



Baldwin County Commission

Legislation Text

File #: 21-1335, **Version:** 1

Meeting Type: BCC Regular Meeting

Meeting Date: 9/21/2021

Item Status: New

From: Matthew Brown, Planning Director

Submitted by: Matthew Brown, Planning Director

ITEM TITLE

Case No. S-20069 - Hookbone RV Park Appeal from the Baldwin County Zoning Administrator Denial of Final Site Plan Application

STAFF RECOMMENDATION

Regarding Case No. S-20069, Hookbone RV Park, appeal from the Baldwin County Zoning Administrator denial of a Final Site Plan application for a proposed 46-site recreational vehicle park in the Summerdale area, take one of the following actions **(please select one)**:

- 1) Affirm the decision of the Baldwin County Planning Director and deny the Final Site Plan Application for Case No. S-20069, Hookbone RV Park; **or**
- 2) Reverse the decision of the Baldwin County Planning Director and approve the Final Site Plan Application for Case No. S-20069, Hookbone RV Park; **or**
- 3) Modify the decision of the Baldwin County Planning Director as it relates to the Final Site Plan Application for Case No. S-20069, Hookbone RV Park.

BACKGROUND INFORMATION

Previous Commission action/date: The Baldwin County Commission, during its September 7, 2021, Regular meeting, conducted a public hearing on the appeal of Case No. S-20069, Hookbone RV Park and tabled the item until the September 21, 2021, Regular meeting.

The Commission had questions regarding 1) why did the Applicant's engineer display the setback line on the plat but left the RV sites in the setback and 2) what was the basis of the Town of Summerdale's approval of a setback variance?

Staff has requested the Applicant's engineer to be present at the September 21, 2021, meeting.

Background:

In unzoned areas, the Baldwin County Subdivision Regulations require that:

“RV parks and campgrounds sites / units shall be located a minimum of thirty (30) feet from any exterior property line or wetland.”

On November 5, 2020, the Baldwin County Planning Commission heard, and, on staff's recommendation, approved a Final Site Plan for Hookbone RV Park with forty-one (41) recreational vehicle sites. The Final Site Plan was approved at that November meeting with all sites encroaching into the 30-foot RV park setback required in the subdivision regulations. (See Attachment A - Original Site Plan)

The property is located within the Summerdale extraterritorial jurisdiction (ETJ), so it is not completely clear why the case was brought to the County Planning Commission. There may have been a prior practice of bringing all Planned Developments to the County Planning Commission even though the subdivision regulations require only administrative approval of Planned Developments within an ETJ.

Because the project was located in the Summerdale ETJ, the Summerdale Planning Commission also heard the case on February 18, 2021 and approved a “Preliminary Plat” for Hookbone RV Park with a substantial reconfiguration, the addition of more RV sites, and numerous variances.

The substantial changes required the applicant to come back to the county for approval of the revised site plan. On rereview, the County Planning and Zoning staff discovered the encroachment into the required 30' setback line and informed the applicant that he would need to apply for a variance. (See Attachment B - Revised Site Plan)

The variance request was heard at the August 5, 2021, Baldwin County Planning Commission meeting. Staff recommended denial due to the non-demonstration of a hardship for which a variance is warranted. However, staff also highlighted the nuance of the particular situation and the fact that Summerdale supported approval of the RV park with a smaller setback. The Planning Commission denied the variance request by a vote of 4 to 2. (See Attachment C - Variance Staff Report)

On August 9, 2021, Matthew Brown, in his capacity as the Planning Director, denied the Hookbone RV Park Final Site Plan application due to the prior denial of the variance request.

Staff received a notice of appeal from the applicant, Mr. Ricky Hudson, on August 9, 2021, which is within the 30 days required for an appeal under the Subdivision Regulations. On August 12, 2021, Matthew Brown submitted a copy of the file to the County Commission, County Administrator, County Attorney, and the County Engineer as required by the Subdivision Regulations.

The subdivision regulations dictate that appeals “shall be heard by the Baldwin County Commission at such regular or special meeting as the Baldwin County Commission shall determine, in its discretion.” And that, “[i]n the hearing of such appeals, the standard of review to be exercised by the Baldwin County Commission shall be de novo.”

In a de novo review, the Baldwin County Commission will review the decision of the Planning Commission as if it were a completely new case and as if the Planning Commission had not rendered a decision.

Staff mailed a notice of the public hearing for the appeal to adjacent property owners on August 27,

2021.

At its September 7, 2021, regular meeting the Baldwin County Commission conducted a public hearing on the appeal. Only the Applicant addressed the Commission. The Commission had questions regarding 1) why did the Applicant's engineer display the setback line on the plat but left the RV sites in the setback and 2) what was the basis of the Town of Summerdale's approval of a setback variance?

The County Commission tabled the item until its September 21, 2021, meeting.

Staff has requested the Applicant's engineer to be present at the September 21, 2021, meeting.

Staff has coordinated with the Town of Summerdale and attached correspondence regarding the basis of the Town of Summerdale's approval of a variance.

The Commission will not re-open the public hearing in this case though the Chairman may exercise his discretion to hear additional comments from members of the public.

FINANCIAL IMPACT

Total cost of recommendation: N/A

Budget line item(s) to be used: N/A

If this is not a budgeted expenditure, does the recommendation create a need for funding?
N/A

LEGAL IMPACT

Is legal review necessary for this staff recommendation and related documents?
N/A

Reviewed/approved by: N/A

Additional comments: N/A

ADVERTISING REQUIREMENTS

Is advertising required for this recommendation? N/A

If the proof of publication affidavit is not attached, list the reason: N/A

FOLLOW UP IMPLEMENTATION

For time-sensitive follow up, select deadline date for follow up: N/A

Individual(s) responsible for follow up: Administration Staff to send notice of Commission action to the individual(s) below.

Action required (list contact persons/addresses if documents are to be mailed or emailed):

Mr. Ricky Hudson
19665 Highway 59
Summerdale, Alabama 36542

Additional instructions/notes: N/A