

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

1 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

2 DAVIS: All opposed?

3 (No response.)

4 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

5 DAVIS: Carried unanimously.

6

7 **7-B - CASE Z-19008, KIRCHHARR, J & S LAND AND TRIPLE K MINING LLC**

8 **PROPERTY**

9 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

10 DAVIS: Okay. Next case is Z-19008. Do we have a staff
11 report.

12 MR. VINCE JACKSON: Yes, sir, Mr. Chairman.

13 This is the Kirchharr property. The applicant is
14 requesting re-zoning approximately one hundred and
15 forty-five (145) acres from RA, M-1, which is Light
16 Industrial, and B-4, which is Major Commercial, to RSF-2
17 in order to allow for development of a planned
18 residential subdivision to be known as Savannah Estates.

19 Savannah Estates, if approved, would include three
20 hundred and ninety-two (392) lots. And it would be a
21 planned development.

22 We have two applications. This is the first
23 application. This is the re-zoning. And then we have
24 the planed residential site plan application, which will
25 be the next agenda item.

26 We kept the two applications for easy discussions.
27 We start out with discussing the re-rezoning. And then
28 once we have completed the public hearing on that, we

1 move to the PRD site plan.

2 The subject property is located on the north side of
3 County Road 64. It's about four-tenths (.4) of a mile
4 north and six-tenths (.6) of a mile east of the
5 intersection of County Road 64 and County Road 54 in
6 Planning District 15.

7 This is the preliminary plan. And this shows the
8 current zoning. The bulk of the zoning is M-1, which is
9 the Light Industrial District. You also have B-4, Major
10 Commercial, as I stated before. And then the balance of
11 property is RA, Rural Agricultural.

12 The property is currently undeveloped, but there is
13 an operating dirt pit on the property. And,
14 interestingly, the M-1 portion of the property was
15 originally zoned RSF-2, which is what is being requested
16 tonight. It was re-zoned to Light Industrial back in
17 2012.

18 Here is another preliminary plan of the property.
19 And here's our locator map. And on this map, you can
20 more clearly see the M-1 area and the adjacent zoning
21 designations.

22 If you'll notice, the property to the north is also
23 zoned RSF-2. And that is the location for The Reserve at
24 Daphne. This -- this was re-zoning and planned
25 development that you all considered and recommended
26 approval of last year. And this was approved by the
27 County Commission.

28 Here is the aerial of the subject property. And you

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1 can see at the northeast portion, the location of the
2 dirt pit, pictures showing the subject property as well
3 adjoining properties.

4 We did recommend approval on this. And, like I
5 said, right now, we're going to confine our comments to
6 the re-zoning. We understand that there are a number of
7 concerns about this proposal.

8 There has been significant population growth in this
9 area. There are a number of similar developments that
10 are planned; The Reserve, for instance, which was
11 recently approved, which actually included a larger area
12 and would include more lots. It included over six
13 hundred (600) lots.

14 So this one at three hundred and ninety-two (392) is
15 similar to the development trends that we're seeing.
16 And, as I stated, it has an adjacent RSF-2 zoning, which
17 is one of our standards.

18 For the most part, this would be down zoning,
19 because you would be removing the M-1 and the B-4, and
20 you would actually be putting the M-1 back to its
21 original zoning designation, which was RSF-2.

22 Again, on the re-zoning, staff recommends approval.
23 We understand that there are significant concerns about
24 these two requests. And so those are my comments for
25 right now. But I will be happy to answer any questions.
26 And I will probably have additional comments once we have
27 completed the public hearing.

28 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

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1 DAVIS: Okay. Any questions for Vince at this point?

2 COMMISSION MEMBER BONNIE LOWRY: Yeah. Vince,
3 main concern with me on this was the tract of property
4 Frank Lundy talked about.

5 MR. VINCE JACKSON: Right.

6 COMMISSION MEMBER BONNIE LOWRY: And the fact
7 that future development or whatever would have some
8 conflict with County Road 54.

9 MR. VINCE JACKSON: We made the -- the
10 applicant's engineer aware of that comment. So it would
11 it probably be best to let them address how they intend
12 respond.

13 That particular comment is actually more relevant to
14 the planned development application. And it becomes even
15 more relevant, if the re-zoning the PRD are approved,
16 once they get to the subdivision phase and actual
17 construction. That's where it really becomes an issue.
18 But once the -- the engineer comes up to speak, they
19 should be able to address this question.

20 COMMISSION MEMBER BONNIE LOWRY: Okay.

21 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

22 DAVIS: Any other questions for Vince at this point?

23 ATTORNEY DAVID CONNER: Vince, do they have
24 access to two public roads or just the one?

25 MR. VINCE JACKSON: They have access to County
26 Road 54 and County Road 64.

27 ATTORNEY DAVID CONNER: One of the things that
28 we've talked about briefly about phasing plans, because

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1 of the requirements for multiple access based on the
2 number of lots, is to really talk about how the phases --
3 when those entrances would be built.

4 MR. VINCE JACKSON: Mm-hm.

5 ATTORNEY DAVID CONNER: I know this is not the
6 time, but --

7 MR. VINCE JACKSON: Right.

8 ATTORNEY DAVID CONNER: -- it's something we
9 need to consider as part of whatever master plan they are
10 going to submit to us at some point.

11 MR. VINCE JACKSON: Yes, sir.

12 COMMISSION MEMBER DEWANE HAYES: Hey, Vince, is
13 there -- I know that we've re-zoned a lot of that -- the
14 roads down 54 on the north side. Anything in the near
15 future about connecting that to 90?

16 MR. VINCE JACKSON: That's a Highway Department
17 question. I mean, we -- that's something that Planning
18 and Zoning, honestly, is -- is not really involved in.
19 So I can't speak for the Highway Department, for whether
20 there have been any discussions or not.

21 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
22 DAVIS: Any other questions for Vince before we open the
23 public hearing?

24 (No response.)

25 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

26 DAVIS: Thank you, Vince.

27 We'll open the public hearing at this point. We've
28 got Joe Rector behalf of the developer.

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1 MR. JOE RECTOR: Good afternoon. My name is
2 Joe Rector with Mullins, LLC, and I am representing the
3 applicant, Kevin Kirchharr, on this.

4 And I can -- I'd be happy to answer any questions.
5 I'd almost like to defer a little bit until -- until the
6 latter part of this and -- and hopefully be able to
7 address some of the concerns that may come up from any of
8 the citizens that comes up on this.

9 But just to kind of echo real quickly what Vince
10 said, the main thing that -- the way we're approaching
11 this is this was previously, portions of it anyway,
12 RSF -- RSF-2. And that's, you know -- we're feel like
13 that's a down-zoning from what we are now back to that.
14 And so that's one of the things we ask that's kept in
15 mind as well. But I'll -- I'll be glad to come back
16 afterwards.

17 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
18 DAVIS: Hold -- hold on just a second. Let me ask a
19 question before you go. I know there's concern on the
20 traffic -- future traffic patterns. You wanna go ahead
21 and address that?

22 MR. JOE RECTOR: Okay. So as a part of the --
23 two parts to that. As one in the next item, we have a
24 master plan that we have -- we have submitted to show
25 what a potential -- what our plan is for phasing and that
26 when the first -- the first phase is what you see that is
27 on this map now currently showing as B-4 with blue square
28 around that Phase 1, and then Phase 2 is the one that is

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1 adjacent to County Road 64 would be Phase 2.

2 So initially the connection point that we would be
3 making is out to County Road 54 at -- at the, uh --
4 approximately where that B-4 currently is located.

5 We have hired a traffic consultant that is working
6 with the County and is looking at all the long-range
7 plans on this and with all the future development going
8 on around there.

9 And it is all information that we would use during
10 the actual design phase of this, that would, you know,
11 determine whether or not for sure that it would be, you
12 know -- what the turn lane situation would be, anything
13 with any realignments in trying to line up with adjacent
14 roadways, and things of that nature at this point.

15 But this -- at this point, we have a traffic study
16 that's -- that's available that shows what the traffic
17 counts of this will be and everything over a period of
18 time as the build-out takes place.

19 Because that's one thing with the development of
20 this size. We're not talking about that there's gonna be
21 three hundred and ninety-two (392) homes out there at the
22 end of this year, next year, or the next five or six
23 years.

24 I mean, this is a long-planned -- uh, we've been
25 working on this particular site for a couple years to get
26 to this point. And many people may be aware here that
27 would notice a couple months ago, we originally
28 submitted, and then we got some staff comments and -- and

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1 things that we wanted to go back and address and to
2 consider as well.

3 So it's been a long process getting to this point.
4 And we see this as being something that we'll continue to
5 work on and perfect as it gets farther and farther down
6 the line here.

7 Because, like Vince mentioned, this is, you know --
8 we're trying to get the re-zoning first and then next get
9 the PRD and then enter into the actual design of the
10 particular phases and when those triggers on different
11 traffic parts will be.

12 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
13 DAVIS: Any more questions for Joe before we go to the
14 opposition?

15 COMMISSION MEMBER BONNIE LOWRY: Where exactly
16 is the excavation pit that they talk about?

17 MR. JOE RECTOR: So there -- there are -- there
18 were two active pits on these parcels. The one is the --
19 the northern two. These two tracts, they are a closed
20 pit that is now being through -- going through the
21 process of being reclaimed. This pit is about to close
22 and will also be going through the State reclamation
23 process as well to do a shutdown on it.

24 COMMISSION MEMBER BONNIE LOWRY: Thank you.

25 ATTORNEY DAVID CONNER: When you -- when you
26 say State reclamation process, are you just talking about
27 stabilization of the slopes?

28 MR. JOE RECTOR: Yeah. They have a -- they

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1 have a process they go through where they submit their
2 plans for the close-out and stabilization. And
3 everything that has to be sent to ADEM.

4 ATTORNEY DAVID CONNER: Okay.

5 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

6 DAVIS: Any other questions?

7 (No response.)

8 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

9 DAVIS: Thank you, sir.

10 Louisa Toler is signed up in opposition. Would you
11 like to come to the mic? Is Louisa here.

12 (Ms. Louisa Toler approached the podium.)

13 Ms. LOUISA TOLER: It's really interesting that
14 there were no photographs shown of the actual dirt pits.
15 They look like the Grand Canyon.

16 Before you vote on this, you really know -- you
17 really need to go look at the site. Have you ever done
18 that before? If you haven't looked at this site, this is
19 one you really need to look at.

20 As far as the zoning, the B-4 area is directly
21 across the road from my property. I realize that on B-4,
22 you can have almost anything. So it might be better if
23 it were residential.

24 The adjoining property owner to the south, who is
25 here -- I'm not that one -- is concerned about the runoff
26 from this property. They're already experiencing
27 flooding.

28 On the B-4 site, there used to be a pond. It's

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1 still there. The natural springs -- we have lots of
2 ponds in Belforest that are created by natural springs.
3 The owner, after it was re-zoned B-4, decided to cover it
4 up.

5 Well, you can't really ever get away -- do away with
6 a natural spring pond. It's still there. So somebody
7 will be effected by it sooner or later.

8 We have concerns about the impending traffic influx.
9 We have concerns about the drainage. We're just
10 concerned because we don't -- we just don't feel the need
11 for four hundred (400) more houses here anytime soon.
12 Thank you.

13 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
14 DAVIS: Hang on. Let me ask if there's any questions for
15 you before you leave the mic.

16 Any questions for Ms. Toler?

17 (No response.)

18 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

19 DAVIS: Thank you, ma'am.

20 Carol McKnight is the only other person signed up to
21 speak against. Are you here?

22 (Ms. Carol McKnight approached the podium.)

23 Ms. CAROL MCKNIGHT: Good evening. Ms. Toler
24 is my sister, So I'm part of the packaged deal. But we
25 both have concerns and have had for a long time for all
26 development in Belforest.

27 The traffic situation is just horrendous. There --
28 it's very, very difficult for people to access 64

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1 morning, noon, and night because of all of the traffic.

2 When you put more people coming onto 64 from 54,
3 it's only going to get worse. It's only going to get
4 worse with the school, which is supposed to open fall of
5 2002, whatever it is -- 2020.

6 These are concerns. We have concerns about the
7 drainage issue as well as the traffic issue, the whole
8 congestion and the lack of access, the whole
9 infrastructure of the neighborhood that has just really
10 gone down. And we're just really concerned about the
11 future of it. Thank you.

12 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

13 DAVIS: Thank you.

14 Joe, do you have anything you'd like to add? Call
15 on the engineer at this point.

16 MR. PAUL BRONOLD: I signed up for this -- to
17 speak on this. Paul Bronold.

18 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

19 DAVIS: What -- what's your name?

20 MR. PAUL BRONOLD: Paul Bronold. One of those
21 reds sheets I signed.

22 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

23 DAVIS: The case we're discussing now -- you're in the
24 next file.

25 MR. PAUL BRONOLD: No, sir. I'm supposed to be
26 in this one.

27 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

28 DAVIS: Okay.

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1 MR. VINCE JACKSON: Remember, there are two
2 separate applications. So if --

3 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
4 DAVIS: Okay.

5 MR. VINCE JACKSON: You know, there's the --
6 the re-zoning and there's the PRD.

7 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
8 DAVIS: Okay. You signed up for the actual PRD file.
9 And you wanna say something on this one?

10 MR. PAUL BRONOLD: I would just like to
11 continue to comment, if I could.

12 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
13 DAVIS: Okay. Come on up.

14 (Mr. Paul Bronold approached the podium.)

15 MR. PAUL BRONOLD: Thank you. My name is Paul
16 Bronold. The reason we're over here, moved to Daphne
17 about six months ago, bought a home in The Reserves
18 there. And since then, we got a new school coming
19 right -- excuse me -- right on the corner of 64 and 54.
20 I don't know, I guess y'all are aware of the huge new
21 school that's being built there.

22 Again, that's part of the traffic problem. Because
23 you've got a stop sign from 54 coming into 64 that is
24 where the school's gonna be. We have two lanes. Both 54
25 and 64 is two lanes.

26 The traffic going out 64 through Loxley is
27 tremendous. And it's just bumper to bumper in the
28 evenings and in the morning. They put up some, I assume,

1 counters right in front of where the school's gonna be
2 sometime back, maybe three weeks ago, something. But
3 we've not heard anything about that.

4 So I -- I think most of our concerns are traffic,
5 irrigation, or runoff drainage. It is a clay pit. I
6 mean, they've been running trucks in and out of there
7 ever since I've been in The Reserve, which has been since
8 last July. And -- and that has been a constant, going
9 one way or the other with the -- coming in with the dirt.

10 That's the only entrance is right there, as far as I
11 know. Just like with The Reserve, we have one entrance.
12 And they want to build all the way up and then behind
13 this subdivision, you know, what they're putting in
14 there.

15 Our -- our concern -- I talked to everyone and --
16 and the people in The Reserve. Our concern is the
17 traffic, but also how our property values are going up.
18 Because people are coming in, but they going to town
19 homes in here.

20 We don't know whether they're going to rent them,
21 sell them. We don't know if they're gonna be
22 individually owned. We don't know the -- the lot sizes.
23 We found that out. That's like a half acre lot, but we
24 don't know what size homes they can build. So we're
25 concerned about our property values.

26 And, again, everyone else had stated before me made
27 a very good case, so I don't want to repeat any of that.
28 I'm just trying to add a little extra information. And I

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1 think we're doing it on the zoning part.

2 And, again, if we know what they're going to build,
3 and they say they're coming in building three hundred and
4 fifty-thousand dollar (\$350,000) homes, I don't think
5 anybody'd have a problem with it, if we can work out
6 traffic. That will still be a problem.

7 But if they going to have rental homes and town
8 homes, people can rent them, they're going to own them,
9 we don't know. So without that information, I mean, it
10 could be the greatest thing since sliced bread for them
11 to come in there, if we know property values going to go
12 up and we going to have sufficient traffic control where
13 we've got a four-lane going through or something like
14 that.

15 But right now with the traffic, I don't see how they
16 can do it, putting in another four hundred (400) homes.
17 And you said over a number of years. Well, you know, I
18 don't know how many they going to build in the first year
19 or -- or two years.

20 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

21 DAVIS: Thank you, sir.

22 MR. PAUL BRONOLD: Thank you.

23 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

24 DAVIS: Sir, would you state your name one more time for
25 the record.

26 MR. PAUL BRONOLD: Yes. Paul Bronold.

27 B-R-O-N-O-L-D.

28 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

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1 DAVIS: Okay. Thank you. We'll close the public hearing
2 at this point.

3 MR. MIKE HAYES: Excuse me. I meant -- I might
4 have meant that wrong, but I meant to sign something to
5 speak, maybe, on one of the red sheets.

6 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

7 DAVIS: It's probably on the next case. Have you got
8 anything to add that hasn't already been said?

9 MR. MIKE HAYES: Maybe.

10 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

11 DAVIS: All right. Try to -- try to make it brief,
12 please.

13 COMMISSION MEMBER MICHAEL KAISER: Okay. All
14 right.

15 THE COURT REPORTER: What is your name?

16 MR. MIKE HAYES: Well, I have the same concerns
17 as they have --

18 THE COURT REPORTER: What is your name, please?
19 What is your name, please?

20 MR. MIKE HAYES: I'm sorry. Mike Hayes. I own
21 three -- these three parcels right here and been in my
22 family since the 1800's. And -- and he talked about the,
23 I mean, I just spent over two hundred and fifty-thousand
24 dollars (\$250,000) getting off of the road to get away
25 from congestion. I really didn't know -- wanna have a
26 subdivision right behind me.

27 This I don't have an issue with. How are they going
28 to put houses, unless they put them in a pit? Because

1 it's a fifty (50) foot hole. I don't know. There's
2 millions of loads of dirt that would have to fill that
3 up.

4 But -- and -- and then there's the water issue, like
5 they talking about, since they filled this pond -- which
6 took some water. When this floods -- Now, if y'all
7 remember the hundred (100) year flood -- all this water
8 flows and cuts right -- right down through here to try to
9 get to Fish River.

10 And -- and when that backs up, it comes right --
11 right through here through my gate and -- and flows to
12 Fish River. There'd have to be some kind of way to
13 get -- there's -- there's a lot of water that comes off
14 of this hill.

15 But this, the re-zoning, nah, I don't have an issue
16 with. All I have an issue with is right here we've been
17 having recreational dove shoots all my life every year.
18 You put houses right here, that's going to change my
19 whole way of life. I mean, I just -- this end don't
20 affect me, this don't affect me. This right here is what
21 I'm concerned about other than that.

22 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

23 DAVIS: All right. Thank you.

24 Joe, got anything to address on these issues?

25 MR. JOE RECTOR: Yes. I just I'm not sure was
26 he saying he was for the re-zoning? Did you say you were
27 for the re-zoning or --

28 MR. MIKE HAYES: I'm not -- the re-zoning I --

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1 I don't have an issue with.

2 MR. JOE RECTOR: Okay. I was just trying --

3 MR. MIKE HAYES: It's what's going to be put
4 there.

5 MR. JOE RECTOR: Yes, sir. I understand.

6 MR. MIKE HAYES: The development right behind
7 me.

8 MR. JOE RECTOR: The couple of issues that --
9 that got mentioned several times typically are addressed
10 at a later date in the actual design phase, stuff with
11 the stormwater, things of that nature.

12 I mean, we're not gonna be able to get a plan
13 approved through the County that doesn't meet all of the
14 stormwater requirements. All the water that everybody
15 was talking about will have to be to addressed, treated
16 onsite. We'll have large stormwater conveyance and ponds
17 and everything of that nature.

18 Again, the pit, just to clarify, too, is actually a
19 sand pit, sand mining operation, not a clay mining
20 operation. So we know a lot about the soils in this area
21 and what, you know -- how those will be affected as the
22 development moves forward, because of the fact that we do
23 have the knowledge of the mining operation that's been
24 going on there for a number of years.

25 So and as mentioned before, we'll be working with
26 staff, we'll get -- with the district to go forward to
27 address any of the concerns with the turn lanes that may
28 or may not be required at different times based on just

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1 how big the different cases are and what those triggers
2 are shown to be by those traffic studies.

3 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

4 DAVIS: Thank you very much.

5 We will close the public hearing at this point.

6 Staff -- Vince, you got anything else to add?

7 MR. VINCE JACKSON: I really don't have
8 anything else on the re-zoning. I will have some
9 additional comments as we move to the PRD site plan.

10 ATTORNEY DAVID CONNER: Vince, I do have some
11 questions about the filling in of the -- the landfills.
12 Should we take that up PRD discussion as opposed to here,
13 or is now the time to ask that?

14 MR. VINCE JACKSON: I would take it up in the
15 PRD discussion. I mean, I -- I think, honestly, it's
16 really relevant more to the subdivision construction
17 part. But we can take it up during the PRD.

18 ATTORNEY DAVID CONNER: Okay. Thank you.

19 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

20 DAVIS: Any other questions for Vince?

21 (No response.)

22 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

23 DAVIS: Okay. This is the recommendation on the
24 re-zoning County Commission. Staff has recommended
25 approval. Is there a motion to do so?

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

28 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

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1 DAVIS: Okay. Motion by Art. Is there a second?
2 COMMISSION MEMBER KEVIN MURPHY: I'll second.
3 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
4 DAVIS: Second by Kevin. Kevin, did you make the second?
5 COMMISSION MEMBER KEVIN MURPHY: Yes.
6 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
7 DAVIS: Okay. We got a motion and a second. All in
8 favor, say aye.
9 (Commission Members say "aye" in unison.)
10 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
11 DAVIS: All opposed?
12 (No response.)
13 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
14 DAVIS: Carried unanimously.
15
16 7-C - CASE Z-19011, SAVANNAH ESTATES, PRD
17 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
18 DAVIS: The next one is Z-19011, which is the PRD for the
19 case we just heard. Staff report.
20 MR. VINCE JACKSON: Yes. And I wanted to make
21 one correction. We have on here one hundred and
22 forty-five (145) acres, and that's what it -- they added
23 a little additional acreage to it.
24 Originally, this was supposed to come to y'all in
25 March. The actual acreage, if you look at your staff
26 report, is one-hundred-forty-eight-point-five-five
27 (148.55). But, it doesn't -- it doesn't really change
28 anything as far as the number of lots. It was the same