



Baldwin County Planning & Zoning Commission Agenda

Thursday, May 2, 2019

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:**

April 4, 2019 meeting minutes
6. **Announcements/Registration to address the Commission.**
7. **Consideration of Applications and Requests: Subdivision Cases**
 - a.) **Case S-19020, RV City Final Site Plan Approval**

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

Purpose: The applicant is requesting Final Site Plan approval for a 49-site RV Park on 19.70 acres.

Location: The subject property is located on the west side of County Road 49 approximately 625 feet north of Mannich Lane.

b.) Case S-19021, Re-Sub Lot 1, Global Signal Acquisition Subdivision, Development Permit Approval

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

Purpose: The applicant is requesting Development Permit Approval for a 4-lot subdivision on 10.65 acres.

Location: The subject property is located on the south side of Patterson Road between Rabbit Run and Forest View Road.

c.) Case S-19025, Springsteen Subdivision, Phase 2, Variance Request Approval

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

Purpose: The applicant is requesting a Variance approval from the Baldwin County Planning and Zoning Commission to allow the two proposed lots to front on a dirt road.

Location: The subject property is located on the north side of Springsteen Lane approximately 360 feet east of Bender Road.

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

a.) Case Z-19015, Stimpson Property

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

Purpose: The applicant is requesting to rezone 1.06 acres +/- from RSF-1 to RSF-2 to allow the parcel to be subdivided into two (2) lots.

Location: The subject property is located on the northwest corner of Scenic Highway 98 and Moogs Lane, in Planning District 26.

b.) Case Z-19016, Fountain 38 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 22 acres +/- from RSF-1 to RSF-4 to allow the development of a subdivision.

Location: The subject property is located on the north side of US Highway 98, west of Breman Road, in Planning District 22.

c.) Case Z-19017, Childress Property

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

Purpose: The applicant is requesting to rezone 5.4 acres +/- from RA to B-4 to allow boat and RV storage.

Location: The subject property is located west of State Hwy 59 and south of Julius Childress Dr., in Planning District 12.

d.) Case Z-19019, Breedin Property

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

Purpose: The applicant is requesting to rezone 4.3 acres +/- from B-2 to B-3 to allow an animal clinic with kennels and boarding to be operated on the parcel.

Location: The subject property is located on the northeast corner of State Highway 181 and Milton Jones Road, in Planning District 15.

**e.) Case Z-19020, Morgantown Development Co. Inc.
Property**

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

Purpose: The applicant is requesting to rezone 3.65 acres +/- from RSF-1 to RTF-4 to allow duplexes to be built on the parcel.

Location: The subject property is in Surfside Shores, on the south side of Fort Morgan Road (State Highway 180), West of Surfside Drive, in Planning District 25.

9.) Public Comment:

10.) Old Business:

11.) New Business:

12.) Reports and Announcements:

Staff Reports

Legal Counsel Report

Next Regular Meeting: June 6, 2019

13.) Adjournment.

Baldwin County Planning and Zoning Commission
Case No. S-19020 – RV City
Final Site Plan Approval
Staff Report for Planning and Zoning Commission Public Hearing
May 2, 2019

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: May 2, 2019 Final Site Plan Approval Pending

Attachments: Vicinity Map
Site Map
Proposed Final Site Plan

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 14 – Unzoned

Location of Property: The subject property is located on the west side of County Road 49 approximately 625 feet north of Mannich Lane.

Parcel Number: 05-55-05-21-0-000-007.001

Report Prepared By: Mary Booth; Permit/Subdivision Coordinator

III. SUBDIVISION PROPOSAL:

Proposed number of Sites: 49

Linear Feet of Streets: N/A

Total Acreage: ± 19.70 acres

Smallest Site Size: ± 1,925 square feet

Owner/Developer: D R Stewart Incorporated
2011 CO RD 384
Cullman, AL 35057

Surveyor/Engineer: S.E. Civil Engineering
1 S. School Street
Fairhope, AL 36532

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

IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS:

Public Utilities Services: Water: Riviera Utilities
 Sewer: Baldwin County Sewer Service
 Electricity: Baldwin EMC

Transportation: The proposed lots will utilize new gravel private roadways with direct access to County Road 49.

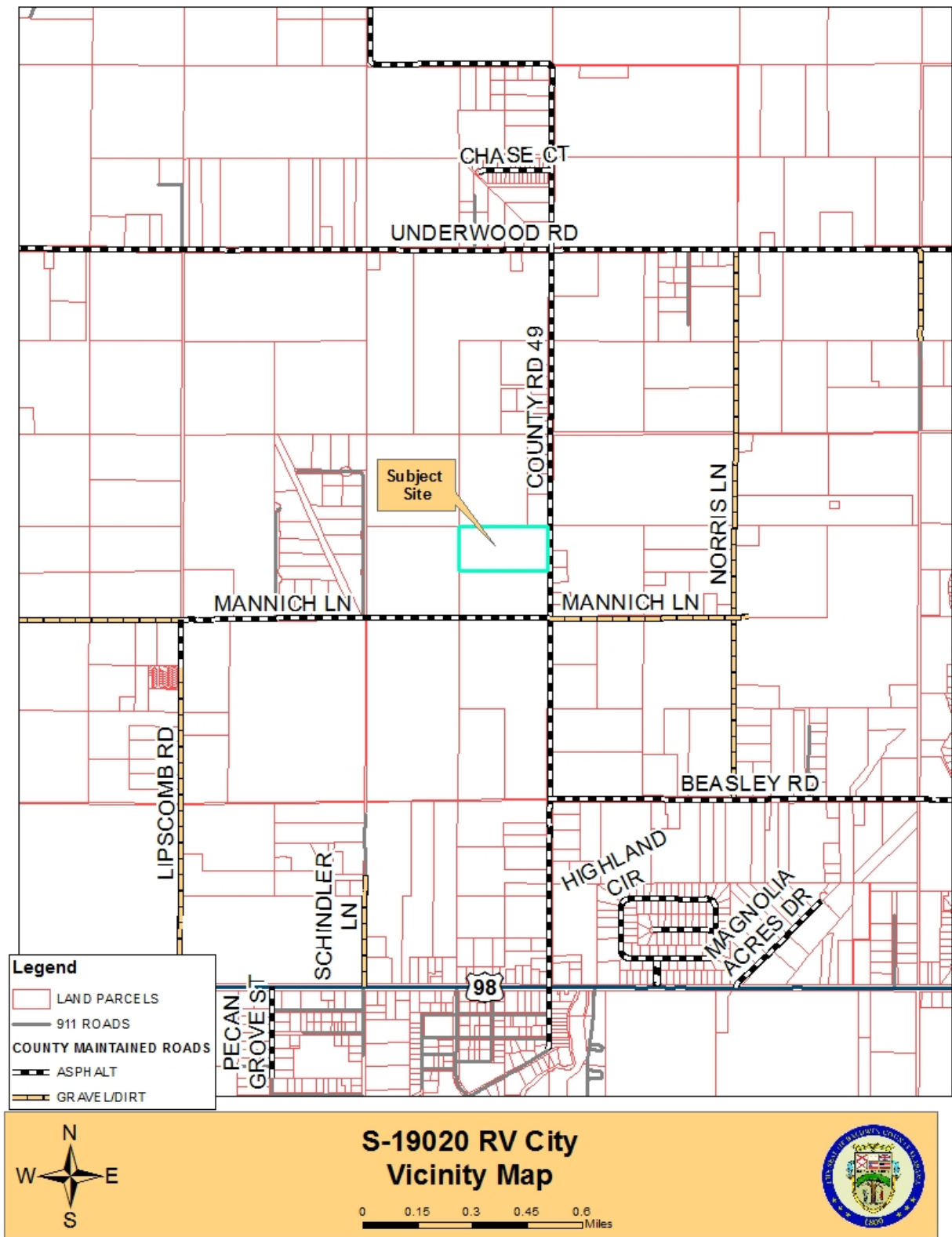
V. STAFF COMMENTS:

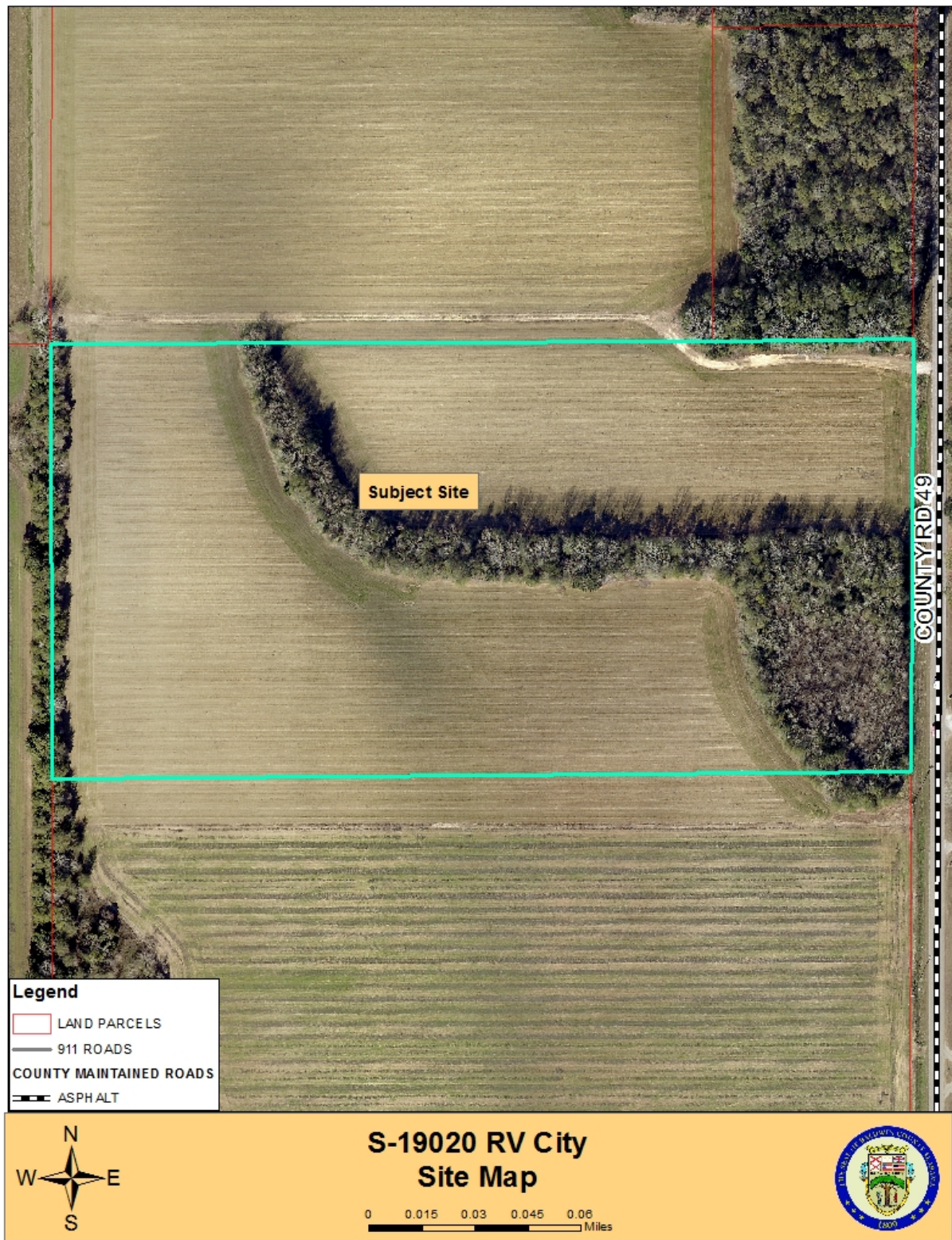
Items for consideration:

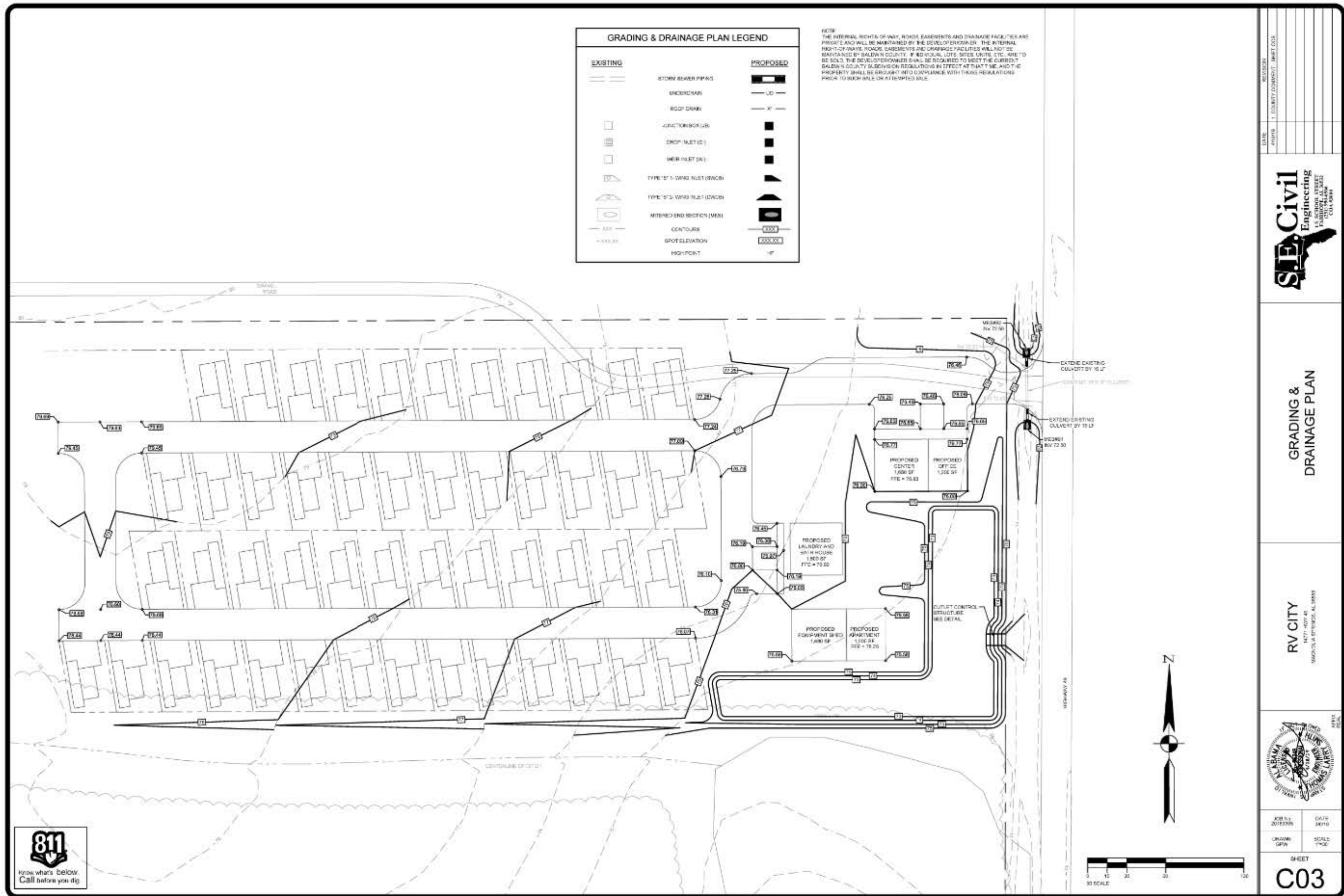
- All items of the Final Site Plan meet the requirements of the subdivision regulations.

VI. RECOMMENDATIONS:

Staff recommends that the Final Site Plan for Case No. S-19020, RV City be **APPROVED**.







Baldwin County Planning and Zoning Commission
Case No. S-19021 – Re-Sub Lot 1, Global Signal Acquisition Subdivision
Development Permit Approval
Staff Report for Planning and Zoning Commission Public Hearing
May 2, 2019

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: May 2, 2019 Development Permit Approval Pending

Attachments: Vicinity Map
Site Map
Proposed Plat

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 13 – Unzoned

Location of Property: The subject property is located on the south side of Patterson Road between Rabbit Run and Forest View Road.

Parcel Number: 05-40-04-17-0-000-002.000

Report Prepared By: Mary Booth; Permit/Subdivision Coordinator

III. SUBDIVISION PROPOSAL:

Proposed number of Lots: 4

Linear Feet of Streets: N/A

Total Acreage: ± 10.65 acres

Smallest Lot Size: ± 2.66 acres

Owner/Developer: Drake Investments, LLC
PO Box 742
Robertsdale, AL 36567

Surveyor: David Lowery Surveying, LLC
9915 Bryant's Landing Road
Stockton, AL 36579

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

IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS:

Public Utilities Services: Water: East Central Baldwin Water Authority
 Sewer: Septic
 Electricity: Baldwin EMC

Transportation: The proposed lots front Patterson Road, a county maintained paved road.

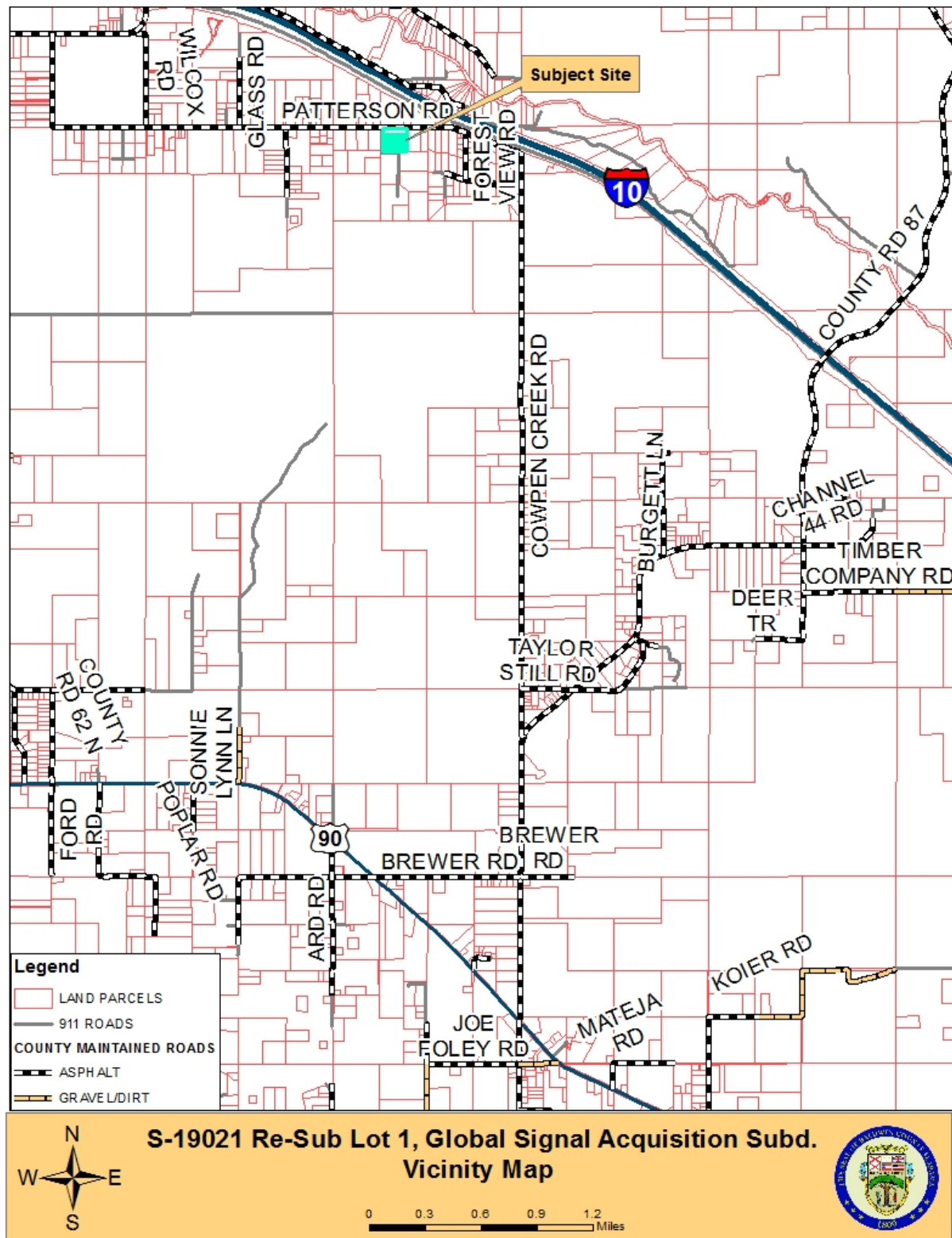
V. STAFF COMMENTS:

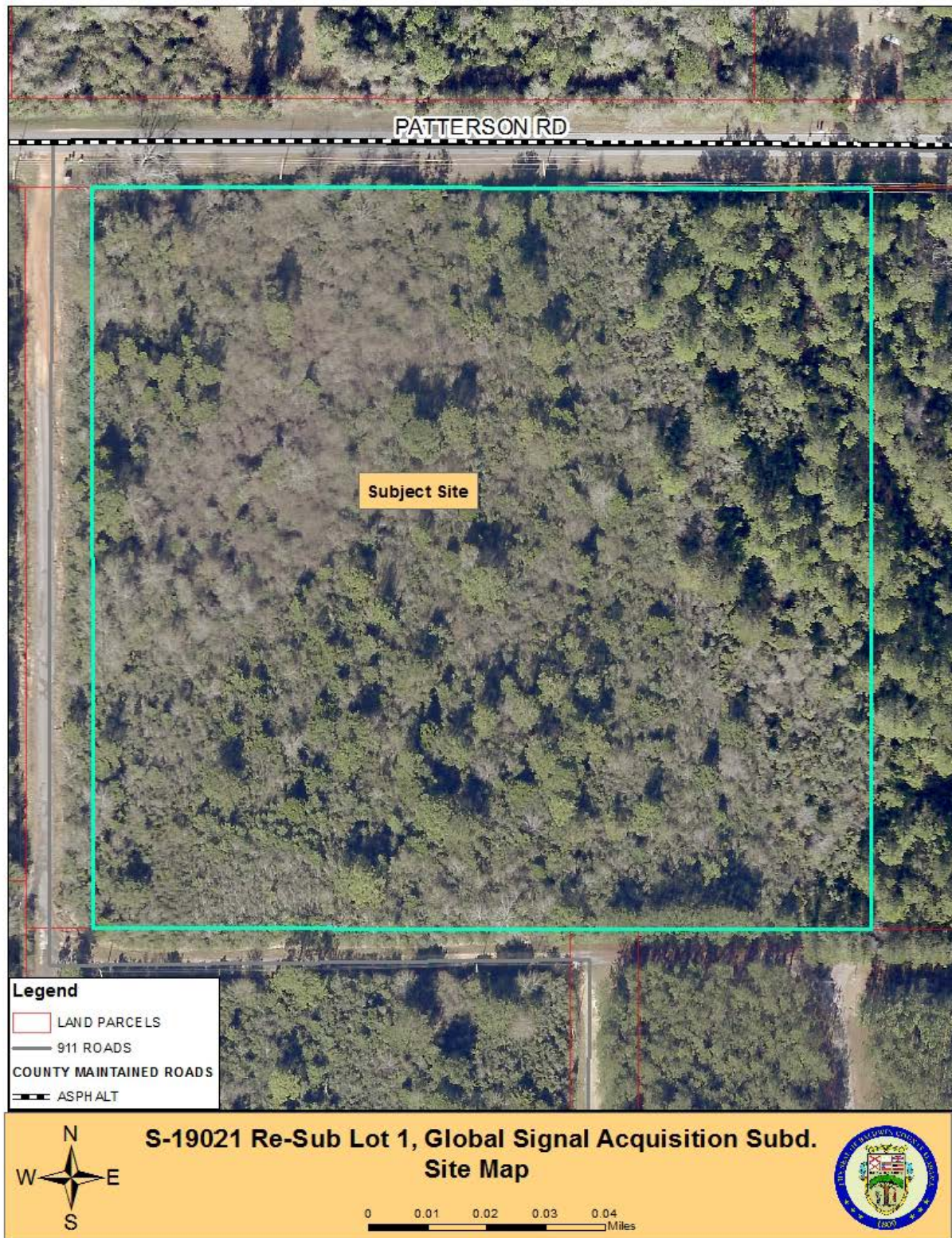
Items for consideration:

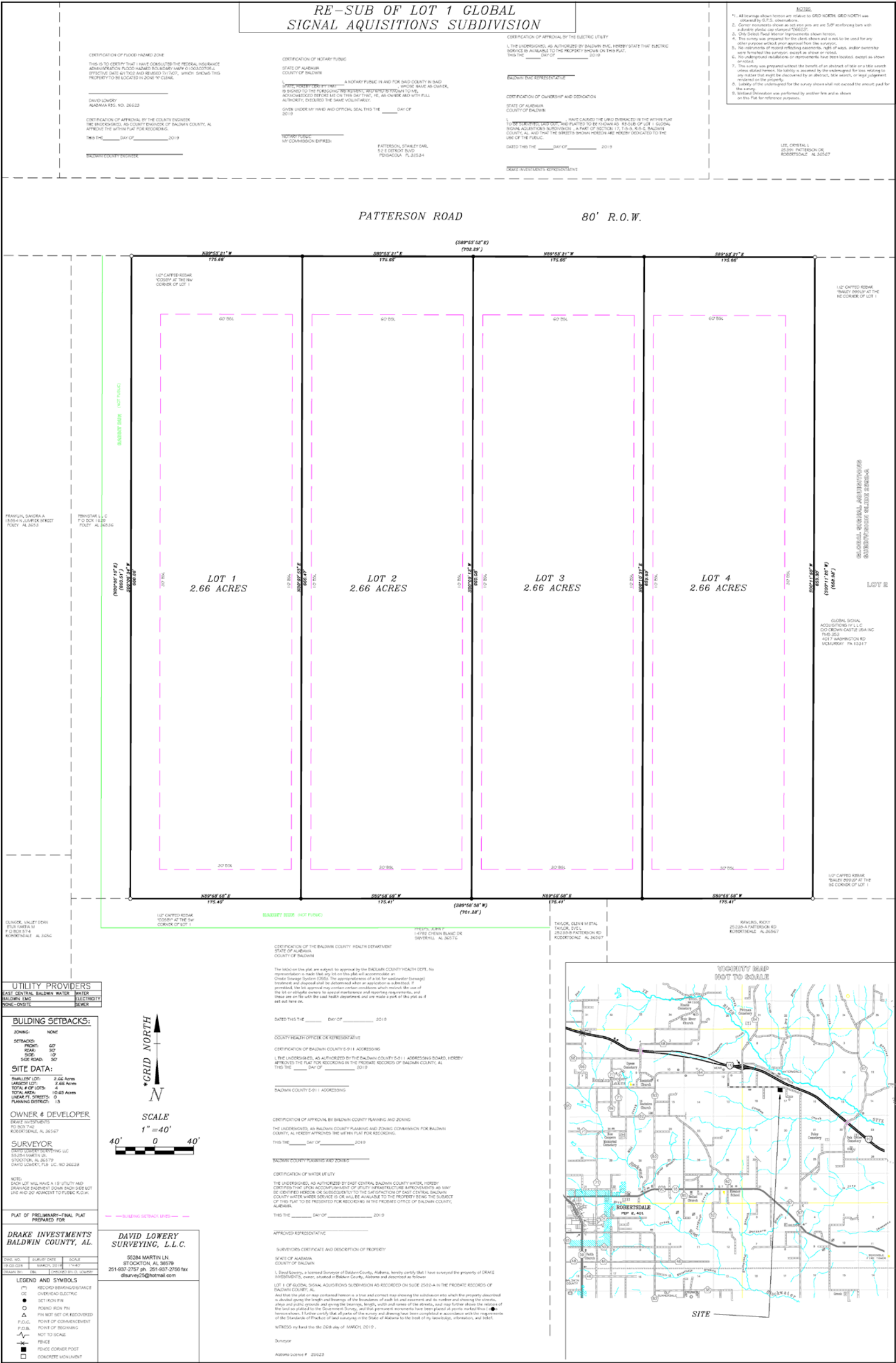
- All items of the Development Permit meet the requirements of the subdivision regulations.

VI. RECOMMENDATIONS:

Staff recommends that the Development Permit for Case No. S-19021, Re-Sub of Lot 1, Global Signal Acquisition Subdivision be **APPROVED**.







Baldwin County Planning and Zoning Commission
Case No. S-19025 – Springsteen Subdivision, Phase 2
Variance Request Approval
Staff Report for Planning and Zoning Commission Public Hearing
May 2, 2019

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: May 2, 2019 Variance Request Approval Pending

Attachments: Vicinity Map
Site Map
Proposed Plat
Request Letter

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 18 – Unzoned

Location of Property: The subject property is located on the north side of Springsteen Lane approximately 360 feet east of Bender Road.

Parcel Number: 05-54-05-22-0-000-006.000

Report Prepared By: Mary Booth; Permit/Subdivision Coordinator

III. SUBDIVISION PROPOSAL:

Proposed number of Lots: 2

Linear Feet of Streets: N/A

Total Acreage: ± 5 acres

Smallest Lot Size: ± 2.0 acres

Owner/Developer: Neuro David Fuenmayor
9334 Clayton Drive
Fairhope, AL 36532

Surveyor: Weygand Surveyors
229 E 20th Ave., Ste 12
Gulf Shores, AL 36542

Request: The applicant is requesting a Variance approval for the above-mentioned subdivision from the Baldwin County Planning and Zoning Commission to allow the two proposed lots to front on a dirt road.

IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS:

Public Utilities Services: Water: Riviera Utilities
 Sewer: Septic
 Electricity: Riviera Utilities

Transportation: The proposed lots front Springsteen Lane, a county maintained dirt road. This dirt road does not meet the paved road standards of the subdivision regulations.

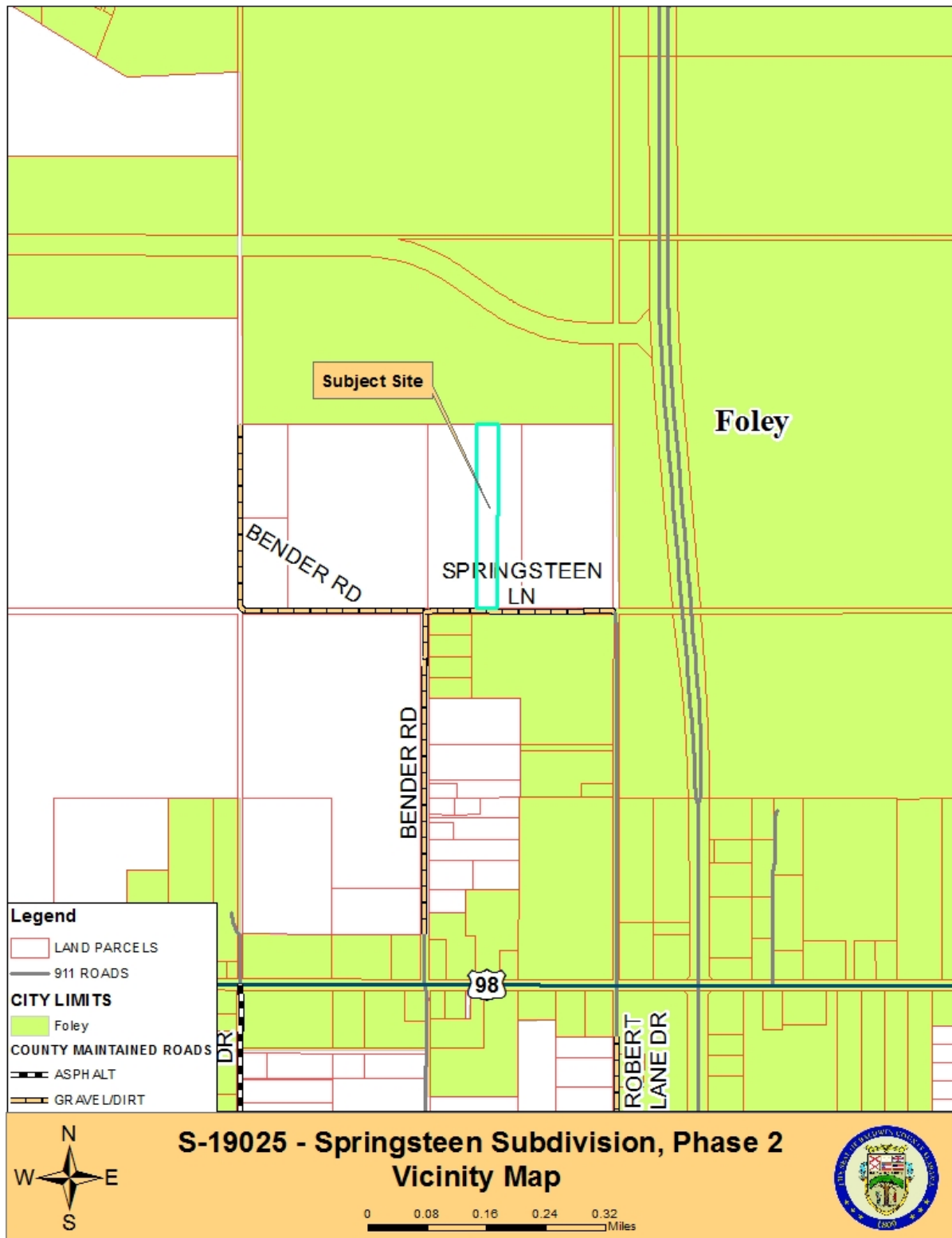
V. STAFF COMMENTS:

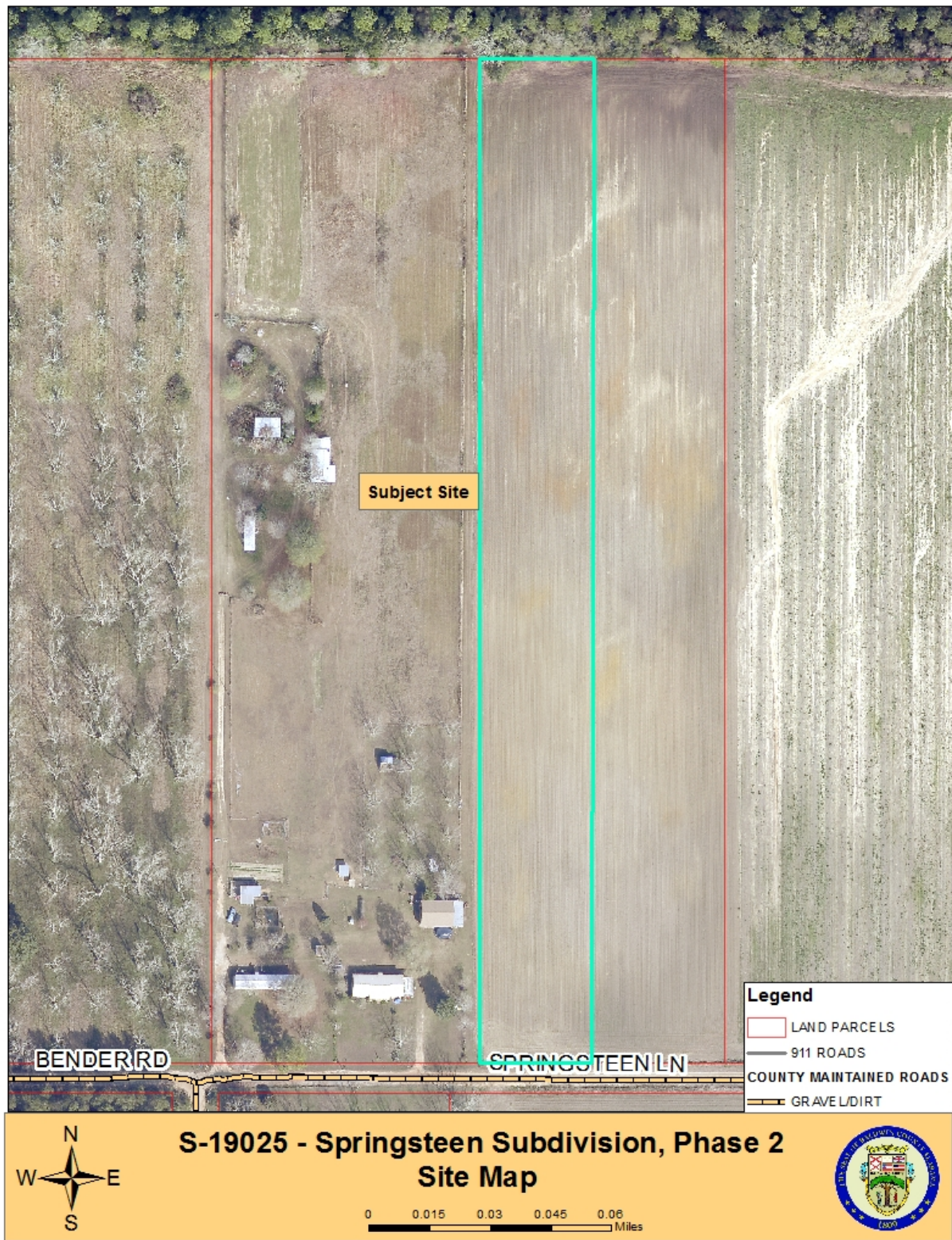
Items for consideration:

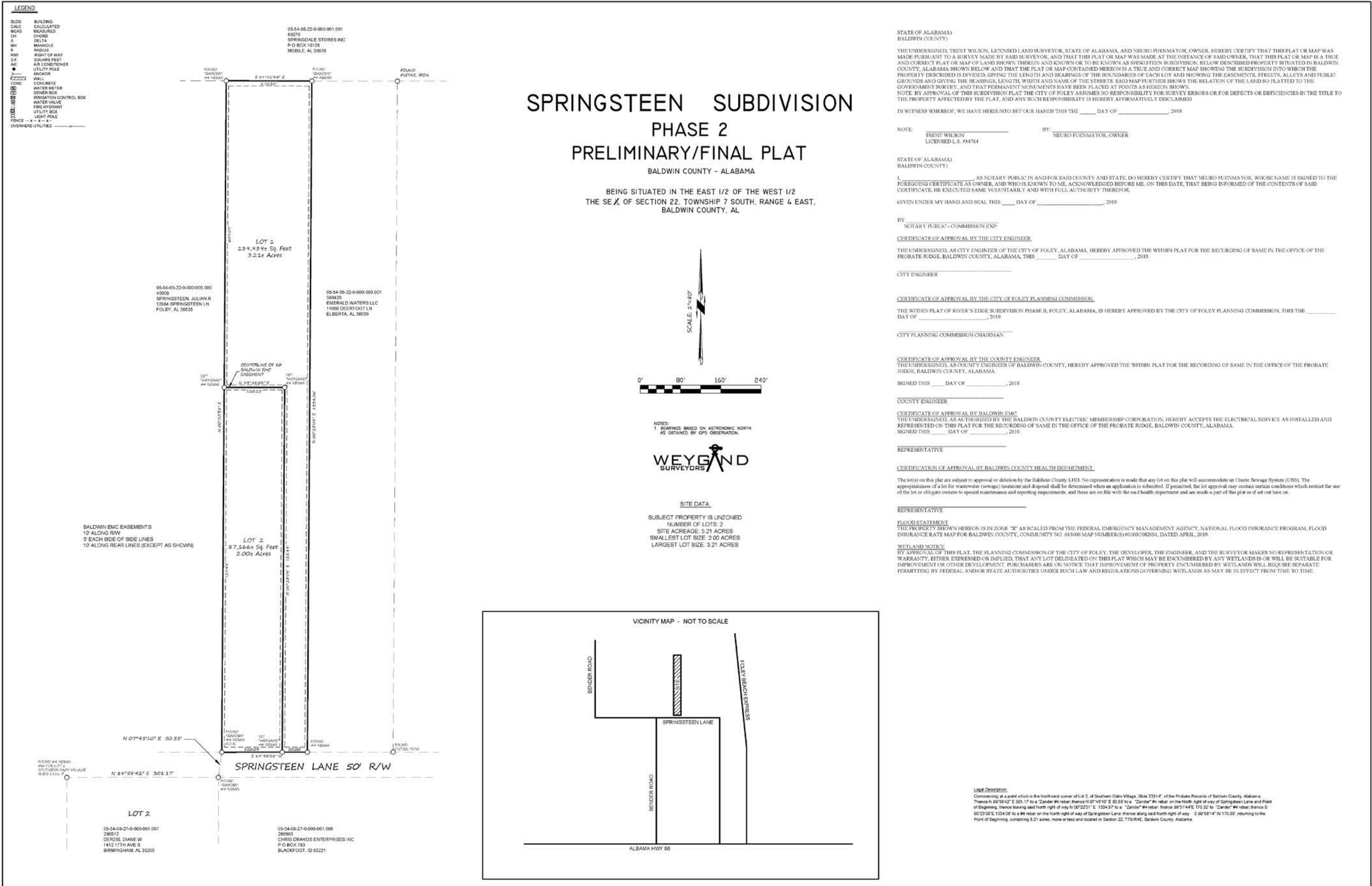
- Springsteen Lane is a county maintained dirt road. The applicant is requesting a variance to allow the division on a dirt road. This 5-acre lot was split out of a 10-acre parcel in December 2018 as a one-time split.
- Staff does not see a hardship in accordance with Section 8.1, Variances.

VI. RECOMMENDATIONS:

Staff recommends that the Variance for Case No. S-19025, Springsteen Subdivision, Phase 2, be **DENIED**.







Subdivision Variance Application

+/- 5 Acres Fronting Springsteen Lane, Foley, AL 36535

Written Justification

Mr. Neuro Fuenmayor, owner of the property located Springsteen Lane, Foley, AL 36535, PPIN 40015 wants to subdivide his parcel into 2 parcels. This 5-acre parcel is unzoned. The land is currently vacant with a planned use of residential. There is no plan at this time for any major development moving forward.

We are requesting a Subdivision Variance because it would cause undue hardship on the owner to require them to pave the entire road of Springsteen Lane. It is an unpaved road, maintained by the county. To our knowledge, there are no future plans to pave, develop, etc. Springsteen Lane. Based upon the Baldwin County Rules and Regulations this land would be never be able to be subdivided.

To match the surrounding use of the area, Mr. Fuenmayor wants to divide the 5 acres into a 2 acre and 3 acre parcel.

Thank you for your consideration



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.a

Case No. Z-19015

Stimpson Property

Rezone RSF-1, Single Family District to RSF-2, Single Family District

May 2, 2019

Subject Property Information

Planning District: 26
General Location: Northwest Corner of Scenic Highway 98 and Moogs Lane
Physical Address: N/A
Parcel Numbers: 05-45-07-25-0-000-078.001
Existing Zoning: RSF-1, Single Family District
Proposed Zoning: RSF-2, Single Family District
Existing Land Use: Undeveloped
Proposed Land Use: Residential
Lot Area: 1.06 acres +/-
Applicant: Gordon Stimpson
212 Kingswood Court
Mobile, Alabama 36608
Owner: Same
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-1, Single Family
South	Residential/Undeveloped	RSF-2, Single Family
East	Undeveloped	RA, Rural Agricultural
West	Residential	RSF-2, Single Family

Summary

The subject property, which consists of approximately 1.06 acres, is currently zoned RSF-1, Single Family District. The designation of RSF-2 has been requested in order to allow for the parcel to be subdivided into two (2) single family lots.

Section 4.2 RSF-1, Single Family District

4.2.1 Generally. This zoning district is provided to afford the opportunity for the choice of a low density residential environment consisting of single family homes on large lots.

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

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) The following agricultural uses: Silviculture.
- (d) Single family dwellings including manufactured housing and mobile homes.
- (e) Accessory structures and uses.
- (f) The following institutional use: church or similar religious facility.

4.2.3 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.

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

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

4.2.5 Area and dimensional ordinances. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.6 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	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	30,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.35

Section 4.3 RSF-2, Single Family District

4.3.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a moderate density residential environment consisting of single family homes.

4.3.2 *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.

4.3.3 *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.

4.3.4 *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*).

4.3.5 *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	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	15,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

Agency Comments

Permit/Subdivision Manager, Seth Peterson: The applicant will need subdivision approval in order to split the proposed lot. If the property does not qualify for an exemption, each of the proposed lots will need to front on a paved street.

Baldwin County Highway Department, Frank Lundy: No comments.

ADEM (J. Scott Brown): No comments received.

Municipality (City of Fairhope):

From: Buford King [<mailto:buford.king@fairhopeal.gov>]

Sent: Friday, April 19, 2019 8:11 AM

To: D Hart <DHart@baldwincountyal.gov>

Subject: <EXTERNAL> RE: Z-19015 Buford King

Good morning DJ,

A few very routine comments:

- 1) The eventual subdivision case must be heard by the Fairhope Planning Commission
 - a. This will likely be a minor subdivision case (preliminary and final plat granted at once) in the event of four lots or less
- 2) All new lots must front upon a paved, publicly maintained street or road
 - a. If Moogs LN is not County-maintained, there is a wavier process that may be requested to the Fairhope Planning Commission
- 3) RSF-2 is adjacent to subject property to the south and west, so re-zoning from RSF-1 to RSF-2 seems reasonable.

Regards,

J. Buford King
LEED AP, QCI
Interim Director
Planning and Zoning Department
City of Fairhope, AL
555 S. Section Street
P.O. Box 429
Fairhope, AL 36533
(251) 929-7436
(251) 990-2879 fax
buford.king@fairhopeal.gov

In the event additional agency comments are received, they will be forwarded to the members of the Planning Commission.

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 undeveloped. The property adjoins Scenic Highway 98 to the east and Moogs Lane to the south. The adjoining properties are residential and undeveloped.

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

The zoning for Planning District 26 was approved by the County Commission on September 1, 1993. The majority of residential lots throughout Planning District 26 are zoned RSF-1 and RSF-2. With a few exceptions, this has remained relatively constant.

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

The Baldwin County Master Plan, 2013, provides a future land use designation of Residential for the subject property. If the rezoning is approved, the Future Land Use Map will require no changes.

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?

Traffic impact should be minimal.

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.

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

Adjacent properties to the west and south are zoned RSF-2.

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?

The subject property is located within the Point Clear/Battles Wharf Historic District. As a result, any new construction will require the approval of the Baldwin County Architectural Review Board.

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.

- Scenic Highway 98 is classified as a minor arterial. Please note, the Highway Construction Setback is 100-feet from the centerline of Scenic Highway 98.
- A 35' wide ingress/egress easement is located near the north property line.
- The subject property is located within the extraterritorial jurisdiction for the City of Fairhope.

Staff Comments and Recommendation

As stated previously, the subject property, which consists of approximately 1.06 acres, is currently zoned RSF-1, Single Family District. The designation of RSF-2 has been requested in order to allow for the parcel to be subdivided into two (2) single family lots.

Staff believes that this is a reasonable request which should be recommended to the County Commission for **APPROVAL**. * Comments from the public hearing should be considered as the Planning Commission determines its recommendation.

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

Property Images









Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.b

Case No. Z-19016

Fountain 38 LLC Property

Rezone RSF-1, Single Family District to RSF-4, Single Family District

May 2, 2019

Subject Property Information

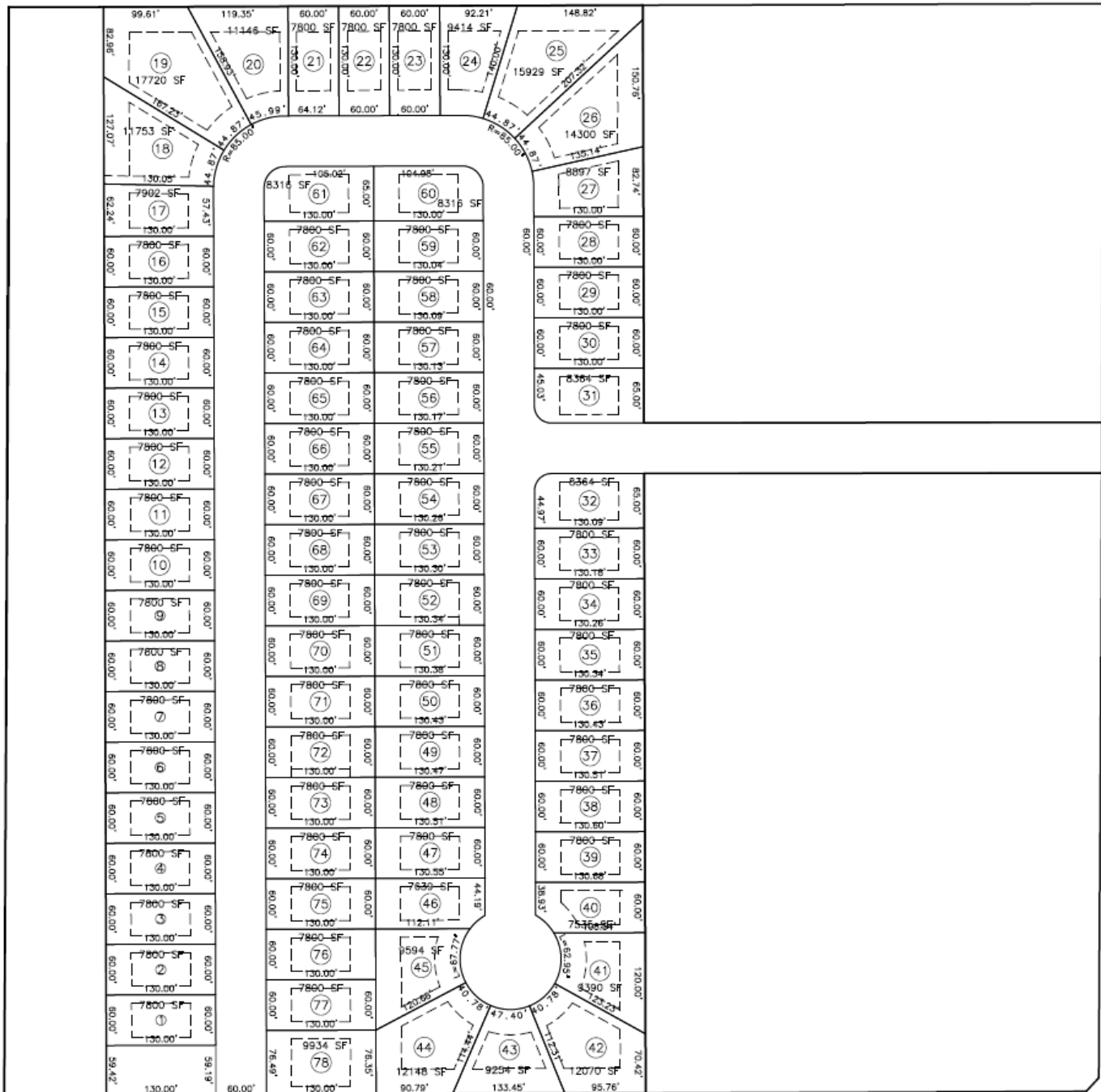
Planning District: 22
General Location: North side of U.S. Highway 98, west of Breman Road
Physical Address: 26815 U.S. Highway 98, Elberta
Parcel Numbers: 05-53-05-21-0-000-022.001
Existing Zoning: RSF-1, Single Family District
Proposed Zoning: RSF-4, Single Family District
Existing Land Use: Vacant
Proposed Land Use: Residential Subdivision
Acreage: 22.8± acres
Applicant: Lydia Franz
1343 W Fairway Drive
Gulf Shores, AL 36542
Owner: Fountain 38 LLC
PO Box 429
Pass Christian, MS 39571
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential and Agricultural	RA, Rural Agricultural District
South	Commercial	B-3, General Business District RA, Rural Agricultural District
East	Residential and Vacant	RSF-1, Single Family District
West	Residential and Agricultural	RA, Rural Agricultural District

Summary

The subject property, which consists of approximately 22.8 acres, is currently zoned RSF-1, Single-Family District. The designation of RSF-4, Single Family District, has been requested for the purpose of establishing a residential subdivision with a density of 3.5 lots per acre and a total of 78 lots.

Proposed Lot Layout



Current Zoning Requirements

Section 4.2 RSF-1, Single Family District

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

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

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) The following agricultural uses: Silviculture.
- (d) Single family dwellings including manufactured housing and mobile homes.
- (e) Accessory structures and uses.
- (f) The following institutional use: church or similar religious facility.

4.2.3 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.

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

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

4.2.5 Area and dimensional ordinances. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.6 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	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	30,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.35

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 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.

4.5.4 *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:

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

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 in Feet	35
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

Agency Comments

Baldwin County Subdivision Department:

From: Seth L. Peterson

Sent: Monday, April 15, 2019 1:21 PM

To: D Hart <DHart@baldwincountyal.gov>

Cc: Mary Booth <MBOOTH@baldwincountyal.gov>; Laurie Rumbaugh <LRUMBAUGH@baldwincountyal.gov>

Subject: RE: Z-19016 Fountain 38 LLC Property

DJ,

Subdivision approval in accordance with the subdivision regulations will be required prior to moving forward with subdividing the property. This can take place after the rezoning.

Thanks,
Seth

For the number of lots they are proposing we will need a traffic study. The traffic study will address any needed improvements to Breman or the intersection at 98.

ADEM: No comments received.

ALDOT:

From: Reed, Darrin [<mailto:reedd@dot.state.al.us>]

Sent: Wednesday, April 17, 2019 8:34 AM

To: D Hart <DHart@baldwincountyal.gov>

Subject: <EXTERNAL> RE: Z-19016 Fountain 38 LLC

No, I don't have any comments.

Thanks,

Darrin Reed

District 92 Permit Manager

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?

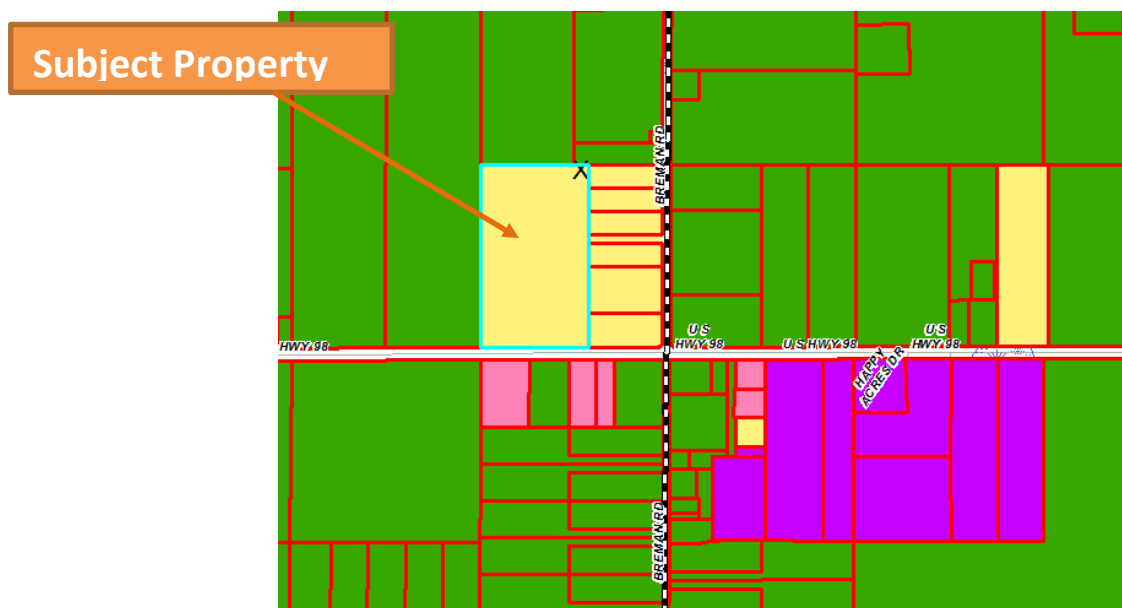
The subject property is currently vacant. The property adjoins State Highway 98 to the south. The adjoining properties are residential, commercial and agricultural.

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

The subject property was originally zoned RA, Rural Agricultural District. The owners requested an automatic rezoning to RSF-1 to allow for the single family subdivision containing seven, two acre lots. The perspective buyers would like to develop the land with a residential subdivision.

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

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



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

Staff is not aware of any conflicts.

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

The applicant is proposing to access the subdivision from Breman Road. Access to this site would require approval from the Baldwin County Highway Department. Seventy-eight lots with approximately ten trips per day would conceivably affect 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.

There are residential uses in this area. The proposed rezoning would allow for the proposed use.

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

See response to item number 6 which is listed above.

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 doesn't anticipate any adverse impacts.

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.

N/A

Staff Comments and Recommendation

As stated previously, the subject property, which consists of approximately 22.8 acres, is currently zoned RSF-1, Single-Family District. The designation of RSF-4, Single Family District, has been requested for the purpose of establishing a residential subdivision with a density of 3.5 lots per acre.

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

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

Property Images





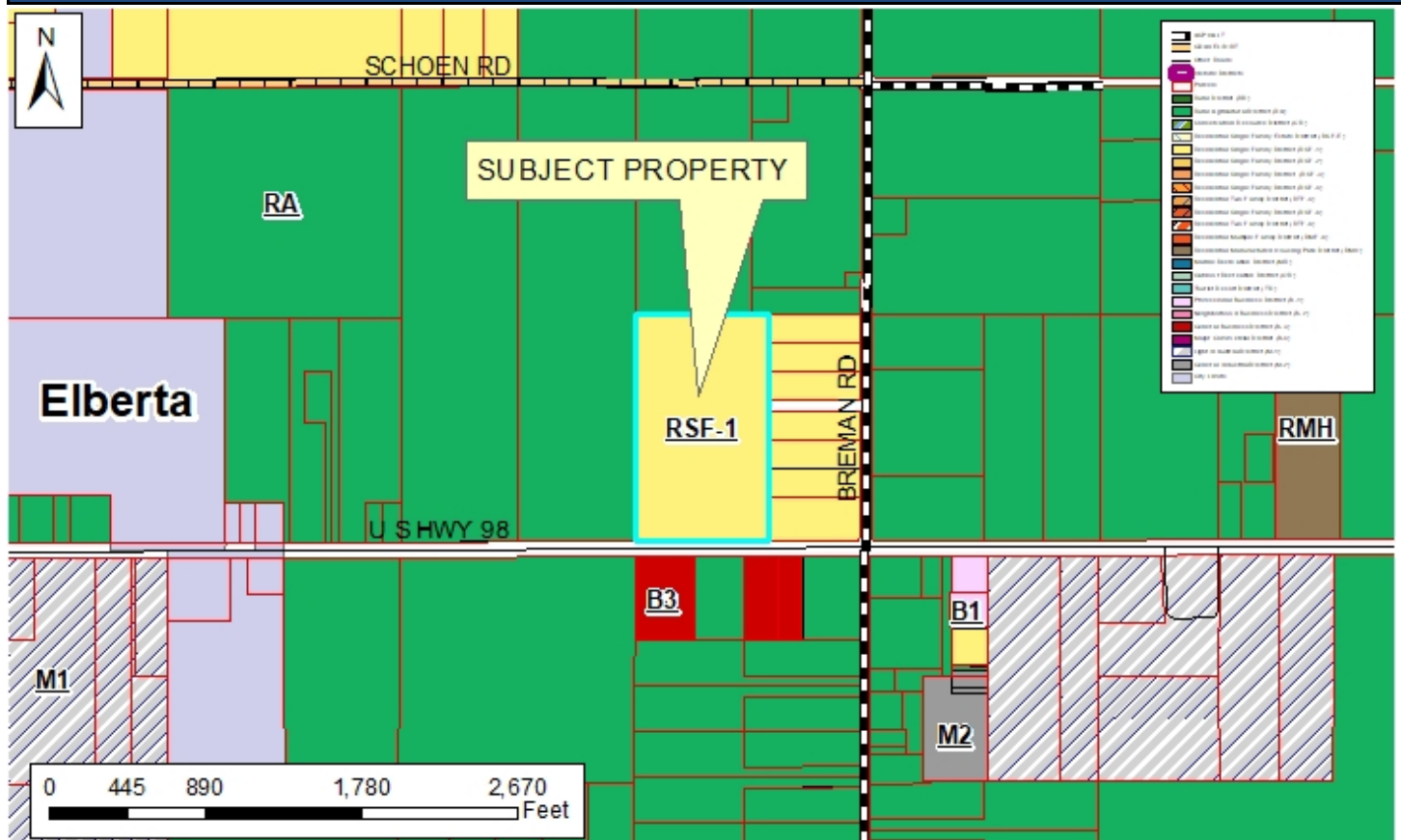




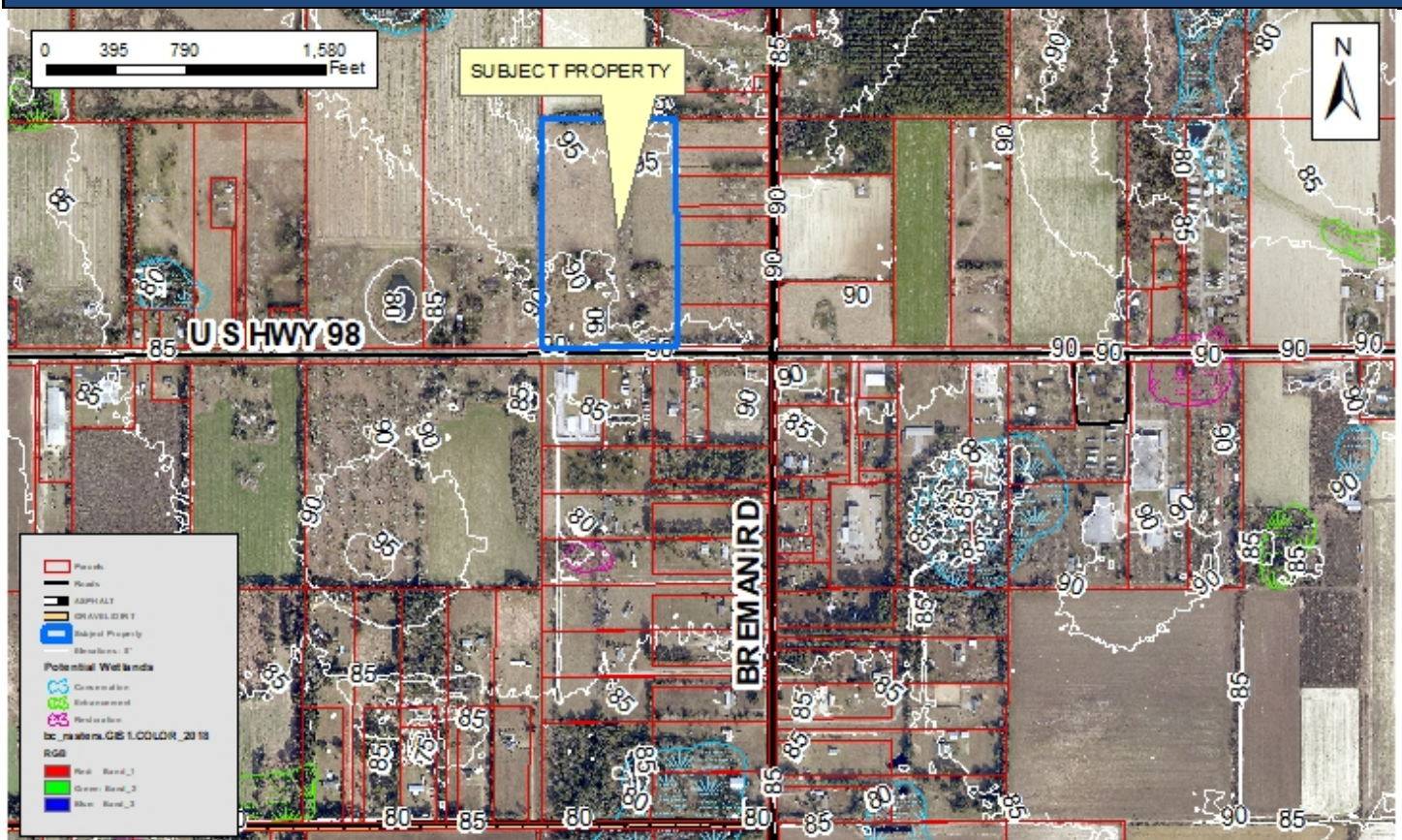
ADJOINING PROPERTY
TO THE SOUTH

03/26/2019

Locator Map



Site Map



Austin Letter in Opposition and Supporting Documents

Baldwin County Planning and Zoning Department
P.O. Box 220
Silverhill, AL 36576
Attn: Ms. DJ Hart

Dear Ms. Hart:

Thank you for taking time to update me on case #Z-19012 last week. I understand the application is withdrawn, but a new application has been submitted #Z19016 to request rezoning for RSF 4 from its present RSF 1. Please accept this letter as my strong objection to any change to the current rezoning of said property of which my current residence adjoins, and provide this letter to your staff and the Council. I apologize in advance for the length of this letter, but feel the necessity to fully inform the decision makers of my basis for objection.

My objection consist largely of five areas of concern:

- The request **does not satisfy Article 19.1** of the Zoning Ordinances. Specifically the request does not prove necessity to advance the general welfare of the County, but merely to confer a special benefit only to the applicants.
- The request is **not consistent with Article 19.6 (a), (b), (d), (e), (f) and (h).**
- **Diminished property values** in the immediate area for those who have recently made a significant investment in the area and the difficulty of those values to fully appreciate in the future.
- **Significant increase in volume of traffic** (over a 400% potential increase of what is currently zoned)
- My wife and I, as well as the other property owners of lots in The Grove of Elberta, purchased our present lots less than one year ago from the same owners who are now petitioning for the rezoning. We all purchased our lots with the knowledge of the RSF 1 zoning designation of the 22 acres behind us. Now that they have sold lots to us, they are trying to rezone in a fashion that will be detrimental to our property values, and increase the traffic tremendously. Knowing of their intension to rezone as such, would have changed the decision of myself and others to purchase our present lots. I have spoken to Steve Stachowski, the owner of lots 3&4, regarding this situation. Steve informed me that Jennifer Achee, who is a principal of Fountain 38 LLC (applicant) who is also the Seller's broker, informed him of their rezoning thoughts immediately after closing his lot. Steve specifically related that she waited until he sign all the closing documents for the sale to disclose this information. He told me he was very upset by this and expressed such and his objection of rezoning to Ms. Achee at that time. It is clear to me and Steve that this action is a clear act of withholding material information regarding the seller's intention of rezoning the adjacent property. Whether or not this is a willful act of deception or not, it would have affected our decision on the sale of our lots.

In an effort to support my opinion of the property value issue, I have attached a page from the appraisal on my recently constructed residence on lot 5. As you can see the cost of \$480,000 is not supported by the current market in Elberta as the appraised value is \$418,000. The cost approach to value was not considered strong enough based on the current market in the Elberta area. (I assure you I have not engaged in extravagant construction items that sometimes creates this.) Thus, a 13% under valuation of a recently built home was given. By introducing the potential for 80, low priced point, tract, homes adjacent to The Grove of Elberta will continue to support low values in the area, harming the adjacent property owners' value, hindering the growth of the tax base of Baldwin County and increasing county expenses due to the large increase in traffic. (My lot is adjacent to the access easement for the 22 acres). The only win in this scenario is for the developers, and it is to the detriment of people who have invested in the community for the long run. As a local commercial banker of 38 years, I am very familiar with property values and in the impact of a liberal change in zoning and how it can weaken values and drive stakeholders away from an area.

To my fourth point, the current RSF 1 designation of the adjacent 22 acres was a definitive metric in our decision to purchase the 2 acre, estate lot and constructing our residence. We knew this potential development on the 22 acres would create approximately 20 houses, but felt it would complement The Grove of Elberta lots and traffic from this would be nominal. The currently requested change would allow at least 80 houses, or *mobile homes* which would not support mid-priced range houses and would increase car traffic from the roughly 40 cars (2 per residence) to 160. Going from RSF1 to RSF4 is not a positive change to the area due to the sheer volume of traffic and its associated expenses to the county (road maintenance, fire and police protection) and the low price point of houses necessary to effect sales.

Finally, while everyone concerned about this change understands that zoning is never a constant, changes to current zoning should be about protecting current property owners' value and should benefit the local residents and the community as a whole. The request lacks all of these. As the applicants of the requested change are common to the sellers of our lot and the

lots of our neighbors, we feel that the owners waited to sell off the Grove of Elberta lots before their request to change the zoning of the 22 acres, knowing an RSF4 would hinder not only the timing of the sales of the Grove of Elberta, but also the price of the lots.

It is based on the above that we, again, strongly oppose the change in the zoning of the 22 acres in question and ask the Planning and Zoning Department to protect the current and future investment of the property owners of the Grove of Elberta lots by denying the zoning change.

Thank you and
Respectfully yours

Bruce and Renae Austin
13147 Breman Rd., Elberta, AL
Lot 5 – The Grove of Elberta

Article 19 Amendments to Official Zoning Map and Ordinances

Section 19.1 Purpose

The Official Zoning Map may be amended from time to time in accordance with the procedures and standards set forth in this Section. The purpose of this Section is not to relieve particular hardships, not to confer special privileges or rights on any person, but only to make adjustments to the Official Zoning Map that are necessary in light of changed conditions or changes in public policy or that are necessary to advance the general welfare of the County. Zoning text amendments may be necessary to further the County land use policies and to keep pace with current development trends.

Section 19.6 Factors for Reviewing Proposed Amendments

In deciding whether to recommend approval of a proposed amendment, or in deciding whether to adopt a proposed amendment, the Planning Commission and County Commission shall consider whether the proposed amendments is consistent with the following factors:

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

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

(c) Does proposed zoning better conform to the Master Plan?

(d) Will the proposed change conflict with existing or planned public improvements?

(e) Will the proposed change adversely affect traffic patterns or congestion?

(f) 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

(g) Is the proposed amendment the logical expansion of adjacent zoning districts?

(h) Is the timing of the request appropriate given the development trends in the area?

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

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

(k) Other matters which may be appropriate.

Uniform Residential Appraisal Report

DP34005

DP34205

File # 2018074-1382-1

There are 12 comparable properties currently offered for sale in the subject neighborhood ranging in price from \$ 310,000 to \$ 530,000		There are 18 comparable sales in the subject neighborhood within the past twelve months ranging in sale price from \$ 300,000 to \$ 440,000	
FEATURE Address: 13147 Brennan Rd Elberta, AL 36530-3435 Proximity to Subject: Sale Price: Sale Price/Gross Liv. Area: (Data Source(s)) Verification Source(s) VALUATION ADJUSTMENTS Sale or Financing: Concessions: Date of Sale/Term: Location: Leased/Free Sample: Site: View: Design (Style): Quality of Construction: Actual Age: Condition: Above Grade: Room Count: Gross Living Area: Basement & Finished: Rooms Below Grade: Functional Utility: Heating/Cooling: Energy Efficient Items: Garage/Carport: Porch/Patio/Deck: Fireplaces: Improvements: Net Adjustment (Total): Adjusted Sale Price of Comparables:		SUBJECT 15811 County Road 65 Elberta, AL 36530 7.61 miles NE \$ 393,000 \$ 147.41 sq ft BCMLS# 256323 DOM 29 BCMLS Closed Deed DESCRIPTION Awn/Br Conv 500 10/18-c03/18 N/Rac Fee Sample 2.80 ac N/Rac DT1.5 Traditional C3 C3 Total Bdrms. Baths 7 3 2 1 2,888 sq ft Out Average FWA/Central Typical of Market 2-garage CPatio, CPorch 0 V-Pool, Fnc Barn-Br Kitchen Expansion \$0 - \$ 24,900 Net Adj. 6 % Gross Adj. 12 % \$ 417,000	
COMPARABLE SALE #1 22363 Mtn Road Foley, AL 36535-0117 5.82 miles SW \$ 440,000 \$ 247.06 sq ft BCMLS# 254489 DOM 59 BCMLS Active Deed DESCRIPTION Awn/Br Seller 0 10/18-c05/18 N/Rac Fee Sample 2.06 ac N/Rac DT1 Ranch C3 C3 Total Bdrms. Baths 8 3 2 0 1,813 sq ft Out Average FWA/Central Typical of Market 2-garage CPatio, CPorch 0 Workshop-2 Kitchen Expansion \$0 - \$ 73,648 Net Adj. 10 % Gross Adj. 28 % \$ 521,648		COMPARABLE SALE #2 17066 County Road 48 Robertsdale, AL 36561 12.08 miles NW \$ 505,000 \$ 171.74 sq ft BCMLS# 271815 DOM 2 BCMLS Closed Deed DESCRIPTION Awn/Br Conv 0 10/18-c07/18 N/Rac Fee Sample 3.90 ac N/Rac DT1.5 Log Cottage C3 C3 Total Bdrms. Baths 8 4 3 0 2,300 sq ft Out Average FWA/Central Typical of Market 2-garage CPatio, CPorch 1 Fireplace Workshop-2 Kitchen Expansion \$0 - \$ 21,750 Net Adj. 0 % Gross Adj. 20 % \$ 410,750	

I ☒ did not research the sale or transfer history of the subject property and comparable sales. If not, explain:

There was a land sale noted within the previous three years for the subject per MLS, REARS, and conference with the owner. There are no other recorded sales for the comparables presented per BCMLS.

My research ☒ did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.

Data source(s) REARS/MLT, Multiple Listing Service, County Tax Records, Verification With This Owner/Agent

My research ☐ did not reveal any prior sales or transfers of the comparable sales for the year prior to the date of sale of the comparable sale.

Data source(s) BCMLS Closed, REARS, Deed

Report the results of the research and analysis of the prior sale or transfer history of the subject property and comparable sales (report additional prior sales on page 3).

ITEM	SUBJECT	COMPARABLE SALE #1	COMPARABLE SALE #2	COMPARABLE SALE #3
Date of Prior Sale/Transfer	06/05/2018			
Price of Prior Sale/Transfer	\$29,000			
Data Source(s)	REARS, BCMLS, Deed	REARS, BCMLS, Deed	REARS, BCMLS, Deed	REARS, BCMLS, Deed
Effective Date of Data Source(s)	10/31/2018	10/31/2018	10/31/2018	10/31/2018

Analysis of prior sale or transfer history of the subject property and comparable sales:

The subject property has transferred ownership by land sale within the previous three years per the appraiser's conversation with the owner, and research of the subject property's sales history based on public record. More weight was given to the market approach as it reflects the actions of the market participants. Sales data from the subject's history supports the subject's market value as presented in this report.

Summary of Sales Comparison Approach:

Each comparable is located within the same real estate market as the subject or one of close comparison. Appropriate adjustments have been made to accommodate any differences between the subject property and the chosen comparables. The appraiser placed primary weight on comparable #1 due to its sales location in the subject market area, recent sales date, and similar GLA. Comparables #2 and #3 were also weighted due to support of reconciliation by range. All sales presented support the reconciliation of this report by reasonable range, and the comparables presented are the best available under current market conditions. The subject's representation of market value based on market data available and presented does not support the total actual cost of the subject project. We are currently in a period of building cost increases for the geographical region of the subject, due to many economic influences, and the cost to market value variation is somewhat common as of the date of report. Comparables as a grouping exceed the 15% net adjustment recommendation, as well as vary to the subject GLA by more than 20%. This is due to limited comparables of the subject's size and C1 condition.

Indicated Value by Sales Comparison Approach \$ 410,000

Indicated Value by Sales Comparison Approach \$ 410,000 Cost Approach (if developed) \$ 480,525 Income Approach (if developed) \$ 0

The cost and market approach were considered in the valuation process. More consideration is given to the market approach as it more precisely illustrates current market trends and activity.

This appraisal is made ☐ "as is," ☒ subject to completion per plans and specifications on the basis of a hypothetical condition that the improvements have been completed, ☐ subject to the following repairs or alterations, on the basis of a hypothetical condition that the repairs or alterations have been completed, or ☐ subject to the following required inspection based on the extraordinary assumption that the condition or deficiency does not require alteration or repair.

Proposed Construction: As is market value \$140,000.00. See UAD attached exhibits.

Based on a complete visual inspection of the interior and exterior areas of the subject property, defined scope of work, statement of assumptions and limiting conditions, and appraiser's certification, my best opinion of the market value, as defined, of the real property that is the subject of this report is \$ 410,000 as of 10/30/2018, which is the date of inspection and the effective date of this appraisal.

Stachowski Opposition Letter and Supporting Documents

Steve Stachowski, Owner Lots 3&4 The Grove of Elberta (adjacent property)
Elberta, AL 36530
Phone: (901) 485-777 Email: skibreeze@gmail.com
4-23-2019

Baldwin County, Planning & Zoning Department
22251 Palmer Street
Robertsdale, AL 36567

Ref: Re-zoning Application Case No. Z-19016 Fountain 38 LLC Property Planning District 22

Dear Baldwin County, Planning & Zoning Department:

I am unable to attend the public hearing scheduled for Thursday May 2, 2019 and, therefore, submit my comments herein.

I purchased 2-2acre lots (3 and 4 on the attached plat map) from Fountain LLC in July 2018. In considering this purchase, I took into account the Plat and Covenants provided to me by the Seller. Fountain LLC's The Grove of Elberta Plat map refers to the large 22.85 acre parcel as "lot 1". Lot 1 is adjacent to the west boundary of my property (lot 3 and lot 4). The Covenants (attached) indicate that lot 1 is part of the Grove of Elberta and, thereby, required to abide by the restrictions outlined. Item three clearly restricts subdividing the lots.

I expect lot 1 to remain as shown on the Plat provided me last July at the closing on the purchase of my property and am adamantly against allowing this parcel to be subdivided any further than perceivably allowable under the RS-1 zoning classification.

If I need to complete any paperwork to formally file a complaint against this rezoning, please advise me on how best to proceed.

I appreciate your time and consideration involving this matter.

Respectfully,

Steve Stachowski

Enclosure: The Grove of Elberta Plat Map, The Grove of Elberta Covenants

Unsigned Covenants Submitted by Mr. Stachowski

DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS

FOR

LOTS 1-6, PHASE ONE

THE GROVE OF ELBERTA, A SUBDIVISION

STATE OF ALABAMA
COUNTY OF BALDWIN

WHEREAS, FOUNTAIN 38, LLC, AN ALABAMA LIMITED LIABILITY COMPANY, is the Owner and Developer of certain real property located in Baldwin County, Alabama, and more particularly described on the recorded plat thereof recorded at Slide No:2633-E, in the office of the Judge of Probate of Baldwin County, Alabama.

WHEREAS, the Developer has caused the property described on said plat to be divided into a subdivision to be known as THE GROVE OF ELBERTA, which shall include the property described on said plat; and,

WHEREAS, the Developer for itself, its successors and assigns, desire to and hereby do restrict the use of the property described on said plat in the manner hereinafter set forth, for the purpose of preserving its character and value.

NOW, THEREFORE, the Developer for itself and its successors and assigns, do hereby declare that all of the property described on said plat shall be held, sold and conveyed, subject to the following easements, restrictions, covenants and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with the real property and be binding on all the parties having any right, title or interest in the described property or any part thereof, their heirs, successors, assigns and personal representatives, and these covenants shall inure to the benefit of each owner of any of the lands described therein.

1. All dwellings shall be used for the construction of single family residential dwellings. All dwellings shall have a minimum heated and cooled square footage of not less than 1,600 square feet.

2. No mobile home or manufactured home shall be allowed on any lot.

3. No lot may be resubdivided at any time in the future.
4. No dwelling, structure or other improvement shall be erected, placed or altered on any lot until a building permit has been issued by the proper authorities.
5. Any dwelling constructed on any lot shall be fully finished dwellings constructed of generally accepted building material and constructed using conventional methods of construction and shall be completed within twelve (12) months from the date the construction commenced.
6. No structure of a temporary nature, including, but not limited to, campers, recreational vehicles, basements, tents, shacks, garages or other structures shall be used on any lot at any time as a permanent dwelling. A lot owner may reside in a camper or other type of recreational vehicle during the construction of their permanent residence for a period not to exceed twelve (12) months provided that the camper or recreational vehicle shall have the proper method of sewage disposal approved by the Baldwin County Health Department during this period of time.
7. Accessory structures such as garage apartments, guest houses, pool houses, workshops, equipment sheds, animal shelters, greenhouses or other accessory structures may be allowed, however, such accessory structures shall be located in the rear yard area of the primary dwelling, except in the case of a garage apartment, which may be located adjacent to the primary dwelling.
8. No structure shall be constructed or placed nearer than 50 feet from the front and rear lot line or 25 feet from the side lot lines.
9. All driveways shall be constructed of concrete, asphalt, limestone rock or gravel. No dirt driveway shall be permitted.
10. All sewage disposal systems and water wells shall be properly installed and shall be permitted by the Baldwin County Health Department.
11. No signs of any type shall be installed, erected or displayed on any lot or structure, except for any real estate sign, which may be used by the Developer or any other Owner for the purpose of selling said lot or lots.

12. No noxious, immoral, illegal or offensive activity shall be carried out upon any parcel nor shall anything be done thereon which may be or become an annoyance or nuisance to the public.

13. All garbage, trash or waste shall be kept in sanitary containers and shall be hauled off or picked up on a regular basis. No garbage, trash or waste shall be burned on any lot. No garbage, trash, waste, lumbar, metal or bulk material of any kind shall be allowed to accumulate on any lot.

14. Any and all animals shall be kept under adequate fence and sanitary conditions so that they will not cause any damage, nuisance or inconvenience to any adjoining property owner. No swine shall be allowed on any lot.

15. In the event a dwelling or accessory structure is damaged or destroyed by fire or act of God, the owner shall repair, replace or completely remove the damaged or destroyed dwelling or structure within six (6) months from the date of the occurrence.

16. Easements and/or rights of ways are reserved on and over all parcels for the express benefits and use of utility installations and drainage. Said easements or rights of ways shall be 15 feet in width along the front and rear lot lines and 7 ½ feet alongside lot lines. Said easements shall not be blocked or otherwise obstructed.

17. Only one dwelling unit shall be allowed on each lot, however, nothing shall prevent an owner of two or more adjoining lots comprising a single building site from building one single family dwelling on a combination of the lots. In which case, the side yard building set back lines shall be applied as if the combination of lots is one building site. Dwellings located on a combination of lots shall have a minimum heating and cooled square footage of 1600 feet.

18. Any equipment, commercial vehicles, recreational vehicles and boats must be stored in the rear yard area of any dwelling and shall be shielded from view by a privacy fence. No junk equipment, or junk vehicles of any kind which are not in good repair and running condition shall be allowed to remain on any lot.

19. All lots shall be sodded or seeded and landscaped upon completion of any dwelling or structure constructed on said lot. All lots shall be properly maintained at all times and shall not be allowed to become overgrown. Should any lot not be property

maintained or allowed to become overgrown, the Developer shall have the right to mow said lot at a cost of \$450.00 per cutting and shall be allowed to place a lien against the lot for this cost.

20. These Restrictive Covenants may be amended at any time by the Developer, so long as the Developer shall own any lot in the subdivision and thereafter, may be amended by a written declaration executed by at least three-fourths (3/4) of the lot owners and any such amendment shall be recorded in the Probate Court of Baldwin County, Alabama.

21. These Covenants, Conditions and Restrictions may be enforced by the Developer or any lot owner by filing an action for the enforcement of the same in a Court of competent jurisdiction in Baldwin County, Alabama, and should it become necessary to file such action, the non-prevailing party in such action shall be responsible for the payment of all court cost and attorney's fees of the prevailing party.

22. These Restrictive Covenants shall run with the land and shall be binding upon all parties and all persons claiming under them for a period of twenty-five (25) years from date hereof, at which time the covenants shall be automatically extended thereafter for successive 10-year periods.

Dated this _____ day of _____, 2018.

FOUNTAIN 38, LLC, DEVELOPER

BY: _____
M. C. Achee
It's Authorized Member

**DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS**

FOR

LOTS 2-8

THE GROVE OF ELBERTA

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/cert. 6/11/2018 10:07 AM
TOTAL \$ 22.00
4 Pages

1701047



STATE OF ALABAMA
COUNTY OF BALDWIN

WHEREAS, FOUNTAIN 38, LLC, AN ALABAMA LIMITED LIABILITY COMPANY, is the Owner and Developer of certain real property located in Baldwin County, Alabama, and more particularly described as Lots 2-8 on the recorded plat thereof recorded at Slide No:2633-E, in the office of the Judge of Probate of Baldwin County, Alabama.

WHEREAS, the Developer has caused the property described on said plat to be divided into a subdivision to be known as THE GROVE OF ELBERTA, which shall include the property described on said plat; and,

WHEREAS, the Developer for itself, its successors and assigns, desire to and hereby do restrict the use of the property described on said plat in the manner hereinafter set forth, for the purpose of preserving its character and value.

NOW, THEREFORE, the Developer for itself and its successors and assigns, do hereby declare that all of the property described on said plat shall be held, sold and conveyed, subject to the following easements, restrictions, covenants and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with the real property and be binding on all the parties having any right, title or interest in the described property or any part thereof, their heirs, successors, assigns and personal representatives, and these covenants shall inure to the benefit of each owner of any of the lands described therein.

1. All dwellings shall be used for the construction of single family residential dwellings. All dwellings shall have a minimum heated and cooled square footage of not less than 1,600 square feet.

2. No mobile home or manufactured home shall be allowed on any lot.

3. No lot may be resubdivided at any time in the future.

4. No dwelling, structure or other improvement shall be erected, placed or altered on any lot until a building permit has been issued by the proper authorities.

5. Any dwelling constructed on any lot shall be fully finished dwellings constructed of generally accepted building material and constructed using conventional methods of construction and shall be completed within twelve (12) months from the date the construction commenced.

6. No structure of a temporary nature, including, but not limited to, campers, recreational vehicles, basements, tents, shacks, garages or other structures shall be used on any lot at any time as a permanent dwelling. A lot owner may reside in a camper or other type of recreational vehicle during the construction of their permanent residence for a period not to exceed twelve (12) months provided that the camper or recreational vehicle shall have the proper method of sewage disposal approved by the Baldwin County Health Department during this period of time.

7. Accessory structures such as garage apartments, guest houses, pool houses, workshops, equipment sheds, animal shelters, greenhouses or other accessory structures may be allowed, however, such accessory structures shall be located in the rear yard area of the primary dwelling, except in the case of a garage apartment, which may be located adjacent to the primary dwelling.

8. No structure shall be constructed or placed nearer than 50 feet from the front and rear lot line or 25 feet from the side lot lines.

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11. No signs of any type shall be installed, erected or displayed on any lot or structure, except for any real estate sign, which may be used by the Developer or any other Owner for the purpose of selling said lot or lots.

12. No noxious, immoral, illegal or offensive activity shall be carried out upon any parcel nor shall anything be done thereon which may be or become an annoyance or nuisance to the public.

13. All garbage, trash or waste shall be kept in sanitary containers and shall be hauled off or picked up on a regular basis. No garbage, trash or waste shall be burned on any lot. No garbage, trash, waste, lumber, metal or bulk material of any kind shall be allowed to accumulate on any lot.

14. Any and all animals shall be kept under adequate fence and sanitary conditions so that they will not cause any damage, nuisance or inconvenience to any adjoining property owner. No swine shall be allowed on any lot.

15. In the event a dwelling or accessory structure is damaged or destroyed by fire or act of God, the owner shall repair, replace or completely remove the damaged or destroyed dwelling or structure within six (6) months from the date of the occurrence.

16. Easements and/or rights of ways are reserved on and over all parcels for the express benefits and use of utility installations and drainage. Said easements or rights of ways shall be 15 feet in width along the front and rear lot lines and 7 ½ feet alongside lot lines. Said easements shall not be blocked or otherwise obstructed.

17. Only one dwelling unit shall be allowed on each lot, however, nothing shall prevent an owner of two or more adjoining lots comprising a single building site from building one single family dwelling on a combination of the lots. In which case, the side yard building set back lines shall be applied as if the combination of lots is one building site. Dwellings located on a combination of lots shall have a minimum heating and cooled square footage of 1600 feet.

18. Any equipment, commercial vehicles, recreational vehicles and boats must be stored in the rear yard area of any dwelling and shall be shielded from view by a privacy fence. No junk equipment, or junk vehicles of any kind which are not in good repair and running condition shall be allowed to remain on any lot.

19. All lots shall be sodded or seeded and landscaped upon completion of any dwelling or structure constructed on said lot. All lots shall be properly maintained at all times and shall not be allowed to become overgrown. Should any lot not be properly maintained or allowed to become overgrown, the Developer shall have the right to mow said lot at a cost of \$450.00 per cutting and shall be allowed to place a lien against the lot for this cost.

20. These Restrictive Covenants may be amended at any time by the Developer, so long as the Developer shall own any lot in the subdivision and thereafter, may be amended by a written declaration

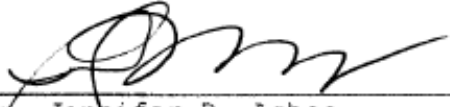
executed by at least three-fourths (3/4) of the lot owners and any such amendment shall be recorded in the Probate Court of Baldwin County, Alabama.

21. These Covenants, Conditions and Restrictions may be enforced by the Developer or any lot owner by filing an action for the enforcement of the same in a Court of competent jurisdiction in Baldwin County, Alabama, and should it become necessary to file such action, the non-prevailing party in such action shall be responsible for the payment of all court cost and attorney's fees of the prevailing party.

22. These Restrictive Covenants shall run with the land and shall be binding upon all parties and all persons claiming under them for a period of twenty-five (25) years from date hereof, at which time the covenants shall be automatically extended thereafter for successive 10-year periods.

Dated this 5 day of June, 2018.

FOUNTAIN 38, LLC, DEVELOPER


By: Jennifer R. Achée
Its: Authorized Member

The Grove of Elberta Subdivision Recorded Plat

CERTIFICATE OF APPROVAL BY THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION

The Commission has reviewed the proposed subdivision and has determined that the same is in accordance with the Comprehensive Zoning Ordinance, Chapter 10, of the Baldwin County Code, and has approved the same for recording.

CERTIFICATE OF APPROVAL BY THE BALDWIN COUNTY ENGINEER

The Engineer has reviewed the proposed subdivision and has determined that the same is in accordance with the Comprehensive Zoning Ordinance, Chapter 10, of the Baldwin County Code, and has approved the same for recording.

CERTIFICATE OF APPROVAL BY THE BALDWIN COUNTY HEALTH DEPARTMENT

The Health Department has reviewed the proposed subdivision and has determined that the same is in accordance with the Comprehensive Zoning Ordinance, Chapter 10, of the Baldwin County Code, and has approved the same for recording.

CERTIFICATE OF APPROVAL BY THE BALDWIN COUNTY BOARD OF SUPERVISORS

The Board of Supervisors has reviewed the proposed subdivision and has determined that the same is in accordance with the Comprehensive Zoning Ordinance, Chapter 10, of the Baldwin County Code, and has approved the same for recording.

CERTIFICATE OF APPROVAL BY THE BALDWIN COUNTY COMMISSIONER OF LANDS

The Commissioner of Lands has reviewed the proposed subdivision and has determined that the same is in accordance with the Comprehensive Zoning Ordinance, Chapter 10, of the Baldwin County Code, and has approved the same for recording.

THE GROVE OF ELBERTA

SUBDIVISION

2.29 ACRES
RESERVED FOR PUBLIC R/W

LOT 1
2.29 ACRES

LOT 2
2.00 ACRES

LOT 3
2.00 ACRES

LOT 4
2.00 ACRES

LOT 5
2.00 ACRES

LOT 6
2.00 ACRES

LOT 7
2.00 ACRES

LOT 8
2.00 ACRES

RESERVED FOR PUBLIC R/W

Achee Builders, LLC
The Grove of Elberta

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PRELIMINARY PLAT

THE GROVE OF ELBERTA

ACHEE BUILDERS, LLC

DATE _____ **REVISION** _____

CREATED BY _____ **BY** _____

DATE _____ **REVISION** _____

CREATED BY _____ **BY** _____

DATE _____ **REVISION** _____

CREATED BY _____ **BY** _____

Applicant's Response

To: Baldwin County Planning and Zoning Department Staff

Linda,

Thank you for forwarding me the adjacent property owners comments and objections to our requested zoning change on the property located at 26815 US Hwy 98 Elberta, AL.

I would like to first address the comments that Fountain 38 LLC purposely misled the owners of lots 2 through 8 of The Grove of Elberta or misrepresented their intent in any way. This is not the case, as the property is currently on the market and under contract to Summer Breeze LLC. The contract allows for the purchaser to request a zoning change to obtain appropriate zoning to allow for feasible development. Given the market demand is currently appropriate for affordable housing, not estate homes, the highest and best use as well as the economically feasible use of the property supports smaller lots and homes in the \$200,000 to \$300,000 range.

There has in fact been a change in conditions for development as now public sewer service is available on the North side of Hwy 98 that directly feeds to the property. Having public sewer available changes the conditions and allows for smaller lots by way of no longer being limited to the use of septic systems.

The covenants that were sent by Mr. Stachowski are not the covenants that are recorded, and the actual covenants that are recorded and govern The Grove apply to lots 2-8, and not lot 1. Therefore there is no restriction on lot 1 that would disallow for subdivision or zoning changes on Lot 1.

The allowable number of lots under RSF-1 would be 33 lots, not 20. RSF-1 would also allow for Mobile homes to be placed on those lots which would certainly be detrimental to the adjacent property owners values.

The purpose of the zoning change to RSF-4 is to provide quality, affordable housing for the Elberta market, which is currently lacking this type of product. As Baldwin County continues to grow, the natural pattern of growth is concentric which spreads from City centers outward to provide reasonable access to jobs, schools, and services. The zoning change is consistent with the current development pattern for the county.

The average household income within a 5 minute drive time of the property is \$54,452 per year. By limiting development to estate size lots and homes the county would be eliminating the availability of affordable homes to the existing and future population of the area.

The 2018 population within a 5 minute drive time of the property was 2050 people. The projected population for the same area in 2023 is 2276 people. It only stands to reason that the additional population will create the demand for additional homes. If lot sizes are limited to larger lots, then the amount of money that can be spent on the structure will be reduced based on the average income, which would then result in lesser quality and the continued addition of mobile and manufactured homes in the area. The resulting development would be detrimental to property values for the overall area, where the development of mid level affordable site built homes would benefit the area as a whole and increase the County Tax base, not reduce it.

As to the increase in traffic, that is inevitable as the population of Baldwin County grows, however the proposed zoning change will allow for increased per square foot lot values which allows for the expense of a full ALDOT Traffic Study and professional full study of the best access management practices.

In conclusion, the average household income for the area **does** support the need for the proposed type of development, and there is a demand in the market for the type of site built sturdy homes that it would provide. The larger lots that RSF-1 allows for are simply not cost effective to meet the current market demand.

I hope this answers your questions and concerns. Thank you for your time and consideration.

Sincerely,

Lydia Franz

RE/MAX of Orange Beach

Applicant

Just another point in addition that I forgot to put in my letter.

The statement that an adjacent subdivision would create a negative impact on property values is purely speculation. Given the fact that an appraiser would never use a subdivision spec home for a comparable sale to a custom built home on a 2 acre lot, there is absolutely no evidence that supports the property owners claim that the development of smaller lots would negatively impact his property value.

If anything, he simply over built given the average income and demand for the area.



Demographic and Income Comparison Profile

26815 US-98, Elberta, Alabama, 36530
Drive Time: 5, 10, 15 minute radii

Prepared by Esri
Latitude: 30.41446
Longitude: -87.56773

	5 minutes	10 minutes	15 minutes
Census 2010 Summary			
Population	1,776	6,787	24,182
Households	694	2,774	10,188
Families	501	1,916	6,956
Average Household Size	2.54	2.44	2.36
Owner Occupied Housing Units	532	2,044	7,446
Renter Occupied Housing Units	162	730	2,742
Median Age	41.5	42.9	45.7
2018 Summary			
Population	2,050	7,961	28,753
Households	799	3,225	12,004
Families	567	2,181	8,041
Average Household Size	2.55	2.46	2.38
Owner Occupied Housing Units	623	2,410	8,934
Renter Occupied Housing Units	177	816	3,070
Median Age	42.7	44.2	47.9
Median Household Income	\$34,483	\$40,630	\$48,047
Average Household Income	\$54,452	\$57,732	\$64,804
2023 Summary			
Population	2,276	8,799	31,874
Households	885	3,554	13,264
Families	623	2,384	8,818
Average Household Size	2.56	2.47	2.39
Owner Occupied Housing Units	705	2,703	9,992
Renter Occupied Housing Units	180	852	3,272
Median Age	43.9	45.2	49.2
Median Household Income	\$43,589	\$47,995	\$54,148
Average Household Income	\$63,794	\$67,648	\$74,575
Trends: 2018-2023 Annual Rate			
Population	2.11%	2.02%	2.08%
Households	2.07%	1.96%	2.02%
Families	1.90%	1.80%	1.86%
Owner Households	2.50%	2.32%	2.26%
Median Household Income	4.80%	3.39%	2.42%

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023.

April 25, 2019



Demographic and Income Comparison Profile

26815 US-98, Elberta, Alabama, 36530
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Prepared by Esri
Latitude: 30.41446
Longitude: -87.56773

2018 Households by Income	5 minutes		10 minutes		15 minutes	
	Number	Percent	Number	Percent	Number	Percent
<\$15,000	121	15.1%	450	14.0%	1,378	11.5%
\$15,000 - \$24,999	138	17.3%	483	15.0%	1,561	13.0%
\$25,000 - \$34,999	145	18.1%	451	14.0%	1,450	12.1%
\$35,000 - \$49,999	67	8.4%	501	15.5%	1,790	14.9%
\$50,000 - \$74,999	171	21.4%	589	18.3%	2,429	20.2%
\$75,000 - \$99,999	49	6.1%	317	9.8%	1,549	12.9%
\$100,000 - \$149,999	64	8.0%	261	8.1%	1,090	9.1%
\$150,000 - \$199,999	27	3.4%	92	2.9%	347	2.9%
\$200,000+	15	1.9%	82	2.5%	410	3.4%
Median Household Income	\$34,483		\$40,630		\$48,047	
Average Household Income	\$54,452		\$57,732		\$64,804	
Per Capita Income	\$21,461		\$23,525		\$27,063	

2023 Households by Income	5 minutes		10 minutes		15 minutes	
	Number	Percent	Number	Percent	Number	Percent
<\$15,000	118	13.3%	433	12.2%	1,313	9.9%
\$15,000 - \$24,999	135	15.3%	453	12.7%	1,466	11.1%
\$25,000 - \$34,999	144	16.3%	429	12.1%	1,387	10.5%
\$35,000 - \$49,999	71	8.0%	515	14.5%	1,821	13.7%
\$50,000 - \$74,999	198	22.4%	681	19.2%	2,737	20.6%
\$75,000 - \$99,999	63	7.1%	422	11.9%	1,986	15.0%
\$100,000 - \$149,999	92	10.4%	370	10.4%	1,525	11.5%
\$150,000 - \$199,999	40	4.5%	132	3.7%	472	3.6%
\$200,000+	23	2.6%	120	3.4%	556	4.2%
Median Household Income	\$43,589		\$47,995		\$54,148	
Average Household Income	\$63,794		\$67,648		\$74,575	
Per Capita Income	\$25,081		\$27,450		\$31,008	

Data Note: Income is expressed in current dollars.

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023.

April 25, 2019



Demographic and Income Comparison Profile

26815 US-98, Elberta, Alabama, 36530
Drive Time: 5, 10, 15 minute radii

Prepared by Esri
Latitude: 30.41446
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2010 Population by Age	5 minutes		10 minutes		15 minutes	
	Number	Percent	Number	Percent	Number	Percent
Age 0 - 4	101	5.7%	397	5.8%	1,430	5.9%
Age 5 - 9	111	6.2%	405	6.0%	1,324	5.5%
Age 10 - 14	126	7.1%	419	6.2%	1,285	5.3%
Age 15 - 19	125	7.0%	417	6.1%	1,338	5.5%
Age 20 - 24	96	5.4%	371	5.5%	1,275	5.3%
Age 25 - 34	186	10.5%	754	11.1%	2,644	10.9%
Age 35 - 44	224	12.6%	801	11.8%	2,566	10.6%
Age 45 - 54	289	16.3%	996	14.7%	3,325	13.7%
Age 55 - 64	239	13.5%	976	14.4%	3,487	14.4%
Age 65 - 74	172	9.7%	727	10.7%	2,998	12.4%
Age 75 - 84	85	4.8%	414	6.1%	1,960	8.1%
Age 85+	21	1.2%	112	1.6%	549	2.3%

2018 Population by Age	5 minutes		10 minutes		15 minutes	
	Number	Percent	Number	Percent	Number	Percent
Age 0 - 4	111	5.4%	439	5.5%	1,547	5.4%
Age 5 - 9	119	5.8%	454	5.7%	1,508	5.2%
Age 10 - 14	126	6.1%	448	5.6%	1,478	5.1%
Age 15 - 19	116	5.7%	407	5.1%	1,343	4.7%
Age 20 - 24	111	5.4%	413	5.2%	1,434	5.0%
Age 25 - 34	257	12.5%	993	12.5%	3,256	11.3%
Age 35 - 44	244	11.9%	897	11.3%	2,944	10.2%
Age 45 - 54	274	13.4%	987	12.4%	3,225	11.2%
Age 55 - 64	314	15.3%	1,211	15.2%	4,389	15.3%
Age 65 - 74	237	11.6%	1,033	13.0%	4,317	15.0%
Age 75 - 84	108	5.3%	513	6.4%	2,442	8.5%
Age 85+	32	1.6%	166	2.1%	871	3.0%

2023 Population by Age	5 minutes		10 minutes		15 minutes	
	Number	Percent	Number	Percent	Number	Percent
Age 0 - 4	119	5.2%	466	5.3%	1,647	5.2%
Age 5 - 9	130	5.7%	503	5.7%	1,630	5.1%
Age 10 - 14	143	6.3%	528	6.0%	1,679	5.3%
Age 15 - 19	135	5.9%	476	5.4%	1,549	4.9%
Age 20 - 24	104	4.6%	380	4.3%	1,411	4.4%
Age 25 - 34	264	11.6%	990	11.2%	3,321	10.4%
Age 35 - 44	273	12.0%	1,036	11.8%	3,347	10.5%
Age 45 - 54	292	12.8%	1,042	11.8%	3,325	10.4%
Age 55 - 64	341	15.0%	1,274	14.5%	4,588	14.4%
Age 65 - 74	288	12.7%	1,235	14.0%	5,249	16.5%
Age 75 - 84	148	6.5%	677	7.7%	3,127	9.8%
Age 85+	39	1.7%	195	2.2%	1,003	3.1%

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023.

April 25, 2019



Demographic and Income Comparison Profile

26815 US-98, Elberta, Alabama, 36530
Drive Time: 5, 10, 15 minute radii

Prepared by Esri
Latitude: 30.41446
Longitude: -87.56773

2010 Race and Ethnicity	5 minutes		10 minutes		15 minutes	
	Number	Percent	Number	Percent	Number	Percent
White Alone	1,656	93.3%	5,926	87.3%	20,714	85.7%
Black Alone	17	1.0%	404	6.0%	1,698	7.0%
American Indian Alone	14	0.8%	53	0.8%	180	0.7%
Asian Alone	13	0.7%	36	0.5%	183	0.8%
Pacific Islander Alone	0	0.0%	3	0.0%	13	0.1%
Some Other Race Alone	41	2.3%	243	3.6%	974	4.0%
Two or More Races	34	1.9%	122	1.8%	420	1.7%
Hispanic Origin (Any Race)	68	3.8%	474	7.0%	1,866	7.7%
2018 Race and Ethnicity	Number		Percent		Number	
					Percent	
White Alone	1,888	92.1%	6,858	86.1%	24,381	84.8%
Black Alone	19	0.9%	473	5.9%	1,918	6.7%
American Indian Alone	17	0.8%	68	0.9%	231	0.8%
Asian Alone	24	1.2%	68	0.9%	338	1.2%
Pacific Islander Alone	0	0.0%	3	0.0%	13	0.0%
Some Other Race Alone	47	2.3%	297	3.7%	1,204	4.2%
Two or More Races	54	2.6%	195	2.4%	669	2.3%
Hispanic Origin (Any Race)	77	3.8%	576	7.2%	2,299	8.0%
2023 Race and Ethnicity	Number		Percent		Number	
					Percent	
White Alone	2,081	91.5%	7,527	85.6%	26,831	84.2%
Black Alone	20	0.9%	518	5.9%	2,100	6.6%
American Indian Alone	21	0.9%	81	0.9%	277	0.9%
Asian Alone	31	1.4%	87	1.0%	437	1.4%
Pacific Islander Alone	0	0.0%	3	0.0%	14	0.0%
Some Other Race Alone	53	2.3%	338	3.8%	1,378	4.3%
Two or More Races	68	3.0%	244	2.8%	836	2.6%
Hispanic Origin (Any Race)	91	4.0%	677	7.7%	2,714	8.5%

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023.

April 25, 2019



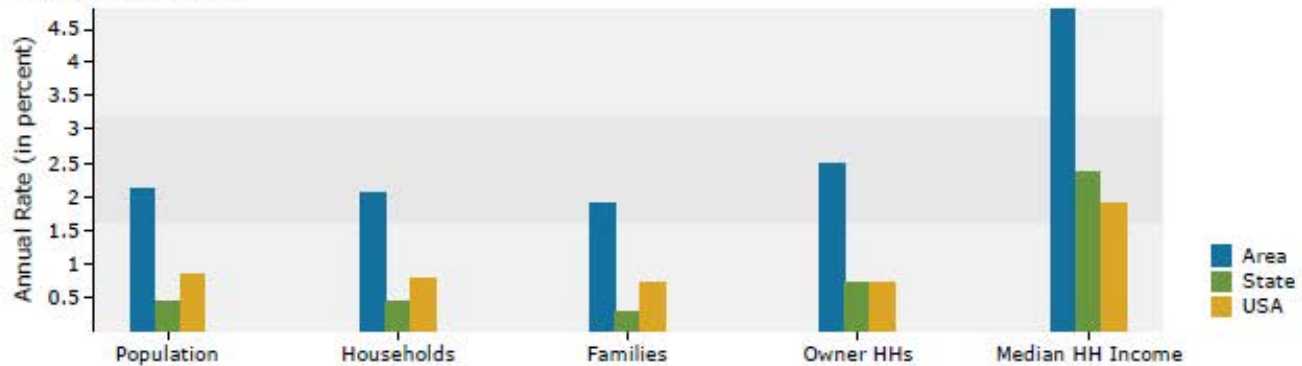
Demographic and Income Comparison Profile

26815 US-98, Elberta, Alabama, 36530
Drive Time: 5, 10, 15 minute radii

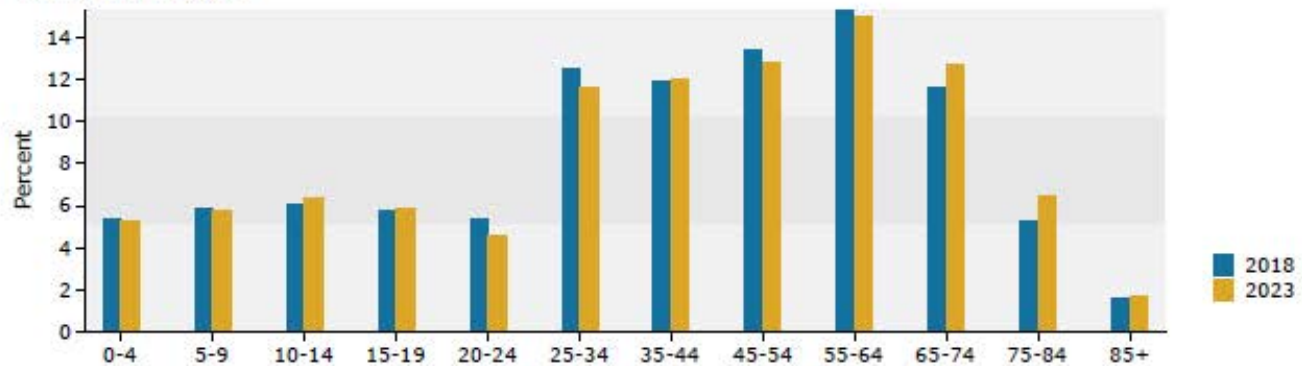
Prepared by Esri
Latitude: 30.41446
Longitude: -87.56773

5 minutes

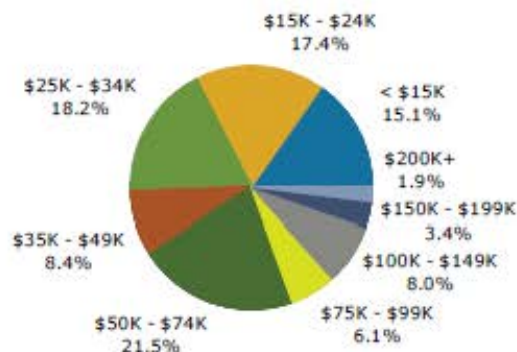
Trends 2018-2023



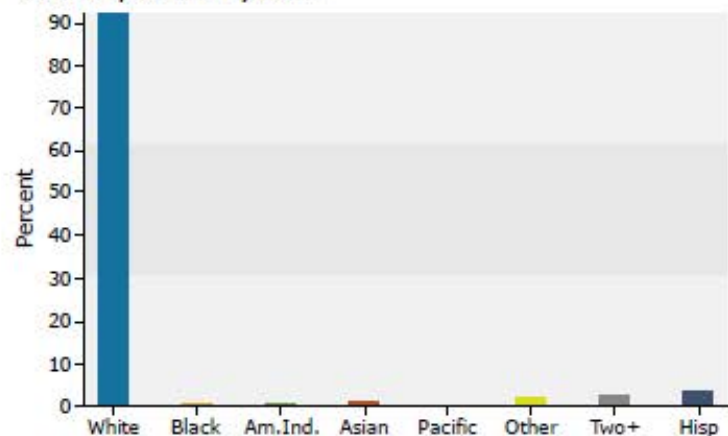
Population by Age



2018 Household Income



2018 Population by Race



Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023.

April 25, 2019



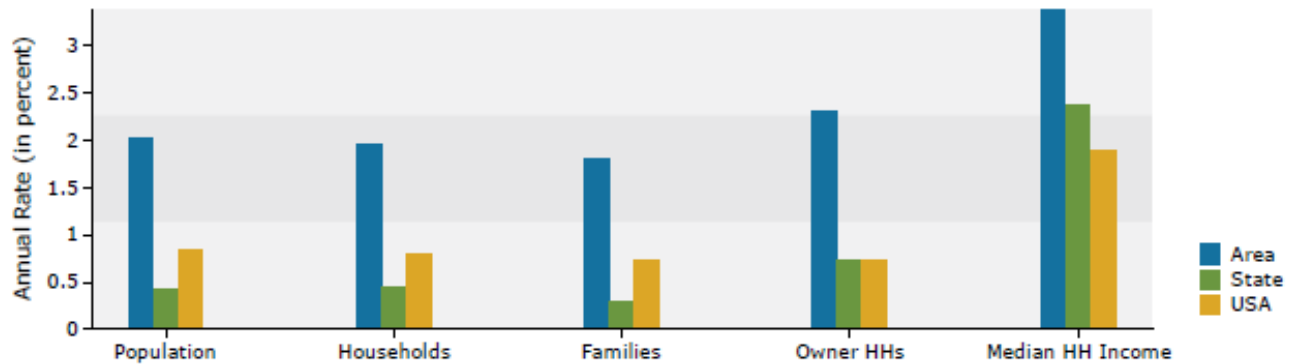
Demographic and Income Comparison Profile

26815 US-98, Elberta, Alabama, 36530
Drive Time: 5, 10, 15 minute radii

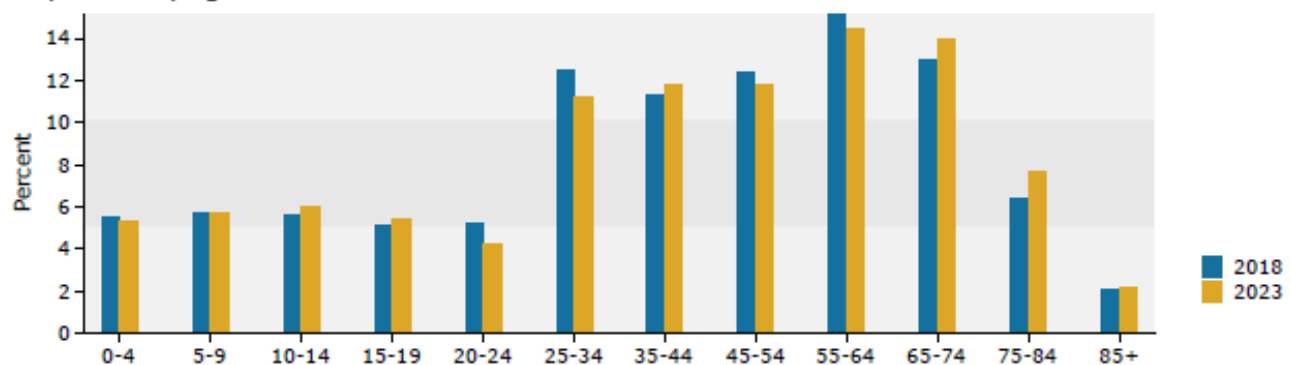
Prepared by Esri
Latitude: 30.41446
Longitude: -87.56773

10 minutes

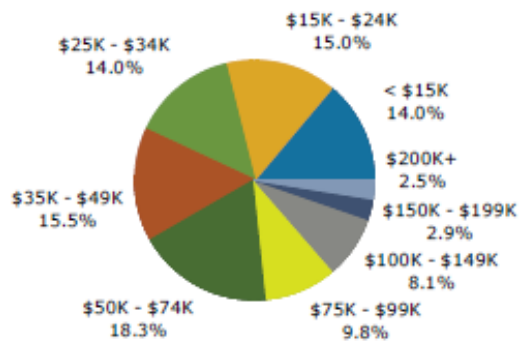
Trends 2018-2023



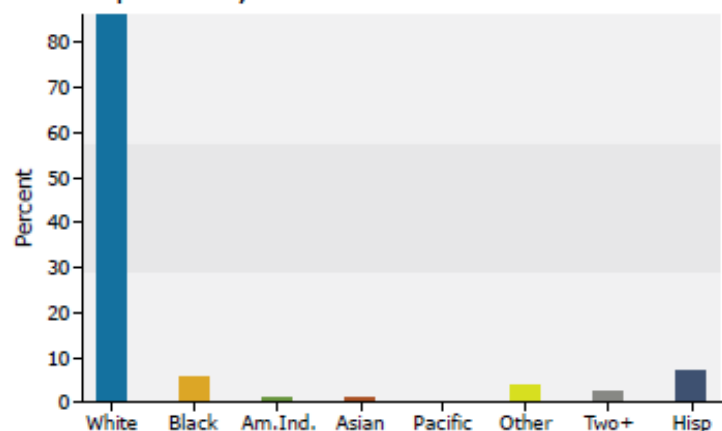
Population by Age



2018 Household Income



2018 Population by Race



Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023.

April 25, 2019



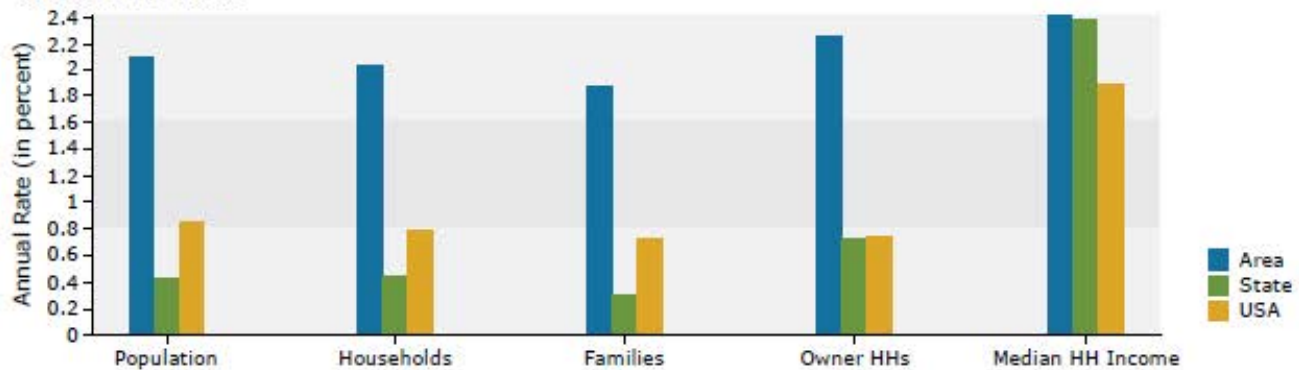
Demographic and Income Comparison Profile

26815 US-98, Elberta, Alabama, 36530
Drive Time: 5, 10, 15 minute radii

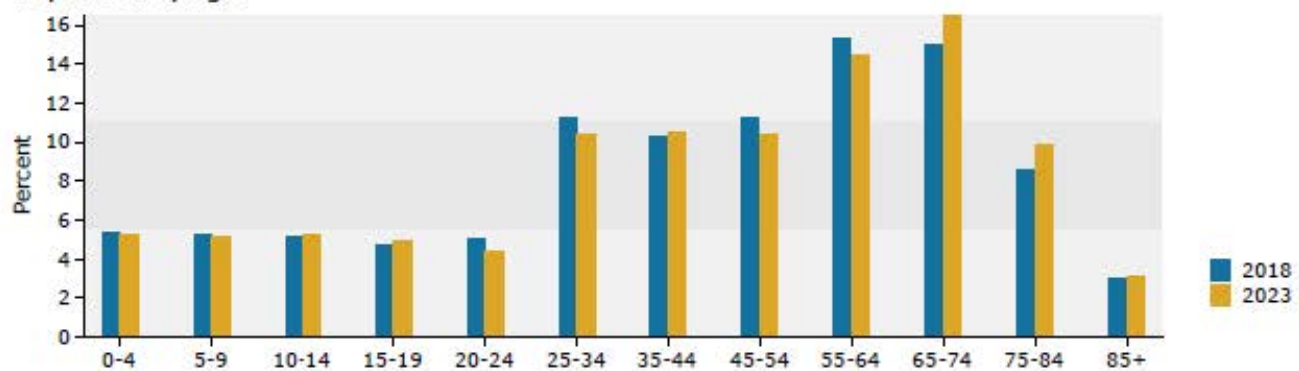
Prepared by Esri
Latitude: 30.41446
Longitude: -87.56773

15 minutes

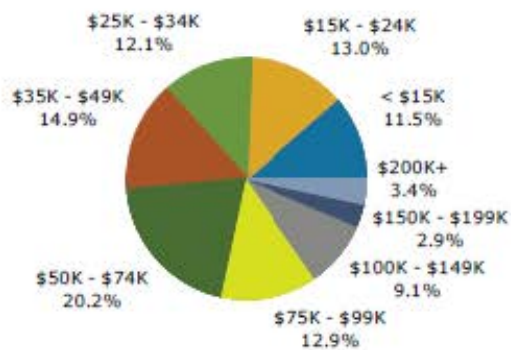
Trends 2018-2023



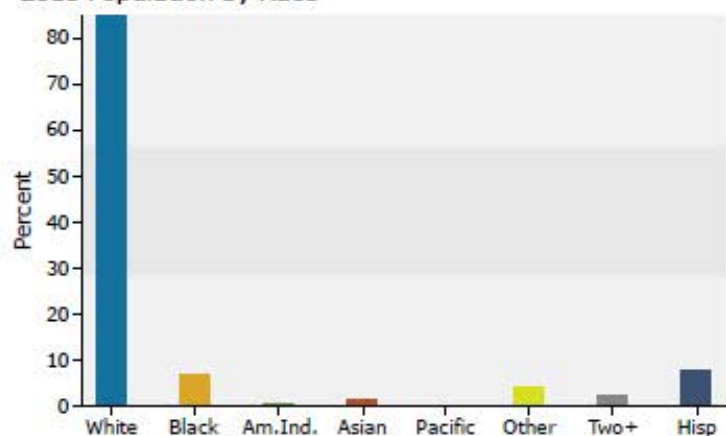
Population by Age



2018 Household Income



2018 Population by Race



Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2018 and 2023.

April 25, 2019



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.c

Case No. Z-19017

Childress Property

Rezone RA, Rural Agriculture District to B-4, Major Commercial District

May 2, 2019

Subject Property Information

Planning District: 12
General Location: West of State Hwy 59 and South of Julius Childress Dr
Physical Address: N.A.
Parcel Numbers: 05-42-07-36-0-000-007.003
Existing Zoning: RA, Rural Agriculture District
Proposed Zoning: B-4, Major Commercial District
Existing Land Use: Vacant
Proposed Land Use: Storage Lot for Boats and RVs
Acreage: 5.4 acres, more or less
Applicant: Steve Childress
17700 Kendrick Rd
Robertsdale, AL 36567
Owner: Mary Lois Childress
17700 Kendrick Rd
Robertsdale, AL 36567
Lead Staff: Celena Boykin, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Agriculture	City of Robertsdale
South	Agriculture	RA, Rural Agricultural and B4, Major Commercial
East	Commercial	State Hwy 59 and B3, General Business
West	Agriculture/Utilities	City of Robertsdale

Summary

The subject property, which consists of 5.4 acres, is currently zoned RA, Rural Agriculture District. The designation of B-4, Major Commercial District, has been requested for the purpose of creating a storage lot for boats and RVs.

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:

- (a) The following general commercial uses: recreational vehicle park (see *Section 13.9: Recreational Vehicle Parks*).
- (b) The following local commercial uses: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

3.2.4 *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) Transportation, communication, and utility uses not permitted by right.
- (b) Institutional uses not permitted by right.

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 18.6 Variances, and Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
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 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:

- (a) All uses permitted by right under the B-3 zoning designation
- (b) Amusement park
- (c) Auto convenience market (limited to less than 4,000 sq.ft. of gross floor area and maximum of 4 fueling pumps)
- (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
- (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*:

- (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
- (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): I do not have any comments for this case.

ADEM: No comments received.

ALDOT (Darrin Reed): No, I don't have any comments.

City of Robertsdale: 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 vacant. The property adjoins State Highway 59 to the east and Julius Childress Drive to the north. The adjoining properties are agricultural and commercial.

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

The zoning for Planning District 12 was approved by the County Commission on November 7, 2006. There have been two rezonings in the nearby area. One parcel was rezoned from B-3 to M-1 in 2015 and another was rezoned from RA to B-4 in 2016. This area has always been a mixture of commercial and agriculture.

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

The Baldwin County Master Plan, 2013, provides a future land use designation of Agricultural for the subject property. Approval of the rezoning will result in an amendment of the Future Land Use Map to commercial.

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?

No adverse impacts.

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.

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

The adjacent parcels to the south are zoned RA and B-4. The adjacent parcel to the north and west is owned by the City of Robertsedale and has the City's water tank on it. To the east the parcel fronts State Hwy 59 and across the highway the parcels are zoned B-3.

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 anticipates no adverse impacts.

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.

Staff Comments and Recommendation

As stated previously, the subject property, which consists of 5.4 acres, is currently zoned RA, Rural Agriculture District. The designation of B-4, Major Commercial District, has been requested for the purpose of creating a storage lot for boats and RVs.

Staff has no major issues with this request and recommends **APPROVAL** to the County Commission. * A decision should be made, based on the information obtained at the public hearing.

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

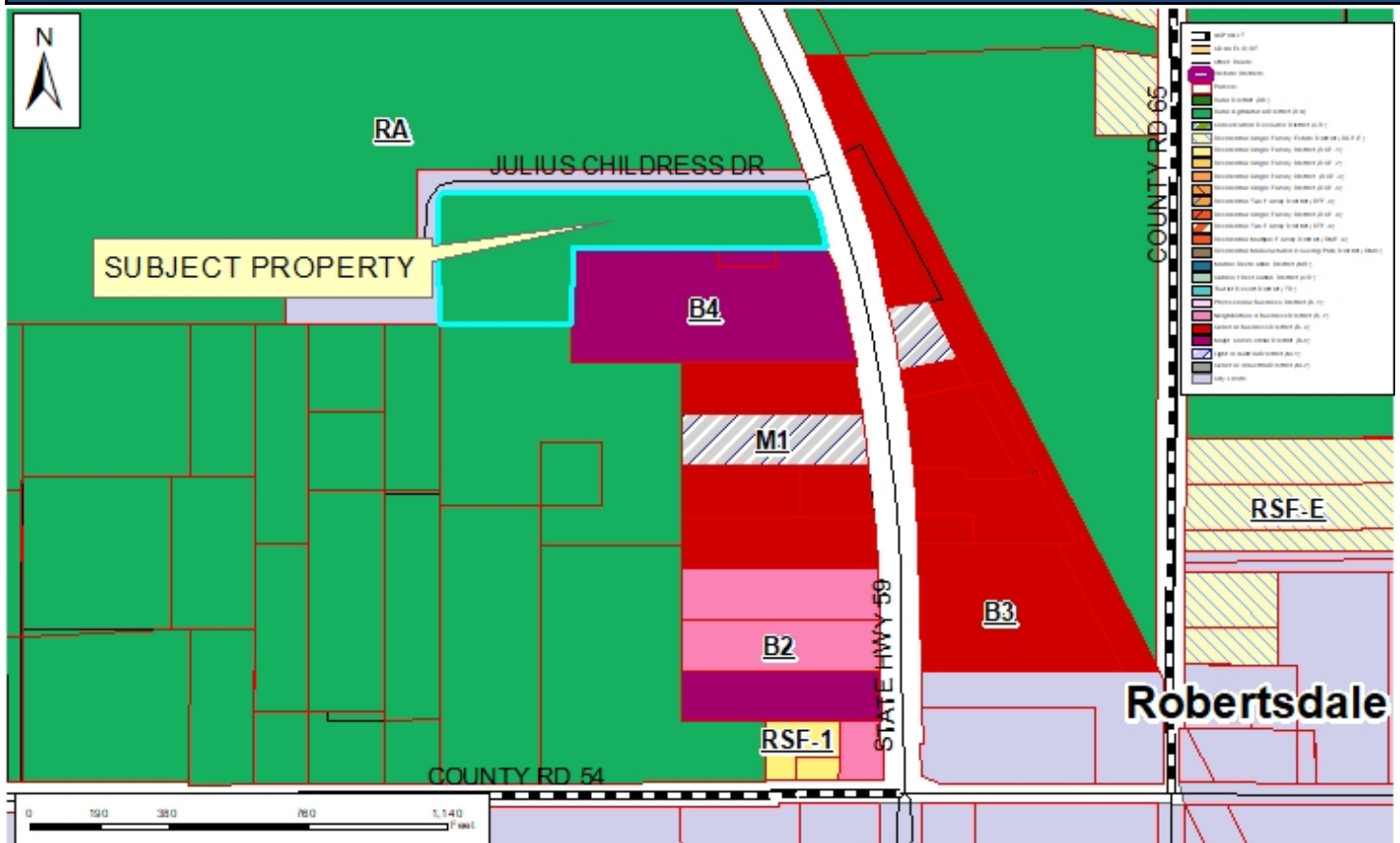
Property Images



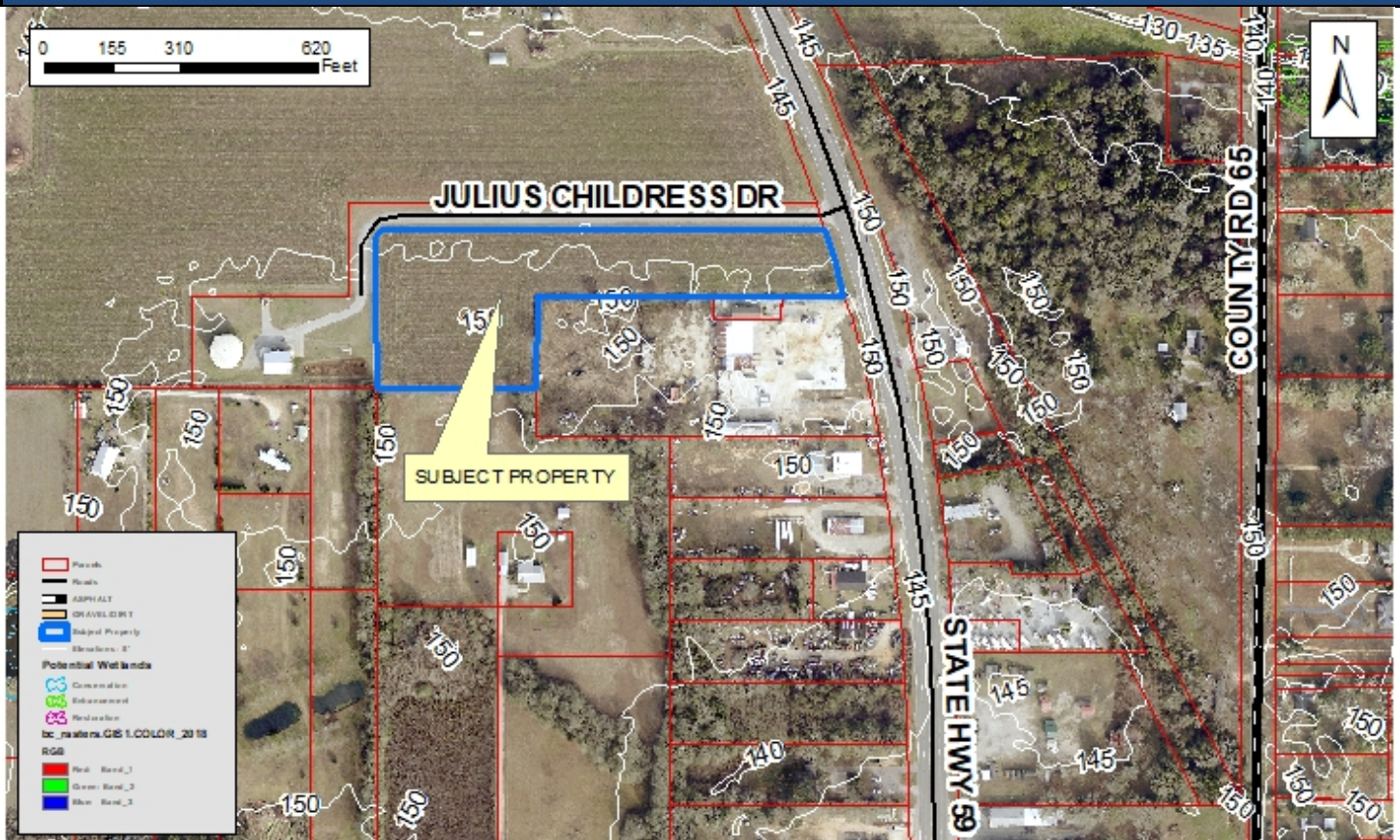




Locator Map



Site Map





Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.d

Case No. Z-19019

Breedin Property

Rezone B-2, Neighborhood Business District to B-3, General Business District

May 2, 2019

Subject Property Information

Planning District: 15
General Location: East Side of State Highway 181, North of Milton Jones Rd
Physical Address: N/A
Parcel Number: 05-43-06-23-0-000-026.005
Existing Zoning: B-2, Neighborhood Business District
Proposed Zoning: B-3, General Business District
Existing Land Use: Undeveloped
Proposed Land Use: Commercial
Lot Area: 4.3 acres more or less
Applicant: Larry Smith, PE
1 S. School St
Fairhope, AL 36532
Owner: Myrline Breedin
27480 Main St.
Daphne, AL 36526
Lead Staff: Celena Boykin, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Commercial/Agriculture	B-2, Neighborhood Business
South	Agriculture	RSF-E, Residential Single Family Estate
East	Agriculture	RSF-E, Residential Single Family Estate
West	Agriculture	St Hwy 181/City of Daphne

Summary

The subject property is currently zoned B-2, Neighborhood Business District. The designation of B-3, General Business District, has been requested in order to install an animal clinic with kennels and boarding.

Section 5.2 B-2, Neighborhood Business District

5.2.1 Purpose and intent. The purpose and intent of the B-2 Neighborhood Business District is to provide a limited commercial convenience facility, servicing nearby residential neighborhoods, planned and developed as an integral unit.

5.2.2 Permitted uses. The following uses are permitted as of right, or as uses accessory to permitted uses in the B-2, Neighborhood Business District:

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

5.2.3 *Conditional uses.* The following uses are permissible as conditional uses in the B-2, Neighborhood Business District, subject to the standards and procedures established in *Section 18.11: Conditional Uses*:

- (a) Air conditioning sales and service
- (b) Amusement arcade
- (c) Animal clinic/kennels
- (d) Arboretum
- (e) Ball field
- (f) Business machine sales and service
- (g) Car wash
- (h) Country club
- (i) Discount/variety store (exceeding 8,000 square feet)
- (j) Drug store (exceeding 8,000 square feet)
- (k) Exterminator service office
- (l) Golf course
- (m) Liquor store
- (n) Mini-warehouse
- (o) Night club, bar, tavern
- (p) Office equipment and supplies sales
- (q) Park or playground
- (r) Pawn shop
- (s) Pet shop
- (t) Plumbing shop
- (u) Restaurant sales and supplies
- (v) Riding academy
- (w) Rug and/or drapery cleaning service
- (x) Seafood store
- (y) Swimming pool (outdoor)
- (z) Tennis court (outdoor)
- (aa) Water storage tank
- (bb) Wildlife sanctuary
- (cc) Wireless telecommunication facility
- (dd) Dwellings, in combination with commercial uses, subject to the standards listed under *Section 5.2.4: Mixed uses*

5.2.4 *Mixed uses.* Mixed residential and commercial uses may be permissible as conditional uses in the B-2 Neighborhood Business 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-2 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.

(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*).

Proposed Zoning Requirements

Section 5.3 B-3, General Business District

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

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

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

(ss) Printing/publishing establishment
 (tt) Restaurant sales and supplies
 (uu) Riding academy
 (vv) Rug and/or drapery cleaning service
 (ww) Seafood store
 (xx) Sign shop
 (yy) Skating rink

(zz) Stone monument sales
 (aaa) Swimming pool (outdoor)
 (bbb) Taxidermy
 (ccc) Teen club or youth center
 (ddd) Tennis court (outdoor)
 (eee) Wildlife sanctuary
 (fff) YMCA, YWCA

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

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

5.3.4 Area and dimensional ordinances.

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

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

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

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

Agency Comments

Permit/Subdivision Manager, Seth Peterson: I do not have any comments for this case.

ADEM: No comments received.

ALDOT: No comments received.

Municipality (City of Daphne, Adrienne Jones): Thanks for the information. I have no issue with the proposed rezoning.

Municipality (City of Daphne Public Works): 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 vacant. The property adjoins State Highway 181 to the west. The adjoining properties are agricultural and commercial.

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

The zoning for Planning District 15 was approved by the County Commission on August 1, 2006. There have been 12 rezonings within less than ½ mile of the subject property. There have been four rezonings to M-1 (Light Industrial), one rezoning to B-4(Major Commercial), three to B-3(General Business), one rezoning to B-2(Neighborhood Business), one rezoning to B-1(Professional Business), and two rezonings to Residential. The property to the west of the subject property was annexed by the City of Daphne in January of 2017 and has the zoning of B-3, Professional Business.

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. This is consistent with the current and proposed zoning designations.

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?

No conflicts.

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.

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

As stated above in Standard Number 2 there have been numerous rezonings in the area, mostly commercial. The adjacent property to the north is zoned B-2. The property to the west is in the City of Daphne and has their zoning of B-3. The property to the east and south is zoned RSF-E and is being farmed.

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?

There are no 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.

None.

Staff Comments and Recommendation

As stated previously, the subject property is currently zoned B-2, Neighborhood Business District. The designation of B-3, General Business District, has been requested in order to install an animal clinic with kennels and boarding.

Staff believes that this is a reasonable request which should be recommended to the County Commission for **APPROVAL**. *

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

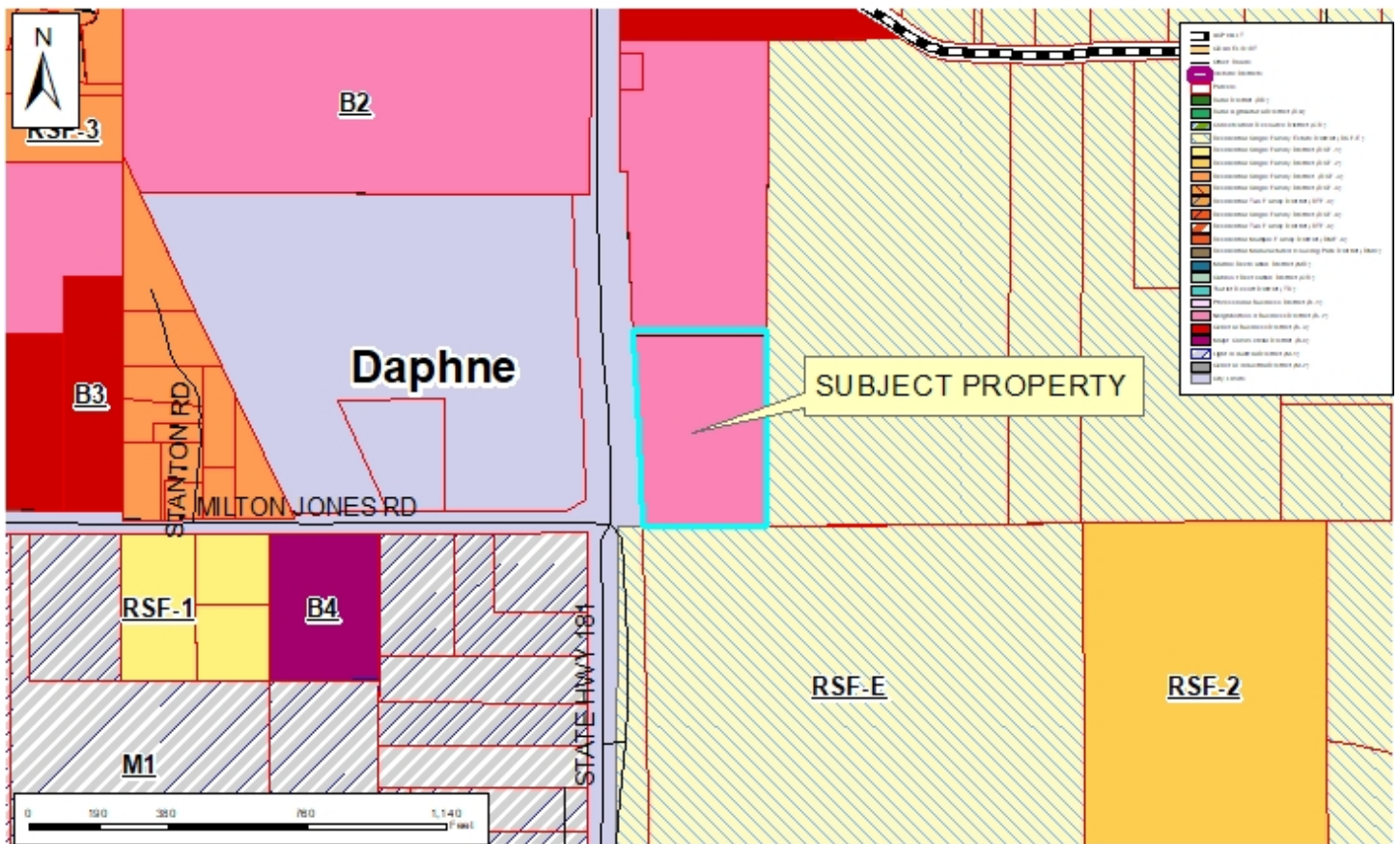
Property Images





Locator Map

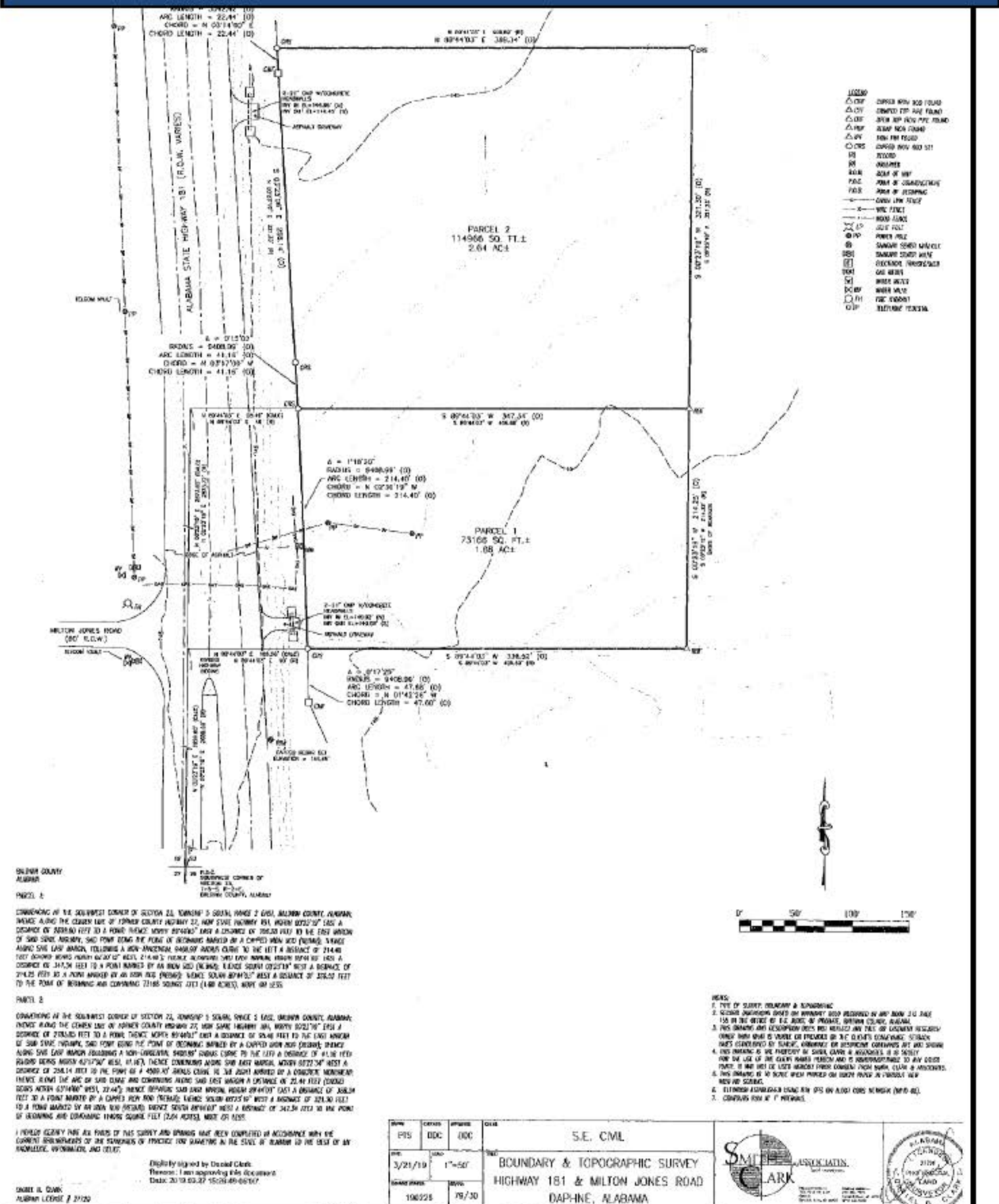




Site Map



Survey





Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.e

Case No. Z-19020

Morgantown Development Co. Inc., Property

Rezone RSF-1, Single Family District to RTF-4, Two Family District

May 2, 2019

Subject Property Information

Planning District: 25
General Location: Surfside Shores, South side of Fort Morgan Road (State Highway 180), West of Surfside Drive
Physical Address: N/A
Parcel Numbers: 05-68-09-30-0-001-006.000, 05-68-09-30-0-001-007.000, 05-68-09-30-0-001-008.000, 05-68-09-30-0-001-009.000, 05-68-09-30-0-001-010.000, 05-68-09-30-0-001-011.000, 05-68-09-30-0-001-012.000 and 05-68-09-30-0-001-013.000
Existing Zoning: RSF-1, Single Family District
Proposed Zoning: RTF-4, Two Family District
Existing Land Use: Undeveloped
Proposed Land Use: Two Family Residential (Duplexes)
Lot Area: 3.65 acres +/-
Applicant: Morgantown Development Co. Inc.
P.O. Box 20415
Tuscaloosa, Alabama 35402
Owner: Same
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Undeveloped	RMF-6, Multiple Family
South	Residential/Undeveloped	RSF-1, Single Family
East	Undeveloped	B-2, Neighborhood Business
West	Undeveloped	RSF-1, Single Family

Summary

The subject properties, which consist of 8 lots on approximately 3.65 acres, are currently zoned RSF-1, Single Family District. The designation of RTF-4, Two Family District, has been requested in order to allow for the construction of duplexes.

According to the information provided, the applicant owns 19 lots which front the right-of-way for Fort Morgan Road. After meeting with the Corps of Engineers, ADEM and the Fish and Wildlife Service, it was determined

that the lots should be accessed by a common, private drive due to the Alabama Beach Mouse habitat. In addition, the applicant has stated that he could apply for a Nationwide Permit on each lot in order to fill and allow for the construction of 19 single family homes. However, the applicant is requesting this rezoning to allow duplexes (Two Family residential) on 8 of the 19 lots. By rezoning the 8 lots which have uplands, it would allow 16 total units instead of 19. Essentially, the majority of the density would be transferred to the 8 lots which are the subject of this application. The remaining 11 lots would be set aside under a mitigation plan.

Furthermore, the applicant is working with a wetland consultant. If the rezoning is approved, the consultant will submit Pre-Construction Notifications to the Corps of Engineers, with copies to ADEM and the Fish and Wildlife Service, for each of the 8 lots. The Corps will initiate consultation with Fish and Wildlife under Section 7 of the Endangered Species Act, and the consultant will provide Biological Assessment to the Corps which will cover all 8 lots. In addition, the consultant will provide a mitigation plan which will involve enhancement and preservation of the remaining 11 lots.

Current Zoning Requirements

Section 4.2 RSF-1, Single Family District

4.2.1 Generally. This zoning district is provided to afford the opportunity for the choice of a low density residential environment consisting of single family homes on large lots.

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

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) The following agricultural uses: Silviculture.
- (d) Single family dwellings including manufactured housing and mobile homes.
- (e) Accessory structures and uses.
- (f) The following institutional use: church or similar religious facility.

4.2.3 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.

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

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

4.2.5 Area and dimensional ordinances. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.6 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	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	30,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.35

Proposed Zoning Requirements

Section 4.6 RTF-4, Two Family District

4.6.1 Generally. The intent of this zoning designation is to provide the opportunity for two family residential development.

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

4.6.3 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.

4.6.4 *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*).

4.6.5 *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
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Maximum Density	4 Dwelling Units per Acre
Minimum Lot Area/Dwelling Unit	7,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Ground Coverage Ratio	.35

Agency Comments

Permit/Subdivision Manager, Seth Peterson: No comments.

Baldwin County Highway Department, Frank Lundy: No comments.

ADEM (J. Scott Brown): No comments received.

Fish and Wildlife (William Lynn):

Case Number Z19020,

We are aware of Mr. Harris Stewart's project and the Army Corps of Engineers has the lead on this project due to the wetland impacts of the proposed project. We are following their guidance.

Thanks,

Bill

Bill Lynn
Certified Wildlife Biologist
Alabama ES Field Office
1208B Main Street
Daphne, AL 36526
251-441-5868 Office
251-441-6222 Fax
<http://www.fws.gov/daphne/>

Corps of Engineers: No comments received.

In the event additional agency comments are received, they will be forwarded to the members of the Planning Commission.

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 undeveloped. The properties adjoin State Highway 180 to the north and Surfside Drive to the east. Jurisdictional wetlands are present on all the properties. The adjoining properties to the south are vacant and residential and undeveloped. The adjoining property to the east is undeveloped.

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

The zoning for Planning District 25 was adopted by the County Commission on November 16, 1993. Since that time, the nomenclature and area and dimensional requirements for the various zoning designations has changed. As an example, the original R-1 designation for the subject properties included a minimum lot size of 40,000 square feet. The current RSF-1 designation requires a minimum lot size of 30,000 square feet.

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

The Baldwin County Master Plan, 2013, provides a future land use designation of Residential for the subject property. If the rezoning is approved, the Future Land Use Map will require no changes.

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?

Development of the subject properties will affect traffic patterns. A single family dwelling will typically generate an average of between 9 and 10 vehicle trips per day. A single duplex unit would have a smaller number of average trips, but with two units on each lot, the overall number would be higher, but would not be as high as the number generated if all 19 lots were developed. In addition, a number of factors will influence the actual number of vehicle trips. As a result, the exact impact is difficult to ascertain at this time.

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. Seven of the lots are each approximately 20,240 square feet (101.2' x 200') with the eighth lot being approximately 22,184 square feet (94.4' x 235'). These lots have less minimum area than that which is required for the current RSF-1 zoning, but would exceed the minimum lot area required for duplexes under the requested

RTF-4. However, the lots can be used as building sites under the current zoning designation since they existed prior to the adoption of zoning in Planning District 25.

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

There no RTF-4 parcels adjacent to the subject properties. It could be argued that the proposed RTF-4 would serve as transitional zoning between the B-2 properties located to the east of Surfside Drive and the RSF-1 parcels located south and west of the subject properties.

Throughout Planning District 25 there are approximately 707 acres which are currently zoned RTF-4. This would allow up to 2,828 units.

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?

Please refer to summary comments and Fish and Wildlife comments listed above. In the event that additional agency comments pertaining to environmental issues are submitted, they will be provided to the Planning Commission.

If the properties are developed, variances from the 30' wetland setback requirements found in Section 10.4.4 of the zoning ordinance will most likely be required.

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

This is a very broad standard which is difficult to define. According to Section 45-2-261.64 of the Code of Alabama, in performing its functions related to Planning and Zoning, the Baldwin County Planning and Zoning Commission and the Baldwin County Commission shall specifically consider the historical nature of existing development within the Fort Morgan District, the historical and environment character of the district, and the unique needs of the district related to hurricane safety and infrastructure for potential evacuation. Many of these issues cannot be easily addressed by the Planning and Zoning Department. However, staff is in the beginning stages of discussions for master planning efforts which could help to better address these issues in the future.

11.) Other matters which may be appropriate.

The number of parking spaces which will be allowed for each dwelling unit will be determined during the environmental processes. Parking spaces will dictate the number of bedrooms permitted in each unit according to the following schedule:

1. Up to Four (4) Bedrooms: Two (2) spaces per dwelling unit.
2. Up to Six (6) Bedrooms: Three (3) spaces per dwelling unit.
3. Seven (7) Bedrooms and more: Four (4) spaces per dwelling unit, plus one (1) additional space per dwelling unit for every bedroom over eight (8).

Staff Comments and Recommendation

As stated previously, the subject properties, which consist of 8 lots on approximately 3.65 acres, are currently zoned RSF-1, Single Family District. The designation of RTF-4, Two Family District, has been requested to allow for the construction of duplexes.

According to the information provided, the applicant owns 19 lots which front the right-of-way for Fort Morgan Road. After meeting with the Corps of Engineers, ADEM and the Fish and Wildlife Service, it was determined that the lots should be accessed by a common, private drive due to the Alabama Beach Mouse habitat. In addition, the applicant has stated that he could apply for a Nationwide Permit on each lot to fill and allow for the construction of 19 single family homes. However, the applicant is requesting this rezoning to allow duplexes (Two Family residential) on 8 of the 19 lots. By rezoning the 8 lots which have uplands, it would allow 16 total units instead of 19. Essentially, much of the density would be transferred to the 8 lots which are the subject of this application. The remaining 11 lots would be set aside under a mitigation plan.

Furthermore, the applicant is working with a wetland consultant. If the rezoning is approved, the consultant will submit Pre-Construction Notifications to the Corps of Engineers, with copies to ADEM and the Fish and Wildlife Service, for each of the 8 lots. The Corps will initiate consultation with Fish and Wildlife under Section 7 of the Endangered Species Act, and the consultant will provide Biological Assessment to the Corps which will cover all 8 lots. In addition, the consultant will provide a mitigation plan which will involve enhancement and preservation of the remaining 11 lots.

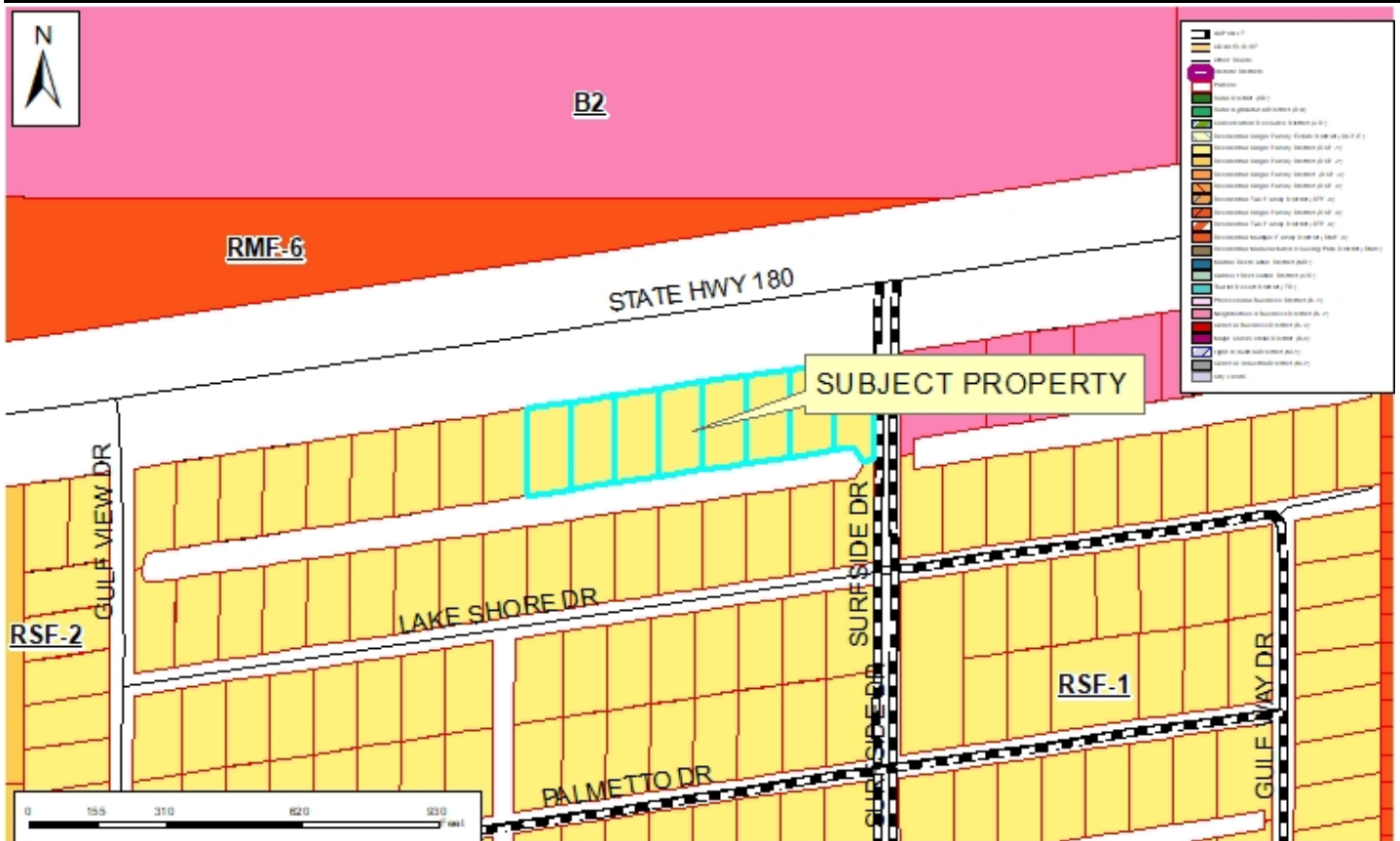
Staff understand the applicant's reasons for submitting this request and believes that the applicant is taking appropriate steps to address environmental concerns. However, a majority of the factors listed under Staff Analysis and Findings indicate that the request should be recommended for **DENIAL**. In addition, a number of area residents have expressed concerns and opposition. While public sentiment is not a factor for consideration at the staff level, the concerns should be taken into account during the decision-making process. If, on the other hand, the Planning Commission should find a recommendation of **APPROVAL** to be warranted, the Planning Commission should find that environment issues and other concerns will be properly addressed. The decision should be based on the information obtained from the public hearing.*

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





Locator Map



Site Map

