

Bay Minette Planning Commission Regular Meeting Minutes

Minutes February 9, 2023

Monthly Meeting No. 2

The Bay Minette Planning Commission met in Regular Session on Thursday, February 9, 2023. The meeting was called to order at 8:00 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 8:00 a.m. the following members were present, and a quorum established:

Todd Stewart, Chairman
Neal Covington, Vice Chairman
Robert A. "Bob" Wills, Mayor
Rob Madison, Building Official/Commission Member
Scotty Langham, Commission Member
Earl Emmons, Commission Member
Hiram Templeton, Commission Member

Commission Members absent:
William Taylor, City Council/Commission Member

Commission Members late:
Ray Clark, Commission Member

Other persons in regular attendance:
Clair Dorough, City Planner
Jessica Peed, Planning Coordinator
Steven Stewart, Fire Inspector
Lauren Collinsworth, Attorney
Kristina Pittman, North Baldwin Chamber of Commerce

GUESTS
Carrie Catrett, Timber Ridge Townhomes Representative
Jeff Hudson, Timber Ridge Townhomes Representative
Rick Lender, Citizen
Mike Phillips, City Councilman
Joel Williams, Williams Lumber Representative

INVOCATION Commission Member Templeton gave the invocation, followed by the pledge.

ITEM 3. Announcements/Registration to address the Commission

ITEM 4. Approval of the Minutes of the January 12, 2023, Regular meeting. Vice Chairman Covington made a motion to approve the January minutes as written. The motion was seconded by Hiram Templeton and was unanimously carried.

Ray Clark enters the Planning Commission meeting at 8:02am.

ITEM 5. Disclosure of Prior Communications and/or Conflicts of Interest
Vice-Chair Covington stated he has a possible conflict with the Timber Ridge Townhome case, since a member of the company listed as the applicant is a client. Chairman Stewart stated that there was a quorum present to act on the case exclusive of Vice-Chair Covington's vote and he could remain in the room for the discussion but abstain from voting.

ITEM 6.

Old Business

- a.) CAPZO Training - Mrs. Dorough states there is a registration form that is located with their packets for the March 16-17, 2023, in-house CAPZO training and gives instructions on which areas to complete and turn in to the Planning Department, if the members are planning to attend. She briefly reports which members would need certification or recertification and a description of the classes.
- b.) Update to Bylaws - Mrs. Dorough states the Planning Department is continuing to review and revise the current bylaws in accordance with State Code and revisions will be presented at a future meeting.
- c.) Commercial Accessory Structures - Chairman Stewart states he will be moving Item c.) after New Business in the interest of time for the applicants and those in attendance for the cases on the agenda.

ITEM 7.

New Business:

- a.) SP-23002, Williams Lumber

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

Request: Site Plan Approval for a Pole Barn and Lean-To Accessory Structures

Location: The subject property is located at 711 W Railroad St

Mrs. Dorough introduces the request and includes the adjacent property zoning designations, property/site access that is only allowed from Graham Dr as W Railroad St is railroad right-of-way. Mrs. Dorough states Graham Drive is located in ALDOT's right of way and she has been working to contact ALDOT and CSX to clarify access authority and responsibility. There is a brief discussion on acceptable access to the site for safety purposes, and access points from adjacent properties. Mrs. Dorough continues the review of the staff report including the existing fence on the property, setback requirements and proposed location of the buildings. The staff analysis found that the proposed locations will need to be revised in order to meet setbacks. That movement will affect the proposed 60-foot distance between the lean-to and pole barn, which would cause the pole barn to impact the significant oak trees on the site. She notes that the unavailability of drainage information does not preclude applicant compliance with the regulations. She includes that a Commercial Land Use for Beasley Equipment Rental was recently approved for the site to be operated in the same office as Williams Lumber. Mrs. Dorough adds that the rental company also received temporary, 6-month approval for a non-permanent structure to be used for tool and equipment storage until a permanent structure is constructed, which will require an additional site plan application for this site. She concludes with staff's recommendation and proposed conditions of approval: 1.) Applicant submitting a site plan detailing the final locations and dimensions for Planning Staff review prior to the issuance of a building permit and 2.) The issuance of a building permit be contingent upon access review by ALDOT, or the City Engineer based on ALDOT's review and determination of access authority. With no further comments or questions, Commission Member Emmons made a motion to approve the site plan with the conditions as presented in the staff report. Commission Member Clark seconded, and it was unanimously carried.

- b.) SP-23003, NT&C Investments- Timber Ridge Townhomes

Disclosure of Prior Communications and/or Conflict of Interest

Request: Site Plan Approval for a 48-unit Phase 1 of the Timber Ridge Townhomes

Location: The subject property is located at the corner of McMillan Ave and Petty Lane

Chairman Stewart stated that although Vice Chairman Covington has a possible conflict, he is welcome to stay for the meeting. Mrs. Dorough began reviewing the proposal and staff report, including the previous rezoning from a B-1 to R-4 zoning designation, department and entity comments regarding dumpster and debris removal requirements, fire hydrant connection location requirements, vacation of Petty Lane and repaving plans, to which the applicant has agreed to assist with a portion of the paving from McMillan Ave to McMeans Ave. She states Phase 1 is currently being reviewed and future Phase 2 would

total 96 units if fully developed and details the Traffic Engineer's comments related to the access requirement to the existing sidewalk on McMillan Ave, review of the site plan, types of townhome structures, various requirements including buffering and fencing, drainage, off-street parking and landscaping. Mrs. Dorough concludes with the staff recommendation and proposed conditions of approval stated in the staff report: 1.) Applicant submitting the Grading, Drainage, Utility and Life-Safety plans for review and approval by the Building Official, Fire Inspector and City Engineers, and; 2.) Plans satisfying the provisions for the disposition of open space and off-street parking landscaping provisions, prior to the issuance of a building permit. Chairman Stewart inquired on the Phase 1 drainage plan to which Jeff Hudson stated Civil Engineering is currently designing it and the retention pond will be created during Phase 1, along with the amenities building, dog park, pool, dumpster pad and clubhouse. With no further comments or questions from the Planning Commission, Chairman Stewart opened the floor to the public for comments or concerns. Rick Lender spoke regarding the inaccuracy of the aerial view in relation to the property survey, elevation drop causing water runoff, landscaping and tree removals, handicapped accessible apartment units, Ordinance requirements regarding the site plan of the townhomes, the view from the second story of the townhomes into his backyard, the neighboring nursing home, drainage issues and potential traffic/infrastructure overcrowding. Mrs. Dorough addresses a few of Mr. Lenders concerns and states the Ordinance's minimum requirements are being met or exceeded by the plans. She further explains that the Zoning Ordinance does not include provisions that allow the Commission to impose or require a specific design of the townhomes' interior layout or require that accessible units be available. She also states that the survey provided shows the boundaries of the property as determined by a certified professional and considered to be the accurate site boundary location. Mrs. Dorough explains that the aerial views are for informational purposes only and are not considered to be the exact location of lot lines. She includes the tree protection zone regulations as well as the buffer zone requirements, which require commercially zoned developments to provide a minimum 10-foot buffer when adjacent to residentially zoned property, regardless of the use. She states that the townhome property is a residentially zoned property abutting commercially zoned property. Mr. Lender states his belief that his property should be grandfathered in and would like a 20' buffer zone instead of the proposed 10'. There is a brief discussion on zoning and buffer regulations to which Ms. Dorough states the Ordinance doesn't require a buffer in this situation, and a buffer wouldn't have been required prior to the site's rezoning to R-4, but the applicant has submitted plans with a 10-foot landscaped buffer along the interior property lines. Chairman Stewart acknowledges Ben White, City Engineer to address Mr. Lender's drainage concerns. Mr. White explains the process and considerations when reviewing applications and states all criteria will be thoroughly reviewed to ensure development guidelines are met, including construction of the retention pond. Mrs. Dorough states that the site will be required to meet all provisions for properly handling surface runoff, and the development's off-street parking will be reviewed in relation to minimum spaces, landscaping, curbing. With no further comments or questions, Mayor Wills makes a motion to approve the application with the conditions as presented in the staff report. Commission Member Templeton seconded the motion, and it was unanimously carried with the exception of Vice-Chairman Covington abstaining due to his potential conflict.

***Chairman Stewart states that we will return to Item 6 c.) Commercial Accessory Structures for discussion.*

ITEM 6**

c.) Commercial Accessory Structures

Mrs. Dorough reviews the proposed ordinance amendment which includes façade requirements on metal buildings, procedures for review and acceptance of accessory structures for commercial and industrial use, clarifications on various items for application submittals, pre-conference and site submittal requirements, removal of pilot program language from the Mobile Vending Unit section, Table of Permitted Uses clarification, and Land Use Review timeline allowances. Mrs. Dorough states she will have a final draft for review at the upcoming March meeting and Chairman Stewart states to plan for the Public Hearing at the following meeting in April.

***Returns to Agenda order with Item 7 b.)*

ITEM 7**

b.) Status Updates and Upcoming Case Briefing:

- Hoover Property Rezoning from R-2 to B-2 zoning designation
- TPQ property- Unsure if they would like to proceed with submitting application to subdivide or Special Exception for Duplex

- Waiting on submittals for a used car sales and service
- 2-Lot Administrative Subdivision approved for the Milton Wilson property with the conditional approval of a temporary structure and waste material removal within 180 days of received notice
- Industrial Development Board's Exempt Subdivision has been approved
- Kevin Williams had a 2-lot subdivision that was completed administratively- The property split between City and County jurisdiction, and per the Jurisdiction agreement it went through the City for subdividing
- Mayor Wills adds that the City has two annexations soon to be presented to the Legislature - One is located at Hwy 65 and Hwy 225; and the second is located southeast of Holly Hills, which is a development known as Old Town Commons that is proposed development as a PUD.

ITEM 8. Reports

a.) Mayor/Council Report

Commission Member Emmons inquired on Rick Lender's property adjacent to the Timber Ridge development and who would be responsible for the septic tank removal if found to be located on the incorrect piece of property based on the survey. Various Commission Members, Legal and staff responded that it would be a private, civil matter and the responsibility of the septic tank owner.

Mayor Wills exits the Commission meeting at 9:49am.

Kristina Pittman with the North Baldwin Chamber of Commerce states the 78th annual meeting is scheduled for the following Thursday, and there is an upcoming Expo event located at the Bicentennial Park.

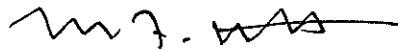
b.) Attorney – None

c.) Commissioner – None

d.) Planning Staff – None

ITEM 9. With no further business, Chairman Stewart adjourns the meeting at 9:51 am.

DONE THIS THE 9TH DAY OF FEBRUARY 2023



Chairman, Todd Stewart

ATTEST:



Jessica Peed, Planning Coordinator

Motion Summary:

- 1.) **Minutes:** Approval of the Minutes of the January 12, 2023, Regular meeting. Vice Chairman Covington made a motion to approve the January minutes as written. The motion was seconded by Commission Member Templeton and was unanimously carried.

2.) *SP-23002, Williams Lumber:* Commission Member Emmons makes a motion to approve the site plan with the conditions as presented in the staff report. Commission Member Clark seconded, and it was unanimously carried.

Conditions of Approval:

- Applicant submitting a site plan detailing the final locations and dimensions for Planning Staff review prior to the issuance of a building permit.
- Issuance of a building permit be contingent upon access review by ALDOT or the City Engineer based on ALDOT's review and determination of access authority.

3.) *SP-23003, NT&C Investments- Timber Ridge Townhomes:* Mayor Wills makes a motion to approve the application with the conditions as presented in the staff report. Commission Member Templeton seconded the motion, and it was unanimously carried with the exception of Vice-Chairman Covington abstaining due to his potential conflict.

Conditions of Approval:

- Applicant submitting the Grading, Drainage, Utility and Life-Safety plans for review and approval by the Building Official, Fire Inspector and City Engineers.
- Plans satisfying the provisions for the disposition of open space and off-street parking landscaping provisions, prior to the issuance of a building permit.