

opposition but did not speak. Mr. Brown explained to the public the reasoning behind the subdivision regulation which requires subdivisions to be on a paved road.

Jason Padgett made a motion to approve the variance request. Motion to approve the variance request failed for the lack of a second. Robert Davis made a motion to deny the variance request. Michael Mullek seconded the motion. Jason Padgett voted nay. All other members voted aye. **Motion to deny Case S-21040 Fell Road Subdivision Phase 2 Variance Request carries on a vote of 3-1.**

c.) CASE HS-21001 CO. RD. 48, FAULKNER DIVISION HIGHWAY CONSTRUCTION SETBACK APPEAL

Request for an appeal from the Highway Construction Setback to allow a garage to remain in the existing location. The garage is within the 75-foot highway construction setback on approximately 2 acres. The subject property is located on the southwest intersection of County Road 48 and County Road 9 in the Silverhill area. The property is unzoned in Planning District 14. Mrs. Booth reported a request from the applicant to withdraw the application due to a determination by the Baldwin County Highway Department that a setback appeal is not required.

Robert Davis made a motion to approve the withdrawal request. Jason Padgett seconded the motion. All members voted aye. **Motion to approve the withdrawal request for Case HS-21001 Faulkner Division Highway Construction Setback Appeal carries on a vote of 4-0.**

d.) CASE S-21046 FAULKNER DIVISION DEVELOPMENT PERMIT APPROVAL

Mary Booth presented the request for development permit approval for a 2-lot subdivision on approximately 52 acres. The subject property is located on the southwest intersection of County Road 48 and County Road 9 in the Silverhill area. The property is unzoned in Planning District 14.

Mrs. Booth reported recommendation of approval by staff and answered questions. Hunter Smith with Smith Clark and Associates was present to represent the applicant and answer questions. Brian Armstrong signed up in favor of the request to ask questions about an existing culvert. There was no one present in opposition of the request.

Michael Mullek made a motion to approve the request. Greg Seibert seconded the motion. All other members voted aye. **Motion to approve Case S-21046 Faulkner Division Development Permit Approval carries on a vote of 4-0.**

e.) CASE S-21047 BLACKWATER FARMS SUBDIVISION DEVELOPMENT PERMIT APPROVAL

Buford King presented the request for development permit approval for a 5-lot subdivision on approximately 19.06 acres. The subject property is located on the east side of County Road 85 south of US Hwy 90 in the Elsanor area. The property is zoned RA and RSF-1 in Planning District 12.

Mr. King reported recommendation of approval by staff and answered questions. David Shumer of Barton and Shumer Engineering was present to represent the applicant and answer questions. Owner BJ Blanchard was also present to answer questions. Michael Hinate, Don Hosman, Roman Bonner, Jimmie Hovark, and Blake

Harrison spoke in opposition of the request. Fran Hammond, Tim Hammond, Kellie Lawson, Roland Wilson, and Wayne Lawson signed up in opposition but did not speak.

Michael Mullek recused himself from the case. Robert Davis made a motion to approve the development permit. The motion failed for the lack of a second. Jason Padgett made a motion to deny the request. Mr. Padgett said his motion to deny was because the residents in the area do not feel comfortable with the application, therefore he has listened to their recommendation and he feels he concurs. Greg Seibert seconded the motion. Michael Mullek was recused, Robert Davis voted nay, all other members voted aye. **Motion to deny Case S-21047 Blackwater Farms Subdivision Development Permit Approval carries on a vote of 2-1.** Mr. Mullek returned to his seat.

VIII. CONSIDERATION OF APPLICATIONS AND REQUESTS – REZONING CASES

a.) CASE P-21005 BOGGY BRANCH LLC PROPERTY CONDITIONAL USE APPROVAL

Linda Lee presented the request for Conditional Use Approval to allow expansion of an existing cell tower facility by 330 square feet on approximately 68.31 acres located on the west side of State Hwy 225 north of Lake Boulevard. The subject property is zoned RR in Planning District 10.

Mrs. Lee reported recommendation of approval with conditions by staff. David Johnson was present to represent the applicant and to answer questions. There was no one present in opposition.

Michael Mullek made a motion to approve the request. Jason Padgett seconded the motion. All members voted aye. **Motion to approve Case P-21005 Boggy Branch LLC Property Conditional Use Approval subject to listed conditions below carries on a vote of 4-0.**

- **Approval shall be for this location only.**
- **A Baldwin County Land Use Certificate shall be obtained no later than six (6) months from the date of Conditional Use Approval. The Planning Commission may grant additional time if deemed necessary.**
- **Any major changes and/or additions shall result in further review and approval by the Planning Commission.**

IX. ADDENDUM

a.) CASE P-20013 NEAT PROPERTY CONDITIONAL USE APPROVAL EXTENSION

Celena Boykin presented the request for a 3-month extension of a previously approved Conditional Use for a wedding/event venue due to changes on the previously approved site plan. The subject property is located on the north side of US Hwy. 98, east of Breman Road in Planning District 22 zoned RA, Rural Agricultural District.

Mrs. Boykin reported recommendation of approval by staff for a 3-month extension. Mrs. Boykin also reported all previous conditions shall apply to the extension.

Michael Mullek made a motion to approve the request with conditions. Greg Seibert seconded the motion. All members voted aye. **Motion to approve Case P-20013**