

# 8.F) Z22- 9 BERTOLLA PROPERTIES, LLC PROPERTY

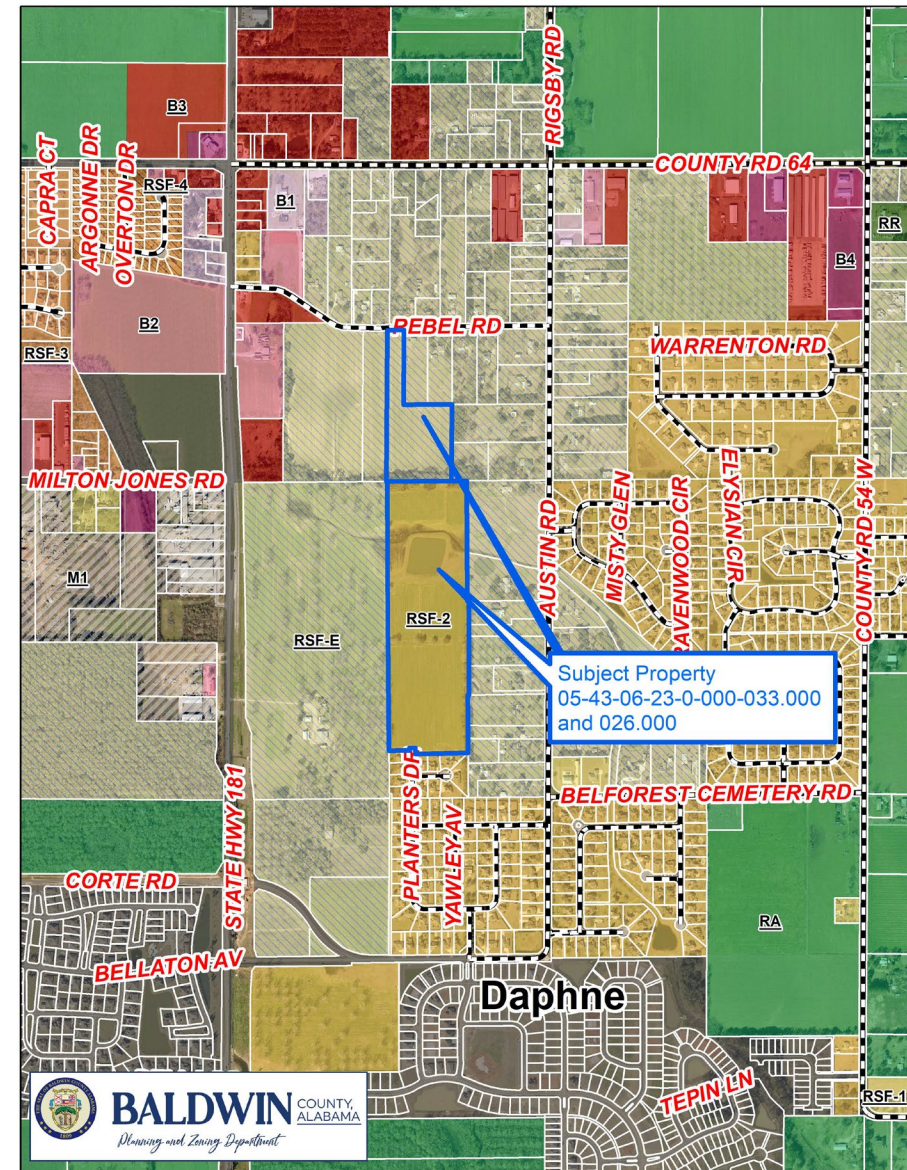
Lead Staff: Celena Boykin, Senior Planner

Request before Planning Commission:

**Rezone 44.4+/- acres From RSF-2 and RSF-E to RSF-3**

To view maps/plats in higher resolution please visit the "Upcoming Items" Planning and Zoning webpage:

<https://baldwincountyal.gov/departments/planning-zoning/meeting-agenda>



## 7.D) Z22- 9 BERTOLLA PROPERTIES, LLC PROPERTY

Lead Staff: Celena Boykin, Senior Planner

**Planning District:** 15

**Zoned:** RSF-E, Single Family Estate District and RSF-2, Single Family District

**Location:** Subject property is located on south of Rebel Rd and east of St Hwy 181

**Current Use:** Vacant

**Acreage:** 44.4 +/- acres

**Physical Address:** NA

**Applicant:** SE Civil

**Owner:** Bertolla Properties LLC

**Proposed Zoning:** RSF-3, Single Family district

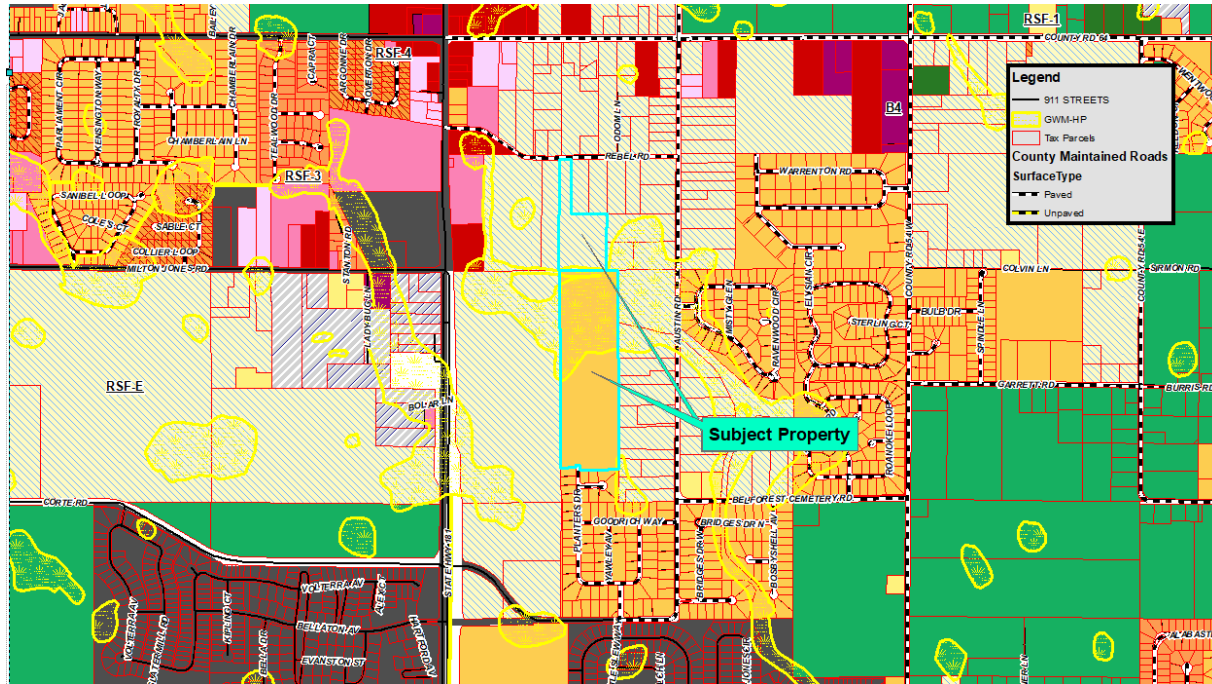
**Proposed Use:** Subdivision

**Applicant's Request:** To develop a single family residential subdivision similar to Waterford to the south.

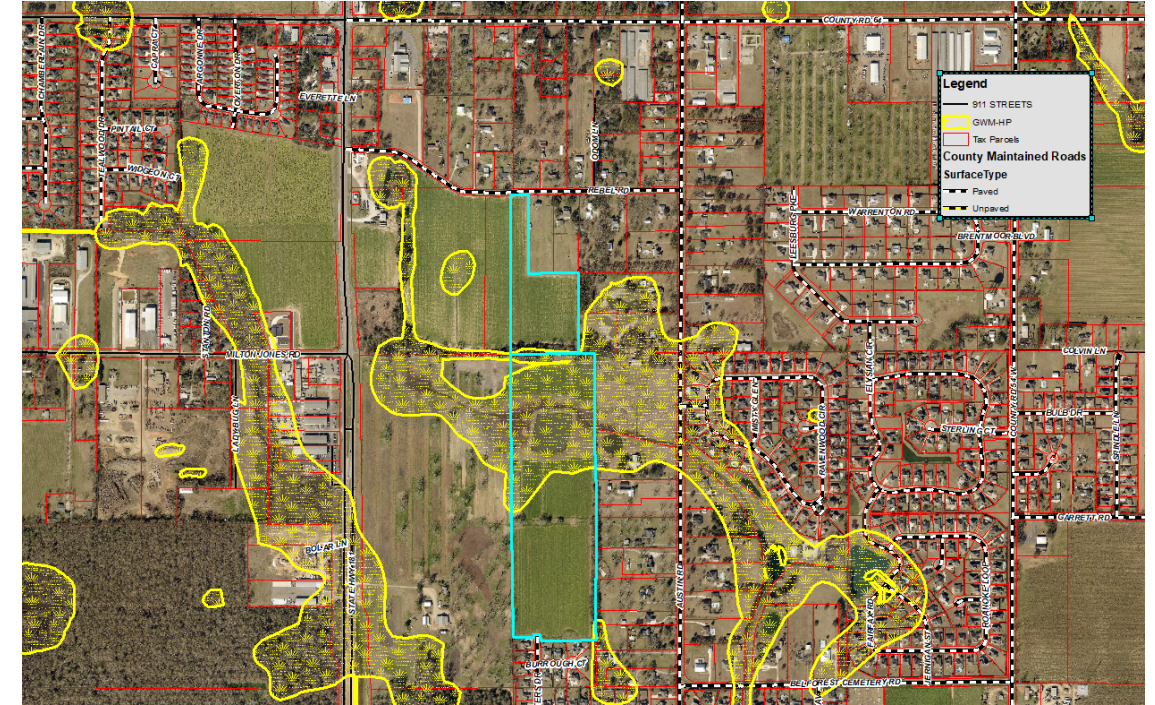
**Online Case File Number:** The official case number for this application is Z22-9, however, when searching online CitizenServe database, please use Z22-000009.



# Locator Map



# Site Map



## Adjacent Zoning

North

RSF-E, Single Family Estate District

South

RSF-2, Single Family District

East

RSF-E, Single Family Estate District

West

RSF-E, Single Family Estate District

## Adjacent Land Use

Agriculture

Residential

Residential

Agriculture



# Property Images





# Current Zoning Requirements

## Article 4 Residential Districts

### 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 *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*).

4.1.4 *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: Not Applicable

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 18.4 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	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

# Current Zoning Requirements

## Section 4.3 RSF-2, Single Family District

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

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

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

4.3.3 *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*).

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

4.3.5 *Area and dimensional ordinances.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.4 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	15,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

# Proposed Zoning Requirements

## Section 4.4 RSF-3, Single Family District

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

4.4.2 *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.

4.4.3 *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*).

4.4.4 *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

4.4.5 *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	10,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35



# Concept Plan (subdivision not for consideration at May meeting)



<b>TOTAL ACRES</b>	<b>54.2 Ac</b>
<b>R-3 Lots</b>	<b>104</b>
<b>Typ. Lot</b>	<b>80'x140'</b>
<b>Buildable Area</b>	<b>60'x80'</b>
<b>Density</b>	<b>1.9 / Ac</b>
<b>Current Zoning</b>	<b>ER &amp; RSF-2 (County)</b>
<b>Zoning Req'd</b>	<b>RSF-3 (County)</b>
<b>Streets</b>	<b>6406 lf</b>
<b>Asphalt</b>	<b>17179 sy</b>
<b>Curbing</b>	<b>12416 lf</b>
<b>Pond Areas</b>	<b>183,540 sf</b>

## Open Space Summary

<b>TOTAL</b>	<b>13.05 Ac. (24.1% of Total Site)</b>
<b>Ponds</b>	<b>4.9 Ac. (37.5% of Open Space)</b>
<b>Wetlands</b>	<b>3.7 Ac. (28.4% of Open Space)</b>
<b>Uplands</b>	<b>4.45 Ac. (34.1% of Open Space)</b>

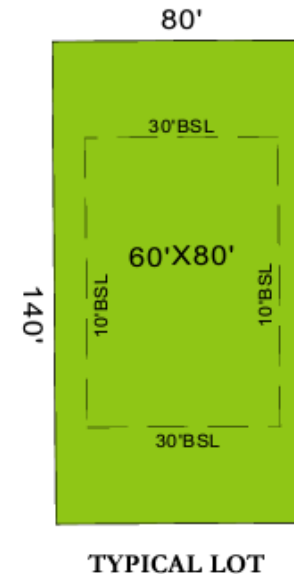
**BERTOLLA - 53.4 AC.**  
**Daphne, AL**



<b>TOTAL ACRES</b>	<b>54.2 Ac</b>
<b>R-3 Lots</b>	<b>104</b>
<b>Typ. Lot</b>	<b>80'x140'</b>
<b>Buildable Area</b>	<b>60'x80'</b>
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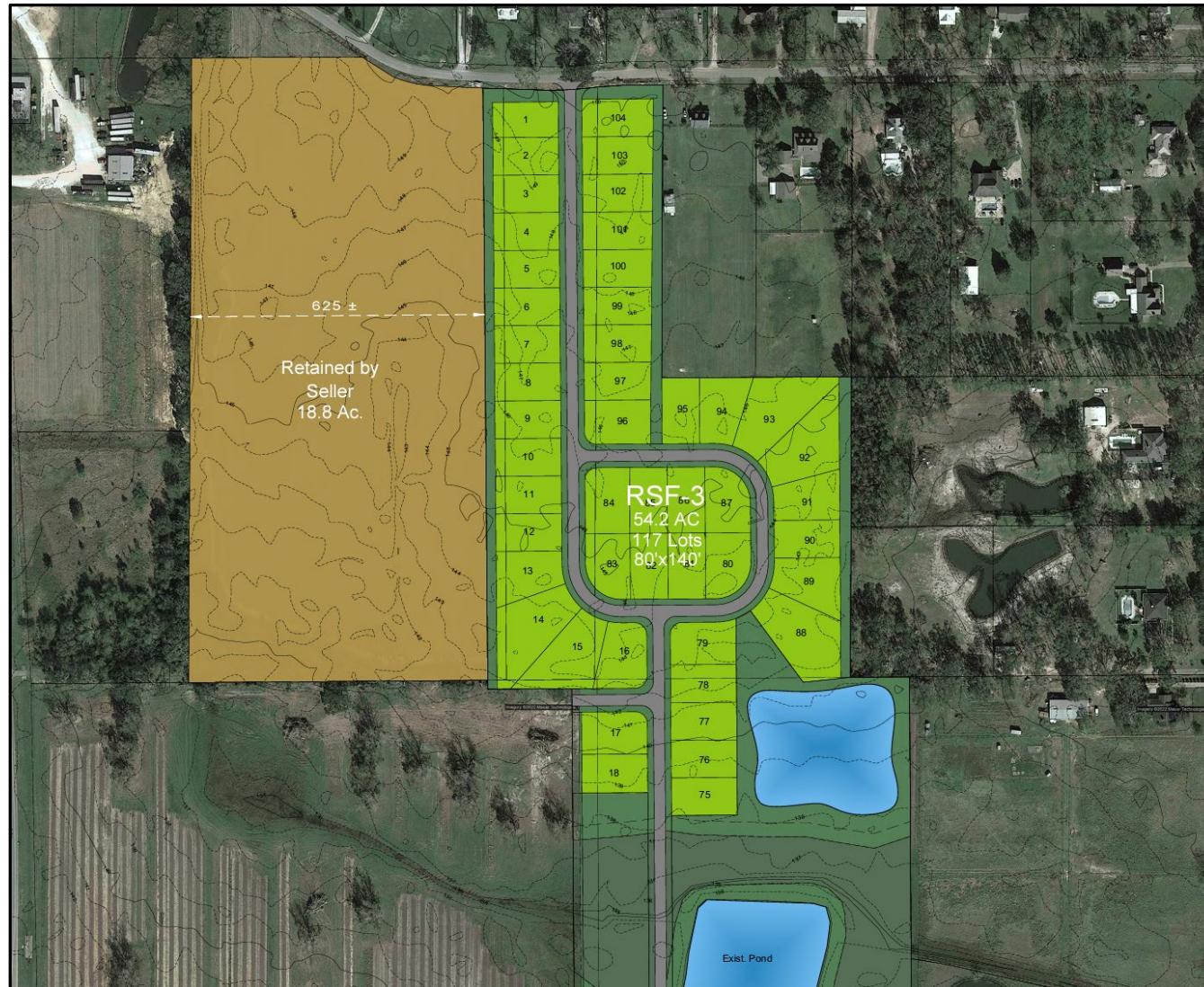
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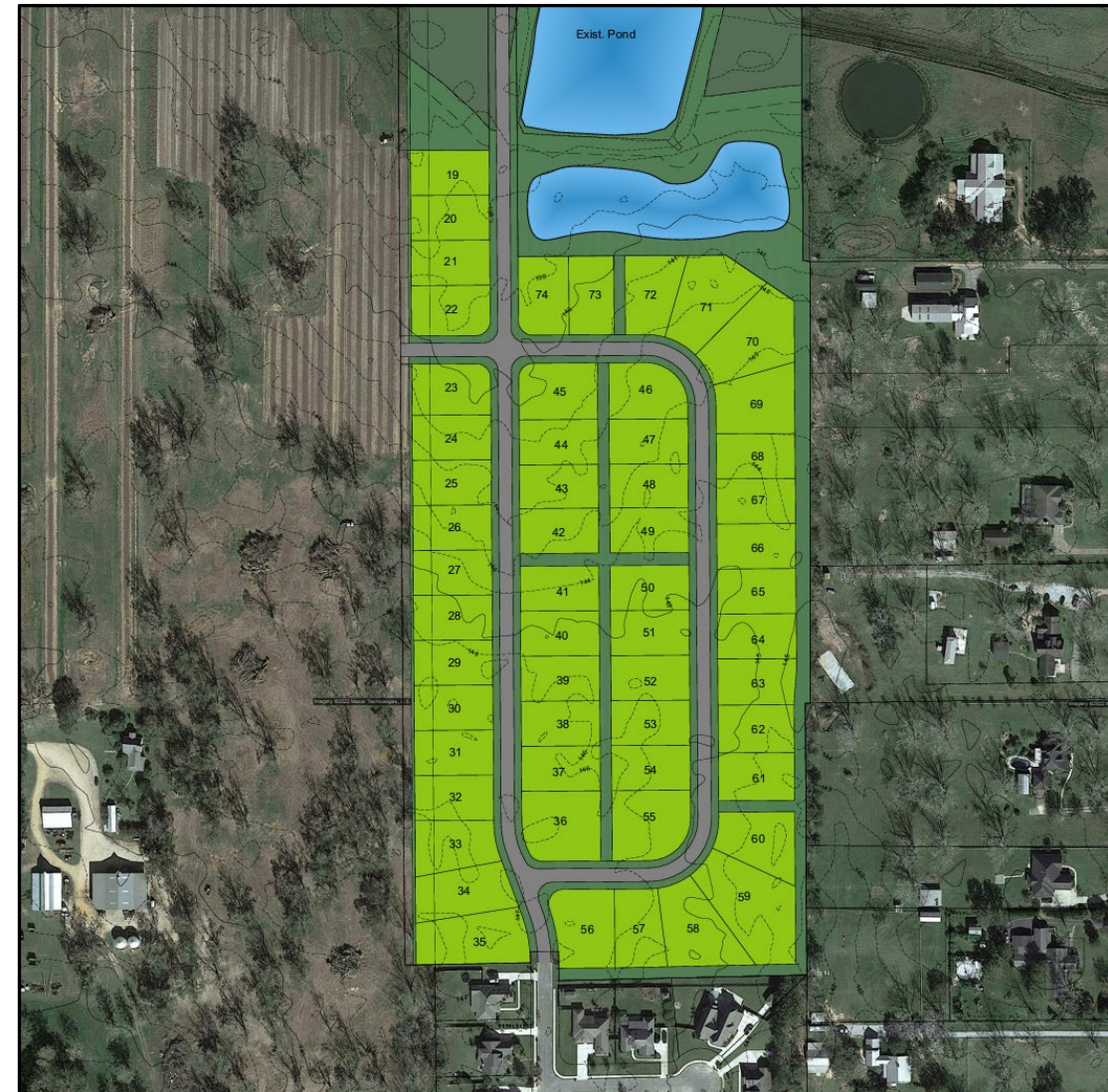


# Concept Plan (subdivision not up for approval at May meeting)

## NORTH SECTION



## SOUTH SECTION





# Staff Analysis and Findings

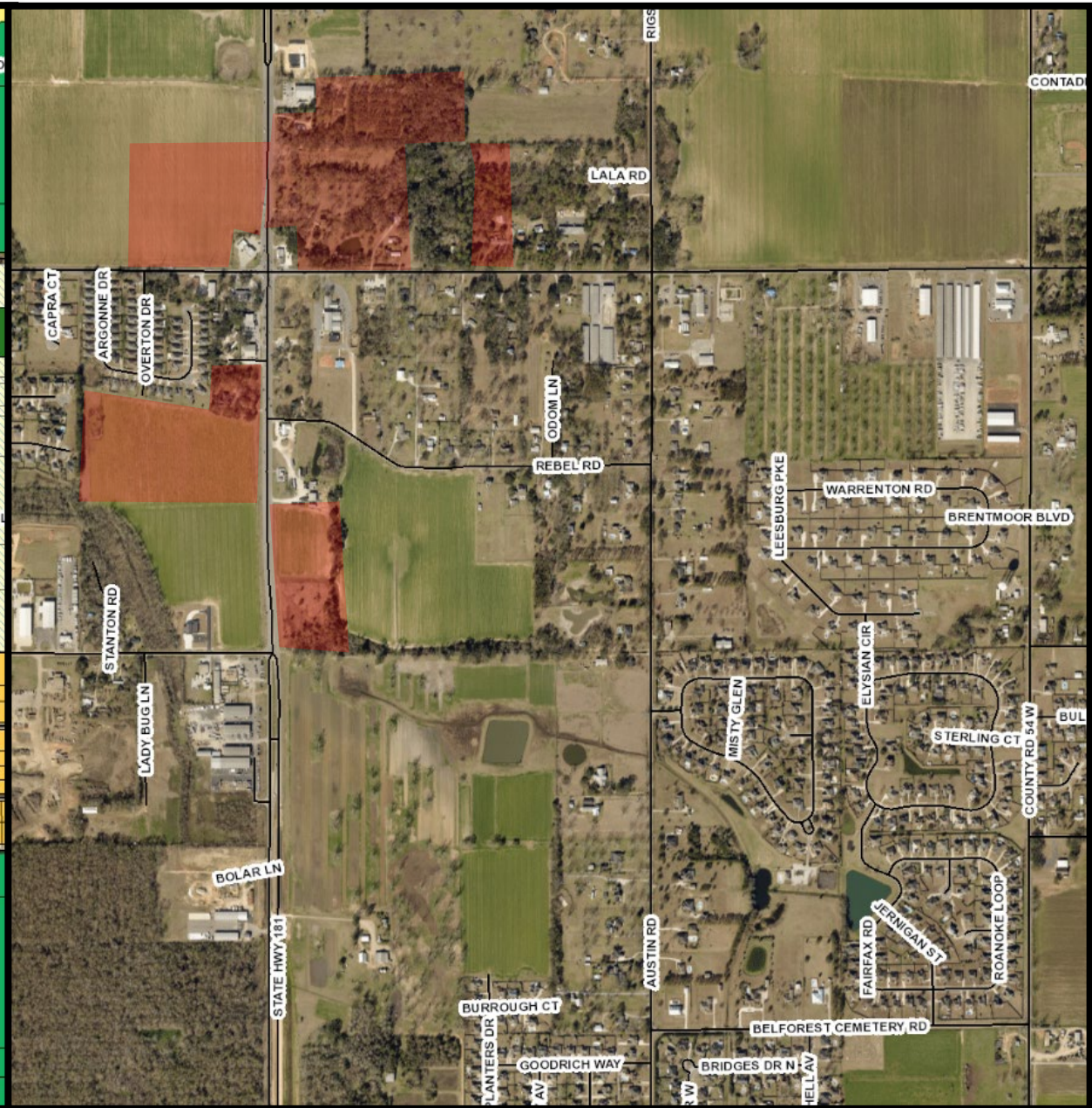
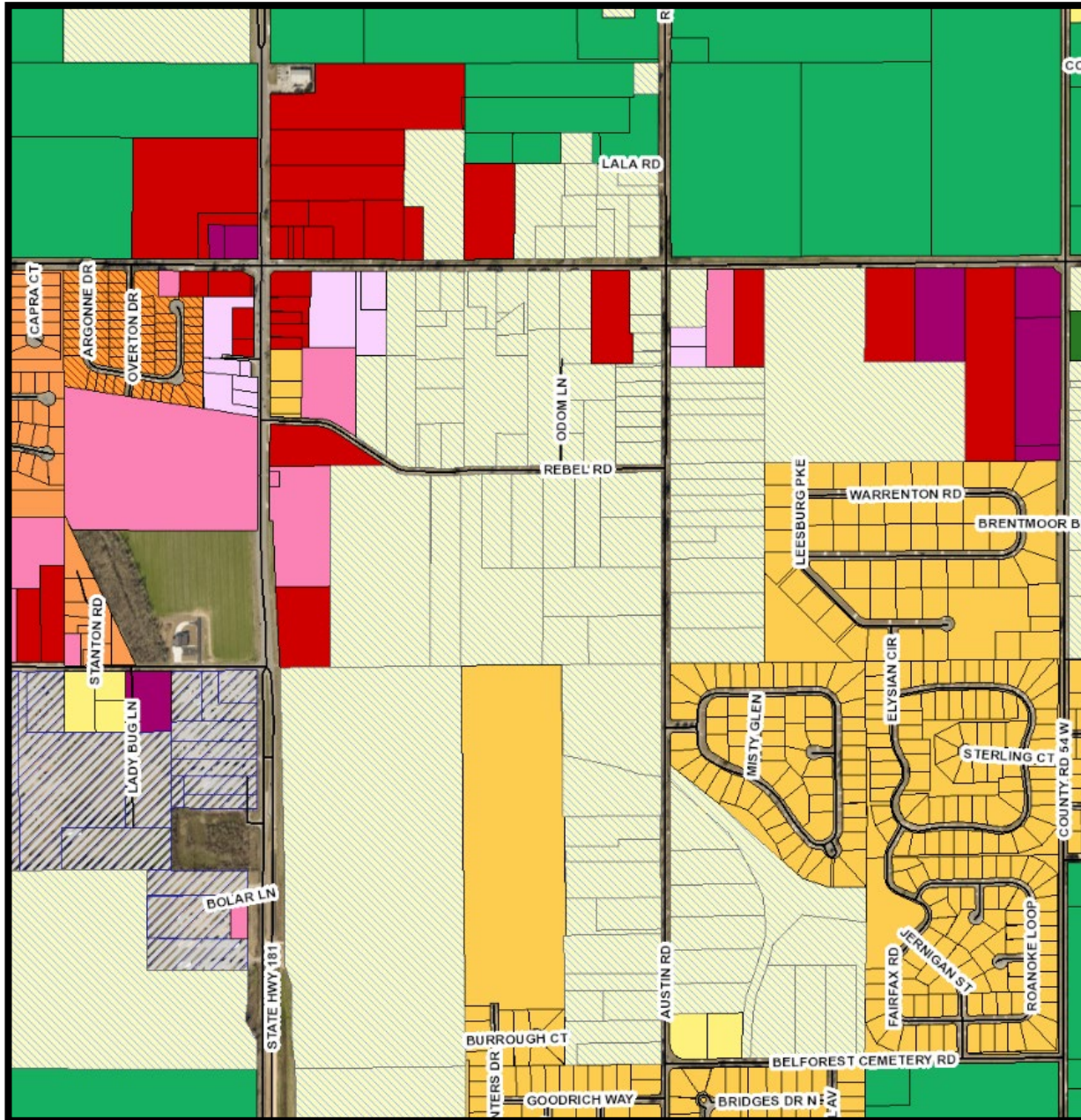
## **1.) Is the requested change compatible with the existing development pattern and the zoning of nearby properties?**

The subject property is currently zoned RSF-E, Single Family Estate District, and RSF-2, Single family District and is undeveloped. The adjacent properties are zoned the same RSF-E and RSF-2. The adjacent uses are residential and agriculture.

However, a development trend appears to exist from an intensified commercial node at the intersection of SR 181 and County Road 64. Because zoning encourages a transition from more intense uses to less intense uses, a higher intensity residential use is likely an appropriate transition from the commercial growth at the commercial node and the existing residential developments.

That said, staff notes that the commercial development trend may be somewhat misrepresented by the intensely zoned, yet undeveloped, commercial property in the area.







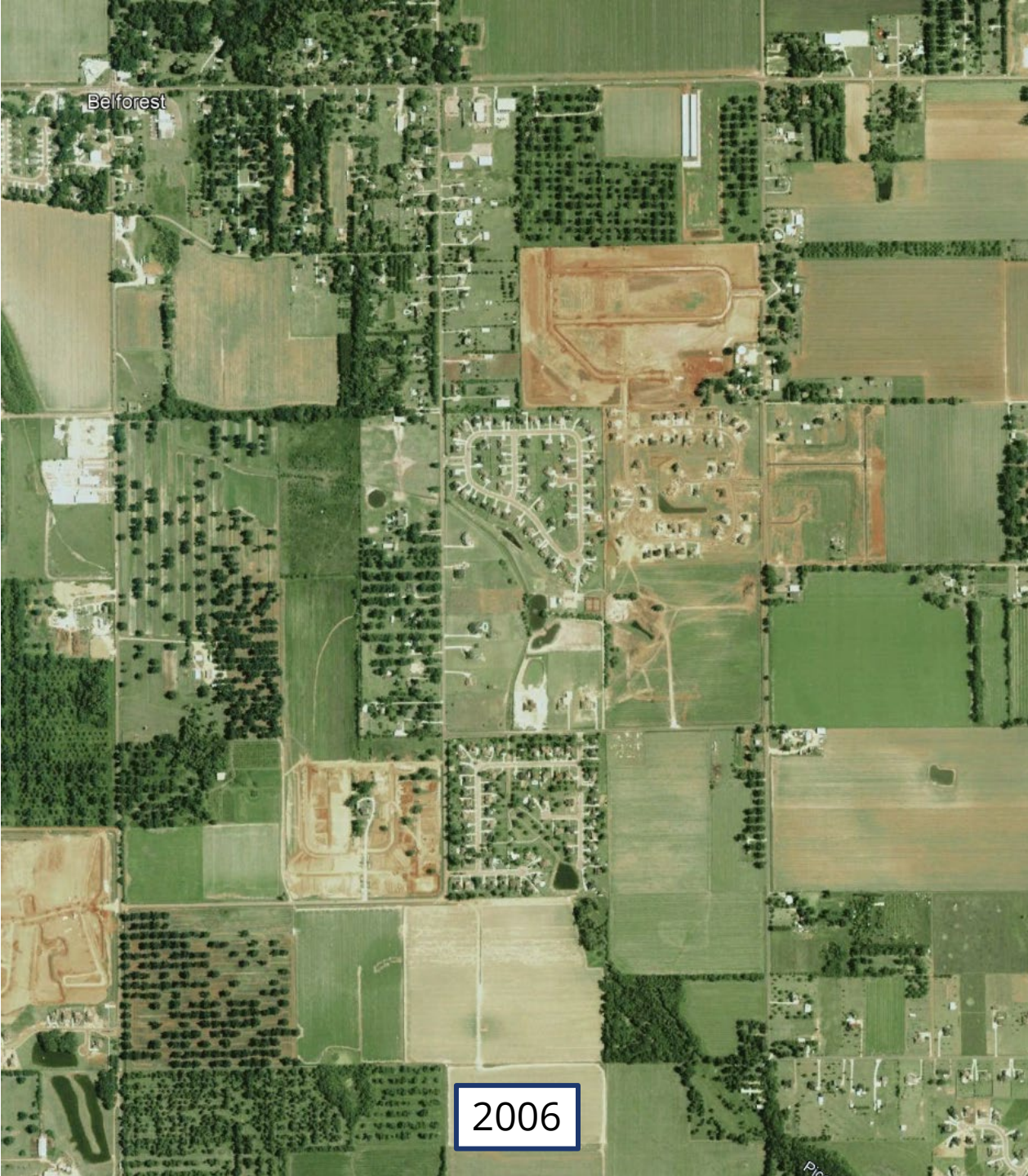
# Staff Analysis and Findings

**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. Since this time there have been multiple rezonings in the area, mainly along SR 181 and County Rd 64. Many of these rezonings were commercial.

A review of aerial photography shows significant development change within the Belforest Community (see next slide) though it is noted that most of this change took place in the form of residential development.







# 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 is provided for the subject property. This category is provided for residential dwelling units including single family dwellings, two family (duplex) dwellings, multiple family dwellings, manufactured homes, manufactured housing parks and Planned Residential Developments. Institutional uses, recreational uses and limited neighborhood commercial uses may be included subject to the provisions of the Zoning Ordinance. To the greatest extent possible, residential areas should be accessible to major thoroughfares connecting with work areas, shopping areas and recreational areas. Zoning designations may include RR, RA, CR, RSF-E, RSF-1, RSF-2, RSF-3, RSF-4, RSF-6, RTF-4, RTF-6, RMF-6, HDR, RMH and PRD. Approval of the requested rezoning will not require a change to the 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.

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

Per the Federal Highway Administration, the functional classification of Rebel Road is local. They are not intended for use in long distance travel, except at the origin or destination end of the trip, due to their provision of direct access to abutting land. Bus routes generally do not run on Local Roads. They are often designed to discourage through traffic. As public roads, they should be accessible for public use throughout the year.

# 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 primary surrounding land uses are residential and agriculture. In District 15 local provisions the Advisory Committee stated what their philosophy is for this district:

It is the intent of the District 15 Advisory Committee to encourage residential zoning for the vast majority of District 15, and furthermore, to encourage zoning in the areas of RSF-E, Residential Single Family Estate District, and RSF-1, Single Family District, when possible in order to protect the values of homes and properties already established throughout the district. While we understand the need for affordable housing and commercial growth when properly zoned, we believe that protecting property values should be higher priority in making future zoning decisions.

Staff has received no substantive evidence that an RSF-3 zoning would negatively impact the home values of surrounding neighborhoods. If such evidence is presented, an RSF-3 rezoning would likely be inappropriate.

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

Though, this area of Planning District 15 consists mostly of residential districts, the proposed land to be rezoned is situated in a transition area between commercially zoned and residentially zoned properties.



## Staff Analysis and Findings

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

Staff believes that timing is not an issue.

**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, though does note the presence of potential wetlands on the site. Wetlands may not be filled to create buildable lots. The wetlands will need to be delineated during the subdivision process and must be set aside in common areas or protective easements. Access to this site would require approval from the Baldwin County Highway Department.

**11.) Other matters which may be appropriate.**



# Agency Comments

**ALDOT, Michael Smith:** No Comment

**ADEM, Scott Brown:** No Comment

**BCBE:** No Comment

**City of Daphne:** No Comment

**Mary Booth, Subdivision Coordinator:**

- a. Applicant will need to submit a sketch plan application via Citizenserve Portal, to be followed up by a pre-app meeting and will need to comply with current subdivision regulations and zoning ordinance when submitting subdivision applications.
- b. Concur with Hwy comments.

# Agency Comments

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

- a. Rebel Rd to the north of the property and Planters Drive to the south are both County Maintained classified as local roads. A traffic study will be required for the proposed concept with the developer responsible to construct any required improvements warranted by the study or identified by either ALDOT or Baldwin County Highway Department. No scoping meeting has occurred for the site yet and will be needed.
- b. Existing stormwater passing through the site would need to be accounted for in the stormwater report. The concept plan shows the existing area that ponds to remain, and additional detention or retention area anticipated for construction. Current condition varies on the property and will need further review.
- c. Full sidewalk construction would be required for the shown concept if a subdivision is proposed and would need to tie into any existing sidewalks.



# 7.D) Z22- 9 BERTOLLA PROPERTIES, LLC PROPERTY

Lead Staff: Celena Boykin, Senior Planner

Current Single  
Family (RSF-2 and  
RSF-E)

Requested Zoning:  
Single Family (RSF-3)



Rural

Single Family

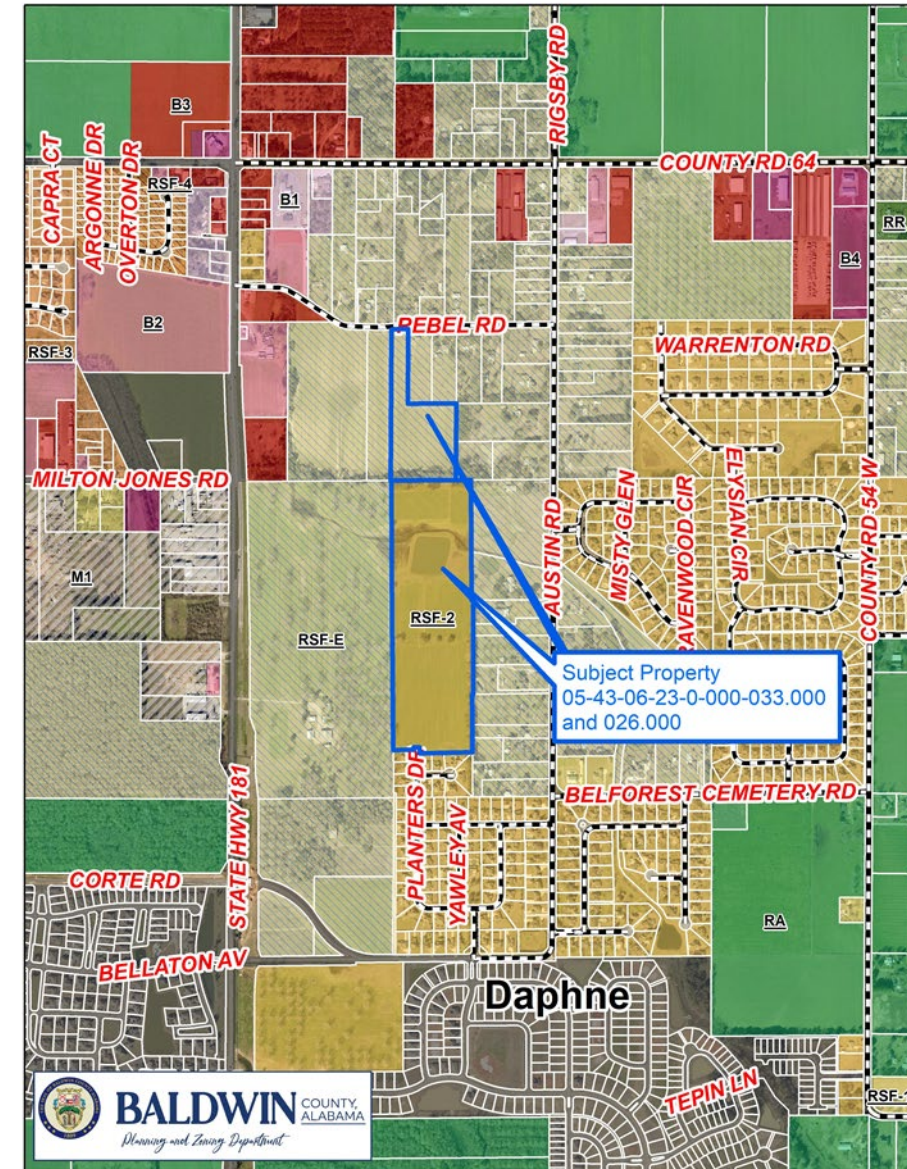
Multi-Family

Resort/RV

Businesses

Major Commercial

Industrial



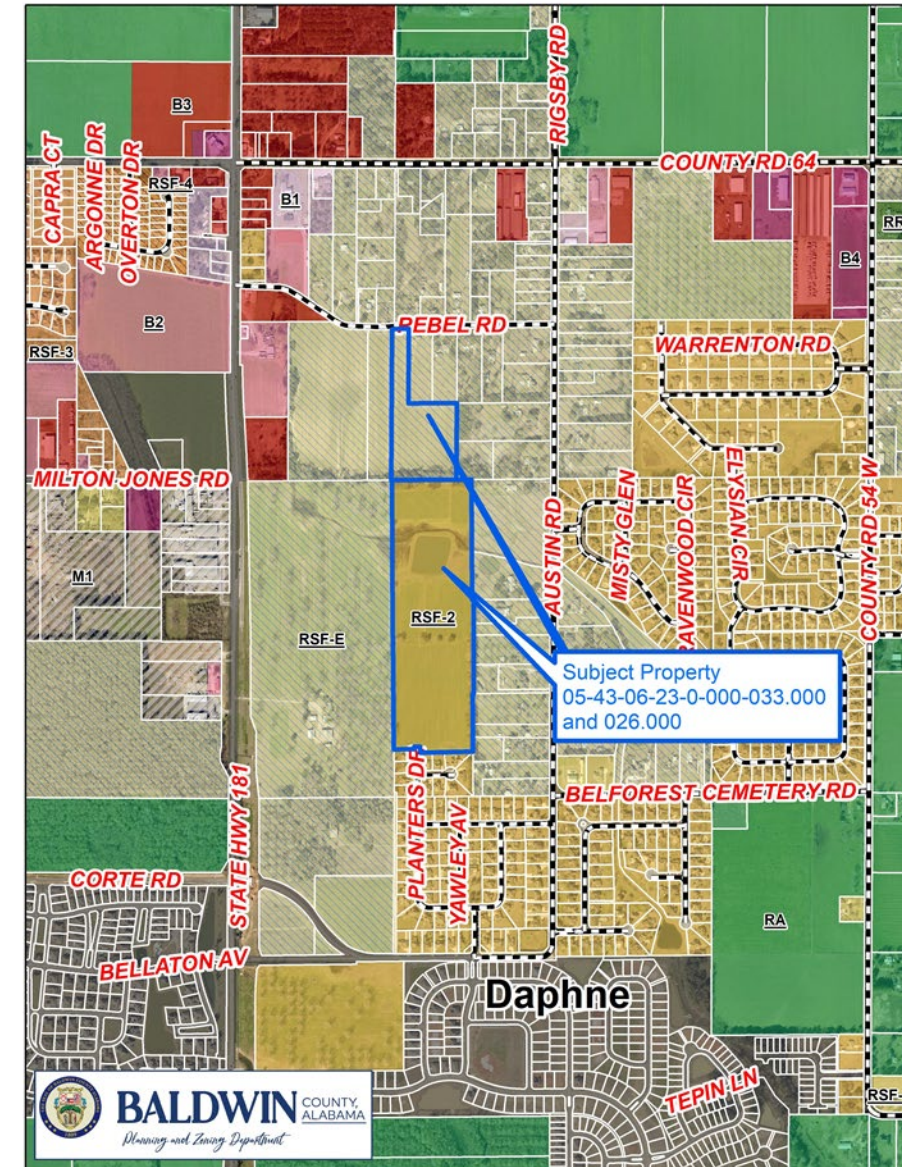


# 7.D) Z22- 9 BERTOLLA PROPERTIES, LLC PROPERTY

Lead Staff: Celena Boykin, Senior Planner

## Staff's Summary and Comments:

As stated previously, the subject property is currently zoned RSF-E, Single Family Estate District, and RSF-2, Single Family District, and is currently farmed. The property adjoins Rebel Road. The adjoining properties are residential and agriculture. The requested zoning designation is RSF-3, Single Family District. According to the submitted information, the purpose of this request is to allow a rezoning so that a single-family subdivision can be created. If the property is rezoned, the subdivision will be separately reviewed and approved by the City of Daphne Planning Commission and Baldwin County staff.





# 7.D) Z22- 9 BERTOLLA PROPERTIES, LLC PROPERTY

Lead Staff: Celena Boykin, Senior Planner

## 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.*