

1 CHAIRMAN SAM DAVIS: All opposed?

2 (No response.)

3 CHAIRMAN SAM DAVIS: Unanimous again.

4 MR. SETH PETERSON: Thank you.

5 CHAIRMAN SAM DAVIS: Thank you.

6

7 **8 - CONSIDERATION OF APPLICATIONS AND REQUESTS: RE-ZONING CASES**

8

9 **8-A - CASE Z-19001 - SAWYER PROPERTY**

10 CHAIRMAN SAM DAVIS: The next case is Z-19001,  
11 the Sawyer property.

12 MS. LINDA LEE: Good evening, Commissioners.  
13 The subject property, which consists of  
14 two-point-seven-four (2.74) acres is currently zoned  
15 RSF-1, Single-Family District.

16 The destination of B-3, General Business District,  
17 has been requested for approximately zero-point-nine  
18 (0.9) acres of the subject property for the purpose of  
19 establishing a seafood restaurant and seafood retail  
20 store.

21 The B-3 zoning designation is necessary for the  
22 seafood retail store to be permitted by right. The  
23 subject property adjoins State Highway 180 to the south.  
24 The adjoining properties are residential and commercial.

25 There are numerous B-2 zoned property southwest of  
26 this property on State Highway 180. The adjacent  
27 property to the east was re-zoned from -- I'm sorry. The  
28 adjacent property to the east was re-zoned B-4, Major

1 Commercial District, in February of 2017.

2 The Baldwin County Master Plan provides a future  
3 land use designation of residential for the subject  
4 property. Approval of the re-zoning would result in  
5 amendment of the Future Land Use Map to commercial.

6 Traffic going to and from the restaurant, seafood  
7 retail store could have an impact on traffic patterns  
8 and/or congestion. Access to this site will require  
9 approval from ALDOT.

10 If approved, a twenty-five (25) foot landscape  
11 buffer would be required on the west side of the property  
12 adjacent to the residentially zoned property.

13 On your screen is pictures of the subject property  
14 and the adjoining property to the east, which is the B-4  
15 zoned property. And this is the survey of the portion of  
16 the property that they are requesting to be re-zoned to  
17 B-3.

18 You received a letter tonight from the neighbor to  
19 the west in opposition to this request. The Fort Morgan  
20 Advisory Committee voted to recommend approval of this  
21 request. Staff is recommending approval of this  
22 re-zoning request. And I'll answer any questioning that  
23 you may have for me.

24 CHAIRMAN SAM DAVIS: Any questions for Linda?

25 COMMISSION MEMBER BONNIE LOWRY: Linda,  
26 originally, If I'm correct, this was supposed to be a  
27 B-4. And between you and Mr. Sawyer and Vince, the  
28 decision was made to bring it down to a B-3; right?

## BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 MS. LINDA LEE: The original submittal was B-4,  
2 prior to coming to this meeting. And it was suggested to  
3 Mr. Sawyer that he may want to change to B-3, based on  
4 the uses that he said he wanted.

5 He had two options. It was either B-3 was permitted  
6 by right, or a B-2 with conditional use for the seafood  
7 store. And he chose to ask for the B-3.

8 COMMISSION MEMBER BONNIE LOWRY: And is the  
9 twenty-five (25) foot buffer supposed to be on both the  
10 east side and west of the property?

11 MS. LINDA LEE: The west side, because on the  
12 west side is where you have residential. On the east  
13 there is road and B-4 zoning, so there is no buffer  
14 requirements between the properties.

15 CHAIRMAN SAM DAVIS: Any other questions for  
16 Linda?

17 (No response.)

18 CHAIRMAN SAM DAVIS: All right. Thank you,  
19 Linda.

20 We'll open the public hearing at this point. We've  
21 got several folks to speak for, in favor of this request,  
22 and no opposition. So who would like to start off.

23 (An audience member indicates.)

24 CHAIRMAN SAM DAVIS: Okay.

25 THE COURT REPORTER: And state your name,  
26 please.

27 MS. GARY BULLARD: Gary Bullard. I'm here  
28 representing Barry Copeland. He is the property owner

## BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 directly to the west of the proposed site.

2 I'm mainly here to verify that the Commission  
3 received the letter that Mr. Copeland sent and addressed  
4 on January the 31st, I believe. And I have an additional  
5 letter from another neighbor that was signed basically  
6 stating the same objections. Would you like me to  
7 present that or do you --

8 CHAIRMAN SAM DAVIS: Are you in favor or in  
9 opposition?

10 MS. GARY BULLARD: Opposition.

11 CHAIRMAN SAM DAVIS: Opposition. Okay. You  
12 signed the green one indicating in favor. My statement  
13 of no opposition was not correct. So go ahead.

14 MS. GARY BULLARD: So you did receive the  
15 letter?

16 CHAIRMAN SAM DAVIS: Yes.

17 MS. GARY BULLARD: Mr. Copeland's main concerns  
18 are everything that's stated in the letter. And the --  
19 it's true. There is a commercial property just to the  
20 east of Mr. Sawyer's property, the proposed site, but  
21 it's also separated by -- by Ewing Place, a street. That  
22 gives it a buffer of some sort.

23 Mr. Copeland's property is directly connected to  
24 Mr. Sawyer's property that they purchased in the last  
25 year and a half or so.

26 Several of those lots through there, they're all  
27 zoned RSF-1, Residential Single-Family. And they believe  
28 that they have a reasonable expectation, when they buy

## BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 property like this, that it's not going to be subject  
2 to -- a neighbor can automatically put a restaurant  
3 almost basically in their front yard.

4 Their -- their driveway will be basically looking at  
5 the side of this. Right now it's a nice driveway through  
6 the wetlands, and it's very scenic. And not to mention  
7 some of the things stated in the letter, the exhaust  
8 fumes from fryers and things like that are -- they're  
9 right -- going to be right out their front door.

10 Now, price is not a real issue, what someone paid or  
11 didn't pay for land, but these lots are some of the most  
12 desirable on the whole peninsula. They've got the  
13 highest elevation. They've and best views of -- of Bon  
14 Secour and Mobile Bay.

15 These properties go -- vacant land is going for --  
16 these lots are going for a quarter of a million  
17 (\$250,000) and above. With the homesteads that was  
18 currently built by -- by the Ramsey's, the estimations  
19 are well over a million dollars (\$1,000,000). The  
20 Copeland's property is going well over that amount also.

21 Again, back to reasonable expectation, RSF-1,  
22 million dollar (\$1,000,000) properties, and they're going  
23 to be looking at the back of a restaurant that's going to  
24 be hindered by the traffic, the lights, the noise that  
25 comes with it, the possibility of pedestrian traffic  
26 trespassing either on their property inadvertently.  
27 It's -- it's -- it's a great concern to them.

28 They -- they know the Sawyers. They're -- they're

## BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 friends with them. They're neighbors. They go to their  
2 restaurant. But they -- they just feel that this is  
3 somewhat a bit of an injustice to -- to just re-zone land  
4 that, you know, you've got intentions of building there.

5 It's all residential. And the next thing you know,  
6 I've got a restaurant in my front yard. That's basically  
7 the point they want to get across. And that's about all  
8 I to have say.

9 CHAIRMAN SAM DAVIS: All right. Any questions  
10 for Mr. Bullard?

11 COMMISSION MEMBER BONNIE LOWRY: You said that  
12 it was all residential. The property to the east of it  
13 is not residential. The --

14 MS. GARY BULLARD: Yes, ma'am.

15 COMMISSION MEMBER BONNIE LOWRY: -- red  
16 property that you see on the map is not RSF-1 or 2. And  
17 so it's only the property to the west of this that are  
18 RSF-1's. And when the re-zoning occurred for the pizza  
19 place, Fort Morgan Pizza --

20 MS. GARY BULLARD: Right.

21 COMMISSION MEMBER BONNIE LOWRY: -- there was  
22 no opposition from any of those people owning those RSF-1  
23 lots.

24 MS. GARY BULLARD: No, ma'am. I don't know  
25 what date that was or what point in time that was. We  
26 all know the real estate economic boom has driven prices  
27 through the roof on everything. We all know that. That  
28 would be hard to deny.

## BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 I don't know if a lot of homes are far more modest  
2 in that area. And that's not to discount them at all.  
3 But, yes, you're right. There is a -- a -- a -- a  
4 commercial property where the pizza place was. That's  
5 true. And it -- it currently separates by Ewing Place.

6 The -- the other properties -- So, I mean, this is  
7 the point they make. And it -- it seems to be valid,  
8 that, you know, with all intentions of building the homes  
9 that are the kind of homes that are going in there,  
10 that --

11 COMMISSION MEMBER BONNIE LOWRY: Well, the  
12 property across the highway from that is also a  
13 commercial property. It's a --

14 MS. GARY BULLARD: Exactly.

15 COMMISSION MEMBER BONNIE LOWRY: -- real estate  
16 office. And, as well, many of the lots across from this,  
17 other than the RSF-1, 2, 3, or 4 --

18 MS. GARY BULLARD: Yes, ma'am. And -- and I  
19 digress, though. I agree to that one hundred percent  
20 (100%) as a fact. But they are also separate by Fort  
21 Morgan Road. I mean, that's -- the buffer is the  
22 problem. We are -- we are literally looking at two  
23 properties that abut joint to joint.

24 COMMISSION MEMBER BONNIE LOWRY: I'm aware of  
25 that. I've been down there.

26 MS. GARY BULLARD: Okay.

27 COMMISSION MEMBER BONNIE LOWRY: I live there.

28 MS. GARY BULLARD: Okay.

## BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 COMMISSION MEMBER BONNIE LOWRY: I can tell you  
2 this much, that -- I want to ask a question. How much  
3 wetland is on your property?

4 MS. GARY BULLARD: The exact amount, I can't  
5 say, but there is wetlands on this property, yes.

6 COMMISSION MEMBER BONNIE LOWRY: There are  
7 streams that cross the private road that Mr. Sawyer owns  
8 going to his home, but most of that property there are  
9 the wetland areas that are on the east side of it. And  
10 there's a stream that comes across from the big -- what  
11 we call the pond area.

12 MS. GARY BULLARD: Uh-huh. (Indicates  
13 affirmatively.)

14 COMMISSION MEMBER BONNIE LOWRY: And they are  
15 not large wetlands. They are small wetlands --

16 MS. GARY BULLARD: Yes, ma'am.

17 COMMISSION MEMBER BONNIE LOWRY: -- or streams.

18 MS. GARY BULLARD: Yes. Yes. And that brings  
19 up the point, is -- is the -- we're a little unclear. Is  
20 the actual construction site and/or parking lot connected  
21 to that going to be in part of that wetlands? We  
22 don't -- we can't -- that's hard --

23 COMMISSION MEMBER BONNIE LOWRY: This will all  
24 be up to the Planning Department.

25 MR. GARY BULLARD: Okay. Because the concern  
26 there is their driveway -- and because it goes through  
27 wetlands, as you all know, there is a lot of paperwork  
28 involved in trying to get anything done.



## BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 But the drive at that property has been there for  
2 many years. There was a homestead there many years ago.  
3 In heavy rains now, their driveway floods. If that water  
4 is displaced from existing wetlands, either -- by  
5 whatever means, it's going to further enlarge the  
6 wetlands on their property.

7 That's simple displacement of -- of water. So  
8 that -- that's a concern of theirs also, that -- that  
9 inaccessibility to their property without them having to  
10 go and get special permits through -- to be able to redo  
11 a driveway through the wetlands, because they've already  
12 spoken to people that -- that -- and I'm not sure exactly  
13 who, but that it would require some work to get that  
14 done.

15 COMMISSION MEMBER BONNIE LOWRY: You made a  
16 statement you were building your home on this property?

17 MS. GARY BULLARD: Mr. Copeland is, yes.

18 COMMISSION MEMBER BONNIE LOWRY: Have you  
19 already started the construction?

20 MR. GARY BULLARD: Yes.

21 COMMISSION MEMBER BONNIE LOWRY: And is it  
22 closer to the bay or the road?

23 MR. GARY BULLARD: It's closer to the bay,  
24 absolutely, yes. But -- but you can definitely see where  
25 the back of the restaurant is. I mean, it -- that --  
26 that would be the view.

27 COMMISSION MEMBER BONNIE LOWRY: Well,  
28 Mr. Sawyer also lives on the property.

## BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 MS. GARY BULLARD: Oh, I understand that. Yes,  
2 ma'am. I'm -- I'm not trying to be argumentative. I met  
3 Mr. Sawyer. I like him, you know. We'll still go to his  
4 restaurant.

5 It's just I was sent here to make a point. And  
6 Mr. -- Mr. Copeland would be here, but his mother took  
7 ill, and she passed away last night, so he couldn't be  
8 here.

9 COMMISSION MEMBER BONNIE LOWRY: Thank you.

10 CHAIRMAN SAM DAVIS: Any other questions for  
11 Mr. Bullard?

12 (No response.)

13 CHAIRMAN SAM DAVIS: Thank you, sir.

14 MS. GARY BULLARD: Thank you.

15 CHAIRMAN SAM DAVIS: Let me ask is there anyone  
16 else here that signed up for this that is in opposition?

17 (No response.)

18 CHAIRMAN SAM DAVIS: I guess there's only one  
19 opposition.

20 Mr. Sawyer, are you here?

21 MR. ALFRED SAWYER: I'm here.

22 CHAIRMAN SAM DAVIS: Would you like to address  
23 the Commission?

24 MR. ALFRED SAWYER: Sure. We've lived there  
25 probably twenty-five (25) years. And, you know, we -- we  
26 operate a restaurant in Gulf Shores now. We've been  
27 their twenty-six (26) years. And in that -- that  
28 restaurant, right in the middle of a residential area, we

## BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 have the backside of our restaurant --

2 CHAIRMAN SAM DAVIS: If you will, try to speak  
3 into that mic so we can hear you.

4 MR. ALFRED SAWYER: The backside of the  
5 property that we have now is residential, and so is the  
6 north side, residential. We have no problems with any of  
7 our neighbors in the twenty-five (25) years we've been  
8 there.

9 I fully intend to build a fence that would be nice,  
10 you know, to keep it from being oppressive, I guess you  
11 might say. But my intention is not to make any neighbors  
12 mad.

13 I just want -- You know, we've got a B-4 to our east.  
14 And I just want to make a restaurant down there with a  
15 seafood market. And, you know, we've -- we probably have  
16 twenty-five (25) employees at our restaurant now. We've  
17 been there for twenty-five (25) years and never had a  
18 problem out of any neighbors whatsoever.

19 So that's all I have to say. I have asked Lisa and  
20 Barry to talk to me and see if we can't come to some  
21 conclusion. And maybe they will now.

22 But I hope to be a good neighbor. You know what I  
23 mean? Okay. Thank you. If there any questions, I will  
24 be glad to answer them.

25 CHAIRMAN SAM DAVIS: All right. Any questions  
26 for Mr. Sawyer?

27 COMMISSION MEMBER BONNIE LOWRY: You do  
28 realize, of course, that you have to obtain Corps of

## BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 Engineers as well as the ADEM permits and all of that?

2 MR. ALFRED SAWYER: Correct.

3 COMMISSION MEMBER BONNIE LOWRY: And that takes  
4 care of any wetland and any other --

5 MR. ALFRED SAWYER: Right.

6 COMMISSION MEMBER BONNIE LOWRY: --  
7 obstructions that the gentleman --

8 MR. ALFRED SAWYER: Yes.

9 COMMISSION MEMBER BONNIE LOWRY: -- talked  
10 about.

11 MR. ALFRED SAWYER: I'm well aware of that.  
12 And I think we could fix a lot of problems, which would  
13 be covered under there.

14 It's like I told them all, that area drains to -- to  
15 the west and to the north into the bay, Bon Secour Bay.  
16 So culverts on each one of those driveways would be a  
17 blessing. So, you know, maybe some of that can be done.

18 But, really, I've only experienced, in the  
19 twenty-five (25) years we've lived there, probably two  
20 high waters that came onto the property. And one was --  
21 I think it was Hurricane Ivan, and the other one was a  
22 big rain we had this past year.

23 So, you know, that's all I've got to say. Thank you  
24 very much.

25 CHAIRMAN SAM DAVIS: Let's see if there are any  
26 other questions for you.

27 Any other questions for Mr. Sawyer?

28 (No response.)

## BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 CHAIRMAN SAM DAVIS: Okay. Thank you.

2 MR. ALFRED SAWYER: Thank you.

3 CHAIRMAN SAM DAVIS: Did he cover everything,  
4 or is there anything that either of you would like to  
5 speak to?

6 MS. GARY BULLARD: I'm good.

7 CHAIRMAN SAM DAVIS: Okay. Al, are you good?

8 MR. AL SAWYER: No. I'm good. Thank you.

9 CHAIRMAN SAM DAVIS: Does staff have anything  
10 else to offer?

11 MS. LINDA LEE: No, sir.

12 CHAIRMAN SAM DAVIS: All right. We'll close  
13 the public hearing at this point. Before I do that, is  
14 there any other questions for staff.

15 COMMISSION MEMBER DANIEL NANCE: I just have a  
16 question. Why is there a red drawing? We're not doing  
17 two lots for a subdivision on that? The letter we got,  
18 there's a picture of another plat. I'm assuming that's  
19 to the west of it.

20 MS. LINDA LEE: No, sir. The red lines are to  
21 indicate the portion of Mr. Sawyer property he's  
22 requesting to have re-zoned. He owns from the road to  
23 the water, but he only want to re-zone the portion near  
24 the road.

25 COMMISSION MEMBER DANIEL NANCE: Thank you.

26 MS. LINDA LEE: You're welcome.

27 COMMISSION MEMBER BRANDON BIAS: Linda, one  
28 more quick question. The survey that was submitted as

## BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 part of Mr. Copeland's letter, that's the lot to the  
2 west. So that's just illustrating where his home is?

3 MS. LINDA LEE: Yeah. The picture you see, we  
4 actually gave you that. Mr. Copeland didn't submit that.  
5 I just wanted you-all to be able to see where his house  
6 is being built.

7 COMMISSION MEMBER BRANDON BIAS: Thank you.

8 MS. LINDA LEE: You're welcome.

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

11 (No response.)

12 CHAIRMAN SAM DAVIS: Okay. Thank you, Linda.

13 We'll close the public hearing at this point. Staff  
14 has recommended approval. This would be a recommendation  
15 to the County Commission for approval. Is there a motion  
16 to do so?

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

19 CHAIRMAN SAM DAVIS: Okay. There is motion to  
20 recommend approval to the County Commission. Is there a  
21 second?

22 COMMISSION MEMBER BONNIE LOWRY: Second.

23 CHAIRMAN SAM DAVIS: There is a second. All in  
24 favor, say aye.

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

26 CHAIRMAN SAM DAVIS: All opposed?

27 (No response.)

28 CHAIRMAN SAM DAVIS: Passes unanimously.