



Baldwin County Planning & Zoning Commission Agenda

Thursday, October 6, 2011

6:00 p.m.

Baldwin County Central Annex

22251 Palmer Street

Robertsdale, Alabama

www.planning.co.baldwin.al.us

1. Call to order.
2. Roll call.
3. Approval of September 1, 2011 Meeting Transcripts.
4. Announcements/Registration to Address the Commission.
5. Consideration of Applications and Requests: **Zoning Cases**
 - a) **Case No. P-11006, Hwy. 59 LLC Property – Conditional Use**

Disclosure of Prior Outside Communication – Pursuant to Article VI, Section 15(b), Planning Commission By-Laws

Purpose: This is a request submitted by Connie D. Bass on behalf of Hwy. 59 LLC for Conditional Use approval to allow an automobile sales dealership on property designated as B-3, General Business District.

Location: The subject property is located on the east side of State Highway 59, just north of the intersection of County Road 54 and State Highway 59 (23576 State Highway 59) in Planning District 31.

Exhibits: Within report

b) Case No. P-11007, Mildorf Property, Conditional Use

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section 15(b), Planning Commission By-Laws

Purpose: This is a request submitted by Lorena Hunt, Under His Wings, Inc. on behalf of Mary Mildorf for Conditional Use approval to allow for the establishment of a group home for women on property designated as RA, Rural Agricultural District.

Location: The subject property is located north of U.S. Highway 90 at the north end of Mildorf Road (23640 Mildorf Road) in Planning District 31.

Exhibits: Within report

c) Case No. Z-11012, Greenbook Development LLC Property, Rezoning

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section 15(b), Planning Commission By-Laws

Purpose: This is a request submitted by Greenbook Development LLC to rezone 4.9 acres, more or less, from RSF-1, Residential Single Family and B-2, Neighborhood Business Districts to B-4, Major Commercial District for a Recreational Vehicle Park.

Location: The subject property is located on the north side of State Highway 180 at the intersection of Pleasure Point Road and 2nd Street in Planning District 25.

Exhibits: Within report

d) Case No. Z-11013, Weir, LLC Property, Rezoning

Disclosure of Prior Outside Communication –Pursuant to Article VI, Section 15(b), Planning Commission By-Laws

Purpose: This is a request submitted by Weir, LLC to rezone 21 acres, more or less, from B-3, General Business and RA, Rural Agricultural Districts to B-4, Major Commercial District to develop a Recreational Water Park.

Location: The subject property is located on the northeast quadrant of the intersection of State Highway 59 and Oak Road East in Planning District 30.

Exhibits: Within report

6. Consideration of Applications and Requests: Subdivision Cases

There are no subdivision cases for consideration.

7. Public Comments

8. Old Business

9. New Business

Discussion: Planning Commission Monthly Meetings – Enabling Statute-2

10. Reports and Announcements: Next Regular Meeting: ***November 3, 2011***

a.) Staff Reports

b.) Legal Counsel Report

12. Adjournment



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 5.a
Case No. P-11006
Hwy 59 LLC Property
Conditional Use Approval
October 6, 2011

Subject Property Information

Planning District: 31
Study Area: 3
General Location: East side of State Highway 59, approximately 300 feet north of the intersection of State Highway 59 and County Road 54.
Physical Address: 23576 State Highway 59
PID: 05-42-07-36-0-000-024.000
Existing Zoning: B-3, General Business District
Existing FLU: ND, Neighborhood District
Existing Land Use: Unoccupied
Proposed Land Use: Automobile Dealership
Acreage: 3.72, more or less
Applicant: Connie D. Bass
 PO Box 4444
 Gulf Shores AL 36547
Owner: Highway 59 LLC
 PO Box 4444
 Gulf Shores AL 36547
Lead Staff: Nancy Mackey, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning	Adjacent FLU
North	Recreational Vehicle Sales	B-3, General Business	Neighborhood District (ND)
South	Automobile Body Shop	B-2 (City of Robertsdale)	N/A
East	Unoccupied	B-3, General Business	Neighborhood District (ND)
West	Various Commercial Uses	B-2, B-3, B-4	Neighborhood District (ND)

Summary and Recommendation

The applicant is requesting Conditional Use Approval to allow for an automobile dealership on property identified as 23576 State Highway 59 in Planning District 31. The subject property is zoned B-3, General Business District.

Currently the property is occupied by one structure located in the rear yard. As proposed, a manufactured sales office will be placed on the south side of the property closer to the front. Sale of automobiles will be located on the south, center and north side of the property.

Staff feels the proposed use of an automobile dealership is a reasonable request, compatible with the surrounding uses, and recommends **APPROVAL** subject to the following conditions:

- Approval shall be for this applicant, this location and proposed use only;
- Approval shall be valid for a period of six (6) months in which time a Baldwin County Land Use Certificate must be obtained and proposed use shall be established;
- Approval from the Alabama Department of Transportation being obtained to use existing entrance driveways.

**On Conditional Use applications, the Planning Commission will be making the final decision.*

Current Zoning Requirements

Section 5.3 B-3, General Business District

5.3.1 *Purpose and intent.* The purpose of this district is to provide for a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs. This district shall only be applied at appropriate locations: to conveniently meet these needs; in conformance with the goals, objectives and policies and location criteria of the Comprehensive Plan; compatible with the surrounding land uses and zoning districts; where it will not adversely impact the facilities and services of the County; where it will not set a precedent for the introduction of inappropriate uses into an area; and so as not to encourage non-residential strip development along streets

5.3.2 *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the B-3, General Business District:

- | | |
|--|--|
| (a) All uses permitted by right under the B-2 zoning designation | (cc) Golf driving range |
| (b) Air conditioning sales and service | (dd) Grocery store |
| (c) Amusement arcade | (ee) Landscape sales |
| (d) Animal clinic/kennel | (ff) Marine store and supplies |
| (e) Arboretum | (gg) Miniature golf |
| (f) Bakery, wholesale | (hh) Mini-warehouse |
| (g) Ball field | (ii) Night club, bar, tavern |
| (h) Bicycle sales and service | (jj) Nursery |
| (i) Bowling alley | (kk) Office equipment and supplies sales |
| (j) Business machine sales and service | (ll) Park or playground |
| (k) Business school or college | (mm) Pawn shop |
| (l) Butane gas sales | (nn) Pet shop |
| (m) Cemetery | (oo) Plumbing shop |
| (n) City hall or courthouse | (pp) Printing/publishing establishment |
| (o) Country club | (qq) Restaurant sales and supplies |
| (p) Department store | (rr) Riding academy |
| (q) Discount/variety store | (ss) Rug and/or drapery cleaning service |
| (r) Drug store | (tt) Seafood store |
| (s) Elevator maintenance service | (uu) Sign shop |
| (t) Exterminator service office | (vv) Skating rink |
| (u) Farmer's market/truck crops | (ww) Stone monument sales |
| (v) Firing range | (xx) Swimming pool (outdoor) |
| (w) Fitness center or gym | (yy) Taxidermy |
| (x) Florist | (zz) Teen club or youth center |
| (y) Fraternity or sorority house | (aaa) Tennis court (outdoor) |
| (z) Fruit and produce store | (bbb) Wildlife sanctuary |
| (aa) Funeral home | (ccc) YMCA, YWCA |
| (bb) Golf course | |

5.3.3 *Conditional uses.* The following uses are permissible as conditional uses in the B-3: General Commercial District, subject to the standards and procedures established in *Section 18.11: Conditional Use*:

- | | |
|-----------------------------------|--|
| (a) Airport | (f) Auto convenience market (limited to less than 4,000 sq.ft. of gross floor area and maximum of 4 fueling pumps) |
| (b) Ambulance/EMS service | (g) Automobile parts sales |
| (c) Amusement park | |
| (d) Armory | |
| (e) Auditorium, stadium, coliseum | |

- (h) Automobile repair (mechanical and body)
- (i) Automobile service station
- (j) Automobile storage (parking lot, parking garage)
- (k) Barge docking
- (l) Boat sales and service
- (m) Broadcasting station
- (n) Building materials
- (o) Bus and railroad terminal facility
- (p) College or university
- (q) Convalescent or nursing home
- (r) Correctional or penal institution
- (s) Dog pound
- (t) Electric power substations
- (u) Farm implements
- (v) Flea market
- (w) Freight depot, rail or truck
- (x) Home improvement center
- (y) Hotel or motel
- (z) Hospital
- (aa) Landfill
- (bb) Maintenance facility/storage yard for schools, government agencies, and telephone and cable companies
- (cc) Manufactured housing sales, service and repair
- (dd) Marina
- (ee) Motorcycle sales service and repair
- (ff) Movie theatre
- (gg) Radio/television tower
- (hh) Railroad facility
- (ii) Recreational vehicle park
- (jj) Recreational vehicle sales service, and repair
- (kk) Restaurant, drive-in
- (ll) Restaurant, fast-food
- (mm) Sewage treatment plant
- (nn) Taxi dispatching station
- (oo) Taxi terminal
- (pp) Telephone exchange
- (qq) Water or sewage pumping station
- (rr) Water storage tank
- (ss) Wireless telecommunication facility
- (tt) Zoo

5.3.4 *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

5.3.5 *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.

5.3.6 *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.

5.3.7 *Landscaping and buffering.* All B-3, General Business District, uses shall meet the requirements of *Article XVII: Landscaping and Buffers.*

Article 17 LANDSCAPING AND BUFFER REQUIREMENTS

The subject property is bordered on the north and east side by B-3 General Business District designations and/or uses. The property on the south side is zoned B-2, General Business by the City of Robertsdale. As such, no landscape and buffer requirements are necessary according to Section 17.2.6 and Minimum Buffer Requirement tables outlined in the *Baldwin County Zoning Ordinance.*

Conditional Use Regulations

Section 18.11 Conditional Uses

18.11.1 *Authorization.* The Planning Commission may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any use that is expressly permitted as a conditional use in a particular zoning district; however, the county reserves full authority to deny any request for a conditional use, to impose conditions on the use, or to revoke approval at any time, upon finding that the permitted use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

18.11.5 *Conditions and restrictions on approval.* In approving a conditional use, the Planning Commission may impose conditions and restrictions upon the property benefited by the conditional use approval as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such conditional use upon the property in the neighborhood, and to carry out the general purpose and intent of the ordinances. In approving any conditional use, the Planning Commission may specify the period of time for which such approval is valid for the commencement of the proposed conditional use. The Planning Commission may, upon written request, grant extensions to such time allotments not exceeding 6 months each without notice or hearing. Failure to comply with any such condition or restriction imposed by the Planning Commission shall constitute a violation of these ordinances. Those conditional uses which the Planning Commission approves subject to conditions shall have specified by the Planning Commission the time allotted to satisfy such conditions.

Agency Comments

County Highway Maintenance Engineer – Frank Lundy: No Comments.

Planning Engineer – Steven Pumphrey: No Comments.

ADEM: No Comments.

BCBE: Not applicable

Municipality: No comments received from the City of Robertsdale.

Staff Analysis and Findings

The following factors for reviewing Conditional Uses are found in Section 18.11.4 of the *Baldwin County Zoning Ordinance*. These factors are to be considered when an application is being reviewed for conditional uses. Goals, Objectives and Policies from Horizon 2025: The Baldwin County Comprehensive Plan are listed in *italics* to differentiate from Staff Analysis.

Standards for approval. A conditional use may be approved by the Planning Commission only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:

- (a) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Baldwin County Master Plan, these ordinances, or any other official plan, program, map or ordinance of Baldwin County.**

The subject property is located in Study Area 3 and is within the Neighborhood Future Land Use District, which is detailed below.

Neighborhood District (ND) – *The Neighborhood District consists predominantly of low-density residential development, including single family dwellings. Other uses allowed in this designation include accessory structures; home occupations; limited public and institutional uses; limited retail and office uses; and utilities. Civic spaces in this District include parks, greens, and playgrounds. Retail and office uses should be at a neighborhood scale, meaning acceptable uses that will have a limited impact on adjacent residential areas especially in terms of lighting, signage, traffic, odor, noise, and hours of operation. Acceptable uses should be compatible with surrounding development in terms of scale/building size, building design, materials, and color, and located at the intersection of road facilities classified as “collectors” or higher. The maximum density for residential uses shall be four (4) units per acre. The maximum intensity for non-residential uses shall be 0.60 Impervious Surface Ratio (ISR) or 0.45 Floor Area Ratio (FAR), whichever is more restrictive. The preferred development in this District will occur in the form of neighborhoods, defined in general terms as an urban sector that is mixed use, mixed income, and limited in area by walking distance typically defined as a 10 minute/1.5 mile walk. The neighborhood is conceived to fulfill most ordinary human needs, including those of transportation. The neighborhood is served by a network of thoroughfares variously detailed for character and capacity, creating a public realm suitable to the pedestrian as well as the vehicle.*

Horizon 2025 is a broad-based, general plan and therefore, is silent on the specific use of “auto sales.” However, according to the use table of Policy 2.1.1.2, “automobile service” is allowed with conditional use approval in the Neighborhood District. An office building, retail building and open market building are all allowed by right in the Neighborhood District.

Based on the information stated above, the proposed conditional use application for auto sales in the B-3 zoning district is compatible with the Goals, Objectives and Policies of the Baldwin County Comprehensive Plan and should be approved.

(b) The proposed use shall be consistent with the community welfare and not detract from the public’s convenience at the specific location.

Staff anticipates no issues with this standard. Access to the property will be by two existing driveways off State Highway 59. Approval to utilize both driveways for the intended use of an automobile sales dealership shall be required from the Alabama Department of Transportation prior to issuance of a Baldwin County Land Use Certificate.

(c) The proposed use shall not unduly decrease the value of neighboring property.

No adverse impact. Property to the north is zoned B-3 and occupied by a recreational vehicle sales dealership. Property to the south is inside the City Limits of Robertsdale (zoned B-2, General Business) and is occupied by an automobile repair shop. Property to the west is a mixture of commercial zoning designations with mixed commercial uses.

(d) The use shall be compatible with the surrounding area and not impose an excessive burden or have substantial negative impact on surrounding or adjacent uses or on community facilities or services.

Refer to Item (c) above. Zoning for Planning District 31 was enacted in November, 1995 with the subject property zoned in its current status of B-3, General Business. During this time, B-3 was the most intense zoning designation allowed, and as such Automobile Sales were permitted uses.

The Code of Alabama 1975, Section 45-2-260 - Highway Construction Setback Enabling Legislation

State Highway 59 is classified as a Principal Arterial highway and requires a setback of 125 feet from the centerline. Permanent structures prohibited within the required construction setback include, but is not limited to the following: buildings, houses, decks or porches, mobile homes, swimming pools, drainage detention or retention structures, septic tanks, gas pumps, underground storage and required parking spaces.

Staff recommends that Case No. P-11006 Hwy. 59 LLC Property, be **APPROVED** subject to the following conditions and based on comments contained herein:

- Approval shall be for this applicant, this location and proposed use only;
- Approval shall be valid for a period of six (6) months in which time a Baldwin County Land Use Certificate must be obtained and proposed use shall be established;
- Approval from the Alabama Department of Transportation being obtained to use existing entrance driveways.







**ADJOINING BUSINESS TO THE SOUTH
COCKRELL'S BODY SHOP**

2011 9 12

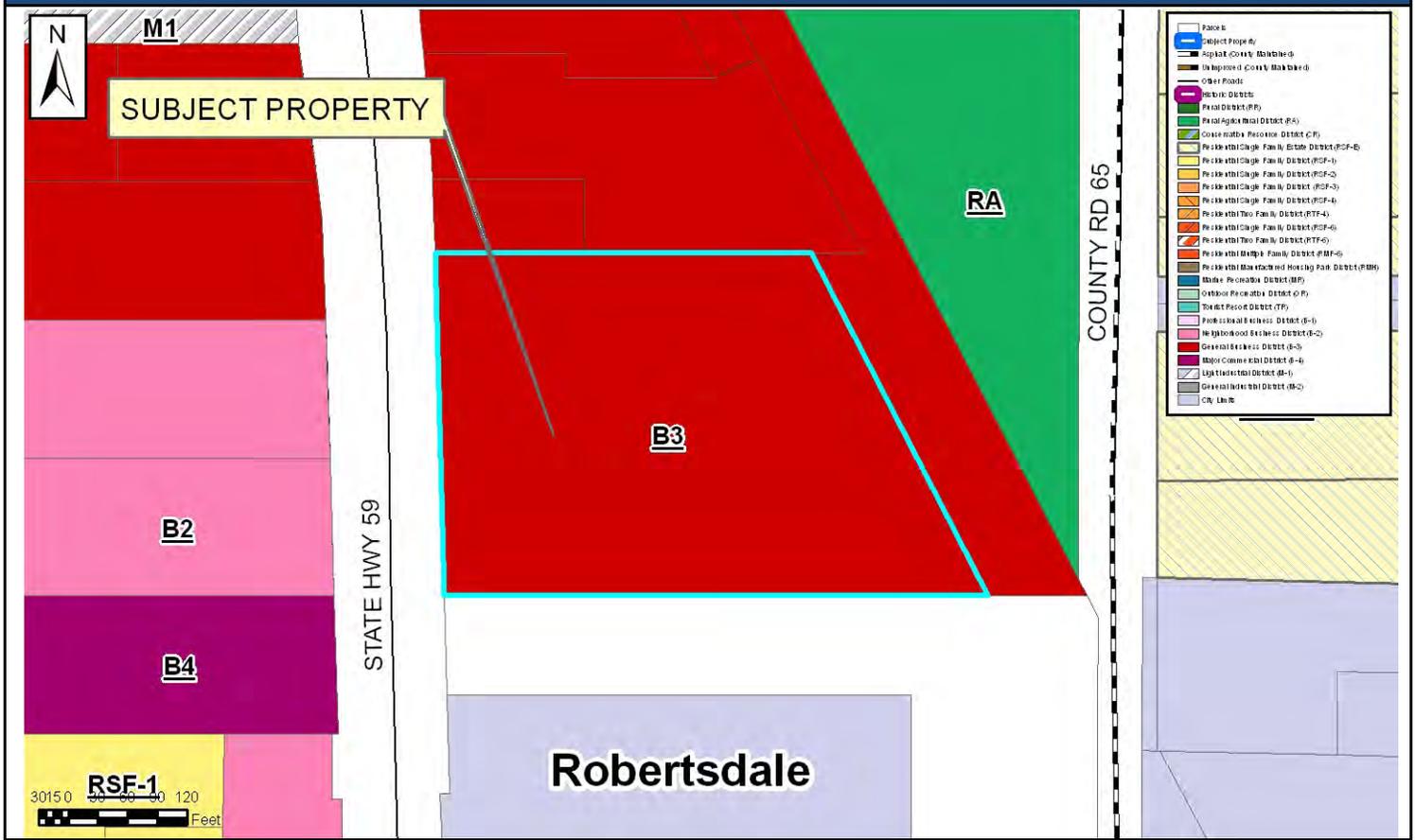


**ADJOINING PROPERTIES TO THE
WEST OF HWY. 59**

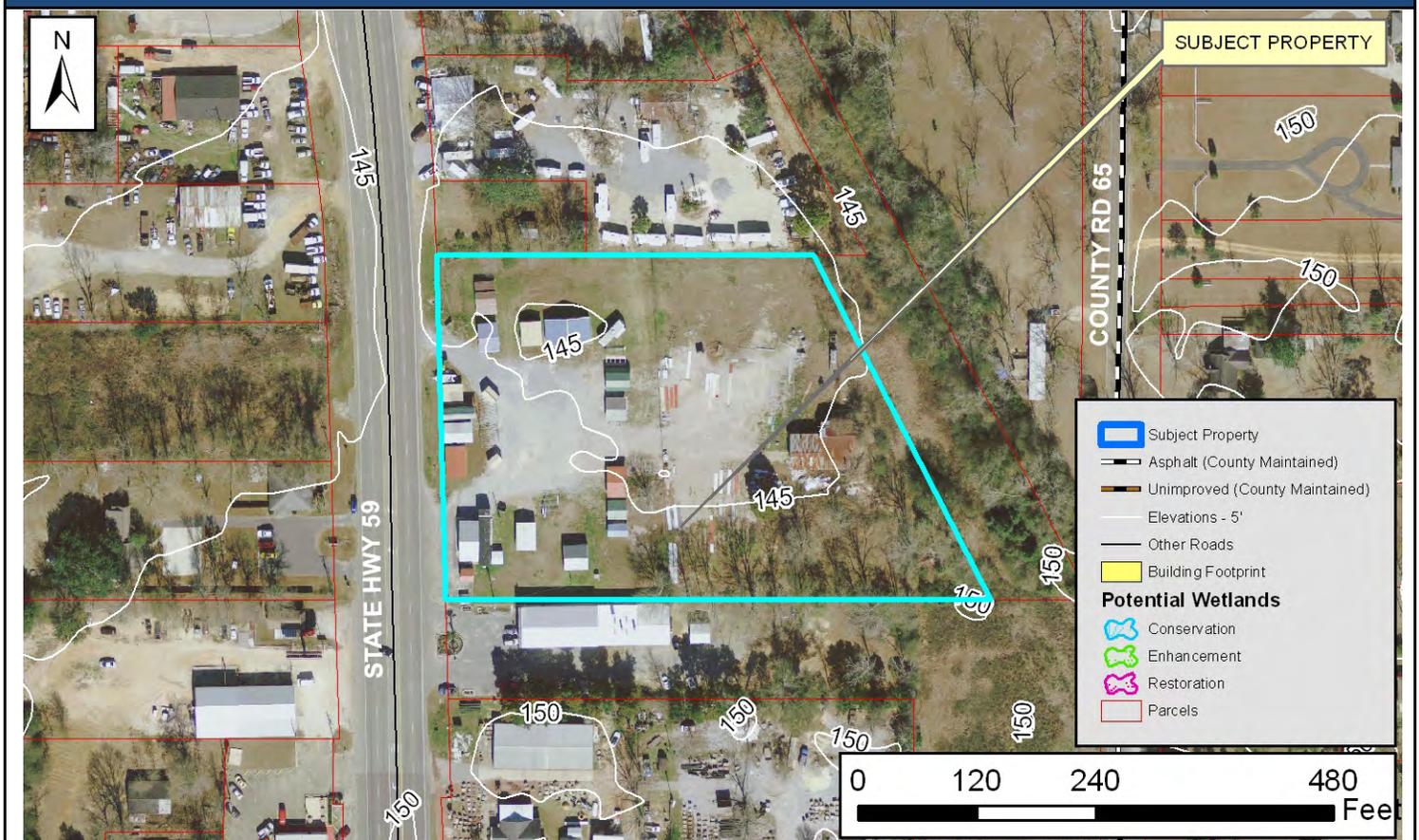
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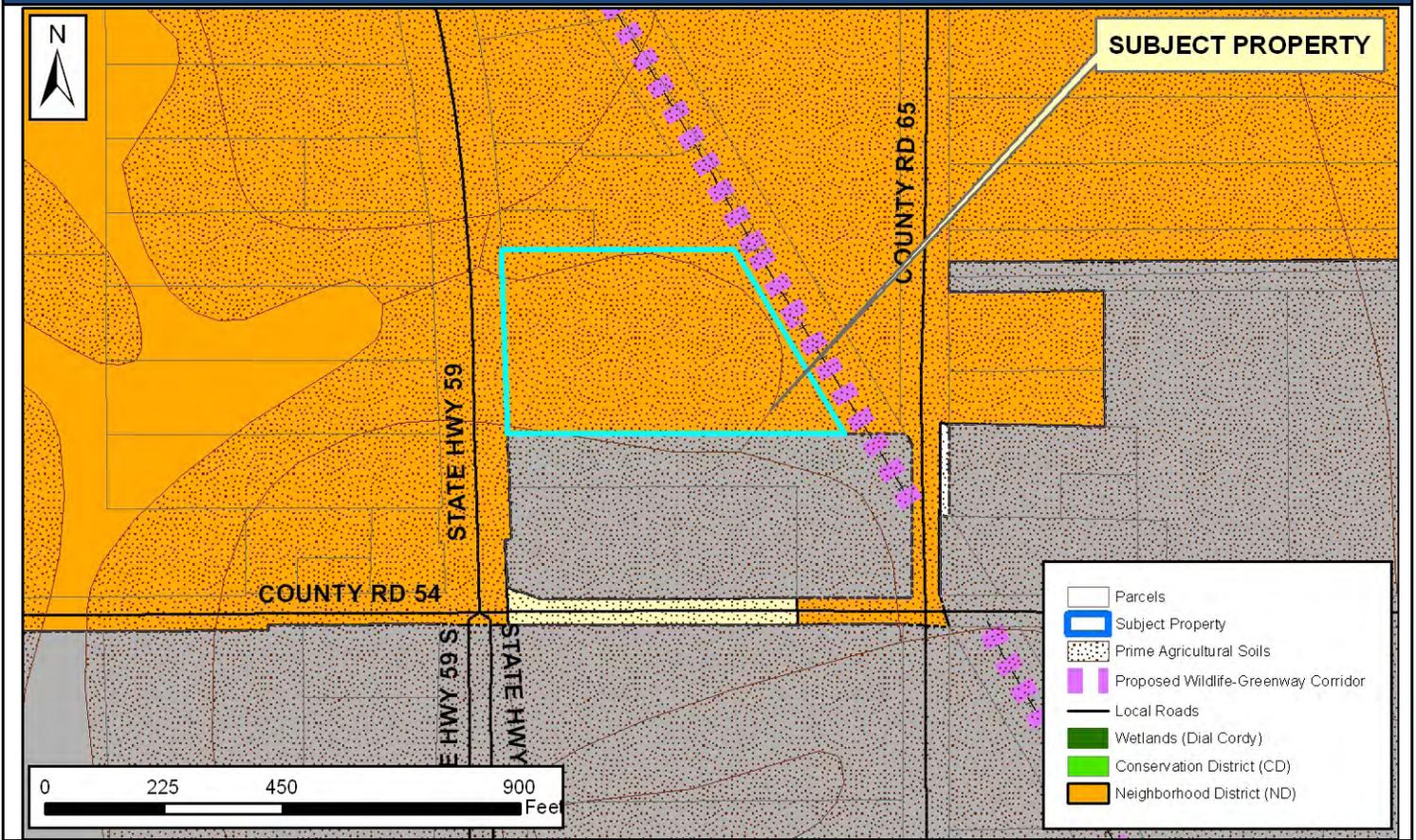
Locator Map



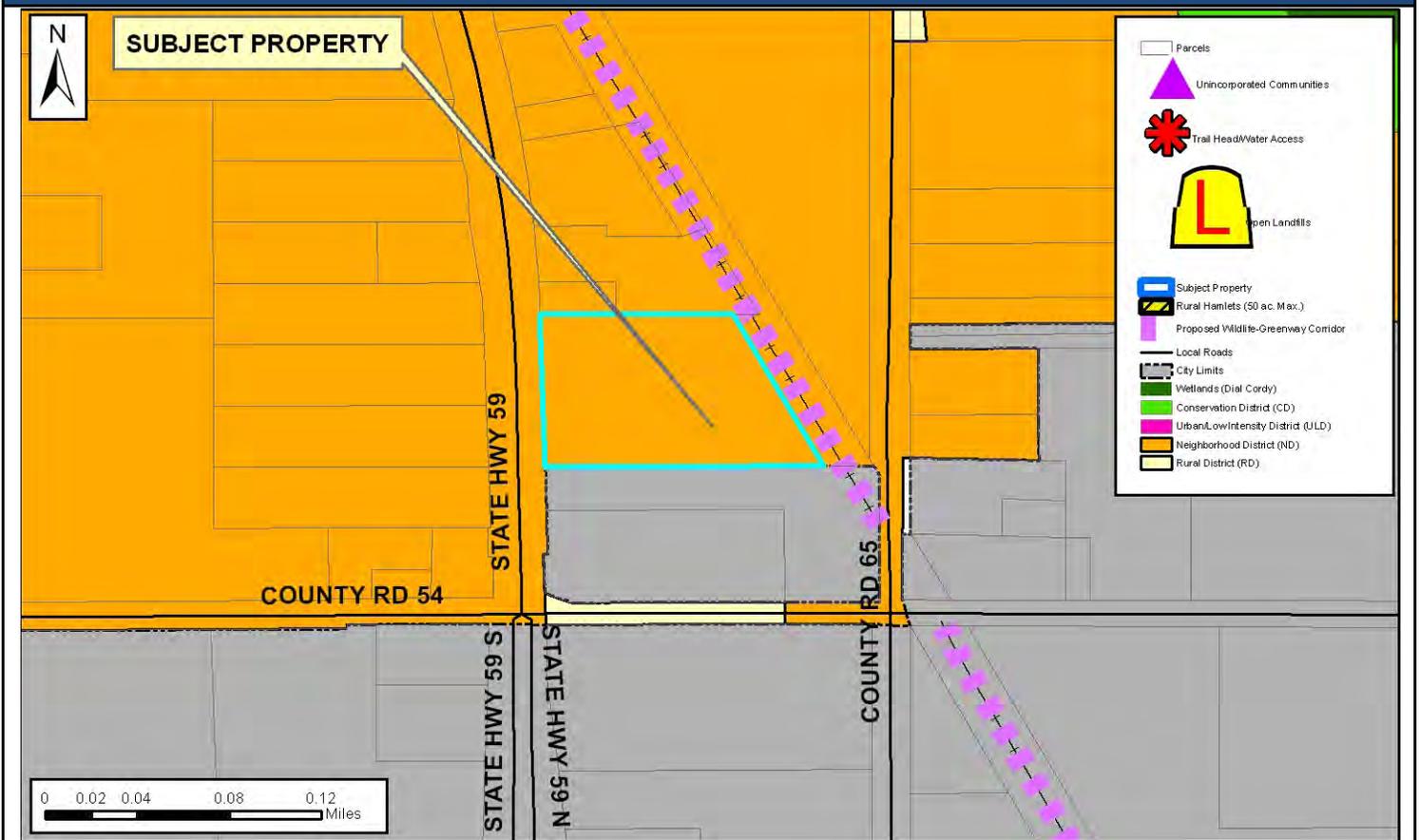
Site Map



Future Land Use Maps

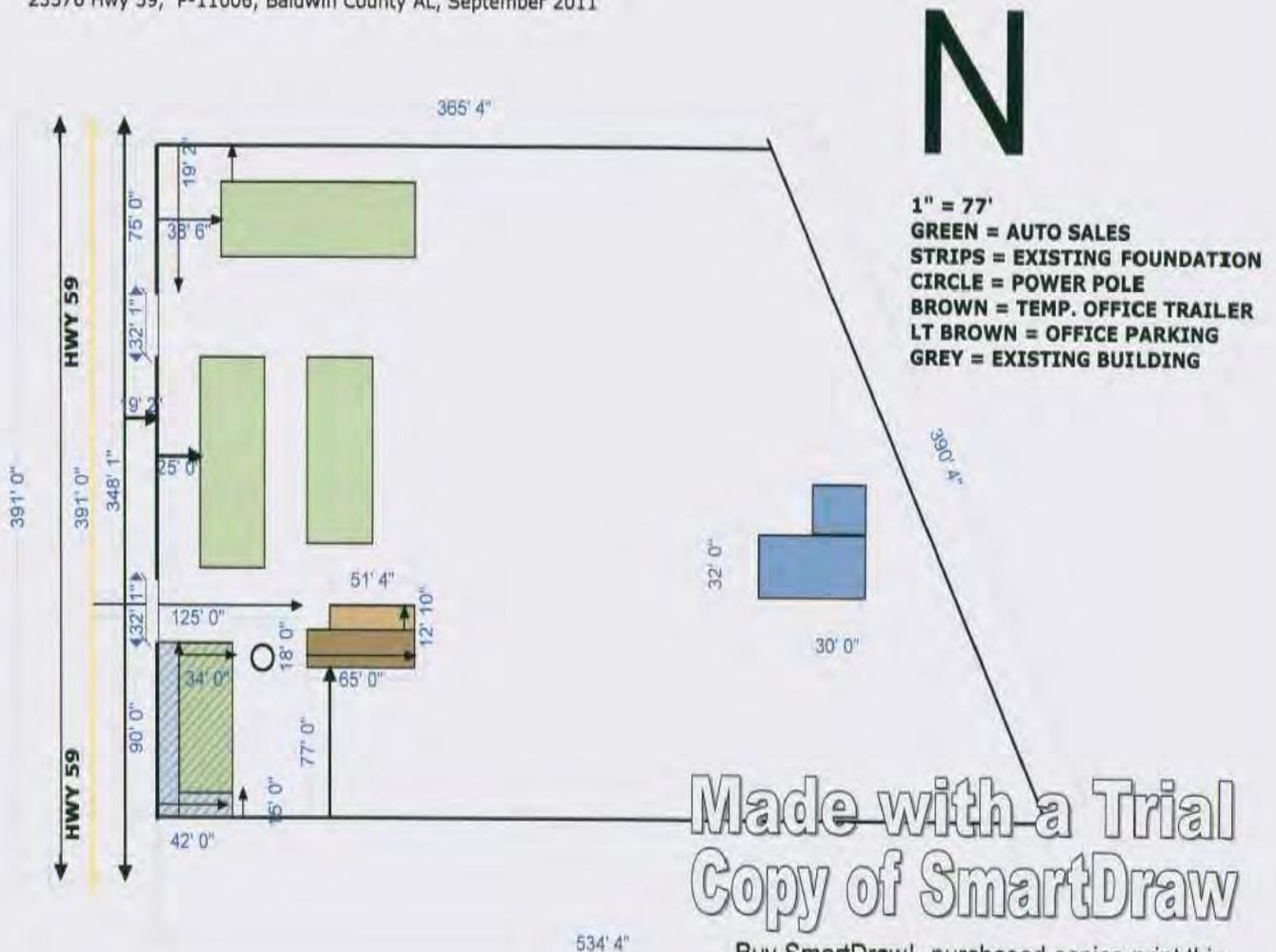


Future Land Use Maps



PRELIMINARY SITE PLAN FOR PROPOSED AUTOMOBILE DEALERSHIP

23576 Hwy 59, P-11006, Baldwin County AL, September 2011



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 Visit www.smartdraw.com or call 1-800-768-3729.



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 5.b
Case No. P-11007
Mildorf Property (Under His Wings, Inc)
Conditional Use Approval-Group Home
October 6, 2011

Subject Property Information

Planning District: 31
Study Area: 3
General Location: Mildorf Road, North of U.S. Highway 90
Physical Address: 23640 Mildorf Road
Parcel Number: 05-41-08-33-0-000-020.000
Existing Zoning: RA, Rural Agricultural District
Existing FLU: Conservation District (CD) and Neighborhood District (ND)
Existing Land Use: Residential
Proposed Land Use: Group Home for Young Women in Crisis
Acreage: 160 acres +/- (2 acres to be leased)
Applicant: Under His Wings, Inc
 7099 Wood Acres Road
 Fairhope, AL 36532
Owner: Estate of Mary Mildorf
 P.O. Box 1106
 Fairhope, AL 36533
Lead Staff: Vince Jackson, Planning Director
Attachments: Within Report, Supporting Materials

	Adjacent Land Use	Adjacent Zoning	Adjacent FLU
North	Residential/Agricultural	RA, Rural Agricultural	ND, Neighborhood District
South	Residential/Agricultural	RA, Rural Agricultural	ND, Neighborhood District
East	Residential/Agricultural	RA, Rural Agricultural	ND, Neighborhood District and CD, Conservation District
West	Residential	RA, Rural Agricultural and City of Robertsdale (residential)	ND, Neighborhood District and City

Summary

The subject application is a request for Conditional Use approval to allow for the establishment of a group home on property which is zoned RA, Rural Agricultural District, and which is located in Planning District 31. A group home is classified as an Institutional Use which is allowed through the Conditional Use process under the RA zoning designation.

According to the information provided, the group home would be operated by Under His Wings, Inc., and would occupy an existing single family dwelling on the subject property. The facility would house 7-10 girls along with two house parents. Three employees would be present during the day. No new construction is proposed at this time.

Submitted materials describe the function of Under His Wings (UHW) as follows:

The mission of Under His Wings is to provide close counseling and mentoring in a residential setting so that young women between the ages of 13 to 18 will gain control over past hurts as they receive the resources and experiences they need to break negative cycles. Resources provided include: highly qualified Under His Wings staff, nutritionists, certified teachers, licensed professional counselors and social workers. The medical and educational needs of young women will be overseen by UHW medical and educational directors. Residents will be homeschooled with Alabama State Department of Education curriculum.

UHW will also offer a six month faith centered leadership program. Additional information concerning admissions and licensing is attached.

Current Zoning Requirements

Section 3.2 RA Rural Agricultural District

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

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

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

(g) Agricultural uses.

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

(i) Accessory structures and uses.

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

(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

Agency Comments

County Highway Maintenance Engineer – Frank Lundy P.E.: No comments received.

Permit/Subdivision Manager – Steven Pumphrey: No concerns noted.

ADEM: Not applicable.

BCBE: Not applicable.

Municipality: No comments received.

Staff Analysis and Findings

The following factors for reviewing Conditional Uses are found in Section 18.11 of the *Baldwin County Zoning Ordinance*. These factors are to be considered when an application is being reviewed for Conditional Use approval.

- a) **The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Baldwin County Master Plan (Comprehensive Plan), these ordinances, or any other official plan, program, map or ordinance of Baldwin County.**

The subject property is located in Study Area 3 and is within the Conservation and Neighborhood Future Land Use Districts, which are detailed below.

a. Conservation District (CD) – The Conservation District consists of lands unsuitable for development due to topography, hydrology, vegetation, or wildlife habitat. This designation protects environmentally sensitive areas, natural water bodies, and other unique or sensitive natural resources. Such resources include groundwater, floodplains, wetlands, streams, steep slopes, woodlands, wildlife habitats, beach dune areas, certain agricultural and forest lands, and areas depicted in the State Wildlife Action Plan. Uses allowed in this designation include natural preserves, reserves, recreation and camping areas; and structures limited to utility infrastructure and camp buildings. Single family residential dwellings will be allowed in the Conservation District by special exception. The maximum density for residential uses shall be one (1) unit per five (5) acres. As needed, some upland areas are included in this District to establish significant greenways and wildlife corridors to connect environmentally sensitive areas. Such greenways and corridors shall have a minimum width of four hundred feet (400’).

d. Neighborhood District (ND) – The Neighborhood District consists predominantly of low-density residential development, including single family dwellings. Other uses allowed in this designation include accessory structures; home occupations; limited public and institutional uses; limited retail and office uses; and utilities. Civic spaces in this District include parks, greens, and playgrounds. Retail and office uses should be at a neighborhood scale, meaning acceptable uses that will have a limited impact on adjacent residential areas especially in terms of lighting, signage, traffic, odor, noise, and hours of operation. Acceptable uses should be compatible with surrounding development in terms of scale/building size, building design, materials, and color, and located at the intersection of road facilities classified as “collectors” or higher. The maximum density for residential uses shall be four (4) units per acre. The maximum intensity for non-residential uses shall be 0.60 Impervious Surface Ratio (ISR) or 0.45 Floor Area Ratio (FAR), whichever is more restrictive. The preferred development in this District will occur in the form of neighborhoods, defined in general terms as an urban sector that is mixed use, mixed income, and limited in area by walking distance typically defined as a 10 minute/1.5 mile walk. The neighborhood is conceived to fulfill most ordinary human needs, including those of transportation. The neighborhood is served by a network of thoroughfares variously detailed for character and capacity, creating a public realm suitable to the pedestrian as well as the vehicle.

Horizon 2025 is a broad-based, general plan and therefore, is silent on the specific use of a group home. However, the proposed use of a “group home” has been traditionally classified within the *Baldwin County Zoning Ordinances* as an “Institutional Use.” According to the description of the Neighborhood Future Land Use District, limited institutional uses are allowed by right within the ND.

Based on the information stated above, the proposed conditional use application for a group home for girls in the RA zoning district is compatible with the Goals, Objectives and Policies of the Baldwin County Comprehensive Plan and should be approved.

b) The proposed use shall be consistent with the community welfare and not detract from the public’s convenience at the specific location.

The use of the subject property has been previously established. As stated above, the group home will occupy an existing single family dwelling. There are no plans for additional construction at this time. Due to the fact that institutional uses require Conditional Use approval, under the RA zoning designation, any future expansion will necessitate review and approval by the Planning Commission.

c) The proposed use shall not unduly decrease the value of neighboring property.

No adverse impact. The surrounding properties are zoned RA, Rural Agricultural and are used for residential and agricultural purposes. Property to the west, which is located within the City Limits of Robertsdale, has been subdivided, but many of the lots appear to be vacant.

d) The use shall be compatible with the surrounding area and not impose an excessive burden or have substantial negative impact on surrounding or adjacent uses or on community facilities or services.

Under His Wings employs a rigorous admission policy whereby young women cannot simply be dropped off at the site nor brought to the facility against their will. This along with other safeguards should alleviate any concerns over the potential for negative impacts.

e) Other matters which may be appropriate.

N/A

Staff Comments and Recommendation

Staff feels that this is a reasonable request which is consistent with the standards for Conditional Use approval. As a result, staff recommends that Case No. P-11007, Under His Wings, Inc, be **APPROVED** subject to the following conditions:

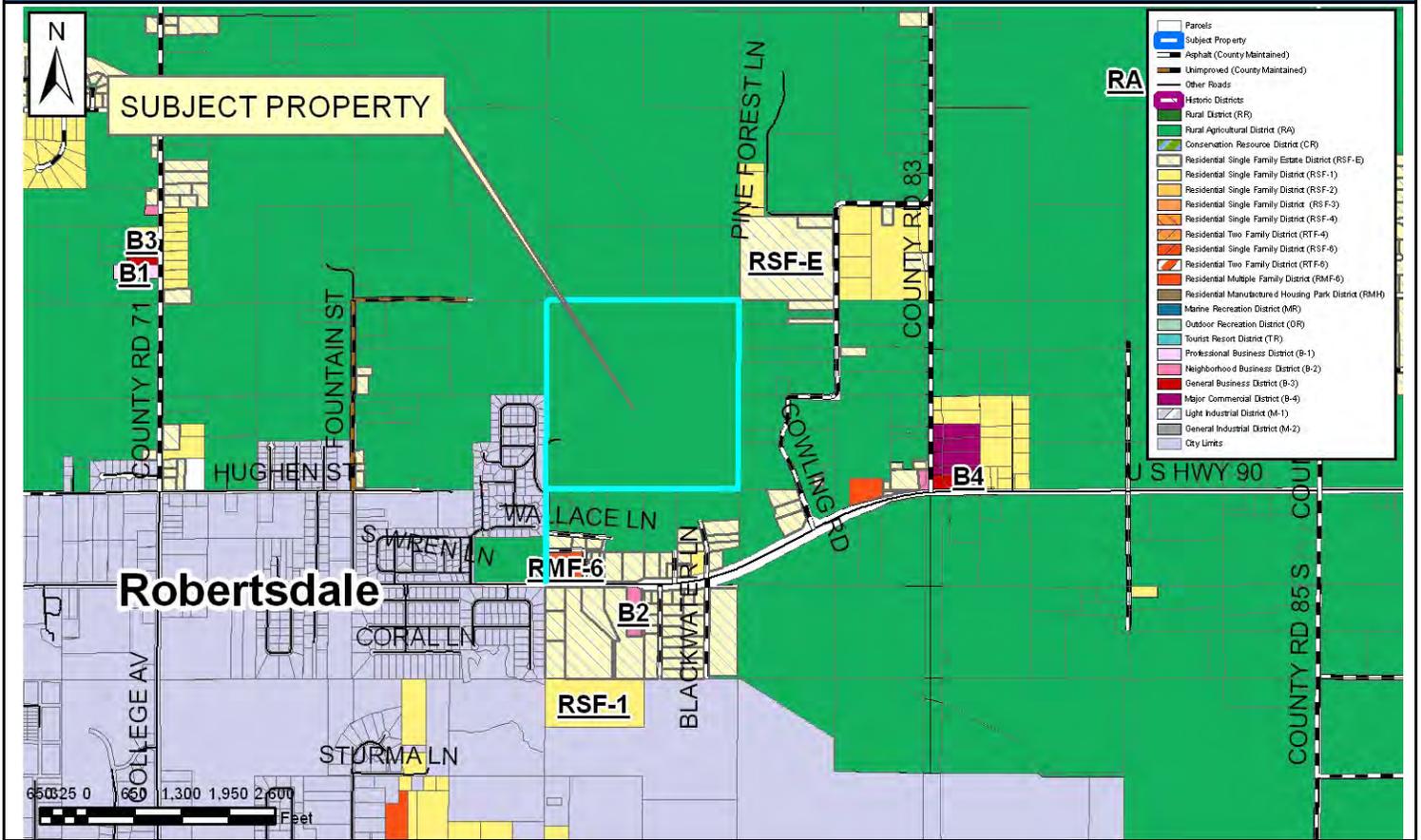
- 1.) Approval shall be granted for this applicant and at this location only.
- 2.) The use for this application was submitted shall be established no later than six (6) months from the date of approval.
- 3.) Any additions or expansions shall require the Conditional Use approval of the Planning Commission.

Property Images

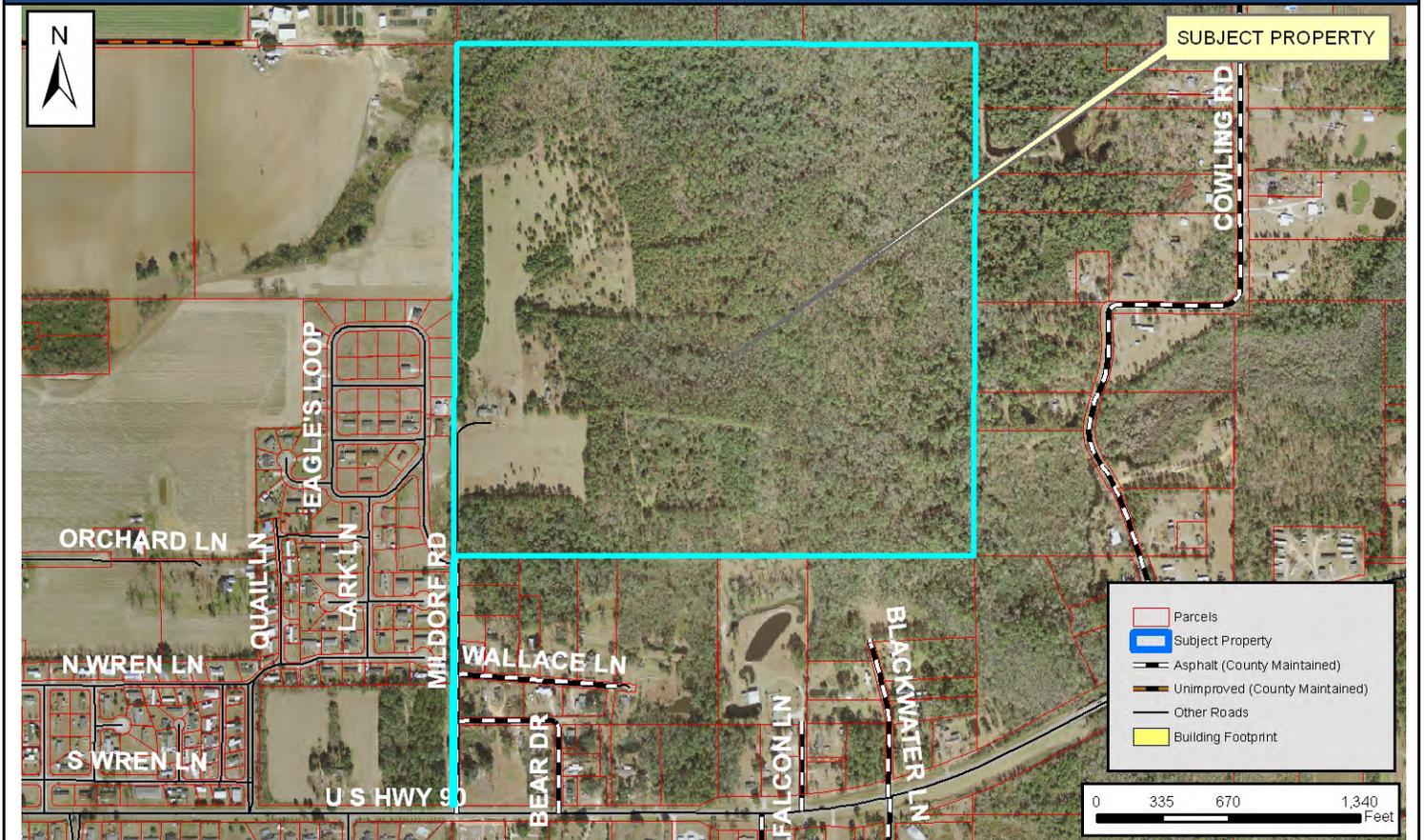




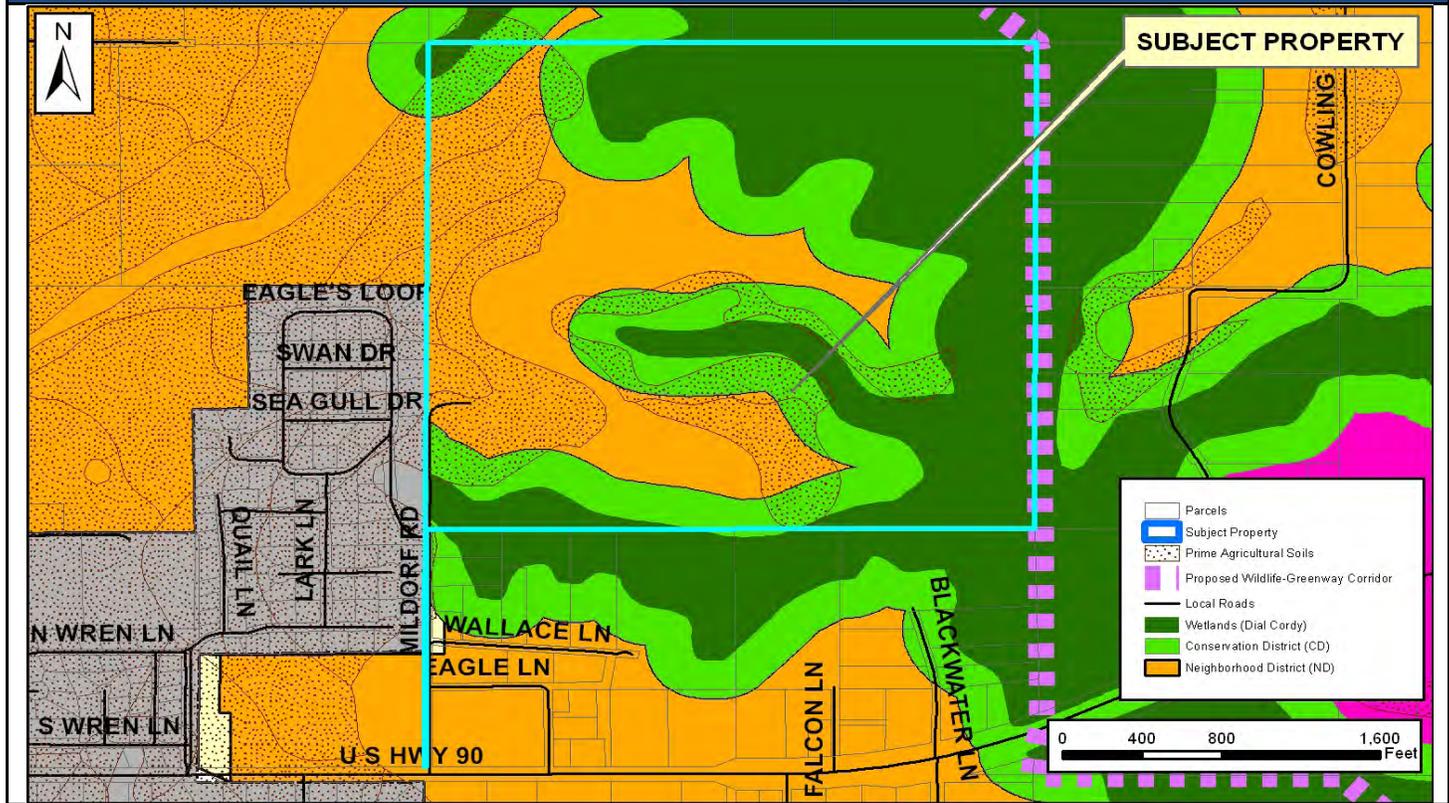
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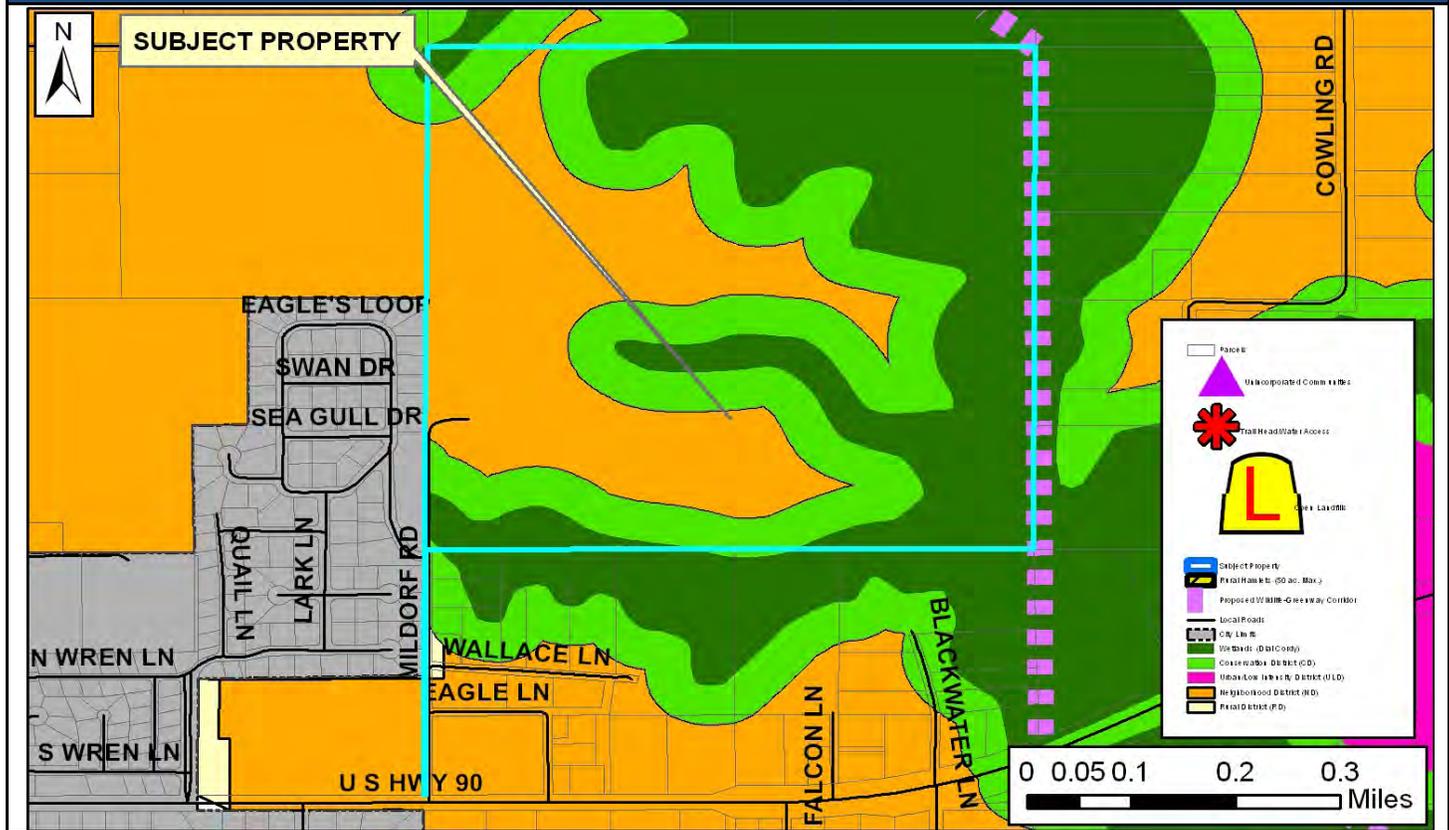
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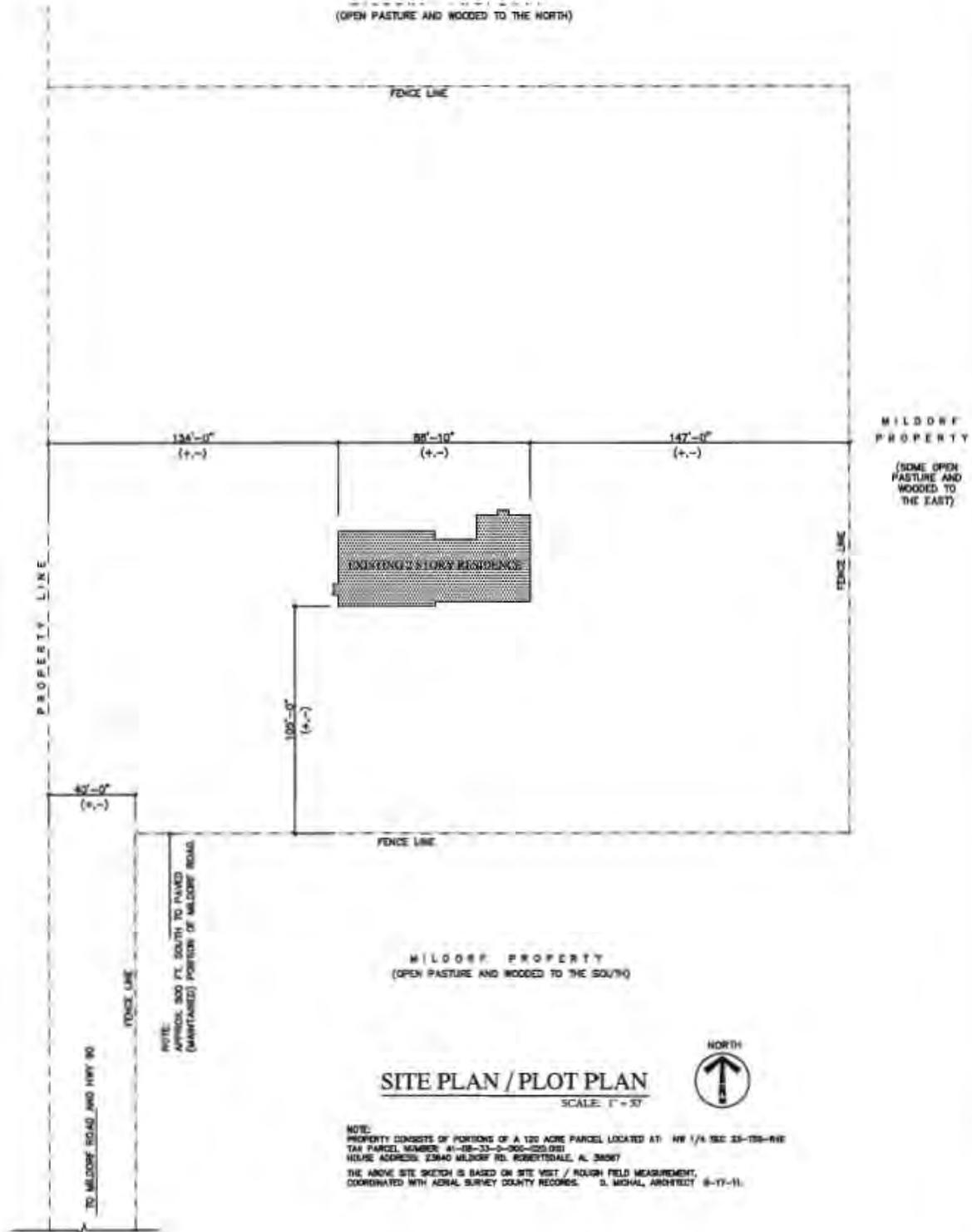
Future Land Use Maps



Future Land Use Maps



EXISTING
SUBDIVISION AND
MOBILE HOME PARK



UNDER HIS WINGS

FOCUS AND FUNCTION

The mission of Under His Wings is to provide close counseling and mentoring in a residential setting so that young women between the ages of 13 to 18 will gain control over past hurts as they receive the resources and experiences they need to break negative cycles. Resources provided include: highly qualified Under His Wings staff, nutritionists, certified teachers, licensed professional counselors and social workers. The medical and educational needs of the young women will be overseen by UHW medical and educational directors. Residents will be homeschooled with Alabama State Department of Education curriculum.

The young women who enter Under His Wings will receive a foundation on which to build a healthy lifestyle that includes a respect for hard work and service to others. UHW will offer a six month faith centered leadership program to the residents that will include these elements:

- Personal development planning
- Vocational development
- Substance abuse prevention
- Interpersonal skill development
- Personal and spiritual development
- Community involvement
- Creative leisure activities/celebration
- Independent living preparation/follow up

The young women who graduate from Under His Wings will be equipped to make a difference in their communities.

UNDER HIS WINGS

ADMISSION POLICY

No young woman can be sent to UHW against her will or enter the program without demonstrating a sincere desire for cooperating with the program guidelines. All legal issues must be resolved before a young woman may become eligible for the program. Residents must be drug free (detox before admission if necessary). The application process is designed to reveal the young woman's desire to enter the program.

Young women will be required to complete their application in their own handwriting. After submitting either by mail or fax the young woman will call the intake office to schedule a phone interview. After the phone interview the applicant will submit the medical reports, psychological reports, and educational information and call to verify that it has been received.

The Executive Director will submit the application to the Intake Committee, which is comprised of UHW staff members, a professional counselor and a social worker. After careful consideration of all information, the committee will make the decision regarding acceptance of the applicant.

PREPLACEMENT VISIT

When the applicant is notified of acceptance to the program a pre-placement visit will be scheduled. The applicant and her parents will be invited to tour the UHW home, meet the staff, and review the program. The UHW social worker, executive director, and house parent will meet with the young woman and her parents and write her first 30 day care plan. A projected date of entry will be given at that time.

PLACEMENT AUTHORIZATION

A UHW Placement Authorization form will be completed at the time of entry by the parent, the person having legal custody of the child by court order, or the agency authorized to provide out-of-home care. (See State of Alabama guidelines.)

UNDER HIS WINGS

STATE LICENSING AS A RESIDENTIAL GROUP HOME

The Executive Director of Under His Wings is in close contact with Ms. Gloria Holloway with the State Department of Human Resources in Montgomery, Alabama as the licensing process is underway. The State of Alabama requires that the applicant submit a statement showing compliance with all local zoning laws as directed in the "Minimum Standards for Child Care Facilities."

Upon receipt of this statement of compliance, UHW will move forward with making application for licensing with the State of Alabama.

August 30, 2011

We are the closest neighbors
to the Muldoof estate and have
heard about the plans to use
it to house teenage girls.
We think that's a very good
idea and would honor Mary
Muldoof's memory.

William S. Lawler
Willie J. Lawler
Nathan R. Lawler



**PROFESSIONAL COUNSELING
ASSOCIATES**

ASHLEY C. SIMPSON, LPC, ACRPS
KAY BUSH SORRELLS, LPC

HIRAM KEITH JOHNSON, MA, LCSW
DEBORAH SCHILLER, LPC, CSAT-B

29000 HIGHWAY 98, SUITE A-305 DAPHNE, AL 36526
PHONE: 251-626-5797 FAX: 251-626-5798

WWW.EASTERSHORECOUNSELING.COM

August 15, 2011

Baldwin County Planning Commission

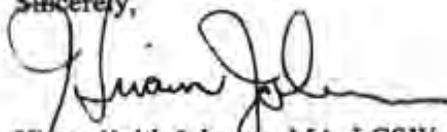
To Whom It May Concern:

I am writing this letter of recommendation in regards to the proposed "Under His Wings" home for adolescent girls ages 13-18. As a licensed mental health therapist in Baldwin County for over 18 years, I can't express how much this program/home is needed. Broken and/or troubled girls are sorely underserved throughout this area. They need more direct treatment of issues such as abuse, abandonment, alcohol and drug use, teen pregnancy, depression and suicidal behavior, among others.

This home and staff can provide them with a sense of hope as well as recovery resources that they so desperately need. This program will dramatically change the lives of so many girls and their families. They simply need to be loved and nurtured through a warm and encouraging atmosphere that this ministry will provide.

If I can be of further assistance, please don't hesitate to let me know.

Sincerely,



Hiram Keith Johnson, MA, LCSW

Lance Moore, D. Min.
Suite 15202
6061 Colonial Parkway
Gulf Shores, Alabama 36542
Cell: (251) 609-5817
lance@lancemoore.net

August 15th, 2011

TO: Baldwin County Planning Commission

I write to encourage the Baldwin County Planning Commission to allow appropriate zoning for the organization, "Under His Wings," to establish a group home for young ladies (13-18 years old) who face various life challenges.

I personally know many of the fine people in the leadership of the Under His Wings organization, thus I know it will be well run. They will ensure that acceptance/placement of the girls in the home will be contingent upon several factors, including an agreement to accept Christian counseling and guidance.

The home will be asset to our county in many ways, as well as a blessing for the participants.

Sincerely,



Lance Moore

email: lance@lancemoore.net
email: lance@lancemoore.net



Baldwin County Planning & Zoning Department Planning & Zoning Commission

Planning Commission Staff Report

Agenda Item 5.c

Case No. Z-11012

Green Book Development LLC, Property

**Rezoning from B-2 and RSF-1 in Order to Allow Conforming Status for Existing Recreational Vehicle Park
October 6, 2011**

Subject Property Information

Planning District: 25
Physical Address: 10397 2nd Street
 Gulf Shores, AL 36542
Legal Description: Lot 16 and Lot 28, Shellbanks Subdivision (Fort Morgan RV Park)
Parcel Numbers: 05-68-06-23-0-001-024.000 (Lot 28)
 05-68-06-23-0-001-010.000 (Lot 16)
Current Zoning: B-2, Neighborhood Business District (Lot 28) and RSF-1, Single Family District (Lot 16)
Proposed Zoning: B-4, Major Commercial District
Acreage: 4.9 acres +/-
Applicant: Green Book Development, LLC
 234 Office Park Drive
 Gulf Shores, AL 36542
Owner: Same as Above
FLU: CZD, Coastal Zone District and CD Conservation District
Lead Staff: Vince Jackson, Planning Director
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning	Adjacent FLU
North	Bon Secour Bay	N/A	N/A
South	State Highway 180	City of Gulf Shores	N/A
East	Residential	RSF-1	CZD and CD
West	Residential	City of Gulf Shores	N/A

Summary

The applicant has requested rezoning of the subject parcels to B-4, Major Commercial District, in order to achieve a conforming status for the existing recreational vehicle (RV) park which was established prior to the adoption of zoning in Planning District 25.

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.
- (i) Off-street parking spaces for the mixed residential and commercial uses shall be the sum total of the residential and commercial uses computed separately (See *Article XV: Parking and Loading Requirements*).

5.2.5 *Area and dimensional ordinances.*

Maximum Height of Structure in Feet	35
Maximum Height of Structure in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	25-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	20,000 Square Feet
Maximum Impervious Surface Ratio	.60
Minimum Lot Width at Building Line	80-Feet
Minimum Lot Width at Street Line	60-Feet

5.2.6 *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.

5.2.7 *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.

5.2.8 *Landscaping and buffering.* All B-2, Neighborhood Business District, uses shall meet the requirements of *Article 17: Landscaping and Buffers.*

For use regulations, refer to Section 5.2.2 and Section 5.2.3 of the *Baldwin County Zoning Ordinance.*

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 13.11: 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

Proposed Zoning Requirements

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.

5.4.4 *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.*

For a listing of uses allowed by right or conditional use approval, refer to Sections 5.4.2 and 5.4.3 and Article 23 of the zoning ordinance. A recreational vehicle (RV) park, which is the proposed use for the subject property, is allowed by right under the B-4 designation.

Agency Comments

County Highway Maintenance Engineer – Frank Lundy P.E.: No comments received.

Permit/Subdivision Manager – Steven Pumphrey: No concerns noted.

ADEM: No comments received.

BCBE: Not applicable.

ALDOT: No comments received.

Municipality: City of Gulf Shores comments listed below.

From: Andy Bauer [<mailto:abauer@gulfshoresal.gov>]
Sent: Tuesday, September 20, 2011 10:47 AM
To: D Hart
Cc: Nancy Mackey
Subject: RE: Z-11012 Andy Bauer

The City of Gulf Shores' Future Land Use Plan states RV uses are more similar to owner occupied residential uses though they retain the transient characteristics of a lodging use. The Plan further states RV developments are to be considered on a case by case basis to determine whether proposed locations are appropriate and what design elements are needed to successfully integrate them into the surrounding community.

In reviewing application Z11012 it appears this use has been established for approximately 30 years at this location and was made non-conforming by Baldwin County's zoning regulations. If rezoning this property would allow the developer to make improvements to the existing park and allow the county to impose conditions that help better integrate the park into the surrounding community, the City of Gulf Shores has no issues with the rezoning request.

Andy Bauer, AICP
Director of Planning & Zoning
City of Gulf Shores, Alabama
251.968.1151

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. Goals, Objectives and Policies from Horizon 2025: The Baldwin County Comprehensive Plan are listed in *italics* to differentiate from Staff Analysis.

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

The "North Parcel" is occupied with one structure currently being used as an office and several recreational vehicles. The "South Parcel" is occupied with three recreational vehicles at the date of inspection and posting the rezoning sign. Both parcels are accessed by Pleasure Point Road which intersects State Highway 180. The adjoining properties are residential. The recreational vehicle park (Fort Morgan RV Park) predates the adoption of zoning in Planning District 25. No changes are proposed.

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 Fort Morgan RV Park is composed of Lot 16 and Lot 28 of the Shellbanks Subdivision. Lot 16 is zoned RSF-1, Single Family District and Lot 28 is zoned B-2, Neighborhood Business District. Neither designation allows RV Parks.

The original zoning ordinance for Planning District 25, which was adopted by the Baldwin County Commission on November 16, 1993, indicated similar zoning designations for both parcels. Lot 16 was zoned R-1, Low Density Residential and Lot 28 was B-1, General Business. The B-1 designation, at that time, permitted recreational vehicle parks by right. In 1999, however, the zoning ordinances for the individual zoned planning districts were consolidated into one document. As a result, Lot 16 was assigned the designation R-1(a), Single Family District (now known as RSF-1), and Lot 28 was assigned B-2, Neighborhood Business District. Under the consolidated zoning regulations, the B-2 designation included no provisions for recreational vehicle parks (at the time, the B-3, General Business District, would be needed). As a result, Lot 28 became non-conforming. Lot 16 has been non-conforming since the inception of zoning.

The following changes to the zoning ordinance are also applicable:

- On November 2, 2004, the County Commission approved an amendment to the zoning ordinance (at that time known as the *Baldwin County Zoning Regulations*) which included the creation of the B-4, Major Commercial District (Resolution # 2005-12). With the creation of this new designation, recreational vehicle parks were changed from being allowed by right under B-3, to being allowed through the Conditional Use process under B-3 and being allowed by right under B-4. No properties were rezoned in conjunction with this amendment, and there continued to be no provisions for RV Parks under the B-2 designation.

- Resolution # 2007-74 was adopted by the Baldwin County Commission on March 8, 2007, whereby all zoning designations were added to the lists of available designations for all zoned planning districts.

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

The subject property is located in Study Area 4 and is within the Conservation and Coastal Zone Future Land Use Districts, which are detailed below.

a. Conservation District (CD) – *The Conservation District consists of lands unsuitable for development due to topography, hydrology, vegetation, or wildlife habitat. This designation protects environmentally sensitive areas, natural water bodies, and other unique or sensitive natural resources. Such resources include groundwater, floodplains, wetlands, streams, steep slopes, woodlands, wildlife habitats, beach dune areas, certain agricultural and forest lands, and areas depicted in the State Wildlife Action Plan. Uses allowed in this designation include natural preserves, reserves, recreation and camping areas; and structures limited to utility infrastructure and camp buildings. Single family residential dwellings will be allowed in the Conservation District by special exception. The maximum density for residential uses shall be one (1) unit per five (5) acres. As needed, some upland areas are included in this District to establish significant greenways and wildlife corridors to connect environmentally sensitive areas. Such greenways and corridors shall have a minimum width of four hundred feet (400').*

c. Coastal Zone District (CZD) – *The Coastal Zone District includes environmentally sensitive lands along scenic coastal corridors near the beaches and bays. The purpose of the district is to allow for a low to moderate level of single family, two-family, and multiple-family residential dwelling units. Other compatible non-residential development, including public boat ramps, municipal piers, golf courses, and public utilities shall be allowed, while assuring that the scenic coastal corridors retain their scenic landscapes. The intention is that development be designed to fit into the existing character that includes views of the water. The maximum density for residential uses shall be three (3) dwelling units per acre. The maximum intensity for non-residential uses shall be 0.60 Impervious Surface Ratio (ISR) or 0.45 Floor Area Ratio (FAR), whichever is more restrictive.*

Recreational vehicle parks are not specifically mentioned in either the Conservation or Coastal Zone Future Land Use District descriptions or the use table of *Policy 2.1.1.2*. However, according to the description of the Conservation Future Land Use District, "recreation and camping areas" are allowed by right. The Coastal Zone description states that "*The intention is that development be designed to fit into the existing character that includes views of the water.*" The recreational vehicle park has been an established use for nearly 30 years, so would fit into the "existing character" of the area. The applicant is requesting the rezoning in order to bring the park into conformity and has not stated any intention to expand the existing park, therefore there would be no "new" uses with the potential to disrupt the existing character of the area.

Based on the information stated above, the proposed rezoning from RSF-1 & B-2 to B-4 in order to bring an existing RV park into conformity is compatible with the Goals, Objectives and Policies of the Baldwin County Comprehensive Plan and should be approved.

In addition, please see the City of Gulf Shores comments listed above.

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

The applicant has stated that he has no plans to expand the RV Park. As such, there should be no conflicts with the existing or planned improvements.

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

No adverse impacts.

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 response to standard #1. The development pattern for these parcels was established prior to the adoption of zoning. As stated previously, no changes have been proposed.

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

There are currently no parcels in Planning District 25 which are zoned B-4. On May 3, 2005, the County Commission approved the rezoning of property identified by parcel number 05-69-08-02-0-006-004.000 from B-3 to B-4. The subject property is the location for the Fort Morgan Marina which is now located within the City Limits of Gulf Shores. The rezoning was requested following changes to the zoning ordinance, discussed above, which placed the property in a non-conforming status.

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

Timing is not an issue with this request.

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

No adverse impacts.

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

No adverse impacts.

11.) Other matters which may be appropriate.

The following rezoning applications have been submitted for the subject property:

- Case Z-00010, JXI, Inc., Property: Rezone from R-1(a) and B-2, to B-3; Recommended for Denial by Planning Commission on July 5, 2000; Denied by County Commission on August 1, 2000
- Case Z-07018, Green Book Development, LLC, Properties: Rezone from R-1(a) and B-2, to B-3 along with Conditional Use application (P-07004) in order to allow expansion of the RV Park; rezoning recommended for Denial by Planning Commission on March 1, 2007; application withdrawn prior to submission to Baldwin County Commission

In addition, it should be noted Lot 28 was recently the subject of an appeal of an Administrative Decision before the Commission District 4 Board of Adjustment (Case AD-11001). An appeal of the Board's decision is currently pending in circuit court.

Staff Comments and Recommendation

As stated previously, the applicant has requested rezoning of the subject parcels to B-4, Major Commercial District, in order to achieve a conforming status for the existing recreational vehicle (RV) park which was established prior to the adoption of zoning in Planning District 25. An RV Park is allowed by right under the requested B-4 designation. Staff feels strongly that when zoning is adopted, property should be zoned according to current use. There have been numerous instances where this has not been the case, and the rezoning applications involving these non-conforming situations have proven to be difficult. With regard to recreational vehicle parks, staff has considered the implementation of an RV Park zoning designation. The Planning Department currently has several issues pending which pertain to RV Parks. As a result, now may be a good time to bring this proposed designation forward.

Staff recommends that Case Z-11012 be recommended for **APPROVAL**, based on the comments contained herein.* If, however, the Planning Commission does not find rezoning the property to B-4 warranted at this time, staff offers the following suggestions:

- Recommend a rezoning to B-3, General Business District, where RV Parks are allowed through the Conditional Use process, subject to the approval of the Planning Commission
- Recommend rezoning to RR, Rural District, where RV parks are allowed through the Special Exception process, subject to the approval of the Board of Adjustment
- Recommend rezoning to RA, Rural Agricultural District, where RV Parks are allowed through the Special Exception process, subject to the approval of the Board of Adjustment

**On rezoning applications, the Planning Commission will be making a recommendation to the County Commission.*

Property Images



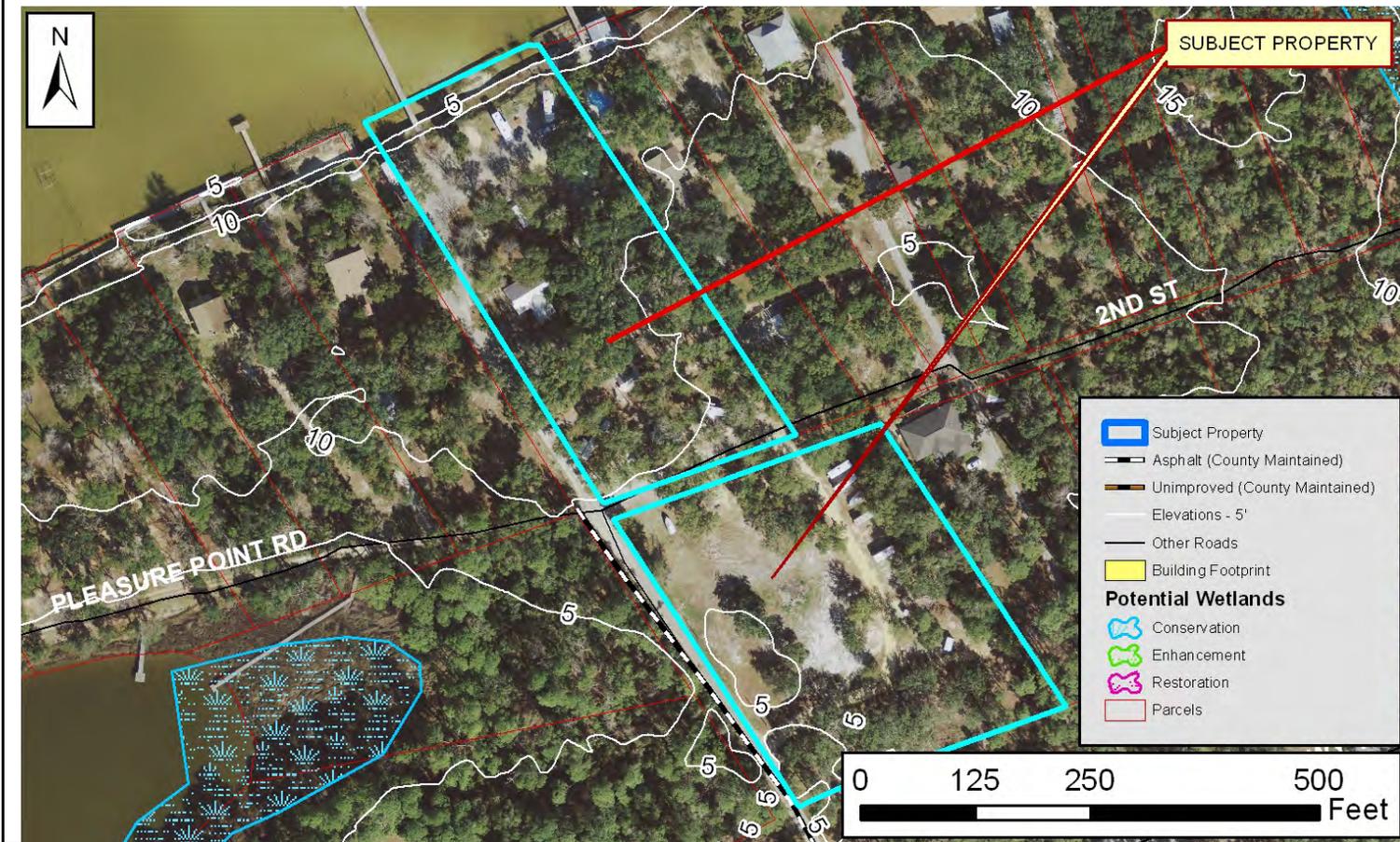
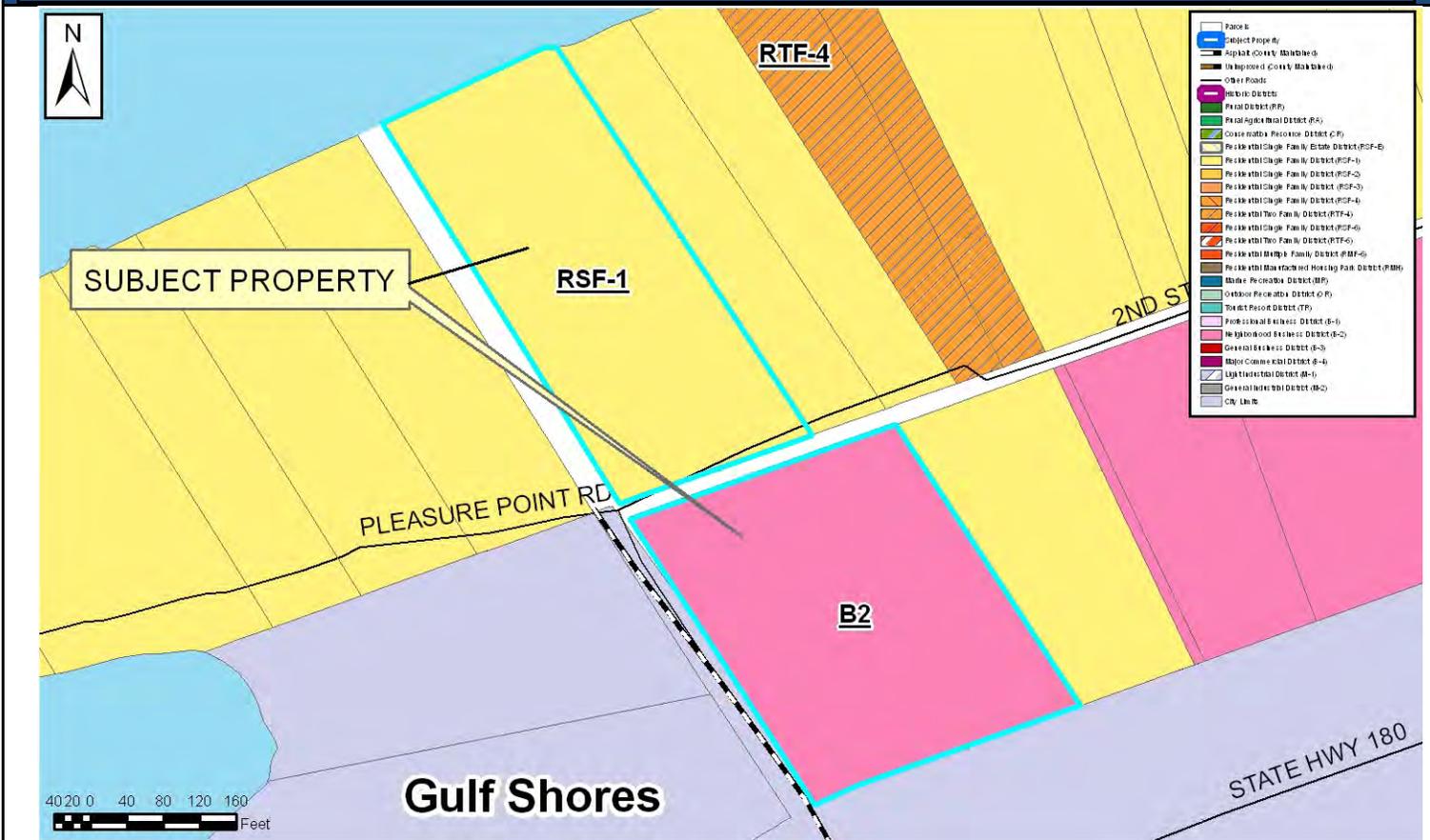


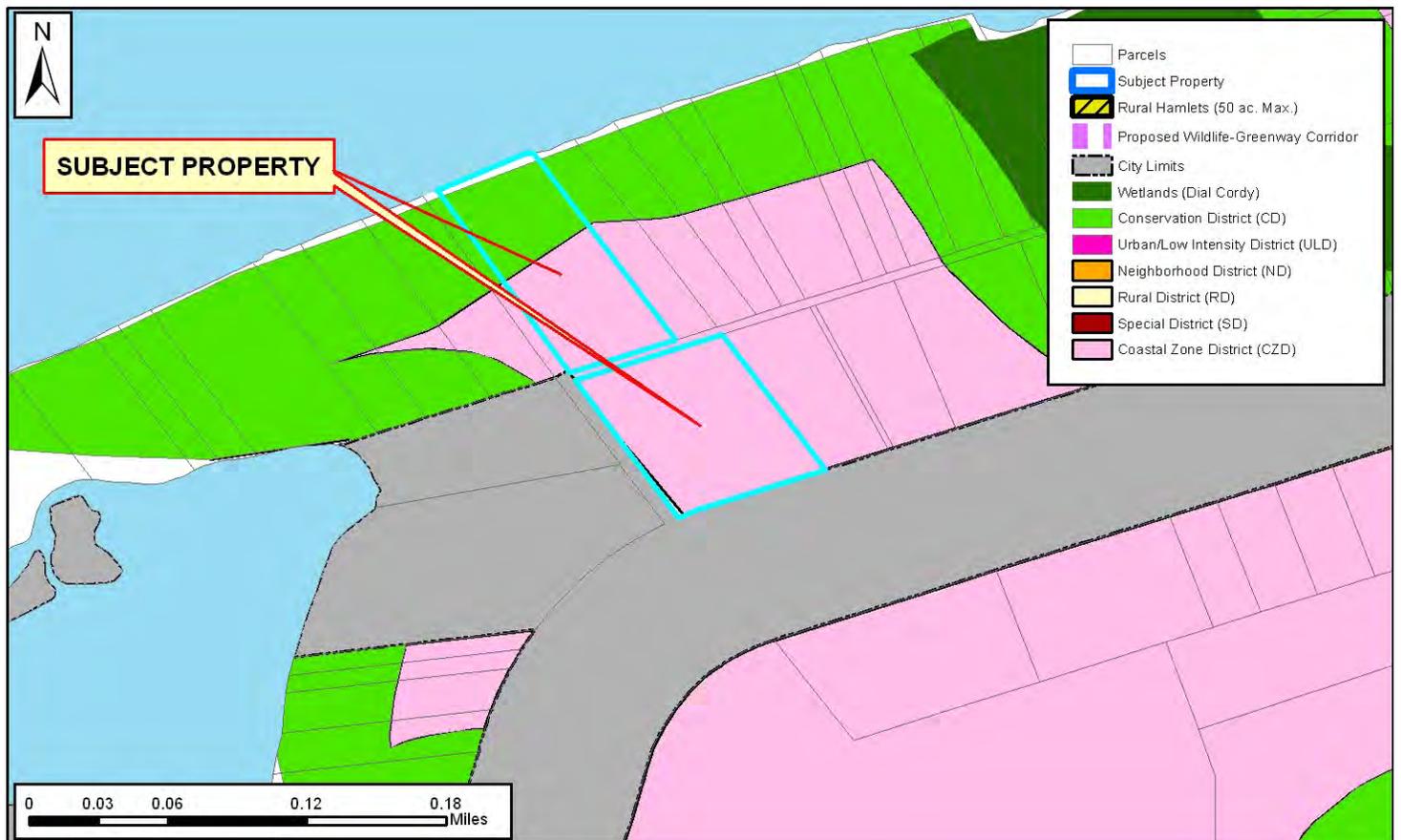
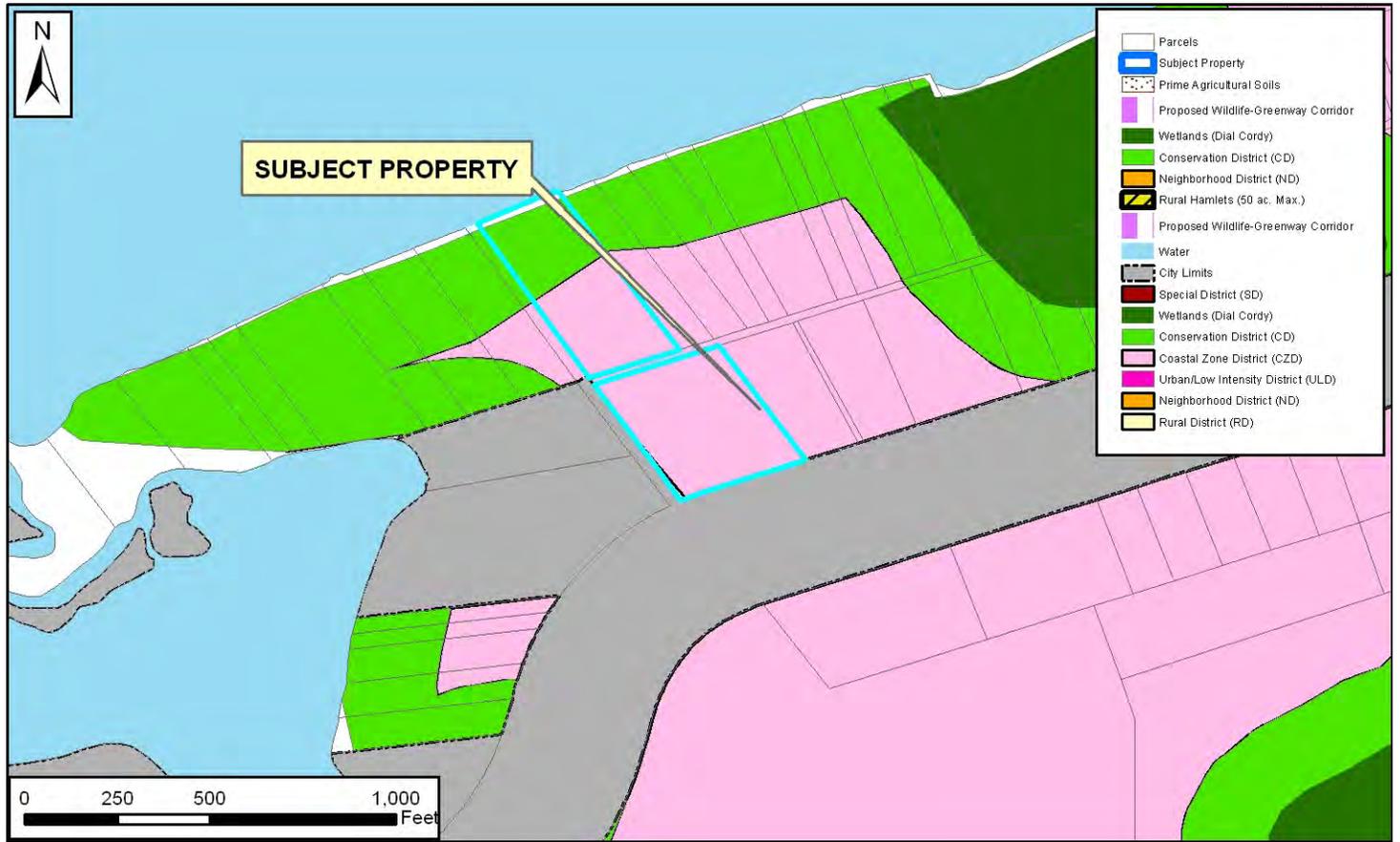


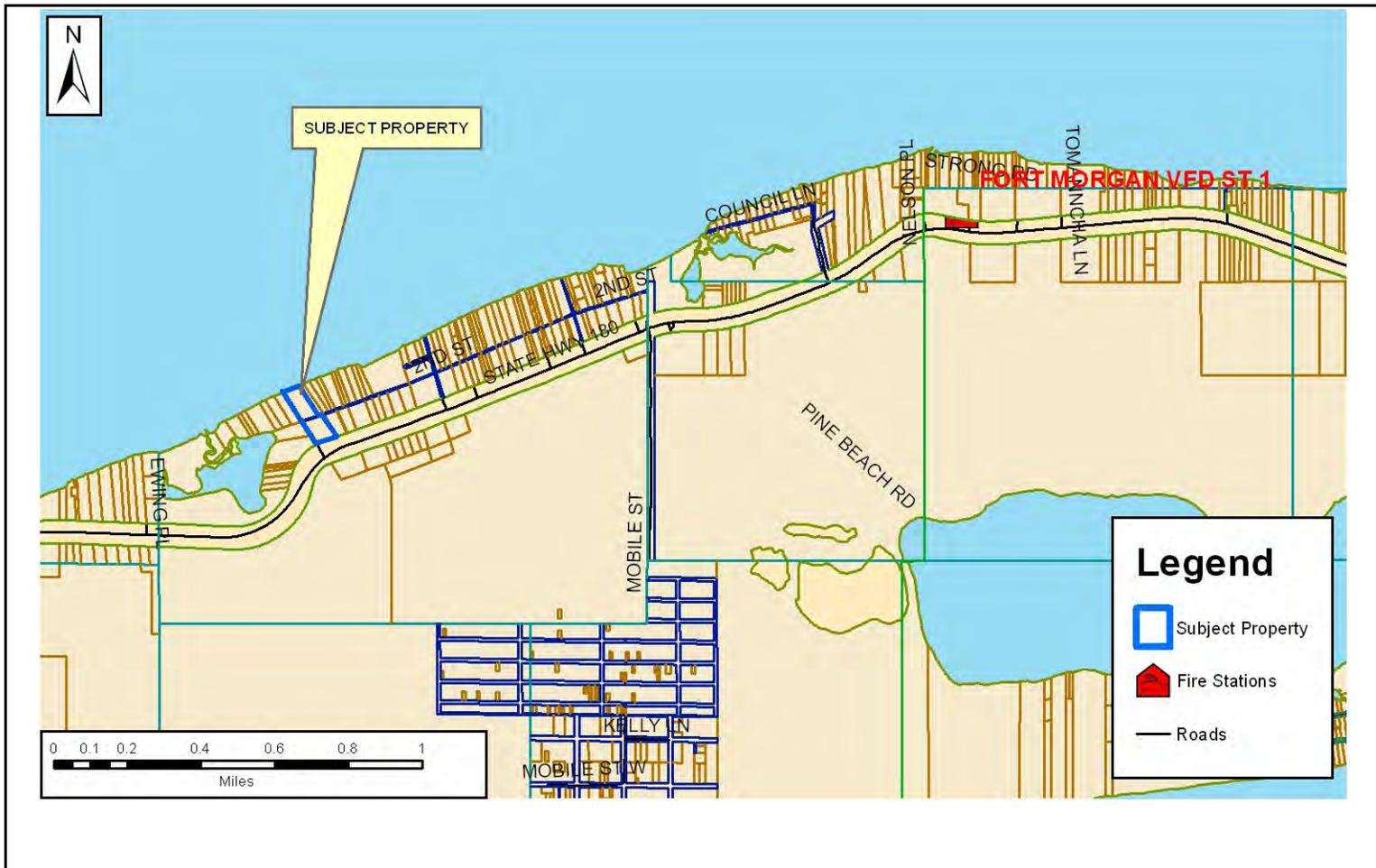




Site Maps







Describe briefly why the rezoning is being requested and what uses are proposed for the property:

Fort Morgan RV Park was established in the 1970's and has been in operation continuously since that time. In 1999, the county imposed zoning on the property that forced this operational business into a non-conforming use. As the current owner of the park, I would like to request the appropriate zoning by right to operate this pre-existing business in the county as it has existed continuously since the 1970's. The uses proposed for these parcels are the continued operation of the RV Park by right rather than a nonconforming use.

I, the undersigned applicant, understand that payment of these fees does not entitle me to approval of this rezoning and that no refund of these fees will be made. I have reviewed a copy of the applicable zoning regulations and understand that I must be present on the date of the meeting.

 for Greenbrook Development LLC 8/29/11
Signature of Applicant (Owner of Property or Official Representative of Owner) Date





September 23, 2011

Baldwin County Planning & Zoning Commission
Case No. Z-11012

Dear Planing Commission,

This is to notify you that we are against 100% and not in favor of the rezoning from residential to major commercial district. for the Greenbook Development LLC Property on Hwy. 180 -

Thank you for your time & taking not of our position.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Neitzel", written over the typed name.

Steve Neitzel
10499 State Hwy. 180
Gulf Shores, AL 36542
(251)543-1345
sneitzel@centurytel.net



Baldwin County Planning & Zoning Department

Baldwin County Planning Commission Staff Report

Agenda Item 5.d

Case No. Z-11013

WEIR, LLC Property

Rezone 21± acres from B-3, General Business District, and RA, Rural Agriculture District, to B-4, Major Commercial District AND Baldwin County Comprehensive Plan and Future Land Use Map Amendment from ND, Neighborhood District and CD, Conservation District to UHD, Urban/High Intensity District

Subject Property Information

Planning District: 30
Study Area: 4
General Location: Northeast quadrant of the intersection of State Highway 59 and Oak Road East
Physical Address: State Hwy 59 & Oak Road East
PID: 05-61-08-28-3-001-001.002
Existing Zoning: B-3, General Business District & RA, Rural Agriculture District
Existing FLU: Neighborhood & Conservation Future Land Use Districts

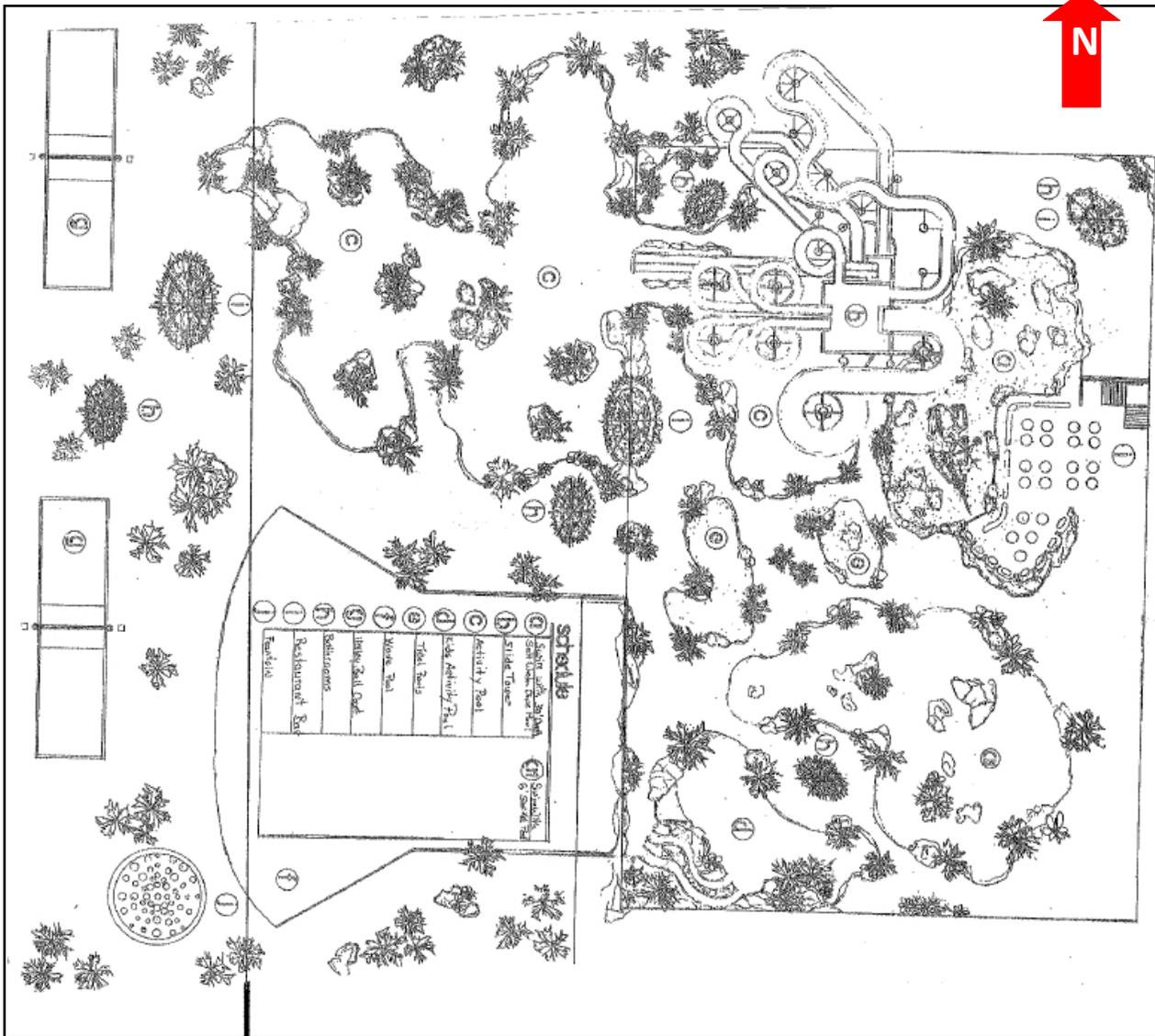
Proposed Zoning: B-4, Major Commercial District
Proposed FLU: Urban/High Intensity District
Existing Land Use: Unoccupied
Proposed Land Use: Recreational Water Park
Acreage: 21± acres
Applicant: WEIR, LLC
 1204 Gulf Shores Parkway
 Gulf Shores, AL 36542

Owner: Same
Lead Staff: Clair Dorough, Planner
Attachments: Within Report

	Adjacent Land Use	Adjacent Zoning	Adjacent FLU
North	Unoccupied	City of Gulf Shores, B-3 & RA	City of Gulf Shores & ND
South	Residential	City of Gulf Shores	City of Gulf Shores
East	Residential	City of Gulf Shores	City of Gulf Shores
West	State Hwy 59	City of Gulf Shores	City of Gulf Shores

Summary and Recommendation

The applicant has submitted an application to rezone approximately 21± acres from B-3, General Business District & RA, Rural Agriculture District to B-4, Major Commercial District. The current preliminary plans for the property are to develop an enclosed water park that will be operated year-round.



In this initial phase of project development, the applicant is proposing to locate the park in the center of the property and leaving a minimum of 100 feet of natural buffer along the eastern portion of the property. The indoor portion of the park is proposed at approximately 88,000 square feet with various pools, water features and activity areas outdoors.

Currently, the project is to be accessed from Oak Road East with approximately 700 parking spaces on the south, east and north sides of the park. The applicants are also proposing various conservation measures with the project, including bio-retention with native plants to catch, filter and possibly re-use the run-off from the site as well as re-using the water utilized by the park.

The subject property is currently unoccupied and surrounded by the municipal limits of the City of Gulf Shores. It is adjacent to ALDOT maintained State Hwy 59 and Baldwin County Highway-maintained Oak Road East/Co. Rd. 6.

Staff recommends that Case Z-11013, WEIR, LLC Property, be recommended for **APPROVAL**.

**On rezoning applications, the Planning Commission will be making a recommendation to the County Commission.*

Current Zoning Requirements

Section 3.2 RA Rural Agricultural District

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

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

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

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

- (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 5.3 B-3, General Business District

5.3.1 *Purpose and intent.* The purpose of this district is to provide for a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs. This district shall only be applied at appropriate locations: to conveniently meet these needs; in conformance with the goals, objectives and policies and location criteria of the Comprehensive Plan; compatible with the surrounding land uses and zoning districts; where it will not adversely impact the facilities and services of the County; where it will not set a precedent for the introduction of inappropriate uses into an area; and so as not to encourage non-residential strip development along streets

5.3.2 *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses in the B-3, General Business District:

- (a) All uses permitted by right under the B-2 zoning designation
- (b) Air conditioning sales and service
- (c) Amusement arcade
- (d) Animal clinic/kennel
- (e) Arboretum
- (f) Bakery, wholesale
- (g) Ball field
- (h) Bicycle sales and service
- (i) Bowling alley
- (j) Business machine sales and service
- (k) Business school or college
- (l) Butane gas sales
- (m) Cemetery
- (n) City hall or courthouse
- (o) Country club
- (p) Department store
- (q) Discount/variety store
- (r) Drug store
- (s) Elevator maintenance service
- (t) Exterminator service office
- (u) Farmer's market/truck crops
- (v) Firing range
- (w) Fitness center or gym
- (x) Florist
- (y) Fraternity or sorority house
- (z) Fruit and produce store
- (aa) Funeral home
- (bb) Golf course
- (cc) Golf driving range
- (dd) Grocery store
- (ee) Landscape sales
- (ff) Marine store and supplies
- (gg) Miniature golf
- (hh) Mini-warehouse
- (ii) Night club, bar, tavern
- (jj) Nursery
- (kk) Office equipment and supplies sales
- (ll) Park or playground
- (mm) Pawn shop
- (nn) Pet shop
- (oo) Plumbing shop
- (pp) Printing/publishing establishment
- (qq) Restaurant sales and supplies
- (rr) Riding academy
- (ss) Rug and/or drapery cleaning service
- (tt) Seafood store
- (uu) Sign shop
- (vv) Skating rink
- (ww) Stone monument sales
- (xx) Swimming pool (outdoor)
- (yy) Taxidermy
- (zz) Teen club or youth center
- (aaa) Tennis court (outdoor)
- (bbb) Wildlife sanctuary
- (ccc) YMCA, YWCA

5.3.3 *Conditional uses.* The following uses are permissible as conditional uses in the B-3: General Commercial District, subject to the standards and procedures established in *Section 18.11: Conditional Use*:

- (a) Airport
- (b) Ambulance/EMS service
- (c) Amusement park
- (d) Armory
- (e) Auditorium, stadium, coliseum
- (f) Auto convenience market (limited to less than 4,000

sq.ft. of gross floor area and maximum of 4 fueling pumps)

- (g) Automobile parts sales
- (h) Automobile repair (mechanical and body)
- (i) Automobile service station
- (j) Automobile storage (parking lot, parking garage)
- (k) Barge docking
- (l) Boat sales and service
- (m) Broadcasting station
- (n) Building materials
- (o) Bus and railroad terminal facility
- (p) College or university
- (q) Convalescent or nursing home
- (r) Correctional or penal institution
- (s) Dog pound
- (t) Electric power substations
- (u) Farm implements
- (v) Flea market
- (w) Freight depot, rail or truck
- (x) Home improvement center
- (y) Hotel or motel
- (z) Hospital
- (aa) Landfill
- (bb) Maintenance facility/storage yard for schools, government agencies, and telephone and cable companies

- (cc) Manufactured housing sales, service and repair
- (dd) Marina
- (ee) Motorcycle sales service and repair
- (ff) Movie theatre
- (gg) Radio/television tower
- (hh) Railroad facility
- (ii) Recreational vehicle park
- (jj) Recreational vehicle sales service, and repair
- (kk) Restaurant, drive-in
- (ll) Restaurant, fast-food
- (mm) Sewage treatment plant
- (nn) Taxi dispatching station
- (oo) Taxi terminal
- (pp) Telephone exchange
- (qq) Water or sewage pumping station
- (rr) Water storage tank
- (ss) Wireless telecommunication facility
- (tt) Zoo

5.3.4 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

5.3.5 *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.

5.3.6 *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.

5.3.7 *Landscaping and buffering.* All B-3, General Business District, uses shall meet the requirements of *Article XVII: Landscaping and Buffers.*

Proposed Zoning Requirements

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 | (f) Automobile sales |
| (b) Amusement park | (g) Automobile service station |
| (c) Auto convenience market (limited to less than 4,000 sq.ft. of gross floor area and maximum of 4 fueling pumps) | (h) Automobile storage (parking lot, parking garage) |
| (d) Automobile parts sales | (i) Boat sales and service |
| (e) Automobile repair (mechanical and body) | (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 XVII, Landscaping and Buffers.*

Agency Comments

Baldwin County Highway Department – Frank Lundy: “Improvements to CR 6 and/or the intersection at Hwy 59 may be required. The intersection is controlled by ALDOT, so they would be involved as well with any improvements that would have to be made at that location. “

Permit/Subdivision Manager – Steve Pumphrey: No concerns noted

ADEM: *No Comments Submitted*

BCBE: *No Comments Submitted*

ALDOT: *No Comments Submitted*

City of Gulf Shores Director of Planning & Zoning – Andy Bauer: “The City’s Future Land Use Map designates this property’s as Commercial, therefore the City of Gulf Shores has no objections to the rezoning request. “

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. Goals, Objectives and Policies from Horizon 2025: The Baldwin County Comprehensive Plan are listed in *italics* to differentiate from Staff Analysis.

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

The subject property is surrounded by the municipal limits of the City of Gulf Shores, which has stated they have no objections to this rezoning application. The nearest property under the jurisdiction of the *Baldwin County Zoning Ordinance* is a 27±acre parcel that is zoned B-3 and RA and is currently unoccupied.

The property is located at the intersection of State Hwy 59 and Oak Road/Co. Rd 6. To the east and south of the subject property are fairly intense condominium/apartment uses. The surrounding area is also largely commercial, with an approximately 372,000-sq. ft. shopping center (Pelican Place at Craft Farms) just over a half mile south of the intersection along with various other commercial uses in between.

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 current zoning is the property’s original designation since Planning District 30 was established in 1993. Since that time, more property is now within the municipal limits of Gulf Shores and the Hwy 59 corridor has significantly expanded. There is also property along Oak Road East/Co. Rd. 6 that is designated for the future construction of the new Alabama Gulf Coast Zoo less than a half mile east of the subject property.

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

The requested rezoning also entails a Comprehensive Plan Future Land Use Map Amendment from Neighborhood District (ND) & Conservation District (CD) to Urban/High Intensity District (UHD). The subject

property is located in Study Area 4. The majority of the parcel, approximately 21± acres, is within the Neighborhood Future Land Use District designation, with approximately 6.9± acres designated as the Conservation Future Land Use District.

a. Conservation District (CD) – *The Conservation District consists of lands unsuitable for development due to topography, hydrology, vegetation, or wildlife habitat. This designation protects environmentally sensitive areas, natural water bodies, and other unique or sensitive natural resources. Such resources include groundwater, floodplains, wetlands, streams, steep slopes, woodlands, wildlife habitats, beach dune areas, certain agricultural and forest lands, and areas depicted in the State Wildlife Action Plan. Uses allowed in this designation include natural preserves, reserves, recreation and camping areas; and structures limited to utility infrastructure and camp buildings. Single family residential dwellings will be allowed in the Conservation District by special exception. The maximum density for residential uses shall be one (1) unit per five (5) acres. As needed, some upland areas are included in this District to establish significant greenways and wildlife corridors to connect environmentally sensitive areas. Such greenways and corridors shall have a minimum width of four hundred feet (400’).*

d. Neighborhood District (ND) – *The Neighborhood District consists predominantly of low-density residential development, including single family dwellings. Other uses allowed in this designation include accessory structures; home occupations; limited public and institutional uses; limited retail and office uses; and utilities. Civic spaces in this District include parks, greens, and playgrounds. Retail and office uses should be at a neighborhood scale, meaning acceptable uses that will have a limited impact on adjacent residential areas especially in terms of lighting, signage, traffic, odor, noise, and hours of operation. Acceptable uses should be compatible with surrounding development in terms of scale/building size, building design, materials, and color, and located at the intersection of road facilities classified as “collectors” or higher. The maximum density for residential uses shall be four (4) units per acre. The maximum intensity for non-residential uses shall be 0.60 Impervious Surface Ratio (ISR) or 0.45 Floor Area Ratio (FAR), whichever is more restrictive. The preferred development in this District will occur in the form of neighborhoods, defined in general terms as an urban sector that is mixed use, mixed income, and limited in area by walking distance typically defined as a 10 minute/1.5 mile walk. The neighborhood is conceived to fulfill most ordinary human needs, including those of transportation. The neighborhood is served by a network of thoroughfares variously detailed for character and capacity, creating a public realm suitable to the pedestrian as well as the vehicle.*

The applicant is proposing to develop an enclosed water park that can be operated year-round and, based on the size and type of development, the applicant should also proceed with a concurrent Comprehensive Plan Map Amendment to designate the subject property as Urban/High Intensity District. According to *Policies 11.2.1.12 and 11.2.1.13*, rezoning/PRD applications inconsistent with the future land use designations should be “accompanied by an application for a future land use map amendment” and that map amendment may be combined with a rezoning/PRD application.

** As with a rezoning application, Comprehensive Plan Amendments are decisions made by the Baldwin County Commission subsequent to a recommendation from the Planning Commission. Comprehensive Plan Amendments include public notice and Planning Commission public hearing requirements.*

f. Urban/High Intensity District (UHD) – *The Urban/High Intensity District allows a variety of residential and non-residential uses. This District consists of high density residential development; nonresidential development such as retail, office, institutional/public; light industrial uses; and civic spaces. Civic spaces in this District include greens, squares, plazas, and playgrounds. Residential uses shall be in the form of*

attached units, such as townhouses, and apartments; nonresidential uses shall be allowed at a scale to serve the residents of the County. Other uses allowed in this designation include utilities and accessory structures. The maximum density for residential uses shall be twelve (12) units per acre. The maximum intensity for non-residential uses shall be 0.95 Impervious Surface Ratio (ISR) or 2.50 Floor Area Ratio (FAR), whichever is more restrictive. The preferred development in this District will occur in the form of urban-scale mixed use projects, traditional neighborhood developments (TNDs), neighborhood village centers and town centers.

New development in this District shall provide for a range of non-residential building square footage between 500 square feet minimum to 1,500 square feet maximum for every residential dwelling unit. Non-residential uses shall include any mix of uses allowed by the zoning designation. In cases where the development is rezoned to Planned Unit Development (PUD), phases of single use residential or non-residential buildings may be constructed independently at any time provided the overall approved site plan designates future building pad sites, meeting the required mixture of residential and non-residential land uses. Residential uses may occur on any floor within any building type. In order to encourage elderly housing within the Urban/High Intensity District, assisted living or nursing home dwelling units are not counted as residential dwellings or considered non-residential uses. In cases where a proposed development does not include such a mix of uses, the developer shall successfully demonstrate to the Planning Department that this requirement has already been met by surrounding development.

Regarding Z-11013, the Future Land Use Map Amendment would apply only to the subject parcel and therefore would be considered a small-scale map amendment per the policy listed below:

Policy 11.2.1.8: A small-scale map amendment will consist of site-specific proposals that would cause no substantial change in policy, or the application of policy, to proposed development types or patterns depicted on official maps adopted as part of the comprehensive plan. Such amendments may be made at any time during the year and the Planning Commission may proceed with a recommendation to the Baldwin County Commission of each such amendment.

Since the future land use districts are broadly applied, and for the sake of consistency, the FLU map amendment would apply to the entire 28± acre parcel.

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

No conflicts are anticipated.

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

The subject property is located at an intersection along the county's major North/South corridor with existing (Gulf Shores Sportsplex on Oak Road West/Co. Rd. 6) and future (new Alabama Gulf Coast Zoo) traffic generators. It is an accepted planning practice to keep the larger traffic generators and their accesses as contiguous and connected as possible, rather than scattered and sprawling.

The applicant has stated that access to the water park would only be from Oak Road/Co. Rd. 6 and not from 59. Access would be coordinated through the Baldwin County Highway Department, and according to the BCHD, improvements to Oak Road/Co. Rd. 6 and/or the intersection at Hwy 59 may be required. Since Hwy 59 is controlled by ALDOT, the state would be involved regarding any required improvements to Hwy 59.

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.

Yes, see #1 and #2 above.

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

As previously mentioned, the subject property is surrounded by the municipal limits of the City of Gulf Shores, which has stated they have no objections to this rezoning application.

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

There is also property along Oak Road East/Co. Rd. 6 that is designated for the future construction of the new Alabama Gulf Coast Zoo less than a half mile east of the subject property. The surrounding area is also largely commercial, with an approximately 372,000-sq. ft. shopping center (Pelican Place at Craft Farms) just over a half mile south of the intersection along with various other commercial uses in between.

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

Staff is not aware of any impacts to the County's historic resources.

There are potential wetlands shown along the eastern portion of the subject property, however, the applicant has stated that the park will be located in the center of the property and that a 100-foot buffer, if not more, will be left along the eastern portion of the property. The applicant has also stated that the developer is planning to take various conservation measures with the project, including bio-retention with native plants to catch, filter and possibly re-use the run-off from the site as well as re-using the water utilized by the park.

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

Not that staff is aware

11.) Other matters which may be appropriate.

N/A

Staff Comments and Recommendation

Staff recommends that Case Z-11013, WEIR, LLC Property, be recommended for **APPROVAL** based on comments contained herein.

Property Images







**INTERSECTION OF HWY. 59 AND COUNTY ROAD 6
FACING EAST FROM SUBJECT PROPERTY**

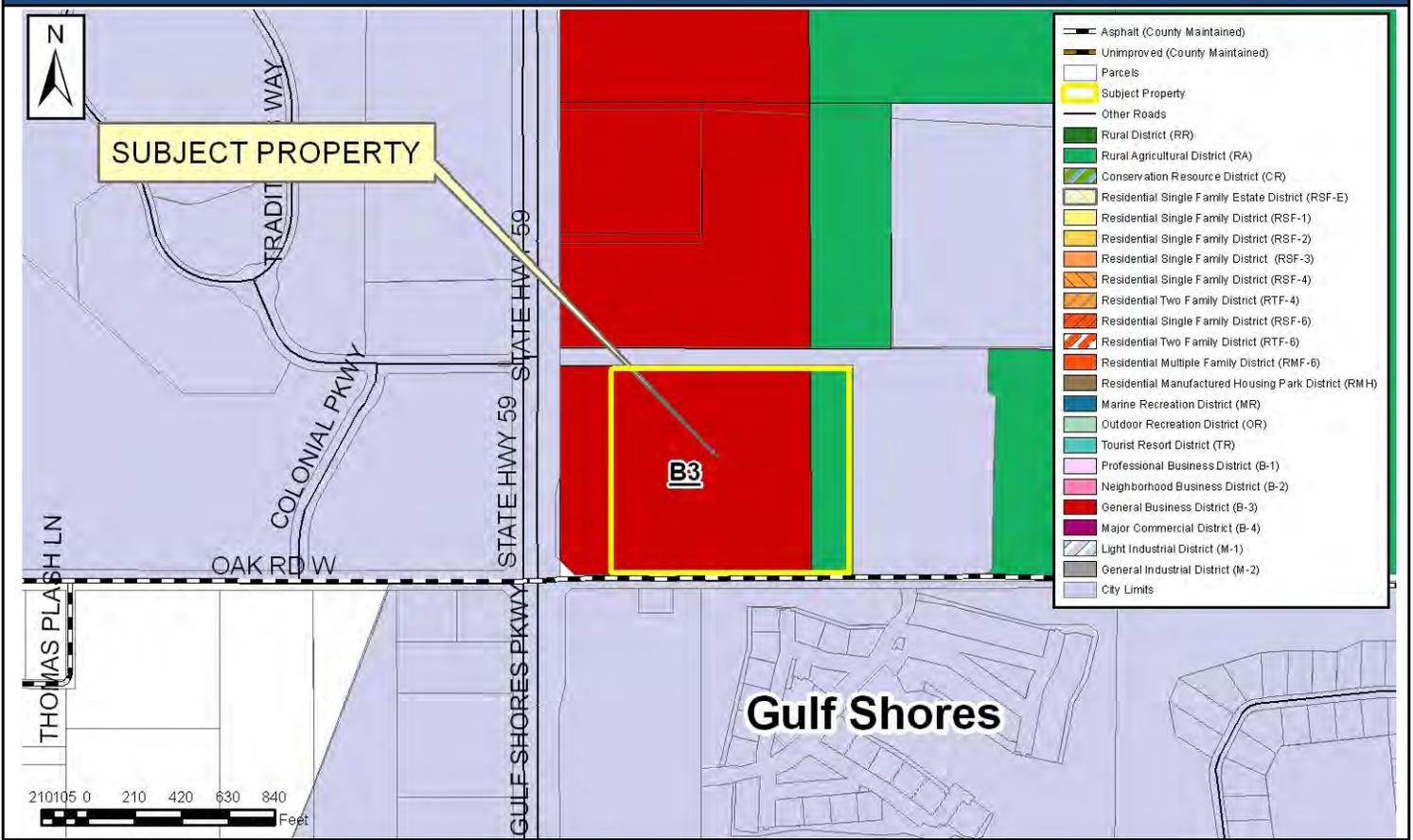
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**INTERSECTION OF HWY. 59 AND COUNTY ROAD 6
FACING NORTH EAST**

2011 9 15

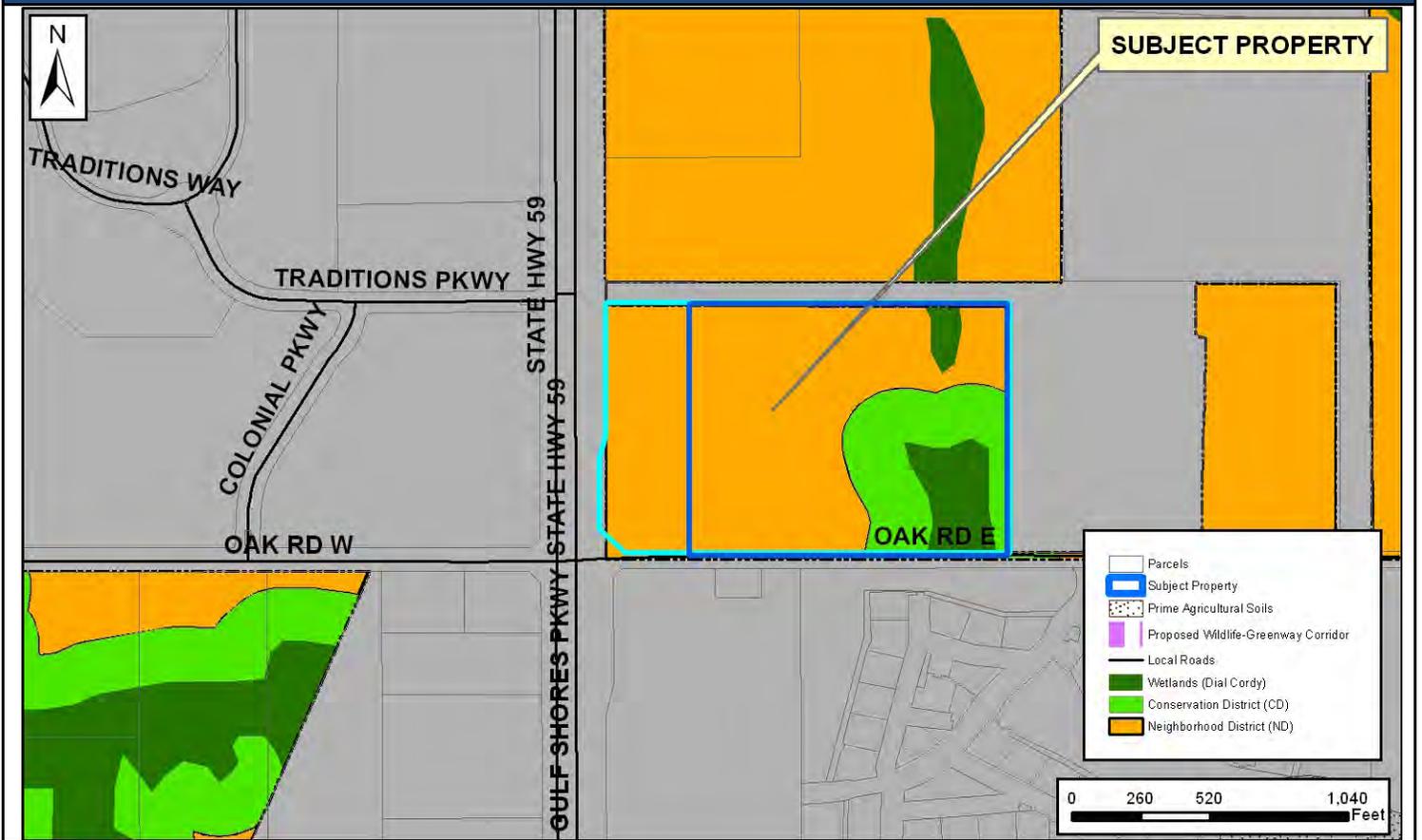
Locator Map



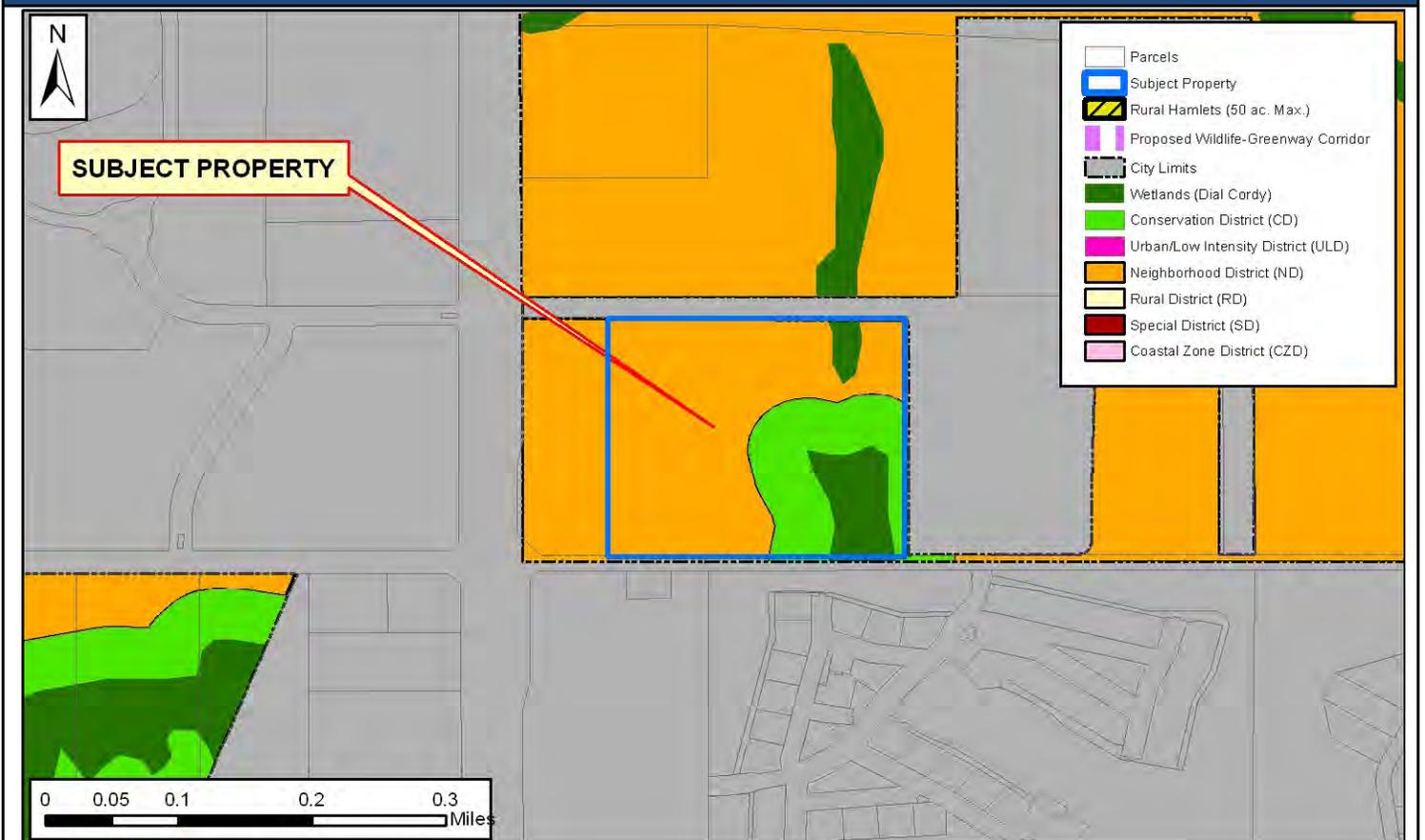
Site Map



Future Land Use Maps



Future Land Use Maps



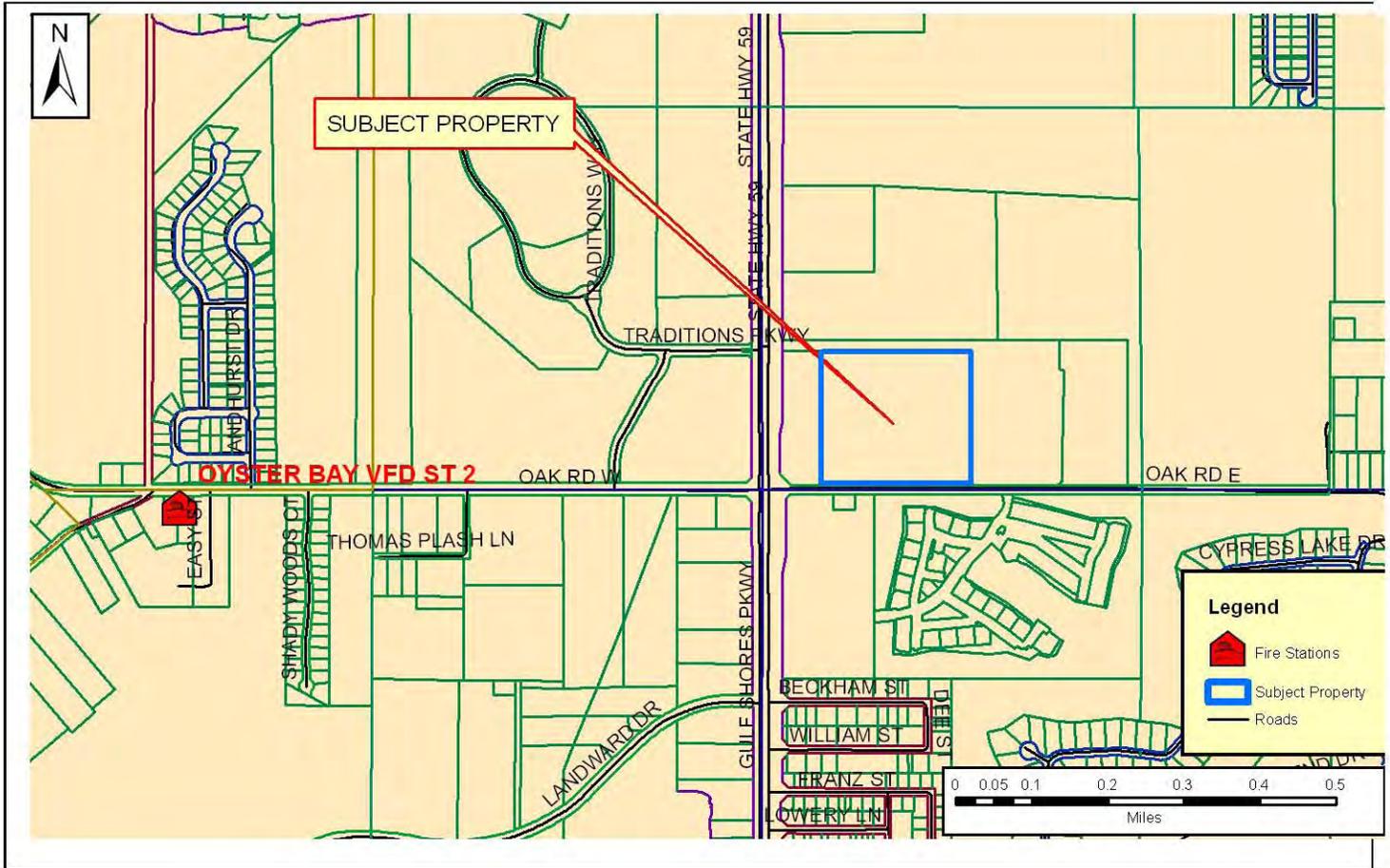
Fire Service Analysis

Nearest Fire Station and Proximity

Oyster Bay VFD St. 2

Bridges and Max Weight Limit

None



Alabama Code Section 45-2-261

Creation of the County Planning and Zoning Commission.

There is created a planning and zoning commission for Baldwin County, Alabama which commission shall be appointed as provided and shall have responsibilities and duties as stated in this subject. The commission shall be known as the Baldwin County Planning and Zoning Commission hereinafter referred to as the “planning commission.” The planning commission shall adopt bylaws to administer the provisions of this subpart. The planning commission shall elect its chair and create and fill other offices as it may determine. The term of the chair shall be for one year, with eligibility for reelection. The planning commission shall ~~hold~~ schedule at least one regular meeting each month, however the chair may cancel any such scheduled meeting when, after consultation with the Director of the County Planning Department, the chair determines that there is neither sufficient business nor sufficient urgency to merit holding a meeting during that month. ~~and~~ The planning commission shall keep a record of its resolutions and actions, all of which shall be a public record. A majority of the members on the planning commission shall be required to constitute a quorum to transact the business of the planning commission.

(Act 97-719, p.1389, §1; Act 98-65, p. 1455, §1.)