

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

1 motion to recommend -- to recommend denial of the R-3.

2 COMMISSION MEMBER MICHAEL KAISER: Second.

3 CHAIRMAN SAM DAVIS: There is a second. All in  
4 favor, say aye.

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

6 CHAIRMAN SAM DAVIS: All opposed?

7 (No response.)

8 CHAIRMAN SAM DAVIS: Motion carries  
9 unaniously.

10

11 **8-F - CASE Z-16036 P K GARG FAMILY, LLC PROPERTY**

12 CHAIRMAN SAM DAVIS: All right. It looks like  
13 the final case.

14 MR. VINCE JACKSON: Yes, sir. This property is  
15 located in Planning District 12, the east side of County  
16 Road 49, south of Flying K Road and north of Nandina  
17 Road.

18 The subject property consists three-point-nine-four  
19 (3.94) acres currently zoned RA, Rural Agricultural. And  
20 the request is to re-zone this property to B-4, Major  
21 Commercial district, for the purpose of establishing a  
22 truck parking lot for the adjacent Love's Truck Stop.

23 If you look at your locator map, you will see that  
24 the property to the west, which is the location of  
25 Love's, is within the city limits of Loxley. Having said  
26 that, a use of that type is consistent with the B-4,  
27 which has been requested for this application.

28 Property to the north is the location for a motel,

1 also zoned B-4. Then the property to the south is zoned  
2 RA, Rural Agricultural. But, as you can see on the  
3 aerial photography, there is a nursery there. And I  
4 think it's been there for a long time.

5 We don't normally have requests for parking lots.  
6 And I actually hated to have them come in and ask for a  
7 re-zoning. But we do have parking lots listed as a  
8 permitted use in our zoning, so it was something I had to  
9 do.

10 What they're wanting -- I think they're going to be  
11 doing some reconfiguring as far as how trucks come and go  
12 from Love's. And they wanted to do additional truck  
13 parking.

14 And, so, they -- they picked this lot immediately to  
15 the east. And they're asking for the B-4, which will  
16 allow the parking lot by right.

17 One thing -- This is a copy of the proposed site  
18 plan in your packet. One thing I wanted to mention is  
19 it's not an issue for you-all, but they are requesting a  
20 variance from the interior landscaping requirements for a  
21 parking lot.

22 Because this is truck parking, and because the  
23 spaces will be larger than what you would normally see,  
24 they don't really need the interior landscaping. But  
25 what they're going to do is have some additional exterior  
26 landscaping beyond what would normally be required.

27 And the variance on the -- on the landscaping, the  
28 interior landscaping, that is scheduled to be considered

1 by the Board of Adjustment, I believe, on the 17th of  
2 this month.

3 Again, that really has nothing to do with the zoning  
4 issue. But I just wanted to make you-all aware that that  
5 other application is in progress.

6 Staff feels like this is a reasonable request. It's  
7 consistent with the surroundings. It's intended to serve  
8 the adjacent Love's Truck Stop, which has been there for  
9 many years. And we recommend approval. And this will be  
10 a recommendation to the County Commission. And I will be  
11 happy to answer any questions.

12 CHAIRMAN SAM DAVIS: Any questions for Vince?

13 COMMISSION MEMBER SPENCE MONROE: Yeah. Before  
14 we get on with them, on -- on the lower map here, the --

15 MR. VINCE JACKSON: Yeah.

16 COMMISSION MEMBER SPENCE MONROE: -- site --  
17 site map, I guess, yeah, it appears that the rear of it  
18 is wetlands and/or some such, about half of the property.  
19 Can you speak to that?

20 MR. VINCE JACKSON: What our GIS shows is  
21 potential wetlands. So what that means is there may or  
22 may not be wetlands there.

23 When we get to the actual stage of -- in this case,  
24 it wouldn't be a Land Use Certificate. We would do what  
25 we call a Land Disturbance Permit. But we'll be looking  
26 at that. And we'll make sure that if there are, in fact,  
27 wetlands back there, that we'll have the necessary  
28 paperwork.

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1 It doesn't -- Based on -- on what I -- what I know  
2 so far, I don't think it's going to be a major problem,  
3 but it is something that we'll be looking at when we get  
4 to land disturbance.

5 COMMISSION MEMBER SPENCE MONROE: Okay.

6 MR. VINCE JACKSON: Any other questions?

7 (No response.)

8 CHAIRMAN SAM DAVIS: All right, Vince. Thank  
9 you.

10 There is no one signed up in opposition to this.  
11 Mr. Gleason is the applicant, it looks like, and Stacy  
12 Pippin.

13 Do y'all have anything you'd like to say?

14 MR. WILLIAM GLEASON: Just we'll answer any  
15 questions you have.

16 CHAIRMAN SAM DAVIS: Are there any questions  
17 for these gentlemen?

18 COMMISSION MEMBER DEWANE HAYES: Yeah. I've  
19 got one. That's a -- look at the map a little closer.

20 CHAIRMAN SAM DAVIS: I'm not sure I opened the  
21 public hearing. So if I didn't, it's open at this point.

22 THE COURT REPORTER: What was your name?

23 MR. STACY PIPPIN: Stacy Pippin.

24 COMMISSION MEMBER DEWANE HAYES: I'm trying to  
25 understand how -- If the trucks fuel up at Love's, how  
26 are they going to access --

27 MR. STACY PIPPIN: Yeah. This --

28 COMMISSION MEMBER DEWANE HAYES: That's going

1 to be -- Because there is a county road that divides.

2 MR. STACY PIPPIN: Correct. We're looking at  
3 some other modifications to the existing Love's in  
4 conjunction with this parking addition, which we'll get  
5 into permitting those improvements once the re-zoning is  
6 approved.

7 But, basically, to access the -- the truck parking  
8 area that exists now, the access to those parking spaces  
9 will utilize County Road 49. So to access the new  
10 parking area and the existing parking area, trucks will  
11 utilize County Road 49.

12 There is a lot to be done there in approvals that  
13 will happen when this is approved. But there is no need  
14 in planning and designing those improvements until we get  
15 the re-zoning approved.

16 MR. WILLIAM GLEASON: Love's plans to pay for  
17 all improvements on the county road, subject to whatever  
18 is required by the County or the City.

19 MR. STACY PIPPIN: To back up a little bit,  
20 when we -- when we first looked at this parking lot  
21 addition, first, the reason for the parking addition was  
22 because the Federal Government's requirements on hours an  
23 over-the-road driver can operator now.

24 If you'll notice, if you were out there this  
25 evening, there's trucks parked in the vacant lot across  
26 the state highway in front of the Love's. So, we're  
27 trying to expand and increase the truck parking to  
28 support our customer base.

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1 After we met with the County regarding the re-zoning  
2 initially to discuss the improvements that we're planning  
3 for what we think is County Road 49, the County doesn't  
4 have any records of actual ownership of this county road.

5 So we're going back and forth between the City and  
6 the County as to who owns the road. We can't get an  
7 answer. We don't know yet.

8 But once that is determined, whoever owns this road,  
9 we will prepare design plans to -- to better the pavement  
10 design for the road and to also widen this road to help  
11 support the additional traffic.

12 We've talked with the City, Richard, the Public  
13 Works Director at the city. Ricky is -- Richard is his  
14 name. The City doesn't have a problem with the  
15 improvements we're planning to the road. But, yet, we're  
16 not sure with if the City owns the road.

17 CHAIRMAN SAM DAVIS: Any other questions?

18 COMMISSION MEMBER SPENCE MONROE: Did I hear  
19 you say the thought is, long term, to put a new exit out  
20 of the gas station across 48 into this space?

21 MR. STACY PIPPIN: Correct.

22 COMMISSION MEMBER SPENCE MONROE: Okay. But  
23 that's the next phase?

24 MR. STACY PIPPIN: That is the next phase.  
25 There's -- if -- if this zoning request is approved,  
26 there's -- there's some changes that will happen onsite  
27 of Love's.

28 Currently, the truck enter the parking -- enter the

1 fuel base to fuel facing west, okay, facing the big state  
2 highway. If this is re-zoned and we add this parking  
3 lot, we'll reconfigure that to where they fuel facing  
4 east. And then they'll exit on County Road 49 directly  
5 adjacent to the fuel base.

6 Which if I'd known we were getting into these  
7 discussions, I would have brought some other maps. And I  
8 could provide those, but I don't have them with me.

9 CHAIRMAN SAM DAVIS: Any other questions?

10 COMMISSION MEMBER DEWANE HAYES: I'm just  
11 trying to alleviate a traffic problem, as you already  
12 have a traffic problem there. Because that is a  
13 malfunction junction right there. The trucks block the  
14 road. They block 59. They block County Road 49.

15 MR. STACY PIPPIN: Yeah. One of the benefits  
16 to reversing the flow of the -- the fuel bays where now  
17 the trucks come in -- if you can visualize it, because I  
18 don't have a map, the trucks pass the store and come in  
19 on a private access in the Love's facility --

20 MR. WILLIAM GLEASON: Right behind the store  
21 building.

22 MR. STACY PIPPIN: -- behind the store. Okay.  
23 There -- we have a very short stack for trucks. If you  
24 get three trucks stacked there to fuel, the next truck  
25 stacks on Flying K Road, I believe it is.

26 The benefit to reversing the flow, the trucks would  
27 come down Highway 49, turn into the development at the  
28 south end of our parking lot. And that would give us the

1 ability to stack all of our trucks that are waiting to  
2 fuel internal to our parking lot. And it would alleviate  
3 the congestion out at the signalized intersection.

4 CHAIRMAN SAM DAVIS: Any other questions?

5 MR. STACY PIPPIN: Do you follow what I'm  
6 saying there? I know it's confusing without having  
7 something to look at.

8 COMMISSION MEMBER DEWANE HAYES: Yeah.

9 CHAIRMAN SAM DAVIS: All right. Being no more  
10 questions, thank you, gentlemen.

11 Staff have anything else to add?

12 MR. VINCE JACKSON: I did have one more  
13 comment. This goes back to the question about the  
14 wetlands.

15 We -- as you know, we -- we send out requests for  
16 agency comments. We didn't get anything back from the  
17 Corps of Engineers on this.

18 Typically, if there is an issue, they will send us  
19 something. We didn't get anything on this one. But we  
20 will, like I said -- if this is approved, when we get to  
21 land distance, we will take a look at it.

22 I also want to mention when I first met with -- I  
23 met with Mr. Pippin and Mr. Gleason a while back, you  
24 know, to discuss this. And they discussed what they were  
25 wanting to do where County Road 49 was concerned.

26 So, the first thing I did was referred them to Seth.  
27 He referred them to the Town. And, so, I think we're  
28 still trying to figure out who is going to have to

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1 approve the -- the improvements of that road.

2 I know it's a -- that area can be a little  
3 difficult. Because when I work here in Robertsdale and  
4 I'm driving -- driving back home, I drive through there  
5 all the time.

6 And it can be a little congested sometimes. I  
7 think -- I think what they are doing is ultimately going  
8 to help the situation, if this is approved.

9 Once again, we recommend approval. And this will be  
10 a recommendation to the County Commission.

11 CHAIRMAN SAM DAVIS: All right. Any other  
12 questions for staff?

13 COMMISSION MEMBER DEWANE HAYES: I've got one.

14 Vince, I would like to -- The motel that's right  
15 there --

16 MR. VINCE JACKSON: Yes.

17 COMMISSION MEMBER DEWANE HAYES: -- have we got  
18 any kind of a buffer or vegetation there to -- because  
19 these trucks are going to be sitting there running. I  
20 wouldn't want to try to rent a room and lay there and  
21 listen to trucks all night.

22 MR. VINCE JACKSON: They are proposing to  
23 maintain some of the natural buffer along that north  
24 property line. But because the zoning designations will  
25 be the same, we cannot require them to have a buffer.  
26 And I don't think we can require that as a condition of  
27 this re-zoning.

28 Now, having said that, when they go before the Board

1 of Adjustment for the variance request, it's really more  
2 appropriate to talk about that at that time.

3 And we can certainly, you know -- I can talk with  
4 them. We can certainly bring that to the board's  
5 attention. And the board could make that condition,  
6 if -- if -- if it turns out that some additional  
7 buffering is warranted.

8 But I think with -- since we have a -- we have a  
9 pending variance and the variance is specific to  
10 landscaping, they're already proposing to leave some of  
11 that natural buffer on the north sides, I think that's  
12 the -- the more appropriate body to deal with that  
13 question.

14 COMMISSION MEMBER DEWANE HAYES: I don't -- I  
15 don't see it on this map.

16 MR. VINCE JACKSON: There is an -- if you look  
17 in your packet, there is -- there is an aerial  
18 photograph. They're proposing twenty (20) foot -- to  
19 leave twenty (20) feet of that landscaping on the north  
20 property line. And then the park spaces themselves will  
21 be it looks like over fifty (50) feet from the property  
22 line. But --

23 COMMISSION MEMBER SPENCE MONROE: Hey, Vince.

24 MR. VINCE JACKSON: Yes.

25 COMMISSION MEMBER SPENCE MONROE: You said  
26 twenty (20) feet. This -- the drawing you've given us  
27 shows fifty-two (52) feet.

28 MR. VINCE JACKSON: Fifty-two (52) feet is the

1 distance between the property line and where the park  
2 spaces start.

3 COMMISSION MEMBER SPENCE MONROE: Right. Okay.

4 MR. VINCE JACKSON: But they're proposing to  
5 leave twenty (20) feet of that -- that vegetation that's  
6 there. They're proposing to leave that.

7 COMMISSION MEMBER SPENCE MONROE: Got you.  
8 Okay.

9 MR. VINCE JACKSON: And that's, I mean --  
10 that's -- that's not even required, but they're proposing  
11 to do that.

12 But we'll talk with them. And, you know, if there  
13 are -- if we see there is a need for some additional  
14 landscaping up there, we can handle that with the Board  
15 of Adjustment.

16 Any other questions?

17 CHAIRMAN SAM DAVIS: Just to be clear, what  
18 you're saying is that if we recommend approval, we can't  
19 condition it upon a -- a specific buffer? That comes in  
20 the next step?

21 MR. VINCE JACKSON: I think -- I think there is  
22 a more appropriate way to deal with that. And the -- the  
23 Board of Adjustment can add conditions as part of the  
24 variance process.

25 And, you know, what -- what they're going to be  
26 looking at is a variance from interior landscaping.  
27 And -- and I'm -- I'm just -- I'm not saying that they're  
28 going to do this, I'm just kind of giving you a for

1 instance.

2 They can say, okay, we'll give you this variance.  
3 And we see that you're proposing this twenty (20) foot  
4 landscaped area on the north, but we think it needs to be  
5 a little bit more.

6 And then they could -- they could grant their  
7 approval, you know, conditioned on that. So there really  
8 is -- there's a -- there is a clean way to deal with it  
9 if it comes up.

10 But we'll talk, you know -- we'll talk with them to  
11 see if they're, you know -- if -- if they might want to  
12 do in some additional landscaping.

13 But there is a, you know -- there is going to be,  
14 you know, fifty (50) feet from the property line and --  
15 or fifty-two (52) feet from the property line. And it  
16 looks to me like the hotel building to the north is  
17 probably more that fifty-two (52) feet from that property  
18 line. So there's good distance already. And I think  
19 any -- I -- I think any amount of buffer is going to  
20 help.

21 COMMISSION MEMBER DEWANE HAYES: The -- the  
22 noise and all that, you know -- And nothing against you  
23 guys. I just -- that -- that little motel has struggled.  
24 And they've just now got a client base built up there,  
25 you know.

26 MR. VINCE JACKSON: It's something that we can  
27 look at. And if we feel like we need to do something --  
28 I would add, you know, just -- just as a -- just as a

1 point of information, we didn't hear from the motel.

2 So, if it's a concern of theirs, they haven't let us  
3 know. But, there, you know -- there is going to be a  
4 public hearing with the Board of Adjustment. There will  
5 be another public hearing with the County Commission.

6 CHAIRMAN SAM DAVIS: Yeah, Vince is right.  
7 There is no opposition to this signed up.

8 I think David wanted to make a comment.

9 ATTORNEY DAVID CONNER: Yeah. I was just going  
10 to say I -- I think Vince is right regarding the  
11 appropriate entity to review any additional landscaping  
12 requirements.

13 Because the requirement meets the requirements of  
14 the zoning ordinance as far as landscaping is concerned.  
15 If the Board of Adjustment does grant them a variance, I  
16 think they are the appropriate entity to, as a condition  
17 of that, require any other additional buffering as a part  
18 of that approval process.

19 MR. STACY PIPPIN: Yeah. I was just going to  
20 add, like Vince was saying, where -- where our parking is  
21 proposed, it's over fifty (50) foot from the property  
22 line.

23 And then if you've ever noticed, semi-trucks, they  
24 back in to those parking stalls. So then you got this  
25 fifty (50) -- the fifty (50) feet here, then you've got a  
26 fifty-three (53) foot trailer to the actual cab that does  
27 idle.

28 Not all cabs idle nowadays because of the cost of

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1 diesel fuel. A lot of them run on generators. But to  
2 address the buffer issue, now we're showing twenty (20)  
3 foot on -- on both sides of the lot, the north side and  
4 the south side.

5 If -- when we do get into the -- the variance  
6 meeting, if it's more appropriate to provide a forty (40)  
7 or fifty (50) foot buffer between us and the north  
8 property line, we can do that and adjust the parking area  
9 to the south.

10 So, you know, we're willing to -- to do whatever  
11 we're able to do. You know, we've got a certain depth  
12 we're required to maintain for parking, a certain depth  
13 we're required to maintain for driving isle. But, above  
14 that, we'll leave as much natural as physically possible.

15 CHAIRMAN SAM DAVIS: All right. Any other  
16 questions for staff?

17 MR. VINCE JACKSON: And we'll continue to work  
18 with them on that.

19 CHAIRMAN SAM DAVIS: Okay. All right. Being  
20 no other questions, we'll close the public hearing.  
21 Staff recommended approval -- recommend this Commission  
22 recommend approval to the County Commission. Is there a  
23 motion to do so?

24 COMMISSION MEMBER SPENCE MONROE: I so move.

25 CHAIRMAN SAM DAVIS: Is there a second?

26 COMMISSION MEMBER ART HOSEY: I'll second.

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

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

1 CHAIRMAN SAM DAVIS: All opposed?

2 (No response.)

3 CHAIRMAN SAM DAVIS: The motion carries  
4 unanimously.

5

6 **9 - PUBLIC COMMENT**

7 CHAIRMAN SAM DAVIS: All right. There was no  
8 public comments signed up for.

9

10 **10 - OLD BUSINESS**

11 CHAIRMAN SAM DAVIS: All right. Is there any  
12 old business?

13 MR. VINCE JACKSON: No old business.

14

15 **11 - NEW BUSINESS**

16 CHAIRMAN SAM DAVIS: Any new business?

17 MR. VINCE JACKSON: It's not really new  
18 business.

19

20 **12-B - STAFF REPORTS**

21 MR. VINCE JACKSON: I just wanted to mention  
22 that we are going to be getting a new staff member in  
23 Planning and Zoning.

24 We were approved with budget to add a position,  
25 which is greatly needed. As you know, we have been  
26 bringing a lot before you over this past year. We're  
27 very busy. And so we're thrilled to be getting one new  
28 person.