



City of Bay Minette

Planning Commission

301 D'Olive Street · Bay Minette, Alabama 36507
Phone (251) 580-1650 · COBM_Planning@cityofbayminetteal.gov

AGENDA

August 10, 2023

Regular Meeting

8:00 a.m.

City Hall Council Chambers

301 D'Olive Street, Bay Minette

- 1.) **Call to Order**
- 2.) **Invocation and Pledge**
- 3.) **Announcements & Registration to Address the Commission**
- 4.) **Approval of Minutes for the July 13, 2023 Regular Meeting**
- 5.) **Disclosure of Prior Communications and/or Conflicts of Interest**
- 6.) **Old Business**
 - a.) **Bylaws**
 - b.) **PUD and Design Criteria ***Discussion Only*****
- 7.) **New Business**
 - a.) **SP-23004, Bluewater Seafood Market Site Plan Approval Request**
Disclosure of Prior Communications and/or Conflict of Interest
Request: New Construction of a Retail/Drive-Through Seafood Market
Location: 1113 S US Hwy 31, in the triangle of property created at the North side of the intersection of Daphne Road into US Hwy 31
 - b.) **CU-23001, Clayton Williams Property**
Disclosure of Prior Communications and/or Conflict of Interest
Request: Commission Use Approval for an Event Venue
Location: 603 D'Olive St
 - c.) **CU-23002, Cockrell's Body Shop of Bay Minette, Inc**
Disclosure of Prior Communications and/or Conflict of Interest
Request: Commission Use Approval for expansion of automotive collision repair business
Location: 1205 S US Hwy 31
 - d.) **Updates & Upcoming Cases**
- 8.) **Reports & Comments**
 - a.) **Mayor/Council/Administration**
 - b.) **Attorney**
 - c.) **Commissioners**
 - d.) **Planning Staff**
 - e.) **Citizen Comments**
- 9.) **Adjournment**

Worksession – August 24, 2023

Next Regular Meeting – September 14, 2023



Bay Minette Planning Commission Regular Meeting Minutes

Minutes July 13, 2023

Monthly Meeting No. 7

The City of Bay Minette Planning Commission met in Regular Session on Thursday, July 13, 2023. The meeting was called to order at 8:01 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 8:01 a.m. the following members were present, and a quorum established:**

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

Commission Members absent:

Hiram Templeton, Commission Member

Commission Members late:

None

Other persons in regular attendance:

Clair Dorough, City Planner
Tammy Smith, City Administrator
Lauren Collinsworth, Attorney
Kristina Pittman, North Baldwin Chamber of Commerce
Steven Stewart, Fire Inspector
Paula Bonner, Planner Associate
Jessica Peed, Planning Coordinator

GUESTS None

INVOCATION Chairman Stewart presented the invocation, followed by the pledge.

ITEM 3. **Announcements/Registration to address the Commission.**

ITEM 4. **Approval of the Minutes of the June 8, 2023, Regular Meeting.**

Councilman Taylor made a motion to approve the June minutes as written. The motion was seconded by Commission Member Emmons and carried unanimously.

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

ITEM 6. Old Business
a.) August 24, 2023 Worksession

Chairman Stewart introduces Item 6a. Mrs. Dorough stated the Baldwin Ventures engineering firm requested a work session related to the master plan for Old Towne Commons PUD before proceeding with plans regarding the City's developmental requests. Mrs. Dorough gave examples of the types of design standards, including neighborhood and housing designs, and setbacks, and discussions ensued regarding preferences and dislikes. Chairman Stewart asked for the Commission members to submit any preferences and discussion point items before the August meeting so preparations can be made to discuss at the August 24th worksession.

b.) RA-23002, Temporary Work Force Housing Program (Ordinance 1035)

Chairman Stewart introduces the topic, allowing Mrs. Dorough to explain that the Temporary Work Force Housing Program was reviewed at City Council but was sent back to Planning Commission for consideration to include the mixed uses of RV campers and mobile homes. Mrs. Dorough reviews the proposed revisions that will allow for the inclusion of both RV's and manufactured homes, including the zoning designations, standards and requirements, location criteria, and site restoration criteria. Discussion ensues regarding potentially impacted areas in city limits, Dickman Rd mobile home park which facilitated this consideration to provide temporary housing for Novelis workers, bonds, the requirement for worker documentation for Novelis and their estimated needed number of allowed RV parking spots. Commission Member Emmons mentions his sightings of residents occupying RV's in the backyards of city limit residents and would like to discuss ways to address that issue.

With no further discussion, Mayor Wills makes a motion to recommend approval to the City Council for the revised version of the Temporary Work Force Housing Program as presented. Commission Members Emmons seconds and is unanimously carried.

ITEM 7. New Business
a.) Planning Commission Bylaws

Chairman Stewart stated the proposed bylaws are in the Planning Commission packet. Mrs. Dorough reviewed the primary proposed revisions which are to be in compliance with state code related to the provision on jurisdictional member allowance.

b.) ACAMP Comprehensive Plan Project

Mrs. Dorough states the City recently received a grant to update the Comprehensive Plan, and explains the process, timeline and role of the Planning Commission during the process.

Chairman Stewart exits the meeting at 8:59am. Vice-Chairman Covington continues reviewing the agenda materials.

c.) Updates & Upcoming Cases

Mrs. Dorough gave a brief overview of the following:

- Zoning Ordinance Amendment adoption and effective date
- Right-of-Way Vacation for Standard Furniture approval and next steps including completion of a subdivision exemption
- Update on the Police and Planning jurisdiction to only include city limits effective July 26, 2023
- Bluewater Seafood Market Site Plan request

- Clayton Williams Site Plan request for an entertainment venue and reviews the previously discussed concern of inadequate parking to which Mr. Williams received a demo permit for the parking adjacent to the property. She includes additional requirements, if the use is approved including Fire, Police and ALDOT approvals.
- Cockrells Auto Body Shop Site Plan request to expand business into adjacent property building.
- Chuck Stevens Sign Variance request and includes history of previous sign construction not meeting the approved variance in 2002.
- Road name changes including Petty Ln, Pine St, and a segment of the Briar Rose Subdivision
- Various church renovations, expansions and/or subdivisions including First Baptist Church, Southside Baptist Church, Fellowship Hall, Eastwood Baptist Church
- Fire Inspector Steven Stewart discusses a prospective lot line setback incentive program that will potentially increase density and decrease neighboring fire exposure with the inclusion of installed firewalls and/or fire sprinkler systems within structures. There is a discussion on the development of neighborhoods in conjunction with narrower streets, secondary ingress/egress requirements, ISO ratings, response times to various area within and surrounding city limits and includes that it would be the first community in Alabama to offer this type of program. He also stated that it be included in the record that he is opposed to the 5' setbacks.

ITEM 8. Reports

- a.) Mayor/Council Report – None
- b.) Attorney – None
- c.) Commissioner – None
- d.) Planning Staff – None
- e.) Public Comment – Kristina Pittman with the North Baldwin Chamber of Commerce states they have a new staff member, Callie Roley. She includes the Chamber has begun planning for Christmas Fest, and First Responders Dinner in October.

ITEM 9. With no further business, Vice-Chairman Covington adjourns the meeting at 9:38 am.

DONE THIS THE 13TH DAY OF JULY 2023

Vice-Chairman, Neal Covington

ATTEST:

Jessica Peed, Planning Coordinator

Motion Summary:

- 1.) **Approval of the Minutes of the June 8, 2023, Regular meeting:** Councilman Taylor made a motion to approve the June minutes as written. The motion was seconded by Commission Member Emmons and carried unanimously.
- 2.) **RA-23002, Temporary Work Force Housing Program (Ordinance 1035):** Mayor Wills makes a motion to recommend approval to the City Council for the requested revised version of the Temporary Work Force Housing Program as presented. Commission Members Emmons seconds and is unanimously carried.

**Draft Planning Commission Bylaws
Version 2
Included as Separate Document**



City of Bay Minette

Planning & Development Services

PLANNING COMMISSION SITE PLAN APPROVAL REQUEST

Planning Commission Meeting Date: August 10, 2023

Case Number: SP-23004

APPLICATION SUMMARY

Project Name: Blue Water Seafood Market
Property Location: 1113 S US Hwy 31
Property PID/PPIN: 05-23-05-21-2-001-006.001 // 77318
Property Size: 15,460±ft² // .35± acres

Requested Action: Site Plan Approval for New Construction of a Retail/Drive-Through Seafood Market
Applicant/Engineer: Ben White, P.E., Tensaw Engineering
Property Owner: Eugene Overstreet

Subject Property	Zoning	Existing Land Use
SP-23004	B-2	Vacant Commercial
Adjacent Property	Zoning	Existing Land Use
North	B-2	Commercial – seafood restaurant
South	B-2	Vacant Commercial structures, automobile body repair shop
East	M-1	Large Lot Vacant Commercial structure, tire shop
West	B-2	Large Lot Vacant Commercial, State Probation Office

SITE AND REQUEST SYNOPSIS

The subject property, which consists of approximately 15,460±ft² // .35± acres, and is zoned B-2, General Business District. The parcel is located at 1113 S US Hwy 31, in the triangle of property created at the North side of the intersection of Daphne Road into US Hwy 31. The property is currently vacant/undeveloped but the site of a former gas station and is largely covered in concrete/asphalt paving. This request is for Planning Commission Site Plan approval for the construction of Blue Water Seafood Market, with retail and drive-through access. The structure is proposed at 30'x70' for a total of 2,100±ft². A retail seafood store is allowed by right in the B-2 zoning district but as new commercial construction, is required to obtain Planning Commission approval of the Site Plan prior to commencing any development or the issuance of any Building Permits.

ZONING DISTRICT AND TABLE OF PERMITTED USES

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 and Conditions	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	M-1	M-2
Seafood Store, retail							P	R		

DEPARTMENT AND AGENCY COMMENTS

North Baldwin Utilities – No comments received.

Bay Minette Public Works – No comments received.

Bay Minette Police Department – Stated No Concerns.

Bay Minette Fire Department – Comments Submitted:

A fire hydrant will be required, NBU is working to provide one in order to service the other buildings in this area, incidentally, it will also cover this project. Owner will be covered once the new hydrant is installed. All drives around the building are too narrow for fire / EMS access. The building is within the code-required 150' from the city / state ROW. This statement is a note to PC that

any emergency response to this building will result in a minimum of 1 lane closure of Daphne and / or Hwy 31. Due to lot size, if the building were to be on fire, fire apparatus would not access owners property anyway.

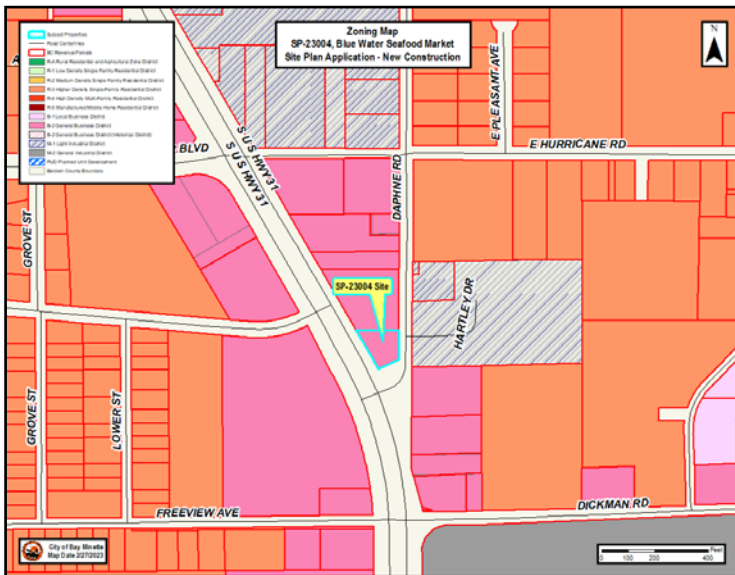
Baldwin County E-911 – No comments received.

Neel-Schaffer, Shane Bergin, PE, PTOE, PTP, RSP1 – City Consultant as Transportation Engineer – No additional comments. Noted that the site was going to be ‘tight’ and that previous comments regarding access from Daphne Road appear to be incorporated in the current submittals. See Item #11(d) below for details.

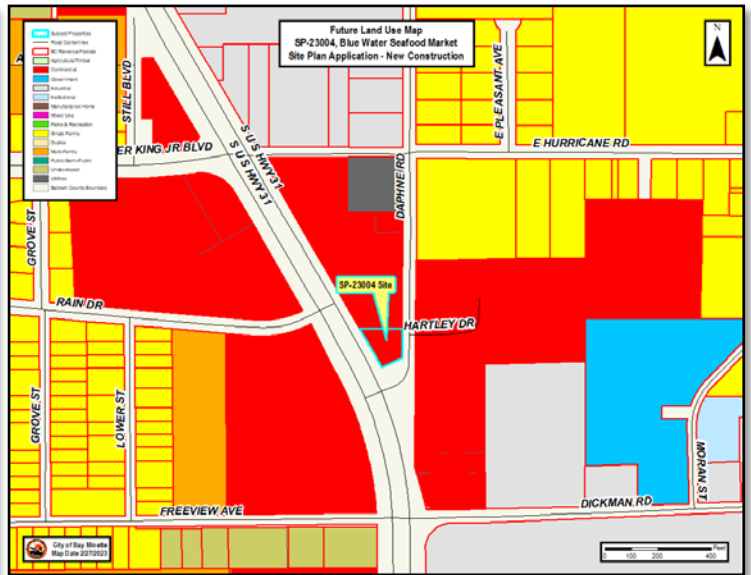
ALDOT – No major concerns stated, applicant has already made contact and received approval for a right-in only access from US Hwy 31. The applicant received an email notice February 9, 2023 from ALDOT to proceed with the Site Plan process.

MAPPING

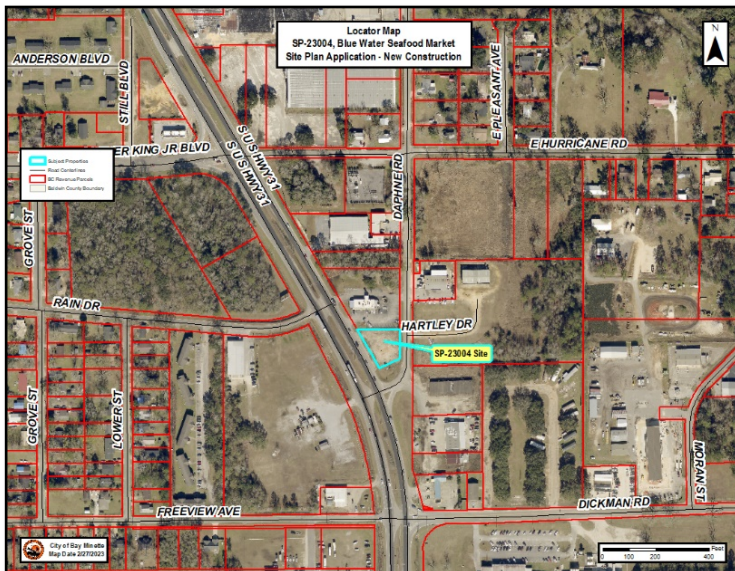
Zoning Map



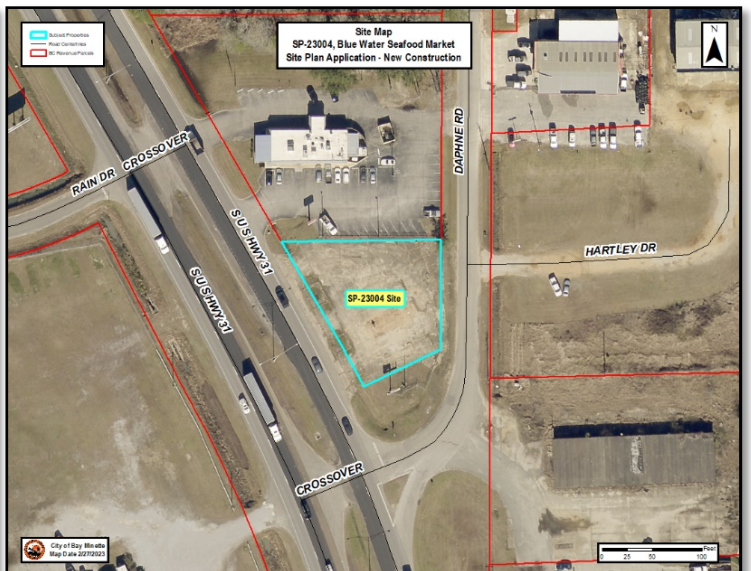
Future Land Use Map



Locator Map



Site Map



STAFF ANALYSIS

Site plan reviews shall be accomplished by the Planning Commission to assure compliance with the provisions of the *Zoning Ordinance* to ensure conformity with its purpose. The proposed project has been evaluated by staff against the criteria in accordance with *Section 8.9 Site Plan*. It shall be the responsibility of the owner/developer to show (prove) compliance with the requirements of this Ordinance.

- 1.) *The density or intensity of land use to be allocated to all parts of the site together with tabulations by acreage and percentages thereof itemized by use and density.* **COMPLETE**

The site calculations provided by the applicant meet the standards of the Zoning Ordinance.

Site Calculations

Subject Property Site Totals		15,460 ±ft ²	0.35 ± acres	
Site Use/Type	±Square Footage		Lot Coverage	Notes
Existing Building	0 ±ft ²		0.00%	Vacant
Proposed Structure	2,100 ±ft ²		13.58%	30'x70' Seafood Market
Total Building Coverage	2,100 ±ft²		13.58%	
Existing Impervious Surface	19,009 ±ft ²		122.96%	includes concrete in ROW that will be converted to grass
Additional Impervious Surface	-12,738 ±ft ²		-82.39%	
Total Impervious Surface	8,371 ±ft²		54.15%	
<i>TOTAL Required Landscaped Minimum</i>	<i>2,319 ±ft²</i>		<i>15.00%</i>	
TOTAL Proposed Landscaped Area	3801 ±ft ²		24.59%	
TOTAL Proposed Open Space/Natural Areas	1188 ±ft ²		7.68%	
<i>Required Front/Side Yard Landscaping</i>	<i>773.00 ±ft²</i>		<i>5.00%</i>	Not in parking areas
Proposed Front/Side Yard Landscaping	2643 ±ft ²		17.10%	
Total Off-Street Parking Area	1470 ±ft ²		9.51%	% of Total Site Area
<i>Required Parking Landscaped Minimum</i>	<i>147 ±ft²</i>		<i>10.00%</i>	% of Off-Street Parking Area
Proposed Parking Landscaped Area*	624 ±ft ²		42.45%	% of Off-Street Parking Area
Total Landscaped/Open Space Provided	4,989 ±ft²		32.27%	% of Total Site Area

- 2.) *The location, size and character of any common open space, commonly owned facilities and form of organization which will own and maintain any common open space and such facilities.* **NOT APPLICABLE**

Not applicable to this development.

- 3.) *The use and maximum height, bulk and location of all buildings and other structures to be located on the site.* **COMPLETE**

Compliant with current zoning standards based on submittals.

- 4.) *The substance of covenants, grants of easements or other restrictions which will be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities or other purposes.* **NOT APPLICABLE**

Not applicable to this development.

- 5.) *The provisions for disposition of open space, including tree protection, landscaping provisions and buffering requirements.*

COMPLIANT WITH CONDITIONS

- a.) Buffering: **COMPLETE**

Sec. 10.11.1 only requires a buffer zone "where a business district abuts any part of a residential district, a buffer zone 10 feet wide shall be required; where an industrial district abuts any part of a residential or business zone, a buffer zone of 20 feet shall be required." Based on adjacent zoning districts, a buffer zone would not be required for this development as it is a commercial-to-commercial district to the North, West and South; and a commercial-to-industrial district to the East.

b.) Open Space & Landscape Provisions // General: *COMPLIANT WITH CONDITIONS*

A minimum of 15% total lot area must be landscaped or maintained as open green space, which is approximately 2,319 sq ft. The submitted calculations detail 3,801 sq ft of landscaped area and 1,188 sq ft of open space/natural area for a total area of 4,989 sq ft, approximately 32% of the site, being proposed for landscaped/open areas. Overall, the total landscaping/open space areas provided appear to be compatible with regulations with the exception of planting standard requirements, which is further discussed in Item #5(d) and Item #10

c.) Tree Protection Zone / Removal / Replacement: *COMPLETE*

Tree Removal and Replacement provisions are not applicable to this site. This property falls within the Tree Protection Zone, however the site surfacing is primarily concrete/asphalt paving and contains no existing trees, landscaping or natural areas.

d.) Greenbelt Zone: *COMPLIANT WITH CONDITIONS*

This property is located within the Greenbelt Zone and the requirements of Sec 10.6.4 will apply. The Landscaping plan does show plantings in the front setback along the 84.25' southern lot line that appears to meet the 10-foot minimum width, however the standard for 1 tree per 25 feet of property width requires a minimum of 4 trees and only 2 are provided, which can be easily rectified. This minimum requirement calculation may change based on the final determination of the "Front". If the Front is determined to be the West side fronting Hwy 31, which is approximately 167.25' in length, a minimum of 7 trees would be required in the Greenbelt Zone. The Site Plan shows five total trees within that setback area, but only two are shown to fall within the 10' zone. There is a small section of parking and a 12'x12' dumpster pad also located within the Greenbelt Zone.

10.6.4 Greenbelt Zone. All developments along or abutting the right-of-ways of U.S. Highway 31 South, U.S. Highway 31 North, State Highway 31, State Highway 287, McMeans Avenue, D'Olive Street and North Hand Avenue shall maintain a minimum of ten (10) feet of the required thirty (30) foot setback as a landscaped greenbelt along the entire front width of the property except where curb cuts provided ingress and egress. If any of the thirty (30) foot front setbacks is used for parking, said greenbelt shall be in addition to the landscape requirements for parking areas described in Section 9.2 of this Ordinance. Said greenbelt shall be planted with trees, shrubs, and grass or other ground cover so that an attractive appearance is presented as detailed in the developer's required landscape plan. The trees shall be shade or flowering trees and shall be at least three and one half (3 1/2) inches or greater in caliper and twelve (12) feet in height at planting. There shall be a minimum of one (1) tree planted for every twenty-five (25) feet or fraction thereof of lot frontage, fifty (50) percent of which shall be shade trees having a maximum crown of seventy (70) feet.

e.) Landscape Provisions // Off-Street Parking: *COMPLETE*

The submitted plans appear to meet the landscaping provisions for the parking area.

Off-Street Parking Landscape Calculations				
Total Off-Street Parking Area Provided	1470	±ft ²	9.51%	Percent of Total Site Area
Required Parking Landscaped Minimum	147	±ft ²	10.00%	Percent of Off-Street Parking Area
Proposed Parking Landscaped Area*	624	±ft ²	42.45%	Percent of Off-Street Parking Area

6.) *In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for building permits are intended to be filed. *NOT APPLICABLE**

Not applicable to this site.

7.) *Where required by the Alabama Department of Transportation ("ALDOT"), the Building Official shall be provided proof that the applicant has submitted a driveway permit application to ALDOT. In the event that any type of traffic study is required by the ALDOT, copies thereof shall be provided to the Building Official. *COMPLETE**

The site's primary access will be from a right-in only connection from US Hwy 31. ALDOT is the review authority for this access and no major concerns were communicated with staff. The applicant received preliminary approval from ALDOT via an email on 2/9/23 to proceed with the Site Plan process. ALDOT Traffic Control Details were submitted detailing plans for traffic control during construction. This development will also have access from Daphne Road, which is under the City's review authority and has been reviewed by the City's Traffic Engineer. The Daphne Road access will have a right-in only entrance with full right/left turn capabilities for exiting vehicles. See Item #11(d) for further details.

8.) *Front and side architectural elevations. *COMPLETE**

Elevations submitted show the front of the building to be constructed with painted hardi and brick, with the sides and rear of the building to be constructed with vinyl siding. The height of the building is calculated at approximately 17' 9" and plans state a maximum height of 18'. There is an inconsistency between the submitted elevations and site plan regarding a determination of

the 'front' of the property. The elevations designate the "Front" of the building as the 70' side facing Hwy 31. Based on setbacks, the Site Plan has the "Front" as being the 84.25' southern property line facing the Hwy 31/ Daphne Road intersection. This does not affect the elevations portion of the review, but it is discussed further in relation to signage, landscaping and setbacks.

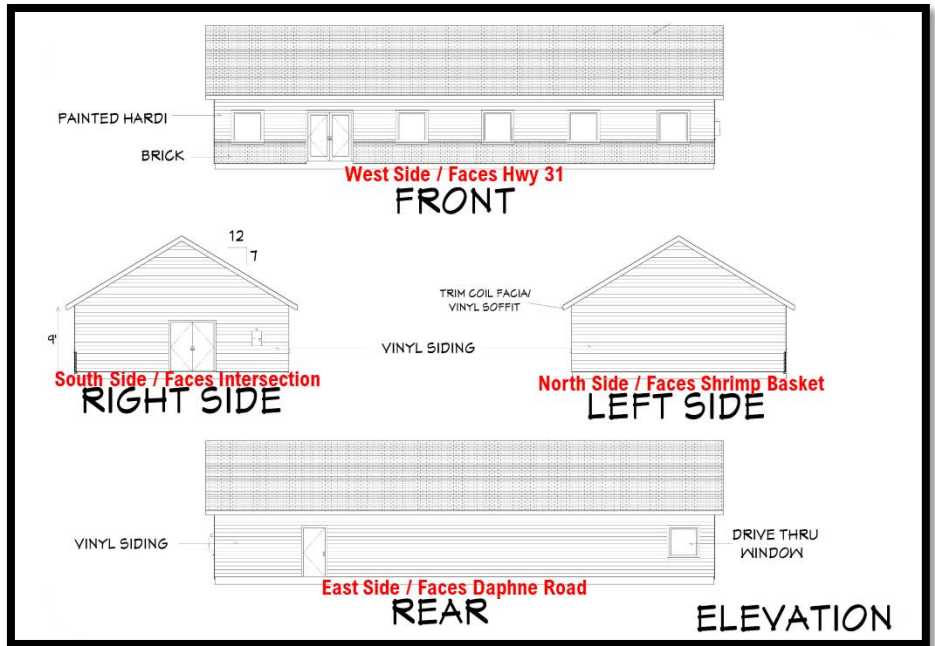


Figure 8.1 – Elevations with Front/Side/Rear Designations

9.) *The location and size of all signs to be located on the site. In the event that a sign is pre-existing and fails to conform to the requirements as set forth in this ordinance, site plan approval will be granted only under the condition that all signs will comply with the regulations as set forth in the sign ordinance.* **COMPLIANT**

Current submittals do not include any new signage or lighting details. The plans do show an existing sign located in the ROW that is proposed for removal. Any new Signage will require a Sign Permit prior to construction/installation to review compliance with the full sign ordinance, which includes that the sign location be on the property.

The maximum allowable display area will be calculated based on the final determination of the 'front.' Building/Wall signage is calculated at 2 sq ft per linear foot of the main or entry façade. The Zoning Ordinance defines the "Main or Entry Façade" as "generally the façade or side of the building that faces the public street, road or highway. In cases where the building is oriented in a manner not parallel to the street, the primary entrance façade is used as the main façade." In this situation, the building has multiple sides facing public streets. If the "Front" is determined to be the South side facing the Hwy 59/ Daphne intersection, then the maximum allowable display area for signage will be 60 sq ft (30 linear feet of frontage x 2 sq ft allowable display area). If the "Front" is determined to be the West side fronting Hwy 59, then the maximum allowable display area will be a total of 140 sq ft (70 linear feet of frontage x 2 sq ft allowable display area).

This is a corner lot, so freestanding signage will be allowed a maximum of two freestanding signs which individually cannot exceed 75 sq ft of display area and cannot exceed a combined total of 150 sq ft.

10.) *Landscape plans.* **COMPLIANT WITH CONDITIONS**

Overall, the total landscaping/open space areas provided appear to be compatible with regulations with the exception of planting standard requirements. The submitted Planting Schedule below includes trees that meet minimum size requirements and ground coverage with centipede covering 4,568 sq ft. However, plantings are required to include a minimum of three different species of

BOTANICAL NAME	COMMON NAME	CODE	QUANTITY	SIZE	HEIGHT	OTHER
LAGERSTROEMIA INDICA 'NATCHEZ'	'NATCHEZ' CRAPE MYRTLE ✓	LN	3 EACH	15 GAL ✓	8'-0" ✓	MIN 3 TRUNKS ✓
QUERCUS PHELLOS	WILLOW OAK ✓	QP	4 EACH	15 GAL ✓	12'-0" ✓	FULL HEAD
LOROPETALUM CHINESE 'PRUPLE DIAMOND'	PRUPLE DIAMOND ✓ LOROPETALUM ✓	PD	14 EACH	5 GAL ✓		48" O.C.
EREMOCHLOA OPHIUROIDES	CENTIPEDEGRASS ✓	EO	4568 SF ✓			SOD

Figure 10.1 – Planting Schedule

trees (1 medium understory, 1 large overstory and 1 multi-stemmed understory). With the exception of the provision of 1 species of medium understory tree, the remaining plantings are compliant.

As previously stated in Item #5(d), the property is also subject to the Greenbelt Zone and submitted plans are not fully compliant with those provisions. Once the applicant/owner determines the "Front" and final calculations can be made, the inclusion of an additional tree species will further the site's compliance with the Greenbelt Zone standards.

11.) Any additional data, plans or specifications which the applicant or the City believes is pertinent and which will assist in clarifying the application including, but not limited to plans for screening, lighting and space, surface drainage, erosion and sediment control, water and sewer connections, landscaping, and signs.

Minimum Setbacks						
Zoning District	Front Yard		Rear Yard	Side Yard	Side Yard - Corner Lot	
	Arterial/ Collector	Local/Service Roads			Arterial/Collector	Local/Service Roads
B-2	30ft	20ft	b*	b*	30ft	25ft

*b. None, except it will be five feet if abutting an alley, and when abutting a residential district, it shall be not less than 20 feet.

a.) Structure Location/Setbacks: **COMPLIANT**

Setback review is based on the yard delineations shown in Figure 11.1. Setbacks dimensions are not detailed on submittals, but the primary structure appears to be in compliance with the required front and side setbacks as submitted. No rear setback is required for this site in the B-2 district. If the Front and Side yard designations are modified based on the submitted elevations, it appears that the structure will still be in compliance with setbacks.

The dumpster will be located in what is considered to be the front yard in the Site Plans. Due to the configuration of the site, there doesn't appear to be alternative location available. While there's no specific zoning standards for the design or location of dumpsters, the Planning Commission has typically reviewed the location and screening in accordance with Sec 8.3.6. No specific elevations or screening plans were submitted but the Landscape Plans include plantings shown to aid in partially screening the dumpster from view. Pending Health Department and NBU requirements, the owner/applicant may be required to cover the dumpster. If required, the design will need to be included in Building Permit submittals.

b.) Site Specifics: **COMPLETE**

A survey and preliminary layout with topography was submitted with the initial application and subsequent plan submittals included existing conditions, grading, erosion control plans. The site is currently covered in impervious surfacing and the project includes the removal of more than 19,000sq ft of existing concrete. The site itself measures approximately 15,460sq ft with the additional 3,500± sq ft of existing concrete being removed from the right-of-way and converted to grass. Plans also note the location of existing storm drainage infrastructure with 2 grates along the western property line and an 18" reinforced concrete pipe that will remain in place. Approximately 265 linear feet of

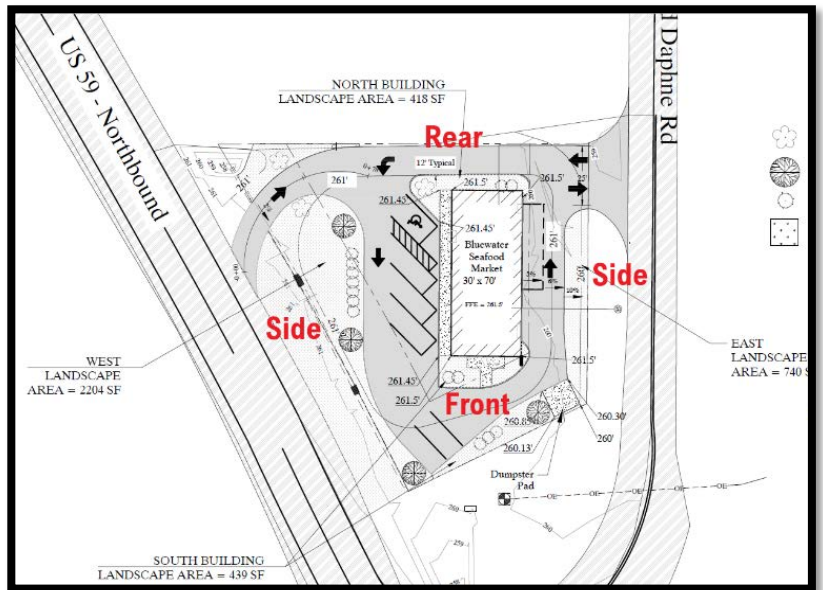


Figure 11.1 – Site Plan Setbacks and Yard Designations

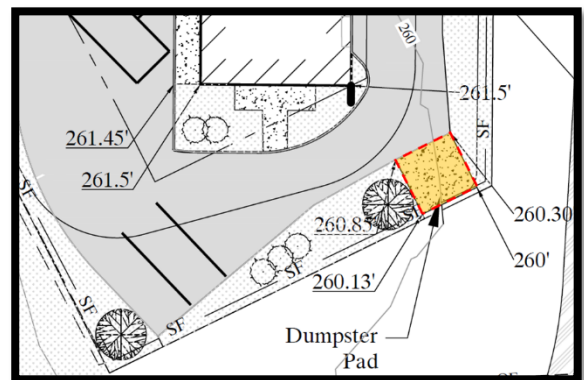


Figure 11.2 – Dumpster Pad

existing fence will be removed from the site and surrounding ROW and the existing freestanding sign will be removed from the ROW. Utility plans show a 6" water line along the northern property line and a sewer connection along the eastern property line. The Fire Inspector noted that a fire hydrant would have been required, but NBU is already in the process of installing a hydrant to service the immediate area that will also cover this project. No comments were received from NBU regarding the site.

c.) Off-Street Parking: *COMPLIANT WITH CONDITIONS*

- 1) Plans note 8,494sq ft of asphalt paving to be installed per specifications that meet the City's minimum standards.
- 2) Submittals include six (6) off-street parking spaces, with one of those being an ADA parking space. Initial submittals included a 30'x60' building (1,800sq ft) which calculated to a minimum requirement of 6 spaces. The additional square footage for the 30'x70' building increased that count.
 - 30'x70' building estimated at 2,100sq ft total floor area
 - 4 spaces for up to 400 sq ft floor area plus 1 space for each additional 800 sq ft floor area up to 5,000sf
 - First 400 sq ft = 4 spaces, remaining 1,700sq ft/800 = 2.13, rounded up to 3 spaces for a **minimum requirement of 7 parking spaces.**
- 3) Parking spaces and sidewalk accessibility must be provided in accordance with the Americans with Disabilities Act, which will be evaluated in the building permitting/inspection phase of development.

9.2.3.4 Business:	
a. Commercial establishments and offices, including but not limited to the following:	Four parking spaces for up to 400 square feet of gross floor area, plus one parking space for each additional 800 square feet of gross floor area, up to 5,000 square feet plus one parking space for each additional 300 square feet of gross floor area over 5,000 square feet.

- 4) Location and Typical Dimensions:
 - Parking Spaces – minimum 9'x19' provided with max of 11'x20' shown.
 - Off-street Loading/Unloading Spaces – **None shown in the submittals.** Minimum of a 12'x55' space to be provided or 12'x35' if the business will be serviced exclusively by shorter trucks.
 - Internal access/drives – on-site access will be essentially one-way only. Typical dimensions of the drives are shown at 12' with the area at the drive-through window having a 9ft lane for the drive-through adjacent to a 9ft access lane allowing continual traffic flow around the building.
 - Striping/Marking Plan – Directional arrows, parking space markings are shown, and all traffic signage is noted to meet standards of the latest edition of the Manual of Uniform Traffic Control Devices (MUTCD). A "Do Not Enter" sign will be posted for vehicles entering from the Daphne Road driveway to prevent vehicles from exiting the site onto Hwy 31 through the right-in only access.
 - Curbs and Sidewalks – Plans note the installation of 264 linear feet of ribbon curb around the perimeter of the building. Wheel stops/curb stops for parking spaces are not noted in the plans, but **protective curbing around landscaped areas will be required.** Sidewalks are shown at 5' wide, meeting the City's standards.

9.2.5 *Parking Area Dimensions.* The design and dimensions of the parking area shall be in accordance with the following dimensions table and provide for handicap parking spaces and sidewalk accessibility in accordance with the Americans with Disabilities Act.

Angle of Parking	Curb Length Per Car	Stall Depth	Access Driveway Length
0	23'0"	9'0"	12'0"
20	20'4"	15'0"	11'0"
30	18'0"	17'4"	11'0"
40	14'0"	19'2"	12'0"
45	12'9"	19'10"	13'0"
50	11'9"	20'5"	14'0"
55	11'1"	20'3"	15'6"
60	10'5"	21'0"	18'0"
70	9'8"	21'0"	19'0"
80	9'8"	20'4"	24'0"
90	9'0"	19'0"	24'0"

9.2.6 *Width of Two-Way Access Driveways.* The minimum width of two-way access driveways within parking areas shall be twenty-four (24) feet.

- 5) Parking areas shall be designed in accordance with all City regulations, including the Minimum Design Standards for off-street parking spaces, drives and landscaping per the regulations listed below. **Any approval of the project should be contingent upon the submittal of parking plans compliant with zoning regulations.**

8.3.3 *No primary entrances or exits shall direct traffic into adjacent residential districts. Adequate parking as required in Article 9 shall be provided. Adequate space for service and supply vehicles to get in and out or turn around shall also be provided.*

9.2.8 *Drainage. Off-street parking facilities shall be drained to prevent damage to abutting property and streets and to prevent pollutants from draining onto the adjacent lots. Landscaped areas and perimeter areas shall be so graded as to receive a reasonable portion of the rainfall from the surrounding pavement. Protective curbing around landscaped areas will leave openings for the flow of water onto unpaved areas.*

9.3 *Off-Street Loading and Unloading Space. Off-street loading/unloading spaces shall be provided as hereinafter required by this Ordinance.*

9.3.1 Size of Spaces. Each off-street loading/ unloading space shall have minimum dimensions of 14 feet in height, 12 feet in width, and 55 feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the Planning Commission may reduce the minimum length accordingly to as little as 35 feet.

9.3.2 Connection to Street or Alley. Each required off-street loading/unloading space shall have direct access to a street or alley or have a driveway which offers satisfactory ingress and egress for trucks.

10.10 Off Street Parking Facilities. The design and appearance of parking areas are intended to be compatible with the character of the community. Toward this objective, the following landscaping standards shall be observed in the construction of off-street parking areas accommodating six (6) or more parking spaces:

10.10.1 Landscaped areas and perimeter areas shall be so graded as to receive a reasonable portion of the rainfall from the surrounding placement. Protective curbing around landscaped areas will leave openings for the flow of water onto unpaved areas

10.10.6 Landscaped area shall be protected from vehicular encroachment by the use of curbing or wheel stops.

d.) Transportation/Access: COMPLETE

- Bay Minette Police Department stated that they had no comments or concerns.
- ALDOT has review authority for the Hwy 31 access and the project has been submitted for their review. The City will defer to their requirements.

• The City's Traffic Engineer reviewed the initial site plan and requested revisions related to the Daphne Road access point. He noted issues with the original one-way in/one-way out circulation being accessed by two different roads could allow for vehicles to enter the exit driveway and create an internal circulation issue. The original plan also had a potential for cut-through traffic if drivers use the right-in from Hwy 31 and follow the direct path to Daphne Rd per the layout. To resolve those concerns, the Traffic Engineer suggested a two-way access from Daphne Road with a raised median and/or on-site lane striping/directional markings/signage as shown in Figure 11.3. Those comments were incorporated into the revised plans. After further review, the Traffic Engineer had no further comments beyond noting that the site was going to be 'tight' due to the size of the existing lot.

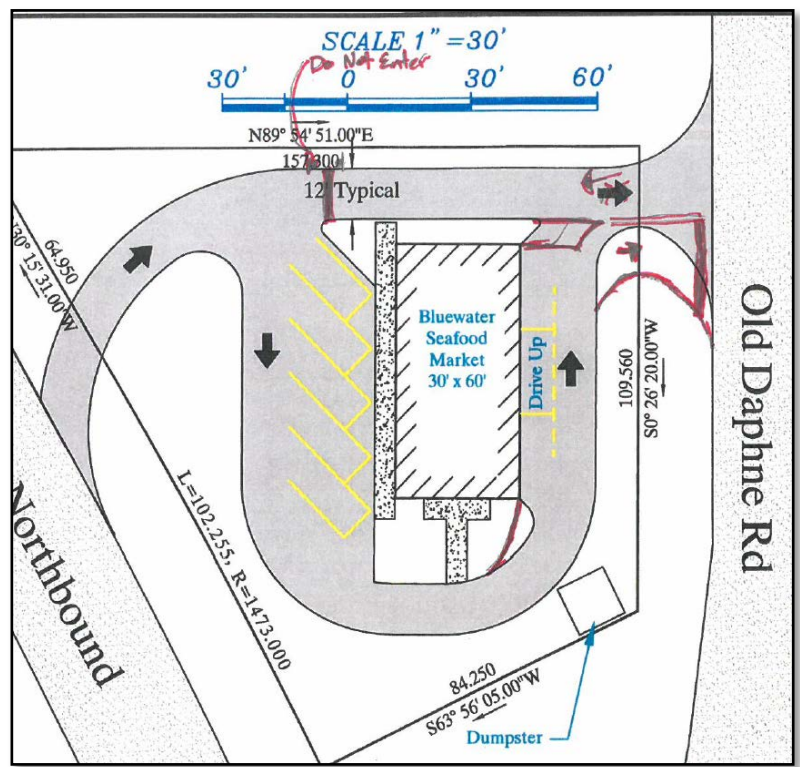


Figure 11.3 – Traffic Engineer's Suggested Revisions to Original Plan

- The Fire Inspector submitted the following comments: "All drives around the building are too narrow for fire / EMS access. The building is within the code required 150' from the city / state ROW. This statement is a note to PC that any emergency response to this building will result in a minimum of 1 lane closure of Old Daphne and / or Hwy 31. Due to lot size, if the building were to be on fire, fire apparatus would not access owners property anyway."

e.) Other Considerations:

Staff's recommendation and the Planning Commission's decision on the application can prescribe additional requirements or standards based on the following ordinances. These standards may be imposed as a condition of approval or the Commission may request a revision and resubmittal of the Site Plan prior to approval.

8.3.5 Uses in all business districts must comply with all applicable health and safety standards, including sanitary facilities, paved and landscaped parking areas, and other requirements of this Ordinance and of State and Federal regulations.

8.3.7 All business structures shall be so designed as to present an aesthetically pleasing appearance, as determined by Planning Commission, that is generally compatible with existing buildings in the district, except those less desirable in appearance that have been grandfathered under Article 7 of this Ordinance.

8.9.1 Upon approval of the site plan, either as submitted or with changes and/or special conditions required by the Planning Commission, the Building Official may issue a building permit for a portion or all of the proposed development; provided that the application is in compliance with all applicable City, County, State and Federal requirements.

10.12 Special Designs. More stringent design and landscape standards may be required in any district if it is determined that the design would be more compatible with the development and more beneficial to the aesthetics of the City of Bay Minette.

STAFF RECOMMENDATION

Overall, the Site Plan doesn't appear incompatible or significantly inconsistent with regulations. Additional submittals as referenced in the analysis above will allow for final determination and resolution of deficiencies.

Key Deficiencies/Concerns:

- Landscaping provisions for minimum species quantity and minimums for the Greenbelt Zone.
- Off-Street Parking minimum quantity, loading/unloading space, curbing.
- Determination of Front/Rear/Side yards.
- Revised plans submitted prior to issuing Building Permits detailing final determination of "Front" yard compliance with Greenbelt Zone and Parking Areas .

Staff's Recommended Revisions / Conditions:

Prior to issuing Building Permit, submit revised plans detailing:

- Determination of Front/Rear/Side yards.
- Off-Street Parking plans addressing minimum required spaces, loading/unloading access and curbing.
- Landscaping Plans compliant with Greenbelt Zone, species minimums and off-street parking provisions.

PLANNING COMMISSION ACTION

The Planning Commission makes the final decision and has the option to:

- Approve the Site Plan as presented
- Approve the Site Plan with conditions, stating the conditions required
- Deny the Site Plan, with stated factors for the denial
- Table the Site Plan Request, due to lack of information

Upon approval of the site plan, either as submitted or with changes and/or special conditions required by the Planning Commission, the Building Official may issue a building permit for a portion or all of the proposed development; provided that the application is in compliance with all applicable City, County, State and Federal requirements.

8.9.10.4 Site Plan requests that are tabled, will not receive further review by the Planning Commission until all additional information requested has been received and reviewed for compliance by the Planning Department.

8.9.10.5 Site Plan requests that are denied will not receive further review by the Planning Commission until all noted deficiencies have been addressed and revised documentation received and reviewed for compliance by the Planning Department.

8.9.10.6 Any resubmittals, revisions, additional information or permit applications related to the application must be received within 180 days from the date of Planning Commission action, or a new Site Plan Application will be required. One request for Site Plan Approval Extension of up to 180 days will be reviewed administratively.



City of Bay Minette

Site Plan Review Application

301 D'Olive Street · Bay Minette, Alabama 36507

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

Office Use Only	
Case No.:	<u>SP-23004</u>
Fee:	\$500.00
Paid:	<input type="checkbox"/> Cash <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card

3707 paid 8/9/23

Are you the property owner? Yes No

(If you are not the property owner, you must submit an Agent Authorization Form signed by the property owner)

Applicant Name: Eugene Overstreet Date: 2/9/2023

Mailing Address: 44375 Co Rd 112

City: Bay Minette State: AL Zip Code: 36507

Phone Number: 251-458-2662 Email: _____

Site Information

Property Address: S US Hwy 31

or Property Location: Parcel is located at the intersection of S US HWY 31 and Daphne Rd. The Shrimp Basket is directly adjacent to the North

*Parcel No.: 05-23-05-21-2-001-006.001 *PPIN No.: 77318

**Parcel or PPIN information must be completed*

Request: Construct a new 30'x60' building with parking for a Seafood Market. ALDOT has been contacted and agreed to allow a single turn in only from

S US Hwy 31.

I, the undersigned, do hereby request the City of Bay Minette Planning Commission to grant a Site Plan Review for the location to determine if it meets the regulations of the **Zoning Ordinance** for the reason(s) stated above. I understand and authorize City Staff to conduct site visits, as needed in relation to this request.

Eugene Overstreet
Signature of Applicant (Owner of Property of Authorized Agent) Date

Submittal Requirements

- _____ Application
- _____ Fee paid in full
- _____ Agent Authorization Form (if applicant is not the owner)
- _____ Complete Legal Description of Property
- _____ Plot Plan or Survey – indicating any existing structures, proposed structures, and setbacks from property lines
- _____ Submittal Requirements listed in 8.9 Site Plan, as applicable

DAVID LOWERY SURVEYING, L.L.C.

NOTES

- *1. All bearings shown hereon are relative to GRID NORTH. GRID NORTH was obtained by G.P.S. observations.
2. Corner monuments shown as set iron pins are 5/8" reinforcing bars with a durable plastic cap stamped "26623".
3. Only Select Fixed Interior Improvements shown hereon.
4. This survey was prepared for the client shown and is not to be used for any other purpose without prior approval from this surveyor.
5. No instruments of record reflecting easements, right of ways, and/or ownership were furnished this surveyor, except as shown or noted.
6. No underground installations or improvements have been located, except as shown or noted.
7. This survey was prepared without the benefit of an abstract of title or a title search unless stated hereon. No liability is assumed by the undersigned for loss relating to any matter that might be discovered by an abstract, title search, or legal judgement rendered on the property.
8. Liability of the undersigned for the survey shown shall not exceed the amount paid for this survey.

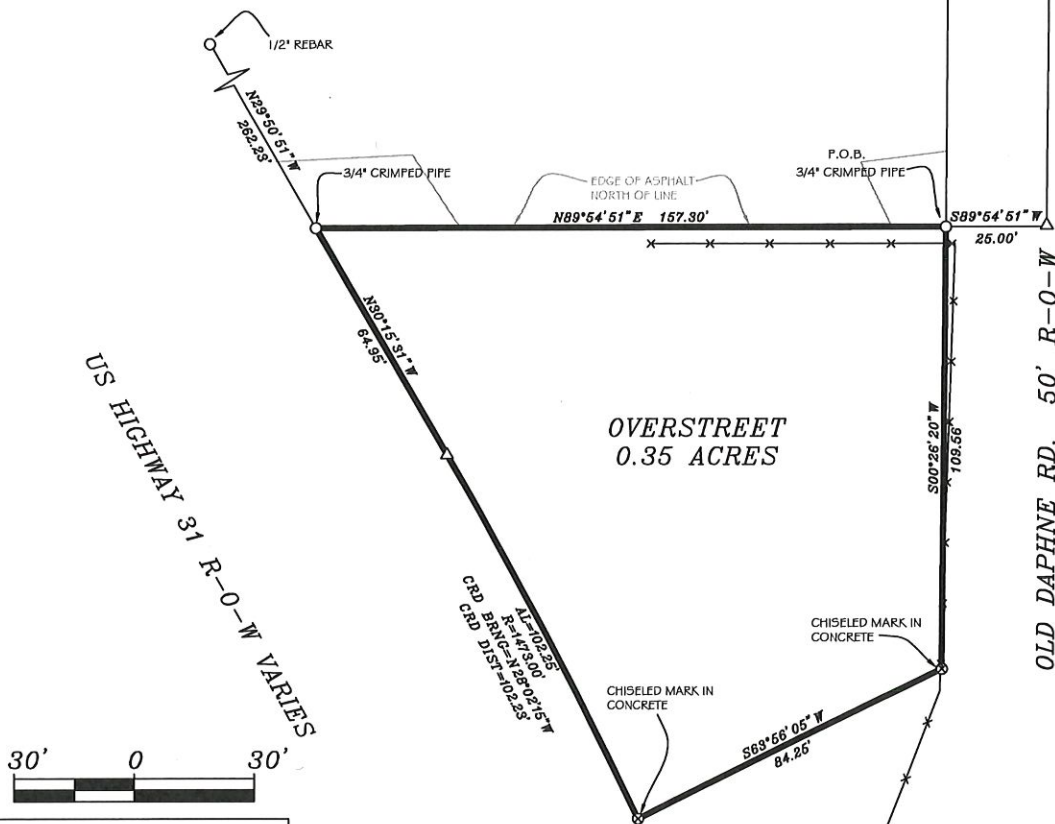
DESCRIPTION OF SURVEY

Commencing at the NE CORNER OF THE NW1/4 OF SEC. 21 T-2-S R-3-E BALDWIN COUNTY, AL.; thence 500'27'24"W, a distance of 660.00 feet; thence S89°54'51"W, a distance of 25.00 feet to a 3/4" CRIMPED PIPE on the West R.O.-W of Old Daphne Road to the POINT OF BEGINNING; thence 500'26'20"W, along said West R.O.-W a distance of 109.56 feet to a CHISELED MARK IN CONCRETE; thence S63°56'05"W, along said R.O.-W a distance of 84.25 feet to a CHISELED MARK IN CONCRETE on the Easterly R.O.-W US Highway 31; thence Northerly along said R.O.-W along a curve to the left, having a Radius of 1,473.00 feet, a chord bearing of N29°02'15"W, a chord distance of 102.23 feet, an arc length of 102.25 feet to a POINT; thence continue along said R.O.-W, N30°15'31"W, a distance of 64.95 feet to a 3/4" CRIMPED PIPE; thence N89°54'51"E, leaving said R.O.-W a distance of 157.30 feet to the POINT OF BEGINNING, said parcel containing 0.35 acres, more or less.

P.O.C.
NE CORNER OF THE NW1/4
OF SEC. 21 T-2-S R-3-E
BALDWIN COUNTY, AL.



SCALE
1" = 30'



PLAT OF A BOUNDARY LINE SURVEY
PREPARED FOR

**OVERSTREET
BALDWIN CO., AL.**

DWG. NO.	SURVEY DATE	SCALE
22-11-009	11-02-22	1"=30'

DRAWN BY: R. TILLMAN | CHECKED BY: D. LOWERY

- #### LEGEND AND SYMBOLS
- (") RECORD BEARING/DISTANCE
 - OE OVERHEAD ELECTRIC
 - SET IRON PIN
 - FOUND IRON PIN
 - △ PIN NOT SET OR FOUND
 - P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING
 - ~ NOT TO SCALE
 - X- FENCE
 - FENCE CORNER POST
 - CONCRETE MONUMENT

**DAVID LOWERY
SURVEYING, L.L.C.**

55284 MARTIN LN.
STOCKTON, AL 36579
251-937-2757 ph. 251-937-2756 fax
dlsurvey25@hotmail.com



D.L.

David Lowery
Al Lic No 26623
55284 Martin Ln.
Stockton, AL 36579
251-937-2757

CERTIFICATION
I, David Lowery, a licensed land surveyor in the State of Alabama, do hereby certify the foregoing to be a true plat or map of a survey performed by me or under my supervision, containing the acreage and being situated as both shown and stated herein. I further certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama, to the best of my knowledge, information, and belief.



SCALE 1" = 30'



N89° 54' 51.00"E

157.300

12' Typical

N30° 15' 31.00"W
64.950

US 59 - Northbound

L=102.255, R=1473.000

84.250
S63° 56' 05.00"W
Dumpster

109.560
S0° 26' 20.00"W

Old Daphne Rd

Bluewater Seafood Market
30' x 60'

Drive Up

262'

262'

260'

262'

261'

260'

PROJECT NO.

BLUE WATER SEAFOOD MARKET
PRELIMINARY LAYOUT

EUGENE OVERSTREET
44375 COUNTY ROAD 112
BAY MINETTE, AL 36507

August 10, 2023



TENSAW
ENGINEERING

Planning Commission Regular Meeting Agenda Packet

15 Hand Ave., Suite 158
Bay Minette, AL 36507
phone: (251)-331-1711

Page 17 of 40

SP-23004 Bluewater Seafood Market
Site Plans & Elevations
Included as Separate Document

From: [Steven W. Stewart](#)
To: [Jessica Peed](#)
Subject: RE: Bluewater Seafood Market- Site Plan Review
Date: Tuesday, July 18, 2023 8:16:53 AM
Attachments: [image001.png](#)
[image002.png](#)

- A fire hydrant will be required, NBU is working to provide one in order to service the other buildings in this area, incidentally, it will also cover this project. Owner will be covered once the new hydrant is installed.
- All drives around the building does are to narrow for fire / EMS access. The building is with in the code required 150' from the city / state ROW. This statement is a note to PC that any emergency response to this building will result in a minimum of 1 lane closure of Old Daphne and / or Hwy 31. Due to lot size, if the building were to be on fire, fire apparatus would not access owners property anyway.

Let me know if you have any questions.

Steven Stewart
Bay Minette Fire Department
Administrative Captain
Fire Inspections / Training
251-580-1617 - Office
251-583-9435 – Cell

From: Jessica Peed <Jessica.Peed@CITYOFBAYMINETTEAL.GOV>
Sent: Monday, July 17, 2023 10:38 AM
To: Steven W. Stewart <SWStewart@CITYOFBAYMINETTEAL.GOV>
Subject: FW: Bluewater Seafood Market- Site Plan Review

Did you have any comments?

Jessica Peed
Planning Coordinator

City of Bay Minette
Planning & Development Services Department
[301 D'Olive Street](#)
[Bay Minette, AL 36507](#)
(251) 580-1650, Ext. 7065
cityofbayminetteal.gov
[Planning & Development Services Department Site](#)



From: Jessica Peed
Sent: Friday, June 23, 2023 2:37 PM
To: AL Tolbert <AL.Tolbert@CITYOFBAYMINETTEAL.GOV>; Clair Dorough <Clair.Dorough@CITYOFBAYMINETTEAL.GOV>; Jason Padgett <jpadgett@nbumail.com>; Jeff Donald <JDonald@NBUMAIL.COM>; Mike Minchew <MMINCHEW@CITYOFBAYMINETTEAL.GOV>; Murray Stewart <Murray.Stewart@CITYOFBAYMINETTEAL.GOV>; Rob Madison <Rob.Madison@CITYOFBAYMINETTEAL.GOV>; 'Salter, John Rusty - Bay Minette, AL' <John.R.Salter@usps.gov>; Samantha Roberts <sroberts@baldwin911.org>; Scott Warner <swarner@baldwin911.org>; 'Shane Bergin' <shane.bergin@neel-schaffer.com>; Steven W. Stewart <SWStewart@CITYOFBAYMINETTEAL.GOV>; Tammy S. Smith

From: [AL Tolbert](#)
To: [Jessica Peed](#)
Subject: Re: Bluewater Seafood Market- Site Plan Review
Date: Friday, June 23, 2023 3:24:28 PM
Attachments: [image001.png](#)
[image002.png](#)

BMPD is good

Chief Al Tolbert
Bay Minette Police Department
300 North Hoyle Ave
Bay Minette, AL 36507
Office: 251-580-1682/ 251-580-2559
Cell Phone: 251-239-0554
Email:al.tolbert@cityofbayminetteal.gov



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On Jun 23, 2023, at 2:37 PM, Jessica Peed
<Jessica.Peed@cityofbayminetteal.gov> wrote:

Attached are the revised submittals for a proposed Seafood Market located at the intersection of S US Hwy 31 and Daphne Rd, PIN 77318.

Please review all attachments and let me know if you have any comments or questions.

From: [Shane Bergin](#)
To: [Jessica Peed](#)
Subject: RE: Bluewater Seafood Market- Site Plan Review
Date: Friday, June 30, 2023 11:20:54 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I don't have any additional comments. It looks like they incorporated what we drew up earlier. It is going to be a tight site.

Shane

SHANE BERGIN, PE, PTOE, PTP, RSP₁

Senior Project Manager



CELEBRATING FORTY YEARS 1983-2023

Neel-Schaffer, Inc.

Mobile: 251.545.1219

www.neel-schaffer.com



From: Jessica Peed <Jessica.Peed@CITYOFBAYMINETTEAL.GOV>

Sent: Friday, June 23, 2023 2:37 PM

To: AL Tolbert <AL.Tolbert@CITYOFBAYMINETTEAL.GOV>; Clair Dorough <Clair.Dorough@CITYOFBAYMINETTEAL.GOV>; Jason Padgett <JPadgett@NBUMAIL.COM>; Jeff Donald <JDonald@NBUMAIL.COM>; Mike Minchew <MMINCHEW@CITYOFBAYMINETTEAL.GOV>; Murray Stewart <Murray.Stewart@CITYOFBAYMINETTEAL.GOV>; Rob Madison <Rob.Madison@CITYOFBAYMINETTEAL.GOV>; Salter, John Rusty - Bay Minette, AL <John.R.Salter@usps.gov>; Samantha Roberts <sroberts@baldwin911.org>; Scott Warner <swarner@baldwin911.org>; Shane Bergin <shane.bergin@neel-schaffer.com>; Steven W. Stewart <SWStewart@CITYOFBAYMINETTEAL.GOV>; Tammy S. Smith <TSmith@CITYOFBAYMINETTEAL.GOV>; Todd F. Stewart <tstewart@adamstewart.com>

Subject: Bluewater Seafood Market- Site Plan Review

Attached are the revised submittals for a proposed Seafood Market located at the intersection of S US Hwy 31 and Daphne Rd, PIN 77318.

Please review all attachments and let me know if you have any comments or questions.

From: [Shane Bergin](#)
To: [Jessica Peed](#); [Clair Dorough](#)
Subject: RE: SP-23004, 1113 S US Hwy 31- Seafood Market
Date: Thursday, February 16, 2023 3:05:54 PM
Attachments: [image002.png](#)
[image003.png](#)

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I am not a huge fan of one way in and one way out that is accessed by two different roads. I believe people will enter the exit driveway. It might create an internal circulation issue which would be off City ROW. If they want an access from Hwy 59, this is probably the only way to do it. There shouldn't be an impact on your adjacent roadways.

Shane

.....
Shane Bergin, PE, PTOE, PTP, RSP₁
Project Manager

Neel-Schaffer, Inc.
851 East I-65 Service Road South, Suite 1000
Mobile, AL 36606
Phone: 251.471.2000
FAX: 251.471.5997
Cell: 251.545.1219
Website: www.neel-schaffer.com

From: Jessica Peed <Jessica.Peed@CITYOFBAYMINETTEAL.GOV>
Sent: Thursday, February 16, 2023 1:03 PM
To: COBM_Planning <COBM_Planning@CITYOFBAYMINETTEAL.GOV>
Cc: AL Tolbert <AL.Tolbert@CITYOFBAYMINETTEAL.GOV>; ALDOT <'smithmi@dot.state.al.us'>; ALDOT1 <'aaronb@dot.state.al.us'>; Clair Dorough <Clair.Dorough@CITYOFBAYMINETTEAL.GOV>; Jason Padgett <JPadgett@NBUMAIL.COM>; Jeff Donald <JDonald@NBUMAIL.COM>; Mike Minchew <MMINCHEW@CITYOFBAYMINETTEAL.GOV>; Murray Stewart <Murray.Stewart@CITYOFBAYMINETTEAL.GOV>; Rob Madison <Rob.Madison@CITYOFBAYMINETTEAL.GOV>; Rusty Salter <john.r.salter@usps.gov>; Samantha Roberts <sroberts@baldwin911.org>; Scott Warner <swarner@baldwin911.org>; Shane Bergin <shane.bergin@neel-schaffer.com>; Steven W. Stewart <SWStewart@CITYOFBAYMINETTEAL.GOV>; Tammy S. Smith <TSmith@CITYOFBAYMINETTEAL.GOV>; Todd Stewart (tstewart@adamsstewart.com) <tstewart@adamsstewart.com>
Subject: SP-23004, 1113 S US Hwy 31- Seafood Market

Good afternoon,

Please review the attached, preliminary submittals for a proposed Seafood Market located at the intersection of S US Hwy 31 and Daphne Rd, PIN 77318. The application states they are requesting to "construct a new 30'x60' building with parking for a Seafood Market. ALDOT has been contacted and agreed to allow a single turn in from S US Hwy 31".

If you have any comments or questions, please let me know.

From: [Shane Bergin](#)
To: [Clair Dorough](#); [Jessica Peed](#)
Subject: RE: SP-23004, 1113 S US Hwy 31- Seafood Market
Date: Friday, February 17, 2023 9:29:33 AM
Attachments: [image001.png](#)
[image002.png](#)
[SNeel-Schaf23021709350.pdf](#)

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Maybe something like this.

Shane Bergin, PE, PTOE, PTP, RSP₁
Project Manager

Neel-Schaffer, Inc.
851 East I-65 Service Road South, Suite 1000
Mobile, AL 36606
Phone: 251.471.2000
FAX: 251.471.5997
Cell: 251.545.1219
Website: www.neel-schaffer.com

From: Clair Dorough <Clair.Dorough@CITYOFBAYMINETTEAL.GOV>
Sent: Thursday, February 16, 2023 5:38 PM
To: Shane Bergin <shane.bergin@neel-schaffer.com>; Jessica Peed <Jessica.Peed@CITYOFBAYMINETTEAL.GOV>
Subject: RE: SP-23004, 1113 S US Hwy 31- Seafood Market

I agree with you on the in/out traffic from Daphne Rd. I also don't like the potential for cut-through traffic – 99% of traffic will be RI from 59 that parks or follows the drive through, but if you use the RI from 59 and follow the direct path to Daphne Rd per the layout, it is just a cut through, so why even have that? What do you think about requiring a two-way access on Daphne Road side that has some sort of raised median and/or requiring on-site lane striping/directional markings/signage? Also, they are required to have a min of 6 parking spaces including ADA parking/pathway so there will be some required revisions if there's something you feel needs to be done.

Thank you,
Clair Dorough
City Planner

City of Bay Minette
Planning & Development Services Department
301 D'Olive Street
Bay Minette, AL 36507
(251) 580-1650
cityofbayminetteal.gov
[Planning & Development Services Department Site](#)

From: Shane Bergin <shane.bergin@neel-schaffer.com>
Sent: Thursday, February 16, 2023 3:05 PM
To: Jessica Peed <Jessica.Peed@CITYOFBAYMINETTEAL.GOV>; Clair Dorough <Clair.Dorough@CITYOFBAYMINETTEAL.GOV>
Subject: RE: SP-23004, 1113 S US Hwy 31- Seafood Market

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I am not a huge fan of one way in and one way out that is accessed by two different roads. I believe people will enter the exit driveway. It might create an internal circulation issue which would be off City ROW. If they want an access from Hwy 59, this is probably the only way to do it. There shouldn't be an impact on your adjacent roadways.

Shane

Shane Bergin, PE, PTOE, PTP, RSP₁
Project Manager

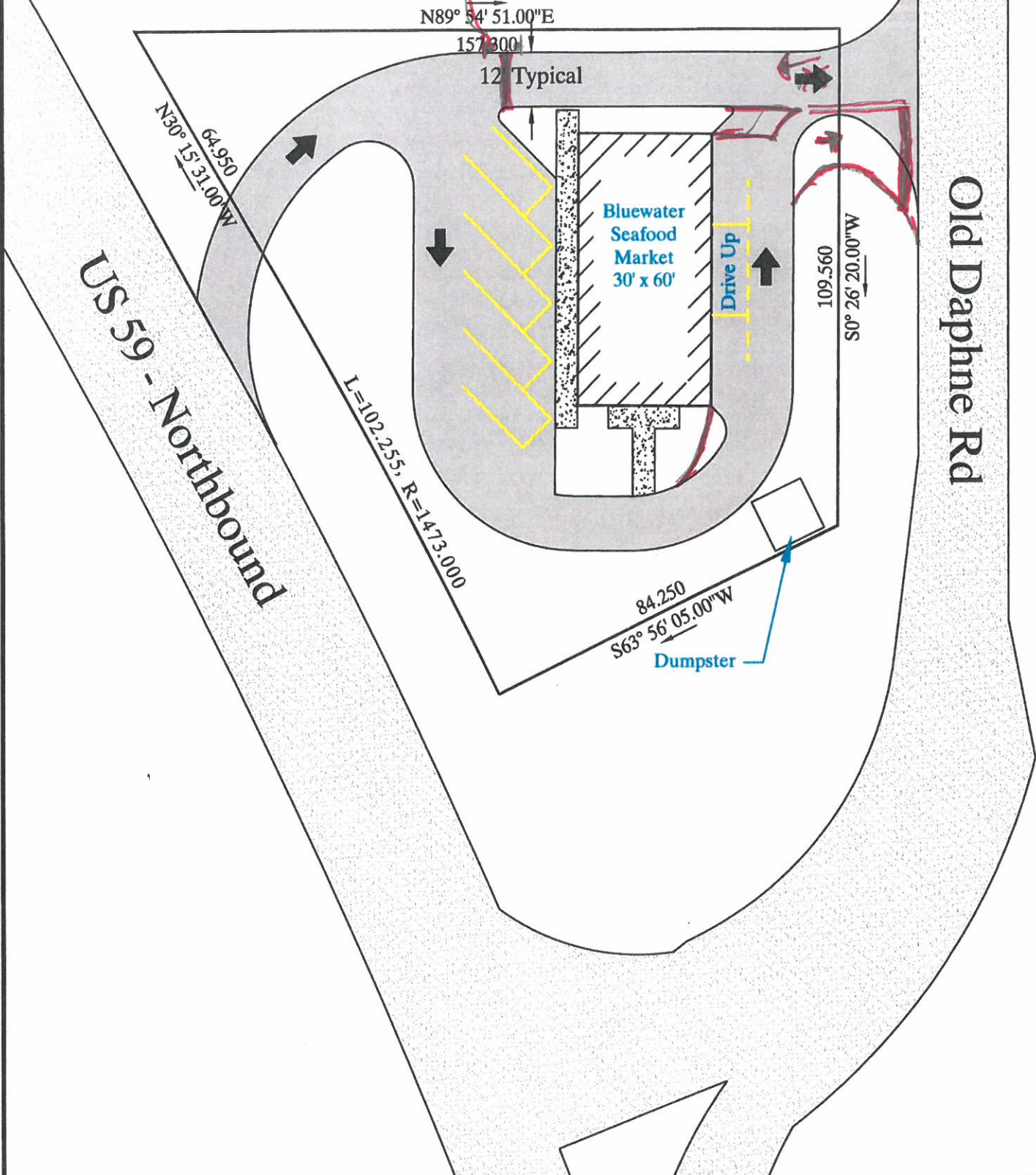
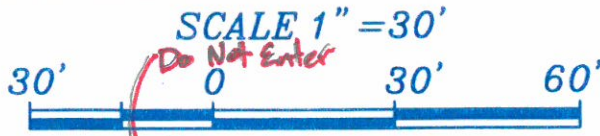
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Cell: 251.545.1219
Website: www.neel-schaffer.com

From: Jessica Peed <Jessica.Peed@CITYOFBAYMINETTEAL.GOV>
Sent: Thursday, February 16, 2023 1:03 PM
To: COBM_Planning <COBM_Planning@CITYOFBAYMINETTEAL.GOV>
Cc: AL Tolbert <AL.Tolbert@CITYOFBAYMINETTEAL.GOV>; ALDOT <'smithmi@dot.state.al.us'>; ALDOT1 <'aaronb@dot.state.al.us'>; Clair Dorough <Clair.Dorough@CITYOFBAYMINETTEAL.GOV>; Jason Padgett <JPadgett@NBUMAIL.COM>; Jeff Donald <JDonald@NBUMAIL.COM>; Mike Minchew <MMINCHFW@CITYOFBAYMINETTEAL.GOV>; Murray Stewart <Murray.Stewart@CITYOFBAYMINETTEAL.GOV>; Rob Madison <Rob.Madison@CITYOFBAYMINETTEAL.GOV>; Rusty Salter <john.r.salter@usps.gov>; Samantha Roberts <sroberts@baldwin911.org>; Scott Warner <swarner@baldwin911.org>; Shane Bergin <shane.bergin@neel-schaffer.com>; Steven W. Stewart <SWStewart@CITYOFBAYMINETTEAL.GOV>; Tammy S. Smith <TSmith@CITYOFBAYMINETTEAL.GOV>; Todd Stewart (tstewart@adamstewart.com) <tstewart@adamstewart.com>
Subject: SP-23004, 1113 S US Hwy 31- Seafood Market

Good afternoon,

Please review the attached, preliminary submittals for a proposed Seafood Market located at the intersection of S US Hwy 31 and Daphne Rd, PIN 77318. The application states they are requesting to "construct a new 30'x60' building with parking for a Seafood Market. ALDOT has been contacted and agreed to allow a single turn in from S US Hwy 31".

If you have any comments or questions, please let me know.



**BLUE WATER SEAFOOD MARKET
PRELIMINARY LAYOUT**

EUGENE OVERSTREET
44375 COUNTY ROAD 112
BAY MINETTE, AL 36507

August 10, 2023

Planning Commission Regular Meeting Agenda Packet



TENSAW
ENGINEERING

15 Hand Ave., Suite 158
Bay Minette, AL 36507
phone: (251)-331-1711



City of Bay Minette

Planning & Development Services

PLANNING COMMISSION SITE PLAN - COMMISSION USE REQUEST

Planning Commission Meeting Date: August 10, 2023

Case Number: CU-23001

SUMMARY INFORMATION

Project Name: Clayton Williams Entertainment / Event Venue
Property Location: 603 D'Olive Street
Property PID/PPIN: 05-23-05-16-2-001-046.000 // 13572 & 05-23-05-16-2-001-047.000 // 6170

Property Size: 0.18± acres & 0.27± acres
Requested Action: Planning Commission Approval for an Entertainment / Event Venue
Applicant/Owner: Clayton Williams, Clay Cuttin Up, LLC

Subject Property	Zoning	Existing Land Use
CU-23001	B-2	Barber Shop / Vacant Car Wash to be Demolished
Adjacent Property	Zoning	Existing Land Use
North	B-2/R-2	Apparel and Accessory Store / Residential / Alabama Power Office
South	B-2	Multi-family Residential – complex of duplex units
East	B-2	PNC Bank
West	B-2	Jason Young State Farm Agency

SITE AND REQUEST SYNOPSIS

The subject property, which currently consist of two parcels, one approximately 0.18± acre parcel and the adjacent approximately 0.27± acre parcel which are both zoned B-2, General Business District. The properties are located at 603 D'Olive Street at the southwest intersection of D'Olive Street and Armstrong Avenue. The structure at the 603 D'Olive address currently consists of a barber shop in the space fronting D'Olive Street. The applicant would like to use the space in the rear of the structure as an event venue. The applicant has just purchased the adjacent parcel to the east which is currently occupied by a vacant car wash. The applicant has been issued a demolition permit to tear down the car wash structures on that property in order to create parking for the event venue. This request is for Planning Commission Use approval for an Event Venue to host small special events such as birthday parties and baby showers. The Zoning Ordinance requires that all new commercial uses obtain zoning approval prior to occupancy. This particular use requires Planning Commission approval in the B-2 district based on the Table of Permitted Uses. If approved, the applicant would be required to combine the two parcels in accordance with Section 8.3.

ZONING DISTRICT AND TABLE OF PERMITTED USES

6.3.2 B-2 General Business District. It is the intent of this district 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 proximity to major transportation routes. Recreational vehicle parks, very light production and processing activities are included.

8.10 Table of Permitted Uses. The following table contains the proposed use and the districts it is permitted in. The letter "P" identifies the use must be reviewed and approved by the Planning Commission. The letter "S" identifies the use as only permitted by special exception. The districts with no letter identifies the use as not permitted.

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
Entertainment venue or event facility: provided that sufficient buffering is established to obstruct noise, glare and view from adjacent residential uses or districts.							P	P	P	P

DEPARTMENT AND AGENCY COMMENTS

STAFF ANALYSIS

The following guidelines for Uses Requiring Planning Approval are found in **Article 8 – District Requirements** in the *Zoning Ordinance of the City of Bay Minette* and are to be considered when an application is being reviewed for site plan approval.

1.) Is the Location and Site Plan appropriate with regard to transportation, access, water supply, waste disposal, fire and police protection and other public facilities; not causing undue traffic congestion or creating a traffic hazard.

As this is an existing structure with no footprint expansion, the proposed use should have a nominal impact on public infrastructure. There were no comments submitted from Bay Minette Police Department, Public Works, or North Baldwin Utilities regarding the application.

The Bay Minette Fire Department did comment that an architect's review and life safety plan submittal will be required prior to use as an assembly (event center) and that the building is approximately 3,500-4,000 square feet and could possibly have an occupant load upwards of 250 people depending on the layout. BMFD also commented that the approved route for a fire hydrant is within limits, so it is not required, however if ever needed, emergency response by the Fire Department will cause D'Olive Street to be completely blocked. The Fire Inspector did note that there is a second hydrant available within travel distance but not on an approved route that any emergency response would only affect Armstrong Avenue.

See Item #3 (g) for additional information regarding traffic and access.

2.) Being in harmony with the orderly and appropriate development of the district in which the use is located.

The proposed use is consistent with surrounding uses and the current zoning designation of B-2, General Business District. The property is located on a Minor Arterial just east of a major intersection with commercial uses and some residential uses surrounding it. The property to the south is multi-family residential zoned B-2 with a complex of duplex units containing 16 units. The closest units to the subject property back up to the proposed parking area and all units face a central parking area.

3.) Other matters which may be appropriate in relation to *Section 8.9 Site Plan*

a) *The density or intensity of land use to be allocated to all parts of the site together with tabulations by acreage and percentages thereof itemized by use and density.*

- Site One: 7,904 ± sq ft // 0.18± acres – parcel containing structure
- Site Two: 11,603± sq ft // 0.27± acres – parcel to be used for parking
- Sites Combined: 19,507 sq ft // 0.45± acres
- Existing Building Area Combined: 3,500 ±sq ft // 16.76% lot coverage
- Other Impervious Surface Area: 8750 ±sq ft // 44.86% lot coverage
- Total Impervious Surface Area: 3,430± sq ft // 61.62% lot coverage

These calculations will change once the existing vacant car wash is demolished for venue parking.

b) *The location, size and character of any common open space, commonly owned facilities and form of organization which will own and maintain any common open space and such facilities.*

- N/A

c) *The use and maximum height, bulk and location of all buildings and other structures to be located on the site.*

- The footprint of the existing structure of the proposed venue will remain. The adjacent vacant car wash will be demolished for parking. If approved, the applicant would be required to combine the two parcels in accordance with Section 8.3., specifically Section 8.3.1 and 8.3.3 which require that lots provide adequate parking and loading facilities.

d) *The substance of covenants, grants of easements or other restrictions which will be imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities or other purposes.*

- N/A

e) *The provisions for disposition of open space, including tree protection, landscaping provisions and buffering requirements.*

- This is an existing structure with no increase in footprint with an established commercial zone and use. This application was submitted prior to the effective date of Ordinance 1034 so the zoning requirements from Ordinance 1002 will apply, which only require buffering based on zoning districts. This parcel is zoned B-2 and surrounded by B-2 zoning, so no

buffers would be required per Section 10.11. as established in Ordinance 1002. However, in Ordinance 1034, the Table of Permitted Uses was revised for the Entertainment/Event Venue listing to authorize the Planning Commission to implement additional buffering provisions if needed to ensure that “sufficient buffering is established to obstruct noise, glare and view from adjacent residential uses or districts.” In the applicable Ordinance 1002, Section 10.12 Special Designs does allow the Commission to implement additional landscape standards if necessary. There are existing trees, some significant, along the southern property line for PIN 6170, so staff does not recommend removal of those significant trees or imposing buffers/screening such as fencing that may damage the trees. If the Planning Commission feels that additional buffering/screening is necessary, staff recommends plantings that will work with the existing trees.

- f) *In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for building permits are intended to be filed.*
- N/A
- g) *Where required by the Alabama Department of Transportation (“ALDOT”), the Building Official shall be proved proof that the applicant has submitted a driveway permit application to ALDOT. In the event that any type of traffic study is required by the ALDOT, copies thereof shall be provided to the Building Official.*
- There is existing access to D'Olive Street (under ALDOT jurisdiction) and Armstrong Avenue (City jurisdiction). The proposed event venue will constitute a change in use that may trigger ALDOT revisions to the site's access from D'Olive Street. Staff prefers that access be limited to a single access point on D'Olive Street using the existing access to PIN 13572 that serves the existing barbershop, with the primary entrance for the event venue to be located on Armstrong Avenue. This would help prevent potential traffic congestion and hazards on D'Olive Street as much as possible, including vehicle stacking for incoming traffic and for exiting traffic, and prevent vehicles from accessing D'Olive St in close proximity from multiple access points. At minimum, staff recommends that any Planning Commission approval of the event venue use request be contingent upon ALDOT review and approval of access on D'Olive and City Engineer approval of any access on Armstrong Avenue.
- h) *Front and side architectural elevations.*
- This is an existing structure with no exterior renovations proposed at this time.
- i) *The location and size of all signs to be located on the site. In the event that a sign is pre-existing and fails to conform to the requirements as set forth in this ordinance, site plan approval will be granted only under the condition that all signs will comply with the regulations as set forth in the sign ordinance.*
- Signage will require a Sign Permit prior to construction/installation.
- j) *Landscape plans.*
- The structure is existing with no renovations or increase in footprint proposed at this time. This property is within the Greenbelt Zone. If the use is approved and there are no development plans that require Planning Commission Site Plan approval, the applicant will be required to submit a Commercial Land Use application that includes plans meeting the minimum landscaping requirements.
- k) *Any additional data, plans or specifications which the applicant or the City believes is pertinent and which will assist in clarifying the application including, but not limited to plans for screening, lighting and space, surface drainage, erosion and sediment control, water and sewer connections, landscaping, and signs.*
- The existing site meets the Land and Site requirements. As this is an existing structure with no renovations or increase in footprint proposed, many of the requirements do not apply in this application. The applicant will be required to submit and get approval for any interior building renovation permits from the Building Official. Any signage will require a sign permit prior to construction/installation.
 - If the use is approved and there are no development plans that require Planning Commission Site Plan approval, the applicant will be required to submit a Commercial Land Use application that includes plans meeting the minimum parking requirements. Parking standards for the event venue require one space for each 200 square feet of floor area based on the classification of 9.2.3.2 Public Assembly item (f) “Skating rinks, dance halls, exhibition halls, pool rooms and other places of amusement or assembly without fixed seating arrangements.” The parking for the existing barbershop will be counted separately from the required event venue parking unless the two uses will be operated at completely different times in accordance with Section 9.2.1.1 (m): “The required number of parking spaces for any

number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that portion of the parking space required for an existing church whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.”

STAFF RECOMMENDATION

Staff Recommendation: Based on the submitted information and the analysis above, staff recommends that the proposed Commission Use Approval Request for an Event Venue be **Approved with the following conditions:**

- **ALDOT review and approval of access on D'Olive**
- **City Engineer approval of any access on Armstrong Avenue.**
- **The two parcels shall be combined prior to occupancy of the event venue**
- **Applicant shall submit parking and landscaping plans meeting current Zoning Ordinance requirements.**

PLANNING COMMISSION ACTION

For Commission Use Approval, the Planning Commission makes the final decision and has the option to:

- Approve the Commission Use
- Approve the Commission Use with conditions
- Deny the Commission Use, with stated factors for the denial
- Table Request, due to lack of information

8.9.10.4 Site Plan requests that are tabled, will not receive further review by the Planning Commission until all additional information requested has been received and reviewed for compliance by the Planning Department.

8.9.10.5 Site Plan requests that are denied will not receive further review by the Planning Commission until all noted deficiencies have been addressed and revised documentation received and reviewed for compliance by the Planning Department.

8.9.10.6 Any resubmittals, revisions, additional information or permit applications related to the application must be received within 180 days from the date of Planning Commission action, or a new Site Plan Application will be required. One request for Site Plan Approval Extension of up to 180 days will be reviewed administratively.



City of Bay Minette

Planning Commission Site Use Review

301 D'Olive Street · Bay Minette, Alabama 36507

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

Office Use Only	
CU:	23001
SP:	
Fee:	<input checked="" type="checkbox"/> \$300.00 <input type="checkbox"/> \$600.00
Date Paid:	6/22/23
Paid:	<input checked="" type="checkbox"/> Cash <input type="checkbox"/> Check
	<input type="checkbox"/> Credit Card

Applicant Name: Clayton Williams Date: 6/21/23

Are you the owner? Yes No *If you are not the property owner, you must submit an Agent Authorization Form signed by the property owner

Mailing Address: 1701 Clark Ave

City: Bay Minette State: AL Zip Code: 36507

Phone Number: 251 462 7725 Email: claycuttinup@gmail.com

PROPERTY INFORMATION

Property Address: 603 D'olive St Bay Minette

Or Property Location:

Tax Parcel No.: *PPIN No.:

Request: To use as venue

I, the undersigned, do hereby request the City of Bay Minette Planning Commission to grant a Site Use Review for the location to determine if it meets the regulations of the **Zoning Ordinance** for the reason(s) stated above. I understand and authorize City Staff to conduct site visits, as needed in relation to this request.

Signature of Applicant (Owner of Property of Authorized Agent)

June 21, 2023 Date

Submittal Requirements listed in Section 8.8.2, Uses Requiring Planning Approval, as applicable:

- Application
- Fee paid in full
- Property Owner Permission- Agent Authorization Form or copy of Lease Agreement will suffice
- Site/Plot Plan or Survey – indicating any existing structures, proposed structures, and setbacks from property lines
- Any additional information deemed applicable/pertinent

***Additional approvals may be required, prior to opening and/or operating.**

8.8.2 Uses Requiring Planning Approval. Uses in the Tables identified by "P" are permitted upon approval by the Planning Commission of the location and the site plan as being appropriate with regard to transportation, access, water supply, waste disposal, fire and police protection and other public facilities; as not causing undue traffic congestion or creating a traffic hazard; and as being in harmony with the orderly and appropriate development of the district in which the use is located. Each application to the Planning Commission for approval must be accompanied by a site plan prepared by the applicant or his agent.

From: [Steven W. Stewart](#)
To: [Jessica Peed](#); [AL Tolbert](#); [Clair Dorough](#); [Paula Bonner](#); [Jason Padgett](#); [Jeff Donald](#); [Mike Minchew](#); [Murray Stewart](#); [Rob Madison](#); ["Shane Bergin"](#); [Tammy S. Smith](#); ["Todd F. Stewart"](#); [Scott Warner](#); [Samantha Roberts](#)
Subject: RE: Commission Use-23002, Cockrell's Body Shop
Date: Tuesday, July 18, 2023 10:59:45 AM
Attachments: [image002.png](#)
[image003.png](#)

-This facility would require a fire hydrant; a new hydrant is being installed by NBU to help protect the adjacent properties and will incidentally protect this property. Once installed this will no longer be required.

-Additional information is required prior to occupying this building regarding its intended use to determine if additional engineering is required (i.e. paint booth, S1, S2).

Please let me know if you have any questions.

Steven Stewart
Bay Minette Fire Department
Administrative Captain
Fire Inspections / Training
251-580-1617 - Office
251-583-9435 – Cell

From: Jessica Peed <Jessica.Peed@CITYOFBAYMINETTEAL.GOV>
Sent: Friday, July 14, 2023 9:43 AM
To: AL Tolbert <AL.Tolbert@CITYOFBAYMINETTEAL.GOV>; Clair Dorough <Clair.Dorough@CITYOFBAYMINETTEAL.GOV>; Paula Bonner <Paula.Bonner@CITYOFBAYMINETTEAL.GOV>; Jason Padgett <JPadgett@NBUMAIL.COM>; Jeff Donald <JDonald@NBUMAIL.COM>; Mike Minchew <MMINCHEW@CITYOFBAYMINETTEAL.GOV>; Murray Stewart <Murray.Stewart@CITYOFBAYMINETTEAL.GOV>; Rob Madison <Rob.Madison@CITYOFBAYMINETTEAL.GOV>; 'Shane Bergin' <shane.bergin@neel-schaffer.com>; Steven W. Stewart <SWStewart@CITYOFBAYMINETTEAL.GOV>; Tammy S. Smith <TSmith@CITYOFBAYMINETTEAL.GOV>; 'Todd F. Stewart' <tstewart@adamstewart.com>; Scott Warner <swarner@baldwin911.org>; Samantha Roberts <sroberts@baldwin911.org>
Subject: Commission Use-23002, Cockrell's Body Shop

Good morning,

We received a Commission Use application for the property located at 1205 S US Hwy 31, PIN 213970 to utilize the previously vacant building as an additional work space for the automotive collision repair business for Cockrell's Body Shop. Attached is the application, and below is an aerial view of the property for reference. If you have any comments, concerns or questions, please let me know.

From: [Shane Bergin](#)
To: [Jessica Peed](#)
Subject: RE: Commission Use-23002, Cockrell's Body Shop
Date: Friday, July 14, 2023 11:43:13 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I don't have any comments.

Shane

SHANE BERGIN, PE, PTOE, PTP, RSP₁

Senior Project Manager



Neel-Schaffer, Inc.

Mobile: 251.545.1219

www.neel-schaffer.com



From: Jessica Peed <Jessica.Peed@CITYOFBAYMINETTEAL.GOV>
Sent: Friday, July 14, 2023 9:43 AM
To: AL Tolbert <AL.Tolbert@CITYOFBAYMINETTEAL.GOV>; Clair Dorough <Clair.Dorough@CITYOFBAYMINETTEAL.GOV>; Paula Bonner <Paula.Bonner@CITYOFBAYMINETTEAL.GOV>; Jason Padgett <JPadgett@NBUMAIL.COM>; Jeff Donald <JDonald@NBUMAIL.COM>; Mike Minchew <MMINCHEW@CITYOFBAYMINETTEAL.GOV>; Murray Stewart <Murray.Stewart@CITYOFBAYMINETTEAL.GOV>; Rob Madison <Rob.Madison@CITYOFBAYMINETTEAL.GOV>; Shane Bergin <shane.bergin@neel-schaffer.com>; Steven W. Stewart <SWStewart@CITYOFBAYMINETTEAL.GOV>; Tammy S. Smith <TSmith@CITYOFBAYMINETTEAL.GOV>; 'Todd F. Stewart' <tstewart@adamstewart.com>; Scott Warner <swarner@baldwin911.org>; Samantha Roberts <sroberts@baldwin911.org>
Subject: Commission Use-23002, Cockrell's Body Shop

Good morning,

We received a Commission Use application for the property located at 1205 S US Hwy 31, PIN 213970 to utilize the previously vacant building as an additional work space for the automotive collision repair



City of Bay Minette

Planning & Development Services

PLANNING COMMISSION SITE PLAN - COMMISSION USE REQUEST

Planning Commission Meeting Date: August 10, 2023

Case Number: CU-23002

SUMMARY INFORMATION

Project Name: Cockrell's Body Shop

Property Location: 1205 South US Highway 31

Property PID/PPIN: 05-23-05-21-1-000-023.003 // 213970

Property Size: 0.45± acres

Requested Action: Planning Commission Approval for the Expansion of Automotive Collision Repair Business

Applicant: James K. Price

Owner: James K. Price

Subject Property	Zoning	Existing Land Use
CU-23002	B-2	Vacant, former Retail Thrift Store
Adjacent Property	Zoning	Existing Land Use
North	B-2	Automotive Collision Repair Business
South	B-2	Vacant Car Wash / Mobile Home Office
East	R-3	Mobile Home Park
West	B-2	Multiple Uses / Pending Code Enforcement

SITE AND REQUEST SYNOPSIS

The subject property, which consists of approximately 0.45± total acres is zoned B-2, General Business District. The property is located at 1205 S. US Highway 31. The property was the site of a former thrift store and is currently occupied by an automotive collision repair business. This request is for Planning Commission Use approval for the expansion of Cockrell's Body Shop and originated from a Code Enforcement case based on the Zoning Ordinance requirement that all new commercial uses obtain zoning approval prior to occupancy. The applicant had moved vehicles into the building for repair work and started renovations/electrical upgrades prior to obtaining permits. This particular use requires Planning Commission Use approval in the B-2 district based on the Table of Permitted Uses. If approved, the applicant will be authorized to move forward with obtaining appropriate building permits, completing renovations and obtaining a Certificate of Occupancy.

ZONING DISTRICT AND TABLE OF PERMITTED USES

6.3.2 B-2 General Business District. It is the intent of this district 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 proximity to major transportation routes. Recreational vehicle parks, very light production and processing activities are included.

8.10 Table of Permitted Uses. The following table contains the proposed use and the districts it is permitted in. **The letter "P" identifies the use must be reviewed and approved by the Planning Commission.** The letter "S" identifies the use as only permitted by special exception. The districts with no letter identifies the use as not permitted.

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
Automobile and truck repair garage, mechanical and body: must be conducted in a structure which shall not have any opening, other than a stationary window, within 100 feet of a residential district and parts or waste materials outside such structures.								P	S	S

DEPARTMENT AND AGENCY COMMENTS

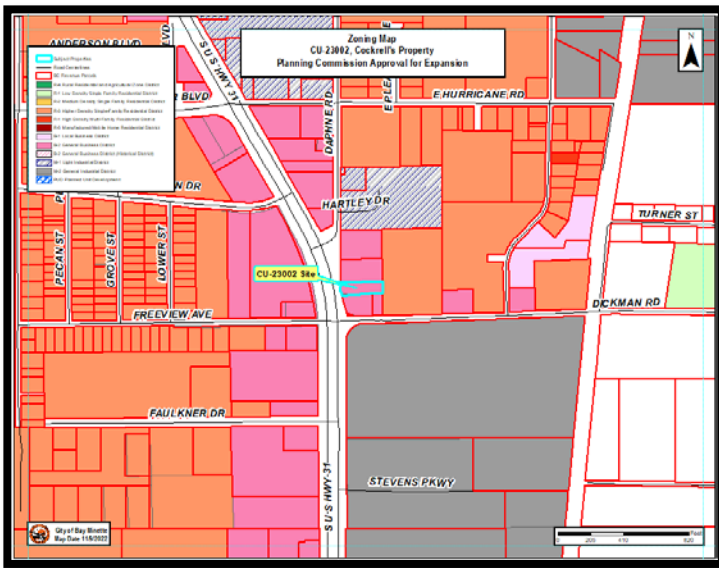
North Baldwin Utilities – No comments received.
 Bay Minette Public Works – No comments received.
 Bay Minette Police Department – No comments received.
 Bay Minette Fire Department – Submitted the following comments:

This facility would require a fire hydrant; a new hydrant is being installed by North Baldwin Utilities to help protect the adjacent properties and will incidentally protect this property. Once installed this will no longer be required. Additional information is required prior to occupying this building regarding it's intended use to determine if additional engineering is required (i.e., paint booth, S1, S20.

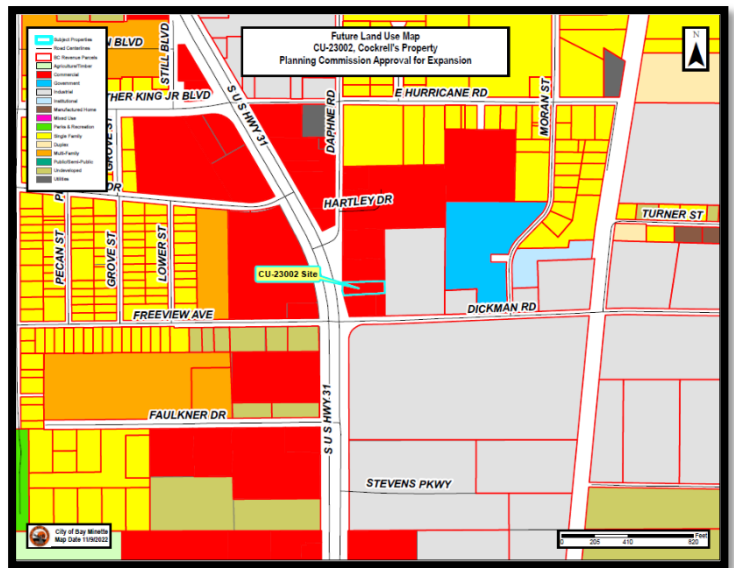
Baldwin County E-911 – No comments received.
 Tensaw Engineering, Benjamin White, P.E. – *City Consultant as Civil Engineer* – Stated no comments.
 Neel-Schaffer, Shane Bergin, PE, PTOE, PTP, RSP1 – *City Consultant as Transportation Engineer* – No comments received.

MAPPING

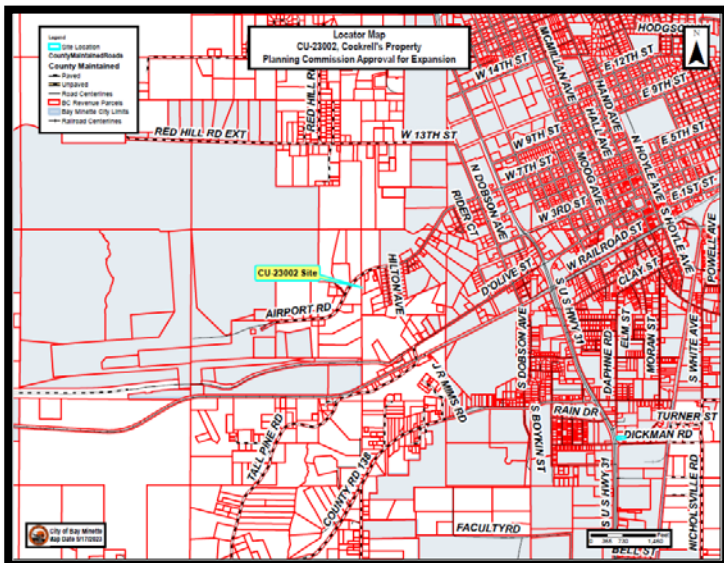
Zoning Map



Future Land Use Map



Locator Map



Site Map



STAFF ANALYSIS

The following guidelines for Uses Requiring Planning Approval are found in **Article 8 – District Requirements** in the *Zoning Ordinance of the City of Bay Minette* and are to be considered when an application is being reviewed for site plan approval.

1.) Is the Location and Site Plan appropriate with regard to transportation, access, water supply, waste disposal, fire and police protection and other public facilities; not causing undue traffic congestion or creating a traffic hazard.

As this is an existing structure with no footprint expansion, the proposed use should have a nominal impact on public infrastructure. There were no comments submitted from Bay Minette Police Department, Public Works, or North Baldwin Utilities regarding the application. The Bay Minette Fire Department did comment that the facility will be required to have a fire hydrant which is being installed by North Baldwin Utilities, and additional information is required regarding the intended use.

2.) Being in harmony with the orderly and appropriate development of the district in which the use is located.

The proposed use is consistent with surrounding uses and the current zoning designation of B-2, General Business District. The property is located on a Principal Arterial just north of a major intersection that transitions from commercial to industrial uses.

3.) Other matters which may be appropriate in relation to *Section 8.9 Site Plan*

- a) *The density or intensity of land use to be allocated to all parts of the site together with tabulations by acreage and percentages thereof itemized by use and density.*
 - Site: 19,756±sq ft // .45± acres
 - Existing Building Area: 3,270±sq ft // 16.55% lot coverage
 - Other Impervious Surface Area: 160±sq ft // .81% lot coverage
 - Total Impervious Surface Area: 3,430± sq ft // 17.36% lot coverage
- b) *The location, size and character of any common open space, commonly owned facilities and form of organization which will own and maintain any common open space and such facilities.*
 - N/A
- c) *The use and maximum height, bulk and location of all buildings and other structures to be located on the site.*
 - The footprint of the existing structure will remain. No additional structures are proposed.
- d) *The substance of covenants, grants of easements or other restrictions which will be imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities or other purposes.*
 - N/A
- e) *The provisions for disposition of open space, including tree protection, landscaping provisions and buffering requirements.*
 - This is an existing structure with no increase in footprint with an established commercial zone and use.
- f) *In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for building permits are intended to be filed.*
 - N/A
- g) *Where required by the Alabama Department of Transportation (“ALDOT”), the Building Official shall be proved proof that the applicant has submitted a driveway permit application to ALDOT. In the event that any type of traffic study is required by the ALDOT, copies thereof shall be provided to the Building Official.*
 - There is existing access to Highway 31, with no changes proposed.
- h) *Front and side architectural elevations.*
 - This is an existing structure with no renovations proposed, only utility connection for electrical power. The applicant will be required to submit and get approval for an electrical permit from the Building Official.
- i) *The location and size of all signs to be located on the site. In the event that a sign is pre-existing and fails to conform to the requirements as set forth in this ordinance, site plan approval will be granted only under the condition that all signs will comply with the regulations as set forth in the sign ordinance.*
 - Signage will require a Sign Permit prior to construction/installation.
- j) *Landscape plans.*
 - The structure is existing with no renovations or increase in footprint proposed.
- k) *Any additional data, plans or specifications which the applicant or the City believes is pertinent and which will assist in clarifying the application including, but not limited to plans for screening, lighting and space, surface drainage, erosion and sediment control, water and sewer connections, landscaping, and signs.*
 - The existing site meets the Land and Site requirements. As this is an existing structure with no renovations or increase in footprint proposed, many of the requirements do not apply in this application. The applicant will be required to submit and get approval for an electrical permit from the Building Official. Any signage will require a sign permit prior to

construction/installation. If approved, the applicant will be authorized to move forward with obtaining appropriate permits, completing renovations and obtaining a Certificate of Occupancy.

STAFF RECOMMENDATION

Staff Recommendation: Based on the submitted information and the analysis above, staff recommends that the proposed Commission Use Approval Request for the expansion of an automotive collision repair business be *Approved*.

PLANNING COMMISSION ACTION

For Commission Use Approval, the Planning Commission makes the final decision and has the option to:

- Approve the Commission Use
- Approve the Commission Use with conditions
- Deny the Commission Use, with stated factors for the denial
- Table Request, due to lack of information

Upon approval of the use, either as submitted or with changes and/or special conditions required by the Planning Commission, the Building Official may issue a building permit for a portion or all of the proposed development; provided that the application is in compliance with all applicable City, County, State and Federal requirements.

8.9.10.4 Site Plan requests that are tabled, will not receive further review by the Planning Commission until all additional information requested has been received and reviewed for compliance by the Planning Department.

8.9.10.5 Site Plan requests that are denied will not receive further review by the Planning Commission until all noted deficiencies have been addressed and revised documentation received and reviewed for compliance by the Planning Department.

8.9.10.6 Any resubmittals, revisions, additional information or permit applications related to the application must be received within 180 days from the date of Planning Commission action, or a new Site Plan Application will be required. One request for Site Plan Approval Extension of up to 180 days will be reviewed administratively.



City of Bay Minette

Planning Commission Site Use Review

301 D'Olive Street · Bay Minette, Alabama 36507

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

Office Use Only	
CU:	<u>23002</u>
SP:	
Fee:	<input checked="" type="checkbox"/> \$300.00 <input type="checkbox"/> \$600.00
Date Paid:	<u>7/6/23</u>
Paid:	<input type="checkbox"/> Cash <input type="checkbox"/> Check
	<input checked="" type="checkbox"/> Credit Card

Applicant Name: Cockrell's Body Shop of Bay Minette inc. Date: 07/06/2023

Are you the owner? Yes No *If you are not the property owner, you must submit an Agent Authorization Form signed by the property owner

Mailing Address: 1201 Hwy 31 S

City: Bay Minette State: AL Zip Code: 36507

Phone Number: 251-580-0200 Email: cbsbayminette@cockrellsbodyshop.net

PROPERTY INFORMATION

Property Address: 1205 Hwy 31 S

Or Property Location: _____

Tax Parcel No.: 05-23-05-21-1-000-023.003 *PPIN No.: 213970

Request: To use this building as additional work space for our existing automotive collision repair business.

I, the undersigned, do hereby request the City of Bay Minette Planning Commission to grant a Site Use Review for the location to determine if it meets the regulations of the **Zoning Ordinance** for the reason(s) stated above. I understand and authorize City Staff to conduct site visits, as needed in relation to this request.

Michael D Hawthorne 07/06/2023
Signature of Applicant (Owner of Property of Authorized Agent) Date

Submittal Requirements listed in Section 8.8.2, Uses Requiring Planning Approval, as applicable:

- Application
- Fee paid in full
- Property Owner Permission- Agent Authorization Form or copy of Lease Agreement will suffice
- Site/Plot Plan or Survey – indicating any existing structures, proposed structures, and setbacks from propertylines
- Any additional information deemed applicable/pertinent

*Additional approvals may be required, prior to opening and/or operating.

8.8.2 Uses Requiring Planning Approval. Uses in the Tables identified by "P" are permitted upon approval by the Planning Commission of the location and the site plan as being appropriate with regard to transportation, access, water supply, waste disposal, fire and police protection and other public facilities; as not causing undue traffic congestion or creating a traffic hazard; and as being in harmony with the orderly and appropriate development of the district in which the use is located. Each application to the Planning Commission for approval must be accompanied by a site plan prepared by the applicant or his agent.

From: [Steven W. Stewart](#)
To: [Jessica Peed](#); [AL Tolbert](#); [Clair Dorough](#); [Paula Bonner](#); [Jason Padgett](#); [Jeff Donald](#); [Mike Minchew](#); [Murray Stewart](#); [Rob Madison](#); ["Shane Bergin"](#); [Tammy S. Smith](#); ["Todd F. Stewart"](#); [Scott Warner](#); [Samantha Roberts](#)
Subject: RE: Commission Use-23002, Cockrell's Body Shop
Date: Tuesday, July 18, 2023 10:59:45 AM
Attachments: [image002.png](#)
[image003.png](#)

-This facility would require a fire hydrant; a new hydrant is being installed by NBU to help protect the adjacent properties and will incidentally protect this property. Once installed this will no longer be required.

-Additional information is required prior to occupying this building regarding its intended use to determine if additional engineering is required (i.e. paint booth, S1, S2).

Please let me know if you have any questions.

Steven Stewart
Bay Minette Fire Department
Administrative Captain
Fire Inspections / Training
251-580-1617 - Office
251-583-9435 – Cell

From: Jessica Peed <Jessica.Peed@CITYOFBAYMINETTEAL.GOV>
Sent: Friday, July 14, 2023 9:43 AM
To: AL Tolbert <AL.Tolbert@CITYOFBAYMINETTEAL.GOV>; Clair Dorough <Clair.Dorough@CITYOFBAYMINETTEAL.GOV>; Paula Bonner <Paula.Bonner@CITYOFBAYMINETTEAL.GOV>; Jason Padgett <JPadgett@NBUMAIL.COM>; Jeff Donald <JDonald@NBUMAIL.COM>; Mike Minchew <MMINCHEW@CITYOFBAYMINETTEAL.GOV>; Murray Stewart <Murray.Stewart@CITYOFBAYMINETTEAL.GOV>; Rob Madison <Rob.Madison@CITYOFBAYMINETTEAL.GOV>; 'Shane Bergin' <shane.bergin@neel-schaffer.com>; Steven W. Stewart <SWStewart@CITYOFBAYMINETTEAL.GOV>; Tammy S. Smith <TSmith@CITYOFBAYMINETTEAL.GOV>; 'Todd F. Stewart' <tstewart@adamstewart.com>; Scott Warner <swarner@baldwin911.org>; Samantha Roberts <sroberts@baldwin911.org>
Subject: Commission Use-23002, Cockrell's Body Shop

Good morning,

We received a Commission Use application for the property located at 1205 S US Hwy 31, PIN 213970 to utilize the previously vacant building as an additional work space for the automotive collision repair business for Cockrell's Body Shop. Attached is the application, and below is an aerial view of the property for reference. If you have any comments, concerns or questions, please let me know.

From: [Shane Bergin](#)
To: [Jessica Peed](#)
Subject: RE: Commission Use-23002, Cockrell's Body Shop
Date: Friday, July 14, 2023 11:43:13 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I don't have any comments.

Shane

SHANE BERGIN, PE, PTOE, PTP, RSP₁

Senior Project Manager



Neel-Schaffer, Inc.

Mobile: 251.545.1219

www.neel-schaffer.com



From: Jessica Peed <Jessica.Peed@CITYOFBAYMINETTEAL.GOV>

Sent: Friday, July 14, 2023 9:43 AM

To: AL Tolbert <AL.Tolbert@CITYOFBAYMINETTEAL.GOV>; Clair Dorough <Clair.Dorough@CITYOFBAYMINETTEAL.GOV>; Paula Bonner <Paula.Bonner@CITYOFBAYMINETTEAL.GOV>; Jason Padgett <JPadgett@NBUMAIL.COM>; Jeff Donald <JDonald@NBUMAIL.COM>; Mike Minchew <MMINCHEW@CITYOFBAYMINETTEAL.GOV>; Murray Stewart <Murray.Stewart@CITYOFBAYMINETTEAL.GOV>; Rob Madison <Rob.Madison@CITYOFBAYMINETTEAL.GOV>; Shane Bergin <shane.bergin@neel-schaffer.com>; Steven W. Stewart <SWStewart@CITYOFBAYMINETTEAL.GOV>; Tammy S. Smith <TSmith@CITYOFBAYMINETTEAL.GOV>; 'Todd F. Stewart' <tstewart@adamstewart.com>; Scott Warner <swarner@baldwin911.org>; Samantha Roberts <sroberts@baldwin911.org>

Subject: Commission Use-23002, Cockrell's Body Shop

Good morning,

We received a Commission Use application for the property located at 1205 S US Hwy 31, PIN 213970 to utilize the previously vacant building as an additional work space for the automotive collision repair