

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 09/06/2018

1 COMMISSION MEMBER ARTHUR OKEN: Discussion,
2 Mr. Chairman.

3 CHAIRMAN SAM DAVIS: Okay. Any discussion?

4 COMMISSION MEMBER ARTHUR OKEN: Is there
5 clarification on whether or not a service station is
6 permissible on your B-3 zoning?

7 CHAIRMAN SAM DAVIS: Yes, sir, they are. They
8 are permissible, but Vince informed us that based on the
9 size and the setbacks, it would hardly be advisable to
10 fit one in there.

11 Any other discussion?

12 (No response.)

13 CHAIRMAN SAM DAVIS: All right. There's a
14 motion and a second. All in favor, say aye.

15 (Some Commission Members says "aye" in unison.)

16 CHAIRMAN SAM DAVIS: All opposed?

17 COMMISSION MEMBER ARTHUR OKEN: No.

18 COMMISSION MEMBER SAM DAVIS: Okay. The motion
19 carries. There's only one opposed.

20 **7B - CASE Z-18043, CREEK GULF INVESTMENTS PROPERTY**

21 CHAIRMAN SAM DAVIS: Okay. The next case is
22 Z-18043. Do we have a staff report?

23 MS. LINDA LEE: Yes, sir. The subject
24 properties are located on the east side of Magnolia
25 Springs Highway south of County Road 12 in Planning
26 District 21.

27 The subject properties are currently zoned B-3,
28 General Business District, and are occupied with mobile

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1 homes and one structure used for a business.

2 Only the portion of Lot 9 containing mobile homes is
3 requested to be rezoned. The requested designation is
4 RMH, Residential Manufactured Housing Park District. The
5 purpose of this request is to allow for the continued use
6 of the existing manufactured housing park.

7 On the screen is your locator map showing the
8 location of the properties. And this is the site map
9 showing the subject property. These are Google Earth
10 2018 images. It shows the mobile homes that are
11 currently on the property.

12 The adjoining properties are residential, commercial
13 and vacant. The Baldwin County Master Plan provides a
14 future land use designation of commercial for the subject
15 properties.

16 After rezoning is approved, the Future Land Use Map
17 will be amended to reflect the designation of
18 residential. The surrounding future land use
19 designations are residential and commercial. The
20 adjoining properties to the south are zoned RMH,
21 Residential Manufactured Housing Park.

22 Planning District 21 was zoned in June of 2009. The
23 existing mobile home park was established at the time
24 zoning was implemented with one mobile home on Lot 8 and
25 four mobile homes on Lot 9.

26 Magnolia Springs Highway is a County-maintained
27 road. There's currently a total of seven mobile homes on
28 the property with the proposed addition of one more

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1 mobile home. Staff does not anticipate any adverse
2 affect to traffic patterns or congestion.

3 This is a site plan showing the proposed area to be
4 rezoned. This is a proposed layout of the manufactured
5 housing park.

6 And this is the subdivision plat for the
7 subdivision. These are pictures of the subject property.
8 These are pictures of the adjoining property to the south
9 and to the north.

10 Staff feels this is a reasonable request and that
11 this application should be recommended for approval.
12 I'll answer any questions you may have for staff.

13 CHAIRMAN SAM DAVIS: Any questions for staff?

14 COMMISSION MEMBER BRANDON BIAS: Mr. Chairman,
15 I have a question.

16 MS. LINDA LEE: Yes, sir.

17 COMMISSION MEMBER BRANDON BIAS: Is it my
18 understanding that we're only looking at rezoning part of
19 this property? There will be a split zoning on this
20 property pending the final decision?

21 MS. LINDA LEE: Correct. Where you see the
22 blue line, everything to the west would be RMH, and then
23 the B-3 will remain to the east, because there is a
24 commercial building on the portion that's gonna stay B-3.

25 COMMISSION MEMBER BRANDON BIAS: Thank you.

26 MS. LINDA LEE: You're welcome.

27 COMMISSION MEMBER KEVIN MURPHY: Linda, could
28 we possibly classify this as a mistake that happened when

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1 the zoning was put in place?

2 MS. LINDA LEE: Well, I don't know if it was a
3 mistake. I don't know what their intentions were, but I
4 do know that manufactured housing park was there when
5 that zone was put in place.

6 COMMISSION MEMBER SPENCE MONROE: Linda, so
7 they're gonna have to go through the mobile home park to
8 ingress and egress to the commercial building in the
9 back?

10 MS. LINDA LEE: Correct. That is what they
11 currently do.

12 COMMISSION MEMBER SPENCE MONROE: Is that okay
13 by standards?

14 COMMISSION MEMBER BONNIE LOWRY: Do they have a
15 contract on it?

16 MS. LINDA LEE: I don't know if there's any
17 type of contract. As far as I know, they own all of it.
18 But I'm not aware of any policy or procedures that say
19 you cannot access it through that mobile home park. It's
20 currently being accessed that way. And that mobile home
21 park is there. Vince may have an answer.

22 COMMISSION MEMBER KEVIN MURPHY: If this were
23 reversed, it's highly likely we would not rezone B-3
24 through a mobile home park, is that correct, if it were
25 reversed?

26 MS. LINDA LEE: Say that again.

27 COMMISSION MEMBER KEVIN MURPHY: It's highly
28 likely we would not allow it to be rezoned B-3 through a

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1 mobile home park if this were a reversed situation.

2 MR. VINCE JACKSON: Yes.

3 MS. LINDA LEE: Yes.

4 CHAIRMAN SAM DAVIS: I will point out there's
5 no opposition to this request.

6 MR. VINCE JACKSON: And I just wanted to
7 mention, in response to Mr. Monroe's question, we don't
8 have a stipulation in our zoning where you can't access a
9 commercial zoning designation through another, in this
10 case of a mobile home park.

11 Some jurisdictions do. Some of the municipalities
12 where I worked previously did have that stipulation. The
13 County does not. So it's fine for them to continue as
14 they are, if this is rezoned, to access the B-3 through
15 the RMH.

16 CHAIRMAN SAM DAVIS: Any other questions for
17 staff?

18 COMMISSION MEMBER KEVIN MURPHY: Vince, this
19 might be a question for our attorney, but is there any
20 liability that we're accepting if a child were to get run
21 over in that right-of-way?

22 ATTORNEY REBECCA GAINES: No more than you
23 already would have in any other situation. The fact that
24 it's commercial would not make a difference. And I can't
25 imagine there being any liability for the County.

26 CHAIRMAN SAM DAVIS: All right. Thank you.

27 We'll open the public hearing at this point. Like I
28 said, there's no opposition. The applicant is -- Is it

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1 John Strutz? Do you have anything you would like for us
2 to know?

3 MR. JOHN STRUTZ: Other than basically the only
4 thing that I could add to it --

5 CHAIRMAN SAM DAVIS: I'll need you to come up
6 to the mic.

7 MR. JOHN STRUTZ: Sorry. About the only thing
8 that we could add to it concerning this property and the
9 business property behind it is Gulf Creek Investments
10 owns the mobile home park and Creek Enterprise owns the
11 commercial property with the building on it, which is a
12 shop.

13 They're both basically the same company. One is a
14 separate entity due to, you know, residential on the
15 mobile home park.

16 CHAIRMAN SAM DAVIS: All right. Thank you.
17 Any questions for Mr. Strutz?

18 (No response.)

19 CHAIRMAN SAM DAVIS: Okay. Thank you.

20 There's a Michael Lipscomb signed up in favor. Have
21 you got anything to say?

22 MR. MICHAEL LIPSCOMB: It's not this property.

23 CHAIRMAN SAM DAVIS: All right. Thank you.

24 We'll close the public hearing at this point. Staff
25 recommended making a recommendation of approval to the
26 County Commission. Is there a motion to do so?

27 COMMISSION MEMBER KEVIN MURPHY: I make a
28 motion to recommend approval to the County Commission.

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1 CHAIRMAN SAM DAVIS: All right. Is there a
2 second?

3 COMMISSION MEMBER BRANDON BIAS: Second.

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: Carries unanimously.

9 **7C - CASE TA-18001, TEXT AMENDMENT, ARTICLE 2, SECTION 2.3.24**

10 CHAIRMAN SAM DAVIS: Okay. The next one is
11 TA-18001. Could we have a staff report, please?

12 MR. VINCE JACKSON: Yes, sir. This was an
13 amendment to the Baldwin County Zoning Ordinance, Article
14 2, local provisions for Planning District 24, which is
15 Ono Island. And it pertains to food trucks at Ono Island
16 community sport facilities.

17 This proposed Text Amendment actually arose from a
18 request from the property owners association of Ono
19 Island. The property owners association would like to
20 sponsor and host periodic community and social events at
21 the community sport facilities down there. As part of
22 those events, they want to be able to include food
23 trucks.

24 We actually do allow food trucks in the zoning
25 ordinance under the designations which allow fast food
26 restaurants. However, there's no commercial zoning on
27 Ono Island.

28 And so the property owners association tends to be