



Baldwin County Planning & Zoning Commission Agenda

Thursday, September 6, 2018

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:**

August 2, 2018 meeting
6. **Announcements/Registration to address the Commission.**
7. **Consideration of Applications and Requests: Re-zoning Cases**

a.) **Case Z-18042, Reliable Properties LLC Property**

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

Purpose: The applicant is requesting to rezone .64 acres from B-1 to B-4 to allow automobile sales on the parcel.

Location: The property is located on the northeast corner of the intersection of S. Holley Street and State Highway 59, in Planning District 12.

b.) Case Z-18043, Creek Gulf Investments Property

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

Purpose: The applicant is requesting to rezone 2.96 acres from B-3 to RMH to allow a Residential Manufactured Housing Park on the property.

Location: The subject property is located on the east side of Magnolia Springs Highway, south of County Road 12 S., in Planning District 21.

c.) Case TA-18001, Text Amendment, Article 2, Section 2.3.24

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

Purpose: Amendment to the Baldwin County Zoning Ordinance which Pertains to Article 2, Section 2.3.24, to allow food trucks at Community Support Facilities on Ono Island, Planning District 24.

8. Consideration of Applications and Requests: Subdivision Cases

a.) Case S-18031 Underwood Subdivision

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 3- lot subdivision.

Location: The subject property is located on the northwest corner of the intersection of Hanak Lane and Underwood Road.

b.) Case S-18033 Sonoma Ridge, Ph 2 Development Permit

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 108- lot subdivision.

Location: The subject property is located behind Sonoma Ridge Phase I off County Road 49, south of Silverhill.

9. Public Comment:

10. Old Business:

a.) Case P-18004, Bella Sera Gardens Property

The applicant is present for a 4-month review of the Conditional Use application which was granted at the May 3, 2018 Planning and Zoning Commission meeting.

11. Reports and Announcements:

Next Regular Meeting: October 4, 2018

Staff Reports

Legal Counsel Report

12. Adjournment.



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 7.a

Case No. Z-18042

Reliable Properties LLC Property

Rezone B-1, Professional Business District to B-4, Major Commercial District

September 6, 2018

Subject Property Information

Planning District: 12
General Location: Northeast corner of S Holley St. and Hwy 59
Physical Address: 26520 S Holley St Suite A
Parcel Number: 05-42-06-14-2-000-006.000 & 006.001
Existing Zoning: B-1, Professional Business District
Proposed Zoning: B-4, Major Commercial District
Existing Land Use: Commercial
Proposed Land Use: Commercial
Acreage: 0.64 ± acres
Applicants: Reliable Properties LLC
 P.O. Box 301
 Loxley, LA 36551
Owners: Same
Lead Staff: Celena Boykin, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-2, Single Family District
South	Black Devine Rd	Black Devine Rd
East	Residential	RSF-2, Single Family District
West	Commercial	Town of Loxley

Summary

The subject property is currently zoned B-1, Professional Business District, and is currently used as commercial. The subject property is occupied with two structures. The property adjoins South Holley Street to the west and Black Devine Road to the south. The adjoining properties to the north and east are residential. The adjacent property to the west is commercial. The requested zoning designation is B-4 Major Commercial District. According to the submitted information, the purpose of this request is to allow for car sales.

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

Section 5.1 B-1, Professional Business District

5.1.1 *Purpose and intent.* The B-1, Professional Business and Office District, is intended to allow a concentration of office type buildings and land uses that are most compatible with, and located near, residential areas. Most B-1 commercial, professional and business office districts will be placed in close proximity to residential areas, and therefore serve as a transitional zoning district between residential areas and higher intensity commercial zoning districts. The types of office uses permitted are those that do not have high traffic volumes throughout the day, which extend into the evening hours. They will have morning and evening short-term peak conditions. The market support for these office uses should be those with a localized basis of market support as opposed to office functions requiring inter-jurisdictional and regional market support. Because office functions have significant employment characteristics, which are compounded when aggregations occur, certain personal service uses shall be permitted, to provide a convenience to office-based employment. Such convenience commercial uses shall be made an integral part of an office building as opposed to the singular use of a building.

5.1.2 *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the B-1, Professional Business and Office District:

- (a) Accessory structures and uses
- (b) Bank
- (c) Barber shop or beauty parlor
- (d) Child care center
- (e) Child care institution
- (f) Church or similar religious facility
- (g) Clinic or dentist office (medical, dental, psychiatric)
- (h) Club or lodge
- (i) Extraction or removal of natural resources on or under land
- (j) Fire station
- (k) Laboratory (scientific, medical or dental)
- (l) Library
- (m) Office
- (n) Optician
- (o) Police station
- (p) Post office
- (q) School (public or private)
- (r) Silviculture
- (s) Studio for dance, music, photography, painting, etc.

- (t) Water well (public or private)

5.1.3 *Conditional uses.* The following uses are permissible as conditional uses in the B-1 Commercial Professional and Business Office District, subject to the standards and procedures established in *Section 18.11: Conditional Uses*:

- (a) Arboretum
- (b) Ball field
- (c) Golf course
- (d) Park or playground
- (e) Riding academy
- (f) Swimming pool (outdoor)
- (g) Tennis court (outdoor)
- (h) Wildlife sanctuary
- (i) Dwellings, in combination with commercial uses, subject to the standards listed under *Section 5.1.4: Mixed uses*

5.1.4 *Mixed uses.* Mixed residential and commercial uses may be permissible as conditional uses in the (B-1) commercial professional and Business office district, subject to the standards and procedures established in *Section 18.11: Conditional Uses*, and subject to the following criteria:

- (a) The commercial uses in the development may be limited in hours of operation, size of delivery trucks, and type of equipment;
- (b) The residential uses shall be designed so that they are compatible with the commercial uses;
- (c) Residential and commercial uses shall not occupy the same floor of a building;
- (d) Residential and commercial uses shall not share the same entrances;
- (e) The number of residential dwelling units shall be controlled by the dimensional standards of the B-1 district. A dwelling unit density of .5 (1/2) dwelling units per 1,000 square feet of the gross floor area devoted to commercial uses, may be allowed (structures with less than 2,000 square feet devoted to commercial uses shall be allowed one dwelling unit). In no case, however, shall the overall dwelling unit density for a mixed use project exceed 4 dwelling units per acre;
- (f) Building height shall not exceed three stories;
- (g) A minimum of 30 percent of the mixed use development shall be maintained as open space. The following may be used to satisfy the open space requirements: areas used to satisfy water management requirements, landscaped areas, recreation areas, or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained);
- (h) The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and

separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible, and;

(i) Off-street parking spaces for the mixed residential and commercial uses shall be the sum total of the residential and commercial uses computed separately (See *Article 15: Parking and Loading Requirements*).

5.1.5 *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

5.1.6 *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.

5.1.7 *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.

5.1.8 *Landscaping and buffering.* All B-1, Professional Business and Office District, uses shall meet the requirements of *Article 17: Landscaping and Buffers*.

Section 5.4 B-4, Major Commercial District

5.4.1 *Purpose and intent.* The B-4, Major Commercial District, is intended for business uses which require a location with access to an arterial or major collector road (as defined by the Functional Classification System attached as Appendix) or which have close proximity to major intersections. Due to the nature of the businesses permitted within the B-4 district, this zoning designation should be limited to property fronting on principal arterials, major arterials or minor arterials. Ingress and egress to a roadway should promote safe and smooth traffic flow for the general traveling public. It is also the intent of this district to provide areas for businesses which, because of their intensity, outside storage areas, or large volumes of traffic, would have significant negative impacts on adjoining properties. These uses often have an actual or potential negative impact on surrounding properties due to late hours of operation, noise, and or light.

5.4.2 *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the B-4, Major Commercial District:

- | | |
|---|--|
| <ul style="list-style-type: none"> (a) All uses permitted by right under the B-3 zoning designation (b) Amusement park (c) Auto convenience market (d) Automobile parts sales (e) Automobile repair (mechanical and body) (f) Automobile sales (g) Automobile service station (h) Automobile storage (parking lot, parking garage) (i) Boat sales and service (j) Building materials (k) Farm implements | <ul style="list-style-type: none"> (l) Flea market (m) Home improvement center (n) Hotel or motel (o) Manufactured housing sales, service and repair (p) Marina (q) Motorcycle sales service and repair (r) Movie theatre (s) Recreational vehicle park (t) Recreational vehicle sales, service and repair (u) Restaurant, drive-in (v) Restaurant, fast food |
|---|--|

5.4.3 *Conditional uses.* The following uses are permissible as conditional uses in the B-4, Major Commercial District, subject to the standards and procedures established in *Section 18.11: Conditional Uses*:

- | | |
|---|--|
| <ul style="list-style-type: none"> (a) Airport (b) Ambulance/EMS service (c) Armory (d) Auditorium, stadium, coliseum (e) Barge docking (f) Broadcasting station (g) Bus and railroad terminal facility (h) College or university (i) Convalescent or nursing home (j) Correctional or penal institution (k) Dog pound (l) Electric power substations (m) Freight depot, rail or truck (n) Hospital (o) Landfill | <ul style="list-style-type: none"> (p) Maintenance facility/storage yard for schools, government agencies, and telephone and cable companies (q) Race track (r) Radio and television station and transmitting tower (s) Railroad facility (t) Sewage treatment plant (u) Taxi dispatching station (v) Taxi terminal (w) Telephone exchange (x) Water or sewage pumping station (y) Water storage tank (z) Wireless telecommunication facility (aa) Zoo |
|---|--|

5.4.4 *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

5.4.5 *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.

5.4.6 *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.

5.4.7 *Landscaping and buffering.* All B-4, Major Commercial District, uses shall meet the requirements of Article 17, *Landscaping and Buffers.*

Agency Comments

Baldwin County Highway Department:

Seth Peterson – Our office will need to review any proposed changes to the access along S Holley Street. I do not have any comments regarding the rezoning.

ADEM: No comments received.

Municipality: No comments received.

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 property is currently zoned B-1, Professional Business District, and is currently commercial. The subject property is occupied with two structures. The property adjoins South Holley Street to the west and Black Devine Road to the south. The adjoining properties to the north and east are residential. The adjacent property to the west is commercial. The requested zoning designation is B-4 Major Commercial District.

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 12 was zoned in November 7, 2006. Since that time, there have been numerous rezonings to commercial designations throughout the planning district.

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

The Baldwin County Master Plan, 2013, provides a future land use designation of commercial for the subject property.

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

No conflicts.

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

Staff anticipates no major impacts to traffic patterns or congestion.

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.

See response to Standard Number 1 listed above.

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

The adjacent parcels to the north and east are zoned RSF-2, Residential Single Family District. On the east side of the subject property across S Holley St is a car lot which is located inside the Town of Loxley. Also, on the south side of St. Hwy 59 is a gas station that is also located in the Town of Loxley.

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

Timing is not a factor.

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

Staff is not aware of any environmental conditions or historic resources which would be impacted by this request.

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 matters which may be appropriate.

This rezoning came about because the Planning and Zoning Department received a complaint from a neighbor about the bright lights that are on the subject property. The owner was notified that car sales was not allowed in a B-1 zoning and that he would need to rezone in order to keep the car lot on the subject property. If this rezoning is approved he will need to comply with Section 5.4.5 Lighting Standards.

5.4.5 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.*

Staff Comments and Recommendation

As stated previously, the subject property is currently zoned B-1, Professional Business District, and is currently commercial. The subject property is occupied with two structures. The property adjoins South Holley Street to the west and Black Devine Road to the south. The adjoining properties to the north and east are residential. The adjacent property to the west is commercial. The requested zoning designation is B-4 Major Commercial District. According to the submitted information, the purpose of this request is to allow for car sales.

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

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

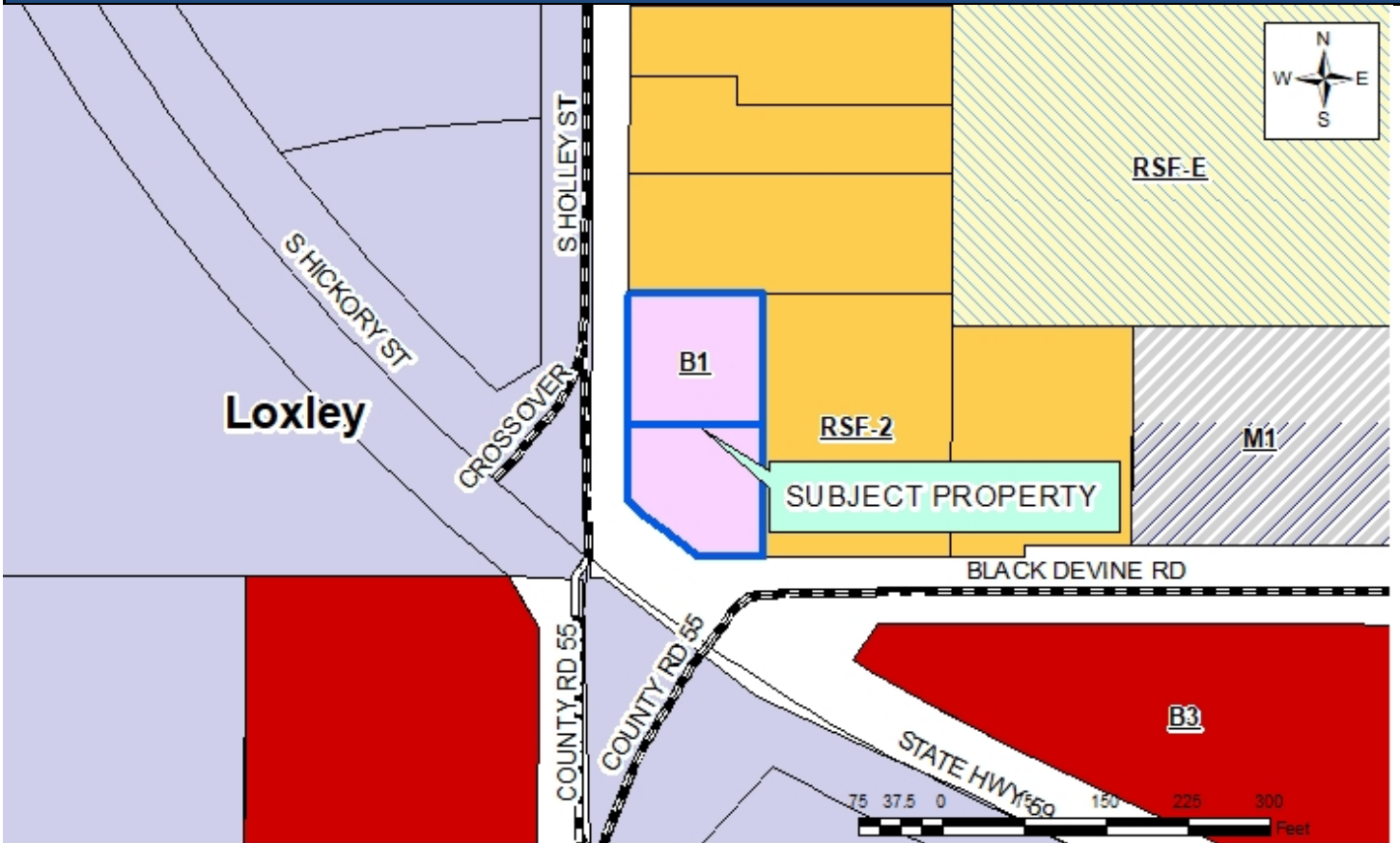
Property Images



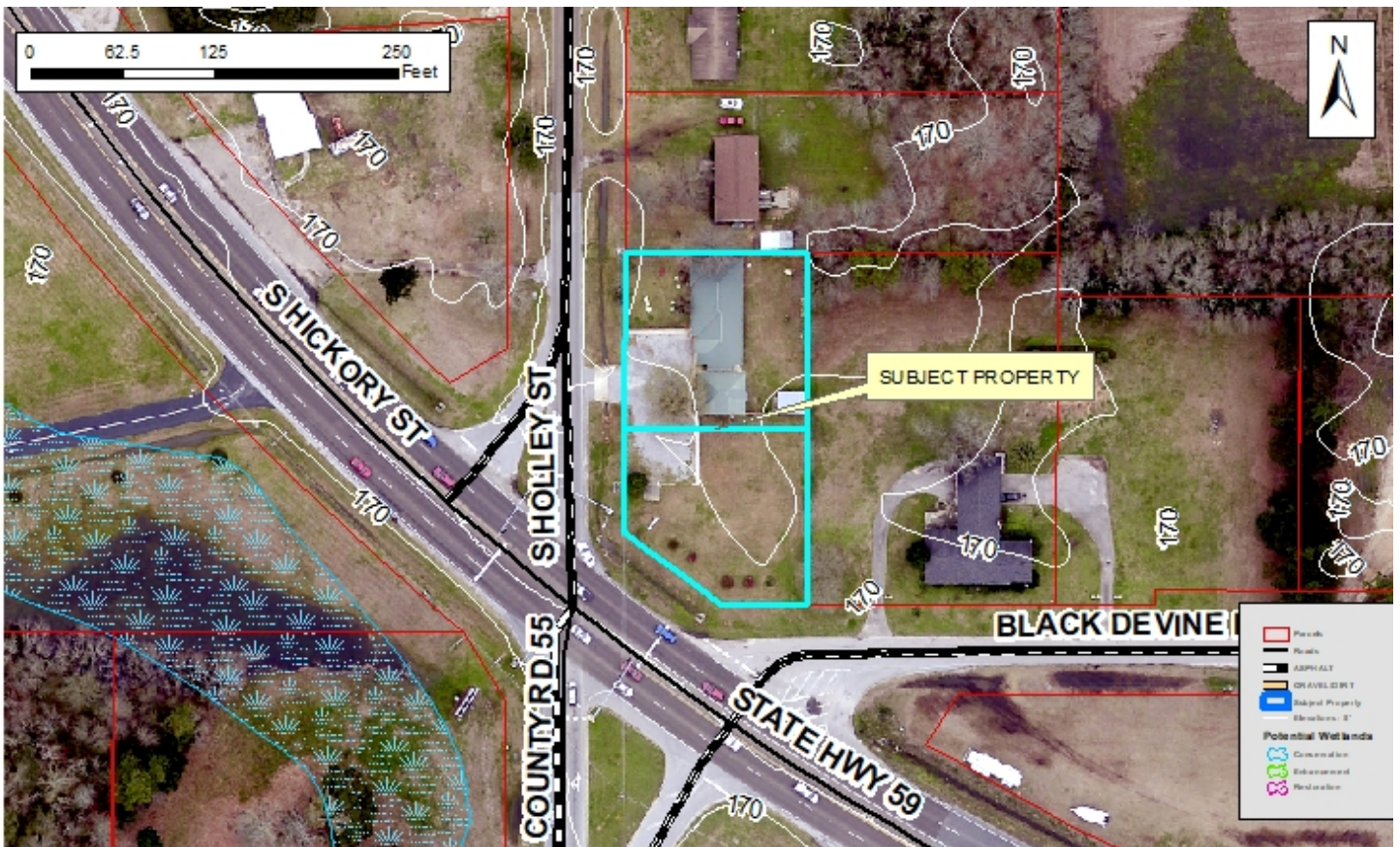




Locator Map



Site Map





Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 7.b

Case No. Z-18043

Creek Gulf Investments LLC Property

Rezone B-3, General Business District to RMH, Residential Manufactured Housing Park District

September 6, 2018

Subject Property Information

Planning District: 21
General Location: East side of Magnolia Springs Highway South of County Road 12
Physical Address: 8878 Magnolia Springs Highway
Parcel Number: 05-60-05-15-0-005.012 and part of 05-60-05-15-0-000-005.013
Existing Zoning: B-3, General Business District
Proposed Zoning: RMH, Residential Manufactured Housing Park District
Existing Land Use: Manufactured Housing Park
Proposed Land Use: Manufactured Housing Park
Acreage: Lot 8 – 1.26 acres±; Lot 9 – 1.68 of 4.03 acres±
Applicant: John Strutz on behalf of Creek Gulf Investments
 8878 Magnolia Springs Highway
 Foley, AL 36535
Owner: Creek Gulf Investments LLC
 508 Mohawk Street
 Tecumseh, MI 49286
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Commercial	B-3, General Business District
South	Residential	RMH, Residential Manufactured Housing Park District
East	Commercial	B-3, General Business District
West	Vacant	RSF-2, Single Family District and B-2, Neighborhood Business District

Summary

The subject properties are currently zoned B-3, General Business District, and are occupied with mobile homes and one structure used for a business. Only the portion of lot nine containing mobile homes is requested to be rezoned. The requested designation is RMH, Residential Manufactured Housing Park District. The purpose of this request is to allow for the continued use of the existing manufactured housing park.

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:

- | | |
|---|---|
| <ul style="list-style-type: none"> (a) All uses permitted by right under the B-2 zoning designation (b) Air conditioning sales and service (c) Amusement arcade (d) Animal clinic/kennel (e) Arboretum (f) Auto convenience market (g) Automobile service station (h) Bakery, wholesale (i) Ball field (j) Bicycle sales and service (k) Bowling alley (l) Business machine sales and service (m) Business school or college (n) Butane gas sales (o) Cemetery (p) City hall or courthouse (q) Country club (r) Department store (s) Discount/variety store (t) Drug store (u) Elevator maintenance service (v) Exterminator service office (w) Farmer's market/truck crops (x) Firing range (y) Fitness center or gym (z) Florist (aa) Fraternity or sorority house (bb) Fruit and produce store | <ul style="list-style-type: none"> (cc) Funeral home (dd) Golf course (ee) Golf driving range (ff) Grocery store (gg) Landscape sales (hh) Marine store and supplies (ii) Miniature golf (jj) Mini-warehouse (kk) Night club, bar, tavern (ll) Nursery (mm) Office equipment and supplies sales (nn) Park or playground (oo) Pawn shop (pp) Pet shop (qq) Plumbing shop (rr) Printing/publishing establishment (ss) Restaurant sales and supplies (tt) Riding academy (uu) Rug and/or drapery cleaning service (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*:

- | | |
|---|--|
| <ul style="list-style-type: none"> (a) Airport (b) Ambulance/EMS service (c) Amusement park (d) Armory (e) Auditorium, stadium, coliseum (f) Automobile parts sales | <ul style="list-style-type: none"> (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 plat
- (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.*

Proposed Zoning Requirements

Section 4.11 RMH, Residential Manufactured Housing Park District

4.11.1 *Generally.* The intent of this zoning district is to provide the opportunity for manufactured housing parks.

4.11.2 *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) Mobile home/manufactured home.
- (e) Manufactured Housing Park.
- (f) Accessory structures and uses.
- (g) The following institutional use: church or similar religious facility.

4.11.3 *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.

4.11.4 *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.

(a) *Development area.* A manufactured housing park shall have a minimum lot area of 1 contiguous acre.

(b) *Space size.* Each manufactured housing space shall have a minimum area of 5,000 square feet and a minimum width of fifty (50) feet for single wide homes and a minimum area of 6,500 square feet and a minimum width of fifty (50) feet for multisectional units. Manufactured housing parks not served by a public water or sewer system may have larger minimum area requirements as established by the Health Department.

(c) *Setbacks.*

1. Each manufactured housing park shall have a front yard of 50-feet extending for the full width of the subject parcel.
2. Each manufactured housing park shall have a rear yard and a side yard on both sides of the parcel devoted to said use of not less than 30-feet.
3. There shall be a front yard setback of at least 10-feet from all interior park roads.
4. Manufactured homes shall be so located on each space that there shall be at least a 20-foot clearance between manufactured homes. Where manufactured homes are parked end to end, the end to end clearance may not be less than 20-feet and shall not be less than 20-feet to any building within the park.

(d) *Density.* The maximum density of a manufactured housing park shall not exceed six (6) spaces per acre.

(e) *Height.* The maximum height of a structure shall not exceed 35-feet.

4.8.5 *Compliance with Subdivision Regulations.* All manufactured housing parks are subject to the provisions of *Article 9: Manufactured Housing Parks* of the *Baldwin County Subdivision Regulations*.

Agency Comments

Baldwin County Highway Department:

From: Frank Lundy

Sent: Friday, August 17, 2018 9:07 AM

To: D Hart <DHart@baldwincountyal.gov>

Cc: Audra Mize <AMIZE@baldwincountyal.gov>

Subject: FW: Z-18043 Creek Gulf Investments

DJ,

The Maintenance Section does not have any comments to add.

Thanks,
Frank

Army Corps of Engineers: No comments received.

ADEM: No comments received.

Baldwin County Subdivision Department: Subdivision approval will be required.

From: Seth L. Peterson

Sent: Thursday, August 16, 2018 3:22 PM

To: D Hart <DHart@baldwincountyal.gov>

Cc: Laurie Rumbaugh <LRUMBAUGH@baldwincountyal.gov>

Subject: RE: Z-18043 Creek Gulf Investments Property

DJ,

If the rezoning is approved, the developer will need to obtain Final Site Plan Approval in accordance with the Baldwin County Subdivision Regulations.

Thanks,
Seth

Municipality (Foley): No comments received

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 are currently zoned B-3, General Business District, and are occupied with mobile homes and one structure used for a business. Only the portion of lot nine containing mobile homes is requested to be rezoned. The adjoining properties to the south are zoned RMH, Residential Manufactured Housing Park.

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 21 was zoned in June 2009. The existing Mobile Home Park was established at the time zoning was implemented with one mobile home on lot eight and four mobile homes on lot nine.

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

The Baldwin County Master Plan, 2013, provides a future land use designation of Commercial for the subject properties. If the rezoning is approved, the Future Land Use Map will be amended to reflect the designation of Residential. The surrounding future land use designations are Residential and Commercial.

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

Staff is unaware of any planned public improvements.

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

Magnolia Springs Highway is a County Maintained Road. There are currently a total of seven mobile homes on the property with the proposed addition of one more mobile home. Staff does not anticipate any adverse affect to traffic patterns or congestion.

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.

Yes, the adjacent land uses to the south are manufactured housing parks.

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

See response to item number 6 which is listed above. In addition, the adjoining property to the north is zoned commercial which is more in keeping with a manufactured housing park.

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

Timing is not an issue 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 not aware of any environmental conditions or historic resources which would be impacted by this request.

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 matters which may be appropriate.

If the rezoning request is approved, final site plan approval will be required in accordance with the Baldwin County Subdivision Regulations.

Staff Comments and Recommendation

As stated previously, the subject properties are currently zoned B-3, General Business District, and are occupied with mobile homes and one structure used for a business. Only the portion of lot nine containing mobile homes is requested to be rezoned. The requested designation is RMH, Residential Manufactured Housing Park District. The purpose of this request is to allow for the continued use of the existing manufactured housing park.

Staff is not aware of any opposition to this rezoning request.

With the above comments in mind, staff feels this rezoning application should be recommended for **APPROVAL**. *

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





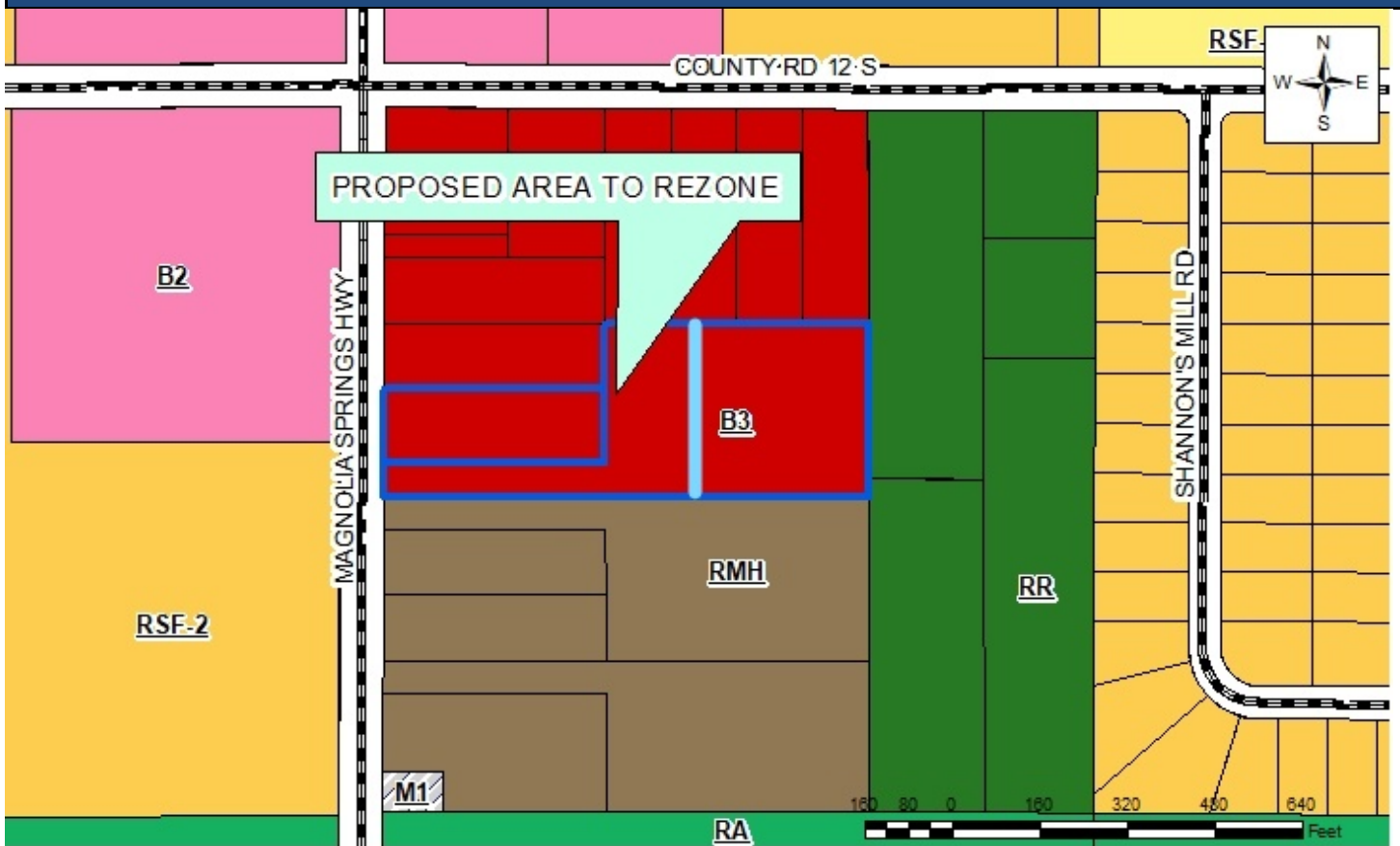


Google Earth 2018 Images

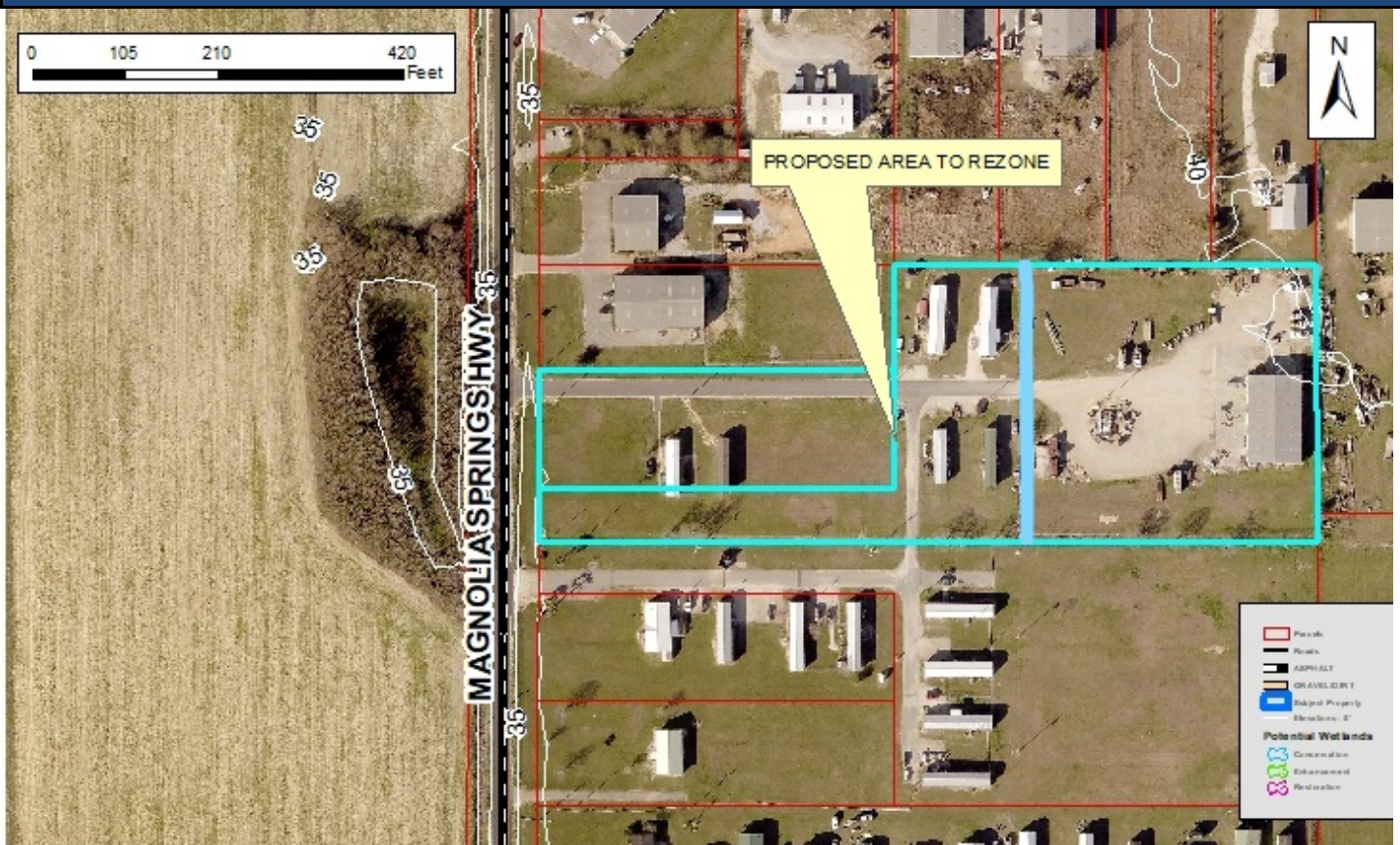




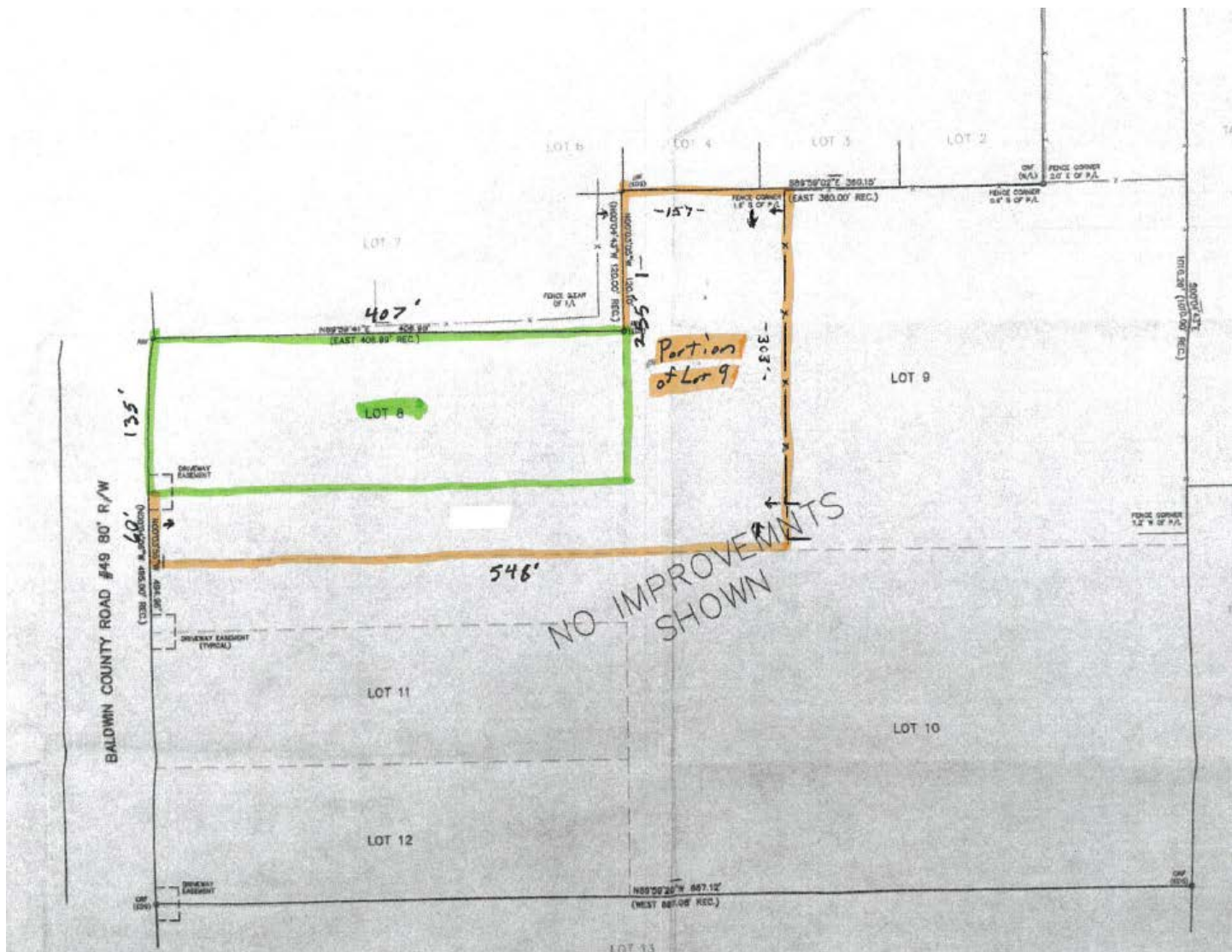
Locator Map



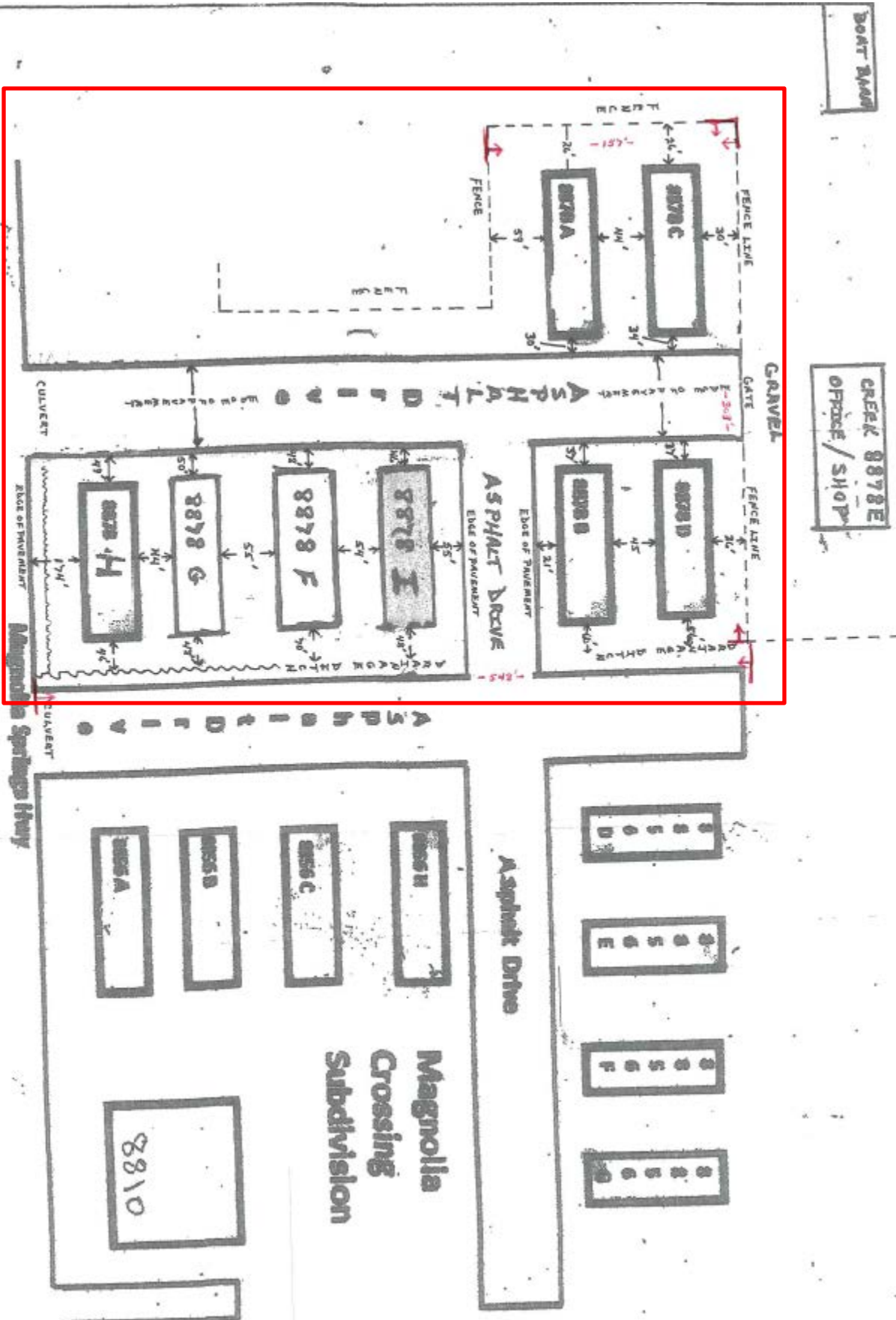
Site Map



Area Requested to be Rezoned

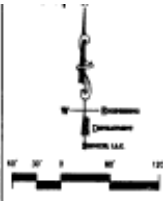


Layout of Manufactured Housing Park



Magnolia Crossing Subdivision Plat

PAGE 2 OF 2 BALDWIN COUNTY, ALABAMA



PREPARED BY:
ENGINEERING DEVELOPMENT SERVICES, LLC
 P.O. BOX 1180 FAIRHOPE, ALABAMA 36533
 C. MICHAEL ARVIDL, AL PLS LIC. NO. 128640
 JOSEPH P. MULLOCK, AL PE LIC. NO. 10312

OWNER: CHEVYSHME, L.L.C.
 P.O. BOX 7388
 POLEY, AL 36558
DEVELOPER: SAME

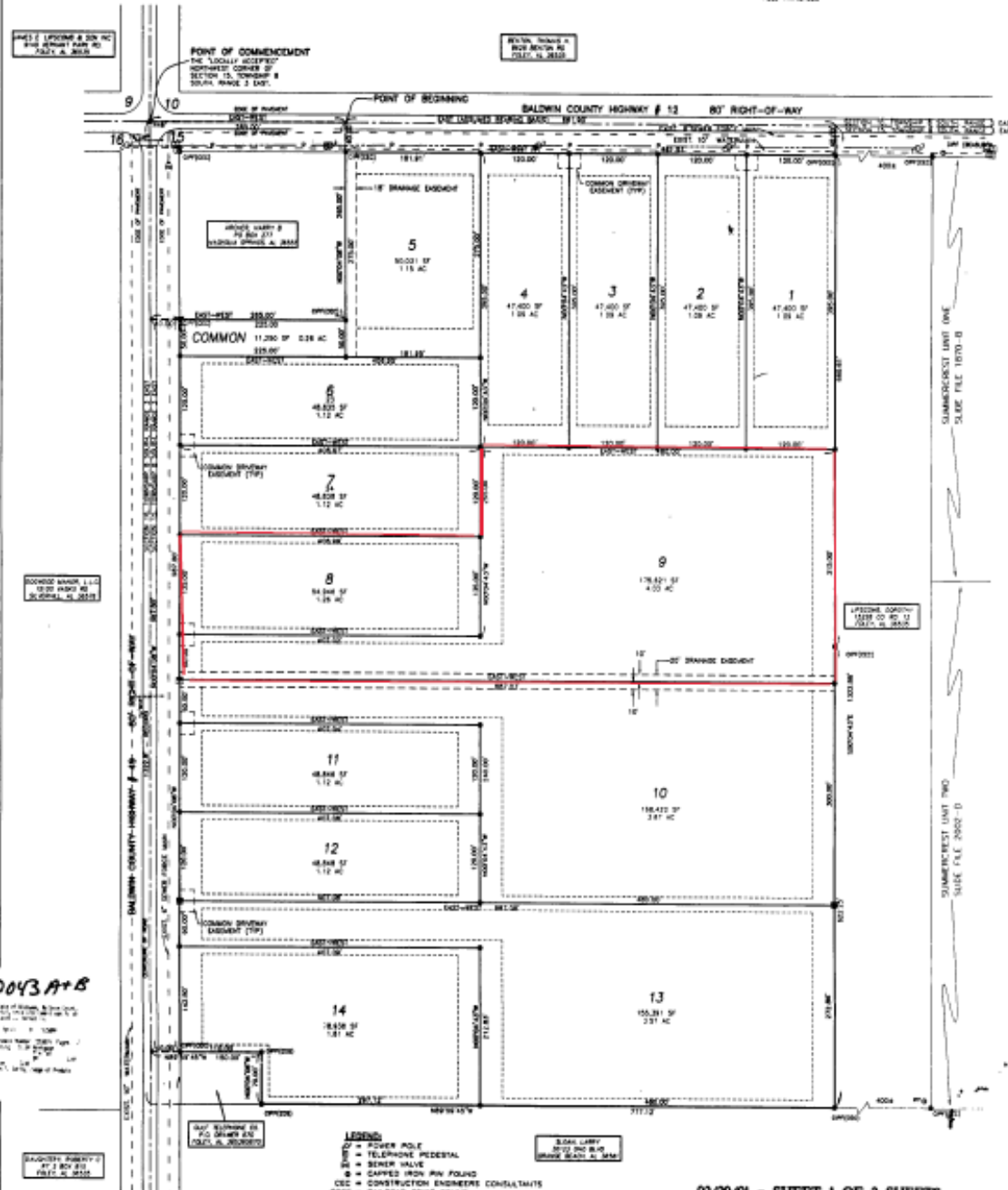
SITE DATA
 CURRENT ZONING: HOME
 MINIMUM LOT SIZE: 7,500 SF
 MIN. FT. STREETS: 3
 NUMBER OF LOTS: 14
 SMALLEST LOT: 47,400 SF
 LARGEST LOT: 176,819 SF
 COMMON AREAS: 0.26 AC
 TOTAL AREA: 24.76 AC

REQUIRED UTILITIES

WATER SERVICE: WILVERA UTILITIES
 SEWER SERVICE: BALDWIN COUNTY SEWER SERVICE
 ELECTRIC SERVICE: BALDWIN COUNTY EMC
 TELEPHONE SERVICE: GULF TELEPHONE

SURVEYOR'S NOTES

- ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH U.S. STANDARDS.
- DESCRIPTION AS FURNISHED BY CLIENT.
- THERE MAY BE RECORDS OF UNRECORDED DEEDS, EASEMENTS, EIGHTH-OF-NOTES, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE ACCURACY OF THIS INSTRUMENT.
- THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF ANY SUB-SURFACE FEATURES.
- THE LINES REPRESENTING THE CENTERLINE AND RIGHT-OF-WAY OF THE STREETS ARE SHOWN FOR INFORMATION ONLY AND WERE NOT SURVEYED UNLESS RIGHT-OF-WAY ADJACENT TO A PUBLIC HIGHWAY.
- SURVEY WAS CONDUCTED ON OCTOBER 1ST 1988.
- BOUNDARIES AND DISTANCES SHOWN HEREIN WERE OBTAINED FROM FIELD MEASUREMENTS.



2043A+B

LEGEND

- POWER POLE
- TELEPHONE PEDESTAL
- SEWER VALVE
- CAPPED IRON PIV FOUND
- CONSTRUCTION ENGINEERS CONSULTANTS
- RAILROAD SPIKE FOUND
- POWER LINE
- CAPPED IRON PIV PLACED (EA-0088-15)
- CAPPED IRON PIV PLACED (EA-0088-15)

GENERAL NOTES

- STORMWATER DETENTION AREAS ARE NOT THE RESPONSIBILITY OF BALDWIN COUNTY TO MAINTAIN.
- THERE EXISTS A DRAINAGE EASEMENT OVER THE ENTIRE COMMON AREA AS SHOWN HEREIN.
- COMMON DRIVEWAYS SHOWN HEREON ARE PRIVATE AND WILL NOT BE MAINTAINED BY BALDWIN COUNTY.
- THERE EXISTS A 12" UTILITY EASEMENT ALONG THE FRONT OF ALL LOTS.
- THERE EXISTS A 2" UTILITY EASEMENT ALONG THE SIDE OF ALL LOTS.

FLOOD CERTIFICATE

THIS PROPERTY LIES WITHIN ZONE "V" AS SHOWN FROM THE FEDERAL FLOOD INSURANCE RATE MAP BY COMMUNITY NUMBER 87488, FIRM NUMBER 8848, DATE 5/1/88, REVISED JANUARY 3, 1989.

02/20/01 - SHEET 1 OF 2 SHEETS

BOUNDARY SURVEY AND PLAT OF SUBDIVISION
MAGNOLIA CROSSING

ENGINEERING DEVELOPMENT SERVICES, LLC
 Engineering • Planning • Surveying • Construction Management
 9819 S.S. Highway 96 • Suite 9-11 • Fairhope, Alabama 36533
 P.O. Box 1171 • Fairhope, Alabama 36533
 (334) 969-3272 • Fax (334) 969-3124

DATE	02/20/01
DRAWN	S.A.S.
CHECKED	J.P.B.
APPROVED	J.S.A.
SURVEYOR	C.M.A.
SCALE	1"=80'
PLAT NO.	02/114
BOOK	1124/PNAL/DWG
PAGE	2

2043-A



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 7.c

Case No. TA-18001

Amendment to the *Baldwin County Zoning Ordinance*, Article 2 Local Provisions for Planning District 24, Food Trucks at Ono Island Community Support Facilities (Section 2.3.24.3) September 6, 2018

Proposed Amendment Information

General Information:	Amendment to Article 2 of the Baldwin County Zoning Ordinance, Local Provisions for Planning District 24, as it pertains to allowing food trucks at Ono Island community support facilities (Section 2.3.24.3)
Lead Staff:	Vince Jackson, Planning Director
Attachments:	Text of Proposed Amendment, Letter Requesting Amendment

Summary and Recommendation

I. DISCUSSION:

The Property Owners Association for Ono Island has requested a zoning text amendment to the Local Provisions for Planning District 24 (Ono Island) which would allow for the utilization of food trucks during community and social events held at the Ono Island community support facilities. The proposed amendment would be placed at Article 2, Section 2.3.24 of the zoning ordinance. This section deals with the Local Provisions for Planning District 24 (Ono Island).

A copy of the proposed amendment is listed below with the new language underlined and highlighted in red. A copy of the letter from the Property Owners Association of Ono Island, requesting the amendment is attached.

II. RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed amendment to the *Baldwin County Zoning Ordinance*, which would allow food trucks at community and social events held at the Ono Island community support facilities in Planning District 24 (Section 2.3.24.3). *

**On amendments to the zoning ordinance, the Planning Commission will make a recommendation to the County Commission.*

Proposed Text Amendment

2.3.24 *Planning District 24.*

2.3.24.1 Effective Date

On May 12, 1992, a majority of qualified electors in Planning District 24 voted to institute County Zoning. On April 7, 1993, the County Commission adopted the Planning District 24 Zoning Map and Ordinances.

2.3.24.2 District Boundaries

A legal description of the boundaries for Planning District 24 may be found under Appendix A.

2.3.24.3 Local Provisions for Planning District 24

- (a) All utilities shall be placed underground.
- (b) Roof mounted satellite receiving dishes are not permitted, except roof mounted satellite receiving dishes not exceeding 24 inches in diameter are permitted below the ridge of the roof.
- (c) Ono Harbour multi-slip piers
 1. The four multi-slip piers, with each berth assigned to specific lots as though a single family pier, are unique to Ono Harbour and are authorized as a special provision in Planning District 24.
 2. In the event that the multi-slip piers may be damaged or destroyed to an extent of more than fifty percent (50%) of the fair market value of the piers immediately prior to damage or destruction, repair and rebuilding or the multi-slip piers to the configuration and number of slips existing at the time of damage or destruction shall be permitted as a matter of right, irrespective of the provisions contained within Article 20, Nonconformities, and subject to the approval and issuance of all required permits.
 3. Boat lifts shall be permitted for each slip, subject to the approval and issuance of all required permits.

In the event additional lots are platted in Ono Harbour, additional slips may be added to the existing multi-slip piers, subject to Conditional Use approval of the Baldwin County Planning Commission.

(d) Ono Island community support facilities

1. Community support facilities are essential and unique to Ono Island and are authorized as a special provision in Planning District 24. The community support facilities in question are listed as follows:
 - A. Ono Fire Station
 - B. Ono Island POA Office Building
 - C. Ono Island twin-ramp boat launching facility
 - D. Ono Island maintenance equipment storage facility
 - E. Ono Island Community Center
 - F. Ono Island Recreation Center
 - G. Ono Island tennis courts, play center and associated facilities
 - H. Ono Island, ONOMAR bulkheaded multi-slip mooring canal
2. In the event that the above listed community support facilities may be damaged or destroyed to an extent of more than fifty percent (50 %) of the fair market value of the facilities immediately prior to damage or destruction, repair and rebuilding of the community support facilities to the conditions existing at the time of damage or destruction shall be permitted as a matter of right, irrespective of the provisions contained within Article 20, Nonconformities, and subject to the approval and issuance of all required permits.
3. There shall be no commercial activities conducted within the Ono Island community support facilities.
4. In the event that it should become necessary to enlarge or expand the existing Ono Island community support facilities, such expansion may be permitted, subject to Conditional Use approval of the Baldwin County Planning Commission.
5. New community support facilities for Ono Island may be allowed under the OR, Outdoor Recreation District, zoning designation, subject to the Conditional Use approval of the Baldwin County Planning Commission.
6. Food trucks which are a part of and incidental to community and social events held at Ono Island community support facilities are permitted. As used herein, the term "food truck" shall refer to a vehicle which is used to vend food and beverage products. The following standards shall apply:
 - A. Food trucks shall be located on the grounds of the community support facility hosting the community or social event.
 - B. Food trucks are permitted on each property a maximum of no more than two (2) days per calendar week.

- C. No more than three (3) food trucks shall operate on any property at any one (1) time.
 - D. Food trucks shall be allowed to operate after 7:00 am and no later than 9:00 pm.
 - E. No signage shall be allowed other than signs permanently attached to the food truck and one (1) portable menu sign to be located on the ground at the customer waiting area.
 - F. The food truck operator shall provide a waste receptacle for public use. The area shall be kept neat and orderly at all times and garbage or trash shall be removed daily.
 - G. Additional food trucks, extended frequency and extended hours of operation may be allowed upon the recommendations of the Ono Island Property Owner's Association (POA) and subject to the Special Exception approval of the Board of Adjustment for County Commission District 4.
- (e) Accessory dwellings are permitted by right in residential districts in Planning District 24 provided they are contained entirely within the structure of a single family dwelling and provided they do not exceed sixty percent (60%) of the size, in square feet, of the principal residence.
- (f) There shall be no limit on the number of habitable stories for a single family dwelling in the RSF-2, Single Family district provided that maximum building height shall not exceed forty (40) feet and the ridge of the roof shall not exceed forty-five (45) feet measured from the proposed finished grade.
- (g) A water storage tank/tower may be allowed as a conditional use under the OR, Outdoor Recreation zoning designation, subject to the approval of the Baldwin County Planning and Zoning Commission.

Baldwin County Planning and Zoning Commission
Case No. S-18031 Underwood Subdivision
Development Permit Approval
Staff Report for Planning and Zoning Commission Public Hearing
September 6, 2018
Agenda Item 8.a

This report is prepared by the Baldwin County Highway Department, Permit Division 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: September 6, 2018 Development Permit Approval Pending

Attachments: Vicinity Map
Site Map
Proposed Plat

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 14 – Unzoned

Location of Property: The subject property is located on the northwest corner of the intersection of Hanak Lane and Underwood Road.

Parcel Numbers: 05-55-04-17-0-001-005.000 & 05-55-04-17-0-001-005.002

Report Prepared By: Seth Peterson; Permit/Subdivision Manager

III. SUBDIVISION PROPOSAL:

Proposed number of Lots: 3

Linear Feet of Streets: NA

Total Acreage: ± 30.85 acres

Smallest Lot Size: ± 1.87 acres

Proposed Use: Residential

Applicant: Betty Underwood & Kenneth Hanak
PO Box 185
Magnolia Springs, AL 36555

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: Wells
 Sewer: Septic Systems
 Electricity: Baldwin County EMC

Transportation: Each lot in this proposed subdivision will front on an existing County maintained road.

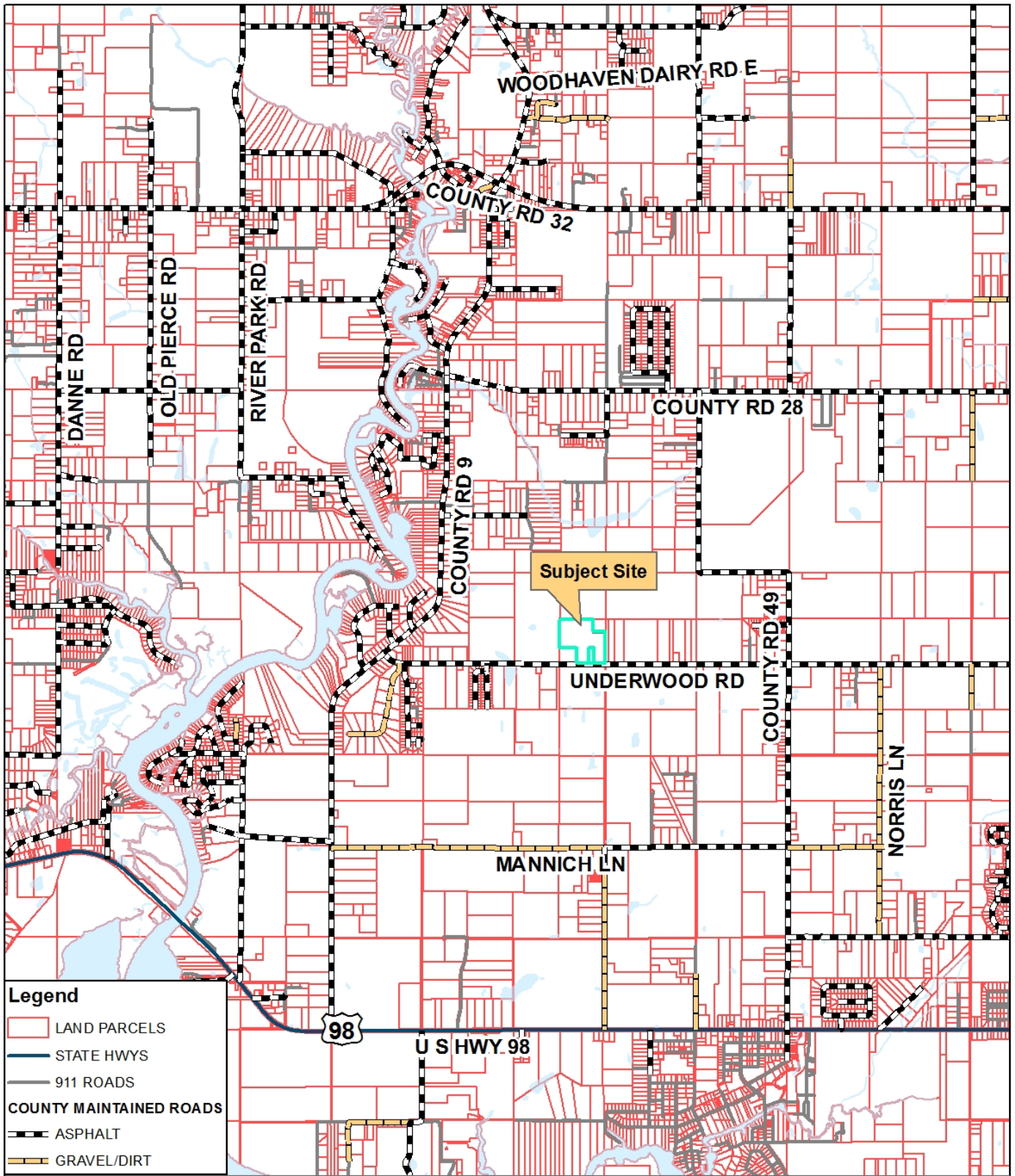
V. STAFF COMMENTS:

Items for consideration:

The proposed plat meets the requirements of the *Baldwin County Subdivision Regulations*.

VI. RECOMMENDATIONS:

Staff recommends that the Development Permit for Case No. S-18031, Underwood Subdivision, be **APPROVED**.



Underwood Subdivision Vicinity Map





Subject Site

HANAK LN

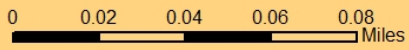
UNDERWOOD RD

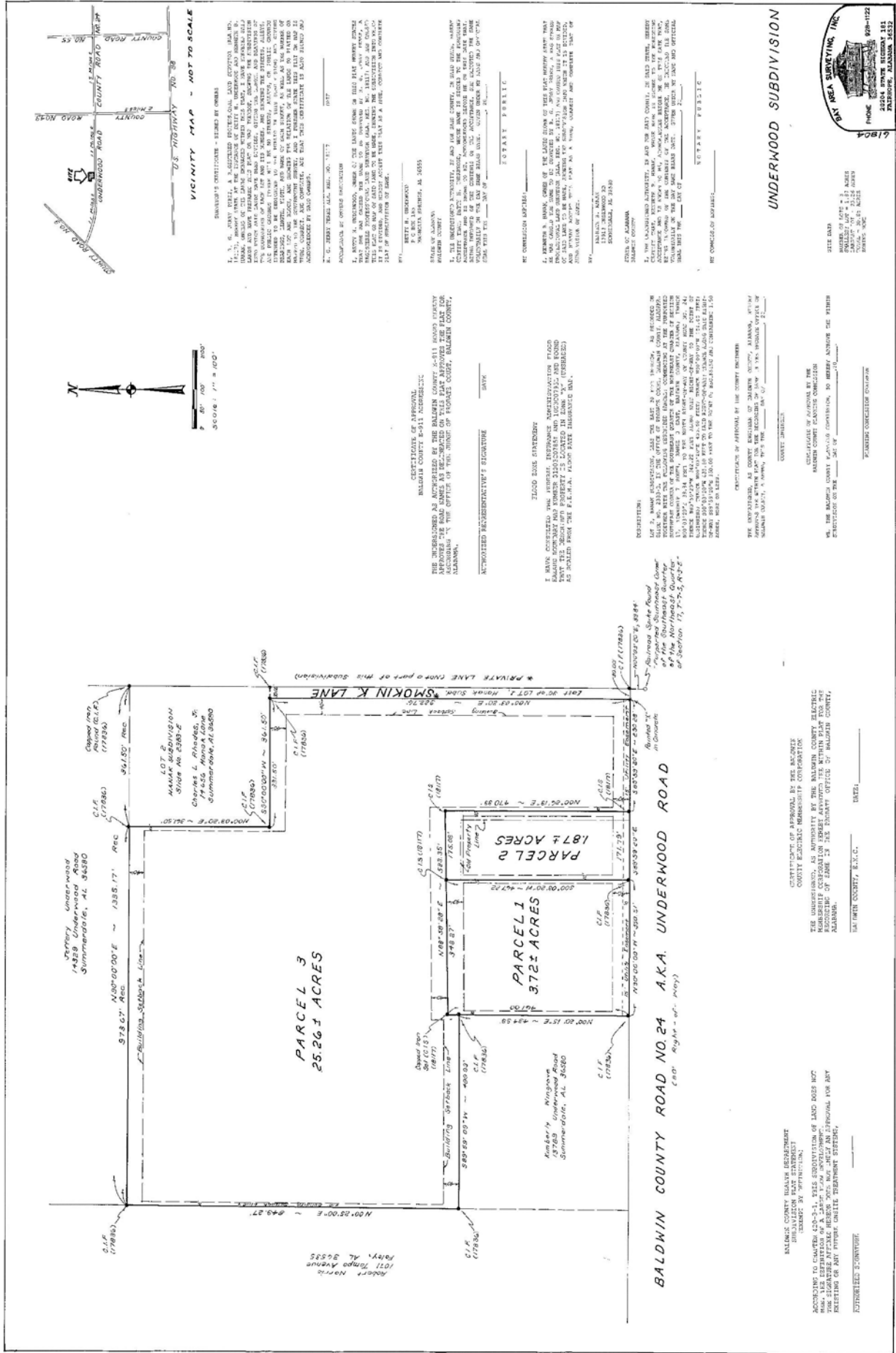
Legend

- LAND PARCELS
- STATE HWYS
- 911 ROADS
- COUNTY MAINTAINED ROADS**
- ASPHALT
- GRAVEL/DIRT



**Underwood Subdivision
Site Map**





Baldwin County Planning and Zoning Commission
Case No. S-18033 Sonoma Ridge Phase II
Development Permit Approval
Staff Report for Planning and Zoning Commission Public Hearing
September 6, 2018
Agenda Item 8.b

This report is prepared by the Baldwin County Highway Department, Permit Division 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: September 6, 2018 Development Permit Approval Pending

Attachments: Vicinity Map
Site Map
Proposed Plat

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 14 – Unzoned

Location of Property: The subject property is located behind Sonoma Ridge Phase I off County Road 49 south of Silverhill.

Parcel Number: 05-47-02-09-0-000-022.000

Report Prepared By: Seth Peterson; Permit/Subdivision Manager

III. SUBDIVISION PROPOSAL:

Proposed number of Lots: 108

Linear Feet of Streets: 4,911 feet

Total Acreage: ± 36.17 Acres

Smallest Lot Size: ± 7,523 Square Feet

Proposed Use: Residential

Applicant: First Horizon, Inc
13348 Corusey Blvd Ste. A
Baton Rouge, LA 70816

Engineer: JADE Consulting, LLC
208 N. Greeno Road, Ste. C
Fairhope, AL 36532

Surveyor: Smith, Clark & Associates, LLC
PO Box 7082
Spanish Fort, AL 36577

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: Town of Silverhill
 Sewer: Baldwin County Sewer Service
 Electricity: Baldwin County EMC

Transportation: New internal streets are proposed that will provide access and frontage for the new lots. These streets will be built to meet the Baldwin County Design Standards for New Road Construction.

Stormwater: The design engineer has provided a generalized stormwater plan that meets the requirements of the *Baldwin County Subdivision Regulations*. Stormwater will be collected in inlets, and then directed to a stormwater detention facility that will limit the release rate to match or be less than the pre-development conditions.

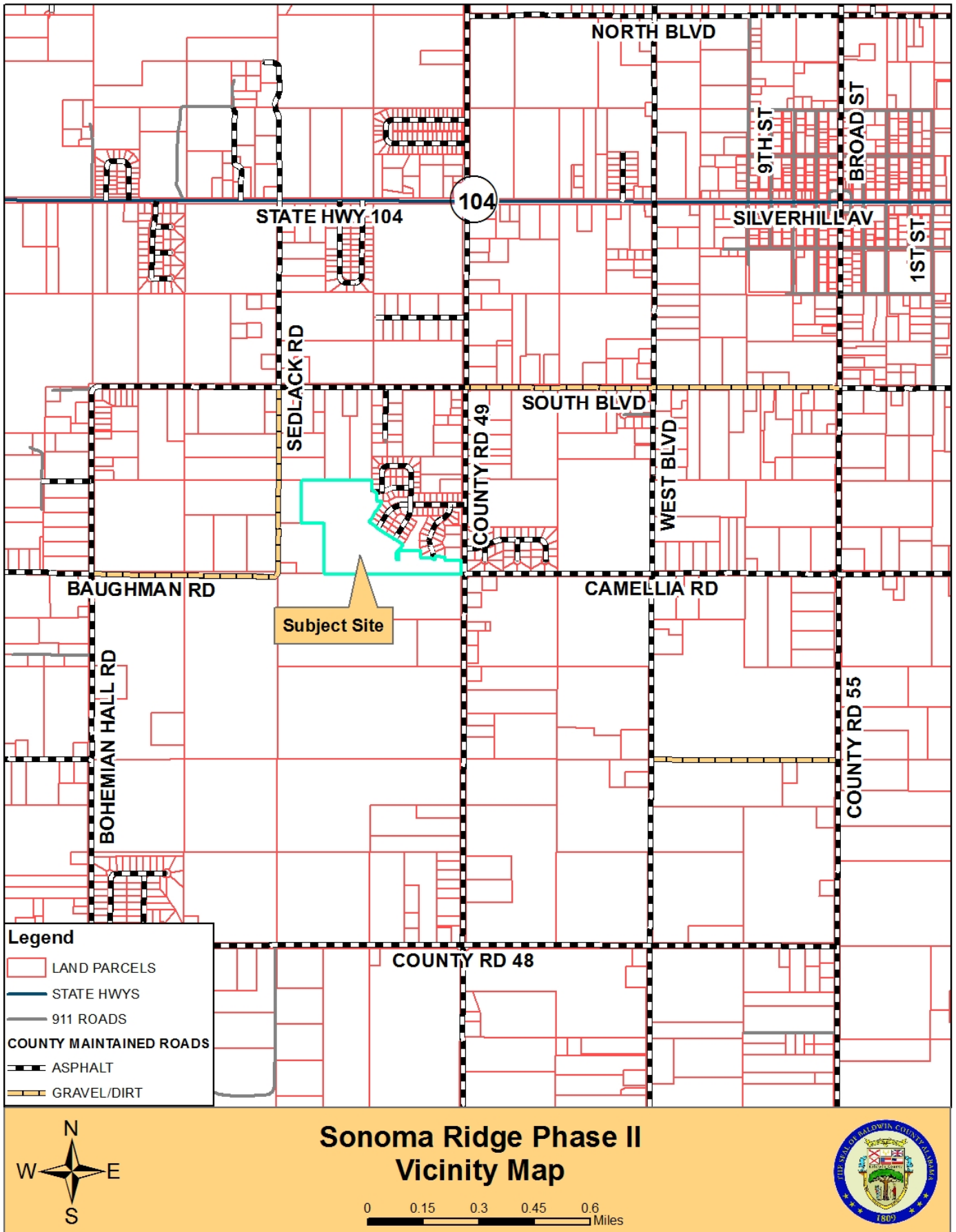
V. STAFF COMMENTS:

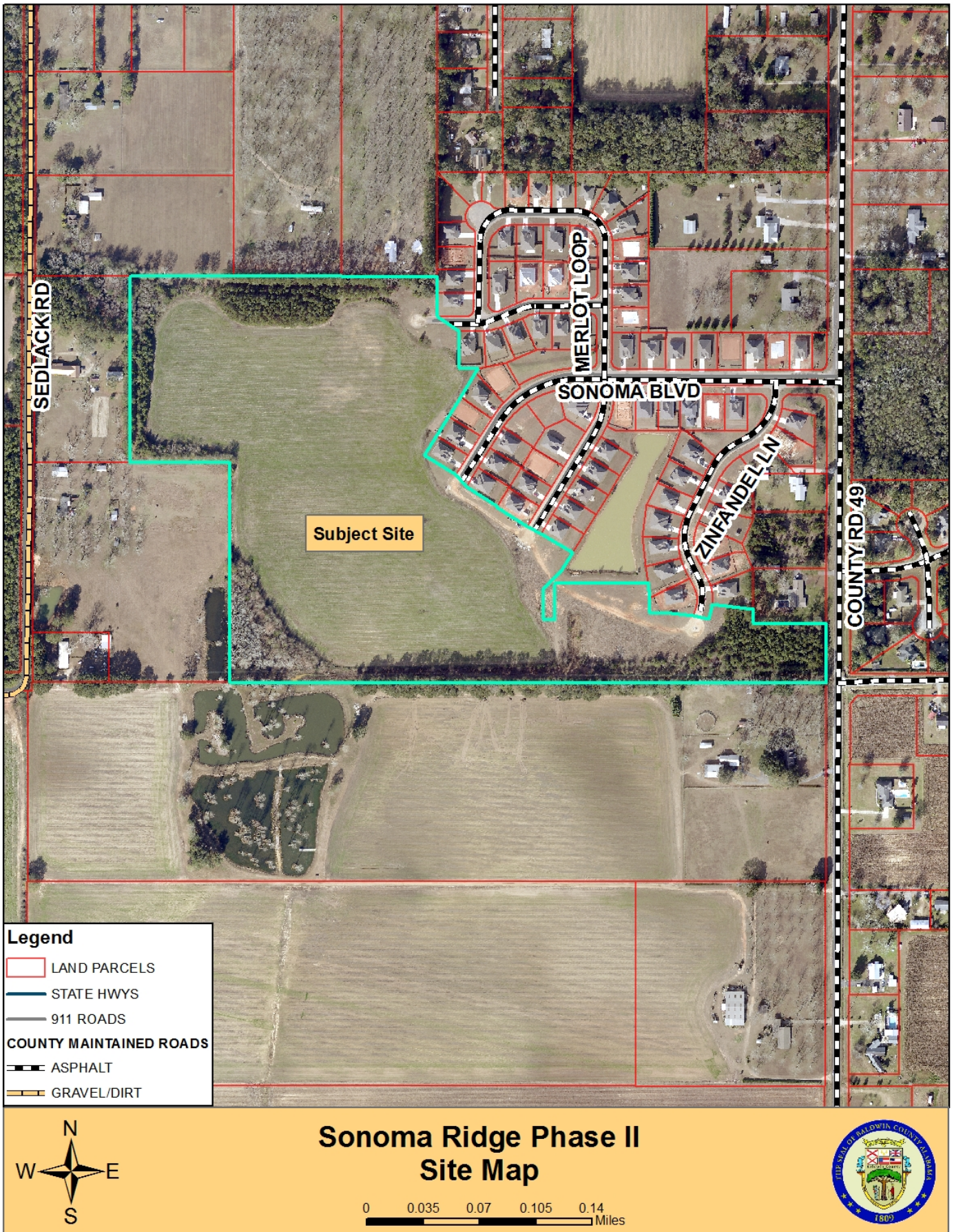
Items for consideration:

The proposed plat meets the requirements of the *Baldwin County Subdivision Regulations*.

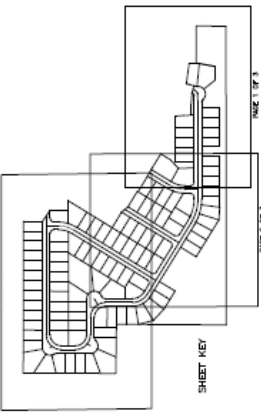
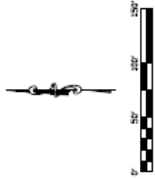
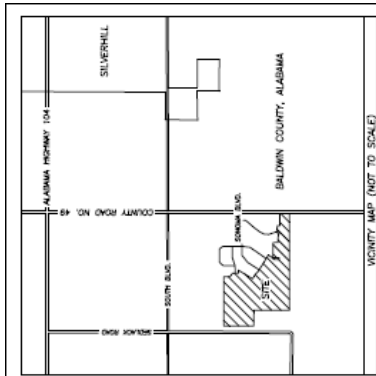
VI. RECOMMENDATIONS:

Staff recommends that the Development Permit for Case No. S-18033, Sonoma Ridge Phase II, be **APPROVED**.





Sonoma Ridge Phase II Site Map



GENERAL NOTES:

1. THE PROPERTY LINES SHOWN ON THIS PLAN ARE BASED ON A SURVEY BY JOHN W. HARRIS, SURVEYOR, BALDWIN COUNTY, ALABAMA, DATED 11/14/17. THE PROPERTY LINES SHOWN ON THIS PLAN ARE BASED ON A SURVEY BY JOHN W. HARRIS, SURVEYOR, BALDWIN COUNTY, ALABAMA, DATED 11/14/17.
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10. THE PROPERTY LINES SHOWN ON THIS PLAN ARE BASED ON A SURVEY BY JOHN W. HARRIS, SURVEYOR, BALDWIN COUNTY, ALABAMA, DATED 11/14/17.

OWNER: SONOMA, LLC
PREPARED BY: JAMES HARRIS, SURVEYOR
DATE: 11/14/17

PROJECT: SONOMA RIDGE PHASE TWO
LOCATION: BALDWIN COUNTY, ALABAMA

LEGAL DESCRIPTION: A CERTAIN PORTION OF THE 100-YEAR IMPROVED LOTS ESTABLISHED BY OTHERS, CROSS SHOWN WITH THE REST OF SAID LOTS, MORE OR LESS, AS SHOWN ON THE PLAT OF SAID LOTS, RECORDED IN THE PUBLIC OFFICE OF BALDWIN COUNTY, ALABAMA, IN THE YEAR 1914, AND THE REST OF SAID LOTS, MORE OR LESS, AS SHOWN ON THE PLAT OF SAID LOTS, RECORDED IN THE PUBLIC OFFICE OF BALDWIN COUNTY, ALABAMA, IN THE YEAR 1914, AND THE REST OF SAID LOTS, MORE OR LESS, AS SHOWN ON THE PLAT OF SAID LOTS, RECORDED IN THE PUBLIC OFFICE OF BALDWIN COUNTY, ALABAMA, IN THE YEAR 1914.

RECORDING INFORMATION: BALDWIN COUNTY, ALABAMA
 PUBLIC OFFICE OF BALDWIN COUNTY, ALABAMA
 100 NORTH 10TH STREET
 BALDWIN COUNTY, ALABAMA 36601
 (205) 636-3443

DATE: 11/14/17

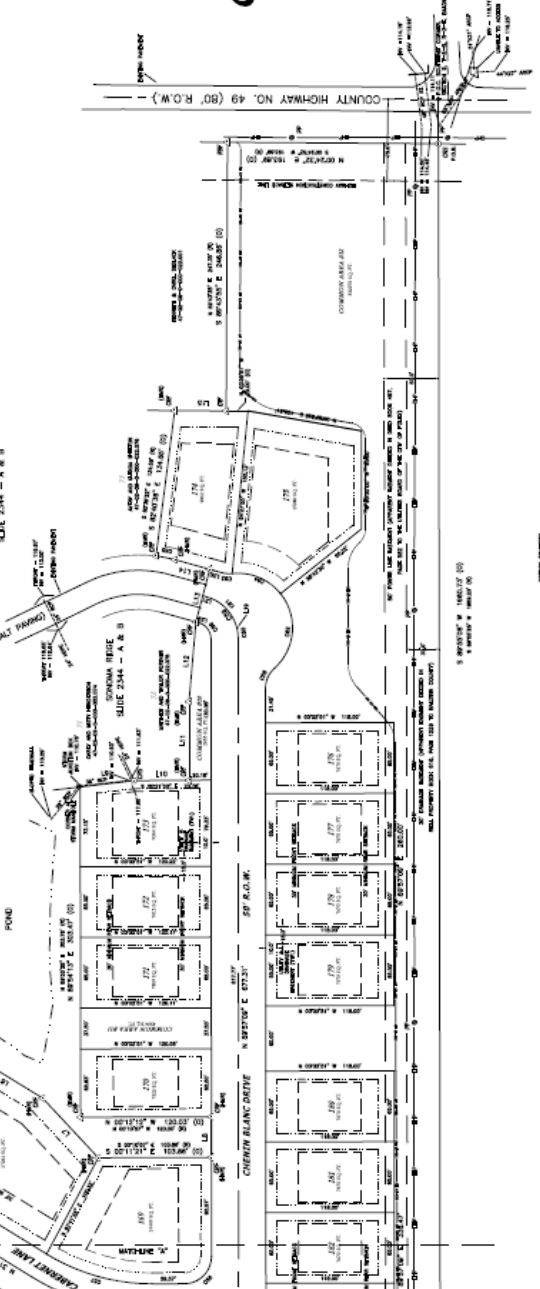
PROJECT: SONOMA RIDGE PHASE TWO
LOCATION: BALDWIN COUNTY, ALABAMA

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RECORDING INFORMATION: BALDWIN COUNTY, ALABAMA
 PUBLIC OFFICE OF BALDWIN COUNTY, ALABAMA
 100 NORTH 10TH STREET
 BALDWIN COUNTY, ALABAMA 36601
 (205) 636-3443

Sonoma Ridge

PHASE TWO



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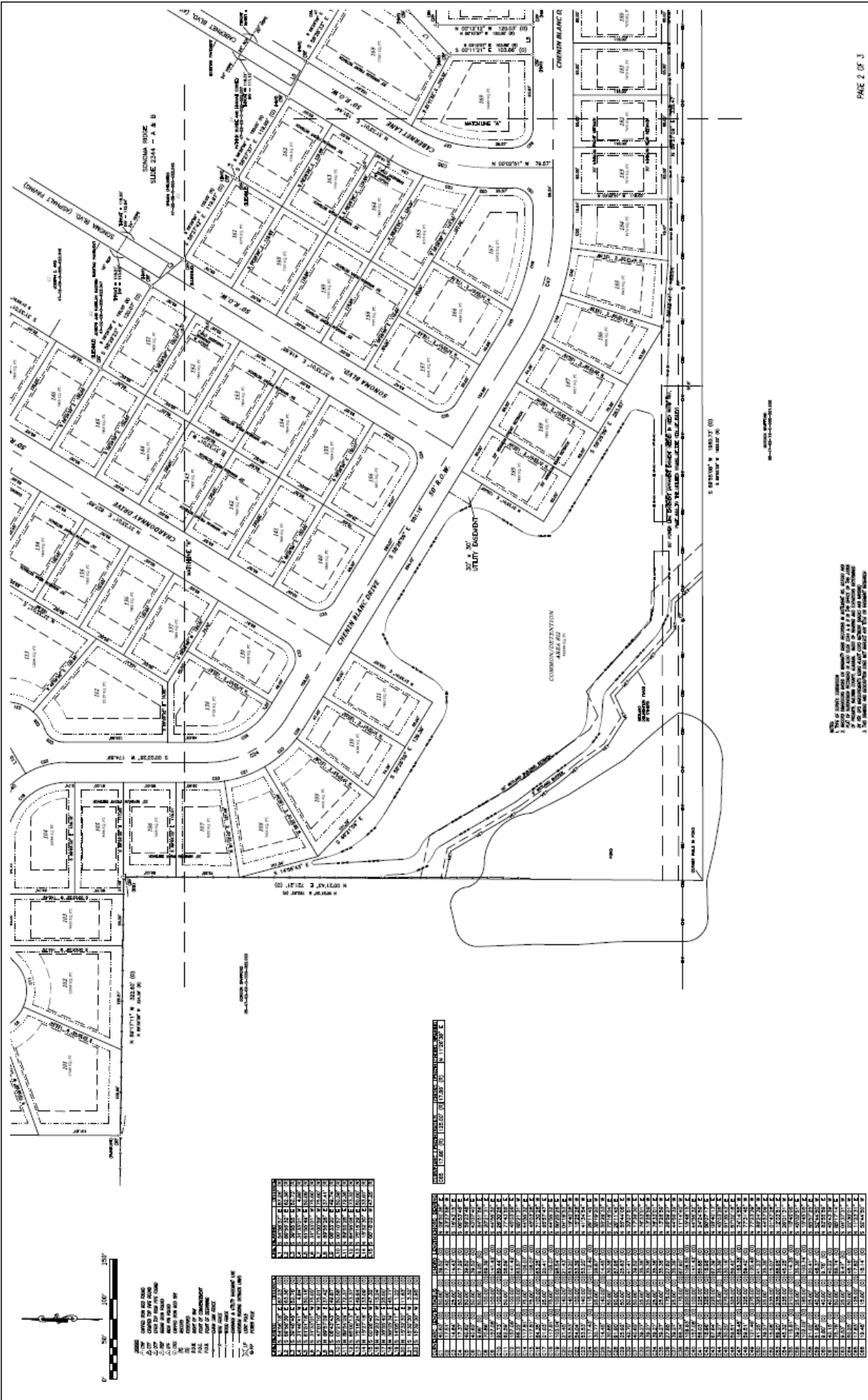
RECORDING INFORMATION: BALDWIN COUNTY, ALABAMA
 PUBLIC OFFICE OF BALDWIN COUNTY, ALABAMA
 100 NORTH 10TH STREET
 BALDWIN COUNTY, ALABAMA 36601
 (205) 636-3443

DATE	11/14/17	SCALE	1/4" = 1'-0"
DRAWN BY	JH	CHECKED BY	JH
DATE	11/14/17	SCALE	1/4" = 1'-0"
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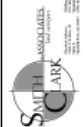
SONOMA, LLC
 SONOMA RIDGE PHASE TWO
 BALDWIN COUNTY, ALABAMA

LEGAL DESCRIPTION: A CERTAIN PORTION OF THE 100-YEAR IMPROVED LOTS ESTABLISHED BY OTHERS, CROSS SHOWN WITH THE REST OF SAID LOTS, MORE OR LESS, AS SHOWN ON THE PLAT OF SAID LOTS, RECORDED IN THE PUBLIC OFFICE OF BALDWIN COUNTY, ALABAMA, IN THE YEAR 1914, AND THE REST OF SAID LOTS, MORE OR LESS, AS SHOWN ON THE PLAT OF SAID LOTS, RECORDED IN THE PUBLIC OFFICE OF BALDWIN COUNTY, ALABAMA, IN THE YEAR 1914, AND THE REST OF SAID LOTS, MORE OR LESS, AS SHOWN ON THE PLAT OF SAID LOTS, RECORDED IN THE PUBLIC OFFICE OF BALDWIN COUNTY, ALABAMA, IN THE YEAR 1914.

RECORDING INFORMATION: BALDWIN COUNTY, ALABAMA
 PUBLIC OFFICE OF BALDWIN COUNTY, ALABAMA
 100 NORTH 10TH STREET
 BALDWIN COUNTY, ALABAMA 36601
 (205) 636-3443



PAGE 2 OF 3



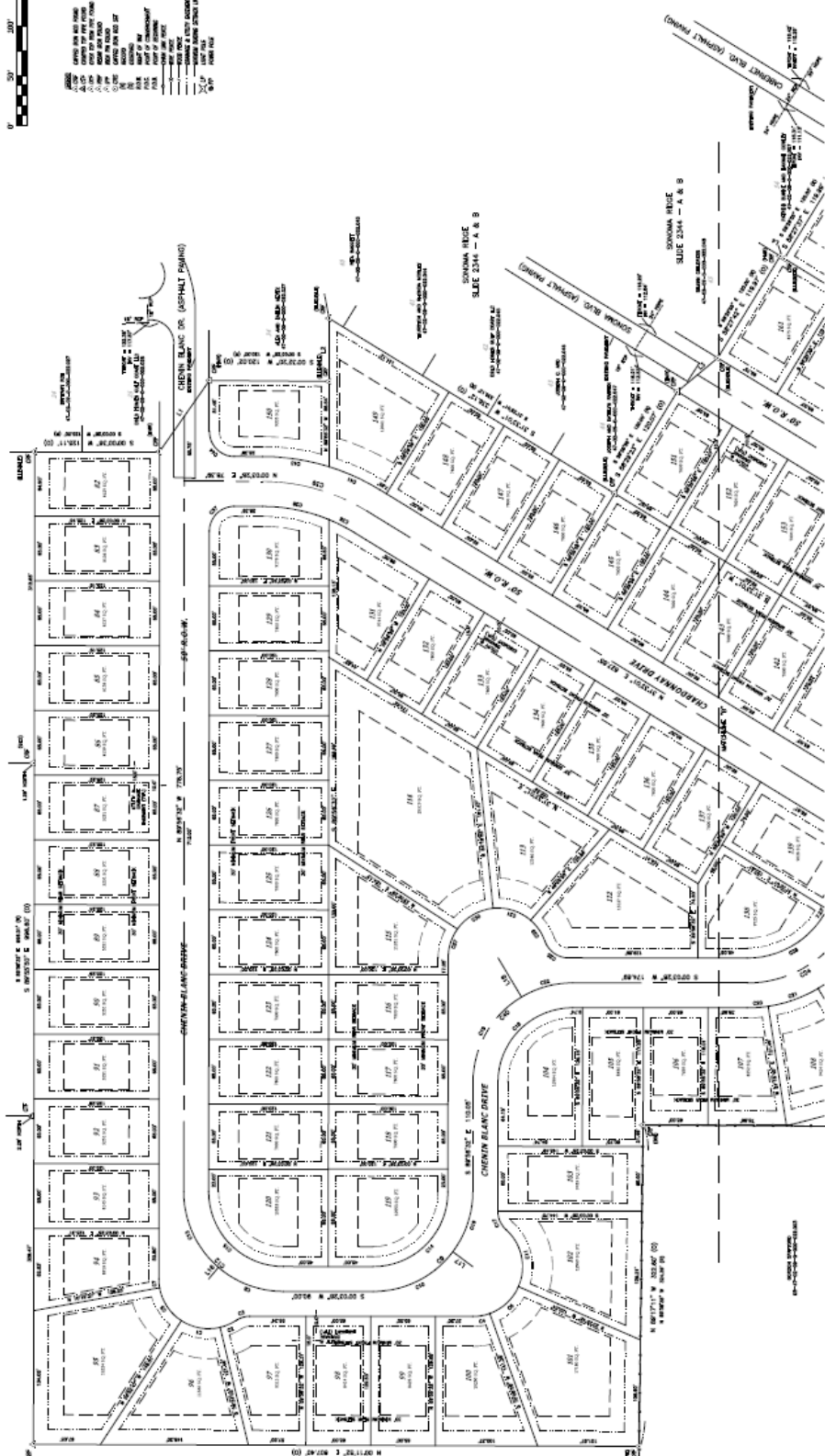
SONOMA, LLC
 SONOMA RIDGE, PHASE TWO
 BALDWIN COUNTY, ALABAMA

DATE	NO.	DESCRIPTION
11/18/18	001	PRELIMINARY
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NOTES:
 1. THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION.
 2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION AND THE BALDWIN COUNTY ENGINEERING DEPARTMENT.
 3. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION AND THE BALDWIN COUNTY ENGINEERING DEPARTMENT.
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 9. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION AND THE BALDWIN COUNTY ENGINEERING DEPARTMENT.
 10. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION AND THE BALDWIN COUNTY ENGINEERING DEPARTMENT.



1.00' = 1" (VERTICAL SCALE)
 1" = 100' (HORIZONTAL SCALE)
 1.00' = 1" (VERTICAL SCALE)
 1" = 100' (HORIZONTAL SCALE)



PAGE 3 OF 3



SONOMA, LLC
 SONOMA RIDGE, PHASE TWO
 BALDWIN COUNTY, ALABAMA

DATE	DESCRIPTION
5/1/18	1"=50'
10/1/17	1"=50'

1. THIS PLAN IS THE PROPERTY OF SMITH ASSOCIATES, LLC AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SMITH ASSOCIATES, LLC.



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 10.a

Case No. P-18004

Bella Sera Gardens, LLC, Property

Conditional Use Approval

September 6, 2018

Subject Property Information

Planning District: 15
General Location: North side of County Road 49, west of the intersection of County Road 49 and Barlow Road
Physical Address: 25049 County Road 49
Parcel Numbers: 05-42-05-21-0-000-052.001
Existing Zoning: RSF-E, Residential Single-Family Estate District
Existing Land Use: Residential
Proposed Land Use: Addition of Open-Air Chapel to Previously Approved Garden Venue for Events (Analogous to Country Club, Residential Use will continue)
Acreage: 15 ± acres
Applicant: Robin Gregorius
 Bella Sera Gardens, LLC
 P.O. Box 497
 Loxley, AL 36551
Owner: Same
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Agricultural	RSF-E, Single Family Estate District
South	Agricultural and Residential	RA, Rural Agricultural District
East	Residential	RSF-E, Single Family Estate District
West	Residential	RSF-E, Single Family Estate District

Summary and Recommendation

The applicant is requesting Conditional Use approval to allow for the continued operation of the previously approved “garden” venue for special events. This is the fourth time Conditional Use review will have taken place for the subject property. Two previous approvals were granted under the case number P-14003. The first, from September 4, 2014, was the initial Conditional Use approval to allow for weddings to be hosted on the property with operational hours ending at 8:00 p.m. The second, granted on September 7, 2017, was to allow for additional events to be hosted and to extend the operational hours until 10:00 p.m., to take full advantage of the outdoor setting. At that time, the condition “Volume of music shall be regulated so no sound shall be audible

from the property lines” was included as part of the approval. The third review took place on May 3, 2018, and primarily involved the addition of an open-air chapel. Hours of operation were scaled back to ending at 9:00 p.m., and the condition pertaining to noise was again included. This approval was granted for a period of four (4) months, which brings us to the current consideration.

The subject property is currently zoned RSF-E, Residential Single-Family Estate District. The proposed use is most analogous to a country club which according to Article 23 of the zoning ordinance may be allowed under the RSF-E designation, subject to the Conditional Use approval of the Planning Commission.

Staff recommends that Case P-18004, Bella Sera Gardens, LLC, Property be **APPROVED*** subject to the conditions outlined at the end of this staff report.

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

Current Zoning Requirements

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

Agency Comments

Permit Engineer – Seth Peterson, E.I.: *No comments received.*

Baldwin County Highway Department – Frank Lundy, P.E.: *No comments received.*

ADEM: *No comments received.*

Municipality (Town of Loxley): *No comments received.*

Staff Analysis and Findings

As stated previously, the applicant is requesting Conditional Use approval to allow for the continued operation of the previously approved “garden” venue for special events. This is the fourth time Conditional Use review will have taken place for the subject property. Two previous approvals were granted under the case number P-14003. The first, from September 4, 2014, was the initial Conditional Use approval to allow for weddings to be hosted on the property with operational hours ending at 8:00 p.m. The second, granted on September 7, 2017, was to allow for additional events to be hosted and to extend the operational hours until 10:00 p.m., to take full advantage of the outdoor setting. At that time, the condition “Volume of music shall be regulated so no sound shall be audible from the property lines” was included as part of the approval. The third review took place on May 3, 2018, and primarily involved the addition of an open-air chapel. Hours of operation were scaled back to ending at 9:00 p.m., and the condition pertaining to noise was again included. This approval was granted for a period of four (4) months, which brings us to the current consideration.

The subject property is currently zoned RSF-E, Residential Single-Family Estate District. The use is most analogous to a country club which according to Article 23 of the zoning ordinance may be allowed under the RSF-E designation, subject to the Conditional Use approval of the Planning Commission. The zoning ordinance does not include a listing for a special event venue (See Article 23, Table of Permitted Uses). According to *Section 23.6*, "In any case where a requested use is not specifically provided, the Zoning Administrator shall determine the appropriate zoning classification by reference to the most clearly analogous use or uses that are specifically provided." In looking for possible analogous uses, the staff noted that a country club may be allowed under the RSF-E designation, subject to the Conditional Use review and approval of the Planning Commission. Although a country club typically includes athletic and sports facilities, the use is analogous to a special event venue in that facilities for social gatherings such as fundraisers, weddings and receptions, are often provided. In addition, the venue would have a lower intensity of use than what would normally be found with a country club. As a result, staff was comfortable with utilization of the Conditional Use process for the proposed special event venue. Furthermore, this process enables the Planning Commission to impose conditions on the approval to minimize possible impacts on adjacent property.

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 the subject property as Residential. This future land use 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. Since the proposed use is analogous to a use which may be allowed under the RSF-E 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 dwelling and one accessory structure. The property adjoins County Road 49 to the south. County Road 49 is a county maintained paved road. The adjoining property to the north is agriculture. The adjoining properties to the west and east are residential. The adjoining property to the south is residential and agriculture.

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

As stated above, the property has already received Conditional Use approval from the Planning Commission for a special event venue with operational hours ending at 9:00 p.m. With continued approval, there will be no change in land use. As a result, impact on property values should remain the same.

(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. However, it should be noted that prior to the May 3, 2018, approval, staff received numerous complaints concerning noise during events. Baldwin County does not have a noise ordinance. As a result, it is often difficult for the Planning staff to deal with noise issues. The condition which was included with the previous approval was an effort to address noise concerns, but it is something that the applicant simply cannot meet. There are numerous factors which affect noise being heard beyond property lines. Staff has received very few complaints since the May 3rd meeting.

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 continued operation of the previously approved “garden” venue for special events. This is the fourth time Conditional Use review will have taken place for the subject property. Two previous approvals were granted under the case number P-14003. The first, from September 4, 2014, was the initial Conditional Use approval to allow for weddings to be hosted on the property with operational hours ending at 8:00 p.m. The second, granted on September 7, 2017, was to allow for additional events to be hosted and to extend the operational hours until 10:00 p.m., to take full advantage of the outdoor setting. At that time, the condition “Volume of music shall be regulated so no sound shall be audible from the property lines” was included as part of the approval. The third review took place on May 3, 2018, and primarily involved the addition of an open-air chapel. Hours of operation were scaled back to ending at 9:00 p.m., and the condition pertaining to noise was again included. This approval was granted for a period of four (4) months, which brings us to the current request.

When the May 3, 2018, approval was granted, the following conditions were included:

1. Approval shall be for this applicant and this location only.
2. The principal use of the subject property shall remain residential.
3. All signage must comply with Article 16 of the Baldwin County Zoning Ordinance.
4. Any expansion of the proposed venue shall necessitate additional review and approval by the Planning Commission.
5. Hours of operation will be changed to 9:00 p.m. for music and all event activities except for cleanup.
6. Volume of music shall be regulated so no sound shall be audible from the property lines.
7. No parking outside of the property on any right-of-way.
8. No amplification of music outside of the enclosed structures.
9. Construction of the open truss chapel is allowed.
10. Approval is granted for 4 months, must return to the September 6, 2018 Planning and Zoning Commission meeting for a review.
11. All other conditions will remain in place.

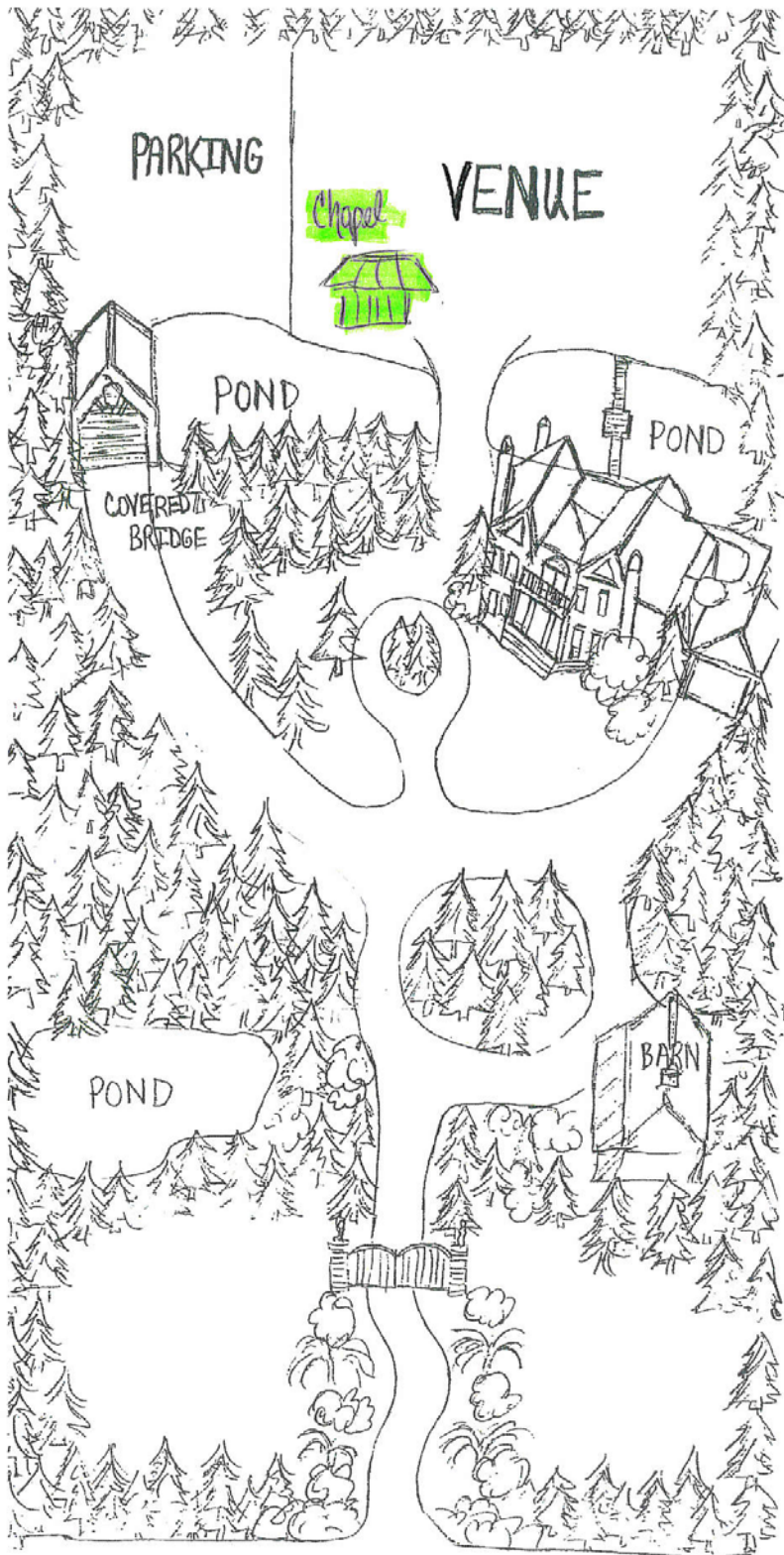
With the current request, staff recommends **APPROVAL*** subject to the following conditions:

1. Approval shall be for this location only.
2. The principal use of the subject property shall remain residential.
3. All signage must comply with Article 16 of the Baldwin County Zoning Ordinance.
4. Any expansion of the proposed venue shall necessitate additional review and approval by the Planning Commission.

5. No parking outside of the property on any right-of-way.

Regarding the previous conditions pertaining to noise, amplified music and hours of operation, it is staff's understanding that the applicant would like a reconsideration of these conditions and will present information to that effect at the meeting. Any changes to these conditions should be based on information obtained at the public hearing and will be reflected in the minutes and Notice of Action. In addition, it should be noted that the 4-month approval period which was included on May 3, will no longer be applicable. This case should only need to return to the Planning Commission in the event of changes or additions to the venue.

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



Proposed Venue 25049 County Rd. 49

Property Images





**ADJOINING PROPERTY
TO THE EAST**

08/31/2017



**DWELLING LOCATED ON
SUBJECT PROPERTY**

07/16/2014





Locator Map



Site Map

