

Attachment CB3

Anu Gary

From: Lisa Pearson
Sent: Monday, December 06, 2010 9:24 AM
To: Bob James; jbebob@bellsouth.net
Cc: Vince Jackson; David Brewer; Anu Gary
Subject: St. Augustine
Attachments: DOC036.PDF

Commissioner,

Please find attached a fax received today from Mr. Michael A. Wallace concerning the St. Augustine development.

Thanks,

Lisa

FACSIMILE TRANSMITTAL HEADER SHEET

FROM: MICHAEL A. WALLACE

FAX NO. (251) 690-2028

PHONE NO. (251) 694-4068

TO: The Honorable Robert "Bob" James ATTENTION:

FAX NO. (251) 580-2590

PHONE NO.

DATE - TIME

December 6, 2010

0836

NUMBER OF PAGES including this header sheet: 10

REMARKS: Letters in opposition to Case No. Z-10029 regarding St. Augustine Developers, L.L.C.'s proposed site plan and re-zoning request in Planning District 15, Rigsby Road.

Michael A. Wallace
Karrie J. Wallace
26659 Rigsby Road
Daphne, AL 36526

September 11, 2010

Coldwell Banker
Reehl Properties, Inc.
24190 U.S. Hwy. 98, Suite A
Fairhope, AL 36532

RE: Augustine Development

Dear Mr. Reehl,

We are in receipt of your letter dated September 8, 2010 regarding your subject development. Due to a conflict with business travel, we will not be able to attend your September 15th presentation. However, in lieu of this, our view of your apparent slight modifications to your August 3rd proposal to the Baldwin County Commission (based on descriptions that you provided in your letter) is provided herein.

Our home is located directly across from, currently, the only entrance/exit to your subject land development. We are one of the landowners who wrote a letter (dated August 1, 2010) to the commission and also who attended the August 3rd commission meeting. Other neighbors, who neither wrote letters nor attended the meeting, agree with us on this matter, so this letter should be not be considered as representing only our feelings, but feelings of others in the area as well (some of these did not receive did not receive your September 8th letter). Since we and many others voiced our concerns and issues with your development, both in letters and at the Baldwin County Commission meeting, I won't repeat them all in this letter. However, if you are seriously interested in trying to develop this property so that it will be "much more conductive to previous developments in the area," I recommend that you read "all" of the adjacent landowners' letters rather than just "some." Based on your letter, it does not appear that any of the solutions and revisions that you are proposing will address or resolve the issues raised at the commission meeting.

Even if a second entrance/exit is added at the east side of the development, the main Rigsby Road entrance/exit, due to the locations of nearby schools, churches, businesses, malls, etc., will still be where most of the traffic flow will be. In fact, a short cut might actually become available through the subdivision to those living to the east of the subdivision? The existing entrance/exit to the development was obviously not selected with the interest of the local landowners in high priority (especially with respect to its location to our particular home, driveway, and mailbox). How are you to insure that your subdivision association will keep the Rigsby Road entrance/exit maintained? We do not wish to see an unmaintained entrance that will continue to be an eye sore to

the community. It already appears that, in order to provide primary power to your development, the power company is intending on installing a primary riser power pole adjacent to your Rigsby Road entrance, in full view of everyone (including your customers)? It also appears that the new power pole construction for your subdivision will, most likely, include a guy wire being placed in our yard. I have been an engineer for over 30 years and, I can say, there does not seem to be a lot of engineering thought put into this subdivision.

It was suggested in the meeting and in letters that the lot sizes should be revised to the sizes shown in the original development proposal of several years ago (i.e., prior to the PRD concept), which was also in line with the lot sizes of other subdivisions in the area. Although the wording was not very clear, it appears that the lot sizes mentioned in your letter are either unchanged or only very slightly changed from those proposed at the August 3rd commission meeting? Our home, as well as other homes in Mancie Country Side Estates, which is directly across Rigsby Road from your development, is built on approximately 2 acre lots. There is an easement between us and our immediate neighbor to our north which is 60 feet wide. You are proposing that your lot sizes be about 60 feet wide (the same as this easement). The dimensions provided in the letter still describe very, very small lots, which are not consistent with the area. This area is still basically rural with a lot of very fine subdivisions around, including Avalon. PRD type subdivisions are not suitable in areas which are still heavily rural; PRD type zoning should be in locations that are more heavily commercial. Since your letter mentioned Avalon, some might consider this as implying that this present development will be similar to Avalon? It is obvious that your current proposal is not another Avalon. If it were similar to Avalon, then the adjacent landowners, including myself, and the Baldwin County Commission would, most likely, have no problems with your proposal. Why do you think you are getting so much opposition? This opposition was not there several years ago when this project first began.

Based on the small lot sizes and the very large common area proposed, it appears that you will still be requesting a re-zoning to PRD? We, along with many others, expressed why we objected to this type zoning in our area. A PRD zoning is not consistent with the area and would be detrimental to the area, as well as the people who buy homes in your subdivision.

You are proposing another lake. As I recall from the commission meeting, many expressed concern with the current lake, especially in regard to safety and its depth. Yet, your solution is to provide a second lake?

Many, myself included, expressed concern as to the rather large common area that you are proposing. If the common area remains undeveloped, who will maintain it? Who will assure that dirt bikes, 4-wheelers, the dumping of garbage, and all other types of undesirable activities will remain out of this common area? An active association will have to remain in order to collect funds to assure that this area is maintained and properly policed; this, most likely, will not happen. The current eye sore will just move to the back of the subdivision. What assurances will any of the adjacent landowners have that

requests will not be made at some future date that this undeveloped property be re-zoned, yet again, so that additional homes can be sold? There are no guarantees to prevent this; the adjacent landowners are aware of this situation and it was discussed at the commission meeting. Just as you are currently trying to get a re-zoning passed in order to allow a PRD, you will also do the same in the future and, most likely as you are fully aware, especially if you are successful at getting your current re-zoning request passed, you would also eventually get it passed so that additional lots and homes can extend into this common area (i.e., to make additional profit from the development). The adjacent landowners know this and the commissioners know this and will be constantly reminded of this very real possibility. However, even if this 37% common area, as you are now proposing, remains common, this is still not a "benefit" for the adjacent landowners or the people living in the subdivision; it only saves you money at the present time. As I pointed out in my August 1 letter, your current 78 acre essentially "common" area has been nothing but a nuisance to the adjacent landowners. People from the subdivision to the west of our home, on numerous occasions and some of which were reported to the Sheriff's Department, have trespassed over our property and other Mancini Estate homeowners' properties (which provides the best access for them to get to your property) with 4-wheelers, dirt bikes, bicycles, etc., in order to play on your development. If the common area is reduced to 30 acres and moved to the back of the subdivision, there is no realistic amount of security that can be implemented and maintained in order to prevent others (i.e., outside your subdivision) from using this common area. The entire 78 acres needs to be developed at the same time, or in pre-approved phases (approved at the same time) as it was originally proposed several years ago, so that the adjacent landowners will understand fully how many homes will be built and what the full intent, use, and maintenance of this property will be and how it will affect them and their investments, both now and in the future.

A wide landscape border around the property is not a realistic "benefit." Again, who will maintain this landscaping? People who buy in your subdivision will have to pay association fees in order to pay someone to maintain the landscaping. This will not be an incentive for people to buy in this subdivision; other subdivisions in the area still offer many more benefits than your development is offering. Consequently, the question should be asked, what real incentives will people in the area have in order to convince them to pay a lot of money for a very small lot and construct a very expensive house on it (not to mention the fact that they will have to tolerate the numerous problems that will result from the 30 acre common area)? Your subdivision needs to offer real incentives if you expect expensive homes to be constructed.

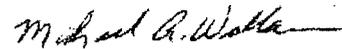
A privacy fence needs to be constructed around the entire perimeter of the property on the perimeter boundary line, not offset with landscaping outside the fence. The entrance/exit(s) needs to be maintained very nice, who will do this?

For the reasons provided above, as well as for the reasons that were voiced during the public hearing and in the numerous letters presented by those who will be adversely affected if this proposal is accepted, your proposed site plan and the re-zoning request that will obviously have to be made, should be revised to be compliant with the original

of several years ago (or similar to Avalon). If your proposal remains essentially unchanged from your August 3rd proposal, then this letter will be presented to the Baldwin County Commission and to the Planning Board.

We understand that you want to develop your property and make your money so that you can go on to other projects, but we have to live with this subdivision and we, as well as many others, are not content with your PRD (small lots clumped together in one area with a large common area remaining) design approach. For an acceptable subdivision in this area, you should revert back to the original site plan of several years ago (i.e., the original beginning plan and prior to your PRD concept) and fully comply with the existing zoning ordinances of Planning District 15.

Sincerely,



Michael A. Wallace

Michael A. Wallace
Karrie J. Wallace
26659 Rigsby Road
Daphne, AL 36526

October 31, 2010

Baldwin County Planning & Zoning Commission
Baldwin County Planning and Zoning Department
312 Court House Square, Suite 18
Bay Minette, AL 36507

RE: Case NO. Z-10029, St. Augustine Developers LLC, Planning District 15; Public Hearing, November 4, 2010.

To Whom it May Concern:

We are in receipt of your letter announcing the public hearing to be conducted on November 4, 2010, regarding the request for site approval and re-zoning for the subject development. Due to a conflict with business travel, we will not be able to attend this public hearing; however, accompanying this letter is a letter, dated September 11, 2010, to Coldwell Banker, expressing our feelings on the plan proposed, as well as on the PRD zoning request. Also, a letter, dated August 1, 2010, to the Baldwin County Commission, regarding prior Case No. Z-10013, described in detail the problems we will certainly experience if this current site development plan and zoning request is approved in this area. The current plan has been revised very little from that presented to the Commission on August 3; the problems voiced then have not been addressed. We did not receive a response to our letter to Coldwell Banker.

The people living in Planning District 15 have already voted as for how they wish this district to be zoned, which is not PRD. Was too much money paid for this piece of real estate when the market was good and now the developers want to save money on infrastructure expense to the detriment of the surrounding community (as well as the homeowners within the subdivision) when the market is down? When the property was purchased, a much better development was being proposed; one where the homeowners would have larger lots spread throughout the entire acreage. Clustering homes together and leaving large common areas are not good ideas for this area, except to the developers. A PRD type development is not suitable for this area; it will not be a Malbis Plantation Estates' type subdivision. People have to work for a living and will not be able to attend all of these re-zoning request meetings and they will get weary; however, this does not mean that they don't care. Developers know how the game is played; they revise their plans ever so slightly and request one meeting after another with the Planning Commission until, eventually, no one is present to object. Then they get their way. This will also be the way that they get the huge common area re-zoned in the future so that they will be able to have 300 homes on the property rather than the currently proposed 156. If this can happen, why should the people of Baldwin County even have zoning?

We, as well as others, have expressed our concerns and objections with this proposal and re-zoning request; however, we will point out a few of them again in this current letter.

1. A huge common area with the property surrounded by landscaped borders are not good things for the surrounding community. Privacy fences around the entire property and 156 homes spread over the entire acreage are more conducive to the area and more in agreement with the current ordinances. The 78 acres has essentially been a community common area for the past several years and there have been problems, such as trespassing over other properties to get to the common area, illegal dumping, poor maintenance, etc. These have all been described previously. Subdivision associations will not be the answer; they will not provide security for the common area and they will not maintain the borders, large common areas, entrances/exits, etc. The people living in the subdivision will, most likely, not be able to or not desire to pay huge association fees. The subdivision currently to the west of Manci's Countryside Estates (Belgrove) used to have an association, but apparently do not currently have a current one and, seemingly, never have had much of one. My neighbor to the north of me, who does not live in Belgrove, has had to take care of a common area belonging to Belgrove for many years. The new development should divide the property between the 156 homes rather than clustering them together on the west side of the property and leaving the east side common for some inactive association to maintain and provide security. Since the individual owners will have pride in their own property, they will maintain it; they won't maintain a huge common area and they will not keep adjoining landowners from using it. We are already having problems with 4-wheelers and other recreational vehicles crossing over current residents' property to play on the property; this problem will continue with a large common area remaining on the property.

2. Providing a second entrance/exit on the east side of the property will not relieve the traffic situation on the west entrance/exit, unless a barricade is provided within the subdivision to force approximately half of the residents to utilize the east entrance/exit and to prevent thru traffic from surrounding neighborhoods. Without a barricade, not only will most all of the residents for the majority of time still utilize the east entrance/exit, but others outside of the subdivision and living to the east of the subdivision will use the subdivision as a shortcut thereby complicating the traffic problem rather than helping it.

3. Homeowners desiring large homes, which are in line with the rest of the area, will, most likely, not want to build these homes on tiny lots when much more desirable home sites are available in the area. Consequently, smaller and lower income homes will be constructed, which, in turn, will cause the developers to eventually want to build more homes in the common area to enable them to get an adequate return on their investment. Small homes clustered together, leaving a large common area, in planning district 15 will prove to be not financially feasible for the developers. The area residents will face yet another re-zoning request from these developers to enable them to build homes in the future by expanding into the common area.

4. Adding another lake does not address the problems regarding the current lake that was brought forth during previous meetings on this development.

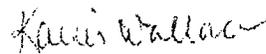
5. The value of our home, which is located immediately across from the main entrance/exit to the subdivision, will decrease in value for all of the reasons previously provided. Homes in the surrounding area will also decrease in value if the current development is approved.

Many other problems will be created and remain if the current proposal and re-zoning request is accepted in this area. Consequently, we request that the Planning & Zoning Commission not accept this present site development proposal and re-zoning request. We request that PRD zoning not be granted for this area and that the entire 78 acres be divided between the allowable number of residents at this time, and to be in accordance with the current zoning ordinances of planning district 15. This is the way that the people voted that it be and this is the way that it should remain.

Sincerely,



Michael A. Wallace



Karrie J. Wallace

Michael A. Wallace
Karrie J. Wallace
26659 Rigsby Road
Daphne, AL 36526

December 6, 2010

The Honorable Robert "Bob" James
Office of Vice Chairman
Office of County Commissioner, District #2
1100 Fairhope Avenue
Fairhope, AL 36532

RE: Case NO. Z-10029, St. Augustine Developers LLC, Planning District 15; Public Hearing, December 7, 2010.

Dear Commissioner James,

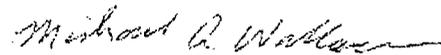
As homeowners located directly across from the Rigsby Road entrance/exit to the subject land development, we originally expressed our objections to the site plan and rezoning request that was presented to the Baldwin County Commission on August 3, 2010, via letter, dated August 1, 2010, which pertained to Case No. Z-10013. Case No. Z-10029 will be presented to the Commission on December 7, 2010, which appears to only be a slight modification to that presented in August 2010 (e.g., an east entrance/exit has been added but PRD zoning is still requested based on the site design). Due to conflicts with our work schedules, my wife and I will not be able to attend the December 7, 2010 meeting; however, again we want to voice our strong opposition to this proposed site plan and request for PRD zoning. The provision of a second east entrance/exit to the development will only worsen the situation by allowing the development to become a path for through traffic (as is described in the attached letters) and the huge amount of common area leaving homes clustered together on very small lots remains as a problem with this development. Since our concerns have already been well detailed in our previous letter to the Commission, as well as in the two letters that we have written since the August 2010 meeting, which we have attached to this letter, we will not again repeat all of the same arguments against this development in this current letter; consequently, please read these accompanying letters, as well as the August 2010 letter.

It seems that these contractors wish to wear down the people in our neighborhood, as well as the Commission, by only slightly revising their plans (while their end goal of a PRD subdivision remains unchanged) and then again resubmitting them for approval along with their PRD zoning request. Apparently, they intend on repeating this tactic until they get their way? The voters in District 15 clearly did not want PRD zoning allowed when zoning ordinances were implemented and the residents in this area clearly do not want these type developments now. If the existing zoning ordinances of District 15 are not going to be enforced, or if contractors are provided approval for this type zoning (or for some other zoning that will cause adjacent properties to decrease in value)

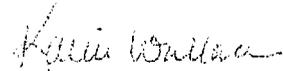
every time they realize they need to save themselves a lot of developing expenses, then zoning ordinances, or for that matter, the Planning and Zoning Board, would appear to serve of little benefit to the property owners of Baldwin County. Please protect our property values as was expected to be accomplished with the implementation of appropriate zoning ordinances.

We again respectfully request that you vote to disapprove this plan as it is currently submitted and to be opposed to any request for PRD zoning and/or any other zoning that would adversely affect the property values in Planning District 15. We also request that it be made abundantly clear to these developers, as well as to Coldwell Banker and the Planning and Zoning Board members, that, in order to obtain approval, plans must be submitted for this development that meet the existing requirements of the Planning District 15 zoning ordinances.

Very Respectfully Submitted,



Michael A. Wallace



Karrie J. Wallace

December 5, 2010

TO: Commissioners: Frank Burt, Jr., Robert James, Tucker Dorsey
Skip Gruber

FROM: I. Patricia Pergantis Barr, Rosalie P. Lockhart,
Francine Pergantis (owners near site development)

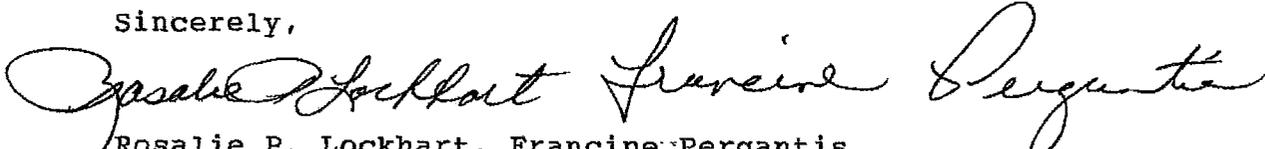
RE: Case No. 10029 St. Augustine Developers

As we stated in the attached letter of July 29, 2010,
we are AGAINST the St. Augustine development for reasons
listed in the July 29th letter and in particular because
District 15 zoning does not allow for this type of development
it is against both the zoning ordinances and Horizon2025.

Please consider this zoning carefully and deny the zoning
request as is.

Thank you.

Sincerely,



Rosalie P. Lockhart, Francine Pergantis
Patricia Barr

DATE: July 29, 2010

TO: Commissioners: Frank Burt, Jr., David E. Bishop,
Wayne A. Gruenloh, Charles F. Gruber, Commissioner
elect, Bob James and Planning Member Arthur Dyas.

FROM: I. Patricia Pergantis Barr, Rosalie P. Lockhart
Francine Pergantis (owners near site development)

RE: Case No. Z10013 - St. Augustine Development.

We the owners are firmly against the above planned development because as follows:

- 1.) District #15, where site is located does not permit small scale planned residential development as out-lined in this site request.
- 2.) 156 units on 78 acres as stated on map, does not allow for 61% open space.
- 3.) Notice of this hearing was only served in small weekly newspapers, not in the large major daily paper where most subscribers and home owners are located, nor was there any letters sent to area owners.
- 4.) I understand two previous developers of this same property went into bankruptcy. Who is present owner and does he have FINANCIAL BACKING to fully develop this site?
- 5.) If there is to be 3 units on every lot (I think this is according to the water board) , then that would mean only approximately 12 feet between homes. What type of homes are these - Katrina type cottages? Are specifications for drainage, sewer, waste, fire electrical, etc. being met?
- 6.) Was traffic and street study submitted? Also was method for proposed erosion and management of stormwater submitted?
- 7.) If commissioners granted this site plan as requested, we feel this would DEFINITELY ADVERSELY effect the value of our land. Therefore, we respectfully ask that this request be denied.

Sincerely,

Francine Pergantis, Rosalie Lockhart, I. Patricia P. Barr
27250 State Hwy. 181
Daphne, Ala. 36526