

CITY OF BAY MINETTE
PLANNING COMMISSION

AGENDA

August 12, 2021

Regular Meeting

8:00 a.m.

City Hall Council Chambers
301 D'Olive Street, Bay Minette

- 1.) Call to Order
- 2.) Invocation and Pledge
- 3.) Approval of Minutes for the July 8, 2021 Regular Meeting
- 4.) Old Business
 - a.) COPA Murals
 - b.) Ordinance 994 for RA-2003 Mobile Vending Unit Pilot Program
- 5.) New Business
 - a.) Planning Commission 2021-2022 Meeting Schedule
- 6.) Reports
 - a.) Mayor/Council
 - b.) Attorney
 - c.) Commissioner's Comments
 - d.) Planning Staff
- 7.) Adjournment

Bay Minette Planning Commission

Regular Meeting Minutes

Minutes July 8, 2021

Monthly Meeting No. 7

The Bay Minette Planning Commission met in Regular Session on Thursday, July 8, 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
William Taylor, Commission Member
Neal Covington, Commission Member
Ray Clark, Commission Member
Rob Madison, Building Official
Earl Emmons, Commission Member

Commission Members absent:

Wynter Crook, Commission Member
Scotty Langham, Commission Member

Commission Members late:

Other persons in regular attendance:

Scotty Lewis, Attorney
Clair Dorough, City Planner
Tammy Smith, City Administrator
Jason Padgett, North Baldwin Utilities
Steven Stewart, Fire Inspector
Jessica Peed, Planning Assistant

GUESTS

Cindy Moyer
Robert Branum
Chris Branum
Andre Cox

INVOCATION Commission Member "Mayor" Wills gave the invocation, followed by the pledge.

Jason Padgett enters the meeting at 8:05am

ITEM 3. Approval of Minutes of the July 8, 2021 meeting. Councilman Taylor made a motion to approve the July minutes as written. The motion was seconded by Commission Member Clark and was unanimously carried.

ITEM 4. Old Business

ITEM 5. New Business:

a.) S-2121 COPA / COBM Mural

Request: City's Committee on Public Arts Mural

b.) S-2122 COPA / COBM Mural

Request: City's Committee on Public Arts Mural

Chairman Stewart states the next two items for New Business will consist of the City's Committee on Public Arts request for two (2) new murals to be painted within City limits. He then asks Mrs. Dorough to summarize both requests. Mrs. Dorough states the first mural will be located on the Faulkner Building on US Hwy 31 across from Edward Jones, and is located within a public parking area. The second request will be located on the alley wall on the backside of the Pearl and Addie's building that will face Blackburn Park. Chairman Stewart inquires on last meeting's reviews to which Mrs. Dorough states that mural request was located behind Beans on Hand Coffee Shop. Mrs. Dorough also states these murals are being painted by two local artists with one being Jessica Merchant. Chairman Stewart states these murals are well placed and inquired on the maintenance going forward and offers up the example of the Statue of Liberty on US Hwy 31 not being maintained. Mrs. Dorough states these murals are within the realm of the City, and the Statue of Liberty mural was a private endeavor painted on a privately owned building, but that going forward maintenance will need to be considered when applicants apply for murals. Commission Member Clark inquired if the City would be allowed to maintain to which Mr. Lewis states the City would need to get permission. Mrs. Dorough states Tina Covington works with the owners and has agreements in place.

With no further questions or comments, Chairman Stewart asked for a motion for S-2121. Commission Members Emmons made a motion to approve the butterfly mural located on the storage garage building facing US 31 North. Commission Member Clark seconded, and it was unanimously carried, with the exception of Commission Member Covington abstaining due to his spouse being the applicant.

Commission Member Clark commented that the first proposal's parking lot, S-2121 is not being maintained. Chairman Stewart stated this will be a great catalyst for improvement.

With no further comments or questions, Chairman Stewart asked for a motion for S-2122. Commission Member "Mayor" Wills made a motion to approve the proposed mural located on the alley wall of the Pearl and Addie's property facing Blackburn Avenue. Councilman Taylor seconded, and it was unanimously carried with the exception of Commission Member Covington abstaining due to his spouse being the applicant.

c.) ES-2103, Moye Family Division

Disclosure of Prior Communications and/or Conflict of Interest

Request: Family Exemption for a 2-lot Subdivision

Location: The subject property is located at 9640 Green Jordan Road, east of State Hwy 225

Mrs. Dorough states the property is County Zoned, District 4, and that the property owner is present at the meeting today. She states there is a residential structure where the split would take place to construct a new home, but since it is County zoned there cannot be two (2) residences on one (1) lot. She also states there is a 30 ft easement that will access the back lot, and the County has already reviewed and approved the proposed division. Chairman Stewart inquires if the property owner has the Certificate of Subdivision Affidavit, to which Mrs. Dorough states the property owner has it with her at present, and it will be going in her name. Councilman Taylor inquires about the Staff Recommendation conditions to which Chairman Stewart and Mr. Lewis clarifies that the staff recommendations are there if a problem arises at the meeting and the Planning Commission finds they need to impose conditions on approvals or deny an application. Commission Member Emmons made a motion to approve and authorize the Chairman to sign the plat. Councilman Taylor seconds and it is unanimously carried. Chairman Stewart asks the applicant to see Mrs. Dorough so she would not have to drive to multiple places unnecessarily. Mrs. Dorough states she will issue a Letter of Notice, and Chairman Stewart signed the plat.

d.) ES-2104, Branum Family Division

Disclosure of Prior Communications and/or Conflict of Interest

Request: Family Exemption for a 2-lot Subdivision

Location: The subject property is located on West 7th Street, just east of Hutchinson Avenue

Chairman Stewart introduces the case for a Family Exemption for a 2-lot subdivision. He then inquires if anyone has had any prior communication or has a conflict of interest, to which Mrs. Dorough states she is related to Robert Branum. The Chairman clarifies to the Commission that her statement is more of an informational note as she does not vote on the cases. Chairman Stewart states that at the last Planning Commission, the front property was ratified and in process of getting recorded, but that Revenue is extremely behind on recordings. Mayor Wills inquires on what has been platted and approved to which Mrs. Dorough states this is the revised plat, but the prior portion was approved. There is a discussion on driveway access, easements, utility, and sewer requirements. Chairman Stewart states that there will need to be research on sewer requirements and the Commission will need more information in order to proceed. Mr. Lewis states that the 9-lot subdivision actually consists of 10 lots, and the platted subdivision is actually considered a re-subdivision of lot 10; therefore, it would need to be a replat. Mrs. Dorough states there is a one-year timeframe from the date of approval because it is a family division, unless the applicant would like to change it to a Major Subdivision. Mr. Branum, the applicant, states he acknowledges the one-year time limit to subdivide and there are no issues. With no further comments or questions, Chairman Stewart tables the application at the applicant's request until more information can be obtained, particularly regarding access and easement to the back parcel.

ITEM 6.

Reports:

a.) Mayor/Council Report

Mayor Wills states that Mrs. Smith and Mr. Lewis have done a good job discussing the lease agreement to the applicant who will be leasing the bowling alley, and states the lease agreement is very close to being finalized. He states Mr. Nolan, the potential person to leave the bowling alley, is going to improve the facility and activity, and it will be the 1st of August before it is opened. Mayor Wills also states the agreement for the Justice Center is almost completed as well.

Commission Member Emmons inquires on the property owners at the "old Baggett property". Mayor Wills comments that Bay Minette had State Champions for 12 and under, and they were coached by Councilman Sellers. He also states the fireworks production were great.

Councilman Taylor inquired if the Church's Chicken building could be maintained or torn down. Mrs. Dorough explains the process for declaring a building an unsafe structure and that the City will assume the responsibility of the obligation to tear down if there is no response from the owner within 45 days. Mayor Wills states there must be an attempt made to contact the owners to have properties cleaned. Commission Member Clark discusses the unappealing structures coming into the City, and states the City must weigh

the actual cost of tearing down vs. not tearing down in regards to the environment Bay Minette displays by allowing these types of structures to remain visible to incoming and outgoing passerby's. Jason Padgett states people in the community have offered to donate money in order to have some of the buildings torn down on the main thoroughfare. He also states Eugene Overstreet is wanting to put in a new seafood market close to the Church's structure. Commission Member Clark inquires on potentially placing liens on the property to which Mr. Lewis states he is not prepared to answer that question at this moment in time. Commission Member Emmons inquires if unsafe structures also include residential homes to which Mrs. Dorough states there is currently a list of with unsafe structures which includes residential homes. Tammy Smith states the City is currently pursuing the property next to Church's Chicken for farmers to sell their goods.

b.) Attorney - NONE

c.) Commissioner- NONE

d.) Planning Staff

- Mrs. Dorough states she recently attended a webinar and that there was a Supreme Court case that determined some municipal sign ordinances to be unconstitutional. She briefly discusses the highlights of the seminar including off premise, political, real estate, reviewing signs regarding what the sign displays, and the legal cases she learned about while attending the webinar. She states she will be submitting an overhaul of our current Sign Ordinance soon. She states the next Planning Commission meeting will be August 12, 2021.

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

DONE THIS THE 8th DAY OF JULY, 2021

Todd Stewart, Chairman

ATTEST:

Jessica Peed, Planning Assistant



ORDINANCE 994

ORDINANCE OF THE CITY COUNCIL OF BAY MINETTE, REGARDING Case No. RA-2003, Mobile Vending Unit Pilot Program Amendment related to Article 9 – Special Provisions of the Zoning Ordinance;

WHEREAS, The City of Bay Minette is hereby adopting Ordinance 994 as authorized pursuant to Section 11-45-8 of the *Code of Alabama (1975)*; and

WHEREAS, The City of Bay Minette Ordinance Number 992 as amended by Ordinance 993, establishes specific zoning and land use criteria for the City; and

WHEREAS, these ordinances may require amendments and revisions from time to time to meet the changing needs of the community; and

WHEREAS, the City of Bay Minette has experienced increased interest from Mobile Vending Unit owners, local businesses and residents interested in bringing mobile food and merchandise units to our community; and

WHEREAS, the Mobile Vending Unit Pilot Program will be used on a limited basis to provide the City the opportunity to better determine if such uses are appropriate for our community; and

WHEREAS, the Planning Commission of the City of Bay Minette held a public hearing on September 10, 2020, and voted to recommend to the City Council approval of RA-2003, Mobile Vending Unit Pilot Program Amendment related to Article 9 – Special Provisions of the Zoning Ordinance; and

WHEREAS, the City Council of Bay Minette held a public hearing on September 21, 2020; and

WHEREAS, the City Council of the City of Bay Minette hereby adopts a Mobile Vending Unit Pilot Program for 365 days to introduce mobile vending units within the City as follows:

Section 5.2 Words and Terms Defined

Mobile Food Vending Vehicle – A mobile food vendor business that is motorized or non-motorized, designed and equipped to serve food for individual consumption at the point of sale, and is removed each day from the location where the food is sold. This includes a truck, cart, wagon and the like.

Mobile Merchandise Vending Unit - A mobile vendor business that is motorized or non-motorized, designed and equipped to sell non-consumable merchandise not intended for individual consumption at the point of sale, and is removed each day from the location where the merchandise is sold. This includes a truck, cart, wagon and the like.

Mobile Vendor – The owner or operator of a Mobile Vending Vehicle or Unit.

Mobile Vending Unit – Refers to both Mobile Food Vending Vehicles and Mobile Merchandise Vending Units.

Section 8.10 Table of Permitted Uses

Table of Permitted Uses and Conditions	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	M-1	M-2
Mobile Food Vending Vehicle							R	R	R	R
Mobile Merchandise Vending Vehicle							R	R	R	R

9.8 Mobile Food Vending Vehicles and Mobile Merchandise Vending Units Pilot Program

9.8.1 *Mobile Vending Units, Generally.* For the purposes of this section, a "Mobile Vending Unit" refers to both Mobile Food Vending Vehicles and Mobile Merchandise Vending Units.

9.8.1.1 Mobile Vending Units are permitted to operate in non-residential zoning districts (B-1, B-2, M-1 or M-2) on private property with express written permission from the property owner. Units are encouraged to locate on sites developed with a principle building that has a current City business license and an operating use.

9.8.1.2 Mobile Vendors are required to obtain a business license and Mobile Vending Permit from the City of Bay Minette prior to commencing operations within the city.

9.8.1.3 Vendors must operate in a safe and sanitary manner and kept in a clean, well-maintained condition to ensure units are free of excessive dirt, rust, mud, grease or other unsightly, unsanitary or otherwise undesirable condition.

9.8.1.4 Mobile Vending Units shall be permitted to a location that does not block drive aisles, ingress or egress from the property, or fire and emergency access.

9.8.1.5 Mobile Vending Units shall be removed at times other than the hours of operation and the set-up and take-down periods. Vehicles shall not be left unattended or stored at any time on an authorized operating site when vending is not taking place or during restricted hours of operation.

9.8.1.6 Mobile Vending Units shall not use or maintain any outside sound amplifying equipment, lights, or noisemakers, such as bells, horns or whistles or similar devices to attract customers.

9.8.1.7 Any auxiliary power, water or sewer utilities required for the operation of the Mobile Vending Unit shall be self-contained or provided by the property owner.

9.8.1.8 Vendors shall serve only walk-up customers, no drive-thru service allowed

9.8.1.9 Parking Considerations

- a. The Mobile Vendor Unit, nor related customer vehicles, cannot obstruct any street or sidewalk, or interfere with the free passage of persons/vehicles on such streets or sidewalks.
- b. Parking of the Mobile Vending Unit cannot be located in City right of way in municipal limits
- c. Mobile Vendors should encourage pedestrian access where possible. When vehicular access is required, Vendor must ensure customer parking is contained on property where parking permission has been obtained for that purpose.

9.8.1.10 The provisions of this section shall not apply to special events, festivals, community projects or public events which occur on a periodic basis and are approved by the City.

9.8.2 Mobile Food Vending Vehicles

9.8.2.1 All Mobile Food Vending Vehicles must be inspected initially by the City of Bay Minette Fire Inspector. Annual inspections are required, and each Mobile Food Vending Vehicle is subject to re-inspection at any time.

9.8.2.2 The selling of non-food or non-drink items shall be limited to merchandise displaying the Mobile Food Vending Vehicle company logo and/or branding. No items shall be displayed outside of the vehicle.

9.8.2.3 No signage is allowed except signage physically affixed to the Mobile Vending Unit identifying the vendor and no more than two, 24" x 48" sandwich board-type signs displaying menu, pricing or other similar information. The signs may be displayed only during business hours and shall not obstruct or impede pedestrian or vehicular traffic. Electronic or illuminated signs are not allowed.

9.8.2.4 Mobile Food Vending Vehicles shall not provide furniture, objects or structures outside of the vehicle for customer use with the exception of trash receptacles and shade structures attached to the vehicle.

9.8.2.5 All Mobile Food Vending Vehicles shall offer a trash receptacle for customer use that must be removed with the vehicle each day at the vendor's expense. Mobile Food Vendors shall keep the permitted premise and adjacent public property clean and free from all trash, litter, debris or waste generated from the operation of its business.

9.8.2.6 Any auxiliary power, water or sewer utilities required for the operation of the Mobile Food Vending Vehicle shall be self-contained or provided by the property owner.

9.8.2.7 The provisions of this section shall not apply to special events, festivals, community projects or public events which occur on a periodic basis and are approved by the City.

9.8.2.8 No more than two mobile food units shall operate on the same site per day.

9.8.2.9 Mobile Food Vending Location Requirements

- a. A minimum of 150 feet from the front door of any restaurant in current operation, without written permission from the restaurant owner.
- b. A minimum of 150 feet from Primary schools within city limits, measured from the nearest lot line of the school, without written permission from the School's Principal.
- c. A minimum of 500 feet from any stadium, ballpark, festival, special event or other similar sponsored event licensed or authorized by the City, unless authorized by the sponsor to be participants in the event.
- d. A minimum 15-foot clearance from fire hydrants, driveway entrances and handicap parking spaces/ramps.
- e. A minimum 10-foot clearance from buildings, fire lanes, sidewalks or utility box.
- f. When located on or adjacent to a street, food service shall be solely from the side of the unit that opens away from the street.

9.8.3 Mobile Merchandise Vending Unit

9.8.3.1 Merchandise is limited to non-consumable items and/or items not intended for individual consumption at the point of sale.

9.8.3.2 No more than two Mobile Vending Units shall operate on the same site per day.

9.8.3.3 No signs shall be allowed, other than that which is physically attached to the unit. One, 24" x 48" sandwich board-style sign identifying the vendor or indicating pricing, may be displayed within 10 feet of the unit. The sign may be displayed only during business hours, shall not obstruct or impede pedestrian or vehicular traffic, and shall be located on-site. Electronic or illuminated signs are not allowed.

9.8.3.4 Mobile Merchandise Vending Unit Location Requirements

- a. A minimum 15-foot clearance from fire hydrants, driveway entrances and handicap parking spaces/ramps.
- b. A minimum 10-foot clearance from buildings, fire lanes, sidewalks or utility box.
- c. When located on or adjacent to a street, service shall be solely from the side of the unit that opens away from the street.

9.8.4 Mobile Vending Unit Permit

9.8.4.1 Fees for a Mobile Vending Permit are as follows and will not be prorated:

- a. Daily Permit (single 24-hour period) - \$25.00
- b. Monthly Permit (per calendar month) - \$50.00
- c. Annual Permit (January 1 – December 31) - \$100.00
- d. In addition, a \$25.00 Administrative Land Use Review is required per site, prior to commencing operations.

9.8.4.2 Mobile Vendors shall have express written permission of the property and/or business owner(s) for each location at which the mobile vending unit operates. This

approval shall be in writing, signed by the property and business owner(s), shall remain on the mobile vending unit at all times and must be made available for inspection upon request of any city official at any time during the operation of the mobile vending unit.

9.8.4.3 Prior to the issuance of a City of Bay Minette business license or Mobile Vending Permit, Vendors are required to obtain all applicable licenses/permits, including but not limited to Alabama Department of Public Health permits and Alabama Department of Motor Vehicles licensing.

9.8.4.4 Mobile Vending Units and site locations are subject to the review and approval of the Bay Minette Police Department and the Bay Minette Fire Department at any time.

9.8.4.5 Compliance with *Article 9.8* shall be determined at the time of application or at the discretion of the Planning Staff if determined in the field. Mobile Vending Units determined to be non-compliant shall immediately institute all corrective action(s) deemed necessary.

9.8.4.6 Operation without a Mobile Vending Permit will result in a \$500.00 fine. If found in violation of any section of this ordinance, vendor may be issued a ticket for violation and fined an amount of \$25.00 - \$250.00 Each violation is considered a separate and distinct offense; and each day is a separate violation.

WHEREAS, absent any further action by the City Council, Ordinance 994 will become permanent; and

WHEREAS, THE CITY COUNCIL OF BAY MINETTE, IN REGULAR SESSION ASSEMBLED, determined that Ordinance 994, Case No. RA-2003, Mobile Vending Unit Pilot Program Amendment related to Article 9 – Special Provisions of the Zoning Ordinance, is hereby **ADOPTED AND IMPLEMENTED**.

Done this the 5th day of October 2020.


Robert A. Willis, Mayor
City of Bay Minette, Alabama

ATTEST:


Rita Diedrich, City Clerk

I, the undersigned qualified and acting Clerk of the City of Bay Minette, Alabama, do hereby certify that the above and foregoing is a true copy of a Resolution lawfully passed and adopted by the Bay Minette City Council, at a regular meeting of such council, held on the 5th day of October, 2020 and that said Resolution is on file in the office of the Bay Minette City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Bay Minette, on this the 5th day of October, 2020.





Rita Diedrich
City Clerk

**PREPARED BY:
CLAIR DOROUGH
CITY PLANNER**



City of Bay Minette

Planning & Zoning Commission

301 D'Olive Street · Bay Minette, Alabama 36507
 Phone (251) 580-1650 · COBM_Planning@ci.bay-minette.al.us

Planning Commission 2021-2022 Regular Meeting and Application Deadline Schedule

The City of Bay Minette Planning Commission's regularly scheduled meetings are held on the 2nd Thursday of each month unless otherwise specified below. Application materials are due on the Tuesday after the previous month's Planning Commission meeting.

MEETING LOCATION: City Hall
 301 D'Olive Street
 Bay Minette, AL 36507

MEETING TIME: 8:00 a.m.

MEETING DATE	APPLICATION DEADLINE DATE
October 14, 2021	September 14, 2021
November 10, 2021*	October 19, 2021
December 9, 2021	November 16, 2021
January 13, 2022	December 14, 2021
February 10, 2022	January 18, 2022
March 10, 2022	February 15, 2022
April 14, 2022	March 15, 2022
May 12, 2022	April 19, 2022
June 9, 2022	May 17, 2022
July 14, 2022	June 14, 2022
August 11, 2022	July 19, 2022
September 8, 2022	August 16, 2022
October 13, 2022	September 13, 2022
November 9, 2022*	October 18, 2022
December 8, 2022	November 15, 2022

**Revised dates due to the Veterans Day holiday*