

# Bay Minette Planning Commission Regular Meeting Minutes

Minutes April 13, 2021

Monthly Meeting No. 4

The Bay Minette Planning Commission met in Regular Session on Tuesday, April 13, 2021, rescheduled from Thursday April 8, 2021. The meeting was called to order at 8:01 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 8:01 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

Commission Members absent:

Commission Members late:

Patrick Robinson, Building Official  
Wynter Crook, Commission Member

Other persons in regular attendance:

Scotty Lewis, Attorney  
Clair Dorough, City Planner  
Jessica Peed, Planning Assistant  
Tammy Smith, City Administrator  
Leslie Johnston, SARPC  
Jeremy Sasser, NBU  
Jason Padgett, NBU CEO General Manager  
Al Tolbert, Police Chief  
Steven Stewart, Fire Inspector

**GUESTS**

William Karcz  
Darlene Karcz  
Art Dyas  
Dennis Byrd

Phillip Brown  
Chuck Kirk  
Travis McCryndle  
Ryley Corliss  
Jimmy Lyon

**INVOCATION** Scotty Lewis gave the invocation, followed by the pledge.

Chairman Stewart introduced and welcomed the newly appointed Planning Commission member, Ray Clark. Chairman Stewart stated Mr. Clark has served on various boards and has a lot of knowledge that will be beneficial to Bay Minette's Planning Commission.

**ITEM 3.** Approval of Minutes of the March 11, 2021 meeting. Commission Member "Mayor" Wills made a motion to approve the March minutes as written. The motion was seconded by Commission Member Emmons and was unanimously carried.

**ITEM 4.** Old Business

Chairman Stewart stated Tiny Homes were talked about at the previous meeting with intention to discuss at this current meeting, but with the packed agenda it was decided to postpone the topic of Tiny Homes.

**ITEM 5.** New Business:

a.) SD-2001 – JRC Properties, Red Hill Creek Estates Subdivision Final Plat

Request: Final Plat – Major Subdivision approval for an 11-lot subdivision

Location: The subject property is located at the end of Red Hill Road Ext, approximately 0.3 miles from Red Hill Road

Chairman Stewart introduced the approval request for Final Plat for the major subdivision located at the end of Red Hill Road Ext. Mrs. Dorrough stated since the last meeting was held, the waterline had been installed and infrastructure was complete. Mr. Padgett stated NBU is satisfied with the work.

*Commission Member Robinson joined the meeting at 8:05 am.*

Chairman Stewart stated the Final Plat is waiting on final approval pending the signature line item authorizing the Chairman to sign the plat. Commission Member Covington made a motion to approve the Final Plat and authorize the Chairman to sign. Commission Member Langham seconded, and it was unanimously carried.

b.) ES-2101 – Karcz Family Exempt Subdivision

Request: Family Subdivision Exemption for a two-lot subdivision

Location: The subject property is located at the southeast intersection of State Hwy 225 and Green Jordan Road

Chairman Stewart introduced the subdivision request. Mrs. Dorough summarized the request and Staff Report. Mr. Karcz introduced himself and stated his request it to split the property and deed a portion to his daughter to build a residential home. Chairman Stewart asked if there were any questions or comments, to which Mr. Clark inquired about the easement within a family division. There was a brief discussion regarding the necessity of deeds, easements, and applicable affidavits within a family division to which all regulations and needed documents were met for this case.

*Wynter Crook joined the Planning Commission meeting at 8:14 am.*

Chairman Stewart asked if there were any questions or comments, to which there were none. Mayor Wills made a motion to approve the Exempt Subdivision. Councilman Taylor seconded and it was unanimously carried.

c.) SP- 2102 – 225 Automotive Site Plan Approval

Request: Site Plan Approval for an Automotive Mechanic Shop

Location: The subject property is located at 712 US Hwy 31 South

Chairman Stewart introduces the Site Plan approval request for an automotive mechanic shop. Mrs. Dorough states the applicant, Travis McCryndle, is in attendance. Chairman Stewart states the reason for site plan approval is due to the building being idle for an extended amount of time. Mrs. Dorough states the original issue was brought forth due to a code enforcement case, mostly due to parking and environmental issues including oil runoff. Mrs. Dorough proceeds to show examples via PowerPoint slideshow which includes vehicles parked in State right-of-way and the exceeding number of allowed vehicles per square footage, per the ordinance regulations. Mrs. Dorough inquired to Mr. Padgett if NBU will have any issues with the oil runoff into the drainage system, to which Mr. Padgett states NBU will not have any requirements. Chairman Stewart states ADEM could potentially get involved due to oil runoff, as it is not the Planning Commissions position to govern that type of issue. There is a discussion on minimum parking regulations, to which Mrs. Dorough states there are 8 parking spots available based on calculations. Councilman Taylor inquired on clarification of the number of spots available in the front parking lot, to which Mrs. Dorough states any vehicles exceeding the number (8) eight that are parked in the front parking lot will need to be moved to the back, fenced in area. There

is a quick discussion on the green belt area at the site, and the building standards when the building was erected. Chairman Stewart states Mr. McCryndle is not the owner of the property so any site changes will need to have the owners' approval. Mrs. Dorrough states Mr. McCryndle lost his non-conforming status due to not obtaining his city business license when he first opened. Mayor Wills states his site plan qualifies for approval pending the vehicle parking and environmental issue be corrected, and he simply lost his non-conforming status due to not obtaining his business license when he first opened the auto-mechanic shop. Mrs. Smith states there was a misunderstanding but as soon as Mr. McCryndle realized he needed to obtain a city business license, he immediately started the process to obtain the proper licenses and approvals. Mrs. Dorrough states Mr. McCryndle is unable to obtain his business license without first obtaining Site Plan approval. With no further discussion, Mayor Wills made a motion to approve the Site Plan for an automotive mechanic shop. Commission Member Langham seconded, and it was unanimously carried.

d.) SE- 2101 – GET MAD, LLC Special Exception

Request: Special Exception for a lodging, boarding or rooming house to allow for a Residential Aftercare Facility

Location: The subject property is located at the southeast intersection of W 1<sup>st</sup> Street and S Pine Street

Chairman Stewart introduces the Special Exception request for a sober aftercare facility and states the Planning Commission is only making a recommendation to the Board of Adjustment that is scheduled to meet later in the month. Mrs. Dorrough reviews the staff report, and states she had difficulties in considering how to review the proposal as it does not properly fit into any one category on the Table of Permitted Uses, but the closest option was the lodging/boarding use. Mrs. Dorrough states there will be no medical use, only support groups to transition people post treatment facility. She also states that in her review of the property, the only use that fits within the comprehensive plan is the parking lot, as the comprehensive plan states the zoning should be institutional; therefore, the proposed special exception will not fit at that designation. She states the other concern is the intensity of the use at that location, based on the surrounding uses. Mrs. Dorrough comments that the need for this type of facility is admirable and needed, but she is concerned of the intensity of the use and the fact that it does not fit within the comprehensive plan. She then begins a slideshow presentation of the site, and the previous aftercare living facility owned by Mr. Kirk that was stationed in Ohio. Mr. Kirk begins his proposal introduction and states his previous facility had similar uses such as the café. He states the process and timeline for people with addiction to complete treatment, and that the aftercare facility is an option that allows those people, usually without drivers licenses and who often feel a sense of overwhelming to

return back to normal society, to have an opportunity to gradually return. He also states the café will be open from 10am to 10pm, and the residents will be involved in community projects such as litter pickup and to help other families who need it. Chairman Stewart states this is a great business plan and there are other versions of this type of facility that has overnight stay such as Teen Challenge. He addresses the Planning Commission and states the Police Chief submitted a letter of concern. Councilman Taylor states on page 40 of the Planning Commission agenda packet, the staff report recommendation is based on the intensity of the project and comprehensive plan. Commission Member Clark inquires if because he is also on the Board of Adjustment if it would be appropriate for him to vote at the current Planning Commission recommendation, to which Mr. Lewis states it is allowed but is his decision. Mr. Kirk inquires about further explaining the term "use intensity". Mrs. Dorough explains the intensity is the actual use and does not pertain to police trouble. She states the density of proposed residents, 30-35 people, is exceeding the boarding/lodging use, but that this proposal is being "pigeon-holed" into that category because there is not a use that fits all of the proposing facilities (café, full time overnight stay for a semi-permanent duration for both men and women adults). Chairman Stewart states the intensity of density is a better explanation. Mr. Kirk explains he has had many success stories, including a graduating resident, and the success is amazing to watch. There is a discussion regarding the overnight stays, to which Mr. Kirk explains he cannot lock people in their room, this is essentially like living in a residential home and the residents are free to come and go as they please. He also states that all residents will be respectful of the City. Commission Member Emmons states he would like to recommend a denial to the Board of Adjustment based on Planning Staff recommendation and the letter of concern submitted by Chief Tolbert. Councilman Taylor seconded. Mr. Kirk starts speaking regarding the nature of the facility to which Commission Member Mayor Wills states the density/intensity is not appropriate. Mrs. Dorough states if this proposal would have been submitted as an apartment, even though it could not because of the cooking facility requirements, it would have had the same intensity capability. The residential portion at this particular location is what is causing concerns and is being considered. Chairman Stewart inquires if there are any other comments or questions to which there are none. He then states there is a motion on the table for a recommendation of denial to the Board of Adjustment by Commission Member Emmons with the factors as stated. Councilman Taylor seconded the motion, and it was unanimously carried with the exception of Mr. Clark abstaining from voting due to also being on the Board of Adjustment. Chairman Stewart addresses Mr. Kirk with a thank you but the Planning Commission has to look at compatibility with the Comprehensive Plan for these requests. He also states there is always the option to withdraw the proposal prior to the Board of Adjustment meeting or to modify the current proposal if denied by the Board of Adjustment.

e.) SE- 2102 – Dennis Byrd Special Exception

Request: Special Exception for a residence in an industrial zone

Location: The subject property is located on N US Hwy 31, approximately 900 feet west of County Road 112

Chairman Stewart introduces the special exception request, and states the applicant, Mr. Byrd is in attendance. Mr. Byrd states his grandmother owns the property, and it is adjacent to her property. Mrs. Dorough gave a brief overview of the request. She states the property is designated as Industrial on the Future Land Use map, but it is the intent of the Planning Commission to allow residential homes in industrial zoning, when appropriate. She also states there are minimal impacts to the request with the exception of the applicant needing to confer and receive approval from ALDOT for an access permit before a Land Use or building permit will be issued. Chairman Stewart states the ALDOT process can be lengthy, and the property is residential in nature. There is a discussion on the property being more than 100 feet from potential wetlands, and that the request will also go to the Board of Adjustment for approval or denial. Commission Member Clark inquired about the grandmother owning the property, to which Mrs. Dorough confirmed the applicant turned in the agent authorization form. Mayor Wills made a motion to recommend approval to the Board of Adjustment to be used as a residential dwelling in an Industrial Zoning. Commission Member Covington seconded, and it was unanimously carried, with the exception of Commission Member Clark abstaining due to also being on the Board of Adjustment.

**ITEM 6.**

Reports:

a.) Mayor/Council Report - NONE

b.) Attorney - NONE

c.) Commissioner

- Mrs. Johnston states SARPC is gradually moving back into their offices.

d.) Planning Staff

- Mrs. Dorough stated she has been receiving numerous calls about the construction happening near Baldwin EMC. She explained it is a disaster recovery staging site for when emergencies occur such as a hurricane, so that other power companies will have a place to sleep and shower. She asked that if members of the Planning Commission receive questions, that they explain to the inquirer the intention of the site.

- Mrs. Dorough stated the next Planning Commission meeting will be a Site Plan review for Wendy's that is proposing moving into the former Ruby Tuesday building.
- Mrs. Dorough stated the billboard regulations will need to be amended with a public hearing as there is a billboard request at the Mega Site, and the current regulations do not allow billboards along the Interstate. She also mentioned that the regulations require that 4 billboards must be removed when another billboard is erected. Chairman Stewart states that the sign ordinance is very strict. Mrs. Dorough also thanks the Commission and applicants for the flexibility for meeting on a Tuesday instead of the regular meetings which are normally held on Thursdays.

Jeremy Sasser with North Baldwin Utilities, states the sidewalk project will be wrapping up within a week or two. Chairman Stewart inquires about the House bill to which Mr. Lewis and Mrs. Dorough state the last time they looked the bill had the same status of waiting on the third reading.

**ITEM 8.** With no further business Chairman Stewart adjourned the meeting at 9:13 a.m.

DONE THIS THE 13<sup>th</sup> DAY OF APRIL, 2021



Todd Stewart, Chairman

ATTEST:



Jessica Peed, Planning Assistant