

# Bay Minette Planning Commission Regular Meeting Minutes

Minutes March 10, 2022

Monthly Meeting No. 2

The Bay Minette Planning Commission met in Regular Session on Thursday, March 10, 2022. The meeting was called to order at 8:00 a.m., by Vice Chairman Covington, 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:

Neal Covington, Vice-Chairman \*Acting Chairman  
Robert A. "Bob" Wills, Mayor  
Rob Madison, Building Official  
Earl Emmons, Commission Member  
Scotty Langham, Commission Member  
Ray Clark, Commission Member  
William Taylor, Commission Member

Commission Members absent:  
Todd Stewart, Chairman

Commission Members late:

Other persons in regular attendance:

Clair Dorough, City Planner  
Jessica Peed, Planning Assistant  
Tammy Smith, City Administrator  
Scotty Lewis, City Attorney  
Steven Stewart, Fire Department

**GUESTS** Steven Taylor  
Gamaliel Hernandez

**INVOCATION** Commission Member Mayor Wills gave the invocation, followed by the pledge.

**ITEM 3.** Approval of the Minutes of the February 10, 2022 meeting. Commission Member Mayor Wills made a motion to approve the February minutes as written. The motion was seconded by Commission Member Langham and was unanimously carried.

**ITEM 4.** Old Business  
a.) RA-2201 Zoning Regulation Amendment

Mrs. Dorough states the new copy Table of Permitted Uses is located beside their Planning Commission packets. She states there was one change at the City Council Public Hearing that included a new use listing for "body art establishments" that was not previously considered at Planning Commission. Those uses will now be allowed in a B-2 or M-1 Zoning Designation with Special Exception approval, but are not

allowed as home occupations. She states after Mayor Wills signs the Ordinance, it will be recorded and posted for 5 days before the Amendment is effective.

- b.) Acting Chairman Covington states the Zoning and Subdivision Regulation Revision discussion will be shifted to the end of the agenda in order to complete the applications in New Business.

**ITEM 5.**

New Business:

- a.) ES-22003, Hernandez-Ramirez Property Exempt Subdivision  
Disclosure of Prior Communications and/or Conflict of Interest  
Request: Exempt Subdivision to divide one lot into four for single-family residential  
Location: The subject property is located at 605 S White Ave

Mrs. Dorough introduces the request and reviews the Staff Report that is in the Planning Commission packet and includes the applicant meets the criteria requirements for an Exempt Subdivision. She states there is an existing dwelling on parcel A, and that it meets the setback requirements for that zoning designation. She also includes that applicant is in attendance if anyone had any questions. With no further questions or comments, Councilman Taylor makes a motion to authorize the Acting Chairman to sign the plat. Earl Emmons seconds and it is unanimously carried.

- b.) SE-22001 Taylor/Calloway Property Special Exception  
Disclosure of Prior Communications and/or Conflict of Interest  
Request: Special Exception request for automobile wrecking and salvage  
Location: The subject property is located at 2513 US Hwy 31 South

Mrs. Dorough introduces the request and reviews the Staff Report that is in the Planning Commission packet. She states the same request was submitted September of 2021 for the same property by a different applicant. The only concern at that time was related to screening issues. The prior applicant withdrew the application due to unrelated contract issues. She discusses the surrounding area, properties, and the current structures already on the lot. She states there are no comments or issues from North Baldwin Utilities or the City Fire or Police Department. The property is located on a principal arterial road and the use fits within the future development. Mrs. Dorough states this is the last application that won't be required to have the structure enclosed behind a solid fence due to the Table of Permitted Uses revision at the previous City Council meeting. Mrs. Dorough suggests for the Planning Commission to make a motion to recommend to the Board of Adjustment that includes sufficient solid fencing for screening purposes. There is a brief discussion on options for screening including solid fences or chain link fences with Evergreen plants. The applicant, Mr. Taylor, states there is a business close by that has a chain link fence and appears in bad shape to which Mrs. Dorough states that business has been in place for a long duration; therefore, the Planning Commission is unable to correct any screening issues now for any prior businesses but will make every effort to require presentable screening requirements for future entities to avoid any unpresentable appearances. He states the cost for a complete privacy fence would be immense and discusses the various options regarding proper screening to separate the lots. There is a discussion on which part of the property would be required to be completely screened, to which Mrs. Dorough states that the Table of Uses states "enclosed" but at a minimum, the front and back screening would be required. Commission Member Clark inquired if this was to be used as a junk yard salvage to which Mr. Taylor stated it would only be used to purchase junk cars and will then process them out. He also states he can accommodate state troopers easier and intends to ask the City about getting on rotation. He then discusses car towing and retaining procedures, and the tow trucks that would be located outside of the fence, visible to the public, which included 2 flatbeds and a medium truck. There is a brief discussion on which motion to make regarding screening requirements. Legal Counsel, Scotty

Lewis, suggests that the Commission include a condition of approval that the applicant develop his own screening plan to be presented to the Board of Adjustment. He stated that the applicant coordinate with planning staff and develop a detailed screening plan in advance of the consideration by the BOA. After no further comments or questions, Commission Member Mayor Wills makes a motion to recommend approval to the Board of Adjustment with the requirement that a detailed screening plan be submitted. The motion was carried with Commission Member Taylor seconding. A majority of members voted in the affirmative, with Commission Member Emmons opposing and Commission Member Clark abstaining due to his membership on the Board of Adjustment.

## Old Business

### b.) Zoning and Subdivision Regulation Revisions related to lot sizes, dwelling sized and Exempt Subdivisions

Mrs. Dorough states this is a continuation of the discussion that began at the previous Planning Commission meeting. She states the Commission needs to pinpoint what the issue(s) are so the correct path can be taken to fix the problem(s). Commission Member Mayor Wills states he has an issue with properties being subdivided to construct small homes on properties that have surrounding large lots and homes, such as the property that received subdivision approval at the prior Planning Commission meeting. Acting Chair Covington asked if there were minimum house size requirements in place, to which Mrs. Dorough stated there not. Commission Member Mayor Wills asked if those minimums were in place, what would be typical. Mrs. Dorough states that there typically aren't minimum square footage requirements, usually those requirements contribute to things like increased housing costs, but what she has seen is usually around 1,000 square feet. After discussion on lot and house sizes, and the character of existing neighborhoods, Commission Member Clark proposed lot sizes of 100'x144' unless previously platted and minimum house size of 1800 square feet. He asked Legal Counsel if the Planning Commission had the authority to impose those restrictions, to which Counsel stated that even in some of the most highly regulated areas of the County in relation to zoning, he didn't believe those areas regulated minimum house sizes. The discussion led to whether the Building Code stated minimum dwelling sizes, and Commission Member and Building Official Rob Madison stated that the minimums are related to room sizes, not the entire dwelling.

*Commission Member Mayor Wills left the meeting at 8:49am.*

Commission Member Clark asked what regulated lot sizes and Acting Chair Covington pointed out that the Zoning Ordinance already had those requirements and Mrs. Dorough brought forward those requirements on the screen and stated those minimums have been in place for years. Legal Counsel stated that those dimensional requirements are well-recognized as something the Planning Commission has the authority to regulate. Specifically mentioning maximum height, not minimum height; setbacks; and lot coverage are well-recognized that the governmental body, in a zoning capacity, has the ability to regulate; but those requirements must still be reasonable. Commission Member Clark proposed increasing lot size minimums similar to those originally platted by Hand Land Co. Acting Chair Covington pointed out that those were 150-foot lots, which would take away the ability to subdivide any property in town and stated that there's not a single zoning designation in place now that requires that much property. Commission Member Clark stated that the lots were originally platted at 100'x144' and discussion led to clarification by Mrs. Dorough that the R-1 zoning district in place now is the closest lot size requirement to the proposal, with R-1 having a 100-foot lot width and 15,000 sq ft minimum lot size, but there are not many properties with that zoning designation.

There is a discussion on lots of record and the majority of lots may become nonconformities if the proposal was approved. Commission Member Clark brought up the considerations of adjacent property owners who may not care for the small lots or houses and Commission Member Scotty Langham asked if there had been any complaints received. Mrs. Dorough states she does not believe increasing the lot size will fix the issue and suggests Zoning Ordinances and Subdivision Regulations that include design standards and to stop allowing

these exempt subdivisions to flow through without developers meeting subdivision requirements. She proposed the possibility of removing the 3-lot or less classification from the Exempt Subdivision category, which would make those smaller divisions follow the Minor Subdivision process to require public hearings and minimum standards such as sidewalks and open space to make developers abide by the full design criteria. She stated the Planning Commission has the authority to make those changes and it would likely be the fastest and most effective route until a more comprehensive approach can be decided on. Acting Chair Covington brought up how family divisions would be affected if we changed the Exempt Subdivision categories, which led to further discussion on Exempt Subdivision requirements. Commission Member and Building Official Madison also mentioned that if an 1800 sq ft minimum house size was required, it would cut out approximately 70% of the house plans he has reviewed in his tenure. There is further discussion on the possibility of an overlay district, potential legal issues if the City were to try and enforce an excessive minimum dwelling size and if subdivision covenants are the appropriate method for those requirements.

**ITEM 6.**


Reports:

- a.) Mayor/Council Report - None
- b.) Attorney – None
- c.) Commissioner – None
- d.) Planning Staff - Mrs. Dorough states the next Planning Commission meeting will be April 14, 2022 to which Commission Members Covington and Langham state they will not be able to attend.

**ITEM 7.**

With no further business Acting Chairman Covington adjourned the meeting at 9:09 a.m.

DONE THIS THE 10th DAY OF MARCH 2022



~~Todd Stewart, Chairman~~

Neal Covington, <sup>#</sup> Acting Chairman  
Vice-Chairman

ATTEST:



Jessica Peed, Planning Coordinator