

1 COMMISSION MEMBER DEWANE HAYES: I'll second  
2 it.

3 CHAIRMAN SAM DAVIS: There is a second. All in  
4 favor, say aye.

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

6 CHAIRMAN SAM DAVIS: All opposed?

7 (No response.)

8 CHAIRMAN SAM DAVIS: Carries unanimously.

9 MR. VINCE JACKSON: Thank you.

10

11 **8-B - CASE Z-18047, STAPLETON PROPERTY**

12 MR. VINCE JACKSON: Your next agenda item is  
13 Z-18047, Stapleton property. This is a request to  
14 re-zone from RA to RR, Rural District.

15 This is another one that you have already seen. The  
16 applicant is requesting to re-zone six (6) acres to allow  
17 continued commercial kitchen/catering business as well as  
18 other potential commercial uses.

19 This one was before you on November the 1st of 2018.  
20 And at that time, we did recommend the re-zoning to RR,  
21 and the Planning Commission did recommend approval of RR.

22 We had advertised as a B-4, because we -- at the  
23 time of submission and our application deadline, we  
24 weren't entirely sure what was needed, so we advertised  
25 it as B-4 to make sure all the bases were covered. But  
26 it was always our intention to recommend RR.

27 Again, this is back before you because of the  
28 advertising issue. So it has been re-advertised as a

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1 request for RR. And, once again, we are recommending  
2 approval of the RR.

3 This property is located on the north side County  
4 Road 64, east of the Pursley Road in Planning District  
5 12. And here is the locator map showing the subject  
6 property.

7 The reason we recommended RR is because the Rural  
8 District is more consistent with the surrounding RA. And  
9 as you can see, based on the zoning map, it's completely  
10 surrounded by RA.

11 It also allows the catering business by right. So,  
12 in this instance, you wouldn't have to have an actual  
13 commercial designation for the catering business to  
14 continue.

15 There are other commercial uses that would be  
16 allowed by RR, but a number of the uses are subject to  
17 either a special exception or conditional use approval.  
18 So they would require a public hearing either before the  
19 Planning Commission or before the Board of Adjustment.

20 Here is the aerial of the subject property, survey,  
21 and here are some pictures. And as I understand it, this  
22 business has been at this location for about twenty (20)  
23 or so years. It was in place for many years prior to the  
24 adoption of zoning in 2006.

25 Once again, as with before, the staff recommends  
26 approval of this application. And I'll be happy to  
27 answer any questions.

28 CHAIRMAN SAM DAVIS: Any questions? We've got

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1 one Commissioner that needs to recuse himself.

2 COMMISSION MEMBER DANIEL NANCE: I recuse  
3 myself from this.

4 CHAIRMAN SAM DAVIS: Any questions for Vince?

5 (No response.)

6 CHAIRMAN SAM DAVIS: Okay. Thank you, Vince.

7 We'll open the public hearing at this point. There  
8 is the applicant here, and one signed up against, Gail  
9 Bolar.

10 Ms. Bolar, would you like to come up to the mic?

11 MS. GAIL BOLAR: Yes, sir. Good evening. My  
12 name is Gail Bolar. My husband and I, we bought the  
13 property -- bought our property from the Stapleton's. So  
14 our property is connected to what the zoning part is.

15 We bought the property because we wanted country  
16 living at its best. It's private. It's secluded. It is  
17 country living at its best.

18 One Sunday morning, we got up. There was a baby  
19 deer on the side of our house. It doesn't get any better  
20 than that to me. The only neighbors we have are cows.  
21 And we love cows. They're kind of nosey, but they keep  
22 to themselves.

23 And we love the way we live. I don't want to wake  
24 up one morning and the trees are being snatched down next  
25 to our house exposing us to the highway and to people.

26 We have no problem with the catering business. We  
27 just don't want to lose the reason why we bought the  
28 property, for the privacy, for being secluded. It's a

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1 lovely place, just like we thought it would be.

2 So we're just asking y'all -- We don't have any  
3 problem with the catering business or anything. We just  
4 don't want a business right next to our house. We want  
5 to just keep our privacy.

6 And we want know to about our taxes. We asked that  
7 the last time. We were told taxes would, you know, be  
8 affected if it's commercial.

9 We asked about would we be able to build things on  
10 our property, and we were told that it shouldn't affect  
11 us building on our property.

12 But the main thing is we just want to keep our  
13 privacy and live the country life that we planned and we  
14 have.

15 CHAIRMAN SAM DAVIS: Any questions for  
16 Ms. Bolar?

17 (No response.)

18 CHAIRMAN SAM DAVIS: Okay. Thank you,  
19 Ms. Bolar.

20 MS. GAIL BOLAR: Thank you.

21 CHAIRMAN SAM DAVIS: Mr. Stapleton, would you  
22 like to come up and address her concerns?

23 MR. CLIFF STAPLETON: Hi. I'm Cliff Stapleton.  
24 I'm the owner of the property. I'm just trying to get  
25 the property designated for what it's been used for since  
26 1994. It's been use for a commercial property. And I'm  
27 just trying to get it re-zoned.

28 I'm not, you know -- Of course, I am trying to sell

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1 the property. I don't exactly know what type of business  
2 will, you know -- if we sell, what the business will be  
3 moving in there.

4 But, as I think was said before, that they will have  
5 special exceptions and will have to go to the Planning  
6 Commission, you know, for you guys to approve for  
7 whatever, you know, might go in there besides the  
8 catering business.

9 And I don't want to disturb your life, either. But,  
10 you know, I have an interest in it as far as, you know,  
11 just trying to get the property sold. I just -- you  
12 know, it's been used for that for twenty (20) plus years.

13 I just think it needs to be re-zoned or whatever.  
14 It got zoned in 2006. Nobody asked me or told me about  
15 it being re-zoned. So, anyway, that's it. I'm just  
16 trying to get it designated to the way it's been used for  
17 the last twenty (20) years.

18 CHAIRMAN SAM DAVIS: Are there any question for  
19 Mr. Stapleton?

20 COMMISSION MEMBER DEWANE HAYES: To access that  
21 property, you access from Pursley Road?

22 MR. CLIFF STAPLETON: You can. I also have  
23 access from 64, either way.

24 CHAIRMAN SAM DAVIS: Any other questions for  
25 Cliff?

26 (No response.)

27 CHAIRMAN SAM DAVIS: Thank you, Cliff.

28 Vince, can you address those questions?

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1 MR. VINCE JACKSON: Like I said, most -- a  
2 number of the commercial uses would be subject to either  
3 special exception or conditional use approval. If it's  
4 conditional use, it comes to the Planning Commission. If  
5 special exception, it goes to the Board of Adjustment.

6 So in order to even start with those uses, you would  
7 have to have that approval first. It's not just --  
8 having the zoning doesn't guarantee that you get that.

9 Also, you know, there would potentially be where if  
10 the property -- if adjacent property has already been  
11 developed as residential property, then there would be  
12 the requirement for a buffer in the event that there is  
13 an additional, you know, commercial development on the  
14 property.

15 It didn't change anything as it is now, because as  
16 long as the catering business remains as it is, you know,  
17 there wouldn't be a requirement for an additional buffer,  
18 unless they decided to expand.

19 And, as you can see, there is a good bit of, you  
20 know, natural trees and such on the property now. It's  
21 fairly wooded. But in the event there was a new  
22 conditional use or special exception and a new business  
23 built, then there would be a requirement for them to  
24 maintain a buffer.

25 And with those -- with those processes, the Planning  
26 Commission and the Board of Adjustment has some  
27 discretion to impose additional conditions, if they deem  
28 it necessary, in order to, you know, provide additional

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1 safeguards for -- for neighboring property.

2 When it's all said and done though, RR is primarily  
3 a rural and residential district. It just does have some  
4 provisions for business, which you wouldn't have under,  
5 you know, the existing RA.

6 But it's a much better scenario for there area than  
7 B-4 would have been. Because if you'd gone with B-4,  
8 then virtually everything is allowed by right. So, you  
9 know, this way is designed to provide some additional  
10 safeguards for neighboring property.

11 As far as the taxes on the Bolar property or what  
12 they can do on their own property, this re-zoning has no  
13 impact on that whatsoever.

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

16 (No response.)

17 MR. VINCE JACKSON: And I would remind you that  
18 you have already voted to make a recommendation on the  
19 this property previous.

20 CHAIRMAN SAM DAVIS: Thank you, Vince.  
21 Anything else from any side? Ms. Bolar, any other  
22 comments?

23 MS. GAIL BOLAR: Yes, sir.

24 CHAIRMAN SAM DAVIS: If you will, come up to  
25 the mic.

26 MS. GAIL BOLAR: Sir, my question is also to  
27 Mr. Stapleton, I understand you want to sell your  
28 property. I'm glad for you to. I don't have a

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1 problem --

2 CHAIRMAN SAM DAVIS: Ma'am, you need to address  
3 the Commission.

4 MS. GAIL BOLAR: Yes, sir. Okay. My question  
5 was if it's just the catering -- if it was just for  
6 catering, what other potential business would come there  
7 that would be right next to our house? Would we have  
8 ideas for that?

9 CHAIRMAN SAM DAVIS: We'll let -- we'll let  
10 Vince answer that. He answered it, but probably not as  
11 specifically as you would like.

12 Vince, you want to come up?

13 MR. VINCE JACKSON: Yes.

14 CHAIRMAN SAM DAVIS: You can stand right there,  
15 Ms. Bolar.

16 MS. GAIL BOLAR: Okay.

17 MR. VINCE JACKSON: Some of the businesses that  
18 could be allowed by right, I mean, they would be  
19 primarily the local commercial uses, office uses. It  
20 would be small things like a professional office or a  
21 small restaurant, that type of thing.

22 The larger, you know, big box, major commercial  
23 types of things, there's really not a provision for that  
24 type of use. There are some provisions for things such  
25 as, you know, automobile repair. But that would be  
26 subject to a special exception.

27 A special exception is a public hearing. So they  
28 would have to go before the Board of Adjustment, and



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1 there would be a public notice. You would be able to  
2 come out and voice your concerns. It's not something  
3 where you would just wake up and there is an automobile  
4 repair there the next day.

5 CHAIRMAN SAM DAVIS: Vince, correct me if I'm  
6 wrong. Buffers would be required as part of that?

7 MR. VINCE JACKSON: Yes. Buffers -- if --  
8 if -- if it develops commercially, buffers will be  
9 required. If it's subject to special exception or  
10 conditional use approval, larger buffers than what would  
11 be required can actually be imposed, if necessary.

12 So there are -- there are a number of safeguards.  
13 Some of the things that are allowed, outdoor recreation,  
14 you know, parks, that type of thing. I'm not sure that,  
15 you know, a park would necessarily be proposed here, but  
16 it could be.

17 In terms of businesses, you have to think about, you  
18 know, the location of the property, the size of the  
19 property. So there are -- there are a number of things I  
20 think that might be of concern that wouldn't necessarily  
21 fit in at this location.

22 You know, but first and foremost, it does allow the  
23 catering by right. So this is the minimum zoning that we  
24 could do to make the catering business conform, you know,  
25 without actually going to a commercial designation.

26 CHAIRMAN SAM DAVIS: All right. Thank you.

27 Does that kind of satisfy you, Ms. Bolar?

28 MS. GAIL BOLAR: Can I have a question?

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1 CHAIRMAN SAM DAVIS: Sure.

2 MS. GAIL BOLAR: Explain buffer to me again.

3 Would that be like a separation or something close to  
4 our --

5 MR. VINCE JACKSON: Yes. The -- the buffer  
6 would be a landscaped buffer. And typically the -- the  
7 landscape buffers are going to twenty-five (25) feet in  
8 width.

9 So a lot of times if you have existing vegetation on  
10 the property, that landscape buffer can be accomplished  
11 by using the vegetation that's already there. And we  
12 actually encourage that when there is enough vegetation  
13 to constitute a buffer.

14 If there is not enough vegetation, then we have  
15 some, you know -- we provide some guidance about what --  
16 what -- what could be planted to create that buffer.

17 And the goal is to create a visual buffer from  
18 adjacent properties, in particular when you have  
19 residential property that's developed residential against  
20 property that's developed commercial.

21 As it is right now, there is not a requirement for a  
22 buffer. But if additional commercial development  
23 occurred, there would be a requirement.

24 MS. GAIL BOLAR: Would we have a hearing on  
25 that, too?

26 MR. VINCE JACKSON: You would have a hearing if  
27 it's special exception and conditional use. And as an  
28 adjacent property owner, you would receive certified

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1 notice. And most of those meetings are held here.

2 CHAIRMAN SAM DAVIS: Does that satisfy you?

3 MS. GAIL BOLAR: Yes, sir.

4 CHAIRMAN SAM DAVIS: Good. Thank you.

5 MR. VINCE JACKSON: And I would also add there  
6 will be one more public hearing on this -- this re-zoning  
7 before the County Commission. That will take place on  
8 January the 15th in Bay Minette.

9 CHAIRMAN SAM DAVIS: Okay.

10 MS. GAIL BOLAR: What time?

11 MR. VINCE JACKSON: 9 o'clock -- 8:30.

12 MS. GAIL BOLAR: Thank you.

13 CHAIRMAN SAM DAVIS: All right. Thank you.

14 MS. GAIL BOLAR: Yes, sir.

15 CHAIRMAN SAM DAVIS: Cliff, you got anything  
16 else you'd like to add?

17 MR. CLIFF STAPLETON: No.

18 CHAIRMAN SAM DAVIS: All right. We'll close  
19 the public hearing at this point. The motion -- I mean,  
20 the recommendation is to recommend approval to the County  
21 Commission. Is there a motion to do so?

22 COMMISSION MEMBER DEWANE HAYES: I recommend  
23 that we approve it.

24 CHAIRMAN SAM DAVIS: Okay. There is a motion  
25 to recommend to the County Commission approval. Is it  
26 there a second?

27 COMMISSION MEMBER ARTHUR OKEN: Second,  
28 Mr. Chairman.

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

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

4 CHAIRMAN SAM DAVIS: All opposed?

5 (No response.)

6 CHAIRMAN SAM DAVIS: Carries unanimously.

7

8 **8-C - CASE Z-19003, GLEAVES PROPERTY**

9 CHAIRMAN SAM DAVIS: Okay. Next case is  
10 Z-19003, Gleaves property. I believe I'm pronouncing  
11 that right.

12 MS. CELENA BOYKIN: That's right. This is a  
13 request to re-zone a little over five (5) acres. The  
14 subject property currently zoned RSF-E. And the  
15 applicant is asking that it be re-zoned RR.

16 The subject property is located on the east side of  
17 Buzbee Road in Planning District 10. As you see, it's  
18 currently zoned RSF-E, which is a Residential  
19 Single-Family. The applicant is requesting RR, which is  
20 a Rural District.

21 The purpose -- the reason the applicant is asking  
22 for RR is because currently there is a home. The  
23 applicant lives on this parcel, and also it is used with  
24 RV storage, boat storage. And there is multiple storage  
25 buildings on this.

26 This -- this use existed before the planning  
27 district became zoned in 2007. Staff is not sure why it  
28 was zoned as residential. But they asking for RR, which