

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

Thursday, November 1, 2018

The following proceedings were held on this the 1st day of November, 2018, at the Baldwin County Central Annex, Main Auditorium, 22251 Palmer Street, Robertsdale, Alabama, before Susan C. Andrews, Certified Court Reporter Number 287.

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A P P E A R A N C E

PLANNING AND ZONING COMMISSIONERS PRESENT:

- Sam Davis, Jr., Chairman
- Spence Monroe, Vice-Chairperson
- Kevin Murphy
- Dewane Hayes
- Arthur Oken
- Doug Thomas
- Bonny Lowry
- Daniel Nance
- Brandon Bias

BALDWIN COUNTY PLANNING AND ZONING DEPARTMENT PRESENT:

- Vince Jackson, Director, Planning and Zoning
- Seth Peterson, Permit Subdivision Manager, Highway
Department
- Linda Lee, Planner
- Celena Boykin, Planner
- D. J. Hart, Planning Technician
- Laurie Rumbaugh, Office Administrator

ON BEHALF OF THE PLANNING AND ZONING COMMISSION

David Conner, Esquire

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P R O C E E D I N G S

1 - CALL TO ORDER

CHAIRMAN SAM DAVIS: All right. We'll call the meeting to order.

2 - INVOCATION AND PRAYER

CHAIRMAN SAM DAVIS: Vince, would you lead us in the prayer and the Pledge?

(Mr. Vince Jackson led in prayer.)

3 - PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited.)

CHAIRMAN SAM DAVIS: Thank you, Vince.

4 - ROLL CALL

CHAIRMAN SAM DAVIS: Can we have roll call?

MR. VINCE JACKSON: Mr. Davis.

CHAIRMAN SAM DAVIS: Here.

MR. VINCE JACKSON: Mr. Hayes.

COMMISSION MEMBER DEWANE HAYES: Here.

MR. VINCE JACKSON: Mr. Monroe.

COMMISSION MEMBER SPENCE MONROE: Here.

MR. VINCE JACKSON: Mr. Murphy.

COMMISSION MEMBER KEVIN MURPHY: Here.

MR. VINCE JACKSON: Mr. Oken.

COMMISSION MEMBER ARTHUR OKEN: Here.

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1 MR. VINCE JACKSON: Mr. Thomas.

2 COMMISSION MEMBER DOUG THOMAS: Here.

3 MR. VINCE JACKSON: Ms. Lowry.

4 COMMISSION MEMBER BONNIE LOWRY: Here.

5 MR. VINCE JACKSON: Mr. Nance.

6 COMMISSION MEMBER DANIEL NANCE: Here.

7 MR. VINCE JACKSON: Mr. Bias.

8 COMMISSION MEMBER BRANDON BIAS: Here.

9 MR. VINCE JACKSON: Mr. Chairman, we have a
10 quorum.

11 CHAIRMAN SAM DAVIS: All right. Thank you.

12

13 **5 - APPROVAL OF MEETING MINUTES: OCTOBER 4, 2018, MEETING**

14 CHAIRMAN SAM DAVIS: First order of business is
15 approval of the minutes from the October 4 meeting.

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

18 CHAIRMAN SAM DAVIS: We have a motion. Is
19 there a second?

20 COMMISSION MEMBER DANIEL NANCE: Second.

21 CHAIRMAN SAM DAVIS: All those in favor, say
22 aye.

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

24 CHAIRMAN SAM DAVIS: All opposed?

25 (No response.)

26 CHAIRMAN SAM DAVIS: The minutes are approved.

27

28 **6 - ANNOUNCEMENTS/REGISTRATION TO ADDRESS THE COMMISSION**

1 CHAIRMAN SAM DAVIS: At this particular point,
2 anyone that is here and wishes to address the Commission,
3 you should have signed up for whichever case out at the
4 table. If you've failed to sign up and you wish to
5 address the Commission, you need to do this at this time.
6 Otherwise, you will not be allowed to address the
7 Commission. Anybody need to sign up?

8 (No response.)

9 CHAIRMAN SAM DAVIS: Thank you. All right.
10 Thank you.

11
12 **7 - CONSIDERATION OF APPLICATIONS AND REQUESTS: SUBDIVISION CASES**

13
14 **7-A - CASE S-18032, HAWTHORN UNIT 6 DEVELOPMENT PERMIT APPROVAL**

15 CHAIRMAN SAM DAVIS: First case is S-18032,
16 Hawthorne Unit 6, development permit approval. Can we
17 have a staff report?

18 MR. SETH PETERSON: Hawthorne is a case that
19 came in front of the Commission at your last meeting.
20 This is one that came in front of you with a variance
21 request.

22 The variance request was denied at the meeting. And
23 after that denial, the applicant asked to table that
24 development permit until tonight. They're still trying
25 to get their design finished based on this variance
26 request being denied. And they will ask -- they are
27 asking for you to table this until the next meeting so
28 they can finish their design.

1 CHAIRMAN SAM DAVIS: All right. The applicant
2 asked for this -- for this case to be tabled until the
3 December meeting. Is there a motion to do that?

4 COMMISSION MEMBER KEVIN MURPHY: I make a
5 motion to so do.

6 CHAIRMAN SAM DAVIS: There is a motion to
7 table. Is there a second?

8 COMMISSION MEMBER DEWANE HAYES: Second.

9 CHAIRMAN SAM DAVIS: All right. There is a
10 second. All in favor, say aye.

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

12 CHAIRMAN SAM DAVIS: Opposed?

13 (No response.)

14 CHAIRMAN SAM DAVIS: Motion carries. Anyone
15 that was here for that case wishing to speak, y'all
16 can -- y'all are welcome to stay and listen to the rest
17 of it, or y'all can leave at this point. It's up to
18 y'all.

19

20 **8 - CONSIDERATION OF APPLICATIONS AND REQUESTS: RE-ZONING CASES**

21

22 **8-A - CASE Z-18045, LOLA & ASSOCIATES PROPERTY**

23 CHAIRMAN SAM DAVIS: Next case is Z-18045,
24 Lola & Associates.

25 MS. CELENA BOYKIN: All right. This is a
26 request to re-zone sixty-two-point-two-five (62.25)
27 acres. And it's located in Planning District 12. It's
28 on the east side of County Road 49 and west of West

1 Boulevard. The subject property consists of a total
2 seventy-two (72) acres, but they are only asking that
3 sixty-two-point-two-five (62.25) acres be re-zoned.

4 The subject property is currently zoned RA, which is
5 Rural Agricultural, and the applicant is asking for
6 multiple zonings on this piece of property. They're
7 asking to -- for it to be re-zoned to RSF-2, RSF-3, and
8 RSF-4, which is all Single-Family Residential zoning.

9 As you can see on the re-zoning map, the subject
10 property is surrounded by RA, which is Rural Agricultural
11 zoning. To the east there is some RSF-E. And to the
12 south of the subject property is Planning District 14,
13 which is un-zoned.

14 As you see on this plat that I have on the screen,
15 you can see the areas of what they plan to re-zone. To
16 the west there is RSF-2, which is five-point-five (5.5)
17 acres.

18 Parcel 2 is they're asking for RSF-4, which consists
19 of seventeen-point-two-five (17.25) acres. And then
20 Parcel 3, they're asking for RSF-3, which consists of a
21 little over thirty-four (34) acres. And then Parcel 4,
22 they're asking for RSF-2, which consists of a little over
23 five (5) acres.

24 This -- tonight we are just looking at the
25 re-zoning. They do plan to submit two subdivisions, one
26 on the west side and one on the east side. But tonight
27 we're just considering the re-zoning.

28 Here's some pictures of the subject property and the

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1 surrounding property. And this is just a proposal, what
2 they plan to do. And this could change in the future.

3 Staff has recommended approval of this re-zoning
4 from RA to RSF-1, RSF-2, and, RSF-3, and RSF-4. That
5 RSF-1 shouldn't be up there. It should be RSF-2, 3, and
6 4.

7 COMMISSION MEMBER SPENCE MONROE: So the plans
8 are to come back up for subdivision approval; is that
9 correct?

10 MS. CELENA BOYKIN: They'll come back. They
11 haven't submitted their subdivision application yet. But
12 that's their plans to do with this property. They're
13 just asking for the re-zoning tonight.

14 COMMISSION MEMBER SPENCE MONROE: Okay.

15 CHAIRMAN SAM DAVIS: Excuse me a second. I
16 don't -- I'm not finding that in my packet, is what --

17 MS. CELENA BOYKIN: Not finding what?

18 CHAIRMAN SAM DAVIS: The report.

19 (A staff member provided an agenda packet.)

20 CHAIRMAN SAM DAVIS: Any other questioning for
21 staff on this?

22 COMMISSION MEMBER DOUG THOMAS: You said
23 sixty-two-point-two-five (62.25)? I thought I saw -- it
24 may have just been typo on the original screen. Just
25 making sure the acreage is right.

26 MS. CELENA BOYKIN: Well, the whole parcel
27 consists of seventy-two (72) acres. But you can see
28 there is a hundred (100) foot power line easement and a

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1 seventy-five (75) foot power line easement. That is
2 going to stay RA. They're not asking to re-zone that.
3 So that's why they're asking for less acreage on the
4 re-zoning.

5 COMMISSION MEMBER DOUG THOMAS: Got you.

6 CHAIRMAN SAM DAVIS: What is staff recommending
7 on this?

8 MS. CELENA BOYKIN: Approval.

9 CHAIRMAN SAM DAVIS: Any other questions for
10 Celena?

11 (No response.)

12 CHAIRMAN SAM DAVIS: All right. We will take a
13 five-minute break. There is a ton of people signed up to
14 speak against this. Would y'all raise your hands.

15 (Audience members complied.)

16 CHAIRMAN SAM DAVIS: Okay. What we'd ask, in
17 this five-minute break, y'all pick one or two to
18 represent you and come up and state the case. We'll let
19 those people do that. And then they'll have a few
20 minutes apiece, up to five. And then if there is
21 anything that they've missed, I'll give you the
22 opportunity to do that. But we don't need to hear from
23 that many people tonight. We'll be here until in the
24 morning. So y'all -- y'all do that right now. Five --
25 five-minute break.

26

27 (A recess was taken at 6:13 p.m.)

28 (The Planning and Zoning Commission meeting resumed at 6:17 p.m.)

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1 CHAIRMAN SAM DAVIS: All right. We'll call the
2 meeting back to order. It's been five minutes. We'll
3 call -- we'll call the meeting back to order. It's been
4 five minutes. I hope y'all have picked spokespeople.

5 AN AUDIENCE MEMBER: We have.

6 CHAIRMAN SAM DAVIS: Great. Everybody have a
7 seat. Folks if y'all will have a seat, we need to get
8 this started.

9 All right. Richard Davis is representing the
10 applicant. We'll call the public meeting to order at
11 this point.

12 Richard, you want to come up?

13 MR. RICHARD DAVIS: Good evening. As the
14 Chairman said, I'm Richard Davis. I represent the
15 applicant, Lola and Associates, LLC.

16 I did not expect this level of interest. I've been
17 doing this for thirty-five (35) years, so I guess I need
18 to at some point learn to and expect it.

19 We so think this is a pretty modest request. We
20 chose the particular zonings after meeting with Vince and
21 Seth with the idea that on the perimeter of West
22 Boulevard and County Road 49, that those -- that that
23 would be zoned for larger lots. And it would be a good
24 transition from what's already in place in that -- in
25 that area with what is zoned for smaller lots in between
26 the -- the perimeter.

27 So, again, we didn't think that was particularly
28 aggressive. And -- and I can imagine what some of the

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1 objections may be when I look around. But I just want to
2 emphasize, as Celena said, that this is not subdivision.

3 We -- if the Planning Commission sees fit to send up
4 for a positive recommendation, and then the County
5 Commission approves it, then we'll come back for
6 subdivision. And we'll talk about drainage and traffic
7 and all of the items that are appropriate at that level.
8 This is strictly land use, as this Commission knows.

9 I don't think -- It's not complicated, so there's
10 really nothing I can add to what Celena has said or
11 what's in the staff report. But I'll be glad to try to
12 answer any questions.

13 CHAIRMAN SAM DAVIS: All right. Any questions
14 for Richard?

15 COMMISSION MEMBER KEVIN MURPHY: Richard,
16 what's going on, on the property now?

17 MR. RICHARD DAVIS: I'm sorry, Kevin?

18 COMMISSION MEMBER KEVIN MURPHY: What's going
19 on, on the property now? Is it farmland?

20 MR. RICHARD DAVIS: No, sir. They were bailing
21 some straw. And some neighbors were keeping -- had a
22 stable there in the -- in the power line easement area.
23 But it's inactive, so no -- no farming that I've ever
24 been aware of.

25 CHAIRMAN SAM DAVIS: Hold on. We'll call on
26 you. Are you one of the spokespeople?

27 AN AUDIENCE MEMBER: We are, sir.

28 AN AUDIENCE MEMBER: Yes, both.

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1 CHAIRMAN SAM DAVIS: So you are. Okay. No
2 questions from the floor for the applicant at this point.
3 Everything has to be addressed from the podium to us.

4 AN AUDIENCE MEMBER: Okay.

5 CHAIRMAN SAM DAVIS: Any other questions for
6 Richard?

7 (No response.)

8 CHAIRMAN SAM DAVIS: All right. Thank you.

9 MR. RICHARD DAVIS: Thank you.

10 CHAIRMAN SAM DAVIS: The applicant -- the
11 representatives are the two of you?

12 AN AUDIENCE MEMBER: Yes.

13 CHAIRMAN SAM DAVIS: Okay. Y'all want to come
14 up one at the time or come together?

15 (An audience member approached the podium.)

16 THE COURT REPORTER: And state your name,
17 please.

18 MS. KIM CHAPMAN: I'm Kim Chapman. My mom is
19 one of the large property owners across the street from
20 this development.

21 And, Mr. Davis, I'd like to personally address the
22 concerns that some of the area residents --

23 CHAIRMAN SAM DAVIS: Ma'am, ma'am, need to
24 address the Commission and not him.

25 MS. KIM CHAPMAN: Okay. My apologies, sir. To
26 speak to his comments earlier about the interest in this
27 property, my great grandmother was the first Silverhill
28 Swedish born in Silverhill. A lot of these families they

1 have very long legacies in the community.

2 And we are concerned about developments such as this
3 coming in and changing the quality of life that we love
4 so, so dearly. It is a very safe, welcoming, inviting
5 community.

6 And we do not disagree with his right as a property
7 owner to develop it. However, we have concerns about the
8 amount of homes he wishes to place in that area.
9 Personally, I feel that if he chooses to develop it,
10 maybe larger -- much larger lots with fewer homes.

11 I have a four-year-old. I have a concern about the
12 school system. We are extremely blessed to be in Baldwin
13 County. It has a wonderful school system.

14 There's only so much we can ask our teachers to do
15 with limited resources. And as we invite more families
16 into the area, they are going to be putting more burdens
17 on what we're already faced with. We all know the
18 educational crises we face. So that is some of our
19 concerns.

20 He spoke earlier to drainage issues. I have
21 multiple times had a very difficult time accessing my
22 mom's driveway. There is severe water and drainage
23 issues in that area.

24 We're concerned about property being developed and
25 what that's going to do to the area. I know he spoke
26 earlier that's going to be decided later.

27 There is very much a lack of infrastructure. My mom
28 signed for the road to be paved over ten (10) years ago.

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1 The County's been unable to deliver on that. We have a
2 concern about a subdivision dumping out onto a dirt road.

3 Most of all, I feel a development such as this is
4 going to change the quality of life and so much of why
5 people will come to the area and would want to live in
6 those homes. They're going to change that quality of
7 life.

8 So I urge the Commission to consider a development
9 that has much, much less volume and density. Don't
10 disagree with his right as a property owner to develop.
11 I just hope we can come to a compromise that doesn't
12 place our teachers and school system under much more of a
13 burden.

14 CHAIRMAN SAM DAVIS: All right. Any questions
15 for this lady?

16 COMMISSION MEMBER ARTHUR OKEN: Question,
17 Mr. Chairman.

18 If you don't mind my asking -- if you don't mind my
19 asking, how large is your lot?

20 MS. KIM CHAPMAN: Mom's acreage across the
21 street is nearly ninety-five (95) acres.

22 COMMISSION MEMBER ARTHUR OKEN: I'm sorry. I
23 couldn't -- couldn't understand what you said.

24 MS. KIM CHAPMAN: Mom's acreage across the
25 street is about ninety-five acres. She is the property
26 owner directly across.

27 COMMISSION MEMBER ARTHUR OKEN: Ninety-five
28 (95)?

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1 MS. KIM CHAPMAN: Ninety-five (95), yes, sir.

2 COMMISSION MEMBER ARTHUR OKEN: Thank you.

3 MS. KIM CHAPMAN: Most of all, thank you for
4 listening to our concerns tonight. I hope you see by the
5 volume of the turnout that there is significant interest
6 in this. We really hope you listen. Thank you.

7 CHAIRMAN SAM DAVIS: Any other questions for
8 this lady? Before you sit down.

9 (No response.)

10 CHAIRMAN SAM DAVIS: Apparently not. So thank
11 you very much.

12 MS. KIM CHAPMAN: Thank you, sir.

13 MR. MYRON LEON: Hello. My name is Myron Leon.
14 And I wish I would have gone before Kim, because she said
15 everything I needed to say.

16 I live on West Boulevard. I have five (5) acres
17 that's adjacent to this property. I come from Magnolia
18 Springs. And I bought this land sixteen (16) years ago,
19 site unseen, because it was the only way to get into
20 Silverhill.

21 People in Mobile know Silverhill. They know of the
22 town. They know what it's like. They know the people.
23 We have deer. We have turkey. We have gophers --
24 tortoise gophers walking across the street.

25 This neighborhood -- this little town is known
26 outside of Baldwin County. People want to be in
27 Silverhill. This type of development goes completely
28 against the grain of this community.

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1 We can see what's happening to Baldwin County right
2 now. Silverhill is one of the last places left that is
3 still natural. These are -- these are families,
4 generations of families that have been here that have
5 large tracts of land.

6 And -- and to come in and build this just is
7 completely against the grain of this community. The
8 density of trying to build these houses in this area, I
9 mean, we can talk all day about flooding, but this place
10 floods.

11 I did not have enough time to find pictures, but I
12 can show -- I can find pictures of my house being the
13 only piece of property above water during the floods.
14 Every neighborhood in eyesight is under water.

15 And the County has tried and tried and tried to do
16 the drainage, the ditch. But we have ponds all around
17 this area. And when those ponds fill, the rain stops,
18 and two days later is when the flooding starts, after the
19 ponds fill and start backflowing.

20 This is just -- this is not this town. This type of
21 subdivision is not this town. I agree with what Kim
22 says. Richard Davis, he has the right to do whatever.
23 He bought this property. He has a right to investment in
24 it and do as he pleases.

25 We're not saying we don't want him to build. We
26 want him to build in according to the neighborhood. This
27 is not our neighborhood. That's all I have to say.

28 CHAIRMAN SAM DAVIS: Any questions for this

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1 gentleman?

2 COMMISSION MEMBER ARTHUR OKEN: Mr. Chairman?
3 Mr. Chairman, would it be all right for me to ask for
4 show of hands of how many of those here agree with his
5 position?

6 AN AUDIENCE MEMBER: I'd like to speak.

7 CHAIRMAN SAM DAVIS: We've already done that.

8 But, yes. Can we have a show of hands of everybody
9 that's here in support of -- not in favor of this deal?

10 COMMISSION MEMBER ARTHUR OKEN: Essentially
11 agree with his position.

12 AN AUDIENCE MEMBER: Agree with his position?

13 COMMISSION MEMBER ARTHUR OKEN: Yes.

14 (Audience members comply with a show of hands.)

15 CHAIRMAN SAM DAVIS: All right. Any questions
16 for this gentleman from the Commission?

17 (No response.)

18 AN AUDIENCE MEMBER: Can I speak?

19 CHAIRMAN SAM DAVIS: Hold on. Thank you, sir.

20 MR. MYRON LEON: Yes, sir.

21 CHAIRMAN SAM DAVIS: Now, originally I asked
22 that -- that -- for spokespeople. Y'all had two.

23 AN AUDIENCE MEMBER: (Unintelligible.)

24 CHAIRMAN SAM DAVIS: And then I said I would
25 give an opportunity if they missed anything. Do you have
26 anything additional to add?

27 AN AUDIENCE MEMBER: Yes, a little bit, just --

28 CHAIRMAN SAM DAVIS: All right. Come on up.

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1 THE COURT REPORTER: And state your name,
2 please.

3 AN AUDIENCE MEMBER: Ma'am?

4 THE COURT REPORTER: State your name when you
5 get up there, please.

6 MR. DONALD JOULLIAN: Hi. I'm Don Joullian. I
7 live in Silverhill, the outskirts of it. I basically
8 want to paraphrase what he said. I don't know if he
9 bought this property as, you know, alone or if he's a
10 developer. But there's -- there's developments all
11 around this that is presently for sale. There's
12 subdivisions building. There's subdivisions selling.

13 And for him to destroy the habitat of the Alabama
14 ground gopher, the deer, and the drainage situation there
15 is not going to handle it. I just can't see sacrificing
16 the habitat to destroy the community, the fabric -- the
17 fabric of this community.

18 Because it's -- it's not a place where you just
19 throw in a lot of homes, like the previous speaker said.
20 It just -- it's goes against the fabric of the community.

21 CHAIRMAN SAM DAVIS: Sir, I realize this is an
22 emotional situation for all you people, but you're really
23 not saying anything any different than what your two
24 spokespeople said.

25 MR. DONALD JOULLIAN: Well, I would like to say
26 the Alabama ground gopher is an endangered species.

27 CHAIRMAN SAM DAVIS: We're aware of that. And
28 I think they mentioned it.

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1 MR. DONALD JOULLIAN: They said ground tortoise
2 they seen crossing the road. I didn't know if it was
3 brought up that it is an endangered species. So I'll end
4 with that.

5 CHAIRMAN SAM DAVIS: Okay. Anything else?

6 MR. DONALD JOULLIAN: No.

7 CHAIRMAN SAM DAVIS: Any questions for this
8 gentleman?

9 MR. DONALD JOULLIAN: No.

10 CHAIRMAN SAM DAVIS: No. Questions from the --
11 from the panel up here.

12 (No response.)

13 CHAIRMAN SAM DAVIS: All right. Thank you,
14 sir.

15 Does anyone else have anything additional to add
16 that's different from what's been said?

17 AN AUDIENCE MEMBER: No, sir. I just want to
18 give you a list of people's names that I have also in our
19 community that --

20 CHAIRMAN SAM DAVIS: So it's a petition?

21 AN AUDIENCE MEMBER: Yes, sir.

22 CHAIRMAN SAM DAVIS: Okay. Bring it on up.

23 AN AUDIENCE MEMBER: And all the people -- all
24 the people has not --

25 (Several audience members speaking at once.)

26 THE COURT REPORTER: Mr. Chairman.

27 CHAIRMAN SAM DAVIS: We don't recognize anyone
28 from the floor.

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1 (Several audience members continuing to speak.)

2 THE COURT REPORTER: Mr. Chairman.

3 (Audience members still speaking from the floor.)

4 CHAIRMAN SAM DAVIS: I'm sorry. We can't --
5 First of all, we can't hear you, so just hold on for just
6 a minute.

7 ATTORNEY DAVID CONNER: Let me make sure -- I'm
8 going to help the Chairman for just a second to make sure
9 we know the ground rules.

10 When we have a large crowd like this, he always asks
11 for a spokesperson, for the group to get together and for
12 a spokesperson. And, hopefully, those spokespeople or
13 person gets as many issues on the table as possible for
14 discussion.

15 If anyone -- And I mean anyone in the room -- has
16 something new that's not been discussed previously, then
17 we want you to make sure that you come forward. If you
18 have any petitions or any writings or anything you'd like
19 to see as part of the record, we'd also like to receive
20 those.

21 And, also, if there is anything that -- that would
22 need to be addressed that has not been discussed by
23 anyone about this, we want to make sure we know that as
24 well.

25 Make sure your comments are addressed to the
26 Commission as opposed to speaking out individually,
27 either for or against, so it doesn't become a shouting
28 match back and forth between you-all.

1 But the idea here is to make it as orderly as
2 possible. Because, really, only one person can talk at
3 the time, because she's typing every word we say, every
4 time I say a word. So we want to make sure that the
5 record is complete.

6 Because what this is tonight is a recommendation by
7 the Planning Commission either to recommend approval or
8 denial or recommend some other lesser zoning
9 classification.

10 That would then go the Planning Commission -- to the
11 County Commission. I'm sorry -- at a regular County
12 Commission meeting. They'll have a public hearing there
13 as well. And this transcript will also be made
14 available.

15 So part of the Chairman's goal is to try and keep it
16 orderly, have one person talk at the time so when that
17 transcript is finished, it would be easy to read so the
18 Commissioners can understand exactly what's happening
19 here.

20 Hopefully all of you can come to the County
21 Commission meeting and express your concerns as well.
22 But if you can't, what you state will be in writing or
23 represented to make sure the issues are on the table.

24 So with that said, Mr. Chairman --

25 AN AUDIENCE MEMBER: Is that meeting -- that
26 next meeting publicized so we know when that next meeting
27 is?

28 ATTORNEY DAVID CONNER: You have to pay

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1 attention to the County Commission website. Vince will
2 give us some indication about that at the conclusion of
3 this public hearing about when it may be on. But you
4 need to pay attention to the County Commission agendas.

5 AN AUDIENCE MEMBER: Because I didn't -- I
6 didn't find out about this until yesterday.

7 ATTORNEY DAVID CONNER: Yes, sir. And what
8 the -- the Planning Commission sends out notice in
9 accordance with the requirements. Now, whether you
10 picked it up in time or when -- It was sent out at the
11 right time.

12 AN AUDIENCE MEMBER: It was word of mouth.

13 ATTORNEY DAVID CONNER: Okay. And only the
14 people within a certain number of feet from that site
15 actually gets actual mailings. So it works. You all are
16 here tonight. So we appreciate you coming very much.

17 AN AUDIENCE MEMBER: (Unintelligible.)

18 ATTORNEY DAVID CONNER: The only way they can
19 make the right decision is for you guys to give them
20 input. And what's that they want.

21 AN AUDIENCE MEMBER: Thank you.

22 ATTORNEY DAVID CONNER: Thank you.

23 CHAIRMAN SAM DAVIS: Let the record reflect
24 that a petition was given to the Commission. It looks
25 like about forty-eight (48) names on it of people who are
26 against this but could not be here.

27 Okay. There was a lady in the back that was trying
28 to say something.

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1 Do you have something you'd like to come to the
2 podium and say that's different than that's been said?

3 AN AUDIENCE MEMBER: No.

4 CHAIRMAN SAM DAVIS: Okay. All right. Anyone
5 else?

6 AN AUDIENCE MEMBER: I do.

7 CHAIRMAN SAM DAVIS: All right. And this
8 gentlemen over here says he does. I'm asking you,
9 though, please make it different than --

10 AN AUDIENCE MEMBER: Yes, sir. It's different.
11 I'm not going to waste your time.

12 CHAIRMAN SAM DAVIS: Thank you.

13 THE COURT REPORTER: And state your name.

14 MR. BILLY WHITE: My name is Billy White. I
15 live on the lot that sits on the corner of North
16 Boulevard and 49 that directly abuts into the back of
17 this proposed application for re-zoning, the four (4)
18 parcels, I guess.

19 My big concern, when we bought our property, my
20 family worked for the Alabama Power Company, which right
21 next to our property, which is that small, little piece
22 of white area before you get to the RSF-4 parcel on North
23 Boulevard and 49. It's the only piece that's next to me.

24 That's a distribution center for Alabama Power,
25 meaning it's not a standard substation. They don't send
26 power to residences. They actually have Rivera, Baldwin
27 EMC, they purchase their power from them.

28 It's a very big power center. They have been doing

1 renovations for the last year and a half all throughout
2 their property, along with that easement. And they're
3 already talking about expansion of those power lines,
4 because of the growth of power that's been going on.

5 One of the problems we've been facing on our
6 property, because of this, is the amount of traffic that
7 comes back and forth through that area. And I don't mean
8 traffic as in cars, but big traffic; heavy pieces of
9 machinery, bigger than what the transportation department
10 uses, 18-wheelers.

11 Our field has actually been used, because our field
12 butts up into 49 and North Boulevard. Our field has been
13 used as their route going in and out. They use the back
14 of our property to get back to that easement that they
15 have back there.

16 My big concern is that RSF-4 gets put in, and all
17 these houses are butted up next to each other, there's no
18 place for that easement to go. There's no place for the
19 expansion of power, which directly is reflected of the
20 expansion of Baldwin County, especially in this area.

21 Again, like they said before, I -- I don't want to
22 tell anybody how they should use their property or how
23 they should develop it. But I think in a long-term
24 sense of Baldwin County, and especially Silverhill and
25 the surrounding areas that all work off of this
26 distribution center, a density level in that particular
27 parcel, on Parcel 2 and on Parcel 3, just doesn't make
28 sense, because it's going to have to end up being eminent

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1 domain anyway at some point, if they want to expand at
2 all.

3 They're already at their restrictions for how big
4 their power lines and how much power they can push
5 through are at. And that's why they're doing all the
6 renovations. And, like I said, it's literally been going
7 on for eighteen (18) months.

8 Me and my mother have been fighting with Alabama
9 Power and their real estate division because of their
10 usage of our property. And it's only going to get worse.
11 So that's what -- that was different.

12 CHAIRMAN SAM DAVIS: Any questions for this
13 gentleman?

14 (No response.)

15 CHAIRMAN SAM DAVIS: Thank you, sir.

16 MR. BILLY WHITE: Thank you.

17 CHAIRMAN SAM DAVIS: Anybody got anything
18 different?

19 (An audience member indicates.)

20 CHAIRMAN SAM DAVIS: All right.

21 THE COURT REPORTER: And state your name,
22 please.

23 MR. RYAN RHODES: My name is Ryan Rhodes. I
24 live on 29 and Woodpecker Road right there across from
25 the cemetery. I guess the only friends I've got are the
26 ones that don't talk.

27 They obviously talked about infrastructure or
28 something, I think you guys already talked about. They

1 said infrastructure, but I want to -- I want to talk
2 about the fire department, because I used to be a part of
3 it for three (3) years.

4 I actually fought that wood fire on Parcel 1 and
5 Parcel 2 that they've got over here in that corner there.
6 It was about a fourteen (14) acre fire. And our response
7 time's just not there for the influx of subdivisions,
8 especially where that wants to go.

9 I can you tell you right now of the eighteen (18)
10 firefighters we have at Silverhill, only four (4) of them
11 showed up to a 3-M fire. I was one of them.

12 Response time for Loxley is fifteen (15) minutes,
13 especially for a 4-alarm fire. We don't get any help
14 from Fairhope. We do get help from Robertsdale.

15 In fact, a lot of fires I fought with them from your
16 Station 50, if it wasn't for them showing up, we would
17 have lost the house. So the fact that this subdivision
18 is built in that manner, the sizewise, is a huge issue
19 infrastructurewise for just first responders, let alone
20 for EMT and police. It's something that has to be
21 thought of before you get additional input.

22 Now, I do agree with the smaller home idea. I think
23 that would be great. But a large amount of homes and the
24 structures of those home, we losing our property,
25 something I took an oath to protect.

26 So that's what I want to speak about. And I
27 appreciate you giving me a chance to talk about that.

28 CHAIRMAN SAM DAVIS: All right. You're

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1 welcome.

2 Any questions for this gentleman?

3 COMMISSION MEMBER BONNIE LOWRY: What's the
4 area you now service?

5 MR. RYAN RHODES: Ma'am?

6 COMMISSION MEMBER BONNIE LOWRY: What is the
7 area that you now service?

8 MR. RYAN RHODES: As far as what?

9 COMMISSION MEMBER BONNIE LOWRY: What is the
10 reaching area for --

11 MR. RYAN RHODES: For Silverhill Fire
12 Department?

13 COMMISSION MEMBER BONNIE LOWRY: Jurisdiction.

14 MR. RYAN RHODES: For the jurisdiction?
15 Actually, the jurisdiction has gotten a lot bigger in the
16 past couple of -- of -- actually, in the past couple
17 months. We actually go as far as 54 right there at the
18 creek. We go almost all the way out here to -- to Palmer
19 Street.

20 We have a combined mutual aid with Robertsdale. And
21 then we go all the way down to Summerdale right there --
22 I think that's on 32, I believe. We -- we hit 32, and
23 then all the way to up to past Fairhope Falls right there
24 on the --

25 AN AUDIENCE MEMBER: On Langford Road.

26 MR. RYAN RHODES: Thank you. On Langford Road.
27 But we service all that for five (5) firefighters. I've
28 been on a couple calls where if it wasn't for

1 Robertsdale, we would not have saved what we did.

2 And I'm -- I'm sorry for speaking out of turn. I'm
3 sure everybody knows we had a fire up here on 55 and 59,
4 that home that was right there across from Circle K.

5 I was there. And because we did not have adequate
6 water supply to that home, we lost it. I was part of the
7 first crew in. We were the second engine it, which is --
8 you know, Loxley is usually first, but they were -- they
9 were last this time.

10 Because we didn't have adequate water supply, my
11 crew that was fighting that fire, we lost the -- the
12 beside structure. And because we lost the beside
13 structure, the home faulted. It fell in between, so we
14 lost that home.

15 Had we -- had we had the adequate training and time
16 and volunteers for the fire departments and response
17 time, we probably would have been able to save that.

18 I fear what would happen if we put in a new bunch
19 homes in there, especially with who all is living around
20 there and the new people that show up, too.

21 And the structure of homes and the buildings is
22 something that we have to think of first before you put
23 that many people in the subdivision.

24 COMMISSION MEMBER BONNIE LOWRY: How many
25 stations are there within your service area?

26 MR. RYAN RHODES: There are three, only three:
27 Robertsdale, Station 50; Loxley, Station 44; and
28 Silverhill, Station 52. We sometimes get sent to

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1 Summerdale, but it's not automatic aid.

2 And I don't know if anybody knows that. I hate to
3 go on a tangent, but automatic aid is when we get a tone,
4 those two other fire departments also get the same tone.
5 Unless we ask for mutual aid, we do not receive it.

6 We do not ask for mutual aid until one of our boots
7 is on the ground, which could be a difference -- and,
8 unfortunately, I have to say it. Fifteen (15) seconds
9 could be somebody's life.

10 So if we don't get there in adequate time, we don't
11 know exactly what going on, the scope of the fire. A few
12 seconds could change the course of that fire and the --
13 the property and life as well.

14 CHAIRMAN SAM DAVIS: Any other questions for
15 this gentleman?

16 (No response.)

17 CHAIRMAN SAM DAVIS: Thank you, sir.

18 MR. RYAN RHODES: Thank you.

19 CHAIRMAN SAM DAVIS: All right. As is
20 customary, we'll give the applicant a -- a chance to
21 rebut or respond.

22 So, Richard, you got anything?

23 MR. RICHARD DAVIS: Thank you. I -- I just
24 want to assure the crowd and the Commission that I've
25 listened carefully. And before this goes up to the
26 County Commission, we'll look at it and do our best to
27 address concerns and just remind everybody that a lot of
28 concerns tonight, which I thought were well stated and

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1 measured, which I appreciated, will -- will come again
2 before this Commission at the subdivision approval level.
3 So I'd ask for your favorable recommendation tonight.

4 CHAIRMAN SAM DAVIS: All right. Thank you.
5 We'll close the public hearing at this point. Does staff
6 have anything else?

7 MS. CELENA BOYKIN: No.

8 CHAIRMAN SAM DAVIS: All right. Staff has
9 recommended -- And this will be a recommendation to the
10 County Commission. Staff has recommended a
11 recommendation of approval. Is there a motion to do so?

12 COMMISSION MEMBER DEWANE HAYES: I make a
13 motion to deny.

14 CHAIRMAN SAM DAVIS: Okay. There is a motion
15 to deny on the table. Is there a second?

16 COMMISSION MEMBER BONNIE LOWRY: Second.

17 CHAIRMAN SAM DAVIS: Okay. There is a second.
18 All in favor, say aye.

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

20 CHAIRMAN SAM DAVIS: All opposed?

21 COMMISSION MEMBER DOUG THOMAS: Nay.

22 COMMISSION MEMBER KEVIN MURPHY: No.

23 CHAIRMAN SAM DAVIS: All right. Let the record
24 show there is one opposed --

25 COMMISSION MEMBER KEVIN MURPHY: Two.

26 CHAIRMAN SAM DAVIS: -- motion carries --

27 COMMISSION MEMBER KEVIN MURPHY: Two.

28 CHAIRMAN SAM DAVIS: Two opposed. Well, let's

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1 get a rollcall vote then.

2 MS. CELENA BOYKIN: All right. Dewane Hayes.

3 COMMISSION MEMBER DEWANE HAYES: Celena, I want
4 to make it clear that a motion to deny --

5 MS. CELENA BOYKIN: Deny.

6 COMMISSION MEMBER DEWANE HAYES: -- is a yes
7 vote?

8 MS. CELENA BOYKIN: Correct.

9 COMMISSION MEMBER DEWANE HAYES: Yes.

10 MS. CELENA BOYKIN: Spence Monroe.

11 COMMISSION MEMBER SPENCE MONROE: Say that
12 again. A motion to deny --

13 ATTORNEY DAVID CONNER: In order to vote in
14 favor of the motion to deny, you vote yes. If you're
15 against the motion, you vote no.

16 COMMISSION MEMBER SPENCE MONROE: Okay. Yes.

17 MS. CELENA BOYKIN: Kevin Murphy.

18 COMMISSION MEMBER KEVIN MURPHY: No.

19 MS. CELENA BOYKIN: Arthur Oken.

20 COMMISSION MEMBER ARTHUR OKEN: I'm voting to
21 approve the recommendation that we deny.

22 MS. CELENA BOYKIN: Daniel Nance.

23 COMMISSION MEMBER DANIEL NANCE: Yes.

24 MS. CELENA BOYKIN: Doug Thomas.

25 COMMISSION MEMBER DOUG THOMAS: No.

26 MS. CELENA BOYKIN: Bonnie Lowry.

27 COMMISSION MEMBER BONNIE LOWRY: Yes.

28 MS. CELENA BOYKIN: Brandon Bias.

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1 COMMISSION MEMBER BRANDON BIAS: Yes.

2 MS. CELENA BOYKIN: So the motion to deny
3 carries.

4 CHAIRMAN SAM DAVIS: So it's a recommendation
5 to the County Commission to deny.

6 MS. CELENA BOYKIN: Correct.

7 CHAIRMAN SAM DAVIS: Okay. Thank you.

8 Thank you, people. And we appreciate your
9 participation, y'all are free to go, or you're free to
10 stay if you wish.

11 ATTORNEY DAVID CONNER: Just remember that this
12 will be a recommendation to the County Commission. They
13 ultimately make the decision. There will be public
14 hearing there as well. So y'all are encouraged to come
15 and spread the information there as well.

16

17 **8-B - CASE Z-18047, STAPLETON PROPERTY**

18 CHAIRMAN SAM DAVIS: Next case is Z -- we'll
19 need y'all -- we'll need y'all to kind of move on out if
20 you want to have a discussion. We need quiet in here.

21 All right. Next case is Z-18047, Stapleton
22 property. Can we have a staff report?

23 MR. VINCE JACKSON: Yes, sir.

24 ATTORNEY DAVID CONNER: Vince, before you
25 start, we've got a statement regarding recusal.

26 COMMISSION MEMBER DEWANE HAYES: I have to
27 recuse myself from this next case.

28 CHAIRMAN SAM DAVIS: I think we've got two

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1 recusals.

2 Daniel.

3 COMMISSION MEMBER DANIEL NANCE: Yes, sir.

4 CHAIRMAN SAM DAVIS: Didn't you want to recuse
5 yourself from this one also?

6 COMMISSION MEMBER DANIEL NANCE: Yes.

7 CHAIRMAN SAM DAVIS: Hey, Daniel, if you'll
8 state that into the mic so she can put it in the record.

9 COMMISSION MEMBER DANIEL NANCE: I'm going
10 recuse from this.

11 CHAIRMAN SAM DAVIS: All right, Vince.

12 MR. VINCE JACKSON: All right. The applicant
13 is requesting to re-zone six (6) acres. The current
14 zoning is RA. The advertised requested re-zoning is B-4,
15 which is the Major Commercial designation. But we're
16 actually recommending RR, Rural District destination.
17 I'll explain that in a little more detail.

18 The purpose is to allow the continued commercial
19 kitchen/catering business, which has been located as this
20 property for a number of years and was in place prior to
21 the adoption of zoning, as well as other potential
22 commercial uses.

23 The subject property is located on the north side of
24 County Road 64, east of Pursley Road in Planning District
25 22. Actually, it's Planning District 15. And here is
26 the locator map showing the -- the zoning of the
27 surrounding properties.

28 As you can see, the subject property is shown as RA

1 and the surrounding properties are also RA. If you'll
2 notice to the northwest corner, the area in white is an
3 un-zoned planning district. That's part of Planning
4 District 7, which is un-zoned.

5 Here is the aerial photography showing the subject
6 property. And you can see the existing commercial
7 structures up towards the rear. And then this is just a
8 map that was included along with the application.

9 The reason we -- And let me say first and foremost,
10 the principal reason for this request is to have the
11 zoning destination which is consistent with the existing
12 use of the property. And that's the commercial
13 kitchen/catering business, which has been there a number
14 of years.

15 In addition, the applicant has some -- some
16 potential buyers who are interested. And so there's --
17 there's some potential for additional commercial
18 development.

19 This was advertise for B-4, because we were at a
20 point where we had an advertising deadline. We weren't
21 exactly sure what was needed, and we had to make sure
22 that all the bases were covered.

23 After researching this a little bit more and
24 talking -- communicating with the applicant, we
25 determined that the RR district would be a better fit.

26 First of all, the RR would be more consistent with
27 the surrounding Rural Agricultural. As you can see, the
28 only other commercial destination nearby is back to the

1 east. And that is a B-3 parcel.

2 With the RR destination, the existing catering
3 business would be allowed by right. And you would have
4 rural district uses. You would have residential. But
5 you would always have commercial uses that could be
6 allowed by right. Other uses could be accommodated
7 either through a special exception or a conditional use
8 process.

9 So we felt like with the -- with the adjacent zoning
10 and with the -- with the fact that some of the uses would
11 be subject to conditional use, we felt like the RR was a
12 better fit for this application. And so that is what our
13 recommendation is for you tonight.

14 RR is a more restrictive destination than the B-4
15 that was advertised. So it is proper to recommend RR.
16 Those are all the comments that I have.

17 CHAIRMAN SAM DAVIS: All right. Any questions
18 for Vince?

19 COMMISSION MEMBER ARTHUR OKEN: Question,
20 Mr. Chairman.

21 Have you discussed this with the applicant?

22 MR. VINCE JACKSON: Yes.

23 COMMISSION MEMBER ARTHUR OKEN: Is the
24 applicant comfortable with this alternative?

25 MR. VINCE JACKSON: It's my understanding that
26 he is. But I believe someone is here to represent the
27 application, and they will be able to speak to that.

28 COMMISSION MEMBER ARTHUR OKEN: Thank you.

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1 CHAIRMAN SAM DAVIS: Any other questions for
2 Vince?

3 (No response.)

4 CHAIRMAN SAM DAVIS: Thank you, Vince.

5 We'll open the public hearing at this point. The
6 applicant is Cliff Stapleton.

7 Cliff, are you representing yourself?

8 MR. CLIFF STAPLETON: (Indicates
9 affirmatively.)

10 CHAIRMAN SAM DAVIS: Come on upon.

11 MR. CLIFF STAPLETON: I'm Cliff Stapleton, the
12 owner of the property since 1994. I've had a commercial
13 catering on the property since that time. I wasn't aware
14 of the re-zoning in 2006, I think it was, to Rural
15 Agricultural, because at that point, I was still there
16 and didn't really -- I guess -- I don't know if you sent
17 out notices then or whatever, but I didn't get a notice
18 that a zoning was happening in 2006.

19 Anyway, I know it was advertised for B-4, but I am
20 not for the B-4. I'm just trying to get the -- the Rural
21 district.

22 CHAIRMAN SAM DAVIS: You're okay with the RR
23 recommendation by the County?

24 MR. CLIFF STAPLETON: I'm okay with the RR
25 recommendation by the County.

26 CHAIRMAN SAM DAVIS: Okay.

27 MR. CLIFF STAPLETON: And I am at this point
28 trying to sell the property. Have some folks interested,

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1 and I think the RR would work just fine for -- for those.

2 CHAIRMAN SAM DAVIS: Any questions -- any
3 questions for Cliff?

4 (No response.)

5 CHAIRMAN SAM DAVIS: Thank you. There's four
6 people signed up in opposition. I think the main
7 opposition was to the B-4. The recommendation is for RR.
8 If there is any one of the four that signed up to oppose
9 in opposition to the RR recommendation, would you like to
10 come to the podium.

11 MS. GAIL BOLAR: Yes, sir. I have a question.

12 CHAIRMAN SAM DAVIS: Come up to the podium.

13 MS. GAIL BOLAR: Good evening. My name is Gail
14 Bolar. My husband Iran and I live right next to the
15 property for re-zoning. In fact, we've been there almost
16 two years. We love where we live. And we bought the
17 place there from Mr. Stapleton.

18 I don't have any problem with the catering business.
19 It's been there. I don't have a problem. The only thing
20 I have questions on -- about -- is I wonder how would --
21 if it became commercial, how would it affect our property
22 taxes?

23 I'm not quite sure what the RR means. So I would
24 ask again for someone to explain it to me better. And my
25 question is, too, is we love where we live at. I -- I
26 don't want a business right next to the property.

27 It's different, like I say, if it was the catering
28 part. I don't have a problem with that. But we live --

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1 we moved there to be in the country. I mean, it's
2 country life. And our closest neighbors are cows. And
3 we love looking at them.

4 So I just didn't want to see a -- a business just
5 move right next our property. And it is adjacent to us.
6 So I was going to ask, I just -- like I say, I have
7 questions, you know, would it affect our property taxes?
8 Will it affect what we put on our own property? And
9 mainly could it be five (5) acres, I mean, instead of six
10 (6) acres so it's not right next to our property line and
11 where we live at. So that's what I wanted to ask and
12 talk about.

13 CHAIRMAN SAM DAVIS: All right. We'll get
14 staff to answer that question for you.

15 MR. VINCE JACKSON: First of all, you know, the
16 re-zoning of this property doesn't affect taxes on the
17 adjacent property. It doesn't affect the use of their
18 property. It doesn't affect their ability to use it.

19 RR is a -- it's kind of a unique zoning destination.
20 When it was first created, it was only applied in
21 Planning District 4, which is going up Highway 225,
22 east -- west of Bay Minette.

23 You had a number of existing situations out there
24 where you had a -- you had a business, but the person who
25 owned the business had their home on the same property.
26 And, you know, maybe they had a little bit of
27 agricultural use going on.

28 And it was intended to address some unique

1 situations while still have zoning. It was years later
2 when we began to apply it in other planning districts.

3 Planning District 15 actually was the first planning
4 district outside of Planning District 4 where this
5 destination was applied.

6 First and foremost, it allows rural agricultural
7 uses, it allows residential uses. It does allow limited
8 commercial uses. And a use such as the catering service,
9 which is already there, would be allowed by right.

10 The uses that are allowed by right tend to be less
11 intense. Other uses that could potential go on the
12 property would be required go through a conditional use
13 process where they would have to come back to the
14 Planning Commission in order to grant approval. And
15 that's a public hearing, as you-all know.

16 A couple of things, you know, re-zoning in and of
17 itself doesn't change anything right away. It does open
18 up potential for change. But if as a result of the
19 re-zoning, if something new was built -- As you see right
20 now, the property is fairly wooded. The -- the -- the
21 building sits pretty far back on the property.

22 And I've not actually been on the property, but I
23 did ride by there. And, initially, I couldn't see the
24 building. I didn't realize it was there. I had to kind
25 of hunt for it.

26 If something new was built, one thing that it would
27 raise would be the landscaping buffering requirements.
28 You know, as you see, there's a good bit of natural

1 vegetation there now to serve as a buffer.

2 But, you know, with new construction, there'd be an
3 actual requirement. So that's something that we would
4 look at. So, you know, there are a number of things that
5 we can do to help, I guess, lessen any potential negative
6 impacts.

7 In terms of Ms. Bolar's question about only
8 re-zoning five (5) acres, theoretically, you can make
9 that recommendation. But I'm not sure how that would go
10 with the applicant's plan to sell the property. So you'd
11 certainly want the applicant to weigh in on that before
12 making that kind of recommendation.

13 But we have -- we have had some situations in the
14 past where ultimately the recommendation is to re-zone a
15 smaller area than what is requested. And, again, that's
16 something you can do because that's going more
17 restrictive -- more restrictive than what is requested.
18 But, you know, I -- I think you'd want to get some
19 feedback from the applicant first.

20 CHAIRMAN SAM DAVIS: I think Ms. Bolar's
21 concern would be taken care with a buffer that would be
22 required, depending on what the use of the property was
23 going to be.

24 Would I be right on that, Ms. Bolar?

25 MS. GAIL BOLAR: Yes, sir.

26 CHAIRMAN SAM DAVIS: Okay. So I don't see the
27 need in trying to restrict it to five (5) acres re-zone
28 just to get a buffer as opposed to buffering it as it's

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1 supposed to be.

2 MR. VINCE JACKSON: Right.

3 CHAIRMAN SAM DAVIS: All right. Thank you.

4 You have any other questions, Ms. Bolar?

5 MS. GAIL BOLAR: I don't think so, sir. I
6 just -- I just wanted to say we love where we live at.
7 In our house, where we live at, you can't see it from the
8 road.

9 Well, they mentioned vegetation. You can't see our
10 home from the highway. We -- like I say, it's country
11 living at its best. And we love where we live. So we
12 just wanted to keep it that way.

13 CHAIRMAN SAM DAVIS: Thank you.

14 Any question for Ms. Bolar?

15 COMMISSION MEMBER SPENCE MONROE: Yes.

16 Ms. Bolar.

17 MS. GAIL BOLAR: Yes, sir.

18 COMMISSION MEMBER SPENCE MONROE: Which
19 property is yours? Can you point to it on that map?

20 MS. GAIL BOLAR: We're at 1315 County Road 64
21 so we -- it's --

22 COMMISSION MEMBER SPENCE MONROE: It's the one
23 just east of it then?

24 MS. GAIL BOLAR: Yes.

25 COMMISSION MEMBER SPENCE MONROE: Okay.

26 That's -- that's all I needed to know. Thank you.

27 MR. VINCE JACKSON: And one thing I would
28 mention, being that this is a re-zoning, this is a

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1 recommendation to the County Commission. So there will
2 be another public hearing. That will take place probably
3 in mid-December, probably around the 18th. And that will
4 be in Bay Minette.

5 CHAIRMAN SAM DAVIS: All right. Thank you.

6 Mr. Lazzari, Mrs. Lazzari, you got any comments?

7 MR. DAVID LAZZARI: Nothing different, really,
8 just didn't understand what the RR meant as far as other
9 commercial activities. What does that mean?

10 CHAIRMAN SAM DAVIS: Well, that's what he was
11 just -- that's what he was just discussing. Presently,
12 it's not zoned for what has been operated out of that.
13 This is the closest and most restrictive zoning to allow
14 the current operation that was grandfathered in.

15 MR. DAVID LAZZARI: But what he said, if --

16 CHAIRMAN SAM DAVIS: I'm going to have to get
17 you to come to the podium because of the
18 transcriptionist.

19 You can sit down, Ms. Bolar.

20 MR. DAVID LAZZARI: Just so I understand, what
21 he said was that if something new was built, that it
22 would have to come before y'all again, is that right, as
23 far as commercial?

24 CHAIRMAN SAM DAVIS: Vince, can you answer that
25 question?

26 MR. VINCE JACKSON: It depends on whether it
27 falls under the conditional use stipulations or not. The
28 things that would be conditional use under -- under the

1 RR district -- Let me get there.

2 And some of these things are actually already --
3 some -- some of the things would be special exception.
4 And those things would go to the -- those things would
5 actually go to the Board of Adjustment, which that would
6 be the Board of Adjustment for County Commission District
7 2.

8 Those would be light industrial uses; general
9 commercial uses not permitted by right; institutional
10 uses, except you could not have a prison or a sanitarium;
11 boarding houses; rooming houses; lodging; dormitories;
12 fraternity or sorority houses. The likelihood of
13 fraternity or sorority houses is slim to none since
14 there's not a college in this area.

15 Other things would be subject to conditional use.
16 And the things that would be subject to conditional use
17 are things that would come before you-all.

18 That would be something like a cellular
19 communications tower. But a cellular communications
20 tower is already a conditional use under the existing RA
21 zoning.

22 So in -- in some respects, there's not a lot of
23 difference. There are some uses that could already be
24 done. You know, you could have a church on this
25 property. You can have a school on this property. There
26 are commercial uses that are related to agriculture that
27 you can already do on this property.

28 You should -- you can already have an animal clinic,

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1 farm implement sales, a farmers market, nursery/landscape
2 sales, or a country club. You can already have those on
3 this property by right under the current RA zoning.

4 With the RR, it just expands on it a little bit.
5 But it also, in a lot of instances, has that mechanism
6 for approval where it either comes to the Planning
7 Commission or goes to the Board of Adjustment. And those
8 are special exceptions where notices are sent to the
9 adjacent property owners.

10 CHAIRMAN SAM DAVIS: All right. Does that
11 answer your question?

12 MR. DAVID LAZZARI: Pretty much.

13 CHAIRMAN SAM DAVIS: Okay. Thank you very
14 much.

15 MR. DAVID LAZZARI: Thank you.

16 CHAIRMAN SAM DAVIS: Does the applicant have
17 anything else to add?

18 (No verbal response.)

19 CHAIRMAN SAM DAVIS: We'll close the public --
20 Staff have anything else to add?

21 MR. VINCE JACKSON: No, sir. I did want to
22 mention the -- the thing about the zoning that took place
23 in 2006. That was when the zoning for Planning District
24 15 was adopted, August 1st of 2006.

25 At that time when -- And that it was the original
26 zoning. There was no zoning in that planning district
27 prior to 2006. So the Rural Agricultural destination was
28 what this property has always been zoned.

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1 I'm not sure how in the zoning process they missed
2 the fact that there was an existing business there. But
3 we have found with of some of the -- you know, with some
4 of our planning districts that it does happen.

5 Also, at that time, there was no notification to
6 property owners prior to the vote. That's something that
7 we do have now. So although that were public hearings on
8 the adoption of the zoning, there are -- we do find from
9 time to time people that did not know. And this was
10 another example.

11 CHAIRMAN SAM DAVIS: All right. Thank you. Do
12 you have a question?

13 (No response.)

14 CHAIRMAN SAM DAVIS: All right. We'll close
15 the public hearing at this point. Staff has recommended
16 a recommendation of RR to the County Commission. Is
17 there a motion to do so?

18 COMMISSION MEMBER ARTHUR OKEN: Motion,
19 Mr. Chairman.

20 CHAIRMAN SAM DAVIS: All right. There is a
21 motion to do so. Is there a second?

22 COMMISSION MEMBER BONNIE LOWRY: Second.

23 CHAIRMAN SAM DAVIS: All right. All in favor,
24 say aye.

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

26 CHAIRMAN SAM DAVIS: Discussion?

27 COMMISSION MEMBER ARTHUR OKEN: I just want the
28 record to reflect that the motion is based on the

1 comments in the staff report and the public hearing.

2 CHAIRMAN SAM DAVIS: Any other discussion?

3 (No response.)

4 CHAIRMAN SAM DAVIS: All in favor, say aye.

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

6 CHAIRMAN SAM DAVIS: All opposed.

7 (No response.)

8 CHAIRMAN SAM DAVIS: Motion carries
9 unanimately.

10

11 **8-C - CASE Z-18048, DENK PROPERTY**

12 CHAIRMAN SAM DAVIS: Next case is Z-18048, Denk
13 property.

14 MS. CELENA BOYKIN: This is a request to
15 re-zone point-four-four (.44) acres of a one (1) acre
16 parcel. It's currently zoned RSF-E. And the applicant
17 is asking that it be re-zoned to RSF-2 to allow for a
18 family subdivision.

19 The subject property is located east side of County
20 Road 71, just north of Hughen Street in Planning District
21 31. As you can see, the subject property is surrounded
22 by RSF-E zoning to the south. And to the east is the
23 city limits of Robertsdale.

24 Here is some pictures of the surrounding property
25 and the subject property. And here is what the applicant
26 plans to do. The total acreage for the parcel is
27 one-point-eight-zero-nine (1.809). They're only asking
28 for the southern point-four-four (.44) acres to be

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1 re-zoned to RSF-2. The remaining acreage would be
2 combined with the two parcels that you see on the map.

3 Staff sees no issues with this request and has
4 recommended approval.

5 CHAIRMAN SAM DAVIS: Any questions for Celena?

6 (No response.)

7 CHAIRMAN SAM DAVIS: All right. Thank you.

8 There is no opposition. Samantha Rockenbauer, do
9 you have anything you'd like to address the Commission?

10 (Indicates negatively.)

11 CHAIRMAN SAM DAVIS: Okay. Did I open the
12 public hearing? The public hearing is open for that
13 purpose. There is no one to speak in opposition. Any
14 questions for staff?

15 COMMISSION MEMBER SPENCE MONROE: Yeah.

16 CHAIRMAN SAM DAVIS: Okay.

17 COMMISSION MEMBER SPENCE MONROE: If we approve
18 this, do the other -- does the -- the change that you got
19 shown up there right now automatically happen?

20 CHAIRMAN SAM DAVIS: It is a -- it's a
21 recommendation to the County Commission for approval is
22 what the request is.

23 COMMISSION MEMBER SPENCE MONROE: Right.

24 MS. CELENA BOYKIN: Once -- once that parcel is
25 re-zoned, they'll apply for an exempt subdivision. And
26 then they can combine the parcels and split the parcel
27 off.

28 COMMISSION MEMBER SPENCE MONROE: Okay. Thank

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1 you.

2 ATTORNEY DAVID CONNER: At the -- at the end of
3 the day, will all the resulting lots meet the minimum lot
4 size requirements for that applicable zoning designation?

5 MS. CELENA BOYKIN: Correct, yes.

6 ATTORNEY DAVID CONNER: Okay.

7 CHAIRMAN SAM DAVIS: Any other questions?

8 (No response.)

9 CHAIRMAN SAM DAVIS: All right. We'll close
10 the public hearing at this point. Staff's recommendation
11 is to recommend approval to the County Commission. Is
12 there a motion to do so?

13 COMMISSION MEMBER ARTHUR OKEN: So moved,
14 Mr. Chairman.

15 CHAIRMAN SAM DAVIS: All right. There is a
16 motion to recommend approval. Is there a second?

17 COMMISSION MEMBER DANIEL NANCE: Second.

18 CHAIRMAN SAM DAVIS: All right. There is a
19 second. Any discussion?

20 ATTORNEY DAVID CONNER: I do have one more
21 question, Mr. Chairman, if that's okay.

22 CHAIRMAN SAM DAVIS: Sure.

23 ATTORNEY DAVID CONNER: On the one lot that was
24 showing, it does -- the subject property that's being
25 re-zoned, it does look like that lot line splits in the
26 middle of a building, down the side of the building.

27 MS. CELENA BOYKIN: The parcel to the west, the
28 property line is -- it does look like it's on the

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1 existing building, but it's always been like that.
2 They're not moving that -- that property line. It's
3 staying as is, as it's been. Are you talking about the
4 property line to the west?

5 ATTORNEY DAVID CONNER: Yes. Are they going --

6 MS. CELENA BOYKIN: Are you --

7 COMMISSION MEMBER KEVIN MURPHY: The west
8 property line is what he's looking of the four --
9 point-four-four (.44) acres.

10 ATTORNEY DAVID CONNER: So that -- that
11 condition already exists. We're not doing anything to
12 change that condition?

13 MS. CELENA BOYKIN: Correct.

14 CHAIRMAN SAM DAVIS: All right. Any other
15 questions?

16 (No response.)

17 CHAIRMAN SAM DAVIS: All right. We have a
18 motion and a second to recommend approval. All in favor,
19 say aye.

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

21 CHAIRMAN SAM DAVIS: All opposed?

22 (No response.)

23 CHAIRMAN SAM DAVIS: Carries unanimously.

24

25 **8-D - CASE Z-18049, EASY LIKE THAT PROPERTIES LLC PROPERTY**

26 CHAIRMAN SAM DAVIS: Next is Z-18049, Easy Like
27 That, LLC.

28 MS. LINDA LEE: Good evening, Commissioners.

1 The subject property, which consists of
2 thirteen-point-four (13.4) acres is currently zoned RA,
3 Rural Agricultural District. The designation of B-4,
4 Major Commercial District, has been requested for the
5 purpose of establishing an RV park with amenities and a
6 small country store.

7 The subject property is located at 28376 US
8 Highway 98 in Planning District 22. It's on the south
9 side of 98, east of County Road 95. On the screen is the
10 locator map. And this is the aerial photography.

11 These are pictures of the subject property and
12 adjacent properties. This is a map of the proposed RV
13 park. The adjoining properties are residential
14 commercial and agricultural.

15 There are numerous commercial and industrial zoning
16 designations in this area. The RA zoning designation is
17 usually assigned to large, undeveloped parcels. The new
18 owners would like to develop the land with an RV park.

19 There have been numerous re-zonings in this area
20 since zoning was established. And this map shows you the
21 different re-zoning that have taken place over the years.

22 The Baldwin County Master Plan provides a future
23 land use designation of agricultural for the subject
24 property. Approval of the re-zoning would result in an
25 amendment of the Future Land Use Map to commercial.

26 Unless information to the contrary is revealed at
27 this public hearing, staff recommends that this
28 application be recommended for approval. And I'll answer

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1 any questions you have for me.

2 CHAIRMAN SAM DAVIS: Any questions for Linda?

3 (No response.)

4 CHAIRMAN SAM DAVIS: All right. Thank you,
5 Linda.

6 We'll open the public hearing at this point. Barry
7 Dees is the project engineer. Are you here?

8 MR. BARRY DEES: Yes, sir.

9 CHAIRMAN SAM DAVIS: Would you like to come up?

10 MR. BARRY DEES: No, sir. I don't have
11 anything to add.

12 CHAIRMAN SAM DAVIS: We may have questions for
13 you.

14 (Mr. Barry Dees approached the podium.)

15 CHAIRMAN SAM DAVIS: Just give us an overview
16 of the project.

17 MR. BARRY DEES: It's pretty simple. We're
18 just currently zoned as it is, and we're just looking for
19 B-4. The reason we like B-4 is because we're trying to
20 fit a use in there for just a small store, just a small
21 laundromat for the people there in the community. And
22 really that's about it.

23 CHAIRMAN SAM DAVIS: Do you have sewer
24 available there?

25 MR. BARRY DEES: Yes, sir. As far as I
26 understand, it is.

27 CHAIRMAN SAM DAVIS: All right. What about
28 water?

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1 MR. BARRY DEES: As far as I understand, it is.

2 CHAIRMAN SAM DAVIS: What are your streets
3 going to be?

4 MR. BARRY DEES: As far as?

5 CHAIRMAN SAM DAVIS: Pave them, gravel them,
6 what's the plan?

7 MR. BARRY DEES: Help me out with that, Lydia.
8 Are they going to gravel?

9 MS. LYDIA FRANZ: Gravel.

10 MR. BARRY DEES: Yeah.

11 MS. LYDIA FRANZ: Gravel, hard-crushed
12 concrete.

13 CHAIRMAN SAM DAVIS: Any other questions for
14 this gentleman?

15 (No response.)

16 CHAIRMAN SAM DAVIS: Thank you, sir.

17 Ms. Franz, would you like to come up?

18 MS. LYDIA FRANZ: Yes, sir.

19 CHAIRMAN SAM DAVIS: Tell us about -- This is
20 going to be an RV park; right?

21 MS. LYDIA FRANZ: Yes, sir.

22 CHAIRMAN SAM DAVIS: Okay. Have you ever dealt
23 with one before?

24 MS. LYDIA FRANZ: I have not. I have dealt
25 with the purchase and sale of a couple of them.

26 COMMISSION MEMBER ARTHUR OKEN: Mr. Chairman,
27 this is a re-zoning application, is it not?

28 CHAIRMAN SAM DAVIS: It is.

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1 MS. LYDIA FRANZ: That's why I have Barry.

2 CHAIRMAN SAM DAVIS: Excuse me?

3 MS. LYDIA FRANZ: That's why I have Barry.

4 CHAIRMAN SAM DAVIS: Okay. Anything else you'd
5 like for us to know?

6 MS. LYDIA FRANZ: We did contact the adjacent
7 property owners, and there was no opposition. The twelve
8 (12) acres just to the east of the transmission and
9 automotive shop is under contract is going to be used as
10 a frame shop. And the property to the west of it is just
11 rental property that's owned by B. J. Blanchard. And
12 he's in support of it.

13 CHAIRMAN SAM DAVIS: Any questions for
14 Ms. Franz?

15 COMMISSION MEMBER BONNIE LOWRY: Approximately
16 how many units are you going to have in the area?

17 MS. LYDIA FRANZ: One hundred (100). The
18 zoning would -- the zoning change allow up to one hundred
19 and eighty-two (182). And we're only looking to do a
20 hundred (100).

21 CHAIRMAN SAM DAVIS: Any other questions of
22 Ms. Franz?

23 (No response.)

24 CHAIRMAN SAM DAVIS: Thank you. We do have
25 some opposition. You can have a seat.

26 We've got Scott Feely and Kimberly Feely. Are y'all
27 here?

28 MS. KIMBERLY FEELY: Yes, sir.

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1 CHAIRMAN SAM DAVIS: Okay. Would you like to
2 come up to the podium?

3 MS. KIMBERLY FEELY: My name is Kimberly Feely.
4 My husband is Scott. I've been relegated to talk for the
5 two of us.

6 CHAIRMAN SAM DAVIS: Sure.

7 MS. KIMBERLY FREELY: You said that you
8 contacted the property owners. You --

9 CHAIRMAN SAM DAVIS: Well, hold -- address
10 us --

11 MS. KIMBERLY FEELY: I'm sorry.

12 CHAIRMAN SAM DAVIS: -- not the applicant.

13 MS. KIMBERLY FEELY: I haven't just heard what
14 was stated as far as the re-zoning of this area. The
15 property owners around it might have been contacted, but
16 not all of them, my husband and I being one of the
17 property owners.

18 We farm for a living. We farm seven (7) acres
19 behind B. J. Blanchard, which we purchased from him. We
20 farm the subject property itself right now under a lease
21 from the previous owner. We farm the forty (40) acres
22 just south of this property. We also farm the twelve
23 (12) acres -- or the twelve (12) acres, yeah, to the east
24 of this property, which I understand is up for sale.

25 It might be under contract. Until the dotted line
26 is signed, it's not sold. It's being farmed. So all of
27 that property, including where this subject property is,
28 has been farmed.

1 We're married now ten (10) years or so?

2 MR. BRIM SCOTT FEELY: Yeah.

3 MS. KIMBERLY FEELY: So, '93?

4 MR. BRIM SCOTT FEELY: There you go.

5 MS. KIMBERLY FREELY: Since 1993, before I was
6 even involved. So some of the stuff -- some issues that
7 we would have is, one, that there are is an actual gully
8 in that land. So there is a drainage issue in that land.
9 We've known it. We've farmed it. We've -- that's -- we
10 know that ground probably better than anybody that's --
11 even the owners know about it.

12 B. J. Blanchard, who owns that top corner -- that
13 top corner up here, those two -- Thank you -- those two
14 pieces, he just put septic in, because he plans on
15 putting a couple of mobile homes in there on his
16 property.

17 There is no sewage there. I just had that
18 conversation with him. He also needs to tap wells. He
19 has a well there, and he is working to see if the well
20 that he has there would be enough to do all of the
21 properties that he wants to put on there or mobile homes
22 that he wants to put on there.

23 Having said that, farming that area, anybody here on
24 this Commission knows when you tap a well, it changes the
25 whole water table for the farms, for the ground that's
26 around that. So that's going to be an issue.

27 Another thing is traffic. 98 is bad enough as it
28 is. You're talking about putting a hundred (100) units

1 in there.

2 I don't know if any of you have farmed, have
3 followed a farmer down the road, you know what it's like.
4 People are passing the tractors left and right. Get a
5 combine on the highway, you've got traffic backed up all
6 the way east to Lillian and working its way through town
7 towards Foley.

8 You have now on top of that a hundred (100) possible
9 RVs putting in and out of that with farm traffic, it's
10 not going to work.

11 Another issue that needs to be considered is all of
12 that area, it gets crop dusted. We have planes flying
13 overhead. There are sign planes flying overhead.

14 That's going to be an issue with all those
15 residents. What are you spraying? What's the problem?
16 What -- what chemical? Everything else. We have it now.
17 I'm sure you've heard cases already in front of this
18 Commission itself.

19 Another big thing that we have to be concerned
20 about, too, is peanut allergy. It seems like everybody
21 and their mother is allergic to peanuts or nuts nowadays.
22 We farm peanuts. And if anybody's been around when it's
23 harvest time, there is no getting away from that dust,
24 none, zero, zilch.

25 It's in your underwear. It's in your ears. It's up
26 your nose. It is everywhere. So if you are talking
27 about putting in a hundred (100) possible units and
28 having peanuts surrounding it, they're not going to be

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1 able to get away from it. It's a factor that's got to be
2 thought about.

3 CHAIRMAN SAM DAVIS: Let me -- let me stop you,
4 because I think we all feel where you're coming from.

5 MS. KIMBERLY FREELY: Uh-huh. (Indicates
6 affirmatively.)

7 CHAIRMAN SAM DAVIS: Let me see if there are
8 any questions for you.

9 MS. KIMBERLY FREELY: Sure.

10 CHAIRMAN SAM DAVIS: Does anyone have any
11 questions for Ms. Feely?

12 (No response.)

13 CHAIRMAN SAM DAVIS: All right. Thank you.

14 MS. KIMBERLY FREELY: One other -- one other
15 issue, too.

16 CHAIRMAN SAM DAVIS: Okay.

17 MS. KIMBERLY FREELY: Just -- just as a
18 sidenote, not just to farming, one of the best neighbors,
19 as another gentleman that was here tonight pointed out
20 that he has a cemetery as his neighbors that don't
21 complain, one of the reasons why we bought that property
22 is because there is a cemetery right there, so nobody
23 complains.

24 We have to worry about defacing that, people coming
25 in and defacing that. It's less than three hundred (300)
26 feet from the subject property.

27 CHAIRMAN SAM DAVIS: All right. Well, we
28 appreciate your comments.

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1 Does staff have anything to add?

2 COMMISSION MEMBER BONNIE LOWRY: I have a
3 question for Linda. I have a question for Linda.

4 CHAIRMAN SAM DAVIS: Let's let Linda go
5 first -- Go ahead and ask your question.

6 COMMISSION MEMBER BONNIE LOWRY: Linda, is
7 there any reason that under the RA, it can't -- this
8 property can't be given a special exception, which
9 states --

10 MS. LINDA LEE: That was what I was going to
11 state, that under the RA zoning designation, they could
12 request a special exception to allow for the RV park.

13 COMMISSION MEMBER BONNIE LOWRY: It doesn't
14 have to be that B-4?

15 MS. LINDA LEE: Not for the RV park alone. But
16 the applicant -- they wanted the B-4 permitted by right
17 instead of having to ask for a special exception, and
18 because they wanted to have the small store there.

19 CHAIRMAN SAM DAVIS: So you're saying a lesser
20 degree is not possible? They couldn't do what they're
21 wanting to do with, say, a B-3 or B-2?

22 MS. LINDA LEE: Not with the B-3 or B-2. You
23 can have by right an RV park in B-4; an RV-1 or RV-2 with
24 special exception. In RA -- I'll have to look it up.

25 CHAIRMAN SAM DAVIS: Any other questions for
26 Linda?

27 COMMISSION MEMBER ARTHUR OKEN: Mr. Chairman.
28 Has this land been farmed?

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1 MS. LINDA LEE: I don't know the history of the
2 land. You may want to talk to the applicant.

3 MS. LYDIA FRANZ: (Speaking from the floor.)
4 I'm sorry. I didn't hear the question.

5 COMMISSION MEMBER ARTHUR OKEN: In the past,
6 has this -- has this land -- in the recent past, has this
7 land been agricultural --

8 MS. LYDIA FRANZ: Transferred.

9 COMMISSION MEMBER ARTHUR OKEN: -- used for
10 agricultural purposes.

11 MS. LYDIA FRANZ: I don't know when they -- the
12 lease ended, the previous lease for the farming. I don't
13 know what that ended.

14 (Multiple conversations.)

15 COMMISSION MEMBER KEVIN MURPHY: That was the
16 farm -- one of the farms they were just talking about.
17 They've been farming it since '93.

18 MS. LYDIA FRANZ: It was transferred --

19 (Multiple conversations from the panel and the floor.)

20 MR. BRIM SCOTT FEELY: He farms it now.

21 COMMISSION MEMBER ARTHUR OKEN: It's currently
22 being used for agricultural purposes?

23 MR. SCOTT FEELY: The lease doesn't end until
24 next year. It's still under lease.

25 (Multiple conversations.)

26 MS. LYDIA FRANZ: It probably --

27 CHAIRMAN SAM DAVIS: All right. Hold on.

28 Everybody speaks when they're recognized. That's from

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1 the floor or from the table. So just -- just keep it
2 orderly, please.

3 All right. Any other questions?

4 COMMISSION MEMBER ARTHUR OKEN: No, sir.

5 CHAIRMAN SAM DAVIS: Okay. Does the applicant
6 have anything else to say as a result of concerns?

7 MS. LYDIA FRANZ: (Speaking from the floor.)

8 Yes. That property has already been transferred. It --

9 CHAIRMAN SAM DAVIS: Come up the podium.

10 MS. LYDIA FRANZ: Sorry.

11 (Ms. Lydia Franz approached the podium.)

12 MS. LYDIA FRANZ: That property has already
13 been transferred. And the lease was either expired or
14 cancelled by the previous property owners. And the seven
15 (7) acres that -- I'm sorry. I can't really remember
16 your name -- is referring to is still listed as
17 B. J. Blanchard's property, which is why I couldn't
18 contact them, because I didn't have their information.

19 CHAIRMAN SAM DAVIS: You said the property has
20 already been transferred. Do you mean you already
21 purchased it?

22 MS. LYDIA FRANZ: Correct.

23 CHAIRMAN SAM DAVIS: Okay.

24 Did the engineer have anything to add?

25 MR. BARRY DEES: Yes, sir. We are aware of the
26 drainage situation, which is why we designed it way we
27 did, where all the drainage went to the center so we
28 wouldn't discharge to the adjacent properties. That's

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1 why it's laid out as it is.

2 In addition, we do have letters from the Alabama
3 Department of Transportation, who has already reviewed
4 the property. And we have letters of recommendation from
5 them stating what we are planning to do is acceptable.

6 CHAIRMAN SAM DAVIS: All right. Any other
7 questions for these folks?

8 (No response.)

9 CHAIRMAN SAM DAVIS: Staff have anything else
10 to add?

11 MS. LINDA LEE: No, sir.

12 CHAIRMAN SAM DAVIS: All right. We'll close
13 the public hearing -- Are there any questions for staff
14 before I close it?

15 (No response.)

16 CHAIRMAN SAM DAVIS: All right. We'll close
17 the public hearing at this point. Staff has recommended
18 an approval of this to the County Commission. Is there a
19 motion to do so?

20 COMMISSION MEMBER ARTHUR OKEN: Motion,
21 Mr. Chairman.

22 CHAIRMAN SAM DAVIS: Okay. There is a motion
23 to recommend approval of this application to the County
24 Commission. Is there a second?

25 COMMISSION MEMBER DOUG THOMAS: I'll second.

26 CHAIRMAN SAM DAVIS: All right. There is a
27 second. Any discussion?

28 (No response.)

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1 CHAIRMAN SAM DAVIS: Let's have a rollcall
2 vote.

3 COMMISSION MEMBER SPENCE MONROE: Just for
4 clarification, this is for the B-4 zoning?

5 CHAIRMAN SAM DAVIS: That's right.

6 COMMISSION MEMBER SPENCE MONROE: Okay. Just
7 wanted to make sure.

8 MS. LINDA LEE: Mr. Hayes.

9 COMMISSION MEMBER DEWANE HAYES: Yes.

10 MS. LINDA LEE: Mr. Monroe.

11 COMMISSION MEMBER SPENCE MONROE: No.

12 MS. LINDA LEE: Mr. Murphy.

13 COMMISSION MEMBER KEVIN MURPHY: No.

14 MS. LINDA LEE: Mr. Oken.

15 COMMISSION MEMBER ARTHUR OKEN: Yes.

16 MR. VINCE JACKSON: Mr. Nance.

17 COMMISSION MEMBER DANIEL NANCE: Yes.

18 MS. LINDA LEE: Mr. Thomas.

19 COMMISSION MEMBER DOUG THOMAS: Yes.

20 MS. LINDA LEE: Ms. Lowry.

21 COMMISSION MEMBER BONNIE LOWRY: No.

22 MS. LINDA LEE: Mr. Bias.

23 COMMISSION MEMBER BRANDON BIAS: Yes.

24 MS. LINDA LEE: Motion carries on a vote of
25 five to three.

26 CHAIRMAN SAM DAVIS: All right. Thank you.

27 COMMISSION MEMBER ARTHUR OKEN: Mr. Chairman,
28 for the record, I'd just like to have the motion -- it's

1 based upon the comments in the staff report and the
2 public hearing.

3 CHAIRMAN SAM DAVIS: So noted.

4
5 **8-E - CASE Z-18050, SIMMS PROPERTY**

6 CHAIRMAN SAM DAVIS: Next case is Z-18050,
7 Simms property.

8 MS. LINDA LEE: The subject property is
9 currently zoned B-1, Professional Business District, and
10 is occupied with a house that is currently being used for
11 a dog grooming business, and two accessory structures.

12 The requested designation is RSF-1, Single-Family
13 District, for the portion of the property containing the
14 house. According to the submitted information, the
15 purpose of this request is to allow for the owners to use
16 the house as a residence and move the dog grooming
17 business to the accessory structures.

18 The subject property is located at 34419 Rosalia
19 Avenue in Planning District 33. On your screen is the
20 locator map. And as you can see on this map, all the
21 surrounding property is zoned residential.

22 This is your site map. These are pictures of
23 subject property and the adjoining properties. This is
24 the proposed site plan.

25 And the red line shows pretty much where she wants
26 the portion with the house on the line to be residential
27 and the portion with the accessory structure to stay B-1.
28 The adjoining properties are residential, commercial, and

1 is vacant.

2 Planning District 32 was zoned December 2001. At
3 that time the house on the subject property was used as
4 beauty salon. So the property was zoned B-1 to
5 accommodate that use. The current owner would like to
6 make the house a dwelling and move the dog grooming
7 business to the accessory structures.

8 The Baldwin County Master Plan did provide a future
9 land use designation of commercial for the subject
10 property. If the re-zoning is approved, the Future Land
11 Use Map would be amended to reflect residential for the
12 portion of the property that is requested to be re-zoned.

13 The proposed zoning would be inline with the
14 surrounding properties. And unless information to the
15 contrary is revealed at this public hearing, staff would
16 recommend that the Planning Commission recommend approval
17 of this request. And I will answer any questions you
18 have for me.

19 CHAIRMAN SAM DAVIS: Questions for Linda?

20 (No response.)

21 CHAIRMAN SAM DAVIS: Thank you, Linda.

22 ATTORNEY DAVID CONNER: Mr. Chairman, a
23 question.

24 The applicant is aware of the conditions for home
25 occupation, limitations, et cetera, so far as residential
26 zoning; right?

27 MS. LINDA LEE: I would presume she is.

28 ATTORNEY DAVID CONNER: Okay.

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1 MS. LINDA LEE: She's not going to have
2 occupation in the residential potential. She's going to
3 have her residence in the residential portion and leave
4 the -- put the dog grooming business in the portion that
5 going to remain B-4.

6 ATTORNEY DAVID CONNER: Yeah. I just want
7 to -- I just want to make sure that we're not outsmarting
8 ourselves here in some way by creating a residential
9 structure and then her not being allowed to do the
10 accessory use the way that she wants to.

11 Vince, I may be just concerned about nothing, but I
12 just want to make sure that we're okay on that.

13 MR. VINCE JACKSON: I don't think there's going
14 to be an issue. I mean, it was a residential building,
15 but it was being used as a beauty shop at the time zoning
16 was adopted. That's why it's zoned B-1.

17 It is her intention to live in this building. But
18 under a B-1, she can't. So she's going to have the dog
19 grooming in the -- in the accessory structures.

20 If you-all will remember, just recently we had the
21 re-zoning in the Lillian area for the Bay Creek, where we
22 had the existing commercial structure that was zoned
23 residential, so they zoned it business to have the
24 bakery.

25 This is the reverse of that, if that makes any
26 sense. In this case, we're going from, you know -- we're
27 re-zoning a residential structure zoned commercial to
28 residential. But as far as the -- the home occupation,

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1 it shouldn't been issue at all.

2 CHAIRMAN SAM DAVIS: If she re-zoned for
3 residential, can she have her dog grooming business --

4 MR. VINCE JACKSON: It won't be -- it will be
5 in the area of the property that remains B-1.

6 CHAIRMAN SAM DAVIS: Oh, okay.

7 MR. VINCE JACKSON: Yeah.

8 COMMISSION MEMBER BRANDON BIAS: Mr. Chairman,
9 so just for my understanding, this is a case where we're
10 doing two zonings on a single parcel; correct?

11 MR. VINCE JACKSON: Yes. And that -- and we do
12 have that from time to time. The one I mentioned with
13 the bakery. That was another one where the -- the -- the
14 bulk of the property remained residential, but the old
15 commercial building went to a business designation to
16 accommodate a bakery.

17 COMMISSION MEMBER BRANDON BIAS: Thank you.

18 MR. VINCE JACKSON: It's not very common, but
19 it happens from time to time.

20 CHAIRMAN SAM DAVIS: If I understood that
21 question, I think that question was are we re-zoning two
22 properties at one time? It doesn't look like we're doing
23 that.

24 MR. VINCE JACKSON: No. No, sir. It's one --
25 it's one parcel.

26 CHAIRMAN SAM DAVIS: We're re-zoning part of a
27 B-1 parcel to an RSF-1 parcel.

28 MR. VINCE JACKSON: Correct.

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1 CHAIRMAN SAM DAVIS: All right. Any other
2 questions for Vince or Linda?

3 (No response.)

4 CHAIRMAN SAM DAVIS: Okay. Two people signed
5 up for; one against.

6 Veronica Simms, you're the applicant. Do you have
7 anything you want us to know? Where are you?

8 (Ms. Veronica Simms indicates.)

9 CHAIRMAN SAM DAVIS: Okay. Do you have
10 anything you'd like to address the Commission?

11 MS. VERONICA SIMMS: No, sir, not at this time.

12 CHAIRMAN SAM DAVIS: Okay. Gordon -- is it
13 Trachsel?

14 MR. GORDON TRACHSEL: Yes.

15 CHAIRMAN SAM DAVIS: Anything you'd like for us
16 to know?

17 MR. GORDON TRACHSEL: Yes. I had lived in
18 Lillian in the Spanish -- Spanish Cove community for the
19 past twelve (12) years. I've recently moved to Foley.
20 But in the last five (5) years, my partner and I have
21 used Ms. Simms' dog grooming services and are very happy
22 with them.

23 And as you may know, there are quite a few elderly
24 people that live in Spanish Cove. And a lot of them use
25 her services, too. And it's very convenient. It's a
26 mile and a half to a mile, you know, from their homes to
27 her business. Keeps them off the road for an extended
28 period of time.

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1 And I just think that this would be a good thing for
2 y'all to approve. Thank you.

3 CHAIRMAN SAM DAVIS: Thank you very much.

4 All right. John -- Is it Broz? -- is in opposition.

5 MR. JOHN BROZ: I'm not opposed. I just have
6 some questions.

7 CHAIRMAN SAM DAVIS: All right.

8 MR. JOHN BROZ: I live right next door, west of
9 the property. And I don't understand how she's going to
10 split that property in two, have her house on one side
11 and the business on the other side when the buildings are
12 all around. Can you explain that?

13 CHAIRMAN SAM DAVIS: I think staff can answer
14 that.

15 MS. LINDA LEE: Okay. I might have to go up
16 and point. But, anyway, I think she has her house and
17 there might be a shed that's going to be in the portion
18 that's residential. And then the -- this building here
19 and that yellow-looking building, those two are going to
20 be on the portion that is commercial where the dog
21 grooming business is going to be.

22 That is where she is proposing to split it. So like
23 that shed was there. And the house is going to go on the
24 residential side. And then this structure and that
25 structure are going to be on the commercial side with the
26 business.

27 MR. JOHN BROZ: Okay. Do they have to have
28 setbacks?

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1 MS. LINDA LEE: She's not subdividing the
2 property. She's just having two zonings on one parcel.
3 So she had to meet the setbacks for the property lines
4 but not in between the zoning lines.

5 MR. JOHN BROZ: Okay. Over here, you don't
6 have a trailer that's there.

7 MS. LINDA LEE: There were two containers that
8 were on the property --

9 MR. JOHN BROZ: They're -- they're living in a
10 trailer, an little RV trailer.

11 MS. VERONICA SIMMS: (Speaking from the floor.)
12 No.

13 MS. LINDA LEE: She'll have to address the RV
14 trailer.

15 MS. VERONICA SIMMS: (Speaking from the floor.)
16 There's no one living there.

17 CHAIRMAN SAM DAVIS: Hold on a second. No
18 speaking from the floor. And no addressing the floor
19 from the podium.

20 MR. JOHN BROZ: I just -- I just -- I just
21 looked.

22 CHAIRMAN SAM DAVIS: Okay.

23 MS. LINDA LEE: I don't know anything about
24 anyone living in an RV, so she would have to address
25 whether or not anyone occupies an RV. She can park one
26 on her property but --

27 CHAIRMAN SAM DAVIS: Well, it's an RV. It's
28 not a permanent structure, so it wouldn't show up.

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1 MS. LINDA LEE: Well, she didn't draw it on --
2 on her site plan. But I'm just saying she can park it,
3 but she could not occupy it. You know, anyone can park
4 it on their property in their rear or side yard.

5 COMMISSION MEMBER BONNIE LOWRY: Linda.

6 MS. LINDA LEE: Yes, ma'am.

7 COMMISSION MEMBER BONNIE LOWRY: Is this going
8 to give her the correct minimum square footage?

9 MS. LINDA LEE: Once again, she is not
10 subdividing the property. She's just putting two
11 different zoning designations on the property. So there
12 is not a minimum she needs to meet.

13 COMMISSION MEMBER BONNIE LOWRY: So to have an
14 RSF-1, she doesn't have to meet that minimum lot
15 requirement?

16 MS. LINDA LEE: She's not subdividing it.
17 She's just putting two zoning destinations on one parcel.
18 She would only have to meet the minimum lot area if she
19 was actually subdividing the property, making two
20 separate parcels. She's not doing that.

21 MR. JOHN BROZ: I don't care if she does. You
22 know, I mean, it just -- you know, I believe a person
23 ought to be able to do what they want, as long as it's
24 legal, with their property.

25 But there's a -- there is a trailer that's been here
26 six (6) months. They go in and out. They planted
27 bushes. It's not going to be able to be moved.

28 I called y'all about it. And they said address it

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1 at this meeting about the trailer and also about my
2 concern about -- I don't care if she does it. More power
3 to her if she does it. Because that would just mean that
4 if I got ready to do mine, I'd be afforded the same
5 opportunity, if she gets her passed.

6 And but my main thing is -- is the little trailer
7 that's there. I understand you're not supposed to leave
8 them there but so long, and nobody is supposed to live in
9 them, which the person says no one does, but I see people
10 with lights on and, you know --

11 CHAIRMAN SAM DAVIS: So your problem is not
12 with the application and what she's wanting to do, but
13 the fact that there is a -- Is it a travel trailer?

14 MR. JOHN BROZ: It's -- yeah.

15 CHAIRMAN SAM DAVIS: Okay.

16 MR. JOHN BROZ: It's got a tongue on it. Got
17 a, you know -- it's got wheels on it.

18 CHAIRMAN SAM DAVIS: It's a travel trailer,
19 pull up in an RV park? It's an RV-type trailer, is that
20 what it is?

21 MR. JOHN BROZ: Yeah.

22 CHAIRMAN SAM DAVIS: All right. Well, whoever
23 told you to address it at this Commission is not correct.
24 Because if that's an improper use of that property, there
25 is an enforcement division. It's not us.

26 MR. JOHN BROZ: Okay. Actually, the -- the
27 enforcement said to let y'all know. But, also, is -- is
28 that -- I mean, you can do that with property?

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1 CHAIRMAN SAM DAVIS: Yes, sir. That's legal.

2 MR. JOHN BROZ: Okay. That all I care about.

3 CHAIRMAN SAM DAVIS: All right. Thank --

4 MR. JOHN BROZ: Do mine --

5 CHAIRMAN SAM DAVIS: -- you. Any --

6 MR. JOHN BROZ: -- like it.

7 CHAIRMAN SAM DAVIS: -- questions --

8 MR. JOHN BROZ: If I --

9 CHAIRMAN SAM DAVIS: Any questions for this
10 gentleman?

11 MR. JOHN BROZ: If I get ready to come up here
12 and do mine that way, I'm going to be afforded the same,
13 you know --

14 CHAIRMAN SAM DAVIS: Well, as long as it's
15 legal, like you said.

16 MR. JOHN BROZ: As long as it's legal. Thank
17 you.

18 CHAIRMAN SAM DAVIS: Thank you.

19 ATTORNEY DAVID CONNER: Just so we're -- just
20 so we're clear about that, each case has to be judged on
21 its own merits. And I don't know where your property is.
22 I don't know how it's divided up.

23 But, I mean, to say that one application gets
24 approved and everybody else gets to do the same thing,
25 that's a general statement. We try to apply the rules
26 fairly. And every application is judged on its own
27 merit.

28 MR. JOHN BROZ: Yeah.

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1 ATTORNEY DAVID CONNER: I just want to make
2 sure --

3 MR. JOHN BROZ: Yeah.

4 ATTORNEY DAVID CONNER: -- we're clear about
5 it.

6 MR. JOHN BROZ: I understand that.

7 ATTORNEY DAVID CONNER: Okay.

8 MR. JOHN BROZ: I live west of it, adjacent.
9 And I've got some land right behind it, adjacent. So
10 that's all. You know, like I say, I don't care if the
11 lady -- you know, she does a good service. That's fine.
12 I appreciate it. Thank you.

13 CHAIRMAN SAM DAVIS: Thank you.

14 Any other comments from staff?

15 MS. LINDA LEE: I was going to state that, as I
16 said, you know, she can park the RV there. It cannot be
17 hooked up to utilities. All you can hook it up to is
18 power, if they need to run the air conditioner. But they
19 cannot connect it to water or sewer.

20 That is how we make the determination as to whether
21 or not it's being occupied. But it is not always easy to
22 determine if someone is sleeping in there overnight,
23 because staff is not out at the time of the evening.

24 CHAIRMAN SAM DAVIS: Are there any other
25 questions for Linda?

26 (No response.)

27 CHAIRMAN SAM DAVIS: All right. We'll close
28 the public hearing at this point. Staff has recommended

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1 a recommendation of approval. This would be a
2 recommendation to the County Commission. Is there a
3 motion to do so?

4 COMMISSION MEMBER DANIEL NANCE: Motion to
5 approve.

6 CHAIRMAN SAM DAVIS: Okay. There is a motion
7 to recommend approval. Is there a second?

8 COMMISSION MEMBER ARTHUR OKEN: Second,
9 Mr. Chairman.

10 CHAIRMAN SAM DAVIS: Okay. There is a second.
11 All in favor -- Is there any discussion first?

12 (No response.)

13 CHAIRMAN SAM DAVIS: All right. Motion and a
14 second to recommend approval to the County Commission.
15 All in favor, say aye.

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

17 CHAIRMAN SAM DAVIS: Opposed?

18 (No response.)

19 CHAIRMAN SAM DAVIS: Motion carries
20 unanimously.

21

22 **8-F - CASE Z-18051, WILLIS PROPERTY**

23 CHAIRMAN SAM DAVIS: Next case is Z-18051,
24 Willis property.

25 MS. LINDA LEE: Okay. The subject property is
26 currently zoned RSF-1, Single-Family District, and
27 unoccupied. The property adjoins Old Fort Morgan Trail
28 West to the north. The adjoining property to the north

1 is residential. The adjoining property to the south,
2 east, and west are vacant.

3 The requested zoning destination is RSF-4,
4 Single-Family District. According to the applicant, the
5 purpose of this request is to allow for the existing
6 parcels to be divided into four (4) lots to give to
7 family members.

8 The subject property is located at 13790 Old Fort
9 Morgan Trail in Planning District 25. The subject
10 property consists of approximately one-point-four (1.4)
11 acres.

12 Planning District 25 was zoned in November of 1993.
13 Based on the descriptions for the zoning designations at
14 that time, the lots in this area were zoned to provide a
15 low-density residential environment. Most the lots in
16 the area meet or exceed the minimum lot area for RSF-1.

17 There are several lots that, based on today's zoning
18 designations, would be more inline with the RSF-2
19 destination. The proposed lots would be approximately
20 fifteen thousand, one hundred and twenty-five (15,125)
21 square feet with the width of sixty-point-five (60.5)
22 feet, if divided equally, as stated by the applicant.

23 Although the proposed lots would meet the minimum
24 lot area of the RSF-2 zoning destination, they would not
25 meet the minimum lot width, which is why the applicant is
26 requesting the RSF-4 zoning destination.

27 On your screen is the locator map. This is the
28 aerial photography. These are picture of the subject

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1 property and the adjoining properties. And this is a
2 site map that was -- I'm sorry -- the site plan that was
3 submitted for the application.

4 The Fort Morgan Planning and Zoning Advisory
5 Commission recommended that the re-zoning request not be
6 approved. The group did indicate that they would
7 consider an RSF-2 re-zoning.

8 Staff has received numerous calls concerning this
9 request and one letter in and one e-mail in opposition to
10 the request. Staff is recommending approval of the
11 re-zoning request. However, the applicant will have to
12 meet the Subdivision Regulations pertaining to the lot
13 size and available utilities. I'll answer any questions
14 you have for me.

15 CHAIRMAN SAM DAVIS: Any questions for Linda?

16 COMMISSION MEMBER ARTHUR OKEN: Yes, sir.

17 What is the role of the local board in the
18 determination of the County Planning and Zoning staff?
19 It's advisory, not dispositive to be --

20 MS. LINDA LEE: The Fort Morgan --

21 COMMISSION MEMBER ARTHUR OKEN: Yes.

22 MS. LINDA LEE: -- Planning and Zoning --
23 they're an advisory committee. They make a
24 recommendation, the same as this Planning Commission
25 does.

26 COMMISSION MEMBER ARTHUR OKEN: It's purely
27 advisory?

28 MS. LINDA LEE: Yes, sir.

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1 COMMISSION MEMBER ARTHUR OKEN: Okay.

2 CHAIRMAN SAM DAVIS: Any other questions for
3 Linda?

4 COMMISSION MEMBER SPENCE MONROE: So if we
5 approve this, it goes to the Planning Commission for
6 final approval?

7 MS. LINDA LEE: No, sir. You -- you make a
8 recommendation, and it'll go to the County Commission for
9 final approval.

10 COMMISSION MEMBER SPENCE MONROE: Okay. I said
11 that -- That's what I meant. Okay. I said that
12 improperly.

13 MS. LINDA LEE: No problem.

14 COMMISSION MEMBER SPENCE MONROE: And they'll
15 approve it or deny it. But does it then go to Fort
16 Morgan or Gulf Shores or anybody?

17 MS. LINDA LEE: I'm not certain. I would have
18 to check to see whether or not it's in Gulf Shores ETJ.
19 But I do know that it'd have to go through -- I think --
20 he won't have to go through our subdivision department,
21 but he would have to get an exempt subdivision. And I
22 think at that point he would have to meet their
23 requirements for water -- water and sewer and as far as
24 size of the lots.

25 COMMISSION MEMBER BONNIE LOWRY: If I may -- if
26 I may, Linda.

27 MS. LINDA LEE: Yes, ma'am.

28 COMMISSION MEMBER BONNIE LOWRY: Because this

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1 is within the Fort Morgan Zoning and Planning area, it
2 would not have anything to do with Gulf Shores. Because
3 what we won from the Supreme Court was that we have all
4 control as far as a Planning and Zoning Advisory
5 Committee from Gulf Shores.

6 MS. LINDA LEE: I'm --

7 COMMISSION MEMBER BONNIE LOWRY: That's a
8 Supreme Court ruling.

9 MS. LINDA LEE: I'm not arguing with you. I
10 just said I didn't know whether or not it was in their --
11 Gulf Shores' ETJ. I don't know.

12 COMMISSION MEMBER BONNIE LOWRY: Now, I have
13 question for you.

14 MS. LINDA LEE: Yes, ma'am.

15 COMMISSION MEMBER BONNIE LOWRY: And it's one
16 that came up at the meeting that several of us were at.
17 The RSF-4 has total acreage of sixty thousand (60,000)
18 square feet.

19 MS. LINDA LEE: No, ma'am. RSF-4 has a minimum
20 lot of seventy-five --

21 COMMISSION MEMBER BONNIE LOWRY: I mean, the
22 property --

23 MS. LINDA LEE: Oh, the property --

24 COMMISSION MEMBER BONNIE LOWRY: -- has an area
25 of sixty thousand, five hundred (60,500) square feet.

26 MS. LINDA LEE: Okay.

27 COMMISSION MEMBER BONNIE LOWRY: If you divide
28 that by four (4) homes, that is almost -- RSF-2 is a

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1 minimum of ten thousand (10,000) square feet a lot --

2 MS. LINDA LEE: As I stated earlier, four (4)
3 lots would be fifteen thousand, one hundred twenty-five
4 (15,125) square feet with a --

5 COMMISSION MEMBER BONNIE LOWRY: The lot,
6 that's the sixty thousand (60,000)?

7 MS. LINDA LEE: Yes, ma'am.

8 COMMISSION MEMBER BONNIE LOWRY: But they're --
9 they're asking for RSF-4.

10 MS. LINDA LEE: Right.

11 COMMISSION MEMBER BONNIE LOWRY: -- which is a
12 minimum lot of seven thousand, five hundred (7,500)
13 square feet.

14 MS. LINDA LEE: Yes, ma'am. And, as I stated,
15 the reason they're asking for that is because they could
16 not meet the minimum lot width of an RSF-2, which is
17 eighty (80) feet. There is two hundred and
18 forty-two (242) feet of frontage. If you divide that by
19 four (4), you would get sixty-point-five (60.5) feet.

20 So because they cannot meet the minimum lot width of
21 an RSF-2, they've asked for the RSF-4. They'll meet the
22 minimum lot area of an RSF-2, but they won't meet the
23 width. That's eighty (80) feet.

24 COMMISSION MEMBER BONNIE LOWRY: Well, where
25 did the two hundred (200) square feet that you're talking
26 about come in?

27 MS. LINDA LEE: If you look at this the map on
28 the screen, one of those parcels is a hundred and

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1 forty-two (142) feet wide, and the other one is a hundred
2 (100) foot wide. Together that's two hundred and
3 forty-two (242) feet.

4 They are going to take these two (2) parcels and
5 they want to make four (4) equal lots. So if you divide
6 that two forty-two (242) by four (4), you get
7 sixty-point-five (60.5) feet for each lot.

8 COMMISSION MEMBER BONNIE LOWRY: I have another
9 question for you. The road that goes into this property,
10 is it County-maintained, or is it private, or --

11 MS. LINDA LEE: Private --

12 COMMISSION MEMBER BONNIE LOWRY -- is it dirt?

13 MS. LINDA LEE: It's a private road. I'm not
14 sure if it's dirt or --

15 COMMISSION MEMBER BONNIE LOWRY: I can tell you
16 it is dirt, because I drove down there. They're already
17 clearing the property.

18 MS. LINDA LEE: Okay.

19 CHAIRMAN SAM DAVIS: Any other questions for
20 Linda?

21 COMMISSION MEMBER KEVIN MURPHY: Linda.

22 MS. LINDA LEE: Yes, sir.

23 COMMISSION MEMBER KEVIN MURPHY: Would this --
24 if they did divide it into four (4) parcels, would it
25 meet the depth-to-width ratio?

26 MS. LINDA LEE: I don't believe we have that
27 anymore. It was removed from the subdivision
28 regulations, I believe. But you can ask Mr. Peterson to

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1 be sure.

2 ATTORNEY DAVID CONNER: The lot depth-to-width
3 ratios were removed in the latest revisions of the
4 Subdivision Regulations.

5 COMMISSION MEMBER KEVIN MURPHY: When was that
6 removed?

7 ATTORNEY DAVID CONNER: It was approved back in
8 June or July.

9 MR. VINCE JACKSON: July.

10 MS. LINDA LEE: Vince said it was July.

11 CHAIRMAN SAM DAVIS: Any other questions for
12 Linda?

13 (No response.)

14 CHAIRMAN SAM DAVIS: All right. We'll open the
15 public hearing at this point. The applicant is Chad
16 Willis.

17 Would you come up to the mic?

18 MR. CHAD WILLIS: Hi. Yeah. The reason why I
19 wanted to re-zone this is simply because as the lots
20 exists now, in order to build a house there, you need
21 thirty thousand (30,000) square foot. And I don't think
22 either one of those lots would meet that.

23 The lot I wanted to build on at least, let's see,
24 it's a hundred and forty (140) -- or a hundred (100) feet
25 by two hundred fifty (250), so that's twenty-five
26 thousand (25,000) square feet.

27 And this -- and this lot -- this land's been in my
28 family for over a hundred (100) years. And we've owned

1 it a long time.

2 And, really, it's not -- I'm not wanting to put a
3 subdivision there on that lot. This is more just for
4 personal use, for family use. I've got three kids. And
5 I want to build there. And at some point down the road
6 in the future, if I decide to let them build, you know,
7 there as well, then this property will be zoned, and they
8 can do that legally and not have to go through all the
9 effort to get it re-zoned.

10 So, I mean, there's only, I think, three (3) or four
11 (4) permanent residents that -- that live down there now.
12 And this would not really -- I'm not trying to create
13 this subdivision, increase density and traffic and all
14 that down there.

15 You know, I have a vested interest in the property
16 and keeping it the way it is now and quiet. And, in
17 fact, right now I'm working with the -- the Highway
18 Department trying to get the road -- the maintenance
19 taken over by the County.

20 So I'm trying to work with my neighbors on that. I
21 sent out certified letter to get all that done just this
22 week. So, you know, trying to improve the situation down
23 there. I'm not trying to make it something that's going
24 to be detrimental to the community.

25 CHAIRMAN SAM DAVIS: Did you say you're
26 building your personal residence on one of these lots?

27 MR. CHAD WILLIS: Yes, sir.

28 CHAIRMAN SAM DAVIS: Any other questions for

1 Mr. Willis?

2 (No response.)

3 CHAIRMAN SAM DAVIS: Thank you, sir.

4 Only one person signed up in opposition, Howard
5 Kersh.

6 MR. HOWARD KERSH: Well, I think I have a
7 concern more than anybody else. I think my concern is
8 that while I appreciate what he's trying to do, I'm
9 concerned it starts a precedence, that everybody else who
10 has lots in there can go and make their lots the same
11 size.

12 So if you approve him, I think that for other people
13 in there, it's going to make it a hard argument as to why
14 they shouldn't be able to do the same thing.

15 I mean, you know, I have five (5) acres in there.
16 That would mean that if you look at lot sizes, I should
17 be able my subdivide mine into fourteen (14), which I
18 know that's probably not going to get approved, nor do I
19 want it approved, but you see -- you see my point.

20 And, with that, the other property owners in there
21 are concerned that this is going to affect their property
22 value, since they were originally intended for
23 larger-sized lots, and now we're talking about making
24 smaller lots.

25 So that's my concern. And the road, because it's
26 not maintained, so there's infrastructure issues as well.

27 CHAIRMAN SAM DAVIS: Any questions for
28 Mr. Kersh?

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1 (No response.)

2 CHAIRMAN SAM DAVIS: Thank you, sir.

3 Staff have any other comments?

4 MS. LINDA LEE: No, sir.

5 CHAIRMAN SAM DAVIS: Any other questions for
6 staff?

7 COMMISSION MEMBER SPENCE MONROE: Yeah. Linda,
8 can you -- is it possible to approve this as RSF-2 with
9 it being nonconforming?

10 MS. LINDA LEE: You can make a recommendation
11 for RSF-2, yes, sir. That's more restrictive than the
12 RSF-4 he's requested.

13 COMMISSION MEMBER SPENCE MONROE: It's -- it's
14 nonconforming, because it's not wide -- the width of the
15 lot --

16 MS. LINDA LEE: Okay.

17 COMMISSION MEMBER SPENCE MONROE: -- would not
18 be --

19 COMMISSION MEMBER ARTHUR OKEN: Mr. Chairman --

20 MS. LINDA LEE: Let's be clear. The -- the --
21 the lots that are there, one of them -- I think neither
22 one is nonconforming with width. One of them may not
23 meet the minimum lot area.

24 What he requested was an RSF-4. And the reason he
25 requested that was because he needed four (4) lots sixty
26 (60) feet wide. If it's re-zoned to RSF-2, then he would
27 be able to creat three (3) lots at eighty (80) feet wide.

28 But you-all can make a recommendation of RSF-2,

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1 because that is more restrictive than what he requested.

2 COMMISSION MEMBER SPENCE MONROE: And -- and it
3 would be okay to do RSF-2 with the sixty (60) foot wide
4 lots --

5 MS. LINDA LEE: No.

6 COMMISSION MEMBER SPENCE MONROE: -- just
7 calling it nonconforming.

8 MS. LINDA LEE: You can't -- you can't make --
9 you can't subdivide into sixty (60) foot wide lot with an
10 RSF-2, because he would not meet -- he'd have to have a
11 variance from the minimum lot width. He would not meet
12 the requirements when you try to subdivide it. When you
13 try to subdivide it, it has to meet the requirements of
14 the zoning designation.

15 ATTORNEY DAVID CONNER: What -- what -- I think
16 this is the way to state it, is that if y'all are
17 satisfied with the RSF-4 request, then you make that
18 recommendation. If you want to make a recommendation for
19 some lesser zoning classification, you can certainly do
20 that.

21 But for purposes of subdivision applications that
22 are submitted, we do not create nonconforming lots. When
23 they submit a subdivision plat, it has to meet the
24 underlying zoning requirements.

25 However, in this case, it's a family-exempt
26 subdivision he's asking for. And so we try to make sure
27 the underlying zoning classifications line up with what
28 they're requesting.

1 So at the end of the day, we don't grant variances
2 from widths like that for lots that are being newly
3 created. If it was an already existing lot that a zoning
4 classification was applied over at the time the zoning
5 ordinance was passed, then, yes, we do grant variances at
6 that point in time to correct errors or hardships created
7 by the application of the new provision.

8 But I can't think of an example where we -- we have
9 created the nonconformity or we re-zoned something and
10 allowed them to create a nonconformity for which we grant
11 a variance.

12 I think you either need to approve -- recommend
13 approval of the RSF-4 or some lesser zoning
14 classification. But I will say this. There are
15 protections -- Linda, if I say this wrong or, Vince, if I
16 say this wrong, y'all tell me.

17 If they go to RSF-4, how many lots could that they
18 put there on the frontage? Because you still have to
19 meet the setback requirements. There's a limitation on
20 the number that they can get, even on that application,
21 based on the frontage; is that correct?

22 MS. LINDA LEE: Based on frontage, you would be
23 looking at four (4), but -- And I -- I think you need to
24 talk to Seth, because anybody trying to put in eight (8),
25 you'd have to have four (4) across the front and the
26 back, but then you have to have an ingress/egress
27 easement. And I think those are thirty (30) feet wide.
28 Then how can you build a house if you can't use but

1 thirty (30) feet?

2 ATTORNEY DAVID CONNER: You can't. It would be
3 practically impossible to make that happen like that.

4 MS. LINDA LEE: Right. Because they still have
5 to meet the side setbacks on the other side. And then
6 you've twenty (20) feet to try to build a house.

7 ATTORNEY DAVID CONNER: All -- all those other
8 requirements work together to reduce the density and the
9 number of lots that could be allowed on this piece;
10 frontage requirements, side setback requirements, minimum
11 lot size requirements. All of those things would limit
12 the number of lots that could be built there under any
13 zoning classification, if applied properly.

14 MS. LINDA LEE: Yes.

15 CHAIRMAN SAM DAVIS: Did you have something?

16 COMMISSION MEMBER ARTHUR OKEN: No, sir. I
17 just want to clarify what is a nonconforming use, but I
18 think counsel addressed that.

19 I think when you propose -- a nonconforming use
20 occurs when you re-zone a particular property and look
21 the other way as to the existing use not conforming to
22 that zoning.

23 You say, okay, we're going to re-zone this property,
24 because this is what we think it should be zoned. So as
25 long as that existing use survives, then it's a
26 nonconforming use. But once it's sold or if any major
27 repairs are required, then that nonconforming can no
28 longer be sustained.

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1 ATTORNEY DAVID CONNER: Yeah. I -- I used it
2 wrong. I should not have used "nonconforming use." What
3 I should have used was "nonconforming lot."

4 We don't normally allow -- after -- with a re-zoning
5 or otherwise through the Subdivision Regulations to
6 create new substandard lots. So that was -- that would
7 be more appropriate. I should have said "nonconforming
8 lot" instead of "nonconforming use."

9 COMMISSION MEMBER BONNIE LOWRY: I'd just like
10 to remind everybody that all the surrounding area is
11 RSF-1.

12 CHAIRMAN SAM DAVIS: All right. So noted. Any
13 other questions for staff or any other discussion?

14 COMMISSION MEMBER ARTHUR OKEN: Well, I would
15 want to point out, Mr. Chairman, that although the
16 surrounding zoning is RSF-1, they're vacant; point number
17 one. Point number two is with regard to this particular
18 situation, it is so unique.

19 The RSF-4 designation is being provided simply so
20 that they put less than that, you know, that which he
21 seeks to do to accommodate his family. So I -- I don't
22 think there is a zoning precedence here that's going to
23 destroy the -- the existing --

24 CHAIRMAN SAM DAVIS: The integrity of the
25 community?

26 COMMISSION MEMBER ARTHUR OKEN: Exactly.

27 CHAIRMAN SAM DAVIS: All right. Thank you.

28 Any other comments?

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1 (No response.)

2 CHAIRMAN SAM DAVIS: We'll close the public
3 hearing at this point. Staff has recommended a
4 recommendation of approval to County Commission. Is
5 there a motion to do so?

6 COMMISSION MEMBER ARTHUR OKEN: Motion,
7 Mr. Chairman.

8 CHAIRMAN SAM DAVIS: All right. There is a
9 motion to recommend this for approval to the County
10 Commission. Is there a second?

11 COMMISSION MEMBER SPENCE MONROE: Second.

12 CHAIRMAN SAM DAVIS: Okay. There is a second.
13 Let's have a rollcall vote.

14 COMMISSION MEMBER BONNIE LOWRY: That's all
15 right. I'll get him afterwards.

16 MS. LINDA LEE: Mr. Hayes.

17 COMMISSION MEMBER DEWANE HAYES: No.

18 MS. LINDA LEE: Mr. Monroe.

19 COMMISSION MEMBER SPENCE MONROE: Yes.

20 MS. LINDA LEE: Mr. Murphy.

21 COMMISSION MEMBER KEVIN MURPHY: Yes.

22 MS. LINDA LEE: Mr. Oken.

23 COMMISSION MEMBER ARTHUR OKEN: Yes.

24 MS. LINDA LEE: Mr. Nance.

25 COMMISSION MEMBER DANIEL NANCE: No.

26 MS. LINDA LEE: Mr. Thomas.

27 COMMISSION MEMBER DOUG THOMAS: Yes.

28 MS. LINDA LEE: Ms. Lowry.

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1 COMMISSION MEMBER BONNIE LOWRY: No.

2 MS. LINDA LEE: Mr. Bias.

3 COMMISSION MEMBER BRANDON BIAS: No.

4 MS. LINDA LEE: Mr. Davis.

5 CHAIRMAN SAM DAVIS: Yes.

6 MS. LINDA LEE: Motion carries on a vote of
7 five to four.

8 COMMISSION MEMBER ARTHUR OKEN: Mr. Chairman,
9 one thing for the record, I would just like to comment or
10 state that the motion is based upon the facts and the
11 recommendations set out in the staff report and the
12 discussion of -- that we heard during the public hearing.

13 CHAIRMAN SAM DAVIS: So noted.

14

15 **8-G - CASE Z-18052, MARINA HOLDINGS WE, LLC, PROPERTY**

16 CHAIRMAN SAM DAVIS: Next case is Z-18052,
17 Marina Holdings, LLC.

18 MR. VINCE JACKSON: The applicant is requesting
19 to re-zone approximately four (4) acres, more or less,
20 from B-2, which is the Neighborhood Business District, to
21 B-4, which is Major Commercial.

22 This property, like the previous request, is located
23 in Planning District 25. The subject property is located
24 on the north side of State Highway 180. It's Lots 66
25 through 69 of Gulf Beach Subdivision "A" in Planning
26 District 25.

27 And here is the locator map showing the zoning, the
28 location of the subject property, and the surrounding

1 property. Here is the aerial photography.

2 As you can tell, the property to the east is the
3 location of an existing marina. And then there's some
4 pictures of the subject property as well as the adjoining
5 properties.

6 And here is a survey that was provided showing
7 the -- the subject property as well as the existing
8 marina, which adjoins.

9 It is the understanding of staff that this property
10 as well as marina property, they're currently held in the
11 same ownership. And there is a potential buyer. And
12 they want to get the re-zoning in order to match the
13 zoning of -- of the adjacent marina property and also to
14 be able to have marina-related uses on the subject
15 property.

16 The staff recommends that this application be
17 approved. Now, I wanted to point out the Fort Morgan
18 Zoning Advisory Committee did make a recommendation to
19 deny this application. And that is a recommendation.
20 But they said they would consider MR re-zoning.

21 And I included the information on MR in the staff
22 report. MR is Marine Recreation. And a marina would be
23 allowed by right under MR.

24 However, in terms of requesting a B-4 destination,
25 the B-4 does, in fact, meet our criteria for re-zoning.
26 And because you have adjacent B-4, the B-4 makes sense
27 from the -- the standpoint of having consistency on the
28 zoning map.

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1 hearing at this point. There is no one signed up in
2 opposition --

3 COMMISSION MEMBER BONNIE LOWRY: I --

4 CHAIRMAN SAM DAVIS: -- to this request.

5 Excuse me?

6 COMMISSION MEMBER BONNIE LOWRY: Vince -- I
7 wanted to ask Vince a question.

8 Can you tell us the difference between the B-4 and
9 the RR? How more restrictive is the RR?

10 MR. VINCE JACKSON: MR.

11 COMMISSION MEMBER BONNIE LOWRY: I mean, MR.
12 I'm sorry.

13 MR. VINCE JACKSON: B-4 is our most -- is our
14 least restrictive commercial use. And it allows most
15 commercial uses. I mean, most commercial uses that you
16 can think of could potentially be allowed under a B-4
17 zoning designation.

18 There are also a number of things, such as
19 transportation and community -- communication uses that
20 could be allowed through a conditional use process.

21 Now, having said that about the number -- you know,
22 the variety of uses that can be allowed under B-4, you've
23 got to think about locational criteria.

24 Many of these things, for instance, big box stores,
25 Wal-Mart, Home Depot, they're not going to go down there.
26 Even if you have B-4 zoning, a lot of uses would not go
27 to this property simply because the property would not
28 meet the locational criteria.

1 It wouldn't have the access. It wouldn't have the
2 full-time population. So the uses that people would be
3 most concerned about I don't believe would be an issue on
4 this property.

5 Now, moving over to how it compares to MR. MR is
6 referred to Marine Recreation. And let me -- let me get
7 there real quick. One of the days I'll have all this
8 memorized, but that's not today.

9 The purpose of MR, generally stated, this zoning
10 district is intended to provide for water-related
11 recreational activities. It's very simple and
12 straightforward.

13 It does allow some commercial uses, but it's
14 primarily marine recreation uses, marinas and activities
15 related to marinas that allow outdoor recreation uses.

16 You can have a country club, hotel, motel, bar or
17 tavern, a bed and breakfast, a tourist home, cafe,
18 convenience store, delicatessen, gift shop, restaurant,
19 offices, church, and then single-family dwellings you
20 also have on MR, and related accessory uses and
21 structures.

22 So it is -- and the only conditional use would be a
23 daycare home. But it is a more restricted designation
24 than B-4. But like I said, the -- the uses allowed under
25 B-4, which would be the potentially more concerning,
26 potentially more harmful, they simply would not go to
27 this area because of the locational criteria. And we
28 feel like because you already have the adjacent B-4

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1 zoning, B-4 make sense at this location.

2 I did want to add we didn't get a lot of calls about
3 this case. And I've already stated, you know, what the
4 position of the -- the Fort Morgan Zoning Advisory
5 Committee. And we -- we understand that and we respect
6 that. But we have to -- overall, we have to make the
7 review according to our standards.

8 The only call I'm aware of is from, I believe, the
9 adjacent property owner to the west. And I believe it
10 was stated that this was preferable to potentially having
11 condos, which I believe is what was proposed for the
12 property when it was in the City of Gulf Shores. So they
13 didn't seem to have an issue with the re-zoning to B-4.

14 But those are all the -- that's basically a
15 description of MR and B-4. But if you need some more
16 detail, I'd be happy to dig into a little bit more.

17 CHAIRMAN SAM DAVIS: Thank you, Vince.

18 Any other questions for Vince?

19 (No response.)

20 CHAIRMAN SAM DAVIS: Okay. Thanks.

21 Doug Bailey is representing the applicant. Doug,
22 you want to come on up?

23 MR. DOUG BAILEY: Thank you. Doug Bailey with
24 HMR Engineers. And I don't really have anything to add
25 to -- to their report. We concur with staff's
26 recommendation. And I'm here to answer any questions.
27 We also have the owners represented here as well.

28 CHAIRMAN SAM DAVIS: All right. Any questions

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1 for Doug?

2 COMMISSION MEMBER DANIEL NANCE: Would you be
3 adverse to the MR?

4 MR. DOUG BAILEY: It's my understanding that
5 the owner would like to have it as uniform zoning of B-4.
6 There is a pending sale. There is no ambiguity of the
7 uses of the property with having them both as B-4, that
8 they can expand the operations or enhance the operations
9 that they have now without any conditional uses or
10 special exceptions and that kind of thing.

11 CHAIRMAN SAM DAVIS: Any other questions for
12 Doug?

13 (No response.)

14 CHAIRMAN SAM DAVIS: Thank you, Doug.

15 MR. DOUG BAILEY: Thank you.

16 CHAIRMAN SAM DAVIS: Mr. Harvey, you got
17 anything you would like to say to the Commission?

18 MR. STEPHEN HARVEY: Yes, just briefly. I
19 think it's -- it may or may not be covered not staff
20 report, but the -- the current owner acquired the
21 property by foreclosure two (2) or three (3) years ago
22 and has been operating it, you know, since then, but
23 really trying to sell it.

24 And we did have a buyer under contract. I could
25 disclose that that buyer has since backed out because the
26 due diligence period was ending and his money was going
27 to go hard. And he wouldn't let it go hard without
28 knowing the re-zoning was going to go through.

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1 But we still have this issue. We had a prior buyer
2 who wanted to have the zoning uniform. The -- the prior
3 developer, the one that was foreclosed on, acquired this
4 property, I think, in 2005. And I think the property was
5 within the City of Gulf Shores' jurisdiction at the time.

6 And he -- he got development authority and permits
7 to put in condos at all that. That's -- that's not
8 complicated.

9 What we want, just so we can sell the property, is
10 just to have the -- the -- the zoning uniform so that
11 marina can be used -- can be -- marina purposes can be
12 used on west parcel just at it is on the east parcel.

13 Now, I heard when you said about under MR, that
14 could be used for a marina, but I don't see that under
15 MR. I see marine recreation uses. And maybe that's
16 defined somewhere, but it's --

17 MR. VINCE JACKSON: It's actually listed out in
18 the Table of Permitted Uses in Zoning, which is Article
19 23. And that's not included in the staff report. But a
20 marina is a marine recreation use. And that would be
21 allowed by right under MR.

22 MR. STEPHEN HARVEY: Okay. I knew that it was
23 probably in there somewhere. You know this back and
24 forth.

25 It just -- it just gave me a little concern.
26 Because under B-4, it specifically says marina. And
27 here -- I believe you. You don't have to show me. You
28 don't have to show me.

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1 In any event, the owner would still like it uniform,
2 all the property as B-4.

3 CHAIRMAN SAM DAVIS: Any questions for
4 Mr. Harvey?

5 (No response.)

6 CHAIRMAN SAM DAVIS: Thank you.

7 MR. STEPHEN HARVEY: Thank you.

8 CHAIRMAN SAM DAVIS: Anything else for staff?

9 COMMISSION MEMBER DEWANE HAYES: The MR
10 would -- would protect it to keep the condos from coming
11 in there; right, Vince?

12 MR. VINCE JACKSON: Yeah, yeah. I mean,
13 there -- there is an allowance for single-family
14 dwellings, but not multifamily, as we classify condos.

15 Now, and I wanted to explain when -- I -- I guess
16 there's a little inconsistency in the Zoning Ordinance.
17 Several years ago, 2004 to be exact, when we created the
18 B-4 designation, that was the point where with the
19 commercial designations, we actually went through and we
20 listed out every potential use under each destination.

21 But the commercial designations were the only
22 destinations where we did that. So that's why you see a
23 marina specifically listed under the B-4, where it's not
24 specifically listed under MR. But it is classified a
25 marine recreation use, and it is allowed by right.

26 Having said all that, you know, we -- we completely
27 understand the desire for uniformity. And that's a
28 desire that we have in planning as well, which is part of

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1 the reason why we recommended approval of the re-zoning,
2 in order to maintain uniformity with the adjacent B-4.

3 COMMISSION MEMBER SPENCE MONROE: Vince, under
4 the MR, it says -- Item C is marine recreation uses.

5 MR. VINCE JACKSON: Uh-huh. (Indicates
6 affirmatively.)

7 COMMISSION MEMBER SPENCE MONROE: That -- does
8 that mean a marina?

9 MR. VINCE JACKSON: Yes. Sorry. I just --

10 COMMISSION MEMBER DEWANE HAYES: Wouldn't that
11 be the same -- wouldn't that be conformity with what you
12 have there now?

13 MR. VINCE JACKSON: Potentially, but it's not
14 uniform. You know, there -- there's no property in
15 Planning District 25 zoned MR.

16 COMMISSION MEMBER SPENCE MONROE: That's right.
17 But I'm just saying, I think Dewane and I are saying the
18 same thing. Could --

19 COMMISSION MEMBER BONNIE LOWRY: The marina --

20 COMMISSION MEMBER SPENCE MONROE: Can we --
21 could we change the B-4 that's currently there with the
22 marina and make it all MR? I'm not saying do that guys.
23 Don't -- don't -- don't panic right now. But I'm just --
24 is there any reason why the current occupation of that
25 property is not all MR?

26 MR. VINCE JACKSON: Well, there is a reason
27 why. And there's -- Let me tell you -- Let me just tell
28 you what the marine recreation uses are.

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1 There are only -- there are only four (4) that are
2 classified as marine recreation; bait store, boat sales
3 and service; marina, marine store and supplies. That's
4 all. That's all we consider marine recreation.

5 COMMISSION MEMBER SPENCE MONROE: Marina's on
6 there.

7 MR. VINCE JACKSON: Right. But you have, as
8 you see, a number of other uses that are also allow by
9 right under the MR designation.

10 MR was not always available in Planning District 25.
11 And I apologize for having to do this, but I'm going to
12 have to give you a little history.

13 The marina property used to be zoned B-3. Prior to
14 2004, a marina was allowed by right under B-3. We made
15 some changes when we created B-4.

16 And so with -- with -- The way B-4 is now is
17 basically the way B-3 used to be. When we created B-4,
18 B-3 became more restrictive. And some of the uses that
19 had been allowed by right under B-3 were no longer
20 allowed by right. One of those uses was a marina. It
21 became conditional use.

22 The owners at that time were upset. They came to us
23 and they said, you've -- you've made our marina
24 nonconforming. We want to be re-zoned to -- to the B-4.
25 And what they actually said is, we want the same or
26 better than what we had. Well, you don't get better.
27 You can get the same, but you don't get better.

28 One of the things we tried to talk about is possibly

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1 adding MR to Planning District 25 in order to accommodate
2 that very thing. And we ran into a brick wall. The
3 people in Direct 25 did not want MR.

4 Now, that was fourteen (14) years ago. Now, all of
5 the -- all of the zoning destinations are available
6 everywhere, so you can have MR down there. But the
7 reason it's not there is because it was opposed. So they
8 got B-4.

9 You know, for our purposes, it makes sense to -- you
10 know, one of our standards is a logical extension of an
11 existing zoning destination. You've got B-4 right there
12 to the east. So that, you know -- in -- in our mind, it
13 meets the criteria if it's, you know -- we'd rather see
14 it recommended for MR than -- than not re-zoned at all.
15 But I don't think that really meets the needs of the
16 applicant.

17 COMMISSION MEMBER BONNIE LOWRY: Can I add
18 something, Vince?

19 MR. VINCE JACKSON: Yes.

20 COMMISSION MEMBER BONNIE LOWRY: Go back. The
21 property they're asking to be re-zoned as the B-4 was not
22 part of the original property and ownership of the now
23 marina property. It was owned by somebody different than
24 the people who asked for the B-4 change when we went into
25 County zoning.

26 MR. VINCE JACKSON: Right. And it didn't --
27 And the question of this property did not come up when
28 the marina property was -- was re-zoned to B-4.

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1 You know, I -- I don't know who owned it then. But,
2 you know, there was no -- they never asked about
3 re-zoning this property.

4 However, I do know that this property and the marina
5 property were annexed into the City of Gulf Shores at the
6 same time. And when they came out of the city, they
7 returned to the designations they had with us, which was
8 B-4 on the east part, the marina; and B-2 on this part.

9 Was all of that thoroughly confusing?

10 COMMISSION MEMBER KEVIN MURPHY: You did a good
11 job on that one, Vince.

12 CHAIRMAN SAM DAVIS: All right. If there are
13 no other questions for Vince, we'll close --

14 COMMISSION MEMBER DEWANE HAYES: I've got one
15 more.

16 CHAIRMAN SAM DAVIS: Okay.

17 COMMISSION MEMBER DEWANE HAYES: It says right
18 here on the B-4, Commercial District, very last sentence:
19 These use -- uses often have an actual or potential
20 negative impact on surrounding properties due to the late
21 hours of operations, noise, and/or light.

22 MR. VINCE JACKSON: But --

23 COMMISSION MEMBER DEWANE HAYES: I didn't read
24 that --

25 MR. VINCE JACKSON: But, like I said, the uses
26 that are going to have that kind of impact are not going
27 down there. They're simply not going to go here.
28 There's -- there's too many issues. There's not enough

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1 population. There's not sufficient access. It's in a
2 V-zone. They're not going to go there.

3 I mean, it's up to y'all what you recommend.
4 Ultimately the request is for B-4. And the County
5 Commission will have to make that decision when it gets
6 to them.

7 We think re-zoning of this property is warranted.
8 And we don't want to see the re-zoning turned down one
9 way or the other.

10 CHAIRMAN SAM DAVIS: All right, guys. I'd like
11 to get on to a vote on this thing or alternative
12 suggestions. So we're beating a dead horse. So are
13 there any other questions?

14 (No response.)

15 CHAIRMAN SAM DAVIS: All right. We'll close
16 the public hearing at this point. Staff has recommended
17 this re-zoning to B-4 as a recommendation to the County
18 Commission. Is there a motion to do so?

19 COMMISSION MEMBER KEVIN MURPHY: I'll make a
20 motion to approve.

21 CHAIRMAN SAM DAVIS: All right. There is a
22 motion to recommend approval. Is there a second?

23 COMMISSION MEMBER ARTHUR OKEN: Second,
24 Mr. Chairman.

25 CHAIRMAN SAM DAVIS: All right. There is a
26 second. Any discussion?

27 COMMISSION MEMBER BONNIE LOWRY: This is the
28 vote on what, specifically?

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1 CHAIRMAN SAM DAVIS: B-4.

2 COMMISSION MEMBER BONNIE LOWRY: Not Vince's
3 suggestion for MR?

4 CHAIRMAN SAM DAVIS: No. The motion is to
5 recommend what the staff has recommended, which is B-4.

6 Any other discussion?

7 (No response.)

8 CHAIRMAN SAM DAVIS: All right. Let's have a
9 rollcall vote.

10 MR. VINCE JACKSON: Mr. Hayes.

11 COMMISSION MEMBER DEWANE HAYES: No.

12 MR. VINCE JACKSON: Mr. Monroe.

13 COMMISSION MEMBER SPENCE MONROE: No.

14 MR. VINCE JACKSON: Mr. Murphy.

15 COMMISSION MEMBER KEVIN MURPHY: Yes.

16 MR. VINCE JACKSON: Mr. Oken.

17 COMMISSION MEMBER ARTHUR OKEN: Oh, yes.

18 MR. VINCE JACKSON: Mr. Nance.

19 COMMISSION MEMBER DANIEL NANCE: Yes.

20 MR. VINCE JACKSON: Mr. Thomas.

21 COMMISSION MEMBER DOUG THOMAS: Yes.

22 MR. VINCE JACKSON: Ms. Lowry.

23 COMMISSION MEMBER BONNIE LOWRY: No.

24 MR. VINCE JACKSON: Mr. Bias.

25 COMMISSION MEMBER BRANDON BIAS: Yes.

26 MR. VINCE JACKSON: Motion carries on a vote of
27 five yes to three no. And we will make that
28 recommendation to the County Commission.

12 - REPORTS AND ANNOUNCEMENTS

MR. VINCE JACKSON: And that is all we have.

12-C - NEXT REGULAR MEETING: DECEMBER 6, 2018

MR. VINCE JACKSON: Our next meeting is
December the 6th.

12-A - STAFF REPORTS

CHAIRMAN SAM DAVIS: All right. Staff reports?

MR. VINCE JACKSON: No staff reports. We just
want to wish you-all a happy Thanksgiving.

12-B - LEGAL COUNCIL REPORTS

CHAIRMAN SAM DAVIS: Legal council reports?

ATTORNEY DAVID CONNER: No reports.

13 - ADJOURNMENT

CHAIRMAN SAM DAVIS: All right. We're
adjourned.

(The Planning and Zoning Commission meeting was adjourned at
8:19 p.m.)

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 1, 2018, 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 6 day of Dec, 2018.

Sam Davis, Jr., Chairman,
 Baldwin County Planning and
 Zoning Commission

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|--|---|--|---|-----------------|---|

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 11/01/2018

| | | | | |
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PETITION AGAINST REZONING
 CASE# Z-18045

NO OF #

24 NAME ADDRESS COMMENTS
 Melanie K. White 22520A Co Rd. 49 Silverhill, AL 36576 ^{keep} Silverhill QUIET!
~~Melanie K White~~

25 Billy White 22520A Co Rd 49 Silverhill AL, 36576
~~Billy White~~

26 Phyllis Vaughn
 Phyllis Vaughn

NAME ADDRESS COMMENTS
 27 Gayle Rogers Gonzalez 15337 North Blvd Silverhill, AL 36576 Traffic, Tax increase, Love my country life.
~~Gayle Rogers Gonzalez~~ // //

28 Laurie Ingram 15831 Woodpecker Rd S'hill, AL 36576 Lived in S'hill for 40yrs. Love and know many neighbors we've become friends. Sometimes help each other. I'm totally against the rezoning. I don't know why? I'll use to be a "quiet" place to live. This will create issues w/ higher traffic; increase in taxes; could see issues w/ flooding, drugs and more "crime". Also I feel more police would have to patrol our area more - what about our schools I DO NOT WANT THIS!!

29 Robert Collins Wilson Jason West Blvd Silverhill, AL 36574 No privacy, more traffic Love my peaceful life

30 RICHARD RYDIN 15430 NORTH BLVD. SILVERHILL, AL. NO !!

Petition Against Rezoning
Case # Z-18045

- | ① | Name | Address | Comments |
|---|--|---|----------|
| | C. R. Pettis | 15551 North Blvd. | |
| | C. R. Pettis | Silverhill, AL. | |
| ② | Mary & George Nattus | 15601 North Blvd Silverhill, AL 36576 | |
| ③ | Michael Wright MICHAEL BYSTRICKY | 15635 N Blvd | |
| ④ | Myron + Melanie Leon | 22722 West Blvd | |
| ⑤ | Roy Miller | 22701 West Blvd Silverhill | |
| ⑥ | DANNY DENBORN Dylen | 15741 N BLVD SILVERHILL | |
| ⑦ | Jeffrey Lofton | 19500 Co Rd 55 Silverhill | |
| ⑧ | Marena Rowell Nouren | 19500 Co Rd 55 Silverhill | |
| ⑨ | DIANN McDUFFIE Diana McOulbie | 15757 N. BLVD SILVERHILL | |
| ⑩ | Dennis & Pam Madden | 22570 Madden Lane Silverhill, AL 36576 | |
| ⑪ | LARRY STRAHAN Larry M Strahan | 22440 9TH STREET | |

Petition Against Rezoning
Case # Z-18045

| Name | Address | Comments |
|----------------------------|---|---|
| 1 Robert McNamara | 15493 Woodpecker Rd Silverhill 36576 | NONE |
| 2 JOHN D. ISAACS | 23124 WIGSTROM LN. SILVERHILL, AL. 36576 | CAN 4 HANDLE INFRASTRUCTURE OVER CROWDING SCHOOLS |
| 3 Don + Becky Peterson | 23230 Wigstrom Silverhill, Al 36576 | Water run-off Over crowding |
| 4 Don + Joanne Joublian | 23258 WIGSTROM | TRAFFIC ALABAMA GROUND GOLFER KILLING WILDLIFE |
| 5 Willadean McCulloch | 15887 Woodpecker Rd Silverhill AL 36576 | Road will be on my septic system |
| 6 Richard G. Smith | 15871 Woodpecker Rd. | 979-9569 |
| 10-25-18 | No Rezone | |
| 7 Joe Cree | 15785 Woodpecker Rd. | NO Rezone Increased traffic |
| 8 Ryan Rhodes | 15028 Woodpecker Rd, Silverhill, AL 36576 | Privacy, Water (issues) ↑ Infrastructure |
| 9 Edward Casscha | 14830 Woodpecker Rd Silverhill AL 36576 | DRAINAGE issues increased traffic water run off |
| 10 David Middleton Sr | 14920 Starling Lane | NO rezone |
| 11 David Middleton | Silverhill AL 36567 Silverhill, AL 36567 | Too much traffic School too small |
| 12 John P. BREAR | John P 15353 NORTH BL. SILVERHILL, AL 36576 | 251-945-5131 |

PETITION AGAINST REZONING

CASE # Z-18045

NAME

ADDRESS

COMMENTS

Charles + Sherry Sturma
22675 Co Rd 49
Silverhill AL 36576

Schools +
to much traffic
on Roads

Leah + Aubrey Smithart
15873 North Blvd
Silverhill AL 36576

NAME

ADDRESS

COMMENTS

Kurt Meinders

15315 N Blvd
Silverhill AL 36576

not enough infrastructure
crime + Traffic

Josh Ballard

15395 N. Blvd

13 Eddie Pratt

22625 Wigstorm

942-5623

LANE

Silverhill AL.

PETITION AGAINST REZONING

Boon

CASE # Z-18045

NAME

ADDRESS

COMMENTS

14 Charles + Sherry Sturma
22675 Co Rd 49
Silverhill AL 36576
Schools +
to much traffic
on Roads

15 Leah + Aubrey Smithart
15273 North Blvd
Silverhill AL 36576

16 NAME Kurt Meinders
ADDRESS 15315 N Blvd
Silverhill AL 36576
COMMENTS not enough infrastructure
crime + Traffic

17 Josh Ballard 15395 N. Blvd

18 Shelby Chadwick 22596 County rd 49
Silverhill, AL 36576
wildlife,
Traffic,
Flooding

19 Chad Bishop 15112 Woodpecker Rd
Silverhill AL 36576
schools

20 Wexi Bishop 15112 Woodpecker Rd
Silverhill, AL 36576
SCHOOLS

21 George and Rhonda Cagle 22651 West Blvd.
Silverhill, AL 36576
George Cagle / Rhonda Cagle

We are concerned about:
(1) Flooding (2) Increase in
traffic (3) Loss of wildlife.

We bought here yrs ago
because it is quiet with
only a few residents

2 ANNIE TAYLOR 15595 WOODPECKER ROAD
SILVERHILL, AL 36576

FLOODING, INCREASE IN
TRAFFIC, WILDLIFE,
DECREASE IN PRIVACY.

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18045

Lola & Associates

Re-Zone RA to RSF-2, RSF-3 and RSF-4

- 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.
- ***When four (4) or more persons have registered to speak, the Chair may encourage the speakers to appoint a spokesperson, who will then be given up to ten (10) minutes to speak.***
- Speakers shall be required to speak from the podium equipped with a microphone and will be expected to state their name and address for the record at the onset of their presentation.
- Speakers shall confine comments or questions solely to matters that pertain to the particular case and shall observe time limits.
- Profane, insulting or threatening language or gestures, or disruptive behavior of any kind shall not be tolerated. If such unacceptable behavior is engaged, the speaker may be asked by the Chair to cease and desist and/or may be directed to depart the meeting.

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

Z-18045, Lola and Associates

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

Richard E. Davis

Name (Print Clearly)

Date

11/1/18

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

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

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Kim Chapman

Name (Print Clearly)

Date 11-1-18

OPPOSITION REGISTRATION FORM
BALDWIN COUNTY PLANNING COMMISSION
SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

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

Z-18045, Lola and Associates

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Myron Leon

Name (Print Clearly)

Date 11-1-18

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

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

Z-18045, Lola and Associates

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

DONALD JOULLIAN

Name (Print Clearly)

Date

11/01/18

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsedale, AL.

Z-18045

Lola & Associates

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

Z-18045, Lola and Associates

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

Billy White

Name (Print Clearly)

Date 11/1/18

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, Al.

CASE# _____

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

CASE# _____

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

Name (Print Clearly)

Ryan Rhodes

Date *11/1/2018*

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18045

Lola & Associates

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

Z-18045, Lola and Associates

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

Dow S Peterson

Name (Print Clearly)

Date 11-1-18

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18045

Lola & Associates

Re-Zone RA to RSF-2, RSF-3 and RSF-4

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Z-18045, Lola and Associates

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Melanie Leon

Name (Print Clearly)

Date November 1, 20

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18045

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Z-18045, Lola and Associates

^{Do not}
(If you want to speak on multiple items, you must fill out a separate registration form for each.)

Eddie Pratt

Name (Print Clearly)

Date 11-1-2018

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

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JOHN D. ISAACS

Name (Print Clearly)

Date 11-1-18

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

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Z-18045, Lola and Associates

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

Leah Smithart

Name (Print Clearly)

Date 11-1-18

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

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Z-18045, Lola and Associates

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

BRENDA ISAACS

Name (Print Clearly)

Date 11-1-18

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18045

Lola & Associates

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

Z-18045, Lola and Associates

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

George A. Cayle

Name (Print Clearly)

Date Nov 1 2018

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18045

Lola & Associates

Re-Zone RA to RSF-2, RSF-3 and RSF-4

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Z-18045, Lola and Associates

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

Phyllis Peterson

Name (Print Clearly)

Date 11-1-2018

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, Al.

CASE# _____

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

CASE# _____

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

Name (Print Clearly)

LISA WILSON

Date 11/1/18

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsedale, Al.

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CASE# _____

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Name (Print Clearly)

Collins Wilson

Date 11-1-18

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

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Baldwin County Central Annex, Robertsdale, Al.

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

CASE# _____

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Name (Print Clearly)

Cindy Bystricky

Date

Nov. 1, 2018

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18045

Lola & Associates

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Z-18045, Lola and Associates

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Roy Miller

Name (Print Clearly)

Date 11/1/18

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

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CASE# _____

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Name (Print Clearly)

Chris Heald

Date

11/1/18

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

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CASE# _____

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Name (Print Clearly)

_____ Jessie Parfait _____

Date _____ 11/1/2018 _____

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

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Baldwin County Central Annex, Robertsdale, Al.

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CASE# _____

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Name (Print Clearly)

Mary Watters

Date

10/1/18

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, Al.

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CASE# _____

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Name (Print Clearly)

Michael D. [Signature]

Date _____

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, Al.

CASE# _____

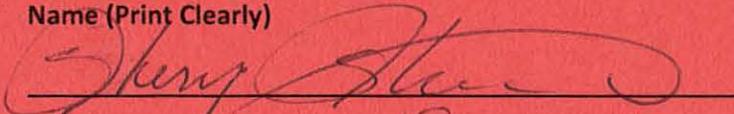
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Name (Print Clearly)



Date _____

11-1-18

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

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CASE# _____

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Name (Print Clearly)

Charles Sturma

Date

11-1-18

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18045

Lola & Associates

Re-Zone RA to RSF-2, RSF-3 and RSF-4

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

Z-18045, Lola and Associates

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

JOHN P. BREAR

Name (Print Clearly)

Date 11-1-18

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, Al.

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CASE# _____

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Name (Print Clearly)

Carla Bystriak

Date _____

11-1-18

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18048

Denk Property

Re-Zone RSF-E to RSF-2

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

Z-18048 Denk Property

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

Samantha Rockenbauer

Name (Print Clearly)

Date 11.1.18

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18049

Easy Like That, LLC Property

Re-Zone RA to B-4

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

Z-18049 Easy Like That LLC Property

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

Kimberly Feely

Name (Print Clearly)

Date Nov. 1, 2018

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18049

Easy Like That, LLC Property

Re-Zone RA to B-4

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

Z-18049 Easy Like That LLC Property

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

Brim Scott Ferguson

Name (Print Clearly)

Date 11-1-18

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18049

Easy Like That, LLC Property

Re-Zone RA to B-4

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

Z-18049 Easy Like That LLC Property

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

~~BARRE~~ BARRY DEES - PROSEUT ENGINEER

Name (Print Clearly)

Date

11/01/18

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18049

Easy Like That, LLC Property

Re-Zone RA to B-4

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

Z-18049 Easy Like That LLC Property

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

Lydia Franz

Name (Print Clearly)

Date November 1st 2018

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18047

Stapleton Property

Re-Zone RA to B-4

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

Z-18047, Stapleton Property

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

Cliff Stapleton

Name (Print Clearly)

Date 11-1-18

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18047

Stapleton Property

Re-Zone RA to B-4

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

Z-18047, Stapleton Property

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

LISA LAZZARI

Name (Print Clearly)

Date 11-1-18

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18047

Stapleton Property

Re-Zone RA to B-4

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

Z-18047, Stapleton Property

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

~~_____~~ CAROL BOGAR

Name (Print Clearly)

Date _____

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18047

Stapleton Property

Re-Zone RA to B-4

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

Z-18047, Stapleton Property

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

Iran Balgo

Name (Print Clearly)

Date 11-1-18

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18050

Simms Property

Re-Zone B-1 to RSF-1

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

Z-18050 Simms Property

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

JOHN BROZ

Name (Print Clearly)

Date 11/1/18

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18050

Simms Property

Re-Zone B-1 to RSF-1

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

Z-18050 Simms Property

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

Veronica Simms

Name (Print Clearly)

Date 11-1-18

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18050

Simms Property

Re-Zone B-1 to RSF-1

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

Z-18050 Simms Property

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

Gordon Truchsel

Name (Print Clearly)

Date NOV 4, 2018

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18051

Willis Property

Re-Zone RSF-1 to RSF-4

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

Z-18051 Willis Property

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

Chad Willis

Name (Print Clearly)

Date 11/1/2018

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18051

Willis Property

Re-Zone RSF-1 to RSF-4

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

Z-18051 Willis Property

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

Howard Hersh

Name (Print Clearly)

Date 11/1/18

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18052

Marina Holdings LLC Property

Re-Zone B-2 to B-4

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

Z-18052 Marina Holdings Property

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

Douglas A. Badley

Name (Print Clearly)

Date

11/2/18

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18052

Marina Holdings LLC Property

Re-Zone B-2 to B-4

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

Z-18052 Marina Holdings Property

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

Stephen Harvey

Name (Print Clearly)

Date 11/1/18

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-18047

Stapleton Property

Re-Zone RA to B-4

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

Z-18047, Stapleton Property

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

DAVID LAZZARI ~~Lisa Lazzari~~

Name (Print Clearly)

Date 11-1-18