

# Bay Minette Planning Commission

## Regular Meeting Minutes

Minutes June 11, 2020

Monthly Meeting No. 6

The Bay Minette Planning Commission met in Regular Session on Thursday, June 11, 2020. The meeting was called to order at 8:05 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 8:05 a.m. the following members were present:

Todd Stewart, Chairman  
Robert A. "Bob" Wills, Mayor  
Neal Covington, Commission Member  
John Biggs, Council Member  
Pat Robinson, Building Official

Commission Members absent:

Scotty Langham, Commission Member  
Jessica Davis, Commission Member

Commission Member(s) late:

Wynter Crook, Commission Member

Other persons in regular attendance:

Scotty Lewis, Attorney  
Tammy Smith, City Administrator/Finance Director  
Clair Dorrough, City Planner  
Leslie Johnston, SARPC  
Jessica Peed, Planning Assistant  
Steven Stewart, Fire Inspector  
Jason Padgett, North Baldwin Utilities CEO

**GUESTS**

Andy Rotenstreich  
Ashley Jones Davis  
Ron Ballard  
Cameron Lewis

**INVOCATION**

Councilman Biggs gave the invocation, followed by the pledge.

ITEM 3. Approval of Minutes of the March 12, 2020 meeting. Mayor Wills made a motion to approve the minutes as written. The motion was seconded by Commission Member Covington and it was unanimously carried.

*Wynter Crook joined the Planning Commission meeting at 8:06am.*

ITEM 4. Confirm and ratify the cancellation of the April 16<sup>th</sup> and May 14<sup>th</sup> Regular Meetings due to COVID-19

Chairman Stewart introduced the necessity to formally act on the cancellation of the April 2020 and May 2020 Regular Meetings due to COVID-19. Commission Member Covington made the motion to ratify the cancellation of the April 16, 2020 and May 14, 2020 Regular Meetings due to COVID-19. Councilman Biggs seconded, and was unanimously carried.

Chairman Stewart rearranged the order of the agenda so the visitors would be able to leave after their topic of concern is discussed, making New Business to be discussed prior to Old Business.

ITEM 5. New Business:

a) Election of Vice-Chair

Chairman Stewart stated the previous Vice-Chairman, Ed Pepperman, retired from his position on the Planning Commission; therefore, the position of Vice-Chairman is now available, and action is needed to officially elect a replacement. Chairman Stewart opened the floor for nominations. Mayor Wills nominated Neal Covington. No other nominations were made. Chairman Stewart closed the floor for nominations. Chairman Stewart opened the vote to elect Neal Covington as the Vice-Chairman at 8:11am. None opposed, and the motion was carried.

b) AS-2007- Switzer Family Exempt Subdivision

Request: Proposed Family exempt subdivision to divide a 1.86-acre lot from a 32.46-acre lot

Location: The subject property is located on Pine Grove Road Ext South

Chairman Stewart introduced the Switzer Family Exempt Subdivision and asked if there were any representatives present. Mrs. Dorough said no one is presently attending the meeting. Mayor Wills confirmed the property location. Mrs. Dorough explains the request is to be split for the sister, and no zoning requirements need to be met. Chairman Stewart asked the Planning Commission if there were any comments or questions, and there

were none. Vice-Chairman Covington made motion to accept staff recommendation to authorize the Chairman to sign the plat. Councilman Biggs seconded, and motion was unanimously carried.

c.) AS-2008 Ballard Family Exempt Subdivision

Request: Proposed family exempt subdivision to divide a 2-acre lot from a 5-acre lot

Location: The subject property is located at 16311 Old Brady Road

Chairman Stewart asked if anyone at the meeting was in attendance to represent the applicant. Ron Ballard stated he was in attendance. Mrs. Dorough introduced the Ballard Family Subdivision request, stating that the property is located within our ETJ. She also stated the applicant initially submitted the request to the County for review. Chairman Stewart stated the 5-acre lot would be subdivided into a 2-acre lot and a 3-acre lot. Chairman Stewart asked if Mr. Ballard had any comments. Mr. Ballard stated he had none. Mayor Wills asked Mr. Ballard about the location, and Mr. Ballard verified. Chairman Stewart stated the two options for Planning Commission were to either approve or deny the request. Mayor Wills made a motion to authorize the Chairman to sign the plat. Commission Member Covington seconded the motion, and it was unanimously carried. Mrs. Dorough had Chairman Stewart sign the plat and gave the original signed plat to Ron Ballard.

d.) SE-2001 – AT&T Special Exception

Request: Special Exception for the construction of a new wireless telecommunications facility

Location: The subject property is located on Newport Parkway

Chairman Stewart introduced ATT's request to construct a new wireless telecommunications tower on Newport Parkway. He stated there would be two discussions and actions related to the request in the forms of a recommendation to the Board of Adjustment, and the Site Plan review decision. Chairman Stewart states this request is considered a Special Exception, which would go before the Board of Adjustment with a recommendation from the Planning Commission. He also stated the request is represented by attorney, Andy Rotenstreich. Mrs. Dorough gives an overview stating the lease with the property owner has been signed which includes the two parcels and the construction of a cell tower. Mrs. Dorough also states the proposal is to have a 180 ft. tower with an additional 10 ft. lightning rod. She also stated the tower will be accessed

from the east side of the property and Manor Drive will not be affected. Mayor Wills verifies the location, as there is no current address. Mrs. Dorough stated ATT received approval in 2014, but the option expired for the company, so it was never built but since that time the property has changed minimally. Chairman Stewart made a note that the ordinance pertaining to Cell Towers allows for communication towers to be 180 feet and this application states 180 feet plus a 10-foot lightning rod. However the ordinance says the height includes antennas but does not state lightening rods, leaving the lightening rod outside of the scope of max height. Mr. Rotenstreich confirmed the height of the tower. Chairman Stewart brought up that plans stated "Subject to Structural Review" and questioned whether the monopole-type tower would potentially change to a tripod or other type. Mr. Rotenstreich confirmed the tower would be a monopole. Mayor Wills states part of the tower will extend onto another property. Mrs. Dorough explains the lease covers both parcels the tower will be constructed on, and it is a five-year lease with options to renew, but the lease specifically covers the construction of the tower. Mrs. Dorough also states there are no structures crossing property lines except for the fence acting as a buffer. Mayor Wills inquires the size of the southern parcel, and if there was a reconfiguration of lot line then there would not be a potential future issue. Scotty Lewis stated that would be an easy fix as Mrs. Dorough can approve that in house. Chairman Stewart stated the Site Plan Approval request will be discussed after the Special Exception request. Chairman Stewart inquires if the tower will be used by ATT only. Mr. Rotenstreich states the tower will be built to accommodate other communication services, but ATT will be the anchor tenant. Mayor Wills inquired on the impact of the tower, to which Mr. Rotenstreich replies this tower will allow broadband wireless ATT coverage to the city which starts at 4G. He also states since ATT won the bid with the Federal Government, this will be a First Net Site, which is especially important to ATT in cases regarding emergency response time. Mrs. Dorough brought up the corrected version of the plans state the fence will be an 8 ft. fence, which meets the minimum requirements. Mr. Covington inquires about the tower setbacks to which Mr. Rotenstreich replies the project will follow the M-2, General Industrial District setbacks as stated in the Ordinance. Mr. Covington makes a motion to recommend approval to the Board of Adjustments for the 180 ft. telecommunications "monopole" plans as submitted by the applicant. Councilman Biggs seconded the motion and was unanimously carried.

Mrs. Dorough states the Board of Adjustments public hearing will be held at least 15 days after the Planning Commission meeting to meet public notice requirements, and the location will be at City Hall.

e.) Site Plan Approval Related to SE-2001- AT&T Special Exception

Request: Site Plan Approval for the construction of a new wireless telecommunications facility

Location: The subject property is located on Newport Parkway

Chairman Stewart introduced the request for Site Plan approval for the AT&T tower. Mrs. Dorough stated she pulled the required documents that would need to be reviewed from the full application packet provided by AT&T. Chairman Stewart asked the Planning Commission to review the Site Plan, and any action would be dependent upon the Board of Adjustment decision. Mr. Rotenstreich stated he will change the plans to reflect the 180-foot tower plus lightening rod and have the tower defined as a monopole. Chairman Stewart inquired on any fence screening and if there would be a generator on site, to which Mr. Rotenstreich stated the generator would most likely be diesel. Jason Padgett interjected North Baldwin Utilities can accommodate natural gas, if desired. Mrs. Dorough states the landscape and fence setbacks met minimum requirements, and the signage is safety signage. There was a discussion between Chairman Stewart and Mr. Rotenstreich regarding the landscape that faced Newport, and the issue with the leasing area and fence access. Mr. Rotenstreich stated he would discuss the options to extend the landscape on the north side with the project developer and would make any accommodations to the extent possible without compromising fence access or the lease agreement. Chairman Stewart stated the motion would need include the approval of the wireless telecommunications tower contingent upon the Special Exception approval with the Board of Adjustment, the adjustment of the plans to reflect the pole would be a 180 ft. monopole, and the landscaping as discussed to the extent possible. Mayor Wills made a motion to approve the site plan with the 3 conditions Chairman Stewart stated. Councilman Biggs seconded and it was unanimously carried.

#### ITEM 5.

Old Business:

Discussion – Proposed Zoning Ordinance Amendments

a.) Section 7.12.2.1 – Private wells and septic systems *\*\* Proposed Revision*

Chairman Stewart states the most current version of the Ordinance book was located under their agendas and Planning Commission members should begin referring to this Ordinance book. Mrs. Dorough states there was a recent request for an irrigation well within city limits, and the current ordinance does not allow them and that North Baldwin Utilities had no issues with allowing wells. Mrs. Dorough stated the ordinance needed to include irrigation vs. private wells, and if the well would be placed on the lot with house reviewed

as accessory structure vs. the setbacks of a well placed on a lot by itself. Mayor Wills inquired as to the current setbacks for accessory structure, to which Mrs. Dorough replied was 5 ft. Jason Padgett stated there are existing wells within the city, and the only potential issue is if the well were to be tied to sewer. Mrs. Dorough and Jason discuss the possibility of adding a line item to the Land Use Certificate to state where the well will be located so Mr. Padgett would have more knowledge of the water needs in Bay Minette. There was more discussion on the requirements of wells for state data. Mrs. Johnston stated possibly adding an amendment to the Table of Permitted Uses that a well could be allowed as a principal use. After much discussion on the current regulations which state all citizens must connect to public sewage vs. the citizens choice of which water they would like to drink, it was decided to add the definitions provided to the Ordinance, and this would help to resolve any issues. Mrs. Dorough stated no action would be taken at this time, but there would be a public hearing with appropriate notice.

b.) Section 8.7.2 - Home Occupations *\*\* Proposed Revision*

Mrs. Dorough stated this topic warranted a discussion due to the significant increase from the COVID-19 pandemic. According to the Table of Permitted Uses, any persons trying to obtain a license to work from home will need site plan approval and will currently need to pay the \$300 application fee. Mrs. Dorough stated she doesn't want to deter anyone, and not all home occupations are at the same intensity level. Chairman Stewart explains the difference between home occupation vs. home based businesses, and that the intensity of parking, noise, etc. will be the primary issues. More discussion ensued on how to review each case/request, who would have the authority to approve less intense cases, and which cases would need to go before the Planning Commission or Board of Adjustments.

c.) Section 9.8 Mobile Vending Units *\*\* Proposed Revision*

Mrs. Dorough introduced the topic of food trucks and stated there are currently no guidelines available to review them. Ashley Jones Davis explained the Chamber's dealings with food trucks specifically detailing Chic Fil-A, Bitty's Grill, and It's All Greek to Me food trucks. There was much discussion on requiring property owner permission, where to park, quantity of allowed applications, how to review, etc. Chairman Stewart asked that these topics are on the agenda for the upcoming Planning Commission meeting.

ITEM 6.

Reports:

A. Mayor/Council Report

- None

B. Attorney

- None

C. Commissioner

- None

D. Planning Staff

- None

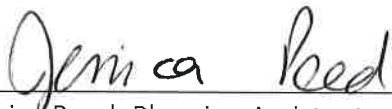
ITEM 8. With no further business Chairman Stewart adjourned the meeting at 9:54 am.

DONE THIS THE 11<sup>TH</sup> DAY of JUNE 2020



Todd Stewart, Chairman

ATTEST:



Jessica Peed, Planning Assistant