

1 SAM DAVIS: All right. Thank you.

2

3 **8-D - CASE Z-19038 - BANKESTER FAMILY PROPERTY**

4 PLANNING AND ZONING COMMISSION CHAIRMAN

5 SAM DAVIS: Next case is Z-19038, Bankester
6 Family Property.

7 MS. LINDA LEE: The subject property,
8 which consists of approximately
9 two-point-seven-two (2.72) acres, is currently
10 zoned RSF-E, Single-Family Estate District. The
11 designation of RR, Rural District, has been
12 requested for the purpose of establishing a
13 retail store.

14 General commercial uses are allowed under
15 this zoning destination with special exception
16 approval from the Board of Adjustment.

17 The subject property is located on the
18 southwest corner of State Highway 225 and River
19 Road in Planning District 4.

20 The adjoining properties are residential and
21 forested timberland. The property to the north
22 is zoned RA, which is a Rural zoning designation.
23 There are three (3) properties to the southwest
24 that are zoned RR, Rural District.

25 The zoning for Planning District 4 was
26 approved by the County Commission on
27 February 21st, 1995. Since that time, there has
28 been new and expended subdivisions in the area.

1 In 2017, property less than a mile to the
2 north was re-zoned from RSF-1 to RR; Case Number
3 Z-17020. In this area, most of the zoning is
4 residential. A future land use destination of
5 Residential has been provided for the subject
6 property.

7 Approval of re-zoning will result in an
8 amendment to the Future Land Use Map to
9 Agricultural. Agricultural, forestry, and
10 similar activities are included with this future
11 land use category.

12 Limited commercial uses, which are intended
13 to serve a rural area, are also included, subject
14 to the requirements found within the zoning
15 ordinance.

16 These are pictures of the subject property
17 and the adjacent properties and the intersection.
18 This is a survey of the property. This is a site
19 plan of the proposed retail store.

20 The RR, Rural District, was originally
21 created for Planning District 4 to accommodate
22 the rural areas of Baldwin County.

23 Per the applicant, ALDOT is requiring a
24 left-turn lane on State Highway 225 northbound.
25 And they will be widening and repaving a portion
26 of River Road, per the Highway Department
27 requirement.

28 According to the Baldwin County Zoning

1 Ordinance, a twenty-five (25) foot landscape
2 buffer will be required along the portions of the
3 property which are both residential zoning
4 designations, if the property is re-zoned and the
5 applicant is granted a special exception for
6 proposed use.

7 Staff has received several phone calls in
8 opposition to a store at this location. In your
9 staff report are two e-mails and one letter in
10 opposition to this request.

11 The proposed tenant has stores six-point-two
12 (6.2) miles north and five-point-six (5.6) miles
13 south of this property.

14 Staff does recommend that this Commission
15 recommend approval of this application. And I'll
16 answer any questions you have for me.

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

19 COMMISSION MEMBER BRANDON BIAS: Linda,
20 just for clarification, if this were to be
21 approved, it would have to go before the BOA for
22 a variance?

23 MS. LINDA LEE: It would go to the BOA
24 for special exception.

25 COMMISSION MEMBER BRANDON BIAS: Special
26 exception, I'm sorry, for the commercial use.

27 MS. LINDA LEE: Yes, sir.

28 COMMISSION MEMBER BRANDON BIAS: Okay.

1 Thank you.

2 PLANNING AND ZONING COMMISSION CHAIRMAN

3 SAM DAVIS: Any other questions for Linda?

4 (No response.)

5 PLANNING AND ZONING COMMISSION CHAIRMAN

6 SAM DAVIS: All right. Thank you, Linda.

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

8 Is there someone here representing the applicant?

9 MS. ALYSSA CARTER: I'm right here.

10 (Ms. Alyssa Carter approached the podium.)

11 MS. ALYSSA CARTER: My name is Alyssa
12 Carter, and I'm with the Broadway Group. We're
13 the developer for this project. I've made a
14 PowerPoint, and y'all have a copy in front of you
15 as well.

16 So here's just some site pictures that we
17 have of this location. As you can see, we're
18 one-point-two (1.2) miles north of Blakeley State
19 Park. Just some more site pictures for everyone
20 to see exactly where we are.

21 So like Linda said, we're proposing a
22 re-zone, two-point-seven-two (2.72) acres from
23 RSF-E district to RR district to allow
24 construction of a smaller type of a nine
25 thousand, one hundred (9,100) square foot retail
26 store. With a special exception, we will be able
27 to build this retail store.

28 We did hear that there was some traffic

1 concerns. So we have been working with Baldwin
2 County Highway Department and ALDOT to make this,
3 you know, is a safe retail store entrance for
4 everyone and for the community behind the store.

5 So we will be re-surfacing River Road, and we
6 will be adding a left turn lane. Currently,
7 there's a hashed area that we will be milling and
8 re-striping to make the left-turn lane.

9 Here is an example that we have illustrated
10 how we are going to make the turn lane. So all
11 of our design standards will meet all County
12 requirements; the lighting, the sign, all of
13 setbacks. And we will be doing the landscaping
14 and buffering.

15 There is -- the lot right now is heavily
16 wooded. So we will try to keep as much of the
17 trees behind the store as possible. And then
18 towards the south, we'll be cutting a little bit
19 just for visibility to the store. But we will be
20 maintaining as much of the trees that are
21 currently there as we possibly can. So we will
22 have a good buffer to all the residents behind
23 us.

24 So this retail store is just to provide a
25 convenient shopping experience for everyone in
26 the community. So they don't have to drive
27 six-point-two (6.2) miles north or
28 five-point-five (5.5) miles south to the next

1 store to get whatever they need.

2 If you forget some milk at the grocery store,
3 you can always stop by this retail store to get
4 your milk.

5 This one of the fastest growing retailers in
6 American. And we will be having ten (10) new
7 local jobs for this area. And there will be
8 significant tax revenue for this store.

9 Thank you for your time. And I'll answer any
10 questions.

11 PLANNING AND ZONING COMMISSION CHAIRMAN

12 SAM DAVIS: Who is the retailer?

13 MS. ALYSSA CARTER: I cannot name it at
14 this time.

15 PLANNING AND ZONING COMMISSION CHAIRMAN

16 SAM DAVIS: Any other questions for Ms. Carter?

17 (No response.)

18 AN AUDIENCE MEMBER: I have opposition.

19 PLANNING AND ZONING COMMISSION CHAIRMAN

20 SAM DAVIS: We'll get to you in just a minute.

21 So just hold tight.

22 COMMISSION MEMBER BONNIE LOWRY: I just
23 have one question for her. Does ALDOT really
24 agree with you on everything that you talked
25 about as far as the required improvements for
26 Highway 225?

27 MS. ALYSSA CARTER: Yes, ma'am. That
28 was their recommendation to us, was to do that

1 improvement. We've been working with Michael
2 Smith at ALDOT.

3 PLANNING AND ZONING COMMISSION CHAIRMAN

4 SAM DAVIS: Any other questions for Ms. Carter?

5 (No response.)

6 PLANNING AND ZONING COMMISSION CHAIRMAN

7 SAM DAVIS: Okay. Thank you.

8 Anyone else here signed up in support that
9 has anything different than what Ms. Carter had
10 to say?

11 (Mr. Bob Wills indicating.)

12 PLANNING AND ZONING COMMISSION CHAIRMAN

13 SAM DAVIS: Bob, come on up.

14 MR. BOB WILLS: Thank you, Mr. Chairman,
15 Commission Members. My name is Bob Wills. And I
16 represent the owners of the property, the
17 Bankester family.

18 The family that owns the property now
19 consists of eleven (11) heirs of Lewis Bankester,
20 who obtained ten (10) acres in this location back
21 in 1924.

22 One of his grandchildren, Ms. Mary-Louise
23 McMillan, owns the five (5) acres immediately
24 south of this site. It's part of the original
25 ten (10) acre site. Other family members own the
26 two-and-a-half (2.5) acres immediately west of
27 this site. And these heirs own this eleven
28 (11) acres.

1 The property has devolved to them through the
2 years through intestate succession. That's why
3 we have eleven (11) different owners at this
4 time.

5 As you all probably know, when you have
6 eleven (11) different owners and family members,
7 it's difficult to get everyone on the same page.
8 They are on the same page here in the pursuit of
9 this project.

10 The property has been left -- I wouldn't
11 neglected, but there's been no activity on it in
12 many, many, many years, because the heirs -- the
13 diverse ownership didn't do anything with it.
14 This will provide the opportunity to make a real
15 improvement to the property.

16 As you all know, this area of 225 is growing
17 rapidly. Several years ago, I guess, the County
18 and the State ALDOT reconfigured the
19 intersection.

20 Now, Bromley Road and River Road are directly
21 across 225 from each other. It used to be that
22 they were offset somewhat.

23 So this is a prime location for this type of
24 development at this time with the increased
25 population and residential houses we have in the
26 area.

27 As Ms. Carter pointed out, this type of store
28 really caters to the local community. It's not

1 what's known as a destination store where people
2 will be coming from miles and miles away. So it
3 should provide a real asset to the local
4 community.

5 We have a number of folks here with the
6 family, I think, who have signed up to speak.
7 But I know I can probably speak for all of them.

8 And so what -- I'd like them to stand up.
9 They're all here in support of it. If you would,
10 just stand to be recognized by the Commission,
11 those family members who are here.

12 (Several audience members complied.)

13 MR. BOB WILLS: And I didn't get a
14 chance to talk to all of them.

15 If any of you signed up and want to speak,
16 please feel free to do so.

17 They're all in favor of this. They really
18 would like to see you all recommend approval of
19 this re-zoning. Be glad to answer any questions.

20 PLANNING AND ZONING COMMISSION CHAIRMAN

21 SAM DAVIS: Any questions for Bob?

22 COMMISSION MEMBER ARTHUR OKEN:

23 Mr. Chairman, do any of these folks live in the
24 vicinity of this site, any of the heirs?

25 MR. BOB WILLS: Ms. McMillan has a house
26 on the five (5) acres south of it, but her
27 permanent home is in Huntsville. There are
28 several of the heirs who live in the Daphne area.

1 None of them live immediately in this community,
2 though.

3 COMMISSION MEMBER ARTHUR OKEN: Thank
4 you.

5 MR. BOB WILLS: Yes, sir.

6 PLANNING AND ZONING COMMISSION CHAIRMAN

7 SAM DAVIS: Any other questions for Bob?

8 (No response.)

9 PLANNING AND ZONING COMMISSION CHAIRMAN

10 SAM DAVIS: Okay. Thank you, Bob.

11 MR. BOB WILLS: Thank you very much.

12 PLANNING AND ZONING COMMISSION CHAIRMAN

13 SAM DAVIS: Any other people in support have
14 anything different than what's been said already
15 that y'all would like for us to know?

16 (No response.)

17 PLANNING AND ZONING COMMISSION CHAIRMAN

18 SAM DAVIS: Thank you.

19 Is there a representative of the opposition?

20 MS. LYNN HARRISON: There are two of us
21 here. We live very near where this is going to
22 be built.

23 PLANNING AND ZONING COMMISSION CHAIRMAN

24 SAM DAVIS: Come on up.

25 MS. LYNN HARRISON: Hello, good evening.
26 My name is Lynn Harrison. I'm a twenty (20) year
27 resident of Baldwin County.

28 I'm very vested in how Baldwin County

1 develops. And I'm so thankful for how things
2 have developed so far along 225.

3 We have the new national cemetery there,
4 which was a wonderful addition. We have what I
5 consider one of the most important sites in the
6 state; Saluda Ridge, which is historically the
7 last battle of the Civil War, filled with Civil
8 War dead.

9 And all of these would be within less than a
10 mile of where they're proposing to put this
11 store. And as was mentioned, there are Dollar
12 Stores, literally, within five (5), six (6) miles
13 in either direction from our subdivision gates.

14 When you had the map up, my house was right
15 down below. So I am in, you know, the exactly
16 proximity.

17 I was a teacher here in Baldwin County for
18 twenty (20) years and an administrator at Foley
19 High School. I'm now retired. And I am vested
20 in this community. I love it.

21 I've given, you know, my efforts to it. And
22 I would hate to see something like a Dollar Tree
23 or a Dollar Store go into that area.

24 When you consider the historical significance
25 there and trees growing, and beautiful is what
26 Baldwin County is known for.

27 You know, we have our areas of development on
28 59, on 98. And, you know, Rouses down there is

1 where the Dollar Store is. Then there's the
2 four-way up above, closer to Bay Minette. And
3 that's where the other Dollar Store is.

4 And the residents are just -- Why have
5 another Dollar Store? Why? It's not a
6 convenience for us. It is a distraction. It's
7 gaudy. It's just not something that is
8 appropriate given the location.

9 PLANNING AND ZONING COMMISSION CHAIRMAN
10 SAM DAVIS: Where do you live in relation to the
11 property?

12 MS. LYNN HARRISON: I live on Colonel
13 Grierson Drive in Bromley Woods. They're
14 five-tenths (5/10) of a mile away.

15 And the area is beautiful and wooded. It's
16 being developed well at this point. I mean, I
17 have no qualms about saying, you know, when that
18 national cemetery went in, I thought it was
19 completely appropriate.

20 PLANNING AND ZONING COMMISSION CHAIRMAN
21 SAM DAVIS: Let me ask you -- You're starting to
22 repeat yourself. So let me ask --

23 MS. LYNN HARRISON: Yes, please.

24 PLANNING AND ZONING COMMISSION CHAIRMAN
25 SAM DAVIS: -- any questions for this lady?

26 (No response.)

27 PLANNING AND ZONING COMMISSION CHAIRMAN
28 SAM DAVIS: Okay. Thank you. Is the lady next

1 to you here to speak?

2 (Ms. Thelia Kelly approached the podium.)

3 MS. THELIA KELLY: My name is Thelia
4 Kelly. I live in Bromley Woods, which is just
5 down the road about half a mile.

6 The area has several subdivisions. I'm
7 talking about within -- well, the first one is
8 Aikan Court, which is -- this came from the
9 revenue site, the mapping.

10 The entrance to Aikan Court is eight hundred
11 fifty (850) feet from that -- from the subject
12 site. And homes in that subdivision are priced
13 like four hundred thousand (\$400,000) and up.

14 And then, our subdivision, Bromley Woods, has
15 homes in there up to one -- six hundred thousand
16 (\$600,000). And then, the Saluda Ridge
17 subdivision, expensive homes in there; Blakeley
18 Oaks, expensive homes. That's all within
19 seven-tenths (7/10) of a mile.

20 And there are several single-family
21 residences within half a mile of that, of the
22 subject property. Within three-quarters (3/4) of
23 a mile, there's two churches; the St. John's
24 Catholic Church, the East Point Baptist Church.
25 There's are two cemeteries; the Historic Saluda
26 Ridge Cemetery, she mentioned, and a new State
27 Veterans Cemetery. There is Blakeley State Park.

28 In addition, I haven't been able to find out

1 the status of this, but I think the works are
2 underway to declare that 225 -- designate the 225
3 corridor as a scenic byway to be called the
4 Tensaw Parkway. And y'all know more about the
5 status of that than I do.

6 But I did read the brochure on the
7 requirements for being designated scenic byway.
8 And one is to maintain the natural -- the natural
9 appearance of the area and limited commercial
10 developments.

11 So we don't -- those of us who live there
12 when we bought in the country, we did not -- I
13 mean, we knew we were not going to be right next
14 door to a Dollar Store or any kind of retail
15 development.

16 If we had wanted to be that close, we would
17 have bought in town. Instead, we chose the rural
18 area. And we like the rural ambiance. And we
19 don't mind driving five miles to get a gallon of
20 milk, which we pass right by in the direction you
21 come into our area. You pass right by a Dollar
22 General Store.

23 Thank you.

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

26 Let me ask the other people here that signed
27 up in opposition, does anyone have anything
28 different than what's already been presented? If

1 you do come on up to the podium. I didn't see
2 you over there, I'm sorry.

3 (Mr. Charles Brevik (phonetic) approached the podium.)

4 MR. CHARLES BREVIK: Thank you for the
5 opportunity.

6 PLANNING AND ZONING COMMISSION CHAIRMAN
7 SAM DAVIS: Give us your name.

8 MR. CHARLES BREVIK: I'm Charles Brevik.
9 I live just off Bromley Road, which is pretty
10 much across the road from where this development
11 is intended to go in.

12 As has been mentioned at this point, there
13 are -- apparently, this is ostensibly going to be
14 a Dollar General Store installed on this lot.

15 We currently have one six (6) miles north at
16 the intersection of Alabama 225 and County Road
17 138. We have another one five (5) miles south at
18 the intersection of Alabama 225 and U.S. 31.

19 My objection to this particular installation
20 is I don't see any prior proper planning being
21 done with traffic control at either of their two
22 existing sites where they've developed a Dollar
23 General Store.

24 To put in a Dollar General Store at this
25 particular intersection, I firmly believe we need
26 more traffic control than what has been presented
27 to this point, things like acceleration,
28 deceleration lanes.

1 I think we need a better turn lane off of
2 that hashed area that the young lady talked
3 about. It's pretty narrow. It's really not
4 suitable for a turning lane. It's going to have
5 to be widened.

6 That's my big objection to this particular
7 process. If you're going to do this, please
8 include adequate infrastructure funding for the
9 access and egress from this store.

10 When I go up to the Dollar General Store at
11 the intersection of US 31 and 225, you got a hell
12 of a mess of up there, folks. It's a nasty
13 intersection where they have got to go in and out
14 of that store.

15 There are on acceleration/deceleration lanes,
16 no left-turn lanes. Traffic can bottleneck up
17 there and back up on 31 in about three car
18 lengths.

19 So I don't want to see you build the same
20 kind of situation down there at the intersection
21 with 225. River Road's on one side, Bromley
22 Road's on the other.

23 PLANNING AND ZONING COMMISSION CHAIRMAN
24 SAM DAVIS: Thank you, sir.

25 Any questions for this gentleman?

26 (No response.)

27 PLANNING AND ZONING COMMISSION CHAIRMAN
28 SAM DAVIS: Thank you.

1 MS. VERONICA SMITH: This is not a
2 question.

3 PLANNING AND ZONING COMMISSION CHAIRMAN
4 SAM DAVIS: Ma'am -- ma'am. We can only speak
5 from the podium. So come on up.

6 (Ms. Veronica Smith approached the podium.)

7 MS. VERONICA SMITH: Hi. My name is
8 Veronica Smith, and I live on Aiken Court. And I
9 want to give you a little bit of perspective
10 about the lay of the land where they're talking
11 about.

12 So Aiken Court, if you're going up 225,
13 you've got Blakeley and Forest on the left,
14 Blakeley State Park, and then the Veteran
15 Cemetery on the right, and then the cemetery --
16 oh, the subdivision that the other two ladies
17 lived in.

18 And it's on a hill, approaching a hill. And
19 Aiken Court comes out to the east side of 225
20 right at the crest of that hill. And from the
21 crest of that hill down to the bottom, the
22 intersection of Bromley Road where they're
23 proposing putting this on the left there.

24 It's a very steep decline. And there is
25 already an issue there with safety of turning in
26 and out of my road, because -- We've only lived
27 there about two and a half years. And that --
28 that still remains our biggest concern, is

1 getting people behind us to slow down enough so
2 that I can turn in without having to do it on two
3 wheels.

4 The school bus stops exactly on top of that
5 hill in front of my street and picks up children
6 in the morning and lets them off in the
7 afternoon.

8 And you've got that -- about a hundred (100)
9 yards down to the bottom of that hill there where
10 they're proposing the business to be on the left,
11 and Bromley Road to the right. And you've got
12 too many intersections going on at the bottom of
13 a very steep hill and with only about a hundred
14 (100) yards for a complete stop.

15 And I realize they're talking about putting
16 in a turn lane. But, correct, we have a Dollar
17 General to the south, five (5) miles; another one
18 six (6) miles to the north at Crossroads; and
19 then two (2) miles to the north is a gas station
20 that carries fresh bait and fresh seafood and
21 bread and milk and anything else, gas, that we
22 need. I ran up there and got a box of Jello one
23 time.

24 So, you know, to say that we need another
25 Dollar General between six (6) mile up there and
26 the five (5) mile back there and the two (2)
27 miles up to the gas station is not something we
28 need, especially at that intersection, because of

1 the danger element.

2 And then in addition, I am concerned about
3 the property values. We bought out there
4 because, you know, the house values on Aiken
5 Court and the surrounding areas were really good.
6 And it's a little bit, you know, rural without
7 being way off somewhere. And so we like it like
8 that. And we just zip down to Rouses or zip up
9 to the gas station to get anything that we need.

10 So I'm staunchly opposed to it, for many
11 reasons and including the safety of where that is
12 at the bottom of a hill. So...

13 PLANNING AND ZONING COMMISSION CHAIRMAN
14 SAM DAVIS: Thank you very much. Any questions
15 for this lady?

16 (No response.)

17 PLANNING AND ZONING COMMISSION CHAIRMAN
18 SAM DAVIS: Okay. Thank you.

19 Ms. Carter, would you like to come up back up
20 and address the -- it seems like the main issue
21 or concern is the traffic.

22 MR. DAVID ANNER: I'm opposed. Can I
23 speak ahead of her?

24 PLANNING AND ZONING COMMISSION CHAIRMAN
25 SAM DAVIS: Yes, sir.

26 MR. DAVID ANNER: Okay. Thank you.

27 PLANNING AND ZONING COMMISSION CHAIRMAN
28 SAM DAVIS: I would ask you to limit your --

1 MR. DAVID ANNER: I'm going to brief and
2 quick.

3 PLANNING AND ZONING COMMISSION CHAIRMAN
4 SAM DAVIS: Okay. Hopefully, it's something we
5 haven't already heard three times.

6 (Mr. David Anner (phonetic) approached the podium.)

7 THE COURT REPORTER: And state your
8 name.

9 MR. DAVID ANNER: Well, I'm going to
10 highlight the two --

11 THE COURT REPORTER: State --

12 MR. DAVID ANNER: -- things that she
13 already talked about.

14 THE COURT REPORTER: State your name,
15 please.

16 MR. DAVID ANNER: My name is David
17 Anner. I live in Delta Woods, which is the first
18 subdivision on Bromley Road from this
19 intersection. It's about half a mile up Bromley.

20 Bromley Road, as you guys know, have been
21 re-zoning a lot of that and have already surveyed
22 it. Bromley Road is going to grow. Traffic is
23 going to increase coming down to Bromley Road and
24 225.

25 Now, from both sides coming to this corner,
26 you have hills on both sides. The one coming off
27 from the north side is steeper, and the sight
28 distance there is shorter than the hill coming --

1 I should say coming south -- than the hill coming
2 north. But you have two hills on both sides of
3 this intersection coming down.

4 Now, granted you'll have turn lanes going in
5 and going in this way, but when you have traffic
6 coming down Bromley that wants to turn -- or down
7 225 that wants to turn left inside, you have
8 nothing there. There's not enough room to do
9 anything to expand 225. And we just put a turn
10 lane in coming in to 225.

11 You're going to have problems with traffic
12 coming out of Bromley trying to get through there
13 and people seeing -- and try seeing the people
14 slowing down into the decreasing zone, slowing
15 down to make their turns into the zoning and
16 passing off these hill sites.

17 That's all I have to say.

18 PLANNING AND ZONING COMMISSION CHAIRMAN
19 SAM DAVIS: Thank you, sir.

20 Ms. Carter.

21 MS. ALYSSA CARTER: So we are required
22 for our access to have -- we have to get a permit
23 through the Baldwin County Highway Department.

24 And since they are making us widen and redo
25 River Road all the way up to the ALDOT
26 right-of-way, we also have to get an ALDOT
27 permit, which they are requiring us to turn the
28 hashed area into a left-turn lane.

1 That was their recommendation to us. And we
2 will follow whatever recommendations they would
3 like for us to do.

4 PLANNING AND ZONING COMMISSION CHAIRMAN

5 SAM DAVIS: Any other questions of Ms. Carter?

6 (No response.)

7 PLANNING AND ZONING COMMISSION CHAIRMAN

8 SAM DAVIS: Thank you.

9 We'll close the public hearing at this point.
10 Any other questions for staff?

11 (No response.)

12 PLANNING AND ZONING COMMISSION CHAIRMAN

13 SAM DAVIS: Linda, you got anything else you'd
14 like to add?

15 MS. LINDA LEE: No, sir.

16 PLANNING AND ZONING COMMISSION CHAIRMAN

17 SAM DAVIS: Any questions for Linda?

18 COMMISSION MEMBER BONNIE LOWRY: Linda,
19 is this a presale -- I keep hearing Dollar Store
20 or Dollar Tree. And is this a presale, or is
21 this a firm deal?

22 MS. LINDA LEE: That's a question for
23 the applicant. I don't know if it's a presale or
24 a firm deal.

25 PLANNING AND ZONING COMMISSION CHAIRMAN

26 SAM DAVIS: Any other questions for Linda?

27 (No response.)

28 PLANNING AND ZONING COMMISSION CHAIRMAN

1 SAM DAVIS: I would say, Bonnie, that this seems
2 like it's pretty solid, what they have gone
3 through to this point. I don't want to open the
4 public hearing back up. All right.

5 ATTORNEY DAVID CONNER: Just for the
6 record, when considering requests like this to
7 re-zone a piece of property, the real discussion
8 and decision should be whether or not this
9 particular zoning is appropriate for this site.

10 I mean, it's being proposed for this use.
11 And whether that contract goes forward, whether
12 they ultimately build this or not, really the
13 question should be whether or not this particular
14 site is appropriate for that zoning
15 classification.

16 PLANNING AND ZONING COMMISSION CHAIRMAN
17 SAM DAVIS: Thanks for that clarification.

18 All right. Staff has recommended approval of
19 this. This is will be a recommendation to the
20 County Commission. So is there a motion to
21 recommend approval to the County Commission?

22 COMMISSION MEMBER ARTHUR OKEN:
23 Mr. Chairman, I make a motion to deny.

24 COMMISSION MEMBER NANCY MACKEY: I
25 second that motion.

26 PLANNING AND ZONING COMMISSION CHAIRMAN
27 SAM DAVIS: All right. There is a motion to deny
28 and a second on the table. Let's have a rollcall

1 vote.

2 MS. LINDA LEE: Mr. Murphy.

3 COMMISSION MEMBER KEVIN MURPHY: No.

4 MS. LINDA LEE: You said no?

5 COMMISSION MEMBER KEVIN MURPHY: No.

6 COMMISSION MEMBER BONNY LOWRY: Sam, can
7 you read --

8 MS. LINDA LEE: Ms. Lowry.

9 PLANNING AND ZONING COMMISSION CHAIRMAN

10 SAM DAVIS: Hold on just a second. Just to
11 clarify, a no vote is a recommendation against
12 the motion to deny. A yes vote is for the
13 recommendation to deny.

14 COMMISSION MEMBER KEVIN MURPHY: Yes
15 vote is -- the motion is --

16 PLANNING AND ZONING COMMISSION CHAIRMAN

17 SAM DAVIS: To deny.

18 COMMISSION MEMBER KEVIN MURPHY: To
19 deny.

20 PLANNING AND ZONING COMMISSION CHAIRMAN

21 SAM DAVIS: So a no vote means you don't want to
22 deny it.

23 COMMISSION MEMBER KEVIN MURPHY: Right.

24 PLANNING AND ZONING COMMISSION CHAIRMAN

25 SAM DAVIS: Okay. Go ahead, Linda.

26 MS. LINDA LEE: Ms. Lowry.

27 COMMISSION MEMBER BONNIE LOWRY: Yes.

28 MS. LINDA LEE: Mr. Nance.

1 COMMISSION MEMBER DANIEL NANCE: No.
2 MS. LINDA LEE: Mr. Bias.
3 COMMISSION MEMBER BRANDON BIAS: Yes.
4 MS. LINDA LEE: Mr. Oken.
5 COMMISSION MEMBER ARTHUR OKEN: Yes.
6 MS. LINDA LEE: Ms. Mackey.
7 COMMISSION MEMBER NANCY MACKEY: Yes.
8 MS. LINDA LEE: Mr. Davis.
9 COMMISSION MEMBER ROBERT DAVIS: Yes.
10 MS. LINDA LEE: Mr. Tonsmire.
11 COMMISSION MEMBER PULMER TONSMIRE: Yes.
12 MS. LINDA LEE: The motion carries on a
13 vote of six to two.
14 ATTORNEY DAVID CONNER: Just as a
15 reminder, this is a recommendation to the County
16 Commission. It will come up to the County for a
17 County Commission meeting for their consideration
18 and approval at a subsequent meeting date and
19 time.
20 MR. VINCE JACKSON: Mr. Chairman, we'd
21 like to make a variation from the agenda and go
22 ahead and take the RSA case before the text
23 amendments.
24 PLANNING AND ZONING COMMISSION CHAIRMAN
25 SAM DAVIS: Okay. We can do that. Let's take a
26 five-minute break.
27 This case has got a lot of opposition. We
28 would ask that the opposition appoint a