

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

Thursday, November 7, 2019

The following proceedings were held on this
the 7th day of November, 2019, at the Baldwin
County Central Annex, Main Auditorium, 22251
Palmer Street, Robertsdale, Alabama, before Susan
C. Andrews, Certified Court Reporter Number 287.

A P P E A R A N C E**PLANNING AND ZONING COMMISSIONERS PRESENT:**

Sam Davis, Jr., Chairman

Arthur Oken, Vice-Chairperson

Kevin Murphy

Pulmer Tonsmeire

Robert Davis

Brandon Bias

Bonny Lowry

Daniel Nance

Nancy Mackey

BALDWIN COUNTY PLANNING AND ZONING DEPARTMENT**PRESENT:**

Vince Jackson, Director, Planning and Zoning
Department

Mary Booth, Planner, Planning and Zoning
Department

Celena Boykin, Planner, Planning and Zoning
Department

Tyler Mitchell, Permit Subdivision Division,
Highway Department

Linda Lee, Planner, Planning and Zoning
Department

D. J. Hart, Planning Technician, Planning and
Zoning Department

Laurie Rumbaugh, Office Administrator,
Planning and Zoning Department

A P P E A R A N C E (cont.)

ON BEHALF OF THE PLANNING AND ZONING COMMISSION

Brad Hicks, Esquire

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P R O C E E D I N G S**1 - CALL TO ORDER**

PLANNING AND ZONING COMMISSION CHAIRMAN

SAM DAVIS: All right. We'll call the meeting to order at this point. Vince, would you lead us in the prayer and the Pledge?

2 - INVOCATION AND PRAYER

MR. VINCE JACKSON: Please join me for the invocation.

(Mr. Vince Jackson led in prayer.)

3 - PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited.)

4 - ROLL CALL

PLANNING AND ZONING COMMISSION CHAIRMAN

SAM DAVIS: Thank you, Vince. We have roll call.

MR. VINCE JACKSON: Mr. Davis.

PLANNING AND ZONING COMMISSION CHAIRMAN

SAM DAVIS: Here.

MR. VINCE JACKSON: Mr. Murphy.

COMMISSION MEMBER KEVIN MURPHY: Here.

MR. VINCE JACKSON: Ms. Lowry.

COMMISSION MEMBER BONNIE LOWRY: Here.

MR. VINCE JACKSON: Mr. Nance.

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 11/07/2019

1 COMMISSION MEMBER DANIEL NANCE: Here.

2 MR. VINCE JACKSON: Mr. Bias.

3 COMMISSION MEMBER BRANDON BIAS: Here.

4 MR. VINCE JACKSON: Mr. Oken.

5 COMMISSION MEMBER ARTHUR OKEN: Here.

6 MR. VINCE JACKSON: Ms. Mackey.

7 COMMISSION MEMBER NANCY MACKEY: Here.

8 MR. VINCE JACKSON: Mr. Robert Davis.

9 COMMISSION MEMBER ROBERT DAVIS: Here.

10 MR. VINCE JACKSON: Mr. Tonsmeire.

11 COMMISSION MEMBER PLUMER TONSMEIRE:

12 Here.

13 MR. VINCE JACKSON: Mr. Chairman, we
14 have a quorum.

15 PLANNING AND ZONING COMMISSION CHAIRMAN
16 SAM DAVIS: Okay. Thank you.

17

18 **5 - APPROVAL OF MEETING MINUTES: OCTOBER 3, 2019 MEETING**
19 **MINUTES**

20 PLANNING AND ZONING COMMISSION CHAIRMAN
21 SAM DAVIS: First order of business is to approve
22 the minutes of the meeting held October the 3rd.
23 Is there a motion to do so?

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

26 PLANNING AND ZONING COMMISSION CHAIRMAN
27 SAM DAVIS: Okay. We have a motion to approve
28 the minutes. Is there a second?

1 COMMISSION MEMBER BONNIE LOWRY: Second.

2 PLANNING AND ZONING COMMISSION CHAIRMAN

3 SAM DAVIS: All in favor, say aye.

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

5 PLANNING AND ZONING COMMISSION CHAIRMAN

6 SAM DAVIS: Minutes are approved.

7

8 **6 - ANNOUNCEMENTS/REGISTRATION TO ADDRESS THE COMMISSION**

9 MR. VINCE JACKSON: Mr. Chairman, before
10 we get started, I want to just welcome our new
11 County Attorney, Mr. Brad Hicks.

12 He's not a stranger to us. He's been here
13 before as conflict counsel. But he will be our
14 attorney moving forward. We're glad he's here.

15 ATTORNEY BRAD HICKS: Let me also say,
16 my partner, Erin Fleming, is back there. Erin,
17 wave hello.

18 Erin And I are both going to be working, make
19 sure we're here at all times, taking care of you
20 guys. So we'll introduce y'all after the show.

21 PLANNING AND ZONING COMMISSION CHAIRMAN

22 SAM DAVIS: Thanks. Okay.

23 Anybody here that wishes to speak tonight
24 hopefully has already signed up to do so, either
25 for or against. If you have not done so and wish
26 to speak, you need to let the ladies out front
27 know.

28 **7 - CONSIDERATION OF APPLICATIONS AND REQUESTS:**

SUBDIVISION CASES7-A - CASE S-19052, HWY 98 RV PARK, FINAL SITE PLANAPPROVAL

PLANNING AND ZONING COMMISSION CHAIRMAN

SAM DAVIS: We'll take the first case, S-19052.

Staff report, please.

MS. MARY BOOTH: S-19052, Hwy 98 RV Park, final site plan approval. The applicant is requesting final site plan approval for a proposed thirty (30) unit RV park.

This is located in District 36, and it is zoned RA. It is located on the north side of Highway 98 and west of County Road 91 in Elberta.

There are thirty (30) proposed units; two thousand twenty-six (2,026) linear feet of street; ten-point-nine-three (10.93) total acres.

One thousand, eight hundred thirty-eight (1,838) square feet is the smallest site. Water will be provided by Perdido Bay Water. Sewer will be provided by Baldwin County Sewer Service. And electrical will be provided by Riviera Utilities.

Currently, there are no deficiencies, and staff recommends to approve the final plan.

PLANNING AND ZONING COMMISSION CHAIRMAN

SAM DAVIS: All right. Any questions for staff?

(No response.)

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 11/07/2019

1 PLANNING AND ZONING COMMISSION CHAIRMAN

2 SAM DAVIS: Okay. Thank you. There's no
3 opposition to this case. We'll open the public
4 hearing at this time.

5 There was two people signed up to speak for.
6 Have either one you got anything that you would
7 like for the Commission to hear?

8 (No response.)

9 PLANNING AND ZONING COMMISSION CHAIRMAN

10 SAM DAVIS: Does anybody on the Commission have
11 questions for the people signed up in support?

12 (No response.)

13 PLANNING AND ZONING COMMISSION CHAIRMAN

14 SAM DAVIS: Okay. Thank you. We'll close the
15 public hearing at this point. Staff is
16 recommending approval. Is there a motion?

17 COMMISSION MEMBER ARTHUR OKEN: So
18 moved, Mr. Chairman.

19 PLANNING AND ZONING COMMISSION CHAIRMAN

20 SAM DAVIS: There is a motion to approve. Is
21 there a second?

22 COMMISSION MEMBER BRANDON BIAS: Second.

23 PLANNING AND ZONING COMMISSION CHAIRMAN

24 SAM DAVIS: There's a second. All in favor, say
25 aye.

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

27 PLANNING AND ZONING COMMISSION CHAIRMAN

28 SAM DAVIS: Unanimously approved.

7-B - CASE S-19055, MOCKINGBIRD HILL - UNIT II PHASE 2**VARIANCE REQUEST APPROVAL**

PLANNING AND ZONING COMMISSION CHAIRMAN

SAM DAVIS: Next case is S-19055. We got a Staff report?

MS. MARY BOOTH: S-19055, Mockingbird Hill this is for Unit II, Phase 2, a variance request.

Applicant is requesting a variance from design standards of minimum lot size requirements. It is located in District 22, zoned RSF-2, located on east side Deer Acres Lane approximately four (4) miles -- zero-point-four (0.4) miles south of US Highway 98.

The owner is requesting a variance on minimum square feet lot width, utility requirement, and curb and gutter, so that Phase 2 is designed the same Phase 1.

This is zoned RSF-2 and meets zoning requirements, but will not meet the current subdivision requirement as proposed.

The applicant has provided a letter of support. This was presented last month, and it was requested we table it to this month to allow for the Health Department to provide a letter that they had approved the previous Unit II, Phase 2 preliminary plat.

They have provided a letter. It does not

1 state how many lots that it was approved for, but
2 it does state that it was approved for one
3 hundred (100) foot wide lots.

4 I have also placed a copy of the preliminary
5 plat that was submitted back in 1995.
6 Preliminary approval was -- apparently, there was
7 approval on it. We do not have hardcopy records
8 of it. Regardless, that has since expired. So
9 they would have to move forward with new develop
10 permit.

11 So, at this time, they're requesting a
12 variance from the current sub regs so that they
13 move forward with the development permit
14 application.

15 PLANNING AND ZONING COMMISSION CHAIRMAN
16 SAM DAVIS: Any questions for Staff on this?

17 (No response.)

18 MS. MARY BOOTH: I just want to call to
19 your attention, this was presented last month,
20 but I think there may have been confusion. This
21 is the recorded plat of Unit II, Phase 1. It has
22 already been built. And this is proposed Unit
23 II, Phase 2, which is part of the preliminary
24 plat that was approved previously.

25 PLANNING AND ZONING COMMISSION CHAIRMAN
26 SAM DAVIS: Okay. Any questions for Mary?

27 (No response.)

28 PLANNING AND ZONING COMMISSION CHAIRMAN

1 SAM DAVIS: Thank you. We'll open the public
2 hearing at this point.

3 Norman, you're here as the developer. Would
4 you like it come up to the podium?

5 MR. NORMAN WOERNER: I'm Norman.

6 PLANNING AND ZONING COMMISSION CHAIRMAN

7 SAM DAVIS: Tell us what you're wanting to do and
8 why you're wanting to do it and why you want the
9 variance.

10 MR. NORMAN WOERNER: Well, we've been
11 asked to complete the subdivision. It's been
12 long overdue to complete it. We stopped it back
13 when the recession started.

14 It's becoming -- it's an opportunity for it
15 to turn into a dumping ground, which has started.
16 And it's also private mini pot farms, which has
17 started. So the best thing for everybody would
18 be to complete the subdivision.

19 Well, Volkert laid all the drainage, all the
20 engineering, all the roads, all the lot sizes out
21 to fit. And if I were to change any of that, the
22 drainage would be off, the Health Department
23 would be out, you know.

24 Because once you start moving things from
25 where it was designed to function, the, you
26 know -- it wouldn't be practical to do it. Then
27 we'd just sell it as a single lot, which probably
28 wouldn't be favorable to the subdivision owners

1 around it, but that would be the only other
2 option.

3 So our request is to just stay exactly the
4 way Volkert laid it out. Volkert has never been
5 known to under-engineer anything. If anything,
6 they overdo it. And they laid this out.

7 It's a good layout. The rules have changed
8 from that date to today, and it's requiring a
9 little bit more square footage for the sake of
10 the Health Department.

11 The Health Department says, we're okay with
12 it, we've approved it before, we'll stick with
13 that approval. You know, and they've given us a
14 letter to support that.

15 So what we do -- we'd like to do is just move
16 forward exactly the way it was laid out to be
17 done. That's all we're asking for.

18 PLANNING AND ZONING COMMISSION CHAIRMAN
19 SAM DAVIS: Any questions for Mr. Woerner?

20 (No response.)

21 PLANNING AND ZONING COMMISSION CHAIRMAN
22 SAM DAVIS: Thank you, sir. Three people signed
23 up in opposition. Gary -- is it Gary Martin or
24 Cody Martin?

25 MR. GARY MARTIN: Gary.

26 PLANNING AND ZONING COMMISSION CHAIRMAN
27 SAM DAVIS: Gary, you want to come up to the
28 podium?

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 11/07/2019

1 MR. GARY MARTIN: Yeah, now, we got a
2 petition signed. Should I give this to y'all to
3 look the petition or --

4 PLANNING AND ZONING COMMISSION CHAIRMAN

5 SAM DAVIS: Do we have that in our packet?

6 MS. MARY BOOTH: No, sir.

7 PLANNING AND ZONING COMMISSION CHAIRMAN

8 SAM DAVIS: Yeah, you can hand it to -- Mary,
9 would you bring it up?

10 MR. GARY MARTIN: And then I have some
11 pictures of Dove -- Dove Lane that we live on,
12 where it wasn't built right. So it's holding
13 water in the streets and everything.

14 And with turning over more water on us, then,
15 you know, we're already fighting a problem right
16 now with it, you know.

17 So we was -- we want to get that took care
18 of, you know. And -- but we looked at it. We
19 don't want to stop him from developing it, for
20 one thing. But we do want it to be developed
21 right, at today's standards.

22 You know, 22 years ago, everybody was hurt by
23 recession. So because he was hurt at the
24 recession, ain't no need for him to hurt us now
25 on it.

26 Y'all come up with new standards for
27 subdivisions. And, undoubtedly, y'all come up
28 with it for a reason, to help in the watershed,

1 the drainage, and everything, you know.

2 Like the subdivision density lots, it says
3 two lots per acre. Well, that would need a water
4 system and fire protection by y'all's regs, you
5 know. It would need a water system and fire
6 protection.

7 And then it would have to have sewer approved
8 by the Health Department, you know. And I don't
9 know if you can go back 22 years and say it was
10 good 22 years, so it's good now, you know. I
11 really don't know.

12 And it says, no development permit approved
13 by County Commissioners, by County Engineer has
14 signed off on it. So I guess the engineer has
15 signed off on approval of it. I -- I don't
16 really understand that part. Is that signed off
17 on the last -- the plat when it was made in '95,
18 or is that a new signoff on it?

19 And subdivision has adjoining existing
20 streets as a condition to the sub -- would
21 approval to modify such streets.

22 So Deer Acres is seventeen (17) foot wide.
23 We're talking about sixteen (16) foot trailers
24 being pulled in, in a seventeen (17) foot wide
25 opening, you know.

26 So that's -- that, under regs, is, I think,
27 supposed to be twenty-four (24) foot with a
28 thirty (30) foot easement. And that's not being

1 done.

2 And traffic study requirements for fifty (50)
3 units. There are fifty (50) lots out there on
4 Mockingbird around. And it says that on fifty
5 (50) lots in the subdivision, the county engineer
6 shall make the improvements on the road coming in
7 to it.

8 And residences multiple-unit right-of-way
9 access and drainage impact permit study, we need
10 a study on the drainage impact before it can be
11 approved, you know.

12 In a new -- proposed new drainage system on
13 or private land, adjusted properties, or
14 unnaturally redirected stormwater must be secured
15 by the applicant, you know. Such drainage
16 utilities shall be located in the road.

17 So we got to have a study to say where the
18 rain and all is going to go. Because I know our
19 section, Dove Acre -- Dove Lane is, at least --
20 well, I got a water level, if y'all know what a
21 water level is. And I drug a water level six
22 hundred (600) feet out. And we have got --
23 anywhere from one end to the other end, we got
24 from a six (6) foot drop, elevation, to better
25 than an eight (8) foot elevation drop.

26 So all the water is coming this way if we
27 don't put in curbs, gutters, and streets, you
28 know -- and then Deer Acres, there's no drainage

1 on Deer Acres. There's no drainage on this side
2 of the road.

3 So it's all going to go on to Deer Acres.
4 From the entrance part would go on the Deer
5 Acres. There is no other way it could go without
6 going across the highway, because there is no
7 drainage ditch on Deer Acres.

8 A drainage system, by design engineer before
9 approval, approved by the State of Alabama. And
10 no change or modified the approved engineer plans
11 without prior written approval from the Baldwin
12 County Highway Department, Permit Division.

13 So basically what we saying, they wanting
14 like to come up with a new plat or maybe go by
15 old plat, but they want to change everything on
16 it, you know.

17 And we just think it's going -- we know it's
18 going to turn water on us with twenty (20) more
19 septic tanks out there. And it being less than
20 forty thousand (40,000) square feet, then the
21 County calls for it to have underground sewer,
22 under groundwater, and underground power, when
23 it's less than the forty thousand (40,000) square
24 feet per lot.

25 PLANNING AND ZONING COMMISSION CHAIRMAN
26 SAM DAVIS: Mr. Martin, is your road currently
27 County maintained?

28 MR. GARY MARTIN: Our road on Dove Lane?

1 PLANNING AND ZONING COMMISSION CHAIRMAN

2 SAM DAVIS: Yes.

3 MR. GARY MARTIN: Yes, they just took is
4 over last -- was it this year, last year? Just
5 took it over last year.

6 PLANNING AND ZONING COMMISSION CHAIRMAN

7 SAM DAVIS: From the pictures, it looks like most
8 of the water in the road is coming out of your
9 current driveways. Would that be correct?

10 MR. GARY MARTIN: That's correct.
11 Right. Except on my end, there's one on my end
12 where there is no curb. So all the water coming
13 in has nowhere else it can go, because there's no
14 curb around the cul-de-sac at the end. Around
15 the cul-de-sac there's no drainage.

16 Around -- and when they put the road in, the
17 cul-de-sac in, whoever done it slopped it towards
18 our property. So all the water comes around and
19 puddles in the edge of my yard. I think I have a
20 picture on it.

21 PLANNING AND ZONING COMMISSION CHAIRMAN

22 SAM DAVIS: All right. Let me ask: Anybody on
23 the Commission got any questions for Mr. Martin?

24 (No response.)

25 PLANNING AND ZONING COMMISSION CHAIRMAN

26 SAM DAVIS: Okay. Thank you, sir. Let's hear
27 from Ms. Yarborough.

28 MS. CINDY YARBOROUGH: Hello, I live on

1 the lot on Dove Lane, Lot 17. And the
2 drainage -- actually, where'd that one go? Is
3 this ours? Can you put the other one back up,
4 please?

5 The drainage that they have from that
6 property, they actually having it coming behind
7 the properties, Deer Acres, okay?

8 So all the water, every time it rains, I feel
9 like I'm living on a houseboat. All my drainage
10 comes to -- which they have a drainage on Dove
11 Lane, at my mailbox and that road, but they had
12 it in behind these houses here on Deer Acres.

13 And I have like a ten (10) foot of easement
14 on my property, where the water should actually
15 go, but it never goes there. It always goes all
16 out and takes everyone's driveway out.
17 Everyone's driveway, you can look at it.

18 Did y'all provide pictures for them? You can
19 see how all that water that just comes off that
20 property just washes out everything we have.

21 If I have something in my backyard, it ends
22 up on my front -- in my front house. My gate,
23 where I go in and out with my vehicle, I always
24 have to wear boots to get out there.

25 Because that drainage was incomplete over
26 there for all of that other. So that if they
27 start tearing down trees and whatnot, it's just
28 going to get worse on my end.

1 I heard him mention that it was a pot farm.
2 I've lived there thirteen (13) years. Not once
3 have I seen any police officers there to look for
4 a pot farm.

5 This drainage that -- with these properties
6 here, if they want to do it properly and the
7 drainage and the sewer and everything, we have no
8 objections to a neighborhood coming in there.

9 But we would have an obligation to making the
10 lot size smaller to where just anyone could come
11 up in there and purchase the property and -- and
12 basically turn it into a trailer park, which our
13 properties right now, we have them sitting. It's
14 not like a trailer park. They're all trailers
15 there, but it's not like a trailer park, which I
16 feel like that's what they're going to do with
17 the property, make them smaller and -- and do a
18 rent-to-own kind of deal, which would not benefit
19 us at all.

20 So that's all I have to say.

21 MR. GARY MARTIN: And can I say one
22 thing else, sir?

23 PLANNING AND ZONING COMMISSION CHAIRMAN

24 SAM DAVIS: Yes, sir. Hold on just a second.
25 Any questions for Ms. Yarborough?

26 (No response.)

27 PLANNING AND ZONING COMMISSION CHAIRMAN

28 SAM DAVIS: Okay, Mr. Martin.

1 MR. GARY MARTIN: Yes, one thing I'd
2 like to say is when I talked to the woman, I
3 think it's Mary Booth, that she didn't know that
4 that road was a dead-end road. So it's one way
5 in, one way out. And it's undersized by County
6 regs of at least seven (7), eight (8) feet.

7 PLANNING AND ZONING COMMISSION CHAIRMAN

8 SAM DAVIS: But it is County maintained.

9 MR. GARY MARTIN: Yes, they put the road
10 in, yeah.

11 PLANNING AND ZONING COMMISSION CHAIRMAN

12 SAM DAVIS: Okay. Ms. Williams, you got anything
13 you'd like to tell us?

14 MS. MARY WILLIAMS: Good afternoon,
15 Mr. Chairman and the Commissioners. Yes, I'm
16 very concerned about this Phase 2, because we're
17 in Phase 1. And we do have the water problem.

18 I have pictures also, about fifteen (15) feet
19 of water up in my ward, washing my driveway out.
20 It's coming in from the back. It's about this
21 far that I have to step down to go to my mailbox
22 now because of that.

23 Also, if Phase 2 is put into action, will we
24 be brought up to specs? Because we're in there,
25 regardless of specs, of course, the gutters and
26 all of that.

27 And if we are going to do that, how is that
28 going to affect us? Because the street was set

1 up as a single-purpose street. We took the
2 papers and went several times to have that street
3 put in. And it's going to have to be wide out, I
4 assume, because of other traffic that's going to
5 be coming through there.

6 And if it's widen out and brought up to
7 specs, that means we're going to have move
8 mailboxes. That's going to take up some of our
9 property. It's going to take up that to extend
10 the streets out. If it has to go underground,
11 that's going to make us have to move our wells.

12 My point is this: If all of the specs are
13 brought up like they're doing Phase 2, Phase 1, I
14 don't have any objection.

15 But at the same time, I do not see that --
16 none of us have to pay our money out our pockets
17 to move the mailbox and give up the property
18 that's going to have to be given up from the
19 street back toward our houses.

20 PLANNING AND ZONING COMMISSION CHAIRMAN

21 SAM DAVIS: Any questions for Ms. Williams?

22 (No response.)

23 PLANNING AND ZONING COMMISSION CHAIRMAN

24 SAM DAVIS: Okay. Thank you, ma'am.

25 PLANNING AND ZONING COMMISSION CHAIRMAN

26 SAM DAVIS: We'll close the public hearing at
27 this point.

28 Mary, would you come back up? If I'm

1 understanding you correctly, this was approved
2 back when the Phase 1, that was completed, was
3 done. These lots are the same size as what the
4 existing lots are?

5 MS. MARY BOOTH: That is correct.

6 PLANNING AND ZONING COMMISSION CHAIRMAN

7 SAM DAVIS: Okay. So there's no difference if
8 this had been completed back before the
9 recession, nothing has been changed?

10 MS. MARY BOOTH: No, sir.

11 PLANNING AND ZONING COMMISSION CHAIRMAN

12 SAM DAVIS: Okay. Any other questions for Mary?

13 COMMISSION MEMBER BONNIE LOWRY: Have
14 you heard anything at all lately from the Health
15 Department?

16 MS. MARY BOOTH: We have a current
17 letter. It's, I believe, in your staff report.

18 COMMISSION MEMBER BONNIE LOWRY:
19 According to what we have, the last time was
20 1995?

21 MS. MARY BOOTH: No. They just wrote a
22 current letter, I think, dated October 19th,
23 maybe. Excuse me, I'm sorry, it's dated
24 October 30th, and it states:

25 *Mockingbird Hill Subdivision, Unit II,*
26 *Phase 2 in Elberta was submitted for*
27 *approval to this department in May of*
28 *1995. The 100 foot lots shown on the*

1 *original final plat met minimum size*
2 *requirements for the Health Department*
3 *rules. The lots are also able to meet*
4 *the minimum size requirements for*
5 *current rule set. You will need to*
6 *contact our office for the steps*
7 *required to issue a permit to install*
8 *onsite sewage system for each lot.*

9 And that's dated October 30th, 2019.

10 PLANNING AND ZONING COMMISSION CHAIRMAN

11 SAM DAVIS: Any other questions for Mary?

12 MR. GARY MARTIN: Yes.

13 PLANNING AND ZONING COMMISSION CHAIRMAN

14 SAM DAVIS: I'm sorry, sir. The public hearing
15 is closed, so this -- I was directing at the
16 Commission up here.

17 MR. GARY MARTIN: Oh, okay. I'm sorry.

18 PLANNING AND ZONING COMMISSION CHAIRMAN

19 SAM DAVIS: That's all right. Thank you. Any
20 other questions for Mary?

21 COMMISSION MEMBER KEVIN MURPHY: Mary,
22 the last point there, if this variance is
23 approved, a new development permit will be
24 required. And, as such, the formed lots will not
25 meet the existing paved road frontage from US
26 Highway 98?

27 MS. MARY BOOTH: That's Deer Acres Lane.
28 That's what they're referring to. Deer Acres

1 Lane comes off 98 and comes up to the proposed
2 subdivision. It is currently, maybe, at best,
3 thirty (30) foot right-of-way. It is a
4 single-purpose road that would have to be
5 improved to be a minimum fifty (50) foot
6 right-of-way.

7 COMMISSION MEMBER KEVIN MURPHY: But it
8 is a County-maintained road?

9 MS. MARY BOOTH: It is a
10 County-maintained road.

11 COMMISSION MEMBER KEVIN MURPHY: So that
12 has no affect on this development at all. There
13 shouldn't even be a mention of a problem. That's
14 the County's problem. They've got to update it.

15 MS. MARY BOOTH: No, sir. That's the
16 developer's responsibility to improve road. They
17 have to have adequate access. And they would not
18 have adequate access, per the current Subdivision
19 Regulations, along Deer Acres Lane.

20 PLANNING AND ZONING COMMISSION CHAIRMAN
21 SAM DAVIS: Will there be any condemnation work
22 that had to be done for the developer to acquire
23 the property to expand the entrance to it?

24 MS. MARY BOOTH: There's significant
25 residents along that road. They would be
26 impacted financially.

27 PLANNING AND ZONING COMMISSION CHAIRMAN
28 SAM DAVIS: So there would be condemnation work

1 done?

2 COMMISSION MEMBER KEVIN MURPHY: Do our
3 Subdivision Regulations actually state that it
4 doesn't have to be a County-maintained highway,
5 paved road? Now it has to be a County-maintained
6 paved road that meets the specification for
7 future use?

8 MS. MARY BOOTH: It has to be adequate
9 right-of-way, whether it's County-maintained or
10 not County-maintained. It would have to be a
11 paved road, and it would have to be required to
12 meet the minimum --

13 COMMISSION MEMBER KEVIN MURPHY: Would
14 that not mean that a lot of roads the County is
15 building themselves and doing, even they don't
16 maintain those specs? I can tell you there's two
17 roads being built right now that are twenty (20)
18 foot wide, eighteen (18) foot wide.

19 MS. MARY BOOTH: If they're built as a
20 single-purpose, that -- again, that's a Highway
21 Department function that doesn't govern what
22 subdivisions are approving.

23 ATTORNEY BRAD HICKS: Mary, do you know
24 if -- is the right-of-way the same width as the
25 existing road, or is there additional width
26 already existing?

27 MS. MARY BOOTH: I believe the existing
28 road is approximately eighteen (18) feet,

1 seventeen (17) feet to eighteen (18) feet wide.
2 And then the existing right-of-way is
3 approximately thirty (30) feet.

4 COMMISSION MEMBER BONNIE LOWRY: Mary,
5 just for information, how many of the original
6 seventeen (17) lots are actually built on? Do
7 you have any idea?

8 MS. MARY BOOTH: I cannot answer that.
9 Maybe the developer, applicant, or maybe the
10 residents would know.

11 PLANNING AND ZONING COMMISSION CHAIRMAN
12 SAM DAVIS: Any other questions for Mary?

13 (No response.)

14 PLANNING AND ZONING COMMISSION CHAIRMAN
15 SAM DAVIS: All right. Thank you. Staff has
16 recommended denial of this application. Is there
17 a motion?

18 COMMISSION MEMBER ARTHUR OKEN:
19 Mr. Chairman, based upon the staff report, I move
20 that the request for variance be denied.

21 PLANNING AND ZONING COMMISSION CHAIRMAN
22 SAM DAVIS: Okay. There is a motion to deny the
23 request. Is there a second?

24 COMMISSION MEMBER BONNIE LOWRY: Second.

25 COMMISSION MEMBER KEVIN MURPHY: Second.

26 PLANNING AND ZONING COMMISSION CHAIRMAN

27 SAM DAVIS: Okay. There's a second, a few
28 seconds. All in favor, say aye.

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

2 PLANNING AND ZONING COMMISSION CHAIRMAN

3 SAM DAVIS: All opposed?

4 COMMISSION MEMBER KEVIN MURPHY: No.

5 PLANNING AND ZONING COMMISSION CHAIRMAN

6 SAM DAVIS: Motion carried. There was only one
7 no.

8

9 **7-C - CASE S-19057, THE TIN TOPS AT GAYFER, FINAL SITE**

10 **PLAN APPROVAL**

11 PLANNING AND ZONING COMMISSION CHAIRMAN

12 SAM DAVIS: Okay. Next case is S-19057, The Tin
13 Tops at Gayfer, final site plan approval.

14 MS. MARY BOOTH: S-19057, The Tin Tops
15 at Gayfer, final site plan approval. The
16 applicant is requesting final site plan approval
17 for a proposed twenty (20) unit subdivision.

18 This is located in District 17. It is
19 un-zoned. It is located on the north side of
20 Gayfer Road Extension, west of Bishop Road in
21 Fairhope.

22 There are twenty (20) proposed units; nine
23 hundred fifty-three (953) linear feet of street;
24 five-point-three-one (5.31) total acres; one
25 thousand, nine hundred five (1,905) square feet,
26 smallest unit.

27 The water will be provided by Fairhope Public
28 Utilities. Sewer will be provided by Fairhope

1 Public Utilities, electrical provided by Fairhope
2 Public Utilities.

3 PLANNING AND ZONING COMMISSION CHAIRMAN

4 SAM DAVIS: Excuse me a second. Whoever is
5 speaking in the back, would y'all please step
6 outside? Okay. Go ahead.

7 MS. MARY BOOTH: I apologize. There are
8 no deficiencies, and Staff recommends to approve
9 the final site plan.

10 PLANNING AND ZONING COMMISSION CHAIRMAN

11 SAM DAVIS: All right. Any questions for Mary on
12 this?

13 (No response.)

14 PLANNING AND ZONING COMMISSION CHAIRMAN

15 SAM DAVIS: Okay. Thank you, Mary. We'll open
16 the public hearing at this point. Larry Smith is
17 here to speak on behalf.

18 MR. LARRY SMITH: Yes. My name is Larry
19 Smith. I'm the civil engineer for the project.

20 Mary did a great job of kind of summarizing
21 it. I just wanted to add, we had a community
22 meeting for Fairhope's portion of it. And a lot
23 of their residents were concerned about existing
24 traffic conditions. And I told them that I would
25 make sure I expressed that. At the time, I
26 misspoke and thought it was the City's street.
27 It's actually a County-maintained street.

28 So they were concerned about the intersection

1 of the Bishop and Gayfer, just with the traffic
2 there. They were curious about the four-way
3 stop. And I told them I would make sure I
4 brought it up to the appropriate people.

5 It's really probably something I need to talk
6 to the Highway Department, not necessarily y'all.
7 So I do want to -- I told them I would do it, so
8 I just want to make sure that I took care of
9 that.

10 I know there are some people that have some
11 questions in the audience. So I will reserve the
12 rest of mine, unless y'all have questions for me,
13 until after they speak.

14 PLANNING AND ZONING COMMISSION CHAIRMAN
15 SAM DAVIS: Any questions for Larry?

16 (No response.)

17 PLANNING AND ZONING COMMISSION CHAIRMAN
18 SAM DAVIS: Thank you, sir. Only three people
19 signed up in opposition. Caroline Bryars, where
20 are you?

21 MS. CAROLINE BRYARS: My name is
22 Caroline Bryars. I live on the corner of Bishop
23 and Gayfer. My house faces Bishop, running
24 alongside Gayfer, headed east -- south.

25 I have witnessed -- I've owned that property
26 since 2004, have witnessed any number of auto
27 accidents at this corner. I have pictures on my
28 phone.

1 One was this spring right before school was
2 out. Terrible accident, no one was killed.
3 Someone has been killed at this spot before. And
4 it is very difficult.

5 Gayfer is our street, and it's very difficult
6 to see getting out from Bishop onto Gayfer. And,
7 of course, that's a big intersection for school
8 traffic coming off of Gayfer, turning onto
9 Bishop.

10 Right down the street, of course, the school
11 is being enlarged to the point, I think, it's
12 going to be more than three times the size it is
13 now. It's now going to be a seven grades, going
14 from K1 to grade 6, and very much enlarged, which
15 is going to bring more traffic.

16 Across the street from the school are new --
17 eight (8) new houses being built. Right up the
18 street, between me and the school, is the new
19 senior citizen center being built, senior citizen
20 houses being built, forty-eight (48) houses.
21 Forty-eight (48) houses, probably, means possibly
22 sixty-five (65) cars.

23 The traffic is being so impacted already, the
24 thought of twenty (20) houses, which is probably
25 at least thirty (30) cars, if not more, making
26 access onto Gayfer, which is already so heavily
27 burdened.

28 When people come from -- from 181 headed

1 south on -- I think -- I think I said the right
2 direction -- that on Gayfer, when they come
3 around that roundabout and step on it, put the
4 pedal to the metal and come flying down Gayfer,
5 until they get to Greeno Road.

6 I've witnessed screeching brakes like you
7 can't believe and -- and really bad things
8 happen.

9 If we had a four-way stop, that definitely
10 would make a lot of difference. You know, if
11 everybody has to stop, it does make a difference.
12 Where, now, only the people on Bishop has to
13 stop.

14 That's one of my main concerns. I also feel
15 a lot of concern with people that live in the
16 areas that are being -- that have the drainage
17 problem.

18 I don't -- I don't have an exceptional
19 drainage problem. I have a drainage ditch on the
20 side of my house and along my house. And it
21 fills up quite regular, but it seems to move
22 along. I'm not being impacted as much as I was
23 with drainage once they put a culvert in front of
24 the proposed property.

25 Right where this property is, they put an
26 under-the-road culvert. And that did help
27 relieve, on my side, a lot of the water. We --
28 used to have our front yard would flood terribly.

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1 I'm really here speaking for the impact of
2 traffic and safety of school children and for
3 everybody. I hope that would be taken into
4 advisement. Thank you.

5 PLANNING AND ZONING COMMISSION CHAIRMAN

6 SAM DAVIS: Any questions for Ms. Bryars?

7 (No response.)

8 PLANNING AND ZONING COMMISSION CHAIRMAN

9 SAM DAVIS: So your main concern is you'd like to
10 see a four-way stop?

11 MS. CAROLINE BRYARS: Yes, sir.

12 PLANNING AND ZONING COMMISSION CHAIRMAN

13 SAM DAVIS: Have you talked to any of the County
14 Commissioners?

15 MS. CAROLINE BRYARS: I have not.

16 PLANNING AND ZONING COMMISSION CHAIRMAN

17 SAM DAVIS: That'd be where you need to go and
18 start with, with your County Commissioners.

19 MS. CAROLINE BRYARS: Okay. All right.

20 PLANNING AND ZONING COMMISSION CHAIRMAN

21 SAM DAVIS: Any other questions for Ms. Bryars?

22 (No response.)

23 PLANNING AND ZONING COMMISSION CHAIRMAN

24 SAM DAVIS: Ms. Koch?

25 MS. CAROLYN KOCH: Hi, my name is
26 Carolyn Cook. And it's spelled K-O-C-H.

27 PLANNING AND ZONING COMMISSION CHAIRMAN

28 SAM DAVIS: Pronounced Koch?

1 MS. CAROLYN KOCH: Yes. I live at 20401
2 County Road 49 in Silverhill. My husband and I
3 own the nineteen (19) acres to the north of Tin
4 Top project.

5 Ten years ago, a similar project was proposed
6 for this property. And our concern at that time
7 was the water accumulation down there at the
8 entrance of Rolling Oaks Subdivision. This is
9 the same concern that we have now.

10 Ten years ago, the project manager then asked
11 my husband and me for a water easement across our
12 property to drain the water from his project.
13 And the water would be caught in our pasture
14 valley, where he was going to put a retention
15 pond. We did not give him permission to do so,
16 even though we were offered incentives to do so.

17 Another concern that we have now is that
18 approximately twenty-three (23) homes in Rolling
19 Oaks were not notified about these two or three
20 meetings. And they would be the ones that would
21 be affected if we have the increase in water.

22 The problem with the water there at the
23 entrance to the Rolling Oaks Subdivision would
24 not allow access for public emergency vehicles,
25 such as fire, police, and ambulances, which we
26 have seen.

27 And we do not know if the owners of the
28 property west of the Tin Top project were

1 notified. That property previously was owned by
2 Mike Ford. And it seems now as if the emphasis
3 is on making money, more money, than it is in
4 representing the rights of people with private
5 property and the safety of these people. Thank
6 you.

7 PLANNING AND ZONING COMMISSION CHAIRMAN

8 SAM DAVIS: Any questions for Ms. Koch?

9 (No response.)

10 PLANNING AND ZONING COMMISSION CHAIRMAN

11 SAM DAVIS: Okay. Thank you, ma'am. Mr. Koch,
12 you got anything to add?

13 MR. DEAN KOCH: Yes, please. Thank you
14 for letting us speak on this topic.

15 We've occupied the land that it is on the top
16 end of this project. It's been in my family now
17 for seventy-two (72) years. So we've seen the
18 continuous group changes of drainage and new
19 housing and the impacts of it.

20 And she was addressing the worst one, was
21 Rolling Oaks has been receiving the penalty for
22 increased housing and increased water flow.

23 So we have a lot of concern. It's not
24 directly so much on ours, but we've seen our
25 neighbors suffer along from it for many years.

26 So we ask that that'll be very carefully
27 considered to approve the project of Tin Top,
28 because that water has to go somewhere.

1 I went to the Fairhope meeting Monday and had
2 a major surprise in the ordinances and
3 regulations. The pattern -- there's one in place
4 now that says, if you want to build a project
5 like this, you will collect the water, and you
6 will hold it.

7 But the difference I didn't expect was, but
8 then you, by building it a certain way, can allow
9 the water you've collected to dissipate on to the
10 adjacent private properties.

11 That was the one that really surprised me.
12 You can't do it with a pipe. And they have
13 designed a spreader, a layer of maybe concrete,
14 so that the water that comes out then forms your
15 detention pond can dissipate down into the other
16 properties around you.

17 That was quite a culture shock to me. I
18 didn't know it. I think it may be a fairly new
19 regulation, because there was a lot of discussion
20 going on back and forth, whether this applied and
21 this could be met.

22 And I think it ended up they said, yes, you
23 could do this as a technique to handle this. So
24 other than the shock and surprise that you can do
25 that, that was probably the biggest point of the
26 evening.

27 My other points to make are a bit smaller and
28 different. And by the way, we knew this was

1 going to come to the point of saying that's the
2 law. Live with it. That's it. Okay. Best we
3 can do.

4 The west owner, the land to the west of this,
5 was Mike Ford's land. And Mike Ford deceased
6 about two years ago. And since we've found out
7 that it went into a corporation.

8 Now, and to the best of our knowledge at this
9 point, I don't think that they got -- I don't
10 think they were notified to participate in any
11 critique or comments of it. Has that been
12 clarified, Mary, as to whether they did?

13 MS. MARY BOOTH: I'm right here, sir.

14 MR. DEAN KOCH: Where are you? There
15 you are. Do you know if they actually did --
16 they were contacted about the Mike Ford property
17 was involved?

18 MS. MARY BOOTH: I would have to go back
19 and see.

20 MR. DEAN KOCH: He never said nothing,
21 okay. Anyway, one of the points we had was that
22 since it is so keenly significant to that land,
23 because I think the majority of that water will
24 now bleed over to there, that they should really
25 have input to this before it's approved.

26 PLANNING AND ZONING COMMISSION CHAIRMAN
27 SAM DAVIS: All of the adjoining land owners were
28 supposed to have been notified. And the County

1 does a good job of doing that. So we have to
2 assume that they were notified as properly.

3 MR. DEAN KOCH: All right. And if they
4 weren't, though, is there reason they can take
5 and correct it?

6 PLANNING AND ZONING COMMISSION CHAIRMAN
7 SAM DAVIS: Vince, can I get you to address that
8 for Mr. Koch?

9 Any other questions for Mr. Koch?

10 MR. DEAN KOCH: Well, I have a couple
11 other comments, but they're not minor.

12 PLANNING AND ZONING COMMISSION CHAIRMAN
13 SAM DAVIS: Okay. Go ahead.

14 MR. DEAN KOCH: For ourselves, since we,
15 ten years ago when the project didn't happen, we
16 thought, we better get busy growing the barrier
17 along this fence line.

18 So we have not cut trees and bushes for ten
19 years in hopes that we would grow enough that, if
20 another project came, we'd have a pretty decent
21 barrier between for visual and sound. And it's
22 probably going to have quite a few children in
23 this project.

24 And I have a big grass field to the north.
25 And I'm very much aware that if the project goes
26 forward, you're going to have a children problem
27 with a nice field to play in. And we're going to
28 wind up being a little bit of a policeman job to

1 not have that happen.

2 So that brings a question to me of I think
3 this project should have perhaps a wooden fence
4 about seven (7) foot high on that side to keep
5 the traffic problem, give them little insulation
6 down there, and us.

7 They may not -- may not like some of the
8 livestock we may have on that part of the farm.
9 You know, we're noisy. The tractor's kind of old
10 and noisy. So I would request that this project
11 require a fence on the north edge of it for that.

12 And then, quickly, on the fence, let's see,
13 the pond itself, which is not shown up here, I
14 went and bought one of the site diagrams that
15 shows the pond.

16 It runs along the northern edge. It's quite
17 long. In one spot, the pond would be
18 nineteen (19) feet off of the boundary, and then
19 it goes to about six (6) feet off the boundary.

20 And far to the west, it gets as close as
21 about two (2) feet. There is going to be a lot
22 of construction work going on. I'm having a hard
23 time imagining the project not running over into
24 our property and damaging the barrier.

25 So again, back to the fence, the other thing
26 is there are some trees now that grow right on
27 the property line. Who has the right to say
28 whether they can be cut or not if they are indeed

1 right on the boundary? So that is a question.

2 And we also noted that there is a what
3 Fairhope calls a heritage tree. It's 28 inches
4 in diameter. It's going to be right on it --
5 I've looked at it enough. It will be on the
6 boundary.

7 And I ask that the pond's edge be modified in
8 that area to stay away from the roots of that
9 tree, especially because construction work is
10 going to occur, to not damage the heritage tree
11 that's there. It's a very big loblolly tree.
12 It's been there for a long time.

13 So mine just really boils down to that. Like
14 I said, fence put in between, change the shape of
15 that pond boundary a bit. And I think it can be
16 recovered on the east end for whatever is given
17 back on the west end.

18 And that's it. That's all I have.

19 PLANNING AND ZONING COMMISSION CHAIRMAN

20 SAM DAVIS: Any any questions for Mr. Koch?

21 (No response.)

22 PLANNING AND ZONING COMMISSION CHAIRMAN

23 SAM DAVIS: Vince, would you come on up and just
24 answer the question as to the notifications?

25 MR. VINCE JACKSON: The notifications
26 requirement is for adjacent property owners to
27 receive certified notice. We'll have to go back
28 to the file and make sure who did receive a

1 certified notice for this case.

2 As I understand it, there were some hearings
3 before the City of Fairhope. They would be
4 responsible for their advertisements. And their
5 requirement may be somewhat different from the
6 County's.

7 One thing that I would mention, for the
8 future, we are soon to be putting signs on
9 properties where subdivisions -- subdivisions
10 applications have been requested.

11 That's not something that we are required to
12 do. It's not something we have done in the past,
13 but we will begin doing it probably for the next
14 Planning Commission meeting. And so that help to
15 provide further notification to nearby
16 residences.

17 PLANNING AND ZONING COMMISSION CHAIRMAN
18 SAM DAVIS: Okay. Thank you. All right. We'll
19 close the public hearing at this point. Staff
20 has recommended approval. Is there a motion to
21 do so?

22 MR. LARRY SMITH: I'd asked to reserve
23 the comments --

24 COMMISSION MEMBER ARTHUR OKEN: So
25 moved, Mr. Chairman.

26 PLANNING AND ZONING COMMISSION CHAIRMAN
27 SAM DAVIS: Okay. There is a motion. We've
28 already closed the public hearing, I'm sorry.

1 There's a motion to recommend approve -- or
2 to approve. Is there a second?

3 COMMISSION MEMBER BONNIE LOWRY: Second.

4 PLANNING AND ZONING COMMISSION CHAIRMAN

5 SAM DAVIS: All those in favor, say aye.

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

7 PLANNING AND ZONING COMMISSION CHAIRMAN

8 SAM DAVIS: All opposed?

9 (No response.)

10 PLANNING AND ZONING COMMISSION CHAIRMAN

11 SAM DAVIS: Approval is unanimous.

12
13 **7-D - CASE S-19062, SCHWARZ SUBDIVISION VARIANCE REQUEST**

14 **APPROVAL**

15 PLANNING AND ZONING COMMISSION CHAIRMAN

16 SAM DAVIS: Okay. Next case is S-19062, Schwarz
17 Subdivision.

18 MS. MARY BOOTH: S-19062, Schwarz
19 Subdivision, Variance Request. The applicant is
20 requesting a variance from subdivision
21 regulations for roadway frontage.

22 This is located in District 13. It is
23 un-zoned. It is located between Griggers Road
24 and Peter Morris Road approximately
25 one-point-four (1.4) miles east off of County
26 Road 64.

27 The applicant is requesting a variance for a
28 one (1) lot subdivision that consists of

1 approximately
2 one-hundred-fifty-five-point-six-nine (155.69)
3 acres from the requirements to front on and have
4 continuous access from a paved road.

5 The owner has provided a letter of support.
6 Your staff report will reflect the acreage shows
7 one-hundred-fifty-seven-point-two-one (157.21)
8 acres.

9 After right-of-way review, there was
10 right-of-way that has been acquired and had not
11 been taken into consideration. So they have gone
12 out, modified the boundary survey to reflect that
13 acreage that had been donated to the County.

14 The proposed division does not include any
15 proposed development or improvement. The
16 proposed subdivision will be used for cattle
17 farming and hunting land.

18 There is no provision or exemption in the
19 regulations that allow for larger parcel
20 division. That is something that we are
21 currently working on bringing back into our sub
22 regs. But at this time, there nothing in place.

23 Due to the proposed use, staff recommends
24 approval of the variance request. I understand
25 that this is not in compliance with our variance
26 conditions.

27 However, if the changes from -- the use
28 changes from cattle farming and hunting land,

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1 they would be required to submit a development
2 permit. And at that time, they would have to
3 comply with the current sub regs in place.

4 PLANNING AND ZONING COMMISSION CHAIRMAN

5 SAM DAVIS: Okay. Thank you, Mary.

6 Any questions for Mary?

7 (No response.)

8 PLANNING AND ZONING COMMISSION CHAIRMAN

9 SAM DAVIS: All right. Thank you. We'll open
10 the public hearing at this point. There's no
11 opposition signed up for -- to speak against
12 this. Randall Tillman, are you the applicant?

13 MR. RANDALL TILLMAN: No, sir. I'm
14 representing the surveying firm that did the
15 subdivision.

16 PLANNING AND ZONING COMMISSION CHAIRMAN

17 SAM DAVIS: Oh, okay.

18 AN AUDIENCE MEMBER: Can I ask one quick
19 question? I didn't sign up, but I got the notice
20 in the mail.

21 PLANNING AND ZONING COMMISSION CHAIRMAN

22 SAM DAVIS: Come on up to the podium.

23 AN AUDIENCE MEMBER: I just have a quick
24 question, based on what's on the screen. And
25 it's that what we received in the mail. I
26 thought it showed all the land on the north side
27 of Griggers as well. It had it all outlined in
28 blue, and we didn't have -- I know it said we

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1 could come in to see more information, not like
2 that --

3 MS. MARY BOOTH: That's right there.

4 AN AUDIENCE MEMBER: Yeah. What's all
5 that?

6 MS. MARY BOOTH: That was the entire --
7 that's the entire parcel.

8 AN AUDIENCE MEMBER: Okay. It didn't
9 have that shaded on the mail out.

10 MS. MARY BOOTH: No, sir.

11 AN AUDIENCE MEMBER: It didn't show all
12 that land.

13 MS. MARY BOOTH: This is the entire
14 parcel.

15 AN AUDIENCE MEMBER: Right.

16 MS. MARY BOOTH: What is shaded is
17 what's coming out of that parcel.

18 AN AUDIENCE MEMBER: Got it. What we
19 got in the mail, it's just all white, though.

20 MS. MARY BOOTH: Okay. I apologize.

21 AN AUDIENCE MEMBER: No, it's okay.

22 MS. MARY BOOTH: We need your name.

23 AN AUDIENCE MEMBER: It's -- well,
24 it's -- the landowner with the company name.
25 It's GCS3.

26 PLANNING AND ZONING COMMISSION CHAIRMAN
27 SAM DAVIS: All right. Thank you. Mr. Tillman,
28 you got anything you want us to know?

1 (Mr. Randall Tillman indicated negatively.)

2 PLANNING AND ZONING COMMISSION CHAIRMAN

3 SAM DAVIS: Okay. We'll close the public hearing
4 at this point. Staff recommended approval. Is
5 there a motion to do so?

6 COMMISSION MEMBER BRANDON BIAS: So
7 moved.

8 COMMISSION MEMBER DANIEL NANCE: Motion
9 to approve.

10 PLANNING AND ZONING COMMISSION CHAIRMAN

11 SAM DAVIS: Okay. There's a motion to approve.
12 Is there a second?

13 COMMISSION MEMBER KEVIN MURPHY: I'll
14 second.

15 PLANNING AND ZONING COMMISSION CHAIRMAN

16 SAM DAVIS: There's a second. All in favor say
17 aye.

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

19 PLANNING AND ZONING COMMISSION CHAIRMAN

20 SAM DAVIS: All opposed?

21 (No response.)

22 PLANNING AND ZONING COMMISSION CHAIRMAN

23 SAM DAVIS: Carries unanimously.

24

25 **7-E - CASE S-19062, SCHWARZ SUBDIVISION DEVELOPMENT**

26 **PERMIT APPROVAL**

27 PLANNING AND ZONING COMMISSION CHAIRMAN

28 SAM DAVIS: Okay. This is Case S-19062. This is

1 the development permit for Schwarz Subdivision.

2 MS. MARY BOOTH: S-19062, Schwarz
3 Subdivision development permit approval. The
4 applicant is requesting a development permit
5 approval for a proposed one (1) lot subdivision.

6 This located in District 13. It is un-zoned.
7 It is located between Griggers Road and Peter
8 Morris Road, approximately one-point-four (1.4)
9 miles east off of County Road 64. There are
10 one-hundred-fifty-five-point-six-nine (155.69)
11 total acres. It's one lot. The smallest lot
12 size is one hundred fifty-five-point-six-nine
13 (155.69) acres.

14 Water is onsite well. Sewer will be onsite
15 septic. And electricity will be provided by
16 Baldwin EMC. There are no deficiencies and staff
17 recommends to approve the development permit,
18 which was contingent upon approval of the
19 variance request.

20 PLANNING AND ZONING COMMISSION CHAIRMAN

21 SAM DAVIS: Okay. Any questions for Mary?

22 (No response.)

23 PLANNING AND ZONING COMMISSION CHAIRMAN

24 SAM DAVIS: All right. Thank you. Technically,
25 we're opening the public hearing. There is no
26 opposition, again.

27 Mr. Tillman, you got anything you'd like for
28 us to hear?

1 MR. RANDALL TILLMAN: No, sir.

2 PLANNING AND ZONING COMMISSION CHAIRMAN

3 SAM DAVIS: We'll close the public hearing.

4 Staff has recommended approval. Is there a
5 motion to do so?

6 COMMISSION MEMBER BRANDON BIAS: So
7 moved.

8 PLANNING AND ZONING COMMISSION CHAIRMAN

9 SAM DAVIS: I've got a motion to approve. Is
10 there a second?

11 COMMISSION MEMBER DANIEL NANCE: Second.

12 PLANNING AND ZONING COMMISSION CHAIRMAN

13 SAM DAVIS: All in favor, say aye.

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

15 PLANNING AND ZONING COMMISSION CHAIRMAN

16 SAM DAVIS: All opposed?

17 (No response.)

18 PLANNING AND ZONING COMMISSION CHAIRMAN

19 SAM DAVIS: Carried unanimously.

20

21 **8 - CONSIDERATION OF APPLICATION AND REQUESTS: RE-ZONING**

22 **CASES**

23

24 **8-A - CASE P-19007, BELLA SERA GARDENS PROPERTY**

25 PLANNING AND ZONING COMMISSION CHAIRMAN

26 SAM DAVIS: Okay. Next case is P-19007, Bella
27 Sera Gardens property.

28 MR. VINCE JACKSON: This is a request

1 for conditional use approval. The applicant is
2 Robin Gregorias with Bella Sera Gardens. The
3 applicant is requesting a conditional use
4 approval to allow rental of the dwelling located
5 on this property.

6 Subject property is located on north side of
7 County Road 49, west of the intersection of
8 County Road 49 and Barlow Road in Planning
9 District 15.

10 This is a property that has been before you
11 several times. This is the, actually, fifth
12 conditional use application. And the fourth
13 application to be considered by the Planning
14 Commission. The initial approval dates back to
15 September 4th of 2014. And it was under the case
16 of P-14003.

17 At that time, the approval was to allow for
18 weddings to be hosted on the property with
19 operational hours ending at 8:00 p.m. There was
20 a followup application under the same case
21 number, September 7, 2017, which allowed for
22 additional events to be held on the property
23 besides weddings. And it extended the
24 operational hours until 10:00.

25 One thing that was added at that time was a
26 condition pertaining to music. And that
27 condition stated that volume of music shall be
28 regulated so no sound shall be audible from the

1 property lines. That was included as part of
2 that approval.

3 The third application was Case P-18004. That
4 was consider by Planning Commission on May 3rd,
5 2018. That one involved the construction of open
6 truss chapel. The Planning Commission approved
7 the chapel and changed the ending time for events
8 to 9:00 p.m. and added some additional language
9 pertaining to amplified music.

10 That approval was granted for four months.
11 And it was bought back before Planning Commission
12 on September 6th or 2018. And at that time, the
13 four-month approval time was removed.

14 There was a fourth application that was
15 submitted last year, but it was withdrawn before
16 being considered by the Planning Commission.

17 The subject property is zoned RSF-E,
18 Residential Single-Family Estate District. The
19 use as an event venue is analogous to a Country
20 Club, which, according to Article 23 of the
21 Zoning Ordinance, may be allowed under RSF-E
22 designation subject to the conditional use
23 approval of the Planning Commission.

24 Conditional Use approval is site plan
25 specific. And it is also specific in terms of
26 any conditions which were placed on the approval.

27 As you will remember, going back to the
28 original approval back in 2014, there were

1 numerous conditions placed on the approval. The
2 approvals were limited to this applicant and this
3 location only. We also had the conditions about
4 noise, about the operational hours.

5 With the very first approval, there was a
6 Commission condition that the approval would not
7 include the overnight stay of guests. And there
8 was also a condition that the principal use of
9 the property would remain residential.

10 Typically, the zoning ordinance does not
11 regulate rental of property, residential property
12 in particular. However, the proposed rental of
13 the dwelling is -- in the opinion of staff, is
14 inconsistent with the conditions which were
15 established with the original approval and which
16 have remained in effect with subsequent
17 approvals. As a result, further review by the
18 Planning Commission is required.

19 Before you now is the locator map showing the
20 subject property and showing the zoning of the
21 surrounding properties. Next, we have the aerial
22 photography. And you can see portions of the
23 venue on the subject property. Then we have
24 pictures. There is a picture of the dwelling in
25 question. And that is the structure that would
26 be rented out.

27 And according to the information provided, it
28 would be rented to screened clients who meet

1 specific eligibility criteria. Here is some
2 additional properties -- picture of the property.

3 The staff recommendation for this is a
4 recommendation for denial on conditional use
5 requests. The Planning Commission has the final
6 decision. So this is not a recommendation to the
7 County Commission.

8 We feel like, again, that it is important to
9 point out the conditions that were established
10 from the beginning, that the principal use shall
11 remain residential and also that the approval
12 should not include rental or overnight stays of
13 guests.

14 We feel like the request now is inconsistent
15 with those provisions. As you know, we have
16 received a number of complaints about this
17 property with the various applications that have
18 come before the Planning Commission.

19 In your packet, there is a letter from
20 Mr. Bill Metsch, who is an adjoining property
21 owner. And he expressing his concerns. He was
22 unable to be here tonight, but he wanted to make
23 sure that his concerns were noted by the Planning
24 Commission.

25 He listed several concerns. I think there
26 are about 17 or 18 concerns listed in his letter,
27 and he has documentation. He refers to some of
28 our previous approvals. He also has some

1 pictures and such.

2 His ultimate goal, I believe, would be to see
3 the conditional use removed entirely. And that's
4 what he says in his letter. That's -- you know,
5 that's really a matter for consideration at a
6 different time, if you wanted to go down that
7 route.

8 But we do feel that the rental of the
9 dwelling would be inconsistent with the previous
10 conditions. We recommend denial.

11 I'll be happy to answer any questions at this
12 time, but I believe that there are some people
13 who are here to speak. So it may be best to open
14 the public hearing, and then I can come up and
15 answer any questions and address comments from
16 the public hearing.

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

19 COMMISSION MEMBER BONNIE LOWRY: I have
20 one. I noticed on some of the papers that I read
21 that this might be a rental house?

22 MR. VINCE JACKSON: Yes. That's -- it's
23 my understanding that the applicant no longer
24 resides on the property. And so their proposal
25 is to, as they say, rent to select guests who
26 would meet specific eligibility criteria.

27 I don't think it would be -- you know, your
28 proposal is not to have it rented to one person

1 all the time. They may be able -- Ms. Gregorias
2 is here. So she, I think, would be better able
3 to --

4 COMMISSION MEMBER BONNIE LOWRY: Would
5 that not require something totally different than
6 what we're talking about tonight?

7 MR. VINCE JACKSON: Well, the reason
8 we're coming back for modification to the
9 conditional use is any change requires review by
10 the Planning Commission.

11 The fact that the applicant is no longer
12 living there and that we included a condition in
13 beginning that the principal use of the property
14 shall remain residential, there was also a
15 condition, overnight stay should be excluded.

16 In order for those things to happen, you all
17 have to approve it, because of the conditions
18 that you placed on it before.

19 Normally, we don't -- we don't regulate
20 rental of property. But in this case, because
21 it's a conditional use and that's what they're
22 requesting to do, and there are conditions
23 already in place that would be counter to renting
24 the property, the approval has to come from you
25 all.

26 COMMISSION MEMBER BONNIE LOWRY: Thank
27 you.

28 COMMISSION MEMBER DANIEL NANCE: Vince,

1 isn't a counter because it's a short-term rental.
2 If they're a long-term rental, they would not be
3 counter to the conditional use approval?

4 MR. VINCE JACKSON: Right. I mean, it
5 doesn't -- by saying that the -- the property
6 needs to remain residential, it doesn't
7 necessarily mean that the owner has to live
8 there, but somebody would have to be there all
9 the time.

10 But renting it out to short-term residents,
11 that -- that presents a problem, which we feel is
12 inconsistent with the original approval.

13 PLANNING AND ZONING COMMISSION CHAIRMAN
14 SAM DAVIS: For the benefit of the Commission,
15 there's only two of us sitting here that has been
16 with this throughout the history.

17 So to bring y'all up to date, what that
18 restriction was for was to prevent partying all
19 night long. There's -- there's cutoff times that
20 the applicant agreed to.

21 COMMISSION MEMBER BONNIE LOWRY: The
22 original applicant?

23 PLANNING AND ZONING COMMISSION CHAIRMAN
24 SAM DAVIS: Yes, the original agreed to. She
25 also, initially, agreed to -- and I believe she
26 offered -- not to have this rented, because it is
27 her residential property -- short-term. Because
28 if you do that, then you're going to be renting

1 to people that are renting the venue. And you
2 have a harder time controlling the shutdown of
3 the party, so to speak.

4 MR. VINCE JACKSON: That's correct.

5 PLANNING AND ZONING COMMISSION CHAIRMAN

6 SAM DAVIS: Okay. Any other questions for Vince?

7 (No response.)

8 PLANNING AND ZONING COMMISSION CHAIRMAN

9 SAM DAVIS: All right. Thank you. We'll open
10 the public hearing at this point. Ms. Gregorias,
11 you want to come up to the mic?

12 MS. ROBIN GREGORIAS: Hi, good evening.

13 Robin Gregorias with Bella Sera.

14 I guess I'm going to skip straight to the
15 comment that you just made. There would be
16 control. The actual rental of the property would
17 be somewhat seldom throughout the year to
18 specific clients. There would still be
19 management onsite.

20 When it says stop music, it's 9:00 p.m.,
21 which it does have the last dance that may go
22 over a couple of minutes, but you cut it. So
23 there will be strict control of the venue.

24 They wouldn't have access to the venue. The
25 only thing they have access to would be the house
26 itself for overnight accommodations. If they're
27 coming in from out of state or out of the
28 country.

1 So there would be specific criterion that
2 would be presented to each client, a very large
3 deposit, and would be a select group of
4 individuals.

5 I've had people want to rent the property
6 already, and almost had a heart attack when an
7 actor in Fairhope didn't want to be at the Grand
8 Hotel, and they saw my video on Facebook.

9 And I had to say no. So I almost went to the
10 ER with chest pain, because he wanted to rent it
11 for like four weeks. And he would have been very
12 quiet, anonymity, go through the gate, you're in
13 a forest. Nobody would have known he was there.

14 So that's why I'm here, to see if you can see
15 beyond the original means, the contingencies.
16 And if you go back to the minutes, I distinctly
17 remember, back in, what, 2014? There was a young
18 man that was on the board. I don't think I see
19 him anymore.

20 He specifically asked me, do you plan to rent
21 your home? And, quote/unquote, I knew in my
22 heart that I did, once the company took off and I
23 knew it reached its full potential. But I said,
24 quote/unquote, not at this time.

25 So that should be able to be brought up in
26 the records. That would always be the full
27 potential. So I just wanted to address that to
28 real quick, clarify that.

1 I'm going to be kind of quick. I don't want
2 to take your time. I know that my neighbor to
3 the West, Bill, I need to acknowledge that my
4 western neighbor does a research report on Bella
5 Sera. So I have almost every bullet point that
6 you have in front of him. I was given this.
7 Because he's not here and I can't rebuttal. So
8 I'm going to be really quick, so I can defend
9 Bella Sera.

10 Number one, the property is for sale.
11 Because he researches everything we do, what our
12 tax payments are, yes, I believe --

13 COMMISSION MEMBER ARTHUR OKEN:

14 Mr. Chairman.

15 PLANNING AND ZONING COMMISSION CHAIRMAN

16 SAM DAVIS: Yes, sir.

17 COMMISSION MEMBER ARTHUR OKEN: Would
18 you ask the speaker to slow down, please.

19 MS. ROBIN GREGORIAS: Okay.

20 COMMISSION MEMBER ARTHUR OKEN: You're
21 speaking so quickly, I can't keep up with you.

22 MS. ROBIN GREGORIAS: I didn't take up
23 all your time.

24 COMMISSION MEMBER ARTHUR OKEN: Thank
25 you.

26 MS. ROBIN GREGORIAS: Okay. So the
27 first bullet point on the report he has --
28 Because he's absent -- it says the property is

1 for sale. And he printed out pictures.

2 Yes, it is for sale. And I believe an
3 individual has the right to sell their property
4 if they're ever inclined.

5 Now, this does not mean that I'm in any way
6 backing down. Because Bella Sera is my dream.
7 And we built it from the ground up. Every single
8 thing there, we have done personally. It's the
9 harassment that I received from specific people,
10 the research report. So yes, we have moved.

11 The next bullet point, we're not the original
12 owners. Yes, we are. It's an LLC. The third
13 bullet point says close us down because I no
14 longer live there. Well, when I can't lay out by
15 my pool because a drone flies over -- if I had
16 somebody truly in camouflage, to my eastern
17 neighbor who wanted to be here before the
18 committee, but because a letter was placed in his
19 mailbox, the wife says, no way do you step foot
20 into the hearing room.

21 They're from the north. He's a chief
22 financial officer of a company, came from up
23 north, moved next to me. He's actually closer to
24 me than the gentleman, Mr. Bill Metsch, that
25 makes all the different complaints. But he
26 refuses to come in now because of the letter.

27 Didn't want to bring this up, but I'm being
28 brutally honest, because I think you should know

1 all the circumstances.

2 So, yes, in your bullet point from
3 Mr. Metsch, he says we moved out a year ago.
4 That's incorrect, in April, late April --

5 PLANNING AND ZONING COMMISSION CHAIRMAN
6 SAM DAVIS: Let me interrupt you. The question
7 for us is whether to you allow the rental or not.

8 MS. ROBIN GREGORIAS: So I don't need to
9 address all the things --

10 PLANNING AND ZONING COMMISSION CHAIRMAN
11 SAM DAVIS: No, you really don't. So make your
12 case for why we should allow you short-term
13 rentals when we went through this painfully --

14 MS. ROBIN GREGORIAS: Okay.

15 PLANNING AND ZONING COMMISSION CHAIRMAN
16 SAM DAVIS: -- several times before. And that
17 was always the key to getting you what you
18 wanted. You were not going to rent it.

19 MS. ROBIN GREGORIAS: I thought I had to
20 address everything he wrote to y'all. Okay, so
21 I'm going to skip all the way down. Okay.

22 Community welfare or negative impact. I'm
23 contributing to state and local taxes. Clients
24 come from Louisiana, Tennessee, Mississippi, and
25 Florida.

26 We offer nonprofit charity the venue to raise
27 money for good causes and to benefit our
28 community. From Fairhope, the Eastern Shore

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1 Theatre came in, Children of the World Adoption
2 Agency from also Fairhope came in.

3 The Baldwin County Economic Development
4 Alliance also came in. And they had a guest
5 Senator speaker. We are doing something for the
6 community. And I want to make sure that I defend
7 Bella Sera.

8 PLANNING AND ZONING COMMISSION CHAIRMAN

9 SAM DAVIS: Again -- again --

10 MS. ROBIN GREGORIAS: Well, this is
11 why --

12 PLANNING AND ZONING COMMISSION CHAIRMAN

13 SAM DAVIS: -- specifically --

14 MS. ROBIN GREGORIAS: Okay.

15 PLANNING AND ZONING COMMISSION CHAIRMAN

16 SAM DAVIS: -- specifically convince us why --

17 MS. ROBIN GREGORIAS: Okay.

18 PLANNING AND ZONING COMMISSION CHAIRMAN

19 SAM DAVIS: -- we should allow a short-term
20 rental when we've --

21 MS. ROBIN GREGORIAS: Okay.

22 PLANNING AND ZONING COMMISSION CHAIRMAN

23 SAM DAVIS: -- always said no rentals, no
24 short-term rentals.

25 MS. ROBIN GREGORIAS: Okay. So April
26 25th, 2020, I had another nonprofit coming in
27 called Fashion Influence Experience. It's
28 against suicides. It is against bullying, and

1 also suicide awareness.

2 So all of a sudden, Bella Sera had very
3 important people coming from out of the country.
4 I have Camilla Catour from England. She's coming
5 to Bella Sera. We have -- from Ireland, we have
6 Emily Dawson. And you'll see that in the papers
7 from Instagram that I printed out. We have Lou
8 Lou Sharjah (phonetic), which I can't speak
9 French, but they're from New York. They're
10 coming. And they've chosen Bella Sera because of
11 what they've seen on Facebook. So they want to
12 stay in the property.

13 So once again that's why I'm asking,
14 selectively have certain people stay on the
15 property overnight. And I would have -- if it's
16 a destination wedding, which this is not, it's a
17 fashion show, totally different ball game.

18 They'll come in maybe three or four days in
19 advance. They want to run the models through the
20 fashion show. They want to do lighting and
21 sound. And they would stay on the property.

22 But as of now, I can't. I have to send them
23 to a hotel. Same thing with destination
24 weddings. If someone comes in from out of the
25 country for a week, they would stay at the house.
26 They would have restrictions. They would not
27 have access to the venue. There would be no
28 music at the venue. It would be a house rental.

1 The wedding coordinator would be approved by
2 me, anybody associated. I have the chef. I have
3 the staff. It would still follow a daily
4 protocol for anybody that only had a daily rental
5 like I do now with Bella Sera. So they have
6 access to the property and enjoy all the
7 beautiful amenities, go to the beach, go fishing,
8 go to New Orleans, go to Pensacola, but they
9 would have access to stay onsite. And they makes
10 it very desirable.

11 And that's the next step of Bella Sera, which
12 is why at the time when I was approved, when they
13 asked me, I said, no, not at this time. In all
14 honesty, I don't think I would have put as much
15 work as I have into that property, as unique and
16 beautiful as it is, if I never thought it could
17 reach its viability. If I had a potential to
18 reach something for Baldwin County that should be
19 actually treasured. And instead I'm being, you
20 know, the other story.

21 So I have a responsibility to the bank. I
22 have responsibility to my employees, that it
23 reach the full potential. And that's why I'm
24 asking for it to be rented.

25 As far a criteria, it' going to be high-end,
26 not a low-rate drilling [sic] that attracts a
27 negative element. Extremely low impact for our
28 overnight guests.

1 They're not spring breakers. They're here
2 for an elegant destination event at Bella Sera,
3 maybe a quiet getaway, or perhaps, like I said
4 before, the Northerners, people in the snow that
5 dream about coming South, maybe staying at Bella
6 Sera for a week and having that wedding.

7 And my staff, the wedding coordinator,
8 everybody involved, they would have the same
9 restrictions for the venue that have access to
10 the house.

11 And I haven't got as far as having house
12 rules, but I have a friend of mine that does do
13 that. And she's going to help me get that
14 together.

15 I'd be more than happy to come back, if you
16 tell me, and I'll have the house rules ready, and
17 the client -- I guess the client referral, how I
18 get those screened.

19 But if I could just have that opportunity to
20 reach that next level. And look, movie
21 production, like I said, someone wanted to stay
22 there. And I said no, because I know I'm under
23 surveillance. So that's obvious. So that's why
24 I'm asking.

25 PLANNING AND ZONING COMMISSION CHAIRMAN
26 SAM DAVIS: Any questions for Ms. Gregorias?

27 COMMISSION MEMBER BONNIE LOWRY: Sam.

28 Do you actually live on the property, or do

1 you live elsewhere?

2 MS. ROBIN GREGORIAS: I have still have
3 belongings in the bedroom. I have all my
4 furniture. But we've built a smaller house. We
5 downsized.

6 COMMISSION MEMBER BONNIE LOWRY: Do you
7 live there?

8 MS. ROBIN GREGORIAS: Not full time,
9 just part time. When I have events, I still stay
10 in the spare bedroom, because it's four bedrooms.

11 COMMISSION MEMBER BONNIE LOWRY: So when
12 these activities are taking place, you haven't
13 really been on the property?

14 MS. ROBIN GREGORIAS: Well, no, I'm
15 there during the event. It's the daily rental.
16 They come in, in the morning, and then everything
17 stops at night, and then they disburse off the
18 property.

19 But, no, either I'm there, or my assistant is
20 there. And I have family members that work there
21 as well, and the, staff that I've hired from the
22 community.

23 So, no, there's certain rules you have to
24 follow. I've -- I've learned from opening this
25 from the ground up. It's been a learning
26 experience, but I think I've got it fairly --
27 fairly fine tuned at this point.

28 COMMISSION MEMBER BONNIE LOWRY: My last

1 question would be you're wanting to renting this.

2 MS. ROBIN GREGORIAS: Yes, ma'am.

3 COMMISSION MEMBER BONNIE LOWRY: And is
4 it for a financial reason or what.

5 MS. ROBIN GREGORIAS: Well, yes, ma'am.
6 I'm going to say it's always going to be
7 financial. I've invested 1.2 million, I think,
8 in this property, not counting what we've put in
9 our own, that we physically didn't -- like
10 landscaping and things that my husband and I do
11 together.

12 So, yes, ma'am, obviously. A destination
13 wedding is something that people dream about.
14 They want to come to the Gulf Coast. And I've
15 researched it. There are different companies
16 that bring in the clients.

17 One was called Wandering Weddings. One was
18 called Junebug Weddings. They bring in people
19 from all over the world. And all they have to do
20 is look at my Facebook video, and then they're --
21 they fall in love. The Facebook video is the key
22 to the final level of Bella Sera.

23 So I had to move out of the house. It just
24 was no longer conducive. Especially, when I have
25 no privacy. You hear a drone. It's very
26 strange, but you can hear a drone when it flies
27 over. So we've downsized.

28 I'm 55. It's time to move forward, and with

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1 your permission, hopefully, get to the next
2 level.

3 But renting the house is not my goal. My
4 goal is to have the weddings, which I see going
5 very smoothly. The house is just an extra added
6 bonus.

7 PLANNING AND ZONING COMMISSION CHAIRMAN

8 SAM DAVIS: The property is for sale; correct?

9 MS. ROBIN GREGORIAS: It is for sale,
10 just out of curiosity. If the price was right, I
11 think I would give up my dream, but I don't
12 foresee that happening. Some of it is just
13 publicity as well.

14 Once that video would go out on Facebook, and
15 if I were given the permission to rent it,
16 there's so many people who've already seen it,
17 and they've e-mailed me about having an event.

18 It's just more of a marketing, publicity
19 thing. So it's part of what somebody is doing to
20 help me reach out since I haven't done a lot of
21 marketing for Bella Sera.

22 PLANNING AND ZONING COMMISSION CHAIRMAN

23 SAM DAVIS: Any other questions for
24 Ms. Gregorias?

25 (No response.)

26 PLANNING AND ZONING COMMISSION CHAIRMAN

27 SAM DAVIS: Thank you.

28 MS. ROBIN GREGORIAS: Thank you.

1 PLANNING AND ZONING COMMISSION CHAIRMAN

2 SAM DAVIS: Ms. Faircloth, you're the only person
3 that's signed up to speak against it. Do you
4 want to come up?

5 MS. DOROTHY FAIRCLOTH: Hi, my name is
6 Dorothy Faircloth. And I lived on the same
7 property for over 44 years, close to 45 years
8 now. And my property directly adjoins what is
9 now Bella Sera Gardens.

10 This is a residential area. We do have
11 larger lots, but they're not farming parcels.
12 And we want our -- she wants her privacy. And I
13 would like to have a quiet and peaceful place to
14 live that we've had in the past.

15 She uses beautiful words to make it sound
16 like it's all idyllic and beautiful and sweet
17 and -- and under control, but there are times
18 when it is, but there are other times when I can
19 hear the pounding in my house.

20 I can hear the music in my house. My
21 daughter-in-law -- actually, lately, I haven't
22 been focused on this, because I recently lost my
23 husband and could have a bomb go off and I
24 wouldn't know it.

25 But my daughter-in-law lives with me right
26 now with her husband, my son, here. Of course,
27 she has heard the same music and noise inside the
28 house.

1 And they're supposed to keep the sounds
2 limited to the border. And she's not able to do
3 that now. I'm afraid it's going to get worse.

4 She says she is so strict about all of her
5 rules for her clients, but that is not really
6 true, unless she doesn't care about the bands
7 that come and put their horns and their drums and
8 they're making loud music over there, and not
9 necessarily quality music, beautiful music. It's
10 any range of music that you can think of.

11 When she uses her beautiful words, it sound
12 like movie stars are coming over there and just
13 going to be enjoying her beautiful place. It is
14 a beautiful place. I have never seen it in
15 person, because she has it fenced off from
16 visual, which we -- y'all kindly required in the
17 beginning. But the sound has never been able to
18 be controlled.

19 If you have rentals and she thinks she can
20 control the rentals, you can't control the sound.
21 She's got a building that supposedly is all
22 insulated so that the sound would be contained,
23 but it's not contained. Sometimes it is, it
24 depends on the type of band she has.

25 PLANNING AND ZONING COMMISSION CHAIRMAN

26 SAM DAVIS: Any questions for Ms. Faircloth?

27 COMMISSION MEMBER ARTHUR OKEN:

28 Mr. Chairman, I'm wondering how renting would

1 affect the value or the quality of the sound that
2 comes out of the unit.

3 MS. DOROTHY FAIRCLOTH: Well, I'm just
4 trying to emphasize that even though she says
5 she's got it under control and she says she's
6 going to control the rental, it's not going to
7 happen.

8 That's what I'm thinking. Because she can't
9 keep control of the sound that was supposed to be
10 so easy to control. From the very beginning, she
11 told us she would control the sound, and it
12 hasn't.

13 COMMISSION MEMBER ARTHUR OKEN: Thank
14 you.

15 PLANNING AND ZONING COMMISSION CHAIRMAN
16 SAM DAVIS: Any other questions for
17 Ms. Faircloth?

18 (No response.)

19 PLANNING AND ZONING COMMISSION CHAIRMAN
20 SAM DAVIS: Okay. Thank you, ma'am.

21 PLANNING AND ZONING COMMISSION CHAIRMAN
22 SAM DAVIS: We'll close the public hearing at
23 this point. Vince, would you come back up?

24 MR. VINCE JACKSON: The applicant has a
25 video that's available on Facebook that we can
26 pull up and show to you. She feels like it would
27 be helpful, if you want to see it.

28 PLANNING AND ZONING COMMISSION CHAIRMAN

1 SAM DAVIS: I don't see where it would be
2 helpful. What we're talking about here is
3 rehashing a case that we have rehashed for, you
4 know, for the fourth time to allow a rental,
5 short-term rental, that, in my opinion, would
6 subject the surrounding neighbors to further
7 violation of the rules that music is off by nine
8 o'clock.

9 I think that would be harder to enforce with
10 short-term rentals there that are using the
11 property for the purpose of a party. So I don't
12 see how looking at her video would help us.

13 MR. VINCE JACKSON: Okay. Do any of you
14 have questions for me that we haven't already
15 discussed?

16 COMMISSION MEMBER BRANDON BIAS: Vince,
17 looking back over this information I was
18 provided -- And I guess I should say I'm a little
19 bit of a novice to this case, because so much of
20 this happened before my time on the Commission.
21 But there is an interesting question raised in
22 terms of how these conditional uses transcend
23 ownership.

24 You know, I see that the initial conditional
25 use was granted to the property owners at the
26 time they lived there. But before the transition
27 was to an LLC, which they do own and manage.
28 Would that constitute a removal of the

1 conditional uses, based on a change in ownership?

2 MR. VINCE JACKSON: The question of the
3 LLC came up with one of the previous approvals.
4 And I think, you know, from -- from what I
5 remember Mr. Conner saying in some of the
6 previous meetings, I don't think he felt that the
7 LLC was really an issue.

8 There was a point where the -- the initial
9 application was under the name of Gregorias, but
10 then there was a followup application that -- and
11 it was under a new case number, that was under
12 the name of the LLC.

13 So we felt like, at that point, it was an
14 entirely new application. It wasn't -- it was
15 the same property, but we didn't see an issue
16 with the ownership. And I don't believe
17 Mr. Conner did, either, from his previous
18 comments. Mr. Hicks may have -- I know he's new
19 to this one as well, but he may have a different
20 thought on that.

21 ATTORNEY BRAD HICKS: When was the most
22 recent approval?

23 MR. VINCE JACKSON: The most recent
24 approval was September of last year, 2018.

25 ATTORNEY BRAD HICKS: Okay. And at that
26 time, the property was owned by the -- by the
27 entity?

28 MR. VINCE JACKSON: Yes.

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1 ATTORNEY BRAD HICKS: Okay. Well, then
2 I think the conditional use, at that point, was
3 approved while they owned this. I think it would
4 be a moot issue now.

5 MR. VINCE JACKSON: Okay.

6 PLANNING AND ZONING COMMISSION CHAIRMAN

7 SAM DAVIS: Any other questions for Vince?

8 COMMISSION MEMBER DANIEL NANCE: Vince,
9 in the zoning, there is no limitation of a
10 rental, a short-term rental, like in Gulf Shores
11 or Orange Beach or something that's associated
12 with a PPIN. So there's really -- only thing is
13 a condition that we put on there?

14 MR. VINCE JACKSON: Right, right. The
15 County -- in the county and under county zoning,
16 we do not regulate rental of residential property
17 nor the term of the rental.

18 COMMISSION MEMBER DANIEL NANCE: Okay.

19 PLANNING AND ZONING COMMISSION CHAIRMAN

20 SAM DAVIS: Vince, I am correct in that the
21 prohibition of short-term rentals was as an
22 effort to try to help control the shutdown of the
23 venue at nine o'clock as far as noise?

24 MR. VINCE JACKSON: I believe that was
25 the case, yes, sir.

26 PLANNING AND ZONING COMMISSION CHAIRMAN

27 SAM DAVIS: Okay.

28 MR. VINCE JACKSON: You know, we're

1 going back five years, now, to the original
2 approval of that. And I believe that was the
3 case.

4 But one -- you know, one thing I want to
5 point out is as we have -- as we have looked at
6 this, again -- And, like I said, I believe this
7 is the fifth time it's before y'all -- we've
8 added to the conditions. But we've always made
9 sure that the conditions from the original
10 approval remained intact.

11 And, you know, we -- I just feel like what's
12 being asked for now and is at odds with those
13 original conditions.

14 It certainly within your authority to change
15 them, if you so desire, but we feel like they
16 were put there for a reason. They have remained
17 there consistently. And we believe that those
18 conditions should be -- should continue to be
19 upheld.

20 COMMISSION MEMBER DANIEL NANCE:
21 Wouldn't it be better if the applicant withdraw,
22 get everything she ever wanted on a piece of
23 paper, instead of coming back?

24 Because I've seen this three times. And
25 we're saying five. So that way there's not a
26 removal of something else. And so it's not going
27 to come back, to consider in full.

28 I mean, I'm inclined to approve all of them,

1 which would then make it not a venue, because
2 that's what she looking for rental. So I'm just
3 curious about that, Vince, because it is kind of
4 ongoing.

5 MR. VINCE JACKSON: I mean, that's up to
6 y'all. She wouldn't necessarily have to withdraw
7 it. Y'all could table it and then the
8 application could be modified to include
9 everything as you're talking about. But that's
10 up to y'all.

11 You know, part of it, you know, there would
12 have been different things that have come up over
13 the years. The, you know -- originally it was
14 strictly weddings. There was an eight o'clock
15 time element.

16 Then three years later, they want to do other
17 events. They want to expand the time. I think
18 as they have been engaged in this activity, I
19 think what -- you know, what they've wanted to do
20 has evolved over time.

21 Now, one of the approvals involved the open
22 truss chapel. And because that was an addition,
23 that was and addition to the site plan. It was
24 something that had not been seen on the site
25 plan, that had to be brought back.

26 And so it's been different things. And, like
27 I said, I think as they've worked on this
28 venture, their ideas have evolved, and what

1 they've wanted to do has evolved.

2 But we can certainly have them, you know,
3 give us everything, as far as one application, if
4 that is the desire of the Planning Commission.

5 PLANNING AND ZONING COMMISSION CHAIRMAN

6 SAM DAVIS: I see where you're coming from on
7 that, Dan. But, as Vince said, this is something
8 that's kind of evolved. So even if we gave time
9 to come back with a list, I'm not sure that there
10 wouldn't be something else at some other point to
11 do with some evolution. So any other questions
12 for Vince?

13 (No response.)

14 PLANNING AND ZONING COMMISSION CHAIRMAN

15 SAM DAVIS: All right. Staff has recommended
16 denial. Is there a motion to do so?

17 COMMISSION MEMBER BONNIE LOWRY: So
18 moved.

19 PLANNING AND ZONING COMMISSION CHAIRMAN

20 SAM DAVIS: There's a motion to deny. Is there a
21 second?

22 COMMISSION MEMBER NANCY MACKEY: I
23 second.

24 PLANNING AND ZONING COMMISSION CHAIRMAN

25 SAM DAVIS: There is a second. All in favor, say
26 aye.

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

28 PLANNING AND ZONING COMMISSION CHAIRMAN

1 SAM DAVIS: All opposed?

2 COMMISSION MEMBER DANIEL NANCE: Yes.

3 PLANNING AND ZONING COMMISSION CHAIRMAN

4 SAM DAVIS: Only one in opposition, so the motion
5 carried.

6 MR. VINCE JACKSON: Celena will have
7 your next case -- I'm sorry, D. J. is doing the
8 next re-zoning.

9

10 **8-B - CASE Z-19048, SUTTON PROPERTY**

11 PLANNING AND ZONING COMMISSION CHAIRMAN

12 SAM DAVIS: All right. This is Case Z-19048,
13 Sutton Property.

14 MS. D. J. HART: Okay. This is the
15 Sutton Property. The applicant is requesting to
16 re-zone point-five-five (.55) acres from B-2,
17 Neighborhood Business, to B-3, General Business,
18 to allow a tire store to be operated on the
19 property. If the re-zoning is granted, they will
20 have to come back for a conditional use for this.
21 They wanted to go through the re-zoning process
22 first.

23 The subject property is located on northeast
24 corner of Highway 98 and Saint Francis Street in
25 the Lillian area. This is a locator map showing
26 the parcel. It's surrounded by B-2 property.
27 And this is the site map.

28 This district was zoned in -- let me get my

1 paperwork here -- September 2001, this District
2 became zoned. And at that time, there were three
3 commercial zoning districts, zoning
4 classifications, B-1, B-2, and B-3. Since then,
5 we've added B-4. So some of the things that were
6 originally allowed in B-2 are not allowed now.

7 So it's kind of -- there are many businesses
8 along this area that probably -- that are
9 operating that should be probably a B-3 or B-4.
10 Adjacent is an RV sales and across the street an
11 automobile sales, and both of those would require
12 different zoning at this time.

13 The building was built in 1980. The first
14 business license was acquired in 1996 for a video
15 store. And Mr. Sutton had got his first for
16 Country Motors -- Mr. Sutton and Country Motors
17 got their first business license in 2006, and
18 kept it until 2010, from what I could find in the
19 tax records. Probate helped me with that.

20 And the last business license for a tire
21 store was purchased in 2016, and then it expired
22 in 2017. So they lost that their grandfather
23 status. So, therefore, they are having to come
24 back and ask for a re-zoning.

25 I spoke -- we had comments from the Highway
26 Department and the State Highway Department. If
27 approval is granted and a conditional use, they
28 will be required to upgrade their turnouts on

1 Saint Francis and 98.

2 And that's about all. Y'all have any
3 questions?

4 PLANNING AND ZONING COMMISSION CHAIRMAN

5 SAM DAVIS: Any questions for D. J. on this?

6 (No response.)

7 PLANNING AND ZONING COMMISSION CHAIRMAN

8 SAM DAVIS: Thank you, D. J. We'll open the
9 public hearing at this point. There's no
10 opposition. Is it Roberto Barboza? You have
11 anything that you'd like for us to know?

12 MR. ROBERTO BARBOZA: I'm good.

13 PLANNING AND ZONING COMMISSION CHAIRMAN

14 SAM DAVIS: Does the Commission have any
15 questions for the applicant?

16 (No response.)

17 PLANNING AND ZONING COMMISSION CHAIRMAN

18 SAM DAVIS: All right. We'll close the public
19 hearing at this point. Staff has recommended --
20 this will be a recommendation to the County
21 Commission for approval. They have recommended
22 that we do so. Is there a motion to make a
23 recommendation to approve?

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

26 PLANNING AND ZONING COMMISSION CHAIRMAN

27 SAM DAVIS: There's a motion to recommend
28 approval to the County Commission. Is there a

1 second?

2 COMMISSION MEMBER DANIEL NANCE: Second.

3 PLANNING AND ZONING COMMISSION CHAIRMAN

4 SAM DAVIS: There's a second. All in favor say
5 aye.

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

7 PLANNING AND ZONING COMMISSION CHAIRMAN

8 SAM DAVIS: All opposed?

9 (No response.)

10 PLANNING AND ZONING COMMISSION CHAIRMAN

11 SAM DAVIS: Carried unanimously.

12 MS. D. J. HART: Thank you.

13

14 **8-C - CASE Z-19049, SDCJ, LLC PROPERTY**

15 PLANNING AND ZONING COMMISSION CHAIRMAN

16 SAM DAVIS: Next case is Z-19049 SDJC, LLC
17 Property.

18 MS. CELENA BOYKIN: This is a request to
19 re-zone several acres from RSF-E, which is a
20 Residential Single-Family Estate, to B-2, which
21 is Neighborhood Business District, to allow for
22 office and commercial use.

23 The subject property is located on the east
24 side of County Road 13 and north of Pleasant Road
25 in Planning District 15.

26 The requested designation is B-2, which is
27 Neighborhood Business District. The applicant
28 stated the reasoning for the B-2 request is they

1 would like to re-zone in order for commercial
2 businesses to have the opportunity to lease their
3 land within the specified categories in order to
4 be able to build or own office storage rental
5 spaces.

6 At this time, they are looking at cutting
7 about a three (3) to five (5) acre piece for the
8 purpose of building office or storage rentals on
9 the east side of the property, leaving the
10 remaining acreage, land only, to someone who
11 wants to build their own facility.

12 As you can see on the zoning map, the
13 property is surrounded by RSF-E zoning to north,
14 south, and east. To the west, the property is
15 located in the City of Daphne.

16 Six-point-three (6.3) acres of this property
17 on the west side is zoned B-1, Local Business.
18 That's Daphne zoning. And the other
19 thirteen-point-four (13.4) acres is B-3,
20 Professional Business District.

21 To give you a little bit of Daphne's B-1
22 District, it is intended to provide for limited
23 retail and convenience goods and personal
24 services establishment in a residential
25 neighborhood and to encourage the concentration
26 of these uses in one location for each
27 residential neighborhood rather than scattered.

28 The B-3 is established to provide an

1 opportunity for business establishments of a
2 professional nature.

3 The subject property is currently vacant and
4 is used agriculturally. The surrounding areas
5 include residence, churches. There is Daphne
6 Middle and Elementary School. There is also some
7 assisted living facilities to the north.

8 There hasn't been any recent re-zoning in the
9 immediate area, except for the property on the
10 west, which is located in the City of Daphne.

11 Here's an aerial showing the different
12 businesses in the area. Here's a copy of Daphne
13 zoning map. Here's a picture of the subject
14 property and all the adjacent properties.

15 There were a couple of agency comments on
16 this re-zoning request. The Baldwin County
17 Highway Department stated that if this property
18 is developed commercially, they would have to get
19 a turnout permit for Pleasant Road through the
20 County. If they put that access on County Road
21 13, they would have go to the City of Daphne,
22 because City of Daphne maintains that part of
23 County Road 13.

24 We also received a comment from Adrienne
25 Jones, which is a planner with the City of
26 Daphne. She gave some background on their
27 Planning Commission approving B-1 and B-3 for
28 that subject property.

1 She also stated that the Community
2 Development hopes that no convenience store would
3 be permitted on the site located at the northeast
4 intersection of 13 and Pleasant Road and that any
5 re-zoning of the subject property would be in
6 harmony with the institutional and residential
7 uses in the area.

8 Just to state the County B-2 does not allow
9 for a convenience store. They would need a B-3
10 for that. But they're -- listed in your Staff
11 report, there's several stores that are allowed
12 under the B-2 zoning.

13 Staff anticipates no adverse affects with
14 this -- impacts with this re-zoning request. If
15 this re-zoning is approved, they would have to
16 submit for a major land use project. And at that
17 time, staff would review site plans, drainage
18 plans, buffer requirements. But staff
19 recommended approval of this re-zoning request.

20 PLANNING AND ZONING COMMISSION CHAIRMAN

21 SAM DAVIS: Any questions for Celena?

22 COMMISSION MEMBER BONNIE LOWRY: Is
23 there a school to the southwest of that property?
24 Across the adjacent --

25 MS. CELENA BOYKIN: Yes, there's Daphne
26 Middle School. And a little further south, I
27 think, it's Daphne East Elementary.

28 COMMISSION MEMBER BONNIE LOWRY: Thank

1 you.

2 PLANNING AND ZONING COMMISSION CHAIRMAN

3 SAM DAVIS: Any other questions for Celena?

4 (No response.)

5 PLANNING AND ZONING COMMISSION CHAIRMAN

6 SAM DAVIS: Okay. Thank you. We'll open the
7 public hearing at this point. Who here is
8 representing the developer?

9 MR. DEAN PARKER: I'm Dean Parker,
10 representing my family. We don't actually have a
11 developer. And, actually, to the north of this
12 property is a nursing home. It's a forty (40)
13 acre nursing home -- actually twenty (20) acres.
14 It's on a forty (40) acre field.

15 To the -- to the east of this piece of
16 property, to the east this twenty (20) acres
17 right here, me and my brother own this. There's
18 nothing. It's farmland. To the east of that,
19 there's twenty (20) acres. And my aunt, she owns
20 this.

21 We own -- we all live on twenty (20) acres to
22 the north of this 17. We live -- there's four of
23 us that live there. So we're connected to all of
24 it. And this over here, of course, Ricky Higbee
25 owns this. You know, what we're -- we've owned
26 it --

27 PLANNING AND ZONING COMMISSION CHAIRMAN

28 SAM DAVIS: If you will, speak into that mic so

1 everyone can hear you.

2 MR. DEAN PARKER: Our family has lived
3 there on that property. My great grandfather
4 moved there in 1910. I've personally have lived
5 there -- I'm 60, I've lived there for 58 years.

6 Our biggest concern, because Highway 13 was a
7 dead-end until a few years ago -- And, of course,
8 when the road went through to Highway 90, our
9 biggest concern was, of course, development, like
10 everything in Baldwin County. And, of course,
11 the growth is -- is here.

12 But we had a service station developer, I
13 guess I could call him, Mr. Gary Cox. I don't
14 know if anyone here would know him. He
15 approached our family and wanted to put a service
16 station on the corner, right there at Pleasant
17 and 13.

18 And he explained to us the plans that he had.
19 He needed like four (4) acres. Well, it didn't
20 take us long, between the four us, to know we
21 wouldn't want it.

22 I have nothing against service stations and
23 the people that own it at all, but we didn't want
24 one in our backyard. Because that truly is our
25 backyard. This property is. So we didn't have
26 any other talks with him. We had one talk with
27 Mr. Cox.

28 And so we're very particular about the area.

1 And that's the reason that we're considering
2 smaller businesses that are going to be -- number
3 one, they're going to look nice and, number two,
4 they're going to be quiet, hopefully, as quiet as
5 they can be; you know, office buildings, like
6 real estate offices, attorney offices, you know,
7 maybe a playschool, something like that,
8 something that's what I would call simple, quiet,
9 not like a school or a ballpark. Okay?

10 We've got that close to us right now. We've
11 kind of grown use to all of that, to be honest.
12 As the city grows, we're getting use to the
13 noise. But we still want to keep it down.

14 We voluntarily had a berm -- allowed a berm
15 to go across that forty (40) acres. There's like
16 one thousand, two hundred (1,200) and something
17 feet across there. It's like forty-five (45)
18 feet wide.

19 And what's happening is we're letting
20 indigenous trees grow in there and bushes. What
21 that's doing for us, it's giving us a noise and a
22 light pollution, -- as time goes, those pine
23 trees will be forty (40) feet tall. And, you
24 know, that'll help with ballpark light pollution.

25 In the last ten years, I planted like one
26 hundred (100) Ball Cyprus on my property. And we
27 want to plant -- it's going to be about one
28 hundred fifty (150) to two hundred (200) Ball

1 Cyprus down 13, up Pleasant, and then down the
2 side. And we may do a double row of Ball Cyprus.

3 And what that's going to do is give us some
4 more noise reduction and light -- and help with
5 light pollution. But those trees will be there.

6 Our other concern -- from a personal
7 standpoint, our other concern with Mr. Higbee's
8 property -- Which I know Ricky. He's a friend of
9 mine. We're concerned they will have a bunch of
10 little driveways coming out to 13, which I know
11 that's probably not going to be possible.

12 What we want to do is maybe have one entrance
13 on 13 and maybe have two entrances down the road,
14 not -- not right off, but two entrances on
15 Pleasant Road.

16 That way, when you come in off of Pleasant
17 with a big entrance, you can actually go down
18 like a little service road, and you can hit these
19 other little offices.

20 That way you're not -- you know, you just
21 can't have a bunch of little entrances, I don't
22 believe. I don't think that that would be
23 conducive for the traffic that we're getting now.

24 But, really, her presentation really
25 explained it all. But that's our personal views
26 right now. But, yeah, we did not want a gas
27 station on the corner. So --

28 PLANNING AND ZONING COMMISSION CHAIRMAN

1 SAM DAVIS: Any questions for Mr. Parker?

2 (No response.)

3 PLANNING AND ZONING COMMISSION CHAIRMAN

4 SAM DAVIS: Thank you. Three people signed up in
5 support. Have y'all got anything to add that he
6 didn't cover?

7 (No response.)

8 PLANNING AND ZONING COMMISSION CHAIRMAN

9 SAM DAVIS: Okay. There's four people signed up
10 in opposition. Who wants to go first?

11 MR. SAMUEL DEAN: Sam Dean and my wife
12 is Susan. And we live right about here. It's
13 about right in the middle of between Highway 27
14 and Highway 13. I want to state a little
15 nostalgia and fact. It'll take about two
16 minutes. I timed it last night.

17 First of all, this is nothing against the
18 Parkers. My wife and Dean grew up together.
19 We're friends. We know each other. Dean's been
20 on the road 55 years. My wife's been there
21 60 years. My wife's family is the Berger family,
22 part of the Baldwin Heritage Family Group, came
23 to Belforest in the 1880s, 140 years ago.

24 So, given that, I got up last Saturday
25 morning and went downstairs. And my wife was
26 crying her eyes out. And I asked her, what's
27 wrong? She said, well, quote/unquote, they're
28 destroying our community. I said, say that

1 again. She said, they are destroying our
2 community, quote/unquote. That's all she said.

3 So some of the people that's embedded in that
4 area, you know, 140 years, you can say they have
5 been there a while. They don't -- they're used
6 to rural, quiet farm areas. They don't want to
7 see any more of this.

8 And, like I said, this is nothing against
9 Dean and them. They have the right to
10 self-determination, like any property owner.

11 But when you look at what's going on around
12 the Belforest area, Jubilee Farms, Old Field
13 Subdivision, every time an old farmer passes away
14 out there, BAM, these developers are jumping all
15 over it.

16 Look at Old Field. It started development in
17 2006. Well, the developer went belly up. He
18 couldn't have started that subdivision at a worse
19 time, paying the Corte's forty thousand dollars
20 (\$40,000) an acre.

21 Sure enough, another six months later, he was
22 turning the keys back over to the bank. Your
23 volume dealer -- builder -- Horton Homes is
24 flying around like vultures, waiting to be able
25 to pay ten cents on the dollar for that property.
26 And what happened? They got it. Big surprise.

27 Now, what's that got to do with this? Well,
28 we already have commercial on the east end.

1 Somebody came in there and put three big storage
2 buildings, built it twenty-four (24) inches above
3 grade. Twenty-four (24) inches above grade, now,
4 how did they get away with that?

5 Put three big concrete slabs in, put asphalt,
6 tapered asphalt between those units. And every
7 time we get an inch-and-a-half of rain, that
8 water just pours across the south side of
9 Pleasant Road.

10 You got -- you got homes over there sitting
11 on little monolithic slabs. They get water in
12 them. They've flooded many, many times because
13 of that fact.

14 Now, the land that Cory and Dean and them and
15 the Parker family has, if you look at it right
16 now, from this corner straight across, that's
17 twenty-four (24) inches below grade right now.

18 So they're going to have to do the same thing
19 that they did on the east end. They're going to
20 have to come with dump loads and dump loads of
21 dirt to build it up to get the proper drainage.

22 And there is no ditches on the north side of
23 Pleasant Road. They can't put ditches in there,
24 because that's underground utilities from 13 all
25 the way to Old 27. You got sewage, water lines,
26 and gas lines going through there.

27 So the only thing they can feed it to is the
28 east side of 13, going north. And that's a

1 little, bitty -- just right now it's just a
2 little, bitty ditch.

3 So, like I said, my wife and myself, we're
4 embedded out there. Leave it residential, you
5 know. They should be able to still make them
6 some pretty good money off the sale of the
7 property.

8 You got, like they said, Daphne Elementary,
9 Daphne Middle School, and Daphne High School
10 within a half mile of that -- this proposed
11 property.

12 You got the Belforest Village Apartments,
13 Brother Haygood's pet project, fixing to open up
14 for lease. That's one hundred sixty-eight (168)
15 units. At three-point-three-nine (3.39) people,
16 you're fixing add five hundred seventy (570) more
17 people out there that's not there right now, just
18 here in the next few weeks, because they're going
19 to town on those villas.

20 Like I said, it's a shame. Every time an old
21 farmer dies, boom, somebody in the county is
22 approving these major, major developments.

23 And one specific you might want to check,
24 next time, D. R. Horton or another commercial
25 volume builder approaches you -- in 2017,
26 D. R. Horton had to build two thousand (2,000)
27 two hundred fifty thousand dollar (\$250,000)
28 homes just to pay for their litigation.

1 Now, put that -- let that go through your
2 mind. And that's the main developer of Jubilee
3 Farms and Old Field subdivision. Two thousand
4 (2,000) quarter-of-a-million dollar (\$250,000)
5 houses just to satisfy their litigation that was
6 filed against them in 2017. And you're letting
7 them build in this county. It's a shame.

8 PLANNING AND ZONING COMMISSION CHAIRMAN
9 SAM DAVIS: Any questions for Mr. Dean?

10 MR. SAMUEL DEAN: I know that has
11 nothing to do with the Parker thing, but, you
12 know, come on. Enough is enough. When are you
13 going to stop development? How much longer you
14 going to let it happen?

15 I'm through.

16 PLANNING AND ZONING COMMISSION CHAIRMAN
17 SAM DAVIS: All right. Let me ask, any questions
18 for Mr. Dean?

19 (No response.)

20 PLANNING AND ZONING COMMISSION CHAIRMAN
21 SAM DAVIS: Thank you, sir.

22 MR. SAMUEL DEAN: Thank you.

23 PLANNING AND ZONING COMMISSION CHAIRMAN

24 SAM DAVIS: Three other people signed up in
25 opposition. Do y'all have anything any different
26 or to add to what Mr. Dean said? Come on up.

27 THE COURT REPORTER: State your name,
28 please.

1 MR. ANTHONY LACONSAY: Anthony Laconsay.

2 I -- I'm the owner of the property directly
3 across the street there.

4 My biggest concern is this. I got a couple
5 here, traffic, school. We said we got one
6 school. We got a middle school across the street
7 on 13. High school we got two miles from us. In
8 the morning, if any of you get up 6 o'clock --
9 between 6:00 and 7:00, try to get out on the
10 highways.

11 Like there at 13, I moved there when the road
12 was just built. I'm the first house that was
13 there. And not only that, I maintained a farm
14 there. I got two -- almost three hundred (300)
15 pecan trees there. This commercial end of it is
16 continuing to grow there with all the traffic
17 that we got.

18 The -- I know the people that would be very
19 happy if you approve this is going to be the
20 state troopers, Daphne police, and the Sheriff's
21 Department.

22 If you will look and take a minute and go see
23 how many tickets they give out there in a day or
24 a week, it's tremendous. Me and my wife have sat
25 on our front porch and has counted as many as
26 twenty (20) stops.

27 They tell me they don't give that many. They
28 give citations. I don't buy that. I mean, if

1 you're gonna stop them, then go to the hood.
2 They ain't going to the hood. You know why you
3 don't go to the hood? They scared. But they get
4 in front of my house and do that. And I'm
5 getting more traffic here.

6 And that's one of the biggest concerns I've
7 got here is that traffic that I got here. The
8 school kids, they can't even walk down the street
9 with the traffic we've got there. I mean, it's
10 unreal.

11 And, also, we just got around the end, near
12 the corner, a new apartments; one hundred
13 sixty-eight (168) units. You know how many cars
14 that is? A lot of cars coming through there.

15 There's only two roads from the interstate
16 all the way down to 64 that's going from 98 to
17 181, and this is one of them. We don't need that
18 traffic.

19 And you're talking about the water. I got
20 water issues there. Now, Mr. Dean had mentioned
21 about the water on the other end, where the
22 storage building, where they poured concrete.

23 Well, I live next door to Jubilee Baptist
24 Church. Couldn't find better neighbors. All
25 asphalt, they got two holding ponds.

26 There are times they overflow on my property.
27 We get a real hard rain, my -- all my property
28 flows water, because I got a ditch on my side.

1 The Corps of Engineers that came back in
2 there, because on the corner property there,
3 there is a pond. And they're trying to figure
4 out how to get that water to drain off his
5 property.

6 The Corps of Engineer there said that this is
7 flat farmland. There is nothing you can do.
8 It's going to flood. As long as they continue to
9 concrete and put asphalt out there, it's going to
10 flood. The water's got nowhere else to go.

11 Another issue I've got, and I might be --
12 correct me if I'm wrong. You mentioned this is
13 Daphne? Now, I live there. I've been there
14 twenty (20) something years. I got a Daphne ZIP
15 code, but I'm Belforest.

16 13, I've always understood, is -- on the one
17 side school, where the school is, is Daphne. On
18 the other side is Belforest. Now, I need to know
19 that, where I'm at. Because I'd like to get some
20 of that Daphne service they supposed to be giving
21 away. They ain't giving away nothing. I
22 appreciate that.

23 And, like I said, I mentioned the high
24 school. I mentioned the traffic with the kids.
25 We've got kids trying to ride bikes.

26 Now, that's -- that is unreal. They can't
27 even their ride bikes on the road there in the
28 afternoons. You allow this and more traffic,

1 more water, we've got problems.

2 Like I said, I'm on the other side. It's
3 going to affect me more than anybody. I'm right
4 next to the church. Like I said, great
5 neighbors. They control the water to some
6 degree. But if we get a heavy, heavy rain, we're
7 getting a rain and water coming on my side, then
8 we've got issues.

9 And one other thing that you mentioned, I
10 want to bring to you. If you go online to
11 Daphne, Alabama, the website, 13 -- just to
12 pointing this out to you, on Pollard is in
13 extreme, heavy traffic. That's not me doing
14 this. And then on the 98 map -- let me see. On
15 13, extremely heavy. And there's another one.
16 All the traffic right in there is extremely,
17 heavy. Now, what am I going to get now?

18 Like I said, I have a farm there. And I was
19 the first one there. And the land is low. Water
20 comes in there. And all my neighbors complain
21 about the water coming in and holding there.

22 Thank you.

23 PLANNING AND ZONING COMMISSION CHAIRMAN

24 SAM DAVIS: Thank you. Any questions for --

25 COMMISSION MEMBER BONNIE LOWRY: Where
26 exactly do you live? Is it on the map?

27 MR. ANTHONY LACONSAY: Is that the map?
28 I have this right here. I got these two (2) lots

1 right here, that ten (10) acres right there. And
2 I have the church right here, got a holding pond
3 right back here. And they're talking about
4 coming right here.

5 Now, I got no problem -- everybody has a
6 right to do what they want with their land, but
7 let's do something right. Let's -- you take --
8 commercial buildings is going to come right out
9 in my yard.

10 I mean, let's build something decent. Let's
11 don't do it to hurt ourself down the road. And I
12 think that's what happened to Baldwin County in
13 the past. You know, money came in here. We all
14 like that money and get it, but right now
15 we've -- let's put something in there that's
16 going to look down the road where we're going to
17 be.

18 Who would have ever thought, when they built
19 Daphne's High School and the middle school, and
20 all this areas here is going to have these
21 issues. If we don't do something now, it's
22 continuing to get there. And that's your job to
23 do that, to make this not happen.

24 COMMISSION MEMBER KEVIN MURPHY: What
25 would that be -- what would that be?

26 MR. ANTHONY LACONSAY: Pardon?

27 COMMISSION MEMBER KEVIN MURPHY: What
28 would that be? What would you want to go there?

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1 MR. ANTHONY LACONSAY: This is a
2 residential area. Look at all the homes I got
3 back there. All behind me back there, I got
4 residential --

5 COMMISSION MEMBER KEVIN MURPHY: It's
6 zoned for seventeen (17) homes now.

7 MR. ANTHONY LACONSAY: Well, that right
8 there, build homes.

9 COMMISSION MEMBER KEVIN MURPHY: Okay.
10 You --

11 MR. ANTHONY LACONSAY: I got no problem
12 with that. That's what I'm -- I've got no
13 problem, but let's do the right thing. We don't
14 need take our ground and concrete it. We've got
15 issues.

16 PLANNING AND ZONING COMMISSION CHAIRMAN
17 SAM DAVIS: Any more questions for this
18 gentleman?

19 (No response.)

20 PLANNING AND ZONING COMMISSION CHAIRMAN
21 SAM DAVIS: Thank you, sir.

22 MR. ANTHONY LACONSAY: Thank you.

23 PLANNING AND ZONING COMMISSION CHAIRMAN
24 SAM DAVIS: Mr. Reeves, you got anything
25 additional to add that would be different?

26 MR. RICHARD REEVES: No, sir. I've got
27 nothing else to add. I just oppose it.

28 PLANNING AND ZONING COMMISSION CHAIRMAN

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1 SAM DAVIS: Okay. Thank you. And Ben -- and I
2 can't pronounce that last name.

3 MR. BEN SCHOENFELD: Schoenfeld.

4 PLANNING AND ZONING COMMISSION CHAIRMAN

5 SAM DAVIS: Yes, sir. Do you have anything
6 additional to add?

7 MR. BEN SCHOENFELD: I think so. My
8 name is Ben Schoenfeld, like Show-and-Tell,
9 Schoenfeld, S-C-H-O-E-N-F-E-L-D. I may not have
10 a lot to add to, but I would appreciate at least
11 having my say. I spoken before about the zoning
12 at another issue.

13 Number one, one of the signs -- or one of the
14 pictures that came up a while ago, if you want to
15 see it again, was where the re-zoning sign was
16 placed to begin with.

17 I live two-tenths (.2) of the mile from the
18 said property. I don't know the people that own
19 it. Never seen him. I have no problem with
20 that.

21 I live in the house that Ms. Berger lived in.
22 I've been there 14 years, my wife and I. We left
23 Mobile to get away from big subdivisions and
24 traffic galore.

25 This particular piece of road, if you look --
26 I'm looking at -- back here is Pleasant Road.
27 It's a -- how do I describe it? I go to the
28 County Commissioner's office or I call my

1 Commissioner about once a quarter and ask if we
2 can get additional patrol. Because that one
3 mile, from 13 to 181, on Pleasant Road is only
4 patrolled by the sheriff and the highway patrol.
5 And you know, they have got a big area.

6 Daphne -- Daphne police go up and down that
7 road all day long, but they don't have
8 jurisdiction on that one mile, which I don't
9 understand. It'd be nice to find out.

10 But that re-zoning sign, which is right on
11 the corner, if somebody -- if one of our
12 neighbors hadn't told me, you know, we have a
13 re-zoning was coming up. I would have never
14 known. And I go down that road to the Y, go down
15 13 to go over to 90. I would never seen it.

16 It's about ninety (90) feet off the road.
17 It's in the curve. And if you're not stopped at
18 the light, you never even look over there when
19 you're making the turn. You never see it.

20 I talked with Mr. Vince before about the type
21 of sign. It's just a straight sign. I got out.
22 I had to get out of my car. I parked on the side
23 of the road, got out, went over, I got videos --

24 PLANNING AND ZONING COMMISSION CHAIRMAN
25 SAM DAVIS: Sir, let me interrupt you. There is
26 nothing we can do about the signage. That's all
27 dictated by the County. So if you would, just
28 kind of tell us what you don't like this

1 proposal.

2 MR. BEN SCHOENFELD: Well, number one,
3 it's -- it's already been addressed about the
4 traffic. The traffic is horrendous already with
5 the school, Trion Park, YMCA. It is a
6 cut-through 90 to 98.

7 It's a one-mile flat, straight, double-yellow
8 line drag strip. It's a joke. It says 35 miles
9 per hour. I can promise you, there's not one out
10 of ten cars, vehicles, including the school
11 buses, that come down that road at the proper
12 speed.

13 I'm not opposed to a nice development,
14 whatever it might be, but the traffic issue
15 really needs to be a concern -- I mean, a concern
16 to me. Like I said, I have to call to get
17 additional patrol. And that's really all I have.

18 PLANNING AND ZONING COMMISSION CHAIRMAN
19 SAM DAVIS: All right. Thank you. We'll close
20 the public hearing at this point. Staff, have
21 anything else to add?

22 MS. CELENA BOYKIN: I do not, no.

23 PLANNING AND ZONING COMMISSION CHAIRMAN
24 SAM DAVIS: Any other questions for staff?

25 (No response.)

26 PLANNING AND ZONING COMMISSION CHAIRMAN
27 SAM DAVIS: I'm sorry, we closed the public
28 hearing at this point. Okay. Staff has

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1 recommended a recommendation of approval to the
2 County Commission. Is there a motion to do so?

3 COMMISSION MEMBER KEVIN MURPHY: So
4 moved, Mr. Chairman.

5 PLANNING AND ZONING COMMISSION CHAIRMAN
6 SAM DAVIS: Okay. There is a motion to recommend
7 approval to the County Commission. Is there a
8 second?

9 COMMISSION MEMBER BRANDON BIAS: I'll
10 second, Mr. Chairman.

11 PLANNING AND ZONING COMMISSION CHAIRMAN
12 SAM DAVIS: Okay. There is a second. Let's have
13 a rollcall vote.

14 MS. CELENA BOYKIN: Kevin Murphy.

15 COMMISSION MEMBER KEVIN MURPHY: Yes.

16 MS. CELENA BOYKIN: Bonnie Lowry.

17 COMMISSION MEMBER BONNIE LOWRY: No.

18 MS. CELENA BOYKIN: Daniel Nance.

19 COMMISSION MEMBER DANIEL NANCE: No.

20 MS. CELENA BOYKIN: Brandon Bias.

21 COMMISSION MEMBER BRANDON BIAS: No.

22 MS. CELENA BOYKIN: Arthur Oken.

23 COMMISSION MEMBER ARTHUR OKEN: No.

24 MS. CELENA BOYKIN: Nancy Mackey.

25 COMMISSION MEMBER NANCY MACKEY: No.

26 MS. CELENA BOYKIN: Robert Davis.

27 COMMISSION MEMBER ROBERT DAVIS: No.

28 COMMISSION MEMBER BRANDON BIAS: Plumer

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1 Tonsmeire.

2 COMMISSION MEMBER PLUMER TONSMEIRE: No.

3 MS. CELENA BOYKIN: It was one motion in
4 favor, and the rest are opposed.

5 PLANNING AND ZONING COMMISSION CHAIRMAN

6 SAM DAVIS: Okay. So that motion failed. Is
7 there a motion in the alternative to recommend
8 denial?

9 COMMISSION MEMBER BRANDON BIAS:

10 Mr. Chairman, I make a motion that recommend
11 denial to the County Commission.

12 PLANNING AND ZONING COMMISSION CHAIRMAN

13 SAM DAVIS: Okay. Is there a second?

14 COMMISSION MEMBER BONNIE LOWRY: Second.

15 PLANNING AND ZONING COMMISSION CHAIRMAN

16 SAM DAVIS: Okay. All in favor, say aye.

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

18 PLANNING AND ZONING COMMISSION CHAIRMAN

19 SAM DAVIS: All opposed?

20 COMMISSION MEMBER KEVIN MURPHY: No.

21 PLANNING AND ZONING COMMISSION CHAIRMAN

22 SAM DAVIS: Only one opposed, so the motion to
23 recommend denial carries.

24

25 **8-D - CASE Z-19051, CROWE PROPERTY**

26 PLANNING AND ZONING COMMISSION CHAIRMAN

27 SAM DAVIS: Next case is Z-19051.

28 MR. VINCE JACKSON: This is Z-19051, the

1 Crowe Property. This is a request to re-zone
2 from RSF-1 to RSF-2 and RTF-4.

3 This property involves three-point-four-six
4 (3.46) acres of a larger four-point-five-two
5 (4.52) acre parcel. And as I stated, it would be
6 a rezoning from RSF-1, Single-Family, to RSF-2,
7 Single-Family, and RTF-4, Two-Family, to allow
8 the properties to be divided based on existing
9 dwelling units.

10 This is a little bit of an unusual request,
11 but I want to stress existing dwelling units.
12 They're not proposing to add any units beyond
13 what it is already there.

14 But what you have, this subject property is
15 located on the north side and south side of
16 Collier Road, east of County Road 93 in Planning
17 District 22.

18 Okay. These are the properties. You have
19 the property on south side of Collier Road, and
20 then you have the property on the north side.

21 Notice the red line. The property to the
22 east of the red line is what is the subject of
23 the re-zoning on that portion of the property.

24 What you have are existing lots that have
25 multiple dwellings. These dwellings, from what
26 we can tell, were built prior to zoning.

27 Now, under -- under zoning, you're only
28 supposed to have one principal dwelling on a lot.

1 So these properties are nonconforming in terms of
2 the number of dwellings.

3 What the owners are wanting to do is be able
4 to divide these parcels up to be consistent with
5 the dwellings so that they will address
6 conformity issues, and to the greatest extent
7 possible, they have will one dwelling on each
8 lot.

9 Now, there is going to be an exception to
10 that. And I will get to that in a minute. But,
11 again, I would stress no additional units.

12 The proposed subdivision of the property
13 would be consistent with the units that you
14 already see there. When you look at the property
15 on the -- on the north side of Collier Road and
16 it's kind of -- you see it better -- it's kind of
17 a U-shaped piece of property, okay.

18 That property is a site for three duplex
19 structures, three single-family dwellings, and a
20 barn. And under this proposal, the center and
21 eastern portions would be re-zoned to RTF-4,
22 Two-Family District.

23 The reason for RTF-4 is because of the duplex
24 structures. And, like I said, those are existing
25 duplexes. And those are on the easternmost
26 portion of the property.

27 You can see three structures in a line there.
28 Those are all three duplexes. When you look

1 at -- there are two parcels on the south that
2 were requested for re-zoning.

3 And those parcels -- each parcel has two
4 single-family dwellings. And the proposal there
5 would be to re-zone to RSF-2 and then divide each
6 lot in two so that each dwelling would be on one
7 lot. And there is sufficient room there for lots
8 that would meet the RSF-2 requirements.

9 These are pictures of the subject property.
10 And if you look at the -- the picture down in the
11 corner, with the three white dwellings, those are
12 the three (3) duplex structures that we referred
13 to. And these are more pictures of the subject
14 properties. And then these are pictures of the
15 adjoining residences.

16 Now, I want to go back to the property on the
17 north. As I said, the portion east of the red
18 line is what would be re-zoned to RTF-4. The
19 portion to the west would remain RSF-1.

20 The part in the middle there, where you have
21 two dwellings, under this proposal, that would be
22 divided into two (2) lots. Under RTF-4, you
23 can't have single-family dwellings. And there is
24 sufficient room to create two (2) lots that would
25 meet RTF-4 requirements.

26 On the other side of Crowe Lane, on the east
27 side where you have the three (3) duplex
28 structures, that part would remain as one lot.

1 And the reason for that is they don't have
2 sufficient room to do an individual lot for each
3 duplex structure.

4 They would need fifteen thousand (15,000)
5 square feet for each one. And that's not there.
6 So that would remain as is, but the zoning at
7 least would address conformity issues.

8 I do -- I do realize that this is a little
9 unusual. When we were approached about this
10 property, we had to think about it before making
11 any suggestions.

12 But as I stated, the purpose is to address
13 conformity issues and to allow division of
14 property consistent with the existing dwellings.
15 Do you have any questions?

16 COMMISSION MEMBER BONNIE LOWRY: Do you
17 know if these additional units are going to
18 be the same as the ones that are on there, the
19 manufactured homes?

20 MR. VINCE JACKSON: They're not planning
21 additional units. They're planning to sell the
22 units that are there now.

23 COMMISSION MEMBER BONNIE LOWRY: Oh,
24 they're going to sell?

25 MR. VINCE JACKSON: Yes. They want to
26 divide the property so that the properties will
27 be conforming and so that they can be sold.

28 COMMISSION MEMBER BONNIE LOWRY: Then

1 why do they need the re-zoning?

2 MR. VINCE JACKSON: Because they're not
3 conforming. They can't sell, you know, if --
4 okay. Say, that first lot on the south, at the
5 corner there at Collier Road and County Road 93,
6 okay, if you had two people that wanted to buy
7 those manufactured homes, that would have to be
8 divided. It can't -- you know, they can't be
9 sold individually now because they're on one
10 parcel. Does that make sense?

11 COMMISSION MEMBER BONNIE LOWRY: Yes.

12 COMMISSION MEMBER KEVIN MURPHY: Vince,
13 are they nonconforming?

14 MR. VINCE JACKSON: Yes. Our zoning
15 ordinance says you can only have one principal
16 dwelling on the single lot. Doesn't matter how
17 big the lot is. It could be a one (1) acre lot.
18 It could be a one hundred (100) acre lot.

19 Here these constitute two (2) personal
20 dwellings on a single lot. Now, if one of them
21 was what we viewed as an accessory structure,
22 that would be one thing. But these are not
23 accessory dwellings. These would both count as
24 principal dwellings. They were there before
25 zoning, so they're grandfathered, but they're
26 still nonconforming.

27 COMMISSION MEMBER KEVIN MURPHY: But the
28 owner built them all with the intent to rent,

1 because they've never been sold? So he owns them
2 all. He must have built them with the intent to
3 rent them.

4 MR. VINCE JACKSON: That was probably
5 their original intent, but now they would like to
6 sell. Now, there is somebody who represents the
7 applicant. And he can probably explain what
8 they're -- what they're -- you know, what they're
9 intentions are better.

10 COMMISSION MEMBER KEVIN MURPHY: If he
11 built them with that intent to rent, they would
12 be -- even though they're not conforming, they
13 grandfathered in. So he could sell the entire
14 piece of property as is, and someone else could
15 go on with the rental business, and we wouldn't
16 have to change the zoning. Would that be
17 correct?

18 MR. VINCE JACKSON: That's correct.
19 They could sell them as is. But I think -- I
20 think -- you know, from what I understand, they
21 feel that they may have a better chance of
22 selling if they're able to sell them
23 individually. And they can't sell them
24 individually now.

25 COMMISSION MEMBER BONNIE LOWRY: It
26 doesn't count as grandfathered in or anything?

27 MR. VINCE JACKSON: It's grandfathered
28 in, but they're single -- you know, you got two

1 dwellings on one lot. If you want to sell each
2 dwelling individually, the lot has to be divided.

3 COMMISSION MEMBER BONNIE LOWRY: Okay.
4 All right.

5 COMMISSION MEMBER KEVIN MURPHY: Is
6 Collier Road paved? Is it paved? Is it
7 County-maintained?

8 MR. VINCE JACKSON: I believe so. I
9 can't tell if the road is paved, but, you know,
10 if -- if there is an -- if there is subdividing
11 that goes on, we'll have to look at that and make
12 sure the subdivision requirements are met.

13 COMMISSION MEMBER KEVIN MURPHY: Yeah,
14 I'm thinking we might be a little premature here,
15 because the other landowners, it would be a
16 little unfair to them. He could sell it as an
17 existing rental business, and it would be
18 conforming and grandfathered in. So we're not --

19 MR. VINCE JACKSON: Well, I think you
20 all need to hear from the applicant and see what
21 he has to say.

22 COMMISSION MEMBER DANIEL NANCE: Vince,
23 before we do that, do we know -- because the
24 tendency with mobile homes, they share septic
25 tanks when things were built a while back. And
26 so it sounds like these parcels are.

27 Would we have any liability from a -- that
28 we're subdividing property and the future

1 homeowner buys a parcel that is sharing a septic
2 or something with a neighboring property? So I'm
3 just curious about that before we subdivide
4 something.

5 ATTORNEY BRAD HICKS: Well, we're not
6 subdividing here, though; right? This is a
7 re-zoning request --

8 MR. VINCE JACKSON: Yeah, this is a
9 rezoning.

10 ATTORNEY BRAD HICKS: -- and then the
11 subdivision application would come on the heels
12 of this, if it was approved?

13 MR. VINCE JACKSON: Right.

14 ATTORNEY BRAD HICKS: Yeah. That's a
15 good question, though. So they'll be right back
16 here in front of us, and we'll have to address
17 that issue.

18 MR. VINCE JACKSON: Right.

19 ATTORNEY BRAD HICKS: I don't know
20 exactly the answer to that question right now,
21 but it's not necessarily what we'd be considering
22 with a re-zoning request.

23 MR. VINCE JACKSON: Right, right. It
24 would be consideration for a subdivision issue.
25 And it's really a good question. I don't know
26 that it's ever come up before. So we will have
27 to look into that.

28 ATTORNEY BRAD HICKS: And perhaps the --

1 whoever the applicant is can tell us the septic
2 situation.

3 MR. VINCE JACKSON: Yes.

4 PLANNING AND ZONING COMMISSION CHAIRMAN
5 SAM DAVIS: Why don't we hear from the applicant
6 at this point, then that may raise more questions
7 for Vince.

8 COMMISSION MEMBER ARTHUR OKEN: I do
9 have question for Vince. On Page 122, there's a
10 picture of the subject property. On several of
11 these, there's a red line. I don't understand
12 what the red line is about on the subject
13 property.

14 MR. VINCE JACKSON: There are three (3)
15 lots. The purpose of the red line is to show you
16 that on that portion of the property, west of the
17 red line, will not -- is not requested for
18 re-zoning. East of the red line is.

19 COMMISSION MEMBER ARTHUR OKEN: It's a
20 rectangle?

21 MR. VINCE JACKSON: Right.

22 COMMISSION MEMBER ARTHUR OKEN: Okay.
23 Thank you.

24 PLANNING AND ZONING COMMISSION CHAIRMAN
25 SAM DAVIS: Thanks, Vince. We'll open the public
26 hearing at this point. There is no opposition to
27 this. Marco Toledo, is that correct?

28 MR. MARCO TOLEDO: Yes.

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1 PLANNING AND ZONING COMMISSION CHAIRMAN

2 SAM DAVIS: Would you like to come up to the
3 podium?

4 MR. MARCO TOLEDO: Good evening, my name
5 is Marco Toledo, and I am representing the
6 client. Can you hear me? I'm really impressed
7 that we got Penn State in the house. Is that
8 Penn State?

9 COMMISSION MEMBER DANIEL NANCE: That's
10 the Jags.

11 MR. MARCO TOLEDO: That's the Jags, oh.
12 That's too far. I didn't realize. I need to put
13 my glasses on. Okay.

14 So we have these properties. They're trying
15 to, you know, subdivide it so they can sell.
16 Because it's really hard at the time, right now,
17 to sell that property, very, very difficult.

18 There is septic tanks, to address some of the
19 that problem, for each individual lot that's
20 there all already.

21 It's all fenced in. It -- every lot there is
22 fenced in, except the duplexes. The duplexes
23 have their own fenced-in lots. They have their
24 septic tanks. I know you had a question. You
25 had a concern. Can you repeat that question?

26 COMMISSION MEMBER KEVIN MURPHY: Is
27 Collier Road paved?

28 MR. MARCO TOLEDO: Yes, sir. It is

1 paved. Yes, sir.

2 COMMISSION MEMBER KEVIN MURPHY: And
3 it's County-maintained?

4 MR. MARCO TOLEDO: It is
5 County-maintained.

6 ATTORNEY BRAD HICKS: You said each lot
7 has a septic tank?

8 MR. MARCO TOLEDO: Septic tank, yes.

9 ATTORNEY BRAD HICKS: Do you mean each
10 of the lots with the two houses on it or each
11 house has a septic tank?

12 MR. MARCO TOLEDO: I'm sorry. Yes, each
13 house has a septic tank, or each mobile home.

14 PLANNING AND ZONING COMMISSION CHAIRMAN
15 SAM DAVIS: Are they on public water or private
16 water?

17 MR. MARCO TOLEDO: Excuse me?

18 PLANNING AND ZONING COMMISSION CHAIRMAN
19 SAM DAVIS: Public water or private wells?

20 MR. MARCO TOLEDO: The septic tanks?

21 PLANNING AND ZONING COMMISSION CHAIRMAN
22 SAM DAVIS: The water supply to the houses.

23 MARCO TOLEDO: Well, the water supply to
24 the houses is both the County -- they have access
25 to the County water, but they have -- but the
26 owner built wells instead.

27 PLANNING AND ZONING COMMISSION CHAIRMAN
28 SAM DAVIS: Okay. So there's access to County

1 water --

2 MR. MARCO TOLEDO: Yes.

3 PLANNING AND ZONING COMMISSION CHAIRMAN

4 SAM DAVIS: -- but their supply is out of water
5 wells. Are they each supplied by an individual
6 well?

7 MR. MARCO TOLEDO: No. There's five
8 different wells.

9 PLANNING AND ZONING COMMISSION CHAIRMAN

10 SAM DAVIS: How many structures?

11 MR. MARCO TOLEDO: There is 13.

12 PLANNING AND ZONING COMMISSION CHAIRMAN

13 SAM DAVIS: 13 structures, 5 wells. So you've
14 got the issue that you raised, except it's water,
15 not sewer. So good question.

16 COMMISSION MEMBER DANIEL NANCE: It's
17 just hard to --

18 COMMISSION MEMBER BONNIE LOWRY: The
19 water is a going to be easier to solve than the
20 sewer.

21 MR. MARCO TOLEDO: They have access to
22 the -- you know, the water -- the water through
23 the City. It's all set in already and, also,
24 with the sewer, too.

25 COMMISSION MEMBER BONNIE LOWRY: Well, I
26 am presuming that once this is done, the sales
27 will be on it as-is, you know. So if there is a
28 water situation, the buyer of the lot is going to

1 have to take care of it.

2 MR. MARCO TOLEDO: Well, they have
3 access to it. I just know that it was going to
4 cause the tenants much more money to have access
5 to that. And so it saved the tenants, you know,
6 money. That's why they're currently --

7 PLANNING AND ZONING COMMISSION CHAIRMAN
8 SAM DAVIS: Have they talked about what they are
9 going to do about the water supply, if it is
10 divided?

11 MR. MARCO TOLEDO: Not to my knowledge.
12 But, like I said, they have -- each individual
13 renter has access to the City water if they
14 wanted to.

15 PLANNING AND ZONING COMMISSION CHAIRMAN
16 SAM DAVIS: But they're a renter, not the owner.

17 MR. MARCO TOLEDO: Yes, sir.

18 PLANNING AND ZONING COMMISSION CHAIRMAN
19 SAM DAVIS: Well, do you expect the renters to
20 buy this or someone else to buy this?

21 MR. MARCO TOLEDO: I expect anybody
22 that's wanting to buy it is able to buy it.
23 Anyone, you know, that's willing to buy it, they
24 can buy it.

25 PLANNING AND ZONING COMMISSION CHAIRMAN
26 SAM DAVIS: I don't personally think this is
27 ready for the request that y'all are asking for.

28 MR. MARCO TOLEDO: Because?

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1 PLANNING AND ZONING COMMISSION CHAIRMAN

2 SAM DAVIS: Anything else? Well, because of the
3 water as the first one, first thing. What about
4 power? Is the power separated to each unit?

5 MR. MARCO TOLEDO: The power?

6 PLANNING AND ZONING COMMISSION CHAIRMAN

7 SAM DAVIS: Yes.

8 MR. MARCO TOLEDO: The power is Riviera
9 Utilities and --

10 PLANNING AND ZONING COMMISSION CHAIRMAN

11 SAM DAVIS: Does each unit own its own meter?

12 MR. MARCO TOLEDO: Yes.

13 COMMISSION MEMBER DANIEL NANCE: Is
14 there a business operating in that barn or is it
15 just a barn?

16 MR. MARCO TOLEDO: It is a barn and they
17 have a little office in that barn right now.

18 COMMISSION MEMBER DANIEL NANCE: So it's
19 sort of a business?

20 MR. MARCO TOLEDO: Yes, sir. They have
21 a little tax place.

22 PLANNING AND ZONING COMMISSION CHAIRMAN

23 SAM DAVIS: Any other questions for Mr. Toledo?

24 (No response.)

25 PLANNING AND ZONING COMMISSION CHAIRMAN

26 SAM DAVIS: Anything else you'd like for us to
27 know?

28 MR. MARCO TOLEDO: No. They just --

1 they're some folks that -- you know, that did
2 there business for a while. And they're in their
3 70s, and they're wanting to retire.

4 Because he's gentleman that just, you know,
5 worked on these, you know, with his bare hands
6 and was able to do a great job with the rental
7 income on this place. I mean, it's marvelous --
8 it's a really nice place.

9 And, you know, now, they're trying to retire
10 and, you know, sell and conform to that property.
11 It's really hard, because it's a bag of the mixed
12 kind of things.

13 We've got a home, actually, a block over,
14 there on the north side of Collier Road, then
15 you've got modular homes, and you got the
16 duplexes. So it's kind of hard to sell at the
17 moment.

18 And you're right. Somebody could just come
19 in and buy the whole thing as is, which, ideally,
20 would be the best thing they would want to do.
21 But it is proven to be, you know, harder than it
22 seems or looks.

23 So, you know, I believe that it'll be easier
24 to sell if it was -- you know, if it had this
25 re-zoning to conform it. It would conform to
26 that, and then, you know, subdivide it later on.
27 Yes, sir.

28 PLANNING AND ZONING COMMISSION CHAIRMAN

1 SAM DAVIS: All right. Thank you, sir. We'll
2 close the public hearing at this point.

3 Vince, in light of the water not being
4 independent to each structure, is this thing
5 ready to -- for us to vote?

6 MR. VINCE JACKSON: It sounds like that
7 there may be some things that we need to do,
8 research. And I think maybe y'all have some
9 questions that would require us to do a little
10 bit of research.

11 If you would like to table this until the
12 December meeting, that's certainly within your
13 authority to do. That would be December 5th.

14 So, you know, if that -- if that's what you
15 want to do, then we can reach out to the
16 applicant and talk with them and make sure we
17 have all these questions answered between now and
18 December.

19 PLANNING AND ZONING COMMISSION CHAIRMAN
20 SAM DAVIS: Is there a motion to table this until
21 December 5th?

22 COMMISSION MEMBER BRANDON BIAS:
23 Mr. Chairman, before we make that motion, can I
24 add an additional request to Vince?

25 In light of Daniel's question about the
26 business that may be existing on, looks like,
27 that central -- the western parcel on the north
28 side of Collier Road, can y'all look into the

1 business licenses of those businesses and see if
2 they preexisted zoning?

3 MR. VINCE JACKSON: Yes. We'll research
4 that as well.

5 COMMISSION MEMBER BRANDON BIAS:
6 Certainly don't want to create issues with that.

7 COMMISSION MEMBER DANIEL NANCE: All
8 right. Motion to table, Mr. Chairman, to the
9 December meeting.

10 PLANNING AND ZONING COMMISSION CHAIRMAN
11 SAM DAVIS: Okay. There's a motion to table this
12 until December the 5th. Is there a second?

13 COMMISSION MEMBER BRANDON BIAS: Second.

14 COMMISSION MEMBER BONNIE LOWRY: Second.

15 PLANNING AND ZONING COMMISSION CHAIRMAN
16 SAM DAVIS: There's a second. All in favor say
17 aye.

18 (Commission members say "aye" in unison.)

19 PLANNING AND ZONING COMMISSION CHAIRMAN
20 SAM DAVIS: Motion carried.

21

22 **8-E - CASE Z-19052 MESZAROS CORP PROPERTY**

23 PLANNING AND ZONING COMMISSION CHAIRMAN

24 SAM DAVIS: Okay. Next case is Z-19052, Meszaros
25 Corporation property, I believe is how you
26 pronounce that.

27 MS. CELENA BOYKIN: This is a request to
28 re-zone two (2) acres from B-2, Neighborhood

1 Business District, to B-3, General Business
2 District, in order to allow for an auto
3 convenience store.

4 The subject property is located on the south
5 side of US Highway 98 and north of County Road 99
6 in Planning District 33. The subject property
7 currently has a commercial building on it.

8 As you can see from the zoning map, it's
9 surrounded by B-2 zoning on the north, south, and
10 east. To the west, there is residential zoning.
11 The neighboring properties are residential and
12 commercial.

13 The zoning in Planning District 33 was
14 approved by the County Commission in 2002.
15 There's been different amendments to the zoning
16 ordinance since then.

17 B-2, when it existed at the time, more was
18 allowed in B-2. Many of these uses that are
19 found along US Highway 98 would be more properly
20 zoned as B-3 or B-4, but most of them are
21 currently zoned as B-2.

22 Here's a map showing all the different
23 businesses along 98 close to the subject
24 property. Here's a pictures of the adjoining
25 property and the subject property.

26 The next two slides show the proposed site
27 plan for the gas station that the applicant is
28 proposing.

1 There was a couple of agency comments. The
2 Baldwin County Highway Department stated that if
3 the property is developed, the applicant would
4 have to receive a turnout permit on County Road
5 99. And stormwater and traffic impacts would
6 need to be considered in the permit process.
7 Also, along US Highway 98, they would have to
8 receive permission from ALDOT for their turnout
9 permit.

10 Development of this property would basically
11 serve traffic which is already traveling along US
12 98. There should be no significant impact to the
13 traffic patterns.

14 The proposed zoning, the B-2 amendment is
15 consistent with development -- I mean, B-3 is
16 consistent with the development patterns in the
17 area.

18 There is another gas station just north of
19 the subject property. There are many other
20 businesses in this area. There are Lillian Boat
21 Launch, which is just a little south of the
22 subject property.

23 Staff sees -- anticipates no adverse impacts
24 if this is approved. They will have to submit
25 for a major land use, which their drainage, their
26 turnout -- those turnout permits from the County
27 and ALDOT, they will have to provide those.

28 We will check the drainage plans.

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1 Landscaping and any buffers that are required,
2 they'll have to have those. Staff has
3 recommended approval.

4 PLANNING AND ZONING COMMISSION CHAIRMAN

5 SAM DAVIS: Any questions for Celena on this?

6 (No response.)

7 PLANNING AND ZONING COMMISSION CHAIRMAN

8 SAM DAVIS: Okay. Thank you, Celena. We'll open
9 the public hearing at this point. Is there
10 someone here representing the applicant?

11 MR. DHIVY SATHIANATHAN: For the record,
12 it's Dhivy Sathianathan representing the owner.
13 Good evening, Commission. And I know it's late,
14 so I'll be swift with this. It's past our
15 bedtime. I don't think I could do a better job
16 than what the Planning just stated here.

17 So civil case, a local business, it intends
18 to employee fifteen (15) to twenty (20)
19 employees. They're all local. We intend to meet
20 all of the County ordinances, the buffer zones.

21 We intend to -- we already got consensual
22 approval from Alabama DOT. We intend to meet all
23 the drainage requirements, the lighting,
24 photometrics for the site.

25 The request is consistent with all the
26 surrounding zoning, so we respectfully request
27 that you approve this re-zoning.

28 PLANNING AND ZONING COMMISSION CHAIRMAN

1 SAM DAVIS: Any questions for this gentleman?

2 (No response.)

3 PLANNING AND ZONING COMMISSION CHAIRMAN

4 SAM DAVIS: Thank you, sir. Three other people
5 signed up in support of this. Do you have
6 anything additional to offer that this gentlemen
7 didn't cover?

8 AN AUDIENCE MEMBER: No, sir.

9 PLANNING AND ZONING COMMISSION CHAIRMAN

10 SAM DAVIS: Thank you. Two people signed up in
11 opposition. Larry Aycock and Jay Patel. Who
12 wants to go first?

13 MR. LARRY AYCOCK: How you doing? It's
14 been a long night. My name is Larry Aycock. I
15 own the Chevron in Lillian. I've been a resident
16 of Lillian for 25 years. And we've had our
17 business for almost 24 years. I won't take but a
18 few moments of your time.

19 PLANNING AND ZONING COMMISSION CHAIRMAN

20 SAM DAVIS: If you will, speak into that mic.

21 MR. LARRY AYCOCK: The competition is
22 good, but you're kind of slicing this pie way to
23 thin. I don't believe Lillian can support three
24 stores with the population we have now.

25 We've had some struggles over the years,
26 recession. Another station came to Lillian,
27 cutting into really hard times for us. You have
28 a couple of other business that went in; Dollar

1 General and Family Dollar, which sell like
2 products as we do, except fuel.

3 I'm just a small one business owner. And I
4 don't know about the gentleman who had the Shell,
5 but it's struggle. We can coexist just fine, but
6 it's struggle.

7 My concern is when you get somebody that's
8 big, like Dollar General and Family Dollar that's
9 nationwide, and one of those stores can't make it
10 and had to shut down. What do you think you're
11 going to do, let a third store come in? There's
12 no way.

13 And I have employees that's been with me
14 15 years. And we -- I'm worried about the future
15 of my business. So that's -- that's enough. I
16 don't need to beat it to death and keep telling
17 you all this. I think you get that part.

18 My other question is -- or statement I have,
19 a few months back, we've had -- I guess the
20 County or the State, we had a meeting out at
21 Lillian in the Community Center with all of us
22 business owners trying to restrict our access to
23 98, because there's so much congestion with all
24 the little businesses and stores.

25 They even maybe suggested shut down one of my
26 driveways. That might be a way to do it at my
27 store. I'm a truck stop, I've got to have it.

28 So based on that and congestion of all these

1 businesses, we're going to put another one on the
2 corner down there, where it's so dangerous now
3 it's not safe.

4 Because I have to drive through that corner
5 every day to go home. So we're going to put more
6 traffic on that road. But that's okay. But it's
7 not a few months ago when they're trying to shut
8 driveways down and reroute and try to figure a
9 another way to make businesses safer.

10 So I need to think that -- I was concerned
11 when they built the Shell years ago, about
12 environmentally being at sea level. But they did
13 it, and it's been flooded out a few times and had
14 to replace pumps. And I'm surprised we didn't
15 get fuel in the bay.

16 We're fixing to do the same thing, if we put
17 another station right here at sea level. I'm
18 sure they did their homework. They'll spend
19 their money.

20 You know, we're just a little mom-and-pop
21 store here. These people got big money, and they
22 can come in and probably push us out of business.

23 So I want you to please consider that. If
24 three stores can't make it and you got two
25 nationwide stores, Dollar General and Family
26 Dollar, and one of those couldn't make it, think
27 about it. You're going to put one of us out.

28 That's all I've got. Thank you. Unless

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1 you've got any questions?

2 PLANNING AND ZONING COMMISSION CHAIRMAN

3 SAM DAVIS: Any questions for this gentleman?

4 (No response.)

5 PLANNING AND ZONING COMMISSION CHAIRMAN

6 SAM DAVIS: Okay. Thank you. Jay Patel, you got
7 anything to add?

8 MR. JAY PATEL: No, sir. I don't have
9 anything to add.

10 PLANNING AND ZONING COMMISSION CHAIRMAN

11 SAM DAVIS: Nothing to add. Okay. Thank you.
12 We'll close the public hearing at this point.
13 Staff have anything?

14 MS. CELENA BOYKIN: I have no additional
15 comments.

16 PLANNING AND ZONING COMMISSION CHAIRMAN

17 SAM DAVIS: Any other questions for staff?

18 (No response.)

19 PLANNING AND ZONING COMMISSION CHAIRMAN

20 SAM DAVIS: Okay. Staff has recommended that we
21 recommend approval to this to the County
22 Commission. Is there a motion to do so?

23 COMMISSION MEMBER ARTHUR OKEN: So
24 moved, Mr. Chairman.

25 PLANNING AND ZONING COMMISSION CHAIRMAN

26 SAM DAVIS: Okay. There is a motion that we
27 recommend approval to the County Commission. Is
28 there a second?

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 11/07/2019

1 COMMISSION MEMBER ROBERT DAVIS: Second.

2 PLANNING AND ZONING COMMISSION CHAIRMAN

3 SAM DAVIS: All those in favor, say aye.

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

5 PLANNING AND ZONING COMMISSION CHAIRMAN

6 SAM DAVIS: All opposed?

7 (Some Commission Members say "nay" in unison.)

8 PLANNING AND ZONING COMMISSION CHAIRMAN

9 SAM DAVIS: All right. Let's have a rollcall
10 vote.

11 MS. CELENA BOYKIN: Kevin Murphy.

12 COMMISSION MEMBER KEVIN MURPHY: Yes.

13 MS. CELENA BOYKIN: Bonnie Lowry.

14 COMMISSION MEMBER BONNIE LOWRY: No.

15 MS. CELENA BOYKIN: Daniel Nance.

16 COMMISSION MEMBER DANIEL NANCE: No.

17 MS. CELENA BOYKIN: Brandon Bias.

18 COMMISSION MEMBER BRANDON BIAS: No.

19 MS. CELENA BOYKIN: Arthur Oken.

20 COMMISSION MEMBER ARTHUR OKEN: Yes.

21 MS. CELENA BOYKIN: Nancy Mackey.

22 COMMISSION MEMBER NANCY MACKEY: No.

23 MS. CELENA BOYKIN: Robert Davis.

24 COMMISSION MEMBER ROBERT DAVIS: Yes.

25 MS. CELENA BOYKIN: Plumer Tonsmeire.

26 COMMISSION MEMBER PLUMER TONSMEIRE: No.

27 MS. CELENA BOYKIN: Chairman, the motion
28 failed three (3) to five (5).

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 11/07/2019

1 PLANNING AND ZONING COMMISSION CHAIRMAN

2 SAM DAVIS: Okay. Being that motion failed, is
3 there a motion in the alternative to recommend
4 denial to the County Commission?

5 COMMISSION MEMBER BRANDON BIAS:

6 Mr. Chairman, I make a motion to recommend denial
7 to the County Commission.

8 PLANNING AND ZONING COMMISSION CHAIRMAN

9 SAM DAVIS: Okay. Is there --

10 COMMISSION MEMBER BONNIE LOWRY: Second.

11 PLANNING AND ZONING COMMISSION CHAIRMAN

12 SAM DAVIS: -- a second? Second. Rollcall vote.

13 MS. CELENA BOYKIN: Kevin Murphy.

14 (Sidebar conversation.)

15 PLANNING AND ZONING COMMISSION CHAIRMAN

16 SAM DAVIS: All right.

17 MS. CELENA BOYKIN: Kevin Murphy.

18 COMMISSION MEMBER KEVIN MURPHY: No.

19 MS. CELENA BOYKIN: No, okay. Bonnie
20 Lowry.

21 COMMISSION MEMBER BONNIE LOWRY: Yes.

22 MS. CELENA BOYKIN: Daniel Nance.

23 COMMISSION MEMBER DANIEL NANCE: Yes.

24 MS. CELENA BOYKIN: Brandon Bias.

25 COMMISSION MEMBER BRANDON BIAS: Yes.

26 MS. CELENA BOYKIN: Arthur Oken.

27 COMMISSION MEMBER ARTHUR OKEN: This is
28 a motion to deny; is that correct?

1 MS. CELENA BOYKIN: Correct.
2 COMMISSION MEMBER ARTHUR OKEN: No.
3 MS. CELENA BOYKIN: Nancy Mackey.
4 COMMISSION MEMBER NANCY MACKEY: Yes.
5 MS. CELENA BOYKIN: Robert Davis.
6 COMMISSION MEMBER ROBERT DAVIS: No.
7 MS. CELENA BOYKIN: Plumer Tonsmeire.
8 COMMISSION MEMBER PLUMER TONSMEIRE:
9 Yes.
10 MS. CELENA BOYKIN: All right. The
11 motion carried, five (5) to three (3).
12

13 **8-F - CASE Z-19054, KIRCHARR PROPERTY**

14 PLANNING AND ZONING COMMISSION CHAIRMAN
15 SAM DAVIS: Okay. Next case is Z-19054, Kircharr
16 Property.

17 MR. VINCE JACKSON: Kircharr Property,
18 it's a request to re-zone from RA, Rural
19 Agricultural, M-1, Light Industrial, and B-4,
20 Major Commercial, to RSF-2, Single-Family.

21 The applicant is requesting re-zoning of
22 one-hundred-twenty-two-point-three (122.3) acres
23 in order to allow for the development of a
24 planned residential development subdivision to be
25 named Savannah Estates.

26 The subject property is located on the east
27 side of County Road 54 in Planning District 15.
28 And here is the locator map showing the subject

1 property.

2 If you will remember, you have looked at this
3 property before, just a few months ago, and you
4 did recommend approval. At that time, it was a
5 larger area of property and the PRD request was
6 for a greater number of lots.

7 With the current proposal, they have reduced
8 the area that they're requesting to be re-zoned.
9 And you can see the -- the area that is zoned
10 M-1, Light Industrial, which makes up a good
11 portion of the subject property, that was zoned
12 RSF-2 prior to being zoned M-1. So approval of
13 this re-zoning will restore the original zoning
14 of that portion of the property.

15 Also, if you'll notice, property directly to
16 the north is zoned RSF-2. That is the location
17 for The Reserve at Daphne. And you, the Planning
18 Commission, considered the re-zoning and the PRD
19 site plan request for that development in the
20 previous year.

21 The proposed development would involve three
22 hundred twenty-seven (327) lots. And as I stated
23 previously, it would be known as Savannah
24 Estates.

25 A portion of this property is -- it includes
26 a dirt pit. You can see that to the northeast of
27 the subject property.

28 There were concerns with the original

1 submittal that were expressed concerning the fill
2 that would be proposed. And the application --
3 the previous application ended up being withdrawn
4 without any kind of action by the County
5 Commission.

6 So this is entirely new submittal. But
7 because the County Commission did not vote on the
8 request, there is no time limit preventing them
9 from coming back. If the County Commission had
10 actually voted, they couldn't come back for a
11 year from that time.

12 Like I said, this is a -- this is less area.
13 It involves less lots. And with the previous
14 approval, or the previous submittal rather, the
15 Planning Commission did recommend approval to the
16 County Commission of the re-zoning.

17 We're handling the re-zoning and the PRD site
18 plan requests as two separate agenda items in
19 order to keep -- make sure that we keep the
20 items -- our focus on each individual item.

21 So we'll need to do public hearings on each
22 and take votes on each. But the first one is the
23 request for re-zoning. And approval of this
24 re-zoning request will allow for the development
25 of the PRD to be known as Savannah Estate, which
26 is the subject of our next application.

27 Here are some pictures of the subject
28 property. And you can see pictures of the dirt

1 pit area. There are some adjoining properties.

2 Our recommendation, as it was with the
3 previous submittal, is a recommendation to
4 approve. And we feel like it's important to be
5 consistent with our recommendations.

6 We did previously recommend approval on this
7 one. And we also recommended approval of The
8 Reserve located to the north, which was approved
9 in 2018.

10 Those are all my comments at this time. And
11 I will be happy to answer any questions you have.

12 PLANNING AND ZONING COMMISSION CHAIRMAN
13 SAM DAVIS: Any questions for Vince?

14 COMMISSION MEMBER BONNIE LOWRY: Where
15 exactly is that pit?

16 MR. VINCE JACKSON: Okay. It's at the
17 northeast portion of the property. If you see
18 the -- okay. You've got the rectangle that abuts
19 County Road 54 West, where you've got B-4 zoning
20 and RA.

21 Then you move to the east, you have an M-1
22 rectangle. When you go further to the east,
23 that's where the dirt pit is. You can see it a
24 little better on the aerial photography. And
25 then you can see it -- this is a preliminary plan
26 that was provided by the applicant. You can see
27 it. It's at the eastern end of the area
28 requesting to be re-zoned. And then here is some

1 pictures.

2 COMMISSION MEMBER BONNIE LOWRY: Is
3 there any specific requirement as to what the
4 fillings for the pit would be?

5 MR. VINCE JACKSON: That would have to
6 be evaluated during the subdivision process. So
7 what we've got before you tonight -- And these
8 will be recommendations to the County
9 Commission -- we'll have a recommendation on the
10 re-zoning, and we'll have a recommendation on the
11 PRD site plan.

12 If those are ultimately approved by the
13 County Commission, then they will have to go
14 through the subdivision process. So we're not
15 looking at subdivision right now.

16 Now, this is in the City of Daphne's
17 extraterritorial jurisdiction. So the actual
18 subdivision will go to the Daphne Planning
19 Commission. But we will still have to make sure
20 that they meet County subdivision requirements.

21 PLANNING AND ZONING COMMISSION CHAIRMAN
22 SAM DAVIS: Any other questions for Vince?

23 (No response.)

24 PLANNING AND ZONING COMMISSION CHAIRMAN
25 SAM DAVIS: Thank you Vince. Who is here
26 representing the developer?

27 MR. JOE RECTOR: Mr. Chairman, thank
28 you. My name is Joe Rector with Mullins, LLC.

1 Micah Jones is also here with me. We represent
2 the landowner on this. And we're the consulting
3 firm that has done the work.

4 We were here before you on this project once
5 before, as Vince mentioned. We took it from here
6 and we attended the County Commission workshop.

7 We received some input from the Commission
8 and from the attendees of the workshop. That was
9 why this was withdrawn, to come back and to
10 retool this and address some of the questions
11 that were raised at that time.

12 And this one in particular, just pertaining
13 to the zoning aspect of it, we didn't really have
14 a lot of concerns expressed about the actual
15 re-zoning aspect of it.

16 Most of the comments were pertaining to the
17 PRD aspect of this, which will be the next agenda
18 item. As mentioned before -- had to go back,
19 with the one that's got the zoning. Right there.

20 And as Vince mentioned, some of these parcels
21 are being down-zoned from the Light Industrial
22 and the B-4 and then, of course, the ones that RA
23 would be brought up to the RSF-2, which is
24 consistent with the parcel to the north of it.

25 But I will be glad to answer any specific
26 questions you have pertaining to zoning. Also,
27 we'll, you know, talk about the -- address the
28 PRD aspect as well.

1 PLANNING AND ZONING COMMISSION CHAIRMAN

2 SAM DAVIS: Any questions for Mr. Rector?

3 COMMISSION MEMBER BRANDON BIAS: I
4 believe I asked this question back in June, but I
5 don't remember the exact answer. Have these
6 permits been closed out with ADEM for the pits
7 that exist on the property?

8 MR. JOE RECTOR: Not at this time. The
9 portion of the -- that's to the east, in here, is
10 currently an active pit. And it's the part that
11 we had talked about before as being closed out.

12 They do have some active process going on
13 with ADEM that -- And, also, since this time, we
14 have engaged with the engineering department with
15 the County and had several meetings with them,
16 discussions about the concerns with fill, how
17 this was going to be closed out.

18 We have some more detailed information that
19 has what we actually have done as preliminary
20 engineering design plan and had geotech
21 perform -- bores done on this to determine, you
22 know, the various areas where there might need to
23 be some addition fills and excavation done to be
24 able to create a stabilized base in there for the
25 future, whenever the roads and the home paths are
26 built in there to meet the engineering
27 requirements of the County.

28 COMMISSION MEMBER BRANDON BIAS: So how

1 much activity would take place on the property
2 during the closeout?

3 MR. JOE RECTOR: So the way -- so
4 that's -- I guess it's more of sort of the PRD
5 aspect of it.

6 The plan for that will be -- is that the
7 portion that you're looking at that is B-4,
8 that's the west, would be what would be Phase 1.
9 This will be a multi-year process, that we'd come
10 in one phase at the time, present engineering
11 plans, and go through that process.

12 And by the time we got to the portion where
13 the pit is, we're talking -- it would be several
14 years down the road. And the pit would be closed
15 out and everything by the time anything ever got
16 to that site.

17 COMMISSION MEMBER BRANDON BIAS: I guess
18 the reason I ask that question is if we do
19 re-zone it to RSF-2, would any commercial
20 activity be still taking place on this property
21 during the closeout?

22 MR. JOE RECTOR: That -- that pit
23 activity, I believe it to be determined, was
24 still allowed as -- under the RSF-2.

25 COMMISSION MEMBER KEVIN MURPHY: Still
26 allowed, right.

27 MR. JOE RECTOR: So it would still be --
28 it would still be consistent with what the

1 re-zoning would be.

2 MR. BRANDON BIAS: Thank you.

3 PLANNING AND ZONING COMMISSION CHAIRMAN

4 SAM DAVIS: Any other questions?

5 (No response.)

6 PLANNING AND ZONING COMMISSION CHAIRMAN

7 SAM DAVIS: Thank you, sir. Mr. Jones, you got
8 anything for us?

9 MR. MICAH JONES: Not specific to
10 re-zoning, no.

11 PLANNING AND ZONING COMMISSION CHAIRMAN

12 SAM DAVIS: Okay. Ms. McArthur signed up in
13 opposition.

14 MS. MARTY McARTHUR: I signed the
15 opposition form because that was on the only
16 chance for me to speak. I live in Canaan Place,
17 which is -- I don't know if you know where that
18 is. It's down 54 East, between Chalcer Road --

19 PLANNING AND ZONING COMMISSION CHAIRMAN

20 SAM DAVIS: If you will, address us, ma'am.

21 Address us, please, ma'am.

22 MS. MARTY McARTHUR: Oh, I'm sorry. I
23 have -- I am representing a lot of people who
24 live in Canaan Place. And they have questions.

25 They're wanting to know what the price of the
26 homes is going to be. And they wanted to know
27 what streets will access this development.

28 I see it's going to be 64, looks like, which

1 is how we get to Daphne, or if we want to go to
2 Birmingham, get on 181, we use 64.

3 And I was on the anti-toll in that group. We
4 saw plans that they're going to add a third lane
5 on 64. So that will be nice, but it's still --
6 we're concerned about the traffic, it's trafficy
7 [sic] there already.

8 And there's a new elementary school going in
9 at corner of 54 and 64. So that's going to be
10 traffic right there. And that's right where this
11 looks like it's going to dump out on 64. So
12 that's a question we have, a concern we have.

13 And they want to know what schools these
14 children will be attending. And, of course,
15 everybody is always worried about drainage,
16 sewage, that kind of thing. So those are our
17 concerns and questions.

18 I don't know if this is the right place to
19 voice them, but this is the first I knew of it,
20 so --

21 PLANNING AND ZONING COMMISSION CHAIRMAN
22 SAM DAVIS: It's probably a little early in the
23 process, but it's good for you to get them out.

24 MS. MARTY McARTHUR: Okay.

25 PLANNING AND ZONING COMMISSION CHAIRMAN
26 SAM DAVIS: Any questions for Mr. McArthur?

27 (No response.)

28 PLANNING AND ZONING COMMISSION CHAIRMAN

1 SAM DAVIS: Thank you. We'll close the public
2 hearing at this point. Staff?

3 MR. VINCE JACKSON: I don't have any
4 additional comments on the re-zoning -- well,
5 except for one about the operation of dirt pit.

6 The dirt pits are actually allowed regardless
7 of zoning. I know that's an odd thing. But our
8 legislation prohibits us from regulating dirt
9 pits. It talks about extraction, removal of
10 natural resources. And so dirt pits are included
11 as something we actually can't regulate.

12 COMMISSION MEMBER BRANDON BIAS: Is that
13 in our enabling legislation from the state
14 legislature?

15 MR. VINCE JACKSON: Yes.

16 COMMISSION MEMBER BRANDON BIAS: I'm
17 shocked by that.

18 MR. VINCE JACKSON: Yeah. It is there.
19 But so we -- I mean, we have it listed as a
20 permitted use under every zoning designation. I
21 mean, you know, theoretically, we can't regulate
22 it. Now, it can be regulated at State level, but
23 it can't be regulated through zoning.

24 But, you know, if -- it will continue, I
25 think, until they get to the point where they
26 need to close it out, which like Mr. Rector said,
27 that would be several years down the road.

28 COMMISSION MEMBER BRANDON BIAS: I

1 appreciate that insight, that it goes back that
2 deep into the regulatory structure.

3 COMMISSION MEMBER BONNIE LOWRY:

4 Question for you, Vince.

5 MR. VINCE JACKSON: Yes, ma'am.

6 COMMISSION MEMBER BONNIE LOWRY: Is
7 there any way that property can be accessed and
8 egressed through the lot to the west, which is
9 also shown as a B-4, up there in that corner?
10 Isn't that all part of the same property we
11 talked about before?

12 MR. VINCE JACKSON: Yes. And when we
13 get to the next case, which is the PRD site plan
14 request, we'll actually have their proposed site
15 plan up on the screen so you'll see where their
16 proposed access is.

17 COMMISSION MEMBER BONNIE LOWRY: So it
18 doesn't all have to go through 64?

19 MR. VINCE JACKSON: Well, let me go
20 ahead and show you where they're proposing their
21 access. That will -- see, they're showing an
22 access off of County Road 54.

23 Now, there might be future -- a future tie-in
24 into 64, but that twenty-three-and-a-half (23.5)
25 acres that you see to the south, that is not part
26 of the PRD.

27 It was part of the original request. It is
28 not part of this request. But the access can be

1 addressed in more detail when we actually get to
2 this application.

3 COMMISSION MEMBER BONNIE LOWRY: Okay.
4 Thank you.

5 PLANNING AND ZONING COMMISSION CHAIRMAN
6 SAM DAVIS: Any other questions for Vince?

7 (No response.)

8 PLANNING AND ZONING COMMISSION CHAIRMAN
9 SAM DAVIS: Thank you, Vince. Staff recommended
10 approval. This would be a recommendation to the
11 County Commission. Is there a motion to do so?

12 MR. DANIEL NANCE: Motion to recommend.

13 PLANNING AND ZONING COMMISSION CHAIRMAN
14 SAM DAVIS: There's a motion to recommend. Is
15 there a second?

16 COMMISSION MEMBER BONNIE LOWRY: Second.

17 PLANNING AND ZONING COMMISSION CHAIRMAN
18 SAM DAVIS: Second. All in favor say aye.

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

20 PLANNING AND ZONING COMMISSION CHAIRMAN
21 SAM DAVIS: Any opposed?

22 COMMISSION MEMBER BRANDON BIAS: Nay.

23 PLANNING AND ZONING COMMISSION CHAIRMAN
24 SAM DAVIS: Only one (1) opposed. The motion
25 carries.

26

27 8-G - CASE Z-19055, SAVANNAH ESTATES, PLANNED
28 RESIDENTIAL DEVELOPMENT (PRD) SITE PLAN APPROVAL

1 MR. VINCE JACKSON: The next
2 application, Z-19055. This is the request --
3 planned residential development site plan
4 approval.

5 The -- it would be three hundred twenty-seven
6 (327) lots on one-hundred-twenty-two-point-three
7 (122.3) acres. The original submission for the
8 PRD site plan approval in June of this year
9 called for three hundred ninety-two (392) lots on
10 one-hundred-forty-eight-point-five-five
11 (148.55) acres.

12 Again, the subject property is located on
13 County Road 54 in Planning District 15. It is
14 located to the east of County Road 54.

15 Again, here is the locator map, aerial
16 photography, same pictures. And here is the
17 proposed PRD site plan.

18 It shows the proposed lot layout. Its shows
19 the proposed open space. The configuration of
20 the open space is somewhat different than the
21 original proposal. And the original proposal
22 included the twenty-three-and-a-half (23.5) acres
23 that you see to the south that would tie into
24 County Road 64.

25 And, again, this adjacent to the Reserve at
26 Daphne, which is also zoned as RSF-2. And that
27 property involved a larger area and a larger
28 number of lots.

1 The density on the Reserve is actually a
2 little less because of wetlands. But the Phase 2
3 of the Reserves, which is just north of -- just
4 adjacent to the north of this proposed
5 development, is going through the subdivision
6 process right now. And it is very similar to
7 what has been proposed here.

8 So we do feel that this is consistent with
9 the developments trends in the area. We do
10 understand the concerns about the dirt pit. And
11 that is something that will continue to be looked
12 at as we move through the process, as the traffic
13 will also continue to be looked at.

14 As with the re-zoning and with our previous
15 recommendations on the original submittal, staff
16 recommends approval. This will be a
17 recommendation to the County Commission. And I
18 will be happy to answer any questions.

19 PLANNING AND ZONING COMMISSION CHAIRMAN
20 SAM DAVIS: Any questions for Vince?

21 (No response.)

22 PLANNING AND ZONING COMMISSION CHAIRMAN
23 SAM DAVIS: Thank you, Vince. We'll open the
24 public hearing at this point. Mr. Rector, you
25 want to come back up?

26 MR. JOE RECTOR: Yes, Mr. Chairman.
27 Thank you. Again, my name Joe Rector with
28 Mullins, LLC.

1 So as we've talked about before, we brought
2 this before you, and it was recommended to go to
3 the -- before the County Commission for approval.

4 We attended the workshop and fielded some
5 questions and concerns about various things, most
6 particularly how the configuration of some of the
7 open space was, the proximity to the boundaries,
8 some of the things pushed out further to the
9 perimeter, and the issues about how this would --
10 project would impact drainage and also the
11 questions about the geotech.

12 And when we get into those aspects of it,
13 Micah Jones, he's the engineer that can answer
14 all those questions in that regard pertaining to
15 the engineering aspects of it there.

16 A couple of things I do want to point out
17 about the site plan that we addressed, the County
18 Administrator talked to us about how the -- the
19 goals of the County on providing open space was
20 to provide open space that was accessible.

21 And so that was part of the reconfiguration
22 here, was to spread out some of that centrally
23 located green space to give a large area in the
24 center of the development so that whenever the
25 project is built, that you're not traversing from
26 one side all the way to the other side to the get
27 to the open area, or it's not all tucked behind
28 lots.

1 Now, there is a significant amount of open
2 green space behind the lots, but that is due to
3 tying into the slopes and making the eventual
4 grading of how that pit is now to where it's
5 blended back into the perimeter around that.

6 In doing so, too, we scooted ourselves on the
7 north edge there. You can see the areas, here,
8 that we're one hundred (100) feet off of the
9 adjacent neighbors to the east. We're almost one
10 hundred (100) feet off of the property on this
11 side as well; at least fifty (50) off of the
12 south edge here.

13 And so we feel like we've kind of pulled the
14 actual portion of the lots that will be developed
15 in a little tighter and given ourselves more open
16 green space in there.

17 The requirement is twenty percent (20%), and
18 we're proposing twenty-eight percent (28%). So
19 it's a significant amount. I think the number is
20 thirty-four (34) acres, roughly, of open space
21 out of the one hundred twenty (120) plus acres
22 that's out there.

23 So it's -- we don't feel like we're trying to
24 just cram as many in there as possible, bust
25 trying to, you know, maximize what we can get in
26 the development, and also give you some nice
27 buffering around the perimeter of it and
28 everything.

1 We also did a preliminary stormwater study on
2 this. And Micah can fill in details on that.
3 But that was one of the issues that they came up
4 with at workshop.

5 And he worked with the County's engineers to
6 make sure that they had a comfortable feeling of
7 what we were planning to do.

8 This all will still have to go through each
9 phase, individual construction plans that'll have
10 a detailed drainage plan, detailed engineering
11 plans on each one of phases individually.

12 But we've already gone a step that we
13 normally wouldn't go in a PRD at this level,
14 doing a preliminary engineering study, doing a
15 preliminary drainage, and feel like that we've
16 satisfied staff and their concerns and questions
17 to this level, to the level of details that you
18 would appropriately do at this time.

19 So if you have any specific questions on
20 those engineering things, I'm could have Micah
21 come and answer those.

22 PLANNING AND ZONING COMMISSION CHAIRMAN
23 SAM DAVIS: What's the price range of the lots
24 going to be?

25 MR. JOE RECTOR: What?

26 PLANNING AND ZONING COMMISSION CHAIRMAN
27 SAM DAVIS: What's the price range of the lots
28 going to be?

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 11/07/2019

1 MR. JOE RECTOR: I don't know the answer
2 to that right off. Are you talking about the
3 houses once they're constructed or the lots
4 before?

5 PLANNING AND ZONING COMMISSION CHAIRMAN
6 SAM DAVIS: Just the lot in and of itself,
7 average price.

8 MR. JOE RECTOR: I don't know that
9 answer right off.

10 PLANNING AND ZONING COMMISSION CHAIRMAN
11 SAM DAVIS: Okay. Any other questions for
12 Mr. Rector?

13 COMMISSION MEMBER BONNIE LOWRY: In the
14 ADEM suggestion, it says that the wetlands and
15 the streams should be evaluated due to their
16 placement throughout the entire -- I'm going to
17 call it a subdivision. Has that been done yet?

18 MR. JOE RECTOR: Yes, it has.

19 COMMISSION MEMBER BONNIE LOWRY: I don't
20 see anything in our --

21 MR. JOE RECTOR: This area --

22 COMMISSION MEMBER BONNIE LOWRY: I was
23 looking for a letter from them stating. Do you
24 have that?

25 MR. JOE RECTOR: So typically that's
26 during the subdivision process and not something
27 we brought for tonight. But that is something
28 that the -- the wetlands have been delineated on

1 this. And there was a letter from them that --
2 yeah, yeah -- so Barry Vitore (phonetic) has done
3 the wetland delineation environmental on this
4 site.

5 PLANNING AND ZONING COMMISSION CHAIRMAN
6 SAM DAVIS: Any other questions for Mr. Rector?
7 (No response.)

8 PLANNING AND ZONING COMMISSION CHAIRMAN
9 SAM DAVIS: Mr. Jones, you got anything?

10 MR. MICAH JONES: Yeah, I'll touch on a
11 few things. Like Joe said, my name is Micah
12 Jones. I'm the engineer of record.

13 Just to kind of go through the process of
14 what we did on the stream water side, we did a
15 pretty extensive calculation and design on this
16 to kind of get a good feel.

17 We meet with County staff a couple of times
18 on what their expectation was. I think they had
19 a concern about the impact to the watershed.

20 So we put together some calculations, and we
21 sent our hydro graphs up to the County's
22 consultant to confirm all of that. And we
23 actually -- I was hoping to have his report back
24 tonight, but I didn't get it. But I got an
25 e-mail saying that we were making a beneficial
26 improvement to the watershed.

27 From a traffic standpoint, we still have a,
28 you know, the traffic study. Obviously, it

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 11/07/2019

1 recommends some improvements on 64. And we'll
2 continue to work with County staff on that.
3 Really, that's it.

4 PLANNING AND ZONING COMMISSION CHAIRMAN

5 SAM DAVIS: Any questions for Mr. Jones?

6 (No response.)

7 PLANNING AND ZONING COMMISSION CHAIRMAN

8 SAM DAVIS: Thank you. Ms. McArthur, do you have
9 anything else?

10 MS. MARTY MCARTHUR: I'll just talk to
11 them, if that's all right.

12 PLANNING AND ZONING COMMISSION CHAIRMAN

13 SAM DAVIS: After the meeting? Okay. That will
14 be fine. We'll close the public hearing at this
15 point.

16 Vince, you got anything else?

17 MR. VINCE JACKSON: I don't have
18 anything else. Just to reiterate, we are
19 recommending approval, as we did before. And
20 this vote will be a recommendation to the County
21 Commission.

22 PLANNING AND ZONING COMMISSION CHAIRMAN

23 SAM DAVIS: All right. Thank you, Vince. Staff
24 is recommending a recommendation of approval to
25 the County Commission. Is there a motion to do
26 so?

27 COMMISSION MEMBER KEVIN MURPHY: So
28 moved, Mr. Chairman.

1 PLANNING AND ZONING COMMISSION CHAIRMAN

2 SAM DAVIS: We have a motion to recommend
3 approval. Is there a second?

4 COMMISSION MEMBER BONNIE LOWRY: Second.

5 PLANNING AND ZONING COMMISSION CHAIRMAN

6 SAM DAVIS: Okay. We have a second. All in
7 favor say aye.

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

9 PLANNING AND ZONING COMMISSION CHAIRMAN

10 SAM DAVIS: All opposed?

11 COMMISSION MEMBER PLUMER TONSMEIRE:
12 Nay.

13 COMMISSION MEMBER DANIEL NANCE: Nay.

14 PLANNING AND ZONING COMMISSION CHAIRMAN

15 SAM DAVIS: Two (2) opposed, so the motion
16 carries.

17

18 **9 - OLD BUSINESS**

19 PLANNING AND ZONING COMMISSION CHAIRMAN

20 SAM DAVIS: All right. Any old business?

21 MR. VINCE JACKSON: No old business.

22

23 **10 - NEW BUSINESS**

24 PLANNING AND ZONING COMMISSION CHAIRMAN

25 SAM DAVIS: Any new business?

26 MR. VINCE JACKSON: One item under New
27 Business. We were working on your calendar for
28 the -- for 2020. We'll have that available at

1 the December meeting.

2 One thing I wanted to go ahead and bring up
3 is that your January meeting falls on
4 January 2nd. So do you all want to meet on
5 January 2nd, or would you rather push it back to
6 January 9th?

7 COMMISSION MEMBER BONNIE LOWRY: I'd
8 like to remind you, I won't be here.

9 MR. VINCE JACKSON: Ms. Bonnie won't be
10 here, either way, but for the rest of you.

11 PLANNING AND ZONING COMMISSION CHAIRMAN
12 SAM DAVIS: Personally, I --

13 COMMISSION MEMBER NANCY MACKEY: I would
14 prefer to move it to January 9th.

15 PLANNING AND ZONING COMMISSION CHAIRMAN
16 SAM DAVIS: I'd prefer the 9th as well.

17 COMMISSION MEMBER BRANDON BIAS: I'll
18 second that motion.

19 MR. VINCE JACKSON: You're all in
20 agreement on January 9th over January 2nd?
21 That's what we'll present to y'all.

22

23 **12 - REPORTS AND ANNOUNCEMENTS**

24 MR. VINCE JACKSON: I do have just one
25 announcement. Susan Andrews has been with us for
26 years as the court reporter. This is her last
27 meeting with us.

28 So we have enjoyed having her and getting to

1 know her. She has done a great job with our
2 minutes, but this will be her last meeting. We
3 will -- we will miss her.

4 And the only other thing I wanted to say is
5 our attendance has been great these past several
6 months. And I just want to thank you all for
7 being here.

8 As you know, over the years, we've struggled
9 at times being able to have a quorum. And we
10 have a full membership now, and y'all are all
11 here. And we just really appreciate your service
12 and dedication to this.

13 So I want to -- on behalf of the staff, I
14 want to say thanks for that. And it's all I have
15 for tonight.

16

17 **LEGAL COUNSEL REPORT**

18 PLANNING AND ZONING COMMISSION CHAIRMAN
19 SAM DAVIS: All right. Any legal counsel
20 reports?

21 ATTORNEY BRAD HICKS: Yeah, I've got a
22 long speech I want to give, Mr. Chairman.

23 PLANNING AND ZONING COMMISSION CHAIRMAN
24 SAM DAVIS: And we'll let you do that next time.

25 ATTORNEY BRAD HICKS: In the parking
26 lot.

27

28 **NEXT REGULAR MEETING: DECEMBER 5, 2019**

1 PLANNING AND ZONING COMMISSION CHAIRMAN

2 SAM DAVIS: All right. Next regular meeting is
3 December the 5th.

4
5 **13 - ADJOURNMENT**

6 PLANNING AND ZONING COMMISSION CHAIRMAN

7 SAM DAVIS: And if there's nothing else, we're
8 adjourned.

9 MR. VINCE JACKSON: Thank you.

10
11 (The Baldwin County Planning and Zoning Department
12 Regular Meeting was adjourned at 9:47 p.m.)
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C E R T I F I C A T E

STATE OF ALABAMA)

BALDWIN COUNTY)

I hereby certify that the above and foregoing transcript was taken down by me in stenotype and the proceedings were transcribed by means of computer-aided transcription, and that the foregoing represents a true and correct transcript of the meeting given by said parties upon said meeting.

I further certify that I am neither of counsel nor of kin to the parties, nor am I in anywise interested in the result of said proceedings.



SUSAN C. ANDREWS,
Certified Court Reporter,
Certification No. 287

C E R T I F I C A T E

I, Sam Davis, Jr., Chairman of the Baldwin County Planning and Zoning Commission, do hereby certify that the foregoing transcript of the minutes of the November 7, 2019, Monthly Meeting are a true and correct transcription of the minutes as prepared by Susan C. Andrews, Alabama Certified Court Reporter, License No. 287.

I, Sam Davis, Jr., do hereby affix my signature on this, the 5 day of Dec, 2013.



Sam Davis, Jr., Chairman,
Baldwin County Planning and
Zoning Commission

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 11/07/2019

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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-19054

Kirchharr Property

Rezone RA, B-4 and M-1 to RSF-2

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

Z-19054 Kirchharr Property

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

MICAH JONES

Name (Print Clearly)

Date 11/7/19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19054

Kirchharr Property

Rezone RA, B-4 and M-1 to RSF-2

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

Z-19054 Kirchharr Property

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

JOE RECTOR

Name (Print Clearly)

Date

10/7/19

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19054

Kirchharr Property

Rezone RA, B-4 and M-1 to RSF-2

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

Z-19054 Kirchharr Property

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

Ms. Marty McArthur

Name (Print Clearly)

Date 11-7-19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19055

Savannah Estates

PRD Site Plan Approval

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

Z-19055 Savannah Estates

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

JOE RECTOR

Name (Print Clearly)

Date 11/7/19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsedale, AL.

Z-19055

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PRD Site Plan Approval

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Z-19055 Savannah Estates

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

MIAMI JONES

Name (Print Clearly)

Date 10/7/19

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19055

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Ms. Marty McArthur

Name (Print Clearly)

Date 11-7-19

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19052

Meszaros Corp. Property

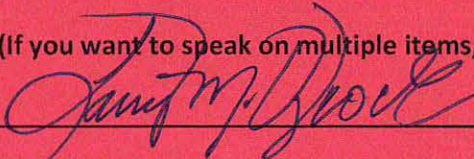
Rezone B-2 to B-3

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

Z-19052 Meszaros Corp. Property

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

 LARRY Aycock

Name (Print Clearly)

Date 11-07-19

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19052

Meszaros Corp. Property

Rezone B-2 to B-3

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

Z-19052 Meszaros Corp. Property

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

JAY PATEL

Name (Print Clearly)

Date

11/7/19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19052

Meszaros Corp. Property

Rezone B-2 to B-3

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

Z-19052 Meszaros Corp. Property

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

Name (Print Clearly)

Date

GARY WATSON
11/7/19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19052

Meszaros Corp. Property

Rezone B-2 to B-3

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

Z-19052 Meszaros Corp. Property

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

BARRETT SATHIANATHAN

Name (Print Clearly)

Date 7 NOV 2019

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19052

Meszaros Corp. Property

Rezone B-2 to B-3

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Z-19052 Meszaros Corp. Property

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DHIVY SATHIANATHAN

Name (Print Clearly)

Date

11/07/19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsedale, AL.

Z-19052

Meszaros Corp. Property

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

Z-19052 Meszaros Corp. Property

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

JOSHUA SWINFORD

Name (Print Clearly)

Date 11/7/19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19051

Crowe Property

Rezone RSF-1 to RSF-2 and RTF-4

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

Z-19051 Crowe Property

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

Marco Toledo

Name (Print Clearly)

Date _____

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19049

SCDL, LLC Property

Rezone RSF-E to B-2

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

Z-19049 SCDL, LLC Property

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

RICHARD REEVES

Name (Print Clearly)

Date

11/7/19

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19049

SCDL, LLC Property

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

Z-19049 SCDL, LLC Property

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

BEN SCHÖENFELDER

Name (Print Clearly)

Date

11/07/2019

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19049

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Z-19049 SCDL, LLC Property

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ANTHONY LACONSA

Name (Print Clearly)

Date 11-7-19

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19049

SCDL, LLC Property

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Z-19049 SCDL, LLC Property

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

SAMUEL DEAN

Name (Print Clearly)

Date 11/7/19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19049

SCDL, LLC Property

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

Z-19049 SCDL, LLC Property

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Dean Parker

Name (Print Clearly)

Date 11-7-19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19049

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Z-19049 SCDL, LLC Property

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

SHARON P COCHRAN

Name (Print Clearly)

Date

11/7/19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19049

SCDL, LLC Property

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

Z-19049 SCDL, LLC Property

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

Janeen Miller

Name (Print Clearly)

Date 11/7/19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsedale, AL.

Z-19049

SCDL

SCDL, LLC Property

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

Z-19049 SCDL, LLC Property

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

CORY PARKER / DEAN PARKER

Name (Print Clearly)

Date

11/7/19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsedale, AL.

Z-19048

Sutton Property

Rezone B-2 to B-3

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

Z-19048 Sutton Property

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

Roberto Barboza

Name (Print Clearly)

Date 11-7-19

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

P-19007

Bella Sera Gardens

Conditional Use Approval

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

P-19007, Bella Sera Gardens

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

DOROTHY FAIRCLOTH

Name (Print Clearly)

Date 11-7-19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsedale, AL.

P-19007

Bella Sera Gardens

Conditional Use Approval

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

P-19007, Bella Sera Gardens

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

Robin Gregorius

Name (Print Clearly)

Date 11/07/19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-19062

Schwarz Subdivision

Development Permit Approval

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

S-19062, Schwarz Subdivision Development Permit

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

RANDALL TILLMAN

Name (Print Clearly)

Date 11-7-19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-19062

Schwarz Subdivision

Variance Request Approval

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

S-19062, Schwarz Subdivision

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

RANDALL TILLMAN

Name (Print Clearly)

Date 11-7-19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsedale, AL.

S-19057

The Tin Tops at Gayfer

Final Site Plan Approval

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

S-19057, The Tin Tops at Gayfer

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

Larry Smith

Name (Print Clearly)

Date 11/7/19

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-19057

The Tin Tops at Gayfer

Final Site Plan Approval

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

S-19057, The Tin Tops at Gayfer

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

Dean Koch

Name (Print Clearly)

Date 11-7-19

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-19057

The Tin Tops at Gayfer

Final Site Plan Approval

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

S-19057, The Tin Tops at Gayfer

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

CAROLYN KOCH

Name (Print Clearly)

Date

11/7/19

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-19057

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

S-19057, The Tin Tops at Gayfer

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

Carolyn Byars

Name (Print Clearly)

Date 11/7/19

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsedale, AL.

S-19055 Mockingbird Hill, Unit II Phase 2

Variance Request

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

S-19055 Mockingbird Hill, Unit II Phase 2

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

Mary T Williams

Name (Print Clearly)

Date 11/7/2019

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-19055 Mockingbird Hill, Unit II Phase 2

Variance Request

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

S-19055 Mockingbird Hill, Unit II Phase 2

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

Norman Woerner

Name (Print Clearly)

Date 11-07-2019

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsedale, AL.

S-19055 Mockingbird Hill, Unit II Phase 2

Variance Request

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

S-19055 Mockingbird Hill, Unit II Phase 2

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

GARY MARTIN

Name (Print Clearly)

Date 11-7-19

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-19055 Mockingbird Hill, Unit II Phase 2

Variance Request

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

S-19055 Mockingbird Hill, Unit II Phase 2

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

Cindy Harborough

Name (Print Clearly)

Date 11-7-19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-19052 Highway 98 RV Park

Final Site Plan Approval

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

S-19052, Highway 98 RV Park

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

CHRIS LIEB

Name (Print Clearly)

Date 11/7/2019

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-19052 Highway 98 RV Park

Final Site Plan Approval

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

S-19052, Highway 98 RV Park

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

Karen Alston

Name (Print Clearly)

Date 11/7/19