

Bay Minette Planning Commission Regular Meeting Minutes

Minutes August 13, 2020

Monthly Meeting No. 8

The Bay Minette Planning Commission met in Regular Session on Thursday, August 13, 2020. 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:

Todd Stewart, Chairman
Scotty Langham, Commission Member
Neal Covington, Commission Member
John Biggs, Council Member
Robert A. "Bob" Wills, Mayor

Commission Members absent:

Jessica Davis, Commission Member

Commission Member(s) late:

Wynter Crook, Commission Member
Pat Robinson, Building Official

Other persons in regular attendance:

Scotty Lewis, Attorney
Clair Dorough, City Planner
Jessica Peed, Planning Assistant
Jason Padgett, NBU CEO General Manager
Tammy Smith, City Administrator
Leslie Johnston, SARPC

GUESTS

Sonny Dobbins
Roosevelt Martin
C. Wayne Scott
Murray Stewart, Public Works Superintendent

INVOCATION

Commission Member Biggs gave the invocation, followed by the pledge.

Wynter Crook joined the Planning Commission meeting at 8:02 am.

ITEM 3. Approval of Minutes of the July 9, 2020 meeting. Commission Member Langham made a motion to approve the minutes as written. The motion was seconded by Commission Member Covington and it was unanimously carried.

ITEM 4. Old Business:

Discussion – Proposed Zoning Ordinance Amendments

a.) Section 8.7.2 – Home Occupations

Chairman Stewart introduced the previously discussed topic of Home Occupations and asked if Mrs. Dorough would briefly restate the previous discussion and explain any new changes. Mrs. Dorough states she modified the existing section pertaining to Home Occupations, which currently includes Site Plan approval with a \$300 fee. Tammy Smith comments the business office hasn't been enforcing the Site Plan approval before issuing a business license. Mrs. Dorough suggested revising the ordinance so the procedure would state the City Planner would initially review the application and if it met Planning Commission regulations, the applicant would only need a Land Use. If the application does not meet regulations, it would then go to Planning Commission for review with approval or denial, with the exception of In-Home Daycares always being required to go through Planning Commission for review. Mrs. Dorough states she altered the Permitted Uses table to reflect the proposed changes to this regulation.

Murray Stewart joined the Planning Commission meeting at 8:08 am.

Chairman Stewart states the changes would not be a complete change to the current regulations but a revised version. Scotty Lewis states these changes will need a Public Hearing for Planning Commission and City Council before taking effect. Chairman Stewart asked if there were any comments. There were none.

b.) Section 9.8 Mobile Vending Units

Chairman Stewart introduced the previously discussed topic of Mobile Vending Units and asked if Mrs. Dorough would briefly restate the previous discussion and explain any new changes. Mrs. Dorough states the proposed ordinance will be considered as a Pilot Program lasting 365 days from the adoption date, and explains the documents within the agenda packet detailing the merchandise vending area change, definitions, Table of Permitted Uses, etc. Chairman Stewart explains the reasoning behind

only allowing the Mobile Vending Units in certain areas will help to protect the existing storefront businesses and states the vending units are temporary while storefront businesses are more permanent. Mrs. Dorrough states the applicants would need to submit a Land Use Application so she can review the zoning on the requested mobile vending sites. There was more discussion on clarifications of definitions to include in the amendment. Mrs. Dorrough states the Pilot Program will be similar to that which Gulf Shores recently implemented.

ITEM 5.

New Business:

a) AS-2015 – C. Wayne Scott Re-subdivision

Request: Re-subdivide 3 lots into 6 lots for single family residential lots

Location: The subject property is located on the south side of Hurricane Road and east of Old Daphne Road

Chairman Stewart introduced the Administrative Subdivision request to re-subdivide 3 lots into 6 lots, and Mrs. Dorrough explained the details. She states their front would be towards Old Daphne Road, and the Fire Department and North Baldwin Utilities mentioned having issues with drainage. Fire hydrants would be required to be installed at the owners' expense, and Jason Padgett with North Baldwin Utilities is in attendance at the Planning Commission meeting. Chairman Stewart states the owner, C. Wayne Scott, was in attendance as well. Mr. Scott states he has discussed the drainage issue with Murray Stewart, Public Works Superintendent. He also states there are ways to drain the water off of the property with one way being to add dirt and he has spoken with Volkert a few years ago. Chairman Stewart states the property would need engineering studies and adding dirt would potentially create an issue for another neighboring resident. Mrs. Dorrough states Mr. Scott meets subdivision criteria, with the only issue being drainage causing a potential expenditure of public funds which would make it ineligible as an exempt subdivision. Mr. Scott mentions rezoning the larger parcel to commercial. Chairman Stewart asks Jason Padgett to address NBU's drainage concerns, in which he discusses having a paved road and drainage studies as they do not want to push water onto someone else's property and overload the drainage system. There was discussion on Mr. Scott's goal to develop properties, timing requirements, expenditures, and various options to approve with contingencies to provide certain documents to satisfy the drainage issues or to table to request until all criteria be met.

Commission Member Robinson joins the Planning Commission meeting at 8:30am.

Mr. Scott states the City of Bay Minette would not be responsible for anything, and he would like for a pipe to go under the road. Chairman Stewart states to Mr. Scott that the Planning Commission does not want to stop development in Bay Minette, but they will need more information before they can approve the request. There was more discussion on where a pipe would need to go to help with the drainage flow. Mrs. Dorough commented that if the Planning Commission approves or denies the request at the present meeting, then another request cannot be submitted within a one-year time period. Chairman Stewart states to Mr. Scott that a criteria list will be mailed to him detailing what will need to be submitted in order to resolve the issues and potentially be approved. Chairman Stewart states he will personally look at the property as well. The applicant requested to table decision until more information could be provided.

b) AS-2016 – Heritage Oaks Phase 5

Request: Subdivide 1 lot into 6 lots for single family residential lots

Location: The subject property is located on the south side of Newport Parkway, east of Heritage Oaks Phase 2

Chairman Stewart introduced the Administrative Subdivision request to subdivide 1 lot into 6 lots. Mrs. Dorough goes over the information included in the Agenda packet and states fire hydrants are not required at this location. Chairman Stewart asks Jason Padgett if there is a utility concerns to which Mr. Padgett states there is not. Mr. Scott commented that Ben White did the engineering work in 2006.

Mayor Wills stepped out of the room.

Chairman Stewart asked if there were any more comments, and there were none. He advised on the different options the Planning Commission could take at this time in which Commission Member Covington made a motion to authorize the Chairman to sign the plat. Commission Member Langham seconded, and it was unanimously carried.

Mayor Wills returns and states he was also in favor of the motion to authorize the Chairman to sign the plat.

c) Flag Lot Discussion

Request: Williams H. Dobbins requested to discuss flag lots

Mrs. Dorough states Mr. Dobbins recently submitted an application that included a flag lot that does not meet the front minimum lot width. Mr. Dobbins states flag lots are located all throughout Bay Minette, to which Mrs. Dorough includes that flag lots have their place but are not addressed in the current ordinance. Mrs. Dorough states she included a proposed revision of the ordinance pertaining to flag lots to reflect definition clarifications. Commission Member Covington inquires as to the minimum lot width to which Mrs. Dorough replies it is dependent upon the zoning of the property. There was more discussion on different circumstances where a revision to the ordinance would be beneficial or possibly harmful. Mrs. Johnston states there could be a provision for the number of lots to be accessed through an easement, and that some cities will make a maximum length of the "pole" for safety concerns. Mayor Wills asked Mr. Dobbins if there was a timeframe for this request, to which Mr. Dobbins says there is not. Mayor Wills states there needs to be some improvements to the ordinance to include flag lot regulations.

d) Dwellings in M-1 and M-2 District Discussion

Request: Roosevelt Martin would like to discuss dwellings in the M-1 and M-2 Districts

Mrs. Dorough states dwellings are not allowed in a M-2 zoned area according to the regulations. Mr. Martin states he has a property that is zoned Industrial but is not allowed to put any type of home on it due to the zoning. He also includes he grew up on this property and has maintained the grounds after he demolished the home because he felt it had become an unsafe structure. Mrs. Dorough states the surrounding areas are also zoned as residential. Mayor Wills comments that in most cities, residences are allowed on commercially zoned properties. Scotty Lewis states another option is to allow lower intensity uses in higher intensity zones. There is more discussion between Mayor Wills and Mr. Martin regarding the surrounding area, ditch and utility usage. A discussion then commences regarding the different options to allow a residential dwelling in a commercially zoned area, or to possibly rezone the property. Mrs. Dorough states she would prefer to give a separate option and to not rezone the property in order to maintain consistency with the Future Land Use map. She comments Special Exception is her preferred route as that process deals with the use of the property, and this would include Planning Commission review and a Board of Adjustment Public Hearing.

e) Proposed Zoning Amendments

a. Section 8.7.1.4 – Swimming Pools

Mrs. Dorough stated there is already an ordinance section pertaining to setbacks of detached buildings, which is 20ft. from the primary structure but pertaining to pools that is too far away, and a typical setback for pools is 5ft. Chairman Stewart stated the verbiage should read as “dwelling”. There were no other comments.

b. Article 13 – Administration, Enforcement and Penalties

Mrs. Dorough states revising the titles throughout the ordinances is for clarification purposes for everyone including the public. She states the Land Use will need to have a procedure clarification, and to revise the Titles and Authority sections. Chairman Stewart asks that Scotty Lewis and all Planning Commission members review this section.

c. Section 16.3 – Exempt Signs

Mrs. Dorough states the sandwich board signs are considered portable signs and are not allowed according to our current regulations. She includes that the Planning Department has received a lot of complaints regarding the sign ordinance. She also states this can be revised to include it as an exempt sign. There is a discussion regarding the number of portable boards to be allowed to which the conclusion was a maximum number of two. Commission Member Crook asked if 2-sided boards are considered as 2 boards. Mrs. Dorough explains display area is based on how many sides can be seen from one viewpoint and there is a definition regarding double face signs in the ordinance. Chairman Stewart asked if there were any other comments, to which there were none.

d. Fencing

Mrs. Dorough states the Planning Department has received many fence questions for permitting. She explains the only fence review is for corner visibility unless the Planning Commission considers a fence to be an accessory structure, in which that would take away 5 ft. from the property line of each side. There is a discussion regarding the best way to regulate setbacks, height, type, location, and maintenance. Mayor Wills inquires on the status of Mr. Stewart who lives on 1700 Auburn Avenue. Mrs. Dorough states the last time she spoke with Mr. Stewart he was going to request a variance but was dealing with health issues at that time and was unable to move forward. Mrs. Dorough states she will reach out to Mr. Stewart again and revisit the topic of applying or removing the structure.

There is a discussion on Mr. Stewart's setback line, lot coverage, and open excavation that is showing pipes. Mrs. Dorrough restates she will try to contact him again.

Commission Member Covington asks what the status is on the sign at Rich's Car Wash. Mrs. Dorrough states we currently do not have a Code Enforcement Officer but is trying to gather all the information. She also says that our regulations do not state how many changes can be made per minute, and this is another issue that will need to be addressed and changed within the Sign Ordinance.

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 9:47 am.

DONE THIS THE 13TH DAY of AUGUST 2020



Todd Stewart, Chairman

ATTEST:



Jessica Peed, Planning Assistant