

1 opposition, one person in opposition.

2

3

8-D - CASE Z-16032 WATTS PROPERTY

4

CHAIRMAN SAM DAVIS: All right. The next case
5 is Z-16032, Watts property. Can we have a staff report?

6

MR. VINCE JACKSON: Yes, sir. And this is
7 actually our third case tonight in Planning District 16,
8 not too terribly far from --

9

CHAIRMAN SAM DAVIS: Vince, let me interrupt
10 you for just a second.

11

David.

12

13

8-C - CASE Z-16031 CARTER PROPERTY (REVISITED)

14

15

ATTORNEY DAVID CONNER: We just want to make
16 sure you understand this the first step in a two-step
17 process.

17

MS. TARA L. BOWIE: Yes, sir.

18

19

ATTORNEY DAVID CONNER: That you have to --
there will be a public hearing at the County Commission
20 level as well.

21

MS. TARA L. BOWIE: Okay.

22

23

ATTORNEY DAVID CONNER: And, so, you'll need to
attend that. Okay?

24

25

MS. TARA L. BOWIE: All right. Thank you very
much.

26

ATTORNEY DAVID CONNER: Thank you.

27

28

8-D - CASE Z-16032 WATTS PROPERTY (REVISITED)

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 10/06/2016

1 MR. VINCE JACKSON: This one is also in
2 Planning District 16, a little bit to the south of the
3 application that I had previously.

4 The property is zoned B-2, which is the Neighborhood
5 Business District. And the request is to re-zone to B-3,
6 General Business, for the purpose of utilizing an
7 existing commercial building for automobile repair and
8 sales.

9 And under the B-3 designation automobile repair and
10 sales may be allowed, subject to the conditional use
11 approval of the Planning Commission. Property consents
12 approximately one (1) acre.

13 And this is a building was in existence prior to the
14 adoption of zoning in Planning District 16. Planning
15 District 16 was zoned in 1993. And I believe I found
16 that this building was constructed in 1986. So it was
17 about seven years before zoning came in.

18 The building has some bay doors. It also has a
19 lift. So it appears that it was actually designed
20 originally for some type of automotive use, or there may
21 have been some type of automotive use in the building at
22 some point.

23 Some of you may -- if you've been around for a
24 while, may know what that may have been. The most recent
25 thing that was there was a kitchen appliance sales
26 facility.

27 Based on the information provided, the applicant is
28 wishing to use the existing building. There are no

1 plans, from the information we have, for additional
2 construction.

3 As I stated, there are -- there are bay doors.
4 There is a lift. And the front part of the building is
5 more like a showroom, which would be suitable for -- for
6 the small amount of automobile sales that they're talking
7 about.

8 Adjacent property to the north is already zoned B-3,
9 which is the subject of this request. For automobile
10 repair and sales, they actually could have asked for a
11 B-4, where they would have had it by right. But we felt,
12 since they have the adjacency of the B-3 zoning, that the
13 B-3 made more sense at this location.

14 They have already given us the paperwork for a
15 conditional use. Because if they get B-3, repair and
16 sales will be conditional use. They've already given us
17 the paperwork, but we're holding on to that pending the
18 outcome of the re-zoning.

19 If the re-zoning is ultimately approved, then we'll
20 bring the conditional use before you. But we were --
21 since there are two separate applications, two separate
22 fees, we are trying to help maybe save them a little bit
23 of money. You know, if this ended up not being approved,
24 there would be no reason to bring the conditional use
25 forward.

26 We think this is a reasonable request. This is --
27 this is mostly a commercial area. You already have B-3
28 to the north. And the properties to the south are zoned

1 B-2.

2 Across the street you have RSF-2, which is a
3 residential designation, but there is an old cemetery
4 there. There is some residential property to the rear,
5 to the east of the subject property that's zoned RSF-2.
6 But, like I stated, the -- the building was in place
7 prior to zoning.

8 And I want to speak a little bit more about that.
9 Zoning destinations have changed over the years. And
10 when zoning first came into Baldwin County, each of the
11 planning districts that had zoning had its own ordinance.

12 Now we work under one unified zoning ordinance that
13 covers all the zoned area. But each zoned area had --
14 had a separate ordinance. And at that time, there were
15 provisions in B-2 that allowed automotive type uses by
16 right. So it's very likely that when the zoning first
17 came in, that -- that whatever use was going on there was
18 conforming with the zoning at that time.

19 Since then, with the consolidation of all ordinances
20 and just some changes that we've made to the zoning
21 designations over the years, there is no longer any
22 provisions for B-2 -- I mean, any provisions for
23 automotive under B-2.

24 And -- and so that's why we're here. We think, you
25 know, B-3 will work on this property. And we recommend
26 it be approved. This is a recommendation to the County
27 Commission.

28 And if -- if the -- everything goes well with the

1 re-zoning request, we will be coming back with the
2 conditional use.

3 Those are all my comments. And I will be happy to
4 answer any questions.

5 CHAIRMAN SAM DAVIS: Any questions for Vince?

6 (No response.)

7 CHAIRMAN SAM DAVIS: Thank you, Vince.

8 We'll open the public hearing at this point. There
9 is no opposition to this request.

10 Robert Watts, I'm assuming you are the applicant.
11 Do you have anything you'd like to address the Commission
12 on?

13 MR. ROBERT E. WATTS: I did not know that it
14 wasn't zoned like that and --

15 CHAIRMAN SAM DAVIS: If you will, come up to
16 the mic.

17 MR. ROBERT E. WATTS: I'm sorry. I probably
18 didn't do all the due diligence I was supposed to. But
19 I -- I didn't know it wasn't zoned for that. It already
20 had all of the stuff in the back.

21 I have a small car collision. And I wanted to have
22 a repair facility in the back. And when I tried to do
23 that, they said, no. And I said, but why? And they
24 said, you were not properly zoned. And I said, okay.

25 Next door to me is a park-and-sell-your-junk car
26 lot. Across the street is a guy who does batteries and
27 has four bays there. He is zoned B-2. I am zoned B-2
28 also.

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 10/06/2016

1 I -- I don't think I'm asking -- you know, I took
2 part of my retirement to buy this dang thing. And if you
3 think I'm wrong, then don't approve it. That's all I
4 have to say.

5 CHAIRMAN SAM DAVIS: You going to do work on
6 your own vehicles?

7 MR. ROBERT E. WATTS: I want to do that. I
8 want a mechanic that can make a living back there, too.
9 In the front, I have twenty-three (23) collector cars.

10 I did an EP-1 -- EPA-1 study on it. There is so
11 many chemicals from a pool company back in the back and
12 two ole big tractor trailers. I had to get all crap out
13 of there. And I had to rebuild the building. And I
14 cleaned it all up. And now I've passed EPA-1. I intend
15 to keep it that way.

16 Ain't nobody can see nothing going on back there,
17 because I built a fence. It's a pretty building, and
18 I -- I'm proud to own it. And I'm a retired Army
19 Colonel. I started as an E-2. I respect your decision,
20 whatever you make. Any questions, I'll be happy to
21 answer them.

22 CHAIRMAN SAM DAVIS: All right. Hold on. Any
23 questions for Mr. Watts?

24 COMMISSION MEMBER SPENCE MONROE: Did you say
25 there is a fence in the back so --

26 MR. ROBERT E. WATTS: Yes, sir. Ain't nobody
27 back behind -- I didn't even know there was a residences
28 way back there. It's probably three hundred (300) foot

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 10/06/2016

1 from the back of my building to the fence. And behind
2 that, there is a butch of trees.

3 And to my right is a storage facility with you pack
4 it up and put it in there. And on my left is a crappy
5 building with some storage behind it.

6 I had to clean all the stuff up behind it, and I
7 have done that. Ain't nobody going to see nothing back
8 there.

9 CHAIRMAN SAM DAVIS: Any other questions for
10 Mr. Watts?

11 (No response.)

12 CHAIRMAN SAM DAVIS: Thank you, sir. And thank
13 you for your military service.

14 MR. ROBERT E. WATTS: My pleasure, sir.

15 MR. VINCE JACKSON: And I would just like to
16 add we don't think he's wrong at all. If we could
17 approve this, we would. The zoning just doesn't allow
18 it.

19 MR. ROBERT E. WATTS: Are your talking to me
20 or --

21 MR. VINCE JACKSON: I'm talking --

22 CHAIRMAN SAM DAVIS: He's talking to us.

23 MR. ROBERT E. WATTS: I can't hear.

24 CHAIRMAN SAM DAVIS: That's all right.

25 MR. VINCE JACKSON: The, you know -- some of
26 the uses he mentioned that also have the B-2 zoning, some
27 of those have been there for a long time. And it -- it
28 does go back to the fact that there have been changes in

1 the zoning.

2 Another thing that was unique in the beginning of
3 zoning is that the different districts would kind of pick
4 and choose what destinations they wanted to have.

5 So, they didn't have everything across the board
6 like you do now. So sometimes designations were put just
7 because it was the closest available. But then there
8 were variations.

9 What was B-2 in one district might not be same as
10 B-2 in another district. Or, you know, another district
11 might have B-3 where an adjacent district did not.

12 So, over time, what we've done is try to make it
13 more consistent. But in the process of doing that,
14 things did change. And, so, things may have been
15 permitted by right years ago that no longer are.

16 We do think this is a reasonable request. We
17 recommend approval. And when we come forward with the
18 conditional use, we will be recommending approval of that
19 as well.

20 CHAIRMAN SAM DAVIS: All right. Thank you.

21 MR. VINCE JACKSON: Thank you.

22 CHAIRMAN SAM DAVIS: Any other questions for
23 Vince?

24 (No response.)

25 CHAIRMAN SAM DAVIS: All right. Thank you,
26 Vince.

27 We'll close the public hearing at this point. Staff
28 recommended approval for this. And this would be a

1 recommendation to the County Commission. Is there a
2 motion to do so?

3 COMMISSION MEMBER DEWANE HAYES: I make a
4 motion to approve.

5 CHAIRMAN SAM DAVIS: Is there a second?

6 COMMISSION MEMBER SPENCE MONROE: Second.

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

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

9 CHAIRMAN SAM DAVIS: All opposed?

10 (No response.)

11 CHAIRMAN SAM DAVIS: Motion carries
12 unanimously.

13 MR. ROBERT E. WATTS: Thank you.

14 CHAIRMAN SAM DAVIS: Thank you.

15

16 **B-E - CASE Z-16034 MATTHEWS PROPERTY**

17 CHAIRMAN SAM DAVIS: Okay. Matthews property,
18 Z-16034.

19 MS. LINDA LEE: Good evening. The subject
20 property is located at 2845 Ponce de Leon Court, on the
21 north side of Ponce de Leon Court east of 3 Mile Road in
22 Planning District 25.

23 The subject property is currently zoned RSF-1,
24 Residential Single-Family district, and is occupied with
25 one single-family dwelling. The requested designation is
26 RSF-3, Residential Single-Family district.

27 According to the submitted information, the purpose
28 of this request is to allow for family division of land