



Baldwin County Planning & Zoning Commission Agenda

Thursday, July 9, 2020

5:00 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. **Announcements/Registration to address the Commission.**
6. **Consideration of Applications and Requests: Re-Zoning Cases**

a.) Case P-20002, Neat Property

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

Purpose: The applicant is requesting an extension to an approved Conditional Use Approval to allow an event and wedding venue to operate on property zoned RA.

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

b.) Case P-20006, Hayes 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 an automobile sales and restaurant with pick-up window to operate on property zoned B-3.
- Location: The subject property is located on the east side of State Highway 181 to the east of Pleasant Road, in Planning District 15.

c.) Case P-20007, Ono Island POA Property

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

- Purpose: The applicant is requesting Conditional Use Approval to allow a fire station with live-in facility on property zoned OR.
- Location: The subject property is located on the southwest corner of River Road and Dolphin Drive., in Planning District 24.

d.) Case Z-20008, Lambert Ventures 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 13 acres more or less from RSF-2 to RA to allow a landscape business to operate on the parcel.
- Location: The subject property is located on the south side of US Highway 90, west of Bay Branch Drive, in Planning District 28.

e.) Case Z-20009, Hrabovsky Property

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

Purpose: The applicant is requesting to rezone 23 acres more or less from RSF-4 to RSF-E to allow agricultural and residential use of the property.

Location: The subject property is located south and west of Yorkshire Subdivision, in Planning District 15.

f.) Case Z-20012, Sweatt Property

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

Purpose: The applicant is requesting to rezone 23.22 acres more or less from RSF-1, RMF-6 and B-2 to HDR, High Density Residential, to allow a multi-family residential (270-unit apartment home community) on the parcel.

Location: The subject property is located on the west side of State Highway 181 and Rigsby Road, in Planning District 15.

g.) Case Z-20016, Puckett Property

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

Purpose: The applicant is requesting to rezone 1-acre of a 7.26-acre parcel from RSF-E to B-3 to allow commercial use of the parcel.

Location: The subject property is located on north side of County Road 64, east of State Highway 181, in Planning District 15.

h.) Case Z-20017, Pelfrey Property

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

Purpose: The applicant is requesting to rezone 13.9-acres more or less from RSF-1 to RA to allow residential and agricultural use of the property

Location: The subject property is located on the west side of County Road 93, south of Sunset Drive, in Planning District 22.

i.) Case Z-20018, DCF, 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 38 acres from RA to RSF-2 to allow development of a single-family residential subdivision on the parcel.
- Location: The subject property is located on the southeast corner of the intersection of Rigsby Road and Larry Street Road, north of St. Augustine Subdivision, in Planning District 15.

j.) Case Z-20020, Cahoon Property

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

- Purpose: The applicant is requesting to rezone 4.5 acres +/- from RSF-1 to RMH to allow expansion of an existing, grandfathered, Manufactured Housing Park.
- Location: The subject property is located on the on the northeast corner of the intersection of County Road 26 and Collins Lane, in Planning District 20.

k.) Case Z-20021, Dixon Company 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 10 acres from CR to RR to allow single family use of the property with reduced building setbacks.
- Location: The subject property is located on the south side of Newberry Lane, east of Magnolia Springs Highway, in Planning District 21.

l.) Case Z-20023, Baldwin County Board of Education Property

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

Purpose: The applicant is requesting to rezone .25 acres+/- of a 18.32 acre parcel from RSF-E to RSF-4 to allow a water well to be located on the property.

Location: The subject property is located on the south side of County Road 64, west of County Road 54 East, in Planning District 15.

7 Old Business:

8.) New Business:

9.) Public Comments

10.) Reports and Announcements:

Staff Reports

Legal Counsel Report

Next Regular Meeting: August 6, 2020

11.) Adjournment.



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 6.a
Case No. P-20002
Neat Property
Conditional Use Approval (Extension)
July 9, 2020

Subject Property Information

Planning District: 22
General Location: North side of US Hwy 98, East of Breman Rd.
Physical Address: 27300 Schoen Rd, Elberta, AL 36530
Parcel Numbers: 05-53-05-22-0-000-008.000
Existing Zoning: RA, Rural Agriculture District
Existing Land Use: Residential/Agricultural
Proposed Land Use: Wedding and Event Venue
Acreage: 36.7 ± acres
Applicant: John and Karolyn Neat
27300 Schoen Rd
Elberta, AL 36530
Owner: Same
Lead Staff: Celena Boykin, Planner
Attachments: *Within Report*

Adjacent Land Use		Adjacent Zoning
North	Agriculture	RA, Rural Agriculture District
South	Residential and Agriculture	RA, Rural Agriculture District RMH, Residential Manufactured Housing Park
East	Agriculture	RA, Rural Agriculture District
West	Residential and Agriculture	RA, Rural Agriculture District

Summary and Recommendation

The applicant received Conditional Use approval on January 9, 2020 to allow for an event and wedding venue on the subject property. The subject property is zoned RA, Rural Agriculture District. One of the conditions of approval was that a Baldwin County Land Use Certificate be obtained no later than six (6) months from the date of Conditional Use approval and that the Planning Commission may grant additional

time if deemed necessary. The applicant is not ready to obtain a Land Use yet and is asking for additional time.

Staff recommends that Case P-20002, Neat Property Conditional Use Extension be **APPROVED*** based on the information contained in this staff report.

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

Current Zoning Requirements

Section 3.2 RA Rural Agricultural District

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

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

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

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

- (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

Agency Comments

Baldwin County Highway Department – Tyler Mitchel, P.E.: No comment.

Mary Booth, Subdivision Coordinator: No comment.

ADEM: no comments received

Staff Analysis and Findings

As stated previously, the applicant received Conditional Use approval on January 9, 2020 to allow for an event and wedding venue on the subject property. The subject property is zoned RA, Rural Agriculture District. One of the conditions of approval was that a Baldwin County Land Use Certificate be obtained no later than six (6) months from the date of Conditional Use approval and that the Planning Commission may grant additional time if deemed necessary. The applicant is not ready to obtain a Land Use yet and is asking for additional time.

Information from original staff report:

The zoning ordinance does not include a listing for a party/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." As a result, staff is comfortable with utilization of the Conditional Use process for the proposed event/wedding venue. Furthermore, this process will enable the Planning Commission to impose conditions on the approval, if granted, to minimize possible impacts on adjacent property.

The submitted site plan shows, a current dwelling that will be demolished, accessory building, an event facility to be built (36x48) and a future dwelling for owners. The area set aside for the venue is on the northern side of property. There is also 1 +/- acre that will be used for parking.

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 RA, Rural Agriculture District.

RA - Rural Agricultural District

This zoning district provides for large, open, unsubdivided land that is vacant or is being used for agricultural, forest or other rural purposes. Agricultural uses, single family dwellings, outdoor recreation uses, churches and limited commercial activities are among the uses allowed under this designation. The minimum lot size is three acres, and the density is one unit per three acres.

Due to the fact the proposed use is similar to use which may be allowed under the RA designation; it is consistent with the Zoning Ordinance as well as the Master Plan.

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

The subject property is currently occupied with a dwelling and an accessory structure. The property adjoins Schoen Road to the west. The adjoining properties are agricultural, residential, and forested timberland.

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

As stated above, the area set aside for the venue will be confined to the northern side of the property. There will be a facility built for the venues and also an outside area for events. The subject property, which contains 36.93 acres, is mostly wooded which will serve as a natural buffer. The applicants currently live on the property and plan to build a new home on the subject property which will help keep better oversight of the events.

(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.

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.

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

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

- Approval shall be for this applicant and this location only.
- All off-street parking associated with the 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 the right-of-way shall be permitted. Parking shall meet the requirements of Article 15 of the Baldwin County Zoning Ordinance.
- Any lighting, whether permanent or temporary, which might be installed in conjunction with the venue, shall be shielded and directed away from 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.
- The Planning Commission may impose additional conditions as it sees fit.

Staff Comments and Recommendation

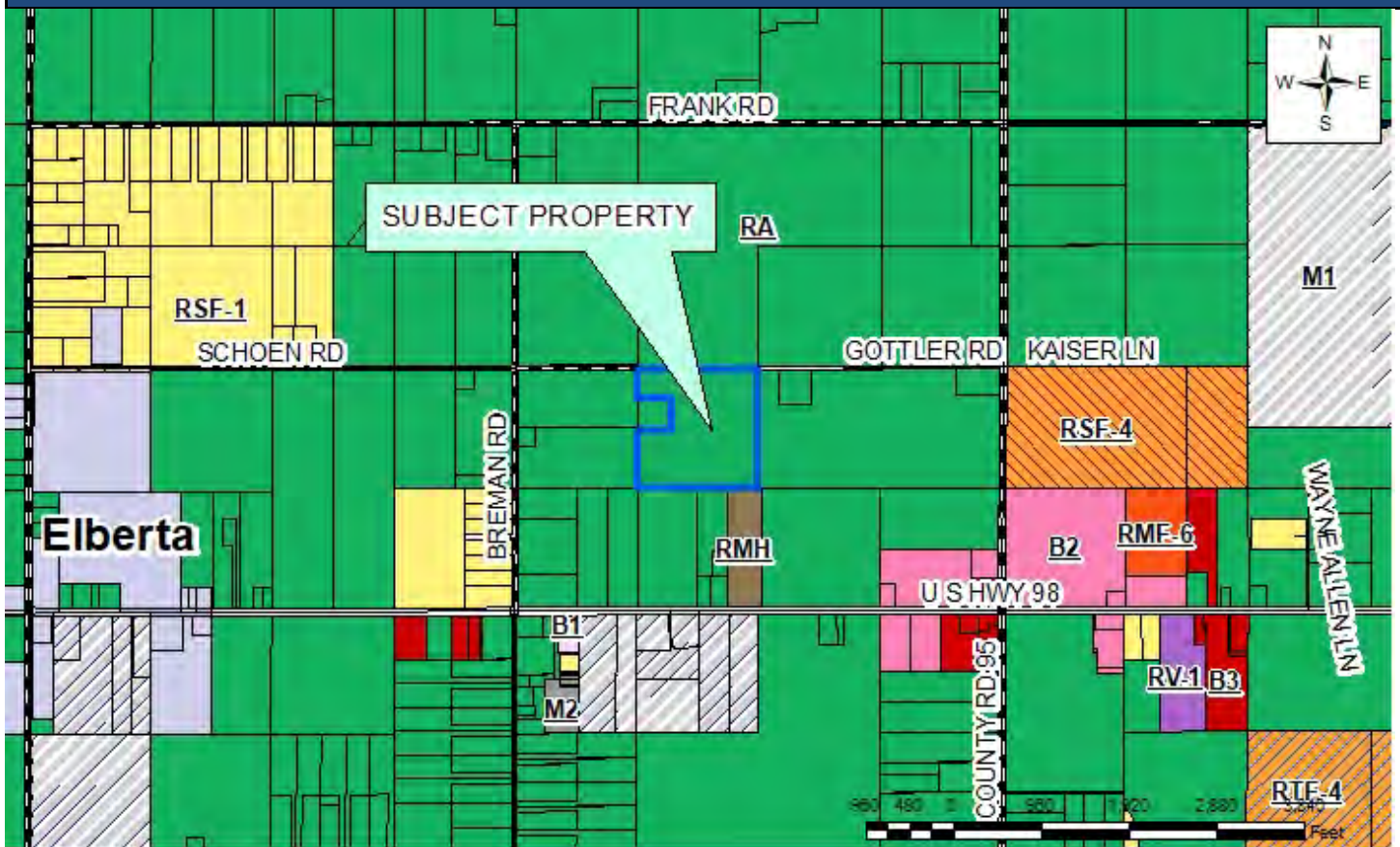
As stated previously, the applicant is requesting Conditional Use Extension approval to allow more time to obtain a Land Use for an event and wedding venue on the parcel. Staff feels this is a reasonable request and recommends the request be **APPROVED**.*.

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

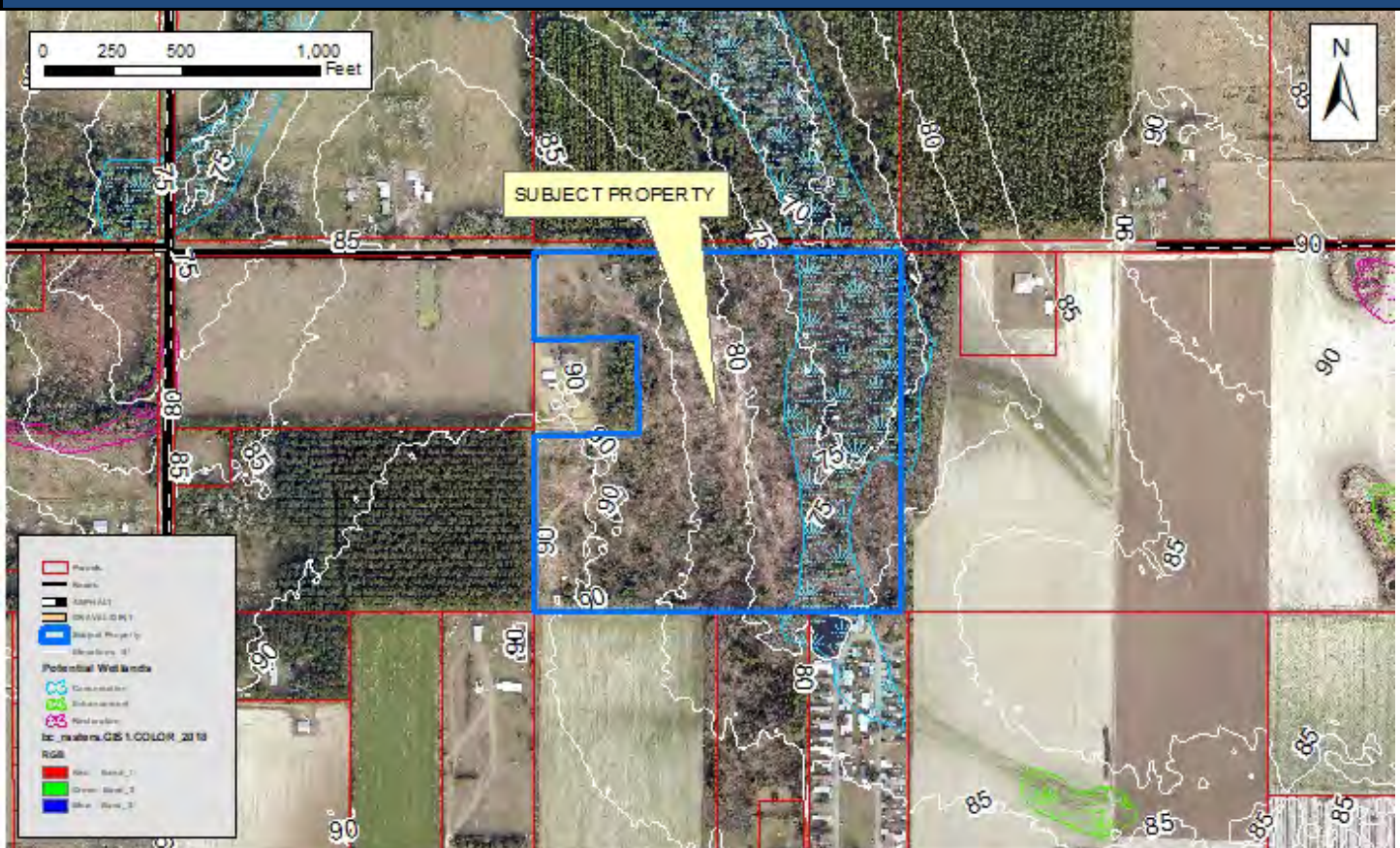




Locator Map



Site Map





Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 6.c
Case No. P-20006
Hayes Property
Conditional Use Approval
July 9, 2020

Subject Property Information

Planning District: 15
General Location: East side of State Highway 181
Physical Address: 26992 State Highway 181
Parcel Numbers: 05-43-06-14-0-000-002.003
Existing Zoning: B-3, General Business District
Existing Land Use: Commercial
Proposed Land Use: Automobile Sales and Restaurant with Pick-up Window
Acreage: 1.279 ± acres
Applicant: Elizabeth Jo V. Hayes
25737 Chamberlain Drive
Daphne, AL 36526
Owner: Same
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	Unzoned
South	Agricultural	RA, Rural Agricultural District
East	Residential	B-2, Neighborhood Business District
West	Residential	B-3, General Business District

Summary and Recommendation

The applicant is requesting Conditional Use approval to allow for a restaurant with a pick-up window and an existing used car sales business (established 2016) to continue doing business. The subject property is currently zoned B-3, General Business District. The proposed uses may be allowed under the B-3 designation, subject to the Conditional Use approval of the Planning Commission.

Staff recommends that Case P-20006, Hayes Property be **APPROVED*** subject to the conditions outlined at the end of this staff report.

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

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

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

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

- (o) Convalescent or nursing home
- (p) Correctional or penal institution
- (q) Dog pound
- (r) Electric power substations
- (s) Farm implements
- (t) Flea market
- (u) Freight depot, rail or truck
- (v) Home improvement center
- (w) Hotel or motel
- (x) Hospital
- (y) Landfill
- (z) Maintenance facility/storage yard for schools, government agencies, and telephone and cable companies
- (aa) Manufactured housing sales, service and repair
- (bb) Marina

- (cc) Motorcycle sales service and repair
- (dd) Movie theatre
- (ee) Radio/television tower
- (ff) Railroad facility
- (gg) Recreational vehicle park
- (hh) Recreational vehicle sales service, and repair
- (ii) Restaurant, drive-in
- (jj) Restaurant, fast-food
- (kk) Sewage treatment plant
- (ll) Taxi dispatching station
- (mm) Taxi terminal
- (nn) Telephone exchange
- (oo) Water or sewage pumping station
- (pp) Water storage tank
- (qq) Wireless telecommunication facility
- (rr) Zoo

5.3.4 *Area and dimensional ordinances.*

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

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

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

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

Agency Comments

Subdivision Coordinator – Mary Booth: *No comments.*

Baldwin County Highway Department: *No comments received.*

Municipality:

From: Adrienne Jones <ajones@daphneal.com>

Sent: Tuesday, May 19, 2020 3:34 PM

To: D Hart <DHart@baldwincountyal.gov>

Subject: RE: June rezoning cases

[CAUTION: External Email]

Hello,

No issue with the Hayes application. The Puckett zoning request is compatible with adjacent zoning to the west. Hopefully, there are regulations for a “meaningful” buffer between the subject site and the residential use to the east.

Thank you for following up with me. Have a good day,
Adrienne

Staff Analysis and Findings

As stated previously, the applicant is requesting Conditional Use approval to allow for a restaurant with a pick-up window and an existing used car sales business (established 2016) to continue doing business.

The building was built in 2013. The proposed businesses will utilize the existing access from State Highway 181.

A restaurant is permitted by right under the B-3 zoning designation. Conditional Use approval is needed for the proposed pick up window. Per the applicant, the restaurant will be a ‘take and go’ restaurant with dine in option during lunch only. The proposed hours of operation will be 10:30am to 10:00pm Sunday thru Thursday and 10:30am to 11:00pm Friday and Saturday.

The used car sales business hours of operation are 9:00am to 6:00pm.

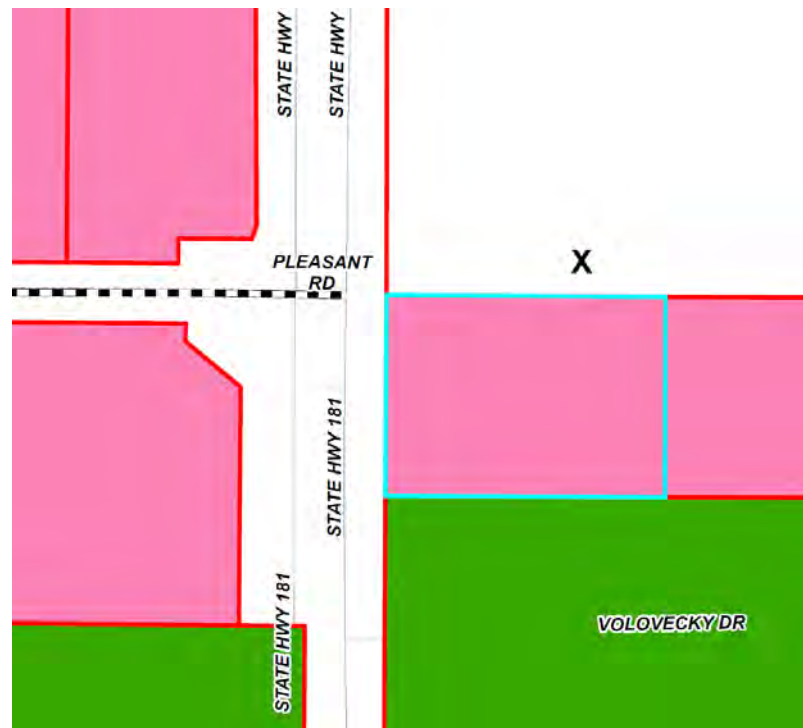
The following factors for reviewing Conditional Use approvals are found in Section 18.11.1 of the *Baldwin County Zoning Ordinance*.

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 Commercial. This future land use category is provided for a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs. This district shall only be applied at appropriate locations: to conveniently meet these needs; in conformance with the goals, objectives and policies of the Master Plan; compatible with the surrounding land uses and zoning districts; where it will not adversely impact the facilities and services of the County; where it will not set a precedent for the introduction of inappropriate uses into an area; and so as not to encourage non-residential strip development along streets. Due to the fact that the proposed uses are either allowed by right under the B-3 designation or may be allowed with Conditional Use approval from the Planning Commission, they are consistent with the Zoning Ordinance as well as the Master Plan.



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

The subject property is currently occupied with a commercial building. The used car sales business is in the east side of the building. The proposed restaurant will be in the west side of the building. The property adjoins State Highway 181 to the east. State Highway 181 is a state maintained paved road. The adjoining properties to the north, west and east are residential. The adjoining property to the south is agricultural.

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

Per the applicant the Jubilee Imports used car sales business has been operating since 2016 at this location. The commercial use of the property has been established for numerous years. Staff does not anticipate any unduly decrease in value of neighboring property.

(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.

Per the applicant traffic generated by the proposed uses will be approximately 500 to 750 customers per week at it's peak. The used car sales business has an average of 2 to 4 customers per day. State Highway 181 has a functional classification of minor arterial. Access appears to be right turn only. Staff doesn't anticipate any excessive burden or negative impact on surrounding uses or facilities.

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

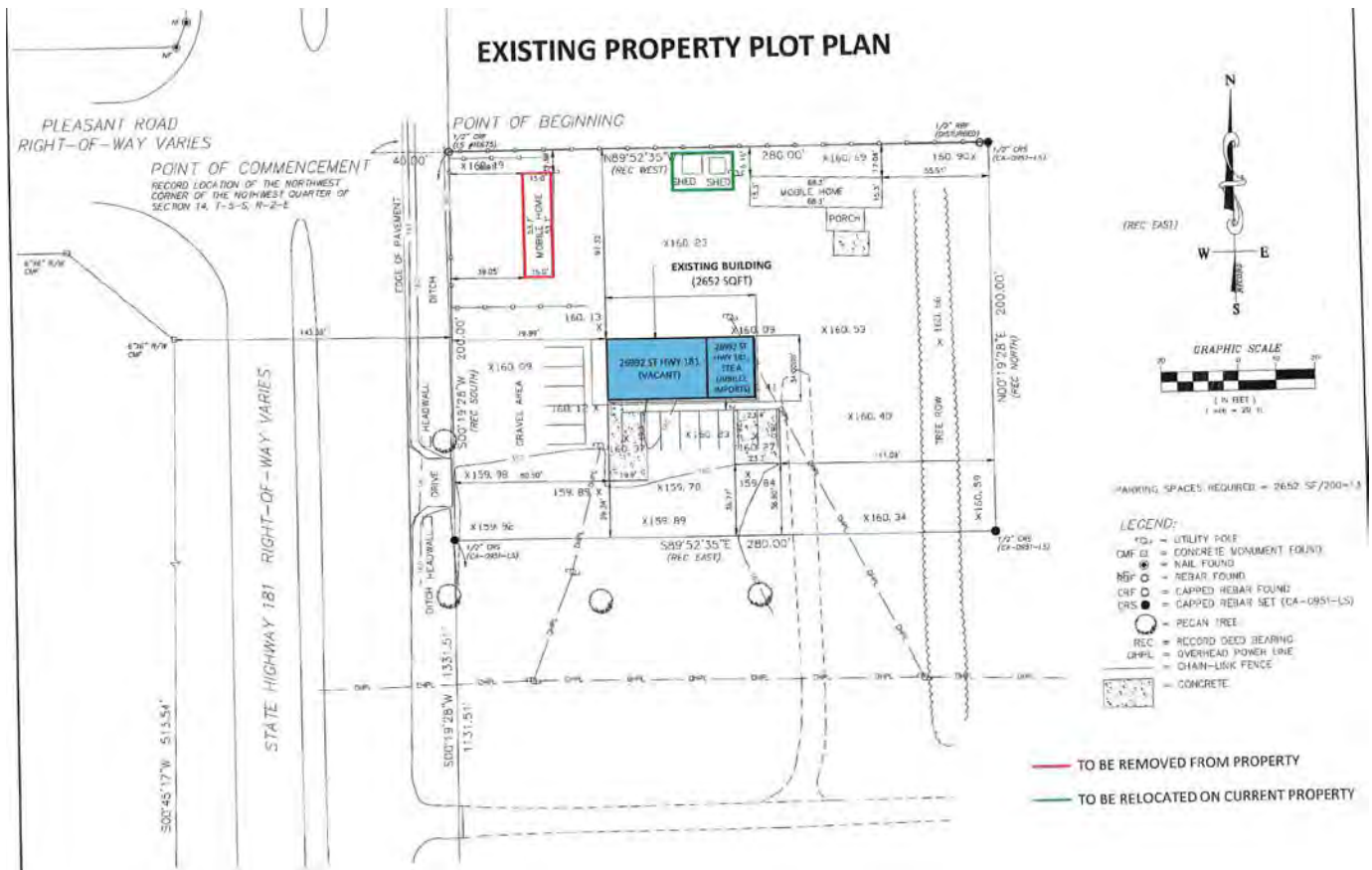
Staff Comments and Recommendation

As stated previously, the applicant is requesting Conditional Use approval to allow for a restaurant with a pick-up window and an existing used car sales business (established 2016) to continue doing business. Staff feels that this is a reasonable request and has no problem recommending **APPROVAL*** unless information to the contrary is revealed at the public hearing:

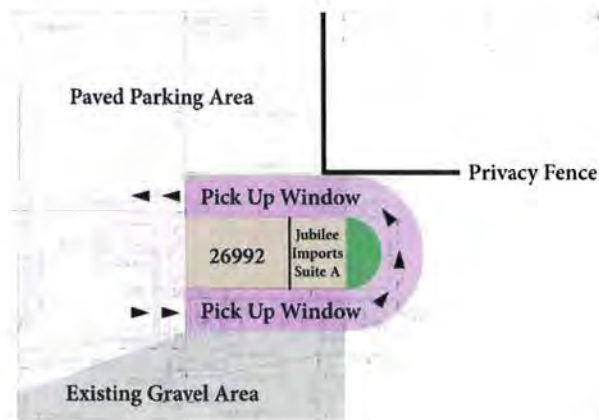
- Approval shall be for this applicant and this location only.
- Any lighting, whether permanent or temporary, which might be installed in conjunction with the two businesses, shall be shielded and directed away from adjacent properties.
- A Baldwin County Land Use Certificate shall be obtained no later 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 businesses shall necessitate additional review and approval by the Planning Commission.
- The Planning Commission may impose additional conditions as it sees fit.

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

Site Plan



PROPOSED PROPERTY CHANGES



No structural additions. The West side of the building will undergo some internal renovation with minimal modifications to exterior.

More of the parcel of land will need to be used for parking/pick up window. There will be approximately 25 parking spots for the new business if the Conditional Use is approved.

Property Images





ADJOINING PROPERTY TO THE SOUTH & EAST

05/11/2020



NORTH WEST CORNER OF STATE HWY. 181
& PLEASANT ROAD

05/11/2020



ADJOINING PROPERTY TO THE NORTH

05/11/2020



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 6.c

Case No. P-20007

Ono Island Property Owners Association

Conditional Use Approval

July 9, 2020

Subject Property Information

Planning District: 24
General Location: North and west of River Road, south of Dolphin Drive (Southwest corner of River Road and Dolphin Drive)
Physical Address: 31699 River Road
Parcel Numbers: 05-64-03-05-0-000-001.012
Existing Zoning: OR, Outdoor Recreation District
Existing Land Use: Maintenance Building, Playground, Tennis Courts, Community Facilities
Proposed Land Use: New Fire Station with Live-in Facilities for three (3) full time fire fighters
Acreage: 2.95 more or less
Applicant: Ono Island Water, Sewer and Fire Protection Authority
28491 Ono Boulevard
Orange Beach, Alabama 36561
Owner: Ono Island Property Owners Association
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-2, Residential Single Family
South	Residential	RSF-2, Residential Single Family
East	Common Area	OR, Outdoor Recreation
West	Institutional	OR, Outdoor Recreation

Summary

This is a request for Conditional Use approval to allow a new Fire Station with live in facilities for three (3) full time fire fighters, contracted with the City of Orange Beach. The subject property is zoned OR, Outdoor Recreation District. In Planning District 24, a Fire Station may be allowed through the Conditional Use process, subject to the approval of the Planning Commission.

The existing fire station will be used for maintenance staff. A similar request, Case P-13002, was approved by the Planning Commission on March 7, 2013.

Zoning Requirements

Section 6.2 OR, Outdoor Recreation District

6.2.1 *Generally.* This zoning district is intended to provide for outdoor recreation activities.

6.2.2 *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 institutional uses: church or similar religious facility.
- (e) The following agricultural uses: Silviculture.
- (f) Accessory structures and uses.

6.2.3 *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
Maximum Height of Structure in Habitable Stories	2½
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	20-Feet
Minimum Lot Area	3 Acres
Maximum Impervious Surface Ratio	.80
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	No Minimum

2.3.24 ***Planning District 24.***

2.3.24.3 Local Provisions for Planning District 24

(f) Ono Island community support facilities

1. Community support facilities are essential and unique to Ono Island and are authorized as a special provision in Planning District 24. The community support facilities in question are listed as follows:

- A. Ono Fire Station
- B. Ono Island POA Office Building
- C. Ono Island twin-ramp boat launching facility
- D. Ono Island maintenance equipment storage facility
- E. Ono Island Community Center

- F. Ono Island Recreation Center
- G. Ono Island tennis courts, play center and associated facilities
- H. Ono Island, ONOMAR bulkheaded multi-slip mooring canal

2. In the event that the above listed community support facilities may be damaged or destroyed to an extent of more than fifty percent (50 %) of the fair market value of the facilities immediately prior to damage or destruction, repair and rebuilding of the community support facilities to the conditions existing at the time of damage or destruction shall be permitted as a matter of right, irrespective of the provisions contained within Article 20, Nonconformities, and subject to the approval and issuance of all required permits.
3. There shall be no commercial activities conducted within the Ono Island community support facilities.
4. In the event that it should become necessary to enlarge or expand the existing Ono Island community support facilities, such expansion may be permitted, subject to Conditional Use approval of the Baldwin County Planning Commission.
5. New community support facilities for Ono Island may be allowed under the OR, Outdoor Recreation District, zoning designation, subject to the Conditional Use approval of the Baldwin County Planning Commission.

Agency Comments

Baldwin County Highway Department: *No comments received.*

Planning and Zoning - Subdivisions: *No comments received.*

ADEM: *No comments received.*

Staff Analysis and Findings

The applicant is requesting Conditional Use approval to allow a new Fire Station with live in facilities, on property zoned OR, Outdoor Recreation District. The property adjoins Dolphin Drive to the north and River Road to the east. Dolphin Drive and River Road are privately maintained paved roads. The adjoining properties to the north are residential. The adjoining properties to the south are residential. The adjoining property to the west is common area. According to Article 2.3.24 of the zoning ordinance, a new community support facility (fire station) may be allowed under the OR designation, subject to the Conditional Use approval of the Baldwin County Planning Commission.

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

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

permitted use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

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

According to the Master Plan, a future land use designation of Public/Semi-Public is provided for the subject property. This category includes institutional uses, recreational uses and transportation, communication and utility uses. All zoning designations may be utilized under the Public and Semi-Public District depending upon specific requirements of the zoning ordinance. As a result, this request is consistent with the Master Plan.

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

The use of the subject property has already been established with community facilities. Staff does not anticipate significant traffic issues.

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

There is an existing fire station in the area. Staff, therefore, feels that the proposed new fire station should not have an effect on the value of neighboring properties.

- (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.**

As stated above, the area surrounding the subject property contains residential and institutional uses. Community support facilities are essential and unique to Ono Island and are authorized as a special provision in Planning District 24. Staff believes that the proposed fire station will be compatible with development in the surrounding area.

Section 18.11.5 *Conditions and restrictions on approval*. In approving a Conditional Use, the Planning Commission may impose conditions and restrictions upon the property benefited by the Conditional Use approval as may be necessary to comply with the standards set out above, to reduce or minimize any potentially

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

Staff Comments and Recommendation

As stated previously, the applicant is requesting Conditional Use approval to allow a new Fire Station with live in facilities for three (3) full time positions, on property zoned OR, Outdoor Recreation District.

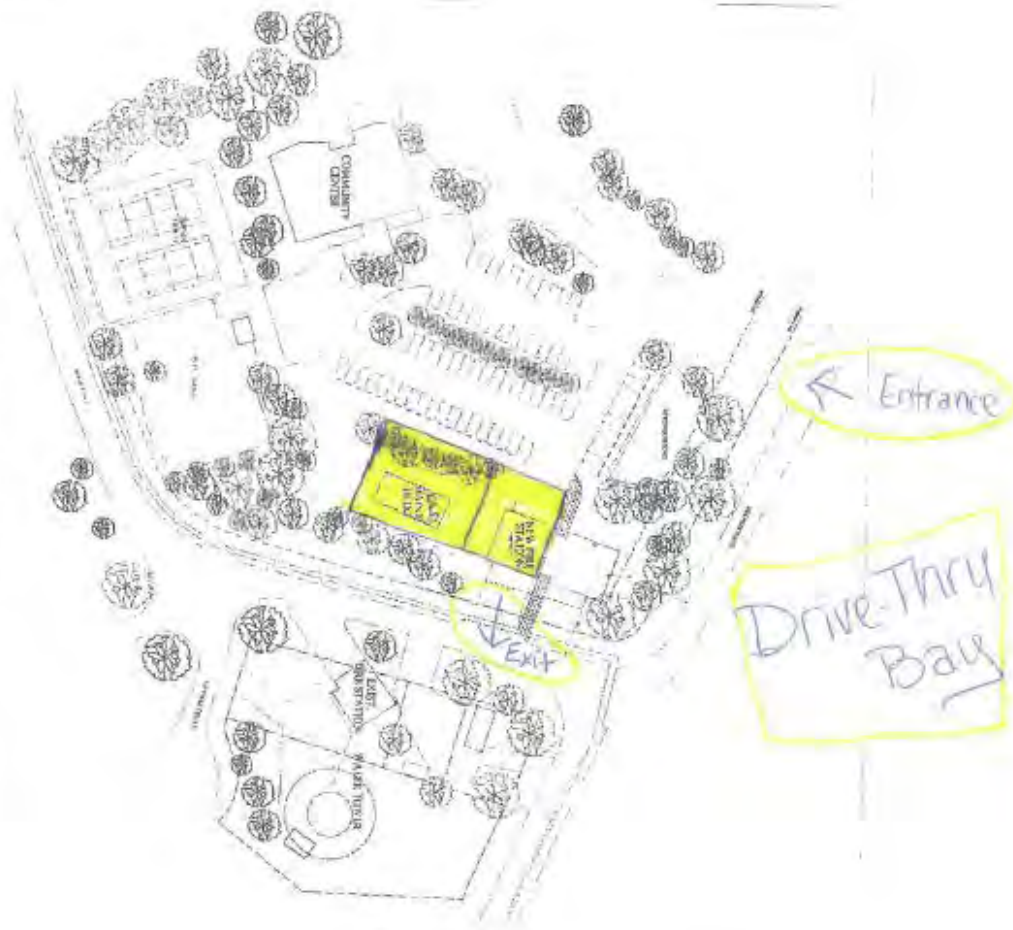
Staff feels this is a reasonable request and recommends **APPROVAL*** subject to the following conditions:

- Approval shall be for this applicant and this location only.
- A Baldwin County Land Use Certificate and building permit 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 facility shall necessitate additional review by the Planning Commission.

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



Ono Island Fire Station





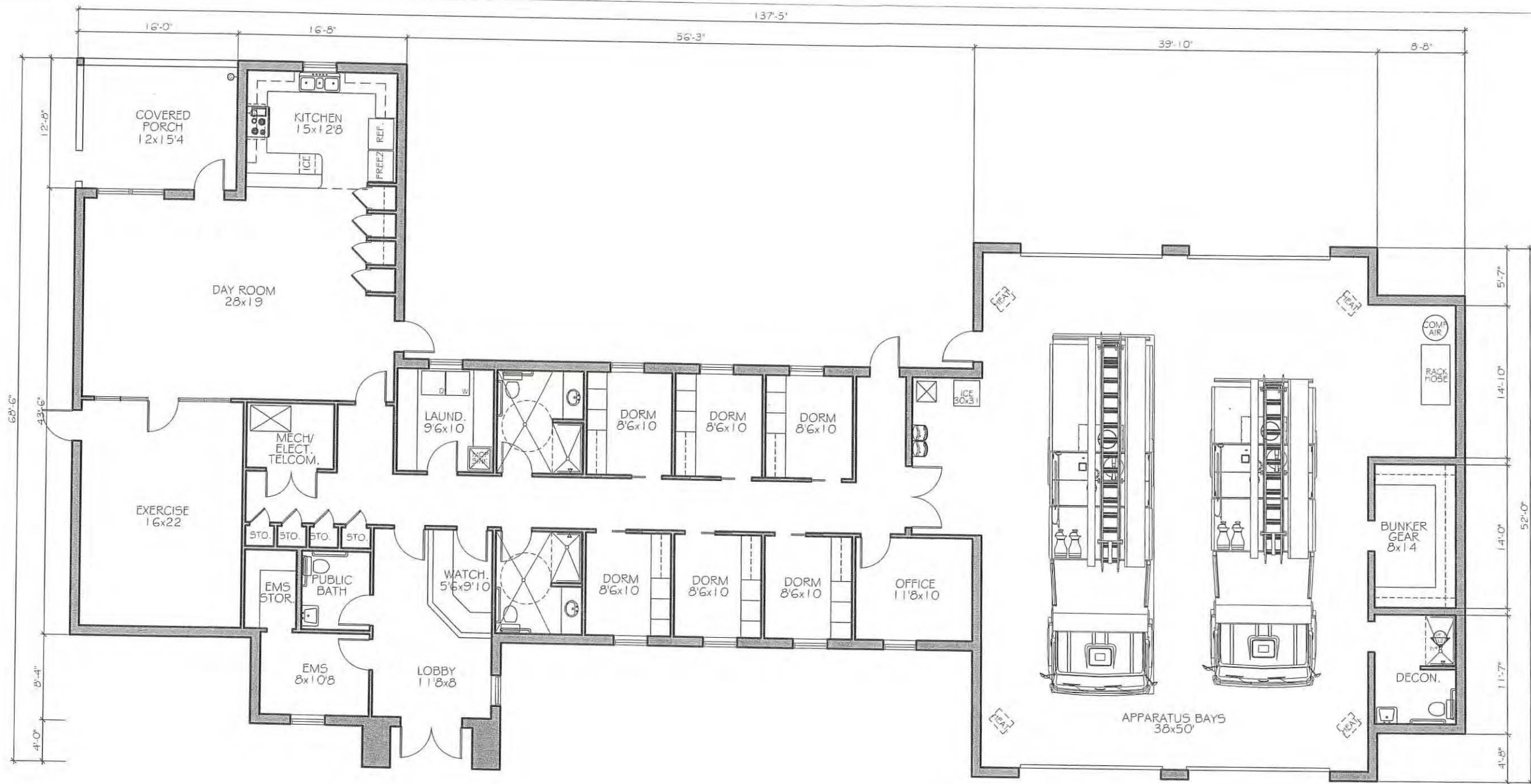
SITE PLAN
SCALE: 1"=20'-0"



NOT FOR
CONSTRUCTION

A NEW FIRE STATION
FOR
ONO ISLAND
ORANGE BEACH, ALABAMA

JOB NO.	
DRAWN	
CHECKED	SBM
DATE	2020.06.22
REVISION	
SCALE	1" = 20'-0"
SHEET NO.	
C1	
CONCEPT SITE PLAN	



FLOOR PLAN

SCALE: 3/32"=1'-0" 3,216 H/C (2,667 U/H)

RENDERED IMAGE HERE

SOUTH ELEVATION

SCALE: 3/32"=1'-0"



P.O. BOX 6310
GULF SHORES, ALABAMA
36547-6310
PHONE: 251-968-7223
FAX: 251-968-7223

NOT FOR
CONSTRUCTION

A NEW FIRE STATION
FOR
ONO ISLAND
ORANGE BEACH, ALABAMA

JOB NO.:
DRAWN:
CHECKED: SBM
DATE: 2020.06.23
REVISION:

SCALE: 3/32"=1'-0"

SHEET NO.:

A1

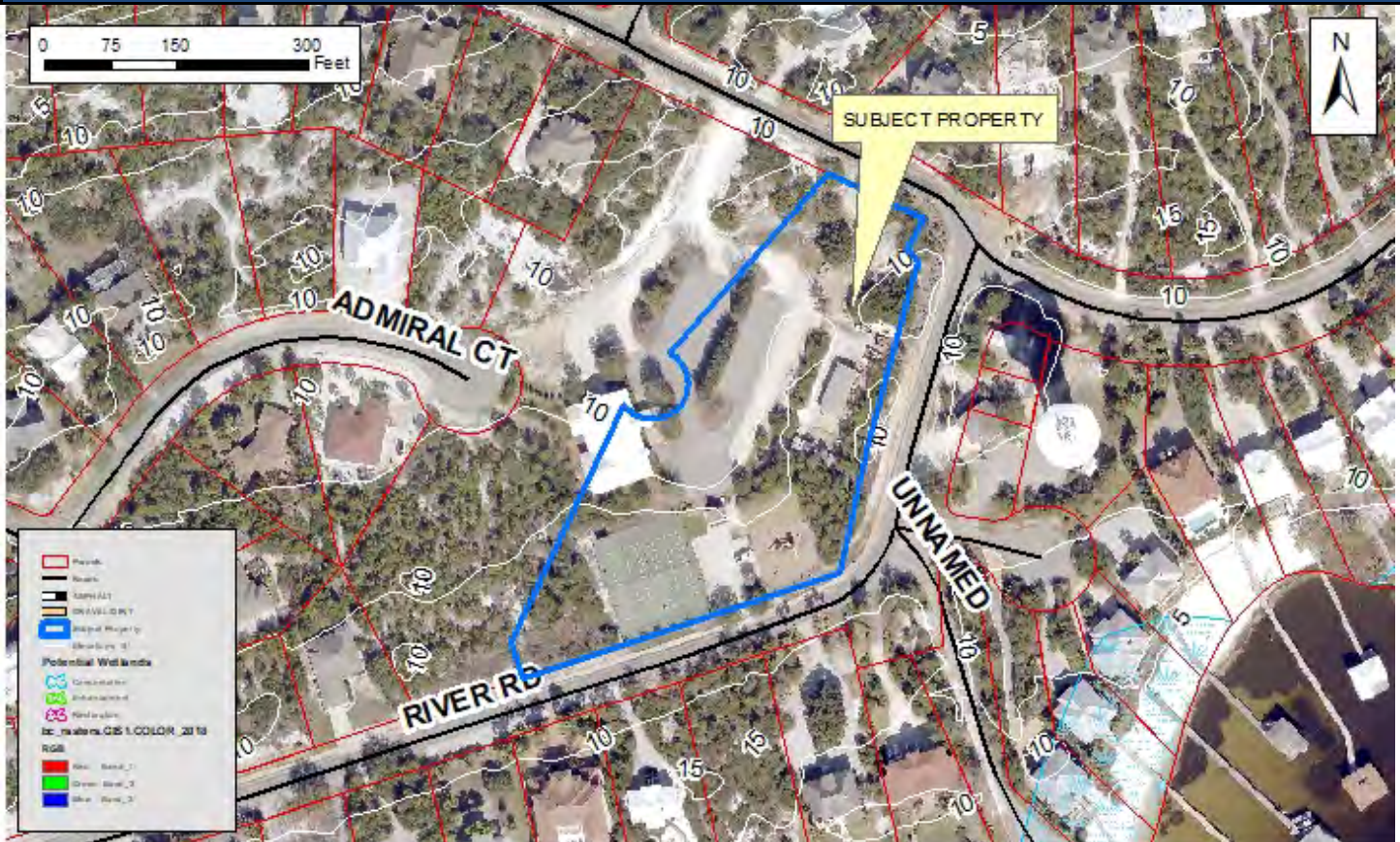
CONCEPT
FLOOR PLAN



Locator Map



Site Map





Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 6.d

Case No. Z-20008

Lambert Ventures LLC Property

Rezone RSF-2, Single Family, to RA, Rural Agricultural District

July 9, 2020

Subject Property Information

Planning District: 28
General Location: South of Hwy 90
Physical Address: N/A
Parcel Number: 05-32-07-36-0-000-001.015
05-32-07-36-0-000-001.002
05-32-07-36-0-000-001.016
Existing Zoning: RSF-2, Single Family District
Proposed Zoning: RA, Rural Agricultural District
Existing Land Use: Undeveloped
Proposed Land Use: Landscaping Business
Acreage: 13 acres, more or less
Applicant: Jay Oberkirch
2200 US 98 Suit 4 PMB 103
Daphne, AL 36526
Owners: Lambert Ventures LLC
11623 Halcyon Loop
Daphne, AL 36526
Lead Staff: Celena Boykin, Senior Planner
Attachments: *Within Report*

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

The subject property, which encompasses approximately 13 acres, is currently zoned RSF-2, Single Family District and is vacant. According to the information provided, the applicant would like to move his landscaping business to the subject property and therefore requested a rezoning to RA, Rural Agricultural

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 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

Agency Comments

Baldwin County Highway Department (Tyler Mitchell): Connection to US 90 would need to be coordinated with ALDOT. There appears to be active use of portions of this property for a power line easement and storm water pond for Bay Branch Estates. Are there easements in these locations? Will these uses remain?

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

ADEM: No comments received.

ALDOT: No comments received.

City of Daphne (Adrienne Jones, Planning Director): A residential zoning is more palatable than a business zone. Is there a requirement for a buffer along the east side where abutting houses?

Staff Analysis and Findings

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

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

The subject property is currently vacant. The property adjoins State Highway 90 to the north. The adjoining properties are residential and forested timberland.

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 28 was adopted by the Baldwin County on October 13, 1992. This area appears to be relatively stable with few, if any, changes since the adoption of zoning.

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

The Baldwin County Master Plan, 2013, provides a future land use designation of Residential for the subject property. If the rezoning is approved, the Future Land Use Map will be amended to reflect the designation of Agriculture. The future Land Use designation of Agriculture is agriculture, forestry and similar activities are included with this future land use category. Single family dwellings, institutional uses, recreational uses, limited commercial uses which are intended to serve a rural area and transportation, communication and utility uses are also included subject to the requirements found within the Zoning Ordinance. This category is designed to protect the essential open character of rural areas until it is timely to reclassify the land to appropriate residential, commercial or industrial categories. Zoning designations may include RR, CR, RA and RSF-E.

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?

Per the Federal Highway Administration the functional classification of US 90 is minor arterial. Arterials provide a high level of mobility and a greater degree of access control. This business should not have much impact on traffic patterns or congestion. Access to this site from US 90 would require approval from ALDOT.

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. Also as stated above, this area appears to be relatively stable with few, if any, changes since the adoption of zoning.

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

RA zoning is located adjacent to the west and north of the subject property.

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

Timing is not a factor. There appears to be no significant development trends in this area.

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?

If the rezoning is approved and the property is developed, the impact should not be significant. Access to this site would require approval 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 and site plans in order to ensure complete compliance with the requirements of the zoning ordinance. Required landscaped buffers will help to mitigate the potential for adverse impacts.

11.) Other matters which may be appropriate.

N/A

Staff Comments and Recommendation

As stated above, the subject property, which encompasses approximately 13 acres, is currently zoned RSF-2, Single Family District and is vacant. According to the information provided, the applicant would like to move his landscaping business to the subject property and therefore requested a rezoning to RA, Rural Agricultural.

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.*

Applicant's Proposed Site Plan

Property Images

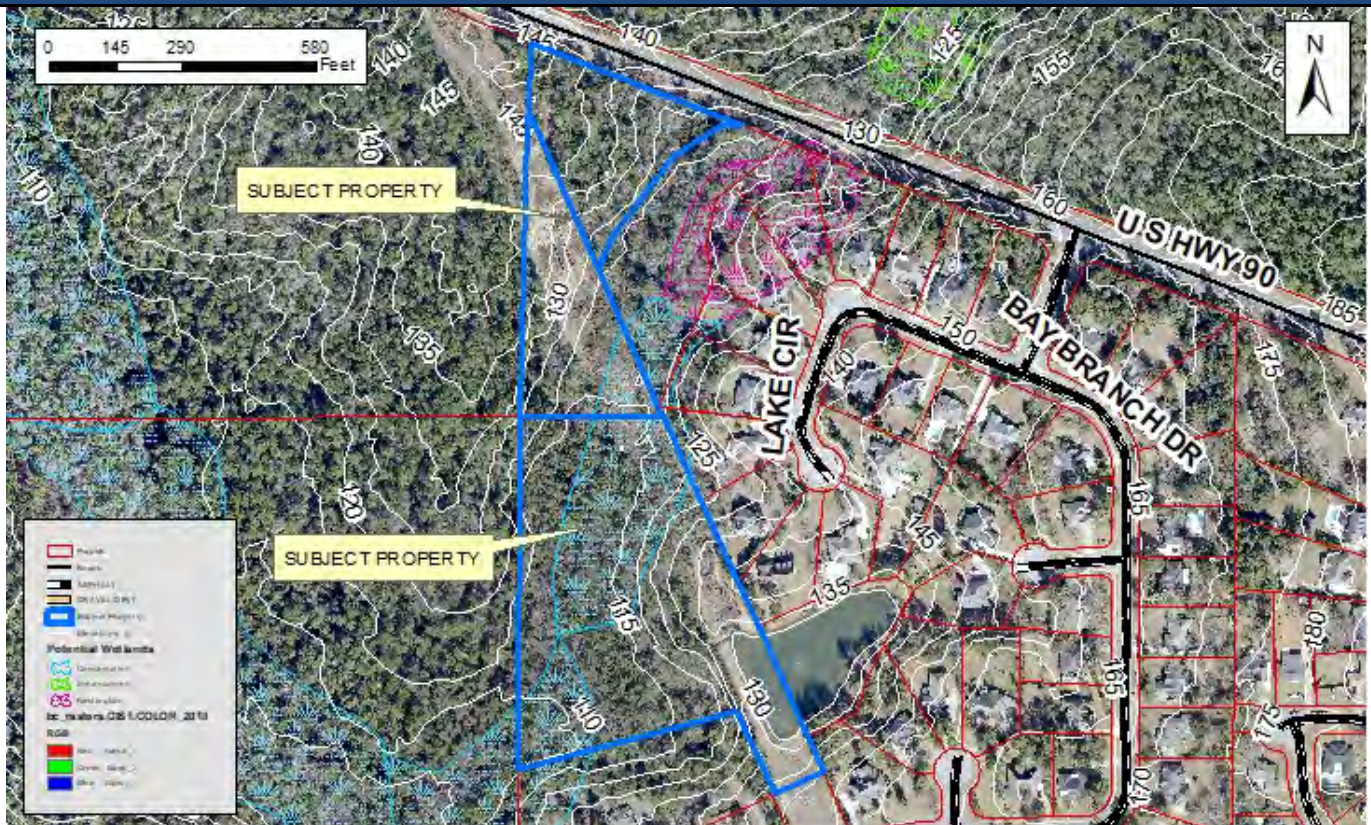




Locator Map



Site Map





Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 6.e

Case No. Z-20009

Hrabovsky Property

Rezone RSF-4, Single Family District to RSF-E, Residential Single Family Estate District

July 9, 2020

Subject Property Information

Planning District: 15
General Location: South and west of Yorkshire Subdivision
Physical Address: 27473 Yorkshire Drive, Loxley
Parcel Number: 05-43-06-14-0-000-013.000
Existing Zoning: RSF-4, Single Family Estate District
Proposed Zoning: RSF-E, Residential Single Family Estate District
Existing Land Use: Agricultural
Proposed Land Use: Agricultural and Residential
Acreage: 23 acres +/-
Applicants: Steven and Cheryl Hrabovsky
28708 Bay Branch Drive
Daphne, Alabama 36526
Owners: Same
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-1 and RSF-4, Single Family
South	Residential and Agricultural	RSF-1 and RSF-2, Single Family
East	Residential	RSF- 1, Single Family District
West	Residential and Agricultural	RSF-1, Single Family District

Summary

The subject property, which consists of approximately 23 acres, is currently zoned RSF-4, Single Family District. The designation of RSF-E, Residential Single Family Estate District, has been requested. According to the information provided, the purpose of this application is to use the land as a family farm. Plans include construction of a dwelling, growing various trees and plants, and raising poultry and possibly other livestock. The majority of the property will continue to be used for timber growth.

Section 4.5 RSF-4, Single Family District

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

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

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

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

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

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

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

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

Maximum Height of Structure in Feet	35
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area per Dwelling Unit	7,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

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 (Tyler Mitchell, P.E., Construction Manager):

Connection to existing roads within Yorkshire would need to be coordinated with the Baldwin County Highway Department.

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

ADEM: No comments received.

ALDOT: No comments received.

Town of Loxley: No comments received.

Staff Analysis and Findings

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

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

The subject property is currently occupied with one accessory structure and chicken coops. The property adjoins Yorkshire Drive to the north. The adjoining properties are residential and agricultural. Adjacent zoning designations are RSF-1 and RSF-2.

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

The zoning for Planning District 15 was adopted by the County Commission on August 1, 2006. The original zoning designation which was granted for the subject property was R-1(a). This designation is now known as RSF-1. On August 18, 2009, the Commission approved the rezoning of the subject property to R-4(sf). Six additional parcels, three of which were located in Yorkshire Subdivision Unit One, were included. The purpose of the rezoning was to allow the for the construction of Yorkshire Subdivision Unit 2 (Case Z-09016, Resolution #2009-120). This section of the subdivision, however, was never completed.

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

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

A future land use designation of Residential is provided for the subject 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. Agricultural uses may also be included. To the greatest extent possible, residential areas should be accessible to major thoroughfares connecting with work areas, shopping areas and recreational areas. Zoning designations may include RR, RA, CR, RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RSF-6, RTF-4, RTF-6, RMF-6, HDR, RMH and PRD. If the rezoning is approved, the Future Land Use Map will remain unchanged. Adjacent parcels also carry the residential future land use designation.

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

Staff knows of no conflicts with existing or planned public improvements. As stated previously, connection to existing roads within Yorkshire would need to be coordinated with the Baldwin County Highway Department

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

Traffic patterns or congestion should not be adversely affected by this proposed rezoning. It should be noted that under the current zoning, the property could potentially be subdivided into a maximum of 133 lots. This type of development would have a much more significant traffic impact.

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

The primary surrounding land uses are residential and agricultural. Please also see the response to Standard 1.

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

Surrounding properties are zoned RSF-1, RSF-2 and RSF-4. There are no adjacent parcels which are zoned RSF-E. The applicants originally intended to request RA, Rural Agricultural District. Staff, however, suggested RSF-E due to the fact that it is primarily a single family designation which would also allow the agricultural uses desired by the applicants.

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

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?

Baldwin County GIS indicates a small area of potential wetlands at the eastern edge of the subject property. A 30' development setback from wetlands is required, according to the zoning ordinance. With the plans proposed, wetland impacts are unlikely. Staff knows of no other adverse impacts to environmental conditions or historic resources.

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

Staff knows of no adverse affects.

11.) Other matters which may be appropriate.

A rezoning of this type is considered down zoning. Such requests are typically approved without controversy. In the case at hand, staff has received calls and emails expressing concerns with this request. Staff anticipates that citizens will be present at the public hearing in order to voice these concerns.

Staff Comments and Recommendation

As stated above, the subject property, which consists of approximately 23 acres, is currently zoned RSF-4, Single Family District. The designation of RSF-E, Residential Single Family Estate District, has been requested. According to the information provided, the purpose of this application is to use the land as a family farm. Plans include construction of a dwelling, growing various trees and plants, and raising poultry and possibly other livestock. The majority of the property will continue to be used for timber growth.

Unless information to the contrary is revealed during the public hearing, this case should be recommended for **APPROVAL**. *

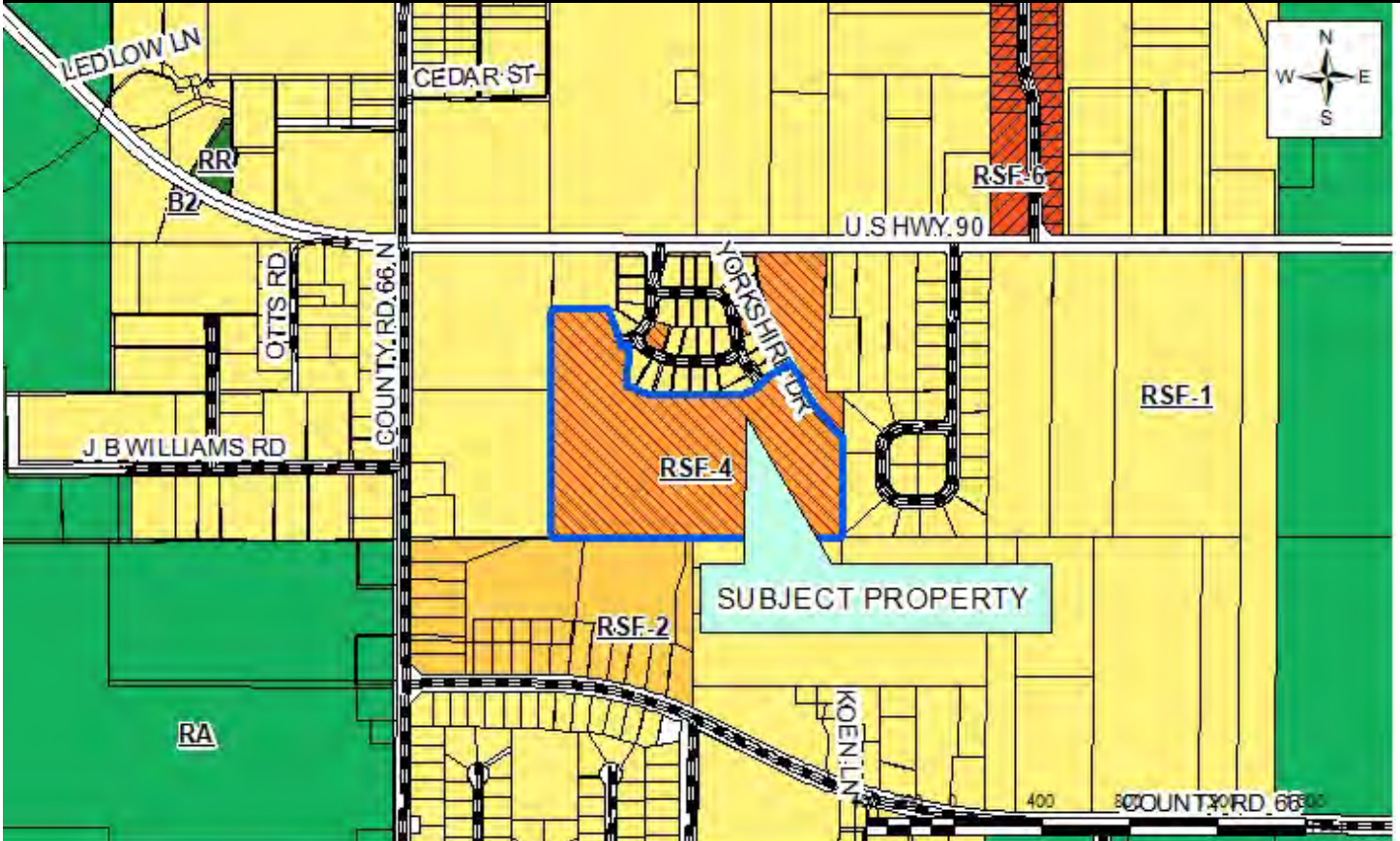
**On rezoning applications, the Planning Commission will make a recommendation to the County Commission.*

Property Images





Locator Map



Site Map



Angela and Chuck Tracy

27433 Yorkshire Drive

Loxley, AL 36551

RE: Concerns about the rezoning, case Z-20009

My husband and I have lived in the neighborhood for 12 years. When we first moved to Yorkshire, we were encouraged that a second phase of the neighborhood would be developed within a few years. Regrettably the economic downturn in 2008 put the developers out of business. Since that time we have had concerns over the future of the 25 acres requesting rezoning.

The owners/visitors consistently drive too fast placing everyone in danger, particularly children in Yorkshire. Their property was/is in our covenants and restrictions yet they do not pay dues to help with the upkeep of the neighborhood.

I am a member of the Board of Yorkshire and have had complaints of all kinds regarding the property.

Examples:

Unlawful fishing in the residential pond.

Loud parties during the night.

Rooster crowing all day.

Speeding through the neighborhood.

Menacing guns being shot of at all hours.

Broken down cars dumped at the property

We directed our ownership to contact Loxley Police to handle these complaints rather than posturing with owners of the property.

I am personally concerned about rezoning and the effect on our property values in Yorkshire. I am further concerned as a Board member if they could continue the use of our entrance to their property. It does not seem reasonable or fair that they should be able to do so without contributing to the upkeep of the general property areas.

Speaking as a member of the Board and as an owner, my husband and I WANT THE ZONING REQUEST TO BE DENIED.

There are ENDLESS questions that need to be answered to even begin to consider rezoning what was planned to be developed as residential including the following:

Alternate ingress/egress besides the Yorkshire entrance.

What type of farm?

Restrictions that would come into play regarding the property (seems they have NONE at the moment).

Would there be a buffer zone between the property line and WHATEVER they are planning to construct?

Are the owners willing to pay dues to the Association if there is no other ingress/egress and how would that be assessed considering the size of the property?

Do they intend to clean up the current entrance to the property?

Again, we are vehemently OPPOSED TO THE REZONING REQUEST.

Thanks for your consideration in this matter.

Angela Tracy

Yorkshire Homeowner

Burl and Ann Barbour
27447 Yorkshire Drive
Loxley, AL 36551

RE: Concerns about the rezoning, case Z-20009

WE are very concerned about the above mentioned rezoning and what an approval for the case would do to our neighborhood. The owners have already shown they have very little respect for our subdivision and its residents.

We, along with other residents of Yorkshire have had several issues with the owners of this property. Our HOA President, Angela Tracy, was contacted in December by a couple who lives 2 houses east of Yorkshire on highway 90. Part of the rear of their property touches the property to be rezoned. They were upset and disturbed by the playing of loud music and guns being fired on the property. So concerned they called the Loxley Police and Zoning Department to ask for help. We, too, have been disturbed by the parties, loud music, gunshots and the revving up motor noise from motorcycles, etc. The music is so loud a times you can hear the base sound inside our house. They have "spend the night" parties right at the edge of our subdivision too (lots of vehicles when that happens), also noisy. When the party goers get up in the morning, yes they sleep down there/no bathroom and start leaving during the next day, they also go too fast through our subdivision. The owners have trespassed on Yorkshire common areas and have also been seen fishing in Yorkshire's lake. The owners, along with their visitors speed though our neighborhood. So if they are allowed to have "farm animals" we can only imagine the problems that will create. They currently have a chicken pen and lots of loud chickens that make noise all during the day/night. So, with all this going on there are numerous trips daily through Yorkshire. They have erected a tacky wire fence with orange ribbons/ties tied on it. Along with the fence and the junked vehicle they have parked, those are the first things you see when traveling south on Yorkshire Drive on the eastern side of our neighborhood. The residents of Yorkshire take pride in their property and this area is an eyesore for all of us. The owners of the property knew when they bought the property what is was zoned for. WE do not need other farm animals in addition to the existing chickens so close to our homes. WE should have the right to enjoy our subdivision without all these disturbances and eyesores. Residents should also be able to enjoy peace and quiet, especially when we try to go to sleep at night.

WE don't need farm equipment, logging trucks ,construction equipment and who knows what else going through our subdivision. It will be hard on our streets and dangerous for our residents. They do not have a paved entrance to their property so when it rains, the mud is carried through our streets creating a big mess.....this is also an ongoing concern.

We are appreciate all your consideration and ask that this request for rezoning be turned down.

Thank you in advance for your attention to our request.

Burl and Ann Barbour



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 6.f

Case No. Z-20012

Sweatt Property

Rezone RSF-1, Single Family District, RMF-6, Multiple Family District & B-2, Neighborhood Business District,
to HDR, High Density Residential District

July 9, 2020

Subject Property Information

Planning District: 15
General Location: West side of State Highway 181 at Rigsby Road
Physical Address: 28013 State Highway 181, Daphne
Parcel Numbers: 05-43-02-10-0-000-001.001, 05-43-02-10-0-000-002.000, 05-43-02-03-0-000-004.000 & 05-43-02-03-0-000-005.000
Existing Zoning: RSF-1, Single Family District, RMF-6, Multiple Family District & B-2, Neighborhood Business District
Proposed Zoning: HDR, High Density Residential District
Existing Land Use: Undeveloped and Existing Residential Structures
Proposed Land Use: Multi Family Residential (270 unit apartment home community)
Acreage: 23.22 acres, more or less
Applicant: Hathaway Development, LLC
3300 Northeast Expressway, Building 6
Atlanta, Georgia 30341
Owner: Thomas A. Sweatt
C/O Jeffrey Sweatt (MA)
1003 County Road 359
New Albany, Mississippi 38652
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

Adjacent Land Use		Adjacent Zoning
North	Undeveloped/Agricultural	RSF-1, Single Family District
South	Apartment Complex	City of Daphne
East	Residential/Cemetery	B-2/Unzoned
West	Undeveloped	RSF-1, Single Family District
Summary		

This application involves four parcels which total approximately 23.22 acres. The existing zoning designations are RSF-1, Single Family District, RMF-6, Multiple Family District, and B-2, Neighborhood Business District. A zoning of HDR, High Density Residential District, has been requested in order to allow for the development of a 270 unit apartment home community to be known as the Exchange at Daphne. The subject properties are located to the north of an existing apartment complex which was developed and zoned under County zoning prior to annexation into the City of Daphne. If this request is approved, the properties will be the first to carry the HDR designation.

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
Maximum Height in Habitable Stories	2 1/2
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
Maximum Ground Coverage Ratio

50-Feet
.35

Section 4.9 RMF-6, Multiple Family District

4.9.1 *Generally.* The intent of this zoning designation is to provide the opportunity for multiple family residential development.

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

4.9.3 *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.

4.9.4 *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 local commercial use: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).
- (b) Boarding house, rooming house, lodging house, or dormitory.
- (c) Fraternity or sorority house.

4.9.5 *Area and dimensional ordinances (single family and two family).* 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
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Maximum Density	6 Dwelling Units per Acre
Minimum Lot Area/Dwelling Unit	6,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

4.9.6 *Area and dimensional ordinances (multiple family).* 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
Maximum Height in Habitable Stories	3
Minimum Front Yard	25-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	25-Feet
Maximum Density	6 Dwelling Units per Acre
Minimum Lot Area	22,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.80

4.9.7 *Townhouses.* 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
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	25-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards 10-Feet	(exterior wall side yards)
Maximum Density	6 Dwelling Units per Acre
Minimum Lot Area/Dwelling Unit	2,500 Square Feet
Minimum Lot Width at Building Line	25-Feet
Minimum Lot Width at Street Line	25-Feet
Maximum Ground Coverage Ratio	.80

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.

5.2.4 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.

Section 4.10 HDR, High Density Residential District

4.10.1 *Generally*. The intent of this zoning designation is to provide the opportunity for multiple family residential development, including apartments, condominiums, duplexes and townhouses, in a high density setting.

4.10.2 *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) Extraction or removal of natural resources on or under land.
- (b) Water well (public or private).
- (c) Silviculture.
- (d) Multiple family dwellings (apartments and condominiums).
- (e) Two family dwellings.
- (f) Townhouses.
- (g) Single Family Dwellings.
- (h) Accessory structures and uses.
- (i) Church or similar religious facility.

4.10.3 *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) Country club.

4.10.4 *Area and dimensional ordinances (single family and two family)*. 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	12 Dwelling Units per Acre
Minimum Lot Area/Dwelling Unit	6,500 Square Feet
Minimum Lot Width at Building Line	60-Feet

Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

4.10.5 *Area and dimensional ordinances (multiple family).* 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	50
Minimum Front Yard	25-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	25-Feet
Maximum Density	12 Dwelling Units per Acre
Minimum Lot Area	22,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.80

4.10.6 *Townhouses.* 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	25-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	10-Feet (exterior wall side yards)
Maximum Density	12 Dwelling Units per Acre
Minimum Lot Area/Dwelling Unit	2,500 Square Feet
Minimum Lot Width at Building Line	25-Feet
Minimum Lot Width at Street Line	25-Feet
Maximum Ground Coverage Ratio	.80

4.10.7 *Open space requirement.* A minimum of 10% of the gross land area developed under the HDR designation shall be set aside as permanent open space to include amenities, common areas and recreation facilities.

4.10.8 *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 properties designated single family residential, which are located within 200-feet of the source of the light.

4.10.9 *Landscaping and buffering.* All HDR, High Density Residential District, properties shall meet the requirements of *Article 17: Landscaping and Buffers*.

Agency Comments

Planning and Zoning/Subdivisions: Mary Booth, Subdivision Coordinator

If the rezoning is approved, Final Site Plan approval in accordance with the *Baldwin County Subdivision Regulations* will be required.

ALDOT: Michael Smith, Area Permit Manager

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

Sent: Tuesday, May 12, 2020 6:02 PM

To: D Hart <DHart@baldwincountyal.gov>

Cc: White, J. Jason <whitejoh@dot.state.al.us>; Denton, Samantha H. <dentons@dot.state.al.us>

Subject: Re: June rezoning cases

DJ,

Thanks for sending this information to us. I have the following comments:

- Z-20012 - This development will require an ALDOT permit for access and a full review of the proposed site plan. The preliminary site plan included with the attachment shows 2 access points to SR 181. Based on some rough measurements the southern access would fall at or within an existing SB right turn lane into the Palladian Apts., which would present a conflict.
 - Please direct them to contact ALDOT for preliminary discussions about this development as it will have significant impact to the roadway in this area.

Thanks again,

Michael Smith, ALDOT

Area Permit Manager

251-331-0104

251-470-8273

ADEM: No comments received.

Municipality: City of Daphne, Adrienne Jones, Planning Director

From: Adrienne Jones <ajones@daphneal.com>

Sent: Monday, May 11, 2020 9:59 AM

To: D Hart <DHart@baldwincountyal.gov>

Subject: RE: Z-20012 Sweat Property

Being that the request is consistent with the County master plan and compatible with the existing multifamily apartment development to the south (originally approved and permitted in the County and later annexed through the Legislative

Annexation process into the Daphne City limits), then the use could be considered. It would be my hope that a sufficient landscape buffer would be built to mitigate the impact of the development on the single family residents across Highway 181.

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 properties are undeveloped and residential. The properties adjoin State Highway 181 to the east. The adjoining properties on the west side of Highway 181 are residential, with multifamily located on the adjacent property to the south. A cemetery is located on the east side of Highway 181. This area is unzoned (Planning District 7).

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

The zoning for Planning District 15 was adopted by the County Commission on August 1, 2006. The area has seen significant residential growth since that time. The property to the south is the location of the Palladian at Daphne. This is an existing apartment complex which was zoned, developed and permitted by the County prior to annexation into the City of Daphne.

Current zoning designation nomenclature was adopted on July 21, 2009.

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

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

A future land use designation of Residential is provided for the majority of 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. Institutional uses, recreational uses and limited neighborhood commercial uses may be included subject to the provisions of the Zoning Ordinance. To the greatest extent possible, residential areas should be accessible to major thoroughfares connecting with work areas, shopping areas and recreational areas. Zoning designations may include RR, RA, CR, RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RSF-6, RTF-4, RTF-6, RMF-6, HDR, RMH and PRD. If the rezoning is approved, this designation will remain.

The two commercial parcels have a future land use designation of Commercial. This category provides for retail and wholesale trade facilities which offer convenience and other types of goods and services. Institutional uses, recreational uses, mixed-use developments and transportation, communication and utility uses may be included in accordance with the Zoning Ordinance. Multiple family developments may also be included. Commercial uses should be located on major streets so as to be accessible to the residential population. Zoning designations may include RR, B-1, B-2, B-3, B-4, LB, RV-1, RV-2, MR and TR. Approval of the rezoning will necessitate a change in the future land use designation to Residential for these parcels.

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

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

Improvements to State Highway 181 are currently in progress for areas to the north and south of the subject properties. Staff does not believe that the proposed development will conflict with these improvements.

ALDOT comments:

This development will require an ALDOT permit for access and a full review of the proposed site plan. The preliminary site plan included with the attachment shows 2 access points to SR 181. Based on some rough measurements the southern access would fall at or within an existing SB right turn lane into the Palladian Apts., which would present a conflict. Please direct them to contact ALDOT for preliminary discussions about this development as it will have significant impact to the roadway in this area.

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

Traffic congestion is a major concern in this area. Development on the subject properties, whether under the current zoning or the proposed zoning, will affect traffic patterns and congestion. The exact impact, however, is difficult to ascertain. Traffic impacts and required improvements, if needed, will be addressed during later phases of the project if the rezoning is approved.

See ALDOT comments above.

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 responses to Standard 1 and Standard 2.

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

This application represents the second request for HDR since the designation was adopted in 2017. If approved, the subject properties will be the first to carry the designation. Adjacent properties are zoned RSF-1 and B-2. As stated previously, the property to the south lies within the city limits of Daphne and is the location of an apartment complex. This property was zoned RMF-6 when it was developed under County zoning. Property on the east side of Highway 181 is unzoned.

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

Staff believes that timing is appropriate given development trends in the area.

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

County GIS indicates small areas of potential wetlands on the subject property. According to the submitted site plan, these areas will be avoided by the proposed development. Compliance with the required 30' wetland setback will be evaluated during the Land Use Certificate process.

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

This is a broad standard which often indicates potential impacts which could extend beyond a given planning district. Staff knows of no significant impacts.

11.) Other matters which may be appropriate.

- The intent of the HDR, High Density Residential District, is to provide the opportunity for multiple family residential development, including apartments, condominiums, duplexes and townhouses, in a high density setting. The designation was created because of inquiries from developers with an interest in high density residential development, primarily multifamily, in the zoned areas of the County. At the time, the zoning ordinance limited density to six dwelling units per acre. As a result, developers would often seek annexation into municipalities in order to achieve their desired density. Adoption of HDR provided a true high density zoning designation to allow future high density developments to remain under County zoning, with the intention that the designation would be applied in the zoned areas which are adjacent to the larger municipalities (Case T-17001, adopted by the County Commission on May 16, 2017). Staff believes the current proposal meets this intent.
- If the rezoning is approved and the project constructed, a landscaped buffer of 25' will be required along the portions of the property which abut RSF-1 zoning. A buffer of 10' will be required along the areas which abut B-2 zoning. In addition, 10' of the required setback along Highway 181 shall be maintained as a buffer. Parking lot landscaping will also be required. A landscaping plan, demonstrating compliance with the requirements of Article 17 from the *Baldwin County Zoning Ordinance* shall be submitted during the Land Use Certificate approval process.
- The subject properties are located in the extraterritorial jurisdiction of the City of Daphne. The developers should contact the City to determine any requirements which might be applicable to this project.

Staff Comments and Recommendation

As stated above, this application involves four parcels which total approximately 23.22 acres. The existing zoning designations are RSF-1, Single Family District, RMF-6, Multiple Family District, and B-2, Neighborhood Business District. A zoning of HDR, High Density Residential District, has been requested in order to allow for the development of a 270 unit apartment home community to be known as the Exchange at Daphne. A preliminary site plan submitted with the application provides the proposed layout of the development as well as common amenities. The subject properties are located to the north of an existing apartment complex which was developed and zoned under County zoning prior to annexation into the City of Daphne. If this request is approved, the properties will be the first to carry the HDR designation.

With the above comments in mind, and unless information to the contrary is presented at the public hearing, staff recommends **APPROVAL** of Case Z-20012 to the County Commission. *

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

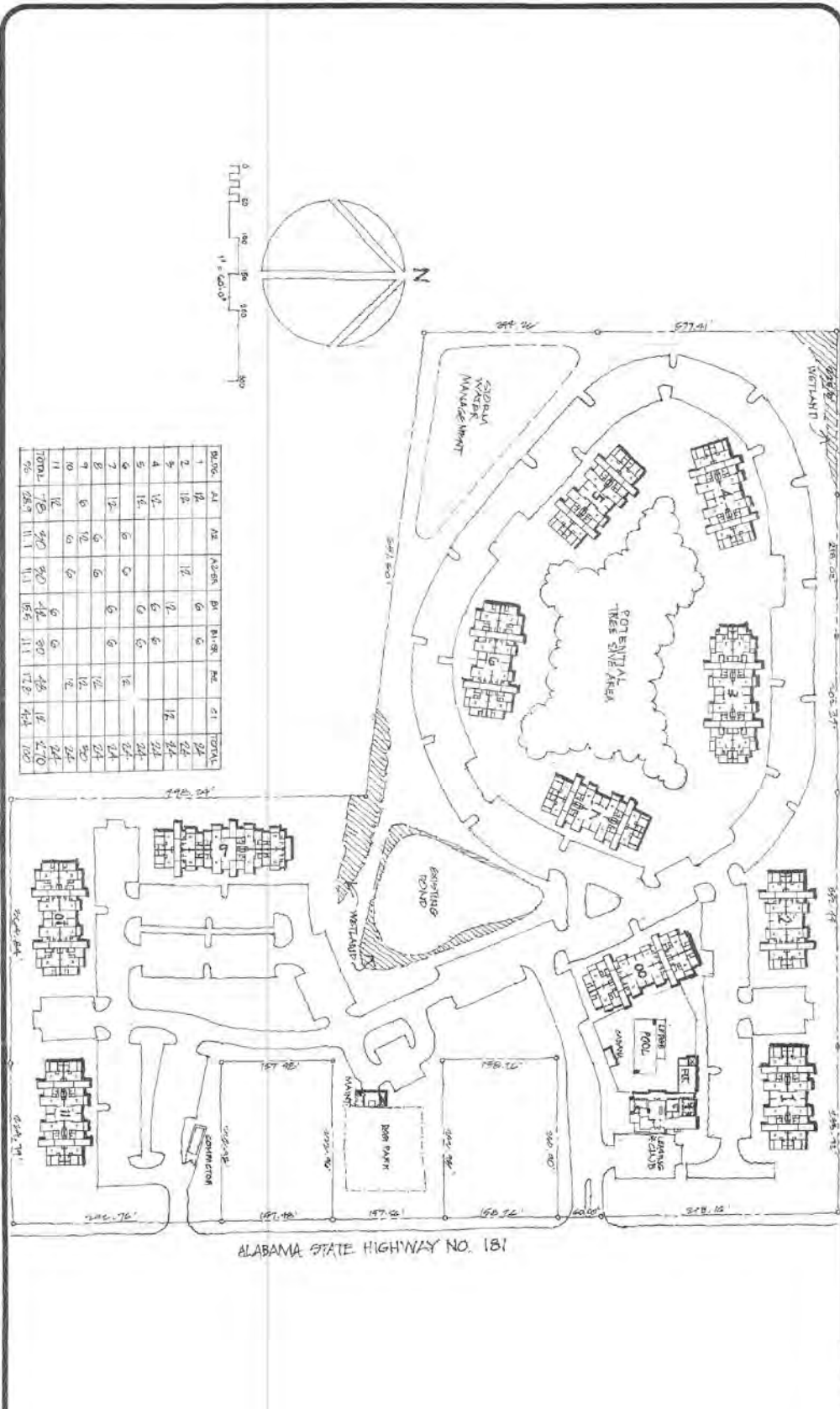
An Apartment Home Community

Daphne, Alabama

Studio HD
Studio for Housing Design, LLC
Architecture + Planning
Atlanta, Georgia

Exchange at Daphne - Site Concept

Hathaway Development
Atlanta, Georgia



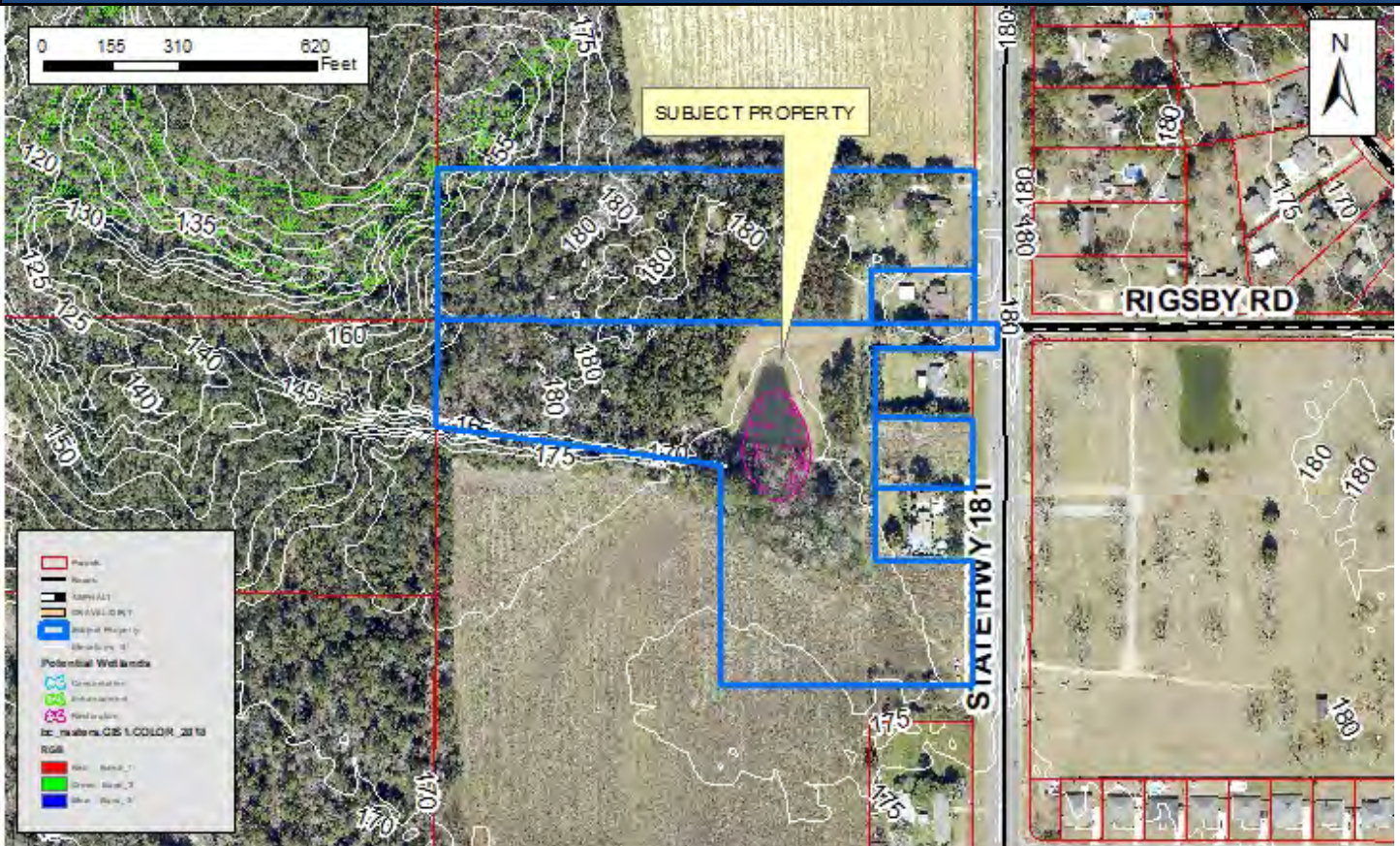
Property Images



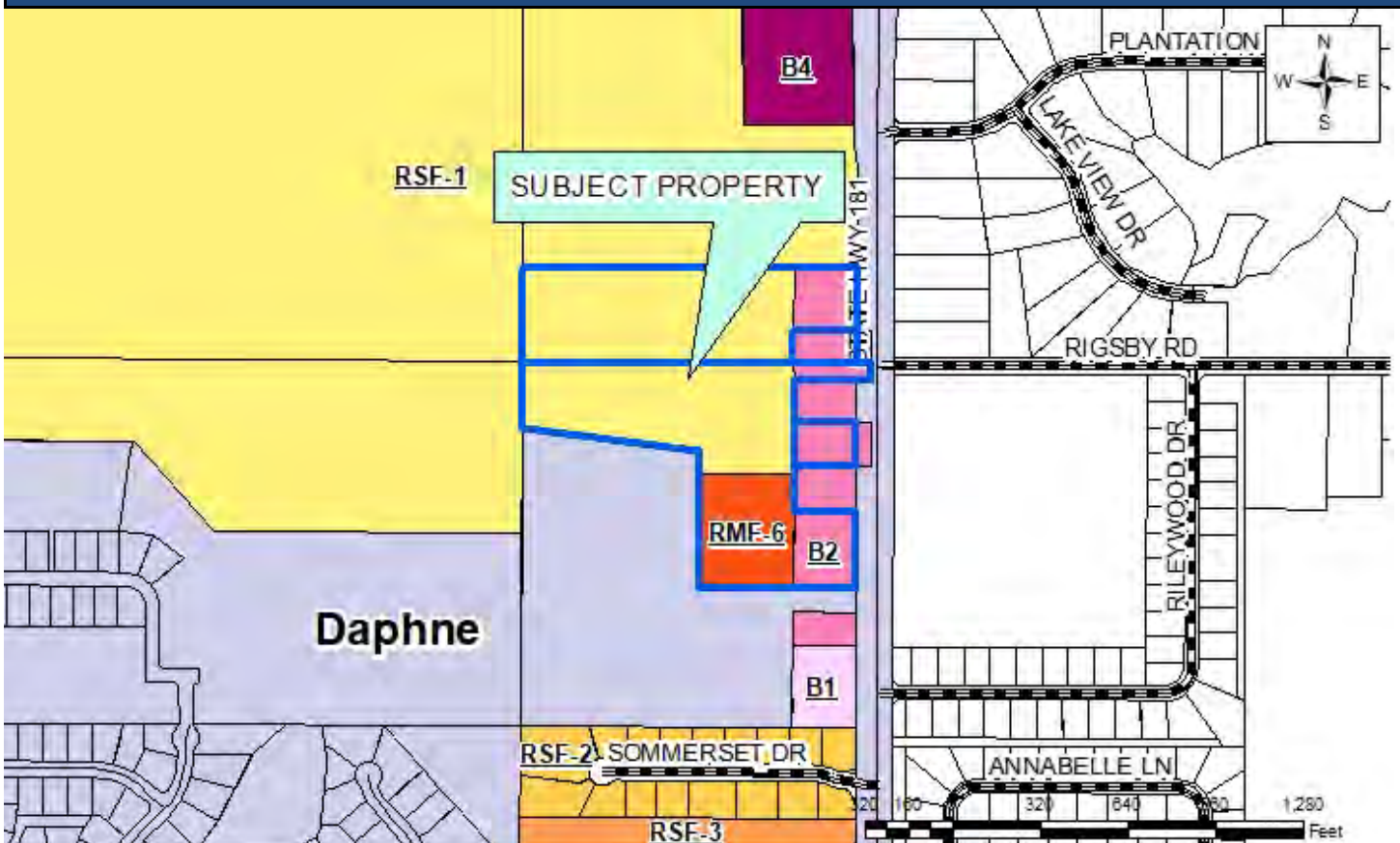




Site Map



Locator Map





Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 6.g

Case No. Z-20016

Puckett Property

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

July 9, 2020

Subject Property Information

Planning District: 15
General Location: North side of County Road 64, east of State Highway 181
Physical Address: 10213 County Road 64
Parcel Numbers: 05-43-06-14-0-000-015.000
Existing Zoning: RSF-E, Residential Single Family Estate District
Proposed Zoning: B-3, General Business District
Existing Land Use: Residential
Proposed Land Use: Commercial
Acreage: 1 acres +/-
Applicants: Sawgrass Consulting
30673 SGT El Boots Thomas Dr
Spanish Fort, AL
Owner: Jacqueline Simms Puckett
10213 Co Rd 64
Daphne, AL 36526
Lead Staff: Celena Boykin, Senior Planner
Attachments: *Within Report*

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

Summary

The subject property is currently zoned RSF-E, Residential Single Family Estate District and contains 1 acre. The designation of B-3 General Business District, has been requested for the purpose of moving an existing business that is located at the northeast corner of State Hwy 181 and County Rd. 64 to the subject property.

Section 4.1 RSF-E, Residential Single Family Estate District

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

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

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

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

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

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

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

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

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

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

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

Proposed Zoning Requirements

Section 5.3 B-3, General Business District

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

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

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

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

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

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

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

5.3.4 *Area and dimensional ordinances.*

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

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

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

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

Agency Comments

Baldwin County Highway Department (Alfreda Jeffords): We would usually require a common drive but in this case with the business wanting to occupy the 1ac on the southwest corner, they would need to apply for a commercial turnout application at the rezoned lot and the residential drive to the east could stay. There have been discussions recently about capacity improvement that may impact the frontage to the site, with the highway construction setback being 100' this should be okay.

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

ADEM: No comments received.

ALDOT: We have no objections to the existing business moving up CR 64 away from the corner. Any new business/ development related to the corner parcel would of course need to be sent our way.

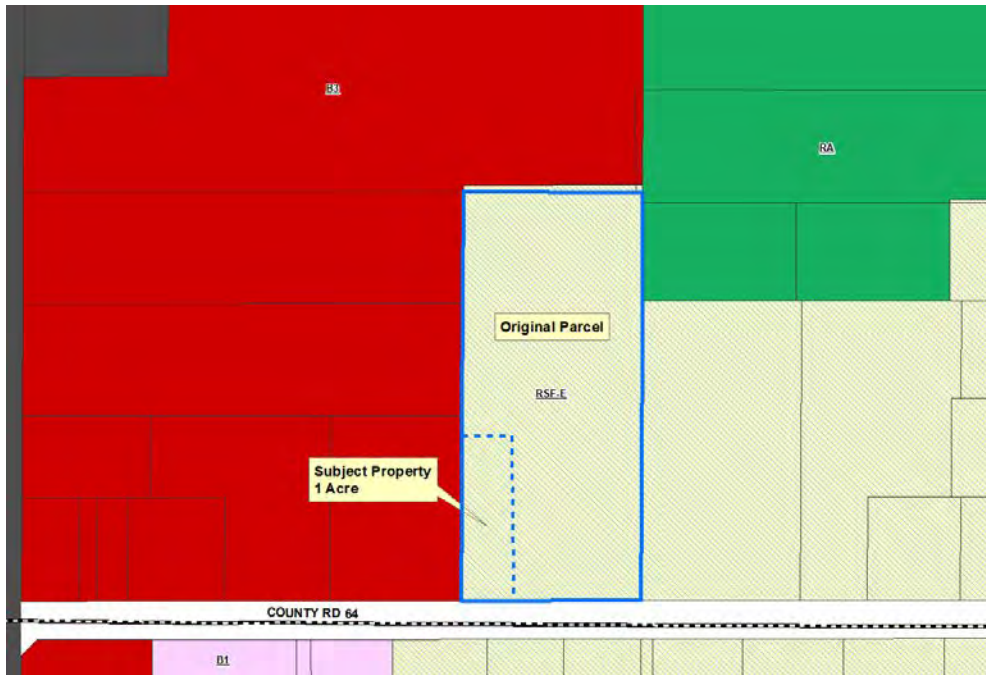
City of Daphne (Adrienne Jones, Planning Director): The Puckett zoning request is compatible with adjacent zoning to the west. Hopefully, there are regulations for a “meaningful” buffer between the subject site and the residential use to the east.

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 portion of the property being rezoned is vacant. The subject property, which contains 1 acre was originally part of a 7.26 acre parcel. The property owner submitted for an exempt subdivision and received approval. The property adjoins County Road 64 to the south. The adjoining properties are residential.



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

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

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

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

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

If the rezoning is approved, the Future Land Use Map will be amended to reflect the designation of Commercial.

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

The adjacent future land use designations to the west are commercial.

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

The Highway Department is currently in the design phase of corridor improvements to County Road 64 in this area. In the event that the property is rezoned and the development moves forward, access and required improvements will be addressed during the Land Use Certificate process. Since the development would be commercial, it would be classified as a major project.

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

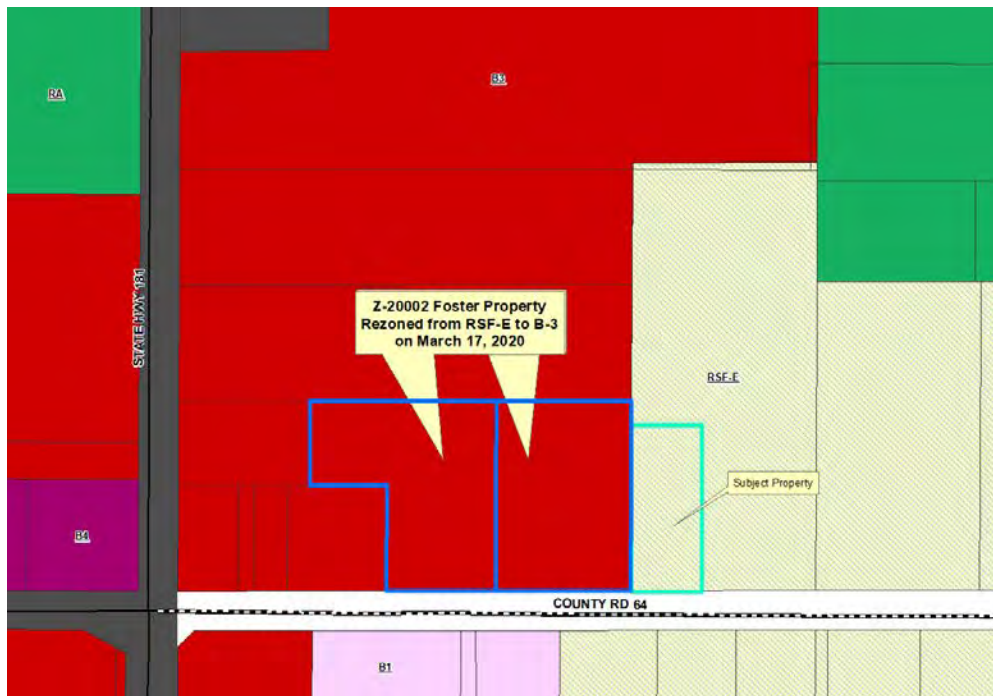
Traffic congestion is a major concern in this area. This development shouldn't have an impact on traffic patterns and congestion since the business currently exists 900 ft to the west on the same road.

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

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

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

Adjacent property to the west is zoned B-3 which is the requested designation for the subject property. The two parcels to the west was just rezoned from RSF-E to B-3 for a retail center. Properties to the south, north, and east are zoned RSF-E, Residential Single Family Estate District. As stated above, the property is located to the east of a commercial intersection. Property at the intersection is primarily zoned B-3, with two parcels zoned B-4, Major Commercial District, at the northwest corner.



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

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

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

Staff knows of no other adverse impacts to environmental conditions or historic resources.

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

As stated previously, traffic congestion is a major concern in this area. This would also be the primary concern in terms of health, safety and welfare.

11.) Other matters which may be appropriate.

If this rezoning is approved, this project will be considered a major project and will have to meet the buffer requirements as listed below from the zoning ordinance.

Article 17 Landscaping and Buffers

Section 17.1 Landscaping Plan

A landscaping plan is required for all major projects. Such plan shall be submitted in conjunction with an application for a land use certificate as herein provided. The plan shall clearly show what existing trees, shrubbery, and other vegetation will be retained, and what trees, shrubbery, and other vegetation will be added to complete the landscaping of the property. The developers shall attempt to retain as many trees as possible on the property unless the trees are a safety hazard to pedestrians, property, or vehicular traffic, or that their removal is necessary to construct the proposed improvements. In such case, the landscape plan shall indicate replacement trees at least 6 feet tall and one inch in diameter for each indigenous tree of at least three (3) inches in diameter removed, unless the property already has a tree density which does

not allow adequate space or light for additional trees. The landscape plan shall show the locations of the proper number of replacement trees. Replacement trees and other vegetation to be installed shall be native species or noninvasive exotics which are not likely to out-compete native vegetation and do not require excessive pesticides, fertilizer, or water to maintain growth.

(a) A major project which abuts a freeway/expressway, arterial or collector shall maintain a minimum of ten (10) feet of the required setback as a buffer along the entire width of the property which abuts said freeway/expressway, arterial or collector except where curb cuts provide ingress and egress. Said buffer shall be planted with trees, shrubs and grass or other ground cover so that an attractive appearance is presented as detailed in the required landscape plan.

Section 17.2 Buffers of Unlike Land Uses and Zoning Designations

17.2.1 Purpose and intent. Where unlike land uses or zoning designations occur, a buffer shall be required along the entire length of all such common boundaries. Said buffer shall be of the width specified below and shall be planted with canopy trees, understory trees and shrubs of sufficient density and of sufficient height (but in no case less than 8-feet high at the time of planting for canopy trees and 4-feet high at the time of planting for understory trees) to afford adequate sight, sound and debris protection. All screen planting shall be maintained in a clean and healthy condition.

17.2.2 Buffer Requirements. Landscaped buffers shall be located at the perimeter of the building site for any given use, and shall not be located in any portion of a public right-of-way. The required buffer widths are listed below. Additional information may be found at Appendix B:

(a) Multiple Family uses (RMF-6) when adjacent to a Rural District (RR, RA and CR), Residential Single Family Estate District (RSF-E) or Single Family District (RSF-1, RSF-2, RSF-3, RSF-4 and RSF-6) shall require a minimum buffer of **25-feet**.

(b) Multiple Family uses (RMF-6) when adjacent to a Two Family District (RTF-4 and RTF-6) or Professional Business District (B-1) shall require a minimum buffer of **10-feet**.

(c) Institutional uses, Professional Business uses (B-1), Neighborhood Business uses (B-2), General Business uses (B-3), Major Commercial uses (B-4) and Marine Recreation (MR) uses when adjacent to a Rural District (RR, RA and CR), Residential Single Family Estate District (RSF-E) or Single Family District (RSF-1, RSF-2, RSF-3, RSF-4 and RSF-6) shall require a minimum buffer of **25-feet**.

(d) Institutional uses, Professional Business uses (B-1), Neighborhood Business uses (B-2), General Business uses (B-3), Major Commercial uses (B-4) and Marine Recreation (MR) uses when adjacent to a Two Family District (RTF-4 and RTF-6) or Multiple Family District (RMF-6) shall require a minimum buffer of **10-feet**.

(e) Manufactured Housing Parks (RMH) when adjacent to a Residential Single Family Estate District (RSF-E) or Single Family District (RSF-1, RSF-2, RSF-3, RSF-4 and RSF-6) shall require a minimum buffer of **25-feet**.

(f) Manufactured Housing Park (RMH) when adjacent to a Two Family District (RTF-4 and RTF-6), Multiple Family District (RMF-6) or Professional Business District (B-1) shall require a minimum buffer of **10-feet**.

(g) Light Industrial uses (M-1), General Industrial uses (M-2) and Transportation, Communication and Utility uses when adjacent to any residential property shall require a minimum buffer of **75-feet**.

(h) Light Industrial uses (M-1), General Industrial uses (M-2) and Transportation, Communication and Utility uses when adjacent to any Business District (B-1, B-2, B-3 and B-4) shall require a minimum buffer of **50-feet**.

Staff Comments and Recommendation

As stated above, the subject property is currently zoned RSF-E, Residential Single Family Estate District and contains 1 acre. The designation of B-3 General Business District, has been requested for the purpose of moving an existing business that is located at the northeast corner of State Hwy 181 and County Rd. 64 to the subject property.

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

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

Property Images







ADJOINING PROPERTY TO THE EAST

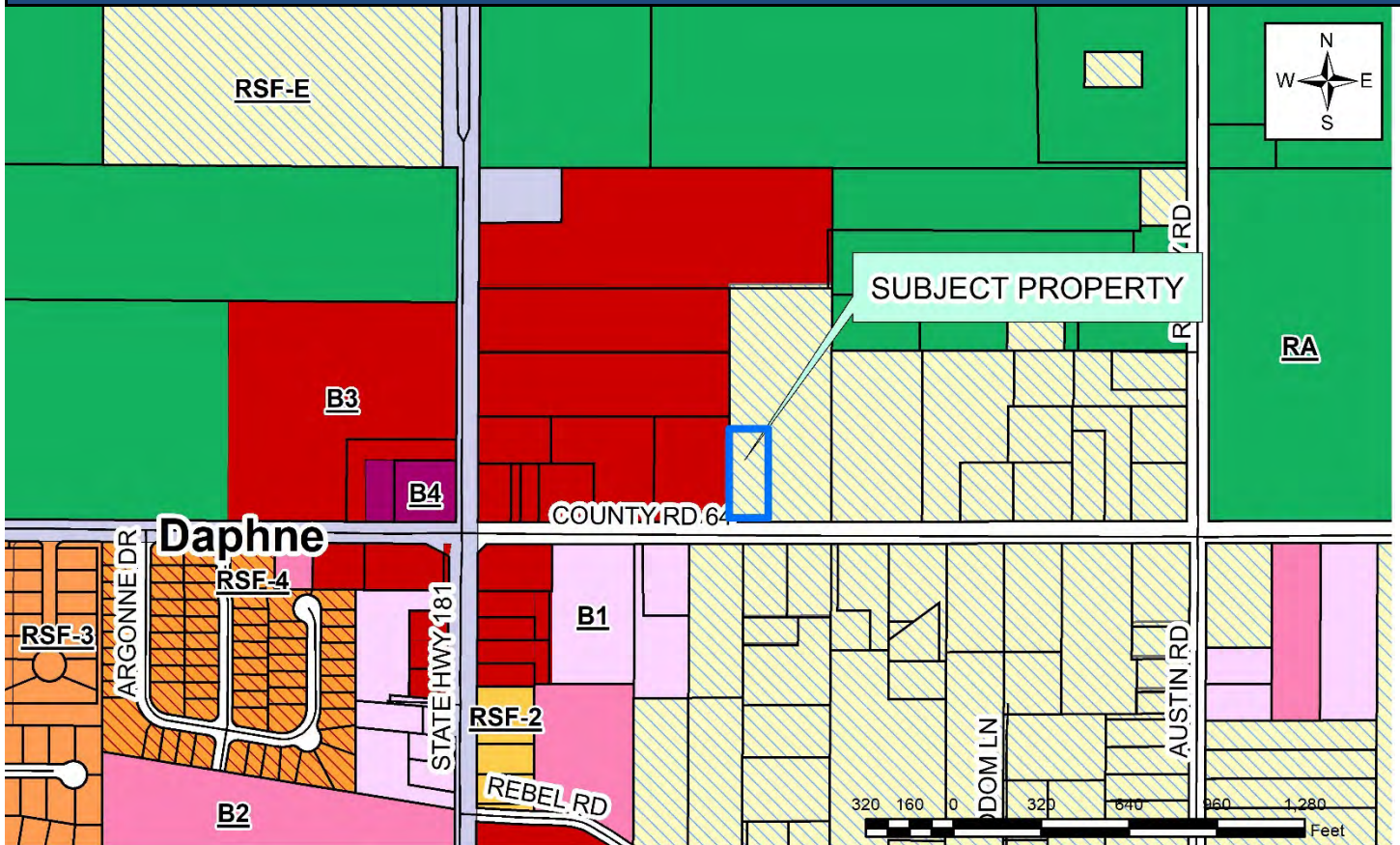
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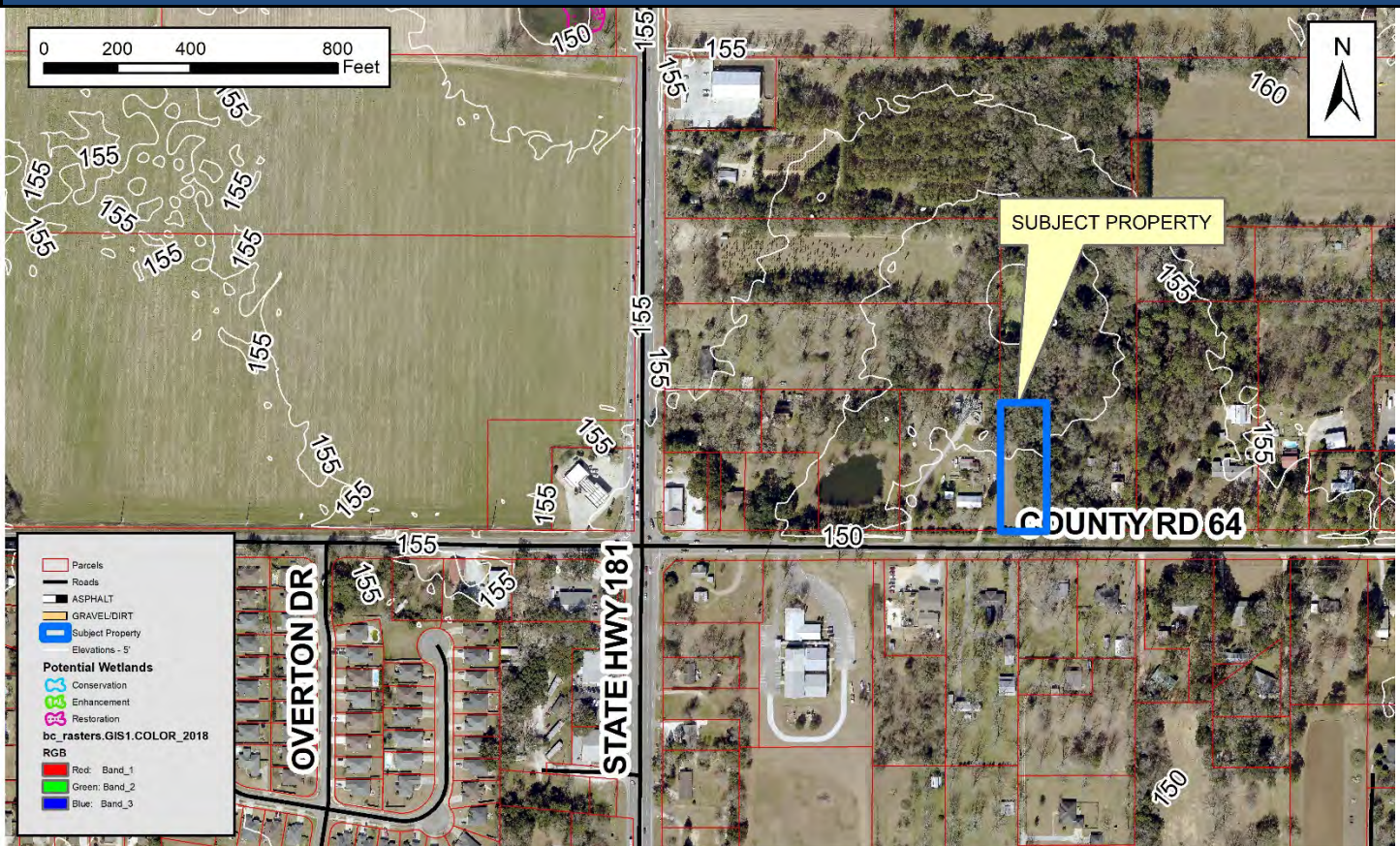
SUBJECT PROPERTY

05/14/2020

Locator Map



Site Map





Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 6.h

Case No. Z-20017

Pelfrey Property

Rezone RSF-1, Residential Single Family District to RA, Rural Agricultural District

July 9, 2020

Subject Property Information

Planning District: 22
General Location: West side of County Road 93
Physical Address: 13826 County Road 93
Parcel Number: 05-52-05-22-0-000-008.006
Existing Zoning: RSF-1, Residential Single Family District
Proposed Zoning: RA, Rural Agricultural District
Existing Land Use: Residential
Proposed Land Use: Residential, Storage Buildings for Equipment and Animal Shelter
Acreage: 13.9± acres
Applicant: Brett Pelfrey
13826 County Road 93
Lillian, AL 36549
Owner: Same
Lead Staff: Linda Lee, Planner
Attachments: *Within Report*

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

Summary

The subject property is currently zoned RSF-1, Residential Single Family District, and is currently occupied with one dwelling and accessory structures. The property adjoins County Road 93 to the west. The adjoining properties are residential and agricultural. The requested zoning designation is RA, Rural Agricultural District. According to the submitted information, the purpose of this request is to allow for a residence, storage buildings for equipment and an animal shelter.

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
Maximum Height in Habitable Stories	2 1/2
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 3.2 RA Rural Agricultural District

3.2.1 *Generally.* This zoning district provides for large, open, unsub divided 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

Agency Comments

Baldwin County Highway Department, Tyler Mitchell: No Comments Received.

Baldwin County Subdivision: No Comments.

Staff Analysis and Findings

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

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

The subject property is currently zoned RSF-1, Residential Single Family District, and is occupied with one dwelling and accessory structures. The requested zoning designation is RA, Rural Agricultural District. Most of the surrounding properties are zoned RSF-1 and RA and are used for residential and agricultural purposes, therefore the requested change is compatible with the existing development pattern and zoning of nearby properties.

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 22 was zoned in November 2002. The subject property was zoned RSF-1, Single Family District at that time. The size of the parcel far exceeds the RA zoning designation minimum lot area of 3 acres. In 2019, three parcels to the south were rezoned to RSF-2 and RSF-4 (Z-19051) to conform to their existing uses.

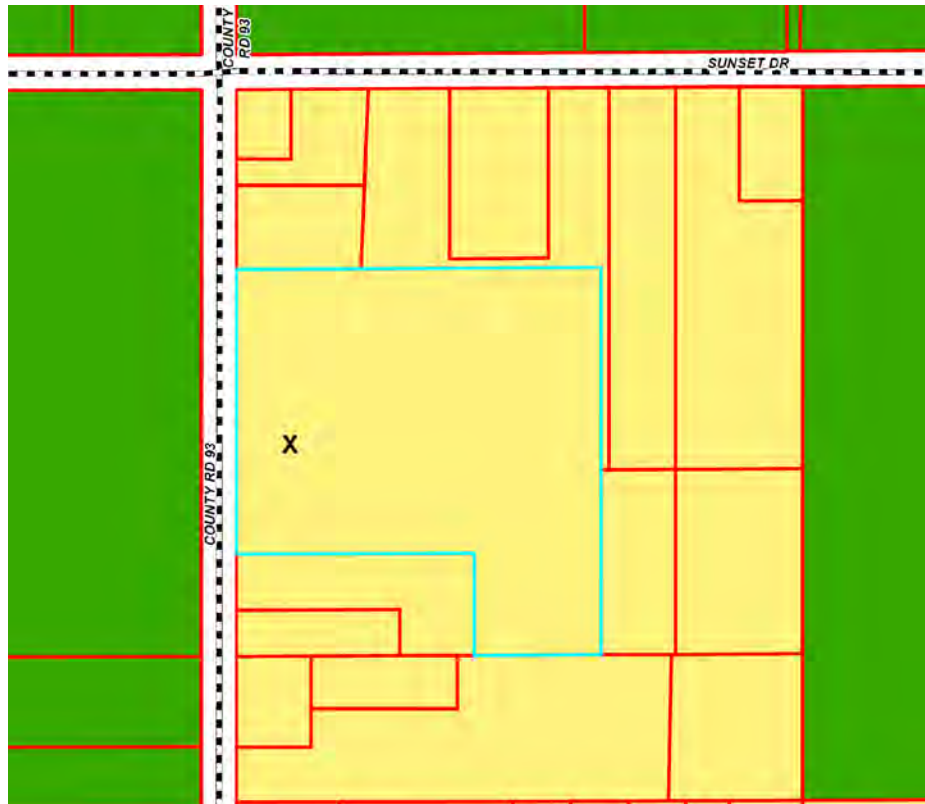
3.) Does the proposed zoning better conform to the Master Plan?

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

A future land use designation of Residential has been provided 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 PRD.

Approval of the rezoning will result in an amendment of the Future Land Use Map to agricultural. Agriculture, forestry and similar activities are included with this future land use category. Single family dwellings, institutional uses, recreational uses, limited commercial uses which are intended to serve a rural area and transportation, communication and utility uses are also included subject to the requirements found within the Zoning Ordinance. This category is designed to protect the essential open character of rural areas until it is timely to reclassify the land to appropriate residential, commercial or industrial categories. Zoning designations may include RR, CR, RA and RSF-E.



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?

County Road 93 is a county maintained paved road. Staff doesn't anticipate any adverse effect to traffic patterns or congestion.

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

Yes, much of surrounding land uses in this area are rural. The established residential use will remain.

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

This area of Planning District 22 consists of both residential and agricultural zoning districts. The surrounding properties zoned RA are used for agricultural purposes, therefore the requested change is a logical expansion of adjacent zoning districts.

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

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

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

Staff anticipates no adverse impacts.

11.) Other matters which may be appropriate.

Staff received two phone calls in support of the rezoning.

From: [Crystal N. Bates](#)
To: [Linda Lee](#)
Subject: Z-20017
Date: Tuesday, May 19, 2020 3:19:10 PM
Attachments: [image001.png](#)

Good Afternoon,

I have had two calls on this case and both callers says it sounds like a wonderful idea and happy with the rezoning.

Staff Comments and Recommendation

As stated previously, the subject property is currently zoned RSF-1, Residential Single Family District, and is currently occupied with one dwelling and accessory structures. The property adjoins County Road 93 to the west. The adjoining properties are residential and agricultural. The requested zoning designation is RA, Rural Agricultural District. According to the submitted information, the purpose of this request is to allow for a residence, storage buildings for equipment and an animal shelter.

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

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

Property Images







ADJOINING PROPERTY TO THE NORTH

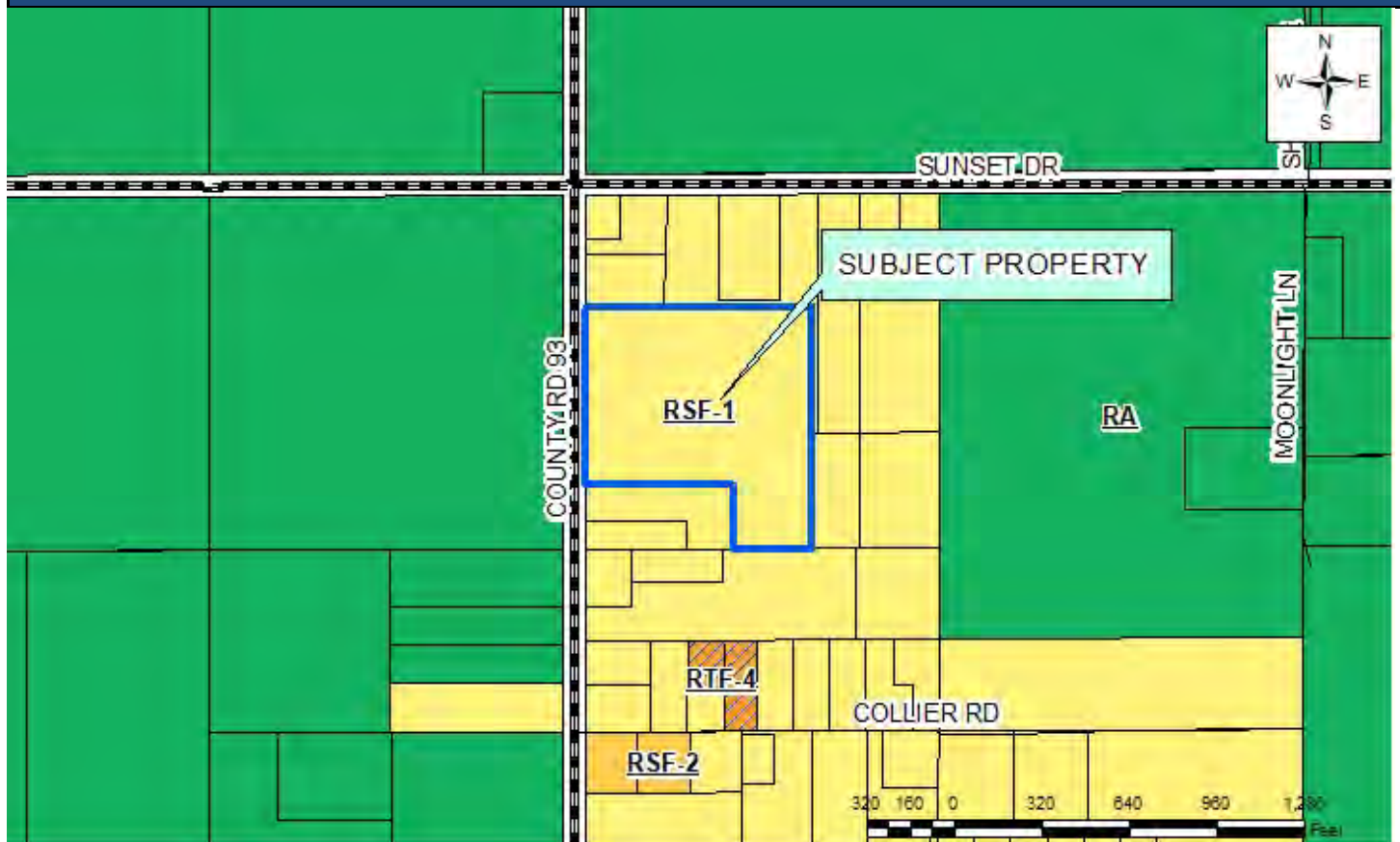
05/11/2020



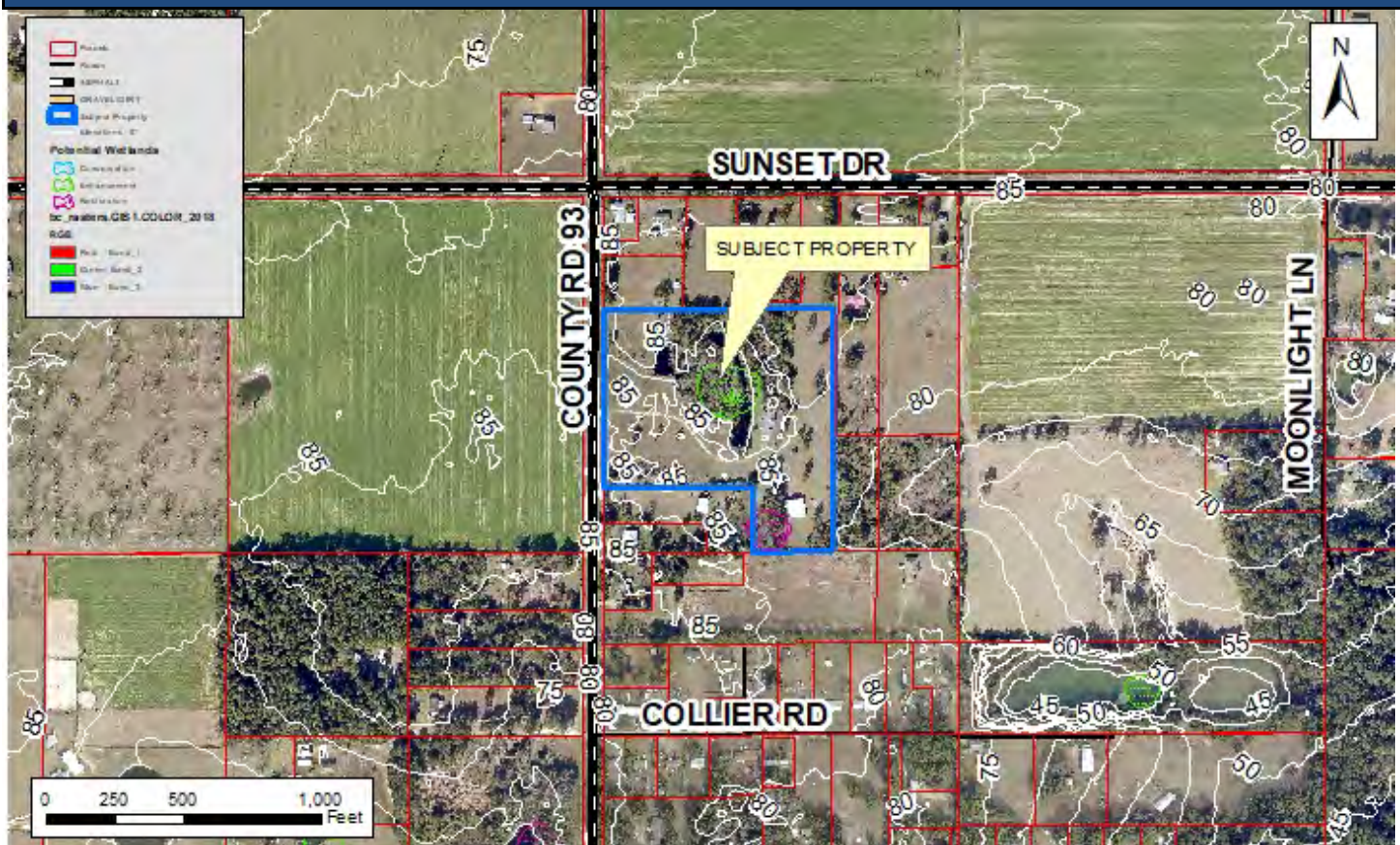
ADJOINING PROPERTY TO THE SOUTH

05/11/2020

Locator Map



Site Map





Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 6.i
Case No. Z-20018
DCF, LLC, Property
Rezone RA, Rural Agricultural District to RSF-2, Single Family District
July 9, 2020

Subject Property Information

Planning Districts: 15
General Location: Southeast corner of the intersection of Rigsby Road and Larry Street Road, north of St. Augustine subdivision
Physical Address: N/A
Parcel Numbers: 05-43-06-14-0-000-001.000
Existing Zoning: RA, Rural Agricultural District
Proposed Zoning: RSF-2, Single Family District
Existing Land Use: Undeveloped
Proposed Land Use: Single Family Residential (proposed subdivision)
Acreage: 38 acres, more or less
Applicant: DCF, LLC
636 Tuthill Lane
Mobile, Alabama 36608
Owner: Same
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

ADJACENT ZONING

North: Unzoned, Planning District 7
South: RSF-2, Single Family District, St. Augustine
East: RA, Rural Agricultural District
West: RA, Rural Agricultural District, and RSF-E, Residential Single Family Estate District

The surrounding properties are primarily residential and agricultural.

Summary

The subject property, located in Planning District 15, consists of approximately 38 acres. The current zoning is RA, Rural Agriculture District. The designation of RSF-2, Single Family District, has been requested in order to develop a single family subdivision which would be similar to St. Augustine which is located to the south.

Section 3.2 RA Rural Agricultural District

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

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

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

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

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

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

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

3.2.5 *Area and dimensional ordinances.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section*

12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.6 Variances, and Article 20: Nonconformities, the area and dimensional ordinances set forth below shall be observed.

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

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

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

Proposed Zoning Requirements

Section 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

From: Alfreda Jeffords <Weesie.Jeffords@baldwincountyal.gov>

Sent: Friday, May 22, 2020 11:39 AM

To: D Hart <DHart@baldwincountyal.gov>

Cc: Tyler W. Mitchell <TMITCHELL@baldwincountyal.gov>; Mary Booth <MBOOTH@baldwincountyal.gov>

Subject: RE: Z-20018 DCF, LLC Property

DJ,

It appears that the site has electrical distribution lines that run diagonally from the northwest corner to the southeast. The electrical utility provider easement would need to be looked at closer if there would be a development proposed. Rigsby RD is a major collector road and Larry Street is a Local classification.

Planning and Zoning/Subdivisions: Mary Booth, Subdivision Coordinator

The subject property is located within the extraterritorial jurisdiction of the City of Daphne. Subdivision approval will be required. for this development. In addition, access, utilities, stormwater requirements, etc. will be addressed for compliance with the Baldwin County Subdivision Regulations.

ADEM: No comments received.

Municipality (City of Daphne): Adrienne Jones, Planning Director

From: Adrienne Jones <ajones@daphneal.com>

Sent: Tuesday, May 12, 2020 3:49 PM

To: D Hart <DHart@baldwincountyal.gov>

Subject: RE: Z-20018 DCF, LLC Property

Great day to you!

Rezoning the subject property to the RSF-2, the same zoning as the adjacent property to the south, would be appropriate as would be to develop the land for similarly-sized lots within a residential subdivision.

Let me know if you need anything else,

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 undeveloped. The property adjoins Rigsby Road to the west and Larry Street Road to the north. The adjoining properties are residential and agricultural. Property to the south is the location for St. Augustine which is zoned RSF-2.

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

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

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

The Baldwin County Master Plan, 2013, indicates a future land use designation of Agricultural for the subject property. If the rezoning is approved, the future land use designation will change to residential. Conformity with the Master Plan is based on an overall evaluation of the standards for rezoning.

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

A future land use designation of Agricultural is currently indicated for the subject property. If the rezoning is approved, the future land use designation will change to Residential. Conformity with the Master Plan is based on an overall evaluation of the standards for rezoning. The Residential category is provided for residential

dwelling units including single family dwellings, two family (duplex) dwellings, multiple family dwellings, manufactured homes, manufactured housing parks and Planned Residential Developments. Institutional uses, recreational uses and limited neighborhood commercial uses may be included subject to the provisions of the Zoning Ordinance. To the greatest extent possible, residential areas should be accessible to major thoroughfares connecting with work areas, shopping areas and recreational areas. Zoning designations may include RR, RA, CR, RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RSF-6, RTF-4, RTF-6, RMF-6, HDR, RMH and PRD.

The adjacent future land use designation to the south is Residential. The Residential designation is also found on parcels located to the west and southwest.

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

Baldwin County Highway Department comments:

It appears that the site has electrical distribution lines that run diagonally from the northwest corner to the southeast. The electrical utility provider easement would need to be looked at closer if there would be a development proposed. Rigsby RD is a major collector road and Larry Street is a Local classification.

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.

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 proposal calls for the development of a single family subdivision which would be similar to St. Augustine, located to the south. If the rezoning is approved, up to 110 lots could be constructed, subject to subdivision approval. Each lot would have a minimum of 15,000 square feet, with a minimum lot width of 80-feet at the building line. Please also see the response to standard number 1 above.

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

The adjacent property to the south (St. Augustine) is zoned RSF-2. Additional property located to the southwest is also zoned RSF-2 (Belgrove).

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

Staff feels that timing of the request is appropriate given existing development trends in the area.

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

Staff knows of no adverse impacts on environmental conditions or historic resources.

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 factors as applicable.

N/A

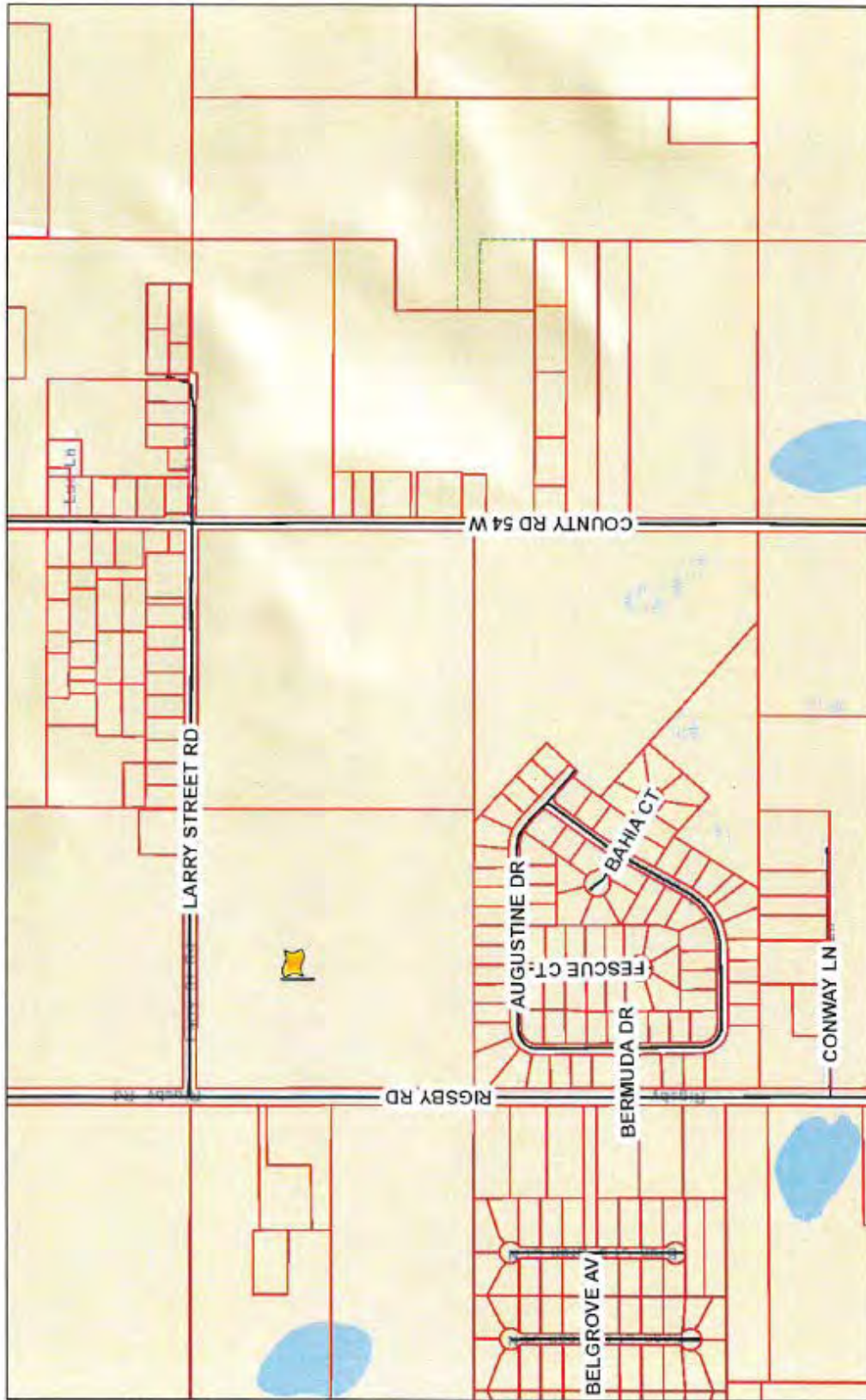
Staff Comments and Recommendation

As stated previously, the subject property, located in Planning District 15, consists of approximately 38 acres. The current zoning is RA, Rural Agriculture District. The designation of RSF-2, Single Family District, has been requested in order to develop a single family subdivision which would be similar to St. Augustine, which is located to the south. If approved, the proposed development would include a maximum of 110, 15,000 square foot lots.

Staff has no major concerns with this application. Unless information to the contrary is obtained from the public hearing, the case should be recommended for **APPROVAL** to the County Commission. *

**On rezoning applications and Planned Residential Developments Site Plan applications, the Planning Commission will be making a recommendation to the County Commission.*

DCF, L.L.C. - RA to RSF-2 - 38 ac. + - PPIN 11760



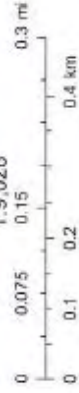
May 6, 2020

pointLayer

- Override 1
- Centerlines
- Coastal Control Line
- Parcels
- Lot Lines

County Boundary

1:9,028



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

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Property Images







ADJOINING PROPERTY TO THE WEST

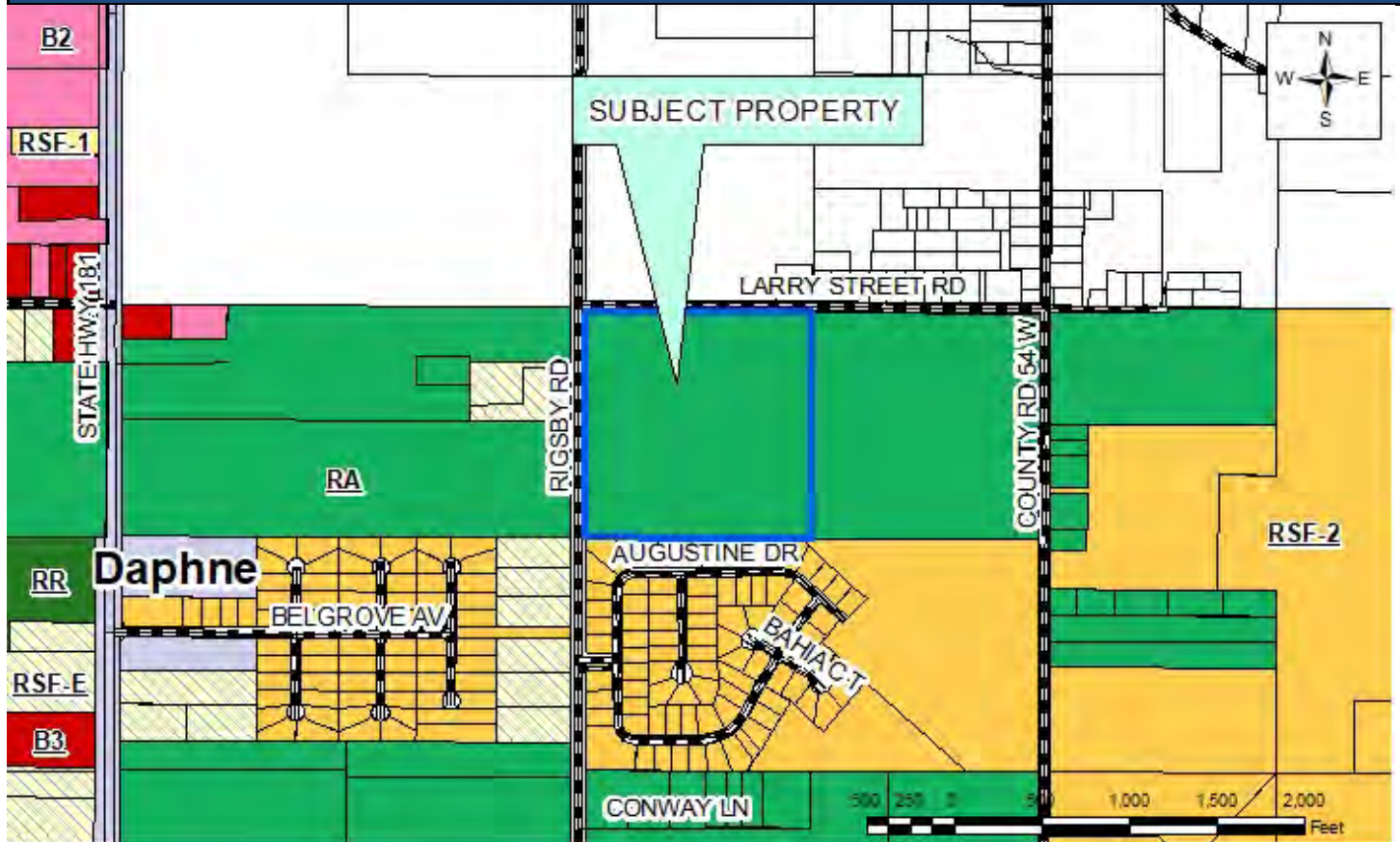
05/11/2020



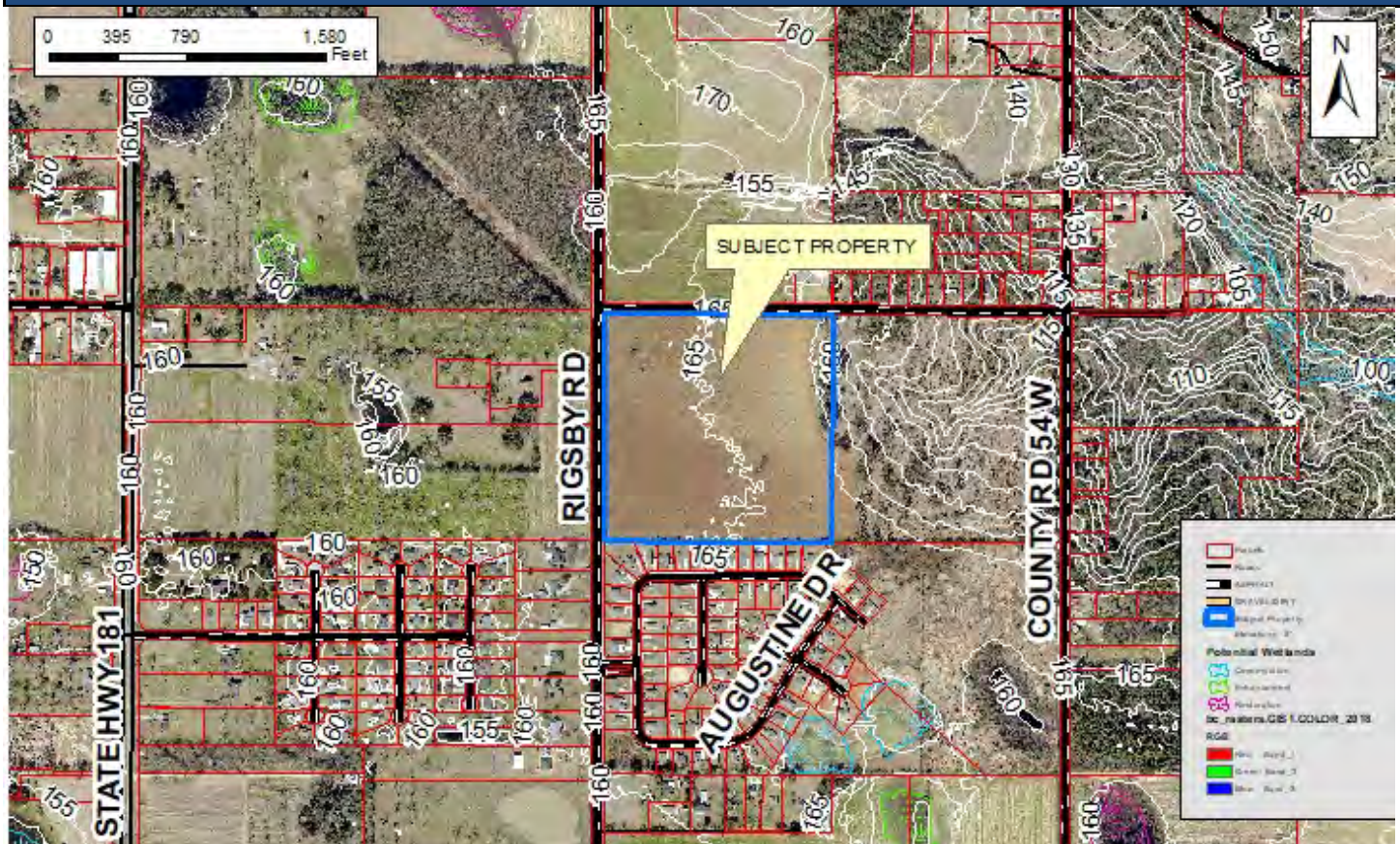
ADJOINING PROPERTY TO THE SOUTH

05/11/2020

Locator Map



Site Map





Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 6.j

Case No. Z-20020

Cahoon Property

Rezone RSF-1, Single Family District to RMH, Residential Manufactured Housing Park District

July 9, 2020

Subject Property Information

Planning District: 20
General Location: Northeast corner of the intersection of County Road 26 and Collins Lane
Physical Address: 10900-A Collins Lane and 13155-C County Road 26
Parcel Numbers: 05-60-03-30-0-000-010.000
05-60-03-31-0-000-001.000
Existing Zoning: RSF-1, Single Family District
Proposed Zoning: RMH, Residential manufactured Housing Park District
Existing Land Use: Manufactured Housing Park (grandfathered)
Proposed Land Use: Manufactured Housing Park
Acreage: 4.5 acres +/-
Applicant: Bob Cahoon
P.O. Box 909
Magnolia Springs, Alabama 36555
Owner: Same
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Undeveloped	RSF-1, Single Family District
South	Residential and Undeveloped	RR, Rural District
East	Residential	RSF-1, Single Family District
West	Residential and Undeveloped	RA, Rural Agricultural District

Summary

This request involves two parcels which consist of approximately 4.5 acres. The properties are currently zoned RSF-1, Single Family District, and are the locations for grandfathered manufactured housing sites. The designation of RMH, Residential Manufactured Housing Park District, has been requested in order to provide conformity to the properties and allow for additional units.

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
Maximum Height in Habitable Stories	2 1/2
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 4.11 RMH, Residential Manufactured Housing Park District

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

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

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) The following agricultural uses: Silviculture.
- (d) Mobile home/manufactured home.
- (e) Manufactured Housing Park.
- (f) Accessory structures and uses.
- (g) The following institutional use: church or similar religious facility.

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

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

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

- (a) *Development area.* A manufactured housing park shall have a minimum lot area of 1 contiguous acre.
- (b) *Space size.* Each manufactured housing space shall have a minimum area of 5,000 square feet and a minimum width of fifty (50) feet for single wide homes and a minimum area of 6,500 square feet and a minimum width of fifty (50) feet for multisectional units. Manufactured housing parks not served by a public water or sewer system may have larger minimum area requirements as established by the Health Department.
- (c) *Setbacks.*
 - 1. Each manufactured housing park shall have a front yard of 50-feet extending for the full width of the subject parcel.
 - 2. Each manufactured housing park shall have a rear yard and a side yard on both sides of the parcel devoted to said use of not less than 30-feet.
 - 3. There shall be a front yard setback of at least 10-feet from all interior park roads.

4. Manufactured homes shall be so located on each space that there shall be at least a 20-foot clearance between manufactured homes. Where manufactured homes are parked end to end, the end to end clearance may not be less than 20-feet and shall not be less than 20-feet to any building within the park.

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

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

4.11.5 *Compliance with Subdivision Regulations*. All manufactured housing parks are subject to the provisions of Article 5 of the *Baldwin County Subdivision Regulations*.

Agency Comments

Baldwin County Highway Department (Weesie Jeffords):

From: Alfreda Jeffords <Weesie.Jeffords@baldwincountyal.gov>

Sent: Wednesday, June 24, 2020 9:31 AM

To: D Hart <DHart@baldwincountyal.gov>

Cc: Mary Booth <MBOOTH@baldwincountyal.gov>; Tyler W. Mitchell <TMITCHELL@baldwincountyal.gov>

Subject: RE: Z-20020 Cahoon Property

DJ,

The site has enough adequate access with the current four driveways. Any additional drives to be constructed will need to be permitted through a commercial turnout.

County Road 26 is classified a Minor Collector with two current driveways to the properties. There are two current driveways on Collins Lane.

Let me know if you need anything else,

Weesie

Planning & Zoning/Subdivisions (Mary Booth, Subdivision Coordinator):

No comments.

ADEM: No comments received.

Municipality: No comments received.

Staff Analysis and Findings

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

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

The subject property is currently operated as a grandfathered manufactured housing park. The property adjoins County Road 26 to the south and Collins Lane to the west. Adjacent properties are residential and undeveloped. Surrounding zoning designations are RSF-1 to the north and east, RR to the south, and RA to the west.

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 20 was adopted by the County Commission on April 2, 2002. There have been no major changes to land uses or conditions since the zoning was established.

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

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

A future land use designation of Residential is provided for the subject property. This category is provided for dwelling units including single family dwellings, two family (duplex) dwellings, multiple family dwellings, manufactured homes, manufactured housing parks and Planned Residential Developments. Institutional uses, recreational uses and limited neighborhood commercial uses may be included subject to the provisions of the Zoning Ordinance. To the greatest extent possible, residential areas should be accessible to major thoroughfares connecting with work areas, shopping areas and recreational areas. Zoning designations may include RR, RA, CR, RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RSF-6, RTF-4, RTF-6, RMF-6, HDR, RMH and PRD. As stated previously, a water well is allowed by right under all zoning designations. The future land use designation will remain residential if the rezoning is approved.

The majority of the adjacent future land use designations are residential and agricultural.

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

Staff knows of planned improvements which would be impacted by this request. See Highway Department comments above.

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

Traffic congestion should not be affected by this request.

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.

Please see the responses to Standards 1 and 2. The primary surrounding land uses are residential or agricultural. The use of the property for manufactured housing sites was established prior to the adoption of zoning and is grandfathered.

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

There is no RMH zoning adjacent to the subject property. The use of the property as a manufactured housing park, however, is already established. Property to the northeast is zoned B-2, Neighborhood Business District.

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

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 knows of 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?

No adverse impacts.

11.) Other matters which may be appropriate.

If this request is approved and additional sites added, final site plan approval by the Planning Commission, in accordance with the subdivision regulations, will be required.

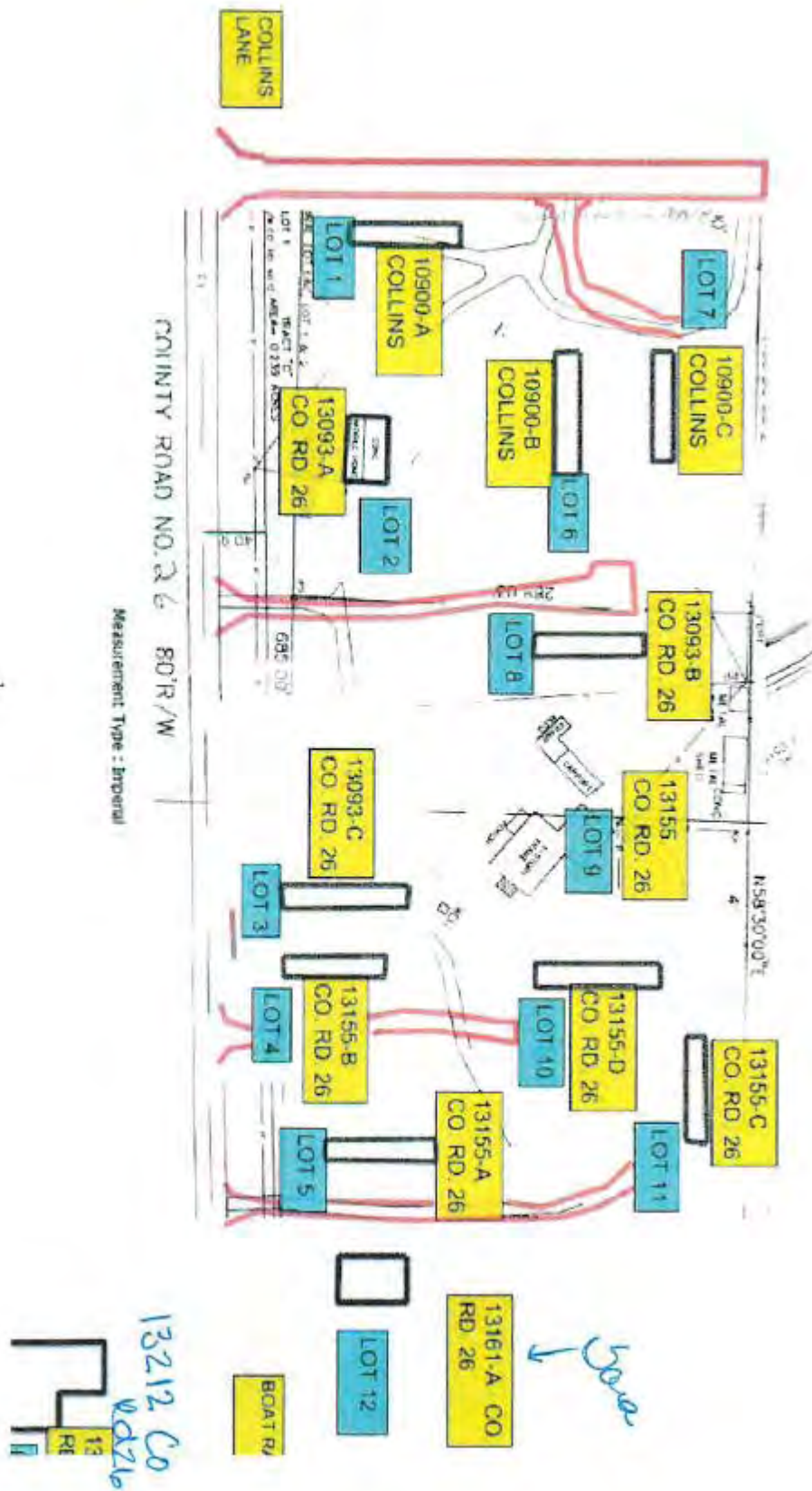
Staff Comments and Recommendation

As stated above, this request involves two parcels which consist of approximately 4.5 acres. The properties are currently zoned RSF-1, Single Family District, and are the locations for grandfathered manufactured housing sites. The designation of RMH, Residential Manufactured Housing Park District, has been requested in order to provide conformity to the properties and allow for additional units.

Staff believes this is a reasonable request which will help to bring conformity to the property. Unless information to the contrary is revealed at the public hearing, this request should be recommended for **APPROVAL** to the County Commission. *

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



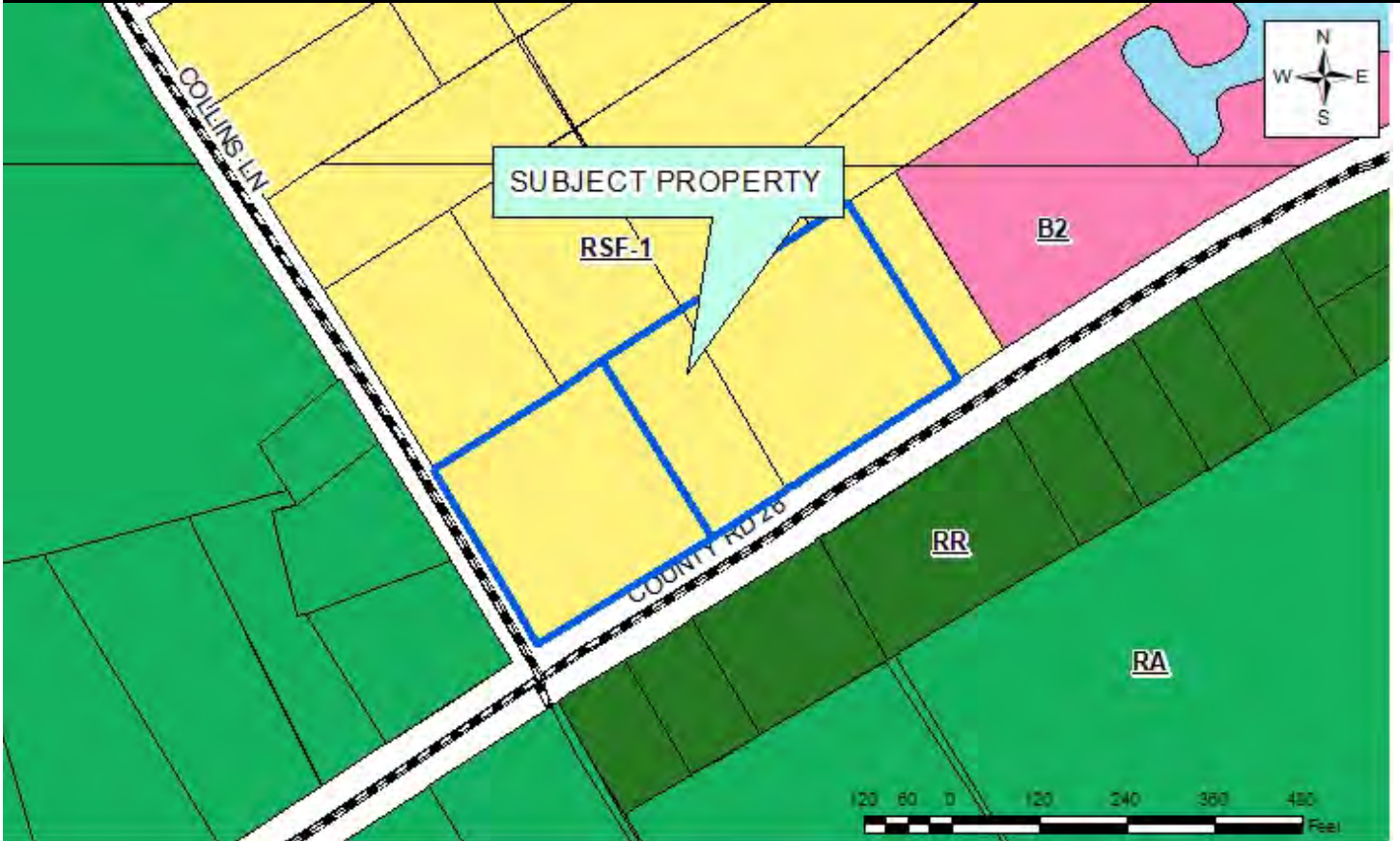


Property Images





Locator Map



Site Map



From: Alida Given <alida.v.foster@gmail.com>
Sent: Wednesday, July 1, 2020 5:58 AM
To: D Hart
Subject: Case No. Z=20020

Dear Sir,

I would like to give my input concerning Case N. Z-20020/Cahoon Property. I hope you will consider carefully about the request for re-zoning.

Baldwin County residents have made this their home due to its environmental beauty. Now, the county seems to be in a race to build and stress this area. Our waterways should be treasured and more hastily built dwellings putting pressure on them, be it sewer or non-maintained septic tanks, is a tragedy. This could be easily prevented with wise management and forethought about our county's future.

I implore you to turn down this request.

Respectfully,

Alida Foster Given

14346 Oak Street; 225 River Route

Magnolia Springs, AL

From: larkin.turner@yahoo.com
Sent: Tuesday, June 30, 2020 9:09 PM
To: D Hart
Subject: Rezoning property at hwy 26 and Collins lane

To whom it may concern:

I am very concerned about the health of Nolte Creek and Magnolia Springs. I feel that the strain of additional sewage systems could be detrimental to our area.

I have personally witnessed a lack of concern by the developer already with this project. This is evidenced by his cutting every tree down and filling in some of the marshlands within the specific area of development.

We the people who live here zoned this land as single family dwelling in a measure to protect the health and vitality of the natural resource we all love and appreciate.

Let me go on record to say that I am against the rezoning of this area.

I will be in attendance at the meeting scheduled for July 9 to express my support for my community with a vote of no.

Until then, I can be reached thru email.

Thank you for your time and consideration with this matter.

- Larkin Turner

12671 2nd Ave

Foley, AL 36535

From: Robert Turner <bigbobt6@gmail.com>
Sent: Tuesday, June 30, 2020 8:30 PM
To: D Hart
Subject: Rezoning property at hwy 26 and Collins lane

I am very concerned about the health of Nolte Creek and Magnolia Springs. I feel that the strain of additional sewage systems could be detrimental to our area.

I have personally witnessed a lack of concern by the developer already with this project. This is evidenced by his cutting every tree down and filling in some of the marshlands within the specific area of development.

We the people who live here zoned this land as single family dwelling in a measure to protect the health and vitality of the natural resource we all love and appreciate.

Let me go on record to say that I am against the rezoning of this area.

I will be in attendance at the meeting scheduled for July 9 to express my support for my community with a vote of no.

Until then, I can be reached thru email.

Thank you for your time and consideration with this matter.

Sent from my iPad



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 6.k

Case No. Z-20021

Dixon Company, LLC Property

Rezone CR, Conservation Resource District to RR, Rural District

July 9, 2020

Subject Property Information

Planning District: 21
General Location: South side of Newberry Lane, east of Magnolia Springs Highway
Physical Address: N/A
Parcel Number: 05-60-08-27-0-000-005.005
Existing Zoning: CR, Conservation Resource District
Proposed Zoning: RR, Rural District
Existing Land Use: Undeveloped
Proposed Land Use: Single Family
Acreage: 10 acres +/-
Applicant: Frank Cole
10232-B Frank Cole Lane
Foley, Alabama 36535
Owner: Dixon Company, LLC – Janet Cobb
P.O. Box 1498
Point Clear, Alabama 36564
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential and Undeveloped	RA, Rural Agricultural District
South	Undeveloped	CR, Conservation Resource District
East	Undeveloped	CR, Conservation Resource District
West	Residential	RR, Rural District

Summary

The subject property, which consists of approximately 10 acres, is currently zoned CR, Conservation Resource District. The designation of RR, Rural District, has been requested in order to provide reduced building setbacks and an expanded buildable area. The wetland setback of 30-feet will be applicable regardless of the zoning designation.

Section 3.3 CR Conservation Resource District

3.3.1 Generally. This zoning district provides for large, open, unsubdivided land which is environmentally constrained and that is vacant or is being used for agricultural, forest or other rural purposes.

3.3.2 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) Outdoor recreation uses.
- (d) The following local commercial uses: fruit and produce store.
- (e) The following institutional uses: church or similar religious facility; school (public or private).
- (f) Agricultural uses.
- (g) Single family dwellings including manufactured housing and mobile homes.
- (h) Accessory structures and uses.

3.3.3 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*).

3.3.4 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: Institutional uses not permitted by right.

3.3.5 Area and dimensional regulations. 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 regulations set forth below shall be observed.

Maximum Height of Structure in Feet	35
Minimum Front Yard	100-Feet
Minimum Rear Yard	100-Feet
Minimum Side Yards	50-Feet
Minimum Lot Area	5 Acres
Minimum Lot Width at Building Line	250-Feet
Minimum Lot Width at Street Line	250-Feet

Section 3.1 RR, Rural District

3.1.1 *Generally.* This zoning district is provided to accommodate the rural areas of Baldwin County. Rural District ordinances are designed to protect the rural character of the area.

3.1.2 *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) Marine recreation uses.
- (d) Outdoor recreation uses.
- (e) The following general commercial uses: animal clinic and/or kennels; farm implement sales; farmer's market/truck crops; nursery; landscape sales.
- (f) Local commercial uses.
- (g) Professional service and office uses.
- (h) The following institutional uses: church or similar religious facility; child care center; child care institution; day care home; fire station; library; post office; school (public or private).
- (i) Agricultural uses.
- (j) Single family dwellings including manufactured housing and mobile homes.
- (k) Accessory structures and uses.

3.1.3 *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) Light industrial uses.
- (b) General commercial uses not permitted by right, except racetrack.
- (c) Institutional uses not permitted by right, except correctional, detention, or penal institution and sanitarium.
- (d) Boarding house, rooming house, lodging house, or dormitory.
- (e) Fraternity or sorority house.

3.1.4 *Conditional use.* 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:

Transportation, communication, and utility uses not permitted by right.

3.1.5 *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
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

3.1.6 *Area and dimensional modifications.* Within the RR 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	20,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	80-Feet

Agency Comments

Baldwin County Highway Department (Weesie Jeffords):

From: Alfreda Jeffords <Weesie.Jeffords@baldwincountyal.gov>

Sent: Wednesday, June 24, 2020 10:49 AM

To: D Hart <DHart@baldwincountyal.gov>

Cc: Mary Booth <MBOOTH@baldwincountyal.gov>; Tyler W. Mitchell <TMITCHELL@baldwincountyal.gov>

Subject: RE: Z-20021

DJ,

Highway road maintenance ends at the end of pavement for Newberry Lane, frontage to this property is approximately 170ft with the remaining frontage to an unopened ROW. Residential drive connection will require permit through Area 300 facility, any changes in the unopened ROW will require a license agreement through the Permit Section.

Changes from CR to RR will still need setback from USACE jurisdictional wetlands.

Thanks,

Weesie

Planning & Zoning/Subdivisions (Mary Booth, Subdivision Coordinator):

No comments.

ADEM: No comments received.

Municipality: No comments received.

Staff Analysis and Findings

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

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

The subject property is currently undeveloped. The property adjoins Newberry Lane to the north. Adjacent properties are and undeveloped. Surrounding zoning designations are RA to the north, CR to the south and east, and RR to the west.

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 21 was adopted by the County Commission on June 2, 2009. There have been no major changes to land uses or conditions since the zoning was established.

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

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

A future land use designation of Conservation is provided for the subject property. The Conservation District is intended to protect environmentally sensitive areas, and provides for large, open, unsubdivided land. Permitted uses include single family dwellings, agricultural uses, churches and outdoor recreation uses. Recreational vehicle parks and bed and breakfast establishments may be included in accordance with procedures set forth in the Zoning Ordinance. Zoning designations may include CR, RA and OR.

If the rezoning is approved, the future land use designation will be changed to Residential. This category is provided for dwelling units including single family dwellings, two family (duplex) dwellings, multiple family dwellings, manufactured homes, manufactured housing parks and Planned Residential Developments. Institutional uses, recreational uses and limited neighborhood commercial uses may be included subject to the provisions of the Zoning Ordinance. To the greatest extent possible, residential areas should be accessible to major thoroughfares connecting with work areas, shopping areas and recreational areas. Zoning designations may include RR, RA, CR, RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RSF-6, RTF-4, RTF-6, RMF-6, HDR, RMH and PRD. As stated previously, a water well is allowed by right under all zoning designations.

The majority of the adjacent future land use designations are residential, agricultural and conservation.

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

Staff knows of planned improvements which would be impacted by this request. See Highway Department comments above.

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

Traffic congestion should not be affected by this request.

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.

Please see the responses to Standards 1 and 2. The primary surrounding land uses are residential or undeveloped.

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

Property to the west is zoned RR.

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

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?

Baldwin County GIS indicates significant potential wetlands on the property. Two wetland assessments, one completed in 2006, and the other completed in 2020, were submitted with this application. According to the information provided, approximately 2.5 acres of upland area are available for building. A wetland setback of 30-feet is required regardless of the zoning designation. The United States Army Corps of Engineers is the sole regulatory authority in verifying and determining the presence or absence of jurisdictional wetlands.

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

No adverse impacts.

11.) Other matters which may be appropriate.

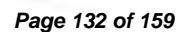
N/A

Staff Comments and Recommendation

As stated above, the subject property, which consists of approximately 10 acres, is currently zoned CR, Conservation Resource District. The designation of RR, Rural District, has been requested in order to provide reduced building setbacks and an expanded buildable area. According to the information provided, the buildable area is limited to approximately 2.5 acres due to the presence of jurisdictional wetlands. This area is reduced further by the more restrictive setbacks of the CR designation. The 30' wetland setback will be applicable regardless of the zoning. The front setback allowed by the proposed RR designation (30-feet) would actually allow development to be moved further away from the wetlands.

Although the RR designation provides for commercial uses, staff does not believe these uses will be a factor due to the location of the property. In addition, properties located to the west and northwest of the subject property are already zoned RR. Unless information to the contrary is revealed at the public hearing, this request should be recommended for **APPROVAL** to the County Commission. *

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

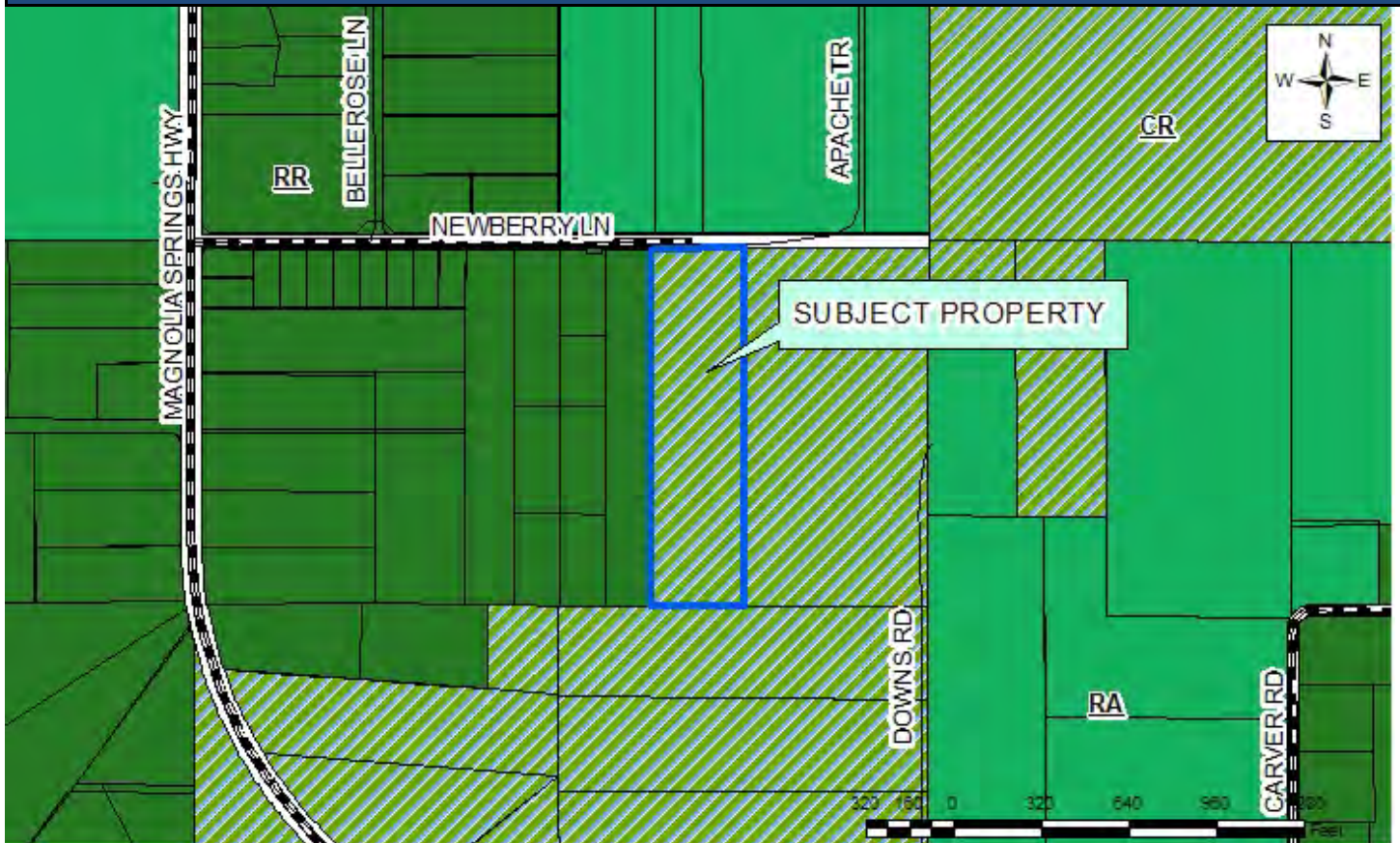


Property Images

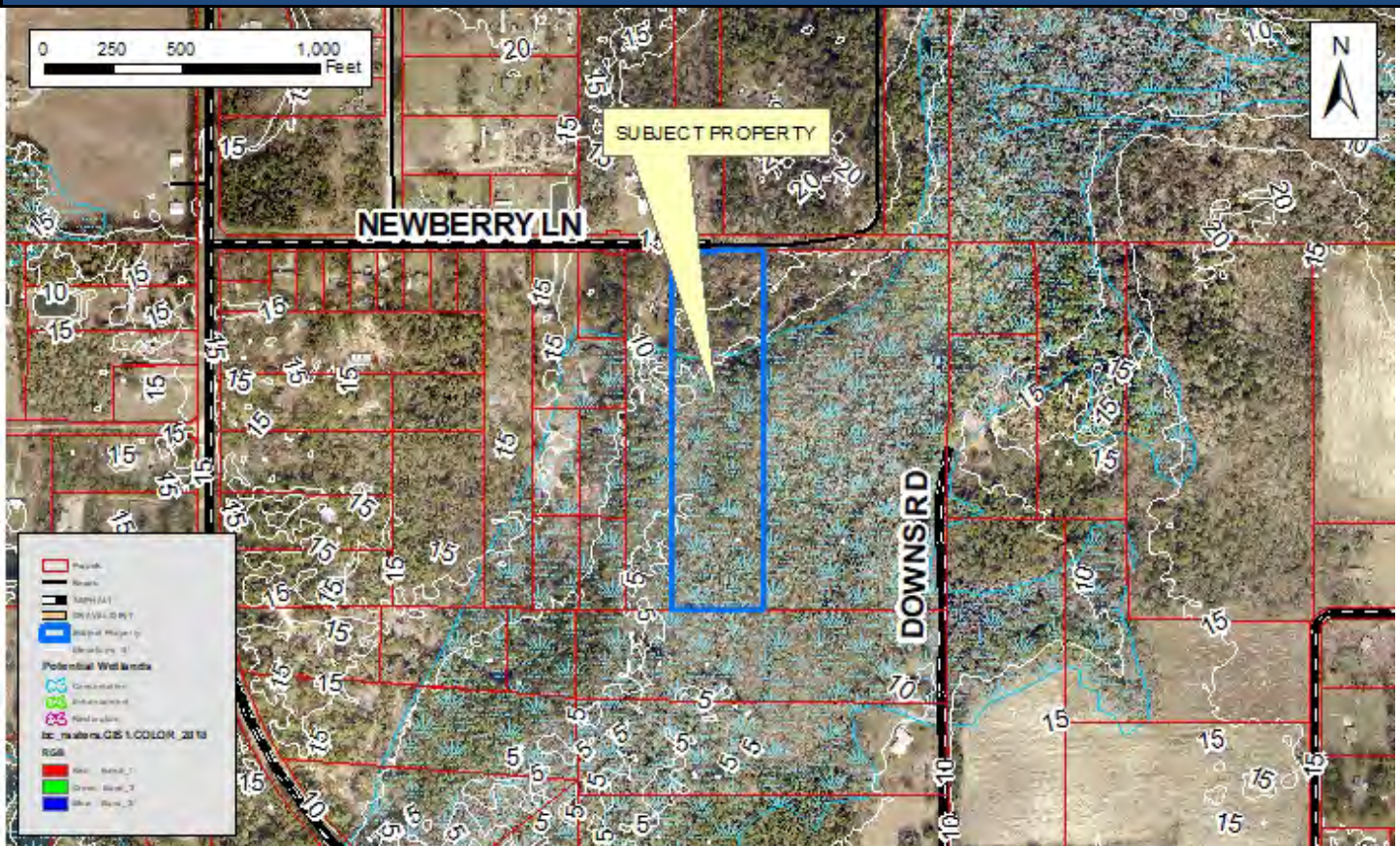




Locator Map



Site Map





December 13, 2006

Ms. Janet L. Cobb
P.O. Box 1498
Point Clear, AL 36564

Reference: 10 acre parcel, Newberry Lane, Baldwin County, AL

Dear Janet:

On your request, my firm performed an assessment of your property to estimate the aerial extent of the wetlands that are located on your property. Our method includes the research and review of all available print and photographic materials that will assist us in determining the approximate wetland line. The approximate line is based solely on the indicated presence of wetland criteria established in the 1987 U.S. Army Corps of Engineers (USACE) Wetland Delineation Manual. Once this material is assimilated and an approximate wetland line established, we perform a limited site assessment on the site to spot check the physical presence of the conditions necessary to define a wetland area and check the accuracy of our line location.

Based on this methodology, it is our estimate that the ten acre parcel contains approximately 2.5 acres of uplands and 7.5 acres of jurisdictional forested wetlands (See enclosed drawings). This opinion is based solely on my experience and best professional judgment. They are in no manner guaranteed as being correct. The USACE is the sole regulatory authority in verifying and determining the presence or absence of jurisdictional wetlands. The ability of you or the owners of the property to impact the wetlands on the site is solely at their discretion.

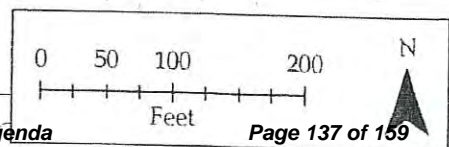
If you have any questions or need any additional information, please do not hesitate to give me a call.

Best regards,

Tom Hutchings
EcoSolutions, L.L.C.

Estimated Uplands: 2.5 Ac

Estimated Wetlands: 7.5 Ac





March 4, 2020

Ms. Janet Cobb
C/O
RE/MAX of Orange Beach
26021 Perdido Beach Blvd.
Orange Beach, AL 36561

RE: Wetland Assessment of PIN 117390 on Newbury Ln.

Ms. Cobb,

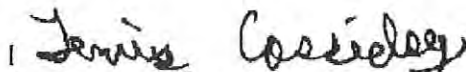
EcoSolutions Inc. was asked to conduct a wetland assessment of the parcel on, Newbury Ln. (PIN: 117390). The field work was conducted on January 20, 2020. Evan Wood from EcoSolutions did identify areas on the property that meet the definition of a wetland as defined by the U.S. Army Corps of Engineers (USACE) 1987 Wetland Delineation Manual.

The subject area is parcel number 05-60-08-27-0-000-005.005, with PIN 117390, located near Bon Secour, in Baldwin County Alabama. The parcel is located on the south side of Newberry Lane and is roughly 10 acres in size. The majority of the site is wetlands, see attached map, but there are uplands on the north end of the site near Newberry Lane. The upland area of the site contain sandy loam soil such as Goldsboro fine sandy loam, Norfolk fine sandy loam and Scranton loamy fine sand and the wetlands contain Hyde Bayboro and Muck soils. Both the uplands and wetlands are wooded with hardwood species such as Sweet Bay (*Magnolia virginiana*) and Water Oaks (*Quercus nigra*).

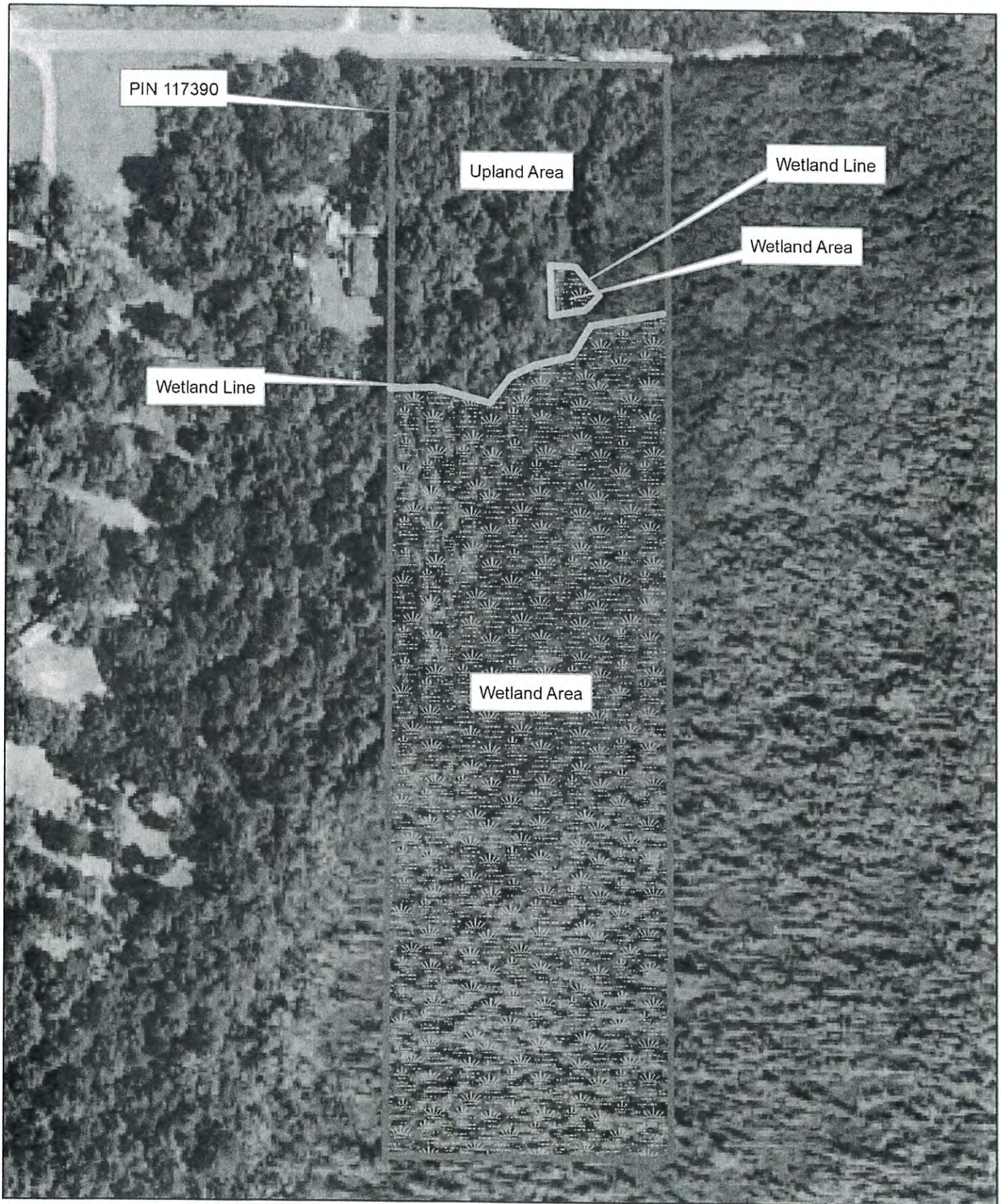
The site was evaluated for jurisdictional wetland areas as defined by the U.S. Army Corps of Engineers (USACE) 1987 Wetland Delineation Manual and all, supplements and amendments thereto. All comments are based on the professional judgment of the inspector and the conditions that existed on the site at the time of the inspection.

Please give us a call (251-621-5006) if you have any questions or need any additional information.

Best regards,



EcoSolutions, Inc.



WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Newberry Lane City/County: Baldwin Sampling Date: Jan. 20, 2020
 Applicant/Owner: Janet Cobb State: AL Sampling Point: DP 1
 Investigator(s): Evan Wood Section, Township, Range: Sec 27, T-8-S, R-3-E
 Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): Concave Slope (%): 0-5%
 Subregion (LRR or MLRA): LRR-P Lat: N 30.326 Long: W 87.761 Datum: NAD 1983 Cors 96
 Soil Map Unit Name: Hyde, Bayboro and muck soils NWI classification: Freshwater Forested/ Shrub
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes X No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u>X</u> No <u> </u>	Is the Sampled Area within a Wetland? Yes <u>X</u> No <u> </u>
Hydric Soil Present? Yes <u>X</u> No <u> </u>	
Wetland Hydrology Present? Yes <u>X</u> No <u> </u>	
Remarks:	

HYDROLOGY

Wetland Hydrology Indicators: Primary Indicators (minimum of one is required; check all that apply)		Secondary Indicators (minimum of two required)
<input checked="" type="checkbox"/> Surface Water (A1) <input type="checkbox"/> High Water Table (A2) <input checked="" type="checkbox"/> Saturation (A3) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Marl Deposits (B15) (LRR U) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input checked="" type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input checked="" type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> FAC-Neutral Test (D5) <input type="checkbox"/> Sphagnum moss (D8) (LRR T, U)
Field Observations: Surface Water Present? Yes <u> </u> No <u>X</u> Depth (inches): <u> </u> Water Table Present? Yes <u>X</u> No <u> </u> Depth (inches): <u>16</u> Saturation Present? Yes <u>X</u> No <u> </u> Depth (inches): <u>surface</u> (includes capillary fringe)		Wetland Hydrology Present? Yes <u>X</u> No <u> </u>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		

VEGETATION (Four Strata) – Use scientific names of plants.

Sampling Point: _____

Tree Stratum (Plot size: 20' _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. Magnolia virginiana	10	x	FACW	Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) Total Number of Dominant Species Across All Strata: <u>1</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)
2. Quercus nigra	5		FAC	
3. Persea borbonia	2		FACW	
4. Cyrilla racemiflora	5		FACW	
5. _____				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species <u>5</u> x 1 = <u>5</u> FACW species <u>22</u> x 2 = <u>44</u> FAC species <u>24</u> x 3 = <u>72</u> FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: <u>51</u> (A) <u>121</u> (B) Prevalence Index = B/A = <u>2.37</u>
6. _____				
7. _____				
8. _____				
<u>22</u> = Total Cover 50% of total cover: _____ 20% of total cover: _____				Hydrophytic Vegetation Indicators: <u>1</u> - Rapid Test for Hydrophytic Vegetation <u>2</u> - Dominance Test is >50% <u>3</u> - Prevalence Index is ≤3.0 ¹ _____ Problematic Hydrophytic Vegetation ¹ (Explain)
Sapling/Shrub Stratum (Plot size: _____)				
1. Cyrilla racemiflora	5		FACW	
2. Ilex vomitoria	2		FAC	
3. Quercus nigra	5		FAC	¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
4. _____				
5. _____				
6. _____				
7. _____				Definitions of Four Vegetation Strata: Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall. Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vine – All woody vines greater than 3.28 ft in height.
8. _____				
9. _____				
10. _____				
<u>12</u> = Total Cover 50% of total cover: _____ 20% of total cover: _____				Hydrophytic Vegetation Present? Yes <u>x</u> No _____
Herb Stratum (Plot size: _____)				
1. Woodwardia areolata	5		OBL	
2. Quercus nigra	5		FAC	
3. Ilex vomitoria	5		FAC	_____
4. _____				
5. _____				
6. _____				
7. _____				_____
8. _____				
9. _____				
10. _____				
<u>15</u> = Total Cover 50% of total cover: _____ 20% of total cover: _____				_____
Woody Vine Stratum (Plot size: _____)				
1. Vitis rotundifolia	2		FAC	
2. _____				
3. _____				_____
4. _____				
5. _____				
6. _____				
<u>2</u> = Total Cover 50% of total cover: _____ 20% of total cover: _____				_____

Remarks: (If observed, list morphological adaptations below).

SOIL

Sampling Point: _____

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-1	10 YR 3/1	100					Sandy Loam	
1-18	10 YR 6/1	90	10 YR 6/8	10	C	PL	Loamy Sand	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Stratified Layers (A5)
- ☐ Organic Bodies (A6) (LRR P, T, U)
- ☐ 5 cm Mucky Mineral (A7) (LRR P, T, U)
- ☐ Muck Presence (A8) (LRR U)
- ☐ 1 cm Muck (A9) (LRR P, T)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Coast Prairie Redox (A16) (MLRA 150A)
- ☐ Sandy Mucky Mineral (S1) (LRR O, S)
- ☐ Sandy Gleyed Matrix (S4)
- ☒ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Dark Surface (S7) (LRR P, S, T, U)

- ☐ Polyvalue Below Surface (S8) (LRR S, T, U)
- ☐ Thin Dark Surface (S9) (LRR S, T, U)
- ☐ Loamy Mucky Mineral (F1) (LRR O)
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)
- ☐ Marl (F10) (LRR U)
- ☐ Depleted Ochric (F11) (MLRA 151)
- ☐ Iron-Manganese Masses (F12) (LRR O, P, T)
- ☐ Umbric Surface (F13) (LRR P, T, U)
- ☐ Delta Ochric (F17) (MLRA 151)
- ☐ Reduced Vertic (F18) (MLRA 150A, 150B)
- ☐ Piedmont Floodplain Soils (F19) (MLRA 149A)
- ☐ Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D)

Indicators for Problematic Hydric Soils³:

- ☐ 1 cm Muck (A9) (LRR O)
- ☐ 2 cm Muck (A10) (LRR S)
- ☐ Reduced Vertic (F18) (outside MLRA 150A,B)
- ☐ Piedmont Floodplain Soils (F19) (LRR P, S, T)
- ☐ Anomalous Bright Loamy Soils (F20) (MLRA 153B)
- ☐ Red Parent Material (TF2)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

 Hydric Soil Present? Yes ^x _____ No _____

Remarks:

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Newberry Lane City/County: Baldwin Sampling Date: Jan. 20, 2020
 Applicant/Owner: Janet Cobb State: AL Sampling Point: DP 1
 Investigator(s): Evan Wood Section, Township, Range: Sec 27, T-8-S, R-3-E
 Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): Concave Slope (%): 0-5%
 Subregion (LRR or MLRA): LRR-P Lat: N 30.326 Long: W 87.761 Datum: NAD 1983 Cors 96
 Soil Map Unit Name: Hyde, Bayboro and muck soils NWI classification: Freshwater Forested/ Shrub
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes X No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u>X</u> No <u> </u> Hydric Soil Present? Yes <u>X</u> No <u> </u> Wetland Hydrology Present? Yes <u>X</u> No <u> </u>	Is the Sampled Area within a Wetland? Yes <u>X</u> No <u> </u>
Remarks:	

HYDROLOGY

Wetland Hydrology Indicators: Primary Indicators (minimum of one is required; check all that apply)		Secondary Indicators (minimum of two required)
<input checked="" type="checkbox"/> Surface Water (A1) <input type="checkbox"/> High Water Table (A2) <input checked="" type="checkbox"/> Saturation (A3) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Marl Deposits (B15) (LRR U) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input checked="" type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input checked="" type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> FAC-Neutral Test (D5) <input type="checkbox"/> Sphagnum moss (D8) (LRR T, U)
Field Observations: Surface Water Present? Yes <u> </u> No <u>X</u> Depth (inches): <u> </u> Water Table Present? Yes <u>X</u> No <u> </u> Depth (inches): <u>16</u> Saturation Present? (includes capillary fringe) Yes <u>X</u> No <u> </u> Depth (inches): <u>surface</u>		Wetland Hydrology Present? Yes <u>X</u> No <u> </u>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		

VEGETATION (Four Strata) – Use scientific names of plants.

Sampling Point: _____

Tree Stratum (Plot size: 20')	Absolute % Cover	Dominant Species?	Indicator Status															
1. <i>Magnolia virginiana</i>	10	x	FACW	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) Total Number of Dominant Species Across All Strata: <u>1</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)														
2. <i>Quercus nigra</i>	5		FAC															
3. <i>Persea borbonia</i>	2		FACW															
4. <i>Cyrilla racemiflora</i>	5		FACW															
5. _____	_____	_____	_____	Prevalence Index worksheet: <table style="width: 100%;"> <tr> <th>Total % Cover of:</th> <th>Multiply by:</th> </tr> <tr> <td>OBL species <u>5</u></td> <td>x 1 = <u>5</u></td> </tr> <tr> <td>FACW species <u>22</u></td> <td>x 2 = <u>44</u></td> </tr> <tr> <td>FAC species <u>24</u></td> <td>x 3 = <u>72</u></td> </tr> <tr> <td>FACU species _____</td> <td>x 4 = _____</td> </tr> <tr> <td>UPL species _____</td> <td>x 5 = _____</td> </tr> <tr> <td>Column Totals: <u>51</u></td> <td>(A) <u>121</u> (B)</td> </tr> </table> Prevalence Index = B/A = <u>2.37</u>	Total % Cover of:	Multiply by:	OBL species <u>5</u>	x 1 = <u>5</u>	FACW species <u>22</u>	x 2 = <u>44</u>	FAC species <u>24</u>	x 3 = <u>72</u>	FACU species _____	x 4 = _____	UPL species _____	x 5 = _____	Column Totals: <u>51</u>	(A) <u>121</u> (B)
Total % Cover of:	Multiply by:																	
OBL species <u>5</u>	x 1 = <u>5</u>																	
FACW species <u>22</u>	x 2 = <u>44</u>																	
FAC species <u>24</u>	x 3 = <u>72</u>																	
FACU species _____	x 4 = _____																	
UPL species _____	x 5 = _____																	
Column Totals: <u>51</u>	(A) <u>121</u> (B)																	
6. _____	_____	_____	_____															
7. _____	_____	_____	_____															
8. _____	_____	_____	_____															
22 = Total Cover 50% of total cover: _____ 20% of total cover: _____				Hydrophytic Vegetation Indicators: <input type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input type="checkbox"/> 2 - Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)														
Sapling/Shrub Stratum (Plot size: _____)																		
1. <i>Cyrilla racemiflora</i>	5		FACW															
2. <i>Ilex vomitoria</i>	2		FAC															
3. <i>Quercus nigra</i>	5		FAC	¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.														
4. _____	_____	_____	_____															
5. _____	_____	_____	_____															
6. _____	_____	_____	_____															
7. _____	_____	_____	_____	Definitions of Four Vegetation Strata: Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall. Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vine – All woody vines greater than 3.28 ft in height														
8. _____	_____	_____	_____															
9. _____	_____	_____	_____															
10. _____	_____	_____	_____															
11. _____	_____	_____	_____	Hydrophytic Vegetation Present? Yes <u>x</u> No _____														
12. _____	_____	_____	_____															
12 = Total Cover 50% of total cover: _____ 20% of total cover: _____																		
Herb Stratum (Plot size: _____)																		
1. <i>Woodwardia areolata</i>	5		OBL	Hydrophytic Vegetation Present? Yes <u>x</u> No _____														
2. <i>Quercus nigra</i>	5		FAC															
3. <i>Ilex vomitoria</i>	5		FAC															
4. _____	_____	_____	_____															
5. _____	_____	_____	_____	Hydrophytic Vegetation Present? Yes <u>x</u> No _____														
6. _____	_____	_____	_____															
7. _____	_____	_____	_____															
8. _____	_____	_____	_____															
9. _____	_____	_____	_____	Hydrophytic Vegetation Present? Yes <u>x</u> No _____														
10. _____	_____	_____	_____															
11. _____	_____	_____	_____															
12. _____	_____	_____	_____															
15 = Total Cover 50% of total cover: _____ 20% of total cover: _____				Hydrophytic Vegetation Present? Yes <u>x</u> No _____														
Woody Vine Stratum (Plot size: _____)																		
1. <i>Vitis rotundifolia</i>	2		FAC															
2. _____	_____	_____	_____															
3. _____	_____	_____	_____	Hydrophytic Vegetation Present? Yes <u>x</u> No _____														
4. _____	_____	_____	_____															
5. _____	_____	_____	_____															
2 = Total Cover 50% of total cover: _____ 20% of total cover: _____																		

Remarks: (If observed, list morphological adaptations below)

SOIL

Sampling Point: _____

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-1	10 YR 3/1	100					Sandy Loam	
1-18	10 YR 6/1	90	10 YR 6/8	10	C	PL	Loamy Sand	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Stratified Layers (A5)
- ☐ Organic Bodies (A6) (LRR P, T, U)
- ☐ 5 cm Mucky Mineral (A7) (LRR P, T, U)
- ☐ Muck Presence (A8) (LRR U)
- ☐ 1 cm Muck (A9) (LRR P, T)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Coast Prairie Redox (A16) (MLRA 150A)
- ☐ Sandy Mucky Mineral (S1) (LRR O, S)
- ☐ Sandy Gleyed Matrix (S4)
- ☒ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Dark Surface (S7) (LRR P, S, T, U)

- ☐ Polyvalue Below Surface (S8) (LRR S, T, U)
- ☐ Thin Dark Surface (S9) (LRR S, T, U)
- ☐ Loamy Mucky Mineral (F1) (LRR O)
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)
- ☐ Marl (F10) (LRR U)
- ☐ Depleted Ochric (F11) (MLRA 151)
- ☐ Iron-Manganese Masses (F12) (LRR O, P, T)
- ☐ Umbric Surface (F13) (LRR P, T, U)
- ☐ Delta Ochric (F17) (MLRA 151)
- ☐ Reduced Vertic (F18) (MLRA 150A, 150B)
- ☐ Piedmont Floodplain Soils (F19) (MLRA 149A)
- ☐ Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D)

Indicators for Problematic Hydric Soils³:

- ☐ 1 cm Muck (A9) (LRR O)
- ☐ 2 cm Muck (A10) (LRR S)
- ☐ Reduced Vertic (F18) (outside MLRA 150A,B)
- ☐ Piedmont Floodplain Soils (F19) (LRR P, S, T)
- ☐ Anomalous Bright Loamy Soils (F20) (MLRA 153B)
- ☐ Red Parent Material (TF2)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

 Hydric Soil Present? Yes ^x _____ No _____

Remarks:



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 6.I

Case No. Z-20023

Baldwin County Board of Education Property

Rezone RSF-E, Residential Single Family Estate District to RSF-4, Single Family District

July 9, 2020

Subject Property Information

Planning District: 15
General Location: South side of County Road 64, west of County Road 54 East
Physical Address: N/A
Parcel Number: A part of 05-43-06-24-0-000-002.004
Existing Zoning: RSF-E, Residential Single Family Estate District
Proposed Zoning: RSF-4, Single Family District
Existing Land Use: Undeveloped (School under construction)
Proposed Land Use: Water well (Transportation, communication & utility use)
Acreage: .25 acres +/- (approximately 10,902 square feet, parent parcel is 18.32 acres +/-)
Applicant: Goodwyn, Mills & Cawood, Inc. (Stuart Smith)
P.O. Box 1127
Daphne, Alabama 36526
Owner: Baldwin County Board of Education
2600 Hand Avenue North
Bay Minette, Alabama 36507
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential and Commercial	RSF-1, RA, RR, Rural District
South	Residential and Agricultural	RSF-E, Single Family Estate District
East	Residential	RA, RSF-1, RSF-2, Single Family
West	Residential and Undeveloped	RSF-E, Single Family Estate District

Summary

The purpose of this request is to allow the Belforest Water System to purchase a small parcel from the Baldwin County Board of Education in order to construct a new water well. The designation of RSF-4 has been requested in order to achieve the desired square footage and minimum lot width. A water well (public or private) is allowed by right under all zoning designations.

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 4.5 RSF-4, Single Family District

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

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

(a) The following general industrial uses: extraction or removal of natural resources on or under land.

(b) The following transportation, communication, and utility uses: water well (public or private).

(c) The following agricultural uses: Silviculture.

(d) Single family dwellings including manufactured housing and mobile homes.

(e) Accessory structures and uses.

(f) The following institutional use: church or similar religious facility.

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

(a) Outdoor recreation uses.

(b) The following institutional uses: day care home; fire station; school (public or private).

(c) The following general commercial uses: country club.

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

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

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

Maximum Height of Structure in Feet	35
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area per Dwelling Unit	7,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

Agency Comments

Baldwin County Highway Department (Weesie Jeffords and Tyler Mitchell):

The access to the property can be permitted through Highway with A Commercial Turnout Permit. The connection does not appear to need a pipe, but a narrative from a PE will be needed with the application describing the existing conditions and the changes proposed to the property.

-Weesie

I would like to add that the Highway Department is in the early stages of a corridor study to determine improvements along this portion of CR 64 that may include widening. Improvements should be located away from ROW as far as possible.

Thanks,

Tyler Mitchell, P.E.

Construction Manager

Baldwin County Highway Department

o: 251-937-0371

c: 251-525-0497

Planning & Zoning/Subdivisions (Mary Booth, Subdivision Coordinator):

I already have a final plat application for this on my desk and it has been submitted to City of Daphne for approval as well as this is within their ETJ.

Thanks,

Mary

ADEM: No comments received.

City of Daphne (Adrienne Jones, Planning Director):

Good Morning,

We discussed this rezoning application in our Daphne Planning Commission meeting this morning. The owner proposes to subdivide the property into 2 lots. Lot 1 (18.07 acre) is the location of the new Belforest Elementary School and Lot 2 (0.25 acre) is the proposed location of a water well site for Belforest Water.

It is our understanding that the site must be rezoned because the minimum lot area requirement for RSF-4 is consistent with the proposed water well site size. Thus, I would support the request to rezone the site.

Have a great day,

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 the site for the new Belforest Elementary School, which is currently under construction. The property adjoins County Road 64 to the north. Adjacent properties are agricultural, commercial, residential and undeveloped.

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

The zoning for Planning District 15 was adopted by the County Commission on August 1, 2006. The area has seen significant residential growth since that time. As stated above, a new elementary school is under construction on the parent parcel.

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

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

A future land use designation of Residential is provided for the subject 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, HDR, RMH and PRD. As stated previously, a water well is allowed by right under all zoning designations. Approval of the requested rezoning will not require a change to the Future Land Use Map.

The majority of the adjacent future land use designations are residential.

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

The Highway Department is currently in the design phase of corridor improvements to County Road 64 in this area. According to Highway Department representatives, improvements should be located as far from the ROW as possible. See agency comments.

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

Traffic congestion is a major issue in this area and is typically cited as a concern with rezoning applications. The proposed use, however, should not affect traffic patterns or congestion.

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

The primary surrounding land uses are agricultural, residential and commercial. The subject property is located to the west of the intersection of County Road 64 and County Road 54 East. Please also see the responses to Standards 1 and 2.

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

There is no RSF-4 zoning in the immediate vicinity. As stated previously, a water well, is allowed by right under all zoning designations. RSF-4 has been requested in order to achieve the desired square footage and lot width. The surrounding zoning designations are agricultural and single family residential.

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

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 knows of no adverse impacts on environmental conditions or historic resources.

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

No adverse impacts.

11.) Other matters which may be appropriate.

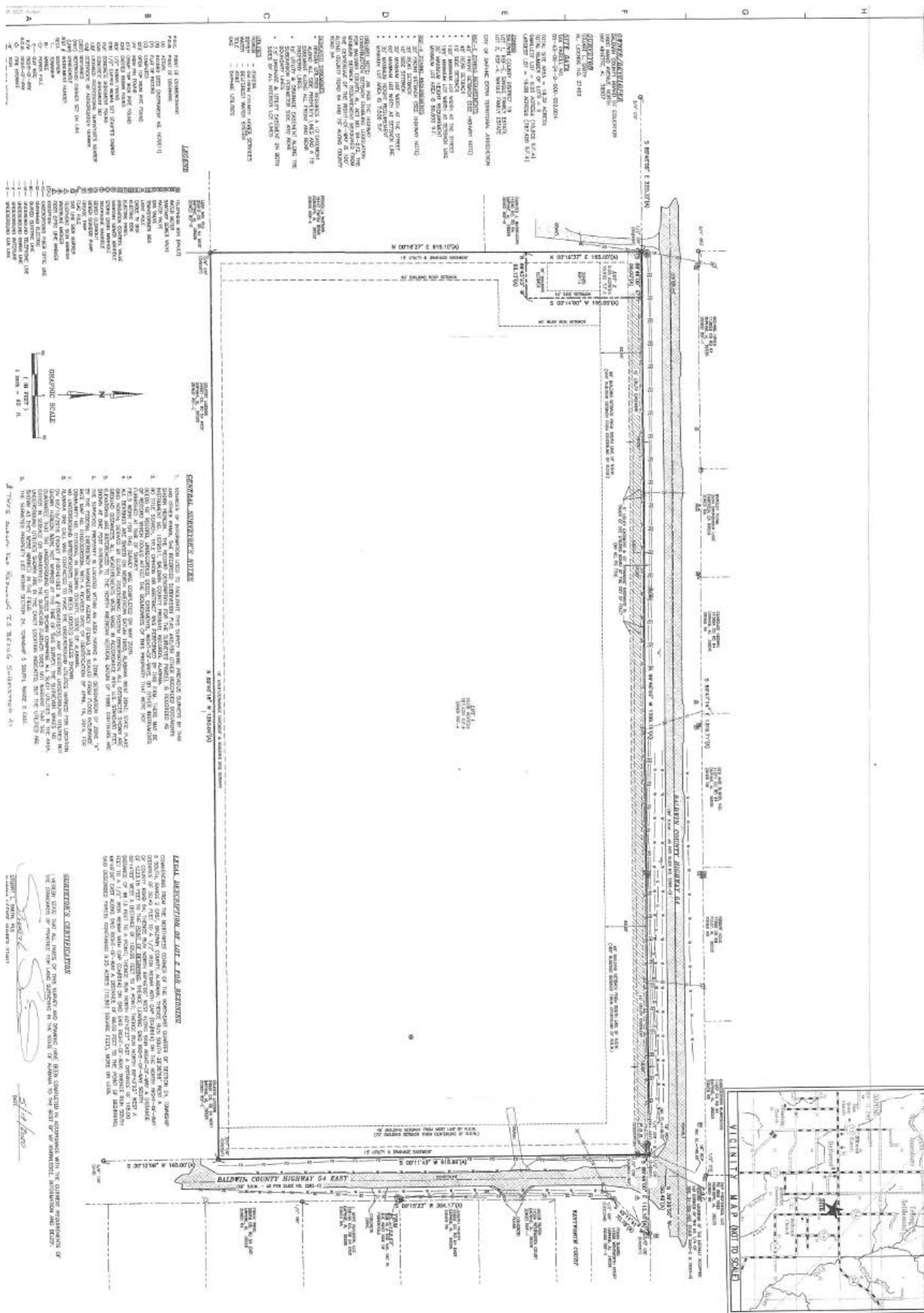
N/A

Staff Comments and Recommendation

As stated above, the purpose of this request is to allow the Belforest Water System to purchase a small parcel from the Baldwin County Board of Education in order to construct a new water well. The designation of RSF-4 has been requested in order to achieve the desired square footage and minimum lot width. A water well (public or private) is allowed by right under all zoning designations.

Staff feels that this is a reasonable request and recommends **APPROVAL** to the County Commission. *

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



Property Images







