Baldwin County Planning & Zoning Department

Baldwin County Commission Staff Report

Agenda Item
Case No. Z-19025
Retirement Systems of Alabama Property
Rezone TR, Tourist Resort District, to HDR, High Density Residential District
October 15, 2019

Subject Property Information

Planning District:	26
General Location:	West side of Scenic Highway 98 at the north end of the Grand Hotel Marina
Physical Address:	N/A
Parcel Number:	A part of 05-45-07-36-0-000-002.004
Existing Zoning:	TR, Tourist Resort District
Proposed Zoning:	HDR, High Density Residential District
Existing Land Use:	Structures and parking associated with adjacent yacht basin
Proposed Land Use:	High Density Residential (12 condominium units)
Acreage:	1.27 acres, more or less, of a greater 26.6 acre parcel
Applicant:	Tim Lawley – Goodwyn, Mills & Cawood P.O. Box 1127 Daphne, Alabama 36526
Owner:	Retirement Systems of Alabama – Steve Timms 201 South Union Street Montgomery, Alabama 36104
Lead Staff:	Vince Jackson, Planning Director
Attachments:	*Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-2, Single Family District
South	Commercial	TR, Tourist Resort District
East	Golf Course	TR, Tourist Resort District
West	Mobile Bay	N/A

Summary

The subject property, which consists of approximately 1.27 acres, is currently zoned TR, Tourist Resort District. This property is part of a larger 26.6 acre parcel which is owned by the Retirement Systems of Alabama (RSA). The applicant is requesting a rezoning to HDR, High Density Residential District, in order to develop condominium units. As proposed, 12 units would be constructed in a 4-story building. The Planning Commission considered this case on September 5, 2019, and voted to recommend DENIAL to the County Commission.

Current Zoning Requirements

Section 7.1 TR, Tourist Resort District

7.1.1 *Generally*. This zoning district is intended to provide for tourist lodging facilities and associated resort and recreation activities.

7.1.2 *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) Outdoor recreation uses.

(d) The following general commercial uses: country club; hotel or motel.

(e) The following institutional uses: church or similar religious facility.

(f) The following agricultural uses: Silviculture.

(g) Accessory structures and accessory uses such as food service, gift or novelty shops, and barber or beauty shops conducted primarily for the convenience of visitors or patrons on the premises and contained within a principal building.

7.1.3 *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 marine recreation uses: marina.

(b) The following general commercial uses: night club, bar, tavern.

(c) The following local commercial uses: bed and breakfast or tourist home; cafe; convenience store; delicatessen; gift shop; restaurant.

(d) The following professional service and office uses: office.

7.1.4 *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 XX: 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	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	20-Feet
Minimum Lot Area	5 Acres

Maximum Impervious Surface Ratio	.80
Minimum Lot Width at Building Line	270-Feet
Minimum Lot Width at Street Line	270-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 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) 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 18.6 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
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 18.6 Variances,* and *Article 20: Nonconformities,* the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	50
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 18.6 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	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*.

Agency Comments

Baldwin County Highway Department:

Seth Peterson

From: Seth L. Peterson
Sent: Tuesday, June 18, 2019 10:21 AM
To: D Hart <DHart@baldwincountyal.gov>
Cc: Laurie Rumbaugh <LRUMBAUGH@baldwincountyal.gov>; Mary Booth <MBOOTH@baldwincountyal.gov>
Subject: RE: Z-19025 RSA Property

DJ,

If the rezoning is approved the applicant will need Final Site Plan approval through the subdivision regulations.

Thanks,
Seth

Frank Lundy

From: Frank Lundy
Sent: Tuesday, June 18, 2019 9:53 AM
To: D Hart <DHart@baldwincountyal.gov>
Cc: Seth L. Peterson <SPETERSON@baldwincountyal.gov>; Tyler W. Mitchell <TMITCHELL@baldwincountyal.gov>; Vince Jackson <VJACKSON@baldwincountyal.gov>
Subject: FW: Z-19025 RSA Property

DJ,

If approved, traffic impacts including impacts to pedestrian facilities need to be closely reviewed.

Thanks,

Frank Lundy

ADEM, J. Scott Brown:

From: Brown, Scott [mailto:jsb@adem.alabama.gov]
Sent: Monday, June 17, 2019 9:17 AM
To: D Hart <DHart@baldwincountyal.gov>
Subject: <EXTERNAL> July zoning cases

Good morning DJ:

Regarding Case No. Z-19025, RSA Property, Point Clear

From a desktop review, the property is in the Coastal Area of Alabama (ADEM Admin. Code r. 335-8-1-.02[k]) adjacent to Mobile Bay and is subject to the enforceable policies of the Alabama Coastal Area Management Program (ACAMP). Though subject property is already highly developed, the beach and nearshore areas are not. Any future plans to alter the beach and/or nearshore environment (e.g., dredging, shoreline armoring, pier construction) would be subject to review and approval by the ACAMP and require a federal permit from the Mobile District U.S. Army Corps of Engineers. Approval of such requests is not guaranteed.

v/r,

J. Scott Brown, Chief

Mobile Field Office

Alabama Department of Environmental Management

251.304.1176

Municipality: City of Fairhope, Buford King, Development Services Manager – Proposed rezoning represents an incompatible land use and is not recommended for approval. Please see the following attached letter for more detailed information.

VIA E-MAIL WITH ATTACHMENTS

June 26, 2019

Ms. D.J. Hart, Planning Technician
Baldwin County Planning and Zoning Department
P.O. Box 220
Silverhill, AL 36576

RE: Z-19025 Retirement Systems of Alabama Property

Dear Ms. Hart,

Thank you for your correspondence related to Baldwin County Planning and Zoning Case number Z-19025 related to PPIN 117412, owned by the Teachers Retirement System of Alabama. Based upon the correspondence received, the intent is to rezone 1.27 acres of the greater 26.6 acre parcel from a Baldwin County TR District to a Baldwin County HDR District, with the intent of creating an allowable use for a 12-unit condominium building on the 1.27 acre portion of PPIN 117412.

Once again thank you and County and staff for the opportunity to comment on this rezoning case. Though subject property is zoned by Baldwin County and subject to Baldwin County's zoning ordinance, subject property is also contained within the City of Fairhope's Planning Jurisdiction, Permit Jurisdiction, and Police Jurisdictions. Should any subdivision activities occur on subject property, the City of Fairhope Subdivision regulations shall apply. Further, should three or more units be proposed on subject property, the proposed units will require an application for Multiple Occupancy Project (MOP) to be considered by the City of Fairhope Planning Commission. MOP applications are a component of the City of Fairhope Subdivision regulations and address drainage, traffic, greenspace, and various development matters associated with typical subdivision applications.

A 12-unit development located on 1.27 acres equals a development density of 9.45 units per acre (UPA). In City of Fairhope vernacular, 9.45 units per acre is only slightly below the highest development density allowed by Fairhope's zoning ordinance, unless a higher density is requested by a Planned Unit Development (PUD). Subject property is immediately adjacent to areas zoned Baldwin County RSF-1 and RSF-2, which are, respectively, low density and moderate density single family residential zoning districts.

It is the professional opinion of this City of Fairhope staff member that Case number S-19025, if approved as submitted and the 12-unit condominium building constructed, represents an incompatible land use of high-density development immediately adjacent to low and moderate density single family residential zones. As a result, I do not recommend approval of Baldwin County Planning and

161 North Section Street
P.O. Drawer 429
Fairhope, Alabama 36533
251-928-2136
251-928-6776 Fax
www.fairhopeal.gov

VIA E-MAIL WITH ATTACHMENTS

Zoning Case number Z-19025. I am happy to provide follow-up correspondence regarding this case if desired.

Respectfully,

J. Buford King, LEED AP, QCI
Development Services Manager
City of Fairhope Planning and Zoning Department

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 property is currently occupied with structures and parking associated with the adjacent yacht basin. The property adjoins Scenic Highway 98 to the east and Mobile Bay to the west. The adjoining properties to the south, including the Grand Hotel and related facilities, are commercial (zoned TR, Tourist Resort District). The adjoining property to the north is the location of a single family dwelling (Zoned RSF-2, Single Family District). Additional single family dwellings are located to the north. These properties are zoned RSF-1 and RSF-2. Both are single family residential designations.

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 26 was approved by the County Commission on September 21, 1993. Residential properties throughout the planning district are primarily zoned either RSF-1 or RSF-2. With a few exceptions, this has remained relatively constant. HDR, which was approved by the Commission on May 16, 2017, did not exist at the time of zoning adoption.

TR, Tourist Resort District, is a unique zoning designation which is only found in Planning District 26. It appears to have been specifically created for the Grand Hotel properties. When the zoning for Planning District 26 was adopted, the property was zoned R-B, Resort District. This district was provided for transient lodging establishments consisting of one or more buildings for this purpose, including accessory uses such as eating and drinking facilities, recreation facilities, and golf courses, not intended for long term uses. It appears that this designation was similar to the Tourist Resort District. The TR designation was created and applied to the subject property with the adoption of the consolidated zoning ordinance on April 6, 1999.

There has been one previous request to rezone property from TR, Case Z-15023, Retirement Systems of Alabama Property. This request involved the rezoning of approximately 2.02 acres, located at the southwest end of Quail Run in the Lakewood Subdivision, from TR to RTF-4, Two Family District, in order to match the current use of adjacent properties. The rezoning was approved by the County Commission on January 1, 2016.

Regarding multifamily rezonings (previously known as R-6, now known as RMF-6), the following have been approved in Planning District 26:

- Case Z-06032, Barnes Property

  This request involved two parcels, consisting of approximately one acre, located on the south side of County Road 32, east of Scenic Highway 98. The properties were rezoned from B-2, Neighborhood Business District, to R-6, Multiple Family District, in order to allow townhomes in conjunction with a proposed mixed-use development which never materialized. The properties were recently subdivided into three lots.

- Case Z-09017 and Case Z-09018, Kaylor & Point Clear Landing Association, Inc. Property

  These cases were related to the condominium development known as Point Clear Landing. The majority of the development was constructed in 1983, approximately 10 years prior to the adoption of zoning. The purposes were to rezone the properties from RSF-1 to RMF-6 (Case Z-09017) and approve a Planned Residential Development (PRD) site plan (Case Z-09018) in order to allow six additional units and address conformity issues. The cases were approved on August 18, 2009.

Current zoning designation nomenclature was adopted on July 21, 2009.

In addition to the above listed rezoning cases, the condominium development known as Over the Bay Condos was constructed in 1984. This development is located to the north of the subject property, and south of Point Clear Landing. The property is zoned RSF-1, Single Family District. The owners have never requested rezoning to a multiple family designation and, the development is grandfathered and nonconforming.

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

The Baldwin County Master Plan, 2013, provides future land use designations for properties located within the zoned areas of the County. These categories represent the recommendations for the physical development of the unincorporated areas of the County. They are intended for planning purposes only and do not represent the adoption of zoning designations for areas which have not voted their desire to come under the zoning authority of the Baldwin County Commission. Although not legally binding, the future land use designations are evaluated in conjunction with criteria found in the Baldwin County Zoning Ordinance (Zoning Ordinance), the Baldwin County Subdivision Regulations, the Baldwin County Flood Damage Prevention Ordinance and any other ordinances and regulations which the County Commission may adopt.

A future land use designation of Commercial has been provided for the subject property. This category is provided for retail and wholesale trade facilities which offer convenience and other types of goods and services. Institutional uses, recreational uses, mixed-use developments and transportation, communication and utility uses may be included in accordance with the Zoning Ordinance. Multiple family developments may also be

included. Commercial uses should be located on major streets so as to be accessible to the residential population. Zoning designations may include RR, B-1, B-2, B-3, B-4, MR and TR.

Approval of the rezoning will necessitate an automatic change in the future land use designation to Residential. 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.

It should be noted that the adjacent property to the north carries a future land use designation of residential. However, based on the comments above, the proposed zoning does not better conform to the Master Plan.

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

Comments of Frank Lundy, Baldwin County Highway Department

From: Frank Lundy
Sent: Tuesday, June 18, 2019 9:53 AM
To: D Hart <DHart@baldwincountyal.gov>
Cc: Seth L. Peterson <SPETERSON@baldwincountyal.gov>; Tyler W. Mitchell <TMITCHELL@baldwincountyal.gov>; Vince Jackson <VJACKSON@baldwincountyal.gov>
Subject: FW: Z-19025 RSA Property

DJ,

If approved, traffic impacts including impacts to pedestrian facilities need to be closely reviewed.

Thanks,

Frank Lundy

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

Development on the subject property, whether under the current zoning or the proposed zoning, will affect traffic patterns and congestion. The exact impact, however, is difficult to ascertain. Traffic impacts and required improvements, if needed, will be addressed during later phases of the project if the rezoning is approved. A turnout permit, if required, will need to be submitted prior to the issuance of a Land Use Certificate.

See comments of Frank Lundy listed above and under agency comments.

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 subject property is currently occupied with structures and parking associated with the adjacent yacht basin. The property adjoins Scenic Highway 98 to the east and Mobile Bay to the west. The adjoining properties to the south, including the Grand Hotel and related facilities, are commercial (zoned TR, Tourist Resort District). The adjoining property to the north is the location of a single family dwelling (Zoned RSF-2, Single Family District). Additional single family dwellings are located to the north. These properties are zoned RSF-1 and RSF-2. Both are single family residential designations.

The nearest multifamily developments are Over the Bay Condos and Point Clear Landing. Both are located to the north of the subject property along Scenic Highway 98, but neither are adjacent. In addition, both developments were constructed prior to the adoption of zoning in Planning District 26. Point Clear Landing, however, received approval to add six additional units in 2009 (Case Z-09018).

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

This application represents the first request for HDR since the designation was adopted in 2017. Adjacent properties are zoned RSF-2 and TR. Additional single family properties to the north are zoned RSF-1 and RSF-2. As a result, there is no existing HDR to serve as a logical expansion of an adjacent zoning district. Please see additional information on the HDR designation which is listed above and under standard number 11.

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

With a few exceptions, the residential properties throughout Planning District 26 are zoned either RSF-1 or RSF-2. This planning district is predominantly an area of large lots with low to moderate density. Staff believes that this trend will continue and knows of no trends towards higher density development. As a result, timing is not a factor which would favor approval of this request.

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

- The subject property is located in the VE (12-13) and AE (10-11) flood zones. Zone V identifies the coastal high hazard area on the Flood Insurance Rate (FIRM) Maps. The coastal high hazard area is defined as an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any area subject to high velocity wave action from storms or seismic sources. Buildings in V zones are subject to a greater hazard than buildings built in other types of floodplains. Such buildings are required to be elevated above the Base Flood Elevation (BFE) and must also be protected from the impact of waves, hurricane-force winds and erosion. Under the *Baldwin County Zoning Ordinance*, a setback of 50-feet landward of the reach of mean high tide is required for buildings or structures located within coastal high hazard areas.

- The ground elevation of the subject property ranges from 1 foot to 5 feet. This information was obtained from Baldwin County GIS.

- Adjacent property to the north is located within the Point Clear/Battles Wharf Historic District. The subject property, however, is not located within the historic district and is therefore not subject to the requirements of the Baldwin County Architectural Review Board.

- <u>ADEM Response</u>

From a desktop review, the property is in the Coastal Area of Alabama (ADEM Admin. Code r. 335-8-1-.02[k]) adjacent to Mobile Bay and is subject to the enforceable policies of the Alabama Coastal Area Management Program (ACAMP). Though subject property is already highly developed, the beach and nearshore areas are not. Any future to alter the beach and/or nearshore environment (e.g., dredging, shoreline armoring, pier construction) would be subject to review and approval by the ACAMP and require a federal permit from the Mobile District U.S. Army Corps of Engineers. Approval of such requests is not guaranteed.

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

This a broad standard which often indicates potential impacts which could extend beyond a given planning district. In the case at hand the proposed construction in the coastal high hazard area represents a potential effect on health, safety and welfare. The coastal high hazard area is discussed in more detail under standard number 9, listed above.

11.) Other matters which may be appropriate.

The intent of the HDR, High Density Residential District, is to provide the opportunity for multiple family residential development, including apartments, condominiums, duplexes and townhouses, in a high density setting.

The designation was created because of inquiries from developers with an interest in high density residential development, primarily multifamily, in the zoned areas of the County. At the time, the zoning ordinance limited density to six dwelling units per acre. As a result, developers would often seek annexation into municipalities in order to achieve their desired density. Adoption of HDR provided a true high density zoning designation to allow future high density developments to remain under County zoning, with the intention that the designation would be applied in the zoned areas which are adjacent to the larger municipalities (Case T-17001, adopted by the County Commission on May 16, 2017).

Staff Comments and Recommendation

As stated previously, the subject property, which consists of approximately 1.27 acres, is currently zoned TR, Tourist Resort District. This property is part of a larger 26.6 acre parcel which is owned by the Retirement Systems of Alabama (RSA). The applicant is requesting a rezoning to HDR, High Density Residential District, in order to develop condominium units. As proposed, 12 units would be constructed in a 4-story building. This case was first considered at the July 11, 2019, Planning Commission meeting and was tabled. On September 5, 2019, the Planning Commission voted to recommend DENIAL to the County Commission.

This is a difficult case with substantial opposition which represents an effort to preserve the large lot development pattern which has historically existed in Point Clear. More specific reasons are provided in the emails and letters received by staff which are attached to this staff report. The applicant, on the other hand, argues that TR is essentially a commercial designation and that the proposed rezoning would be less intrusive to adjacent properties. A letter from the applicant, which provides additional reasons for approval is also attached.

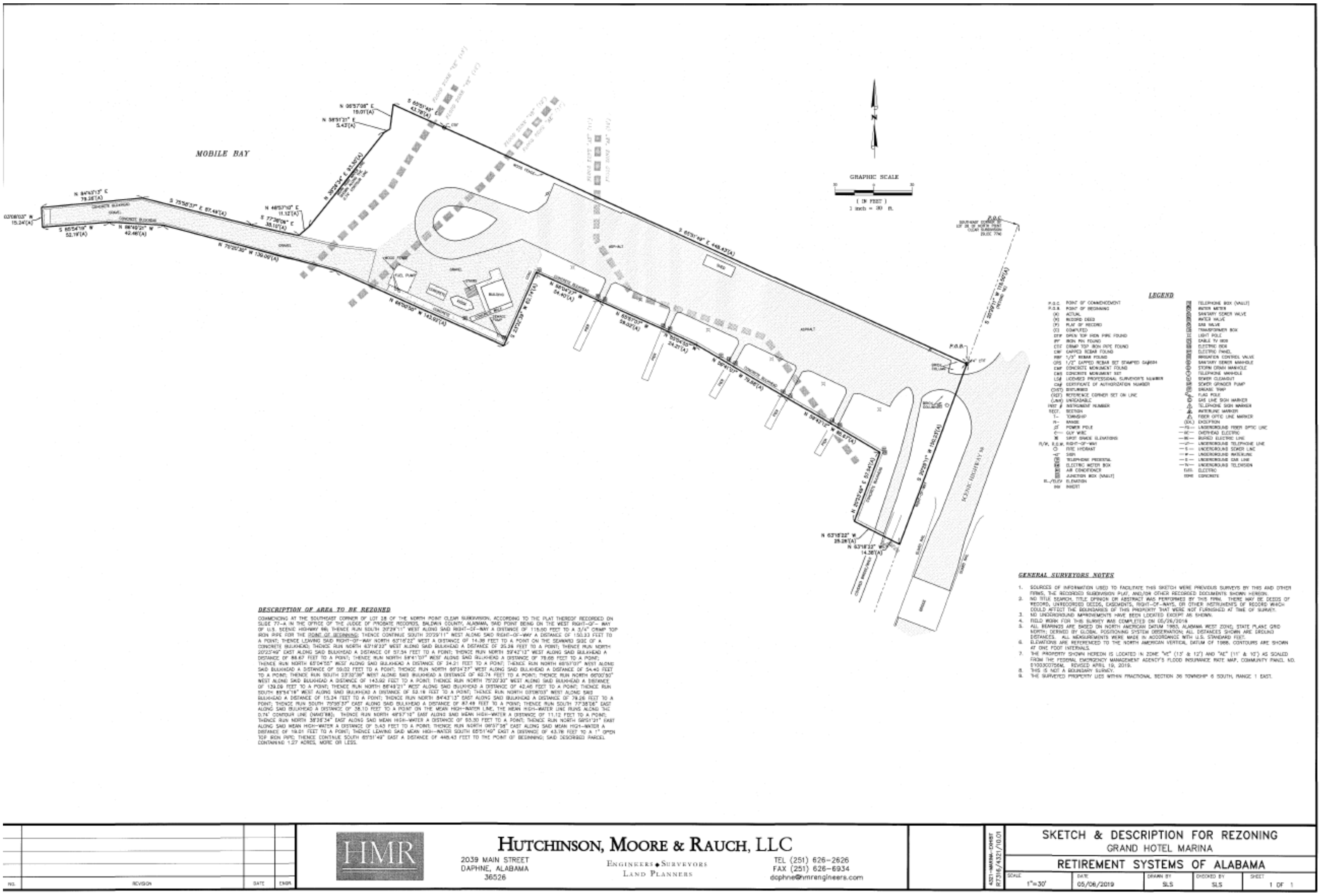
The Planning staff is aware of the uses which are allowed by right and through the Special Exception process under the current zoning. A permitted use, such as a hotel, could be constructed subject to meeting all applicable requirements. The applicant has submitted a site plan showing the footprint for a possible hotel on the subject property (See attached). Based on the information provided, the hotel would have three (3) habitable stories with 51 guest rooms and nine (9) 2 Bay Suites. The footprint would be larger than the proposed condominium building, but appears to meet zoning requirements. The applicant has also submitted an aerial photograph showing the footprint of the condominium building as it would relate to the existing footprints of buildings located on the adjacent properties to the north (See attached). This includes Over the Bay Condos (Q) and Point Clear Landing (W). From the perspective of the applicant, the HDR zoning and the condominium building would represent better options for adjacent properties due to providing transitional zoning between the single family properties and the remaining Tourist Resort property, and due also to the proposed smaller footprint. Staff, however, has concerns with this request based on the incompatibility of a multifamily structure adjacent to a single family dwelling, the location of the proposed development in the coastal high hazard area and the intent of the HDR zoning. It should be noted that this application represents the first request for HDR. Although every rezoning is unique and is evaluated on its individual merits, this case will set a precedent for future HDR applications. As a result, staff believes that the intent of HDR as envisioned at the time of adoption should be followed. This designation would be more appropriately applied in an area adjacent to a municipality with separation and transitional zoning between the high density residential uses and single family uses.

With the above comments in mind, staff recommends **DENIAL** of Case Z-19025 to the County Commission. *

If the County Commission should wish to pprove this case, the decision should be based on information obtained from this staff report and the public hearing.

**On rezoning applications, the County Commission will make the final decision.*

Survey


MOBILE BAY
GRAPHIC SCALE
LEGEND
GENERAL SURVEYORS NOTES
DESCRIPTION OF AREA TO BE REZONED
HMR
HUTCHINSON, MOORE & RAUCH, LLC
2039 MAIN STREET
DAPHNE, ALABAMA
36526
ENGINEERS • SURVEYORS
LAND PLANNERS
TEL (251) 626-2626
FAX (251) 626-6934
daphne@hmrengineers.com
SKETCH & DESCRIPTION FOR REZONING
GRAND HOTEL MARINA
RETIREMENT SYSTEMS OF ALABAMA
1"=30'
05/06/2019
SLS
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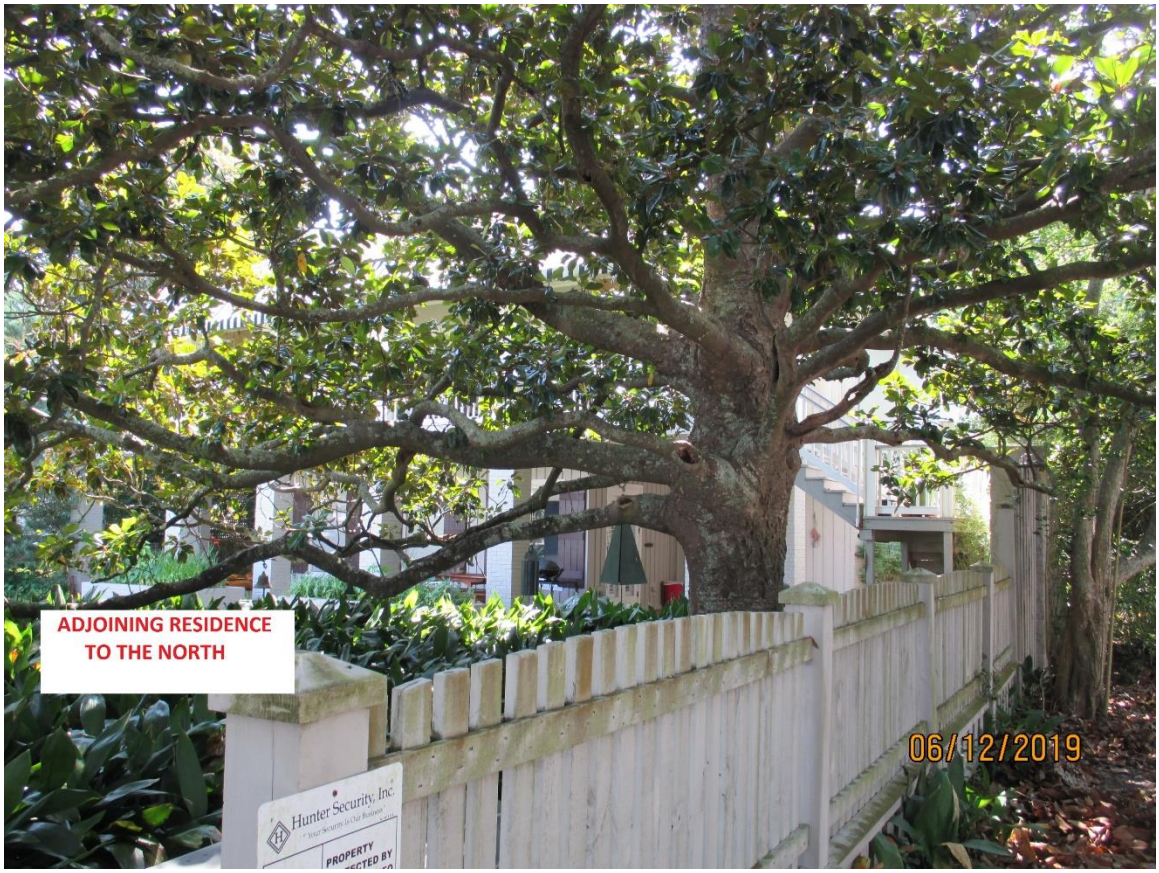
1 OF 1

Property Images


SUBJECT PROPERTY
FACING WEST
06/12/2019


SUBJECT PROPERTY
06/12/2019

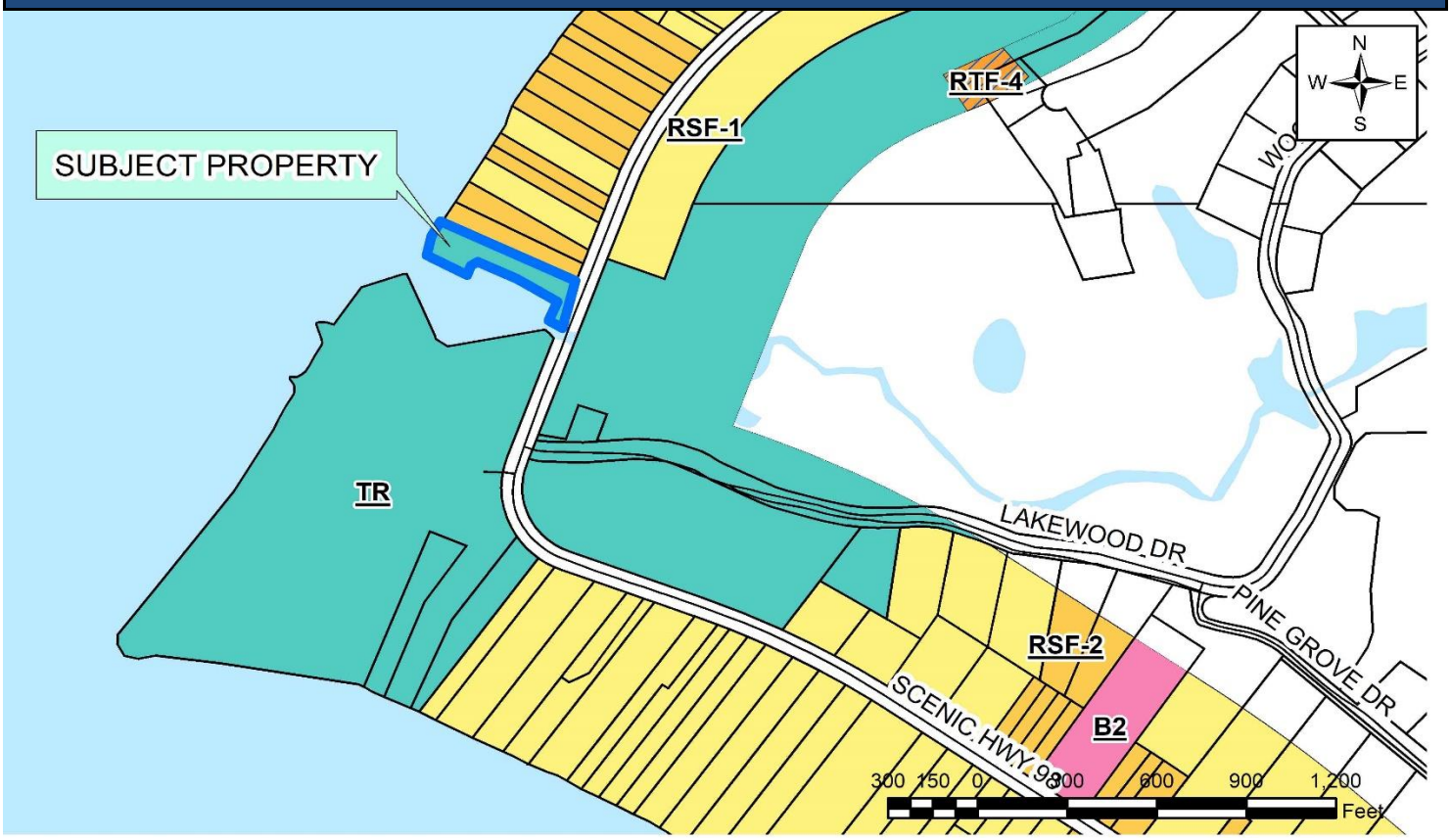

ADJOINING RESIDENCE
TO THE NORTH
Hunter Security, Inc.
06/12/2019


ADJOINING PROPERTY
TO THE SOUTH
06/12/2019


ADJOINING PROPERTY
TO THE EAST
06/12/2019

Site Map

Locator Map



Goodwyn Mills Cawood

2039 Main Street
P.O. Box 1127
Daphne, AL 36526

T (251) 626-2626
F (251) 626-6934

www.gmcnetwork.com

June 26, 2019

Mr. Vince Jackson, Planning Director
Baldwin County Planning and Zoning Department
22251 Palmer Street
Robertsdale, AL 36567

Re: Z-19025

Dear Vince,

It is our understanding that the county has received several emails and letters in opposition to the above referenced case. After review of the letters and emails, it appears most of the concern is in regards to establishing a higher density zoning and possibly setting a precedent.

The application under consideration is to rezone the north 1.27 acres of the 27 acre grand hotel property from TR (Tourist Resort) to HDR (High Density Residential). The current TR Zoning is essentially a commercial zoning that has allowable uses including hotels, motels, country clubs, churches, food service, gift/novelty shops, barber shops, marinas, night clubs, bars, taverns, bed and breakfast, tourist home, convenience stores, restaurants, and offices. The proposed HDR zoning is a residential zoning that has allowable uses of multiple family dwellings, two family dwellings, townhouses, single family dwellings, churches, day care, fire station, school, and country club.

The subject property is owned and operated by RSA as an investment property for the benefit of the numerous state employees invested in the retirement system. We have been exploring development strategies for this specific area for several years and feel that the proposed use of condominiums in this area is a reasonable and appropriate use for the subject property. The proposed rezoning also employs good planning procedures as the proposed HDR zoning would be a step down from the allowable commercial uses with in the TR zoning to the single family residential zoning immediately to the north. It would essentially provide a buffer of privately owned condominiums between the hotels and residence to the north. It should be noted that as the property is currently zoned, numerous commercial uses could be implemented in the same subject area.

GMC

In response to the specific items noted in the letter received from the Point Clear Property Owners Association, Inc. (Dated 6/19/19), we offer the following.

1. The proposed HDR zoning is more compatible with the adjoining properties to the north as they both allow residential uses.
2. Condominiums are not a more intrusive use than the existing allowable uses.
3. Low density single family uses will not take place on the subject property regardless of whether or not it is rezoned. As stated above, the proposed zoning follows good planning procedures and provides a step down between the TR zoning and Single Family Zoning.
4. Any traffic concerns will be addressed at the time of development. It should be noted that 12 condominiums would result in significantly less traffic than development of additional hotel rooms and/or a restaurant in the subject area. With this being the only TR zoning in point clear, it is not possible for a precedent to be set. The request to go from TR zoning to HDR zoning is going from a higher zoning category to a lower zoning category (essentially commercial to residential). This would not set a precedent for properties zoned single family residential to be rezoned to HDR, as this would be going from a lower zoning category to a higher zoning category.
5. The proposed zoning is consistent with the current allowable uses within the TR zoning. The proposed zoning is less intrusive that the current zoning.
6. As stated above, the proposed zoning follows good planning procedures and provides a step down between the TR Zoning and Single Family Zoning.
7. The proposed zoning will have no adverse effects on the health, safety, and welfare of the community.

Regarding the submittal procedure of the application, we met with and discussed the application with county staff prior to submittal. County Staff advised that a subdivision is not required for the rezoning.

We respectfully ask for your consideration of approval of the referenced rezoning case. As you always do, we request that this application be reviewed on it's technical merit, and not on any unsubstantiated fear of a possible spread of High Density Residential Zoning throughout the area.

Sincerely,

GOODWYN, MILLS & CAWOOD, INC.

Timothy D. Lawley, P.E.
Project Manager
CMOB190012

SITE EXHIBIT

C1.01

Sheet 1 of 1

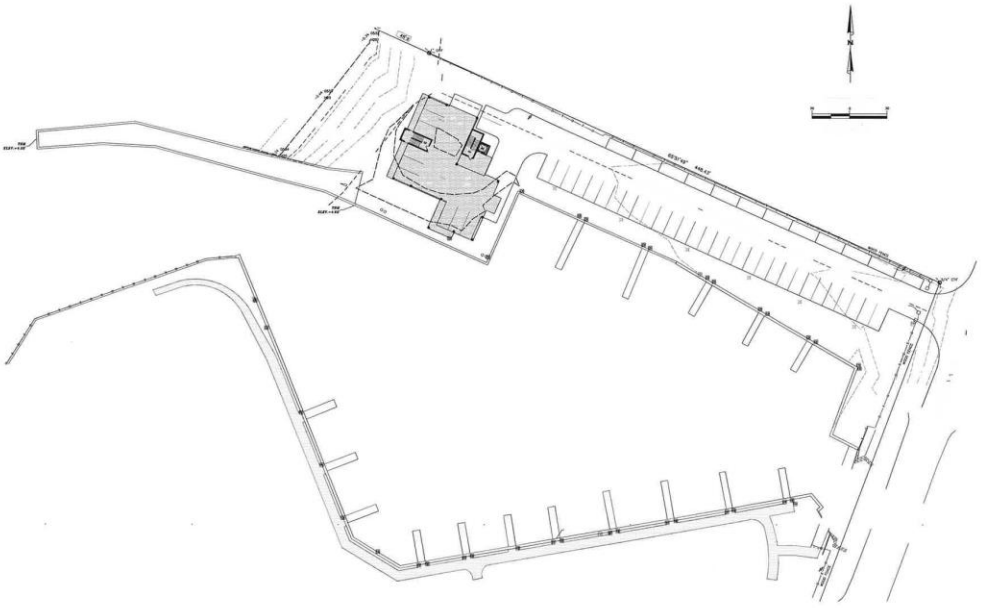
RSA - GRAND HOTEL
MARINA CONDOMINIUMS
FAIRHOPE, ALABAMA

GMC Project: CMC0190012

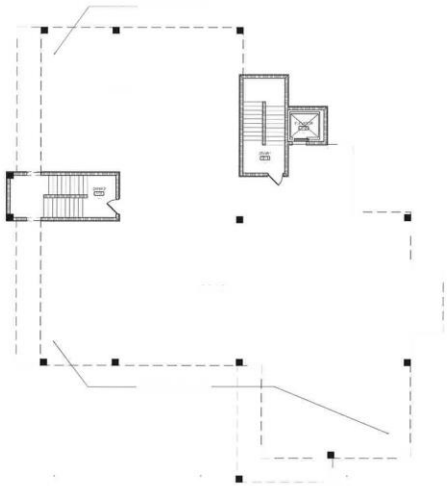
	JULY	2019
DRAWN BY:	JH/R	
CHECKED BY:	T.D.L.	

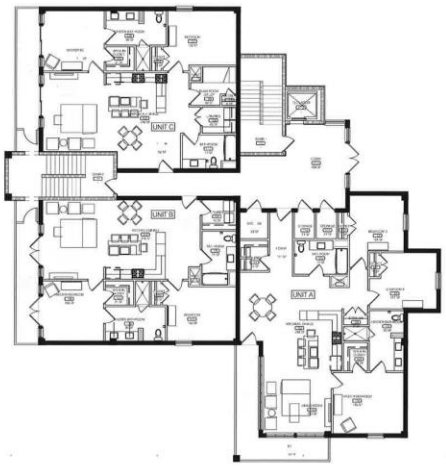
2039 Main Street
Daphne, AL 36526
T 251.626.2626
GMCNETWORK.COM

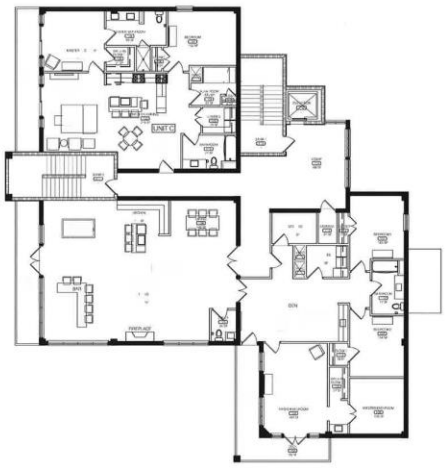
GMC



GMC



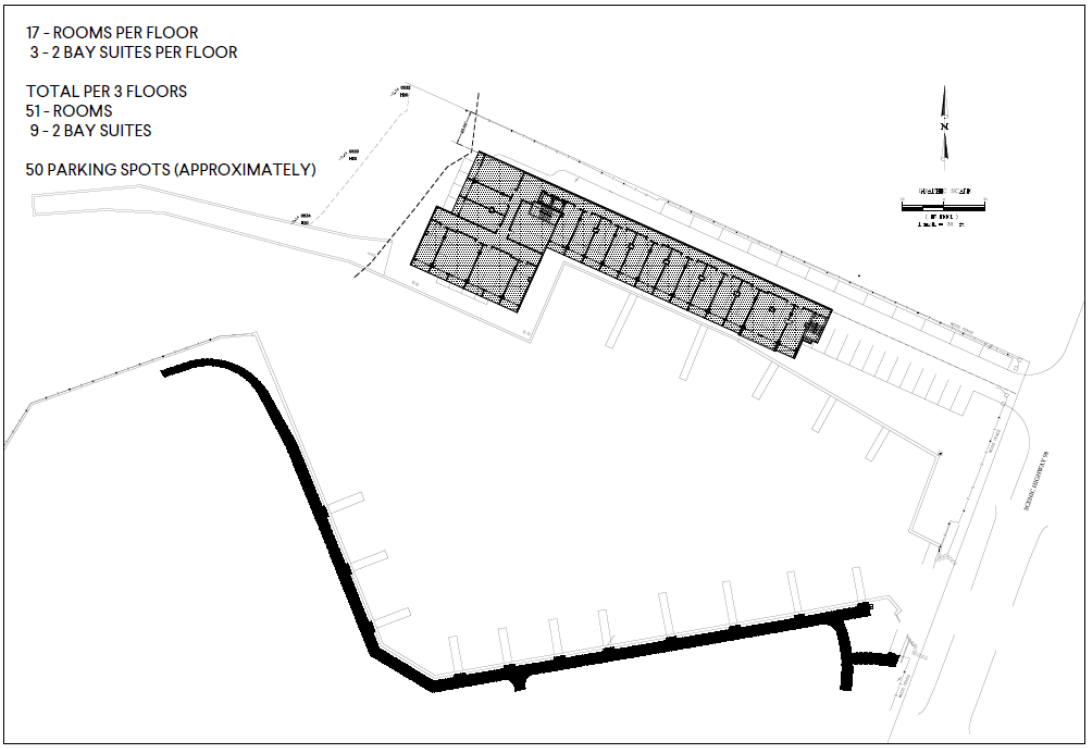




17 - ROOMS PER FLOOR
3 - 2 BAY SUITES PER FLOOR

TOTAL PER 3 FLOORS
51 - ROOMS
9 - 2 BAY SUITES

50 PARKING SPOTS (APPROXIMATELY)



SITE PLAN
SCALE: 1" - 20'