



# City of Bay Minette

## Planning Commission

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

### AGENDA

March 9, 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 February 9, 2023 Regular Meeting
- 5.) Disclosure of Prior Communications and/or Conflicts of Interest
- 6.) Old Business
- 7.) New Business
  - a.) Z-23001, Hoover Property Rezoning **\*\*Public Hearing\*\***  
*Disclosure of Prior Communications and/or Conflict of Interest*  
**Request:** Rezone 1.52± ac. from R-2, Medium Density Single Family Residential to B-2, General Business  
**Location:** 2417 S US Hwy 31 - East side of S US Hwy 31, appx .2 miles North of Old Daphne Road
  - b.) RA-23001, Proposed Zoning Ordinance Amendments **\*\*Discussion Only\*\***
  - c.) Updates & Upcoming Cases
- 8.) Reports & Comments
  - a.) Mayor/Council
  - b.) Attorney
  - c.) Commissioners
  - d.) Planning Staff
  - e.) Citizen Comments
- 9.) Adjournment

**\*\*Next Regular Meeting – April 13, 2023\*\***

**\*\*CAPZO Training – March 16-17, 2023\*\***

# Bay Minette Planning Commission Regular Meeting Minutes

Minutes February 9, 2023

Monthly Meeting No. 2

The Bay Minette Planning Commission met in Regular Session on Thursday, February 9, 2023. The meeting was called to order at 8:00 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 8:00 a.m. the following members were present, and a quorum established:

Todd Stewart, Chairman  
Neal Covington, Vice Chairman  
Robert A. "Bob" Wills, Mayor  
Rob Madison, Building Official/Commission Member  
Scotty Langham, Commission Member  
Earl Emmons, Commission Member  
Hiram Templeton, Commission Member

Commission Members absent:  
William Taylor, City Council/Commission Member

Commission Members late:  
Ray Clark, Commission Member

Other persons in regular attendance:  
Clair Dorough, City Planner  
Jessica Peed, Planning Coordinator  
Steven Stewart, Fire Inspector  
Lauren Collinsworth, Attorney  
Kristina Pittman, North Baldwin Chamber of Commerce

**GUESTS**  
Carrie Catrett, Timber Ridge Townhomes Representative  
Jeff Hudson, Timber Ridge Townhomes Representative  
Rick Lender, Citizen  
Mike Phillips, City Councilman  
Joel Williams, Williams Lumber Representative

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

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

**ITEM 4.** Approval of the Minutes of the January 12, 2023, Regular meeting. Vice Chairman Covington made a motion to approve the January minutes as written. The motion was seconded by Hiram Templeton and was unanimously carried.

*Ray Clark enters the Planning Commission meeting at 8:02am.*

**ITEM 5.** Disclosure of Prior Communications and/or Conflicts of Interest  
Vice-Chair Covington stated he has a possible conflict with the Timber Ridge Townhome case, since a member of the company listed as the applicant is a client. Chairman Stewart stated that there was a quorum present to act on the case exclusive of Vice-Chair Covington's vote and he could remain in the room for the discussion but abstain from voting.

**ITEM 6.** Old Business

- a.) CAPZO Training - Mrs. Dorough states there is a registration form that is located with their packets for the March 16-17, 2023, in-house CAPZO training and gives instructions on which areas to complete and turn in to the Planning Department, if the members are planning to attend. She briefly reports which members would need certification or recertification and a description of the classes.
- b.) Update to Bylaws - Mrs. Dorough states the Planning Department is continuing to review and revise the current bylaws in accordance with State Code and revisions will be presented at a future meeting.
- c.) Commercial Accessory Structures - Chairman Stewart states he will be moving Item c.) after New Business in the interest of time for the applicants and those in attendance for the cases on the agenda.

**ITEM 7.** New Business:

- a.) SP-23002, Williams Lumber

*Disclosure of Prior Communications and/or Conflict of Interest:* None

*Request:* Site Plan Approval for a Pole Barn and Lean-To Accessory Structures

*Location:* The subject property is located at 711 W Railroad St

Mrs. Dorough introduces the request and includes the adjacent property zoning designations, property/site access that is only allowed from Graham Dr as W Railroad St is railroad right-of-way. Mrs. Dorough states Graham Drive is located in ALDOT's right of way and she has been working to contact ALDOT and CSX to clarify access authority and responsibility. There is a brief discussion on acceptable access to the site for safety purposes, and access points from adjacent properties. Mrs. Dorough continues the review of the staff report including the existing fence on the property, setback requirements and proposed location of the buildings. The staff analysis found that the proposed locations will need to be revised in order to meet setbacks. That movement will affect the proposed 60-foot distance between the lean-to and pole barn, which would cause the pole barn to impact the significant oak trees on the site. She notes that the unavailability of drainage information does not preclude applicant compliance with the regulations. She includes that a Commercial Land Use for Beasley Equipment Rental was recently approved for the site to be operated in the same office as Williams Lumber. Mrs. Dorough adds that the rental company also received temporary, 6-month approval for a non-permanent structure to be used for tool and equipment storage until a permanent structure is constructed, which will require an additional site plan application for this site. She concludes with staff's recommendation and proposed conditions of approval: 1.) Applicant submitting a site plan detailing the final locations and dimensions for Planning Staff review prior to the issuance of a building permit and 2.) The issuance of a building permit be contingent upon access review by ALDOT, or the City Engineer based on ALDOT's review and determination of access authority. With no further comments or questions, Commission Member Emmons made a motion to approve the site plan with the conditions as presented in the staff report. Commission Member Clark seconded, and it was unanimously carried.

- b.) SP-23003, NT&C Investments- Timber Ridge Townhomes

*Disclosure of Prior Communications and/or Conflict of Interest*

*Request:* Site Plan Approval for a 48-unit Phase 1 of the Timber Ridge Townhomes

*Location:* The subject property is located at the corner of McMillan Ave and Petty Lane

Chairman Stewart stated that although Vice Chairman Covington has a possible conflict, he is welcome to stay for the meeting. Mrs. Dorough began reviewing the proposal and staff report, including the previous rezoning from a B-1 to R-4 zoning designation, department and entity comments regarding dumpster and debris removal requirements, fire hydrant connection location requirements, vacation of Petty Lane and repaving plans, to which the applicant has agreed to assist with a portion of the paving from McMillan Ave to McMeans Ave. She states Phase 1 is currently being reviewed and future Phase 2 would

total 96 units if fully developed and details the Traffic Engineer's comments related to the access requirement to the existing sidewalk on McMillan Ave, review of the site plan, types of townhome structures, various requirements including buffering and fencing, drainage, off-street parking and landscaping. Mrs. Dorough concludes with the staff recommendation and proposed conditions of approval stated in the staff report: 1.) Applicant submitting the Grading, Drainage, Utility and Life-Safety plans for review and approval by the Building Official, Fire Inspector and City Engineers, and; 2.) Plans satisfying the provisions for the disposition of open space and off-street parking landscaping provisions, prior to the issuance of a building permit. Chairman Stewart inquired on the Phase 1 drainage plan to which Jeff Hudson stated Civil Engineering is currently designing it and the retention pond will be created during Phase 1, along with the amenities building, dog park, pool, dumpster pad and clubhouse. With no further comments or questions from the Planning Commission, Chairman Stewart opened the floor to the public for comments or concerns. Rick Lender spoke regarding the inaccuracy of the aerial view in relation to the property survey, elevation drop causing water runoff, landscaping and tree removals, handicapped accessible apartment units, Ordinance requirements regarding the site plan of the townhomes, the view from the second story of the townhomes into his backyard, the neighboring nursing home, drainage issues and potential traffic/infrastructure overcrowding. Mrs. Dorough addresses a few of Mr. Lenders concerns and states the Ordinance's minimum requirements are being met or exceeded by the plans. She further explains that the Zoning Ordinance does not include provisions that allow the Commission to impose or require a specific design of the townhomes' interior layout or require that accessible units be available. She also states that the survey provided shows the boundaries of the property as determined by a certified professional and considered to be the accurate site boundary location. Mrs. Dorough explains that the aerial views are for informational purposes only and are not considered to be the exact location of lot lines. She includes the tree protection zone regulations as well as the buffer zone requirements, which require commercially zoned developments to provide a minimum 10-foot buffer when adjacent to residentially zoned property, regardless of the use. She states that the townhome property is a residentially zoned property abutting commercially zoned property. Mr. Lender states his belief that his property should be grandfathered in and would like a 20' buffer zone instead of the proposed 10'. There is a brief discussion on zoning and buffer regulations to which Ms. Dorough states the Ordinance doesn't require a buffer in this situation, and a buffer wouldn't have been required prior to the site's rezoning to R-4, but the applicant has submitted plans with a 10-foot landscaped buffer along the interior property lines. Chairman Stewart acknowledges Ben White, City Engineer to address Mr. Lender's drainage concerns. Mr. White explains the process and considerations when reviewing applications and states all criteria will be thoroughly reviewed to ensure development guidelines are met, including construction of the retention pond. Mrs. Dorough states that the site will be required to meet all provisions for properly handling surface runoff, and the development's off-street parking will be reviewed in relation to minimum spaces, landscaping, curbing. With no further comments or questions, Mayor Wills makes a motion to approve the application with the conditions as presented in the staff report. Commission Member Templeton seconded the motion, and it was unanimously carried with the exception of Vice-Chairman Covington abstaining due to his potential conflict.

*\*\*Chairman Stewart states that we will return to Item 6 c.) Commercial Accessory Structures for discussion.*

**ITEM 6\*\*** c.) Commercial Accessory Structures

Mrs. Dorough reviews the proposed ordinance amendment which includes façade requirements on metal buildings, procedures for review and acceptance of accessory structures for commercial and industrial use, clarifications on various items for application submittals, pre-conference and site submittal requirements, removal of pilot program language from the Mobile Vending Unit section, Table of Permitted Uses clarification, and Land Use Review timeline allowances. Mrs. Dorough states she will have a final draft for review at the upcoming March meeting and Chairman Stewart states to plan for the Public Hearing at the following meeting in April.

*\*\*Returns to Agenda order with Item 7 b.)*

**ITEM 7\*\*** b.) Status Updates and Upcoming Case Briefing:

- Hoover Property Rezoning from R-2 to B-2 zoning designation
- TPQ property- Unsure if they would like to proceed with submitting application to subdivide or Special Exception for Duplex

- Waiting on submittals for a used car sales and service
- 2-Lot Administrative Subdivision approved for the Milton Wilson property with the conditional approval of a temporary structure and waste material removal within 180 days of received notice
- Industrial Development Board's Exempt Subdivision has been approved
- Kevin Williams had a 2-lot subdivision that was completed administratively- The property split between City and County jurisdiction, and per the Jurisdiction agreement it went through the City for subdividing
- Mayor Wills adds that the City has two annexations soon to be presented to the Legislature - One is located at Hwy 65 and Hwy 225; and the second is located southeast of Holly Hills, which is a development known as Old Town Commons that is proposed development as a PUD.

**ITEM 8.** Reports

a.) Mayor/Council Report

Commission Member Emmons inquired on Rick Lender's property adjacent to the Timber Ridge development and who would be responsible for the septic tank removal if found to be located on the incorrect piece of property based on the survey. Various Commission Members, Legal and staff responded that it would be a private, civil matter and the responsibility of the septic tank owner.

*Mayor Wills exits the Commission meeting at 9:49am.*

Kristina Pittman with the North Baldwin Chamber of Commerce states the 78<sup>th</sup> annual meeting is scheduled for the following Thursday, and there is an upcoming Expo event located at the Bicentennial Park.

b.) Attorney – None

c.) Commissioner – None

d.) Planning Staff – None

**ITEM 9.** With no further business, Chairman Stewart adjourns the meeting at 9:51 am.

DONE THIS THE 9<sup>TH</sup> DAY OF FEBRUARY 2023

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Chairman, Todd Stewart

ATTEST:

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Jessica Peed, Planning Coordinator

**Motion Summary:**

- 1.) **Minutes:** Approval of the Minutes of the January 12, 2023, Regular meeting. Vice Chairman Covington made a motion to approve the January minutes as written. The motion was seconded by Commission Member Templeton and was unanimously carried.

2.) *SP-23002, Williams Lumber:* Commission Member Emmons makes a motion to approve the site plan with the conditions as presented in the staff report. Commission Member Clark seconded, and it was unanimously carried.

Conditions of Approval:

- Applicant submitting a site plan detailing the final locations and dimensions for Planning Staff review prior to the issuance of a building permit.
- Issuance of a building permit be contingent upon access review by ALDOT or the City Engineer based on ALDOT's review and determination of access authority.

3.) *SP-23003, NT&C Investments- Timber Ridge Townhomes:* Mayor Wills makes a motion to approve the application with the conditions as presented in the staff report. Commission Member Templeton seconded the motion, and it was unanimously carried with the exception of Vice-Chairman Covington abstaining due to his potential conflict.

Conditions of Approval:

- Applicant submitting the Grading, Drainage, Utility and Life-Safety plans for review and approval by the Building Official, Fire Inspector and City Engineers.
- Plans satisfying the provisions for the disposition of open space and off-street parking landscaping provisions, prior to the issuance of a building permit.



# City of Bay Minette

## Planning & Development Services

### PLANNING COMMISSION STAFF ANALYSIS

Planning Commission Meeting Date: March 9, 2023

Case Number: Z-23001

### APPLICATION SUMMARY

**Project Name:** Jonathan Hoover Property Rezoning  
**Property Location:** 2417 S US Hwy 31  
**Property PID/PPIN:** 05-23-08-28-4-000-009.000 // 40864  
**Property Size:** 1.52± acres

**Requested Action:** Rezoning from R-2, Medium Density Single Family Residential District to B-2, General Business District  
**Applicant:** Jonathon Hoover  
**Property Owner:** Jonathon Hoover

Subject Property	Zoning	Existing Land Use
Z-23001	R-2	Vacant Residential
Adjacent Property	Zoning	Existing Land Use
North	R-2	Residential
South	B-2	Vacant/Undeveloped Commercial
East	M-2	Industrial – Mobile Lumber millwork & truss production facility
West	B-2	S US HWY 31, Industrial Park – Elite Logistix / Baldwin Transfer distribution facility

### SITE AND REQUEST SYNOPSIS

The subject property, which consists of one parcel containing 1.52± acres, is located on the East side of S US Hwy 31 across from Industrial Boulevard at 2417 S US Hwy 31, approximately .2 miles North of Old Daphne Road. The applicant is the property owner: Jonathan Hoover, who is requesting to rezone the parcel from R-2, Medium Density Single Family Residential District to B-2, General Business District. The property has an existing structure built in 1969 according to Revenue Commission records that has historically been used as a single-family dwelling. The application was initially submitted for potential conversion of the existing residential structure into office space, however, there is no specific use proposed at this time.

### ZONING DISTRICTS AND TABLE OF PERMITTED USES

#### CURRENT ZONING DISTRICT

**6.2.3 R-2, Medium Density Single Family Residential District.** This district is intended as a medium density single family urban residential district, with lots of moderate size.

#### PROPOSED ZONING DISTRICT

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

#### TABLE OF PERMITTED USES

The current and initially proposed uses are listed below, however, the full Table in the Zoning Ordinance details all uses and their permissions within the B-2 district.

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
Dwelling, one-family.	R	R	R	R	R	R	S	S	S	S
Office buildings, general.							R	R		
Office buildings, professional.							R	R		

## RELATED COMPREHENSIVE PLAN STATEMENTS & STRATEGIES

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

### Introduction

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

### Population and Economy

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

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

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

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

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

**#4** The City should establish areas to focus future industrial development to prevent this land use from being scattered throughout the community. The same should also be done for areas of the City with high concentrations of business and commercial land uses to implement appropriate future developments in type and scale.

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

### Housing

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

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

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

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

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

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

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

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

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

## Land Use

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

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

## DEPARTMENT AND AGENCY COMMENTS

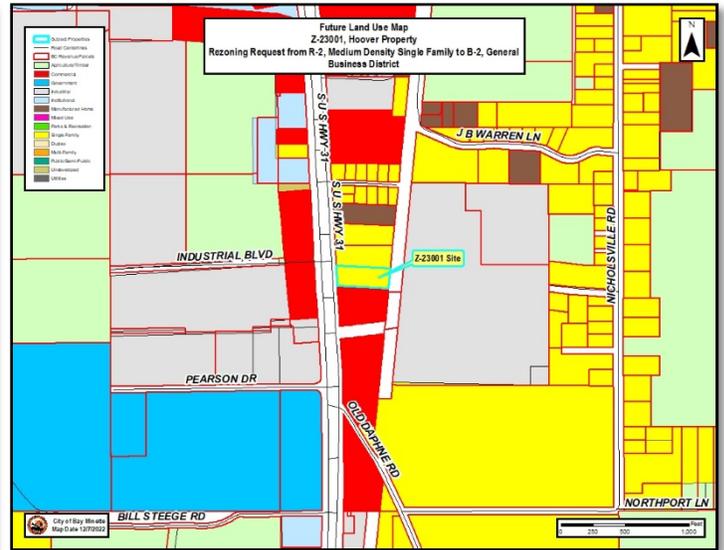
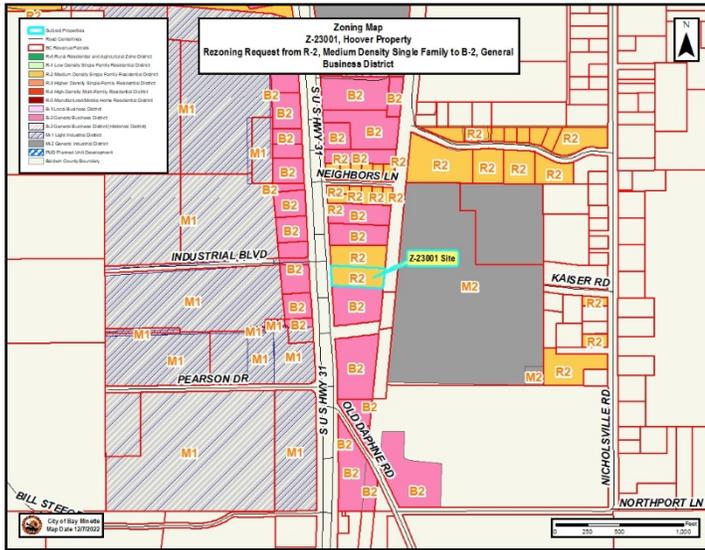
*Due to the nature of the rezoning and lack of future use details, additional department/agency review may be required when developed.*

**North Baldwin Utilities** – No comments.      **ALDOT** – No comments.  
**Bay Minette Public Works** – No comments.      **City Engineering Consultants**  
**Bay Minette Police Department** - No comments.      **Civil: Tensaw Engineering, Benjamin White, P.E.** – No comments.  
**Bay Minette Fire Department** – No comments.      **Transportation: Neel-Schaffer, Shane Bergin, PE, PTOE, PTP,**  
**Baldwin County E-911** – N/A      **RSP1** – No comments.

## MAPPING

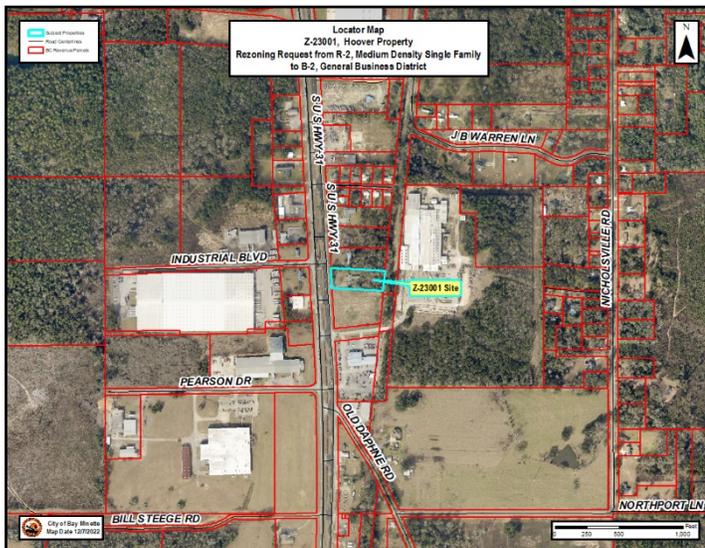
Zoning Map

Future Land Use Map



Locator Map

Site Map



## STAFF ANALYSIS

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

### 1.) Compliance with the Comprehensive Plan

The subject property is designated as Single Family on the Future Land Use Map in the Comprehensive Plan. It is adjacent to Commercially designated areas to the West and South; Industrial to the East; with Single Family designated property adjacent to the North. The single family designation for the subject property and those adjacent to the North are likely based on the historic use and zoning of the area. As a result of the location on the City's Principal Arterial and the heavy commercial and industrial nature of the area, these properties have slowly transitioned away from single family residential and into more intense classifications. A recent example being The Landing property two parcels North that was rezoned from R-2 to B-2, and then received Special Exception approval for a Lodging/Boarding/Rooming House to match the existing use as a sober living facility. This progression from residential to more intense uses is a natural transition that is guiding the establishment/development of uses that are more compatible with the existing commercial and industrial uses.

The Comprehensive Plan goals, recommendations and strategies listed above include the promotion of sound commercial development and foster an increase in commercial development. The current residential zoning designation in a highly commercial area is hindering the development and increase of commercial uses. The proposed rezoning to a commercial district is compatible with recommendations and strategies from the Plan that are listed above.

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

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

Due to the property's location on Highway 31, together with the proximity of long-established commercial & industrial facilities, the potential for successful commercial development at these sites is significantly greater than the benefit and compatibility of medium-density single-family development. Based on the lot size (1.52± acres), it is actually more compatible with the R-1, Low Density Single Family District that is intended to be located in a "low density suburban residential environment" for "homes on large parcels of land." R-2 has a minimum lot size of 9,000sq ft; at more than 66,000sq ft, the subject property covers the area of seven R-2 lots. To account for the highest and best use of the property, the single-family designation is not compatible with the location, existing commercial use and future development of the area.

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

The property has an existing structure that according to Revenue Commission records, was built in 1969 and historically been used as a single-family dwelling. The application was initially submitted for potential conversion of the existing residential structure into office space, however, there is no specific use proposed at this time.

To the North are two potentially vacant residential structures and The Landing facility. To the South is a vacant commercial property that has plans for automobile sales and service, the established Chuck Stevens Chevrolet automobile sales and service facility and Dollar General. To the East is the millwork and truss production facility for Mobile Lumber as well as the end point of the railroad spur accessing Mobile Lumber. To the West across US Hwy 31, is Bay Minette Industrial Park South that houses a distribution facility with Elite Logistix and Baldwin Transfer; then Pearson Drive which is the access for Quincy Compressor's 2<sup>nd</sup> Plant, Dental-EZ and Hardwoods Unlimited.

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

The Bay Minette Police Department and North Baldwin Utilities did not have any comments on the application and no comments were received from Bay Minette Fire Department in regards to the rezoning request. With the location on a principal arterial and intensity of existing uses, no major impacts are anticipated.

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

With the location on a principal arterial and intensity of existing uses, no major impacts are anticipated. The structure has been in place for more than fifty years and at this time, expansion isn't planned. If a new structure is planned, post-development conditions would be reviewed for compliance at that time.

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

Not Applicable

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

The subject property sits within the city limits of Bay Minette and falls under the city's jurisdiction.

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

No impacts are anticipated. As previously stated, the surrounding area is heavily commercial and industrial uses located on the City's Principal Arterial. The structure is existing with no major change in the structure proposed at this time. The structure has been vacant for nearly five years, so the development, use and improvement to the subject property would likely increase surrounding property values.

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

No impacts are anticipated. As previously stated, the surrounding area is heavily commercial and industrial uses located on the City's Principal Arterial. The structure is existing with no major change in the structure proposed at this time. The structure has been vacant for nearly five years, so the development, use and improvement to the subject property would likely increase surrounding property values.

**10.) Other matters which may be appropriate**

This property is accessed from Highway 31, which is under the access review authority of ALDOT. No comments or major concerns were made at this stage of the process, however, ALDOT's review will be required if a commercial use is established in the current structure and if the structure is altered/expanded. Transitioning from a 'grandfathered' residential access point to a commercial use will trigger ALDOT's Change in Use criteria, likely leading to the expansion or improvement of the access point to meet current commercial access standards.

**STAFF RECOMMENDATION**

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

**PLANNING COMMISSION ACTION**

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

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

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



# City of Bay Minette

## Re-zoning Application

Case No.:	<u>Z-23001</u>
Fee-	\$300.00
Date Paid:	<u>12/5/22</u>
Paid:	<input checked="" type="checkbox"/> Credit Card <input type="checkbox"/> Cash
Check- No.	<u>3142</u>

301 D'Olive Street · Bay Minette, Alabama 36507  
 Phone (251) 580-1650 · COBM\_Planning@ci.bay-minette.al.us

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: Jonathan Hoover Date: 12/5/2022  
 Mailing Address: 4610 White Ave #701  
 City: Orange Beach State: AL Zip Code: 36561  
 Telephone Number: 251-767-3369 Email: Jshoover57@gmail.com

### Site Information

Property Owner Name: Jonathan Hoover Phone Number: 251-767-3369  
 Property Address: 2417 US Hwy 31 S. Bay Minette AL 36507  
 Parcel/PPIN #: 40864  
 Area of Property, Sq. Ft., or Acres: 1.5 acres  
 Present Zoning: R1 Requested Zoning: B2  
 Reason for Request/ Intended use of property:  
I would like to convert current building  
to office space

I, the undersigned applicant, understand that payment of these fees does not entitle me to approval of this rezoning and that no refund of these fees will be made. I have reviewed a copy of the applicable zoning regulations and understand that I must be present on the date of the meeting.

Signature: [Signature] Date: 12/5/2022

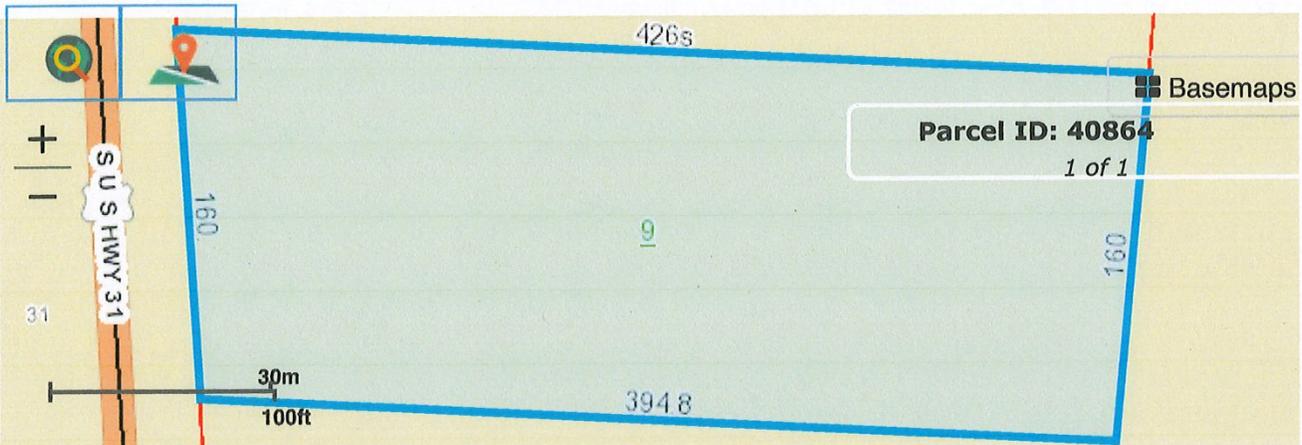
### Submittal Requirements

- Application
- Fee
- Agent Authorization Form (if applicant is not the owner)
- Survey or boundary map showing exact dimensions of the property to be rezoned
- Legal description of property

Version 1.2 – 7/22/2020



# Baldwin County Parcel Viewer



▶ Find Address

▼ Find

Select query:

Find A Parcel By PIN

Search for:

Enter the text you want to search for.

Find exact matches only

Q Search

↶ Clear

1 Result found

Result

40864

**City of Bay Minette  
Miscellaneous Receipt**

**Misc. Receipt No:** 31355  
**POS Receipt No:** 19050  
**Receipt Date:** 12/05/2022

**Received By:** Jodi Robison  
**Received On:** 12/05/2022 3:31 PM

**Customer ID:** 68  
**Name:** PLANNING COMMISSION FEES  
**Description:** Z-22008

<b>Miscellaneous Receipt Total</b>
\$300.00

GL Account Number	GL Account Description	Debit	Credit
01-300-4253	Planning & Development Fees	\$0.00	\$300.00
<b>Miscellaneous Receipt Totals:</b>		<b>\$0.00</b>	<b>\$300.00</b>

**Thank You!**

SEND TAX NOTICE TO:  
Jonathan J. Hoover  
4610 White Avenue, 701  
Orange Beach, AL 36561

BALDWIN COUNTY, ALABAMA  
HARRY D'OLIVE, JR. PROBATE JUDGE  
Filed/cert. 11:17:2022 12:53:25 PM  
Total: \$104.00  
4 Pages

2034280

*Ownership  
+  
legal description*

STATE OF ALABAMA )  
BALDWIN COUNTY )

FORECLOSURE DEED

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, heretofore, on to wit, March 16, 2017, Raymond Earl Stiers, an unmarried man, executed that certain mortgage on real property hereinafter described to Mortgage Electronic Registration Systems, Inc. solely as nominee for Quicken Loans Inc., which said mortgage was recorded in Instrument No. 1624275 in the Office of the Judge of Probate of Baldwin County, Alabama; said mortgage subsequently transferred and assigned to Rocket Mortgage, LLC f/k/a Quicken Loans, LLC f/k/a Quicken Loans Inc. by instrument recorded in Instrument Number 2015710 in the aforesaid Probate Office Transferee and

WHEREAS, in and by said mortgage, the Transferee was authorized and empowered in case of default in the payment of the indebtedness secured thereby, according to the terms thereof, to sell said property before the Courthouse door in the City of Bay Minette, Baldwin, County Alabama, after giving notice of the time, place, and terms of said sale in some newspaper published in said County by publication once a week for three (3) consecutive weeks prior to said sale at public outcry for cash, to the highest bidder, and said mortgage provided that in case of sale under the power and authority contained in same, the Transferee or any person conducting said sale for the Transferee was authorized to execute title to the purchaser at said sale; and it was further provided in and by said mortgage that the Transferee may bid at the sale and purchase said property if the highest bidder thereof; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage, and the said Rocket Mortgage, LLC f/k/a Quicken Loans, LLC f/k/a Quicken Loans Inc. did declare all of the indebtedness secured by said mortgage, subject to foreclosure as therein provided and did give due and proper notice of the foreclosure of said mortgage by publication in the The Onlooker, a newspaper of

general circulation published in Baldwin County, Alabama, in its issues of October 12, 2022, October 19, 2022 and October 26, 2022; and

WHEREAS, on November 10, 2022, the day on which the foreclosure was due to be held under the terms of said notice, between the legal hours of sale, said foreclosure was duly conducted, and Rocket Mortgage, LLC f/k/a Quicken Loans, LLC f/k/a Quicken Loans Inc. did offer for sale and sell at public outcry in front of the Courthouse door in Bay Minette, Baldwin County, Alabama, the property hereinafter described; and

WHEREAS, Jonathan J. Hoover was the highest bidder and best bidder in the amount of Seventy-Nine Thousand Five Hundred Fifteen And 76/100 Dollars (\$79,515.76) on the indebtedness secured by said mortgage, the said Rocket Mortgage, LLC f/k/a Quicken Loans, LLC f/k/a Quicken Loans Inc., by and through Tiffany & Bosco, P.A., as attorney for said Transferee, does hereby remise, release, quit claim and convey unto Jonathan J. Hoover all of its right, title, and interest in and to the following described property situated in Baldwin, County, Alabama, to-wit:

Commencing at the point on the East margin of the Daphne Road which is 244 feet South and 383 feet East from the Southeast corner of the Northwest Quarter of Section 28, Township 2 South, Range 3 East, run thence Southerly along the East margin of said Daphne Road (now U.S. Highway 31) 495 feet to a point, the Point of Beginning; run thence Southerly and y along said margin 160 feet to a point; run thence South 88 degrees 28 minutes East to a point on the West margin of the Bay Minette to Fort Morgan Branch of the L and N Railroad; run thence North 4 degrees 45 minutes East along the said margin of the L and N Railroad 160 feet to a point; run thence North 88 degrees 28 minutes West to the Point of Beginning.

The property is being conveyed herein on an "as is, where is" basis subject to any easements, encumbrances, and exceptions reflected in the mortgage and those contained in the records of the Office of the Judge of Probate of the county where the above described property is situated; and furthermore, this property is being conveyed without warranty or recourse, express or implied, as to title, use and/or enjoyment and will be subject to the right of redemption of all parties entitled thereto; and by accepting this deed, Grantee releases any and all claims whatsoever against the law firm representing the Grantor hereunder and the auctioneer conducting said foreclosure sale; and furthermore, this conveyance is subject to being declared null and void in the event that the owner or a party claiming through the owner has filed a bankruptcy prior to the date of this foreclosure sale.

TO HAVE AND TO HOLD the above described property unto Jonathan J. Hoover, forever; subject, however, to the statutory rights of redemption from said foreclosure sale on the part of those entitled to redeem as provided by the laws in the State of Alabama; and also subject to all recorded mortgages, encumbrances, recorded or unrecorded easements, liens, taxes, assessments, rights-of-way, and other matters of record in the aforesaid Probate Office.

IN WITNESS WHEREOF, Rocket Mortgage, LLC f/k/a Quicken Loans, LLC f/k/a Quicken Loans Inc., has caused this instrument to be executed by and through Tiffany & Bosco, P.A., as attorney for said Transferee and said Tiffany & Bosco, P.A., as said attorney, has hereto set its hand and seal on this 16<sup>th</sup> day of November, 2022

Rocket Mortgage, LLC f/k/a Quicken Loans,  
LLC f/k/a Quicken Loans Inc.

By: Tiffany & Bosco, P.A.  
Its: Attorney

By: Enslin Crowe  
Enslin Crowe, Esq.

STATE OF ALABAMA )

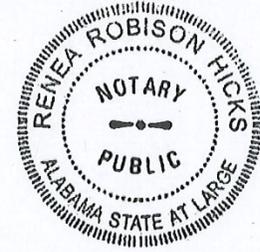
JEFFERSON COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Enslin Crowe, whose name as attorney of Tiffany & Bosco, P.A., a professional association, acting in its capacity as attorney for Rocket Mortgage, LLC f/k/a Quicken Loans, LLC f/k/a Quicken Loans Inc., is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this date, that being informed of the contents of said conveyance, he/she, as such attorney and with full authority, executed the same voluntarily for and as the act of said professional association, acting in its capacity as attorney for said Transferee.

Given under my hand and official seal on this 16<sup>th</sup> day of November, 2022

RENEA ROBISON HICKS  
Notary Public  
MY COMMISSION EXPIRES 04/18/2023  
My Commission Expires:

This instrument prepared by:  
Enslin Crowe, Esq.  
TIFFANY & BOSCO, P.A.  
2501 20<sup>th</sup> Place South  
Suite 300  
Homewood, Alabama 35223  
TB File No.: 22-07228



**Real Estate Sales Validation Form**

*This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1*

Grantor's Name Rocket Mortgage, LLC f/k/a  
Quicken Loans, LLC f/k/a  
Quicken Loans Inc.

Grantee's Name Jonathan J. Hoover

Mailing Address c/o Rocket Mortgage, LLC f/k/a  
Quicken Loans, LLC.  
  
635 Woodward Ave.  
Detroit, MI 48226

Mailing Address 4610 White Avenue, 701  
Orange Beach, AL 36561

Property Address 2417 S US Highway 31, Bay  
Minette, AL 36507

Date of Sale November 10, 2022

Total Purchase Price \$79,515.76

or

Actual Value \$ \_\_\_\_\_

or

Assessor's Market Value \$ \_\_\_\_\_

The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one) (Recordation of documentary evidence is not required)

Bill of Sale

Appraisal

Sales Contract

Other Foreclosure Bid Price

Closing Statement

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

I attest, to the best of my knowledge and belief that the information contained in this document is true and accurate. I further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h).

Date 11-15-2022

Print Jody Stratton

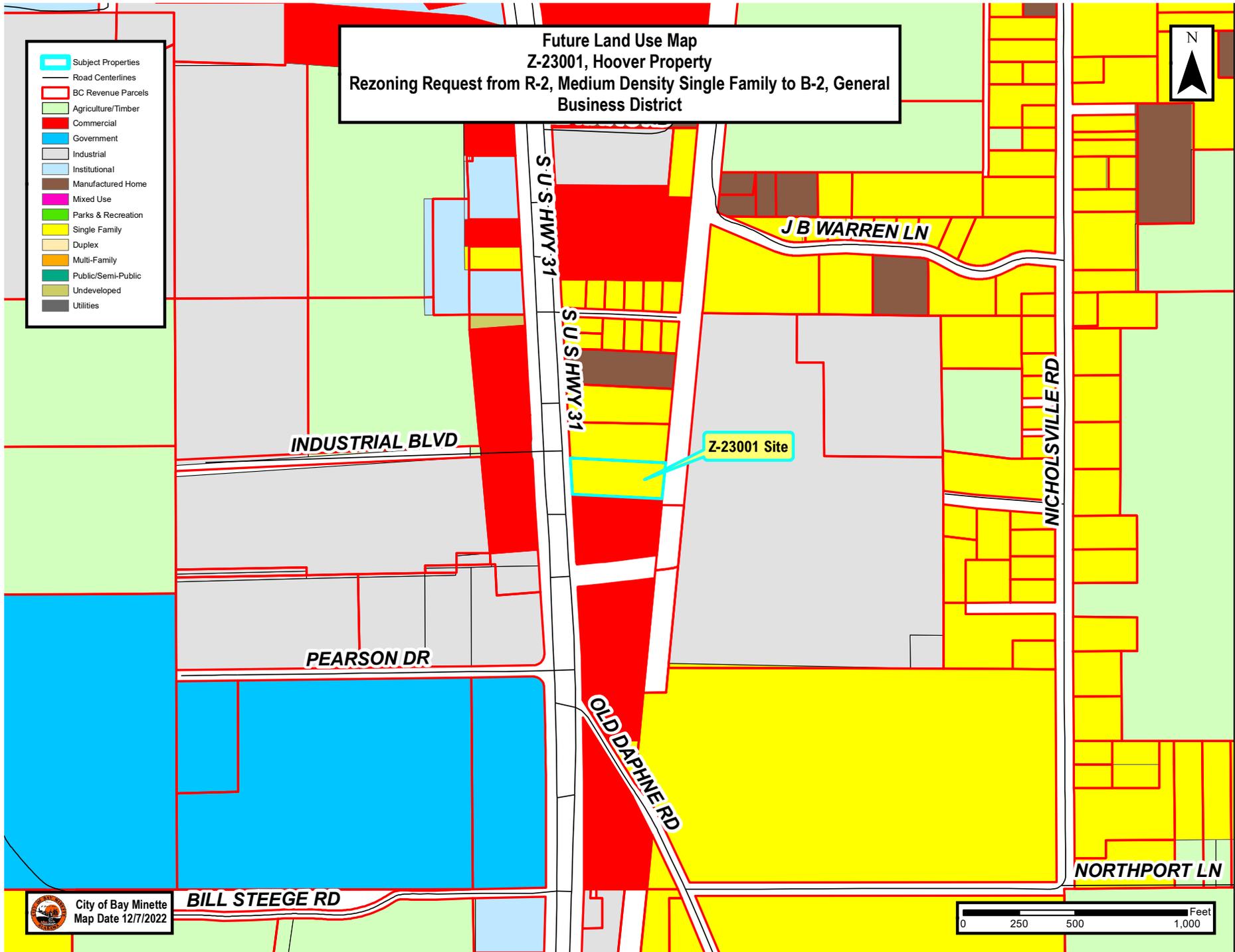
Unattested  
 (verified by) \_\_\_\_\_

Sign Jody Stratton  
(Grantor / Grantee / Owner / Agent) circle one

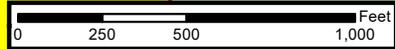
**Form RT-1**

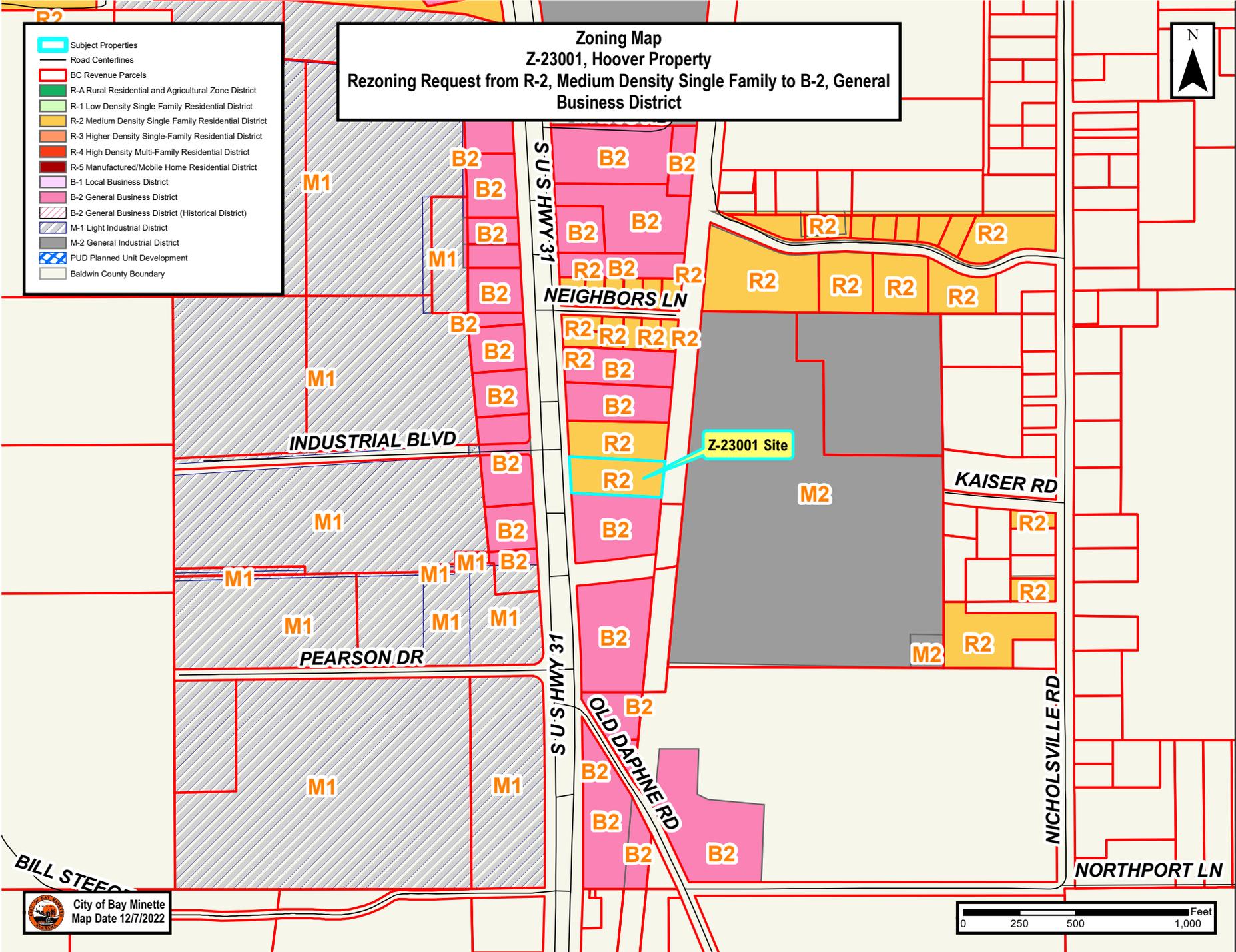
**Future Land Use Map  
Z-23001, Hoover Property  
Rezoning Request from R-2, Medium Density Single Family to B-2, General  
Business District**

-  Subject Properties
-  Road Centerlines
-  BC Revenue Parcels
-  Agriculture/Timber
-  Commercial
-  Government
-  Industrial
-  Institutional
-  Manufactured Home
-  Mixed Use
-  Parks & Recreation
-  Single Family
-  Duplex
-  Multi-Family
-  Public/Semi-Public
-  Undeveloped
-  Utilities



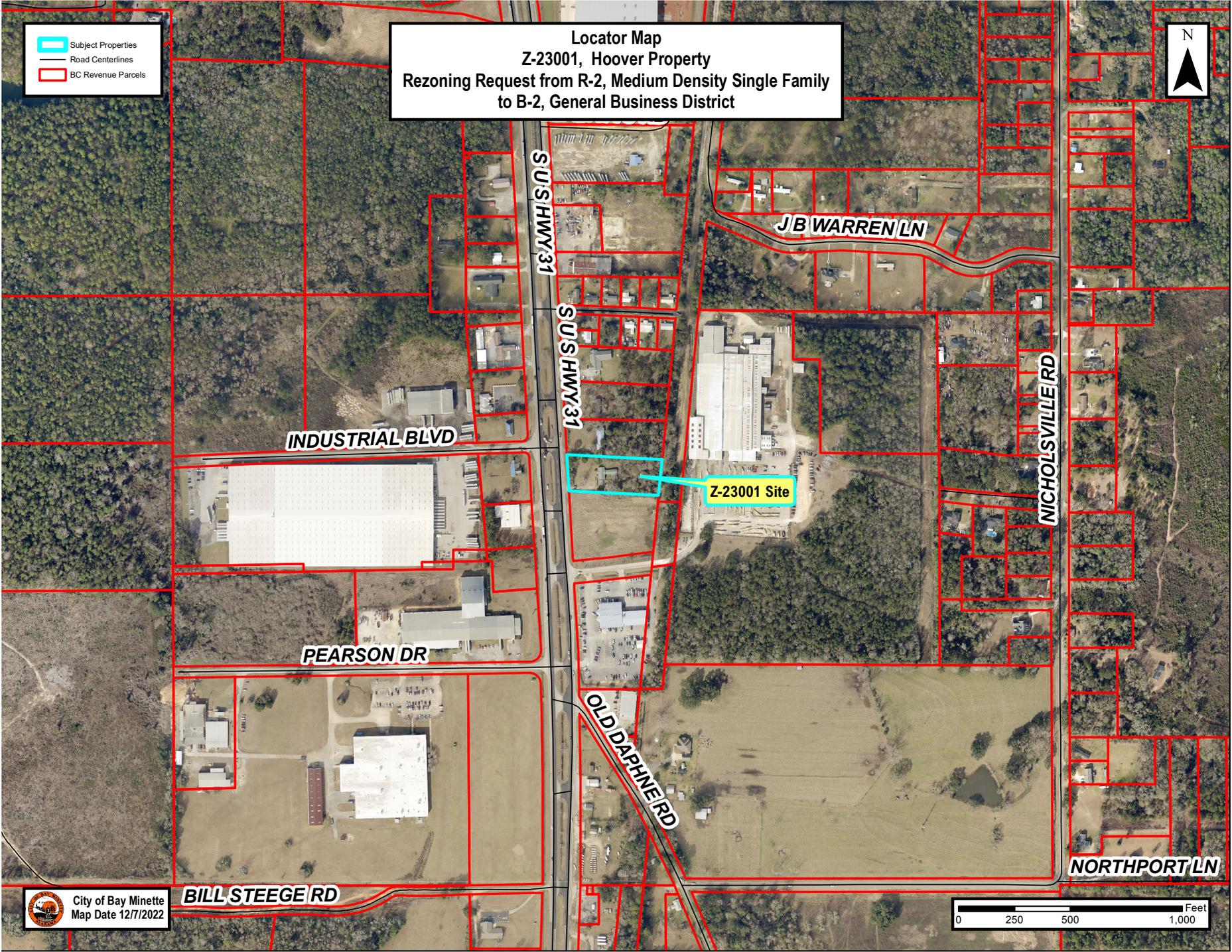
 City of Bay Minette  
Map Date 12/7/2022





 Subject Properties  
 Road Centerlines  
 BC Revenue Parcels

**Locator Map**  
**Z-23001, Hoover Property**  
**Rezoning Request from R-2, Medium Density Single Family**  
**to B-2, General Business District**

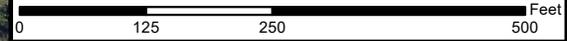


-  Subject Properties
-  Road Centerlines
-  BC Revenue Parcels

**Site Map**  
**Z-23001, Hoover Property**  
**Rezoning Request from R-2, Medium Density Single Family to B-2, General Business District**



 **City of Bay Minette**  
**Map Date 12/7/2022**



# Zoning Ordinance of the City of Bay Minette

~~Amended March 7, 2022 — Ordinance 1002~~

RA-23001, Proposed Zoning Ordinance Amendments

Version 1 - Presented March 9, 2023

~~8.3.6 Non-permanent structures such as trailers, sheds and other such buildings used for business purposes may be permitted in business districts on a temporary basis pending construction of a permanent building. Such structures may be permitted for six-month periods, renewable, upon written request from the business owner, up to a maximum of one (1) year.~~

8.3.6 All **business commercial and industrial** 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.

~~8.3.6~~ 8.3.7 Non-permanent structures such as trailers, sheds and other such buildings used for business purposes may be permitted in business districts on a temporary basis pending construction of a permanent building. Such structures may be permitted for six-month periods, renewable, upon written request from the business owner, up to a maximum of ~~one (1) year~~ **two (2) years**.

~~8.3.7~~ 8.3.8 Non-permanent structures such as trailers and shipping containers used in conjunction with an existing non-residential use and used for storage of excess inventory, may be permitted by the City Planner provided the following requirements are met.

-----  
OPTION 1

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 on any front or side exterior wall 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 For developments with phased plans, the exterior façade required by this provision shall be completed within the first phase of construction. A Certificate of Occupancy shall not be issued, additional building permits received nor additional zoning approvals for the site if this requirement has not been completed in accordance with approved plans and to the satisfaction of the City Planner or Planning Commission.

OPTION 2

8.6 Metal Buildings. 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, any metal structures for residential multi-family projects involving the construction of three (3) or more dwelling units, all commercial structures and all industrial structures, are required to meet the following standards and criteria:

- 8.6.1 An external façade shall be required to cover 100% of all exterior walls, which shall apply to all metal structures whether new construction, renovation, remodel, expansion or otherwise altered from their current state as of the effective date of this Ordinance.
  - 8.6.2 For developments with phased plans, the exterior façade required by this provision shall be completed within the first phase of construction. A Certificate of Occupancy shall not be issued, additional building permits received nor additional zoning approvals for the site if this requirement has not been completed in accordance with approved plans and to the satisfaction of the City Planner or Planning Commission.
  - 8.6.3 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.~~
  - 8.6.4 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.
  - 8.6.5 To improve the aesthetics of the building and lot, landscaping shrubs and/or trees shall should be planted and maintained in front of ~~bare metal siding~~ those portions of the building, facing the roadway or right-of-way, ~~to improve the aesthetics of the building and lot.~~
  - 8.6.6 Alternative design or alternative materials must be approved through the site plan approval process.
- 

8.7.1.4 No accessory structure shall be constructed or moved upon a lot until the construction of the primary structure has commenced.

8.7.1.5 In residential districts an accessory use will conform to the following requirements:

8.7.1.6 For residential multi-family, commercial or industrial uses, accessory structures shall conform to the following requirements:

- a. Shall be clearly incidental to the primary permitted use of the premises.
- b. For all such accessory structures that require a Building Permit, engineered plans shall be submitted prior to the issuance of a Building Permit.
- c. A non-residential detached accessory structure shall not be closer than

- ten (10) feet to another structure, nor closer than five (5) feet to any lot line or encroach into any existing drainage or utility easements.
- d. No detached accessory structure may: (1) be located forward of the building frontage of the primary structure; or (2) be closer than twenty (20) feet to any right-of-way.
- e. Where a business district abuts any part of a residential district, the detached accessory structure shall be located no closer than ten (10) feet to the property line; where an industrial district abuts any part of a residential or business zone, the detached accessory structure shall be located no closer than twenty (20) feet to the property line.
- f. Detached accessory buildings shall not exceed one and one half (1.5) stories or twenty (20) feet in height.
- g. Detached accessory structures allowed with Land Use Approval by the City Planner or designee:
  - 1) Total size does not exceed 600 square feet.
  - 2) Intended for unconditioned or open-air storage of vehicles, tools, equipment or other similar utility use. No accessory structure will be allowed with Land Use approval for any use higher than a Group S or U Occupancy Classification as defined by the current International Building Code adopted by the City.
  - 3) Shall meet all other pertinent sections of this Ordinance.
  - 4) Any residential multi-family, commercial or industrial accessory structure not conforming to the provisions of this section shall be required to receive Site Plan Approval from the Planning Commission.

### 8.9 Site Plan Approval Application

An application for Site Plan Approval ~~site plan~~ shall be required for all residential multi-family projects involving the construction of three (3) or more dwelling units; all new or expanding commercial structures, all new or expanding industrial structures, and other uses as required by the Planning Commission prior to a building permit being issued. Site Plan Reviews shall be accomplished by the Planning Commission to assure compliance with the provisions of this Zoning Ordinance to ensure conformity with its purpose as stated in Article 1. ~~Eleven (11) sets of site plans shall be submitted no less than ten (10) days prior to the Planning Commission meeting at which they are to be reviewed. The City Planner shall have the discretion to accept electronic submittals in satisfaction of some or all of the submittal requirements.~~

8.9.1 Pre-Application Conference. Applicants are urged to consult early and informally with the City Planner to facilitate the Site Plan application process. A pre-application conference with City Staff is mandatory prior to submitting a Site Plan Approval Application. The purpose of Pre-Application Conference is to acquaint the applicant with the regulations governing the proposed development, procedures for approval, and other agencies or officials who must approve any part of the plan. Neither the

applicant nor the Planning Commission are bound by considerations delivered during the Pre-Application Conference.

- 8.9.2 Preliminary Review Staff shall distribute the submittals and plans to all other City departments, County and State agencies and other officials and agencies, as may be applicable, for review and recommendations. Following staff review and comments, the applicant shall submit a formal application and revised submittals which shall reflect the initial review comments. Once applications are deemed administratively complete, Planning Staff will schedule the application for presentation to the Planning Commission in accordance with the established Meeting and Deadline Schedule.
- 8.9.3 Where any project or site is to be developed in stages or phases, no application for Site Plan Approval for any fraction of the site shall be accepted for review unless a Master Plan is submitted or has been previously approved. The Master Plan shall be a conceptual plan showing the entire development site and all component stages or phases, and shall express the overall development concept for the site at build-out.
- 8.9.4 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. **Construction must follow the Site Plan as approved by the Planning Commission.**
- 8.9.5 The **City Planner** or Planning Commission may waive certain requirements contained in Section 8.9.5 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. **At the time of application, submittals must include:**
- Three (3) large-format, printed plan sets,
  - A digital version in PDF format, and
  - A digital version in GIS shapefile, CAD drawing or equivalent.
- 8.9.6 **Minimum Requirements for Submittals.** Site plans shall include the following information **related to the existing and proposed conditions** unless some or all of these requirements are waived by the **City Planner** or Planning Commission.
- a. The location and size of the site including its legal description and a current certified survey.
  - b. A vicinity map showing the site relation to surrounding property.
  - c. The recorded ownership or developer's interest if the developer is not the owner.

- d. The relationship of the site to existing development in the area including streets, utilities, residential, and commercial development, and physical features of the land including significant ecological features. This information may be combined with requirements for the vicinity map specified in this section.
- e. 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 calculations shall include the detailed information on the dimensions and/or area of the following:**
  - 1) Existing Structure square footage
  - 2) Proposed Structure square footage
  - 3) Existing Impervious Surface area including parking areas and access/driveways
  - 4) Proposed Impervious Surface area including parking areas and access/driveways
  - 5) Proposed Landscaped/Open Space areas
  - 6) Number of Parking Spaces provided with dimensions and provisions for accessible parking and travel paths.
- f. 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.
- g. The use and maximum height, bulk and location of all buildings and other structures to be located on the site.
- h. 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.
- i. The provisions for disposition of open space, including tree protection, landscaping provisions and buffering requirements.
- j. 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.
- k. Where required by the Alabama Department of Transportation (“ALDOT”), City Planner 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 City Planner.
- l. Front and side architectural elevations.
- m. 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.

- n. Landscape plans, [in accordance with Section 10.4 Landscape Plan Standards](#).
- o. 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.

#### 8.9.7 Application Review & Incomplete Submittals

Planning Staff will review applications for administrative completeness. Incomplete, partial, or inaccurate submittals will not be accepted, but will be returned to the applicant for re-submission for a later meeting. Once applications are deemed complete, Planning Staff will schedule the application for presentation to the Planning Commission in accordance with the established Meeting and Deadline Schedule. The City Planner, or designee, shall review complete applications to determine if the submittals meet all the requirements herein. Staff shall submit the Site Plan application and plans to all other City departments, County and State agencies and other officials and agencies, as may be applicable, for review and recommendations. The completed analysis will be presented to the Planning Commission for review and decision.

#### 8.9.8 Withdrawal or Tabling Procedures

8.9.8.1 Withdrawal. If, for any reason, an item scheduled for presentation before the Planning Commission is withdrawn within seven (7) calendar days of submission, then the application fee shall be credited toward future resubmittal of the application; however, beyond the seven (7) calendar day period, fees shall not be refunded nor credited toward subsequent submittals. The request to withdraw the item shall be submitted in writing, signed by the applicant or authorized agent, and submitted to the Planning and Development Department prior to the scheduled hearing date.

8.9.8.2 Tabling. If, for any reason, an item scheduled for presentation before the Planning Commission is requested to be tabled without having been presented, then the request to table the item and reschedule shall be submitted in writing, signed by the applicant or authorized agent, and submitted to the Planning and Development Department prior to the scheduled hearing date.

#### 8.9.9 Fees.

8.9.9.1 To partially defray costs of filing an application, staff and engineer review, and other administrative costs, a fee according to the current schedule of fees

established by the City Council of Bay Minette must be paid to the City by the applicant at the time of filing of the application. Fees are not subject to refund or adjustment, irrespective of the final outcome of the application.

8.9.9.2 Plan Review. There will be no cost for the Pre-Application Conference or initial plan review for submitted Site Plan applications. Subsequent plan submittals or revisions will incur a Plan Review Fee of \$150.00 per submittal.

8.9.10 Planning Commission Action. For Site Plan Approval, no public hearing is required. The applications, submittals and prepared staff report will be reviewed during the regularly scheduled meeting of the Planning Commission in accordance with the established meeting schedule. The applicant, or an authorized representative with sufficient knowledge of the project, is required to be in attendance.

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

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

Regardless of outcome, the applicant will receive a Notice of Action from the Planning Department within seven (7) business days detailing the decision(s) of the Planning Commission, including any requested revisions, related conditions or action items to be completed.

8.9.10.2 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. Prior to the issuance of a Certificate of Occupancy, an electronic version of As-Builts must be submitted in the following formats:

- A digital version in PDF format, and
- A digital version in GIS shapefile, CAD drawing or equivalent.

8.9.10.3 Construction shall follow the Site Plan as approved by the Planning Commission. Minor modifications may be approved by the City Planner if the proposed modification does not material change, alter or diminish the intent and character of the approved plan. Modifications determined to significantly deviate from the Planning Commission's approved version will be required to submit for Planning Commission review.

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.

8.10 Table of Permitted Uses

The following Table contains a list of land uses permitted in each district. Opposite each land use, in the appropriate district column or columns, the letter “R” identifies those districts in which a particular land use is permitted by right and the letters “S” identifies those districts in which a particular land use is permitted only by special exception. The letter “P”, identifies those uses that must be reviewed and approved by the Planning Commission.

	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/industrial structure or use and customarily incidental thereto, allowed <del>with Planning Commission approval by right</del> provided the requirements in <a href="#">Section 8.7.1.6</a> and all other pertinent sections of this ordinance are met. <a href="#">Other Accessory structures allowed with Planning Commission Site Plan Approval provided all other pertinent sections of this ordinance are met.</a>	R	R	R	R	R	R	PR	PR	PR	PR
<a href="#">Recreational vehicle – for occupancy. Shall be permitted only in an approved Recreational Vehicle Park.</a>						R		R	R	
<a href="#">Recreational vehicle – for storage purposes only, does not require</a>	R	R	R	R	R	R	R	R	R	R

approval. Occupancy of the vehicle and unauthorized utility connection is not permitted.										
Recreational vehicle parks.						P		P	P	

9.8 Mobile Food Vending Vehicles and Mobile Merchandise Vending Units **Pilot Program**

10.10.8 A minimum of five (5) feet side and rear landscaping may be required in the landscape plan depending on the topography and arrangement of ~~packing~~ parking facilities. If required, such areas shall be planted with a combination of trees, shrubs and grass or other ground cover adequate to break the expanse of contiguous parking areas and to present an attractive appearance as determined by the City Planner. Adjacent property owners may jointly agree on the establishment of a common landscaped area between their properties that meets such agreement and the planting and maintenance of the common area shall be binding upon both parties and their successors in interest, heirs, and their assigns.

13.2 Land Use Certificates

13.2.1 Authorization. A Land Use Certificate shall be obtained from the Planning & Community Development Services Office prior to the commencement of development and issuance of a building permit including electrical, HVAC and plumbing permits. A Land Use Certificate shall be required for all new construction, including accessory structures; a change of occupancy; and renovations/alterations, except for minor changes or repairs not regulated by these ordinances.

13.2.2 Application Procedure

- a. The City Planner shall receive the application for a Land Use Certificate upon jurisdictional determination and determination that it complies with all submission requirements.
- b. Where appropriate, the City Planner shall circulate the application to the Building Official, Fire Inspector, Code Enforcement Officer or others as deemed necessary, for review and comment.

- c. The Land Use Certificate shall be issued or denied within ~~seven (7)~~ **fifteen (15)** business days ~~of~~**after** receipt of a complete application, otherwise it shall be deemed to be approved.