



Bay Minette Planning Commission Regular Meeting Minutes

Minutes February 8, 2024

Monthly Meeting No. 2

The City of Bay Minette Planning Commission met in Regular Session on Thursday, February 8, 2024. The meeting was called to order at 8:02 a.m. by, Chairman Todd Stewart, in the Council Chambers located in Bay Minette City Hall, at 301 D'Olive Street, Bay Minette, Alabama; this being the proper place, date and hour as advertised to hold such meeting.

IN ATTENDANCE At 8:02 a.m. the following members were present, and a quorum established:

Todd Stewart, Chairman
Neal Covington, Vice Chairman
Robert A. "Bob" Wills, Mayor
Rob Madison, Building Official/Commission Member
Ray Clark, Commission Member
Hiram Templeton, Commission Member
Earl Emmons, Commission Member
William Taylor, City Council/Commission Member

Commission Members absent: NONE

Commission Members late: NONE

Other persons in regular attendance:

Clair Dorough, City Planner
Paula Bonner, Planner Associate
Jessia Peed, Planning Coordinator
Scotty Lewis, Attorney
Melissa Hadley, City Engineering Consultant with GMC
Kristina Pittman, North Baldwin Chamber of Commerce

GUESTS

Cathy Barnette, *(Representative for Z-24001 & SD-24001, Old Towne Commons)*
David Conner, *(Representative for Z-24001 & SD-24001, Old Towne Commons)*
Gary Capuano, *(Representative for Z-24001 & SD-24001, Old Towne Commons)*
Mukesh Patel, *(Representative for CU-24001, Bay Minette Liquor, Wine & Cigar)*
Abusek Rajpuh, *(Representative for CU-24001, Bay Minette Liquor, Wine & Cigar)*
Fred McLaughlin, *(Z-24001 & SD-24001, Old Towne Commons)*
David Ellis, *(Z-24001 & SD-24001, Old Towne Commons)*
William Ellis, *(Z-24001 & SD-24001, Old Towne Commons)*
Scott Ellis, *(Z-24001 & SD-24001, Old Towne Commons)*
Eric Godwin *(Case Affiliation not indicated)*
Candace Harper *(Case Affiliation not indicated)*

INVOCATION Councilman Taylor presented the invocation, followed by the pledge.

ITEM 3. Announcements/Registration to address the Commission.

ITEM 4. Approval of the Minutes of the January 11, 2024, Regular Meeting.

Vice Chairman Covington made a motion to approve the January minutes as written. The motion was seconded by Commission Member Hiram Templeton and carried unanimously.

ITEM 5. Disclosure of Prior Communications and/or Conflicts of Interest: None

ITEM 6. Old Business – Chairman Stewart thanked everyone for their participation in preparation for review of the Old Towne Commons development.

ITEM 7. New Business

a.) CU-24001, Bay Minette Liquor, Wine & Cigar

Chairman Stewart introduced the case, and with no disclosures from the Commission, he stated the applicants are in attendance. Mrs. Bonner reviews the request and Staff Report including the zoning, property location that is within an existing shopping center, parking lot update including its repaving and restriped status, proposed interior remodel layout, existing access for the proposed case including that it will have nominal impacts on infrastructure or traffic, no comments from various agencies, use allowance per the Zoning Ordinance, various permitting requirements if the use is approved by the Commission, and staff recommendation for approval.

Chairman Stewart and Commission Member Emmons inquired on regulations regarding the daycare proximity to the proposed Liquor, Wine & Cigar store. Mrs. Bonner states that is an ABC Board regulation, not City-regulated. The applicant stated the ABC board is fine with proximity since purchases will not be consumed on the property.

With no further comments or questions from the Commission, Vice-Chairman Covington made a motion for approval, with Mayor Wills seconding. Commission Member Emmons opposed. Case concludes with the majority voting in favor of the use to be approved.

b.) Z-24001, Old Towne Commons & c.) SD-24001, Old Towne Commons *Cases Reviewed Concurrently***

Chairman Stewart introduced the case. Mrs. Dorough states there are two concurrent requests for this property so they will be reviewed together but there will be two separate motions and public hearings.

Mrs. Dorough reviews the requests and states the applicant is requesting a Planned Unit Development (PUD) zoning request. She includes the history of the property stating that it was annexed into City Limits in 2023 and pre-zoned to R-3, Higher Density Single Family Residential, R-4, High Density Multi-Family Residential and B-2, General Business District. She reviews the lot summary with the proposed phasing plan with the current site calculations, setbacks and lot dimensions as they deviated from the previous worksession discussion. Mrs. Barnette states reasoning for changes was due to discussions with homebuilders and their requests regarding the zero-lot line side setbacks and includes the fire code requirements or enhanced fire protection that would drive the cost up significantly. Mrs. Dorough also includes that Staff would not recommend the zero lot lines and a discussion ensues regarding the regulations, requirements, liability requirements and the cost increases associated. Mrs. Dorough continues the review including Exhibit A changes such as roadways and traffic, NBU location for water tower, sidewalk width increase from 4' to 5', commercial building clarification regarding prohibition on metal building façades the connectivity between residential and commercial buildings, and the proposed deviation from buffering along the southern property line. A discussion ensues from a public audience member and Commission Member Clark regarding current buffer requirements and the reasoning behind City concession to which Mrs. Dorough explains zoning and buffer process. Mrs. Dorough finalizes the staff report review.

Chairman Stewart and Mrs. Barnette discuss the various PUD Narrative and overall developmental plan. Commission Member Clark inquired on parking availability near the proposed pool amenity, to which Mrs. Dorough and Vice-Chairman Covington explain that type of detailed review typically occurs at a later date. Chairman Stewart inquires on the location for NBU acreage that is proposed to be dedicated for utilities. Chairman Stewart reviews the changes for zero lot line vs the applicant proposal for 5' side setbacks. Discussion between the Commission, Fire Inspector,

Planning Staff, applicant and representatives ensues regarding the distinctions between the zero and five-foot side setbacks for the 40' lots including allowing space, fire and building code requirements, costs associated, utility space availability, and allowable lot usage.

With no further discussion, Chairman Stewart calls an informal question between the Commission members for the following items:

- 1) Proposed 5' lot line:
In Favor: Mayor Wills, Chairman Stewart, Vice-Chairman Covington, Councilman Taylor, Commission Member Madison
Opposed: Commission Member's Templeton, Emmons and Clark
- 2) Deviation from 50' lots, minimum lot area. Discussion ensues and results in an alteration of the Narrative to allow the Developer to reserve the right to deviate from the 6,000 square-foot minimum lot area in irregularly shaped 50' lots to a minimum lot area of 5,500 square feet on no more that 20% of the 50' lots.

Mrs. Barnette then clarifies that the correct approval exhibit is the overall site plan version with the lot summary and dated September 30, 2023. Mrs. Dorough includes that all phases will come back for Planning Commission review.

Chairman Stewart opens the Public Hearing at 9:13am for Z-24001, Old Towne Commons

Public participation:

- 1) David Ellis owns land adjacent to the property. He states his concerns and comments:
 - Crossover/red light/accesses for nearby properties
 - Multi-family buffer- States he would like to increase it for the betterment of the community
 - Concern regarding the proposed 40' lots
 - Construction standards- Requests higher construction standards to ensure a more probability of maintaining a great community.
- 2) William Ellis states his comments and concerns:
 - Discusses his concern of authority moving from regulation standards to a PUD. He states he welcomes reasonable construction and is not in opposition to PUD.
 - Inquires on reasoning and the benefits to construct 40' lots
 - Construction standards: Discusses various materials used in construction and potential issues
 - Opportunity is at PUD level and discusses fortified standards and upfront costs
- 3) Scott Ellis states his comments and concerns:
 - Buffering concern on the North side and discusses potential trespassing issues
 - Drainage and stormwater runoff and management
 - Access and infrastructure of traffic flow

Cathy Barnette addresses issues and concerns discussed by the public:

- Benefit for City of Bay Minette is growth for the community and provides an abundance of housing options.
- Discusses allowable density for 40' lots
- They plan to use Architectural standards which encourage stoops and columns, etc.
- Setbacks
- States they are open to discuss the buffer request and have a meeting currently established with the Ellis's to discuss
- Gold fortified certification- States they are not ready to commit to this stipulation yet as different builders apply different standards
- States they are happy to work with ALDOT but they cannot dictate or determine what the DOT will do.

- They have a conceptual plan for drainage and states their full engineering design will meet all standards.

David Conner discusses the points provided by the public and reiterates Cathy's statements.

William Ellis states they are in favor of the PUD and inquires on what Bay Minette is getting in return for considering the deviations from normal regulations.

With no further comments or concerns from the public, Chairman closes public hearing at 9:46 am.

Commission Member Clark speaks regarding the wetlands and the different uses of the property including housing, parks and amenities, lot sizes, and configuration of the overall site plan.

Motion Z-24001: Recommendation to City Council for the adoption of the document. Mrs. Dorough interjects that the consideration of the motion will include the version from September 30, 2023, and the revision of the Exhibit A includes the language with an alteration in the Narrative to allow the Developer to reserve the right to deviate from the 6,000 square-foot minimum lot area in irregularly shaped 50' lots to a minimum lot area of 5,500 square feet on no more that 20% of the 50' lots, an amount not to exceed 52 of the 260 proposed total. Vice-Chairman Covington makes a motion to recommend approval with the exceptions stated by Ms. Dorough. Councilman Taylor seconds. Commission Members Templeton and Clark opposed. With six (6) affirmative votes and two (2) opposing votes, the motion passes.

Commission Members William Taylor and Earl Emmons leave the meeting at 9:57 am.

c.) SD-24001, Old Towne Commons

Mrs. Dorough discusses the differences between the previous two cases as they are pertain to the same property. She states SD-24001 is the Master Plan with phased development. She states as phases come through, the Commission will see public hearings for each individual phase and any significant deviations from the master plan, such as access changes, etc., would require the applicant to come back and request an amendment.

With no further comments, Commission Member Templeton makes a motion to adopt the Master Plan with Vice-Chairman Covington seconding. Commission Member Clark opposed. With the majority voting in favor of adopting the Master Plan, the motion passes.

d.) Updates & Upcoming Cases

Mrs. Dorough presented Updates and Upcoming cases as listed below:

- Plasmine Technology tank farm and rail spur project
- Newport Parkway Development Subdivision with a possible 180± units

ITEM 8. Reports

- a.) Mayor/Council Report – NONE
- b.) Attorney – None
- c.) Commissioner – None
- d.) Planning Staff – None
- e.) Public Comment – Mrs. Pittman states the Chamber will host their annual meeting on February 26th.

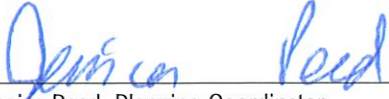
ITEM 9. With no further business, Chairman Stewart adjourned the meeting at 10:04 am.

DONE THIS THE 8TH DAY OF FEBRUARY 2024



Chairman, Todd Stewart

ATTEST:



Jessica Peed, Planning Coordinator

Motion Summary:

- a.) **Approval of the January 11, 2024, Regular Meeting Minutes:** Vice Chairman Covington made a motion to approve the January minutes as written. The motion was seconded by Commission Member Hiram Templeton and carried unanimously.
- b.) **CU-24001, Bay Minette Liquor, Wine & Cigar:** Vice-Chairman Covington made a motion for approval, with Mayor Wills seconding. Commission Member Emmons opposed. Case concludes with the majority voting in favor of the use to be approved.
- c.) **Z-24001, Old Towne Commons:** Recommendation to City Council for the adoption of the document. Mrs. Dorough interjects that the consideration of the motion will include the version from September 30, 2023, and the revision of the Exhibit A includes the language with an alteration in the Narrative to allow the Developer to reserve the right to deviate from the 6,000 square-foot minimum lot area in irregularly shaped 50' lots to a minimum lot area of 5,500 square feet on no more that 20% of the 50' lots, an amount not to exceed 52 of the 260 proposed total. Vice-Chairman Covington makes a motion to recommend approval with the exceptions stated by Ms. Dorough. Councilman Taylor seconds. Commission Members Templeton and Clark opposed. With six (6) affirmative votes and two (2) opposing votes, the motion passes.
- d.) **SD-24001, Old Towne Commons:** Commission Member Templeton makes a motion to adopt the Master Plan with Vice-Chairman Covington seconding. Commission Member Clark opposed. With five (5) affirmative votes and one (1) opposing vote, the motion passes.