

CITY OF BAY MINETTE
PLANNING COMMISSION

AGENDA

November 12, 2020

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.) Introduction of New Members
- 4.) Approval of Minutes for the September 10, 2020 Regular Meeting
- 5.) **Old Business**
- 6.) **New Business**
 - a) **AS-2024 –Barnett Property**
Request: Subdivide one lot into two for a family division
Location: The subject property is located on at 16400 C Daniels Road
 - b) **2020/2021 Meeting Schedule**
- 7.) **Reports**
 - a.) Mayor/Council
 - b.) Attorney
 - c.) Commissioner's Comments
 - d.) Planning Staff
- 8.) **Adjournment**

Bay Minette Planning Commission Regular Meeting Minutes

Minutes September 10, 2020

Monthly Meeting No. 9

The Bay Minette Planning Commission met in Regular Session on Thursday, September 10, 2020. The meeting was called to order at 8:03 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 8:03 a.m. the following members were present:

Todd Stewart, Chairman
Scotty Langham, Commission Member
Neal Covington, Commission Member
John Biggs, Council Member
Pat Robinson, Building Official

Commission Members absent:

Jessica Davis, Commission Member
Robert A. "Bob" Wills, Mayor
Wynter Crook, Commission Member

Commission Member(s) late:

Other persons in regular attendance:

Scotty Lewis, Attorney
Clair Dorough, City Planner
Jessica Peed, Planning Assistant
Tammy Smith, City Administrator
Leslie Johnston, SARPC
Steven Stewart

GUESTS Debbie Bryars
Renee Matthews

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

ITEM 3. Approval of Minutes of the August 13, 2020 meeting. Commission Member Langham made a motion to approve the minutes as written. The motion was seconded by Commission Member Biggs and it was unanimously carried.

ITEM 4. Old Business:

a.) AS-2017 – Hinote Exempt Family Division

Request: Subdivision correction for a family division into 5 parcels

Location: The subject property is located on the north and south side of Airport Road

Chairman Stewart introduced the subdivision request to correct a family division, and states there are two representatives in attendance, Debbie Bryars and Renee Matthews. Chairman Stewart states when the Hinote subdivision request was originally submitted, the ordinance regulations did not allow the requested division, but the ordinance has changed since that time and will now allow. Mrs. Dorrough distributed drawings to the members and states in her recent review of a request to subdivide the property, she realized the property had already been illegally subdivided and the initial denial was due to the parcels southernmost lot easement access not meeting regulations at that time. She states the owners have paid their fines and the division is now in compliance with our current ordinance regulations. Chairman Stewart asked the Commission if there were any comments or questions to which Scotty Lewis inquired about Lot 5 and the initial recording. Mrs. Dorrough states there were recording issues but by default it will become parcel 5. With no other questions or comments, Councilman Biggs made a motion to authorize the Chairman to sign the plat. Commission Member Langham seconded, and the motion was unanimously carried.

b.) RA-2002 – Proposed Zoning Ordinance Amendments – Public Hearing

Chairman Stewart introduced the Proposed Zoning Ordinance Amendments and states there will be a Public Hearing. Mrs. Dorrough reviews the proposed changes, highlighting the section regarding Fencing, Section 7.16. She explains the current regulations only regulate for corner lots and in Commercial Districts, but the proposed ordinance would now include height, material, and a clearer setback regulation in residential districts. Chairman Stewart inquired if there was a clause for safety standpoint for Fire or Police. Mrs. Dorrough states there is a 4 ft. maximum

on any front facing fences, which would allow emergency personnel to access the property in response to appropriate emergencies. Commission Member Covington inquired if the 7 ft. height regulation was standard, to which everyone agreed 8 ft. would be too tall and 7 ft. was an appropriate fence height. Councilman Biggs inquired if chain link fences would be allowed to which Mrs. Dorough states chain link fences are allowed as long as it is not an electrically charged chain link fence. There was a discussion on properly maintaining the fences, and who will enforce the regulation should the fence become in disrepair. Mrs. Dorough states enforcement of regulations would fall under the Code Enforcement position which falls under the Planning and Development department. Mrs. Dorough also states the fees will be altered so the only fee will be on the Planning side instead of the Building Department side and the proposed regulations will reflect that going forward.

Mrs. Dorough states Article 13 and Article 14 previously catered to the Building Official, but some of the titles have been altered to say Zoning Administrator. Mrs. Dorough states Article 13 indicates changes made regarding the Land Use certificates including the application fee and procedure, which will now be included in the Ordinance. Mr. Lewis inquires on delegation of work in case the Zoning Administrator was unable to work due to sickness, vacation, or other unforeseen circumstances. There was more discussion, to which it was decided to add a line item to state “or their designees” to the City Planner definition. Tammy Smith stated there is a need to revisit the fee schedule to which Scotty Lewis agreed it would be best to have a clean fee schedule. Mrs. Dorough points out Section 15.6 will affirm the new fee schedule is the most current, until a clean Fee Schedule can be updated. Mrs. Dorough states there is also a revision regarding dwellings within other districts other than residential, and various housekeeping improvements to help improve the ordinance.

Chairman Stewart opened the Public Hearing at 8:30a.m. to review RA-2002 – Proposed Zoning Ordinance Amendments. There were no comments or questions. Chairman Stewart closed the Public Hearing at 8:30a.m. Commission Member Covington made a motion for City Council to adopt the Proposed Ordinance Amendments with the addition of adding line item “and/or designee” to the City Planner definition. Commission Member Langham seconded the motion, and it was unanimously carried. Chairman Stewart asked Mrs. Dorough to attend the next City Council meeting.

c.) RA-2003 – Section 9.8 Mobile Vending Unit Pilot Program – Public Hearing

Chairman Stewart introduced the new proposed Mobile Vending Unit Pilot Program and stated a public hearing will also be held. Mrs. Dorrough briefly reviewed previously discussed pilot program and stated she did remove the food court option. She also stated the pilot program will have a 365-day trial period, should the Commission want to remove, change, or make permanent. Scotty Lewis stated he would like to add language stating Ordinance 994 would expire after 365-days. Tammy Smith stated it would become a permanent ordinance if no further action.

Chairman Stewart opened the Public Hearing at 8:38a.m for RA-2003 Mobile Vending Unit Pilot Program. There were no questions or comments. Chairman Stewart closed the Public Hearing at 8:39a.m. Commission Member Covington made a motion to make a recommendation to City Council to adopt the Mobile Vending Unit Pilot Program Ordinance for 365 days. Councilman Biggs seconded the motion, and it was unanimously carried.

ITEM 5. New Business:

ITEM 6. Reports:

A. Mayor/Council Report

- None

B. Attorney

- None

C. Commissioner

- None

D. Planning Staff

- None

ITEM 8. With no further business Chairman Stewart adjourned the meeting at 8:42 a.m.

DONE THIS THE 10TH DAY of SEPTEMBER 2020

Todd Stewart, Chairman

ATTEST:

Jessica Peed, Planning Assistant



City of Bay Minette

Planning & Development Services

Planning Commission Staff Analysis

Case No. AS-2024
Georgia Barnett Property
Exempt Subdivision Request
November 12, 2020

Subject Property Information

Physical Address:	16400 C Daniels Road	Applicant:	Ronda Kay Ballard & Debra Lynn Mixson
Parcel Number:	05-28-01-11-0-000-005.000		16400 C Daniels Road
Existing Zoning:	N/A - ETJ		Bay Minette, AL 36507
Existing Land Use:	Single-family residential	Owner:	Georgia Sue Barnett
Proposed Land Use:	Single Family Residential		16400 C Daniels Road
Acreage:	1.9± acres		Bay Minette, AL 36507

	Adjacent Land Use	Adjacent Zoning
North	Timberland	Outside Municipal Limits
South	Residential	Outside Municipal Limits
East	Residential	Outside Municipal Limits
West	Residential	Outside Municipal Limits

Summary

The subject property, which consists of approximately 1.9± acres, is within the city’s Extraterritorial jurisdiction and unzoned. The request is to subdivide the property into two parcels, for the purpose of a family division. According to the survey, the proposed division will follow an existing fence line that divides the property into two around the mid way point. There is also a 30-foot ingress/egress easement to allow access to the southern most parcel. The applicant received Exempt Subdivision approval from Baldwin County in 2011 but did not pursue approval from the City. Since that time, the owner has passed and the heirs are requesting to complete the division. This application qualifies for a family division as the property is being passed from parent to child.

The request meets the requirements for item (c) of Section 8.1 relating to Exempt Subdivisions.

Exempt Subdivision Review Criteria

The following Exempt Subdivision types are found in **Section 8** of the **Subdivision Regulations of the City of Bay Minette**.

- a) *The resubdivision of land into six (6) or less lots, tracts, or parcels where each of the lots, tracts, or parcels established by the resubdivision fronts on an existing public road.*

- b) *Subdivision wherein the size of each and every resulting lot equals or exceeds ten (10) acres including existing public rights-of-way. Each parcel shall have frontage on publicly maintained road.*
- c) *The subdivision of property for the limited purpose of sale, deed or transfer of land by the owner to a person or persons, all of whom are members of the owner's immediate family. Each parcel which is subdivided pursuant to this subparagraph shall have deeded ingress/egress and utility access or easement that runs with the land of not less than 30 feet in width. A qualifying division hereunder is limited to a division among the following designated legally related immediate family members: spouse, children, siblings, parents, grandparents, grandchildren, nieces, nephews, or step-related individuals of the same status.*

In addition to the requirements set forth above, the following requirements must be satisfied:

- a) *Each lot created hereunder shall comply with all minimum lot size and setback requirements otherwise specified by the provisions herein or by provisions of the Zoning Ordinance;*
- b) *Maintenance of any easements, together with all improvements thereto, shall be the responsibility of all parties to which it is granted by (1) written agreement or (2) deed reference, and shall be noted on a recorded certified plat. Neither the City nor the County shall be responsible for any easement or improvements thereto.*

Planning Commission Action

For exempt subdivisions, no public hearing shall be required, but shall be subject to review and approval of the Planning Commission for compliance with the requirements contained in Section 8. Upon consideration and approval by the Planning Commission, the Chairman shall be authorized to sign the plat on behalf of the Planning Commission.

The Planning Commission has the option to:

- Authorize the Chairman to sign the plat
- Authorize the Chairman to sign the plat with conditions
- Deny signatory authorization, with stated factors for the denial

Certified Plat: The property owner shall be responsible for the preparation of a certified plat, in form as approved by the Planning Commission, to be filed in the Baldwin County Probate records upon receiving approval hereunder. In the event the property to be divided is an existing lot (or lots) of record in a recorded subdivision, the applicant shall be required to cause a certified plat, in form as approved by the Planning Commission, to be recorded in the Baldwin County Probate records upon receiving an exemption hereunder.

Limitation on resubmittal. Any property included as part of an exempt or administrative subdivision shall not be eligible for consideration for further subdivision as an exempt or administrative subdivision for a period of one (1) year from the date of the last exempt or administrative subdivision.



City of Bay Minette

Exempt Subdivision Application

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

<u>OFFICE USE ONLY</u>
S- <u>2024</u>
Fee- \$200 + \$10/per Lot
Paid: <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Credit Card
<input type="checkbox"/> Check – No.: _____

Owner Name: Georgia Sue Barnett

Phone Number: Deceased Email: Deceased

Address: 16400 C Daniels Rd, Bay Minette, AL 36507

Street / PO Box	City	State	Zip
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Name of Applicant / Agent / Professional Land Surveyor, if other than owner:
Ronda Kay Ballard & Debra Lynn Mixson

Phone Number: (251) 253-2589 Email: _____

Name of Subdivision: _____

Subdivision Location: 16400 C Daniels Rd, Bay Minette, AL 36507

Parcel/PPIN #: 042648

Total Acreage: 1.9 # of Parcels Existing: one

Lot Sizes: _____ # of Lots Proposed: 2

Reason for request: Division for two children of decedent Georgia Sue Barnett

Signature: Ronda K. Ballard Date: 10-27-2020

<u>Fees</u>	Version 1.2 7/22/2020
Application Fee: \$200.00	
No. of Parcels: <u>2</u> X \$10 = \$ <u>20</u>	Paid: <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Credit Card
Total \$ <u>220</u>	<input type="checkbox"/> Check # _____

Submittal Requirements

- | | |
|--|---|
| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Application <input type="checkbox"/> Fee <input type="checkbox"/> Survey/Plat showing existing parcel(s) <input type="checkbox"/> Survey showing proposed subdivision in accordance with Administrative Subdivision Regulations | <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Agent Authorization Form (if applicant is not the owner) <input type="checkbox"/> Certification for Family Administrative Form (if applicable) |
|--|---|

*Exempt Subdivision Regulations are included with packet

- 2 Hard Copies; 1 with the original seal
- Electronic Copy sent to COBM_Planning@ci.bay-minette.al.us

CERTIFICATION FOR FAMILY ADMINISTRATIVE SUBDIVISION

I, Ronda Ballard & Debra Mixson, the undersigned, do hereby certify and attest to the City of Bay Minette, Alabama and the Bay Minette Planning Commission that the attached administrative subdivision request is in compliance with Section 8 of the Bay Minette Subdivision Regulations. Specifically, the undersigned certifies and attests that the requested subdivision is for the limited purpose of sale, deed, or transfer of land to a person or persons, all of whom are members of the undersigned's immediate family. For purposes of this certification, I understand that immediate family members are limited to the following individuals: spouse, children, siblings, parents, grandparents, grandchildren, nieces, nephews or step-related individuals of the same status.

If approved, subdivided parcels will only be conveyed to a qualifying immediate family member as defined herein and in Section 8 of the Bay Minette Subdivision Regulations.

APPLICANT:

Ronda K. Ballard
Signature

10-27-2020
Date

Ronda Ballard
Print Name

WITNESS:

Debra Mixson DM
Signature

10/26/2020
Date

Debra Mixson
Print Name

Debra Mixson
Signature

10/26/2020
Date

Debra Mixson
Print Name

AFFIDAVIT OF HEIRSHIP
GEORGIA SUE BARNETT (Decedent)

STATE OF ALABAMA)
COUNTY OF BALDWIN)

Personally, appeared before me, the undersigned authority, SUE MORRIS, who after first being duly sworn, deposes and says as follows:

My name is Sue Morris, and my address is 2006 Guarisco Street, Daphne, Alabama 36526. I have been personally acquainted with the Family of Georgia Sue Barnett (Decedent) as a friend for over 13 (thirteen) years.

That Georgia Sue Barnett (Decedent) died on September 3, 2020. At the time of death, the Decedent's residence was 16400 C Daniels Road, Bay Minette, AL 36507.

I know that Georgia Sue Barnett (Decedent) was a widow at the time of her death having two children (all of whom are still living and over the age of twenty-one years):

Ronda Kay Ballard (daughter)
16400 C Daniels Rd
Bay Minette, AL 36507

Debra Lynn Mixson (daughter)
16400 C Daniels Rd
Bay Minette, AL 36507

Affiant further says that these are the only heirs at law and next of kin of Georgia Sue Barnett (Decedent) who would, under the laws of the state of Alabama, be her heirs.

Further affiant sayeth not.



Sue Morris, Affiant

STATE OF ALABAMA)

COUNTY OF BALDWIN)

I, the undersigned, a Notary public, in and for said County and State, hereby certify that Sue Morris, Affiant, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 26 day of October, 2020.

Rhonda B Smith

Notary Public

My Commission Expires: 6-28-2022

This instrument prepared by:

PATSY L. JOHNSON
Attorney at Law
22881 State Highway 59 South
Robertsdale, Alabama 36567
Ofc: (251) 970-5047
Fax: (251) 989-9000
E-mail: pjohnson@gulftel.com

AFFIDAVIT OF HEIRSHIP
GEORGIA SUE BARNETT (Decedent)

STATE OF ALABAMA)
COUNTY OF BALDWIN)

Personally, appeared before me, the undersigned authority, JANET CARAWAY, who after first being duly sworn, deposes and says as follows:

My name is Janet Caraway, and my address is 42198 Pine Grove Road, Bay Minette, Alabama 36507. I have been personally acquainted with the Family of Georgia Sue Barnett (Decedent) as a friend for 13 (thirteen) years.

That Georgia Sue Barnett (Decedent) died on September 3, 2020. At the time of death, the Decedent's residence was 16400 C Daniels Road, Bay Minette, AL 36507.


I know that Georgia Sue Barnett (Decedent) was a widow at the time of her death having two children (all of whom are still living and over the age of twenty-one years):

Ronda Kay Ballard (daughter)
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Bay Minette, AL 36507

Debra Lynn Mixson (daughter)
16400 C Daniels Rd
Bay Minette, AL 36507

Affiant further says that these are the only heirs at law and next of kin of Georgia Sue Barnett (Decedent) who would, under the laws of the state of Alabama, be her heirs.

Further affiant sayeth not.



Janet Caraway, Affiant

STATE OF ALABAMA)

COUNTY OF BALDWIN)

I, the undersigned, a Notary public, in and for said County and State, hereby certify that Janet Caraway, Affiant, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 26 day of October, 2020.

Rhonda B Smith

Notary Public

My Commission Expires: 6-28-2022

This instrument prepared by:

PATSY L. JOHNSON
Attorney at Law
22881 State Highway 59 South
Robertsdale, Alabama 36567
Ofc: (251) 970-5047
Fax: (251) 989-9000
E-mail: pjohnson@gulftel.com



BALDWIN COUNTY
HIGHWAY DEPARTMENT
P.O. Box 220
SILVERHILL, ALABAMA 36576
TELEPHONE: (251) 937-0371
FAX (251) 937-0201

CAL MARKERT, P.E.
COUNTY ENGINEER

January 28, 2011

Mrs. Georgia Barnett
16400 C. Daniels Road
Bay Minette, AL. 36507

Subject: Exempt Subdivision Parcel ID: 05-28-01-11-0-000-005.000
SEC 11, T3S, R3E (District 5 – Unzoned)

Dear Mrs. Barnett,

This letter is in response to your request for an exemption from the *Baldwin County Subdivision Regulations* as provided in Section 4.2(c) which states the following:

§4.2 Exceptions to Required Approval.

(c) Sale, deed or transfer of land by the owner to an immediate family member, except that, in the event that there is any sale, deed, or transfer of land by the owner or an immediate family member to someone other than an immediate family member, these regulations shall apply. Each parcel shall have its own ingress/egress and utility access of not less than 30 feet in width;


Exemption from the requirement for approval to subdivide does not constitute exemption from the requirements of other applicable regulations including but not limited to zoning ordinance, Health Department requirements, highway construction setbacks, or, if located within the extraterritorial jurisdiction of a municipality, the regulations of that municipal planning commission. Any subdivider who is circumventing the intent and substance of the *Baldwin County Subdivision Regulations* shall be required to submit a plat for review and approval by the Baldwin County Planning and Zoning Commission and shall be subject to the penalties under *Section 13.3: Enforcement of the Baldwin County Subdivision Regulations*.

As per your request, Parcel A will be conveyed to Rhonda Kay Ballard (Daughter) and Parcel B to Debra Lynn Mixson (Daughter). Based upon your request for an exemption, the proposed division of this parcel into two (2) parcels, is Exempt from the *Baldwin County Subdivision Regulations*.

This property is located in the Bay Minette planning jurisdiction and approval from Bay Minette is required.

Sincerely,

CAL MARKERT, P.E.
COUNTY ENGINEER

By: 
Steven Pumphrey

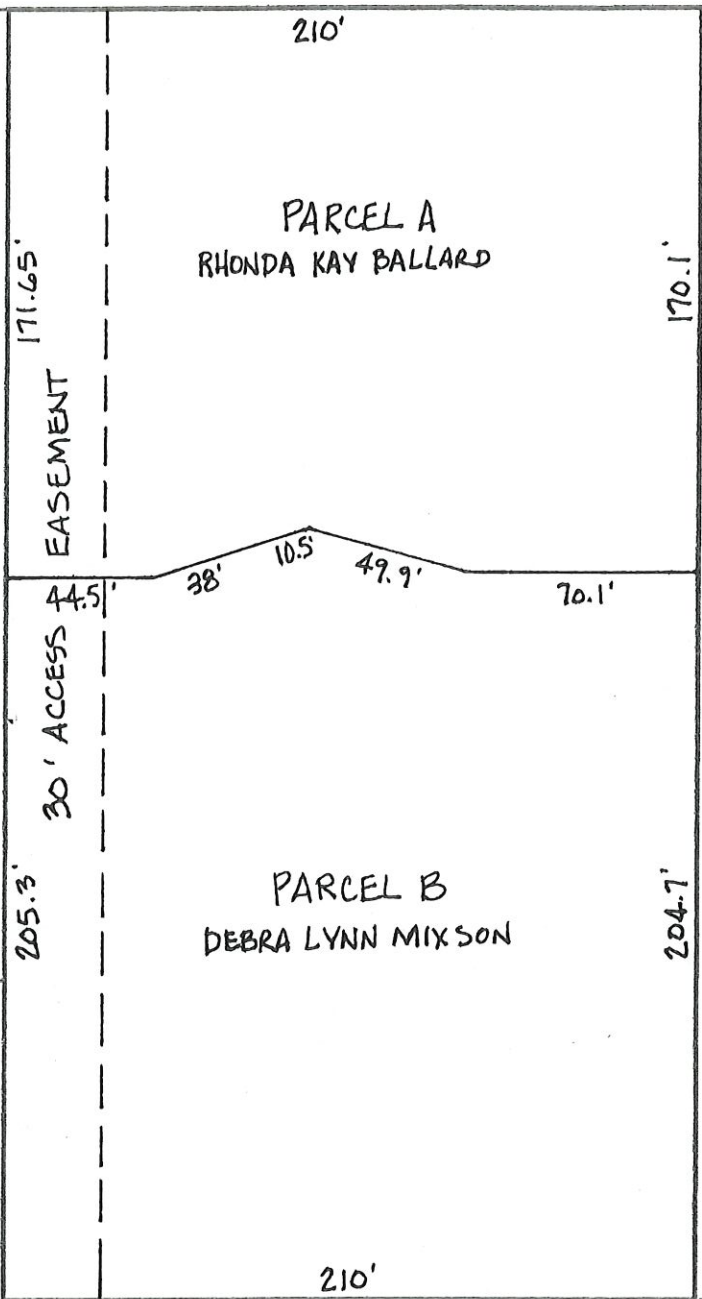
Cc: Mike Howell; Building Official (via interoffice mail)
Annette Lubertozzi; E911 Addressing (via interoffice mail)
City of Bay Minette; Oscar Waters, Building Official; P.O. Box 1208; Bay Minette, AL 36507
File

BARNETT EXEMPTION



N.T.S.

C DANIELS RD



PARCEL A
RHONDA KAY BALLARD

PARCEL B
DEBRA LYNN MIXSON

AS-2024



Subject Property


















HANNIS-WILLIAMS-RD

GANDLEMEADE-RD

WANDA-CHANDLER-RD

MCCAW-PL

Future Land Use Map

-  BC Revenue Parcels
-  Bay Minette
-  Roads
-  AGRICULTURE/TIMBER
-  COMMERCIAL
-  GOVERNMENT
-  INDUSTRIAL
-  INSTITUTIONAL
-  MANUFACTURED HOME
-  MIXED USE
-  PARKS & RECREATION
-  SINGLE FAMILY
-  DUPLEX
-  MULTI-FAMILY
-  PUBLIC/SEMI-PUBLIC
-  UNDEVELOPED
-  UTILITIES

0 0.05 0.1 0.2 Miles

AS-2024



DURBAN FORK RD

Legend

- Parcels
- City Limits
- County Asphalt
- County Gravel/Dirt
- RA
- R1
- R2
- R3
- R4
- R5
- B1
- B2
- B2H
- M1
- M2
- PUD

Subject Property

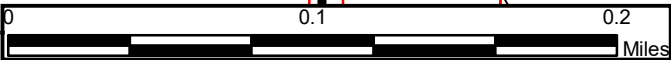
C DANIELS RD

HANNIS WILLIAMS RD

CANDLEMEADE RD

WANDA CHANDLER RD

MCCAW PL



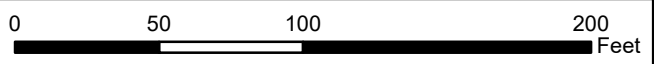
AS-2024



CDANIELS RD

Subject Properties

▭ Parcels
— Roads





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

2021

MEETING AND APPLICATION DEADLINE SCHEDULE

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

MEETING TIME: 8:00 a.m.

MEETING DATE	APPLICATION DEADLINE DATE
January 14, 2021	December 15, 2020
February 11, 2021	January 19, 2021
March 11, 2021	February 16, 2021
April 8, 2021	March 16, 2021
May 13, 2021	April 13, 2021
June 10, 2021	May 18, 2021
July 8, 2021	June 15, 2021
August 12, 2021	July 13, 2021
September 9, 2021	August 17, 2021
October 14, 2021	September 14, 2021
November 11, 2021	October 19, 2021
December 9, 2021	November 16, 2021