

BALDWIN COUNTY, ALABAMA

Planning and Zoning Department

RE-ZONING REQUEST

Z22-15, GOD IS BIDDEN PROPERTY

AUGUST 4, 2022

PRESENTED BY: CELENA BOYKIN, SENIOR PLANNER

8.E)Z22-15 GOD IS BIDDEN PROPERTY

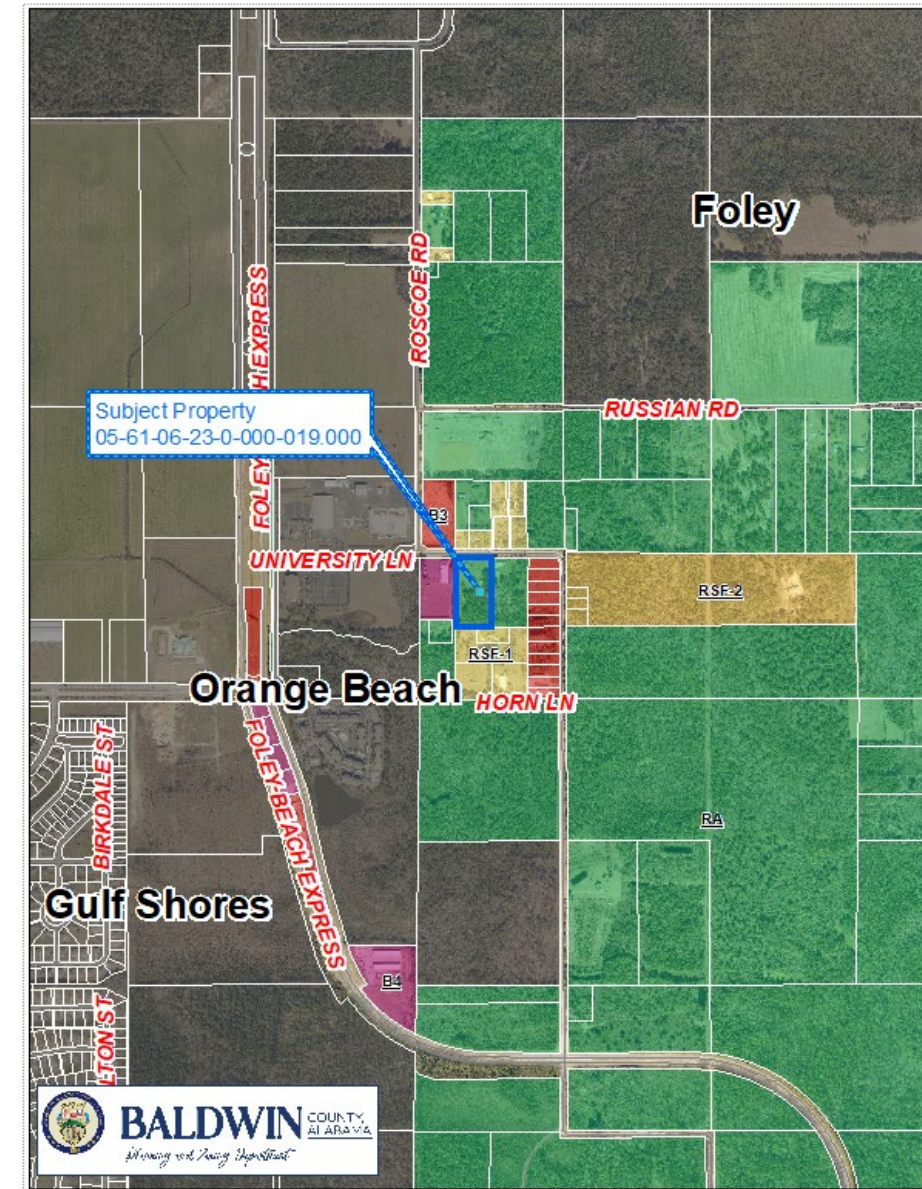
Lead Staff: Celena Boykin, Senior Planner

Request before Planning Commission:

Rezone 4.6+/- acres From RA to HDR

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

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



Z22-15 GOD IS BIDDEN PROPERTY

Lead Staff: Celena Boykin, Senior Planner

Planning District: 30

Zoned: RA, Rural Agriculture District

Location: Subject property is located east of the Beach Express and South of Roscoe Rd.

Current Use: Residential

Acreage: 4.6 +/- acres

Physical Address: NA

Applicant: Development Design Studio

Owner: Chartre Consulting

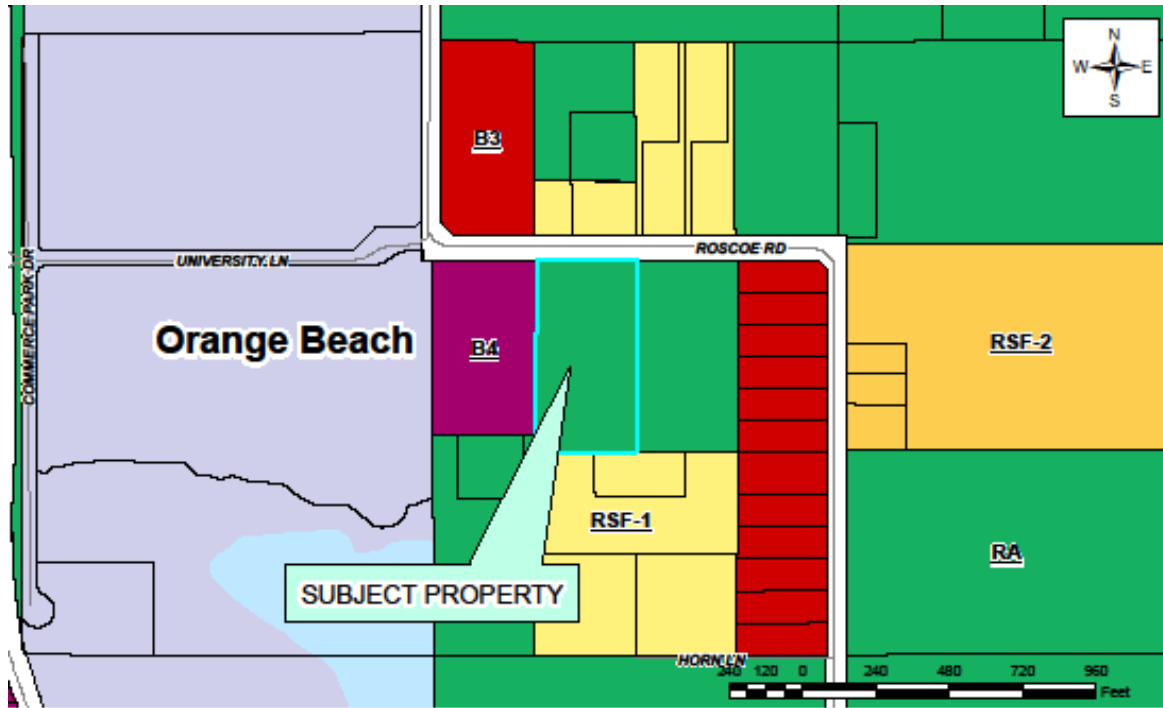
Proposed Zoning: HDR, High Density Residential District

Proposed Use: Townhouses

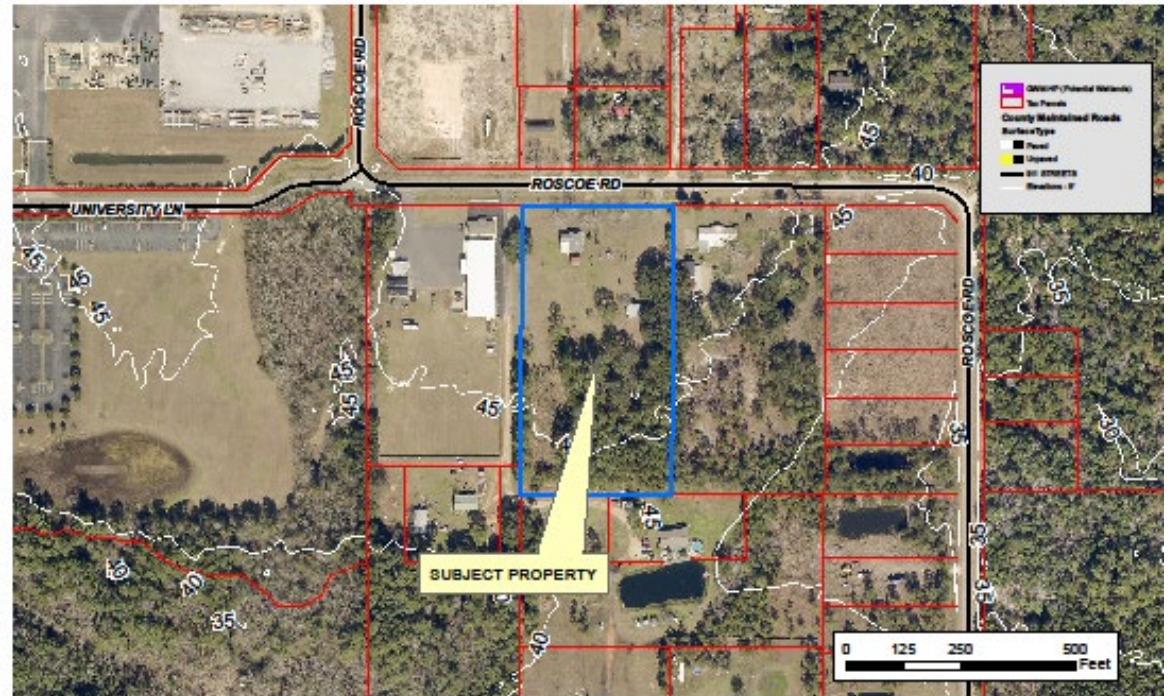
Applicant's Request: We are requesting a rezoning to HDR rather than RMF-6 in order to build townhouses at a density slightly above 6 DU/Acre.

Online Case File Number: The official case number for this application is Z22-15, however, when searching online CitizenServe database, please use Z22-000015.

Locator Map



Site Map



Adjacent Zoning

North	Roscoe Rd & RSF-1, Single Family District
South	RSF-1, Single Family District
East	RA, Rural Agriculture
West	B4, Major Commercial

Adjacent Land Use

North	Residential
South	Residential
East	Residential
West	Commercial (Symbol Clinic)

Property Images



Current Zoning Requirements



Current Zoning Requirements

Section 3.2 RA Rural Agricultural District

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

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

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

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

Proposed Zoning Requirements

Section 4.10 HDR, High Density Residential District

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

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

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

4.10.3 *Conditional Use 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 site plan approval process:

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

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

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

Minimum Side Yards	10-Feet
Maximum Density	12 Dwelling Units per Acre
Minimum Lot Area/Dwelling Unit	6,500 Square Feet
Minimum Lot Width at Building Line	60-Feet
Minimum Lot Width at Street Line	30-Feet
Maximum Ground Coverage Ratio	.35

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

Maximum Height of Structure in Feet	50
Maximum Height in Habitable Stories	4
Minimum Front Yard	25-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	25-Feet
Maximum Density	12 Dwelling Units per Acre
Minimum Lot Area	22,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.80

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

Maximum Height of Structure in Feet	35
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	25-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	10-Feet (exterior wall side yards)
Maximum Density	12 Dwelling Units per Acre
Minimum Lot Area/Dwelling Unit	2,500 Square Feet
Minimum Lot Width at Building Line	25-Feet
Minimum Lot Width at Street Line	25-Feet
Maximum Ground Coverage Ratio	.80

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

4.10.8 *Lighting standards*. The maximum height of exterior lights shall be 25-feet. The intensity, location, and design of lighting shall be such that not more than one-foot candle of light is cast upon adjacent property or public rights-of-way. Light fixtures shall be designed to cast light downward. Where necessary, cut-off devices shall be used to minimize glare off premises. No

light shall be aimed directly toward properties designated single family residential, which are located within 200-feet of the source of the light.

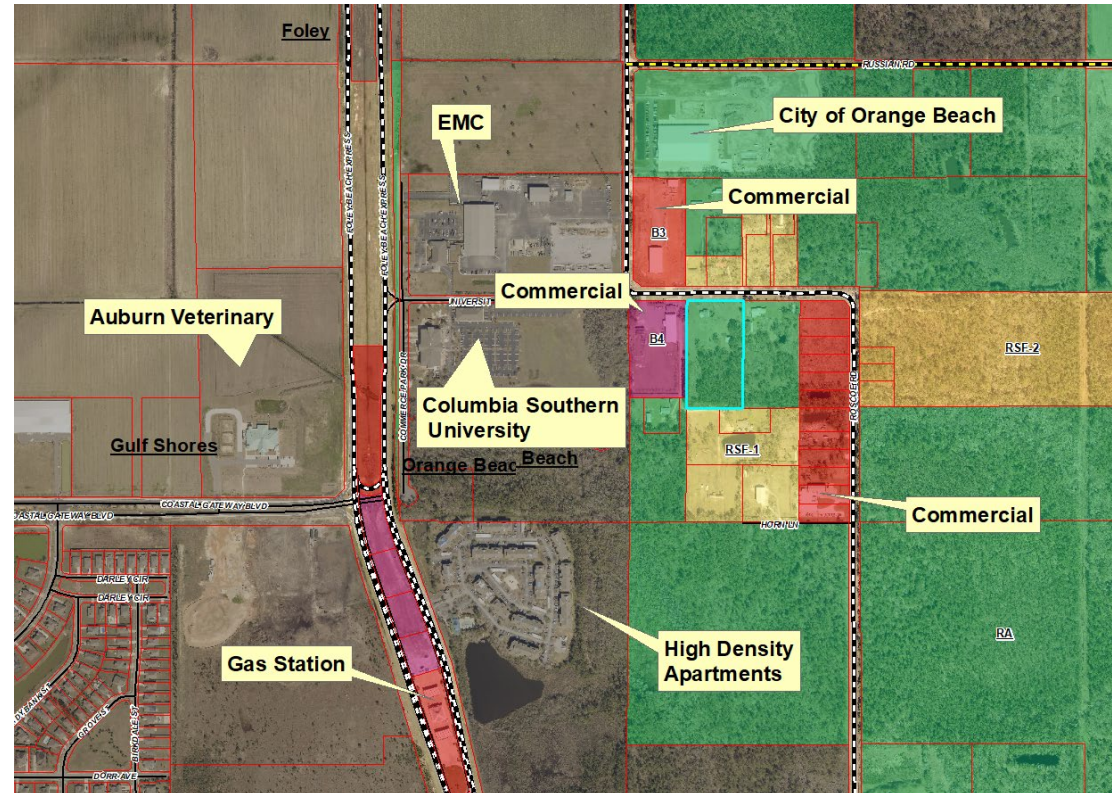
4.10.9 *Landscaping and buffering*. All HDR, High Density Residential District, properties shall meet the requirements of *Article 17: Landscaping and Buffers*.

4.10.10 HDR, High Density Residential District, shall not be available in Planning District 25.

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 residential. The property is to the south of Roscoe Rd and east of the Foley Beach Express. The adjoining properties are residential, forested timberland, and commercial. The property to the west was rezoned from RA to B-4, Major Commercial District in 2017 (case Z-17006). The properties to the west along the Beach Express are in the city of Orange Beach and are commercial.



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?

Planning District 30 zoning map was adopted in February 1995. There have been several parcels that have been annexed into the city of Orange Beach. The adjacent property to the west was rezoned from RA to B4 in 2017. The B3 to the north was rezoned from RA in 2019.

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

A future land use designation of Agricultural has been provided for the subject property. 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. Approval of the rezoning will result in an amendment of the Future Land Use Map to residential.

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

Staff is unaware of any planned public improvements.

Staff Analysis and Findings

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

Per the Federal Highway Administration the functional classification of Roscoe Road is local. Locally classified roads account for the largest percentage of all roadways in terms of mileage. 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. Local Roads are often classified by default. In other words, once all Arterial and Collector roadways have been identified, all remaining roadways are classified as Local Roads. The traffic going to and from the townhomes could have an impact on traffic patterns or congestion. Access to this site would require approval from Baldwin County Highway Department.

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

As stated previously the adjoining properties are residential, forested timberland, and commercial. The property to the west was rezoned from RA to B-4, Major Commercial District in 2017 (case Z-17006). The properties to the west along the Beach Express are in the city of Orange Beach and are commercial.

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

This area consists of commercial, residential, and agriculture zoning. The parcels along the Foley Beach Express are annexed into the City of Orange Beach or Gulf Shores. Refer back to the map in question 1.

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 historic resources that would be adversely impacted by this request.

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

Although there will 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 Site Plan approval, staff will evaluate all submitted materials, including building plans, drainage plans, landscaping plans and site plans in order to ensure complete compliance with the requirements of the zoning ordinance. Required landscaped buffers will help to mitigate the potential for adverse impacts.

11.) Other matters which may be appropriate.

Agency Comments

ALDOT, Michael Smith: No Comments

ADEM, Scott Brown: No Comments

Baldwin County Subdivision– Mary Booth: No Comments

Baldwin County Highway Department:

The provided site plan shows proposed development of townhomes which will need to follow the County subdivision process, including analysis of drainage and traffic impacts. Roscoe Rd is County maintained and will require permitting through the Highway Department for any new or changed connections for the subject property.

Information Provided By Applicant



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

a. *University Lane and Coastal Gateway Blvd across Foley Beach Express seem to be a burgeoning node of development and activity. As the first few catalyst lots begin to develop, typically land uses around those lots want to step up in intensity and with complimentary or similar uses. We feel that based on the zoning and land uses around our property an increase in intensity for this lot and others is reasonable to consider.*

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

- a. *The directly property to the West is zoned B-4. While we're not sure when the zoning was given, it has recently been built on to a business use.*
- b. *The property across the NW corner of our property is zoned B3. I cannot ascertain when this zoning was applied but I suspect it was since the zoning for the area was established.*
- c. *The properties to the East along Roscoe Rd. after it turns to N/S direction are all zoned B-4. Again, I cannot ascertain when this zoning was applied but I suspect it was since the zoning for the area was established.*
- d. *If these above zonings were original when the zoning was first established, we would still suggest it makes sense to see greater intensity allowed at this location and those lots around us.*

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

a. *We believe it does. At this location in district 30, this area is designated as a node of a mix of commercial and residential. It seems clear that this area is intended to build up and develop in intensity. The Master Plan is not fined grained so as to comment on intensity within those uses. We speak to that in other answers to these question.*

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



- a. *Not that we can see. Based on the activity and increased intensity at this section of Roscoe Rd. we think this makes sense to allow further intensity to occur here.*
- b. *Coastal Gateway Blvd. is a major connector between the expressway and 59. It seems logical that development should occur along and at the terminations of Coastal Gateway.*

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

a. *We do not believe so. We are within 1/3 of a mile of the Expressway and therefore traffic will not likely affect the neighborhood further in. Besides, at a max density of 55 units we don't think this would have a noticeable effect at all on traffic.*

f) Is the proposed amendment consistent with the development patterns in the area and appropriate for orderly development of the community? An original zoning designation that was assigned based on a use that existed when the Planning District was formed, and that does not otherwise generally conform with the zoning designations in the vicinity, does not necessarily indicate the existence of a development pattern under this factor. The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.

a. *We believe that it is consistent with the development patterns in the area. As noted above, they are burgeoning, but we see the beginnings of node of development at this point along the expressway. A higher density residential use at this property would make sense in our opinion as a transition from commercial uses closer to the expressway and lower density residential further along Roscoe Rd.*

g) Is the proposed amendment the logical expansion of adjacent zoning designations? When an adjacent zoning district received its original zoning designation based on a use that existed when the Planning District was originally formed, and that original zoning designation does not otherwise generally conform with the zoning designations in the vicinity, this original zoning designation should not support the allowance of more intense zonings on adjacent parcels, without the presence a development pattern in the community that supports an increase in intensity.

Information Provided By Applicant

DEVELOP
design studio
architecture + design

a. *Again, we see the beginnings of a development pattern that makes this a logical application. While it is not an expansion of adjacent zonings / uses, we see it as complimentary. We see this "moment" along the expressway as the beginnings of a node of activity. We believe a mix of uses and densities can strengthen this burgeoning pattern and lead to a node of mixed uses that can be complimentary to each other.*

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

a. *We believe it to be appropriate per our answers to the questions above.*

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

a. *We do not believe it will. It is a single lot surrounded by relatively recent development activity. It is not near any major waterways and is currently a mostly clear lot and so therefor we will not see a large number of trees removed.*

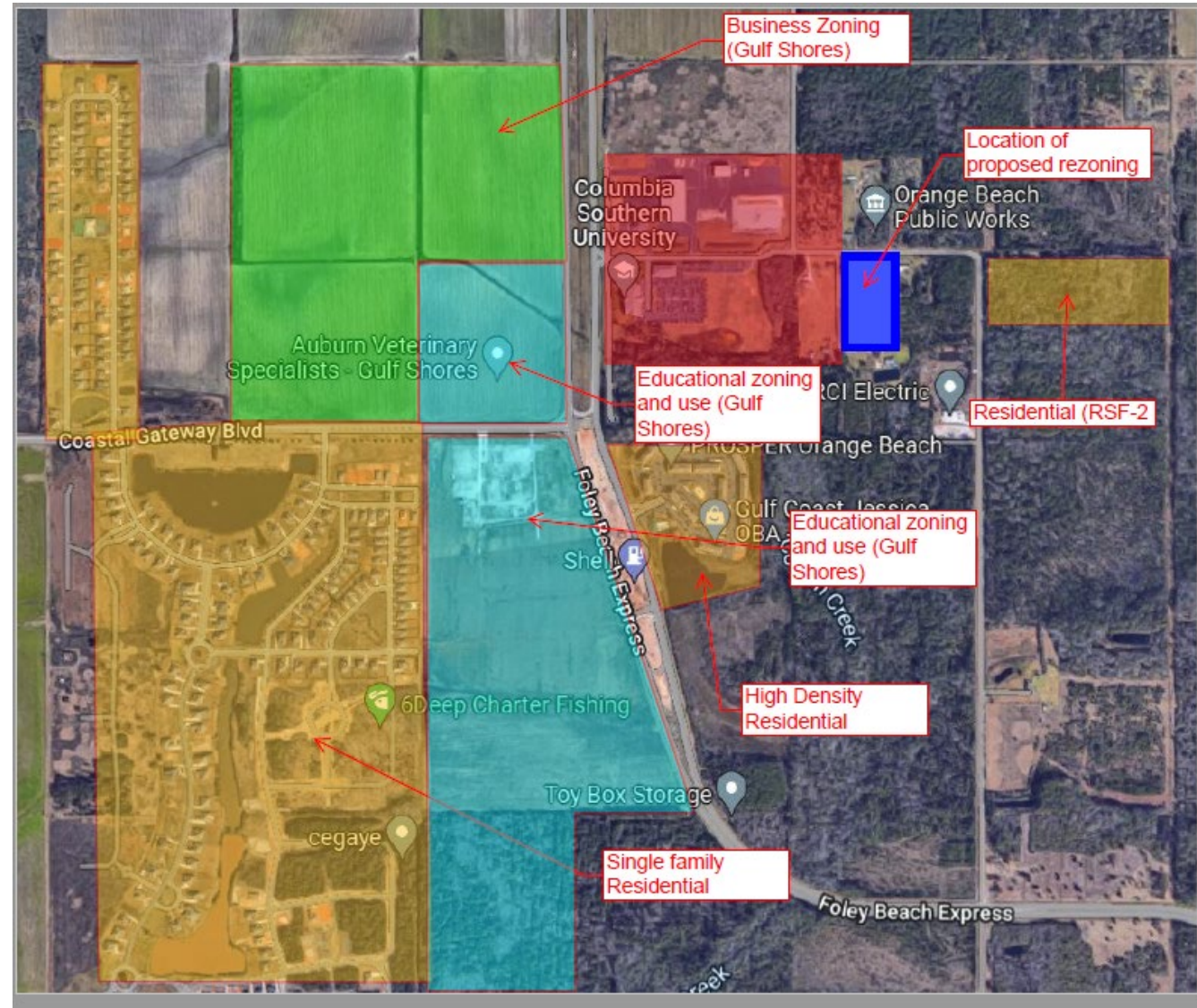
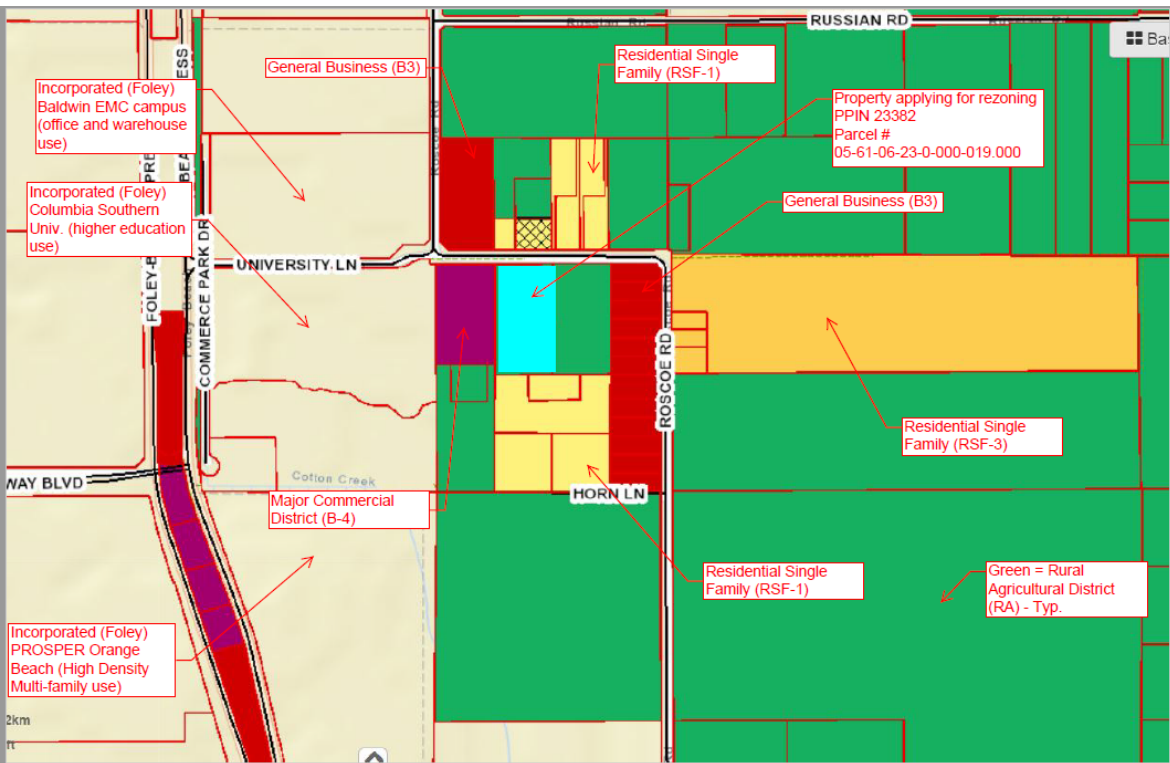
j) Will the proposed change adversely affect the health, safety and welfare of the County and the vicinity?

a. *We do not believe it will. In fact, we believe that encouraging development patterns with a mix of uses and intensities at nodes like this can lead to less traffic and a better standard of living for residents.*

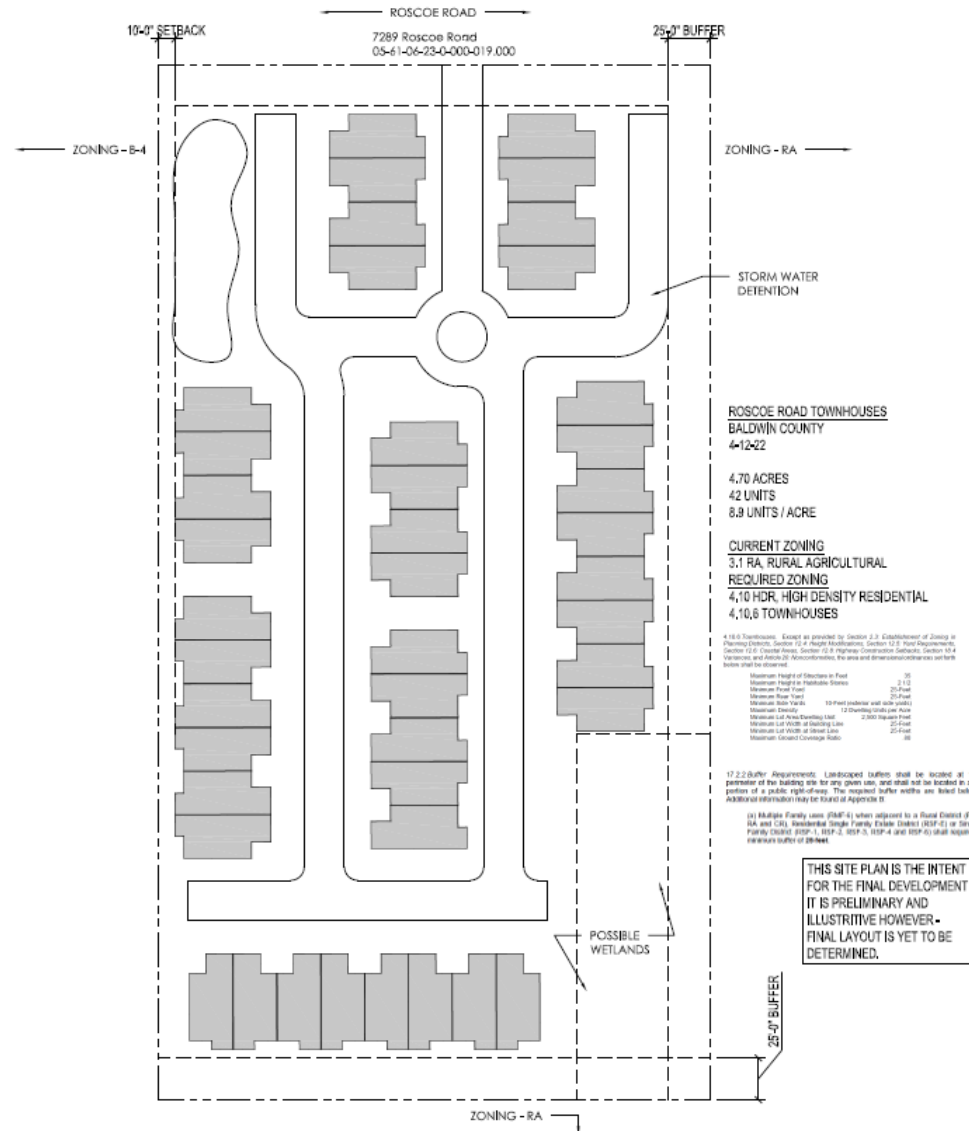
k) Other matters which may be appropriate.

a. *None*

Information Provided By Applicant



Information Provided By Applicant



ROSCOE ROAD TOWNHOUSES
BALDWIN COUNTY
4-12-22

4.70 ACRES
42 UNITS
8.9 UNITS / ACRE

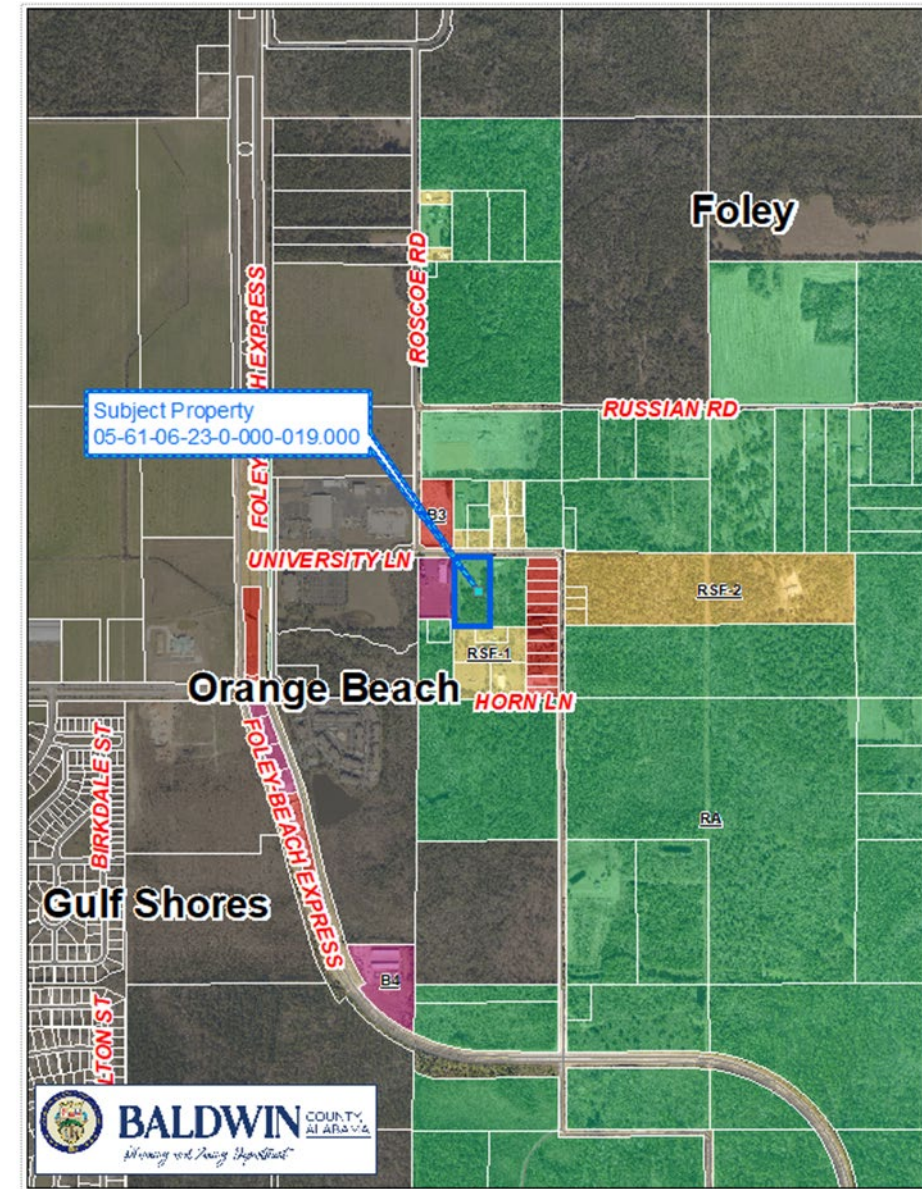
CURRENT ZONING
3.1 RA, RURAL AGRICULTURAL
REQUIRED ZONING
4.10 HDR, HIGH DENSITY RESIDENTIAL
4.10.6 TOWNHOUSES

Z22-15 GOD IS BIDDEN PROPERTY

Lead Staff: Celena Boykin,
Senior Planner

Staff's Summary and Comments:

As stated previously, the subject property is currently zoned RA, Rural Agriculture District, and consists of approximately 4.6 acres. The designation of HDR, High Density Residential District, has been requested in order to build townhouses at a density slightly above 6 DU/Acre. With the surrounding land uses and location to the Foley Beach Express staff feels this is compatible with the area.

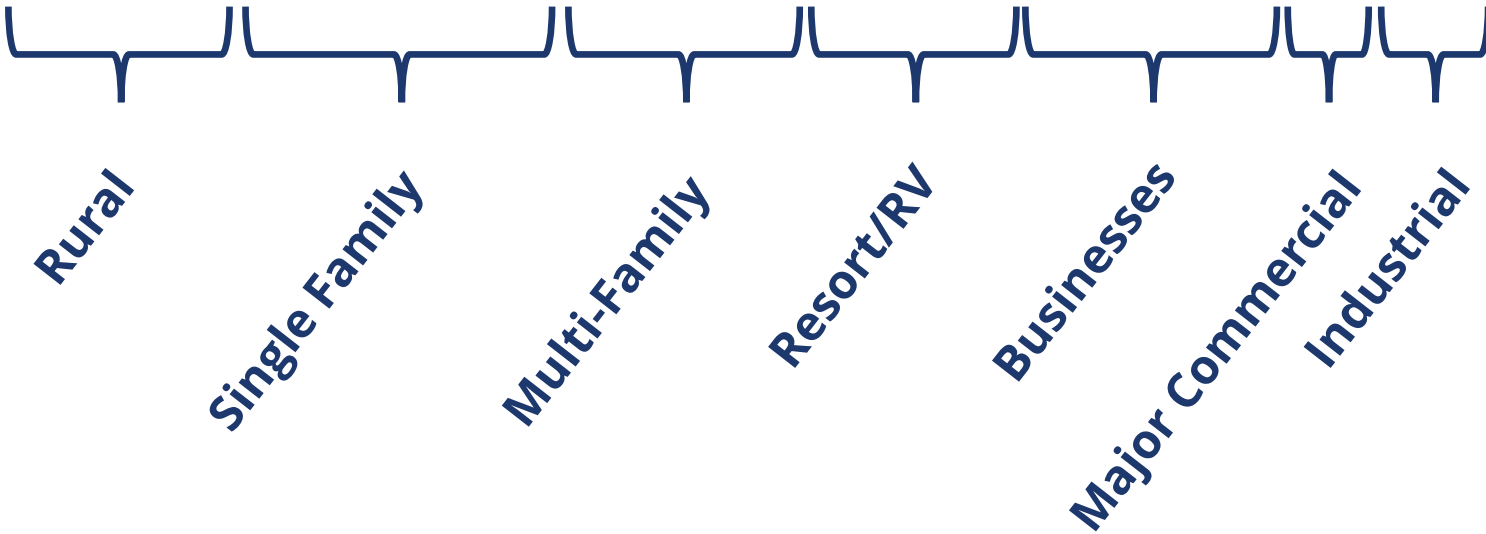


Z22-15 GOD IS BIDDEN PROPERTY

Lead Staff: Celena Boykin,
Senior Planner

Current Zoning:
Rural Agriculture (RA)

Requested Zoning:
High Density Residential (HDR)



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.*

Planning Commission Recommendation:

- Planning Commission voted 8 to 2 to **approve**
- The following reasons were listed by the Planning Commission to support its decision:
 - Staff Recommendation

Staff Recommendation Following Public Hearing:

- Staff recommendation to **approve** remains unchanged.