PROCEEDINGS HELD BEFORE THE BALDWIN COUNTY PLANNING AND ZONING COMMISSION (Regular Meeting)

Thursday, September 6, 2018

The following proceedings were held on this the 6th day of August, 2012, at the Baldwin County Central Annex, Main Auditorium, 22251 Palmer Street, Robertsdale, Alabama, before Sue Anne Casey, Certified Court Reporter Number 336.

| 1 | APPEARANCE |
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| 2 | |
| 3 | PLANNING AND ZONING COMMISSIONERS PRESENT: |
| 4 | Sam Davis, Jr., Chairman |
| 5 | Spence Monroe, Vice-Chairperson |
| 6 | Kevin Murphy |
| 7 | Brandon Bias |
| 8 | Daniel Nance |
| 9 | Bonnie Lowry |
| 10 | Arthur Oken |
| 11 | BALDWIN COUNTY PLANNING AND ZONING DEPARTMENT PRESENT: |
| 12 | Vince Jackson, Director, Planning and Zoning |
| 13 | Linda Lee, Planner |
| 14 | D. J. Hart, Planning Technician |
| 15 | Celena Boykin, Planner |
| 16 | Seth Peterson |
| 17 | ON BEHALF OF THE PLANNING AND ZONING COMMISSION |
| 18 | Rebecca Gaines, Esquire |
| 19 | |
| 20 | |
| 21 | |
| 22 | |
| 23 | |
| 24 | |
| 25 | |
| 26 | |
| 27 | |
| 28 | |

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PROCEEDINGS
                             1 - CALL TO ORDER
 2
               CHAIRMAN SAM DAVIS: All right. We'll call the
 3
 4
    meeting to order at this point.
 5
                         2 - INVOCATION AND PRAYER
               CHAIRMAN SAM DAVIS: Vince, would you lead us
 6
 7
    in the invocation and the Pledge?
 8
              MR. VINCE JACKSON: Please join me for the
 9
    invocation.
                                  (PRAYER)
10
11
                          3 - PLEDGE OF ALLEGIANCE
12
                                  (PLEDGE)
13
               CHAIRMAN SAM DAVIS: Thank you, Vince. I
14
    appreciate that.
15
                               4 - ROLL CALL
               CHAIRMAN SAM DAVIS: Could we have a roll call?
16
               MR. VINCE JACKSON: Mr. Davis?
17
               CHAIRMAN SAM DAVIS: Here.
18
               MR. VINCE JACKSON: Mr. Hayes?
19
20
                               (No response.)
              MR. VINCE JACKSON: Mr. Monroe?
21
22
               COMMISSION MEMBER SPENCE MONROE:
23
              MR. VINCE JACKSON: Mr. Murphy?
               COMMISSION MEMBER KEVIN MURPHY: Here.
24
               MR. VINCE JACKSON: Mr. Oken?
25
               COMMISSION MEMBER ARTHUR OKEN: Here.
26
              MR. VINCE JACKSON: Mr. Thomas?
27
28
                               (No response.)
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1
               MR. VINCE JACKSON: Ms. Lowry?
               COMMISSION MEMBER BONNIE LOWRY: Here.
 2
               MR. VINCE JACKSON: Mr. Nance?
 3
               COMMISSION MEMBER DANIEL NANCE: Here.
 4
 5
               MR. VINCE JACKSON: And Mr. Bias?
               COMMISSION MEMBER BRANDON BIAS: Here.
 6
 7
               MR. VINCE JACKSON: Mr. Chairman, we have a
 8
    quorum.
               CHAIRMAN SAM DAVIS: Thank you. You want to go
 9
    ahead and introduce our newest member?
10
11
               MR. VINCE JACKSON: Yes, sir. I'd like to
     introduce Mr. Brandon Bias. He is the newest member of
12
13
    the Planning Commission. And with his appointment, we
    are now back up to full membership.
14
15
         And Mr. Bias is also a member of the Board of
    Adjustment for County Commission District 2, which is
16
    Commissioner Elliott's district. So we are glad to have
17
    him here on the Planning Commission.
18
19
               And also, I'd like to welcome back Becky
20
    Gaines. She has been with us several times before, but
21
    she is filling in for Mr. Conner tonight.
22
                      5 - APPROVAL OF MEETING MINUTES
23
               CHAIRMAN SAM DAVIS: All right.
                                                The first
    order of business is the approval of the minutes from the
24
25
    August 2nd meeting.
26
         Is there a motion to do so?
27
               COMMISSION MEMBER ARTHUR OKEN: So moved,
28
    Mr. Chairman.
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```
1
               CHAIRMAN SAM DAVIS:
                                    Is there a second?
               COMMISSION MEMBER BONNIE LOWRY: Second.
 2
 3
               CHAIRMAN SAM DAVIS: All in favor, say aye.
                     (All members say "aye" in unison.)
 4
 5
               CHAIRMAN SAM DAVIS: Minutes are approved.
         6 - ANNOUNCEMENTS/REGISTRATION TO ADDRESS THE COMMISSION
 6
 7
               CHAIRMAN SAM DAVIS: Okay. On the
 8
     announcements and registrations, I'd first address the
 9
     audience. If anyone is here that wishes to address the
     Commission tonight, if you did not sign up on the way in,
10
11
     you need to see the ladies at the table over there now.
12
     Otherwise, you're not allowed to speak.
13
     7 - CONSIDERATION OF APPLICATIONS AND REQUESTS: RE-ZONING CASES
           7A - CASE Z-18042, RELIABLE PROPERTIES LLC PROPERTY
14
               CHAIRMAN SAM DAVIS: The first order of
15
    business is a rezoning case. It's Z-18042, Reliable
16
17
     Properties. Do we have a staff report?
               MS. CELENA BOYKIN: Yes. This is a request to
18
19
     rezone 0.64 acres. It's currently zoned B-1. And the
20
     applicant is asking that it be rezoned to B-4. His
21
     request for the B-4 is to allow automobile sales.
22
          The subject property is located on the northeast
23
     corner of South Holley Street and Highway 59 in Planning
    District 12. This parcel is currently being used as
24
    commercial. I believe there is a real estate office in
25
26
    there. And then the applicant also has his auto sales
27
    already started.
28
          We did receive a complaint, and that's when the
```

```
applicant came in and realized that he did need the B-4
     zoning in order to do that. He came in and applied.
 2
         Here is the aerial photography. Here's the overall
 3
     area of the zoning. There has been numerous commercial
 4
 5
     and industrial rezonings in this area. Here's pictures
    of the subject property. You can see the cars on the
 6
 7
    corner.
 8
               The subject property to the west side is in the
 9
     Town of Loxley. There is an automobile sales currently
    already on that parcel. To the south of the subject
10
11
    property, south of Highway 59, you can see all that
    purple area is in the City of Loxley. There is a gas
12
13
     station. But to the north and east, there is residential
14
    zoning.
               Staff has recommended approval of this rezoning
15
    request.
16
17
               CHAIRMAN SAM DAVIS: Are there any questions
    for Celena on this?
18
               COMMISSION MEMBER BONNIE LOWRY: Celena, what
19
20
    kind of building is on the property now?
21
              MS. CELENA BOYKIN: It's an older home that has
22
    been converted to a commercial building. I believe
23
    there's two. There's a home and -- let's see -- and then
24
    another smaller building.
          The picture on the top left, you can see that's
25
    where the real estate office is. And I believe there's
26
    another office in there.
27
28
               COMMISSION MEMBER BONNIE LOWRY: Is it an
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automobile business?
              MS. CELENA BOYKIN: What was that?
 2
               COMMISSION MEMBER BONNIE LOWRY: Is it
 3
 4
     automobiles?
 5
               MS. CELENA BOYKIN: Yes. There's an automobile
     sale, and there is also a real estate company in there.
 6
 7
     I believe the applicant can probably answer what all
 8
    commercial is in that building.
 9
               MR. RANDY SMITH: Oh, don't get up?
               CHAIRMAN SAM DAVIS: Hold on a second. We'll
10
11
    call on you.
               Any more questions for Celena?
12
13
                               (No response.)
14
               CHAIRMAN SAM DAVIS: All right. Thank you,
    Celena.
15
16
               We'll hear from the applicant. Are you Randy
    Smith?
17
18
              MR. RANDY SMITH: Yes, sir.
               CHAIRMAN SAM DAVIS: Okay. If you will, come
19
20
    up to the mic.
21
               MR. RANDY SMITH: Okay. Yeah. We bought the
22
    property a couple of years ago. And the existing
23
    buildings were there at the time. There was no parking
24
    lot. It was just -- It was rocks.
25
         And there were a lot of trees there, and so we took
26
    all that out, changed the color of the top, and renovated
27
    the inside of the building.
          And I started the real estate business in this
28
```

```
smaller building there to the right, if you'll look at
     that picture, on the top left, and then moved into the
 2
 3
    bigger building to the left after that.
 4
         And so then I rented the small building just to the
 5
     left of the cars to another business, and they were only
     in there a short period. And then I rented this to
 6
 7
    Gisele and Able; the car lot to them.
         And I just made the assumption. I mean, I'll just
 8
 9
    be honest with y'all right now. I rented -- Across the
    way, there where the other car lot is, that's my property
10
11
     as well. I leased that to them.
          And they're in the City of Loxley right across the
12
     street. And they have about fifty or so cars out there.
13
    But I just -- I assumed that if you could have a car lot
14
     in the City of Loxley, you could probably have it in the
15
     county.
16
17
         And so, you know, this is my fault that we're here.
    And so -- But at the same time, there's -- This is
18
    Highway 59 and Highway 55. And it's commercial property
19
    all up and down there.
20
21
          So, you know, I'm just asking y'all to rezone that
22
    basically because they're a start-up, you know. They've
23
    only been there a few months. And, you know, it's their
24
    livelihood. And there's one right across the way.
25
         But I'm at fault for not coming in like I should
    have. I should have checked on it, and I did not do
26
27
    that.
28
               CHAIRMAN SAM DAVIS: So it's your property, but
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it's not your business?
              MR. RANDY SMITH: No, sir. The car lot is
 2
    their business.
 3
 4
               CHAIRMAN SAM DAVIS: Okay.
 5
               MR. RANDY SMITH: The real estate is my
    business also. Yes, sir.
 6
 7
               CHAIRMAN SAM DAVIS: Did you get permits for
 8
    the improvements that you did there?
              MR. RANDY SMITH: There was no -- I did not.
 9
    What we did for the repaving, yes. We went through the
10
11
    road department and got all that approved.
          The only other improvements were painting the roof
12
13
     and painting the interiors of the buildings.
               CHAIRMAN SAM DAVIS: Yeah. I wouldn't assume
14
15
     you'd have to have permits for that. But the road
16
     department for the paving, was that County Or City Or
     State?
17
18
              MR. RANDY SMITH: County.
               CHAIRMAN SAM DAVIS: County?
19
20
               MR. RANDY SMITH: Yes, sir. Yeah. That should
21
    be on record. We tried to get them to add a culvert in
22
    there, but they wouldn't let us do that. So we're stuck
23
    with the one. But, absolutely, we got that permit.
24
               CHAIRMAN SAM DAVIS: Any questions for
    Mr. Smith?
25
26
                               (No response.)
               CHAIRMAN SAM DAVIS: There's -- Is it Mildred
27
28
    Lipscomb signed up to speak in favor? I can't make out
```

```
the first name. Lipscomb.
               MR. MICHAEL LIPSCOMB: Michael. It's not about
 2
 3
    this one.
 4
               CHAIRMAN SAM DAVIS: It's not about this one?
 5
              MR. MICHAEL LIPSCOMB: No, sir.
 6
               CHAIRMAN SAM DAVIS: It's Michael Lipscomb?
 7
              MR. MICHAEL LIPSCOMB: Yes.
 8
               CHAIRMAN SAM DAVIS: So you're not signed to
 9
     speak to this case?
              MR. MICHAEL LIPSCOMB: No.
10
11
               CHAIRMAN SAM DAVIS: Okay. Which case are you
12
     signed up for?
13
               MR. MICHAEL LIPSCOMB: I don't know the number.
14
    It's rezoning of Highway 12.
15
               CHAIRMAN SAM DAVIS: All right. We've got four
    people signed up in opposition. Who wants to go first?
16
17
    Does anyone wish to go first?
              MS. KIMBERLY WILSON: I'll go first.
18
               CHAIRMAN SAM DAVIS: There's a lady standing
19
20
    back there, so let's let her go.
21
               MS. KIMBERLY WILSON: I'm Kim Wilson. I live
22
    on the property directly north of Mr. Smith. And I have
23
    the lighting issue; the light shining directly on my
24
    house and on my property.
25
          And I've had problems continually. And I've tried
26
    my best to rectify with Mr. Smith, but I haven't -- we
27
    just -- He won't work with me in any way.
28
          When he moved in, he had a problem with my trees.
```

He kept on about my trees being cut down.

And I tried, you know -- I gave in on that. We cut my trees down. He put up a privacy fence. Then he put up his sign for his business right on the property line, and it has flood lights.

And I have pictures for everything, if I need to give those to you guys. The flood lights from his sign shines into my front yard. So we have a problem with that. And from what I understand, when I went to the zoning office, that's not permitted.

Then the car lot company -- he got -- They came in.

They put up the commercial light, and that shines on my home in my bedroom. And I've tried to talk to Mr. Smith. He said I'd have to talk to the car lot owners, which I knew was wrong because he owns the property.

But he ushered me over to them. They said they would try to get it fixed. But I don't know if anything was ever done, because it's never been fixed. It still shines on my property. I still tried, on occasion, to talk to Mr. Smith, but he said he couldn't help me.

Then the car lot across the way west of me across the street moved in, and they were putting up lights. So I have light pollution in every corner now, which I did not have before.

As they were -- lights were going in then, I called Mr. Smith and I told him, I said, well, the lights are going in, let's try to make sure they're pointed away from my home so that they're not shining on my house.

```
1
          He told me then, I can't help you, there's nothing I
     can do. So I knew at that point I'm hitting a block
 2
 3
    wall. So I quit talking to him. I went and made my
 4
     complaint about the lighting issue. And this is how all
 5
    this came about.
               CHAIRMAN SAM DAVIS: Did you make a formal
 6
 7
     complaint to the County?
 8
               MS. KIMBERLY WILSON: I went to the zoning
 9
    place, and that's how we found out about that the car lot
    was not supposed to be there.
10
11
               CHAIRMAN SAM DAVIS: Okay.
               MS. KIMBERLY WILSON: Yeah. And about the
12
13
     lighting issue, that it was against regulation. We are
     in such close proximity that it literally -- There's less
14
15
    than thirty (30) feet between our buildings; my house and
    his building.
16
          I know that the land that's supposed to be up for
17
     commercial to change is less than two hundred (200) feet
18
     away. So it's -- It would be terrible to change it.
19
20
          I know that they have the cars parked there, but
21
     they do their actual cleaning of the cars, engine work,
22
    and stuff like that behind the house, which is right
23
    over -- I mean, I can hear every bit of it.
               COMMISSION MEMBER KEVIN MURPHY: Could you
24
25
    point on the map where your house is?
26
               MS. KIMBERLY WILSON: My house is right there.
    This is where --
27
28
               COMMISSION MEMBER KEVIN MURPHY: Right on top
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of the blue box?
              MR. MARK WILSON: Yeah. Right on top of the
 2
 3
    blue box.
 4
              MS. KIMBERLY WILSON: Right there. That's me.
 5
               COMMISSION MEMBER KEVIN MURPHY: And you're
     saying they do the cleaning and the --
 6
 7
              MS. KIMBERLY WILSON: Oh, I'm sorry.
 8
               COMMISSION MEMBER KEVIN MURPHY: And you're
     saying they do the cleaning at that house right there?
10
              MS. KIMBERLY WILSON: They do. They have like
11
     a tent set up back here. It's fenced in back here, and
12
     they have a tent set up back there.
13
         And they pull back there and they pressure wash, do
     some engine work -- I don't know. They were revving
14
15
    their engines back there today.
          I was trying to talk on the phone, because my air
16
     conditioner was messed up. And we couldn't even hear
17
     each other, because they were revving their engines.
18
               COMMISSION MEMBER KEVIN MURPHY: Is that house
19
20
    to the right also a residence?
              MS. KIMBERLY WILSON: Right here? Yes. And
21
22
    you'll be hearing from them in just a moment.
23
         And the light shines in their yard as well from that
24
     light. But it actually shines into my bedroom and
    bathroom and on my -- When you walk out of my back door,
25
    it blinds you. I have pictures for all that.
26
27
         And, also, he decided he was gonna fix it this
28
     Saturday. It became important this Saturday. And he
```

```
also trespassed on my property to fix it. He put up
 2
     fences.
 3
         There's a privacy fence there. His way of fixing it
    was to put a privacy fence on top of a privacy fence to
 4
 5
    try to block it out. And he done it on my side of the
     fence instead of on his side of the fence and come behind
 6
 7
    my fenced-in property to do it.
               CHAIRMAN SAM DAVIS: Any other questions for
 8
 9
    Ms. Wilson?
               COMMISSION MEMBER BONNIE LOWRY: Is there any
10
11
    kind of buffer between your property and the commercial
12
    property?
               MS. KIMBERLY WILSON: Well, there was some tree
13
14
    buffer and then the privacy fence. But other than that,
    no. The trees I had, he had me cut down.
15
               COMMISSION MEMBER BONNIE LOWRY: But there is a
16
17
    fence between the commercial and your property?
18
              MS. KIMBERLY WILSON: A privacy fence, yes,
    ma'am.
19
20
               CHAIRMAN SAM DAVIS: And your main objection is
21
    the light pollution, if I'm understanding correctly?
22
              MS. KIMBERLY WILSON: Light pollution and just
23
    the close proximity. If this car lot pulls out -- If it
24
     changes to a major commercial, he could do anything with
25
     it. You know, he could -- I don't feel like he's gonna
26
    take his neighbors into consideration, and we're just too
27
    close.
               CHAIRMAN SAM DAVIS: All right. I think we're
28
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```
gonna probably have some questions that staff is gonna
    need to address. I've made note of yours.
 2
 3
              MS. KIMBERLY WILSON: Okay.
               CHAIRMAN SAM DAVIS: So unless you've got
 4
 5
     anything else for us, we'll let you sit down and let the
 6
    next one come up.
 7
              MS. KIMBERLY WILSON: Okay. Thank you.
               CHAIRMAN SAM DAVIS: Thank you.
 8
 9
         Alton?
              MR. JAMES A. BLACK: Sorry about the coughing.
10
11
     I'm Alton Black, and I own this. And my son lives there.
12
     It's my home though. I've owned it for thirty years.
13
         And the car lot does not bother me at all.
    doesn't bother my family. But we don't want it changed
14
15
    to where it could be a heavier, you know, anything -- a
16
     gas station or anything to come in there once it's
17
     changed -- the zoning changes of it. So that's all I
18
    have to say. Thank you.
               CHAIRMAN SAM DAVIS: Okay. Thank you.
19
20
          Joy Black? I should have just said Mrs. Ann,
21
    because I never knew you were Joy.
22
               MRS. JOY ANN BLACK: Okay. I'm Joy Ann Black,
23
    and I own property -- quite a few acres through there.
24
     It was supposed to be family dwelling and farmland.
         And I have a grandson that lives on the corner
25
26
    there. I have a granddaughter that lives just a little
27
    ways up the street. And we don't want that changed to
28
    any other zoning.
```

```
1
          The car lot, I have no problem with. But I don't
 2
    want it changed, because they could put a business there,
 3
    service station, anything they want to. And I don't want
 4
     it there, and I don't need it close to my property.
 5
         Any questions?
 6
               CHAIRMAN SAM DAVIS: Any questions for
 7
    Mrs. Black?
                               (No response.)
 8
 9
               CHAIRMAN SAM DAVIS: It doesn't sound like it.
     Thank you.
10
11
         And we have Mark Wilson.
               MR. MARK WILSON: My name is Mark Wilson, and I
12
13
    also own property just north of where my sister lives.
14
    She's having the problems.
         My father lives there, Lloyd Wilson, and he's
15
    homebound now. And the lights not only affect her house,
16
    but it also affects his. I own the piece of property
17
     just north of him.
18
          One of the things that my sister failed -- Well, she
19
20
     didn't fail. The partition that he put up on top of his
21
    privacy fence was not the whole privacy fence. It's just
22
    a small partition.
23
          The problem with that is if we get another storm
24
     like we had the other night, that's going in her house,
25
    you know. I mean, it's that close.
26
          You can literally -- You know, it's right there on
27
    her. When you walk out her back door, you can see it.
28
    And it's just a monstrosity of a piece of a fence on the
```

```
fence. And that's a danger to her.
 2
               But I mean, it just -- To me, it seems like
 3
    he's familiar with the concept of seek forgiveness
 4
     instead of ask permission. And if this changes, what is
 5
     it gonna do then?
          I mean, everything around him is residential, other
 6
 7
    than across the street. And I just don't feel like we
    need to change it.
 8
 9
               CHAIRMAN SAM DAVIS: Any questions for
    Mr. Wilson?
10
11
                               (No response.)
               CHAIRMAN SAM DAVIS: Okay. Thank you.
12
13
               MR. MARK WILSON: Thank y'all.
14
               CHAIRMAN SAM DAVIS: Mr. Smith, we'll give you
    an opportunity to rebut, if you've got anything to say to
15
    that.
16
               MR. RANDY SMITH: Yes, sir. So there were some
17
    trees there all along here, and they were hanging out
18
    over the building and just staining the roof and just
19
    causing a mess.
20
          The limbs would fall off on this end of the
21
    building -- My office is right there (indicating) -- and
22
23
    all out in their yard there.
24
         And so, you know, I got with Vanessa and Kim about
25
         And at first, they said, no, you can't. I asked
    them could I take the trees down. And at first, they
26
27
    said no. And so I let it go.
28
          And then, you know, the leaves kept piling up, and
```

```
it was just a mess going up the gutters and just turning
 2
     the whole place green like trees do when they hangover
 3
    your building.
 4
          So I went back again and I asked them if -- you
 5
    know, if they would allow me to do it. And they said,
    well, maybe we'll consider it, if you'll put a fence up
 6
 7
    between us. And I said sure, I'll put a fence up between
 8
    us, if you'll let me take the trees down.
 9
          So they agreed to it. I wrote up a little
     agreement, because they wanted it, and I said sure,
10
11
     that's fine and signed it and gave it to them. And I
    understand that. It's no problem.
12
13
               CHAIRMAN SAM DAVIS: We don't really need that
14
    history as far as what y'all went through on the trees.
15
    The trees are gone.
16
               MR. RANDY SMITH: Yes, sir.
               CHAIRMAN SAM DAVIS: I'd like to hear about the
17
18
     light pollution to start with.
19
               MR. RANDY SMITH: Okay. So they put up -- Able
20
     and Gisele, the car lot owners, had a power pole put
21
    right here to house one of those pretty good-sized flood
22
     lights. And so they put that up.
23
         And then, of course, Kim and them came to us and
24
     said, you know, that that's shining in on our windows on
25
    this end of the house right here. There's a window
26
    there, and there's a window there.
27
         And so I said, well, let's go talk to Able and
28
    Gisele and let's get together and see what we can figure
```

out.

And so we went and sat down in their office, which is this little building here, and we talked about it and we come to the conclusion that it was probably turned too far facing this direction. And so we had it -- So they had Riviera Utilities come back out and turn it further this way and down.

And so I've gone out there three or four times at night, because, you know, I'm concerned about it. I try to put myself in their shoes. I mean, I want to -- Look, I want to be a good neighbor.

And so I've been out there about three times at night. And just, to me, it seemed like the light that was striking the house over this six foot fencing that's there was like moonlight, like a full moon or something.

And so, you know, I just -- I thought, you know, that is -- It's not that much. And so, anyway, we come and had them move that.

And then after I came out there two or three times and decided, you know, this is not bad, they've got blinds in the window. And so if you think about -- I tried to just put myself in their shoes.

If you're sitting in your bedroom at your house and there's blinds -- Most people have got blinds -- what does it look like when the full moon is shining?

Yeah. There's light on the blind, but it's not lighting up the room inside. And so that's the conclusion that I came to on that.

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BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 09/06/2018 So I told her at that point that I could not do anything, because, you know, we had the thing faced down like that. But, you know, the last couple of weeks, I've been thinking more and more about it. And so I decided let's try -- Well, I had talked to Kim about putting up a 12-foot fence. The thing is six foot now. So let's put four-by-fours and just extend it up.

And so the other day, we got out there in the rain and put two four-by-four posts and put another six-foot section on that to cover this one window right here just to see how it would work.

When I went over there -- And you probably don't want to hear about this, but she accused me of trespassing. I guess I did. But I tapped on the door, beat on the door, stood there and tried to call her and everything. I couldn't get nobody to the door.

So I did go around to the back. And on my --Actually, the post holes are on my property. But I could not dig the holes from my side. And so I went over and dug the holes.

And she come out the front door. And you're trespassing. And I said, well -- You know, in my mind, I'm being a good neighbor. We're not fighting. We're trying to work this out.

And so, anyway, we put those up. And I told her, I said, we just put those up. And she said, it looks bad. It looks terrible. I don't want it up there.

```
1
          And then I got to thinking about, you know, the --
 2
     The tropical storm came, so I'm thinking, yeah, what the
 3
     other man said; that thing is way up there and that --
 4
     you know, a strong wind could blow that thing down.
 5
         And so I got with Able and Gisele again, and I said,
     look, you know -- I measured -- I got the information
 6
 7
     about what the lighting rules are.
 8
         And so I got my little wheel out, and I measured.
 9
    And it's about two hundred and sixty feet (260) from, you
    know, her house to that light. And then in the
10
11
     regulations, it says two hundred (200) feet.
          And so I thought, well, you know, we're outside of
12
13
     that. And, actually, we're within the regulations on the
14
    lighting.
         But then I got to thinking, you know what? If it
15
    was -- Again, trying to put myself in her shoes, and so I
16
17
     thought, you know what? Let's just take the light down.
          So I got with them. They called Riviera Utilities.
18
     The light was taken down this morning; the big light.
19
20
    Okay. So it's gone.
21
          And I have a photo of the -- just the little yard
22
     light -- plain little yard light; the six-dollar-a-month
23
     ones. That's up now. So the big light is gone.
24
               CHAIRMAN SAM DAVIS: All right. Any questions
     for Mr. Smith?
25
26
                               (No response.)
27
               MR. RANDY SMITH: Could I continue?
28
               CHAIRMAN SAM DAVIS: Do you have something
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else?
               MR. RANDY SMITH: Yes, sir. I've got a
 2
 3
    couple -- They have a friend from Brazil that works on
     four-wheelers and stuff like that. And so I had a
 4
 5
     four-wheeler that wasn't running.
          So the noise that she heard that day was I brought
 6
 7
    that four-wheeler over, and their friend, Jefferson, he
    was working on it and trying to start it up.
 8
 9
          They're not doing mechanic work back here. This is
    just a little -- actually, a little storage thing back
10
11
    here.
         Now, they do clean up the cars back there, yes.
12
13
     there's a gate right here, and they pull the cars inside
14
    there and close that gate. So this is totally fenced all
15
    the way around here.
          Of course, these block that. And so it's not
16
17
    unsightly or anything. They pull inside there and, you
    know, get the water hose and they wash them down, just
18
     like any car lot would.
19
20
          So there's not major mechanic work going on back
21
    there other than that four-wheeler of mine. And he did
22
    get it started. It was running, so that was the noise
23
    that they heard today.
24
               CHAIRMAN SAM DAVIS: Where do they do the
25
    mechanic work on the cars that they have out there?
26
               MR. RANDY SMITH: They send them out. They
27
    send those out to mechanics and get it done.
28
               COMMISSION MEMBER BONNIE LOWRY:
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Mr. Chairman --
               CHAIRMAN SAM DAVIS: All right. Unless you've
 2
 3
    got something else for us, we're gonna ask staff to come
 4
    up so we can ask some questions of them.
 5
               COMMISSION MEMBER BONNIE LOWRY: Mr. Chairman.
 6
    How long have you been operating as an automobile sales
 7
    on this property?
               MR. RANDY SMITH: So -- three -- How many
 8
 9
    months?
10
              MS. GISELE MORAES: Since May.
11
              MR. RANDY SMITH: Since May.
               COMMISSION MEMBER BONNIE LOWRY: And have you
12
13
    been doing that under the B-1 commercial that you
    received?
14
               MR. RANDY SMITH: Yes, ma'am.
15
               COMMISSION MEMBER BONNIE LOWRY: Was there a
16
    conditional use for that?
17
               MR. RANDY SMITH: No, ma'am. No, ma'am. Like
18
     I started out saying, it's totally my fault. I didn't
19
20
    check zoning. I just assumed that if we could have a car
21
    lot over across the road right here where they've got
22
     forty or fifty cars on there, that we could have them in
23
    the county.
24
          It was a stupid assumption. It's my fault.
25
     shouldn't assume that. And so she complained about the
26
    lights, and the city -- the county guy came out and he
    said, you can't do this. This is not zoned properly.
27
28
    And so that's why we're here.
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COMMISSION MEMBER BONNIE LOWRY: What type of
 1
 2
    permits do you have from the County?
 3
              MR. RANDY SMITH: I have a license; my real
 4
    estate business. I'm not sure what you're --
 5
               COMMISSION MEMBER BONNIE LOWRY: For the
    business?
 6
 7
              MR. RANDY SMITH: For their business?
              MRS. GISELE MORAES: We have our license.
 8
 9
              MR. RANDY SMITH: They have their license and
    their state license.
10
11
              MRS. GISELE MORAES: And the city as well.
               MR. RANDY SMITH: You have to have a state
12
13
    license to have a dealership -- a car lot.
               CHAIRMAN SAM DAVIS: I think she's referring to
14
    a business license. Do you know what kind of business
15
16
    license they have?
              MR. RANDY SMITH: I do not know. Do y'all
17
    have -- Did y'all go to the County and get a business
18
    license?
19
20
              MRS. GISELE MORAES: We did, the County and the
21
    City, yes.
22
              MR. RANDY SMITH: Yes. And, of course, I have
23
    my business license in the county.
24
               CHAIRMAN SAM DAVIS: Any other questions for
    Mr. Smith?
25
26
                               (No response.)
27
              CHAIRMAN SAM DAVIS: All right. Thank you,
28
    sir.
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Celena, will you come back up? Vince, we might need
 2
    you to help.
 3
               COMMISSION MEMBER ARTHUR OKEN: Mr. Chairman, I
 4
    have a question for staff.
 5
               CHAIRMAN SAM DAVIS: Yes, sir. Staff is coming
    up right now.
 6
 7
               COMMISSION MEMBER ARTHUR OKEN: Celena, is
 8
    there a substantial difference in the lighting
    requirements between a B-1 District and a B-4 District,
    or are they essentially the same?
10
11
              MS. CELENA BOYKIN: They're they same.
               COMMISSION MEMBER ARTHUR OKEN: Okay. So this
12
13
    lighting, really, with regard to whether this is a B-1 or
14
    a B-4 property, that is essentially irrelevant?
              MS. CELENA BOYKIN: It's the same lighting for
15
    B-1 and B-4.
16
17
               COMMISSION MEMBER ARTHUR OKEN: All right.
18
    Thank you.
19
               COMMISSION MEMBER KEVIN MURPHY: Celena, I have
20
    a question. Does this meet the requirements of Article
21
    17 on landscape and buffering? Would this property meet
22
    those requirements?
23
              MS. CELENA BOYKIN: No. The existing building
24
    is considered grandfathered in. It was there before this
25
    district became zoned. So it's grandfathered in.
26
               COMMISSION MEMBER KEVIN MURPHY: I fully
    understand that. I'm just saying, as of today, if it
27
28
    were applied for today, it would not meet these
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requirements of Article 17; is that correct?
              MS. CELENA BOYKIN: Correct.
 2
 3
               COMMISSION MEMBER KEVIN MURPHY: All right.
 4
    we're actually not grandfathered in, because this
 5
    business is acting out of the requirements. And they're
    here tonight to get into the requirements that we're
 6
 7
    asking. So the property might be grandfathered in, but
    the business isn't; is that correct?
 8
 9
               MS. CELENA BOYKIN: Correct. The business is
    not grandfathered in. That's why they're asking for this
10
11
    rezoning.
               CHAIRMAN SAM DAVIS: I hear and understand the
12
13
    complaints of the neighbors about not wanting it to be a
14
    Major Commercial District. So is there an opportunity to
15
    do this under a conditional use under the current B-1?
              MS. CELENA BOYKIN: No, not under the B-1.
16
               CHAIRMAN SAM DAVIS: Not under the B-1.
17
              MS. CELENA BOYKIN: B-3 with a conditional use.
18
               COMMISSION MEMBER SPENCE MONROE: Celena, is
19
20
     there a buffer zone required or is that grandfathered in
21
     too?
              MS. CELENA BOYKIN: It's grandfathered in.
22
23
    would look at the buffers, if they were adding any
24
     structures.
               COMMISSION MEMBER SPENCE MONROE: But with that
25
26
    structure being right on the property line on the north
27
     side, you can't put a buffer in there?
28
               MR. VINCE JACKSON: The only thing they could
```

```
do would be to ask for a variance from the buffer
 2
     requirement on that north side. It's not possible for
 3
     them to put a buffer there, because it would be a
 4
     requirement for twenty-five (25) feet. And given the
 5
    position of the building, there's not enough room. So
     they would need to ask for a variance.
 6
 7
               COMMISSION MEMBER SPENCE MONROE: And the
     fence, from what they've said, is six feet. I think
 8
     eight feet is basically the largest we can require.
              MR. VINCE JACKSON: We don't regulate fences in
10
11
     this planning district, so they could really -- they
12
     could build it taller.
13
               CHAIRMAN SAM DAVIS: What about the light
14
    pollution as related to -- Supposedly, the larger light
15
     is now taken down. Is there -- Who controls that?
              MS. CELENA BOYKIN: Well, in 5.1.6, it talks
16
     about the lighting standards. The maximum height of
17
     exterior lights shall be twenty-five (25) feet. No light
18
     shall be aimed directly toward a property designated
19
20
    residential, which is located within two hundred feet
21
     (200) of the light source. And that's the same for B-1
22
    and B-4.
23
               CHAIRMAN SAM DAVIS: And should that occur, who
24
    do they complain to and who enforces it?
               MS. CELENA BOYKIN: That would come to the
25
26
    Planning and Zoning office, and our code enforcement
27
    officer would go out there.
28
               COMMISSION MEMBER BONNIE LOWRY: Do you have a
```

```
date as to when this property was actually changed to
    B-1?
 2
 3
               MS. CELENA BOYKIN: That's what it was
 4
    originally zoned when Planning District 12 became zoned.
 5
     It started off as a B-1.
 6
               CHAIRMAN SAM DAVIS: Any other questions for
     staff?
 7
 8
               COMMISSION MEMBER ARTHUR OKEN: Mr. Chairman,
 9
     so I'm correct in concluding that, I mean, as unpleasant
    as that lighting is to the neighbors, it has nothing to
10
11
     do with the zoning classification of this property? It's
                 The occupants would like to have it rezoned
12
     zoned B-1.
13
    to B-4.
               MS. CELENA BOYKIN: They need the B-4 to keep
14
15
    the car lot on this parcel.
               COMMISSION MEMBER ARTHUR OKEN: I understand.
16
17
    But the lighting, you know, is dependent of that. I
18
    mean, the issue as far as the neighbor is concerned is
19
     lighting.
20
               MS. CELENA BOYKIN: Correct.
21
               COMMISSION MEMBER ARTHUR OKEN: Without a
    rezoning, it's not going to affect the right of the
22
23
    present occupant to put up these lights that are
24
     apparently offensive. So it's a dispute, I understand.
25
    And I'm very sympathetic of the dispute. But I don't
26
    think it's a zoning issue.
27
               CHAIRMAN SAM DAVIS: Well, there are two
28
    concerns though from the neighbors. It's not just the
```

lighting. The lighting is a major concern of Mrs. Wilson. 2 The 3 other neighbor's major concern is what else will be allowed under a B-4 should the car lot cease to exist and 4 5 the property be sold. And I certainly understand those concerns. 6 7 COMMISSION MEMBER ARTHUR OKEN: I understand. COMMISSION MEMBER KEVIN MURPHY: Mr. Chairman, 8 9 is there a chance we might could ask the owner if he would go with a B-3 and a conditional use? I think it 10 11 would be more palpable for the residents around it. It 12 would be more palpable for us. 13 CHAIRMAN SAM DAVIS: I think that's a staff 14 question initially. 15 MR. VINCE JACKSON: You can recommend that the property be rezoned to B-3 rather than B-4, because B-316 is a more restrictive designation. 17 Even if you didn't make that recommendation, the 18 County Commission could approve B-3 instead of B-4. It's 19 20 better if you can get the concurrence of the owner or the 21 applicant, but you already have the ability to make that 22 recommendation, and the County Commission has the ability 23 to approve that lesser designation. Now, assuming that B-3 would ultimately be approved, 24 25 they would have to come back to you-all for conditional 26 use approval in order to keep the car lot. 27 That might be a good opportunity to really address

the lighting, because through the conditional use

28

```
process, you have the ability to impose conditions.
 2
     so you could certainly address the lighting in a more
 3
     specific way.
          The lighting is something that we can address
 4
 5
     through enforcement. And, you know, depending on what
    happens with this case ultimately, we may have to look at
 6
 7
    it further.
         And it is the responsibility of the property owner.
 8
     It doesn't matter if the property is being leased for a
    business. The property owner is responsible for making
10
11
     sure that the zoning requirements are met.
          But like I said, if they did ultimately get a B-3
12
13
     instead and came back to you-all for conditional use
     approval, that would be a good opportunity for the
14
15
     Planning Commission to impose some conditions on the
     lighting.
16
17
               CHAIRMAN SAM DAVIS: All right. Mr. Smith, do
     you want to step back up to the mic?
18
19
               MR. RANDY SMITH: Yes, sir.
20
               CHAIRMAN SAM DAVIS: Would you be amenable to a
21
    change to B-3 as opposed to a B-4?
22
               MR. RANDY SMITH: Oh, sure. I just want to
23
    keep them in business.
24
               CHAIRMAN SAM DAVIS: You're saying sure? You
     said sure?
25
26
              MR. RANDY SMITH: Absolutely. Yes, sir.
               COMMISSION MEMBER BONNIE LOWRY: This would be
27
28
    under a B-3 conditional.
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```
1
               CHAIRMAN SAM DAVIS: Yeah. But our attorney
 2
     just said something to me. She's not sure that
 3
    automobiles are acceptable in a B-3.
              ATTORNEY REBECCA GAINES: I'm not sure
 4
 5
    automobile sales are listed as a conditional use. Auto
    part sales, auto repair, automobile storage.
 6
 7
              COMMISSION MEMBER KEVIN MURPHY: Is that under
    conditional use?
 8
 9
               ATTORNEY REBECCA GAINES: Yes, sir.
              MR. RANDY SMITH: Can I inject something right
10
11
    there?
               COMMISSION MEMBER KEVIN MURPHY: I think Vince
12
13
    could answer it.
              MR. RANDY SMITH: This lot here doesn't -- Can
14
    I talk?
15
              MR. VINCE JACKSON: Real quick, in response to
16
17
    the question about whether automobile sales can be
    allowed as a conditional use, according to the table of
18
    permitted uses, it can. And whenever we have a
19
20
    disagreement between the list and the table, the table
21
    takes precedent.
22
               CHAIRMAN SAM DAVIS: Good. Thank you.
         All right. You're amenable to a B-3?
23
24
              MR. RANDY SMITH: Yes, sir.
25
               CHAIRMAN SAM DAVIS: Conditional use to
26
    automobile sales only?
27
              MR. RANDY SMITH: Yes, sir.
28
               CHAIRMAN SAM DAVIS: Okay.
```

```
1
               COMMISSION MEMBER KEVIN MURPHY: And this
 2
     conditional use, Mr. Chairman, would be for the
 3
    occupant --
 4
               CHAIRMAN SAM DAVIS: This occupant only.
 5
               COMMISSION MEMBER KEVIN MURPHY: Only for this
 6
    occupant.
 7
               CHAIRMAN SAM DAVIS: If you're gonna make the
 8
    motion, you need to make a motion that way.
 9
               MR. VINCE JACKSON: And to be clear, if the B-3
     zoning is approved, they will need to come back with a
10
11
     conditional use application. That will not be an
12
     automatic thing.
13
               CHAIRMAN SAM DAVIS: So the only motion that
    would need to be made is a recommendation for a B-3.
14
15
              MR. VINCE JACKSON: Yes, sir.
               CHAIRMAN SAM DAVIS: Okay. All right.
16
17
          Thank you, Mr. Wilson -- I mean, Mr. Smith.
18
              MR. RANDY SMITH: Okay. Can I say one other
19
    thing?
20
               CHAIRMAN SAM DAVIS: Sure.
21
               MR. RANDY SMITH: This property -- There's a
22
    major gas line that runs right down through here. And
23
    there are huge power poles right there. So as far as the
24
    Blacks' concern about this being used as some major
25
    commercial, it doesn't lend itself well for that purpose.
26
          I mean, we have no intention of doing anything with
         I understand that I could sell it and then somebody
27
    it.
28
    else could buy it and do something else with it.
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there is a major gas line right down through there.
               CHAIRMAN SAM DAVIS: Yeah. I'm not sure that
 2
 3
    would prohibit a service station.
 4
               COMMISSION MEMBER BONNIE LOWRY: Can I ask one
 5
    more question?
 6
               CHAIRMAN SAM DAVIS: Sure.
 7
               COMMISSION MEMBER BONNIE LOWRY: The lighting
 8
    that you have that you said you put the partition up for,
    is that an LED light?
              MR. RANDY SMITH: The light that was up was an
10
11
    LED. Yes, ma'am.
               COMMISSION MEMBER BONNIE LOWRY: And is it
12
13
    round or square and long?
14
              MR. RANDY SMITH: It's gone. It has been
    removed.
15
               COMMISSION MEMBER BONNIE LOWRY: Does it have a
16
    cover over it?
17
              MR. RANDY SMITH: The new one that's up today?
18
               COMMISSION MEMBER BONNIE LOWRY: I have a
19
20
    picture of it right here, if you'd like.
21
               COMMISSION MEMBER KEVIN MURPHY: So you removed
22
    one and had a new one put up?
23
              MR. RANDY SMITH: Yes, sir. The big LED light
24
    was removed this morning, and this small yard light was
25
    reinstalled. It sticks out like --
               COMMISSION MEMBER KEVIN MURPHY: Does the new
26
27
    one point straight down?
28
              MR. RANDY SMITH: Yes, sir. It sticks out just
```

```
like that. It sticks straight down.
               COMMISSION MEMBER KEVIN MURPHY: I think that's
 2
 3
    what Bonnie is referring to is does it have a diffuser on
 4
     it that points it straight down.
 5
               MR. RANDY SMITH: Yes, sir.
               CHAIRMAN SAM DAVIS: Now, let me ask our
 6
 7
    attorney a question.
 8
          The concern is for something -- a major commercial
 9
     development such as a service station in particular. Are
    service stations allowed by right to B-3?
10
11
               ATTORNEY REBECCA GAINES: According to the
     charts, yes, they are.
12
13
               CHAIRMAN SAM DAVIS: Vince, would you agree?
               MR. VINCE JACKSON: A service station is
14
15
    allowed in B-3 by right.
               CHAIRMAN SAM DAVIS: All right.
16
17
    recommending a B-3 to avoid the service station does not
18
    get us there.
               MR. VINCE JACKSON: But you have to look at it
19
    this way; is that property conducive to a service
20
    station?
21
22
          It's a small parcel. Most service -- I mean,
23
    theoretically, yes. But the service stations that we're
24
     seeing wouldn't go on that property.
25
         And you've also got the highway construction
26
    setback. That potentially removes some of the
27
    developable area.
28
          You know, with new construction, you're gonna have a
```

```
buffer requirement. There's a lot of limiting factors on
 2
     something like a service station going in there.
          So I don't -- You know, even with a B-3 and the fact
 3
 4
     that, you know, the service station would be allowed
 5
    under that designation, I don't think you would see one
 6
     there.
 7
               CHAIRMAN SAM DAVIS: All right. Mr. Smith,
 8
    have you got anything else?
 9
               MR. RANDY SMITH: No, sir.
               CHAIRMAN SAM DAVIS: Anything else for
10
11
    Mr. Smith?
12
                               (No response.)
13
               CHAIRMAN SAM DAVIS: Thank you, sir. You can
14
    have a seat.
          I'll give the people that were against this -- Does
15
     anybody have anything else you would like to add?
16
               MRS. JOY ANN BLACK: I would like to ask one
17
18
    question.
          If it's zoned B-3, what would that be? (Inaudible.)
19
20
               CHAIRMAN SAM DAVIS: The question is if it's
21
     zoned B-3, what would that be?
22
          It would be a more restrictive zoning. However, it
23
    would still allow for a service station. But like what
24
    Vince said, is that with the setback that's required and
    the size of the property, it would be highly unlikely
25
    that they could put any kind of service station in there.
26
27
         All right. Any other --
28
               COMMISSION MEMBER ARTHUR OKEN: Mr. Chairman,
```

```
the question -- I wonder if there's an adjacent landowner
 2
    or not, just out of curiosity.
 3
               CHAIRMAN SAM DAVIS: Her son is adjacent, and
 4
     she's next to her son.
 5
               COMMISSION MEMBER ARTHUR OKEN: Okay. Adjacent
    to this --
 6
 7
               CHAIRMAN SAM DAVIS: To this property.
 8
               COMMISSION MEMBER ARTHUR OKEN: -- property?
 9
               CHAIRMAN SAM DAVIS: Okay. If there are no
    more questions, we'll close the public hearing at this
10
11
    point.
          Y'all have all heard the arguments for and against.
12
13
    Does anyone wish to make a motion?
               COMMISSION MEMBER KEVIN MURPHY: I'll make a
14
15
    motion that we request the owner to change to a B-3
16
     zoning.
               CHAIRMAN SAM DAVIS: Well, this would be a
17
    recommendation to the County Commission, so the motion
18
    would need to be to the County Commission to recommend
19
20
     approval of a B-3 as opposed to the requested B-4.
21
               COMMISSION MEMBER KEVIN MURPHY: Just what he
22
    said.
23
              MS. CELENA BOYKIN: Okay.
24
               CHAIRMAN SAM DAVIS: All right. Is there a
25
     second?
26
               COMMISSION MEMBER SPENCE MONROE: Second.
27
               CHAIRMAN SAM DAVIS: Okay. There's a second.
28
    All in favor, say aye.
```

```
COMMISSION MEMBER ARTHUR OKEN: Discussion,
 1
 2
    Mr. Chairman.
 3
               CHAIRMAN SAM DAVIS: Okay. Any discussion?
               COMMISSION MEMBER ARTHUR OKEN: Is there
 4
 5
     clarification on whether or not a service station is
    permissible on your B-3 zoning?
 6
 7
               CHAIRMAN SAM DAVIS: Yes, sir, they are. They
 8
    are permissible, but Vince informed us that based on the
 9
     size and the setbacks, it would hardly be advisable to
     fit one in there.
10
11
         Any other discussion?
                               (No response.)
12
13
               CHAIRMAN SAM DAVIS: All right. There's a
14
    motion and a second. All in favor, say aye.
15
              (Some Commission Members says "aye" in unison.)
               CHAIRMAN SAM DAVIS: All opposed?
16
               COMMISSION MEMBER ARTHUR OKEN: No.
17
               COMMISSION MEMBER SAM DAVIS: Okay. The motion
18
     carries. There's only one opposed.
19
            7B - CASE Z-18043, CREEK GULF INVESTMENTS PROPERTY
20
21
               CHAIRMAN SAM DAVIS: Okay. The next case is
22
     Z-18043. Do we have a staff report?
23
               MS. LINDA LEE: Yes, sir. The subject
24
    properties are located on the east side of Magnolia
25
     Springs Highway south of County Road 12 in Planning
    District 21.
26
27
          The subject properties are currently zoned B-3,
    General Business District, and are occupied with mobile
28
```

homes and one structure used for a business.

Only the portion of Lot 9 containing mobile homes is requested to be rezoned. The requested designation is RMH, Residential Manufactured Housing Park District. The purpose of this request is to allow for the continued use of the existing manufactured housing park.

On the screen is your locator map showing the location of the properties. And this is the site map showing the subject property. These are Google Earth 2018 images. It shows the mobile homes that are currently on the property.

The adjoining properties are residential, commercial and vacant. The Baldwin County Master Plan provides a future land use designation of commercial for the subject properties.

After rezoning is approved, the Future Land Use Map will be amended to reflect the designation of residential. The surrounding future land use designations are residential and commercial. The adjoining properties to the south are zoned RMH, Residential Manufactured Housing Park.

Planning District 21 was zoned in June of 2009. The existing mobile home park was established at the time zoning was implemented with one mobile home on Lot 8 and four mobile homes on Lot 9.

Magnolia Springs Highway is a County-maintained road. There's currently a total of seven mobile homes on the property with the proposed addition of one more

```
mobile home. Staff does not anticipate any adverse
 2
     affect to traffic patterns or congestion.
 3
          This is a site plan showing the proposed area to be
     rezoned. This is a proposed layout of the manufactured
 4
 5
    housing park.
         And this is the subdivision plat for the
 6
 7
     subdivision. These are pictures of the subject property.
 8
     These are pictures of the adjoining property to the south
 9
     and to the north.
          Staff feels this is a reasonable request and that
10
11
     this application should be recommended for approval.
     I'll answer any questions you may have for staff.
12
13
               CHAIRMAN SAM DAVIS: Any questions for staff?
14
               COMMISSION MEMBER BRANDON BIAS: Mr. Chairman,
15
    I have a question.
16
               MS. LINDA LEE: Yes, sir.
17
               COMMISSION MEMBER BRANDON BIAS: Is it my
    understanding that we're only looking at rezoning part of
18
     this property? There will be a split zoning on this
19
    property pending the final decision?
20
21
               MS. LINDA LEE: Correct. Where you see the
22
    blue line, everything to the west would be RMH, and then
23
    the B-3 will remain to the east, because there is a
24
     commercial building on the portion that's gonna stay B-3.
25
               COMMISSION MEMBER BRANDON BIAS: Thank you.
26
              MS. LINDA LEE: You're welcome.
27
               COMMISSION MEMBER KEVIN MURPHY: Linda, could
28
    we possibly classify this as a mistake that happened when
```

```
the zoning was put in place?
               MS. LINDA LEE: Well, I don't know if it was a
 2
 3
    mistake. I don't know what their intentions were, but I
 4
    do know that manufactured housing park was there when
 5
    that zone was put in place.
 6
               COMMISSION MEMBER SPENCE MONROE: Linda, so
 7
     they're gonna have to go through the mobile home park to
 8
     ingress and egress to the commercial building in the
 9
    back?
10
               MS. LINDA LEE: Correct. That is what they
11
    currently do.
               COMMISSION MEMBER SPENCE MONROE: Is that okay
12
13
    by standards?
14
               COMMISSION MEMBER BONNIE LOWRY: Do they have a
    contract on it?
15
               MS. LINDA LEE: I don't know if there's any
16
    type of contract. As far as I know, they own all of it.
17
18
    But I'm not aware of any policy or procedures that say
    you cannot access it through that mobile home park. It's
19
20
    currently being accessed that way. And that mobile home
21
    park is there. Vince may have an answer.
22
               COMMISSION MEMBER KEVIN MURPHY: If this were
23
     reversed, it's highly likely we would not rezone B-3
24
    through a mobile home park, is that correct, if it were
25
     reversed?
26
               MS. LINDA LEE: Say that again.
27
               COMMISSION MEMBER KEVIN MURPHY: It's highly
28
    likely we would not allow it to be rezoned B-3 through a
```

```
mobile home park if this were a reversed situation.
              MR. VINCE JACKSON: Yes.
 2
 3
              MS. LINDA LEE: Yes.
               CHAIRMAN SAM DAVIS: I will point out there's
 4
 5
    no opposition to this request.
              MR. VINCE JACKSON: And I just wanted to
 6
 7
    mention, in response to Mr. Monroe's question, we don't
 8
    have a stipulation in our zoning where you can't access a
 9
     commercial zoning designation through another, in this
    case of a mobile home park.
10
11
          Some jurisdictions do. Some of the municipalities
    where I worked previously did have that stipulation. The
12
13
    County does not. So it's fine for them to continue as
14
    they are, if this is rezoned, to access the B-3 through
15
    the RMH.
16
               CHAIRMAN SAM DAVIS: Any other questions for
     staff?
17
               COMMISSION MEMBER KEVIN MURPHY: Vince, this
18
    might be a question for our attorney, but is there any
19
20
     liability that we're accepting if a child were to get run
21
    over in that right-of-way?
22
               ATTORNEY REBECCA GAINES: No more than you
23
     already would have in any other situation. The fact that
24
     it's commercial would not make a difference. And I can't
25
     imagine there being any liability for the County.
26
               CHAIRMAN SAM DAVIS: All right. Thank you.
         We'll open the public hearing at this point. Like I
27
    said, there's no opposition. The applicant is -- Is it
28
```

```
John Strutz? Do you have anything you would like for us
    to know?
 2
 3
               MR. JOHN STRUTZ: Other than basically the only
     thing that I could add to it --
 4
 5
               CHAIRMAN SAM DAVIS: I'll need you to come up
    to the mic.
 6
 7
               MR. JOHN STRUTZ: Sorry. About the only thing
 8
    that we could add to it concerning this property and the
 9
    business property behind it is Gulf Creek Investments
     owns the mobile home park and Creek Enterprise owns the
10
11
     commercial property with the building on it, which is a
12
     shop.
13
          They're both basically the same company. One is a
14
     separate entity due to, you know, residential on the
15
    mobile home park.
               CHAIRMAN SAM DAVIS: All right. Thank you.
16
17
    Any questions for Mr. Strutz?
18
                               (No response.)
               CHAIRMAN SAM DAVIS: Okay. Thank you.
19
20
          There's a Michael Lipscomb signed up in favor. Have
21
    you got anything to say?
22
               MR. MICHAEL LIPSCOMB: It's not this property.
23
               CHAIRMAN SAM DAVIS: All right. Thank you.
24
         We'll close the public hearing at this point. Staff
25
    recommended making a recommendation of approval to the
26
    County Commission. Is there a motion to do so?
               COMMISSION MEMBER KEVIN MURPHY: I make a
27
    motion to recommend approval to the County Commission.
28
```

```
1
               CHAIRMAN SAM DAVIS: All right. Is there a
 2
     second?
 3
               COMMISSION MEMBER BRANDON BIAS: Second.
               CHAIRMAN SAM DAVIS: All in favor, say aye.
 4
 5
                (Commission Members say "aye" in unison.)
               CHAIRMAN SAM DAVIS: All opposed?
 6
 7
                               (No response.)
               CHAIRMAN SAM DAVIS: Carries unanimously.
 8
 9
      7C - CASE TA-18001, TEXT AMENDMENT, ARTICLE 2, SECTION 2.3.24
               CHAIRMAN SAM DAVIS: Okay. The next one is
10
11
     TA-18001. Could we have a staff report, please?
12
               MR. VINCE JACKSON: Yes, sir. This was an
13
     amendment to the Baldwin County Zoning Ordinance, Article
     2, local provisions for Planning District 24, which is
14
    Ono Island. And it pertains to food trucks at Ono Island
15
     community sport facilities.
16
          This proposed Text Amendment actually arose from a
17
18
     request from the property owners association of Ono
     Island. The property owners association would like to
19
20
     sponsor and host periodic community and social events at
21
    the community sport facilities down there. As part of
22
    those events, they want to be able to include food
23
    trucks.
24
          We actually do allow food trucks in the zoning
25
    ordinance under the designations which allow fast food
26
    restaurants. However, there's no commercial zoning on
    Ono Island.
27
28
          And so the property owners association tends to be
```

```
very conscientious about these things. And they wanted
     to make sure that there was a mechanism where they could
 2
 3
     legally have the food trucks.
 4
          And so short of rezoning property down there, we
 5
     felt the best option was an amendment to their local
     provisions.
 6
 7
          We put together a draft, sent it to them, they made
 8
     a few comments that we incorporated into the draft, and
     that's what you see before you.
          It sets some stipulations as far as number -- hours
10
11
     of operation, frequency and a few other requirements.
12
     Anything that would potentially exceed those
13
     stipulations, there's a mechanism through the board of
     adjustment to allow them to do more.
14
15
          We think that this is a reasonable request. As I
     stated, the property owners association did request this.
16
     And I believe you received a copy of the letter from the
17
     administrator.
18
          And so our recommendation is this be recommended to
19
20
     the County Commission for approval.
21
               CHAIRMAN SAM DAVIS: Any questions for Vince on
22
     this?
23
                               (No response.)
24
               CHAIRMAN SAM DAVIS: There's no one signed up
25
     in favor or against, so there's no litigating on this
26
     one.
          We'll open the public hearing, just for necessity.
27
28
     Not being anyone to speak for or against, we'll now close
```

```
the public hearing.
          Staff recommended a recommendation of approval to
 2
 3
    the County Commission. Is there a motion to do so?
 4
               COMMISSION MEMBER ARTHUR OKEN: So moved,
 5
    Mr. Chairman.
               CHAIRMAN SAM DAVIS: Is there a second?
 6
 7
               COMMISSION MEMBER SPENCE MONROE: Second.
               CHAIRMAN SAM DAVIS: All right. Is there any
 8
 9
     discussion?
10
                               (No response.)
11
               CHAIRMAN SAM DAVIS: All right. We'll call for
     a vote. All in favor, say aye.
12
13
                 (Commission Members say "aye" in unison.)
14
               CHAIRMAN SAM DAVIS: All opposed?
15
                               (No response.)
               CHAIRMAN SAM DAVIS: It carries unanimously.
16
17
    8 - CONSIDERATION OF APPLICATIONS AND REQUESTS: SUBDIVISION CASES
                  8A - CASE S-18031 UNDERWOOD SUBDIVISION
18
               CHAIRMAN SAM DAVIS: The next case 18031,
19
    Underwood Subdivision.
20
21
               MR. SETH PETERSON: S-18031, Underwood
22
     Subdivision, the applicant is requesting a development
23
    permit approval for a proposed three-lot subdivision on
24
    Underwood Road.
          This property is located in District 14. The
25
26
    property is not zoned. It's on the northwest corner of
27
    Hanak Lane and Underwood Road. There's three proposed
28
     lots. The total acreage is 30.85. And the smallest lot
```

```
size is 1.87 acres.
          This is a copy of the proposed plat. You can see
 2
 3
    each one of the lots will have frontage on Underwood
 4
    Road. And this proposed subdivision plat meets the
 5
     requirements of the county subdivision regulations.
 6
     Staff would recommend to approve the development permit.
 7
               CHAIRMAN SAM DAVIS: Any questions for Seth?
 8
               COMMISSION MEMBER BONNIE LOWRY: I'm just
 9
     concerned again about the egress and into the different
     lots on the back side.
10
11
               MR. SETH PETERSON: There's three proposed lots
    here. Each one of these lots fronts on Underwood Road,
12
13
     so each one of these lots has frontage on a
14
    County-maintained paved road.
15
               CHAIRMAN SAM DAVIS: Any other questions for
    Seth?
16
17
                               (No response.)
               CHAIRMAN SAM DAVIS: Thank you, Seth.
18
          We'll open the public hearing at this point. It
19
     looks like Claude -- Is it Pesaosers --
20
21
               MR. CLAUDE PERAOSER: Peraoser.
22
               CHAIRMAN SAM DAVIS: -- speaking for the
23
     applicant? Is the applicant here?
24
                       (An audience member indicates.)
25
               CHAIRMAN SAM DAVIS: Have you got anything
26
    you'd like to say to us?
27
               AN AUDIENCE MEMBER:
                                   No.
28
               CHAIRMAN SAM DAVIS: No?
                                         There's no
```

```
opposition. You don't have to. I just always want to
 2
    give you an opportunity.
 3
               AN AUDIENCE MEMBER: Well, I didn't sign up to
 4
     speak.
 5
               CHAIRMAN SAM DAVIS: Well, since you're the
    applicant, you have a right to do so.
 6
 7
               AN AUDIENCE MEMBER: We just want to split it,
 8
    because we're gonna sell the house.
 9
               CHAIRMAN SAM DAVIS: Are you getting that?
               THE COURT REPORTER: I'm having a hard time
10
11
    hearing her.
               CHAIRMAN SAM DAVIS: You need to come up to the
12
13
    mic.
14
         Again, there's no opposition to it.
               MR. CLAUDE PERAOSER: All that we're doing is
15
     Parcel 1, which our home is on, is up for sale. And we
16
17
    want to keep the rest of the acreage that's there. We're
     increasing our nephew next door acreage by .37 just to
18
    give him room to get his RV in and out.
19
20
               CHAIRMAN SAM DAVIS: Any questions for this
21
    gentleman?
22
                               (No response.)
23
               CHAIRMAN SAM DAVIS: Thank you, sir.
24
         All right. We'll close the public hearing at this
25
    point. This is within our purview of approval. The
26
    recommendation from staff has been to approve. Is there
    a motion to do so?
27
28
               COMMISSION MEMBER KEVIN MURPHY: So moved.
```

```
1
               CHAIRMAN SAM DAVIS: There's a motion to
 2
               Is there a second?
     approve.
 3
               COMMISSION MEMBER ARTHUR OKEN: Second,
 4
    Mr. Chairman.
 5
               CHAIRMAN SAM DAVIS: Okay. Any discussion?
 6
                               (No response.)
 7
               CHAIRMAN SAM DAVIS: I'll call for a vote. All
 8
    in favor, say aye.
 9
                 (Commission Members say "aye" in unison.)
               CHAIRMAN SAM DAVIS: All opposed?
10
11
                               (No response.)
               CHAIRMAN SAM DAVIS: Unanimous.
12
13
            8B - S-18033 SONOMA RIDGE, PH 2 DEVELOPMENT PERMIT
               CHAIRMAN SAM DAVIS: Okay. This looks like the
14
15
    last case; 18033 Sonoma Ridge.
               MR. SETH PETERSON: In S-18033 Sonoma Ridge,
16
17
    Phase 2, the applicant is requesting a development permit
     approval for a hundred and eight (108) lot subdivision
18
    near Silverhill.
19
20
          This property is located in District 14. The
21
    property is not zoned. And this is located behind Sonoma
22
    Ridge, Phase 1 off of County Road 49.
23
          The site map you see there, the parcel that's being
24
    divided in this phase is highlighted. They're proposing
25
    a hundred and eight (108) new lots. Total acres is
26
    thirty-six-point-one-seven (36.17) acres.
27
          The smallest lot size is seven thousand, five
28
    hundred and twenty-three (7,523) square feet. They're
```

```
proposing just over forty-nine hundred (4,900) feet of
 2
    new roads.
          Water will be provided by the Town of Silverhill.
 3
     Sewer will be provided by Baldwin County Sewer Service.
 4
 5
    Baldwin County EMC is providing electricity.
          The roadways in this development will be built to
 6
 7
     the County's subdivision standards. Drainage, they're
    proposing to collect the stormwater in inlets, curb and
 8
 9
     gutter, transporting those with underground pipes.
         And the pond they're proposing is in the southwest
10
11
     corner. There is a -- If you look at the southwest
     corner, there is a little wooded area. They have had
12
13
     that wetland issue done, and they are staying at least
     thirty (30) feet outside of the wetlands. And the
14
15
     sidewalks will be constructed on both sides.
          One thing to note. When we originally sent out the
16
17
    notifications to the property owners, the applicant was
     requesting a sidewalk variance to not install those.
18
     Since then, he's withdrawn that sidewalk variance and has
19
20
     agreed to install the sidewalks, so the variance is no
21
    longer needed.
22
          The plat is broken into three different pages.
23
     copy you see here is just an overall drainage plan, but
24
     this shows the entire phase. It shows you the stormwater
25
    pond in the southwest corner.
26
          This is Page 1 of the plat, this is Page 2 of the
27
    plat, and this is Page 3 of the plat. And the
28
     requirements of the subdivision regulations have been met
```

```
for this case, and staff would recommend to approve the
 2
    development permit.
               CHAIRMAN SAM DAVIS: Any questions for Seth?
 3
                               (No response.)
 4
 5
               CHAIRMAN SAM DAVIS: All right. Thank you,
     Seth.
 6
 7
         We'll open the public hearing at this point. It
 8
     looks like, Trey Jinright, are you representing the
 9
    developer?
10
              MR. TREY JINRIGHT: Good evening. I'm Trey
11
     Jinright. I'm with Jay Consulting. And we are the
12
    project engineer and represent the applicant for the
13
    project.
          Seth has basically covered the highlight of the
14
    project; a hundred and eight (108) lots. We had
15
     submitted this to the County a few months ago.
16
         We have received some comments from the County's
17
     staff. We've worked through those so that we got before
18
    you, that meets completely the staff's subdivision
19
20
    regulations for the County.
21
          So our intent here is to comply one hundred percent
22
    to the County regulations. And we'd be glad to discuss
23
    in further detail any items that you would like to as
24
    they come up.
25
               CHAIRMAN SAM DAVIS: Are there any questions
26
    for Mr. Jinright?
27
                               (No response.)
               CHAIRMAN SAM DAVIS: Thank you, sir.
28
```

```
1
          There's several folks signed up in opposition.
     anyone have anything they'd like to approach the mic and
 2
 3
     address?
          I understand that there's people that come tonight
 4
 5
     that really just wanted to hear what this was going to
    be. But, again, if anyone is signed up in opposition and
 6
 7
     wishes to address the Commission, it's time to do that
 8
     now.
 9
               MR. JASON DEYTON: I'll say something.
               CHAIRMAN SAM DAVIS: You need to come up to the
10
11
     mic.
               MR. JASON DEYTON: My name is Jason Deyton.
12
13
     I'm a homeowner in Sonoma Ridge. I live on Chenin Blanc
     Drive.
14
          One of the concerns, I think, that we have is with
15
     the design that was brought to all the homeowners in
16
17
     Sonoma Ridge, it appears that the traffic flow is gonna
     be increased on Chenin Blanc Drive substantially by the
18
     plan that's put forward and not routed to the current
19
    main boulevard.
20
21
          That's an issue that, I think, all of us have with
     children, with our pets, and with the area where we
22
23
    bought our homes.
          Another issue that we have with it is with a hundred
24
25
     and eight (108) additional homes coming in there, the
26
     traffic coming in one entrance is gonna be ridiculous.
27
          We already have struggles in this subdivision
28
     getting in and out with landscaping companies coming in
```

doing lawn work.

Any kind of work happening on Sonoma Boulevard now, it's an issue to get in and out of the subdivision with seventy-seven (77) homes. If you add another additional hundred and eight (108) homes to that, now we have a problem.

We have a major traffic issue getting in and out of the subdivision. So one entrance is not okay with the homeowners that are currently in the subdivision.

The other issue that we have is with rainwater runoff. This past storm that came through wasn't a severe storm. We had, I think, what, eight and a half inches of rain that came through in Baldwin County, maybe ten.

The current retention pond was full. One of our homeowners here, I believe Avery, has some pictures of that retention pond, which to my understanding, there is not another retention pond in the works for this hundred and eight (108) homes, which is gonna take away thirty-seven (37) plus acres of absorption.

So now we're gonna have all of this running into the current retention pond, which is barely holding the water that we have going into it now.

I don't know. I mean, I don't see where this plan is feasible, is respectful of the homeowners that are there currently or is good for Silverhill.

I don't think any of us are opposed to the second phase being built. I just don't think we feel like the

```
planning has been put in that's proper to be respectful
 2
     for the existing homeowners.
 3
               CHAIRMAN SAM DAVIS: All right. Any questions
 4
     for this gentleman?
 5
                               (No response.)
 6
               CHAIRMAN SAM DAVIS: Thank you, sir.
 7
               MR. JASON DEYTON: Thank you.
               CHAIRMAN SAM DAVIS: Anyone else have anything
 8
 9
    to add?
               MR. AVERY SHELTON: My name is Avery Shelton.
10
11
     Thank you for the opportunity to speak tonight.
          How many Sonoma Ridge residents are here right now?
12
13
                               (Raised hands)
               MR. AVERY SHELTON: Okay. We all want Phase 2
14
    to happen. We really do. As Jason already mentioned, we
15
16
    have concerns with the main entrance being the only
17
    entrance right now for the seventh-seven (77) homes. And
    to add another hundred and eight (108) households to that
18
     is gonna be a major problem for us.
19
20
          I did see where the roads are gonna be built for
21
     Phase 2 according to the County standards. Am I correct?
22
     Phase 1, I don't think the roads meet the standard.
23
         And so with only one entrance coming in, how does
24
     Phase 1 fit into that plan in terms of the street
    conditions?
25
26
               CHAIRMAN SAM DAVIS: Let me stop you. That
    concern has been expressed already, and we're gonna get
27
    Mr. Jinright to come back up. So we don't need to plow
28
```

```
the same ground twice.
 2
              MR. AVERY SHELTON: Okay. Very good.
                                                      The
 3
    other issue that I'm gonna bring up with the sidewalks,
    Phase 1 does not have sidewalks. Phase 2 does or will
 4
 5
    have.
         A lot of families, a lot of kids riding their
 6
 7
    bicycles. All the kids right now ride their bikes, walk
 8
     on the streets, along with the residents. And with
 9
    construction and traffic coming through, again,
    pedestrians are on the road walking. So how does Phase 1
10
11
     fit into the --
               CHAIRMAN SAM DAVIS: That kind of comes along
12
13
    with that traffic issue, so apparently we're gonna have
    that addressed.
14
              MR. AVERY SHELTON: Okay. The infrastructure
15
16
     for our internet, Phase 1 has, I think, partially
     infrastructure. We don't have internet, and we're told
17
     from providers they won't come in unless there's no
18
     infrastructure to give us internet.
19
20
          Phase 2 coming in, are they gonna have internet
21
    infrastructure, and will that tie into Phase 1? That's a
22
    question I have.
23
         A lot of us bought homes under the pretense that we
24
    were going to have internet. And there's business owners
25
    here that run their business out of their homes.
26
          I work from home with my job. I use my hot spot.
27
    And I tell you, it's horrible. It's horrible. With
28
    technology, we should have that internet.
```

```
1
               CHAIRMAN SAM DAVIS: We all know what it's like
 2
    not to have internet. Anything else?
               MR. AVERY SHELTON: The current conditions of
 3
 4
     the roads from construction, Phase 1, are tore up.
 5
     They're damaged. They're damaged. This kind of goes
     along with the road conditions, County standards.
 6
 7
          When the school -- When everything is all said and
    done with Phase 2 and Phase 1, they're gonna have a
 8
 9
    hundred and eighty-five (185) households.
          Is the county buses -- school buses going to be
10
11
     going into the subdivision? That's a question I have.
12
    And what are the requirements for the roads in terms of
13
     for the bussing to come through?
          So, therefore, Phase 2 being in the back of the
14
     subdivision with only one entrance --
15
               CHAIRMAN SAM DAVIS: Who's responsible for the
16
    upkeep of the roads in Phase 1?
17
               MR. AVERY SHELTON: Right now, we're actually
18
19
    waiting for the developer to turn over the established
    HOA list.
20
21
               CHAIRMAN SAM DAVIS: The HOA is responsible?
22
               MR. AVERY SHELTON: Well, there's supposed to
23
    be an established HOA, which the developer is running.
    And we haven't -- We sent certified letters to them, and
24
25
    we've yet to get a request back or a response back from
26
    them.
27
               CHAIRMAN SAM DAVIS: Okay.
28
               MR. AVERY SHELTON: We're pretty much left
```

```
hanging on that one. I don't know why they're not
 2
    responding back.
 3
         And Sonoma, LLC, was the developer. And then, of
     course, DSLD is the builder. Within our covenants, we
 4
 5
    have Sonoma, LLC. McMath and Lawrence are the two
    gentlemen under our covenants listed under the contract.
 6
 7
          But they were going to, as a developer, establish
    the homeowners association and then turn it over to the
 8
 9
    board of directors, which Sonoma Ridge will vote who they
    would be.
10
11
         And we're waiting for that to happen. And we have
    no response after sending certified letters that were
12
13
    received by Sonoma, LLC, and DSDL both.
14
               CHAIRMAN SAM DAVIS: Are you paying homeowners
15
    dues at this point?
16
               MR. AVERY SHELTON: Right now, we're not.
17
               CHAIRMAN SAM DAVIS: You're not?
               MR. AVERY SHELTON: No.
18
               COMMISSION MEMBER BONNIE LOWRY: Mr. Chairman?
19
20
    When the homeowners that are there now purchased their
21
    homes, did you receive any type of subdivision homeowners
22
    rules or regulations with future potential development of
23
    the property?
24
               MR. AVERY SHELTON: Yes.
                                         We have the general
    covenants that we have that also indicates that the
25
26
    developer will establish a homeowners association and
27
    then turn it over to the residents or the board of
28
    directors.
```

```
COMMISSION MEMBER BONNIE LOWRY: That was upon
 1
 2
     completion of all phases?
 3
               MR. AVERY SHELTON: Phase 1. If I'm wrong,
 4
     correct me.
 5
               CHAIRMAN SAM DAVIS: Any other questions for
 6
    this gentleman?
 7
                               (No response.)
               CHAIRMAN SAM DAVIS: Thank you, sir.
 8
 9
               MR. JASON DEYTON: May I say something?
               CHAIRMAN SAM DAVIS: If it's something
10
11
     different that you haven't said already.
               MR. JASON DEYTON: It applies to the question
12
13
    that Ms. Lowry asked.
14
               CHAIRMAN SAM DAVIS: Okay.
               MR. JASON DEYTON: When we all signed our
15
16
     closing documents, everyone was provided with a zip drive
     that had the covenants and the rules of the covenants.
17
         And DSLD was set up to be the architectural
18
19
     committee until eighty-five percent (85%) of Phase 1 was
20
     completed. And then at eighty-five percent (85%) of the
21
    completion of Phase 1, DSLD and Sonoma Ridge, LLC, were
22
    to hand over the existing, which was supposed to have
23
    been already founded, homeowners association that we all
24
     agreed to when we signed our closing documents at
25
     eighty-five percent (85%).
26
          We have requested. We have sent certified letters.
27
    We have had zero response. The first response that we
28
    get from anything having to do with Sonoma Ridge, Phase 1
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or Phase 2, was this addendum that was wanting to have Phase 2 started. 2 3 We have had zero response from them. So we feel as Phase 1 homeowners that they're not concerned about what 4 5 we've done since we paid for our homes. 6 COMMISSION MEMBER BONNIE LOWRY: How long ago 7 were the letters sent out? 8 MR. AVERY SHELTON: They received them in the 9 middle of August. MR. JASON DEYTON: Yeah. Our letters were sent 10 11 out in the middle of August. We received a notification 12 from DSLD that they were no longer gonna be maintaining 13 the common areas as they had done as the architectural committee as of September 1st. 14 We received that notification, I want to say, early 15 August, late July. And we have had zero response as far 16 17 as trying to get anything together so that as a neighborhood, we can establish our HOA, put boards in. 18 The bulk of the neighborhood, if I'm not mistaken, 19 20 is willing to have a neighborhood-governed HOA. And we 21 have to have the articles of incorporation to be able to 22 start the dues and the fees to start maintaining our 23 neighborhood. 24 And we have gotten no response from any of the 25 powers that be of Phase 1. Again, the first response 26 that we get is them telling us what they want to do with 27 Phase 2, which totally changes the traffic direction for most of Phase 1. 28

CHAIRMAN SAM DAVIS: Let me ask you, did you 1 2 state that you have been -- the development has been 3 notified that DSLD will no longer maintain the common areas? 4 5 MR. JASON DEYTON: We, as homeowners, were notified. We don't know what DSLD did to the Sonoma 6 7 Ridge, LLC. DSLD sent out letters to us, as homeowners, 8 stating that as of September 1st, they will no longer be 9 maintaining the common areas. We have no way to gather dues from the other 10 11 homeowners to start a maintenance company, to sign a 12 contract with a maintenance company to get the common 13 areas maintained. 14 So I mean, we're sitting here right now, as 15 homeowners, with probably close to an acre, maybe an acre 16 and a half of common areas that we have no way to pay to maintain. 17 And now they're telling us they want to run heavy 18 equipment through our main streets and through our side 19 20 streets to start a development in Phase 2. That is 21 completely irresponsible. 22 None of us are opposed to the hundred and eight 23 (108) lots coming in. We all like the idea of the second 24 phase. It's not gonna do anything but help our home 25 values. We're okay with it. 26 But we don't want to see us, as homeowners, punished

for lack of planning for Phase 2 and lack of completion

of Phase 1. It's not acceptable to the seventy-eight

27

28

```
(78) people -- seventy-seven (77) homeowners that are
 2
     there now. I think it's irresponsible.
               COMMISSION MEMBER BONNIE LOWRY: Is there
 3
 4
     anyone here who owns the property and who is actually
 5
    going to do Phase 2?
               CHAIRMAN SAM DAVIS: We've got the engineer
 6
 7
    here. The engineer is here. He's gonna come back up.
         All right. Thank you very much.
 8
 9
               MR. JASON DEYTON: Thank you.
               CHAIRMAN SAM DAVIS: Unless there's anything
10
11
     else that's different from the people that are signed up
12
     to speak against this, I'm gonna go back to Mr. Jinright
13
     and ask him to answer the questions.
14
          Is there anybody that has anything different on the
15
    opposition?
16
                               (No response.)
17
               CHAIRMAN SAM DAVIS: All right. Thank you.
         Mr. Jinright?
18
               MR. TREY JINRIGHT: Yes, sir. Thank you.
19
20
     Sonoma Ridge was -- Phase 1 was approved probably around
21
     2006 or so -- 2006-2007. That's about twelve years ago.
22
         When it was designed at that time and approved, this
23
     Phase 2 was part of that overall concept. This has
24
     always been part of the plan.
          This layout is basically the same layout that we've
25
26
    had for the last twelve years, basically. As the market
27
    has gone, now it's just the that Phase 1 has just
28
    recently been built up and now we're going into Phase 2.
```

So Phase 1 was completed in 2006-2007. The right-of-way and the roadway improvements were done to public standards. They were constructed and accepted as public right-of-way back in that timeframe.

So those roadways are public infrastructure. So all

So those roadways are public infrastructure. So all the streets in there were built to public standards; those standard criteria being back in 2006-2007 timeframe. But, again, that's public infrastructure today. That's been accepted by the County as the public right-of-way.

The traffic -- You know, when we did Phase 1, we had put in some turn lanes out there with the anticipation of additional traffic coming in on Phase 2.

We never dreamed that it would be twelve years later we'd be building Phase 2, but that's where we're at today. But in order to meet current design standards, we had a new traffic study done just recently.

It was submitted as part of our package to the County and reviewed. That traffic study was in concurrence with new traffic design standards and was submitted to the County for their concurrence.

That study was with two options. One was to put a second driveway onto 49. The other option was just to build the one single -- just keep the traffic on the single access point, which is actually a boulevard that comes in there.

The traffic study showed that there would be no difference in traffic flow, that it is an acceptable

level of service with the single access point. Since that -- When we originally did the 2 3 neighborhood, we put in enhanced entrance features at that time that would take this additional traffic. 4 5 So the traffic study has been submitted with this phase to current standards shows that one access point 6 7 for this entire Phase 1 and Phase 2 is acceptable to County standards. So that's that part of it there. 8 9 The drainage in the area out there, there's two things going on. So the neighborhood -- Phase 2 has a 10 11 separate pond. I think a gentleman spoke about the first pond that handles the first phase of development. 12 13 But Phase 2 has its own separate pond. It's located in this area right here, this large pond right here. 14 15 It's carrying the stormwater for Phase 2. Another thing that we had worked with the County 16 over the last few months is that the County has a thirty 17 (30) foot drainage easement that runs down the south side 18 19 of this property in there, and that area has not 20 functioned properly in recent history. 21 So we modeled that to determine what's going on. 22 Our model took some storms in recent history, calibrated 23 those, and we were able to reflect conditions that match 24 what the area has been experiencing. In an effort to enhance this, because that's what 25 we're trying to do is make this project better, we're 26 27 actually gonna widen this ditch out, create some offsite

storage in this location here for additional stormwater

28

storage, and then we're gonna slope pave a concrete ditch down this location here to make sure this area will flow appropriately.

Two of the storms that were peaking that ditch out as they're built today is designed, once we get it completed and don't have a storm, it will take a lot of load off that that the gentleman spoke about in Phase 1's pond.

It'll make work with Phase 2 at the time with the whole drainage basin coming down through there to relieve the stress that County Road 49 is experiencing today. So this project will fix those issues. So we're taking care of the drainage. We've addressed the traffic.

The internet -- there is -- We have been in contact with our local internet provider -- the developer's internet utility. But a utility is interested in this neighborhood.

As it sits right now, their economics won't justify them putting in a tower out there. They're talking with the property owner. I'll use my cursor.

I believe this is showing the common area. So we have common areas the development is sitting in this location right here. And they are proposing to put a tower in to provide internet service to the community.

So you do have one internet provider that is very interested in your neighborhood. They are -- I think their economics trigger, when Phase 2 goes into effect, that creates enough of a demand which offsets the cost of

putting the tower in to provide internet to the service.

So they had reached out to me like a week ago and wanted to know how this project was moving forward and, you know, assuming that Phase 2 could go forward, that they were very interested in putting the tower and providing internet through the neighborhood.

So that is one item that I do know of personally that I spoke with a lady about and that -- that's got some seriousness to bring internet to your service.

Like any other utility, it's kind of a competition. But we do have one service provider that's looking at that area.

And then as far as the HOA, you know, we're here tonight talking about the subdivision for Phase 2 and how it meets the County's development standards.

That's what we're talking about is getting the Phase 2. Does it meet the subdivision regulations and does it comply -- does the property have the ability to move forward and create its own -- There will be a POA that's set up or HOA set up for this neighborhood.

That is between the developer, the lots -- you know, the builder and the homeowners of that nature right there. I can't speak to that item. But I do know that that's something that's taking force.

It did sound like some certified mail went out just a few weeks ago in August, and so as anything like that nature, it takes a couple of days to get that stuff moving and information flowing.

```
So I'll be -- Now that it's brought to my attention,
 2
     I'll certainly be working with the developer and make
 3
     sure we get this item handled.
 4
          Anything other additional, I'll be glad to talk to
 5
    you about it specifically.
               CHAIRMAN SAM DAVIS: So you don't know anything
 6
 7
     about the property owners association and the lack of
    communication?
 8
 9
               MR. TREY JINRIGHT: No, sir. That's the first
    I've heard of it, quite honestly.
10
11
               CHAIRMAN SAM DAVIS: That's the first you've
    heard about they were gonna abandon doing the
12
13
    maintenance --
14
               MR. TREY JINRIGHT: Yes, sir.
                                              I doubt
     seriously -- I mean, I know the property owner that's had
15
     it for twelve years. That's not his game. He's not
16
17
     gonna leave somebody abandoned.
          I've known him for a very long time, personally, and
18
     I don't see, you know, with the investment that they're
19
    putting in Phase 2, they would never just abandon Phase
20
21
     1, maintaining it until there's an entity in place to do
22
     so. That just doesn't seem rational.
23
               CHAIRMAN SAM DAVIS: I agree that would make
24
     sense.
25
         Any other questions for Mr. Jinright?
26
                               (No response.)
27
               MR. TREY JINRIGHT: Thank y'all. If y'all have
28
     anything else, I'll be glad to talk to you.
```

```
1
               CHAIRMAN SAM DAVIS: Thank you.
 2
          Does staff have anything to add?
 3
               MR. SETH PETERSON: I just wanted to verify the
 4
     understanding that the roads in Phase 1 are maintained by
 5
     the County and were built to the County standards at that
 6
     time. If you have any other questions, I'm here to
 7
    answer them.
 8
               COMMISSION MEMBER ARTHUR OKEN: Question for
 9
     staff.
               CHAIRMAN SAM DAVIS: Yes, sir.
10
11
               COMMISSION MEMBER ARTHUR OKEN:
                                              Have you heard
12
     anything tonight that suggests that we reverse the
13
    recommendation that this permit be approved?
               MR. SETH PETERSON: No, sir. There were some
14
    valid comments that were brought up. We sent the notice
15
16
     out for this -- for property owners that had an
17
     opportunity to come to our office.
          Some of these questions could have been answered in
18
    our office beforehand. And we probably could have helped
19
20
    them understand some of these things.
21
          So there were some good points brought up, but
22
    nothing that would change our recommendation for
23
    approval.
24
               CHAIRMAN SAM DAVIS: What happens if this
25
    recommendation for approval is denied as it relates to
26
    timing before they could bring it back?
27
               MR. SETH PETERSON: There is a time period that
28
    they would have to wait in order to reapply. I'd have to
```

```
look at the regulations to see what that time period is.
          Becky, I don't know if you know that offhand.
 2
               ATTORNEY REBECCA GAINES: I don't know it off
 3
 4
    the top of my head.
 5
               MR. SETH PETERSON: You know, with a
     subdivision development, you know, we have a set of
 6
     subdivision regulations that apply to the development.
 7
 8
          You know, the applicant has met all those
 9
     requirements by regulations. The property is not zoned.
     They meet our minimum lot size, our minimum lot width and
10
11
     roadway standards. They've provided everything that our
12
     regulation requirements provide, so I would recommend to
13
    approve it.
               COMMISSION MEMBER KEVIN MURPHY: What would
14
15
    happen if Mr. Jinright were to request it to be tabled
     then? If it were tabled until they worked out the
16
     situation with the homeowners on Phase 1, I think if they
17
    were all happy, they wouldn't be here tonight and this
18
    would have been right on down the road.
19
20
          So if he were to table it, could he come back in
21
     thirty days and bring it back up?
22
               MR. SETH PETERSON: If the applicant wishes to
23
    table this request, he can request that to the
    Commission, and the Commission can vote to table it until
24
25
    the next meeting.
26
               CHAIRMAN SAM DAVIS: All right. Any other
27
    questions?
28
               COMMISSION MEMBER BONNIE LOWRY:
                                                Seth, do you
```

```
know if the property owners had any inclusion or anything
 2
    when they purchased their homes as far as the upkeep was
 3
     concerned?
               MR. SETH PETERSON: I have not reviewed their
 4
 5
    restrictive covenants. But typically, when you buy a lot
     in a subdivision, that lot -- that deed has got a
 6
 7
    reference to restrictive covenants. And those
    restrictive covenants typically lay out that procedure.
 8
 9
               CHAIRMAN SAM DAVIS: Bonnie, there was
    testimony that they were made aware of restrictive
10
11
     covenants and of the proposed timeframe for the property
     owners association to be turned over.
12
         Any other questions for Seth?
13
14
                               (No response.)
15
               CHAIRMAN SAM DAVIS: Okay. Thank you, Seth.
               COMMISSION MEMBER ARTHUR OKEN: I'm not sure if
16
17
    this is a question for Seth.
          So staff can accommodate a request by the developer
18
    of this subdivision to withdraw their request at this
19
20
    time and resubmit it at some specified future date?
21
               CHAIRMAN SAM DAVIS: Our attorney just informed
22
    us that if it's denied, it's a four-month waiting period.
23
         And, yes, the developer can request it be tabled,
24
     and then we can honor that request for thirty days or
25
     sixty days or however long we wish.
26
         As it states right now, we'd either have to deny it
27
    or approve it.
28
               COMMISSION MEMBER KEVIN MURPHY: Unless he were
```

```
to request for it to be tabled.
               COMMISSION MEMBER ARTHUR OKEN: Yes.
 2
     the -- Is there room in the rules for them to withdraw
 3
 4
     the application or postpone their application?
 5
               CHAIRMAN SAM DAVIS: Yes. I'm gonna give him
 6
    that opportunity before we vote.
 7
               COMMISSION MEMBER ARTHUR OKEN: All right.
 8
    Thank you, sir.
 9
               MR. JASON DEYTON: Chair, I would also like to
     state again, as I stated in my first statement, I don't
10
11
    believe any of the homeowners in Sonoma Ridge are opposed
12
    to Phase 2.
13
          We're not opposed to the Phase 2 of the development.
14
    We're not opposed to the continuing of the development of
     Sonoma Ridge, for it to be a complete subdivision.
15
     That's not what our problem is. Our problem is the
16
     condition of the current roads.
17
          We have a homeowner here tonight that her son
18
     tripped over the poor condition of the roads inside of
19
20
     Sonoma Ridge and hurt his arm.
21
               CHAIRMAN SAM DAVIS: Let me address that. I
22
    was gonna do that anyway, but this will be a perfect
23
    time.
24
               MR. JASON DEYTON: Yes, sir.
               CHAIRMAN SAM DAVIS: It's been stated and
25
26
    verified by staff that these roads are now
27
    County-maintained roads. So I don't know who your
28
     commissioner is in that area, but that would be the
```

```
person to start with.
               MR. JASON DEYTON: I will find out. We will
 2
 3
     absolutely find out who our commissioner is and let him
 4
     know of our concerns.
 5
               CHAIRMAN SAM DAVIS: And that's why that's
     addressed at this point. The developer doesn't have
 6
 7
    anything to do with the roads.
 8
              MR. JASON DEYTON: But my concerns with that
 9
     that do pertain to the developer -- And, again, none of
    us are opposed to this development proceeding forward,
10
11
    but we are concerned with the current state of those
     roads, which I know that needs to go to our commissioner.
12
13
          How is that gonna further deteriorate with one
     entrance and heavy equipment coming in and out where we
14
15
    already have trouble?
               CHAIRMAN SAM DAVIS: It's a valid concern, and
16
17
    it's so noted.
              MR. JASON DEYTON: Yes, sir. And, again, I
18
    would like to go forward. You know, we are not opposed
19
20
    to this development happening. We would just like some
21
    consideration for the existing homeowners and what we
22
    have as our investment to be protected.
23
               CHAIRMAN SAM DAVIS: Sure. And as I stated
24
     earlier, we're not gonna continue plowing the same
25
     ground, and we're doing that. So --
26
              MR. JASON DEYTON: Yes, sir. Thank you.
27
               CHAIRMAN SAM DAVIS: Thank you.
28
         Are you signed up?
```

1 MR. HUNTER ROBINSON: I am. CHAIRMAN SAM DAVIS: What is your name? 2 3 MR. HUNTER ROBINSON: Hunter Robinson. I am 4 also a homeowner in Sonoma Ridge. I have just a couple 5 of rebuttals to what the developer had said. He talked about that there is a cable and internet 6 7 provider that is very interested into coming into our neighborhood. We had a company -- Point Broadband had 8 shown a lot of interest into coming into our 9 neighborhood. And once they did all their cost analysis, 10 11 we haven't heard anything else from them. I spoke to a lady with that company about a month 12 13 ago, and she said that the equipment needed to make it into our neighborhood was gonna cost about fifty thousand 14 dollars (\$50,000), and she said that they were hoping to 15 get some kind of assistance from the developer or from 16 17 DSLD. Now, a hundred and eight (108) houses, that's an 18 increase of nearly two hundred and fifty percent (250%) 19 20 to our neighborhood, but that's still probably not gonna 21 be enough to cover fifty thousand dollars (\$50,000) for 22 them. It's still probably going to be a negative on the 23 cost analysis for them. So without some kind of sense from DSLD or the 24 25 developer, they're probably not going to be coming in, 26 leaving us in the dark on that as well. 27 Now, in terms of the landscaping and the homeowners 28 association, the covenants says that the homeowners

association will be turned over to us when eighty-five percent (85%) of the homes have been sold. Now, eighty-five percent (85%) of the homes have been sold for quite sometime.

So this issue with turning it over to the homeowners association is nothing new. This is not something that

association is nothing new. This is not something that should have just happened, and it's not something that should be catching them off guard by our letters coming to them.

This is something that they should have -- that they did know about for sometime. So these two matters, they don't really lend towards a precedence that this company wants to take care of their customers.

They have Phase 2 coming in, obviously, to make them a lot of money, but, again, we're not against Phase 2.

But we don't want anything that's gonna happen unless there is something in writing that these issues are going to be taken care of.

There's nothing that shows that they will act in good faith down the road to take care of us. And I think that's the issue that all of these homeowners have here.

CHAIRMAN SAM DAVIS: And that's really been expressed adequately tonight.

MR. HUNTER ROBINSON: Yes, sir.

CHAIRMAN SAM DAVIS: And we appreciate your opinion and everybody's opinion here that has -- that is here and has spoken against it. But we have a very clear picture of that at this point.

```
1
               MR. HUNTER ROBINSON: Yes. And you also made a
 2
     comment that it would not make sense to abandon the
 3
    maintenance.
         Now, I agree it doesn't make sense, but I have not
 4
 5
     seen anybody from their company come through in several
    weeks. We've had homeowners cutting the common areas.
 6
 7
    We've seen elderly gentlemen cutting the grass on their
 8
    push lawnmowers in the common area. So what makes sense
 9
     isn't exactly applicable here.
               CHAIRMAN SAM DAVIS: We appreciate that
10
11
     comment.
               MR. HUNTER ROBINSON: Yes, sir.
12
13
               CHAIRMAN SAM DAVIS: Thank you, sir.
               COMMISSION MEMBER KEVIN MURPHY: Mr. Chairman,
14
    could I get someone to explain to me about internet? I
15
16
     am probably one of the most untechnical people there is,
17
     and I still use a dial-up flip phone. But Dish has
     internet. CenturyLink, I'm sure, provides internet with
18
    telephone.
19
20
               AN AUDIENCE MEMBER: CenturyLink does not
21
    provide internet to our neighborhood.
22
               AN AUDIENCE MEMBER: CenturyLink will not come
23
    into the area. They told me they're not coming in there.
24
              AN AUDIENCE MEMBER: They have a substation --
25
               CHAIRMAN SAM DAVIS: Hold on. Let's talk about
26
    that later, because we don't need to get into that right
27
    now. We'll explain that later.
28
               COMMISSION MEMBER KEVIN MURPHY:
                                                It floors me.
```

```
1
               CHAIRMAN SAM DAVIS:
                                    There are areas that
 2
     internet is not provided in the county.
               MR. SETH PETERSON: There's been a lot of
 3
 4
     discussion about internet. I just want to point out that
 5
     that's not something that's considered in subdivision
     regulations. That's not something that we can require.
 6
 7
     I want to point that out for you.
 8
               CHAIRMAN SAM DAVIS: Right.
 9
         Mr. Jinright, I'm just gonna ask you a question.
     These folks have some legitimate concerns. I can tell
10
11
     this panel is very concerned and considerate of those
12
     opinions.
13
          Would you like to request, on behalf of the
     applicant, that this be tabled for thirty (30) days to
14
    try to address some of the concerns for the citizens?
15
               MR. TREY JINRIGHT: If -- So this hearing
16
    here -- And it's gotten a little bit out of control,
17
    quite honestly -- is about whether the development meets
18
    the subdivision standards. And we do. Black and white,
19
20
    yes, we do. So if you were to turn us down, you would
    turn us down on the conditions. But what item do we not
21
22
    meet?
23
          The HOA is a serious concern with these folks.
24
     I have been in conversation with them tonight as I
    recently have heard it. And they will take care of this
25
    maintenance until this HOA has been established.
26
27
          What has happened is, is that in our process of
28
     submitting our plats, this subdivision has moved through
```

```
pretty fast, and they've sold their lots out.
          So they're particular on their comments sent out in
 2
 3
    the letter in between the meeting notice here that HOA
    needs to be established to maintain the common areas.
 4
 5
          So now we're in a discussion that DSLD and these
    homeowners need to set up an HOA for Phase 1. We're here
 6
 7
    to talk about Phase 2.
 8
               CHAIRMAN SAM DAVIS: Let me stop you, because I
 9
     think you're kind of getting condescending now.
               MR. TREY JINRIGHT: No, sir. I'm not getting
10
11
     condescending. I want to help them.
               CHAIRMAN SAM DAVIS: Well, it sounds like it to
12
13
    me.
14
              MR. TREY JINRIGHT: No, sir. I'm not being
15
    disrespectful at all.
               CHAIRMAN SAM DAVIS: Well, it sounds like it.
16
17
     So let me just stop you. I'm giving you an opportunity
     right now, as Chairman of this Commission.
18
          I'm not saying and I don't know, because I can't
19
20
    predict which way this vote is gonna go. But if you
21
     don't table it for thirty days -- If you don't request a
22
     table for thirty days and the vote goes down, then it's
23
     four months before you can bring it back.
24
          So I'm giving you an opportunity. And I just need a
25
    yes-or-no answer.
26
              MR. TREY JINRIGHT: Can you give me just five
    minutes to make a decision? I can't make this --
27
28
               CHAIRMAN SAM DAVIS: I can do that.
```

```
1
               MR. TREY JINRIGHT: Yes, sir.
               CHAIRMAN SAM DAVIS: We'll close the public
 2
 3
    hearing except for that answer.
 4
                                  (Break)
 5
               CHAIRMAN SAM DAVIS: All right. We'll come
    back to order.
 6
 7
               MR. TREY JINRIGHT: You know, I had a redeye
 8
     last night, so I'm a little tired. So my agitation is
 9
    not towards you. It's probably just because I'm
    exhausted. So I apologize. Condescending is not my
10
11
    thing.
          The developer here, we're trying to do the right
12
13
     thing. In order to do the right thing, we have to get a
    project going forward to fund these things.
14
15
         And the internet situation, all those things are
     funded by this -- is hanging on this Phase 2 development.
16
17
    Fixing the drainage issues are hanging on this Phase 2
     development.
18
          The HOA is something that will be established. The
19
     developer will -- can work this over. And I don't -- You
20
21
    know, one thing that I was wondering is if it would be a
    potential for y'all to put a condition on the approval of
22
23
    the land permit with the effective of an active HOA.
24
          You know, that may be something that would give you
     a level of comfort here. The DSLD has been maintaining
25
    the common areas up until, you know, recently, I
26
    understand.
27
28
          I think there's some -- I'm not gonna disagree with
```

```
what some of the comments that have been made.
                                                      They have
 2
    given me the assurance that they will continue to
 3
    maintain those going forward until this HOA is in place.
          So I'm looking at there may be some happy medium in
 4
 5
     there that will allow us to move forward and not
     sideways, quite honestly.
 6
 7
          So I respectfully make that request for your
     consideration. If that's not available, then, you know,
 8
    we'll look at other options, too. But I'm here to work
    with you. I'm here to work with these people over here
10
11
     as well.
               CHAIRMAN SAM DAVIS: Unfortunately, I had
12
13
     closed the public hearing except for your answer as it
14
    relates to the developer. So if you want us to consider
     it, we're gonna have to ask staff and legal if we can
15
16
     condition the permit approval.
          If we cannot condition the permit approval, then
17
    we're not gonna reopen the public hearing for you to ask
18
     for tabling. So if you're asking for either/or, you need
19
20
    to go ahead and do that now.
21
               MR. TREY JINRIGHT: Well, I guess, you know,
    we'll have to -- So what you're saying is that I'm either
22
23
    gonna ask for a conditional use or asking for it to be
24
    tabled, one of the two?
25
               CHAIRMAN SAM DAVIS: You can ask for a
26
    conditional use connected to the permit; if not that,
27
    table it for thirty days.
28
               MR. TREY JINRIGHT: Correct.
```

```
1
               CHAIRMAN SAM DAVIS: Okay. That's what you're
 2
     asking.
 3
              MR. TREY JINRIGHT: Yes, sir.
               CHAIRMAN SAM DAVIS: Okay. Thank you very
 4
 5
    much.
          I guess the question for legal would be can we
 6
 7
     condition the approval of the development permit?
               ATTORNEY REBECCA GAINES: I'm trying to find
 8
 9
     something now. I am unaware of anything that allows
     that. I will look in the regulations, but I'm unaware of
10
11
     any process to condition it on the formation of an HOA.
12
               CHAIRMAN SAM DAVIS: Vince, are you aware, or
13
     Seth?
14
               MR. SETH PETERSON: Subdivision plat approval,
    they have to get development permit approval from the
15
     Planning and Zoning Commission. You're the body that the
16
     County Commission has appointed to make a decision on
17
     this case.
18
          Chapter 4.5 discusses the development permit and the
19
20
     approval process for that for the Planning and Zoning
21
     Commission. The Chapter 4.5 of the subdivision
22
     regulations states that if the application -- the plat
23
     and the application meets the requirements of the
24
     subdivision regulations, the Planning and Zoning
25
    Commission shall approve the plat. It doesn't mention
26
     any kind of conditional approvals.
27
          There's a process in the regs for other things such
28
     as apartments, RV parks, non-typical subdivisions that
```

```
allows the Commission to place conditions on their
     approval, but just a direct subdivision approval, it
 2
 3
     doesn't mention conditional approval.
 4
               CHAIRMAN SAM DAVIS: All right. Okay. At this
 5
    point then, what is before us is staff is recommending
     approval of the development permit. The applicant has
 6
 7
     asked for a conditional development permit, which we
 8
     cannot do, or in the event of that, a postponement of
 9
     thirty days.
          I'm trying to be careful about how I'm saying this
10
11
     to try to get it right. So we need a motion to either
     approve or deny or to table for thirty days --
12
13
    Correction. Instead of thirty days, it will be tabled
    until the October meeting.
14
          So do we have a motion one way or the other or in
15
    the alternative for a table?
16
               COMMISSION MEMBER ARTHUR OKEN: Just a point
17
    of -- Just a fact question, Mr. Chairman. Is it within
18
     our -- Has legal determined that it's appropriate for us
19
20
    to approve this with a condition?
21
               CHAIRMAN SAM DAVIS: No, sir. It is not
22
    appropriate for a condition.
23
               COMMISSION MEMBER ARTHUR OKEN: All right. Can
24
    we -- is it appropriate for -- do we have the -- Is it
     lawful for us to table it?
25
26
               CHAIRMAN SAM DAVIS: We do have the ability to
    table it. And the applicant has requested that we do
27
28
    that, if we're not sure that we can approve it.
```

```
COMMISSION MEMBER ARTHUR OKEN: Then I would so
 2
    move.
 3
               CHAIRMAN SAM DAVIS: For tabling?
               COMMISSION MEMBER ARTHUR OKEN: For tabling it.
 4
 5
               CHAIRMAN SAM DAVIS: Until the October meeting?
               COMMISSION MEMBER ARTHUR OKEN: Yes, sir.
 6
 7
               CHAIRMAN SAM DAVIS: Okay. There's a motion on
 8
    the floor to table this until the October meeting. Is
9
    there a second?
               COMMISSION MEMBER SPENCE MONROE: Second.
10
11
               CHAIRMAN SAM DAVIS: Okay. All in favor, say
12
     aye.
13
                 (Commission Members say "aye" in unison.)
               CHAIRMAN SAM DAVIS: All opposed?
14
15
                               (No response.)
               CHAIRMAN SAM DAVIS: Motion tabled until the
16
17
    October meeting.
                             10 - OLD BUSINESS
18
             10A - CASE P-18004, BELLA SERA GARDENS PROPERTY
19
               CHAIRMAN SAM DAVIS: Okay. Our last case is
20
21
    under Old Business. It's P-18004, Bella Sera Gardens
22
    Property.
23
              MR. VINCE JACKSON: Yes, sir. I'll wait just a
    minute so we can kind of clear the room.
24
25
          Okay. This is a request involving a
    previously-approved conditional use. And you've actually
26
27
    looked at this property several times.
28
          The first time, there were two previous approvals
```

which were granted under the original case number P-14003. The first from September 4th of 2014 was the initial approval to allow for weddings to be hosted on the property with operating hours ending at 8 p.m. The second approval, which was granted on September 7, 2017, was to allow additional events to be hosted and to extend the operational hours until 10 p.m.

At that time, there was a condition which was quoted as volume of music shall be regulated so that no sound shall be audible at the property lines. That condition was included as part of that approval.

The third review took place on May 3, 2018, and that is under the current case number of P-18004. The primary reason for that approval was that there had been an addition of an open-air chapel to the previously-approved garden venue.

As you know, conditional use approval is site-plan specific. So the addition of that chapel, which had not been previously approved, required for the owner to come back and ask for approval.

In your ruling on May 3rd, the chapel was approved, but the overall approval was granted for a period of four months with the application to return to the Planning Commission on September 6th, which is what brings us here today. And so we're here to review the application.

As you know, prior to the May hearing, there were numerous complaints about noise. We heard those from the concerned residents. And as a result, there was some

additional language added to the conditions pertaining to the noise and amplified music.

One of the reasons for granting the four-month approval was to kind of watch and see if there were additional complaints and then how things worked out with the new approval.

Early on in the process, we did receive a few complaints, but it was very few compared to what we had received before. So in the four months since May, we haven't really received that many complaints about the noise, which is a good thing.

In talking with a representative of the applicant in bringing this back, there was some discussion about possibly asking the Planning Commission to revisit the issues of the noise, amplified music and the hours of operation.

However, as I understand it, what will likely occur is that there will be a new application. So the action that you will need to take this evening will be to extend the approval and remove the four-month limitation with the original conditions that were opposed in May remaining in place.

Then at some point in the future, probably for the October meeting, the applicant will come back with a new application to address possibly changing some of the conditions.

And those are the comments I have at this time. And I'll be happy to answer any questions.

```
CHAIRMAN SAM DAVIS: Any questions for Vince?
 2
                               (No response.)
 3
               CHAIRMAN SAM DAVIS: I have one question for
     our counsel. Since this request is to extend for a
 4
 5
    period of time, do we have to have a public hearing?
               ATTORNEY REBECCA GAINES: For safety's sake, I
 6
 7
    believe I would.
               CHAIRMAN SAM DAVIS: All right. We'll open the
 8
 9
    public hearing at this point.
         Mrs. Gregorius, do you have anything you'd like to
10
11
     say to us?
12
                               (No response.)
13
               CHAIRMAN SAM DAVIS: How long is the extension
    being asked for?
14
15
               MR. VINCE JACKSON: Well, basically you would
     approve it without a time limitation. Typically, when
16
     you approve a conditional use, the only time limitation
17
     is the six months for them to get started to submit their
18
     land use certificate and the building permit.
19
          Once they've done that, then they've fulfilled the
20
21
     condition of conditional use and they can continue to
22
     operate as long as necessary, you know, from here on out.
23
          So, basically, what you would be doing today is just
     approving it without a four-month time limit. Then if
24
25
     the applicant wishes to address the conditions, they will
26
    submit a new application.
27
               CHAIRMAN SAM DAVIS: Okay. So we'll be
28
     approving current conditional use on a permanent basis?
```

1 MR. VINCE JACKSON: Yes, sir. 2 CHAIRMAN SAM DAVIS: Okay. There's one person 3 signed up in opposition. 4 Dorothy Faircloth, do you have anything you would 5 like to say? MRS. DOROTHY FAIRCLOTH: Yes, sir. I'm Dorothy 6 7 Faircloth. And I'm kind of taken aback by the fact that 8 they're gonna try to change the noise and ask for 9 permission to have noise beyond the borders. So I don't know what to say about that except that 10 11 everyone in our neighborhood who complained, it was a big 12 issue for them. I do say that they haven't had a lot of 13 noise there for this four-month period, but then I don't think they've had as many events as they had been having. 14 15 Because the evening events earlier had been practically weekly, and now it's subsided. I don't know 16 17 if it's because it's a rainy season and they're not doing outside events or what. But that's part of the reason 18 19 possibly that there haven't been the complaints. 20 And I was gonna ask if the noise resumes with the 21 more events, if they do start having more events, do we 22 still have recourse? I guess that's what I have to ask. 23 Oh, I did -- One other thing: When there was the 24 one complaint and they went past the nine o'clock 25 deadline, they went to almost 11:30 with the noise and the -- past the deadline, obviously. And their answer or 26 their justification was that it was a personal party. 27 28 And I want to just address the fact that they're now

```
an LLC. Bella Sera Gardens is owned by an LLC, Limited
    Liability Corporation, so there's not personal ownership.
 2
    And I don't think -- I think we should address the fact
 3
 4
    that they wouldn't have a chance to do -- to not abide by
 5
     the rules because it's a personal event.
 6
               CHAIRMAN SAM DAVIS: All right. Let me pose
 7
    that question to our attorney.
          I think the question is they're an LLC, are they
 8
     allowed to have a personal party after hours by the
    owner?
10
11
              ATTORNEY REBECCA GAINES: Generally, an LLC
    would be considered its own independent person just like
12
13
    you or me. Now, it's a fictitious identity, but it would
14
    have the same rights as you or I over our own property.
          I don't know if the conditional use applied to their
15
    personal use of the property or just the business use in
16
17
    terms of events. But if it were owned by John Smith, I
    would think John Smith could have a party and the same
18
    would apply to the LLC.
19
20
               MRS. DOROTHY FAIRCLOTH: So you're saying that
21
    the corporation has a personal event? I mean, I'm just
22
    asking.
23
               ATTORNEY REBECCA GAINES: It has an identity,
24
     just like you or I working through its shareholders. So
25
    if you could have the event, then it could have the
26
    event.
27
          I believe the personal event would be allowed
28
     independently with the conditional use. I would have to
```

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research that. It's a pretty narrow question.
                                                    But just
     the fact that it's an LLC does not prohibit it from
 2
 3
    having its own events on its own property.
 4
              MRS. DOROTHY FAIRCLOTH: So if -- In the case
 5
     that the ownership would be extended to other owners,
     then H owner could be a personal owner of the LLC and
 6
 7
    then each person could have personal events? I'm just
 8
    asking.
 9
               ATTORNEY REBECCA GAINES: Well, just the LLC
    would have events. The LLC is independent of its owners.
10
11
     It's considered a separate person. So it's events would
    be what's allowed.
12
         Now, granted, it's hard to tell what's, you know,
13
14
    the president's event versus the LLC's event. I give you
15
    that. But in terms of property ownership, it would have
     the same rights over its property that you would if it
16
17
    were just a normal piece of property and not an event
18
    center.
              MRS. DOROTHY FAIRCLOTH: I'm still kind of
19
20
    confused. So --
21
               ATTORNEY REBECCA GAINES: It's a confusing
22
     issue. And it's confusing to the Courts, too, because
23
    there are cases on that all the time.
24
              MRS. DOROTHY FAIRCLOTH: Okay. I know from an
25
     IRS point of view, if an LLC owns the property and then
26
    owners of the units use the property, they have to use it
27
    as though they were renting it, just like anybody else.
28
    So they would have to pay the LLC to use the property.
```

```
So they're not considered --
              ATTORNEY REBECCA GAINES: And that's what I
 2
 3
    basically said. LLC events can be held. But, granted,
 4
     it's hard to differentiate which event is being held by
 5
     the president or the owner and which one by the LLC.
 6
     That's hard for anybody to know.
 7
          So it is an issue for enforcement. But just as a
 8
     strictly legal issue, the LLC can have the LLC's events
    at its place just like you could have your events at your
    house.
10
11
              MRS. DOROTHY FAIRCLOTH: Okay. Well, this was
     a personal wedding, so that's not an LLC event; is that
12
13
    correct?
              ATTORNEY REBECCA GAINES: Probably -- Again,
14
    it's an issue I would have to research. But you're
15
    probably correct there.
16
17
               COMMISSION MEMBER BONNIE LOWRY: May I ask what
     is your absolute major concern?
18
19
              MRS. DOROTHY FAIRCLOTH: Oh, really, right at
20
    this time, we're happy. I mean, I don't mind -- I'm not
21
    against the event venue. We're trying to protect our
22
    homes and our peace. And we don't want the loud noises
23
    in the late evening, especially in the late evening. But
24
    we really don't want the loud noises.
25
          It has been in the past where the noise has gone on
26
    to as far as a mile away and maybe even farther that the
27
    music was able to be heard.
28
               COMMISSION MEMBER BONNIE LOWRY: What about
```

```
your present conditions?
               MRS. DOROTHY FAIRCLOTH: Well, we had in
 2
 3
     June -- I believe in June and July, there were a couple
     of events that were loud.
 4
 5
         Now, the last couple of months, I don't think there
    have been as many events. And some of them have been in
 6
 7
    the afternoon and not gone -- definitely not gone past
 8
    nine o'clock. But, yes, it's been much better.
 9
               CHAIRMAN SAM DAVIS: That would be also
     indicated by the fact that you're the only one here to
10
11
     speak against it. There's six people here tonight in
12
     favor.
13
         And none of the rest -- It's been backed previous
14
    times here with protestors. So, apparently, they're
15
    trying their best to meet the spirit of the agreement.
16
               MRS. DOROTHY FAIRCLOTH: Either they're --
    Well, I'd like to think that that is the case. And if
17
18
    that's the case, we'll be happy.
          But if the reason that the noise has subsided is
19
20
    because they're not having events, then if they resume,
21
    that's my concern; that the noise would resume.
22
               CHAIRMAN SAM DAVIS: All right. Anything else
23
    for us?
24
               MRS. DOROTHY FAIRCLOTH: That's all.
25
               CHAIRMAN SAM DAVIS: Thank you.
26
               Does staff have any other comments?
27
               MR. VINCE JACKSON: There's a representative of
    the applicant here. He did sign up to speak, and he
28
```

```
would like to address you.
               CHAIRMAN SAM DAVIS: Okay.
 2
 3
               MR. VINCE JACKSON: I'll hold off on my
 4
     additional comments until everyone else who wishes to
 5
     speak has spoken.
 6
               CHAIRMAN SAM DAVIS: All right.
 7
               MR. RICK DAVIS: Commission, my name is Rick
 8
    Davis. I'm with Davis and Hill in Daphne. I'm here on
 9
    behalf of Bella Sera.
         And the Gregorius' are here as well just in case the
10
11
     Commission had any questions for me that I wasn't
12
     equipped to answer.
13
          I think that Commissioner Murphy would have liked my
14
    original plan as I showed up with a printout blow-up
15
    piece of cardboard and an easel to talk to you all. And
     I get to y'all's facility, and y'all have got a lot going
16
17
     on here. This is pretty impressive.
          What I wanted to follow up, and I'm not going to
18
19
    beat all the points that I planned, because truth be
20
    told, it sounds as if from that one opposition that the
21
     applicant, my client, has been doing what this Commission
22
     intended for it to do when it posed the conditions on it
23
    back in May.
24
          And I can say that we have had events throughout the
25
    entire period -- throughout the interim, as recently as
26
    Saturday night. And the reason that I bring up Saturday
27
    night is an additional showing that Bella Sera is
28
    committed to abiding by this Commission's instructions,
```

so much so that even hiring the sound technician to be there on property Saturday night.

Now, that sound technician could get up here and talk y'all cross-eyed with figures. But, again, judging from the opposition expressed, I'm not really sure that's necessary at this juncture. Suffice it to say that we were there during one of our standard events Saturday night to determine the levels of sound coming from the property lines.

And it's something we've all come very comfortable with, and it's something that apparently from the experience over the interim time since the last meeting has been consistent and absent some of those squabbles maybe in June or July. For the most part, I think the spirit of the conditions that this commission has imposed upon us have been abided by.

I'm happy to answer any questions. I will say that this is probably my dozenth time dealing with sound issues in the County.

And as the Commission knows, sound can be so variable, and it varies contextually and subjectively. Contextually in that you know that a cellphone is never as loud as it is in the middle of a Planning Commission meeting.

Subjectively, I'm sitting at the Gene Stallings
United Way luncheon today, and my 80-year-old grandmother
turns to my grandfather after Gene Stallings is already
speaking, leans very gingerly over to his ear and says,

```
"I can't hear anything he's saying." And all the tables
     in front of us turned around.
 2
          Every person is gonna hear things differently. Our
 3
 4
    point with the sound technician was to try to put some
 5
     objectivity to these readings and these determinations.
          But, again, as far as I can tell, everything is
 6
 7
    being abided by, and it seems that the area has calmed
    down a little bit due to the conditions that you put on
 8
 9
     and are abided.
          So I'm happy to answer any questions at this point.
10
11
               CHAIRMAN SAM DAVIS: Any questions for
    Mr. Davis?
12
13
                               (No response.)
14
               CHAIRMAN SAM DAVIS: Thank you, sir.
               COMMISSION MEMBER BONNIE LOWRY: I just have
15
     one question. Approximately how many events are you
16
17
    holding a week?
               MR. RICK DAVIS: Well, I think the events
18
     generally are limited to one on the weekends at this
19
20
     time. And that's because for the most part, these events
21
    are weddings. And brides usually want to get married on
22
     football Saturdays for some reason. So this time of year
23
     in particular is often on the weekends.
24
               CHAIRMAN SAM DAVIS: Any other questions?
25
                               (No response.)
26
               CHAIRMAN SAM DAVIS: All right. Thank you.
27
         Vince?
28
               MR. VINCE JACKSON: I was just gonna say, you
```

```
know, the issue that we're here to deal with tonight is
 2
    granting the approval without the four-month time
 3
    period -- basically granting permanent approval.
          If they decide to come back and ask for a
 4
 5
     reconsideration of some of the conditions, then we'll
     discuss those at that time.
 6
 7
         As to the question about recourse, if there are
 8
    noise issues, certainly there is recourse.
 9
     complaints can be called in to the Planning and Zoning
     department. And, you know, we do not regulate personal
10
11
     events.
         We've talked about the LLC before.
12
                                              That's really a
13
     legal question. But personal events are not regulated by
14
     zoning.
15
          So our recommendation is to grant the approval with
     the original conditions that remove the four-month time
16
17
     limit and grant the approval permanently.
               CHAIRMAN SAM DAVIS: All right. Thank you.
18
         We'll close the public hearing at this point.
19
               COMMISSION MEMBER SPENCE MONROE: Can I ask
20
21
    Vince a question?
22
               CHAIRMAN SAM DAVIS: Sure.
23
               COMMISSION MEMBER SPENCE MONROE: We're still
24
     gonna have the limitations like the 9 p.m. for music --
               MR. VINCE JACKSON: Yes.
25
26
               COMMISSION MEMBER SPENCE MONROE: -- and things
27
    of that nature? So all of those stipulations still
28
     remain?
```

```
1
               MR. VINCE JACKSON: Right. We felt -- I think
 2
    what was ultimately determined is that if we -- if there
 3
     is a desire at some point to change those conditions,
 4
    that that would need to be a new application, new case
 5
    number and a totally new public hearing.
 6
               COMMISSION MEMBER SPENCE MONROE: I just wanted
 7
    to make sure.
              MR. VINCE JACKSON: Yes, sir.
 8
 9
               COMMISSION MEMBER SPENCE MONROE: So if I sit
    here and recommend approval based on Items 1 through 11
10
11
     on Page 52 of 59 with the exception of Item 10, because
     that's granted for four months --
12
13
               MR. VINCE JACKSON: That's correct.
               COMMISSION MEMBER SPENCE MONROE: -- you're --
14
15
    Okay. And I am recommending that approval.
16
               CHAIRMAN SAM DAVIS: Okay.
17
               COMMISSION MEMBER KEVIN MURPHY: Vince, I have
18
    a question now. We do reserve the right that if they
    come back in front of us again and ask for some changes,
19
    we can go back and put a time limit to test those
20
21
    changes? We do reserve that right?
22
               MR. VINCE JACKSON: Yes.
23
               CHAIRMAN SAM DAVIS: Any other discussion?
24
                               (No response.)
25
               CHAIRMAN SAM DAVIS: All right. Is there a
26
    second to Spence's motion?
27
               COMMISSION MEMBER BONNIE LOWRY: Second.
28
               CHAIRMAN SAM DAVIS: Okay.
                                           There's a second.
```

```
All in favor, say aye.
 2
                 (Commission Members say "aye" in unison.)
               CHAIRMAN SAM DAVIS: All opposed?
 3
                               (No response.)
 4
 5
               CHAIRMAN SAM DAVIS: Carries unanimously.
                      11 - REPORTS AND ANNOUNCEMENTS
 6
 7
               CHAIRMAN SAM DAVIS: Any staff reports?
               MR. VINCE JACKSON: No staff reports. Your
 8
 9
     next regular meeting is October 4th.
10
          And in the very near future, we will be contacting
11
     you about some training ideas. Now that we have a full
12
     membership, we need to -- we've got some new people, and
13
     we do need to conduct some training. So you'll be
    hearing on that soon.
14
15
               CHAIRMAN SAM DAVIS: Sounds good. Legal
     counsel report?
16
17
               ATTORNEY REBECCA GAINES: No report.
18
                              12 - ADJOURNMENT
19
               CHAIRMAN SAM DAVIS: All right. In that case,
20
    we stand adjourned.
21
22
                                 (CONCLUSION)
23
24
25
26
27
28
```

| 1 | CERTIFICATE | | | | | |
|----|---|--|--|--|--|--|
| 2 | | | | | | |
| 3 | STATE OF ALABAMA) | | | | | |
| 4 | BALDWIN COUNTY) | | | | | |
| 5 | | | | | | |
| 6 | I hereby certify that the above and foregoing | | | | | |
| 7 | transcript was taken down by me in stenotype and the | | | | | |
| 8 | proceedings were transcribed by means of computer-aided | | | | | |
| 9 | transcription, and that the foregoing represents a true | | | | | |
| 10 | and correct transcript of the meeting given by said | | | | | |
| 11 | parties upon said meeting. | | | | | |
| 12 | I further certify that I am neither of counsel | | | | | |
| 13 | nor of kin to the parties, nor am I in anywise interested | | | | | |
| 14 | in the result of said proceedings. | | | | | |
| 15 | | | | | | |
| 16 | | | | | | |
| | Dul Unre Casey | | | | | |
| | LINE TIME CUDITY | | | | | |
| | | | | | | |
| 20 | | | | | | |
| 21 | SUE ANNE CASEY | | | | | |
| 22 | Certified Court Reporter | | | | | |
| 23 | Certification No. 336 | | | | | |
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| 1 | CERTIFICATE | | | | | |
|----|--|--|--|--|--|--|
| 2 | | | | | | |
| 3 | I, Sam Davis, Jr., Chairman of the Baldwin | | | | | |
| 4 | County Planning and Zoning Commission, do hereby certify | | | | | |
| 5 | that the foregoing transcript of the minutes of the | | | | | |
| 6 | September 6, 2018, Monthly Meeting are a true and correct | | | | | |
| 7 | transcription of the minutes as prepared by Sue Anne | | | | | |
| 8 | Casey, Alabama Certified Court Reporter, License No. 336. | | | | | |
| 9 | I, Sam Davis, Jr., do hereby affix my signature | | | | | |
| 10 | on this, the \mathcal{L} day of $\mathcal{O}\mathcal{C}$, 2018. | | | | | |
| 11 | | | | | | |
| 12 | | | | | | |
| 13 | Ham (Navy & | | | | | |
| 14 | San Davis, Fr., Chairman, Baldwin County Planning and | | | | | |
| 15 | Zoning Commission | | | | | |
| 16 | | | | | | |
| 17 | | | | | | |
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BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 09/06/2018

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NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18042

Reliable Properties, LLC Property

Re-Zone B-1 to B-4

- All individuals wishing to address the Planning Commission MUST fill out a speaking request form.
- No person may address the Planning Commission without first obtaining recognition from the
 Chair and will be allowed up to three (3) minutes. Any speaker who indicated that he (she) is
 speaking also for (in place of) others present may be granted additional time, at the Chair's
 discretion.
- When four (4) or more persons have registered to speak, the Chair may encourage the speakers to appoint a spokesperson, who will then be given up to ten (10) minutes to speak.
- Speakers shall be required to speak from the podium equipped with a microphone and will be expected to state their name and address for the record at the onset of their presentation.
- Speakers shall confine comments or questions solely to matters that pertain to the particular case and shall observe time limits.
- Profane, insulting or threatening language or gestures, or disruptive behavior of any kind shall not be tolerated. If such unacceptable behavior is engaged, the speaker may be asked by the Chair to cease and desist and/or may be directed to depart the meeting.

I would like to address the Planning Commission on the following:

Z-18042, Reliable Properties, LLC Property, Re-Zone B-1 to B-4

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

Name (Print Clearly)

Date _______

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18042

Reliable Properties, LLC Property

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Z-18042, Reliable Properties, LLC Property, Re-Zone B-1 to B-4

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

Name (Print Clearly)

Date 07-06-18

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, Al

Z-18042

Reliable Properties LLC Property

Rezone B-1 to B-4

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I would like to address the Planning Commission on the following:

Z-18042, 1st Reliable Properties LLC Property, Rezone B-1 to B-4

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

Name (Print Clearly)

Kimberly Wilson

Date 9-10-18

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, Al

Z-18042

Reliable Properties LLC Property

Rezone B-1 to B-4

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I would like to address the Planning Commission on the following:

Z-18042, 1st Reliable Properties LLC Property, Rezone B-1 to B-4

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

Name (Print Clearly)

Goy and Blak

Date 9-6-18

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, Al

Z-18042

Reliable Properties LLC Property

Rezone B-1 to B-4

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I would like to address the Planning Commission on the following:

Z-18042, 1st Reliable Properties LLC Property, Rezone B-1 to B-4

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, Al

Z-18042

Reliable Properties LLC Property

Rezone B-1 to B-4

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I would like to address the Planning Commission on the following:

Z-18042, 1st Reliable Properties LLC Property, Rezone B-1 to B-4

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

Date Print Clearly)

Date

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18043

Creek Gulf Investments Property

Re-Zone B-3 to RMH

- All individuals wishing to address the Planning Commission MUST fill out a speaking request form.
- No person may address the Planning Commission without first obtaining recognition from the Chair and will be allowed up <u>to three (3) minutes</u>. Any speaker who indicated that he (she) is speaking also for (in place of) others present may be granted additional time, at the Chair's discretion.
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I would like to address the Planning Commission on the following:

Z-18043, Creek Gulf Investments Property, Re-Zone B-3 to RMH

| (If you want to speak on multiple items, you m | nust fill out a separate registration form for each.) |
|--|---|
| JOHN W. STRUTZ | |
| Name (Print Clearly) | |
| Date 09-06-2018 | |

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-18031

Underwood Subdivision

Development Permit Approval

- All individuals wishing to address the Planning Commission MUST fill out a speaking request form.
- No person may address the Planning Commission without first obtaining recognition from the
 Chair and will be allowed up to three (3) minutes. Any speaker who indicated that he (she) is
 speaking also for (in place of) others present may be granted additional time, at the Chair's
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I would like to address the Planning Commission on the following:

S-18031, Underwood Subdivision, Development Permit Approval

| (1 | if you want to | o speak on | multiple ite | ems, you | must fill out | a separate | registration | torm for | eacn.) |
|----|----------------|------------|--------------|----------|---------------|------------|--------------|----------|--------|
| | | | | 1 | | | | | |
| | no. | - | Andr- | | | | | | |

Name (Print Clearly)

Date 9-6-/8

CHUDE V- PER WILLS

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-18033

Sonoma Ridge, Phase 2

Development Permit Approval

- All individuals wishing to address the Planning Commission MUST fill out a speaking request form.
- No person may address the Planning Commission without first obtaining recognition from the Chair and will be allowed up <u>to three (3) minutes</u>. Any speaker who indicated that he (she) is speaking also for (in place of) others present may be granted additional time, at the Chair's discretion.
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for each.)

I would like to address the Planning Commission on the following:

S-18033, Sonoma Ridge Phase 2, Development Permit Approval

| (If you want to speak on | multiple items, | you must fill ou | t a separate r | egistration form |
|--------------------------|-----------------|------------------|----------------|------------------|
| CAI Petts | | | | |
| Name (Print Clearly) | | | | |
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Name (Print Clearly)

Date ____

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Name (Print Clearly)

Date SEPT 6, 2018

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Name (Print Clearly)

Date 5 (6/18)

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, Al

S-18033

Sonoma Ridge, Phase 2

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S-18033, Sonoma Ridge Phase 2, Development Permit Approval

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Name (Print Clearly)

Date

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

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S-18033

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S-18033, Sonoma Ridge Phase 2, Development Permit Approval

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Name (Print Clearly)

Velma Hillman

Date 9/6/18

BALDWIN COUNTY PLANNING COMMISSION

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Baldwin County Central Annex, Robertsdale, Al

S-18033

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S-18033, Sonoma Ridge Phase 2, Development Permit Approval

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Name (Print Clearly)

Date

BALDWIN COUNTY PLANNING COMMISSION

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S-18033, Sonoma Ridge Phase 2, Development Permit Approval

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

Name (Print Clearly)
Hunter Robinson

Date 9-6-18

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

P-18004

Bella Sera Gardens

Conditional Use Review

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BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

P-18004

Bella Sera Gardens

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I would like to address the Planning Commission on the following:

P-18004, Bella Sera Gardens, Conditional Use Review

talli Thames

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

Name (Print Clearly)

Date 9/6/2018

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

P-18004

Bella Sera Gardens

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P-18004, Bella Sera Gardens, Conditional Use Review

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Name (Print Clearly)

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

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P-18004

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P-18004, Bella Sera Gardens, Conditional Use Review

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Name (Print Clearly)

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P-18004, Bella Sera Gardens, Conditional Use Review

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Name (Print Clearly)

Date 9-6-/8

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P-18004, Bella Sera Gardens, Conditional Use Review

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Name (Print Clearly) DOROTHY FAIRCLOTH Date 9-6-18