

**CITY OF BAY MINETTE
PLANNING COMMISSION**

AGENDA

October 10, 2019

Regular Meeting

8:00 a.m.

**City Hall Conference Room
301 D'Olive Street, Bay Minette**

1. Call to Order
2. Invocation and Pledge
3. Approval of Minutes for the September 12, 2019 Regular Meeting
4. **Old Business**
 - None
5. **New Business**
 - a.) **Public Hearing Case No. Z-1901, Lighthouse Holiness Church, Inc.**

Request: Approval of a rezoning from R-2, Medium Density Residential Single-Family to a B-2, General Business District for the purpose of a Religious Daycare Center

Location: The subject property is located at 1829 US Highway 31, in the former Green Acres Baptist Church building
 - b.) **Potential Zoning Ordinance Revisions**
6. **Reports**
 - a.) Mayor/Council
 - b.) Attorney
 - c.) Commissioner's Comments
 - d.) Planning Staff
7. Adjournment

City of Bay Minette
Planning Commission

Regular Meeting Minutes

Minutes September 12, 2019

Monthly Meeting No. 9

The Bay Minette Planning Commission met in Regular Session on Thursday, September 12, 2019. The meeting was called to order by Chairman Stewart at 8:00 a.m., in the Conference Room located in Bay Minette City Hall, in Bay Minette, Alabama; this being the proper place, date and hour as advertised to hold such meeting.

ATTENDANCE At 8:00 a.m. the following members were present:

Todd Stewart, Chairman
Ed Pepperman, Vice-Chairman
Robert A. "Bob" Wills, Mayor
John Biggs, Councilmember
Pat Robinson, Building Official
Clair Dorough, Commission Member
Scotty Langham, Commission Member
David Diehl, Commission Member

Other persons in regular attendance:

Scotty Lewis, Attorney
Rita Diedtrich, City Clerk
Tammy Smith, City Administrator/Finance Director
Jason Padgett, North Baldwin Utilities
Leslie Johnston, SARPC

GUESTS

Dick Owen
Junius Long
J. W. Joiner

INVOCATION Chairman Stewart gave the invocation, followed by the pledge.

ITEM 3. *Approval of Minutes*

Minutes of the August 8, 2019 Meeting - Mayor Wills made a motion to approve the minutes with an amendment of the date. The motion was seconded by Commission Member Pepperman and unanimously carried.

ITEM 4. *Old Business*

- Discussion—Continued from Previous Meeting: Carport Compliance

Chairman Stewart explained the issue and stated that enforcement of the ordinance is the issue. Discussion as to how to handle the issue occurred and it was agreed that taking a district at a time to enforce would be best solution. Each violation would be assessed on a case by case basis. The non-compliance party would receive a letter and have 30 days to respond and 180 days to comply with the ordinance. If not resolved, the issue could go to municipal court. Councilmember Pepperman moved to enact and enforce the City ordinance effecting this issue. The motion was seconded by Commission Member Dorough.

ITEM 5. *New Business*

A. Administrative Subdivisions

Commission Member Diehl recused himself for this part of the meeting.

1) Jernigan Family Subdivision-North of Quinley Road

Chairman Stewart stated that the application request for one parcel be subdivided into two parcels. After discussion, Commission Member Pepperman made a motion to approve the administrative subdivision and to authorize the Chairman to sign the plat. The motion was seconded by Commission Member Langham and unanimously carried.

2) Lee Avenue Subdivision - North Side of Old Brady Road

Chairman Stewart presented the proposal subdivision of Lee Avenue parcel into two parcels. Each lot fronts a public road. And both parcels are buildable. After much discussion, Councilmember Pepperman made a motion to approve the administrative subdivision and to authorize the Chairman to sign the plat. The motion was seconded by Commission Member Dorough and unanimously carried.

Commission Member Diehl rejoined the meeting.

3) Baldwin Pole and Piling Subdivision -Junius Long

Chairman Stewart presented the proposed subdivision of Baldwin Pole and Piling and recognize Mr. Long who spoke concerning the subdivision. After much discussion concerning the necessary documentation, this matter was tabled until next regular meeting.

B. Miscellaneous

Chairman Stewart recognized J. W. Joiner. Mr. Joiner stated that he purchased the trailer park located near Clay Street and wishes to build multi-family homes on one parcel. Chairman Stewart asked that Mr. Joiner meet with Pat Robinson, Clair Dorough and himself to discuss the proposal and then to submit an application.

C. Planning Commission Election of Officers

1) Nominations and Election of Planning Commission Chair

Mr. Lewis explained the procedure. Chairman Stewart opened the floor for nominations. Commission Member Diehl moved to nominate Todd Stewart as chairman. The motion was seconded by Commission Member Dorough and unanimously carried.

2) Nominations and Election of Planning Commission Vice Chair

Mayor Wills moved to nominate Commission Member Pepperman as Vice-Chairman. The motion was seconded by Commission Member Langham and unanimously carried.

ITEM 6.

Reports

A. Mayor/Council Report:

- Updates on the following were presented:
 1. Building Department
 2. Craig Pouncey being named President of Coastal Alabama Community College

B. Attorney Report

- No Report

C. Commissioner's Report

- No Report

ITEM 7.

Adjourn

With no further business, Chairman Stewart adjourned the meeting at 9:25 a.m.

DONE THIS THE 12TH DAY of SEPTEMBER 2019

Todd Stewart, Chairman

ATTEST:

Rita Diedrich, City Clerk



City of Bay Minette Planning & Development Services

Planning Commission Staff Analysis

Case No. Z-1901

Lighthouse Apostolic Holiness Church, Inc. Property

Rezone Request from R-2, Medium Density Residential District, to B-2, General Business District

October 10, 2019

Subject Property Information

Physical Address: 1829 US Highway 31
Parcel Number: 05-23-05-21-4-000-004.000
Existing Zoning: R-2, Medium Density Residential District – Single Family
Proposed Zoning: B-2, General Business District
Existing Land Use: Site of the former Green Acres Baptist Church
Proposed Land Use: Religious Daycare Center
Acreage: 1.49 acres ±
Applicant: Lighthouse Apostolic Holiness Church, Inc.
c/o Board Officer Danny Patterson
1829 S. US Highway 31
Bay Minette, AL 36507
Owner: Lighthouse Apostolic Holiness Church, Inc.
10123 Tom Waller Road
Grand Bay, AL 36541

	Adjacent Land Use	Adjacent Zoning
North	Commercial	M-2, General Industrial District
South	Residential	R-2, Medium Density Single Family Residential
East	Residential	R-2, Medium Density Single Family Residential
West	Residential/Vacant Commercial	R-2, Medium Density & B-2, General Business

Summary

The subject property, which consists of approximately 1.49 acres, is currently zoned R-2, Medium Density Single Family Residential. It is the location of the former Green Acres Baptist Church. The applicant is requesting a rezoning to B-2, General Business District, for a religious daycare center. The applicant had completed substantial improvements to the facility at the time of application. A church is allowed by right in the B-2 district and a daycare center is allowed with Planning Commission approval in the B-2 district.

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
Churches and related accessory buildings				S	S	S	R	R		
Kindergarten, playschool or day care center, public or private, provided that all activities are carried on in an enclosed building or fenced yard and that all applicable federal, state and local requirements are met.					S		P	P		

Current Zoning District

6.2.3 R-2, Medium Density Single Family Residential District *This district is intended as medium density single-family urban residential district, with lots of moderate size.*

- The proposed daycare center is not allowed in the R-2 zoning designation. The former church use was a non-conforming use, as churches are not allowed in the R-2 district.

Proposed Zoning District

6.3.2 B-2, General Business District. *This district is intended to provide opportunity for activities causing noise and heavy traffic, not considered compatible in the more restrictive business district. These uses also serve a regional as well as a local market and require location in proximity to major transportation routes. Recreational vehicle parks, very light production and processing activities are included.*

- A church is allowed in a B-2 district by right and a daycare center is allowed in the B-2 district with Planning Commission approval.

Staff Analysis and Findings

The following factors for reviewing zoning amendments are found in **Article XV - Amendment** of the **Zoning Ordinance of the City of Bay Minette**. These factors are to be considered when an application is being reviewed for rezoning.

1.) Compliance with the Comprehensive Plan

The subject property is designated as Commercial on the Future Land Use Map in the Comprehensive Plan.

2.) Compliance with the standards, goals and intent of this ordinance

The Zoning Ordinance was intended to promote the health, safety, convenience, order, prosperity, and general welfare of the residents; to lessen congestion in the street; to secure safety from fire, panic, and other dangers;

to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, and parks; to facilitate initiation of the comprehensive plan, and other public requirements.

The proposed use of a Head Start/Daycare facility fits within the promotion of the health, safety, convenience, order, prosperity, and general welfare of the residents. The proposed use fits better within the designation of the Future Land Use Map of the Comprehensive Plan than the current residential zoning.

3.) The character of the surrounding property, including any pending development activity

The property adjacent to the north is the AltaPointe Health Systems outpatient office and is zoned M-2, General Industrial District, as are all of the remaining properties north to Dickman Road. The property to the East and South of the subject property is zoned R-2, Medium Density Residential and is the Green Acres Subdivision. The property across US 31 to the west is zoned B-2, General Business and R-2, Medium Density. The B-2 zoned property contains the former Mary's restaurant, which is abandoned, and a single family home. The R-2 zoned property is part of Coastal Alabama Community College and is primarily wooded across from the subject property.

4.) Adequacy of public infrastructure to support the proposed development

The subject property is situated along US 31, so access to the property will be subject to the review and approval of ALDOT.

North Baldwin Utilities staff is reviewing the application.

5.) Impacts on natural resources, including existing conditions and ongoing post-development conditions

No major impacts are expected, the structure is existing and had been a church for many years prior.

6.) Compliance with other laws and regulations of the city

The initial zoning issue came to the attention to staff after the owner had made substantial improvements to the structure without obtaining a building permit and had continued construction after notification of non-compliance with Building Code.

7.) Compliance with other applicable laws and regulations of other jurisdictions

The subject property sits within the city limits of Bay Minette and falls under the city's jurisdiction. Other applicable oversight may include the Health Department and ALDOT regarding access.

8.) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values

The subject property is bordered by roads on the east and west property lines, and surrounded on the north and south sides by an existing natural buffer. The facility is located on the northern portion of the property farther away from the immediately adjacent residential area to the south. It borders M-2 property on the north, so noise, traffic, etc will not have a significant impact, if any. Historically, the property has been used as a church which would have already been causing a higher impact than those typical of the existing residential zoning designation. The timing of the traffic impact would change from Sunday morning/afternoon/evening and Wednesday evening church traffic to a Monday through Friday traffic increase in the mornings and afternoons similar to school traffic schedules. As the property is located on US 31, the roadway should be able to handle the change, although it is recommended that the owner/applicant contact ALDOT for any potential requirements. The improvements made to the building and the occupation of a vacant building should have a positive impact on surrounding property values.

9.) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values

Along with the comments above, the proposed rezoning should have little impact on the surrounding neighborhood. The property fronts US 31 and is adjacent to a large area of M-2 zoned property. The residential uses nearby are only accessible via Bell Street, which is .15 miles to the south and Bay Side Apartment Complex is accessible .1 miles to the north. The surrounding area also includes Coastal Alabama Community College, a gas station/convenience store, the Log Cabin Inn and the Baldwin County Revenue Department – all fairly intense uses that should see no negative impact from the proposed use.

11.) Other matters which may be appropriate.

Bay Minette Police Chief has stated the Department has no issues with the proposed daycare center.

Planning Commission Action

For rezoning applications, the Planning Commission sends an advisory recommendation to the City Council, who makes the final decision.

The Planning Commission has the option to:

- Make a recommendation for approval to the City Council
- Make a recommendation for approval with conditions to the City Council
- Make a recommendation for denial to the City Council, with stated factors for the denial.

15.2.6 Limitation on resubmittal. No application for a zoning map amendment shall be considered within 365 days from a final decision on a previous application for the same or similar parcel of land. An application may be withdrawn without prejudice prior to the public hearing being open by the city council. A request to withdraw an application shall be made in writing.

City of Bay Minette

Application for Zoning Amendment
State of Alabama
County of Baldwin
City of Bay Minette

This is to certify that I (we) the undersigned do hereby request the City of Bay Minette to grant a zoning amendment for the property and reasons identified below:

1- Description of property for which the amendment is requested:

- a) Address 1829 S US Highway 31, Bay Minette, AL 36507
Parcel Number 05-23-05-21-4-000-004.000
Pin Number 17167
- b) Name of Subdivision plat: Green Acres Subdivision, Unit 3, Block 1
- c) Lot numbers involved in change: Lots 1 & 2
- d) Total acreage of change: 1.496 Acres plus/minus
- e) Recorded in Plat Book Number: PB 5
Page Number: P 89
- f) Owned in whole by the undersigned: Yes
- g) If owned in part, list name(s) of the co-owner(s):

2- Zoning change requested _____

- a) Present Classification of property: R-2
- b) Reclassification desired: B-2
- c) Character of neighborhood: Main Highway Business

3- Reasons for requesting change (a site plan must accompany this request):
Religious Daycare Center

4- The following attachments must accompany the request for zoning amendment:

- a) Two copies of a list of the names and addresses of the owners of all properties lying within 100' (one hundred feet) of any part of the property proposed to be rezoned.
- b) Two copies of a plat, drawn to scale showing the existing and proposed zoning reclassification and other pertinent information
- c) Two copies of the legal description of the property to be rezoned
- d) A check for the required fees in compliance with the City of Bay Minette Land Use and Development Ordinance.

5) Certifications:

a) Applicants

Name: Lighthouse Apostolic Holiness Church, INC.

b)

Address: 1829 S. US Highway 31, Bay Minette AL 36507

Contact: Board Officer: DANINY PATTERSON

Telephone Number: 251-490-9781

Owner Lighthouse Apostolic Holiness Church, INC.

Date: 9-16-19

Owner _____

Date: _____

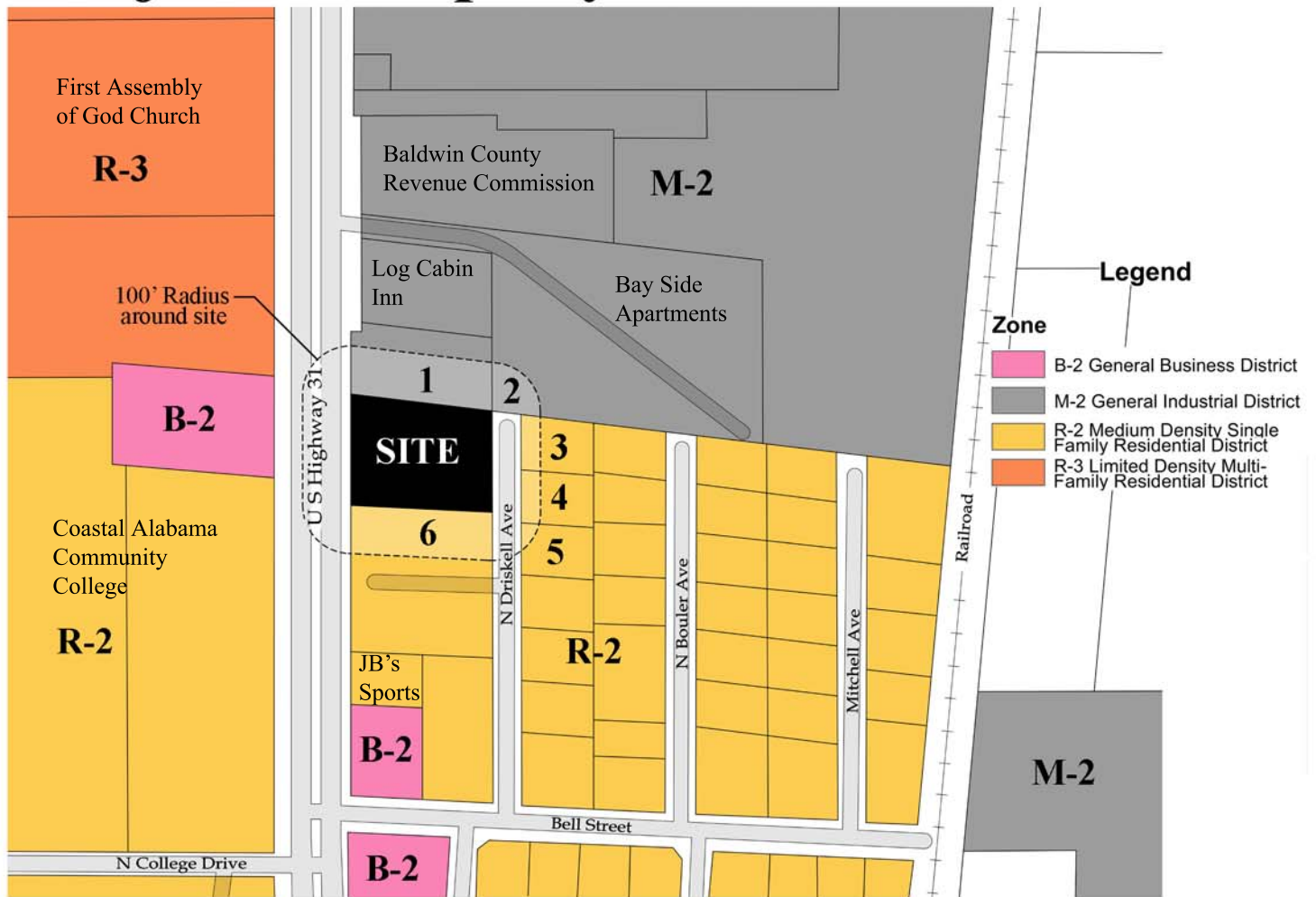
Rezoning Fee \$250.00

Lighthouse Apostolic Holiness Church, Inc.
1829 South US Highway 31, Bay Minette, Alabama 36507

PROPERTY DESCRIPTION

Lot 1 and Lot 2, Green Acres Subdivision No.3, according to the plat thereof, recorded in Map Book 5, page 89, in the Office of the Judge of Probate, Bay Minette, Alabama.

Adjacent Property Owners within 100'



1 Parcel Number: 05-23-05-21-4-000-003.003
 PIN: 2415
 Owner Name: 3-D INVESTEMNTS L L C
 Address: 704 LAKEVIEW DR
 City: BAY MINETTE
 State: AL
 Zip: 36507

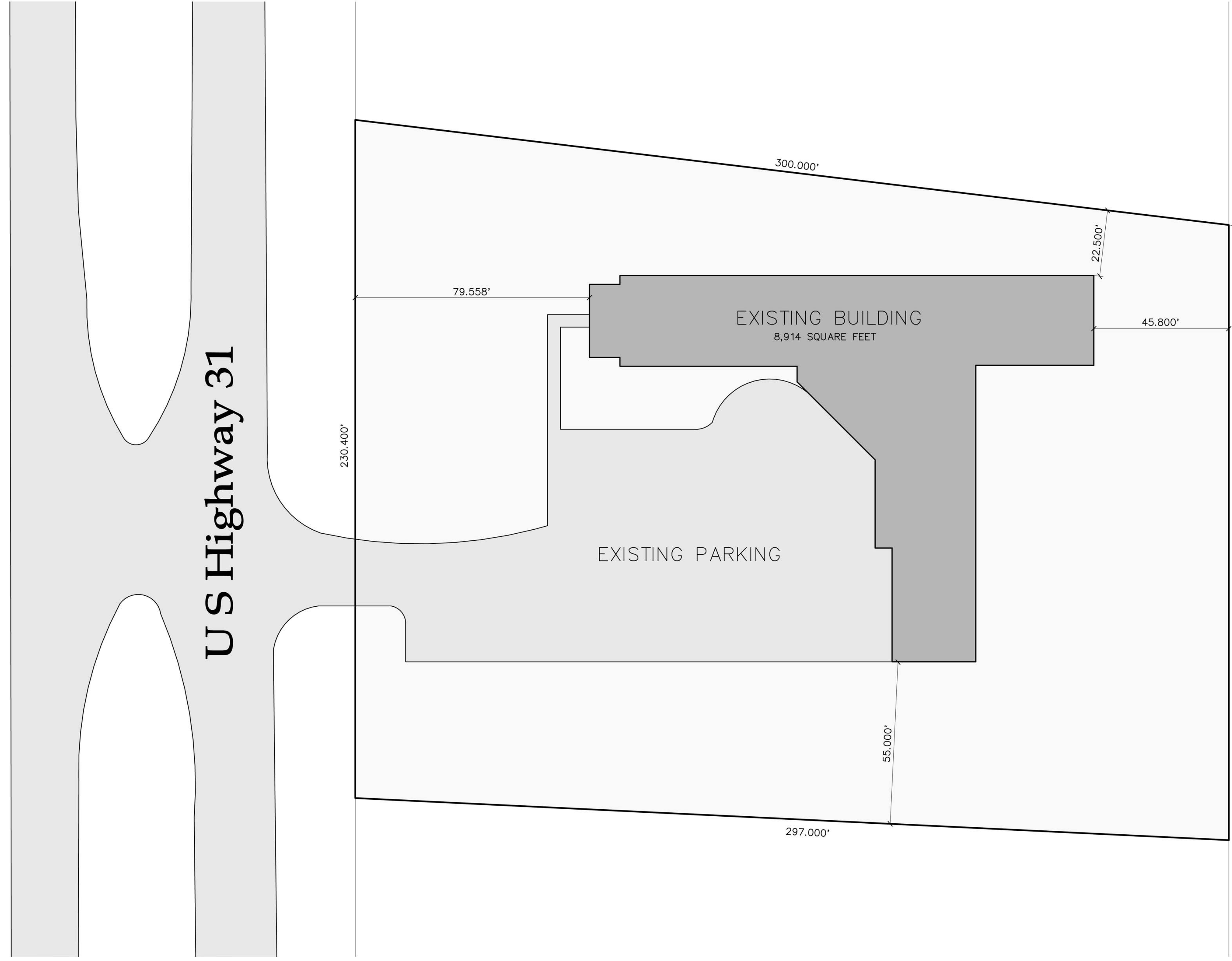
2 Parcel Number: 05-23-05-21-4-000-003.004
 PIN: 58468
 Owner Name: BAY MINETTE HOUSING LTD
 Address: C/O THE MORROW COMPANIES
 City: TUSCALOOSA
 State: AL
 Zip: 35402

3 Parcel Number: 05-23-05-21-4-000-009.000
 PIN: 41365
 Owner Name: YARBROUGH, AUBREY E ETUX LILLIE H
 Address: P O BOX 462
 City: BAY MINETTE
 State: AL
 Zip: 36507

4 Parcel Number: 05-23-05-21-4-000-010.000
 PIN: 36772
 Owner Name: WILLIAMS, CHRISTOPHER M ETAL WILLIAMS, C
 Address: 210 DRISKELL AVE N
 City: BAY MINETTE
 State: AL
 Zip: 36507

5 Parcel Number: 05-23-05-21-4-000-011.000
 PIN: 44469
 Owner Name: PENN, KATRIENA N
 Address: 208 DRISKELL AVE N
 City: BAY MINETTE
 State: AL
 Zip: 36507

6 Parcel Number: 05-23-05-21-4-000-005.000
 PIN: 62050
 Owner Name: BELL, EARL P JR ETUX CAROLYN H
 Address: P O BOX 38
 City: BAY MINETTE
 State: AL
 Zip: 36507



EXISTING SITE PLAN

SCALE 1" = 20'-0"



SITE INFORMATION

PARCEL NUMBER 05-23-05-21-4-000-004.000

PPIN 17167

PARCEL SIZE 1.496 ACRES ±

209' x 300. LOT 1 & 2 GREEN ACRES SUBDIVISION
 UNIT 3 BLOCK 1 PB5 P89, CITY OF BAY MINETTE
 SEC 21-T2S-R3E 1560179 (ORDER)

THERE ARE NO INDICATION OF POTENTIAL WETLANDS

ACCORDING TO FEMA MAPS, THE SITE IS NOT PRONE
 TO FLOODING AND IS CONTAINED WITHIN A ZONE 'X'.

THERE IS NO GEOTECHNICAL INFORMATION AVAILABLE
 FOR THE SITE.

ZONING DISTRICT - R-2 MEDIUM DENSITY SINGLE FAMILY
 PROPOSED ZONING - B-2 GENERAL BUSINESS DISTRICT
 PROPOSED USE IS NOT APPROVED BY RIGHT.

KINDERGARTEN, PLAYSCHOOL OR DAY CARE CENTER,
 PUBLIC OR PRIVATE, PROVIDED THAT ALL ACTIVITIES
 ARE CARRIED ON IN AN ENCLOSED BUILDING OR FENCED
 YARD AND THAT ALL APPLICABLE FEDERAL, STATE AND
 LOCAL REQUIREMENTS ARE MET, ARE ALLOWED IN THIS
 ZONING DISTRICT SUBJECT TO REVIEW AND APPROVAL
 BY THE PLANNING COMMISSION.

MAXIMUM BUILDING HEIGHT FOUR STORIES OR 50 FEET

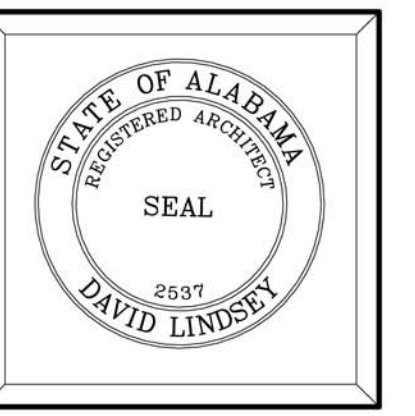
MAXIMUM BUILDING COVERAGE - THE MAXIMUM LAND
 COVERED BY A BUILDING SHALL BE 50 PERCENT OF THE
 TOTAL LOT AREA.

LANDSCAPE - A MINIMUM OF 15 PERCENT OF THE TOTAL
 LOT AREA SHALL BE LANDSCAPED OR MAINTAINED AS
 OPEN GREEN SPACE. THE FOREGOING PERCENTAGE SHALL
 INCLUDE ALL LANDSCAPE REQUIREMENTS FOR PARKING
 AREAS. PROVIDED HOWEVER, AT LEAST FIVE PERCENT OF
 THE TOTAL LANDSCAPED AREA OR GREEN SPACE MUST
 BE LOCATED IN THE FRONT YARD AND SIDE YARDS OF
 THE LOT IN AREAS OTHER THAN PARKING AREAS.

OFF-STREET PARKING

ONE SPACE FOR EACH EMPLOYEE, INCLUDING TEACHERS
 AND ADMINISTRATORS

SPACES SHALL BE 9' x 19' WITH A 24' DRIVE MIN.



VENUE ARCHITECTURE
 David Lindsey, Architect
 Email lindseyarchitect@yahoo.com
 Phone (251) 454-7213
 8178 NICHOLS AVENUE Suite C
 FAIRHOPE, ALABAMA 36532

DATE:

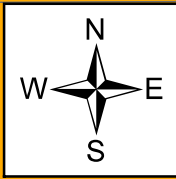
16 SEPTEMBER 2019

Apostle Floyd E. Nelson
Lighthouse Academy Daycare 5
 1829 U.S. Hwy 31 South
 Bay Minette, Alabama

PROJ# =

SHEET NO.
A1
 1 OF 1





S U S HWY 31

CROSSOVER

Bay Minette

SUBJECT PROPERTY

N COLLEGE DR

HAMMOND CIR

S COLLEGE DR

N DRISKELL AV

BOULER AV

MITCHELL AV

BELL ST

S DRISKELL AV

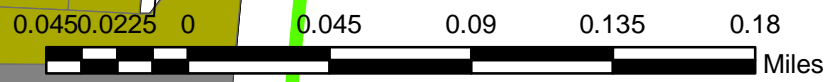
BOULER AV

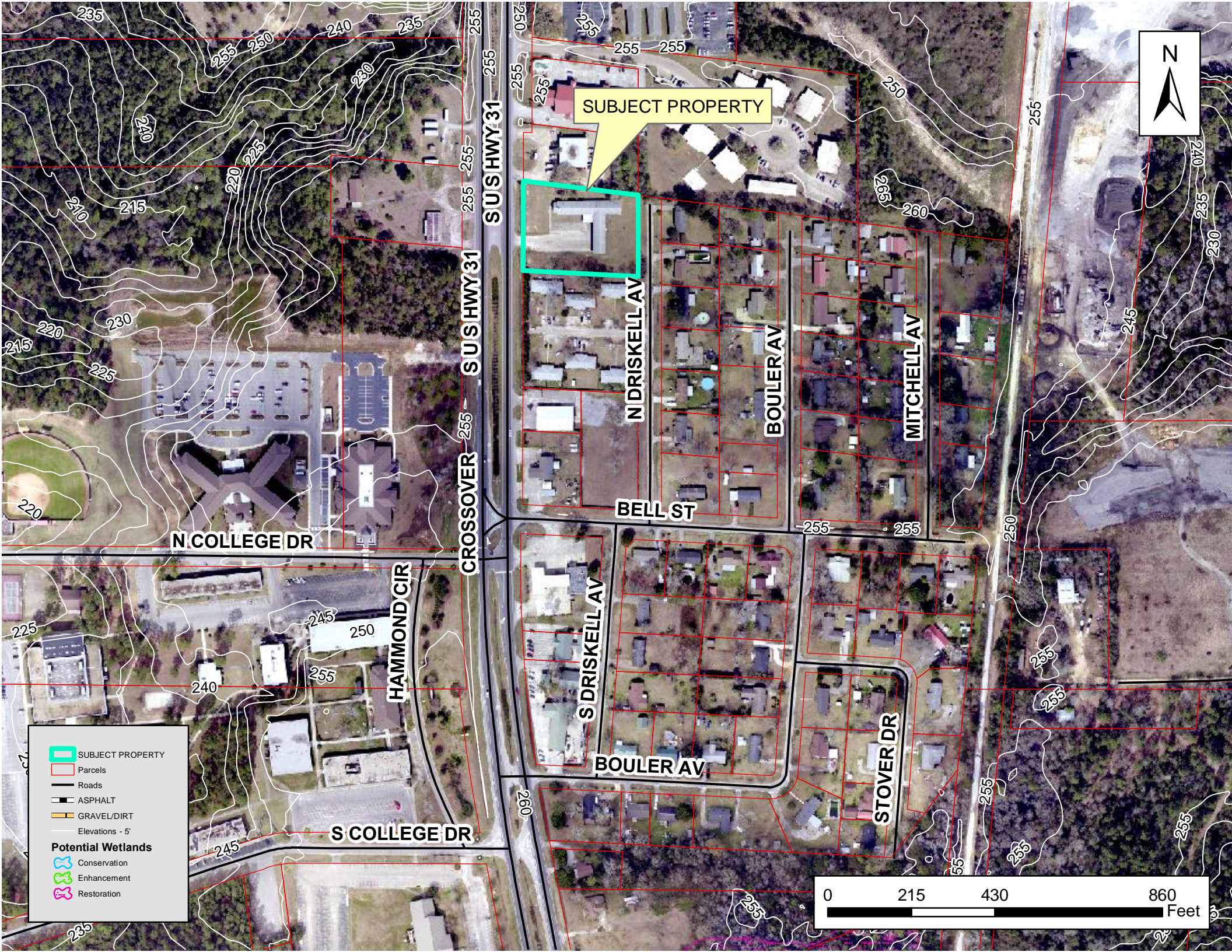
STOVER DR

RAY NOBLES RD

Legend










- SUBJECT PROPERTY
- City Limits
- BAY MINETTE ZONING**
- Unknown Zoning Designation
- ZONE**
- RA
- R5
- R4
- R3
- R2
- R1
- M2
- M1
- B3H
- B2H
- B2
- B1
- Parcels
- ASPHALT
- GRAVEL/DIRT





SUBJECT PROPERTY



-  SUBJECT PROPERTY
-  Parcels
-  Roads
-  ASPHALT
-  GRAVEL/DIRT
-  Elevations - 5'
- Potential Wetlands**
-  Conservation
-  Enhancement
-  Restoration

