

1 SAM DAVIS: Thanks to all of y'all for agreeing
2 to serve.

3
4 **8 - CONSIDERATION OF APPLICATIONS AND REQUESTS:**

5 **RE-ZONING CASES**

6 PLANNING AND ZONING COMMISSION CHAIRMAN

7 SAM DAVIS: Okay. Since we're still waiting on
8 some, we're going to take some cases that have no
9 opposition, try to knock them on out.

10
11 **8-C - CASE Z-19037, WELLS PROPERTY**

12 PLANNING AND ZONING COMMISSION CHAIRMAN

13 SAM DAVIS: First one is Wells Property. It's
14 Case Number Z-19037.

15 ATTORNEY DAVID CONNER: Mr. Chairman, I
16 have a conflict of interest on this item. So
17 Brad Hicks, conflicts counsel from Stone Granade
18 & Crosby is going to handle this matter.

19 PLANNING AND ZONING COMMISSION CHAIRMAN

20 SAM DAVIS: All right. Linda, do we have a staff
21 report?

22 MS. LINDA LEE: Yes, sir. Good evening.
23 Case Z-19037, Wells Property. The subject
24 property is currently zoned RSF-1, Single-Family
25 District, and occupied with a dwelling and an
26 accessory structure.

27 The property adjoins County Road 12 to the
28 north. The adjoining properties are residential,

1 agricultural, and a church.

2 The requested zoning designation is RSF-3,
3 Single-Family District. According to the
4 applicant, the purpose of this request is to
5 allow for the existing parcel to be divided into
6 three (3) lots.

7 The property is located at -- I'm sorry, on
8 the south side of County Road 12, west of James
9 Road in Planning District 30.

10 The subject property consists of
11 approximately one-point-zero-one (1.01) acres.
12 On your screen is the locator map. And this is
13 this the aerial photography. This is a survey of
14 the property submitted by the applicant.

15 Planning District 30 was zoned in February of
16 1995. Since that time, land uses have gone from
17 mostly rural agricultural to include several
18 residential subdivisions.

19 Meadow Run Estates was platted in 1996,
20 Willow Lakes was platted in 2003 and 2005.
21 Cottages on the Green, Phase 1, was platted in
22 2005.

23 The proposed lots range in size from thirteen
24 thousand, one hundred seventy-five (13,175)
25 square feet to fifteen thousand, three hundred
26 forty-five (15,345) square feet, which is
27 somewhat similar to three lots to the southeast
28 of this property. The proposed lots would meet

1 the minimum lot area and minimal lot width of the
2 RSF-3 zoning designation.

3 The property is in the City of Foley's
4 planning jurisdiction. And the proposed
5 subdivision would have to meet County and City
6 requirements. The City of Foley Planning
7 Commission will hold public hearings for the
8 proposed subdivision.

9 The Master Plan provides a future land use
10 designation of residential. The proposed zoning
11 designation conforms to the Master Plan.

12 Unless information to the contrary is
13 revealed at this public hearing, staff feels this
14 re-zoning application should be recommended for
15 approval.

16 These are pictures of the subject property
17 and the surrounding properties. And I'll answer
18 any questions that you may have for staff.

19 AN AUDIENCE MEMBER: Sir, are you
20 talking about -- the one that you're talking
21 about, if you could, I'd appreciate it if you
22 know exactly what you're saying. We'd like to
23 know.

24 PLANNING AND ZONING COMMISSION CHAIRMAN
25 SAM DAVIS: I didn't make out anything you said,
26 but we'll give you an opportunity to talk if
27 you're talking about the Wells case.

28 Are there any questions for staff?

1 COMMISSION MEMBER NANCY MACKEY: I do
2 have one question.

3 MS. LINDA LEE: Yes, ma'am.

4 COMMISSION MEMBER NANCY MACKEY: How are
5 they going to access that rear lot?

6 MS. LINDA LEE: They are proposing to
7 access it through -- This currently is a private
8 driveway. They are going to have to meet
9 subdivision requirements and come up to the
10 standards for a road.

11 At this point right now, he's asking for the
12 zoning designation he needs. He does have some
13 issues that he will have to overcome as far as
14 subdivisions go, before it can be approved for a
15 subdivision.

16 PLANNING AND ZONING COMMISSION CHAIRMAN
17 SAM DAVIS: Any other questions for Linda?

18 COMMISSION MEMBER BONNIE LOWRY: Is
19 there any agreement from with the neighbor where
20 he's going to access the back lot?

21 MS. LINDA LEE: You would need to ask
22 the applicant. I don't know.

23 MR. BRIAN WELLS: It's my property.

24 PLANNING AND ZONING COMMISSION CHAIRMAN
25 SAM DAVIS: Hold on. Hold on.

26 MS. LINDA LEE: The Chairman --

27 PLANNING AND ZONING COMMISSION CHAIRMAN
28 SAM DAVIS: Hold on.

1 MR. BRIAN WELLS: That --

2 PLANNING AND ZONING COMMISSION CHAIRMAN

3 SAM DAVIS: Sir.

4 MS. LINDA LEE: Chairman will call you
5 up when it's your turn.

6 PLANNING AND ZONING COMMISSION CHAIRMAN

7 SAM DAVIS: I'll give you an opportunity to talk
8 in just a minute. It's one person at the time.
9 And everybody has to be at podium. Thank you.

10 Any other questions for Linda?

11 (No response.)

12 PLANNING AND ZONING COMMISSION CHAIRMAN

13 SAM DAVIS: All right. Thank you. We'll open
14 the public hearing at this time. And you're
15 Mr. Wells?

16 MR. BRIAN WELLS: Yeah.

17 PLANNING AND ZONING COMMISSION CHAIRMAN

18 SAM DAVIS: Okay. You want to come up to the
19 podium? You're the applicant.

20 MR. BRIAN WELLS: Podium?

21 PLANNING AND ZONING COMMISSION CHAIRMAN

22 SAM DAVIS: Yes, sir.

23 (Mr. Brian Wells approached the podium.)

24 MR. BRIAN WELLS: Yeah. The rear lot
25 doesn't make sense until -- at this point in
26 time, until that deeded right-of-way becomes a
27 road, the named road from the County.

28 There's seven (7) of residents that use that

1 road, up and down it. And the County has called
2 me when they bought the property. And they'd
3 like to have it named.

4 But I guess all the property owners have to
5 sign it to get it to be a named road. So,
6 really, right now, it will be subdivided into two
7 lots and put another house adjacent to the one
8 that's on County Road 12.

9 But that is a deeded right-of-way to the east
10 of the property that goes way south of my
11 property.

12 PLANNING AND ZONING COMMISSION CHAIRMAN

13 SAM DAVIS: Any other questions for Mr. Wells?

14 (No response.)

15 PLANNING AND ZONING COMMISSION CHAIRMAN

16 SAM DAVIS: Okay. Anything else you'd like for
17 the Commission to know?

18 MR. BRIAN WELLS: No. I just was -- I'd
19 say I could go to RSF-3. The lots are about
20 forty percent (40%) larger than what they're
21 actually needed to be. Just wanted to put one
22 more house on it for a rental property.

23 PLANNING AND ZONING COMMISSION CHAIRMAN

24 SAM DAVIS: All right. Thank you, sir.

25 The only one person signed up in opposition.
26 It's Mr. Ed Witherington. Are you here? Would
27 you like to come up?

28 (Mr. Ed Witherington approached the podium.)

1 MR. ED WITHERINGTON: Thank you. I'm
2 one of the property owners behind Mr. Wells'
3 property. I bought that property -- in fact, I
4 have several houses behind there.

5 I bought them about six, seven years ago
6 because of the density, because of the layout of
7 that property, and the number of houses.

8 There are several houses, including mine,
9 that are either on an acre, acre-and-a-half, four
10 acres, and as opposed to a lot of houses on one
11 small acre.

12 I do have an issue with the road itself. We
13 are constantly having to maintain that road. It
14 is not a county road. And to add additional
15 houses on top of that is definitely going to be a
16 burden for us.

17 Of course, the County could take that over.
18 But it's a real challenge for us, because there's
19 constant potholes and people up and down that
20 road.

21 So I specifically ask that y'all not pass
22 this, that we keep our a little neighborhood
23 that's quaint the way it is, as opposed to having
24 a bunch of house in the front of our property
25 that we're going to have to drive in and see
26 every time we come into your neighborhood.

27 PLANNING AND ZONING COMMISSION CHAIRMAN

28 SAM DAVIS: Just to be sure that you understand

1 the process, whatever decision that this Counsel
2 recommends tonight will be a recommendation only.
3 It won't be a formal approval or denial. And
4 that goes to County Commission for their approval
5 or denial.

6 MR. ED WITHERINGTON: Thank you, sir.

7 PLANNING AND ZONING COMMISSION CHAIRMAN

8 SAM DAVIS: Okay. Thank you. Any other
9 questions for this gentleman?

10 COMMISSION MEMBER NANCY MACKEY: I have
11 one. How wide is that easement? I can't read it
12 on this map.

13 MR. ED WITHERINGTON: I forget the exact
14 size. It's roughly twenty (20) feet. I know the
15 easement actually runs through my property on the
16 backside, but it's not like a big -- I hate to
17 state exactly what the size of it is.

18 But if you can imagine just a one-car gravel
19 Road, that is what it is. In fact, there are
20 parts you'd have a challenge having two cars on
21 that road, because there's little fences up and
22 so forth. And it is one road access, or one car
23 access.

24 COMMISSION MEMBER KEVIN MURPHY: If it
25 were paved, would that suffice for you, if it
26 were a paved road and deeded right-of-way and
27 everything?

28 MR. ED WITHERINGTON: If I personally

1 had a choice, I'd actually leave it gravel. I
2 like the capability of having -- There's -- as
3 you can see in the pictures, there is actually
4 multiple ponds back there.

5 It's a really pretty piece of property, and
6 then I think having a road -- we already have a
7 challenge with people coming back trying to fish
8 and so forth.

9 I think you'd increase that issue for the
10 rest of us, especially having the public access.
11 Today, we have private access.

12 So we can actually tell people, hey, you
13 can't come on this property. But having a paved
14 road by the County, I'd trade one issue for
15 another issue, sir.

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

19 (No response.)

20 PLANNING AND ZONING COMMISSION CHAIRMAN
21 SAM DAVIS: Okay, thank you.

22 MR. ED WITHERINGTON: Thank you, sir.
23 Thank you, ma'am.

24 PLANNING AND ZONING COMMISSION CHAIRMAN
25 SAM DAVIS: Mr. Wells, you got anything you'd
26 like to respond to?

27 MR. BRIAN WELLS: Even though the
28 property, as I've got it down, is three lots,

1 it'll probably just be two lots, because the barn
2 doesn't conform to zoning setbacks, unless the
3 property does face to the east.

4 So, basically, the house that I would propose
5 to actually build to the west of the existing
6 house would be serviced off of County Road 12.

7 There is already a driveway to the barn on
8 the easement road. Like I said, there's seven
9 houses back there.

10 I have put six loads of millings from County
11 Road 12 because of, just like he said, it was
12 chuck-holed and completely terrible. So I paid
13 for six loads, and spread it myself, of millings
14 down that road to just pass into my property.

15 And there's some real derelict pieces of
16 property at the end of that road. And there's
17 some landscape business or something that comes
18 up and down all the time.

19 But as far as what I'm trying to do, like I
20 said, it would end up being two lots. It'll be
21 L-shaped until such time that the County took
22 that road over and faced that south lot to the
23 east, and then it would make sense with the
24 setbacks where the barn is at.

25 So, basically, really, just going to put one
26 house fronting County Road 12, because that
27 property fronts County Road 12.

28 PLANNING AND ZONING COMMISSION CHAIRMAN

1 SAM DAVIS: Any other questions for Mr. Wells?

2 (No response.)

3 PLANNING AND ZONING COMMISSION CHAIRMAN

4 SAM DAVIS: Thank you, sir.

5 We'll close the public hearing at this point.

6 Y'all have heard both sides plus staff report.

7 Staff's recommending approval. This would be a

8 recommendation to the County Commission. Is

9 there a motion to do so?

10 COMMISSION MEMBER NANCY MACKEY: I make
11 a motion that the re-zoning be recommended to the
12 County Commission for approval.

13 PLANNING AND ZONING COMMISSION CHAIRMAN

14 SAM DAVIS: There is a motion to recommend
15 approval to the County Commission. Is there a
16 second?

17 COMMISSION MEMBER ROBERT DAVIS: I'll
18 second.

19 PLANNING AND ZONING COMMISSION CHAIRMAN

20 SAM DAVIS: There's a second. All in favor, say
21 aye.

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

23 PLANNING AND ZONING COMMISSION CHAIRMAN

24 SAM DAVIS: Any opposed?

25 (No response.)

26 PLANNING AND ZONING COMMISSION CHAIRMAN

27 SAM DAVIS: Passes unanimously.

28