



City of Bay Minette

Planning Commission

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

AGENDA

February 8, 2024

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
Before the meeting begins, Citizens wishing to speak must be signed in, notate they wish to speak and follow the Procedures for Addressing the Planning Commission.
- 4.) Approval of Minutes for the January 11, 2024, Regular Meeting
- 5.) Disclosure of Prior Communications and/or Conflicts of Interest
- 6.) Old Business
- 7.) New Business
 - a.) **CU-24001, Bay Minette Liquor, Wine & Cigar**
Disclosure of Prior Communications and/or Conflict of Interest
Request: Commission Site Use Approval for Liquor, Wine & Beer Sales
Location: 712 D'Olive St, PIN 84427
 - b.) **Z-24001, Old Towne Commons**
Disclosure of Prior Communications and/or Conflict of Interest
Request: Rezoning of properties to a Planned Unit Development (PUD)
Location: Five (5) parcels totaling 413.4± acres located along State Hwy 59
PIN's: 92518, 222473, 31532, 83618, 62828
 - c.) **SD-24001, Old Towne Commons**
Disclosure of Prior Communications and/or Conflict of Interest
Request: Master Plan approval for the development of Old Towne Commons
Location: Five (5) parcels totaling 413.4± acres located along State Hwy 59
PIN's: 92518, 222473, 31532, 83618, 62828
 - d.) Updates & Upcoming Cases
- 8.) Reports & Comments
 - a.) Mayor/Council/Administration
 - b.) Attorney
 - c.) Commissioners
 - d.) Planning Staff
 - e.) Citizen Comments
- 9.) Adjournment

****Next Regular Meeting – March 14, 2024****



Bay Minette Planning Commission Regular Meeting Minutes

Minutes January 11, 2024

Monthly Meeting No. 1

The City of Bay Minette Planning Commission met in Regular Session on Thursday, January 11, 2024. 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
Neal Covington, Vice Chairman
Rob Madison, Building Official/Commission Member
Ray Clark, Commission Member
Hiram Templeton, Commission Member
Earl Emmons, Commission Member

Commission Members absent:

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

Commission Members late:

None

Other persons in regular attendance:

Clair Dorough, City Planner
Paula Bonner, Planner Associate
Jessie Peed, Planning Coordinator
Tammy Smith, City Administrator
Lauren Collinsworth, Attorney
Melissa Hadley, City Engineering Consultant with GMC

GUESTS

Wayne Wood, *(Representative for SP-23012)*
Jason Hughes, *(Representative for SP-23012)*
Chris Smith, *(Representative for SP-23012)*
Ray Long, *(Representative for SP-23010 & SP-23011)*
Kevin Weaver, *(Representative for SP-23010 & SP-23011)*
Cathy Barnette, *(Representative for Old Towne Commons)*
Deena Butler

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 December 14, 2023, Regular Meeting.

Commission Member Ray Clark made a motion to approve the December minutes as written. The motion was seconded by Commission Member Earl Emmons and carried unanimously.

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

ITEM 6. Old Business

a.) Old Towne Commons PUD and Design Criteria

Ms. Barnette asked if there were any remaining questions or comments on the narrative/final draft that was previously sent out by Mrs. Dorough regarding the Old Towne Commons submittals. After a brief discussion, it was decided to hold a Worksession in January for any final reviews and/or requested changes for the upcoming PUD rezoning request and Master Plan review scheduled for the February Planning Commission meeting.

Mrs. Dorough states the newest version of the Zoning Ordinance has been updated, printed and is located in the binder seated in front of everyone at today's meeting. She also states everyone has her business card with new phone number, along with the large formats, depicted by Exhibit A, B and C, for the Site Plan reviews at the current meeting.

Steven Stewart joins meeting at 8:16am.

ITEM 7. New Business

a.) SP-23010, Southeastern Erectors, Inc. for Stella-Jones

Request: Site Plan Approval for Construction of two (2) 4,800-sq. ft. Roofing System

Chairman Stewart gives an overview of the case. Mrs. Dorough reviews the staff report including location, site description, surrounding properties, description of project function, site calculation estimates by Staff, height and metal facade compatibility. She states no landscaping was proposed and reviews the engineering questions related to the rainwater discharge plan from the proposed covering. Mr. Weaver stated it will follow the existing drainage flow with more concentration. Mrs. Dorough continues with the staff report review and includes that while the Zoning Ordinance regulations and requirements apply to everyone, the submittal of certain documentation for Site Plan approval such as parking, landscaping, and lot coverage requirements, can be waived if those requirements are not essential to a proper decision on the project due to the minimal impact to certain sites. That criteria may not warrant Planning Commission review, but the documentation must be submitted to Staff for final review of Zoning Ordinance compliance. She states the following items were not submitted to Staff for case review prior to the Commission meeting:

- Parking – no existing calculations, employee count or proposed parking information submitted.
- Landscaping – Commission members discuss the applicability of landscaping in large industrial sites and comes to the agreement that this case does not warrant Commission review for a decision to be made. Ms. Hadley states this requirement should be satisfied by indicating on the site plan where natural vegetation is located on the site.
- Lot Coverage – Chairman Stewart and Ms. Hadley discuss the location and functionality of the proposal, downspout location and water flow/run-off from the roofing systems. Ms. Hadley states the discharge flow from proposed roofing systems should be required as part of the site plan.

Mrs. Dorough states that staff's recommendation is for approval of the request with the issuance of the Building Permit's C.O. or Substantial Completion contingent upon the submittal of parking, landscaping and lot coverage information to verify compliance. Commission Member Madison remarks that a portion of Building #1 appears to cross over the property line and discussion ensues regarding the discrepancies of parcel boundaries shown in the submitted survey as compared to Revenue's site. The Chairman stated that the applicant should work with staff and the Revenue Commission to resolve the issue, indicating the lots may need to be combined to satisfy the Zoning Ordinance. Discussion ensues to clarify proposed conditions including updated site plan and narrative with drainage plan to ensure compliance with Zoning Ordinance; clarification of property lines; parking and landscape criteria; and Building Permit issuance.

With no further discussion, Commission Member Clark makes a motion for approval of the request contingent upon the following:

- Narrative describing the construction and drainage plan.
- Revised Site Plan addressing property lines and drainage.
- Allow the building permit to be issued and review of conditions considered concurrently with construction; C.O./Substantial Completion pending staff approval.

With the following remarks made by the Chairman for inclusion in the minutes:

- Planning Commission consideration was given for the requirements and applicability of parking and landscaping.

Commission Member Emmons seconds and the motion is unanimously carried.

Mrs. Dorough states if the deeds can be supplied by the applicant, then the City will work with Revenue to determine the correct property lines and advise on proper steps, if the survey is incorrect.

b.) SP-23011, Southeastern Erectors, Inc. for Stella-Jones

Request: Site Plan Approval for Construction of 8,800-sq. ft. Roofing System

Chairman Stewart introduces the request. Mrs. Dorough reviews the Staff Report, including the site and structure location, roofing system functionality, landscape, parking, and includes the request is similar to the previous with the exception of slightly larger dimensions. There is a brief discussion on the setback nonconformity and retention pond in relation to the water runoff from the proposed roofing system.

With no further discussion, Commission Member Templeton makes a motion for approval of the request contingent upon the following:

- Submittal of a Narrative detailing the construction and drainage information to be reviewed and approved by Staff.

With the following remarks made by the Chairman for inclusion in the minutes:

- Planning Commission consideration was given for the requirements and applicability of parking and landscaping.

Commission Member Emmons seconds and the motion is unanimously carried.

c.) SP-23012, Southside Baptist Church

Request: Site Plan Approval Request for Southside Baptist Church renovation to connect two (2) existing structures and expansion for the new construction of a covered drive.

Chairman Stewart introduces the case and apologizes for any prior confusion regarding Agenda placement. Commission Member Emmons states he had a brief conversation with a church member but it would not sway his decision nor does he have any personal gain in this project. Mrs. Dorough reviews the Staff Report including the site zoning and location with pictures, surrounding properties, construction proposal with building elevations, staff provided site calculations, and no landscaping or parking criteria was submitted by the applicant. She states there is no expansion in the use but the current surfacing doesn't meet the all-weather surfacing for parking that is required, and there should be consideration for future access points and utilities proximity to the Right-of-Way. Clarifications are stated regarding the purpose of the project request and the adjustment from submitted drawings were changed from glass to brick and mortar with glass door and windows. Discussion ensues regarding the possibility of more stormwater being imposed into the

City's drainage system, and the alternative access at the rear of the building on a separate parcel would be more sufficient instead of the current proposal that is accessed between power poles, ditch and walls creating an insufficient drive width.

With no further discussion, Commission Member Clark makes a motion to approve the request, with the following remarks made by the Chairman for inclusion in the minutes:

- 1.) Landscaping and parking were reviewed by the Planning Commission and considered to be a non-issue
- 2.) The "New Driveway" along Brady Road as shown on submitted Site Plan was not considered or approved as part of this application. No timeline restrictions are imposed for future submittal.

Commission Member Covington seconds and the motion is unanimously carried.

d.) Updates & Upcoming Cases

Mrs. Dorough presented Updates and Upcoming cases as listed below:

- Pre-Application meeting that is scheduled:
 - Abundant Life Church- Demolition and new construction of a Fellowship Hall. States the current Fellowship Hall is sinking and they will need to do a lot line combination and a wetland delineation.
 - Greer's Canopy Project- Fenced in green space between Greers and Cato's for small equipment rentals and seasonal outdoor garden center.
 - Rausch Coleman Homes- One of the builders for Old Towne Commons wants to do a subdivision on the current Cook property located on W 7th St and states the applicant is actively looking for additional areas to build more homes within Bay Minette.
- RFP for the Comprehensive Plan
- February's agenda for Old Towne Commons Rezoning and Master Plan review- After a brief discussion, it was decided to have additional worksession on January 25th.
- Mrs. Dorough states there was a miscommunication with Southside Baptist Church and they assumed they were on the December agenda without submitting the application. She explains the three cases that were discussed today were all pushed through pre-maturely and states staff will normally not make those type of exceptions. She states the Commission can determine how Site Plans are reviewed for certain projects and discussion ensues regarding potential routes of review.
- Mrs. Dorough also discusses the drainage issue with 7 Brew and adjacent properties.

Vice-Chairman Covington and Commission Member Madison leave the meeting at 9:46am.

ITEM 8.

Reports

- a.) Mayor/Council Report – None
- b.) Attorney – None
- c.) Commissioner – None
- d.) Planning Staff – None
- e.) Public Comment – None

Ms. Hadley states she did a quick review of the Old Towne Commons development project and discusses the items that she immediately noticed may need additional considerations including lot lines, sidewalks, wetland buffer, traffic calming measures, additional pools and/or amenities and maximum length of roads within Subdivisions. She also states she previously worked with Dewberry.

ITEM 9.

With no further business, Chairman Stewart adjourned the meeting at 10:01 am.

DONE THIS THE 11TH DAY OF JANUARY 2024

Chairman, Todd Stewart

ATTEST:

Jessica Peed, Planning Coordinator

Motion Summary:

- a.) **Approval of the December 14 2023, Regular Meeting Minutes:** Commission Member Ray Clark made a motion to approve the December minutes as written. The motion was seconded by Commission Member Earl Emmons and carried unanimously.
- b.) **SP-23010, Southeastern Erectors, Stella Jones:** Commission Member Clark makes a motion for approval of the request contingent upon the following:
- Narrative describing the construction and drainage plan.
 - Revised Site Plan addressing property lines and drainage.
 - Allow the building permit to be issued and review of conditions considered concurrently with construction; C.O./Substantial Completion pending staff approval.

With the following remarks made by the Chairman for inclusion in the minutes:

- Planning Commission consideration was given for the requirements and applicability of parking and landscaping.

Commission Member Emmons seconds and the motion is unanimously carried.

- c.) **SP-23011, Southeastern Erectors, Stella Jones:** Commission Member Templeton makes a motion for approval of the request contingent upon the following:
- Submittal of a Narrative detailing the construction and drainage information to be reviewed and approved by Staff.

With the following remarks made by the Chairman for inclusion in the minutes:

- Planning Commission consideration was given for the requirements and applicability of parking and landscaping.

Commission Member Emmons seconds and the motion is unanimously carried.

- d.) **SP-23012, Southside Baptist Church:** Commission Member Clark makes a motion to approve the request, with the following remarks made by the Chairman for inclusion in the minutes:
- 1.) Landscaping and parking were reviewed by the Planning Commission and considered to be a non-issue
 - 2.) The "New Driveway" along Brady Road as shown on submitted Site Plan was not considered or approved as part of this application. No timeline restrictions are imposed for future submittal.

Commission Member Covington seconds and the motion is unanimously carried.



City of Bay Minette

Planning & Development Services

PLANNING COMMISSION SITE PLAN - COMMISSION USE REQUEST

Planning Commission Meeting Date: February 8, 2024

Case Number: CU-24001

SUMMARY INFORMATION

Project Name: Denali Brothers Inc. DBA Minette Liquor, Wine, & Cigar Store

Requested Action: Planning Commission Approval for a Liquor, Wine, & Cigar Store

Property Location: 712 D'Olive Street

Applicant: Denali Brothers, Inc

Property PID/PPIN: 05-23-05-16-2-001-029.001 // 84427

Owner: New Bay Minette LLC

Property Size: 7.9± acres, Shopping Center

Subject Property	Zoning	Existing Land Use
CU-24001	B-2	Vacant Space in Existing Shopping Center / Former Restaurant
Adjacent Property	Zoning	Existing Land Use
North	B-2	Subway / Farmers Home Furniture
South	B-2	Shopping Center / Hardees
East	R-2	Bay Minette Fire Department
West	B-2	McDonalds / O'Reilly Auto Parts

SITE AND REQUEST SYNOPSIS

The subject site is a 3, 000 ± square foot vacant space in an existing shopping center on approximately 7.9 ± total acres. The site is zoned B-2, General Business District located at 712 D'Olive Street. The space was formerly used as a restaurant. The applicant would like to use the vacant space in the shopping center as a liquor, wine, and cigar store. This particular use requires Planning Commission Use approval in the B-2 district based on the Table of Permitted Uses. If approved, the applicant will be authorized to move forward with obtaining appropriate building permits, completing renovations, and obtaining a Certificate of Occupancy.

ZONING DISTRICT AND TABLE OF PERMITTED USES

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

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

Table of Permitted Uses and Conditions	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	M-1	M-2
Automobile and truck repair garage Liquor, wine, and beer sales not to be consumed on premises and meeting local and state requirements							P	P		

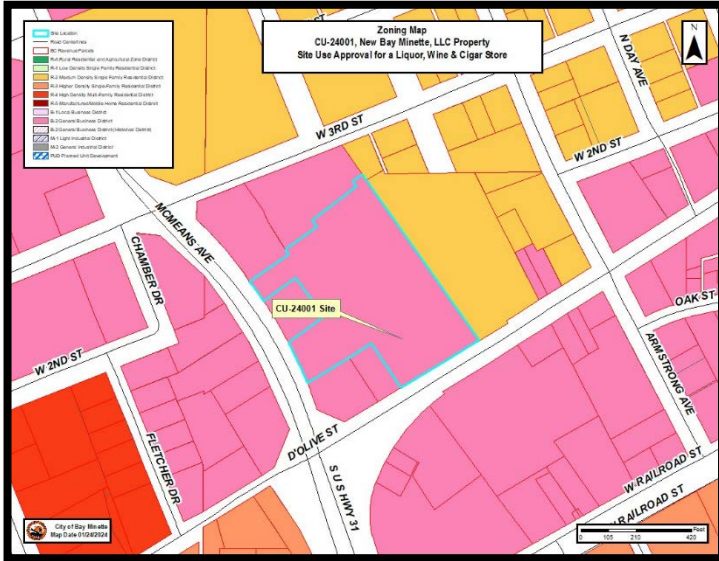
DEPARTMENT AND AGENCY COMMENTS

North Baldwin Utilities - No comments received.
 Bay Minette Public Works - No comments received.
 Bay Minette Police Department - No comments received.
 Bay Minette Fire Department - No comments received.

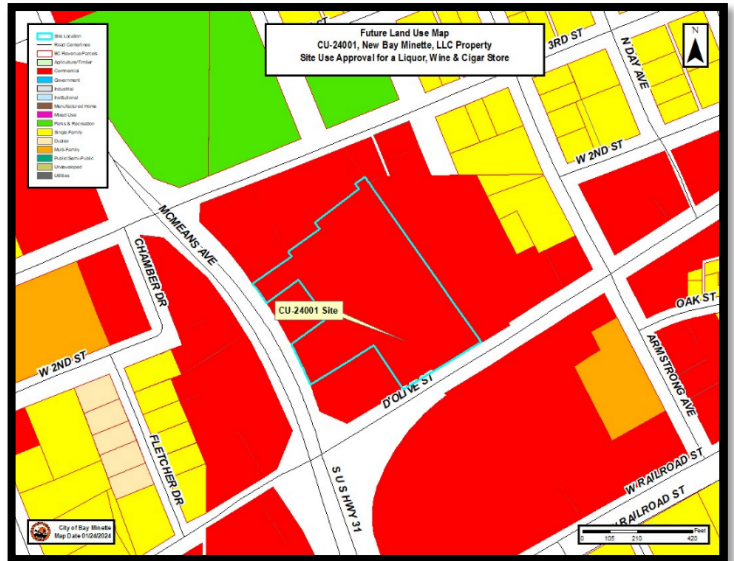
Baldwin County E-911 - Responded - no comments.
 Goodwin, Mills & Cawood City Consultants as Transportation & Site Engineer - No comments received.

MAPPING

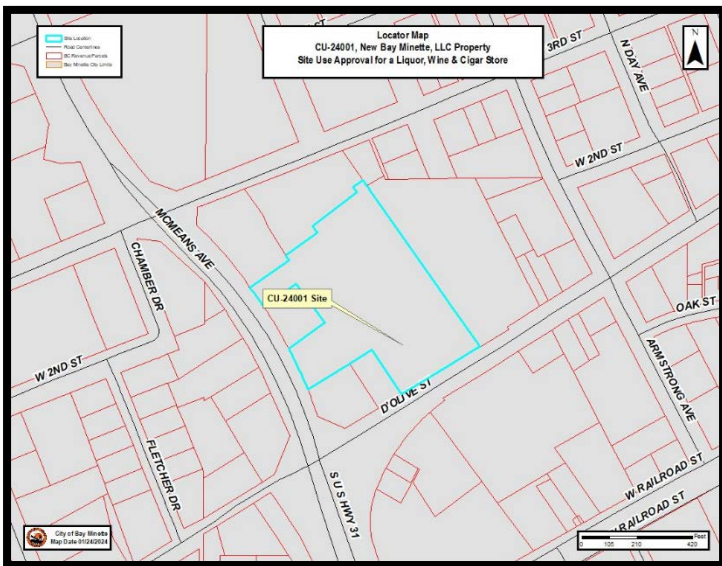
Zoning Map



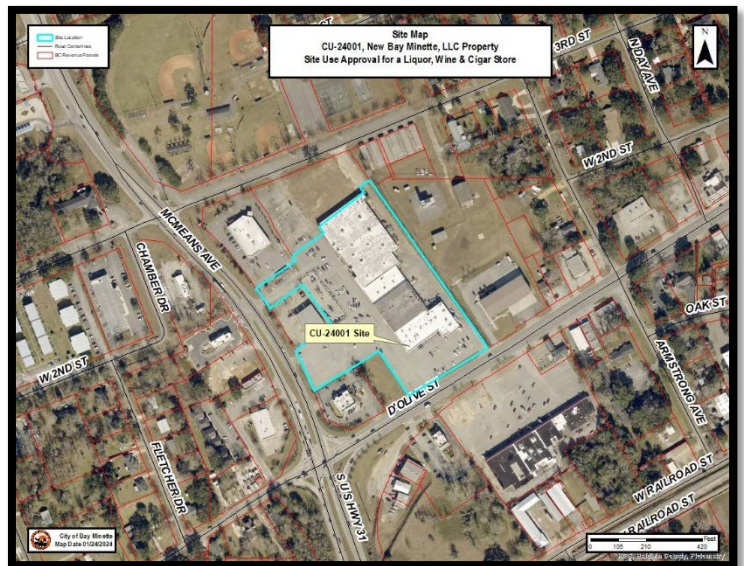
Future Land Use Map



Locator Map



Site Map



STAFF ANALYSIS

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

1.) Is the Location and Site Plan appropriate with regard to transportation and access; not causing undue traffic congestion or creating a traffic hazard?

The property has existing access to McMeans Avenue, a principal arterial and D'Olive Street, a minor arterial with no changes proposed, therefore the proposed use should have nominal impact on transportation.

2.) Is the Location and Site Plan appropriate with the water supply, waste disposal, and other public facilities?

As this is a vacant space in an existing shopping center with no footprint expansion, the proposed use should have a nominal impact on public infrastructure. There were no comments submitted from Bay Minette Public Works or North Baldwin Utilities. Baldwin County E-911 responded with no comments.

3.) Is the Location and Site Plan appropriate with fire and police protection?

There were no comments submitted from Bay Minette Police Department, Bay Minette Fire Department, Public Works, or North Baldwin Utilities regarding the application.



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

The proposed use is consistent with surrounding uses and the current zoning designation of B-2, General Business District. This use is allowed with Planning Commission approval.

5.) Other matters which may be appropriate in relation to *Section 8.08.02 Uses Requiring Planning Approval*

The applicant will be required to submit and get approval from the Building Official. Any signage will require a sign permit prior to construction/installation. If approved, the applicant will be authorized to move forward with obtaining appropriate permits, completing renovations, and obtaining a Certificate of Occupancy. The applicant will also be required to get approval from the State of Alabama Alcoholic Beverage Control Board and the City of Bay Minette City Council.

STAFF RECOMMENDATION

Staff Recommendation

This is a vacant space in an existing shopping center with no exterior renovations or increase in footprint proposed, only interior renovations for the change in use. Based on the submitted information and the analysis above, staff recommends that the proposed Commission Use Approval Request for liquor, wine, and cigar retail package store (no onsite consumption) be **Approved**.

PLANNING COMMISSION ACTION

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

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

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

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

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

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



City of Bay Minette

Planning Commission Site Use Review

301 D'Olive Street · Bay Minette, Alabama 36507

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

Office Use Only

CU: _____
 SP: _____
 Fee: \$300.00 \$600.00
 Date Paid: _____
 Paid: Cash Check
 Credit Card

Applicant Name: DENALI BROTHERS INC DBA BAY MINETTE ^{Liquor Wine Cigar} Date: 01-22-2024

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

Mailing Address: 1294 SELBY PHILLIPS DR

City: MOBILE State: AL Zip Code: 36695

Phone Number: 251 877 2682 Email: abhisekcoo@gmail.com

PROPERTY INFORMATION


Property Address: 712 D'OLIVE ST BAY MINETTE, AL 36507

Or Property Location: _____

Tax Parcel No.: 23-05-16-2-001-029.001 *PPIN No.: 84427

Request: _____

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


Signature of Applicant (Owner of Property of Authorized Agent)

01/22/2024
Date

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

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

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

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



911 TELECOMMUNICATOR CIRCLE
ROBERTSDALE, ALABAMA 36567
(251) 947-3911 option 1
addressing@baldwin911.org

Please Select One
 New Address
 Verify Existing

ADDRESS REQUEST/VERIFICATION FORM

Property owner's name: NEW BAY MINETTE LLC Address to verify: 712 D'Olive St.
BAY MINETTE AL 36507
Contact number: 251-421-6340 Email: abhisekcoco@gmail.com
Name of person requesting address: Abhishek Rajput - DENALI Brothers INC
Contact number: 251 377 2682 Email: abhisekcoco@gmail.com
Relationship to owner: lessor/tenant Agency Name: _____

Parcel number: 05- _____ PPIN: _____
Parcel # lookup: <https://bit.ly/39iPMT3> (Click link to Revenue Commission map if you don't know your #'s.)

Structure Type:
 Single Family
 Multi-Family
 Mobile home
 Apartment
 Commercial - Business Name
 Condominium
 Barn
 Lift Station
 Culvert
 Utility (temp pole)
Type: _____
 Other

X,Y coordinates for the structure requiring an address (if known)
Latitude: _____ ic. 30.562217 N
Longitude: _____ ie -87.730353 W

Please attach a map or provide a description of the house placement and driveway location in the box below. Identify the street(s) locations and names. This will assist our office in assigning the correct address for your location.

Example:

712 D'Olive St
Bay Minette AL

*Please mark footage from the center of the driveway (or proposed driveway) to the closest property line or driveway entrance

Email form back to addressing@baldwin911.org

EMERGENCY POLICE • FIRE • MEDICAL DIAL 9-1-1

DAVID WILSON
Chairman
RAYMOND LOVELL
Vice Chairman
ANTHONY LOWERY
Secretary/Treasurer

KATHRYN BYRD
Interim Director



PAUL MUELLER
AL TOLBERT
ROY GLENN
MARK SEALY

MARK D. RYAN
General Counsel

911 Telecommunicator Circle
Robertsdale, AL 36567
251-947-3911

PHYSICAL ADDRESS VERIFICATION

OWNER: New Bay Minette LLC

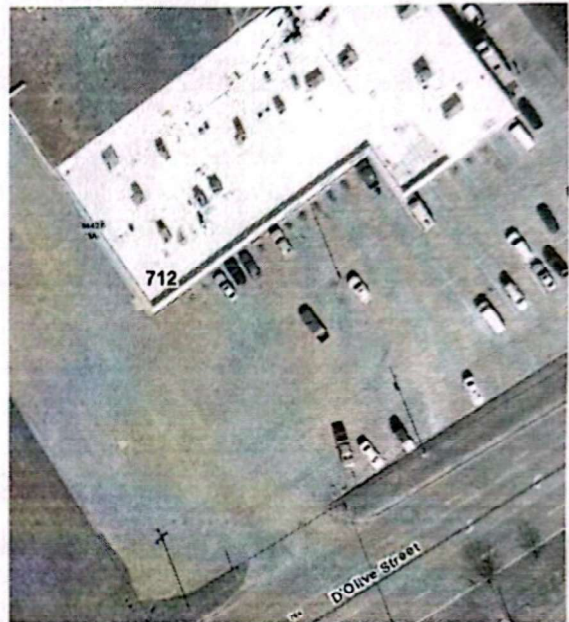
ADDRESS: 712 D'Olive Street

CITY, STATE & ZIP: Bay Minette, AL 36507

COMMUNITY: Bay Minette

PARCEL #: 23-05-16-2-001-029.001

COMMENTS: Shopping Center of Bay Minette-Lot 5A;
{Bay Minette Liquor, Wine & Cigar.



- | | |
|--------------------------------------|--|
| <input type="checkbox"/> HOUSE | <input checked="" type="checkbox"/> COMMERCIAL |
| <input type="checkbox"/> MOBILE HOME | <input type="checkbox"/> BARNDOMINIUM |
| <input type="checkbox"/> UTILITIES | <input type="checkbox"/> OTHER _____ |

Structure Numbering

- **Section 319.1 International Residential & section 501.2 International Building Codes** - Buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) in height with a stroke width of not less than 0.5 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.
- **Section 304.3 International Property Maintenance Code**- Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

Notice sent by: Cindy Taylor

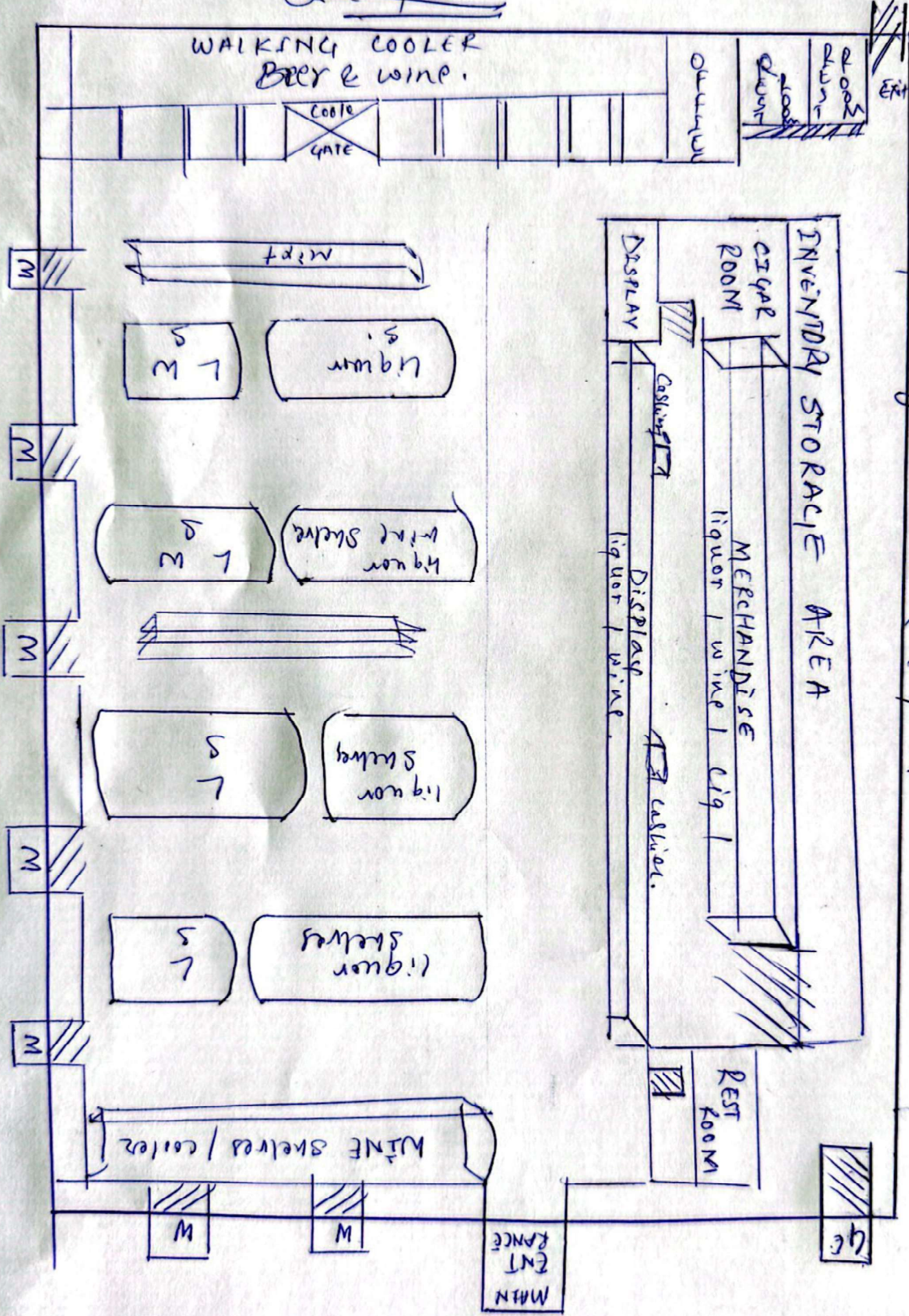
Date: 1/18/2024

REVIEWED
By SKR at 1:14 pm, Jan 18, 2024

EMERGENCY POLICE • FIRE • MEDICAL DIAL 9-1-1

Site Plan

Life Savings Plan...
 Bay Ninette Liquor Wine Cigars
 712 D'Olive Street Bay Ninette at 38507
 Site - parking. store layout.



Date: January 8, 2024

Dear Mayor and City Council,

I, Abhisek S. Rajput, hereby request consideration of the following selected Alcoholic Beverage License on behalf of Bay Minette Liquor Wine Cigar.

Applicant Information:

Company/Organization Denali Brothers, Inc. d/b/a Bay Minette Liquor Wine Cigar
 Applicant Name: Abhisek S. Rajput
 Mailing Address: 1294 Selby Phillips Dr., Mobile, Alabama 36695
 Location Address: 712 D'Olive Street, Bay Minette, Alabama 36507
 Phone Number: (251) 377-2682
 Email: abhisekcoco@gmail.com

Application for X New License or Transfer of License

Please check all that apply:

- | | | | | | |
|-------------------------------------|-----|---|-------------------------------------|-----|---|
| <input type="checkbox"/> | 010 | Lounge Retail Liquor-Class I | <input type="checkbox"/> | 170 | Retail Common Carrier |
| <input checked="" type="checkbox"/> | 011 | Lounge Retail Liquor-Class II (Package) | <input type="checkbox"/> | 200 | Manufacturer |
| <input type="checkbox"/> | 020 | Restaurant Retail Liquor | <input type="checkbox"/> | 210 | Importer |
| <input type="checkbox"/> | 031 | Club Liquor-Class I | <input type="checkbox"/> | 220 | Brewpub |
| <input type="checkbox"/> | 032 | Club Liquor-Class II | <input type="checkbox"/> | 230 | International Motor Speedway |
| <input type="checkbox"/> | 040 | Retail Beer (On or Off Premises) | <input type="checkbox"/> | 240 | Non-Profit-Tax Exempt |
| <input type="checkbox"/> | 050 | Retail Beer (Off Premises Only) | <input type="checkbox"/> | 250 | Wine Festival License |
| <input type="checkbox"/> | 060 | Retail Table Wine (On or Off Premises) | <input type="checkbox"/> | 260 | Wine Festival Participant License |
| <input type="checkbox"/> | 080 | Liquor Wholesale | <input type="checkbox"/> | 300 | Hospitality Management |
| <input type="checkbox"/> | 090 | Wholesale Beer Only | <input type="checkbox"/> | 310 | Food or Beverage Truck License |
| <input type="checkbox"/> | 100 | Wholesale Table Wine Only-16.5% or less | <input type="checkbox"/> | 500 | Direct Wine Shipper |
| <input type="checkbox"/> | 110 | Wholesale Table Wine and Beer Combined | <input type="checkbox"/> | 510 | Wine Fulfillment Center |
| <input type="checkbox"/> | 120 | Warehouse License | <input type="checkbox"/> | 520 | Additional Wine Fulfillment Center |
| <input type="checkbox"/> | 130 | Additional Warehouse-Wine, Beer or Both | <input type="checkbox"/> | 530 | Delivery Service License |
| <input type="checkbox"/> | 140 | Special Events Retail | <input type="checkbox"/> | 800 | In-State Winery Off-Site Tasting Permit |
| <input type="checkbox"/> | 150 | Special Retail License-30 Days of Less | <input checked="" type="checkbox"/> | 990 | Tobacco Permit |
| <input type="checkbox"/> | 160 | Special Retail-More Than 30 Days | | | |

I understand that after my application is reviewed by the Police Department, Planning and Development, Building Official and Fire Inspector, I will be contacted with the date and time of the City Council Meeting that I need to attend concerning this request.

Abhisek Rajput
Applicant Print Name

[Signature]
Applicant's Signature



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20240103143258867

Type License: 011 - LOUNGE RETAIL LIQUOR - CLASS II (PACKAGE) State: \$300.00 County: \$440.00

Type License: 990 - TOBACCO ONLY State: \$0.00 County: \$0.00

Trade Name: **BAY MINETTE LIQUOR WINE CIGAR** Filing Fee: \$50.00

Applicant: **DENALI BROTHERS INC** Transfer Fee:

Location Address: 712 D'OLIVE ST BAY MINETTE, AL 36507

Mailing Address: 1294 SELBY PHILLIPS DR MOBILE, AL 36695

County: BALDWIN Tobacco sales: YES Tobacco Vending Machines: 0

Product Type: 03 Type Ownership: CORPORATION

Book, Page, or Document info: 001-110-601

Do you sell Draft Beer?:

Date Incorporated: 12/05/2023 State incorporated: AL County Incorporated: MOBILE

Date of Authority: 12/05/2023

Federal Tax ID: 93-4697591

Alabama State Sales Tax ID: R01970174

Name:	Title:	Date and Place of Birth:	Residence Address:
ABHISEK SINGH RAJPUT 7985773 - AL	MEMBER	05/16/1985 NEPAL	1294 SELBY PHILLIPS DR MOBILE, AL 36695
MOHIL MUKESH SOPARIWALA SA8450225 - MA	MEMBER	07/21/1999 CHICAGO	9 VOYAGER LN ASHLAND, MA 01721

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES

Does ABC have any actions pending against the current licensee? NO

Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO

Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO

Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES

Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: ABHISEK S RAJPUT

Home Phone: 251-377-2682

Business Phone: 251-377-2682

Cell Phone:

Fax:

E-mail: ABHISEKCOCO@GMAIL.COM

PREVIOUS LICENSE INFORMATION:

Previous License Number(s)

Trade Name:

License 1:

Applicant:

License 2:



**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION**



Confirmation Number: 20240103143258867

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
 Name of Property owner/lessor and phone number: **NEW BAYMINETTE LLC 251-421-6340**
 What is lessors primary business? **REAL ESTATE**
 Is lessor involved in any way with the alcoholic beverage business? **NO**
 Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **NO**
 Is the business used to habitually and principally provide food to the public? **NO**
 Does the establishment have restroom facilities? **YES**
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **NO**

Will the business be operated primarily as a package store? **YES**
 Building Dimensions Square Footage: **50000** Display Square Footage: **3000**
 Building seating capacity: **0** Does Licensed premises include a patio area? **NO**
 License Structure: **SHOPPING CENTER** License covers: **OTHER**
 Number of licenses in the vicinity: **0** Nearest: **0**
 Nearest school: Nearest church: Nearest residence: **0 blocks**
 Location is within: **CITY LIMITS** Police protection: **CITY**

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)? **YES**

Name:	Violation & Date:	Arresting Agency:	Disposition:
ABHISEK RAJPUT	SALE OF ALCOHOL TO MINOR 11/27/2013	MOBILE SHERIFF DEPT	PAID FINE 6 MONTH GOOD BEHAVIOR AND EXPONGED
ABHISEK RAJPUT	POSSESSION OF DRUG PARAPHENELIA 03/30/2017	MOBILE SHERIFF DEPT	DIMISSED; NOT PROCESSED

From: [Samantha Roberts](#)
To: [Jessica Peed](#)
Subject: RE: CU-24001, Bay Minette Liquor, Wine & Cigar
Date: Tuesday, January 23, 2024 1:17:12 PM
Attachments: [image002.png](#)
[image004.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.

All good on my end.

Samantha Roberts
Addressing Specialist
GIS/Addressing
911 Telecommunicator Circle
Robertsdale, AL 36567
☎ 251-947-3911 ext 5159
www.baldwin911.org



Like and Follow us:



From: Jessica Peed <Jessica.Peed@CITYOFBAYMINETTEAL.GOV>
Sent: Tuesday, January 23, 2024 1:05 PM
Subject: CU-24001, Bay Minette Liquor, Wine & Cigar

Please review the attached application and documents related to a Site Use approval request for a liquor, wine, beer & cigar retail store. The property is located within the (Tractor Supply) shopping center of Bay Minette with the address of 712 D'Olive St- The attachment includes a site and location map for reference. The last page of the attachment also includes a preliminary drawing of the renovations that will occur if the use is approved by the Commission.

Please advise if you have any comments, questions or concerns.

Thank you,

Jessica Peed
Planning Coordinator
City of Bay Minette

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



From: [Paula Bonner](#)
To: [Jessica Peed](#)
Cc: [Clair Dorough](#)
Subject: Calls for 2/8/24 PC meeting
Date: Wednesday, January 31, 2024 9:18:30 AM
Attachments: [image002.png](#)

Jessie,

I have had two calls inquiring about the February Planning Commission meeting.

1. A lady saw the sign for Bay Minette Liquor and wanted to know what it was. She was just curious and did not comment either positive or negative.
2. A lady called about a notice she received for OTC. She was with a church. She just wanted to know the location of the property. She did not comment either positive or negative.

I'll email you if I get anymore.

Thanks,

Paula S. Bonner
Planner Associate

City of Bay Minette
Planning & Development Services Department
301 D'Olive Street
Bay Minette, AL 36507
(251) 580-1650, Ext. 7066

cityofbayminetteal.gov

[Planning & Development Services Department Site](#)





City of Bay Minette

Planning & Development Services

PLANNING COMMISSION STAFF ANALYSIS

Planning Commission Meeting Date: February 8, 2024

Case Number: Z-24001

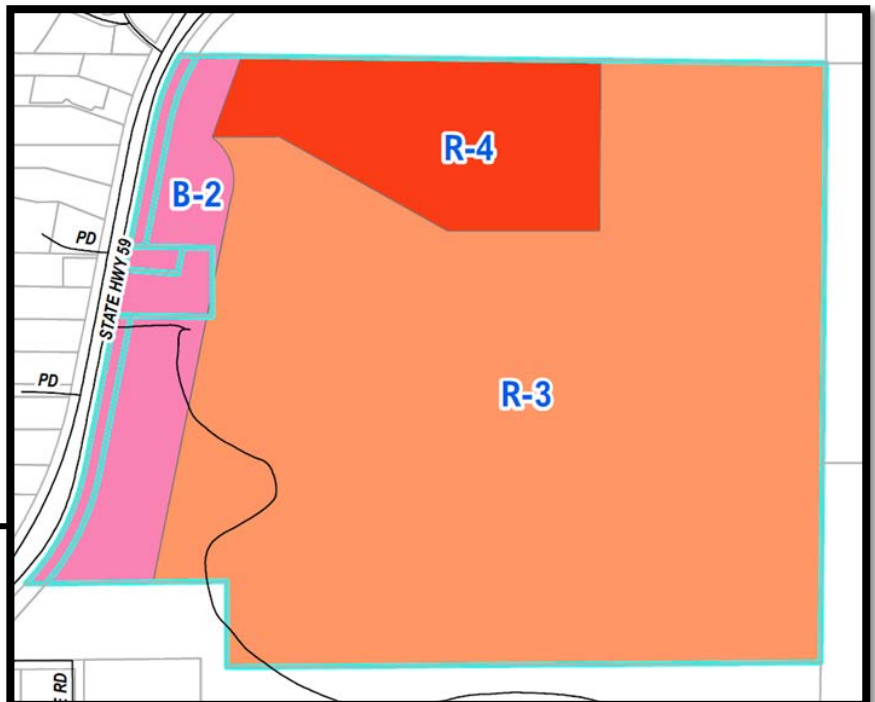
APPLICATION SUMMARY

<p>Project Name: Old Towne Commons PUD Zoning</p> <p>Property Location: State Hwy 31, Appx .75 miles south of Holly Hills</p> <p>Property PID/PPIN: 05-28-05-21-0-000-009.001 // 92518</p> <p>Property PID/PPIN: 05-28-05-21-0-000-002.001 // 222473</p> <p>Property PID/PPIN: 05-28-05-21-0-000-002.000 // 31532</p> <p>Property PID/PPIN: 05-28-05-21-0-000-009.000 // 83618</p> <p>Property PID/PPIN: 05-28-05-21-0-000-001.000 // 62828</p>	<p>Property Size: 413.40± acres</p> <p>Proposed Action: Overall site PUD zoning from:</p> <p>R-3, Higher Density Single Family Residential District 316.8± acres</p> <p>R-4, High Density Multi-Family Residential District 50.2± acres</p> <p>B-2, General Business District 46.4± acres</p> <p>Applicant: Baldwin Ventures, LLC</p> <p>Property Owner: Baldwin Ventures, LLC</p>
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Subject Property	Zoning	Existing Land Use
Z-24001	R-3, R-4, B-2	Undeveloped and Residential
Adjacent Property	Zoning	Existing Land Use
North	Unzoned, County Planning District 7	Undeveloped
South	Unzoned, County Planning District 7	Undeveloped
East	Unzoned, County Planning District 7	Undeveloped
West	Unzoned, County Planning District 7	Residential and Undeveloped

SITE AND REQUEST SYNOPSIS

The subject property, which consists of five parcels containing 413.40± acres, is located on the East side of State Highway 59, approximately .75 miles south of the northern entrance of Country Club Drive and Holly Hills Municipal Golf Course. The property is currently zoned R-3 Single Family, R-4 Multi-Family and B-2, General Commercial and has an estimated .68 miles of frontage on Highway 59. Three of the parcels are undeveloped with the exception of a power transmission line and internal, dirt roadways; and two parcels contain residential dwellings that front Highway 59. The property was annexed by Act 2023-145 and pre-zoned to its current designations during the same timeframe. This property is owned by Baldwin Ventures, LLC, which requested the annexation by the City and proposed the configuration of the pre-zoning designations as the base zoning to allow the progression of future development as a Planned Unit Development (PUD). Case Z-24001, the PUD request, is the first of two applications being submitted for the Planning Commission’s concurrent consideration. The second application is for SD-24001, Master Plan approval of the development.



ZONING DISTRICTS AND TABLE OF PERMITTED USES

CURRENT ZONING

6.02.04 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.

6.02.05 R-4, High Density Multi-Family Residential District. The intent of this district is to provide opportunity for high density single-family, duplex, and multi-family residential development in specified areas. Within this district it is also considered suitable to include other uses of a type deemed to be compatible with a good high-density living environment by providing for needed community services. Public or community water and sewer facilities are required.

6.03.02 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

6.02.07 PUD, Planned Unit Development. This zoning district is to provide an opportunity for the best use of land, protection of valuable natural features in the community, provide for larger areas of recreational open space, more economical public services and opportunity for mixed use. The purpose of this provision is to encourage the unified development of tracts of land, much more creative and flexible concepts in site planning. The criteria for this zoning district can be found in Article 11 of this Ordinance.

TABLE OF PERMITTED USES

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

The property is proposed for a Planned Unit Development (PUD) with single-family, multi-family and commercial uses. No specific commercial uses have been proposed for the site.

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
Planned Unit Development, fixed dwelling.	P	P	P	P	P	P	P	P		
Dwelling, one-family.	R	R	R	R	R	R	S	S	S	S
Dwelling, two-family.				S	R	R	P	P		
Dwelling, multi-family.					R	R	P	P		
Clinic, dental, medical or psychiatric for humans.							R	R		
Convenience store							R	R		
Department store.								R		
Discount/Variety store, not to exceed 8,000 sq ft							P	R	R	P
Drive-in restaurant.							P	R		
Drug store.							R	R		
Grocery store, neighborhood							R	R	P	P
Grocery store, supermarket, where retail floor area exceeds 10,000 sq ft.							P	P	P	P
Hardware store, wholesale, storage and sale.	P							R		
Restaurant (not as an entertainment venue).							R	R		

RELATED COMPREHENSIVE PLAN STATEMENTS & STRATEGIES

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

Population and Economy

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

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

Economic Analysis: The City of Bay Minette has a strong and diversified economy. The City’s favorable economy derives largely from its strategic location and accessibility from the I-65 corridor and its geographical location along the State’s busiest tourist transportation corridor, Highway 59, the main route to the Gulf Coast beaches of Alabama. The City is the County Seat and this provides many employment opportunities through local government. The City

is also host to numerous industrial and manufacturing employers, including Standard Furniture, Quincy Compressors, and Dental EZ, Inc. The following sections provide an overview of local economic indicators that guide future economic development.

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

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

#4 The City of Bay Minette should define and clarify desired areas of industrial development and establish an Industrial Park. This will attract and hold industrial development potential and associated future land use in the designated area. The Highway 59 corridor north of the City has access to I-65 and would be a desirable location for an industrial park. However, Highway 59 south of the City currently has industrial land uses. 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. As funds become available, efforts should also be taken by the City to ensure parcels zoned for business and industrial development possess all necessary infrastructure to attract potential developers.

Housing

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

Statements: "City requires a diversity of housing types and densities to accommodate all socioeconomic groups of a community. The housing supply of a community must support existing and forecasted housing demands to ensure the resident's quality of life and the vitality and growth of the City. A community must foster continued maintenance, rehabilitation, and new construction of their housing stock to maintain the City's sustainability."

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

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

#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.

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

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

#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.

Land Use

Statement: "To accommodate future population and housing projections, duplex and multi-family development acreage went from 0.43% of the total planning area in 2010 to 0.65% by 2030. The mixed-use category was increased from nearly 0% of the total planning area in 2010 to 0.05% in 2030. This will also increase the future residential land use availability of the City.

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

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

DEPARTMENT AND AGENCY COMMENTS

North Baldwin Utilities – Water and gas services available.

Bay Minette Public Works – No comments

Bay Minette Police Department – No comments

Bay Minette Fire Department – Comments incorporated throughout Planning Commission proceedings.

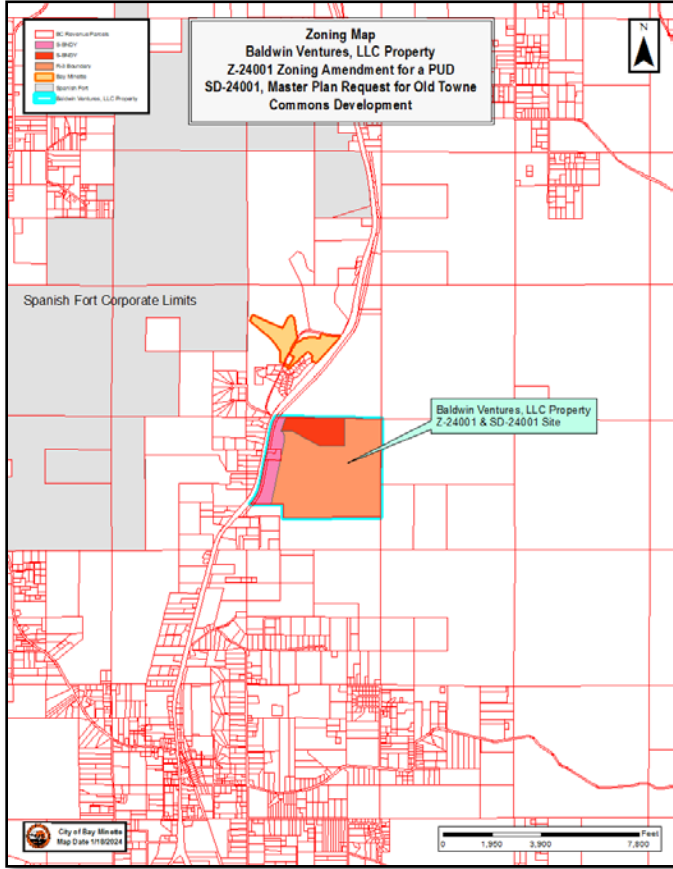
Baldwin County E-911 – Address discrepancy on PIN 31532 to be resolved prior to subdivision development.

ALDOT – No comments received.

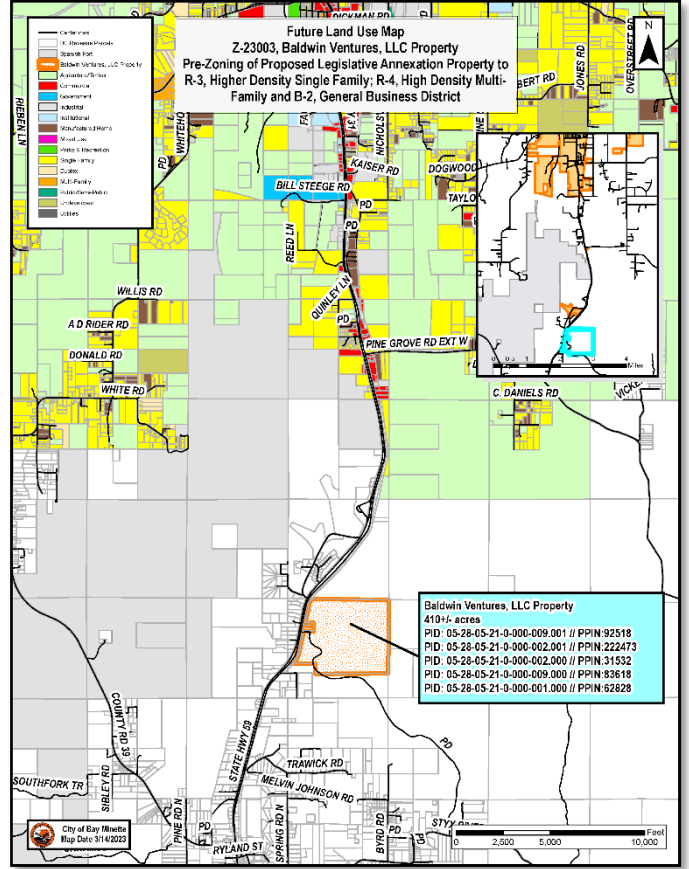
City Engineering Consultant GMC, Melissa A. Hadley, PhD, RLA,
AICP – Attached, reviewed at January 25, 2024 worksession

MAPPING

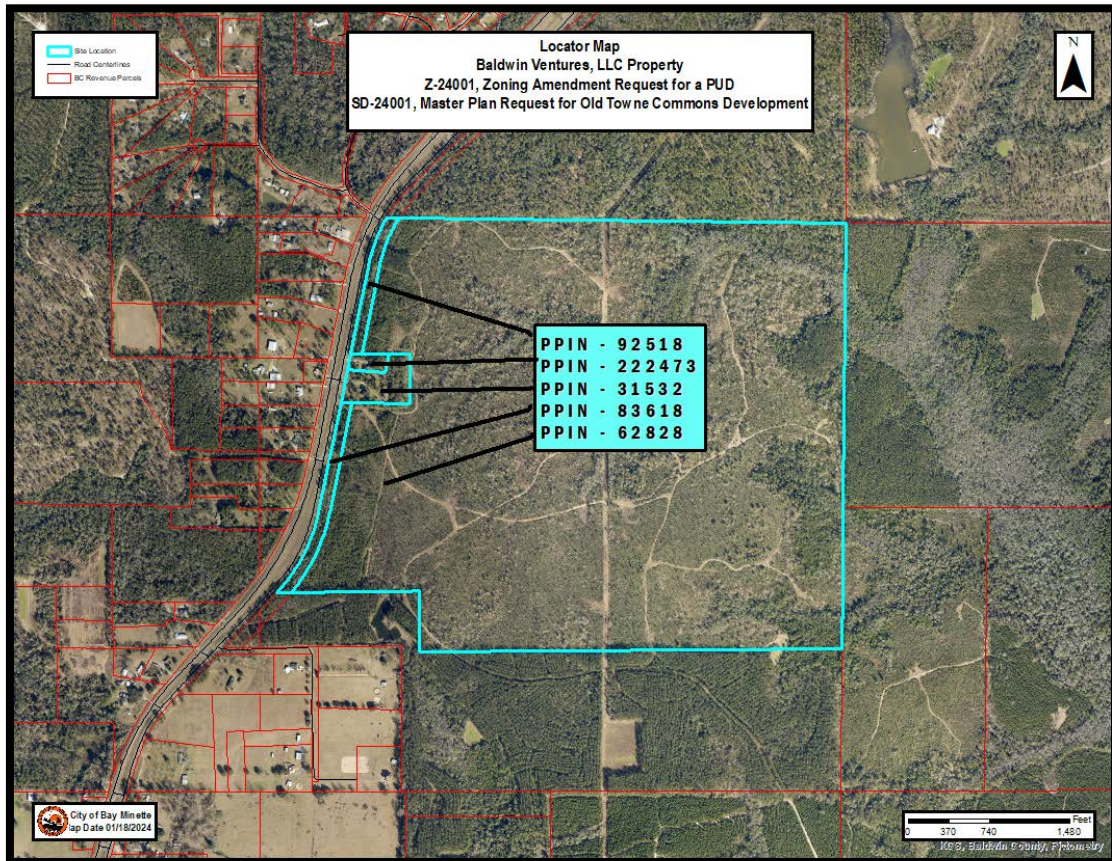
Existing Zoning Map



Future Land Use Map



Locator & Site Map



STAFF ANALYSIS

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

1.) Compliance with the Comprehensive Plan *COMPLIANT*

The subject property is outside of the scope of the Future Land Use Map in the Comprehensive Plan. However, the Comprehensive Plan goals, recommendations and strategies listed above include the promotion of sound commercial development and fostering an increase in commercial development. The Comprehensive Plan goals, recommendations and strategies also include providing a wide variety of safe and attractive living environments for all socioeconomic groups with diversity of housing types and densities, specifically stating that:

“The housing supply of a community must support existing and forecasted housing demands to ensure the resident’s quality of life and the vitality and growth of the City. A community must foster continued maintenance, rehabilitation, and new construction of their housing stock to maintain the City’s sustainability.”

The Comprehensive Plan is the master plan required by state law, for the purpose of guiding the future growth of the municipality both inside and outside the current municipal limits. The Planning Commission is required to conduct careful and comprehensive surveys and studies of the present conditions and future growth of the municipality and with due regard to its relation to neighboring territory. The current Comprehensive Plan was researched and written in 2010, prior to the establishment of the County’s Mega-Site and while considering the expansive extraterritorial jurisdiction that has since significantly diminished. Specifically in light of the recent developments at the County’s Mega-Site, the existing plan does not consider actual significant development occurring in the North Baldwin area. The intent of the plan is for guiding and accomplishing...

“a coordinated, adjusted, and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.”

The proposed PUD is compatible with recommendations and strategies from the Plan that are listed above.

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

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

Due to the property’s location on Highway 59, especially in light of the ongoing construction at the Novelis Mega-Site, and critical need for housing, the potential for residential and commercial development in the area has increased significantly. The property owner’s proposal for a Master Planned, mixed-use development would offer a diverse housing stock and provide a significant increase in the availability of commercial, single-family and multi-family uses to alleviate a critical need. By developing the 413± acres under a unified master plan, it allows for a concentration of resources to serve the proposed development and contain similar intensity of uses together to prevent any potential incompatibilities.

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

The subject property, which consists of five parcels containing 413.40± acres, is located on the East side of State Highway 59, approximately .75 miles south of the northern entrance of Country Club Drive and Holly Hills Municipal Golf Course. The property is currently zoned R-3, R-4 and B-2, and has an estimated .68 miles of frontage on Highway 59. Three of the parcels are undeveloped with the exception of a power transmission line and internal, dirt roadways; and two parcels contain residential dwellings that front Highway 59. There are single family residential dwellings scattered along Hwy 59, especially on the western side, with an occasional commercial use and a church. Other than Holly Hills Municipal Golf Course, the surrounding property is County Unzoned in the Planning District 7 jurisdiction. As previously stated, the Novelis Mega-Site is a leading factor prompting the increase in potential development and need for housing.

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

The Bay Minette Police Department did not have any comments on the application and no comments were received from Public Works. Letters of Service Availability were submitted from North Baldwin Utilities to provide water and gas services; Baldwin County Sewer Service for sewer services and from Baldwin EMC for power. With the location on the heavily travelled Highway 59, and surrounding unzoned property, no major impacts are anticipated. Since annexation, the Bay Minette Police Department and Bay Minette Fire Department services these properties. ALDOT would be the roadway authority for Hwy 59 and final design is pending their review. Any development proposed for surrounding areas will not fall within the City's jurisdiction as they are located in County Planning districts and along State or County-maintained roadways. If any property in the surrounding area is proposed for division, the County's Subdivision Regulations will apply.





SITE SUMMARY		
TOTAL AREA	413.4 AC.	
TOTAL UNITS	1,219	
DENSITY	2.9	
COMMERCIAL	46.8 AC. (11%)	
OPEN SPACE	126.2 AC. (31%)	
*IMPERVIOUS	82 AC. (20%)	
STREET LENGTH	38,835 L.F.	
*EXCLUDES COMMERCIAL		
OPEN SPACE SUMMARY		
UPLANDS	45.9 AC. (11%)	
WETLANDS	80.3 AC. (19%)	
LOT SUMMARY		
40 FT. LOTS	= 278	
50 FT. LOTS	= 260	
60 FT. LOTS	= 135	
70 FT. LOTS	= 154	
TOTAL	= 827	

Figure 5.2 - Site Summary

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

With the location on the County's heavily travelled principal arterial, no major impacts are anticipated. The property is not located in a Flood Hazard area (Zone X) but GIS indicates the presence of hydric soils/potential wetlands. Any future development would be required to meet Federal, State and local regulations regarding construction in and fill of environmentally sensitive areas. The developer has made concessions for those natural areas in the submitted preliminary/conceptual master plan (See Figure 5.1)

Preliminary plans show approximately 80 acres of wetlands maintained as open space, approximately 45 acres of uplands maintained as open space with multiple parks throughout the development. (See Figure 5.2) The proposed plan's site calculations include approximately 47 acres of commercial property, 50 acres of multi-family residential and 316 acres of single-family. The PUD narrative includes the following as the second section of the document:

ENVIRONMENTAL PROTECTION

Wetland protection and stormwater management are always significant concerns. Stormwater will be designed and compliant with best engineering practices and all requirements within the Zoning Ordinance and Subdivision Regulations. Sufficient stormwater best management practices will be employed in the development of the PUD to ensure runoff leaving the site does not degrade water quality within the receiving water bodies.

The site has been designed to avoid wetlands. Approximately 19% of the property is wetlands. Should any wetland fill be required, it will be limited to developmental design – no lots are proposed for wetland fill. A 25' wetland buffer will be installed, where practicable, to comply with the Alabama Construction General Permit.

6.) Compliance with other laws and regulations of the city **NOT APPLICABLE**

Not Applicable at this point of the development process.

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

The subject property falls within the municipal limits of Bay Minette and under the City's jurisdiction. As for development of surrounding property, any future businesses or entities will be required to work with ALDOT or the County Highway Department on access concurrence/approval and follow the County's Subdivision Regulations and requirements. The area was previously under the Building Permitting and Business Licensing jurisdiction of the City but due to recent legislation, the area is in the County's Building Permit jurisdiction.

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



Figure 5.1 – PUD Site Plan

No major negative impacts are anticipated. As previously stated, the location on the County's heavily travelled principal arterial would accommodate any impact that may occur. Specific post-development conditions would be reviewed for compliance during preliminary plat review of individual phases. Any development, use and improvement to the subject property would likely increase surrounding property values and/or generate additional development.

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

No major negative impacts are anticipated. As previously stated, the location on the County's heavily travelled principal arterial would accommodate any impact that may occur. Specific post-development conditions would be reviewed for compliance during preliminary plat review of individual phases. Any development, use and improvement to the subject property would likely increase surrounding property values and/or generate additional development.

10.) Other matters which may be appropriate

This proposal is compliant and consistent with the guidelines and intent of the regulations stated in **Article 11. Planned Unit Development (PUD)** of the **Zoning Ordinance**, specifically, the provisions below:

ARTICLE 11. PLANNED UNIT DEVELOPMENT (PUD)*The intent of this Section is to provide an opportunity for the best use of land, protection of valuable natural features in the community, provide for, larger areas of recreational open space, more economical public services and opportunity for mixed use. The purpose of this Provision is to encourage the unified development of tracts of land, much more creative and flexible concepts in site planning than would otherwise be possible through the strict application of minimum and maximum requirements of zoning districts established in this Zoning Ordinance and requirements of the Subdivision Regulations.*

For the purposes of this Ordinance, each Planned Unit Development shall be a minimum of five (5) acres and of sufficient size to accommodate the development. The burden is placed on the developer to demonstrate a benefit to the City and the surrounding area. Each Planned Unit Development shall have an ordinance that establishes the development regulations for the district. In approving a Planned Unit Development, the Ordinance shall reference the site plan, which shall prescribe development standards. The site plan after approval shall become part of the amending ordinance. All development shall be in conformance with the approved Site Plan and development regulations.

11.02.04 *Will provide, through desirable arrangement and design, benefits which justify the deviations from development standards which would otherwise apply.*

11.03.01 *Provisions of residential districts as applicable shall generally be adhered to in all PUDs.*

11.03.02 *All land proposed in the project for residential use, including outdoor use of space, off-street parking, interior drives and other circulation ways, may be counted in complying with the density requirements.*

11.03.03 *For any single-family or two (2) family dwelling or any dwelling unit in a townhouse or condominium building, there shall be a privately occupied area. This private space shall include the space occupied by such dwelling or dwelling unit, with adjoining open space assigned exclusively to such dwelling unit of not less than 600 square feet in addition to private parking area.*

This property and development has been under substantial review/consideration by the Planning Commission and City Council related to annexation (Act 2023-145), pre-zoning (Z-23003), individual Planning Commission worksessions (Sept 21, 2023; October 26, 2023; and January 25, 2024) along with numerous discussions as part of the Planning Commission's New and Old Business agenda items. The preliminary site layout was received in April of 2023 and the number of lots, density and lot widths (40-ft, 50-ft, 60-ft and 70-ft) have remained constant from the initial proposal. The 5-ft setbacks, particularly on the 40-ft lots, was a stated concession of the PUD from the beginning and specifically addressed at the October 26, 2023 worksession along with the 20-ft front and rear setback requests. The applicant and owner were present at the November 9, 2023 PC meeting for further discussion on setbacks, including extensive coverage of average building envelopes for each type of lot. The development was further discussed at the December 14, 2023 meeting, a revised PUD Narrative Draft was provided to commission members in preparation for presentation at the February meeting. Mrs. Barnette was present at the January 11, 2024 meeting for any remaining questions and a final worksession was planned for January 25, 2024 as a last review prior to official presentation of the PUD and Master Plan applications at the February 8, 2024 regular meeting. During this time, the City was transitioning to architecture and engineering firm Goodwyn, Mills and Cawood (GMC) to provide engineering services as a consultant. GMC staff member Melissa A. Hadley, PhD, RLA, AICP, conducted an initial review of the development after the January 11th meeting and provided recommendations on January 22nd prior to the January 25th worksession. These recommendations were constructive and the majority have been incorporated into the final proposal. However, the side setback recommendations and subsequent discussion from the January 25th worksession were not able to be incorporated without drastically altering the development's design as it has progressed over the past 10 months. While there is a time and place for zero-lot-line setbacks, attempting to require those provisions two weeks prior to a public hearing on such a large-scale project after nearly a year of discussion is unreasonable. Particularly when the development is already requesting a waiver

to the minimum lot width of the R-3 base zoning. Staff has issues with current builders exceeding the setback limitations as defined in the ordinance, the potential for that increases on the 40-ft lots with 5-ft side setbacks but it can be carefully policed through the unified development process. Variances cannot be granted for these mistakes as they are self-imposed hardships. The risk of exceeding setbacks substantially increases with a much smaller margin of error on a zero-lot-line with the stakes much higher when a builder or property owner crosses a property line rather than a setback. There is also the issue of the City's Building Code, which would require additional fire protection be incorporated into any structure that is 3 feet or closer to a property line, no matter the distance from any adjacent structure. This would significantly increase the cost of construction for the developer/builder that would be passed on to the eventual buyers. Staff cannot recommend side setbacks less than those proposed in the narrative:

Minimum Setbacks for Local Streets	Front Yard	Rear Yard	Side Yard	Corner Lot
R-3 Base Zoning	25	30	10*	20
40' lots	25	20**	5**	10**
50' lots	25	20**	5**	10**
60' lots	25	25**	6**	10**
70' lots***	25	30	10	15****
* Ten feet plus two additional feet for each floor above two stories, but not exceeding 20 feet; and when dwelling unit faces side yard, the dwelling unit must not be less than 25 feet from the side lot line.				
** Deviation from R-3 Minimum Setbacks				
*** Front and rear setbacks can be flip flopped to allow for variability within lots and developed clusters				
****if lot is side loaded on corner 20' setback will be required				

STAFF 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 PUD in substantially the same form as proposed in Exhibit A, dated January 29, 2024.*

PLANNING COMMISSION ACTION

For PUD/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.:	_____
Fee-	\$300.00
Date Paid:	_____
Paid:	<input type="checkbox"/> Credit Card <input type="checkbox"/> Cash
	<input type="checkbox"/> Check- No. _____

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

Are you the property owner? YES NO

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

Applicant Name: Dewberry Date: 12/15/2023

Mailing Address: 25353 Friendship Rd

City: Daphne State: AL Zip Code: 36526

Telephone Number: 251-929-9801 Email: dewberry-daphneplanning@dewberry.com

Site Information

Property Owner Name: Baldwin Ventures, LLC / Gary Capuano Phone Number: 407-474-8222

Property Address: 530 East Central Blvd STE 1601, Orlando, FL 32801

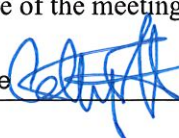
Parcel/PPIN #: 62828, 31532, 222473

Area of Property, Sq. Ft., or Acres: 413.4 ac

Present Zoning: B-2, R-3, R-4 Requested Zoning: PUD

Reason for Request/ Intended use of property: Development of commercial, multi-family and single family residential development

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

Signature: Cathy S. Barnette  Digitally signed by Cathy S. Barnette Date: 2023.12.13 11:37:13 -06'00' Date: 12/14/2023

Submittal Requirements

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

Version 1.2 – 7/22/2020



City of Bay Minette

Agent Authorization Form

Office Use Only

Case No.: _____

I/We hereby appoint and designate Dewberry ("Agent") to act as my/our-agent in all matters concerning this application/permit which relates to property described as tax parcel PPIN# 92518, 62828, 222473, 31532, & 83618. I/We understand that the scope of the agency designation granted herein is general in nature and includes, without limitation, all decision-making authority relating to submittals, status, conditions, or withdrawal of this application/permit. To the fullest extent permitted under Alabama law, I/we release and agree to hold the City of Bay Minette harmless from and against any liability resulting from acts or omissions of our Agent. I/We warrant and certify to the City of Bay Minette that I/we are the owner(s) of the real property identified herein, and that I/we have fully authority to make the agency designation herein. I/We further certify that the information stated on and submitted with this application/permit is true and correct. I also understand that the submittal of incorrect information will result in the revocation of this application/permit and any work performed will be at the risk of the applicant. I understand further that any changes which vary from the approved plans will result in the requirement of a new application/permit.

**NOTE: All correspondence will be sent to the authorized Agent. It will be the Agent's responsibility to keep the owner(s) adequately informed as to the status of the application.*

PROPERTY OWNER(S)

Baldwin Ventures, LLC
 Name(s) - Printed
30 East Central Blvd STE 1601
 Mailing Address
Orlando, FL 32801
 City/State
407-474-8222 Phone garyecap@gmail.com Email
[Signature] Signature(s) 11/18/2023 Date

AUTHORIZED AGENT

Dewberry / Cathy S. Barnette
 Name(s) - Printed
25353 Friendship Road
 Mailing Address
Daphne, AL 36526
 City/State
251-929-9801 Phone dewberry-daphneplanning@dewberry.com Email
[Signature] Signature(s) 11/18/2023 Date



December 19, 2023

Clair Dorough
City Planner
City of Bay Minette
301 D'Olive Street
Bay Minette, AL 36507

**RE: PPIN 62828 – Old Towne Commons
Rezoning Application**

Dear Ms. Dorough,

Please find enclosed our Rezoning Application for Old Towne Commons. The attached documents are summarized as follows:

- Fee
 - Pending total amount
- Rezoning Application
- Agent Authorization Form
- Legal Description
- Deed
- PUD Narrative
- One (1) 11" × 17" Copy of Boundary Exhibit
- One (1) 11" × 17" Copy of Master Plan
- One (1) 24" × 36" Copy of Boundary Exhibit

If you have any questions, comments, or concerns regarding this submission, please contact us.

Sincerely,
Dewberry Engineers Inc.

Cathy S. Barnette
Associate

cc: File 50157795

Proposed PUD Re-Zoning:

BEGIN AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 01° 40' 31" WEST, ALONG THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 3980.61 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE AFORESAID SECTION 21; THENCE DEPARTING SAID EAST LINE OF SECTION 21, RUN NORTH 87° 39' 11" WEST, ALONG THE NORTH LINE OF THE SOUTH ONE HALF OF THE SOUTH ONE HALF OF SAID SECTION 21, A DISTANCE OF 3832.87 FEET; THENCE DEPARTING SAID NORTH LINE RUN NORTH 01° 32' 45" EAST, A DISTANCE OF 535.00 FEET; THENCE RUN NORTH 87° 39' 11" WEST, A DISTANCE OF 1355.92 FEET TO THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY NO. 31 (RIGHT-OF-WAY WIDTH VARIES), THENCE RUN ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1472.39 FEET FOR AN ARC LENGTH OF 822.10 FEET, (DELTA = 31° 59' 26", CHORD DISTANCE = 811.46 FEET, CHORD BEARING = NORTH 28° 53' 07" EAST); THENCE RUN NORTH 12° 53' 24" EAST, A DISTANCE OF 980.14 FEET; THENCE RUN NORTH 12° 53' 24" EAST, A DISTANCE OF 457.97 FEET TO A POINT ON THE AFORESAID EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 31; THENCE RUN ALONG SAID RIGHT-OF-WAY LINE NORTH 12° 53' 24" EAST, A DISTANCE OF 849.55 FEET; THENCE RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1392.69 FEET FOR AN ARC LENGTH OF 504.47 FEET, (DELTA ANGLE = 20°45'15", CHORD DISTANCE = 501.72 FEET, CHORD BEARING = NORTH 23°16'01" EAST), TO A POINT ON THE NORTH LINE OF THE AFORESAID SECTION 21; THENCE DEPARTING SAID RIGHT-OF-WAY LINE RUN SOUTH 87°40'10" EAST, ALONG SAID NORTH LINE OF SECTION 21, A DISTANCE OF 4189.23 FEET TO THE POINT OF BEGINNING.

Current Zoned R3 Parcel:

BEGIN AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 01° 40' 31" WEST, ALONG THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 3980.61 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE AFORE SAID SECTION 21; THENCE DEPARTING SAID EAST LINE OF SECTION 21, RUN NORTH 87° 39' 11" WEST, ALONG THE NORTH LINE OF THE SOUTH ONE HALF OF THE SOUTH ONE HALF OF SAID SECTION 21, A DISTANCE OF 3832.87 FEET; THENCE DEPARTING SAID NORTH LINE RUN NORTH 01° 32' 45" EAST, A DISTANCE OF 535.00 FEET; THENCE RUN NORTH 87°39'11" WEST, A DISTANCE OF 531' FEET, MORE OR LESS; THENCE RUN NORTHEASTERLY 2582 FEET, MORE OR LESS; THENCE RUN ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 350 FEET, AN ARC DISTANCE OF 444.12 FEET, (CHORD BEARS NORTH 17°02'22" WEST, CHORD DISTANCE 141.92 FEET), MORE OR LESS; THENCE RUN EAST 437 FEET, MORE OR LESS; THENCE RUN SOUTHEASTERLY 1279 FEET, MORE OR LESS; THENCE RUN EAST 995 FEET, MORE OR LESS; THENCE RUN NORTH 1,111 FEET, MORE OR LESS; TO THE NORTH LINE OF SAID SECTION 21; THENCE RUN SOUTH 87°40'10" EAST 1483 FEET, MORE OR LESS; TO THE POINT OF BEGINNING.

Current Zoned B2 Parcel:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 87° 40' 10" WEST, ALONG THE NORTH LINE OF SAID SECTION 21, A DISTANCE OF 3804 FEET, MORE OR LESS, TO THE POINT OF BEGINNING; THENCE RUN SOUTHWESTERLY, 544 FEET, MORE OR LESS; THENCE RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 350 FEET, AN ARC DISTANCE OF 444.12 FEET, (CHORD BEARS SOUTH 17°02'22" EAST, CHORD DISTANCE 141.92 FEET); THENCE RUN SOUTHWESTERLY 2582 FEET, MORE OR LESS; THENCE RUN NORTH 87°39'11" WEST, A DISTANCE OF 824 FEET, MORE OR LESS TO THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY NO. 31 (RIGHT-OF-WAY WIDTH VARIES), THENCE RUN ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1472.39 FEET FOR AN ARC LENGTH OF 822.10 FEET, (DELTA = 31° 59' 26", CHORD DISTANCE = 811.46 FEET, CHORD BEARING = NORTH 28° 53' 07" EAST); THENCE RUN NORTH 12° 53' 24" EAST, A DISTANCE OF 980.14 FEET; THENCE RUN NORTH 12° 53' 24" EAST, A DISTANCE OF 457.97 FEET TO A POINT ON THE AFORESAID EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 31; THENCE RUN ALONG SAID RIGHT-OF-WAY LINE NORTH 12° 53' 24" EAST, A DISTANCE OF 849.55 FEET; THENCE RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1392.69 FEET FOR AN ARC LENGTH OF 504.47 FEET, (DELTA ANGLE = 20°45'15", CHORD DISTANCE = 501.72 FEET, CHORD BEARING = NORTH 23°16'01" EAST), TO A POINT ON THE NORTH LINE OF THE AFORESAID SECTION 21; THENCE DEPARTING SAID RIGHT-OF-WAY LINE RUN SOUTH 87°40'10" EAST, ALONG SAID NORTH LINE OF SECTION 21, A DISTANCE OF 382 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

Current Zoned R4 Parcel:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 87° 40' 10" WEST, ALONG THE NORTH LINE OF SAID SECTION 21, A DISTANCE OF 1483 FEET, MORE OR LESS, TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 87° 40' 10" WEST, ALONG THE NORTH LINE OF SAID SECTION 21, A DISTANCE OF 2321 FEET, MORE OR LESS; THENCE RUN SOUTHWESTERLY, 544 FEET, MORE OR LESS; THENCE RUN EAST, 437 FEET, MORE OR LESS; THENCE RUN SOUTHEASTERLY 1279 FEET, MORE OR LESS; THENCE RUN EAST, 995 FEET, MORE OR LESS; THENCE RUN NORTH 1111 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

ALT:
98-0000E

State of Alabama, Baldwin County
I certify this instrument was filed
and taxes collected on:
2006 April -27 2:47PM
Instrument Number 971394 Pages 3
Recording Fee 3.00 Mortgage
Deed 2502.50 Min Tax
Index 5.00
Archive 5.00
Adrian T. Johns, Judge of Probate

STATE OF ALABAMA)
*
COUNTY OF BALDWIN)

WARRANTY DEED

THIS INDENTURE, made and entered into on this the 26th day of April, 2006, by and between FLORAGON, L.L.C., an Alabama limited liability company, hereinafter referred to as the party of the first part, and BALDWIN VENTURES, LLC, a Florida Limited Liability Company, hereinafter referred to as the party of the second part,

WITNESSETH:

The party of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to it this day in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY unto the party of the second part the following described real property situated in Baldwin County, Alabama, to-wit:

Begin at the Northeast corner of Section 21, Township 3 South, Range 3 East, Baldwin County, Alabama; thence go South 01° 40' 31" West along the East line of said Section 21, a distance of 3980.61 feet to the Southeast corner of the Northeast Quarter of the Southeast Quarter of the aforesaid Section 21; thence departing said East line of Section 21 go North 87° 39' 11" West along the North line of the South one half of the South one half of said Section 21 a distance of 3832.87 feet; thence departing said North line go North 01° 32' 45" East a distance of 535.00 feet; thence go North 87° 39' 11" West a distance of 1355.92 feet to the easterly right-of-way of U.S. Highway No. 31 (right-of-way width varies), said point also being on a curve concave northwesterly having a radius of 1472.39 feet for an arc length of 822.10 feet, (delta = 31° 59' 26", chord distance = 811.46 feet, chord bearing = North 28° 53' 07" East) to a point of tangency; thence go North 12° 53' 24" East a distance of 980.14 feet; thence departing the aforesaid right-of-way line go South 88° 10' 42" East a distance of 628.79 feet; thence go North 01° 49' 18" East a distance of 450.00 feet; thence go North 88° 10' 42" West a distance of 540.77 feet to a point on the aforesaid easterly right-of-way line of U.S. Highway No. 31; thence go along said right-of-way line North 12° 53' 24" East a distance of 849.55 feet to a point of curvature of a curve concave southeasterly having a radius of 1392.69 feet for an arc length of 504.47 feet, (delta angle = 20° 45' 15", chord distance = 501.72 feet, chord bearing = North 23° 16' 01" East), to a point on the North line of the aforesaid Section 21; thence departing said right-of-way line go South 87° 40' 10" East along said North line of Section 21 a distance of 4189.23 feet to the Point of Beginning. The above described parcel of land located in Section 21, Township 3 South, Range 3 East, Baldwin County, Alabama and contains 407.40 acres.

971394

SUBJECT, HOWEVER, TO THE FOLLOWING:

1. Easement granted Alabama Power Company and filed for record in Deed Book 61, page 31.
2. Right-of-Way granted to Baldwin County Electric Membership Corporation in Deed Book 513, page 945, Deed Book 513, page 947 and Deed Book 513, page 949.
3. Easement from The City of Foley to The Utilities Board of the City of Foley, dated November 17, 1986 and filed for record in Real Property Book 289, page 304, being 100 feet in width over, under along and across the real property formerly known as the L & N Railroad right-of-way.
4. Reservation of oil, gas and minerals as contained in deed from James Graham Brown Foundation, Inc. to MacMillan Bloedel, Inc., dated October 23, 1989 and filed for record in Real Property Book 376, page 591 and Correction Warranty Deed dated February 21, 1990 and filed for record in Real Property Book 381, page 1101.
5. Reservations and restrictions to run with the land set out in deed from the City of Foley to Stapleton Lands, LLC, dated July 1, 1998, filed for record July 27, 1998 in Real Property Book 842, page 129.
6. Right of Way Easement from Floragon, L.L.C. to Donald Newberry and Ruth Newberry dated October 7, 1999 and filed for record November 16, 1999 as Instrument Number 520453.
7. Monumented field overlaps shown on survey dated April 7, 2006 by Northwest Florida Land Surveying, Inc.; Fred R. Thompson, Registered Land Surveyor No. 11853.
8. Terms and Conditions of that Non-Disturbance Agreement by and between James Graham Brown Foundation, Inc. and Baldwin Ventures, LLC, dated April 26, 2006 filed for record April 27, 2006 as Instrument Number 971392.

The recording references refer to the records in the Office of the Judge of Probate of Baldwin County, Alabama, unless otherwise indicated.

TOGETHER WITH ALL AND SINGULAR, the rights, benefits, privileges, improvements, tenements, hereditaments and appurtenances unto the same belonging or in anywise appertaining;

TO HAVE AND TO HOLD unto the said BALDWIN VENTURES, LLC, a Florida Limited Liability Company, its successors and assigns, forever.

The party of the first part for itself, its successors and assigns, hereby covenants and warrants to and with the said party of the second part, its successors and assigns, that it is seized of an indefeasible estate in and to the said property; that it will guarantee the peaceable possession thereof; that the said property is free from all liens and encumbrances, and that it will, and its successors and assigns will forever warrant and defend the same unto the said party of the second part, its successors and assigns against the lawful claims of all persons.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and affixed its seal on the day and year first above written.

FLORAGON, L.L.C., an Alabama
Limited Liability Company

By: MERRILL LAND COMPANY, INC.,
A Florida Corporation, Its Sole Member

By: [Signature]
J. COLLIER MERRILL, Its President

STATE OF FLORIDA
COUNTY OF Escambia

I, the undersigned authority, a Notary Public, within and for said County and State, hereby certify that J. COLLIER MERRILL, whose name as President of Merrill Land Company, Inc., a Florida Corporation, the sole member of Floragon, L.L.C., is signed to the foregoing conveyance and who is known to me acknowledged before me on this day that, being informed of the contents of said conveyance, he, with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 26th day of April, 2006.



[Signature]
NOTARY PUBLIC
My Commission Expires:

ADDRESS OF GRANTOR:
FLORAGON, L.L.C.
c/o MERRILL LAND Co
226 Palmyra Place 6th FL
Pensacola, FL 32502

ADDRESS OF GRANTEE:
BALDWIN VENTURES, LLC
530 E. Central Blvd. #1101
Orlando, FL 32801

THIS INSTRUMENT PREPARED BY:

L. D. OWEN, III
Attorney at Law
414 Courthouse Square
Bay Minette, Alabama 36507
(251) 937-6280

Old Towne Commons

PUD Narrative

1/29/2024

Pre-application Meeting: September 21, 2023, October 26, 2023, November 9, 2023, January 24, 2024

Attendees

Mayor Bob Wills
Planning Director: Clair Dorough
Bay Minette Planning Commission Members and Staff
Dewberry Engineers: Cathy Barnette
Developer: Baldwin Ventures, LLC / Gary Capuano

Objectives

The proposed Old Towne Commons is a 413.4-acre project legislatively annexed into Bay Minette per Act 2023-145 and signed by the Governor on May 10, 2023. In advance of this act, the City of Bay Minette pre-zoned the project by Ordinance 1025 with the bulk of the property designated R-3, R-4 in the Northwest corner and B-2 along US Highway 31. (See referenced exhibits).

The construction of the new Novelis facility located in North Baldwin County provides a need for workforce housing. It is the goal of Old Towne Commons to provide a quality development that suits the character of the City of Bay Minette with new homeowners becoming contributing members of the community. We expect this development to appeal to a variety of homebuyers, which helps create a dynamic development. The intent of the PUD is to protect the rights and entitlements specified in the PUD from the effects of subsequent local legislation. It is also intended to protect the property from the effects of changing policies and procedures of local government agencies which may conflict with any term or provision of the PUD or in any way hinder, restrict, or prevent the development of the project. The PUD will provide a reasonable certainty as to the lawful requirements that must be met in protecting vested property rights, while maintaining the authority and duty of government to enforce laws and regulations which promote the public health, safety, and general welfare of the citizens of Bay Minette. It is also intended to provide important protection to the natural environment, long term financial stability and a viable tax base to the City of Bay Minette. As the agreement is and will be tied to the property, such agreements shall be transferable to any subsequent purchaser of the Property.

The project is to be a phased construction with projected build out to be 7-10 years. Reflected phasing within Master plan is subject to market conditions and deviations will not be considered a substantive deviation to the plan.

ENVIRONMENTAL PROTECTION

Wetland protection and stormwater management are always significant concerns. Stormwater will be designed and compliant with best engineering practices and all requirements within the Zoning Ordinance and Subdivision Regulations. Sufficient stormwater best management practices will be employed in the development of the PUD to ensure runoff leaving the site does not degrade water quality within the receiving water bodies.

The site has been designed to avoid wetlands. Approximately 19% of the property is wetlands. Should any wetland fill be required, it will be limited to developmental design – no lots are proposed for wetland fill. A 25' wetland buffer will be installed, where practicable, to comply with the Alabama Construction General Permit.



CULTURAL AND HISTORICAL RESOURCES

There has been no cultural and historical research performed on this property. Should a U.S. Army Corps of Engineers wetlands permit be required for any of the tracts of land, cultural resource issues, if any, will be addressed with the State Historic Preservation Office once a report is complete. No requirements in connection with historical or cultural resources pertaining to the property, other than those required by the State of Alabama in accordance with the applicable law, shall be imposed on the property.

UTILITY SERVICE

Any electric, telephone, cable television and natural gas lines will be installed underground in accordance with the policies of the respective utility providers and the City of Bay Minette. Street lighting will be provided throughout the PUD based on service agreements with the appropriate utility provider. Some exterior lighting within the PUD may be financed, designed, constructed, and/or maintained by one or more property owner associations or other perpetual maintenance entity. It will be the responsibility of the property owner association(s) or other perpetual maintenance entity to install, replace or repair any non-standard street light poles and fixtures, not the City or utility provider. Developer will identify location approximately 1 acre in size to North Baldwin Utilities for the future location of a water tower. Given the current sewer infrastructure, Baldwin County Sewer Service will be utilized.

ROADWAYS AND TRAFFIC

U.S. Highway 31 is contiguous to the property. Establishing safe and reasonable ingress and egress for the property is a priority for both the Owner and the City of Bay Minette. Ingress and egress for the property will be provided by a combination of existing and proposed access points that will require approval from the Alabama Department of Transportation and/or the City of Bay Minette. The final location of these proposed accesses will be determined by ALDOT.

The community will be constructed and paid for by the developer with roads and rights-of-way being dedicated to the City of Bay Minette after Final Plat approval. The minimum right-of-way and pavement widths will be compliant with the Zoning Ordinance and Subdivision Regulations. Roadway design will be compliant to the standards detailed within the City of Bay Minette Subdivision Regulations. Roads indicated on the Master Plan are subject to modification based on specific soil conditions, environmental concerns, physical constraints and design parameters. Certain areas within the Old Towne Commons PUD in whole or part may be developed as private areas with access restricted appropriately at developer discretion. Road width and right-of-way width may be reduced when environmental and tree preservation considerations would be furthered thereby. To protect and preserve trees, such design is hereby encouraged.

SIDEWALKS

Local roads shall have minimum five foot (5') wide sidewalks on at least one side of the street. No sidewalks shall be required in alleys should they be constructed. Sidewalks will be done during the home development with sufficient sidewalk bonding provided by homebuilder.

Commented [CD1]: Sub Reg Section 4.17.03 and 5.02.03 have a minimum standard of 5 feet for residential and 8 feet for non-residential/mixed uses. If 4-ft will be the proposed width, we just need to make sure to note that in the waiver section. If different than the 4-ft, please specify width for any internal multi-fam areas and commercial areas.

Commented [CSB2R1]: We want to stick with 4 as an option

Commented [CD3]: Note Sub Reg Section 4.17.06: Sidewalks that are located adjacent to common areas or otherwise not adjacent to individual lots shall be constructed by the developer prior to final plat approval. And Section 5.02.05: Sidewalks shall be constructed by the developer prior to final plat approval. Section 6.01: The subdivider/developer shall be responsible for the provision of all required improvements to the subdivision/development. This may be accomplished by either the full installation of all required improvements by the developer at the time the Final Plat is to be submitted to the Planning Commission, or by the provision of a financial guarantee of performance.

Commented [CSB4R3]: We plan to keep this if allowed – guarantee is fine

Commented [CSB5R3]:

COMMERCIAL DEVELOPMENT

Commercial development on property zoned for business use along the highway will be prohibited from constructing metal buildings on the exterior facade. Site will comply with the buffer restrictions of the City of Bay Minette to create a transition and protection to the dwellings. Pedestrian connectivity will be required from the residential uses to the commercial development. Business will conform to City of Bay Minette Table of Permitted Uses except for the prohibited uses below.

The following commercial uses are specifically prohibited:

- a. Junkyards or auto salvage yards.
- b. Video poker parlor
- c. Sexually oriented businesses
- d. Other prohibited uses referenced within City of Bay Minette Zoning Regulations
- e. Exploration or extraction of oil and gas minerals
- f. Towing / wrecker service
- g. Tattoo parlors and body piercings
- h. RV parks
- i. Manufactured Home Park/Subdivision
- j. Payday Lenders/ Title Loans /Check Cashing Services /Pawnshops
- k. Billboards / Off-Premise Signs

Dwellings/Density

There are 1,219 dwelling units on the proposed master plan. Currently 392 multi-family residential units are situated on the 50.2 acres of R-4 High Density Multi-Family property. R-4 zoning parcel does not anticipate any deviations requested to the R-4 parcel. Should a new or innovative product come to light that requires deviations to the lot square footage, building widths and maximum coverage, the City of Bay Minette will authorize modifications to the multi-family area as long as the modifications do not cause the multi-family density to exceed the allowable 14.0 units per acre. The setbacks will be determined at the time of the subdivision or site plan application. R-4 parcel will require 10' perimeter buffer from the northern property line.

The balance of the 827 single family units broken down within 4 proposed lot sizes:

- 278 – 40-foot lots clustered in three areas
- 260 – 50-foot lots clustered in three areas
- 135 – 60-foot lots in one area of the property
- 154 – 70-foot lots in one area of the property

Commented [CD6]: Will there be any design criteria, material or color consistency or signage limitations imposed on the commercial development? This has been a primary discussion point for the majority of PC members as a benefit of the PUD process that can ensure the development's 'gateway' or first impression from the road frontage presents the most attractive appearance possible, especially since this will essentially be the City's gateway as well. We are working towards some design standards in the Zoning Ordinance, but it is only in the discussion stages. As it will have to apply to the city as a whole, it may not be specific enough to meet the owners' vision of Olde Town Commons.

Commented [CSB7R6]: We will identify consistency in signage. Look for language to prohibit neon signage etc.

Commented [CD8]: I removed the "B-2" reference only for consideration of future rezonings to other commercial designations, particularly if we add another commercial zoning district and/or change the B-2 zoning district.

Commented [CD9]: Will the commercially-zoned property be restricted to commercial/business use only or will uses/rezonings be allowed for industrial or residential? Our Table of Permitted Uses allows multi-fam dwellings in B-1 and B-2 with PC approval. Some manufacturing/light industrial uses are allowed with PC approval as well.

Commented [CSB10R9]: We want flexibility to encourage multi-use, i.e. live/work if that opportunity arose within the commercial district but will prohibit manufacturing and light industrial -

Commented [CD11]: Considerations of commercial uses we get the most concerns or complaints about but may not be covered in Zoning Ordinance at this time:
 Towing/Wrecker Service - excluded from the junkyard/salvage yard definition. Allowed with Special Exception approval and screening requirements.
 CBD/medical cannabis uses - Those are not specified in our Table of Permitted Uses at this point. CBD is essentially retail and tobacco stores are allowed by right in B-2; medical cannabis hasn't been authorized by the Council so isn't allowed but that may change with future state legislation.
 Tattoo Parlors and Body Piercings - Those are included in the Body Art Establishments category which is allowed as a Special Exception in B-2. But that also covers microblading, cosmetic tattooing, ear piercing, etc. so a blanket prohibition on Body Art Establishments may hinder some uses.
 RV Parks - allowed with PC approval in B-2 districts but there are significant requirements in the Sub Regs

Commented [CSB12R11]: We will modify to prohibit all but the CBD/Medical cannabis uses as that could be done properly\



Although a Master Plan is attached to the PUD, the Master Plan can be amended with Planning Commission approval without constituting a re-zoning activity. Density for the property zoned as R-3 single-family residential can be modified as long as the density does not deviate greater than 10% from the amount authorized in the original approved Master Plan and PUD, which is still significantly less than the allowable base zoning of 5.0 units per acre in the R-3 single family district. Such density increase shall not constitute a substantial deviation requiring Planning Commission approval and the City Planner shall be authorized to approve the increase administratively.

Lot Area/Lot Width/Coverage/Density

To acknowledge the uniqueness of the PUD, the City will authorize the following deviations from the R-3 base zoning. There is no maximum lot coverage beyond the specified minimum setbacks.

Minimum Lot Width at Building Line	Minimum Lot Area (square feet)
40	4,800
50	5,500
60	7,200
70	7,200

Although base zoning authorizes 5.0 units per acre for single-family residential and 14.0 units per acre for multi-family residential areas, total PUD density cannot exceed 4.0 units per acre. No further residential subdivisions can be made of individual lots.

Home Occupations

This PUD will comply with the existing ordinance for home occupations.

Non-conforming structures

The existing home structures that are located within the commercially zoned district (including but not limited to PPIN 31532, 222473 and 62828) are grandfathered as legally non-conforming structures until such time that the commercial development is viable.

Minimum Setbacks

The following minimum setbacks will apply to single-family lots within the PUD based on lot width at the building line. As noted in the table below, the deviations from the R-3 base zoning requirements will be authorized within the PUD. Where not specified, all other setback requirements will comply with the most recent City of Bay Minette Zoning Ordinance. Front and rear setbacks can be flip flopped to allow for variability within lots and developed clusters.

Minimum Setbacks for Local Streets	Front Yard	Rear Yard	Side Yard	Corner Lot
R-3 Base Zoning	25	30	10*	20
40' lots	25	20**	5**	10**
50' lots	25	20**	5**	10**
60' lots	25	25**	6**	10**
70' lots***	25	30	10	15****
* Ten feet plus two additional feet for each floor above two stories, but not exceeding 20 feet; and when dwelling unit faces side yard, the dwelling unit must not be less than 25 feet from the side lot line.				
** Deviation from R-3 Minimum Setbacks				
*** Front and rear setbacks can be flip flopped to allow for variability within lots and developed clusters				
****if lot is side loaded on corner 20' setback will be required				

Accessory Uses and Structures

Accessory uses and structures are permitted if those uses and structures are of the nature customarily incidental and clearly subordinate to a permitted principal use or structure and these uses and structures are located on the same lot (or contiguous lot in the same ownership as the principal use). Whether attached or detached to a building or structure containing the principal use, the accessory structure shall be considered as a part of the principal building. Accessory uses shall not involve operations or structures not in keeping with the character of the district where located.

Accessory structures are prohibited in the multi-family residential area.

Accessory uses shall not be located in required front or side yards except as follows:

- Detached accessory structures such as covered parking, or garages which are separated from the main structure may be located in a required side or rear yard but not less than five (5) feet from a lot line.
- Swimming pools and associated screened enclosures may be located in a required rear or side yard setback but may not be located less than five (5) feet from the property line or top of bank of a pond. Screened enclosures, pools and decks do not constitute "buildings" in calculating maximum lot coverage.

Commented [CD13]: Does this mean home occupations are allowed?

Commented [CSB14R13]: Looking for suggestions to address home occupations. Don't want to prohibit exclusively

Commented [CSB15R13]: We accept bay minette ordinance

Commented [CD16]: Is the Accessory Structure section for commercial and multi-fam residential areas as well? If only for single-family, possibly remove this sentence since there's no maximum lot coverage in single family areas?

Commented [CSB17R16]: Multi-family prohibited Commercial may need an allowable structure

Commented [CSB18R16]:

Accessory uses and structures on a residential parcel shall include private garages and private boathouses or shelters, toolhouses and garden sheds, garden work centers, children's play areas and play equipment, private barbecue pits. Any structure under a common roof and meeting all required yards is a principal structure. Accessory structures may not exceed fifteen feet (15') in height. Maximum size of an accessory structure cannot exceed 200 square feet in the 60 and 70' feet lots, for the 40' and 50' lots 150' feet accessory structures can not exceed 150' square feet.

Off-Street Parking

Unless otherwise specified herein, all off-street parking shall comply with the minimum standards of the City of Bay Minette Zoning Ordinance. Single-family dwellings shall provide two (2) off-street parking spaces for each dwelling unit and multi-family dwellings shall provide one and one-half (1 ½) spaces for each unit in accordance with the Zoning Ordinance. On smaller lots with one car garages, single-family dwellings shall be authorized to deviate from the Zoning Ordinance and provide one (1) off – street parking space for each dwelling unit.

Irregularly Shaped Lots

All lots shall have a minimum width at the building line as indicated in the PUD and all lots at the end of a cul-de-sac must have sufficient frontage so that the lot width at the front building line meets those minimum requirements. On irregularly shaped lots, a minimum street frontage of 30 feet is required, with the exception that a deviation may be authorized where necessary to provide compatibility with the Master Plan. An "irregularly shaped lot" includes any lot located on a cul-de-sac or abutting a curved section of a roadway with a centerline radius of less than 200 feet.

SIGNAGE

Signs should be in keeping with the Americana Craftsman concept and fit the scale of the proposed development.

SIGNS PROHIBITED

The following signs are prohibited throughout the PUD

- 1.) Billboards and off-premises signs
- 2.) Vehicle Advertisements – any sign attached to or painted on a vehicle parked adjacent to or on a public right-of-way, thoroughfare, or public parking lot dedicated for public use for the principal purpose of advertising.
- 3.) Flashing Signs Prohibited:
 - (a) General Prohibition:
Signs which contain intermittent illuminations are prohibited.
 - (b) Exceptions:
This subsection does not prohibit the following:
 - (1) Signs required for traffic control.



- (2) Signs which exhibit time, date, temperature, and other customary public information.
- 4.) Illuminated Tubing:
 - (a) General Prohibition: Any illuminated tubing or strings of lights that outline property lines, sales area, roof lines, doors, windows, wall edges, similar areas or other architectural features of a building.

General Maintenance Requirement:
 All signs shall be maintained in good condition and appearance.

Architectural Style

Architectural style is to reflect an “Americana Craftsman” concept. Building elevations are intended to be porch and column rich to create an inviting and welcoming façade. Buildings will be restricted from the use of vinyl siding on the front and homes are encouraged to have a front stoop, porch or architectural columns. PUD will comply with HOA documents with regards to design standards.

Development Commitments and Benefits/Management of Common Areas

A Property Owners’ Association (POA) will be established to manage the common areas. No architectural review board is proposed for the development, all land use and building construction will be reviewed and approved by the City of Bay Minette in accordance with the approved PUD/Master Plan documents and current Zoning Ordinance, Subdivision Regulations and applicable City Codes. Drainage areas are to be part of the maintained common areas and will be the responsibility of the POA. It will be the responsibility of the POA or other perpetual maintenance entity to install, maintain, replace or repair any non-standard street light poles and fixtures, decorative street or other sign posts, development signage.

Commented [CD19]: Do you have an estimated/preferred sequence on when the POA will be established? The City Administrator had asked previously in regards to maintenance needs between the time of Final Plat approval and having enough homeowners to manage the POA.

Commented [CSB20R19]: Further discussion needed on our end looking for suggestions to state that Developer will be responsible until there is sufficient cash flow or coverage from the POA

Community Amenities

- Multi-family (R-4) will establish separate amenities, leasing office and guest parking.
- Amenities are for the use of the development and not for public entry. The following are committed to be under construction by phase 2 of the development.
- Minimum of 3000 square foot amenity center to include clubhouse and pool
- 3 covered bus stops to be placed throughout development
- Dog park to be developed within one of the areas listed as park.
- Mailbox kiosks will be covered - locations to be developed during preliminary plat approval.
- Traffic calming, pedestrian access and connectivity will be addressed at preliminary plat approval.



Dewberry Engineers Inc. | 251.990.9950
25353 Friendship Road | 251.990.9910 fax
Daphne, AL 36526 | www.dewberry.com

Waivers

- Sidewalk to allow installation during home construction with financial guarantee
- Street frontage minimum lot size for irregularly shaped lots

Old Towne Commons

PUD Narrative – Working Draft

12/14/2023

Pre-application Meeting: September 21, 2023, October 26, 2023, November 9, 2023

Attendees

Mayor Bob Wills
Planning Director: Clair Dorough
Bay Minette Planning Commission Members
Dewberry Engineers: Cathy Barnette
Developer: Baldwin Ventures, LLC / Gary Capuano

Objectives

The proposed Old Towne Commons is a 413.4-acre project legislatively annexed into Bay Minette per Act 2023-145 and signed by the Governor on May 10, 2023. In advance of this act, the City of Bay Minette pre-zoned the project by Ordinance 1025 with the bulk of the property designated R-3, R-4 in the Northwest corner and B-2 along US Highway 31.

The construction of the new Novelis facility located in North Baldwin County provides a need for workforce housing. It is the goal of Old Towne Commons to provide a quality development that suits the character of the City of Bay Minette with new homeowners becoming contributing members of the community. We expect this development to appeal to a variety of homebuyers, which helps create a dynamic development. The intent of the PUD is to protect the rights and entitlements specified in the PUD from the effects of subsequent local legislation. It is also intended to protect the property from the effects of changing policies and procedures of local government agencies which may conflict with any term or provision of the PUD or in any way hinder, restrict, or prevent the development of the project. The PUD will provide a reasonable certainty as to the lawful requirements that must be met in protecting vested property rights, while maintaining the authority and duty of government to enforce laws and regulations which promote the public health, safety, and general welfare of the citizens of Bay Minette. It is also intended to provide important protection to the natural environment, long term financial stability and a viable tax base to the City of Bay Minette. As the agreement is and will be tied to the property, such agreements shall be transferable to any subsequent purchaser of the Property.

The project is to be a phased construction with protected build out to be 7-10 years.

ENVIRONMENTAL PROTECTION

Wetland protection and stormwater management are always significant concerns. Stormwater will be designed and compliant with best engineering practices and all requirements within the Zoning Ordinance and Subdivision Regulations. Sufficient stormwater best management practices will be employed in the development of the PUD to ensure runoff leaving the site does not degrade water quality within the receiving water bodies.

The site has been designed to avoid wetlands. Approximately 19% of the property is wetlands. Should any wetland fill be required, it will be limited to developmental design – no lots are proposed for wetland fill. A 25' wetland buffer will be installed, where practicable, to comply with the Alabama Construction General Permit.

NEED TO ADD PERIMETER BUFFERS

mcurrie

Reply X

Need an exhibit that shows where the different parcels referenced are on the site.

mcurrie

Reply X

Need to see a Phasing Plan.

1/22/2024 3:29 PM

mcurrie

Reply X

Wetland buffer is not shown on the plan and should be added. Lots should be outside the buffer.

1/22/2024 3:31 PM

CULTURAL AND HISTORICAL RESOURCES

There has been no cultural and historical research performed on this property. Should a U.S. Army Corps of Engineers wetlands permit be required for any of the tracts of land, cultural resource issues, if any, will be addressed with the State Historic Preservation Office once a report is complete. No requirements in connection with historical or cultural resources pertaining to the property, other than those required by the State of Alabama in accordance with the applicable law, shall be imposed on the property.

UTILITY SERVICE

Any electric, telephone, cable television and natural gas lines will be installed underground in accordance with the policies of the respective utility providers and the City of Bay Minette. Street lighting will be provided throughout the PUD based on service agreements with the appropriate utility provider. Some exterior lighting within the PUD may be financed, designed, constructed, and/or maintained by one or more property owner associations or other perpetual maintenance entity. It will be the responsibility of the property owner association(s) or other perpetual maintenance entity to install, replace or repair any non-standard street light poles and fixtures, not the City or utility provider.

ROADWAYS AND TRAFFIC

U.S. Highway 31 is contiguous to the property. Establishing safe and reasonable ingress and egress for the property is a priority for both the Owner and the City of Bay Minette. Ingress and egress for the property will be provided by a combination of existing and proposed access points that will require approval from the Alabama Department of Transportation and/or the City of Bay Minette. The final location of these proposed accesses will be determined by ALDOT.

The community will be constructed and paid for by the developer with roads and rights-of-way being dedicated to the City of Bay Minette after Final Plat approval. The minimum right-of-way and pavement widths will be compliant with the Zoning Ordinance and Subdivision Regulations. Roadway design will be compliant to the standards detailed within the City of Bay Minette Subdivision Regulations. Roads indicated on the Master Plan are subject to modification based on specific soil conditions, environmental concerns, physical constraints and design parameters. Certain areas within the Old Towne Commons PUD in whole or part may be developed as private areas with access restricted appropriately at developer discretion. Road width and right-of-way width may be reduced when environmental and tree preservation considerations would be furthered thereby. To protect and preserve trees, such design is hereby encouraged.

SIDEWALKS

Local roads shall have minimum four foot (4') wide sidewalks on at least one side of the street. No sidewalks shall be required in alleys should they be constructed. Sidewalks will be done during the home development.

mcurrie

Is the City of Bay Minette prepared to accept and maintain the streets?

1/22/2024 3:36 PM

Reply X

mcurrie

What would be the process to review/approve deviations to the road standards?

1/22/2024 4:35 PM

Reply X

mcurrie

Not ADA compliant. Recommend 5' sidewalks on both sides of streets.

1/22/2024 3:40 PM

Reply X



COMMERCIAL DEVELOPMENT

Commercial development on property zoned for business use along the highway will be prohibited from constructing metal buildings. A natural buffer no less than 30' will be established to create a transition and protection to the dwellings. Business will conform to City of Bay Minette Table of Permitted Uses except for the prohibited uses below.

The following commercial uses are specifically prohibited:

- Junkyards or auto salvage yards.
- Video poker parlor
- Sexually oriented businesses
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 - Exploration or extraction of oil and gas minerals
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 - Tattoo parlors and body piercings
 - RV parks
 - Manufactured Home Park/Subdivision
 - Payday Lenders/ Title Loans /Check Cashing Services /Pawnshops
 - Billboards / Off-Premise Signs

ADD PEDESTRIAN CONNECTIONS TO COMMERCIAL AREAS.

Dwellings/Density

There are 1,219 dwelling units on the proposed master plan. Currently 392 multi-family residential units are situated on the 50.2 acres of R-4 High Density Multi-Family property. R-4 zoning parcel does not anticipate any deviations requested to the R-4 parcel. Should a new or innovative product come to light that requires deviations to the lot square footage, building widths and maximum coverage, the City of Bay Minette will authorize modifications to the multi-family area as long as the modifications do not cause the multi-family density to exceed the allowable 14.0 units per acre. The setbacks will be determined at the time of the subdivision or site plan application.

The balance of the 827 single family units broken down within 4 proposed lot sizes:

- 278 – 40-foot lots clustered in three areas
- 260 – 50-foot lots clustered in three areas
- 135 – 60-foot lots in one area of the property
- 154 – 70-foot lots in one area of the property

Although the Master Plan is attached to the PUD, the Master Plan can be amended with Planning Commission approval without constituting a re-zoning activity. Density for the property zoned as R-3 single-family residential can be modified as long as the density does not deviate greater than 10% from the amount authorized in the original approved Master Plan and PUD, which is still

mcurrie Reply X

A 30' "natural" buffer may not create an actual screen in areas where there is scarce existing vegetation or trees. Recommend revising this language to achieve the desired buffer.

1/22/2024 4:16 PM

mcurrie Reply X

Need to stipulate building setbacks, maximum building heights, materials, sidewalks, etc. for multifamily.

Need amenities and leasing building with separate parking for Multifamily.

1/22/2024 4:16 PM

mcurrie Reply X

Recommend that setbacks be established along with the master plan, particularly along the perimeter.

1/22/2024 3:48 PM

mcurrie Reply X

Percentages should be shown for the lot matrix and approved as such. Any deviation to the percentage will trigger a master plan amendment.

1/22/2024 3:48 PM

mcurrie Reply X

Recommend against this allowance of 10% density increase.



Minimum Setbacks for Local Streets	Front Yard	Rear Yard	Side Yard	Corner Lot
R-3 Base Zoning	25	30	10*	20
40' lots	20**	20**	5**	5**
50' lots	20**	20**	5**	5**
60' lots	25	25**	6**	6**
70' lots***	25	30	10	10**

* Ten feet plus two additional feet for each floor above two stories, but not exceeding 20 feet; and when dwelling unit faces side yard, the dwelling unit must not be less than 25 feet from the side lot line.

** Deviation from R-3 Minimum Setbacks

*** Front and rear setbacks can be flip flopped to allow for variability within lots and developed clusters

Accessory Uses and Structures

Accessory uses and structures are permitted if those uses and structures are of the nature customarily incidental and clearly subordinate to a permitted principal use or structure and these uses and structures are located on the same lot (or contiguous lot in the same ownership as the principal use). Whether attached or detached to a building or structure containing the principal use, the accessory structure shall be considered as a part of the principal building. Accessory uses shall not involve operations or structures not in keeping with the character of the district where located.

Accessory structures are prohibited in the multi-family residential area.

Accessory uses shall not be located in required front or side yards except as follows:

- Detached accessory structures such as covered parking, or garages which are separated from the main structure may be located in a required side or rear yard but not less than five (5) feet from a lot line.
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mcurrie Reply X

Recommend that 40' wide lots be designed as zero-lot line with 10' side and 0' side setbacks. Recommend no less than 10' corner lot setback.

1/22/2024 3:52 PM

mcurrie Reply X

The sentence is mis-worded and needs to be clarified.

1/22/2024 3:54 PM

mcurrie Reply X

1/22/2024 3:54 PM

**Off-Pa**

Unless otherwise specified herein, all off-street parking shall comply with the minimum standards of the City of Bay Minette Zoning Ordinance. Single-family dwellings shall provide two (2) off-street parking spaces for each dwelling unit and multi-family dwellings shall provide one and one-half (1 1/2) spaces for each unit in accordance with the Zoning Ordinance. On smaller lots with one car garages, single-family dwellings shall be authorized to deviate from the Zoning Ordinance and provide one (1) off-street parking space for each dwelling unit.

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SIGNAGE

Signs should be in keeping with the Americana Craftsman concept and fit the scale of the proposed development.

SIGNS PROHIBITED

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- 1.) Billboards and off-premises signs
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 - (a) General Prohibition:
Signs which contain intermittent illuminations are prohibited.
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This subsection does not prohibit the following:
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 - (2) Signs which exhibit time, date, temperature, and other customary public information.

4.) Illuminated Tubing:

- (a) General Prohibition:

Any illuminated tubing or strings of lights that outline property lines, sales area, roof lines, doors, windows, wall edges, similar areas or other architectural features of a building.

General Maintenance Requirement:

All signs shall be maintained in good condition and appearance.

mcurrie

This should be off-street parking

1/22/2024 4:39 PM

Reply

X

mcurrie

This should be very carefully weighed. One car garage/one parking space will lead to a lot of on-street parking.

1/22/2024 4:39 PM

Reply

X



Architectural Style

Architectural style is to reflect an "Americana Craftsman" concept. Building elevations are encouraged to be porch and column rich to create an inviting and welcoming façade. Buildings will be restricted from the use of vinyl siding on the front and homes are encouraged to have a front stoop, porch or architectural columns.

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Community Amenities

Amenities are for the use of the development and not for public entry. The following are committed to be under construction by phase 3 of the development.

Minimum of 3000 square foot amenity center to include clubhouse and pool

3 covered bus stops to be placed throughout development

Dog park to be developed within one of the areas listed as park.

Mailbox kiosks will be covered - locations to be developed during preliminary plat approval.

Waivers

- Sidewalk width to allow 4 feet
- Sidewalk to allow installation during home construction with financial guarantee
- Street frontage minimum lot size for irregularly shaped lots

ADD PARKS/OPEN SPACES, PEDESTRIAN CONNECTIONS, TRAFFIC CALMING THROUGHOUT THE DEVELOPMENT.

SPECIFY MAXIMUM ROAD LENGTH/TURN AROUND REQUIREMENTS.

PUD MUST COMPLY WITH CITY OF BAY MINETTE/ADEM STORMWATER MANAGEMENT REQUIREMENTS.

mcurrie

Reply X

Provide examples. Specify acceptable and prohibited colors and materials.

1/23/2024 3:47 PM

mcurrie

Reply X

This is extremely inadequate to serve the intentions of residents proposed.

Amenities should be installed earlier in the development than Phase 3. Need additional guest parking, parks throughout, and pedestrian connections.. Multifamily needs separate amenities, leasing office, and guest parking.

Sizes of amenities should be based on carrying capacities and industry standards (i.e. size of pools for #of people to use it, parks, neighborhood

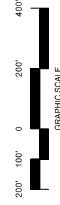
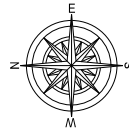
OWNER/DEVELOPER
 BALDWIN VENTURES, L.L.C.
 10000 W. BOULEVARD, SUITE 100
 ORLANDO, FL 32807

SITE SUMMARY
 TOTAL AREA 413.4 AC.
 TOTAL UNITS 1,219
 DENSITY 2.9
 COMMERCIAL 46.8 AC. (11%)
 OPEN SPACE 126.2 AC. (31%)
 *IMPERVIOUS 82 AC. (20%)
 STREET LENGTH 38,835 L.F.
 *EXCLUDES COMMERCIAL

OPEN SPACE SUMMARY
 UPLANDS 45.9 AC. (11%)
 WETLANDS 80.3 AC. (19%)

LOT SUMMARY

40 FT. LOTS	= 278
50 FT. LOTS	= 280
60 FT. LOTS	= 135
70 FT. LOTS	= 154
TOTAL	= 827



OLD TOWNNE COMMONS

A PLANNED RESIDENTIAL DEVELOPMENT

SEPTEMBER 20, 2023



NEED NOT BE BUILT

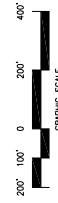
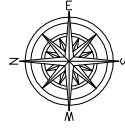


OWNER/DEVELOPER
 500 WINDY HILLS BL. #100
 ORLANDO FL 32801

SITE SUMMARY
 TOTAL AREA 413.4 AC.
 TOTAL UNITS 1,219
 DENSITY 2.9
 COMMERCIAL 46.8 AC. (11%)
 OPEN SPACE 126.2 AC. (31%)
 *IMPERVIOUS 82 AC. (20%)
 STREET LENGTH 36,835 L.F.
 *EXCLUDES COMMERCIAL

OPEN SPACE SUMMARY
 UPLANDS 45.9 AC. (11%)
 WETLANDS 80.3 AC. (19%)

LOT SUMMARY
 40 FT. LOTS = 278
 50 FT. LOTS = 260
 60 FT. LOTS = 135
 70 FT. LOTS = 154
TOTAL = 827



OLD TOWNE COMMONS

A PLANNED RESIDENTIAL DEVELOPMENT

SEPTEMBER 27, 2022



MULTI-FAMILY
 392 UNITS

COMMERCIAL
 4.4 AC

COMMERCIAL
 27.8 AC

COMMERCIAL
 14.8 AC

LAKE

THE LITTLE'S BOARD OF THE CITY OF FORT
 LAUDERDALE HAS REVIEWED THIS PROJECT
 AND HAS GRANTED THE NECESSARY PERMITS

U.S. HIGHWAY NO. 31 RIGHT-OF-WAY VARIES

ALABAMA POWER COMPANY POWER LINE EASEMENT

BUS STOP

Park 5.7 AC

Park 5.4 AC
 CLUBHOUSE
 BUILDING

Park 1.8 AC

Park 1.8 AC

Park 1.8 AC

Park 1.8 AC

Park 1.8 AC

Park 1.8 AC

Park 1.8 AC

Park 1.8 AC

Park 1.8 AC

Park 1.8 AC

Park 1.8 AC

Park 4.7 AC

NEED NOT BE BUILT



BOUNDARY SURVEYING
 SURVEYING
 SECTION 21, TOWNSHIP 3 SOUTH, RANGE 3 EAST



SHEET SIZE (24"X36")

16
 15
 22

CURRENT ZONED R3 PARCEL:

SECTION 21, TOWNSHIP 3 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA, THENCE RUN SOUTH 01°40'31" WEST, ALONG THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 386.61 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SAID SECTION 21, THENCE DEPARTING SAID EAST LINE OF SECTION 21, RUN NORTH 87°30'11" WEST, MORE OR LESS, THENCE RUN NORTH 87°30'11" WEST, A DISTANCE OF 550.00 FEET, MORE OR LESS, THENCE DEPARTING SAID NORTH LINE RUN NORTH 01°40'31" WEST, A DISTANCE OF 550.00 FEET, MORE OR LESS, THENCE RUN NORTHEASTERNLY 2362 FEET, MORE OR LESS, THENCE RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 350.00 FEET, CHORD BEARING = N 29°00'00" E, CHORD DISTANCE = 501.72 FEET, MORE OR LESS, THENCE RUN EAST 985 FEET, MORE OR LESS, THENCE RUN SOUTHEASTERNLY 1200 FEET, MORE OR LESS, THENCE RUN EAST 985 FEET, MORE OR LESS, THENCE RUN NORTH 11°11' FEET, MORE OR LESS, TO THE NORTH LINE OF SAID SECTION 21, THENCE RUN SOUTH 01°40'31" WEST, ALONG SAID NORTH LINE OF SECTION 21, A DISTANCE OF 1481 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CURRENT ZONED B2 PARCEL:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA, THENCE RUN NORTH 01°40'31" WEST, ALONG THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 386.61 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SAID SECTION 21, THENCE DEPARTING SAID EAST LINE OF SECTION 21, RUN NORTH 87°30'11" WEST, MORE OR LESS, THENCE RUN NORTH 87°30'11" WEST, A DISTANCE OF 550.00 FEET, MORE OR LESS, THENCE DEPARTING SAID NORTH LINE RUN NORTH 01°40'31" WEST, A DISTANCE OF 550.00 FEET, MORE OR LESS, THENCE RUN NORTHEASTERNLY 2362 FEET, MORE OR LESS, THENCE RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 350.00 FEET, CHORD BEARING = N 29°00'00" E, CHORD DISTANCE = 501.72 FEET, MORE OR LESS, THENCE RUN EAST 985 FEET, MORE OR LESS, THENCE RUN SOUTHEASTERNLY 1200 FEET, MORE OR LESS, THENCE RUN EAST 985 FEET, MORE OR LESS, THENCE RUN NORTH 11°11' FEET, MORE OR LESS, TO THE NORTH LINE OF SAID SECTION 21, THENCE RUN SOUTH 01°40'31" WEST, ALONG SAID NORTH LINE OF SECTION 21, A DISTANCE OF 1481 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CURRENT ZONED R4 PARCEL:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA, THENCE RUN NORTH 01°40'31" WEST, ALONG THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 386.61 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SAID SECTION 21, THENCE DEPARTING SAID EAST LINE OF SECTION 21, RUN NORTH 87°30'11" WEST, MORE OR LESS, THENCE RUN NORTH 87°30'11" WEST, A DISTANCE OF 550.00 FEET, MORE OR LESS, THENCE DEPARTING SAID NORTH LINE RUN NORTH 01°40'31" WEST, A DISTANCE OF 550.00 FEET, MORE OR LESS, THENCE RUN NORTHEASTERNLY 2362 FEET, MORE OR LESS, THENCE RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 350.00 FEET, CHORD BEARING = N 29°00'00" E, CHORD DISTANCE = 501.72 FEET, MORE OR LESS, THENCE RUN EAST 985 FEET, MORE OR LESS, THENCE RUN SOUTHEASTERNLY 1200 FEET, MORE OR LESS, THENCE RUN EAST 985 FEET, MORE OR LESS, THENCE RUN NORTH 11°11' FEET, MORE OR LESS, TO THE NORTH LINE OF SAID SECTION 21, THENCE RUN SOUTH 01°40'31" WEST, ALONG SAID NORTH LINE OF SECTION 21, A DISTANCE OF 1481 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

16
 21

ZONED R4
 (MULTI-FAMILY RESIDENTIAL)

ZONED R3
 (SINGLE FAMILY RESIDENTIAL)

ZONED B2
 (COMMERCIAL)

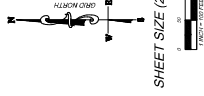
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1472.93'	822.09'	811.46'	N 29°53'07" E	31°59'43"
C2	1592.69'	504.47'	501.72'	N 29°00'00" E	20°45'15"
C3	350.00'	444.12'	141.92'	S 17°02'22" W	72°42'10"

CURRENT ZONING
 * THIS IS NOT A BOUNDARY SURVEY *

SKETCH FOR CURRENT ZONING
 CITY OF BAY MINNIE, AL

 DOWBERRY
 SURVEYING & ENGINEERING
 1000 W. UNIVERSITY BLVD., SUITE 100
 BAY MINNIE, AL 36507
 PHONE: (205) 671-1111
 FAX: (205) 671-1112

BOUNDARY SURVEY
 FOR THE RE-ZONING
 PARCEL IN SECTION 21,
 TOWNSHIP 3 SOUTH,
 RANGE 1 EAST



SHEET SIZE (24'X36')

15
 22

16
 21

S 87°40'10" E 4188.23'

FUTURE PUD RE-ZONING

RE-ZONING PARCEL:

SECTION 21, TOWNSHIP 3 SOUTH, RANGE 1 EAST, BALDWIN COUNTY, ALABAMA, THENCE RUN SOUTH 61° 51' WEST, ALONG THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 3883.61 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SAID SECTION 21, THENCE DEPARTING SAID EAST LINE OF SECTION 21, RUN NORTH 87° 39' 11" WEST, ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF THE SAID SECTION 21, A DISTANCE OF 1472.93 FEET TO THE EAST LINE OF SAID SECTION 21, THENCE RUN NORTH 87° 39' 11" WEST, A DISTANCE OF 1858.80 FEET TO THE EASTERN RIGHT-OF-WAY OF U.S. HIGHWAY NO. 31, (RIGHT-OF-WAY WIDTH APPROXIMATELY 100 FEET), THENCE RUN ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1472.93 FEET FOR AN ARC LENGTH OF 822.10 FEET, (DELTA = 31° 56' 28", CHORD DISTANCE = 611.46 FEET, CHORD BEARING = NORTH 28° 55' 07" EAST, THENCE RUN NORTH 12° 53' 24" EAST, A DISTANCE OF 800.14 FEET, THENCE RUN NORTH 12° 53' 24" EAST, A DISTANCE OF 800.14 FEET, THENCE RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1562.69 FEET FOR AN ARC LENGTH OF 694.47 FEET, (DELTA ANGLE = 20° 45' 15", CHORD DISTANCE = 504.47 FEET, CHORD BEARING = NORTH 23° 00' 07" EAST), TO A POINT ON THE NORTH LINE OF THE SAID SECTION 21, THENCE DEPARTING SAID NORTH-OBJECT LINE RUN SOUTH 87° 40' 10" WEST, ALONG SAID NORTH LINE OF SECTION 21, A DISTANCE OF 4188.23 FEET TO THE POINT OF BEGINNING.

S 01°40'31" W 3980.61'

N 87°39'11" W 3832.97'

LEGEND:
 PUD = PLANNED UNIT DEVELOPMENT

PROPOSED PUD RE-ZONING
 * THIS IS NOT A BOUNDARY SURVEY *

SKETCH FOR RE-ZONING
 CITY OF BAY MINNIE, AL

DATE: N/A
 SCALE: 1" = 500'
 PROJECT: 21-000000
 CLIENT: CITY OF BAY MINNIE, AL
 DRAWN BY: J. B. BERRY
 CHECKED BY: J. B. BERRY
 DATE: 11/11/2021

PROPOSED RE-ZONING

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1472.93'	822.10'	611.46'	N 28° 55' 07" E	31° 56' 28"
C2	1562.69'	694.47'	504.47'	N 23° 00' 07" E	20° 45' 15"

ZUMBERG CONSULTANTS
 550 E. 10th St., Suite 200
 Des Moines, IA 50319

SITE SUMMARY
 TOTAL AREA 413.4 AC.
 TOTAL LOTS 1,210
 DENSITY 2.9
 COMMERCIAL 48.8 AC. (11%)
 OPEN SPACE 128.2 AC. (31%)
 * IMPROVED 82 AC. (20%)
 STREET LENGTH 38,855 L.F.

OPEN SPACE SUMMARY
 OPEN SPACES 14.0 AC. (3%)
 WETLANDS 81.3 AC. (20%)

LOT SUMMARY

40' x 150' LOTS	= 240
60' x 150' LOTS	= 480
80' x 150' LOTS	= 120
100' x 150' LOTS	= 350



OLD TOWNE COMMONS

A PLANNED RESIDENTIAL DEVELOPMENT
 FEBRUARY 15, 2024



NEED NOT BE BUILT





City of Bay Minette

Planning & Development Services

PLANNING COMMISSION STAFF ANALYSIS

Planning Commission Meeting Date: February 8, 2024

Case Number: SD-24001

APPLICATION SUMMARY

Project Name: Old Towne Commons Master Plan Approval
Property Location: State Hwy 31, Appx .75 miles south of Holly Hills
Property PID/PPIN: 05-28-05-21-0-000-009.001 // 92518
Property PID/PPIN: 05-28-05-21-0-000-002.001 // 222473
Property PID/PPIN: 05-28-05-21-0-000-002.000 // 31532
Property PID/PPIN: 05-28-05-21-0-000-009.000 // 83618
Property PID/PPIN: 05-28-05-21-0-000-001.000 // 62828

Property Size: 413.40± acres
Proposed Action: Master Plan Approval for PUD with base zoning:
 R-3, Higher Density Single Family Residential District 316.8± acres
 R-4, High Density Multi-Family Residential District 50.2± acres
 B-2, General Business District 46.4± acres
Applicant: Baldwin Ventures, LLC
Property Owner: Baldwin Ventures, LLC

Subject Property	Zoning	Existing Land Use
Z-24001	R-3, R-4, B-2	Undeveloped and Residential
Adjacent Property	Zoning	Existing Land Use
North	Unzoned, County Planning District 7	Undeveloped
South	Unzoned, County Planning District 7	Undeveloped
East	Unzoned, County Planning District 7	Undeveloped
West	Unzoned, County Planning District 7	Residential and Undeveloped

SITE AND REQUEST SYNOPSIS

The subject property, which consists of five parcels containing 413.40± acres, is located on the East side of State Highway 59, approximately .75 miles south of the northern entrance of Country Club Drive and Holly Hills Municipal Golf Course. The property is currently zoned R-3 Single Family, R-4 Multi-Family and B-2, General Commercial and has an estimated .68 miles of frontage on Highway 59. Three of the parcels are undeveloped with the exception of a power transmission line and internal, dirt roadways; and two parcels contain residential dwellings that front Highway 59. The property was annexed by Act 2023-145 and pre-zoned to its current designations during the same timeframe. This property is owned by Baldwin Ventures, LLC, which requested the annexation by the City and proposed the configuration of the pre-zoning designations as the base zoning to allow the progression of future development as a Planned Unit Development (PUD). This application is for SD-24001, Master Plan approval of the development, the second of two applications being submitted for the Planning Commission's concurrent consideration. Case Z-24001, the PUD request, was the first of those two applications.



ZONING DISTRICTS AND TABLE OF PERMITTED USES

CURRENT ZONING

6.02.04 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.

6.02.05_R-4, High Density Multi-Family Residential District. The intent of this district is to provide opportunity for high density single-family, duplex, and multi-family residential development in specified areas. Within this district it is also considered suitable to include other uses of a type deemed to be compatible with a good high-density living environment by providing for needed community services. Public or community water and sewer facilities are required.

6.03.02 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 (Case Z-24001)

6.02.07 PUD, Planned Unit Development. This zoning district is to provide an opportunity for the best use of land, protection of valuable natural features in the community, provide for larger areas of recreational open space, more economical public services and opportunity for mixed use. The purpose of this provision is to encourage the unified development of tracts of land, much more creative and flexible concepts in site planning. The criteria for this zoning district can be found in Article 11 of this Ordinance.

DEPARTMENT AND AGENCY COMMENTS

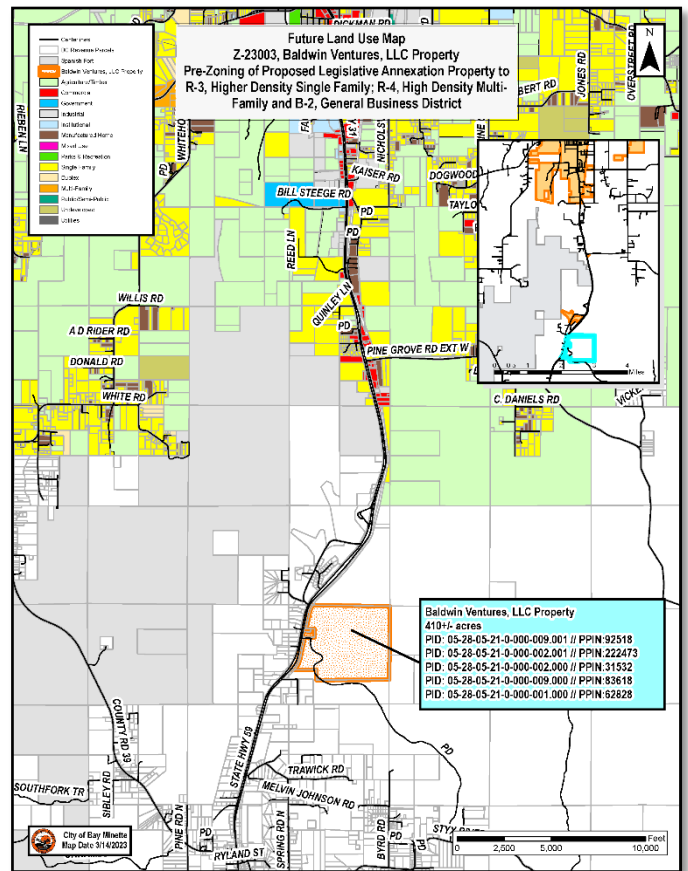
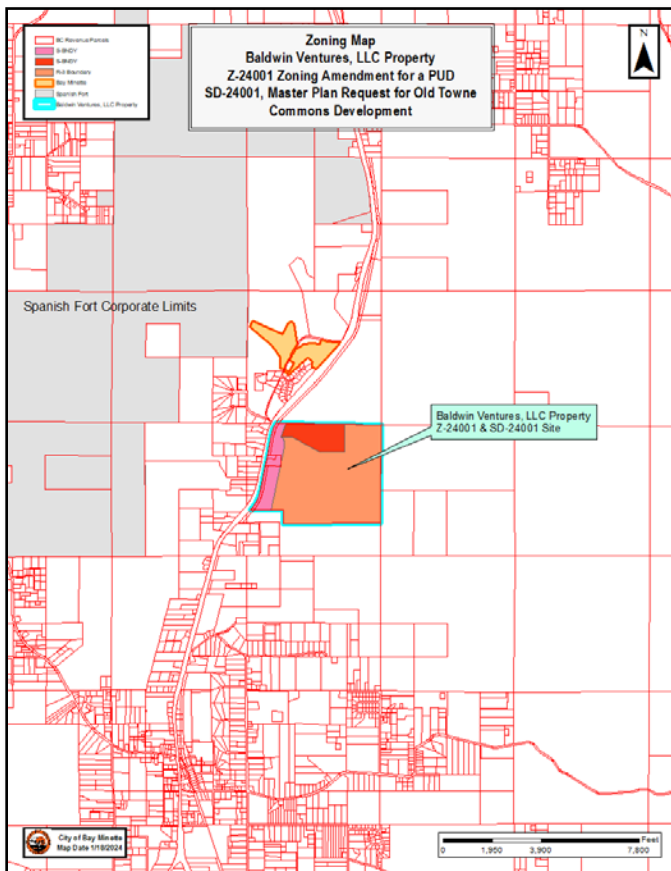
- North Baldwin Utilities** – Water and gas services available.
- Bay Minette Public Works** – No comments
- Bay Minette Police Department** – No comments
- Bay Minette Fire Department** – Comments incorporated throughout Planning Commission proceedings.

- Baldwin County E-911** – Address discrepancy on PIN 31532 to be resolved prior to subdivision development.
- ALDOT** – No comments received.
- City Engineering Consultant GMC, Melissa A. Hadley, PhD, RLA,**
AICP - Attached, reviewed at January 25, 2024 worksession

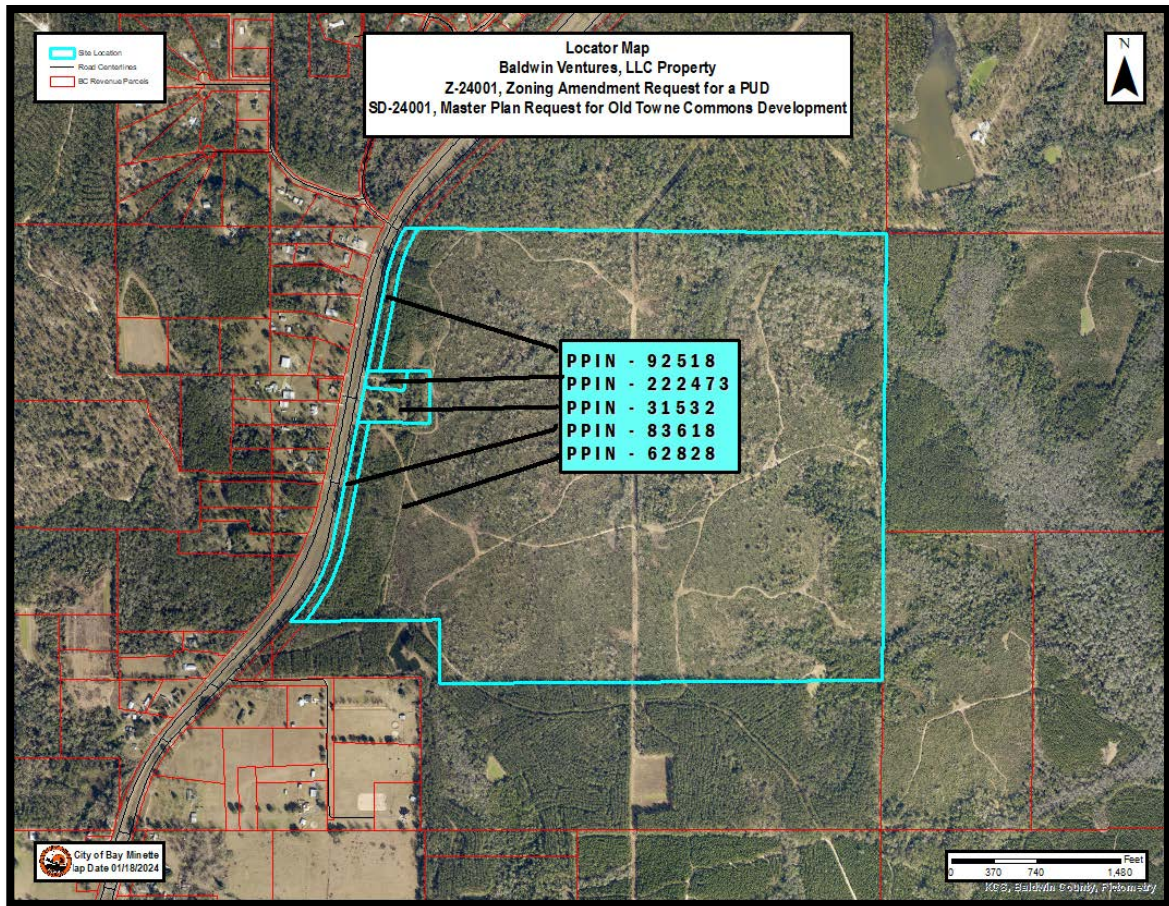
MAPPING

Existing Zoning Map

Future Land Use Map



Locator & Site Map



SUBDIVISION MASTER PLAN PROPOSAL

- 413.4 Total Acres
- 1,219 Total Dwelling Units
 - 827 Single Family Residential Units
 - 40 FT Lots – 278 (*Three Areas / Interspersed*)
 - 50 FT Lots – 260 (*Three Areas / Interspersed*)
 - 60 FT Lots – 135 (*One Area in Front/SW Qtr of Property*)
 - 70 FT Lots – 154 (*One Area in Rear/NE Qtr of Property*)
 - 392 Multi- Family Residential Units
 - 49 Multi-Family Structures
- 2.9 Units per Acre Density
- 47 acres of Commercial Property (~11% of Site)
- 82 Acres of Impervious Surfacing (~20%) *Excluding Commercial*
- 38,835 linear feet of streets
 - 2 access points from Hwy 59
 - 5 cul-de-sacs
 - 5 Terminating/Dead End Streets (1 SF, 4 MF)
 - 2 Loop/Circle Transitions
 - 51 Internal Intersections
- 126.2 Acres of Open Space (31% of Site)
 - 45.9 Acres of Uplands Open Space (11% of Site)

- 80.3 Acres of Wetlands Open Space (19% of Site)
- 5 Proposed Phases
- Community Amenities
 - 3,000 sq ft Clubhouse
 - 1 Pool
 - 3 Covered Bus Stops
 - 18 Areas labeled as "Park"
 - 10 Park Areas w/ combined total of 25.37 acres
 - 11 water feature/retention areas
 - 1 Park to be developed as a Dog Park
 - Covered Mailbox Kiosks



PUBLIC UTILITIES & SITE CONSIDERATIONS

Public Utilities Services:

Water: North Baldwin Utilities (*Service Availability Letter Provided*)
 Gas: North Baldwin Utilities (*Service Availability Letter Provided*)
 Sewer: Baldwin County Sewer Service (*Service Availability Letter Provided*)
 Telephone/Internet: AT&T (*Service letter to be provided*)
 Electricity: Baldwin EMC (*Service Availability Letter Provided*)

Transportation:

The proposed development will front on State Hwy 59 a paved and state-maintained roadway. ALDOT would be the roadway authority for Hwy 59 and final design would be contingent upon their review. Internal roadways are proposed for construction by the developer and dedication to the City after Final Plat approval.

STANDARDS OF APPROVAL / APPLICABLE REGULATIONS

The following regulations for reviewing Subdivision requests are found in **Article 3 – Procedures for Subdivision Plat Approval** in the *Subdivision Regulations of the City of Bay Minette*.

SECTION 3.05 STANDARDS OF APPROVAL

The Planning Commission shall not approve the subdivision of land if the Commission makes a finding that such land is not suitable for platting and development as proposed, due to any of the following:

3.05.01 The proposed subdivision is not consistent with these Regulations;

3.05.02 The proposed subdivision is not consistent with the City's Comprehensive Plan, Zoning Ordinance and/or any other plan or program for the physical development of the City including but not limited to a Master Street Plan, a Transportation Plan, a Parks Plan, a Bicycle Plan, a Pedestrian Plan, or a Capital Improvements Program, where applicable;

3.05.03 The proposed subdivision is not consistent with other applicable Federal, State or County laws and regulations; or

3.05.04 Notwithstanding that the proposed subdivision may satisfy the technical, objective provisions of these Regulations, the Commission has discretion to deny a subdivision if there is any articulable, rational basis for a determination that the proposed subdivision otherwise endangers the health, safety, or welfare of persons or property.

SECTION 3.12 MASTER PLAN

3.12.01 Where any subdivision or development site is to be developed in stages or phases, no preliminary plat for any fraction of the site shall be accepted for review unless a master plan is submitted or has been previously approved.

3.12.02 The master plan shall be a conceptual plan showing the entire development site and all component stages or phases, and shall express the overall development concept for the site at build-out.

3.12.03 The subdivider shall submit a written request for review and approval by the Planning Commission and a copy of said master plan. The master plan shall be of sufficient detail to show the proposed street, sidewalk and lot layout, drainage, utilities, detention, common, recreational, and landscaped areas.

3.12.04 If the City Planner finds that any proposed preliminary plat substantially deviates from the approved master plan, a revised master plan must be approved by the Planning Commission prior to approval of further plats within the development. Examples of a substantial deviation includes an increase in the overall lot density; change in number of entrances, connections, or stub outs; decrease in proposed open space or amenity areas.

STAFF COMMENTS

The proposal meets the criteria for Master Plan submittals as detailed above. The overall plan substantially meets the Subdivision Regulations and Zoning Ordinance with any waivers submitted as part of the Planned Unit Development document. The Subdivision Regulations and the Zoning Ordinance both explicitly allow for deviations from the standards based on the intent of the Planned Unit Development regulations.

SUBDIVISION REGULATIONS - SECTION 3.20 SPECIAL PROVISIONS

3.20.02 Planned Unit Developments. A comprehensive group development including the large-scale construction of housing units together with necessary drives and ways of access, may be approved by the Planning Commission although the design of the project does not include standard width of streets, lots and other subdivision arrangements if the departure from the required standards contained herein can be made without destroying their intent. A master plan for such comprehensive group

development shall be submitted to the commission for approval, provided that approval of the master plan shall not constitute approval of individual plats for phased development of the master plan over a period of years.

Due to the property's location on Highway 59, especially in light of the ongoing construction at the Novelis Mega-Site, and critical need for housing, the potential for residential and commercial development in the area has increased significantly. The property owner's proposal for a Master Planned, mixed-use development would offer a diverse housing stock and provide a significant increase in the availability of commercial, single-family and multi-family uses to alleviate a critical need. By developing the 413± acres under a unified master plan, it allows for a concentration of resources to serve the proposed development and contain similar intensity of uses together to prevent any potential incompatibilities.

With the location on the County's heavily travelled principal arterial, no major impacts are anticipated. The property is not located in a Flood Hazard area (Zone X) but GIS indicates the presence of hydric soils/potential wetlands. Any future development would be required to meet Federal, State and local regulations regarding construction in and fill of environmentally sensitive areas. The developer has made concessions for those natural areas in the submitted preliminary/conceptual master plan (*See Figure 5.1*) Preliminary plans show approximately 80 acres of wetlands maintained as open space, approximately 45 acres of uplands maintained as open space with multiple parks throughout the development. (*See Figure 5.2*) The proposed plan's site calculations include approximately 47 acres of commercial property, 50 acres of multi-family residential and 316 acres of single-family. The PUD narrative includes the following as the second section of the document:

ENVIRONMENTAL PROTECTION

Wetland protection and stormwater management are always significant concerns. Stormwater will be designed and compliant with best engineering practices and all requirements within the Zoning Ordinance and Subdivision Regulations. Sufficient stormwater best management practices will be employed in the development of the PUD to ensure runoff leaving the site does not degrade water quality within the receiving water bodies.

The site has been designed to avoid wetlands. Approximately 19% of the property is wetlands. Should any wetland fill be required, it will be limited to developmental design – no lots are proposed for wetland fill. A 25' wetland buffer will be installed, where practicable, to comply with the Alabama Construction General Permit.

This property and development has been under substantial review/consideration by the Planning Commission and City Council related to annexation (Act 2023-145), pre-zoning (Z-23003), individual Planning Commission worksessions (Sept 21, 2023; October 26, 2023; and January 25, 2024) along with numerous discussions as part of the Planning Commission's New and Old Business agenda items. The preliminary site layout was received in April of 2023 and the number of lots, density and lot widths (40-ft, 50-ft, 60-ft and 70-ft) have remained constant from the initial proposal. The 5-ft setbacks, particularly on the 40-ft lots, was a stated concession of the PUD from the beginning and specifically addressed at the October 26, 2023 worksession along with the 20-ft front and rear setback requests. The applicant and owner were present at the November 9, 2023 PC meeting for further discussion on setbacks, including extensive coverage of average building envelopes for each type of lot. The development was further discussed at the December 14, 2023 meeting, a revised PUD Narrative Draft was provided to commission members in preparation for presentation at the February meeting. Mrs. Barnette was present at the January 11, 2024 meeting for any remaining questions and a final worksession was planned for January 25, 2024 as a last review prior to official presentation of the PUD and Master Plan applications at the February 8, 2024 regular meeting. During this time, the City was transitioning to architecture and engineering firm Goodwyn, Mills and Cawood (GMC) to provide engineering services as a consultant. GMC staff member Melissa A. Hadley, PhD, RLA, AICP, conducted an initial review of the development after the January 11th meeting and provided recommendations on January 22nd prior to the January 25th worksession. These recommendations were constructive and the majority have been incorporated into the final proposal. However, the side setback recommendations and subsequent discussion from the January 25th worksession were not able to be incorporated without drastically altering the development's design as it has progressed over the past 10 months. While there is a time and place for zero-lot-line setbacks, attempting to require those provisions two weeks prior to a public hearing on such a large-scale project after nearly a year of discussion is unreasonable. Particularly when the development is already requesting a waiver to the minimum lot width of the R-3 base zoning. Staff has issues with current builders exceeding the setback limitations as defined in the ordinance, the potential for that increases on the 40-ft lots with 5-ft side setbacks but it can be carefully policed through the unified development process. Variances cannot be granted for these mistakes as they are self-imposed hardships. The risk of exceeding setbacks substantially increases with a much smaller margin of error on a zero-lot-line with the stakes much higher when a builder or property owner crosses a property line rather than a setback. There is also the issue of the City's Building Code, which would require additional fire protection be incorporated into any structure that is 3 feet or closer to a property line, no matter the distance from any

adjacent structure. This would significantly increase the cost of construction for the developer/builder that would be passed on to the eventual buyers.

The concurrent review of this application with the PUD zoning request, requires that the PUD be approved by the City Council before the Master Plan can be considered to have final approval. Therefore, any Master Plan approval must be contingent upon the final approval of the PUD zoning request.

STAFF RECOMMENDATION

Based on the information submitted by the applicant, City Staff and Consultant input and the analysis above, staff recommends that the *Planning Commission APPROVE Case SD-24001, Old Towne Commons Master Plan in substantially the same form as proposed contingent upon a successful PUD rezoning (Case Z-24001) by the City Council.*

PLANNING COMMISSION ACTION

For Subdivision Master Plan applications, the Planning Commission makes the final decision and has the option to:

- Approve the Master Plan as presented.
- Approve the Master Plan with modifications, stating the nature of the required modifications
- Disapprove the Master Plan, reasons for denial and referencing the specific section(s) with which the plat does not comply
- Delay action on the Master Plan due to a lack of information



City of Bay Minette

Subdivision Plat Application

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

Office Use Only	
Case Number: SD-	<u>24001</u>
App Submittal Date:	<u>12/19/23</u>
PC Meeting Date:	<u>2/8/24</u>

Print or Type your responses below and attach additional pages as necessary. If an item is not applicable, mark "X" or "N/A" where appropriate.

APPLICATION TYPE

Exempt Pre-App Conference Sketch Plat Final - Minor Preliminary - Major Final - Major Master Plan

Pre-Application Conference Preferred Dates/Times: Completed

PROJECT CONTACTS

Owner Name: Baldwin Ventures, LLC / Gary Capuano Phone: 407-474-8222

Developer: Baldwin Ventures, LLC / Gary Capuano Phone: _____

Authorized Agent/Application Contact: Cathy S. Barnette / Dewberry Engineers Inc.

Phone: 251-929-9801 Email: cbarnette@dewberry.com

Mailing Address: 25353 Friendship Road, Daphne, AL 36526

Surveyor Name: Jason Gibson APLS Lic#: 38169

Surveying Firm Name: Dewberry Engineers Inc. City Business Lic#: _____

Phone: 251-929-9779 Email: jdgibson@dewberry.com

Engineer Name: Jason Estes Registration #: 22714

Engineering Firm Name: Dewberry Engineers Inc. City Business Lic#: _____

Phone: 251-929-9789 Email: jestes@dewberry.com

SITE INFORMATION

Subdivision Type: Single Family Two-Family Multi-Family Commercial Industrial Mixed-Use

Subdivision Name: Old Towne Commons

Location: off Hwy 59

Section: 21 Township: 3 S Range: 3 E Instrument# or Slide# of Existing Recorded Plat: _____

Parcel ID/PPIN(s): 62828, 31532, 222473

Total Acreage: 413.4 Total # Lots: 827 SF, 392 MF, 3 commercial Average Lot Size (sq ft): _____

Required Number of Certified Letters: _____ Adjacent Property Owner/Leaseholder Information Attached: Yes No

UTILITY PROVIDERS

Water: North Baldwin Utilities

Sewer: Baldwin County Sewer Service

Power: Baldwin EMC

Gas: _____

Telephone: ATT

Internet: ATT

ACCESS

Roadway Name: Hwy 59 Total Frontage (linear feet): _____

Roadway Access Authority: City Baldwin County Highway Dept Alabama Dept of Transportation (ALDOT)

SUBMITTAL DOCUMENTATION

- Legal Description Attached: Yes No
- Recorded Warranty Deed(s) Attached: Yes No
- Access Authority Approval Attached Yes No
- Service Availability Letters Attached: Yes No
- Requesting Waivers: Yes No
- List and Description of Requested Waivers Attached: Yes No
- Covenants or Deed Restrictions: Yes No
- Copy of Covenants or Restrictions Attached: Yes No

Refer to the Subdivision Regulations for full submittal requirements and specifications. All plans and application materials are due by the application deadline date. Partial applications will not be processed. Submittal of incomplete applications may delay application review.

Application is hereby made for approval of the subdivision as described herein and shown in accompanying plans and documentation. The signature below constitutes acknowledgement that all information submitted is true and accurate and that the documentation noted above has been submitted. Further, it is hereby certified that the adjacent property owner list included with this application was obtained from the current records available from the Baldwin County Revenue Commissioner's Office and is a complete and accurate list of all property owners/leaseholders adjacent to the property submitted for subdivision approval. It is understood and agreed by this applicant that any error, misstatement or misrepresentation of material fact or expression of material fact, either with or without intention on the part of this applicant, such as might, or would, operate to cause a refusal of this application, or any material alteration or change in the accompanying plans without the approval of the City Planner and/or Planning Commission, shall constitute sufficient grounds for the revocation of such approval.

C.S.B.

Signature of Applicant/Authorized Agent: Cathy S. Barnette Digitally signed by Cathy S. Barnette Date: 2023.12.15 08:52:50 -06'00' Date: 12/15/2023

INTERNAL USE ONLY

<p>FEES & PAYMENT DETAILS</p> <p>Application Fee: \$ _____</p> <p>Total # of Lots _____ x \$10 = \$ _____</p> <p>Total # Certified Letters: _____ x \$10 = \$ _____</p> <p>TOTAL DUE \$ _____</p> <p><input type="checkbox"/> Cash <input type="checkbox"/> Card* 3.99% Fee</p> <p><input checked="" type="checkbox"/> Check #: <u>1618</u></p> <p>Date Paid: _____</p>	<p>Zoning: _____ FEMA: _____ Potential Wetlands <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Printed Set <input type="checkbox"/> Yes <input type="checkbox"/> No PDF Plat <input type="checkbox"/> Yes <input type="checkbox"/> No Digital .SHP or .DWG <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Owner Permission <input type="checkbox"/> Deed <input type="checkbox"/> Legal Description <input type="checkbox"/> Adjacent Property List</p> <p><input type="checkbox"/> Service Availability <input type="checkbox"/> Access <input type="checkbox"/> Waiver <input type="checkbox"/> Covenants</p> <p>Completeness Review Date: _____ <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete</p> <p>Deficiencies: _____</p> <p>PC Meeting Date: _____ Public Notice Deadline Date: _____</p>
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*Check 1618 - \$350.00
Pub app fee*



December 19, 2023

Clair Dorough
City Planner
City of Bay Minette
301 D'Olive Street
Bay Minette, AL 36507

**RE: Old Towne Commons
Master Plan Application**

Dear Ms. Dorough,

Please find enclosed our Master Plan Application for Old Towne Commons. The attached documents are summarized as follows:

- Check in the amount of \$350.00
- Master Plan Application
- Agent Authorization Form
- Legal Description
- Deed
- Business License – 2024 license forthcoming
- Utility Letters
- One (1) 11" × 17" Copy of Master Plan
- One (1) 24" × 36" Copy of Master Plan
- One (1) 24" × 36" Copy of Boundary Exhibit

If you have any questions, comments, or concerns regarding this submission, please contact us.


Sincerely,
Dewberry Engineers Inc.

Cathy S. Barnette
Associate

cc: File 50157795



BALDWIN EMC

Your Touchstone Energy® Cooperative 

P.O. Box 220
Summerdale, AL
36580-0220
(251) 989-6247

www.baldwinemc.com

December 14, 2023

Emily Phillips
Dewberry
25353 Friendship Road
Daphne, AL 36526-6278

Re: Proposed Plat Old Towne Commons PUD, PINS 62828, 31532 & 222473, 827 Lots

Dear Emily Phillips:

This letter is to confirm that the referenced development is in Baldwin E.M.C.'s service territory. Also, this letter is confirming that the referenced has been submitted to Baldwin EMC.

Baldwin EMC is willing to service the development as long as the necessary easements are granted using our standard easement form and all other appropriate documents and fees are finalized in advance. Baldwin EMC must be given proper notice and planning time with respect to required system upgrades (transmission line, substation and distribution line). All system upgrades and line extensions will be in accordance with Baldwin EMC's current Line Extension Policy.

Please contact me to discuss necessary easements and fees.

Below is our typical required easements for subdivisions:

There is a dedicated herewith a 10 foot utility easement on all lot lines and common areas adjacent to the right-of-ways and a 10 foot utility easement on each side of lot and common area lines, unless otherwise noted.

If you have any questions or if I can be of further assistance, please do not hesitate to contact me at 251-989-0151.

Sincerely,



Brian Seals
Manager of Engineering
BS/cl#



NORTH BALDWIN UTILITIES

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

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

December 14, 2023

Emily Phillips
Dewberry Engineers, Inc.
25353 Friendship Road
Daphne, AL 36526
ephillips@Dewberry.com

Re: Letter of Water and Gas Service Availability – Old Town Commons PUD
State Highway 59
PIN #: 62828, 31532 and 222473

Dear Emily,

At your request, this letter is to confirm that the above referenced development is in North Baldwin Utilities' service territory for water and gas. We have received a copy of the master plan for the Old Town Commons PUD.

North Baldwin Utilities (NBU) is willing and able to provide water and gas service to the above referenced location, subject to applicant paying all fees required for these services.

All new modified utility infrastructure shall be in accordance with NBU specifications. The developer shall coordinate with NBU throughout planning, design, and construction of the development to ensure conformity with NBU protocols and requirements.

I am available to further discuss your project and welcome any inquiries regarding NBU services and requirements regarding this development.

Sincerely,

Jeffrey L. Donald
Chief Operations Officer

JLD/alr

HENRY C. CONNER JR. | HUGH M. DICKSON III | ROBERT J. JAYE | HAMILTON C. SMITH | MAYOR ROBERT A. WILLS
JASON M. PADGETT, *Chief Executive Officer (CEO)*



January 31, 2023

Re: PIN 62828, 222473, 31532, 92518, 83618

Ms. Phillips,

At your request, this letter is to verify that Baldwin County Sewer Service LLC (BCSS) has the capacity and capability to serve this property. Sewer service may be connected to this property at the owner's expense and request.

Baldwin County Sewer Service LLC is willing and able to provide sewer service to the above referenced property, subject to applicant paying all fees required for this service. This letter is not to be used to obtain a building permit. A \$1,500* impact fee per lot will need to be paid to Baldwin County Service LLC if a new subdivision plat is signed. This letter is valid for a period of one year from the date of issue. Any customer who has not paid the necessary fees before this letter expires will need to contact BCSS and request a re-issuance of their willing and able letter.

The wastewater would be treated at our Malbis wastewater treatment plant.

*Franchise fees apply in franchise areas.

Sincerely,

Lisa M. Burke

Lisa M. Burke
Baldwin County Sewer Service, LLC
(251) 971-1516
lisab@baldwincountysewer.com

Lisa M. Burke Digitally signed by Lisa M. Burke
Date: 2024.01.31 09:18:28 -06'00'

ARTICLE 11. PLANNED UNIT DEVELOPMENT (PUD)

The intent of this Section is to provide an opportunity for the best use of land, protection of valuable natural features in the community, provide for, larger areas of recreational open space, more economical public services and opportunity for mixed use. The purpose of this Provision is to encourage the unified development of tracts of land, much more creative and flexible concepts in site planning than would otherwise be possible through the strict application of minimum and maximum requirements of zoning districts established in this *Zoning Ordinance* and requirements of the *Subdivision Regulations*.

For the purposes of this Ordinance, each Planned Unit Development shall be a minimum of five (5) acres and of sufficient size to accommodate the development. The burden is placed on the developer to demonstrate a benefit to the City and the surrounding area.

Each Planned Unit Development shall have an ordinance that establishes the development regulations for the district. In approving a Planned Unit Development, the Ordinance shall reference the site plan, which shall prescribe development standards. The site plan after approval shall become part of the amending ordinance. All development shall be in conformance with the approved Site Plan and development regulations.

11.01 OWNERSHIP

Single ownership shall be construed to include the following:

11.01.01 A person, partnership or corporation.

11.01.02 An association of property owners, legally bound to one another, to carry out the provisions of this Section for development and operation of a PUD, likewise legally bound to execute the agreements as provided hereinafter.

11.01.03 The owner's association of a condominium project, established under the provisions of Alabama law, which has the power to execute the agreements as provided for hereinafter.

11.02 GENERAL REGULATIONS

The following general regulations shall apply to all PUDs and require that such developments:

11.02.01 Shall be in conformity with the City's Comprehensive Plan or portion thereof as it may apply.

11.02.02 Shall be consistent in all respects with the purposes and intent of this Ordinance.

11.02.03 Will advance the general welfare of the City and immediate vicinity.

11.02.04 Will provide, through desirable arrangement and design, benefits which justify the deviations from development standards which would otherwise apply.

11.03 GENERAL DEVELOPMENT REGULATIONS

The following development regulations shall apply to all PUDs:

11.03.01 Provisions of residential districts as applicable shall generally be adhered to in all PUDs.

11.03.02 All land proposed in the project for residential use, including outdoor use of space, off-street parking, interior drives and other circulation ways, may be counted in complying with the density requirements.

11.03.03 For any single-family or two (2) family dwelling or any dwelling unit in a townhouse or condominium building, there shall be a privately occupied area. This private space shall include the space occupied by such dwelling or dwelling unit, with adjoining open space assigned exclusively to such dwelling unit of not less than 600 square feet in addition to private parking area.

11.03.04 All open space not assigned to private occupancy as set forth above shall be assigned to the common use of all residents or general public of the development, with such use assured in perpetuity as provided for above. Assignment and development of such open spaces shall be as follows:

11.03.04.01 Access driveways.

11.03.04.02 Landscaped areas, comprising no less than fifteen (15) percent of all common open space required by this Section, may include the following:

- a. Pedestrian access walkways.
- b. Children’s play areas.
- c. General landscaped areas, flower gardens and areas for passive recreation.
- d. Swimming pools, including accompanying accessory structures, and areas for organized sports.
- e. Any other areas suitable for the common enjoyment of the residents.

11.03.04.03 Every residential structure in a development shall be within 200 feet of a hard-surfaced access drive no less than twenty (20) feet wide or a parking lot connected with such a drive. In addition, every dwelling or ground floor dwelling unit shall be directly accessible to service and emergency vehicles.

11.03.04.04 Private streets on common easements may be used to provide vehicular access to not more than thirty (30) dwelling units on any one such drive. In all other respects, the system of vehicular circulation for a development shall be provided by dedicated streets complying in all respects with the standards of the *Subdivision Regulations*; the easement therefore may be counted as a part of the net area in complying with density limits, but may not be counted as a part of required landscape or recreation space.

Old Towne Commons PUD / Master Plan Waiver List

Zoning Ordinance 1035 - Effective 8/1/2023

Section Number	Regulation Language	Note
7.02.02	All lots shall front on a public or private street and shall have a minimum frontage width as indicated in <i>Section 8.11</i> . On irregularly shaped lots, a minimum street frontage of thirty (30) feet is required and residential lots shall not front on a collector street without Planning Commission approval. An “irregularly shaped lot” includes any lot located on a cul-de-sac or abutting a curved section of a roadway with a centerline radius of less than 200 feet.	Waiver
7.04.01.01	On double frontage lots, the required front yard shall be provided on each street.	Waiver
7.09.01	Each principal use shall be placed on a lot or parcel which provides frontage on a public or private street having a right-of-way of not less than sixty (60) feet, except where existing public rights-of-way are less than sixty (60) feet.	Waiver/Deviation
7.11	Off-Street Parking - In each district, each structure hereafter erected or altered shall be provided with off-street parking spaces as specified in the district schedule, Article 9. No off-street parking space required for a building or structure shall, during its life, be occupied by or counted as off-street parking space for another building or structure but may be included in the required yard space.	Waiver
8.06	Metal Buildings - On properties along the right-of-way of Alabama Highway 59, Highway 31 or Hand Avenue north of Highway 31 to McMeans Avenue, Highway 138, State Highway 287 and D’Olive Street, any metal-clad structures for residential multi-family projects involving the construction of three (3) or more dwelling units, all commercial structures and all industrial structures, are required to meet the following standards and criteria:	Waiver
8.06.01	The exterior metal walls of the front and any sides of a building facing and visible from said public street, that will be constructed with metal cladding as the primary siding material, shall not be constructed to expose bare metal siding on any front or side exterior wall facing said right-of-way or roadway. An external façade shall be required to cover 100% of the front and any exterior walls facing said roadways, which shall apply to all metal structures whether new construction, renovation, remodel, expansion or otherwise altered from their current state as of the effective date of this Ordinance.	Waiver
8.06.02	For developments with phased plans, the exterior façade required by this provision shall be completed within the first phase of construction. A Certificate of Occupancy shall not be issued, additional building permits received nor additional zoning approvals for the site if this requirement has not been completed in accordance with approved plans and to the satisfaction of the City Planner or Planning Commission.	Waiver
8.06.03	Acceptable materials for the external facade of metal buildings include stucco, brick, scored and split face block and wood. For the purpose of this Section, paint of any kind including textured or rubberized coatings shall not be considered acceptable façade materials. It is recommended that large walls be broken up through the use of architectural features or embellishments such as color bands, wainscot, protrusions, recessed windows or entries.	Waiver
8.06.04	All metal buildings shall have at least two (2) exterior architectural features for articulation, such as front porches, gables, awnings, or other exterior siding materials, on the front elevation and any other elevation that is adjacent to or visible from a public street or right-of-way.	Waiver
8.06.05	To improve the aesthetics of the building and lot, landscaping shrubs and/or trees should be planted and maintained in front of those portions of the building facing the roadway or right-of-way.	Waiver
8.06.06	Alternative design or alternative materials must be approved through the Site Plan approval process.	Waiver
8.07.01.05	Accessory Uses - Any use may be established as an accessory use to any permitted principal use in any district provided that such accessory use:	Waiver/Deviation
8.07.01.05 a	Where an accessory structure is attached to the residential building, a substantial part of one (1) wall of the accessory structure shall be an integral part of the residential building or such accessory structure shall be attached to the residential building in a substantial manner by a roof and, therefore, such requirements applicable to the residential building shall apply. A detached carport constructed on-site shall be subject to applicable building codes.	Waiver/Deviation
8.07.01.05 b	Where a carport is attached to the residential building, it shall be attached to the residential building in a substantial manner by a roof and, therefore, such requirements applicable to the residential building shall apply.	Waiver/Deviation
8.07.01.05 c	A detached accessory structure shall not be closer than twenty (20) feet to the residential building, nor closer than five (5) feet to any lot line or encroach into any existing drainage or utility easements. Swimming pools shall not be closer than five (5) feet from the dwelling.	Waiver/Deviation

Old Towne Commons PUD / Master Plan Waiver List

Zoning Ordinance 1035 - Effective 8/1/2023

Section Number	Regulation Language	Note
8.07.01.05 d	A detached carport may be located adjacent to a residential building but shall not be closer than five (5) feet to any lot line nor encroach into any existing drainage or utility easement.	Waiver/Deviation
8.07.01.05 e	A detached accessory building, not more than one (1) story in height, may be constructed on not more than thirty percent (30%) of the rear yard.	Waiver/Deviation
8.07.01.05 f	No detached accessory structure or detached carport may: (1) be located forward of the building frontage of the residential building; or (2) be closer than twenty (20) feet to any right-of-way.	Waiver/Deviation
8.07.01.05 g	Attached or detached accessory structures less than one-third ($\frac{1}{3}$) the area of the principal residence may be used for living quarters provided such structures do not contain kitchen facilities. Such accessory residences may also be constructed above a garage or other storage building provided they do not exceed the height limitation for the zoning district in which they are located. Notwithstanding any other provision contained herein to the contrary, all structures intended for use or used as living quarters are subject to and shall follow all applicable building codes and ordinances.	Waiver/Deviation
8.07.01.06	For residential multi-family, commercial or industrial uses, accessory structures shall conform to the following requirements:	Waiver
8.07.01.06 c	A non-residential detached accessory structure shall not be closer than ten (10) feet to another structure, nor closer than five (5) feet to any lot line or encroach into any existing drainage or utility easements.	Waiver
8.07.01.06 d	No detached accessory structure may: (1) be located forward of the building frontage of the primary structure; or (2) be closer than twenty (20) feet to any right-of-way.	Waiver/Deviation
8.07.01.06 e	Where a business district abuts any part of a residential district, the detached accessory structure shall be located no closer than ten (10) feet to the property line; where an industrial district abuts any part of a residential or business zone, the detached accessory structure shall be located no closer than twenty (20) feet to the property line.	Waiver
8.07.01.06 f	Detached accessory buildings shall not exceed one and one half ($1\frac{1}{2}$) stories or twenty (20) feet in height.	Waiver
8.07.01.06 g	Detached accessory structures allowed with Land Use Approval by the City Planner or designee: 1. Total size does not exceed 600 square feet. 2. Intended for unconditioned or open-air storage of vehicles, tools, equipment or other similar utility use. No accessory structure will be allowed with Land Use approval for any use higher than a "Group S" or "Group U" Occupancy Classification as defined by the current International Building Code adopted by the City. 3. Shall meet all other pertinent sections of this Ordinance. 4. Any residential multi-family, commercial or industrial accessory structure not conforming to the provisions of this Section shall be required to receive Site Plan Approval from the Planning Commission.	Waiver
8.07.01.07	Minimum Lot Area and Lot Width. None specified only that the lot be large enough to accommodate principal building plus the accessory building and/or buildings and meet the yard and other requirements specified in this Ordinance.	Waiver
8.07.01.09	Maximum Building Coverage. None specified, only that the principal building together with accessory buildings must comply with the requirements applicable to maximum building coverage specified in this Ordinance.	Waiver

Old Towne Commons PUD / Master Plan Waiver List

Zoning Ordinance 1035 - Effective 8/1/2023

Section Number	Regulation Language	Note
8.07.01.10	<p>Permitting Requirement. For any detached carport that is manufactured or constructed off-site and delivered to the residence for assembly and/or installation, the property owner shall obtain a Land Use Application and Building permit from the Planning and Development Services Department in accordance with the following requirements:</p> <p>a. The property owner shall submit a Land Use Certificate application accompanied by a \$75.00 fee and all documentation required by the City Planner and Building Official, which shall include, without limitation, Building Permit application, plot plan with proposed setbacks, engineered drawings and the manufacturer’s installation requirements.</p> <p>b. Upon review and approval of the application by the City Planner and Building Official, the property owner shall request and schedule a site inspection by the Building Official or his or her designee, to confirm that the proposed location for the accessory structure is in accordance with the requirements contained herein. The property owner shall not deviate from the approved location without approval of the City Planner or Building Official.</p> <p>c. Upon completion of assembly and/or installation of the accessory structure, the property owner or his/her contractor shall submit a certification, in form as provided by the Building Official, that the accessory structure was installed in accordance with the approved manufacturer’s installation requirements.</p>	Waiver/Deviation
8.08.05	Uses Prohibited - Where any use or analogous use has blank spaces under any zones listed in the headings of the Tables of Permitted Uses, such use is specifically prohibited in such zones.	Waiver/Deviation
8.10	<p>TABLE OF PERMITTED USES</p> <p>The Table of Permitted Uses identifies those land uses permitted within City limits and specifies the zoning district in which such uses are allowed. In conformance with Section 8.08 Permitted Uses and Conditions, opposite each land use, in the appropriate district column or columns, the letter “R” identifies those districts in which a particular land use is permitted by right and the letter “S” identifies those districts in which a particular land use is permitted only by Special Exception from the Board of Adjustment. The letter “P” identifies those uses that must be reviewed and approved by the Planning Commission. Uses not specified herein shall be determined by the analogous use or uses that are specifically referred to in the Table of Permitted Uses. The NAICS Manual shall be used by the City Planner to provide definitions of each use or use groupings listed in the Table. Unless expressly prohibited, and subject to any conditions listed in the Table or elsewhere in this Ordinance, all sub-uses listed under a use in the NAICS Manual shall have the same zoning district status identified in the Table of Permitted Uses for the most analogous use.</p>	Waiver/Deviation
8.11	<p>REQUIREMENTS FOR LOT AREA, LOT WIDTH, COVERAGE, DENSITY AND OTHER FACTORS</p> <p>R-3, Higher Density Residential, Single Family, 2,200 sq. ft. 50 ft. 30% 5.0 units/ac.</p> <p>MINIMUM SETBACKS</p>	Waiver
8.12	The following front, rear and side yard setbacks shall apply in districts as listed, except in Planned Unit Development and Innovative Design Residential Developments:	Waiver
8.12	R-3, Higher Density Single Family Residential 25' Front Arterial 30' Front Local 25' Rear 30' Side: 25' Corner Arterial 30' Corner Local 20' a ten (10) feet plus two (2) additional feet for each floor above two (2) stories, but not exceeding twenty (20) feet; and when dwelling unit faces side yard, the dwelling unit must not be less than twenty-five (25) feet from the side lot line.	Waiver
9.02.01	Off-Street Parking	
9.02.01.01	Definition. An off-street parking space is an all-weather surfaced area not in a street or alley and having an area of not less than 171 square feet and minimum dimensions of 9' x 19', exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by an all-weather surfaced driveway which afford unobstructed ingress and egress to each space.	Waiver/Deviation
9.02.03.01	Parking Schedule for Dwellings: a. One (1) and two (2) families two (2) spaces for each dwelling unit.	Waiver/Deviation
10.11	Buffer Zones - Except as otherwise provided herein, buffer zone requirements shall be based on the proposed developing use and the existing abutting use, regardless of current zoning districts. For this Section, “abutting” property includes property adjoining, facing or across a roadway.	Waiver/Deviation
10.11.01	All districts shall comply with the following minimum standards:	Waiver/Deviation

Old Towne Commons PUD / Master Plan Waiver List

Zoning Ordinance 1035 - Effective 8/1/2023

Section Number	Regulation Language	Note
10.11.01 a.	Where a business district or use abuts any part of a residential district or use, a buffer zone 10 (ten) feet wide shall be required;	Waiver/Deviation
10.11.01 d.	Where a public or semi-public use, mixed-use or multi-family residential district or use, abuts any part of a single-family residential district or use, a buffer zone 10 (ten) feet wide shall be required.	Waiver/Deviation
10.11.01 e.	The buffer shall run the entire length of the abutting lot line(s) and shall be maintained in such a manner as to accomplish its purpose continually. Under no circumstances shall this buffer impair vehicular flow and shall be part of the yard requirements.	Waiver/Deviation
Article 16	Signs	Waiver/Deviation
Article 17	Sexually Oriented Establishments	Waiver/Deviation

Old Towne Commons PUD / Master Plan Waiver & Deviation List

Subdivision Regulations - Effective 10/24/2022

3.20.02 *Planned Unit Developments. A comprehensive group development including the large-scale construction of housing units together with necessary drives and ways of access, may be approved by the Planning Commission although the design of the project does not include standard width of streets, lots and other subdivision arrangements if the departure from the required standards contained herein can be made without destroying their intent. A master plan for such comprehensive group development shall be submitted to the commission for approval, provided that approval of the master plan shall not constitute approval of individual plats for phased development of the master plan over a period of years.*

Section Number	Regulation Language	NOTE
3.12.04	If the City Planner finds that any proposed preliminary plat substantially deviates from the approved master plan, a revised master plan must be approved by the Planning Commission prior to approval of further plats within the development. Examples of a substantial deviation includes an increase in the overall lot density; change in number of entrances, connections, or stub outs; decrease in proposed open space or amenity areas.	Waiver/Deviation
3.14.01	Installation of Improvements - Upon the installation of all required improvements, and prior to the submission of an application for Final Plat Approval, the developer or owner shall request final inspection from the City of Bay Minette, and any applicable Baldwin County or State officials. Final Inspection Reports shall be submitted at the time of application for Final Plat Approval. No lot may be sold, or utilities extended to, or connected with, any subdivision of land, as defined herein until the Final Plat has been approved by the Planning Commission. Before the Final Plat is approved, the applicant must complete all improvements required by these Regulations or provide a financial guarantee of performance of the same as provided for in Article 6 Construction and Maintenance of Improvements. All public improvements must be dedicated to the City free and clear of all liens and encumbrances.	Waiver/Deviation
3.16.04.01	The subdivider shall be responsible for the full installation of all required minimum improvements in the proposed subdivision prior to the submission of a final plat application to the Planning Commission. In lieu of full installation of minimum improvements, after no less than ninety percent (90%) of the minimum improvements have been installed, a developer may issue a financial guarantee with surety to the City ensuring that the remaining minimum improvements shall be completed.	Waiver/Deviation
3.16.05.02	The Street Maintenance Bond period shall begin upon the acceptance of the street and drainage improvements by resolution of the City Council. No less than thirty (30) calendar days prior to the expiration of said maintenance bond, an inspection shall be conducted by an Engineer designated by the City to ensure that the improvements are in satisfactory condition prior to acceptance.	Waiver/Deviation
4.02.01	Blocks must generally be wide enough to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to expressways, arterials, railroads, or waterways where single-tier lots are required to separate residential development from vehicular traffic or non-residential uses, or other physical barriers to development as approved by the Commission.	Possible Waiver/Deviation
4.02.02	The lengths, widths and shapes of blocks must be appropriate for the type of development contemplated. Block lengths in residential developments may not exceed 1,500 feet nor be less than 500 feet in length. To the degree practicable, blocks along arterial streets must be at least 1,000 ft in length and blocks along collector streets must be at least 600 ft in length.	Possible Waiver/Deviation
4.02.03	In long blocks, the Commission may require an easement through the block to accommodate utilities, drainage facilities and pedestrian use. Pedestrian passages, within an easement not less than ten feet wide, may be required by the Commission through the center of blocks longer than 800 feet where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.	Possible Waiver/Deviation
4.03.02	Lot dimensions must conform to the requirements of the Zoning Ordinance and the applicable zoning district. In areas not served by sanitary sewer, lot sizes shall meet the requirements of the Health Department. In such cases where requirements conflict, the larger requirement shall govern.	Waiver/Deviation
4.03.03	Each lot must front on an existing or proposed street having a right-of-way at least 50 feet wide.	Possible Waiver/Deviation
4.03.04	All lots shall have a minimum frontage width as indicated in the Zoning Ordinance for the applicable zoning district. All lots at the end of a cul-de-sac must have sufficient frontage so that the lot width at the front building line meets the minimum requirements of the Zoning Ordinance. On irregularly shaped lots, a minimum street frontage of 30 feet is required. An "irregularly shaped lot" includes any lot located on a cul-de-sac or abutting a curved section of a roadway with a centerline radius of less than 200 feet.	Waiver/Deviation

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3.20.02 *Planned Unit Developments. A comprehensive group development including the large-scale construction of housing units together with necessary drives and ways of access, may be approved by the Planning Commission although the design of the project does not include standard width of streets, lots and other subdivision arrangements if the departure from the required standards contained herein can be made without destroying their intent. A master plan for such comprehensive group development shall be submitted to the commission for approval, provided that approval of the master plan shall not constitute approval of individual plats for phased development of the master plan over a period of years.*

Section Number	Regulation Language	NOTE
4.03.07	Double frontage lots must be avoided, except where essential to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation. A planted buffer at least ten feet wide and across which there may be no right of access must be provided along the line of double frontage lots abutting an arterial street.	Waiver/Deviation
4.05.01	Streets should intersect as nearly at right angles as possible, with minimum design in accordance with Table 4-4. The design of all intersections involving Major Streets shall be subject to the approval of the City, State or County Engineer, whichever jurisdiction is applicable. For other streets, the proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom.	Possible Waiver/Deviation
4.06.03	If the adjacent property is undeveloped, the right-of-way to be continued must extend to the property line and a temporary turnaround must be provided. The temporary turnaround must comply with the dimensional requirements for turnarounds in 4.12 Cul-De-Sacs. The area necessary for the temporary turnaround outside the normal right-of-way must be contained within an easement that will automatically dissolve when the street is extended and approved by the City. The Commission may limit the length of such temporary dead-end streets in accordance with 4.12 Cul-De-Sacs. The paving or improvement of right-of-way to the boundary with the adjoining property may not be required. The intent is that paving and utilities be extended far enough to serve the subdivision lots; and the right-of-way and/or easements extended so that streets and utilities can be extended into adjoining property as needed.	Waiver/Deviation
4.12.01	For the purposes of these standards, the length of a dead-end street is measured from the centerline of the street from which it takes access to the center of the turnaround at the end of the dead-end street, or in the absence of a turnaround to the end of the pavement.	Possible Waiver/Deviation
4.12.02	Vehicular turnarounds are required as follows: 1) Dead end streets of 151-600 ft in length must have a cul-de-sac turnaround unless a hammerhead or similar turnaround is approved by the City Planner and Fire Inspector for dead end streets with low traffic volumes. 2.) Dead end streets, regardless of whether a turnaround is provided, shall not exceed 600 ft in length. 3) Cul-de-sacs must terminate with a roadway diameter of not less than 120 ft. To reduce increases in stormwater runoff, a planted circle may be installed with a mountable curb and low maintenance plants at the center of the cul-de-sac. The circle must be dimensioned to accommodate fire apparatus as approved by the City Planner and Fire Inspector.	Possible Waiver/Deviation
4.17.08.06	Pedestrian passages may be required to provide access across the depth of a block that exceeds 600 ft in length.	Possible Waiver/Deviation
4.17.09.01	Cul-de-sacs within medium or high-density residential subdivisions may be required to provide a permanent pedestrian passage to nearby streets or community destinations. In determining whether a passage should be required, the Commission considers the degree to which the passage would increase the safety and convenience of pedestrians in reaching such destinations compared to other pedestrian routes within the subdivision.	Possible Waiver/Deviation
4.17.09.03	Where required, pedestrian passages must be provided as follows: 1.) The easement or right-of-way containing the passage must be at least ten feet (10') wide and the improved walkway must be at least five feet (5') wide in residential areas and six feet (6') wide in nonresidential areas. The design and surface material of the passage must be approved by the Planning Commission. 2.) If located in a right-of-way, the passage is subject to acceptance by the City. 3.) If located within a private easement, the Subdivider or property owners' association is responsible for maintenance.	Possible Waiver/Deviation
5.02.05	Sidewalks shall be constructed by the developer prior to final plat approval.	Waiver/Deviation
Section 6.01	Installation Of Required Improvements. The subdivider/developer shall be responsible for the provision of all required improvements to the subdivision/development. This may be accomplished by either the full installation of all required improvements by the developer at the time the Final Plat is to be submitted to the Planning Commission, or by the provision of a financial guarantee of performance.	Waiver/Deviation

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Section Number	Regulation Language	NOTE
6.01.01	Provisional final approval can be given by the Planning Commission under extenuating circumstances, provided that a financial guarantee in the form of a surety bond shall be given in the amount equal to one hundred fifty percent (150%) of the cost as estimated by an independent source of installing all improvements, including grading, paving of the streets, and installation of all required utilities, and fees encountered during execution of improvements. The cost estimate for all remaining civil improvements shall be certified and submitted by the design engineer with the application for final plat approval; a cost estimate of any remaining landscaping improvements must be certified and submitted by the professional landscape architect with the application for final plat approval and the financial guarantee.	Waiver/Deviation