

STATE OF ALABAMA
COUNTY OF BALDWIN

ORDINANCE 1040

AN ORDINANCE OF THE CITY COUNCIL OF BAY MINETTE, REGARDING
Case No. Z-23006, Rezoning of the Graham Property,
AS AUTHORIZED PURSUANT TO SECTION 11-52-1 THROUGH 11-52-85, CODE OF ALABAMA (1975).

WHEREAS, Barbara A. Graham has petitioned the City of Bay Minette to rezone certain property located within the municipal limits along North U.S. Hwy 31, said property containing approximately 0.35 acres, identified herein and described as follows:

Begin at a point where the South right of way line of United States Highway No. 31 intersects the East line of Lot 2 in Block 3 in a subdivision of the Southeast Quarter of the Northeast Quarter Section 10, Township 2 South, Range 3 East according to the official map or plat of the said subdivision which is recorded in Map Book 1, at page 122, Baldwin County, Alabama Records; and run thence Southwardly along the East line of said lot to the said Southeast corner thereof, thence Westwardly along the South line of the said lot to the point where it intersects Lot 43 in Block 3 of the said subdivision, thence Northwardly along the East line on the said Lot 43 to the Northeast corner thereof, thence Westwardly along the South line of Lot 3 in Block 3 of the said subdivision, 43 feet to a point; thence Northwardly and parallel with the East line of the said Lot 3 to a point on the South right of way of United States Highway No. 31, thence Eastwardly along the South right of way line of the said highway to the point or place of beginning, being otherwise described as all of Lot 2 and all of the East 43 feet of Lot 3 in Block 3 in the said subdivision which lies South of the South right of way line of United States Highway 31.

LEGAL DESCRIPTION derived from description provided by applicant (copied from QC Deed RP867 Pg 1220), deeds, Revenue Map and AS400 information.

BEGINNING AT A POINT where the South Right-of-Way Line of US Highway No. 31 intersects the East Line of Lot 2 in Block 3 of the E.G. Miller Subdivision located in the Southeast Quarter of the Northeast Quarter of Section 10, Township 2 South, Range 3 East according to the official map or plat of said subdivision recorded in the Office of the Judge of Probate of Baldwin County, Alabama in Map Book 1, Page 122; and run thence Southwardly along the East line of Lot 2 to the Southeast corner thereof, thence Westwardly along the South line of Lot 2 to the point where it intersects Lot 43 in Block 3 of the E.G. Miller Subdivision at the Northeast corner of Lot 43, thence Westwardly along the South line of Lot 2 to the Southwest corner thereof, thence continue Westwardly along the South line of Lot 3 in Block 3 of the E.G. Miller Subdivision, 43 feet to a point; thence Northwardly and parallel with the East line of the said Lot 3 to a point on the South Right-of-Way Line of US Highway No. 31, thence Eastwardly along the South Right-of-Way Line of US Highway No. 31 to the POINT OF BEGINNING, being otherwise described as all of Lot 2 and all of the East 43 feet of Lot 3 in Block 3 of the E.G. Miller Subdivision. Said parcel located in the City of Bay Minette, Section 10, Township 2 South, Range 3 East, Baldwin County, Alabama and containing .35 acres.

Otherwise known as tax parcel number 05-23-02-10-1-000-038.001 (PIN# 24297) as found in the office of the Revenue Commissioner of Baldwin County, Alabama. Said property further identified as set forth on a map of the property attached hereto and made a part of this Ordinance as Exhibit "A"; and

WHEREAS, the petitioner has requested that property herein identified be rezoned from M-2, General Industrial District to B-2, General Business District; and

WHEREAS, the Planning Commission of the City of Bay Minette held a public hearing in a regular meeting on October 12, 2023, and voted to recommend to the City Council approval of the rezoning request from M-2, General Industrial District to B-2, General Business District; and

WHEREAS, due notice of said proposed rezoning has been provided to the public as required by and in accordance with Section 11-45-8 of the *Code of Alabama* (1975), upon 15 or more days' notice of the time, place and purpose of the public hearing, and the City Council held a public hearing on November 6, 2023; and

WHEREAS, the City Council of Bay Minette after due consideration and upon consideration of the recommendation and notes of the Planning Commission, deemed that said application for rezoning of the above described real property and as set forth in Exhibit "A" is proper and in the best interest of the health, safety, and welfare of the citizens of the City of Bay Minette, Alabama;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY MINETTE, ALABAMA, IN REGULAR MEETING ASSEMBLED, AS FOLLOWS:

SECTION I: ZONING.

That above-described real property is hereby rezoned from M-2, General Industrial District to B-2, General Business District. Upon adoption and publication as required by law, the properties shall be assigned the zoning district in accordance with the rezoning; and the zoning ordinance and zoning map shall be amended to reflect said zoning.

SECTION II: REPEALER.

Any ordinance or resolution heretofore adopted by the Council which is in conflict with this Ordinance is hereby repealed to the extent of such conflict.

SECTION III: SEVERABILITY.

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION IV: EFFECTIVE DATE.

This Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Bay Minette and publication as required by law.

FURTHER, BE IT RESOLVED AND ORDAINED, BY THE CITY COUNCIL OF BAY MINETTE, ALABAMA IN REGULAR MEETING ASSEMBLED, in the interest of public health, safety and welfare of the general public, determined that **Ordinance 1040**, Case Z-23006, Rezoning of the Graham Property, is hereby **ADOPTED AND IMPLEMENTED**.

Done this the 20th day of **November, 2023**.

Robert A. Wills, Mayor
City of Bay Minette, Alabama

ATTEST:

Rita Diedtrich, City Clerk

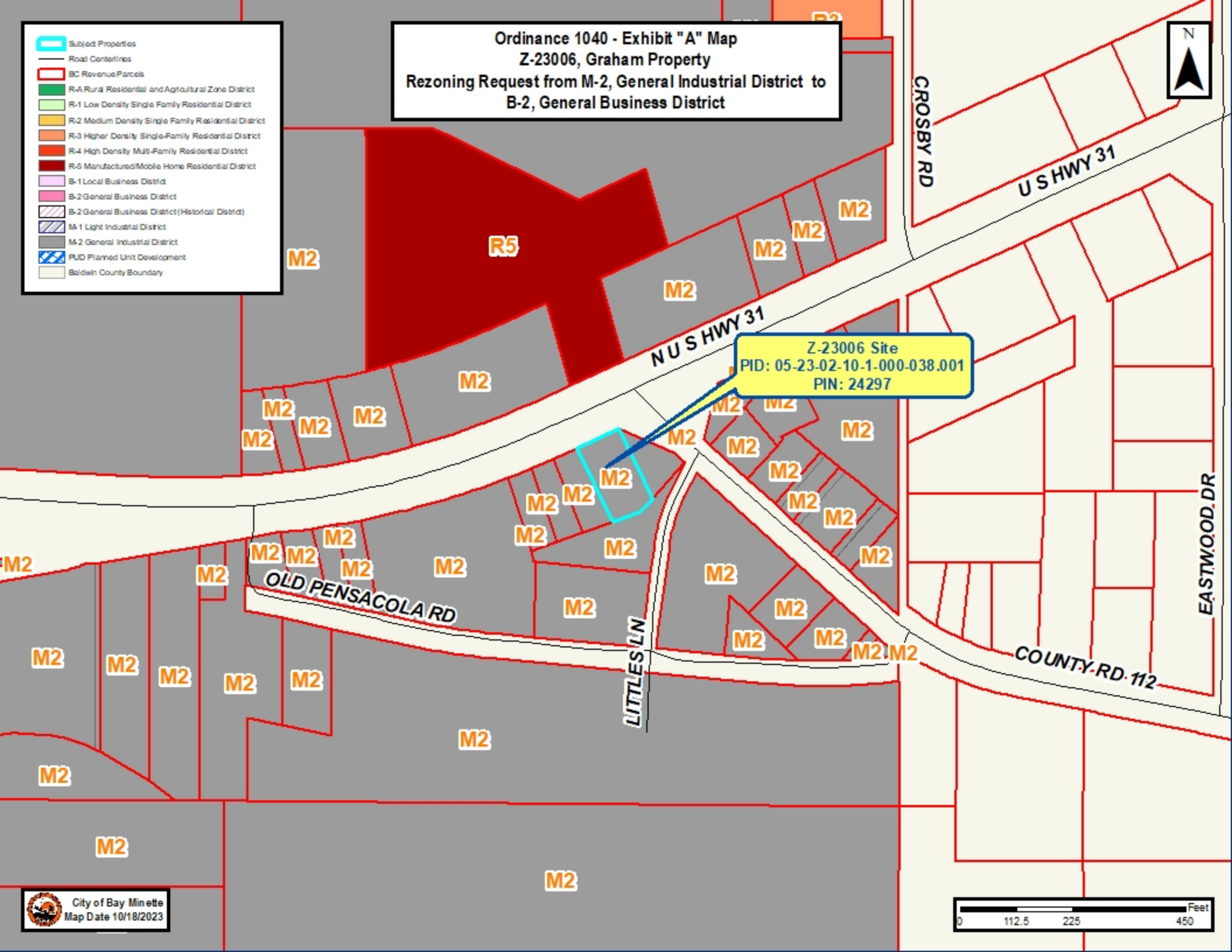
I, the undersigned qualified and acting Clerk of the City of Bay Minette, Alabama, do hereby certify that the above and foregoing is a true copy of an Ordinance lawfully passed and adopted by the Bay Minette City Council, at a regular meeting of such council, held on the 20th day of November, 2023 and that said Ordinance is on file in the office of the Bay Minette City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Bay Minette,
on this the 20th day of November, 2023.

Rita Diedtrich
City Clerk



Ordinance 1040 - Exhibit "A" Map
Z-23006, Graham Property
Rezoning Request from M-2, General Industrial District to
B-2, General Business District





City of Bay Minette

Planning & Development Services

PLANNING COMMISSION STAFF ANALYSIS

Planning Commission Meeting: Date: October 12, 2023

Case Number: Z-23006

APPLICATION SUMMARY

Project Name: Graham Property Rezoning
Property Location: 1130 North US Highway 31
Property PID: 05-23-02-10-1-000-038.001
Property PPIN: 24297
Property Size: 0.35± acres

Requested Action: Rezoning from M-2 General Industrial District to B-2, General Business District
Applicant: Kathy L. Bryars
Property Owner: Barbara Graham

Subject Properties	Zoning	Existing Land Use
Z-23006	M-2	Vacant – Former Convenience Store
Adjacent Property	Zoning	Existing Land Use
North	R-5, M-2	Manufactured Home Park
South	M-2	Single-Family Dwelling
East	M-2	Vacant / County Road 112
West	M-2	Vacant – Former Single-Family Dwelling

SITE AND REQUEST SYNOPSIS

The subject property consists of 0.35± acres and is located on the south side of North US Highway 31, at the southwest intersection of County Road 112 and North US Highway 31. The subject property contains a vacant convenience store. The applicant is Kathy L. Bryars on behalf of the property owner Barbara A. Graham. The request is to rezone the subject property from M-2, General Industrial District to B-2, General Industrial District. The property is for sale and contains a vacant convenience store which the future owner would like to restore and reopen. Per Baldwin County Revenue records the existing structure is estimated to have been built in 1950 and used as a convenience store. The applicant/owner has a concurrent Special Exception approval request (SE-23002) for the adjacent property to the west to allow the future owner to restore the existing vacant single-family dwelling for residential use.

ZONING DISTRICTS AND TABLE OF PERMITTED USES

CURRENT ZONING DISTRICT

6.2.4 M-2 General Industrial District. It is the intent of this district to provide opportunity for the location of industrial, manufacturing, processing, warehousing, or research and testing operations that, due to employment of heavy equipment or machinery or to the nature of the materials and processes employed, require special location and development safeguards to prevent pollution of the environment by noise, vibration, odors or other factors, and may also require extensive sites for storage and parking, may require extensive community facilities or generate heavy motor traffic. Access to major transportation facilities is usually needed. Locations should be in accordance with comprehensive plans and special review is required for some.

PROPOSED ZONING DISTRICT

6.3.2 B-2, General Business District. This district is intended to provide opportunity for activities causing noise and heavy traffic, not considered compatible in the more restrictive business district. These uses also serve a regional as well as a local market and require location in proximity to major transportation routes. Recreational vehicle parks, very light production and processing activities are included.

TABLE OF PERMITTED USES

The proposed use and similar/related land uses from Section 8.10 Table of Permitted Uses are listed below. Opposite each land use, in the appropriate district column or columns, the letter “R” identifies those districts in which a particular land use is permitted by right and the letters “S” identifies those districts in which a particular land use is permitted only by special exception. The letter “P” identifies those uses that must be reviewed and approved by the Planning Commission.

Table of Permitted Uses and Conditions	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	M-1	M-2
Convenience Store								R	R	

5.2 Words and Terms Defined

Convenience Store. Any retail store of the 7-11, Circle K or Jr. Food Store variety providing self-service food, drink, tobacco, automobile fuel and other products for carry-out consumption, but not including bays, other than drive-through car washes, for automobile service or repair.

RELATED COMPREHENSIVE PLAN STATEMENTS & STRATEGIES

The City's Comprehensive Plan is a policy document that functions as the long-range plan for future growth and development. It identifies the goals, objectives, and strategies of the community, determined by its residents and property owners. City officials can use the document to make policies that effectively provide a coordinated approach for future growth. Though adopted by the City Planning Commission, the Plan is intended to provide guidance for future legal and policy decisions as determined by City Council and through analysis of existing and predicted conditions. The Plan also serves as the statutory basis for many of the City's land use and subdivision regulations as well as the application of zoning districts, as zoning and future land use must be in accordance with the Comprehensive Plan. The Goals, Objectives, Statements and Strategies below are pulled from the Plan as they are deemed relevant to this specific application by Planning Staff.

Introduction

Challenges of Growth: An important challenge facing the City of Bay Minette is to determine how to effectively and equitably accommodate growth and development without adversely affecting the small town, rural character of the community. To aid in accomplishing this, development should be not only more compact and contiguous the closer to the center of the City, but it should also maximize the use of existing infrastructure and resources through redevelopment of the existing community whenever possible. This will help preserve the larger tracts of agricultural land that have been part of the City's history and are associated with Bay Minette's beauty.

Population and Economy

Goal: Create an atmosphere that will foster educational attainment to attract new industries and encourage the retention and expansion of existing industries.

Objective: Preserve the quality of life established to ensure that Bay Minette remains an attractive residential community and promote sound commercial development.

Economic Analysis: The City of Bay Minette has a strong and diversified economy. The City's favorable economy derives largely from its strategic location and accessibility from the I-65 corridor and its geographical location along the State's busiest tourist transportation corridor, Highway 59, the main route to the Gulf Coast beaches of Alabama. The City is the County Seat and this provides many employment opportunities through local government. The City is also host to numerous industrial and manufacturing employers, including Standard Furniture, Quincy Compressors, and Dental EZ, Inc. The following sections provide an overview of local economic indicators that guide future economic development.

Objective: Create an atmosphere in Bay Minette that fosters new industries and encourages the retention and expansion of existing industries.

#2 City leaders and officials should partner and coordinate with other regional agencies and governments to foster an increase in commercial and industrial development in Bay Minette that will create a diversified local economy to bring more jobs to the community.

#4 The City should establish areas to focus future industrial development to prevent this land use from being scattered throughout the community. The same should also be done for areas of the City with high concentrations of business and commercial land uses to implement appropriate future developments in type and scale. With commercial land uses, traditional clustered development with multiple types of land uses should be encouraged over more recent strip/sprawl patterns.

#11 Update Bay Minette's regulatory documents to encourage commercial infill of existing commercial lots by offering incentives as opposed to continued new commercial development along the Highway 59 corridor creating urban sprawl. Also require that all new developments and substantial rehabilitations submit landscaping plans in compliance with the local regulatory documents.

Housing

Goal: Provide a wide variety of safe and attractive living environments for all socioeconomic groups.

Statements: “A community must foster continued maintenance, rehabilitation, and new construction of their housing stock to maintain the City’s sustainability.”

“With new growth and development comes the additional responsibility of protecting existing residential areas from encroachment of incompatible land uses, increased traffic congestion, and increased stress and damage to utility and storm water drainage systems. This Chapter emphasizes the importance of planning for future growth and development without compromising the character that makes Bay Minette unique.”

“Around 50 percent of Bay Minette’s housing stock was constructed between 1960 and 1989 (20 to 49 years old). Typically, this group of housing begins to show signs of deterioration and needs rehabilitation.”

“Future residential growth should utilize infill development techniques where possible to prevent residential sprawl away from the community’s core of commercial areas, schools, and pedestrian/public transit access. Creating isolated residential neighborhoods only adds stress to the public infrastructure including roads, water and sewer, and City services.”

“In order to maintain the rural, small-town character, new housing should be directed toward the center, more dense part of the City. The City should also try to avoid further subdivision of large agricultural/forested parcels on the outskirts and fringe area. These parcels should be reserved for very low density agricultural and timber uses.”

#2 Preserve and maintain the rural, small town character of Bay Minette by implementing subdivision regulations that will not: result in environmental degradation; adversely affect rural/semi-rural areas; impair working agricultural and timberland operations.

#3 Protect the quality of life in existing and new neighborhoods by implementing subdivision regulations that will: ensure the separation of incompatible land uses; preserve and/or create open spaces and landscaped areas; promote the connectivity of roads, schools, parks, and open spaces; require, where feasible, the installation of sidewalks throughout the development; and prevent stress on the existing public infrastructure and public services.

#8 Rehabilitate existing substandard housing areas by encouraging rehabilitation of deteriorated properties and demolition of dilapidated structures.

Land Use

#3 Protect the quality of life of existing and new developments by implementing land use regulations that will: ensure the separation of incompatible land uses; preserve and/or create open spaces and landscaped areas with each new development; promote the connectivity of roads, schools, parks, and open spaces; require, where feasible, the installation of sidewalks throughout the development; and prevent stress on the existing public infrastructure and public services.

#6 Ensure, through site plan review and/or subdivision plat review, that all types of land use developments have a design and scale compatible to adjoining properties and are buffered from different incompatible land uses and adverse impact due to encroachment.

DEPARTMENT AND AGENCY COMMENTS

Due to the nature of the rezoning and lack of future use details, additional department/agency review may be required when developed.

North Baldwin Utilities – No comments received.

ALDOT – No comments received.

Bay Minette Public Works – No comments received.

City Engineering Consultants

Bay Minette Police Department - No comments received.

Civil: Tensaw Engineering, Benjamin White, P.E. – N/A

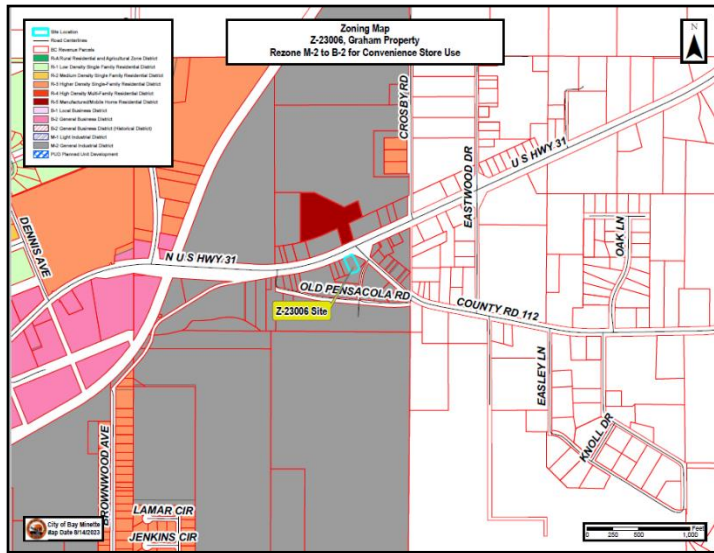
Bay Minette Fire Department – No comments.

Transportation: Neel-Schaffer, Shane Bergin, PE, PTOE, PTP, RSP1 – N/A

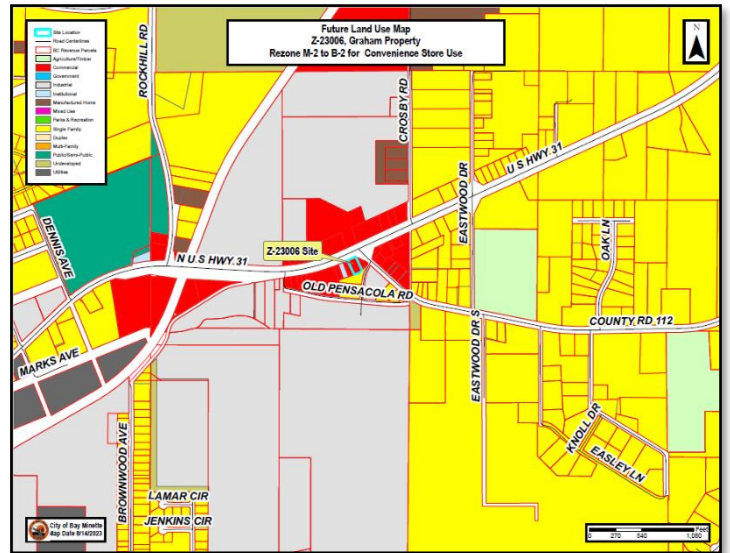
Baldwin County E-911 – Verified 1130 North US Highway 31 address is correct.

MAPPING

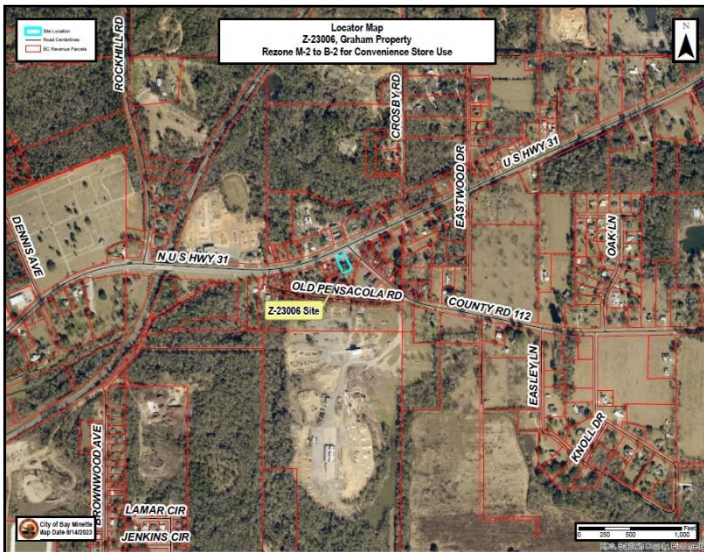
Zoning Map



Future Land Use Map



Locator Map



Site Map



STAFF ANALYSIS

The following guidelines for reviewing zoning amendments are found in **Article 15 – Amendment** in the *Zoning Ordinance of the City of Bay Minette*. These factors are to be considered when an application is being reviewed for rezoning.

1.) Compliance with the Comprehensive Plan *COMPLIANT*

The subject property is designated as Commercial on the Future Land Use Map in the Comprehensive Plan. The adjacent properties to the north, west and east, are designated as Commercial. These properties front North US Highway 31 which is a Principal Arterial. The

property adjacent to the south is designated Residential with residential uses. The proposed rezoning of the subject property from Industrial to commercial district is compliant with Future Land Use Map.

2.) Compliance with the standards, goals and intent of this ordinance *COMPLIANT*

The Zoning Ordinance was intended to promote the health, safety, convenience, order, prosperity, and general welfare of the residents; to lessen congestion in the street; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, and parks; to facilitate initiation of the comprehensive plan, and other public requirements.

The proposed commercial use and renovation of the vacant convenience store fits within the promotion of health, safety, convenience, order, prosperity, and general welfare of the nearby property owners. The proposed commercial use is more analogous with the commercial designation on the Future Land Use Map than the current industrial zoning.

3.) The character of the surrounding property, including any pending development activity *COMPLIANT*

The subject property has an existing vacant convenience store which is estimated to have been built in 1950 per Baldwin County Revenue records. The applicant/owner has a concurrent Special Exception approval request (SE-23002) for the adjacent property to the west. The request is to allow the future owner to restore the existing vacant single-family dwelling for residential use.

The property adjacent to the south is zoned industrial with residential use. The vacant property adjacent to the east is zoned Industrial. The property adjacent to the north across North US Highway 31 consists of a Manufactured Home Park and is zoned both industrial and Manufactured Home District. The commercial use of the subject property is more consistent with the proposed rezoning than the current Industrial zone.

4.) Adequacy of public infrastructure to support the proposed development *COMPLIANT*

The Bay Minette Fire Department did not have any comments on the application and no comments were received from Bay Minette Police Department or North Baldwin Utilities in regard to the rezoning request. The site consists of a vacant convenience store with the necessary infrastructure existing. With the subject property fronting a principal arterial and intensity of existing uses, no major impacts are anticipated.

5.) Impacts on natural resources, including existing conditions and ongoing post-development conditions *COMPLIANT*

No impacts are anticipated. The vacant structure is existing with the property fronting a principal arterial. The commercial use was established years ago and no major change in intensity is anticipated.

6.) Compliance with other laws and regulations of the city *COMPLIANT WITH CONDITIONS*

The applicant will be required to submit a Land Use application and Building Permit application prior to any construction.

7.) Compliance with other applicable laws and regulations of other jurisdictions *COMPLIANT WITH CONDITIONS*

The subject property sits within the city limits of Bay Minette and falls under the City's jurisdiction. The subject property fronts North US Highway 31 which may require access approval from the Alabama Department of Transportation. The underground storage tanks on the subject property may require inspections/permits from Federal and State Agencies.

8.) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values *COMPLIANT*

Negative impacts are expected to be minimal as the subject property fronts a principal arterial and the structure is existing with only renovations proposed at this time.

9.) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values *COMPLIANT*

Negative impacts are expected to be minimal. As previously stated, the subject property fronts a principal arterial. The renovation and occupancy of the existing vacant convenience store should be an asset to the surrounding area.

10.) Other matters which may be appropriate

The rezoning application is a stand-alone request that is not dependent on any additional zoning approvals. However, as previously stated, this applicant/owner has a concurrent application for Special Exception approval request (SE-23002) for the adjacent property to the west to allow the future owner to restore the existing vacant single-family dwelling for residential use.

STAFF RECOMMENDATION

Recommendation: Based on the information submitted by the applicant, City Staff and Consultant input and the analysis above, staff recommends that the *Planning Commission submit a recommendation of approval to the City Council for the rezoning request from the M-2, General Industrial District to B-2, General Business District.*

PLANNING COMMISSION ACTION

For rezoning applications, the Planning Commission holds a public hearing and sends an advisory recommendation to the City Council, who makes the final decision. The Planning Commission has the option to:

- Make a recommendation for approval of the request to the City Council as presented.
- Make a recommendation for approval of the request with conditions to the City Council.
- Make a recommendation for denial to the City Council, with stated factors for the denial.
- Table the request due to a lack of information.

15.2.6 Limitation on resubmittal. No application for a zoning map amendment shall be considered within 365 days from a final decision on a previous application for the same or similar parcel of land. An application may be withdrawn without prejudice prior to the public hearing being open by the city council. A request to withdraw an application shall be made in writing.

City of Bay Minette Planning Commission
Voting Sheet

Case # Z-23006, Graham Property
Rezoning request from M-2 General Industrial District to
B-2, General Business District
Public Hearing

October 12, 2023

Public Hearing Opened: 9:07 a.m.

Comments: Elliott Nicholson, Sanjay Patel, and Kathy Bryars

Public Hearing Closed: 9:09 a.m.

Motion: Recommend approval to the City Council for Rezoning PIN 24297 from M-2, General Industrial District to B-2, General Business District.

Made by: Ray Clark

Motion Seconded by: William Taylor

Result of the Vote: Motion carried with 4 affirmative votes, 0 opposed and 0 abstaining.

MEMBERSHIP	NAME	MOTION	SECOND	AFFIRMATIVE	OPPOSITION	OTHER
Appointed – Chairman*	Todd Stewart*					Absent
Mayor – Ex-Officio	Bob Wills			X		
City Council Member – Ex-Officio	William Taylor		X	X		
Administrative Official – Ex-Officio	Rob Madison			X		
Appointed	Vacant					Vacant
Appointed	Ray Clark	X		X		
Appointed	Earl Emmons					Absent
Appointed	Neal Covington**					**
Appointed	Hiram Templeton					Absent

*Chairman only votes in the event of a tie

**Acting Chairman in the absence of the Chairman



City of Bay Minette

Planning & Development Services

301 D'Olive Street • Bay Minette, Alabama 36507

Phone (251) 580-1650 • COBM_Planning@cityofbayminetteal.gov

NOTICE OF PUBLIC HEARINGS

Case No. Z-23006, Graham Property
Rezoning Request from M-2, General Industrial District
To B-2, General Business District

Notice is hereby given that the City of Bay Minette Planning Commission and City Council will each conduct a public hearing for Case No. Z-23006, the Graham property, related to a request to rezone property from the M-2, General Industrial District to the B-2, General Business District for the operation of a convenience store and gas station. The subject property, specifically identified as Parcel I.D. 05-23-02-10-1-000-038.001 // PIN 24297, is approximately .35± acres and is located at the Southwest corner of the N US Hwy 31 and County Rd 112 intersection. A map can be found on the back of this notice.

The Bay Minette Planning Commission will conduct the first public hearing during its regularly scheduled meeting on Thursday, October 12, 2023 beginning at 8:00 a.m. in the Council Chambers of Bay Minette City Hall located at 301 D'Olive Street, Bay Minette, AL 36507.

The Bay Minette City Council will conduct a second public hearing and first reading during its regularly scheduled meeting on Monday, November 6, 2023 beginning at 6:00 p.m. in the Council Chambers of Bay Minette City Hall located at 301 D'Olive Street, Bay Minette, AL 36507. The second reading of the rezoning ordinance is scheduled during its regularly scheduled meeting on Monday, November 20, 2023 beginning at 6:00 p.m., also in the Council Chambers of Bay Minette City Hall.

The application materials will be available for public review at Bay Minette City Hall and on the Planning & Development Department website. If you desire to speak with someone by telephone about this application, please contact Planning & Development Services at (251) 580-1650. If you desire to submit comments, please email to COBM_Planning@cityofbayminetteal.gov or address your correspondence to:

City of Bay Minette Planning & Development Services
301 D'Olive Street
Bay Minette, AL 36507

Please include the case number noted above in all correspondence. If you desire to address the Planning Commission or City Council in person about this application, please attend the public hearings on the dates, times and location listed above.

Public participation is solicited without regard to race, color, national origin, sex, age, religion, disability or family status. Persons who require special accommodations under the Americans with Disabilities Act or those requiring language translation services should contact Planning & Development Services.

