



# Baldwin County Planning & Zoning Department

## Baldwin County Planning Commission Staff Report

Case No. Z25-15 / PRD25-02

Goodwyn Property / Long Bayou Preserve

From RA to RSF-2 and a 48-site Planned Residential Development (PRD)

June 24, 2025

### Subject Property Information

**Planning District:** 30  
**General Location:** Located east of the Baldwin Beach Express and directly north of the City of Orange Beach  
**Physical Address:** No address provided  
**Parcel Numbers:** 05-61-07-36-0-000-001.000 (part of)  
05-61-07-36-4-001-002.000  
**Existing Zoning:** RA, Rural Agricultural District  
**Proposed Zoning:** RSF-2, Residential Single-Family District  
**Existing Land Uses:** Vacant  
**Proposed Land Use:** Residential  
**Acreage:** 36 ± acres  
**Applicant:** Richard Cobb  
Sunbelt Consulting, LLC  
PO Box 1775  
Orange Beach, AL 36561  
**Owner:** Tyler Goodwyn  
PO Box 1013  
Gulf Shores, AL 36547  
**Engineer:** Thomas Granger, PE  
Pillar, LLC  
14425 State Highway 181  
Fairhope, AL 36532  
**Lead Staff:** Cory Rhodes, Planner  
**Attachments:** *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Vacant	RA, Rural Agricultural District
South	Water	N/A
East	Vacant	RA, Rural Agricultural District
West	Vacant	RA, Rural Agricultural District

## Summary

The subject properties encompass +/- 36 acres and are zoned as RA, Rural Agricultural District. Rural Agricultural zoning allows for 0.33 units per acre while Residential Single-Family (RSF-2) zoning allows for 2.9 units per acre. A request has been made for a Planned Residential Development (PRD) for all properties in question, with a composite density of 2.04 units per acre. A PRD allows for lot size, width, and setbacks to be adjusted while maintaining the underlying density of the current zoning. The adjacent parcels are designated for conservation purposes, and the applicant believes that the optimal use for these properties is residential at a density that is less than RSF-2 zoning.

## Current Zoning Reuirements

### 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: Not Applicable

3.2.4 *Conditional Use Commission Site Plan Approval.* 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 by the site plan approval process:

- (a) Transportation, communication, and utility uses not permitted by right.
- (b) Institutional uses not permitted by right.
- (c) The following general commercial uses: low density recreational vehicle park (see *Section 13.9: Recreational Vehicle Parks*).
- (d) The following local commercial uses: bed and breakfast or tourist home (see *Section 13.10: Bed and Breakfast Establishments*).

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 18.4 Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure	35-Feet
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 4.3 RSF-2, Single Family District

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

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

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) The following agricultural uses: Silviculture.
- (d) Single family dwellings including manufactured housing and mobile homes.
- (e) Accessory structures and uses.
- (f) The following institutional use: church or similar religious facility.
- (g) Agricultural uses, on RSF-2 zoned parcels that otherwise meet the minimum area and dimension requirements for Rural Agricultural District under Section 3.24.5 herein, agricultural uses shall be permitted uses, except that the minimum front yard for barns and other agricultural structures shall be 100 feet when constructed on an RSF-2 zoned parcel where no primary dwelling currently exists.

4.3.2 *Conditional Use Commission Site Plan Approval.* 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 by the site plan approval process:

- (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.

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

**4.3.3 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: Not Applicable

**4.3.4 Area and dimensional ordinances.** Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.4 Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure	35-Feet
Maximum Height in Habitable Stories	2 ½
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	15,000 Square Feet
Minimum Lot Width at Building Line	80-Feet
<del>Minimum Lot Width at Street Line</del>	<del>40-Feet</del>
Maximum Ground Coverage Ratio	.35

#### Agency Comments

**USACE, James Buckelew:** Staff reached out 4/7/2025 but received no comments.

**ADEM, Scott Brown:** Staff reached out 4/7/2025 but received no comments.

**Subdivisions, Shawn Mitchell:** This site presents challenges for development due to wetlands and potential flooding. Each lot must have adequate upland area for a primary dwelling and necessary ancillary facilities. Wetland fill cannot be used to create lots. All flood-prone areas should be set aside in common areas. All roads and buildings must comply with the Baldwin Co. Flood Damage Prevention Ordinance.

**Natural Resource Planner, Ashley Campbell:** 2025-04-09 Comments

The County's zoning ordinance does not allow jurisdictional wetlands (Coastal Wetlands) to be filled to create lots.

Baldwin County Zoning Ordinance, Section 10.4.6: Lots may be platted only where sufficient upland areas exist to provide a building site for the principal structure and necessary ancillary facilities. Fill may be used where necessary to provide access to lots where approval for such fill has been received from the Army Corps of Engineers and other appropriate governmental agencies.



The Baldwin County Zoning Ordinance requires a 30' natural buffer (Section 10.4.4) around all jurisdictional wetlands. We have not let any other subdivision fill wetlands for lots. The only one we have considered had a regional storm water benefit and recreated the impacted wetlands.

The applicant has USACE/ADEM approval but does not have the permit. The applicant has not purchased the mitigation credits to receive the permit.

**Permit Engineer, Josh Newman:** The County will not take ownership/maintenance of any roads within this development.

**Planning and Zoning Staff:** The property is subject to the Baldwin County Subdivision Regulations and the Baldwin County Zoning Ordinance. Any future development or subdivision of the property will be required to adhere to the adopted regulations that are current at the time of application for future development. A subdivision application may likely include, but not be limited to the following: a wetland delineation and/or wetland determination, a traffic study with the scope established by County staff, a subdivision preliminary plat to be considered by the Planning Commission, a subdivision permit depicting drainage and transportation improvements on subject property, a turnout or ROW permit depicting drainage improvements and transportation improvements in the public ROW, and any permits of other agencies such as the Alabama Department of Transportation (ALDOT), U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS), etc. Approval of a zoning change does not necessarily guarantee a subdivision will be approved on subject property.

### Staff Analysis and Findings

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

The proposed 48-unit development is to be known as Long Bayou Preserve. Of the 48 lots, 36 will be waterfront and the remaining 12 interior cottage lots. Eleven 90' lots, thirteen 80' lots, twelve 60' lots, and twelve 50' interior cottages are planned to be developed within a single phase. The smallest lots include the cottage lots at 4,500 square feet. The largest lots measure 13,500 square feet. Setback variations of 20' in the front, with 10' rear and side setbacks are proposed. Approximately 28.87 acres of open space will be preserved, with 3.6 acres of this space usable for amenities including a sporting club, boat lift marina, and pier.

In total, approximately 3.57 acres of delineated wetlands will be impacted for development. The planned single-family homes located within wetland-designated areas will be pile-supported and wetland fill is proposed for parking and road access. The fill request has been approved by the U.S. Army Corps of Engineers (USACE) and the Alabama Department of Environmental Management (ADEM). While a Public Notice from USACE has been provided, no approval letter has been presented. Per the applicant, the purchase of wetland credits will occur if the PRD is approved.

Due to the presence of wetlands and abundance of timberland, the subject properties and surrounding areas have been zoned Rural Agricultural and have remained as such since zoning was adopted for the district in February 1995. Rural Agricultural zoning provides for large, open, unsubdivided land that is vacant or being used for agricultural, forest, or other rural purposes. Likewise, the future land use for the subject properties consists primarily of Ideal Conservation/Preservation, which includes land that is undeveloped or minimally developed and protected by local, state, and federal agencies or by public, private, and nonprofit organizations. The subject properties consist of a small pocket of Conservation Development, which allows for limited development based on low-impact design principles. The proposed zoning request to Residential Single Family (RSF-2) allows for a moderate development density, which would not conform to the future land use proposed for the properties.

Additionally, while General Business uses such as *The Wharf* and proposed *Margaritaville Resort* within the City of Orange Beach are less than a mile from the subject properties, a clear development pattern is not evident to support the rezoning request. The undeveloped properties adjacent to *The Wharf* and *Margaritaville* present a likely natural barrier against expansion of these developments, and it may be argued that the subject request is a “leapfrog” development from a developed area of the City into an undeveloped area of Baldwin County. Staff further notes that access to the site will be problematic, including construction of private roads to a County (and City of Orange Beach, as applicable) standard as a function of the Construction Plans Review (CPR). In addition, standalone County Commission approval is required for construction of private roads. If the zoning change and PRD are approved by the County Commission, staff will likely require as a condition of approval that any subdivision application shall include verification of approval by the City of Orange Beach of the roadway traversing properties within the corporate limits of the City of Orange Beach.

Staff has reviewed the submitted documentation and has found that the request does not meet the requirements of rezoning to Residential Single Family (RSF-2) along with a Planned Residential Development (PRD). The reasonings include the lack of a development pattern in the area, incompatibility with the adjacent land uses and nonconformity with the Master Plan.

#### Staff Comments and Recommendation

Unless information to the contrary is revealed at the public hearing, staff feels the rezoning and PRD applications should be recommended for **DENIAL** due to incompatibility with the adjacent land use as well as nonconformity with the Master Plan.

If it is the pleasure of the County Commission to approve the site plan, the following conditions would apply:

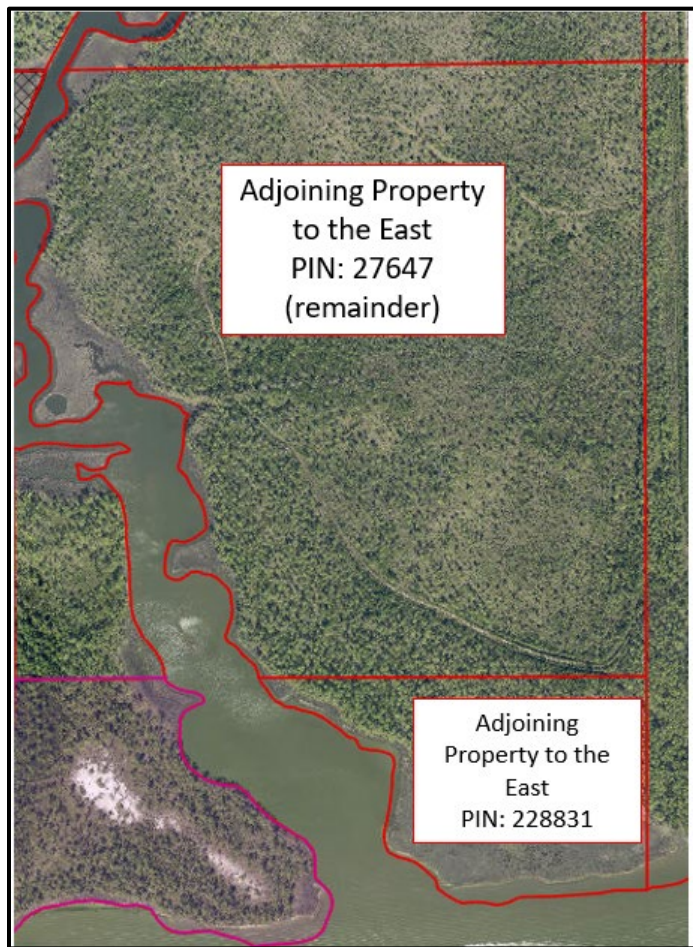
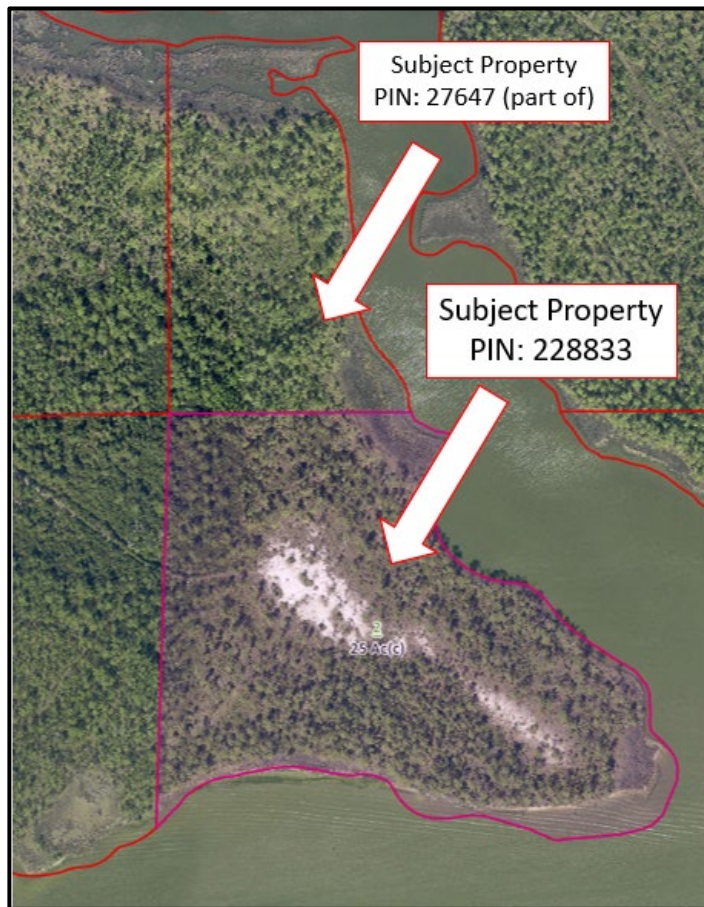
1. Approval of the rezoning request from RA to RSF-2.
2. Standalone County Commission approval for construction of private roads.

- a. Any subdivision application shall include verification of approval by the City of Orange Beach of the roadway traversing properties within the corporate limits of the City of Orange Beach.
3. Staff requests the Building Permit 180-day deadline required by section 18.3.4 be increased to one (1) calendar year from the date of Planning Commission approval.
  - a. The CSP approval letter shall be obtained by the applicant prior to approval of any building permits
4. The closeout requirements of section 18.10.7 of the zoning ordinance are a prerequisite to obtaining a Certificate of Occupancy (CO) for the proposed new buildings.
  - a. Staff reserves the right to issue NOVs, if required, for deficiencies to the site plan occurring after final closeout.
  - b. No substitutions or alterations to the landscape plan may be carried out without staff and/or Planning Commission approval, as applicable.
  - c. The project site shall be fully stabilized to the satisfaction of staff prior to issuance of a CO for any structures comprising the site plan approval.
5. Any signage installed on the site shall require separate review and approval as required by Article 16.
  - a. Further memorialize that section 16.4 prohibits a variety of signage types including but not limited to wind signs consisting of one or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move freely upon being subjected to pressure by wind.
6. Any expansion of the proposed structures or facility above and beyond what is depicted on the sheets included with the PUD Approval letter shall necessitate additional review by the Planning Commission.
7. Per section 18.10.1 the Planning Commission may 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.

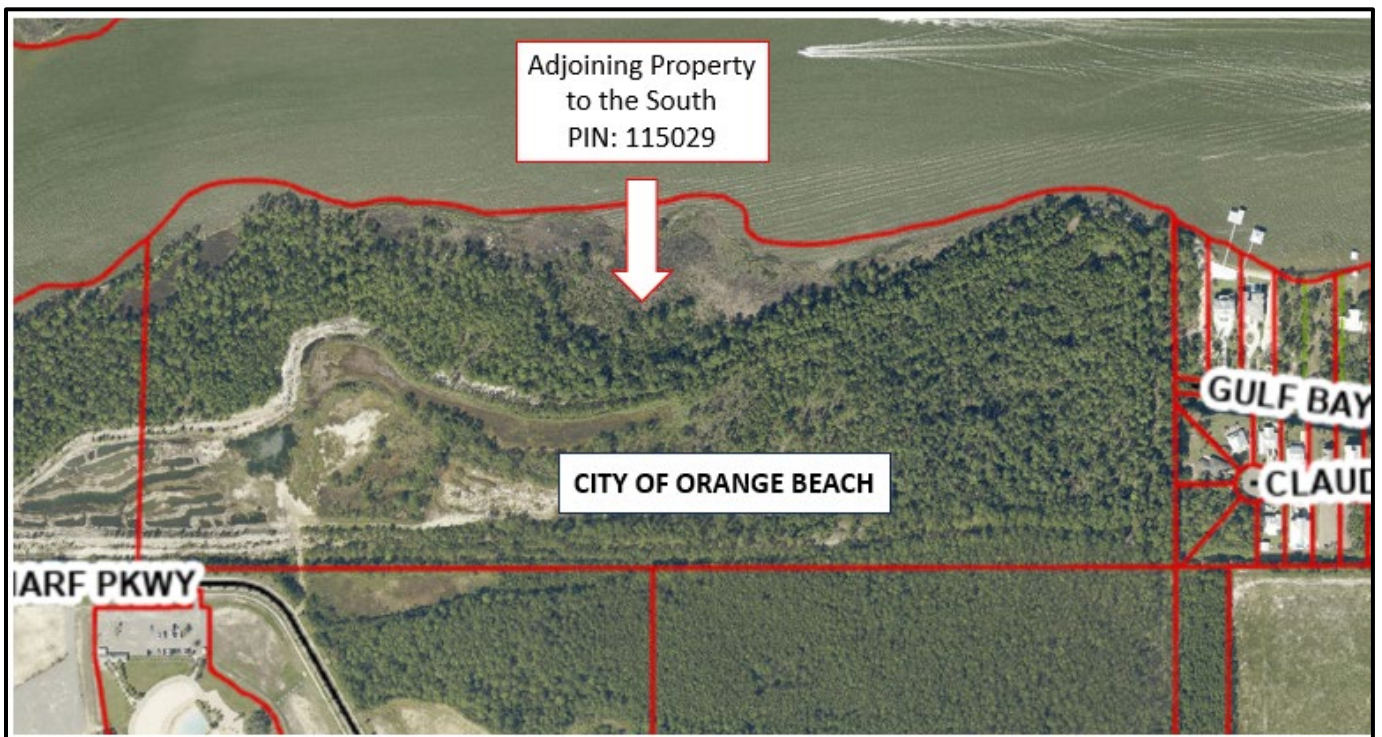
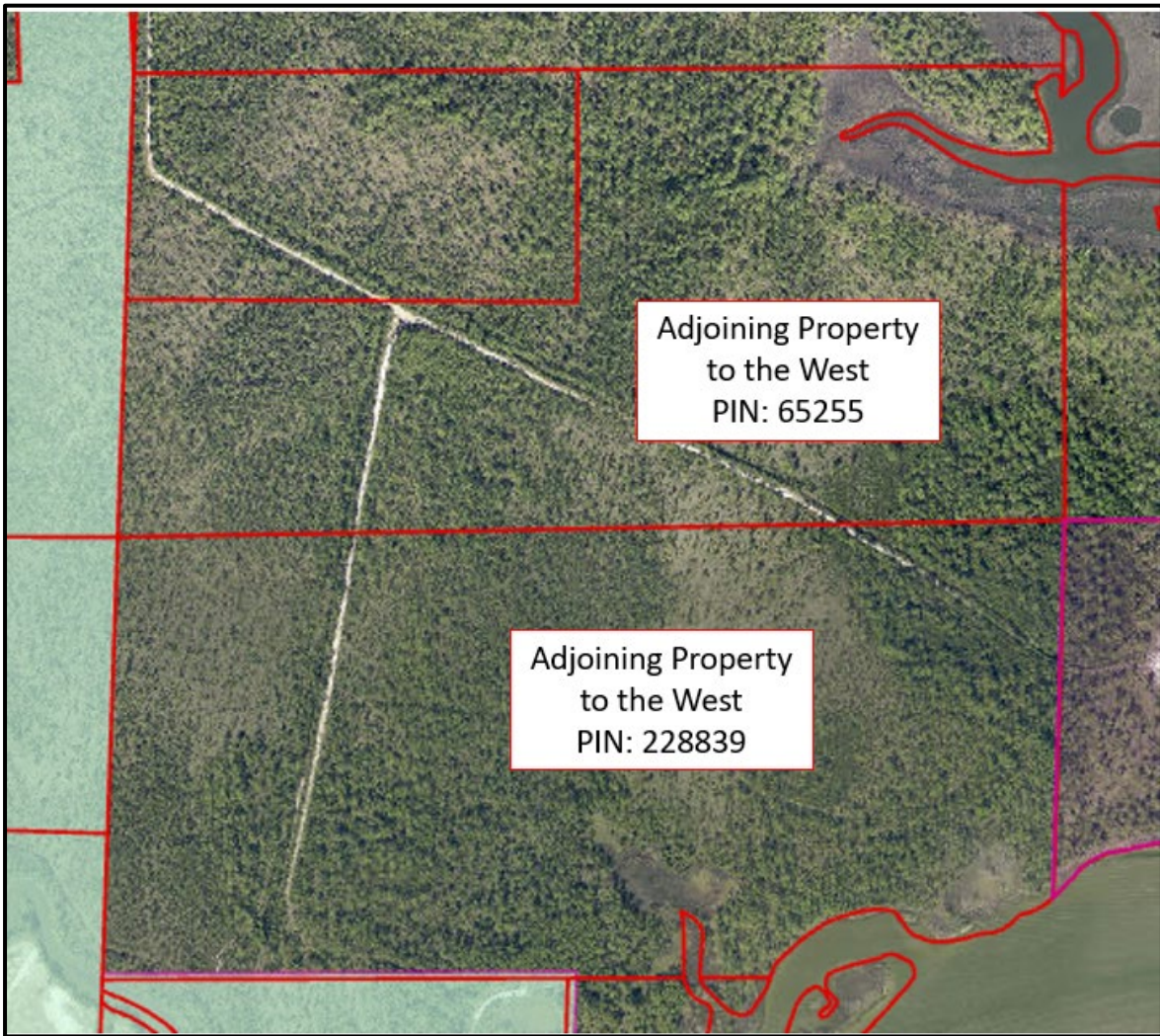
### Property Images









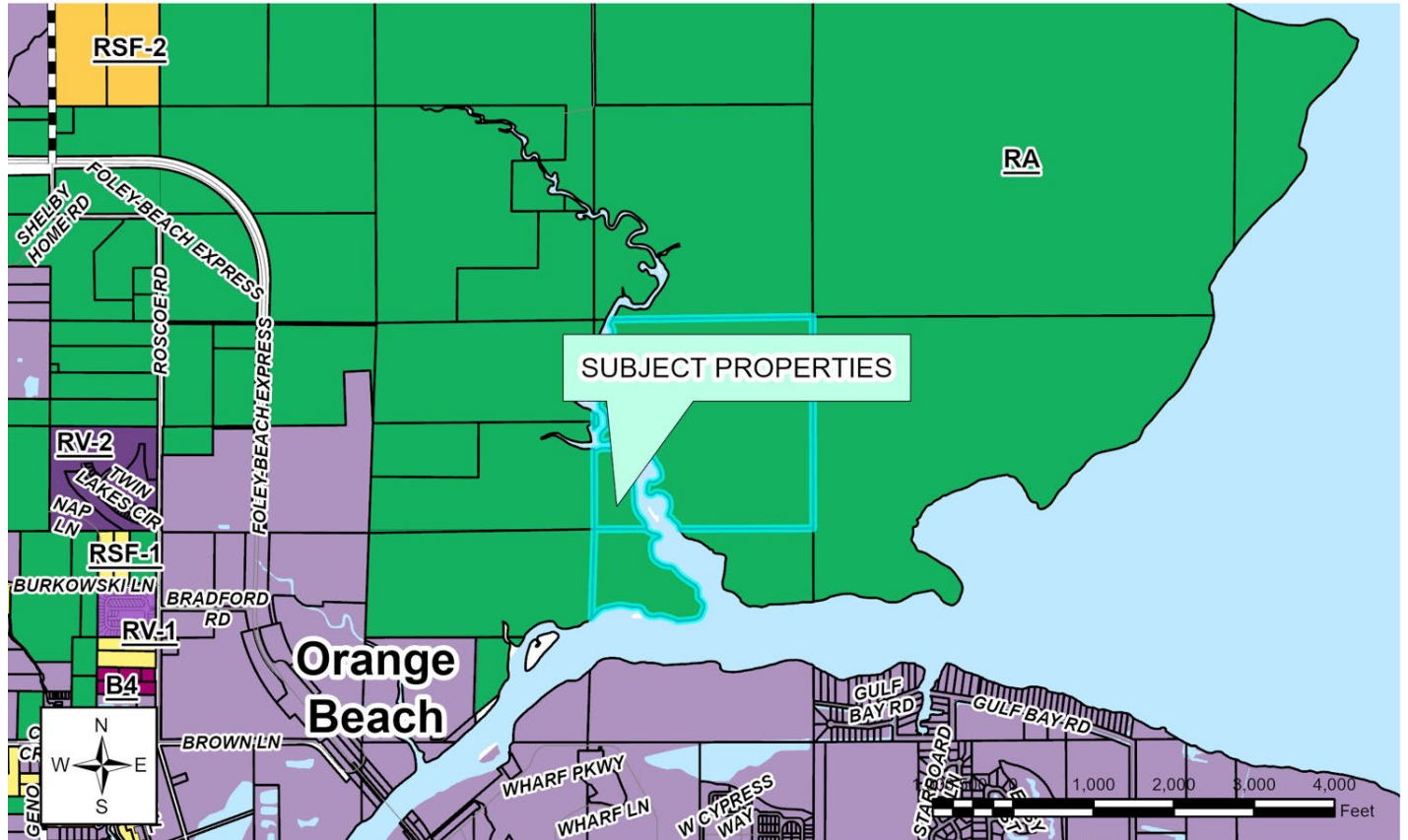




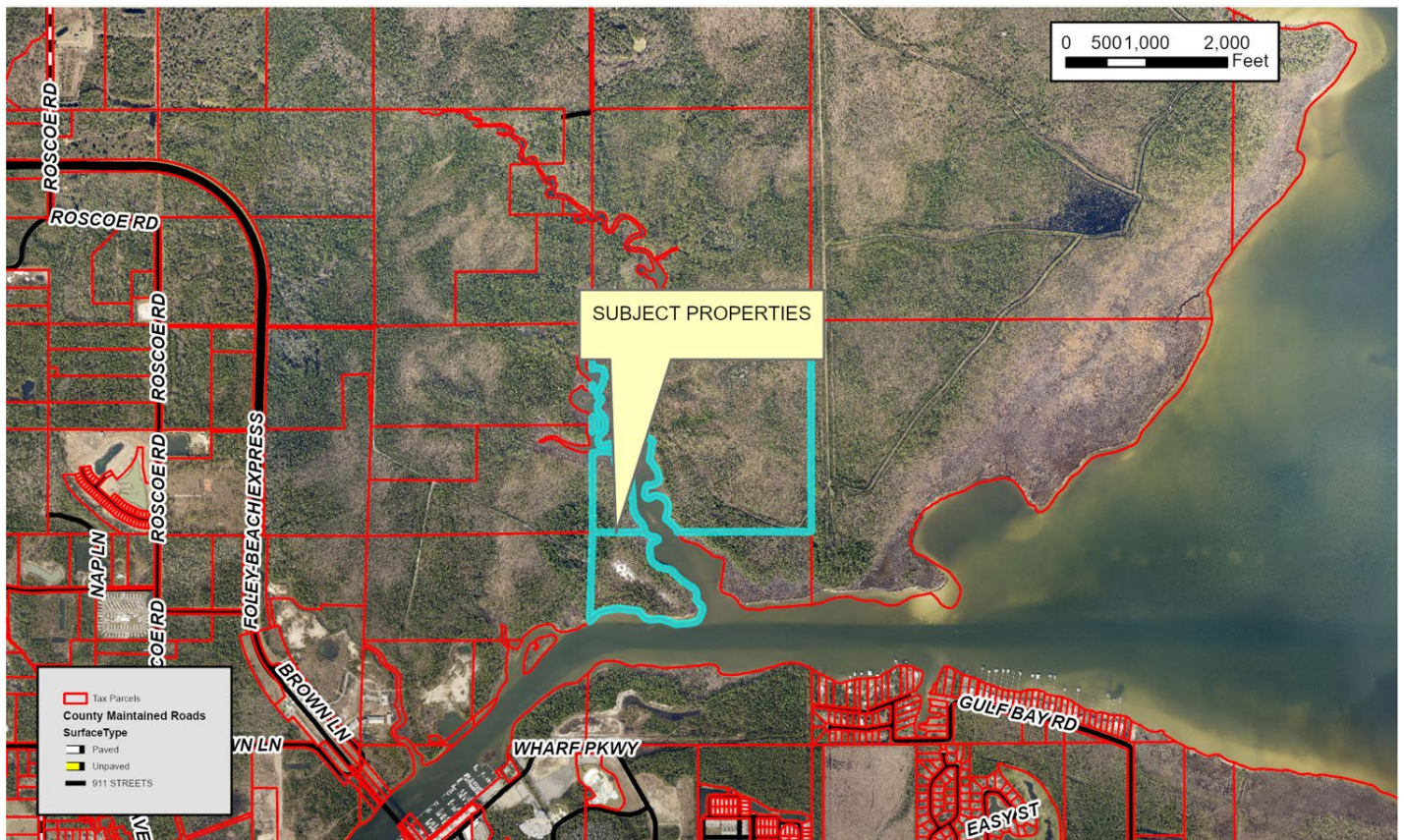




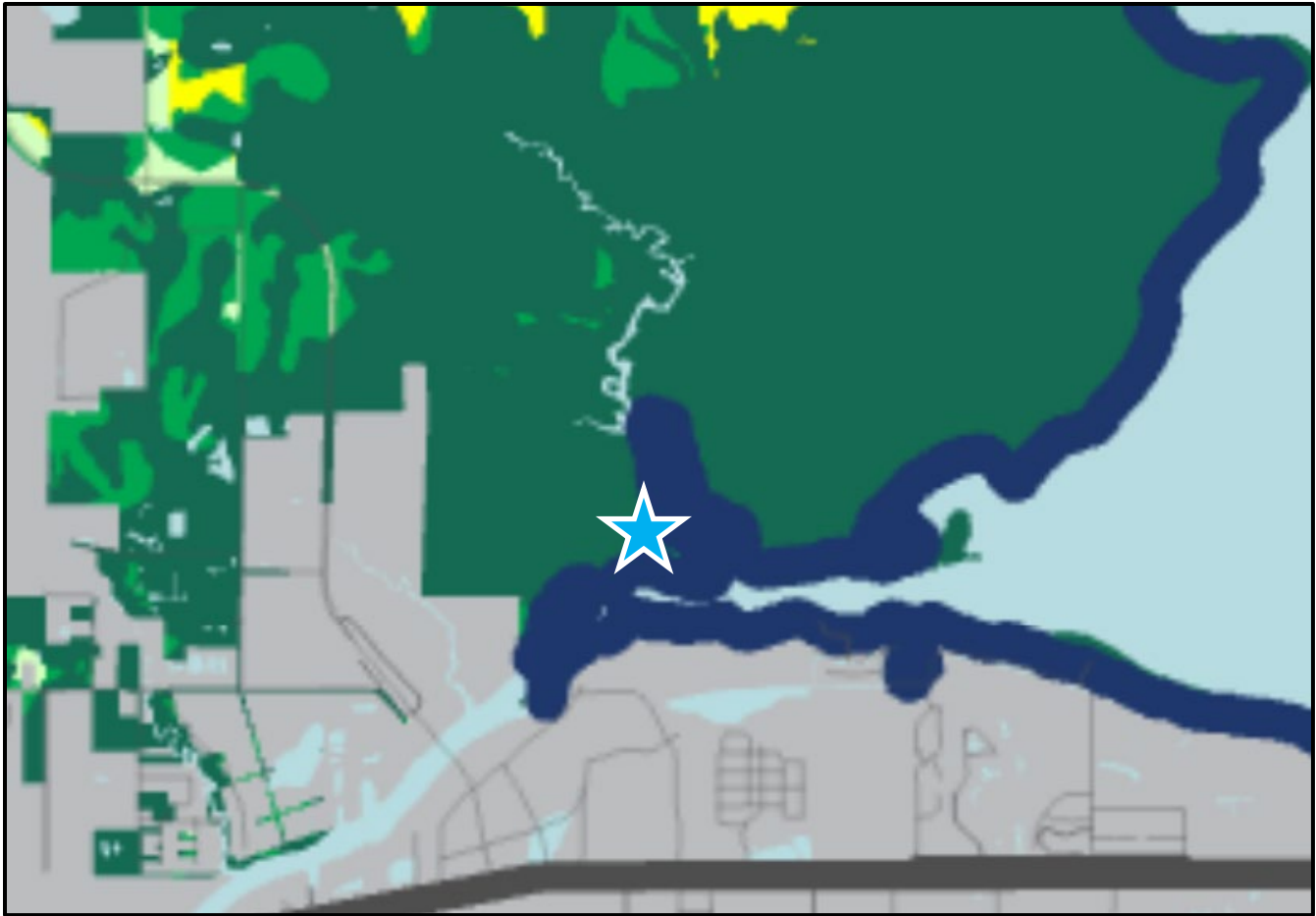
## Locator Map



## Site Map







## LEGEND

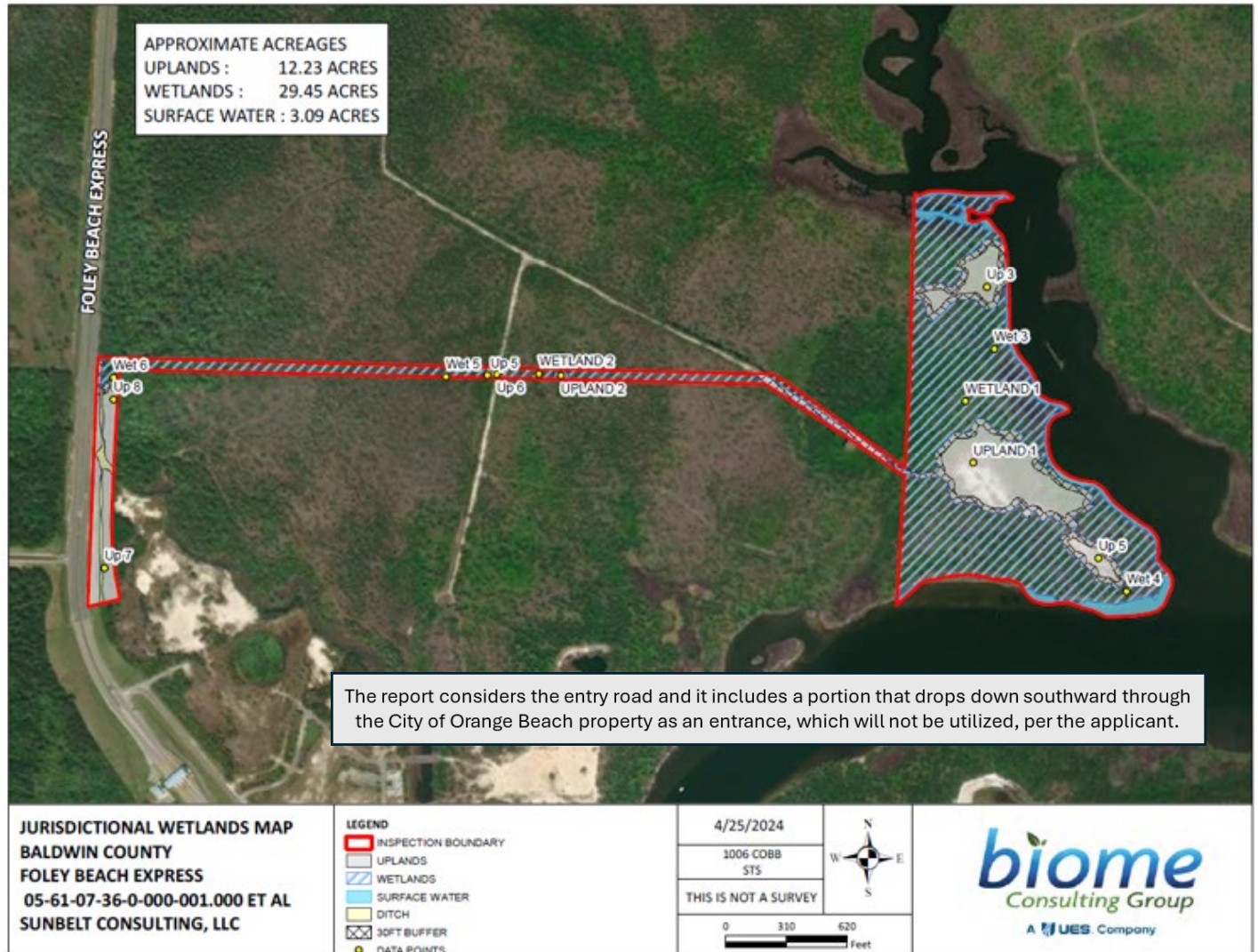
### PLACE TYPES

- IDEAL CONSERVATION/PRESERVATION
- CONSERVATION DEVELOPMENT POTENTIAL
- RURAL/AGRICULTURE/LID POTENTIAL
- MODERATE DEVELOPMENT POTENTIAL
- MID-DENSITY DEVELOPMENT POTENTIAL
- HIGH-DENSITY DEVELOPMENT POTENTIAL
- MUNICIPAL JURISDICTIONS

### NODE TYPES

- RURAL CROSSROADS CENTER
- NEIGHBORHOOD CENTER
- VILLAGE CENTER
- URBAN MIXED-USE CENTER
- COMMERCIAL/INDUSTRIAL CENTER

## Wetland Delineation



### CONCLUSION

Biome has completed a wetland delineation within an area identified as "Inspection Boundary" on the attached map. The Inspection Boundary was digitally sourced from local government Geographic Information System (GIS) servers and does not represent a boundary survey conducted by a licensed professional land surveyor. Our delineation data was collected in the field with handheld GPS equipment with sub-meter accuracy capability. We note that site conditions and other factors affect the accuracy of data collected with this technology. Areas and dimensions presented in this report are derived from spatial data generated by Biome's GIS.

Based on our thorough assessment, we have determined that approximately 12.23 acres of the

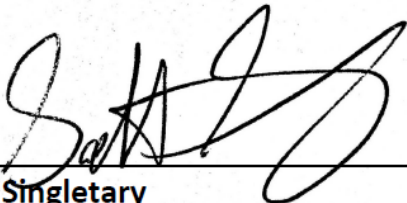
target inspection area is upland with 29.45 acres of wetlands, and 3.09 acres of other waters within federal jurisdiction. As such, any proposal to develop the wetland and other waters of the property, or to place structures below the mean high-water line (not located), will require a permit from the US Army Corps of Engineers and ADEM. We note that these calculations are based on an inspection boundary approximated from the county property appraiser depiction of the property boundary. An actual boundary survey (including location of the mean high-water line) may result in slightly different calculations. The mean high-water line is the legal boundary of sovereign submerged lands and must be located by a licensed professional land surveyor.

A wetland delineation performed by an ecological consultant represents the professional opinion of the scientist who performed the work. Only regulatory agencies can establish a legal and binding jurisdictional boundary. Such can be obtained by submitting a permit application and waiting several months for processing. For local government permitting (e.g., building permit) this report should suffice. This report is intended for sole use by the above-listed addressee who retained Biome to provide specific guidance relating to jurisdictional wetlands. This work product is the property of Biome and may not be conveyed to or relied upon by another party, other than the recipient's design professionals, without the written consent of Biome Consulting Group.

This concludes our assessment of the above-referenced site. We look forward to being of assistance to you again in the future.

#### **SIGNATURE OF ENVIRONMENTAL PROFESSIONAL**

I declare that I possess sufficient skill and experience to accurately identify and delineate wetlands. I have conducted and/or reviewed this assessment and support the data and conclusions contained therein.



**Scott Singletary**  
Ecological Consultant  
Biome Consulting Group

04/25/2024

**Date**



## LONG BAYOU PRESERVE

April 21, 2025

Offices of Baldwin County  
Planning and Zoning Staff  
22251 Palmer Street  
Robertsdale, AL 36567

### **RE: Long Bayou Preserve (Goodwyn Property) – PRD Application**

### **Support for Wetland Fill and Setback Deviation**

Dear Planning and Zoning Staff:

This document is to provide further justification and support of the request for Wetland Fill and a deviation from the wetland fill and setback requirements of the Baldwin County Zoning Ordinances and Subdivision Regulations. Through our PRD Application, we would like to provide this support along with the answers we have provided to the specific questions regarding this request.

Within PRD25-000002, we are requesting a deviation from the following regulations and ordinances:

Baldwin County Zoning Ordinance 10.4 and Subdivision Regulation 5.2 – Wetland Fill for Lots and Parking

9.5.2.2(g, m, p and s) – These regulations all pertain to 30 foot Wetland Setback buffers

15.1.1 and 15.2.1(a) – Parking in wetlands

(And any other regulation that may reference wetland fill or setbacks not mentioned in this list but discussed in our justification)

#### **General proposed activity deviating from the regulations:**

Covenants and Restrictions  
not regulated by P&Z

As shown on the site plan, each lot will have a concrete parking pad (e.g. 30'x60'). On the lots platted on or near the coastal wetlands areas, that will be the only fill and impact required. There is also a small portion of the parking area by the Lodge that will be wetland fill. The houses designed to go on these lots will be built on pilings, which will extend the house over the wetland area and keep the remaining wetlands on each of these lots untouched. To demonstrate that the project has been planned to minimize the impacts on the wetlands areas, we will have Covenants and Restrictions in place for every lot/house owner that will restrict any and all ability of that owner from destroying or impacting these wetlands underneath the house, and any other areas on their lot that has been delineated as wetlands. These CCRs will run with the lots/houses in perpetuity and apply to all future owners.

Because we will be able to utilize this architecture and design, along with the Covenants and Restrictions to limit the impacts on the coastal wetlands, the total amount of coastal wetland fill needed for the construction of the concrete pads/lots is .92 acres or 2.5% of the total property. We feel for a property site of 36 acres (and surrounded by hundreds of wetlands acres that are controlled by the current landowners), this is a minimal amount of impact to coastal wetlands and that we have made every effort with the design of the houses to meet the requirements of the County.



# LONG BAYOU PRESERVE

## **Purpose and justification of this deviation request:**

### Platting of Lots

The purpose of this request is to allow the property owners to exercise their right to use of the property and to plat a certain number of waterfront lots within the property that are located in certain wetlands areas. The only fill within these wetlands areas will be the previously described concrete parking pad. The houses to be constructed will be on pilings and no wetlands will be impacted by the construction of the houses. We have received approval from USACE and ADEM regarding fill for the concrete parking pads where the Lots have been platted.

A taking can occur in many different ways. Normally a taking involves the tangible physical taking of property; however, decisions of the United States Supreme Court have long recognized that physical takings are not necessary for a property owner to be entitled to just compensation under the Fifth and Fourteenth Amendments' just compensation clauses. *See, e.g., Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992). Under the cases related to regulatory takings, a property owner is entitled to compensation when the regulation deprives a property owner of all beneficial use of his property. However, the courts have also long allowed for compensation due to a regulatory taking when the owner is not deprived of all of the use of his property but loses some of the use. *See, e.g., Penn Central Transportation Company v. City of New York*, 438 U.S. 104 (1978). In *Penn Central*, the Court applied what it called an ad hoc analysis to the regulation to determine whether a taking had occurred, reviewing:

(1) the economic impact of the regulation on the claimant; (2) the extent to which the regulations had interfered with the distinct investment-based expectations of the claimant; and (3) the character of the governmental action.

The *Penn Central* analysis has been further refined in recent jurisprudence in the cases of *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987) and *Dolan v. City of Tigard*, 512 U.S. 374 (1994). Through those cases, the Court has refined the taking analysis of regulatory takings to focus on whether the regulation has an "essential nexus" to the conditions; and the regulation has to be "roughly proportional" to the purported impact.

In this case, a regulation prohibiting the proposed wetland fill and platting of lots on the Applicant's property is not at all in rough proportion to the purported impact. The wetland fill requested for the platting of lots, and approved by USACE and ADEM, is only .92 acres. That is less than 2.5% of the total land. The regulation will, in its application, result in a taking of the Applicant's property without just compensation. As such, to the extent necessary, the Department should allow a deviation to the ordinances and regulations to allow the platting of lots and limited fill requested so that the Long Bayou Project can proceed.

## **Approvals and Permits Received from the Corps of Engineers and ADEM:**

For the past 18 months, the owners of the property have been working with the Corps of Engineers and ADEM through a joint application for wetland mitigation on the property. To receive approval for this mitigation effort, a variance to the following ADEM statute 335-8-2-.11 *Commercial And Residential Development* was requested and approved. This statute in particular states that any development within coastal wetlands area requires a federal license or permit and that the platting of lots shall not be allowed if not consistent with the ACAMP rules.

## LONG BAYOU PRESERVE

The Variance requested and approved by ADEM allows for the platting of the proposed lots in the areas that are in or near coastal wetlands. The statute in which we were approved a Variance from is very comparable to the regulations we are requesting a deviation from with the County.

### **Covenants and restrictions preventing future wetland impact:**

As part of the Variance Request with ADEM to prevent wetland impact, we provided the following description of the Covenants and Restrictions that will be put in place to protect the wetlands areas on the property.

Restrictive Covenants for Wetland Areas – This Declaration of Restrictive Covenants details the restrictions placed on the Owner and future lot owners within Long Bayou Preserve as it pertains to areas of land delineated as wetlands. All of these Covenants and Restrictions will run with the land and remain in place in perpetuity. This includes no new structures, paving or other improvements nor any modifications or landscaping shall be carried out within these wetland areas. Any violation of these rules will subject the party responsible for these actions to possible lawsuit, penalties, injunction or any other remedy available under Alabama law. Also, all Owners and Developers will be prevented from any future applications and petitions to the Corps of Engineers or ADEM for wetland mitigation.

We feel these Covenants and Restrictions clearly state that any type of activity that negatively impacts coastal wetlands areas will be prohibited. And that these rules cannot be amended and will continue to stay in place.

Architectural Design Covenants and Restrictions – Design Standards as Regulated by the Restrictive Covenants for Wetland Areas – These are specific design standards for the houses that will be constructed on the lots that are located on coastal wetland areas. Along with these stated Design Standards, all house plans, site plans and landscaping plans are subject to the Restrictive Covenants for Wetland Areas and will have to be approved by the Architectural Control Committee, which will consist of the current applicants and developers of Long Bayou Preserve, LLC. This document will also have the survey for each individual lot showing the location of where the concrete pad can be filled, setbacks and the exact dimensions and locations of the Coastal Wetland Areas on each lot that must be protected and cannot be impacted or filled.

These Wetland Covenants and Restrictions will be included in the overall CCR's that will be filed with the Baldwin County Probate Court. The Design Standards will be included in the Architectural Covenant and Restrictions that will be filed with the County as well. We will also include these Covenants and Restrictions at closing with the Survey and drawing for each lot so the owners will be aware of the exact location of where the pilings can be placed and the concrete pad where necessary.

As for enforcement, the Developer will manage and ensure that the rules are in place and followed by all owners. Once enough owners have taken possession of lots, the new HOA along with the Architectural Control Committee will take over management of all CCR's pertaining to the property, including wetlands. Standard HOA procedures will be in place for enforcing rules and possible penalties would include suspension of privileges on the property, financial penalties, and possible lien. If an owner were to damage any wetland area, then they would be financially responsible for the replacement to its original state and failure to do so would result in a lien filed on the property until the wetland area is restored.

## LONG BAYOU PRESERVE

Finally, if any owner were to petition or apply for wetlands credits or mitigation on any wetland area on the property, ADEM and/or the Corps would be able to cite these Covenants and Restrictions and immediately deny the application. The HOA would be able to assist the agencies if needed in this scenario.

In support of this request, we also want the staff and commission to recognize our efforts to minimize the wetland fill impact as much as possible with the design and layout of the development. The platting of these lots will only result in .92 acres of wetland fill, which is 2.5% of the total property. We chose to move forward with a construction design of the homes on pilings and covenants and restrictions that will be in place to protect these untouched wetlands areas to reduce the wetland impact as much as we could. There remains large amounts of area within the property that would be possible for more development and more income to the developers but we have decided to maintain that space as natural landscape and no future development of that area will occur.

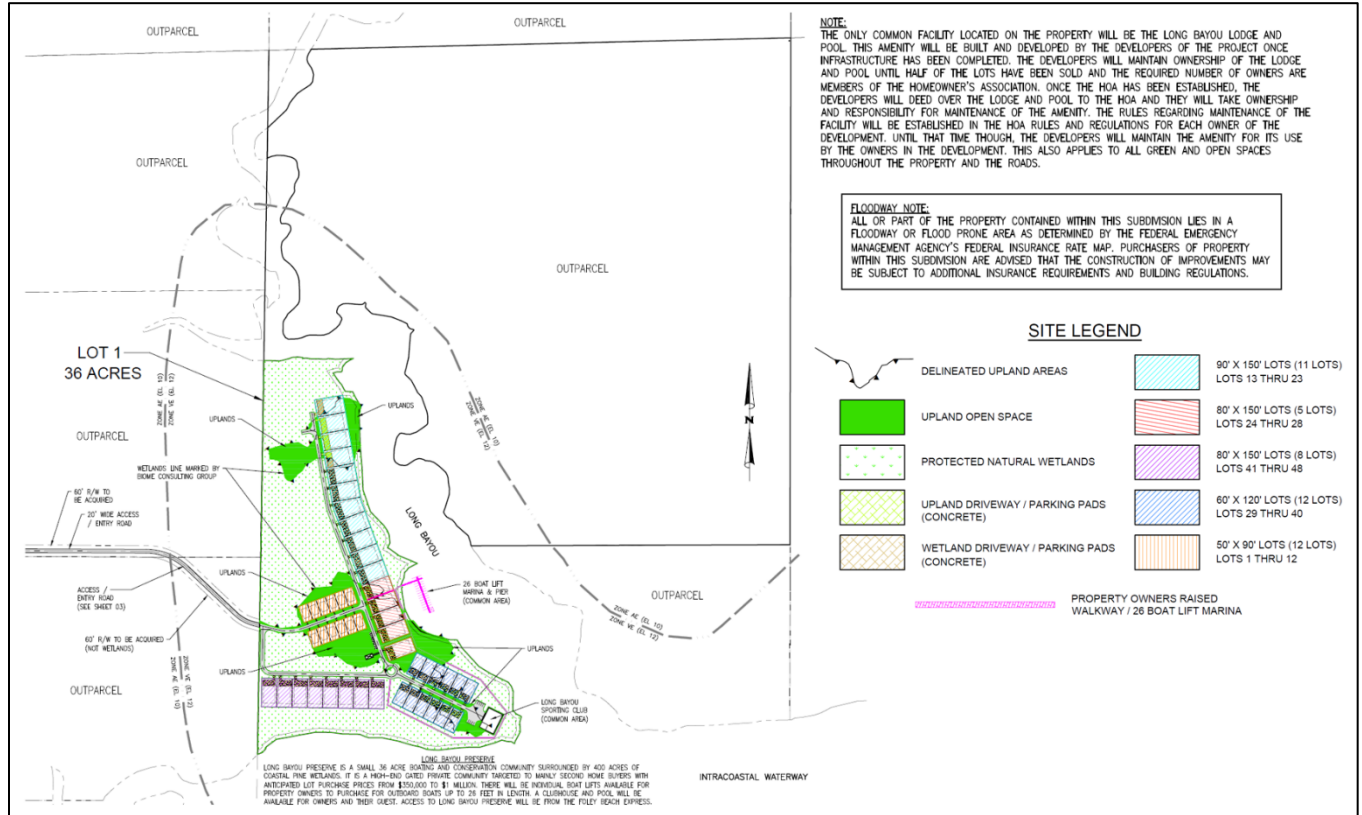
Please let us know if you need any additional information.

Sincerely,

Richard Cobb



## Site Plan & Data



Site Data Table	
State of Alabama	
Baldwin County	
Existing Tax Parcel ID	05-61-07-36-0-000-001.000 (12 Acres)
	05-61-07-36-4-001-002.000 (24 Acres)
Site Area	36 AC
Current Zoning	RA
Proposed Zoning	PRD (RSF-2)
Typical Lot Dimensions	90'x150' / 80'x150' / 60'x120' / 80'x50' / 90'x50'
Proposed Use	Single-Family Residential
No. of Stories	2 Max on Pilings
Max Bldg Height	35' Max
LF of Roads	3,615 In ft
Impervious Surface	9,280 sq yards
Total Lots Proposed	48
90' Lots	11
80' Lots	13
60' Lots	12
Interior Cottages	12

Variations	Current	Proposed
Minimum Lot Width	100 ft	50 ft
Minimum Lot Size	30,000 sq ft	4500 sq ft (COTTAGES)
Minimum Front Yard Water Side	30 ft	20 ft
Minimum Rear Yard Street Side	30 ft	10 ft
Minimum Side Yards	10 ft	10 ft

Total Wetland Fill	
Wetland Fill for Resident Parking Pads	0.70 AC
Wetland Fill for Interior Roadways	0.78 AC
Wetland Fill for Parking at Lodge	0.05 AC
Wetland Fill for Access road	2.04 AC
<b>Wetland Fill Total</b>	<b>3.57 AC</b>

Lot Density Calculation	
Total Parcel Acreage	36 acres
Total Wetland Acreage	25 acres
Acreage for Density Calculation	(36-25) + (25/2) = 23.5 acres
Project Density	48 Units/23.5 acres = 2.04 Units/Acre

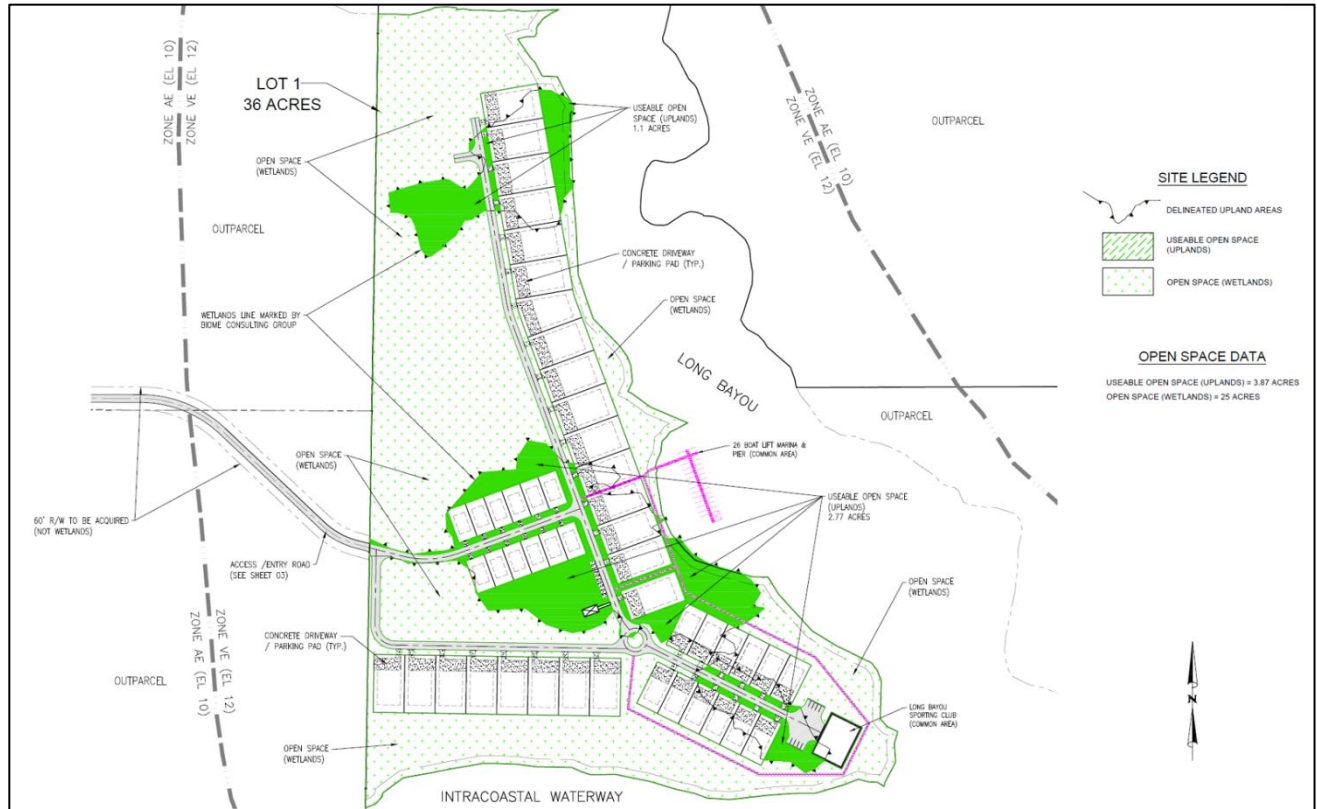
### Open Space Requirements

Total Open Space Req'd	36 acres X 0.20 = 7.2 acres
Total Open Space Prov.	25 acres (Wetlands) + 3.87 acres (Uplands) = 28.87 acres
Total Useable Open Space Req'd	7.2 acres x 0.50 = 3.6 acres
Total Useable Open Space Prov.	3.87 acres (Measured in AutoCadd)





## Open Space



## PRD Deviations from Regulations

### RSF-2 Zoning

Minimum Front Yard: 30 Feet  
 Minimum Rear Yard: 30 Feet  
 Minimum Side Yards: 10 Feet (20 Feet for side corner lot)  
 Minimum Lot Area: 15,000 SF  
 Minimum Lot Width at Building Line: 80 Feet  
 Maximum Ground Coverage Ratio: 0.35

### Proposed PRD Variation

Minimum Front Yard: **20** Feet  
 Minimum Rear Yard: **10** Feet  
 Minimum Side Yards: 10 Feet  
 Minimum Lot Area: **4,500** SF (cottages)  
 Minimum Lot Width at Building Line: **50** Feet  
 Maximum Ground Coverage Ratio: 0.35

### Additional PRD Variations

- Allow wetlands to be filled for concrete pads and additional parking near the lodge
- Remove 30' non-disturbed wetland setback requirement so that structures and roads can be constructed in the buffer
- Allow automobiles and golf carts to park in the 30' wetland buffer setback.
- Eliminate the Landscape Plan (existing vegetation in open space to remain; wetland areas to remain protected)
- ROW widths at 50' instead of the required 60', with pavement width of 20' instead of the required 28'
- Deviation from the 1" stormwater retention requirement; existing untouched wetlands should suffice in filtering stormwater

# LONG BAYOU PRESERVE

April 21, 2025

Offices of Baldwin County  
Planning and Zoning Staff  
22251 Palmer Street  
Robertsdale, AL 36567

**RE: Long Bayou Preserve (Goodwyn Property) – PRD Application**

## **Master List of Deviations from Baldwin County Zoning Ordinances and Subdivision Regulations**

Dear Planning and Zoning Staff:

Below, please find a Master List of Deviations from Baldwin County Zoning Ordinances and Subdivision Regulations through the PRD Application. Each requested deviation will have a justification provided or point to a previously submitted explanation for the requested deviation from the regulations. We have also provided additional support with the uploaded document “Support for Wetland Fill and Setback Deviation.”

### Deviation from Wetland Fill and Wetland Setback Regulations

Zoning Ordinance 10.4 and 9.3.4

Subdivision Regulation 5.2

9.5.2.2(g, m, p and s) – These regulations all pertain to Wetland Setback buffers

15.1.1 and 15.2.1(a) – Parking in wetlands

(And any other regulation that may reference wetland fill or setbacks not mentioned in this list but discussed in our justification)

We have previously addressed all of these regulations and requested deviations from them with 2 documents submitted to the Staff. These documents were “Wetland Fill Request Letter” and “Wetland Fill Request – Purpose and Responses.” Both documents separately discuss the roads that are proposed in wetland areas, the platting of lots in partial or fully wetland areas and the parking pads proposed to be filled in partial or fully wetland areas. We have updated these two documents to specifically address the additional concerns from the Staff reviews and combined them into one document that has now been uploaded as “Support for Wetland Fill and Setback Deviation.”

We ask that this document be considered and referenced throughout the discussion of wetland fill on the development. We have provided justification and reason for the wetland fill request and deviation from the above regulations. We invite any questions specific to the reasons provided and are happy to go into further discussion regarding them.

# LONG BAYOU PRESERVE

## Deviations from the Landscape Plan – Regulations that are addressed

9.5.2.1

17.1

17.2.7(a-g)

17.2.5

As previously mentioned, we have chosen to eliminate any proposed landscaping along the entry road or other ROW throughout the property. Thus, no landscaping drawing is necessary showing proposed trees, shrubs, plantings, canopy trees, or other vegetation that is not already in place since none of this will occur. We will keep all existing vegetation in these areas and any other open space that is not useable space. We have no plans to destroy or impact any of the existing vegetation outside of the fill areas requested. The Architectural and Design Control Standards are in place to preserve the quality of the community while maintaining the natural beauty of the property. A range of operations of what type of construction can take place on the land, and specifically to wetlands areas, is laid out in the Design Standards. Also, the Restrictive Covenants address the restrictions that would be in place for the wetland areas, the enforcement of rules and the consequences that will take place if any restriction is violated.

### 9.5.2.1(m) – ROW, Road width, Alternative Section

9.5.2.2(i)

15.3.3 – LID techniques call for 28 ft pavement road

P&Z Permit Comment regarding request for privately maintained road

(And any other regulation not mentioned that may pertain to the required width of pavement and the requested deviation from this width)

As previously mentioned in the 1st Review Response, this PRD is trying to create a more desirable environment with smaller streets that would not be possible through the strict application of the regulations at 28-foot width. Thus, we are asking to deviate from the required width and construct a narrower street. Also, by allowing this request, it would reduce the wetland fill impact required to build roads of this width. The amount of street traffic for a development of this nature will be minimal as it is mainly 2nd homes.

Half of the lots will be 80 or 90 foot lots so the alternative section would not be appropriate for this area and a narrower width would be justified.

Most importantly, by allowing narrower streets, it will be a natural reduction in traffic speed. The narrower streets are a traffic calming device. Also, the narrow streets reduce the ability for on-street parking and any wider would possibly lead to more use of on-street parking, which we are trying to prevent. Thus, less than 28-foot pavement width for the roads is justified in this PRD.

The access road will remain private and maintained by the HOA of the development.



# LONG BAYOU PRESERVE

## Sub Regs 5.12.2e(4) – Stormwater runoff for roads

As it pertains to this regulation and to the Natural Resource Planner's comments regarding drainage, we have uploaded a Stormwater Management Plan from our engineer to support a deviation from the 1-inch stormwater retention and as to why there is no way to collect and convey stormwater from this site into a Retention Pond. This development will not have a concentration of stormwater in any one location. It will drain off the roadways and roof tops directly into wetlands where it will be filtered as it percolates. The wetlands are a great resource for filtering stormwater. Please see the uploaded Plan as to why no detention areas are proposed.

Please consider these deviation requests and the supportive comments when discussing the PRD application. We believe the PRD tool is not only appropriate for this development but also aligned with Baldwin County's goals for sustainable, thoughtful and flexible land use planning.

Sincerely,

Richard Cobb

## Proposed Amenities

Long Bayou Sporting Club  
Boat Lift Marina and Pier

