



# Baldwin County Commission

## Legislation Details (With Text)

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**File #:** 19-1481      **Version:** 1  
**Type:** Public Hearings      **Status:** Agenda Ready  
**File created:** 6/12/2019      **In control:** Baldwin County Commission Regular  
**On agenda:** 6/18/2019      **Final action:**  
**Title:** Case No. Z-19016 - Fountain 38 LLC, Property - Rezoning Request  
**Indexes:**  
**Attachments:** 1. Z-19016 Fountain 38 LLC, Property CC Staff Report, 2019-06-18.pdf, 2. Z-19016 Planning Commission Minutes.pdf, 3. Z-190016 Fountain 38 LLC VOTING SHEET.pdf, 4. Resolution Number 2019-086.pdf, 5. Z-19016 PC Proof of Publication.pdf, 6. Z-19016 CC Proof of Publication.pdf

Date	Ver.	Action By	Action	Result
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**Meeting Type:** BCC Regular Meeting

**Meeting Date:** 6/18/2019

**Item Status:** New

**From:** Linda Lee, Planner

**Submitted by:** Linda Lee, Planner

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### ITEM TITLE

Case No. Z-19016 - Fountain 38 LLC, Property - Rezoning Request

### STAFF RECOMMENDATION

Accept the request of the applicant to withdraw Case Z-19016.

### BACKGROUND INFORMATION

**Previous Commission action/date:** No

**Background:** The subject request involves one parcel which consist of approximately 22.9 acres. The current zoning is RSF-1, Single Family District, and the requested zoning is RSF-4, Single Family District for the purpose of establishing a residential subdivision with a density of 3.5 lots per acre and a total of 78 lots.

The subject property was originally zoned RA, Rural Agricultural District. The owners requested an automatic rezoning to RSF-1 to allow for the single-family subdivision containing seven, two acre lots along Breman Road.

The Baldwin County Planning Commission considered this request at its May 2, 2019, meeting and voted to recommend DENIAL to the County Commission. Staff concurs with that recommendation.

The applicant officially withdrew this rezoning request on June 11, 2019. According to the Zoning

Ordinance, an application for rezoning may be withdrawn at least seven (7) days prior to the scheduled public hearing. In the case at hand, the request to withdraw is automatic. However, the public hearing scheduled for June 18, 2019, has already been advertised and must therefore be opened. As a result, staff recommends that the applicant's request to withdraw Case Z-19016 be accepted.

**FINANCIAL IMPACT**

**Total cost of recommendation:** N/A

**Budget line item(s) to be used:** N/A

**If this is not a budgeted expenditure, does the recommendation create a need for funding?**  
N/A

**LEGAL IMPACT**

**Is legal review necessary for this staff recommendation and related documents?**  
N/A

**Reviewed/approved by:** N/A

**Additional comments:** N/A

**ADVERTISING REQUIREMENTS**

**Is advertising required for this recommendation?** N/A

**If the proof of publication affidavit is not attached, list the reason:** N/A

**FOLLOW UP IMPLEMENTATION**

**For time-sensitive follow up, select deadline date for follow up:** N/A

**Individual(s) responsible for follow up:** Commission Administration Office

**Action required (list contact persons/addresses if documents are to be mailed or emailed):**  
Send Notice of Action to the Following:

Lydia Franz  
1343 W Fairway Drive  
Gulf Shores, AL 36542

Fountain 38 LLC  
PO Box 429  
Pass Christian, MS 39571

**Additional instructions/notes:** N/A