



Baldwin County Planning & Zoning Department

Baldwin County Commission Staff Report

Agenda Item

Case No. Z-20012

Sweatt Property

Rezone RSF-1, Single Family District, RMF-6, Multiple Family District & B-2, Neighborhood Business District,
to HDR, High Density Residential District

August 4, 2020

Subject Property Information

Planning District: 15
General Location: West side of State Highway 181 at Rigsby Road
Physical Address: 28013 State Highway 181, Daphne
Parcel Numbers: 05-43-02-10-0-000-001.001, 05-43-02-10-0-000-002.000, 05-43-02-03-0-000-004.000 & 05-43-02-03-0-000-005.000
Existing Zoning: RSF-1, Single Family District, RMF-6, Multiple Family District & B-2, Neighborhood Business District
Proposed Zoning: HDR, High Density Residential District
Existing Land Use: Undeveloped and Existing Residential Structures
Proposed Land Use: Multi Family Residential (270 unit apartment home community)
Acreage: 23.22 acres, more or less
Applicant: Hathaway Development, LLC
3300 Northeast Expressway, Building 6
Atlanta, Georgia 30341
Owner: Thomas A. Sweatt
C/O Jeffrey Sweatt (MA)
1003 County Road 359
New Albany, Mississippi 38652
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

Adjacent Land Use		Adjacent Zoning
North	Undeveloped/Agricultural	RSF-1, Single Family District
South	Apartment Complex	City of Daphne
East	Residential/Cemetery	B-2/Unzoned
West	Undeveloped	RSF-1, Single Family District
Summary		

This application involves four parcels which total approximately 23.22 acres. The existing zoning designations are RSF-1, Single Family District, RMF-6, Multiple Family District, and B-2, Neighborhood Business District. A zoning of HDR, High Density Residential District, has been requested in order to allow for the development of a 270 unit apartment home community to be known as the Exchange at Daphne. The subject properties are located to the north of an existing apartment complex which was developed and zoned under County zoning prior to annexation into the City of Daphne. If this request is approved, the properties will be the first to carry the HDR designation.

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
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	30,000 Square Feet
Minimum Lot Width at Building Line	100-Feet

Minimum Lot Width at Street Line
Maximum Ground Coverage Ratio

50-Feet
.35

Section 4.9 RMF-6, Multiple Family District

4.9.1 *Generally.* The intent of this zoning designation is to provide the opportunity for multiple family residential development.

4.9.2 *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) Multiple family dwellings.
- (e) Two family dwellings.
- (f) Single family dwellings including manufactured housing and mobile homes.
- (g) Accessory structures and uses.
- (h) The following institutional use: church or similar religious facility.

4.9.3 *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.

4.9.4 *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 local commercial use: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).
- (b) Boarding house, rooming house, lodging house, or dormitory.
- (c) Fraternity or sorority house.

4.9.5 *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
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	6 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

4.9.6 *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	35
Maximum Height in Habitable Stories	3
Minimum Front Yard	25-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	25-Feet
Maximum Density	6 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

4.9.7 *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
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	6 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

Section 5.2 B-2, Neighborhood Business District

5.2.1 Purpose and intent. The purpose and intent of the B-2 Neighborhood Business District is to provide a limited commercial convenience facility, servicing nearby residential neighborhoods, planned and developed as an integral unit.

5.2.4 Mixed uses. Mixed residential and commercial uses may be permissible as conditional uses in the B-2 Neighborhood Business District, subject to the standards and procedures established in *Section 18.11: Conditional Uses*, and subject to the following criteria:

- (a) The commercial uses in the development may be limited in hours of operation, size of delivery trucks and type of equipment.
- (b) The residential uses shall be designed so that they are compatible with the commercial uses.
- (c) Residential and commercial uses shall not occupy the same floor of a building.
- (d) Residential and commercial uses shall not share the same entrances.
- (e) The number of residential dwelling units shall be controlled by the dimensional standards of the B-2 district. A dwelling unit density of .5 (1/2) dwelling units per 1,000 square feet of the gross floor area devoted to commercial uses, may be allowed (structures with less than 2,000 square feet devoted to commercial uses shall be allowed one dwelling unit). In no case, however, shall the overall dwelling unit density for a mixed use project exceed 4 dwelling units per acre.
- (f) Building height shall not exceed three stories.
- (g) A minimum of 30 percent of the mixed use development shall be maintained as open space. The following may be used to satisfy the open space requirements: areas used to satisfy water management requirements, landscaped areas, recreation areas, or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained).
- (h) The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible.

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

Planning and Zoning/Subdivisions: Mary Booth, Subdivision Coordinator

If the rezoning is approved, Final Site Plan approval in accordance with the *Baldwin County Subdivision Regulations* will be required.

ALDOT: Michael Smith, Area Permit Manager

From: Smith, Michael <smithmi@dot.state.al.us>

Sent: Tuesday, May 12, 2020 6:02 PM

To: D Hart <DHart@baldwincountyal.gov>

Cc: White, J. Jason <whitejoh@dot.state.al.us>; Denton, Samantha H. <dentons@dot.state.al.us>

Subject: Re: June rezoning cases

DJ,

Thanks for sending this information to us. I have the following comments:

- Z-20012 - This development will require an ALDOT permit for access and a full review of the proposed site plan. The preliminary site plan included with the attachment shows 2 access points to SR 181. Based on some rough measurements the southern access would fall at or within an existing SB right turn lane into the Palladian Apts., which would present a conflict.
 - Please direct them to contact ALDOT for preliminary discussions about this development as it will have significant impact to the roadway in this area.

Thanks again,

Michael Smith, ALDOT

Area Permit Manager

251-331-0104

251-470-8273

ADEM: No comments received.

Municipality: City of Daphne, Adrienne Jones, Planning Director

From: Adrienne Jones <ajones@daphneal.com>

Sent: Monday, May 11, 2020 9:59 AM

To: D Hart <DHart@baldwincountyal.gov>

Subject: RE: Z-20012 Sweat Property

Being that the request is consistent with the County master plan and compatible with the existing multifamily apartment development to the south (originally approved and permitted in the County and later annexed through the Legislative

Annexation process into the Daphne City limits), then the use could be considered. It would be my hope that a sufficient landscape buffer would be built to mitigate the impact of the development on the single family residents across Highway 181.

Adrienne

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 undeveloped and residential. The properties adjoin State Highway 181 to the east. The adjoining properties on the west side of Highway 181 are residential, with multifamily located on the adjacent property to the south. A cemetery is located on the east side of Highway 181. This area is unzoned (Planning District 7).

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

The zoning for Planning District 15 was adopted by the County Commission on August 1, 2006. The area has seen significant residential growth since that time. The property to the south is the location of the Palladian at Daphne. This is an existing apartment complex which was zoned, developed and permitted by the County prior to annexation into the City of Daphne.

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

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

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

A future land use designation of Residential is provided for the majority of the subject properties. 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. If the rezoning is approved, this designation will remain.

The two commercial parcels have a future land use designation of Commercial. This category provides 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, LB, RV-1, RV-2, MR and TR. Approval of the rezoning will necessitate a change in the future land use designation to Residential for these parcels.

The adjacent future land use designations to the north, south and west are Residential.

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

Improvements to State Highway 181 are currently in progress for areas to the north and south of the subject properties. Staff does not believe that the proposed development will conflict with these improvements.

ALDOT comments:

This development will require an ALDOT permit for access and a full review of the proposed site plan. The preliminary site plan included with the attachment shows 2 access points to SR 181. Based on some rough measurements the southern access would fall at or within an existing SB right turn lane into the Palladian Apts., which would present a conflict. Please direct them to contact ALDOT for preliminary discussions about this development as it will have significant impact to the roadway in this area.

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

Traffic congestion is a major concern in this area. Development on the subject properties, 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.

See ALDOT comments above.

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 Standard 1 and Standard 2.

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

This application represents the second request for HDR since the designation was adopted in 2017. If approved, the subject properties will be the first to carry the designation. Adjacent properties are zoned RSF-1 and B-2. As stated previously, the property to the south lies within the city limits of Daphne and is the location of an apartment complex. This property was zoned RMF-6 when it was developed under County zoning. Property on the east side of Highway 181 is unzoned.

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

Staff believes that timing is appropriate given development trends in the area.

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

County GIS indicates small areas of potential wetlands on the subject property. According to the submitted site plan, these areas will be avoided by the proposed development. Compliance with the required 30' wetland setback will be evaluated during the Land Use Certificate process.

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

This is a broad standard which often indicates potential impacts which could extend beyond a given planning district. Staff knows of no significant impacts.

11.) Other matters which may be appropriate.

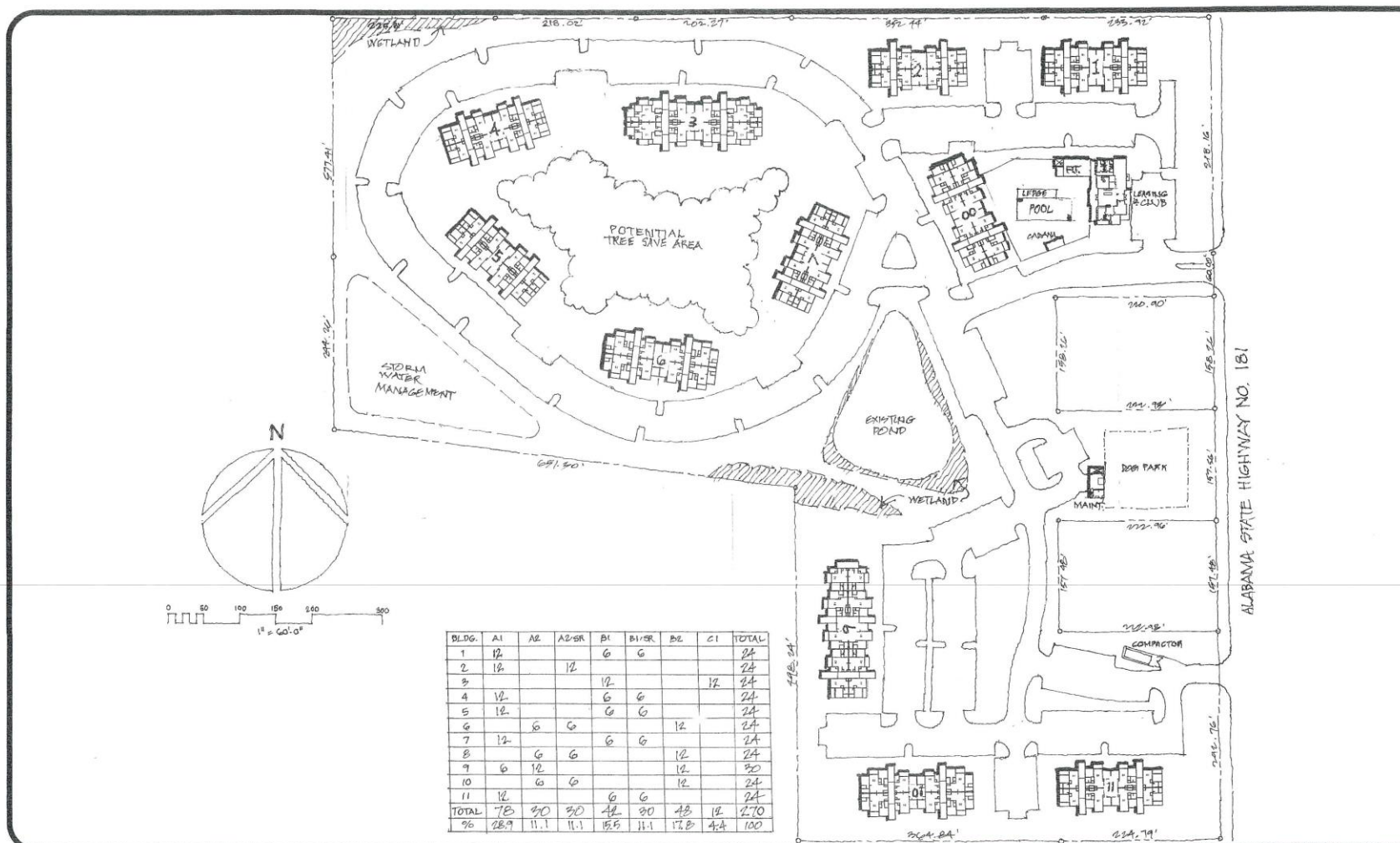
- The intent of the HDR, High Density Residential District, is to provide the opportunity for multiple family residential development, including apartments, condominiums, duplexes and townhouses, in a high density setting. The designation was created because of inquiries from developers with an interest 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 believes the current proposal meets this intent.
- If the rezoning is approved and the project constructed, a landscaped buffer of 25' will be required along the portions of the property which abut RSF-1 zoning. A buffer of 10' will be required along the areas which abut B-2 zoning. In addition, 10' of the required setback along Highway 181 shall be maintained as a buffer. Parking lot landscaping will also be required. A landscaping plan, demonstrating compliance with the requirements of Article 17 from the *Baldwin County Zoning Ordinance* shall be submitted during the Land Use Certificate approval process.
- The subject properties are located in the extraterritorial jurisdiction of the City of Daphne. The developers should contact the City to determine any requirements which might be applicable to this project.

Staff Comments and Recommendation

As stated above, this application involves four parcels which total approximately 23.22 acres. The existing zoning designations are RSF-1, Single Family District, RMF-6, Multiple Family District, and B-2, Neighborhood Business District. A zoning of HDR, High Density Residential District, has been requested in order to allow for the development of a 270 unit apartment home community to be known as the Exchange at Daphne. A preliminary site plan submitted with the application provides the proposed layout of the development as well as common amenities. The subject properties are located to the north of an existing apartment complex which was developed and zoned under County zoning prior to annexation into the City of Daphne. If this request is approved, the properties will be the first to carry the HDR designation.

With the above comments in mind, and unless information to the contrary is presented at the public hearing, staff recommends **APPROVAL** of Case Z-20012 to the County Commission. *

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



An Apartment Home Community
Daphne, Alabama

StudioHD
Studio for Housing Design, LLC
Architecture + Planning
Atlanta, Georgia

Exchange at Daphne -Site Concept
Hathaway Development
Atlanta, Georgia

Property Images





ADJOINING PROPERTY TO THE WEST

05/11/2020

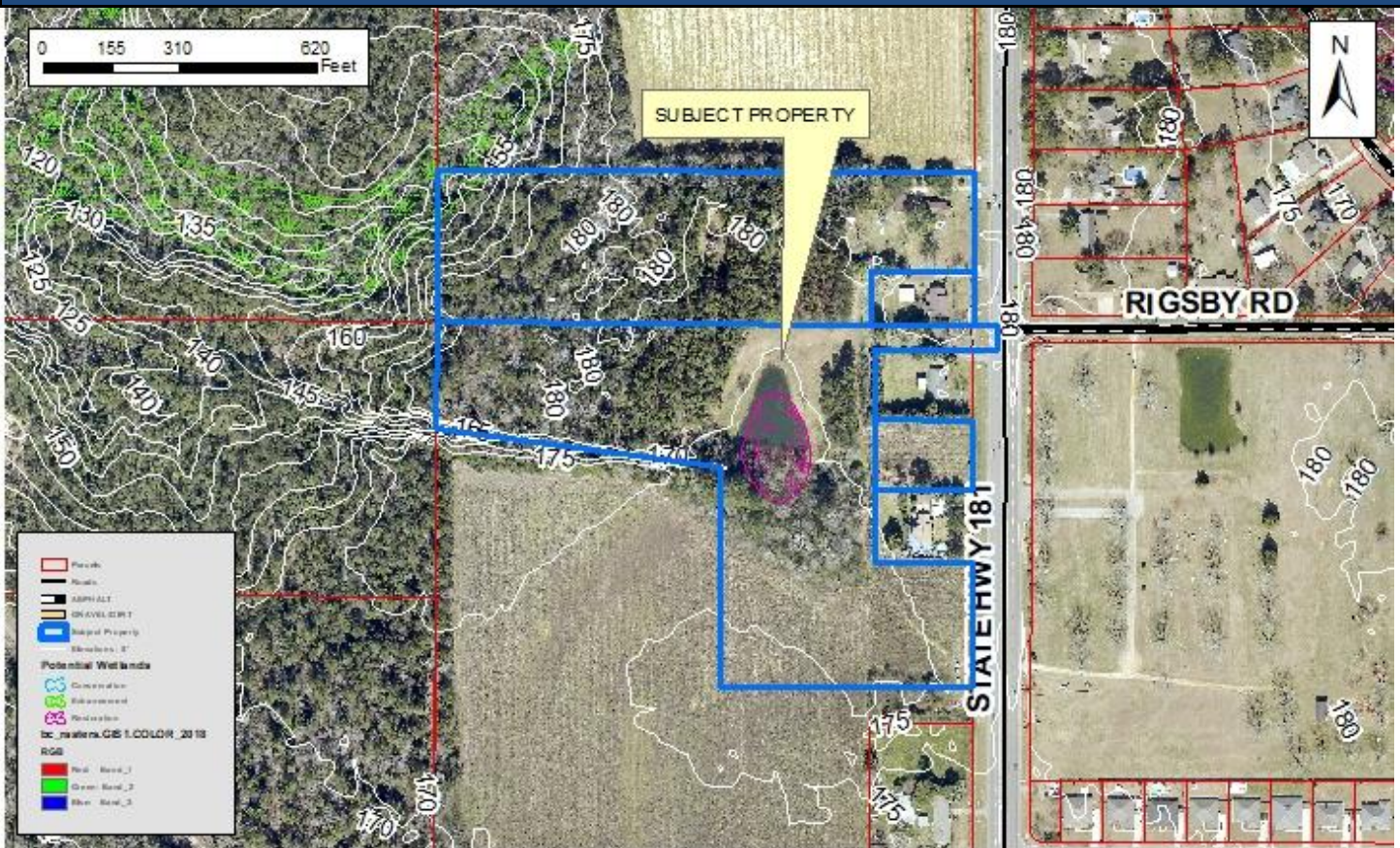


ADJOINING PROPERTY

05/11/2020



Site Map



Locator Map

