

# Bay Minette Planning Commission Regular Meeting Minutes

Minutes April 13, 2023

Monthly Meeting No. 4

The Bay Minette Planning Commission met in Regular Session on Thursday, April 13, 2023. The meeting was called to order at 8:04 a.m. by Chairman, Todd 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 8:04 a.m. the following members were present, and a quorum established:

Todd Stewart, Chairman  
Robert A. "Bob" Wills, Mayor  
Rob Madison, Building Official/Commission Member  
Hiram Templeton, Commission Member  
William Taylor, City Council/Commission Member  
Earl Emmons, Commission Member

Commission Members absent:

Scotty Langham, Commission Member  
Ray Clark, Commission Member  
Neal Covington, Vice Chairman

Commission Members late:

None

Other persons in regular attendance:

Clair Dorough, City Planner  
Jessica Peed, Planning Coordinator  
Tammy Smith, City Administrator  
Lauren Collinsworth, Attorney  
Kristina Pittman, North Baldwin Chamber of Commerce  
Steven Stewart, Fire Inspector *\*Entered meeting after the Pledge of Allegiance at 8:05am*

## GUESTS

Beth Pierce, (Z-23004 Owner)	David Conner, (Z-23003 Representative)
Tommy English, (Z-23004 Owner)	Hamilton Smith
Cathy Barnett, (Z-23003 Representative)	Darlene Gillis
Mike Phillips, (SE-23001 Applicant)	Everett Gillis
Larry Crenshaw	Howard Kelley
Diane Crenshaw	Catherine Kelley
Pam Kleinatland, (Z-23002 Applicant)	David Ellis

**INVOCATION** Councilman William Taylor gave the invocation, followed by the pledge.

**ITEM 3.** Announcements/Registration to address the Commission

**ITEM 4.** Approval of the Minutes of the March 9, 2023, Regular Meeting. Councilman Taylor made a motion to approve the March minutes as written. The motion was seconded by Commission Member Templeton and was unanimously carried.

ITEM 5. Disclosure of Prior Communications and/or Conflicts of Interest – NONE

ITEM 6. Old Business – Chairman Stewart states he will move the Old Business items related to the proposed Zoning Ordinance Amendment discussions after the New Business items for the sake of the applicant and citizens' time.

ITEM 7. New Business:

a.) SE-23001, TPQ, LLC Property Special Exception

*Disclosure of Prior Communications and/or Conflict of Interest:* None

*Request:* Special Exception Request to allow a duplex in the R-3, Higher Density Single Family Residential District

*Location:* Southwest corner of the Clay Street and Moran Street intersection

Mrs. Dorough introduces the request stating the information regarding ownership, current zoning designation, Future Land Use designation, surrounding properties and property location in relation to surrounding streets. Chairman Stewart inquires if the applicant is in attendance, to which Mike Phillips states he is. Mrs. Dorough continues with providing information from the Staff report including duplex allowance in the current zoning designation and agency comments. The staff analysis includes site access concerns due to the street convergence, which led to staff's recommendation to require the City's Transportation engineer to review the access plan prior to issuing a Building Permit. There is a brief discussion on established access points for the surrounding properties and potentially alternative access for the subject property, and potential utility movement costs for the applicant if required. Commission Member Emmons made a motion to recommend approval to the Board of Adjustment with the condition that access points be reviewed and approved by the traffic engineer prior to issuing a Building Permit. Mayor Wills seconds, and it is unanimously carried.

b.) Z-23002, Kleinatland Property Rezoning \*\*Public Hearing\*\*

*Disclosure of Prior Communications and/or Conflict of Interest:* None

*Request:* Rezone .30± ac. from R-3, Higher Density Single Family Residential to R-5, Manufactured/Mobile Home Residential

*Location:* Southeast corner of the Clay Street and Elm Street Intersection

Chairman Stewart inquires if the applicant is in attendance, to which Mrs. Kleinatland states she is. Chairman Stewart introduces the request. Mrs. Dorough reviews the Staff report including the zoning designation, Future Land Use Map designation, site location in relation to surrounding properties, previous PUD approval property, history of the surrounding properties, impacts on other properties and agency comments. Mrs. Dorough's review of the staff analysis, includes that the application is not compliant with the majority of the rezoning review criteria and the application would not be consistent with City Code, Chapter 13 related to the occupancy of manufactured homes. Mrs. Kleinatland inquires on the best option going forward since the property is narrow and states the potential buyer also mentioned a potential car lot on the property. Chairman Stewart explains that rezoning to commercial would be unlikely for this site and a discussion on potential options ensues, including the possibility to subdivide the property for residential development. Chairman Stewart asks for clarification of the 1-year resubmittal limitation and withdrawal process. Legal and Planning Staff detail the procedures and state that the 1-year limitation isn't triggered until the City Council opens a public hearing. Commission Member Emmons inquires about the possibility of converting the property into a park. The applicant states they wish to withdraw to prevent the 1-year limitation. Chairman Stewart inquires on the public hearing procedures and Mrs. Dorough states that since the City has advertised a Public Hearing, it needs to be opened, but that the Planning Commission Public Hearing will not affect the resubmittal. Chairman Stewart opens the Public Hearing at 8:44am, and with no comments he closes the Public Hearing at 8:44am. Mrs. Kleinatland verbally notifies the Commission of her desire to withdraw the application and she submits to Mrs. Peed a formal written request to withdraw. The withdrawal request is made prior to any motions by Commission members and no action is taken on the Z-23002 application. (\*With the application formally withdrawn prior to the City Council opening a Public Hearing, the property is not subject to the 1-year limitation on resubmittal.)

c.) Z-23003, Baldwin Ventures LLC Property Pre-Zoning \*\*Public Hearing\*\*



*Disclosure of Prior Communications and/or Conflict of Interest:* None

*Request:* Rezone .413.4± ac. to R-3, Higher Density Single Family Residential to R-4, High Density Multi-Family Residential and B-2, General Business District

*Location:* East side of St Hwy 59, south of Holly Hills Municipal Golf Course

Chairman Stewart introduces the request. Mrs. Dorrough reviews the staff report stating that this is a pre-zoning application initiated by the City for property proposed for Legislative Annexation. She states the annexation was requested by the property owner and gives a summary of the annexation and pre-zoning timeline. She reviews the proposed pre-zoning designations of R-3, R-4 and B-2; reviews the surrounding properties, the County Unzoned area, Future Land Use Map and considerations that the mega-site development has exacerbated the housing need in the City. She further details the owner's intent of creating a mixed-use master plan, preliminary plans, wetland locations, adjacent property impacts including the property ownership, and future site plan development reviews if the annexation is successful.

Chairman Stewart opened the Public Hearing at 9:01am. David Ellis states he is an adjoining land owner and urges the City to be cautious of what is built as he recognizes the need for housing but puts it in the hands of the City for the adjoining owners. Mrs. Dorrough explains the site plan review will come back to Planning Commission if the annexation is successful.

Catherine Kelley states she is in opposition to the request and references the previous Mayor's intent to make Bay Minette the entrance to the Gulf. She states that Planning Commission members will have the authority to ensure development is done nicely, and includes many people are opposed to this development unless it is in done in a way that is attractive.

Chairman Stewart states he is appreciative of the community involvement and urges the citizens to remain engaged throughout the process, and includes the Commission will follow all regulations and ordinances for the best developmental interest for the Community.

Cathy Barnett with Dewberry Engineering states she is working with David Conner on behalf of the property owner. She explains the owner has held the property since 2006 with the intent to progress with a Master Planned Development. Ms. Barnett gives an overview of the preliminary site plan that will include traffic control, open space, the intention to protect and minimize, if not prevent, all impacts to natural resources including the wetlands.

David Conner, representative for the property owner, states his appreciation for the opportunity to speak, and includes the history of the request originally going to Baldwin County, the economic downturn, proposed developmental types of residential and commercial. He states the project will be in good hands with Bay Minette. He praises Mrs. Dorrough's staff report analysis and states the intention to proceed with PUD application after annexation, if that remains the appropriate way of proceeding.

With no further comments, Chairman Stewart closes the Public Hearing at 9:13am. Chairman Stewart inquires to the Planning Commission if there are any further questions or comments, to which there were none and reiterates that if the annexation does not go through, this pre-zoning request will be null and void. With no further comments, Commission Member Templeton makes a motion to recommend approval to the City Council for the R-3, R-4 and B-2 pre-zoning request as submitted. Councilman Taylor seconds the motion and it is unanimously carried.

d.) Z-23004, Pierce & English Property Pre-Zoning **\*\*Public Hearing\*\***

*Disclosure of Prior Communications and/or Conflict of Interest:* None

*Request:* Pre-zone 58.67± acres to B-2, General Business District

*Location:* Southeast corner of the I-65 and Hwy 225 Exit Ramp

Mrs. Dorough states this also a City-initiated pre-zoning for property that is proposed for Legislative annexation at the request of the property owners. She reviews the staff report including that the property is on the edge of the Future Land Use map, designated as agriculture and timber, and the adjacent property. Chairman Stewart inquires if this annexation is on the same timeline as the previous case, to which Mrs. Dorough confirms. She continues her review including County zoning designations in Planning District 4 as M-1 Light Industrial, surrounding properties, agency comments, compliance with Comprehensive Plan, infrastructure, hydric soil indicator via GIS mapping, access authority would be ALDOT or Baldwin County but the development on the property would fall under City regulations.

Chairman Stewart opens the floor to the owners, who have no comments, and he then proceeds to opens the Public Hearing at 9:25am. Catherine Kelley inquires if Hwy 225 is still in effect for a bird sanctuary, and the potential for widening of the road. Chairman Stewart states he cannot speak to that inquiry since Hwy 225 is under the ALDOT's review authority.

Hamilton Smith describes the property he owns and mentions the legal case he dealt with on his property. He includes this property is located next to the Delta and speaks of property development causing potential run-off issues. He inquires why he wasn't notified when the initial zoning designation was set to which Mrs. Dorough and Mayor Wills explain when the designation was enacted for Planning District 4 it was through Baldwin County, not the City of Bay Minette and was approved and implemented in the late 1980's or early 1990's. David Conner agrees and adds to the discussion on zoning implementation.

Diane Crenshaw states she lives down Scarborough Ln and inquires if the annexation would be limited to the subject property or if the surrounding properties would be included in the request. Chairman Stewart explains if the annexation request passes, the subject property would be the only property that will be within the annexation and pre-zoning request.

Catherine Kelley states the history of the interstate development including the gas station and asks for property status to which Mayor Wills and Mrs. Dorough explain the zoned or unzoned status of the area and the majority of the property north of the interchange is held by private investors. Mrs. Dorough explains the County's Subdivision Regulations are the only applicable ordinances for development in unzoned areas and those regulations do not review the property's use. Mrs. Kelly states she is opposed to the property being rezoned due to the Delta being taken over by industries.

Everett Gillis states he owns property to the south on Hwy 225 and inquires on the current zoning designation for Baldwin County District 4 being Light Industrial. Mrs. Dorough states that if annexation and pre-zoning are approved, then the uses allowed on the property would be much more restrictive as commercial instead of the current industrial/manufacturing uses that are allowed now.

There are questions by Hamilton Smith, Catherine Kelly, and Diane Crenshaw inquiring on the advantage of being annexed into City limits with the B-2 zoning designation instead of maintaining its Baldwin County Zoned District 4 status, the approvals for heavy industrial, sewage or water through NBU being brought to the area, city services allowance. Mrs. Dorough and Tammy Smith explain the differences between the zoning designations and the city services that would be available to the property if the annexation is successful.

With no further questions or comments, Chairman Stewart closes the Public Hearing at 9:49am. Mayor Wills makes a motion to accept staff's recommendation and recommend approval of the B-2 pre-zoning request to the City Council. Councilman Taylor seconds, and it is unanimously approved.

*Chairman Stewart returns to Item 6 Old Business for discussions.*

**\*\*ITEM 6.**

Old Business

a.) RA-23001, Proposed Zoning Ordinance Amendments **\*\*Discussion Only\*\***



b.) RA-23002, Temporary Work Force Housing Pilot Program

Chairman Stewart inquires on the timeline urgency for review and approval for these items. Mrs. Dorrough explains the intent and proposed changes for items on buffers, site plan review criteria, home occupation and explains she needs these clarifications and additions implemented asap to handle the incoming applications and decrease the burden for clarification on what the applicant must provide for staff to review properly. There is discussion regarding the urgency and interest to set up work force housing sites, and implementation and authority. Chairman Stewart states the Commission will take these items under consideration and will have a public hearing schedule for the upcoming meeting.

*Chairman Stewart leaves the Planning Commission meeting at 10:07am. Mayor Wills resumes meeting as acting Chairman.*

Discussion resumes regarding the temporary workforce housing pilot program locations, Baldwin County standards related more to emergency type uses or construction purposes.

*Mayor Wills returns to Item 7 New Business*

**\*\*ITEM 7.**

e.) Revision to the Meeting and Application Deadline Schedule for 2023-2024

Mrs. Dorrough reviews the proposed revision submittal deadline dates in order to allow for more staff review time and will now be 6 weeks prior to Commission meetings. Councilman Taylor made a motion to approve the revised schedule as presented. Councilman Templeton seconds and it is unanimously approved.

f.) Status Updates & Upcoming Case Briefing:

Mrs. Dorrough gives a status update and overview of the following cases:

- Seafood Market site plan, pending additional submittals
- 7 Brew construction update
- Legislative Annexation status update
- Participation on the Steering Committee for the Mobile Bay National Estuary Program's Eastern Delta Watershed Project
- Submission of a Comprehensive Plan grant proposal for the Alabama Coastal Area Management Program (ACAMP) funding - she states she should know the status in June 2023.

**ITEM 8.**

Reports

a.) Mayor/Council Report – None

Kristina Pittman stated the Chamber is preparing for a major event at Bicentennial Park and expecting approximately 4,000 people to be in attendance.

Tammy Smith states there is an active open position for a Planner Associate if anyone knows of any qualified applicants.

b.) Attorney – None

c.) Commissioner – None

d.) Planning Staff – None

ITEM 9.

With no further business, Mayor Wills, Acting Chair, adjourns the meeting at 10:22 am.

DONE THIS THE 13<sup>TH</sup> DAY OF APRIL 2023



Acting Chairman, Mayor Bob Wills

ATTEST:



Jessica Peed, Planning Coordinator

Clair Dorrough, City Planner

**Motion Summary:**

- 1.) **Minutes:** Approval of the Minutes of the March 9, 2023, Regular meeting. Councilman Taylor made a motion to approve the March minutes as written. The motion was seconded by Commission Member Templeton and was unanimously carried.
- 2.) **SE-23001, TPQ, LLC Property Special Exception Request:** Commission Member Emmons made a motion to recommend approval to the Board of Adjustment with the condition that access points be reviewed and approved by the traffic engineer prior to issuing a Building Permit. Mayor Wills seconds, and it is unanimously carried.
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