

1 (A recess was taken at 8:20 p.m.)

2 (The Baldwin County Planning and Zoning Meeting resumed at
3 8:30 p.m.)

4
5 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

6 DAVIS: We'll call the meeting back to order, if
7 everybody will take their seats.

8
9 7-E - SHOENIGHT PROPERTY

10 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

11 DAVIS: Okay. Next case is Z-19023, Shoenight property.
12 Do have a staff report, Ms. Linda?

13 MS. LINDA LEE: Good evening. The subject
14 property, which consists of twenty-five (25) acres is
15 currently zoned RMF-6, Multi-Family District, and RA,
16 Rural Agricultural District. The designation of B-3,
17 General Business District, has been requested for
18 approximately four-point-five (4.5) acres of the subject
19 property for the purpose of establishing a storage
20 business for boats and recreational vehicles.

21 If this re-zoning request is approved, the applicant
22 would also need conditional use approval for the proposed
23 storage business.

24 The portion of the subject property requested to be
25 re-zoned is vacant. The property is on County Road 12 to
26 the north. The adjoining properties are vacant,
27 residential, churches, and golf course.

28 This portion of County Road 12 doesn't have any

1 commercially-zoned properties. Much of this area is in
2 the City of Foley.

3 Planning District 30 zoning map was adopted in
4 February 1995. Staff is unaware of any zoning changes in
5 the immediate area on County Road 12 South. There are
6 some commercially zoned on Brinks Willis Road to the
7 south.

8 The Baldwin County Master Plan provides a future
9 land use designation of residential for the subject
10 property. Approval of the re-zoning will result in an
11 amendment to the Future Land Use Map to commercial.

12 On your screen is your locator map showing the
13 subject property, the portion of it which they are
14 proposing to re-zone, and the zoning on the adjoining
15 properties.

16 This is the site map. And this is the site plan for
17 the proposed -- the area that is proposed to be re-zoned
18 and the proposed storage buildings that they're planning
19 to put on there in the future. I believe that in the
20 beginning, they're planning to have open air storage.

21 These are pictures of the subject property and the
22 adjacent properties. The traffic to and from the storage
23 business could have an impact on traffic patterns or
24 congestion. Access to this site would require approval
25 from Baldwin County Highway Department.

26 Although the Baldwin County Zoning Ordinance
27 requires a twenty-five-foot (25) buffer for commercial
28 properties adjacent to residential uses, it does not

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1 require a buffer for property within a municipality.

2 In your staff report is a letter if the City of
3 Foley's Community Development Director requesting a fence
4 buffer be provided around the proposed use. Also in your
5 staff report is a letter in opposition to the re-zoning
6 request.

7 I believe you have received several letters in favor
8 of the request and three letters in opposition since the
9 agenda package was mailed.

10 As there isn't any commercial zoning on County Road
11 12 in this area, staff recommends that Case Z-19023 be
12 recommended for denial. And I'll answer any questions
13 you may have for me.

14 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

15 DAVIS: Any questions for Linda at this point?

16 (No response.)

17 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

18 DAVIS: Thank you, Linda.

19 We'll open the public hearing at this point. Let me
20 ask. We do have multiple opposition on this. Did the
21 opposition pick a spokesperson?

22 AN AUDIENCE MEMBER: We did.

23 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

24 DAVIS: All right. Mr. Shoenight.

25 AN AUDIENCE MEMBER: There may be multiples,
26 sir.

27 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

28 DAVIS: I asked for one. And then once that person

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1 speaks --

2 AN AUDIENCE MEMBER: Sure, I'm sorry.

3 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

4 DAVIS: -- if they left anything out, we'll be glad to
5 hear any additional.

6 AN AUDIENCE MEMBER: Fair enough.

7 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

8 DAVIS: We just really don't wanna hear a repeat.

9 Mr. Shoenight, are you here?

10 MR. PAUL SHOENIGHT: Yes, sir.

11 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

12 DAVIS: Okay.

13 (Mr. Paul Shoenight approached the podium.)

14 MR. PAUL SHOENIGHT: I'd like to thank the
15 commission for allowing us on speak tonight. I'd like to
16 introduce my wife of twenty-six (26) years, Victoria; my
17 son, Paul the third; and my daughter, Michaela. And she
18 is my favorite.

19 Just a little bit about myself before I get started
20 here, I just want know -- let the committee know, you
21 know, kinda who I am. I grew up on the property that's
22 being proposed, been there all my life. I graduated from
23 the City of Foley High School, attended college in
24 Mobile, worked at Riviera Utilities since 1991, and I'm
25 currently a lead lineman for the electrical department
26 there.

27 I'm also the fire chief of Bon Secour Fire
28 Department. I've been a member for -- since '93.

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1 Outside of fire and motor vehicle accidents that we do
2 there, we also help assist schools in fire prevention.
3 And also in other occasions we meet with parents and
4 children to pass out smoke detectors for the ones that
5 need it.

6 We're also a part of organizing the department for
7 raising money for the muscular dystrophy, MDA. And
8 we've -- here today we have raised over fifteen thousand
9 dollars (\$15,000) for that.

10 I also coach boys baseball and currently girls
11 softball. I've been doing that for the City of Foley
12 Recreational Department for fourteen (14) years.

13 I feel like it's important to mention this because I
14 live in the community. I plan on being here. And I --
15 what I'm trying to do is something for my family, to pass
16 down to, but it's not -- I'm not a businessman that's out
17 of state that's trying to build a hole in the wall.

18 I just felt like that was important to the property.
19 A little history about it, my father purchased two
20 hundred (200) acres -- where we are now -- in the '60s.
21 We farmed into the early '80s. Throughout the years,
22 it's been sold off for various reasons.

23 I own twenty-five (25) acres of the original with
24 the house on it. We run a few cows on the property now
25 but mostly bush hog the rest.

26 My wife has -- my wife and I have talked several
27 years now about doing something on the property.
28 Because, honestly, right now, we're -- we're not making

1 any money on it or doing anything with it other than
2 spending fuel with bush hog and stuff trying to keep it
3 down.

4 Currently, we've had -- through the years, we've had
5 offers to purchase the property, because it is RMF-6
6 already. So we decided that the RV and boat storage
7 business is quiet and keeps to itself. And doing a small
8 portion will allow us to make a little money on the
9 property and not have to sell the family land that
10 we've -- we've had.

11 I know there is going to be some, you know, issues
12 about the traffic in and out on it. And I can understand
13 that. But it -- it's going to be far, far less than what
14 a subdivision or a multiple storage apartment complex
15 will do over there, which, the way I understand it, it is
16 zoned for right now.

17 Again, we're not gonna build a hole-in-the-wall
18 project. It's a family thing that we want to represent
19 us in the community. The storage would be very nice.
20 We'd have brick pillars in front with metal fencing in
21 between it and down the sides.

22 The office would depict -- the name we came up with
23 is gonna be Harbor Lighthouse RV and Boat Storage. The
24 office is gonna depict a light keeper's home with a
25 miniature, little lighthouse attached to it. It's --
26 it's a theme. Okay. Move on.

27 Okay. So with that being said, as far as being a
28 storage, trafficwise, it's not gonna be in and out

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1 everyday traffic. So let's just say, twenty customers
2 are in there now that will come every other week or few
3 months. You know, they'll come get what they're gonna
4 store there.

5 Okay. If it was a subdivision, just say one is by
6 me now. You've got multiple people live there now.
7 They're coming in and out every day eighty (80) to
8 hundred (100) cars.

9 So that's not gonna be the case here. Now, there
10 will be people coming in and out -- I got that -- but not
11 like what it could be, the way I understand it.

12 So get down to the -- to the meat of it all, I love
13 the place I grew up on. I'm the second generation
14 Shoenight living there. I learned how to hunt and fish
15 on this same property. My father taught me. I -- I
16 taught my son how to hunt on this property.

17 I would really like to pass this property down to
18 my -- my kids someday, so we need to do something with
19 the property. We can't keep bush hogging forever.

20 So we're kinda at a fork in the road, the way I see
21 it, gentlemen and ladies, that -- that we'd like to keep
22 the property. We've got to make it some money.

23 RV/boat storage is quiet. It keeps to itself. And
24 that's -- that's our thought on it. Because we certainly
25 don't want an RV park, not even entertaining that, um,
26 but, um --

27 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

28 DAVIS: Thank you, Mr. Shoenight. Let me ask you

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1 question.

2 MR. PAUL SHOENIGHT: Yes, sir.

3 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

4 DAVIS: If I'm understanding you correctly, what you're
5 wanting to do is put this boat and RV storage on there so
6 that you continue to live there for now on into the
7 foreseeable future. If you're not able to do that, your
8 intention is to sell the property. And it's already
9 zoned for multifamily?

10 MR. PAUL SHOENIGHT: Yes, sir. And I
11 researched more into that. And those apartment complexes
12 just built down on the Beach Express, I understand,
13 unless I'm wrong, can be built across, you know, there
14 now.

15 My goal is to not letting that happen nor another
16 subdivision come in there. If I can -- if we can get
17 this going, have the property make us some kind of money,
18 then we can, you know, keep -- continue to live there,
19 and I can pass it down to these kids and -- and, you
20 know, keep living there as well, you know, whatever I
21 wanna do with it. But that's -- that's the plan.

22 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

23 DAVIS: Thank you.

24 Any other questions for Mr. Shoenight?

25 (No response.)

26 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

27 DAVIS: Okay. Thank you, sir.

28 MR. PAUL SHOENIGHT: Thank you.

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1 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

2 DAVIS: Who's the rep for the folks that are -- they're
3 pointing at you.

4 MR. CHUCK MILAN: Well, are they.

5 THE COURT REPORTER: State your name, please.

6 MR. CHUCK MILAN: My name is Chuck Milan.

7 M-I-L-A-N. I came here to represent Meadow Run Estates.
8 The map's went away.

9 Our subdivision is right across the street from
10 Mr. Shoenight's proposed storage area. Seeing how we had
11 to consolidate our representation, I'm also here to speak
12 for Cottages On The Green, which is about a half a mile
13 down east on County Road 12.

14 Meadow Run Estates, we have -- we have eighty (80)
15 houses already built in that subdivision. We have one
16 that's being built right now. We have another one that's
17 about to go under contract. So we have the possibility
18 of eight-five (85) homes.

19 Cottages On The Green, they currently have
20 ninety-one (91) homes with residences, thirty-nine (39)
21 new homes are under construction, all but ten (10) of
22 those are under contract.

23 So our -- our concern is, like Mr. Shoenight said,
24 is the -- is the traffic. So if you'll see on your map
25 on Meadow Run Estates, we have one way in and a one way
26 out.

27 And his proposed entrance to his establishment is
28 just in -- just about inline, if not catty-corner, from

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1 our entrance. So if you have a forty (40) foot RV coming
2 in and they miss their turn into his establishment, then
3 they're -- more than likely they're gonna turn into our
4 subdivision.

5 And it's a pretty tight turn, some of those. It's
6 not made for RVs, and we have covenants to cover us on
7 not having that size of an RV in there. So that's just
8 gonna be a bottleneck or choke-hold on our subdivision.
9 That's a concern with us.

10 Also, to the west next in the green property
11 adjacent to Meadow Run Estates, it's Victory Life Church.
12 I'm not sure if there's any representation for them.
13 Okay, it's to the east then.

14 So that church right now has, to my understanding,
15 ninety (90) members, that they're about to turn that
16 property over to Anchor Point. And, to my understand,
17 Anchor Point has almost nine hundred (900) members.

18 So on a Wednesday evening, on a Sunday, we're --
19 we're about to really increase the traffic flow on County
20 Road 12, which also is broken up into four quarters. You
21 got a quarter mile that belongs to the County, a quarter
22 mile that belongs to the City, and another quarter mile
23 that belongs to the County, and then the final quarter
24 mile belongs to the City.

25 So the County's already came in and widened it,
26 repaved it. The City, itself, has done nothing to it. I
27 asked the City of Foley what their intentions are.
28 They've told me in the year two -- this was last year --

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1 in 2019, they have a plan to improve. We've just entered
2 into the sixth month of 2019, and I've - I've seen
3 nothing. So that that's on the traffic point.

4 There's no -- it's only two lane right there between
5 Mr. Shoenight's property and Meadow Run Estates. There's
6 no suicide lane, no turn lane so that someone could
7 possibly go around. I think on his vague drawing of his
8 entrance it was thirty-six-feet (36-feet) --

9 AN AUDIENCE MEMBER: Thirty-six (36). Yes,
10 sir.

11 MR. CHUCK MILAN: -- thirty-six (36-feet) from
12 the highway to the gate to the entrance. So if you have
13 a thirty (30) foot motor home with a car trailer behind
14 it, you're going to have that lane of traffic. If
15 they're coming from the west to the east, they're gonna
16 have them holding up that lane while they come in,
17 whether he has that gate open throughout the day, or if
18 it's coded to only allow certain people. I'm -- I'm not
19 sure what his intentions are.

20 Also, like he said, that -- that's family property.
21 And it's been a large property for the past years -- in
22 the past. I forget that -- I'm not gonna do the math,
23 but where I'm going with this, if they sold it and
24 developed it for residential -- which is part of Baldwin
25 County's Master Plan -- but now he's wanting to break it
26 up into a smaller portion, which is he's kind of like
27 cherry-picking his property, you know, spot zoning. I'm
28 just gonna do this part here and keep the other part for

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1 the residential agricultural. And then if that gets
2 approved, what's he's gonna do with the next adjacent
3 acres of land?

4 So another concern is the school zone. We have an
5 open-door church. They are probably a hundred (100)
6 yards east of this his property. It's a school zone,
7 twenty-five (25) miles per hour.

8 So during the school months, during the week -- I
9 thought maybe you couldn't hear me for that, but okay.
10 So then you have the school zone, twenty-five (25) mile
11 per hour. It's not very well depicted.

12 I live there. Subconsciously, I know it's a
13 twenty-five (25) mile-per-hour zone, but sometimes I
14 forget. So when you have the large RVs coming through
15 and you have the mother and fathers coming out dropping
16 children off, people wanting to drop off their RVs or
17 their boats, I -- I think that's gonna be a safety
18 concern there as well.

19 And environmental study, okay, so I've been in
20 Meadow Run Estates for ten (10) years. We have a
21 drainage ditch on the east side and the drainage ditch on
22 the west side. We've constantly had a drainage issue.

23 County Road 12 from that ditch on the west side --
24 which is cleared by the City of Foley all the way over to
25 the ditch on the east side -- it -- it floods.

26 The hundred (100) year flood we had -- I actually
27 had flooding. Because I live almost at the exit of
28 Meadow Run. So with him improving that piece, I'm

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1 assuming he's gonna have to build up that property. So
2 where is that water going to be directed that's coming
3 from the improved property on the north side of Meadow
4 Run already?

5 So we have more water coming in there when it's
6 coming down south, where's it gonna be directed? So
7 how -- how is that gonna be diverted? So I'll -- I'm --
8 if it hasn't already been done, an environmental study
9 maybe to see how that's gonna impact.

10 The Beach Express traffic, since the City of Foley
11 has now made it illegal for large trucks to make a left
12 and right-hand turn at the intersection of 98 and 59
13 there in the middle of town, we have more traffic, dump
14 trucks and such, on County Road 12 and people from the
15 Beach Express, coming off the Beach Express, coming down
16 12 to get back on 59. So what will go to the actual
17 property itself, if it is determined that he can build
18 his RV storage and boat facility?

19 Typically, these things turn into just an abandoned
20 boat and RV storage area. So you have
21 dilapidated-looking boats, boats on trailers with flat
22 tires, campers that's all mildew-looking, not kept clean.
23 And then depending on what kind of surface he's gonna
24 have, you're gonna have overgrowth.

25 It -- it'll just be an eyesore for the community to
26 his east, to the community to the north, and to Cottages
27 On The Green, which is down west.

28 All right. East and west, the map's backwards.

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1 I'm -- I'm talking to this. So part -- part of the --
2 to change from one zone to another, according to Baldwin
3 County, has set specific standards for approval of any
4 re-zoning request. And one of them is the request to
5 change compatible with the existing development pattern
6 and zonings of nearby property?

7 The current surrounding area is single homes. And
8 there are no other businesses on County Road 12 between
9 Highway 59 and the Beach Express.

10 Has there been change in conditions upon which the
11 original zoning designation was based? Has land use or
12 conditions changed since the zoning was established?
13 There have been no changes in this area since the
14 original zoning designation was made.

15 Does the proposed zoning better conform to Master
16 Plan? The current Master Plan shows this is a
17 residential area, along with all surrounding areas on
18 County Road 12. It does not compliment the County's
19 Master Plan.

20 Will the proposed changes conflict with existing or
21 planned public improvements? With the proposed change,
22 significant road widening, including a turn lane and
23 median lane, would be necessary to accommodated the
24 heavier traffic. Will proposed change adversely affect
25 traffic patterns or congestion? Which is what I just
26 mentioned, how the road is with the larger traffic.

27 Also, with those RV and boat storage, it -- it
28 invites certain risk. So what kind of security

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1 procedures or what kind of security will this
2 establishment have?

3 Right now we have a neighborhood watch. When you
4 have a property with high-dollar boats, high-dollar RVs,
5 you have some individuals that may want to pilfer that
6 lot. And if they can't find what they're looking for in
7 that lot, they might hit the neighborhoods to the left
8 and to the north.

9 Okay. So you got County on one side, and you got
10 City on the other. So who are we gonna call? How -- how
11 are we gonna mediate that?

12 So I think that I've got everything covered that we
13 had the time to get all our thoughts together, so --

14 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

15 DAVIS: So let's see if we have questions for you then.

16 (No response.)

17 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

18 DAVIS: I've got one question --

19 MR. CHUCK MILAN: Okay, sir.

20 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

21 DAVIS: -- for you. You heard the question I asked
22 Mr. Shoenight. So, just to be clear, you prefer to have
23 a multi-lot subdivision or a high-rise apartment complex
24 as opposed to a four and a half (4.5) acre storage?

25 AN AUDIENCE MEMBER: Yes.

26 MR. CHUCK MILAN: I would prefer to have
27 neither, but at this point in the conversation, I don't
28 want a storage lot. If someone decides to build

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1 an apartment -- build an apartment complex or build
2 another neighborhood, then we'll address that
3 accordingly, But --

4 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

5 DAVIS: If I'm -- if I'm understanding that right, it's
6 already zoned for that. So it wouldn't be --

7 MR. CHUCK MILAN: That's correct.

8 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

9 DAVIS: -- a --

10 MR. CHUCK MILAN: That's right. I really
11 wouldn't have a dog in that hunt, but I believe that a
12 subdivision or an apartment complex would definitely be
13 more appealing to the eye than, say, a four and a half
14 (4.5) acre lot with dilapidated boats, rusted-out
15 campers, grass grown up.

16 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

17 DAVIS: All right. I think we got another question.

18 Kevin, you got one?

19 COMMISSION MEMBER KEVIN MURPHY: I do. My
20 understanding when you were talking there was you have
21 covenants in your subdivision that you can't store an RV
22 in your subdivision. Is that -- I heard that right?

23 MR. CHUCK MILAN: That's correct, over a
24 certain length. And if you do store it, it has to be
25 behind an approved fence.

26 COMMISSION MEMBER KEVIN MURPHY: So all of
27 those subdivisions all up and down County Road 12 and off
28 of it could actually benefit greatly by having a storage

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1 facility there in close proximity. Because, if I
2 understand, it's thousand of residents there that would
3 love to own a boat or an RV, and they don't have anywhere
4 to put it.

5 MR. CHUCK MILAN: Well, I own a boat. I -- I
6 own a boat, Mr. Murphy. And I have no problem with my
7 boat. I have a twenty-four (24) foot boat parked in my
8 backyard behind my approved fence.

9 COMMISSION MEMBER KEVIN MURPHY: But I'm
10 thinking of the new apartments just down the road and
11 thinking the Cottages On The Green and all those that
12 don't have backyards.

13 MR. CHUCK MILAN: I -- I can't speak for
14 Cottages On The Green on their covenants. I do know that
15 the new apartment complex that's been built, they have a
16 very large storage facility.

17 COMMISSION MEMBER KEVIN MURPHY: It seems like
18 a great asset to a residential community, to me. I don't
19 live in one, but it seems like a great --

20 MR. CHUCK MILAN: Well, the -- the ten years
21 that I've been there, driving through the existing
22 neighborhoods -- I've been to Cottages On The Green for
23 some private parties. I haven't seen anybody with a
24 motor home, and I've heard no one complain about having
25 to find a storage area for it.

26 There are multiple -- you probably didn't get the
27 pictures -- you probably didn't get the pictures prior to
28 this, because we didn't get the mailing until just four

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1 days ago. And it wasn't mailed out until seven days ago.

2 All the existing storage lots within a three (3)
3 radius, which we have some pictures of, overgrown,
4 dilapidated motor homes and boats.

5 There's not any way that -- that I personally would
6 park my sixty thousand dollar (\$60,000) boat in it; okay?
7 So there -- there's one property that the gentleman lives
8 on the property, and he has a camera. And if you show up
9 to his property and you don't have an access code, he
10 comes out, regardless of what time it is. And that's
11 just from a neighbor telling me that information.

12 So you don't live in the subdivision, so you're
13 gonna say it's an asset. I live in the subdivision right
14 across from it. I don't believe it to be an asset to my
15 community.

16 Now, once -- if someone wants to re-elect a new
17 president for their POA and they're onboard with it, then
18 they can fight that fight. But, I'm --

19 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

20 DAVIS: Are you president of the -- of the, um --

21 MR. CHUCK MILAN: I am the current president of
22 Meadow Run Estates.

23 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

24 DAVIS: Okay. Any other questions for Mr. Milan --
25 Milan.

26 MR. CHUCK MILAN: It's Milan, sir, But --

27 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

28 DAVIS: Oh, okay. Sorry about that.

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1 MR. CHUCK MILAN: Twenty-six (26) years of
2 active-duty military, three (3) deployments, that's who I
3 am. I grew up in Foley, Alabama. And I graduated from
4 Foley, Alabama. I'm back in the community.

5 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
6 DAVIS: Thank you for your service.

7 MR. CHUCK MILAN: Thank you.

8 COMMISSION MEMBER KEVIN MURPHY: Thank you for
9 your service.

10 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

11 DAVIS: Any other questions for Chuck?

12 (No response.)

13 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

14 DAVIS: Thank you, sir.

15 MR. CHUCK MILAN: Thank you. Thank you, ma'am
16 for your help.

17 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

18 DAVIS: Did he cover adequately everything for anyone
19 else?

20 (Several audience members indicating.)

21 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

22 DAVIS: Okay. Well, I'm seeing multiple hands. So let's
23 let this gentlemen come up and. Please let's don't
24 repeat.

25 THE COURT REPORTER: And state your name,
26 please.

27 MR. TED ROMANO: My name is Ted Romano, and I
28 represent Cottages On The Green. I'm on the board of

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1 directors. And we oppose it, not unanimously, but the
2 majority of our neighborhood does oppose this. One
3 question I have is -- may I step over here?

4 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
5 DAVIS: Sure.

6 MR. TED ROMANO: This subdivision apparently
7 was on his property or somebody was nice enough to name
8 the main road after them. And he's wanting to change
9 this in the form of site -- what I call site planning,
10 That, you know, he might wanna -- what will he wanna do
11 back here?

12 This is the County's plan for residential. And
13 that's one reason that I bought in the neighborhood and
14 on 12. And I left Orange Beach to do that, so -- so I
15 would be in a residential neighborhood without any
16 businesses.

17 It's -- it's not necessarily the opposition of a
18 boat storage, it's the opposition of putting a business
19 there. I -- you know, I don't want a mechanic shop, an
20 auto place. And everybody there's got a car, but that's
21 not gonna benefit them as for the value of our property.
22 That should be in the business district.

23 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
24 DAVIS: All right. Thank you.

25 Any questions for this gentleman?

26 (No response.)

27 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
28 DAVIS: Thank you, sir.

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1 MR. TED ROMANO: Thank you.

2 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

3 DAVIS: Anyone have something different to add?

4 (Audience members indicating.)

5 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

6 DAVIS: Why don't you come on up with him.

7 AN AUDIENCE MEMBER: You talking about me?

8 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

9 DAVIS: Yes, ma'am. Why don't you come on up there with
10 him --

11 THE COURT REPORTER: State your name, please.

12 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

13 DAVIS: -- and that'll save time.

14 MR. DAVID LAZZARI: My name is David -- well,
15 down here you'd say Lazzari.

16 I'm -- I'll give you a little history. Before we
17 moved here, I lived in the City of Bergaton (phonetic).
18 I was on the Planning and Zoning Commission for seven
19 years. And while I was on that commission, it took us
20 three years to re-zoning the whole city, because it was
21 underneath the County before and was spot businesses,
22 residential.

23 So and one of the things I learned when I was on
24 that board is, one, you do not spot zone. And putting
25 a -- a business inside a residential area -- which you
26 already designated this is all residential -- is one
27 thing we're told you'd never do.

28 So that's why I'm -- I'm against it. I live on

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1 Primrose Lane. And so I'm against it because this is
2 spot zoning, and it doesn't belong here. Thank you.

3 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

4 DAVIS: Thank you.

5 THE COURT REPORTER: And state your name,
6 please. State your name, please.

7 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

8 DAVIS: What's your name?

9 MS. WENDY GENTRY: My name is Wendy Gentry. We
10 closed on our home. We moved from Gulf Shores, Alabama.
11 We purchased our home there in 2013, and went north about
12 four miles into Meadow Run Estates.

13 We closed on our home on April 10th of this year.
14 We never would have considered the home had the zoning
15 been commercial and -- and/or had that business already
16 existed.

17 We have invested several hundred thousand dollars in
18 our property, as our neighbors have, and within our
19 subdivision and within our residential communities there.
20 And very, very concerned about property values.

21 Obviously, traffic is a huge concern as well.
22 Alabama.com reported on April the 18th of this year that
23 Baldwin County's population has increased twenty percent
24 (20%) in the past nine (9) years. You guys know that.
25 We all know it.

26 The most ubiquitous indicator of that is the
27 traffic. That's part of the problems of life in
28 paradise, I guess. Everybody wants to live in paradise.

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1 I also work as a registered nurse at the Foley
2 Hospital. I see the changes in admission numbers. We
3 used to have units close down the entire summer, because
4 we did not have the patient load. Now, we can barely
5 support this overpopulation, let alone our current local
6 population, because it is growing so quickly.

7 I consider 59 to be the business hub and where the
8 majority of the business commercial development occurs
9 within our area. So what is the need to go into a
10 residential area and change the zoning on that? We
11 consider this to be our forever home. And I'm already
12 second guessing, as I stand before you.

13 Obviously, safety is a concern. As a healthcare
14 provider, I want to point out that County Road 12 is a
15 throughway for ambulance service that is dispatching into
16 Orange Beach, over into Glen Lakes, and anywhere off of
17 Beach Express. Obviously, it should be near and dear to
18 everybody's heart if they ever have that situation arise
19 that they need this service.

20 There is a storage facility that just opened within
21 the past year -- I wanna say within the past six
22 months -- on County Road 59 that is just north of the
23 Collinwood Subdivision, which is the subdivision across
24 the golf course from Meadow Run.

25 I just randomly did a Google search on boat and RV
26 storage, Foley, Alabama. It came up with nineteen (19)
27 hits in Foley, Alabama. There is also, I noticed on the
28 agenda, pending approval for another boat and RV storage

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1 facility.

2 I'm not against it. I'm not against you opening
3 Number 20. I am against it being in our area and that we
4 all take pride in and that we all have our reasons for
5 moving there. And I ask you to please say no to this
6 request. Thank you.

7 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

8 DAVIS: We will close the public hearing at this point.
9 Linda, you got anything else?

10 MS. LINDA LEE: No, sir.

11 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

12 DAVIS: All right. Thank you.

13 COMMISSION MEMBER KEVIN MURPHY: I got -- I got
14 a question.

15 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

16 DAVIS: Come on up, Linda. There's a couple questions
17 for you.

18 MS. LINDA LEE: Yes, sir.

19 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

20 DAVIS: Kevin, you wanna go first?

21 COMMISSION MEMBER KEVIN MURPHY: Ms. Linda, did
22 you say there was no --

23 AN AUDIENCE MEMBER: I can't hear him.

24 COMMISSION MEMBER KEVIN MURPHY: Yeah. It's
25 got feedback if I get too close.

26 Did you say there was no businesses --

27 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

28 DAVIS: Try to talk a little bit louder. The gentlemen

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 06/06/2019

1 back here can't hear you.

2 COMMISSION MEMBER KEVIN MURPHY: Can you hear
3 me now? There's no businesses on County Road 12, but do
4 we know the zoning of the City property to the east and
5 west? Because there's only a half mile of County right
6 there.

7 MS. LINDA LEE: Okay. Between 59 and Foley
8 Beach Express, there's no commercial. The adjacent
9 property to the west is zoned for garden homes. And,
10 according to the community director -- development
11 director, there's some issues with that property, But at
12 this -- as of today, it could be developed to residential
13 as a subdivision.

14 Then to the east, if you're talking about adjacent,
15 that's a residential subdivision. Farther down the road,
16 I'm not sure what the zonings are, but I believe past
17 James Road, when you get close to the Foley Beach
18 Express, that's where those new apartments are.

19 COMMISSION MEMBER KEVIN MURPHY: And that --
20 and that's my question, is the Foley property to the east
21 and to the west is a mile, the County only has a half a
22 mile. We can see what the zoning is there. All of the
23 Beach Express property is most likely zoned business, big
24 box. All of the highway 59 property is most likely zoned
25 business. Across the street is a golf course and a
26 putting range. So that would probably be zoned business.
27 So my question is, do we know the zoning of the City?

28 MS. LINDA LEE: I do not know the zoning of the

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1 City --

2 COMMISSION MEMBER KEVIN MURPHY: And that --
3 that's what I was asking.

4 MS. LINDA LEE: -- but, for me, I'm looking
5 at --

6 (An audience member speaking inaudibly.)

7 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
8 DAVIS: Public hearing closed at this point, so --

9 MS. LINDA LEE: -- I'm looking at County Road
10 12, so I'm not looking at what's on the Foley Beach
11 Express or what's on Highway 59.

12 COMMISSION MEMBER KEVIN MURPHY: Right.

13 MS. LINDA LEE: And I got -- because,
14 obviously, there's numerous residential subdivisions
15 there, but you can see them. Even though they're in the
16 city, they're subdivisions.

17 COMMISSION MEMBER DEWANE HAYES: Linda, what
18 criteria would they need to meet for approval on this
19 subject property for RV/boat storage?

20 MS. LINDA LEE: I'm not sure if I know what
21 criteria you mean other than the property would have to
22 be re-zoned to a B-3 with conditional use approval. They
23 have to come back to you all for conditional use
24 approval.

25 But when I look at the zoning request in this area,
26 I look not only what he's proposing to do, but what all
27 B-3 will allow. There's no commercial zoning on that
28 road, and that is my reason for recommending denial.

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1 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

2 DAVIS: Any other questions for Linda?

3 (No response.)

4 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

5 DAVIS: Okay. Thank you, Linda.

6 MS. LINDA LEE: You're welcome.

7 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

8 DAVIS: Okay. Staff is recommending denial of this
9 request. And this would also be our recommendation to
10 the County Commission from this body. So is there a
11 motion to recommend denial to the County Commission?

12 COMMISSION MEMBER BONNIE LOWRY: So moved.

13 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

14 DAVIS: Okay. There's a motion to -- by Bonnie to
15 recommend denial. Is there a second?

16 COMMISSION MEMBER ARTHUR OKEN: Second,
17 Mr. Chairman.

18 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

19 DAVIS: Seconded by Art. All in favor, say aye.

20 (Some Commission Members say "aye" in unison.)

21 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

22 DAVIS: All opposed?

23 COMMISSION MEMBER DEWANE HAYES: No.

24 COMMISSION MEMBER KEVIN MURPHY: No.

25 COMMISSION MEMBER BRANDON BIAS: No.

26 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

27 DAVIS: Okay. Let's roll call.

28 AN AUDIENCE MEMBER: Mr. Chairman, could I

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 06/06/2019

1 speak.

2 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

3 DAVIS: No, sir. We closed the public hearing already.

4 MS. LINDA LEE: Mr. Hayes.

5 COMMISSION MEMBER DEWANE HAYES: No. I vote

6 no.

7 MS. LINDA LEE: Are you voting no, to do not

8 recommend denial?

9 COMMISSION MEMBER DEWANE HAYES: Yes. No for

10 denial.

11 MS. LINDA LEE: Okay. Mr. Murphy.

12 COMMISSION MEMBER KEVIN MURPHY: No.

13 MS. LINDA LEE: Is Mr. Thomas here? Okay.

14 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

15 DAVIS: No, he's not here.

16 MS. LINDA LEE: Ms. Lowry.

17 (No response.)

18 MS. LINDA LEE: Ms. Lowry.

19 COMMISSION MEMBER BONNIE LOWRY: I was one that

20 proposed it. Yeah.

21 MS. LINDA LEE: I understand. You have to

22 vote. Yes. Okay. Mr. Nance.

23 COMMISSION MEMBER DANIEL NANCE: No.

24 MS. LINDA LEE: Mr. Oken.

25 COMMISSION MEMBER ARTHUR OKEN: I'm voting to

26 deny the application.

27 MS. LINDA LEE: Mr. Bias.

28 COMMISSION MEMBER ARTHUR OKEN: So that's --

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 06/06/2019

1 that's a yes.

2 COMMISSION MEMBER BRANDON BIAS: Yes.

3 MS. LINDA LEE: Mr. Davis.

4 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

5 DAVIS: What was the tally? I thought I was --

6 MS. LINDA LEE: It was three and three.

7 COMMISSION MEMBER BONNIE LOWRY: Who didn't --

8 MS. LINDA LEE: Without the Chairman, there is
9 six of you. So the tie -- the vote is three to three.

10 He has to break the tie.

11 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

12 DAVIS: I gonna have to kick this one to the County
13 Commission. I'm gonna vote yes.

14 MS. LINDA LEE: So we will carry the
15 recommendation to a -- to deny to the County Commission.

16 AN AUDIENCE MEMBER: Thank you.

17 (Applause.)

18

19 **7-F - CASE Z-19026 - LAKELAND 134 LLC PROPERTY**

20 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

21 DAVIS: Okay. Linda, the next one is tabled --

22 MS. LINDA LEE: Yes, sir.

23 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

24 DAVIS -- or withdrawn?

25 MS. LINDA LEE: Yeah. It was withdrawn. I'm
26 sorry.

27

28 **7-G - CASE Z-19027, FOUNTAIN 38 LLC PROPERTY**