

PROCEEDINGS HELD BEFORE THE
BALDWIN COUNTY PLANNING AND ZONING COMMISSION
(Regular Meeting)

Thursday, May 2, 2019

The following proceedings were held on this the 2nd day of May, 2019, at the Baldwin County Central Annex, Main Auditorium, 22251 Palmer Street, Robertsdale, Alabama, before Susan C. Andrews, Certified Court Reporter Number 287.

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A P P E A R A N C E

PLANNING AND ZONING COMMISSIONERS PRESENT:

- Sam Davis, Jr., Chairman
- Arthur Oken, Vice-Chairperson
- Kevin Murphy
- Dewane Hayes
- Brandon Bias

BALDWIN COUNTY PLANNING AND ZONING DEPARTMENT PRESENT:

- Vince Jackson, Director, Planning and Zoning
- Seth Peterson, Permit Subdivision Manager, Highway
Department
- Linda Lee, Planner
- Celena Boykin, Planner
- Mary Booth, Permit/Subdivision Coordinator
- D. J. Hart, Planning Technician
- Laurie Rumbaugh, Office Administrator
- Wayne Dyess, County Administrator

ON BEHALF OF THE PLANNING AND ZONING COMMISSION

David Conner, Esquire

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I N D E X

1 - Call to Order..... 5

2 - Invocation and Prayer..... 5

3 - Pledge of Allegiance..... 5

4 - Roll Call..... 5

5 - Approval of Meeting Minutes: April 4, 2019,
Meeting Minutes..... 6
(Approved)

6 - Announcements/Registration to Address the
Commission..... 7

7 - Consideration of Applications and Requests:
Subdivision Cases..... 7

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Approval..... 7
(Approved)

7-B - Case S-19021, Re-Sub Lot 1, Global
Signal Acquisition Subdivision, Development
Permit Approval..... 12
(Approved)

7-C - Case S-19025, Springsteen Subdivision,
Phase 2, Variance Request Approval..... 15
(Denied)

8 - Consideration of Applications and Requests:
Re-Zoning Cases..... 21

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(Recommendation to Approve)

8-B - Case Z-19016, Fountain 38 LLC Property... 31
(Recommendation to Deny)

8-C - Case Z-19017, Childress Property..... 43
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(Recommendation to Approve)

8-E - Case Z-19020, Morgantown Development
Co., Inc., Property..... 47
(Tabled)

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P R O C E E D I N G S

1 - CALL TO ORDER

PLANNING AND ZONING COMMISSION CHAIRMAN SAM

DAVIS: Okay. We'll call the meeting to order at this point.

2 - INVOCATION AND PRAYER

PLANNING AND ZONING COMMISSION CHAIRMAN SAM

DAVIS: Vince, would you lead in the prayer and the Pledge of Allegiance?

MR. VINCE JACKSON: Please join me for the invocation.

(Mr. Vince Jackson led in prayer.)

3 - PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited.)

PLANNING AND ZONING COMMISSION CHAIRMAN SAM

DAVIS: Thank you, Vince.

4 - ROLL CALL

PLANNING AND ZONING COMMISSION CHAIRMAN SAM

DAVIS: Can we have a roll call?

MR. VINCE JACKSON: Mr. Davis.

PLANNING AND ZONING COMMISSION CHAIRMAN SAM

DAVIS: Here.

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MR. VINCE JACKSON: Mr. Hayes.

COMMISSION MEMBER DEWANE HAYES: Here.

MR. VINCE JACKSON: Mr. Murphy.

COMMISSION MEMBER KEVIN MURPHY: Here.

MR. VINCE JACKSON: Mr. Thomas.

(No response.)

MR. VINCE JACKSON: Ms. Lowry.

(No response.)

MR. VINCE JACKSON: Mr. Nance.

(No response.)

MR. VINCE JACKSON: Mr. Oken.

COMMISSION MEMBER ARTHUR OKEN: Here.

MR. VINCE JACKSON: Mr. Bias.

COMMISSION MEMBER BRANDON BIAS: Here.

MR. VINCE JACKSON: And Ms. Mackey.

(No response.)

MR. VINCE JACKSON: Mr. Chairman, we have a quorum.

PLANNING AND ZONING COMMISSION CHAIRMAN SAM

DAVIS: Okay. Thank you.

5 - APPROVAL OF MEETING MINUTES: APRIL 4, 2019, MEETING MINUTES

PLANNING AND ZONING COMMISSION CHAIRMAN SAM

DAVIS: The first order of business is approval of minutes meeting. Is there a motion to do so?

COMMISSION MEMBER ARTHUR OKEN: So moved, Mr. Chairman.

PLANNING AND ZONING COMMISSION CHAIRMAN SAM

1 DAVIS: Okay. There is a motion. Is there a second?

2 COMMISSION MEMBER DEWANE HAYES: I'll second.

3 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

4 DAVIS: All in favor, say aye.

5 (Commission Members say "aye" in unison.)

6 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

7 DAVIS: Motion carries unanimously.

8

9 **6 - ANNOUNCEMENTS/REGISTRATION TO ADDRESS THE COMMISSION**

10 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

11 DAVIS: At this point, if anyone here that wishes to
12 address the Commission tonight that did not sign up at
13 one of the tables out front, you need to do that now.

14

15 **7 - CONSIDERATION OF APPLICATIONS AND REQUESTS: SUBDIVISION CASES**

16

17 **7-A - CASE S-19020, RV CITY FINAL SITE PLAN APPROVAL**

18 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

19 DAVIS: Otherwise, we will take our first case, which is
20 S-19020. Can we have a staff report?

21 MR. SETH PETERSON: Before I give you the staff
22 report on the first case, I wanted to provide
23 clarification on a case from last month.

24 There was a case where we had a staff report that
25 you had that had some deficiencies in it. And between
26 the time the staff report was written and the Planning
27 Commission was held, those deficiencies were taken care
28 of and corrected.

1 There was some confusion and questions about that
2 process. And the State code provides the process for
3 submittal and review. And the first two is if there are
4 deficiencies on the case, that those deficiencies are
5 detailed to the Commission.

6 So that's why the staff report that you have had
7 deficiencies in it, and it was still coming before you
8 instead of being tabled until the next month until those
9 items were corrected.

10 There were some questions that were brought up. And
11 I just wanted to clarify that before we start. Tonight
12 we do not have any cases like that, but you will probably
13 see those again in the future.

14 COMMISSION MEMBER KEVIN MURPHY: Just a second.
15 The volume is so low that Mr. Oken and I can't hear.
16 It's too low.

17 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
18 DAVIS: We can't hear you. Speak into the mic.

19 COMMISSION MEMBER KEVIN MURPHY: You might not
20 of heard me. The volume is too low. We can't hear.

21 MR. SETH PETERSON: I'll try to get a little
22 closer to mic.

23 COMMISSION MEMBER KEVIN MURPHY: Not going to
24 help if they don't turn the speakers up.

25 MR. SETH PETERSON: See if that's better.

26 COMMISSION MEMBER KEVIN MURPHY: Getting
27 better.

28 ATTORNEY DAVID CONNER: Give him just one

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1 minute.

2 MR. SETH PETERSON: Is that any better?

3 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

4 DAVIS: Try it again.

5 MR. SETH PETERSON: Testing. Testing.

6 COMMISSION MEMBER KEVIN MURPHY: Still not high
7 enough. (To Commission Member Arthur Oken.) I'll let
8 you make that decision. When you get comfortable, you
9 tell him.

10 MR. SETH PETERSON: Can you hear me okay now?

11 COMMISSION MEMBER ARTHUR OKEN: I can hear you,
12 but it's a strain.

13 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

14 DAVIS: Try talking a little louder.

15 MR. SETH PETERSON: All right. I'll try to
16 talk a little louder and see if that will work.

17 I was explaining that -- I don't know if you heard
18 any of that. Did you hear that explanation I was giving?

19 COMMISSION MEMBER ARTHUR OKEN: I can hear you
20 now.

21 MR. SETH PETERSON: Okay. I was explaining
22 that there was a case last month that has some confusion
23 on it where there was some deficiencies on the staff
24 report. However, those deficiencies were corrected
25 before the actual Planning Commission meeting.

26 And I was explaining why those were there. And
27 there were some questions about whether or not if there
28 was deficiencies, if they should make it to the meeting.

1 But the State code that applies to the subdivision
2 review and the Subdivision Regulations specify if there's
3 deficiencies with the case, that we detail those to the
4 Planning Commission with our recommendation to deny.

5 And that staff report is sent to you usually a week
6 before the meeting. So if they correct those items
7 between the staff report and the meeting, then we change
8 our recommendation.

9 So it's just a clarification on that process. And
10 that's the reasoning to kind of hopefully clear up some
11 of those questions.

12 The first case we have tonight is S-19020, RV City.
13 This is a request for final site plan approval for a
14 proposed forty-nine (49) unit RV park.

15 This property is located in District 14, and the
16 property is not zoned. It's on the west side of County
17 Road 49, approximately six hundred and twenty-five (625)
18 feet north of the Mannich Lane.

19 There is nineteen-point-seven (19.7) total acres.
20 The smallest site is nineteen hundred and twenty-five
21 (1,925) square feet. There is forty-nine (49) proposed
22 RV sites.

23 Water will be provided by Riviera Utilities. Sewer
24 will be provided Baldwin County Sewer Service and Baldwin
25 EMC will provide electricity.

26 There is a copy of the site plan on your screen.
27 Staff has reviewed this proposed case, and it does comply
28 with the Subdivision Regulations. And staff would

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1 recommend to approve it.

2 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

3 DAVIS: Any questions for Seth on this?

4 (No response.)

5 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

6 DAVIS: All right. Thank you, Seth.

7 We'll open the public hearing at this point. This
8 is one signed in support, none signed in opposition.

9 Larry Smith is in support.

10 Would you raise your hand.

11 (Mr. Larry Smith complied.)

12 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

13 DAVIS: Do you have anything you would like for the
14 Commission to know?

15 MR. LARRY SMITH: No.

16 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

17 DAVIS: Any questions for -- Are you the applicant?

18 MR. LARRY SMITH: Yes, sir.

19 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

20 DAVIS: All right. Any questions from the Commission for
21 the applicant?

22 (No response.)

23 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

24 DAVIS: All right. We'll close the public hearing at
25 this point. Staff has recommended approval. Is there a
26 motion to do so?

27 COMMISSION MEMBER ARTHUR OKEN: So moved,
28 Mr. Chairman.

1 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

2 DAVIS: Okay. There is a motion. Is there a second?

3 COMMISSION MEMBER BRANDON BIAS: Second.

4 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

5 DAVIS: There's a second. All in favor, say aye.

6 (Commission Members say "aye" in unison.)

7 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

8 DAVIS: Opposed?

9 (No response.)

10 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

11 DAVIS: Carried unanimously.

12

13 **7-B - CASE S-19021, RE-SUB LOT 1, GLOBAL SIGNAL ACQUISITION**

14 **SUBDIVISION, DEVELOPMENT PERMIT APPROVAL**

15 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

16 DAVIS: Next case is S-19021. Can we have a staff
17 report?

18 MR. SETH PETERSON: S-19021, re-sub of Lot 1,
19 Global Signal Subdivision. This is a request for
20 development permit approval for a proposed four (4) lot
21 subdivision.

22 This property is located in District 13. It is not
23 zoned. It's on south side of Patterson Road between
24 Rabbit Run -- Rabbit Run and Forest View Road.

25 There's four (4) proposed lots. The property --
26 total property area is ten-point-six-five (10.65) acres.
27 Two-point-six-six (2.66) acres is the smallest lot size.

28 Water is provided by East Central Baldwin County

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1 Water. Sewer will be septic systems. And Baldwin EMC
2 will provide electricity.

3 There is no deficiencies with this case. And the
4 staff would recommend to approve the development permit.

5 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

6 DAVIS: Any questions for Seth on this one?

7 (No response.)

8 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

9 DAVIS: Thank you, Seth.

10 There is one signed up in opposition to this. Dean
11 Skipper is the applicant.

12 Would you like to come up to the mic?

13 MR. DEAN SKIPPER: I'm not signed up as the
14 opposition. I'm the applicant.

15 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

16 DAVIS: Okay. Would you like to come up to the mic?

17 MR. DEAN SKIPPER: No. I'm good.

18 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

19 DAVIS: All right. How about the person in opposition?
20 Walter Shipp, are you here?

21 MR. WALTER SHIPP: Yes.

22 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

23 DAVIS: Would you like to come up to the mic and say
24 anything to the Commission?

25 MR. WALTER SHIPP: I disagree with it.

26 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

27 DAVIS: Sir?

28 MR. WALTER SHIPP: I disagree on it. I mean,

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1 I -- I haven't read up on it. I just got this paper.

2 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

3 DAVIS: Can you hear him?

4 THE COURT REPORTER: Uh-huh. (Indicates
5 affirmatively.)

6 MR. WALTER SHIPP: I'm not favor of it.

7 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

8 DAVIS: Let me ask you to step up to the mic. It's just
9 a formality.

10 MR. WALTER SHIPP: I can't hardly hear you.
11 I'm sorry.

12 (Mr. Walter Shipp approached the podium.)

13 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

14 DAVIS: It's just a formality. You just want the
15 Commission to know you're against it? Any specific
16 reasons?

17 MR. WALTER SHIPP: Not really. I just -- I
18 just purchased ten (10) acres right next to it. So I
19 just --

20 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

21 DAVIS: Any questions for Mr. Shipp?

22 (No response.)

23 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

24 DAVIS: Anything else you'd like to say?

25 MR. WALTER SHIPP: No.

26 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

27 DAVIS: Okay. Thank you very much.

28 MR. WALTER SHIPP: Thank you.

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1 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

2 DAVIS: Dean, you got anything?

3 MR. DEAN SKIPPER: No. I'm good.

4 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

5 DAVIS: Okay. All right. We'll close the public hearing
6 at this point. Staff has recommended approval. Is there
7 motion to do so?

8 COMMISSION MEMBER KEVIN MURPHY: I make a
9 motion to approve.

10 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

11 DAVIS: Okay. There is a motion to approve. Is there a
12 second?

13 COMMISSION MEMBER ARTHUR OKEN: Second,
14 Mr. Chairman.

15 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

16 DAVIS: There is a second. All in favor, say aye.

17 (Commission Members say "aye" in unison.)

18 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

19 DAVIS: All opposed?

20 (No response.)

21 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

22 DAVIS: Carried unanimously.

23

24 **7-C - CASE S-19025, SPRINGSTEEN SUBDIVISION, PHASE 2, VARIANCE**

25 **REQUEST APPROVAL**

26 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

27 DAVIS: Next case is S-19025. Can we have a staff
28 report?

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1 MR. SETH PETERSON: S-19025, Springsteen
2 Subdivision, Phase 2. This is a variance request on a
3 two (2) lot subdivision to allow the two (2) proposed
4 lots to front on Springsteen Lane, which is a
5 County-maintained dirt road.

6 This property is located in District 18. The
7 property is not zoned. It's on the north side of
8 Springsteen Lane, approximately three hundred and
9 sixty (360) feet east of Bender Road.

10 There's two (2) proposed lots totalling five
11 (5) acres. Two (2) acres is the smallest lot size.
12 Water is provided by Riviera Utilities. Sewer is
13 provided by onsite septic systems. And Riviera Utilities
14 will provide electricity.

15 The variance request is to divide the five (5) acre
16 parcel into two (2) parcels. Both of these parcels will
17 front on Springsteen Lane, a County-maintained dirt road.
18 And the variance request is to allow these two (2) lots
19 to front on the dirt road, which does not meet the
20 County's requirement that each new lot front on a paved
21 street.

22 On your screen you see Article 8.1 of the
23 Subdivision Regulations, which are the items that you
24 should consider when approving a variance.

25 Staff does not see any hardship on this parcel that
26 would be considered for approving a variance and would
27 recommend to deny the variance request.

28 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 05/02/2019

1 DAVIS: Any questions for Seth on this one?

2 (No response.)

3 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

4 DAVIS: Seth, it does mention in the report that it was
5 previously zoned as a one-time split. Was it represented
6 at that time that would be it, there would be no more
7 requests?

8 MR. SETH PETERSON: That's correct. When
9 the -- when the property owners came in to do that
10 division, we explained the requirements of the -- the
11 Subdivision Regulations as well the exemption that was
12 being applied for, which was a one-time split.

13 There was a question before the meeting started
14 about what exactly is a one-time split. A -- a one-time
15 split exemption is listed in the County Subdivision
16 Regulations that says that if the parcel existed and has
17 not been divided since February 1, 1984, then they're
18 eligible to split that parcels one time into two (2)
19 lots.

20 So they've used their one-time split. They had a
21 ten (10) acre parcel, and they split it into two (2)
22 equal fives (5's) using their one-time split exemption.

23 So now that they've divided that property, they're
24 no longer eligible for a one-time split. Any further
25 division would have to meet the requirements of the
26 Subdivision Regulations.

27 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

28 DAVIS: Is this applicant the same applicant that

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1 requested the split back in whatever it was?

2 MR. SETH PETERSON: I don't want to say it is,
3 but I believe it is.

4 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

5 DAVIS: Okay. Any other questions for Seth?

6 (No response.)

7 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

8 DAVIS: All right. Thank you.

9 We'll open the public hearing at this point.

10 There's two people signed up to speak in favor

11 Mr. Fuenmayor -- Did I say that right?

12 MR. NEURO FUENMAYOR: (Indicates
13 affirmatively.)

14 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

15 DAVIS: Okay. Would you like to come up to the podium?

16 MR. NEURO FUENMAYOR: My English is very well.
17 He is helping for me for the English.

18 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

19 DAVIS: Okay.

20 THE COURT REPORTER: What's your name?

21 MR. MARK CARDENAS: Mark Cardenas.

22 THE COURT REPORTER: Did you sign up?

23 MR. MARK CARDENAS: No.

24 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

25 DAVIS: Would y'all both state your names, please?

26 MR. MARK CARDENAS: Mark Cardenas.

27 THE COURT REPORTER: Spell it for me, please.

28 MR. MARK CARDENAS: C-A-R-D-E-N-A-S.

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1 THE COURT REPORTER: Thank you.

2 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

3 DAVIS: What would you like for us to know?

4 MR. MARK CARDENAS: Say again, sir.

5 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

6 DAVIS: That is your turn to tell us what you're wanting
7 to do and why you want to do it.

8 MR. MARK CARDENAS: This is -- he have the --
9 he had the exception -- the exception for one-time
10 split -- split. But that time he wasn't sure what he
11 have to do about it. It have to be a paved road.
12 This -- this two (2) lots is going to be front to the --
13 front to the dirt -- dirt road. And this is a request to
14 make the entrance from there.

15 Not going to be a mobile home park, nothing like
16 that. It just two -- just two property, one or two
17 mobile homes maybe. But that's it. It doesn't matter an
18 RV park or something like that.

19 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

20 DAVIS: Is the purpose to sell one of the pieces that's
21 being split?

22 MR. MARK CARDENAS: Yes, sir.

23 MR. NEURO FUENMAYOR: Yes.

24 MR. MARK CARDENAS: Yes, sir.

25 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

26 DAVIS: And this is the original applicant that --

27 MR. MARK CARDENAS: Yeah, he --

28 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

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1 DAVIS: -- asked for the one-time split --

2 MR. MARK CARDENAS: Yes, sir.

3 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

4 DAVIS: -- several years ago?

5 MR. MARK CARDENAS: Yeah. It was last year
6 this one split. But then the County changed the --
7 the -- the regulation back -- back in May, something like
8 that. And it was in the middle of this one-time split,
9 you know. That's why he request now, you know, just that
10 too he want to do for sell now and he going to keep
11 one -- one lot.

12 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

13 DAVIS: Any other questions for these gentleman?

14 (No response.)

15 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

16 DAVIS: All right. Thank you.

17 There was an Amanda Weygard or Weygand signed up to
18 speak in favor. Would you like to approach the mic?

19 (Ms. Amanda Weygand approached the podium.)

20 MS. AMANDA WEYGAND: I'm Amanda Weygand with
21 Weygand Surveyors. And I'm just making sure y'all don't
22 have any questions for me.

23 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

24 DAVIS: Any questions for Mr. Weygand?

25 (No response.)

26 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

27 DAVIS: Okay. Thank you.

28 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

1 DAVIS: All right. We'll close the public hearing at
2 this point. Staff has recommended denial for the failure
3 to meet subdivision rules. Is there a motion one way or
4 the other?

5 COMMISSION MEMBER KEVIN MURPHY: I make a
6 motion to deny.

7 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

8 DAVIS: There is a motion to deny on the table. Is there
9 a second?

10 COMMISSION MEMBER DEWANE HAYES: I'll second.

11 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

12 DAVIS: Okay. There is a second. All in favor, say aye.

13 (Commission Members say "aye" in unison.)

14 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

15 DAVIS: All opposed?

16 (No response.)

17 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

18 DAVIS: Motion carries unanimously.

19

20 **8 - CONSIDERATION OF APPLICATIONS AND REQUESTS: RE-ZONING CASES**

21

22 **8-A - CASE Z-19015, STIMPSON PROPERTY**

23 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

24 DAVIS: Okay. The next case is Z-19015, Stimpson
25 property. Can we have the staff report?

26 MR. VINCE JACKSON: Yes, sir. The applicant is
27 requesting to re-zone one-point-zero-six (1.06) acres
28 from RSF-1, Single-Family, to RSF-2, which is also

1 Single-Family, in order to allow for the property to be
2 divided into two (2) single-family lots.

3 The subject property is located at the northwest
4 corner of Scenic Highway 98 and Moogs Lane in Planning
5 District 26. On the map before you is the locator map
6 showing the subject property and the surrounding zoning.

7 If you'll notice, looking at locator map, the
8 property to the south and the property I guess you would
9 say to the northwest, which are adjacent, are also zoned
10 RSF-2, which is the subject of this application.

11 This is a larger area map showing some of the
12 different zoning designation. And we wanted to provide
13 this to you to show the amount of RSF-2 in this area and
14 also some of the varying lots sizes that exist.

15 And here's the aerial photography. And then this is
16 the survey of the subject property. And we have pictures
17 of -- these are pictures showing the subject property as
18 well as some of the surrounding properties.

19 The staff felt like that was a reasonable request.
20 It is adjacent to existing RSF-2. As the property sits
21 now, the acreage exceeds what would be under RSF-1. And
22 if divided into two (2) lots, the resulting two (2) lots
23 will exceed what would be required under RSF-2.

24 We did receive some letters of opposition, and those
25 were forwarded to you. However, we stand by our
26 recommendation for approval. And this will be a
27 recommendation to the County Commission. I'll be happy
28 to answer any questions.

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1 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

2 DAVIS: Any questions for Vince on this?

3 (No response.)

4 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

5 DAVIS: Okay. Thank you, Vince.

6 MR. VINCE JACKSON: Thank you.

7 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

8 DAVIS: We'll open the public hearing at this point. The
9 applicant -- Is it Jordan Stimpson?

10 MR. GORDON STIMPSON: It's Gordon.

11 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

12 DAVIS: Gordon? Would you like to come up to the mic?

13 MR. GORDON STIMPSON: Sure.

14 (Mr. Gordon Stimpson approached the podium.)

15 MR. GORDON STIMPSON: Yes, sir.

16 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

17 DAVIS: Just tell us what you're wanting to do, please.

18 MR. GORDON STIMPSON: Just wanted to divide the
19 lot that I bought and -- and sell it to another
20 single-family as a single-family residence. It's not
21 like a subdivision or anything like that.

22 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

23 DAVIS: Are you living on the lot already?

24 MR. GORDON STIMPSON: No, sir.

25 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

26 DAVIS: Do you plan to?

27 MR. GORDON STIMPSON: Yes, sir.

28 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

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1 DAVIS: Any other questions for Mr. Stimpson?

2 (No response.)

3 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

4 DAVIS: All right. Thank you, sir.

5 MR. GORDON STIMPSON: Yes, sir.

6 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

7 DAVIS: There may be one.

8 ATTORNEY DAVID CONNER: I -- I do have a
9 question. Are you -- are you planning to do a
10 subdivision of the property?

11 MR. GORDON STIMPSON: No, sir. I'm just -- I
12 was just saying I'm -- I'm not. I'm not doing a
13 subdivision. I'm trying to sell a lot so they can --
14 that's it. Sell one lot.

15 ATTORNEY DAVID CONNER: You just want to build
16 one single-family home on the lot?

17 MR. GORDON STIMPSON: Yes, sir. That's what I
18 intend to do.

19 ATTORNEY DAVID CONNER: Vince, I'm trying to
20 figure out why we need a re-zoning.

21 MR. VINCE JACKSON: The lot would be divided
22 into two (2) lots. It would be not a subdivision in the
23 large-scale sense of what people think. But it would be
24 a subdivision in the sense of one (1) lot being divided
25 into two (2). And their plan is to sell one of the lots
26 and build a dwelling on the other lot.

27 COMMISSION MEMBER KEVIN MURPHY: Vince,
28 according -- according to what we look at, that would be

1 a subdivision.

2 MR. VINCE JACKSON: Yes. That would be a
3 subdivision.

4 ATTORNEY DAVID CONNER: I want to make sure
5 we're clear about that. There will be a subdivision of
6 the property. And so in order to get two (2) lots in
7 this, the property needs to be re-zoned to RSF-2 to meet
8 lot size requirement.

9 MR. VINCE JACKSON: That's correct. There is
10 not sufficient area there to now to create two (2) lots;
11 therefore, they've requested RSF-2.

12 ATTORNEY DAVID CONNER: I wanted to make sure
13 the record is clear.

14 MR. VINCE JACKSON: Yes, sir.

15 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
16 DAVIS: Thank you, sir.

17 MR. VINCE JACKSON: Yes, sir.

18 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
19 DAVIS: There's one signed up in opposition. Jim Currie,
20 are you here?

21 (Mr. Jim Currie approached the podium.)

22 MR. JIM CURRIE: Thank you very much. My name
23 is Jim Currie. I'm here in the capacity as Treasurer and
24 Board Member of the Point Clear Property Owners
25 Association.

26 The association has been in existence since the
27 early '90s, when zoning was brought to our county. And
28 representing the majority of people in District 26, as a

1 general rule, our association takes a contrary stance to
2 any zoning which increases density within District 26.
3 We don't always win that case, but that is kind of our
4 mantra, is to keep the zoning as it was established in
5 the late and early '90s. And in this particular case, we
6 feel it's the same situation.

7 I'm also here in the capacity as my -- personally,
8 as wife and I reside at 18441 Scenic Highway 98, which is
9 three (3) lots north of this particular property. It is
10 zoned RSF-1, as is the lot -- the other two (2) lots
11 between us and this particular property.

12 We feel, personally and as an association, that
13 in -- maybe the reason for the request for the zoning of
14 the two (2) lots doesn't meet a standard that should be
15 required for a higher-density change in zoning; that is,
16 I want to sell a lot so I can defray the cost of building
17 my personal residence.

18 The lot was purchased in January of 2018. And it
19 seems like that should have been planned at that time.
20 And it almost implies to us sometimes that it's assumed
21 that the County will approve a higher-density zoning.
22 You just have to ask for it.

23 We would appreciate y'all's consideration in
24 declining the request. Thank you.

25 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

26 DAVIS: Hang on just a second.

27 Any questions for Mr. Currie?

28 COMMISSION MEMBER ARTHUR OKEN: One point, sir.

1 Sir, are you aware that the adjacent properties -- the
2 properties immediately adjacent to this property are
3 zoned RSF-2? That was the --

4 MR. JIM CURRIE: I am. I am very much aware of
5 that. If you'd like to put the map back up, we can talk
6 about that.

7 The triangular property is owned by George Roberds,
8 who lives in a house across Battles Lane from that
9 particular lot. It is not developed at this time. I
10 don't know whether that was re-zoned at some point or
11 whether it was that size lot when zoning came into being.

12 There is also an RSF-2 adjacent to that triangular
13 lot, just to the west. I don't know when that particular
14 property was re-zoned. The property, with the exception
15 of one (1) house across Battles Lane, are RSF-1. There
16 is one (1) RSF-2.

17 When you get to Battles Lane, you hit the bay and
18 take a right where the road used to be, the house on the
19 corner is a 1. The house adjacent to that is a 1. You
20 have a smaller lot there that is a 2. You go to the next
21 lot, and it's a 1. And then go to the next particular
22 area where I reside, the first four (4) -- the first lot
23 is 2, because -- Excuse me -- it's part of -- it's part
24 of a subsequent sale that -- that took place. I can't
25 tell you whether it was before or after '95, '93.

26 But so we're just -- we're just trying to maintain
27 some control of the density in the area where we can,
28 because there's a lot of density taking place where we

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1 can't. And that's -- that's our desire, just to maintain
2 that -- that -- that type of neighborhood there.

3 COMMISSION MEMBER ARTHUR OKEN: Thank you, sir.

4 MR. JIM CURRIE: Thank you. Any other
5 questions?

6 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

7 DAVIS: Any other questions for Mr. Currie?

8 COMMISSION MEMBER BRANDON BIAS: I have a -- I
9 have a question, a point of clarification, in your letter
10 of opposition, you mention a master plan for Battles
11 Wharf. Has a plan been created or endorsed by the County
12 Commission or Planning Commission or any official body?

13 MR. JIM CURRIE: I -- I -- I do not know. I do
14 know there's some history to that area. That -- that
15 particular letter was drafted by another board member and
16 signed by our president. And I -- I haven't really
17 looked that closely at it.

18 There is a historic district in there. And the lots
19 that are established have been there for a very long
20 period of time. So the changes where there's a little
21 higher density of zoning were subsequent to maybe that
22 plan. It was -- it was kind of a grid that went down the
23 bay there.

24 ATTORNEY DAVID CONNER: Just -- just for the
25 record so we're clear, the County does have a
26 comprehensive plan. The comprehensive plan does show the
27 current and future land use maps for this area. I
28 believe in this area it shows residential use, while it

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1 might not describe exactly which district it would be.

2 But, also, in the last zoning request -- just so
3 we're all clear -- that -- that came before the Planning
4 Commission and the -- and the County Commission, we
5 discovered many -- if I'm not mistaken, Vince. Correct
6 me -- many of the lots that are zoned RSF-1 don't
7 actually meet RSF-1 zoning, and they never have.

8 MR. VINCE JACKSON: Correct.

9 ATTORNEY DAVID CONNER: The RSF-2 zoning, if we
10 were looking at whole area today, would probably be more
11 predominantly used down there than it is.

12 MR. VINCE JACKSON: Correct.

13 ATTORNEY DAVID CONNER: And so I just want to
14 make sure we're clear about that, because that's
15 something that's come up at different times.

16 MR. JIM CURRIE: You know, that's kind of a
17 poor reason to change zoning.

18 ATTORNEY DAVID CONNER: Well, no, not
19 necessarily. I just -- I just put that out there, that
20 when we actually look at what the zoning classifications
21 are down there, there are very few of those lots or many
22 of those lots that are zoned RSF-1 don't actually meet
23 RSF-1 requirements. As a matter of fact, they're
24 smaller. Some of them would be a lot smaller than the
25 two (2) resulting lots, if this was approved.

26 I just point that out, not to say one way or other.
27 It's a discretionary decision between the Planning
28 Commission and the Commission. But I just -- for

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1 historical purposes and for this issue that comes up
2 periodically, I just want to make sure the Planning
3 Commission is clear about what the decision is before
4 them and the impact.

5 MR. JIM CURRIE: Okay. Thank you.

6 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

7 DAVIS: All right. Thank you.

8 Mr. Stimpson, you got anything to add?

9 MR. GORDON STIMPSON: No, sir.

10 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

11 DAVIS: We'll close the public hearing at this point. As
12 staff said, this would be a recommendation to the County
13 Commission either way. Staff has recommended a
14 recommendation of approval. Is there a motion to do so?

15 COMMISSION MEMBER BRANDON BIAS: Mr. Chairman,
16 I make a motion we recommend approval of this case to the
17 County Commission.

18 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

19 DAVIS: Okay. There is a motion to recommend approval.
20 Is there a second?

21 COMMISSION MEMBER ARTHUR OKEN: Second,
22 Mr. Chairman.

23 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

24 DAVIS: Okay. There is a second. All in favor, say aye.

25 (Commission Members say "aye" in unison.)

26 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

27 DAVIS: All opposed?

28 (No response.)

1 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

2 DAVIS: It carries unanimously to recommend approval.

3 MR. VINCE JACKSON: Thank you.

4

5 **8-B - CASE Z-19016, FOUNTAIN 38 LLC PROPERTY**

6 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

7 DAVIS: Okay. The next case is Z-19016. Can we have a
8 staff report?

9 MS. LINDA LEE: Good evening, Commissioners.

10 The subject property, which consists of approximately
11 twenty-two-point-eight (22.8) acres, is currently zoned
12 RSF-1, Single-Family District.

13 The designation of RSF-4, Single-Family District,
14 has been requested for purpose of establishing a
15 residential subdivision with a density of
16 three-point-five (3.5) lots per acre and a total of
17 seventy-eight (78) lots.

18 The subject property is located on the north side of
19 U.S. Highway 98, west of Breman Road in Planning District
20 22. On your map -- on your screen is the locator map
21 showing the subject property and the surrounding adjacent
22 zoning of the property surrounding the property.

23 This is an area locator map that's showing a multi
24 view of the area. And as you can see, the majority of
25 this property is Rural Agricultural. And there is some
26 Residential Single-Family 1, but there is also some
27 Commercial zoning. And to the east of County Road 95,
28 you see some RSF-4.

1 This is the site map of the subject property. And
2 this is the map of the proposed layout. It's a
3 preliminary map. It's not the final plat. This is what
4 they're proposing to do.

5 And as you can see on here, the majority of the lots
6 are approximately seventy-eight (7,800), seventy-nine
7 hundred (7,900) square feet. These are pictures of the
8 subject property and adjacent properties.

9 The Baldwin County Master Plan provides a future
10 land use destination of Residential for subject property.
11 The subject property was originally RA, Rural
12 Agricultural District.

13 The owners requested an automatic re-zoning to RSF-1
14 to allow for the single-family subdivision containing
15 seven (7) two (2) acres lots. The prospective buyers
16 would like to develop the land with a residential
17 subdivision.

18 The applicant is proposing to access the subdivision
19 from Breman Road. Access to this site would require
20 approval from the Baldwin County Highway Department.

21 Seventy-eight (78) lots with approximately ten (10)
22 trips per day would conceivably affect traffic patterns
23 or congestion. Per the Subdivision Manager, the proposed
24 number of lots would require a traffic study. The
25 traffic study will address any needed improvements to
26 Breman or the intersection at 98.

27 You have received two letters in opposition in your
28 staff report and one letter tonight that doesn't really

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1 say if he's for or against it, he's just explaining what
2 the property was previously used for.

3 Staff feels that although the requested zoning
4 designation is residential, the transition from large
5 rural and residential parcels to the smaller lots sizes
6 should be more gradual; thereof, staff is recommending
7 denial of the zoning request. And I will answer any
8 questions you may have for me.

9 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

10 DAVIS: Any question the for Linda on this?

11 (No response.)

12 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

13 DAVIS: The subdivision that's already there plus the lot
14 that's being asked for now, was that the same owner?

15 MS. LINDA LEE: You're asking me if it's the
16 same owner that subdivided it into those seven (7) lots
17 into one (1) is the same as now?

18 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

19 DAVIS: Yes.

20 MS. LINDA LEE: I'm not certain. Ms. Franz can
21 answer that question for you.

22 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

23 DAVIS: Any other questions for Linda?

24 (No response.)

25 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

26 DAVIS: Okay. Thank you, Linda.

27 MS. LINDA LEE: You're welcome.

28 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

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1 DAVIS: Okay. Ms. Franz, are you representing the owner?

2 MS. LYDIA FRANZ: Yes, I am.

3 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

4 DAVIS: Come up to the mic.

5 (Ms. Lydia Franz approached the podium.)

6 MS. LYDIA FRANZ: Can you hear me?

7 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

8 DAVIS: Yes.

9 MS. LYDIA FRANZ: All right. My name is Lydia
10 Franz. I represent the owner and the potential purchaser
11 of the property. It is the same owner that subdivided
12 the seven (7) lots at this time, although it is under
13 contract to a -- a new purchaser.

14 I'd like to note there was a sixty (60) foot access
15 kept out on the seven (7) lots that front Breman Road for
16 the purpose of access points and future subdivision of
17 the main parcel that's just under twenty-three (23)
18 acres, twenty-two-point-eight-five (22.85).

19 And, whereas, a gradual growth in density would be
20 ideal, availability of property, environmental issues,
21 road frontage, and development costs don't always make
22 that possible.

23 All that will require a traffic study. We've
24 already gotten a quote for that and a full scope of work.
25 ALDOT actually requires a traffic -- a full traffic study
26 for any subdivisions that are going to have more than
27 fifty (50) lots and are considered to generate more one
28 hundred (100) trips at peak hours.

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1 And I think that's actually a benefit, because it
2 will have full engineering and professional analysis of
3 the access points, where anything under fifty (50) lots
4 would not require that.

5 So to have more uniform and professional growth, I
6 don't know that having more lots is necessarily negative.
7 It could be a positive.

8 The purpose of this is to develop stick-built,
9 workforce affordable housing, which is definitely a need
10 in the area. And other than the traffic concerns, we
11 certainly meet all of the requirements.

12 There is no special privilege granted that haven't
13 been granted to other property owners in the area. There
14 has been a change in conditions since the original
15 subdivision of the property, because now public sewer is
16 available the north side of the road.

17 And so when public sewer is available, you can do
18 smaller lots, because you don't have to have septic
19 tanks. It also make it more cost effective and better
20 for overall public health and safety.

21 Other than that, I can't think of anything else to
22 add at the moment.

23 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

24 DAVIS: Do you understand that the property owners -- do
25 you understand their concerns?

26 MS. LYDIA FRANZ: I do.

27 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

28 DAVIS: And how do you think this development will affect

1 their property values?

2 MS. LYDIA FRANZ: I don't think it'll have any
3 affect on their property values, first off because no
4 appraiser would ever use a subdivision property lot or
5 home as a comp for a custom-built home on two (2) four
6 (4) acre lots. So there would not be impact.

7 If we were to, say, do thirty (30) mobile homes on
8 the property, as it's zoned to do now, I think that would
9 have much more of a negative impact.

10 But short of getting RS-4 -- RSF-4 zoning and being
11 RSF-1, due to lack of road frontage, the shape of the
12 property, the cost to develop, that would be the only
13 other way to develop it, really.

14 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
15 DAVIS: Any other questions for Ms. Franz.

16 COMMISSION MEMBER KEVIN MURPHY: It looks like
17 it's proposed to have an entrance off 98 and Breman Road.

18 MS. LYDIA FRANZ: Currently we were looking at
19 doing it off of Breman Road. However, ALDOT will, you
20 know, require the traffic study. And if it's more
21 beneficial to have two entrances, we can certainly go
22 that route.

23 That will be subject to subdivision approval,
24 traffic impact study requirements and recommendations,
25 and coming back through for final site plan approval.

26 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
27 DAVIS: Any other questions for Ms. Franz?

28 (No response.)

1 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

2 DAVIS: Okay. There's two other people signed up in
3 support, Jennifer Achee and then a signature I can't
4 read. Would either of you two like to address the
5 Commission?

6 MR. JON GIFFORD: I'm Jon Gifford. I'm -- I'm
7 the one you probably can't read the signature of. I
8 apologize for that.

9 THE COURT REPORTER: Can you spell it for me,
10 please?

11 MR. JON GIFFORD: Yes. J-O-N, Gifford,
12 G-I-F-F-O-R-D. And we're -- we're the property -- we're
13 have the property under contract now and are working to
14 get this -- work toward the development for this area.

15 Originally, we come in here looking to do an RV park
16 and actually filed for that. And as we started working
17 with some of our contractors, they looked at it and
18 talked to some of the folks we work with like Adams Homes
19 and DR Horton, who have expressed interest in this area.

20 We do see a need in the market due to, you know,
21 the -- the average income in the area. Not everybody can
22 afford to have a two (2), three (3), four (4) acre estate
23 and build a home on it.

24 There are a lot of people that need to -- that are
25 service people in the area that are servicing the Owa and
26 other developments that are going on that need affordable
27 housing.

28 And -- and we'd like to be able to address that for

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1 them and bring, you know, very good, quality homes.

2 These are, you know, on smaller lots, more affordable,
3 you know, for those folks.

4 But these are going to be high-quality products that
5 we put on the street and -- and make available to those
6 folks that need good housing to live in. And -- and
7 that's, you know, kind of where we're at and where we're
8 doing with this. And we appreciate your working with us
9 on that.

10 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

11 DAVIS: Any questions for this gentleman?

12 (No response.)

13 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

14 DAVIS: Okay. Thank you, sir.

15 MR. JON GIFFORD: Yes, sir.

16 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

17 DAVIS: Jennifer Achee, are you here?

18 MS. JENNIFER ACHEE: Yes.

19 (Ms. Jennifer Achee approached the podium.)

20 MS. JENNIFER ACHEE: I was just going to make a
21 couple of clarifications. I'm actually a managing member
22 of the Fountain 38, LLC.

23 And one of the oppositions was saying that after
24 closing, I had misled them on the -- the twenty-two (22)
25 acres, which he -- he had gotten kind of cloudy on when
26 I -- after closing -- A boat dealership had asked to --
27 to purchase that property, the twenty-two (22).

28 And so after closing, I talked to Mr. Stachowski

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1 about that. And he was completely opposed to it. And at
2 that time, I said, fine. We won't sell it to the boat
3 dealership. And that's what he's referring as me not
4 being upfront with who wanted to buy the property.

5 The -- the new people that have it under contract is
6 a completely different situation than Mr. Stachowski is
7 referring to. So that was it.

8 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

9 DAVIS: All right. Thank you.

10 Any questions for Ms. Achee? Before you leave.

11 (No response.)

12 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

13 DAVIS: Okay. Thank you.

14 There's been many letters of opposition. You've all
15 read those. There is only one person signed up to speak
16 against this.

17 Bruce Austin, are you here?

18 (Mr. Bruce Austin indicating.)

19 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

20 DAVIS: Would you like to come up to the podium?

21 (Mr. Bruce Austin approached the podium.)

22 MR. BRUCE AUSTIN: Thank you very much. You --
23 you have my letter, and you've read it, so I won't go
24 over that.

25 But I would like to address three quick points in
26 the rebuttal of the applicant's response. The applicant
27 states that the change is consistent with the current
28 development patterns in the county. So existing

1 development patterns as identified in 19 --

2 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

3 DAVIS: We're having a little trouble hearing you. If
4 you'd maybe speak a little more directly into the mic and
5 maybe a little louder.

6 MR. BRUCE AUSTIN: Thank you. The existing
7 development patterns, as identified in 19.6(a), is zoning
8 criteria of nearby properties, not the county as a whole.

9 I'd like to submit the following map, if I will, of
10 the general area of the property. If you'll note within
11 a three (3) mile radius, there are only four (4)
12 subdivisions with an RSF-1 designation, and four (4)
13 subdivisions with an RSF-E, Estate, designations.

14 The current patterns suggest lots in excess of
15 thirty thousand (30,000), including those built on Rural
16 zoning designation.

17 The second point I'd like to make is that the
18 applicant indicates that larger lots are not cost
19 effective to meet current demands and uses household
20 income as the metric for that.

21 The metric is more relevant in the industry as the
22 results of the metric, how many lots sell over a
23 particular period of time. In the past nine (9) months,
24 ten (10) lots have sold on Breman Road alone. These lots
25 are in excess or equal to two (2) to three (3) acres.
26 This absorption rate alone suggests that the demand is
27 high for those size lots.

28 What's overlooked is the only metric that the

1 applicant uses is -- is household income. The problem
2 with this metric is that assumes that only people within
3 the county are buying these lots.

4 As indicated from the ten (10) lots that sold, more
5 than four (4) of those people are outside the county. So
6 that metric would seem to be invalid at that point.

7 The other point that I'd like to make is that the
8 applicant suggests that my home is over built given the
9 average income and demand. Well, we've already addressed
10 the demand issue with the absorption rate.

11 So what I'd like to say is what should be considered
12 is the value of the house, and the value of the houses on
13 similar properties, not just those that have sold as use
14 ap recommendation.

15 And what use ap does is tells the appraiser what he
16 can and cannot use in his appraisals. And while he
17 can -- I disagree with the applicant. He can use a house
18 in this proposed subdivision as long as it is within the
19 jurisdiction of that lot that is sold, within a one (1)
20 to two (2) mile radius, and also that it is comparable.

21 And if it is not comparable, he has the opportunity
22 to make adjustments to make it comparable. Therefore, he
23 can use these houses in his appraisal evaluation.

24 The last point I'd like to make is that I've got
25 another map that I'd like to share with you of six (6)
26 houses within this three (3) mile radius of houses that
27 are on estate lots that are very comparable to my house
28 and actually comparable in style and exceed the square

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1 footage of my house.

2 So I think you will see from the empirical data that
3 I've provided, there is a need and a definitive need, a
4 definitive demand for houses of lot sizes even greater
5 than the minimum square foot of thirty thousand (30,000)
6 designated by that.

7 The applicant has not establish a definitive need
8 for shrinking the lot sizes. Thank you very much.

9 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

10 DAVIS: Okay. Hang on just a second.

11 Any questions for Mr. Austin?

12 (No response.)

13 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

14 DAVIS: Okay. Thank you, sir.

15 All right. Staff have anything to add?

16 MS. LINDA LEE: No, sir.

17 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

18 DAVIS: All right. We'll close the public hearing --

19 Well, let me ask, are there any questions for staff?

20 (No response.)

21 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

22 DAVIS: Okay. Thank you. We'll close the public hearing
23 at this point. Staff has recommended denial. Is there a
24 motion to -- This will be a recommendation to County
25 Commission. Is there a motion to that effect?

26 COMMISSION MEMBER ARTHUR OKEN: So moved,

27 Mr. Chairman.

28 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

1 DAVIS: Okay. There is a motion to recommend denial to
2 the County Commission. Is there a second?

3 COMMISSION MEMBER BRANDON BIAS: Second.

4 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

5 DAVIS: There is a second. All in favor, say aye.

6 (Commission Members say "aye" in unison.)

7 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

8 DAVIS: All opposed?

9 (No response.)

10 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

11 DAVIS: The motion is unanimous to recommend denial.

12

13 **8-C - CASE Z-19017, CHILDRESS PROPERTY**

14 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

15 DAVIS: Okay. The next case is Z-19017, Childress
16 property. Can we have a staff report?

17 MS. CELENA BOYKIN: This is request to re-zone
18 five-point-four (5.4) -- five-point-four (5.4) acres from
19 Rural Agricultural to B-4, Major Commercial.

20 The applicant is asking for B-4 to allow boat and RV
21 storage on the subject property. The property is located
22 on the west side of Highway 59, just south of
23 Childress -- Childress Drive in Planning District 12.

24 As you can see from the zoning map, the subject
25 property, there is an adjacent B-4 to the south. A lot
26 of this area is zoned Commercial. There are a few
27 parcels that are zoned Industrial.

28 To the north and west of the subject property, that

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1 parcel is in the city limits of Robertsdale. And it has
2 their water tower and like a utility barn on there.

3 Here's the aerial. Here's some pictures of the
4 surrounding property. You can see it's mostly
5 commercial. Staff has recommended approval of this
6 zoning and see no issues with this request.

7 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

8 DAVIS: Okay. Any questions?

9 (No response.)

10 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

11 DAVIS: Okay. Thank you.

12 MS. CELENA BOYKIN: Thank you.

13 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

14 DAVIS: We'll open the public hearing at this point.
15 There is no one signed up in opposition. Jill Floyd is
16 representing the owner.

17 Jill, do you have anything you'd like to say to the
18 Commission?

19 MS. JILL FLOYD: Not at this time.

20 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

21 DAVIS: Any questions for Ms. Floyd from the Commission?

22 (No response.)

23 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

24 DAVIS: Okay. We'll close the public hearing at this
25 point. Staff has recommended approval. This will be a
26 recommendation to the County Commission. Is there a
27 motion to do so?

28 COMMISSION MEMBER BRANDON BIAS: Mr. Chairman,

1 I make a recommendation that we --

2 COMMISSION MEMBER KEVIN MURPHY: And I second.

3 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

4 DAVIS: Okay. There is a motion to recommend approval
5 and a second. All in favor, say aye.

6 (Commission Members say "aye" in unison.)

7 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

8 DAVIS: All opposed?

9 (No response.)

10 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

11 DAVIS: Carries unanimously.

12

13 **8-D - CASE Z-19019, BREEDIN PROPERTY**

14 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

15 DAVIS: Okay. The next case is Z-19019, Breedin
16 property.

17 MS. CELENA BOYKIN: The next request is to
18 re-zone four-point-three (4.3) acres. It's currently
19 zoned B-2. The applicant asking that it be re-zoned B-3
20 to allow for an animal clinic with kennels and boarding.

21 The subject property is located on the east side of
22 181, just north of Milton Jones Road in Planning District
23 15. You can see the property to the north is zoned B-2,
24 to the east and south is RSF-E, and to the west -- in
25 the -- to the west, the property is located in the City
26 of Daphne.

27 And I did check the City of Daphne's zoning map, and
28 it has their B-3 zoning on it. And then there's other

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1 parcels around there that's zoned Commercial. We've
2 numerous re-zonings to Commercial and Industrial along
3 181 in this area.

4 Here's some pictures of the surrounding property.
5 And staff has recommended approval of this request.

6 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

7 DAVIS: Any questions for staff on this?

8 (No response.)

9 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

10 DAVIS: Okay. Thank you, Celena.

11 MS. CELENA BOYKIN: Thank you.

12 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

13 DAVIS: There's no one signed up for or against. We'll
14 open the public hearing at this point. Staff has -- Is
15 there anyone here that would like to address the
16 Commission on this peculiar project that failed to sign?

17 (No response.)

18 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

19 DAVIS: Okay. Thank you. We'll close the public hearing
20 at this point. Staff has recommended approval. Is there
21 a motion to do so? This will be another recommendation
22 to the County Commission.

23 COMMISSION MEMBER KEVIN MURPHY: I make a
24 motion to recommend approval to the County Commission.

25 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

26 DAVIS: Okay. There is motion made to recommend
27 approval. Is there a second?

28 COMMISSION MEMBER ARTHUR OKEN: Second,

1 Mr. Chairman.

2 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

3 DAVIS: All those in favor, say aye.

4 (Commission Members say "aye" in unison.)

5 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

6 DAVIS: All opposed?

7 (No response.)

8 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

9 DAVIS: Carries unanimously.

10

11 **8-E - CASE Z-19020, MORGANTOWN DEVELOPMENT CO., INC., PROPERTY**

12 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

13 DAVIS: Okay. The next one is Case Z-19020, Morgantown
14 Development.

15 MR. VINCE JACKSON: Mr. Chairman, that case has
16 been tabled. It will not be heard tonight.

17 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

18 DAVIS: All right. Thank you.

19

20 **9 - PUBLIC COMMENT**

21 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

22 DAVIS: Any public comment?

23 MR. VINCE JACKSON: None that I'm aware of.

24

25 **10 - OLD BUSINESS**

26 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

27 DAVIS: Any old business?

28 MR. VINCE JACKSON: No old business.

11 - NEW BUSINESS

PLANNING AND ZONING COMMISSION CHAIRMAN SAM

DAVIS: Any new business?

MR. VINCE JACKSON: No new business.

12 - REPORTS AND ANNOUNCEMENTS**12-A STAFF REPORTS**

PLANNING AND ZONING COMMISSION CHAIRMAN SAM

DAVIS: Staff reports?

MR. VINCE JACKSON: No staff report.

12-B - LEGAL COUNSEL REPORT

PLANNING AND ZONING COMMISSION CHAIRMAN SAM

DAVIS: Legal counsel report?

ATTORNEY DAVID CONNER: No reports.

12-C - NEXT REGULAR MEETING: JUNE 5, 2019

PLANNING AND ZONING COMMISSION CHAIRMAN SAM

DAVIS: The next regular meeting is June 6th.

13 - ADJOURNMENT

PLANNING AND ZONING COMMISSION CHAIRMAN SAM

DAVIS: And we stand adjourned.

MR. VINCE JACKSON: Thank you.

(The Baldwin County Planning and Zoning Regular Meeting was
adjourned at 6:55 p.m.)

C E R T I F I C A T E

STATE OF ALABAMA)

BALDWIN COUNTY)

I hereby certify that the above and foregoing transcript was taken down by me in stenotype and the proceedings were transcribed by means of computer-aided transcription, and that the foregoing represents a true and correct transcript of the meeting given by said parties upon said meeting.

I further certify that I am neither of counsel nor of kin to the parties, nor am I in anywise interested in the result of said proceedings.



SUSAN C. ANDREWS,
Certified Court Reporter,
Certification No. 287

C E R T I F I C A T E

1
2
3 I, Sam Davis, Jr., Chairman of the Baldwin
4 County Planning and Zoning Commission, do hereby certify
5 that the foregoing transcript of the minutes of the
6 May 2, 2019, Monthly Meeting are a true and correct
7 transcription of the minutes as prepared by Susan C.
8 Andrews, Alabama Certified Court Reporter, License No.
9 287.

10 I, Sam Davis, Jr., do hereby affix my signature
11 on this, the 6 day of June, 2019.

12
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14 
15 Sam Davis, Jr., Chairman,
16 Baldwin County Planning and
17 Zoning Commission
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BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 05/02/2019

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<p>1</p>	<p>3</p>	<p>7 [9] - 3:8, 3:9, 3:10, 3:11, 7:15, 32:15, 33:16, 34:12, 34:15 7,800 [1] - 32:6 7,900 [1] - 32:7 7-A [2] - 3:11, 7:17 7-B [2] - 3:13, 12:13 7-C [2] - 3:15, 15:24 78 [2] - 31:17, 32:21</p>	<p>8</p>	<p>AND [153] - 1:3, 2:3, 2:9, 2:19, 5:4, 5:8, 5:9, 5:20, 5:24, 5:27, 6:19, 6:23, 6:28, 7:3, 7:6, 7:10, 7:15, 7:18, 8:17, 9:3, 9:13, 11:2, 11:5, 11:12, 11:16, 11:19, 11:23, 12:1, 12:4, 12:7, 12:10, 12:15, 13:5, 13:8, 13:15, 13:18, 13:22, 13:26, 14:2, 14:7, 14:13, 14:20, 14:23, 14:26, 15:1, 15:4, 15:10, 15:15, 15:18, 15:21, 15:26, 16:28, 17:3, 17:27, 18:4, 18:7, 18:14, 18:18, 18:24, 19:2, 19:5, 19:19, 19:25, 19:28, 20:3, 20:12, 20:15, 20:23, 20:26, 20:28, 21:7, 21:11, 21:14, 21:17, 21:20, 21:23, 23:1, 23:4, 23:7, 23:11, 23:16, 23:22, 23:25, 23:28, 24:3, 24:6, 25:15, 25:18, 26:25, 28:6, 30:6, 30:10, 30:18, 30:23, 30:26, 31:1, 31:6, 33:9, 33:12, 33:18, 33:22, 33:25, 33:28, 34:3, 34:7, 35:23, 35:27, 36:14, 36:26, 37:1, 38:10, 38:13, 38:16, 39:8, 39:12, 39:19, 40:2, 42:9, 42:13, 42:17, 42:21, 42:28, 43:4, 43:7, 43:10, 43:14, 44:7, 44:10, 44:13, 44:20, 44:23, 45:3, 45:7, 45:10, 45:14, 46:6, 46:9, 46:12, 46:18, 46:25, 47:2, 47:5, 47:8, 47:12, 47:17, 47:21, 47:26, 48:2, 48:6, 48:9, 48:14, 48:19, 48:23 ANDREWS [1] - 49:24 Andrews [2] - 1:15, 50:8 animal [1] - 45:20 Annex [1] - 1:13 ANNOUNCEMENTS [1] - 48:6 Announcements..... [1] - 4:5 ANNOUNCEMENTS/</p>
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NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-19020

RV City

Final Site Plan Approval

- All individuals wishing to address the Planning Commission MUST fill out a speaking request form.
- No person may address the Planning Commission without first obtaining recognition from the Chair and will be allowed up **to three (3) minutes**. Any speaker who indicated that he (she) is speaking also for (in place of) others present may be granted additional time, at the Chair's discretion.
- **When four (4) or more persons have registered to speak, the Chair may encourage the speakers to appoint a spokesperson, who will then be given up to ten (10) minutes to speak.**
- Speakers shall be required to speak from the podium equipped with a microphone and will be expected to state their name and address for the record at the onset of their presentation.
- Speakers shall confine comments or questions solely to matters that pertain to the particular case and shall observe time limits.
- Profane, insulting or threatening language or gestures, or disruptive behavior of any kind shall not be tolerated. If such unacceptable behavior is engaged, the speaker may be asked by the Chair to cease and desist and/or may be directed to depart the meeting.

I would like to address the Planning Commission on the following:

S-19020 RV City, Final Site Plan Approval

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

Larry Smith

Name (Print Clearly)

Date 5/2/19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-19021

Re-sub Lot 1, Global Signal Acquisition Subdivision

Development Permit Approval

- All individuals wishing to address the Planning Commission MUST fill out a speaking request form.
- No person may address the Planning Commission without first obtaining recognition from the Chair and will be allowed up ***to three (3) minutes***. Any speaker who indicated that he (she) is speaking also for (in place of) others present may be granted additional time, at the Chair's discretion.
- ***When four (4) or more persons have registered to speak, the Chair may encourage the speakers to appoint a spokesperson, who will then be given up to ten (10) minutes to speak.***
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- Profane, insulting or threatening language or gestures, or disruptive behavior of any kind shall not be tolerated. If such unacceptable behavior is engaged, the speaker may be asked by the Chair to cease and desist and/or may be directed to depart the meeting.

I would like to address the Planning Commission on the following:

S-19021 Re-sub Lot 1, Global Signal Acquisition Subdivision

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

Dean Skipper

Name (Print Clearly)

Date _____

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-19021

Re-sub Lot 1, Global Signal Acquisition Subdivision

Development Permit Approval

- All individuals wishing to address the Planning Commission MUST fill out a speaking request form.
- No person may address the Planning Commission without first obtaining recognition from the Chair and will be allowed up ***to three (3) minutes***. Any speaker who indicated that he (she) is speaking also for (in place of) others present may be granted additional time, at the Chair's discretion.
- ***When four (4) or more persons have registered to speak, the Chair may encourage the speakers to appoint a spokesperson, who will then be given up to ten (10) minutes to speak.***
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- Profane, insulting or threatening language or gestures, or disruptive behavior of any kind shall not be tolerated. If such unacceptable behavior is engaged, the speaker may be asked by the Chair to cease and desist and/or may be directed to depart the meeting.

I would like to address the Planning Commission on the following:

S-19021 Re-sub Lot 1, Global Signal Acquisition Subdivision

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

Walter Ship

Name (Print Clearly)

Date 5-2-19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-19025

Springsteen Subdivision, Phase 2

Variance Request Approval

- All individuals wishing to address the Planning Commission MUST fill out a speaking request form.
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I would like to address the Planning Commission on the following:

S-19025, Springsteen Subdivision Variance Request Approval

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

Amanda Weygand

Name (Print Clearly)

Date 2 May 2019

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-19025

Springsteen Subdivision, Phase 2

Variance Request Approval

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S-19025, Springsteen Subdivision Variance Request Approval

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

NEURO Fuenmayor

Name (Print Clearly)

Date 05-02-19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19015

Stimpson Property

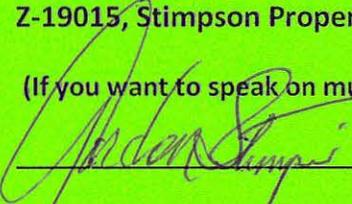
Re-zone RSF-1 to RSF-2

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I would like to address the Planning Commission on the following:

Z-19015, Stimpson Property

(If you want to speak on multiple items, you must fill out a separate registration form for each.)



Name (Print Clearly)

Date 5-2-19

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19016

Fountain 38 LLC Property

Re-zone RSF-1 to RSF-4

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I would like to address the Planning Commission on the following:

Z-19016, Fountain 38 LLC Property

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

Bruce Austin

Name (Print Clearly)

Date 5/2/19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19016

Fountain 38 LLC Property

Re-zone RSF-1 to RSF-4

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Z-19016, Fountain 38 LLC Property

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

Name (Print Clearly)

Date 5/2/2019

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19016

Fountain 38 LLC Property

Re-zone RSF-1 to RSF-4

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I would like to address the Planning Commission on the following:

Z-19016, Fountain 38 LLC Property

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

Jennifer Achee

Name (Print Clearly)

Date 4-2-2019

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19016

Fountain 38 LLC Property

Re-zone RSF-1 to RSF-4

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I would like to address the Planning Commission on the following:

Z-19016, Fountain 38 LLC Property

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

LYDIA FRAUZ

Name (Print Clearly)

Date 5/2/19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19017

Childress Property

Re-zone RA to B-4

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I would like to address the Planning Commission on the following:

Z-19017, Childress Property

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

Jill Floyd

Name (Print Clearly)

Date 5/2/19

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19015

Stimpson Property

Re-zone RSF-1 to RSF-2

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I would like to address the Planning Commission on the following:

Z-19015, Stimpson Property

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

JIM CURRIE

Name (Print Clearly)

Date 05.02.19