

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 05/02/2019

1 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

2 DAVIS: It carries unanimously to recommend approval.

3 MR. VINCE JACKSON: Thank you.

4

5 8-B - CASE Z-19016, FOUNTAIN 38 LLC PROPERTY

6 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

7 DAVIS: Okay. The next case is Z-19016. Can we have a
8 staff report?

9 MS. LINDA LEE: Good evening, Commissioners.

10 The subject property, which consists of approximately
11 twenty-two-point-eight (22.8) acres, is currently zoned
12 RSF-1, Single-Family District.

13 The destination of RSF-4, Single-Family District,
14 has been requested for purpose of establishing a
15 residential subdivision with a density of
16 three-point-five (3.5) lots per acre and a total of
17 seventy-eight (78) lots.

18 The subject property is located on the north side of
19 U.S. Highway 98, west of Breman Road in Planning District
20 22. On your map -- on your screen is the locator map
21 showing the subject property and the surrounding adjacent
22 zoning of the property surrounding the property.

23 This is an area locator map that's showing a multi
24 view of the area. And as you can see, the majority of
25 this property is Rural Agricultural. And there is some
26 Residential Single-Family 1, but there is also some
27 Commercial zoning. And to the east of County Road 95,
28 you see some RSF-4.

1 This is the site map of the subject property. And
2 this is the map of the proposed layout. It's a
3 preliminary map. It's not the final plat. This is what
4 they're proposing to do.

5 And as you can see on here, the majority of the lots
6 are approximately seventy-eight (7,800), seventy-nine
7 hundred (7,900) square feet. These are pictures of the
8 subject property and adjacent properties.

9 The Baldwin County Master Plan provides a future
10 land use destination of Residential for subject property.
11 The subject property was originally RA, Rural
12 Agricultural District.

13 The owners requested an automatic re-zoning to RSF-1
14 to allow for the single-family subdivision containing
15 seven (7) two (2) acres lots. The perspective buyers
16 would like to develop the land with a residential
17 subdivision.

18 The applicant is proposing to access the subdivision
19 from Berman Road. Access to this site would require
20 approval from the Baldwin County Highway Department.

21 Seventy-eight (78) lots with approximately ten (10)
22 trips per day would conceivably affect traffic patterns
23 or congestion. Per the Subdivision Manager, the proposed
24 number of lots would require a traffic study. The
25 traffic study will address any needed improvements to
26 Berman or the intersection at 98.

27 You have received two letters in opposition in your
28 staff report and one letter tonight that doesn't really

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1 say if he's for or against it, he's just explaining what
2 the property was previously used for.

3 Staff feels that although the requested zoning
4 designation is residential, the transition from large
5 rural and residential parcels to the smaller lots sizes
6 should be more gradual; therefore, staff is recommending
7 denial of the zoning request. And I will answer any
8 questions you may have for me.

9 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

10 DAVIS: Any question the for Linda on this?

11 (No response.)

12 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

13 DAVIS: The subdivision that's already there plus the lot
14 that's being asked for now, was that the same owner?

15 MS. LINDA LEE: You're asking me if it's the
16 same owner that subdivided it into those seven (7) lots
17 into one (1) is the same as now?

18 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

19 DAVIS: Yes.

20 MS. LINDA LEE: I'm not certain. Ms. Franz can
21 answer that question for you.

22 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

23 DAVIS: Any other questions for Linda?

24 (No response.)

25 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

26 DAVIS: Okay. Thank you, Linda.

27 MS. LINDA LEE: You're welcome.

28 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

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1 DAVIS: Okay. Ms. Franz, are you representing the owner?

2 MS. LYDIA FRANZ: Yes, I am.

3 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

4 DAVIS: Come up to the mic.

5 (Ms. Lydia Franz approached the podium.)

6 MS. LYDIA FRANZ: Can you hear me?

7 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

8 DAVIS: Yes.

9 MS. LYDIA FRANZ: All right. My name is Lydia
10 Franz. I represent the owner and the potential purchaser
11 of the property. It is the same owner that subdivided
12 the seven (7) lots at this time, although it is under
13 contract to a -- a new purchaser.

14 I'd like to note there was a sixty (60) foot access
15 kept out on the seven (7) lots that front Breman Road for
16 the purpose of access points and future subdivision of
17 the main parcel that's just under twenty-three (23)
18 acres, twenty-two-point-eight-five (22.85).

19 And, whereas, a gradual growth in density would be
20 ideal, availability of property, environmental issues,
21 road frontage, and development costs don't always make
22 that possible.

23 All that will require a traffic study. We've
24 already gotten a quote for that and a full scope of work.
25 ALDOT actually requires a traffic -- a full traffic study
26 for any subdivisions that are going to have more than
27 fifty (50) lots and are considered to generate more than
28 hundred (100) trips at peak hours.

1 And I think that's actually a benefit, because it
2 will have full engineering and professional analysis of
3 the access points, where anything under fifty (50) lots
4 would not require that.

5 So to have more uniform and professional growth, I
6 don't know that having more lots is necessarily negative.
7 It could be a positive.

8 The purpose of this is to develop stick-built,
9 workforce affordable housing, which is definitely a need
10 in the area. And other than the traffic concerns, we
11 certainly meet all of the requirements.

12 There is no special privilege granted that haven't
13 been granted to other property owners in the area. There
14 has been a change in conditions since the original
15 subdivision of the property, because now public sewer is
16 available the north side of the road.

17 And so when public sewer is available, you can do
18 smaller lots, because you don't have to have septic
19 tanks. It also make it more cost effective and better
20 for overall public health and safety.

21 Other than that, I can't think of anything else to
22 add at the moment.

23 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

24 DAVIS: Do you understand that the property owners -- do
25 you understand their concerns?

26 MS. LYDIA FRANZ: I do.

27 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

28 DAVIS: And how do you think this development will affect

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1 their property values?

2 MS. LYDIA FRANZ: I don't think it'll have any
3 affect on their property values, first off because no
4 appraiser would ever use a subdivision property lot or
5 home as a comp for a custom-built home on two (2) four
6 (4) acre lots. So there would not be impact.

7 If we were to, say, do thirty (30) mobile homes on
8 the property, as it's zoned to do now, I think that would
9 have much more of a negative impact.

10 But short of getting RS-4 -- RSF-4 zoning and being
11 RSF-1, due to lack of road frontage, the shape of the
12 property, the cost to develop, that would be the only
13 other way to develop it, really.

14 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
15 DAVIS: Any other questions for Ms. Franz.

16 COMMISSION MEMBER KEVIN MURPHY: It looks like
17 it's proposed to have an entrance off 98 and Breman Road.

18 MS. LYDIA FRANZ: Currently we were looking at
19 doing it off of Breman Road. However, ALDOT will, you
20 know, require the traffic study. And if it's more
21 beneficial to have two entrances, we can certainly go
22 that route.

23 That will be subject to subdivision approval,
24 traffic impact study requirements and recommendations,
25 and coming back through for final site plan approval.

26 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

27 DAVIS: Any other questions for Ms. Franz?

28 (No response.)

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1 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

2 DAVIS: Okay. There's two other people signed up in
3 support, Jennifer Achee and then a signature I can't
4 read. Would either of you two like to address the
5 Commission?

6 MR. JON GIFFORD: I'm John Gifford. I'm -- I m
7 the one you probably can't read the signature of. I
8 apologize for that.

9 THE COURT REPORTER: Can you spell it for me,
10 please?

11 MR. JON GIFFORD: Yes. J-O-N, Gifford,
12 G-I-F-F-O-R-D. And we're -- we're the property -- we're
13 have the property under contract now and are working to
14 get this -- work toward the development for this area.

15 Originally, we come in here looking to do an RV park
16 and actually filed for that. And as we started working
17 with some of our contractors, they looked at it and
18 talked to some of the folks we work with like Adams Fomes
19 and DR Horton, who have expressed interest in this area.

20 We do see a need in the market due to, you know,
21 the -- the average income in the area. Not everybody can
22 afford to have a two (2), three (3), four (4) acre estate
23 and build a home on it.

24 There are a lot of people that need to -- that are
25 service people in the area that are severing the Owa and
26 other developments that are going on that need affordable
27 housing.

28 And -- and we'd like to able to address that for

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1 them and bring, you know, very good, quality homes.

2 These are, you know, on smaller lots, more affordable,
3 you know, for those folks.

4 But these are going to be high-quality products that
5 we put on the street and -- and make available to those
6 folks that need good housing to live in. And -- and
7 that's, you know, kind of where we're at and where we're
8 doing with this. And we appreciate your working with us
9 on that.

10 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

11 DAVIS: Any questions for this gentleman?

12 (No response.)

13 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

14 DAVIS: Okay. Thank you, sir.

15 MR. JON GIFFORD: Yes, sir.

16 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

17 DAVIS: Jennifer Achee, are you here?

18 MS. JENNIFER ACHEE: Yes.

19 (MS. Jennifer Achee approached the podium)

20 MS. JENNIFER ACHEE: I was just going to make a
21 couple of clarifications. I'm actually a managing member
22 of the Fountain 38, LLC.

23 And one of the oppositions was saying that after
24 closing, I had misled them on the -- the twenty-two (22)
25 acres, which he -- he had gotten kind of cloudy on when
26 I -- after closing -- A boat dealership had asked to --
27 to purchase that property, the twenty-two (22).

28 And so after closing, I talked to Mr. Stachowski

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1 about that. And he was completely opposed to it. And at
2 that time, I said, fine. We won't sell it to the boat
3 dealership. And that's what he's referring as me not
4 being upfront with who wanted to buy the property.

5 The -- the new people that have it under contract is
6 a completely different situation than Mr. Stachowski is
7 referring to. So that was it.

8 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

9 DAVIS: All right. Thank you.

10 Any questions for Ms. Achee? Before you leave.

11 (No response.)

12 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

13 DAVIS: Okay. Thank you.

14 There's been many letters of opposition. You've all
15 read those. There is only one person signed up to speak
16 against this.

17 Bruce Austin, are you here?

18 (Mr. Bruce Austin indicating.)

19 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

20 DAVIS: Would you like to come up to the podium?

21 (Mr. Bruce Austin approached the podium.)

22 MR. BRUCE AUSTIN: Thank you very much. You --
23 you have my letter, and you've read it, so I won't go
24 over that.

25 But I would like to address three quick points in
26 the rebuttal of the applicant's response. The applicant
27 states that the change is consistent with the current
28 development patterns in the county. So existing

1 development patterns as identified in 19 --

2 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

3 DAVIS: We're having a little trouble hearing you. If
4 you'd maybe speak a little more directly into the mic and
5 maybe a little louder.

6 MR. BRUCE AUSTIN: Thank you. The existing
7 development patterns, as identified in 19.6(a), is zoning
8 criteria of nearby properties, not the county as a whole.

9 I'd like to submit the following map, if I will, of
10 the general area of the property. If you'll note within
11 a three (3) mile radius, there are only four (4)
12 subdivisions with an RSF-1 designation, and four (4)
13 subdivisions with an RSF-E, Estate, designations.

14 The current patterns suggest lots in excess of
15 thirty thousand (30,000), including those built on Rural
16 zoning designation.

17 The second point I'd like to make is that the
18 applicant indicates that larger lots are not cost
19 effective to meet current demands and uses household
20 income as the metric for that.

21 The metric is more relevant in the industry as the
22 results of the metric, how many lots sell over a
23 particular period of time. In the past nine (9) months,
24 ten (10) lots have sold on Breman Road alone. These lots
25 are in excess or equal to two (2) to three (3) acres.
26 This absorption rate alone suggests that the demand is
27 high for those size lots.

28 What's overlooked is the only metric that the

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1 applicant uses is -- is household income. The problem
2 with this metric is that assumes that only people within
3 the county are buying these lots.

4 As indicated from the ten (10) lots that sold, more
5 than four (4) of those people are outside the county. So
6 that metric would seem to be invalid at that point.

7 The other point that I'd like to make is that the
8 applicant suggests that my home is over built given the
9 average income and demand. Well, we've already addressed
10 the demand issue with the absorption rate.

11 So what I'd like to say is what should be considered
12 is the value of the house, and the value of the houses on
13 similar properties, not just those that have sold as use
14 ap recommendation.

15 And what use ap does is tells the appraiser what he
16 can and cannot use in his appraisals. And while he
17 can -- I disagree with the applicant. He can use a house
18 in this proposed subdivision as long as it is within the
19 jurisdiction of that lot that is sold, within a one (1)
20 to two (2) mile radius, and also that it is comparable.

21 And if it is not comparable, he has the opportunity
22 to make adjustments to make it comparable. Therefore, he
23 can use these houses in his appraisal evaluation.

24 The last point I'd like to make is that I've got
25 another map that I'd like to share with you of six (6)
26 houses within this three (3) mile radius of houses that
27 are on estate lots that are very comparable to my house
28 and actually comparable in style and exceed the square

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1 footage of my house.

2 So I think you will see from the imperial data that
3 I've provided, there is a need and a definitive need, a
4 definitive demand for houses of lot sizes even greater
5 than the minimum square foot of thirty thousand (30,000)
6 designated by that.

7 The applicant has not establish a definitive need
8 for shrinking the lot sizes. Thank you very much.

9 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
10 DAVIS: Okay. Hang on just a second.

11 Any questions for Mr. Austin?

12 (No response.)

13 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
14 DAVIS: Okay. Thank you, sir.

15 All right. Staff have anything to add?

16 MS. LINDA LEE: No, sir.

17 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
18 DAVIS: All right. We'll close the public hearing --
19 Well, let me ask, are there any questions for staff?

20 (No response.)

21 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
22 DAVIS: Okay. Thank you. We'll close the public hearing
23 at this point. Staff has recommended denial. Is there a
24 motion to -- This will be a recommendation to County
25 Commission. Is there a motion to that effect?

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

28 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

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1 DAVIS: Okay. There is a motion to recommend denial to
2 the County Commission. Is there a second?

3 COMMISSION MEMBER BRANDON BIAS: Second.

4 PLANNING AND ZONING COMMISSION CHAIRMAN SAN

5 DAVIS: There is a second. All in favor, say aye.

6 (Commission Members say "aye" in unison.

7 PLANNING AND ZONING COMMISSION CHAIRMAN SAN

8 DAVIS: All opposed?

9 (No response.)

10 PLANNING AND ZONING COMMISSION CHAIRMAN SAN

11 DAVIS: The motion is unanimous to recommend denial.

12
13 8-C - CASE Z-19017, CHILDRESS PROPERTY

14 PLANNING AND ZONING COMMISSION CHAIRMAN SAN

15 DAVIS: Okay. The next case is Z-19017, Childress
16 property. Can we have a staff report?

17 MS. CELENA BOYKIN: This is request to re-zone
18 five-point-four (5.4) -- five-point-four (5.4) acres from
19 Rural Agricultural to B-4, Major Commercial.

20 The applicant is asking for B-4 to allow boat and RV
21 storage on the subject property. The property is located
22 on the west side of Highway 59, just south of
23 Childress -- Childress Drive in Planning District 12.

24 As you can see from the zoning map, the subject
25 property, there is an adjacent B-4 to the south. A lot
26 of this area is zoned Commercial. There are a few
27 parcels that are zoned Industrial.

28 To the north and west of the subject property, that