



Baldwin County Commission

Legislation Details (With Text)

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File created: 6/2/2021 **In control:** Baldwin County Commission Regular

On agenda: 6/15/2021 **Final action:**

Title: *Case No. S-21047 Blackwater Farms Subdivision - Appeal from the Baldwin County Planning and Zoning Commission Denial of Subdivision Development Permit

Indexes:

Attachments: 1. S-21047 Voting sheet, 2. S-21047 NOA, 3. S-21047 Minutes, 4. Z-21008 Automatic Rezoning Letter Revised, 5. 20210615 Subdivision Appeal Presentation, 6. S-21047 Blackwater Farms Sub DP and FP staff report, 7. S-21047 Certified mail, 8. S-21047 Drainage Narrative, 9. PLAT Blackwater Farm (REV) 20212204, 10. 20210422 BC HWY Review Comments, 11. S-21047 Zoning map, 12. S-21047 Vicinity map, 13. S-21005 Appeal Withdrawl, 14. S-21005 Minutes, 15. Blackwater Farms-Case No 21047-Letters from Citizens Recvd 20210610.pdf, 16. *Replacement Attachment-S-21047 voting sheet, 17. *DR1-Speaker Forms-Various Speakers-20210615.pdf

Date	Ver.	Action By	Action	Result
6/15/2021	1	Baldwin County Commission Regular	Approved	Fail
6/15/2021	1	Baldwin County Commission Regular	Approved	Fail

Meeting Type: BCC Regular Meeting

Meeting Date: 6/15/2021

Item Status: New

From: Matthew Brown, Interim Planning and Zoning Director

Submitted by: DJ Hart, Planning Technician/J. Buford King, Development Review Planner

ITEM TITLE

*Case No. S-21047 Blackwater Farms Subdivision - Appeal from the Baldwin County Planning and Zoning Commission Denial of Subdivision Development Permit

STAFF RECOMMENDATION

Discuss and grant public comments regarding Case No. S-21047, Blackwater Farms Subdivision, appeal from the Baldwin County Planning and Zoning Commission denial of a Development Permit for a proposed six lot subdivision in the Elsanor area and take one of the following actions (**please select one**):

1) Affirm the decision of the Baldwin County Planning and Zoning Commission and deny the Development Permit for Case No. S-21047, Blackwater Farms Subdivision; **or**

2) Reverse the decision of the Baldwin County Planning and Zoning Commission and approve the Development Permit for Case No. S-21047, Blackwater Farms Subdivision; **or**

3) Modify the decision of the Baldwin County Planning and Zoning Commission as it relates to the Development Permit for Case No. S-21047, Blackwater Farms Subdivision.

BACKGROUND INFORMATION

Previous Commission action/date: 03/02/2021 Last BCC action taken

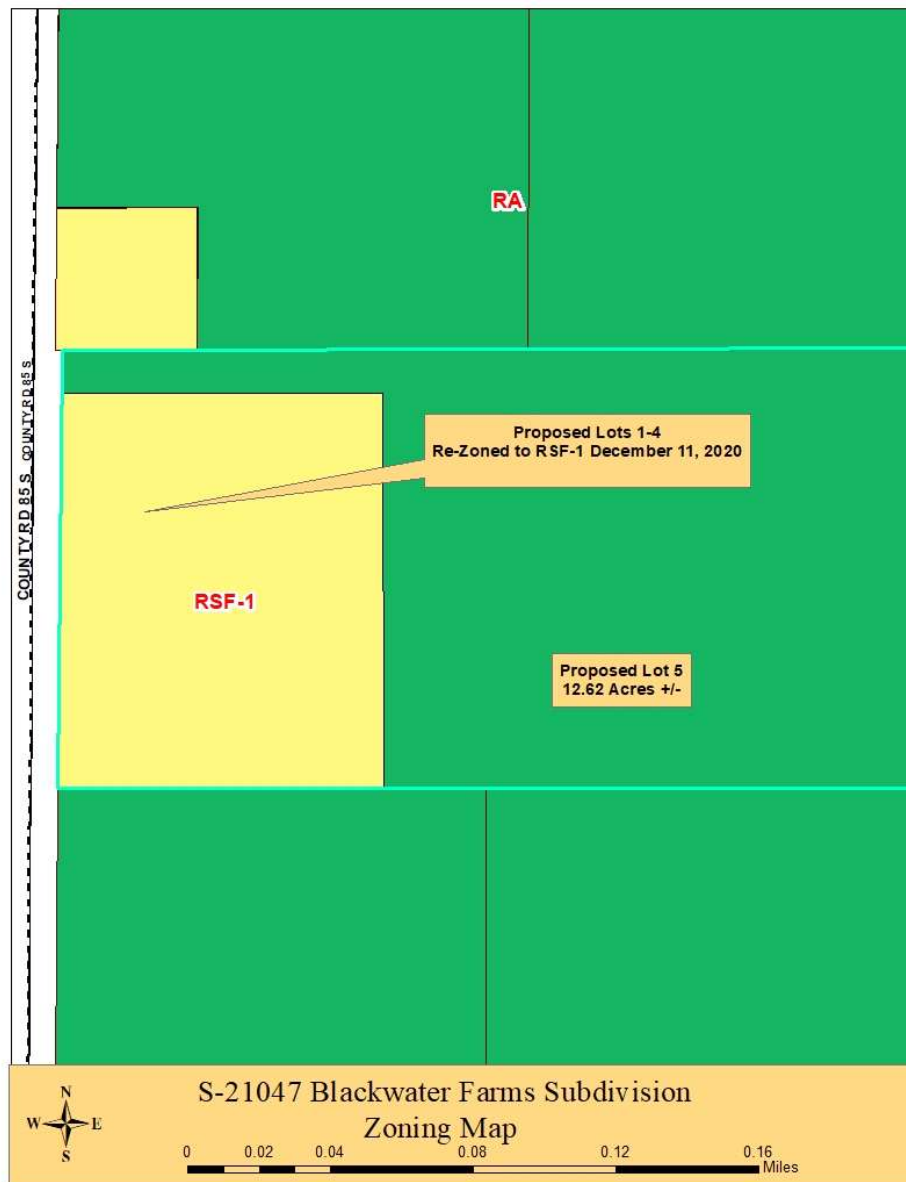
Background:

Staff reviewed the initial subdivision request, Case No. S-21005, a six (6) lot subdivision as part of the development permit review process and found no deficiencies. Staff recommended approval of the subdivision and the full staff report is attached. Two individuals spoke in opposition of the subdivision during the public hearing at the January 7, 2021, Planning and Zoning Commission meeting. The applicant was represented by Mr. David Shumer, P.E., the authorized agent. The Baldwin County Planning and Zoning Commission voted 5-1 to DENY the Development Permit related to Case No. S-21005, Blackwater Farms subdivision, a six (6) lot subdivision. The applicant requested an appeal of the Baldwin County Planning and Zoning Commission's decision to the Baldwin County Commission. On March 2, 2021, Case No. S-21005 was considered by the Baldwin County Commission. After referring with the County Attorney, the Commission postponed the item to the April 6, 2021, Commission meeting. In the time between the March 2, 2021, Commission meeting and the April 6, 2021, Commission meeting the applicant, via an e-mail dated March 26, 2021, withdrew the appeal request and advised a new, five (5) lot subdivision request would be submitted for consideration by the Baldwin County Planning Commission.

Staff reviewed a second subdivision request related to subject property, Case No. S-21047, a five (5) lot subdivision, as part of the development permit review process and found no deficiencies. Staff recommended approval of the subdivision and the full staff report is attached. Five individuals spoke in opposition of the subdivision during the public hearing at the May 6, 2021, Planning and Zoning Commission meeting. An additional five individuals signed up in opposition to the development but did not speak during the public hearing. The applicant was represented by Mr. David Shumer, P.E., the authorized agent. The Baldwin County Planning and Zoning Commission voted 2-1 to DENY the Development Permit related to Case No. S-21047, Blackwater Farms subdivision, a five (5) lot subdivision.

Existing Conditions:

Each of the two afore-mentioned subdivision requests share the same subject property parent parcel (Tax Parcel ID# 05-41-07-35-0-000-039.001 / PIN 31923) located on the east side of County Road 85 approximately ¼ mile south of US HWY 90 in the Elsanor Community east of Robertsedale. Subject property is approximately 19.06 acres (+/-) located within Planning District 12 and contains both RA Rural Agriculture and RSF-1 Single Family zoning classifications as seen in the image below.



Proposed Subdivision:

The owner is proposing to divide the 19.06 acre parcel into five lots, fronting on County Road 85 S. Four of the lots will be included in the area currently zoned RSF-1 and the fifth lot will include the remaining portion that is zoned RA. An excerpt of the proposed subdivision plat is included below:

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 Staff

Action required (list contact persons/addresses if documents are to be mailed or emailed):

Mr. BJ Blanchard
1299 Greystone Crest
Birmingham, Alabama 35242

Mr. Laurence P. Sutley, PC
Post Office Box 10
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Mr. David Shumer, P.E.
Barton and Shumer Engineering
3213 Midtown Park South
Mobile, Alabama 36606

cc: Matthew Brown, Wayne Dyess, Buford King, DJ Hart

Additional instructions/notes: N/A