



City of Bay Minette

Planning Commission

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

AGENDA

September 14, 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 August 10, 2023 Regular Meeting
- 5.) Disclosure of Prior Communications and/or Conflicts of Interest
- 6.) Old Business
 - a.) September 21, 2023 Worksession – Old Towne Commons PUD and Design Criteria
- 7.) New Business
 - a.) **SP-23007, First Baptist Church Property Site Plan Approval Request**
Disclosure of Prior Communications and/or Conflict of Interest
Request: New Construction of Childrens Ministry Building
Location: 1201 Hand Ave
 - b.) **Z-23005, Koestler Property Rezoning Request**
Disclosure of Prior Communications and/or Conflict of Interest
Request: Rezone from R-3 & B-2 to R-5 for existing manufactured housing park
Location: 169 Dickman Road and 175 Dickman Road
 - c.) **TUP-23001, Koestler Property Temporary Use Permit Request**
Disclosure of Prior Communications and/or Conflict of Interest
Request: TUP for Temporary Workforce Housing at existing manufactured housing park
Location: 169 Dickman Road and 175 Dickman Road
 - d.) **V-23001, Chuck Stevens Ford Sign Variance Request**
Disclosure of Prior Communications and/or Conflict of Interest
Request: Variance from the Height and Area Dimensional Requirements for a free-standing sign
Location: 1304 US Highway 31 South

(continued)

e.) Updates & Upcoming Cases

8.) Reports & Comments

- a.) Mayor/Council/Administration**
- b.) Attorney**
- c.) Commissioners**
- d.) Planning Staff**
- e.) Citizen Comments**

9.) Adjournment

****Worksession – September 21, 2023****

****Next Regular Meeting – October 12, 2023****



Bay Minette Planning Commission Regular Meeting Minutes

Minutes August 10, 2023

Monthly Meeting No. 8

The City of Bay Minette Planning Commission met in Regular Session on Thursday, August 10, 2023. The meeting was called to order at 8:04 a.m. by Chairman, Todd Stewart, in the Council Chambers located in Bay Minette City Hall, at 301 D'Olive Street, Bay Minette, Alabama; this being the proper place, date and hour as advertised to hold such meeting.

IN ATTENDANCE **At 8:04 a.m. the following members were present, and a quorum established:**

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

Commission Members absent:

Hiram Templeton, Commission Member
Ray Clark, Commission Member

Commission Members late:

None

Other persons in regular attendance:

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

GUESTS

Krista Ladenwich, *(representing Case SP-23004)*
John Byrd, *(representing SP-23004)*
Mike Hawthorne, *(representing CU-23001)*
Clayton Williams, *(representing CU-23002)*

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

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

ITEM 4. **Approval of the Minutes of the July 13, 2023, Regular Meeting.**

After an inquiry regarding the upcoming Variance case, Vice-Chairman Covington made a motion to approve the July minutes as written. The motion was seconded by Commission Member Emmons and carried unanimously.

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

ITEM 6. Old Business

a.) Bylaws

Mrs. Dorough reviews the proposed changes from the first version that was presented including organizational clarity, residency requirements, conflicts of interest, member responsibilities and reimbursements. Mrs. Dorough asks for Commission member input on virtual attendance capabilities. After a brief discussion by Chairman Stewart and Mayor Wills regarding the City Council's rules for electronic participation, staff is directed to draft an Electronic Participation Policy as required by State Code.

Chairman Stewart moved Item 6b, PUD and Design Criteria to be discussed after the conclusion of Item 7, New Business for consideration of the applicants' time.

ITEM 7. New Business

a.) SP-23004, Bluewater Seafood Market Site Plan Approval Request

Chairman Stewart introduces the request. Vice-Chairman Covington states he would be abstaining from the vote as the owner is a client of his firm and could potentially be a conflict of interest. Mrs. Dorough reviews the Staff Report including mapping, site information, surrounding parcels, landscape plans, buffering regulations, ALDOT approval requirement, proposed elevations, access for customers and emergency vehicles, dumpster location, and possible removal of any existing gas tanks located on the property. After a discussion on building frontage orientation due to the lot location, it was determined that applicant decision would only affect landscaping and signage, to which a brief discussion regarding preferences and regulations on signage ensued.

Mayor Wills makes a motion to approve the request with the conditions recommended by staff including that the applicant shall submit revised plans showing the lot line fronting S US Hwy 31 as the front yard, off-street parking plans addressing minimum required spaces, loading/unloading access, and curbing that meets the current Zoning Ordinance regulations, and that the applicant shall submit Landscape Plans that are compliant with the Green Belt Zone and species minimums that meets the current Zoning Ordinance regulations. After a brief conversation regarding the type of food and method of cooking at the site, Commission Member Emmons seconds, and is unanimously carried with the exception of Vice-Chairman Covington, who abstained.

b.) CU-23001, Clayton Williams Property

After confirmation that no conflicts of interest exist, Chairman Stewart introduces the request and states the applicant is in attendance. Mrs. Bonner reviews the staff report including current business use, proposed event venue use, surrounding properties, adjacent lot that the applicant purchased and has applied for a demolition permit, key deficiencies including the multiple access points from D'Olive St and appropriate approvals depending on access, lot combination due to parking adequacy issues, building dimensions and layout of current and proposed business operations, and comments from the Fire Department. Chairman Stewart asks the applicant about building access in relation to the existing barbershop use. He then explains occupancy standards to the applicant and details the extensive review process for fire, engineering, building, and zoning that will be required if the proposed event venue is approved.

With no further discussions, Commission Member Emmons votes to approve the request with the conditions recommended by Staff to include ALDOT review and approval of access on D'Olive Street, City Engineer approval of any access on Armstrong Avenue, combination of the two parcels prior to occupancy of the event venue, and that the applicant shall submit parking and landscaping plans that meet the current Zoning Ordinance requirements. Vice-Chairman Covington seconds and the motion carries unanimously.

c.) CU-23002, Cockrell's Body Shop of Bay Minette, Inc

Chairman Stewart introduces the request and states the applicant is in attendance. Mrs. Bonner reviews the staff report including the site, zoning, location and relation to the existing body shop that is adjacent to the structure, comments received from the Fire Department regarding the fire hydrant installation, intended use of the building as additional space for vehicle repair, site plan proposed expansions, building dimensions, lot coverage, and paint booth. Fire Inspector Steven Stewart comments that there may be additional review required if a paint booth or other hazardous materials were being used in the facility. Chairman Stewart asks the applicant to clarify and Mr. Hawthorne states there are no current plans to connect the buildings, it will only be accessed by employees not customers, and the only renovations proposed are the recent replacement of garage doors and painting to improve appearance. Chairman Stewart states if any structural or building changes occur, to contact the Building Department prior to renovations or construction to ensure proper permitting is acquired, if needed. Chairman Stewart also states the potential drainage runoff issues that would occur should the applicant plan to pave the property and notes that the applicant should contact the Planning Department before making any changes that will increase impervious surfacing.

With no additional questions or discussion, Vice-Chairman Covington votes to approve the proposed use. Mayor Wills seconds, and with none opposed the motion carries unanimously.

Mrs. Dorough advises the applicant on the next steps to take and advises the Planning Commission that the case was brought forward due to a code enforcement case. Chairman Stewart inquires to the Fire Inspector regarding the fire hydrant installation for Case 7(a) that also affects the Cockrell's request. Mr. Stewart explains the history and reasoning for the installation provided by North Baldwin Utilities in lieu of it being the applicants responsibility.

*Chairman Stewart returns to Agenda Item 6 b.) PUD and Design Criteria **Discussion Only***

ITEM 6. b)*

Chairman Stewart states the discussion is in preparation for the Worksession scheduled for August 24th to discuss developments of PUD's, specifically Old Towne Commons. Mrs. Dorough reviews the information received from the Commission members who submitted items for discussion including setbacks, house design criteria, lot design and dimensions, garbage collection, fire code, building materials, and garage orientation. A discussion regarding current and potential annexations into the Bay Minette city limits ensues.

Commission Member Emmons leaves the Planning Commission meeting at 10:16 am.

Chairman Stewart returns to Agenda Item 7 d.) Updates & Upcoming

ITEM 7.

d.) Updates & Upcoming Cases

Mrs. Dorough gives a brief overview of the Pre-Application meeting agenda items on August 15th to include:

- First Baptist Church Childrens' Ministry Building Site Plan
- Koestler Property Mobile Home Park rezoning and Temporary Use Permit requests
- Additional items to informally discuss including Murphy's Oil submittal for convenience store/gas station raze and rebuild
- SARPC Training scheduled for September 13th
- Old Towne Commons Worksession scheduled for August 24th at 8am.

ITEM 8.

Reports

- a.) Mayor/Council Report – None
- b.) Attorney – None
- c.) Commissioner – None

- d.) Planning Staff – None
- e.) Public Comment – None

ITEM 9. With no further business, Chairman Stewart adjourns the meeting at 10:20 am.

DONE THIS THE 10TH DAY OF AUGUST 2023

Chairman, Steven Stewart

ATTEST:

Jessica Peed, Planning Coordinator

Motion Summary:

- 1.) **Approval of the Minutes of the July 13, 2023, Regular meeting:** After an inquiry regarding the upcoming Variance case, Vice-Chairman Covington made a motion to approve the July minutes as written. The motion was seconded by Commission Member Emmons and carried unanimously.
- 2.) **SP-23004, Bluewater Seafood Market Site Plan Approval Request:** Mayor Wills makes a motion to approve the request with the conditions recommended by staff including that the applicant shall submit revised plans showing the lot line fronting S US Hwy 31 as the front yard, off-street parking plans addressing minimum required spaces, loading/unloading access, and curbing that meets the current Zoning Ordinance regulations, and that the applicant shall submit Landscape Plans that are compliant with the Green Belt Zone and species minimums that meets the current Zoning Ordinance regulations. After a brief conversation regarding the type of food and method of cooking at the site, Commission Member Emmons seconds, and is unanimously carried with the exception of Vice-Chairman Covington, who abstained.
- 3.) **CU-23001, Clayton Williams Property:** Commission Member Emmons votes to approve the request with the conditions recommended by Staff to include ALDOT review and approval of access on D'Olive Street, City Engineer approval of any access on Armstrong Avenue, combination of the two parcels prior to occupancy of the event venue, and that the applicant shall submit parking and landscaping plans that meet the current Zoning Ordinance requirements. Vice-Chairman Covington seconds and the motion carries unanimously.
- 4.) **CU-23002, Cockrell's Body Shop of Bay Minette, Inc:** Vice-Chairman Covington votes to approve the proposed use. Mayor Wills seconds, and with none opposed the motion carries unanimously.



City of Bay Minette

Planning & Development Services

PLANNING COMMISSION STAFF ANALYSIS

Pre-Application Conference Meeting: August 15, 2023

Case Number: SP-23007

Planning Commission Meeting Date: September 14, 2023

APPLICATION SUMMARY

Project Name: FBC Children’s Ministry Building

Property Location: 1201 Hand Avenue

Property PID/PPIN: 05-23-02-09-2-000-025.000 // 13311

Property PID/PPIN: 05-23-02-09-2-000-011.000 // 13315

Property Size: 436,471±ft² // 10.02± acres

Requested Action: Site Plan Approval for New Construction of a Children’s Ministry Building at First Baptist Church

Applicant/Engineer: Chris Lieb, Lieb Engineering Company

Property Owner: First Baptist Church of Bay Minette

Subject Property	Zoning	Existing Land Use
SP-23007	R-2	First Baptist Church and Daycare
Adjacent Property	Zoning	Existing Land Use
North	R-2	W 14 th Street, Single Family Residential
South	R-2	W 12 th Street, Single Family Residential
East	R-2	Hand Avenue, Single Family Residential
West	R-2	Hall Avenue, Single Family Residential

SITE AND REQUEST SYNOPSIS

The subject property consists of approximately 436,471±ft² // 10.02± acres, and is zoned R-2, Medium Density Single Family Residential District. The property is located at 1201 Hand Avenue and is bordered by W 14th Street to the North, Hand Avenue to the East, W 12th Street to the South and Hall Avenue to the West. The property is the site of the First Baptist Church, which includes the sanctuary, gymnasium, office/community space and an active daycare facility. This request is for Planning Commission Site Plan approval for the construction of a Children’s Ministry Building that will be the new location of the existing daycare facilities. The structure is proposed at 17,167±ft². Churches and related accessory buildings are allowed by right in the B-1 and B-2 zoning districts and with Special Exception approval in the R-3, R-4 and R-5 districts. However, the church has been at this site for decades and appears to be established in accordance with the ordinance active at the time.

ZONING DISTRICT AND TABLE OF PERMITTED USES

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.

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
Churches and related accessory buildings.				S	S	S	R	R		

DEPARTMENT AND AGENCY COMMENTS

North Baldwin Utilities – No comments received.

Bay Minette Public Works – No comments or concerns.

Bay Minette Police Department - No comments received.

Bay Minette Fire Department – Questions answered at/after pre-application meeting

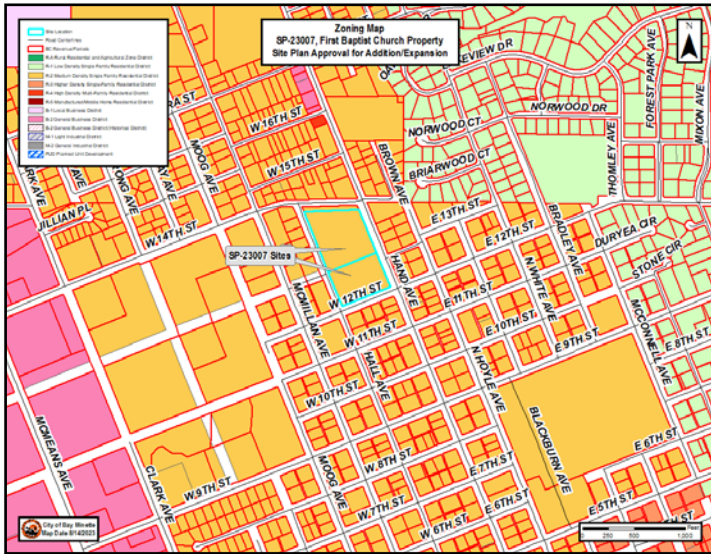
Baldwin County E-911 – N/A

Neel-Schaffer, Shane Bergin, PE, PTOE, PTP, RSP1 – City Consultant as Transportation Engineer – No comments

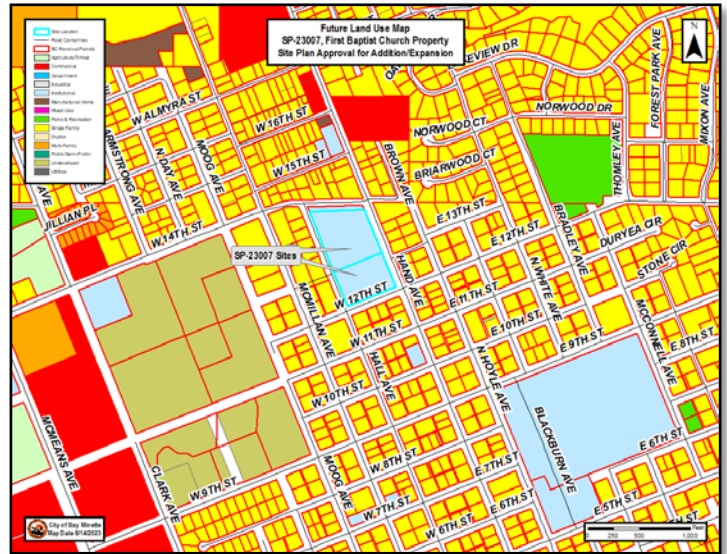
ALDOT – No comments received.

MAPPING

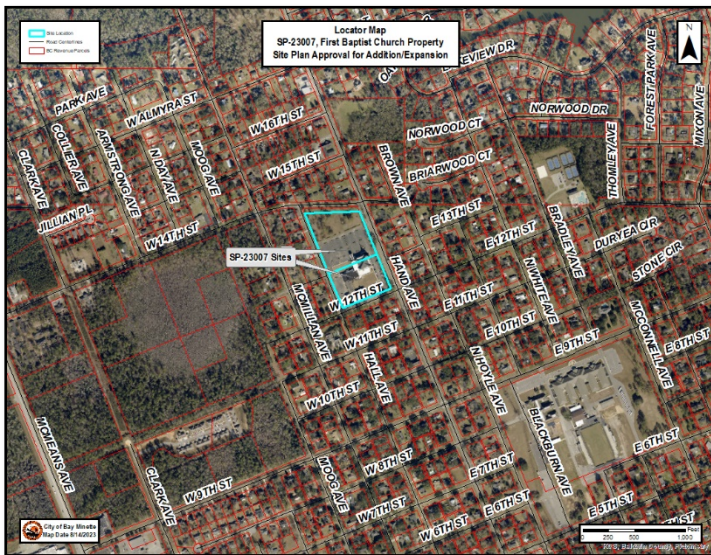
Zoning Map



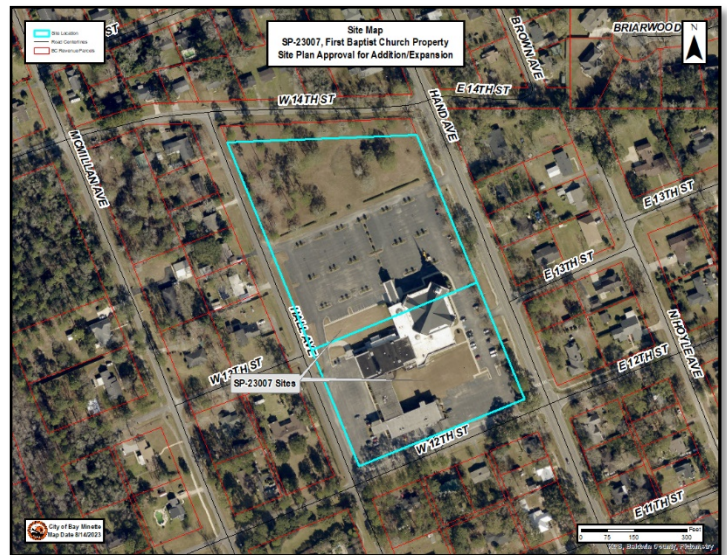
Future Land Use Map



Locator Map



Site Map



STAFF ANALYSIS

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

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

The site calculations have not been provided as of the date of the staff report. Staff has inserted some calculations based on information available.

Site Calculations

SP-23007, FBC Children's Ministry Building Site Calculations

Subject Property Site Totals		436,471 ±ft ²	10.02 ± acres	
Site Use/Type	±Square Footage		Lot Coverage	Notes
Existing Structure(s)	0	±ft ²	0.00%	
Proposed Structure(s)	17,167	±ft ²	3.93%	Children's Ministry Building
Total Building Coverage	17,167	±ft²	3.93%	
Existing Impervious Surface	0	±ft ²	0.00%	Driveways, Sidewalks and Parking Areas
Additional Impervious Surface	0	±ft ²	0.00%	
Total Impervious Surface	17,167	±ft²	3.93%	
<i>TOTAL Required Landscaped Minimum</i>	<i>65,471</i>	<i>±ft²</i>	<i>15.00%</i>	
TOTAL Existing Landscaped Area	0	±ft ²	0.00%	
TOTAL Proposed Landscaped Area	0	±ft ²	0.00%	
TOTAL Proposed Open Space/Natural Areas	0	±ft ²	0.00%	
<i>Required Front/Side Yard Landscaping</i>	<i>21,823.55</i>	<i>±ft²</i>	<i>5.00%</i>	Not including parking areas
Existing Front/Side Yard Landscaping	-	±ft ²	0.00%	
Proposed Front/Side Yard Landscaping	0	±ft ²	0.00%	
Total Off-Street Parking Area	0	±ft ²	0.00%	
<i>Required Parking Landscaped Minimum</i>	<i>0</i>	<i>±ft²</i>	<i>10.00%</i>	*10% of Total Off-Street Parking Area
Proposed Parking Landscaped Area*	0	±ft ²	0.00%	*Only landscaped areas ≥ 90ft ²
Total Landscaped/Open Space Provided	0	±ft²	0.00%	

In addition to the subsequent criteria, this development is required to comply with the Zoning Ordinance regulations 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. NOT APPLICABLE

Not applicable to this development.

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

Use, height and area of proposed structure appear compliant.

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

Not applicable to this development.

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

Landscape plans were submitted but incomplete and inconsistent with civil plans submitted. As noted in Item #1, impervious surface calculations, such as impervious vs landscaped/open space calculations and parking areas have not been submitted. The primary Landscaping requirements applicable to the site are detailed below:

a.) Buffering: **COMPLIANT**

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

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

A minimum of 15% total lot area must be landscaped or maintained as open green space, which is approximately 65,471 sq ft of the total site. There is a significant amount of existing area that is landscaped or maintained as open green space and with the proposed decrease in the amount of paved parking area along Hand Avenue, staff anticipates the site will meet the minimum requirements. The submittal of Site Calculations and full landscape plan details will determine final compliance.

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 at 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 (3/4) 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: **COMPLIANT**

Tree Removal and Replacement provisions are not applicable to this site as it appears that no trees are proposed for removal.

d.) Greenbelt Zone: **COMPLETE WITH CONDITIONS**

This property is located within the Greenbelt Zone and the requirements of Sec 10.6.4 will apply along the East property line bordering Hand Avenue. With the established landscaping in this area and a proposed decrease in the amount of paved parking

area along Hand Avenue, staff anticipates the site will meet the minimum requirements. Submittal of Site Calculations and full landscape plan details will determine final compliance.

10.6.4 *Greenbelt Zone. All developments along or abutting the right-of-ways of U.S. Highway 31 South, U.S. Highway 31 North, State Highway 59, State Highway 287, McMeans Avenue, D'Olive Street and North Hand Avenue shall maintain a minimum of ten (10) feet of the required thirty (30) foot setback as a landscaped greenbelt along the entire front width of the property except where curb cuts provided ingress and egress. If any of the thirty (30) foot front setbacks is used for parking, said greenbelt shall be in addition to the landscape requirements for parking areas describe in Section 9.2 of this Ordinance. Said greenbelt shall be planted with trees, shrubs, and grass or other ground cover so that an attractive appearance is presented as detailed in the developer's required landscape plan. The trees shall be shade of flowering trees and shall be at least three and one half (3 ½) inches or greater in caliper and twelve (12) feet in height at planting. There shall be a minimum of one (1) tree planted for every twenty-five (25) feet or fraction thereof of lot frontage, fifty (50) percent of which shall be shade trees having a maximum crown of seventy (70) feet.*

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

Landscape plans show a section of 13 parking spaces along 12th Street with no landscaped island, but civil drawings show 11 spaces. Along Hand Avenue, landscape plans show a section of 12 spaces then 10 spaces separated by a small island without landscaping. In addition to the landscaping requirements applicable to the overall site, the project's parking area will be required to meet the regulations below, and submittal of Site Calculations and full landscape plan details will determine final compliance.

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 development.

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. COMPLIANT

This portion of Hand Avenue is within ALDOT's jurisdiction for review, however the site's access points are existing and the new structure is replacing an existing structure/use and not expanding or changing a use which shouldn't warrant ALDOT revisions to the site's access from Hand Avenue.

8.) Front and side architectural elevations. COMPLIANT

Elevations have been submitted with brick veneer as exterior finishing, the Metal Building requirements will not apply. Height is noted at 23'10" which does not exceed the maximum allowable of 35'.

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. COMPLETE WITH CONDITIONS

Current submittals do not include signage or lighting details. Any 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. COMPLETE WITH CONDITIONS

See Item #5 above. As noted in Item #1, impervious surface calculations, such as impervious vs landscaped/open space calculations and parking areas have not been submitted. 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. Please see regulations previously noted in Item #5 (b), (d) and (e).

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.) Structure Location/Setbacks: COMPLETE WITH CONDITIONS

Setback review appears to be complete. Based on Planning & Fire comments at the Pre-Application meeting, the applicant revised plans showing compliant setback/distance between the new construction and the existing "Old CDC Building."

b.) Site Specifics: COMPLETE WITH CONDITIONS

Full compliance will be determined after submittal of all revised plans in digital and printed format.

c.) Off-Street Parking: COMPLETE WITH CONDITIONS

Location and Typical Dimensions for parking spaces appear to be compliant, however, 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, particularly Section 10.10.

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

9.2.3.2 Public Assembly	
a. Churches or other places of worship:	One space for each four seats in the main auditorium or sanctuary.
b. Private clubs, lodges and fraternal buildings not providing overnight accommodations:	One space for each 100 square feet of building under roof.
c. Theaters, auditoriums, coliseums, stadiums and similar places of assembly:	One space for each four seats.
d. Libraries, museums:	One space for each 500 square feet of gross floor area.
e. Schools, including kindergartens, playschools and day care centers:	One space for each four seats in assembly hall, or one space for each employee, including teachers and administrators, whichever is greater, plus five spaces per classroom for high school and colleges.
f. Skating rinks, dance halls, exhibition halls, pool rooms and other places of amusement or assembly without fixed seating arrangements:	One space for each 200 square feet of floor area.

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.

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.

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

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

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

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.*

d.) Transportation/Access: COMPLETE WITH CONDITIONS

Staff will be submitting the application/plans for City Engineer approval of any access on W 12th, and Hall Avenue. No significant traffic impacts are anticipated.

e.) Other Considerations:

Additional requirements may be necessitated based on comments and requirements from other local or state agencies, including the Fire Department, North Baldwin Utilities, or Health Department requirements.

- 1) Fire Department review of covered drop-off, access drive widths/radii on W 12th St, setback/distance of new construction from existing "Old CDC Building" **COMPLIANT**
- 2) 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 regulations. Additional submittals as referenced above will allow for final determination and resolution of deficiencies. Additional submittals as referenced in the analysis above will allow for final determination and resolution of deficiencies.

Key Deficiencies/Concerns:

- Submittal of REVISED Plans in printed and digital formats
- Existing and Proposed Site Calculations
- Landscaping Plan for the overall site including details for required Greenbelt Zone, Off-Street Parking Areas and required calculations

Staff's Recommended Revisions / Conditions:

Prior to issuing Building Permit, submit revised plans detailing:

- Submittal of complete revised plan sets in required formats.
- Submittal of Existing and Proposed Site Calculations to determine compliance with Zoning Ordinance
- Submittal of Landscaping Plans compliant with the Zoning Ordinance

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

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

- 8.9.10.4 *Site Plan requests that are tabled, will not receive further review by the Planning Commission until all additional information requested has been received and reviewed for compliance by the Planning Department.*
- 8.9.10.5 *Site Plan requests that are denied will not receive further review by the Planning Commission until all noted deficiencies have been addressed and revised documentation received and reviewed for compliance by the Planning Department.*
- 8.9.10.6 *Any resubmittals, revisions, additional information or permit applications related to the application must be received within 180 days from the date of Planning Commission action, or a new Site Plan Application will be required. One request for Site Plan Approval Extension of up to 180 days will be reviewed administratively.*



City of Bay Minette

Site Plan Review Application

301 D'Olive Street · Bay Minette, Alabama 36507

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

Office Use Only

Case No.: _____

Fee: \$500.00

Paid: Cash Check

Credit Card

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: R Scott Lewis for First Baptist Church Date: 7/19/23

Mailing Address: 126 Courthouse Square

City: Bay Minette State: AL Zip Code: _____

Phone Number: 251-210-1081 Email: slewis@stonecrosby.com

Site Information

Property Address: _____

or Property Location: First Baptist Church, Hand Avenue, Bay Minette AL

*Parcel No.: 05-23-02-09-2-000-025.000 and 05-23-02-09-2-000-011.000 *PPIN No.: 13311 and 13315

**Parcel or PPIN information must be completed*

Request: We are requesting a site plan review on an addition to the church.

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.

Chris Lieb 7/20/23
Signature of Applicant (Owner of Property of Authorized Agent) Date

Submittal Requirements

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

**SP-23007, First Baptist Church
Children's Ministry Building
Plans Included as Separate Attachment**



City of Bay Minette

Planning & Development Services

PLANNING COMMISSION STAFF ANALYSIS

Pre-Application Conference Meeting: August 15, 2023

Case Number: Z-23005

Planning Commission Meeting Date: September 14, 2023

APPLICATION SUMMARY

Project Name: Kevin Koestler Property Rezoning
Property Location: 169 & 175 Dickman Road
Property PID/PPIN: 05-23-05-21-1-000-023.007 // 219507
Property PID/PPIN: 05-23-05-21-1-000-023.001 // 83581
Property Size: 4.89± acres

Requested Action: Rezoning from B-2, General Business District and R-3, Higher Density Single Family Residential to R-5, Manufactured Home Residential District
Applicant / Owner: Kevin M. Koestler
Property Owner: Kevin M. Koestler

Subject Properties	Zoning	Existing Land Use
Z-23005	B-2, R-3	Manufactured Home Park & Office
Adjacent Property	Zoning	Existing Land Use
North	B-2, M-1	Commercial – Vacant Commercial, Bay Tires, Elite Technician Mgmt
South	M-2	Industrial - International Paper
East	B-2, R-3	Public Use – Baldwin County Highway Dept Area 100 Facilities
West	B-2	Commercial – Vacant car wash, Cockrell's

SITE AND REQUEST SYNOPSIS

The subject property, which consists of two parcels containing a total of 4.89± acres, is located on the North side of Dickman Road approximately 275 feet East of the Hwy 59/S US Hwy 31 intersection. The applicant is the property owner: Kevin M. Koestler, who is requesting to rezone the parcels from B-2, General Business District and R-3, Higher Density Single Family Residential to R-5, Manufactured Home Residential District. The properties contain an existing Manufactured Home Park (MHP) that has been in place for decades and is considered a legal non-conforming use. The rezoning request has been submitted in an effort to increase the zoning compliance of the existing MHP and is related to a concurrent application for a Temporary Use Permit to allow a Temporary Workforce Housing Development on the site.

ZONING DISTRICTS AND TABLE OF PERMITTED USES

CURRENT ZONING DISTRICT

6.2.4 R-3, Higher Density Single Family Residential District. This district is intended to provide for a higher density of single-family structures on smaller lots than those allowed in the R-1 and R-2 districts. Duplexes will be allowed as a special exception.

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.

PROPOSED ZONING DISTRICT

6.2.6 R-5, Manufactured Home Residential District. The intent of this district is to provide space at appropriate locations consistent with community objectives for the establishment of permanent manufactured home parks or subdivisions and for the amenities conducive to an adequate living environment. Public or private community water and sewer facilities are required except where lots are equal to Health Department requirements for private wells and septic systems.

TABLE OF PERMITTED USES

The current and proposed uses are listed below, however, the full Table in the Zoning Ordinance details all uses and their permissions.

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
Manufactured home						R				
Manufactured home park						R				
Manufactured home subdivision						R				
Temporary Workforce Housing Development	TUP						TUP	TUP	TUP	TUP
Temporary Workforce Housing Development in existing Manufactured Home Park or RV Park						TUP		TUP	TUP	

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.

#1 Continue to actively seek a diversified local economy with an employment base that surpasses the needs of the local labor force in order to provide employment for the surrounding areas and stimulate local economic growth.

#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.

#3 The Board should also inventory industrial and commercial properties available for sale or lease within the City and aggressively promote their development and use.

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

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

Housing

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

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

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

"Bay Minette has shown significant population growth over the past two decades and if that trend continues, it is important to plan for the future residents, specifically with regard to housing."

"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."

"(...) future residential development should include housing opportunities to serve this low to moderate income population within the community."

"The City should continue to allocate sites for manufactured homes, as they are one type of affordable home for low to moderate income residents. The City should also consider design standards associated with the installation of manufactured homes to encourage their compatibility with stick-built homes in the area."

"Duplex and Multifamily dwellings provide housing options for low to moderate income households in addition to young singles and couples. They also provide housing for temporary populations associated with temporary employment, such as construction or tourism industries."

#1 Promote a choice of rural, suburban, and urban living environments and housing types to accommodate all household incomes. This includes anticipating and planning for future land requirements associated with future population projections and projected housing types.

#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.

#10 Maintain the public infrastructure at a level needed to continue adequate service to existing and new residential dwellings. This includes correcting existing deficiencies in infrastructure and upgrading or constructing new infrastructure to accommodate new developments. Deny new development if the infrastructure is not in place to support it without compromising the service to existing housing. Require that all new development be connected to the City's existing public water and sewer lines at the developer's expense.

#12 Identify undeveloped lots within existing residential neighborhoods that would be suitable for residential infill of single family and multifamily developments. Encourage developers to consider these target areas for future residential development.

Land Use

#1 Promote a choice of rural, suburban, and urban living environments through density regulations associated with residential land uses. Encourage conservation of large tracts of land through subdivision regulations. This includes anticipating and planning for future land requirements associated with future population projections, projected housing types, and the need for additional commercial land uses.

#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.

#4 Encourage through land use regulations infill development of undeveloped lots as opposed to urban sprawl to support the conservation of rural lands within Bay Minette's planning area.

#5 Increase the diversity of residential land uses by encouraging multi-family residential land uses to locate in the more densely populated center of the City. Discourage multi-family development in the more rural, less dense planning area where agricultural land uses and rural character can be encroached upon. This also decreases the strain of public infrastructure and public service cost.

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

DEPARTMENT AND AGENCY COMMENTS

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

North Baldwin Utilities – No comments received.

ALDOT – N/A

Bay Minette Public Works – No comments.

City Engineering Consultants

Bay Minette Police Department - No comments received.

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

Bay Minette Fire Department – No comments.

Transportation: Neel-Schaffer, Shane Bergin, PE, PTOE, PTP,

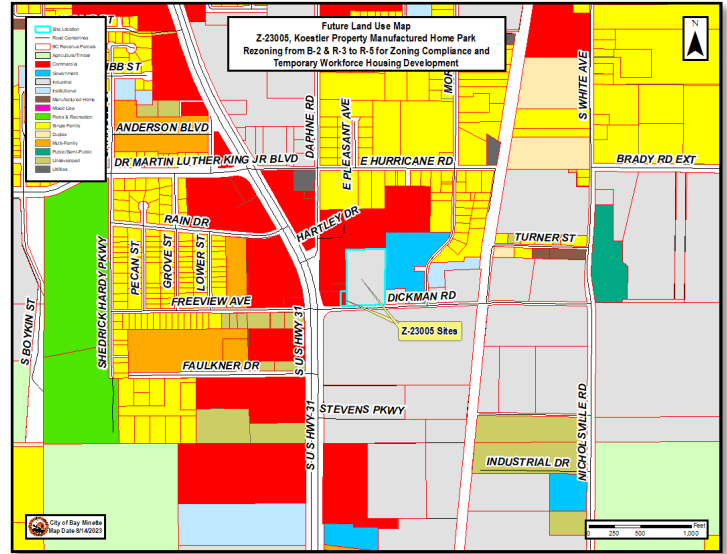
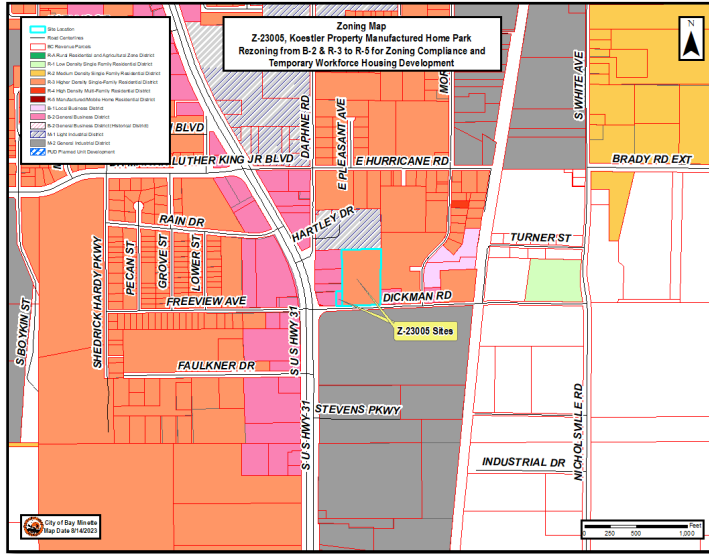
Baldwin County E-911 – N/A

RSP1 – N/A

MAPPING

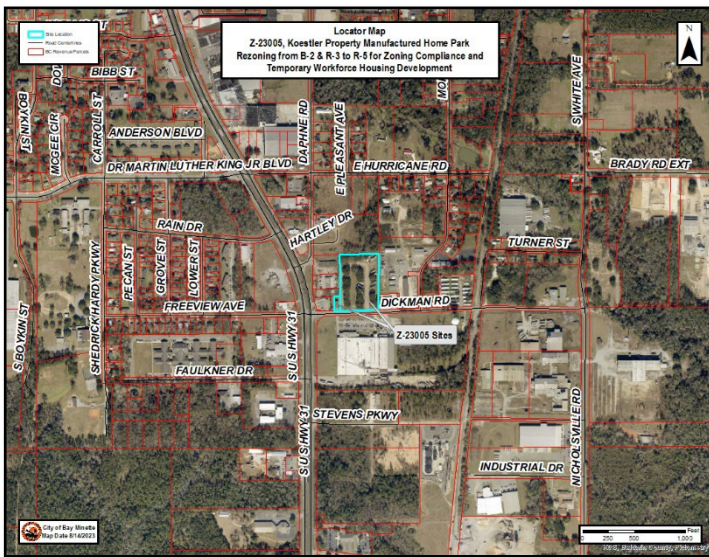
Zoning Map

Future Land Use Map



Locator Map

Site Map



STAFF ANALYSIS

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

1.) Compliance with the Comprehensive Plan

The subject property is designated as Industrial and Commercial on the Future Land Use Map in the Comprehensive Plan. It is surrounded by Industrial and Commercial designated areas to the North, West and South with Government designated property to the East. As a result of the location merely 250 feet from the City’s Principal Arterial, approximately 1,000 feet from the railroad right-of-way and the heavy commercial and industrial nature of the area, these properties lend themselves to more intense classifications, especially the R-3 Single Family Residential zone. The manufactured home park has been established for decades and the single-family zoning designation is inconsistent with that use or the area. Similarly, the Beason property 1.25 miles to the North was rezoned from R-2 to B-2 in December of 2021 (Ordinance #999), and then received Special

Exception approval in January of 2022 for a Lodging/Boarding/Rooming House to match the existing use as a sober living facility (Case #SE-2105). Two parcels North of the Beason property, the Hoover property was also rezoned from R-2 to B-2 for commercial use in January 2023 (Ordinance #1022). This progression from low density single family residential to more intense zoning/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 infill development and providing a wide variety of living environments for all socioeconomic groups. The current single family residential zoning designation in a highly commercial and industrial area that prohibits the expansion of the long-established use is inconsistent with the intent of the Comprehensive Plan. The proposed rezoning to the R-5 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 proximity to Highway 31, together with the long-established commercial & industrial facilities in the immediate vicinity, the potential for the successful re-development of the manufactured home park at these sites is significantly greater than the benefit and compatibility of a single-family development. Based on the lot size of PIN 83581 (4.7± acres), it is actually more compatible with the R-5, Manufactured Home District Special Provisions (Section 9.1) that requires a minimum area of 3 acres rather than the R-3 minimum lot size of 7,200sq ft. At nearly 205,000sq ft, PIN 83581 equals the lot area of more than 28 R-3 lots. To account for the highest and best use of the property, the single-family designation is not compatible with the location, existing uses and future development of the area.

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

PIN 83581 contains a long-established manufactured home park and PIN 219507 contains an office building currently used as the management office of the park.

Adjacent to the North is a large industrial-zoned property containing multiple commercial uses (Bay Tire and Elite Technician Management). The property owner has communicated plans for a potential industrial or commercial subdivision. To the East is the Baldwin County Highway Department Area 100 facility that was recently expanded and to the South across Dickman Road is International Paper – both long-established uses. To the West is a vacant commercial property; Cockrell's Body Shop that recently received Site Use Approval to expand into a second building; and a vacant car wash building that received approval but never completed renovations for conversion into an oil/tire changing business.

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. The site has been existing as a manufactured home park with the necessary infrastructure existing. With the location near 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 near a principal arterial, the established use, and intensity of surrounding uses, no major impacts are anticipated. The MHP has been established for decades and at this time, expansion of permanent structures isn't planned. If a new fixed structure is proposed, post-development conditions would be reviewed for compliance at that time.

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

The City Code, Ordinance 1027, prohibits the occupancy of manufactured homes within the City unless they are located within the confines of a legally established MHP. If rezoned, this property would be the only MHP within City Limits that is fully compliant with zoning regulations.

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

N/A - The subject properties are located 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 MHP is an existing non-conforming use with no major structural changes proposed at this time. The current owner has been working to remove dilapidated mobile homes and improve the site, with the R-3 zoning designation impeding full re-development. The development, active 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 MHP is an existing non-conforming use with no major structural changes proposed at this time. The current owner has been working to remove dilapidated mobile homes and improve the site, with the R-3 zoning designation impeding full re-development. The development, active use and improvement to the subject property would likely increase surrounding property values.

10.) Other matters which may be appropriate

The rezoning application is a stand-alone request that is not dependent on any additional zoning approvals. The rezoning is being requested to increase the zoning compliance of the existing MHP. However, as previously stated, this rezoning request is also related to a concurrent application for a Temporary Use Permit to allow Temporary Workforce Housing Development on the site. The Temporary Use Permit application for workforce housing is dependent upon a successful rezoning since a TUP for existing MHPs is only allowed for legal, compliant MHPs in the R-5, B-2 and M-1 districts. The rezoning request is independent of the TUP request and the staff analysis and staff recommendation were reviewed as such. While the TUP application is related, and the impetus for the rezoning request, the TUP request should have little influence on the rezoning decision. Rezoning is permanent amendments to the ordinance and map, they are intended to be long-term designations. The TUP is a temporary use with a maximum life-span of less than four years and provisions that require and ensure the site is recovered to a condition equal or exceeding its current state.

STAFF RECOMMENDATION

Recommendation: Based on the information submitted by the applicant, City Staff and Consultant input and the analysis above, staff recommends that the *Planning Commission submit a recommendation of approval to the City Council for the rezoning request from the B-2, General Business District and R-3, Higher Density Single Family Residential District to the R-5, Manufactured Home Residential District.*

PLANNING COMMISSION ACTION

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

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

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



City of Bay Minette

Re-zoning Application

Case No.: E-23005
Fee- \$500 + \$10/Certified Letter
Date Paid: _____
Paid: Credit Card Cash
 Check- No. _____

301 D'Olive Street · Bay Minette, Alabama 36507

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

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: Kevin M. Koestler Date: 07/24/23

Mailing Address: 169 Dickman Rd.

City: Bay Minette State: AL Zip Code: 36507

Telephone Number: 251-937-7000 Email: contact@kparks.net

Site Information

Property Owner Name: Kevin M. Koestler Phone Number: 251-937-7000

Property Address: 169 Dickman Rd and 175 Dickman Rd, Bay Minette, AL 36507

Parcel/PPIN #: 219507 / 83581 (Previously told by Clair I could combine property)

Area of Property, Sq. Ft., or Acres: 0.19 + 4.70 acres

Present Zoning: R-3 Requested Zoning: R-5

Reason for Request/ Intended use of property:

REASON: To increase zoning compliance of existing Manufactured Home Park.

INTENTION: Development of Temporary Work Force Housing Facility

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. I understand and authorize City Staff to conduct site visits, as needed in relation to this request.

Signature: Date: 7/24/23

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. - 1/13/2023

Parcel Info

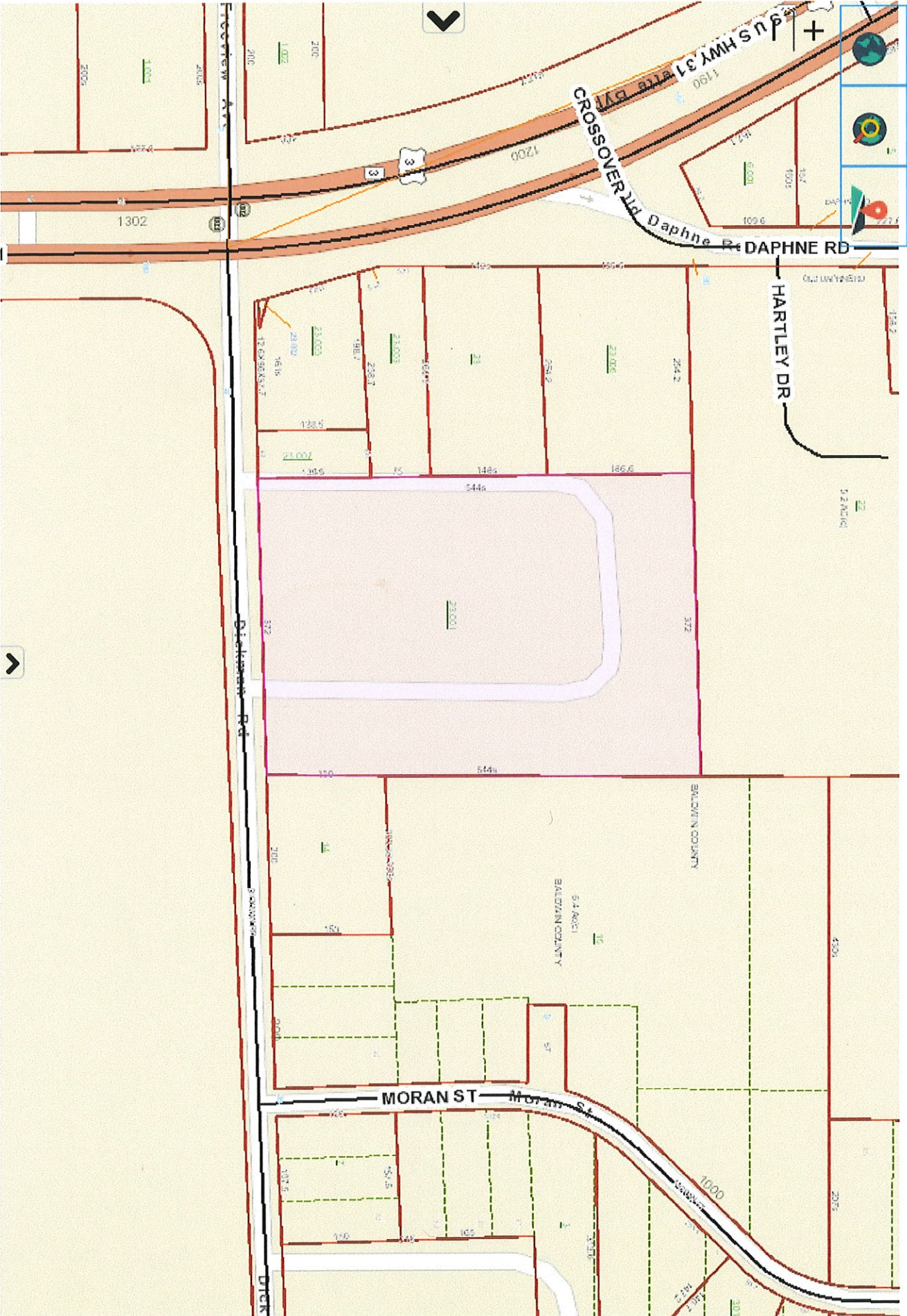
PIN 83581
PARCEL 23-05-21-1-000-023.001
ACCOUNT NUMBER 378154

OWNER KOESTLER, KEVIN
MAILING ADDRESS 169 DICKMAN RD, BAY MINETTE, AL 36507
PROPERTY ADDRESS 169 DICKMAN RD

LEGAL DESCRIPTION 372' X 544'(S) FR INTER OF E R\W DAPHNE RD & N R\W OF DICKMA N RD RUN TH E 261.6' TO POB CONT E 372', TH N 544'(S), TH W 372', TH S 544'(S) TO THE POB SEC 21-T7S-R3E (WD)

Baldwin County Parcel Viewer

Find address or place



Parcel Info

PIN 219507
PARCEL 23-05-21-1-000-023.007
ACCOUNT NUMBER 378154

OWNER KOESTLER, KEVIN
MAILING ADDRESS 169 DICKMAN RD, BAY MINETTE, AL 36507
PROPERTY ADDRESS 169 DICKMAN RD

LEGAL DESCRIPTION 60' X 139.6' IRR COM AT SW COR OF NW1/4 OF NE1/4 SEC 21 RUN E 261.6', TH NW 5' TO A PT ON N R/W OF DICKMAN RD FOR THE POB, TH NW 139.6', TH SW 60', TH S 138.5', TH E 60' TO THE POB IN BAY MINETTE CORP LIMITS SEC 21-T2S-R3E (WD)

Baldwin County Parcel Viewer

Find address or place





City of Bay Minette

Planning & Development Services

PLANNING COMMISSION STAFF ANALYSIS

Pre-Application Conference Meeting: August 15, 2023

Case Number: TUP-23001

Planning Commission Meeting Date: September 14, 2023

APPLICATION SUMMARY

Project Name: Kevin Koestler Property Temporary Use Permit
Property Location: 169 & 175 Dickman Road
Property PID/PPIN: 05-23-05-21-1-000-023.007 // 219507
Property PID/PPIN: 05-23-05-21-1-000-023.001 // 83581

Property Size: 4.89± acres
Requested Action: Temporary Workforce Housing Facility in an existing Manufactured Home Park
Applicant / Owner: Kevin M. Koestler

Subject Properties	Zoning	Existing Land Use
TUP-23001	B-2, R-3	Manufactured Home Park & Office
Adjacent Property	Zoning	Existing Land Use
North	B-2, M-1	Commercial – Vacant Commercial, Bay Tires, Elite Technician Mgmt
South	M-2	Industrial - International Paper
East	B-2, R-3	Public Use – Baldwin County Highway Dept Area 100 Facilities
West	B-2	Commercial – Vacant car wash, Cockrell's

SITE AND REQUEST SYNOPSIS

The subject property, which consists of two parcels containing a total of 4.89± acres, is located on the North side of Dickman Road approximately 275 feet East of the Hwy 59/S US Hwy 31 intersection. The properties contain an existing Manufactured Home Park (MHP) that has been in place for decades and is considered a legal non-conforming use. The applicant is the property owner: Kevin M. Koestler, who is requesting to establish a Temporary Workforce Housing Facility in the existing Manufactured Home Park. The TUP request has been submitted concurrently with a rezoning request (Case #Z-23005) to rezone the parcels from B-2, General Business District and R-3, Higher Density Single Family Residential to R-5, Manufactured Home Residential District. The rezoning request has been submitted in an effort to increase the zoning compliance of the existing MHP and allow for the establishment of a Temporary Workforce Housing Facility on the site. The site currently contains 42 spaces with only 14 occupied by existing manufactured homes. The applicant is requesting that the remaining 28 spaces be used to accommodate RVs brought in by Novelis-related workforce. The sites have been equipped with 50/30/20 amp electrical pedestals, sewer has been upgraded to 4-inch lines and freeze-proof potable water connections. Each space is approximately 45' x 80' and limited to two parking spaces. There is an existing 40-foot wide asphalt road traversing the site with two ingress/egress points onto Dickman Road. Included as part of the staff report is the written narrative provided by the applicant further detailing the site conditions, proposed temporary use and compliance with regulations.

ZONING DISTRICT AND TABLE OF PERMITTED USES

CURRENT ZONING DISTRICT

6.2.4 R-3, Higher Density Single Family Residential District. This district is intended to provide for a higher density of single-family structures on smaller lots than those allowed in the R-1 and R-2 districts. Duplexes will be allowed as a special exception.

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.

PROPOSED ZONING DISTRICT (Case #Z-23005)

6.2.6 R-5, Manufactured Home Residential District. The intent of this district is to provide space at appropriate locations consistent with community objectives for the establishment of permanent manufactured home parks or subdivisions and for the amenities conducive to an adequate living environment. Public or private community water and sewer facilities are required except where lots are equal to Health Department requirements for private wells and septic systems.

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
Manufactured home						R				
Manufactured home park						R				
Manufactured home subdivision						R				
Temporary Workforce Housing Development	TUP						TUP	TUP	TUP	TUP
Temporary Workforce Housing Development in existing Manufactured Home Park or RV Park						TUP		TUP	TUP	

DEPARTMENT AND AGENCY COMMENTS

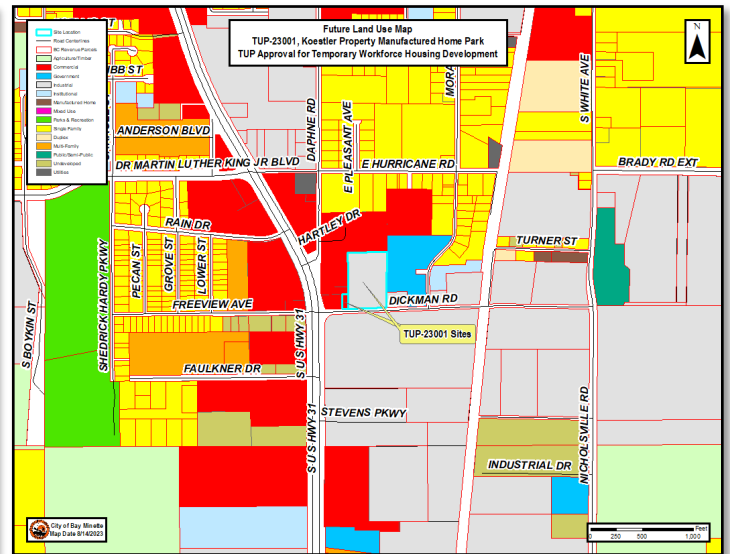
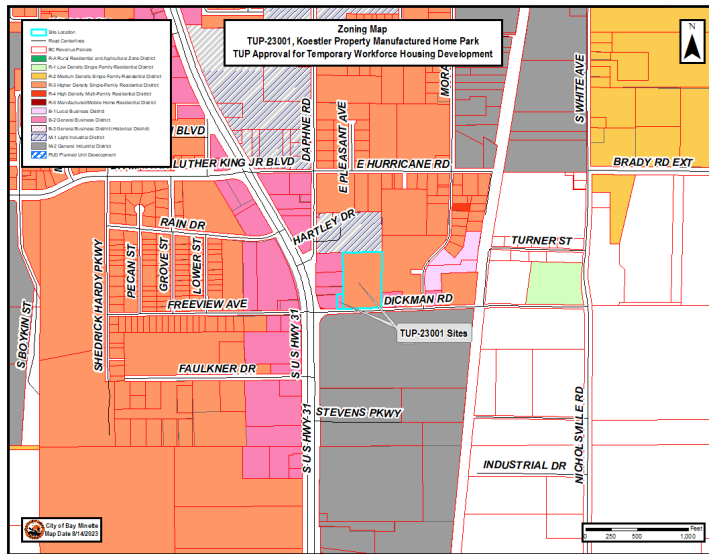
North Baldwin Utilities – No comments received.
 Bay Minette Public Works – No comments.
 Bay Minette Police Department - No comments received.
 Bay Minette Fire Department – No comments.
 Baldwin County E-911 – N/A

ALDOT – N/A
 City Engineering Consultants
 Civil: Tensaw Engineering, Benjamin White, P.E. – N/A
 Transportation: Neel-Schaffer, Shane Bergin, PE, PTOE, PTP,
 RSP1 – N/A

MAPPING

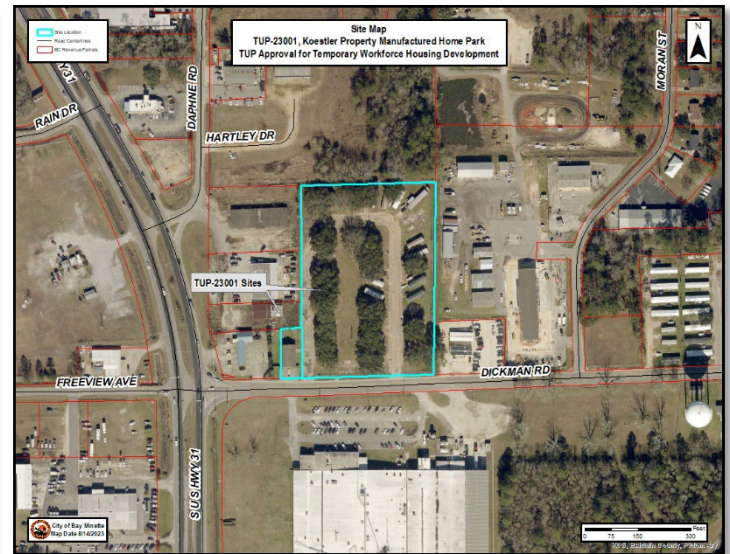
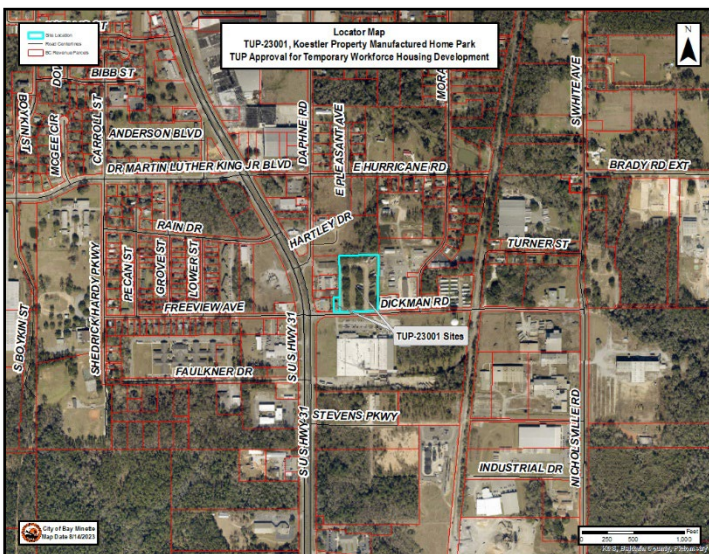
Zoning Map

Future Land Use Map



Locator Map

Site Map



STAFF ANALYSIS

The Planning Commission shall review and make a recommendation to the City Council for the issuance of a Temporary Use Permit. A permit may be approved or denied based on the criteria herein, including the compatibility with surrounding land uses and compliance with the Zoning Ordinance to ensure the Temporary Work Force Housing Facility use and activities do not negatively impact surrounding property or create public health and safety hazards.

Standards for Temporary Work Force Housing Facilities as part of Existing Manufactured Home Park or Recreational Vehicle Park

Temporary Work Force Housing Facilities may be permitted as part of an existing Manufactured/Mobile Home Park or Recreational Vehicle Park in areas designated in the R-5, B-2 or M-1 zoning districts based on review and approval by the Planning Commission and City Council, provided:

1. The Manufactured/Mobile Home Park or Recreational Vehicle Park is properly zoned in accordance with the Table of Permitted Uses. **COMPLETE WITH CONDITIONS**
2. The units intended as Temporary Work Force Housing Units must meet the criteria as defined herein. **COMPLIANT**
3. Placement of Temporary Work Force Housing Units and related facilities shall comply with all setbacks, buffer, and other zoning requirements applicable to the zoning district in which it is located. **COMPLIANT**
4. The Temporary Housing Facility is located along, or with direct access to a paved roadway. If the roadway is not improved, the Developer/Operator would be responsible for construction and paving of said roadway to City, County or State standards, if required based on site location, prior to operation of the Temporary Housing Facility. **COMPLIANT**
5. No primary entrances or exits shall direct traffic into adjacent residential districts. **COMPLIANT**
6. The Temporary Housing Facility is able to provide accommodations for at least twenty (20) workers and no more than eight hundred (800) workers. **COMPLIANT**
7. The density of the Temporary Housing Facility combined with existing sites does not exceed 20 units per acre. **COMPLIANT**
8. Adequate waste disposal and garbage facilities shall be provided. **COMPLIANT**
9. The area used for Temporary Housing Facility must be fenced. **COMPLIANT**
10. The Temporary Housing Facility shall be constructed to minimize erosion, alteration of natural features and removal of vegetation to the greatest extent possible. **COMPLIANT**
11. The Temporary Housing Facility must comply with all applicable State and Federal requirements, including the requirements of the Department of Health and/or the Alabama Department of Environmental Management. **NOT APPLICABLE**
12. The Temporary Housing Facility shall be provided with adequate parking for residents based on design capacity, to accommodate personal vehicles, work vehicles, and other vehicles and equipment parked on the site. Off-street loading and unloading space for service and supply vehicles shall also be provided with satisfactory ingress and egress for trucks. **COMPLIANT**
13. The Temporary Housing Facility shall provide for adequate access for emergency vehicles, and adequate security for the facility. **COMPLIANT**
14. The Operator of the Temporary Housing Facility is responsible for establishing and enforcing any house rules or regulations for residents. **COMPLIANT**

Standards for Temporary Work Force Housing Units

Temporary Work Force Housing Units shall comply with the following standards:

1. All Temporary Work Force Housing units shall be designed, sited, constructed, and maintained in accordance with applicable state and local building codes, health codes, and fire codes. It is the responsibility of the Operator and occupants to ensure that all applicable health and safety requirements are met. **COMPLIANT**

2. The Temporary Housing Units or spaces must be numbered in a logical fashion in order to facilitate emergency response and subject to the review of Baldwin County E-911. **COMPLIANT**
3. All Temporary Work Force Housing Units provided by the Operator shall be equipped with smoke detectors and carbon monoxide detectors. **NOT APPLICABLE**
4. All Temporary Work Force Housing Units provided by the Operator shall have adequate heating, ventilation, and air conditioning systems to maintain safe and healthy living conditions. **NOT APPLICABLE**

Application Requirements

1. A written narrative that includes a general description of the operation, including a good faith estimate of the duration of use; a description of the Temporary Housing Units to be used and how the Housing Units are to be set and/or anchored to the ground; a description of how the Units are to be numbered; and a description of the source of potable water supply, method of sewage disposal, method of waste disposal, method of dust control and proposed maintenance of the site. **COMPLIANT**
2. A scaled site plan showing the overall dimensions of the site; required setbacks; the location of Housing Units, other structures, parking areas, fences, and landscaping; the location of existing and proposed roads and access ways within and adjacent to the site; and the location of wells, sewage treatment system(s), and waste management areas. **COMPLIANT**
3. Plans for essential services, including emergency medical and fire facilities and security services. **COMPLIANT**
4. Service Availability Letters for utilities **NOT APPLICABLE**
5. A storm water management plan **NOT APPLICABLE**
6. A traffic impact analysis, if required by the City's Engineer, to determine if any improvement to City, County or State roadways, including the paving of roadways or the installation of turning lanes, is warranted. If warranted, roadway improvements will need to be installed at the Operator's expense prior to operation of the Facility. **NOT APPLICABLE**
7. Copies of the Facility's proposed house rules and regulations, onsite security plan, and on-site emergency management plan (including contingencies for fire, tornado, hurricane and other natural disasters). **COMPLIANT**
8. Consent of Landowner. Prior to the approval of any proposed temporary residence under this section, the applicant must demonstrate proof of the consent and approval of the property owner if the property is not owned by the proposed Operator. An Agent Authorization form or lease will suffice. **COMPLIANT**
9. Submittals shall include any other information required to meet the minimum standards noted in *Sections 9.9.4, 9.9.5 and 9.9.7* as needed by the Planning Commission or City Planner to make an informed decision on the request. **NOT APPLICABLE**

Review Criteria

The Planning Commission and City Council may attach any conditions or reporting requirements to the Temporary Use Permit that it deems necessary and prudent. A TUP may be issued by the City Council for a temporary use or activity that meets the following criteria:

1. The proposed use or activity will be of a temporary nature and will not create a permanent change to the site or surrounding area. **COMPLIANT**
2. The proposed use or activity will not create a significant impact on surrounding land uses or the environment. **COMPLIANT**
3. The proposed use or activity will comply with all applicable health, safety, and building codes. **COMPLIANT**
4. The proposed use or activity will not create a public nuisance or hazard. **COMPLIANT**
5. The zoning authority may impose conditions on the issuance of a TUP in order to ensure compliance with the above criteria. **NOT APPLICABLE**

Restoration of the Site

For Temporary Work Force Housing Facilities which are permitted as part of an existing Manufactured/Mobile Home Park or Recreational Vehicle Park under *Section 9.9.4(b)*, the applicant shall provide a written plan and agreement setting forth how the Temporary Housing Units will be removed from the site. Within ninety (90) days after the removal of the Facility is complete, a

reclamation report shall be submitted to the City Planner indicating that the site was reclaimed as set forth in the approved reclamation plan. In the event that the site is not restored in accordance with the approved plan, the City Council may call on the surety bond to complete the restoration in a satisfactory manner. Infrastructure installed as part of the Temporary Work Force Facility must be removed from the site and the property restored to a state consistent with the Manufactured Home Park or Recreational Vehicle Park use existing prior to the development of the Facility unless the zoning authority determines the following:

1. Allowing the TUP infrastructure to remain promotes the purpose and intent of the Zoning Ordinance and provides an overall benefit to the general health, safety and welfare of the residents of the City; and, **COMPLIANT**
2. Allowing the TUP infrastructure to remain does not confer on the applicant any special privilege that is denied by this ordinance to other citizens or other uses, lands, structures, or buildings in the same district; and, **COMPLIANT**
3. Due to the existence of the infrastructure:
 - a.) The existing use has become compliant with the zoning district requirements and other applicable City regulations; or **COMPLIANT**
 - b.) The existing use will become substantially non-compliant due to the removal of the infrastructure; or **COMPLIANT**
 - c.) The infrastructure substantially decreases the nonconformity of the Manufactured Home Park or Recreational Vehicle Park use existing prior to the development of the Temporary Work Force Facility. **COMPLIANT**

STAFF RECOMMENDATION

Overall, the submitted plans do not appear incompatible or significantly inconsistent with current zoning regulations. The site is an existing Manufactured Home Park with the facilities and infrastructure in place to readily accommodate worker-provided RVs with no apparent alterations necessary prior to operation of the Temporary Workforce Housing Facility. This request is concurrent with a rezoning request to the R-5 zoning district and any approvals of the TUP will be dependent upon the applicant receiving approval of the rezoning. Based on the submittals from the applicant and the analysis above, Staff recommends the TUP request be **APPROVED CONTINGENT UPON A SUCCESSFUL REZONING TO R-5, MANUFACTURED HOME RESIDENTIAL DISTRICT.**

PLANNING COMMISSION ACTION

The use of Temporary Work Force Housing Facilities requires approval of Temporary Use Permit, for which no public hearing is required. The Planning Commission shall review and make a recommendation to the City Council for the issuance of a Temporary Use Permit. A permit may be approved or denied based on the criteria herein, including the compatibility with surrounding land uses and compliance with the Zoning Ordinance.

The Planning Commission makes a recommendation to City Council and has the option to:

- Recommend Approval of the Temporary Use Permit as presented.
- Recommend Approval of the Temporary Use Permit with conditions, stating the conditions required.
- Recommend Denial of the Temporary Use Permit, with stated factors for the denial
- Table the Temporary Use Permit Request, due to lack of information

9.9.8 Approval

If the TUP is approved, all required City, County and State permits shall be obtained prior to construction/installation of the temporary housing facilities, including, but not limited to, building permits, electrical permits, plumbing permits and mechanical permits. After a TUP is granted, the following shall be provided to the City in conjunction with construction and prior to operation of the Temporary Housing Facility:

- a. *The name and address of the onsite manager and contact information.*
- b. *Copies of required permits or approvals from the Department of Health and/or the Alabama Department of Environmental Management, Baldwin County Commission, Alabama Department of Transportation, and US Army Corps of Engineers.*

- c. *A plan for the closing of the facility and reclamation of the site, including how structures and equipment will be removed; how trash and construction debris will be removed; how concrete footings and foundations will be removed or buried; how the sewage disposal system will be removed and disposed of; how the site will be graded and re-contoured to blend into the surrounding topography; how topsoil will be replaced and the site seeded with an appropriate seed mix to establish sufficient cover to stabilize the site and prevent erosion, and how unneeded access roads will be re-graded and re-vegetated. Alternatively, if the TUP was issued pursuant to Section 9.9.4(b), the Operator agrees that all recreational vehicles will be removed from the site on or before the expiration of the TUP.*
- d. *An irrevocable surety bond shall be submitted to the City Administrator in an amount equal to an engineer's estimate of the cost of removing, demolishing and disposing of such Facilities following termination of the use in accordance with the approved plan and shall be held for the duration of the Temporary Work Force Housing Facility operation. The amount of the bond may be reviewed by the City Council on an annual basis and adjusted if needed.*

9.9.9 Term

A Temporary Use Permit for a Temporary Housing Facility approved in accordance with this Article shall be valid for a period of one (1) year, and is renewable in one (1) year increments upon submittal of a request for an extension and approval in accordance with the provisions of this Article. The request for an extension must also include a written narrative describing the Facility, its compliance with the requirements contained herein and any conditions placed upon it and demonstrate the continued need for the Facility. In no case shall a Temporary Use Permit or Renewal extend beyond the sunset provisions of Section 9.9.



City of Bay Minette

Site Plan Review Application

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

Office Use Only	
Case No.:	<u>SP-23-006</u>
Fee:	\$500.00
Paid:	<input type="checkbox"/> Cash <input type="checkbox"/> Check
	<input type="checkbox"/> Credit Card

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: Kevin M. Koestler Date: 7/24/2023

Mailing Address: 169 Dickman Rd.

City: Bay Minette State: AL Zip Code: 36507

Phone Number: 251-937-7000 Email: contact@kparks.net

Site Information

Property Address: 169 Dickman Rd and 175 Dickman Rd, Bay Minette, AL 36507

or Property Location: _____

*Parcel No.: _____ *PPIN No.: 219507 / 83581

**Parcel or PPIN information must be completed*

Request: Development of Temporary Work Force Housing Facility

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.

Signature of Applicant (Owner of Property of Authorized Agent) _____ Date 7/24/2023

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

June 23, 2023

Kevin M. Koestler
KM Koestler LLC, dba: Koestler Parks
169 Dickman Rd.
Bay Minette, AL 36507
contact@kparks.net
251-937-7000

City of Bay Minette Planning Commission
301 D'Olive Street
Bay Minette, AL 36507

Subject: Proposal for Accepting Recreational Vehicles (RVs) for Temporary Workers at Koestler Parks

Dear Members of the City of Bay Minette Planning Commission,

I am writing to submit a proposal on behalf of Koestler Parks, regarding the acceptance of Recreational Vehicles (RVs) for temporary workers at our mobile home park located at 175 Dickman Rd., Bay Minette, AL 36507.

Overview of Proposal:

Koestler Parks is seeking permission from the City of Bay Minette to allow our mobile home park to accommodate RVs utilized by temporary workers. We aim to utilize 28 out of the total 42 sites in our park, which have been upgraded to specifically cater to RVs, ensuring a safe and convenient living arrangement for temporary construction workers engaged in the nearby "Mega Site" construction project. These sites have been thoughtfully equipped with 50/30/20 amp electrical RV pedestals, new 4-inch sewer lines, and freeze-proof potable water connections, ensuring all necessary utilities are readily available.

Location and Access:

Our park is ideally situated at 175 Dickman Rd., Bay Minette, AL 36507, just 7 miles away from the "Mega Site" construction project. The 51-year-old asphalt road leading into the park is 40 feet wide, allowing for smooth two-way traffic. The road's width is suitable for accommodating the transportation needs of temporary workers and their RVs without causing congestion or safety concerns.

Site Specifications:

Each RV site within Koestler Parks measures approximately 45 feet wide and 80 feet long. The RV parking pad is centrally positioned within the 45 feet width, ensuring ample space for maneuvering and parking of the recreational vehicles, while at the same time, allowing our guest a sense of personal space and privacy. The park spans approximately 4.75 acres, providing sufficient room for temporary workers to comfortably stay during the project duration.

Amenities:

To enhance the experience of the temporary workers, additional park road lighting is being installed and we have made available coin-operated clothes washing and drying machines within the park. Additionally, our location benefits from the proximity to a recently built commercial coin-operated laundromat, further ensuring the convenience of the residents.

Temporary Use and Future Transition:

It is important to note that the RV sites will solely be utilized by temporary workers involved in the construction project. Once the demand for these workers has concluded, at no additional cost, the sites will revert to their original purpose as manufactured housing sites. The transition back to manufactured housing sites will be seamless, without causing any disruption to the surrounding area or the park's infrastructure.

Benefits to the Community:

Our proposal presents numerous benefits to the City of Bay Minette and the surrounding community. By allowing temporary workers to utilize our RV sites, we provide a close, safe, and well-built living accommodation solution for those participating in the "Mega Site" construction project. This approach alleviates the strain on the local housing market and ensures the availability of suitable living spaces for these workers. Furthermore, the park is surrounded by business and industrial use properties, therefore having no influence on any residential area.

Conclusion:

Koestler Parks seeks your support and approval for our proposal to accept RVs for temporary workers at our mobile home park. Our park's location, amenities, and proper infrastructure make it an ideal solution to help meet the emergency demand created by temporary construction workers seeking a nearby, safe, and well-equipped living arrangement.

This emergency demand is made clear by repeated request from Novelis/construction workers, on a daily basis, seeking help for a proper location to place RVs of out of town workers.

We look forward to the Planning Commission's favorable consideration of our proposal and appreciate the opportunity to contribute to the development of our community.

Please feel free to contact me at 251-937-7000 or via email at contact@kparks.net if you have any questions or require additional information.

Thank you for your time and attention.

Sincerely,

Kevin M. Koestler
Owner, Koestler Parks

The location and size of the site including its legal description and a current certified survey.

**Location of site is 169 Dickman Rd (.19 acres) and 175 Dickman Rd (4.70 acres)
The legal description is included on the Parcel Info Sheet**

A vicinity map showing the site relation to surrounding property.

Map Included in Site Plan Application Package

The recorded ownership or developer's interest if the developer is not the owner.

Kevin Koestler is the sole owner, also documented on Parcel Info Sheet

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.

To the east side of the property is the Baldwin County Barn, to the south is Dickman Rd with International Paper Company to the south of Dickman Rd, to the south west side is a closed and dilapidated car wash, directly to the west is Cockrell's Body Shop and beyond Cockrell's is Hwy 59/31N, to the north west is a small vacant dilapidated strip shopping center, to the north is a undeveloped wooded area. The site has existing water and sewer service provided by NBU, the site roadway is forty feet wide and has solar powered street lights

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.

The park is designed to accommodate 42 mobile homes/RVs. Following Koestler Park's Rules and Guidelines, mobile homes/manufactured homes are allowed four people for a two bedroom home and six people for a three bedroom home. RVs are allowed no more than 4 people. However, it is common to find an RV with only one person when the RV is used for living accommodations while at a job site. Also, per our Rules and Guidelines, all lots are limited to two vehicles. If considering RV guest, the "pull vehicle", or "motorhome" is considered one of the two allowed.

Site calculations shall include the detailed information on the dimensions and/or area of the following:

Existing Structure square footage

At the site address of 175 Dickman Rd, there are 14 mobile homes owned by tenants on the property. Average 900 sq.ft. per home, totaling 12,600 sq. ft.

The site address at 169 Dickman Rd has an office of 3,000 sq. ft.

Proposed Structure square footage

At 175 Dickman Rd, , based on proforma estimates, there will be 28 additional sites with RVs, which average 320 sq. ft. each, for a total of 8,960 sq. ft.

At 169 Dickman Rd, the proposed structure will remain the same

Existing Impervious Surface area including parking areas and access/driveways

Approximately 25,000 sq. ft.

Proposed Impervious Surface area including parking areas and access/driveways

Will remain the same, 25,000 sq. ft.

Proposed Landscaped/Open Space areas

Will remain the same, 179,732

Number of Parking Spaces provided with dimensions and provisions for accessible parking and travel paths.

Each site is afforded two angled parking spaces averaging 16 to 18 feet in length and 7.9 to 9 feet wide on the site road measuring 40 ft. wide., also, RVs will be parked such that the RV is backed into the site space far enough for a vehicle to park in front of the RV, off the road. Due to the 40 feet wide road, traffic is allowed to be two-way.

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.

The common area in the center of the site at 175 Dickman Rd. is approximately 175 wide and 300 feet long.

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

1,500 feet of the office building with 10 feet high ceilings will be used as a group room for RVers to gather, a laundry room of 100 sq. ft, x 10 feet high also exist in the office building, the remaining space of the office building will continue to function as office space.

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.

Access is granted to Alabama Power, North Baldwin Utilities, telephone providers and cable providers.

Existing setbacks of mobile home sites with preexisting homes is 20 to 25 feet, as set-up when the mobile home park was initially built. New site's setback for RVs and/or manufactured homes is 25 feet or more.

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

All existing open spaces, trees and foliage will remain in place

In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for building permits are intended to be filed. **N/A**

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. **N/A**

Front and side architectural elevations.

Provided on separate sheet

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.

One free standing sign will be placed on the east end of the office building, facing Dickman Rd that complies with the sign ordinance.

Landscape plans, in accordance with Section 10.4 Landscape Plan Standards.

No changes will be made to existing landscaping

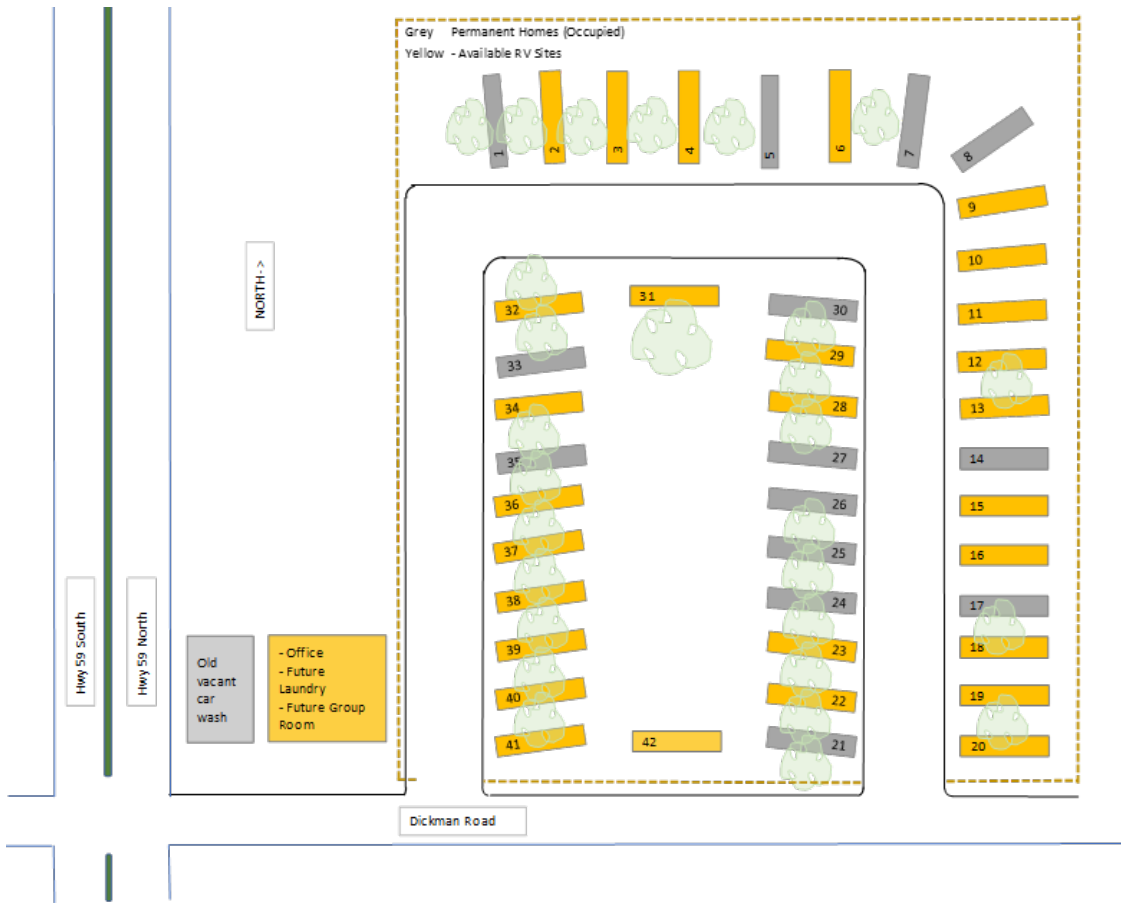
Any additional data, plans or specifications which the applicant or the City believes is pertinent and which will assist in clarifying the application including, but not limited to plans for screening, lighting and space, surface drainage, erosion and sediment control, water and sewer connections, landscaping,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

No changes are to be made to the dimensions of existing park site spaces or overall park layout. Surface drainage, erosion and sediment control will remain the same.

Water and sewer connections were upgraded include freeze proof water connections and new 4" sewer cleanouts at each site/lot by Vaughn Plumbing and North Baldwin Utilities.

All sites/lots to be used by RVs have been leveled and resurfaced with 4 to 8 inches of compacted sandy clay base and topped with 4 to 6 inches of asphalt millings.

Park road lighting is being converted to solar power lighting.

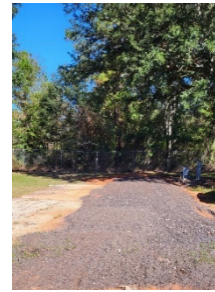




Site 3



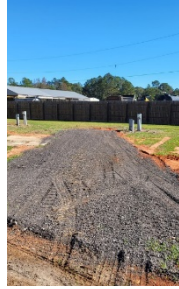
Site 4



Site 6



Site 9



Site 10



Site 11



Site 12



Site 13



Site 15



Site 16



Site 18



Site 19



Site 20



Site 22



Site 23



Site 28



Site 29



Site 31



Site 32



Site 34



Site 36



Site 37



Site 38

This picture was taken in Fall of 2022. (No RV currently in park.)



Site 39



Site 40




Site 41



Site 42

(Site #2 is not pictured. However, it looks about the same as Site #3.)

Oak Cove

 Sewer Cleanout - 4"

 Grey - RV Site

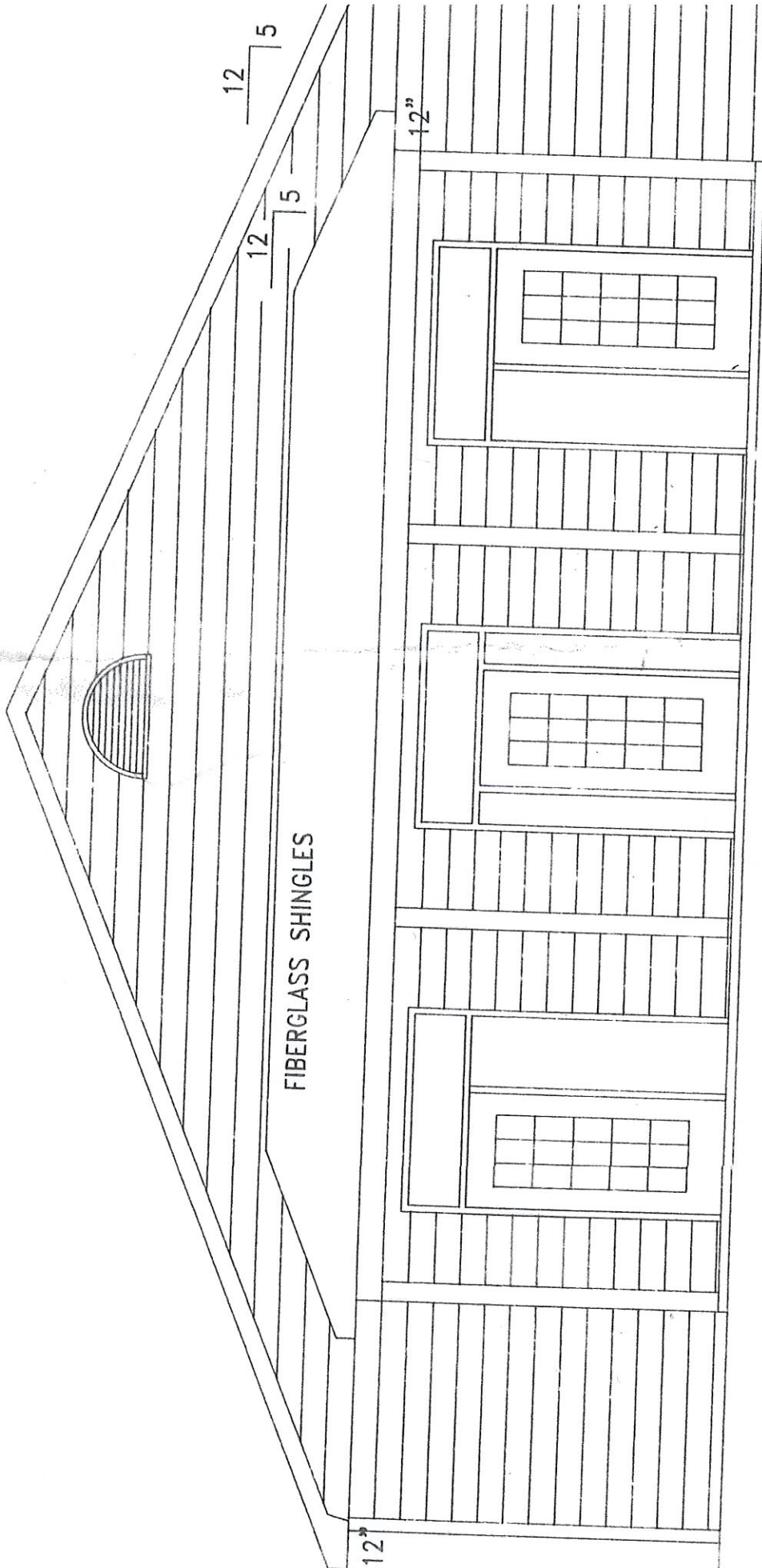
 Yellow - Mobile Home



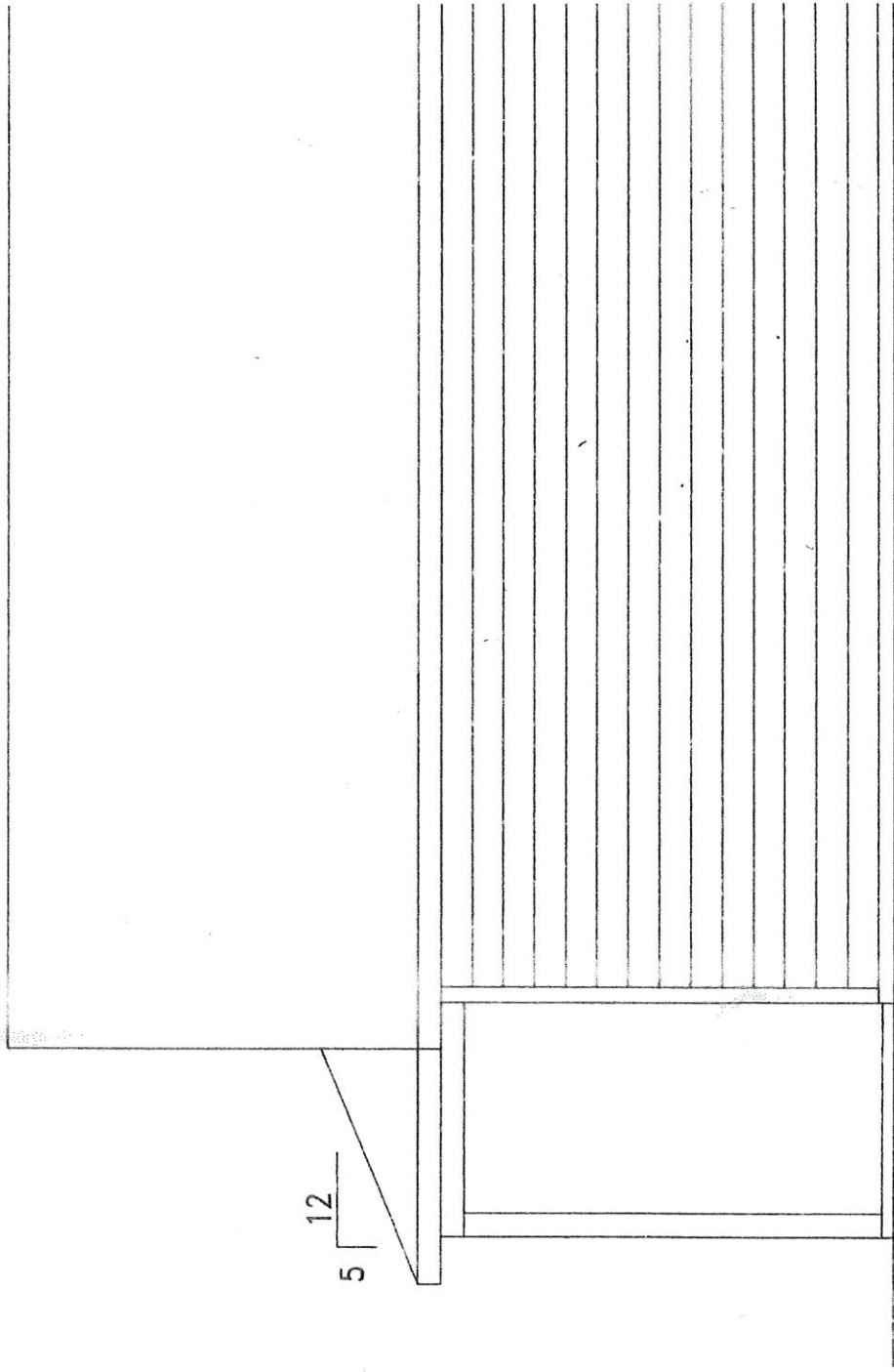
Office

Dickman Rd.





FRONT ELEVATION
SCALE: 1/4" = 1'-0"



From: [Koestler Parks](#)
To: [Jessica Peed](#)
Subject: RE: Site Plan Pre-Application Meeting
Date: Wednesday, August 16, 2023 7:48:06 AM
Attachments: [image001.png](#)

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

'Morning Jessica.

In the meeting yesterday, August 15th, Clair stated that even though the city does not have anything to do with the writing of Koestler Parks' rules, or the enforcement of said rules that may exist, that it is the responsibility of Koestler Parks to enforce its own rules. Nonetheless, she thought it would be a good idea to forward the rules to you guys.

Therefore, below is a copy of our "RULES AND GUIDELINES"

Thank you,

Kevin M. Koestler

Rules & Guidelines

It is the responsibility of residents to ensure all others living with them, and their guest, understand and abide by these Rules & Guidelines.

If you do not abide by these rules and guidelines, and/or cannot get your guest to abide by these Rules & Guidelines, then you will be evicted.

SPECIAL NOTE:

Every action or condition cannot be listed within these Rules & Guidelines and are therefore expected to be implied as "should be understood, using common sense" by a person that has the apparent mental faculties to enter into a Rental Agreement. HOWEVER, if you are unsure about an "action" or "condition", check with the office BEFORE doing something that could lead to a regrettable situation.

DEFINITIONS

KM Koestler, LLC – A real estate services company that owns and/or manages residential and commercial rental property.

Koestler Parks – The "doing business as" (dba) name of KM Koestler, LLC residential mobile home and RV parks.

Oak Cove - Park located at 175 Dickman Rd., Bay Minette, AL 36507

Sunrise Pointe - Park located at 15931 Pine Grove Rd., Ext., W., Bay Minette, AL 36507

Resident – (May also be referred to as "Tenant".) The person named on the agreement(s) that is legally responsible for paying the rent and being held responsible for the care and upkeep of rented

property.

All others – (Also referred to as “others” or “other occupants”.) The people listed on the Rental Application or rental lease, which are allowed to live with the resident.

Guest – People that are visiting the resident or others living in Koestler Park and are not listed on the rental application or rental agreement as a resident or another occupant, in the park, they are currently located.

Regular Basis – Considered as a normal or ongoing condition, as understood and/or interpreted by KM Koestler, LLC management or employees.

Rental Application – Blank document, issued by KM Koestler, LLC for people to complete so their request to live on a property owned or operated by KM Koestler, LLC will be considered.

Rental Agreement – (Also known as “Lease” or “Lease Agreement”.) A legally binding document that defines property being rented from KM Koestler, LLC by an individual or business, to be used for a purpose defined in the “Rental Agreement”.

NOTE: Other definitions are found throughout these Rules & Guidelines, where it has been determined that defining a word or term is necessary.

1. PAYING UPFRONT FEES BEFORE RESIDENCY BEGINS - LATE FEES FOR LATE PAYMENTS:

No Resident or RV Site occupant shall be allowed to establish residence or "hook-up" their RV in/on property until all fees and utilities are correctly paid in the name of the person renting the property have been agreed too and/or established with the consent of Koestler Parks. And a copy of all utility service being established must be provided to the office before residence may begin.

Daily and weekly RV rent is paid without a "Grace Period". RV's renting monthly are allowed the 5-day grace period.

Rent is due on the first day of each month. A “Grace Period” allows a resident extra time to pay on or before the 5th day of the month, without being charged a “Late Fee”.

The “Late Fee” is \$50.00.

(IF PAYMENT IS MADE AFTER THE 5TH DAY OF THE MONTH, THE RESIDENT’S PAYMENT WILL BE CONSIDERED LATE. A “LATE FEE” WILL AUTOMATICALLY BE CHARGED AFTER 11:59P.M. ON THE 5TH DAY OF THE MONTH. THEREFORE, THE PAYMENT MADE WILL BE CONSIDERED A “PARTIAL PAYMENT”, BECAUSE THE PAYMENT DOES NOT INCLUDE THE “LATE FEE”, AND THEREFORE RETURNED TO THE RESIDENT, AS IF NO PAYMENT HAS BEEN MADE, AND THE LEGAL PROCESS OF AN EVICTION WILL START BY MEANS OF ISSUING THE RESIDENT A “**NOTICE TO PAY OR QUIT**”.

2. QUIET HOURS

No loud, bothersome level of noise is ever allowed. Plain and simple, any level of noise, at any time, that others consider interfering with their right to a “quiet and peaceful environment” is not acceptable. Especially between the hours of 9:00 p.m. and 5:00 a.m., for every day of the week, while most people are sleeping, all residents and RVers are expected to keep all noise to a minimum, so as to not wake anyone up.

3. VEHICLES

1. **The speed limit in the park is 10 mph.**
2. Two vehicles allowed per site.
3. Loud exhaust pipes, playing loud music or amplified base sound or the revving of engines, is

not permitted.

4. Vehicle maintenance, such as changing oil or tuning up engine are prohibited.
5. Residents are not permitted to store or dispose of vehicle tires on Koestler Parks property. A resident that has tires in the yard will be required to remove the tires from the property (not hide them behind the home).

4. PARKING

We regulate the time, manner, and place of parking cars, trucks, motorcycles, boats, trailers, and recreational vehicles by anyone. We may have unauthorized or illegally parked vehicles towed under an appropriate statute.

A vehicle is unauthorized or illegally parked in the park community if it:

1. Has a flat tire or other condition rendering it inoperable; or
2. Is on jacks, blocks, or has wheel(s) missing; or
3. Has no current license; or
4. Takes up more than one parking space; or
5. Belongs to a resident or occupant who has surrendered or abandoned the park; or
6. Is parked in a handicap space without the legally required handicap insignia; or
7. Is parked in a space marked for manager, staff, or guest at the office; or
8. Blocks another vehicle from exiting; or
9. Is parked in a fire lane or designated "no parking" area; or
10. Is parked in a space marked for another resident(s) or unit(s); or
11. Is parked on the grass, sidewalk, or patio; or
12. Blocks routine household trash trucks from access to a dumpster.

5. CAMP FIRES / FIRE RINGS

Not permitted

6. TENTING & OTHER YARD FURNITURE OR OUTDOOR EQUIPMENT

Tents are not permitted on any lawn area. Lawn furniture must be "Lawn Furniture". It cannot be household furniture that you simply decide to put outside. For example: a couch or mattress is not considered "Lawn Furniture" because it is intended to be used inside, not outside. Outdoor equipment, such as swing sets and swimming pools must be kept in proper working order, clean and maintained.

1. Trampolines are prohibited (Small child trampolines, approx. four feet in diameter, are not prohibited. -Because in severe weather, they can be picked-up and brought inside, within the time it takes you to bring a grocery bag in from your car.)
2. Swimming pools must be disassembled and stored when not in use.

Any yard furniture or other outdoor equipment that Koestler Parks management deems as being neglected, or unsightly, must be removed within 7 days of notification. Failure to comply will result in eviction.

7. CLOTHESLINES

Not permitted.

8. SATELLITE DISH OR ANTENNA

You may **NOT** install a post in the ground to mount a satellite dish. The size of a satellite dish sitting in a surface mount configuration may not exceed three feet in diameter.

9. SEPTIC TANK MAINTENANCE

Septic tanks must be kept in proper working order. If Koestler Parks determines that a septic tank

needs to be pumped out, then the resident must use the company determined by Koestler Parks. The resident must have the tank promptly pumped out. The resident is financially responsible for the cost of having the septic tank pumped out. If the resident does not, or refuses to have the tank professionally pumped out, then that resident will be asked to move out or the resident will be evicted.

10. KEEPING UP APPEARANCES

Keep your site clean. The storage of car parts, an abundance of toys, and other items not used on a regular basis is not permitted. The wearing of clothing considered offensive by any race, religion, sex, or national origin is not permitted. "Sagging" is prohibited.

11. HOLIDAY DECORATIONS AND OTHER SIGNAGE

Holiday decorations are encouraged. However, all holiday decorations should be removed within a couple of weeks after such an event. However, any signs and decorations that may be considered offensive to the public must not be displayed. (Singular individuals complaining about a rare or personal preference to an accepted and customary decoration as offensive will NOT be addressed as a legitimate complaint.)

Advertisements and "Posted" / "No Trespassing" signs are not allowed. (Such signs are considered unsightly and ineffective and do not apply to the park property. Such a sign would only refer to those people with the intent to enter a home which they have no right to enter. And, for such a person to take these steps, a sign is not going to stop them, nor does it carry more weight in reference to criminal breaking and entering.)

12. HOUSEHOLD TRASH DEFINED

All items that are discarded as non-usable/non-consumable in the home, **on a regular, daily basis**. Such as, food and beverage wrappers and containers, food scraps, packaging from bought items, dust, lint, emptied containers, paper, and plastic bags, etc. that will fit into a trash can. (If meat or fish remains are part of your routine household trash, please wrap them in plastic.)

TRASH AND/OR DEBRIS IS NOT TO BE PLACED OUTSIDE UNLESS A SCHEDULED PICK-UP APPOINTMENT BY THE PROPER WASTE COMPANY HAS BEEN PRE-ARRANGED.

IF TRASH OR DISCARDED BELONGINGS WILL NOT BE PICKED UP, THEN THE RESIDENT IS RESPONSIBLE TO HAUL IT TO THE DUMP.

(ANY RESIDENT THAT HAS TRASH AND/OR DEBRIS PLACED OUTSIDE THAT RESULTS IN PERSONNEL OF KOESTLER PARKS NEEDING TO DISPOSE OF, WILL BE CHARGED A \$100.00 CLEAN-UP FEE, PLUS THE COST CHARGED BY THE DUMP.)

ALSO, ONCE ANY KOESTLER PARKS PERSONNEL BEGIN TO CLEAN UP TRASH, A RESIDENT MAY NOT INTERRUPT THE WORK BEING PERFORMED IN ORDER TO STOP BEING CHARGED THE \$100.00 CLEAN-UP FEE.

13. NON-HOUSEHOLD TRASH

Furniture, bed frames, mattresses, vehicle tires, televisions, stereos, musical instruments, weapons, toys, bicycles, large boxes, car parts, etc. needs to be hauled to the dump and not left outside. Such non-household trash can only be left outside the day before it is scheduled to be picked up.

14. PETS

The word "Pet", as used in this document, is to include all living creatures that are not classified as human beings and are being cared for in any way by a resident, or other occupants living with the resident.

1. **Having a pet on KM Koestler LLC property is a paid for privilege.** The fees for having a pet are:
 1. A monthly ongoing fee of \$25.00 (Per pet – limit two pets. Applies to all residents.) Failure to pay the one-time initial fee or a monthly ongoing fee with and added to a resident's monthly rent "Payment Terms" of KM Koestler LLC will result in the resident being charged a "Late Fee" (\$50.00) and issued a "Notice to pay or quit", requiring payment in full within 7 days or the resident's lease will terminate and the resident and all others living with the resident will be evicted.
 2. A one-time initial fee of \$200.00 (Covers up to two pets – limit two pets. Residents that own their own mobile home are not expected to pay this fee.),
 3. All pets are to be registered at KM Koestler LLC's office. To register the pet, a resident will need to provide to our office:
 1. The pet's name
 2. Document from a known veterinarian, with an existing veterinary practice in operation, stating the species, breed and sex of the pet and documented vaccinations the pet has, had.
 2. Upon registration, KM Koestler LLC will place a "Pet Permit" next to the front door of the resident's home. Residents that own their own home will be issued a "Pet Permit" and they will be required to place the permit next to the front door.
1. Limits of a pet are as follows:
 2. The weight of a dog that has an adult average weight over 20 pounds is not permitted. For example, the average adult weight of a Labrador Retriever is over twenty pounds, therefore that breed of dog is not permitted, even as a puppy.
 3. No pet is permitted to roam outside without a leash.
 4. No runners and/or chains or other type to line to restrain a pet may be placed on a pet and left outside the mobile home
 5. No cages may be used to place a pet in, outside the mobile home.
 6. All pets must be "house-broken"
 7. All pet feces are to be removed from the ground and placed inside a plastic bag, tied closed, and properly placed in the trash.
 8. A dog that constantly barks and bothers park residents will be required to be permanently removed from KM Koestler LLC property.
 9. Any pet that attacks, even once and without regard to the circumstances, anybody or another pet will be required to be permanently removed from KM Koestler LLC property.
 10. Any pet that damages KM Koestler LLC property will be required to be removed from KM Koestler LLC property permanently (including dogs that dig holes in the ground).
 11. Any resident that uses a pet to threaten anybody with bodily harm by the pet will be evicted. This is a incurable offense, meaning no special extended time notice will be required and no second chances.
 12. Failure to comply with any of these pet rules will result in a \$100.00 fine, unless otherwise stated. Failure to pay the fee within the "Rent Payment Terms" of KM Koestler LLC will result in the resident being charged a "Late Fee" (\$50.00) and issued a "Notice to pay or quit", requiring payment in full within 7 days or the resident's lease will terminate and the resident and all others living with

the resident will be evicted.)

15. LIMITATIONS ON CONDUCT

The resident is responsible for the actions and behavior of themselves and all others, including guest, who are on Koestler Parks property. The responsibility exists regardless of the resident being present when the resident's other occupants or guests take actions.

1. The leased property and other areas reserved for the Resident's private use must be kept clean.
2. Trash must be disposed of in receptacles in accordance with local ordinances, or as determined reasonable by Koestler Parks.
3. Glass containers are prohibited in all communal areas.
4. Resident, Resident 's occupants, or guest may not anywhere in or on Koestler Parks property; use candles, use kerosene lamps or kerosene heaters.
5. Conducting any kind of business (including childcare services) in/on Resident's rented property is prohibited, except, any lawful business conducted "at home" by computer, mail, or telephone is permissible if customers, clients, patients, or other business associates do not come to Resident's rented property for business purposes.

16. KOESTLER PARKS MAY REGULATE:

1. The use of patios, balconies, and porches.
2. The conduct of furniture movers and delivery persons.
3. Recreational activities in communal areas.
4. The conduct and scheduling of mobile home moving companies.

17. PROHIBITED CONDUCT

Resident and Resident's occupants or guest may not engage in the following activities:

1. Behaving in a loud or obnoxious manner
2. Disturbing or threatening the rights, comfort, health, safety, or convenience of others (including our agents and employees) in or near a Koestler Parks community
3. Disrupting Koestler Parks business operations
4. Manufacturing, delivering, possessing with intent to deliver, or otherwise possessing a controlled substance or drug paraphernalia
5. Engaging in or threatening violence
6. Possessing a weapon prohibited by state or federal law
7. Discharging a firearm in or on Koestler Parks property
8. Displaying or possessing a gun, knife, or other weapon in a communal area in a way that may alarm others
9. Storing anything in closets having gas appliances
10. Tampering with utilities or telecommunications
11. Bringing hazardous materials into/onto a Koestler Parks community
12. Injuring Koestler Parks reputation by making bad faith allegations against Koestler Parks to others.
13. **CONSUMPTION OF ALCOHOLIC BEVERAGES:** The consumption of alcoholic beverages by any person under the age of twenty-one is prohibited.
14. Do not walk around the park with alcoholic beverages.
15. Disorderly, drunken behavior will not be tolerated and will be reported to local law

enforcement.

18. RESIDENT RESPONSIBILITY TO NOTIFY

Resident agrees to notify landlord if Resident or any occupants are convicted of any felony, or misdemeanor involving a controlled substance, violence to another person or destruction of property. Resident also agrees to notify landlord if Resident or any occupant registers as a sex offender in any state. Informing landlord of criminal convictions or sex offender registry does not waive landlord's right to evict Resident. Failure to make said notifications may result in the Tenant, and all others living on the property, being evicted.

19. WHO MAY LIVE WITH THE RESIDENT

Only those people listed on the "Rental Application", or rental agreement.

20. SUB-LETTING / OPERATING A BUSINESS IN A KOESTLER PARK: Resident/tenant and/or other occupants may not sublet any property of Koestler Parks, and/or rent a mobile home owned by the tenant to another person, persons, or business, which is situated on Koestler Parks property. No tenant may operate any business on Koestler Parks property unless approved in writing by Koestler Parks management.

21. GUEST

All guests should be registered. Also, the actions of any guest are the responsibility of the resident.

22. RESIDENT LIABILITY

Resident is liable to Koestler Parks for damage caused by the Resident, or any of the Resident's guest or occupants and the actions taken by any service people that have entered a park on behalf of the resident, including the actions of mobile home movers.

23. LIMIT ACCESS

Koestler Parks may exclude or end access to Koestler Parks, guests or others who have been violating the law, violating this Lease Contract or any park rules, or disturbing other residents, neighbors, visitors, or owner representatives. Koestler Parks, or an employee of the same may also exclude or end access from any outside area or public area a person who refuses to show photo identification or refuses to identify himself or herself as a resident, occupant, or guest of a specific resident of the park.

24. RESIDENT SAFETY AND PROPERTY LOSS

The Resident and all occupants and guests must exercise due care for your own and others' safety and security, especially in the use of smoke detectors, keyed deadbolt locks, keyless bolting devices, window latches, and other safety or security devices. You agree to follow all guidelines concerning safety, as are suggested within this Lease Contract.

25. MAINTENANCE RESPONSIBILITY

Koestler Parks maintains all property border fencing, roads, mailboxes, park lighting, as well as the lawns and tress that are in common areas. The resident is responsible for maintaining all utilities, past the point of responsibility offered by the various utility companies. Furthermore, the resident is responsible for the following:

1. Water supply lines, past the water company's water meter.
2. Clogged sewer lines from the home to the sewer.
3. Septic lines are to be cleaned and tank cleaned, as needed, at the cost to the resident. (Septic company selected by landlord)
4. Electrical power lines, coming out of the electrical utility company's meter or RV Power outlet plug.
5. Lawns, bushes, tree limbs in the proximity of the mobile home or RV.

6. Trash should be kept off the ground and only a proper trash receptacle, issued by the city sanitation department, as distributed by the waste disposal company, should be used to dispose of trash.

26. REQUEST, REPAIRS AND MALFUNCTIONS

All maintenance requests must be called into the rental office. Our complying with or responding to any oral request does not waive the requirement to call the rental office to make a maintenance request. Any equipment failure, electrical malfunction, water leaks, and other malfunctions should be reported to the office immediately. We will act with customary diligence to make repairs and corrections. Rent will not abate in whole or in part.

27. LOCKS

Resident may not change any entrance lock or establish any additional lock which would impede an employee of Koestler Parks the ability to enter a rented/leased property.

28. KEYS

If Resident is RENTING a mobile home, apartment, house, office or other building that requires a key to unlock and open a main entrance door, then, two entrance lock keys will be issued to Resident after Resident has paid all proper fees and after receipts from the proper utility companies are provided to Koestler Parks from the Resident, demonstrating that utilities have been established in the name of the Resident.

29. REIMBURSEMENT

Resident must promptly reimburse landlord for loss, damage, government fines, or cost of repairs or service in the Mobile Home Park due to a violation of the Lease Contract or rules, improper use, or negligence by Resident or Resident's guest or occupants. As well as the cost of any taxes or permits associated with the cost of a home which has entered a "Rent Credit Agreement", or any type of rental agreement that will result in the resident owning the home, or eventually having the option to own the home.

30. PEST CONTROL AND EXTERMINATION OF PEST

All dwelling units are free of insect infestations at the time the Resident takes possession of the rented/leased property. If during the Lease Contract, Koestler Parks' employee(s) determine that a leased dwelling unit has any type of infestation, then we may pay a professional pest control company to rid the dwelling of the pest. The cost of treating the dwelling will be charged to the Resident. The Resident may also enter into a pest control contract of their own with any "professional" pest control company of their choosing.

31. DISCLOSURE RIGHTS

If someone requests information on the Resident, or the Resident's rental history for law-enforcement, governmental, or business purposes, we may provide it.

32. CRIME OR EMERGENCY

Dial 911 or immediately call local medical emergency, fire, or police personnel in case of accident, fire, smoke, or suspected criminal activity or other emergency involving imminent harm. You should then contact a representative of Koestler Parks. The Resident, Resident's occupants and guest are not to treat any of Koestler Parks' security measures as an express or implied warranty of security, or as a guarantee against crime or of reduced risk of crime. We are not obliged to furnish security personnel, security lighting, security gates or fences, or other forms of security unless required by statute. We are not responsible for obtaining criminal-history checks on any residents, occupants, guests, or contractors in any of the park communities. If you or any occupant or guest is affected by a crime, you must make a written report to our representative and to the appropriate law-

enforcement agency. You must furnish us with the law-enforcement incident report number upon request.

33. RIGHT OF ENTRY

Regardless of the absence of the Resident or any guest or occupant – repairers, contractors, our representatives, or other persons may peacefully enter the rented property at reasonable times for the purpose maintenance and/or other repairs as deemed necessary by a representative of Koestler Parks. We will not enter a tenant owned or RV Guest RV at anytime, without the owner present.

34. “RENT CREDIT AGREEMENT” EXPECTATIONS

All residents that have entered into a Rent Credit Agreement are expected to maintain the cleanliness and functionality of the home they occupy. Failure to maintain the home in a reasonable condition will result in the termination of the agreements and the resident will be asked to move out promptly or be evicted.

From: Jessica Peed <Jessica.Peed@CITYOFBAYMINETTEAL.GOV>
Sent: Monday, August 14, 2023 8:13 AM
To: Koestler Parks <contact@kparks.net>
Subject: RE: Site Plan Pre-Application Meeting

City Hall Conference Room

Jessica Peed
Planning Coordinator

City of Bay Minette
Planning & Development Services Department
[301 D'Olive Street](https://www.cityofbayminetteal.gov)
[Bay Minette, AL 36507](https://www.cityofbayminetteal.gov)
(251) 580-1650, Ext. 7065
[cityofbayminetteal.gov](https://www.cityofbayminetteal.gov)
[Planning & Development Services Department Site](https://www.cityofbayminetteal.gov/planning-development-services-department-site)



From: Koestler Parks <contact@kparks.net>
Sent: Monday, August 14, 2023 8:12 AM
To: Jessica Peed <Jessica.Peed@CITYOFBAYMINETTEAL.GOV>
Subject: Re: Site Plan Pre-Application Meeting

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City of Bay Minette

Planning & Development Services

PLANNING COMMISSION STAFF ANALYSIS

Planning Commission Meeting Date: September 14, 2023

Case Number: V-23001

SUMMARY INFORMATION

Project Name: Chuck Stevens Ford

Property Location: 1304 US Highway 31 South

Property PID/PPIN: 05-23-05-21-2-003-025.000 // 13958

Property Size: 3.99± acres

Requested Action: Approval of a Variance to the Height and Area Requirements for a Free-Standing Sign

Applicant: Charles S. Stevens

Owner: Stevens Automotive, LLC

Subject Property	Zoning	Existing Land Use
V-23001	B-2	Automobile Sales & Service
Adjacent Property	Zoning	Existing Land Use
North	B-2/R-3	Vacant / Automobile Sales
South	B-2/R-3	Vacant Commercial / Residential
East	M-2	International Paper Company / Office, Manufacturing
West	R-3	Alabama State Veterans Home

SITE AND REQUEST SYNOPSIS

The subject property, which consists of approximately 3.99± total acres, is zoned B-2, General Business District. The property is located at 1304 US Highway 31 South between Freeview Avenue and Faulkner Drive. The site is currently occupied by an Automotive Sales and Service Ford Dealership. This request is for the approval of a variance from the sign height and area regulations for a free-standing sign which exceeds the maximum height and sign face area requirements. The existing sign is on site; however, the applicant would like to move the sign approximately 138' north of its current location on the property. The applicant had requested and received a variance for the size and height of the current sign on August 13, 2002, however the existing sign does not meet the conditions of the 2002 variance approval by exceeding both the maximum sign height and size of the approved variance conditions.

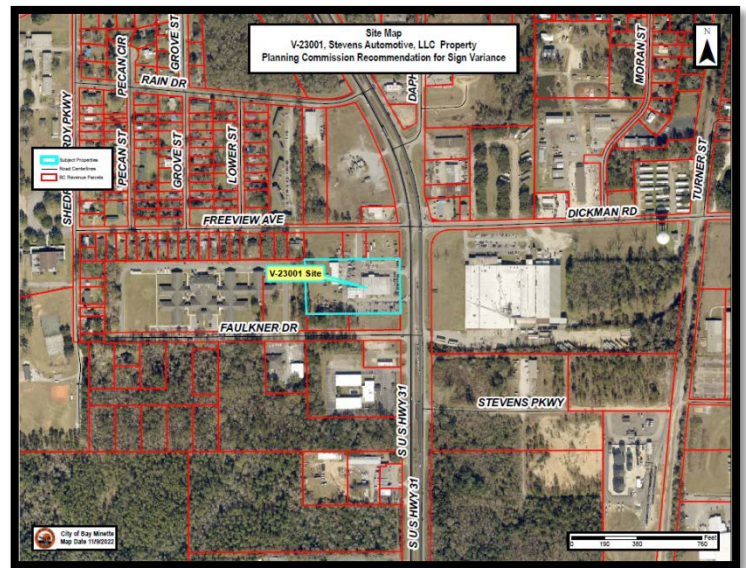
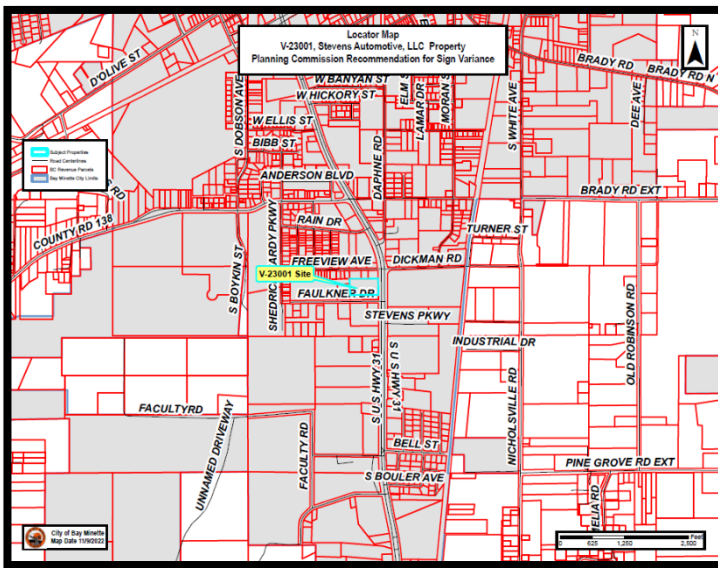
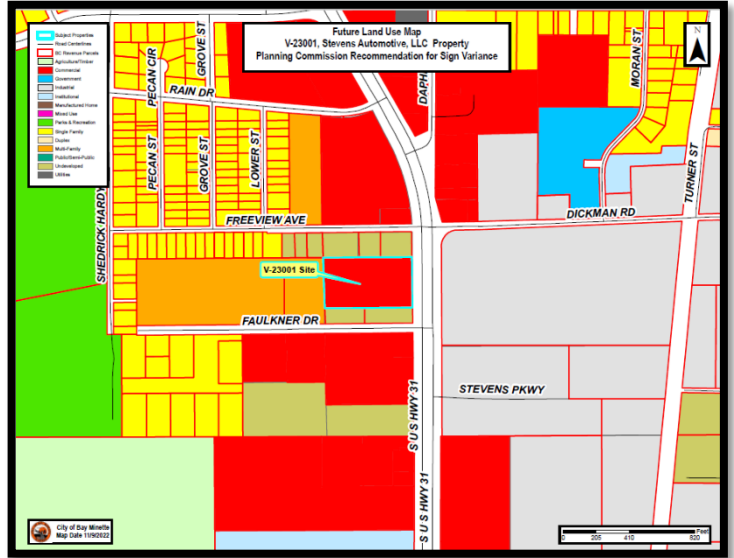
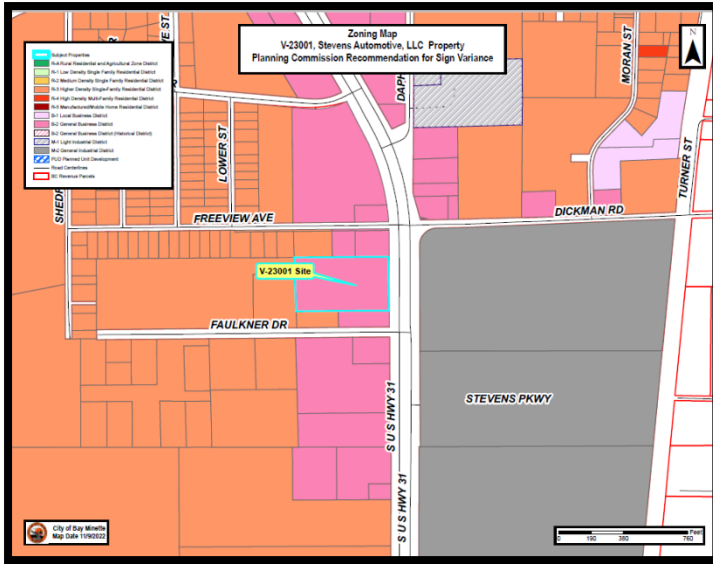
ZONING DISTRICT AND SIGN REQUIREMENTS

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

16.5 Permitted Signs. The following table is a summary of the sign requirements for Freestanding General Business signs. The highlighted dimensions are the maximum sizes allowed for the subject sign.

Permitted Sign Area (One Sign)	Sign Area on Corner Lots (Two Signs)	Permitted Sign Height	Side Lot Line Setback
Pole:			
75 sq. ft.	150 sq. ft.	20'	10'
Monument:			
75 sq. ft.	150 sq. ft.	10'	10'

MAPPING



Locator Map

Site Map

STAFF ANALYSIS

The following standards for reviewing variance requests are found in **Section 14.4 – Establishment and Membership of the Board of Adjustment of the Zoning Ordinance of the City of Bay Minette** and are to be considered when an application is being reviewed for variance approval. The Planning Commission will review the request against the criteria below and submit an advisory recommendation to the Board of Adjustment. The Board of Adjustment shall review the request against the criteria below and, after a public hearing, make the final decision only upon the concurring vote of four Board members.

1.) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or other buildings in the same district.

The subject property is zoned B-2, General Business District and is located on a Principal Arterial with commercial, industrial and some residential uses surrounding it. The site has an established use as the location of the Chuck Stevens Ford Dealership which is currently under renovation. The site also contains an existing sign which was permitted and received a variance in 2002, however the conditions of the variance were not honored by the applicant and the sign exceeds both the approved size and height. Staff could not establish any existing

special conditions or circumstances which are peculiar to the land, structure, or building involved which are not applicable to other lands, structures, or other buildings in the same district.

2.) That literal interpretation of provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

The subject property is zoned B-2, General Business District which allows for One (1) Freestanding General Business sign up to seventy-five (75) square feet in area and up to twenty (20) feet in height per parcel with a minimum setback of ten (10) feet from any side lot line (measured from the edge of the sign face). The Zoning Ordinance also allows for two (2) signs on corner or double frontage lots, the combined area of which shall not exceed one hundred-fifty (150) square feet. The area of the two signs may be distributed in any combination not to exceed seventy-five (75) square feet on any individual sign. Therefore, staff could not establish that the literal interpretation of provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

3.) That the special conditions and circumstances do not result from the actions of the applicant.

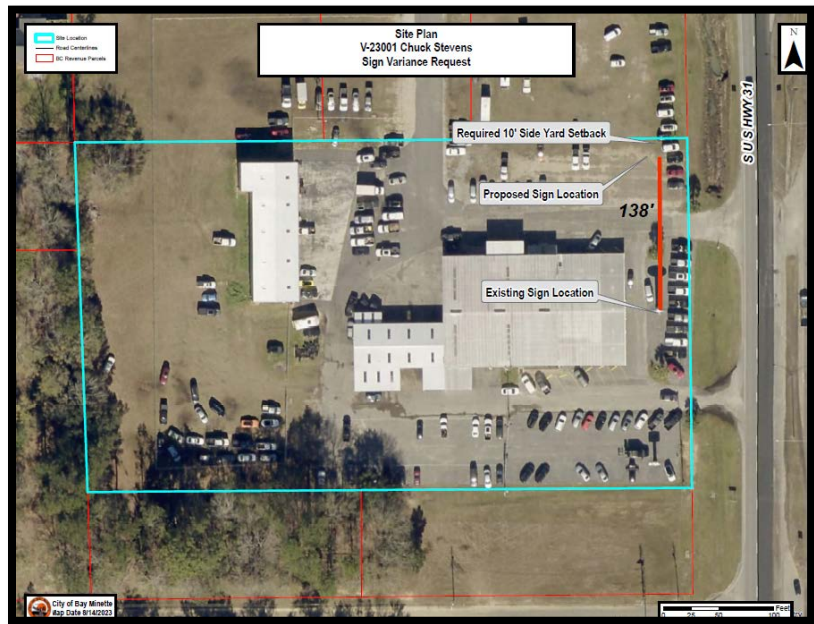
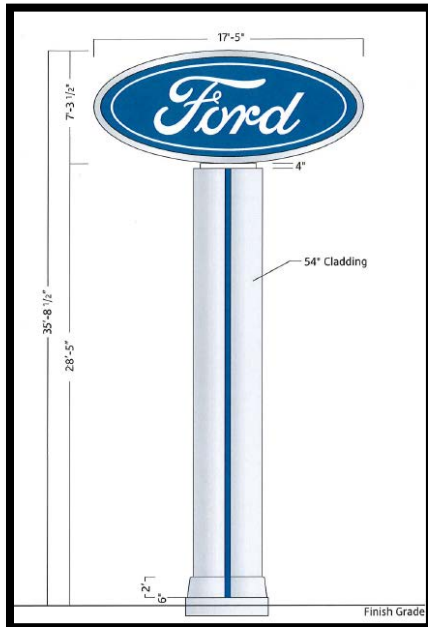
As stated previously, the existing sign on the property was granted a variance on August 13, 2002, with the following conditions as listed on the Notice of Action dated August 14, 2002:

- *Maximum pole height shall not exceed 25 ft.*
- *Total maximum sign height including pole height of 24 ft. and sign height of 7 ft. 3 ½ in. shall not exceed 32 ft. 3 ½ in.*
- *Total maximum sign facing shall not exceed 100 square feet.*

However, the sign constructed did not meet those conditions. Below are the dimensions of the current sign as submitted by the applicant:

- *The current/proposed pole height is 28'-5".*
- *Total maximum current/proposed sign height including pole height is 28'-5" and sign height of 7'- 3 ½" for a total of 35'-8½".*
- *Total maximum sign facing is 127+/- sq. ft.*

The applicant would also like to move the existing non-conforming sign approximately 138' to the north side of the property. Should the sign be relocated to the north side of the property there must be at least 10' from the sign to the side (northern) lot line.



As the applicant did not abide by the conditions of the variance approval and erected a larger size and would like to re-locate the existing non-conforming sign, staff perceives the circumstances for a variance may be the result of the actions of the applicant.

4.) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings on the same district.

The subject property and surrounding B-2, General Business District zoned properties allows for One (1) Freestanding General Business sign up to seventy-five (75) square feet in area and up to twenty (20). An unnecessary hardship which would justify the applicant's request

for a larger sign than allowed was not established, therefore staff perceives the granting of the variance may confer on the applicant a special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

5.) No non-conforming use of neighboring lands, structures, or buildings in the same district, and no prohibited/permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

The issuance of a variance should be based on the unique circumstances of the applicant's property itself, rather than being influenced by the actions or uses of neighboring properties or different districts. This helps maintain the integrity of the zoning regulations and ensures that variances are granted for valid reasons that directly pertain to the subject property. Staff could not establish a valid unnecessary hardship that directly pertains to the subject property to allow a variance.

STAFF RECOMMENDATION

Staff Recommendation: Variances to the Zoning Ordinance requirements are intended to be granted sparingly, only under unusual and exceptional circumstances, only where the unnecessary hardship is related to the land and not created by the actions of the owner/applicant. Based on the submitted information and the analysis above, staff recommends that the proposed Request for Sign Variance Approval to allow a free-standing sign which exceeds the maximum height and sign area be *Denied.*

PLANNING COMMISSION ACTION




For Variance Request applications, the Planning Commission makes an advisory recommendation to the Board of Adjustment who makes the final decision after a public hearing. The Planning Commission has the option to:

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

14.4.2.3(h) Limitation on resubmission. *An application for the same parcel of land shall not be submitted within 365 days of the final decision of the Board of adjustment. Any Application may be withdrawn without prejudice prior to the opening of the hearing by the Board of Adjustment. All notices to withdraw shall be submitted in writing.*

14.5 Appeals from the Action of the Board of Adjustment

Any party aggrieved by any final judgment or decision of the Board of Adjustment may, within fifteen days thereafter, appeal therefrom to the circuit court or court of like jurisdiction, by filing with the Board a written notice of appeal specifying the judgment or decision from which appeal is taken. In case of such appeal, the Board shall cause a transcript of the proceedings in the cause to be certified to the court to which the appeal is taken and the cause in such court to be tried de novo.

-  Site Location
-  Road Centerlines
-  BC Revenue Parcels

Site Plan
V-23001 Chuck Stevens
Sign Variance Request



SUS HWY 31

Proposed Sign Location

138'

Existing Sign Location



City of Bay Minette

Variance Application

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

Office Use Only	
V - _____	
Fee: \$300 + \$10 per Certified Letter	
Paid: <input type="checkbox"/> Credit Card <input type="checkbox"/> Cash	
<input type="checkbox"/> Check. # _____	
Date Paid: _____	

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)

Name: Charles S Stevens Chuck Stevens Ford Date: 7-7-2023

Mailing Address: 400 Hwy 31 South

City: Bay Minette State: AL Zip Code: 36507

Phone Number: 251-937-1000 Email: Chuck@csaemail.com

Site Information

Property Address: 1304 Hwy 31S Bay Minette AL 36507

or Property Location: _____

*Parcel No.: 23-05-21-2-009 - 025600 *PPIN No.: 013958

*Parcel or PPIN information must be completed

Current Zoning: _____

The purpose of this Variance is to allow:

relocation of sign 138' north of current location

What are the conditions which prevent you from using this property in accordance with the zoning ordinance?

*Variance ordinance excerpt is included in packet

Current sign exceeds sign limit both in height and square footage. Variance needed and granted for install of current sign in the past

I, the undersigned applicant, understands that payment of these fees does not entitle me to approval of this variance 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. I understand and authorize City Staff to conduct site visits, as needed in relation to this request.

[Signature]

7/7/23

Signature of Applicant (Owner of Property or Authorized Agent)

Date

Submittal Requirements

Application Received 7/7/23

Fee

Agent Authorization Form (if applicant is not the owner)

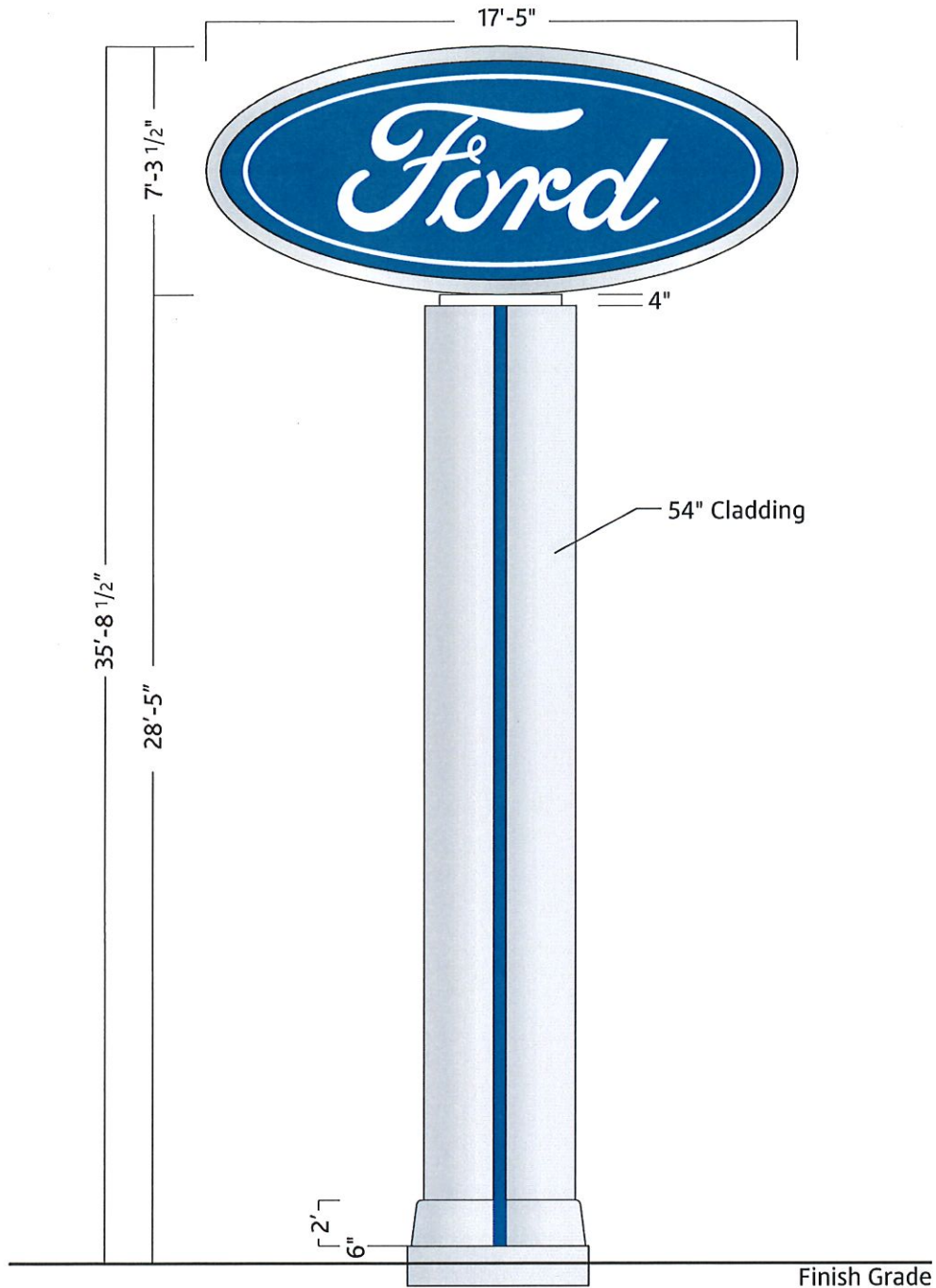
Complete Legal Description of Property

Plot Plan or Survey – indicating any existing structures, proposed structures, and setbacks from property lines.



07.20.2022

FO F-100 P30



THIS DRAWING IS AN ARTISTIC REPRESENTATION TO BE USED FOR PERMIT AND ESTIMATING PURPOSES ONLY. TRUE DIMENSIONS MUST BE PROVIDED BY ENGINEERING PRIOR TO PRODUCTION.



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Title: F100_P30

Customer: Ford

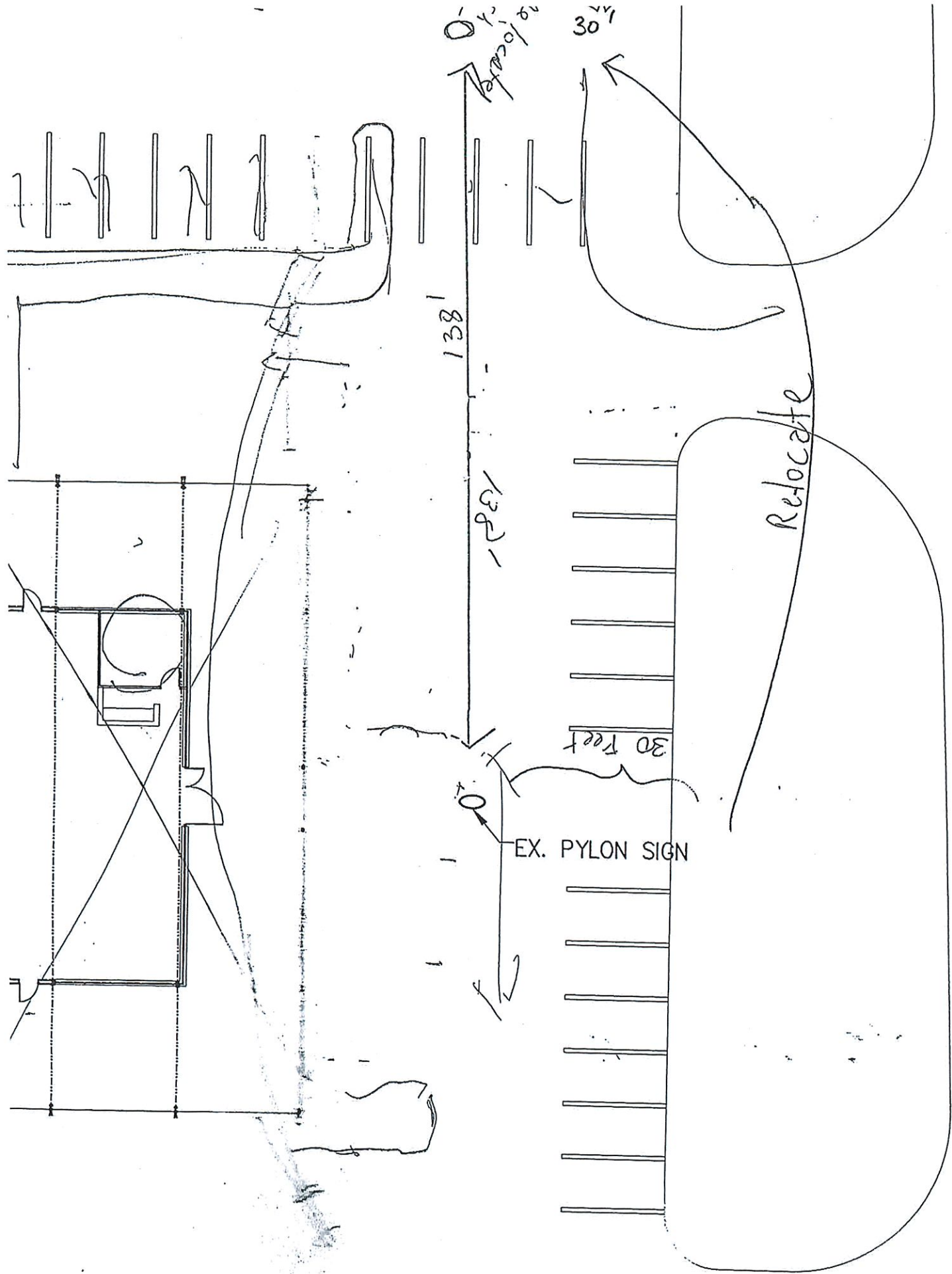
Date: 1/19/22
September 14, 2023

Drawn by: M. Edden
Planning Commission Regular Meeting Agenda Packet

Customer Rep: N/A

Scale: 3/16"=1'





U.S. HIGHWAY 31

**Board of Adjustment Minutes
And Notice of Action from
2002 Sign Variance Request**

**The Minutes of the Regular Meeting of the
Board of Zoning Adjustments
June 25, 2002**

The regular meeting of the Board of Zoning Adjustments for the City of Bay Minette, Alabama was held on June 25, 2002 at 5:00 p.m. at the City Hall in Bay Minette, Alabama; this being the proper place for holding such a meeting.

On roll call the following members of the Board of Zoning Adjustments were found to be present: Chairman George Price, Vice-Chairman Jon Knight, Mary Ann Robinson and Alternate Members, A.C. Ulmer and Dollie Bryars. These members did constitute a quorum. Others in attendance were: Chris Miller, City Administrator; Michael P. Ryan, City Building Official; Rita Findley, City Administration; Chuck Stevens, Chuck Stevens Automotive and Greg Halliday, Chuck Stevens Automotive.

Chairman Price called the meeting to order and gave invocation.

Chairman Price appointed A. C. Ulmer and Dollie Bryars to serve as a regular voting meeting, due to the absence of Berlin Sims and Syd Sakwa.

Chairman Price introduced Item Number 3: Approval of the Minutes for the May 28, 2002 Meeting. Mr. Miller asked that the word absent be corrected to absence. Mr. Ulmer made a motion to approve the minutes with the said correction. Mr. Knight seconded the motion and the motion carried unanimously.

Chairman Price introduced Item Number 4: Sign Variance for Chuck Stevens Automotive. Chairman Price stated that the problem with this request relates to Section 10.722 of the Land Use and Development Ordinance. Chairman Price asked Mr. Stevens to present his proposal. Mr. Stevens asked for a variance to replace at Ford's direction the three main facility signs (Ford Brand Sign, Used Vehicle Sign, and New Truck Sign). Mr. Stevens passed out copies of his sign proposal to the Board Members. Mr. Stevens stated that the request for signage represents the lowest level of Ford Motor Company corporate compliance. Mr. Stevens' request includes replacing the current 36 ft. tall 160 sq. ft. Brand Sign with a 34 ft. 8 ½ inch 130 sq. ft. sign. This sign is over a foot shorter and 30 sq. ft. smaller in face area. The second sign, which is the A1 Used Car sign is 23 ft. tall and 78 sq. ft. in total sign face area, will be replaced with a 21 ft. 11 ¾ inch-60 sq. ft. in face Pre-Owned Vehicle Sign which is over a foot shorter and 18 sq. ft. smaller in face area. The third sign will be removed and not replaced. This sign is the New Truck Sign, which is 20 ft. tall and 32 sq. ft. total. These changes will have the net effect of reducing the current signage by 22 ft in pole length and 80 sq. ft. in face size. After much discussion, Mr. Stevens and Mr. Halliday agreed to bring the second sign, the Pre-Owned Vehicle Sign, into compliance by changing the height to 21 ft. tall. The Brand Sign would be the only sign that would not be in compliance with the Ordinance. Mrs. Robinson made a motion to set a public hearing concerning the Brand Sign on July 30,

2002 at 5:00 at the Conference Room in the Bay Minette City Hall. Mr. Ulmer seconded the motion and the motion carried unanimously.

There being no further business, the meeting was adjourned at 6:05 p.m.

George Price, Chairman
Board of Zoning Adjustments

Rita Findley, Secretary
Board of Zoning Adjustments

**The Minutes of the Regular Meeting of the
Board of Zoning Adjustments
July 30, 2002**

The regular meeting of the Board of Zoning Adjustments for the City of Bay Minette, Alabama was held on July 30, 2002 at 5:00 p.m. at the City Hall in Bay Minette, Alabama; this being the proper place for holding such a meeting.

On roll call the following members of the Board of Zoning Adjustments were found to be present: Chairman George Price, Mary Ann Robinson, Berlin Sims and Alternate Members, A.C. Ulmer and Dollie Bryars. These members did constitute a quorum. Others in attendance were: Chris Miller, City Administrator; Michael P. Ryan, City Building Official; Rita Findley, City Administration; Mike Phillips, Council Member and Greg Halliday, Chuck Stevens Automotive.

Chairman Price called the meeting to order and gave invocation.

Chairman Price appointed Dollie Bryars and A. C. Ulmer to serve as a regular voting members, due to the absence of Vice-Chairman Jon Knight and Syd Sakwa.

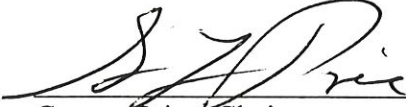
Chairman Price introduced Item Number 3: Approval of the Minutes for the May 28, 2002 Meeting. Ms. Bryars made a motion to approve the minutes. Mr. Ulmer seconded the motion and the motion carried unanimously. Mr. Sakwa arrived at 5:05 p.m. Chairman Price asked that Mr. Ulmer rescind from voting privileges at this time.


Chairman Price introduced Item Number 4: Consideration of Mr. Chuck Stevens' Request for Variance for City Sign Regulations (Section 10.722 of the Land Use and Development Ordinance). Ms. Bryars made a motion to open the Public Hearing to consider the variance request of Mr. Stevens. Mr. Sims seconded the motion and the motion carried unanimously. Chairman Price read to Board Section 10.72 of the Land Use and Development Ordinance. Chairman Price opened the Public Hearing by asking Mr. Halliday to present his proposal. Mr. Halliday stated that they are trying to go from 3 old signs to 2 new ones. Mr. Halliday stated that the request for signage represents the lowest level of Ford Motor Company corporate compliance. Mr. Stevens' request includes replacing the current 36 ft. tall 160 sq. ft. Brand Sign with a 34 ft. 8 ½ inch 130 sq. ft. sign. This sign is over a foot shorter and 30 sq. ft. smaller in face area. The second sign, which is the A1 Used Car sign is 23 ft. tall and 78 sq. ft. in total sign face area, will be replaced with a 21 ft.-60 sq. ft. in face Pre-Owned Vehicle Sign which is over a foot shorter and 18 sq. ft. smaller in face area. The third sign will be removed and not replaced. This sign is the New Truck Sign, which is 20 ft. tall and 32 sq. ft. total. These changes will have the net effect of reducing the current signage by 22 ft in pole length and 80 sq. ft. in face size. The Brand Sign (Ford Blue Oval) would be the only sign that would not be in compliance with the Ordinance. Mr. Miller asked if the sign is the minimum sign that could be purchased. Mr. Halliday stated that this is the size and height that Ford requested and that Atmore, Foley and Monreville has the same sign.

Chairman Price told Board Members that in order for the sign to be erected the board would need a variance request or would need to modify the ordinance. In this case we have a variance request and we would have to grant or deny the request. If denied Mr. Stevens would have 15 days from the date of the Boards action to appeal the decision or ask for an ordinance change. Mr. Sakwa wanted to know what other cities allowed and what other dealerships have. Board members agreed that they would like more information on what other cities have done or allowed. Mr. Ryan asked what cities that the Board wanted Staff to contact and what information is needed from those cities. It was agreed that Monroeville, Foley, Atmore and Brewton would be contacted and would ask for the size of sign and a copy of the ordinance pertaining to the sign. After much discussion, Mr. Sims made a motion to close the public hearing. Mr. Sakwa seconded the motion and the motion carried unanimously. Mr. Sakwa made a motion to table a decision until August 13, 2002 at 5:00 p.m. to allow Staff to gather requested information. Ms. Bryars seconded the motion and the motion carried unanimously.

Chairman Price introduced Item Number 5: Discussion: Review of City of Daphne Sign Regulation. Mr. Miller stated that Daphne had a case concerning a sign that was taken to the Supreme Court. He asked that Board look at Daphne's Sign Ordinance that took them a year to write and recommend to Staff any changes.

There being no further business, Mr. Sakwa made a motion to adjourn the meeting. Mr. Sims seconded the motion and motion carried unanimously.


George Price, Chairman
Board of Zoning Adjustments


Rifa Findley, Secretary
Board of Zoning Adjustments

**The Minutes of the Regular Meeting of the
Board of Zoning Adjustments
August 13, 2002**

The regular meeting of the Board of Zoning Adjustments for the City of Bay Minette, Alabama was held on August 13, 2002 at 5:00 p.m. at the City Hall in Bay Minette, Alabama; this being the proper place for holding such a meeting.

On roll call the following members of the Board of Zoning Adjustments were found to be present: Chairman George Price, Vice-Chairman Jon Knight, Mary Ann Robinson, Berlin Sims, Syd Sakwa and Alternate Members, A.C. Ulmer and Dollie Bryars. These members did constitute a quorum. Others in attendance were: Chris Miller, City Administrator; Michael P. Ryan, City Building Official; William H. Dobbins, Jr., Mayor; Rita Findley, City Administration; Mike Phillips, Council Member; Dr. William Godbey, Bay Minette Planning Commission and Chuck Stevens, Chuck Stevens Automotive.

Chairman Price called the meeting to order and gave invocation.

Chairman Price introduced Item Number 3: Approval of the Minutes for the July 30, 2002 Meeting. Mr. Sakwa made a motion to approve the minutes. Mr. Sims seconded the motion and the motion carried unanimously.

Chairman Price introduced Item Number 4: Consideration of Mr. Chuck Stevens' Request for Variance for City Sign Regulations (Section 10.722 of the Land Use and Development Ordinance). Chairman Price stated that this is a continuation of the July 30, 2002 Board of Zoning Adjustment Meeting. Chairman Price issued a copy of the State Code of Alabama Section 11.52-80D. Chairman Price stated that the reason for the delay is the request for more information. Mr. Miller stated that information collected from Foley, Brewton, Monroeville and Atmore was placed in their packet prior to them being mailed to members. Chairman Price asked Mr. Stevens if he would like to speak. Mr. Stevens stated that he did not understand what had happened at the last meeting, "I thought as long as there was no public opposition that it would be granted". Chairman Price responded that he did make a statement that after the Public Hearing a decision would be made; it was my misunderstanding and an error in that regard. Mr. Sakwa asked Mr. Stevens about the difference in the F130 sign and the F100 sign. Mr. Stevens responded that it is the difference in the face size of the sign. Mr. Knight questioned Mr. Ryan concerning the meeting held on June 25, 2002 and his agreement with the sign; wanted to know if he misunderstood. Mr. Ryan responded that he agreed with the variance, but not with the size of the sign. He also stated that Wal-mart was given a variance on height to 25 feet and 80 square feet in size. Mr. Miller stated that from a staff standpoint Mr. Stevens has been showing an effort to compromise; but we would like to see the height of the sign to come down a little lower. Mr. Sakwa asked, "What would be the possibility of getting the sign lowered?" Mr. Stevens responded that you would have to decrease the size of the face of the sign. Mr. Stevens also stated that he would be glad to lower the pole height to 25 feet to 28 feet. Mr. Sakwa made a motion to

grant the variance if the pole height were reduced to 25 feet and the face size decreased to 100 square feet. This would be a total height of 32 feet 3 ½ inches, with the second sign being no more than 21 feet in height, this height would be including pole and sign. Mr. Knight seconded the motion. Chairman Price called for a vote. The following member approved the variance: Mr. Simms, Mr. Sakwa, Mr. Knight and Mrs. Robinson. The following member opposed: Chairman Price. Chairman Price asked that the record reflect that this was not personal, but that he is a strong believer in the ordinance.

Mayor Dobbins asked the Board how do people who are buying a building know about the signs? Mr. Miller suggested that a letter could be sent with the business license renewal. Mayor Dobbins asked but what if a business changes hands, how are they to know if the sign is not in compliance? Mr. Ryan suggested that a certified letter be sent to current business owners that have signs that were grandfathered-in. This letter would state that if their business were sold, it would be their responsible to let the new owners know about the sign regulations.

There being no further business, Mr. Sims made a motion to adjourn the meeting. Mr. Sakwa seconded the motion and motion carried unanimously.

George Price, Chairman
Board of Zoning Adjustments

Rita Findley, Secretary
Board of Zoning Adjustments

City of Bay Minette

A Prepared City For Industry



BALDWIN COUNTY

PHONE 334-580-1619

FAX 334-580-2573

POST OFFICE BOX 1208

Bay Minette, Alabama 36507

SONNY DOBBINS
MAYOR

GEORGE NOONAN, JR.
DISTRICT 1

MIKE PHILLIPS
DISTRICT 2

TAYLOR RIDER
DISTRICT 3

MELVIN BRADLEY, SR.
DISTRICT 4

BUFORD BIGGS
DISTRICT 5

CHRIS MILLER
CITY ADMINISTRATOR

MICHELLE M. HARBIN
CITY CLERK / TREASURER

August 14, 2002

Chuck Stevens
Chuck Stevens Ford
P O Box 7
Bay Minette, AL 36507

Dear Mr. Stevens:

This letter is in reference to the Board of Zoning Adjustment's approval of your sign variance on August 13, 2002. As per the motion that was approved at the August 13, 2002 meeting, Chuck Stevens Ford is granted a variance to erect a sign with the new Ford Blue Oval according to the following conditions:

- Maximum pole height shall not exceed 25 feet.
- Total maximum sign height including pole height of 25 feet and sign height of 7 ft. 3 ½ inches shall not exceed 32 ft. 3 ½ inches.
- Total maximum sign facing shall not exceed 100 square feet.

Please contact Mr. Pay Ryan, Building Inspector for further information or assistance. Thank you.

Sincerely,

Chris Miller
City Administrator

CM/kc

Cc: Pat Ryan, Building Official
Board of Zoning Adjustment Files

Chuck Stevens Automotive Update of Signs Proposal

Ford Motor Company has launched a national signage campaign to replace brand signs that have been used by Ford since the early 1960's.

The proposed new street signs are part of Ford Motor Company's National Blue Oval Brand Campaign and this update is mandatory for all current Ford franchisees. They have designed new state of the art signs which when purchased will represent over \$50,000 in dealership investment.

We must replace at Ford's direction our 3 main facility signs

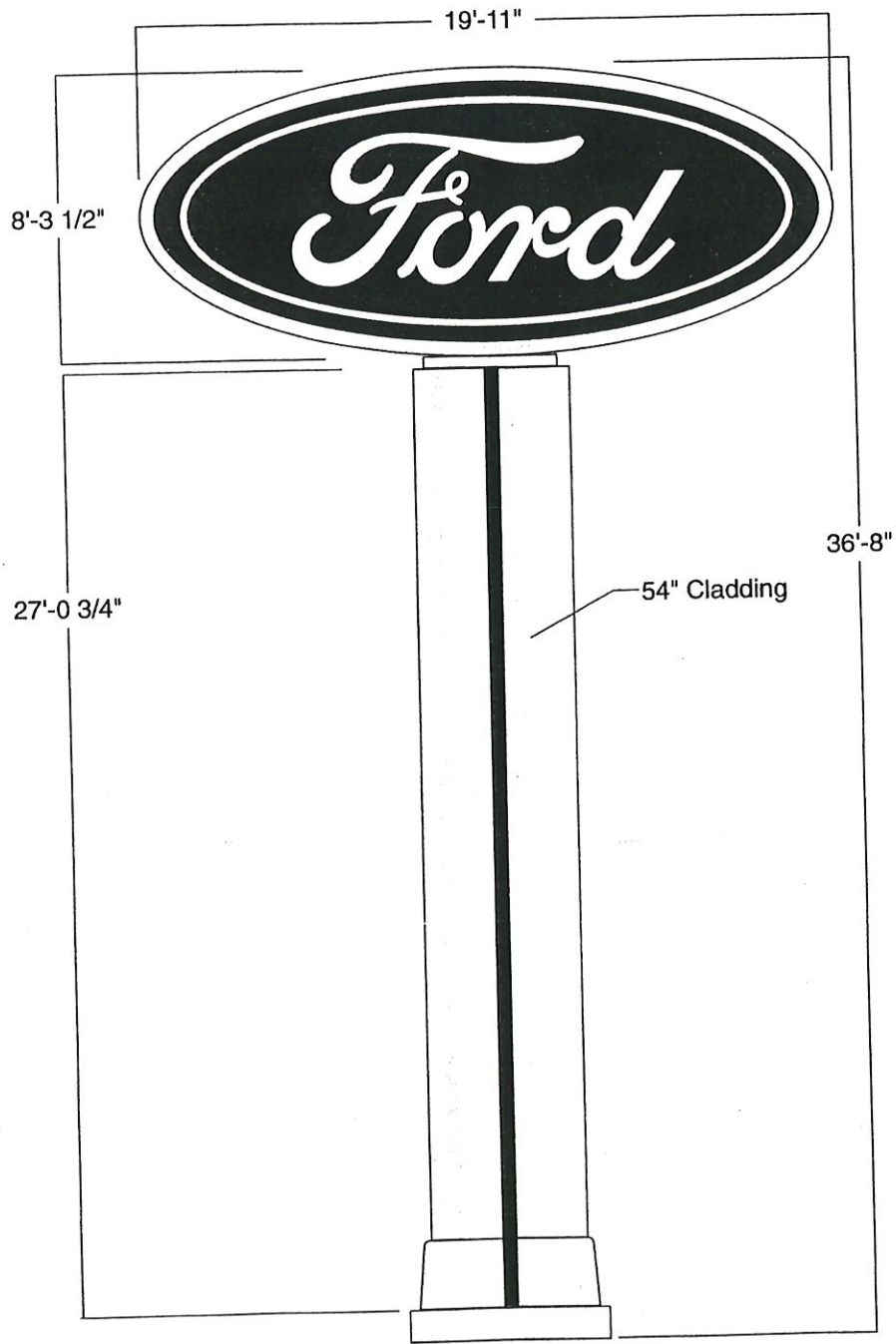
1. Ford Brand Sign
2. Used Vehicle Sign
3. New Trucks Sign

Our request for signage represents the lowest level of Ford Motor Co. corporate compliance. 1 - New Ford Brand Sign, and 2. New Pre-owned vehicle sign.

1. We are replacing our current 36 ft. tall 160 sq. ft. Brand Sign with a 34 ft. 8 1/4 inch 130 sq. ft. sign. Which is over a foot shorter and 30 sq. ft. smaller in face.
2. Our current A1 Used Car sign is 23 ft. tall and 78 sq. ft. in total sign face. will be replaced with a 21 ft. 11 3/4 inch - 60 sq. ft. in face -Pre-Owned Vehicle Sign which is over a foot shorter and 18 sq. ft. smaller in face.
3. We have elected to remove our third sign and not replace it. This sign is our New Truck sign which is 20 ft. tall and 32 sq. ft. total.

These changes will have the net effect of reducing our current signage by 22 ft in pole length and 80 sq. ft. in face size.

FO F-130
P-30



Property of Plasti-Line, Inc. Not to be duplicated

File Name: FO F-130-P30 Pylon.pdf
Scale: 1:64
Date: 14NOV00

Approved By:
Date: