

1 three cases tonight. If everybody that's here, if anyone
2 wishes to speak, you should have already signed up on the
3 table out front, if you have not done so and you wish to
4 speak.

5
6 **8 - CONSIDERATION OF APPLICATIONS AND REQUESTS: RE-ZONING CASES**

7
8 **8-A - CASE Z-18041, DORGAN PROPERTY**

9 CHAIRMAN SAM DAVIS: Okay. First case is
10 Z-18041, Dorgan property.

11 MR. VINCE JACKSON: Mr. Chairman, real quick,
12 before we get started on the agenda, I'd like to welcome
13 Commissioner Ball and Commissioner Underwood. They're
14 here with us for part of the meeting tonight. And we are
15 glad to have them here.

16 (Applause.)

17 CHAIRMAN SAM DAVIS: Thank you, Vince.

18 MR. VINCE JACKSON: And our first case this
19 evening is Z-18041, the Dorgan property. This is a
20 request to re-zone from B-2 to RSF-2.

21 This involves (one-point-oh-four) 1.04 acres to
22 allow a residential use on the subject property. This is
23 located on the east side of Scenic Highway 98,
24 approximately three hundred fifty (350) feet south of
25 County Road 32 in Planning District 26.

26 This is an application that you-all have seen
27 before. The original application was a request for
28 RSF-4. The Planning Commission did actually recommend

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1 approval of the RSF-4 request on October 4, 2018.

2 However, the request generated significant
3 opposition. And at some point during the process, there
4 was discussion of instead re-zoning the property to
5 RSF-2.

6 As you know from our discussions at the last
7 meeting, there was a point where we could have the
8 Planning -- or the County Commission, rather, could vote
9 to approve a designation that was more restrictive than
10 that which had been advertised. However, due to a recent
11 ruling by the Alabama Supreme Court, we can no longer do
12 that.

13 So in order to consider the RSF-2 for this
14 application, we had to re-advertise it and bring it back,
15 which is why it's before you tonight.

16 If the re-zoning is approved, the smaller of the two
17 lots, which is the lot of record, -- it was originally
18 divided in 1995. That was -- I mean, yeah -- 1985, I'm
19 sorry. That was before the zoning was approved in 1993.
20 So it is an existing lot of record. This lot will remain
21 as it is.

22 The larger of the two lots, if the zoning is
23 approved, will be divide into two lots, which would be
24 consistent with the area dimensional requirements for
25 RSF-2 zoning.

26 This scenario, we felt like, is a good option. I
27 think this is something that should make everyone happy.
28 There was -- Based on the comments we had previously, we

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1 understood that there would be support for the RSF-2.

2 There has also been, I think, some concern over the
3 commercial zoning in the area. So this gives us the
4 RSF-2, it gives the applicant the lots they were seeking,
5 and it takes some of that commercial area off the table
6 for Planning District 26.

7 So I hope and feel that this is a situation that
8 everyone should be happy with. We recommend approval.
9 And I'll be happy to answer any questions you might have.

10 CHAIRMAN SAM DAVIS: Any questions for Vince?

11 (No response.)

12 CHAIRMAN SAM DAVIS: Vince, this is what we saw
13 at the last meeting, and the Commission did recommend
14 approval?

15 MR. VINCE JACKSON: You actually saw this in
16 October. And at that time, it was a request for RSF-4.
17 And the Planning Commission did recommend approval of the
18 RSF-4.

19 RSF-2 is a more restrictive designation, and it
20 requires a larger lot size. With RSF-2, the minimum lot
21 size is fifteen thousand (15,000) square feet. With
22 RSF-4, it's seventy-five hundred (7,500) square feet.

23 So this -- And with the existing lot of record, this
24 actually makes the situation better, because the square
25 footage is what is closer to what is required rather than
26 what it is now with the B-2.

27 ATTORNEY DAVID CONNER: Just for the record,
28 the real rub in the whole situation was the developer was

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1 submitting RSF-4 for the purpose of trying to get three
2 residential single-family lots.

3 MR. VINCE JACKSON: Right.

4 ATTORNEY DAVID CONNER: And through the public
5 hearing process and the work session process at County
6 Commission level, it was discovered the smaller -- the
7 lot of record, they would be allowed to build if it was
8 re-zoned RSF-2. And then there was enough land left over
9 to have lots that equal the size requirements and setback
10 requirements for the RSF-2 zoning classification.

11 MR. VINCE JACKSON: That's correct.

12 ATTORNEY DAVID CONNER: And so through the
13 Commission's questioning and work, it was sent back to
14 the developer, who subsequently submitted a revised
15 application. And that's why we're here today.

16 It accomplished what the developer wanted to
17 accomplish. It accomplishes what the County Commission
18 wanted to see in order to address the concerns the other
19 property owners in the area had -- area had with the
20 RSF-4 zoning.

21 MR. VINCE JACKSON: Right.

22 ATTORNEY DAVID CONNER: So it appears to be a
23 win-win in every category. You-all previously approved
24 for a higher classification. The lower classification
25 works. But because of the procedural issue Vince brought
26 up, that's why we're back.

27 MR. VINCE JACKSON: Right. And I'd like to
28 give a special acknowledgment to Mr. Conner. Because he

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1 was really the initial one that figured out that we can
2 do it this way. And so I think it's worked out well.

3 The main reason they asked for RSF-4 to begin with
4 was because of a lot-width issue. But approaching it
5 this way, they're able to get the RSF-2, and the lot
6 width is no longer an issue.

7 CHAIRMAN SAM DAVIS: Any other questions for
8 Vince?

9 (No response.)

10 CHAIRMAN SAM DAVIS: All right. Thank you,
11 Vince.

12 We'll open the public hearing at this point. There
13 is no opposition. Would the applicant or the engineer,
14 would you like to offer anything to the Commission?

15 MR. SCOTT HUTCHINSON: (Indicates negatively.)

16 MR. JEFF BARNES: No, sir.

17 MR. FRANK FEGIN: (Indicates negatively.)

18 CHAIRMAN SAM DAVIS: Are there any questions
19 for the applicant or his engineer from the Commission?

20 (No response.)

21 CHAIRMAN SAM DAVIS: All right. We'll close
22 the public hearing at this point. This is a
23 recommendation of approval to the County Commission. Is
24 there a motion to do so?

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

27 CHAIRMAN SAM DAVIS: Okay. There is a motion
28 on the table to recommend approval. Is there a second?

1 COMMISSION MEMBER DEWANE HAYES: I'll second
2 it.

3 CHAIRMAN SAM DAVIS: There is a second. All in
4 favor, say aye.

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

6 CHAIRMAN SAM DAVIS: All opposed?

7 (No response.)

8 CHAIRMAN SAM DAVIS: Carries unanimously.

9 MR. VINCE JACKSON: Thank you.
10

11 **8-B - CASE Z-18047, STAPLETON PROPERTY**

12 MR. VINCE JACKSON: Your next agenda item is
13 Z-18047, Stapleton property. This is a request to
14 re-zone from RA to RR, Rural District.

15 This is another one that you have already seen. The
16 applicant is requesting to re-zone six (6) acres to allow
17 continued commercial kitchen/catering business as well as
18 other potential commercial uses.

19 This one was before you on November the 1st of 2018.
20 And at that time, we did recommend the re-zoning to RR,
21 and the Planning Commission did recommend approval of RR.

22 We had advertised as a B-4, because we -- at the
23 time of submission and our application deadline, we
24 weren't entirely sure what was needed, so we advertised
25 it as B-4 to make sure all the bases were covered. But
26 it was always our intention to recommend RR.

27 Again, this is back before you because of the
28 advertising issue. So it has been re-advertised as a