



Baldwin County Planning & Zoning Department

Baldwin County Commission Staff Report

Agenda Item

Case No. Z-19008

Kircharr Property

Rezone RA, Rural Agricultural District, B-4, Major Commercial District, and M-1, Light Industrial District to RSF-2, Single Family District

July 16, 2019

Subject Property Information

Planning District: 15
General Location: .4 mile north and .6 mile east of the intersection of Co Rd 54 and Co Rd 64
Physical Address: NA
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, 05-43-06-13-0-000-014.004 and 05-43-06-13-0-000-018.000
Existing Zoning: RA, Rural Agricultural District, B-4, Major Commercial District, and M-1, Light Industrial District
Proposed Zoning: RSF-2, Single Family District
Existing Land Use: Undeveloped with an operating "Dirt Pit"
Proposed Land Use: Residential (392 lot Planned Residential Development to be known as Savannah Estates)
Acreage: 148.55 acres, more or less
Applicant: Kevin Kircharr
9949-A Bellaton Ave
Daphne, AL 36526
Owner: Same
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential (Undeveloped)	RSF-2, Single Family
South	Residential & Agricultural	RA, RSF-2 & RR
East	Residential & Agricultural	RA, RSF-2 & RR
West	Residential	RA, Rural Agricultural

Summary

The subject properties, which consists of approximately 148.55 acres, are currently zoned RA, Rural Agricultural District, B-4, Major Commercial District, and M-1, Light Industrial District. The properties are predominantly undeveloped but include an operating dirt pit. The designation of RSF-2, Single Family District, has been requested to allow a 392 lot Planned Residential Development (PRD) to be known as Savannah Estates. Details of the PRD application are discussed in the staff report for Case Z-19011.

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

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:

- (a) All uses permitted by right under the B-3 zoning designation
- (b) Amusement park
- (c) Auto convenience market (limited to less than 4,000 sq.ft. of gross floor area and maximum of 4 fueling pumps)
- (d) Automobile parts sales
- (e) Automobile repair (mechanical and body)
- (f) Automobile sales
- (g) Automobile service station
- (h) Automobile storage (parking lot, parking garage)
- (i) Boat sales and service
- (j) Building materials
- (k) Farm implements
- (l) Flea market
- (m) Home improvement center
- (n) Hotel or motel

- (o) Manufactured housing sales, service and repair
- (p) Marina
- (q) Motorcycle sales service and repair
- (r) Movie theatre
- (s) Recreational vehicle park
- (t) Recreational vehicle sales, service and repair
- (u) Restaurant, drive-in
- (v) Restaurant, fast food

5.4.3 *Conditional uses.* The following uses are permissible as conditional uses in the B-4, Major Commercial District, subject to the standards and procedures established in *Section 18.11: Conditional Uses*:

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

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.*

Section 8.1 M-1, Light Industrial District

8.1.1 *Generally.* The purpose of this zoning district is to provide a suitable protected environment for manufacturing, research and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions, and generate little industrial traffic.

8.1.2 *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) Light industrial uses.
- (c) Transportation, communication, and utility uses except landfills and sewer treatment plants.
- (d) Outdoor recreation uses.
- (e) Marine recreation uses.
- (f) General commercial uses except race tracks.
- (g) Local commercial uses.
- (h) Professional service and office uses.
- (i) Institutional uses.
- (j) Agricultural uses.
- (k) Accessory structures and uses.

8.1.3 *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) Transportation, communication, and utility uses not permitted by right per *Section 8.2(c): Permitted uses.*

(b) General commercial uses not permitted by right per *Section 8.2(f): Permitted uses*.

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

Maximum Height of Structure in Feet	45
Maximum Height of Structure in Habitable Stories	4
Minimum Front Yard	25-Feet
Minimum Rear Yard	see (a & b)
Minimum Side Yards	see (a & b)
Minimum Lot Area	40,000 Square Feet
Maximum Impervious Surface Ratio	.80
Minimum Lot Width at Building Line	120-Feet
Minimum Lot Width at Street Line	No Minimum

(a) No minimum except where abutting a residential district, in which case there shall be a minimum yard of 25-feet abutting the residential district.

(b) The required yards shall be increased by one foot for each foot of building height in excess of 35-feet.

Section 4.3 RSF-2, Single Family District

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

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

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

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

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

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

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

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

Maximum Height of Structure in Feet	35-Feet
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	15,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	40-Feet
Maximum Ground Coverage Ratio	.35

Agency Comments

Baldwin County Highway Department:

Seth Peterson, P.E.

From: Seth L. Peterson
Sent: Monday, March 18, 2019 3:31 PM
To: D Hart <DHart@baldwincountyal.gov>
Cc: Mary Booth <MBOOTH@baldwincountyal.gov>
Subject: RE: Z-19008 and Z-19011

DJ,

The proposed development will need to meet the requirements of the Subdivision Regulations for both Baldwin County and the City of Daphne.

Thanks,
Seth

Frank Lundy, P.E.

From: Frank Lundy
Sent: Friday, May 24, 2019 5:06 PM
To: D Hart <DHart@baldwincountyal.gov>
Cc: Seth L. Peterson <SPETERSON@baldwincountyal.gov>; Joey Nunnally <JNunnally@baldwincountyal.gov>; Vince Jackson <VJACKSON@baldwincountyal.gov>
Subject: FW: Z-19008 and Z-19011

DJ,

There are some items relating to this site that raise concern.

1. A large portion of the proposed development is located within the footprint of existing excavated dirt pits which would require substantial fill. Building homes and roadway infrastructure over these fill areas can lead to major structural issues unless quality fill materials are used and extreme caution is taken during construction. If approved, major geotechnical and earthwork construction testing will be required.
2. The proposed County Road 64 connection is approximately 500 feet east of the County Rd 54 E intersection. Creating an additional intersection conflict point within close proximity of the County Rd 54 E intersection as proposed is cause for concern with traffic safety. Traffic could be much better managed if the connection point were located directly across from the County Rd 54 E intersection. If connection point is not adjusted, controlled access management or limited access may be required for safety.

Thanks,
Frank Lundy

ADEM:

From: Brown, Scott [<mailto:jsb@adem.alabama.gov>]
Sent: Monday, May 20, 2019 11:58 AM
To: D Hart <DHart@baldwincountyal.gov>
Cc: USACE | S. Brad Crosson <steven.b.crosson@usace.army.mil>
Subject: <EXTERNAL> RE: Z-19008 and Z-19011

Good morning DJ:

Regarding Case Z-19008 and Z-19011

From a desktop review, it appears that the subject properties contain wetlands and stream segments. Wetlands and streams are protected resources under §404 of the Clean Water Act. The applicant should consider having the properties evaluated for the presence of wetlands and streams prior to conducting any construction related land disturbance. Prior authorization from the Mobile District U.S. Army Corps of Engineers is required for any wetlands fill activity or stream impacts.

v/r,
J. Scott Brown, Chief
Mobile Field Office
Alabama Department of Environmental Management
251.304.1176

Municipality (City of Daphne): No comments received.

BCBE: No comments received.

Staff Analysis and Findings

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

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

The subject properties are currently undeveloped with an operating “Dirt Pit”. The properties adjoin County Road 64 to the south and County Road 54 West to the west. The adjoining properties are forested timberland, agricultural, and residential.

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

The portion of the properties zoned M-1, Light Industrial District, was rezoned in 2012 (Case Z-12015). It was originally zoned RSF-2 which is the requested designation of the current application. The portion zoned B-4 was rezoned in 2017. It was previously zoned RA. Other changes impacting the subject properties include the rezoning to RSF-2 (Case Z-18022) and PRD Site Plan Approval (Case Z-18046) for the adjacent property to the north. These approvals were granted for the Reserve at Daphne which is a Planned Residential Development proposed to include 609 lots on approximately 469 acres. Finally, a new elementary school is under construction nearby.

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

The Baldwin County Master Plan, 2013, provides future land use designations of Agricultural, Commercial and Industrial for the subject properties. Approval of the rezoning will result in a Future Land Use Map amendment to Residential. The adjacent residentially zoned properties already provide a future land use designation of residential. In addition, the adjacent Agricultural parcels will also accommodate residential development.

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

Comments of Frank Lundy, P.E., from the Baldwin County Highway Department:

There are some items relating to this site that raise concern.

1. A large portion of the proposed development is located within the footprint of existing excavated dirt pits which would require substantial fill. Building homes and roadway infrastructure over these fill areas can lead to major structural issues unless quality fill materials are used and extreme caution is taken during construction. If approved, major geotechnical and earthwork construction testing will be required.
2. The proposed County Road 64 connection is approximately 500 feet east of the County Rd 54 E intersection. Creating an additional intersection conflict point within close proximity of the County Rd 54 E intersection as proposed is cause for concern with traffic safety. Traffic could be much better managed if the connection point were located directly across from the County Rd 54 E intersection. If connection point is not adjusted, controlled access management or limited access may be required for safety.

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

A subdivision of this type will certainly bring about an increase in traffic. The exact impact, however, is difficult to ascertain at this time. Traffic impacts and access requirements will be addressed during the Subdivision process. It is the understanding of staff, that the applicant has conducted a traffic study for the proposed development.

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

See responses to Standards Number 1 and Number 2. It should be noted that commercial and institutional properties are located in the general area.

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

Adjacent parcels to the north and south, and west are zoned RSF-2. Property to the east, which is the location of Phase 1 of the Reserve at Daphne, is zoned RA, Rural Agricultural District, but the lots are more consistent with the RSF-2 zoning designation. In addition, the portions of the subject properties currently zoned M-1, were originally zoned RSF-2.

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

Timing is not a factor.

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

Comments of Scott Brown from the Alabama Department of Environmental Management (ADEM):

From a desktop review, it appears that the subject properties contain wetlands and stream segments. Wetlands and streams are protected resources under §404 of the Clean Water Act. The applicant should consider having the properties evaluated for the presence of wetlands and streams prior to conducting any construction related land disturbance. Prior authorization from the Mobile District U.S. Army Corps of Engineers is required for any wetlands fill activity or stream impacts.

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

This is a very broad standard which anticipates impacts beyond the immediate vicinity. Staff anticipates no adverse impacts.

11.) Other matters which may be appropriate.

The request for PRD Site Plan approval involves more complex issues which will be discussed in the staff report for Case Z-19011.

Staff Comments and Recommendation

As stated previously, the subject properties, which consists of approximately 148.55 acres, are currently zoned RA, Rural Agricultural District, B-4, Major Commercial District, and M-1, Light Industrial District. The properties are predominantly undeveloped but include an operating dirt pit. The designation of RSF-2, Single Family District, has been requested to allow a 392 lot Planned Residential Development (PRD) to be known as Savannah Estates.

Staff has no major issues with the rezoning of the subject properties and recommends **APPROVAL** to the County Commission. * A decision should be made, based on the information obtained at the public hearing.

The details and issues pertaining to the request for Planned Residential Development (PRD) Site Plan approval for Savannah Estates are discussed in PRD the staff report (Case Z-19011).

**On rezoning applications, the County Commission will have the final.*

Property Images



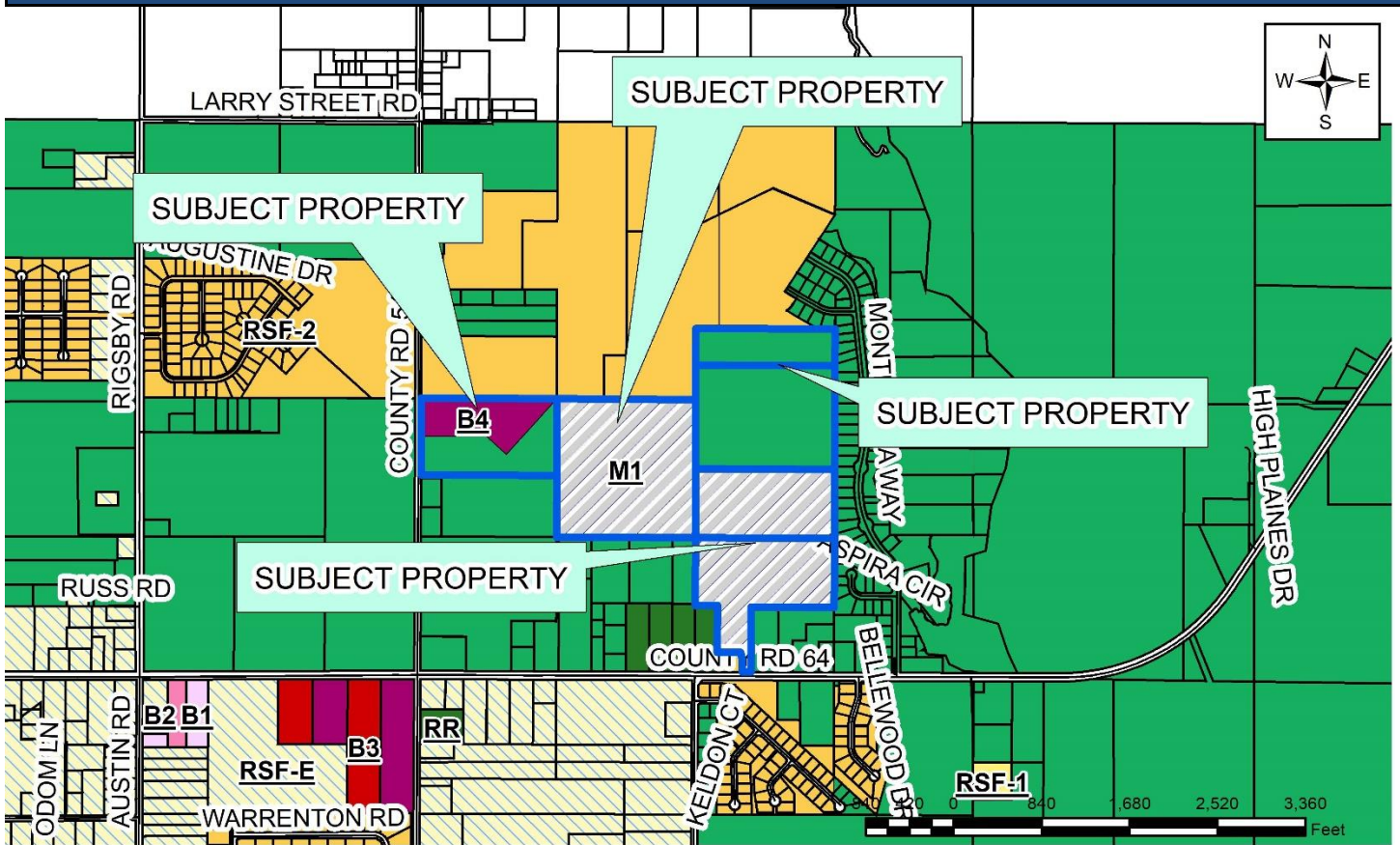






ADJOINING RESIDENTIAL
SUBDIVISION TO THE SOUTH

Locator Map



Site Map



