



Baldwin County Planning & Zoning Commission Agenda

Thursday, October 7, 2021

4:00 p.m.

Baldwin County Central Annex

Main Auditorium

22251 Palmer Street

Robertsdale, Alabama

www.planning.baldwincountyal.gov

1. **Call to order.**
2. **Invocation and prayer.**
3. **Pledge of Allegiance.**
4. **Roll call.**
5. **Approval of meeting minutes:**
 - September 2, 2021 meeting minutes
 - September 2, 2021 work session minutes
6. **Announcements/Registration to address the Commission.**

7. Consideration of Applications and Requests: *Re-Zoning Cases*

a.) Case P-21009, Fort Morgan Volunteer Fire Department Property, Conditional Use Approval

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section15(b), Planning Commission By-Laws

Purpose: The applicant is requesting Conditional Use Approval to allow a new fire department to be built on the parcel.

Location: The subject property is located on State Highway 180, between Our Road and Cortez Street, in Planning District 25.

b.) Case Z-21033, Kittrell Property, Re-zone RSF-1 to RA

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section15(b), Planning Commission By-Laws

Purpose: The applicant is requesting to rezone 14.71 acres from RSF-1 to RA to allow agricultural uses of the property.

Location: The subject property is located on the south side of US Highway 98, east of Hillcrest Road, in Planning District 33.

c.) Case Z-21024, Lazzari Property, Re-Zone RSF-E to RA

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section15(b), Planning Commission By-Laws

Purpose: The applicant is requesting to rezone 27.66 acres from RSF-E to RA to allow an open-air storage facility on the parcel.

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

d.) Case Z-21035, Twin Oaks Co. Property, Re-Zone B-3 to B-4

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section15(b), Planning Commission By-Laws

Purpose: The applicant is requesting to rezone 4.22 acres from B-3 to B-4 to allow more diverse commercial development.

Location: The subject property is located in the median of the Foley Beach Express, in Planning District 30.

e.) Proposed Land Disturbance Ordinance

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section15(b), Planning Commission By-Laws

Purpose:

A new proposed land disturbance ordinance that would help control filling, grading, dredging, and similar land disturbance activities which may increase flood damage or erosion, by applying the land disturbance requirements of the Baldwin County Zoning Ordinance within areas displayed on a new Hydric Potential Map.

8. Consideration of Applications and Requests: Subdivision Cases

a.) Case S-20070, Vernant Park Estates, Preliminary Plat Approval

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section15(b), Planning Commission By-Laws

Purpose: The applicant is requesting Preliminary Plat Approval for a 12-lot subdivision on 55.95 acres

Location: The subject property is located on the east side of Vernant Park Road and north of County Road 12 S near the Town of Magnolia Springs.

b.) Case S-21057, Savannah Estates Phase I, Variance Request

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section15(b), Planning Commission By-Laws

Purpose: The applicant is requesting a variance from the *Baldwin County Subdivision Regulations* as it pertains to lot size.

Location: The subject property is located on the east side of County Road 54 approximately 2,000 feet north of County Road 64 near the City of Daphne.

c.) Case S-20067, Dogwood Estates Phase I, Preliminary Plat Approval

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section15(b), Planning Commission By-Laws

Purpose: The applicant is requesting Preliminary Plat Approval for a 72-lot subdivision on 25.16 acres.

Location: The subject property is located at the northeast intersection of the Baldwin Beach Express along Co Rd 36 near the Town of Summerdale.

d.) Case S-21078, Park View Phase 1, Preliminary Plat Approval

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section15(b), Planning Commission By-Laws

Purpose: The applicant is requesting Preliminary Plat Approval for a 78-lot subdivision on 34.44 acres.

Location: The subject property is located on the north side of Camelia Road, west of West Boulevard near the Town of Silverhill.

e.) Case S-21090, Dogwood Express, Preliminary Plat Approval

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section15(b), Planning Commission By-Laws

Purpose: The applicant is requesting Preliminary Plat Approval for a 1-lot subdivision on 65.16 acres.

Location: The subject property is located at the northeast intersection of the Baldwin Beach Express along Co Rd 36 near the Town of Summerdale.

f.) Case S-21091, Lot 1 Silverhill Creek Estates, Variance Approval

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

Purpose: The applicant is requesting Variance Approval as it pertains to submission of a wetland delineation requirement.
Location: The subject property is located on the northeast corner of East Blvd. and Camellia Rd in the Silverhill area.

9. Old Business:

10 New Business: Approval of the 2022 Meeting Calendar

11. Public Comments:

12. Reports and Announcements:

Staff Reports:

Legal Counsel Report:

Next Regular Meeting: **November 4, 2021**

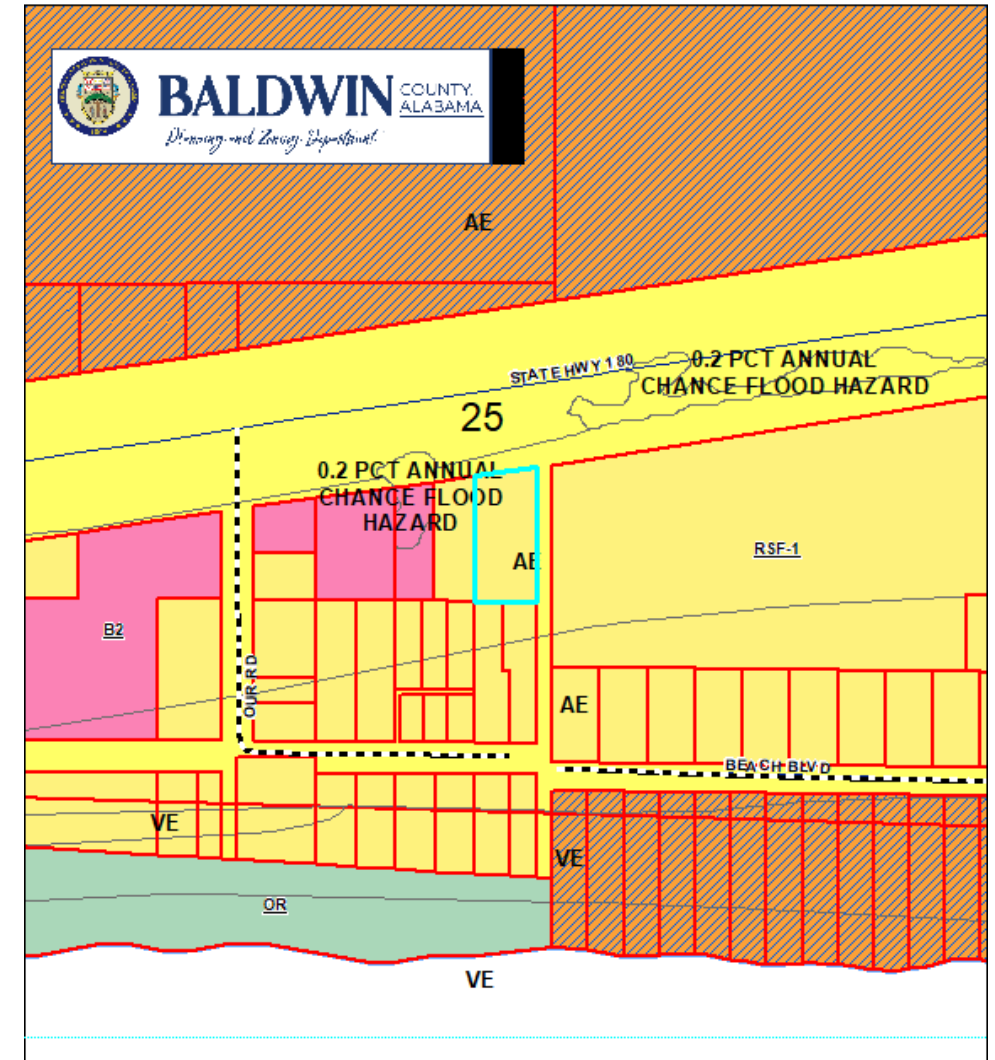
13. Adjournment.

7.A) P-21009 FORT MORGAN VFD PROPERTY

Lead Staff: Linda Lee, Planner

CONDITIONAL USE REQUEST TO ALLOW FOR A NEW FIRE STATION

- **Planning District:** 25 **Zoned:** RSF-1
- **Parcel Number:** 05-69-07-25-0-000-015.000
- **Location:** Subject property is located on the south side of State Highway 180 between Our Road and Cortez Street
- **Current Use:** Vacant
- **Acreage:** 0.8110
- **Physical Address:** N/A
- **Applicant:** Mark Frohlich
- **Owner:** Fort Morgan Volunteer Fire Dept.

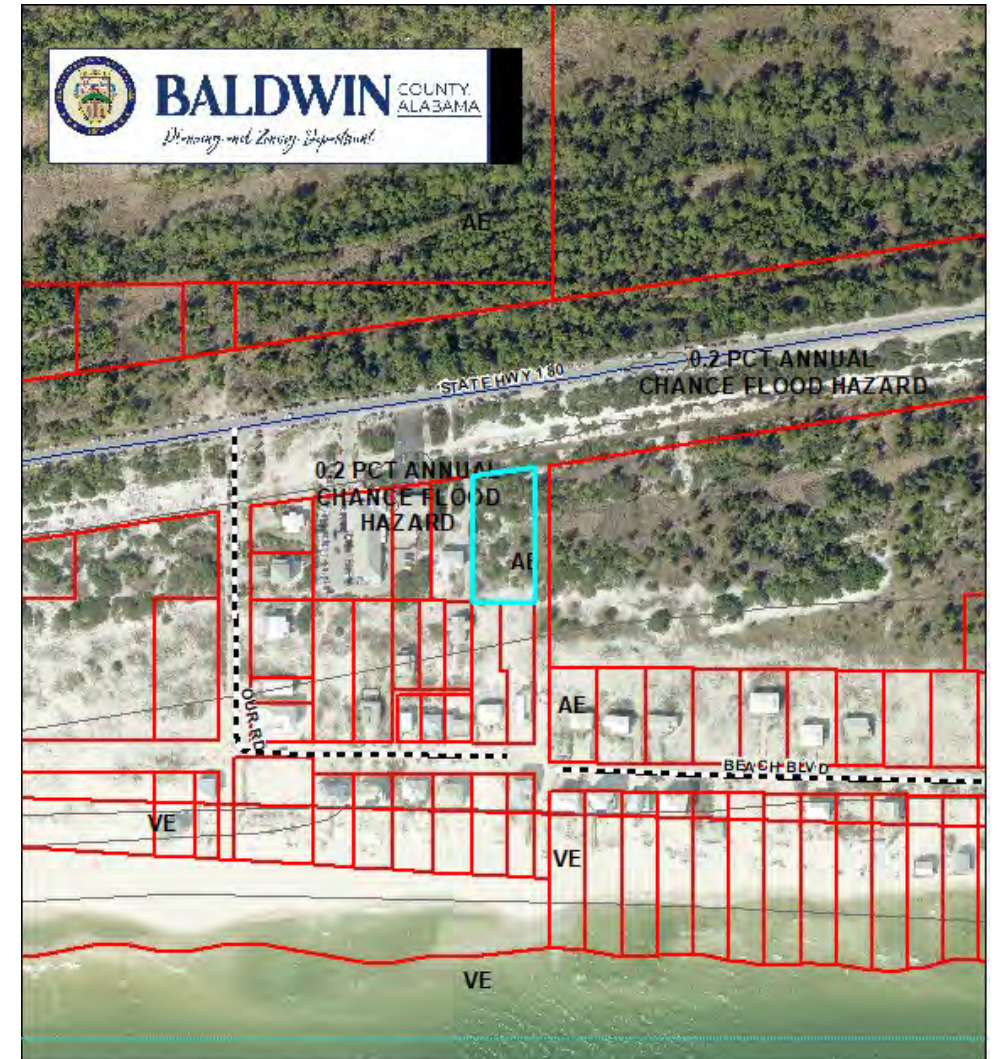


P-21009 FORT MORGAN VFD PROPERTY

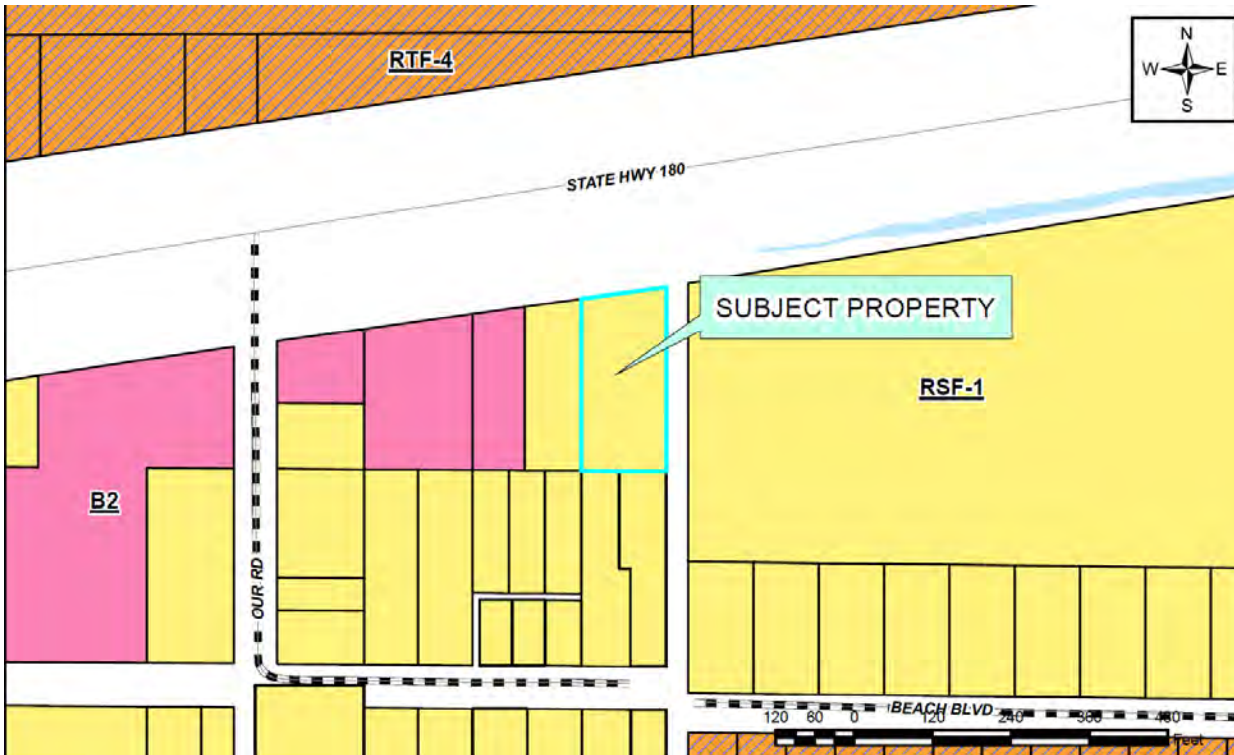
Lead Staff: Linda Lee, Planner

CONDITIONAL USE REQUEST TO ALLOW FOR A NEW FIRE STATION

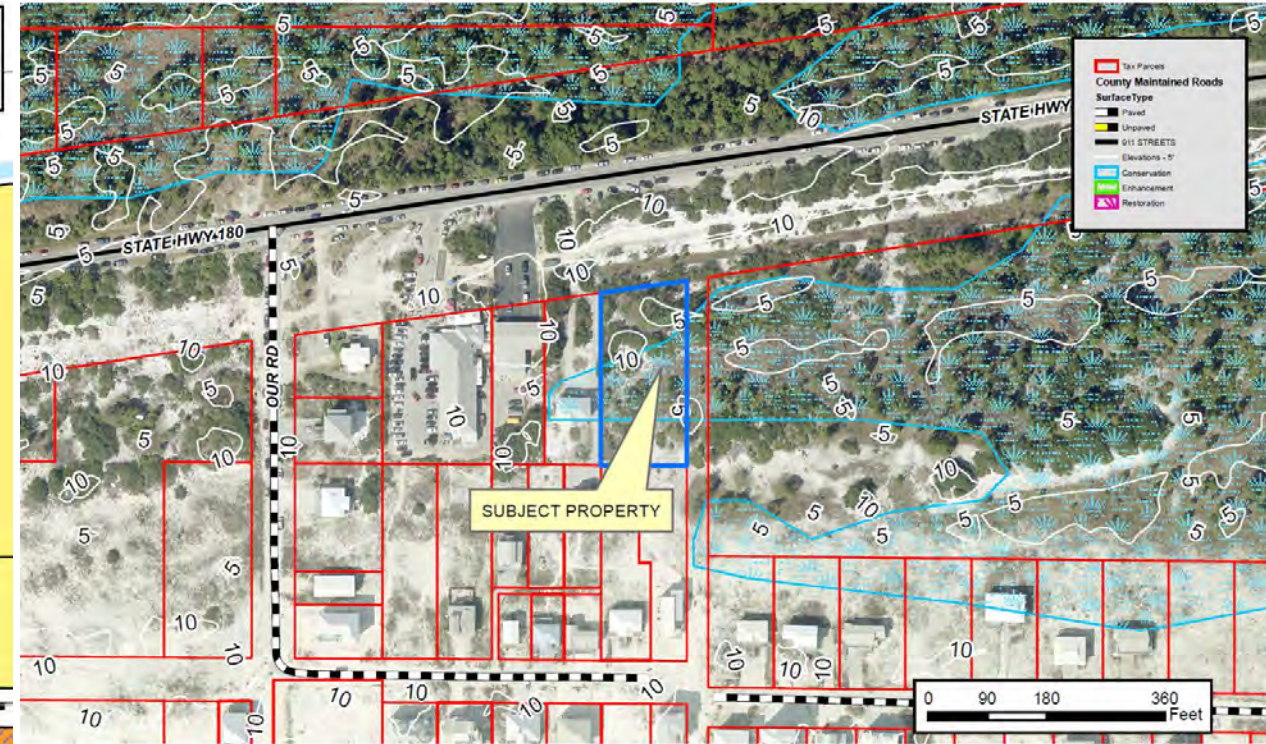
- **Proposed Use:** New Fire Station
- **Applicant's Request:** The applicant is requesting approval of a Conditional Use to allow for a new Fire Station for the Fort Morgan Volunteer Fire Department on property zoned RSF-1.



Locator Map



Site Map



Adjacent Zoning

North

RT4-4, Two Family District

South

RSF-1, Single Family District

East

RSF-1, Single Family District

West

RSF-1, Single Family District

Adjacent Land Use

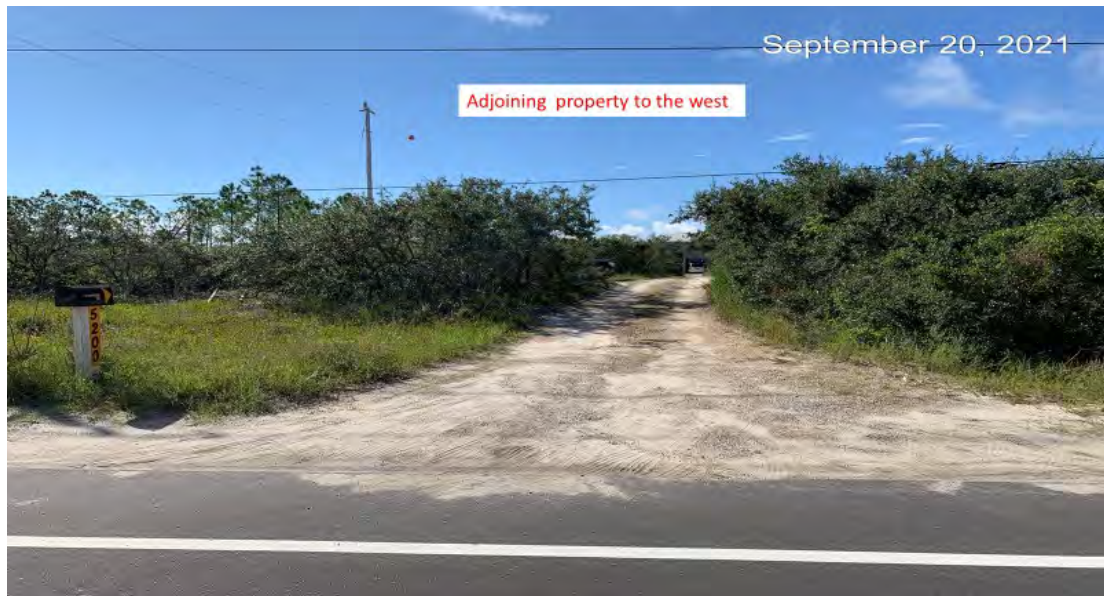
Vacant

Residential

Vacant

Residential

Property Images



Current Zoning Requirements

Section 4.2 RSF-1, Single Family District

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

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

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

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

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

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

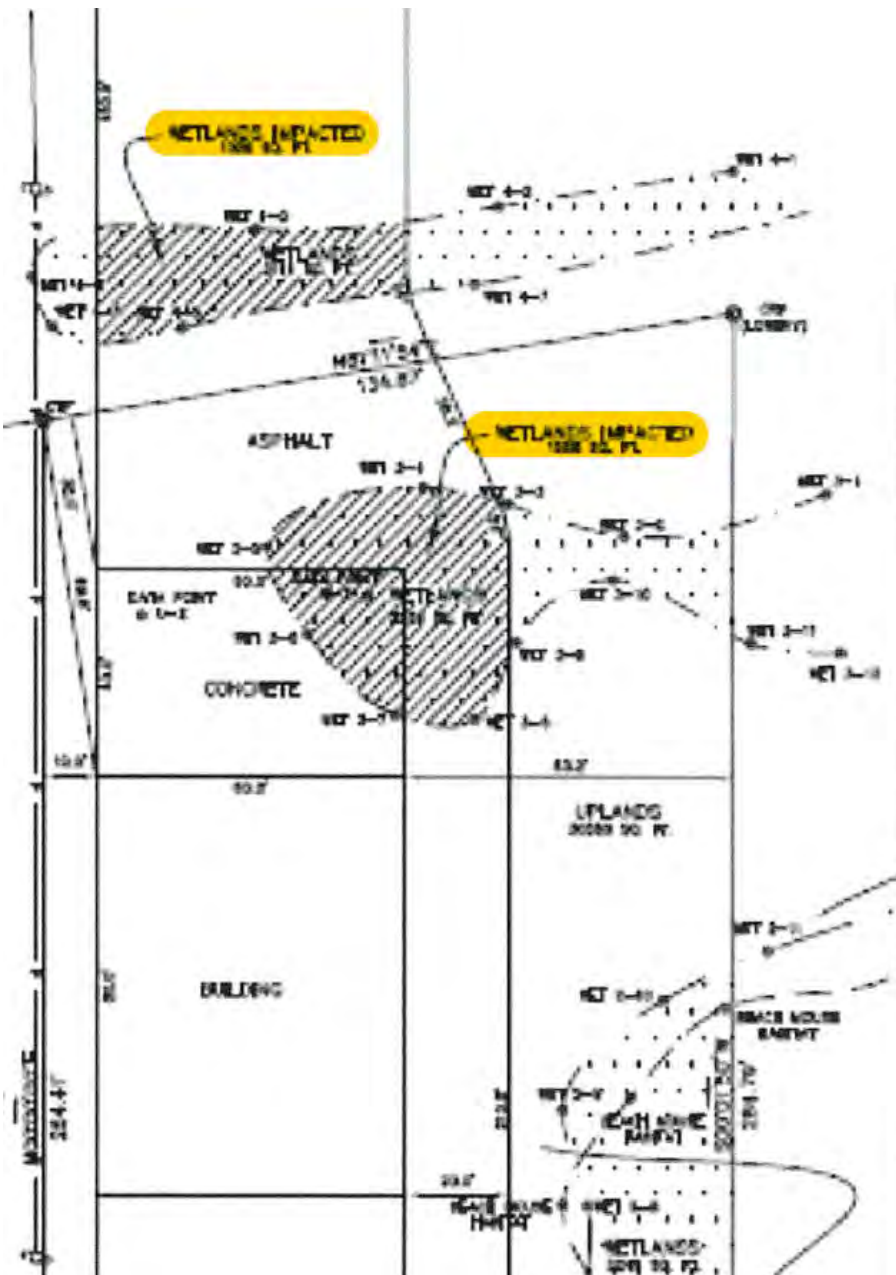
The following local commercial use: bed and breakfast or tourist home (see *Section 13.10: Bed and Breakfast Establishments*).

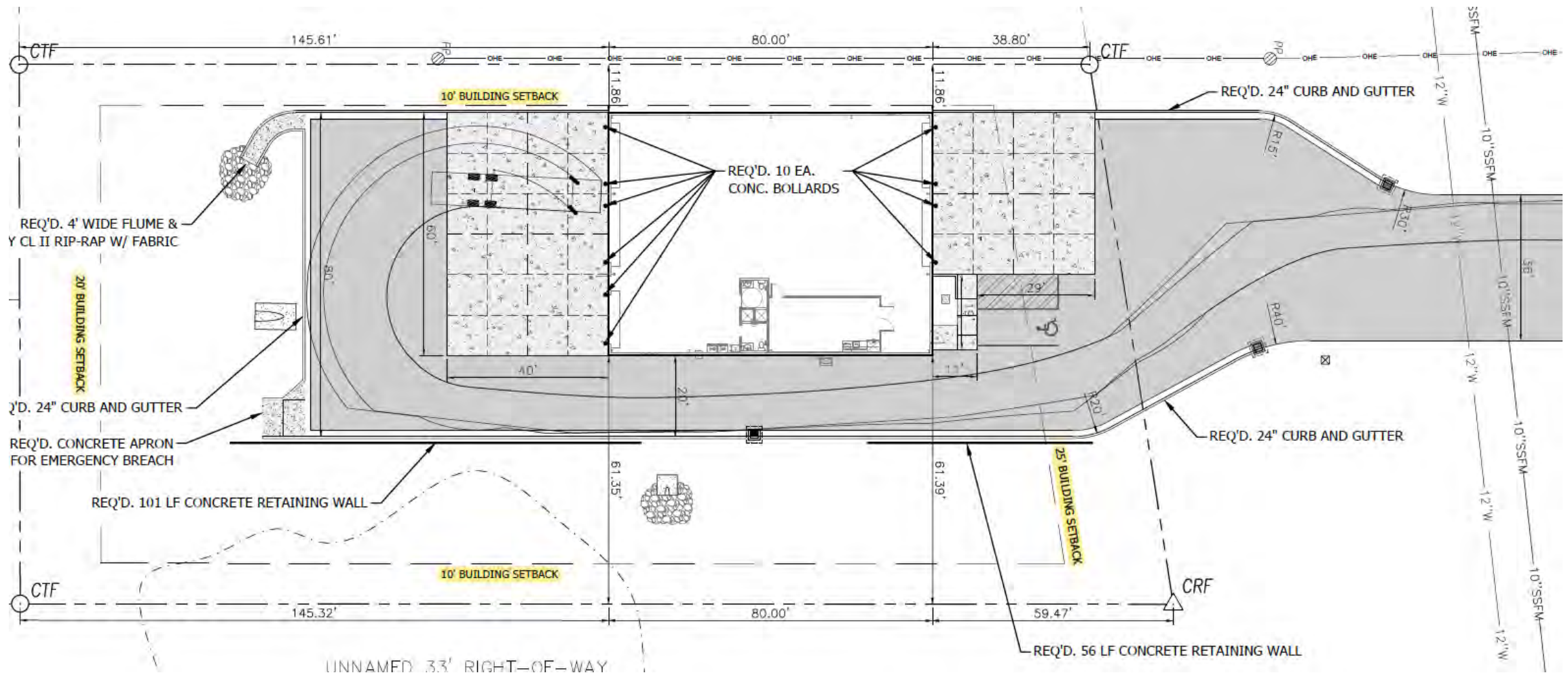
Current Zoning Requirements

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 |

Site Plan

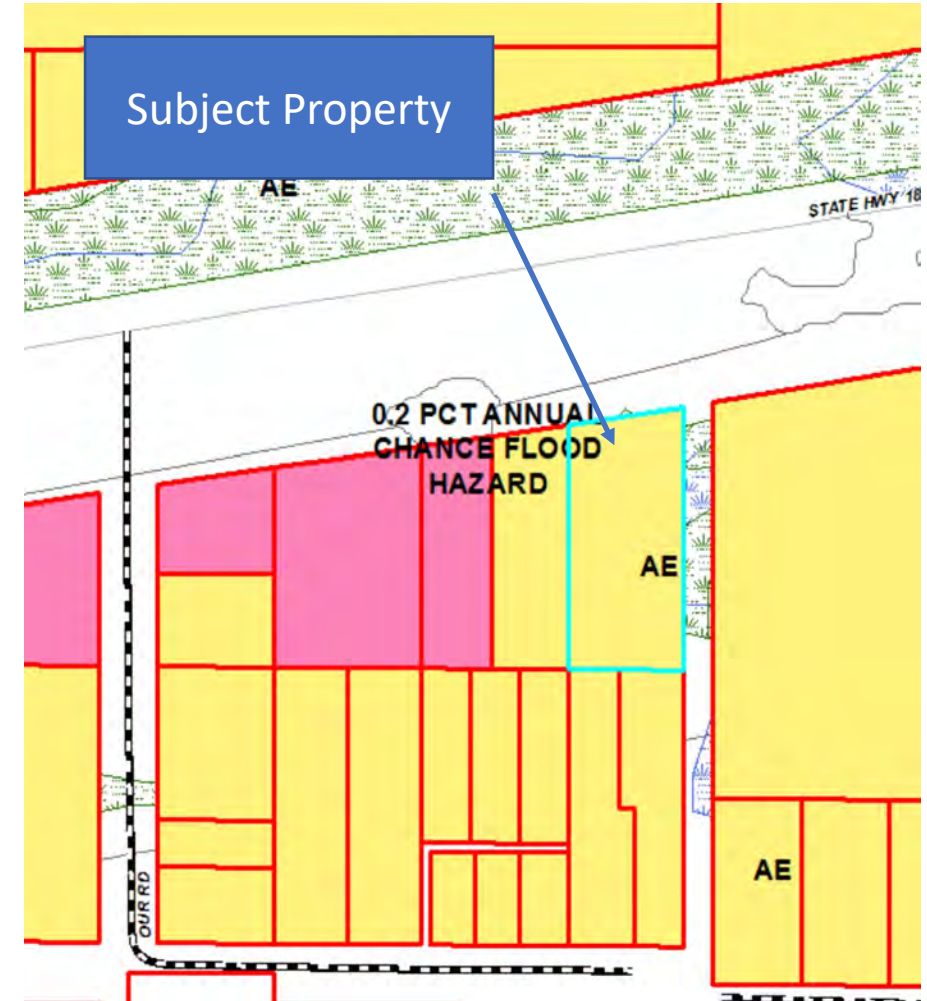




Staff Analysis and Findings

- (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 a future land use designation of Residential for the subject property. 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, RMH and PRD. The Zoning Ordinance allows the proposed use with Conditional Use approval from the Planning Commission. The proposed use is consistent with the Master Plan as Institutional Uses may be allowed subject to provisions of the Zoning Ordinance.



Staff Analysis and Findings

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

Staff does not anticipate significant traffic issues since the proposed new fire station is two parcels east of the existing fire station.



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

There is currently a fire station in this area; therefore, staff feels that the proposed new fire station should not have an effect on the value of the 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.

The area surrounding the subject property contains residential, commercial and institutional uses. As a result, staff feels that the proposed Fire Station is compatible with development in the surrounding area.

Agency Comments

- **Baldwin County Highway Department – Weesie Jeffords:**

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

Sent: Tuesday, September 21, 2021 3:32 PM

To: D Hart <DHart@baldwincountyal.gov>

Subject: RE: P-21009

DJ,

The drainage plan for this site was reviewed and is in compliance with the County Stormwater requirements. Access to HWY 180 is being coordinated with ALDOT.

Thank you,

Weesie Jeffords

Agency Comments

- **ADEM – Scott Brown:**

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

Sent: Tuesday, September 21, 2021 12:35 PM

To: 'D Hart' <DHart@baldwincountyal.gov>;

Subject: RE: cases for the October Planning and Zoning Commission meeting

Good afternoon DJ:

Regarding Case No. P-21009 Fort Morgan Volunteer Fire Department Property, a desktop review of the attachments submitted finds the parcel **likely contains coastal wetlands** and is therefore subject to the enforceable policies of the Alabama Coastal Area Management Program. The applicant should be advised that coastal wetlands are regulated by the ADEM under ADEM Admin. Code r. 335-8-2-.02 even if the U.S. Army Corps of Engineers determines said wetlands to be non-jurisdictional. Prior to engaging in any use that results in fill or dredge impacts to coastal wetlands, the applicant must first obtain either a permit or affirmative coastal consistency decision from the ADEM, whichever is appropriate.

J. Scott Brown, Chief

Agency Comments

- **US Army Corps of Engineers – Dylan Hendrix:**

From: Hendrix, Dylan C CIV USARMY CESAM (USA) <Dylan.C.Hendrix@usace.army.mil>

Sent: Tuesday, September 21, 2021 1:21 PM

To: Brown, Scott <jsb@adem.alabama.gov>; D Hart <DHart@baldwincountyal.gov>; Ashley Campbell <Ashley.Campbell@baldwincountyal.gov>

Subject: RE: cases for the October Planning and Zoning Commission meeting

Just to add my two cents: The Corps' jurisdictional rule that became effective in June 2020 was recently vacated by an Arizona District Court. Therefore, we have reverted back to the Rapanos-era procedures for determining jurisdiction, which means we likely have much broader jurisdiction over wetlands/waters than we have during the last couple of years.

However, any JDs issued since June 2020 are still valid for a period of five years from the date of issuance.

Dylan C. Hendrix

Fort Morgan Advisory Committee 2020 Recommendation

Fort Morgan Advisory Committee:

Planning and Zoning Advisory Committee

Ft Morgan AL

Aug 14, 2020

Re Case P – 20009 (conditional use to build a fire station)

Short suspense to respond to county precluded use of normal meeting at fellowship hall at Shell Banks Church.

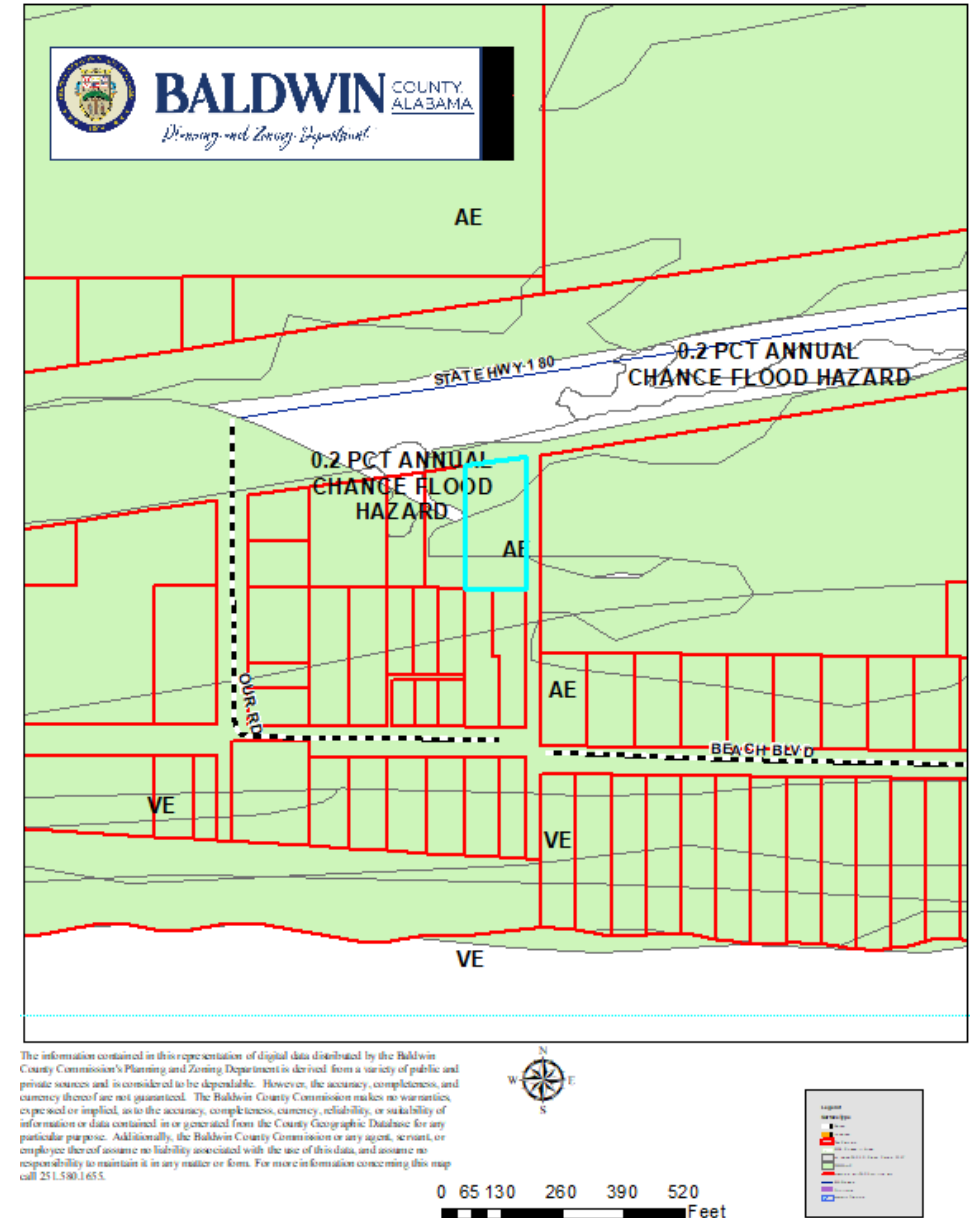
The chair opted to have members review the conditional use application and respond in an email their vote for or against the application. Members Thelma Strong, Randy Ulrich and Chan West responded affirmatively. Member Bonnie Lowry (who does not do email) responded her approval telephonically. The chair also approved the request.

Results of vote sent to Baldwin County Planning and Zoning.

Ernie Church, chair

Generalized Wetlands Map

10.4.4 *Permit requirements.* A U.S. Army Corps of Engineers wetlands jurisdictional determination if the proposed planned development contains wetlands or if the Zoning Administrator or his/her designee determines potential wetlands from the Generalized Wetland map as defined herein, or through a site visit by County Staff. The setback for development from a wetland must be a minimum of 30 feet.





DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, AL 36628-0001

July 17, 2020

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army Nationwide Permit, File Number SAM-2020-00375-ES, Fort Morgan Volunteer Fire Department, Gulf of Mexico

Fort Morgan Volunteer Fire Department
Attention: Mr. Jerry Ralston, Chief
Email Address: jralston2807@hotmail.com
12105 St. Hwy. 180 West

– Clearing and grubbing within the entire 1.3-acre project footprint, and filling where necessary. Approximately 300 cubic yards of clean sand fill material will be placed within a total of 2,748 square feet (0.063 acre) of emergent and scrub-shrub wetlands, for construction of a 4,800-square-foot volunteer fire department with associated parking and utility infrastructure. Fill slopes will be stabilized to prevent material runoff to adjacent wetlands.

wetlands, under our regulatory jurisdiction. The project activities include the following:

– Clearing and grubbing within the entire 1.3-acre project footprint, and filling where necessary. Approximately 300 cubic yards of clean sand fill material will be placed within a total of 2,748 square feet (0.063 acre) of emergent and scrub-shrub wetlands, for construction of a 4,800-square-foot volunteer fire department with associated parking and utility infrastructure. Fill slopes will be stabilized to prevent material runoff to adjacent wetlands.

Based upon the information and plans you provided, we hereby verify the work described above, which would be performed in accordance with the attached drawings, is authorized by NWP 18, *Minor Discharges*, in accordance with 33 CFR Part 330 of our regulations. This NWP and associated Regional and General Conditions are attached for your review and compliance.

Additional Comments

BALDWIN COUNTY PLANNING & ZONING COMMISSION

BALDWIN COUNTY PLANNING & ZONING DEPARTMENT

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

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

NOTICE OF ACTION TAKEN

MEETING DATE: September 3, 2020

CASE NUMBER: P-20009

PARCEL ID #: 05-69-07-25-0-000-015,000

PLANNING DISTRICT: District 25

PROPERTY LOCATION: 0 St Hwy 180

APPLICANT: Ernie Church
5601 St Hwy 180 #4
Gulf Shores, AL 36542

OWNER: Mark and Robin Frohlich

REQUEST: Conditional Use to allow Construction of a Volunteer
Fire Department Station, on 0.81 acres.

ACTION TAKEN: Approved with Conditions

- Approval shall be for 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.
- If signage is proposed, a Sign Permit application, demonstrating compliance with Article 16 of the

zoning ordinance, shall be submitted to and approved by the Planning and Zoning Department.

- Storm water facilities are to be installed and inspected prior to the start of construction.
- Any major changes and/or additions shall result in further review and approval by the Planning Commission.



Zoning Administrator or designee

This same request was approved by the Planning Commission in September 2020; however, the applicant did not submit for a Land Use Certificate within the six-month time frame and is having to bring the request back to the Commission.

We are now aware that the wetland setback requirement is applicable to this property and have added the condition that a variance from the setback requirement will be needed.

P-21009 FORT MORGAN VFD PROPERTY

Lead Staff: Linda Lee, Planner

CONDITIONAL USE REQUEST TO ALLOW FOR A NEW FIRE STATION

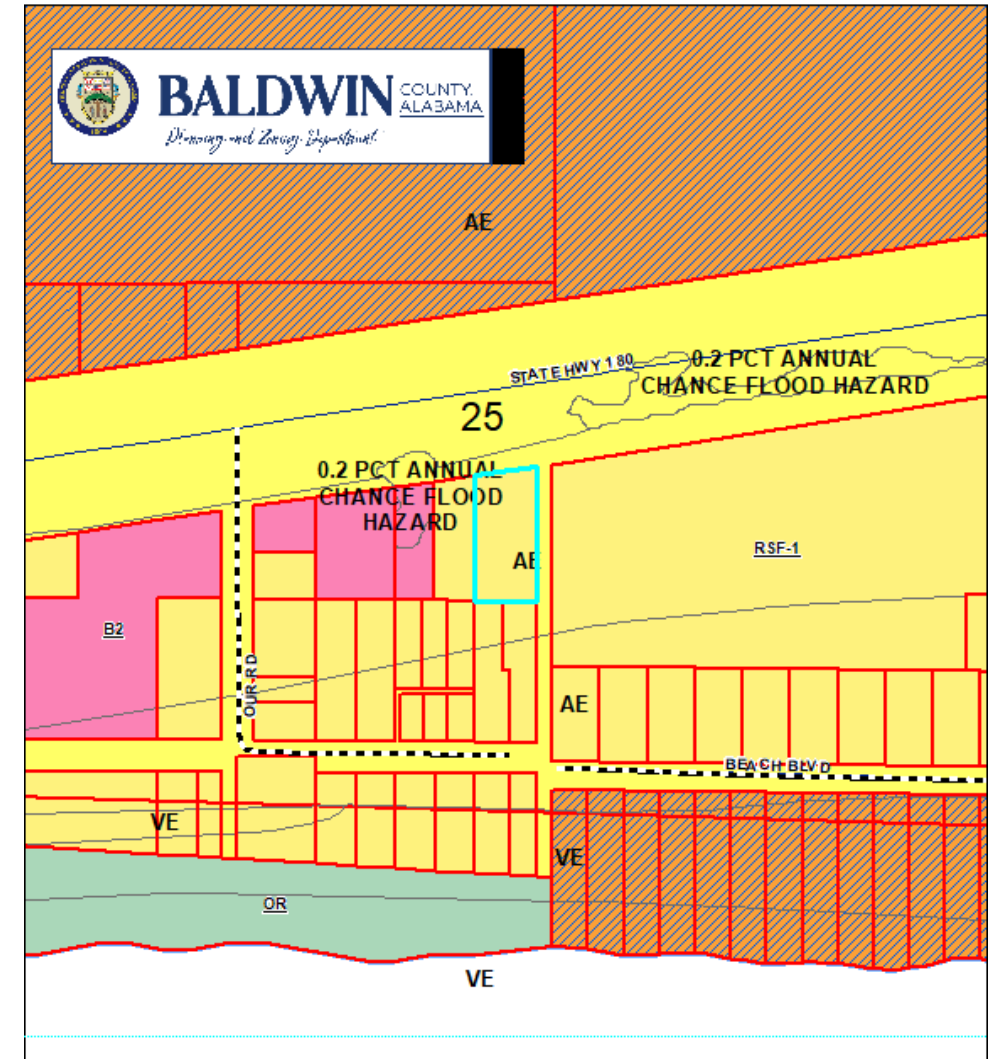
• Staff's Comments and Recommendation:

As stated previously, the applicant is requesting Conditional Use approval to allow for a new Fire Station for the Fort Morgan Volunteer Fire Department on property zoned RSF-1, Residential Single-Family District.

Staff feels that this is a reasonable request and has no problem recommending **APPROVAL*** subject to the following conditions:

- Approval shall be for this location only.
- A variance from the wetland setback requirement is granted by the Board of Adjustment
- A Baldwin County Site Plan Approval 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.
- If signage is proposed, a Sign Permit application, demonstrating compliance with Article 16 of the zoning ordinance, shall be submitted to and approved by the Planning and Zoning Department.
- Storm water facilities are to be installed and inspected prior to the start of construction
- Any major changes and/or additions shall result in further review and approval by the Planning Commission.

*On Conditional Use applications, the Planning Commission makes the final decision.
Baldwin county Planning and Zoning Commission October 7, 2021 Full Agenda



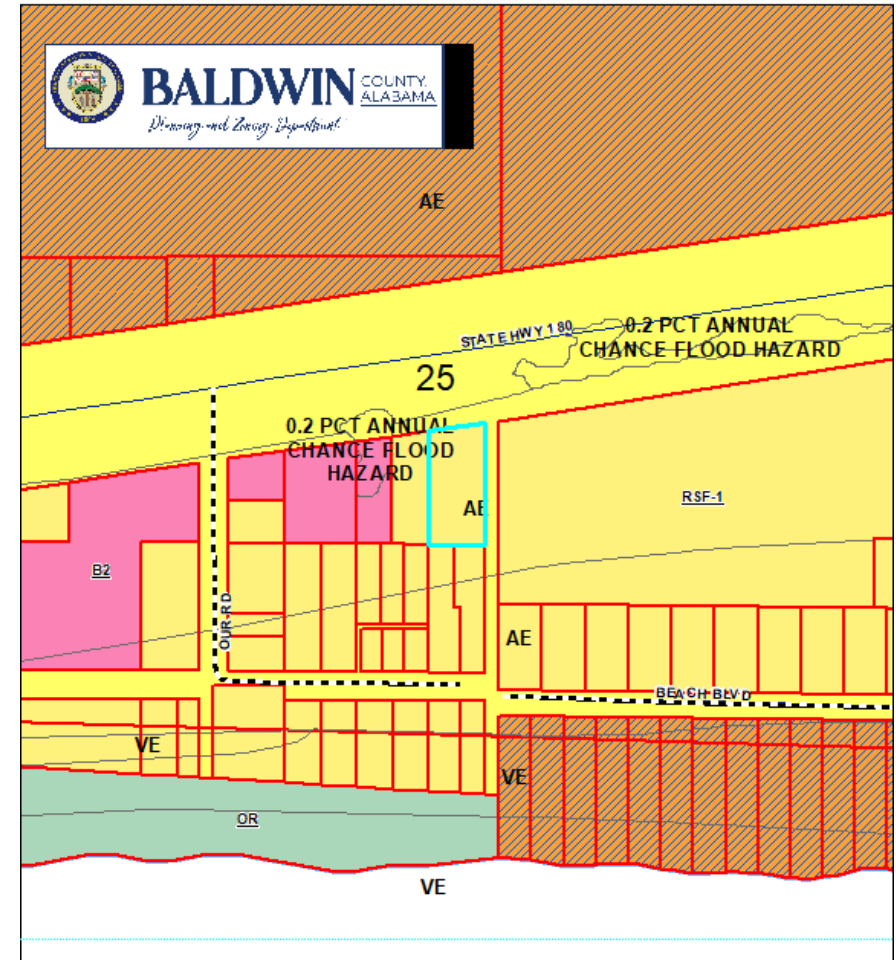
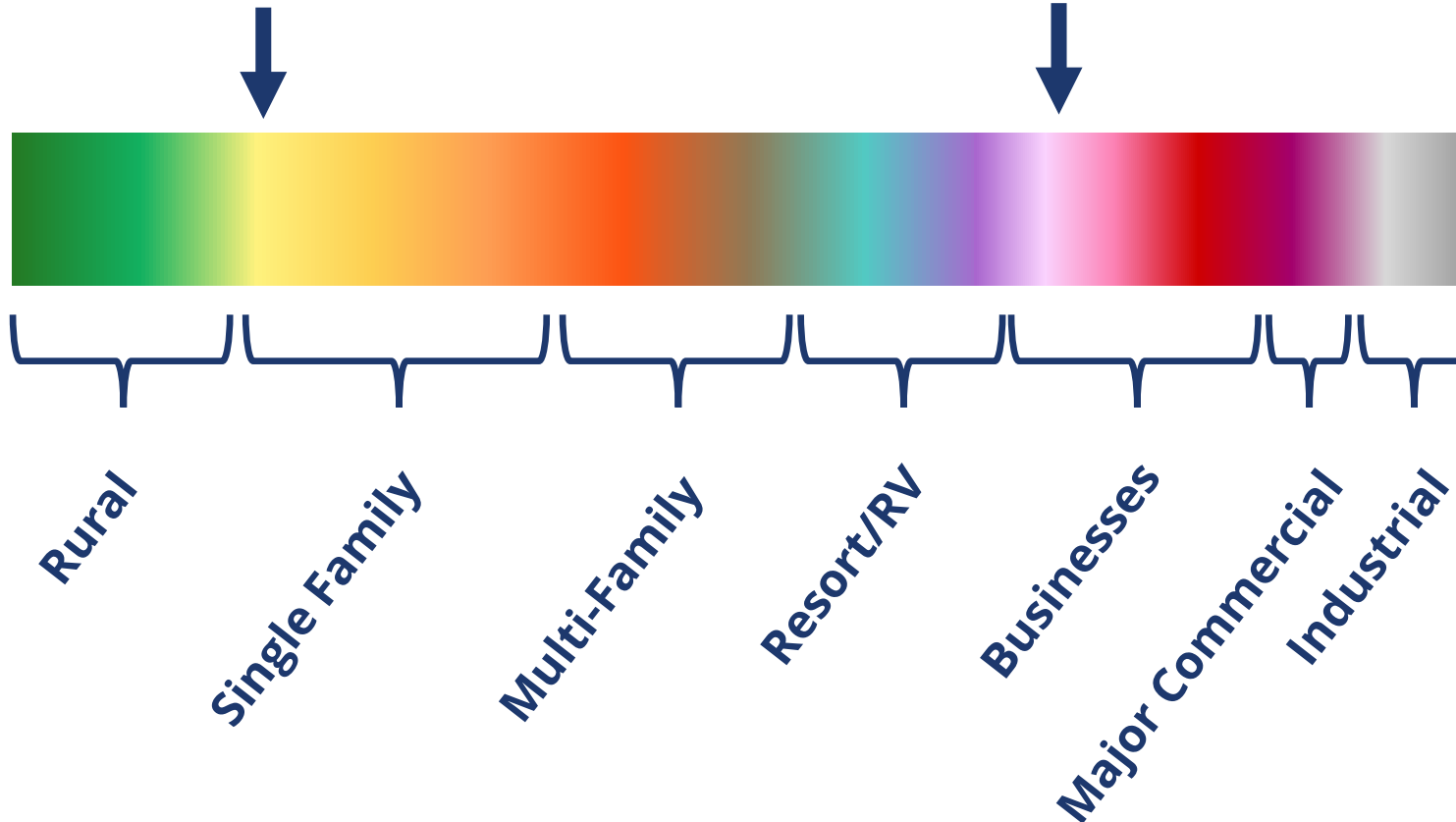
P-21009 FORT MORGAN VFD PROPERTY

CONDITIONAL USE REQUEST TO ALLOW FOR A NEW FIRE STATION

Residential Single Family (RSF-1)

– Fire Station permitted with
Conditional Use Approval

Fire Station Permitted by
right in B-1 and above

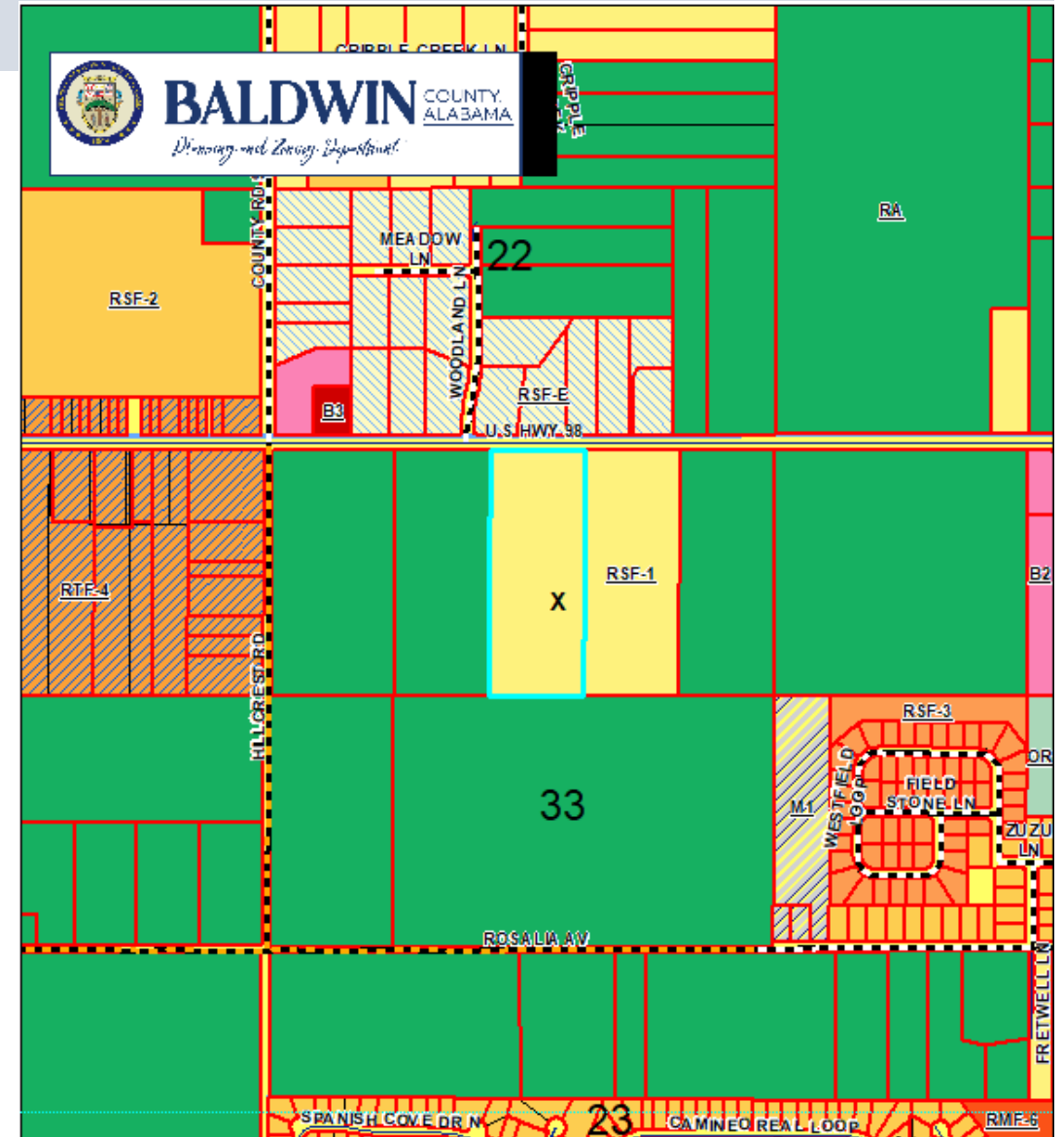


7.B) Z-21033 KITTRELL PROPERTY

Lead Staff: Linda Lee, Planner

REZONING REQUEST FROM RSF-1 TO RA

- **Planning District:** 33 **Zoned:** RSF-1
- **Location:** Subject property is located on the south side of US Highway 98, east of Hillcrest Road
- **Parcel Number:** 05-52-08-27-0-000-004.000
- **Current Use:** Forested Timberland
- **Acreage:** 14.71
- **Physical Address:** US Highway 98
- **Applicant:** Douglas A. Bailey
- **Owner:** M. A. Kittrell

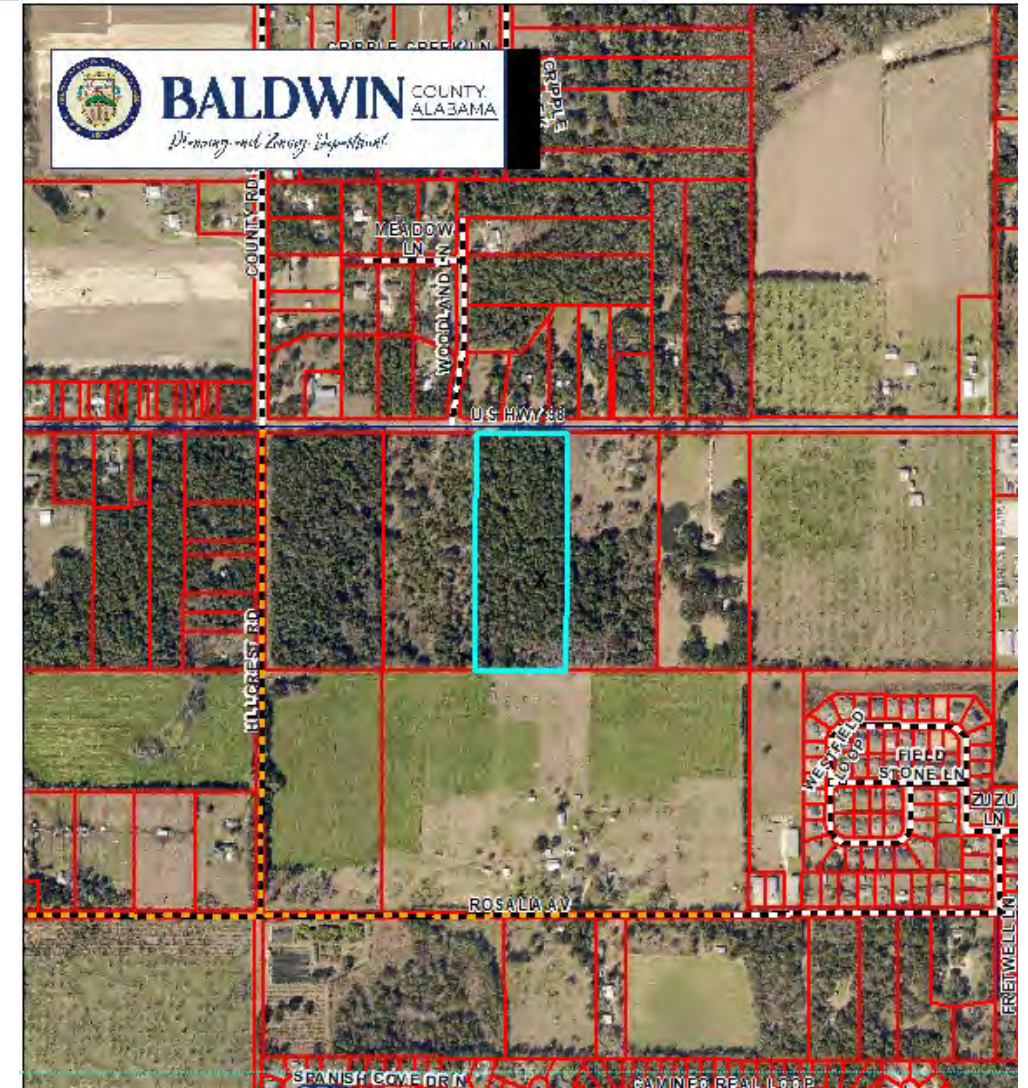


Z-21033 KITTRELL PROPERTY

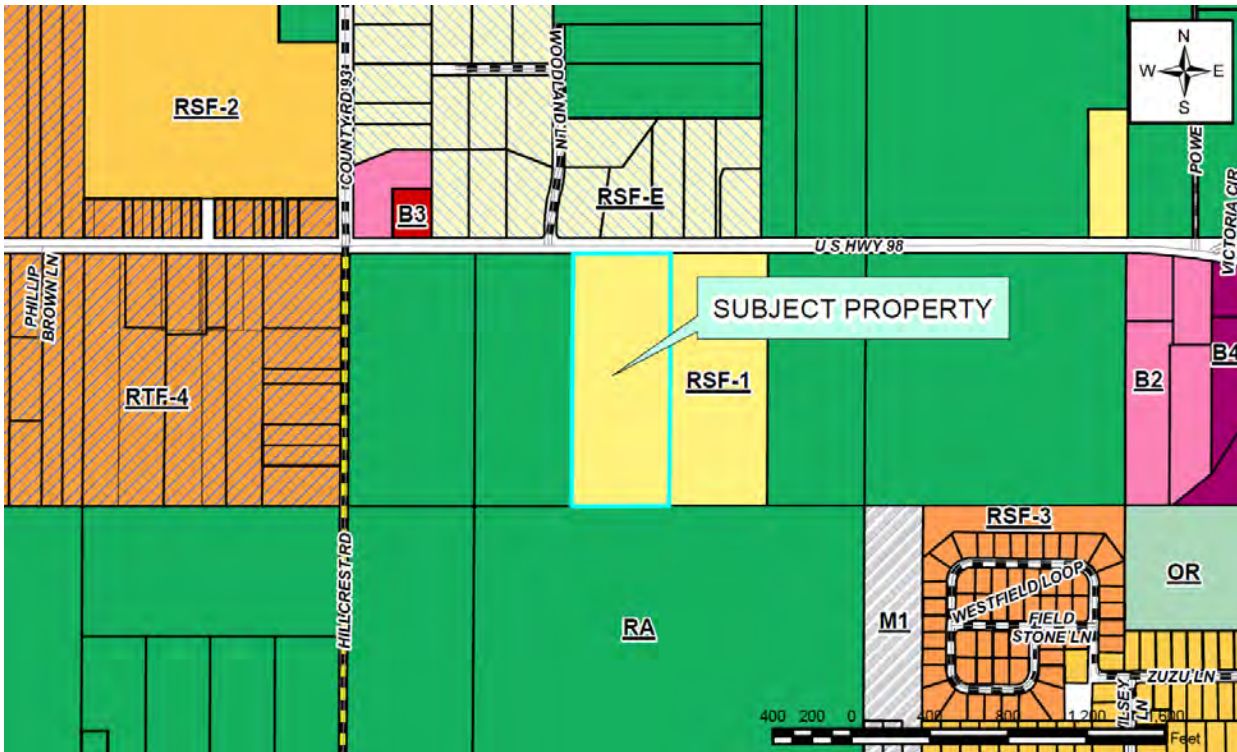
Lead Staff: Linda Lee, Planner

REZONING REQUEST FROM **RSF-1** TO **RA**

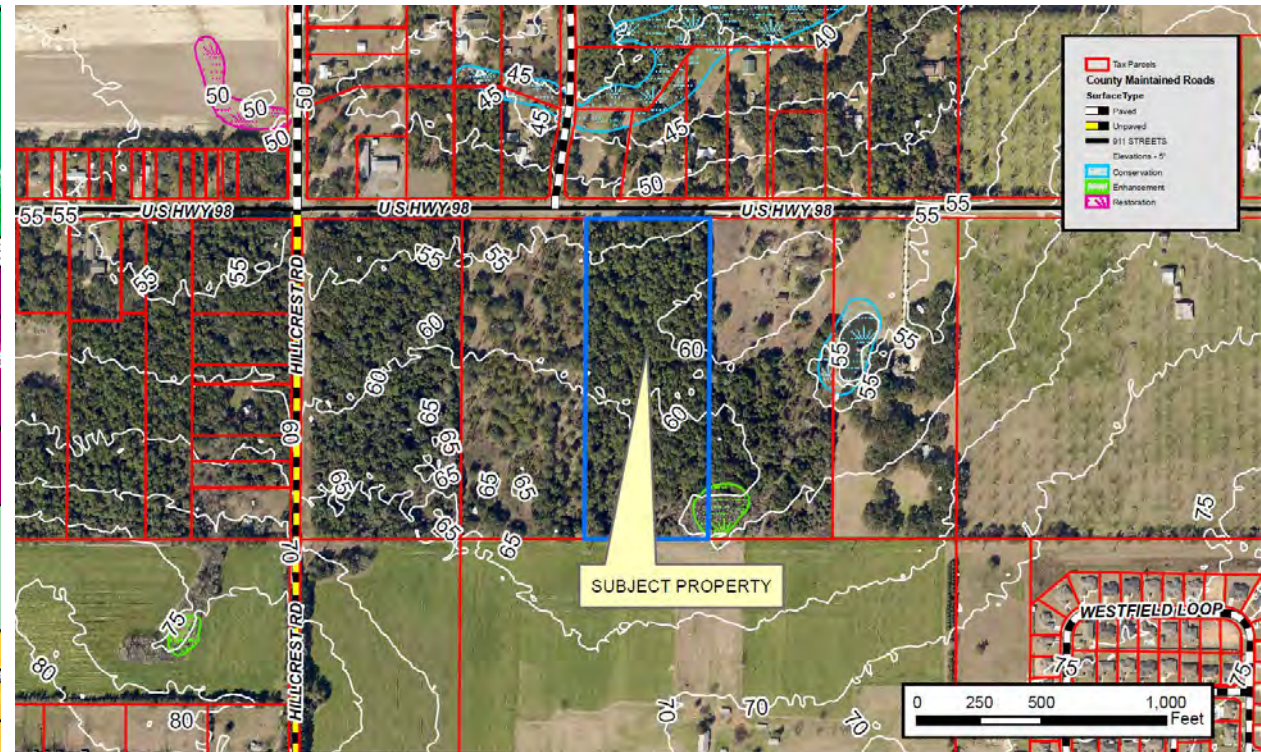
- **Proposed Zoning:** RA, Rural Agriculture
- **Proposed Use:** Uses in compliance with agricultural zoning
- **Applicant's Request:** The owner would like to use the property for agricultural uses



Locator Map



Site Map



Adjacent Zoning

North

RSF-E, Estate Single Family District

South

RA, Rural Agricultural District

East

RSF-1, Single Family District

West

RA, Rural Agricultural District

Adjacent Land Use

Residential

Agricultural

Residential

Timberland

Property Images



Current Zoning Requirements

Section 4.2 RSF-1, Single Family District

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

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

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

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

- (a) Outdoor recreation uses.
- (b) The following institutional uses: day care home; fire station; school (public or private).
- (c) The following general commercial uses: country club.
- (d) The following local commercial use: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

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: Not Applicable

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 18.4 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 |

Proposed Zoning Requirements

Section 3.2 RA Rural Agricultural District

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

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

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

(i) Accessory structures and uses.

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

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

- (a) Transportation, communication, and utility uses not permitted by right.
- (b) Institutional uses not permitted by right.
- (c) The following general commercial uses: recreational vehicle park (see *Section 13.9: Recreational Vehicle Parks*).
- (d) The following local commercial uses: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

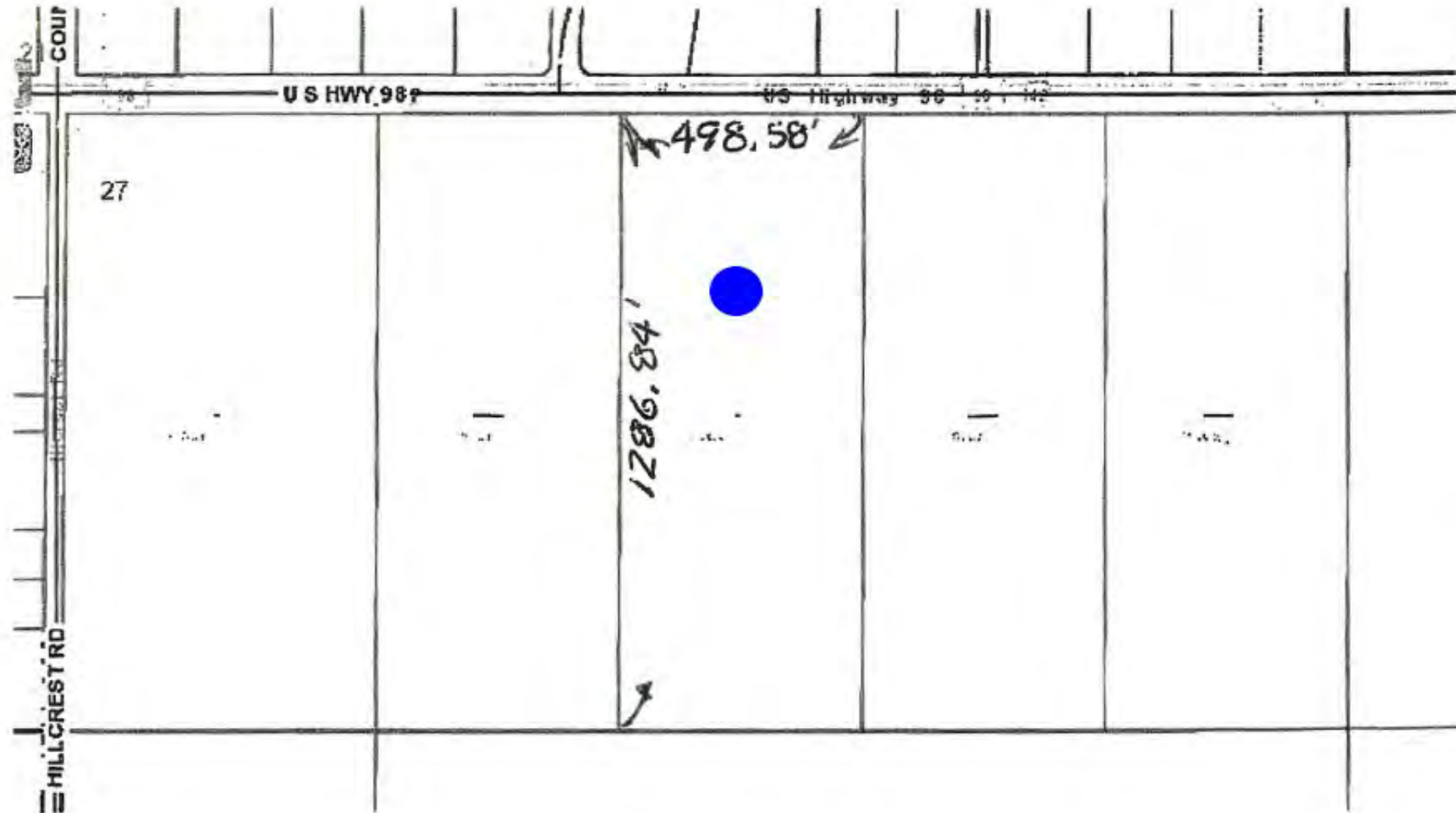
3.2.5 *Area and dimensional ordinances.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.4 Variances*,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

| | |
|-------------------------------------|----------|
| Maximum Height of Structure 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 |

Site Plan



Staff Analysis and Findings

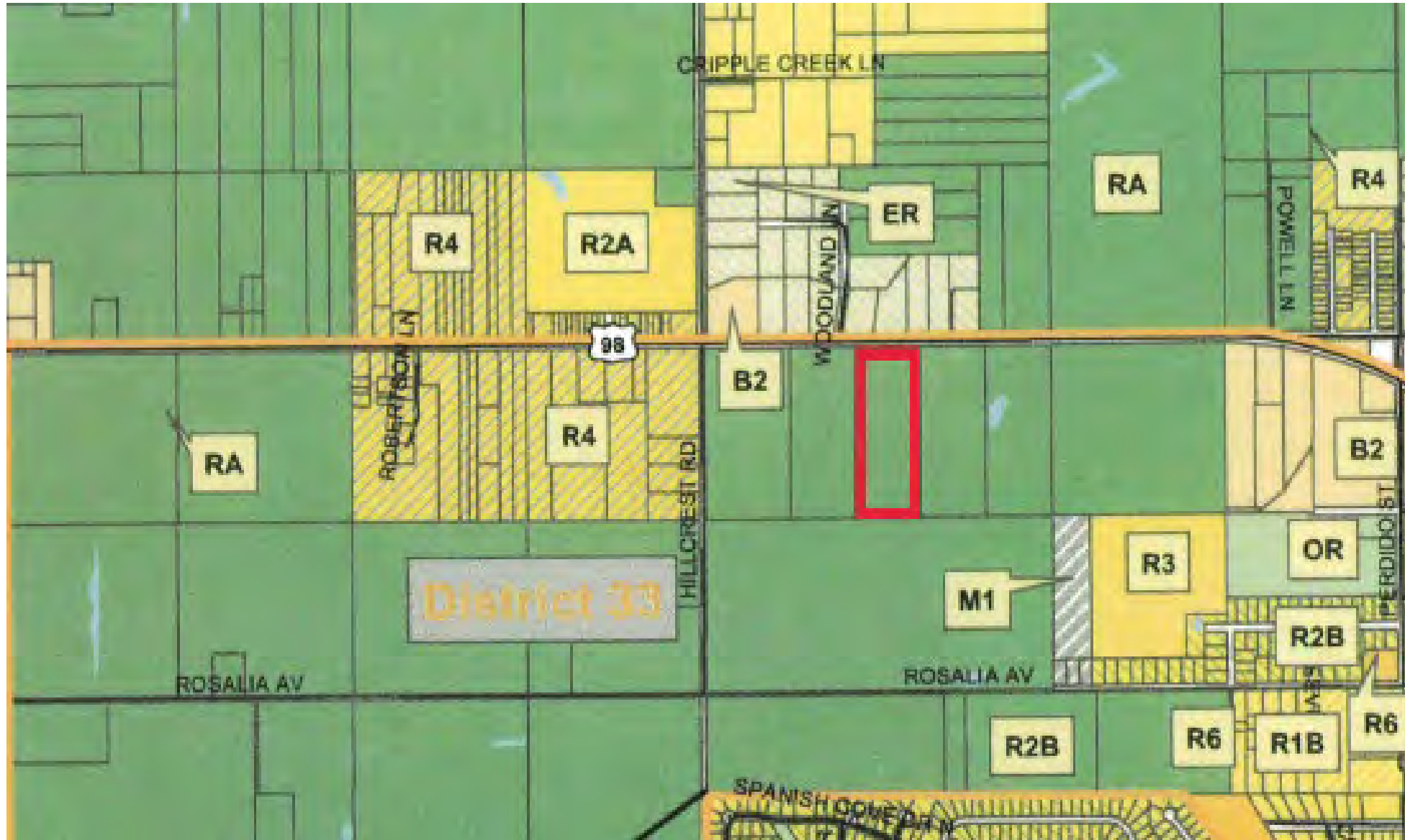
1.) Is the requested change compatible with the existing development pattern and the zoning of nearby properties?

The subject property is currently zoned RSF-1, Single Family District, and is undeveloped. The adjacent properties are zoned RSF-E, and RA. The adjacent uses are residential and timberland. The requested change is a rural designation which allows agricultural uses. Staff believes 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 33 zoning map was adopted in August 2002. At that time the property was zoned RA. In 2006 the property owner requested to rezone the property from RA to R3 to allow for a residential subdivision. The County Commission approved a rezoning to R1A. The nomenclature changed in 2009 to RSF-1.

Planning District 33 Zoning Map – April 2004



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.

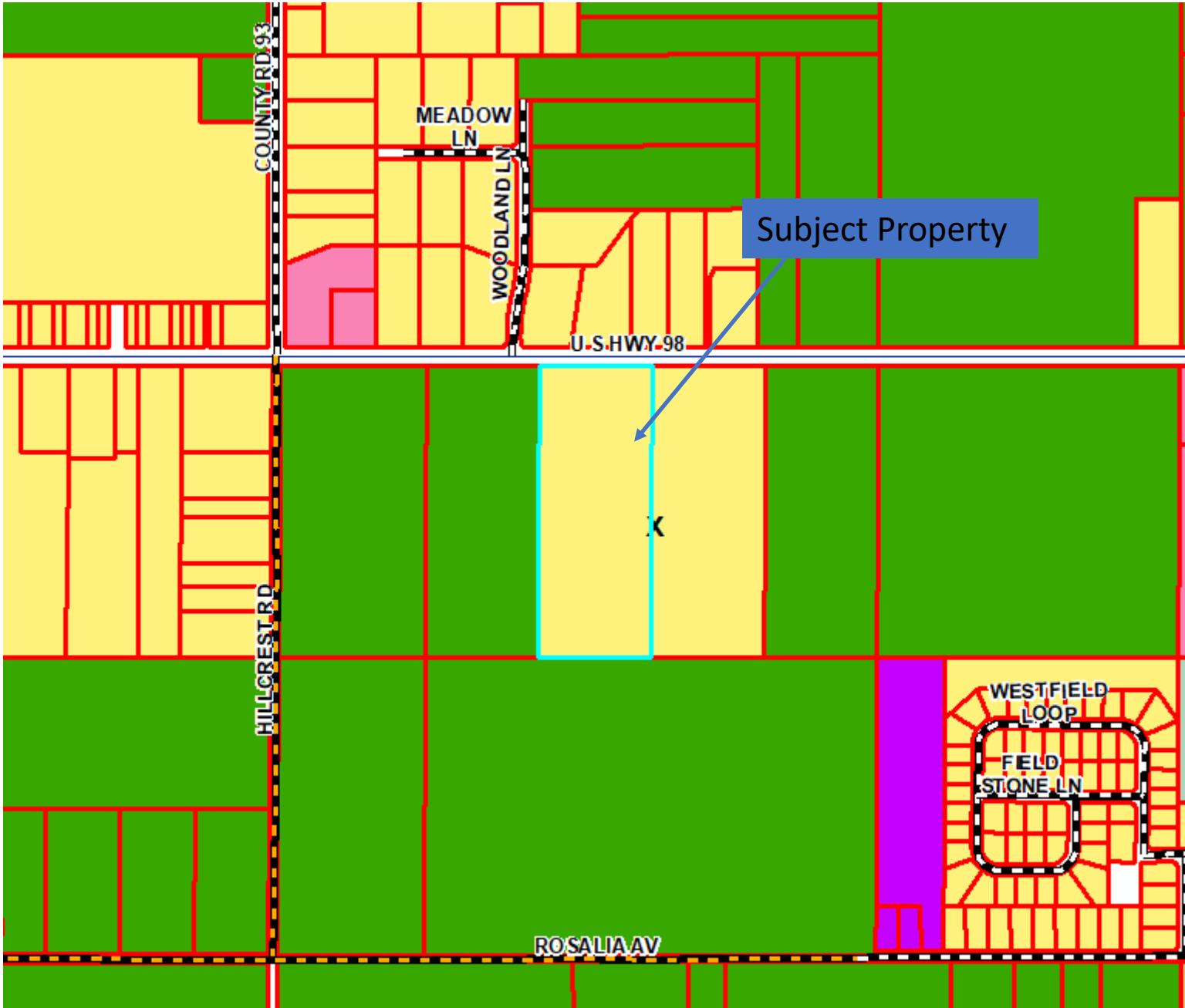
3.) Does the proposed zoning better conform to the Master Plan? (Cont.)

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.

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

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.

Future Land
Use Map



Staff Analysis and Findings

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

Staff is unaware of any planned public improvements. Staff has not received any comments from ALDOT.

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

Per the Federal Highway Administration, the functional classification of US Highway 98 is principal arterial. These roadways serve major centers of metropolitan areas, provide a high degree of mobility and can also provide mobility through rural areas. Unlike their access-controlled counterparts, abutting land uses can be served directly. Forms of access for Other Principal Arterial roadways include driveways to specific parcels and at-grade intersections with other roadways. For the most part, roadways that fall into the top three functional classification categories (Interstate, Other Freeways & Expressways and Other Principal Arterials) provide similar service in both urban and rural areas. The primary difference is that there are usually multiple Arterial routes serving a particular urban area, radiating out from the urban center to serve the surrounding region. In contrast, an expanse of a rural area of equal size would be served by a single Arterial. Access to this site from would require approval from the ALDOT.

Staff Analysis and Findings

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 RA zoning designation allows for residential and agricultural uses which would be consistent with the development patterns in the area and appropriate for orderly development of the community.

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

This area of Planning District 32 consists mostly of residential and agricultural zoning districts. Adjacent properties are zoned for residential and agricultural uses. Therefore, staff believes the proposed rezoning is a logical expansion of adjacent zoning districts and appropriate for the lot size.

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.

Staff Analysis and Findings

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

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

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

Staff anticipates no adverse impacts. Access to this site would require approval from the Alabama Department of Transportation (ALDOT).

11.) Other matters which may be appropriate.

The Highway Construction Setback for US Highway 98 is 125 feet from the centerline of the right-of-way.

Agency Comments

- **Baldwin County Highway Department – Weesie Jeffords:**

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

Sent: Wednesday, September 22, 2021 8:24 AM

To: D Hart <DHart@baldwincountyal.gov>

Subject: RE: Z-21033 Kittrell Property

DJ,

This site may require a residential driveway permit if it is used for personal farming but may need a commercial turnout and drainage permit if it is used for any commercialized farming (farm stand, produce market, U-pick, Etc). Both types of accesses would be through ALDOT.

Current drainage for the property appears to slope towards US 98 and utilize Caney Branch, then flow to the State's wetland preserve area along Perdido River.

Let me know if you need anything further.

Thank you,

Weesie Jeffords

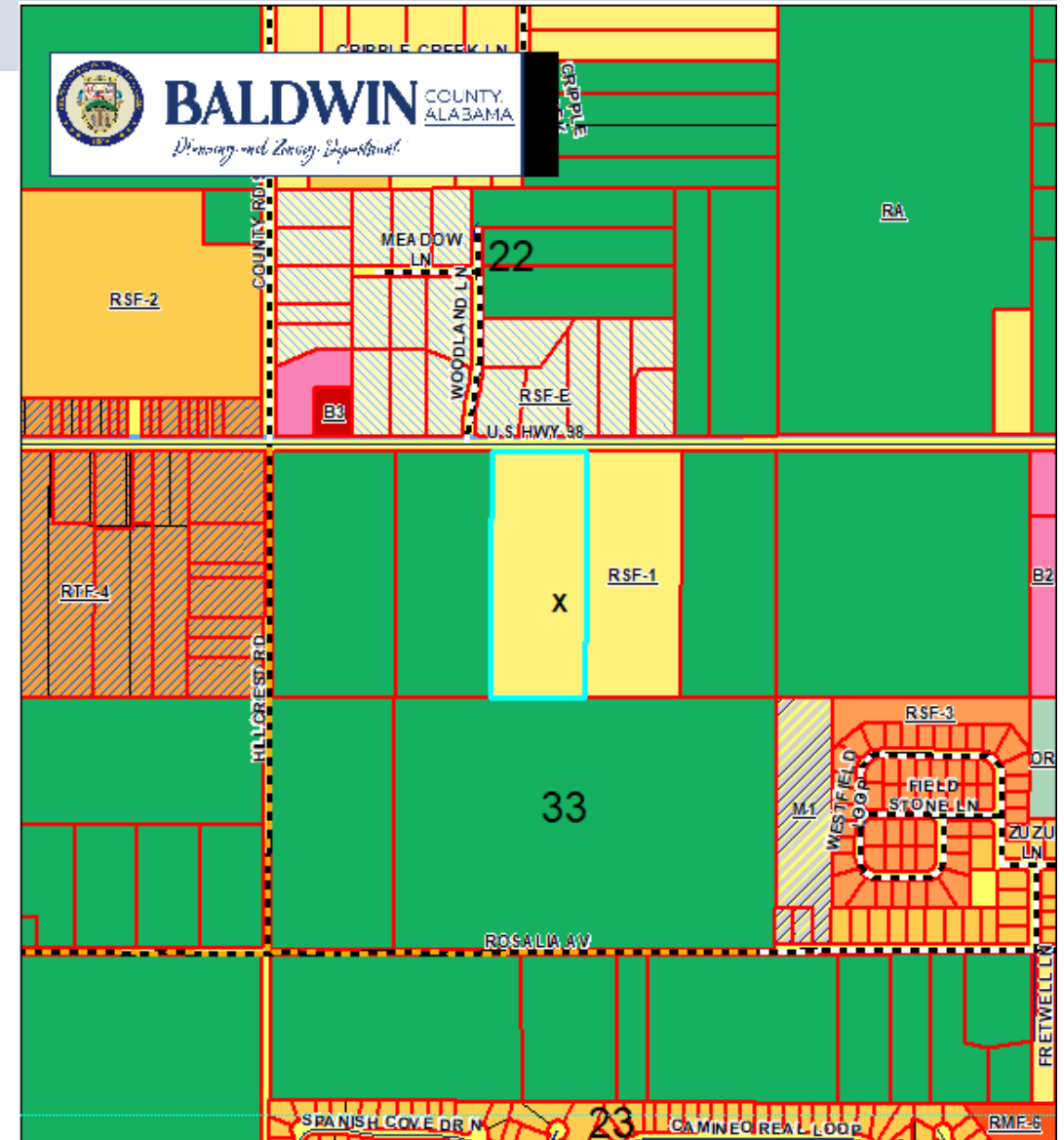
Z-21033 KITTRELL PROPERTY

Lead Staff: Linda Lee, Planner

REZONING REQUEST FROM RSF-1 TO RA

- Staff's Summary and Comments:**

The subject property is currently zoned RSF-1, Single Family District, and is currently undeveloped. The property adjoins US Highway 98 to the north. The adjoining properties are residential, and timberland. The requested zoning designation is RA, Rural Agricultural District. RA is more restrictive and less intense than the current designation of RSF-1. According to the submitted information, the purpose of this request is to allow for agricultural uses.

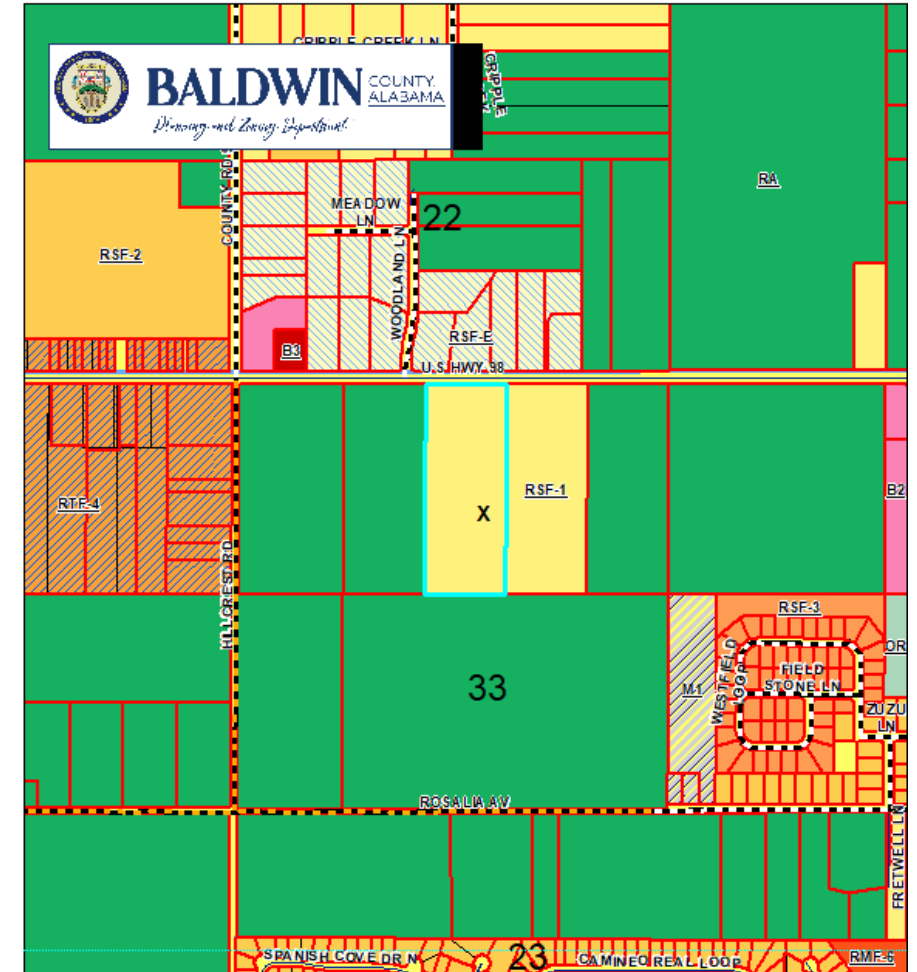
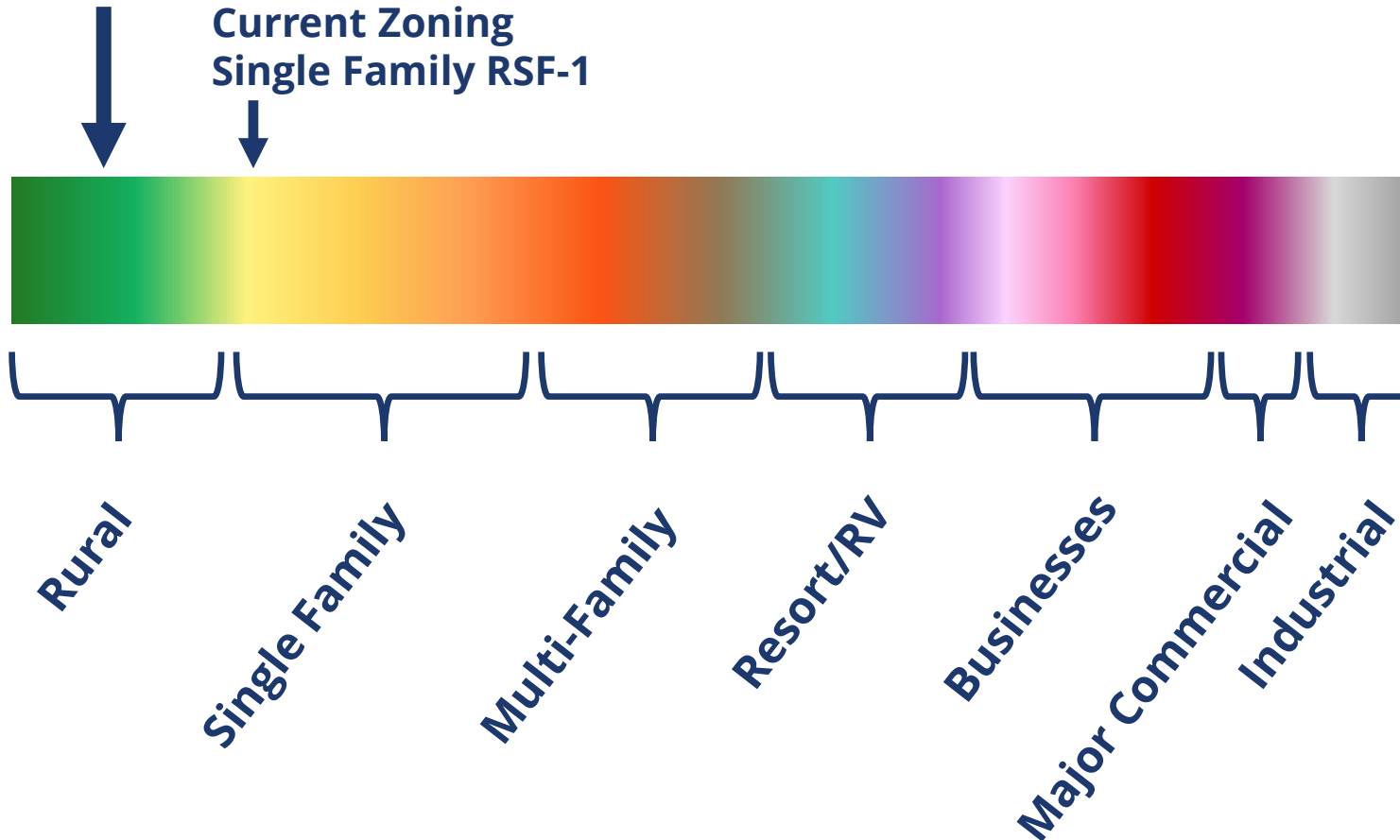


Z-21033 KITTRELL PROPERTY

REZONING REQUEST FROM RSF-1 TO RA

Requested Zoning Rural
Agricultural District (RA)

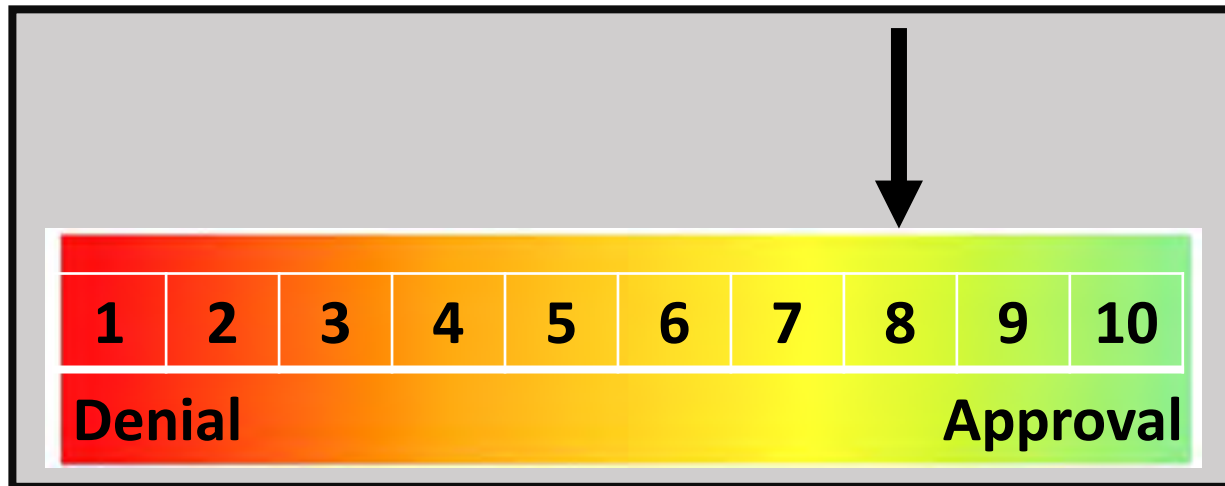
Current Zoning
Single Family RSF-1



Z-21033 KITTRELL PROPERTY

REZONING REQUEST FROM **RSF-1** TO **RA**

Recommendation Scale



Staff's Recommendation:

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

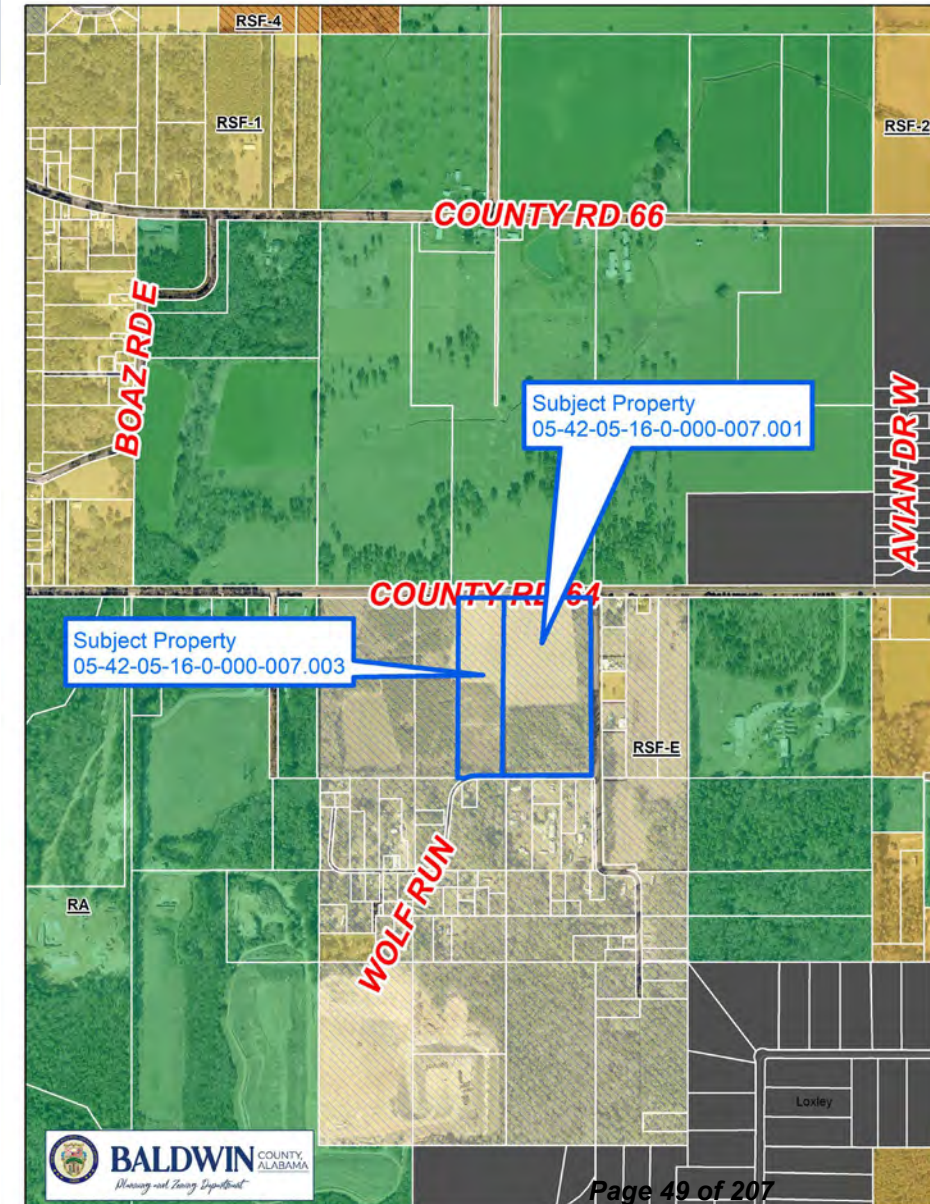
**On rezoning applications, the Planning Commission will be making a recommendation to the County Commission.*

7.C) Z-21034 LAZZARI PROPERTY

Lead Staff: Celena Boykin, Senior Planner

REZONING REQUEST FROM RSF-E TO RA

- **Planning District:** 15 **Zoned:** RSF-E
- **Location:** Subject property is located on the south side of County Rd 64, east of McBride Rd
- **Current Use:** Agriculture
- **Acreage:** 27.66
- **Physical Address:** N/A
- **Applicant:** Smith Clark & Associates LLC
- **Owner:** Jeanne Lazzari

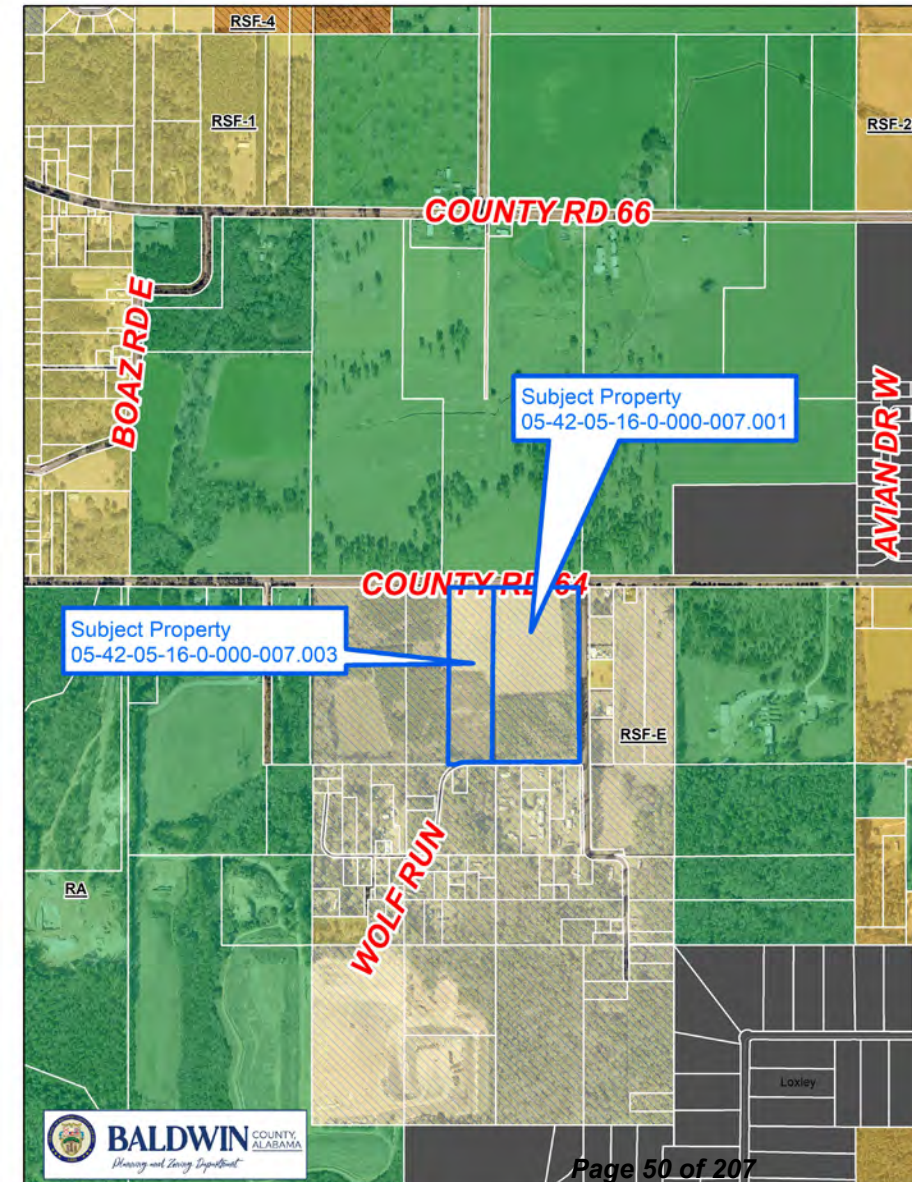


Z-21034 LAZZARI PROPERTY

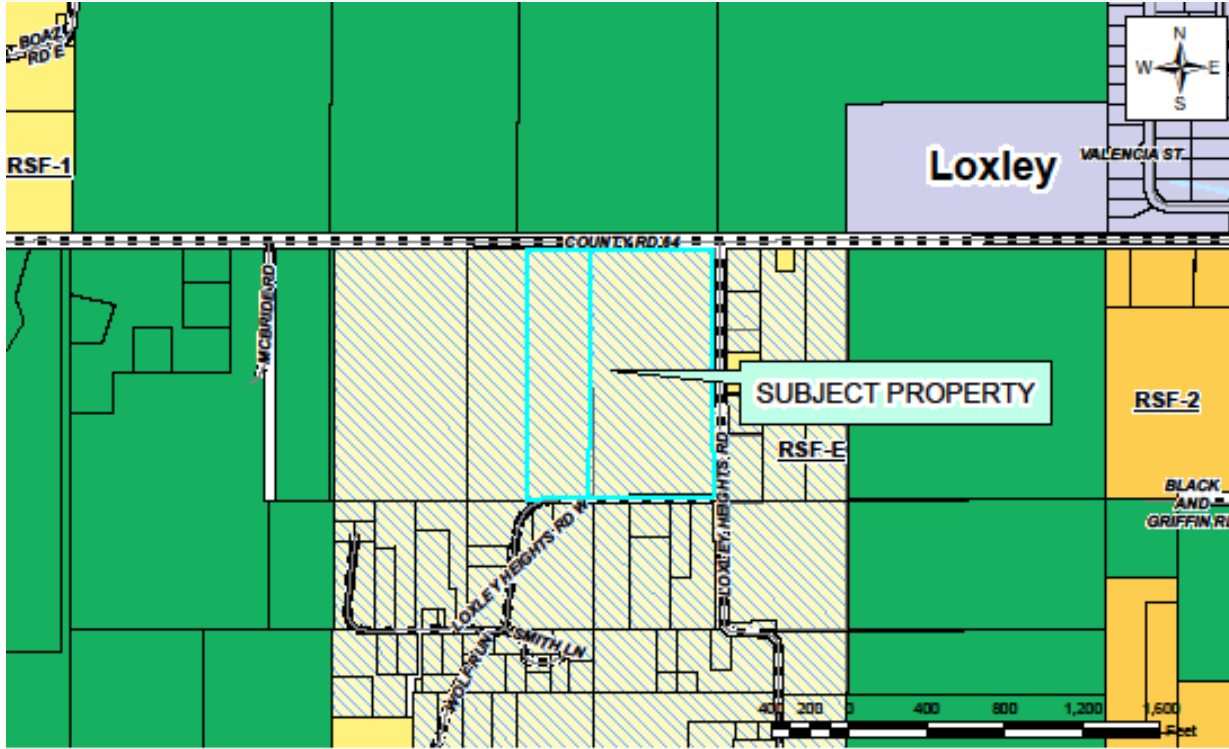
REZONING REQUEST FROM RSF-E TO RA

Lead Staff: Celena Boykin, Senior Planner

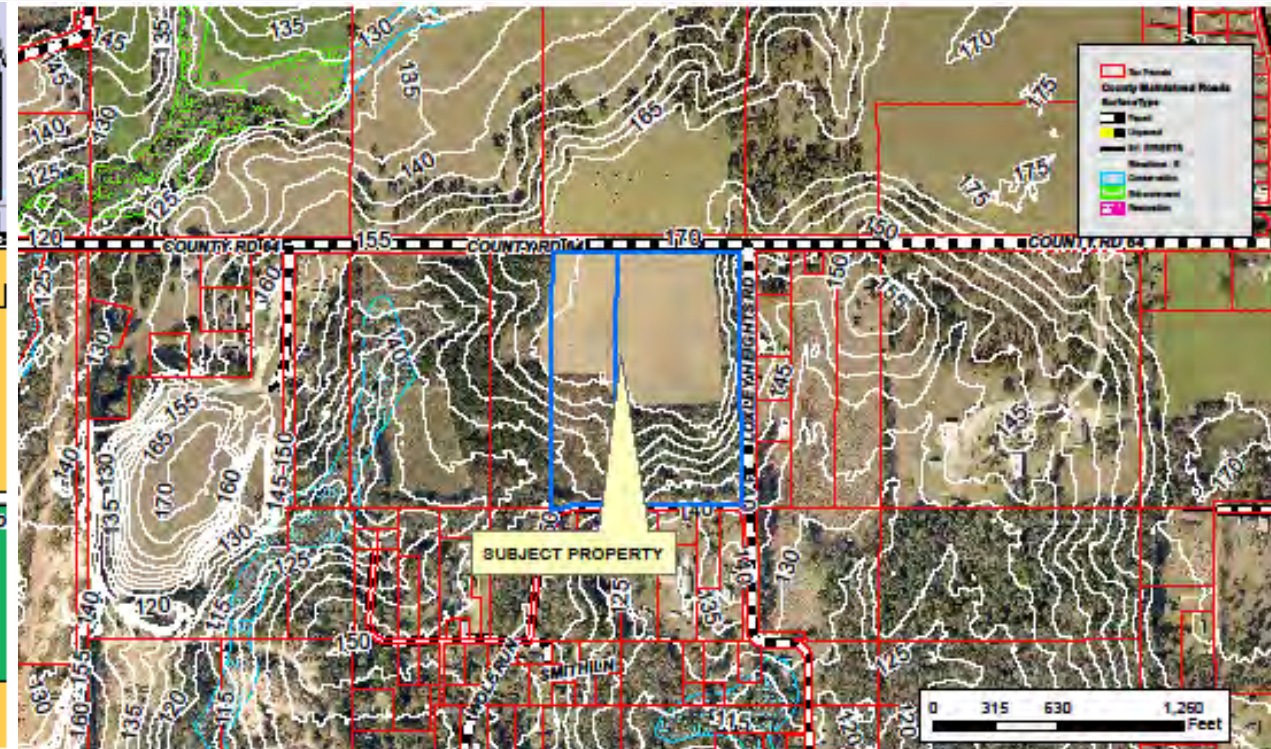
- **Proposed Zoning:** RA, Rural Agriculture
- **Proposed Use:** Open Air Storage Facility
- **Applicant's Request:** The owners would like to develop the property as an open air storage facility.



Locator Map



Site Map



Adjacent Zoning

North

County Rd 64 and RA, Rural Agriculture District

South

RSF-E, Estate Single Family District

East

RSF-E, Estate Single Family District/ Loxley Heights Rd

West

RSF-E, Estate Single Family District

Adjacent Land Use

Agriculture

Residential

Residential

Timberland

Property Images



Current Zoning Requirements

Section 4.1 RSF-E, Residential Single Family Estate District

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

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

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

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

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

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

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

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

| | |
|-------------------------------------|--------------------|
| Maximum Height of Structure in Feet | 35-Feet |
| Maximum Height in Habitable Stories | 2 1/2 |
| 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 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.

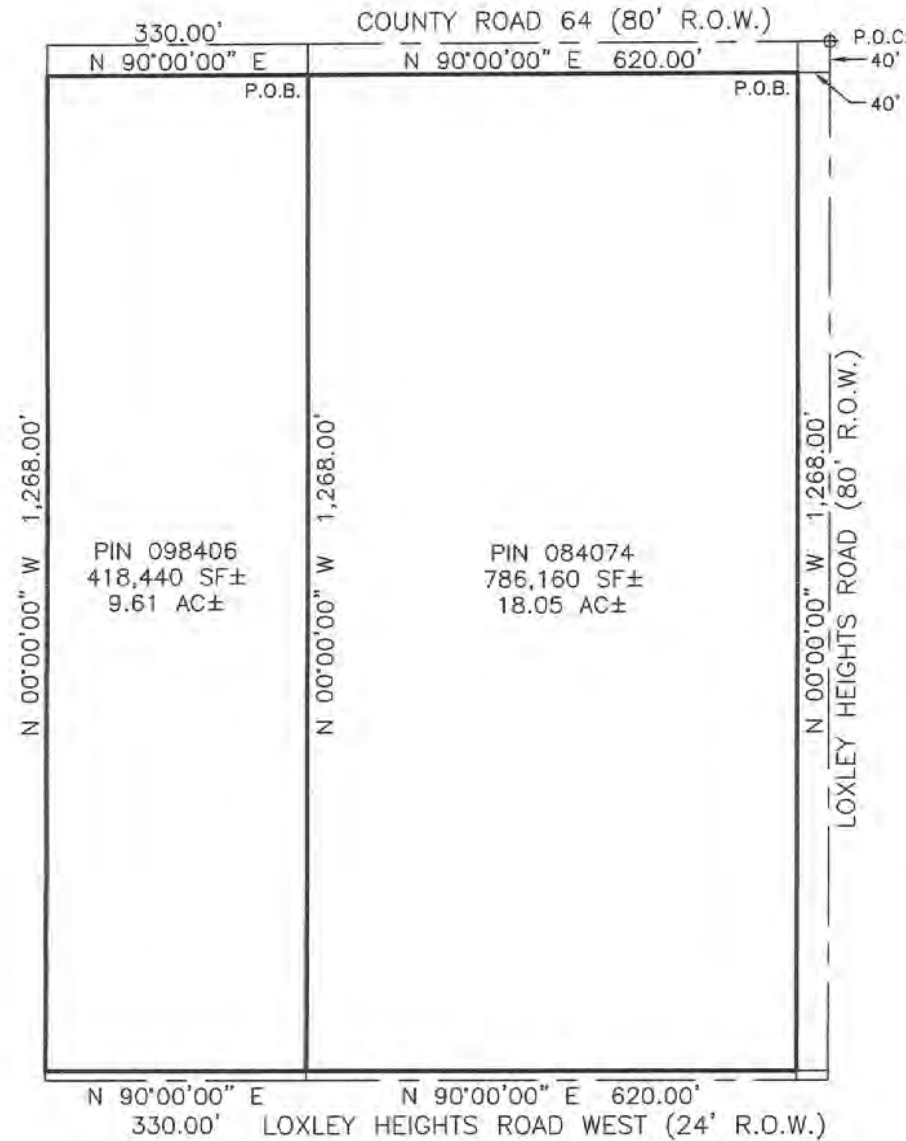
3.2.5 *Area and dimensional ordinances.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.6 Variances*, 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 |

Site Plan



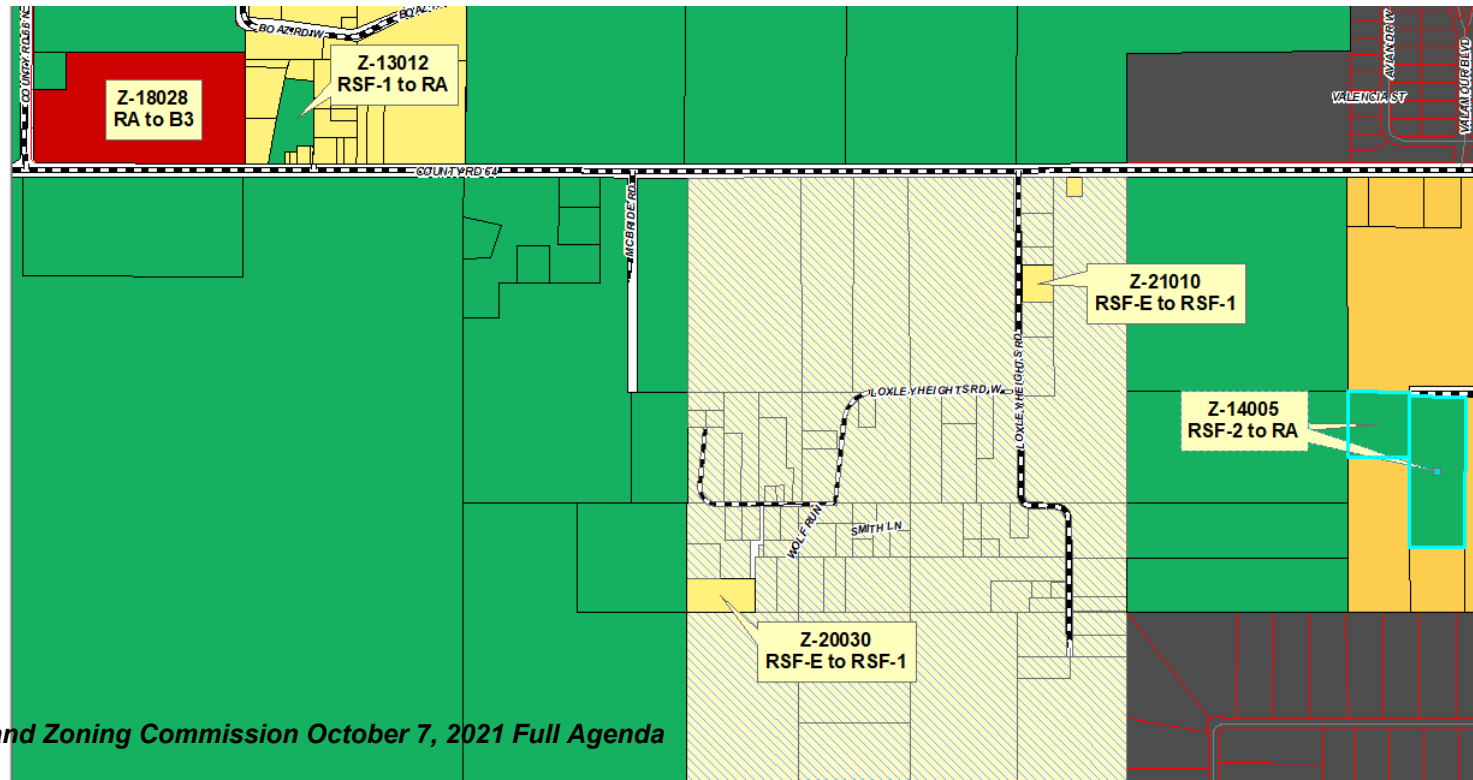
1.) Is the requested change compatible with the existing development pattern and the zoning of nearby properties?

The subject property is currently zoned RSF-E, Residential Single Family Estate District, and is currently farmed. The requested zoning designation is RA, Rural Agricultural District. Most of the surrounding properties are zoned RSF-E and RA and are used for residential and agricultural purposes, therefore the requested change is compatible with the zoning of nearby properties. However, the request to have a commercial use is not compatible with adjacent properties.

Staff Analysis and Findings

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

The zoning for Planning District 15 was adopted by the County Commission on August 1, 2006. The subject property was zoned RA, Rural Agricultural District at that time. There have been very few rezonings in the area. There has been two automatic rezonings and about a mile to the west of the subject property, 19 acres were rezoned from RA to B3.



Staff Analysis and Findings

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 improvements. The Highway department did state *“The proposed use will require a commercial turnout permit through the Highway Department for access. Drainage for the site will need to be addressed following the County stormwater requirements.”*

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

Per the Federal Highway Administration, the functional classification of County Road 64 is major arterial. Arterials provide a high level of mobility and a greater degree of access control. Access to this site from County Road 64 would require approval from the Baldwin County Highway Department. Please see comments from the Highway Department and comments from applicant.

Staff Analysis and Findings

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.

Most of the surrounding properties are zoned RSF-E and RA and are used for residential and agricultural purposes, therefore the requested change is compatible with the zoning of nearby properties. However, the request to have a commercial use is not compatible with adjacent properties.

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

The proposed amendment is an equivocal expansion of adjacent zoning districts. All the adjacent zoning are RSF-E except for across County Rd 64 there is RA zoning that is used for farming and not commercial.

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

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

Staff anticipates no adverse impacts

11.) Other matters which may be appropriate.

The applicant will have to come back and get a Commission Site Plan Approval for the storage facility. A 30' landscape buffer would be required and all other design requirements for a storage facility.

Agency Comments

- **Baldwin County Highway Department – Wessie Jeffords:**

The proposed use will require a commercial turnout permit through the Highway Department for access. Drainage for the site will need to be addressed following the County stormwater requirements.

- **Mary Booth, Subdivision Coordinator:** *No comments received.*

- **ADEM, Scott Brown:** *No comments received.*

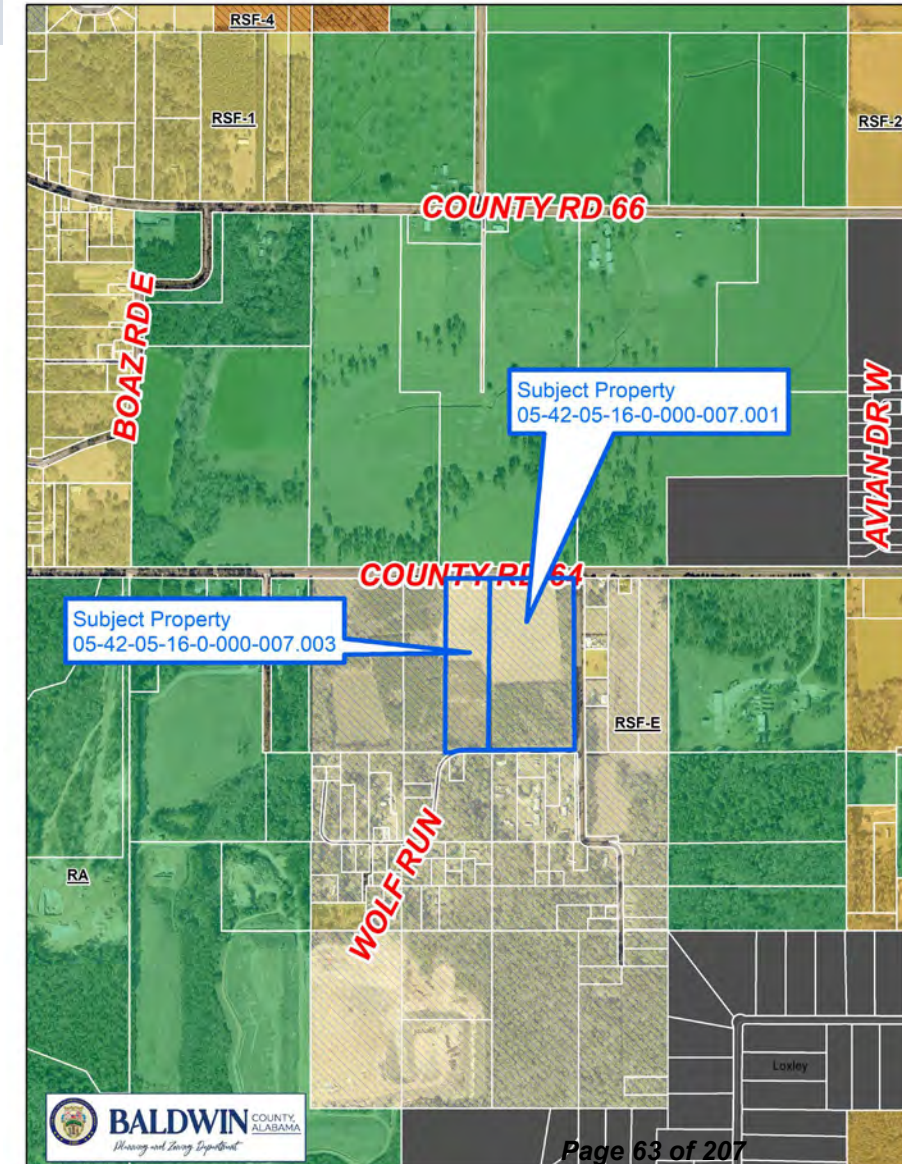
Z-21034 LAZZARI PROPERTY

REZONING REQUEST FROM RSF-E TO RA

Lead Staff: Celena Boykin, Senior Planner

- Staff's Summary and Comments:**

As stated previously, the subject property is currently zoned RSF-E, Residential Single Family Estate District, and is currently farmed. The requested zoning designation is RA, Rural Agricultural District. Most of the surrounding properties are zoned RSF-E and RA and are used for residential and agricultural purposes, therefore the requested change is compatible with the zoning of nearby properties. However, the request to have a commercial use is not compatible with adjacent properties.



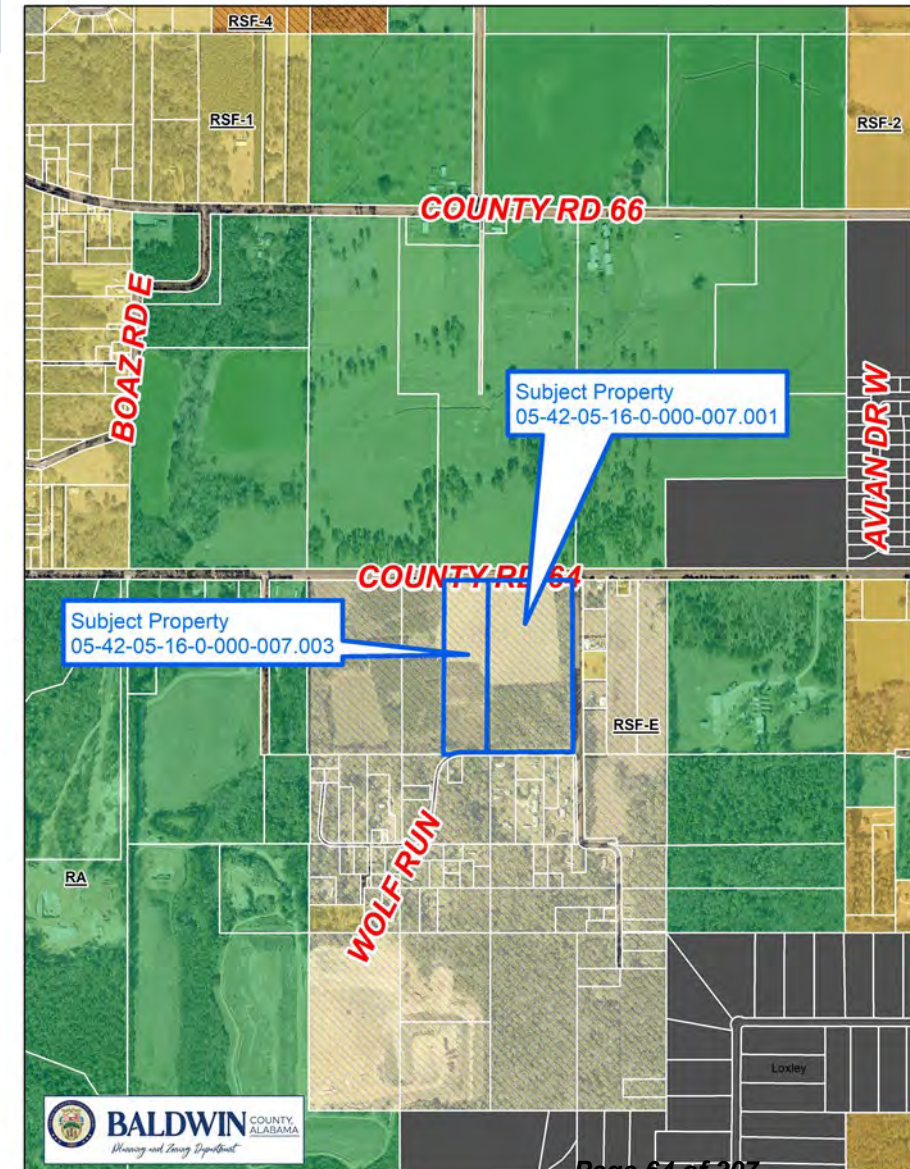
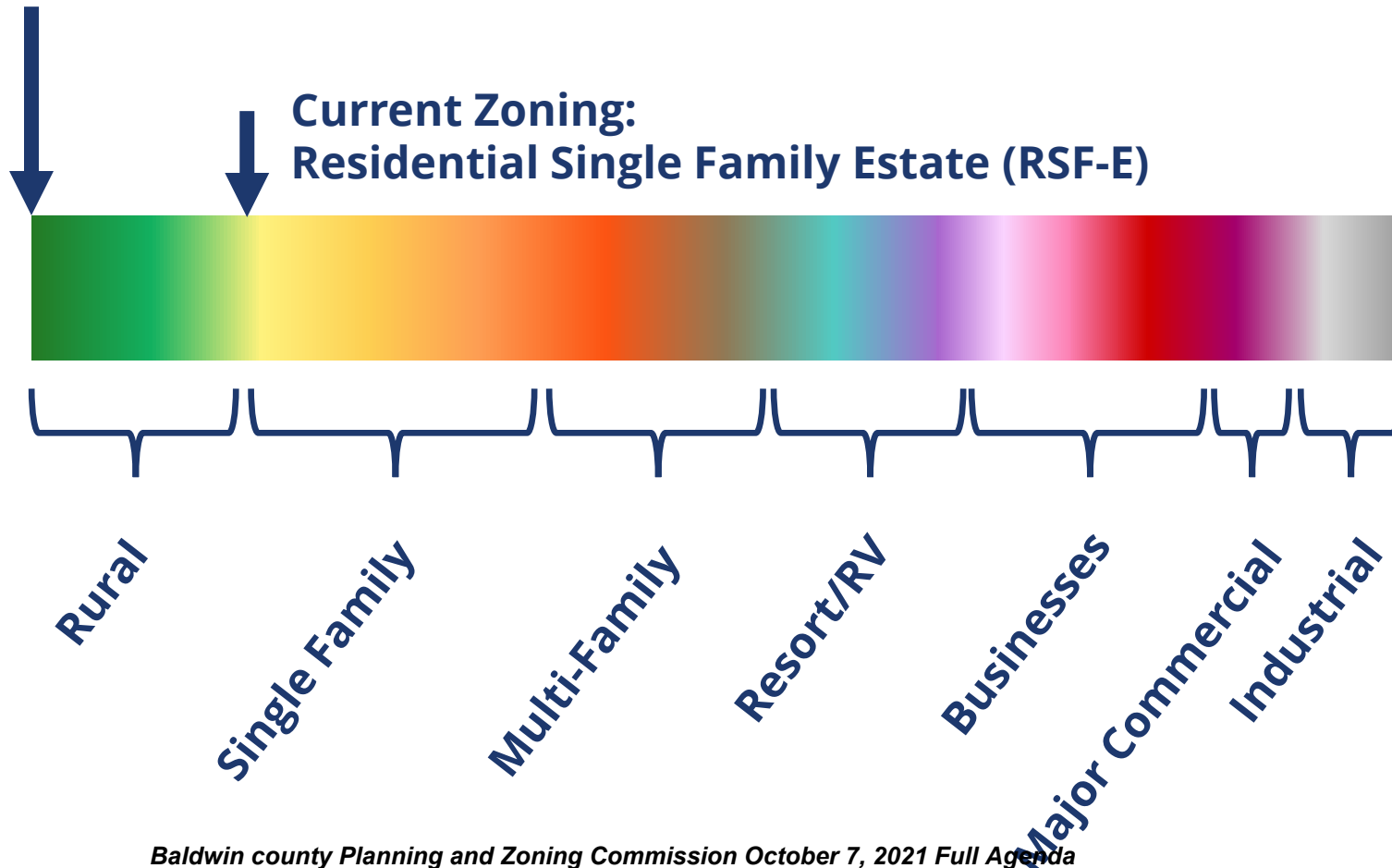
Z-21034 LAZZARI PROPERTY

REZONING REQUEST FROM **RSF-E** TO **RA**

Lead Staff: Celena Boykin, Senior Planner

Requested Zoning:
Rural Agriculture (RA)

Current Zoning:
Residential Single Family Estate (RSF-E)

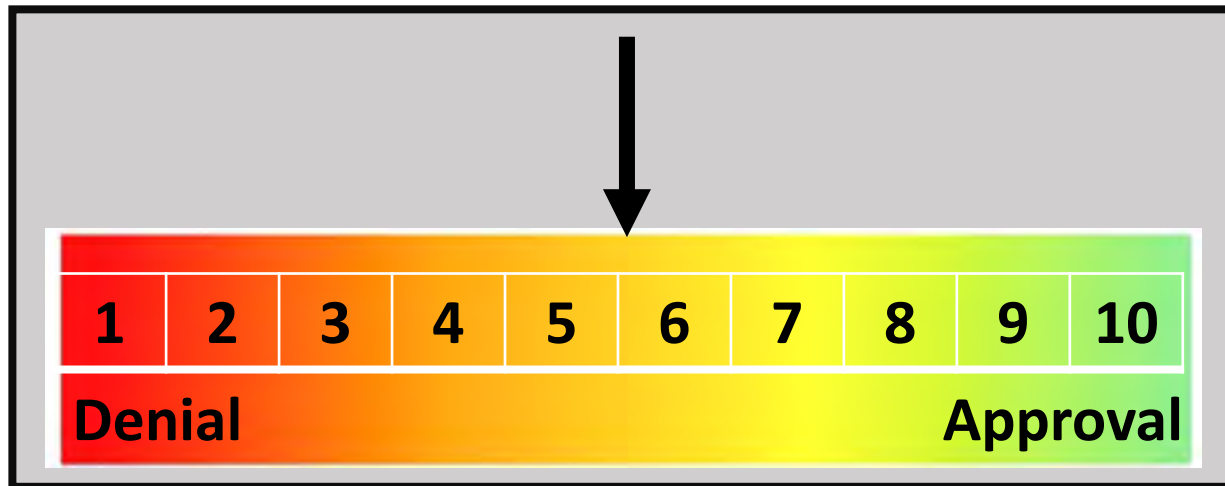


Z-21034 LAZZARI PROPERTY

REZONING REQUEST FROM **RSF-E** TO **RA**

Lead Staff: Celena Boykin, Senior Planner

Recommendation Scale



Staff's Recommendation:

Unless information to the contrary is revealed at the public hearing, staff feels this rezoning application should be recommended for **Approval**.* Any future commercial use on the subject property will likely receive a recommendation of denial.

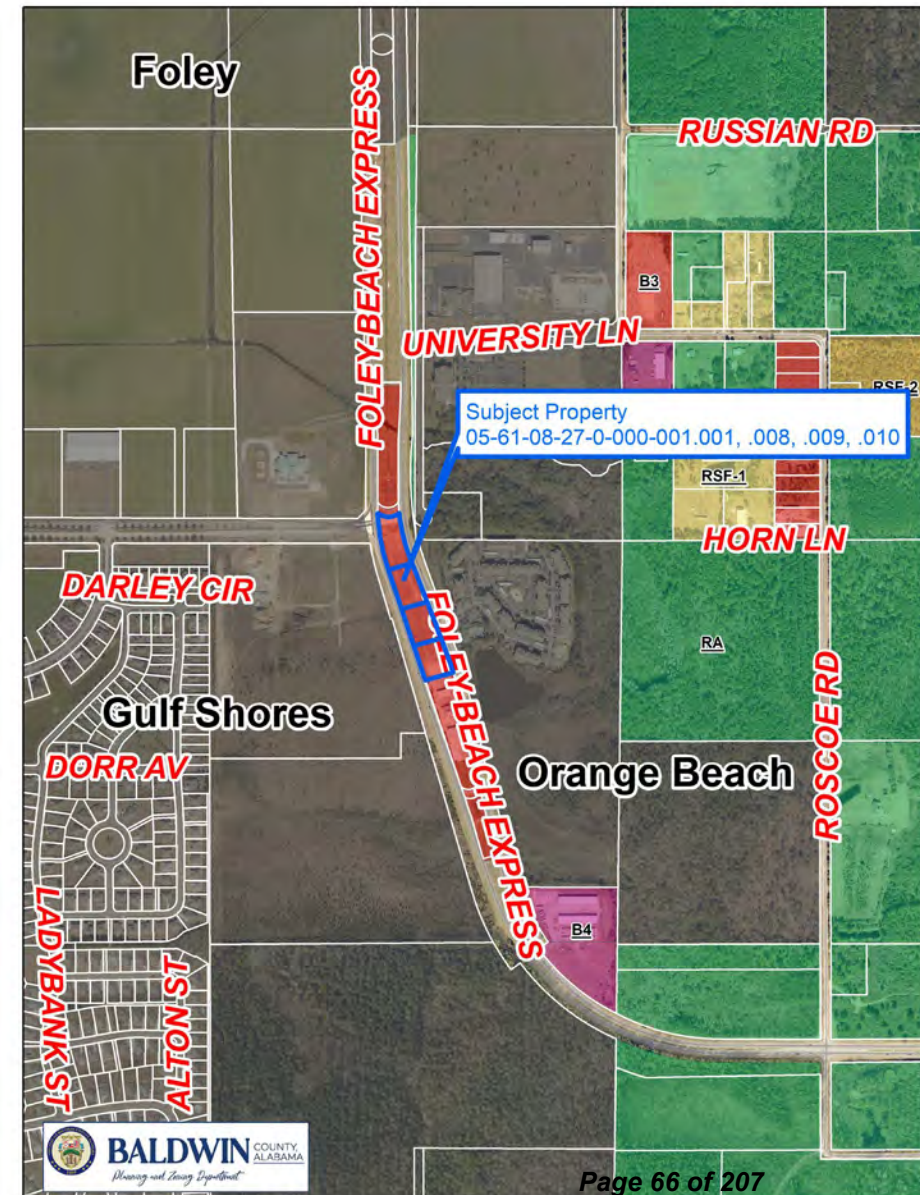
**On rezoning applications, the Planning Commission will be making a recommendation to the County Commission.*

7.D) Z-21035 TWIN OAKS Co. PROPERTY

Lead Staff: Celena Bovkin, Senior Planner

REZONING REQUEST FROM B-3 TO B-4

- **Planning District:** 30 **Zoned:** B-3
- **Location:** Subject property is located in the median of the Foley Beach Express
- **Current Use:** Vacant
- **Acreage:** 4.22 acres
- **Physical Address:** N/A
- **Applicant:** Sawgrass Consulting LLC
- **Owner:** Twin Oaks Co., Paul Moore

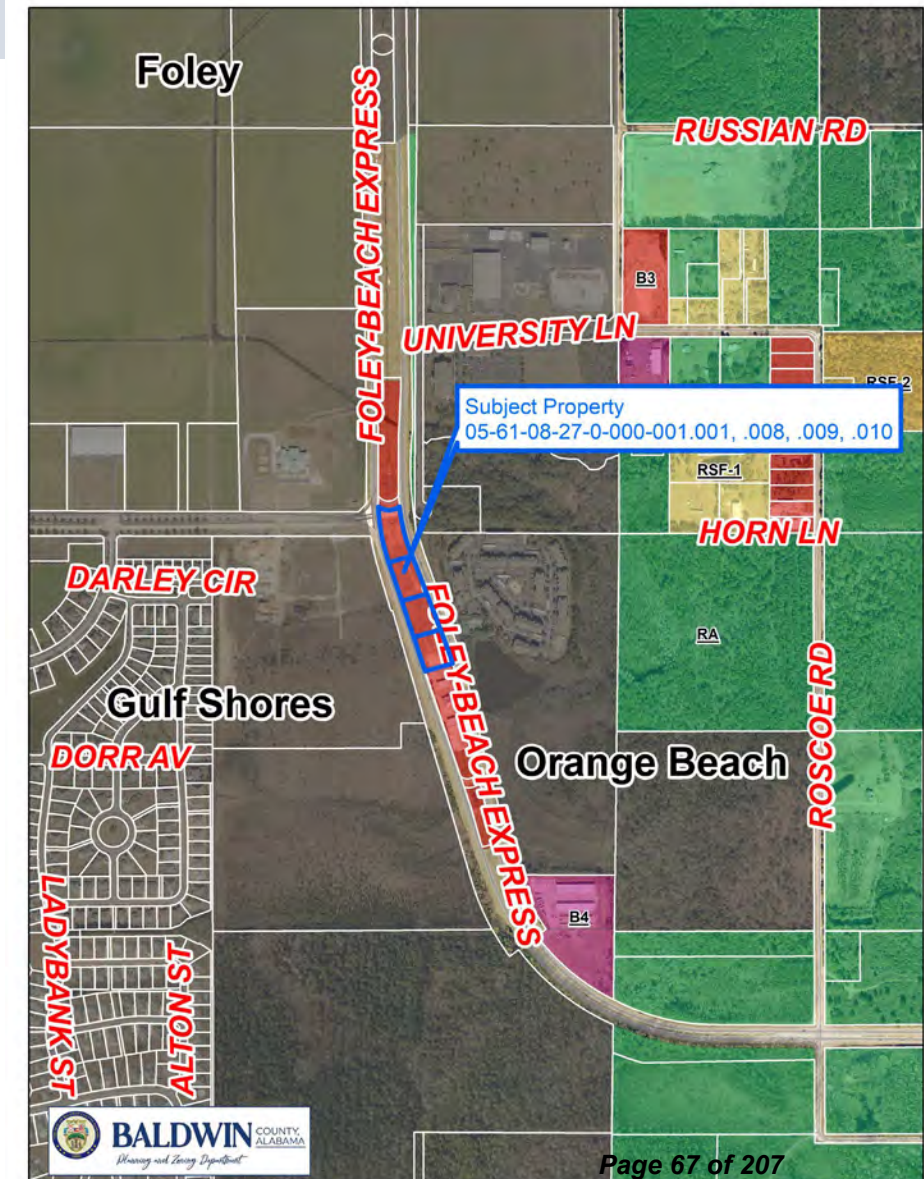


Z-21035 TWIN OAKS Co. PROPERTY

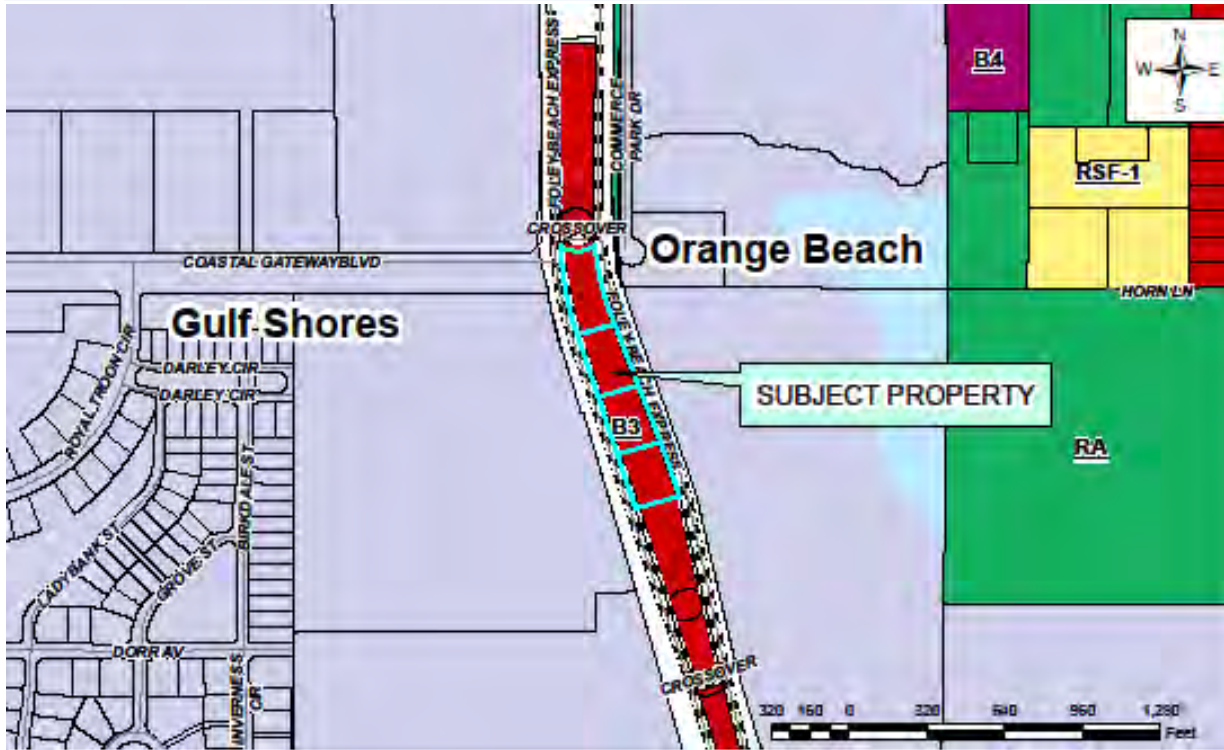
Lead Staff: Celena Boykin, Senior Planner

REZONING REQUEST FROM B-3 TO B-4

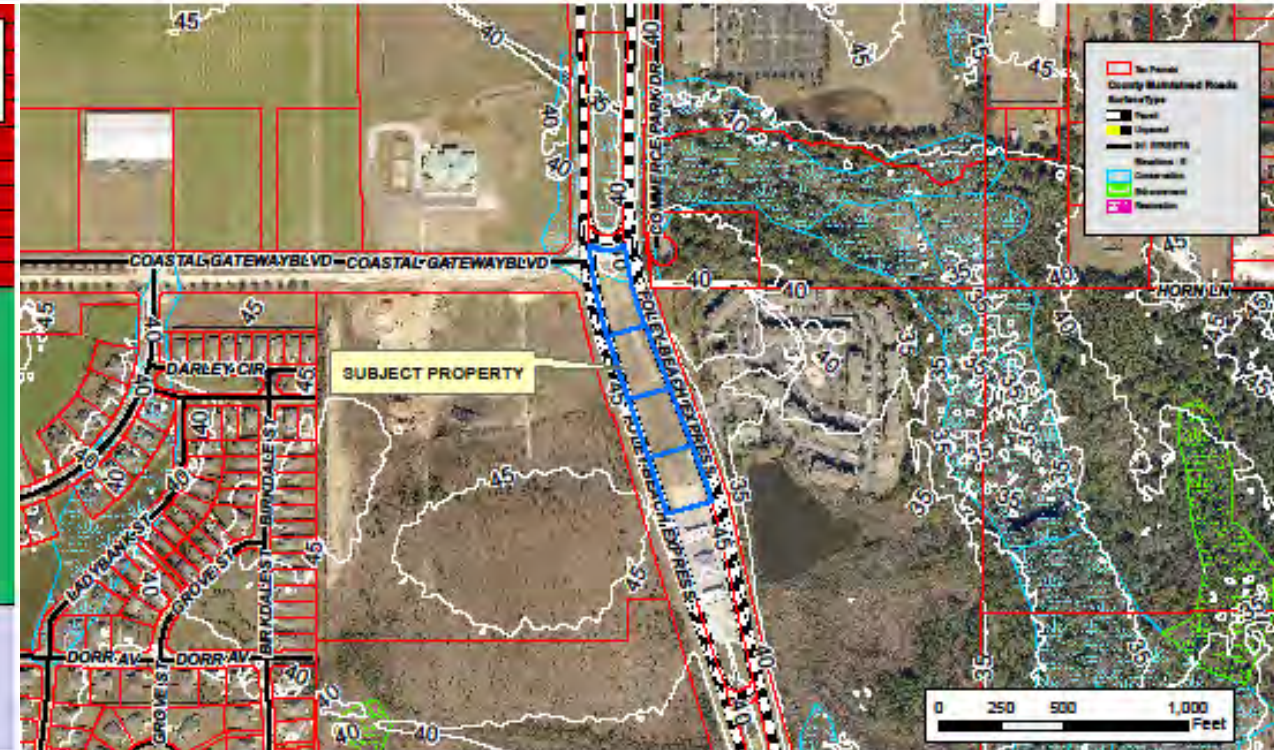
- **Proposed Zoning:** B-4, Major Commercial
- **Proposed Use:** Commercial Development
- **Applicant's Request:** Requesting to be rezoned to create more opportunities and allow for a more diverse commercial development.



Locator Map



Site Map



Adjacent Zoning

North

B-3, General Business District

South

B-3, General Business District

East

City of Orange Beach (RO-Retail Office and A-TBD Annexed to be Determined)

West

City of Gulf Shores (ED-Education District)

Adjacent Land Use

Vacant

Gas Station

Foley Beach Express, Multi-Family - Apartments

Vacant

Property Images



Property Images



Current 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, conditioned on the Commission Site Plan Approval requirements of Section 18.9::

- (a) All uses permitted by right under the B-2 zoning designation
- (b) Air conditioning sales and service
- (c) Amusement arcade
- (d) Animal clinic/kennel
- (e) Arboretum
- (f) Auto convenience market
- (g) Automobile service station
- (h) Bakery, wholesale
- (i) Ball field
- (j) Bicycle sales and service
- (k) Bowling alley
- (l) Business machine sales and service
- (m) Business school or college
- (n) Butane gas sales
- (o) Cemetery
- (p) City hall or courthouse
- (q) Country club
- (r) Department store
- (s) Discount/variety store
- (t) Drug store
- (u) Elevator maintenance service
- (v) Exterminator service office
- (w) Farmer's market/truck crops
- (x) Firing range
- (y) Fitness center or gym
- (z) Florist

- (aaa) Taxidermy
- (bbb) Teen club or youth center
- (ccc) Tennis court (outdoor)

- (aa) Fraternity or sorority house
- (bb) Fruit and produce store
- (cc) Funeral home
- (dd) Golf course
- (ee) Golf driving range
- (ff) Grocery store
- (gg) Landscape sales
- (hh) Marine store and supplies
- (ii) Miniature golf
- (jj) Mini-warehouse
- (kk) Night club, bar, tavern
- (ll) Nursery
- (mm) Office equipment and supplies sales
- (nn) Park or playground
- (oo) Pawn shop
- (pp) Pet shop
- (qq) Plumbing shop
- (rr) Printing/publishing establishment
- (ss) Restaurant sales and supplies
- (tt) Riding academy
- (uu) Rug and/or drapery cleaning service
- (vv) Seafood store
- (ww) Sign shop
- (xx) Skating rink
- (yy) Stone monument sales
- (zz) Swimming pool (outdoor)

- (ddd) Wildlife sanctuary
- (eee) YMCA, YWCA

Current Zoning Requirements

5.3.3 Commission Site Plan Approval. The following uses are permissible as Commission Site Plan Approval uses in the B-3: General Commercial District, subject to the standards and procedures established in *Section 18.9: Commission Site Plan Approval*:

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

5.3.4 Area and dimensional ordinances.

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

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

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

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

Proposed Zoning Requirements

Section 5.4 B-4, Major Commercial District

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

5.4.2 Permitted uses. The following uses are permitted as of right, or as uses accessory to permitted uses in the B-4, Major Commercial District, conditioned on the Commission Site Plan Approval requirements of Section 18.9:

- | | |
|--|--|
| (a) All uses permitted by right under the B-3 zoning designation | (l) Flea market |
| (b) Amusement park | (m) Home improvement center |
| (c) Auto convenience market | (n) Hotel or motel |
| (d) Automobile parts sales | (o) Manufactured housing sales, service and repair |
| (e) Automobile repair (mechanical and body) | (p) Marina |
| (f) Automobile sales | (q) Motorcycle sales service and repair |
| (g) Automobile service station | (r) Movie theatre |
| (h) Automobile storage (parking lot, parking garage) | (s) Recreational vehicle park |
| (i) Boat sales and service | (t) Recreational vehicle sales, service and repair |
| (j) Building materials | (u) Restaurant, drive-in |
| (k) Farm implements | (v) Restaurant, fast food |

5.4.3 Commission Site Plan Approval. The following uses are permissible as Commission Site Plan Approval uses in the B-4, Major Commercial District, subject to the standards and procedures established in Section 18.9: Commission Site Plan Approval:

- | | |
|-----------------------------------|--|
| (a) Airport | (f) Broadcasting station |
| (b) Ambulance/EMS service | (g) Bus and railroad terminal facility |
| (c) Armory | (h) College or university |
| (d) Auditorium, stadium, coliseum | (i) Convalescent or nursing home |
| (e) Barge docking | |

- (j) Correctional or penal institution
- (k) Dog pound
- (l) Electric power substations
- (m) Freight depot, rail or truck
- (n) Hospital
- (o) Landfill
- (p) Maintenance facility/storage yard for schools, government agencies, and telephone and cable companies
- (q) Race track
- (r) Radio and television station and transmitting tower
- (s) Railroad facility
- (t) Sewage treatment plant
- (u) Taxi dispatching station
- (v) Taxi terminal
- (w) Telephone exchange
- (x) Water or sewage pumping station
- (y) Water storage tank
- (z) Wireless telecommunication facility
- (aa) Zoo

Proposed Zoning Requirements

5.4.4 *Area and dimensional ordinances.*

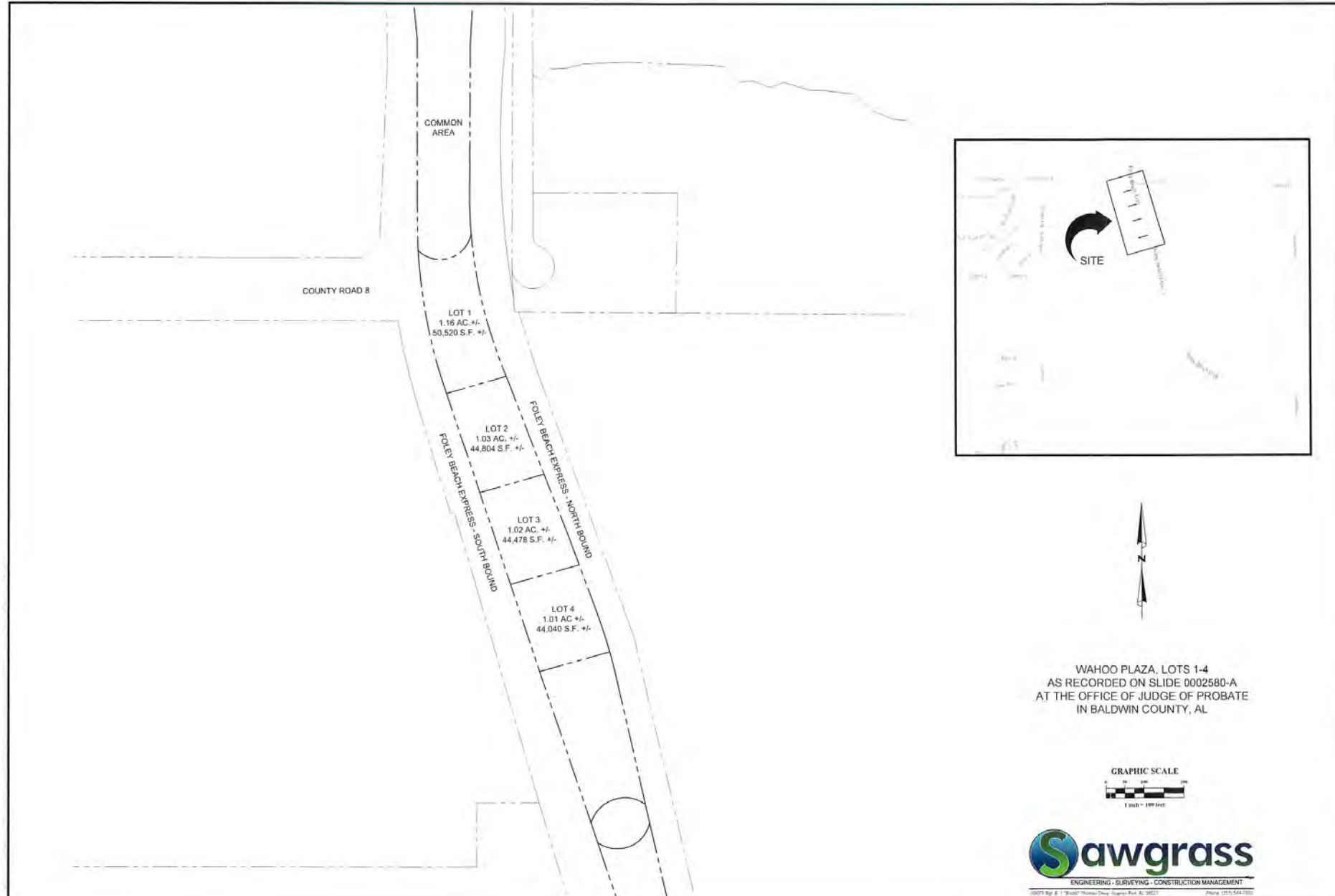
| | |
|--|--------------------|
| Maximum Height of Structure in Feet | 40 |
| Maximum Height of Structure in Habitable Stories | 3 |
| Minimum Front Yard | 40-Feet |
| Minimum Rear Yard | 25-Feet |
| Minimum Side Yards | 15-Feet |
| Minimum Lot Area | 20,000 Square Feet |
| Maximum Impervious Surface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

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

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

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

Site Plan



Staff Analysis and Findings

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

The subject property is currently undeveloped. The property adjoins the Foley Beach Express to the west and the east. The property to the east is the location for an apartment complex. This parcel, which is located within the city limits of Orange Beach, consists of 50 acres with the apartment complex being located at the northern end of the property. The complex was developed under County zoning prior to annexation. The property to the west is undeveloped and owned by the City of Gulf Shores. The property to the south is a gas station and zoned B3.

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?

Property along the Foley Beach Express has seen significant development in recent years. In addition, properties which were originally subject to County zoning have been annexed into the cities of Gulf Shores and Orange Beach.

Staff Analysis and Findings

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

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

Staff is not aware of any planned public improvements.

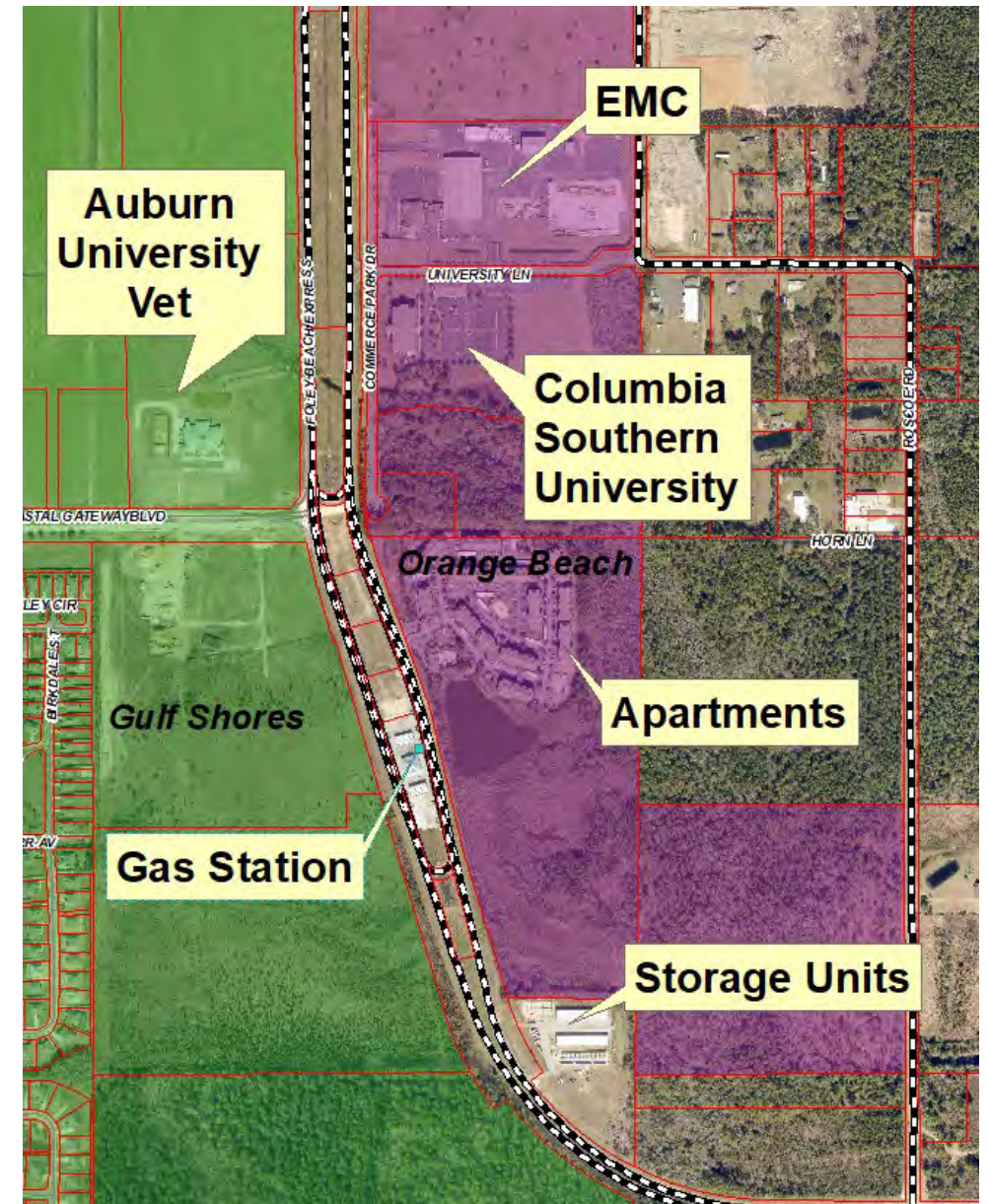
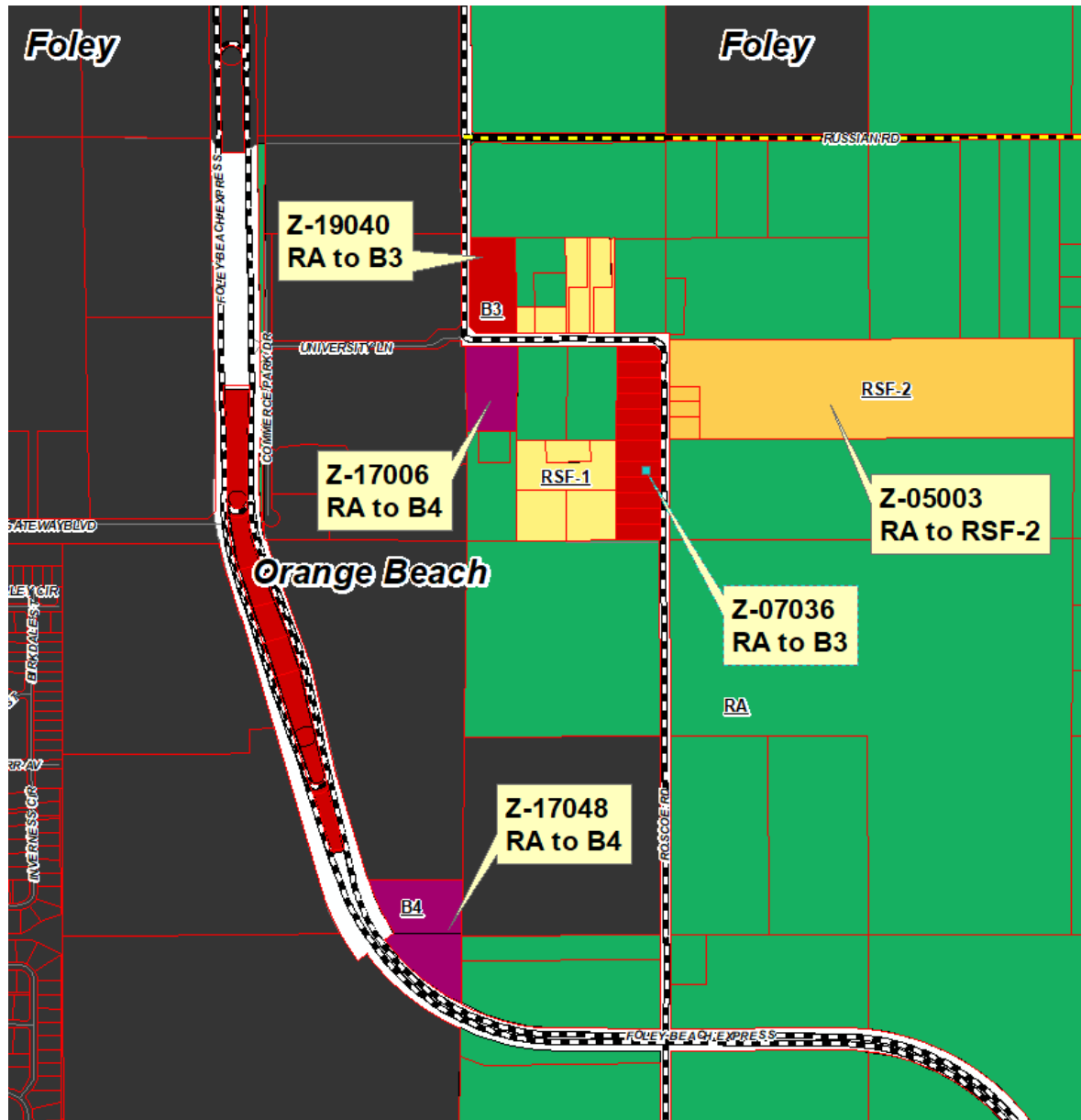
5.) Will the proposed change adversely affect traffic patterns or congestion?

It could affect traffic patterns and congestion but it all depends on what type businesses will be located on each lot. The highway department stated that the location of these lots are subject to the Access Management Plan for the Beach Express and will need to utilize the existing auxiliary service lanes. All access will need to be coordinated with the Highway Department. Additional traffic study analysis may be needed to identify the impacts to the Coastal Gateway BLVD and Beach Express intersection.

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, see maps below.

Staff Analysis and Findings



Staff Analysis and Findings

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

Yes, there are a couple of properties zoned B4 in the area, as well as B3 zonings. Most of the development in the area along the Beach Express is commercial. There is also the large apartment complex.

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

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

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

Although there might be an increase in traffic, if the rezoning is approved and the property is developed, the impact should not be significant. Access to this site would require approval from Baldwin County Highway Department.

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.

Highway commented: *The location of these lots are subject to the Access Management Plan for the Beach Express and will need to utilize the existing auxiliary service lanes. All access will need to be coordinated with the Highway Department. Additional traffic study analysis may be needed to identify the impacts to the Coastal Gateway BLVD and Beach Express intersection.*

11.) Other matters which may be appropriate.

None

Agency Comments

- **Baldwin County Highway Department – Weesie Jeffords:**

The location of these lots are subject to the Access Management Plan for the Beach Express and will need to utilize the existing auxiliary service lanes. All access will need to be coordinated with the Highway Department. Additional traffic study analysis may be needed to identify the impacts to the Coastal Gateway BLVD and Beach Express intersection.

Individual drainage mitigation may be needed on the lots and will be required to follow the County stormwater management requirements. These lots' runoff currently drains to the north to a common area, then flows southeast crossing the northbound Beach Express lane to Cotton Creek.

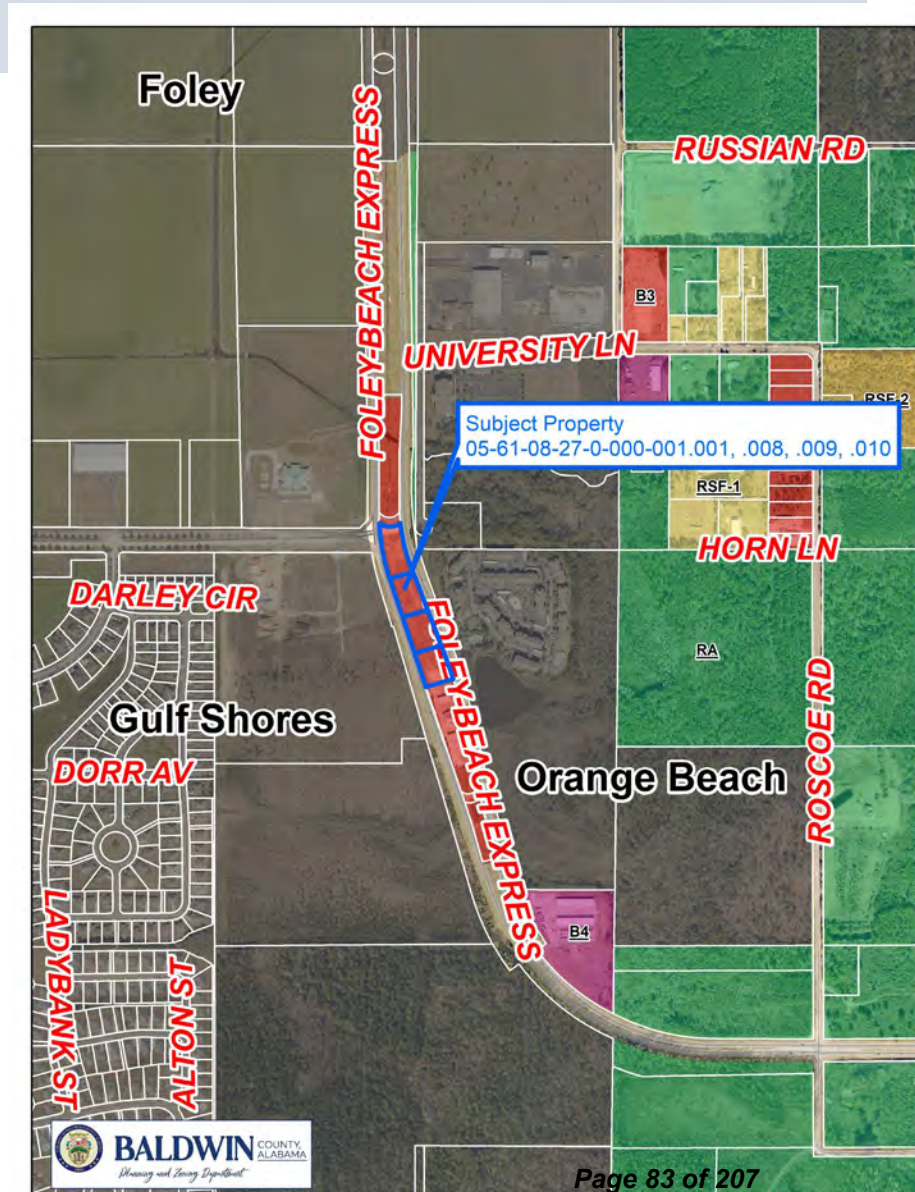
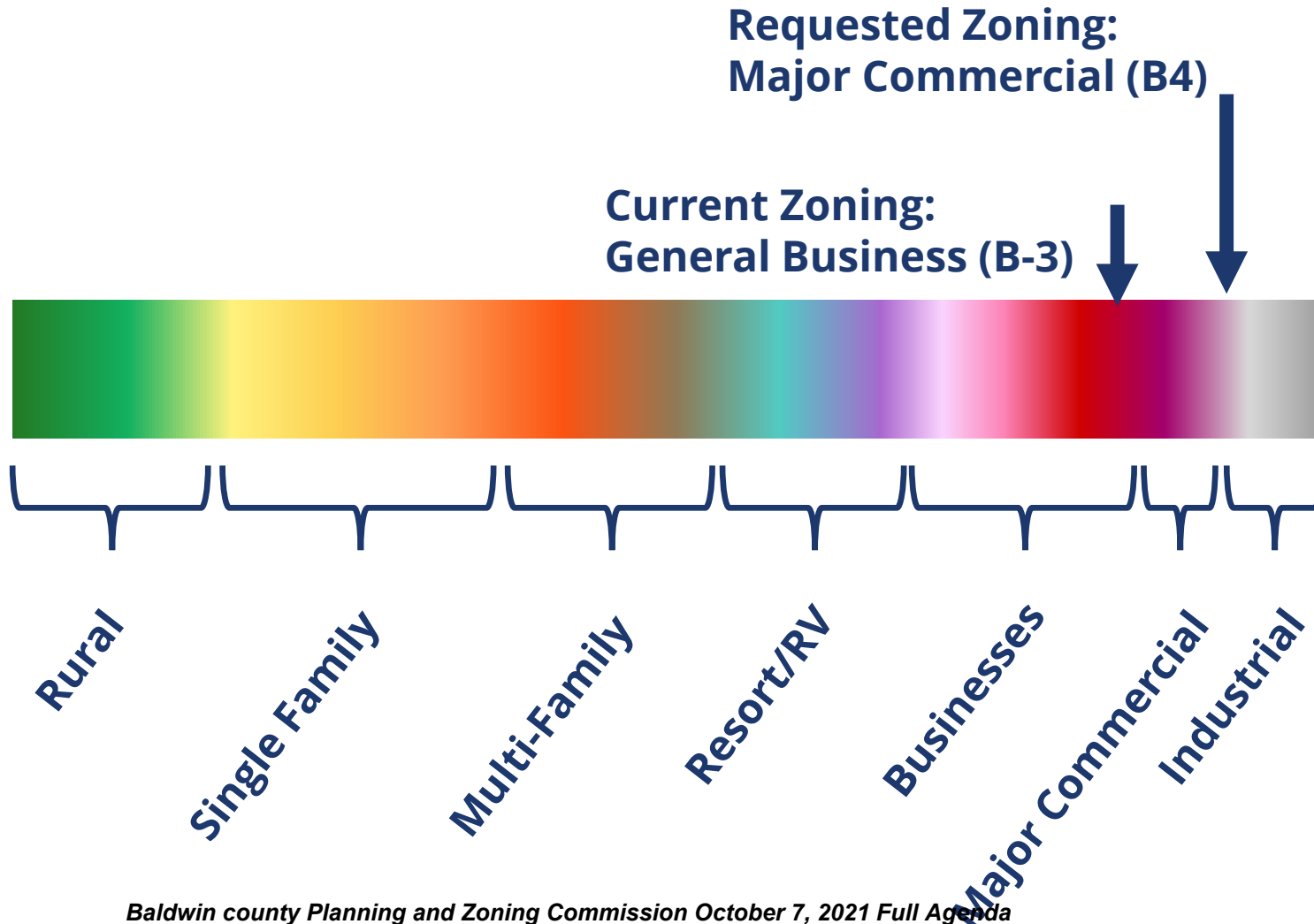
- **ADEM, Scott Brown:** *No Response.*
- **City of Orange Beach:** *No Response.*
- **City of Gulf Shores – Andy Bauer:**

The City of Gulf Shores has no comments on the rezoning application.

Z-21035 TWIN OAKS Co. PROPERTY

Lead Staff: Celena Boykin, Senior Planner

REZONING REQUEST FROM **B-3** TO **B-4**



Z-21035 TWIN OAKS Co. PROPERTY

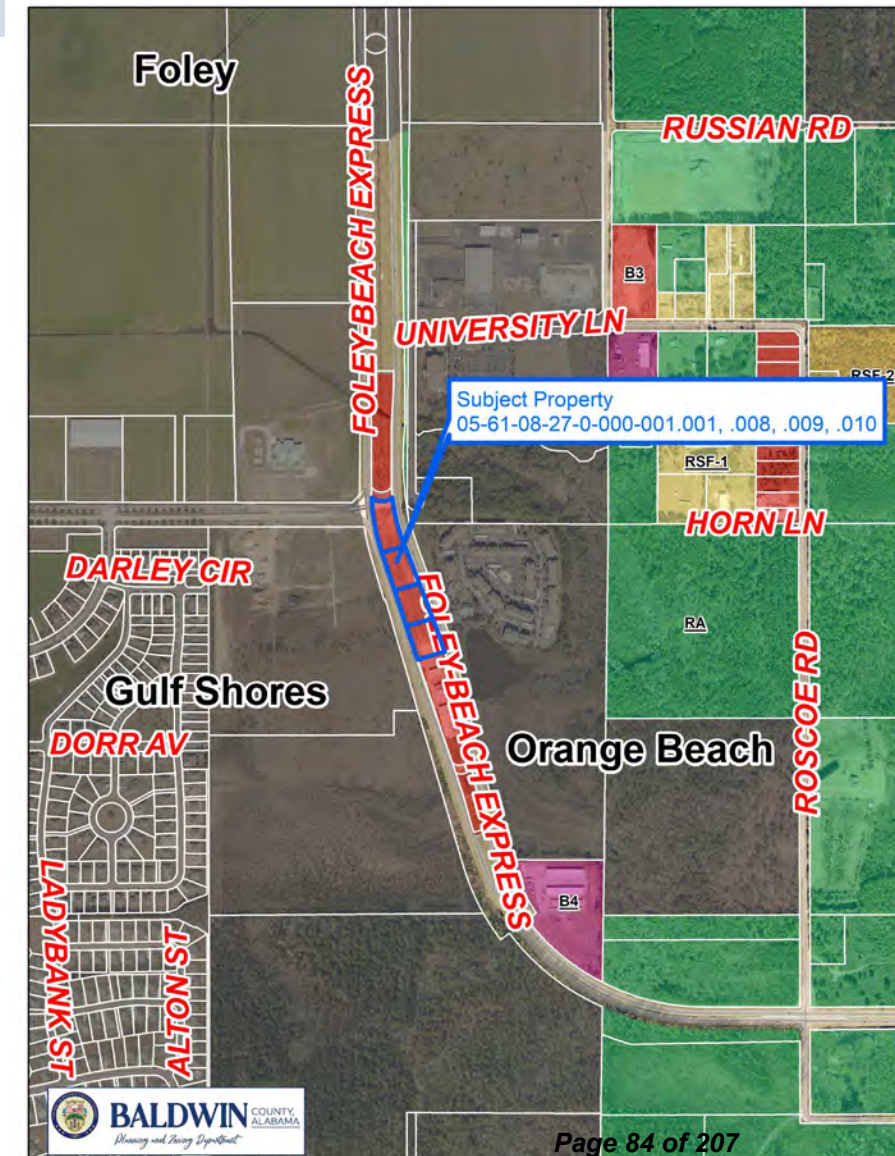
REZONING REQUEST FROM B-3 TO B-4

Lead Staff: Celena Boykin, Senior Planner

- Staff's Summary and Comments:**

As stated previously, the subject property is currently zoned B3, General Business District. It consists of approximately 4.22 acres and is currently undeveloped. The designation of B-4, Major Commercial District, has been requested in order to create more opportunities and allow for a more diverse commercial development.

Staff has no major concerns with this request due primarily to the development trends along the Foley Beach Express.

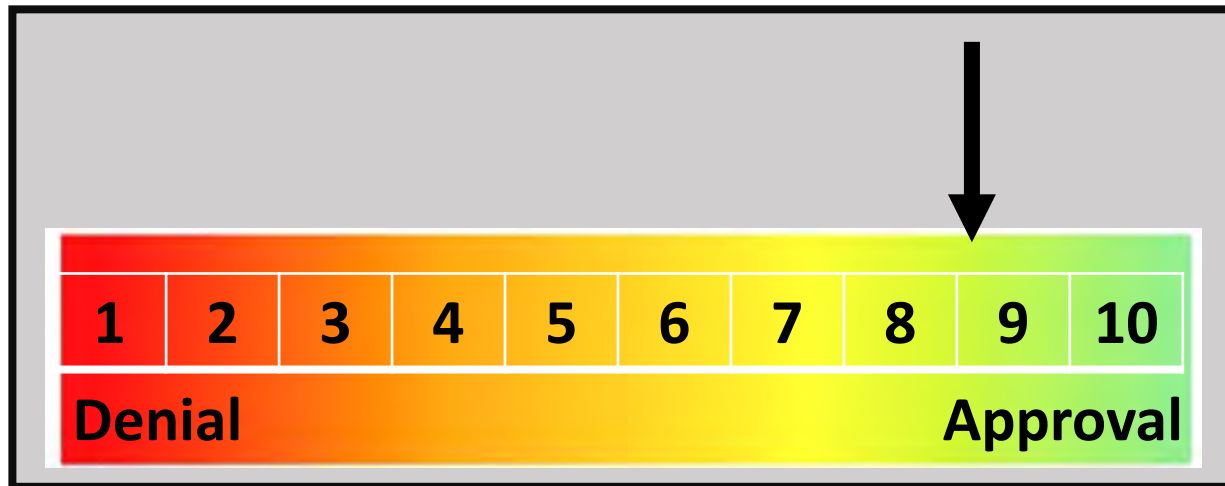


Z-21035 TWIN OAKS Co. PROPERTY

REZONING REQUEST FROM **B-3** TO **B-4**

Lead Staff: Celena Boykin, Senior Planner

Recommendation Scale



Staff's Recommendation:

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.*

7.e) Proposed Land Disturbance Ordinance for Flood Prone Areas or Territories with Probable Exposure to Flooding in Unincorporated Baldwin County

A new proposed land disturbance ordinance that would help control filling, grading, dredging, and similar land disturbance activities which may increase flood damage or erosion, by applying the land disturbance requirements of the Baldwin County Zoning Ordinance within areas displayed on a new Hydric Potential Map.

Background

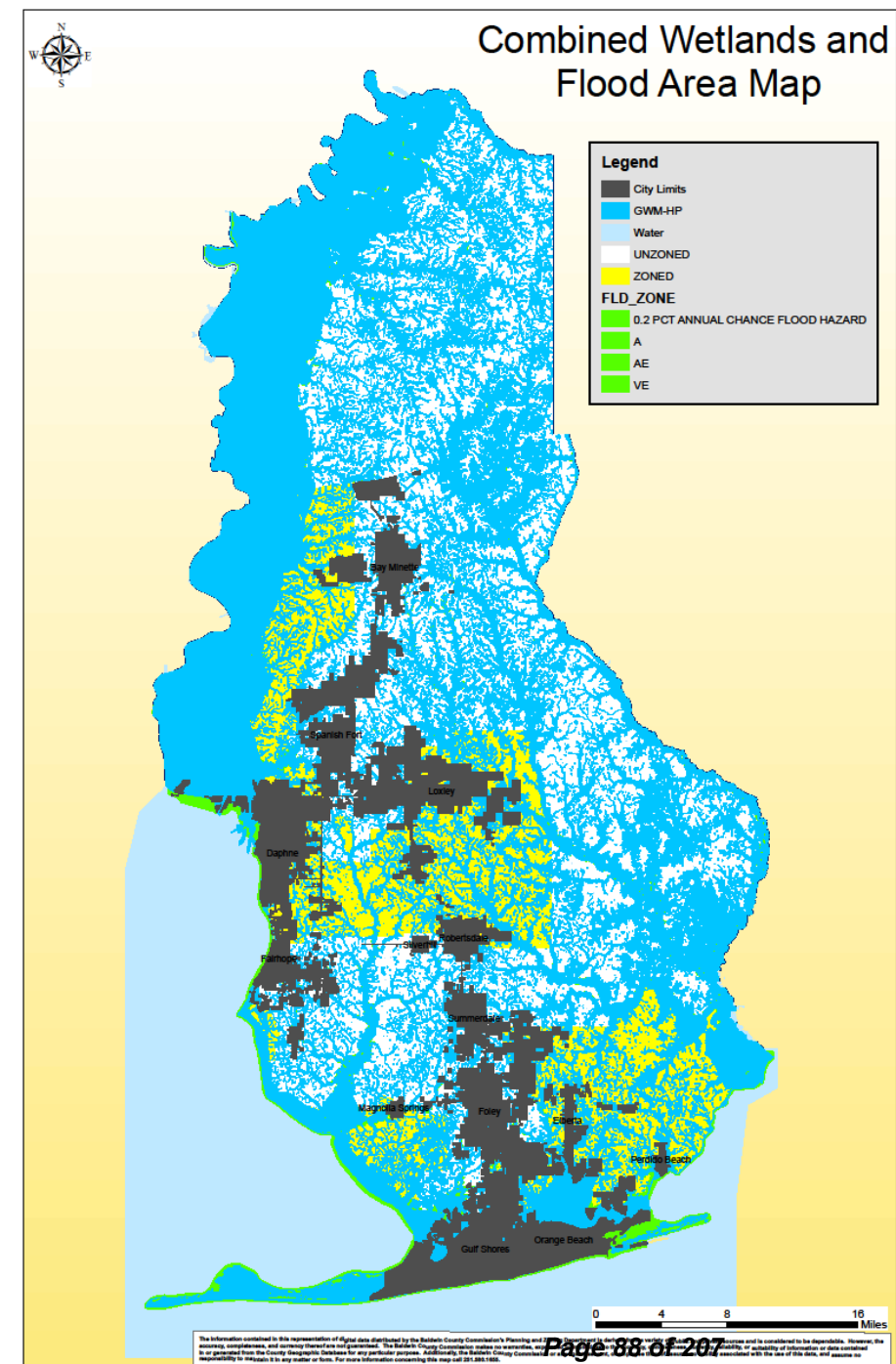
In 1971, Alabama Legislature passed an Act (now Section 11-19-1 et seq.) that authorized County Commissions to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry as it relates to land use activities in flood prone areas. The proposed ordinance would only regulate land use as it relates to land disturbances and ensure proper erosion control measures are installed in flood prone areas.

The new ordinance would require individuals proposing land disturbance activities within the area shown on the attached map to obtain a land disturbance permit from the Baldwin County Planning and Zoning Department. Sections 13.12 and 18.6 of the Zoning Ordinance will apply to these areas.

The Alabama Attorney General has previously advised that an ordinance regulating land use under this section can apply to “flood prone and limited non-flood prone areas which are adjacent thereto and necessary to accomplish the purposes and provisions of the statute.

Map

Planning and Zoning Staff has created a “Hydric Potential Map” which includes hydric soils, potential wetlands, US Fish and Wildlife wetlands, and the FEMA flood hazard areas (AE & VE zones). The areas shown on the attached map represent the areas that will be impacted by the proposed Land Disturbance Ordinance.



Proposed Land Disturbance Ordinance

Article I **Statutory Authorization**

The Legislature of the State of Alabama has in Section 11-19-1 et seq. authorized County Commissions to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the County Commission, of Baldwin County, Alabama, does ordain as follows:

Article II **Purpose**

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses on land with probable exposure to flooding, pursuant to Alabama Code 11-19-4, by land use provisions designed to:

- (1) control filling, grading, dredging and similar land disturbance activities which may increase flood damage or erosion;
- (1) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and
- (1) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters

Proposed Land Disturbance Ordinance

Article III

Definitions

Unless otherwise defined below, Article 22 (Definitions) of the Baldwin County Zoning Ordinance shall apply to this ordinance.

Flood or Flooding. The general and temporary condition of partial or complete inundation of normally dry land areas:

From the overflow of streams, rivers, and other inland waters, or

From tidal surges, abnormally high tidal waters, tidal waves, or rising coastal waters resulting from tsunamis, hurricanes, or other severe storms.

Flood Prone Area. Any area with a frequency of inundation of once in 100 years as defined by qualified hydrologists or engineers using methods that are generally accepted by persons engaged in the field of hydrology and engineering.

Land-Use and Control Measures. Zoning ordinances, subdivision regulations, building codes, health regulations, and other applications and extensions of the normal police power to provide safe standards of occupancy for prudent use of flood-prone areas.

Proposed Land Disturbance Ordinance

Territory with Probable Exposure to Flooding. Land within any of the following mapped regions:

1. Areas of Special Flood Hazard identified by the most current published maps of the Federal Emergency Management Agency or
2. The Baldwin County Hydric Potential Map

Article IV **Erosion Control and Land Disturbance Permit**

Section 13.12 of the Baldwin County Zoning Ordinance, as amended from time to time, is hereby incorporated by reference for all land disturbance activity on land in a territory with probable exposure to flooding.

Article V **Variances**

Section 18.6 of the Baldwin County Zoning Ordinance, as amended from time to time, is hereby incorporated by reference to accommodate requests for variances from the requirements of Article IV above, accept that the Variance requests will be heard by the Baldwin County Flood Damage Prevention Ordinance Board of Adjustments appointed by the Baldwin County Commission.

Article VI **Other Provisions**

All other provisions of the Baldwin County Zoning Ordinance, as amended from time to time, are hereby incorporated to the extent necessary to carry out the provisions of Articles IV and V above.

Proposed Land Disturbance Ordinance

LAND DISTURBANCE ORDINANCE FOR FLOOD PRONE AREAS OR TERRITORIES WITH PROBABLE EXPOSURE TO FLOODING IN UNINCORPORATED BALDWIN COUNTY, ALABAMA

BALDWIN COUNTY COMMISSION

Hon. James E. Ball, District 1
Hon. Joe Davis, III, District 2
Hon. Billie Jo Underwood, District 3
Hon. Charles F. Gruber, District 4

09/07/2021

pg | 2

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- (2) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and
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Flood Prone Area. Any area with a frequency of inundation of once in 100 years as defined by qualified hydrologists or engineers using methods that are generally accepted by persons engaged in the field of hydrology and engineering.

Land-Use and Control Measures. Zoning ordinances, subdivision regulations, building codes, health regulations, and other applications and extensions of the normal police power to provide safe standards of occupancy for prudent use of flood-prone areas.

Territory with Probable Exposure to Flooding. Land within any of the following mapped regions:

1. Areas of Special Flood Hazard identified by the most current published maps of the Federal Emergency Management Agency or
2. The Baldwin County Hydric Potential Map

09/07/2021

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Proposed Land Disturbance Ordinance

Article IV Erosion Control and Land Disturbance Permit

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Article V Variances

Section 18.6 of the Baldwin County Zoning Ordinance, as amended from time to time, is hereby incorporated by reference to accommodate requests for variances from the requirements of Article IV above, accept that the Variance requests will be heard by the Baldwin County Flood Damage Prevention Ordinance Board of Adjustments appointed by the Baldwin County Commission.

Article VI Other Provisions

All other provisions of the Baldwin County Zoning Ordinance, as amended from time to time, are hereby incorporated to the extent necessary to carry out the provisions of Articles IV and V above.



BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

BALDWIN COUNTY PLANNING AND ZONING

COMMISSION REGULAR MEETING

OCTOBER 7, 2021

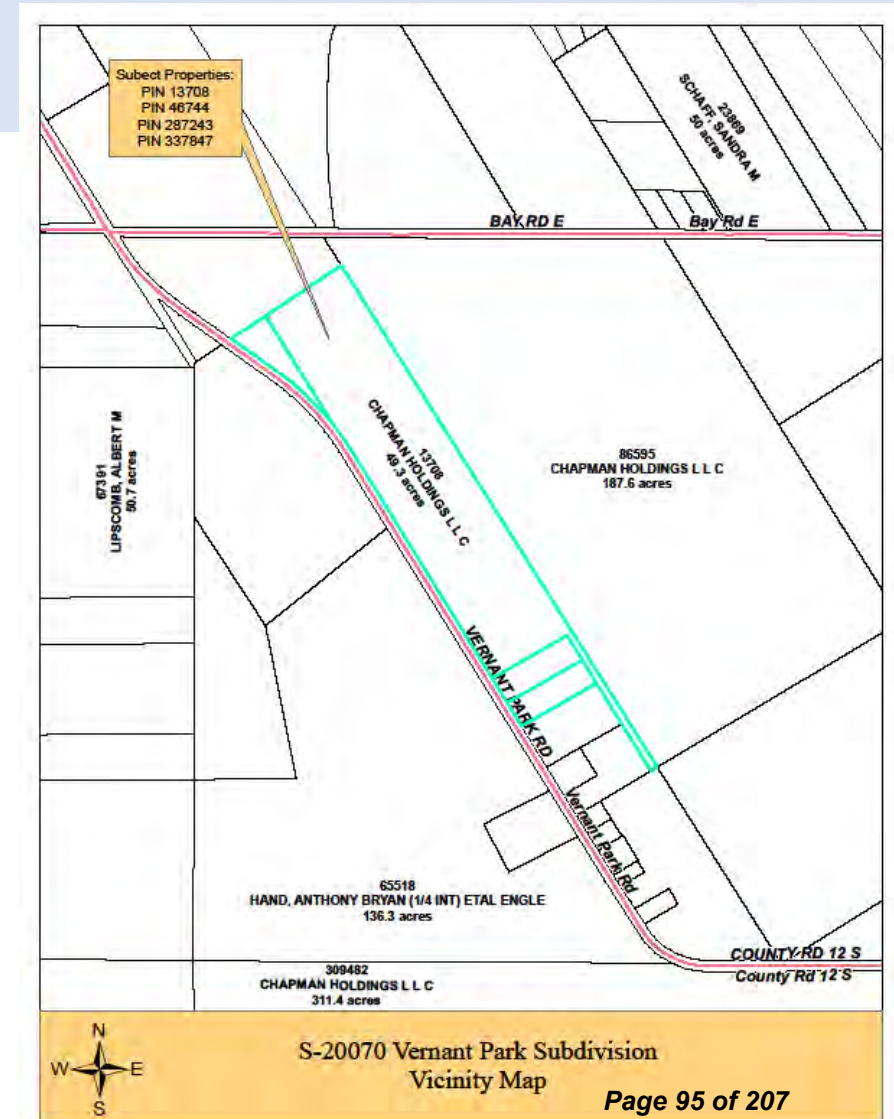
SUBDIVISION CASES

8.a) S-20070 VERNANT PARK ESTATES

PRELIMINARY PLAT APPROVAL REQUEST

Staff Report Prepared by:
Mary Booth, Subdivision Coordinator

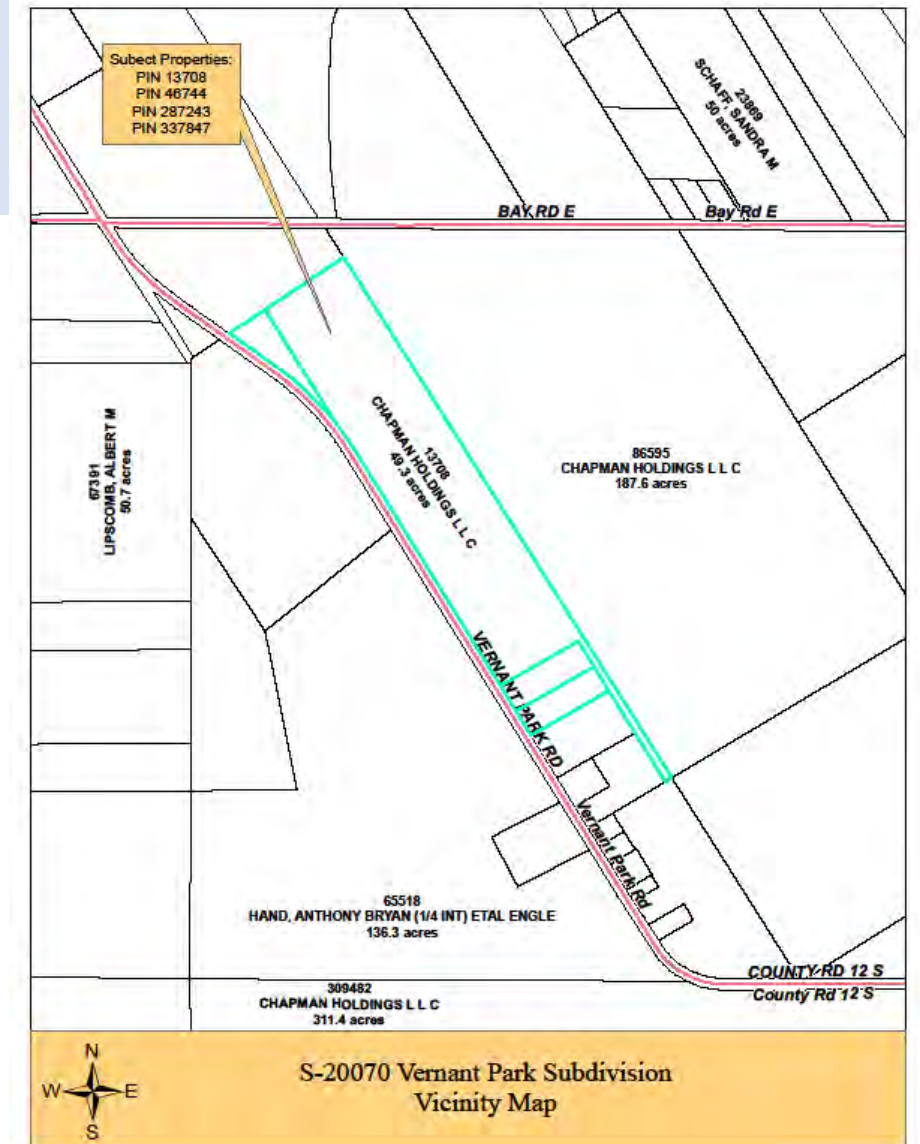
- **Total Property area:** 55.95 acres
- **Smallest Lot:** 3.0 acres
- **Largest Lot:** 8.5 acres
- **Setbacks:** 40' Front, 40' Rear 15' Side, 20' Street Side
- **Surveyor of Record:** David Diehl, PLS
SE Civil Engineering and Surveying

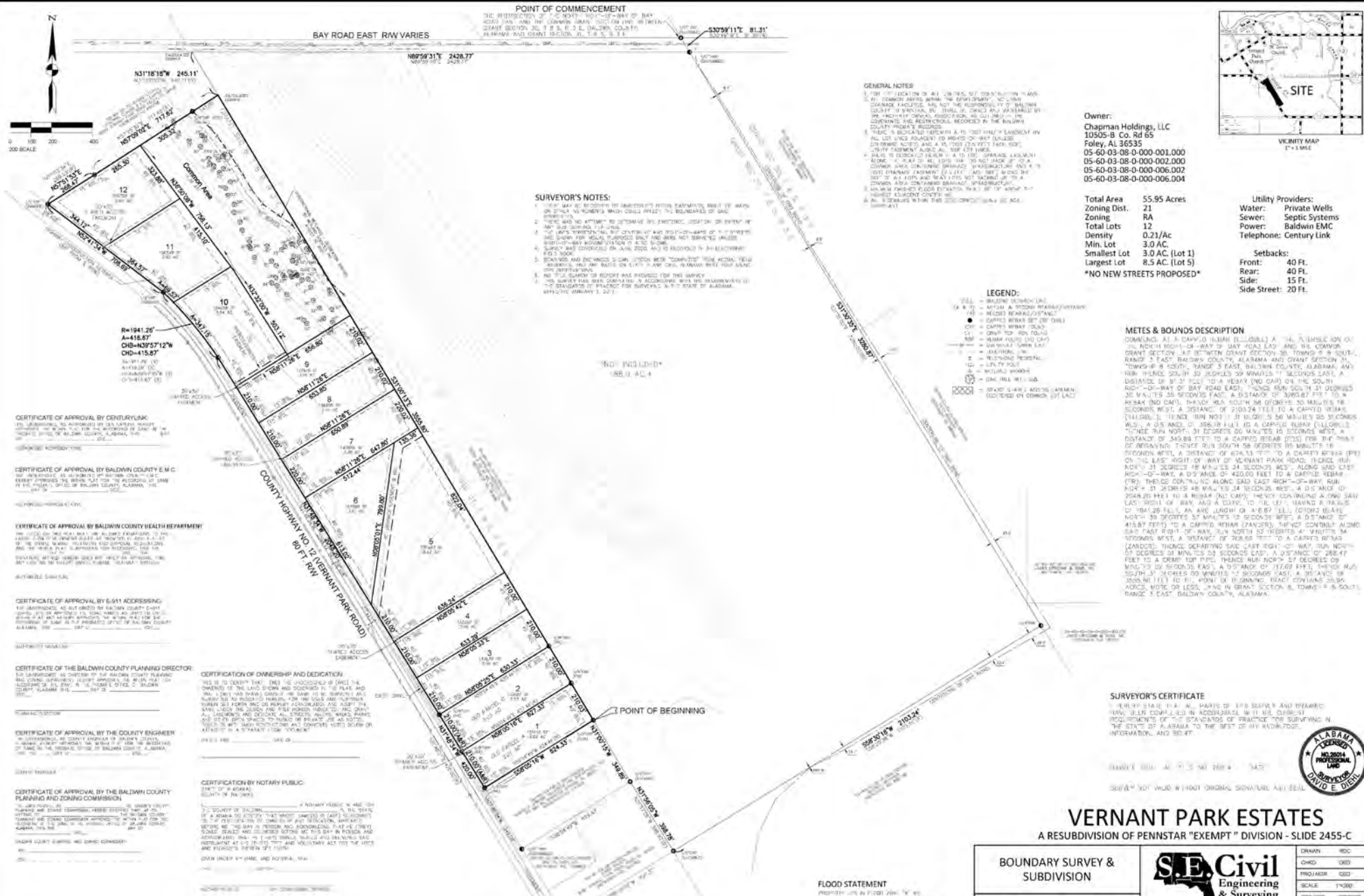


S-20070 VERNANT PARK ESTATES

PRELIMINARY PLAT APPROVAL REQUEST

- **Total Number of Lots:** 12
- **Development Density:** 0.21 units per acre
- **Total Street Length:** N/A
 - Proposed lots will front on County Road 12, a paved and county-maintained road and will require common drives
- **Owner/Developer:** Chapman Holdings, LLC, 10505-B, County Road 65, Foley, AL





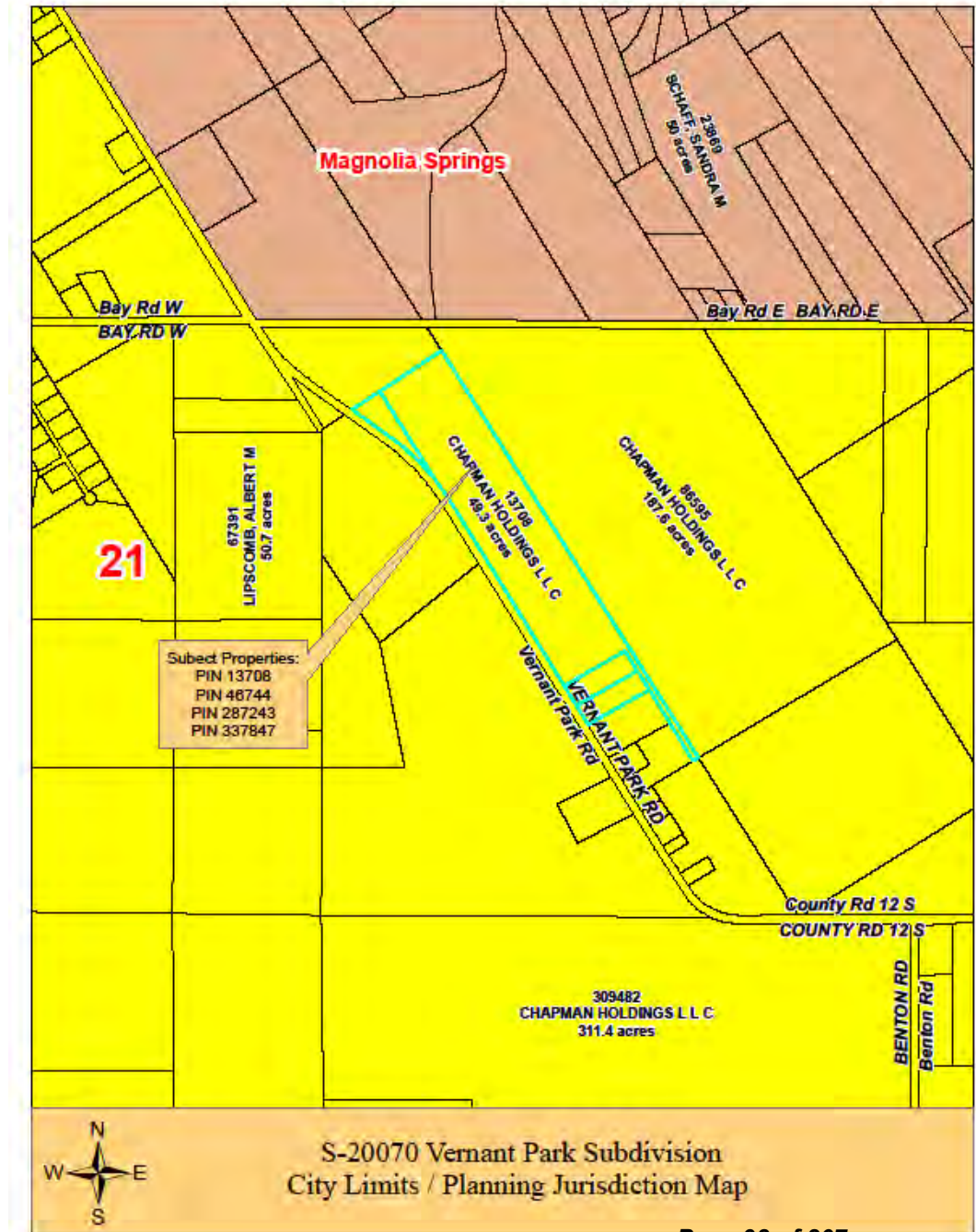
BOUNDARY SURVEY & SUBDIVISION
CHAPMAN HOLDINGS, LLC

S.E. Civil
Engineering & Surveying
1000 W. GULF BREEZE BLVD
DAPHNE, AL 36628
(904) 488-8888

| | |
|---------|--------------|
| DRAWN | REC |
| CHG | 10/27 |
| PROJ/NO | 002 |
| SCALE | 1"=80' |
| PROJECT | 20000172 |
| FILE | 20000172.DWG |

S-20070 VERNANT PARK ESTATES

- Subject property is located on east side of Vernant Park Road and north of County Road 12 S near the Town of Magnolia Springs
- Parcel Number
 - 05-60-03-08-0-000-001.000
(PIN 13708) et al
- The Subject Parcels are zoned RA
(Rural Agriculture)



S-20070 VERNANT PARK ESTATES

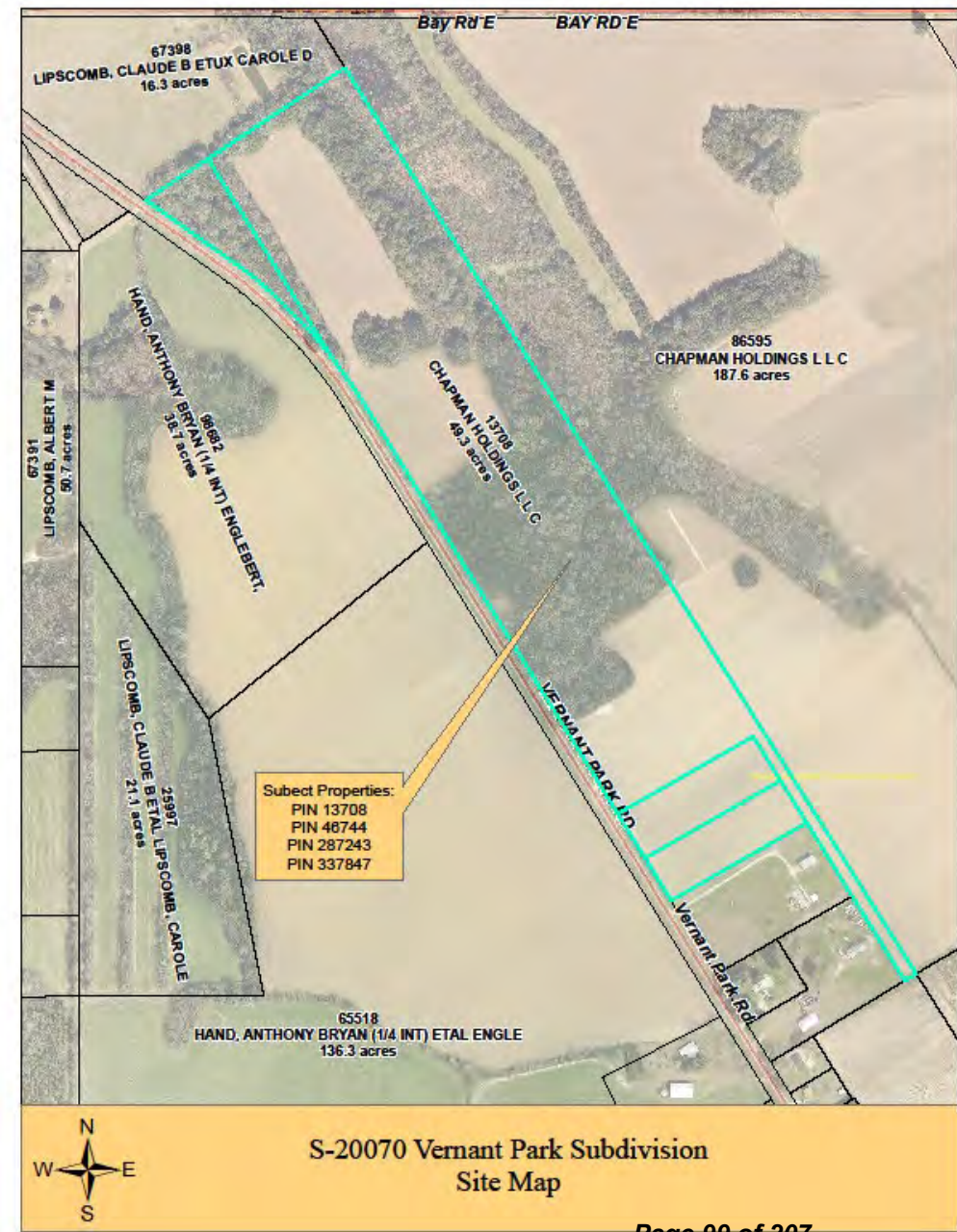
Utilities Services

Water: *On-Site Well*

Sewer: *On-Site Septic*

Electricity: *Baldwin EMC*

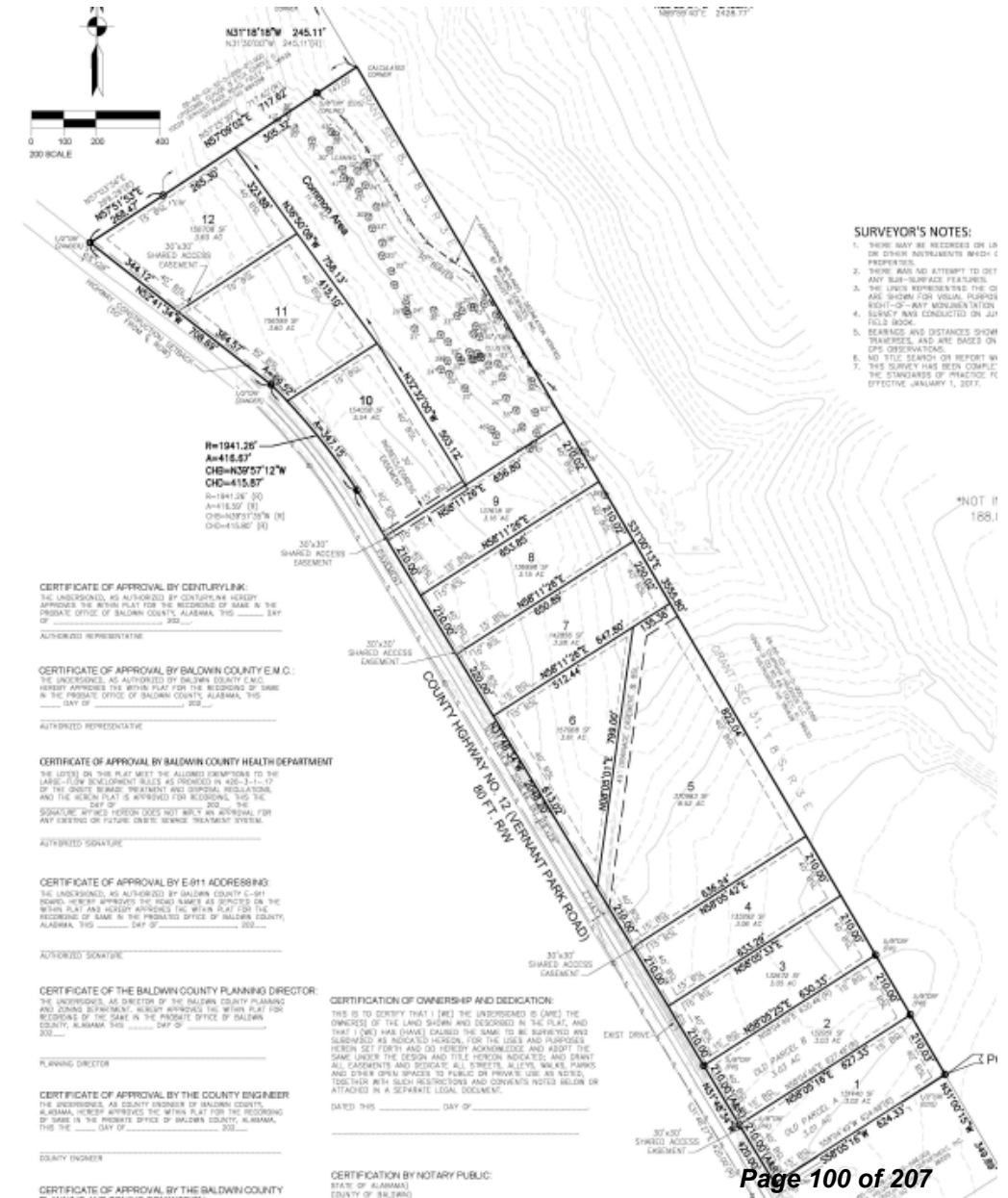
Telephone: *CenturyLink*



S-20070 VERNANT PARK ESTATES

Staff Comments

- Two wetland delineations were performed and indicate there are jurisdictional wetlands.
- The Natural Resource Planner has reviewed both delineations and all wetlands have not been shown on the plat.
- Staff will provide additional review of the wetland delineations prior to the Planning Commission meeting and provide any clarifications or additional contingencies if needed

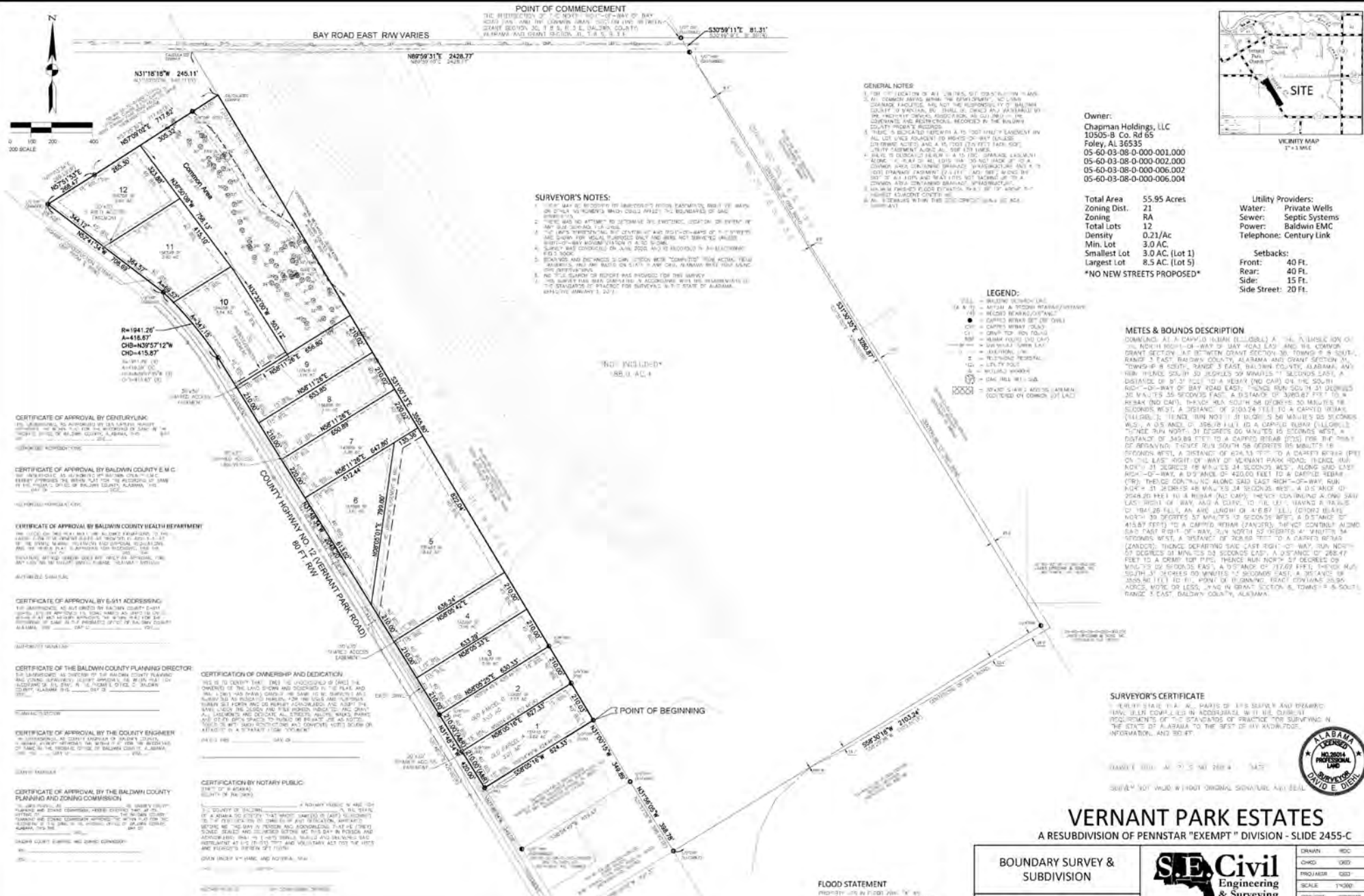


S-20070 VERNANT PARK ESTATES

PRELIMINARY PLAT APPROVAL REQUEST **STAFF RECOMMENDATION**

Staff recommends that the Development Permit / Preliminary Plat application for Case No. S-20070, Vernant Park Estates be **APPROVED** with the following contingency:

- Wetlands as determined by Staff Natural Resource Planner are shown on the Preliminary Plat



BOUNDARY SURVEY & SUBDIVISION

CHAPMAN HOLDINGS, LLC



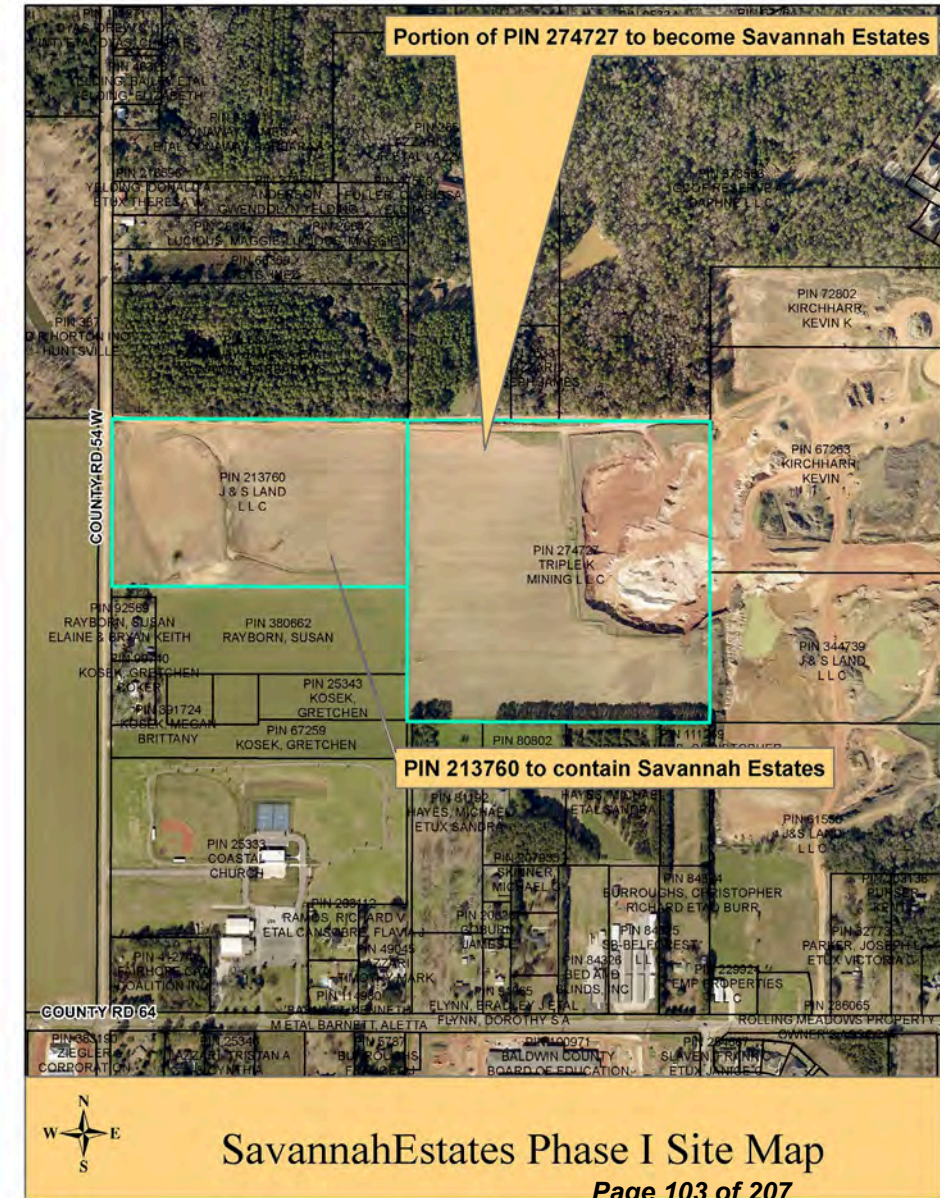
| | |
|---------|-----------|
| DRAWN | REC |
| CHD | 10/27 |
| PROJ/NO | 002 |
| SCALE | 1"=300' |
| PROJECT | 2000012 |
| FILE | 100101001 |

8.b) S-21057 SAVANNAH ESTATES PHASE I

VARIANCE REQUEST TO COMPLIMENT PRD

- **Total Number of Lots:** 96
- **Development Density:** 2.17 units per acre (96 lots / 44.18 acres)
- **Total Street Length:** 4,888lf to be dedicated to Baldwin County
- **Zoning:** RSF-2 with PRD (Planned Residential Development)
- **Owner:** J and S LAND, LLC
9949A Bellaton Avenue Daphne, AL 36526

Baldwin county Planning and Zoning Commission October 7, 2021 Full Agenda

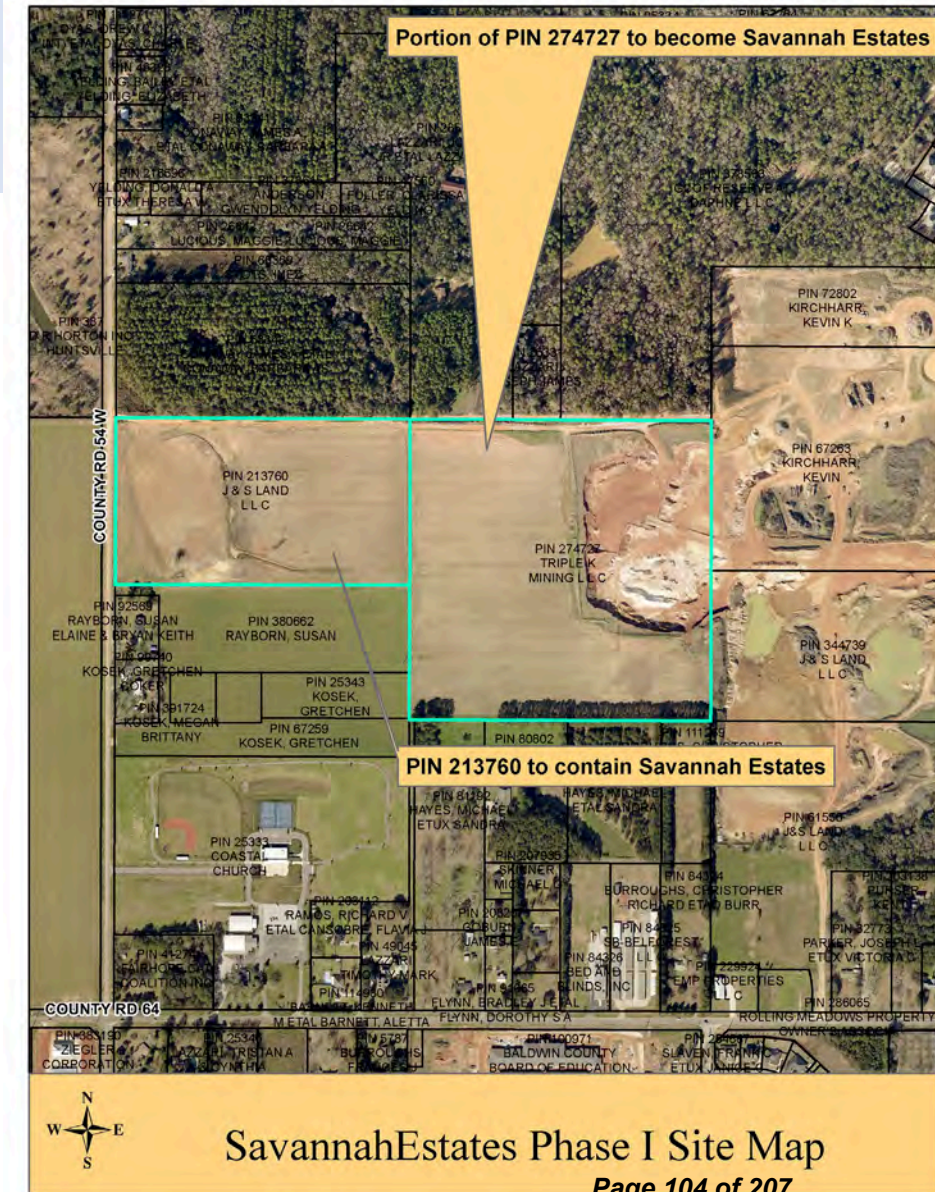


S-21057 SAVANNAH ESTATES PH I

Staff Report Prepared by:
J. Buford King, Development Review
Planner

VARIANCE REQUEST TO COMPLIMENT PRD

- **Total Property area:** 44.18 acres
- **Smallest Lot:** 6,898sf
- **Largest Lot:** 17,715sf
- **Setbacks:** 25' Front, 25' Rear 7' or 5' Side, 15' Street Side
- **Engineer of Record:** Jeff W. Mullins, PE
Mullins, LLC 2101 W. Clinton Ave Suite 503
Huntsville, AL 35805



S-21057 SAVANNAH ESTATES PH I

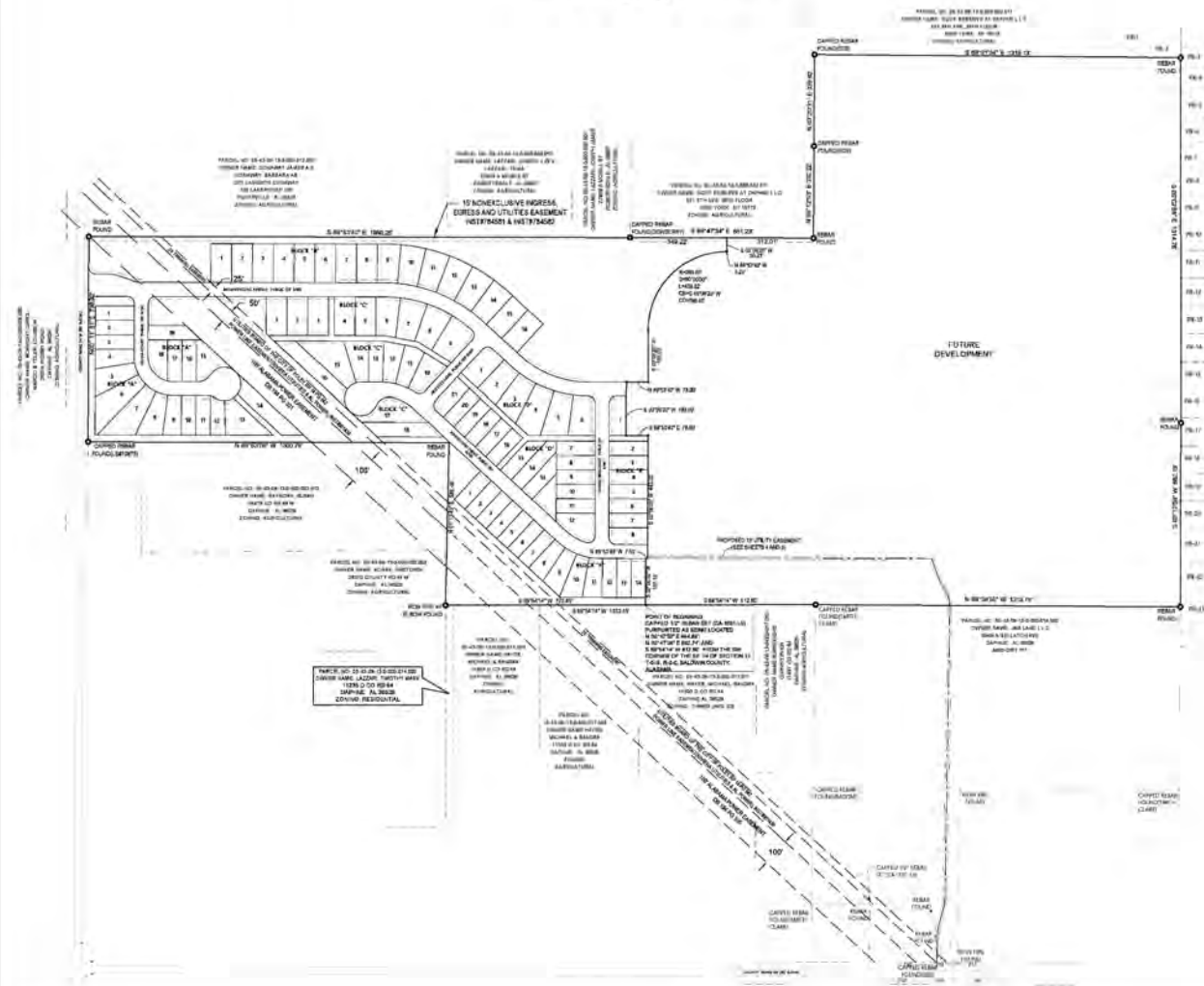
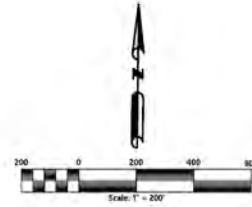
Staff Report Prepared by:
J. Buford King, Development Review
Planner

VARIANCE REQUEST TO COMPLIMENT PRD

Request before the Baldwin County Planning Commission:

- A variance from the *Baldwin County Subdivision Regulations* to allow implementation of a previously-approved PRD with lot sizes, lot widths, and setbacks smaller than allowable within section 5.1.1 et al of the *Baldwin County Subdivision Regulations*
- The PRD approval allows lots smaller than 15,000sf and 80' wide within the RSF-2 zoning classification
 - Lots as narrow as 52' wide and as small as 6,898sf are proposed
- A complimentary Subdivision Variance is required to allow the preliminary plat approval for the lots less than 60' wide and 7,500sf which are the minimums within the Baldwin County Subdivision Regulations

PRELIMINARY PLAT
SAVANNAH ESTATES PHASE 1
A PLANNED RESIDENTIAL DEVELOPMENT
Situating in Section 13, T-5-S, R-2-E,
Baldwin County, Alabama
BELFOREST COMMUNITY
MAY 2021



| LOT | TAX PARCEL | OWNER | ADDRESS |
|-----|---------------------------|---------------------------------------|---------------------------------------|
| 1 | 05-43-06-13-0-000-001.061 | GARNER, GARY WOODSON & MILLER, VICTOR | P O BOX 1408 FAIRHOPE, AL 36031 |
| 2 | 05-43-06-13-0-000-001.062 | HURTER, CANDACE A & HUNTER, ROBERT W | 1178 ACORA DR DAPHNE, AL 36626 |
| 3 | 05-43-06-13-0-000-001.058 | STEWART, STEPHANIE CAROL | 2605 MONTELLUCIA WAY DAPHNE, AL 36626 |
| 4 | 05-43-06-13-0-000-001.057 | BURNS, ROBERT DAVID W & BURNS, STACY | 2601 MONTELLUCIA WAY DAPHNE, AL 36626 |
| 5 | 05-43-06-13-0-000-001.056 | ALLISON, KENNETH P & ALLISON, KRISTIN | 2675 MONTELLUCIA WAY DAPHNE, AL 36626 |
| 6 | 05-43-06-13-0-000-001.055 | D B HORTON INC BIRMINGHAM | 1536 PRODIGY DR DAPHNE, AL 36626 |
| 7 | 05-43-06-13-0-000-001.064 | GANTT, JEFFERY CLINTON & GANTT, PATRI | 2641 MONTELLUCIA WAY DAPHNE, AL 36626 |
| 8 | 05-43-06-13-0-000-001.053 | KOSTELUCKY, JERRY & KOSTELUCKY, EMILY | 2631 MONTELLUCIA WAY DAPHNE, AL 36626 |
| 9 | 05-43-06-13-0-000-001.052 | BARNES, JAMES M & BARNES, COURTNEY BR | 2601 MONTELLUCIA WAY DAPHNE, AL 36626 |
| 10 | 05-43-06-13-0-000-001.051 | LITTLE, STEPHEN A LITTLE, MEGAN L | 2651 MONTELLUCIA WAY DAPHNE, AL 36626 |
| 11 | 05-43-06-13-0-000-001.050 | KELLY, LINDSAY & KELLY, MICHAEL | 2641 MONTELLUCIA WAY DAPHNE, AL 36626 |
| 12 | 05-43-06-13-0-000-001.049 | STONE, ADAM TRENT & STONE, WHITNEY | 2641 MONTELLUCIA WAY DAPHNE, AL 36626 |
| 13 | 05-43-06-13-0-000-001.048 | HYMEL, JOSEPH N & HYMEL, PHILIP J | 2643 MONTELLUCIA WAY DAPHNE, AL 36626 |
| 14 | 05-43-06-13-0-000-001.047 | SCHMIDT, JOSEPH C & SCHMIDT, LORRA | 2643 MONTELLUCIA WAY DAPHNE, AL 36626 |
| 15 | 05-43-06-13-0-000-001.046 | SCHROEDER, THOMAS & WILLIAM SCHROEDER | 2638 MONTELLUCIA WAY DAPHNE, AL 36626 |
| 16 | 05-43-06-13-0-000-001.045 | BRYANT, JAMES R & BRYANT, KELLY L | 2638 MONTELLUCIA WAY DAPHNE, AL 36626 |
| 17 | 05-43-06-13-0-000-001.044 | BULLARD, WAYNE & BULLARD, DEBORAH | 2634 MONTELLUCIA WAY DAPHNE, AL 36626 |
| 18 | 05-43-06-13-0-000-001.043 | STERNAN, PETER E & STERNAN, APRIL | 2634 MONTELLUCIA WAY DAPHNE, AL 36626 |
| 19 | 05-43-06-13-0-000-001.042 | GRISHAM, PATRICK J & GRISHAM, TABA N | 2635 MONTELLUCIA WAY DAPHNE, AL 36626 |
| 20 | 05-43-06-13-0-000-001.041 | KESS, DANIEL L & KESS, BRENDA S | 2607 MONTELLUCIA WAY DAPHNE, AL 36626 |
| 21 | 05-43-06-13-0-000-001.040 | STAMPER, CODY G & STAMPER, MARIA LUCY | 2621 MONTELLUCIA WAY DAPHNE, AL 36626 |
| 22 | 05-43-06-13-0-000-001.039 | WYSTER, MONTEY M & WYSTER, KATHLEEN B | 2671 MONTELLUCIA WAY DAPHNE, AL 36626 |
| 23 | 05-43-06-13-0-000-001.038 | SONZALES, JESUS | 2659 MONTELLUCIA WAY DAPHNE, AL 36626 |

THE RESERVE AT DAPHNE PHASE ONE
S/D 2520 B & C

REVISIONS

| NO. | DATE | DESCRIPTION |
|-----|----------|------------------|
| 1 | 05/20/21 | PRELIMINARY PLAT |

MULLINS, LLC
201 W. Clinton Ave, Suite 503
Huntsville, AL 35801
(256) 890-5512

Preliminary Plat
Savannah Estates Phase 1
Daphne, AL - Baldwin County
PRELIMINARY PLAT AND S/LAND 1/2

Overall Plan

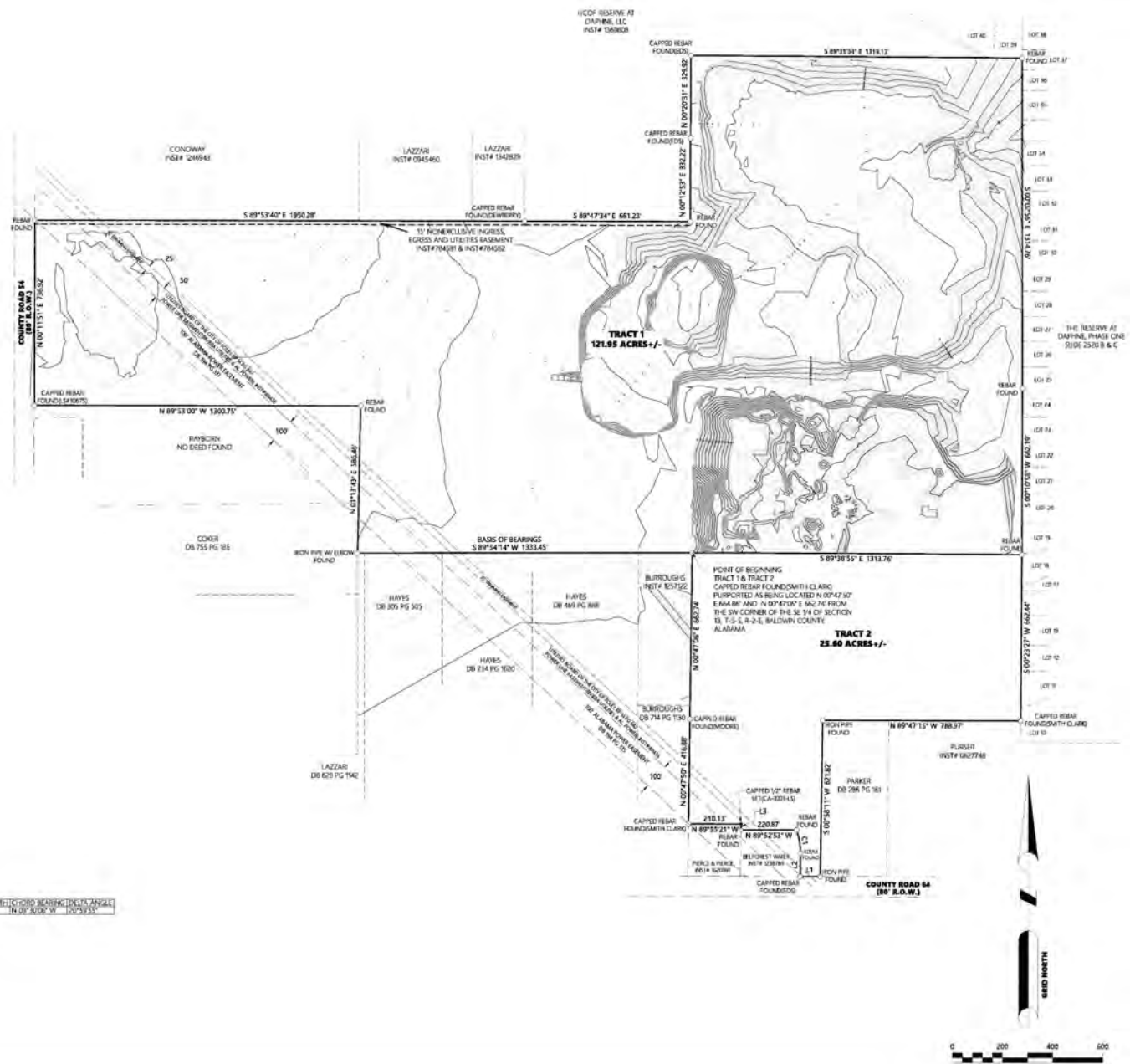
Lot No. 38-3801
Date: 05/20/21
Drawn By: RJA
Checked By: JEC

SHEET NUMBER
2 of 6

PRELIMINARY PLAT NOT FOR FINAL RECORDING

| CURVE TRACKS (ARC LENGTH) | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|---------------------------|--------------|----------------|--------------|
| CL 123.50' / 123.50' | 124.60' | N 0° 30' 00" W | 170° 38' 53" |

| LINE BEARING | DISTANCE |
|--------------------|----------|
| 1. N 89° 35' 21" W | 170.00' |
| 2. N 89° 35' 21" W | 170.00' |
| 3. N 89° 35' 21" W | 170.00' |
| 4. N 89° 35' 21" W | 170.00' |



MULLINS, LLC
2101 W. Clinton Avenue Suite 503
Huntsville, AL 35805
(256) 698-3312

Existing Conditions
Savannah Estates
Baldwin County, AL
Prepared for: J and S Land, LLC

Lot No. 66-THRP
Date: 06/04/2021
Drawn By: BTA
Approved By: JRG

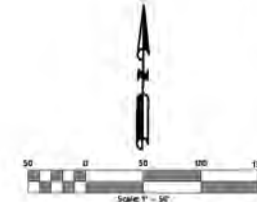
SHEET NUMBER
6 of 6

PRELIMINARY PLAT
SAVANNAH ESTATES PHASE 1
A PLANNED RESIDENTIAL DEVELOPMENT
Situated in Section 13, T-5-S, R-2-E,
Baldwin County, Alabama
BELFOREST COMMUNITY
MAY 2021

| Block | Area (Ac.) | Area (Sq. Ft.) |
|---------|------------|----------------|
| Block A | 0.24 | 10,560 |
| Block B | 0.24 | 10,560 |
| Block C | 0.24 | 10,560 |
| Block D | 0.24 | 10,560 |
| Block E | 0.24 | 10,560 |
| Block F | 0.24 | 10,560 |
| Block G | 0.24 | 10,560 |
| Block H | 0.24 | 10,560 |
| Block I | 0.24 | 10,560 |
| Block J | 0.24 | 10,560 |
| Block K | 0.24 | 10,560 |
| Block L | 0.24 | 10,560 |
| Block M | 0.24 | 10,560 |
| Block N | 0.24 | 10,560 |
| Block O | 0.24 | 10,560 |
| Block P | 0.24 | 10,560 |
| Block Q | 0.24 | 10,560 |
| Block R | 0.24 | 10,560 |
| Block S | 0.24 | 10,560 |
| Block T | 0.24 | 10,560 |
| Block U | 0.24 | 10,560 |
| Block V | 0.24 | 10,560 |
| Block W | 0.24 | 10,560 |
| Block X | 0.24 | 10,560 |
| Block Y | 0.24 | 10,560 |
| Block Z | 0.24 | 10,560 |

| Block | Area (Ac.) | Area (Sq. Ft.) |
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| Block 1 | 0.24 | 10,560 |
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| Block | Area (Ac.) | Area (Sq. Ft.) |
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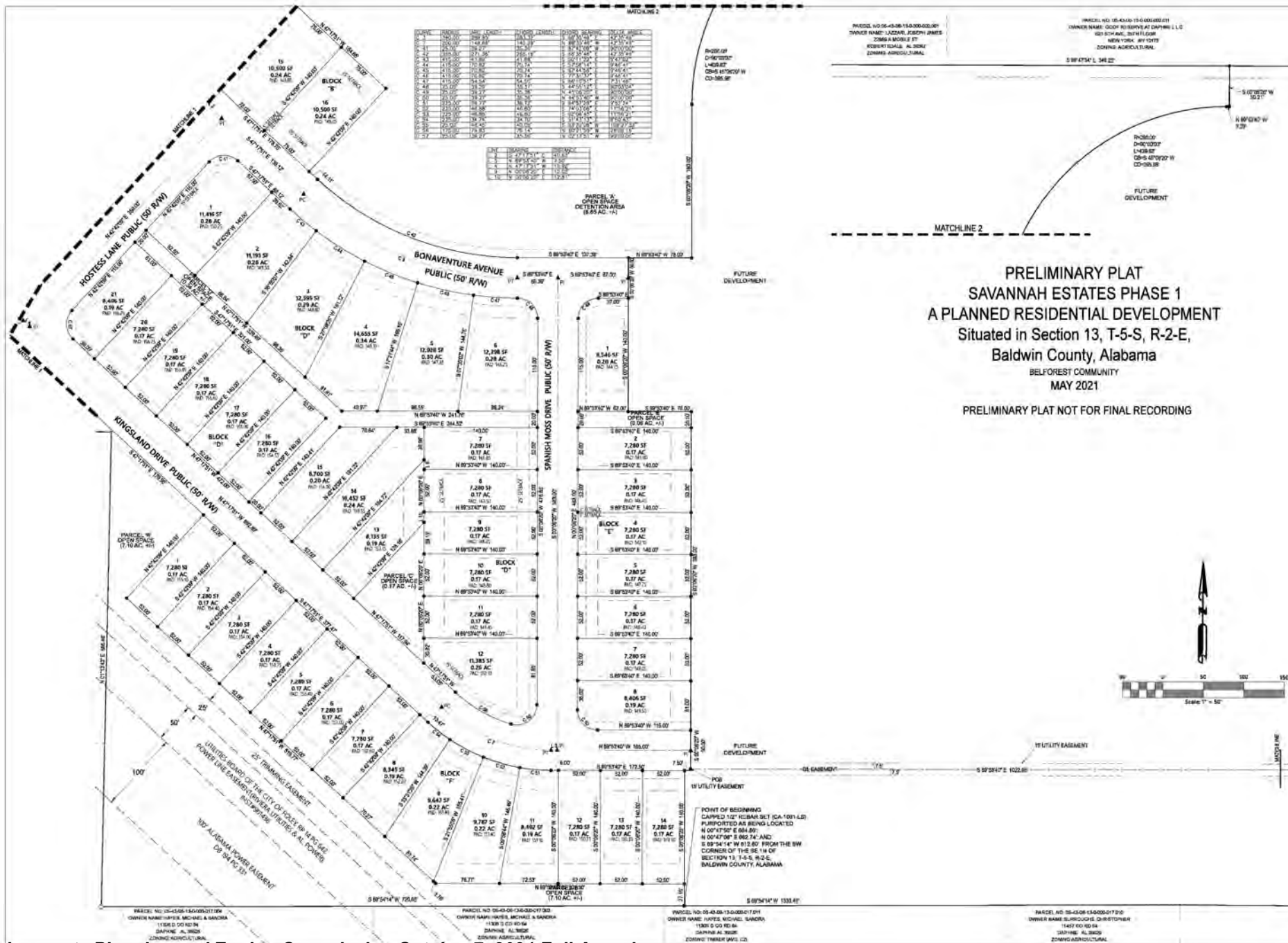


| REVISIONS |
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MULLINS, LLC
2101 W. Clinton Ave, Suite 503
Huntsville, AL 35805
(256) 890-5312

Preliminary Plat
Savannah Estates Phase 1
Dugene, AL - Baldwin County
REMARKS: J. AND S. LAND, LLC

Preliminary Plat
Date: 10/15/21
Drawn By: JDA
Checked By: JMS
SHEET NUMBER
3 of 6



MULLINS, LLC
2101 W. Clinton Ave, Suite 503
Huntsville, AL 35895
(256) 690-5302

REVISIONS

| NO. | DATE | DESCRIPTION |
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| 1 | 05/25/21 | PRELIMINARY PLAT |
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| 72 | 05/25/21 | PRELIMINARY PLAT |
| 73 | 05/25/21 | PRELIMINARY PLAT |
| 74 | 05/25/21 | PRELIMINARY PLAT |
| 75 | 05/25/21 | PRELIMINARY PLAT |
| 76 | 05/25/21 | PRELIMINARY PLAT |
| 77 | 05/25/21 | PRELIMINARY PLAT |
| 78 | 05/25/21 | PRELIMINARY PLAT |
| 79 | 05/25/21 | PRELIMINARY PLAT |
| 80 | 05/25/21 | PRELIMINARY PLAT |
| 81 | 05/25/21 | PRELIMINARY PLAT |
| 82 | 05/25/21 | PRELIMINARY PLAT |
| 83 | 05/25/21 | PRELIMINARY PLAT |
| 84 | 05/25/21 | PRELIMINARY PLAT |
| 85 | 05/25/21 | PRELIMINARY PLAT |
| 86 | 05/25/21 | PRELIMINARY PLAT |
| 87 | 05/25/21 | PRELIMINARY PLAT |
| 88 | 05/25/21 | PRELIMINARY PLAT |
| 89 | 05/25/21 | PRELIMINARY PLAT |
| 90 | 05/25/21 | PRELIMINARY PLAT |
| 91 | 05/25/21 | PRELIMINARY PLAT |
| 92 | 05/25/21 | PRELIMINARY PLAT |
| 93 | 05/25/21 | PRELIMINARY PLAT |
| 94 | 05/25/21 | PRELIMINARY PLAT |
| 95 | 05/25/21 | PRELIMINARY PLAT |
| 96 | 05/25/21 | PRELIMINARY PLAT |
| 97 | 05/25/21 | PRELIMINARY PLAT |
| 98 | 05/25/21 | PRELIMINARY PLAT |
| 99 | 05/25/21 | PRELIMINARY PLAT |
| 100 | 05/25/21 | PRELIMINARY PLAT |

Preliminary Plat
Savannah Estates Phase 1
Baldwin County, Alabama

Preliminary Plat
SHEET NUMBER
4 of 6

| LOT DATA TABLE | |
|-------------------|----------------------|
| PROPERTY ACREAGE: | 122.3± ACRES (TOTAL) |
| 52's LOTS: | 324 LOTS |
| 75's LOTS: | 31 LOTS |
| | |
| | |
| TOTAL LOTS: | 355 LOTS |

SITE DATA TABLE

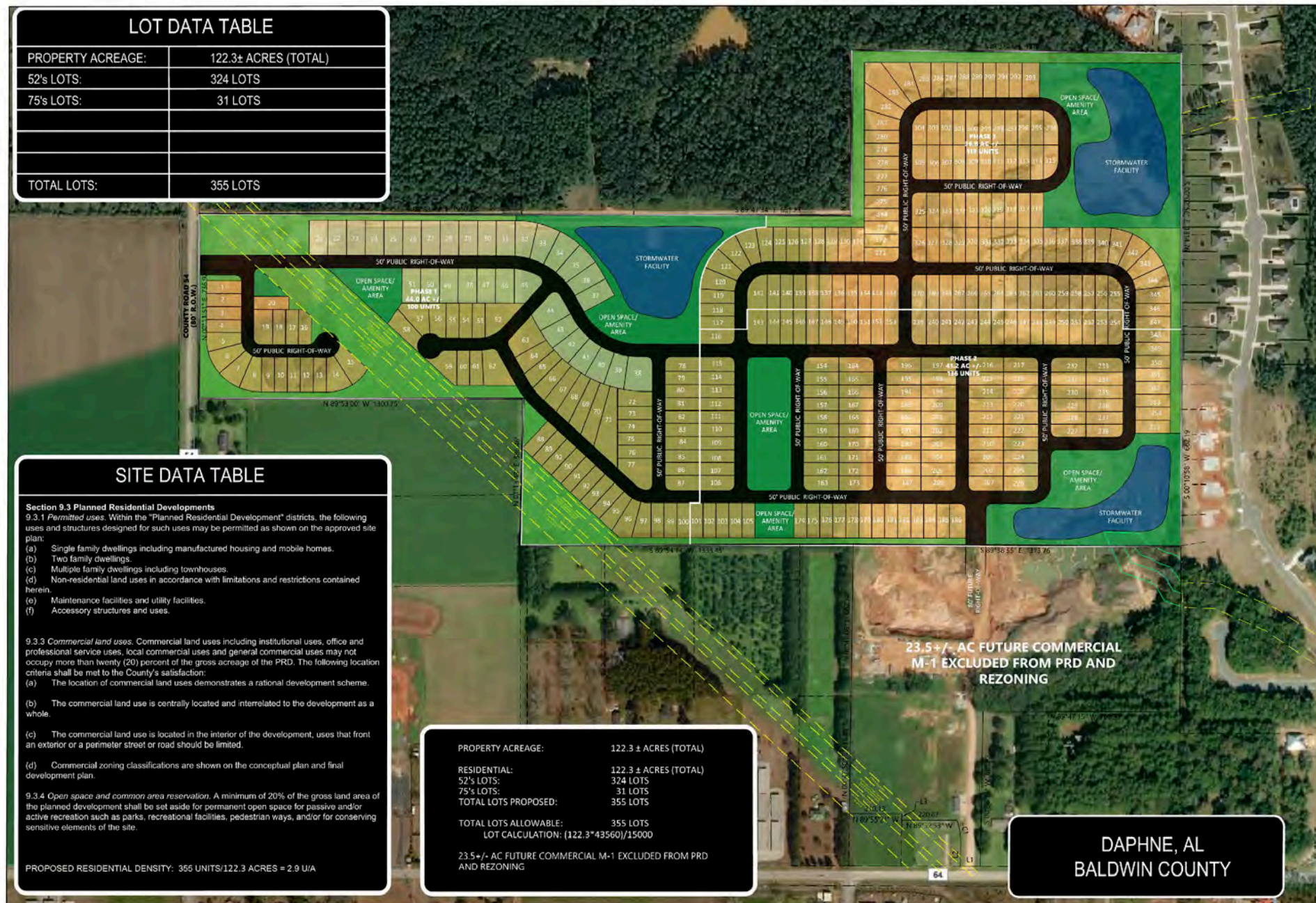
Section 9.3 Planned Residential Developments
9.3.1 Permitted uses. Within the "Planned Residential Development" districts, the following uses and structures designed for such uses may be permitted as shown on the approved site plan:
 (a) Single family dwellings including manufactured housing and mobile homes.
 (b) Two family dwellings.
 (c) Multiple family dwellings including townhouses.
 (d) Non-residential land uses in accordance with limitations and restrictions contained herein.
 (e) Maintenance facilities and utility facilities.
 (f) Accessory structures and uses.

9.3.3 Commercial land uses. Commercial land uses including institutional uses, office and professional service uses, local commercial uses and general commercial uses may not occupy more than twenty (20) percent of the gross acreage of the PRD. The following location criteria shall be met to the County's satisfaction:
 (a) The location of commercial land uses demonstrates a rational development scheme.
 (b) The commercial land use is centrally located and interrelated to the development as a whole.
 (c) The commercial land use is located in the interior of the development, uses that front an exterior or a perimeter street or road should be limited.
 (d) Commercial zoning classifications are shown on the conceptual plan and final development plan.

9.3.4 Open space and common area reservation. A minimum of 20% of the gross land area of the planned development shall be set aside for permanent open space for passive and/or active recreation such as parks, recreational facilities, pedestrian ways, and/or for conserving sensitive elements of the site.

PROPOSED RESIDENTIAL DENSITY: 355 UNITS/122.3 ACRES = 2.9 U/A

| | |
|---|-----------------------|
| PROPERTY ACREAGE: | 122.3 ± ACRES (TOTAL) |
| RESIDENTIAL: | 122.3 ± ACRES (TOTAL) |
| 52's LOTS: | 324 LOTS |
| 75's LOTS: | 31 LOTS |
| TOTAL LOTS PROPOSED: | 355 LOTS |
| TOTAL LOTS ALLOWABLE: | 355 LOTS |
| LOT CALCULATION: | (122.3*43560)/15000 |
| 23.5+/- AC FUTURE COMMERCIAL M-1 EXCLUDED FROM PRD AND REZONING | |



MULLINS, LLC
 99-094 Belltown Avenue,
 Daphne, AL 36526
 (251) 376-6111

Savannah Estates PUD
 Baldwin County, AL
 Prepared by: J and S Land Company, LLC

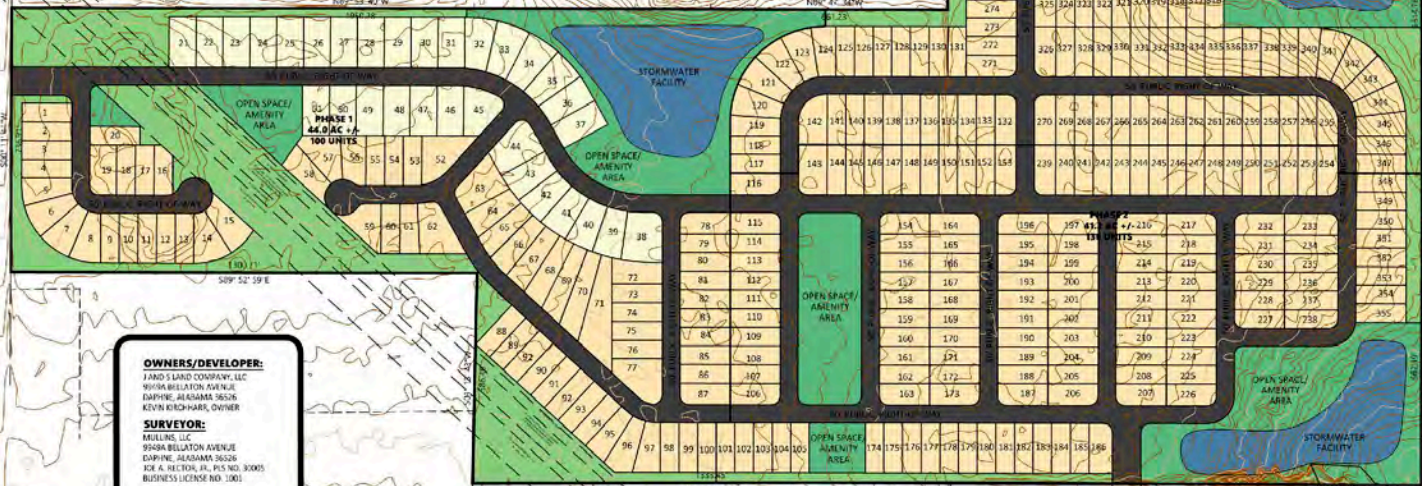
Preliminary Plan

0 100 200
 1 INCH = 200 FEET

Scale: 20/2000
 Date: 10/14/2021
 Drawn by: JSC
 Approved by: JSC

SHEET NUMBER
 1

All lot numbers, boundaries, easements, and other information shown on this map are based on the best available information. The user of this map assumes all responsibility for the accuracy and completeness of the information shown hereon. No warranty is made by the author of this map as to the accuracy or completeness of the information shown hereon. The user of this map assumes all responsibility for the accuracy and completeness of the information shown hereon. No warranty is made by the author of this map as to the accuracy or completeness of the information shown hereon.

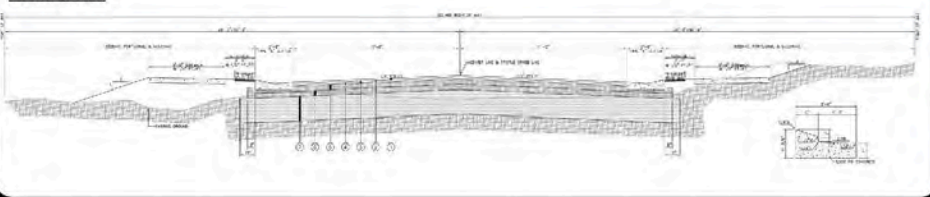


OWNERS/DEVELOPER:
J AND S LAND COMPANY, LLC
9949A BELLATON AVENUE
DAPHNE, ALABAMA 36626
KEVIN KIRCHHART, OWNER

SURVEYOR:
MULLINS, LLC
9949A BELLATON AVENUE
DAPHNE, ALABAMA 36626
JOE A. HECTOR, JR., P.S. NO. 30005
BUSINESS LICENSE NO. 1001

ENGINEER:
MULLINS, LLC
41 NORTH JEFFERSON STREET, SUITE 106
PENSACOLA, FLORIDA 32502
MICHAEL J. CORSE, P.E. NO. 25540
BUSINESS LICENSE NO. 32689

TYPICAL SECTION



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

SAVANNAH ESTATES Planned Residential Development FEBRUARY 2020

PROPOSED PUD LOT DATA

| | |
|-------------------|---------------------|
| PROPERTY ACREAGE: | 122.3 ACRES (TOTAL) |
| 30% LOTS: | 334 LOTS |
| 70% LOTS: | 91 LOTS |
| TOTAL LOTS: | 335 LOTS |
| LENGTH OF ROAD: | 23,000' LF |

DENSITY

127 UNITS / 122.3 ACRES = 7.87 UNITS PER ACRE
UNIT CALC: $122.3 \text{ AC} \times 40,540' = 5,127,388' \div 7,500' = 355$

OPEN SPACE

| | |
|---------------------------|----------------------|
| OPEN SPACE REQUIRED: | 20% |
| CREATED SPACE PROVIDED: | 21.7% |
| CREATED SPACE AREA: | 26.6 AC +/- |
| PROVIDED AREA (ADJUSTED): | 9.3 AC +/- |
| TOTAL OPEN SPACE: | 35.9 AC +/- or 29.4% |

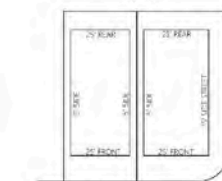
UTILITY SERVICES

WATER: BELFORT WATER SYSTEM
SEWER: BALDWIN COUNTY SEWER SERVICES
ELECTRIC: EVERETT UTILITIES
TELEPHONE: AT&T



LOT DETAIL

70' X 140' (TYP)
37 LOTS



LOT DETAIL

52' X 140' (TYP)
290 LOTS

GENERAL NOTES:

- All common areas, including drainage facilities outside the R/W's, are the responsibility of Baldwin County to maintain, but shall be owned and maintained by the Savannah Estates property owners association, as outlined in the covenants and restrictions, to be recorded in the Baldwin County public records.
- All utilities will be constructed underground. For the location of all utilities, refer to construction plans.
- There is dedicated beneath a 10 foot utility easement on all lot lines adjacent to rights-of-way and a 30 foot (3 feet each side) utility easement along all side lot lines and a 10' utility easement along all common area right-of-way, unless otherwise shown herein.
- There is dedicated beneath a 10 foot (5 feet each side) drainage easement along the side and rear of all lots, unless otherwise shown herein.
- There is dedicated beneath a 10 foot (5 feet each side) drainage and utility easement where rear lot lines abut side lot lines.
- For foot, concrete sidewalks shall be constructed by homeowners/homebuilder along the street frontage of each lot during home construction on one side of road and must be completed and approved in order to obtain certificate of occupancy (c.o.).

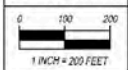
FLOOD CERTIFICATE:

This property lies within Zone "X" (shaded) as shown on the Federal Emergency Management Agency's Flood Insurance Rate Map of Baldwin County, Alabama, Map Number 01030303030, Community Number 015000, Panel Number 0100, Suffix 1 and Map Number 01030303030, Community Number 015000, Panel Number 0540, Suffix 1. Map revised July 17, 2017.

MULLINS, LLC
9949A Bellaton Avenue
Daphne, AL 36626
(251) 376-5111



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



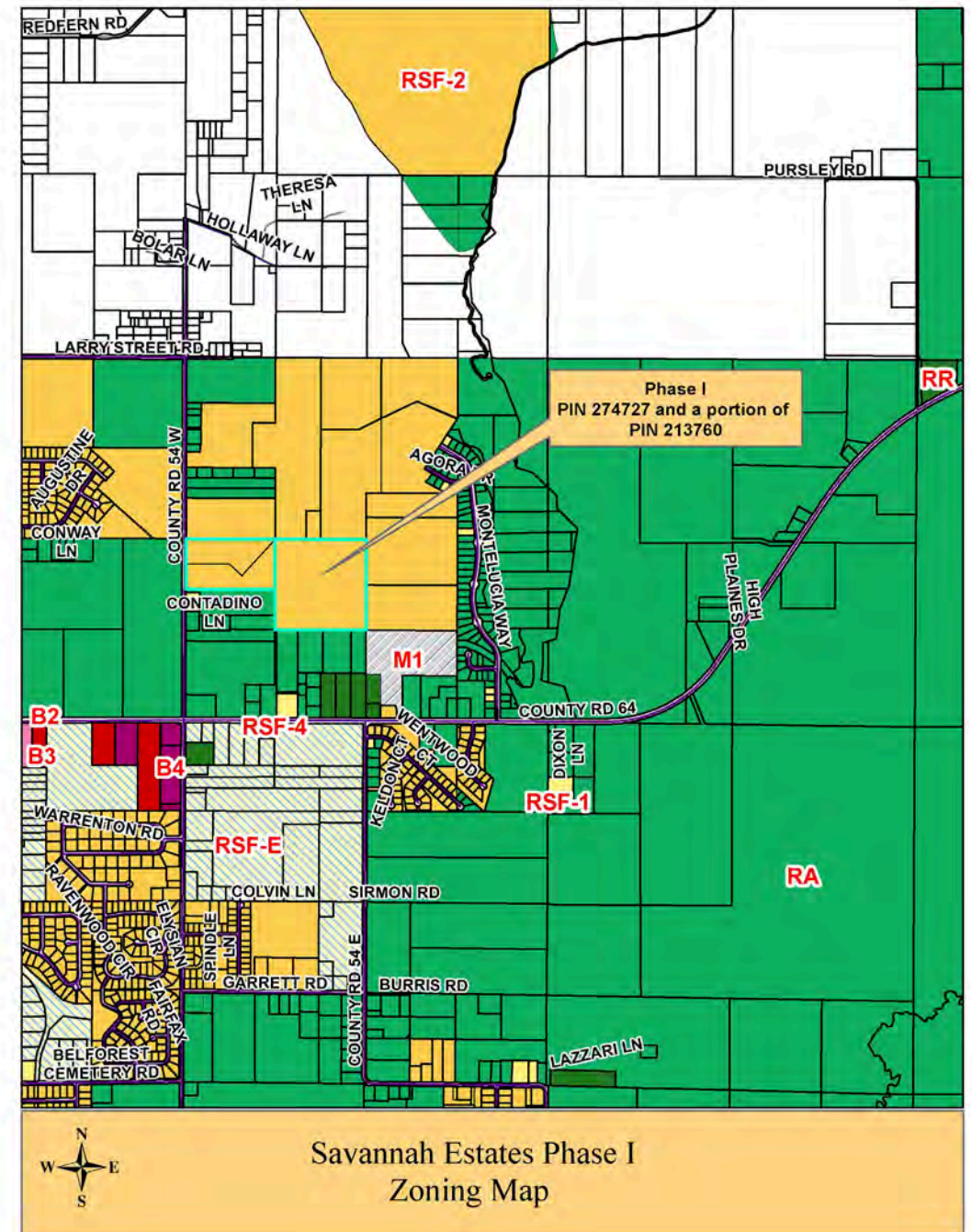
Scale: 1" = 200' (TYP)
Date: 05/04/2020
Drawn by: BAC
Reviewed by: BAC

SHEET NUMBER

S-21057 SAVANNAH ESTATES PH I

- Subject property is located on the east side of County Road 54 approximately 2,000 feet north of County Road 64 near the City of Daphne
- Parcel Numbers (Phase I)
 - 05-43-06-13-0-000-002.009
 - PIN 213760
 - 05-43-06-13-0-000-014.003
 - PIN 274727
- The various zoning classifications within Planning District 15 are depicted within the map at right

Baldwin county Planning and Zoning Commission October 7, 2021 Full Agenda



S-21057 SAVANNAH ESTATES PH I

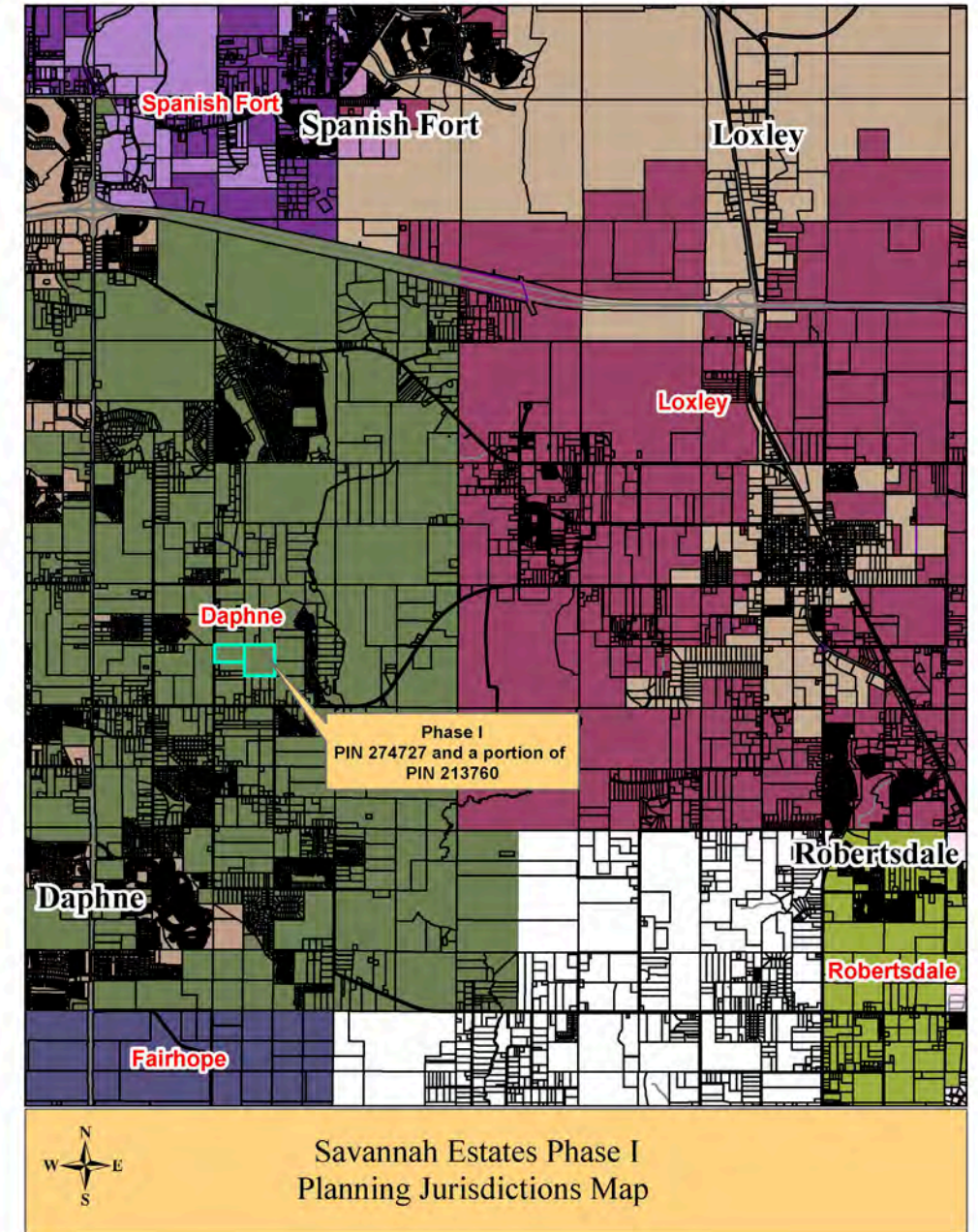
Utilities Services

Water: *Belforest Water System*

Sewer: *Baldwin County Sewer Service*

Electricity: *Riviera Utilities*

Telephone: *CenturyLink*

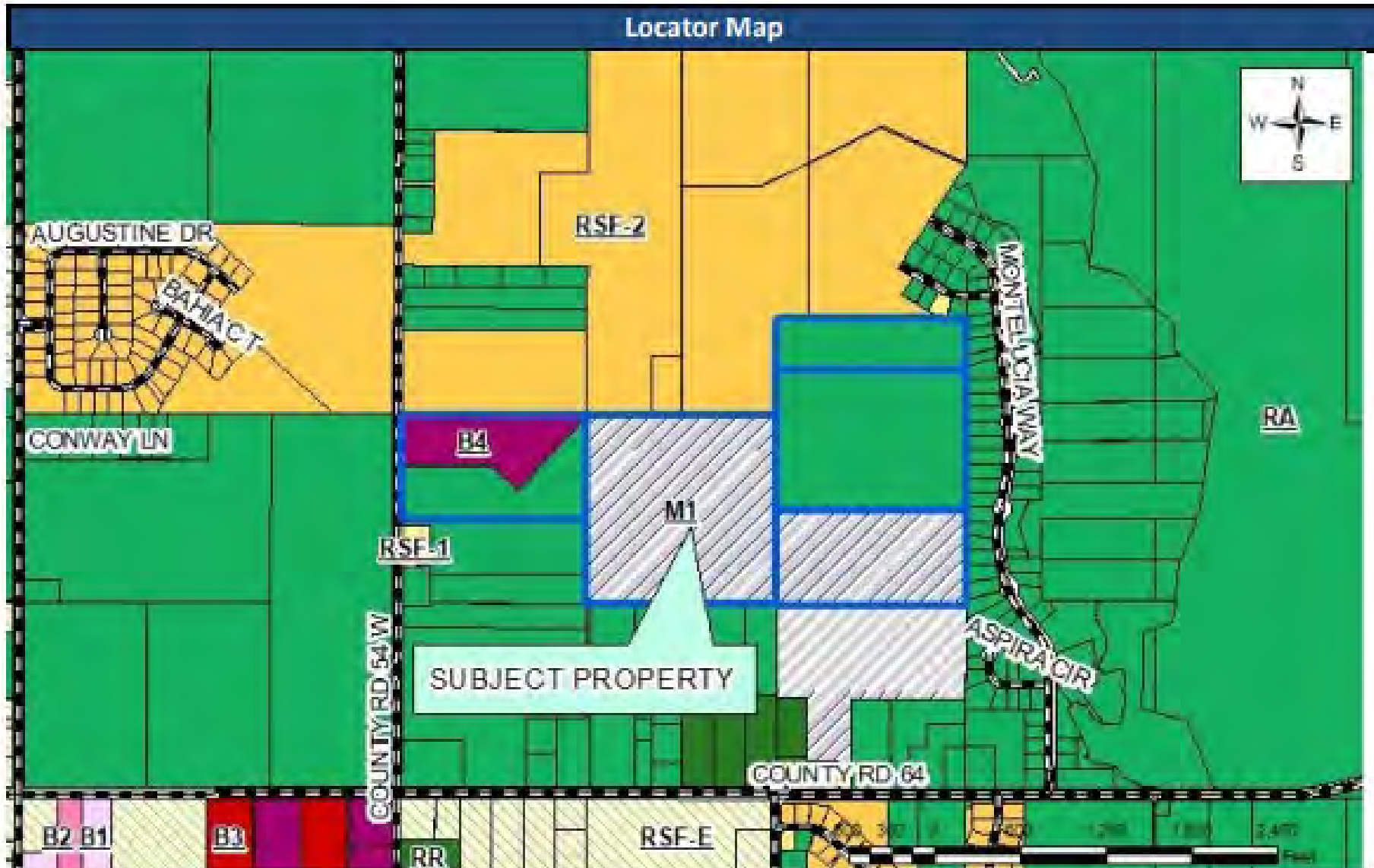


S-21057 SAVANNAH ESTATES PH I VARIANCE

Summary of prior approvals *(resolutions on next slide)*

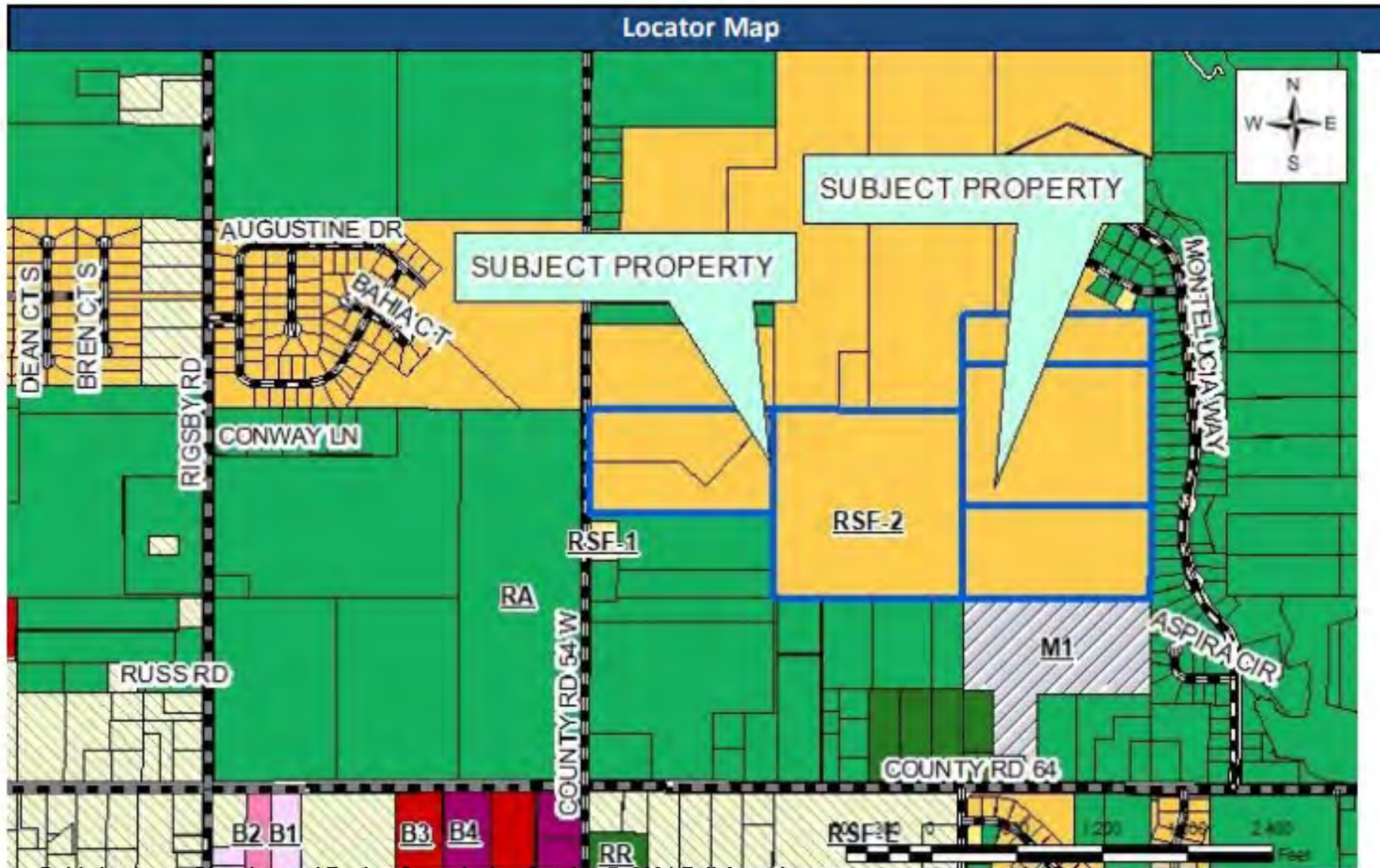
- 12/17/2019 – Z-19054 rezoning of five parcels of various zoning types, including the dirt pit north of CR64 east of CR54 to RSF-2 Single Family.
 - BCC agenda action: Baldwin County Commission - File #: 20-0445 (legistar.com)
- 5/19/2020 – Z-2007 creation of a PRD on 05-43-06-13-0-000-002.009, 05-43-06-13-0-000-014.003, 05-43-06-13-0-000-013.000, 05-43-06-13-0-000-002.006 and 05-43-06-13-0-000-014.004 that received zoning change approval on 12/17/2019. BCC agenda: Baldwin County Commission - File #: 20-1119 (legistar.com)

Z-19054 REZONING CASE EXCERPT



RE-ZONED TO
RSF-2 12/17/2019

Z-19054 REZONING CASE EXCERPT



RE-ZONED TO
RSF-2 12/17/2019

Z-19054 REZONING CASE RESOLUTIONS

STATE OF ALABAMA

COUNTY OF BALDWIN

RESOLUTION # 2020-033

DETERMINATION OF THE BALDWIN COUNTY COMMISSION, REGARDING Case No. Z-19054, Kircharr Property, SUCH DETERMINATION AS AUTHORIZED PURSUANT TO ACT NO. 91-719, AS AMENDED.

WHEREAS, Kevin Kircharr, as owner of J & S Land Company, LLC, and on behalf of Triple K Mining, LLC, has petitioned the Baldwin County Commission to rezone certain properties, in Planning (Zoning) District No. 15, for properties identified herein and described as follows:

22 AC COM AT THE SW COR OF SEC 13 RUN TH N 1904.6', TH E 29.4' FOR POB TH RUN N 736.7', TH E 1304.9', TH S 736.7', TH W 1300.7' TO POB SEC 13-T55-R2E (WD); 40 AC THE NE ¼ OF SW ¼ OF SEC 13-T55-R2E (VL); 10 AC N1/2 OF S ¼ OF SW ¼ OF NE ¼ SEC 13-5-2 (WD); 30 AC N ½ OF NW ¼ OF SE ¼ & S ½ OF SW 1/4 OF NE ¼ DB523 PG988 SEC13-T55-R2E (WD); 20 AC THE S ½ OF NW ¼ OF SE ¼ OF SEC 13-T55-R2E (VLD)

Said properties consisting of approximately 122.3 acres.

Otherwise known as tax parcel numbers 05-43-06-13-0-000-002.009, 05-43-06-13-0-000-014.003, 05-43-06-13-0-000-013.000, 05-43-06-13-0-000-002.006 and 05-43-06-13-0-000-014.004 as found in the office of the Revenue Commissioner of Baldwin County, Alabama; and

WHEREAS, the petitioner has requested that the properties herein identified be rezoned from RA, Rural Agricultural District, B-4, Major Commercial District, and M-1, Light Industrial District, to RSF-2, Single Family District; and

WHEREAS, the Baldwin County Planning and Zoning Commission held a public hearing on November 7, 2019, and voted to recommend **APPROVAL** to the Baldwin County Commission; and

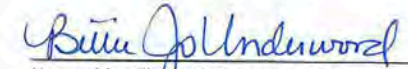
WHEREAS, the Baldwin County Commission held a public hearing on December 17, 2019; and

WHEREAS, the requirements of Act No. 91-719, as amended by Act No. 93-668, as amended by Act No. 98-665, as amended by Act No. 2006-609, and further amended by Act No. 2010-719, regarding procedures to consider this rezoning request, which would affect the Planning (Zoning) District Boundary designations of the Planning (Zoning) District No. 15 Official Map, have been met; now therefore

BE IT RESOLVED, BY THE BALDWIN COUNTY COMMISSION, IN REGULAR SESSION ASSEMBLED, That the petitioner's request to rezone the properties (Case No. Z-19054, Kircharr Property) as herein identified and described and as found within the confines of Planning (Zoning) District No. 15 from to RA, Rural Agricultural District, B-4, Major Commercial District, and M-1, Light Industrial District, to RSF-2, Single Family Park District, which amends the Planning (Zoning) District Boundary Designations of the Planning (Zoning) District No. 15 Official Map, is hereby **APPROVED**.

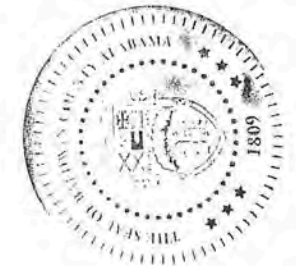
Baldwin county Planning and Zoning Commission October 7, 2021 Full Agenda

DONE, Under the Seal of the County Commission of Baldwin County, Alabama, on this the 17th day of December, 2019.


Honorable Billie Jo Underwood, Chairman

ATTEST:


Wayne A. Dyess, County Administrator



Z-2007 PRD CREATION RESOLUTIONS

STATE OF ALABAMA

COUNTY OF BALDWIN

RESOLUTION # 2020-075

DETERMINATION OF THE BALDWIN COUNTY COMMISSION, REGARDING Case No. Z-20007, Savannah Estates Planned Residential Development (PRD) Site Plan Approval, SUCH DETERMINATION AS AUTHORIZED PURSUANT TO ACT NO. 91-719, AS AMENDED.

WHEREAS, Kevin Kircharr, as owner of J & S Land Company, LLC, and on behalf of Triple K Mining, LLC, has petitioned the Baldwin County Commission for Planned Residential Development (PRD) Site Plan Approval pertaining to certain properties, in Planning (Zoning) District No. 15, for properties identified herein and described as follows:

22 AC COM AT THE SW COR OF SEC 13 RUN TH N 1904.6', TH E 29.4' FOR POB TH RUN N 736.7', TH E 1304.9', TH S 736.7', TH W 1300.7' TO POB SEC 13-T5S-R2E (WD); 40 AC THE NE ¼ OF SW ¼ OF SEC 13-T5S-R2E (VL); 10 AC N1/2 OF S ¼ OF SW ¼ OF NE ¼ SEC 13-5-2 (WD); 30 AC N ¼ OF NW ¼ OF SE ¼ & S ¼ OF SW 1/4 OF NE ¼ DB523 PG988 SEC13-T5S-R2E (WD); 20 AC THE S ¼ OF NW ¼ OF SE ¼ OF SEC 13-T5S-R2E (VLD)

Said properties consisting of approximately 122.3 acres.

Otherwise known as tax parcel numbers 05-43-06-13-0-000-002.009, 05-43-06-13-0-000-014.003, 05-43-06-13-0-000-013.000, 05-43-06-13-0-000-002.006 and 05-43-06-13-0-000-014.004 as found in the office of the Revenue Commissioner of Baldwin County, Alabama; and

WHEREAS, the petitioner has requested Planned Residential Development (PRD) Site Plan Approval for the properties herein identified; and

WHEREAS, the Baldwin County Planning and Zoning Commission held a public hearing on March 5, 2020, and voted to recommend **APPROVAL** to the Baldwin County Commission; and

WHEREAS, the Baldwin County Commission held a public hearing on May 19, 2020; and

WHEREAS, the requirements of Act No. 91-719, as amended by Act No. 93-668, as amended by Act No. 98-665, as amended by Act No. 2006-609, and further amended by Act No. 2010-719, regarding procedures to consider this PRD Site Plan Approval request, which would affect the Planning (Zoning) District Boundary designations of the Planning (Zoning) District No. 15 Official Map, have been met; now therefore

BE IT RESOLVED, BY THE BALDWIN COUNTY COMMISSION, IN REGULAR SESSION ASSEMBLED, That the petitioner's request for Planned Residential Development (PRD) Site Plan Approval (Case No. Z-19055, Savannah Estates PRD) as herein identified and described and as found within the confines of Planning (Zoning) District No. 15 and which amends the Planning (Zoning) District Boundary Designations of the Planning (Zoning) District No. 15 Official Map, be and the same be approved.

DONE, Under the Seal of the County Commission of Baldwin County, Alabama, on this the 19th day of May, 2020.


Honorable Billie Jo Underwood, Chairman

ATTEST:


Wayne A. Dyess, County Administrator



S-21057 SAVANNAH ESTATES PH I VARIANCE

Summary of prior approvals (continued)

8/26/2021 – Master Plan and Subdivision Preliminary Plat approval by City of Daphne Planning Commission – excerpt of meeting minutes at right and complete minutes of the Savannah Estates project on the next slide

The City of Daphne
Planning Commission Minutes
Regular Meeting of August 26, 2021
Council Chamber, City Hall - 5:00 P.M.

A Motion was made by Mr. Olen and Seconded by Mr. Prescott to set forth a favorable recommendation to the City Council to accept the streets and rights-of-way in Jubilee Farms Subdivision, Phase Ten. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is a master plan revision, preliminary/final plat review, and preliminary plat review for Savannah Estates Subdivision.

A Motion was made by Mr. Hodgson and Seconded by Mr. Prescott to approve Savannah Estates Subdivision master plan.

During discussion, Mr. Spriggs commented that a master plan of the development is required and beneficial to see the progression of the development.

The Motion carried. Mr. Olen and Mr. Peterson dissented.

A Motion was made by Mr. Prescott and Seconded by Mr. Hodgson to approve Savannah Estates preliminary subdivision plat. There was no discussion on the motion. The Motion carried. Mr. Olen dissented.

S-21057 SAVANNAH ESTATES PH I VARIANCE

Summary of prior approvals (continued)

- The preliminary plat approval of Savannah Estates Phase I will be an administrative, staff-level approval, as a result of Planning Commission Approval by Daphne
- The variance is required to allow the staff level approval to be carried when all requirements are satisfied

The City of Daphne
Planning Commission Minutes
Regular Meeting of August 26, 2021
Council Chamber, City Hall - 5:00 P.M.

A Motion was made by Mr. Olen and Seconded by Mr. Prescott to set forth a favorable recommendation to the City Council to accept the streets and rights-of-way in Jubilee Farms Subdivision, Phase Ten. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is a master plan revision, preliminary/final plat review, and preliminary plat review for Savannah Estates Subdivision.

Ms. Jones advised that this property is located in Baldwin County in our extrajurisdictional planning jurisdiction and the County Commission voted unanimously to approve the zoning in May 2020. Subsequent to their approval, the zoning, master plan, and preliminary plat were presented to the City to ensure that they meet our regulations.

An introductory presentation was given by Joe Rector and Todd Wheeler, representatives of Mullins, L.L.C., of a request for master plan review and preliminary plat review of a forty-four acre parcel located northeast of County Road 64 and County Road 54 West. He presented an overview of the process of rezoning from industrial zoning, an open field and dirt pit to RSF-2, Residential Single Family Development, and approval of the Planned Residential Development by Baldwin County. He advised that thirty percent of the subdivision is usable active open space.

Chairwoman asked for Commission questions or comments and about the secondary access. Mr. Rector responded the access shown is in compliance as stated in the memorandum from the Fire Marshal.

Chairwoman asked if the access will be paved. Mr. Wheeler advised that the Fire Marshal agreed to the use of gravel now and pavement in a future phase.

Chairwoman asked how do we deal with issues that are beyond the scope of the subdivision. Mr. Duncan responded that Ms. Jones addressed it in her preface: the only role of the Planning Commission tonight is a review to see if the preliminary plat meets our regulations.

Chairwoman asked is the secondary access a part of the subdivision regulations or fire code. Mr. Duncan responded it is part of the fire code.

Chairwoman asked if Baldwin County has approved the revised master plan. Ms. Jones responded that the PRD document is not changing; we asked them to use it as a guide to create a master plan consistent with what they are proposing.

Chairwoman clarified that the plat is consistent, but the PRD is their zoning document.

Mr. Peterson asked if the master plan is relevant to the plat. Chairwoman responded a master plan is required because the subdivision will be developed in phases.

The City of Daphne
Planning Commission Minutes
Regular Meeting of August 26, 2021
Council Chamber, City Hall - 5:00 P.M.

Mr. Peterson commented that he has concerns with the practicality of the lots as depicted on the master plan. Mr. Rector responded those lots are in future phases and by the time the lots are being developed, the dirt pit will no longer be in operation.

Mr. Olen questioned the correlation between approval of a master plan and the existing pit. Mr. Rector responded there is a transition period from a mining operation to a residential subdivision.

Mr. Olen asked what is to prevent the owner from developing phase one adjacent to a dirt pit. Mr. Rector responded nothing because it is in operation today.

Mr. Spriggs asked about the dirt used to fill the dirt pit. Mr. Rector responded it comes from the remaining dirt after the reshaping of the property.

Chairwoman opened the floor to public participation. No one came forth. She closed public participation.

Ms. Jones noted that we are in receipt of sixteen documents presented in opposition with comments regarding traffic impact, population and the dirt pit.

Chairwoman asked about improvements on County Road 64. Mr. Rector responded that according to the traffic impact study, a traffic signal is required at County Road 64 and 54.

Mr. Olen asked about a staff recommendation. Ms. Jones responded because staff found no issues with the subdivision provisions and Baldwin County provided a review, therefore, staff recommends approval because they meet our subdivision regulations.

Chairwoman asked for a motion for the associated applications.

A Motion was made by Mr. Hodgson and Seconded by Mr. Prescott to approve Savannah Estates Subdivision master plan.

During discussion, Mr. Spriggs commented that a master plan of the development is required and beneficial to see the progression of the development.

The Motion carried. Mr. Olen and Mr. Peterson dissented.

A Motion was made by Mr. Prescott and Seconded by Mr. Hodgson to approve Savannah Estates preliminary subdivision plat. There was no discussion on the motion. The Motion carried. Mr. Olen dissented.

The next order of business is a pre-zoning and annexation request for Joseph Mancini.

S-21057 SAVANNAH ESTATES PH I VARIANCE

VARIANCE REQUEST **STAFF COMMENTS**

- Staff's vetting and current level of understanding of the *Baldwin County Subdivision Regulations* indicates that a zoning approval of a PRD with lot sizes less than that contemplated by the subdivision regulations does not automatically supersede the requirements of the subdivision regulations, and thus a variance is required from the subdivision regulations to reconcile the PRD with the proposed subdivision plat
- Staff's recommendation for Savannah Estates Phase I is consistent with previous recommendations on similar cases where a PRD approval allows the creation of lot sizes and lot widths less than that permitted by the *Baldwin County Subdivision Regulations*

S-21057 SAVANNAH ESTATES PHASE I VARIANCE

VARIANCE REQUEST *STAFF COMMENTS*

A variance shall not be approved unless there are findings based upon the evidence presented in each specific case that:

(a) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property.

- *Staff does not believe the granting of a variance in this particular case will be detrimental to the public safety, health or welfare or injurious to other property because all necessary features for the approval of the “traditional” subdivision (drainage, access, utilities, etc.) are captured within the “traditional” subdivision approval as well as construction plans review for the development. The purpose of this variance request is to reconcile the lot sizes allowed by the approved PRD with the proposed subdivision plat.*

S-21057 SAVANNAH ESTATES PHASE I

VARIANCE REQUEST *STAFF COMMENTS*

A variance shall not be approved unless there are findings based upon the evidence presented in each specific case that:

(b) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought.

- *The purpose of this variance request is to reconcile the lot sizes allowed by the approved PRD with the proposed subdivision preliminary plat. Staff asserts the PRD approval may be considered a condition unique to the property because a PRD is a standalone approval unique to the properties that receive PRD approval and is only granted on a case-by-case basis and is fully-vetted through staff, considered by Planning Commission, and ultimately approved by the Baldwin County Commission. This type of variance situation may be deemed a “procedural” variance need to reconcile a PRD to the subdivision regulations.*

S-21057 SAVANNAH ESTATES PHASE I

VARIANCE REQUEST *STAFF COMMENTS*

A variance shall not be approved unless there are findings based upon the evidence presented in each specific case that:

(c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;

- *This variance request is not a typical variance request where some type of hardship is purported by the applicant. As a result, this criterion is not necessarily applicable because the purpose of this variance request is procedural and requests to reconcile the lot sizes and lot widths allowed by the approved PRD with the lots sizes shown on the proposed subdivision preliminary plat.*

S-21057 SAVANNAH ESTATES PHASE I

VARIANCE REQUEST *STAFF COMMENTS*

A variance shall not be approved unless there are findings based upon the evidence presented in each specific case that:

(d) The variance will not in any manner vary the provisions of other adopted policies and regulations of the Baldwin County Commission.

- *No impact expected – other than lot size and lot width, all other provisions of the Baldwin County Subdivision Regulations shall be accounted for in the review process*

(e) Inconvenience, financial concerns, or self-imposed conditions shall not be considered as a hardship for the purpose of granting the variance.

- *This variance request is not a typical variance request where some type of hardship is purported by the applicant. As a result, this criterion is not necessarily applicable because the purpose of this variance request is procedural and requests to reconcile the lot sizes and lot widths allowed by the approved PRD with the lots sizes shown on the proposed subdivision preliminary plat*

S-21087 SAVANNAH ESTATES PHASE I

VARIANCE REQUEST **STAFF RECOMMENDATION**

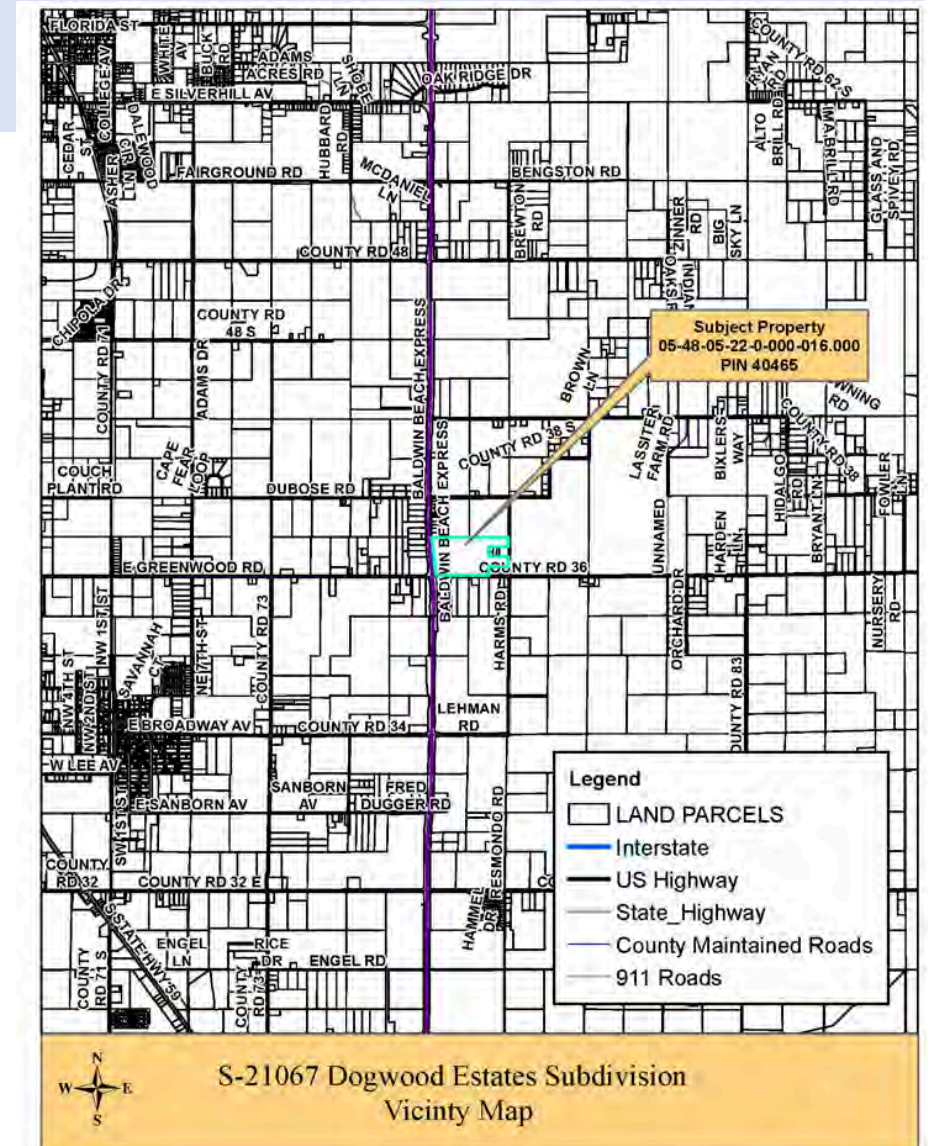
Staff recommends that the requested variance from section 5.1.1 et al of the *Baldwin County Subdivision Regulations* to allow the lot sizes, lot widths, and setbacks contemplated by the previously approved Planned Residential Developed (PRD) Site Plan, adopted via resolution number 2020-075 by the Baldwin County Commission on May 19, 2020, related to the proposed *Savannah Estates Subdivision Phase I* be **APPROVED** to permit the lot sizes, lot widths, and setbacks depicted on the attached subdivision preliminary plat, which reconciles the subdivision with the allowable lot sizes, lot width, and setbacks within the previously-approved PRD.

8.c)S-21067 DOGWOOD ESTATES

PHASE I PRELIMINARY PLAT APPROVAL

Staff Report Prepared by:
J. Buford King, Development Review
Planner

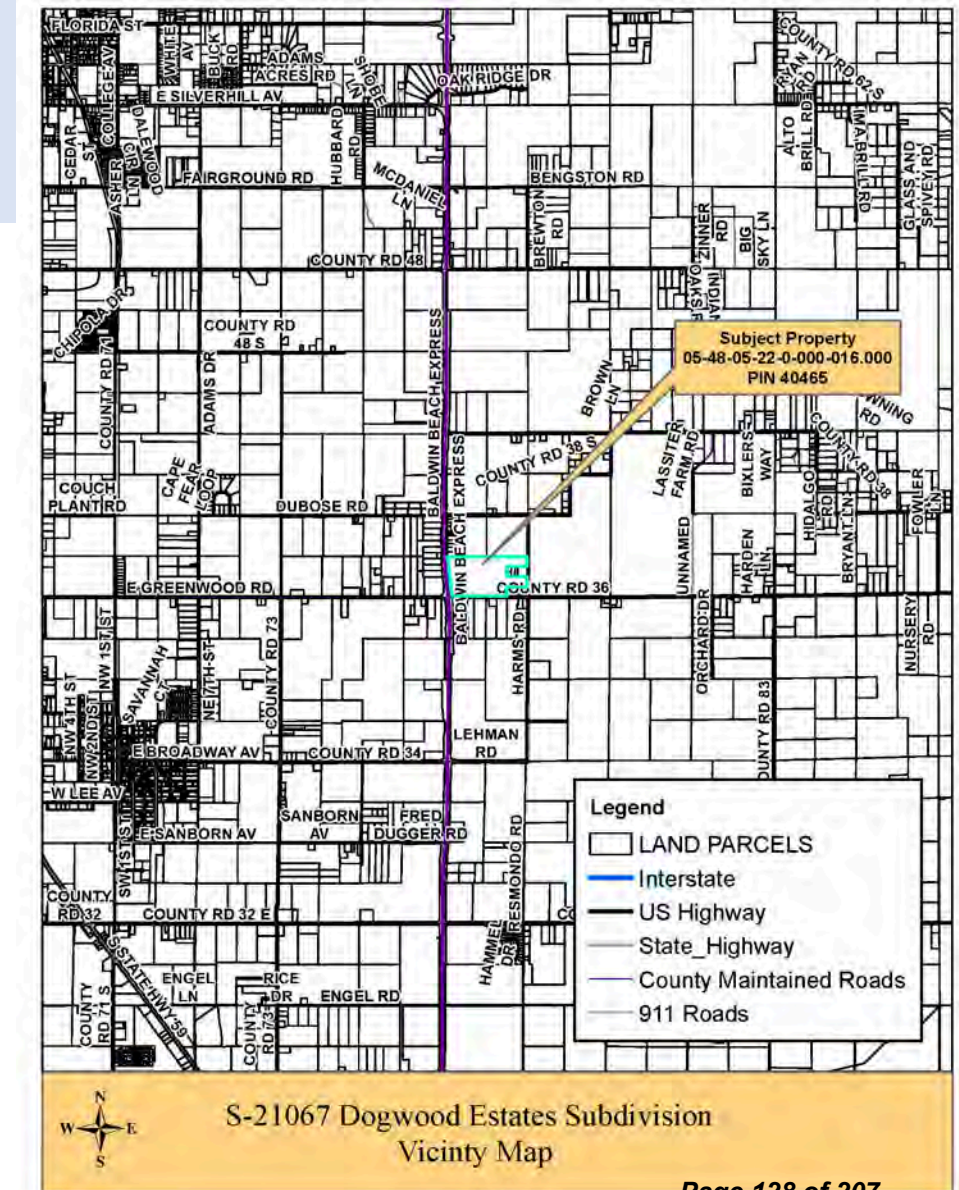
- **Total Property area:** 65.16 acres
- **Smallest Lot:** 7,930sf
- **Largest Lot:** 13,609sf
- **Setbacks:** 30' Front, 30' Rear 10' Side, 20' Street Side
- **Surveyor of Record:** David Diehl, PLS
SE Civil Engineering and Surveying
- **Staff Recommendation:** Denial



S-21067 DOGWOOD ESTATES PHASE I

PRELIMINARY PLAT APPROVAL REQUEST

- **Total Number of Lots:** 72 in Phase I covering 25.16 acres to be developed
- **Development Density:** 72 lots / 25.16 acres (Phase I) = 2.86 units per acre
- **New Public Streets:** 3,319 If total length, 50' ROWs, 20' total width, 2.5' valley curb and gutter, 5' sidewalks both sides – to be dedicated to Baldwin Co.
- **Owner/Developer:** ALEPH-TAV Investments, LLC PO BOX 2322 Fairhope, AL 36533





PLANNING AND ZONING CO.

[illegible]



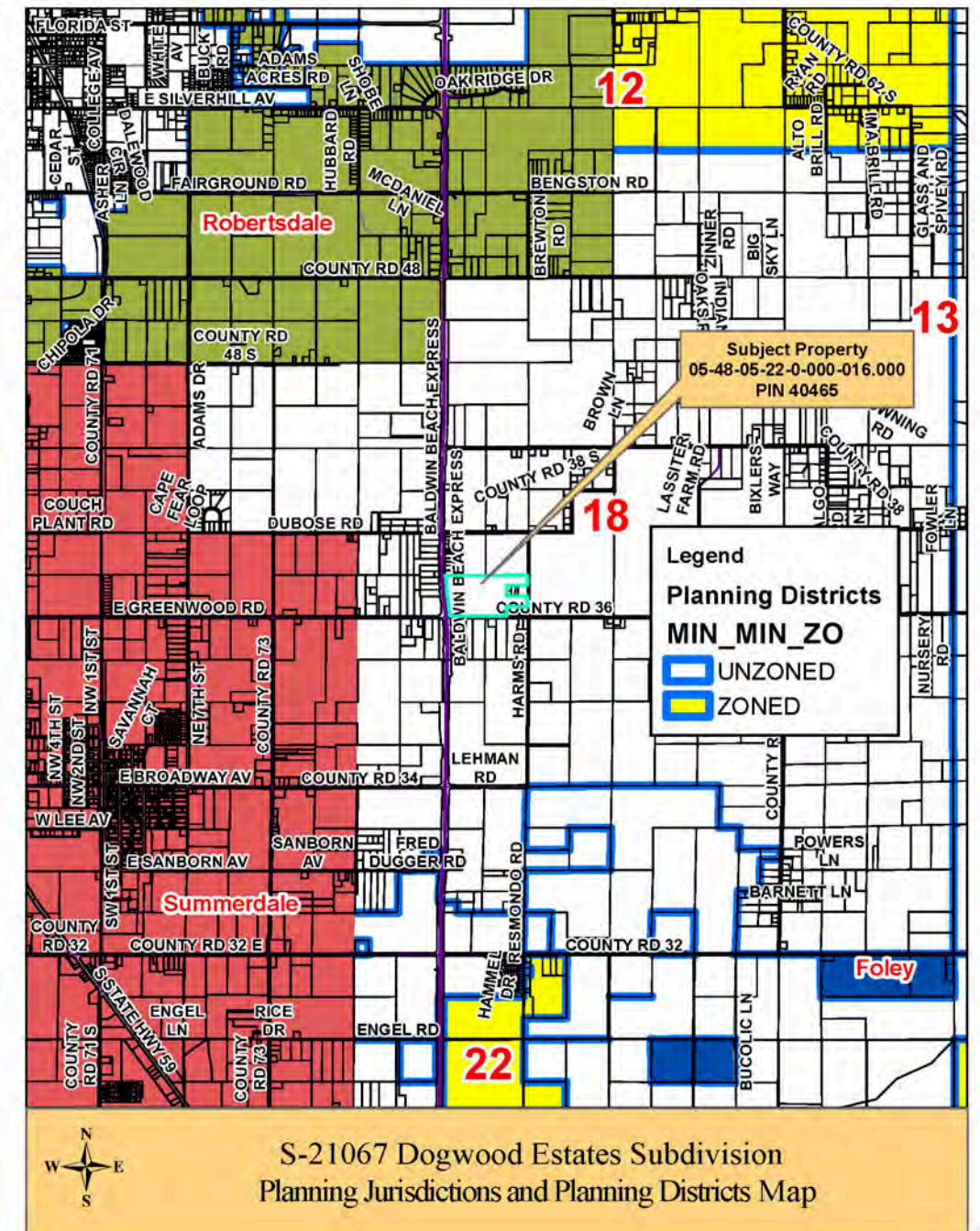
**Dogwood Estates
Phase 1
Preliminary Plat
Section 22, T-6-S, R-4-E**



| | |
|--------------|--------------------|
| DRAWN: | RDC |
| CHECKED: | JAF |
| PROJECT MGR: | DED |
| SCALE: | 1"=100' |
| PROJECT: | 2021-005 |
| FILE: | 2021005-PRELIM.PLT |
| SHEET: | 2 OF 2 |

S-21067 DOGWOOD ESTATES PH I

- Subject property is located at the northeast intersection of the Baldwin Beach Express along CR36 near the Town of Summerdale
- Parcel Number:
 - 05-48-05-22-0-000-016.000 (PIN 40465)
- The Citizens of Planning District 18 have not yet implemented zoning in this district



S-21067 DOGWOOD ESTATES PH I

Utilities Services

Water: *East Central Baldwin Water*

Sewer: *Baldwin County Sewer Service*

Electricity: *Baldwin EMC*

Telephone: *Centurylink*



S-21067 DOGWOOD ESTATES PH I

Staff Comments

- A traffic study is not required for Dogwood *Express*, however a traffic study was prepared by Dr. Samantha Islam of ASSR Consultants, LLC, for Dogwood *Estates*
- The *Estates* traffic study has been reviewed by the Baldwin County Highway Department and right and left turn approaches will be required at the intersection of CR36
 - Additional ROW acquisition along CR36 will be required, which will affect **both** *Express* and *Estates*

June 28, 2021

TRAFFIC IMPACT STUDY

Dogwood Estates Subdivision
Summerdale, Alabama

Prepared on behalf of:

ALEPH-TAV Investments, LLC
c/o Pete Camley
PO Box 2322, Fairhope, AL 36533
Phone: (251) 680-4828

Prepared by:



Samantha Islam, Ph.D., P.E.
ASSR Consultants, LLC
3870 Branford Ct
Mobile, AL 36619
Ph: (251)-545-9681



S-21067 DOGWOOD ESTATES PH I

Staff Comments

- Larry Smith, PE of S.E. Civil prepared a drainage narrative for subject property
 - The drainage narrative is currently under review by the Baldwin County Highway Department

DRAINAGE NARRATIVE

GENERAL INFORMATION

Dogwood Estates subdivision is a proposed one hundred forty-nine (149) lot subdivision located in Baldwin County jurisdiction. The subdivision contains approximately 48.49 acres. The site is in Sections 22 of Township 6 South, Range 4 East and is 0.10 miles east of the Baldwin County Rd 36 and Baldwin Beach Express intersection.

DRAINAGE CONDITIONS

The terrain of the site falls in three (3) separate basins. One basin drains towards the west and ultimately discharges to the roadside ditch at the County Rd 36 and Baldwin Beach Express intersection. The second basin drains to the southeast and discharges onto the County Rd 36 roadside ditch into a culvert crossing the road near the southeast corner of the site. The third basin drains towards the east and discharges to the roadside ditch on Harms Road. The site is mostly vacant row crops.

Water will be collected in a series of inlets and underground drainage. The underground drainage will discharge into three (3) proposed dry ponds. The first pond is located on the west side of the property and will discharge through an outlet control structure to an existing channel within the site which drains to the intersection of County Rd. 36. The second pond is on the southeast corner of the site and will discharge through an outlet control structure into the County Rd. 36 roadside ditch. The third pond is located towards the northeast corner of the site and will discharge through an outlet control structure into an existing channel along the north property line which connects with the channel that the first pond drains to on the east side of the site.

HYDRAULIC ANALYSIS

Field verified elevations were used to determine the drainage basin area.

The SCS method for runoff estimation will be used to develop the detention calculations for the project. NOAA has published intensity curves specific to this area and the 2, 5, 10, 25, 50 and 100-year, 24-hour storm events will be utilized in the drainage calculations for this site. The existing GIS contours along with field verified elevations for the area will be used to determine the size of the drainage basin. The drainage basin area will then be plotted on the USDA Web Soil Survey to determine the soil characteristics. Soil surveys are made to provide information about the soils within the drainage area. They include a description of the soil types, their location, and tables that show soil properties and limitations affecting various uses. TR-20 presents a simplified procedure for estimating runoff and peak discharges in watersheds. Using this procedure, the SCS Curve number method along with the information gained in the soil report, runoff is able to be estimated.

The time of concentration (Tc) is also necessary for the flow estimate. This value will be estimated using the grade change from the most remote point of the drainage area to the location of the proposed inlet or pipe. The grade, change, travel length, and surface conditions can be applied to equations from "Technical Release 55, Urban Hydrology for Small Watersheds" (TR-55) published by the United States Department of Agriculture, Natural Resources Conservation Service to calculate the time of concentration.

HydroCAD utilizes the composite runoff curve number and the area of the drainage basin to determine the outflow of the drainage basin. Twenty-four-hour rainfall intensities for two, five, ten, twenty-five, fifty, and one hundred year return storm events will be applied to the drainage areas to determine the flow. The software is then used to determine the flow exiting the drainage basin and entering the proposed detention pond for pre- and post-development scenarios.

StormCAD will be used to analyze the closed drainage systems for the proposed project. Curbs and gutters channel storm water from the roadways; the storm water is then collected into wing inlets and yard inlets, which eventually is piped to the proposed detention ponds. Weir structures will be installed in the detention ponds and will discharge at a controlled rate less than the pre-developed rate.


Larry Smith, PE
Project Manager
251-990-6566

S-21067

Staff Comments

- Output of USFWS wetland map viewer at right
- Note the connection of the grady pond to the existing wetland conveyance system



Subject Property



September 2, 2021

Wetlands

| | | |
|--------------------------------|-----------------------------------|-------|
| Estuarine and Marine Deepwater | Freshwater Emergent Wetland | Lake |
| Estuarine and Marine Wetland | Freshwater Forested/Shrub Wetland | Other |
| Freshwater Pond | Riverine | |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



**JURISDICTIONAL WETLAND AREA
(GRADY POND) IDENTIFIED IN
WETLAND DELINEATION**

**Dogwood Estates
Phase 1
Preliminary Plat
Section 22, T-6-S, R-4-E**

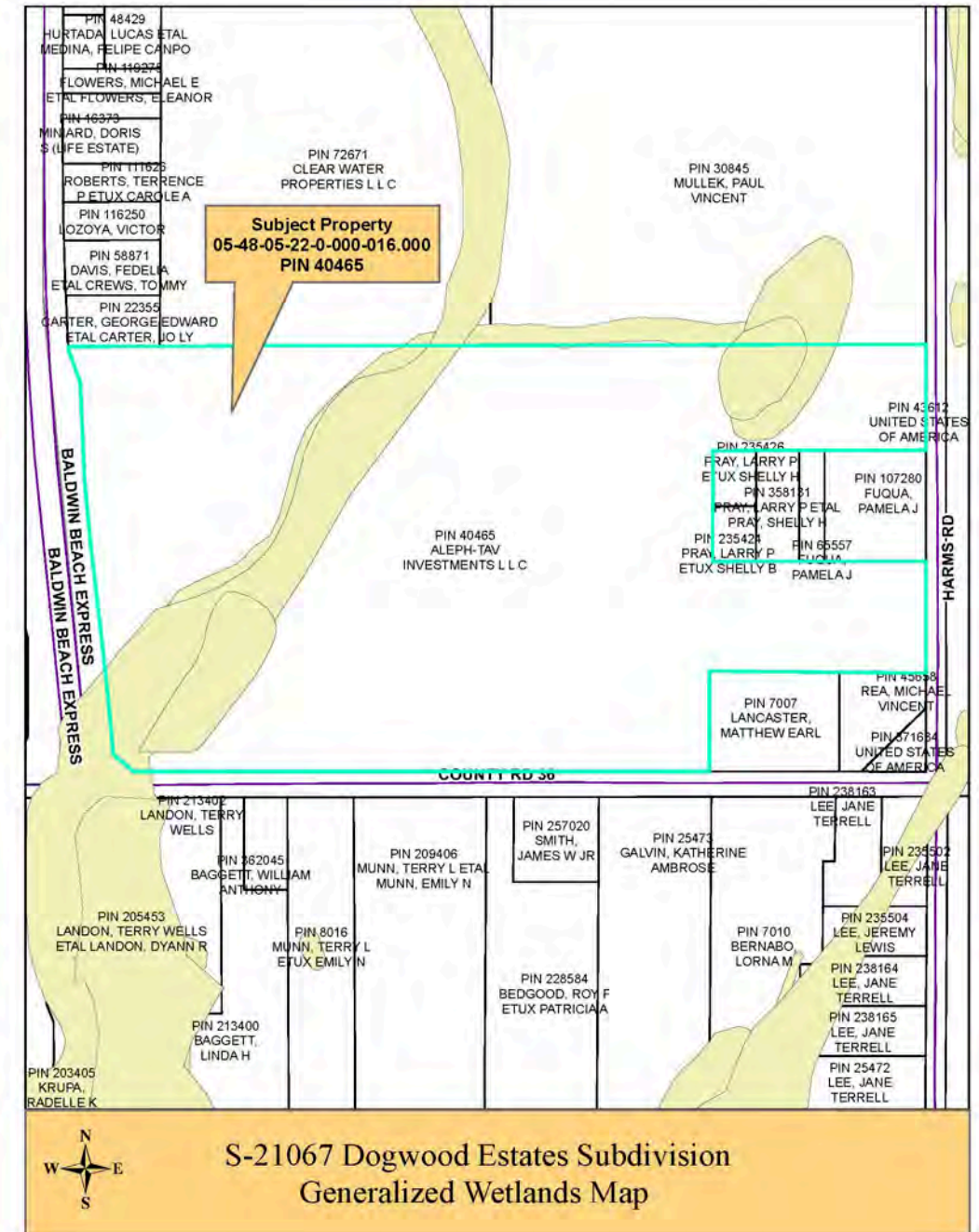


| | |
|--------------|--------------------|
| DRAWN: | RDC |
| CHECKED: | JAF |
| PROJECT MGR: | DED |
| SCALE: | 1"=100' |
| PROJECT: | 2021-005 |
| FILE: | 2021005-PRELIM.PLT |
| SHEET: | 2 OF 2 |

S-21067 DOGWOOD ESTATES PH I

Staff Comments

- Map at right depicts hydric soils and potential wetlands combined, as well as USFWS data
- This is the “Generalized Wetland Map” utilized by staff that accounts for multiple variations of wetland data



S-21067 DOGWOOD ESTATES PH I

WETLANDS REVIEW

| | | |
|---|----------|--|
| 4.5.5(q) U.S. Army Corps of Engineers jurisdictional wetlands determination if the proposed subdivision contains jurisdictional wetlands or is within 100 feet of a jurisdictional wetland as required by the Baldwin County Planning Director or his/her designee, from the Generalized Wetland Map; or through a site visit by County Staff | | |
| <input type="checkbox"/> N/A | Accepted | <input checked="" type="checkbox"/> Revise and Resubmit |
| Technical Review Annotations: Check both the Baldwin County potential wetlands layer and USFWS National Wetland Inventory maps for the presence of any wetlands. If wetlands are shown on the generalized wetlands map (potential wetlands layer) the reviewer should examine the wetland delineation/determination provided by the applicant. If applicant did not provide, review should request a delineation prepared by a qualified delineator. Once a delineation is in-hand, reviewer may request further input from the County Natural Resource Planner if there are substantial differences between potential wetlands layer and the delineation. | | |

S-21067 DOGWOOD ESTATES PH I

4.5.5(q) U.S. Army Corps of Engineers jurisdictional wetlands determination if the proposed subdivision contains jurisdictional wetlands or is within 100 feet of a jurisdictional wetland as required by the Baldwin County Planning Director or his/her designee, from the Generalized Wetland Map; or through a site visit by County Staff

☐ N/A

☐ Accepted

☒ **Revise and Resubmit**

1. If the delineation prepared by the qualified delineator **indicates** the presence of jurisdictional wetlands, the regs automatically require a USACE determination.

2. If the delineation prepared by the qualified delineator **does not indicate** jurisdictional wetlands but on review County staff believes a determination is necessary due to various site conditions, staff may require a determination. We expect to use this measure sparingly and will rely heavily on the Natural Resource Planner in making these decisions.

Review Comments: As mentioned in section 4.5.5(e), above, the entire 05-48-05-22-0-000-016.000 parcel is not depicted on the proposed plat. As a result, the 0.2-acre jurisdictional wetland identified in the wetland delineation report is not depicted on the plat, please revise and resubmit to reflect the entire parcel and reflect the jurisdictional wetlands as well as 30-foot wetland setback and 15 foot natural buffer on the plat.

S-21067 DOGWOOD ESTATES PH I

Wetland Comments

- The subdivision plat was revised as requested to reflect the entire parcel to be divided and also now reflects the “grady” pond area indicated within the delineation
- A wetland *determination* from the USACE was not furnished as contemplated by 4.5.5(q)
- After examining USFWS data as well as the Generalized Wetland Map, staff determined the as-submitted delineation, absent of a USACE determination, to be a *substantial difference* from the USFWS data and the Generalized Wetland Map

S-21067 DOGWOOD ESTATES PH I

Wetland Comments (continued)

Due to the substantial differences between the Generalized Wetland Map and the provided delineation, and the absence of a USACE determination, staff elected to invoke the provisions of newly-adopted 5.2.2(b)(iii) in advance of their effective date (10/1/2021)

- If the wetland delineation as-submitted passed the “tests” within 5.2.2(b)(iii), staff would proceed with placing case number S-21067 on the Planning Commission agenda for consideration
- The purpose of invoking the provision before its effective date was to avoid holding over a case if it met the latest review standard contemplated by the *Baldwin County Subdivision Regulations*
- The Natural Resources Planner visited the site to apply the “tests” within 5.2.2(b)(iii) and determined more information was required in order to arrive at a conclusion – *in other words it was not possible to determine if the delineation passed the “tests” and thus negating the need for a USACE wetland determination*

S-21067 DOGWOOD ESTATES PH I

Wetland Comments (continued)

The provisions within 5.2.2(b)(iii) effective 10/1/2021 are as follows:

If wetland fill and/or stream modification is not proposed, the Baldwin County Planning Director may, at his or her discretion, require the applicant to submit a(n) USACE Jurisdictional Determination after documenting the following:

- 1. A site visit by a Baldwin County Planning and Zoning Staff member revealed potential wetlands on the site that differ significantly from the delineation supplied by the Applicant;*
- 2. A review of the Generalized Wetland Map reveals potential wetlands on the site that differ substantially from the delineation supplied by the Applicant; or*
- 3. Knowledge of historic stormwater problems in and around the site area*

S-21067 DOGWOOD ESTATES PH I

Wetland Comments (continued)

The provisions within 5.2.2(b)(iii) effective 10/1/2021 (continued) are as follows:

*When a jurisdictional determination is deemed necessary above in this subsection (iii), the Planning Director may, in lieu of a jurisdictional determination, **accept a second wetland delineation** prepared by a professional wetland delineator who is not affiliated with the specialist responsible for the original delineation.*

- Staff advised the applicant case number S-21067 would be held over due to the major deficiency of failure to comply with applicable wetland requirements. Staff further invoked 5.2.2(b)(iii), giving the applicant the option of submitting a **second wetland delineation** prepared by professional wetland delineator not affiliated with the specialist that prepared the original delineation in lieu of submitting a USACE determination
 - The second delineation may likely be accomplished much sooner than awaiting a determination from USACE

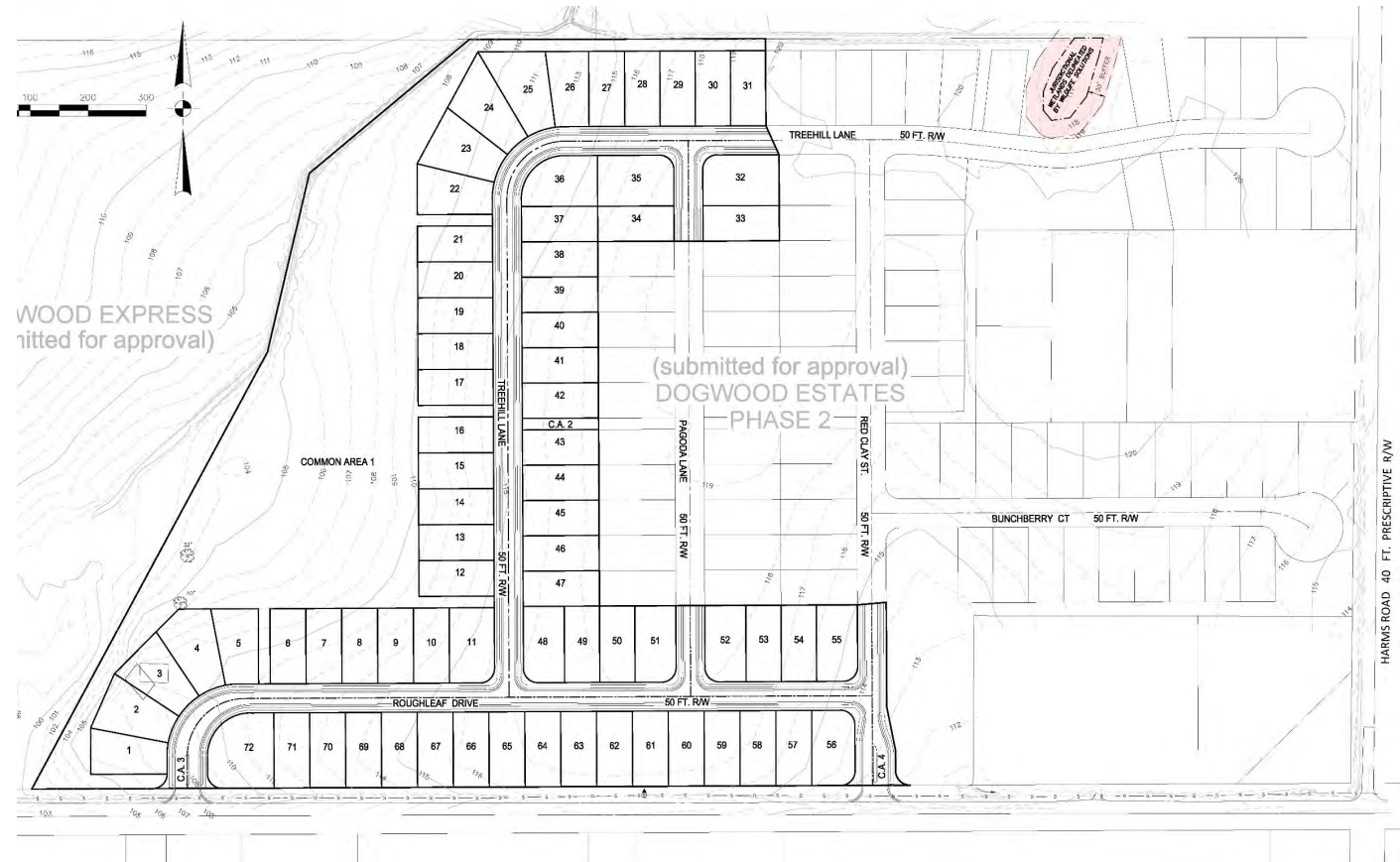
S-21067 DOGWOOD ESTATES PH I WETLANDS (CONTINUED)

- The applicant requested that in lieu of holding over case S-21067 the applicant would like the Baldwin County Planning Commission to consider case S-21067 in its current form
- As a result, staff must declare the application deficient and recommend denial of case S-21067
- If denied, staff requests the applicant address the following prior to re-submission:
 - Reflect the ROW acquisition required along CR36 for turn lane approaches on both the *Estates* and *Express* subdivision plats
 - The applicant may wish to submit construction plans to HWY for review during the new submittal waiting period to establish the ROW acquisition
 - Determine if any building height restrictions or other provisions are required by the US Navy/DoD to be reflected on the plat due to the proximity to OLF Summerdale
 - Staff is aware the City of Foley has certain requirements in the vicinity of OLF Barin required by US Navy/DoD

S-21067 DOGWOOD ESTATES PH I | STAFF RECOMMENDATION

Staff recommends that the Development Permit / Preliminary Plat application for Case No. S-21067, Dogwood Estates be **DENIED** due to the application's major deficiency of failure to comply with applicable wetland requirements

- The Baldwin County Planning and Zoning Commission shall not consider, for a period of four (4) months, an application for preliminary plat which has been disapproved





BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

SUPPORTING INFORMATION

S-21067 WETLANDS

S-21067 DOGWOOD ESTATES PH I

Wetland Comments

- The wetland delineation narrative appears to identify the “ditch” within subject property as jurisdictional, but the “ditch” is not indicated graphically on the subdivision plat nor on the wetland map within the delineation
- The “ditch” is connected to the “Grady Pond” and appears to comprise an existing wetland conveyance system that is reflected within the USFWS wetland inventory viewer as “Freshwater Shrub / Forested Wetland”



Wildlife Solutions, Inc.

250 S. School Street

Fairhope, AL 36532

251-591-2682

jmccool@bellsouth.net

September 2, 2021

Rhett D. Cropper, PLS
880 Holcomb Blvd., Suite 2F
Fairhope, Alabama 36532
251-990-6566 phone
rhett@secivil.pro

Re: Wetland Determination

As requested, our staff biologist inspected the site (Southwest Corner of PLSS 6S, 4E, Section 22; PID:05-48-05-22-0-000-016.000) for the presence of jurisdictional wetlands. After performing a detailed field survey, it was determined that a 0.2 ac area along the northeastern boundary (see attached maps) is a jurisdictional wetland according to the Mobile District of the U.S. Army Corps of Engineers and falls under their regulatory purview.

The wetland delineation was performed in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual, the 2012 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic & Gulf Coast Supplement (2010). All areas of the property were transected and visible during inspection. Weather conditions were slightly wetter than average for the locality during the wet season, but within the normal range. The following is a summary of our findings.

The property consists of flat sandy soils with water shedding to the southwest corner. Prior to the 1961 NRCS Soil Survey the property was cleared and ditched to enhance agricultural use. At the time, three areas of the property were identified as lowland soils (Bb, Hb & Gr). Hb and Gr soils typically have a greater than 85% chance of being hydric or wetland soils, while Bb soils are largely found in upslope alluvial conveyances and have only a 40% chance of being found to be hydric. The ditching of the property from the Gr soils and through the Bb soils reduced the hydroperiod of the Gr soils but did not completely remove all hydrology (as they still meet the conditions of a wetland). These depressional wetland soils are usually isolated in nature and not regulated, however the ditching creates a legal nexus and makes this wetland jurisdictional. Additionally, in 2013 the Beach Expressway was constructed along the western boundary. This filling activity completely removed any potential for hydrology or hydric soil conditions within the Bb and Hb soil units, but the considerable man-made drainage infrastructure still qualifies as a legal nexus for the Gr soils.

In conclusion, the lion's share of the property is developable and the 0.2-acre depressional wetland in the northeast corner is a jurisdictional wetland and cannot be grubbed, filled or

significantly manipulated without obtaining the necessary permission from the Army Corps of Engineers.

Please don't hesitate to give me a call should you have any questions or concerns.

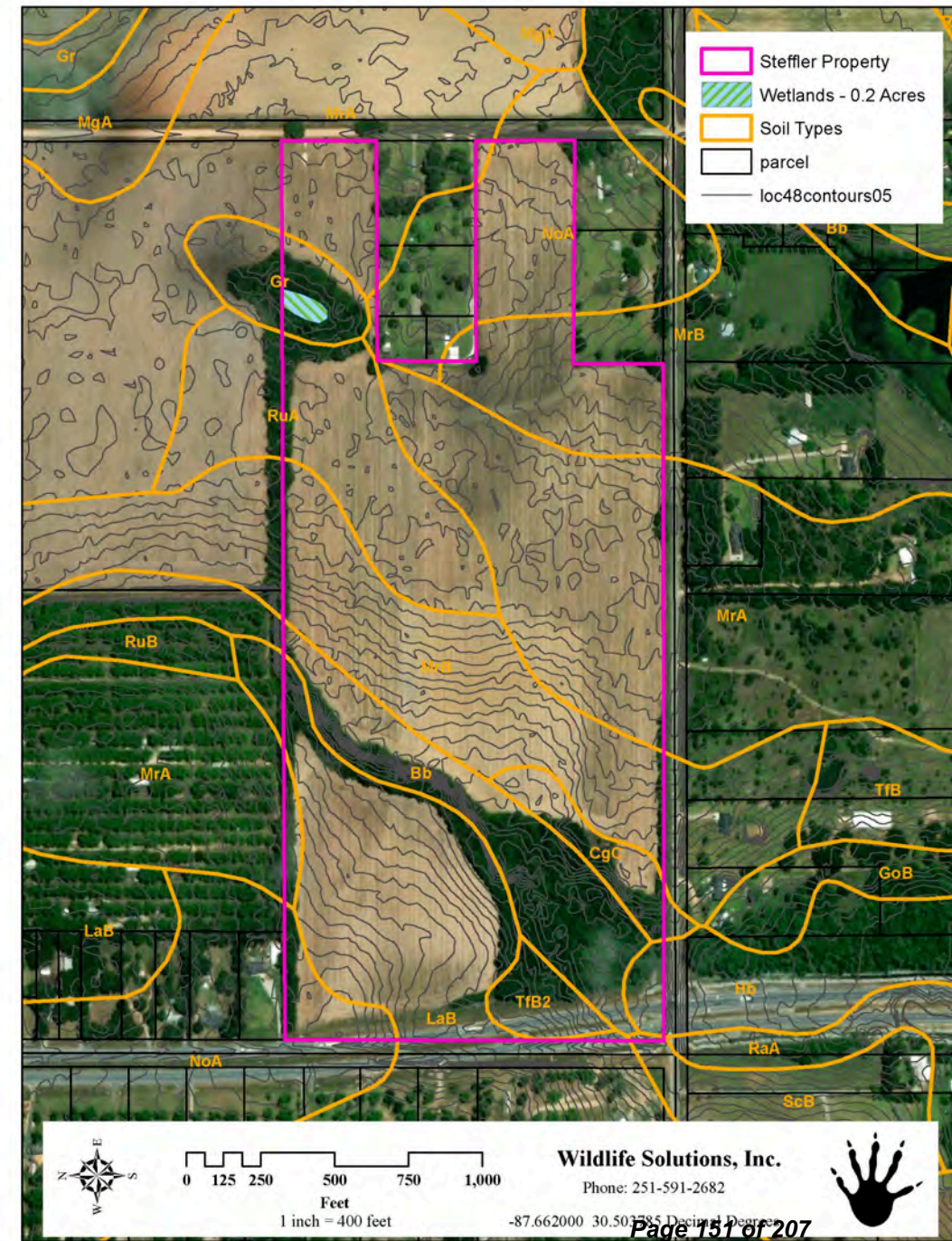
Best regards,

JJ McCool
Forester/Wildlife Biologist

S-21067 DOGWOOD ESTATES PH I

Staff Comments

- The previous slide contains the wetland delineation written narrative
- The narrative indicates the “ditch” area to be a “legal nexus that makes this wetland jurisdictional”
- The map at right is an excerpt from the wetland delineation
- The “ditch” area is not shown on the wetland map at right nor on the subdivision plat





**Dogwood Estates
Phase 1
Preliminary Plat
Section 22, T-6-S, R-4-E**



| | |
|--------------|--------------------|
| DRAWN: | RDC |
| CHECKED: | JAF |
| PROJECT MGR: | DED |
| SCALE: | 1"=100' |
| PROJECT: | 2021-005 |
| FILE: | 2021005-PRELIM.PLT |
| SHEET: | 2 OF 2 |

S-21067

Staff Comments

- Output of USFWS wetland map viewer at right
- Note the connection of the grady pond to the existing wetland conveyance system through subject property



Subject Property



September 2, 2021

Wetlands

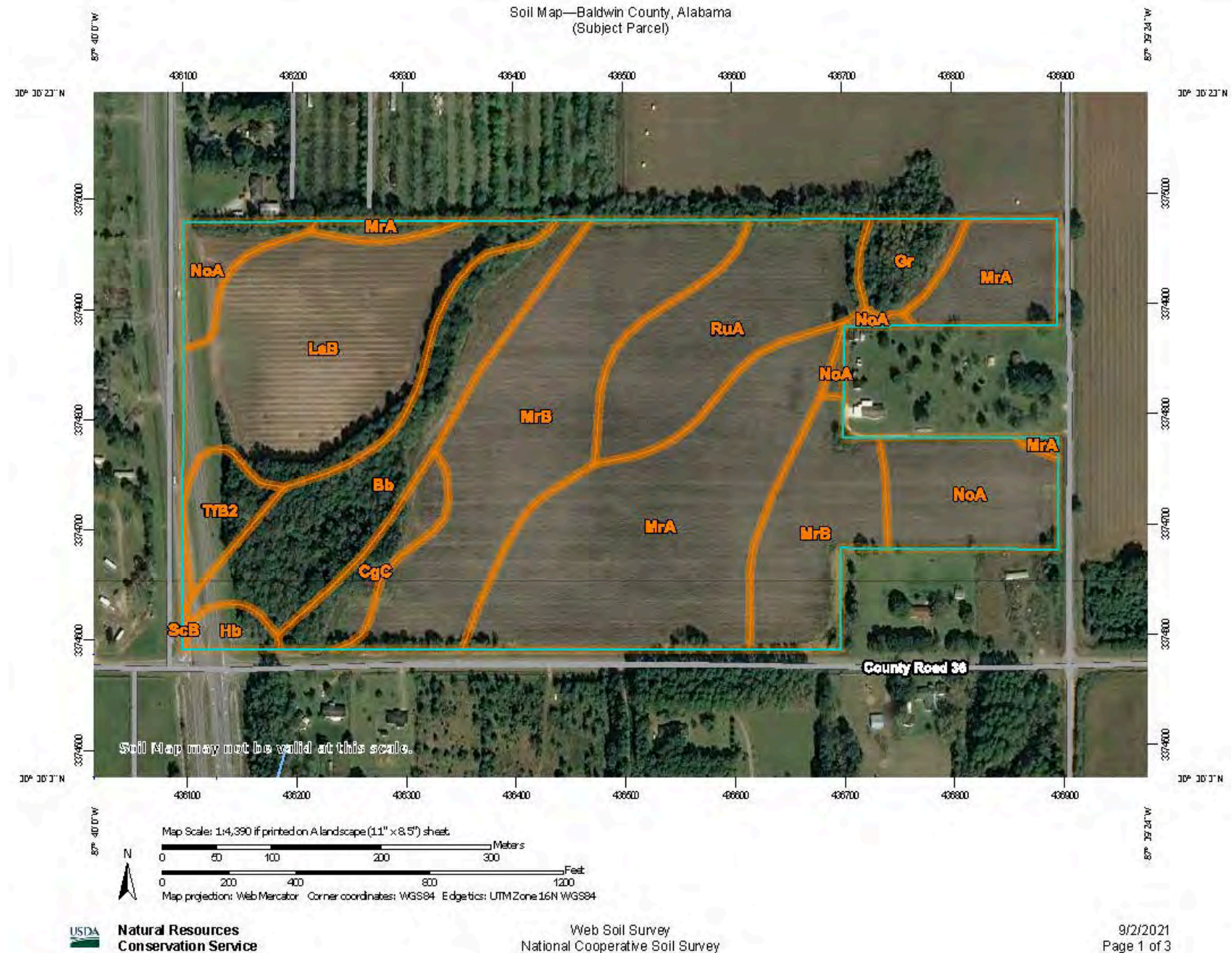
| | | |
|--------------------------------|-----------------------------------|-------|
| Estuarine and Marine Deepwater | Freshwater Emergent Wetland | Lake |
| Estuarine and Marine Wetland | Freshwater Forested/Shrub Wetland | Other |
| Freshwater Pond | Riverine | |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

S-21067

Staff Comments

- NRCS Soil Map output from the wetland delineation
- Bibb (Bb) and Grady (Gr) are hydric soils consistent with wetland areas



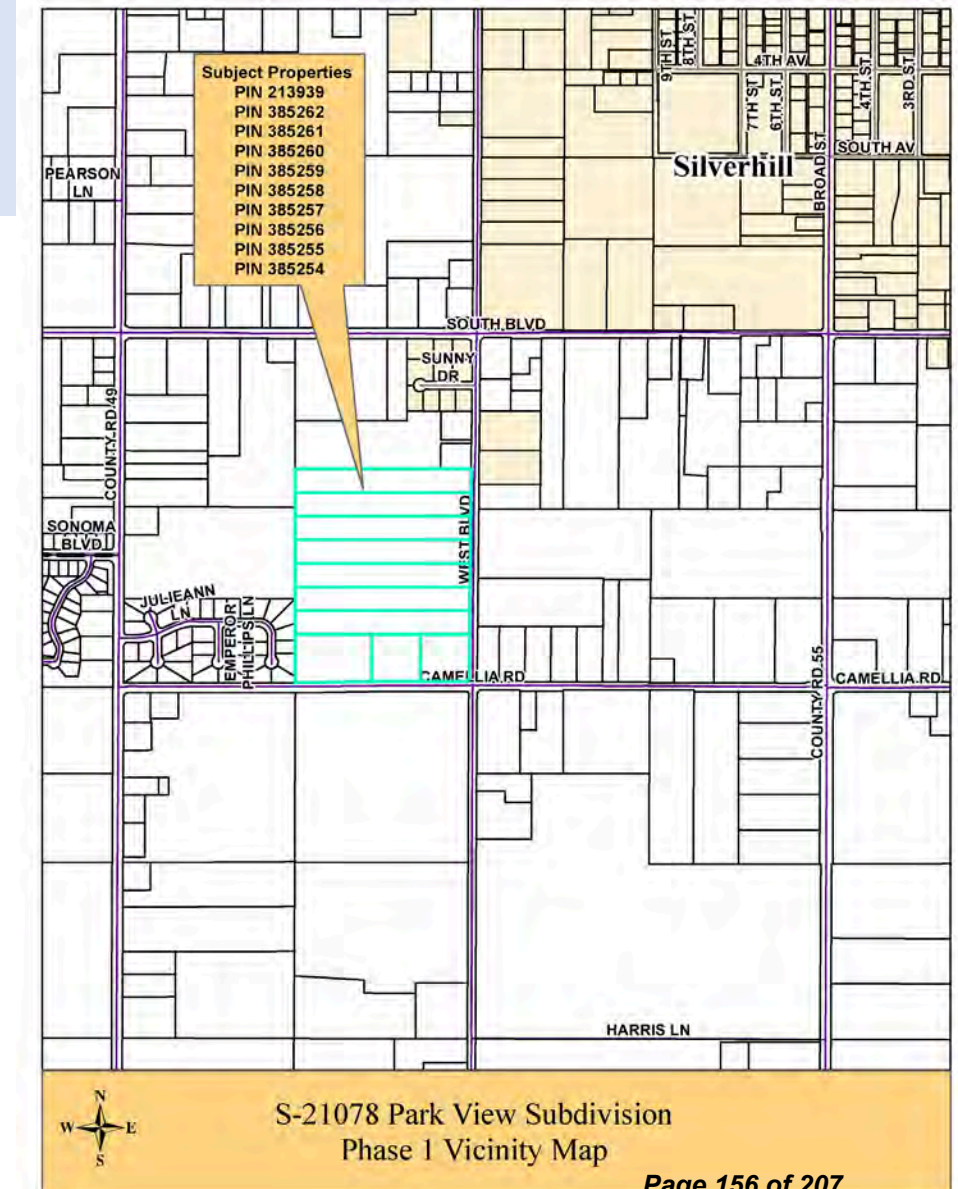
8.d) S-21078 PARK VIEW PHASE 1

Staff Report Prepared by:
J. Buford King, Development Review
Planner

PRELIMINARY PLAT APPROVAL REQUEST

- **Total Property area:** 34.44 acres
- **Smallest Lot:** 7,860sf
- **Largest Lot:** 10,131sf
- **Setbacks:** 30' Front, 30' Rear 10' Side, 20' Street Side
- **A re-subdivision of portions of Lots 1-10 of *Silver Ranch Estates*** Slide 2716-D
- **Surveyor of Record:** David Diehl, PLS
SE Civil Engineering and Surveying

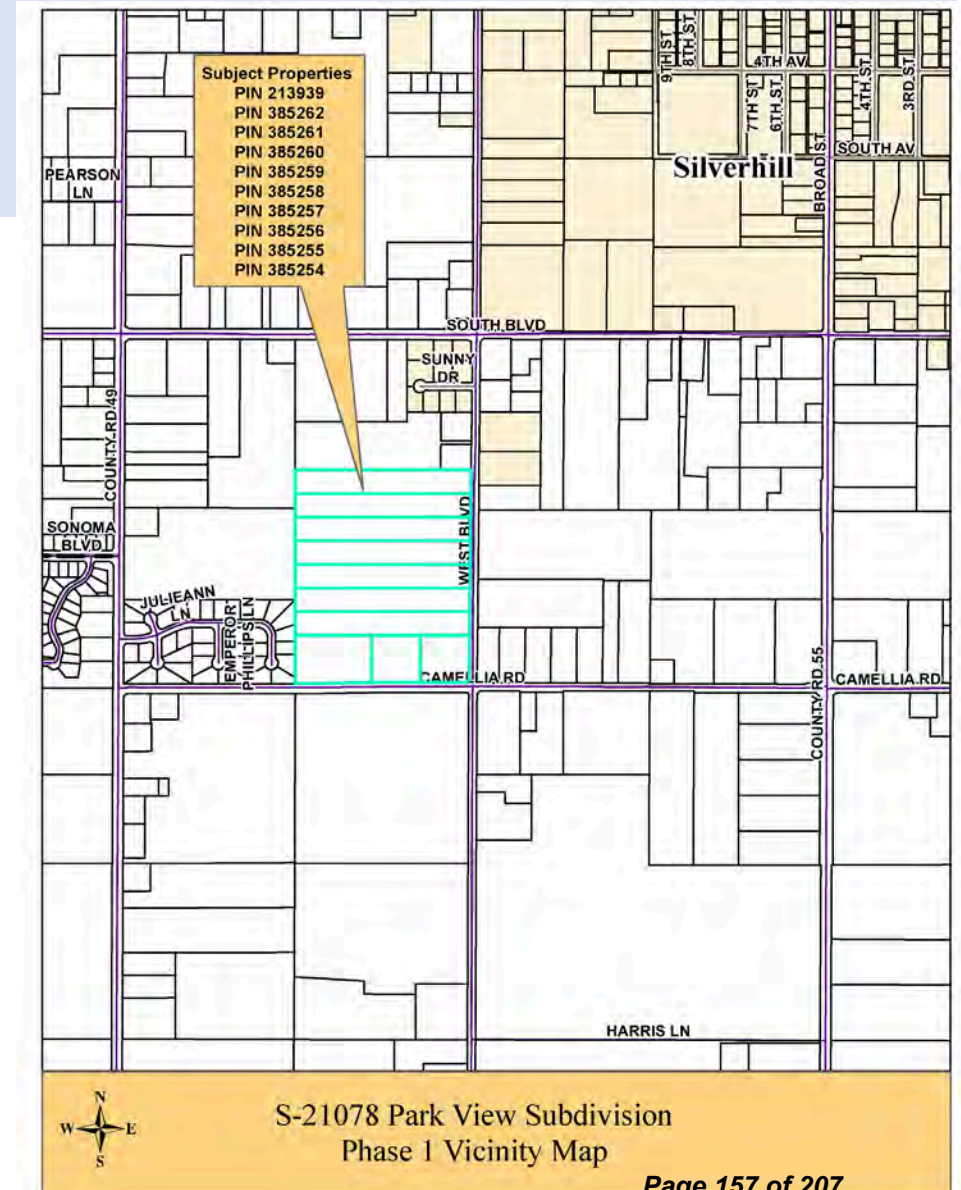
Baldwin county Planning and Zoning Commission October 7, 2021 Full Agenda



S-21078 PARK VIEW PHASE 1

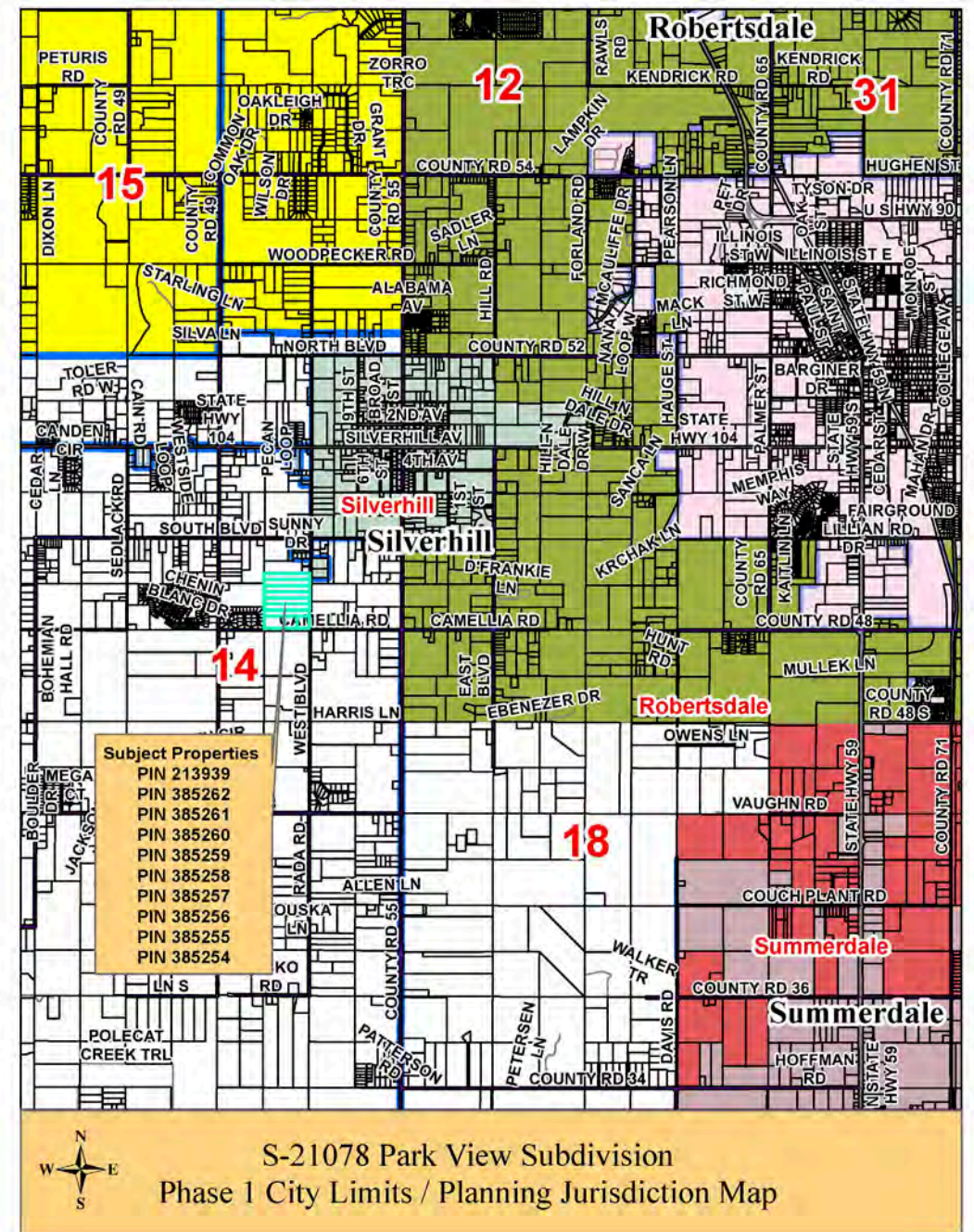
PRELIMINARY PLAT APPROVAL REQUEST

- **Total Number of Lots: 78**
- **Development Density:** 2.26 units per acre
- **Total Street Length:** 3,112 lf
 - To be dedicated to Baldwin County
- **Sidewalks:** 5' wide both sides of ROW
- **Owner/Developer:** R&P Development, LLC 18044 Vaugh RD Summerdale, AL



S-210782 PARK VIEW PHASE I

- Subject property is located on the north side of Camelia Road west of West Boulevard near the Town of Silverhill
- Parcel Number
 - 05-47-02-10-0-000-011.012 (PIN 21939) et al
- The Citizens of Planning District 14 have not yet implemented zoning in this district



S-21078 PARK VIEW PHASE I

Utilities Services

Water: *Town of Silverhill
Utilities*

Sewer: *Baldwin County Sewer
Service*

Electricity: *Riviera Utilities*

Telephone: *Centurylink*



S-21078 PARK VIEW PHASE I

Staff Comments

- A traffic study was prepared by Dr. Samantha Islam of ASSR Consultants, LLC
- The traffic study was accepted by the Baldwin County Highway Department
- An enlargement of the Camelia Road connector is shown below



September 6, 2021

TRAFFIC IMPACT STUDY (Revised)

Park View Subdivision
Silverhill, Alabama

Prepared on behalf of:

R & P Development, LLC
c/o Bill Patterson
18044 Vaughn Rd, Summerdale, AL 36580
Phone: (251) 979-5952

Prepared by:

Samantha Islam

Samantha Islam, Ph.D., P.E.
ASSR Consultants, LLC
3870 Branford Ct
Mobile, AL 36619
Ph: (251)-545-9681



Staff Comments

- [illegible]

S-21078 PARK VIEW PHASE 1

Staff Comments

- Larry Smith, PE of S.E. Civil prepared a drainage narrative for subject property
 - An excerpt is at right depicting 2-100 year, 24-hour rainfall intensity stormwater flow rates
 - The drainage narrative was accepted by the Baldwin County Highway Department

StormCAD was used to analyze the closed drainage systems for the proposed project. Curbs and gutters channel storm water from the roadways; the storm water is then collected into wing inlets and yard inlets, which eventually is piped to the proposed detention ponds. Weir structures will be installed in the detention ponds and discharge at a controlled rate less than the pre-developed rate.

PRE/POST-DEVELOPMENT FLOW RATES

| FLOW RATES (cfs) | | | | |
|------------------|---------------|----------------|-----------|---------------|
| | PRE (TO WEST) | POST (TO WEST) | REDUCTION | HW (DRY POND) |
| 2 YEAR | 108.51 | 66.01 | 42.50 | 121.55 |
| 5 YEAR | 151.86 | 101.97 | 49.89 | 121.74 |
| 10 YEAR | 193.39 | 138.58 | 54.81 | 121.92 |
| 25 YEAR | 258.97 | 199.92 | 59.05 | 122.17 |
| 50 YEAR | 314.25 | 253.59 | 60.66 | 122.37 |
| 100 YEAR | 377.09 | 314.49 | 62.60 | 122.58 |
| POND TOP | - | - | - | 123.00 |



S-21078 PARK VIEW PHASE I

PRELIMINARY PLAT APPROVAL REQUEST **STAFF RECOMMENDATION**

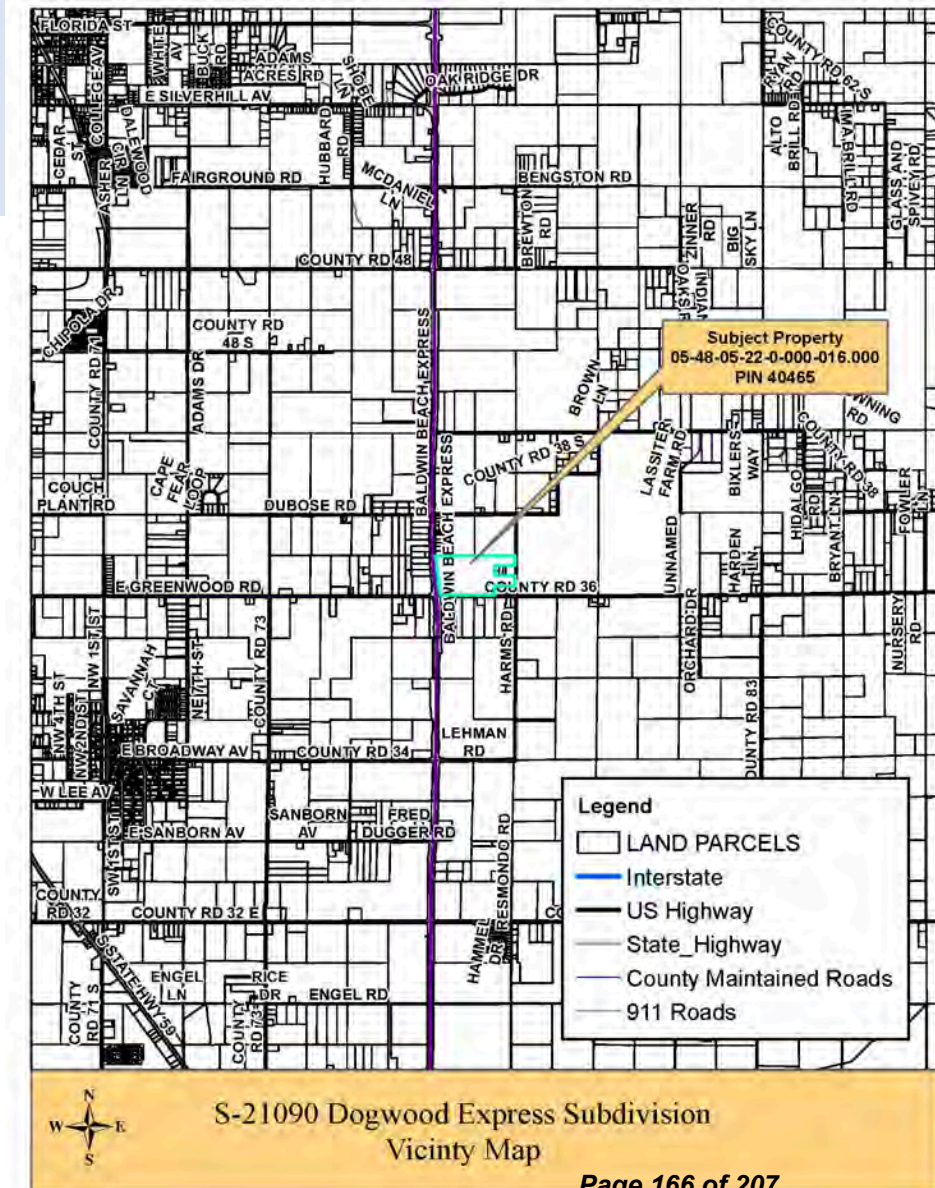
Staff recommends that the Development Permit / Preliminary Plat application for Case No. S-21078, Park View Subdivision Phase 1 be **APPROVED** subject to compliance with the Baldwin County Subdivision Regulations

8.e) S-21090 DOGWOOD EXPRESS

Staff Report Prepared by:
J. Buford King, Development Review
Planner

PRELIMINARY PLAT APPROVAL REQUEST

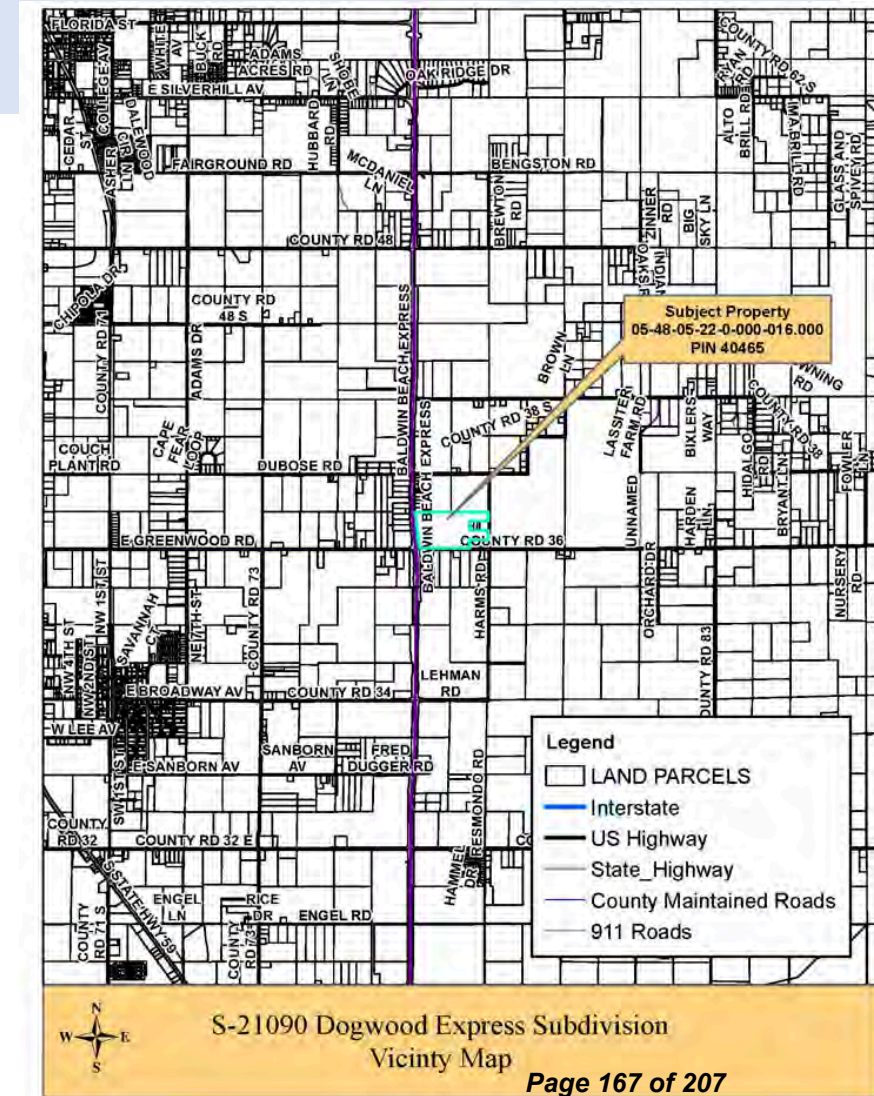
- **Total Property area:** 65.16 acres
- **Lot 1:** 16.66 acres
- **Remnant Parcel:** To become Dogwood Estates
- **Setbacks:** 30' Front, 30' Rear 10' Side, 20' Street Side
- **Surveyor of Record:** David Diehl, PLS
SE Civil Engineering and Surveying
- **Staff Recommendation:** Denial

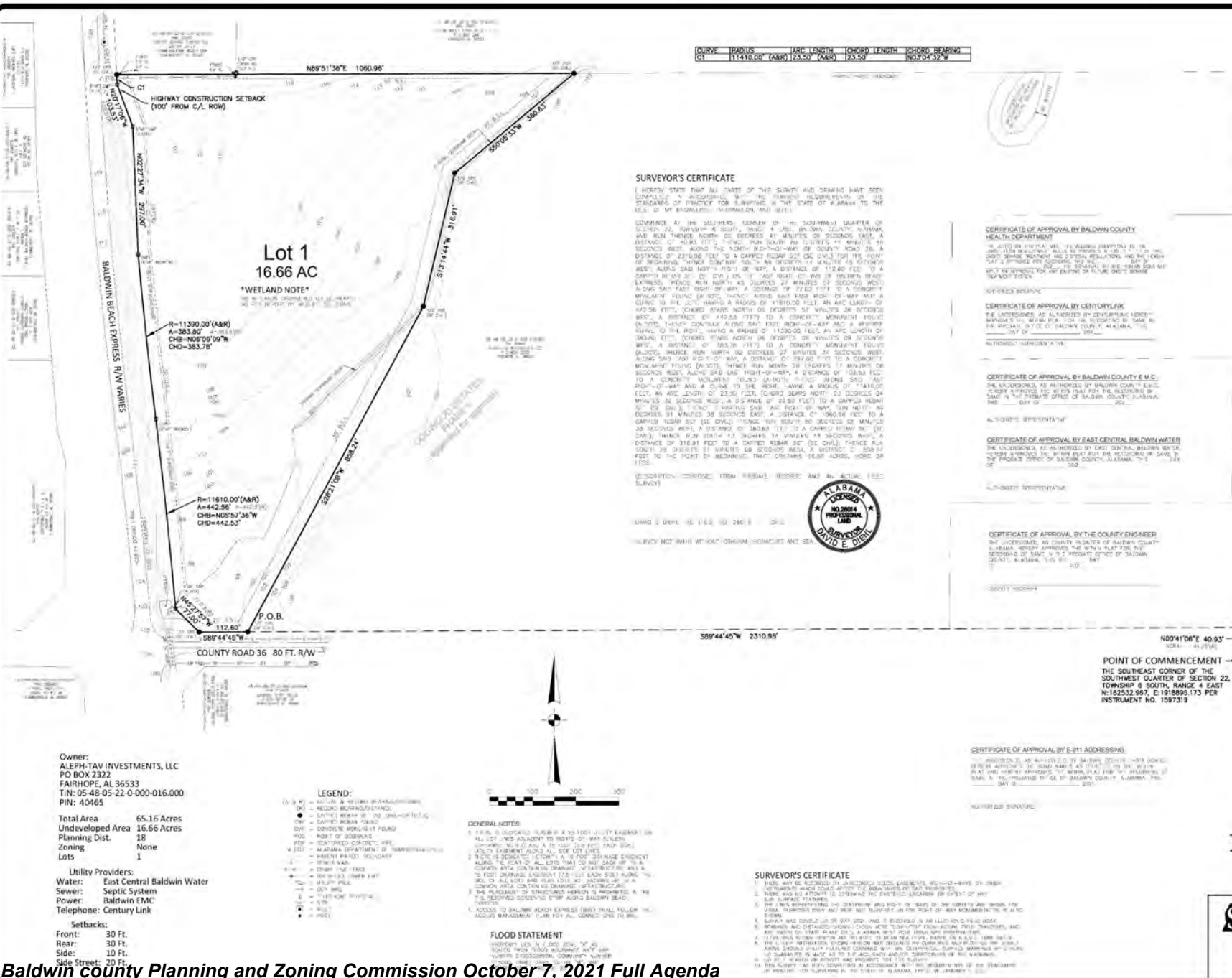


S-21090 DOGWOOD EXPRESS

PRELIMINARY PLAT APPROVAL REQUEST

- **Total Number of Lots:** 1
- **Development Density:** less than one unit per acre
- **Total Street Length:** N/A
 - No new streets, sidewalks, or other improvements proposed
- **Owner/Developer:** ALEPH-TAV Investments, LLC PO BOX 2322 Fairhope, AL 36533





SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND CLAIMS HAVE BEEN EXAMINED BY ME, AND THAT THE SURVEY IS ACCURATE AND CONFORMS TO THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

CERTIFICATE OF APPROVAL BY BALDWIN COUNTY HEALTH DEPARTMENT

THE ABOVE SURVEY HAS BEEN REVIEWED BY THE BALDWIN COUNTY HEALTH DEPARTMENT AND IT IS APPROVED FOR THE PURPOSES OF THE HEALTH DEPARTMENT.

CERTIFICATE OF APPROVAL BY CENTURYLINK

THE UNDERSIGNED, AS AUTHORIZED BY CENTURYLINK, HAS REVIEWED THE ABOVE SURVEY AND IT IS APPROVED FOR THE PURPOSES OF CENTURYLINK.

CERTIFICATE OF APPROVAL BY BALDWIN COUNTY E.M.C.

THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY E.M.C., HAS REVIEWED THE ABOVE SURVEY AND IT IS APPROVED FOR THE PURPOSES OF BALDWIN COUNTY E.M.C.

CERTIFICATE OF APPROVAL BY EAST CENTRAL BALDWIN WATER

THE UNDERSIGNED, AS AUTHORIZED BY EAST CENTRAL BALDWIN WATER, HAS REVIEWED THE ABOVE SURVEY AND IT IS APPROVED FOR THE PURPOSES OF EAST CENTRAL BALDWIN WATER.

CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER

THE UNDERSIGNED, AS AUTHORIZED BY THE COUNTY ENGINEER, HAS REVIEWED THE ABOVE SURVEY AND IT IS APPROVED FOR THE PURPOSES OF THE COUNTY ENGINEER.

CERTIFICATE OF APPROVAL BY E-311 ADDRESS(S)

THE UNDERSIGNED, AS AUTHORIZED BY E-311 ADDRESS(S), HAS REVIEWED THE ABOVE SURVEY AND IT IS APPROVED FOR THE PURPOSES OF E-311 ADDRESS(S).

CERTIFICATION OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE ABOVE SURVEY IS A TRUE AND CORRECT REPRESENTATION OF THE ACTUAL SURVEY AND THAT THE SAME IS ACCURATE AND CONFORMS TO THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

CERTIFICATION BY NOTARY PUBLIC

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM A NOTARY PUBLIC IN THE STATE OF ALABAMA AND THAT I HAVE REVIEWED THE ABOVE SURVEY AND IT IS APPROVED FOR THE PURPOSES OF THE NOTARY PUBLIC.

CERTIFICATE OF THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION

THE UNDERSIGNED, AS AUTHORIZED BY THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION, HAS REVIEWED THE ABOVE SURVEY AND IT IS APPROVED FOR THE PURPOSES OF THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION.

CERTIFICATE OF APPROVAL BY THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION

THE UNDERSIGNED, AS AUTHORIZED BY THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION, HAS REVIEWED THE ABOVE SURVEY AND IT IS APPROVED FOR THE PURPOSES OF THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION.

Dogwood Express Preliminary Plat

Section 22, T-6-S, R-4-E

S.E. Civil Engineering & Surveying

10000 W. PARKWAY, SUITE 100
PATERSON, AL 36243
334-888-1111

| OWNER | REC'D |
|---------------|-------|
| DAVID E. DYER | |
| DAVID E. DYER | |
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| DAVID E. DYER | |
| DAVID E. DYER | |



FLANNERY INC. (ORANGE PLANTATION AIRPORT) 710 W. 17TH ST. BOX 100
OKTAWAH OK. 74646. P. 405-972-1449, TRUCKS BY GARDNER COMPANY,
ALABAMA. 405-295-1900. INT. 27

| | |
|-------------|-------------------|
| DRAWN | RDC |
| CHECKED | JAF |
| PROJECT MGR | DED |
| SCALE | 1"=100' |
| PROJECT | 20210605 |
| FILE | 20210605-PRJLIM.P |



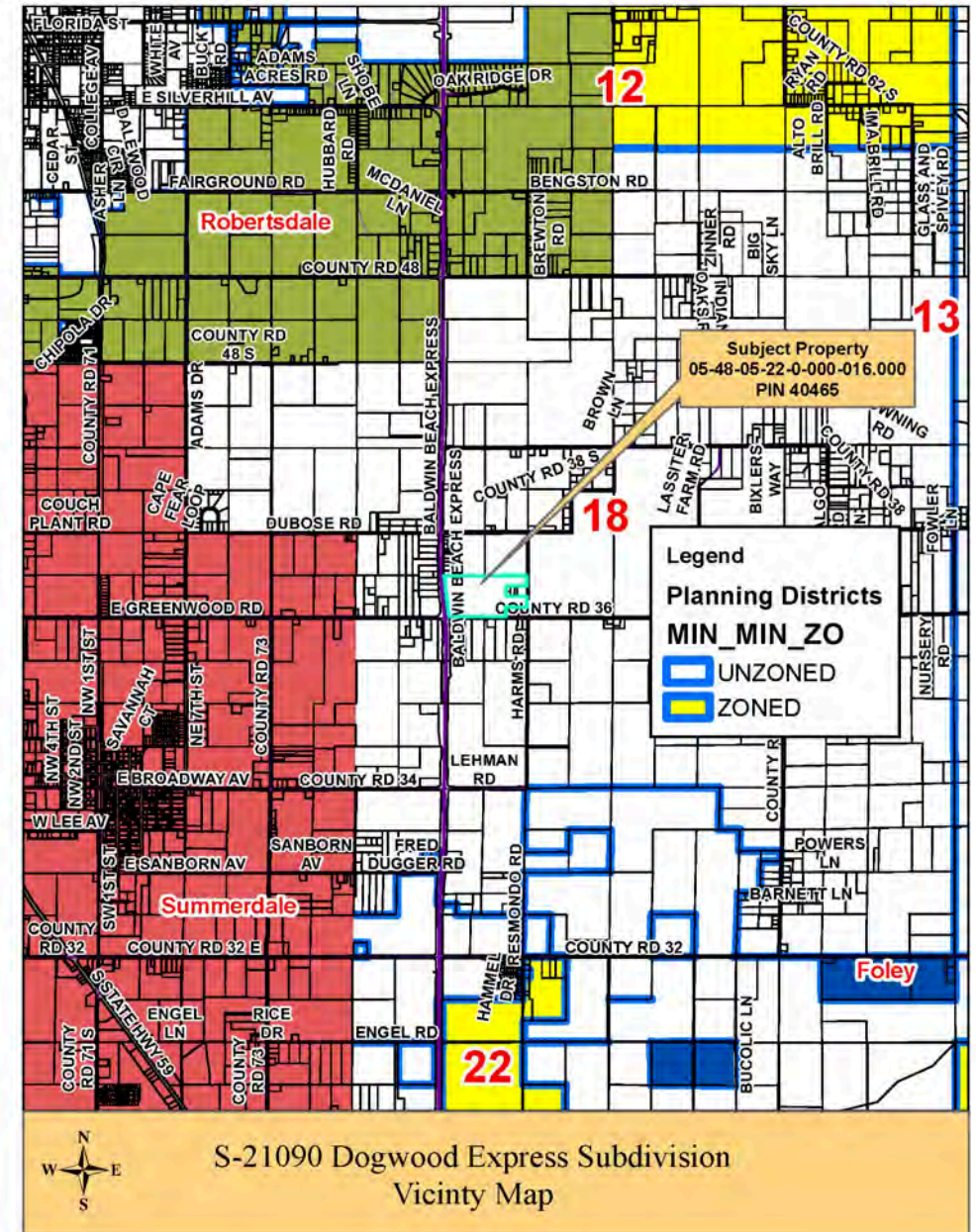
**Dogwood Estates
Phase 1
Preliminary Plat
Section 22, T-6-S, R-4-E**



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| CHECKED: | JAF |
| PROJECT MGR: | DED |
| SCALE: | 1"=100' |
| PROJECT: | 2021-005 |
| FILE: | 2021005-PRELIM.PLT |
| SHEET: | 2 OF 2 |

S-21090 DOGWOOD EXPRESS

- Subject property is located at the northeast intersection of the Baldwin Beach Express along CR36 near the Town of Summerdale
- Parcel Number
 - 05-48-05-22-0-000-016.000 (PIN 40465)
- The Citizens of Planning District 18 have not yet implemented zoning in this district



S-21090 DOGWOOD EXPRESS

Utilities Services

Water: *East Central Baldwin Water*

Sewer: *Onsite Septic*

Electricity: *Baldwin EMC*

Telephone: *Centurylink*



S-21090 DOGWOOD EXPRESS

Staff Comments

- A traffic study is not required for Dogwood *Express*, however a traffic study was prepared by Dr. Samantha Islam of ASSR Consultants, LLC, for Dogwood *Estates*
- The *Estates* traffic study has been reviewed by the Baldwin County Highway Department and right and left turn approaches will be required at the intersection of CR36
 - Additional ROW acquisition along CR36 will be required, which will affect **both** *Express* and *Estates*

June 28, 2021

TRAFFIC IMPACT STUDY

Dogwood Estates Subdivision
Summerdale, Alabama

Prepared on behalf of:

ALEPH-TAV Investments, LLC
c/o Pete Camley
PO Box 2322, Fairhope, AL 36533
Phone: (251) 680-4828

Prepared by:



Samantha Islam, Ph.D., P.E.
ASSR Consultants, LLC
3870 Branford Ct
Mobile, AL 36619
Ph: (251)-545-9681



S-21090 DOGWOOD EXPRESS

Staff Comments

- Larry Smith, PE of S.E. Civil prepared a drainage narrative for subject property
 - The drainage narrative is currently under review by the Baldwin County Highway Department



September 20, 2021

Weesie Jeffords
Baldwin County Highway Department
22070 AL-59
Robertsdale, AL 36567

Re: Dogwood Express Subdivision
SE Civil Project No. 2021905

Dear Weesie:

The above referenced subdivision has been submitted to carve off a future developed area from another project that has been submitted known as Dogwood Estates. Dogwood Express carves off the area originally called out as future developed area on Dogwood Estates and creates a lot for it. This lot will be developed in the future and at that time we will provide the drainage calculations for it.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Larry Smith', is written over a circular official seal. The seal contains the text 'SEAL OF THE BALDWIN COUNTY HIGHWAY DEPARTMENT' and the date '9/20/21'.

Larry Smith, PE
larry@secivil.pro

880 Holcomb Blvd., Suite 2F

Fairhope, Alabama 36532

251-990-6566

S-21090

Staff Comments

- Output of USFWS wetland map viewer at right
- Note the connection of the grady pond to the existing wetland conveyance system



Subject Property

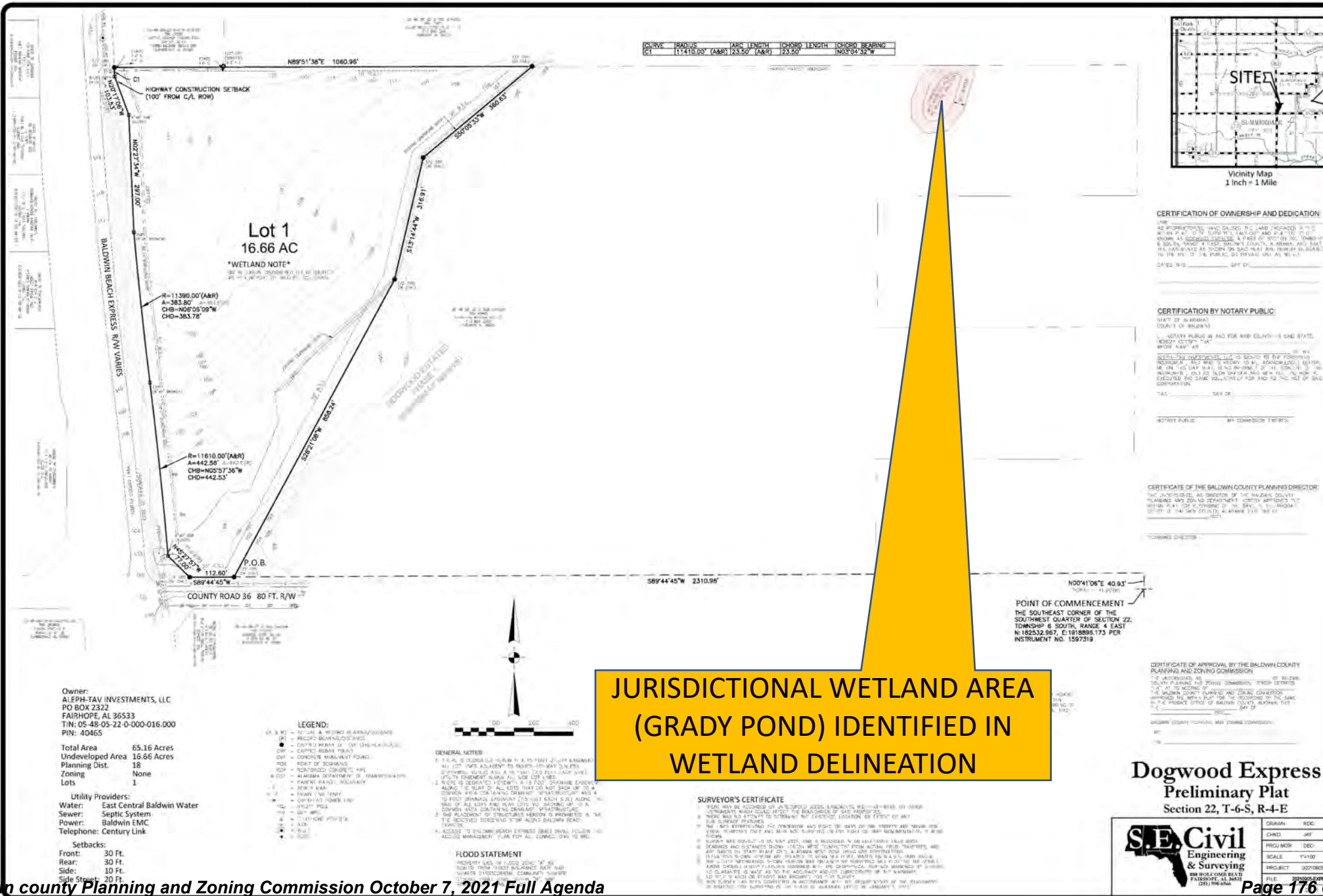


September 2, 2021

Wetlands

| | | |
|--------------------------------|-----------------------------------|-------|
| Estuarine and Marine Deepwater | Freshwater Emergent Wetland | Lake |
| Estuarine and Marine Wetland | Freshwater Forested/Shrub Wetland | Other |
| Freshwater Pond | Riverine | |

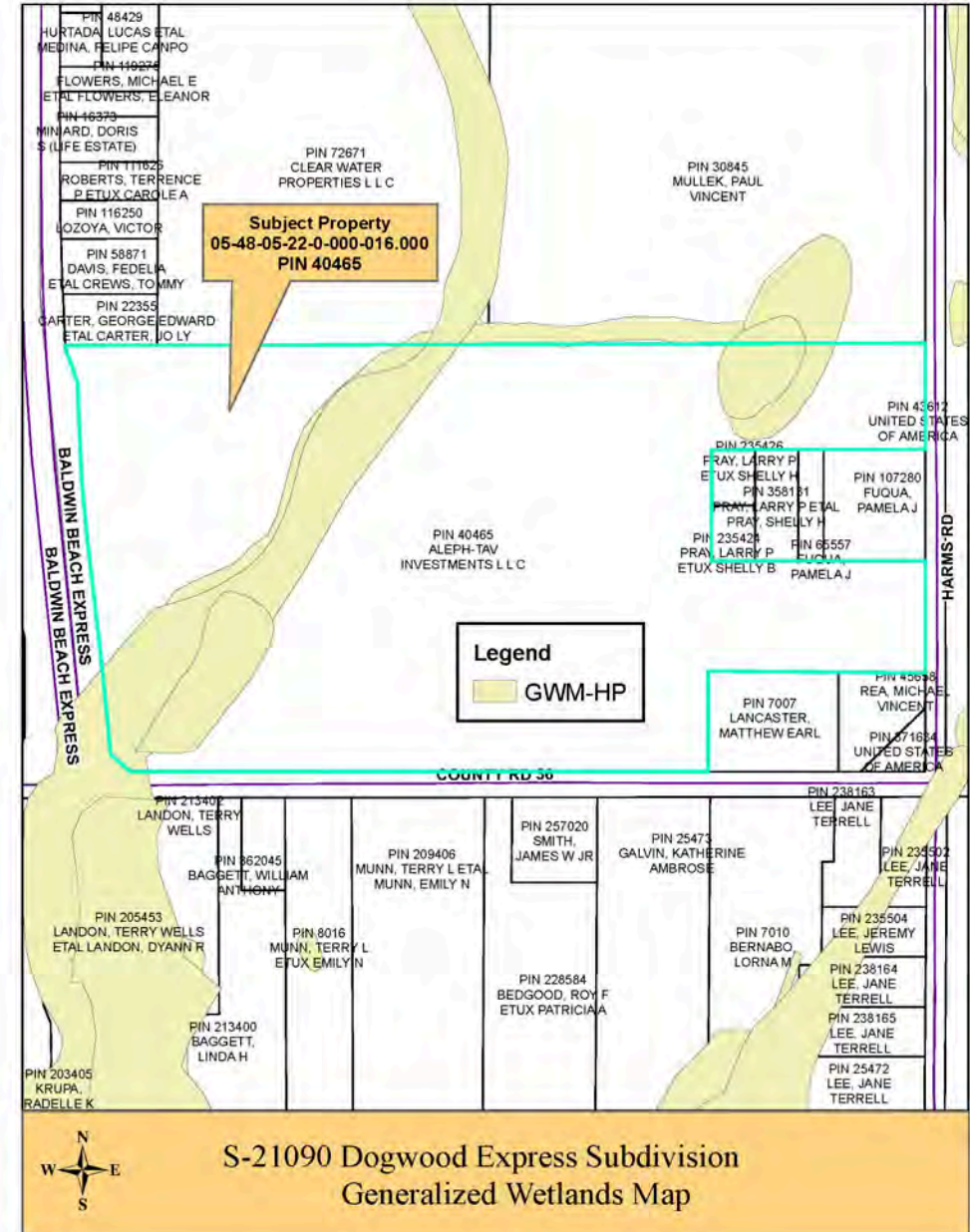
This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



Staff Comments

Staff Comments

- Map at right depicts hydric soils and potential wetlands combined, as well as USFWS data
- This is the “Generalized Wetland Map” utilized by staff that accounts for multiple variations of wetland data



S-21090 DOGWOOD EXPRESS WETLANDS REVIEW

| | | |
|---|----------|--|
| 4.5.5(q) U.S. Army Corps of Engineers jurisdictional wetlands determination if the proposed subdivision contains jurisdictional wetlands or is within 100 feet of a jurisdictional wetland as required by the Baldwin County Planning Director or his/her designee, from the Generalized Wetland Map; or through a site visit by County Staff | | |
| <input type="checkbox"/> N/A | Accepted | <input checked="" type="checkbox"/> Revise and Resubmit |
| Technical Review Annotations: Check both the Baldwin County potential wetlands layer and USFWS National Wetland Inventory maps for the presence of any wetlands. If wetlands are shown on the generalized wetlands map (potential wetlands layer) the reviewer should examine the wetland delineation/determination provided by the applicant. If applicant did not provide, review should request a delineation prepared by a qualified delineator. Once a delineation is in-hand, reviewer may request further input from the County Natural Resource Planner if there are substantial differences between potential wetlands layer and the delineation. | | |

S-21090 DOGWOOD EXPRESS

4.5.5(q) U.S. Army Corps of Engineers jurisdictional wetlands determination if the proposed subdivision contains jurisdictional wetlands or is within 100 feet of a jurisdictional wetland as required by the Baldwin County Planning Director or his/her designee, from the Generalized Wetland Map; or through a site visit by County Staff

☐ N/A

☐ Accepted

☒ **Revise and Resubmit**

1. If the delineation prepared by the qualified delineator **indicates** the presence of jurisdictional wetlands, the regs automatically require a USACE determination.

2. If the delineation prepared by the qualified delineator **does not indicate** jurisdictional wetlands but on review County staff believes a determination is necessary due to various site conditions, staff may require a determination. We expect to use this measure sparingly and will rely heavily on the Natural Resource Planner in making these decisions.

Review Comments: As mentioned in section 4.5.5(e), above, the entire 05-48-05-22-0-000-016.000 parcel is not depicted on the proposed plat. As a result, the 0.2-acre jurisdictional wetland identified in the wetland delineation report is not depicted on the plat, please revise and resubmit to reflect the entire parcel and reflect the jurisdictional wetlands as well as 30-foot wetland setback and 15 foot natural buffer on the plat.

S-21090 DOGWOOD EXPRESS

Wetland Comments

- The subdivision plat was revised as requested to reflect the entire parcel to be divided and also now reflects the “grady” pond area indicated within the delineation
- A wetland *determination* from the USACE was not furnished as contemplated by 4.5.5(q)
- After examining USFWS data as well as the Generalized Wetland Map, staff determined the as-submitted delineation, absent of a USACE determination, to be a *substantial difference* from the USFWS data and the Generalized Wetland Map

S-21090 DOGWOOD EXPRESS

Wetland Comments (continued)

Due to the substantial differences between the Generalized Wetland Map and the provided delineation, and the absence of a USACE determination, staff elected to invoke the provisions of newly-adopted 5.2.2(b)(iii) in advance of their effective date (10/1/2021)

- If the wetland delineation as-submitted passed the “tests” within 5.2.2(b)(iii), staff would proceed with placing case number S-21090 on the Planning Commission agenda for consideration
- The purpose of invoking the provision before its effective date was to avoid holding over a case if it met the latest review standard contemplated by the *Baldwin County Subdivision Regulations*
- The Natural Resources Planner visited the site to apply the “tests” within 5.2.2(b)(iii) and determined more information was required in order to arrive at a conclusion – *in other words it was not possible to determine if the delineation passed the “tests” and thus negating the need for a USACE wetland determination*

S-21090 DOGWOOD EXPRESS

Wetland Comments (continued)

The provisions within 5.2.2(b)(iii) effective 10/1/2021 are as follows:

If wetland fill and/or stream modification is not proposed, the Baldwin County Planning Director may, at his or her discretion, require the applicant to submit a(n) USACE Jurisdictional Determination after documenting the following:

- 1. A site visit by a Baldwin County Planning and Zoning Staff member revealed potential wetlands on the site that differ significantly from the delineation supplied by the Applicant;*
- 2. A review of the Generalized Wetland Map reveals potential wetlands on the site that differ substantially from the delineation supplied by the Applicant; or*
- 3. Knowledge of historic stormwater problems in and around the site area*

S-21090 DOGWOOD EXPRESS

Wetland Comments (continued)

The provisions within 5.2.2(b)(iii) effective 10/1/2021 (continued) are as follows:

*When a jurisdictional determination is deemed necessary above in this subsection (iii), the Planning Director may, in lieu of a jurisdictional determination, **accept a second wetland delineation** prepared by a professional wetland delineator who is not affiliated with the specialist responsible for the original delineation.*

- Staff advised the applicant case number S-21090 would be held over due to the major deficiency of failure to comply with applicable wetland requirements. Staff further invoked 5.2.2(b)(iii), giving the applicant the option of submitting a **second wetland delineation** prepared by professional wetland delineator not affiliated with the specialist that prepared the original delineation.
 - The second delineation may likely be accomplished much sooner than awaiting a determination from USACE

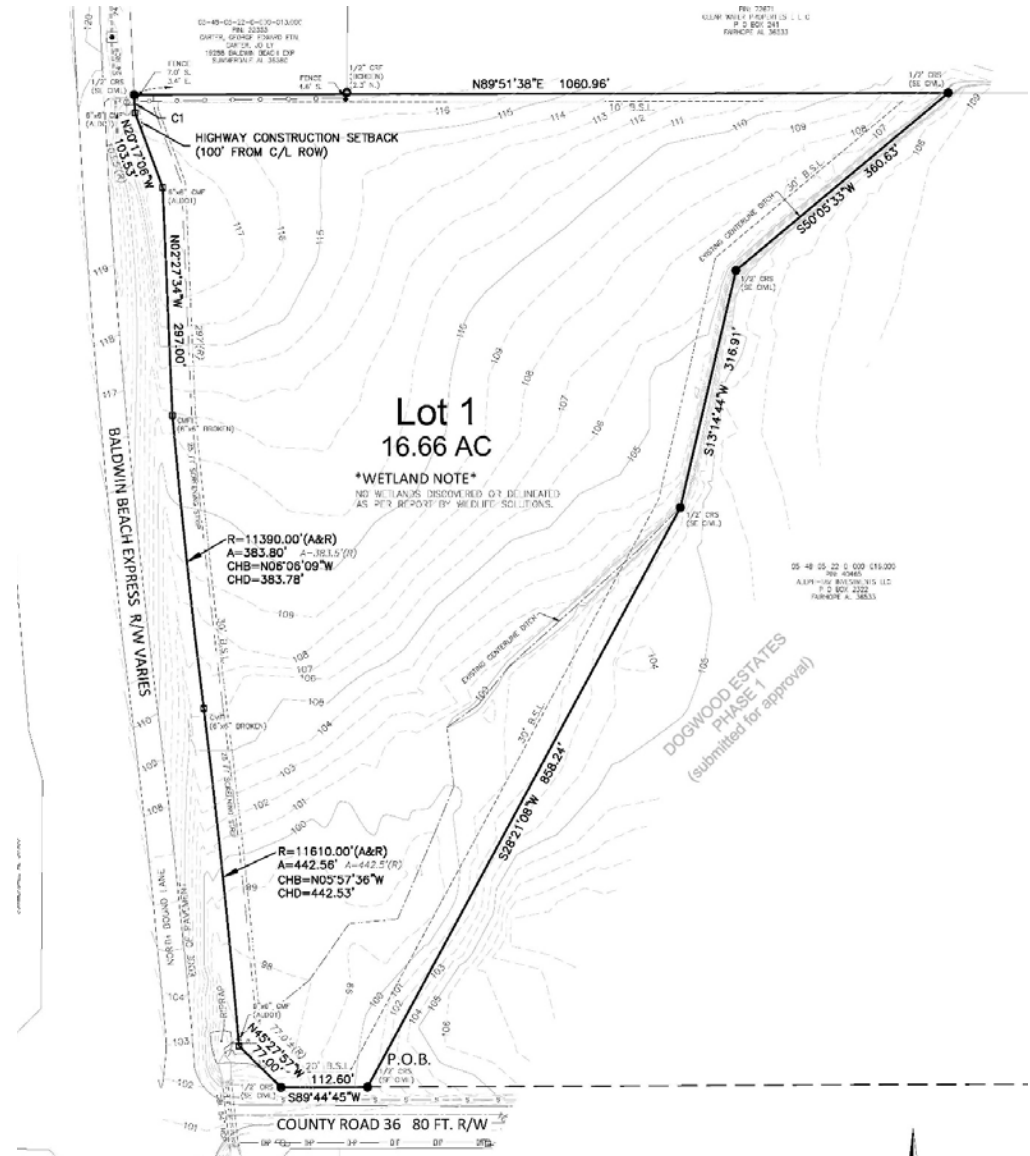
S-21090 DOGWOOD EXPRESS WETLAND COMMENTS (CONTINUED)

- The applicant requested that in lieu of holding over case S-21090 the applicant would like the Baldwin County Planning Commission to consider case S-21090 in its current form
- As a result, staff must declare the application deficient and recommend denial of case S-21090
- If denied, staff requests the applicant address the following prior to re-submission:
 - Reflect the ROW acquisition required along CR36 for turn lane approaches on both the *Estates* and *Express* subdivision plats
 - The applicant may wish to submit construction plans to HWY for review during the new submittal waiting period to establish the ROW acquisition
 - Determine if any building height restrictions or other provisions are required by the US Navy/DoD to be reflected on the plat due to the proximity to OLF Summerdale
 - Staff is aware the City of Foley has certain requirements in the vicinity of OLF Barin required by US Navy/DoD

S-21090 DOGWOOD EXPRESS STAFF RECOMMENDATION

Staff recommends that the Development Permit / Preliminary Plat application for Case No. S-21090, Dogwood Express be **DENIED** due to the application's major deficiency of failure to comply with applicable wetland requirements

- The Baldwin County Planning and Zoning Commission shall not consider, for a period of four (4) months, an application for preliminary plat which has been disapproved





BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

SUPPORTING INFORMATION

S-21090 WETLANDS

S-21090 DOGWOOD EXPRESS

Wetland Comments

- The wetland delineation narrative appears to identify the “ditch” within subject property as jurisdictional, but the “ditch” is not indicated graphically on the subdivision plat nor on the wetland map within the delineation
- The “ditch” is connected to the “Grady Pond” and appears to comprise an existing wetland conveyance system that is reflected within the USFWS wetland inventory viewer as “Freshwater Shrub / Forested Wetland”



Wildlife Solutions, Inc.

250 S. School Street
Fairhope, AL 36532
251-591-2682

jmccool@bellsouth.net

September 2, 2021

Rhett D. Cropper, PLS
880 Holcomb Blvd., Suite 2F
Fairhope, Alabama 36532
251-990-6566 phone
rhett@secivil.pro

Re: Wetland Determination

As requested, our staff biologist inspected the site (Southwest Corner of PLSS 6S, 4E, Section 22; PID:05-48-05-22-0-000-016.000) for the presence of jurisdictional wetlands. After performing a detailed field survey, it was determined that a 0.2 ac area along the northeastern boundary (see attached maps) is a jurisdictional wetland according to the Mobile District of the U.S. Army Corps of Engineers and falls under their regulatory purview.

The wetland delineation was performed in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual, the 2012 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic & Gulf Coast Supplement (2010). All areas of the property were transected and visible during inspection. Weather conditions were slightly wetter than average for the locality during the wet season, but within the normal range. The following is a summary of our findings.

The property consists of flat sandy soils with water shedding to the southwest corner. Prior to the 1961 NRCS Soil Survey the property was cleared and ditched to enhance agricultural use. At the time, three areas of the property were identified as lowland soils (Bb, Hb & Gr). Hb and Gr soils typically have a greater than 85% chance of being hydric or wetland soils, while Bb soils are largely found in upslope alluvial conveyances and have only a 40% chance of being found to be hydric. The ditching of the property from the Gr soils and through the Bb soils reduced the hydroperiod of the Gr soils but did not completely remove all hydrology (as they still meet the conditions of a wetland). These depressional wetland soils are usually isolated in nature and not regulated, however the ditching creates a legal nexus and makes this wetland jurisdictional. Additionally, in 2013 the Beach Expressway was constructed along the western boundary. This filling activity completely removed any potential for hydrology or hydric soil conditions within the Bb and Hb soil units, but the considerable man-made drainage infrastructure still qualifies as a legal nexus for the Gr soils.

In conclusion, the lion's share of the property is developable and the 0.2-acre depressional wetland in the northeast corner is a jurisdictional wetland and cannot be grubbed, filled or

significantly manipulated without obtaining the necessary permission from the Army Corps of Engineers.

Please don't hesitate to give me a call should you have any questions or concerns.

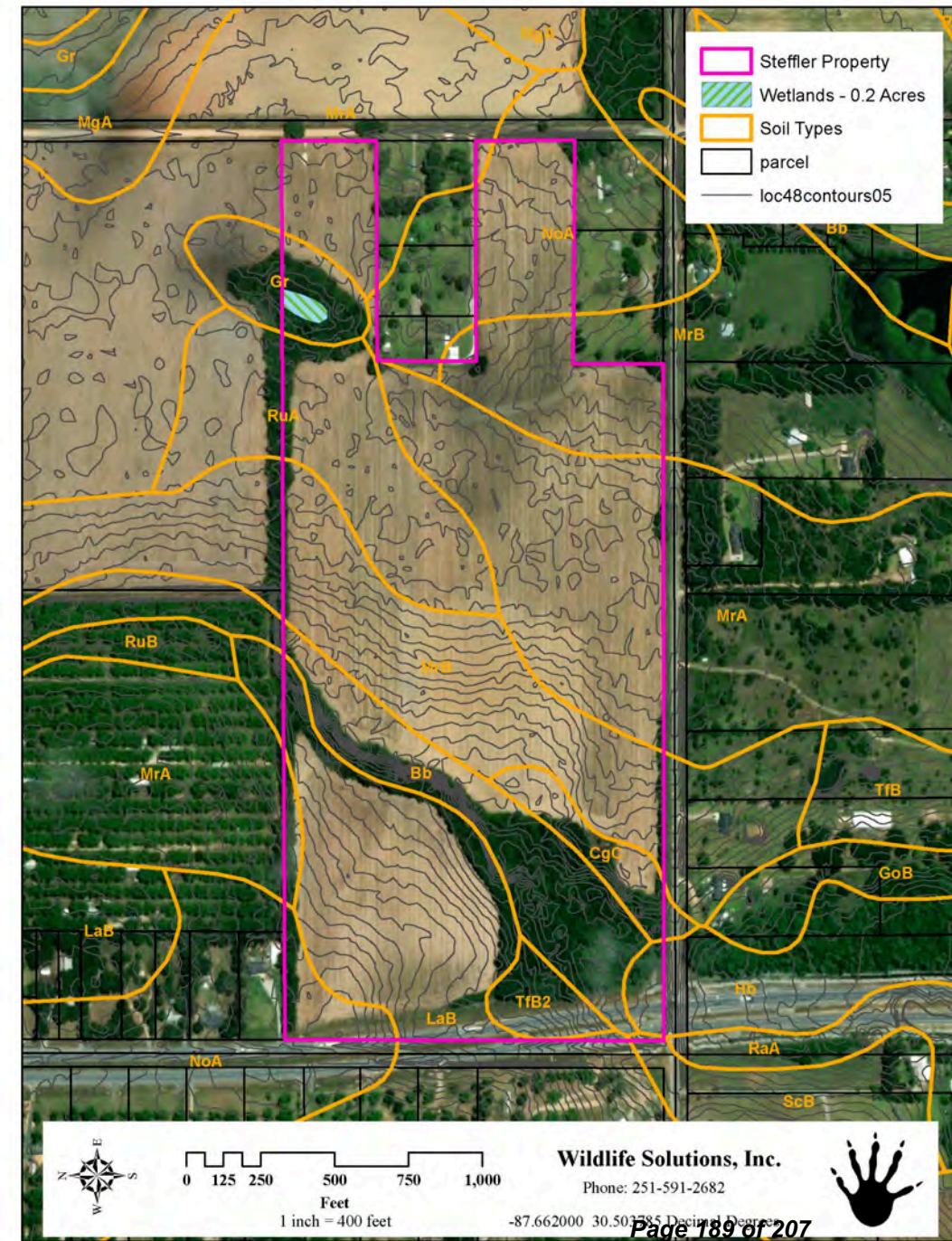
Best regards,

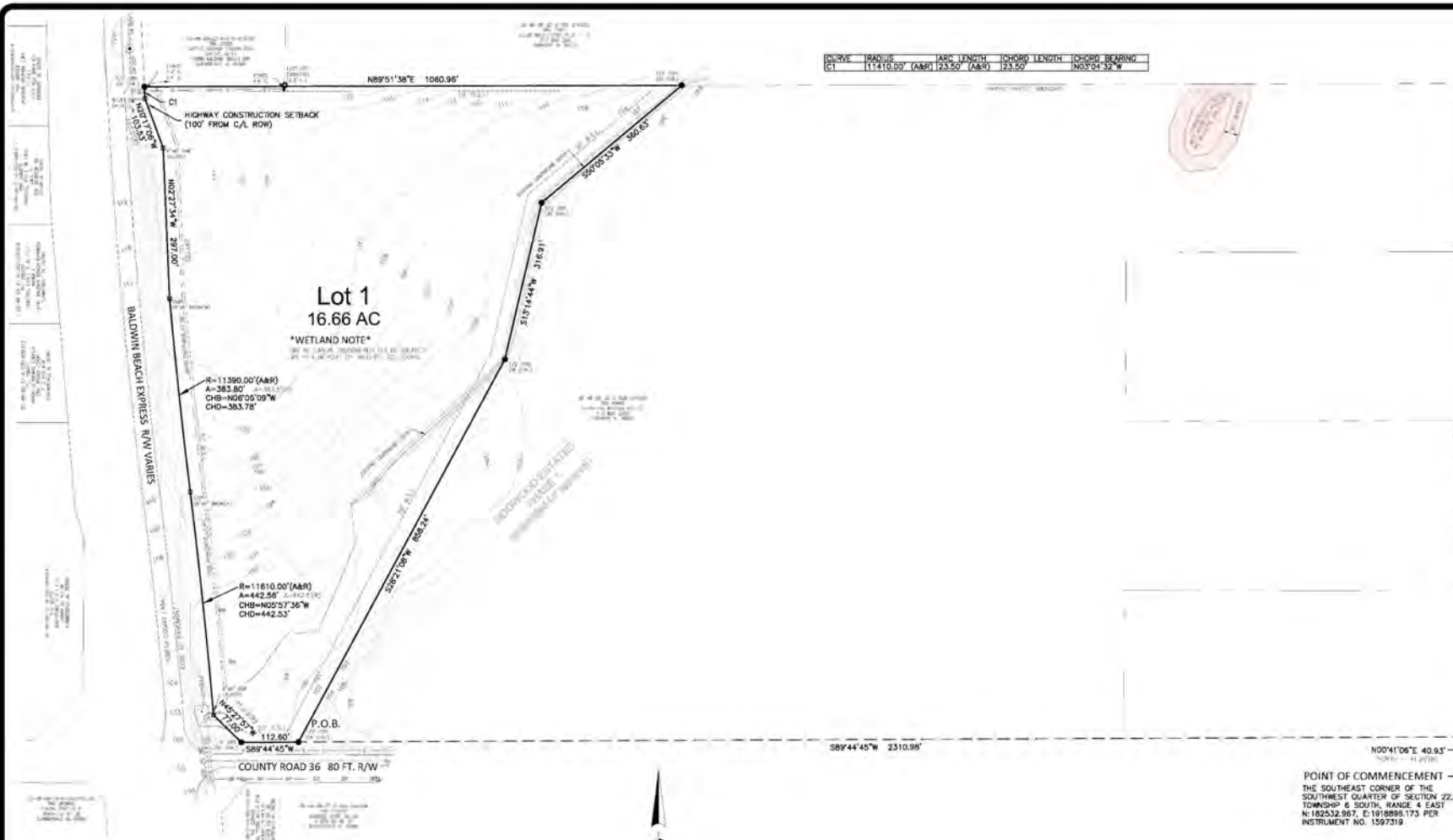
JJ McCool
Forester/Wildlife Biologist

S-21090 DOGWOOD EXPRESS

Staff Comments

- The previous slide contains the wetland delineation written narrative
- The narrative indicates the “ditch” area to be a “legal nexus that makes this wetland jurisdictional”
- The map at right is an excerpt from the wetland delineation
- The “ditch” area is not shown on the wetland map at right nor on the subdivision plat





| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING |
|-------|------------------|--------------|--------------|---------------|
| C1 | 111410.00' (A&R) | 23.50' (A&R) | 23.50' | N03°04'52" W |



CERTIFICATION OF OWNERSHIP AND DEDICATION

I, the undersigned, being the owner of the above described land, do hereby certify that the same is not subject to any lien, mortgage, or other encumbrance, and that the same is being dedicated to the public use of the State of Alabama.

DATED: _____ DAY OF _____, 2021.

CERTIFICATION BY NOTARY PUBLIC

I, _____, a Notary Public in and for the County of Baldwin, State of Alabama, do hereby certify that the foregoing is a true and correct copy of the original instrument filed for record in my office on this day of _____, 2021.

NOTARY PUBLIC: _____ MY COMMISSION EXPIRES: _____

CERTIFICATE OF THE BALDWIN COUNTY PLANNING DIRECTOR

I, _____, as Director of the Baldwin County Planning and Zoning Commission, do hereby certify that the above described land is not subject to any lien, mortgage, or other encumbrance, and that the same is being dedicated to the public use of the State of Alabama.

PLANNING DIRECTOR: _____

CERTIFICATE OF APPROVAL BY THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION

RESOLVED, AS APPOINTED BY BALDWIN COUNTY, MISSISSIPPI, THAT THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION, BEING THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION, DO HEREBY APPROVE THE DEDICATION OF THE ABOVE DESCRIBED LAND TO THE PUBLIC USE OF THE STATE OF ALABAMA.

BALDWIN COUNTY PLANNING AND ZONING COMMISSION: _____

CERTIFICATE OF APPROVAL BY E-911 ADDRESSING

I, _____, as E-911 Addressing Officer, do hereby certify that the above described land is not subject to any lien, mortgage, or other encumbrance, and that the same is being dedicated to the public use of the State of Alabama.

E-911 ADDRESSING OFFICER: _____

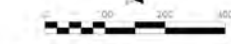
Owner:
ALPHA-TAV INVESTMENTS, LLC
PO BOX 2322
FAIRHOPE, AL 36533
TIN: 05-48-05-22-0-000-016.000
PIN: 40465

Total Area: 65.16 Acres
Undeveloped Area: 16.66 Acres
Planning Dist.: 18
Zoning: None
Lots: 1

Utility Providers:
Water: East Central Baldwin Water
Sewer: Septic System
Power: Baldwin EMC
Telephone: Century Link

Setbacks:
Front: 30 Ft.
Rear: 30 Ft.
Side: 10 Ft.
Side Street: 20 Ft.

- LEGEND:**
- 1. 1/4" = 1' SCALE
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GENERAL NOTES

1. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE ALABAMA SURVEYING ACT, TITLE 40, CHAPTER 1, SECTION 1-1.
2. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE ALABAMA SURVEYING ACT, TITLE 40, CHAPTER 1, SECTION 1-1.
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FLOOD STATEMENT

PROPERTY IS NOT IN A FLOOD ZONE.

SURVEYOR'S CERTIFICATE

I, _____, a Licensed Professional Surveyor, do hereby certify that the above described land is not subject to any lien, mortgage, or other encumbrance, and that the same is being dedicated to the public use of the State of Alabama.

SURVEYOR: _____

Dogwood Express

Preliminary Plat

Section 22, T-6-S, R-4-E

S.E. Civil
Engineering & Surveying
FAIRHOPE, ALABAMA
205-480-1111

| | |
|-----------|-----------------|
| DESIGN: | REC: |
| CHRD: | JMP |
| PROJ MGR: | DEC |
| SCALE: | 1"=100' |
| PROJECT: | 20210605 |
| FILE: | 20210605EXPRESS |

S-21090 Staff Comments

- Output of USFWS wetland map viewer at right
- Note the connection of the grady pond to the existing wetland conveyance system through subject property



Subject Property



September 2, 2021

Wetlands

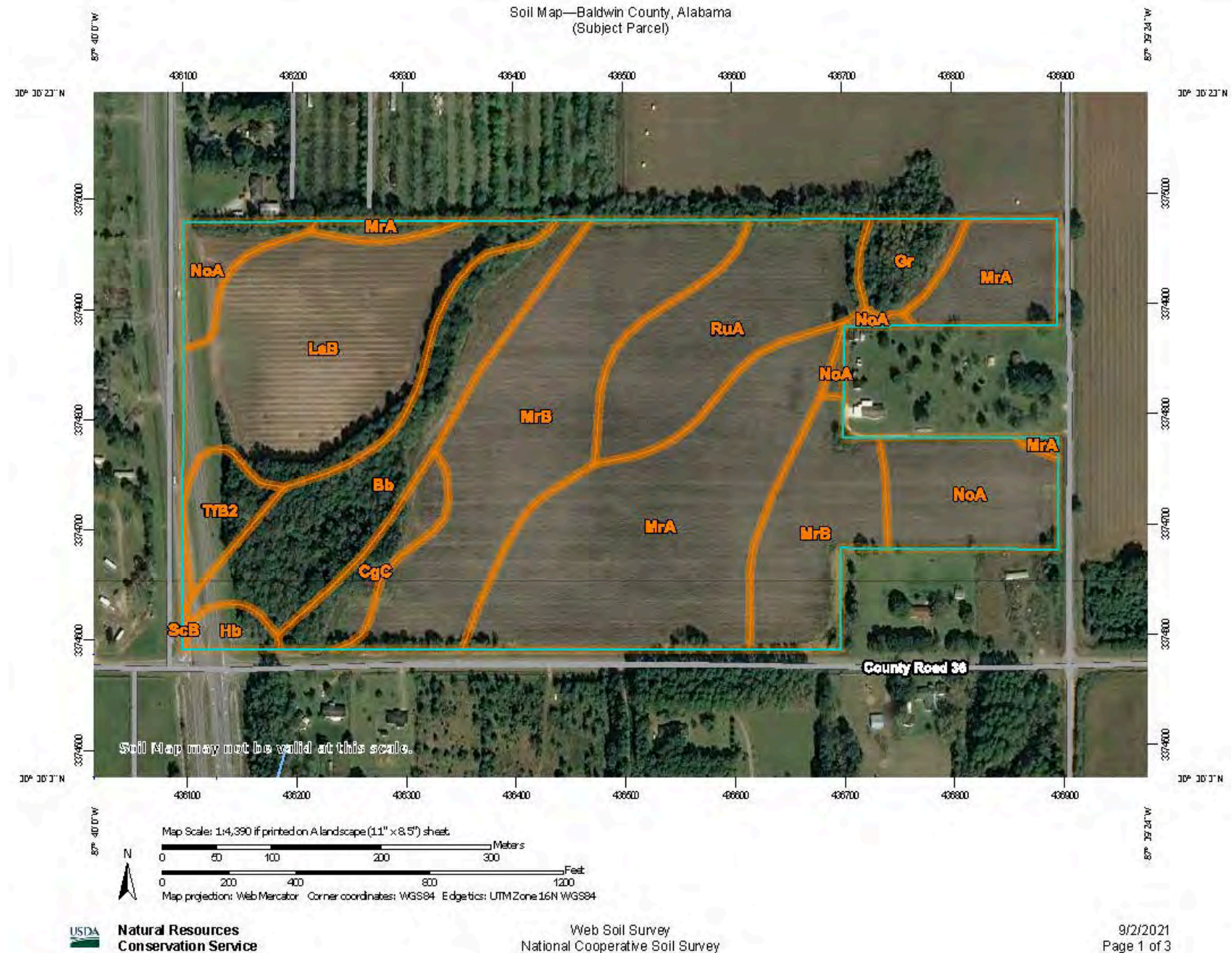
| | | |
|--------------------------------|-----------------------------------|-------|
| Estuarine and Marine Deepwater | Freshwater Emergent Wetland | Lake |
| Estuarine and Marine Wetland | Freshwater Forested/Shrub Wetland | Other |
| Freshwater Pond | Riverine | |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

S-21090

Staff Comments

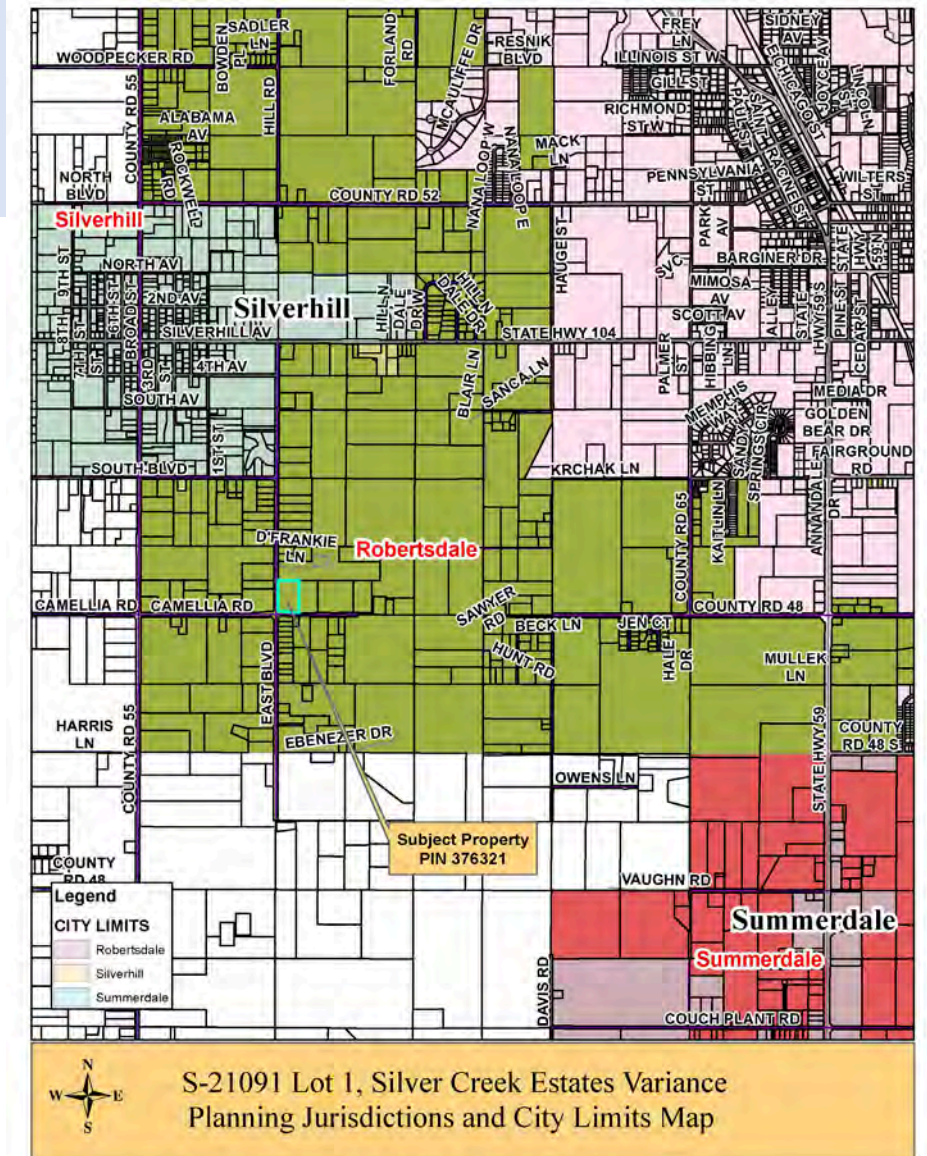
- NRCS Soil Map output from the wetland delineation
- Bibb (Bb) and Grady (Gr) are hydric soils consistent with wetland areas



S-21091 Lot 1, Silver Creek Estates

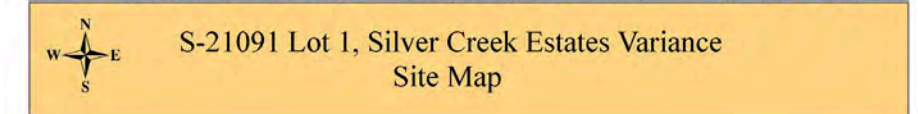
Silver Creek Estates Information

- **Total Number of Lots:** 4
- **Slide 2616-C:** Instrument Number 1663358 recorded 10/30/2017
- **Planning Jurisdiction:** City of Robertsdale (at time of approval)
- **Zoning:** Unzoned (Planning District 14)
- **Lot 1 Owner / Variance Applicant:** Jennifer Regan
- **Lot 1:** 05-47-01-11-4-000-001.004



VARIANCE REQUEST

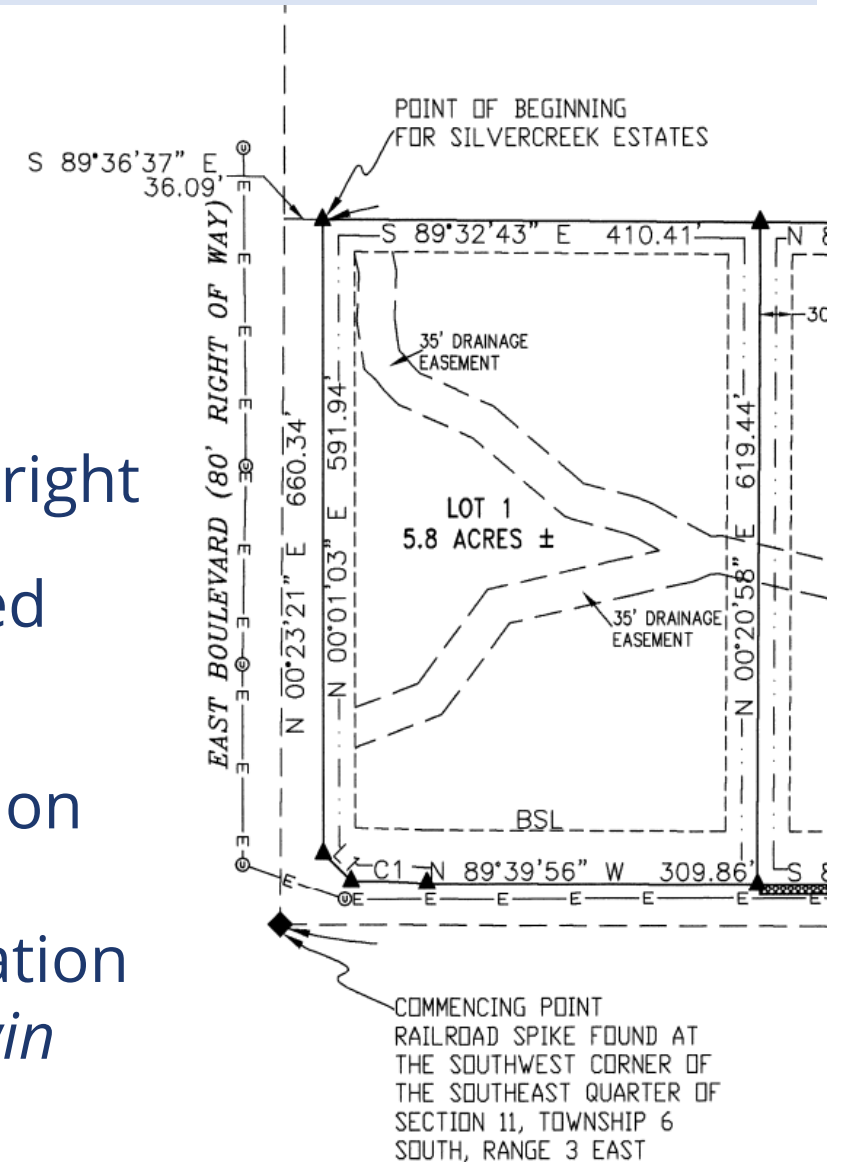
- **Total Property area:** 26.1 acres +/-
- **Smallest Lot:** 5.0 acres +/-
- **Largest Lot:** 9.9 acres +/-
- **Setbacks:** 50' front, 30' rear and sides
- **Surveyor of Record:** Timothy Brandon Bailey, PLS 208 Mohawk Street Mobile, AL 36606



S-21091 Lot 1, Silver Creek Estates

VARIANCE REQUEST *Staff Comments*

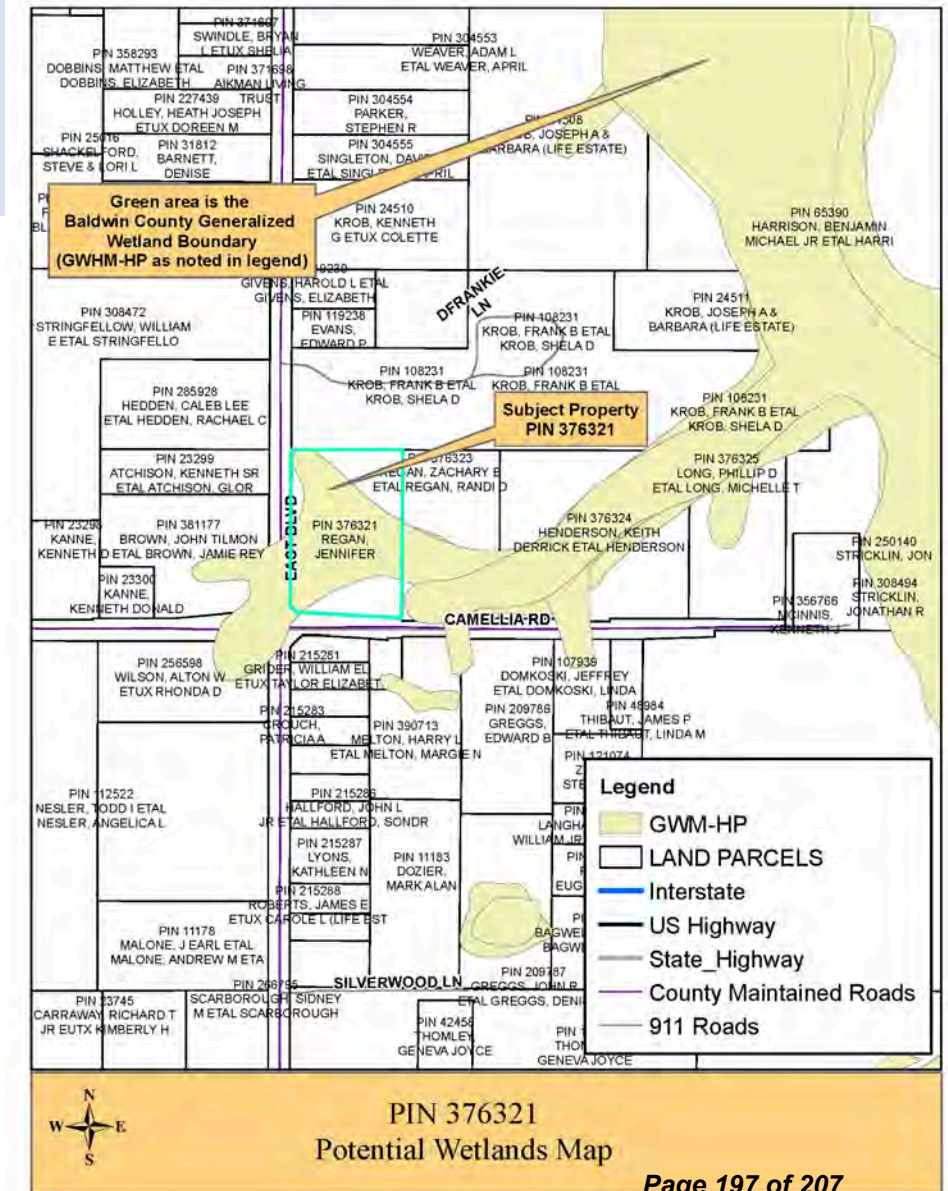
- As platted in 2017, Lot 1 does not depict any jurisdictional wetlands
 - An excerpt of Slide 2616-C containing Lot 1 is at right
- A 35' drainage easement is reflected on the recorded plat for Lot 1
- The property owner wishes to apply for re-subdivision of Lot 1 and thus a new subdivision application will "trigger" the requirement for a new wetland delineation because wetlands appear within Lot 1 on the *Baldwin County General Wetland Map*



S-21091 Lot 1, Silver Creek Estates

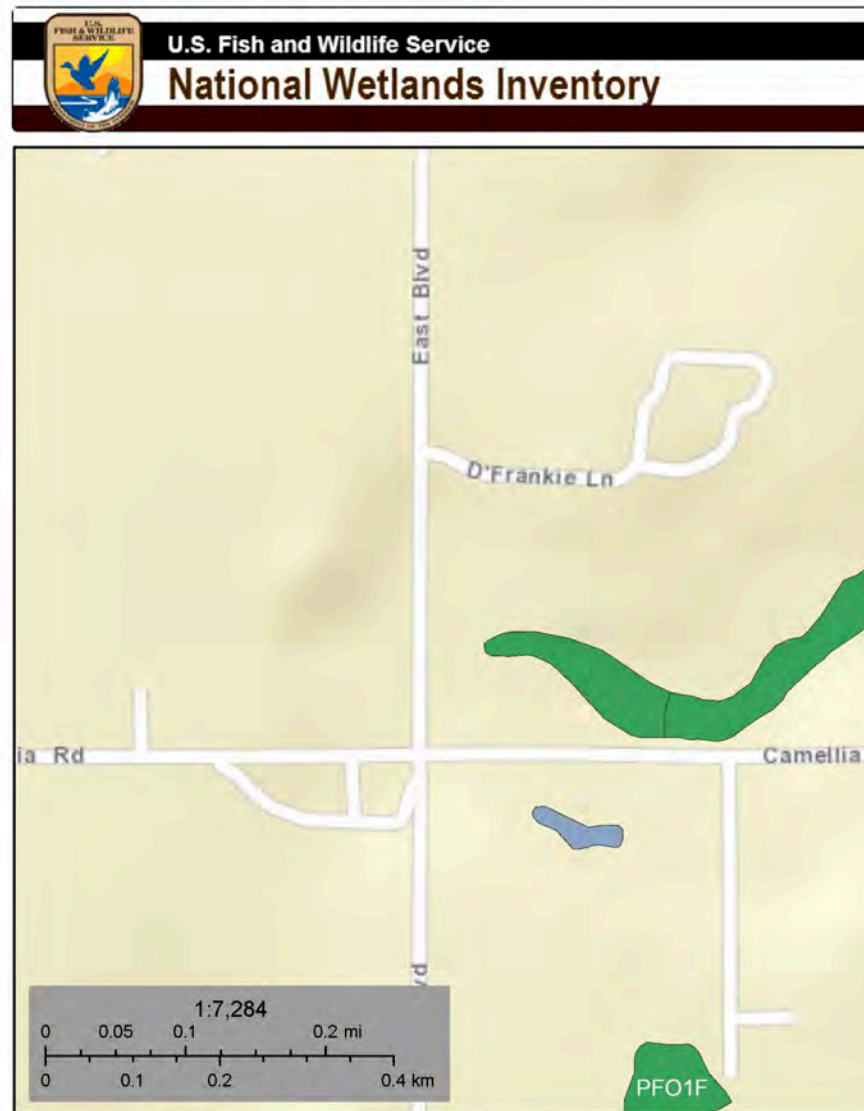
Silver Creek Estates Information

- Lot 1 of Slide 2616-C is shown at right overlaid the *Baldwin County General Wetlands Map*
- The requirements of 5.2.2 et al are very explicit that if wetlands are apparent on the subject property, a wetland delineation shall be required in order to declare the apparent wetlands as jurisdictional, non-jurisdictional, or to determine if wetlands do not exist on the property



S-21091 Lot 1, Silver Creek Estates Variance

- The map at right is an output from the USFWS National Wetlands Inventory map viewer
- An area of Freshwater Forested / Shrub Wetland appears to occur in Lot 1 based upon this map output



Silver Creek Estates

September 7, 2021

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

S-21091 Lot 1, Silver Creek Estates Variance

- The cover page at right is an excerpt of the wetland delineation conducted by Wetland Remedial, LLC in 2017

Wetland Remedial, LLC -

Specializing in:

- Environmental
- Construction

PO Box 82084
Mobile, AL. 36689
Cell: 251-370-8266
Ofc: 251-458-9203
Email: mrjuncus@aol.com

Ref: 16081

To: Mr. Brandon Bailey
From: Jamie Belen
Date: February 24, 2017

Cell: 251-564-7295
Cell: 251-370-8266

Email: bbailey@hotmail.com
Email: mrjuncus@aol.com

RE: Wetland Delineation Report, Silverhill, Alabama Site

Enclosed you will find wetland datasheets and maps depicting the wetlands on the +/- 27 acre site at the northeast corner of East Blvd. and Camellia Rd intersection in Silverhill, AL. The wetland boundaries were established and flagged according to the 1987 U.S. Army Corps of Engineers Manual. The three criteria (vegetation, hydrology, & soils) were used to delineate the wetland boundaries as required.

The delineation was completed on February 8, 2017, but final verification has to come from the Corps for the jurisdictional determination. Due to Corp's heavy work load, it takes time.

A delineation is valid for 5 years. For some home lots, additional permitting may be needed for this site for road/bridge construction crossings across wetlands that may be needed due to layout of wetlands (see map).

Please be advised that land altering construction activity is not permitted in jurisdictional wetlands before receiving Corps. approval. We have not yet submitted any information to the Corps.

Original hard copy of this wetland delineation report is in WR, LLC's office. When and if you wish me to submit this wetland delineation report to the Corps, please advise us.

If you have any questions, please call me at (251) 370-8266. Thank you.

Sincerely,
James Belen

Wetland Consultant
Cell: 251-370-8266

Attachments:

Jennifer Regan
16583 Camellia Road
Silverhill, AL 36583
T: 228-365-6507

PROPOSED RE-SUBDIVISION OF LOT 1 SHOWN AT RIGHT

September 7, 2021

Re: Baldwin County Subdivision Variance Application
Parcel No. 05-47-01-11-4-000-001.004

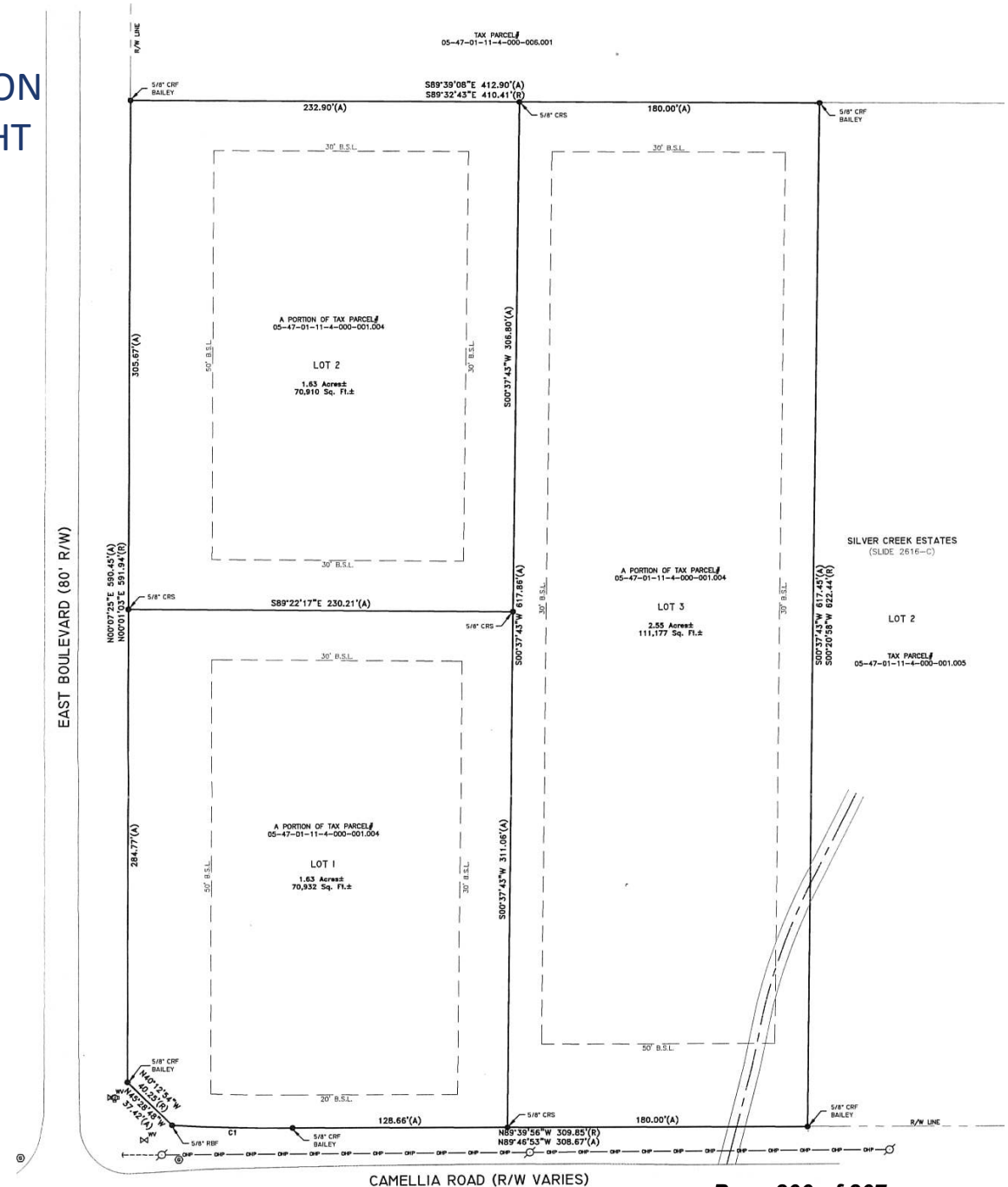
What are the conditions which prevent you from using this property in accordance with the current Subdivision Regulations?

Due to unforeseen circumstances, I am not financially or physically able to take care of and sustain the 5.8 acres located in Lot 1 of Silver Creeks Estates. This property was initially purchased along with my ex-husband and due to our divorce, I need to sell a portion of the property. I plan to build on 2.55 acres of the property and would like to sell the other portion and subdivide into 1 or 2 portions. My son and daughter-in-law own 5.1 acres on the right side of my property and I will not be able to build next to them and my 3 grandchildren unless I am able to subdivide and sell the remaining 3.26 acres of the property. I presently live and work in Baldwin County, AL and plan to continue to do so until my retirement. I am a single mother, grandmother and paralegal for a local law firm.

I have enclosed the survey prepared by the surveyor I hired, Justin Palmer, as well as the survey initially done of Silver Creek Estates by Timothy Brandon Bailey. Please note that on the latter survey, there are no wetlands shown on my property, Lot 1. It is my understanding the county's map shows a mix of hardwoods and forested wetlands on a portion of my property, Lot 1. However, even if this is the case, most, if not all of this shown, is not on the property that I am asking to be subdivided for sale. When I purchased the property initially, it was sold and represented to me as having no wetlands on the property (again please see the survey prepared by Timothy Brandon Bailey), which was accepted and filed with the county.

Thank you very much for your consideration.


JENNIFER REGAN



S-21091 LOT I, SILVER CREEK ESTATES

VARIANCE REQUEST *STAFF COMMENTS*

A variance shall not be approved unless there are findings based upon the evidence presented in each specific case that:

- (a) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property.
- *Staff is concerned that granting a variance in this situation may set a precedent that may serve as a conduit by which other applicants may request and receive authorization of non-submission of wetland delineations. The result could be non-installation of wetland protections on various properties that may possibly result in detriment to public safety, health, or welfare or injury to other property.*

S-21091 LOT I, SILVER CREEK ESTATES

VARIANCE REQUEST *STAFF COMMENTS*

A variance shall not be approved unless there are findings based upon the evidence presented in each specific case that:

(b) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought.

- *Because of the proliferation of wetlands in Baldwin County, it is not possible for staff to declare the request for a non-submittal of a wetland delineation via variance a condition unique to the property for which a variance is justified*

S-21091 LOT I SILVER CREEK ESTATES

VARIANCE REQUEST *STAFF COMMENTS*

A variance shall not be approved unless there are findings based upon the evidence presented in each specific case that:

(c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;

- *Similar to staff's comments in section "b", above, because of the widespread proliferation of wetlands as well as existing stormwater conveyance systems in Baldwin County, it is not possible for staff to declare the request for a non-submittal of a wetland delineation via variance a condition of the particular physical surroundings, shape, or topographical conditions of the specific property involved.*

S-21091 LOT I, SILVER CREEK ESTATES

VARIANCE REQUEST STAFF COMMENTS

A variance shall not be approved unless there are findings based upon the evidence presented in each specific case that:

(d) The variance will not in any manner vary the provisions of other adopted policies and regulations of the Baldwin County Commission.

- *This is a difficult criteria for staff to evaluate because other than the recorded plat and an applicant-furnished copy of the wetland delineation for Silver Creek Estates, no other data was furnished for staff to evaluate. As mentioned in section "a" above, staff is concerned about the precedent a variance in this situation would set for future applications. It is possible that a variance in this situation would negate the public policy matter of wetland protection contemplated by section 5.2.2 et al of the Baldwin County Subdivision Regulations.*

S-21091 LOT I, SILVER CREEK ESTATES

VARIANCE REQUEST *STAFF COMMENTS*

A variance shall not be approved unless there are findings based upon the evidence presented in each specific case that:

(e) Inconvenience, financial concerns, or self-imposed conditions shall not be considered as a hardship for the purpose of granting the variance.

- *The applicant has not explicitly requested any of the provisions of this section be considered in the variance application submitted to staff, however staff notes the existing drainage easements on Lot 1 indicate the presence of an existing stormwater conveyance system, which may qualify as a self-imposed condition on the property as the result the subdivision process.*

S-21091 LOT I, SILVER CREEK ESTATES

VARIANCE REQUEST *ADDITIONAL STAFF COMMENTS*

- This was a challenging application for staff to evaluate because of the practical impact of how the existing subdivision was recorded in 2017 vs. the contemporary requirements of the 2021 subdivision regulations. This request was especially challenging because the process by which wetlands are identified on a property is what is requested for waiver by the requested variance
- Though staff evaluated the existing subdivision for the purposes of this variance application review, staff makes no warranty or claim that all possible matters involving a future re-subdivision of Lot 1 are addressed
- Staff notes to the applicant that even if it is the pleasure of the Planning and Zoning Commission to grant the wetland delineation variance, the existing drainage easements on the property may qualify as “existing stormwater management area” and require buffers and/or notes on the new subdivision plat prohibiting modification or filling of those areas

S-21091 LOT I SILVER CREEK ESTATES

VARIANCE REQUEST *STAFF COMMENTS*

Staff recommends that the requested variance from section 5.2.2 et al of the *Baldwin County Subdivision Regulations* to waive the requirements for submission of a wetland delineation accompanying a future application for re-subdivision of Lot 1, Silver Creek Estates be **DENIED**. The basis for denial is that staff feels the potential wetlands on subject property are a common occurrence in Baldwin County not unique to subject property. As a result, it is not possible for staff to identify a hardship unique to subject property for which a variance is warranted.