

Bay Minette Planning Commission Regular Meeting Minutes

Minutes December 9, 2021

Monthly Meeting No. 12

The Bay Minette Planning Commission met in Regular Session on Thursday, December 9, 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
Neal Covington, Vice-Chairman
Robert A. "Bob" Wills, Mayor
Rob Madison, Building Official
Earl Emmons, Commission Member
Scotty Langham, Commission Member
Ray Clark, Commission Member
Wynter Crook, Commission Member

Commission Members absent:
William Taylor, Commission Member

Commission Members late:

Other persons in regular attendance:

Clair Dorough, City Planner
Jessica Peed, Planning Assistant
Tammy Smith, City Administrator
Scotty Lewis, City Attorney
Steven Stewart, Fire Department
Kristina Pittman, Chamber of Commerce

GUESTS

Blaine Ballard
Ronald Ballard
Tammy Henry
Steven Boeschen
Harold Benson
Bill Payne

INVOCATION Mayor Wills gave the invocation, followed by the pledge.

ITEM 3. Approval of the Minutes of the November 10, 2021 meeting. Commission Member "Mayor" Wills made a motion to approve the October minutes as written. The motion was seconded by Commission Member Clark and was unanimously carried.

ITEM 4. Old Business - NONE

ITEM 5. New Business:

- a.) SD-2102- Boeschen Minor Subdivision- Public Hearing
Disclosure of Prior Communications and/or Conflict of Interest
Request: Minor Subdivision application for a 4-lot Subdivision
Location: The subject property is located on Old Brady Road

Chairman Stewart inquires if there were any prior communications or conflicts of interest to which there were none. Mrs. Dorough introduces the request and includes that this property was recently approved for a Family Division that occurred at the November 10, 2021 Planning Commission meeting. The current request is to subdivide the last parcel into a 4-lot Minor Subdivision. Chairman Stewart inquires about the fire hydrant and 2 existing mobile homes, as per the aerial view, to which Steven Stewart states a fire hydrant will be required but can be split evenly allowing 600 ft on each side to cover the appropriate areas. Mrs. Dorough also states the one mobile home has already been removed from the property and the other will be removed by the end of March. Commission Member Emmons inquired about the wetlands area, to which there was a brief discussion with Chairman Stewart stating there is a pond that runs dry. Mrs. Dorough also includes it is not jurisdictional wetlands. With no further questions, Chairman Stewart opens the Public Hearing at 8:10am for the Minor Subdivision request located at Old Brady Road. William Payne inquires on the setbacks to which Mrs. Dorough states the setback regulations for both primary and accessory structures for a R-2, Medium Density Single Family Residential zoning designation. Blaine Ballard inquires if the lots will each have a house reside on them, to which Chairman Stewart states the purpose of the meeting being held today is only regarding the division, not including houses, but the zoning and intent of the division is for single family dwellings. Mr. Ballard inquires if the land will be sold to individuals, not manufacturing entities to which Chairman Stewart states that is correct and the zoning designation is for residential only. With no further questions, Chairman Stewart closes the Public Hearing at 8:16am. With no questions from the Commission, Commission Member Covington made a motion to approve the 4-lot Minor Subdivision. Commission Member Langham seconded, and it was unanimously carried.

- b.) Z-2101 The Landing Rezoning Request – Public Hearing
Disclosure of Prior Communications and/or Conflict of Interest
Request: Rezoning request from R-2 to B-2 to allow for the expansion of the existing facility and construction of a 4-unit apartment
Location: The subject property is located at 2411 S US Hwy 31
- c.) SE-2105 The Landing Special Exception Request
Disclosure of Prior Communications and/or Conflict of Interest
Request: Special Exception approval for a lodging/boarding/rooming house to allow for the expansion of the existing facility and construction of a 4-unit apartment
Location: The subject property is located at 2411 S US Hwy 31

Chairman Stewart inquires if there were any prior communications or conflicts of interest to which there were none. Mrs. Dorough state since both cases “B” and “C” are the same property and have very similar reviewing criteria, that she will be explaining both cases simultaneously, but each case will require its own motion. She states the property owner is requesting a rezoning from an R-2 to B-2 zoning designation as it is currently being used as a sober living facility with a legal nonconforming status, as those types of facilities are only allowed with Special Exception in a B-2 zoning designation. She gives a brief history of the previous construction and use requests for this facility including the Fire Department thoroughly reviewed the use in 2019 and since no Planning Commission action was required, it maintained its legal nonconformity status. The applicant is currently requesting to expand the existing facility and construct a 4-unit apartment which would mean they would lose their legal-nonconformity status, requiring a re-zoning to the correct zoning designation and Special Exception request to allow expansion and construction of this type of facility in a B-2, General Business District. Mrs. Dorough reviews the standards for both Rezoning and Special Exceptions located in the Staff Report, from numbers 1 through 9 as they are the same criteria. She states a letter from ALDOT will be required for accessing purposes, for review from the Planning Commission but not for management. She also includes that North Baldwin Utilities and the Fire Department will be involved in Site Plan review for the construction and expansion of the 4-unit apartment, but they currently had no comments for these requests. She states there has been one adjacent property owner that submitted a complaint regarding the expansion, stating the police visit the property often and she does not wish for the facility to expand. The Police Department stated they had no issues with the requests, included a call history for the past year of four calls and added that the facility recently received an award from the Drug Court. Mrs. Dorough explains that Special Exception request is contingent upon a successful rezoning, and if not approved it will remain with its legal nonconformity status with no ability to expand and includes the applicant would like to get into a compliant state. Mrs. Dorough includes a previous applicant was recently denied for a similar request due to the location of the facility and the intensity of the use within the surrounding area. She states the current request is

more complaint and compatible with the Comprehensive Plan, and Planning Staff recommends approval for both the Re-zoning and Special Exception request.

Rezoning Request- Public Hearing

With no further questions, comments, or discussion, Chairman Stewart opens the Public Hearing at 8:33 for the Rezoning request to go from a R-2 to B-2 zoning designation. With no comments or questions, Chairman Stewart closes the Public Hearing at 8:34am. Commission Member Clark inquired if the resident who submitted a complaint was a neighbor who called or visited City Hall, as the comment was hand-written but with no signature or date. Mrs. Dorrough stated she visited City Hall but did not wish to write anything down, so Mrs. Dorrough transcribed for her, but in the future will have the applicant sign and date for record keeping purposes. Mrs. Dorrough also stated that the resident was an adjacent property owner who received the Public Hearing Notice. With no further questions, Commission Member Covington made a motion to recommend approval to the City Council for the Rezoning request from a R-2, Medium Density Single Family Residential zoning designation to B-2, General Business District zoning designation. Commission Member Emmons seconded and it was unanimously carried with the exception of Ray Clark abstaining due to his membership with the Board of Adjustment who will be reviewing the Special Exception request at the upcoming meeting.

Special Exception Motion

Mrs. Dorrough states the Special Exception will not be allowed without a successful Rezoning and includes that City Council will have the first Public Hearing at the December 20, 2021 meeting and will conduct the second reading at the meeting on January 3, 2022. The Board of Adjustment will meet on January 6, 2022. There is a brief discussion on buffering, landscaping, and the fence that separates the property from the adjacent properties. With no further questions, Commission Member "Mayor" Wills recommends approval to the Board of Adjustment, with the condition of a successful Rezoning with the City Council. Commission Member Covington seconds the motion and it is unanimously carried, with the exception of Ray Clark abstaining due to his membership with the Board of Adjustment.

ITEM 6.

Reports:

a.) Mayor/Council Report

- Mayor Wills and Tammy Smith give a brief update regarding the Justice Center, including the time parameters for funding, Site Plan finalization, and the vacation of an alleyway. Mayor Wills inquired to Kristina Pittman about Christmas Fest due to

the high possibility of rain, to which she replied the event will continue as scheduled. Tammy Smith states the new garbage cans will be deployed starting on January 10, 2022, and that a flyer and newsletter has been issued to all Bay Minette residents. She gives the basic detailed information of the new cans including the funding for the cans were through the ARPA funds, and the hope for these cans is to help eliminate litter and less sanitary conditions for the Public Works Department. Commission Member Covington inquired on the status of the old hotel to which there was a brief discussion on the recent City Council meeting that determined an extension will offered until January 18, 2022, if/when the owner can provide a certificate that states the building is structurally sound.

b.) Attorney – None

c.) Commissioner – None

d.) Planning Staff

- Mrs. Dorrough states the next Planning Commission meeting will be on January 13, 2021. Commission Member Emmons inquires on a few Code Enforcement cases that include the previously denied Site Plan application from James Thomas regarding an auto-repair shop and previously approved Site Plan applicant, Travis McCryndle 225 Automotive, that has been completing auto repair work in the front parking lot causing oil discharge that leaks into the gutters and streets. Mrs. Dorrough states she is giving James Thomas adequate time to allow the owners of the property to review the Notice of Action letter that was issued to him but has noticed a small amount of cleanup on the property already. She also states the case for 225 Automotive has been reported to the County EMA, which reports such cases to ADEM so they are now aware of the issues. Commission Member Clark inquires on the Church's Chicken building to which there is a brief discussion on the difficulties reaching the appropriate person(s) to handle the unsightly issues. Mayor Wills concluded the discussion by stating that he feels it would be appropriate for Mr. Lewis to write a letter expressing the City's concerns before a lien is issued.

ITEM 7. With no further business Chairman Stewart adjourned the meeting at 9:00 a.m.

DONE THIS THE 9th DAY OF DECEMBER 2021



Todd Stewart, Chairman

ATTEST:



Jessica Peed, Planning Coordinator