

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

1 DAVIS: Okay. Motion by Art. Is there a second?

2 COMMISSION MEMBER KEVIN MURPHY: I'll second.

3 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

4 DAVIS: Second by Kevin. Kevin, did you make the second?

5 COMMISSION MEMBER KEVIN MURPHY: Yes.

6 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

7 DAVIS: Okay. We got a motion and a second. All in
8 favor, say aye.

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

10 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

11 DAVIS: All opposed?

12 (No response.)

13 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

14 DAVIS: Carried unanimously.

15

16 7-C - CASE Z-19011, SAVANNAH ESTATES, PRD

17 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

18 DAVIS: The next one is Z-19011, which is the PRD for the
19 case we just heard. Staff report.

20 MR. VINCE JACKSON: Yes. And I wanted to make
21 one correction. We have on here one hundred and
22 forty-five (145) acres, and that's what it -- they added
23 a little additional acreage to it.

24 Originally, this was supposed to come to y'all in
25 March. The actual acreage, if you look at your staff
26 report, is one-hundred-forty-eight-point-five-five
27 (148.55). But, it doesn't -- it doesn't really change
28 anything as far as the number of lots. It was the same

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1 number of lots. It's just a little bit more acreage.

2 This is a planned residential development to be
3 known as Savannah Estates. If approved, it would include
4 three hundred and ninety-two (392) lots on approximately
5 four -- one-hundred-and-forty-eight-point-five-five
6 (148.55) acres.

7 You just considered the re-zoning. With the RSF-2,
8 which has been requested and which will now be pending
9 before the County Commission, the three hundred and
10 ninety-two (392) lots are within the allowable density.

11 Let me skip to the go back to the site plan. You
12 have a copy of the site plan in your -- in your packet.
13 If you would look at the -- the last two pages of this
14 agenda item, you'll see the site plan.

15 It's proposed to be developed in six phases. It
16 would include a small commercial component, which is
17 allowed under the PRD regulations. That would be about a
18 thirteen percent (13%) of the overall development. We
19 allow up to twenty percent (20%).

20 The caveat on that is that portion cannot be
21 included in your -- in your density. So the density
22 calculations do work out. That part comes out, so the
23 density is based on remaining land.

24 There are proposed -- if you look to the east of the
25 proposed commercial area, there would be some town homes.
26 I think there would be sixty (60) town homes altogether,
27 but the remainder would be single-family lots, which are
28 consistent with surrounding developments and proposed

1 developments. Also it would include twenty percent (20%)
2 open space, which is required under the PRD regulations.

3 Some of the comments -- And I mentioned these
4 earlier -- were more relevant to the -- to the
5 construction. There was comments about the proposed road
6 improvements. There were comments about the proposed
7 fill and, as you know listening to the comments in the
8 public hearing, we've had concerns expressed about
9 traffic and also drainage.

10 A number of those are more properly address during
11 the subdivision phase. There is an opportunity then to
12 address drainage concerns, the drainage requirements.
13 Also, additional lanes could be required, if deemed
14 necessary by the Highway Department. So there will be an
15 opportunity to address some of these concerns.

16 Having said that, we are -- we are aware that there
17 is significant growth in this area. We are aware of what
18 goes along with that.

19 There are a number of developments -- proposed
20 developments that are in various stages of either
21 development or approval. And we view this proposed
22 development as consistent with those. And on that basis,
23 we've recommended approval.

24 This process with the PRD site plan works the same
25 way as the re-zoning, where you are the recommending
26 body. And this will go before the County Commission
27 sometime in July for a final vote. So there will be
28 another opportunity for public hearing on this after

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1 tonight's meeting.

2 Those are the comments I have right now. And I will
3 be happy to answer any of your questions.

4 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

5 DAVIS: Any questions for Vince?

6 COMMISSION MEMBER DEWANE HAYES: Vince, there
7 is a huge power line that runs through. Is there any
8 rules or regulations on the power lines there?

9 MR. VINCE JACKSON: No, sir. It is shown on
10 the site plan, you know. Basically the way they've got
11 the -- the lots laid out, they would be avoiding the
12 power line easement.

13 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

14 DAVIS: Any other questions for Vince?

15 (No response.)

16 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

17 DAVIS: All right. We'll open the public hearing at this
18 point. Thanks, Vince.

19 Joe, would you like to come up?

20 (Mr. Joe Rector approached the podium.)

21 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

22 DAVIS: If you will, walk us through the kind of the site
23 plan. Show us where the town homes will be, the
24 individual houses, et cetera.

25 MR. JOE RECTOR: Okay. You -- I guess you do
26 not have this map for the overhead.

27 ATTORNEY DAVID CONNER: We do. It's just a
28 little hard to read on the scale as to what --

1 MR. JOE RECTOR: I mean, for the -- for the
2 overhead.

3 ATTORNEY DAVID CONNER: Yeah. We can do that.

4 MR. VINCE JACKSON: The site plan did not get
5 put into the PowerPoint, so we're trying to improvise a
6 little bit.

7 ATTORNEY DAVID CONNER: Vince, if it's not
8 possible to get it up there, if you could just pick the
9 page and we'll look at it. Kind of walk us around.

10 MR. JOE RECTOR: That'll be fine, too.

11 ATTORNEY DAVID CONNER: It is in our packet.
12 It's just too small to see.

13 MR. VINCE JACKSON: Here we go. Thank you.
14 Okay. We've got two pages and so we'll switch pages as
15 necessary.

16 MR. JOE RECTOR: Yeah, I believe this one --
17 this one will work sufficiently.

18 So, as I mentioned, the parcel that is outlined to
19 the western side here is what is defined as Phase 1.
20 It's approximately thirty (30) plus acres. It's about
21 sixty (60) some-odd lots in that area.

22 And, as you can see, that we have taken into account
23 these power lines, and no development or anything shown
24 going on in there, just a simple crossing here.

25 But what we've done here is we've created these pods
26 where we have a main entrance coming in -- where you have
27 a couple pods pulling off of that. And we've left these
28 areas open here to convey and pick up stormwater to get

1 back to a stormwater facility that will accommodate each
2 of the phases separately.

3 So our plan was this was Phase 1. And as a
4 standalone by it, it would only need one entrance here.
5 And then before any other development were to take place,
6 that Phase 2 of the development would be submitted to be
7 permitted and get us an access point here. And then the
8 subsequent phases after that would either, you know --
9 like the phase here in the middle, this phase, and then
10 build out to the back.

11 So that's the plan, the way we have it at -- at this
12 point is, like you mentioned, giving us this one, each
13 one standalone on it's own. It doesn't have to -- it's
14 not a situation where we have a phase and it's like we
15 have a stormwater pond way off somewhere else that, you
16 know, we're having to try to pipe water to. Each one of
17 them is gonna be able work in and amongst itself.

18 COMMISSION MEMBER BONNIE LOWRY: From what I'm
19 looking at, you're going to have four different size
20 lots --

21 MR. JOE RECTOR: Well, there's two primary --

22 COMMISSION MEMBER BONNIE LOWRY: -- in
23 different phases, but four different size lots.

24 MR. JOE RECTOR: Well, there's -- there's two
25 primary, single-family size lots. And then the town
26 homes would be their own version of a separate size lot
27 that are like -- the single-family at this point up here
28 on this end are the seventy-fives (75s) and the

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1 fifty-twos (52s). And then these were fee simple
2 for-sale type individual ownership lots as well for the
3 town homes. And our town homes on these --

4 COMMISSION MEMBER BONNIE LOWRY: Where are the
5 fifty (50) foot lots?

6 MR. JOE RECTOR: Pardon? So the way these are,
7 the lighter-colored ones are the seventy-fives (75s), the
8 darker-colored ones are fifty-twos (52s). So the
9 lighter, here again, fifty-twos (52s), and here.

10 COMMISSION MEMBER BRANDON BIAS: Have you done
11 a wetland delineation yet on any of this property?

12 MR. JOE RECTOR: Yes, there is. I believe that
13 was included in the packet, but, yeah, it was included in
14 the submittal with your pack -- in the packet.

15 COMMISSION MEMBER BRANDON BIAS: Well, was
16 there a determination by the Corps on any other
17 jurisdictional non-vegetation?

18 MR. JOE RECTOR: There was, because this
19 obviously was an active pit. There was areas over in
20 here that were deemed wetlands in both of those
21 locations. And those are outside of any area that's
22 being impacted by the developer.

23 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
24 DAVIS: Are you gonna address the pits to make them
25 suitable for home sites?

26 MR. JOE RECTOR: Those are items that we'll
27 have to work through with engineering as we proceed and
28 get back to those phases of the development to where that

1 has to be obviously stabilized and -- and built up to
2 where it's gonna drain and to where, you know, you can
3 build roads and homes on them. So, I mean --

4 ATTORNEY DAVID CONNER: Are you -- are you in
5 the process of filling that now?

6 MR. JOE RECTOR: Of -- the one in the front is
7 being processed right now, the one -- I'm -- the one in
8 the front. This one -- in this area here, they're going
9 through now and they're doing slope stabilization and
10 filtering out all the tree stumps and things like that
11 and are getting this one prepared to be closed out and
12 then that follow shortly behind in the next phase.

13 ATTORNEY DAVID CONNER: Are these gonna be
14 public roads or private roads?

15 MR. JOE RECTOR: Public.

16 ATTORNEY DAVID CONNER: County Engineer has
17 real concerns about the type of fill that's gonna be used
18 to fill in the pits. Have -- have y'all been in
19 consult -- consultation with the County Engineer and/or a
20 geotechnical specialist to determine what type of soils
21 you'll be bringing there and the structural integrity?

22 MR. JOE RECTOR: Yes. And that -- it's -- it's
23 at the very early stage. So we haven't got into the
24 design yet, but we have had the conversation that we
25 would -- I mean, an understanding of what we were going
26 to need to do whenever we, uh --

27 ATTORNEY DAVID CONNER: Seth, have you had
28 conversations with them? And, if so, what -- what is the

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1 County doing to ensure -- are we doing inspections as
2 they do this, or what would be the plan it determine the
3 structural integrity of the soil as it relates to future
4 improvement?

5 MR. SETH PETERSON: We've -- we've had some
6 preliminary discussions with the developer for this. The
7 County Engineer has expressed some concerns over the fill
8 they're doing and has made known to them that we will be
9 requiring a geotechnical engineer to do some testing and
10 do some deep bores, supplemental boring, to find out
11 what's being placed there and what the density is.

12 We're not do any observations and inspections now.
13 We will -- we will rely on geotechnical engineer to
14 provide that information.

15 ATTORNEY DAVID CONNER: Can y'all design --
16 would -- wouldn't it seem to make sense to have some
17 coordination about that before you put in soil that would
18 ultimately rejected, or are you saying you've already
19 done that? Because apparently the staff doesn't have
20 that information.

21 MR. VINCE JACKSON: It's too early.

22 MR. JOE RECTOR: Yeah. I can't answer that.

23 MR. VINCE JACKSON: It's way too early.

24 MR. JOE RECTOR: It's way too early in the
25 process now, because we're not designing yet. We're
26 trying to get it figured out if we can actually do a
27 development here first.

28 And then we would have the normal process of

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1 preliminary plat and engineering plans where we would
2 need to be doing all that.

3 So those -- those would be definitely be required at
4 that time, but not at the stage we are at, at this
5 particular moment.

6 COMMISSION MEMBER BONNIE LOWRY: I have another
7 question for you. According to the map --

8 ATTORNEY DAVID CONNER: Let me interrupt.

9 COMMISSION MEMBER BONNIE LOWRY: I'm sorry.

10 ATTORNEY DAVID CONNER: Look, I understand and
11 that's normally our answer is that we're dealing with
12 those things in the development phase, drainage and those
13 kind of things.

14 This type and amount of filling, I think, is -- is
15 of concern. And I would just encourage you to have
16 whatever communications you have talking about exactly
17 what y'all are doing at this point to try and -- the last
18 thing we'd hate to happen is for y'all to bring in that
19 dirt and then it be rejected or have to go through
20 something totally different in order to satisfy the
21 County engineering staff about the stability of the
22 public roads that are gonna be constructed and,
23 hopefully, be transferred over to us.

24 And so I know that's part of the -- the subdivision
25 process, but it just seems like a little coordination at
26 this point would be helpful, especially now that the
27 question's raised by the County Engineer.

28 MR. JOE RECTOR: Right. And there's not any

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1 fill brought in to do all that until that is cleared and
2 signed off by --

3 ATTORNEY DAVID CONNER: That's right. I -- I
4 misunderstood you. I thought you said fill was already
5 being brought in for the first pit.

6 MR. JOE RECTOR: What I was saying is that
7 somebody mentioned that one of the pits looks like the
8 Grand Canyon out there.

9 That pit was purchased recently by this developer,
10 and he is going through and he is cleaning that pit up
11 and is doing the reclamation process right now to get
12 prepared to be able to.

13 ATTORNEY DAVID CONNER. I misunderstood. So
14 did -- so did -- so that's something we'll be happy to
15 note. Because we were -- we were concerned that you were
16 already filling it in. Thank you very much. I
17 appreciate that clarification.

18 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
19 DAVIS: Any other questions for the engineer?

20 COMMISSION MEMBER BONNIE LOWRY: Yes. Just
21 one. I understand that part of the stormwater areas --
22 I'm looking at it as least five of them are gonna be
23 where these pits are. How are you going to provide the
24 safety water situation for those stormwater -- what are
25 you gonna do since these pits have already been
26 excavated? And you're gonna fill in part of them, but
27 you're also going to leave part of them open for this
28 stormwater drainage. Is there any protection as far as

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1 environmental concerns?

2 MR. JOE RECTOR: So if -- if you're referring
3 to -- like wet detention ponds, for example, some of
4 those areas are; in fact, some of them are not. This
5 large one in Phase 1, there is no excavation that has
6 taken place there now. That is on one of the previous
7 maps. I think it showed that is currently just a -- an
8 open field. So that would be a hole that is dug in the
9 ground today.

10 Some of those, based on the geotech reports that
11 were referred to, may require some type of a liner in
12 them so that they retain the water. But, again, those
13 are things we will fine tune as we go further. But we
14 are prepared and understand and know that -- that some of
15 those things will have to be addressed that way.

16 COMMISSION MEMBER BONNIE LOWRY: Thank you.

17 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

18 DAVIS: Any other questions for the engineer?

19 COMMISSION MEMBER BRANDON BIAS: Mr. Chairman,
20 I have a question, just for clarification. The -- the
21 PRD actually locks them into this development pattern
22 with this phasing; is that correct?

23 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

24 DAVIS: That is a question for Vince.

25 MR. VINCE JACKSON: Yes, sir, that's correct.

26 COMMISSION MEMBER BRANDON BIAS: So -- so any
27 changes to the development stuff will have to come back
28 for an amended PRD?

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1 MR. VINCE JACKSON: That's correct. There --
2 there are some very minor things that we can do inhouse,
3 but any major changes -- major amendments, they would
4 have to come back through the entire process, come back
5 the Planning Commission for a recommendation and then
6 County Commission for final vote.

7 And -- and also when they do that, if -- if any
8 zoning requirements have changed, then they have to meet
9 the requirements that are in place at that time.

10 COMMISSION MEMBER BRANDON BIAS: Thank you.

11 ATTORNEY DAVID CONNER: Vince, one last
12 question that was raised. And -- and on 54, they appear
13 to have -- own enough land there to make any improvements
14 that they might need in the future?

15 MR. VINCE JACKSON: Yes, sir.

16 ATTORNEY DAVID CONNER: On down on 64, they
17 appear to come down to a very narrow place.

18 MR. VINCE JACKSON: Correct.

19 ATTORNEY DAVID CONNER: If land improvements
20 were required there, they'd be in somebody else's
21 property. Has there been any thought about that at this
22 point, or is that something we would handle just at a
23 later date?

24 The reason I ask that is they're asking us to
25 approve a PUD, but if that were a condition, then it
26 doesn't appear they would have any land or enough
27 right-of-way big enough to accommodate that. Has there
28 been any discuss about that?

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1 MR. VINCE JACKSON: Uh --

2 MR. JOE RECTOR: You know, I was just gonna --

3 MR. VINCE JACKSON: I mean, that's -- that's
4 really -- again, that's -- that would be looked at more
5 in the subdivision and construction phase. But they're
6 communicating with the Highway Department. And as we get
7 information and concerns like this, we've been giving
8 that to them so that they're aware. So there will be a
9 phase when that can be better addressed.

10 ATTORNEY DAVID CONNER: Thank you.

11 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
12 DAVIS: Any other questions for -- for the engineer?

13 (No response.)

14 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
15 DAVIS: All right. Thank you. The opposition on this is
16 the same people that spoke previously. Would one of you
17 like to come up and state the case? And then I'll give
18 the others a chance if -- if there's anything to add
19 that's different? Mike.

20 MR. MIKE HAYES: Just one. The water issue, I
21 guess. I'm -- I live here. And the hundred (100) --
22 that big flood we had about four years ago -- I was just
23 showing -- that entire field all the way within a hundred
24 (100) feet of Highway 64 was underwater. Where I live it
25 was sixteen (16) inches deep.

26 So you put all the -- if you build that up, is that
27 going to force all that water back around through us to
28 try to get to the river?

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1 Because there's no culverts on Highway 64. It's --
2 it's all plugged up. Some of them don't even have
3 culverts. So all the water off of it -- off of the
4 corner of 54 and 64, now when it gets -- it flows -- once
5 it gets to where there's no culverts, where that Coastal
6 Church is, all that water flows right back toward my
7 property line to try to get -- and cuts across to get to
8 the river. That just -- I'm just concerned about the
9 water issue, if they can handle the water issue. Of
10 course, I don't want houses run behind me either, but
11 that's probably gonna happen. But, uh --

12 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

13 DAVIS: Vince, do you --

14 MR. MIKE HAYES: -- there's a lot of water there
15 that's gonna have to be taken care of.

16 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

17 DAVIS: Would you like to speak to that?

18 MR. VINCE JACKSON: I -- I mean, again, that's
19 something that's addressed during the subdivision phase.
20 There -- you know, in the Subdivision Regulations, there
21 are requirements for drainage structures and drainage
22 improvements.

23 And this is gonna be reviewed by the City of Daphne.
24 It's in their at extraterritorial jurisdiction. But it
25 also has to meet County requirements. So the City of
26 Daphne's gonna be looking at it, County Engineer staff is
27 gonna be looking at it.

28 So when -- when they get to the -- the phase where

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1 they're actually subdividing and constructing, you know,
2 the drainage improvements will be addressed then.

3 And, as you know, you know, you've been part of our
4 Subdivision Regulations. You know there are -- are
5 significant drainage requirements in the sub regs. So
6 they will have to meet those when they get --

7 PLANNING AND ZONING COMMISSION CHAIRMAN SAM
8 DAVIS: Technically they're supposed keep all the water
9 within their development.

10 MR. VINCE JACKSON: Correct.

11 ATTORNEY DAVID CONNER: And I -- and I agree
12 with Vince completely. The only reason I raised the
13 question I did earlier is because we have an usual
14 situation. We have this kind of level field.

15 But Vince is exactly right. And I agree with that,
16 that those kind of issues -- he's got enough property
17 there to deal with his own issues, and he's showing at
18 least four or five ponds already to help deal with that.
19 So that is something that would be dealt with at the
20 subdivision level.

21 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

22 DAVIS: All right. Thank you, Vince.

23 Any of the other opposition got anything additional
24 add that's not already been spoken to?

25 (No response.)

26 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

27 DAVIS: Okay. Thank you. We'll close the public hearing
28 at this point. Any other questions for staff?

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1 (No response.)

2 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

3 DAVIS: All right. Thanks. Staff is recommending
4 approval. This is a recommendation to the County
5 Commission. Is there a motion to do so?

6 COMMISSION MEMBER KEVIN MURPHY: I so move.

7 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

8 DAVIS: Okay. Kevin's made the motion to recommend
9 approval. Is there a second?

10 COMMISSION MEMBER BRANDON BIAS: Second.

11 COMMISSION MEMBER DANIEL NANCE: Second.

12 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

13 DAVIS: Okay. Daniel has recommended a second. All in
14 favor, say aye.

15 (Some Commission Members say "aye" in unison.)

16 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

17 DAVIS: All opposed?

18 COMMISSION MEMBER BRANDON BIAS: Nay.

19 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

20 DAVIS: Okay. Let the record show that there was one
21 opposition and the motion carried.

22

23 **7-D: CASE Z-19022, HAYES PROPERTY**

24 PLANNING AND ZONING COMMISSION CHAIRMAN SAM

25 DAVIS: Next case Z-19022, Hayes Property.

26 COMMISSION MEMBER DEWANE HAYES: I'm the owner
27 of the property. I'm having to recuse myself.

28 PLANNING AND ZONING COMMISSION CHAIRMAN SAM