

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

1 that's a yes.

2 COMMISSION MEMBER BRANDON BIAS: Yes.

3 MS. LINDA LEE: Mr. Davis.

4 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

5 DAVIS: What was the tally? I thought I was --

6 MS. LINDA LEE: It was three and three.

7 COMMISSION MEMBER BONNIE LOWRY: Who didn't --

8 MS. LINDA LEE: Without the Chairman, there is
9 six of you. So the tie -- the vote is three to three.

10 He has to break the tie.

11 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

12 DAVIS: I gonna have to kick this one to the County
13 Commission. I'm gonna vote yes.

14 MS. LINDA LEE: So we will carry the
15 recommendation to a -- to deny to the County Commission.

16 AN AUDIENCE MEMBER: Thank you.

17 (Applause.)

18

19 **7-F - CASE Z-19026 - LAKELAND 134 LLC PROPERTY**

20 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

21 DAVIS: Okay. Linda, the next one is tabled --

22 MS. LINDA LEE: Yes, sir.

23 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

24 DAVIS -- or withdrawn?

25 MS. LINDA LEE: Yeah. It was withdrawn. I'm
26 sorry.

27

28 **7-G - CASE Z-19027, FOUNTAIN 38 LLC PROPERTY**

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1 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

2 DAVIS: Next is Z-19027, Fountain 38 LLC Property.

3 MS. LINDA LEE: You all may remember this
4 property from last month. The applicant requested
5 re-zoning to RSF-4.

6 That application is still active, and it goes to
7 County Commission for public hearing on June the 18th,
8 work session on Tuesday June the 11th.

9 The applicants have now requested to re-zone the
10 property -- the twenty-two-point-nine (22.9) acres from
11 RSF-1, Single-Family District, to RSF-3, Single-Family
12 District.

13 The purpose is to establish a residential
14 subdivision with approximately fifty-eight (58) lots with
15 a minimum lot width of eighty (80) feet instead of one
16 hundred (100) feet, as well as the minimum lot area of
17 ten thousand (10,000) square feet instead of thirty
18 thousand (30,000) square feet.

19 The subject property is located at 26815 US Highway
20 98 in Planning District 22. The adjoining properties are
21 residential, commercial, and agricultural.

22 Baldwin County Master Plan provides a future land
23 use designation of residential for the subject property.
24 The property was originally zoned RA, Rural Agricultural
25 District. The owners request an automatic re-zoning to
26 RSF-1 to all for the single-family subdivision containing
27 seven (7) two (2) acre lots. The prospective buyers
28 would like to develop the land with a residential

1 subdivision.

2 The applicant is proposing to access the subdivision
3 from Breman Road and possibly State Highway 98. Access
4 to this site would require approval from the Baldwin
5 County Highway Department for Breman Road and ALDOT for
6 the State Highway 98.

7 Approximately fifty-eight (58) lots with
8 approximately ten (10) trips per day would conceivably
9 affect traffic patterns or congestion.

10 In the staff report, there were three letters in
11 opposition to this request and one letter stating the use
12 of the adjacent property to the north.

13 As in the previous application, staff feels that the
14 zoning designation as residential, the transition for
15 large rural and residential parcels to smaller lot sizes
16 should more gradual.

17 Staff thinks that an RSF-2 would be more inline with
18 what they're asking to re-zone. If you have large
19 parcels -- large RSF-1 parcels, large RA parcels, and you
20 want to increase the density, staff feels that we should
21 start with RSF-2 before we jump to RSF-3 or RSF-4. So
22 staff recommends, in this case, that the Planning
23 Commission recommend denial to the County Commission.
24 I'll answer any questions you may have.

25 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

26 DAVIS: Any questions for Linda?

27 (No response.)

28 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

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1 DAVIS: Linda, didn't we see this case last month?

2 MS. LINDA LEE: Yes, sir.

3 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

4 DAVIS: How's this request different from that one?

5 MS. LINDA LEE: Well, the last month they were
6 asking for RSF-4, which is seventy-five hundred (7,500)
7 square foot lots. Now they're asking for RSF-3, which is
8 ten thousand (10,000) square foot lots.

9 RSF-1 would allow thirty thousand (30,000) square
10 feet. And that's why I said that, you know, I would be
11 more comfortable RSF-2, which is fifteen thousand
12 (15,000), which is still half the size of RSF-1.

13 As I stated, the application from last month is
14 still active. They are going to County Commission with
15 that one. But because of time constraints, just in case
16 the County Commission is not willing to approve the
17 RSF-4, they wanted to go ahead and submit it for the
18 RSF-3.

19 ATTORNEY DAVID CONNER: They didn't realize
20 that if the County Commission acts on that RSF-4
21 application and denies it, that they will be -- they're
22 prohibited from bringing another application within that
23 period time.

24 MS. LINDA LEE: They're -- they're not planning
25 to go to the actual County Commission after work session,
26 That -- if they feel like they're not going to get
27 approved, they plan to withdrew that one and go forward
28 with this one.

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1 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

2 DAVIS: Any other questions for Linda?

3 (No response.)

4 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

5 DAVIS: Okay. Thank you, Linda.

6 We'll open the public hearing open at this point.

7 Jon -- is it Gifford?

8 MR. JON GIFFORD: Yes, sir.

9 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

10 DAVIS: Okay.

11 MR. JON GIFFORD: I don't wanna start that yet.

12 MS. LINDA LEE: Do you wanna use it?

13 MR. JON GIFFORD: I do, but not yet.

14 MS. LINDA LEE: Okay.

15 MR. JON GIFFORD: Yeah. Thank you,

16 Commissioners, Chairman. So I would -- I would ask

17 that -- that we maybe allow the -- the opponents to

18 the -- to this opportunity to speak first and then, you

19 know, maybe answer any questions.

20 I know it's late in the night. Y'all still have

21 another agenda to fulfill, to help expedite that so that

22 we can then just address those -- those objections.

23 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

24 DAVIS: Okay. We'll do that.

25 Who's the representative that's going to present the

26 case?

27 (An audience member indicates.)

28 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

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1 DAVIS: Okay. Come on up.

2 THE COURT REPORTER: And state your name.

3 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

4 DAVIS: State your name, please.

5 MR. BRUCE AUSTIN: Bruce Austin. I know we're
6 all tired, so I'll try to be somewhat brief, but this
7 is -- this is an important application to us.

8 And there's -- there's two issues that are -- that
9 are meaningful to us. And one of those is the value of
10 the property, and what the adverse conditions of the
11 traffic will do.

12 If you notice right here is the access road to
13 Breman Road. So if you do not have an access road to 98,
14 then these people would have to go from all the way up
15 and over to here and down and back to 98 to come over
16 here.

17 For at least half of the people in that subdivision,
18 that would arbitrarily prejudice people that live on
19 Breman Road for more traffic than is necessary and would
20 push that down.

21 With -- with regard to value, we believe the
22 access -- the -- the exodus of the traffic would diminish
23 the property values. That's just not my opinion. I've
24 got a broker's opinion that I got that's independent of
25 that, that I'll be glad to the share with you that
26 suggests that, for this type of request, it would
27 diminish the property values of the people that live on
28 Breman Road currently.

1 The -- the next part that I'd like to mention is
2 that -- is that being a commercial banker of thirty-eight
3 years and a prior Federal Regulator, I'm kind of driven
4 more to the X's and O's. And, as this gentleman
5 mentioned earlier, there's some specifics with regard to
6 what can be considered and what can't be considered when
7 you're looking at a change for this.

8 And I know you, ladies and gentlemen, know this
9 better than probably some of us do, but Section 19-6A
10 says that the request be compatible with the existing
11 development patterns.

12 In your package, I have got a map of this immediate
13 area, it's just a little bit larger than this right here,
14 that shows the immediate area is actually almost
15 ninety-five percent (95%) compatible with the current
16 zoning, RSF-1.

17 There's also four subdivisions within three miles of
18 this that's an RSF-E, which are estate lots. So nothing
19 about this change would be compatible with the existing
20 zoning.

21 Section B suggests are there any changes that --
22 that have occurred in this area. There -- there have
23 been none. And just because somebody can hook up to
24 public utilities is not in the tenor of change that I
25 think the code is speaking to.

26 Item E of that section speaks to the adverse
27 traffic. I think we, as well as your staff, has
28 established that, that traffic is -- would be adversely

1 impacted, the current residents.

2 Is it a logical expansion of the current area? And
3 it's not. Everything around this is a RSF-1, RSF-E, or
4 agricultural. And, as you know, agricultural can
5 automatically be turned into a RSF-1, upon request, if
6 I'm reading that section correctly. Excuse me.

7 Finally, in Section H of that, it says, given the
8 development trends in the area. The trends in the area
9 are just opposite of what's being requested.

10 As I stated in the last case, there have been ten
11 (10) lots sold on Breman Road alone in the last year.
12 Every one of those lots are two (2) acres or greater.

13 And I've got something that I'll share with you
14 there that lists each one of those lots, who bought it,
15 and how big it is. So the current trend that's happening
16 on Breman Road are big lots.

17 And, to be honest with you, that's why my wife and I
18 moved from Orange Beach after being down there twenty
19 years. The density down there outgrew the current
20 infrastructure. You couldn't even go to the grocery
21 store except for maybe two or three nights a week,
22 because people piled in, and -- and the traffic was so
23 bad. We said the heck with it. We sold our house and
24 moved.

25 If you change this, then nobody's protected from
26 buying and trying to move out and get away from density.
27 Again, as a regulator, as a banker, I go back to codes, I
28 go back to information and looking at what must be the

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1 burden of proof on the applicant.

2 They can't stand up to what's being asked for. And
3 I request that you deny this application. And I'll share
4 this information with you for the record.

5 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

6 DAVIS: Thank you.

7 Any questions for Mr. Austin?

8 (No response.)

9 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

10 DAVIS: Thank you, sir.

11 Did he properly represent? Is there anyone that's
12 got anything any different to add.

13 (An audience member approached the podium.)

14 THE COURT REPORTER: State your name.

15 MR. TOM DANIEL: My name is Captain Tom Daniel,
16 US Navy, retired, thirty-one (31) years of active duty,
17 second generation. And my late dad was US Navy, World
18 War II veteran.

19 I'm here representing the interest on behalf of
20 another property owner, Mr. Edgar Lumbard, and I can show
21 you this -- his property. Mr. Lumbard is the handicapped
22 Federal retiree, who is relocating from Lillian, Alabama,
23 where he was in a congested residential area, to -- to
24 this, where he's going to build a handicap accessible
25 home.

26 And I just want to reaffirm what Bruce just
27 indicated, that -- that Mr. Lumbard does agree
28 completely, one hundred percent (100%) with the arguments

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1 in opposition that Mr. Bruce just stated.

2 That's all. Thank you.

3 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

4 DAVIS: Thank you. All right. Mr. Gifford.

5 AN AUDIENCE MEMBER: Oh, I've got something.

6 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

7 DAVIS: Is it significantly different than what we've
8 already heard?

9 AN AUDIENCE MEMBER: Yes, sir. It is.

10 THE COURT REPORTER: State your name.

11 MR. DAVID BROWN: Zoning Commissioners, my name
12 is David Brown. Thank you for letting me speak.

13 I don't live right there on Breman Road, but I'm a
14 neighbor on Frank Road, which I'll point that out. Well,
15 I can't. It goes -- it's north, but running parallel to
16 Schoen Road.

17 Let's -- let's look at the traffic situation here.
18 And I'll talk loud because I don't have my mic. Breman
19 Road right here, that's not a controlled intersection.
20 You come down here to 95, it is controlled with traffic
21 light. Come back down here to Highway 87, it's
22 controlled with traffic light.

23 My wife Nancy and I, we walk Frank Road, which is --
24 that's not a lot right up there, but Frank Road is just
25 above those.

26 As the gentleman pointed out, in this neighborhood,
27 these are large-lot residential homes. We -- we don't
28 have the population density.

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1 I think we're getting nickelled and dimed on this.

2 I mean, we keep going back to the well to get -- it's all
3 about property; the more lots, the more money. I mean,
4 that's obvious here.

5 But if you look at the controlled intersections
6 here, anyone going north or even going -- going back east
7 toward Summerdale, any of that area, they're going to
8 come down Breman to Frank, which is not desired.

9 It's four -- it's forty (40) mile-an-hour speed
10 limit, but we've walked it. There's tons of litter. We
11 have all kind of cut-through traffic now from anyone east
12 of 98 trying to work their way back up to
13 Summerdale/Robertsdale, that area. They come up and down
14 95.

15 Have a lot of high speed traffic there. All of
16 these people coming out not requiring access on 98.
17 True, a lot of them will come here, but then a lot of
18 them are going to go north and then back down Frank Road
19 and cause us a lot of unnecessary traffic, litter, and
20 just -- it's just not compatible with all these lots
21 here.

22 Thank you.

23 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

24 DAVIS: Thank you, sir.

25 All right, Mr. Gifford, your turn.

26 MR. JON GIFFORD: Yes, sir. You'll have to
27 give me one moment. I organized it on a quick PowerPoint
28 to help expedite. Do you have the PowerPoint?

1 So, again, thank y'all for your time this evening.
2 We wanted to address some of the concerns and issues.
3 And -- and I think last time there was maybe some
4 confusion with what we were working to get accomplished.

5 And so what we're -- we're looking at is a
6 challenge. The challenges that we see is there's great
7 growth going on in -- in Baldwin County. And that's
8 causing a lot of opportunities for people to come in and
9 build very nice homes. And there's some very beautiful
10 neighborhoods that are going in.

11 We saw one with a hundred and seventy-four (174)
12 acres earlier today that's gonna have three hundred and
13 sixty-seven (367) locations, and it's gonna have two
14 entry points into that location in Daphne, Alabama.

15 And if you look at Daphne, you see that over the
16 past five years, they've built over nine hundred and nine
17 (909) locations in their city.

18 If you look at Fairhope, wow. They opened fifteen
19 hundred and sixty-nine (1,569) new doors within their
20 community.

21 But if you look at Elberta, over that same five-year
22 period, they had zero. And this comes from the -- the US
23 Department of Housing. And this was posted on the Gulf
24 Shores website. They have literally zero builds over
25 that same five-year period of time. And so Elberta is
26 missing out on a lot of the growth.

27 We also have a challenge with -- with workforce
28 housing and -- and housing that -- that can be accessed

1 by those workforce that needs to support the Foley and
2 the -- and the Gulf Shores and the areas that are growing
3 with Owa. And, you know, somebody has to get out there
4 and do the work.

5 And -- and so we're looking for, you know,
6 middle-class-income homes to be able to establish that.
7 And -- and as your own manual talks about, historically,
8 growth has been centered on many towns and is moved into
9 rural areas surrounding those towns as demand for
10 development has grown.

11 Annexation by Cities and Towns included an increase
12 in the level of available services. Unfortunately,
13 Elberta has not seen the same growth patterns as their
14 surround peers over the past five years.

15 Workforce, you know, Elberta is -- and their
16 demographics are perfectly aligned, you know, for this
17 solution. Through responsible re-zoning, workforce
18 housing growth could be expanded within Elberta's
19 agricultural community while meeting the demand for
20 middle-income workforce housing.

21 In support of the rapid growth of -- occurring
22 across Baldwin County, if you look at the demographics,
23 the median income is -- is fifty-four thousand dollars
24 (\$54,000) per year. They need affordable housing in
25 that -- in that community, and -- and they need some
26 growth for that community. If you look --

27 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

28 DAVIS: Mr. Gifford --

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1 MR. JON GIFFORD: Yes.

2 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

3 DAVIS: -- let me interrupt you. You're just basically
4 giving us things that we already know.

5 MR. JON GIFFORD: Okay. I'll -- I'll move
6 faster.

7 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

8 DAVIS: So do you have any response --

9 MR. JON GIFFORD: Yes, sir.

10 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

11 DAVIS: -- to specific questions?

12 MR. JON GIFFORD: Well, so we are looking to
13 build quality homes. And we do have a commitment from
14 our -- our builder --

15 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

16 DAVIS: That you're looking for work -- you're look to
17 build workforce homes? Is that what I heard?

18 MR. JON GIFFORD: Well, they're -- they're
19 gonna be two hundred and fifty (\$250,000) to three
20 hundred and twenty-five thousand dollars (\$325,000). So,
21 you know, but if you look around the neighborhoods and --
22 and these are affordable, but they're gonna be nice
23 homes. They're gonna be --

24 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

25 DAVIS: What's the dollar amount of the homes that's
26 adjacent to this property?

27 MR. JON GIFFORD: You know, I -- I'm not sure.
28 I know that the -- the one gentlemen has purchased his

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1 two (2) -- two and a half (2.5) acre lot, two (2) acre
2 lot for thirty-eight thousand dollars (\$38,000).

3 Our builder is buying our lots at thirty-four
4 thousand dollars (\$34,000). The reason that that lot --

5 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
6 DAVIS: Am I correct in that you sold the lots that are
7 now -- have homes on them adjacent to this property?

8 MR. JON GIFFORD: No, sir. No, sir. We are --
9 we're here to buy this property. We saw it as an
10 opportunity. And this property was advertised --

11 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
12 DAVIS: Oh, you haven't bought it yet?

13 MR. JON GIFFORD: We have it under contract.
14 We have it under contract based on the re-zoning. And we
15 can only do that -- execute on that contract if we can
16 get RSF-3 or greater, because the -- the cost of building
17 roads, put in infrastructure, putting in the sewage, the
18 drainage, you know, all of the -- the electrical, the
19 lighting, the street lighting, the cost of that is too
20 great to be able to accomplish it on this parcel and
21 get -- and -- and get a build done.

22 The reason that those two (2) acre lots could be
23 a -- lotted up that way was because Berman Road was
24 existing. It was already there, and so you could easily
25 lot that up.

26 You can't go into twenty-two (22) acres,
27 twenty-three (23) acres and put roads in. And our
28 analysis shows and -- and our builder --

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1 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

2 DAVIS: So, are you the developer?

3 MR. JON GIFFORD: We are the developer of the
4 road. We push the dirt. And then -- and then in comes
5 our -- our builder, who is the nation's number one
6 builder, DR Horton.

7 And they've already committed and given us a letter
8 of interest or intent to come in and execute this in over
9 a twelve (12) to twenty (24) month period, take down this
10 property and -- and make a very nice neighborhood out of
11 it.

12 And -- and so that -- that's really what we're
13 looking at, is putting in nice homes. And when you look
14 at the -- the current zoning comparatives, you know, we
15 talked about estate properties and -- and that there's
16 estate properties on Sandy Creek.

17 And I'll give you some information on Sandy Creek on
18 a future slide, which is one-point-five (1.5) miles from
19 the town center. And we're one-point-eight (1.8) miles
20 from the town center of Elberta.

21 And it actually got annexed in by Elberta, so I
22 imagine that, at some point, they may look to want to
23 even annex this in.

24 So the maintenance in the long-term may end up being
25 Elberta. I -- I don't know how all that would fall. We
26 haven't talked to the City as to what they would wanna do
27 from that standpoint.

28 But if you look at -- at the map, so Sandy Creek --

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1 and I'll talk about it in a moment -- but it's a failed
2 estate build. In 2007, they came in and put in an estate
3 plan. And they've now come back to -- to re-zone it with
4 smaller lot sizes.

5 And their Phase 2 is going to have much smaller lot
6 sizes, because the demand for those estate properties is
7 not there. And you look the graph that shows zero over
8 the -- over the five-year period where fifteen hundred
9 (1,500), sixteen hundred (1,600) homes were built in
10 another community, it's just, you know, it's just not
11 reasonable to think that -- that -- that, um --

12 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
13 DAVIS: Address the traffic issues for us. Let's get --
14 kind of get to the --

15 MR. JON GIFFORD: Yes, sir.

16 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
17 DAVIS: -- meat of the issues.

18 MR. JON GIFFORD: Yes, sir. So but I'll also
19 point out that there is an RSF-4 that was approved in
20 2007, I believe, this acreage. Unfortunately, it's not
21 for sale, but it's not been developed.

22 There's another RSF-4 here; still, again, not
23 developed. It -- it was approved, and it's even further
24 from the town center.

25 And typically when you talk about traffic, the
26 closer to the town center is where you want your greater
27 density in order to reduce that amount of traffic and
28 congestion as opposed to further out.

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1 So there's already been approvals for RSF-4s further
2 out from town center than we are now. In fact, those are
3 four miles out from the town center.

4 And so continuing this one's Sandy Creek,
5 established in 2007, two (2) plus acre estate lots. Only
6 fifteen (15) lots sold over ten (10) years; fifteen (15)
7 lots, guys.

8 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

9 DAVIS: Sorry, I'm gonna have --

10 MR. JON GIFFORD: Okay.

11 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

12 DAVIS: -- I don't wanna keep bringing you back to --

13 MR. JON GIFFORD: Okay.

14 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

15 DAVIS: -- this particular --

16 MR. JON GIFFORD: Okay.

17 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

18 DAVIS: -- subdivision --

19 MR. JON GIFFORD: Okay.

20 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

21 DAVIS: It hasn't got anything to do with Sandy Creek.

22 MR. JON GIFFORD: Okay. Well, but it's very
23 similar, because when they talk about the estate
24 properties or what the demand is, well, this -- this --
25 Sandy Creek shows that there's not a demand for the
26 estate properties. And they had to come back and do --
27 So --

28 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

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1 DAVIS: I'm gonna have to give you --

2 MR. JON GIFFORD: -- from the -- yes, sir.

3 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

4 DAVIS: I'm gonna give you one minute --

5 MR. JON GIFFORD: From the --

6 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

7 DAVIS: -- to wrap this up.

8 MR. JON GIFFORD: -- from -- yes, sir. Okay.

9 So from -- from the traffic, on the last meeting, there
10 was some confusion as to whether or not we would put --
11 planning to put a -- a road out on the 98. We are
12 absolutely planning to do that.

13 We've talked to traffic engineers as well. We've
14 explained -- in fact, Ms. Linda had the -- the same
15 statistic, about ten trips a day per home household. And
16 of those, only one during peak periods.

17 So you got your morning peak period, your evening
18 peak period, and there's only one trip typically that
19 households produce during a peak period. So, you're only
20 looking at fifty-eight (58) trips during peak periods and
21 a total of five hundred and eight (580) trips the entire
22 day. And they will have both Breman Road and US 98.

23 And because this has over fifty (50) lots within it,
24 it will require a traffic study. We've already spoken to
25 our traffic engineering group and already have proposals
26 and quotes to get that done.

27 The minimum lot size we're talking about is ten
28 thousand (10,000) square feet, but our typical size that

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1 we have and that we've -- we've put in our land use is
2 eighty-by-one-hundred-and-forty (80X140), which is eleven
3 hundred and two hundred (1,102) -- eleven thousand, two
4 hundred (11,200) square feet.

5 And -- and so as you look at the -- the staff
6 findings, and I'm not gonna read all these for you, but,
7 you know, all of them -- In fact, we've meet with Vince,
8 and we've met with Ms. Linda. And Ms. Linda --

9 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
10 DAVIS: I'm fixin' to call time on you.

11 MR. JON GIFFORD: Yes, sir. Ms. Linda
12 expressed to us that the only reason is because she wants
13 to see a more gradual growth. Well, there's such a
14 gradual growth in Elberta, it's been -- it's been zero.

15 There is a change. The sewer and water obviously is
16 change on the north end. So the larger lots are no
17 longer required, because you don't need septic, you don't
18 have to have wells. We're gonna provide that as a public
19 utility.

20 There's also a new high school in Elberta. There's
21 gonna be people and families --

22 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
23 DAVIS: Okay. We're calling time on you. Thank you.

24 MR. JON GIFFORD: Okay. So --

25 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
26 DAVIS: Thank you.

27 MR. JON GIFFORD: But -- but can I just
28 close --

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1 (Audience members speaking inaudibly.)

2 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

3 DAVIS: Sir --

4 MR. JON GIFFORD: My last close. Baldwin
5 County --

6 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

7 DAVIS: Audience --

8 MR. JON GIFFORD: Baldwin County --

9 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

10 DAVIS: Excuse me, hold on a second. We don't need to
11 hear anything from the floor to the speaker. Everything
12 needs to come from that podium to us and us back to them.
13 So please refrain from talking.

14 MR. JON GIFFORD: So -- so based on Baldwin
15 County's Master Plan, Baldwin County has always protected
16 private property rights and uses, provided those uses are
17 not detrimental to the surrounding community --

18 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

19 DAVIS: Sir, your time's up. Your time's up.

20 MR. JON GIFFORD: I'm just basically asking
21 that you help us.

22 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

23 DAVIS: Commission, you got any questions? You got --
24 we'll -- we'll see if we've got any questions for you.

25 COMMISSION MEMBER ARTHUR OKEN: I just want to
26 make sure I understand your position.

27 MR. JON GIFFORD: Yes, sir.

28 COMMISSION MEMBER ARTHUR OKEN: As I understand

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1 it, you're saying you perceive the need for more
2 affordable housing in the area, that there's a workforce
3 needed, there is no -- there's an insufficient workforce,
4 because they can't afford the housing.

5 And you find that you're unable to do this because
6 of the zoning, so you are seeking to zone so that you
7 could build enough housing so that the price is low
8 enough so that the workforce is attracted to this
9 particular area. And the barrier is the zoning.

10 MR. JON GIFFORD: Yes. And the cost of -- of
11 infrastructure for those larger lots.

12 COMMISSION MEMBER ARTHUR OKEN: And that's --
13 that's --

14 MR. JON GIFFORD: Yes, sir.

15 COMMISSION MEMBER ARTHUR OKEN: Okay, thank
16 you.

17 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
18 DAVIS: Any other questions for Mr. Gifford?

19 (No response.)

20 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

21 DAVIS: Okay. Thank you, sir. Oh, one other person
22 signed up in -- in support.

23 Lydia Franz, I think you're the realtor?

24 MS. LYDIA FRANZ: Yes. I'm gonna keep this
25 super short since we're all tired. I just wanna point
26 out that as much as I respect and understand the staff's
27 opinion for a gradual shift, that's not always possible
28 due to the availability of property to purchase. You

1 know, not everything is actually for sale.

2 We have to look at several factors in development:
3 road frontage; the availability of public utilities,
4 which was a major factor that changed recently on this
5 property. That does allow for the creation of smaller
6 lots.

7 The RSF-1, thirty thousand (30,000) minimum lot size
8 is -- is very doable with no public utilities. But when
9 you do have public utilities, just like in the Town of
10 Elberta's R-1 zoning, it allows for the smaller lot
11 sizes.

12 If you'll look at R -- R -- R-1 on the Town of
13 Elberta's zoning requirements, it's actually minimum --
14 I'm sorry. Tired. Been up since four -- minimum lot
15 size of forty thousand (40,000) square feet with a well
16 and a septic tank. With a septic tank and public water,
17 it's fifteen thousand square feet (15,000). With both
18 public water and sewer, it's nine thousand (9,000) square
19 foot minimum lot size.

20 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
21 DAVIS: Let me -- let me interrupt you. We know all
22 that.

23 MS. LYDIA FRANZ: Okay. Well good. So,
24 anyway, and their R-1 zoning, you don't -- you wouldn't
25 actually need any change at all if it was annexed into
26 the City of Elberta, because it's only four (4) miles --
27 point-four (.4) miles to the closest city annex property.

28 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

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1 DAVIS: Thank you.

2 MS. LYDIA FRANZ: That's all I've got to say.

3 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

4 DAVIS: All right. We're gonna close the public hearing
5 at this point.

6 Linda, do you have anything else you'd like to add?

7 MS. LINDA LEE: Well, first of all, RSF-1 at
8 thirty thousand (30,000) square feet and RSF-2 at fifteen
9 thousand (15,000) square feet is not an estate-sized lot.

10 I'm not sure where the information the applicant
11 presented saying that there has been zero builds in
12 Elberta. But in the Planning District 22, County-zoned
13 portions, in the last month, we've approved ten (10)
14 houses. In the City of Elberta, in the last year or two,
15 the Building Department says they've done -- I think it's
16 forty-five (45). So there are housing being built in the
17 area of Elberta.

18 As I -- I'm not sure where we are on the screen. As
19 I told the applicant -- And I do understand you. All
20 property may not be for sale. I understand that. But
21 one mile down the road, there is property that is
22 currently zoned RSF-4 -- I'm sorry, 3 -- I'm sorry, 4, I
23 was correct -- at County Road 95. That property was
24 re-zoned in 2006, and it has not been developed to date.

25 There is property zoned RTF-4 to the south a little
26 bit more east that has not been developed. And it was
27 re-zoned in 2006. So staff stands by my recommendation
28 that I don't feel that RSF-3 is appropriate at this time

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1 in this area.

2 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

3 DAVIS: Got any questions for Linda?

4 (No response.)

5 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

6 DAVIS: Okay. Thank you.

7 COMMISSION MEMBER KEVIN MURPHY: Is there a
8 possibility that if the entrance was only on 98 and not
9 on Breman Road, it may be a little bit more palatable for
10 the neighbors?

11 MS. LINDA LEE: You would have to ask the
12 neighbors that question.

13 COMMISSION MEMBER KEVIN MURPHY: Could we --

14 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

15 DAVIS: Public hearing's closed, sir.

16 COMMISSION MEMBER KEVIN MURPHY: -- approve it
17 with conditional -- with conditions of only a Highway
18 98 entrance? Is that a possibility?

19 MS. LINDA LEE: Ask your attorney. And please
20 remember, this board is making a recommendation. County
21 Commission makes the final decision.

22 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

23 DAVIS: David, that was a question for you. Kevin asked
24 the question, if -- if we limit this -- if we approve it
25 subject to a limitation of an entrance only onto
26 Highway 98 as opposed to the Breman Road.

27 ATTORNEY DAVID CONNER: Remember the re-zoning
28 request is just to determine whether or not -- the

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1 re-zone request determines whether or not the property --
2 this property is appropriate for that zoning
3 classification based on what's around it.

4 When it comes down to subdivision plat approval or
5 submittal of subdivision plat, that is when those issues
6 would be addressed.

7 So the question at the end of the day is whether or
8 not this property is appropriate for the zoning
9 classification that's being requested. And then at a
10 subsequent time, they'll submit the application for
11 subdivision to you all. And that'd be part of staff
12 review process.

13 COMMISSION MEMBER KEVIN MURPHY: That answers
14 it.

15 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
16 DAVIS: That answer your question? Any other questions
17 for Linda?

18 (No response.)

19 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
20 DAVIS: Okay. Staff has recommended denial. This would
21 be a recommendation from this body to the County
22 Commission. Is there a motion to recommend denial?

23 COMMISSION MEMBER BRANDON BIAS: So moved,
24 Mr. Chairman.

25 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
26 DAVIS: Okay. By Brandon, there was a motion to
27 recommend denial to County Commission. Is there a
28 second?

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1 COMMISSION MEMBER BONNIE LOWRY: Second.

2 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

3 DAVIS: Second by Bonnie. All in favor, say aye.

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

5 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

6 DAVIS: All opposed.

7 (No response.)

8 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

9 DAVIS: Unanimously approved.

10

11 **8 - CONSIDERATION OF APPLICATIONS AND REQUESTS: SUBDIVISION CASES**

12

13 **8-A - CASE HS-19001, BOWMAN HIGHWAY CONSTRUCTION SETBACK APPEAL**

14 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

15 DAVIS: Okay. Next case is HS-19001, Bowman highway
16 construction setback appeal.

17 MS. MARY BOOTH: Good evening. This is for
18 HS-19001, for the Bowman highway construction setback
19 appeal.

20 The applicant is requesting an appeal from the
21 Highway Construction Setback Legislation to allow
22 construction of a covered patio adjacent to the existing
23 building -- excuse me -- that's a restaurant.

24 This -- this is located in District 12. It is zoned
25 B-2. It is on the northwest corner of the intersection
26 of State Highway 59 and County Road 54.

27 This is his proposed plan. It's gonna be
28 twenty-seven-by-twenty-seven (27X27). It will be located