

1 CHAIRMAN SAM DAVIS: Motion carries.

2 MR. SETH PETERSON: Thank you.

3 8 - CONSIDERATION OF APPLICATIONS AND REQUESTS: RE-ZONING CASES

4 8B - CASE Z-18033 1ST AMERICAN INVESTMENTS LLC PROPERTY

5 CHAIRMAN SAM DAVIS: The next case is Z-18023,
6 The Reserve at Daphne.

7 MS. CELENA BOYKIN: We're gonna skip to the
8 next case. We're waiting for Vince to get here, so we're
9 gonna move to Z-18033.

10 CHAIRMAN SAM DAVIS: All right. We'll go to
11 Case Z-18033, First American Investments.

12 MS. CELENA BOYKIN: Correct.

13 All right. This is a request to rezone eight acres
14 from RA to B-4. The applicant is asking for the B-4 in
15 order to sell custom and prefab sheds and barns on the
16 subject property.

17 It's located on Highway 98 in Planning District 22.
18 The whole property consists of sixteen acres, but the
19 applicant is just asking for the front eight acres to be
20 rezoned to B-4.

21 This property was brought before you at the last
22 meeting. It was Case Z-18029. When they brought this at
23 the last meeting, they were planning to do some storage
24 -- RV, boat storage. After hearing some of the concerns
25 at the meeting and the planning commission also denied
26 it, they withdrew the application before it went to
27 county commission. They decided to start over. They
28 submitted a whole new application and paid fees and

1 started over. They came --

2 Here's their plan. They plan to put an office and
3 then sell the storage buildings. This is their proposed
4 plan. They have parking and an office, and it shows the
5 area they plan to develop. And they also submitted some
6 renderings of what they propose it to look like. And
7 these two pictures -- They have two other businesses
8 similar to this in Florida, and this is their businesses
9 there.

10 Staff has recommended approval of this rezoning
11 case. And I believe also in the packet, there was a
12 letter of concern from one of the citizens. And the
13 applicant is also here to answer any of the questions.

14 CHAIRMAN SAM DAVIS: Any questions for Celena?

15 (No response.)

16 CHAIRMAN SAM DAVIS: All right. Thank you.

17 We'll open the public hearing at this point. Does
18 the developer wish to come up to the mic? There are
19 three signed up to speak for, and there's one signed up
20 to speak against.

21 MR. STUART SMITH: I'm Stuart Smith. I'm here
22 representing the owner.

23 Just to touch base a little bit of the last time we
24 were here. It was evident that we didn't provide you
25 enough information to review for what we were intending
26 to do, and I had an error on the application of the
27 proposed use as well. It was intended by the client --
28 our client to do this from the beginning. So that was an

1 error on my part.

2 Other than that, you know, the -- What he wants to
3 do out there, I mean, very similar people are doing
4 something just the same as they are. You know, the
5 adjacent property, you know, that is right next door to
6 us is B-4. It got rezoned. And the two parcels down is
7 B-4. B-3 is just beside it. And then, of course, down
8 the road, there's light industrial. So we would ask
9 y'all to review this one more time with the information
10 we've provided you.

11 CHAIRMAN SAM DAVIS: I didn't ask you, but
12 state your name for us.

13 MR. STUART SMITH: Stuart Smith.

14 CHAIRMAN SAM DAVIS: Okay. Any questions for
15 Mr. Smith?

16 COMMISSION MEMBER BONNIE LOWRY: I do.

17 What you have submitted this time, it says Baldwin
18 Barns. Of course, barns doesn't have anything to do with
19 sheds, does it? And Number 2 for you, if you're going to
20 use only half of the acreage, what's your egress road
21 going to be to the other half of the acreage?

22 MR. STUART SMITH: There's gonna be a thirty
23 foot ingress/egress along the side property line to get
24 to the back. The client does intend to build a residence
25 in the back and live in the back.

26 As far as Baldwin Barns goes, I mean, a name is a
27 name. You know, I don't know what to tell you farther
28 than that.

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1 The client is here this evening, if there's going to
2 be any further questions or if you need to know anything
3 in more detail.

4 CHAIRMAN SAM DAVIS: Why don't we ask him to
5 come up to the mic.

6 MR. JUAN ZAMORA: Good evening.

7 CHAIRMAN SAM DAVIS: State your name, sir.

8 MR. JUAN ZAMORA: Juan Zamora.

9 CHAIRMAN SAM DAVIS: How soon do you intend to
10 start developing the property?

11 MR. JUAN ZAMORA: I was hoping I could get
12 started a little early. But I'd like to let you guys
13 know how I visited the area, I fell in love with the
14 area, the growth. And we build sheds and barns. So just
15 to provide something to the area that's needed here. So
16 I brought my family with me so the girls can kind of see
17 what's going on and get the experience in this. So it's
18 a long term. It's not that I've seen people that want to
19 buy a property and change it and sell it. No, sir. I
20 have plans for it there. And I've got some acreage next
21 door that I'm purchasing as well. So with all due
22 respect to everybody here, I just want to bring growth to
23 the area. I like it and I want to come -- I'm a little
24 -- Let's just say I'm getting a little older, and South
25 Florida is really congested. My businesses do very well
26 there, but I kind of want to slow it down a little bit.
27 I can control that over there through my accountant,
28 etcetera. But I want to put some roots in this area. So

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1 with your permission and acceptance of the commissioners
2 that I'm facing -- I'm sorry. I'm a little nervous.
3 I've never done this before. So it's just very clean.
4 There's no mechanical things. We're not gonna be
5 building there. Our factory is in Georgia, so we're not
6 gonna be doing any construction there and making noise or
7 building and in and out. It's just like a beautiful
8 showroom.

9 CHAIRMAN SAM DAVIS: Okay. Thank you. We
10 appreciate that.

11 Any questions for this gentleman?

12 COMMISSION MEMBER SPENCE MONROE: Sam, I've got
13 a couple.

14 Is it Steve? Is that correct?

15 MR. STUART SMITH: Stuart.

16 COMMISSION MEMBER SPENCE MONROE: Stuart -- I'm
17 sorry -- mentioned the thirty foot easement, yet the
18 proposed plan does not indicate that at all.

19 MR. JUAN ZAMORA: They're gonna be taking care
20 of the engineer work on it, sir.

21 COMMISSION MEMBER SPENCE MONROE: Okay.

22 MR. JUAN ZAMORA: And the reason is the back
23 half that's on it, we kind of cleaned out the area there.
24 And it's got some nice pine trees in the back. And I
25 want to build a nice estate back there where I can maybe
26 just ride up to the front on my golf cart and see what's
27 going on, you know, hey, and go right back. I'm about
28 twelve years away from retirement hopefully, not full

1 retirement, but --

2 COMMISSION MEMBER SPENCE MONROE: The other
3 question I had was on the site plan view of the property,
4 it looks like the northeast corner is fairly wet. Is
5 that correct?

6 MR. JUAN ZAMORA: I've kind of brought it over
7 to the side a bit from that area, and we're gonna be
8 bringing up some field dirt or whatever our engineer
9 recommends in that area.

10 COMMISSION MEMBER SPENCE MONROE: So your
11 property would or the buildings that you're selling would
12 not be out in that area?

13 MR. JUAN ZAMORA: No, sir. They would be on an
14 elevated foundation. And the barns would actually have a
15 concrete pad which will be affixed to it so they wouldn't
16 be -- You know, it's gonna have its paved road. We'll
17 invest a bit in that property, sir.

18 COMMISSION MEMBER SPENCE MONROE: Okay.

19 CHAIRMAN SAM DAVIS: Any other questions for
20 this gentleman?

21 (No response.)

22 CHAIRMAN SAM DAVIS: All right. Thank you,
23 sir.

24 There's one signed up in opposition; Mr. Jeff Moore.

25 MR. JEFF MOORE: I have a picture for you guys.
26 Is it all right if I bring it up?

27 CHAIRMAN SAM DAVIS: Sure.

28 MR. JEFF MOORE: My name is Jeff Moore. I'm a

1 land owner, property owner and business owner in the area
2 where this proposed zoning is.

3 I was here a month ago in opposition to it then, and
4 it was -- you recommended it would be denied. And they
5 pulled the permit before it went to the commission. And
6 instead of saying that what they had planned originally
7 they wanted to do, they changed their direction
8 completely. I mean, if this gentleman has a good
9 business building and selling sheds in South Florida, why
10 would he not want to do the same thing up here? You
11 know, to me, that means just as I said last time, that
12 all they want to do is get it rezoned whether they live
13 in the back eight acres or not so that they can flip the
14 front on Highway 98.

15 The pictures that I gave you, he had pictures that
16 they submitted of the property for the shed depots.
17 There are two locations in South Florida. What they
18 failed to tell you is that the original one in
19 Hialeah/Gardens, Florida, it's on a frontage road off a
20 divided highway. That is totally different than Highway
21 98 in Baldwin County between Elberta and Lillian. The
22 other one is in Homestead, Florida. It's in a four-lane
23 divided highway. There again, it's not anything close to
24 what -- The area around it is industrial. There's a
25 recycling center next to the one shed business. And like
26 he said, he's not going to be manufacturing. But, you
27 know, I question that since in his original zoning
28 request, it says sales office and showcase area for

1 custom and prefab sheds. Well, custom means if somebody
2 wants something added. Where does it get added? And if
3 that is the case, would a B-4 be the correct zoning?

4 The other thing that I have is, you know, they have
5 -- I had fought the other rezoning in this area. It is
6 all prime farmland, and it is a low area between his
7 property and the next one that was rezoned B-4. And that
8 rezoning went through before I got my ducks in a row. I
9 did contest the one that is the farthest to the east.
10 And the gentleman had a -- He gave a spill. It was
11 approved. And it was now up for rent and still for rent.
12 And this gentleman has already changed his mind once. If
13 it gets denied again, is he gonna go back to South
14 Florida and ask for something different just to get that
15 property rezoned?

16 There is a lot of traffic on that road. And getting
17 large sheds and buildings in and out on Highway 98 right
18 now in that area would be a disaster.

19 CHAIRMAN SAM DAVIS: Let me ask you, where is
20 your property located in relation to this?

21 MR. JEFF MOORE: My property -- My home is
22 approximately four tenths of a mile to the east of this
23 location.

24 CHAIRMAN SAM DAVIS: All right. And you said
25 you're in business for yourself?

26 MR. JEFF MOORE: Yes.

27 CHAIRMAN SAM DAVIS: What do you do?

28 MR. JEFF MOORE: My wife and I own Moore

1 Fasteners. We're at the corner of Deer Acres Lane and
2 98. And so we had our property rezoned. We have a
3 business there. We've been in business there for six
4 years. We've expanded our business, and we've been
5 trying to keep with everything that's in the county, what
6 they asked us to do. But we have not -- We're not
7 flipping the property. We had a plan. You made us prove
8 what we were gonna do before you would rezone it.

9 This property is only eight acres, and he wants to
10 rezone for sixteen. The back part of that eight acres
11 has already been replanted in crops, which to me says why
12 would you want to replant crops if he is wanting to get
13 started that quickly. And if there is wetlands on this
14 property, doesn't that affect what the use can be?

15 CHAIRMAN SAM DAVIS: That's all handled down
16 the road from this meeting.

17 MR. JEFF MOORE: Okay. But once -- That's
18 true. But once it's rezoned, then it can't go back.
19 That's what I'm concerned with. We're changing all these
20 properties on Highway 98 that are in the middle of
21 nowhere. I have a distribution center. I do not have a
22 -- I mean, it's not a retail sales. We're not -- That's
23 not our business. And we get along with all of our
24 neighbors. We have never had any complaints from the
25 neighbors. And they're starting to turn more and more of
26 this property. And once it's turned to B-4, unless
27 somebody wants to rezone it, they can't. It stays that.
28 Which just increases the property value for whoever wants

1 to sell it.

2 In August of 1991, the Alabama State Legislature
3 passed the Baldwin County Planning and Zoning Act, Number
4 91-719, which basically states Baldwin County Planning
5 and Zoning Department staff developed long range,
6 comprehensive land use plans and implements zoning and
7 subdivision regulations in unincorporated Baldwin County.
8 These development programs strive to ensure that the rich
9 quality of the life enjoyed by citizens of Baldwin County
10 today will be maintained, if not enhanced for future
11 generations.

12 CHAIRMAN SAM DAVIS: Let me ask you, how long
13 have you owned the property where your business is?

14 MR. JEFF MOORE: We have owned it now for, I
15 believe it's seven years.

16 CHAIRMAN SAM DAVIS: Did you ask for it to be
17 rezoned?

18 MR. JEFF MOORE: Yes, sir. I came in front of
19 the zoning board and asked for it with plans of the
20 building that I was going to build.

21 CHAIRMAN SAM DAVIS: And it fronts 98.

22 MR. JEFF MOORE: Yes, sir. But we also -- Our
23 access is off of Deer Acres Lane.

24 CHAIRMAN SAM DAVIS: Okay. Was there any
25 opposition to your rezoning?

26 MR. JEFF MOORE: Yes, sir, there was. And they
27 -- Not everybody on the committee was for it, but they
28 approved it. And I have -- As far as I'm concerned, I

1 have not let down the county. I have done what I've
2 asked. The building -- I'd be more than happy -- Anybody
3 is welcome to take a look at it. We meet all the codes.
4 We've kept all the buffer zones that were required. I
5 know that that is down the road, but we had to have all
6 of that before they would rezone it for us. I just want
7 the county to slow down rezoning so that people can flip
8 it. That's what happened to the eight acres that is on
9 the corner of 97 and 98. They were going to put a
10 restaurant --

11 COMMISSION MEMBER KEVIN MURPHY: Have you
12 thought about the property owners who are very happy that
13 this is happening again when ten years ago when the land
14 market fell? Have you thought about that side of it?
15 The farmers that are getting fifty dollars an acre to
16 rent their land, the old generation who are retired, have
17 you thought about them? They'd like to have a little
18 income too.

19 MR. JEFF MOORE: And I don't -- I mean, it's
20 not -- If it was residential, I don't think there would
21 be -- I mean, I would have no opposition if they were
22 going to put a subdivision --

23 COMMISSION MEMBER KEVIN MURPHY: But yours
24 isn't residential.

25 MR. JEFF MOORE: Hum?

26 COMMISSION MEMBER KEVIN MURPHY: Yours isn't
27 residential. You were zoned business.

28 MR. JEFF MOORE: Correct. But we were not --

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1 Yes. And we are across from another business, and it
2 just -- We have three acres is our total property. So --

3 COMMISSION MEMBER KEVIN MURPHY: You could have
4 rented it to a farmer and got a hundred and fifty dollars
5 a year.

6 MR. JEFF MOORE: No, sir, I could not. Ours
7 was all wooded.

8 COMMISSION MEMBER KEVIN MURPHY: Three thousand
9 dollars --

10 MR. JEFF MOORE: It's wetlands.

11 COMMISSION MEMBER KEVIN MURPHY: For three
12 thousand dollars, you could have cleared it.

13 MR. JEFF MOORE: Okay. Well, I mean, actually,
14 we were told we can't clear over one acre without
15 permits. I mean --

16 CHAIRMAN SAM DAVIS: We're kind of getting off
17 track a little bit. But you do realize Baldwin County is
18 the fastest growing county in the state at this point.
19 Commercial properties do locate along thoroughfares.

20 MR. JEFF MOORE: Yes, sir.

21 CHAIRMAN SAM DAVIS: And you mentioned the
22 subdivision, that you'd be in favor of a subdivision.
23 I'm of the opinion that a subdivision would put a whole
24 lot more traffic out on 98 than what this business would
25 do and a lot more regular -- actually in condensed times
26 earlier in the morning and later in the afternoon. So I
27 understand your arguments, but people in Baldwin County
28 that have been there a while seems to have the mentality

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1 that okay, I'm here, I've got mine, I don't want anybody
2 else to come. That's just really not rational.

3 MR. JEFF MOORE: Okay. That's not my opinion
4 and not the way I wanted to perceive it. But --

5 CHAIRMAN SAM DAVIS: Let me ask if there's any
6 other questions for Mr. Moore.

7 (No response.)

8 CHAIRMAN SAM DAVIS: All right. Thank you,
9 sir.

10 MR. JEFF MOORE: Thank you.

11 COMMISSION MEMBER BONNIE LOWRY: Sam, may I ask
12 Mr. Stuart a question? I think I understood him, but I
13 want to make sure whether I did or not.

14 CHAIRMAN SAM DAVIS: Sure.

15 COMMISSION MEMBER BONNIE LOWRY: Did I hear you
16 say that on the back eight acres that are left that you
17 were planning on putting a home?

18 MR. STUART SMITH: I was not. I'm representing
19 the client. They are planning to do that. That is in
20 their future scope.

21 COMMISSION MEMBER BONNIE LOWRY: Okay. Thank
22 you.

23 CHAIRMAN SAM DAVIS: Does the applicant have
24 anything else you would like to say to us?

25 MR. JUAN ZAMORA: Yes. When I first came --

26 CHAIRMAN SAM DAVIS: If you would, come back up
27 to the mic. I'm not trying to put you on the spot.

28 MR. JUAN ZAMORA: Oh, no. It's okay. The

1 second time around, you kind of feel a little more --

2 When I first got into the area, I actually went to
3 Mr. Moore's place, and I told him originally what I
4 wanted to do. I introduced myself. I explained to him
5 that I had just purchased the property and I wanted to
6 get familiar with the people in the area, friendly. I
7 told him that if there's anything he needed -- I had some
8 bush hogs, backhoes, Bobcats, if there's anything that I
9 could do to help him out. And I give him my personal
10 business card and bought some hardware from him. And I
11 said if there's anything you need, here's my number, my
12 e-mail is on there, if there's anything, please contact
13 me. I'm right down the street. I plan on putting a shed
14 business there. And I did tell him that personally. So
15 I didn't go over there and tell him that I was gonna do
16 anything. I introduced myself neighborly and what my
17 intentions were. And little did I know that this was
18 gonna be occurring right now. So I wanted to address
19 that at the moment. So I still offer my friendship to my
20 neighbors. I'm there for whatever they need. And all my
21 intentions are just good, sir.

22 CHAIRMAN SAM DAVIS: Okay. Thank you.

23 Are there any questions for this gentleman?

24 (No response.)

25 CHAIRMAN SAM DAVIS: All right. Thank you,
26 sir.

27 We will close the public hearing at this point. Any
28 other questions for staff?

1 COMMISSION MEMBER BONNIE LOWRY: I have one.

2 Am I correct in the fact that a major commercial in a
3 B-4, you would not have a home on that property, that it
4 would go to a B-2?

5 MS. CELENA BOYKIN: If they plan to build a
6 home, they can't do it on a B-4, but they can do it on
7 the back eight acres that's remaining RA, which I think
8 is what they're planning to do. The whole property
9 consists of sixteen acres. They're just asking for the
10 front eight acres to be rezoned to B-4. The rear eight
11 acres will stay RA. And that's where they plan to build
12 a home.

13 COMMISSION MEMBER BONNIE LOWRY: But the same
14 person is going to own both acres; right?

15 MS. CELENA BOYKIN: Correct. Yes.

16 CHAIRMAN SAM DAVIS: Any other questions for
17 staff?

18 MS. CELENA BOYKIN: I'd also like to mention
19 there was discussion about the wetlands. If there is
20 wetlands on the property, a delineation will have to be
21 done. The county requires a thirty foot setback from the
22 wetlands.

23 CHAIRMAN SAM DAVIS: Thank you.

24 All right. Staff has recommended approval. Is
25 there a motion to do so?

26 COMMISSION MEMBER DEWANE HAYES: I make a
27 motion to approve.

28 CHAIRMAN SAM DAVIS: Okay. There's a motion to

1 approve. Is there a second?

2 COMMISSION MEMBER KEVIN MURPHY: I'll second.

3 CHAIRMAN SAM DAVIS: Okay. There's a second on
4 the table.

5 All in favor, say aye.

6 (All members except Commission Member Bonnie Lowry say "aye" in
7 unison.)

8 CHAIRMAN SAM DAVIS: All opposed?

9 COMMISSION MEMBER BONNY LOWRY: No.

10 CHAIRMAN SAM DAVIS: There's one dissenting,
11 but the motion carries.

12 **8A - CASE Z-18023 THE RESERVE AT DAPHNE PROPERTY**

13 CHAIRMAN SAM DAVIS: All right. We'll go back
14 to Case A-18023.

15 Vince, did I get the case right? Z-18023?

16 MR. VINCE JACKSON: Yes. And first, let me
17 apologize for running late.

18 CHAIRMAN SAM DAVIS: It happens to all of us.

19 MR. VINCE JACKSON: But I'm here. And I
20 appreciate your patience and rearranging the agenda just
21 a little bit.

22 This is Z-18023, The Reserve at Daphne Property.
23 This is a request for PRD site plan approval. The
24 applicant is requesting the site plan approval for a four
25 hundred and seventy acre, six eighteen lot plan
26 residential development to be known as The Reserve at
27 Daphne.

28 The subject property is located on the north side of