



Baldwin County Planning & Zoning Department

Baldwin County Commission Staff Report

Agenda Item

Case Z-19009

Seaglade at St. Andrews Bay Property

Approve Planned Residential Development (PRD) Site Plan for Seaglade at St. Andrews Bay

May 7, 2019

Subject Property Information

Planning Districts: 25

General Location: South side of Fort Morgan Road (State Highway 180), West of Triple Tail Lane, East of Pontoon Lane

Physical Address: N/A

Parcel Numbers: 05-69-08-01-0-002-008.000, 8.001, 8.002, 8.003, 8.004, 8.005, 8.006, 8.007, 8.008, 8.009, 8.010, 8.011, 8.012, 8.013, 8.014, 8.015, 8.016, 8.017, 8.018, 8.019, 8.020, 8.021, 8.022, 8.023, 8.024, 8.025, 8.026, 8.027, 8.028, 8.029, 8.030, 8.031, 8.032, 8.033, 8.034, 8.035, 8.036, 8.037, 8.038, 8.039, 8.040, 8.041, 8.042, 8.043, 8.044, 8.045, 8.046, 8.047, 8.048, 8.049, 8.050, 8.051, 8.052, 8.053, 8.054, 8.055, 8.056, 8.057, 8.058, 8.059, 8.060, 8.061, 8.062, 8.063, 8.064, 8.065, 8.066, 8.067, 8.068, 8.069, 8.070, 8.071, 8.072, 8.073, 8.074, 8.075, 8.076, 8.077, 8.078, 8.079, 8.080, 8.081, 8.082, 8.083, 8.084, 8.085, 8.086, 8.087, 8.088, 8.089, 8.090, 8.091, 8.092, 8.093, 8.094, 8.095, 8.096, 8.097 & 8.098

Existing Zoning: RSF-1, Single Family District, and RSF-4, Single Family District

Existing Land Use: Undeveloped

Proposed Land Use: Seaglade at St. Andrews Bay (PRD), 27 single family lots

Acreage: 10.53 acres, more or less

Applicant: Hutchinson, Moore & Rauch, LLC/Doug Bailey
P.O. Box 1127
Daphne, Alabama 36526

Owners: Ralph E. Capouya
2526 Wildwood Drive
Montgomery, Alabama 36111

Alabama Capital, LLC
P.O. Box 8048
Spanish Fort, Alabama 36577

Real Estate Inventories, LLC
15946 Keeney Drive
Fairhope, Alabama 36532

Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

ADJACENT ZONING AND LAND USE

North: RTF-4, Two Family District, and RMF-6, Multiple Family District, Undeveloped

South: RSF-1, Single Family District, Residential and Undeveloped

East: RTF-4, Two Family District, Undeveloped

West: RTF-4, Two Family District, Undeveloped

Summary

The proposed Planned Residential Development (PRD) is to be known as Seaglade at St. Andrews Bay. The subject property is currently undeveloped and is zoned RSF-1, Single Family District, and RSF-4, Single Family District. It adjoins State Highway 180 to the north, Triple Tail Lane to the east and Pontoon Lane to the west. If approved, the development would include 27 single family lots on approximately 10.53 acres, for a density of 2.56 dwelling units per acre. The largest lot would be 13,396 square feet, and the smallest would be 6,751 square feet. Proposed open space would be 183,706 square feet (approximately 40 percent/20 percent required) and would include a deed restricted area for Lots 18 through 27.

Current Zoning Requirements

Section 4.2 RSF-1, Single Family District

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

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

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

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

- (a) Outdoor recreation uses.

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

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

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

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

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

Maximum Height of Structure in Feet	35-Feet
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	30,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.35

Section 4.5 RSF-4, Single Family District

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

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

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

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

(c) The following agricultural uses: Silviculture.

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

(e) Accessory structures and uses.

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

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

(a) Outdoor recreation uses.

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

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

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

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

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

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

Agency Comments

Baldwin County Highway Department

Seth Peterson, P.E.: Approval from the Baldwin County Subdivision Regulations will also be required.

ADEM (J. Scott Brown):

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

Sent: Friday, January 18, 2019 8:49 AM

To: D Hart <DHart@baldwincountyal.gov>

Cc: Denson, Dana T <DDenson@adem.alabama.gov>; USACE | S. Brad Crosson <steven.b.crosson@usace.army.mil>; Collins, Roy <RHC@adem.alabama.gov>; Rainey, Mark <mark.rainey@adem.alabama.gov>; Phelps, Cline Allen <CAP@adem.alabama.gov>; Connoles, Timothy N <TNC@adem.alabama.gov>; USACE | J. Eric Buckelew <James.E.Buckelew@usace.army.mil>

Subject: COASTAL PROGRAM & CSW • MOB • Baldwin County • Ft. Morgan • Baldwin County Planning and Zoning Case Z-19009

Good morning DJ:

Re: Case No. Z-19009: Seaglade at St Andrews Bay PRD

General Location: Property is located on the south side of Ft. Morgan Rd, west of Triple Tail Lane., in Planning District 25.

Parcel Identification Number: 05-see attached list

Requested Action and Purpose: The applicant is requesting site plan approval for a 27 unit, 10.53 acres residential development to be known as Seaglade at St Andrews Bay.

From a desktop review, it appears that the subject area likely contains coastal wetlands which are be protected coastal resources under the Alabama Coastal Area Management Program (ACAMP). Wetland resources in this area are managed by the U.S. Army Corps of Engineers and by the ADEM; the applicant is encouraged to evaluate the property for the presence of wetland area(s) in order to avoid any future direct, indirect, or accidental impacts thereto, including filling and/or dredging resulting from any future development or land disturbance.

Based on the description provided, the proposed development associated with this request is also subject to ADEM Admin. Code r. 335-8-2-.11 and pursuant to that code, the applicant must apply for a permit from the ADEM prior to proceeding with any site development. The purpose of this rule is to ensure that the development of this property is conducted consistent with the enforceable policies of the ACAMP. Additionally, the applicant should be made aware that a construction stormwater permit from the ADEM may be required prior to any land disturbance equal to or exceeding one acre. The purpose of this rule is to ensure land disturbance associated with development does not result in a contravention of water quality in state waters.

v/r,

J. Scott Brown, Chief

Mobile Branch Office

Field Operations Division

ADEM

(251) 304-1176

Fish and Wildlife Service (Bill Lynn): Comments from William Lynn are listed as follows:

I have been assisting these developers in this project. However, from phone calls and emails I have gotten from concerned citizens, there seems to be a misunderstanding. It concerns the access road. I have made it clear during our review of this project that the access road and driveways must be asphalt or concrete. Any permit we issued for this project will require asphalt or concrete.

Municipality: N/A

Fort Morgan Advisory Committee:

February 1, 2019

TO: Linda Lee, Planner

BBC Planning & Zoning Department

Four members of the FM Zoning and Planning Advisory Committee attended the meeting: Chair Chan West, Bonnie Lowry, Thelma Strong and Ernie Church. Absent: Randy Ulrich

The decision of the committee members was unanimous on all three cases.

Update: Z-19009 approval recommended

Twenty attended the January 30 meeting of our Planning and Zoning Advisory committee. There was much confusion about the nature of the issue involved in Z-19009, generated by online postings and failure to do research. No increase in density was involved, only the interior road surfacing

Z-19009: Request for approval of a site plan for Seaglade at St. Andrews Bay PRD, a 27 unit of single family residences on south side of Hwy 180 between Triple Tail and Pontoon. The change from a previous approved plan, Z-17025, is the PRD designation. This will allow the interior drive, entering from Triple Tail rather than 180, to be gravel, rather than paved

Respectfully submitted by Carol N. Kittrell, Secretary

Staff Analysis and Findings

The requirements and standards for review and approval of Planned Developments are found at Article 9 in the *Baldwin County Zoning Ordinance*. According to Section 9.1, It is the purpose of this article to permit Planned Developments which are intended to encourage the development of land as planned communities, encourage flexible and creative concepts of site planning; preserve the natural amenities of the land by encouraging scenic and functional open areas; accomplish a more desirable environment than would be possible through the strict application of the minimum requirements of these ordinances; provide for an efficient use of land resulting in smaller networks of streets and utilities where access to regional systems is impractical and thereby lowering development and housing costs; and provide a stable environmental character compatible with surrounding areas. Specific variations in off-street parking and loading requirements, sign requirements, landscaping requirements and area and dimensional requirements, including lot sizes, lot widths, setbacks and building height, may be approved by the County Commission, upon recommendation by the Planning Commission, and shall be shown on the approved Final Site Plan.

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

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

- (a) Name and address of owner(s) of record.
- (b) Proposed name of the planned development, date, north point, scale, and location.
- (c) Name of licensed engineer, architect or land surveyor.
- (d) Vicinity map showing the location of the planned development.
- (e) Exact boundaries of the site shown with bearings and distances.

(f) Names and addresses of the owners of land immediately adjoining the site as their names appear upon the plats in the office of the county tax assessor and their addresses appear in the directory of the county or on the tax records of the county.

(g) Wooded areas, wetlands and any other conditions affecting the site.

(h) The location of existing streets, buildings, water courses, railroads, transmission lines, drainage structures, public utilities, jurisdiction lines, and any public utility easements on the site and on adjacent land within 100-feet of the site.

(i) Proposed rights-of-way or easements including location, widths, purposes, and street names.

(j) The location and size of all lots.

(k) Proposed minimum building setback lines shown and labeled on each lot.

(l) Proposed parks, school sites, or other public open spaces, if any.

(m) Site data:

1. Acreage in total tract.
2. Smallest lot size.
3. Total number of lots.
4. Linear feet in streets.
5. Amount of impervious surface.
6. Density.

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

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

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

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

- (r) Proposed land uses and the location of proposed buildings and other structures including walls and fences (when appropriate).
- (s) Number and location of parking spaces.
- (t) The method proposed to maintain private common open areas, buildings or other facilities, including copies of all legal documents necessary to accomplish this.
- (u) A schedule of development (when appropriate).
- (v) Topography, including existing contours at intervals of 2-feet.
- (w) When the final site plan is part of a large scale PRD, the phase of the project and its location shall be given on the final development site plan.

As stated previously, the proposed development is to be known as Seaglade at St. Andrews Bay. The project narrative is quoted as follows:

The purpose of this project is to create a new 27 Lot subdivision in unincorporated Baldwin County. The current property is split between 2 zoning classifications of RSF-4 and RSF-1 wherein Lots 1-17 will be zoned RSF-4 and Lots 18-27 will be Zoned RSF-1. The lots will all front on a proposed new private street which will tie into Pontoon Lane and Triple Tail Lane with no lots being allowed to direct tie a future driveway onto Dixie Graves Parkway/Fort Morgan Road. The private drive shall be maintained by the home owners' association which will also be responsible for enforcing the beach mouse restrictive covenants. The small portions of the new road in the rights-of-way of Pontoon Lane and Triple Tail Lane shall be built to the build-up required for subdivision roads. The parcel is in the protected Alabama Beach Mouse habitat area which is driving the nature and content of the restrictive covenants including specifics pertaining to lighting, trash receptacles, landscaping and even the intrusiveness of construction. To comply with the federal beach mouse habitat preservation restrictions, the common area will have to, for the most part, be left in its current state. It is the intent of the developer to create for-sale owner/occupant single-family homes with the full understanding that each home will have to comply with the floodplain finished floor elevation requirements as each unit pulls their own individual building permit. These are currently planned to be tract homes and will be individually built and designed based on the preferences for each future owner. Utilities are currently immediately available and we do not foresee much land disturbance to accommodate those tie-ins.

The Baldwin County Master Plan, 2013, provides a future land use designation of Residential for the subject property. A PRD is consistent with this designation. Furthermore, a development of the size would be classified as a small scale planned development due to the fact it occupies at least five acres but less than 1000 acres.

Copies of the site plan and supporting documents are included as attachments to this staff report.

This application involves 99 parcel identification numbers. A review of the submitted information on existing conditions reveals the following major lots/parcels:

- Lot 96: 4.43 acres
- Lot 97: 1.25 acres
- Lot 98: 0.78 acres
- Parcel "A": 4.07 acres

Lots 96, 97 and 98 were the subject of a previous rezoning application (Case Z-17025, Prescott and Alabama Capital, LLC Property) where the current RSF-4 designation, for this portion of the property, was approved by the County Commission. The proposal called for 17 lots. Under the current application, Lots 1-17 would be consistent with the lots proposed at the time of rezoning. Lot 96 is the location for a development known as Palm Tree Penthouses which was approved by the County in 1984, but never constructed. The development would have included 95, small parcels which are shown on the attached Locator and Site Maps.

Parcel "A" is the portion of the proposed development which is zoned RSF-1. According to Revenue Department information, this parcel includes 10 lots of record, identified under one parcel number. These lots correspond to Lots 18-27 in the current proposal. The depths of the lots would be reduced because of the deed restricted common area. The lot widths, however, would remain unchanged.

Staff has reviewed the submittals and has found that the request meets the requirements as setout above. Please note that PRD site plan approval does not represent subdivision approval. Where a planned development involves the subdivision of land, a subdivision plat shall be approved in accordance with the procedures established in the *Baldwin County Subdivision Regulations*. Subdivision review will come at a later.

Staff Comments and Recommendation

In conclusion, the proposed Planned Residential Development (PRD) is to be known as Seaglade at St. Andrews Bay. The subject property is currently undeveloped and is zoned RSF-1, Single Family District, and RSF-4, Single Family District. It adjoins State Highway 180 to the north, Triple Tail Lane to the east and Pontoon Lane to the west. If approved, the development would include 27 single family lots on approximately 10.53 acres, for a density of 2.56 dwelling units per acre. The largest lot would be 13,396 square feet, and the smallest would be 6,751 square feet. Proposed open space would be 183,706 square feet (approximately 40 percent/20 percent required) and would include a deed restricted area for Lots 18 through 27.

Staff feels that this is a reasonable request which will achieve goals of protecting the Alabama Beach Mouse habitat and will provide assurances for future construction. With these comments in mind, staff recommends **APPROVAL** of Case Z-19009, Seaglade at St. Andrews Bay Planned Residential Development (PRD) Site Plan, to the Baldwin County Commission. *

It should be noted that the original proposal included a gravel access road. Based on Fish and Wildlife comments, however, the road must be asphalt or concrete. The Planning Commission, therefore, voted to recommend approval without the originally proposed gravel road.

* On PRD site plan requests, the County Commission will have the final vote.

SEAGLADE AT ST. ANDREWS BAY

NARRATIVE

The purpose of this project is to create a new 27 Lot subdivision in unincorporated Baldwin County. The current property is split between 2 zoning classifications of RSF-4 and RSF-1 wherein Lots 1-17 will be zoned RSF-4 and Lots 18-27 will be Zoned RDF-1. The lots will all front on a proposed new private street that will tie into Pontoon Lane and Triple Tail Lane with no lots being allowed to direct tie a future driveway onto Dixie Graves Parkway/Fort Morgan Road. The private drive shall be maintained by the home owners association which will also be responsible for enforcing the beach mouse restrictive covenants. The small portions of the new road in the rights-of-way of Pontoon Lane and Triple Tail Lane shall be built to the build-up required for subdivision roads. The parcel is in the protected Alabama Beach Mouse habitat area which is driving the nature and content of the restrictive covenants including specifics pertaining to lighting, trash receptacles, landscaping and even the intrusiveness of construction. To comply with the federal beach mouse habitat preservation restrictions, the common area will have to, for the most part, be left in its current state. It is the intent of the developer to create for-sale owner/occupant single-family homes with the full understanding that each home will have to comply with the floodplain finished floor elevation requirements as each unit pulls their own individual building permit. These are currently planned to be tract homes and will be individually built and designed based on the preferences for each future owner. Utilities are currently immediately available and we do not foresee much land disturbance to accommodate those tie-ins.

Property Images

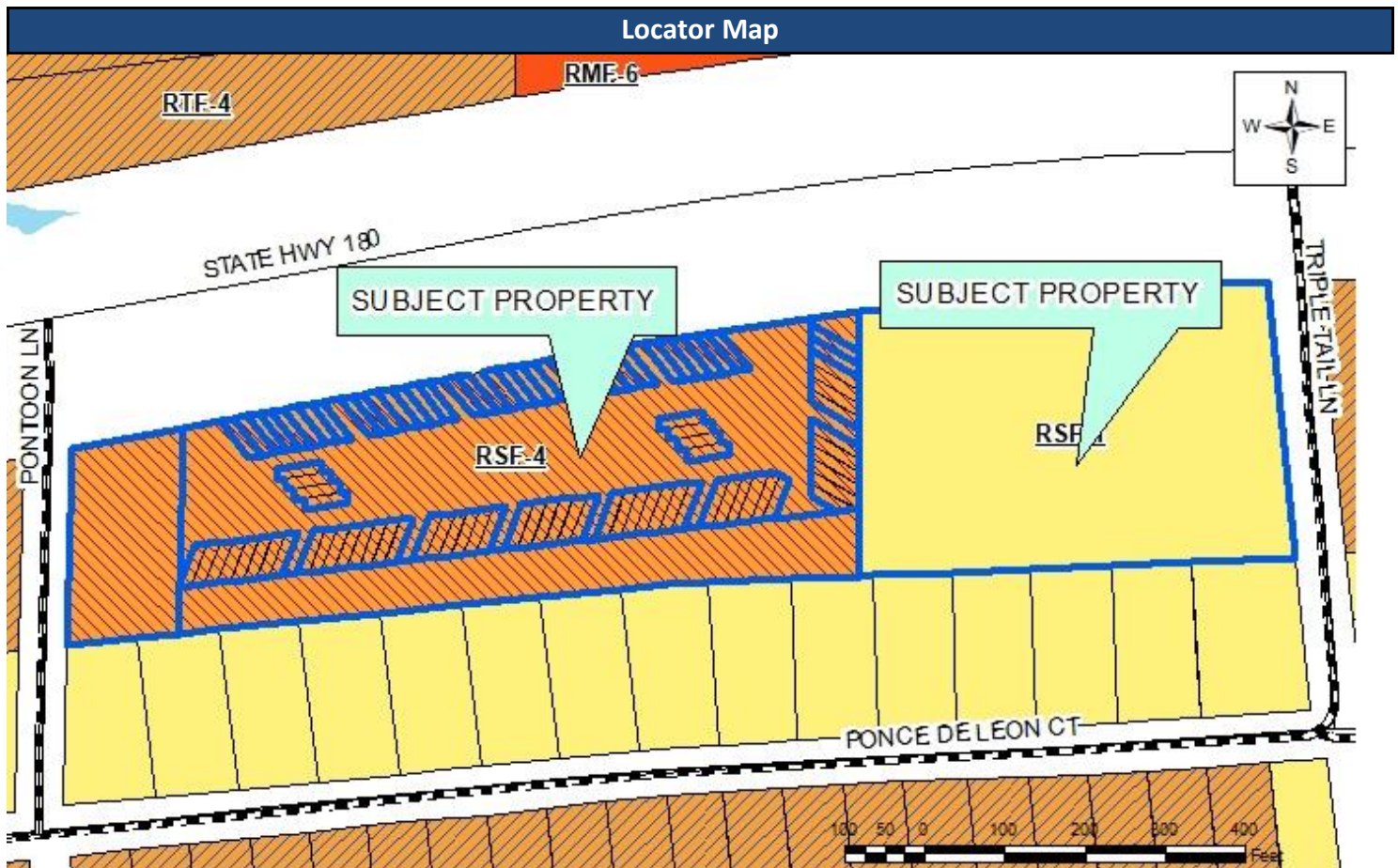




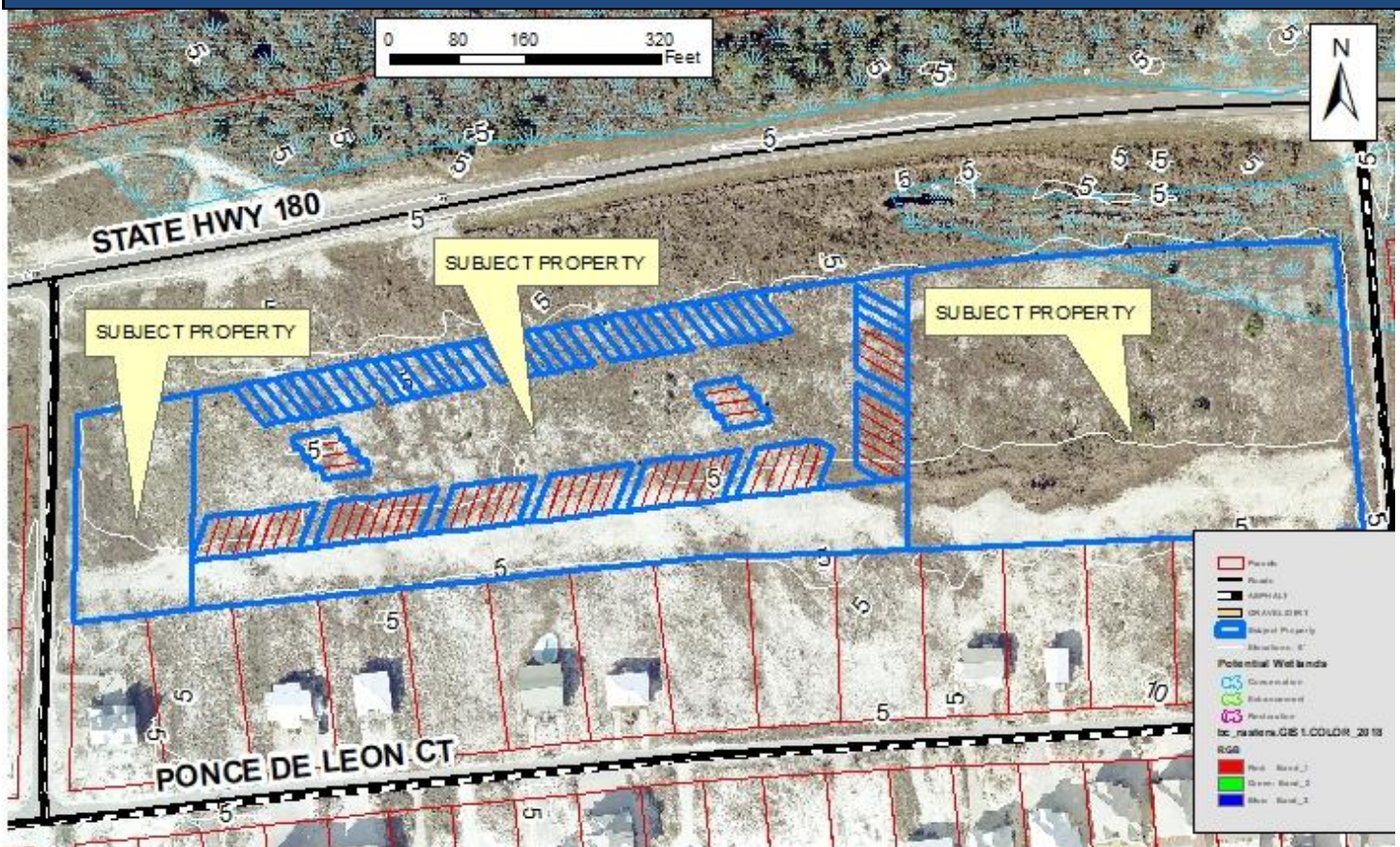
**ADJOINING PROPERTY
TO THE EAST**

01/22/2019

Locator Map



Site Map



Sunday January 27, 2019

Richard L. McDonald & Laurie A. McDonald
Owners
3747 Ponce De Leone Ct.
Gulf Shores, Alabama 36542

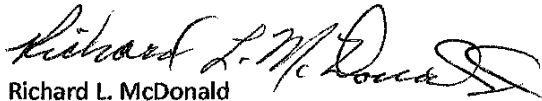
Baldwin County Planning & Zoning Commission
22251 Palmer St.
Robertsdale, Alabama 36567

Ref: Response to:
Notice of Public Hearing
Case. No. Z-19009
Seaglade at St. Andrews Bay PRD
Planned Residential Development (PRD) Site Plan Approval
Planning District 25

We the owners of the above property hereby file an objection to the approval of the referenced case as stated above. Our personal residence sits directly south and abuts the proposed property under consideration for commercial development. The property under consideration for commercial development contains a natural marsh/wet land providing life for an abundance of aquatic and other forms of wildlife, e.g., the Alabama Beach Mouse. Destroying this marsh/wet land would adversely affect all creatures that reside on this property and disrupt the natural environment that exists in this area. This development project would destroy this natural marsh/wet land. Please do not allow this proposal to be approved for completion. I consider this proposal to be an environmental event that may lead to an immediate threat to wildlife and the local environment.

I have notified the Alabama Dept. Of Natural Resources and the Environmental Protection Agency of the proposed intent to destroy this natural marsh/wet land.

Respectfully,



Richard L. McDonald
Owner



Laurie A. McDonald
Owner

CC: Alabama Department of Conservation and Natural Resources
64 N. Union Street
Montgomery, Alabama 36130
Christopher M. Blankenship, Commissioner
(334) 242-3486
Email: Submitted to chris.blankenship@dcnr.alabama.gov

The US Environmental Protection Agency
Emergency National Response Center at: 1-800-424-8802
Notice of violation of environmental laws or regulation was filed on-line, Sunday January 27, 2019

From: Greg Strategier

Sent: Thursday, January 31, 2019 10:15 AM

To: Chan West <chan@goefish.com>; ernie church <ecaces4@gmail.com>

Cc: captjoesells@gmail.com; ckittrell@southalabama.edu; Greg Strategier <samsplace41805@gmail.com>

Subject: Zoning Variance request Z-190009

Importance: High

Chan and Ernie

Yesterday was a very different Planning & Zoning meeting. I was not sure you would understand my concerns in that atmosphere, so I am sending you an email to express the concerns that Jamie and I have related to the requested variance of changing the building materials used to construct the access drive to this sub-division [Z-190009].

Our concern is the proximity of a road which is roughly 1/3 of a mile long and constructed out of gravel that will be subject to the effects of storm surge in the area. Our home is located at the corner of Pontoon and Ponce de Leon. Jamie and I are very familiar with what happens to both Pontoon and Ponce de Leon during any Tropical event. It is not uncommon that Pontoon floods from Mobile Bay to The Gulf of Mexico and Ponce de Leon becomes a river. Our concern is the gravel used to make this 1/3 of a mile access road will end up on our beach. You can't remove gravel from sand, the gravel will be on our beaches forever. We have one beach, we need to try and preserve it. Additionally, less than 300 feet away, on the south side of Ponce de Leon, USFWS prohibits the use gravel for driveways because of the risk of storm surge displacing the gravel.

We would like for the variance to be denied due to the likelihood that the gravel used to construct this access road will end up mixed into the sand on the beach. We request that the road be made out of concrete. If additional mediation needs to be done to accommodate the wetlands adjacent to this sub-division, then this accommodation be made without the use of gravel.

Greg & Jamie Strategier