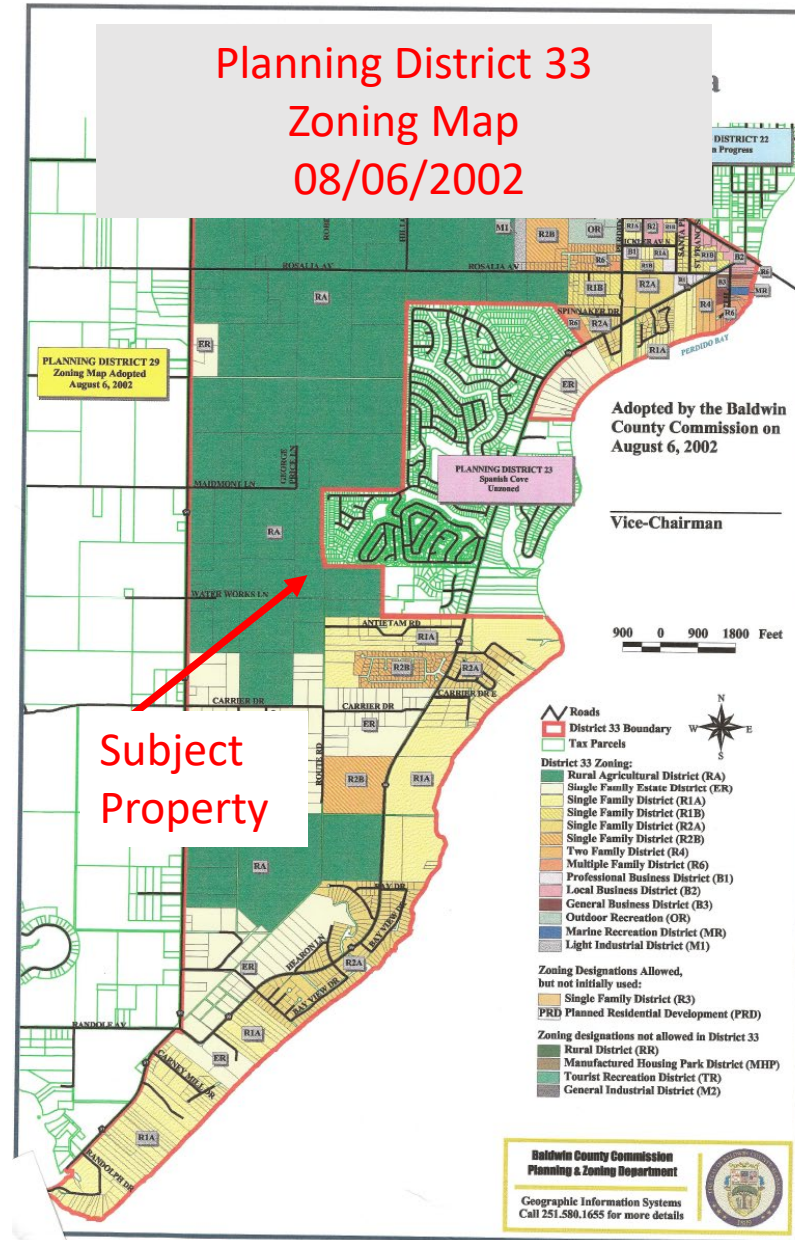
Staff Analysis and Findings



Staff Analysis and Findings

2.) Has there been a change in the conditions upon which the original zoning designation was based? Have land uses or conditions changed since the zoning was established?

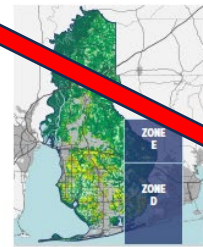
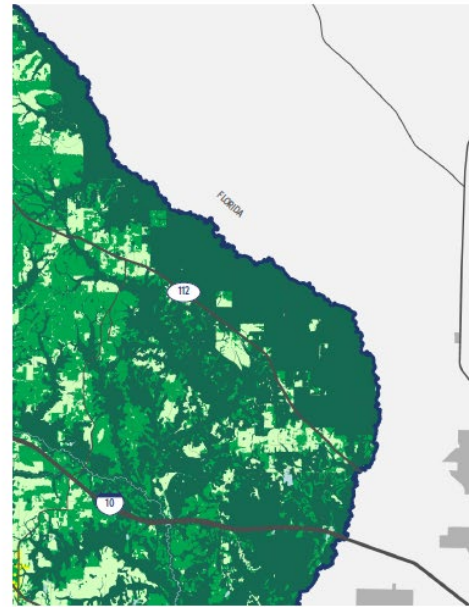
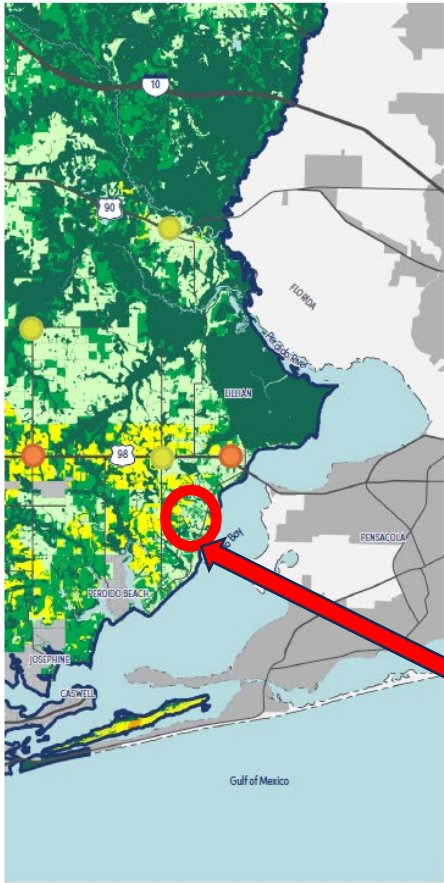
Planning District 33 zoning map was adopted in August 2002. At that time, the property was zoned RA, Rural Agricultural District. There have been no rezonings in immediate area Planning District 33.



Staff Analysis and Findings

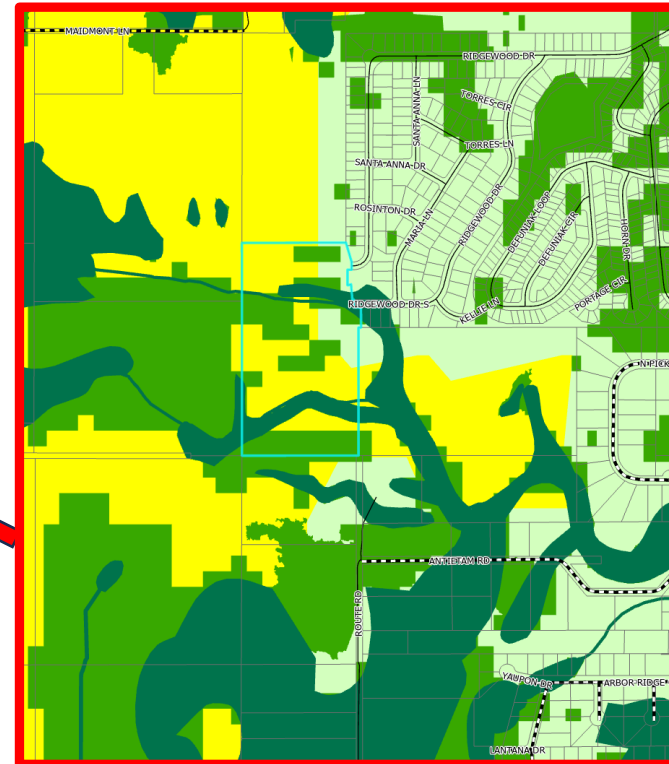


MAP 16: FLUM ZONE E



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

The future land use for this property is mostly Moderate Development. According to the FLUM the subject property would support RSF-1 and RSF-2. There is also some Rural and Conservation Potential too. The existing Spanish Cove subdivision is also labeled as Rural/Agriculture/LID Potential.



Staff Analysis and Findings

Rural/Agriculture/Low Impact Development Potential

Rural Development Potential Areas include large lots, open space views, and a large buffer distance between buildings. Residential homes may be on large tracts and could include estate homes and working farmland. The development pattern may also include conservation-based subdivisions to allow for the clustering of residential dwellings to protect open space that is valued for natural resource protection—such as stream buffers, mature forest habitat, or wetlands—working farmland, or recreational amenities. Lands within these areas should be developed with additional Low Impact Development (LID) standards and buffers to limit the impact to adjacent critical environments. At key rural crossroads, rural centers or nodes could allow for a combination of retail and service uses to meet the needs of the community.

PRIMARY LAND USES

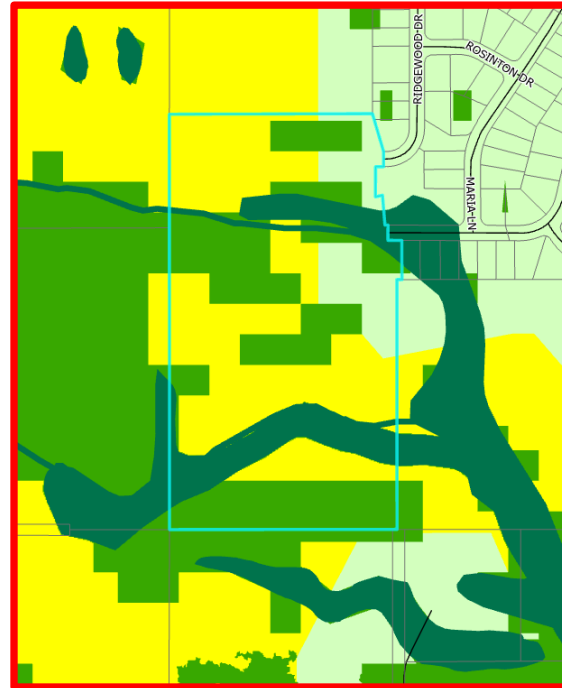
- Single-family detached homes
- Hobby farms
- Agri-hoods
- Cultivated farmland, timber/managed forest, pastureland
- Clustered manufactured housing communities
- Rural crossroads center/node

RELATED ZONING DISTRICTS

- RR Rural District
- RA Rural Agricultural District
- RSF-E Residential Single Family Estate

CONNECTIVITY NETWORK

- Rural streets with sidewalks, paved shoulders, bike lanes, and/or side paths based on local character and context
- Rural greenways and trails along environmental buffers



Conservation Development Potential

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

PRIMARY LAND USES

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

RELATED ZONING DISTRICTS

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

CONNECTIVITY NETWORK

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

Staff Analysis and Findings

Ideal Conservation/Preservation Areas are suitable for all of the land uses described in the Ideal Conservation/Preservation Areas place type but would allow for limited development based on low-impact design principles.

Allowing conservation-based subdivisions in these areas could help to balance the pressure of residential development with environmental preservation and rural character. Conservation-based subdivisions allow for the clustering of residential dwellings to protect open space that is valued for natural resource protection—such as stream buffers, mature forest habitat, or wetlands—working farmland, or recreational amenities.

PRIMARY LAND USES

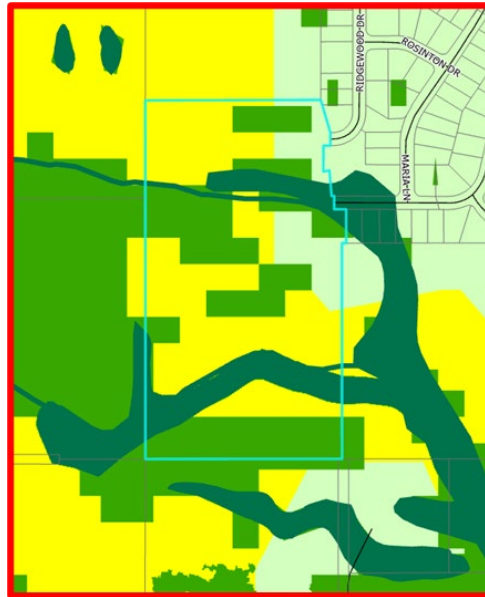
- Conservation-based or cluster development with high levels of Low Impact Design (LID) and sustainable development practices
- Natural areas that are publicly and privately owned and managed
- Permanently protected lands such as conservation easements, parks, cemeteries
- Parks and open spaces devoted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

RELATED ZONING DISTRICTS

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

CONNECTIVITY NETWORK

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



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

PRIMARY LAND USES

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

RELATED ZONING DISTRICTS

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

CONNECTIVITY NETWORK

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

Staff Analysis and Findings

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

Staff is unaware of any planned public improvements or any conflicts with existing public improvements.

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

The subject property is located off of County Rd 99, which is a county maintained. Per the Federal Highway Administration, the functional classification of County Rd 99 is a Major Collector. A major collector road is a low-to-moderate-capacity road which serves to move traffic from local streets to arterial roads. No new entrances are being proposed at County Road 99 and a traffic study will be reviewed during the subdivision process.

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

There is minimal development trends in this area other than the development of Spanish Cove since the 1970s. According to the recorded 1973 plat, this property has been proposed for future development of Spanish Cove. There are two existing stub outs to connect this future phase to Spanish Cove.

Staff Analysis and Findings

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

The subject property is currently zoned RA, Rural Agriculture District, and is undeveloped. The adjacent properties are zoned RA and RSF-3. The Spanish Cove Subdivision includes the residential zonings of RSF-2, RSF-3, and RMF-6. There is also some OR and RA within the subdivision that contains some of subdivision's amenities. The requested change is for a moderate density residential designation to develop another phase of Spanish Cove. Staff feels the RSF-4 is compatible with the existing subdivision which is located in a different planning district, Planning District 23. The subject property is located in Planning District 33 which has mostly RA zoning and large acreage parcels.

RSF-3

Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	10,000 Square Feet
Min Lot Width at Building Line	80-Feet
Min Lot Width at Street Line	40-Feet

RSF-2

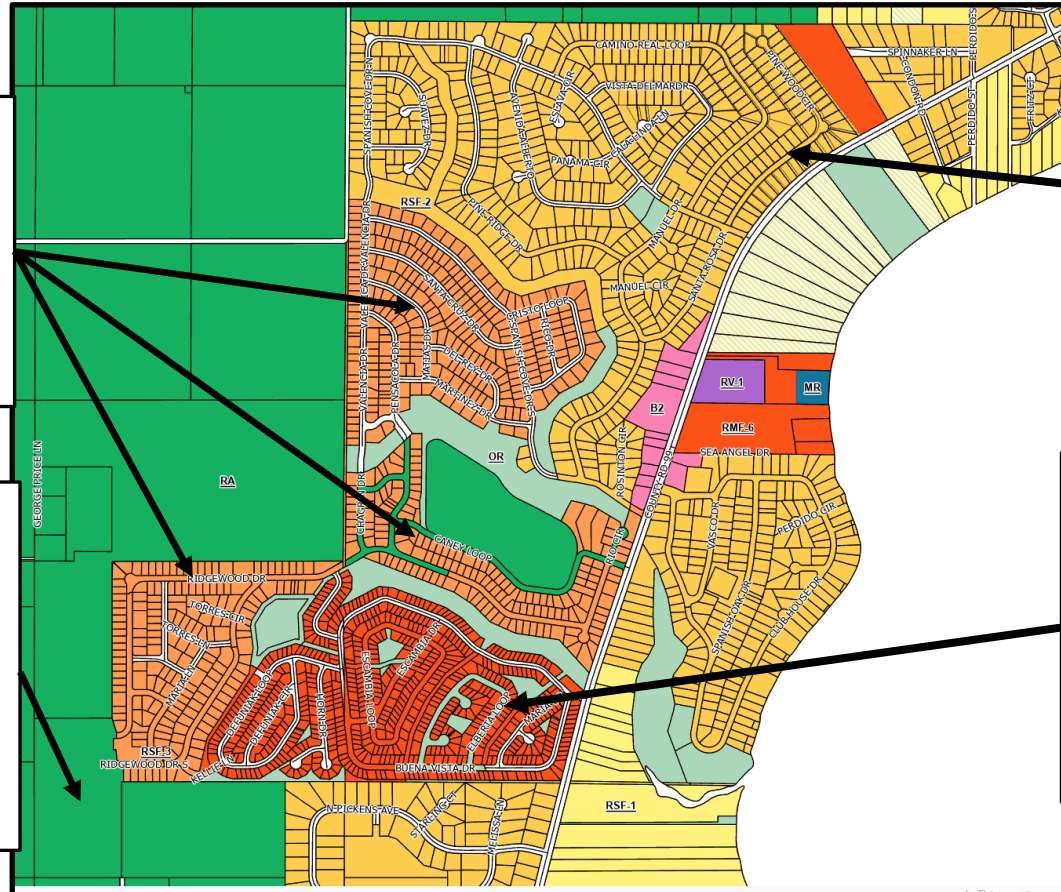
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	15,000 Square Feet
Min Lot Width at Building Line	80-Feet
Min Lot Width at Street Line	40-Feet

Subject Property RSF-4 Requested

Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	7,500 Square Feet
Min Lot Width at Building Line	60-Feet
Min Lot Width at Street Line	30-Feet

RMF-6

Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Maximum Density	6 Dwelling Units per Acre
Min Lot Area/Dwelling Unit	6,500 Square Feet
Min Lot Width at Building Line	60-Feet
Min Lot Width at Street Line	30-Feet



Staff Analysis and Findings

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

Staff perceives no time factor with this request.

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

Staff is unaware of any actionable environmental conditions. There are potential wetlands and tree coverage on the property.

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

Staff anticipates no adverse impacts.

11.) Other appropriate matters?

If this rezoning is approved and Spanish Cove subdivision is expanded, the local provisions for Spanish Cove (Planning District 23), will not apply to the subject property since it is located in a different planning district.

Agency Comments

ADEM, Scott Brown: No Comment.

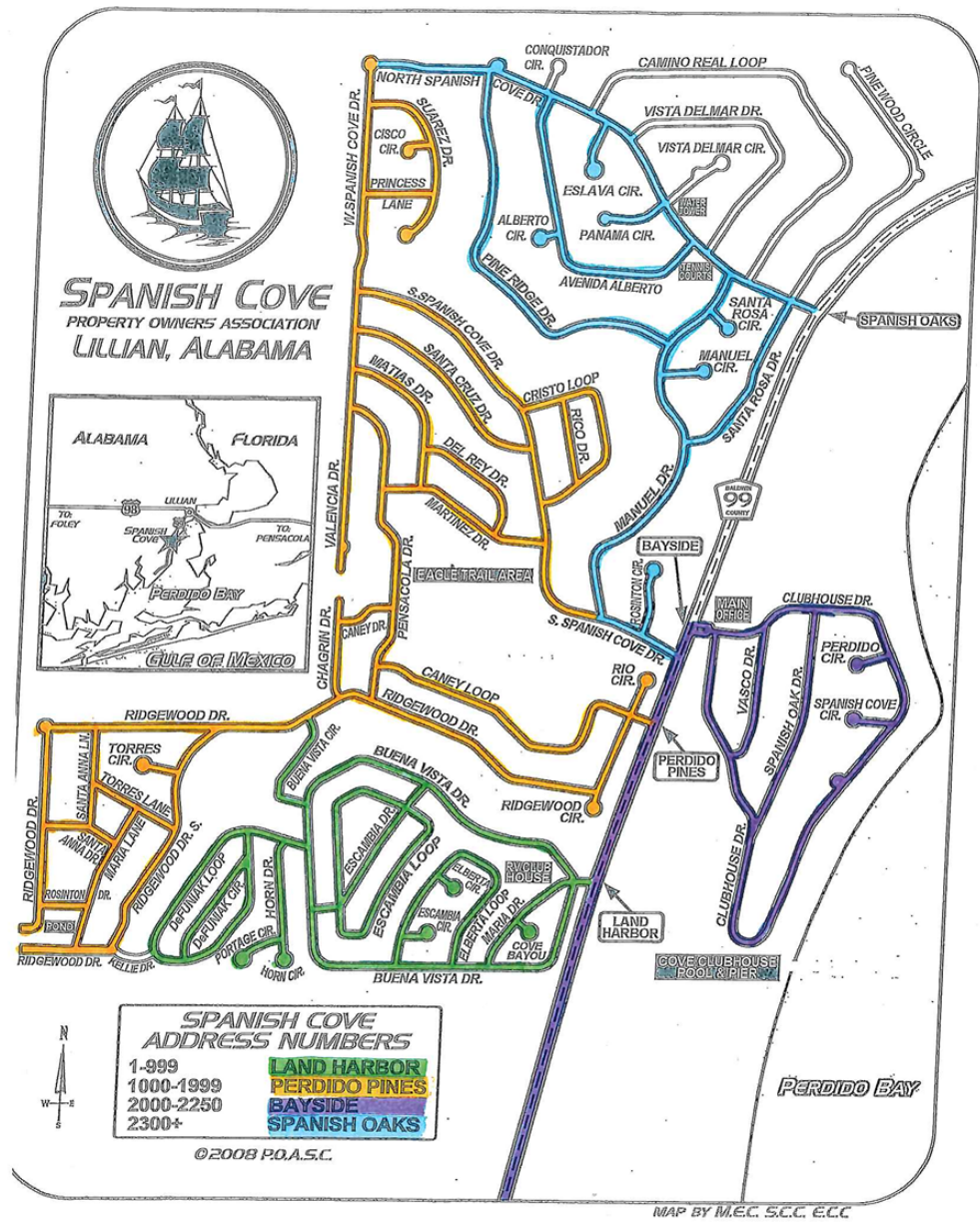
Baldwin County Subdivision- Wade Clements: If the request to rezone to RSF-4 is approved:

The roads & cul-de-sacs will need to meet minimum Baldwin County Subdivision Regulations.

Drainage Summary will need to identify existing stormwater draining through this area from adjacent parcels.

Baldwin County Subdivision- Shawn Mitchell: If the rezoning is approved, the applicant will submit a Preliminary Plat application to Baldwin County for review.

BCBE – Michael Malm: No Comments Received.



Land Harbor offers a variety of homes from RVs to Park Models and manufactured homes. The RV Clubhouse is located in Land Harbor.



Perdido Pines provides larger home sites to accommodate manufactured homes as well as traditionally-built homes.



Spanish Oaks features traditionally-built homes that are located in two areas of our community. "Bayside" is on the east side and "The Oaks" is on the west side of the County Road 99. Homes in "The Oaks" are closest to the tennis courts.



Bayside, on the east side of County Road 99, offers some waterfront sites and closer proximity to the Cove Clubhouse.



*Information from Spanish Cove's website.