



City of Bay Minette

Planning Commission

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

AGENDA

June 8, 2023

Regular Meeting

8:00 a.m.

City Hall Conference Room
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 May 11, 2023 Regular Meeting**
- 5.) **Disclosure of Prior Communications and/or Conflicts of Interest**
- 6.) **Old Business**
- 7.) **New Business**
 - a.) **SP-23005, Brian Morrow Site Plan Approval**

Disclosure of Prior Communications and/or Conflict of Interest
Request: Site Plan Approval Request for a 24' x 25' Accessory Structure
Location: 720 S White Ave
 - b.) **VAC-23001, BV Capital, LLC Right-of-Way Vacation Request**

Disclosure of Prior Communications and/or Conflict of Interest
Request: Consider a petition by BV Capital LLC to vacate a portion of an unimproved 22-foot public alleyway
Location: 801 S US Hwy 31
 - c.) **Updates & Upcoming Cases**
- 8.) **Reports & Comments**
 - a.) **Mayor/Council/Administration**
 - b.) **Attorney**
 - c.) **Commissioners**
 - d.) **Planning Staff**
 - e.) **Citizen Comments**
- 9.) **Adjournment**

****Next Regular Meeting – July 13, 2023****

Bay Minette Planning Commission Regular Meeting Minutes

Minutes May 11, 2023

Monthly Meeting No. 5

The Bay Minette Planning Commission met in Regular Session on Thursday, May 11, 2023. The meeting was called to order at 8:02 a.m. by Chairman, Todd Stewart, in the Council Chambers located in Bay Minette City Hall, in Bay Minette, Alabama; this being the proper place, date and hour as advertised to hold such meeting.

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

Todd Stewart, Chairman
Rob Madison, Building Official/Commission Member
Hiram Templeton, Commission Member
Earl Emmons, Commission Member
Scotty Langham, Commission Member
Ray Clark, Commission Member
Neal Covington, Vice Chairman

Commission Members absent:

Robert A. "Bob" Wills, Mayor
William Taylor, City Council/Commission Member

Commission Members late:

None

Other persons in regular attendance:

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

GUESTS John Byrd, Tensaw Engineering
Ben White, Tensaw Engineering

INVOCATION Scotty Langham gave the invocation, followed by the pledge.

ITEM 3. Announcements/Registration to address the Commission

ITEM 4. Approval of the Minutes of the April 13, 2023, Regular Meeting. Commission Member Templeton made a motion to approve the April minutes as written. The motion was seconded by Commission Member Emmons and was unanimously carried.

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

ITEM 6. Old Business

a.) RA-23001, Proposed Zoning Ordinance Amendments ***Public Hearing***

Chairman Stewart introduced the request. Mrs. Dorough states the majority of the proposed revisions have previously been reviewed and discussed with the exception of her needing Planning Commission input for the metal building

section. After a lengthy discussion, the Planning Commission replaces "sited closer than 200 feet from" with "along" in the first line of Section 8.6 and removed "or properties visible from said roadways" from the same line. The phrase "and visible from" was added after the word "facing" in the first line of 8.6.1. Mrs. Dorrough continues to review the presented proposed revisions including Home Occupations and procedures for obtaining various licenses and permits. With no further questions or comments, Chairman Stewart opens the Public Hearing at 8:40am. With no public comments, Chairman Stewart closes the Public Hearing at 8:41am. Vice Chairman Covington makes a motion to recommend approval of the amendments to the City Council with the minor revisions to Section 8.6 and Section 8.6.1. Commission Member Langham seconded, and it was unanimously carried.

b.) RA-23002, Temporary Work Force Housing Pilot Program ***Public Hearing***

Chairman Stewart introduced the request. Mrs. Dorrough reviews the proposed pilot program amendment. There is a discussion on current requests to try and facilitate potential future issues or concerns regarding RV parks and vehicles including district and distance criteria, allowable number of units, restoration guidelines, and various verbiage included from state and local agencies. Legal Counsel Lauren Collinsworth suggested a clarification on the sunset provision language in sections 9.8.3.1 and 9.8.3.9 from "this ordinance" to specify "Section 9.8.3." With no further questions or comments, Chairman Stewart opens the Public Hearing at 9:07am. With no comments, he closes the Public Hearing at 9:07am. Commission Member Clark moves to recommend approval to the City Council with the discussed amendments to sections 9.8.3.1 and 9.8.3.9 regarding the Pilot Program sunset provision language. Commission Member Templeton seconded and it was unanimously carried.

ITEM 7. New Business

a.) Election of Officers

Chairman Stewart opens the floor for Vice-Chairman nominations. Hiram Templeton nominates Neal Covington, who accepts the nomination. Ray Clark seconds and with no objections or other nominations, there was a unanimous vote to elect Neal Covington as Vice-Chairman.

Chairman Stewart opens the floor to receive nominations for Chairman. Earl Emmons nominates Todd Stewart as Chairman, who accepts the nomination. Ray Clark seconds, and with no objections or other nominations, there was a unanimous vote to elect Todd Stewart as Chairman. Both members will serve in the positions for one year.

b.) Updates & Upcoming Cases

Mrs. Dorrough gave a brief overview of the following:

- Right-of-Way Vacation application was submitted for a portion of the alleyway on Standard Furniture Property
- Site Plan approval on a metal building on S White Ave
- Previously reviewed Annexations are awaiting the Governor's signature
- Hoover property rezoning was approved and is now in effect
- Special Exception for the duplex was approved at the May 5, 2023 Board of Adjustment meeting
- Planning Commission Bylaws are anticipated to be updated for review at an upcoming meeting
- New Planning Staff member, Paula Bonner, will be starting at the end of the month and will be filling in for Jessica Peed for Planning Commission while she is out on vacation in June.

ITEM 8. Reports

a.) Mayor/Council Report –

Tammy Smith states the Justice Center construction is going well, as well as the downtown parking project. The soccer complex is currently out for bid and will open on May 25th. There is a brief discussion on the height of the County's jail that is under construction.

- b.) Attorney – None
- c.) Commissioner – None
- d.) Planning Staff – None

ITEM 9. With no further business Chairman Stewart adjourns the meeting at 9:16 am.

DONE THIS THE 11TH DAY OF MAY 2023

Chairman, Todd Stewart

ATTEST:

Jessica Peed, Planning Coordinator

Motion Summary:

- 1.) **Approval of the Minutes of the April 13, 2023, Regular meeting:** Commission Member Templeton made a motion to approve the April minutes as written. The motion was seconded by Commission Member Emmons and was unanimously carried.
- 2.) **RA-23001, Proposed Zoning Ordinance Amendments:** Chairman Stewart opens the Public Hearing at 8:40am. With no public comments, Chairman Stewart closes the Public Hearing at 8:41am. Vice Chairman Covington makes a motion to recommend approval of the amendments to the City Council with the minor revision to Section 8.6, which replaces "sited closer than 200 feet from" with "along" in the first line and removes "or properties visible from said roadways" from the same line; and minor revision to Section 8.6.1, which added the phrase "and visible from" after the word "facing" in the first line. Commission Member Langham seconded, and it was unanimously carried.
- 3.) **RA-23002, Temporary Work Force Housing Pilot Program:** Chairman Stewart opens the Public Hearing at 9:07am. With no comments, he closes the Public Hearing at 9:07am. Commission Member Clark moves to recommend approval to the City Council with the discussed amendments to sections 9.8.3.1 and 9.8.3.9 regarding the Pilot Program sunset provision language from "this ordinance" to specify "Section 9.8.3." Commission Member Templeton seconded and it was unanimously carried.
- 4.) **Election of Officers:** Chairman Stewart opens the floor for Vice-Chairman nominations. Hiram Templeton nominates Neal Covington, who accepts the nomination. Ray Clark seconds and with no objections or other nominations, there was a unanimous vote to elect Neal Covington as Vice-Chairman.

Chairman Stewart opens the floor to receive nominations for Chairman. Earl Emmons nominates Todd Stewart as Chairman, who accepts the nomination. Ray Clark seconds, and with no objections or other nominations, there was a unanimous vote to elect Todd Stewart as Chairman.



City of Bay Minette

Planning & Development Services

PLANNING COMMISSION STAFF ANALYSIS

Planning Commission Meeting Date: June 8, 2023

Case Number: SP-23005

APPLICATION SUMMARY

Project Name: Morrow Property Site Plan Approval
Property Location: 720 S White Avenue
Property PID/PPIN: 05-23-05-16-4-000-090.000 // PIN 77282
Property Size: 6.73± acres

Requested Action: Planning Commission Approval for a 24'x25' Storage Building
Applicant/Owner: Brian Morrow

Subject Property	Zoning	Existing Land Use
SP-23004	M-2	Commercial – Catering Company, former radio station
Adjacent Property	Zoning	Existing Land Use
North	M-2	Residential / Vacant Property
South	M-2	Vacant / Agricultural
East	R-2	Residential / Vacant / Agricultural
West	M-2	Railroad / Vacant Industrial

SITE AND REQUEST SYNOPSIS

The subject property, which consists of approximately 6.73± total acres is zoned M-2, General Industrial District. The property is located at 720 S White Ave. The property was the site of a former radio station and is currently occupied by a catering company. This request is for Planning Commission Site Plan approval for a 24'x25' storage building. The Zoning Ordinance requires that all new commercial and industrial accessory structures obtain Planning Commission Site Plan approval prior to construction, however, this building has been constructed - a Stop Work Order was issued by the Building Official in April.

ZONING DISTRICT AND TABLE OF PERMITTED USES

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

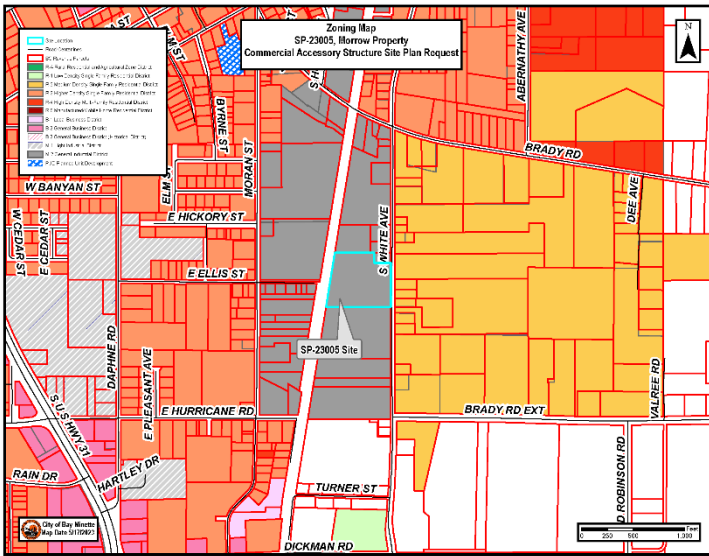
Table of Permitted Uses and Conditions	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	M-1	M-2
Accessory buildings and uses, home swimming pools, when located on the same lot or parcel as the principal residential structure or use and customarily incidental thereto, allowed by right provided the requirements in all pertinent sections of this ordinance are met. Accessory buildings and uses, swimming pools, when located on the same lot or parcel as the principal commercial structure or use and customarily incidental thereto, allowed with Planning Commission approval provided the requirements in all pertinent sections of this ordinance are met	R	R	R	R	R	R	PR	PR	PR	PR

DEPARTMENT AND AGENCY COMMENTS

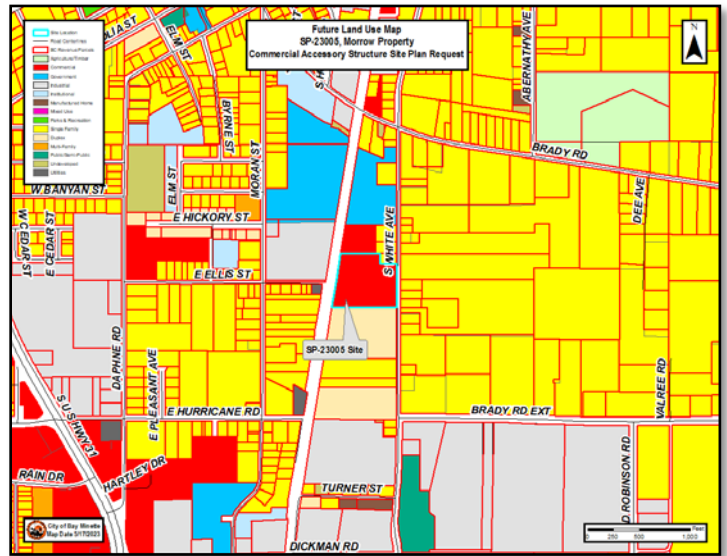
- North Baldwin Utilities – No comments received.
- Bay Minette Public Works – No comments received.
- Bay Minette Police Department - No comments received.
- Bay Minette Fire Department – No comments or concerns.
- Baldwin County E-911 – No comments received.
- Tensaw Engineering, Benjamin White, P.E. – City Consultant as Civil Engineer – No comments received.
- Neel-Schaffer, Shane Bergin, PE, PTOE, PTP, RSP1 – City Consultant as Transportation Engineer – No comments or concerns.

MAPPING

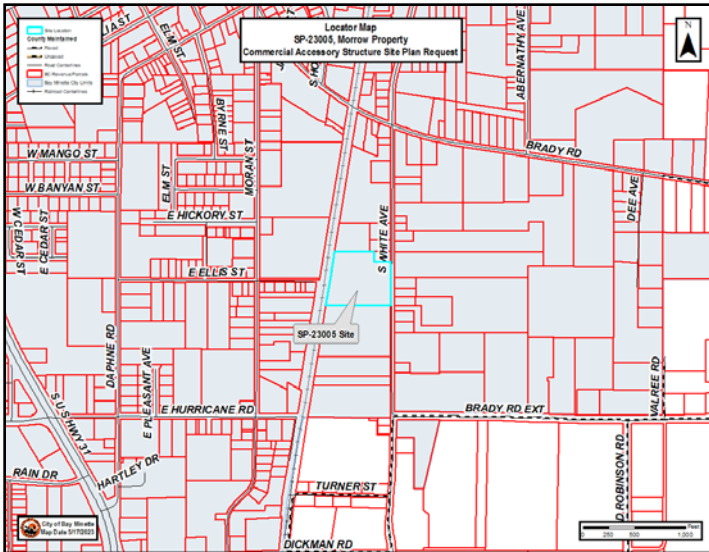
Zoning Map



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. The following guidelines for Site Plan review are found in *Article 8 – District Requirements* in the *Zoning Ordinance of the City of Bay Minette*. These matters are to be considered for appropriateness in relation to *Section 8.9 Site Plan* when an application is being reviewed for Planning Commission Site Plan Approval.

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. INCOMPLETE*

The site calculations have not been provided, the calculations below are estimations made by staff using the applicant's submitted information and are not exact calculations provided by a licensed professional.

Site Calculations

Subject Property Site Totals	293,159 ±ft ²	6.73 ± acres	Subject Property Site Totals
Site Use/Type	±Square Footage	Lot Coverage	Notes
25'x24' Metal Building	600 ±ft ²	0.20%	
Existing Building Coverage	2,683 ±ft ²	0.92%	
Total Building Coverage	3,283 ±ft²	1.12%	
Existing Impervious Surface Area	3,168 ±ft ²	1.08%	Parking area
Additional Proposed Impervious Surface Area	0 ±ft ²	0.00%	Driveways, Parking Areas, Sidewalks, etc
Total Impervious Surface	6,451 ±ft²	2.20%	
<i>TOTAL Required Landscaped* Minimum</i>	<i>43,974 ±ft²</i>	<i>15.00%</i>	*Landscaped and/or Open/Natural Green Space
TOTAL Proposed Landscaped Area	- ±ft ²	0.00%	<i>None Proposed</i>
TOTAL Proposed Open Space/Natural Areas	283,425 ±ft ²	96.68%	<i>Existing Open Area/Natural Green Space</i>
<i>Required Front/Side Yard Landscaping</i>	<i>14,658 ±ft²</i>	<i>5.00%</i>	Only includes areas <i>not</i> in parking areas
Proposed Front/Side Yard Landscaping/Open Space	- ±ft ²	0.00%	<i>None Proposed</i>
Total Area Containing Off-Street Parking	- ±ft ²	0.00%	<i>Information/Calculations Not Submitted</i>
<i>Required Parking Landscaped Minimum</i>	<i>- ±ft²</i>	<i>10.00%</i>	10% of off-street parking area
Proposed Parking Landscaped Area*	0 ±ft ²	0.00%	<i>None Proposed</i> *Only landscaped areas ≥ 90ft ²
Total Landscaped/Open Space Provided	283,425 ±ft²	96.68%	

Drainage/Stormwater information was not submitted, but the development is required to comply with the Zoning Ordinance regulation below:

7.13 Surface Drainage. Owners, particularly developers of larger paved areas such as those in connection with apartment complexes, shopping centers, etc., shall be responsible for increased runoff resulting from these developments which cause flood damage to neighboring property. The Building Official shall, in consultation with a certified Engineer, determine that reasonable provisions for properly handling surface drainage have been made in the applicant's design and report these findings for the Planning Commission's consideration in acting on building applications. If such reasonable provisions are not made in the applicant's design, the Planning Commission shall make such remedies as may be available to the applicant as a condition of the building permit issuance.

8.3.4 Noise, air pollutants including dust emissions, and surface runoff shall not exceed background levels by more than 10%.

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.

12.1 Erosion and Sediment Control: Persons engaged in land-disturbing activities shall take all reasonable measures to protect all public and private property, including roadways, from damage by such activities. In addition, owners shall comply with all applicable laws, rules and regulations, including federal and state regulations regarding the discharge of storm water. For all projects required by the Alabama Department of Environmental Management ("ADEM") to obtain a national pollutant discharge elimination system ("NPDES") permit, a copy of said permit shall be provided to the City Planner and Building Official prior to the land disturbance activities. For projects requiring a NPDES permit, owners shall prepare a Construction Best Management Practices Plan ("CBMPP") in accordance with ADEM requirements. It shall be the responsibility of the owner to design, install and maintain an ADEM approved CBNPP. Where required by ADEM, owners shall provide the City Planner and Building Official with a copy of its CBMPP prior to land disturbance activities.

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. COMPLETE

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

The submitted site plan shows setbacks of 200 feet from the front and southern side line, 300 feet from the northern side line and 420 feet from the rear line. The accessory structure is a 25' x 24' metal building located to the rear of the primary structure and approximately 12 feet in height.

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. COMPLETE

Not applicable to this development.

5.) The provisions for disposition of open space, including tree protection, landscaping provisions and buffering requirements. INCOMPLETE / COMPLIANT WITH CONDITIONS

Landscape plans were not submitted. As noted in Item #1., impervious surface calculations, such as impervious vs landscaped/open space calculations and parking areas have not been submitted.

a.) Buffering: COMPLIANT WITH CONDITIONS

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 to the North, West and South as it is an industrial-to-industrial district; however, the property abuts the R-2 single family residential district across S White, which would require a buffer zone of 20 feet across the front.

b.) Open Space & Landscape Provisions // General: COMPLETE

A minimum of 15% total lot area must be landscaped or maintained as open green space, which is approximately 43,974±ft², based on GIS and staff's site calculations, approximately 283,425±ft² is existing as natural green/open space.

10.5.1 A minimum of fifteen percent (15%) of the total lot area shall be landscaped or maintained as open green space. The foregoing percentage shall include all landscape requirements for parking areas. Provided however, at least five percent (5%) of the total landscaped area or green space must be located in the front yard and side yards of the lot in areas other than parking areas.

10.5.2 Plant sizes:

a. All shrubs shall be installed as 5 gallon minimum (except herbaceous perennials and woody spreading shrubs on slopes).

b. All trees shall be installed as 15 gallon minimum. Exceptions for the use of smaller material for certain species which will be at the discretion of the City Official.

10.5.3 Sufficient ground cover (grass or other type of vegetation) is required on all non-parking surfaces on the lot to minimize soil erosion. The ground cover shall be in place prior to receiving certification from the City Official.

10.5.4 The landowner is responsible for upkeep and maintenance of the required landscaped areas of their lot. Should landscape areas, shrubs, and/or trees die or get damaged, the landowner is responsible for replacing the damaged plants and/or areas in compliance with the conditions of this Ordinance.

10.9 Planting Requirements.

Trees that are planted in accordance with this Article must be a minimum of three (3) different species per site and meet the following requirements:

10.9.1 At least one (1) species must be a medium (understory) tree in order to promote species richness. Medium (understory) trees must have as least three (3) inches in caliper and eight (8) feet in height at planting.

10.9.2 At least one (1) shall be a large (overstory) tree must have at least three and one half (3 ½) inches or greater in caliper and twelve (12) feet in height in planting.

10.9.3 At least one (1) shall be a multi-stemmed understory trees must be a minimum of eight (8) feet in height and must have at least three (3) stems; each with a minimum caliper of three-fourths (¾) inches.

10.9.4 Shrubs that can be pruned into tree form variations will not be approved toward tree planting requirements. These include but are not limited to tree forms of the following: Ligustrum; Indian Hawthorn; Tree Yaupon; and Camelia.

10.9.5 It is recommended that trees be obtained from a licensed source. On site relocated trees may be acceptable.

10.9.6 Maintenance of new plantings is the responsibility of the property owner. Any vegetation of trees planted or retained to fulfill this article which dies, becomes damaged or diseased must be replaced by the property owner by the beginning of the optimum planting season of the following year. The property owner must notify the City Planner or their designee in writing when the replacement tree(s)/vegetation has been planted.

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

Tree Removal and Replacement provisions are not applicable to this site.

d.) Greenbelt Zone: COMPLETE

provisions are not applicable to this site.

e.) Landscape Provisions // Off-Street Parking: INCOMPLETE / COMPLIANT WITH CONDITIONS

In addition to the landscaping requirements applicable to the overall site, the project's parking area will be required to meet the regulations below:

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.

10.10.2 At least ten (10) percent of the total interior area intended for off-street parking shall be suitably landscaped.

10.10.3 A maximum of twelve (12) parking spaces in a row will be permitted without a landscaped island.

10.10.4 Interior portions of the parking area shall be broken by provision of landscaped islands. Such landscaped area shall include the placement of shade or flowering trees at intervals of twelve (12) parking spaces; such trees shall be at least three and one half (3 ½) inches or greater in caliper and twelve (12) feet in height in planting.

10.10.5 Each separate landscaped area must be a minimum of ninety (90) square feet if it is to be counted toward the minimum landscaped area requirements.

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

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. NOT APPLICABLE

This site accesses S White Ave, which is under the City's review authority.

8.) Front and side architectural elevations. COMPLIANT WITH CONDITIONS

The current 8.6 Metal Building façade provisions will not apply to this structure as it is located farther than 200 feet from the right-of-way and is not located on any of the listed roadways. However, the current regulations require at least two exterior architectural features on the front and any side adjacent to/visible from a public street. Current regs also require landscaping in front of bare metal siding facing the roadway.

8.6 Metal Buildings

8.6.1 On properties sited closer than 200 feet from the right-of-way, or properties visible from Alabama Highway 59, Highway 31 or Hand Avenue north of Highway 31 to McMeans Avenue, Highway 138, State Highway 287 and D'Olive Street, the exterior metal walls of the front and any sides of a building facing said public street, that will be constructed with metal cladding as the primary siding material, shall not be constructed to expose more than 50% percent of bare metal siding façade facing said right-of-way or roadway. All metal buildings shall have at least two exterior architectural features for articulation, such as front porches, gables, awnings, or other exterior siding materials, on the front elevation and any other elevation that is adjacent to or visible from a public street or right-of-way. Landscaping shrubs and/or trees shall be planted and maintained in front of bare metal siding portions of the building, facing the roadway or right-of-way, to improve the aesthetics of the building and lot.

8.6.2 Acceptable materials for the external facade of metal buildings include stucco, brick, scored and split face block and wood. It is recommended that large walls be broken up through the use of architectural features or embellishments such as color bands, wainscot, protrusions, recessed windows or entries. Alternative materials must be approved through the site plan approval process.

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.* **NOT APPLICABLE**

Not applicable as current submittals do not include signage or lighting details. Any future signage will require a Sign Permit prior to construction/installation to review compliance with the full sign ordinance. The development's signage and lighting must comply with the following:

7.8 Corner Visibility - In any district requiring a front yard setback, no fence, wall, shrubbery, sign, marquee or other obstruction to vision between the heights of three and one-half (3-1/2) feet and fifteen (15) feet above street level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two streets or railroads or of right-of-way lines of a street and a railroad. Accessory structures within twenty-five (25) feet of the rear lot line of a corner lot shall be set back the minimum front yard depth required on the side street.

7.16.3 Outdoor lighting of all types shall be directed so as to reflect away from all adjacent properties and shall be so situated as not to reflect directly into any public right-of-way.

7.16.4 All fencing, screening, lighting, space, etc., shall be in good condition and appearance. The City Planner may cause to be removed, replaced, repaired or corrected, at the owner's expense, any screening, lighting and space improperly maintained.

10.) *Landscape plans.* **INCOMPLETE / DEFICIENT**

Landscape Plans not yet submitted, see Item #5 above for further details. In accordance with Sec 10.4 of the Zoning Ordinance, a landscape plan shall be submitted as part of the site or subdivision plan and approved by the City of Bay Minette Planning Commission prior to commencing any site preparation or construction activities. Landscape plans shall be of a professional quality and include the items listed in Sec 10.4.1-10.4.8.

10.3.3 A site or subdivision plan shall not be approved by the Planning Commission without an acceptable landscape plan, as the same is defined pursuant to the provision of this article.

10.3.4 If proposed construction causes changes in the landscape plan, a revised landscape plan must be submitted to the City Planner or their designee for re-evaluation.

10.4 Landscape Plan Standards. Landscape Plans. A landscape plan shall be submitted in accordance with this Section as part of the site or subdivision plan to the City of Bay Minette Building Department and approved by the City of Bay Minette Planning Commission prior to commencing any site preparation or construction activities. Landscape plans shall be of a professional quality and include:

10.4.1 Date, scale, north arrow, title, and names and contact information for property owner(s), developer, and landscape designer.

10.4.2 Location of existing boundary line dimensions of the building site, existing water sources, significant drainage features, existing and proposed utility easements on or adjacent to the building site, city road rights-of-way, required setbacks, locations of proposed parking spaces, and location of existing or proposed sidewalks.

10.4.3 The locations, species, and D.B.H. (Diameter at Breast Height) of existing significant trees indicating those to be retained, and those significant trees to be removed, along with written justification for removal of any significant trees.

10.4.4 The location(s) and dimension(s) of the proposed landscape areas within the parking area(s) including a description of new trees and plant materials to be placed within landscaped area(s). Both common and botanical names shall be included.

10.4.5 An indication, using written or graphic information, of how the applicant plans to protect from damage during construction any existing trees and other vegetation, which are proposed to be retained.

10.4.6 An indication, using written or graphic information, of how the applicant intends to protect tree roots by controlling erosion or sediment loss during construction.

10.4.7 Locations, type, and design of any proposed irrigation systems.

10.4.8 Location and species of buffer zone vegetation.

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.*

a.) *Off-Street Parking:* **INCOMPLETE / COMPLIANT WITH CONDITIONS**

- 1) A minimum of seven (7) off-street parking spaces are required (see calculations below). Parking information was not submitted, however, the Land Use application for Water Oak Catering indicated the availability of 9 parking spaces.
 - Estimated at 2683sq 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 2283sf/800 = 2.85, rounded up to 2 spaces
- 2) 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.

- 3) Location and Typical Dimensions need to be shown on Site Plan for:
 - parking spaces
 - internal access/drive widths
 - off-street loading/unloading space (*See Sec 9.3 below*)
 - striping/markings plan
 - any curbs, sidewalks, etc
- 4) 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 following regulations.

7.11 Off-Street Parking. In each district, each structure hereafter erected or altered shall be provided with off-street parking spaces as specified in the district schedule, Article 9. No off-street parking space required for a building or structure shall, during its life, be occupied by or counted as off-street parking space for another building or structure, but may be included in the required yard space.

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

10.10.2 At least ten (10) percent of the total interior area intended for off-street parking shall be suitably landscaped.

10.10.3 A maximum of twelve (12) parking spaces in a row will be permitted without a landscaped island.

10.10.4 Interior portions of the parking area shall be broken by provision of landscaped islands. Such landscaped area shall include the placement of shade or flowering trees at intervals of twelve (12) parking spaces; such trees shall be at least three and one half (3 ½) inches or greater in caliper and twelve (12) feet in height in planting.

10.10.5 Each separate landscaped area must be a minimum of ninety (90) square feet if it is to be counted toward the minimum landscaped area requirements.

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

b.) Transportation/Access: COMPLETE

Access is on S White Avenue, which is under the City's review authority. The City's Transportation Engineer had no comments or concerns with the application.

c.) Other Considerations: COMPLETE

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.

8.9.2 The Planning Commission may waive certain requirements contained in Section 8.9.3 of this Ordinance if it is determined that the requirements are not essential to a proper decision on the project; or, it may supplement the list with other requirements deemed necessary to clarify the nature of the proposed development.

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 current regulations. Based on review of this application using the proposed Zoning Ordinance amendments the Planning Commission recommended for approval in May, this application would be fully compliant and would not require the full Site Plan approval process. The structure is intended as an accessory use and with the 600 sq ft size on a 6.7 acre site will have minimal impacts. Those factors in conjunction with the Zoning Ordinance amendments in process for approval, Staff's recommendation is for approval of the application.

PLANNING COMMISSION ACTION

For Site Plan Approval, no public hearing is required. 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



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.:	SP-23005
Fee:	\$500.00
Paid:	<input type="checkbox"/> Cash <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card

4645
paid 5/1/23

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: Brian Morrow Date: 4-27-23
 Mailing Address: 1107 Pink Poppy Ln.
 City: Foley State: AL. Zip Code: 36535
 Phone Number: 251-747-3154 Email: carver282003@yahoo.com

Site Information

Property Address: 720 South White Ave Bay Minette AL.
 or Property Location: _____

*Parcel No.: 23-05-16-4-000-090,000 *PPIN No.: _____
 *Parcel or PPIN information must be completed

Request: would like to put up a 24x25 storage garage to store lawn equipment and other other outside equipment

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.

Brian Morrow 4-27-23
 Signature of Applicant (Owner of Property of Authorized Agent) Date

Received 5/1/23

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





Tower and small building removed.
Replaced old building with new garage.



New garage.
It is behind main building

Here's Your Custom Design Order (#1675525068936460)

From: R&B Metal Structures (orders@rbmetal.com)

To: carver282003@yahoo.com

Date: Saturday, February 4, 2023 at 09:37 AM CST



R & B Metal Structures
 979 Highway 42 South
 Jackson, GA 30233
 866-238-3501
 orders@rbmetal.com
 Sales Rep: Al562

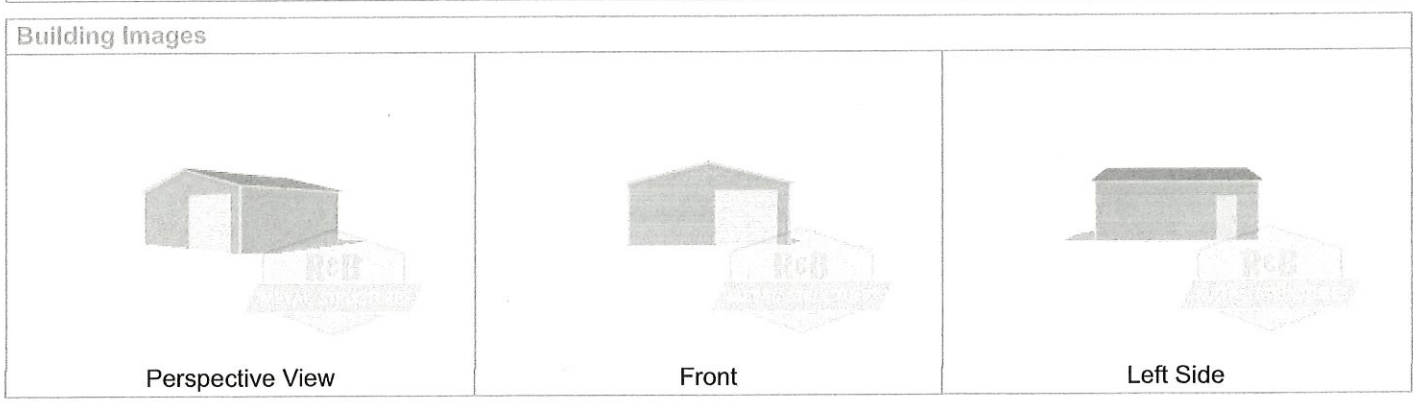
Customer Order - Feb 4, 2023

Ship To			Dealer		
Name	Brian Morrow	Order #	1675525068936460		
Billing Address	720 s white ave		River Springs Camp / High Cotton, LLC		
City	Bay minette	State	AL	Zip Code	36507
Install Address	720 s white ave		McKenzie, AL 36456		
City	Bay minette	State	AL	Zip Code	36507
Email	Carver282003@yahoo.com	Phone #	251-747-3154	Mobile #	
			Phone: 251-589-8954 highcottonllc@gmail.com		

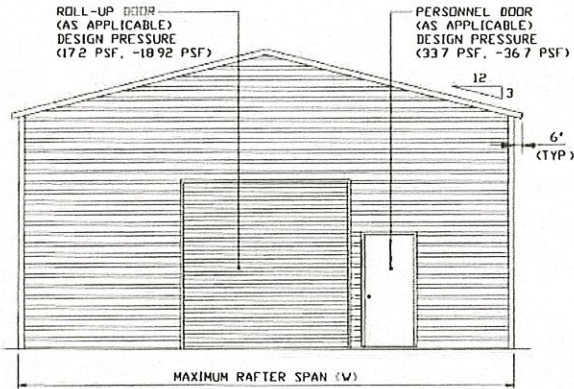
Building Info		Size		Color		Anchoring & Site Preparation	
Style:	Garage	24'	X	25'	X	9'	I have read and agree to the terms and conditions from the link provided in the above instructions.
Roof Overhang:	6"	Width		Length		Post Height	
Roof Style:	A-Frame Vertical		Roof		Galvalume	<input checked="" type="checkbox"/>	
Leg Style:	Standard Legs		Trim:		White	<input type="checkbox"/>	
Brace:	Corner Brace - 36"		Siding:		Light Gray	<input type="checkbox"/>	Terms and Conditions
						Installation Surface	
						Cement	
						Power Available	
						<input checked="" type="checkbox"/>	
						Site Ready	
						<input type="checkbox"/>	
						Jobsite Level	
						<input checked="" type="checkbox"/>	
						Tax Exempt	
						<input type="checkbox"/>	

Design Link & Notes
 Design Link: <https://idearoom.randbmetalstructures.com/?lng=en-US&dealer=AL562#a4608ddde0508ec561aec5f9394a2e9b>

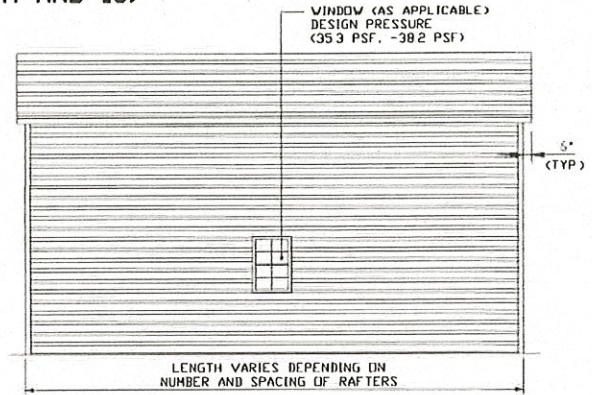
Payment Details
 Payment Method: Cash, Check, or Credit Card



BOX EAVE FRAME RAFTER STRUCTURE (Sheets 4, 5, 5A, 5B, 6, 6A, 6B, 6C, 9, 9A, 10, 12, 13, 14, 14A AND 16)

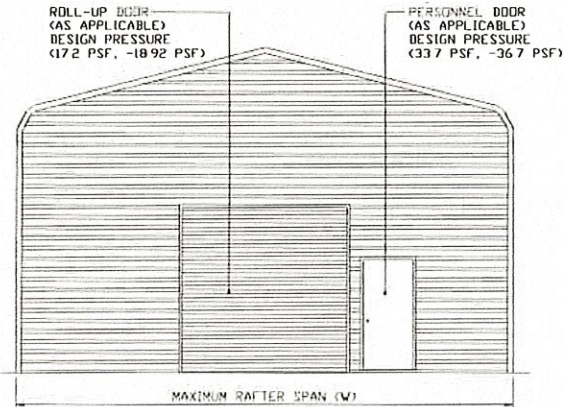


TYPICAL END ELEVATION
SCALE: NTS

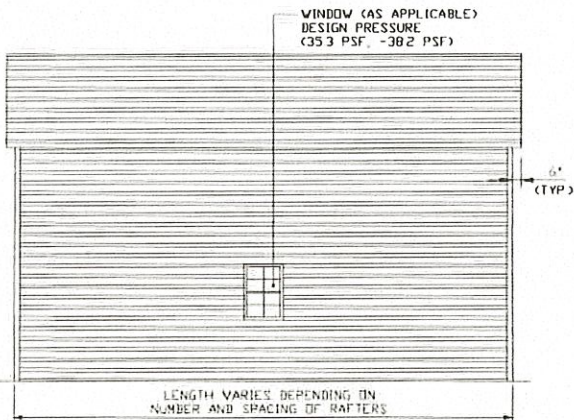


TYPICAL SIDE ELEVATION
SCALE: NTS

BOW EAVE FRAME RAFTER STRUCTURE (Sheets 4, 7, 7A, 7B, 8, 8A, 8B, 8C, 9, 9A, 11, 12, 13, 15 AND 15A)



TYPICAL END ELEVATION
SCALE: NTS



TYPICAL SIDE ELEVATION
SCALE: NTS

**MOORE AND ASSOCIATES
ENGINEERING AND CONSULTING, INC.**

DRAWN BY: LT

CHECKED BY: PDH

PROJECT MGR: WSM

CLIENT: R&B

**R&B METAL STRUCTURES
979 HIGHWAY 42 SOUTH
JACKSON, GA 30233
30'-0" x 20'-0" ENCLOSED STRUCTURE**

DATE: 10-5-20

SHT. 4




SCALE: NTS

DWG. NO: SK-3

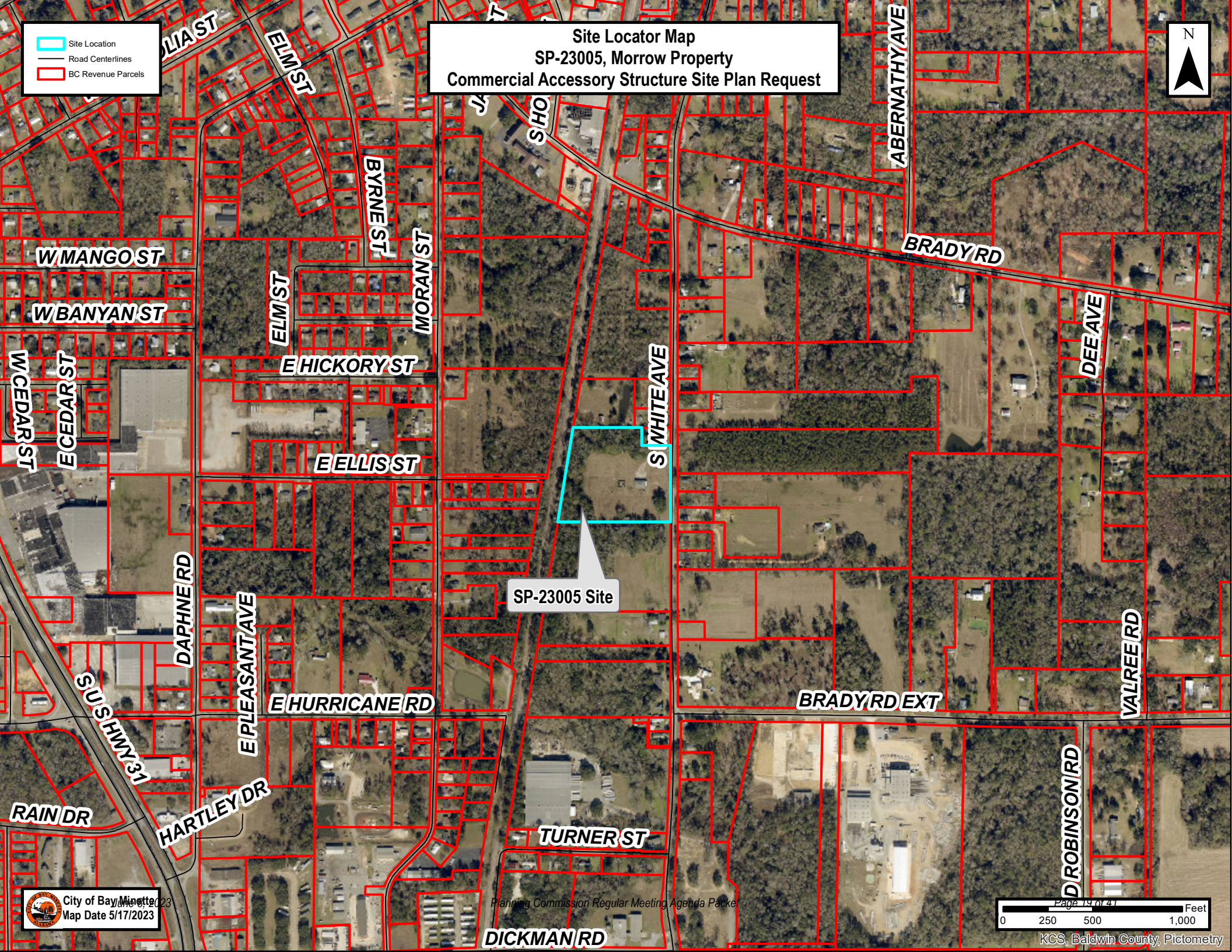
**JOB NO: 16182S/
18025S/18248S/20133S**

REV: 5

THIS DOCUMENT IS THE PROPERTY OF MOORE AND ASSOCIATES ENGINEERING AND CONSULTING. THE UNAUTHORIZED REPRODUCTION, COPYING, OR OTHERWISE USE OF THIS DOCUMENT IS STRICTLY PROHIBITED AND ANY INFRINGEMENT THEREUPON MAY BE SUBJECT TO LEGAL ACTION.

-  Site Location
-  Road Centerlines
-  BC Revenue Parcels

Site Locator Map
SP-23005, Morrow Property
Commercial Accessory Structure Site Plan Request

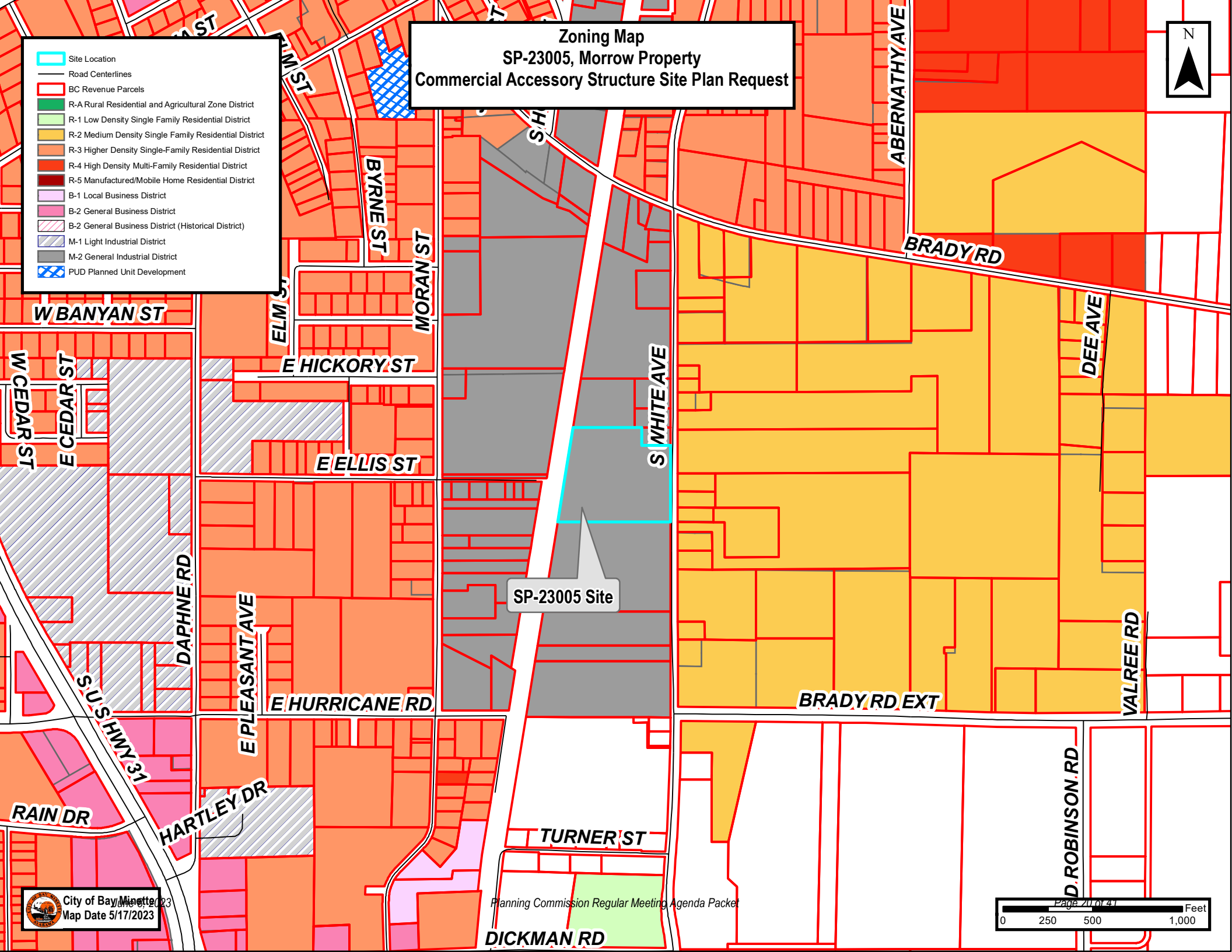


SP-23005 Site

Zoning Map
SP-23005, Morrow Property
Commercial Accessory Structure Site Plan Request



-  Site Location
-  Road Centerlines
-  BC Revenue Parcels
-  R-A Rural Residential and Agricultural Zone District
-  R-1 Low Density Single Family Residential District
-  R-2 Medium Density Single Family Residential District
-  R-3 Higher Density Single-Family Residential District
-  R-4 High Density Multi-Family Residential District
-  R-5 Manufactured/Mobile Home Residential District
-  B-1 Local Business District
-  B-2 General Business District
-  B-2 General Business District (Historical District)
-  M-1 Light Industrial District
-  M-2 General Industrial District
-  PUD Planned Unit Development



SP-23005 Site



City of Bay Minette

Planning & Development Services

PLANNING COMMISSION STAFF ANALYSIS

Planning Commission Meeting Date: June 8, 2023

Case Number: VAC-23001

APPLICATION SUMMARY

Project Name: BV Capital, LLC ROW Vacation Request
Property Location: 801 S US Hwy 31
Property PID/PPIN: 05-23-05-16-3-001-080.000 // PIN 65752
Property Size: 25,047.93±ft² // .57± acres

Requested Action: Consideration of a Vacation of a Portion of Unimproved Public Alleyway Request
Applicant/Engineer: Doug Anderson, Burr Foreman LLP
Property Owner: BV Capital, LLC

Subject Property	Zoning	Existing Land Use
VAC-23001	M-1	Industrial, Standard Furniture
Adjacent Property	Zoning	Existing Land Use
North	M-1	Industrial – Standard Furniture
South	M-1, B-2	Standard Furniture Parking Lot // Vacant Property
East	M-1	Industrial – Standard Furniture
West	B-2	City Farmer's Market // Vacant Building, Formerly Church's Chicken

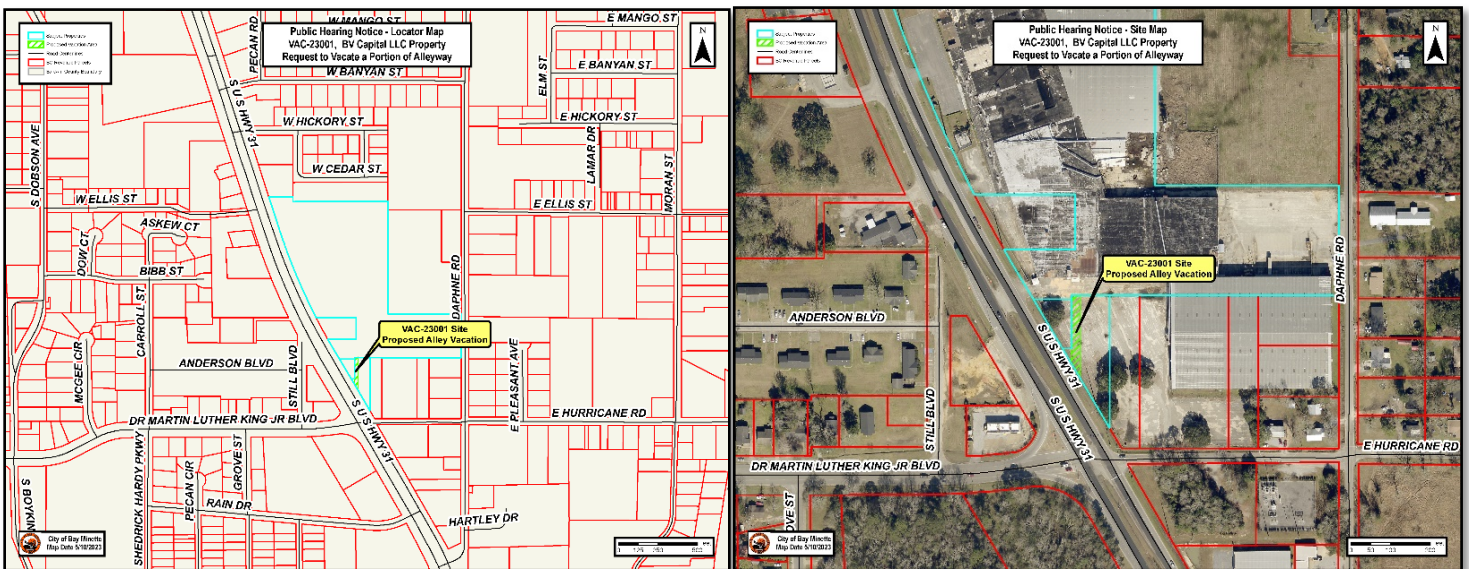
SITE AND REQUEST SYNOPSIS

The subject property, which consists of approximately 25,047.93±ft² // .57± acres, and is zoned M-1, Light Industrial District. This request is to consider a petition by BV Capital LLC to vacate a portion of an unimproved public right-of-way located at 801 S US Hwy 31 on property identified as PID 05-23-05-16-3-001-080.000 // PIN 65752. The public alleyway requested for vacation is approximately 209 feet of a 22-foot wide alley as platted in the East Douglasville Subdivision and Mayo's Subdivision. A portion of the public right-of-way was previously vacated by the City in 1971. This request will vacate the remainder of the public right-of-way.

MAPPING

Locator Map

Site Map



STAFF ANALYSIS

In making its determination regarding the vacation of a public right-of-way, the City Council, on receipt of a recommendation from the Planning Commission, will take into consideration the criteria below as established in *Section 3.23.05* of the *Subdivision Regulations* in accordance with State Code. The proposed vacation has been evaluated by staff against these standards.

1.) No vacation shall deprive other property owners of any right they may have to convenient and reasonable means of ingress and egress to and from their property. *COMPLIANT*

There are no other property owners that will be deprived of convenient/reasonable access. The public right-of-way is located on and surrounded by property owned by BV Capital LLC, which is the site of the former Standard Furniture Manufacturing company. This is an unimproved right-of-way that has never been opened to the public and located on a private industrial manufacturing site.

2.) Vacation of the right-of-way will better serve the public good than changing the right-of-way and/or the public way it contains. *COMPLIANT*

Changing the public right-of-way instead of vacating will not affect or benefit the public. This is an unimproved, unopened public right-of-way that is not and has not been used by the public since originally platted in 1926.

3.) The right-of-way is no longer needed for the public use it was originally created to serve. *COMPLIANT*

As previously stated, this public right-of-way is unimproved and has never been opened or used by the public since it was originally platted in 1926.

4.) The public benefit received from the right-of-way is insufficient to justify maintenance costs of the right-of-way. *NOT APPLICABLE*

Not applicable to this request as the right-of-way is unimproved and has not been opened to or accessed by the public.

5.) Future development or other changes in the surrounding area will not increase public use or need for the right-of-way. *COMPLIANT*

The public right-of-way is located on and surrounded by property owned by BV Capital LLC, which is the site of the former Standard Furniture Manufacturing company. It is wholly contained within a private industrial site and is only a portion of a public right-of-way that was partially vacated by the City in 1971.

6.) Other matters which may be appropriate *NOT APPLICABLE*

N/A

STAFF RECOMMENDATION

Based on the information submitted by the applicant, City Staff and Consultant input and the analysis above, staff's recommendation for the proposed vacation of public right-of-way is for the Planning Commission to submit:

A recommendation of APPROVAL to the City Council for the vacation request

PLANNING COMMISSION ACTION

No street or easement may be vacated unless a petition for that purpose, accompanied by the necessary documents specified in the *Subdivision Regulations*, is submitted through the Planning Commission to the City Council, whose decision, following a public hearing, shall be final. For petitions to vacate public rights-of-way, the Planning Commission shall hold a public hearing and make an advisory recommendation to the City Council.

The Planning Commission has the option to:

- Make a recommendation for approval of the request to the City Council as presented

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

3.23.04.06 Any petition for vacation of easement and/or right-of-way may be withdrawn prior to action thereon by the Planning Commission or City Council at the discretion of the owner, authorized representative, firm, or corporation initiating such a request upon written notice to the City Planner.

3.23.11 Appeals. Any party affected by the decision of the City Council to vacate any right-of-way may appeal within 30 days of the decision to the Circuit Court.



City of Bay Minette

Right-of-Way Vacation Application

301 D'Olive Street · Bay Minette, Alabama 36507 · Phone (251) 580-1650

Case No.:	_____
\$250.00* + Cost of Public Notice	
Date Paid:	_____
Paid:	<input type="checkbox"/> Credit Card <input type="checkbox"/> Cash
	<input type="checkbox"/> Check- No. _____

Are you the property owner? YES NO

**If you are not the property owner, you must submit an Owner Authorization Form signed by the property owner*

Applicant Name: Douglas L. Anderson Date: February, 2023

Mailing Address: P.O. Box 2287, Mobile, AL 36652-2287

Email Address: danderson@burr.com Phone No.: 251-345-8209

Site Information

Site Address: 801 U.S. Hwy 31

Parcel No.: _____ PPIN: _____

Reason for Request: Unopened ROW that is in the middle of the subject property and not in use. Most of this ROW was vacated in 1971.

Current Use: Old Standard Furniture Facility / now used as a warehouse

Description of the street, alley, or portion proposed to be vacated - You may attach a separate sheet, if necessary: _____

See Exhibit "A" attached hereto.

Only the legal landowner or a proven authorized agent may request the vacation of right of way or easements. The City of Bay Minette reserves the right to approve or deny the request for the vacation of right of way. This information will be forwarded to the City Council for review, approval or denial.

Signature Douglas L. Anderson

Date 4/14/2023

Submittal Requirements

- _____ Application
- _____ Fee *\$250.00 application fee, plus the cost of advertisement and certified mailings to be invoiced by the City
- _____ Agent Authorization Form (if applicant is not the owner)
- _____ Completed Petition to Vacate, signed by all owners of property abutting the portion of right-of-way requested for vacation.
- _____ Five (5) copies of a survey, which at minimum depicts the right-of-way proposed to be vacated and all abutting parcels of real property, in a format to be clear and legible, but not to exceed 24" x 36"
- _____ Certified legal descriptions from a licensed surveyor for quit claim deed(s) for (1) for the whole property to be vacated as well as (2) a separate legal description for the portion going to each abutting property owner. The legal descriptions must also be submitted in a Word or .PDF digital format.
- _____ A proposal regarding the consideration that is being offered for the vacation in accordance with Section 11-49-6 of the Code of Alabama, 1975, as amended, and detailed in subsection 3.23.04.02 herein.
- _____ Notification List identifying the names and addresses, as shown in the Baldwin County Revenue Commissioner's Office, of all owners of property abutting the portion of right-of-way proposed for vacation and all owners of property abutting any right-of-way to remain in the same block or abutting block face, where access rights may be affected. The list shall identify and include the names and current mailing addresses of any entities known to have facilities or equipment such as utility lines, both arterial or buried, within the public right-of-way of the street or alley property proposed to be vacated.

Doug Anderson
danderson@burr.com
Direct Dial: (251) 345-8209

RSA Tower, Suite 22200
11 North Water Street
Mobile, AL 36602

Office (251) 344-5151
Fax (251) 344-9696

BURR.COM

Records 4/18/23
Clair
April 18, 2023

VIA HAND DELIVERY

Clair Dorough
Planning and Development
City of Bay Minette
301 D'Olive Street
Bay Minette, AL 36507

**Re: Alleyway Vacation
801 U.S. Hwy 31**

Dear Clair:

As we have discussed over the last several months, I have been authorized by the new owner of the old Standard Furniture Manufacturing facility to vacate an old alleyway. Your office previously conducted research, and discovered that a majority of the subject alleyway had been vacated in 1971, but the remaining portion was inadvertently left out of the Resolution.

I am enclosing herein the Right-of-Way Vacation Application, along with our firm's check in the amount of \$250.00. My client, the owner, is the only property owner abutting the subject alleyway, so there are no other property owners to be notified.

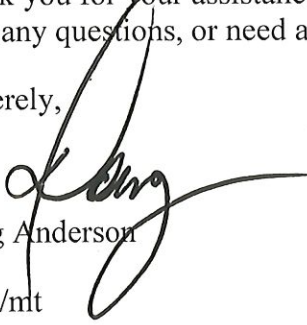
Concerning consideration for the vacation, that determination is discretionary with the City Council. Since this alleyway, as far as we can tell, has never been utilized by the City, and the Standard Furniture Manufacturing facility has been on these premises for decades, we propose that there be no fee required. The City is not giving up anything of value, especially since the remaining part of the alleyway has already been vacated.

My client is refinancing this property toward the end of May, so time is of the essence. I would greatly appreciate it if you could move this application forward in a timely manner.

Clair Dorough
April 18, 2023
Page 2

Thank you for your assistance in this matter, and please do not hesitate to contact me should you have any questions, or need any additional information.

Sincerely,



Doug Anderson

DLA/mt

Enclosures

cc: R. Scott Lewis, City Attorney

January 4, 2023

City of Bay Minette
c/o Planning and Development Services
301 D'Olive Street
Bay Minette, AL 36507

Re: Right-of-Way Vacation
801 U.S. Hwy 31

Dear Ladies and Gentlemen:

I am a principal of BV Capital, LLC, the owner of the property located at 801 U.S. Hwy 31 in Bay Minette (formerly the Standard Furniture Company site). When we purchased the property last year, we became aware of an old right-of-way which was not in use, but never vacated.

As the owner of the subject property, please accept this as authorization for Douglas L. Anderson of the Burr & Forman LLP law firm to submit an application, in his name, for the vacation of the subject right-of-way.

Should you have any questions, please do not hesitate to contact me at (314) 504-6219. Thank you for your assistance in this matter.

Sincerely,



CORY SPIELBERG
BV Capital, LLC
314-504-6219
Cory@visionarycap.com

STATE OF ALABAMA

COUNTY OF BALDWIN

**PETITION TO THE BALDWIN CITY COUNCIL FOR ITS ASSENT
TO VACATION OF UNOPENED RIGHT OF WAY**

Comes now **BV Capital, LLC**, an Alabama limited liability company, and respectfully petitions the Bay Minette City Council to assent to the vacation and closing by said signer as the sole owner to the following described right of way situated in the City of Bay Minette, Alabama and being more particularly described as follows:

See Exhibit A attached hereto and made a part hereof.

Your Petitioner herein says and shows that said property herein described is a right of way, that your Petitioner is the sole owner of the property abutting said right of way, that the vacation of the right of way will not deny other property owners of any rights as they may have to convenient and reasonable means of ingress and egress to and from their property, and that it would be in the best interest of the Baldwin City Council to vacate the same.

[Remainder of Page Intentionally Blank]

BV Capital, LLC

By:

Douglas L. Anderson
Print Name: DOUGLAS L. ANDERSON
Its: AUTHORIZED AGENT

State of Alabama
County of Mobile

I, the undersigned Notary Public in and for said county in said state, hereby certify that Douglas L. Anderson, whose name as Authorized Agent of BV Capital, LLC, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she, as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 17th day of April, 2023.

Margaret M. Torres
NOTARY PUBLIC
My Commission Expires: 11-6-2024

EXHIBIT "A"

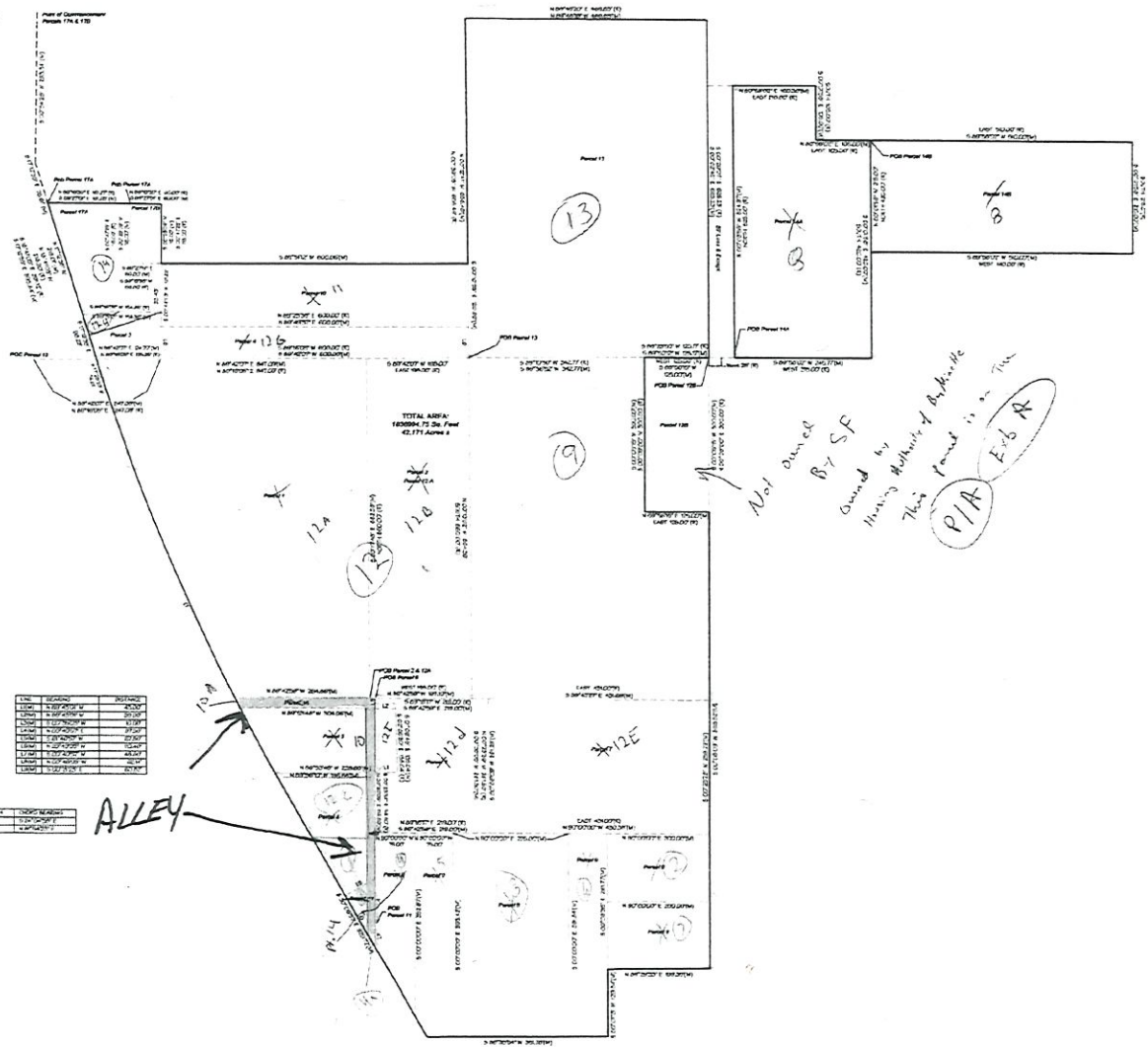
TO

RIGHT-OF-WAY VACATION APPLICATION

That part of 20 foot alley as shown by plat of East Douglasville which is recorded in Map Book 1, Page 69 in the Probate of Baldwin County, Alabama which lies West of Lot 13 in Mayo's Subdivision as per plat recorded in Map Book 1, Page 112 in the Office of the Judge of Probate of Baldwin County, Alabama and extending from Westward extension of the North line of said Lot 13 South to the Northeasterly right of way of U.S. Highway 31.



Commercial Real Estate
Due Diligence Management
3485 South Arlington Rd Suite E#183
Alton, OH 44312
866.250.8121
www.amnreal.com



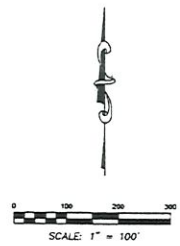
LINE NUMBER	DESCRIPTION	DATE
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2	EXISTING	12/15/11
3	EXISTING	12/15/11
4	EXISTING	12/15/11
5	EXISTING	12/15/11
6	EXISTING	12/15/11
7	EXISTING	12/15/11
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98	EXISTING	12/15/11
99	EXISTING	12/15/11
100	EXISTING	12/15/11

ALLEY

Not owned by SF
Owned by Housing Authority of Ashland
This parcel is in the PIA
PIA
E-6 R



REPORT PREPARED BY:
ALPHA ASSOCIATES, P.A.
ONE W. BRIDGEVIEW DR.
FAIRVIEW, OH 43024
PHONE: (614) 444-4444
FAX: (614) 444-4444
WWW.ALPHAASSOCIATES.COM

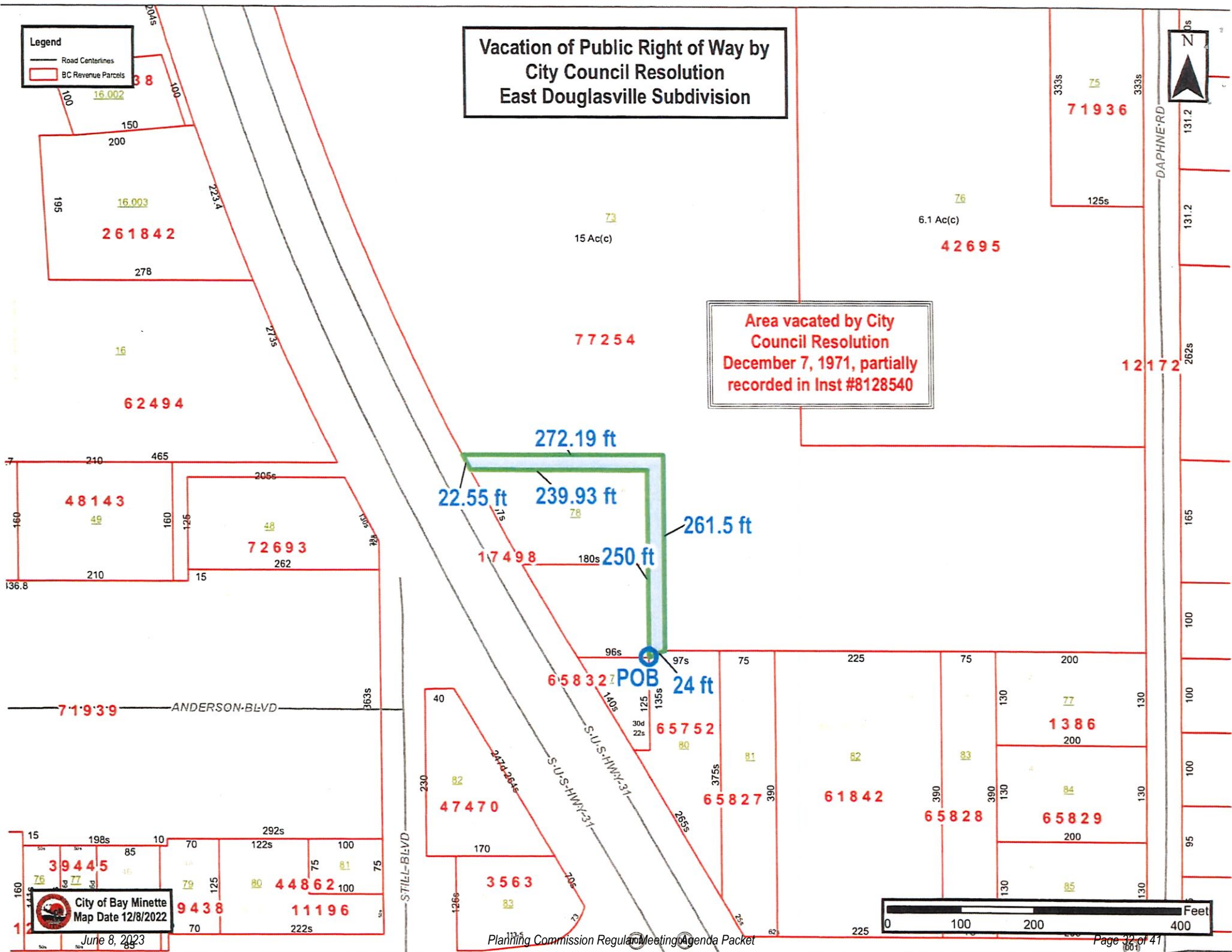


Sheet 3 of 3

Legend

- Road Centerlines
- BC Revenue Parcels

**Vacation of Public Right of Way by
City Council Resolution
East Douglasville Subdivision**



**Area vacated by City
Council Resolution
December 7, 1971, partially
recorded in Inst #8128540**

City of Bay Minette
Map Date 12/8/2022

June 8, 2023

Doug Anderson
danderson@burr.com
Direct Dial: (251) 345-8209

RSA Tower, Suite 22200
11 North Water Street
Mobile, AL 36602

Office (251) 344-5151
Fax (251) 344-9696

January 25, 2023

BURR.COM

Alabama Power Company
Attn: Blake Jarrett, Right-of-Way Department
150 Saint Joseph Street
Mobile, AL 36602

North Baldwin Utilities
Attn: Jason Padgett, CEO
25 Hand Avenue
Bay Minette, AL 36507

**Re: Vacation of Alleyway
801 US Hwy 31
Bay Minette, AL**

Dear All:

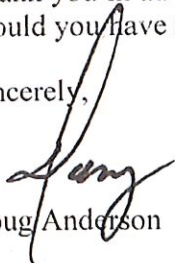
I represent BV Capital, LLC, the owner of the above referenced property, which is the old Standard Furniture Manufacturing facility. When we purchased the property last year, we became aware of an old alleyway that apparently had not been vacated.

The Bay Minette Planning Division did later find that the portion of the alleyway shown on Exhibit A attached hereto was vacated in December, 1971. However, the remaining portion of the alleyway, which is shown on Exhibit B attached hereto, needs to be vacated.

I ask that your company consent to the subject vacation. Of course, we will be glad to except from the vacation any rights you have to maintain utilities on that subject property.

Thank you in advance for your assistance in this matter, and please do not hesitate to contact me should you have any questions, or need any additional information.

Sincerely,



Doug Anderson

DLA/mt
Attachments

April 11, 2023

Doug Anderson
Burr Foreman LLP
Attn.: Doug Anderson
RSA Tower, Suite 22200
11 North Water Street
Mobile, AL 36602



Re: Vacation of unopened right of way located at 801 US Hwy 31, Bay Minette, AL

Dear Anderson,

Reference is made to your letters of March 28, 2023 (copy enclosed) providing notice to Alabama Power Company for the vacation of roadways referenced above, as more particularly described in such letter and as shown on the attachments to said letter.

Pursuant to Code of Alabama, Title 23-4-2, Alabama Power Company (the "Company") hereby consents to the requested vacation provided that the resolution and any conveyance, release or vacation documents shall reserve unto said Company the right to continue to maintain, extend and enlarge its lines, equipment and facilities to the same extent as if the vacation had not occurred and all other rights, title and interests held by the Company with respect to the area to be vacated under any statute or other law or under any other conveyance or agreement, whether recorded or unrecorded, including without limitation all the rights and privileges necessary or convenient for the full enjoyment and use of its lines, equipment and facilities now or hereafter located within or adjacent to the area to be vacated; and the right of ingress and egress to and from said lines, equipment and facilities; and the right to cut and/or trim trees or limbs which, in the sole opinion of said Company, would interfere with said lines, equipment and facilities; and the right to prohibit use of the area vacated in a manner which violates the National Electric Safety Code.

Please advise if further assistance is required.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester Lachowicz".

Chester Lachowicz
Corporate Real Estate



NORTH BALDWIN UTILITIES

25 Hand Ave | Bay Minette, AL 36507
251.937.0345 fax | 251.580.1626 phone
www.northbaldwinutilities.com

PROVIDING QUALITY SERVICES SINCE 1945 - NATURAL GAS • WATER • WASTEWATER

February 17, 2023

Mr. Douglas L. Anderson
Burr Forman, LLP
11 North Water Street
Suite 22200
Mobile, AL 36602

RE: Vacation of Alleyway
801 US Hwy 31
Bay Minette, AL 36507

Dear Mr. Anderson:

This letter is in response to your letter dated January 25, 2023, requesting North Baldwin Utilities' consent to the vacation of the above-mentioned alleyway. We have verified that we do not have any facilities located within the alleyway and consent to said vacation.

If you need more information, please do not hesitate to contact me at (251)-580-1626.

Yours truly,

Jason M. Padgett
General Manager

JMP/Imm

BURR · FORMAN LLP
results matter

Doug Anderson
danderson@burr.com
Direct Dial: (251) 345-8209

RSA Tower, Suite 22200
11 North Water Street
Mobile, AL 36602

Office (251) 344-5151
Fax (251) 344-9696

BURR.COM

February 2, 2023

AT&T Alabama
Attn: Bradley C. Sadler
2155 Old Shell Road
Mobile, Alabama 36607

MediaCom Cable Company
1613 Nantahala Beach Road
Gulf Breeze, Florida 32563

**Re: Vacation of Alleyway
801 US Hwy 31
Bay Minette, AL**

Dear All:

I represent BV Capital, LLC, the owner of the above referenced property, which is the old Standard Furniture Manufacturing facility. When we purchased the property last year, we became aware of an old alleyway that apparently had not been vacated.

The Bay Minette Planning Division did later find that the portion of the alleyway shown on Exhibit A attached hereto was vacated in December, 1971. However, the remaining portion of the alleyway, which is shown on Exhibit B attached hereto, needs to be vacated.

I ask that your company consent to the subject vacation. Of course, we will be glad to except from the vacation any rights you have to maintain utilities on that subject property.

Thank you in advance for your assistance in this matter, and please do not hesitate to contact me should you have any questions, or need any additional information.

Sincerely,


Doug Anderson

DLA/mt
Attachments



AT&T Alabama
2155 Old Shell Rd
Mobile, AL 36607
www.att.com

T: 251.471.8361
F: 251.471.0410
w.mitchell@att.com

February 9, 2023

Doug Anderson
Burr Forman, LLP
11 N Water St.
Suite 22200
Mobile, AL 36602

RE: Vacation of Alleyway – 801 US Hwy 31, Bay Minette

Dear Mr. Anderson,

This letter is in response to the letter you sent to AT&T on behalf of BV Capital, LLC, requesting to vacate the above-mentioned alleyway – which is further described below.

THAT PART OF 20 FOOT ALLEY AS SHOWN BY PLAT OF EAST DOUGLASVILLE WHICH IS RECORDED IN MAP BOOK 1, PAGE 69 IN THE PROBATE OF BALDWIN COUNTY, ALABAMA WHICH LIES WEST OF LOT 13 IN MAYO'S SUBDIVISION AS PER PLAT RECORD IN MAP BOOK 1, PAGE 112 IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA AND EXTENDING FROM WESTWARD EXTENSION OF THE NORTH LINE OF SAID LOT 13 SOUTH TO THE NORTHEASTERLY RIGHT OF WAY OF U.S. HIGHWAY 31.

AT&T Alabama may have facilities located on the proposed alleyway to be vacated. If so, AT&T Alabama notes that, if the City vacates the Alleyway, AT&T Alabama will retain certain property rights in accordance with Ala. Code 23-4-2 (1975). See, e.g., Ala. Code 23-4-2(b): "Entities with utility lines, equipment, or facilities in place at the time of vacation, shall have the right to continue to maintain, extend, and enlarge their lines, equipment, and facilities to the same extent as if the vacation had not occurred." AT&T Alabama thus notifies the City of Bay Minette and BV Capital, LLC, that, although it does not necessarily object to the vacation, AT&T Alabama does not waive its rights under Alabama Law.

Please contact me at the phone number included in this letter with any questions.

Thank you for contacting AT&T.

Sincerely,

Wade Mitchell
Manager, OSP Planning and Design
AT&T Alabama
2155 Old Shell Rd
Mobile, Alabama 36607
Gulf District/ Mobile Office

Tomes, Margaret

From: Lee Beck <lbeck@mediacomcc.com>
Sent: Tuesday, February 7, 2023 8:09 AM
To: Anderson, Doug
Cc: Wesley Schuster
Subject: Vacation of Alleyway -- 801 US Hwy 31, Bay Minette, AL
Attachments: 20230206132311481.pdf

[EXTERNAL EMAIL]





Mr. Anderson, we received the attached letter and have verified that we do not have any plant located in this right-of-way.

Thanks,

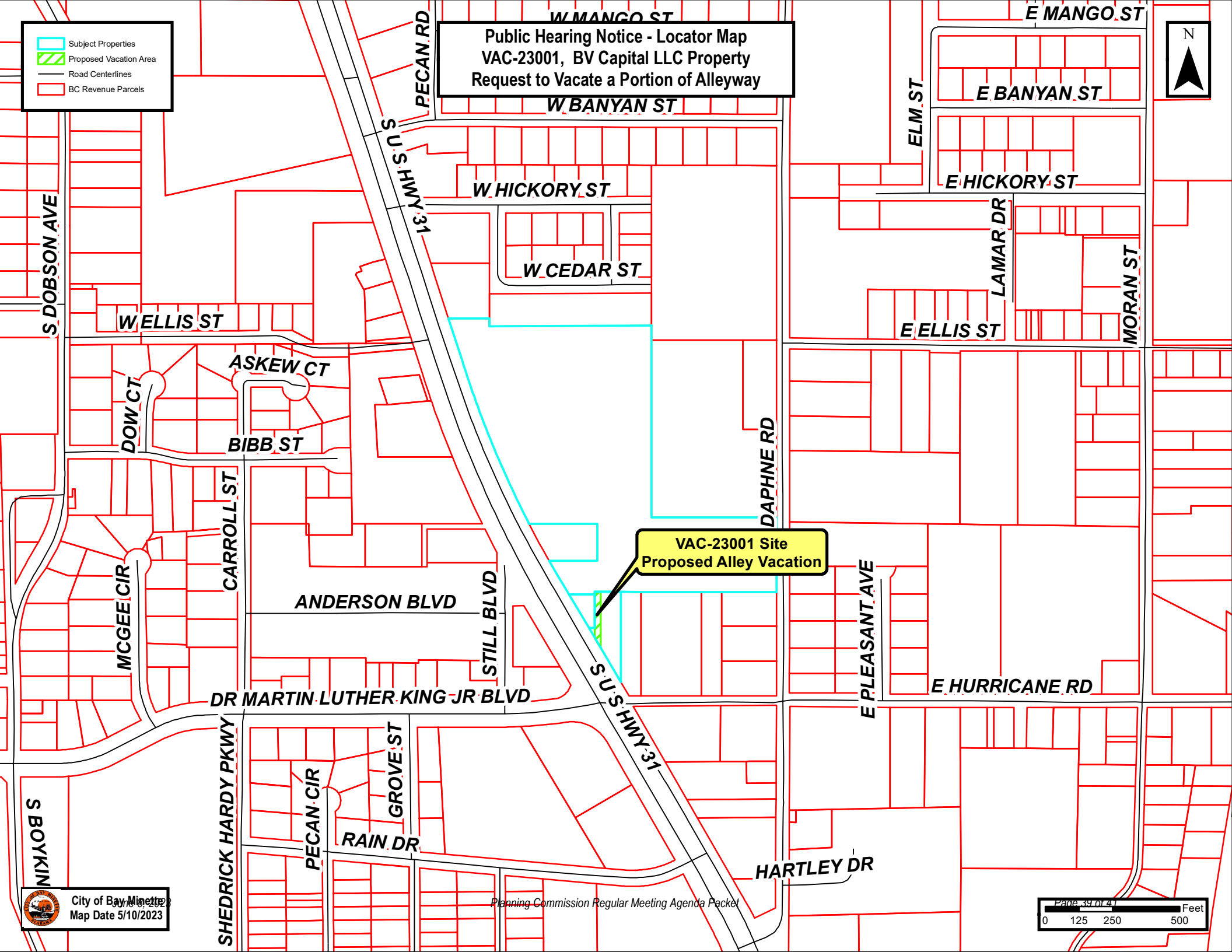
Lee P. Beck
Area Director | Alabama & Mississippi
W: 256-852-6490 ext. 3003 | C: 256-496-1613

Mediacom[®]





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-  Subject Properties
-  Proposed Vacation Area
-  Road Centerlines
-  BC Revenue Parcels

Public Hearing Notice - Locator Map
VAC-23001, BV Capital LLC Property
Request to Vacate a Portion of Alleyway



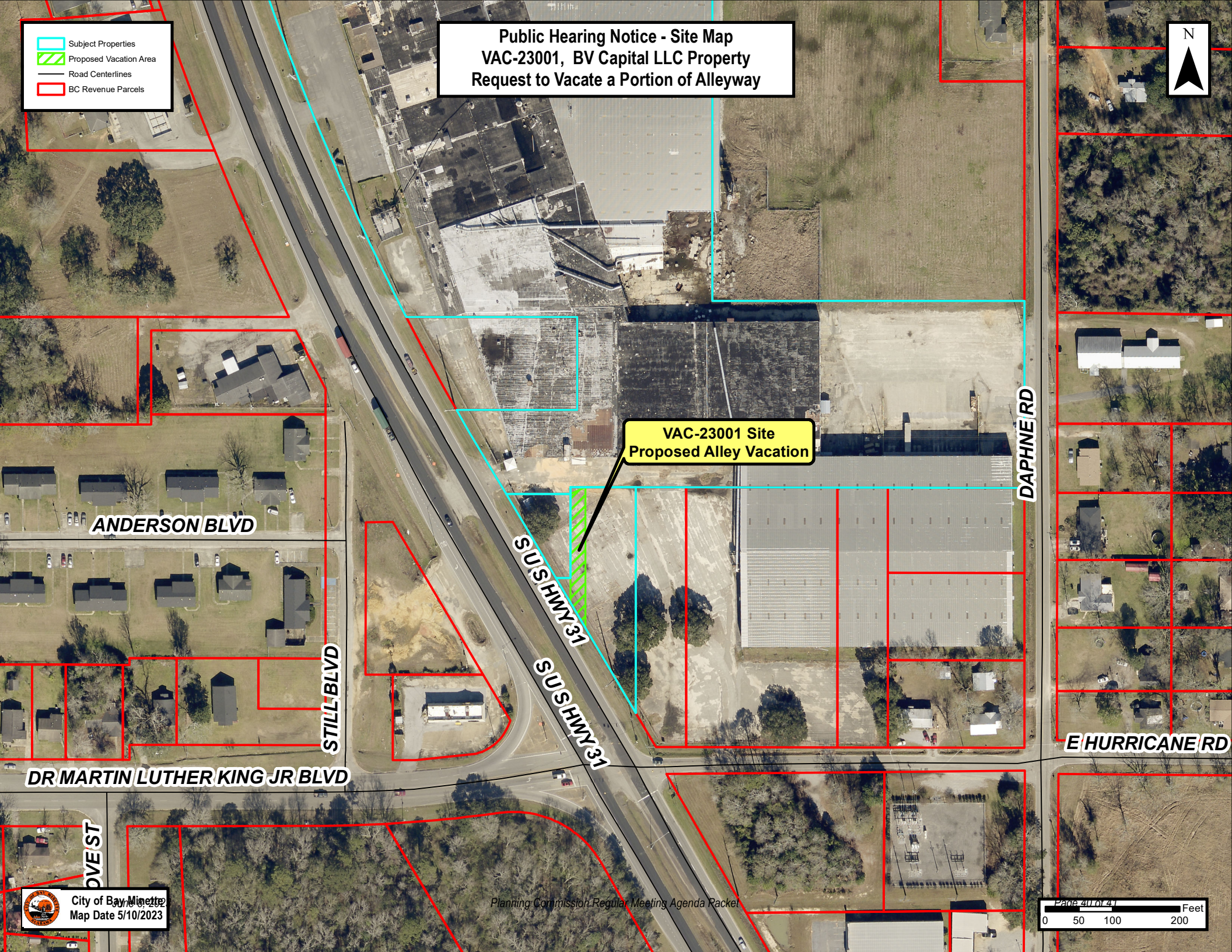
VAC-23001 Site
Proposed Alley Vacation

-  Subject Properties
-  Proposed Vacation Area
-  Road Centerlines
-  BC Revenue Parcels

Public Hearing Notice - Site Map
VAC-23001, BV Capital LLC Property
Request to Vacate a Portion of Alleyway



VAC-23001 Site
Proposed Alley Vacation



DR MARTIN LUTHER KING JR BLVD

STILL BLVD

SUSHWY 31

SUSHWY 31

DAPHNE RD

E HURRICANE RD

DOVE ST



City of Bay Minette

Planning & Development Services

301 D'Olive Street · Bay Minette, Alabama 36507

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

NOTICE OF PUBLIC HEARINGS

**Case No. VAC-23001, BV Capital LLC Property
801 S US Hwy 31
Request to Vacate a Portion of Public Alleyway
& Determination of Statutory Vacation of Right-of-Way Fee**

Notice is hereby given, pursuant to §23-4-20 of the Code of Alabama, Act No. 73-386 of the Alabama Legislature and authority as set forth in Title 11, Chapter 52 of the Code of Alabama, that the Planning Commission and City Council of the City of Bay Minette will each conduct a public hearing to consider a petition by BV Capital LLC to vacate a portion of that certain unimproved public alleyway located at 801 S US Hwy 31 on property identified as Parcel I.D 05-23-05-16-3-001-080.000 // PIN 65752. The petition is to vacate a portion of public way described as a 22-foot alley for a length of approximately 209 feet lying East of S US Highway 31 and North of Dr Martin Luther King Jr Blvd within the municipal limits of the City of Bay Minette, and said property being more specifically described as follows:

That part of a 20-foot alley as shown by the plat of East Douglasville which is recorded in Map Book 1, Page 69 in the Office of the Judge of Probate of Baldwin County, Alabama which lies West of Lot 13 in Mayo's Subdivision as per the plat recorded in Map Book 1, Page 112 in the Office of the Judge of Probate of Baldwin County, Alabama and shown on said plat as a 22-foot alley extending from the Westward extension of the North line of said Lot 13 South to the Northeasterly right of way of U.S. Highway 31.

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

The Bay Minette **City Council** will conduct the second such public hearing during its regularly scheduled meeting on **Tuesday, June 20, 2023** beginning at 6:00 p.m. in the Council Chambers of Bay Minette City Hall located at 301 D'Olive Street, Bay Minette, AL 36507.

Such public hearings will be held following (a) the posting of this legal notice in a conspicuous location at the Baldwin County Courthouse for a period of thirty (30) days pursuant to §23-4-2 of the Code of Alabama, (b) the publication of this notice once a week for four consecutive weeks in The Baldwin Times, a newspaper of general circulation published in Baldwin County, Alabama which is nearest the street and public way which is the subject of the proposed vacation pursuant to Act No. 73-386 of the Alabama Legislature, (c) mailing of the notice of public hearing to the abutting owners and utilities by U.S. mail at least thirty (30) days prior the scheduled meeting pursuant to §23-4-20(a) of Code of Alabama, and (d) the posting of this legal notice in a conspicuous location at the Bay Minette City Hall for a period of thirty (30) days pursuant to §36-25A-3 of the Code of Alabama.

Pursuant to §11-49-6 of the Code of Alabama, the City Council may require abutting landowners who will directly benefit from the vacation being considered to pay to the City a vacation of right-of-way fee equal to the fair market value of the land which will be added to the holdings of such abutting landowners. Such fair market value and the form of payment in connection with the proposed vacation described above shall be determined by the City Council after the public hearing on **June 20, 2023** as scheduled above.

Further, notification is given that any citizen or interested party may appear before the Commission or Council on said dates and will be given an opportunity to be heard, or may direct written comments to the Planning & Development Services Department prior to the meeting. Any citizen alleging to be affected by the proposed vacation may submit a written objection to the governing body or may request an opportunity to be heard at the public hearing as herein advertised.

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

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

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

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

Notice Date – May 18, 2023