



Baldwin County Planning & Zoning Commission Agenda

Thursday, November 7, 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:**

October 3, 2019 meeting minutes
6. **Announcements/Registration to address the Commission.**
7. **Consideration of Applications and Requests: Subdivision Cases**

a.) **Case S-19052, Hwy 98 RV Park, Final Site Plan Approval**

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

Purpose: The applicant is requesting Final Site Plan Approval for a 36-site RV Park.

Location: The subject site is located on the north side of Highway 98 and west side of Co Rd 91 in Elberta.

**b.) Case S-19055, Mockingbird Hill-Unit II Phase Two
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 from the Baldwin County Subdivision Regulations to allow the continued development of the subdivision, as it pertains to lot size, water and sewer requirements and curb and gutter requirements.

Location: The subject property is located on the east side of Deer Acres Lane approximately 0.4 miles south of US Highway 98 in the Elberta area.

c.) Case S-19057, The Tin Tops at Gayfer, 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 20 Lot Subdivision.

Location: The subject property is located on the north side of Gayfer Road Ext., west of Bishop Road in Fairhope.

**d.) Case S-19062, Schwarz Subdivision
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 from the Baldwin County Subdivision Regulations as it pertains to unpaved roads.

Location: The subject property is located between Griggers Road and Peter Morris Road, approximately 1.4 miles east of Co Rd 64 Ext.

e.) Case S-19062, Schwarz 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 1 lot subdivision.

Location: The subject property is located between Griggers Road and Peter Morris Road, approximately 1.4 miles east of Co Rd 64 Ext.

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

a.) Case P-19007, Bella Sera Gardens Property

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

Purpose: The applicant is requesting Conditional Use Approval to allow the rental of the existing home.

Location: The subject property is located on the north side of Co Rd 49, west of the intersection of County Road 49 and Barlow Road, in Planning District 15.

b.) Case Z-19048, Sutton Property

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

Purpose: The applicant is requesting to rezone .55 +/- acres from B-2 to B-3 to allow a tire store to operate on the parcel.

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

c.) Case Z-19049, SCDL, 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 17+/- acres from RSF-E to B-2 to allow office/commercial use of the property.

Location: The subject property is located on east side of Co Rd. 13 and north of Pleasant Rd., in Planning District 12.

d.) Case Z-19051, Crowe Property

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

Purpose: The applicant is requesting to rezone 3.46+/- acres from RSF-1 to RSF-2 and RTF-4 to allow properties to be divided based on existing dwelling units.

Location: The subject property is located on the north and south sides of Collier Rd, east of County Road 93, in Planning District 22.

e.) Case Z-19052, Meszaros Corp. Property

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

Purpose: The applicant is requesting to rezone 2+/- acres from B-2 to B-3 to allow commercial development of the parcel, auto convenience market.

Location: The subject property is located south side of US Highway 98, north of County Rd 99., in Planning District 22.

f.) Case Z-19054, Kirchharr Property

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

Purpose: The applicant is requesting to rezone 122.3+/- acres from RA, B-4 and M-1 to RSF-2 to allow development of a subdivision, Savannah Estates.

Location: The subject property is located .4 mile north and .6 mile east of the intersection of Co Rd 54 and Co Rd 64., in Planning District 15.

g.) Case Z-19054, Savannah Estates PRD

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

Purpose: The applicant is requesting PRD site plan approval for a 327 lot

Planned Residential Development to be known as Savannah Estates on 122.3 acres, more or less.

Location: The subject property is located .4 mile north and .6 mile east of the intersection of Co Rd 54 and Co Rd 64., in Planning District 15.

9.) Old Business:

10.) New Business:

11.) Public Comments

12.) Reports and Announcements:

Staff Reports

Legal Counsel Report

Next Regular Meeting: December 5, 2019

13.) Adjournment.

Baldwin County Planning and Zoning Commission
Case No. S-19052 – Hwy 98 RV Park
Final Site Plan Approval
Staff Report for Planning and Zoning Commission Public Hearing
November 7, 2019
Agenda Item 7.a

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

I. PUBLIC HEARINGS:

Planning Commission: November 7, 2019 Final Site Plan Approval Pending

Attachments: Vicinity Map
Site Map
Proposed Plat

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 36 – Zoned RA

Location of Property: The subject property is located on the north side of Highway 98 and west side of County Road 91 in Elberta.

Parcel Numbers: 05-52-04-20-0-000-009.000

Report Prepared By: Mary Booth; Permit/Subdivision Coordinator

III. SUBDIVISION PROPOSAL:

Proposed number of Sites: 36

Linear Feet of Streets: 2,026LF

Total Acreage: ± 10.93 acres

Smallest Site Size: ± 1,838 square feet

Owner: Alston's Rentals Inc.
264 Ridge Crest Drive
Macon, GA 31210

Engineer: Lieb Engineering Company, LLC
PO Box 2266
Fairhope, AL 36533

Surveyor: The Woodlands Group, LLC
PO Box 213
Montrose, AL 36559

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

IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS:

Public Utilities Services: Water: Perdido Bay Water
Sewer: Baldwin County Sewer Service
Electricity: Riviera Utilities

Transportation: The proposed units will front internal paved roads.

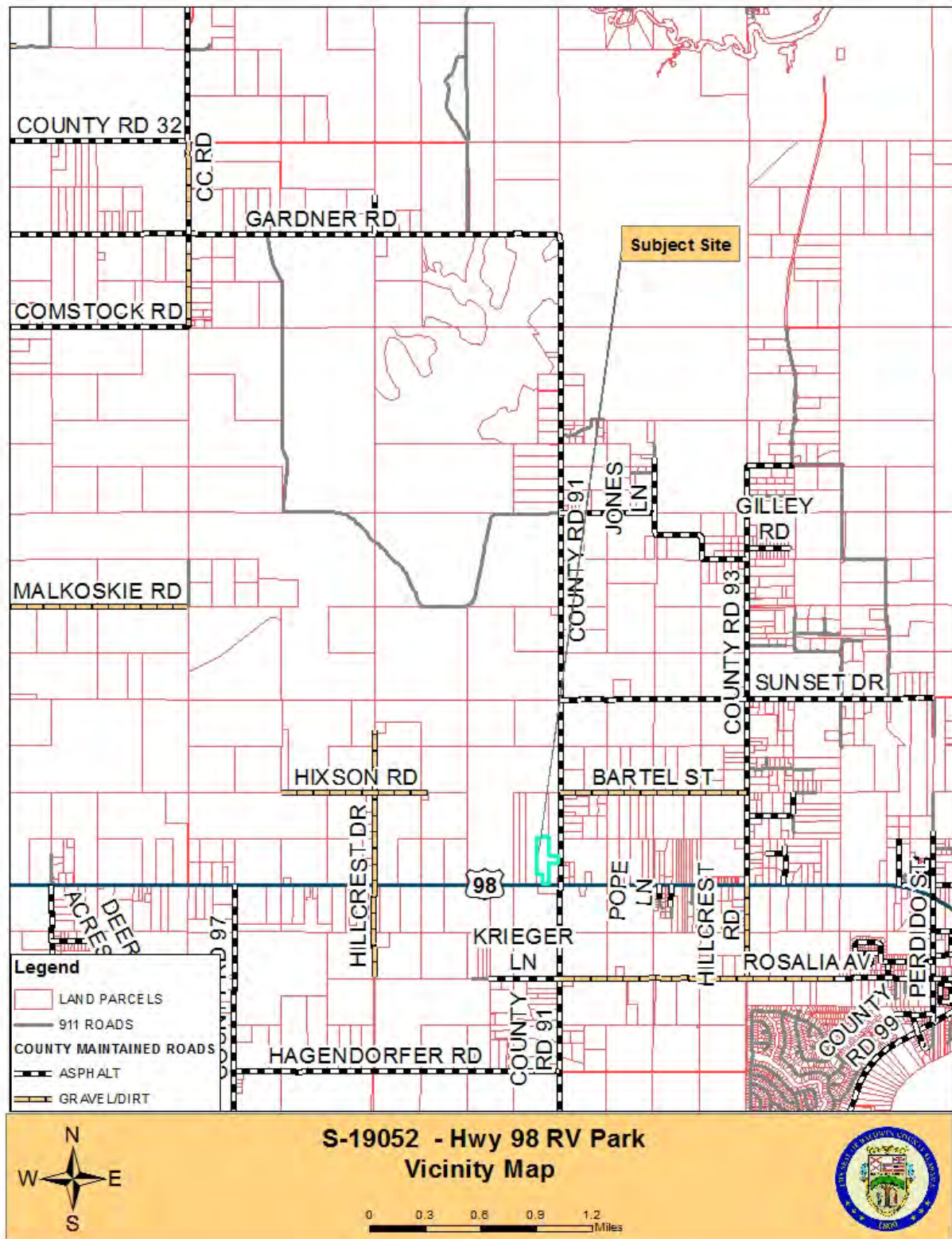
V. STAFF COMMENTS:

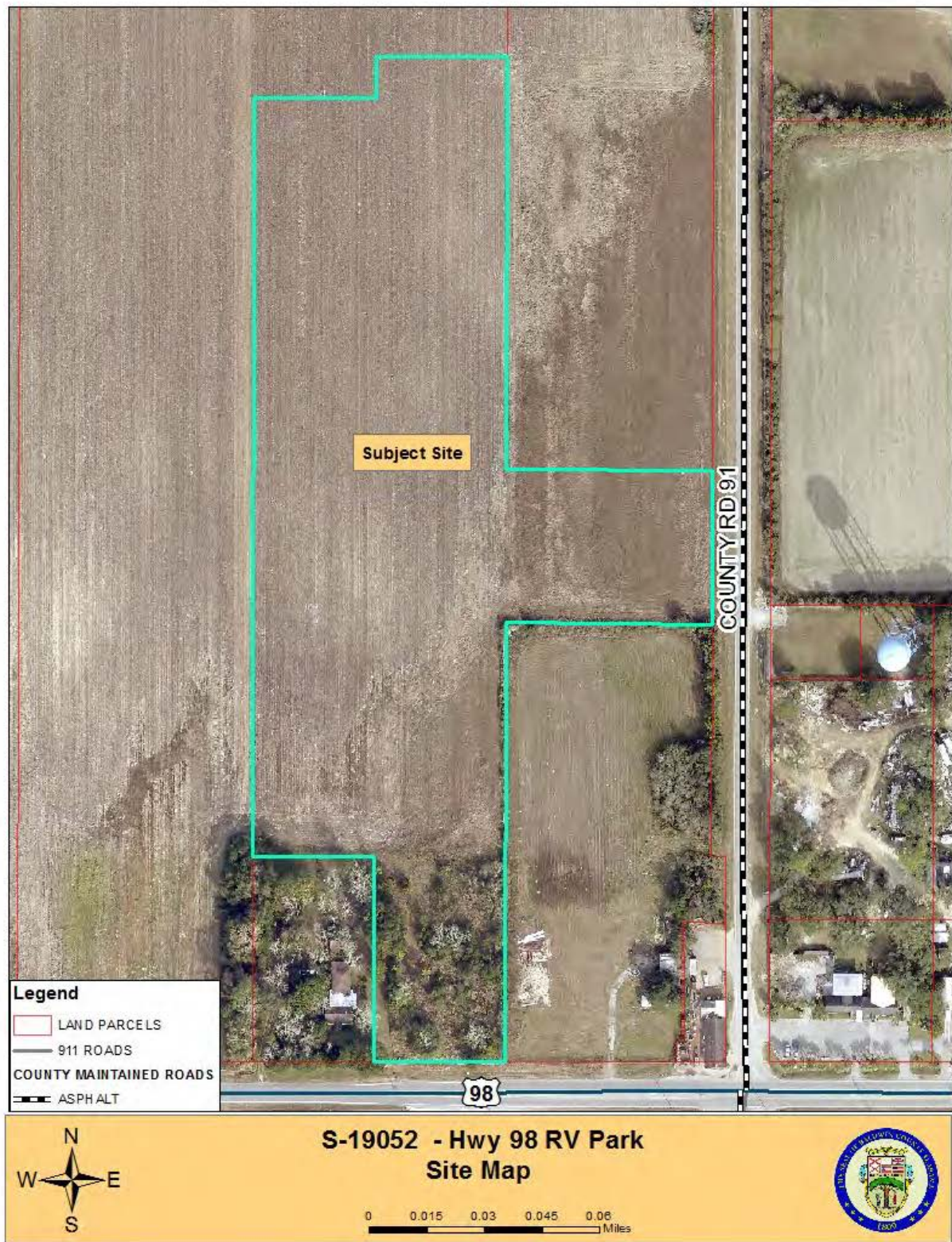
Items for consideration:

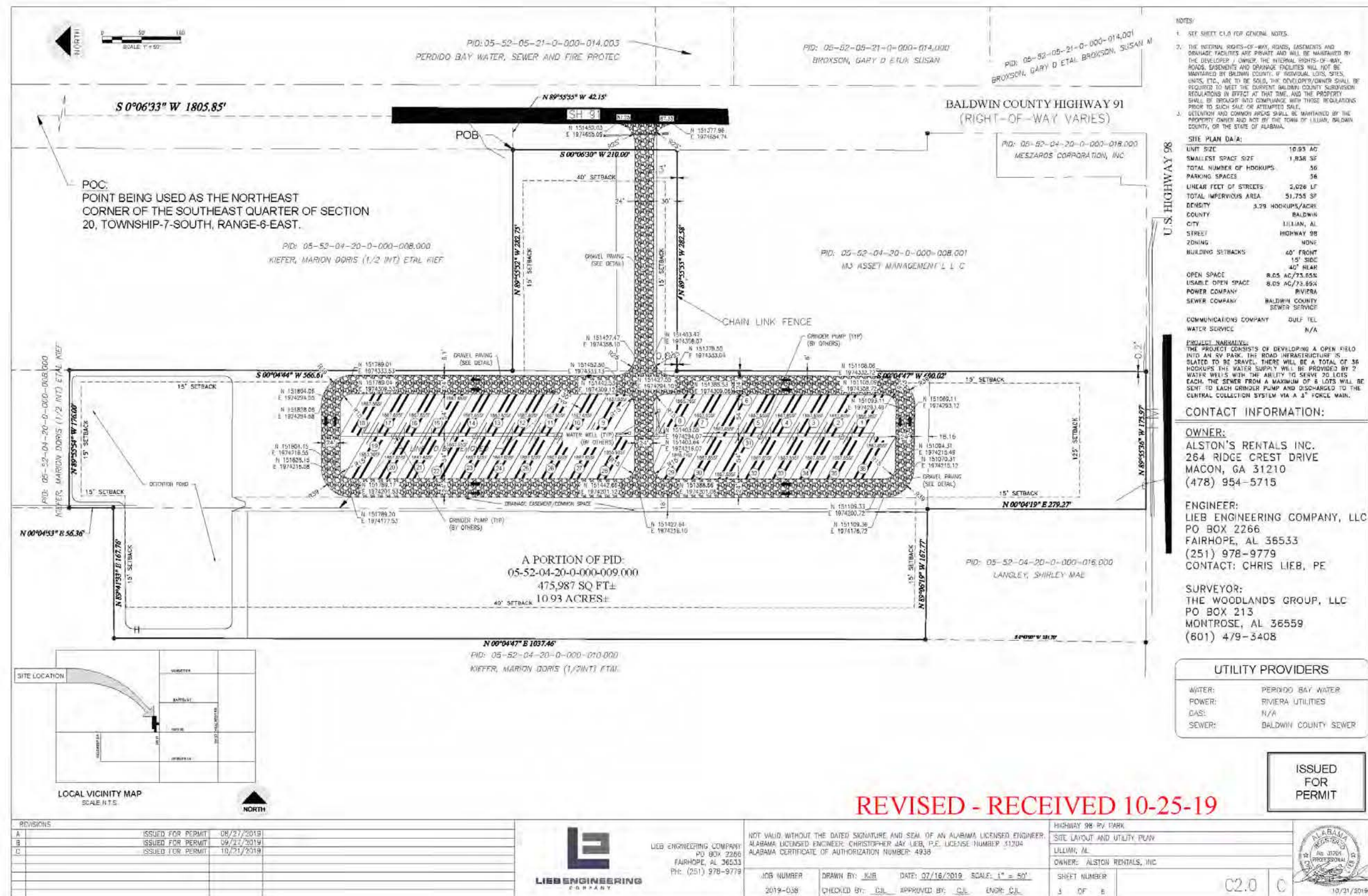
- All items of the Final Site Plan application meet the requirements of the subdivision regulations.

VI. RECOMMENDATIONS:

Staff recommends that the Final Site Plan approval for Case No. S-19052, Hwy 98 RV Park be **APPROVED.**







Baldwin County Planning and Zoning Commission
Case No. S-19055 – Mockingbird Hill – Unit II Phase Two
Variance Request Approval
Staff Report for Planning and Zoning Commission Public Hearing
November 7, 2019
Agenda Item 7.b

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

I. PUBLIC HEARINGS:

Planning Commission:	November 7, 2019	Variance Request Approval Pending
	October 3, 2019	Variance Request Approval - Tabled

Attachments:	Vicinity Map
	Site Map
	Letter from Applicant
	Letter from Health Department
	Proposed Sketch for Unit II Phase Two
	Recorded Plat for Unit II Phase One

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District:	District 22 – Zoned RSF-2
Location of Property:	The subject property is located on the east side of Deer Acres Lane approximately 0.4 miles south of US Highway 98 in the Elberta area.
Parcel Number:	05-53-07-25-0-000-008.000
Report Prepared By:	Mary Booth; Permit/Subdivision Coordinator

III. SUBDIVISION PROPOSAL:

A preliminary plat was submitted for the development of 37 proposed lots in November 1997. Only 17 lots were completed, with a Final Plat being recorded, S-1672-A for the completed lots. The applicant is ready to develop the remaining 20 lots but said preliminary approval has expired and does not comply with the current subdivision regulations.

Owner/Developer:	Woerner Displays, Inc. c/o Norman Woerner 28341 Preserve Trail Elberta, AL 36530
Surveyor:	Rowe Engineering & Surveying 2502 Laughlin Drive, Suite B Mobile, AL 36693

Request: The applicant is requesting a Variance approval for the above-mentioned subdivision from the Baldwin County Planning and Zoning Commission to allow for a variance of the current subdivision regulations for lot size requirements, centralized water and sewer requirement, and curb and gutter requirement.

IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS:

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

Transportation: The proposed lots will front on Cardinal Lane, a proposed public and paved road with access from Deer Acres Lane.

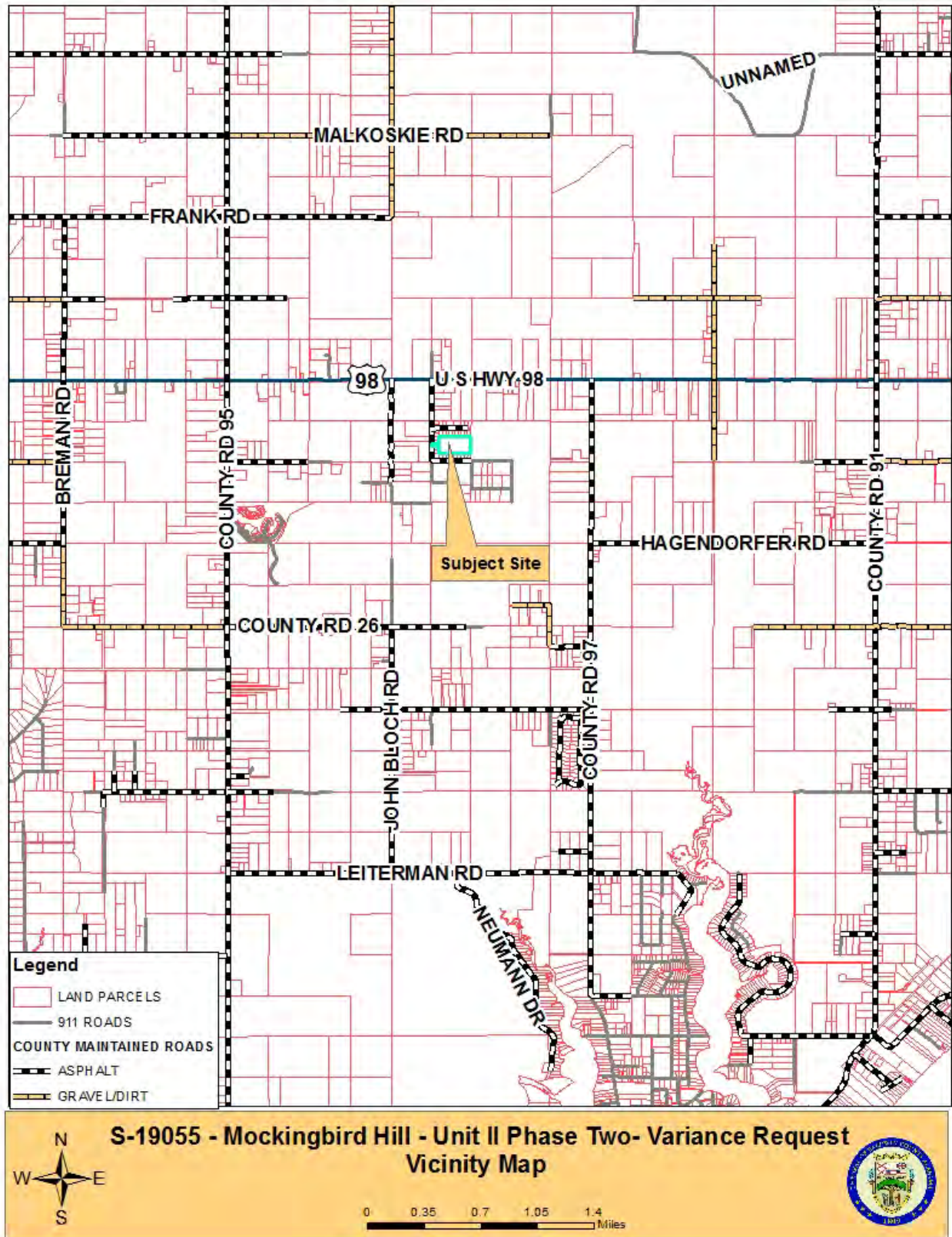
V. STAFF COMMENTS:

Items for consideration:

- The request for a variance does not meet the conditions as set forth in the current subdivision regulations.
- The preliminary plat was approved on November 11, 1997 and expired before construction could commence. The owner is requesting a variance of the current subdivision regulations to allow the originally designed Unit II, Phase Two to be completed in harmony with Unit II, Phase One.
- Applicant's desire to utilize overhead power, on-site well and on-site septic system would require a lot size greater than 40,000 square feet which is not as originally designed. The applicant's proposed design would not meet the current subdivision regulations but could be modified to be in compliance with current regulations but would not be in accordance with the approval by the Health Department
- The Baldwin County Health Department has provided a letter for approval of a preliminary plat submitted to their office in 1995 but does not state how many lots were approved. Baldwin County Planning & Zoning, Subdivision department, does not have a copy of the approved preliminary plat and has requested a copy from the applicant that the Health Department granted preliminary approved in 1995 to verify the number of lots approved by the Health Department.
- If this variance is approved, a new Development Permit would be required and as such, the proposed 20 lots would not meet the existing paved road frontage from US Hwy 98 along Deer Acres Lane to the proposed entrance of Unit II, Phase II, Cardinal Lane. As such, a Variance request would need to be submitted prior to approval of said Development Permit application. Based on existing conditions, Staff would not recommend approval of the Variance.

VI. RECOMMENDATIONS:

Staff recommends that the Variance Request for Case No. S-19055, Mockingbird Hill Unit II Phase Two, be **DENIED**.





Subdivision Variance Narrative

Mockingbird Hill, Unit II, Phase Two

We are requesting a subdivision variance to present to the Baldwin County planning commission for the final phase approval of the Mockingbird Hill subdivision (Unit II, Phase Two) as originally approved. This subdivision had been granted preliminary approval for building, although due to the recession, building was halted and therefore the preliminary approval expired. We would now like to move forward at this time.

We are requesting to complete the subdivision as originally engineered.

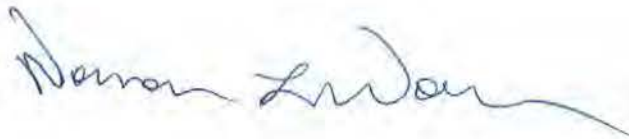
We are requesting variances for the following items:

- Variance for minimum lot size of 40,000 square feet.
- Variance for requirement of centralized water and sewer.
- Variance for minimum lot width of 120 feet.
- Variance for requirement of curb and gutter.

Unit II, Phase Two was originally designed in harmony with the previous phases with respect to lot dimensions, water and sewer provisions, and open ditch roadway. We feel that these items make the original layout and design unique to this property and a strict interpretation of the current subdivision regulations would make the property incompatible with the master plan.

The Baldwin county health department is honoring the original perk tests on the Mockingbird Hill subdivision providing that the subdivision layout does not become altered.

Without final approval the subdivision will remain incomplete and the final phase must be sold as an unrestricted single lot. We are requesting to complete the subdivision as originally engineered.





STATE OF ALABAMA
DEPARTMENT OF PUBLIC HEALTH
SCOTT HARRIS, M.D., M.P.H. • STATE HEALTH OFFICER

BALDWIN COUNTY HEALTH DEPARTMENT

October 30, 2019

Norman Woerner
Woerner Displays
28341 Preserve Trail
Elberta, Alabama 36530

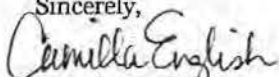
RE: Mocking Bird Hill Subdivision, Unit II - Phase II Lot Size

Dear Mr. Woerner,

Mockingbird Hill Subdivision, Unit II, Phase II in Elberta, Alabama was submitted for approval to this department in May of 1995. The 100' lots shown on the approved final plat met the minimum size requirements of the health department rules.

The lots are also able to meet the minimum size requirements of the current rule set. You will need to contact our office for the steps required to issue a Permit to Install an Onsite Sewage System for each lot.

Sincerely,


Camilla English
Environmental Supervisor

Clinic Office: 23260 Gilbert Drive • Robertsdale, AL 36567
P.O. Drawer 369 • Robertsdale, Alabama 36567-0369
Phone: 251-947-1910 • Fax: 251-947-5703

Environmental Office: 22251 Palmer Street • Robertsdale, AL 36567
P.O. Drawer 363 • Robertsdale, Alabama 36567-0363
Phone: 251-947-3618 • Fax: 251-947-3447



Baldwin County Planning and Zoning Commission
Case No. S-19057 – The Tin Tops at Gayfer
Final Site Plan Approval
Staff Report for Planning and Zoning Commission Public Hearing
November 7, 2019
Agenda Item 7.c

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

I. PUBLIC HEARINGS:

Planning Commission: November 7, 2019 Final Site Plan Approval Pending

Attachments: Vicinity Map
Site Map
Proposed Plat

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 17 – Unzoned

Location of Property: The subject property is on the north side of Gayfer Road Ext. west of Bishop Road. in Fairhope.

Parcel Numbers: 05-46-02-09-0-000-014.000

Report Prepared By: Mary Booth; Permit/Subdivision Coordinator

III. SUBDIVISION PROPOSAL:

Proposed number of Units: 20

Linear Feet of Streets: 953LF

Total Acreage: ± 5.31 acres

Smallest Site Size: ± 1,905 square feet

Owner: Ryan Creel and Vincent Boothe
PO Box 175
Montrose, AL 36559

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

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

IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS:

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

Transportation: The proposed units will front internal paved roads.

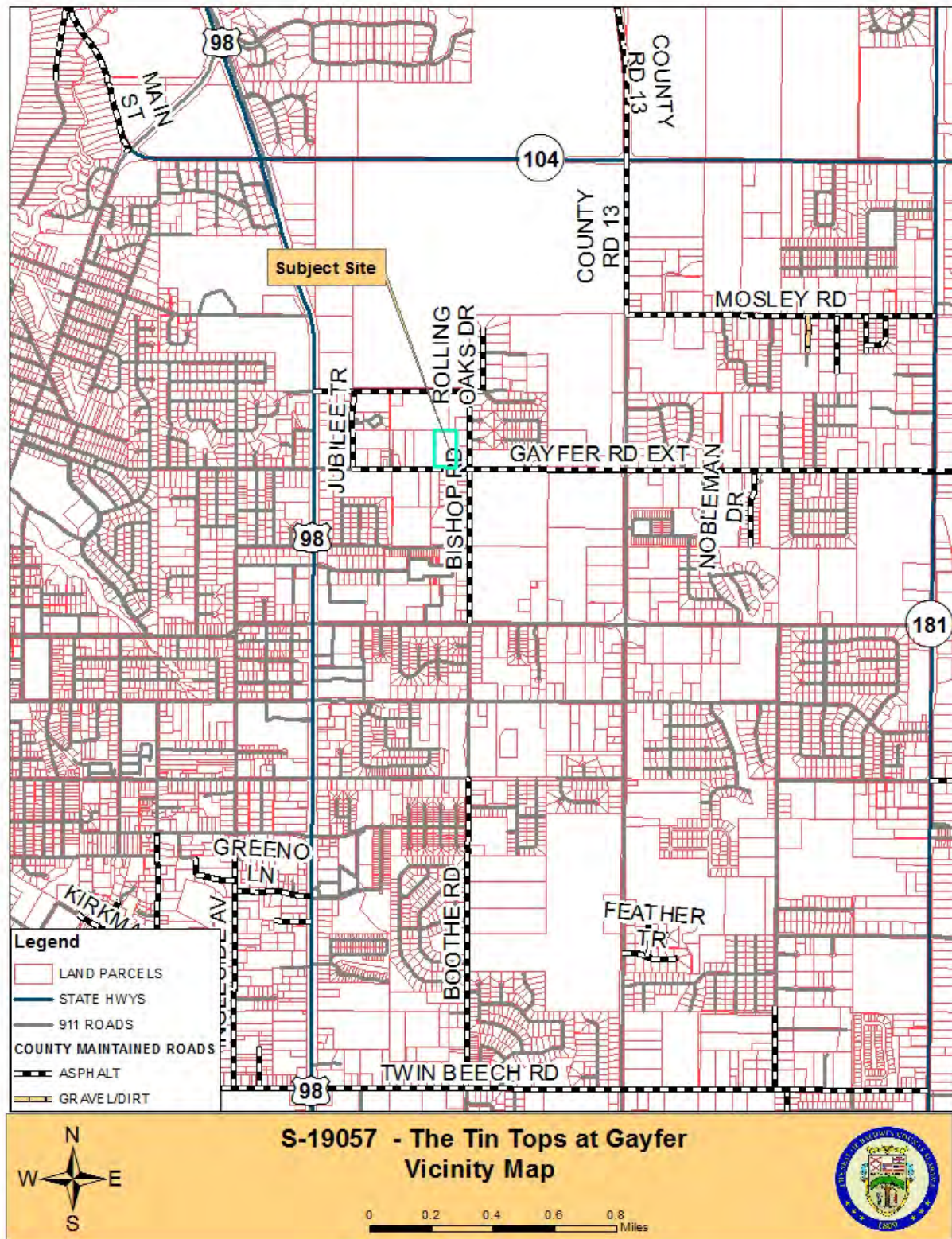
V. STAFF COMMENTS:

Items for consideration:

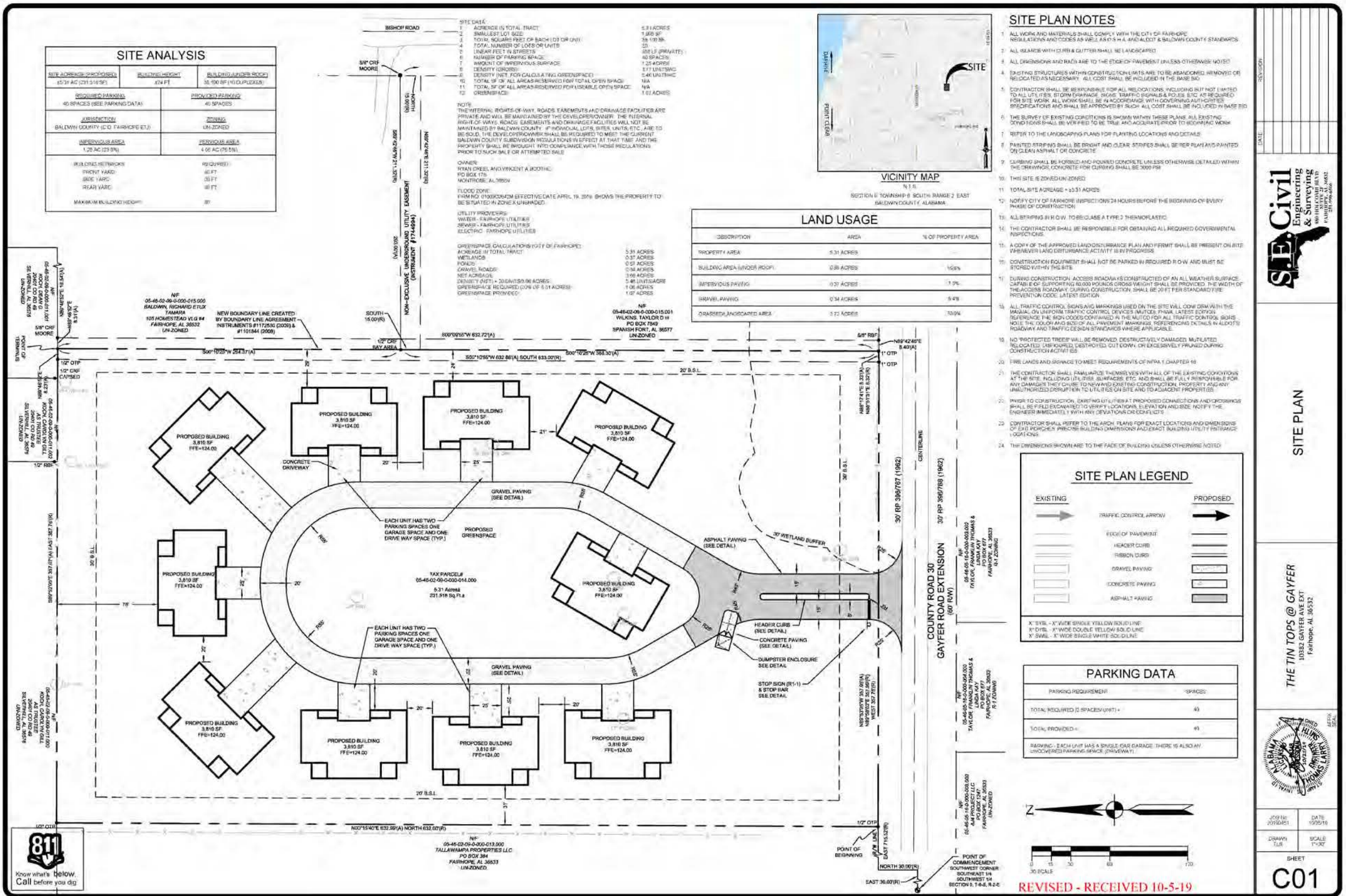
- All items of the Final Site Plan application meet the requirements of the subdivision regulations.

VI. RECOMMENDATIONS:

Staff recommends that the Final Site Plan approval for Case No. S-19057, The Tin Tops at Gayfer be **APPROVED.**







Baldwin County Planning and Zoning Commission
Case No. S-19062 – Schwarz Subdivision
Variance Request Approval
Staff Report for Planning and Zoning Commission Public Hearing
October 3, 2019
Agenda Item 7.d

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

I. PUBLIC HEARINGS:

Planning Commission: November 7, 2019 Variance Request Approval Pending

Attachments: Vicinity Map
Site Map
Letter from Applicant
Plat

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Planning District: District 13 – Unzoned

Location of Property: The subject property is located between Griggers Road and Peter Morris Road, approximately 1.4 miles east of County Road 64 Ext.

Parcel Numbers: 05-35-05-21-0-000-001.000

Report Prepared By: Mary Booth; Subdivision Coordinator

III. SUBDIVISION PROPOSAL:

Proposed number of Lots: 1

Linear Feet of Streets: N/A

Total Acreage: ± 157.21

Smallest Lot Size: ± 157.21 acres

Owner/Developer: Red Mountain TimberCo
5605 Woodbine Road
Pace, FL 32571

Surveyor: David Lowery Surveying, LLC
55284 Martin Lane
Stockton, AL 36579

Request: The applicant is requesting a Variance approval for the above-mentioned subdivision from the Baldwin County Planning and Zoning Commission to allow for a non-residential subdivision to front on an unpaved road.

IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS:

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

Transportation: The proposed lot will front Griggers Road, an unpaved, county maintained road

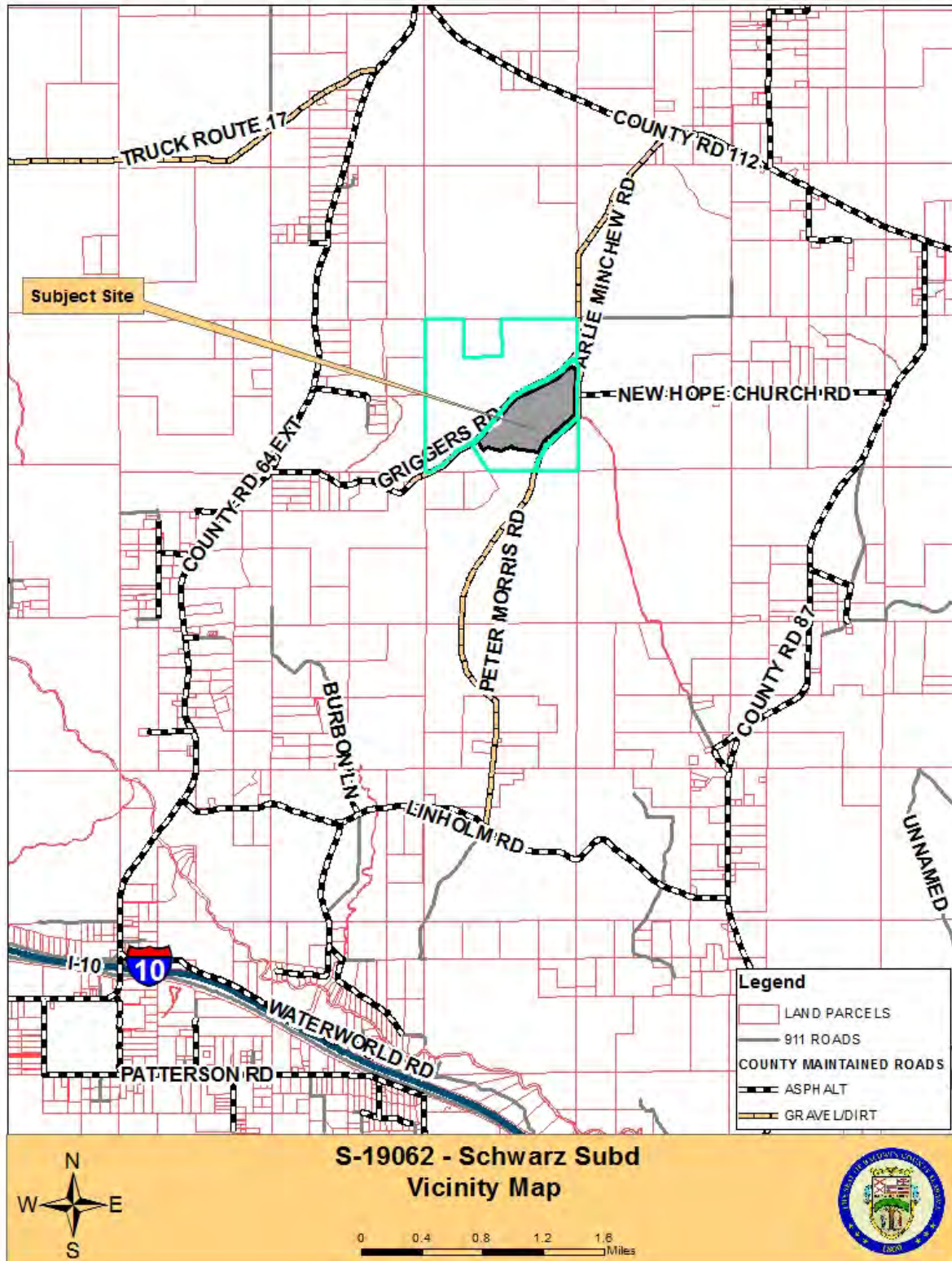
V. STAFF COMMENTS:

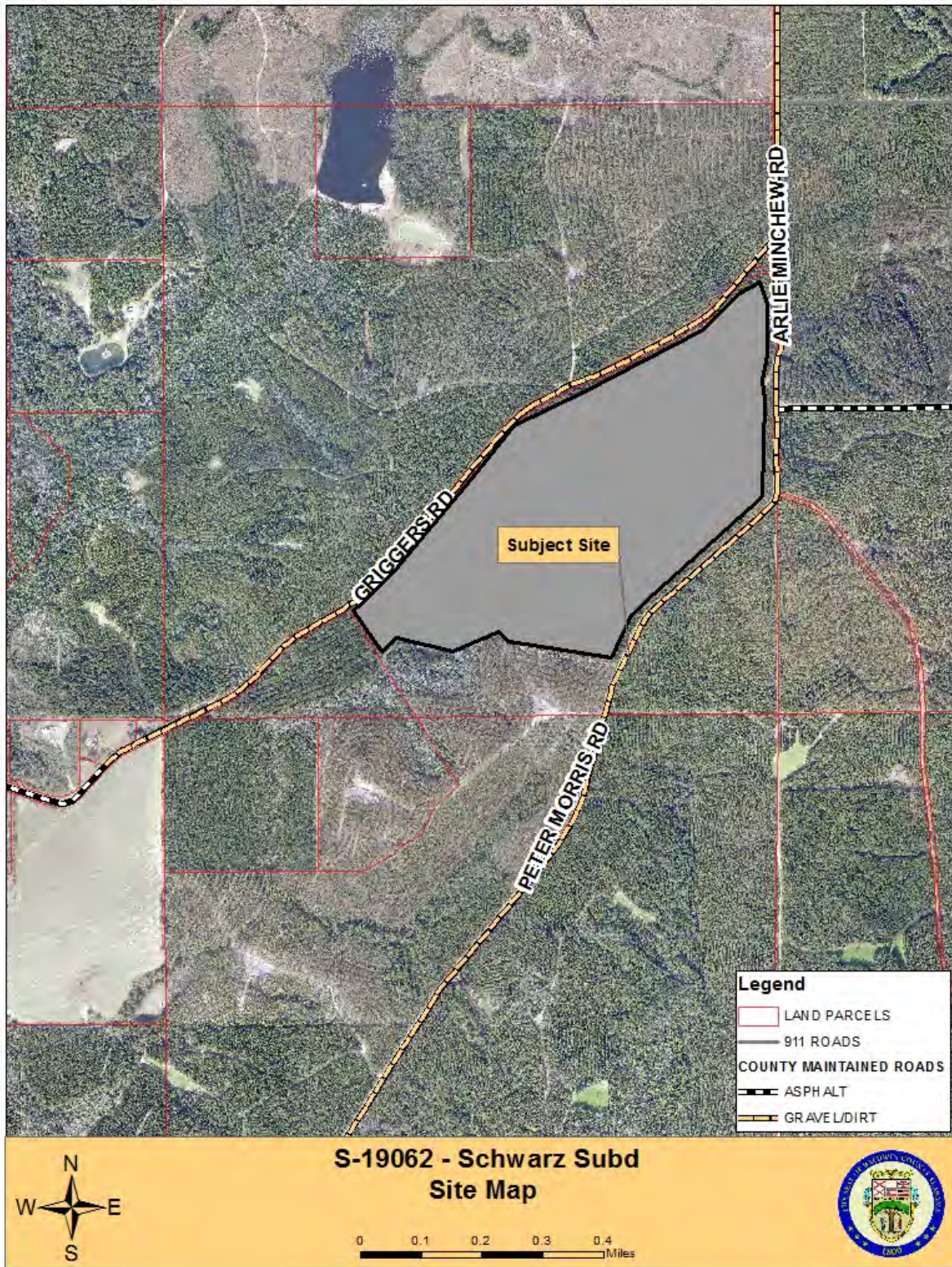
Items for consideration:

- The request for a variance does not meet the conditions as set forth in the current subdivision regulations.
- There is not a provision or exemption in the current subdivision regulations that allows for division of larger parcels of land. This is currently being discussed for potential revision to the current subdivision regulations.
- The proposed lot will be used as non-residential hunting land and cattle farming.
- The proposed division does not have any proposed development or improvements. Should this change and future development is desired, applicant will need to comply with the current subdivision regulations in place.

VI. RECOMMENDATIONS:

Staff recommends that the Variance Request for Case No. S-19062, Schwarz Subdivision be **APPROVED.**





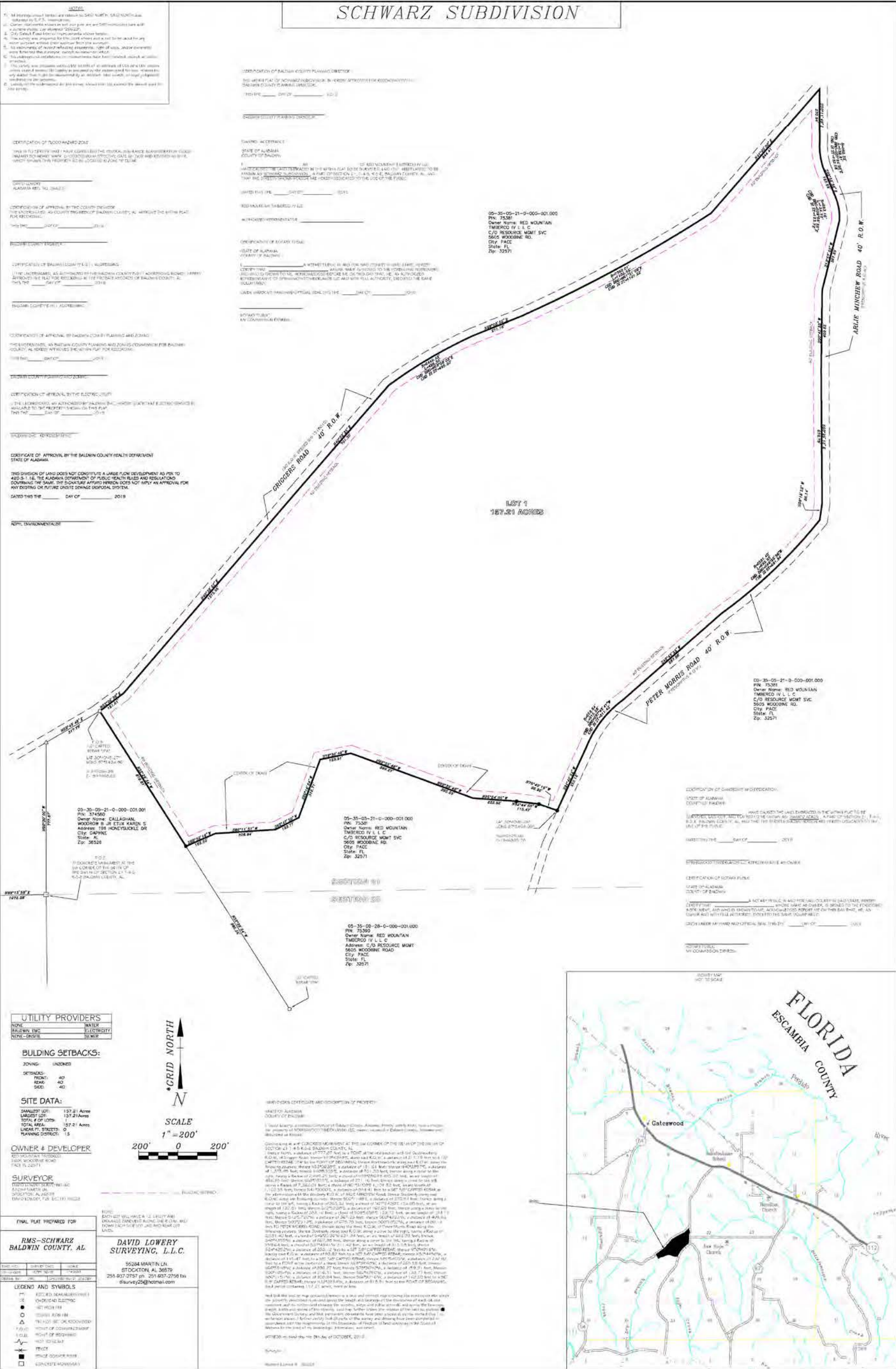
To whom this may concern,

I am writing this letter to address the fact that Baldwin County has no provisions in their subdivision regulations to address the miles and miles of unpaved County Roads in Baldwin County and the thousands of acres that are adjacent to these roads. As it now stands, there are no regulations to address these parcels that will allow the landowner to split their parcels into smaller parcels to sell other than a few exemptions that are available to a small portion of these parcels. Not only is this a huge overreach by the County it also greatly DECREASES the value of these properties and has to be addressed.

Not to long ago, Baldwin County made the decision to stop the large parcel exemptions to the subdivision regulations. This exemption would allow parcels larger than 10 acres on a County Road or parcels larger than 20 acres not on a County road to bypass the time consuming process of the Subdivision process. Since that point, every parcel that does not conform to these exemptions has to go through the County Subdivision process. The subdivision process and regulations are developed around residential subdivisions and make no effort to address the thousands of acres of recreational land that have been involuntarily tossed into the subdivision process by the actions of Baldwin County, who at the same time, has no provisions in the subdivision process address these parcels.

We have recently submitted a 1 lot Subdivision of 157 acres more or less on Griggers Road in a rural area in Baldwin County South of County Road 112 and West of 87. We were informed at this time that not only did this division not meet the criteria for an exemption but also did not meet the criteria for a "subdivision" due to the fact that the parcel does not have any paved road frontage. This is exactly what the buyer was looking for in this case. The proposed buyer of this parcel is a police officer in Mobile. He has saved a long time to accumulate the money for the down payment for his dream getaway parcel. We had to tell him that there is a chance that we may not be able to sell him what he wants simply because its on an unpaved road. That sounds completely insane to most people that I know. We submitted the plat anyway along with the subdivision variance form and a check for an additional \$250.00 dollars. This parcel of land is intended to be used as recreational land and even if we are lucky enough to get this approved, the land will be saddled with useless setbacks and utility easements that are a side effect from being a "subdivision" and these restrictions will be attached to this parcel forever. This is not a division for development, the lot will be used for hunting and cattle farming with no intent on development. Should the use change in the future to include development, they would need to comply with the current subdivision regulations in place at that time instead on handcuffing the current owner due to the lack regulation to allow for a recreational subdivision for those who want to own property on an unpaved road.

In conclusion, the County needs to look at this deficit in the regulations closely and provide an avenue for landowners to divide the land that they have worked hard to own in a way that is beneficial to the landowner and that does not have an adverse affect on any adjacent landowners. This should be very easy to do with a common sense approach by simply placing yourself in the position of an owner of land on an unpaved road.



Baldwin County Planning and Zoning Commission
Case No. S-19062 – Schwarz Subdivision
Development Permit Approval
Staff Report for Planning and Zoning Commission Public Hearing
November 7, 2019
Agenda Item 7.e

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

I. PUBLIC HEARINGS:

Planning Commission: November 7, 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 between Griggers Road and Peter Morris Road, approximately 1.4 miles east off of County Road 64 Ext.

Parcel Numbers: 05-35-05-21-0-000-001.000

Report Prepared By: Mary Booth; Subdivision Coordinator

III. SUBDIVISION PROPOSAL:

Proposed number of Lots: 1

Linear Feet of Streets: N/A

Total Acreage: ± 157.21

Smallest Lot Size: ± 157.21 acres

Owner/Developer: Red Mountain TimberCo
5605 Woodbine Road
Pace, FL 32571

Surveyor: David Lowery Surveying, LLC
55284 Martin Lane
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: On-site well
 Sewer: On-Site septic
 Electricity: Baldwin EMC

Transportation: The proposed lot will front Griggers Road, an unpaved, county maintained road.

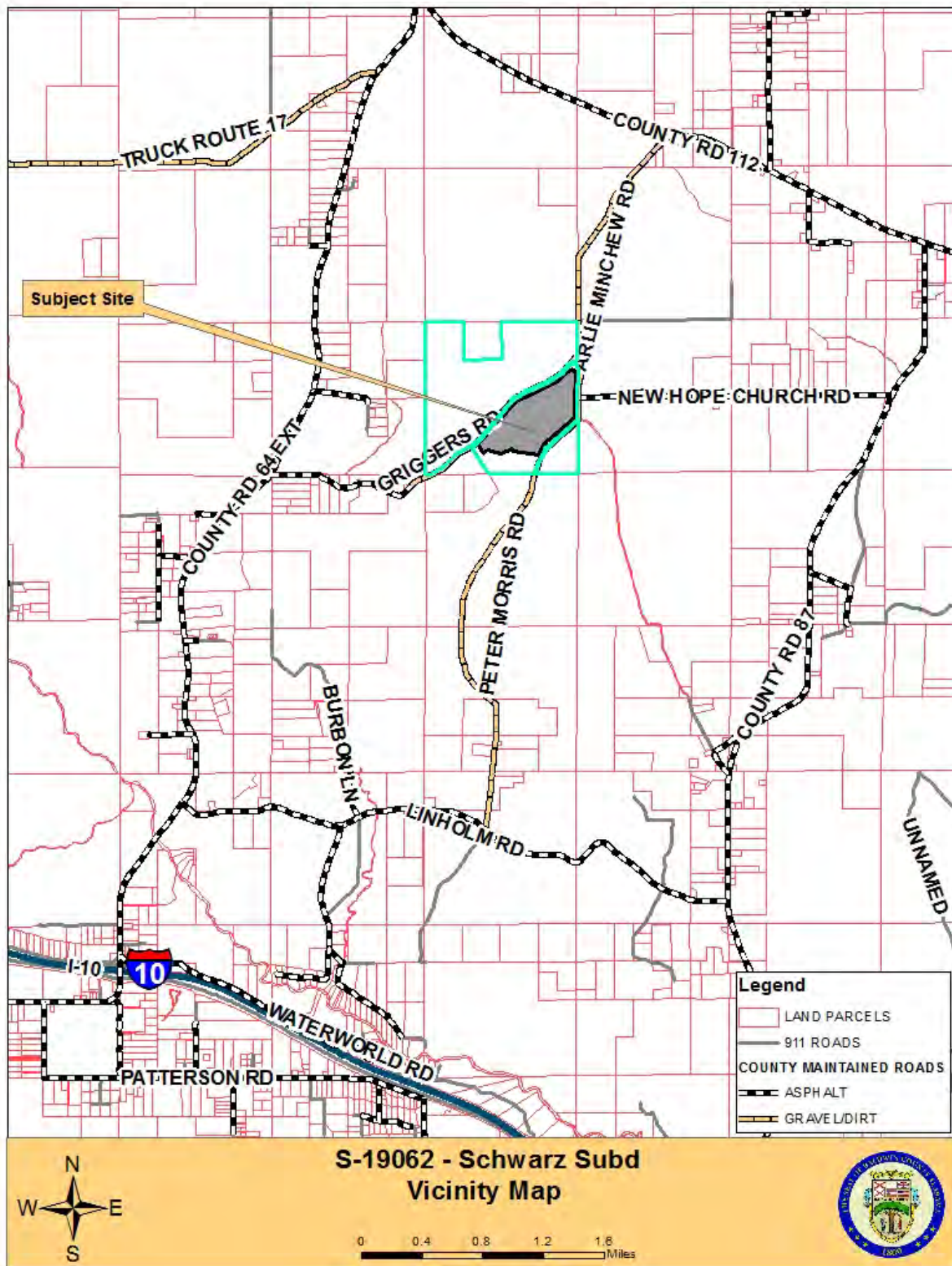
V. STAFF COMMENTS:

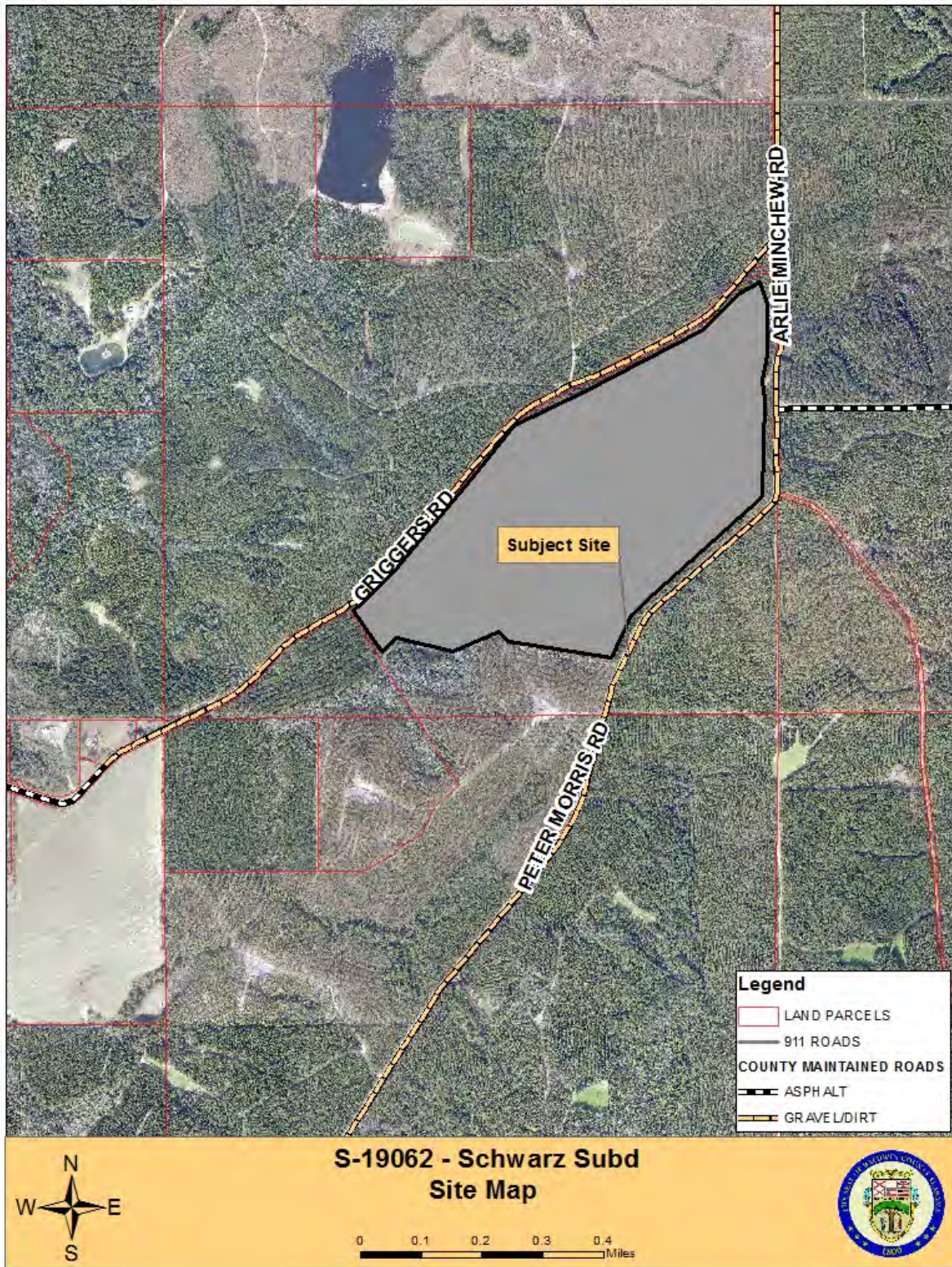
Items for consideration:

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

VI. RECOMMENDATIONS:

Staff recommends that the Development Permit for Case No. S-19062, Schwarz Subdivision be **APPROVED** contingent upon approval of the Variance request.







Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.a
Case No. P-18004
Bella Sera Gardens Property
Conditional Use Approval
November 7, 2019

Subject Property Information

Planning District: 15
General Location: North side of County Road 49, west of the intersection of County Road 49 and Barlow Road
Physical Address: 25049 County Road 49
Parcel Numbers: 05-42-05-21-0-000-052.001
Existing Zoning: RSF-E, Residential Single Family Estate District
Existing Land Use: Residential
Proposed Land Use: Revision to Previous Approvals to Allow Rental of Dwelling to Screened Clients Who Meet Specific Criteria for Eligibility (Initial approval for a wedding venue was granted on September 4, 2014, Case P-14003)
Acreage: 15 ± acres
Applicant: Robin Gregorius
Bella Sera Gardens
P.O. Box 497
Loxley, AL 36551
Owner: Same
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

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

Summary

The applicant is requesting a revision to previously granted Conditional Use approval to allow for rental of the dwelling to screened clients who meet specific criteria for eligibility. This is the fifth Conditional Use application for the subject property, and the fourth application to be considered by the Planning Commission.

The first two approvals were granted under the case number P-14003. The first, from September 4, 2014, was the initial Conditional Use approval to allow for weddings to be hosted on the property with operational hours ending at 8:00 p.m. The second, granted on September 7, 2017, was to allow for additional events to be hosted

and to extend the operational hours until 10:00 p.m., in order to take full advantage of the outdoor setting. At that time, the condition “Volume of music shall be regulated so no sound shall be audible from the property lines” was included as part of the approval. The third application (Case P-18004) was considered by the Planning Commission on May 3, 2018. This involved the construction of an open truss chapel. The Planning Commission approved the chapel, changed the ending time for events to 9:00 pm, and added additional language pertaining to amplified music. This approval was granted for four (4) months to allow for additional review. The case returned to the Planning Commission on September 6, 2018, at which time the four (4) month approval time was removed. A fourth application was submitted but withdrawn before consideration.

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

Conditional Use approval is site plan specific and specific in terms of any conditions placed on the approval. Typically, neither the rental of residential property, nor the term of rental are addressed through zoning. However, the proposed rental of the dwelling is inconsistent with conditions which were established with the original approval and which have remained in effect with subsequent approvals. As a result, further review by the Planning Commission is required.

Current Zoning Requirements

Section 4.1 RSF-E, Residential Single Family Estate District

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

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

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

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

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

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

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

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

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

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

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

Agency Comments

Baldwin County Highway Department: *No comments received.*

ADEM: *No comments received.*

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

Staff Analysis and Findings

As stated previously, the applicant is requesting a revision to previously granted Conditional Use approval to allow for rental of the dwelling to screened clients who meet specific criteria for eligibility. This is the fifth Conditional Use application for the subject property, and the fourth application to be considered by the Planning Commission.

The first two approvals were granted under the case number P-14003. The first, from September 4, 2014, was the initial Conditional Use approval to allow for weddings to be hosted on the property with operational hours ending at 8:00 p.m. The second, granted on September 7, 2017, was to allow for additional events to be hosted and to extend the operational hours until 10:00 p.m., in order to take full advantage of the outdoor setting. At that time, the condition "Volume of music shall be regulated so no sound shall be audible from the property

lines” was included as part of the approval. The third application (Case P-18004) was considered by the Planning Commission on May 3, 2018. This involved the construction of an open truss chapel. The Planning Commission approved the chapel, changed the ending time for events to 9:00 pm, and added additional language pertaining to amplified music. This approval was granted for four (4) months to allow for additional review. The case returned to the Planning Commission on September 6, 2018, at which time the four (4) month approval time was removed. A fourth application was submitted but withdrawn before consideration.

The subject property is currently zoned RSF-E, Residential Single Family Estate District. The event venue is most analogous to a country club which according to Article 23 of the zoning ordinance may be allowed under the RSF-E designation, subject to the Conditional Use approval of the Planning Commission. The zoning ordinance does not include a listing for a special event venue (See Article 23, Table of Permitted Uses). According to *Section 23.6*, “In any case where a requested use is not specifically provided, the Zoning Administrator shall determine the appropriate zoning classification by reference to the most clearly analogous use or uses that are specifically provided.” In looking for possible analogous uses, the staff noted that a country club may be allowed under the RSF-E designation, subject to the Conditional Use review and approval of the Planning Commission. Although a country club typically includes athletic and sports facilities, the use is analogous to a special event venue in that facilities for social gatherings such as fundraisers, weddings and receptions, are often provided.

Conditional Use approval is site plan specific and specific in terms of any conditions placed on the approval. Typically, neither the rental of residential property, nor the term of rental are addressed through zoning. However, the proposed rental of the dwelling is inconsistent with conditions which were established with the original approval and which have remained in effect with subsequent approvals. As a result, further review by the Planning Commission is required.

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

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

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

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

The Baldwin County Master Plan – 2013 indicates the subject property as Residential. This future land use category is provided for residential dwelling units including single family dwellings, two family (duplex) dwellings, multiple family dwellings, manufactured homes, manufactured housing parks and Planned Residential Developments. Institutional uses, recreational uses and limited neighborhood commercial uses may be included subject to the provisions of the Zoning Ordinance. Consistency with the Zoning Ordinance as well as the Master Plan has been determined through previous approvals.

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

The subject property is currently occupied with a dwelling and accessory structures. The property adjoins County Road 49 to the south. County Road 49 is a county maintained paved road. The adjoining property to the north is agricultural. The adjoining properties to the west and east are residential. The adjoining property to the south is residential and agricultural.

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

When the Conditional Use was originally approved, two of the conditions directly spoke to the residential nature of the property. The conditions were that the principal use of the property shall remain residential and that the approval shall not include the overnight stays of wedding guests. These conditions have remained in place with each subsequent approval. It is the understanding of staff, that the owner no longer resides at the property. With the possibility of rentals in association with events, the property transitions from residential to a purely commercial operation. Staff believes that this is inconsistent with the residential zoning and the approvals which have been granted. A change of this type is likely to influence property values, but the exact impact is difficult to ascertain. Considerations in this regard should be based on information obtained from the public hearing.

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

Staff has received numerous complaints concerning noise during events. Baldwin County does not have a noise ordinance. As a result, it is often difficult for the Planning staff to deal with noise issues. The condition which was included with the previous approvals was an effort to address noise concerns, but it is something that the applicant simply cannot meet. It is also unenforceable from the staff perspective. Furthermore, staff has received complaints that event activities often extend beyond the required time of 9:00 pm. These issues should be considered as the Planning Commission makes its decision.

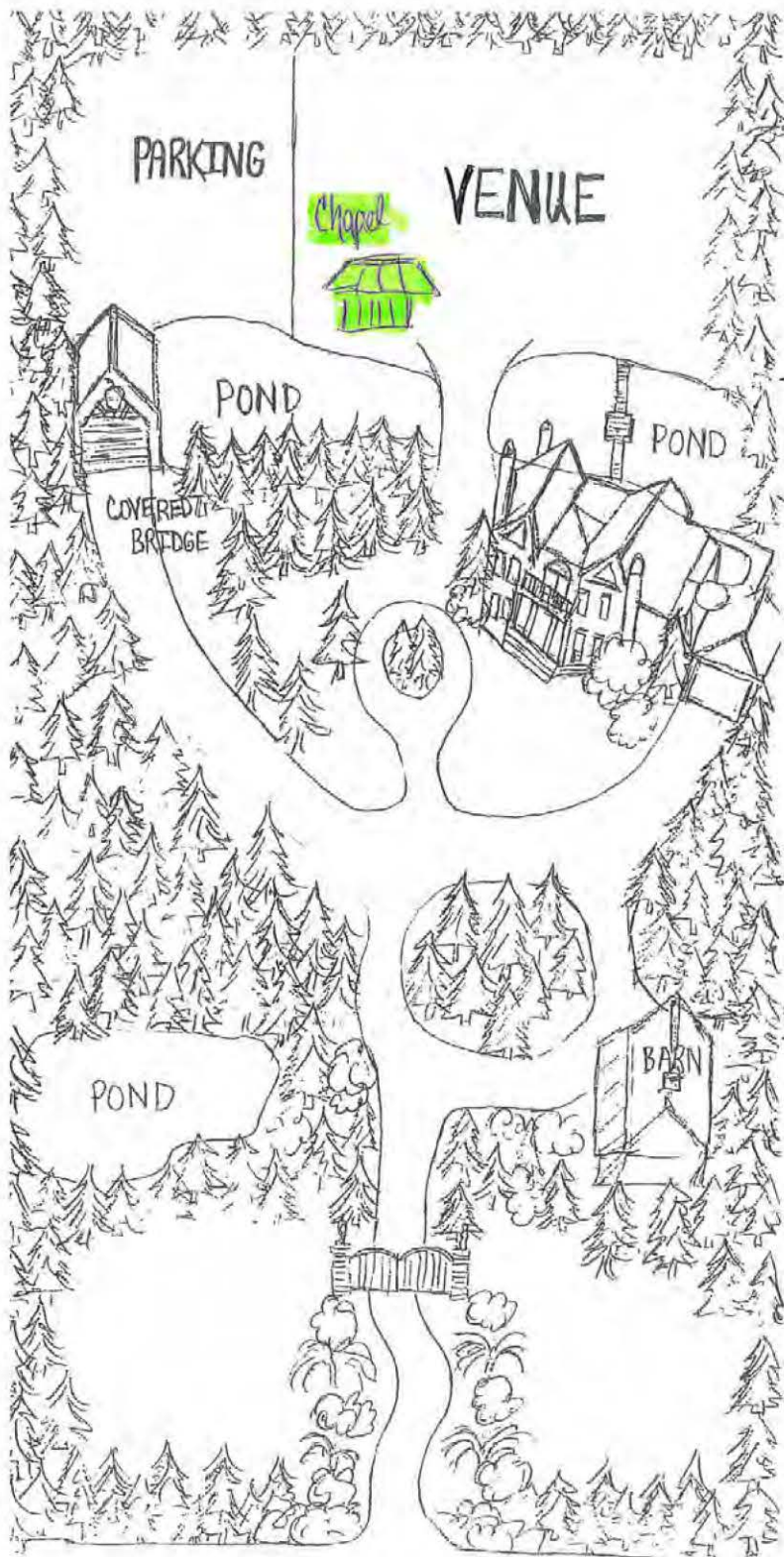
Section 18.11.5 *Conditions and restrictions on approval.* In approving a Conditional Use, the Planning Commission may impose conditions and restrictions upon the property benefited by the Conditional Use approval as may be necessary to comply with the standards set out above, to reduce or minimize any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

Staff Comments and Recommendation

As stated above, the applicant is requesting a revision to previously granted Conditional Use approval to allow for rental of the dwelling to screened clients who meet specific criteria for eligibility. Staff believes that this request is inconsistent with the conditions which have been included with the various approvals and with the residential zoning of the property. As a result, staff recommends that this request be **DENIED***.

It should be noted that area residents have expressed concerns that the conditions imposed with the approvals are not being followed. According to the zoning ordinance, failure to comply with any such condition or restriction imposed by the Planning Commission shall constitute a violation of the ordinance. Supporting materials have been provided, and these issues will be discussed during the public hearing.

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



Proposed Venue 25049 County Rd. 49

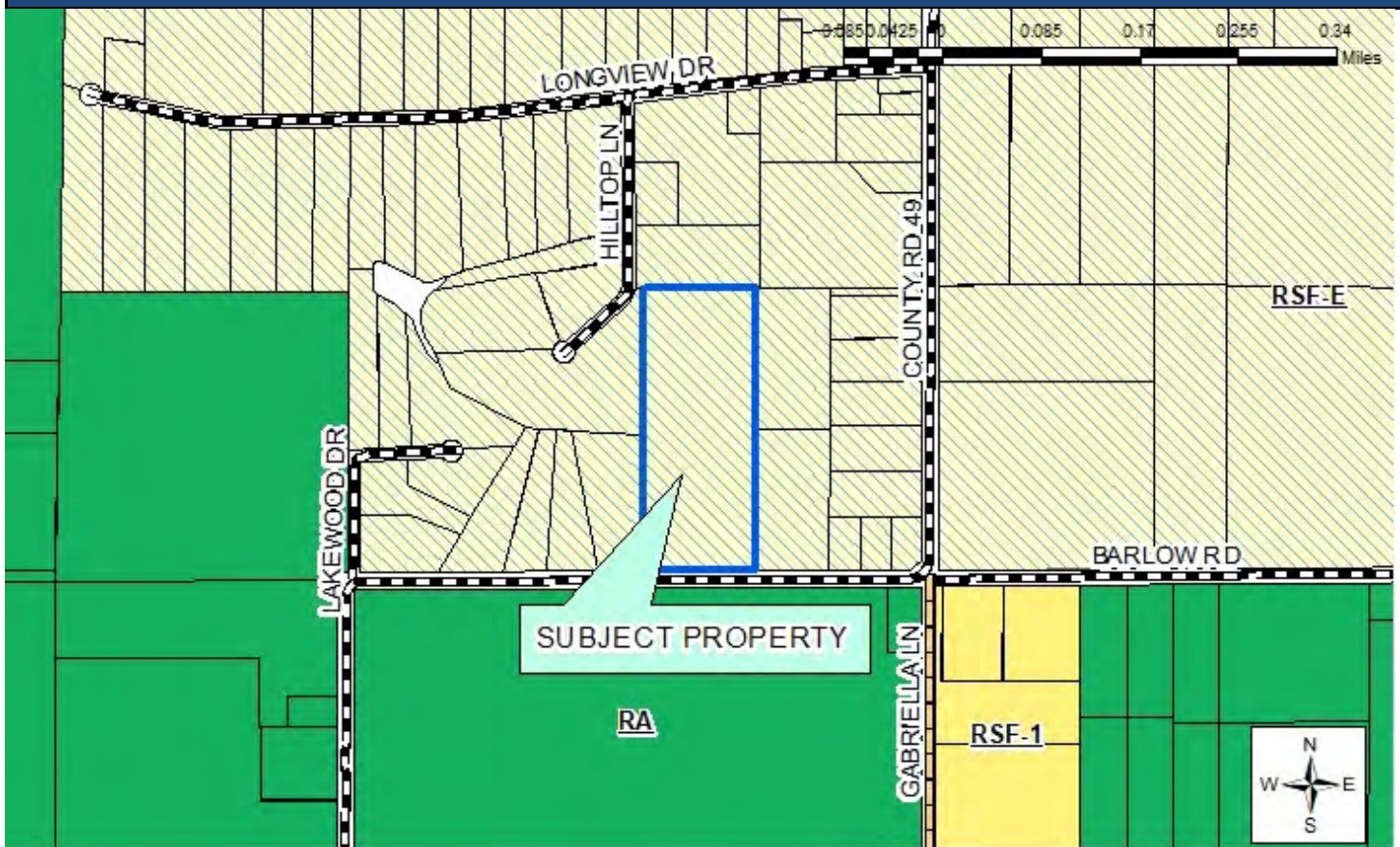
Property Images



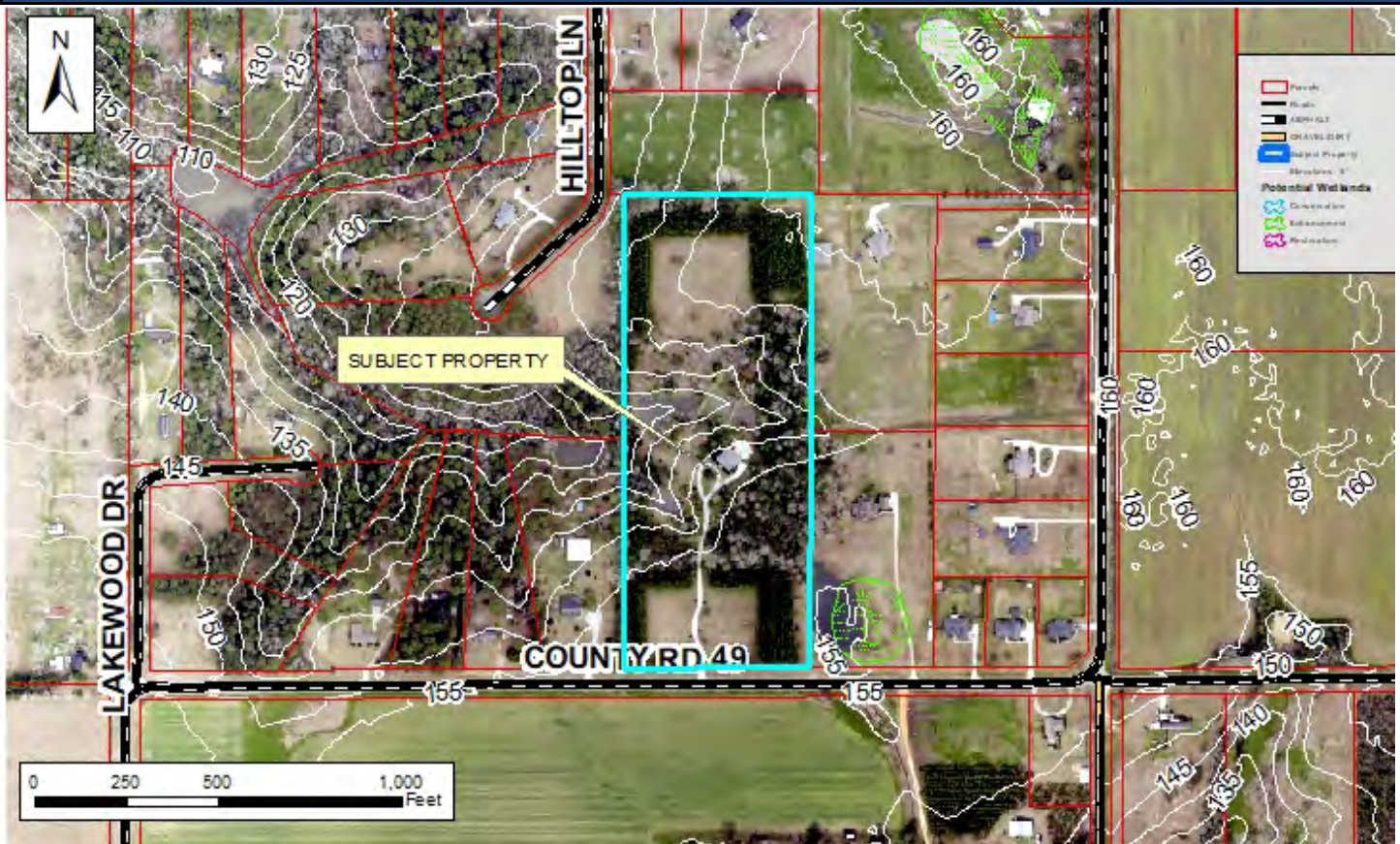




Locator Map



Site Map



My ultimate goal is to have the conditional use **removed** from this property.

- This property is up for sale (see document #8) Conditional use should be revoked based on this alone.
- The few conditions set forth in the approval (see documents #9) haven't been adhered too. I have tried to include a list of the facts.
- Approval shall be for this applicant and this location only. The original applicant was for owner Robin Gregorius it is now owned by an LLC. (see document #1)
- The principal use of the subject property shall remain residential. Property is owned by an LLC not a resident; the owners haven't lived at this residence in over a year. (see document #2)
- No parking on County road 49 shall be permitted. (see pictures #3)
- Any lighting in conjunction with venue shall be shielded away from adjacent property. All vehicle lights coming out of the venue at night shine directly on my home.
- A vegetative buffer with a minimum of 25 feet shall be provided where designates for the venue and parking abuts adjacent properties. A new

drive way was put in and a lot of the buffer was removed, I only have around 8 feet or less of buffer now. (See picture #10)

- All signage must comply with article 16. It never has, there is a portable banner and makeshift signs. (see pictures #4)
- Any expansion of the venue shall necessitate additional review and approval. An open truss chapel was constructed without approval or permits; it was then approved after the fact. (see doc #5)
- Approval Shall not include overnight stay of venue guest. This is now what is being asked to change; this has been in place from day one and is very important, as it would turn the whole property into a commercial lease /rental property.
- Hours of operation will be no later than 9pm for music and all venue activities; this has changed a few times, started out at 8pm then changed to 10pm now it is 9pm. As the noise has been an ongoing issue.
- A condition was added to try to help on the noise produced by the venue; "Volume of music shall be regulated so no sound shall be audible from the property lines. This is an ongoing problem, as it is stated in this document. "This is a condition the applicant simply cannot meet." (See Document #6)

- A second condition was added again to try to help with the noise; “No amplification of music outside of the enclosed structures” and “ all other conditions remain in place.” This hasn’t helped either as the music and crowd noise is still excessive. Numerus complaints have been filed.
- In the beginning stages of the wedding venue, all the neighbors had signed a petition that states that “We need to remain a residential neighborhood” it was overlooked by the commission at the first meeting and it should not have been approved based on this alone. (See document #7)
- Standards for approval section 18.11.4 of the Baldwin county zoning ordinance states; “the proposed use shall be consistent with the community welfare and not detract from the publics convenience at the specific location” the use shall be compatible with the surrounding area and not impose an excessive burden or have negative impact on the surrounding.” This specific conditional use has become an excessive burden and has a negative impact in our community/neighborhood.
- In regards to the new application p-19007; “too now rent the home to screened clients that meet specific criteria for eligibility.” This is again noncompliant to the conditions set forth to obtain the original conditional

use for this property and should not be considered for approval and all other conditions should be revoked at this time.

- If the council deems it appropriate to approve the rental to screened guest after reading this. Then the venues conditional use should be removed and only allow rentals till property is sold. No weddings, No events, No more problems.



#9



BALDWIN COUNTY COMMISSION

PLANNING AND ZONING DEPARTMENT

22070 State Highway 59
Robertsdale, Alabama 36567
Telephone: 251.580.1655

BALDWIN COUNTY PLANNING & ZONING COMMISSION NOTICE OF ACTION

MEETING DATE: September 4, 2014

CASE NUMBER: P-14003

LOCATION: North side of County Road 49, west of the intersection of County Road 49 and Barlow Road

PARCEL I.D. NO.: 05-42-05-21-0-000-052.001

PLANNING DISTRICT: 15

APPLICANT: Robin Gregorius
25049 Co Rd 49
Loxley, Al. 36551

OWNER: Donald V. Gregorius, Jr
25049 Co Rd 49
Loxley, Al. 36551

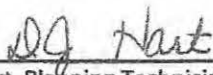
REQUEST: Conditional Use approval to allow for a garden wedding venue to be operated on property zoned RSF-E, Residential Single Family Estate District

ACTION TAKEN: APPROVED subject to the following conditions:

- Approval shall be for this applicant and this location only.
- The principal use of the subject property shall remain residential.
- All off-street parking associated with the wedding venue shall be located on the subject property and shall be confined to the area designated for parking on the submitted site plan. No parking along County 49 shall be permitted.

#9

- Any lighting, whether permanent or temporary, which might be installed in conjunction with the wedding venue, shall be shielded and directed away from adjacent properties.
- A vegetative buffer, consisting of a hedge row, with a minimum width of 25-feet shall be provided, in accordance with the requirements of Article 17 of the zoning ordinance, where the area designated for the venue and parking abuts adjacent properties.
- A Baldwin County Land Use Certificate shall be obtained no later than six (6) months from the date of Conditional Use approval. The Planning Commission may grant additional time if deemed necessary.
- All signage must comply with Article 16 of the *Baldwin County Zoning Ordinance*.
- Any expansion of the proposed venue shall necessitate additional review and approval by the Planning Commission.
- Approval shall not include overnight stays of wedding guests.
- Hours of operation will be no later than 8:00 p.m. for music and all wedding activities.



DJ Hart, Planning Technician

June 10, 2014

49

BALDWIN COUNTY PLANNING & ZONING COMMISSION

BALDWIN COUNTY PLANNING & ZONING DEPARTMENT

Mailing Address
22251 Palmer Street
Robertsdale, AL 36567
Phone: (251) 580-1655
Fax: (251) 580-1656

Physical Address
22070 Highway 59
Robertsdale, AL 36567
Phone: (251) 580-1655
Fax: (251) 580-1656

Foley Office
201 East Section Avenue
Foley, AL 36535
Phone: (251) 972-8523
Fax: (251) 972-8520

NOTICE OF ACTION TAKEN

MEETING DATE: September 7, 2017

CASE NUMBER: P-14003

PARCEL ID #: 05-42-05-21-0-000-052.001

PLANNING DISTRICT: District 15

PROPERTY LOCATION: 25049 Co Rd 49

APPLICANT: Bella Sera Gardens
P.O. Box 497
Loxley, AL 36551

OWNER: Bella Sera Gardens

REQUEST: Conditional Use to allow for an extension of operational hours and the property to be utilized as a garden venue for events on 15 acres.

ACTION TAKEN: Approved with Conditions:

1. Approval shall be for this applicant and this location only.
2. The principal use of the subject property shall remain residential.
3. All signage must comply with Article 16 of the Baldwin County Zoning Ordinance.

#9

4. Any expansion of the proposed venue shall necessitate additional review and approval by the Planning Commission.

5. Hours of operation will be extended to no later than 10:00 for music and all event activities.

6. Volume of music shall be regulated so no sound shall be audible from the property lines.

DJ Hart

Zoning Administrator or designee

49

BALDWIN COUNTY PLANNING & ZONING COMMISSION

BALDWIN COUNTY PLANNING & ZONING DEPARTMENT

Mailing Address
22251 Palmer Street
Robertsdale, AL 36567
Phone: (251) 580-1655
Fax: (251) 580-1656

Physical Address
22070 Highway 59
Robertsdale, AL 36567
Phone: (251) 580-1655
Fax: (251) 580-1656

Foley Office
201 East Section Avenue
Foley, AL 36535
Phone: (251) 972-8523
Fax: (251) 972-8520

NOTICE OF ACTION TAKEN

MEETING DATE: May 3, 2018

CASE NUMBER: P-18004

PARCEL ID #: 05-42-05-21-0-000-052.001

PLANNING DISTRICT: District 15

PROPERTY LOCATION: 25049 Co Rd 49

APPLICANT: Bella Sera Gardens
P.O. Box 497
Loxley, Al 36551

OWNER: Bella Sera Gardens

REQUEST: Conditional Use to allow for the construction of an open truss chapel on the property as part of the venue.

ACTION TAKEN: Approved with Conditions:

1. Approval shall be for this applicant and this location only.
2. The principal use of the subject property shall remain residential.
3. All signage must comply with Article 16 of the Baldwin County Zoning Ordinance.

H 9

4. Any expansion of the proposed venue shall necessitate additional review and approval by the Planning Commission.

5. Hours of operation will be changed to 9:00 p.m. for music and all event activities with the exception of clean up.

6. Volume of music shall be regulated so no sound shall be audible from the property lines.

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

8. No amplification of music outside of the enclosed structures.

9. Construction of the open truss chapel is allowed.

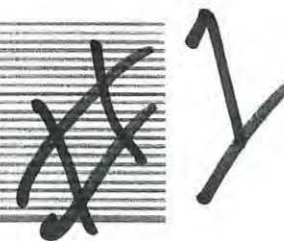
10. Approval is granted for 4 months, must return to the September 6, 2018 Planning and Zoning Commission meeting for a review.

11. All other conditions will remain in place.

Zoning Administrator or designee



Baldwin County Revenue Commissioner



Property Appraisal Link BALDWIN COUNTY, AL

Current Date **7/2/2019****Tax Year 2019**

Valuation Date October 1, 2018

OWNER INFORMATION

PARCEL 42-05-21-0-000-052.001 **PPIN** 257603 **TAX DIST** 02
NAME **BELLA SERA GARDENS L L C**
ADDRESS P O BOX 238
 DAPHNE AL 36526
DEED TYPE IN **BOOK** 0000 **PAGE** 1623462
PREVIOUS OWNER **GREGORIUS, DONALD V JR**
LAST DEED DATE 3/15/2017

DESCRIPTION

15AC COM SE COR OF SEC 21 RUN W 792.7', TH N 36.7' TO POB TH
 W 505', TH N 1276.9', TH E 509', TH S 1282.5' TO POB SEC 21
 -T5S-R3E (WD)

PROPERTY INFORMATION

PROPERTY ADDRESS 25049 CO RD 49
NEIGHBORHOOD CBALD
PROPERTY CLASS **SUB CLASS**
LOT BLOCK
SECTION/TOWNSHIP/RANGE 00-00 -00
LOT DIMENSION **ZONING**

PROPERTY VALUES

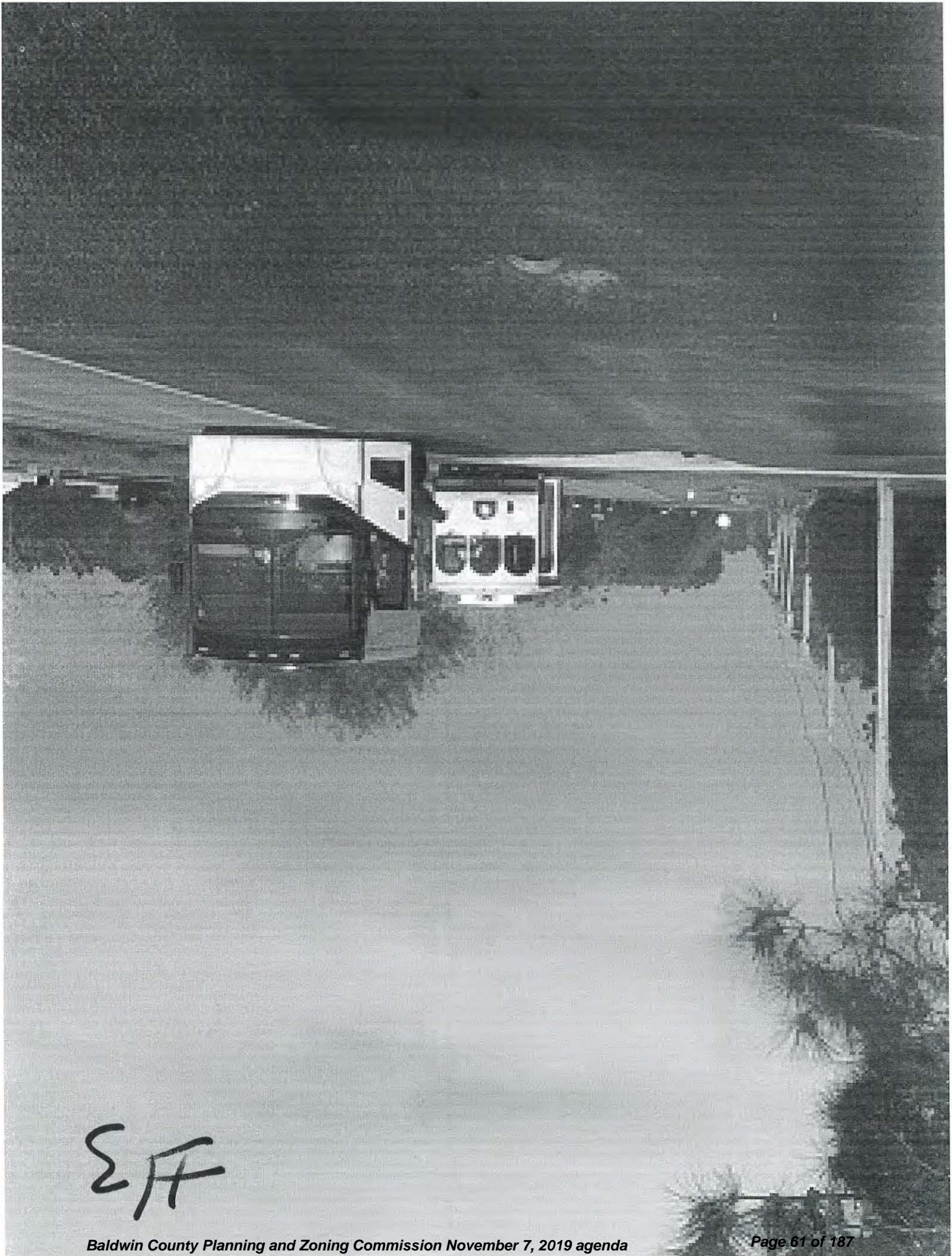
LAND: 199300 **CLASS 1:** **TOTAL ACRES:** 15.00
BUILDING: 962200 **CLASS 2:** 1161500 **TIMBER ACRES:**
 ===== **CLASS 3:**
TOTAL PARCEL VALUE: 1161500
ESTIMATED TAX: \$6,504.40

DETAIL INFORMATION

CODE	TYPE	REF	METHOD	DESCRIPTION	LAND USE	TC	Hs	Pn	MARKET VALUE	USE VALUE
M	LAND	4	ST AC5	13.00 acres	1110-RESIDENTIAL	2	N	N	178600	
M	LAND	5	EX POND PER AC	1 PO Items	9320-LAKES AND PONDS	2	N	N	3200	
M	LAND	6	ST AC5	2.00 acres	7300-AMUSEMENT	2	N	N	17500	
	BLDG	1	R 111	SINGLE FAMILY RESIDENCE	-	2	N	N	449000	
	BLDG	2	O 29 SPVIN	POOL, VINYL LINED	-	2	N	N	25400	

3A





ΣΗ

43



54



44



1 applicant that shows the location of the propose chapel
2 in relation to the existing structures.

3 The reason that the -- the chapel brings this back
4 is because conditional use approval is site plan
5 specific. So anytime that you change something or add
6 something, no matter how small, it has to be come back
7 and be actually approved by the Planning Commission.
8 Because you-all are the final authority on conditional
9 use approval.

10 Here are pictures of the subject property as well as
11 some of the adjoining properties. This is a covered
12 bridge located on the subject property. And then the
13 chapel is actually already under construction. And here
14 is what has been built so far.

15 The staff, in order to be consistent with our
16 previous approval, staff is recommending approval,
17 subject to the conditions listed in the staff report.

18 Now, there's a -- a major issue that has come up.
19 And it -- it really has nothing to do with the chapel in
20 and of itself. But since the additional approval was
21 granted in September, we have had numerous complaints
22 about noise associated with the events that are being
23 held.

24 As you will remember, with the -- the September
25 approval, there was a condition added about the noise not
26 being audible at the property lines. And that seems to
27 be problematic.

28 It's a difficult standard for the applicant to meet.

SUSAN C. ANDREWS, CERTIFIED COURT REPORTER NO. 287
2200 US HIGHWAY 98, SUITE 4, PMB 230, DAPHNE, ALABAMA 36526



bellaseragardens • Follow
Bella Sera Gardens

#5



35 likes

bellaseragardens Saturday, our amazing construction crew built all of the trusses for Bella Sera's Chapel.... the next step will be the arrival of a crane that will be used to hoist them to the peak's final 18 foot height....🔧🪚🏗️👷🏻👷🏻👷🏻

FEBRUARY 18



adjoining property to the north is agriculture. The adjoining properties to the west and east are residential. The adjoining property to the south is residential and agriculture.

#6

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

As stated above, the property has already received Conditional Use approval from the Planning Commission for a special event venue with operational hours ending at 10:00 p.m. If the current request should be approved, there will be no change in land use. As a result, impact on property values should remain the same.

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

Staff anticipates no major burdens or impacts. However, it should be noted that since the most recent approval, staff has received numerous complaints concerning noise during events. Baldwin County does not have a noise ordinance. As a result, it is often difficult for the Planning staff to deal with noise issues. The condition which was included with the previous approval was an effort to address noise concerns, but it is something that the applicant simply cannot meet. There are numerous factors which affect if noise can be heard beyond property lines.

The primary issue for consideration is the addition of the open-air chapel. Staff is aware that noise must be part of the conversation due to the number of complaints. The applicant has requested that the previous condition "Volume of music shall be regulated so no sound shall be audible from the property lines", be removed due to its impracticality, and has suggested reducing the hours of operation to 9:00 p.m., in an effort to address the noise concerns. Staff supports both requests. There are no simple answers for addressing noise concerns. Staff is open to any suggestions which might be brought up during the public hearing.

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

PETITION

Baldwin County Planning and Zoning

Case # P-14003

#7

Vote No on Rezoning

We Need to Remain A Residential Neighborhood. We Don't Want a Neighborhood Business District and all the permitted uses that apply.

Name	Address	Phone
Bill Miller	25037 CR 49	964-6528
Mike DeLoach	25025 CR 49	964-8121
Emily Carter	2501 Yickwood Dr	295-1385
Beth Carter	25121A Lakewood Dr	979-1960
Lesha Myron	25143 Lakewood Dr	999-0834
Reggie Keszek	25003 CR 49	964-6114
Nesley Bookert	25071 CR 49	490-7557
Boyd Bookert	25075 CR 49	747-0761
Wayne Lee	15161 Raiter Rd.	947-4677
Cindy Taylor	25099 CR 49	964-8442
Thomas Jordan	25211 County Rd 49	269-8718
Julian Taylor	25249 Co Rd 49	945-5194
Charlie Wright	25317 Co Rd. 49	609-4832
Dorothy Faircloth	25220 HILLTOP LANE	964-6131
Joe Faircloth	25220 HILLTOP LANE	964-6131
David Shepherd	25330 HILLTOP	228-219-3913
Mary Cobb	14780 Longview Dr.	778-0059
Bonnie Kerrine	14800 Longview Dr.	716-1355
Gusta Wilk	25051 CR 49	604-1049
Wayne Merchant	25015 Co Rd 49	964-6474

118

- Time on Zillow

60 days

- Views

421

- Saves

4

Welcome to the most unique and exquisite property on the Gulf Coast. This stunning residence is privately situated in a 15 acre, heavily wooded retreat. As you drive through the gated entry, you're greeted by well-manicured landscaping and a winding drive through the trees that opens up to a grand French Country style home. The exterior and interior of the home looks like something right out of the French Quarter but you're just getting started. In addition to the architectural elements that give this property so much charm, the property also features a 2 car carport, over-sized 2 car garage, resort style pool with spa, and a large steel out-building tucked away among the trees. This estate is perfect for the family who literally wants it ALL (Enter the "Venue" area). As you cross over any of the 3 bridges on the property, you'll pass by a large, picturesque open air chapel. Keep following the drive to the main attraction of this property (if the home wasn't enough). You are greeted with a scene out of a romantic movie set in St. Lucia. The front tower entry leads into a beautifully landscaped courtyard showcasing 3 water fountains (2 with fire), a "fire" bar, 2 bed swings, 2 outdoor bars, and beautiful lighting. Your eyes can't help but to be drawn to the 4,000 square foot structure that follows. The enclosed, open-rafter Atrium could have a hundred uses but it is temperature controlled (of course) and ready for your creativity. To top the "Venue" off, next to the Atrium you'll find his and her restrooms (nicely done), a TV room/office, and, yes, a full commercial kitchen. This estate is unbelievable. It's a luxury property that's perfect for a family that loves to entertain with their extended family members, friends, and/or business associates. If you want privacy, luxury, and space for entertainment, this gorgeous estate is for you!

#8

 Zillow App
★★★★★

Open in app

Download



\$3,500,000 4 bd 4 ba 3,750 sqft

25049 County Road 49, Loxley, AL 36551

● For sale Zestimate®: \$3,370,361

Est. payment: \$15,720/mo \$ Get pre-qualified

Call Agent

Message Agent



Time on Zillow
52 days

Views
425

Saves
4

Welcome to the most unique and exquisite property on the Gulf Coast. This stunning residence is privately situated in a 15 acre, heavily wooded retreat. As you drive through the gated entry, you're greeted by well-



4/8



< Loxley

trulia



25049 County Road 49

Loxley, AL 36551

4 Beds 4 Baths 3,750 sqft

\$3,500,000

Est. Mortgage \$13,926/mo

Get Pre-Qualified

Call

Email







#8






Homes.com App
★★★★☆
Simply Smarter Home Search


Get App





 Search by Location




\$3,500,000  Est. \$19,756/mo
25049 County Road 49, Loxley, AL 36551

 Save

 Share

 Map

Get Pre-Qualified!

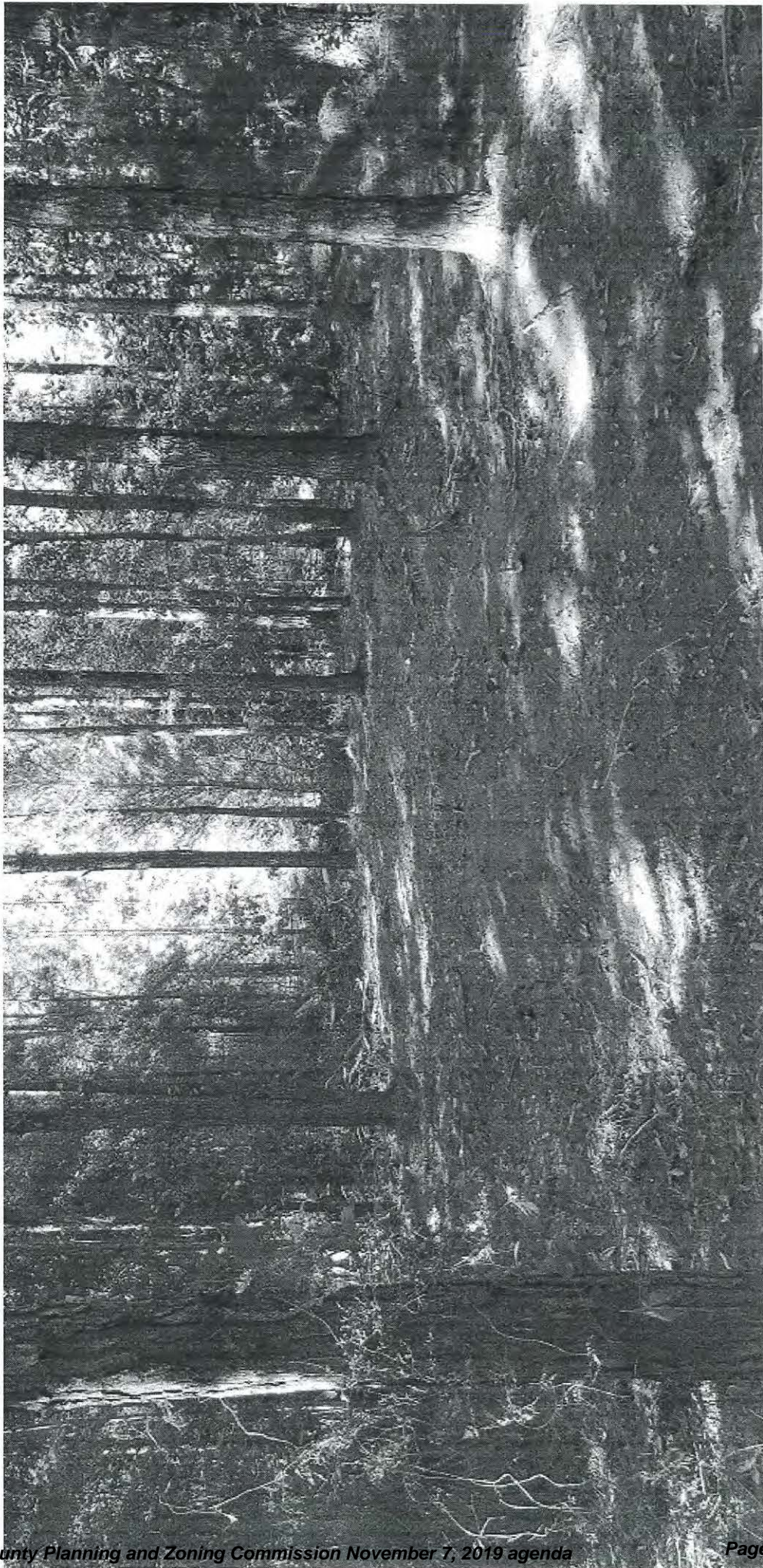
 **Veterans: \$0 Down VA Loans (Check Eligibility!)**

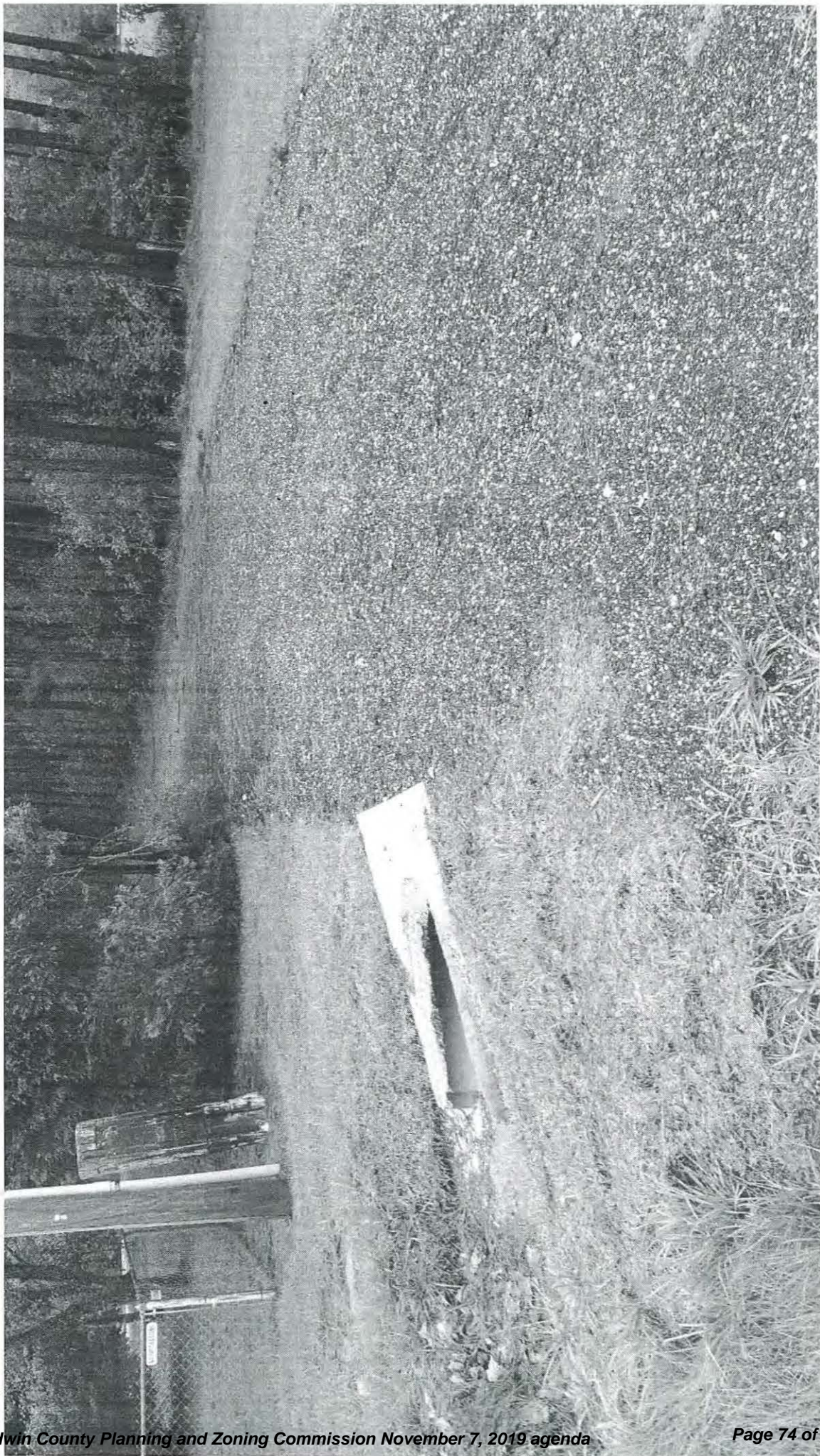
 **Call Now**

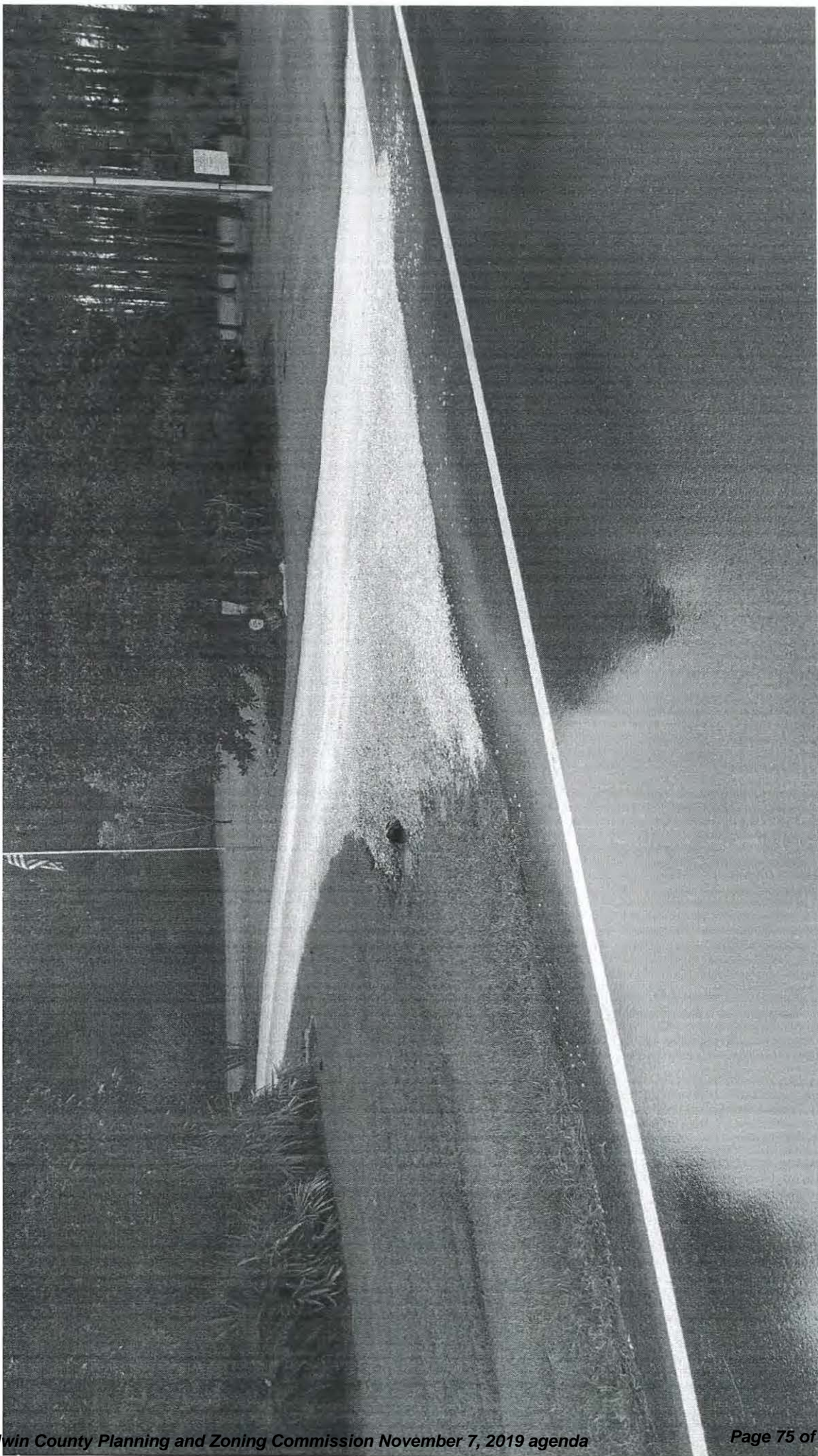
 **Request Info**



Q1
K







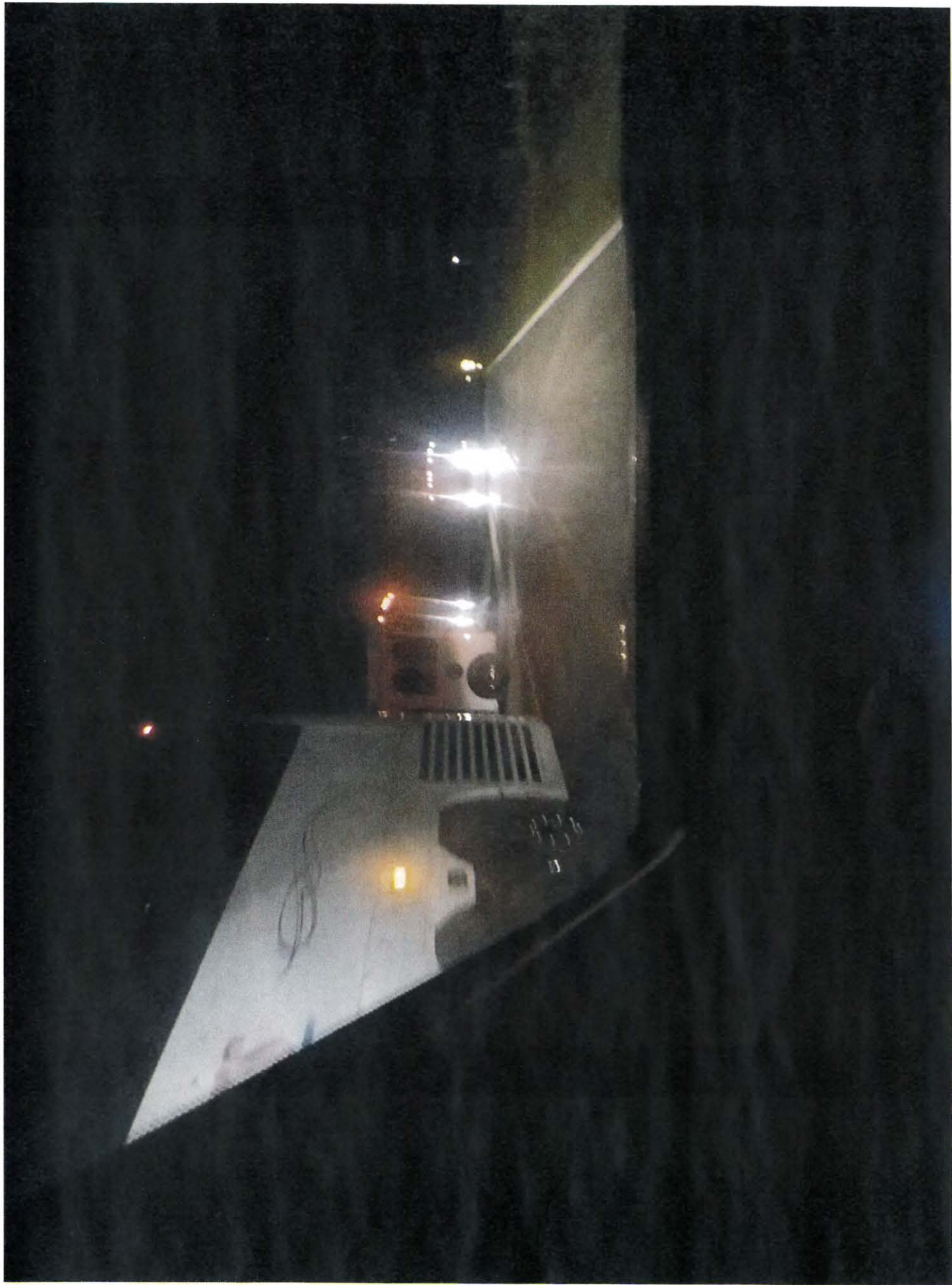
D Hart

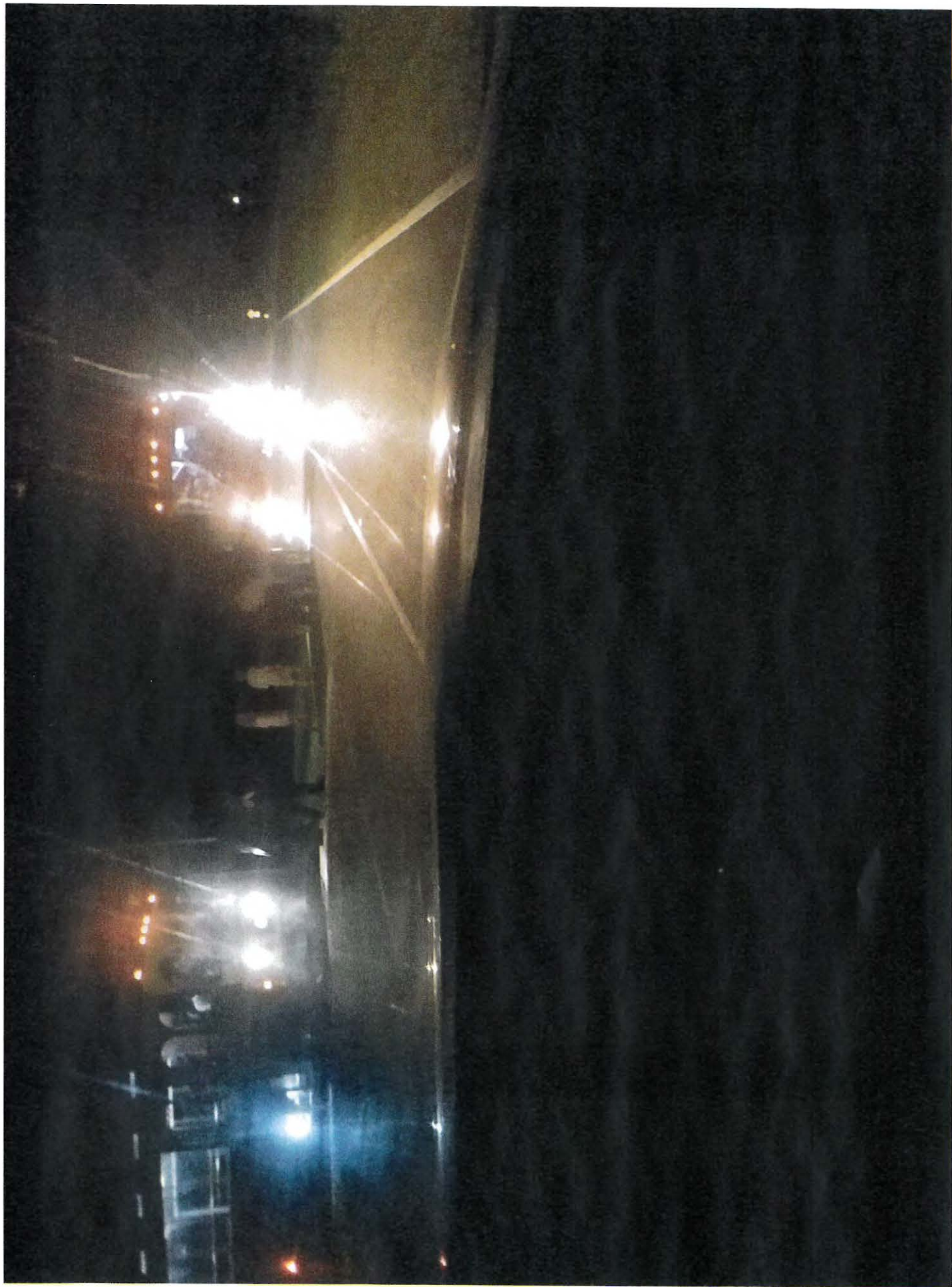
From: Dorothy Faircloth <dafaircloth@gmail.com>
Sent: Thursday, October 31, 2019 9:02 AM
To: D Hart
Subject: <EXTERNAL> Bella Sera Gardens
Attachments: 20180324_210700.jpg; 20180324_222505.jpg

Dear Ms. Hart,

Please record another event that my daughter-in-law heard on or around 10/23/19. She said the music was very loud and clear with audible thumps.

Also, I would like to submit the following pictures for review at the upcoming meeting on November 7, 2019. Thank you so much. Dorothy Faircloth







Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.b

Case No. Z-19048

Sutton Property

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

November 7, 2019

Subject Property Information

Planning District: 22
General Location: The parcel is located at the northeast corner of US Hwy 98 and Saint Francis St.
Physical Address: 34351 US Highway 98 Lillian, Al. 36549
Parcel Number: 05-52-07-26-0-001-113.000
Existing Zoning: B-2, Neighborhood Business District
Proposed Zoning: B-3, General Business District
Existing Land Use: Commercial
Proposed Land Use: Commercial
Lot Area: .55 acres
Applicant: Roberto Barboza Ismael Fernandez
P.O. Box 206
Foley, Al. 36536
Owner: Richard Sutton
9468 Lakeview Dr
Foley, Al. 36535
Lead Staff: DJ Hart, Planning Technician
Attachments: *Within Report*

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

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 have a designation which is more consistent with the use of the property. According to the information provided, a tire store has been operated on the parcel in the past and the applicant wishes to open a tire store in the existing building. An approved Conditional Use application will be required to allow the tire store to operate in the B-3 designation.

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 | (pp) Sign shop |
| (b) Antique store | (qq) Sporting goods store |
| (c) Apparel and accessory store | (rr) Tailor shop |
| (d) Appliance store including repair | (ss) Tobacco store |
| (e) Art gallery or museum | (tt) Toy store |
| (f) Art supplies | |
| (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 | |
| (oo) Shoe store | |

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	(x)	Farmer's market/truck crops
(b)	Air conditioning sales and service	(y)	Firing range
(c)	Amusement arcade	(z)	Fitness center or gym
(d)	Animal clinic/kennel	(aa)	Florist
(e)	Arboretum	(bb)	Fraternity or sorority house
(f)	Auto convenience market	(cc)	Fruit and produce store
(g)	Automobile service station	(dd)	Funeral home
(h)	Bakery, wholesale	(ee)	Golf course
(i)	Ball field	(ff)	Golf driving range
(j)	Bicycle sales and service	(gg)	Grocery store
(k)	Boat sales and service	(hh)	Landscape sales
(l)	Bowling alley	(ii)	Marine store and supplies
(m)	Business machine sales and service	(jj)	Miniature golf
(n)	Business school or college	(kk)	Mini-warehouse
(o)	Butane gas sales	(ll)	Night club, bar, tavern
(p)	Cemetery	(mm)	Nursery
(q)	City hall or courthouse	(nn)	Office equipment and supplies sales
(r)	Country club	(oo)	Park or playground
(s)	Department store	(pp)	Pawn shop
(t)	Discount/variety store	(qq)	Pet shop
(u)	Drug store	(rr)	Plumbing shop
(v)	Elevator maintenance service	(ss)	Printing/publishing establishment
(w)	Exterminator service office	(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	(ff) Recreational vehicle park
(b) Ambulance/EMS service	(gg) Recreational vehicle sales service, and repair
(c) Amusement park	(hh) Restaurant, drive-in
(d) Armory	(ii) Restaurant, fast-food
(e) Auditorium, stadium, coliseum	(jj) Sewage treatment plant
(f) Automobile parts sales	(kk) Taxi dispatching station
(g) Automobile repair (mechanical and body)	(ll) Taxi terminal
(h) Automobile storage (parking lot, parking garage)	(mm) Telephone exchange
(i) Barge docking	(nn) Water or sewage pumping station
(j) Broadcasting station	(oo) Water storage tank
(k) Building materials	(pp) Wireless telecommunication facility
(l) Bus and railroad terminal facility	(qq) Zoo
(m) College or university	
(n) Convalescent or nursing home	
(o) Correctional or penal institution	
(p) Dog pound	
(q) Electric power substations	
(r) Farm implements	
(s) Flea market	
(t) Freight depot, rail or truck	
(u) Home improvement center	
(v) Hotel or motel	
(w) Hospital	
(x) Landfill	
(y) Maintenance facility/storage yard for schools, government agencies, 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	
(ee) Railroad facility	

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

Subdivision Manager, Mary Booth:

I have no comments.

Thanks,

Mary Booth, Subdivision Coordinator

Baldwin County Planning & Zoning

22251 Palmer Street

Robertsdale, AL 36567

Physical: 22070 St. Hwy 59, 3rd Floor, Robertsdale, AL 36567

☎ Office: 251-937-0278

✉ E-Mail: mbooth@baldwincountyal.gov

Baldwin County Highway Department:

DJ,

ALDOT would need to review and approve for items relating to US Hwy 98. Also, a commercial turn out permit will be required for access to St Francis St N.

Thanks,

Frank

ADEM:

No Comments Received

ALDOT:

I just wanted to make sure it was at some point, that's fine the way it is. Thank you.

Michael Smith

-----Original Message-----

From: D Hart <DHart@baldwincountyal.gov>

Sent: Wednesday, October 23, 2019 10:52 AM

To: Smith, Michael <smithmi@dot.state.al.us>

Subject: Re: <EXTERNAL> Fwd: November Rezoning Cases

The commercial turnout is part of the land use application but I can include the need to update the turnout in my staff report for the rezoning.

On Oct 23, 2019, at 10:21 AM, Smith, Michael <smithmi@dot.state.al.us<<mailto:smithmi@dot.state.al.us>>> wrote:

Good morning DJ,

Will the tire store be directed to contact ALDOT to update the access as part of the rezoning meeting?

Michael Smith

Area Permit Mngr.

Office: 251- 470- 8273

Cell: 251 - 331 - 0104

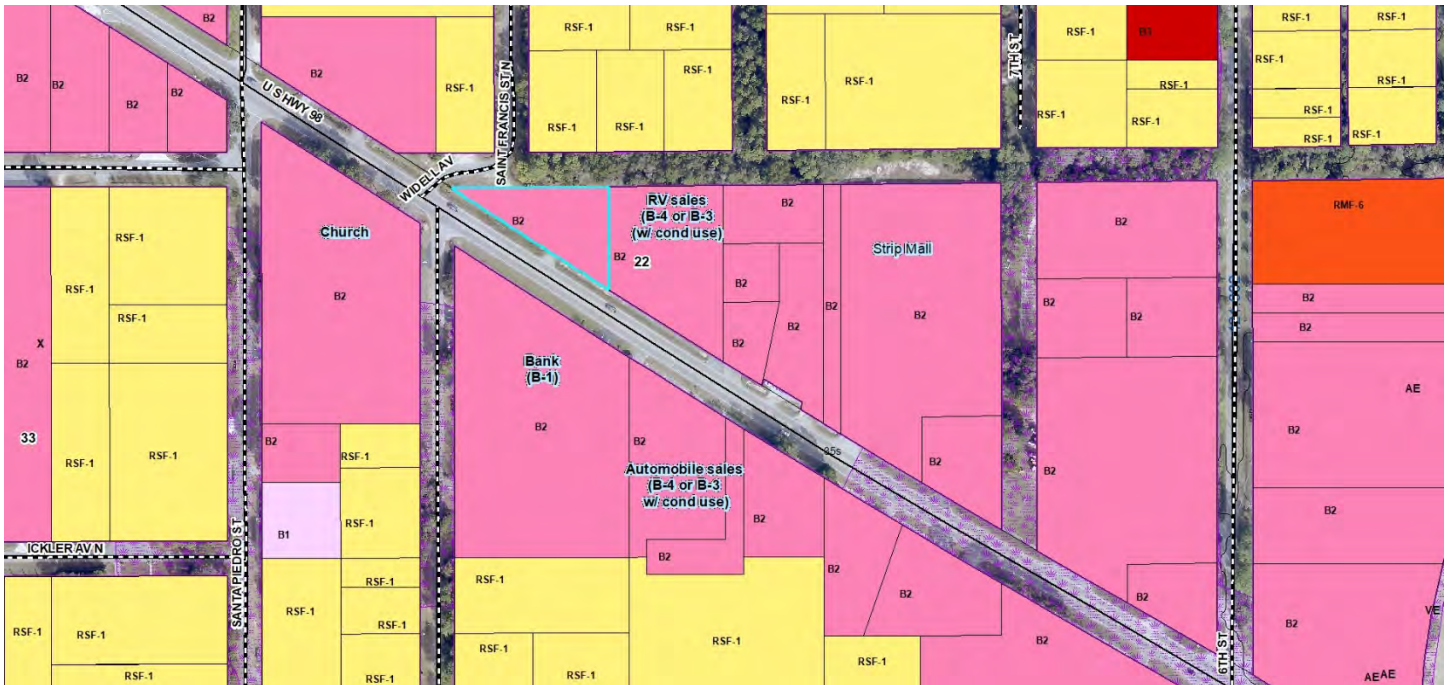
Municipality : N/A

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 developed with a commercial building. Tax records show the building was constructed in 1980. The property adjoins U.S. Highway 98 to the south. The adjoining property to the north is residential. The properties to the south, east and west are 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 22 was approved by the County Commission on September 25, 2001. Due to amendments to the text of the zoning ordinance, the B-2 which existed at the time of zoning adoption, is different from the B-2 of today. Many of the uses currently found along Highway 98 would be more appropriately zoned B-3 or B-4.

According to a record search in the Baldwin County Probate office a business license for a Video Store was first obtained in 1994 and continued thru 1996. Business licenses for Mr Sutton and Country Motors were purchased from 2006 thru 2010. The last business license for the tire store was obtained in 2016.

20.2.5 Discontinuance of nonconforming use. No building or portion thereof, used in whole or in part, for a nonconforming use which is abandoned for more than one (1) calendar year or 365 consecutive days, shall be used except in conformity with these ordinances. The intent to abandon shall be presumed from the cessation of business or the removal of equipment, goods, structures or other aspects of such nonconforming use of the property.

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 known conflicts.

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

Development of this property will serve the traffic which is already traveling along U.S. Highway 98. There should be no significant impact to traffic patterns or congestion.

6.) Is the proposed amendment consistent with the development patterns in the area and appropriate for orderly development of the community? The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.

See response to Standard Number 1.

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

The property to the south, west and east are all zoned commercial and are currently being used as commercial. The current uses on the parcels to the east and southeast would be better suited to the B-3 or B-4 zoning designation.

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.

Staff Comments and Recommendation

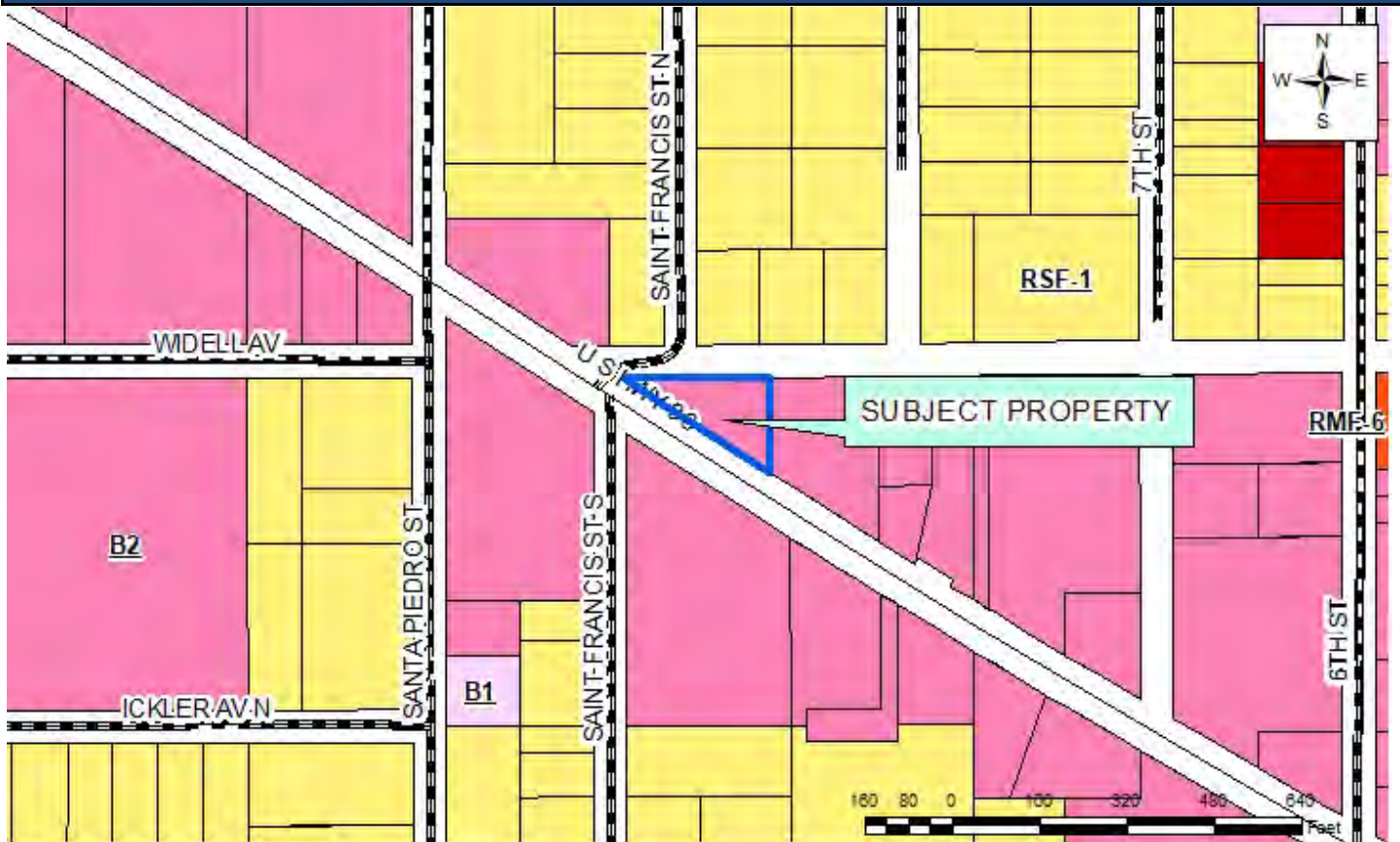
As stated previously, the subject property is currently zoned B-2, Neighborhood Business District. The designation of B-3, General Business District, has been requested in order to allow the operation of a tire store on the property.*

* An approved Conditional Use Application will be required to allow the tire store. Application will be presented after approval by the County Commission.

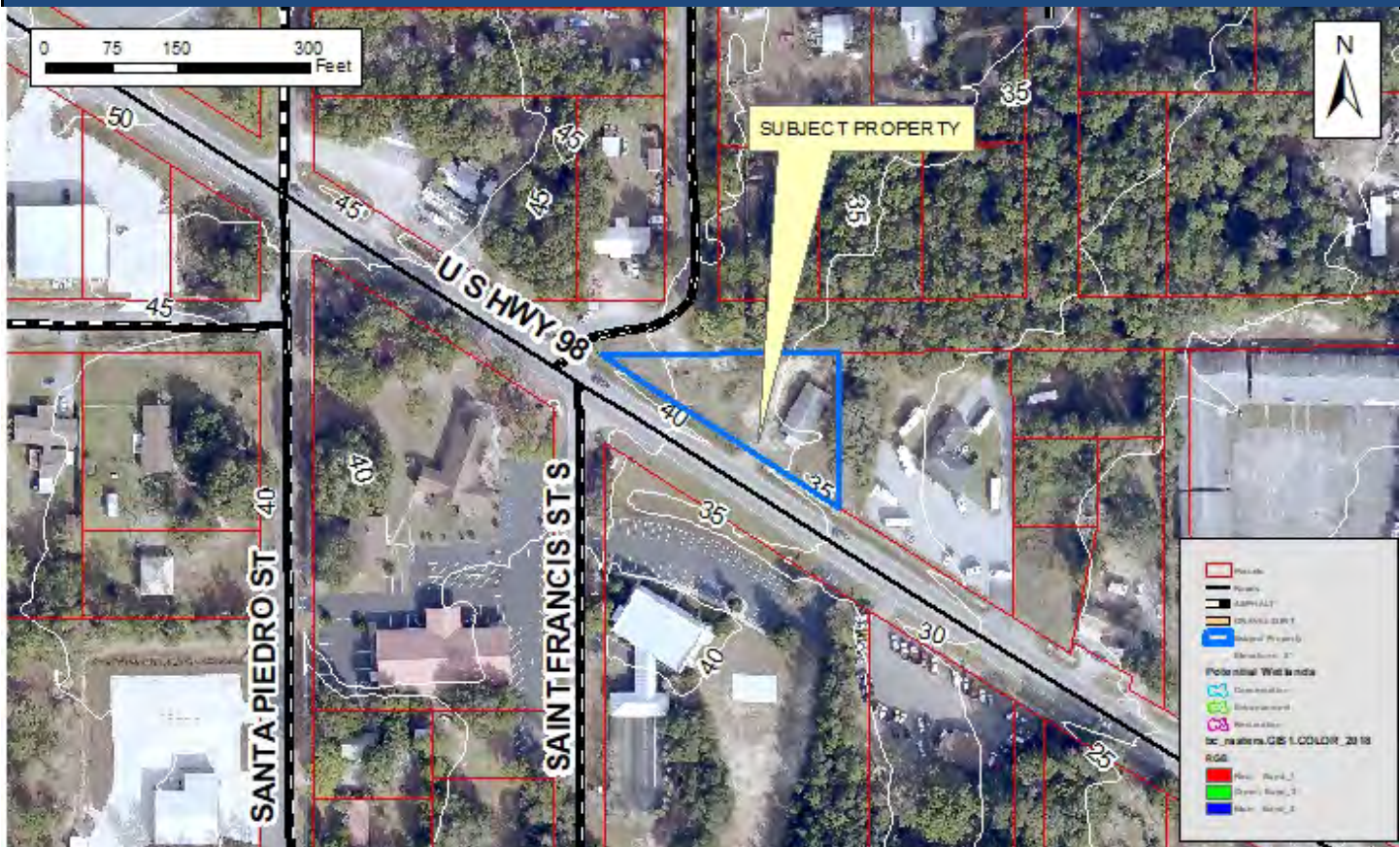
Staff believes that this is a reasonable request which should be recommended to the County Commission for **APPROVAL.** *

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

Locator Map



Site Map







NEIGHBORING PROPERTY
TO THE SOUTH EAST

10/15/2019



ADJOINING BANK
TO THE SOUTH

10/15/2019





Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.c

Case No. Z-19049

SDCJ, LLC Property

Rezone RSF-E, Residential Single-Family Estate District to B-2, Neighborhood Business District

November 7, 2019

Subject Property Information

Planning District: 15
General Location: East side of Co Rd. 13 and North of Pleasant Rd.
Physical Address: 27120 County Rd 13
Parcel Number: 05-43-02-10-0-000-012.000
Existing Zoning: RSF-E, Residential Single Family Estate District
Proposed Zoning: B-2, Neighborhood Business District
Existing Land Use: Agriculture
Proposed Land Use: Office/Commercial Use
Acreage: 17 ± acres
Applicant: SDCJ, LLC
P.O. Box 1303
Daphne, AL 36526
Owner: Same
Lead Staff: Celena Boykin, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-E, Single Family Estate District
South	Residential	Pleasant Rd and RSF-E, Single Family Estate District
East	Agriculture	RSF-E, Single Family Estate District
West	Agriculture	County Rd 13 and City of Daphne

Summary

The subject property is currently zoned RSF-E, Residential Single Family Estate District, and is currently vacant. The property adjoins Pleasant Road to the south and County Road 13 to the west. The adjoining properties are agricultural, residential, and commercial. The requested zoning designation is B-2, Neighborhood Business District. According to the submitted information, the purpose of this request is to create commercial uses such as offices. The applicant stated on the application, "We would like to rezone in order for commercial businesses to have the opportunity to lease our land within the specified categories and or be able to build our own office/storage rental spaces. At this time we are looking at cutting out a 3-5 acre piece for the purpose of

building office/storage rentals on the east side of the property leaving the remaining acreage (land only) to someone who wants to build their own facility.”

Current Zoning Requirements

Section 4.1 RSF-E, Residential Single Family Estate District

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

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

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

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

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

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

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

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

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

Minimum Lot Width at Street Line	165-Feet
Maximum Ground Coverage Ratio	.35

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

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

Proposed Zoning Requirements

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

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

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*).

5.2.5 Area and dimensional ordinances.

Maximum Height of Structure in Feet	35
Maximum Height of Structure in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet

Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.60
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

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

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

5.2.8 *Landscaping and buffering.* All B-2, Neighborhood Business District, uses shall meet the requirements of *Article 17: Landscaping and Buffers*.

Agency Comments

Baldwin County Highway Department, Tyler Mitchell: A commercial turnout permit would be required for access to Pleasant Rd. The City of Daphne maintains this portion of CR 13, so they would need to be consulted regarding any impacts to CR 13.

ADEM: No comments received.

Baldwin County Subdivision Department, Mary Booth: No comments

City of Daphne, Adrienne Jones:

Thank you for the opportunity to share my thoughts about rezoning applications in the ETJ. Here's a little history about the business zoned properties at the northwest intersection of County Road 13 and Whispering Pines Road located within the City of Daphne.

08/26/10 Daphne Planning Commission approved a subdivision at the northwest intersection of County Road 13 and Whispering Pines Road. A note was placed on the plat at the request of the Planning Commission that precludes the use of the B-1 zoned lot as a convenience store. Additionally, the Planning Commission held a public hearing regarding the zoning change. Meeting minutes are included—see pages 4-7.

11/01/10 Daphne City Council approved annexation and zoned the property B-1 (6.5 acres) and B-3 (13.38 acres).

Community Development hopes that no convenience store would be permitted on the site located at the northeast intersection of County Road 13 and Pleasant Road and that any rezoning of the subject property would be in harmony with the institutional and residential uses in the area.

Please let me know if you have questions regarding these comments.

Take care,

Adrienne

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 Pleasant Road to the south and County Road 13 to the west. The adjoining properties are agricultural, residential, and commercial. The property to the west was annexed by the City of Daphne in 2010 and was zoned B-1, Local Business.



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

Planning District 15 was zoned in August 2006. There has been no rezonings in the immediate area except for the property to the west, which consist of 20 ± acres. This property was annexed by the City of Daphne in October of 2010. The 6.3± acres are zoned B-1, Local Business, and the other 13.4 ± acres are zoned B-3, Professional Business District.

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

The Baldwin County Master Plan, 2013, provides a future land use designation of Residential for the subject property. This category is provided for residential dwelling units including single family dwellings, two family (duplex) dwellings, multiple family dwellings, manufactured homes, manufactured housing parks and Planned Residential Developments. Institutional uses, recreational uses and limited neighborhood commercial uses may be included subject to the provisions of the Zoning Ordinance. To the greatest extent possible, residential areas should be accessible to major thoroughfares connecting with work areas, shopping areas and recreational areas. Zoning designations may include RR, RA, CR, RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RSF-6, RTF-4, RTF-6, RMF-6, RMH and PRO.

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

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

Staff is unaware of any planned public improvements.

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

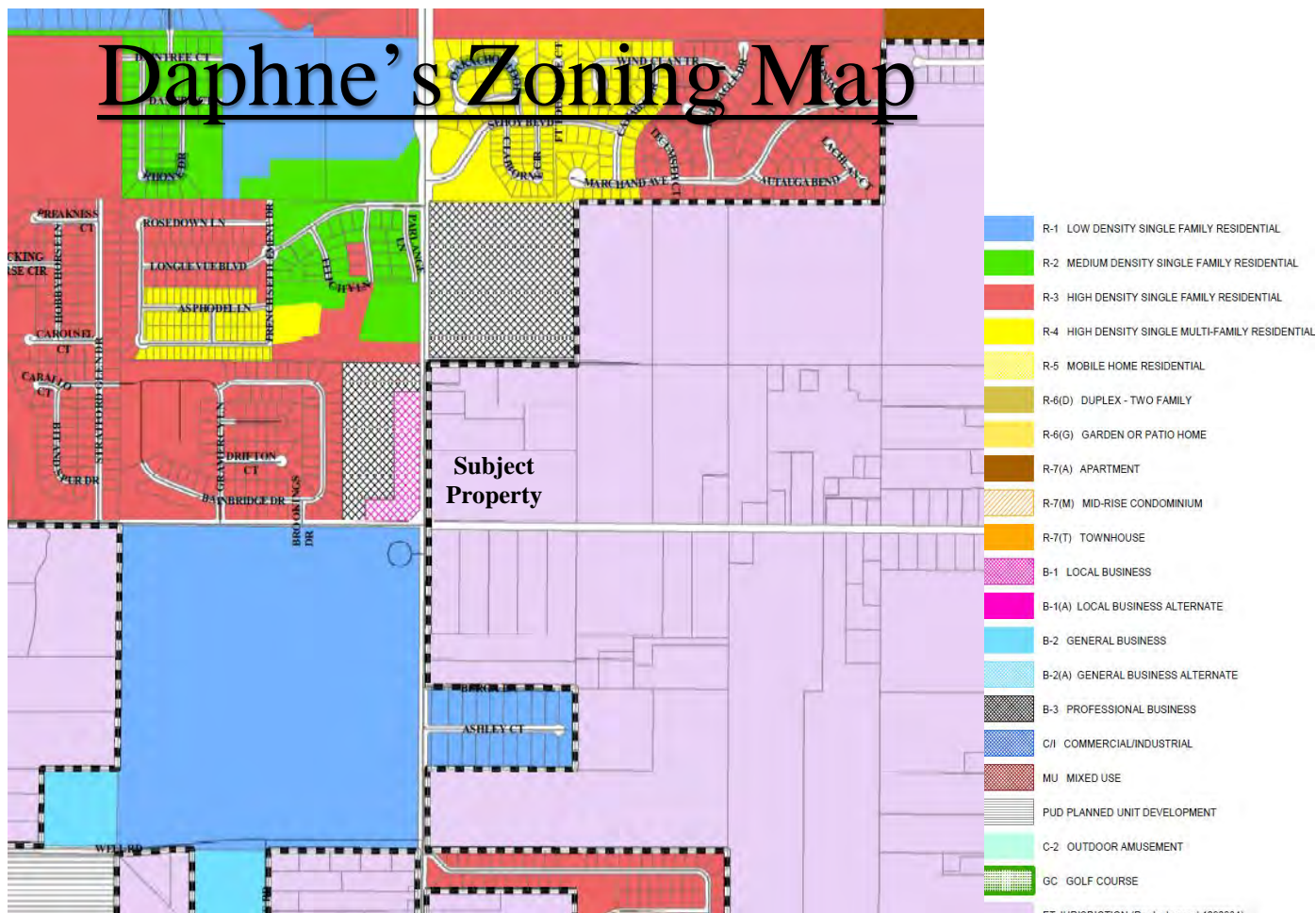
Per the Federal Highway Administration, the functional classification of County Road Pleasant Road is major collector. Collectors serve a critical role in the roadway network by gathering traffic from Local Roads and funneling them to the Arterial network. County Road 13 is a minor arterial. Arterials provide a high level of mobility and a greater degree of access control. Development on the subject property, whether under the current zoning or the proposed zoning, will affect traffic patterns. The exact impact, however, is difficult to ascertain because of not knowing exactly what type of businesses there will be. Traffic impacts and required improvements, if needed, will be addressed during later phases of the project if the rezoning is approved.

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.

As stated previously, the subject property is currently vacant. The property adjoins Pleasant Road to the south and County Road 13 to the west. The adjoining properties are agricultural, residential, and commercial. There has been no rezonings in the immediate area except for the property to the west, which consist of 20 ± acres, that was annexed by the City of Daphne in October of 2010. The 6.3± acres are zoned B-1, Local Business, and the other 13.4 ± acres are zoned B-3, Professional Business District.

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

The majority of the parcels that surround the subject property are zoned RSF-E, Residential Single Family Estate. The proposed B-2, Neighborhood Business District, is to provide a **limited commercial convenience facility, servicing nearby residential neighborhoods, planned and developed as an integral unit.** The property west of County Rd. 13 is located in the city of Daphne and 6.3± acres are zoned B-1, Local Business, and the other 13.4 ± acres are zoned B-3, Professional Business District. Daphne's B-1 district is intended to provide for limited retail, convenience goods and personal service establishments in residential neighborhoods and to encourage the concentration of these uses in one location for each residential neighborhood rather than in scattered sites occupied by individual shops throughout a neighborhood. Their B-3 district is established to provide an opportunity for business establishments of a professional nature and is restricted to offices and businesses which provide specific corporate functions or professional services to the general public, but not the sale of goods or services at retail or wholesale.



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

The development trends in this area range in variety from schools, to churches, large lot residential, subdivisions, agriculture, and commercial.

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

Staff is unaware of any environmental conditions or historic resources that would be adversely impacted by this request. The Alabama Department of Environmental Management (ADEM) provided no comments.

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

Staff anticipates no adverse impacts. Access to this site would require approval from Baldwin County Highway Department on Pleasant Road and access approval from City of Daphne off of County Road 13.

Development of the property will be considered as a major project. Prior to the issuance of a Land Use Certificate, staff will evaluate all submitted materials, including building plans, drainage plans, landscaping plans, buffers and site plans in order to ensure compliance with the requirements of the zoning ordinance.

11.) Other matters which may be appropriate.

If the applicant does decide to do mini storage on the subject property, they will have to come back to the Planning Commission and get conditional use approval.

As stated previously, the subject property is currently zoned RSF-E, Residential Single Family Estate District, and is currently vacant. The property adjoins Pleasant Road to the south and County Road 13 to the west. The adjoining properties are agricultural, residential, and commercial. The requested zoning designation is B-2, Neighborhood Business District. According to the submitted information, the purpose of this request is to create commercial uses such as offices. The applicant stated on the application, "We would like to rezone in order for commercial businesses to have the opportunity to lease our land within the specified categories and or be able to build our own office/storage rental spaces. At this time, we are looking at cutting out a 3-5 acre piece for the purpose of building office/storage rentals on the east side of the property leaving the remaining acreage (land only) to someone who wants to build their own facility."

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

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

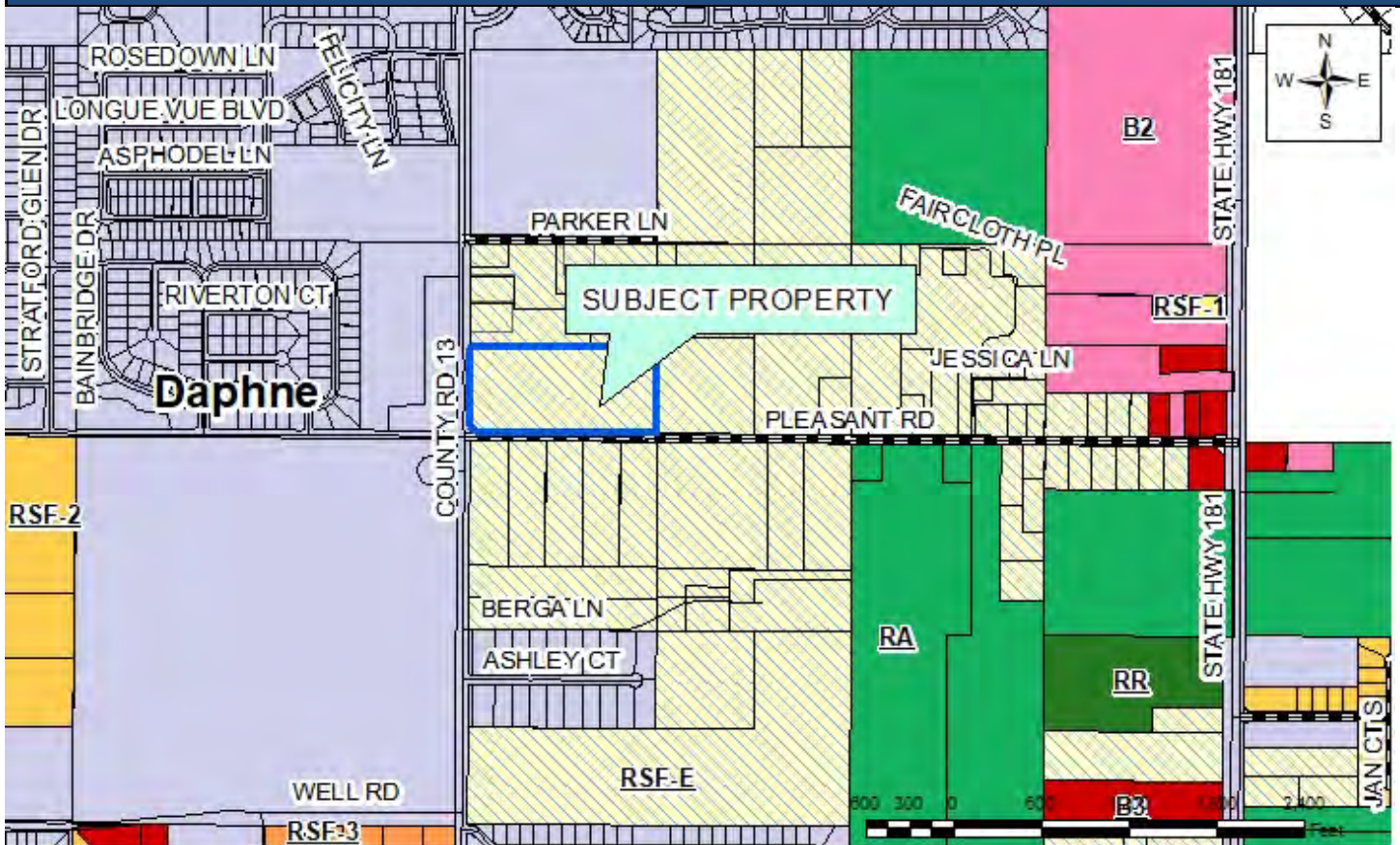




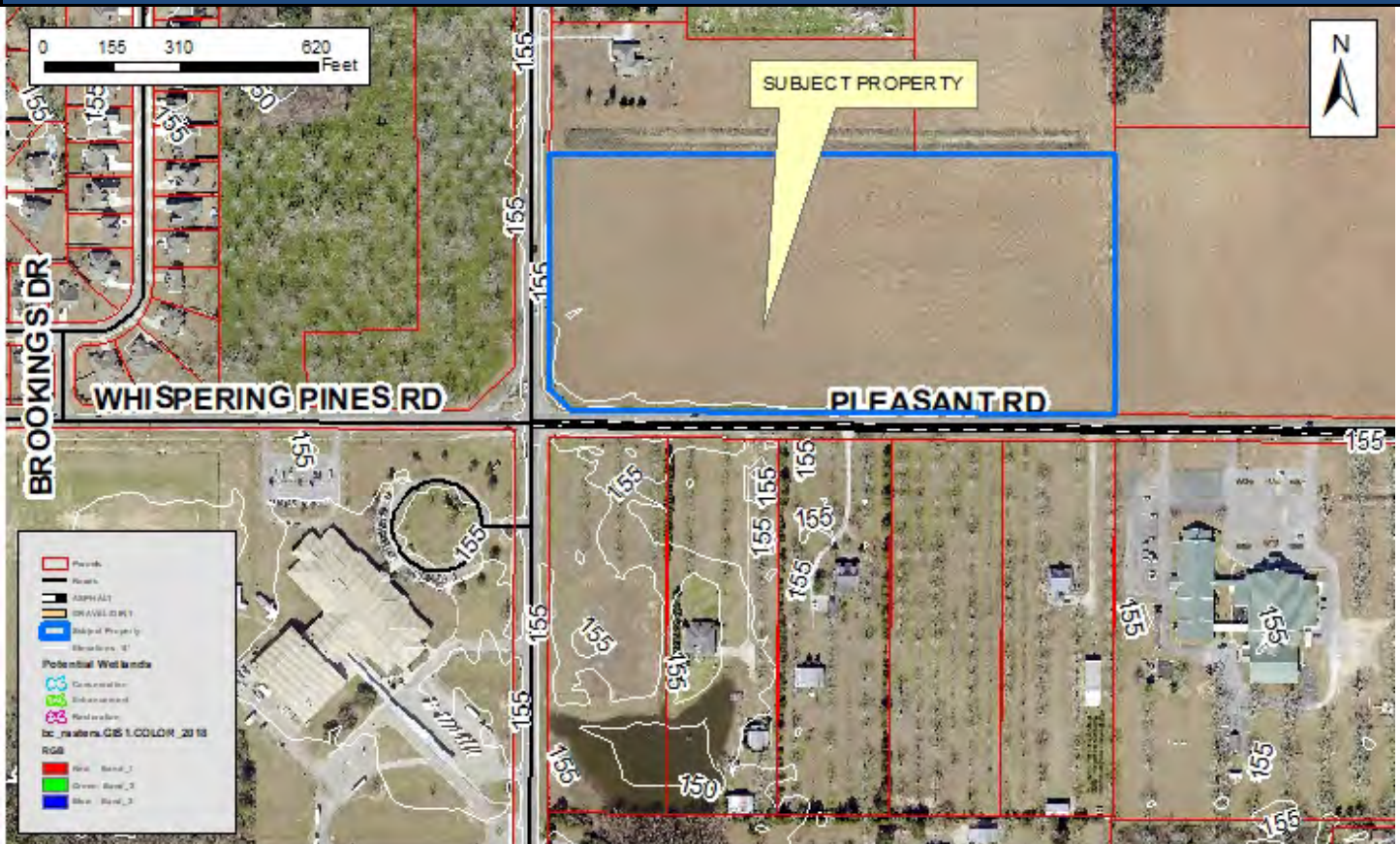




Locator Map



Site Map





Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.d

Case No. Z-19051

Crowe Property

Rezone RSF-1, Single Family District to RSF-2, Single Family District and RTF-4, Two Family District

November 7, 2019

Subject Property Information

Planning District: 22
General Location: North and South sides of Collier Road, East of County Road 93
Physical Address: N/A
Parcel Numbers: 05-52-05-22-0-000-011.000 (a part of), 05-52-05-22-0-000-013.008 and 05-52-05-22-0-000-013.009
Existing Zoning: RSF-1, Single Family District
Proposed Zoning: RSF-2, Single Family District and RTF-4, Two Family District
Existing Land Use: Residential
Proposed Land Use: Divide properties based on existing dwelling units (No additional units proposed, Residential use will continue)
Acreage: 3.46 acres more or less (Total property includes 4.52 acres)
Applicant: Marco Toledo
3151 Boulevard de Sevilla, Unit 102
Foley, Alabama 36535
Owner: Robert O. Crowe
13656 County Road 93
Lillian, Alabama 36549
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

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

Summary

This request involves three parcels. The properties in question are currently zoned RSF-1, Single Family District. The first parcel (05-52-22-0-000-011.000), which consists of approximately 2.56 acres, is located on the north side of Collier Road. It is the site for three duplex structures, three single family dwellings and a barn. Under this proposal, the center and eastern portions of the parcel would be rezoned to RTF-4, Two Family District. The western 139-feet would remain RSF-1. The second and third parcels (05-52-05-22-0-000-013.008 and 05-52-05-22-0-000-013.009) are located on the south side of Collier Road. Each parcel is the site for two single family dwellings (manufactured homes), and both would be rezoned to RSF-2, Single Family

District. According to the applicant, the purpose of this rezoning request is to address conformity issues and allow individual dwelling units to be sold. No additional units are proposed.

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

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

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

Planning and Zoning, Subdivisions (Mary Booth): No comments.

Municipality: N/A

Baldwin County Highway Department: No comments.

ADEM: No comments received.

Staff Analysis and Findings

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

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

The subject properties are currently occupied with dwellings and accessory structures. Specifically, the parcel located on the north side of Collier Road is the site for three duplex structures, three single family dwellings and a barn. The two parcels located on the south side of Collier Road are each the site for two single family dwellings (manufactured homes). The adjacent properties are residential with agricultural properties being located west of County Road 93.

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 22 was adopted by the Baldwin County on November 16, 2002. This area appears to be relatively stable with few, if any, changes since the adoption of zoning. In addition, the dwellings on the subject parcels were in place prior to the adoption of zoning. As a result, these parcels are nonconforming. Approval of the requested rezoning would address the conformity issues.

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

The Baldwin County Master Plan, 2013, provides future land use designations for properties located within the zoned areas of the County. These categories represent the recommendations for the physical development of the unincorporated areas of the County. They are intended for planning purposes only and do not represent the adoption of zoning designations for areas which have not voted their desire to come under the zoning authority of the Baldwin County Commission. Although not legally binding, the future land use designations are evaluated in conjunction with criteria found in the Baldwin County Zoning Ordinance (Zoning Ordinance), the Baldwin County Subdivision Regulations, the Baldwin County Flood Damage Prevention Ordinance and any other ordinances and regulations which the County Commission may adopt.

The Baldwin County Master Plan, 2013, provides future land use designations of Residential for the subject properties. This category is provided for residential dwelling units including single family dwellings, two family (duplex) dwellings, multiple family dwellings, manufactured homes, manufactured housing parks and Planned Residential Developments. Zoning designations may include RR, RA, CR, RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RSF-6, RTF-4, RTF-6, RMF-6, RMH and PRD. Approval of this rezoning will not require a change to the future land use designations.

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

Staff is unaware of any planned public improvements which would be impacted by this request.

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

This request will not involve additional dwelling units. As a result, there should be no adverse effects on 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.

As stated previously, the subject properties are currently occupied with dwellings and accessory structures. Specifically, the parcel located on the north side of Collier Road is the site for three duplex structures, three single family dwellings and a barn. The two parcels located on the south side of Collier Road are each the site for two single family dwellings (manufactured homes). The development patterns were in place prior to the adoption of zoning. No changes are proposed.

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

The primary zoning of surrounding properties is RSF-1, Single Family District. Properties zoned RA, Rural Agricultural District, are located west of County Road 93. RSF-2, which is proposed for the two lots located on the south side of Collier Road, is a single family designation which represents the next step up from RSF-1. The designation of RTF-4, Two Family District, is proposed for the parcel located on the north side of Collier Road. Approval of this designation would introduce a different element into the area. However, the use (duplexes) which would be associated with this designation was established prior to the adoption of zoning.

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

There appear to be no significant development trends in this area. In addition, this request will not represent new development. As a result, timing is not a factor with this request.

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

Staff is unaware of any environmental conditions or historic resources which would be adversely impacted by this request.

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

The purpose of this request is to address conformity issues and allow individual dwelling units to be sold. No additional units are proposed. Staff does not anticipate any adverse impacts from two additional dwellings.

11.) Other matters which may be appropriate.

N/A

As stated above, this request involves three parcels. The properties in question are currently zoned RSF-1, Single Family District. The first parcel (05-52-22-0-000-011.000), which consists of approximately 2.56 acres, is located on the north side of Collier Road. It is the site for three duplex structures, three single family dwellings and a barn. Under this proposal, the center and eastern portions of the parcel would be rezoned to RTF-4, Two Family District. The western 139-feet would remain RSF-1. The second and third parcels (05-52-05-22-0-000-013.008 and 05-52-05-22-0-000-013.009) are located on the south side of Collier Road. Each parcel is the site for two single family dwellings (manufactured homes), and both would be rezoned to RSF-2, Single Family District. According to the applicant, the purpose of this rezoning request is to address conformity issues and allow individual dwelling units to be sold. No additional units are proposed.

For the most part, staff has no major issues with this request. The one area of hesitancy would be the request for RTF-4. This designation would allow for two family dwellings (duplexes) which are not currently provided for the properties zoned RSF-1. However, the duplexes in question were already constructed at the time of zoning adoption. The applicant has provided no plans for the construction of additional duplex units. In addition, new duplex units would not be feasible due to the existing structures and acreage available.

Unless information to the contrary is revealed during the public hearing, this rezoning request should be recommended for **APPROVAL** to the County Commission. *

**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.g

Case No. Z-19052

Meszaros Corp Property

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

November 7, 2018

Subject Property Information

Planning District: 33
General Location: South Side of US Highway 98, North of County Rd 99
Physical Address: 34590 US Hwy 98, Lillian, AL
Parcel Number: 05-52-07-26-0-002-003.001
Existing Zoning: B-2, Neighborhood Business District
Proposed Zoning: B-3, General Business District
Existing Land Use: Commercial
Proposed Land Use: Commercial
Lot Area: 2 acres +/-
Applicant: Meszaros Corp.
6466 Co Rd 95
Elberta, AL 36530
Owner: Same
Lead Staff: Celena Boykin, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Commercial	B-2, Neighborhood Business & US Hwy 98
South	Commercial & Residential	B-2, Neighborhood Business, RSF-1 Residential Single Family, Co Rd 99
East	Commercial	B-2, Neighborhood Business
West	Residential	B-2, Neighborhood Business and RSF-1, Residential Single Family

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 build an Auto Convenience Market on the subject property. The subject property is occupied with one commercial structure. The property adjoins State Highway 98 to the south and County Rd 99 to the north. The neighboring properties are residential and commercial.

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 | (pp) Sign shop |
| (b) Antique store | (qq) Sporting goods store |
| (c) Apparel and accessory store | (rr) Tailor shop |
| (d) Appliance store including repair | (ss) Tobacco store |
| (e) Art gallery or museum | (tt) Toy store |
| (f) Art supplies | |
| (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 | |
| (oo) Shoe store | |

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	(x)	Farmer's market/truck crops
(b)	Air conditioning sales and service	(y)	Firing range
(c)	Amusement arcade	(z)	Fitness center or gym
(d)	Animal clinic/kennel	(aa)	Florist
(e)	Arboretum	(bb)	Fraternity or sorority house
(f)	Auto convenience market	(cc)	Fruit and produce store
(g)	Automobile service station	(dd)	Funeral home
(h)	Bakery, wholesale	(ee)	Golf course
(i)	Ball field	(ff)	Golf driving range
(j)	Bicycle sales and service	(gg)	Grocery store
(k)	Boat sales and service	(hh)	Landscape sales
(l)	Bowling alley	(ii)	Marine store and supplies
(m)	Business machine sales and service	(jj)	Miniature golf
(n)	Business school or college	(kk)	Mini-warehouse
(o)	Butane gas sales	(ll)	Night club, bar, tavern
(p)	Cemetery	(mm)	Nursery
(q)	City hall or courthouse	(nn)	Office equipment and supplies sales
(r)	Country club	(oo)	Park or playground
(s)	Department store	(pp)	Pawn shop
(t)	Discount/variety store	(qq)	Pet shop
(u)	Drug store	(rr)	Plumbing shop
(v)	Elevator maintenance service	(ss)	Printing/publishing establishment
(w)	Exterminator service office	(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	(ff) Recreational vehicle park
(b) Ambulance/EMS service	(gg) Recreational vehicle sales service, and repair
(c) Amusement park	(hh) Restaurant, drive-in
(d) Armory	(ii) Restaurant, fast-food
(e) Auditorium, stadium, coliseum	(jj) Sewage treatment plant
(f) Automobile parts sales	(kk) Taxi dispatching station
(g) Automobile repair (mechanical and body)	(ll) Taxi terminal
(h) Automobile storage (parking lot, parking garage)	(mm) Telephone exchange
(i) Barge docking	(nn) Water or sewage pumping station
(j) Broadcasting station	(oo) Water storage tank
(k) Building materials	(pp) Wireless telecommunication facility
(l) Bus and railroad terminal facility	(qq) Zoo
(m) College or university	
(n) Convalescent or nursing home	
(o) Correctional or penal institution	
(p) Dog pound	
(q) Electric power substations	
(r) Farm implements	
(s) Flea market	
(t) Freight depot, rail or truck	
(u) Home improvement center	
(v) Hotel or motel	
(w) Hospital	
(x) Landfill	
(y) Maintenance facility/storage yard for schools, government agencies, 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	
(ee) Railroad facility	

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, Mary Booth: No comments.

Baldwin County Highway Department:

Tyler Mitchell - A commercial turnout permit would be required for access to CR 99. Stormwater and traffic impacts would need to be considered for this permit. ALDOT would need to be consulted regarding any impacts to US 98.

Frank Lundy - ALDOT would need to review and approve for items relating to US Hwy 98. Also, a commercial turn out permit will be required for access to 6th Street.

ADEM: No comments received.

ALDOT: 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 occupied with one commercial structure. The property adjoins State Highway 98 to the south and County Rd. 99 to the north. The neighboring properties are residential and commercial. The adjoining properties to the north, south, and east are zoned B-2. The adjoining property to the west is zoned RSF-1.

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 33 was approved by the County Commission on August 6, 2002. Due to amendments to the text of the zoning ordinance, the B-2 which existed at the time of zoning adoption, is different from the B-2 of today. Many of the uses currently found along Highway 98 would be more appropriately zoned B-3 or B-4.

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

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

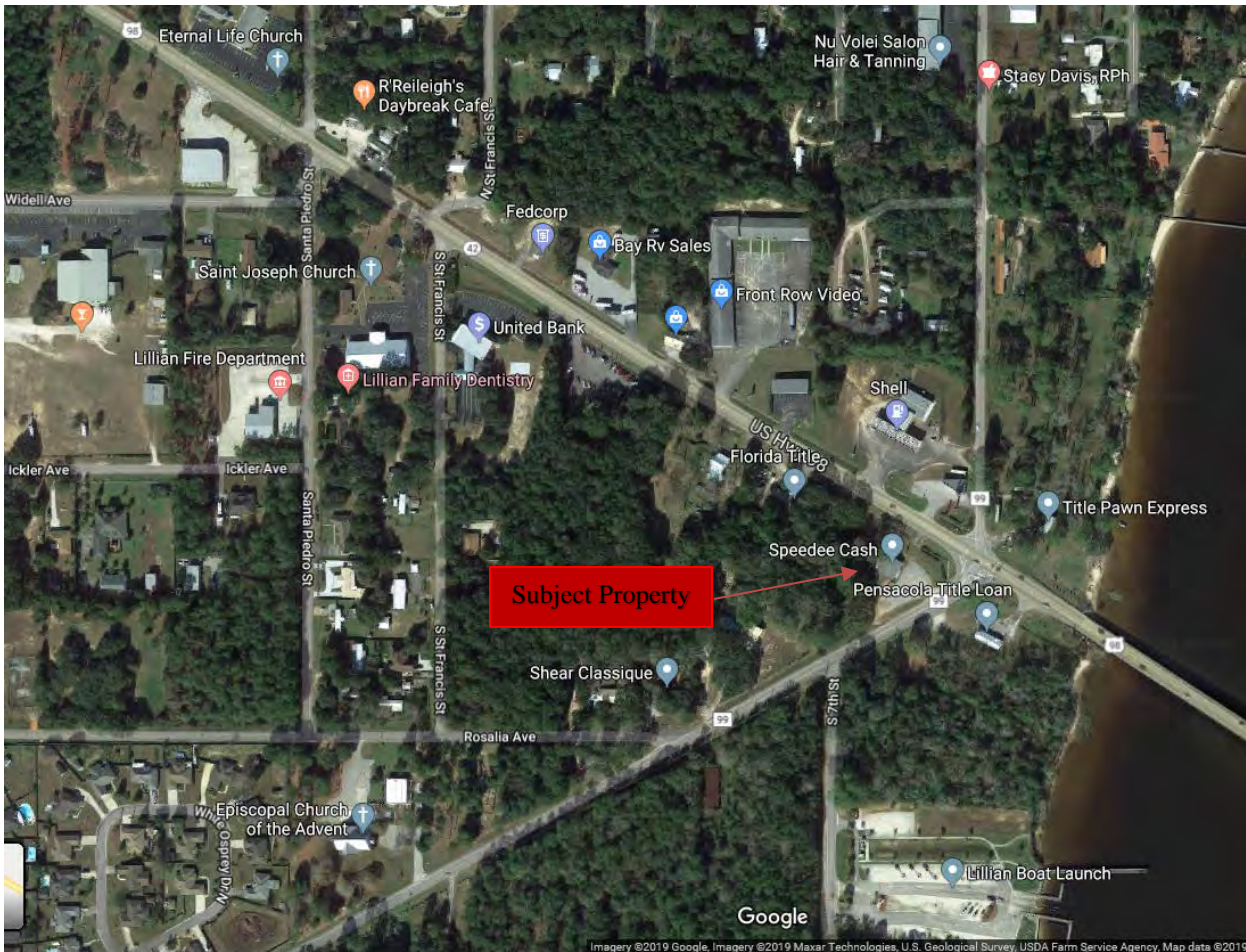
Staff is unaware of any planned public improvements.

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

Development of this property will serve the traffic which is already traveling along U.S. Highway 98. There should be no significant impact to traffic patterns or congestion.

6.) Is the proposed amendment consistent with the development patterns in the area and appropriate for orderly development of the community? The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.

The proposed amendment is consistent with the development patterns in the area. There is an auto convenience store to the north of the subject property and numerous other business in the area. The Lillian boat launch is just a short distance south of the subject property. The subject property is also located at the intersection of US Hwy 98 and County Rd 99, allowing customers to have access from either road.



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

Most of the surrounding zoning is B-2 but as stated above due to amendments to the text of the zoning ordinance, the B-2 which existed at the time of zoning adoption, is different from the B-2 of today. Many of the uses currently found along Highway 98 would be more appropriately zoned B-3 or B-4.

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. Access to this site would require approval from Baldwin County Highway department on County Rd 99 side and on US Hwy 98 approval would have to be granted from ALDOT. Development of the property will be considered as a major project. Prior to the issuance of a Land Use Certificate, staff will evaluate all submitted materials, including building plans, drainage plans, landscaping plans, buffers and site plans in order to ensure compliance with the requirements of the zoning ordinance.

11.) Other matters which may be appropriate.

As mentioned early if the rezoning is approved the applicant will have to submit for a Major Land Use. Staff will review all submitted materials for compliance of the zoning ordinance. The applicant will have to submit a site plan showing setback requirements, highway construction setbacks, buffers, landscaping, stormwater management plan, erosion control plan, and turnout permits.

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 build an Auto Convenience Market on the subject property. The subject property is occupied with one commercial structure. The property adjoins State Highway 98 to the south and County Rd 99 to the north. The neighboring properties are residential and commercial.

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

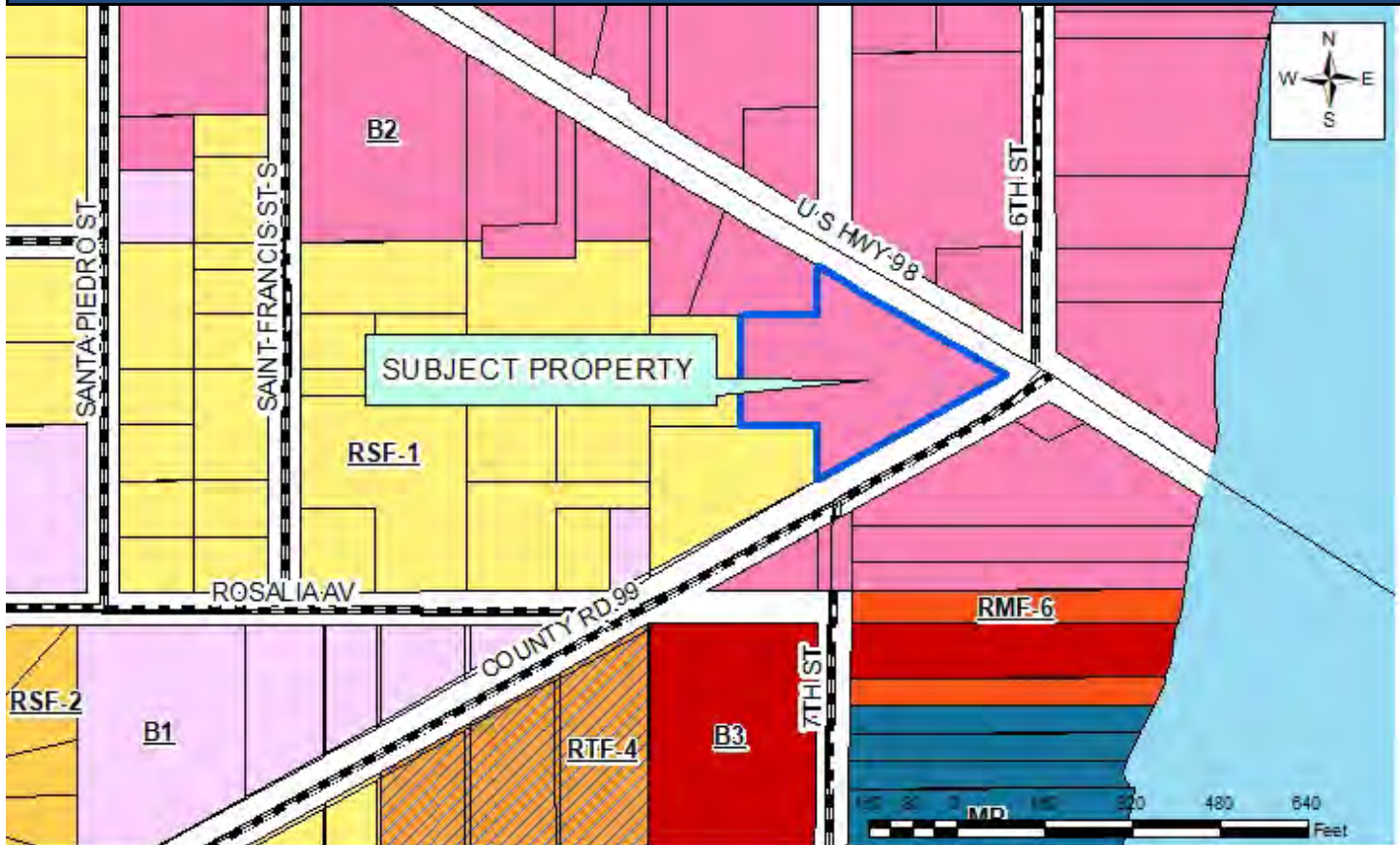
**On rezoning applications, the Planning Commission will be making a recommendation to the County Commission.*



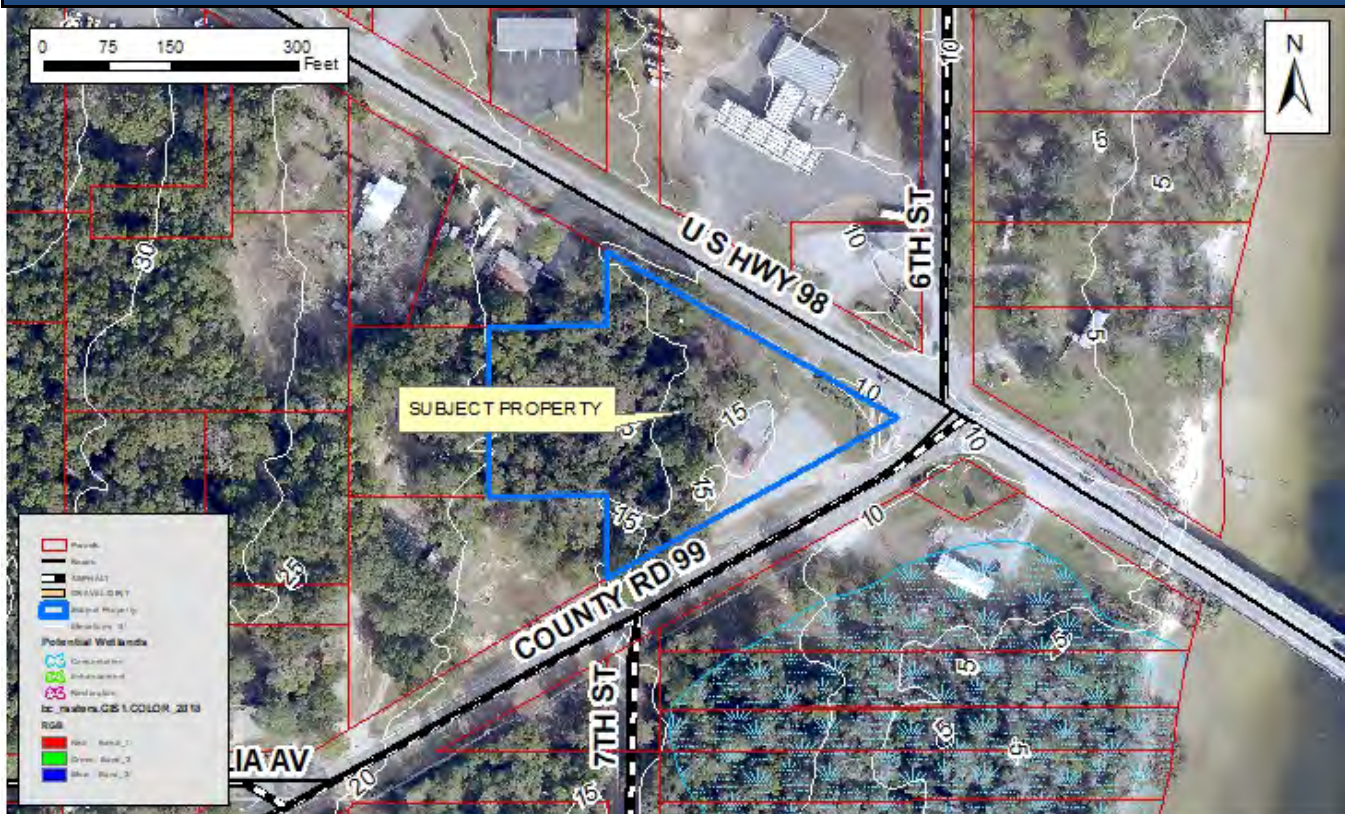




Locator Map



Site Map



Site Plans

CIRCLE K STORES, INC.
Gulf Coast
Business Unit

MDM SERVICES, INC.
CONSULTING ENGINEERS • ARCHITECTS • PLANNERS
PHONE: 205-837-1234 FAX: 205-837-1235
WWW.MDMSERVICES.COM

PROJECT LOCATION:

VICINITY MAP
N.T.S.

PARCEL:
PARCEL ID #: 05-52-07-36-A-003-003.001
93665 SF / 43560 SF = 2.16 Acres
(PER BALDWIN COUNTY REVENUE COMMISSION)

PARKING:
PARKING REQUIRED:
CONVENIENCE STORE: 5187 SF GROSS FLOOR AREA (TOTAL)
1 SPACE PER 260 SF GROSS FLOOR AREA =
20 SPACES
TOTAL SPACES REQUIRED: 26 SPACES
PARKING PROVIDED:
(2) 9'x18' HANDCAP SPACE W/VA UNLOADING ZONE
(20) 5'x10' STANDARD PARKING SPACES
(FOR TOTAL SPACES PROVIDED > 26 SPACES REQUIRED)

PROPERTY SIZE:
± 93665 SF / ± 2.16 ACRES

SUBMITTAL:
CIRCLE K STORE #TBD
14880 US HWY 98
LILLIAN, ALABAMA

DRAWN BY: DORLAND FILE NAME: C:\WORK\2010\KSTORE.DWG
DATE: 2/24/2010
SCALE: AS NOTED
DRW JOB #: 1066A

DESIGNED BY: DORLAND FILE NAME: C:\WORK\2010\KSTORE.DWG
DATE: 2/24/2010
SCALE: AS NOTED
DRW JOB #: 1066A

CONCEPTUAL SITE PLAN
CSP1.0

LEGEND:
NEW CONCRETE
PAVEMENT







Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.f

Case No. Z-19054

Kircharr Property

Rezone RA, Rural Agricultural District, B-4, Major Commercial District, and M-1, Light Industrial District to RSF-2, Single Family District

November 7, 2019

Subject Property Information

Planning District: 15
General Location: .4 mile north and .6 mile east of the intersection of Co Rd 54 and Co Rd 64
Physical Address: NA
Parcel Numbers: 05-43-06-13-0-000-002.009, 05-43-06-13-0-000-014.003, 05-43-06-13-0-000-013.000, 05-43-06-13-0-000-002.006 and 05-43-06-13-0-000-014.004
Existing Zoning: RA, Rural Agricultural District, B-4, Major Commercial District, and M-1, Light Industrial District
Proposed Zoning: RSF-2, Single Family District
Existing Land Use: Undeveloped with an operating "Dirt Pit"
Proposed Land Use: Residential (327 lot Planned Residential Development to be known as Savannah Estates)
Acreage: 122.3 acres, more or less
Applicant: Kevin Kircharr
9949-A Bellaton Ave
Daphne, AL 36526
Owner: Same
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential (Approved PRD)	RSF-2, Single Family
South	Residential, Agricultural, Dirt Pit	RA, RSF-1 & M-1
East	Residential (The Reserve at Daphne)	RA, Rural Agricultural
West	Agricultural	RA, Rural Agricultural

Summary

The subject properties, which consists of approximately 148.55 acres, are currently zoned RA, Rural Agricultural District, B-4, Major Commercial District, and M-1, Light Industrial District. The properties are predominantly undeveloped but include an operating dirt pit. The designation of RSF-2, Single Family District, has been requested to allow a 327 lot Planned Residential Development (PRD) to be known as Savannah Estates. A previous rezoning application was considered and recommended for approval by the Planning Commission on June 6, 2019 (Case Z-19008).

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

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.*

Section 8.1 M-1, Light Industrial District

8.1.1 *Generally.* The purpose of this zoning district is to provide a suitable protected environment for manufacturing, research and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions, and generate little industrial traffic.

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

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) Light industrial uses.
- (c) Transportation, communication, and utility uses except landfills and sewer treatment plants.
- (d) Outdoor recreation uses.
- (e) Marine recreation uses.
- (f) General commercial uses except race tracks.
- (g) Local commercial uses.
- (h) Professional service and office uses.
- (i) Institutional uses.
- (j) Agricultural uses.
- (k) Accessory structures and uses.

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

- (a) Transportation, communication, and utility uses not permitted by right per *Section 8.2(c): Permitted uses.*

(b) General commercial uses not permitted by right per *Section 8.2(f): Permitted uses*.

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

Maximum Height of Structure in Feet	45
Maximum Height of Structure in Habitable Stories	4
Minimum Front Yard	25-Feet
Minimum Rear Yard	see (a & b)
Minimum Side Yards	see (a & b)
Minimum Lot Area	40,000 Square Feet
Maximum Impervious Surface Ratio	.80
Minimum Lot Width at Building Line	120-Feet
Minimum Lot Width at Street Line	No Minimum

(a) No minimum except where abutting a residential district, in which case there shall be a minimum yard of 25-feet abutting the residential district.

(b) The required yards shall be increased by one foot for each foot of building height in excess of 35-feet.

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

Baldwin County Highway Department:

Items relating to this site which raise concern.

1. A large portion of the proposed development is located within the footprint of existing excavated dirt pits which would require substantial fill. Building homes and roadway infrastructure over these fill areas can lead to major structural issues unless quality fill materials are used and extreme caution is taken during construction. If approved, major geotechnical and earthwork construction testing will be required.
2. This plan shows one proposed entrance onto CR 54 W. If a second entrance is required, where will it connect? The proposed future 80' right-of-way connecting to County Road 64 is approximately 500 feet east of the County Rd 54 E intersection. Creating an additional intersection conflict point within close proximity of the County Rd 54 E intersection as proposed is cause for concern with traffic safety. Traffic could be much better managed if the connection point were located directly across from the County Rd 54 E intersection. If connection point is not adjusted, controlled access management or limited access may be required for safety. An in-depth traffic analysis would be required to assess impacts to the surrounding roadways and intersections.
3. This site lies within Extra Territorial Jurisdiction of the City of Daphne. Subdivision approval from the City and Baldwin County will be required.

ADEM:

From: Brown, Scott [<mailto:jsb@adem.alabama.gov>]

From a desktop review, it appears that the subject properties contain wetlands and stream segments. Wetlands and streams are protected resources under §404 of the Clean Water Act. The applicant should consider having the properties evaluated for the presence of wetlands and streams prior to conducting any construction related land disturbance. Prior authorization from the Mobile District U.S. Army Corps of Engineers is required for any wetlands fill activity or stream impacts.

v/r,
J. Scott Brown, Chief
Mobile Field Office
Alabama Department of Environmental Management
251.304.1176

Municipality (City of Daphne): No comments received.

BCBE: No comments received.

Staff Analysis and Findings

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

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

The subject properties are currently undeveloped with an operating "Dirt Pit". The properties adjoin County Road 64 to the south and County Road 54 West to the west. The adjoining properties are forested timberland,

agricultural, and residential. The primary zoning designations of the surrounding properties are RSF-2, Single Family District and RA, Rural Agricultural District.

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

The portion of the properties zoned M-1, Light Industrial District, was rezoned in 2012 (Case Z-12015). It was originally zoned RSF-2 which is the requested designation of the current application. The portion zoned B-4 was rezoned in 2017. It was previously zoned RA. Other changes impacting the subject properties include the rezoning to RSF-2 (Case Z-18022) and PRD Site Plan Approval (Case Z-18046) for the adjacent property to the north. These approvals were granted for the Reserve at Daphne which is a Planned Residential Development proposed to include 609 lots on approximately 469 acres. Phase 2 of this development, which is located directly north of the subject property, is currently going through the subdivision process. Finally, a new elementary school is under construction nearby.

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

The Baldwin County Master Plan, 2013, provides future land use designations of Agricultural, Commercial and Industrial for the subject properties. Approval of the rezoning will result in a Future Land Use Map amendment to Residential. The adjacent residentially zoned properties already provide a future land use designation of residential. In addition, the adjacent Agricultural parcels will also accommodate residential development. Approval of the rezoning will result in a change to the future land use designation of residential for the subject properties. This category is provided for residential dwelling units including single family dwellings, two family (duplex) dwellings, multiple family dwellings, manufactured homes, manufactured housing parks and Planned Residential Developments. Zoning designations may include RR, RA, CR, RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RSF-6, RTF-4, RTF-6, RMF-6, RMH and PRD.

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

Comments from the Baldwin County Highway Department:

1. A large portion of the proposed development is located within the footprint of existing excavated dirt pits which would require substantial fill. Building homes and roadway infrastructure over these fill areas can lead to major structural issues unless quality fill materials are used and extreme caution is taken during construction. If approved, major geotechnical and earthwork construction testing will be required.
2. This plan shows one proposed entrance onto CR 54 W. If a second entrance is required, where will it connect? The proposed future 80' right-of-way connecting to County Road 64 is approximately 500 feet east of the County Rd 54 E intersection. Creating an additional intersection conflict point within close proximity of the County Rd 54 E intersection as proposed is cause for concern with traffic safety. Traffic could be much better managed if the connection point were located directly across from the County Rd 54 E intersection. If connection point is not adjusted, controlled access management or limited access may be required for safety. An in-depth traffic analysis would be required to assess impacts to the surrounding roadways and intersections.

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

A subdivision of this type will certainly bring about an increase in traffic. The exact impact, however, is difficult to ascertain at this time. Traffic impacts and access requirements will be addressed during the Subdivision process. The concerns of the Baldwin County Highway Department pertaining to traffic impacts are noted above. It is the understanding of staff, that the applicant has conducted a traffic study for the proposed development. This study anticipated the two entrances which were proposed with the original submittal. As a result, a new traffic impact study may be required.

6.) Is the proposed amendment consistent with the development patterns in the area and appropriate for orderly development of the community? The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.

The subject property is located adjacent to property, also zoned RSF-2, which has been approved for a Planned Residential Development known as The Reserve at Daphne (468.94 acres). This development was approved by the Baldwin County Commission on November 20, 2018 (Case Z-18046). The project narrative is quoted as follows:

This is a proposed single family development consisting of 609 lots at a density of 1.30 units per acre. There are 204 lots proposed at 52' x 125' (6,500 s.f.) and 317 lots at 60' x 135' (8,100 s.f.) and 88 lots at 100' x 150' (15,000 s.f.). The proposed building setbacks are 25' front and rear with 6' side setbacks on the 52' wide lots, 30' front and rear with 6' side setbacks on the 62' wide lots, and 30' front and rear with 10' side setbacks on the 100' wide lots.

For additional information, see responses to Standards Number 1 and Number 2. Furthermore, commercial and institutional properties are located in the general area.

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

Adjacent parcels to the north and south, and west are zoned RSF-2. Property to the east, which is the location of Phase 1 of the Reserve at Daphne, is zoned RA, Rural Agricultural District, but the lots are more consistent with the RSF-2 zoning designation. The subdivision process for this portion of the development was started prior to the adoption of zoning in Planning District 15. Despite the lot sizes, this area remains zoned RA, except for one lot which was rezoned to RSF-1 through the automatic rezoning process. In addition, it should be noted that the portions of the subject properties currently zoned M-1, were originally zoned RSF-2.

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

The surrounding area has seen significant residential growth. In addition, and as stated previously, a new school is under construction nearby. Timing, however, is not a factor with this request.

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

Comments of Scott Brown from the Alabama Department of Environmental Management (ADEM):

From a desktop review, it appears that the subject properties contain wetlands and stream segments. Wetlands and streams are protected resources under §404 of the Clean Water Act. The applicant should consider having

the properties evaluated for the presence of wetlands and streams prior to conducting any construction related land disturbance. Prior authorization from the Mobile District U.S. Army Corps of Engineers is required for any wetlands fill activity or stream impacts.

There are no historic resources in the vicinity.

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

The concerns related to traffic impacts and the use of fill material are noted in this staff report. However, this item will be a greater importance during the subdivision process. Another area of concern which has been mentioned is the impact on the new school. Staff has requested comments from the Baldwin County Board of Education but has received no response. Beyond the items mentioned, staff anticipates no significant adverse impacts.

11.) Other matters which may be appropriate.

The request for PRD Site Plan approval is discussed in the staff report for Case Z-19055.

Staff Comments and Recommendation

As stated previously, the subject properties, which consists of approximately 148.55 acres, are currently zoned RA, Rural Agricultural District, B-4, Major Commercial District, and M-1, Light Industrial District. The properties are predominantly undeveloped but include an operating dirt pit. The designation of RSF-2, Single Family District, has been requested to allow a 327 lot Planned Residential Development (PRD) to be known as Savannah Estates. A previous rezoning application was considered and recommended for approval by the Planning Commission on June 6, 2019 (Case Z-19008).

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

The details and issues pertaining to the request for Planned Residential Development (PRD) Site Plan approval for Savannah Estates are discussed in PRD the staff report (Case Z-19055).

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

Property Images









ADJOINING PROPERTY
TO THE WEST

10/14/2019

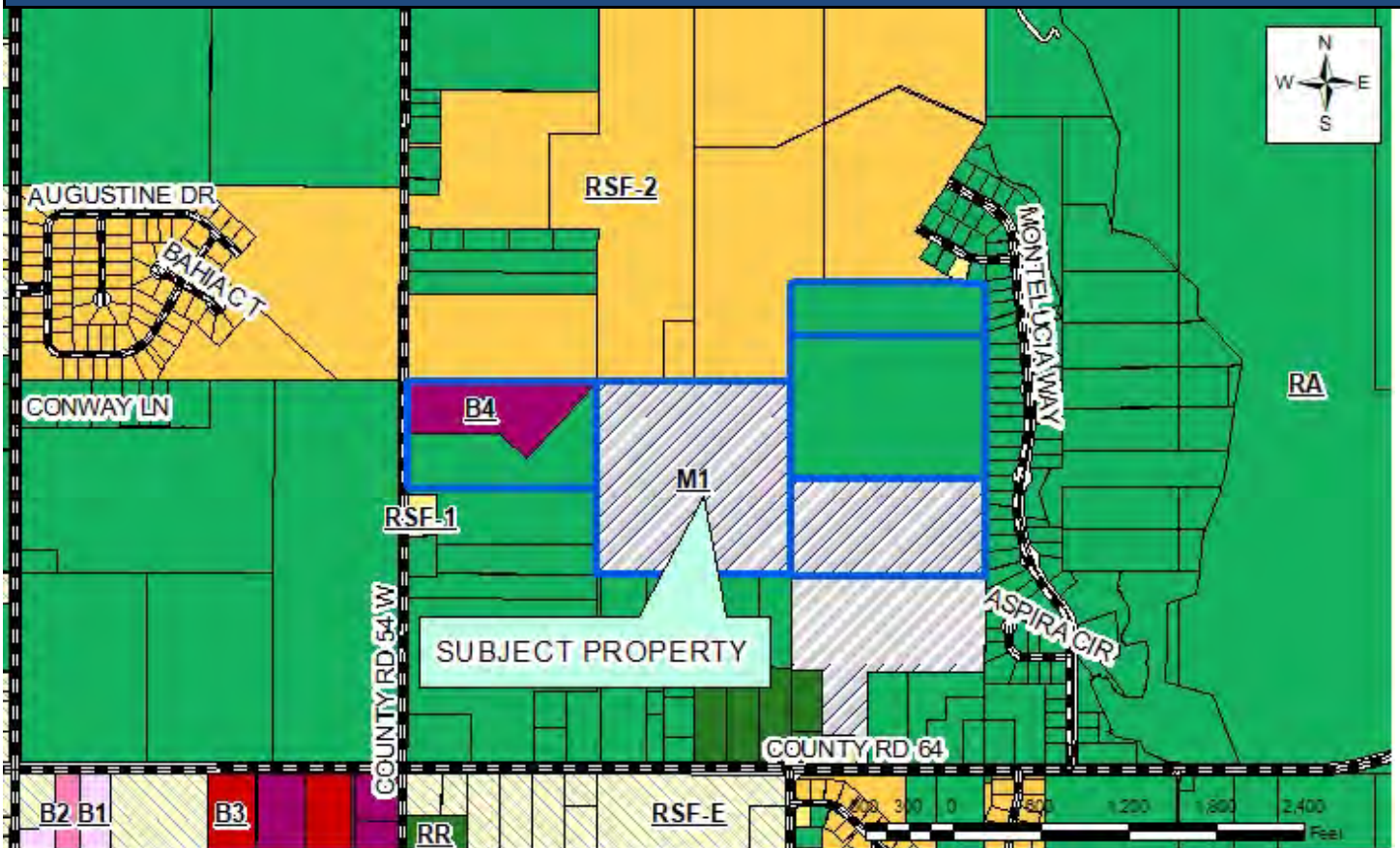


ADJOINING RESIDENCE

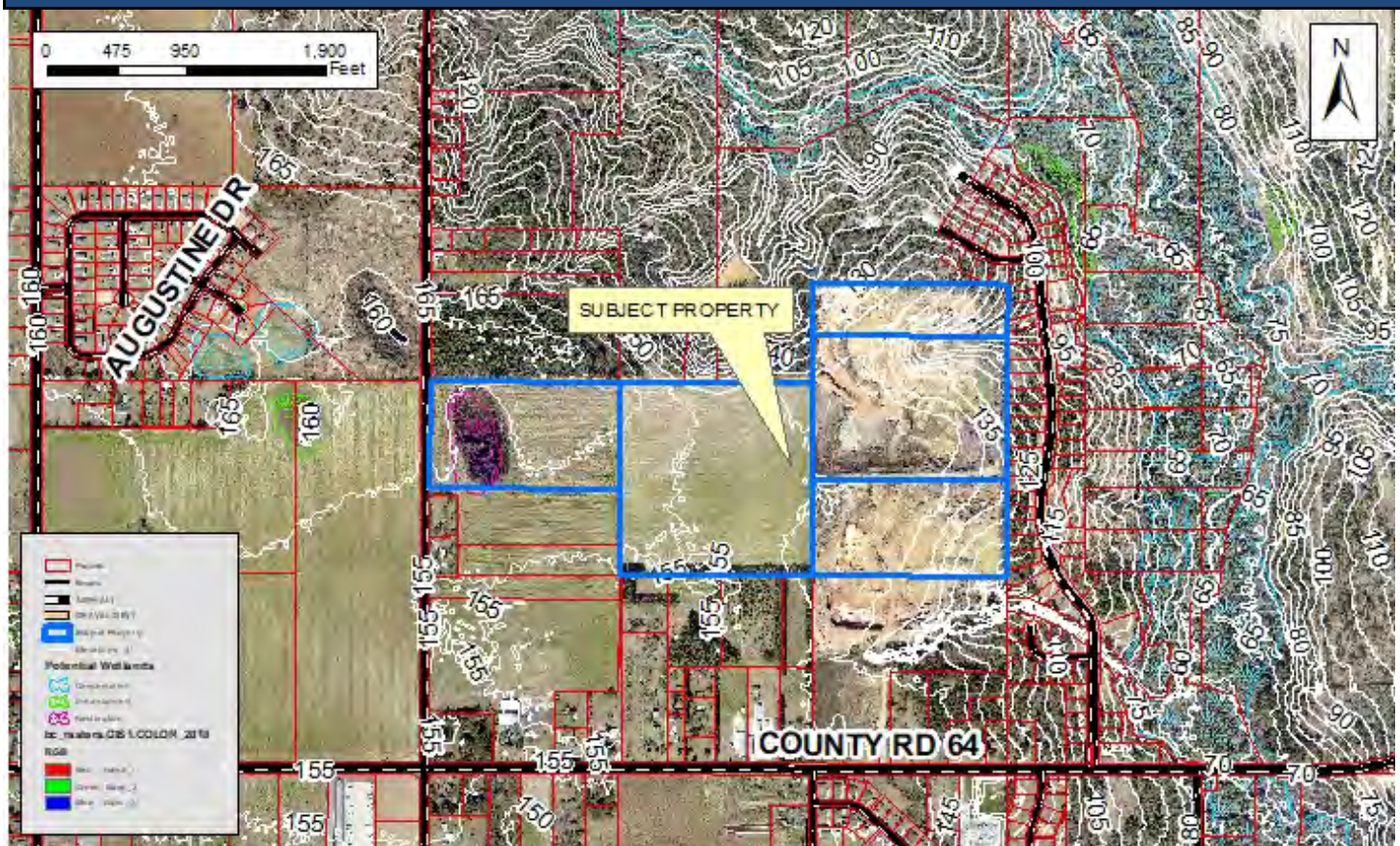
10/14/2019



Locator Map



Site Map







Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 8.g

Case No. Z-19055

Savannah Estates, Planned Residential Development (PRD) Site Plan Approval

November 7, 2019

Subject Property Information

Planning District:	15
General Location:	.4 mile north and .6 mile east of the intersection of Co Rd 54 and Co Rd 64
Physical Address:	N/A
Parcel Numbers:	05-43-06-13-0-000-002.009, 05-43-06-13-0-000-014.003, 05-43-06-13-0-000-013.000, 05-43-06-13-0-000-002.006 and 05-43-06-13-0-000-014.004
Existing Zoning:	RA, Rural Agricultural District, B-4, Major Commercial District, and M-1, Light Industrial District
Proposed Zoning:	RSF-2, Single Family District
Existing Land Use:	Undeveloped with an operating "Dirt Pit"
Proposed Land Use:	Residential (327 lot Planned Residential Development to be known as Savannah Estates)
Acreage:	122.3 acres, more or less
Applicant:	Kevin Kircharr 9949-A Bellaton Ave Daphne, AL 36526
Owner:	Same
Lead Staff:	Vince Jackson, Planning Director
Attachments:	<i>Within Report</i>

	Adjacent Land Use	Adjacent Zoning
North	Residential (Approved PRD)	RSF-2, Single Family
South	Residential, Agricultural, Dirt Pit	RA, RSF-1 & M-1
East	Residential (The Reserve at Daphne)	RA, Rural Agricultural
West	Agricultural	RA, Rural Agricultural

Summary

The subject properties, which consists of approximately 122.3 acres, are currently zoned RA, Rural Agricultural District, B-4, Major Commercial District, and M-1, Light Industrial District. The properties are predominantly undeveloped but include an operating dirt pit. The designation of RSF-2, Single Family District, has been requested to allow for a 327 lot Planned Residential Development (PRD) to be known as Savannah Estates. According to the information provided, the goal is to provide a variety of home choices from larger estate type lots to smaller residential lots. The Planning Commission previously considered and recommended approval of a PRD site plan for the subject properties on June 6, 2019 (Case Z-19011). The original submittal called for 392 lots on 148.55 acres.

Details of the accompanying rezoning application are discussed in the staff report for Case Z-19054.

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

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.*

Section 8.1 M-1, Light Industrial District

8.1.1 *Generally.* The purpose of this zoning district is to provide a suitable protected environment for manufacturing, research and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions, and generate little industrial traffic.

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

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) Light industrial uses.
- (c) Transportation, communication, and utility uses except landfills and sewer treatment plants.
- (d) Outdoor recreation uses.
- (e) Marine recreation uses.
- (f) General commercial uses except race tracks.
- (g) Local commercial uses.
- (h) Professional service and office uses.
- (i) Institutional uses.
- (j) Agricultural uses.
- (k) Accessory structures and uses.

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

- (a) Transportation, communication, and utility uses not permitted by right per *Section 8.2(c): Permitted uses.*

(b) General commercial uses not permitted by right per *Section 8.2(f): Permitted uses*.

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

Maximum Height of Structure in Feet	45
Maximum Height of Structure in Habitable Stories	4
Minimum Front Yard	25-Feet
Minimum Rear Yard	see (a & b)
Minimum Side Yards	see (a & b)
Minimum Lot Area	40,000 Square Feet
Maximum Impervious Surface Ratio	.80
Minimum Lot Width at Building Line	120-Feet
Minimum Lot Width at Street Line	No Minimum

(a) No minimum except where abutting a residential district, in which case there shall be a minimum yard of 25-feet abutting the residential district.

(b) The required yards shall be increased by one foot for each foot of building height in excess of 35-feet.

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

Baldwin County Highway Department:

Items relating to this site which raise concern.

1. A large portion of the proposed development is located within the footprint of existing excavated dirt pits which would require substantial fill. Building homes and roadway infrastructure over these fill areas can lead to major structural issues unless quality fill materials are used and extreme caution is taken during construction. If approved, major geotechnical and earthwork construction testing will be required.
2. This plan shows one proposed entrance onto CR 54 W. If a second entrance is required, where will it connect? The proposed future 80' right-of-way connecting to County Road 64 is approximately 500 feet east of the County Rd 54 E intersection. Creating an additional intersection conflict point within close proximity of the County Rd 54 E intersection as proposed is cause for concern with traffic safety. Traffic could be much better managed if the connection point were located directly across from the County Rd 54 E intersection. If connection point is not adjusted, controlled access management or limited access may be required for safety. An in-depth traffic analysis would be required to assess impacts to the surrounding roadways and intersections.
3. This site lies within Extra Territorial Jurisdiction of the City of Daphne. Subdivision approval from the City and Baldwin County will be required.

ADEM:

Regarding Case Z-19008 and Z-19011

From a desktop review, it appears that the subject properties contain wetlands and stream segments. Wetlands and streams are protected resources under §404 of the Clean Water Act. The applicant should consider having the properties evaluated for the presence of wetlands and streams prior to conducting any construction related land disturbance. Prior authorization from the Mobile District U.S. Army Corps of Engineers is required for any wetlands fill activity or stream impacts.

v/r,
J. Scott Brown, Chief
Mobile Field Office
Alabama Department of Environmental Management
251.304.1176

Municipality (City of Daphne): No comments received.

BCBE: No comments received.

Staff Analysis and Findings

The requirements and standards for review and approval of Planned Developments are found at Article 9 in the *Baldwin County Zoning Ordinance*. According to Section 9.1, It is the purpose of this article to permit Planned Developments which are intended to encourage the development of land as planned communities, encourage flexible and creative concepts of site planning; preserve the natural amenities of the land by encouraging scenic and functional open areas; accomplish a more desirable environment than would be possible through the strict application of the minimum requirements of these ordinances; provide for an efficient use of land resulting in smaller networks of streets and utilities where access to regional systems is impractical and thereby lowering development and housing costs; and provide a stable environmental character compatible with surrounding areas.

Planned Residential Development (PRD) approval requires the submission of a final site plan. The process works in much the same way as a rezoning, and the Planning Commission will make a recommendation to the County Commission as to whether or not the PRD site plan should be approved.

A PRD final site plan shall be prepared by a licensed engineer, architect or land surveyor. The requirements for the site plan are found at Section 9.5.5.2 of the zoning ordinance and are listed as follows:

- (a) Name and address of owner(s) of record.
- (b) Proposed name of the planned development, date, north point, scale, and location.
- (c) Name of licensed engineer, architect or land surveyor.
- (d) Vicinity map showing the location of the planned development.
- (e) Exact boundaries of the site shown with bearings and distances.
- (f) Names and addresses of the owners of land immediately adjoining the site as their names appear upon the plats in the office of the county tax assessor and their addresses appear in the directory of the county or on the tax records of the county.
- (g) Wooded areas, wetlands and any other conditions affecting the site.
- (h) The location of existing streets, buildings, water courses, railroads, transmission lines, drainage structures, public utilities, jurisdiction lines, and any public utility easements on the site and on adjacent land within 100-feet of the site.
- (i) Proposed rights-of-way or easements including location, widths, purposes, and street names.
- (j) The location and size of all lots.
- (k) Proposed minimum building setback lines shown and labeled on each lot.
- (l) Proposed parks, school sites, or other public open spaces, if any.
- (m) Site data:
 - 1. Acreage in total tract.
 - 2. Smallest lot size.
 - 3. Total number of lots.
 - 4. Linear feet in streets.
 - 5. Amount of impervious surface.
 - 6. Density.

(n) Any area within or adjacent within 100-feet of the proposed planned development subject to inundation by the base flood as defined herein, or subject to periodic inundation by storm drainage overflow or ponding, shall be clearly shown and identified on the site plan.

(o) Special flood hazard areas and/or coastal high hazard areas as indicated on the latest Flood Insurance Rate Map (FIRM) for the area, along with a statement to that effect.

(p) An acceptable wetlands jurisdictional determination from a certified environmental consultant if the proposed planned development contains wetlands or if the Zoning Administrator or his/her designee determines potential wetlands from the Generalized Wetland map as defined herein, or through a site visit by County Staff.

(q) The name of each utility company proposed to provide water, sewer, electrical, and telephone service.

(r) Proposed land uses and the location of proposed buildings and other structures including walls and fences (when appropriate).

(s) Number and location of parking spaces.

(t) The method proposed to maintain private common open areas, buildings or other facilities, including copies of all legal documents necessary to accomplish this.

(u) A schedule of development (when appropriate).

(v) Topography, including existing contours at intervals of 2-feet.

(w) When the final site plan is part of a large-scale PRD, the phase of the project and its location shall be given on the final development site plan.

As stated previously, the proposed development is to be known as Savannah Estates. According to the site plan, 327 lots are proposed. This would include 290 lots with a width of 52-feet and an approximate depth of 140-feet and 37 lots with a width of 75-feet and an approximate depth of 140-feet. The smallest lot proposed would be 7,280 square feet and the largest would be 13,500 square feet. Density would be 2.67 dwelling units per acre, and the proposed open space would be 37.7 acres which would exceed the 20 percent requirement.

If approved, the development would be constructed based on the following phases:

- Phase 1: 70 Lots (33 acres +/-)
- Future: 257 Lots (90 acres +/-)

A development of the size would be classified as a small scale planned development due to the fact it occupies at least five acres but less than 1000 acres. Copies of the site plan and full project narrative are included as attachments to this staff report.

The subject properties are located adjacent to property, zoned RSF-2, which has been approved for a 468.94 acre Planned Residential Development known as the Reserve at Daphne. This development was approved by

the Baldwin County Commission on November 20, 2018 (Case Z-18046). The project narrative is quoted as follows:

This is a proposed single family development consisting of 609 lots at a density of 1.30 units per acre. There are 204 lots proposed at 52' x 125' (6,500 s.f.) and 317 lots at 60' x 135' (8,100 s.f.) and 88 lots at 100' x 150' (15,000 s.f.). The proposed building setbacks are 25' front and rear with 6' side setbacks on the 52' wide lots, 30' front and rear with 6' side setbacks on the 62' wide lots, and 30' front and rear with 10' side setbacks on the 100' wide lots. Phase 2 of The Reserve, is currently going through the subdivision process. Staff feels that the proposal for Savannah Estates is consistent with the approval granted for The Reserve at Daphne

Staff has reviewed the submittals and has found that the request meets the requirements as setout above. Please note that PRD site plan approval does not represent Subdivision approval. Where a planned development involves the subdivision of land, a subdivision plat shall be approved in accordance with the procedures established in the *Baldwin County Subdivision Regulations*. Subdivision review will come at a later date. The subject properties are located in the extra territorial jurisdiction for the City of Daphne and must meet the subdivision requirements for the City and Baldwin County.

Staff Comments and Recommendation

As stated previously, the subject properties, which consists of approximately 122.3 acres, are currently zoned RA, Rural Agricultural District, B-4, Major Commercial District, and M-1, Light Industrial District. The properties are predominantly undeveloped but include an operating dirt pit. The designation of RSF-2, Single Family District, has been requested to allow for a 327 lot Planned Residential Development (PRD) to be known as Savannah Estates. According to the information provided, the goal is to provide a variety of home choices from larger estate type lots to smaller residential lots. The Planning Commission previously considered and recommended approval of a PRD site plan for the subject properties on June 6, 2019 (Case Z-19011). The original submittal called for 392 lots on 148.55 acres.

A development of this size will typically generate many issues. Staff has received several correspondences indicating concerns with the proposal. While public sentiment is not a factor formulating a recommendation, the comments and concerns should be given careful consideration when determining whether or not to grant approval. In addition, agency comments, such as the following, should also be considered:

Comments from the Baldwin County Highway Department:

1. A large portion of the proposed development is located within the footprint of existing excavated dirt pits which would require substantial fill. Building homes and roadway infrastructure over these fill areas can lead to major structural issues unless quality fill materials are used and extreme caution is taken during construction. If approved, major geotechnical and earthwork construction testing will be required.
2. This plan shows one proposed entrance onto CR 54 W. If a second entrance is required, where will it connect? The proposed future 80' right-of-way connecting to County Road 64 is approximately 500 feet east of the County Rd 54 E intersection. Creating an additional intersection conflict point within close proximity of the County Rd 54 E intersection as proposed is cause for concern with traffic safety. Traffic could be much better managed if the connection point were located directly across from the County Rd 54 E intersection. If connection point is not adjusted, controlled access management or limited access may be required for safety. An in-depth traffic analysis would be required to assess impacts to the surrounding roadways and intersections.

Comments of Scott Brown from the Alabama Department of Environmental Management (ADEM):

From a desktop review, it appears that the subject properties contain wetlands and stream segments. Wetlands and streams are protected resources under §404 of the Clean Water Act. The applicant should consider having the properties evaluated for the presence of wetlands and streams prior to conducting any construction related land disturbance. Prior authorization from the Mobile District U.S. Army Corps of Engineers is required for any wetlands fill activity or stream impacts.

The issues related to fill, as discussed above, were of particular concern during the Commission work session with the previous submittal. Additional information is included in the project narrative, and staff has requested additional comments from the Highway Department. The issue will continue to be evaluated as the application works its way through the process.

The significant population growth which has occurred throughout Planning District 15 indicates that there is a need for additional lots and that the proposal will be consistent with development patterns and trends in the area, such as The Reserve at Daphne. While the subject request and The Reserve each stand on their own merits, staff believes it is important to be consistent in its recommendations given the approval which was granted for The Reserve. Unless information to the contrary is obtained from the public hearing, Case Z-19011, Savannah Estates Planned Residential Development Site Plan should be recommended to the County Commission for **APPROVAL**. *

The details and issues pertaining to the rezoning application are discussed in the staff report for Case Z-19008.

**On Planned Residential Development (PRD) Site Plan approval applications, the Planning Commission will be making a recommendation to the County Commission.*

Property Images









ADJOINING PROPERTY
TO THE WEST

10/14/2019

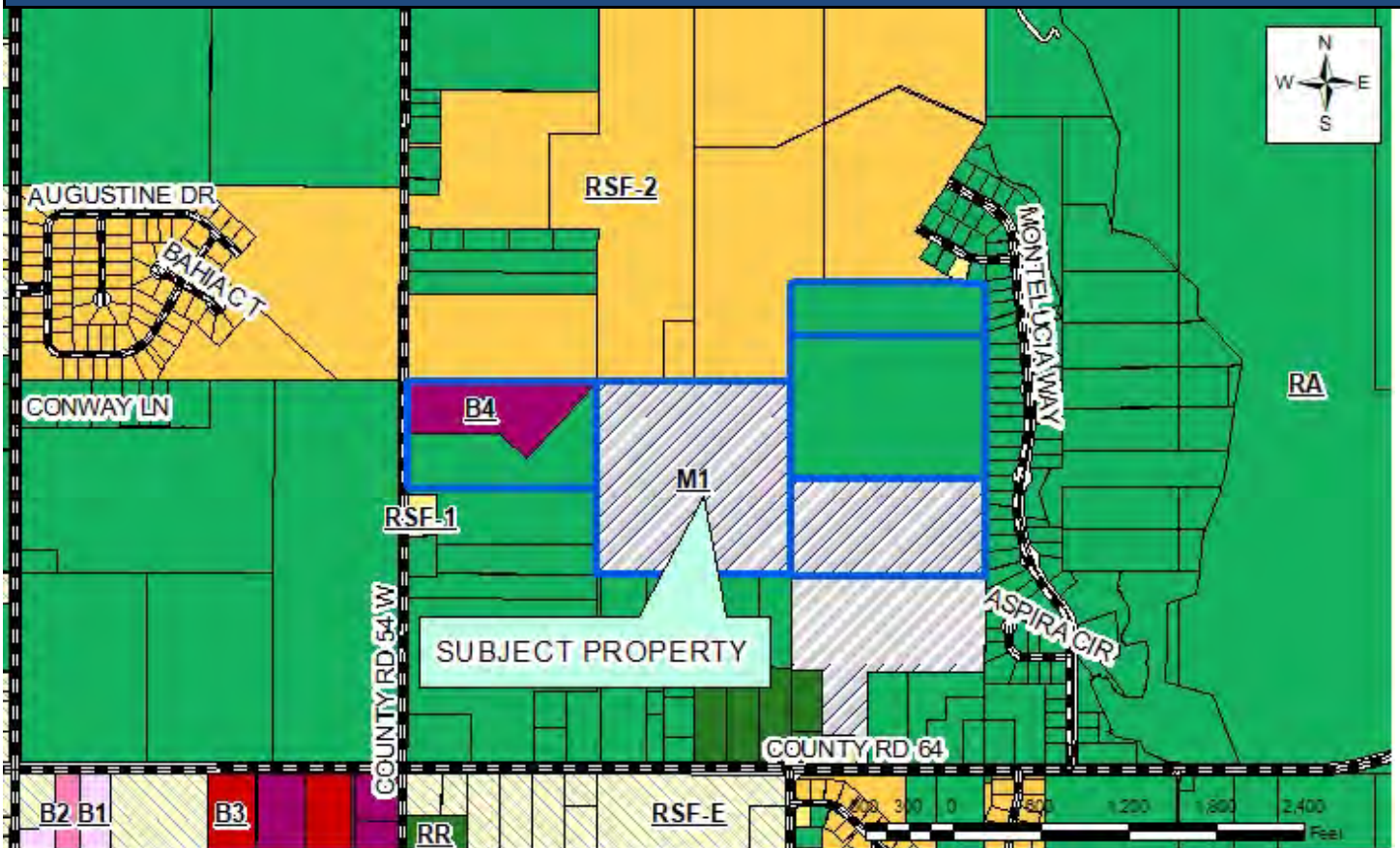


ADJOINING RESIDENCE

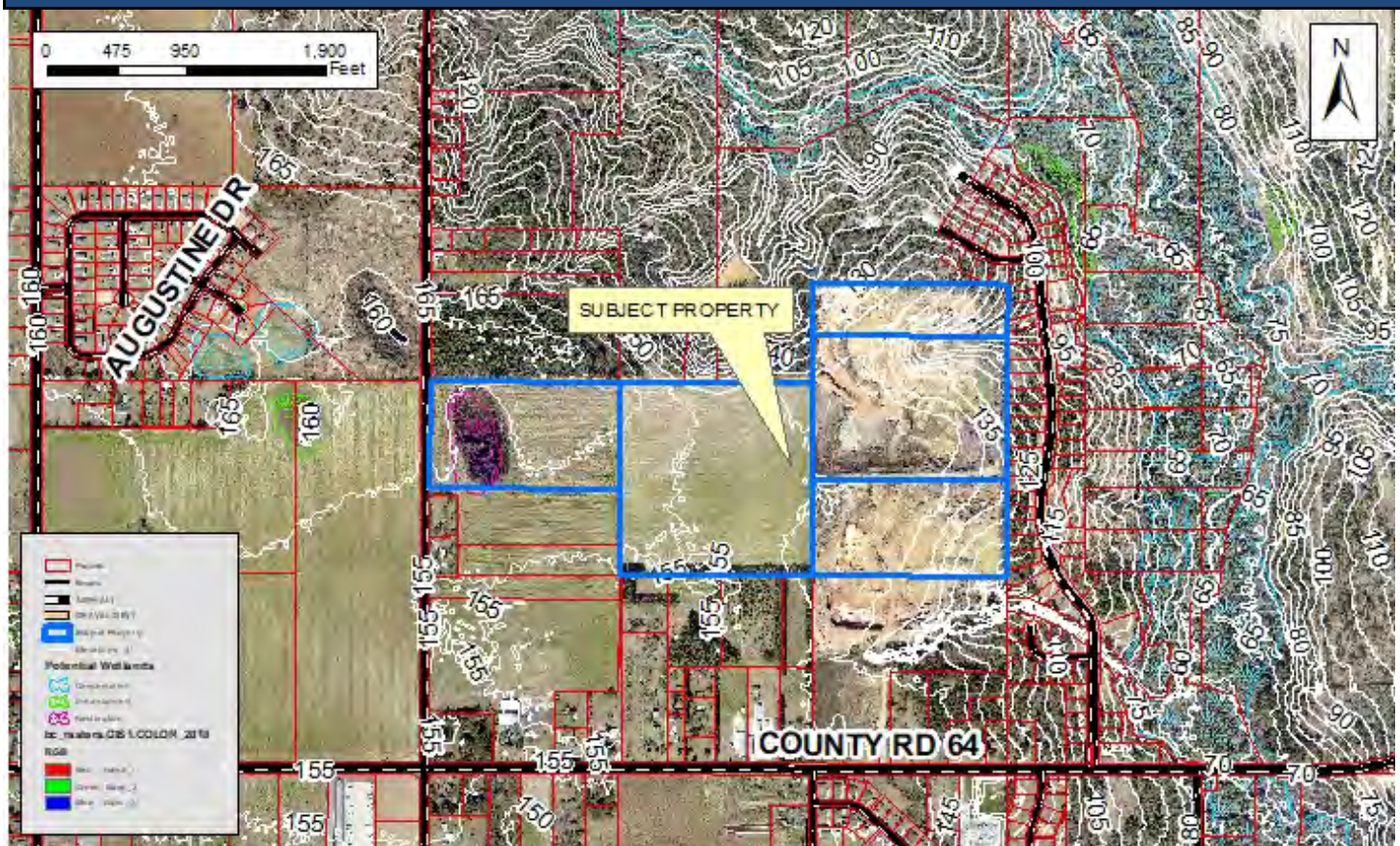
10/14/2019

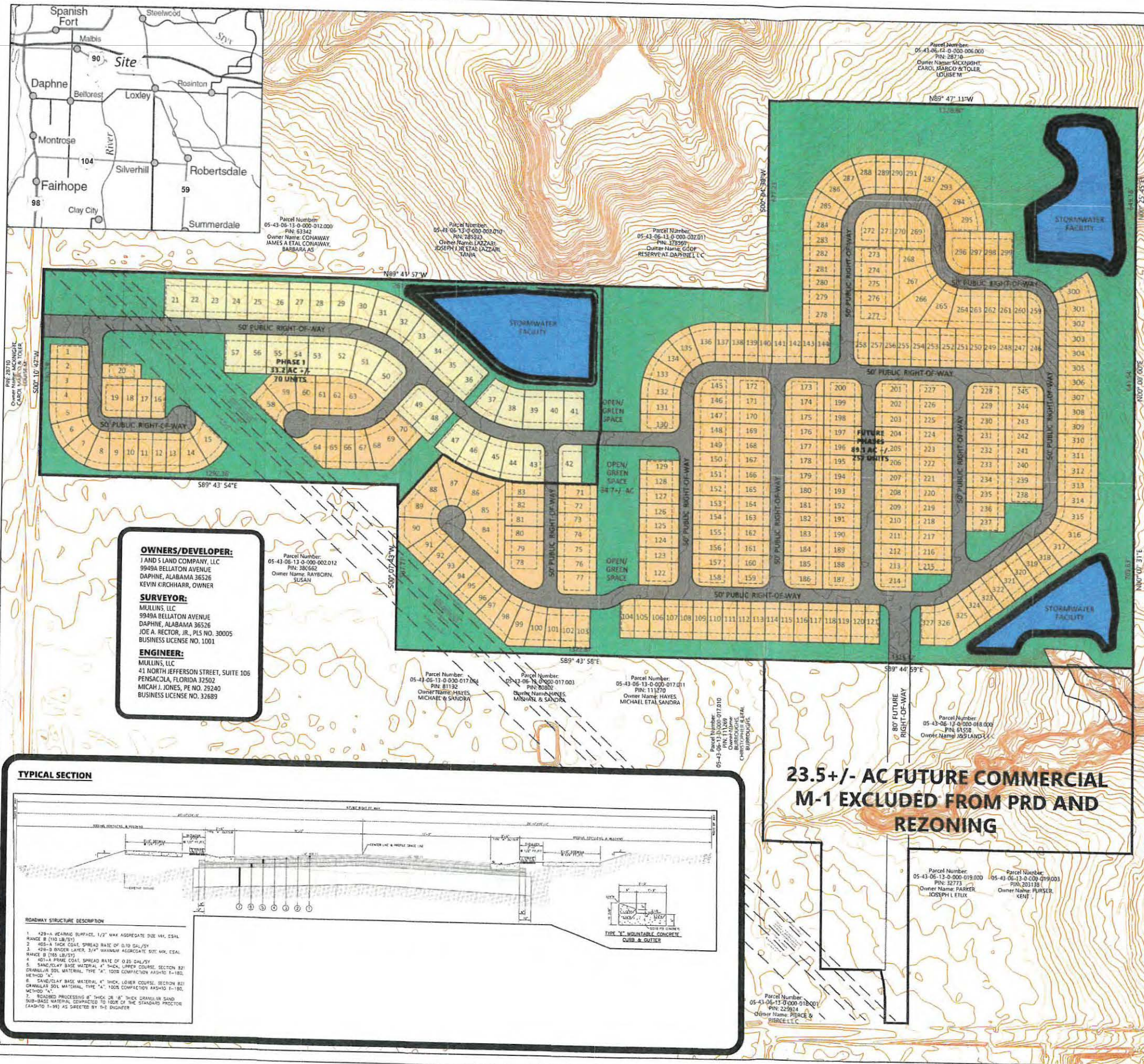


Locator Map



Site Map





SAVANNAH ESTATES Planned Residential Development OCTOBER 2019

PROPOSED PUD LOT DATA

PROPERTY ACREAGE:	122.3± ACRES (TOTAL)
52'S LOTS:	290 LOTS
75'S LOTS:	37 LOTS
TOTAL LOTS:	327 LOTS
LENGTH OF ROADS:	20,000± LF

DENSITY

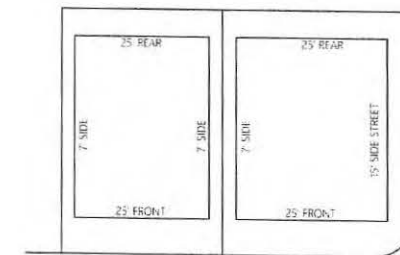
327 UNITS / 122.3 ACRES = 2.67 UNITS PER ACRE
UNIT CALC: 122.3 AC x 43,560 = 5,327,388 sq ft / 15,000 sq ft = 355

OPEN SPACE

OPEN SPACE REQUIRED:	20%
OPEN SPACE PROVIDED:	26%
OPEN SPACE AREA:	31.7 AC +/-
POND AREA:	9.1 AC +/-
TOTAL AREA:	40.8 AC +/-

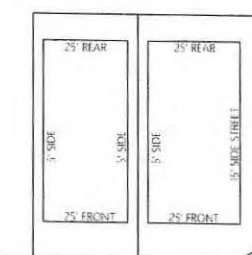
UTILITY SERVICES

WATER: BELFLOREST WATER SYSTEM
SEWER: BALDWIN COUNTY SEWER SERVICES
ELECTRIC: RIVERVIEW UTILITIES
TELEPHONE: AT&T



LOT DETAIL

75' X 140' (TYP)
37 LOTS



LOT DETAIL

52' X 140' (TYP)
290 LOTS

GENERAL NOTES:

- All common areas, including drainage facilities outside the R/W's, are not the responsibility of Baldwin County to maintain, but shall be owned and maintained by the Savannah Estates property owners association, as outlined in the covenants and restrictions, to be recorded in the Baldwin County probate records.
- All utilities will be constructed underground. For the location of all utilities, refer to construction plans.
- There is dedicated herewith a 10 foot utility easement on all lot lines adjacent to rights-of-way and a 10 foot (5 feet each side) utility easement along all side lot lines and a 10' utility easement along all common area right-of-ways, unless otherwise shown hereon.
- There is dedicated herewith a 10 foot (5 feet each side) drainage easement along the side and rear of all lots, unless otherwise shown hereon.
- There is dedicated herewith a 10 foot (5 feet each side) drainage and utility easement where rear lot lines abut side lot lines.
- Four foot concrete sidewalks shall be constructed by homeowner/homebuilder along the street frontage of each lot during home construction on one side of road and must be completed and approved in order to obtain certificate of occupation (C.O.).

FLOOD CERTIFICATE:

This property lies within Zone "X" (unshaded) as scaled from the Federal Emergency Management Agency's Flood Insurance Rate Map of Baldwin County, Alabama, Map Number 0103030530L, Community Number 015000, Panel Number 0530, Suffix L and Map Number 0103030540L, Community Number 015000, Panel Number 0540, Suffix L, Map revised date July 17, 2007.

OWNERS/DEVELOPER:

J AND S LAND COMPANY, LLC
9949A BELLATON AVENUE
DAPHNE, ALABAMA 36526
KEVIN KIRCHHARR, OWNER

SURVEYOR:

MULLINS, LLC
9949A BELLATON AVENUE
DAPHNE, ALABAMA 36526
JOE A. RECTOR, JR., PLS NO. 30005
BUSINESS LICENSE NO. 1001

ENGINEER:

MULLINS, LLC
41 NORTH JEFFERSON STREET, SUITE 106
PENSACOLA, FLORIDA 32502
MICHAEL J. JONES, PE NO. 29240
BUSINESS LICENSE NO. 32689

Parcel Number:
05-43-06-13-0-000-012-000
PIN: 53342
Owner Name: CONWAY,
JAMES A ETAL CONWAY,
BARBARA AS

Parcel Number:
05-43-06-13-0-000-002-010
PIN: 32853
Owner Name: LAZZARI,
JOSEPH J ETAL LAZZARI,
TAMAR

Parcel Number:
05-43-06-13-0-000-002-011
PIN: 37859
Owner Name: GOOP,
RESERVE AT DAPHNE LLC

Parcel Number:
05-43-06-13-0-000-017-004
PIN: 81192
Owner Name: HAYES,
MICHAEL & SANDRA

Parcel Number:
05-43-06-13-0-000-017-003
PIN: 80802
Owner Name: HAYES,
MICHAEL & SANDRA

Parcel Number:
05-43-06-13-0-000-017-011
PIN: 111270
Owner Name: HAYES,
MICHAEL ETAL SANDRA

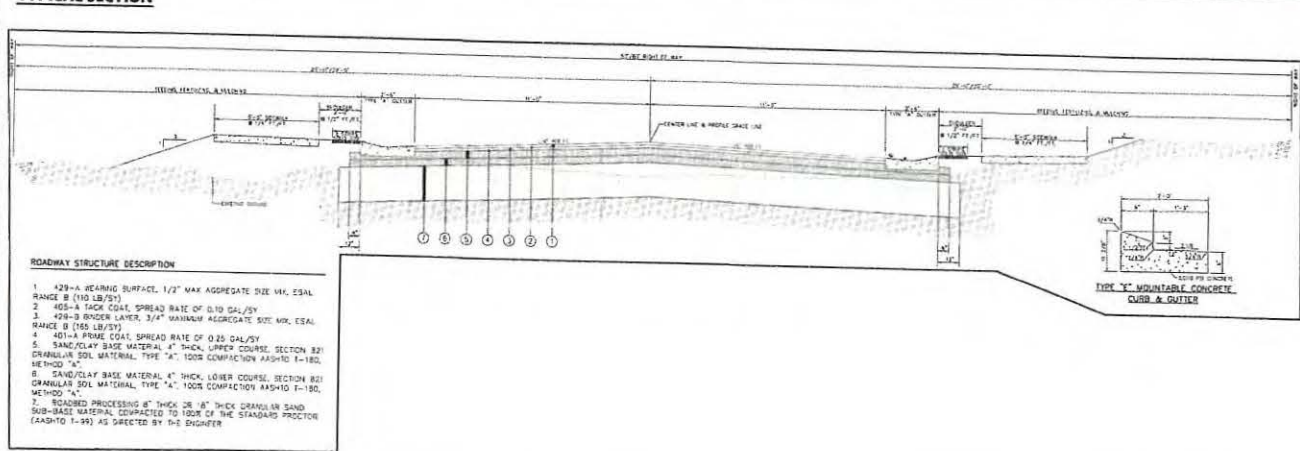
Parcel Number:
05-43-06-13-0-000-017-010
PIN: 111270
Owner Name: HAYES,
MICHAEL ETAL SANDRA

Parcel Number:
05-43-06-13-0-000-019-000
PIN: 32773
Owner Name: PARKER,
JOSEPH L ETAL

Parcel Number:
05-43-06-13-0-000-019-003
PIN: 203118
Owner Name: PURSER,
KENT

Parcel Number:
05-43-06-13-0-000-018-001
PIN: 229824
Owner Name: PIERCE &
DIERCE LLC

TYPICAL SECTION



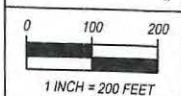
23.5+/- AC FUTURE COMMERCIAL
M-1 EXCLUDED FROM PRD AND
REZONING

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MULLINS, LLC
9949A Bellatton Avenue,
Daphne, AL 36526
(850) 378-8141



Preliminary Plan
Savannah Estates PUD
Baldwin County, AL
PREPARED FOR: J and S Land Company, LLC



Rev: 10/04/2019
Drawn by: JAR
Checked by: KIR
SHEET NUMBER
1

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CONCLUSION

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SAVANNAH ESTATES EXECUTIVE SUMMARY

The parcels for the Savannah Estates Subdivision are 122.3 +/- acres, within a zoned area of Baldwin County, Alabama. (See Figure 2) The site consists mainly of open farm land covering the western portion of the site, and a sand mining operation on the eastern. The proposed development is to follow the Rezoning and PRD (Planned Development Districts) process within Article 9 of the Baldwin County Zoning Ordinances, Baldwin County, Alabama.

The purpose of this article to permit Planned Developments which are intended to encourage the development of land as planned communities, encourage flexible and creative concepts of site planning; preserve the natural amenities of the land by encouraging scenic and functional open areas; accomplish a more desirable environment than would be possible through the strict application of the minimum requirements of these ordinances; provide for an efficient use of land resulting in smaller networks of streets and utilities where access to regional systems is impractical and thereby lowering development and housing costs; and provide a stable environmental character compatible with surrounding areas.



Figure 1 – Proposed Development

The property is submitted for rezoning to accommodate a Plan Residential Development. The goal is to provide a variety of home choices from larger estate type lots to smaller residential lots. The change requested will make the property consistent with zoning of parcel north and south of the submitted parcels. A preliminary plan is displayed above.

The minimum lot size for single family residential lots are shown to be 7,280 sf. The largest lot size proposed is 13,500 sf.

BACKGROUND OF PROPERTY

The parcels that make up the development are current recorded as six (6) separate parcels. 05-43-06-13-0-000-002.009, 05-43-06-13-0-000-014.004 and 05-43-06-13-0-000-018.000, are owned by J & S Land, LLC, a company in which Kevin Kirchharr is an owner, 05-43-06-13-0-000-014.003 is owned by Triple K Mining, LLC, also a company in which Kevin Kirchharr is an owner, and 05-43-06-13-0-000-013.000 and 05-43-06-13-0-000-002.006 are recorded as owned, personally, by Kevin Kirchharr.

The parcel, 05-43-06-13-0-000-014.004 is owned by J & S Land, LLC and is currently recently used for a sand mining operation which is in the process of being closed out with the State of Alabama. Parcels 05-43-06-13-0-000-013.000 and 05-43-06-13-0-000-002.006 owned by Kevin Kirchharr are also sand mining operations with activities that are being concluded and the similar close out process is underway. Upon successful close out, a reclamation process which entail grading and stabilization will be completed.

The remaining parcels 05-43-06-13-0-000-014.003 owned by Triple K Mining, LLC and 05-43-06-13-0-000-002.009 owned by J & S Land, LLC, are currently open farmland.

Presently the overall tract is divided into several different zoning categories as follows:

- 05-43-06-13-0-000-002.009 – Split between B-4 Major Commercial and RA Rural Agricultural.
- 05-43-06-13-0-000-014.004 – M1 Light Industrial.
- 05-43-06-13-0-000-018.000 – M1 Light Industrial.
- 05-43-06-13-0-000-013.000 – RA Rural Agricultural.
- 05-43-06-13-0-000-002.006 – RA Rural Agricultural.
- 05-43-06-13-0-000-014.003 – M1 Light Industrial.




Baldwin County Planning and Zoning Department Agent Authorization Form


I/We authorize and permit Mullins LLC to act as my/our representative and agent in any manner regarding this application which relates to property described as tax parcel ID# [SEE PARCEL NUMBERS BELOW]. I/We understand that the agent representation may include but not be limited to decisions relating to the submittal, status, conditions, or withdrawal of this application. In understanding this, I/we release Baldwin County from any liability resulting from actions made on my/our behalf by the authorized agent and representative. I hereby certify that the information stated on and submitted with this application is true and correct. I also understand that the submittal of incorrect information will result in the revocation of this application and any work performed will be at the risk of the applicant. I understand further that any changes which vary from the approved plans will result in the requirement of a new Land Use Certificate.

*NOTE: All correspondence will be sent to the authorized representative. It will be the representative's responsibility to keep the owners adequately informed as to the status of the application.

PROPERTY OWNER(S)

Kevin Kirchharr
Name(s) [printed]
9949A Bellaton Avenue
Mailing Address
Daphne, AL 36526
City/State
251-947-4326
Phone
Fax #
Signature(s)  Date 3/4/2019

AUTHORIZED AGENT

Joe A. Rector, Jr. / Mullins LLC
Name(s) [printed]
9949A Bellaton Avenue
Mailing Address
Daphne, AL 36526
City/State
850-502-7160
Phone
Fax #
Signature(s)  Date 3/4/2019

05-43-06-13-0-000-002.009
05-43-06-13-0-000-014.003
05-43-06-13-0-000-013.000
05-43-06-13-0-000-002.006
05-43-06-13-0-000-014.004
05-43-06-13-0-000-018.000

REV. 10-8-2013



Figure 2 – Current Zoning



Figure 3 – Proposed Zoning to RSF-2

LEGAL DESCRIPTION FOR REZONING PARCELS

LEGAL DESCRIPTION: 22 AC(C) COM AT THE SW COR OF SEC 13 RUN TH N 1904.6', TH E 29.4' FOR POB TH RUN N 736.7', TH E 1304.9', TH S 736.7', TH W 1300.7' TO POB SEC 13-T5S-R2E (WD); 40 AC(C) THE NE1/4 OF SW1/4 OF SEC 13-T5S-R2E (VL); 10 AC N1/2 OF S1/2 OF SW1/4 OF NE1/4 SEC 13-5-2 (WD); 30 AC N1/2 OF NW1/4 OF SE1/4 & S1/2 OF S1/2 OF SW1/4 OF NE1/4 DB523 PG988 SEC 13-T5S-R2E (WD); 20 AC(C) THE S 1/2 OF NW 1/4 OF SE 1/4 OF SEC 13-T5S-R2E (VLD)



**Baldwin County
Revenue Commissioner**

Property Appraisal Link

BALDWIN COUNTY, AL

Current Date 5/29/2019

Tax Year 2019

Valuation Date October 1, 2018

OWNER INFORMATION

PARCEL 43-06-13-0-000-002.009 **PPIN** 213760 **TAX DIST** 02
NAME J & S LAND L L C
ADDRESS 23505 LAWRENCE MOSLEY RD
 ROBERTSDALE AL 36567
DEED TYPE IN **BOOK** 0000 **PAGE** 1622991
PREVIOUS OWNER PURSLEY, REBECCA C ETAL CREAMER, MELVIN
LAST DEED DATE 3/14/2017

DESCRIPTION

22 AC(C) COM AT THE SWCOR OF SEC 13 RUN TH N 1904.6', TH E 29.4' FOR POB TH RUN N 736.7', TH E 1304.9', TH S 736.7', TH W 1300.7' TO POB SEC 13-T5S-R2E (WD)

PROPERTY INFORMATION

PROPERTY ADDRESS
NEIGHBORHOOD DAPHNE **DAPHNE AREA**
PROPERTY CLASS SUB CLASS
LOT BLOCK
SECTION/TOWNSHIP/RANGE 00-00 -00
LOT DIMENSION **ZONING**

PROPERTY VALUES

LAND: 231700 **CLASS1:** **TOTAL ACRES:** 22.00
BUILDING: **CLASS2:** **TIMBER ACRES:**
 ===== **CLASS3:** 231700
TOTAL PARCEL VALUE: 231700
ESTIMATED TAX: \$29.68
TOTAL USE VALUE: 10549

DETAIL INFORMATION

CODE	TYPE	REF	METHOD	DESCRIPTION	LAND USE	TCHS	MARKET USE	VALUE	VALUE
U	USE	2	ST	AC8 15.00 acres	8210-PASTURE(GOOD B1)	3	N N	7980	
M	LAND	3	ST	AC8 22.00 acres	8100-AGRICULTURAL	3	N N	231700	
U	USE	4	ST	AC8 3.00 acres	8220-PASTURE (AVG B2)	3	N N	1329	
U	USE	5	ST	AC8 4.00 acres	8230-PASTURE(POOR B3)	3	N N	1240	

Figure 4 – Ownership Parcel A



**Baldwin County
Revenue Commissioner**

Property Appraisal Link

BALDWIN COUNTY, AL

Current Date 5/29/2019

Tax Year 2019

Valuation Date October 1, 2018

OWNER INFORMATION

PARCEL 43-06-13-0-000-014.004 PPIN 344739 TAX DIST 02
NAME J & S LAND L L C
ADDRESS 9949-A BELLATON AVE
DAPHNE AL 36526
DEED TYPE IN BOOK 0000 PAGE 1711979
PREVIOUS OWNER DC MINING INC
LAST DEED DATE 6/28/2018

DESCRIPTION

20 AC(C) THE S 1/2 OF NW 1/4 OF SE 1/4 OF SEC 13-T3S-R2E (WD
)

PROPERTY INFORMATION

PROPERTY ADDRESS
NEIGHBORHOOD DAPHNE DAPHNE AREA
PROPERTY CLASS SUB CLASS
LOT BLOCK
SECTION/TOWNSHIP/RANGE 00-00 -00
LOT DIMENSION ZONING

PROPERTY VALUES

LAND: 148300 CLASS 1: TOTAL ACRES: 20.00
BUILDING: CLASS 2: 148300 TIMBER ACRES:
===== CLASS 3:
TOTAL PARCEL VALUE: 148300
ESTIMATED TAX: \$831.60

DETAIL INFORMATION

CODE	TYPE	REF METHOD	DESCRIPTION	LAND USE	TCHSPN	MARKET USE VALUE	VALUE
M	LAND	1	ST AC8 20.00 acres	8600-DIRT PIT	2	N N	148300

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Figure 5 – Ownership Parcel B



**Baldwin County
Revenue Commissioner**

Property Appraisal Link

BALDWIN COUNTY, AL

Current Date 5/29/2019

Tax Year 2019

Valuation Date October 1, 2018

OWNER INFORMATION

PARCEL	43-06-13-0-000002.006	PPIN 067263	TAX DIST 02
NAME	KIRCHHARR, KEVIN		
ADDRESS	9949 A BELLATON AVE (MA) DAPHNE AL 36526		
DEED TYPE IN	BOOK 0000	PAGE	0784585
PREVIOUS OWNER	LAZZARI, VICTOR		
LAST DEED DATE	1/12/2004		

DESCRIPTION

30 AC N1/2 OF NW1/4 OF SE1/4 & S1/2 OF S1/2 OF SW1/4 OF NE1/
4 DB523 PG988 SEC 13-T5S-52E (WD)

PROPERTY INFORMATION

PROPERTY ADDRESS		
NEIGHBORHOOD	DAPHNE	DAPHNE AREA
PROPERTY CLASS		SUB CLASS
LOT BLOCK		
SECTION/TOWNSHIP/RANGE	00-00-00	
LOT DIMENSION		ZONING

PROPERTY VALUES

LAND:	180000	CLASS 1:	TOTAL ACRES:	30.00
BUILDING:		CLASS 2:	TIMBER ACRES:	
	=====	CLASS 3:	180000	
TOTAL PARCEL VALUE:	180000			
ESTIMATED TAX:	\$504.00			

DETAIL INFORMATION

CODE	TYPE	REF	METHOD	DESCRIPTION	LAND USE	TCHSPr	MARKET USE
						VALUE	VALUE
M	LAND	4	ST	AC2	30.00 acres	2100-AGRICULTURAL	3 N N 180000

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Figure 7 – Ownership Parcel D



**Baldwin County
Revenue Commissioner**

Property Appraisal Link

BALDWIN COUNTY, AL

Current Date 5/29/2019

Tax Year 2019

Valuation Date October 1, 2018

OWNER INFORMATION

PARCEL	43-06-13-0-000-013.000	PPIN 072802	TAX DIST 02
NAME	KIRCHHARR, KEVIN K		
ADDRESS	9949 A BELLATON AVE (MA) DAPHNE AL 36526		
DEED TYPE IN	BOOK 0000	PAGE	0845638
PREVIOUS OWNER	LAZZARI, TIMOTHY MARK		
LAST DEED DATE	10/5/2004		

DESCRIPTION

10 AC N1/2 OF S1/2 OF SW1/4 OF NE1/4 SEC 13-5-2 (WD)

PROPERTY INFORMATION

PROPERTY ADDRESS		
NEIGHBORHOOD	DAPHNE	DAPHNE AREA
PROPERTY CLASS		SUB CLASS
LOT BLOCK		
SECTION/TOWNSHIP/RANGE	00-00 -00	
LOT DIMENSION		ZONING

PROPERTY VALUES

LAND:	60000	CLASS 1:	TOTAL ACRES:	10.00
BUILDING:		CLASS 2:	TIMBER ACRES:	
	=====	CLASS 3:	60000	
TOTAL PARCEL VALUE:	60000			
ESTIMATED TAX:	\$168.00			

DETAIL INFORMATION

CODE	TYPE	REF	METHOD	DESCRIPTION	LAND USE	TCHsPr	MARKET USE VALUE	VALUE
M	LAND	6	ST	AC2	10.00 acres	8100-AGRICULTURAL	3	N N 60000

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Figure 8 – Ownership Parcel E



Baldwin County
Revenue Commissioner

Property Appraisal Link

BALDWIN COUNTY, AL

Current Date 5/29/2019

Tax Year 2019

Valuation Date October 1, 2018

OWNER INFORMATION

PARCEL	43-06-13-0-000-014.003	PPIN 274727	TAX DIST 02
NAME	TRIPLE K MINING L L C		
ADDRESS	9949 BELLATON AVE DAPHNE AL 365268786		
DEED TYPE IN	BOOK 0000	PAGE 1569415	
PREVIOUS OWNER	CROSSROADS L L C		
LAST DEED DATE	4/29/2016		

DESCRIPTION

40 AC(C) THE NE1/4 OF SW1/4 OF SEC 13-T5S-R2E (V1)

PROPERTY INFORMATION

PROPERTY ADDRESS		
NEIGHBORHOOD	DAPHNE	DAPHNE AREA
PROPERTY CLASS		SUB CLASS
LOT BLOCK		
SECTION/TOWNSHIP/RANGE	00-00 -00	
LOT DIMENSION		ZONING

PROPERTY VALUES

LAND:	500000	CLASS1:	TOTAL ACRES:	40.00
BUILDING:		CLASS2:	TIMBER ACRES:	
	=====	CLASS3:	500000	
TOTAL PARCEL VALUE:	500000			
ESTIMATED TAX:	\$1,400.00			

DETAIL INFORMATION

CODE	TYPE	REF	METHOD	DESCRIPTION	LAND USE	TC	HsPn	MARKET USE
								VALUE VALUE
M	LAND	3	ST	AC8	40.00 acres	9100-UNDEVELOP	LAND 3	N N 500000

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Figure 9 – Ownership Parcel F

