

Bay Minette Planning Commission Regular Meeting Minutes

Minutes May 13, 2021

Monthly Meeting No. 5

The Bay Minette Planning Commission met in Regular Session on Thursday, May 13, 2021. The meeting was called to order at 8:03 a.m., by Chairman Stewart, in the Council Chambers located in Bay Minette City Hall, in Bay Minette, Alabama; this being the proper place, date and hour as advertised to hold such meeting.

IN ATTENDANCE At 8:03 a.m. the following members were present:

Todd Stewart, Chairman
Robert A. "Bob" Wills, Mayor
Scotty Langham, Commission Member
Earl Emmons, Commission Member
William Taylor, Commission Member
Neal Covington, Commission Member
Ray Clark, Commission Member
Patrick Robinson, Building Official

Commission Members absent:
Wynter Crook, Commission Member

Commission Members late:

Other persons in regular attendance:

Scotty Lewis, Attorney
Clair Dorough, City Planner
Jessica Peed, Planning Assistant
Tammy Smith, City Administrator
Leslie Johnston, SARPC
Steven Stewart, Fire Inspector

GUESTS

Don Whittington
Ivan Blackmon

INVOCATION

Councilman Taylor gave the invocation, followed by the pledge.

ITEM 3. Approval of Minutes of the April 13, 2021 meeting. Commission Member Clark made a motion to approve the April minutes as written. The motion was seconded by Commission Member "Mayor" Wills and was unanimously carried.

ITEM 4. Old Business

a.) SE-2101, GET MAD, LLC Status

Chairman Stewart states the first item of old business to discuss is that status of the previous Special Exception Case, and asked Mrs. Dorough to further explain. Mrs. Dorough states at the previous meeting, the Planning Commission recommended denial to the Board of Adjustment. A public hearing was held during the Board of Adjustment meeting, and the Board denied the request. She also states the applicant may be revising his proposal, but there has not been an active application submitted at this time.

b.) SE-2102, Dennis Byrd Property States

Mrs. Dorough states the second Special Exception request was previously discussed at the last Planning Commission meeting, to which the Commission recommended approval to the Board of Adjustment. The Board of Adjustment held a public hearing, to which the Board approved the request. The applicant has already submitted building plans and ALDOT's letter of approval for the driveway.

ITEM 5. New Business:

a.) ES-2102 - Brown Family Subdivision

Disclosure of Prior Communications and/or Conflict of Interest

Request: Family Exemption for a 3-lot subdivision

Location: The subject property is located at 1075 County Road 138

Chairman Stewart introduces the request for a family exemption for a 3-lot subdivision. He asks if there are any prior communications or conflicts of interest, to which there were none. Mrs. Dorough gave an overview of the application and proposed request including the property is located in the County's zoned District 4 and located within Bay Minette's Extraterritorial jurisdiction. She begins discussing the full acreage and how each parcel will be split, and the ingress and egress. She also states if the Planning Commission approves the subdivision, the application will then need to go through the County as they have regulations to follow since it is zoned. Chairman Stewart inquires about the utility easements and if the deeded access to the property has already been recorded, to which Mrs. Dorough states to her knowledge, it has been recorded. Commission Member Clark inquires on the lot shapes, to which there is a brief discussion and

power point indicating the proposed division and acreage of the one (1) 24-acre parcel into three (3) parcels. Mrs. Dorrough states there is a shed on the smallest parcel that appears to meet setbacks, but that review will also go through the County as far as lot coverage and minimum setbacks. Chairman Stewart inquires if there is any representation for this request, to which there were none in attendance. Chairman Stewart inquired if the request would impose any hardships on anyone who already resides at the property, to which Mrs. Dorrough states it would not. Chairman Stewart clarifies that Lots 1 and 3 will be for family members, while Lot 2 stays with the current owner. There is another brief discussion on setbacks, existing shed, and County review procedure. With no further questions or comments Commission Member Covington made a motion to authorize the Chairman to sign the plat as submitted. Commission Member Langham seconded the motion, and it was unanimously carried.

Chairman Stewart inquires as to why the County Engineers and Planning Director would need to also sign the plat, to which Mrs. Dorrough states there is a short clause in the State Code and the county/city ETJ agreement that states any exempt subdivision that is located in the municipality's ETJ, the County Engineer must certify the City's approval.

b.) SP-2103 – Wendelta Property Holdings, LLC

Disclosure of Prior Communications and/or Conflict of Interest

Request: Site Plan Approval for a Wendy's drive-thru restaurant

Location: The subject property is located at 806 McMeans Avenue

Chairman Stewart introduces the site plan request for a Wendy's drive-thru restaurant to replace the former Ruby Tuesday. He states the building is currently empty. Mrs. Dorrough gives a brief overview of the proposal including a slideshow of the property and proposed renovations, landscaping, and parking requirements. She states NBU's concern with the drainage from the dumpster pad, but they are currently working to correct the potential issue. She also states staff has a concern with the drive through's will potentially block entrances and exits with traffic. Commission Member Clark inquires on suggestions for this potential traffic hazard to which Mrs. Dorrough states she believes lane markings and appropriate signage would be sufficient, once the citizens are past the learning curb. There is a brief discussion on access. Ivan Blackmon with Carlisle Contractors states the property is being purchased from Ruby Tuesday bankruptcy, and he currently received a letter of support from the owner of the shopping center located behind the building. He also states he intends to design a "Y" lane to help with vehicle stacking in hopes to alleviate any potential vehicle issues. He also states the repurposing and redesigning of the Ruby Tuesday will be the first of its kind in the Country, and corporate is excited about this endeavor. Mayor Wills comments the exterior is attractive, and Mr. Blackmon

begins discussing exterior development. He introduces Don Whittington, the Civil Engineer, and states he has helped with many projects. Mayor Wills inquired on time frame to which Mr. Blackmon states he believes the project will be completed around 100 days after permits are in place. Chairman Stewart inquires if there is a cross parking access easement to which Mr. Blackmon states it is not in the deed; however, the front of the shopping center area is on board. Mayor Wills inquired if Mr. Trottmann still owned the shopping center to which Mr. Blackmon stated he did. Chairman Stewart stated that from a Planning Commission standpoint, all items have been met, with the exception of NBU's concern regarding the dumpster pad. Mrs. Dorrough stated her primary concern was access. Chairman Stewart inquired on hours of operation to which Mr. Blackmon stated breakfast would be served around 6am- 6:30am, with closing around 10pm- 10:30pm. There is a brief discussion regarding the walk-in cooler being kept or disposed to which Mr. Blackmon stated the cooler is in good condition, so he plans to keep it as it is attached to the building. He also states the exterior and interior will look brand new to customers. Chairman Stewart inquires on delivery times, and the previous issues with the delivery trucks destroying the parking lots. Chairman Stewart also states the Planning Commission is not authorizing the destruction of other's properties. Mr. Blackmon states delivery times are usually around 2am-3am, and box trucks will be making the deliveries which are smaller than an 18-wheeler. Chairman Stewart inquires on closing date, to which Mr. Blackmon states is next month. With no further questions or comments, Commission Member Covington moves to approve the Site Plan. Commission Member Emmons seconds, and it is unanimously carried.

c.) RA-2101 – Zoning Amendment Public Hearing

Disclosure of Prior Communications and/or Conflict of Interest

Request: Amend Sections 14.4 and 16.5.1(c) of the Zoning Ordinances

Chairman Stewart states there are a few revisions that need to be made to the Zoning Ordinance. Mrs. Dorrough states there are two (2) parts of the Ordinance that needed to be revised. The first revision included the Special Exception submission limitation clause, as it was previously only included in the Variance section. She states that she has looked at the zoning ordinances and verbiage adopted prior to the current version and the limitation language was applied to both Special Exception and Variance cases; therefore, the verbiage would simply need to be adopted back to include Special Exception cases. Mr. Lewis stated this was the intention. Commission Member Clark stated the past Special Exception Board of Adjustment meeting would have ran smoother with this clause in place. Chairman Stewart and Mrs. Dorrough stated the new adoption would also be put on all applications going forward.

Chairman Stewart stated there is also another ordinance revision pertaining to billboards within the Sign Ordinance. Mrs. Dorough states there was a request to erect a billboard near the MegaSite, but the current ordinance only allowed billboards on Hwy 59 and Hwy 31. She explained the "red and blue" portions show the deleted and added language of the proposed revisions and explains most of the language came from ALDOT state billboard regulations. There was a brief discussion on position and height limit and ALDOT requirements, to which Mrs. Dorough explains ALDOT defers to the local municipality regarding billboard height, and a discussion pertaining to annexation dates and inclusion or exclusion of certain highways when writing the ordinance. Chairman Stewart states there will be a public hearing and two (2) readings at City Council to formally adopt the revisions. Steven Stewart inquires on height limitation to which Mrs. Dorough states it is taken from grade. Chairman Stewart opens the Public Hearing at 8:53am, to which only Steven Stewart was in the audience with no comments or questions. Chairman Stewart closed the public hearing at 8:54am. Commission member Clark made a recommendation to make a modification for the Zoning Amendments listed under RA-2101 to the City Council. Commission Member Emmons seconded, and it was unanimously carried.

ITEM 6.

Reports:

- a.) Mayor/Council Report - NONE
- b.) Attorney - NONE
- c.) Commissioner- NONE
- d.) Planning Staff
 - Mrs. Dorough stated the next Planning Commission meeting will be June 10, 2021.

ITEM 8.


With no further business Chairman Stewart adjourned the meeting at 8:55 a.m.

DONE THIS THE 13th DAY OF MAY, 2021



Todd Stewart, Chairman

ATTEST:



Jessica Peed, Planning Assistant
City Planner
Clair Dorough