

CITY OF BAY MINETTE
PLANNING COMMISSION

AGENDA

June 10, 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 May 13, 2021 Regular Meeting
- 4.) Old Business
 - a.) RA-2101 Billboard Ordinance
 - b.) SD-2101 Pine Trace Subdivision
 - c.) SB107 Police Jurisdiction Bill
- 5.) New Business
 - a.) S-2116 COPA // COBM Mural
Request: City's Committee on Public Arts Mural
 - b.) Proposed Fee 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 May 13, 2021

Monthly Meeting No. 5

The Bay Minette Planning Commission met in Regular Session on Thursday, May 13, 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
Scotty Langham, Commission Member
Earl Emmons, Commission Member
William Taylor, Commission Member
Neal Covington, Commission Member
Ray Clark, Commission Member
Patrick Robinson, Building Official

Commission Members absent:

Wynter Crook, Commission Member

Commission Members 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, Fire Inspector

GUESTS

Don Whittington
Ivan Blackmon

INVOCATION

Councilman Taylor gave the invocation, followed by the pledge.

ITEM 3. Approval of Minutes of the April 13, 2021 meeting. Commission Member Clark made a motion to approve the April minutes as written. The motion was seconded by Commission Member “Mayor” Wills and was unanimously carried.

ITEM 4. Old Business

a.) SE-2101, GET MAD, LLC Status

Chairman Stewart states the first item of old business to discuss is that status of the previous Special Exception Case, and asked Mrs. Dorough to further explain. Mrs. Dorough states at the previous meeting, the Planning Commission recommended denial to the Board of Adjustment. A public hearing was held during the Board of Adjustment meeting, and the Board denied the request. She also states the applicant may be revising his proposal, but there has not been an active application submitted at this time.

b.) SE-2102, Dennis Byrd Property States

Mrs. Dorough states the second Special Exception request was previously discussed at the last Planning Commission meeting, to which the Commission recommended approval to the Board of Adjustment. The Board of Adjustment held a public hearing, to which the Board approved the request. The applicant has already submitted building plans and ALDOT’s letter of approval for the driveway.

ITEM 5. New Business:

a.) ES-2102 - Brown Family Subdivision

Disclosure of Prior Communications and/or Conflict of Interest

Request: Family Exemption for a 3-lot subdivision

Location: The subject property is located at 1075 County Road 138

Chairman Stewart introduces the request for a family exemption for a 3-lot subdivision. He asks if there are any prior communications or conflicts of interest, to which there were none. Mrs. Dorough gave an overview of the application and proposed request including the property is located in the County’s zoned District 4 and located within Bay Minette’s Extraterritorial jurisdiction. She begins discussing the full acreage and how each parcel will be split, and the ingress and egress. She also states if the Planning Commission approves the subdivision, the application will then need to go through the County as they have regulations to follow since it is zoned. Chairman Stewart inquires about the utility easements and if the deeded access to the property has already been recorded, to which Mrs. Dorough states to her knowledge, it has been recorded. Commission Member Clark inquires on the lot shapes, to which there is a brief discussion and

power point indicating the proposed division and acreage of the one (1) 24-acre parcel into three (3) parcels. Mrs. Dorough states there is a shed on the smallest parcel that appears to meet setbacks, but that review will also go through the County as far as lot coverage and minimum setbacks. Chairman Stewart inquires if there is any representation for this request, to which there were none in attendance. Chairman Stewart inquired if the request would impose any hardships on anyone who already resides at the property, to which Mrs. Dorough states it would not. Chairman Stewart clarifies that Lots 1 and 3 will be for family members, while Lot 2 stays with the current owner. There is another brief discussion on setbacks, existing shed, and County review procedure. With no further questions or comments Commission Member Covington made a motion to authorize the Chairman to sign the plat as submitted. Commission Member Langham seconded the motion, and it was unanimously carried.

Chairman Stewart inquires as to why the County Engineers and Planning Director would need to also sign the plat, to which Mrs. Dorough states there is a short clause in the State Code and the county/city ETJ agreement that states any exempt subdivision that is located in the municipality's ETJ, the County Engineer must certify the City's approval.

b.) SP-2103 – Wendelta Property Holdings, LLC

Disclosure of Prior Communications and/or Conflict of Interest

Request: Site Plan Approval for a Wendy's drive-thru restaurant

Location: The subject property is located at 806 McMeans Avenue

Chairman Stewart introduces the site plan request for a Wendy's drive-thru restaurant to replace the former Ruby Tuesday. He states the building is currently empty. Mrs. Dorough gives a brief overview of the proposal including a slideshow of the property and proposed renovations, landscaping, and parking requirements. She states NBU's concern with the drainage from the dumpster pad, but they are currently working to correct the potential issue. She also states staff has a concern with the drive through's will potentially block entrances and exits with traffic. Commission Member Clark inquires on suggestions for this potential traffic hazard to which Mrs. Dorough states she believes lane markings and appropriate signage would be sufficient, once the citizens are past the learning curb. There is a brief discussion on access. Ivan Blackmon with Carlisle Contractors states the property is being purchased from Ruby Tuesday bankruptcy, and he currently received a letter of support from the owner of the shopping center located behind the building. He also states he intends to design a "Y" lane to help with vehicle stacking in hopes to alleviate any potential vehicle issues. He also states the repurposing and redesigning of the Ruby Tuesday will be the first of its kind in the Country, and corporate is excited about this endeavor. Mayor Wills comments the exterior is attractive, and Mr. Blackmon

begins discussing exterior development. He introduces Don Whittington, the Civil Engineer, and states he has helped with many projects. Mayor Wills inquired on time frame to which Mr. Blackmon states he believes the project will be completed around 100 days after permits are in place. Chairman Stewart inquires if there is a cross parking access easement to which Mr. Blackmon states it is not in the deed; however, the front of the shopping center area is on board. Mayor Wills inquired if Mr. Trottman still owned the shopping center to which Mr. Blackmon stated he did. Chairman Stewart stated that from a Planning Commission standpoint, all items have been met, with the exception of NBU's concern regarding the dumpster pad. Mrs. Dorough stated her primary concern was access. Chairman Stewart inquired on hours of operation to which Mr. Blackmon stated breakfast would be served around 6am- 6:30am, with closing around 10pm- 10:30pm. There is a brief discussion regarding the walk-in cooler being kept or disposed to which Mr. Blackmon stated the cooler is in good condition, so he plans to keep it as it is attached to the building. He also states the exterior and interior will look brand new to customers. Chairman Stewart inquires on delivery times, and the previous issues with the delivery trucks destroying the parking lots. Chairman Stewart also states the Planning Commission is not authorizing the destruction of other's properties. Mr. Blackmon states delivery times are usually around 2am-3am, and box trucks will be making the deliveries which are smaller than an 18-wheeler. Chairman Stewart inquires on closing date, to which Mr. Blackmon states is next month. With no further questions or comments, Commission Member Covington moves to approve the Site Plan. Commission Member Emmons seconds, and it is unanimously carried.

c.) RA-2101 – Zoning Amendment Public Hearing

Disclosure of Prior Communications and/or Conflict of Interest

Request: Amend Sections 14.4 and 16.5.1(c) of the Zoning Ordinances

Chairman Stewart states there are a few revisions that need to be made to the Zoning Ordinance. Mrs. Dorough states there are two (2) parts of the Ordinance that needed to be revised. The first revision included the Special Exception submission limitation clause, as it was previously only included in the Variance section. She states that she has looked at the zoning ordinances and verbiage adopted prior to the current version and the limitation language was applied to both Special Exception and Variance cases; therefore, the verbiage would simply need to be adopted back to include Special Exception cases. Mr. Lewis stated this was the intention. Commission Member Clark stated the past Special Exception Board of Adjustment meeting would have ran smoother with this clause in place. Chairman Stewart and Mrs. Dorough stated the new adoption would also be put on all applications going forward.

Chairman Stewart stated there is also another ordinance revision pertaining to billboards within the Sign Ordinance. Mrs. Dorough states there was a request to erect a billboard near the MegaSite, but the current ordinance only allowed billboards on Hwy 59 and Hwy 31. She explained the “red and blue” portions show the deleted and added language of the proposed revisions and explains most of the language came from ALDOT state billboard regulations. There was a brief discussion on position and height limit and ALDOT requirements, to which Mrs. Dorough explains ALDOT defers to the local municipality regarding billboard height, and a discussion pertaining to annexation dates and inclusion or exclusion of certain highways when writing the ordinance. Chairman Stewart states there will be a public hearing and two (2) readings at City Council to formally adopt the revisions. Steven Stewart inquires on height limitation to which Mrs. Dorough states it is taken from grade. Chairman Stewart opens the Public Hearing at 8:53am, to which only Steven Stewart was in the audience with no comments or questions. Chairman Stewart closed the public hearing at 8:54am. Commission member Clark made a recommendation to make a modification for the Zoning Amendments listed under RA-2101 to the City Council. Commission Member Emmons seconded, and it was unanimously carried.

ITEM 6.

Reports:

- a.) Mayor/Council Report - NONE
- b.) Attorney - NONE
- c.) Commissioner- NONE
- d.) Planning Staff
 - Mrs. Dorough stated the next Planning Commission meeting will be June 10, 2021.

ITEM 8.

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

DONE THIS THE 13th DAY OF MAY, 2021

Todd Stewart, Chairman

ATTEST:

Jessica Peed, Planning Assistant

OWNER'S CERTIFICATE OF ACCEPTANCE
STATE OF ALABAMA
COUNTY OF BALDWIN

I/We, the undersigned, hereby certify that I/We am/are the Owner(s) of the within described lands and with full authority do hereby accept the within plat and subdivision thereof and dedicate all public easements, Right-of-ways as shown on this plat.

Robert E Branum 2/28/2008
Owner Date
Dorinda H. Branum 2-28-2008
Owner Date



NOTARY PUBLIC:
STATE OF ALABAMA
BALDWIN COUNTY)

I, Susan McCraw, a Notary Public, in and for said State and County, do hereby certify that the above names signed to the within OWNER'S ACCEPTANCE and who are known to me, being informed of the contents of said CERTIFICATE, executed the same voluntarily.

Given under my hand and seal this the 28th day of February, 2008.

Susan M. McCraw
Notary Public - Baldwin County, Alabama

My Commission Expires: **SEPTEMBER 17, 2009**
MY COMMISSION EXPIRES: Sept 17, 2009
BONDED THROUGH NOTARY PUBLIC UNDERWRITERS

Required language to be included on all subdivision plats presented to North Baldwin Utilities for certification:

"The undersigned, as authorized by North Baldwin Utilities, hereby certifies that, upon accomplishment of utility infrastructure improvements as may be identified to the satisfaction of North Baldwin Utilities, water () sewer () gas () service is or will be available to the property being the subject of this Plat to be presented for recording in the Probate Office of Baldwin County, Alabama."

NORTH BALDWIN UTILITIES
Larry S. Stejskal, P.E.
Engineering Manager

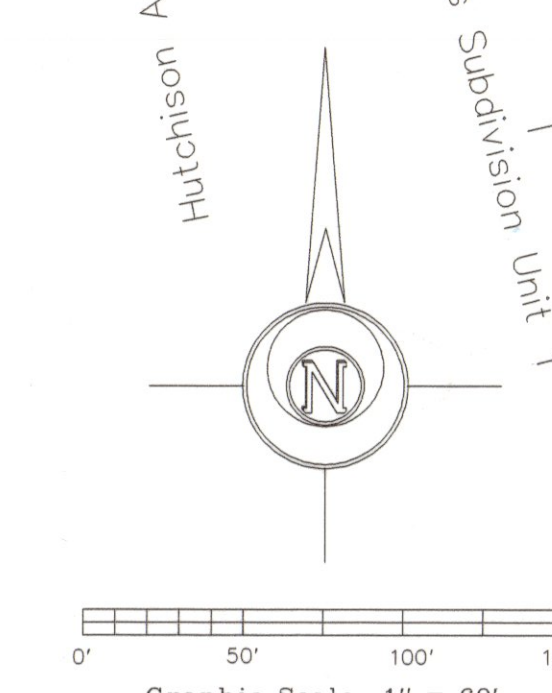
AFFIDAVIT OF REGISTERED PROFESSIONAL ENGINEER:
I, Ack W. Moore, a registered professional engineer in the State of Alabama, registration No. 3384, hereby state that I have designed the within improvements in conformity with applicable codes and laws and with the Principles of good engineering practice. I further state that I have provided oversight of the construction to my design, and that to the best of my knowledge and belief the within is a true and accurate representation of improvements as installed.

Ack W. Moore 2/25/08
Ack W. Moore P.E. & LIS. Date:
Ala. Reg. No. 3384

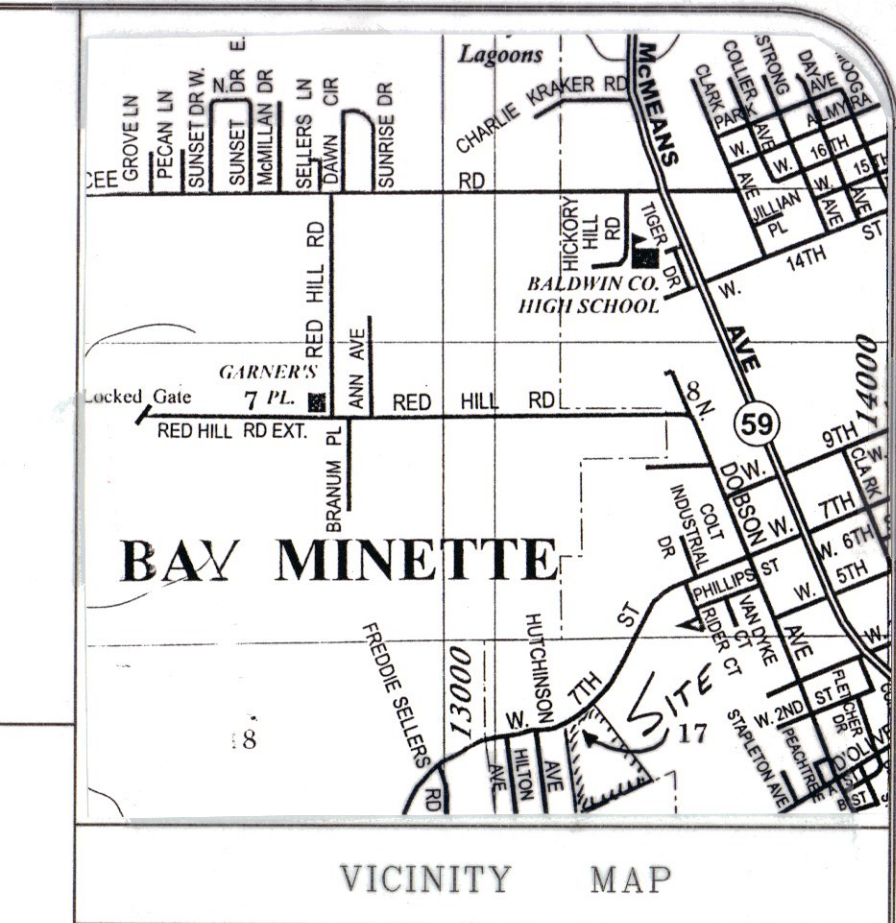
BAY MINETTE PLANNING COMMISSION:
I hereby certify that the subdivision plat shown hereon has been found to comply with the Bay Minette Subdivision Regulations with the exception of such variances, if any, as are noted in the minutes of the Planning Commission and written upon said plat and that it has been APPROVED for recording in the office of the Baldwin County Judge of Probate.

Dated this _____ day of _____, 200__
Planning Commission Chairman, or his Authorized Representative

- NOTES:
- BUILDING SETBACKS
FRONT BUILDING SETBACK IS 30 FEET,
REAR BUILDING SETBACK IS
35 FEET UNLESS OTHERWISE SHOWN.
SIDE BUILDING SETBACK IS 15 FEET UNLESS OTHERWISE SHOWN.
 - ALL LOTS HAVE A 10 FOOT DRAINAGE AND UTILITY EASEMENT ALONG FRONT AND REAR LOT LINES AND 5 FOOT ON SIDE LOT LINES UNLESS OTHERWISE SHOWN.
 - THE SUBJECT PROPERTY IS WITHIN THE CITY OF BAY MINETTE.
 - ZONING CLASSIFICATION R-2.
 - ALL LOT CORNERS ARE MARKED WITH CAPPED RE-BARS.
 - TOTAL ACREAGE 4.62 ACRES, MORE OR LESS.



JUDGE OF PROBATE STAMP



- SURVEYORS NOTES:
- All Measurements were made in accordance with U. S. Standards.
 - Description as furnished by Client.
 - There may be recorded or unrecorded Deeds, Easements, Right-of-ways, or other instruments that could affect the Boundaries of said properties.
 - There was No attempt to determine the existence, Location or extent of any sub-surface features such as Septic Tanks, Drain Fields, Underground Utilities, Fuel Tanks, etc.
 - Bearings and Distances shown hereon were Computed from actual field traverses.
 - The Basis of Bearings for this Survey is as shown hereon.
 - We did not locate any Environmental issues such as but not limited to Wet lands, etc.

DESCRIPTION AND CERTIFICATION
I, Seth W. Moore, a registered land surveyor, hereby state that all parts of this survey and drawing have been completed in accordance with the requirements by the Standards of Practice for Land Surveying in the State of Alabama to the best of my knowledge, information and belief, this is a true and correct map of the following description.

Commencing at the Southeast corner of Lot 9, Unit One of RHODES Subdivision as per its plat recorded in Map Book 7, Page 92 in the office of the Judge of Probate of Baldwin County, Alabama, thence run North 12° 35' 53" West, 757.03 feet to an iron pin for the Point of Beginning; Thence continue North 12° 35' 53" West, 315.00 feet to an iron pin lying on the South Right-of-way line of 7th Street; thence run along a curve of the left, concave Northerly, having a radius of 1,505.00 feet, an arc distance of 496.71 feet, Chord Bearing North 54° 16' 38" East, 494.45 feet to an iron pin; thence run South 42° 45' 42" East, 375.00 feet to an iron pin; thence run South 54° 51' 54" West, 335.22 feet to an iron pin; thence run South 69° 38' 13" West, 160.00 feet to an iron pin; thence run South 12° 35' 53" East, 34.86 feet to an iron pin; thence run South 77° 24' 07" West, 175.00 feet to the Point of Beginning.

I further state that the improvements presently situated on said property are located within the boundaries thereof; that there are no encroachments upon said property by buildings or fences situated on adjoining property; and that there are no joint driveways, easements, nor rights-of-way visible on the surface, except as noted hereon.

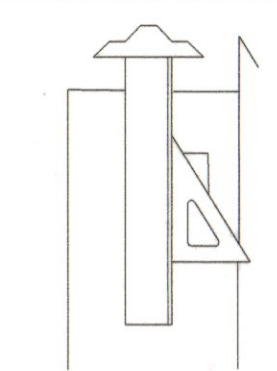
All according to my survey made this the 8th day of March, 2005.
I also state that I have examined the current FIA Official Flood Hazard Map, Community Number 010004, Panel Number 0245 K, and found referenced lot above lies in Flood Zone X, Map Dated June 17, 2002.

I also state that this drawing and/or certification does not reflect any title or easement research other than what is visible on the ground or provided by the clients at time of survey.

Seth W. Moore, P.L.S.
Ala. Reg. No. 16671
555 North Section Street
Fairhope, Alabama 36532



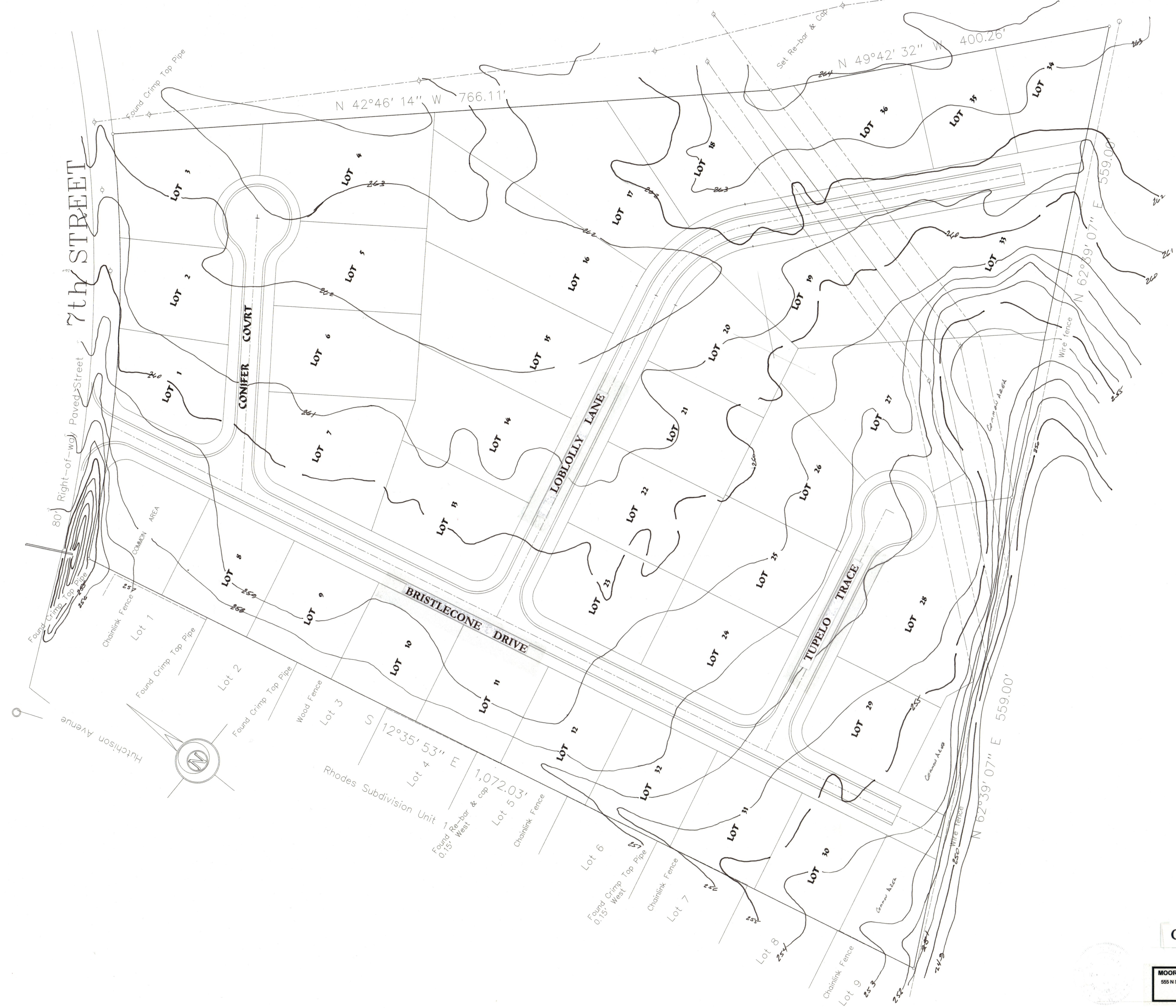
MOORE SURVEYING, INC.
PROFESSIONAL LAND SURVEYING,
BOUNDARIES, LAND PLANNING, CONSTRUCTION STAKING
555 NORTH SECTION STREET, FAIRHOPE, ALABAMA 36532
PHONE (251) 928 - 6777 FAX (251) 990 - 6070



SEAL

LEGEND	
ARC = Arc Length	DRAWN BY S W M
CAL = Calculated	DATE 3/8/05
CL = Center-line	JOB NUMBER
CAB = Cable TV	FIELD WORK
CONC = Concrete	SHEET 2 OF 10
COV = Covered	SCALE 1" = 60'
ELEC = Electrical	
ELEV = Elevation	
FC = Fence Corner	
MSD = Measured	
OH = Overhead Power	
PL = Property Line	
PP = Power Pole	
R = Radius	
REC = Recorded	
TEL = Telephone	
UG = Underground	
WL = Water Line	

PINETRACE
A RESIDENTIAL SUBDIVISION
IN BAY MINETTE, ALABAMA
UNIT ONE



CONTOUR MAP

MOORE ENGINEERING COMPANY 555 N SECTION ST., FAIRHOPE, AL 36632 TEL (251) 990-8200 FAX (251) 990-6070		SHT. 3 DATE
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Committee on Public Arts

Wilson Mural:

This design is proposed for the alley wall of the Beans on Hand property facing Blackburn Park. While our design will be similar, it will not include the word “beautiful” on top but will instead feature flowers on the sides and top, similar to a trellis.

City of Bay Minette Planning & Zoning Fees

Adopted 1/21/2020 by Resolution 0120-06

Proposed Revisions for 2021

Fee Type	Fee Amount
Land Use Certificate - Residential & Accessory	\$25 per structure
Land Use Certificate - Commercial and Industrial	\$25 per 1,000 gross sq. foot floor area
*Land Use Fee doubled if LU not obtained	
Assessment Letter	\$50.00
Rezoning	\$300.00
Variance	\$250.00
Special Exception	\$250.00
Administrative Appeal	\$250.00
Annexation - R-1 Zoning:	\$100.00 + cost of advertisement
Annexation - with Zoning Petition	\$250.00 + cost of advertisement
Exempt Subdivision	\$200.00 + \$10 per lot
Administrative Subdivision	\$200.00 + \$10 per lot
Sketch Plan	\$100.00
Minor Subdivision	\$250 + \$10 per lot + \$10 per certified letter
Preliminary Subdivision Plat for Major Subdivisions	\$400 + \$10 per lot + \$10 per certified letter
Final Subdivision Plat for Major Subdivisions	\$250.00
Request for Subdivision Extensions	\$250 per request
Request for Extension of Reversionary Period	\$250.00
Extensive Plat Amendments	\$250.00
Site Plan Approval	\$300.00
Community Banner Application	No Fee
Commercial Banner Application	\$25.00 per banner, 4 max per year
Sign Application	\$25.00 plus \$1.00 sq. foot — \$25.00 plus \$2.00 per sq. foot, rounded to next whole sq. ft.
Zoning / Jurisdiction Verification	No fee
Site Plan Renewal/Extension Fee	\$200.00
New Road Name Application Fee	\$100.00 plus the cost of signage
Road Name Change Application Fee	\$100.00 plus the cost of advertisement and signage
Printed Copy of Zoning Regulations	\$35 per copy