

Baldwin County Planning and Zoning Commission Meeting Minutes Thursday, May 6, 2021

I. CALL TO ORDER

Chairman Pumphrey called to order the regular meeting of the Baldwin County Planning and Zoning Commission at 4:01 p.m. on May 6, 2021 at the Baldwin County Central Annex Main Auditorium, 22251 Palmer Street, Robertsdale, Alabama.

II. OPENING

Chairman Pumphrey opened the meeting with an invocation and prayer. He also led the pledge of allegiance.

III. ROLL CALL

Mr. Brown conducted a roll call. The following members were present: Steven Pumphrey, Robert Davis, Jason Padgett, Michael Mullek, and Greg Seibert. Daniel Nance, Brandon Bias, Bonnie Lowery, and Plumer Tonsmeire were absent.

Erin Fleming was present as County Attorney.

Staff present included Matthew Brown, Celena Boykin, Linda Lee, DJ Hart, Buford King, Mary Booth, Tyler Mitchell, and Paula Bonner.

Newly appointed member Greg Seibert introduced himself as requested by Mr. Brown.

IV. APPROVAL OF THE MINUTES

Robert Davis made motion to approve the April 1, 2021 meeting minutes. Jason Padgett seconded the motion. All members voted aye. The motion to approve the April 1, 2021 Planning Commission meeting minutes carries on a vote of 4-0.

V. ANNOUNCEMENTS/REGISTRATION

Chairman Pumphrey explained the public hearing registration and meeting procedures.

VI. OLD BUSINESS

a.) CASE Z-19009 SEAGLADE AT ST. ANDREWS BAY EXTENSION OF PRD SITE PLAN APPROVAL

Celena Boykin presented the request for an extension of a PRD site plan approval with 27 single family lots on approximately 10.53 acres located on the south side of Fort Morgan Road (State Highway 180) west of Triple Tail Lane, East of Pontoon Lane. The subject property is in Planning District 25 zoned RSF-1, Single Family District and RSF-4, Single Family District. Mrs. Boykin reported recommendation of a 1-year approval by staff.

Robert Davis made a motion to approve a 1-year extension. Jason Padgett seconded the motion. All members voted aye. Motion to approve a 1-year extension for Case Z-19009 Seaglade at St. Andrews Bay PRD Site Plan Approval carries on a vote of 4-0.

VII. CONSIDERATION OF APPLICATIONS AND REQUESTS – SUBDIVISION CASES

a.) CASE S-21039 FELL ROAD SUBDIVISION PHASE 1, VARIANCE REQUEST APPROVAL Buford King presented the request for variance approval to allow a proposed subdivision consisting of four lots on approximately 14.30 acres to front on a dirt road. The subject property is located on the south and east side of Fell Road, west of Stucki Road in the Elberta area. The property is zoned RSF-E in Planning District 22.

Mr. King reported recommendation of denial by staff and answered questions. Applicants Rick Bourne and Russ Walters with R&R Land, LLC/Dream Ranch, LLC spoke in favor of the request and answered questions. Cody Maley and Devin Smith also spoke in favor of the request. Kearstin Smith signed up in favor of the request but did not speak. Michael Dunlavy, Jeffery Winters, Bruce Hartman, Kevin Stanley, Joey Johnson, and Annette Weir spoke in opposition. John Yeager signed up in opposition but did not speak. Mr. Brown explained reasoning behind the subdivision regulation which requires subdivisions to be on a paved road.

Jason Padgett made a motion to approve the variance request. Michael Mullek seconded the motion. Roll call vote: Robert Davis, nay; Jason Padgett, aye; Michael Mullek, aye; Greg Seibert, nay; Chairman Steve Pumphrey to break the tie, nay. Motion to approve Case S-21039 Fell Road Subdivision Phase 1 Variance Request fails on a vote of 3-2.

b.) CASE S-21040 FELL ROAD SUBDIVISION PHASE 2 VARIANCE REQUEST APPROVAL Buford King presented the request for variance approval to allow a proposed subdivision consisting of four lots on approximately 60.39 acres to front on a dirt road. The subject property is located on the south and east side of Fell Road, west of Stucki Road in the Elberta area. The property is zoned RSF-E in Planning District 22.

Mr. King reported recommendation of denial by staff and answered questions. Applicants Rick Bourne and Russ Walters with R&R Land, LLC/Dream Ranch, LLC spoke in favor of the request and answered questions. Cody Maley and Devin Smith also spoke in favor of the request. Kearstin Smith signed up in favor of the request but did not speak. Michael Dunlavy, Jeffery Winters, Bruce Hartman, Kevin Stanley, Joey Johnson, and Annette Weir spoke in opposition. John Yeager signed up in

opposition but did not speak. Mr. Brown explained to the public the reasoning behind the subdivision regulation which requires subdivisions to be on a paved road.

Jason Padgett made a motion to approve the variance request. Motion to approve the variance request failed for the lack of a second. Robert Davis made a motion to deny the variance request. Michael Mullek seconded the motion. Jason Padgett voted nay. All other members voted aye. Motion to deny Case S-21040 Fell Road Subdivision Phase 2 Variance Request carries on a vote of 3-1.

c.) Case HS-21001 Co. Rd. 48, Faulkner Division Highway Construction Setback Appeal

Request for an appeal from the Highway Construction Setback to allow a garage to remain in the existing location. The garage is within the 75-foot highway construction setback on approximately 2 acres. The subject property is located on the southwest intersection of County Road 48 and County Road 9 in the Silverhill area. The property is unzoned in Planning District 14. Mrs. Booth reported a request from the applicant to withdraw the application due to a determination by the Baldwin County Highway Department that a setback appeal is not required.

Robert Davis made a motion to approve the withdrawal request. Jason Padgett seconded the motion. All members voted aye. Motion to approve the withdrawal request for Case HS-21001 Faulkner Division Highway Construction Setback Appeal carries on a vote of 4-0.

d.) CASE S-21046 FAULKNER DIVISION DEVELOPMENT PERMIT APPROVAL

Mary Booth presented the request for development permit approval for a 2-lot subdivision on approximately 52 acres. The subject property is located on the southwest intersection of County Road 48 and County Road 9 in the Silverhill area. The property is unzoned in Planning District 14.

Mrs. Booth reported recommendation of approval by staff and answered questions. Hunter Smith with Smith Clark and Associates was present to represent the applicant and answer questions. Brian Armstrong signed up in favor of the request to ask questions about an existing culvert. There was no one present in opposition of the request.

Michael Mullek made a motion to approve the request. Greg Seibert seconded the motion. All other members voted aye. Motion to approve Case S-21046 Faulkner Division Development Permit Approval carries on a vote of 4-0.

e.) Case S-21047 Blackwater Farms Subdivision Development Permit Approval

Buford King presented the request for development permit approval for a 5-lot subdivision on approximately 19.06 acres. The subject property is located on the east side of County Road 85 south of US Hwy 90 in the Elsanor area. The property is zoned RA and RSF-1 in Planning District 12.

Mr. King reported recommendation of approval by staff and answered questions. David Shumer of Barton and Shumer Engineering was present to represent the applicant and answer questions. Owner BJ Blanchard was also present to answer questions. Michael Hinote, Don Hosman, Roman Bonner, Jimmie Hovark, and Blake

Harrison spoke in opposition of the request. Fran Hammond, Tim Hammond, Kellie Lawson, Roland Wilson, and Wayne Lawson signed up in opposition but did not speak.

Michael Mullek recused himself from the case. Robert Davis made a motion to approve the development permit. The motion failed for the lack of a second. Jason Padgett made a motion to deny the request. Mr. Padgett said his motion to deny was because the residents in the area do not feel comfortable with the application, therefore he has listened to their recommendation and he feels he concurs. Greg Seibert seconded the motion. Michael Mullek was recused, Robert Davis voted nay, all other members voted aye. Motion to deny Case S-21047 Blackwater Farms Subdivision Development Permit Approval carries on a vote of 2-1. Mr. Mullek returned to his seat.

VIII. CONSIDERATION OF APPLICATIONS AND REQUESTS - REZONING CASES

a.) CASE P-21005 BOGGY BRANCH LLC PROPERTY CONDITIONAL USE APPROVAL Linda Lee presented the request for Conditional Use Approval to allow expansion of an existing cell tower facility by 330 square feet on approximately 68.31 acres located on the west side of State Hwy 225 north of Lake Boulevard. The subject property is zoned RR in Planning District 10.

Mrs. Lee reported recommendation of approval with conditions by staff. David Johnson was present to represent the applicant and to answer questions. There was no one present in opposition.

Michael Mullek made a motion to approve the request. Jason Padgett seconded the motion. All members voted aye. Motion to approve Case P-21005 Boggy Branch LLC Property Conditional Use Approval subject to listed conditions below carries on a vote of 4-0.

- Approval shall be for this location only.
- A Baldwin County Land Use Certificate shall be obtained no later than six (6) months from the date of Conditional Use Approval. The Planning Commission may grant additional time if deemed necessary.
- Any major changes and/or additions shall result in further review and approval by the Planning Commission.

IX. ADDENDUM

a.) CASE P-20013 NEAT PROPERTY CONDITIONAL USE APPROVAL EXTENSION

Celena Boykin presented the request for a 3-month extension of a previously approved Conditional Use for a wedding/event venue due to changes on the previously approved site plan. The subject property is located on the north side of US Hwy. 98, east of Breman Road in Planning District 22 zoned RA, Rural Agricultural District.

Mrs. Boykin reported recommendation of approval by staff for a 3-month extension. Mrs. Boykin also reported all previous conditions shall apply to the extension.

Michael Mullek made a motion to approve the request with conditions. Greg Seibert seconded the motion. All members voted aye. Motion to approve Case P-20013

Neat Property Conditional Use Extension Approval with the conditions listed below carries on a vote of 4-0.

Approval shall be for this applicant and this location only.

- All off-street parking associated with the venue shall be located on the subject property and shall be confined to the area designated for parking on the submitted site plan. No parking along the right-of-way shall be permitted. Parking shall meet the requirements of Article 15 of the Baldwin County Zoning Ordinance.
- Any lighting, whether permanent or temporary, which might be installed in conjunction with the venue, shall be shielded and directed away from adjacent properties.
- A Baldwin County Land Use Certificate shall be obtained no later than three (3) months from the date of Conditional Use approval. The Planning Commission may grant additional time if deemed necessary.
- All signage must comply with Article 16 of the Baldwin County Zoning Ordinance.
- Any expansion of the proposed venue shall necessitate additional review and approval by the Planning Commission.
- The Planning Commission may impose additional conditions as it sees fit.

b.) PLANNING DISTRICT 19 ZONING MAP AND LOCAL PROVISIONS

Matthew Brown presented the staff report for the proposed Planning District 19 Zoning Map and Local Provisions as outlined below.

- The steps for exercising Planning and Zoning authority in Baldwin County per Alabama Code §45-2-261.07.
- The process and timeline of Planning District 19.
- Advisory Committee
 - Jamal Allen, Paul Davis, Kate Fisher, Tracy Frost, Willard Holliman, Ex Officio Member from Fairhope Planning Commission Clarisse Hall Black.
 - o Contributing citizens William Booher and Valerie Montgomery.
- The Ordinance (Text & Map)
 - o Proposed Local Provisions (non-comprehensive overview) §2.3.19
 - o Family Heritage Overlay District §10.6
 - Published Proposed Zoning Map
 - o Proposed Changes Since Publication

Mr. Brown reported recommendation of approval by staff of the map and text amendments as advertised with the following changes:

- Overlay District Language Changes Shown
- Specific Map Changes Shown
- Allowance for Staff to accept change requests from Rural Agriculture (RA) zoning or Residential Single Family-Estate (RSF-E) zoning to Residential Single Family-1 (RSF-1) any time before June 1st and add to Planning Commission recommendation.

David Ryan and Craig Miller spoke in favor of the request provided the RSF-E is included in the administrative rezoning to RSF-1. Lisa Atchley, C. William Booher, Jr., Sam Dixon, Tracy Frost, David Johnson, Bruce May, Debra Slone, and Thomas Slone signed up in favor but did not speak. No one signed up or spoke in opposition. Michael Mullek made a motion to recommend approval of the staff recommendation to the County Commission. Greg Seibert seconded the motion. All members voted

aye. Motion to recommend approval to County Commission as recommended by staff of the map and text amendments as advertised with the changes as listed below carries on a vote of 4-0.

- Overlay District Language Changes Shown
- Specific Map Changes Shown
- Allowance for Staff to accept change requests to from Rural Agriculture (RA zoning or Residential Single Family-Estate (RSF-E) zoning to Residential Single Family-1 (RSF-1) any time before June 1st and add to Planning Commission recommendation.

X. PUBLIC COMMENTS

There were no public comments.

XI. STAFF REPORTS AND ANNOUNCEMENTS

Mr. Brown reported on the following items.

- A new SB-107 Senate Bill which would reset all Planning Jurisdiction to match Police Jurisdiction that was in existence as of January 1, 2021.
- The numerous Subdivision cases.
- Proposed Planning Commission District 11 vote on Tuesday which failed.
- Citizen interest in other possible new Planning Districts.

Ms. Fleming reported there were no reports from legal counsel.

XII. NEXT REGULAR MEETING

The next Planning Commission Meeting is scheduled for June 3, 2021 at 4:00 p.m.

XIII. ADJOURN

As there was no further business the meeting adjourned at 6:08 p.m.

Paula S. Bopner, Planning Technician

Steve Pumphrey, Chairman

Baldwin County Planning and Zoning Commission

(d/3/2) Date

* A video recording of this meeting may be viewed online at www.baldwincountyal.gov

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

P-21005

Boggy Branch LLC Property

Conditional Use Approval

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P-21005, Boggy Branch LLC Property, Conditional Use Approval

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

Name (Print Clearly)

Date 5-6-2

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S-21039

Fell Road Subdivision Phase 1

Variance Request

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

S-21039 Fell Road Subdivision Phase 1, Variance Request

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

Name (Print Clearly)

Date May 6 2021

BALDWIN COUNTY PLANNING COMMISSION

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Russ Walters

Name (Print Clearly)

Date May 6, 2021

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S-21039 Fell Road Subdivision Phase 1, Variance Request

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Name (Print Clearly)

Date 5 - 6-21

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Jeffrey C Winters	
Name (Print Clearly)	
. 5-6-21	

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

S-21039 Fell Road Subdivision Phase 1, Variance Request

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

0

Name (Print Clearly)

Date 5/4/2

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-21039

Fell Road Subdivision Phase 1

Variance Request

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KEVIN C. STANLET

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-21039

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Name (Print Clearly)

Date 6 May 2021

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-21039

Fell Road Subdivision Phase 1

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Name (Print Clearly)

Date

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-21040

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Date / 🗡 👈

BALDWIN COUNTY PLANNING COMMISSION

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Baldwin County Central Annex, Robertsdale, AL.

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Name (Print Clearly)

Date 5/4/2/

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Name (Print Clearly)

Date 5/4/21

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S-21040 Fell Road Subdivision Phase 2, Variance Request

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Name (Print Clearly)

Date 5-6-2

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

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	John Years				
The state of the s	int Clearly)				
Date	5/6/21				

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

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S-21040 Fell Road Subdivision Phase 2, Variance Request

GEVIN STANLET

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

Name (Print Clearly)

Date 06 MAY 2021

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-21040

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Kenstin Sinth	
Name (Print Clearly)	

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

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Devin	Smith				
Name (Print Clea	rly)				

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-21040

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Russ Welter		_	
Name (Print Clearly)			
Date May 6 2	27 /		

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

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S-21040 Fell Road Subdivision Phase 2, Variance Request

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

Name (Print Clearly)

Rick Dourse

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

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Name (Print Clearly)

Date 5 4 202

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-21046

Faulkner Division

Development Permit Approval

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

S-21046, Faulkner Division, Development Permit Approval

Brian Donstrony

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

Name (Print Clearly)

Date 5-6-31



SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-21047

Blackwater Farms Subdivision

Development Permit Approval

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S-21047, Blackwater Farms Subdivision, Development Permit Approval
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Name (Print Clearly)
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BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

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BALDWIN COUNTY PLANNING COMMISSION

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Name (Print Clearly)

BALDWIN COUNTY PLANNING COMMISSION

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Date <u>\$-6-2</u>

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-21047

Blackwater Farms Subdivision

Development Permit Approval

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(If you want to speak on multiple items, you must fill out a separate registration form for each.) Name (Print Clearly) 05/06/21

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Baldwin County Central Annex, Robertsdale, AL.

Planning District 19

Zoning Map and Local Provisions

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Planning District 19, Zoning Map and Local Provisions

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THACH FROST

Name (Print Clearly)

Date 5-6-2

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Thomas	Slove		

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Debra SLONE

Name (Print Clearly)

Date 5/6/2021

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Lisa	Atchley					•
Name (Print Clear	·ly)					
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