

1 CHAIRMAN SAM DAVIS: Now there's a second. All
2 in favor, say aye.

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

4 CHAIRMAN SAM DAVIS: All opposed?

5 (No response.)

6 CHAIRMAN SAM DAVIS: Motion carries.

7
8 7-F - CASE Z-18022 AND Z-18023 - THE RESERVE AT DAPHNE PROPERTY

9 CHAIRMAN SAM DAVIS: Next case looks like two
10 cases together, 18022 and 18023, the Reserve at Daphne.

11 MR. VINCE JACKSON: Yes, Mr. Chairman. That's
12 correct. This is a request to re-zone from RA to RSF-2
13 and then an accompanying request for a planned residential
14 develop site plan approval.

15 And if -- if you'll notice in your staff report,
16 this involves three planning districts; Planning District
17 15, 28, and 7, which is actually an un-zoned area.

18 The general location is north of The Reserve at
19 Daphne, Phase I, south of Plantation Hills and east of
20 County Road 54 in Sections 12 and 13, Township 5 South,
21 Row 2 East.

22 The applicant is requesting to re-zone three hundred
23 nine (309) acres from RA to RSF-2, which is a
24 Single-Family designation. And they are also requesting
25 PRD site plan approval for a four hundred seventy (470)
26 acre, six hundred twelve (612) lot planned residential
27 development to be known as The Reserve at Daphne.

28 Once again, here is the location, the general

1 location of the subject property. And here is the
2 locator map that shows you the various parcels involved,
3 the existing zoning.

4 And if you'll notice, some of the areas that are in
5 white, those are the parcels that fall in Planning
6 District 17 -- I mean, Planning District 7, rather, which
7 is the un-zoned area.

8 Here then is the aerial photography. And this is a
9 site plan. In approving a PRD or recommending approval
10 of a PRD site plan, this is what you will be
11 recommending.

12 You will notice, based on the information provided,
13 that the development is proposed to be occur in seven (7)
14 phases. So this is something that will be built out over
15 time. It's not something where, if it's approved, you
16 will immediately see six hundred and twelve (612) lots
17 out there.

18 I attempted in the staff report to break this down
19 so that you see which parcels fall in which planning
20 districts, how much acreage is in each planning district,
21 and where the zonings -- where the adjacent zonings are.

22 The surrounding properties are primarily forested
23 timberland, but there is some residential property. And
24 this is adjacent to The Reserve, Phase I.

25 There's a good bit of history with The Reserve. And
26 I will reserve -- I will save the discussion of most of
27 that for the applicant. The applicant will be able to
28 get into it and to some extent.

1 But this started before the development -- the
2 adoption of zoning in this planning district. So,
3 theoretically, this should have been zoned RSF-2 already,
4 but it wasn't. And so here we are twelve years later
5 dealing with the zoning of something that actually got
6 started years ago.

7 These are the types of developments that we are
8 seeing right now. As you know, we are a growing county.
9 We are the fastest growing county in the state. So this
10 is what we're going to continue to see. We are going to
11 see more and more of this.

12 We had a -- a small planned develop that came before
13 you at the last meeting where they were asking for
14 re-zoning and planned residential site plan approval.
15 That was adjacent to the new Catholic High School.

16 In that case, the Planning Commission recommended
17 approval of the re-zoning but not the PRD. And so the
18 applicant withdrew. It did not go to the Planning
19 Commission -- I mean, the County Commission. And I --
20 I'm not sure what their future plans are.

21 But, you know, the point in asking for this
22 re-zoning is to be able to also gain approval of the PRD
23 site plan. These are separate applications. We put them
24 on same staff report because they naturally run together.
25 But on both applications, the Planning Commission is a
26 recommending body to the County Commission.

27 That will be for the re-zoning for the properties
28 indicated and for the -- the PRD site plan, which would

1 apply to the entire project.

2 Staff has reviewed this proposal in terms of its
3 applicability with the -- the requirements that are set
4 out for PRD site plan approval. And we have found that
5 proposal is consistent with the requirements. So our
6 recommendation is for the re-zoning and the PRD site plan
7 be approved.

8 We -- we realize that this is a large development.
9 And we understand that there will be some concerns
10 expressed. But, at the same time, this is what we are
11 seeing. And we feel that this is appropriate to
12 recommend approval.

13 There will be another public hearing on both the
14 re-zoning and the site plan before the County Commission
15 sometime probably in June.

16 But those are all my comments for right now. I will
17 be happy to answer any questions. It might be best to
18 reserve your questions until after the public hearing and
19 after -- especially after the representative of the
20 applicant has spoken.

21 CHAIRMAN SAM DAVIS: All right. Any questions
22 for Vince at this point?

23 (No response.)

24 CHAIRMAN SAM DAVIS: All right. Thank you.

25 There's three people signed up to speak for it.
26 There's four or five signed up to speak against it.

27 I will ask the person to -- that is representing it
28 on the proposal to step forward. If the other two wishes

1 to add if he misses anything, you will have an
2 opportunity. We just don't want to have a repeat. And
3 then we'll do the same thing on the opposition.

4 MR. STEVEN PUMPHREY: Good evening. Steve
5 Pumphrey with Dewberry. I know you've had a long
6 meeting, and this is a big project, so I'm going to try
7 to move quickly, as thoroughly as I can and -- and
8 hopefully cover everything upfront.

9 There is some history to this that I want you to
10 understand. This is a large project that has been around
11 for quite a long time. And I'm going to try to talk and
12 point at that time.

13 This portion of the site, which is The Reserve at
14 Daphne, Phase I, which is already constructed, that
15 actually was approved prior to zoning being -- being
16 approved in that district.

17 It actually went under construction and --
18 and whether you knew it or not, it -- it got completed.
19 But then the market dropped out before they actually got
20 final plat approval.

21 And that's one of the sites that sat in the county
22 that just didn't go any further. It actually
23 deteriorated terribly. Sidewalk were buckling. Street
24 were deteriorating terribly.

25 This developer that I represent came in and bought
26 that development and went in and completely redid most of
27 the development and -- and has since recorded Phase I.

28 So that portion of the site today is still zoned RA,

1 even though the lot sizes are RSF-2. But that's just the
2 way it was done.

3 This development actually at one time went all the
4 way through and had access all the way over to Highway
5 90. It was much more involved than this site now.

6 Now, we have been to you recently and were looking
7 at extending Phase I. We were getting ready to do
8 Phase II. And we did ask -- along this area right here,
9 we did ask you to re-zone that to RSF-2, and you did.
10 And it was shown on the previous zoning map.

11 So that portion of the site has already been zoned
12 RSF-2. But developer stopped once we got that, because,
13 at that time, we were looking at a site that went up
14 through here that did not include this area all the way
15 over and all that over to 54.

16 We only had one access to this development, and that
17 was all the way back through Phase I to 64, which is --
18 which is what we were stuck with. We had no other
19 ability to get to any other adjacent roadways until the
20 developer started meeting with some of the adjacent
21 property owners and now has agreements to purchase these
22 properties.

23 And one of the benefits of that is, is now that
24 we -- if we do get our re-zoning and our PUD approved, we
25 will come back to you with a Phase II that will now take
26 our roadway back to 54 and give a secondary entrance to
27 the site, which I think is one of the benefits.

28 The developer has also met with school board

1 representatives. And you'll see this area right here.

2 And in doing this development, has met with them to see
3 if they have an interest in a school site here due to the
4 possible size of the development in the areas around
5 this.

6 And the school board is highly interested in the
7 site. So the developer has chosen to reserve that
8 portion of the site for a school, for a school site,
9 which also has access to 54 and will also be connected to
10 the development.

11 So I -- I think that's one of the public benefits
12 for this project moving forward. We did know include
13 more property now than what you previously saw. And I
14 think you've seen this master plan. It's just a little
15 bit different.

16 So let me give you some numbers. In doing this,
17 we've acquired more property, but we've also -- all these
18 green areas that you see here are either challenging
19 properties due to topo. Some of it is due to wetlands.
20 Some it is due to it's just not -- it's just not
21 accessible.

22 These areas like right here are across a much -- a
23 very large wetlands area and are just not accessible.
24 Some of it we are reserving for open use, useable open
25 space.

26 I don't want you to think, well, all right, we'll
27 just cut out the sorry land, and we'll just put it out
28 there because we can't use it. And that's what we're

1 counting. No, in addition to that, we have set aside
2 areas that are going to be used for active open space.

3 Our density for this development is at
4 one-point-three (1.3) units per acre, when you consider
5 the total site, one-point-three (1.3) units per acre.
6 Now RA only allows one (1) unit per three (3) acres.

7 So we're asking for RSF-2 for a couple reasons.
8 One, for density, obviously. We want one-point-three
9 (1.3), which is not a high-density development. But the
10 RSF-2, that will give us two units per acre. We're not
11 looking to do two (2). We're looking to do
12 one-point-three (1.3).

13 The other thing is the size of the lots. We have
14 three different size lots; fifty-two (52) foot wide lots,
15 sixty (60) foot wide lots, and a hundred (100) foot wide
16 lots.

17 And the -- the disbursement -- I think you may have
18 my narrative that we wrote that gives the details on how
19 many of each of those type lots. So, obviously, the --
20 the fifty-two (52) foot wide lots and the sixty (60) foot
21 wide lots would need a PRD type approval in order to do
22 those size lots.

23 But, again, the trade out of that is we're asking
24 for smaller lots, but we're sacrificing a lot more
25 property. We wouldn't have to give you as much open
26 space if we were just doing straight zoning.

27 But the developer likes the ability to be able to --
28 to do communities and -- and -- and -- and plot along

1 these lots and locations and then provide the open space
2 elsewhere.

3 Other things like utilities, roadways, sidewalks,
4 all those things will be done according to your
5 regulations as they exist today. We're not asking for
6 any changes for sidewalk, utility, roadway types or
7 anything like that. It's strictly lot sizes and the
8 density is we're asking for -- for the -- for the zoning.

9 Covenants and restrictions will be set up as such.
10 Just like any other development, all these common areas
11 will be owned by the POA, to be maintained by the POA,
12 and which is pretty standard for most of these
13 developments.

14 There are amenities. There was a large amenity
15 added to Phase I, which was not in the original approval.
16 The developer came in and put a pool and clubhouse on
17 that site.

18 That will be available for the residences of this
19 development. This is just an extension of Phase I. But
20 any open spaces, path or recreational areas developed
21 there, Phase I residents will be able to use those. It
22 will be an interchangeable thing. Because it's still a
23 continuation of Phase I.

24 I'm sure I've left something out for a development
25 this size, so maybe I'll answer questions and see if I --
26 you tell me what I did miss.

27 CHAIRMAN SAM DAVIS: Any questions for Steve?

28 COMMISSION MEMBER DEWANE HAYES: Steve, you'll

1 have how many entrances; 54, 64, and will you have 90,
2 access to 90?

3 MR. STEVEN PUMPHREY: No. 90 was the -- an
4 access that they had planned in the early days. When I
5 say that, it's pre-zoning, probably back in 2004 or 2005.
6 But that one went away. Other developers bought property
7 that would -- that cut us off from doing that. So we
8 don't have that ability to get -- to get to that point.

9 And I think Vince may have made the statement.
10 We -- we have identified seven phases, anywhere -- And
11 you know how this goes with market-driven developments.

12 But the best the developer put out was two to three
13 years between development. So you're looking at a, you
14 know, fourteen- to twenty-year development, if -- if the
15 market continues on like we see it today. That kind of
16 gives you a timeframe of what we're talking about.

17 And, obviously, we would probably be working from
18 south to north. And there are some large -- You see this
19 area right here where that roadway and this one right
20 here, those are large wetland crossings that we are
21 pursuing with the Corps at this time.

22 But those will take a length -- quite a lengthy
23 period of time. Which we won't -- we won't move forward
24 on that. Our next effort will be Phase II, which does
25 not have any wetlands crossings and will go back out to
26 54 there to make that connection.

27 But before we can move north, we'll have to have
28 those permits in hand to cross those wetlands. And we're

1 working on that now it. But it will take a long time to
2 process.

3 CHAIRMAN SAM DAVIS: Any other questions for
4 Steve?

5 (No response.)

6 CHAIRMAN SAM DAVIS: Thank you, Steve.

7 I'll ask the other two people that are here signed
8 up to speak in support, do y'all have anything to add
9 that he hasn't covered?

10 (Two audience members indicate negatively.)

11 AN AUDIENCE MEMBER: I signed a red form. I
12 was told it was for or against. It was --

13 CHAIRMAN SAM DAVIS: The red is against.

14 Okay. All right. We'll go to that side. Have
15 y'all elected a spokesperson?

16 MR. DWIGHT WILLIAMS: I don't know who's --

17 AN AUDIENCE MEMBER: You can do it.

18 CHAIRMAN SAM DAVIS: Sounds like you're it.

19 MR. DWIGHT WILLIAMS: I'm Dwight Williams. I
20 live in Bay Branch, adjacent to the north.

21 And I'm not -- I wouldn't classify myself as totally
22 opposed to it. But there's many unanswered questions in
23 the application, technical questions and such that you
24 gentlemen are going to end up approving or disapproving.
25 And you should, I think, know more detail than is
26 provided.

27 I've made some notes here. And I don't know whether
28 I should ask questions of you or -- or the --

1 CHAIRMAN SAM DAVIS: Everything you say should
2 be directed to us.

3 MR. DWIGHT WILLIAMS: Okay. All right. On the
4 project narrative, the -- it says all -- all
5 stormwater -- stormwater drainage features, et cetera,
6 are in accordance with the Baldwin County standards.
7 Did -- does the Planning Commission or did they waive
8 any -- any stormwater requirements? These guys --

9 CHAIRMAN SAM DAVIS: That's not under our
10 purview. That's on down the road, subject to this
11 approval.

12 MR. DWIGHT WILLIAMS: Okay. All right. Fair
13 enough. One of the bigger items that -- that seems to me
14 that you and we need answers to is the narrative says the
15 developer reserves the right in the future to revise the
16 common areas.

17 For instance, they can build tennis courts,
18 playgrounds, ball fields, et cetera. Ball fields -- I
19 mean, is there a chance that a ball field can be
20 proposed, like a city park or something here with -- with
21 the tall lights and -- and the noise and traffic? Is
22 that really something that could be pursued later on?

23 CHAIRMAN SAM DAVIS: We'll have staff address
24 that. Go ahead.

25 MR. DWIGHT WILLIAMS: Okay. That's that on
26 that. The -- Let's see. This is the larger handout by
27 the -- the Zoning -- Zoning Department.

28 A description of RSF-2, which is -- is what's being

1 requested, allows a general industrial use such as
2 extraction of natural resources.

3 Does that mean they could have a borrow pit on the
4 property, especially in one of these natural areas up
5 near the residential area to the north?

6 CHAIRMAN SAM DAVIS: Staff -- staff will answer
7 that --

8 MR. DWIGHT WILLIAMS: Okay.

9 CHAIRMAN SAM DAVIS: -- as well.

10 MR. DWIGHT WILLIAMS: All right.

11 ATTORNEY DAVID CONNER: I'll take a shot.
12 Vince, if I get this wrong, tell me.

13 Under all zoning ordinances at this point in time in
14 zoning districts, extraction of minerals is an option.
15 In this case, however, because they're submitting it for
16 a PUD application, they'll only be able to use the
17 property for the purposes for which they denoted in the
18 PUD application.

19 So unless they denoted mineral extraction or
20 something like that on the property, they would not be
21 able to do it. The PUD basically becomes the zoning for
22 that property.

23 MR. DWIGHT WILLIAMS: Okay. I -- I haven't
24 read it. Is that in here at all, that -- that they would
25 intend to do that?

26 MR. STEVEN PUMPHREY: No.

27 ATTORNEY DAVID CONNER: I heard Steve say it's
28 not there.

1 MR. DWIGHT WILLIAMS: Okay. Great. The --
2 this report also says that the one hundred (100) year --
3 the base flood should be depicted on the presentation.
4 I -- I couldn't find it. I have no idea where it is and
5 how it relates to, for instance, a bridge crossing and --
6 and the wetlands.

7 Do y'all need to know -- does the Planning folks
8 need to know the hundred (100) year base flood
9 elevations?

10 CHAIRMAN SAM DAVIS: That's part of the
11 stormwater runoff permitting, which is on the down the
12 road from this hearing.

13 MR. DWIGHT WILLIAMS: Okay. Well, it says it's
14 supposed to be in the application, I think. But, anyway,
15 that's fair enough, if y'all get a shot at it later.

16 Are buffers required between, for instance, the
17 north end where I'm very concerned with future or -- or
18 modification of these open areas right up against the
19 southern property line of Bay Branch. Are buffering
20 required?

21 ATTORNEY DAVID CONNER: I believe all of what
22 they're proposing is all residential use; right?

23 MR. VINCE JACKSON: (Indicates affirmatively.)

24 ATTORNEY DAVID CONNER: So the residential use,
25 you have a residential property -- Is his property in a
26 zoned district?

27 MR. VINCE JACKSON: Yes.

28 ATTORNEY DAVID CONNER: Okay. Unless there are

1 incompatible uses, which I don't think we have here,
2 there is no specific buffering requirements that are
3 there. But if they show a common area on this plat, then
4 it has to remain common, unless they come back and get a
5 PUD or plat amendment.

6 MR. VINCE JACKSON: I'll address the buffers
7 when I return.

8 MR. DWIGHT WILLIAMS: Okay. And the bridge,
9 the gentleman said they'd be working with the Corps, but
10 is the intent for a causeway-type, you know, dirt
11 embankment for a small bridge or culverts, or is this
12 going to be a considerable bridge that would have no
13 affect?

14 One of my other concerns is Weeks Bay. As you know,
15 this is a tributary to Weeks Bay. And that's another
16 issue I want to raise. But are we going above and beyond
17 to build a bridge that is absolutely not going to affect
18 Turkey Branch and base flood elevations and such
19 upstream?

20 CHAIRMAN SAM DAVIS: All right. Vince will
21 address that.

22 MR. DWIGHT WILLIAMS: Okay. All right. And
23 these are all being written addressed, or how --

24 CHAIRMAN SAM DAVIS: He's going to address it
25 at the mic.

26 MR. DWIGHT WILLIAMS: Okay. Beautiful. Let's
27 see here.

28 CHAIRMAN SAM DAVIS: Do you have anything else?

1 MR. DWIGHT WILLIAMS: Yes, sir. I'm turning --
2 just found the next page. I mentioned that one already.
3 I'm about done. Let's see.

4 I would like to -- to ask you folks if -- this broad
5 statement of options to use the natural areas -- The two
6 large natural areas up at the extreme north end adjacent
7 to Plantation Hills and Bay Branch, they're large.

8 And how much detail or how much of a feel do you
9 have to have from the developer that they aren't going to
10 do something really untoward out of -- out of context of
11 a residential area?

12 I mean, how -- how do we ensure that they're not
13 going to build or dig a barrow pit up there right across
14 the fence from my house? You know, I mean, what kind
15 of -- these are generalities that are generally allowed.
16 And how do we -- how do we know they're not going to do
17 something like that?

18 ATTORNEY DAVID CONNER: I guess -- I guess the
19 best thing I can tell you is it's allowed today. Under
20 the zoning ordinance, abstraction of minerals would be
21 allowed under certain circumstances.

22 Actually, you could make an argument that you're
23 getting more protection than you have today. Because
24 once this PUD is approved, then they're -- they have to
25 build that, as platted, unless they come back for a PUD
26 amendment.

27 Now, if I say that wrong, Vince, stop me.

28 MR. VINCE JACKSON: You're correct.

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1 ATTORNEY DAVID CONNER: But right now you just
2 have zoning -- you have the property. It is what it is.
3 You don't know what the developer's plan is going to be
4 or what it's going to be in the future. If this is
5 approved, you at least know that they have to build this,
6 unless they come back and ask for an amendment.

7 MR. DWIGHT WILLIAMS: Okay. So a barrow pit in
8 the future would be something they'd have to request and
9 pursue through the board -- Is that right -- or the
10 Commission?

11 ATTORNEY DAVID CONNER: Yes. I mean, I --

12 MR. VINCE JACKSON: I'll address that.

13 ATTORNEY DAVID CONNER: I'm sorry?

14 MR. VINCE JACKSON: I'll address it.

15 ATTORNEY DAVID CONNER: Okay. Vince will take
16 one more shot at it.

17 MR. DWIGHT WILLIAMS: Okay. All right. I
18 think that's -- that's all I've got.

19 CHAIRMAN SAM DAVIS: All right. Thank you.

20 Any questions of this gentleman?

21 (No response.)

22 CHAIRMAN SAM DAVIS: All right. Does anyone
23 have anything to add that is different than what he said?

24 (An audience member indicates.)

25 CHAIRMAN SAM DAVIS: State your name.

26 MR. GARY ELLIS: Hi. My name is -- my name is
27 Gary Ellis, and I am Dwight's neighbor. And we both live
28 to the north of the map on Bay Branch.

1 And my biggest concern is that we have Turkey Creek
2 on one side and we have Bay Branch Creek on the other
3 side. And they're both in here. And there is plenty of
4 wetlands right there, which they're not showing as being
5 developed, but they are going to be putting a bridge
6 across it.

7 The other concern that I wanted to bring up on top
8 of that is that we're looking at six hundred (600) plus
9 units. And nobody has addressed the infrastructure
10 required for the number of vehicle going to 64 over to
11 181 and north to I-10.

12 We have a new subdivision going in south of us on
13 181 down in the Fairhope area that is going to be adding
14 another thousand (1,000) vehicle into the traffic flow.
15 And the traffic flow on I-90 going to 181 right now gets
16 backed up just about every weekend for at least three
17 miles.

18 I've seen it backed up from the corner on 181 headed
19 west on 90. And on that corner of 181 and 90, I've seen
20 it backed up all the way over to Loxley. Granted, that's
21 when traffic was coming off I-10, but we get those
22 occasionally.

23 Bay Branch Estates, Turkey Creek has one entrance
24 and one exit. That's it. And if there's cars on I-90
25 that's backed up due to traffic flow, we're basically out
26 of luck.

27 And I think these issues need to be addressed before
28 we add anymore residential units in Baldwin County in

1 this area.

2 CHAIRMAN SAM DAVIS: Any questions for this
3 gentleman?

4 (No response.)

5 CHAIRMAN SAM DAVIS: Thank you, sir.

6 There's one other person. Did you have anything
7 additional to add?

8 MR. BENNIE L. RICHARDSON, II: The red was,
9 what, against; green is --

10 CHAIRMAN SAM DAVIS: Red is against. Green is
11 for.

12 MR. BENNIE L. RICHARDSON, II: I think I signed
13 a green sheet.

14 CHAIRMAN SAM DAVIS: Did you sign the wrong
15 sheet?

16 MR. BENNIE L. RICHARDSON, II: No, I didn't.

17 CHAIRMAN SAM DAVIS: So you're an -- you're an
18 advocate for this?

19 THE COURT REPORTER: State your name, please.

20 MR. BENNIE L. RICHARDSON, II: Yes. My name is
21 Pastor Benny L. Richardson, II. I live in the Belforest
22 area on County Road 54 West, which really is north.

23 And I've been there sixty-some-odd years. I know
24 this place from coming up when it was a dirt road. And
25 the infrastructure there is basically all farmland.

26 But now things have began to change. Development is
27 coming to the place. And we're talking about now a
28 school, which is much needed, because of the growth in

1 Baldwin County.

2 So if it's going to help us in anyway to grow, I'm
3 for it. Because I just believe these developers are
4 going to do the right thing, especially because of our
5 Planning and Zoning and our County Commission.

6 I don't believe that you're just going to let
7 anything come in and fly. It has to be done decently and
8 in order. And in order for us to grow and to prosper and
9 to bring money into our county and into our state, there
10 has to be some change. So I'm for it.

11 CHAIRMAN SAM DAVIS: All right. Thank you.

12 Vince, you want to answer some of these questions?

13 MS. THERESA YELDING: I didn't get a chance to
14 speak.

15 MR. VINCE JACKSON: Somebody wants to --

16 CHAIRMAN SAM DAVIS: You know, I've asked
17 several times. Do you have something different to add?

18 MS. THERESA YELDING: (Indicates
19 affirmatively.)

20 CHAIRMAN SAM DAVIS: Are you on the for side or
21 the against side?

22 THE COURT REPORTER: And state your name.

23 MS. THERESA YELDING: I'm Teresa Yelding. I
24 live on 54, and I'm against it.

25 I have grandchildren, children. Our community has
26 been farmed and family. And we just don't need another
27 subdivision. We don't need to be zoned.

28 As -- as he mentioned -- you mentioned -- he

1 mentioned, I was going to mention about the traffic.

2 Years ago, I petitioned -- I'm the reason there is a
3 light on 181 and 64, which was 27.

4 I petitioned and got that light put up years ago
5 because of the traffic had started way back years ago.
6 But on 54, I have to leave now thirty minutes to get to
7 work, which I used to leave --

8 CHAIRMAN SAM DAVIS: Ma'am, I'm going to stop
9 you.

10 MS. THERESA YELDING: And the traffic --

11 CHAIRMAN SAM DAVIS: I'm going to stop you. We
12 have heard that. That is a repeat. And so --

13 MS. THERESA YELDING: Okay. Well, what we're
14 already contending with is the dirt in the area, because
15 there is so much growth already that we're having to deal
16 with those trucks coming and going, coming and going.

17 And then we -- I -- I know you said not about the
18 traffic, but people are coming through 54 already for a
19 shortcut. And there is people with respiratory problems,
20 like myself. We're already dealing with that, because of
21 the trucks coming through and the trucks.

22 We just don't need another subdivision. And the
23 economy already, like it is now, I think it's going to
24 bottom out again. And those houses will be sitting
25 there. But we just don't need this.

26 CHAIRMAN SAM DAVIS: All right. Thank you.

27 MS. THERESA YELDING: Uh-huh. (Indicates
28 affirmatively.)

1 CHAIRMAN SAM DAVIS: Vince.

2 MR. VINCE JACKSON: I will address the -- the
3 comments that I can. On some of them, I may need to
4 defer to others. And I will -- I'll get to those in a
5 minute.

6 The PRD site plan, we use this term a lot. We use
7 it with conditional use and such, but it is site plan
8 specific. What that means is if -- if the County
9 Commission ultimately approves this site plan, what --
10 what you see on here, what the County Commission approves
11 is what will have to be built.

12 So if anything changes, whether -- whether the open
13 space changes, whether they decide to put in ball fields,
14 if they're not on here already, they going to have to
15 come back through the process, which means a
16 recommendation from the Planning Commission to the County
17 Commission.

18 There are minor things that we can approve
19 administratively. But when you're talking about
20 facilities, when you're talking about changes to open
21 space, when you're talking about use, lots, those types
22 of things, those are major changes, and those have to go
23 through the process.

24 So the site plant, if approved, will go -- will go a
25 long way to actually setting what can and cannot be done.
26 And the only way for that to change would be to come back
27 through you-all and then through the County Commission.

28 Now, the -- the question about dirt pits, extraction

1 of natural resources, we are -- we are actually
2 prohibited in our legislation from -- from regulating the
3 removal of natural resources on or under the ground.

4 That's why we have that -- that statement in every
5 zoning district that we have available. You can do that
6 today on this property. Approval of the site plan makes
7 it much less likely. Because, like we said and like
8 Mr. Conner said, the site plan will control what can and
9 cannot be done there.

10 So, you know, if -- if dirt pits or that type of
11 thing are a concern, it's much more likely to happen now
12 than they would be if the site plan was approved.

13 In terms of the, you know -- looking at the flood
14 information, the drainage, approval of the re-zoning and
15 approval of the site plan are -- are really only the
16 first steps as -- as the property develops.

17 There are will be subdivision plats submitted. And
18 so that's really the time where you're looking more at
19 flood information and the drainage information.

20 As for the traffic improvements on the County Road
21 54, improvements on County Road 64, there will, in all
22 likelihood, be some improvements required. Seth could
23 probably speak to that a little bit better than I could.

24 Typically, whenever you have development, there are
25 required improvements on the county roads. I understand
26 the concerns about traffic. I think we all know -- no
27 matter where we are in the county, we deal with it every
28 day.

1 But the people are coming. And for the foreseeable
2 future, it doesn't appear that they're going to stop
3 coming. We've got to have some place to put them.

4 And, for better or worse, we live in Alabama.
5 Improvements in Alabama often happen years after they're
6 needed. But what I have seen -- And I've seen this over
7 and over again -- is sometimes developments make
8 improvements happen faster than they would have normally.

9 So this is not something where six hundred twelve
10 (612) lots are going to happen overnight. But if this
11 ultimately is approved by the County Commission, it may
12 help to facilitate some of the needed improvements in
13 this area.

14 As for the questions about the creeks and the
15 crossings, I probably need to defer to Mr. Pumphrey to
16 address those.

17 One other thing I wanted to address was the
18 buffering. This is residential. It's proposed to be
19 residential. It abuts residential. And typically we do
20 not require buffering where like land uses abut one
21 another.

22 However, I did have a call from someone representing
23 Bay Branch earlier in the week. And that was his main
24 concern that he expressed to me, that he would like to
25 see some buffering there to the north where, you know,
26 the lots would abut Bay Branch and Plantation Hills.

27 Because you are a recommending body, you could add
28 that as a condition. I have communicated that to

1 Mr. Pumphrey. And, obviously, he would need to --

2 CHAIRMAN SAM DAVIS: Does Bay Branch have a
3 buffer?

4 MR. VINCE JACKSON: From this neighborhood?

5 CHAIRMAN SAM DAVIS: Yes.

6 MR. VINCE JACKSON: No. But Bay Branch was
7 there first. But, you know, it's something that can be
8 considered. I'm sure Mr. Pumphrey would need to talk
9 with his clients to see if they would be agreeable.

10 And that is something we could actually handle at
11 the -- at the County Commission level when this gets up
12 there. Because they are the final authority on this.
13 But it's something -- You know, it has been brought to
14 our attention. It's something that we can look at. But
15 typically --

16 CHAIRMAN SAM DAVIS: My point is that we're
17 treating --

18 MR. VINCE JACKSON: I --

19 CHAIRMAN SAM DAVIS: -- one developer different
20 than another.

21 MR. VINCE JACKSON: -- understand. I
22 understand. It -- it is something that we could look at.
23 In a normal subdivision, conventional subdivision, we
24 would not be able to require a buffer. The site plan
25 gives you a little more flexibility.

26 And, like I said, there will be -- there will be
27 additional public hearings. There will -- as phases of
28 this are developed, there will be subdivision plats that

1 will be reviewed by the City of Daphne's Planning
2 Commission and will also be reviewed by Baldwin County at
3 staff level. So there's going to be lots of eyes looking
4 at this as it develops through the years.

5 Those are the comments that I'm able to address.
6 Some of the others, you may want to ask Mr. Pumphrey if
7 he has any additional information.

8 CHAIRMAN SAM DAVIS: Steve, you want to come up
9 and address the wetlands issue as it relates to the
10 runoff, and the bridge?

11 MR. STEVEN PUMPHREY: Yeah. And -- and the
12 best way to answer that is it's way ahead of the game on
13 this. As Vince said, this is strictly re-zoning and PRD.

14 We -- we've done some, you know, preliminary work.
15 And all these blue areas are detention ponds. They're
16 detention ponds all over the site, best we can tell.

17 But, as Vince said, as we get into the -- get past
18 this stage, then as we do development, we're going to
19 have to do construction plans.

20 And there's going to be two sets of eyes on this,
21 because we're in the ETJ of Daphne. We have to submit to
22 Daphne. They'll hold the public hearing. Unfortunately,
23 you folks won't even be dealing with that part of it.
24 It'll go to the City of Daphne. But your staff will be
25 getting all the construction plans.

26 So the County will be looking at these plans, and
27 the City will be looking at these plans. Folks are
28 either going to like it or get tired of all the

1 notifications they're going to be receiving.

2 Because this is going to the County Commission next.
3 Whether you recommend for or against it, it's still going
4 to go to them. They'll get the notice. It's going to go
5 to Daphne.

6 Every time we do subdivision plat there -- Which is
7 when they will be able to begin to see what we have, what
8 we've done with the drainage, what are we doing with the
9 wetlands closing. Because they'll actually be designed
10 at that point and be able to see it.

11 The common area, just so that you know, we did add
12 common area in. We put a -- and -- and I get this all
13 the time. Quite frankly, I don't think we should have to
14 put one in. It's a like use.

15 I understand if we put a commercial next to a
16 residential, yes, you've got to put some buffering in.
17 But these are like uses.

18 The only thing we did -- Because this -- these are
19 some smaller lots right here against Bay Branch and, I
20 think, the other subdivision, Plantation, over to the
21 right. We put a fifteen (15) foot undisturbed buffer
22 along those lots, because they are some smaller lots.

23 We didn't do it over here, because this was a
24 cul-de-sac, just typically larger lots and a cul-de-sac,
25 so didn't put it there. So we have thought about that on
26 those particular lots that were smaller and put a buffer
27 there.

28 So there is one. Whether you want more, you folks

1 would just have to say. But that's -- we did build it
2 into our plan.

3 There will be a traffic study done. There is
4 already turn lanes at the existing County Road 64. That
5 was already built. Turn lanes are in place.

6 But, 54, when we make that connection, we're going
7 to have to do a traffic study. And it'll determine what
8 improvements we'll have to make at that intersection.
9 But that will be done, again, as we do the preliminary
10 plats and before any construction is done, obviously.

11 Any questions for me, I will be glad to --

12 CHAIRMAN SAM DAVIS: Any questions for
13 Mr. Pumphrey?

14 (No response.)

15 CHAIRMAN SAM DAVIS: Thanks, Steve.

16 MR. STEVEN PUMPHREY: Thanks.

17 CHAIRMAN SAM DAVIS: Vince, you got anything
18 else to add?

19 MR. VINCE JACKSON: Not really. Like I said in
20 the beginning, we have two applications, so we'll need a
21 motion and a vote on each case number.

22 CHAIRMAN SAM DAVIS: Let me ask if there's any
23 questions for you from the Commission.

24 (No response.)

25 CHAIRMAN SAM DAVIS: All right. Thank you.

26 We'll close the public hearing at this point. I'm
27 assuming we'll need to have individual consideration. So
28 we'll take Case Z-18022, which is the re-zoning

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1 recommendation.

2 MR. VINCE JACKSON: Yes, sir.

3 CHAIRMAN SAM DAVIS: Staff has recommended
4 approval. Is there a motion to do so?

5 COMMISSION MEMBER KEVIN MURPHY: I'll make a
6 motion to approve.

7 CHAIRMAN SAM DAVIS: Okay. There is a motion
8 to recommend approval to the County Commission. Is there
9 a second?

10 COMMISSION MEMBER DOUG THOMAS: Second.

11 CHAIRMAN SAM DAVIS: There's a second. All in
12 favor, say aye.

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

14 CHAIRMAN SAM DAVIS: All opposed?

15 (No response.)

16 CHAIRMAN SAM DAVIS: It carries unanimously.

17 The second case is Z-18023, which is for the PUD.
18 Staff has recommended -- has given a recommendation of
19 approval. Is there a motion to do so?

20 COMMISSION MEMBER KEVIN MURPHY: I make a
21 motion to recommend approval.

22 CHAIRMAN SAM DAVIS: All right. There is a
23 motion to recommend approval of the PRD. Is there a
24 second?

25 COMMISSION MEMBER DOUG THOMAS: Second.

26 CHAIRMAN SAM DAVIS: Okay. There is a second.
27 All in favor, say aye.

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

1 CHAIRMAN SAM DAVIS: All opposed?

2 (No response.)

3 CHAIRMAN SAM DAVIS: Again, unanimous. It
4 carries.

5 MR. VINCE JACKSON: Thank you for your -- your
6 patience on these zoning cases. I know some of them were
7 long and difficult tonight.

8

9 8-B - CASE S-18013 - SOUTHERN BELLE RV RESORT - VARIANCE

10 CHAIRMAN SAM DAVIS: Southern Belle RV Resort,
11 S-18013.

12 MR. SETH PETERSON: S-18013, Southern Belle RV
13 Resort, this is going to be a two-part case. This is a
14 proposed site RV park. And they are requesting two
15 variances from you. So we're going to get the variance
16 request first.

17 This is located in District 14. The property is not
18 zoned. It's the northwest corner of US 98 and County
19 Road 9. They're proposing seventy (70) RV sites,
20 nine-point-two (9.2) total acres. And the total density
21 here is seven-point-six (7.6) units per acre.

22 They are asking for two variance requests. The
23 first one is to allow gravel roadways instead of paved
24 streets. The second request is to allow a density of
25 seven-point-six (7.6) units per acre, which exceeds the
26 density requirements of the Subdivision Regulations,
27 which in this case is one-point-one (1.1) unit per acre.

28 Here's a copy of the proposed plan. This is a case