



# City of Bay Minette

## Planning Commission

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

### AGENDA

June 13, 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 May 9, 2024, Regular Meeting
- 5.) Disclosure of Prior Communications and/or Conflicts of Interest
- 6.) Old Business
  - a.) SP-24001, Abundant Life Christian Center, Inc. Site Plan Application
- 7.) New Business
  - a.) CU-24002, Gulf Regional Early Childhood Services, Inc. Site Use Application  
*Disclosure of Prior Communications and/or Conflict of Interest*  
**Request:** Planning Commission Use Approval for a Child Daycare Learning Center  
**Location:** 2420 South US Hwy 31, PIN: 56574
  - b.) SD-24007, Magnolia Crossing Final Plat **\*\*Public Hearing\*\***  
*Disclosure of Prior Communications and/or Conflict of Interest*  
**Request:** Preliminary and Final Plat Approval for a 3-lot Minor Subdivision  
**Location:** East side of Armstrong Ave. at the intersection of W. 2<sup>nd</sup> Street, PIN: 36536
  - c.) Z-24002, Honeycut Creek Cottages PUD **\*\*Public Hearing\*\***  
**Request:** Planned Unit Development Zoning Amendment for 181-lot subdivision  
**Location:** North side of W 7<sup>th</sup> Street, PINs: 35327 & 36573
  - d.) SD-24009, Honeycut Creek Cottages PUD Master Plan **\*\*Public Hearing\*\***  
*Disclosure of Prior Communications and/or Conflict of Interest*  
**Request:** Master Plan Approval of a 181-lot PUD/Subdivision  
**Location:** North side of W 7<sup>th</sup> Street, PINs: 35327 & 36573
  - e.) RA-24001, Minor Amendments to Subdivision Regulations **\*\*Public Hearing\*\***
  - f.) Updates & Upcoming Cases
- 8.) Reports & Comments
  - a.) Mayor/Council/Administration
  - b.) Attorney
  - c.) Commissioners
  - d.) Planning Staff
  - e.) Citizen Comments
- 9.) Adjournment

**\*\*Next Regular Meeting – July 11, 2024\*\***



## Bay Minette Planning Commission Regular Meeting Minutes

Minutes May 9, 2024

Monthly Meeting No. 5

The City of Bay Minette Planning Commission met in Regular Session on Thursday, May 9, 2024. The meeting was called to order at 8:06 a.m. by, Vice-Chairman Neal Covington, 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 8:00 a.m. the following members were present, and a quorum established:

Neal Covington, Vice-Chairman  
Earl Emmons, Commission Member  
William Taylor, City Council/Commission Member  
Hiram Templeton, Commission Member  
Ray Clark, Commission Member

**Commission Members absent:**

Todd Stewart, Chairman  
Robert A. "Bob" Wills, Mayor  
Rob Madison, Building Official/Commission Member

**Commission Members late:**

None

**Other persons in regular attendance:**

Clair Dorough, City Planner  
Paula Bonner, Planner Associate  
Tammy Smith, City Administrator  
Steven Stewart, Fire Inspector  
Lauren Collinsworth, Attorney  
Melissa Hadley, GMC Consultant  
Kristina Pittman, North Baldwin Chamber of Commerce

**GUESTS**

Marcus McDowell, *(City Acting Attorney for SD-24008)*  
Brandon Bailey, *(SD-24008, Quinley Oaks Subdivision representative)*  
Anthony DeLaFosse, *(SD-24008, Quinley Oaks Subdivision representative)*  
Mike Phillips, *(SD-24008, Quinley Oaks Subdivision representative)*  
Tymon Wallace, *(SP-24001, Abundant Life Christian Center representative)*  
Fred McLaughlin, *(Z-24002, Honeycut Creek Cottages PUD representative)*

**INVOCATION** Commission Member Taylor presented the invocation, followed by the pledge.

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

**ITEM 4.** Approval of the Minutes of the April 11, 2024, Regular Meeting.

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

**ITEM 5. Disclosure of Prior Communications and/or Conflicts of Interest:**  
Vice-Chairman Covington disclosed TPQ, LLC (SD-24008) was a client of his accounting firm and he would be abstaining from voting.

Attorney Collinsworth disclosed TPQ, LLC (SD-24008) was a client of her law firm, therefore she will recuse herself from the case and Marcus McDowell will act as the City's Legal Counsel in her absence.

**ITEM 6. Old Business**  
None

**ITEM 7. New Business**

**a.) Election of Chairman and Vice-Chairman for 2024-2025**

Vice-Chairman Covington opened the floor for nominations for Chairman. Commission Member Clark made a motion to nominate Todd Stewart to remain as Chairman. Commission Member Emmons seconded the motion. As there were no more nominations, Vice-Chairman Covington closed the floor for nominations for Chairman. Commission members voted unanimously to re-elect Todd Stewart as Chairman.

Vice-Chairman Covington opened the floor for nominations for Vice-Chairman. Commission Member Emmons made a motion to nominate Neal Covington to remain as Vice-Chairman. Commission Member Templeton seconded the motion. As there were no more nominations, Vice-Chairman Covington closed the floor for nominations for Vice-Chairman. Commission members voted unanimously to re-elect Neal Covington as Vice-Chairman.

**b.) SP-24001, Abundant Life Christian Center, Inc. Site Plan Approval Request to Construct a New Fellowship Hall**

Vice-Chairman Covington introduced the case and asked for a recap of the previous meeting. Mrs. Dorough gave a brief overview of the application noting that the Minor Subdivision Application SD-24003, to combine five (5) lots into one (1) lot was approved at the April 11, 2024, Planning Commission meeting. The combination of the lots was necessary for the proposed new fellowship hall to meet setbacks.

Mrs. Bonner presented the case and reported a wetland delineation and ADEM permit were submitted, however site calculations in square feet for the front and side yard landscaping, off-street parking area, and parking landscape were not submitted with the application. A buffer for residential use across Daphne Road as well as the square foot dimensions for each parking space were also not provided.

Mrs. Bonner reported that Staff Recommendation for Case SP-24001, Abundant Life Christian Center, Inc. Site Plan Approval Request to construct a new Fellowship Hall was for Approval with the following Conditions:

1. Submittal of existing and proposed site calculations for front and side yard landscaping.
2. Submittal of required ten foot (10') wide buffer along Daphne Road.
3. Submittal of existing sanctuary seating to determine required total off-street parking.
4. Submittal of existing and proposed total off-street parking calculations in square feet.
5. Submittal of the square feet and dimensions of each proposed parking space.
6. Any signage will require a sign permit prior to construction/installation to review compliance with full sign ordinance.

After staff's presentation, the Planning Commission began a discussion on the following items:

- The existing fellowship hall which has irreparable foundation damage and will be demolished.
- The new location of the proposed fellowship hall, which will be behind the sanctuary.

- Concerns regarding the amount of conditions/missing submittal items.
- The conditions/missing information were described as submitted; however, the data was either not in the correct data form or not to the City standards.

Commission Member Clark made a motion to table the item until that application is complete. Commission Member Emmons seconded the motion and carried unanimously. Mr. Tymon Wallace was present to represent the applicant. Mr. Wallace asked the commission not to table the application, however, after discussion between Mr. Wallace and commission members regarding conditional approval verses tabling the request, the motion to table remained. Mrs. Dorrough stated if all documentation is submitted, the application can be heard at the June 13, 2024, meeting under Old Business.

**c.) SD-24008, TPQ, LLC Quinley Oaks Subdivision - Preliminary Plat Approval** *\*\*Reviewed concurrently with Item #7 (d.)*

**d.) SD-24008, TPQ, LLC Quinley Oaks Subdivision – Final Plat Approval** *\*\*Reviewed concurrently with Item #7 (c.)*

Lauren Collinsworth recused herself as legal counsel and left the room as TPQ, LLC is a client of her firm. Marcus McDowell acted as legal counsel for the City of Bay Minette in Mrs. Collinsworth's absence. Vice-Chairman Covington stated TPQ, LLC is a client of his accounting firm as well. Mr. McDowell advised Vice-Chairman Covington that as the acting chair he will not vote or participate in discussions therefore he can continue to conduct the meeting.

Mrs. Dorrough presented the case pointing out that although the applicant has requested concurrent Preliminary and Final Plat, separate public hearings and motions are required for each plat, and that Final Plat review and approval is contingent upon the approval of Preliminary Plat. Mrs. Dorrough stated that this application is a revised submittal from the previous subdivision application, SD-24004 which was heard at the March 14, 2024, Planning Commission meeting. During the March meeting the preliminary plat approval request was tabled due to the proposed access on West Railroad Street which is not City-owned or maintained, and the final plan approval request was withdrawn prior to the presentation by the applicant.

Mrs. Dorrough described the revised plat as a 14-lot single family residential Major Subdivision which will be accessed via 50' private drives that connect to Quinley Street, adding that the applicant has not submitted construction plans. The applicant has requested to contribute to the City sidewalk fund instead of constructing sidewalks. Mrs. Dorrough also reported comments received from Baldwin County E-911, the City of Bay Minette Public Works Department, and the City of Bay Minette Fire Department.

Mrs. Dorrough reported Staff Recommendation for Quinley Oaks Preliminary Plat be approved with the condition that the plat be revised and plans submitted addressing the following comments and deficiencies:

1. Preliminary Plat be revised to identify the private streets and include a statement that private streets are not subject to City maintenance;
2. Preliminary Plat be revised to the satisfaction of Baldwin County E-911, including the addition of private drive names;
3. Preliminary Plat be revised to the satisfaction of the Bay Minette Fire Department regarding fire apparatus access;
4. Preliminary Plat be revised to the satisfaction of Bay Minette Publics regarding the propose culvert;
5. Preliminary Plat be revised to meet the requirements for Preliminary Plat Content;



6. Preliminary Plat be revised to incorporate sidewalks within the development as required *Section 4.17.04*.
7. Construction Plans submitted addressing the deficiencies noted by staff for review by the City Engineer and approved by City staff.

After staff's presentation, the Planning Commission began a discussion on the following items:

- Concerns regarding the amount of conditions/missing submittal items.
- Preliminary and final plats submitted with no construction plans.
- The difference between subdivision and site plan applications.
- The size and location of the apparatus access and the effect of revisions to setbacks.
- The location of an existing fire hydrant and existing power lines.
- Update of meetings with CSX regarding possible maintenance agreement on West Railroad.
- The length of the proposed private streets and setbacks.
- The possibility of Alabama Power moving the existing power lines.

*Vice-Chairman Covington opened the Public Hearing for Case Item 7 (c.) SD-24008, Preliminary Plat Approval at 8:48 a.m.*

**Public Comments:**

- Brandon Bailey, surveyor for the project, commission members and staff discussed the location of the existing fire hydrant and powerlines as in utility easements and effects of individual privacy fences on proposed lots, and requirements for location and size of fire apparatus access.
- Mike Phillips with TPQ, LLC commented on the rear yard and utilities.

*Vice-Chairman Covington closed the Public Hearing for Case Item c.) SD-24008, Preliminary Plat Approval at 8:59 a.m.*

Commission Member Templeton made a motion to approve the Preliminary Plat application with conditions recommended by staff, adding that the applicant can request Alabama Power to move the existing power lines. Commission Member Emmons seconded the motion and carried unanimously.

Mrs. Dorough stated that the Final Plat submitted is the same as the Preliminary Plat submitted and added that no Construction Plans were submitted. She further explained the Subdivision Regulations requiring that the Final Plat must conform substantially to the approved Preliminary Plat. Based on the number of conditions requiring revisions to the Preliminary Plat that would deviate from the presented Final Plat, as well as a lack of required construction plans that should also reflect the revisions to the Preliminary Plat, Mrs. Dorough reported Staff Recommendation for Case SD-24008, Quinley Oaks request for **Final Plat Approval be Denied**.

*Vice-Chairman Covington opened the Public Hearing for Case Item d.) SD-24008, Final Plat Approval at 9:14 a.m. As there were no requests to speak, Vice-Chairman Covington closed the Public Hearing at 9:14 a.m.*

**Discussion items:**

- The purpose of final plats in relation to preliminary plats.
- The purpose of construction plans.
- Action options for the Planning Commission to take.

Commission Member Clark made a motion to Deny the Final Plat application due to the deficiencies and lack of construction plans noted by staff. William Taylor seconded the motion and it unanimously carried. Mrs. Dorough asked that it be noted that Vice-Chairman Covington did not vote.

Lauren Collinsworth returned to the room and resumed her place as legal counsel for the City of Bay Minette.

**e.) RA-24001, Minor Amendments to Subdivision Regulations *\*\*Discussion Only\*\****

Mrs. Dorough explained the item is discussion only for proposed minor amendment prior to public hearings. The proposal will include a few definition additions and the correction of some of the numbering, but the primary reason for the amendment is for Section 3.17.03.01 relating to Exempt Subdivisions regarding the reconfiguration of common lot lines. The proposal changes the wording from *"All exempt subdivisions shall consist of three (3) or less lots"* to *"The final configuration of all exempt subdivisions shall consist of three (3) or less lots"* and described the reasons for the proposals. There were no comments from the commission. Mrs. Dorough stated the proposed amendment is planned to be on the next Planning Commission agenda.

**f.) Z-24002, Honeycutt Creek Cottages PUD \* *Discussion Only* \*\***

Mrs. Dorough stated that Melissa Hadley will change her role from City Engineering Consultant to applicant for this discussion. Mrs. Dorough said the proposal is for a 181-lot residential subdivision and the primary discussion is regarding the proposed 40' lot widths, described the proposed lots sizes and density, adding that the applicant has requested a work session prior to the June Planning Commission Meeting. Mrs. Dorough also reminded commission members that this item is for discussion only. Mrs. Hadley began her presentation of the proposal acting as the applicant, not as a representative of the City of Bay Minette.

Discussion items:

- The uses and zoning in the area and the proposed transition from commercial/industrial to the higher density single-family residential use.
- The lot sizes, setbacks, proposed square feet of lots, and density.
- The need for attainable housing and the cost of development.
- Proposed 60' public streets, sidewalks, open spaces, buffers and drainage.
- Road connections to parcels to the west with no public access.
- Fire code, zoning, and PUD standards, and the changing needs.
- Examples of proposed houses exteriors.
- A work session for Honeycutt Cottages PUD was scheduled for Thursday, May 30<sup>th</sup> at 8:00 a.m.

**g.) Updates & Upcoming Cases**

- Pre-Application meeting in April for Site Use Approval for a Daycare Facility.
- Proposed Minor 3-lot Subdivision on Armstrong. Avenue.
- Pre-Application meeting in April for Site Plan Approval for the addition of two (2) new storage units.
- Jessie Peed is no longer with the City of Bay Minette.
- Location of agenda information on the City of Bay Minette website.

**ITEM 8. Reports**

- a.) Mayor/Council Report – Mrs. Smith reported on the Crawfish Bash, a potential restaurant in Bay Minette, and Ladies Night Out.
- b.) Attorney - None
- c.) Commissioner – None
- d.) Planning Staff – None
- e.) Public Comment – Mrs. Pittman reported on past and upcoming local Chamber events.

**ITEM 9.** With no further business, Vice Chairman Covington adjourned the meeting at 10:06 am.

DONE THIS THE 9<sup>TH</sup> DAY OF MAY 2024

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Vice-Chairman, Neal Covington

ATTEST:

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Paula Bonner, Planner Associate

**Motion Summary:**

**Item 4.) Approval of the April 11, 2024, Regular Meeting Minutes:**

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

**Item 7. (a) Election of Chairman and Vice-Chairman for 2024-2025:**

Commission Member Clark made a motion to nominate Todd Stewart to remain as Chairman. Commission Member Emmons seconded the motion. As there were no more nominations, Vice-Chairman Covington closed the floor for nominations for Chairman. Commission members voted unanimously to re-elect Todd Stewart as Chairman.

Commission Member Emmons made a motion to nominate Neal Covington to remain as Vice-Chairman. Commission Member Templeton seconded the motion. As there were no more nominations, Vice-Chairman Covington closed the floor for nominations for Vice-Chairman. Commission members voted unanimously to re-elect Neal Covington as Vice-Chairman.

**Item 7. (b) SP-24001, Abundant Life Christian Center Inc:**

Commission Member Clark made a motion to table the item until that application is complete. Commission Member Emmons seconded the motion and carried unanimously.

**Item 7. (c) SD-24008, TPQ, LLC – Quinley Oaks Subdivision Preliminary Plat:**

Commission Member Templeton made a motion to approve the Preliminary Plat application with conditions recommended by staff, adding that the applicant can request Alabama Power to move the existing power lines. Commission Member Emmons seconded the motion and carried unanimously.

**Item 7. (d) SD-24008, TPQ, LLC – Quinley Oaks Subdivision Final Plat:**

Commission Member Clark made a motion to Deny the Final Plat application due to the deficiencies and lack of construction plans noted by staff. William Taylor seconded the motion and it unanimously carried. Mrs. Dorough asked that it be noted that Vice-Chairman Covington did not vote.



# City of Bay Minette

## Planning & Development Services

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

Planning Commission Meeting  
 June 13, 2024

### SP-24001, Abundant Life Church - Fellowship Hall

#### Original Property Details

PID	PIN	Size	Zoning
05-23-05-16-1-003-015.002	222237	.38 ± acres	R-3, Higher Density Single Family Residential District
05-23-05-16-1-003-015.000	72605	.52 ± acres	R-3, Higher Density Single Family Residential District
05-23-05-16-1-003-016.000	12565	.1 ± acres	R-3, Higher Density Single Family Residential District
05-23-05-16-1-003-016.001	222248	.9 ± acres	R-3, Higher Density Single Family Residential District
05-23-05-16-1-003-016.002	273813	3.3 ± acres	R-3, Higher Density Single Family Residential District

On May 9, 2024, the City of Bay Minette Planning Commission reviewed Case No. SP-24001, Abundant Life Church – Fellowship Hall request for property located at 541 Daphne Rd, specifically identified above containing approximately 5.2± acres. The Planning Commission voted unanimously to table the request until the Site Plan is revised detailing the following conditions:

1. Submittal of existing and proposed site calculations for front and side yard landscaping. - **Submitted for review 5/21/24.**
2. Submittal of required ten foot (10') wide buffer along Daphne Road. - **Submitted for review 5/21/24.**
3. Submittal of existing sanctuary seating to determine required total off-street parking. - **Submitted for review 5/21/24.**
4. Submittal of existing and proposed total off-street parking calculations in square feet. - **Submitted for review 5/21/24.**
5. Submittal of the square feet and dimensions of each proposed parking space. - **Submitted for review 5/21/24.**
6. Any signage will require a sign permit prior to construction/installation to review compliance with full sign ordinance.

Revised Site Calculations per May 21, 2024:

SP-24001, Abundant Life Fellowship Hall Site Calculations			
Subject Property Site Totals	203,191 ±ft <sup>2</sup>	4.66 ± acres	
Site Use/Type	±Square Footage	Lot Coverage	Notes
Existing Structure(s)	5,328 ±ft <sup>2</sup>	2.62%	Existing Sanctuary
Proposed Structure(s)	5,201 ±ft <sup>2</sup>	2.56%	New Fellowship Hall
<b>Total Building Coverage</b>	<b>10,529 ±ft<sup>2</sup></b>	<b>5.18%</b>	
Existing Impervious Surface	14,327 ±ft <sup>2</sup>	7.05%	Driveways, Sidewalks and Parking Areas
Additional Impervious Surface	41,856 ±ft <sup>2</sup>	20.60%	
<b>Total Impervious Surface</b>	<b>66,712 ±ft<sup>2</sup></b>	<b>32.83%</b>	
<b>TOTAL Required Landscaped Minimum</b>	<b>30,479 ±ft<sup>2</sup></b>	<b>15.00%</b>	
TOTAL Existing Landscaped Area	4,255 ±ft <sup>2</sup>	2.09%	
TOTAL Proposed Landscaped Area	14894 ±ft <sup>2</sup>	7.33%	
TOTAL Proposed Open Space/Natural Areas	32729 ±ft <sup>2</sup>	16.11%	
<b>Required Front/Side Yard Landscaping</b>	<b>10,159.55 ±ft<sup>2</sup></b>	<b>5.00%</b>	Not including parking areas
Existing Front/Side Yard Landscaping	- ±ft <sup>2</sup>	0.00%	See Proposed
Proposed Front/Side Yard Landscaping	15220 ±ft <sup>2</sup>	7.49%	Existing/Proposed Combined
Total Off-Street Parking Area	16115 ±ft <sup>2</sup>	7.93%	
<b>Required Parking Landscaped Minimum</b>	<b>1611.5 ±ft<sup>2</sup></b>	<b>10.00%</b>	*10% of Total Off-Street Parking Area
Proposed Parking Landscaped Area*	810 ±ft <sup>2</sup>	0.40%	*Only landscaped areas ≥ 90ft <sup>2</sup>
<b>Total Landscaped/Open Space Provided</b>	<b>51,878 ±ft<sup>2</sup></b>	<b>25.53%</b>	



# City of Bay Minette

## Planning & Development Services

### PLANNING COMMISSION SITE PLAN - COMMISSION USE REQUEST

Planning Commission Meeting Date: June 13, 2024

Case Number: CU-24002

### SUMMARY INFORMATION

**Project Name:** Gulf Regional Early Childhood Services, Inc.  
**Property Location:** 2420 South US Highway 31  
**Property PID/PPIN:** 05-23-08-28-4-000-018.000 // 56574  
**Property Size:** 0.96± acres

**Requested Action:** Planning Commission Approval for a Child Daycare Learning Center  
**Applicant:** David Lindsey, Architect  
**Owner:** Gulf Regional Early Childhood Services, Inc.

Subject Property	Zoning	Existing Land Use
CU-24002	B-2	Vacant Structure, Former Fireworks Sales
Adjacent Property	Zoning	Existing Land Use
North	B-2	Vacant Single-Family Dwelling
South	B-2 / M-1	Vacant Commercial / Industrial Lot
East	B-2	Commercial Lot Currently Graceland Portable Sheds
West	M-1	Industrial Warehouse, Storage

### SITE AND REQUEST SYNOPSIS

The subject site is a 41,990 ± square foot (0.96± acre) parcel with an existing 9426± square foot vacant commercial structure. The site is zoned B-2, General Business District and located at 2420 South US Highway 31. The vacant structure was formerly used as a fireworks sales store. The applicant would like to renovate the building for use as a Child Daycare Learning Center. 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
Kindergarten, playschool or day care center, public or private, provided that all activities are carried on in an enclosed building or fenced yard and that all applicable federal, state and local requirements are met					S		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 - Responded - no comments.  
 Baldwin County E-911 - No comments received.

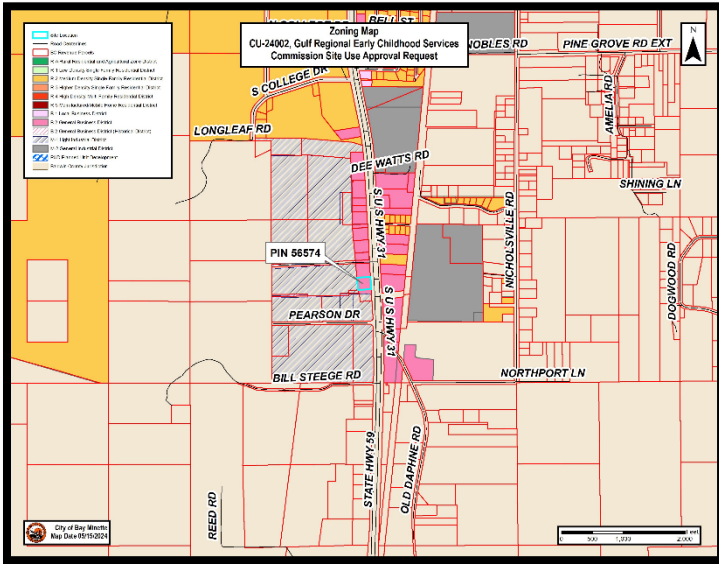
Alabama Department of Transportation - See email correspondence from ALDOT below.

Good morning,  
 As per our conversation, we may be able to achieve an acceptable IN and Right-out Only access flow. Each existing access footprint will have to be adjusted or relocated to be suitable. The southern (proposed right-out only) will need to be pushed farther south and be designed as a curved right-out lane. Send me any concept you would like and I will comment on it to try and reach a conceptual plan acceptable to ALDOT for this site and usage. Thank you.

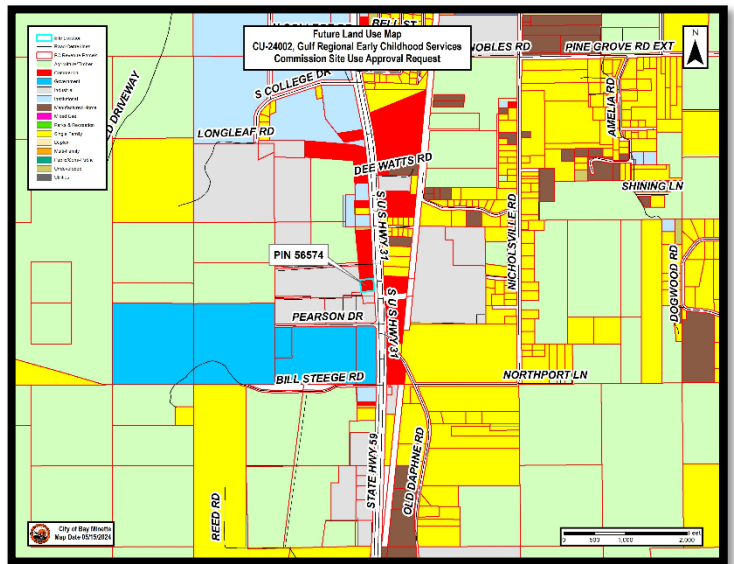
**MICHAEL SMITH, P.E.**  
 AREA PERMIT MNGR.  
 OFFICE: 251-470-8273  
 CELL: 251-331-0104

**MAPPING**

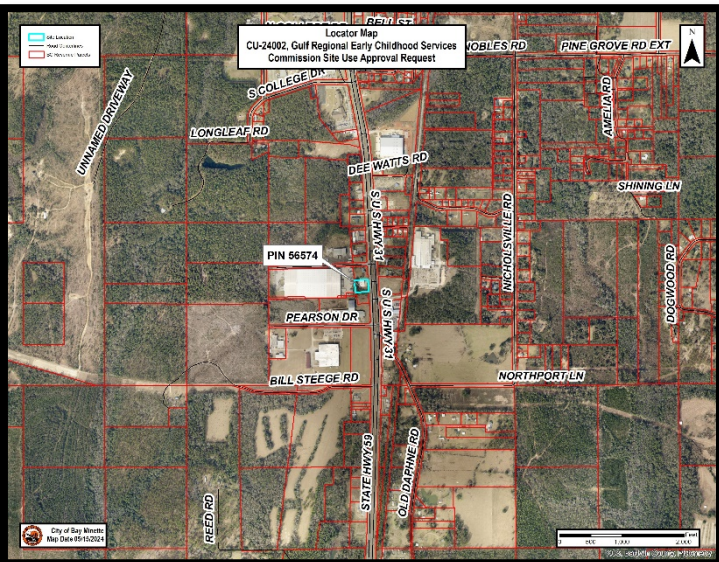
Zoning Map



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 South US Highway 31, a principal arterial road which is regulated by the Alabama Department of Transportation (ALDOT). The applicant has been in correspondence with Michael Smith, P.E. of ALDOT regarding access requirements/permits. Mr. Smith has provided a copy of an email he sent to the applicant on May 16, 2024, concerning access to the site required by ALDOT is attached.

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

As this is an existing vacant structure 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.

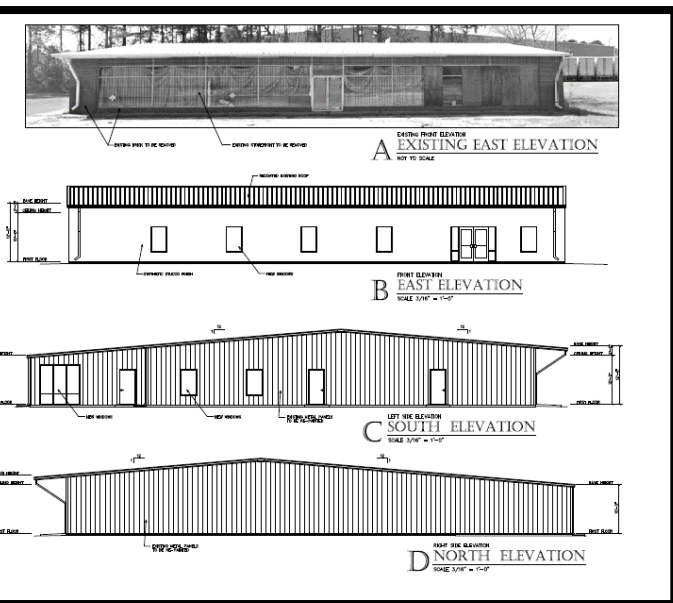
**3.) Is the Location and Site Plan appropriate with fire and police protection?**

There were no comments submitted from Bay Minette Police Department, Bay Minette Fire Department, Public Works, Baldwin County E-911 Addressing, 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.

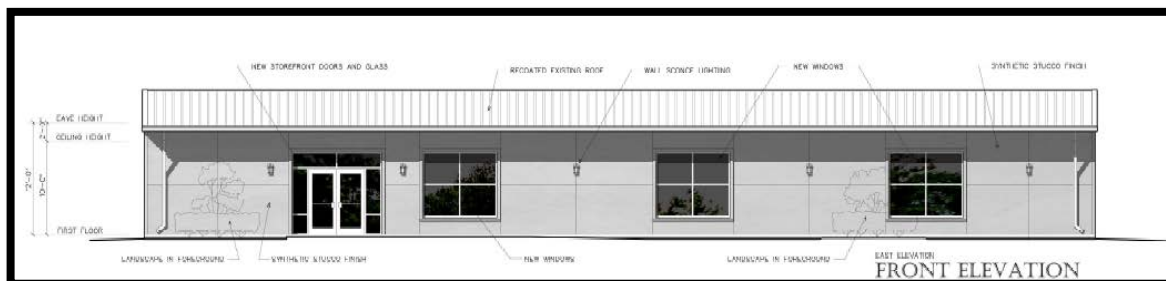
**5.) Other matters which may be appropriate in relation to Section**



**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 receive approval from the Alabama Department of Transportation for access to South US Highway 31.

**6.) 9.02**

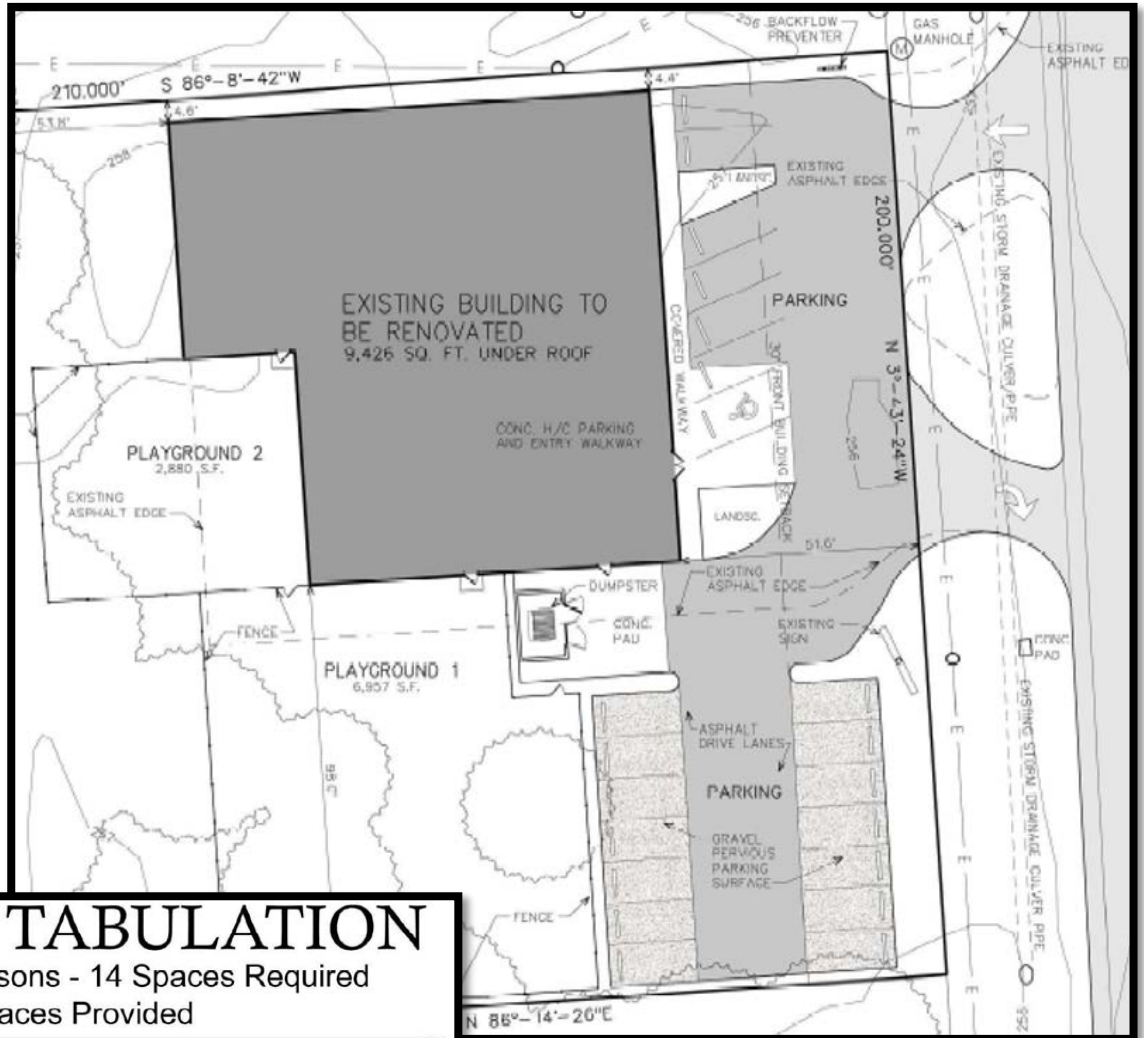


**STANDARDS AND IMPROVEMENT REQUIREMENTS**

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 or 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.

Parking Schedule 9.02.03



## PARKING TABULATION

Staff Count 14 Persons - 14 Spaces Required  
21 Spaces Provided

9.02.03.02 Public Assembly	
LAND USE	PARKING REQUIREMENTS
a. Churches or other places of worship	One (1) space for each four (4) seats in the main auditorium or sanctuary.
b. Private clubs, lodges and fraternal buildings not providing overnight accommodations	One (1) space for each 100 square feet of building under roof.
c. Theaters, auditoriums, coliseums, stadiums and similar places of assembly	One (1) space for each four (4) seats.
d. Libraries, museums	One (1) space for each 500 square feet of gross floor area.
e. Schools, including kindergartens, playschools and day care centers	One (1) space for each four (4) seats in assembly hall, or one space for each employee, including teachers and administrators, whichever is greater, plus five (5) spaces per classroom for high school and colleges.
f. Skating rinks, dance halls, exhibition halls, pool rooms and other places of amusement or assembly without fixed seating arrangements	One (1) space for each 200 square feet of floor area.
g. Bowling alleys	Four (4) spaces for each alley.

**10.05 Landscape Requirements**

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

<b>CU-24002, Early Learning Center Site Calculations</b>			
<b>Subject Property Site Totals</b>		<b>41,990 ±ft<sup>2</sup></b>	<b>0.96 ± acres</b>
<b>Site Use/Type</b>	<b>±Square Footage</b>	<b>Lot Coverage</b>	<b>Notes</b>
Existing Structure(s)	9,426 ±ft <sup>2</sup>	22.45%	Existing Sanctuary
Proposed Structure(s)	0 ±ft <sup>2</sup>	0.00%	New Fellowship Hall
<b>Total Building Coverage</b>	<b>9,426 ±ft<sup>2</sup></b>	<b>22.45%</b>	
Existing Impervious Surface	8,102 ±ft <sup>2</sup>	19.30%	Driveways, Sidewalks and Parking Areas
Additional Impervious Surface	263 ±ft <sup>2</sup>	0.63%	
<b>Total Impervious Surface</b>	<b>17,791 ±ft<sup>2</sup></b>	<b>42.37%</b>	
<b>TOTAL Required Landscaped Minimum</b>	<b>6,299 ±ft<sup>2</sup></b>	<b>15.00%</b>	
TOTAL Existing Landscaped Area	0 ±ft <sup>2</sup>	0.00%	
TOTAL Proposed Landscaped Area	2108 ±ft <sup>2</sup>	5.02%	
TOTAL Proposed Open Space/Natural Areas	24199 ±ft <sup>2</sup>	57.63%	
<b>Required Front/Side Yard Landscaping</b>	<b>2,099.50 ±ft<sup>2</sup></b>	<b>5.00%</b>	Not including parking areas
Existing Front/Side Yard Landscaping	- ±ft <sup>2</sup>	0.00%	See Proposed
Proposed Front/Side Yard Landscaping	2108 ±ft <sup>2</sup>	5.02%	Existing/Proposed Combined
Total Off-Street Parking Area	10262 ±ft <sup>2</sup>	24.44%	
<b>Required Parking Landscaped Minimum</b>	<b>1026.2 ±ft<sup>2</sup></b>	<b>10.00%</b>	*10% of Total Off-Street Parking Area
Proposed Parking Landscaped Area*	2,108 ±ft <sup>2</sup>	5.02%	*Only landscaped areas ≥ 90ft <sup>2</sup>
<b>Total Landscaped/Open Space Provided</b>	<b>26,307 ±ft<sup>2</sup></b>	<b>62.65%</b>	

**10.06.04 Greenbelt Zone**

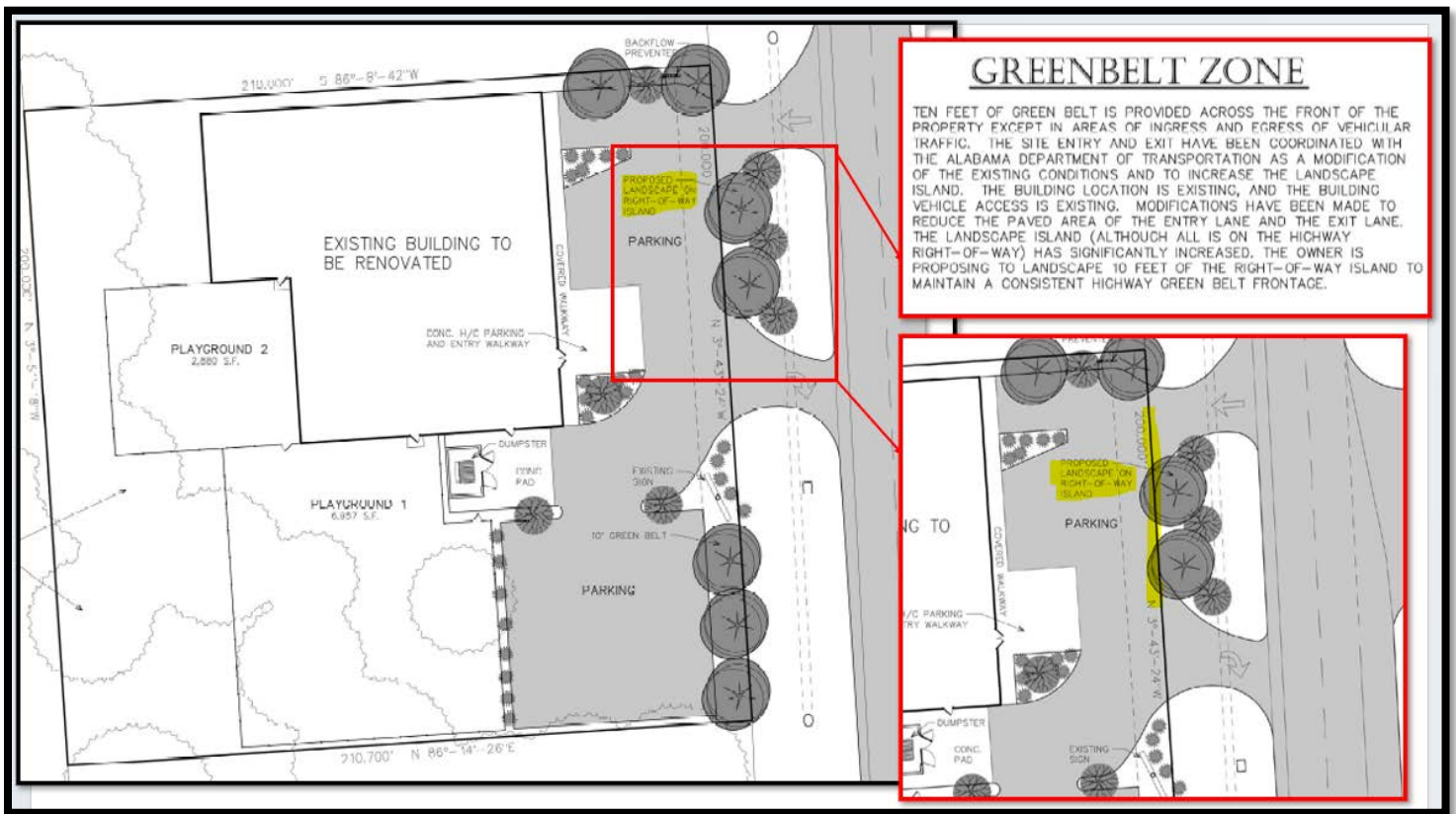
**10.06.04.01** All developments along or abutting the right-of-ways of US Highway 31 South, US Highway 31 North, State Highway 59, State Highway 287, McMeans Avenue, D'Olive Street and North Hand Avenue shall maintain a minimum of ten (10) feet of the required thirty (30) foot setback as a landscaped greenbelt along the entire front width of the property except where curb cuts provided ingress and egress.

**10.06.04.02** If any of the thirty (30) foot front setback is used for parking, said greenbelt shall be in addition to the landscape requirements for parking areas described in Section 10.10 of this Ordinance.

**10.06.04.03** Said greenbelt shall be planted with trees, shrubs, and grass or other ground cover so that an attractive appearance is presented as detailed in the developer's required landscape plan.

**10.06.04.04** The trees shall be shade or flowering trees and shall be at least three and one half (3 ½) inches or greater in caliper and twelve (12) feet in height at planting.

**10.06.04.05** There shall be a minimum of one (1) tree planted for every twenty-five (25) feet or fraction thereof of lot frontage, fifty percent (50%) of which shall be shade trees having a maximum crown of seventy (70) feet.



The applicant is proposing a landscape island located in the South US Highway 31 right-of-way. This right-of-way is regulated by ALDOT (Alabama Department of Transportation) therefore staff does not have the authority to approve that landscape island. The applicant must either submit written approval from ALDOT for a landscape island located in the right-of-way or move it within the property line meeting Section 10.06.04 requirements.

## STAFF RECOMMENDATION

### *Staff Recommendation*

The proposal for interior and exterior aesthetic renovations with no building footprint increase for a change in use to allow a child daycare learning center appears to be compatible with the intent of the Zoning Ordinance with minor impacts on the site. The resurfacing and landscape parking proposed within the property appears to conform to regulations, however the proposed landscape island located in the South US Highway 31 right-of-way is outside our authority and requires written approval from ALDOT. Based on the submitted information and the analysis above, staff recommends that the proposed Commission Use Approval Request for Gulf Regional Early Childhood Services, Inc. be ***Approved with the condition(s) listed below:***

1. Prior to issuing a Building Permit, the applicant shall submit either written approval from ALDOT for the landscape island located in the South US Highway 31 right-of-way **or** submit a revised landscape plan which re-locates that island within property lines and meets Section 10.06.04
2. Any signage will require a sign permit prior to construction/installation to review compliance with full sign ordinance.



## PLANNING COMMISSION ACTION

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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:	24009
SP:	
Fee:	<input checked="" type="checkbox"/> \$300.00 <input type="checkbox"/> \$600.00
Date Paid:	4/25/24
Paid:	<input type="checkbox"/> Cash <input type="checkbox"/> Check
	<input checked="" type="checkbox"/> Credit Card

Applicant Name: David Lindsey, Architect for Gulf Regional Early Childhood Services, LLC Date: 25 April, 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: 8178 Nichols Ave. Ext. Suite C

City: Fairhope State: Alabama Zip Code: 36532

Phone Number: 251-454-7213 Email: lindseyarchitect@yahoo.com

### PROPERTY INFORMATION

Property Address: 2420 U.S. Hwy 31 South, Bay Minette, AL 36507

Or Property Location:

Tax Parcel No.: 05-23-08-28-4-000-018.000 \*PPIN No.: 56574

Request: Use approval for Child Daycare Learning Center in B-2 Zoning

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 or Authorized Agent) *David Lindsey* Date 25 April, 2024

#### 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.



## Paula Bonner

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**From:** Steven W. Stewart  
**Sent:** Wednesday, May 22, 2024 10:35 AM  
**To:** Paula Bonner; AL Tolbert; Jason Padgett; Mike Minchew; Murray Stewart; Rob Madison; Tammy S. Smith  
**Cc:** Clair Dorough  
**Subject:** RE: Commission Use Request - CU-24002, 2420 S. US Hwy 31

No comments for re-zoning.

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

---

**From:** Paula Bonner <Paula.Bonner@CITYOFBAYMINETTEAL.GOV>  
**Sent:** Wednesday, May 22, 2024 9:58 AM  
**To:** AL Tolbert <AL.Tolbert@CITYOFBAYMINETTEAL.GOV>; Jason Padgett <JPadgett@NBUMAIL.COM>; Steven W. Stewart <SWStewart@CITYOFBAYMINETTEAL.GOV>; Mike Minchew <MMINCHEW@CITYOFBAYMINETTEAL.GOV>; Murray Stewart <Murray.Stewart@CITYOFBAYMINETTEAL.GOV>; Rob Madison <Rob.Madison@CITYOFBAYMINETTEAL.GOV>; Tammy S. Smith <TammyS.Smith@CITYOFBAYMINETTEAL.GOV>  
**Cc:** Clair Dorough <Clair.Dorough@CITYOFBAYMINETTEAL.GOV>  
**Subject:** Commission Use Request - CU-24002, 2420 S. US Hwy 31

Good morning,

Please see the attached Commission Use application and site map for property located at 2420 S. US Hwy 31, PIN 56574. The property is currently zoned B-2, General Business District, and the proposed use of the vacant structure is for a Child Daycare Learning Center.

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

Thank you,

***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](http://cityofbayminetteal.gov)  
[Planning & Development Services Department Site](#)



## Paula Bonner

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**From:** Smith, Michael <smithmi@dot.state.al.us>  
**Sent:** Wednesday, May 22, 2024 1:50 PM  
**To:** Paula Bonner  
**Cc:** Clair Dorough  
**Subject:** RE: Commission Use Request - CU-24002, 2420 S. US Hwy 31  
**Attachments:** Early Learning Center US 31 Bay Minette

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

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Good afternoon,

I have attached an email I sent to the architect on the 16<sup>th</sup> concerning access to this site that is required by ALDOT.

**MICHAEL SMITH, P.E.**  
**AREA PERMIT MNGR.**  
OFFICE: 251-470-8273  
CELL: 251-331-0104

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**From:** Paula Bonner <Paula.Bonner@CITYOFBAYMINETTEAL.GOV>  
**Sent:** Wednesday, May 22, 2024 1:34 PM  
**To:** Smith, Michael <smithmi@dot.state.al.us>  
**Cc:** Clair Dorough <Clair.Dorough@CITYOFBAYMINETTEAL.GOV>  
**Subject:** Commission Use Request - CU-24002, 2420 S. US Hwy 31

Please see the attached Commission Use application and site map for property located at 2420 S. US Hwy 31, PIN 56574. The property is currently zoned B-2, General Business District, and the proposed use of the vacant structure is for a Child Daycare Learning Center.

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

Thank you,

**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](http://cityofbayminetteal.gov)

[Planning & Development Services Department Site](#)



**Paula Bonner**

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**From:** Smith, Michael <smithmi@dot.state.al.us>  
**Sent:** Thursday, May 16, 2024 9:44 AM  
**To:** lindseyarchitect@yahoo.com  
**Subject:** Early Learning Center US 31 Bay Minette

Good morning,

As per our conversation, we may be able to achieve an acceptable IN and Right-out Only access flow. Each existing access footprint will have to be adjusted or relocated to be suitable. The southern (proposed right-out only) will need to be pushed farther south and be designed as a curved right-out lane. Send me any concept you would like and I will comment on it to try and reach a conceptual plan acceptable to ALDOT for this site and usage. Thank you.

***MICHAEL SMITH, P.E.***  
***AREA PERMIT MNGR.***  
OFFICE: 251-470-8273  
CELL: 251-331-0104

**CU-24002, Gulf Regional Early Childhood  
Services, Inc. Site Use  
Large Format Plans Submitted Under  
Separate Cover**

**See Exhibit A**





# City of Bay Minette

## Planning & Development Services

### PLANNING COMMISSION STAFF ANALYSIS

Planning Commission Meeting Date: June 13, 2024

Case Number: SD-24007

### APPLICATION SUMMARY

**Project Name:** Magnolia Crossing Subdivision  
**Property Location:** 109 Armstrong Avenue  
**Property PID/PPIN:** 05-23-05-16-2-001-024.000 // 36536  
**Property Size:** 1.12± acres  
**Zoning:** R-2, Medium Density Single Family Residential District

**Proposed Action:** Preliminary & Final Plat Approval for a three lot (3-lot) Minor Subdivision  
**Applicant:** David Lowery Surveying  
**Property Owner:** One Way United LLC

Subject Property	Zoning	Existing Land Use
SD-24007	R-2	Single Family Dwelling
Adjacent Property	Zoning	Existing Land Use
North	R-2	Single Family Dwelling
South	R-2 & B-2	Single-Family Dwelling & Alabama Power
East	R-2 & B-2	Single-Family Dwelling & AutoZone
West	R-2 & B-2	City of Bay Minette Fire Station

### SITE AND REQUEST SYNOPSIS

The subject property consists of approximately 1.12± acres and is located at 109 Armstrong Avenue at the intersection of W 2<sup>nd</sup> Street and Armstrong Avenue, just north of D'Olive Street. The subject site is zoned R-2, Medium Density Single Family Residential District and is surrounded by R-2, Medium Density Single Family Residential District zoning and uses and B-2 General Business District zoning and uses. The Minor Subdivision request is to subdivide the existing parcel into three (3) parcels. The proposed subdivision will result in Lot 1 containing approximately 20,495± square feet (0.47± acres), Lot 2 containing approximately 12,154± square feet (0.28± acres) and Lot 3 containing approximately 16,324± square feet (0.37± acres). There is an existing single-family dwelling and shed on Lot 3, however Lots 1 and 2 are vacant.

### ZONING DISTRICT

#### CURRENT ZONING

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

### DEPARTMENT AND AGENCY COMMENTS

Bay Minette Public Works – No comments received.

Bay Minette Police Department – No comments received.

Bay Minette Fire Department – No comments received.

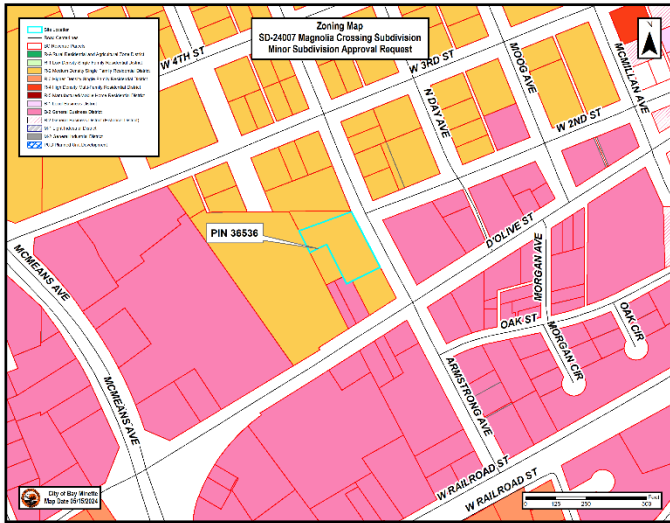
Baldwin County E-911 – No comments received.

ALDOT – N/A

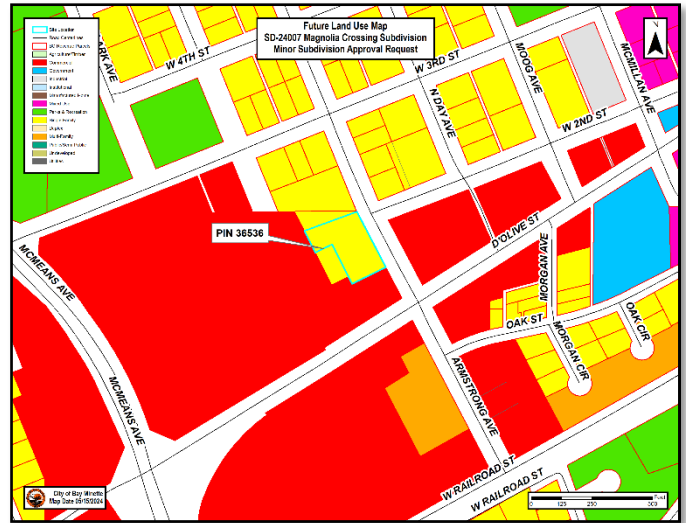
North Baldwin Utilities – No comments received

# MAPPING

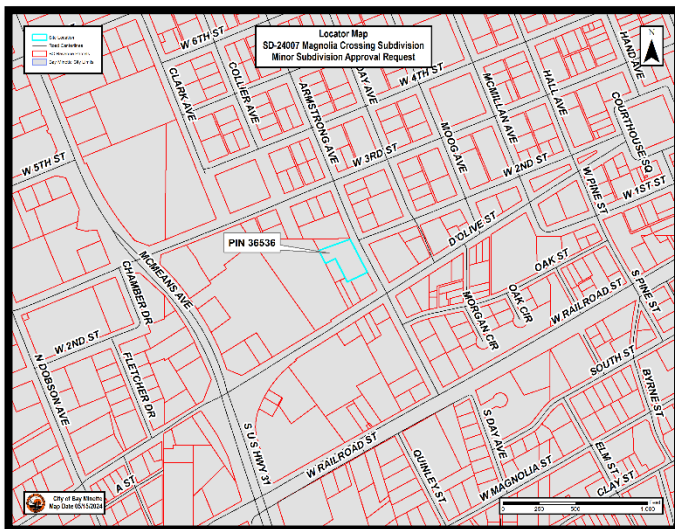
**Existing Zoning Map**



**Future Land Use Map**



**Locator**



**Site Map**



## PUBLIC UTILITIES & SITE CONSIDERATIONS

- Public Utility Services:**
- Water:** North Baldwin Utilities (*Service Availability Letter Not Provided*)
  - Gas:** North Baldwin Utilities (*Service Availability Letter Not Provided*)
  - Sewer:** North Baldwin Utilities (*Service Availability Letter Not Provided*)
  - Telephone/Internet:** AT&T (*Service Availability Letter Not Provided*)
  - Electricity:** Alabama Power (*Service Availability Letter Not Provided*)

**Transportation:** The proposed three (3) lot subdivision fronts Armstrong Avenue, a local street, paved and City-maintained roadway with a 100-ft right-of-way.

## REVIEW STAGE

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### **SECTION 3.03 CLASSIFICATION OF SUBDIVISIONS**

*3.03.02 Minor Subdivisions. Applications for approval of a Minor Subdivision shall consist of subdivisions that create not more than 4 lots, each lot fronting on an existing, paved public road and does not involve any new street or drainage improvements, the extension of public facilities, nor the creation of any public improvements. Minor Subdivisions do not require Preliminary Plat approval but must receive Final Plat approval. Prior to submitting a plat application for Commission consideration, a Pre-Application Conference is required with City Staff. If staff determines that no street, drainage or other improvements are required and that the proposed subdivision is in conformance with the Comprehensive Plan, Zoning Ordinance and these Regulations, the applicant may then prepare and submit a Final Plat application. If City Staff determines that any improvements are necessary for the proposed subdivision to comply with these Regulations, the proposed subdivision is considered a Major Subdivision subject to review and approval as such.*

### **SECTION 3.16 FINAL PLAT**

*The purpose of the Final Plat is to provide an accurate record of street and property lines and other elements being established on the land and the conditions of their use. The Final Plat must conform substantially to the approved Preliminary Plat. All inspections and testing must be completed and approved by the Subdivision Official prior to the Final Plat being placed on the agenda for Commission action. A Final Plat may include only that portion of the approved Preliminary Plat, which the Subdivider proposes to record and develop at that time. If it is submitted in portions, each portion must individually conform to all requirements of these Regulations.*

*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.*

*3.16.01 Final approval will be considered only for subdivisions or portions of subdivisions that meet the requirements of 3.14 Construction of Improvements. Or, in the case of Minor Subdivisions which do not involve any new street or drainage improvements, the extension of public facilities, nor the creation of any public improvements, after the required Pre-Application Conference. If qualified, those subdividers shall submit a complete application for Final Plat to the Planning and Development Services Department prior to a regularly scheduled Planning Commission meeting and in accordance with the established Meeting and Application Deadline Schedule.*

*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.*

*3.16.04.02 One (1) or more of the following may be accepted as a financial guarantee with surety payable to the City of Bay Minette:*

- 1. a letter of credit approved by the City Administrator and City Attorney, or*
- 2. a cash deposit to be held by the City, or*
- 3. a certified check from an Alabama lending institution in an amount not to exceed one hundred and fifty percent (150%) of the cost of the required improvements remaining.*

*3.16.04.03 A cost estimate for any 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.*

*3.16.06 Planning Commission Action. Presentation to the Planning Commission of Final Plat at a regularly scheduled meeting constitutes formal submission of said plat. At such meeting, the Planning Commission will review the plat and, after a public hearing, have the option to take the following actions:*

*3.16.06.01 Approve the Final Plat as presented.*

*3.16.06.02 Disapprove the Final Plat. If the Planning Commission determines that the Final Plat is in conflict with the approved Preliminary Plat or with the Subdivision Regulations, said plat may be disapproved. The reasons for such action shall be stated in the hearing, presented to the subdivider in writing and documented in the records of the Planning Commission. Reference shall be made to the specific section(s) of the regulations with which the Final Plat does not comply. The developer may resubmit the Final Plat application for Planning Commission review after the noted deficiencies have been corrected.*

*3.16.06.03 Delay Action on the Final Plat. The Planning Commission shall act to approve or disapprove a subdivision plat within thirty (30) calendar days after its formal submission at a regularly scheduled Planning Commission meeting. If the applicant waives this*

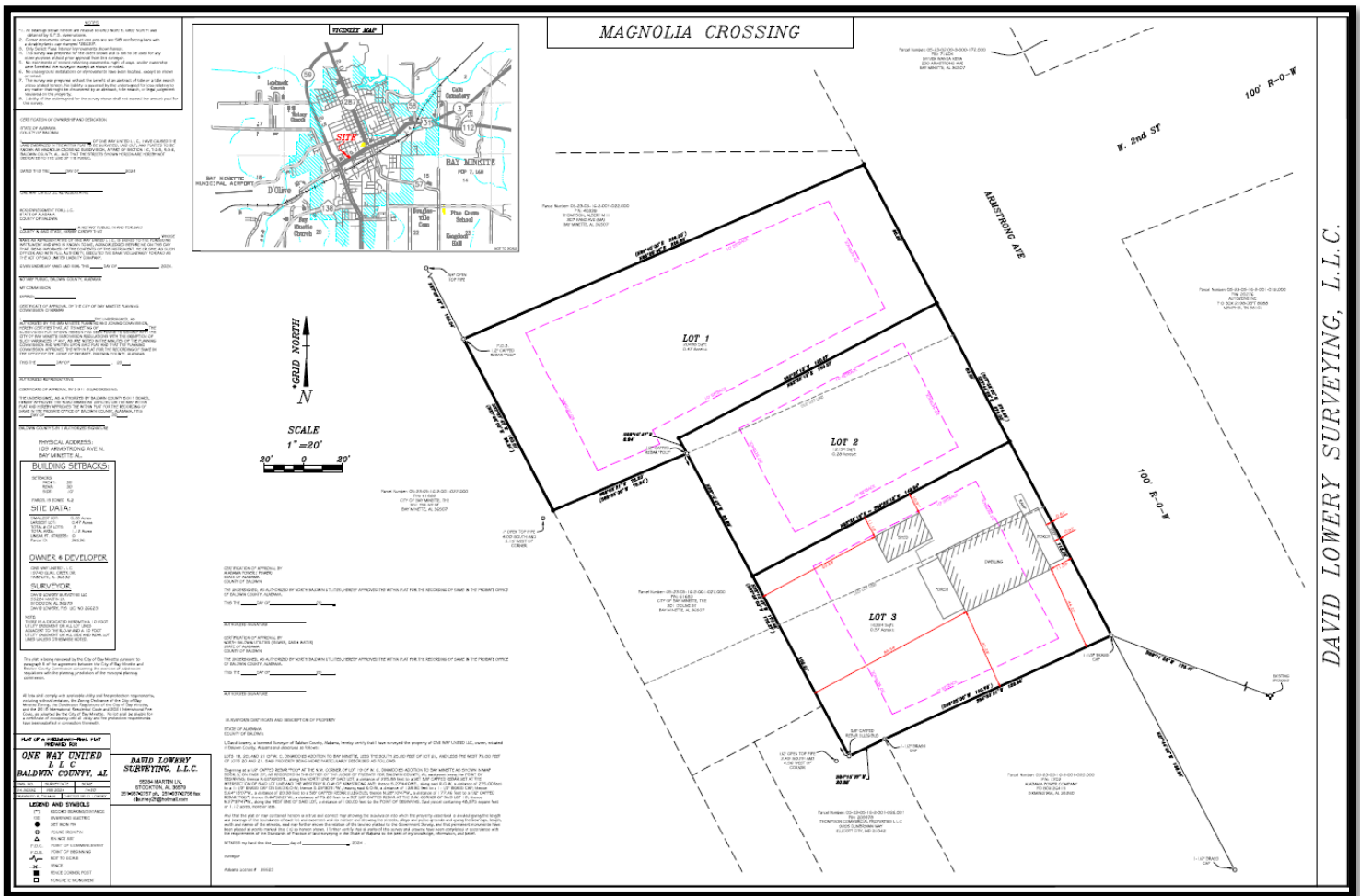
requirement and consents to an extension, the Planning Commission may defer action on the plat for a period not to exceed an additional thirty (30) calendar days. If no action is taken within the initial 30-day time period, or if there is no action taken within the extension period, such plat shall be deemed to have been approved, and notification to that effect shall be issued by the Planning Commission on request.

3.16.07 Expression of Approval

3.16.07.01 Approval and recordation of the final plat does not constitute the acceptance of any street or other public space shown on the plat. After approval of the Final Plat and the construction of streets, the Commission may recommend to the City Council that it accept the streets and take over their perpetual maintenance. Specific City Council resolution accepting streets and/or or other public spaces is required as noted herein.

STAFF ANALYSIS / RECOMMENDATION

The subject property currently consists One (1) parcel. The proposal is to split the parcel into three (3) parcels all fronting on Armstrong Avenue. The minimum lot width and building line for R-2 zoning is 70'. All three (3) proposed lots meet that requirement with proposed widths for Lots 1 and 2 of 80.89', and a proposed width of 113.23' for Lot 3. The minimum lot area requirement for R-2 zoning is 9,000 square feet. The proposed lots meet that as will with 20,498 proposed square feet for Lot 1, 12,154 square feet proposed for Lot 2, and 16,324 square feet proposed for lot 3.





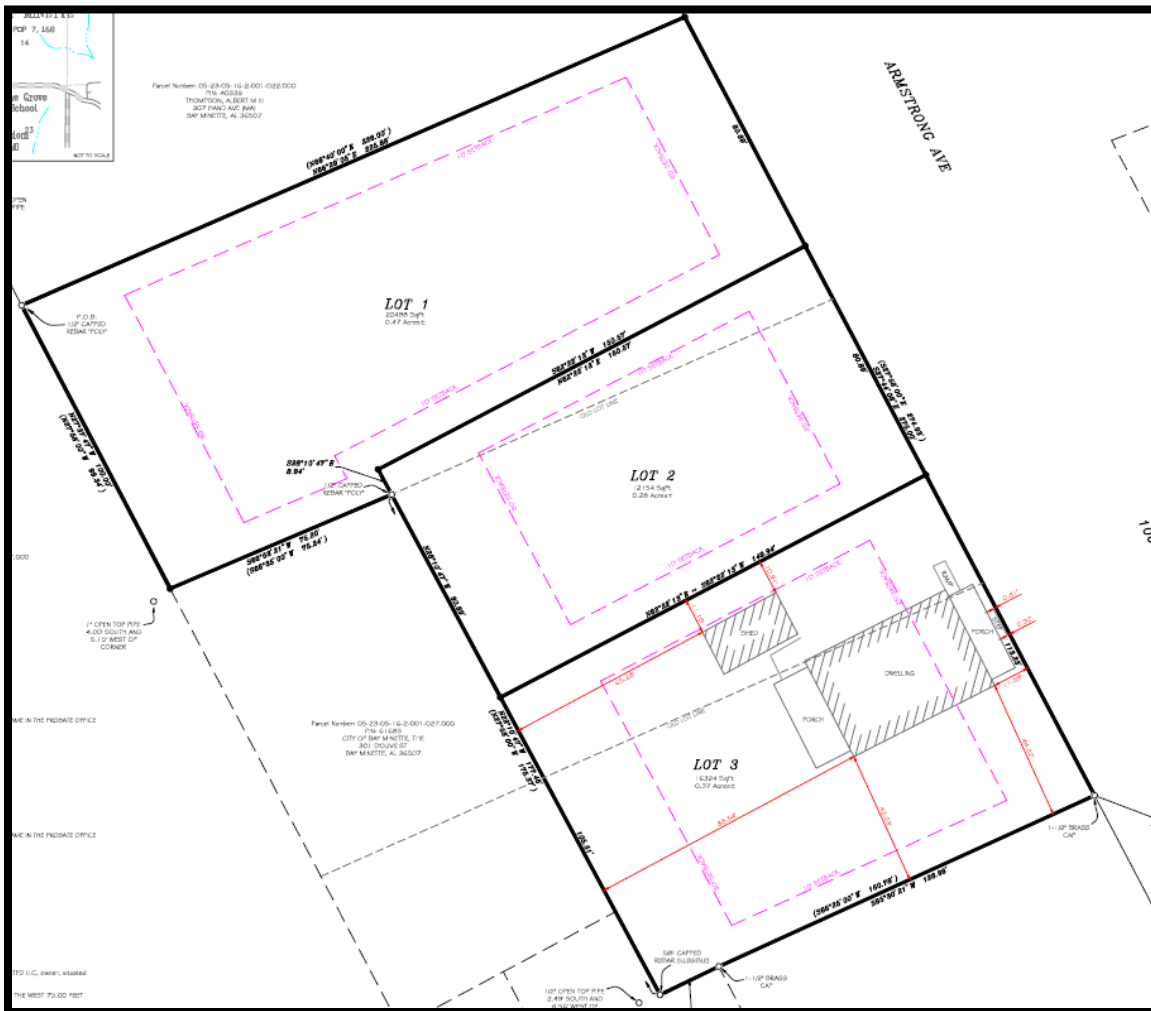
**8.11 REQUIREMENTS FOR LOT AREA, LOT WIDTH, COVERAGE, DENSITY AND OTHER FACTORS:**

The following shall apply in each residential district as listed:

ZONING DISTRICT	DWELLING TYPE	MINIMUM LOT AREA	MINIMUM LOT WIDTH & BUILDING LINE	MAXIMUM LOT COVERAGE*	MAXIMUM DENSITY**
<b>R-1, LOW DENSITY RESIDENTIAL</b>					
	Single Family	15,000 sq. ft.	100 ft.	25%	3.0 units/ac.
<b>R-2, MEDIUM DENSITY RESIDENTIAL</b>					
	Single Family	9,000 sq. ft.	70 ft.	25%	4.0 units/ac.
<b>R-3, HIGHER DENSITY RESIDENTIAL</b>					
	Single Family	7,200 sq. ft.	50 ft.	30%	5.0 units/ac.
	Two Family	10,000 sq. ft.	65 ft.	35%	7.0 units/ac.
<b>R-4, HIGH DENSITY MULTI-FAMILY</b>					
	Single Family	7,200 sq. ft.	50 ft.	30%	5.0 units/ac.
	Two Family	10,000 sq. ft.	65 ft.	35%	7.0 units/ac.
	Multiple Family	7,500 sq. ft.***	65 ft.	35%	14.0 units/ac.

\* Does not apply to lots of record smaller than required in the district in which they are located.  
 \*\* Dwelling units per gross acre to be developed.  
 \*\*\* For one (1) unit plus 2,500 sq. ft. for each additional unit.

The proposed plat does include the required setbacks for R-2, which are 25' front, as Armstrong Avenue is classified as a local street, 30' in the rear, and 10' on each side. There is an existing single family dwelling on lot 3 which does not meet the current 25' front yard setback requirements. Per Baldwin County Revenue Commission records the structure was built in approximately 1973. This structure is allowed to remain as a non-conforming use, however if the structure is moved, destroyed or damaged more than 50% of the fair market value of the structure prior to sustaining damage, all non-conforming yard areas shall be eliminated. There is also an existing shed on Lot 3, which meets the current side/rear 5' setback, but not the 20' setback requirement from the residential building. The shed must also adhere to the same non-conforming rules.



## STAFF RECOMMENDATION

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Based on the information submitted by the applicant, City Staff input and the analysis above, staff recommends that the Planning Commission Approve Case SD-24007, Magnolia Crossing Minor Subdivision with the conditions listed below:

1. *Submittal of documentation from all applicable utility companies detailing service availability.*

## STANDARDS OF APPROVAL / PLANNING COMMISSION ACTION

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### **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.*

The applicant has requested Minor Subdivision Final Plat approval. Minor Subdivisions do not require Preliminary Plat approval but must receive Final Plat approval. For Final Plat applications, the Planning Commission makes the final decision based on the Standards of Approval and has the option to:

- Approve the Final Plat as presented
- Deny the Final Plat, reasons for denial and referencing the specific section(s) with which the plat does not comply

### *3.16.06.03 Delay Action on the Final Plat.*

*The Planning Commission shall act to approve or disapprove a subdivision plat within thirty (30) calendar days after its formal submission at a regularly scheduled Planning Commission meeting. If the applicant waives this requirement and consents to an extension, the Planning Commission may defer action on the plat for a period not to exceed an additional thirty (30) calendar days. If no action is taken within the initial 30-day time period, or if there is no action taken within the extension period, such plat shall be deemed to have been approved, and notification to that effect shall be issued by the Planning Commission on request.*





# 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-	24007
App Submittal Date:	4/23/24
PC Meeting Date:	6/13/24

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: \_\_\_\_\_

### PROJECT CONTACTS

Owner Name: ONE WAY UNITED LLC Phone: NA

Developer: SAME Phone: NA

Authorized Agent/Application Contact: DAVID LOWERY

Phone: 251-937-2757 Email: dlsurvey25@hotmail.com

Mailing Address: 19740 QUAIL CREEK DR. FAIRHOPE, AL. 36532

Surveyor Name: DAVID LOWERY APLS Lic#: 26623

Surveying Firm Name: DAVID LOWERY SURVEYING City Business Lic#: \_\_\_\_\_

Phone: 251-937-2757 Email: dlsurvey25@hotmail.com

Engineer Name: \_\_\_\_\_ Registration #: \_\_\_\_\_

Engineering Firm Name: \_\_\_\_\_ City Business Lic#: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### SITE INFORMATION

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

Subdivision Name: MAGNOLIA CROSSING

Location: 109 ARMSTRONG AVE. BAY MINETTE

Section: 16 Township: 25 Range: 3E Instrument# or Slide# of Existing Recorded Plat: 2072000

Parcel ID/PPIN(s): 36536

Total Acreage: 1.12 AC Total # Lots: 3 Average Lot Size (sq ft): 16,262

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

### UTILITY PROVIDERS

Water: NBU Sewer: NBU

Power: ALA. POWER Gas: NBU

Telephone: \_\_\_\_\_ Internet: \_\_\_\_\_

**ACCESS**

Roadway Name: ARMSTRONG AVE. Total Frontage (linear feet): 275'

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.

Signature of Applicant/Authorized Agent: [Signature] Date: 3-28-24

**INTERNAL USE ONLY**

<b>FEES &amp; PAYMENT DETAILS</b>		Zoning: _____ FEMA: _____ Potential Wetlands <input type="checkbox"/> Yes <input type="checkbox"/> No
Application Fee: \$ <u>350<sup>00</sup></u>	Total # of Lots <u>3</u> x \$10 = \$ <u>60<sup>00</sup></u>	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
Total # Certified Letters: _____ x \$10 = \$ _____	<b>TOTAL DUE \$ _____</b>	<input type="checkbox"/> Owner Permission <input type="checkbox"/> Deed <input type="checkbox"/> Legal Description <input type="checkbox"/> Adjacent Property List
<input type="checkbox"/> Cash <input type="checkbox"/> Card* 3.99% Fee		<input type="checkbox"/> Service Availability <input type="checkbox"/> Access <input type="checkbox"/> Waiver <input type="checkbox"/> Covenants
<input type="checkbox"/> Check #: _____		Completeness Review Date: _____ <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete
Date Paid: _____		Deficiencies: _____
		PC Meeting Date: _____ Public Notice Deadline Date: _____

410<sup>00</sup> paid via ck# 1210 4/25/24



# City of Bay Minette

## Planning & Development Services

301 D'Olive Street · Bay Minette, Alabama 36507

Phone (251) 580-1650 · COBM\_Planning@ci.bay-minette.al.us

Case #: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_



**SD-24007, Magnolia Crossing  
Final Plat  
Large Format Plans Submitted  
Under Separate Cover**

**See Exhibit B**



# City of Bay Minette

## Planning & Development Services

### PLANNING COMMISSION STAFF ANALYSIS – REZONING REQUEST

Planning Commission Meeting Date: June 13, 2024

Case Number: Z-24002

### APPLICATION SUMMARY

**Project Name:** Honeycut Creek Cottages PUD Zoning  
**Property Location:** W 7<sup>th</sup> St, Appx .25 miles West of N Dobson Ave  
**Property PID/PPIN:** 05-23-03-08-0-000-008.000 // 36573  
**Property PID/PPIN:** 05-23-03-08-0-000-008.002 // 358327  
**Property Size:** 36± acres

**Proposed Action:** Rezoning from R-2, Medium Density Single Family Residential District to a PUD, Planned Unit Development  
**Applicant:** Melissa Hadley for Goodwyn, Mills and Cawood, LLC  
**Property Owner:** Donald & Tracy Cook  
 7941 Fordham Rd, Mobile, AL 36619

Subject Property	Zoning	Existing Land Use
Z-24002	R-2	Undeveloped
Adjacent Property	Zoning	Existing Land Use
North	R-2 & Unzoned, County Planning District 5	Bay Minette Middle School, SF Residential & Sports Complex
South	R-2	Alabama Power Substation and SF Residential
East	M-2, B-2 & R-2	Quincy Compressor, SF Residential, Walmart
West	Unzoned, County Planning District 5	Residential and Undeveloped

### SITE AND REQUEST SYNOPSIS

The subject property, which consists of two parcels containing 36± acres, is located on the North side of W 7<sup>th</sup> Street, approximately .25 miles west of N Dobson Ave. The property is currently zoned R-2, Medium Density Single Family Residential and has an estimated 730 feet of frontage on W 7<sup>th</sup> Street. The parcels are undeveloped with the exception of internal dirt roadways. A rezoning request of this property by a previous owner was made in 2005 to rezone from R-2, Single Family to R-4, Multi-Family but was denied. This property is owned by Donald and Tracy Cook, but the applicant presenting the request is Goodwyn, Mills & Cawood Project Manager Melissa Hadley, PhD, RLA, AICP on behalf of the developer Rausch Coleman Homes (RCH). The current request is a rezoning from R-2, Single Family to PUD, Planned Unit Development for the construction of 181 residential lots. Case Z-24002, the PUD request, is the first of two applications being submitted for the Planning Commission's concurrent consideration. The second application is for SD-24009, Master Plan approval of the development.

### ZONING DISTRICTS AND TABLE OF PERMITTED USES

#### CURRENT ZONING

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

#### PROPOSED ZONING

**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.

#### SITE SUMMARY:

##### EXISTING SITE DATA:

<b>TOTAL SITE AREA :</b>	36.06 AC. +/- TOTAL	
PIN 358327	18.68 AC.	(SOUTH PARCEL)
PIN 36573	17.38 AC.	(NORTH PARCEL)
<b>EXISTING ZONING :</b>	R-2	
<b>FLOOD ZONE :</b>	"X" (UNSHADED)	
<b>WETLANDS :</b>	NONE	
<b>LANDSCAPE AREA:</b>	15% OF COMMON AREA MIN. REQUIRED	

##### PROPOSED DEVELOPMENT:

<b>PROPOSED USE :</b>	SINGLE FAMILY RESIDENTIAL	
<b>PROPOSED ZONING :</b>	PLANNED UNIT DEVELOPMENT (PUD)	
<b>PROPOSED LOTS :</b>	181 @ 40'x130' (TYP.) 5,200 SF MINIMUM	
<b>PROPOSED SETBACKS:</b>	30' FRONT 30' REAR 5' SIDE / 10' SIDE STREET	
<b>PROPOSED DENSITY :</b>	5.0 DU/AC	
<b>PROPOSED ROADS:</b>	6,105 LF	
<b>PROP. OPEN SPACE:</b>	1.51 AC MAIN AMENITY AREA 2.04 AC MAIN POND AREA 1.48 AC OTHER OPEN SPACE	
<b>TOTAL</b>	5.03 AC (14.0%)	



**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 residential uses only.

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

**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.”

TABLE 3.11: Future Housing Unit Projections for Bay Minette	
Housing Unit Projections	Number of Housing Units
2009 Total	3,400
2010 Total (add 46)	3,446
Projected new units from 2010-2015 (46 per year)	230
2015 Total	3,676
Projected new units from 2015-2020 (46 per year)	230
2020 Total	3,906
Projected new units from 2020-2025 (46 per year)	230
2025 Total	4,136
Projected new units from 2025-2030 (46 per year)	230
2030 Total	4,366
Source: U.S. Census Bureau, Building Permit Data Calculations: SARPC	

“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.”

“Many communities in Baldwin County over built residential dwellings prior to the economic recession that began in 2008 and are now struggling to occupy these homes. This causes stress to the local housing market and property values. Although Bay Minette’s housing market has struggled too during these hard economic times, it has not experienced the type of loss neighboring communities have in regards to their housing market.”

“It can be very difficult for a community to balance the need of providing affordable housing options for residents of all income groups while simultaneously attempting to manage growth at an appropriate level. This is made increasingly difficult with the rise in property values associated with tourism and access to natural resources, such as Mobile Bay and the Gulf of Mexico. However, housing markets are influenced by many factors including supply and demand, especially within a regional area.”

**#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.

**#7** Ensure, through site plan review and/or subdivision plat review, that high-density developments have a design and scale compatible to adjoining residential developments and are buffered from different residential densities.

**#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.

### Transportation

**Goal:** “Provide a transportation network capable of moving people and goods efficiently and safely.

**Statements:** “The type, quality, and location of these transportation networks are key components that influence quality of life and sustainable local economy. An adequate transportation system that provides for safe and expeditious movement of persons and goods is vital to the growth of a community.”

“There is a significant relationship between transportation and land use. New development or changes in existing land uses, whether incremental or sudden, directly affect the safety and functionality of roadways and the demand for additional transportations facilities. On the other hand, creating new or improving existing transportation corridors can have a significant distribution effect on the type and timing of development within a community and/or region. Therefore, it is essential that communities exercise sound and innovative transportation planning solutions to accommodate growth and development.”

“The existing transportation network for the City of Bay Minette currently provides adequate means of transportation and linkage throughout the City and to adjacent municipalities for its residents with only minimal traffic congestion, delays, and safety concerns. However, the current network will not accommodate the pressures of the ongoing growth and development of Bay Minette and Baldwin County for much longer, without significant traffic and safety problems.”

“With the County and City experiencing such growth, it can be expected that traffic along many of the State, County and local roads will exceed the roadway capacities unless improvements to the transportation network are made. Bay Minette is already experiencing traffic congestion during peak traffic volume times along Highway 59 and around the downtown square.”

**#6** Provide local traffic with alternatives to HWY 59. This can be achieved by improving local streets that serve schools and residential traffic and alleviate access management problems along the congested portion of HWY 59.

**#7** Amend subdivision regulations to require that all new developments, especially residential, install sidewalks that connect the new development with the City’s sidewalk network to ensure linkage to parks, schools, and commercial uses.

### Land Use

**TABLE 3.13: Projected Future Housing Type Needs for Bay Minette**

Future Housing Unit Needs	2009		Total Units Needed	Total Units Needed	Total Units Needed	Total Units Needed	Total Units Needed
	Total Units	%	2010	2015	2020	2025	2030
<b>Total Housing Units</b>	3,400		3,446	3,676	3,906	4,136	4,366
<b>Single Family</b>	2,438	71.7	2,471	2,636	2,801	2,966	3,130
<b>Duplex and Multi-Family</b>	735	21.6	744	794	844	893	943
<b>Mobile Homes</b>	227	6.7	231	246	262	277	293
<b>Total Increase in # of Units</b>	-	-	230	230	230	230	230

*Source: U.S. Census Bureau, Building Permit Data  
Calculations: SARPC*

**Goal:** To ensure the orderly growth and development of the City of Bay Minette through the wise allocation of land to various uses based on the anticipated needs of future populations, with attention in planning and implementation to protect the quality of life and safety of the residents, conserve natural resources, promote compatible land uses and transportation accessibility, and provide availability of utilities and public facilities.

**Statement:** If the City continues to demonstrate this household average into future population projections, then over 425 new housing units will be needed in Bay Minette to accommodate the influx of new residents. When conducting a future build out analysis for future development, population projections and housing projections must be assessed to ensure enough land is allocated to accommodate the range of projected growth. It was estimated that an additional 143 to 281 acres will be needed to accommodate this potential residential growth pattern.”

“If the City continues this same trend, twice as much acreage will be required to accommodate future residential population projections. Care will have to be taken to preserve the agricultural and timberland land uses that define Bay Minette’s small town rural character that so many residents value as an asset to their community.”

- #1 Promote a choice of rural, suburban, and urban living environments through density regulations associated with residential land uses. Encourage conservation of large tracts of land through subdivision regulations. This includes anticipating and planning for future land requirements associated with future population projections, projected housing types, and the need for additional commercial land uses.
- #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; or impair working agricultural or forestry operations. Provide tax incentives to local farmers, foresters, and land owners that lease to farmers or timber growers to keep the agricultural/forestry industry in Bay Minette strong. Encourage local farmers to be active with local agri-tourism initiatives to increase support to this industry.
- #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.
- #8 Maintain the public infrastructure at a level needed to continue adequate service to existing and new developments. 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 existing water and sewer lines at the developer’s expense.

## DEPARTMENT AND AGENCY COMMENTS

**North Baldwin Utilities** – Needs review, Letter of Service Availability not issued until plans reviewed.

**Bay Minette Public Works** – Transportation & maintenance concerns

**Bay Minette Police Department** – No comments received

**Bay Minette Fire Department** – No comments concerning the rezoning

**City Administration** – Transportation and maintenance concerns

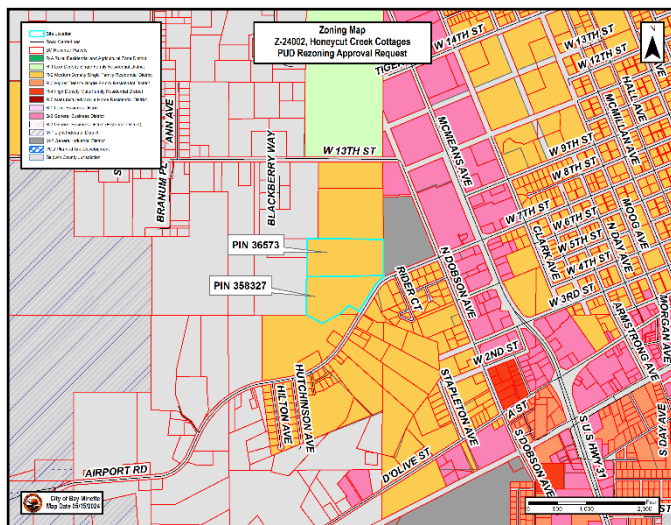
**Baldwin County E-911** – Road names need to be submitted for approval and shown on the plat

**ALDOT** – Submitted for ALDOT preliminary review

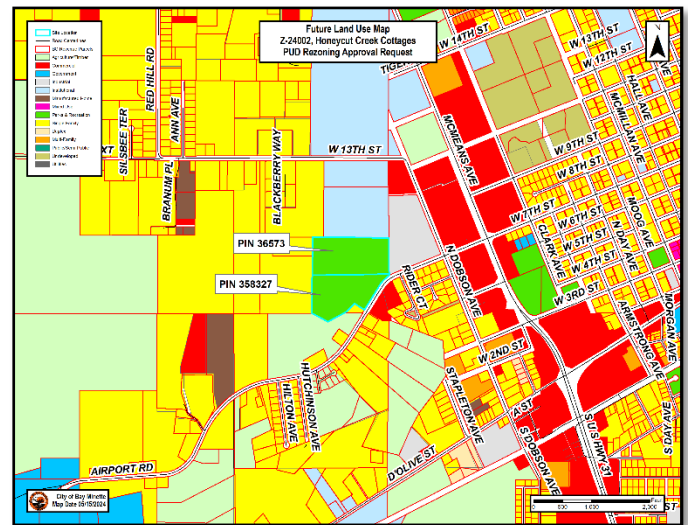
**City Engineering Consultant Volkert, Jordan Stringfellow, P.E.** – Preliminary Review Comments attached

## MAPPING

**Existing Zoning Map**

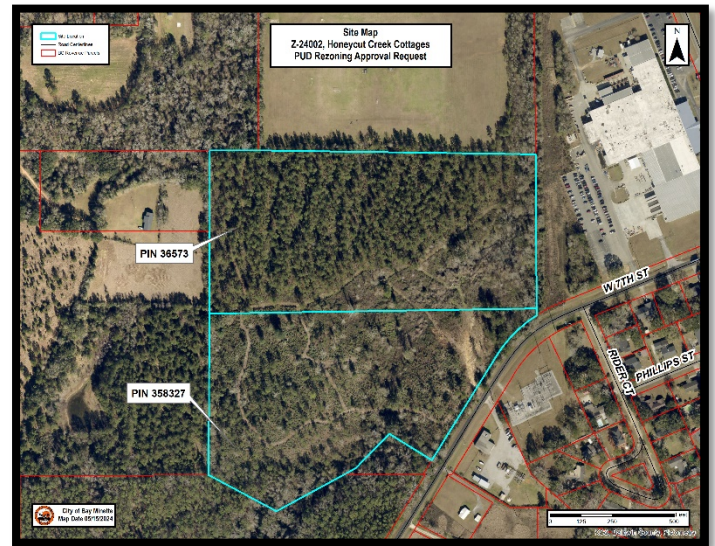
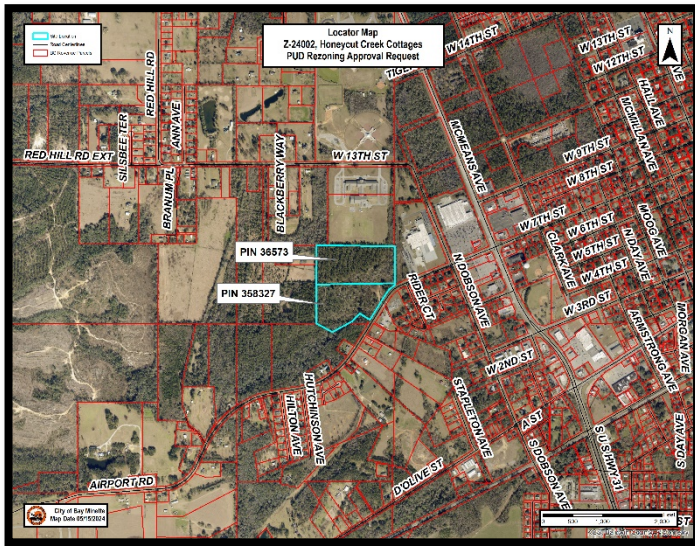


**Future Land Use Map**





## 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 *NOT COMPLIANT*

The subject property is designated as Parks and Recreation on the Comprehensive Plan Future Land Use map and is adjacent to Industrial, Institutional and Single Family designations as well as Commercial and Single Family across W 7<sup>th</sup> Street. 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 intent of the plan is for guiding and accomplishing...

**TABLE 3.13: Projected Future Housing Type Needs for Bay Minette**

Future Housing Unit Needs	2009		Total Units Needed		Total Units Needed		Total Units Needed	
	Total Units	%	2010	2015	2020	2025	2030	
<b>Total Housing Units</b>	3,400		3,446	3,676	3,906	4,136	4,366	
Single Family	2,438	71.7	2,471	2,636	2,801	2,966	3,130	
Duplex and Multi-Family	735	21.6	744	794	844	893	943	
Mobile Homes	227	6.7	231	246	262	277	293	
<b>Total Increase in # of Units</b>	-	-	230	230	230	230	230	

Source: U.S. Census Bureau, Building Permit Data  
Calculations: S-ARPC

*“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 Comprehensive Plan goals, recommendations and strategies listed above 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 provision of additional housing stock that is closer to the city center is compatible with recommendations and strategies from the Plan, but those attributes alone do not offset the inconsistency with other aspects of the Plan related to adequate provision for traffic, convenient distribution of population and the wise and efficient expenditure of public funds. While there is an existing need for additional housing stock, as detailed in the Comp Plan sections/tables below, the Planning Commission must also consider housing supply/demand, particularly in light of the recent approval of the 827 SF dwelling units in Old Towne Commons and 392 MF units. This is not only a significant increase in housing supply but also an increased demand on City forces to provide services, maintain public infrastructure, etc. Supplying additional housing stock is vital for growth, but the City must be able to maintain the public infrastructure without compromising the ability to provide adequate service to existing residential dwellings.

According to future housing projections discussed in Chapter 3, there will be an additional 966 housing units in Bay Minette in 2030. This projection is based only on historical building permit data and projecting past and current development trends into the future. This projection does not consider future population projections for the City. When conducting a future build out analysis for future development, population projections and housing projections must be assessed to ensure enough land is allocated to accommodate the range of projected growth. It was estimated that an additional 143 to 281 acres will be needed to accommodate this potential residential growth pattern.

*“Many communities in Baldwin County over built residential dwellings prior to the economic recession that began in 2008 and are now struggling to occupy these homes. This causes stress to the local housing market and property values. Although Bay Minette’s housing market has struggled too during these hard economic times, it has not experienced the type of loss neighboring communities have in regards to their housing market.”*

*“However, historic population and household trends coupled with analysis of building permit data can be used to project future housing needs and estimated growth of the housing stock.”*

*“However, meeting the housing demand is typically left up to the private sector, though the City should have an active role in determining the type of housing, the density, and where the housing will be located. It is important to consider the overall goal of the community when planning for future housing needs.”*

*“It can be very difficult for a community to balance the need of providing affordable housing options for residents of all income groups while simultaneously attempting to manage growth at an appropriate level. This is made increasingly difficult with the rise in property values associated with tourism and access to natural resources, such as Mobile Bay and the Gulf of Mexico. However, housing markets are influenced by many factors including supply and demand, especially within a regional area.”*

*“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.”*

**TABLE 3.14: Bay Minette’s Projected Future Land Requirements per Housing Type**

Housing Type	2010			2015			2020		
	Units Needed	Unit Increase From 2009	Acres Needed for 2010 New Units	Units Needed	Unit Increase From 2010	Acres Needed for 2015 New Units	Units Needed	Unit Increase From 2015	Acres Needed for 2020 New Units
Single Family	2,471	33	5.61-11.22	2,636	165	28.05-56.1	2,801	165	28.05-56.1
Duplex and Multi-Family	744	9	0.71-1.53	794	50	3.17-8.5	844	50	3.17-8.5
Mobile Homes	231	4	0.68	246	15	2.55	262	16	2.72
<b>Total</b>	<b>3,446</b>	<b>46</b>	<b>7.0-13.43</b>	<b>3,676</b>	<b>230</b>	<b>33.77-67.15</b>	<b>3,906</b>	<b>230</b>	<b>33.94-67.32</b>
	2025			2030					
Single Family	2,966	165	28.05-56.1	3,130	164	27.88-55.76			
Duplex and Multi-Family	893	49	3.05-8.33	943	50	3.17-8.5			
Mobile Homes	277	15	2.55	293	16	2.72			
<b>Total</b>	<b>4,136</b>	<b>230</b>	<b>33.65-66.98</b>	<b>4,366</b>	<b>230</b>	<b>33.77-66.98</b>			

*Calculations: S-ARPC*

**2.) Compliance with the standards, goals and intent of this ordinance *NOT 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.*

The Zoning Ordinance is the regulatory document providing the minimum dimensional standards for development in the City. Developers have the ability to request deviations from those provisions through the PUD process. While the application is somewhat compliant with the guidelines of the regulations stated in **Article 11. Planned Unit Development (PUD)** of the Zoning Ordinance, it is also inconsistent with other portions of the regulations, specifically, the provisions below:

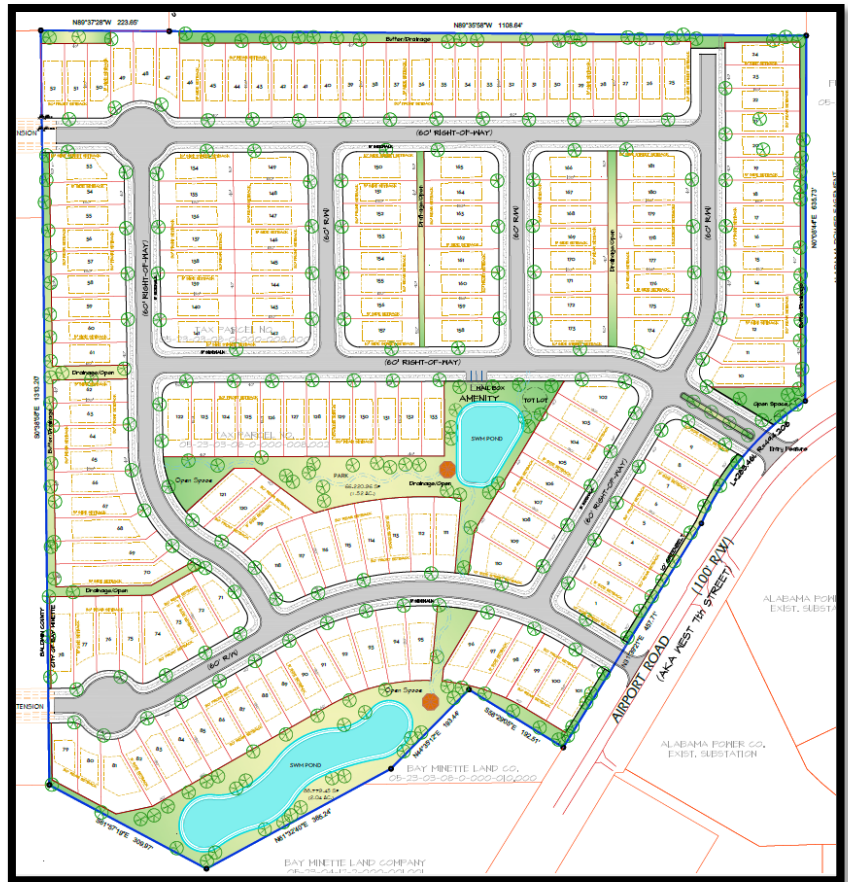
**ARTICLE 11. PLANNED UNIT DEVELOPMENT (PUD)***The intent of this Section is to provide an opportunity for the best use of land, protection of valuable natural features in the community, provide for, larger areas of recreational open space, more economical public services and opportunity for mixed use. 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.

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

The PUD designation is intended for 'mixed use' with "much more creative and flexible concepts in site planning" than is otherwise allowed by the Zoning Ordinance and Sub Regs. The development's flexibility or creativity is not demonstrated beyond the sidewalks on each side of the street and street trees. As stated in the PUD regulations, the burden is placed on the developer to demonstrate a benefit to the City and surrounding area. Based on the transportation concerns, staff does not feel an adequate benefit has been shown to justify the impact it may have.



While the Old Towne Commons PUD was recently approved, including 40-ft lots, that development had been under substantial review/consideration by the Planning Commission and City Council for nearly a year before such approval. That development's location on Highway 59, and the development of 413± acres under a unified master plan, allows for a concentration of resources to serve the proposed development and contain similar intensity of uses together to prevent any potential incompatibilities. With its location on the heavily travelled Highway 59, and surrounding unzoned property, no major impacts to infrastructure anticipated. In direct comparison/contrast to the current proposal, the site was significantly larger (413 acres vs 36); located on the State's principal arterial; offered a variety of lot widths to break up the smaller 40-ft lots; included mixed uses of 47 acres of commercial and 392 multi-family units; thirty percent of the site was open space (vs 14%); and the overall density was less (2.9 vs 5).

PROPOSED LOTS :	181 @ 40'x130' (TYP.) 5,200 SF MINIMUM
PROPOSED SETBACKS:	30' FRONT 30' REAR 5' SIDE / 10' SIDE STREET
PROPOSED DENSITY :	5.0 DU/AC
PROPOSED ROADS:	6,105 LF
PROP. OPEN SPACE:	1.51 AC MAIN AMENITY AREA 2.04 AC MAIN POND AREA 1.48 AC OTHER OPEN SPACE
TOTAL	5.03 AC (14.0%)

3.) The character of the surrounding property, including any pending development activity **NOT COMPLIANT**

The subject property, which consists of two parcels containing 36± acres, is located on the North side of W 7<sup>th</sup> Street, approximately .25 miles west of N Dobson Ave. The property is currently zoned R-2, Medium Density Single Family Residential and has an estimated 730 feet of frontage on W 7<sup>th</sup> Street. The parcels are undeveloped with the exception of internal dirt roadways. The property is adjacent to Quincy Compressor to the east, Bay Minette Middle School to the north, and large acreage single family and undeveloped property to the west beyond city limits. To the south across W 7<sup>th</sup> is an Alabama Power Substation, the Westwood Subdivision and large acreage single family residential uses. There are small single-family subdivisions along W 7<sup>th</sup> Street/Airport Road, but none to the intensity/density of the Honeycut development. While the area can be considered as transitional from the intensity of the commercial/industrial uses, the "transition" is fairly abrupt between the existing residential and proposed.

4.) Adequacy of public infrastructure to support the proposed development **NOT COMPLIANT**

The Bay Minette Police Department did not have any comments on the application. Public Works had concerns with the capacity of W 7<sup>th</sup> and N Dobson, as well as

Traffic Counts			
Roadway	Peak Hour	Volume	Level-of-Service
West 7 <sup>th</sup> Street	PM	134	C

the maintenance ability by City forces of the additional sidewalks and street trees. The applicant submitted a map from North Baldwin Utilities noting the location of adjacent utility lines, but no Letters of Service Availability were submitted from North Baldwin Utilities to provide water, sewer or gas services. Bay Minette Fire Department stated they had no concerns with the rezoning request but have also shared their stance on the 5-ft side setbacks at the May 30<sup>th</sup> worksession. One of the primary concerns for City Administration and Planning staff is the capacity of W 7<sup>th</sup> Street and N Dobson Avenue to handle such a significant increase in volume. W 7<sup>th</sup> Street is classified as a Major Collector in the City's Transportation Plan and is operating at a Level of Service "C" during peak hours as determined for the 2018 study. *(In order to determine the performance of a transportation facility within a network, daily traffic volumes are assessed to determine a Level of Service, LOS. Levels of Service categorize roads based on traffic, congestion, and delays. Using traffic counts, a LOS is assigned to roadways based on their current ability to serve or exceed their capacity. Comparing maximum roadway capacities with actual volumes identifies current problems.)* W 7<sup>th</sup> Street is a two-lane, paved road approximately 20ft wide with no shoulders. Based on the above traffic counts, the proposed development may double the volume on the roadway. It also has no alternate connection points or outlets and terminates at the Municipal Airport. The W 7<sup>th</sup>/N Dobson intersection is the only access point for more than 1.5 miles of roadway and is utilized by traffic for Quincy Compressor, Walmart, the Middle School and the Sports Complex. The next access point is the ALDOT-controlled signalized intersection at W 7<sup>th</sup> Street and McMeans Ave. The state has informed the City that the intersection is at/exceeding capacity with no additional options to handle increased traffic volumes. The only option presented has been the extension of Red Hill Road to connect to McMeans Ave north of Walmart, a project estimated to cost \$3 million to construct.

Dobson Avenue carries a high volume of traffic as it offers an alternative route to McMeans/Hwy 59 connecting D'Olive Street to Red Hill Road. According to the City's

Traffic Counts			
Roadway	Peak Hour	Volume	Level-of-Service
Dobson Avenue	AM	435	D

Transportation Plan/Study, N Dobson Avenue is operating at a Level of Service "D" and is within 125 vehicles in an hour to reaching capacity. This is based on numbers from the 2018 study prior to the construction of the City's Sports Complex.

If this project is approved, a traffic study would be required to determine impacts and necessary remediation for W 7<sup>th</sup> Street, N Dobson Avenue, the W 7<sup>th</sup>/N Dobson intersection and the W 7<sup>th</sup>/McMeans Avenue intersection. City staff has submitted the proposed plan to ALDOT for review and if the project is approved, the final design for preliminary plat would be contingent upon their review.

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

The property is located in the FEMA Flood Zone X. There is significant topography on the site and the County's map does indicate the presence of potential wetlands. The applicant has submitted an initial wetland delineation report stating that no wetlands are located on the site.

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. To advance to future development stages, a traffic study would be required that included impacts on ALDOT's signalized intersection at W 7<sup>th</sup> and McMeans.



8.) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values **NOT COMPLIANT**

As stated in Item #4, City Administration and Planning Staff have significant concerns that the existing transportation infrastructure would not be able accommodate the impact from the proposed intensity of development and volume of traffic. Particularly allowing an increased number of lots through the PUD process beyond what would normally be allowed by the Zoning Ordinance.

9.) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values **NOT COMPLIANT**

As stated in Item #4, City Administration and Planning Staff have significant concerns that the existing transportation infrastructure would not be able accommodate the impact from the proposed intensity of development and volume of traffic. Particularly allowing an increased number of lots through the PUD process beyond what would normally be allowed by the Zoning Ordinance.

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

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## STAFF RECOMMENDATION

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Due to the incompatibilities with the Comprehensive Plan discussed above, existing conditions and volume of traffic on roadways that are near (or at capacity), the benefit of approving the PUD at a density beyond that allowed by right does not offset the negative impact that the development's intensity will create. The applicant/developer have repeatedly stated that the PUD request for the smaller lots and increased density is directly related to the developer's ability to provide attainable housing by keeping development costs at a minimum. While the developer could participate in some access/traffic flow improvements to the W 7<sup>th</sup>/N Dobson Ave intersection, it would require significant funding to address the capacity issues for W 7<sup>th</sup> Street, N Dobson Ave and at the W 7<sup>th</sup> St/McMeans Ave intersection. Based on evaluations of the W 7<sup>th</sup> St/McMeans signalized intersection by ALDOT, the intersection is at capacity with the only alternative being a new access point. The City is actively seeking funding to construct an extension of Red Hill Road that will connect to McMeans Avenue, but the cost is extensive and expected to reach \$3 million.

Based on the information submitted by the applicant, City Staff and Consultant input and the analysis above, staff does not feel approval of this development is appropriate at this time and recommends:

**The Planning Commission submit a recommendation of denial to the City Council for the PUD.**

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## PLANNING COMMISSION ACTION

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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.*



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# Honeycut Creek Cottages

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Bay Minette, Alabama

PLANNED UNIT DEVELOPMENT  
STATEMENT & NARRATIVE

APRIL 25, 2024

GOODWYN MILLS CAWOOD  
2039 Main Street | Daphne, AL 36526

Revised 06/11/2024





# Honeycut Creek Cottages

A Planned Unit Development in Bay Minette, Alabama

## 1. Introduction

This application seeks approval of a Planned Unit Development (PUD) to allow the construction of a 181-lot single-family development on an approximate 36-acre site within Bay Minette, Alabama. The site is to be known as “Honeycut Creek Cottages” and through increased density, will provide attainable housing options for residents of Bay Minette. The site contains two (2) parcels (PIN 358327 & 36573). It lies on the north side of Airport Road (aka West 7<sup>th</sup> Street) near the intersection of Rider Court, and is bounded on the north by Bay Minette Middle School (see Figure 1 below).



Figure 1: Proposed PUD Location Map. The site is located west of Highway 59 (McMeans Avenue) on the north side of Airport Road (West 7<sup>th</sup> Street) in the city of Bay Minette, Alabama. Map Source: Baldwin County Parcel Viewer, customized by author.

### *Existing Conditions*

The site is currently zoned R-2, Medium Density Single Family Residential District and contains wooded areas in the northern and southern portions with an existing access road and shrubland area throughout the central portion of the property. Surface water flows offsite in the southwest direction through a gully across the site’s center. Parcels located west and south of the site are within Baldwin County jurisdiction and are unzoned. Surrounding uses are undeveloped on the west and south sides with light industry and an overhead transmission line on the east. The northern property line adjoins Bay Minette Middle School. Residential neighborhoods and small commercial sites dot both sides of Airport Road west of the site, with Walmart and more intense commercial development to the east. There are no designated FEMA flood hazard zones present, and the entire site is in flood zone “X” (unshaded). No wetlands are located on the site as determined by a wetlands assessment conducted by Goodwyn Mills Cawood, LLC, and dated March 19, 2024.

## **2. PUD Statement**

### *Character and Intended Use*

The Honeycut Creek Cottages PUD proposes 181 single-family residential lots, resulting in a gross density of 5.0 dwelling units per acre (du/ac). Of the site’s total area of 36.06 acres, 5.02 acres are designated as open space (or 14.0 percent), including a centrally located 1.52-acre common area with a tot lot and park for residents’ enjoyment (see Figure 2). This main amenity area will also include four (4) guest parking spaces, a central mail box kiosk, and landscaped pond and can be accessed from three of the neighborhood’s streets. Other landscape elements include street trees throughout the community spaced at approximately every other lot. A ten-foot (10’) wide greenbelt will provide added privacy for the rear of homes located along Airport Road and perimeter buffers along the west and north sides will allow access to rear portions of lots and potential drainage swales, as well as function as a buffer for the adjoining property from the PUD.

The site is served by two proposed connections to Airport Road, including a boulevard style entrance on the north with an adjoining common area for signage and landscape, that feed into an interconnected internal road network. The roadways are laid out using curved roads and smaller blocks – proven design techniques that promote pedestrian safety and traffic calming. Front setbacks are a minimum of 30-feet to allow for adequate depth to accommodate additional parking in driveways on each lot without encroaching onto roads or sidewalks. This should also help alleviate on-street parking within the PUD.

Homes in the proposed development will connect to readily available utilities for water, sewer, and trash removal. Individual service lines for each home will be installed through connections to existing utilities extended into the subdivision. Stormwater ponds will be incorporated into the engineering



design of Honeycut Creek Cottages with amenities included to enhance common areas. All roads in the PUD will be dedicated to the public and built to Bay Minette construction standards including 60-foot rights-of-way, curb and gutter, and sidewalks on at least one side.



Figure 2: The proposed main amenity area is centrally located within the PUD and includes a park, foot path, tot lot, mail kiosk, and guest parking. The common area can be accessed from three sides and links other common spaces within the neighborhood.

### PUD Public Interest

The Honeycut Creek Cottages PUD serves the public interest in many ways, one of which is to provide attainable housing for families in a location that is well suited for higher density residential development. The PUD is situated between high intensity commercial development, light industrial uses, and undeveloped residential areas, thus providing a “step-down” in both density and intensity of land uses. The PUD also puts families in close proximity to the middle school and recreational sports fields on Red Hill Road, thus allowing children more ways to participate in after school activities. A connection from the neighborhood to the school property is provided at the terminus of the easternmost road, subject to approval from the Baldwin County School Board. The public interest is also served by the strategic location of two potential road extensions located along the westerly boundary. These road extensions provide for future connections that will give new access points for existing parcels on the west that currently have no or very limited access to public roads.

*PUD Consistency with City of Bay Minette Stated Purposes*

The City of Bay Minette’s Zoning Ordinance includes the following stated purposes for Planned Unit Developments (per Article 11). These purposes are expanded upon to demonstrate Honeycut Creek Cottage’s consistency with these goals.

- **To provide an opportunity for the best use of land.**
  - This is achieved by placing higher density residential development in the appropriate location and providing a transition between intense commercial and industrial uses and other undeveloped or residential uses.
- **To provide for more economical public services.**
  - The site is located in close proximity to existing development and in an area already served by public utilities. Thus, it will not require long extensions of utilities or roads into undeveloped areas (a pattern known as “leapfrog development”).
- **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*.**
  - The site encompasses two parcels that will be developed as one community.
  - The site employs a creative design in its road network, lot arrangement, and placement of common areas in key locations.
- **PUDs shall be in conformity with the City’s Comprehensive Plan or portion thereof as it may apply.**
  - The proposed PUD is consistent with stated housing goals in the Comprehensive Plan, and in particular the following:
    - *“An important challenge facing the City of Bay Minette is to determine how to effectively and equitably accommodate growth and development without adversely affecting the small town, rural character of the community. To aid in accomplishing this, development should be not only more compact and contiguous the closer to the center of the City, but it should also maximize the use of existing infrastructure and resources through redevelopment of the existing community whenever possible. This will help preserve the larger tracts of agricultural land that have been part of the City’s history and are associated with Bay Minette’s beauty.”*
  - As described in earlier sections, the PUD’s location is appropriate for higher density development and fulfills the stated goal by placing compact development close to the center of the City and away from agricultural lands. It wisely utilizes existing infrastructure.

- As described in the Comprehensive Plan, 73.1% of Bay Minette’s housing stock was built before 1990, indicating that the City is in need of new housing options. (Sec. 3-6)

The Comprehensive Plan also outlines a decline in housing tenure in Bay Minette, with owner occupied housing rates in 1990 at 65.4% and falling to 63.1% in 2000. Although the US Census 2022 estimate showed an increase of owner occupancy housing in Bay Minette with a rate of 68.3%, this number is still well below the local Daphne-Fairhope-Foley metro area average of 77.9%. One of the main goals of the Honeycut Creek Cottages PUD is to provide families with attainable housing options, which will contribute to increased rates of homeownership. The way to achieve more attainable housing options is to offer homes at lower price points. This is accomplished through increased density, development located in the right place, and new construction homes that appeal to contemporary families.

### 3. PUD Narrative

#### *PUD Exception Requests*

In accordance with the Bay Minette Planned Development Ordinance, Honeycut Creek Cottages seeks a rezoning to a PUD designation to allow for more flexible and creative site planning concepts; to embrace the natural conditions of the site through the use of functional open space and design that works with the existing topography; and to achieve a more desirable environment than would be possible through the strict application of the minimum requirements of the ordinances. Other exceptions are needed, such as smaller lot sizes and reduced setbacks, to provide the needed density and valuable benefits for residents that do not pose a risk to personal safety. Thus, specific exceptions to the City’s minimum requirements and other zoning/subdivision ordinances are enumerated below.

#### **Required Lot Width and Lot Frontage within the PUD.**

- The minimum Lot Width of any Lot shall be measured along the Front Setback Line and shall be a minimum of forty (40) feet.

#### **Area and Dimensional Requirements within the PUD.**

- Minimum lot area shall be 5,200 square feet.
- Setbacks shall be established as:
  - a. Front: 30-feet



- b. Rear: 30-feet
- c. Side: 5-feet; 10-feet on street side
- Maximum lot coverage shall be 65%.

**Accessory Structures within the PUD.**

- Accessory structures are allowed subject to the following restrictions:
  - Shall not be constructed within the front setback.
  - Shall maintain a five (5)-foot setback from side or rear lot lines.

**4. Conclusion**

Ownership for the Honeycut Creek Cottages planned development will be held initially by the property owner who will obtain permits and construct improvements. Documents to assure the maintenance and continued protection of the PUD, common areas and amenities, and open space will be recorded with governing articles. These documents will also contain guidelines for landscaping, specific maintenance and improvements to the amenity facilities, fencing, signage, and other pertinent community assets.

The site design submitted with this application may be modified slightly if deemed necessary through detailed engineering, but will not deviate substantially from the approved plan. Such minor modifications may include, for example, the size and configuration of stormwater areas, shifts in lot lines, small adjustments to the roads, or location of amenities.

## Appendix A – Master Plan



Submitted to:

The City of Bay Minette  
Planning & Development Services  
Ms. Clair Dorrough, City Planner  
301 D'Olive Street  
Bay Minette, AL 36507  
251-580-1650

Date: April 25, 2024  
Revised: May 8, 2024  
June 11, 2024

Prepared For:

Rausch Coleman Homes, LLC  
4058 North College Avenue, Ste 100  
Fayetteville, AR 72703  
850-380-1539  
Fred McLaughlin  
Director of Land Acquisitions

Prepared By:

Goodwyn Mills Cawood  
2039 Main Street  
Daphne, AL 36526  
251-626-2626  
Melissa A. Hadley, PhD, RLA, AICP  
Project Manager, Engineering

## Clair Dorough

---

**From:** Melissa Hadley <melissa.hadley@gmcnetwork.com>  
**Sent:** Thursday, June 6, 2024 9:18 AM  
**To:** Clair Dorough; Paula Bonner  
**Subject:** HONEYCUT  
**Attachments:** AL - CCR Draft.pdf

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

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Good Morning, Clair and Paula,

The client has provided the attached base HOA documents with specific details to be completed later. Will this suffice for our PUD application?

Thanks.  
Melissa

**Melissa A. Hadley, PhD, RLA, AICP**  
Project Manager, Engineering

T: 251.626.2626

C: 850.353.3330

D: 251.380.8746

E: [melissa.hadley@gmcnetwork.com](mailto:melissa.hadley@gmcnetwork.com)

2039 Main Street

Mailing: PO Box 1127

Daphne, AL 36526

[Building Communities](#)





**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR (Subdivision name – as shown on filed plat),  
A SUBDIVISION TO THE CITY OF \_\_\_\_\_, ALABAMA**

KNOW ALL MEN BY THESE PRESENTS:

That \_\_\_\_\_ (“Declarant/Developer”), an Alabama limited liability company, being the owner and developer of the following-described property located in the City of \_\_\_\_\_, \_\_\_\_\_ County, Alabama, to-wit:

SEE EXHIBIT “A” ATTACHED HERETO (the “Property”)

said Property having been duly platted as Lots # \_\_\_\_\_ - \_\_\_\_\_, (subdivision name – as shown on filed plat) Subdivision, an addition to the City of \_\_\_\_\_, \_\_\_\_\_ County, Alabama, a copy of said Plat (as defined below) being attached hereto as Exhibit “B”, and hereinafter referred to as “(subdivision name – no phase)” (“the Subdivision”), this Declaration of Covenants, Conditions and Restrictions (“Declaration” or “Covenants”) being for the benefit of Declarant and each successive owner of any Lot within the Property, and to provide for the efficient preservation and maintenance of the Property and Common Areas (as defined below) contained therein, the Declarant desires to impose upon the Property the covenants, conditions, restrictions, easements, and charges contained in this Declaration and, further, shall create the \_\_\_\_\_ Property Owners Association, Inc. , an Alabama non-profit corporation (“Association”) to which will be delegated and assigned the power and obligation of maintaining the Property and Common Areas and other Association business in accordance with the terms of this Declaration.

And the Declarant, as owner and developer of the Property and Subdivision, hereby states that these Covenants shall establish covenants running with the land for the period of time hereinafter set forth, as provided by law, and shall be binding upon all purchasers and owners of Lots within the Subdivision, and upon such owners’ heirs, personal representatives, successors and assigns, and upon all persons claiming under them.

**1. Definitions.**

The following words, when used in these Covenants or any amendments or supplements hereto shall have the meanings set forth below:

“**Addition**” or “**Subdivision**” shall mean and refer to the Property described above.

“**Association**” shall mean and refer to “\_\_\_\_\_ Property Owners Association, Inc.” established with or after the filing of this Declaration.

**“Board”** or **“Board of Directors”** shall mean and refer to the Board of Directors of the Association elected in accordance with the provisions of the Bylaws of the Association.

**“Builder”** shall mean a residential builder licensed under Alabama law.

**“Bylaws”** shall mean and refer to the Bylaws of the Association, as amended from time to time.

**“City”** shall mean the city of [REDACTED], Alabama.

**“Common Areas”** shall mean and refer to the areas of mutual enjoyment and benefit within the Subdivision as identified on the Plat and to any and all other areas which service the Subdivision and Property or which is intended for or devoted to the common use, service and enjoyment of the Members of the Association, including but not limited to recreational facilities, trails, all easements, perimeter fencing, entry-ways, monuments, and drainage retention/detention ponds. Upon conveyance, the Association shall hold such title to the Common Property as shall be consistent with the objectives envisioned herein and subject to the easement rights herein of the Members to use and enjoy the Common Properties or receive the benefits therefrom. The Declarant reserves the right to affect redesigns, reconstructions, and/or reconfigurations of the Common Property and execute any open space declarations applicable to the Common Property.

**“Declarant”** and **“Developer”** shall mean and refer to [REDACTED] an Alabama limited liability company, and its successors and assigns.

**“Lot”** or **“Lots”** shall mean and refer to any plot or tract of land which is properly identified or designated as a lot on the Plat, but also may include lots within additional property upon and after the date in which they are properly annexed or added to the Subdivision (by supplemental declaration or otherwise as the context may require).

**“Member”** or **“Members”** shall mean and refer to each Owner.

**“Owner(s)”** shall mean the owner of a Lot and refer to each and every person or business entity who or which is a record owner or subsequently becomes a record owner of a fee or undivided fee interest in any Lot subject to these Covenants.

**“Plat”** shall refer to the plat of (Subdivision name – as shown on filed plat), filed of record in [REDACTED] County, on [REDACTED] [REDACTED], 20[REDACTED], Book [REDACTED], Page [REDACTED], and as attached as Exhibit “B”.

## **2. Membership and Voting Rights in the Association; Additions.**

(a) **Membership.** Every Owner of a Lot shall automatically be a member of the Association. In the event the Owner of a Lot is a corporation or partnership, a partner or corporate officer shall be designated to cast the vote on behalf of the partnership or corporation.

(b) Voting Rights. The Association shall have one (1) class of membership for purposes of voting. Owners shall be entitled to one (1) vote for each Lot owned by the Owner. Notwithstanding, the Declarant shall have four (4) votes per Lot owned by the Declarant on all matters until Declarant has conveyed 99% of the Lots to other Owners (at which time the Declarant shall have one (1) vote per Lot still owned).

(c) Election of Board of Directors. In addition to all other rights and privileges granted to the Declarant under this Declaration, and notwithstanding any provisions of the Bylaws to the contrary, the Declarant shall be entitled to appoint and remove any and all members of the Board of Directors of the Association. This right shall continue until the sooner of when (1) the Declarant formally turns over control to the Association, which may be accomplished by the Declarant appointing replacement Directors consisting of Lot Owners other than Declarant (or via resignation if no replacement Directors are available) or (2) the Declarant (or an affiliated successor thereof) no longer has any ownership interest in any Lots.

(d) Quorum, Notice and Voting Requirements. The quorum, notice and voting requirements of and pertaining to the Association are set forth within the Bylaws. Subject to the provisions of Section (b) above and any other provisions to the contrary set out in these Covenants or the Bylaws, any action by or on behalf of the Association, except for actions allowed to be taken by the Board of Directors alone, may be taken with the assent given in writing and signed by Members who collectively hold or control a majority of the outstanding votes of the Association.

(e) Additions to the Property/Subdivision. Additional tracts of land together with the improvements situated thereon may become subject to this Declaration and Covenants and added to the Subdivision if properly approved by procedures set forth in these Covenants or the Bylaws of the Association, or by the annexation of additional property which can be accomplished by Declarant (or an affiliated corporate owner) at any time without the joinder of any other party by recording a supplemental declaration hereto or by noting such annexation on a separate instrument/declaration for the additional lands to be annexed hereto. Upon doing so, any additional property subjected to this Declaration and added to the Subdivision shall be included in and deemed a part of the Association, subject to all rights, privileges, and obligations associated therewith pursuant to the terms hereof and the Bylaws

### **3. Assessments.**

(a) Assessments; Creation of Lien. Each Owner, except Declarant (and its affiliates), of any Lot, by the acceptance of a deed therefore, whether or not it shall be so expressed in such deed, covenants and agrees to pay the Association (collectively, "Assessments"):

- (i) A one-time Initial Assessment, as hereinafter defined, upon receiving a deed for a Lot to supplement Annual Assessments for maintenance, taxes and insurance on Common Areas and other Association expenses.
- (ii) Annual Assessments, as hereinafter defined, or charges for maintenance, taxes and insurance on Common Areas as herein set forth and as established by the Association;

- (iii) Special Assessments, as hereinafter defined, for capital or other improvements or acquisitions, which assessments are to be established and collected as hereinafter provided;
- (iv) Special Individual Assessments, as hereinafter defined, which might be levied against individual Lot Owners to reimburse the Association for extra costs for maintenance and repairs caused by the willful or negligent acts of the individual Owner, his family, guests, or invitees and not caused by ordinary wear and tear; and
- (v) Individual Assessments, as hereinafter defined, and fines levied against individual Lot Owners for violation of rules and regulations pertaining to the Association and/or Common Areas.

The annual and special assessments, together with interest, costs and reasonable attorney's fees required to collect the same, if any, shall be a continuing lien against the Lot(s) owned by the owner/member failing to make the payment as due. Assessments shall be made pursuant to the Bylaws of the Association, subject to the terms of this Declaration.

(b) Purpose. The assessments levied by the Board on behalf of the Association shall be used to enhance the natural environment, appearance and beauty of the Subdivision, promote the health, recreation, safety, and general welfare of the residents, and maintenance, repair and improvement the Common Areas.

(c) Deposit of Assessments. All sums from Assessments or related payments shall be collected and held by the Association and shall be used for the purposes set forth in these Covenants and the Bylaws of the Association.

(d) Initial Assessment. Upon the conveyance and/or closing of any Lot (and for all closings or conveyances of the same Lot thereafter), the new Owner shall pay a one-time initial assessment in the amount of \$ [REDACTED] (no proration) (the "Initial Assessment"). This Initial Assessment shall be collected at closing by the closing company/agent or shall be paid by the new Owner upon conveyance and/or closing, without additional notice required from the Association. The Initial Assessment may also include transfer fees payable to the Association's management company under a management contract, as applicable. The Board may waive or suspend this requirement but such a decision shall not affect the applicability and validity of future Initial Assessments.

(e) Annual Assessments. The initial Annual Assessment per Lot shall be \$ [REDACTED]. Thereafter, the assessment rate shall be set by a vote of the Board of Directors of the Association. The Board shall give notice to all Members at least thirty (30) days in advance of the date all Annual or Special Assessments are due. All Annual Assessments shall be collected in advance and shall be due on or before January 1 for the year it is due or whatever other date as amended by the Board. The Board of Directors may not increase the annual assessments by more than twenty-five percent (25%) over the previous year's assessment without the approval of a majority vote of the Lot Owners to raise assessments.

(f) Special Assessments. In addition to the Annual Assessments authorized above, the Board may levy in any year a Special Assessment for the purpose of defraying in whole or in part the cost of any construction, reconstruction, repair or replacement of any capital



improvements, common properties/areas, or easements within the Subdivision. As used herein, the term "Special Assessment" shall mean those assessments made to all Owners pursuant to this Section. The decision to make the Special Assessment and the amount of the Special Assessment shall be made in accordance with the Bylaws of the Association, subject to the terms of this Declaration.

(g) Special Individual Assessments. In addition to the Individual Assessments authorized below, the Board may levy in any year a Special Individual Assessment for the purpose of reimbursing the Association for any extra costs for maintenance and repairs caused by the willful or negligent acts of an individual Owner, his family, guests or invitees. As used herein, the term "Special Individual Assessment" shall mean those assessments made to any individual Owner pursuant to this Section.

(h) Individual Assessments. The Board may, in its sole discretion, at any time and from time to time levy and assess as individual assessments (collectively, the "Individual Assessments") against any Lot: (i) fines against an Owner and such Owner's Lot for the violation of rules and regulations pertaining to the Association and/or Common Areas, (b) any costs or expenses, including, without limitation, collection costs, professional engineering and architectural fees and expenses, attorneys' fees and expenses, court costs and any administrative costs and expenses incurred by or on behalf of the Committee or the Association as a result of the failure of any Owner, occupant or their respective family members, agents, guests, servants, employees, invitees and contractors, to at all times observe and perform their respective duties and obligations under this Declaration, (c) any fees, charges and other costs incident to the use of any of the Common Areas for which a charge for the use thereof has been established by the Board, and (d) any costs, charges or other amounts payable by any Owner for any special services which the Association and such Owner may have contracted for which have been or will be provided to such Owner by the Association. The Individual Assessments provided for in this Section shall be levied by the Board and the amount and due date of such Individual Assessment shall be specified by the Board in a notice to such Owner, which due date shall be no earlier than 30 days from the date of such notice or billing invoice for such Individual Assessment.

(i) Effect of Nonpayment.

(i) Each Owner of a Lot is and shall be deemed to covenant and agree to pay to the Association all Assessments provided for herein. If any Assessment or fine or any part thereof is not paid on the dates when due, then (a) the Owner of such Lot shall be deemed in default hereunder, and (b) a late fee in the amount of \$25.00 (which amount shall be subject to increase from time to time and at any time, as determined by the Board, in its sole discretion) shall automatically be levied and assessed against such Owner and such Owner's Lot. In addition, if any Assessments or any portion thereof (including late fees) are not paid in full by the due date of the payment of such Assessments, then the unpaid portion of the Assessment shall accrue interest at the lesser of eighteen percent (18%) per annum or the maximum rate allowed under applicable law from and after the due date until the same has been paid in full. In the event the Association employs an attorney or otherwise takes any legal action in attempting to collect any amounts due from any Owner, such Owner agrees to pay all attorneys' fees and expenses, court costs and other expenses paid or incurred by the Association. The lien and equitable charge upon each Lot for Assessments shall also include all late fee charges, interest and all attorneys' fees, court costs and all other expenses paid or incurred by the Association in attempting to collect any unpaid Assessments.

(ii) In the event any Assessments are not paid by any Owner within 30 days following the due date for the payment of such Assessments, then, in addition to all other rights and remedies provided at law or in equity, the Association, acting through its Board or through any of its officers or authorized representatives, may at any time thereafter undertake any or all of the following remedies:

a. The Association may commence and maintain a suit at law against an Owner for a personal money judgment to enforce such charges and obligations for Assessments and any such judgment rendered in any such action shall include the then applicable late fee charge and interest, together with attorneys' fees and expenses, court costs and all other expenses paid and incurred by the Association in collecting such unpaid Assessments; and/or

b. The Association may enforce the lien created pursuant to Section 3(a) and 3(i)(iii) hereof in the manner hereinafter provided.

(iii) There is hereby created a continuing lien on each Lot, with power of sale, in favor of the Association, which secures the payment to the Association of any and all Assessments levied against or upon such Lot, all late fees or charges, interest and all attorneys' fees and expenses, court costs and all other expenses paid or incurred by the Association in collecting any Assessments. If any portion of any Assessments remains unpaid for more than 30 days following the due date for the payment of such Assessments, then:

a. At any time thereafter, the Association, through the Board or any officer or authorized representative thereof, shall provide written notice of the Assessment and lien to such defaulting Owner, which written notice shall state the date and amount of delinquency and shall be given by personal delivery or first-class United States mail, postage prepaid. Each default shall constitute a separate basis for a demand and claim of lien, but any number of defaults may be included in a single demand; and

b. At least thirty (30) days prior to recording a statement of lien, the Association shall give written notice (the "Lien Notice") to such defaulting Owner stating that the statement of lien will be recorded in the Probate Office. At any time after the expiration of thirty (30) days following the giving of the Lien Notice (but within the twelve (12) months from the date such Assessment was due), the Association may file a statement of lien and perfect its lien against the Lot of such delinquent Owner, which statement of lien shall be executed by any member of the Board or any officer of the Association having personal knowledge of the facts, contain the following information and be recorded in the Probate Office:

- i. The name of the Association;
- ii. The name of the defaulting Owner;
- iii. The legal description and street address, if any, of the Lot upon which the lien claim is made;

- iv. The total amount claimed to be due including the due date of any Assessments, together with late charges, interest, collection costs and attorneys' fees and expenses incurred to date and a statement, if applicable, that such charges and costs shall continue to accrue and be charged until full payment has been received; and
- v. A statement that the claim of lien is made by the Association pursuant to this Declaration and is claimed against such Lot in an amount equal to that stated therein.

The lien provided for herein shall be in favor of the Association and may be foreclosed in the same manner as a foreclosure of a mortgage on real property containing a power of sale under the laws of the State of Alabama, as the same may be modified or amended from time to time. The Association shall have the right and power to bid at any such foreclosure sale and to purchase, acquire, hold, lease, mortgage, convey and sell any such Lot. Each Owner, by acceptance of a deed to any Lot, shall be deemed to (1) grant to and vest in the Association and its agents, the right and power to exercise the power of sale granted herein and foreclose the lien created herein, (2) grant to and vest in the Association and its agents the right and power to bring all actions against such Owner personally for the collection of all amounts due from such Owner, (3) expressly waive any objection to the enforcement and foreclosure of the lien created herein and (4) expressly waive the defense of the statute of limitations which may be applicable to the commencement of any such suit or action for foreclosure.

(iv) In addition to the other rights and remedies provided herein, in the event any Owner fails to pay any Assessments within 30 days from the statement billing date for such Assessments, then the Association shall have the right to suspend the privileges of such Owner, his or her occupants, family members, guests and invitees from using any of the Common Areas, if any. No Owner may waive or otherwise escape liability for any assessment provided herein by non-use of the Common Properties/Areas or abandonment of the Lot or House.

(j) Collection. No set-off shall be allowed to any Lot Owner for repairs or improvements made by or on behalf of any Lot Owner, or for services contracted for by any Lot Owner without the express written authorization of the Board. The Board shall be entitled to collect from the Lot Owner all legal costs, including a reasonable attorney's fee incurred by the Association in connection with or incidental to the collection of such Assessment, or in connection with the enforcement of the lien resulting therefrom.

#### **4. Duties and Powers of Association.**

The affairs of the Association shall be conducted by its Board. In addition to the duties and powers of the Association as set forth in the Bylaws, or as set forth herein, and in order to carry out the obligations of the Association, the Board shall have the following rights and powers and may provide for and pay for, out of Assessments, the means to exercise the following rights and powers:

(a) Maintain and otherwise manage all the Common Areas and all improvements and landscaping on the Common Areas and at the entrances to the Subdivision, including provision for taxes, insurance and utilities which pertain to Common Areas.

(b) Hire legal and accounting services to serve the Association.

(c) Obtain and maintain such policy or policies of insurance as the Association may deem necessary or desirable in protecting the interest of the Association and its Members.

(d) Authority to employ a manager or other person under contract with independent contractors or managing agents to perform all or any part of the duties and responsibilities of the Association, including, but not limited to, a yard maintenance service. The manager under contract may be affiliated with the Developer.

(e) Provide materials or other supplies or services which the Board may be required to obtain or pay for pursuant to these Covenants for the benefit of the Association.

(f) To enter into contracts, maintain one (1) or more bank accounts and generally to have all powers necessary or incidental to the operation and management of the Association.

(g) To execute all declarations of ownership for tax assessment purposes as necessary.

(h) To make reasonable rules and regulations for the operation of the Common Areas and to amend these Covenants from time to time.

(i) To request and accept funds from the Developer/Declarant to support and subsidize Association matters and expenses, when necessary, and to reimburse Developer/Declarant for such funds upon receipt of written invoice/request.

**5. Limitation on Liability.** The Association shall be entitled to all protections afforded under the Alabama Homeowner's Association Act and the Alabama Nonprofit Corporation Law. Neither the Declarant or any affiliate thereof, any Member nor Owner, nor the Directors and Officers of the Association shall be personally liable for debts contracted for or otherwise incurred by the Association or for any torts committed by or on behalf of the Association or otherwise. Neither the Declarant or any affiliate thereof, the Association, its Directors, Officers, Agents or Employees shall be liable for any damages, including, but not limited to, incidental or consequential damages, for the exercise or failure to exercise any of its rights herein, or for failure to inspect any premises, improvements or portion thereof, or for failure to repair or maintain the same. This Section shall be subject to Alabama law to the contrary.

**6. Property Rights in the Common Areas.**

(a) Members' Rights. Every Member and their family members has the non-exclusive right to benefit from, use and enjoy the Common Areas subject to all rules and regulations pertaining to the Common Areas and all applicable codes and ordinances, including without limitation the right to benefit from any services, whether utility or otherwise, that the Common Areas offers. Such right is an appurtenance to the Property and passes with the title to every Lot; provided, however, it does not give such person (except for the Declarant and its affiliates) the right to make alterations, additions or improvements to the Common Areas.

(b) Title to the Common Areas. The Declarant may convey title to the Common Areas to the Association, or in the case where easements constitute part of the Common Areas, Declarant may assign and transfer such easements to the Association, subject to the lien of



taxes and Assessments for the current year not yet due and payable, utility easements, pipelines, set-back lines, mineral interests and other restrictions of record. Upon such conveyance, the rights, obligations and liabilities with respect to any such Common Areas shall belong solely to the Association.

(c) Extent of Members' Rights in Common Areas. The rights and easements created hereby shall be subject to the following:

- (i) All applicable local, state and federal codes, ordinances and restrictions, with specific regard to construction limitations and maintenance requirements as set forth herein or otherwise.
- (ii) The right of the Board to prescribe or to enact regulations governing the use, operation, and maintenance of the Common Areas.
- (iii) The right of the Association in accordance with its Bylaws to borrow money for the purpose of improving, maintaining and servicing Common Areas and facilities.
- (iv) The right of the Association as may be provided by its Bylaws and the provisions of this Declaration to suspend the voting rights of any Member and to suspend the right of any individual to use any of the Common Areas for any period during which any Assessment against a Lot owned by such Member remains unpaid, including the right to seek reimbursement or damages from the delinquent Member therefor.
- (v) The right of the Association to dedicate or transfer all or any part of the Common Areas to any municipality, county, or public agency, authority or utility for such purposes and upon such conditions as the Board of the Association may determine in its sole discretion.

**7. Maintenance of Common Areas.**

(a) Association's Responsibility.

- (i) Subject to the Association receiving from the Owners necessary Assessments to pay the same, the Association shall maintain and keep in good repair, service, condition and function the Common Areas owned by the Association, including the entrances. The Association shall also maintain any owned perimeter and/or screen fencing that may surround the borders of the Subdivision or divide parts of the Subdivision from properties (commercial or otherwise) outside of the Subdivision. The maintenance of the Common Areas shall include, without limitation, maintenance, repair, replacement, planting, sodding, and all other necessary maintenance and repairs of whatsoever nature as may be required by city, state or federal code or ordinance with respect to the Common Areas and the facilities related thereto.
- (ii) The cost to the Association of maintaining the Common Areas shall be assessed equally among the Members as part of the Annual Assessments (and Special

Assessments, if applicable) pursuant to the provisions of these Covenants, except as otherwise stated herein.

- (iii) In the event a Member or Owner (except for Declarant or its affiliates) fails to follow or otherwise violates the covenants, conditions, and/or restrictions contained in this Declaration after the Declarant turns over control of the Board, the applicable City or County within which the Subdivision is located may exercise all rights of the Association contained in this Declaration, including, but not limited to, the right to impose Special Assessments and impose liens against individual Members/Owners (except for Declarant or its affiliates), subject to applicable City or County regulations.

#### **8. Easements**

Other than for primary service of the Subdivision and within platted easements, there shall be no above-ground service for utilities except those lines or poles that shall be approved, in writing, by a majority vote of the Board. Each Owner shall be responsible for the protection of underground utilities located on his or her Lot and shall prevent and be precluded from any alteration of grade or construction activity which may interfere with said utilities.

#### **9. Use and Division of Lots**

Developer reserves the right to record, modify, amend, revise and otherwise add to, at any time and from time to time, one or more subdivision plats setting forth such information as Developer may deem necessary with regard to the Property, including, without limitation, the locations and dimensions of all Lots, Common Areas, public or private roads, utility systems, drainage systems, utility easements, drainage easements, access easements, set-back line restrictions, lakes, retention ponds and drainage basins. Except as set forth in the preceding sentence, no Lot may be divided, subdivided, or otherwise split. The Subdivision (and each Lot situated therein) shall be constructed, developed, occupied and used as follows:

(a) Residential Lots. Except as otherwise specifically set forth in this Declaration, all Lots within the Subdivision shall be used, known and described as Residential Lots. Only one single family residential dwelling shall be permitted on each Lot. In addition, only customary and usual necessary structures may be constructed on each Lot as may be permitted by City regulations. No building or structure intended for or adopted to business purposes shall be erected, placed, permitted or maintained on any Lot. This Covenant shall be construed as prohibiting the engaging in or practice of any commerce, industry (including oil/gas production), business, trade or profession within the Subdivision and/or within any Lot. The restrictions on use herein contained shall be cumulative of and in addition to such restrictions on usage as may from time to time be applicable under and pursuant to the statutes, rules, regulations and ordinances of the City or any other governmental authority or political subdivision having jurisdiction over the Subdivision.

(b) Residential Purposes. By acquisition of any Lot within the Subdivision, each Owner (excluding bona fide home builders) covenants with and represents to the Declarant and to the Association that the Lot is being specifically acquired for the specific and singular purpose of constructing and using a single family residential dwelling thereon, or as a residence for such owner and/or owner's immediate family members.

(c) Submission of Plans. In order to maintain a beautiful and pleasing setting in the Subdivision two (2) sets of building and site improvement plans and specifications must be submitted to the Architectural Control Committee (“Committee”) for its approval prior to the commencement of construction (this requirement shall not be applicable to the Declarant or any affiliates thereof). The Committee shall act to enforce the requirements of these Covenants in a reasonable manner. The Committee has the authority to maintain the architectural conformity of the Subdivision, and in consideration thereof shall determine that the proposed construction shall not detract from the development and shall enhance the purpose of the development to provide a beautiful and pleasing setting in the Subdivision. The Committee shall consider such matters as the proposed square footage, location, materials, exterior style and landscaping, etc. The Committee may adopt rules or bylaws explaining the mechanics of its operation and providing for a twenty-one (21) day maximum time within which plans must be reviewed and approved or disapproved after submission, and if not approved or disapproved in that period, that the same shall be considered as automatically approved. The Board may also exercise the duties of the Committee in the event the Board deems it necessary and efficient to do so.

(d) Minimum Square Footage. The minimum heated and cooled square footage for any single family home construction on the Lot within the Subdivision shall be determined by the Committee.

(e) Architectural Requirements.

- (i) Each dwelling shall front a dedicated public street.
- (ii) No building shall be located closer to the street than the minimum building or set-back lines shown on the recorded Plat.
- (iii) All residences shall have roof shingles that are like the original in color (grey/charcoal/black). Deviation from this color requires approval from the Committee.

(f) Additions to Existing Structures. All additions to the Property shall conform to the basic styling and materials of the dwelling on any Lot. All additions shall fall within the building set-backs on said Lot and shall not be placed over any drainage or utility easement. All improvements shall be constructed in accordance to applicable City codes, rules and regulations. Any additions contemplated by the home owner or lot owner must submit plans prior to construction to the Committee for approval. The Committee has complete and sole discretion to approve, modify, deny or change any request for an addition to an existing structure.

(g) Surface Drainage. Each Lot shall receive and drain in an unobstructed manner the storm and surface waters from Lots and drainage areas of higher elevation and from public streets and easements. No Lot Owner shall construct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across his Lot. The foregoing covenants set forth in this paragraph shall be enforceable by any affected Lot Owner and by the City.

(h) Garage and Detached Structures and Storage Buildings. All residences constructed in the Subdivision shall have a private garage to accommodate a minimum of two (2) automobiles (provided, however, that this requirement shall not apply to residences

constructed by Declarant or its affiliates). No carports are allowed on the side, rear or front yards of any Lots. Each garage shall be fully enclosed and contain a full-length overhead style door. All garage doors are to be kept closed when not entering or exiting the garage. Any detached structure to be built on a Lot, such as a covered entertainment area, guest house, pool house, storage building, or other structure, shall conform to the basic styling and materials of the residential dwelling. Any detached structure contemplated for construction by any home owner or Lot Owner must, prior to construction, submit acceptable plans to the Committee for approval. The Committee has complete and sole discretion to approve, modify, deny or change any request for an addition to any existing structure.

(i) Temporary Structures. No trailer, mobile home, tent, construction shack, or other outbuilding shall be erected on any Lot in the Subdivision except for temporary use by construction contractors for a reasonable period of time.

(j) Fences. No fence shall be constructed on any Lot in the area between the front building line of any dwelling and the front lot line of any Lot. No fence on a corner lot shall be constructed beyond the side set-back line toward the street, except for the community entry. Further, the placement/location of any perimeter fencing around the Subdivision as initially installed by the Declarant and/or original developer may not be adjusted, relocated or moved without the prior consent of the Committee and/or the Board. Any privacy fence shall be constructed so that the framing shall be toward the inside of the owner's lot, provided, however, that this requirement shall not apply to portions of fences constructed on interior (non-street facing), common Lot lines shared by Owners/Members. All fences must be installed by a professional installer and shall be six foot (6') wood privacy fencing with vertical boards (not horizontal) and no chain-link fences, wire, hog wire, or other similar materials shall be permitted. Prior to installation, the fence design and name of the installer must be approved by the Committee.

(k) Mailboxes. All mailboxes shall be approved by the United States Postal Service. The type of construction shall be consistent with the design established by the Developer. Community mailbox is an approved alternative subject to approval of the United States Postal Service.

(l) Signs. No sign of any kind shall be displayed to the public view on any Lot except one professional sign advertising the Property for sale, resale or rent, or signs used by builder or agent to advertise the Property during the construction and sale of a dwelling thereon. In no event shall any such sign stand more than seven (7) feet above ground level, nor be more than five (5) square feet in size, nor be lighted at night. These signage restrictions and requirements shall not apply to Declarant.

(m) Parked Vehicles. All vehicles parked in the front of the front building line must be parked on the driveway. No inoperative vehicles of any nature shall be permitted to remain on any Lot or Lots for a period in excess of one (1) day. Except on special occasions such as holidays or events at an Owner's residence, and subject to applicable law, all parking shall be in driveways or garages and shall not be on a street or on any yard. Accordingly, no vehicle shall be parked overnight on a street. No parking of vehicles shall interfere with any construction activities of the Declarant or a Homebuilder during development of the Subdivision or construction of residences therein. Any violation of this Section may result in a towing of the vehicle at the owner's expense per municipal regulations. No vehicle maintenance shall be performed on the streets or in the front yards or on parking pads of any Lot.



(n) Appearance of Lot. All Owners shall be required to keep their Lot (including improvements and sidewalks thereon) in a clean and sanitary condition whether or not they have constructed a residence on the Lot. All open areas on Lots shall be kept mowed to a height of not more than six (6) inches. No playgrounds, swing sets, trampolines, swimming pools, picnic tables, or other similar equipment is allowed in the front yards of any Lot. The Board and Committee may promulgate rules and regulations regarding the maintenance of Lots and adequate enforcement mechanisms in the event a Lot is not properly maintained.

Upon failure of the Owner to maintain or landscape the grounds of any Lot in accordance with the provisions above, the Association may, upon 15 days' written notice to the Owner, cause the grass, weeds and vegetation to be cut. The cost of any maintenance required under this section and any enforcement costs shall be assessed to the Owner as an Individual Assessment, and shall constitute a lien upon the Lot, and may be collected in accordance with the terms of this Declaration.

(o) Recreational Vehicles and Accessories. No boats, trailers, recreational vehicles, and vehicles used for recreational purposes are allowed in the subdivision unless they are stored in a private garage.

(p) Storage and Construction Materials. Construction materials may only be stored on a Lot for thirty (30) days prior to the commencement of and only during construction of the improvements on the Lot. Thereafter, construction is to be completed within a reasonable period of time. The Declarant shall be allowed to store materials on a Lot in an orderly fashion as long as may be reasonably necessary.

(q) Garbage/Dumping/Pets. Dumping is prohibited in the Subdivision. All trash, garbage or other waste shall be kept in sanitary containers that shall be located at the rear of each residential unit or enclosed garages and must be out of sight from the street. All Lots shall be maintained in a neat and orderly condition at all times. Owners shall keep animals and pets on a leash at all times that the animal and/or pet is outside of the Owners home or fenced in Lot (including while on any other Lot or the Common Areas). Owners shall immediately pick up and dispose of any animal or pet waste that occurs on a Lot or the Common Areas.

(r) Model Home and Construction Facilities. Model homes for the purposes of home sales are permitted by the Declarant. The garage of model homes may be used as sales offices. One trailer or temporary building may be located on a residential lot by the Declarant and used as a construction office until the Subdivision reaches one-hundred percent (100%) occupancy.

## **10. Nuisances.**

No noxious or offensive activity shall be carried on in, upon, or around any residence or Lot or in or upon any Common Areas or easement areas, nor shall anything be done thereon which may be or may become an annoyance or a nuisance to the remaining Owners or their tenants or licensees or any of them, which shall in any way interfere with the quiet enjoyment of such of the Owners, tenants, or licensees of his respective residence of Lot or which shall in any way increase the rate of insurance for the Property.

**11. Regulations.**

Reasonable regulations concerning the use of the Property, including Common Areas and all other areas which the Association maintains, regardless of fee ownership, may be made and amended from time to time by the Association.

**12. Enforcement of Obligations; Miscellaneous.**

(a) Each Owner shall be governed by and shall comply with the terms of these Covenants and the Bylaws of the Association. Upon failure of an Owner to so comply, the Declarant, the Association, any mortgagees having a first lien, or other Owners shall have the right to institute legal proceedings, and the prevailing party shall be entitled to recover its or his legal costs, including reasonable attorney's fees. The failure of any of the foregoing named entities or persons to enforce any right, requirement, restriction, covenant, or other provision of the hereinabove named documents, shall not be deemed to be a waiver of the right to seek judicial redress against subsequent noncompliance therewith.

(b) Fines. The Association may levy reasonable charges, as an Individual Assessment, against an Owner and his Lot if the Owner or resident, or the Owner or resident's family, guests, employees, tenants, agents, or contractors violate a provision of the Declaration, Bylaws or rules and regulations of the Association. Fines may be levied for each violation or for each day a violation continues, and do not constitute a waiver or discharge of the Owners obligations under the Declaration, Bylaws or rules and regulations of the Association.

(c) Any and all of the provisions contained in these Covenants may be changed or amended at any time by a written instrument signed and acknowledged by the Declarant prior to the Turnover Date, or alternatively these Covenants may be amended or terminated at any time by a written instrument signed and acknowledged by the Owners of sixty percent (60%) of the Lots. In the event of any conflict between an amendment or termination properly executed by the Declarant (during its ownership of at least one (1) Lot) and any amendment or termination properly executed by the Owners of sixty percent (60%) of the Lots, the instrument executed by the Declarant shall prevail during the time of the Declarant's ownership of at least one (1) Lot. The provisions of any instrument amending or terminating these Covenants shall be effective from and after the date it is properly recorded (provided, however, that the Owners may not terminate these Covenants during the time that Declarant owns at least one (1) Lot)..

(d) Notice. Any notice required to be given to any Member or Owner shall deemed to have been properly delivered when deposited in the United States mail, postage pre-paid, addressed to the last-known address of the person who appears as the Member or Owner on the records of the county at the time of such mailing.

(e) Disputes. Matters of dispute or disagreement between Owners with respect to interpretation or application of the provisions of these Covenants shall be determined by the Declarant. These determinations (absent arbitrary and capricious conduct or gross negligence) shall be final and binding upon all Owners.

(f) Subject to Section 14(c), these Covenants shall run with the land and shall be binding on all parties and all persons claiming under the land and the Property for a period of twenty (20) years from the date this instrument is recorded, after which time said Covenants shall be automatically extended for successive periods of ten (10) years unless an instrument

signed by a majority of the then-Owners of the Lots has been recorded agreeing to change said Covenants in whole or in part.

(g) If any provision of this Declaration or any section, clause, phrase, work or application thereof in any circumstance is held to be invalid, the validity of the remainder of these Covenants and of the application of the remaining provisions shall not be affected thereby.

(h) Assignment of Declarant Rights. The Declarant ( [REDACTED] ) hereby conveys and assigns all of its rights, interest and status as said Declarant in the above described Declaration for the Property described herein to (RC Entity) and all references to Declarant shall refer to (RC Entity) after the date hereof.

IN WITNESS WHEREOF, (Declarant), an Alabama limited liability company, has authority to cause these presents to be duly executed by the undersigned on this [REDACTED] day of [REDACTED], 20 [REDACTED].

[REDACTED]

By \_\_\_\_\_

Title: [REDACTED]

DRAFT

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ )  
\_\_\_\_\_ COUNTY )

I, the undersigned, a Notary Public in and for said county in said State, hereby certify that \_\_\_\_\_, whose name as \_\_\_\_\_ of \_\_\_\_\_, a/an \_\_\_\_\_, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said \_\_\_\_\_.

Given under my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

AFFIX SEAL

My commission expires: \_\_\_\_\_

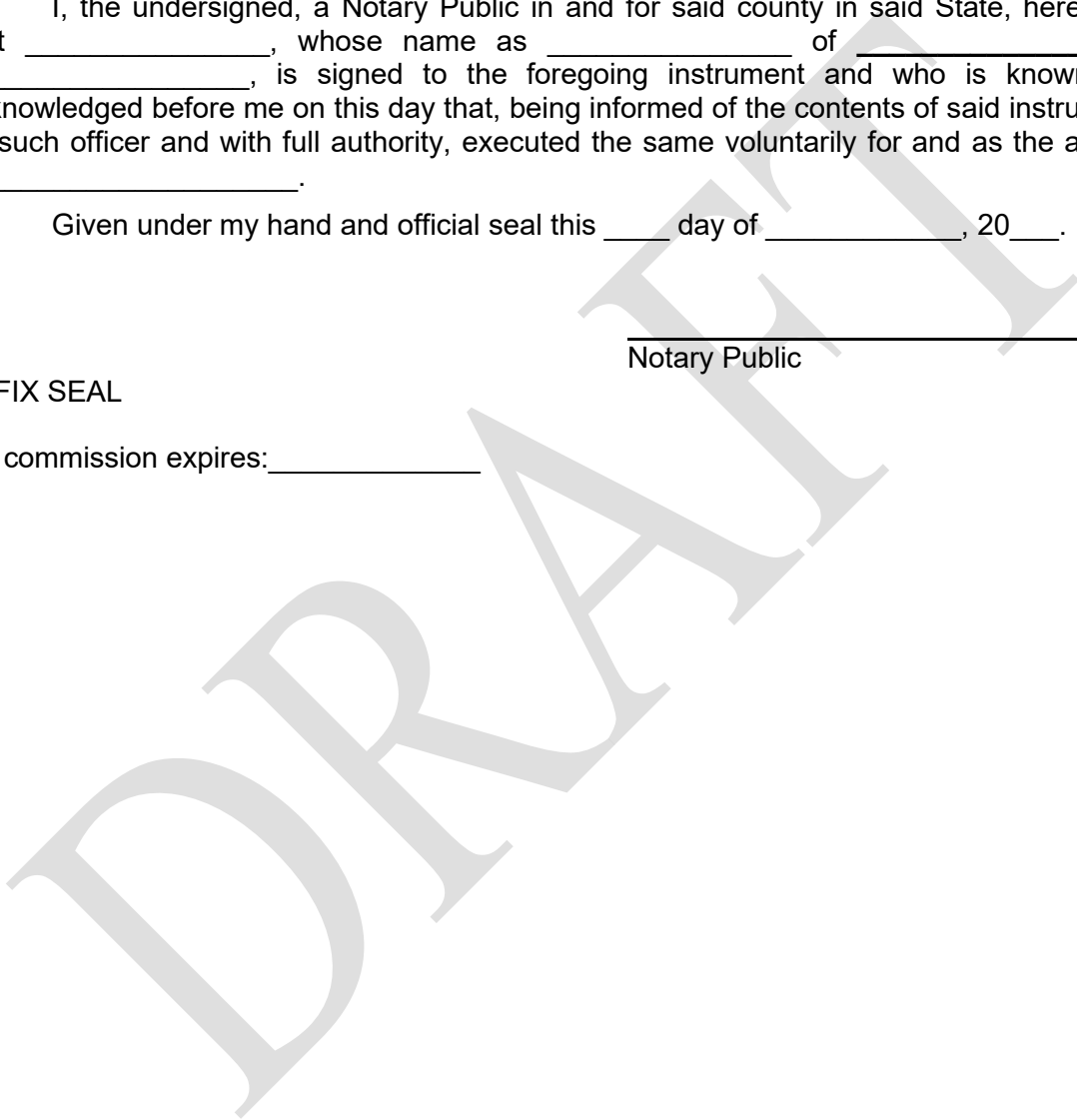


EXHIBIT A  
Property Description

DRAFT



EXHIBIT B  
Plat

DRAFT

---

# Honeycut Creek Cottages

---

Bay Minette, Alabama

PLANNED UNIT DEVELOPMENT  
SAMPLE HOUSE ELEVATIONS

APRIL 25, 2024

GOODWYN MILLS CAWOOD  
2039 Main Street | Daphne, AL 36526



# RC Chelsey

4 BED • 2.5 BATH  
2 CAR GARAGE



LONG LIVE HAPPY HOMES™

Drawing is an artistic rendering only. Actual home, options and floorplans may vary from rendering and by community. Optional elevation drawings on reverse side.



RCH.com

844.4RCHomes



Version 11

ELEVATIONS



RC Chelsey Elevation A



RC Chelsey Elevation B



RC Chelsey Elevation C



RC Chelsey Elevation D



RC Chelsey Elevation E



RC Chelsey Elevation G





# RC Holland

3 BED • 2.5 BATH  
2 CAR GARAGE



LONG LIVE HAPPY HOMES™

Drawing is an artistic rendering only. Actual home, options and floorplans may vary from rendering and by community. Optional elevation drawings on reverse side.



844.4RCHomes

Version 14



ELEVATIONS



RC Holland Elevation A



RC Holland Elevation B



RC Holland Elevation C



RC Holland Elevation D



RC Holland Elevation G



RC Holland Elevation H



RC Holland Elevation I

ELEVATIONS



RC Holland Elevation A



RC Holland Elevation B



RC Holland Elevation C



RC Holland Elevation D



RC Holland Elevation G



RC Holland Elevation H



RC Holland Elevation I

Version: 14.01  
CORE 3-CAR



# RC Kingston

4 BED • 2.5 BATH  
2 CAR GARAGE



LONG LIVE HAPPY HOMES\*

Drawing is an artistic rendering only. Actual home, options and floorplans may vary from rendering and by community. Optional elevation drawings on reverse side.



RCH.com

844.4RCHomes



Version 08

ELEVATIONS



RC Kingston Elevation A



RC Kingston Elevation B



RC Kingston Elevation C



RC Kingston Elevation D



RC Kingston Elevation G





# RC Mitchell

3 BED • 2 BATH  
2 CAR GARAGE



LONG LIVE HAPPY HOMES™

Drawing is an artistic rendering only. Actual home, options and floorplans may vary from rendering and by community. Optional elevation drawings on reverse side.



RCH.com

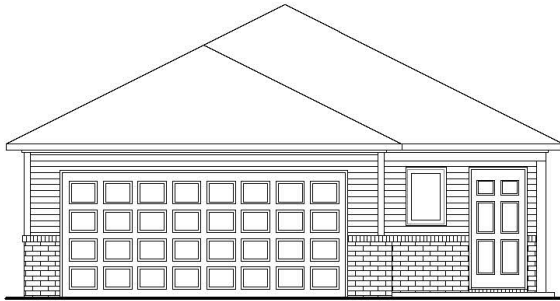
844.4RCHomes



Version 11



ELEVATIONS



RC Mitchell Elevation A



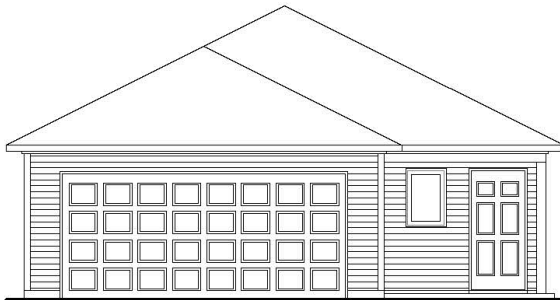
RC Mitchell Elevation B



RC Mitchell Elevation C



RC Mitchell Elevation D



RC Mitchell Elevation G

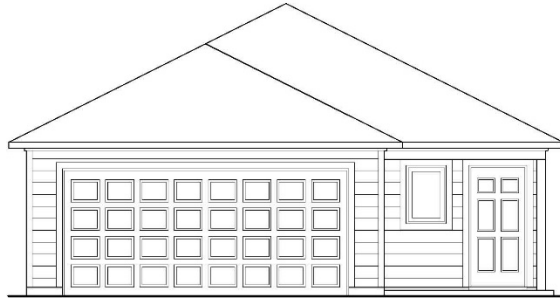


RC Mitchell Elevation H

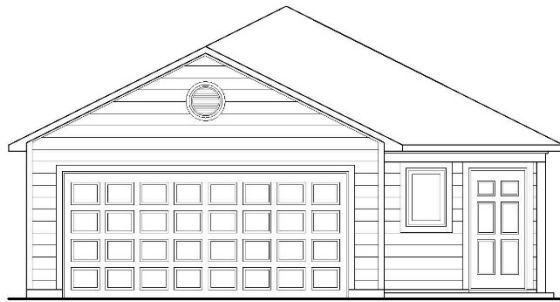


RC Mitchell Elevation I

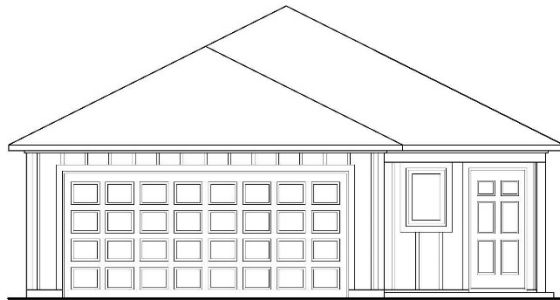
ELEVATIONS



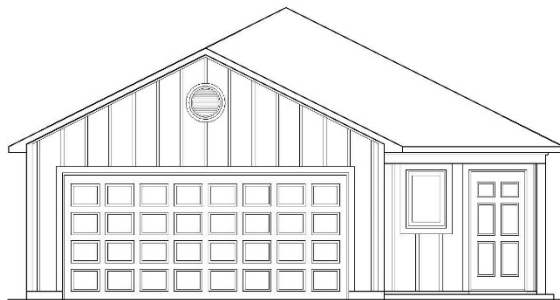
RC Mitchell Elevation G



RC Mitchell Elevation J



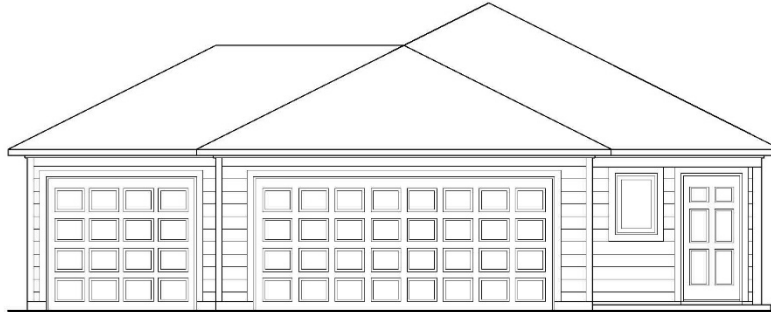
RC Mitchell Elevation K



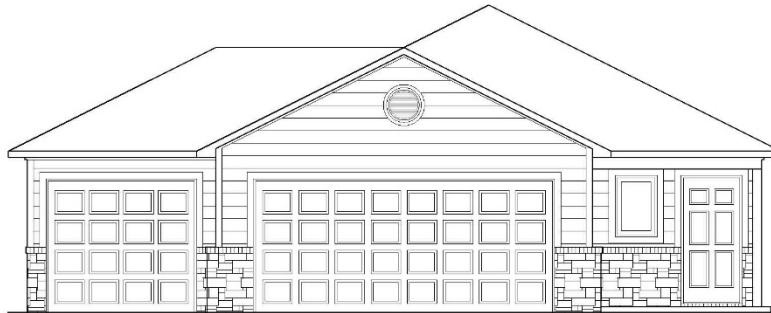
RC Mitchell Elevation L

Version: 11.01  
GJKL

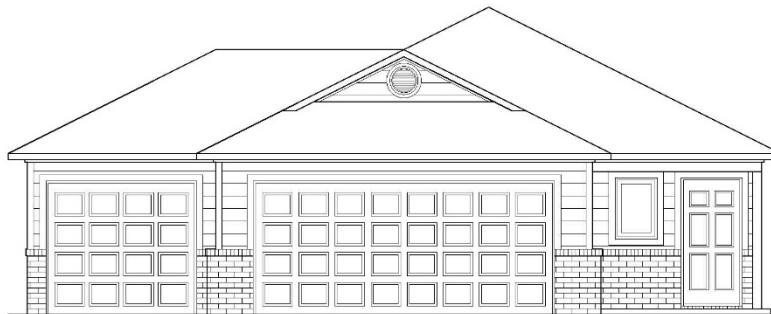
ELEVATIONS



RC Mitchell Elevation G



RC Mitchell Elevation H



RC Mitchell Elevation I

Version: 11.01  
KS 3-CAR



# RC Newberry

**3 BED • 2.5 BATH  
2 CAR GARAGE**



LONG LIVE HAPPY HOMES®

Drawing is an artistic rendering only. Actual home, options and floorplans may vary from rendering and by community. Optional elevation drawings on reverse side.



RCH.com

844.4RCHomes



Version 06

ELEVATIONS



RC Newberry Elevation A



RC Newberry Elevation B



RC Newberry Elevation C



RC Newberry Elevation D



RC Newberry Elevation G



RC Newberry Elevation H



RC Newberry Elevation I



ELEVATIONS



RC Newberry Elevation A



RC Newberry Elevation B



RC Newberry Elevation C



RC Newberry Elevation D



RC Newberry Elevation G



RC Newberry Elevation H



RC Newberry Elevation I

Version: 06.01  
KS 3-CAR

Submitted to:

The City of Bay Minette  
Planning & Development Services  
Ms. Clair Dorough, City Planner  
301 D'Olive Street  
Bay Minette, AL 36507  
251- 580-1650

Date: April 25, 2024

Prepared For:

Rausch Coleman Homes, LLC  
4058 North College Avenue, Ste 100  
Fayetteville, AR 72703  
850-380-1539  
Fred McLaughlin  
Director of Land Acquisitions

Prepared By:

Goodwyn Mills Cawood  
2039 Main Street  
Daphne, AL 36526  
251-626-2626  
Melissa A. Hadley, PhD, RLA, AICP  
Project Manager, Engineering

## Paula Bonner

---

**From:** Paula Bonner  
**Sent:** Wednesday, May 22, 2024 11:36 AM  
**To:** AL Tolbert; Jason Padgett; Steven W. Stewart; Mike Minchew; Murray Stewart; Rob Madison; Tammy S. Smith  
**Subject:** Z-24002, Rezoning Request PUD N. side of W. 7th St.  
**Attachments:** Application.pdf; Z-24002 Site Map.pdf

Good morning,

Please see attached rezoning application and site map of Z-24002, Honeycut Creek Cottages PUD rezoning request. The request is for a Planning Unit Development Zoning Amendment for a 181-lot residential subdivision on two parcels, PIN 35327 and PIN 36573 located on the North side of W. 7<sup>th</sup> Street.

Please let me know if you have any comments or questions.

Thank you,

***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](http://cityofbayminetteal.gov)

[Planning & Development Services Department Site](#)



## Paula Bonner

---

**From:** Scott Warner <swarner@baldwin911.org>  
**Sent:** Wednesday, May 22, 2024 3:51 PM  
**To:** Paula Bonner  
**Cc:** Samantha Roberts; Clair Dorough  
**Subject:** RE: SD-24009, Master Plan PUD

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YES! Perfect.

So they will definitely need to submit road names to us, for when they go to needing addresses in here. With PUDs I am guessing at some point in the near future they may submit a request for an address to us, and at that time they will be asked to provide us this site layout showing streets. When they do, does the city have to re-approve it to ensure this matches the new submittal? Trying to understand how we move from your preliminary review that you sent us this morning, to the point of naming the streets within.

Scott

---

**From:** Paula Bonner <Paula.Bonner@CITYOFBAYMINETTEAL.GOV>  
**Sent:** Wednesday, May 22, 2024 3:13 PM  
**To:** Scott Warner <swarner@baldwin911.org>  
**Cc:** Samantha Roberts <sroberts@baldwin911.org>; Clair Dorough <Clair.Dorough@CITYOFBAYMINETTEAL.GOV>  
**Subject:** RE: SD-24009, Master Plan PUD

Hopefully this will help.

***Paula S. Bonner***  
***Planner Associate***

City of Bay Minette  
Planning & Development Services Department  
301 D'Olive Street  
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(251) 580-1650, Ext. 7066  
[cityofbayminetteal.gov](http://cityofbayminetteal.gov)  
[Planning & Development Services Department Site](#)



---

**From:** Scott Warner <[swarner@baldwin911.org](mailto:swarner@baldwin911.org)>  
**Sent:** Wednesday, May 22, 2024 3:09 PM  
**To:** Paula Bonner <[Paula.Bonner@CITYOFBAYMINETTEAL.GOV](mailto:Paula.Bonner@CITYOFBAYMINETTEAL.GOV)>

Cc: Samantha Roberts <[sroberts@baldwin911.org](mailto:sroberts@baldwin911.org)>

Subject: RE: SD-24009, Master Plan PUD

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Paula,

Will they at some point submit a site plan that shows any roads that may be contained within their PUD or subdivision in the near future? I still don't know every municipalities workflow, but these attachments make it hard to give input because it doesn't shows us the master plan, which I assume comes later?

Scott

**From:** Paula Bonner <[Paula.Bonner@CITYOFBAYMINETTEAL.GOV](mailto:Paula.Bonner@CITYOFBAYMINETTEAL.GOV)>

**Sent:** Wednesday, May 22, 2024 2:15 PM

**To:** AL Tolbert <[AL.Tolbert@CITYOFBAYMINETTEAL.GOV](mailto:AL.Tolbert@CITYOFBAYMINETTEAL.GOV)>; Steven W. Stewart <[SWStewart@CITYOFBAYMINETTEAL.GOV](mailto:SWStewart@CITYOFBAYMINETTEAL.GOV)>; Murray Stewart <[Murray.Stewart@CITYOFBAYMINETTEAL.GOV](mailto:Murray.Stewart@CITYOFBAYMINETTEAL.GOV)>; Scott Warner <[swarner@baldwin911.org](mailto:swarner@baldwin911.org)>; Samantha Roberts <[sroberts@baldwin911.org](mailto:sroberts@baldwin911.org)>; Jason Padgett <[JPadgett@NBUMAIL.COM](mailto:JPadgett@NBUMAIL.COM)>; Tammy S. Smith <[TammyS.Smith@CITYOFBAYMINETTEAL.GOV](mailto:TammyS.Smith@CITYOFBAYMINETTEAL.GOV)>

**Subject:** SD-24009, Master Plan PUD

Please see attached subdivision application and site map of SD-24009, Honeycut Creek Cottages Master Plan request for development of a 181-lot Residential PUD on two parcels, PIN 35327 and PIN 36573 located on the North side of W. 7<sup>th</sup> Street.

Please let me know if you have any comments or questions.

Thank you,

***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

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[Planning & Development Services Department Site](#)





## Clair Dorough

---

**From:** Clair Dorough  
**Sent:** Tuesday, May 21, 2024 4:50 PM  
**To:** Smith, Michael  
**Subject:** Comments for 181-lot Subdivision PUD near McMeans Ave Intersection  
**Attachments:** Z-24002 Honeycut Plans.pdf

Michael,

We have request for a PUD rezoning along with Subdivision Master Plan approval for the Honeycut Creek Cottages development with 181 single-family lots that I would like your comments on. The development will be accessed from the City's W 7<sup>th</sup> Street but will likely impact ALDOT's intersection at W 7<sup>th</sup> Street and McMeans Ave. They are in the early stages of the process, but I'd like to know of any potential requirements or recommendations that ALDOT may have.

For your convenience, I have attached the plans to this email. However, the plans, PUD narrative, wetland report and other documents can be found online and are highlighted at the link below.

[Worksession Application Materials Link](#)

If you need anything else or have any questions, I will be happy to discuss it with you.

Thank you,

**Clair Dorough**  
**City Planner**

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

[cityofbayminetteal.gov](http://cityofbayminetteal.gov)

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## Paula Bonner

---

**From:** Steven W. Stewart  
**Sent:** Wednesday, May 22, 2024 11:52 AM  
**To:** Paula Bonner; AL Tolbert; Jason Padgett; Mike Minchew; Murray Stewart; Rob Madison; Tammy S. Smith  
**Subject:** RE: Z-24002, Rezoning Request PUD N. side of W. 7th St.

No comments concerning rezoning.

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

---

**From:** Paula Bonner <Paula.Bonner@CITYOFBAYMINETTEAL.GOV>  
**Sent:** Wednesday, May 22, 2024 11:36 AM  
**To:** AL Tolbert <AL.Tolbert@CITYOFBAYMINETTEAL.GOV>; Jason Padgett <JPadgett@NBUMAIL.COM>; Steven W. Stewart <SWStewart@CITYOFBAYMINETTEAL.GOV>; Mike Minchew <MMINCHEW@CITYOFBAYMINETTEAL.GOV>; Murray Stewart <Murray.Stewart@CITYOFBAYMINETTEAL.GOV>; Rob Madison <Rob.Madison@CITYOFBAYMINETTEAL.GOV>; Tammy S. Smith <TammyS.Smith@CITYOFBAYMINETTEAL.GOV>  
**Subject:** Z-24002, Rezoning Request PUD N. side of W. 7th St.

Good morning,

Please see attached rezoning application and site map of Z-24002, Honeycut Creek Cottages PUD rezoning request. The request is for a Planning Unit Development Zoning Amendment for a 181-lot residential subdivision on two parcels, PIN 35327 and PIN 36573 located on the North side of W. 7<sup>th</sup> Street.

Please let me know if you have any comments or questions.

Thank you,

***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](http://cityofbayminetteal.gov)

[Planning & Development Services Department Site](#)



## Paula Bonner

---

**From:** Paula Bonner  
**Sent:** Thursday, May 23, 2024 9:36 AM  
**To:** Jason Padgett; AL Tolbert; Steven W. Stewart; Murray Stewart; Scott Warner; sroberts@baldwin911.org; Tammy S. Smith  
**Cc:** Clair Dorough  
**Subject:** RE: SD-24009, Master Plan PUD

Good morning,

Honeycut Cottages PUD had a pre-application on April 16<sup>th</sup> and a discussion only item at the May 9<sup>th</sup> Planning Commission meeting. There is a special called Planning Commission Work Session scheduled for Thursday, May 30<sup>th</sup> as well. File information may be viewed on our website at <https://cityofbayminetteal.gov/departments/planning-and-development/planning-commission>

Please let me know if you have any questions or need anything else.

Thank you,

***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](https://cityofbayminetteal.gov)  
[Planning & Development Services Department Site](#)



---

**From:** Jason Padgett <JPadgett@NBUMAIL.COM>  
**Sent:** Thursday, May 23, 2024 7:48 AM  
**To:** Paula Bonner <Paula.Bonner@CITYOFBAYMINETTEAL.GOV>; AL Tolbert <AL.Tolbert@CITYOFBAYMINETTEAL.GOV>; Steven W. Stewart <SWStewart@CITYOFBAYMINETTEAL.GOV>; Murray Stewart <Murray.Stewart@CITYOFBAYMINETTEAL.GOV>; Scott Warner <swarner@baldwin911.org>; sroberts@baldwin911.org; Tammy S. Smith <TammyS.Smith@CITYOFBAYMINETTEAL.GOV>  
**Subject:** RE: SD-24009, Master Plan PUD

We have not seen any plans so we will need to look at them before we can agree to anything.



JASON M. PADGETT  
 Chief Executive Officer (CEO)  
 251.423.3000 cell  
 251.580.1626 office | ext. 7055  
[jpadgett@nbumail.com](mailto:jpadgett@nbumail.com)



North Baldwin Utilities  
[www.northbaldwinutilities.com](http://www.northbaldwinutilities.com)  
 25 Hand Ave; Bay Minette, AL 36507  
 251.937.0345 fax



**From:** Paula Bonner <[Paula.Bonner@CITYOFBAYMINETTEAL.GOV](mailto:Paula.Bonner@CITYOFBAYMINETTEAL.GOV)>

**Sent:** Wednesday, May 22, 2024 2:15 PM

**To:** AL Tolbert <[AL.Tolbert@CITYOFBAYMINETTEAL.GOV](mailto:AL.Tolbert@CITYOFBAYMINETTEAL.GOV)>; Steven W. Stewart <[SWStewart@CITYOFBAYMINETTEAL.GOV](mailto:SWStewart@CITYOFBAYMINETTEAL.GOV)>; Murray Stewart <[Murray.Stewart@CITYOFBAYMINETTEAL.GOV](mailto:Murray.Stewart@CITYOFBAYMINETTEAL.GOV)>; Scott Warner <[swarner@baldwin911.org](mailto:swarner@baldwin911.org)>; [sroberts@baldwin911.org](mailto:sroberts@baldwin911.org); Jason Padgett <[JPadgett@NBUMAIL.COM](mailto:JPadgett@NBUMAIL.COM)>; Tammy S. Smith <[TammyS.Smith@CITYOFBAYMINETTEAL.GOV](mailto:TammyS.Smith@CITYOFBAYMINETTEAL.GOV)>

**Subject:** SD-24009, Master Plan PUD

Please see attached subdivision application and site map of SD-24009, Honeycut Creek Cottages Master Plan request for development of a 181-lot Residential PUD on two parcels, PIN 35327 and PIN 36573 located on the North side of W. 7<sup>th</sup> Street.

Please let me know if you have any comments or questions.

Thank you,

***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](http://cityofbayminetteal.gov)

**Planning & Development Services Department Site**





## Paula Bonner

---

**From:** Brady Hall <kbhall@bcbe.org>  
**Sent:** Thursday, May 23, 2024 10:05 AM  
**To:** COBM\_Planning  
**Subject:** Cook Property Case No. Z-24002 & SD-24009

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---

Clair,  
Could you please send me any information you have on the above referenced matter i.e. application, property detail plans, etc. ?

Kindest regards,

Brady Hall  
Baldwin County Public Schools  
Paralegal  
2600 North Hand Ave.  
Bay Minette, AL 36507  
Email:[kbhall@bcbe.org](mailto:kbhall@bcbe.org)  
Phone:(251) 937-0327



# City of Bay Minette

## Planning & Development Services

301 D'Olive Street · Bay Minette, Alabama 36507

Phone (251) 580-1650 · COBM\_Planning@ci.bay-minette.al.us

Case #: Z-24002 & SD-24008 Honeycut Creek Date: 5/15/2024

Name: Noel Garrett

Address: \_\_\_\_\_

Phone Number: 918-914-3007 Email: \_\_\_\_\_

Saw the public notice sign and called requesting information. Staff explained the proposal and notified the caller that all documents are available on the Planning Commission webpage if he would like to view the plans. Caller had no further questions or comments other than the development "would be good for the area"

Staff: Clair Dorough

---

## Clair Dorough

---

**From:** Jordan Stringfellow <jordan.stringfellow@volkert.com>  
**Sent:** Tuesday, May 28, 2024 5:17 PM  
**To:** Clair Dorough; Tammy S. Smith; Harold Eubanks  
**Subject:** RE: Engineering services  
**Attachments:** Z-24002 Honeycut Plans.pdf

Hey Clair!

I'm so sorry! Hank and I talked last week and then I just completely forgot to email you and Mrs. Tammy back with our thoughts. Thank you for following up.

I briefly skimmed over the City's zoning ordinance and subdivision regulations that you forwarded to me. They are a good set of documents that pretty clearly lay out the process and requirements for subdivision approval. From our conversations, I am assuming the developer is in the Master Plan stage and the hearing on June 13<sup>th</sup> is to approve the Master Plan that has been submitted?

If so, we think the plan that the developer has submitted thus far includes just about everything that is needed for this stage of review. My only comment would be that the plan lists the utility providers for the subdivision but does not show where the connections to the existing utilities would be made. I assume they will likely be made along Airport Rd, but it would be good to confirm. The only other item not already submitted we recommend requiring is a traffic impact study to determine if any intersection modifications are needed at the Airport Rd / Dobson Ave intersection or at the proposed subdivision entrances.

Hank and I discussed what we think the City should require at the various stages in the development review process to ensure any future proposed developments will not negatively impact the community from a civil engineering perspective. Our recommendations are below:

### **Proposed Subdivision Approval Process - Master Plan Stage Submission Requirements:**

- Master Plan including the following items (most of these items are already listed in your Subdivision Regs):
  - o Proposed development layout (lot layout, streets, sidewalks, common areas)
  - o Proposed drainage plan (detention ponds, drainage swales)
  - o Proposed utilities (utility providers, connection locations)
  - o Existing Wetlands (if any) and how they are being addressed if impacted
- Wetland Delineation Report
- Traffic Impact Study

### **Proposed Subdivision Approval Process – Preliminary Plat Stage Submission Requirements:**

- Preliminary Plat including all items listed above and included on the checklist in Appendix A of the subdivision regs
- Sealed Construction Plans designed in accordance with City's minimum design standards
- Sealed Drainage Design narrative and calculations
- Documentation / Letters from utility companies detailing service availability and capacity to provide required services
- Approvals from local, state, and / or federal agencies (typically needed for wetland impacts)

Hank, feel free to chime in if I have forgotten anything, but I think I covered everything we discussed.

If you guys have any questions, feel free to give me a call.

Thanks!

**Jordan Stringfellow, P.E.**

Assistant Vice President | [Volkert, Inc.](#)

1110 Montlimar Dr., Suite 1050, Mobile, AL 36609

251.342.1070 x1321 | cell: 251.605.6020 | [jordan.stringfellow@volkert.com](mailto:jordan.stringfellow@volkert.com)

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---

**From:** Clair Dorough <[Clair.Dorough@CITYOFBAYMINETTEAL.GOV](mailto:Clair.Dorough@CITYOFBAYMINETTEAL.GOV)>

**Sent:** Tuesday, May 28, 2024 4:10 PM

**To:** Jordan Stringfellow <[jordan.stringfellow@volkert.com](mailto:jordan.stringfellow@volkert.com)>; Tammy S. Smith <[TammyS.Smith@CITYOFBAYMINETTEAL.GOV](mailto:TammyS.Smith@CITYOFBAYMINETTEAL.GOV)>; Harold Eubanks <[harold.eubanks@volkert.com](mailto:harold.eubanks@volkert.com)>

**Subject:** RE: Engineering services

**EXTERNAL EMAIL. Do not click on links or open attachments unless you recognize the sender and know the content is safe.**

Hi Jordan!

I just wanted to touch base with you on the Honeycut development. We have a worksession on Thursday and I wanted to incorporate your preliminary comments if you had anything at this time. If not, I can get them prior to the June 13<sup>th</sup> public hearing.

Thank you,

**Clair Dorough**  
*City Planner*

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

[cityofbayminetteal.gov](http://cityofbayminetteal.gov)

[Planning & Development Services Department Site](#)

---

**From:** Jordan Stringfellow <[jordan.stringfellow@volkert.com](mailto:jordan.stringfellow@volkert.com)>

**Sent:** Friday, May 17, 2024 9:37 AM

**To:** Clair Dorough <[Clair.Dorough@CITYOFBAYMINETTEAL.GOV](mailto:Clair.Dorough@CITYOFBAYMINETTEAL.GOV)>; Tammy S. Smith <[TammyS.Smith@CITYOFBAYMINETTEAL.GOV](mailto:TammyS.Smith@CITYOFBAYMINETTEAL.GOV)>; Harold Eubanks <[harold.eubanks@volkert.com](mailto:harold.eubanks@volkert.com)>

**Subject:** RE: Engineering services

Ms. Clair / Ms. Tammy,

You guys mentioned having new regs / city codes. Could you please send me a copy of those? Or direct me to them if they are on your website?

Thank you!

**Jordan Stringfellow, P.E.**

Assistant Vice President | [Volkert, Inc.](#)

1110 Montlimar Dr., Suite 1050, Mobile, AL 36609

251.342.1070 x1321 | cell: 251.605.6020 | [jordan.stringfellow@volkert.com](mailto:jordan.stringfellow@volkert.com)

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---

**From:** Clair Dorough <[Clair.Dorough@CITYOFBAYMINETTEAL.GOV](mailto:Clair.Dorough@CITYOFBAYMINETTEAL.GOV)>

**Sent:** Wednesday, May 15, 2024 3:38 PM

**To:** Tammy S. Smith <[TammyS.Smith@CITYOFBAYMINETTEAL.GOV](mailto:TammyS.Smith@CITYOFBAYMINETTEAL.GOV)>; Harold Eubanks <[harold.eubanks@volkert.com](mailto:harold.eubanks@volkert.com)>;

Jordan Stringfellow <[jordan.stringfellow@volkert.com](mailto:jordan.stringfellow@volkert.com)>

**Subject:** RE: Engineering services

**EXTERNAL EMAIL. Do not click on links or open attachments unless you recognize the sender and know the content is safe.**

Hank and Jordan,

The request is for a PUD rezoning along with Subdivision Master Plan approval for the Honeycut Creek Cottages development with 181 single-family lots. We especially need the drainage and transportation aspects reviewed since all roads are proposed for City maintenance. The development's impact on surrounding infrastructure will also be crucial since the nearby Dobson Ave is already rated at a D level of service and ALDOT's intersection at W 7<sup>th</sup> Street and McMeans Ave is one of our busiest.

For your convenience, I have attached the plans to this email. However, the plans, PUD narrative, wetland report and other documents can be found online and are highlighted at the link below.

[Worksession Application Materials Link](#)

If you need anything else or have any questions, I will be happy to discuss it with you.

Thank you,

**Clair Dorough**

**City Planner**

City of Bay Minette

Planning & Development Services Department

301 D'Olive Street

Bay Minette, AL 36607

(251) 580-1650

[cityofbayminetteal.gov](http://cityofbayminetteal.gov)

[Planning & Development Services Department Site](#)

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**From:** Tammy S. Smith <[TammyS.Smith@CITYOFBAYMINETTEAL.GOV](mailto:TammyS.Smith@CITYOFBAYMINETTEAL.GOV)>

**Sent:** Wednesday, May 15, 2024 2:24 PM

**To:** [harold.eubanks@volkert.com](mailto:harold.eubanks@volkert.com); Jordan Stringfellow <[jordan.stringfellow@volkert.com](mailto:jordan.stringfellow@volkert.com)>



**Cc:** Clair Dorough <[Clair.Dorough@CITYOFBAYMINETTEAL.GOV](mailto:Clair.Dorough@CITYOFBAYMINETTEAL.GOV)>

**Subject:** Engineering services

Good afternoon, Hank and Jordan

The City's planning commission is in receipt of a PUD application. There will be a special work session to discuss this PUD on May 30<sup>th</sup> and we are in need of professional engineering services to review the application and provide comments. I am copying Clair Dorough, City Planner on this email so that she can provide information regarding the PUD as well as any additional information that is needed.

Thank you for your assistance!

*Jammy S. Smith, CPA*

City Administrator/Finance Director

City of Bay Minette

301 D'Olive Street

Bay Minette, AL 36507

251-580-1619 Main Office

251-580-1692 Direct

251-401-1170 Cell

[www.cityofbayminetteal.gov](http://www.cityofbayminetteal.gov)



# City of Bay Minette

## Re-zoning Application

Case No.: 2-24002  
Fee- \$500 + \$10/Certified Letter  
Date Paid: 4/25/24  
Paid:  Credit Card  Cash  
 Check- No. 1273

301 D'Olive Street · Bay Minette, Alabama 36507

Phone (251) 580-1650 · COBM\_Planning@cityofbayminetteal.gov

Are you the property owner?  YES  NO

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

Applicant Name: Goodwyn Mills Cawood, LLC Date: 04/25/24

Mailing Address: 2039 Main Street

City: Daphne State: AL Zip Code: 36526

Telephone Number: 251.626.2626 Email: melissa.hadley@gmcnetwork.com

### Site Information

Property Owner Name: Cook, Donald etal Cook, Tracy Phone Number: \_\_\_\_\_

Property Address: 0 7th Street W

Parcel/PPIN #: PPIN #'s 35827 & 36573

Area of Property, Sq. Ft., or Acres: 35 Acres

Present Zoning: R-2 Requested Zoning: R-4 & PUD

Reason for Request/ Intended use of property: Residential subdivision for 181 single family lots. A PUD is requested for smaller lot sizes and setbacks than what is permitted in R-3.

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: Melissa A. Hadley Date: 04-24-24

### Submittal Requirements

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

Version 1. - 1/13/2023

cityofbayminetteal.gov



Goodwyn Mills Cawood  
2039 Main Street  
PO Box 1127  
Daphne, Alabama 36602  
T 251.626.2626  
F 251.626.6934

### LETTER OF TRANSMITTAL

<b>DATE:</b>	April 25, 2025		
<b>TO:</b>	City of Bay Minette	<b>FROM:</b>	Melissa Hadley
<b>PROJECT:</b>	Honeycut Creek Cottages	<b>GMC #</b>	CMOB240012
<p>Enclosed are the following documents for the Rezoning Application for the referenced property.</p> <ul style="list-style-type: none"><li>• Re-Zoning Application</li><li>• Agent Authorization</li><li>• Check in the amount of \$600.00</li><li>• Adjacent property Owners List</li><li>• Warranty Deed</li><li>• Legal Description</li><li>• PUD Statement &amp; Narrative</li><li>• Sample House Elevations</li><li>• Waters of the US Delineation Report</li><li>• Full size Boundary Survey &amp; 11x17 copy</li></ul>			



ADJACENT PROPERTY OWNER LIST  
HONEYCUT CREEK COTTAGES  
BAY MINETTE

---

**Goodwyn Mills Cawood**

2039 Main Street  
P.O. Box 1127  
Daphne, AL 36526

T (251) 626-2626  
F (251) 626-6934

[www.gmcnetwork.com](http://www.gmcnetwork.com)

05-23-03-08-0-000-010.001  
05-23-03-08-4-000-023.000  
Alabama Power Co  
210 E. 1<sup>st</sup> Street  
Bay Minette, AL 36507

05-23-03-08-0-000-008.001  
Baldwin County Board of Education  
2600 Hand Avenue N  
Bay Minette, AL 36507

05-23-03-08-0-000-010.000  
05-23-04-17-2-000-001.001  
Bay Minette Land Co  
PO Box 340  
Bay Minette, AL 36507

05-23-03-08-0-000-011.004  
Clair, Paula Jeanette Stuart  
20142 Parc Wood Dr  
Covington, LA 70433

05-23-03-08-0-000-008.002  
05-23-03-08-0-000-008.000  
Cook, Donald etal Cook Tracy  
7941 Fordham Rd  
Mobile, AL 36619

05-23-03-08-4-000-010.000  
Fulcrum Acquisition, LLC  
701 North Dobson Avenue  
Bay Minette, AL 36507

05-23-03-08-4-000-021.000  
Gibson, Linda  
200 Oak Brook Dr  
Brandon, MS 39047

05-23-03-08-0-000-011.002  
McNeil, Kim  
PO Box 211  
Bay Minette, AL 36507

05-23-03-08-0-000-006.000  
Phillips, Karen  
45365 Red Hill Rd  
Bay Minette, AL 36507

05-23-04-17-2-000-001.014  
05-23-04-17-2-000-001.007  
Sellers, Jeffrey  
1401 W 7<sup>th</sup> St  
Bay Minette, AL 36507





# City of Bay Minette Agent Authorization Form

**Office Use Only**

Case No.: \_\_\_\_\_

I/We hereby appoint and designate Goodwyn Mills Cawood, LLC ("Agent") to act as my/our-agent in all matters concerning this application/permit which relates to property described as tax parcel PPIN#35827 & 36573. 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)**

Cook, Donald David etal Cook, Tracy Lee

Name(s) - Printed

7941 Fordham Rd

Mailing Address

Mobile, AL 36619

City/State

*Donald Cook*  
dotloop verified  
04/22/24 8:12 PM CDT  
HOSW-OLJW-SBQF-GYTN

*Tracy Lee Cook*  
dotloop verified  
04/22/24 8:10 PM  
CDT  
5JQ-UTVN-45RD-LISZ

Signature(s)

Date

**AUTHORIZED AGENT**

Goodwyn Mills Cawood/Melissa Hadley

Name(s) - Printed

2039 Main Street

Mailing Address

Daphne, AL 36526

City/State

251.626.2626

melissa.hadley@gmcmnetwork.com

Phone

Email

*Melissa A Hadley*

04-24-24

Signature(s)

Date



## Clair Dorough

---

**From:** Melissa Hadley <melissa.hadley@gmcnetwork.com>  
**Sent:** Tuesday, June 11, 2024 1:27 PM  
**To:** Clair Dorough; Paula Bonner  
**Cc:** Fred McLaughlin  
**Subject:** RE: Updated PUD documents

Hi Clair,

The updates to the plan are:

- A connection was added to the school site in the northeast area by rearranging the road. It is still a dead-end road meeting the IFC requirements of less than 150', but the right-of-way does not extend to the property line. It is for a school access only.
- Additional buffer/drainage area was added between the lots in the middle block (Lots 150-165)
- Access to park between Lots 125 and 131 was widened
- Lots 116 through 118 were re-oriented to front the east-west road

**Melissa A. Hadley, PhD, RLA, AICP**  
Project Manager, Engineering

T: 251.626.2626  
C: 850.353.3330  
D: 251.380.8746  
E: [melissa.hadley@gmcnetwork.com](mailto:melissa.hadley@gmcnetwork.com)

2039 Main Street  
Mailing: PO Box 1127  
Daphne, AL 36526

[Building Communities](#)



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**From:** Clair Dorough <Clair.Dorough@CITYOFBAYMINETTEAL.GOV>  
**Sent:** Tuesday, June 11, 2024 12:32 PM  
**To:** Melissa Hadley <melissa.hadley@gmcnetwork.com>; Paula Bonner <Paula.Bonner@CITYOFBAYMINETTEAL.GOV>  
**Cc:** Fred McLaughlin <fred.mclaughlin@rch.com>  
**Subject:** RE: Updated PUD documents

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I do want to ask what revisions were made to the plats from the previous version?

Thank you,

**Clair Dorough**  
**City Planner**

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

[cityofbayminetteal.gov](http://cityofbayminetteal.gov)

[Planning & Development Services Department Site](#)

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**From:** Melissa Hadley <[melissa.hadley@gmcnetwork.com](mailto:melissa.hadley@gmcnetwork.com)>  
**Sent:** Tuesday, June 11, 2024 12:09 PM  
**To:** Clair Dorough <[Clair.Dorough@CITYOFBAYMINETTEAL.GOV](mailto:Clair.Dorough@CITYOFBAYMINETTEAL.GOV)>; Paula Bonner <[Paula.Bonner@CITYOFBAYMINETTEAL.GOV](mailto:Paula.Bonner@CITYOFBAYMINETTEAL.GOV)>  
**Cc:** Fred McLaughlin <[fred.mclaughlin@rch.com](mailto:fred.mclaughlin@rch.com)>  
**Subject:** Updated PUD documents

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

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Hello Clair and Paula,

Attached please find updated PUD documents for Honeycut Creek Cottages. Please let me know if you have any questions.

Thank you.  
Melissa

**Melissa A. Hadley, PhD, RLA, AICP**  
Project Manager, Engineering

T: 251.626.2626  
C: 850.353.3330  
D: 251.380.8746  
E: [melissa.hadley@gmcnetwork.com](mailto:melissa.hadley@gmcnetwork.com)

2039 Main Street  
Mailing: PO Box 1127  
Daphne, AL 36526

[Building Communities](#)





# City of Bay Minette

## Planning & Development Services

### PLANNING COMMISSION STAFF ANALYSIS – MASTER PLAN REQUEST

Planning Commission Meeting Date: June 13, 2024

Case Number: SD-24009

### APPLICATION SUMMARY

**Project Name:** Honeycut Creek Cottages Master Plan Approval  
**Property Location:** W 7<sup>th</sup> St, Appx .25 miles West of N Dobson Ave  
**Property PID/PPIN:** 05-23-03-08-0-000-008.000 // 36573  
**Property PID/PPIN:** 05-23-03-08-0-000-008.002 // 358327  
**Property Size:** 36± acres

**Proposed Action:** Master Plan Approval for a 181-lot PUD, Planned Unit Development  
**Applicant:** Melissa Hadley for Goodwyn, Mills and Cawood, LLC  
**Property Owner:** Donald & Tracy Cook  
 7941 Fordham Rd, Mobile, AL 36619

Subject Property	Zoning	Existing Land Use
Z-24002	R-2	Undeveloped
Adjacent Property	Zoning	Existing Land Use
North	R-2 & Unzoned, County Planning District 5	Bay Minette Middle School, SF Residential & Sports Complex
South	R-2	Alabama Power Substation and SF Residential
East	M-2, B-2 & R-2	Quincy Compressor, SF Residential, Walmart
West	Unzoned, County Planning District 5	Residential and Undeveloped

### SITE AND REQUEST SYNOPSIS

The subject property, which consists of two parcels containing 36± acres, is located on the North side of W 7<sup>th</sup> Street, approximately .25 miles west of N Dobson Ave. The property is currently zoned R-2, Medium Density Single Family Residential and has an estimated 730 feet of frontage on W 7<sup>th</sup> Street. The parcels are undeveloped with the exception of internal dirt roadways. This property is owned by Donald and Tracy Cook, but the applicant presenting the request is Goodwyn, Mills & Cawood Project Manager Melissa Hadley, PhD, RLA, AICP on behalf of the developer Rausch Coleman Homes (RCH). This application is for SD-24009, Master Plan approval of the development, the second of two applications being submitted for the Planning Commission's concurrent consideration. Case Z-24002, the PUD request, was the first of those two applications. For this application, the Master Plan Approval is contingent upon a successful rezoning/approval of the proposed Planned Unit Development.



### ZONING DISTRICTS

#### CURRENT ZONING

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

#### PROPOSED ZONING (Case Z-24002)

**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** – Needs review, Letter of Service Availability not issued until plans reviewed.

**Bay Minette Public Works** – Transportation & maintenance concerns

**Bay Minette Police Department** – No comments received

**Bay Minette Fire Department** – No comments concerning the rezoning

**City Administration** – Transportation and maintenance concerns

**Baldwin County E-911** – Road names need to be submitted for approval and shown on the plat

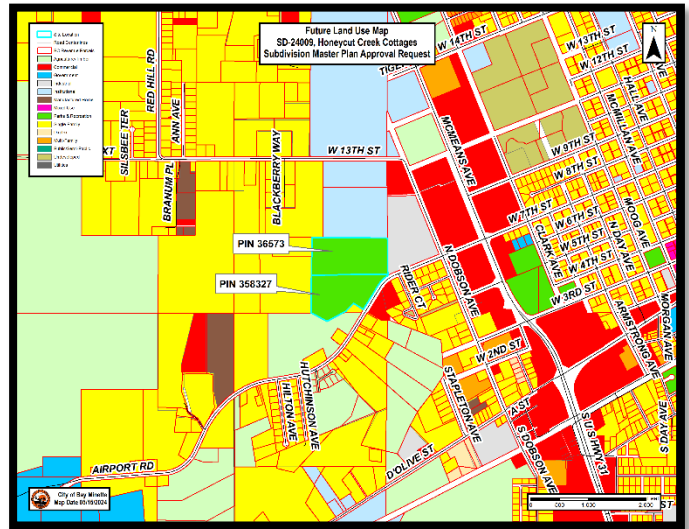
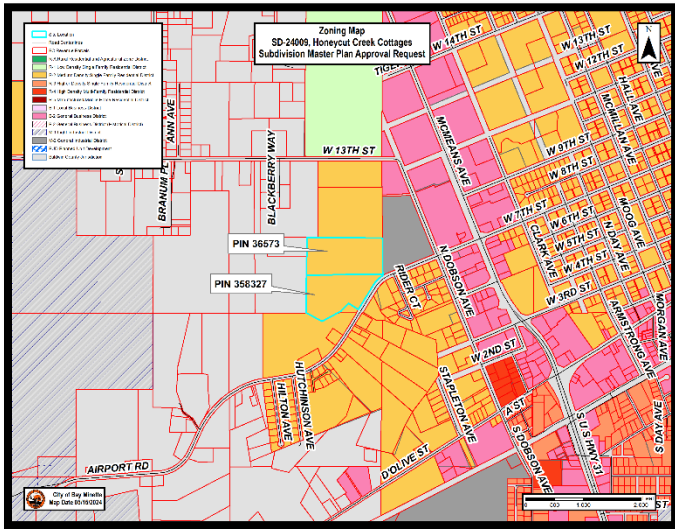
**ALDOT** – Submitted for ALDOT preliminary review

**City Engineering Consultant Volkert, Jordan Stringfellow, P.E.** – Preliminary Review Comments attached

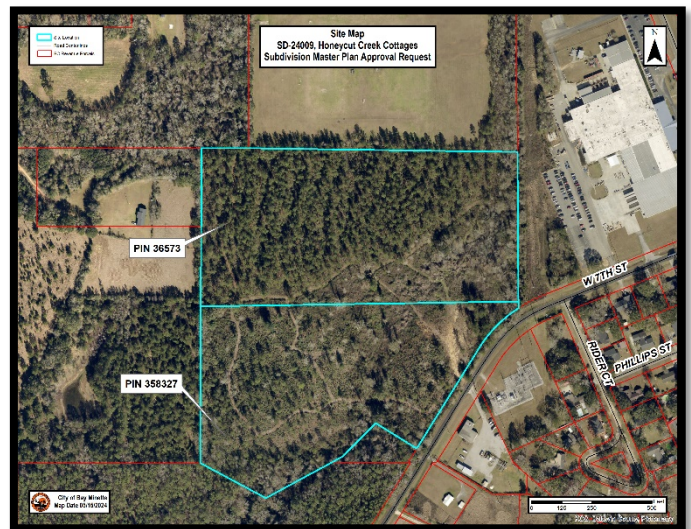
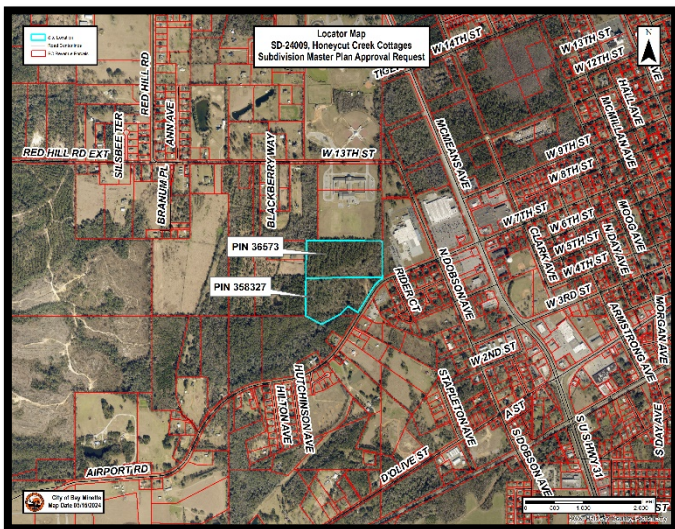
## MAPPING

Existing Zoning Map

Future Land Use Map



Locator & Site Map

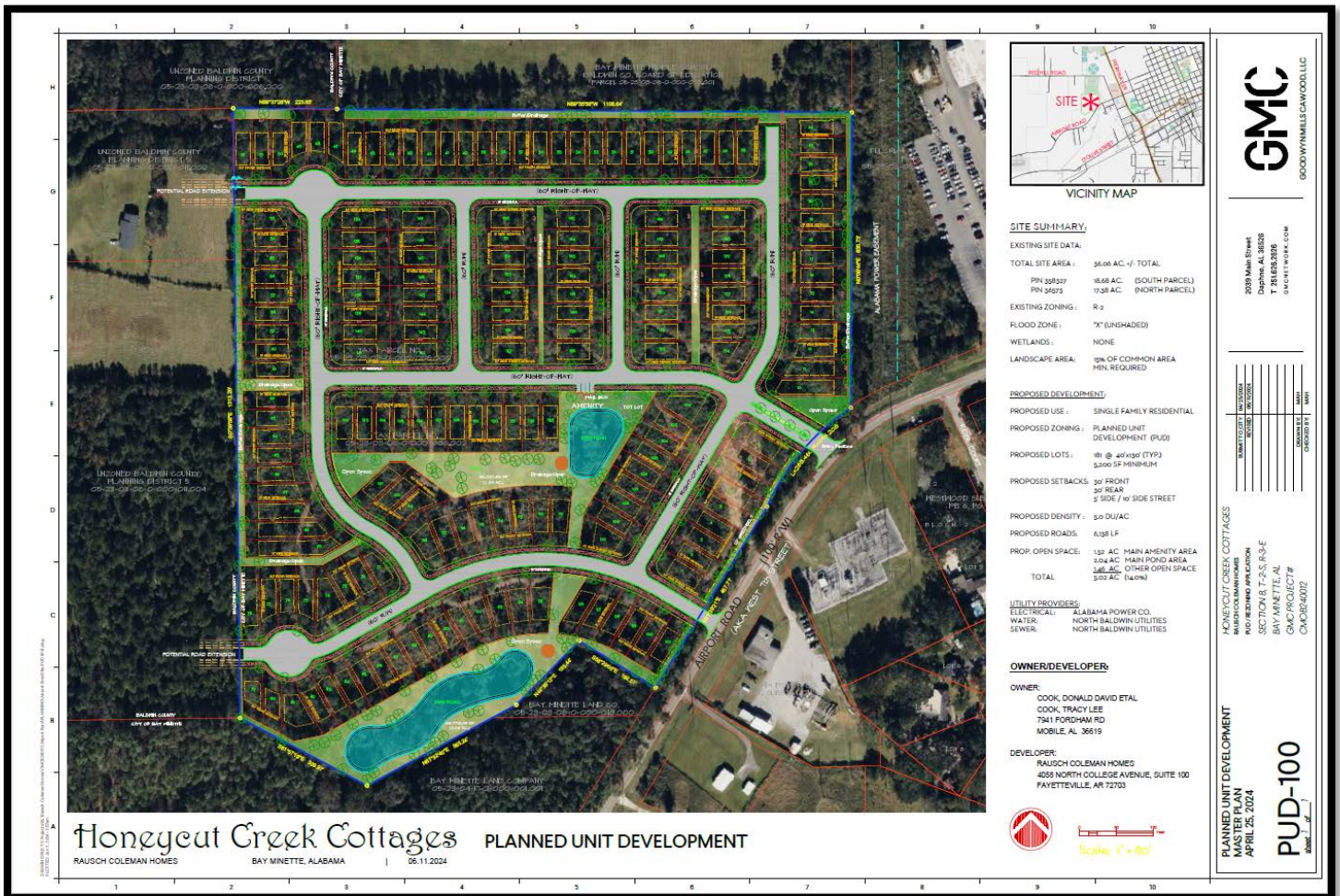


## SUBDIVISION MASTER PLAN PROPOSAL

- 36.06 Total Acres
- 181 Total Single Family Residential Dwelling Units
- 5.0 Units per Acre Density
- 6,138 linear feet of streets
  - 60-ft ROW



- Curb and gutter
- 2 access points from W 7<sup>th</sup> Street
- 2 cul-de-sacs
- 3 terminations / potential road extensions
- 10 Internal Intersections
- 5.02 Acres of Open Space (14% of Site)
  - 1.52 Acres Main Amenity Area
  - 2.04 Main Pond Area
  - 1.46 Other Open Space
- Single Phase Construction
- Community Amenities
  - Sidewalks on both sides of the street
  - 1.52 Acre common area with tot lot, park and landscaped pond
  - 2 swim ponds
  - Covered Mailbox Kiosks
  - 10-ft wide greenbelt along W 7<sup>th</sup> Street
  - Perimeter buffers



## PUBLIC UTILITIES & SITE CONSIDERATIONS

Public Utilities Services: Water: North Baldwin Utilities (*Service Availability Letter Not Provided*)  
 Gas: None Stated  
 Sewer: North Baldwin Utilities (*Service Availability Letter Not Provided*)



**Telephone/Internet:** None Stated  
**Electricity:** Alabama Power (*Service Availability Letter Provided*)  
**Transportation:** The proposed development has an estimated 730 feet of frontage on W 7<sup>th</sup> Street, a City-maintained roadway. Internal roadways are proposed with sidewalks on each side and street trees for construction/installation by the developer and dedication to the City after Final Plat approval. If this project is approved, a traffic study would be required to determine impacts and necessary remediation for W 7th Street, N Dobson Avenue, the W 7th/N Dobson intersection and the W 7th/McMeans Avenue intersection. City staff has submitted the proposed plan to ALDOT for review and if the project is approved, the final design for preliminary plat would be contingent upon their review.

## STANDARDS OF APPROVAL / APPLICABLE REGULATIONS

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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.

**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.

## STAFF COMMENTS

The proposal meets the criteria for Master Plan submittals as detailed above. The overall plan substantially meets the majority of Subdivision Regulations, which allow for deviations from the standards based on the intent of the Planned Unit Development regulations. However, the standards for approval specify consistency *“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.”*

The subject property is designated as Parks and Recreation on the Comprehensive Plan Future Land Use map and is adjacent to Industrial, Institutional and Single Family designations as well as Commercial and Single Family across W 7<sup>th</sup> Street.

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 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 Comprehensive Plan goals, recommendations and strategies listed above 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 provision of additional housing stock that is closer to the city center is compatible with recommendations and strategies from the Plan, but those attributes alone do not offset the inconsistency with other aspects of the Plan related to adequate provision for traffic, convenient distribution of population and the wise and efficient expenditure of public funds. While there is an existing need for additional housing stock, as detailed in the Comp Plan sections/tables below, the Planning Commission must also consider housing supply/demand, particularly in light of the recent approval of the 827 SF dwelling units in Old Towne Commons and 392 MF units. This is not only a significant increase in housing supply but also an increased demand on City forces to provide services, maintain public infrastructure, etc. Supplying additional housing stock is vital for growth, but the City must be able to maintain the public infrastructure without compromising the ability to provide adequate service to existing residential dwellings.

*“Many communities in Baldwin County over built residential dwellings prior to the economic recession that began in 2008 and are now struggling to occupy these homes. This causes stress to the local housing market and property values. Although Bay Minette’s housing market has struggled too during these hard economic times, it has not experienced the type of loss neighboring communities have in regards to their housing market.”*

*“However, historic population and household trends coupled with analysis of building permit data can be used to project future housing needs and estimated growth of the housing stock.”*

**TABLE 3.14: Bay Minette’s Projected Future Land Requirements per Housing Type**

Housing Type	2010			2015			2020		
	Units Needed	Unit Increase From 2009	Acres Needed for 2010 New Units	Units Needed	Unit Increase From 2010	Acres Needed for 2015 New Units	Units Needed	Unit Increase From 2015	Acres Needed for 2020 New Units
Single Family	2,471	33	5.61-11.22	2,636	165	28.05-56.1	2,801	165	28.05-56.1
Duplex and Multi-Family	744	9	0.71-1.53	794	50	3.17-8.5	844	50	3.17-8.5
Mobile Homes	231	4	0.68	246	15	2.55	262	16	2.72
<b>Total</b>	<b>3,446</b>	<b>46</b>	<b>7.0-13.43</b>	<b>3,676</b>	<b>230</b>	<b>33.77-67.15</b>	<b>3,906</b>	<b>230</b>	<b>33.94-67.32</b>
Housing Type	2025			2030					
	Units Needed	Unit Increase	Acres Needed	Units Needed	Unit Increase	Acres Needed			
Single Family	2,966	165	28.05-56.1	3,130	164	27.88-55.76			
Duplex and Multi-Family	893	49	3.05-8.33	943	50	3.17-8.5			
Mobile Homes	277	15	2.55	293	16	2.72			
<b>Total</b>	<b>4,136</b>	<b>230</b>	<b>33.65-66.98</b>	<b>4,366</b>	<b>230</b>	<b>33.77-66.98</b>			

*Calculations: S.ARPC*

According to future housing projections discussed in Chapter 3, there will be an additional 966 housing units in Bay Minette in 2030. This projection is based only on historical building permit data and projecting past and current development trends into the future. This projection does not consider future population projections for the City. When conducting a future build out analysis for future development, population projections and housing projections must be assessed to ensure enough land is allocated to accommodate the range of projected growth. It was estimated that an additional 143 to 281 acres will be needed to accommodate this potential residential growth pattern.

“However, meeting the housing demand is typically left up to the private sector, though the City should have an active role in determining the type of housing, the density, and where the housing will be located. It is important to consider the overall goal of the community when planning for future housing needs.”

“It can be very difficult for a community to balance the need of providing affordable housing options for residents of all income groups while simultaneously attempting to manage growth at an appropriate level. This is made increasingly difficult with the rise in property values associated with tourism and access to natural resources, such as Mobile Bay and the Gulf of Mexico. However, housing markets are influenced by many factors including supply and demand, especially within a regional area.”

“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.”

somewhat compliant with the guidelines of the regulations stated in **Article 11. Planned Unit Development (PUD)** of the Zoning Ordinance, it is also inconsistent with other portions of the regulations, 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.

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

**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.

The PUD designation is intended for ‘mixed use’ with “**much more** creative and flexible concepts in site planning” than is otherwise allowed by the Zoning Ordinance and Sub Regs. The development’s flexibility or creativity is not demonstrated beyond the sidewalks on each side of the street and street trees. As stated in the PUD regulations, the burden is placed on the developer to demonstrate a benefit to the City and surrounding area. Based on the transportation concerns, staff does not feel an adequate benefit has been shown to justify the impact it may have.

While the Old Towne Commons PUD was recently approved, including 40-ft lots, that development had been under substantial review/consideration by the Planning Commission and City Council for nearly a year before such approval. That development’s location on Highway 59, and the development of 413± acres under a unified master plan, allows for a concentration of resources to serve the proposed development and contain similar intensity of uses together to prevent any potential incompatibilities. With its location on the heavily travelled Highway 59, and surrounding unzoned property, no major impacts to infrastructure anticipated. In direct comparison/contrast to the current proposal, the site was significantly larger (413 acres vs 36); located on the State’s principal arterial; offered a variety of lot widths to break up the smaller 40-ft lots; included mixed uses of 47 acres of commercial and 392 multi-family units; thirty percent of the site was open space (vs 14%); and the overall density was less (2.9 vs 5).

PROPOSED LOTS :	181 @ 40'x130' (TYP.) 5,200 SF MINIMUM
PROPOSED SETBACKS:	30' FRONT 30' REAR 5' SIDE / 10' SIDE STREET
PROPOSED DENSITY :	5.0 DU/AC
PROPOSED ROADS:	6,105 LF
PROP. OPEN SPACE:	1.51 AC MAIN AMENITY AREA 2.04 AC MAIN POND AREA 1.48 AC OTHER OPEN SPACE
TOTAL	5.03 AC (14.0%)

The Bay Minette Police Department did not have any comments on the application. Public Works had concerns with the capacity of W 7<sup>th</sup> and N Dobson, as well as the maintenance ability by City forces of the additional sidewalks and street trees. The applicant submitted a map from North Baldwin Utilities noting the location of adjacent utility lines, but no Letters of Service Availability were submitted from North Baldwin Utilities to provide water, sewer or gas services. Bay Minette Fire Department stated they had no concerns with the rezoning request but have also shared their stance on the 5-ft side setbacks at the May 30<sup>th</sup> worksession. One of the primary concerns for City Administration and Planning staff is the capacity of W 7<sup>th</sup> Street and N Dobson Avenue to handle such a significant increase in volume. W 7<sup>th</sup> Street is classified as a

Major Collector in the City’s Transportation Plan and is operating at a Level of Service “C” during peak hours as determined for the 2018

Traffic Counts			
Roadway	Peak Hour	Volume	Level-of-Service
West 7 <sup>th</sup> Street	PM	134	C

study. (In order to determine the performance of a transportation facility within a network, daily traffic volumes are assessed to determine a Level of Service, LOS. Levels of Service categorize roads based on traffic, congestion, and delays. Using traffic counts, a LOS is assigned to roadways based on their current ability to serve or exceed their capacity. Comparing maximum roadway capacities with actual volumes identifies current problems.)

W 7<sup>th</sup> Street is a two-lane, paved road approximately 20ft wide with no shoulders. Based on the above traffic counts, the proposed development may double the volume on the roadway. It also has no alternate connection points or outlets and terminates at the Municipal Airport. The W 7<sup>th</sup>/N Dobson intersection is the only access point for more than 1.5 miles of roadway and is utilized by traffic for Quincy Compressor, Walmart, the Middle School and the Sports Complex. The next access point is the ALDOT-controlled signalized intersection at W 7<sup>th</sup> Street and McMeans Ave. The state has informed the City that the intersection is at/exceeding capacity with no additional options to handle increased traffic volumes. The only option presented has been the extension of Red Hill Road to connect to McMeans Ave north of Walmart, a project estimated to cost \$3 million to construct.

Dobson Avenue carries a high volume of traffic as it offers an alternative route to McMeans/Hwy 59 connecting D’Olive Street to Red Hill Road. According to the City’s

Traffic Counts			
Roadway	Peak Hour	Volume	Level-of-Service
Dobson Avenue	AM	435	D

Transportation Plan/Study, N Dobson Avenue is operating at a Level of Service “D” and is within 125 vehicles in an hour to reaching capacity. This is based on numbers from the 2018 study prior to the construction of the City’s Sports Complex.



If this project is approved, a traffic study would be required to determine impacts and necessary remediation for W 7<sup>th</sup> Street, N Dobson Avenue, the W 7<sup>th</sup>/N Dobson intersection and the W 7<sup>th</sup>/McMeans Avenue intersection. City staff has submitted the proposed plan to ALDOT for review and if the project is approved, the final design for preliminary plat would be contingent upon their review.

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## STAFF RECOMMENDATION

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Due to the incompatibilities with the Comprehensive Plan discussed above, existing conditions and volume of traffic on roadways that are near (or at capacity), the benefit of approving the PUD at a density beyond that allowed by right does not offset the negative impact that the development's intensity will create. The applicant/developer have repeatedly stated that the PUD request for the smaller lots and increased density is directly related to the developer's ability to provide attainable housing by keeping development costs at a minimum. While the developer could participate in some access/traffic flow improvements to the W 7<sup>th</sup>/N Dobson Ave intersection, it would require significant funding to address the capacity issues for W 7<sup>th</sup> Street, N Dobson Ave and at the W 7<sup>th</sup> St/McMeans Ave intersection. Based on evaluations of the W 7<sup>th</sup> St/McMeans signalized intersection by ALDOT, the intersection is at capacity with the only alternative being a new access point. The City is actively seeking funding to construct an extension of Red Hill Road that will connect to McMeans Avenue, but the cost is extensive and expected to reach \$3 million.

Based on the information submitted by the applicant, City Staff and Consultant input and the analysis above, staff does not feel approval of this development is appropriate at this time and recommends:

***The Planning Commission DENY Case SD-24002, Honeycut Creek Cottages Master Plan***

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## PLANNING COMMISSION ACTION

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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

*\*\*For this application, the Master Plan Approval is contingent upon a successful rezoning/approval of the proposed Planned Unit Development.*





# City of Bay Minette

## Subdivision Plat Application

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

<i>Office Use Only</i>	
Case Number: SD-	<u>24009</u>
App Submittal Date:	<u>4/25/24</u>
PC Meeting Date:	<u>6/13/24</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: May 7, 2024

### PROJECT CONTACTS

Owner Name: Cook, Donald etal Cook, Tracy Phone: \_\_\_\_\_

Developer: Rausch Coleman Homes Phone: 850-380-1539

Authorized Agent/Application Contact: Goodwyn Mills Cawood / Melissa Hadley

Phone: 251-626-2626 Email: melissa.hadley@gmcnetwork.com

Mailing Address: 2039 Main Street, Daphne, AL 36526

Surveyor Name: Stuart Smith APLS Lic#: 27403

Surveying Firm Name: Goodwyn Mills Cawood, LLC City Business Lic#: 2024-709

Phone: 251-626-2626 Email: stuart.smith@gmcnetwork.com

Engineer Name: Scott Hutchinson Registration #: 21830

Engineering Firm Name: Goodwyn Mills Cawood, LLC City Business Lic#: 2024-709

Phone: 251-626-2626 Email: scott.hutchinson@gmcnetwork.com

### SITE INFORMATION

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

Subdivision Name: Honeycut Creek Cottages

Location: Airport Road

Section: 8 Township: 2S Range: 3E Instrument# or Slide# of Existing Recorded Plat: 1961446

Parcel ID/PPIN(s): 35827 & 36573

Total Acreage: 36.06 Total # Lots: 181 Average Lot Size (sq ft) : 5200

Required Number of Certified Letters: 10 Adjacent Property Owner/Leaseholder Information Attached:  Yes  No

### UTILITY PROVIDERS

Water: North Baldwin Utilities

Sewer: North Baldwin Utilities

Power: Alabama Power

Gas: \_\_\_\_\_

Telephone: \_\_\_\_\_

Internet: \_\_\_\_\_

**ACCESS**

Roadway Name: Airport Road Total Frontage (linear feet): 741.17

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.

Signature of Applicant/Authorized Agent: Melissa Hadley Date: 4-24-24

**INTERNAL USE ONLY**

<p><b>FEES &amp; PAYMENT DETAILS</b></p> <p>Application Fee: \$ _____</p> <p>Total # of Lots _____</p> <p>_____ x \$20 = \$ _____</p> <p>Total # Certified Letters: _____</p> <p>x \$10 = \$ _____</p> <p><b>TOTAL DUE \$</b> _____</p> <p><input type="checkbox"/> Cash <input type="checkbox"/> Card* 3.99% Fee</p> <p><input type="checkbox"/> Check #: _____</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>_____</p> <p>_____</p> <p>PC Meeting Date: _____ Public Notice Deadline Date: _____</p>
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**Z-24002, Honeycut Creek Cottages PUD  
& SD, 24009, Honeycut Creek  
Cottages Master Plan Large Format  
Plans Submitted Under Separate  
Cover**

**See Exhibit C**



# City of Bay Minette

## Planning & Development Services

301 D'Olive Street · Bay Minette, Alabama 36507

Phone (251) 580-1650 · [COBM\\_Planning@cityofbayminetteal.gov](mailto:COBM_Planning@cityofbayminetteal.gov)

### NOTICE OF PUBLIC HEARING

Case No. RA-24001

### Proposed Amendment to the Subdivision Regulations

Notice is hereby given that the City of Bay Minette Planning Commission will conduct a public hearing concerning RA-24001, Proposed Amendment to the Subdivision Regulations.

The Bay Minette Planning Commission will conduct a public hearing during its regularly scheduled meeting on Thursday, June 13, 2022 beginning at 8:00 a.m. in the Council Chambers of Bay Minette City Hall located at 301 D'Olive Street, Bay Minette, AL 36507.

The proposed amendments are available for public review at Bay Minette City Hall and on the Planning & Development Department website. If you desire to speak with someone by telephone about this proposal, please contact Planning & Development Services at (251) 580-1650. If you desire to submit comments, please email to [COBM\\_Planning@cityofbayminetteal.gov](mailto:COBM_Planning@cityofbayminetteal.gov) or address your correspondence to:

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

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

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

Notice Date – May 20, 2024

# SUBDIVISION REGULATIONS

## CITY OF BAY MINETTE, ALABAMA

Adopted by the Bay Minette Planning Commission  
October 13, 2022

Amended by the Bay Minette Planning Commission  
June 13, 2024

Effective  
~~October 24, 2022~~

***DRAFT VERSION***

***Presented at the July 13, 2024 Planning Commission Meeting***



- 2.02.37** Lot Line, Front. The lot line contiguous to the street right-of-way line of the principal street on which the lot abuts.
- 2.02.38** Lot Line, Interior. A side lot line separating a lot from another lot is called an interior lot line.
- 2.02.39** Lot Line, Rear. The lot line opposite to and most distant from the front lot line.
- 2.02.40** Lot Line, Side. Any lot line other than a front or rear lot line.
- 2.02.41** Lot Line, Side Street. A side lot line of a corner lot separating a lot from a street is called a Side Street lot line.
- 2.02.42** Lot Width. The horizontal distance between side lines of the lot when measured parallel to the street right-of-way at the building set back line.
- 2.02.43** Major Street. See Arterial Street above.
- 2.02.44** Major Subdivision. A subdivision not classified as a minor subdivision, including but not limited to subdivisions of 5 or more lots, or any size subdivision requiring any new street or drainage improvements, the extension of public facilities, or the creation of any public improvements.
- 2.02.45** **Marginal Access Street.** A service road or street which is parallel and adjacent to a major street or highway and provides protected access to abutting properties in cases where an arterial runs through or near a subdivided area.
- 2.02.46** **Minor Street.** A local or neighborhood street used primarily to provide access to abutting property.
- 2.02.47** **Minor Subdivision.** A subdivision that creates not more than 4 lots, each lot fronting on an existing, paved public road and does not involve any new street or drainage improvements, the extension of public facilities, nor the creation of any public improvements.
- 2.02.48** Monument. A permanent object which serves to indicate a limit or to mark a boundary.
- 2.02.49** Official Maps and Plans. The maps and plans prepared as a part of the comprehensive plan.
- 2.02.50** Parkway. A special scenic route or park drive abutting a park, green way, or conservation area where zoning or topography would prohibit development on at least one side of the roadway.
- 2.02.51** Planning Commission. Means the Planning Commission of the City of Bay Minette, Alabama. Interchangeable with “the Commission”
- 2.02.52** Planning Department. Unless specifically noted otherwise, “the Department” or “the Planning Department” specifically refers to the Planning and Community Development Services Department of the City of Bay Minette.
- 2.02.53** Planting Strip. That portion of the street right-of-way between curb and the property line exclusive of the area occupied by sidewalks.
- 2.02.54** Private Drive. A type of private access easement which serves as a common driveway for three or more dwelling units or structures, and which shall not be maintained by the City.

- 2.02.70** Street or Street Width. Shall mean the entire right-of-way, the perpendicular or radial distance between the boundaries of property adjoining either side of such street.
- 2.02.71** Stub Street or Stub Out. A street right-of-way or improvement which terminates abruptly without the provision for vehicular turn-around. Such a street is temporary, usually terminating at the boundary of a development and expected to continue to and through adjacent property in its subsequent future development.
- 2.02.72** Subdivider. A person, firm, corporation or any other legal entity who 1) proposes to divide, divides or causes to be divided, real property into a subdivision; or who 2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel, site, unit, or plat in a subdivision; or who 3) commences proceedings under these Regulations to develop a subdivision. The terms “agent,” “applicant,” and “developer” will have corresponding meanings in these Regulations. This definition does not include a public agency or officer authorized by law to approve subdivisions.
- 2.02.73** Subdivision. The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, of lease, or of building development. The term includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.
- 2.02.74** Subdivision, Exempt. A division of lots, parcels or tracts meeting the criteria in Section 3.17 herein, and not subject to the requirements of these Regulations.
- 2.02.75** Subdivision, Pre-Regulatory. A subdivision or lots of record that were recorded in the Office of the Judge of Probate, Baldwin County before October 19, 1989, the date of the implementation of Subdivision Regulations in the City of Bay Minette.
- 2.02.76** Subdivision, Regulatory. A subdivision or lots of record that were recorded in the Office of the Judge of Probate, Baldwin County ~~before~~ [after](#) October 19, 1989, the date of the implementation of Subdivision Regulations in the City of Bay Minette.
- 2.02.77** Surety. Any bond, certificate of deposit, irrevocable letter of credit, cashier check, or other acceptable guarantee as approved by the Planning Commission or their authorized agent.
- 2.02.78** Surface Drainage. A stormwater drainage system consisting of gutters, culverts and open channels.
- 2.02.79** Waiver. A request for the modification of a standard contained in these Regulations, granted at the discretion of the Planning Commission at the time of Preliminary Plat approval, and based on criteria unique to the specific site.

## SECTION 2.03 ACRONYMS AND ABBREVIATIONS

ADA	Americans with Disabilities Act of 1990
ADEM	Alabama Department of Environmental Management
ALDOT	Alabama Department of Transportation
CAD	Computer Aided Drafting
DWG	drawing file

## **ARTICLE 3 PROCEDURES FOR SUBDIVISION PLAT APPROVAL**

### **SECTION 3.01 APPROVAL OF SUBDIVISION PLATS REQUIRED**

No plat of a subdivision lying within the corporate limits or planning jurisdiction of the City shall be filed or recorded in the Office of the Judge of Probate of Baldwin County until a plat of such subdivision has received final approval by the Planning Commission and properly recorded in accordance with these Regulations. The procedure for the review and approval of a subdivision generally involves pre-application/Sketch Plat review, Preliminary Plat and Final Plat approval. The plat and preliminary design shall meet the requirements of all applicable codes and laws and shall be prepared in conformity with the standards of professional practice.

### **SECTION 3.02 CONSISTENCY WITH PLANS, REGULATIONS AND LAWS**

Proposed improvements in all subdivision developments within the planning jurisdiction of the City of Bay Minette Planning Commission shall be in conformance with existing approved plans, maps, ordinances, and design standards of the City of Bay Minette, including the Comprehensive Plan, Zoning Ordinance, Building Code, Flood Damage Prevention Ordinance and all other applicable laws of the City's jurisdiction. In addition to the requirements established herein, all subdivision plats shall comply with all applicable Federal, State and County laws and regulations.

### **SECTION 3.03 CLASSIFICATION OF SUBDIVISIONS**

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, the subdividing owner or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the procedures as herein established.

**3.03.01** Major Subdivisions. Applications for approval of a Major Subdivision shall consist of subdivisions not classified as a Minor Subdivision, including but not limited to subdivisions of 5 or more lots, or any size subdivision requiring any new street or drainage improvements, the extension of public facilities, or the creation of any public improvements. Major Subdivisions require a Pre-Application Conference and Sketch Plat. Upon receipt of the Commission's findings and recommendations on the Sketch Plat, the applicant may prepare and submit a Preliminary Plat application. The Preliminary Plat will be reviewed, and a public hearing held by the Commission on the Preliminary Plat application. Upon Commission approval of the Preliminary Plat, the Subdivider may proceed with posting of a Performance Bond and construction of the subdivision. Upon completion of improvements, the applicant may then submit a Final Plat application.

**3.03.02** Minor Subdivisions. Applications for approval of a Minor Subdivision shall consist of subdivisions that create not more than 4 lots, each lot fronting on an existing, paved public road and does not involve any new street or drainage improvements, the extension of public facilities, nor the creation of any public improvements. Minor Subdivisions do not require Preliminary Plat approval but must receive Final Plat approval. Prior to submitting a plat application for Commission consideration, a Pre-Application Conference is required with City Staff. If staff determines that no street, drainage or other improvements are required and that the proposed subdivision is in conformance with the Comprehensive Plan, Zoning Ordinance and these Regulations, the applicant may then prepare and

submit a Final Plat application. If City Staff determines that any improvements are necessary for the proposed subdivision to comply with these Regulations, the proposed subdivision is considered a Major Subdivision subject to review and approval as such.

### 3.03.03

Exception to Required Approvals. Except as set forth in Section 3.17, the following subdivisions are exempt from the provisions of these Regulations. No public hearing shall be required, but the subdivision shall be subject to review and approval by the Planning and Zoning Director for compliance with the requirements contained herein. Any subdivider or developer who appears to be circumventing the intent and substance of these Regulations may be required to submit a plat for review and approval by the Planning Commission and shall be subject to the penalties under Section 3.18.

1. Subdivision of land by testamentary or intestate provisions.
2. Subdivision of land by court order including, but not limited to, judgments of foreclosure.
3. The public acquisition by purchase or donation of strips of land for the widening or opening of streets or for other public uses.
4. Common property lines are being reconfigured where no new lots are being created **if the property is not within a previously recorded subdivision** and involves no street or other public improvements.
5. The subdivision of property into three (3) or less lots, tracts or parcels for the limited purpose of sale, deed or transfer of land by the owner to qualifying family member(s) and not within a previously recorded subdivision and involves no street or other public improvements. Each parcel which is subdivided pursuant to this subparagraph shall have deeded ingress/egress and utility access or easement that runs with the land of not less than 30 feet in width. A qualifying division hereunder is limited to a division among the following designated legally related immediate family members: Spouse, children, siblings, parents, grandparents, grandchildren, nieces, nephews, or step-related individuals of the same status.

## SECTION 3.04 APPLICANT RESPONSIBILITIES

**3.04.01** Applicants shall determine the appropriate track of approval based on their proposed development and shall be responsible for the full payment of all fees and charges required by these Regulations. The applicant or the applicant's representative shall be present for all meetings and public hearings.

**3.04.02** The applicant is responsible for providing all engineering services, including plans and specifications in conformity with these Regulations and field inspections and construction supervision as is necessary to assure that improvements are installed in conformity with plans, City standards and the requirements herein. The subdivider shall provide the City with all engineering plans required for conformity with any applicable state, federal or local laws or regulations. Where the Commission deems additional or supplemental engineering data to be necessary for the purpose of assuring the City's interests are protected, the cost shall be borne by the applicant.

**3.04.03** Applicants are responsible for recording their Approved Final Plat, deeds, and any other required documents at the Office of the Probate Judge of Baldwin County, Alabama, and the cost that it incurs.

**3.16.07.05** Upon receipt of Planning Commission's approval, it shall be the responsibility of the developer to:

1. Record the approved Final Plat within a period of one (1) year following the date of such approval.
2. Upon recording, the owner or developer shall furnish a copy of the recorded plat and recorded restrictive covenants.
3. Upon recording, the owner or developer shall furnish a copy of the Articles of Incorporation for the establishment of a property owner's association.

**3.16.08** Legal Status of Streets

The City of Bay Minette shall not accept, open, improve, maintain, grade or light any street right(s)-of-way and/or drainage and utility easement; authorize water mains, sanitary sewer, or connections to be made to any street, unless:

1. The street right(s)-of-way is a part of a subdivision plat approved by the Planning Commission; and,
2. Such street has been accepted or otherwise granted the legal status of a public street; and,
3. The right(s)-of-way corresponds with a street shown on or is compatible with the Comprehensive Plan; and,
4. Petition for acceptance and dedication of the street right(s)-of-way and drainage and utility easement(s) has been accepted and adopted by City Council Resolution.

## **SECTION 3.17 EXEMPTIONS**

As described herein, the following subdivisions and resubdivisions are not subject to the provisions of these Regulations.

**3.17.01** For exempt subdivisions hereunder, no public hearing shall be required, but the subdivisions shall be subject to review and approval of the City Planner for compliance with the requirements contained in this Section. Any subdivider or developer who appears to be circumventing the intent and substance of these Regulations may be required to submit a plat for review and approval by the Planning Commission and shall be subject to the penalties under Section 3.18 of these Regulations.

1. Subdivision of land by testamentary or intestate provisions.
2. Subdivision of land by court order including, but not limited to, judgments of foreclosure.
3. The public acquisition by purchase or donation of strips of land for the widening or opening of streets or for other public uses.
4. Common property lines are being reconfigured where no new lots are being created and involves no street or other public improvements



5. The subdivision of property into three (3) or less lots, tracts or parcels for the limited purpose of sale, deed or transfer of land by the owner to qualifying family member(s) and not within a previously recorded subdivision and involves no street or other public improvements. Each parcel which is subdivided pursuant to this subparagraph shall have deeded ingress/egress and utility access or easement that runs with the land of not less than 30 feet in width. A qualifying division hereunder is limited to a division among the following designated legally related immediate family members: Spouse, children, siblings, parents, grandparents, grandchildren, nieces, nephews, or step-related individuals of the same status.

### 3.17.02 Procedures

3.17.02.01 For exemption requests herein, a public hearing is not required. Applicants shall be required to submit the following to the Planning and Development Department:

1. a completed **Administrative** Subdivision application and application fee in accordance with the current schedule of fees established by the City Council;
2. a plat or survey of the original parcel, drawn to scale, indicating any existing structures (with dimensions) and the setbacks from property lines;
3. a plat or survey of the proposed configuration, drawn to scale, indicating any existing structures (with dimensions) and the setbacks from proposed property lines;
4. Affidavit of Restrictive Covenants as detailed in subsection 3.17.06 herein;
5. a warranty deed for all parcels involved that includes an accurate description of the lots/parcels as proposed; and
6. any additional documentation deemed necessary to complete the review.

3.17.03 In addition to the requirements set forth above, the following standards must be satisfied:

3.17.03.01 **All The final configuration of all** exempt subdivisions shall consist of three (3) or less lots and shall not contain any public improvements, nor require the expenditure of any public funds.

3.17.03.02 Each lot created hereunder shall comply with all minimum lot size and setback requirements otherwise specified by the provisions herein or by provisions of the Zoning Ordinance.

3.17.03.03 Maintenance of any easements, together with all improvements thereto, shall be the responsibility of all parties to which it is granted by written agreement or deed reference, and shall be noted on a recorded plat. Neither the City nor the County shall be responsible for any easement or improvements thereto.

3.17.04 In the event the property to be divided is an existing lot (or lots) of record in a Regulatory Subdivision, the applicant shall be required to cause a certified plat to be recorded in the Office of the Probate Judge of Baldwin County upon receiving an exemption hereunder. The new plat reflecting the resubdivision of such lot or lots shall contain the following dedication and certificates (see Appendix B for sample certificates):

1. Licensed Surveyor's Certificate and Description of Land Platted
2. A Notarized Owner's Dedication
3. A Certificate of Approval by the Subdivision Property Owner's Association (if applicable)
4. A Certificate of Approval by Baldwin County E-911
5. A Certificate of Approval by the City Planner.

- 3.17.04.01** Said plat shall be appropriately labeled and named as a resubdivision or replat of the Regulatory Subdivision or lots thereof, and all lots shall have a number and be numbered sequentially.
- 3.17.04.02** If approved by the City Planner, the plat shall be recorded in the Office of the Judge of Probate of Baldwin County, Alabama as a subdivision and receive a Slide Number.
- 3.17.05** In the event the property to be divided is an existing parcel (or parcels) from a Pre-Regulatory Subdivision, the applicant shall be required to cause a survey to be recorded in the Office of the Probate Judge of Baldwin County upon receiving an exemption hereunder. The survey shall detail parcel dimensions, reflect the existing configuration and proposed reconfiguration of the parcel(s), and any existing structures with setbacks.
- 3.17.05.01** Said survey shall be appropriately labeled and include an accurate legal description of all parcels involved with the Point of Beginning noted for each.
- 3.17.05.02** If approved by the City Planner, the survey shall be recorded in the Office of the Judge of Probate of Baldwin County, Alabama as a survey and receive a Survey Number. The deeds required to be filed to complete the Exempt Division shall include an accurate metes and bounds description of the parcel and a reference to the Survey and its assigned number.
- 3.17.06** The owner of each parcel approved as exempt under this Section shall be required to submit, as a condition to such approval, an affidavit executed by such owner attesting, under oath, that there exist no restrictive covenants of record in the Office of the Judge of Probate of Baldwin County, Alabama which would prohibit the subdivision of the parcel for which an exemption is sought pursuant to this subparagraph.
- In the event a parcel is approved as exempt under this subparagraph, and it is later determined that such subdivision was prohibited by valid restrictive covenants recorded as of the date of such approval, the City Planner, or their designees, shall have the authority to revoke such exempt subdivision approval and to assess the cost of such approval and revocation on the party who executed the affidavit required hereby.
- 3.17.07** Official recording.
- 3.17.07.01** No plat or description of land subdivided as set forth in herein shall be filed in the Office of the Probate Judge, Baldwin County until such plat shall have been authorized for recording and signed by the City Planner.

- 3.17.07.02** The approved exemption letter, survey or certified plat and related deeds shall be recorded upon receipt of an exemption. If the required documentation has not been filed in the Office of the Probate Judge, Baldwin County within 90 days from the date of the exemption letter, the exemption shall be deemed null and void. The proposed subdivision will be required to submit a new request for exemption in accordance with this section.
- 3.17.08** Any subdivider who appears to the Planning Department to be circumventing the intent and substance of these Regulations shall be required to submit a certified plat for review and approval by the Planning Commission.
- 3.17.09** Any property included as part of an exempt subdivision shall not be eligible for consideration for further subdivision as an exempt subdivision for a period of one (1) year from the date of the last exempt or administrative subdivision.
- 3.17.10** Exemption from the requirement for approval to subdivide does not constitute exemption from the requirements of other applicable regulations including but not limited to state law, zoning regulations, other municipal ordinances, Health Department requirements or, where applicable, the regulations of Baldwin County Planning Department or Highway Department.

## **SECTION 3.18 PENALTIES**

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the Planning Commission and recorded in the records of the Office of the Judge of Probate of Baldwin County, shall forfeit and pay a penalty of one hundred dollars (\$100.00) for each lot or parcel so transferred to be sold or agreed or negotiated to be sold; and the description of such lot or by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The City of Bay Minette may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the same penalty by a civil action in any court of competent jurisdiction.

## **SECTION 3.19 WAIVERS**

Where the Planning Commission finds that extraordinary hardship or practical difficulties may result from strict compliance with these Regulations and/or the purposes of these Regulations may be served to a greater extent by an alternative proposal, the Commission may approve waivers or modifications to these Regulations under the conditions specified herein. Any waiver granted shall be entered upon the minutes and the reason for the modifications specified therein.

- 3.19.01** Standards for the granting of a waiver or modification:
1. An unusual or experimental subdivision, which the Commission determines may prove of considerable merit toward the use of unusual materials in constructing required improvements, or a new or untried concept in the area which appears promising.

<b>TABLE 5-1 MINIMUM ROADWAY PAVING BUILD-UP</b>	
<b>Average Daily Traffic Count: 1-750 Vehicles</b>	
424-A Superpave Bituminous Concrete Wearing Surface layer, ¾ inch Maximum aggregate size mix, ESAL Range B (220 lb/sy)	
401-A Bituminous Treatment Type “A” (0.25 gal/sy)	
301-A Compacted Granular Soil Base Course (sand/clay) Type “A” minimum of two 4” lifts of compacted thickness;	
<b>OR</b>	
301-B Crushed Aggregate Base Course (limestone) Type “B” minimum 6-inch compacted thickness <sup>1</sup>	
<b>Average Daily Traffic Count: &gt;750 Vehicles</b>	
424-A Superpave Bituminous Concrete Wearing Surface layer, ½ inch Maximum aggregate size mix, ESAL Range B (125 lb/sy)	
405-A Tack Coat, Spread Rate of (0.10 gal/sy)	
424-B Superpave Bituminous Concrete Binder Layer, 1-inch Maximum aggregate size mix, ESAL Range B (220 lb/sy)	
401-A Bituminous Treatment Type “A” (0.25 gal/sy)	
301-A Compacted Granular Soil Base Course (sand/clay) Type “A” minimum of two 4” lifts of compacted thickness	
<b>OR</b>	
301-B Crushed Aggregate Base Course (limestone) Type “B” minimum 6-inch compacted thickness <sup>1</sup>	
<sup>1</sup> If used, delete 401-A treatment	

- 5.01.03** Curbs and Gutters. All new roads constructed shall have a 24” curb & gutter, 24” valley gutter, or other type of curbing approved by the City Engineer. Standard approved type curbs and gutters are required along any street where sidewalks are to be installed. Where curbs and gutters are required, they must be placed on both sides of the street.
- 5.01.04** Street markings must be applied after the binder is installed and must comply with the latest edition of the MUTCD and must consist of reflective beading and thermoplastic application.
- 5.01.05** The Subdivider must install approved traffic control devices in accordance with the MUTCD, any additional requirements of the City and/or ALDOT and the approved traffic control plan.

**SECTION 5.02 PEDESTRIAN AND BICYCLE FACILITIES**

- 5.02.01** All major subdivisions shall provide for sidewalks adjacent to all new lots.
- 5.02.02** Sidewalks are to be installed within the dedicated non-pavement right-of-way of streets as required in [4.06 Pedestrian and Bicycle Facilities](#) [4.17 Sidewalks](#).
- 5.02.03** Sidewalks shall be a minimum of five (5) feet in width. In subdivision involving nonresidential and mixed-uses (other than industrial), sidewalks must be at least eight (8) feet wide. All sidewalks shall be constructed of reinforced concrete that has a minimum twenty-eight (28)-day compressive strength of 3,000 psi.
- 5.02.04** Sidewalks shall connect to any sidewalks and/or bike paths within a reasonable distance and shall be interconnected within said development to allow for sufficient pedestrian access.
- 5.02.05** Sidewalks shall be constructed by the developer prior to final plat approval.

**5.09.02** In order for the City of Bay Minette to provide regular maintenance of street lighting, said lighting shall be purchased through and installed by Alabama Power. Regular maintenance does not include replacement of lamps, luminaries or standards which are damaged or destroyed due to vandalism or any other cause beyond the utility's control. Such facilities damaged or destroyed under such circumstances shall be replaced by the utility company at the property owner's expense.

## **SECTION 5.10 COMMON OPEN SPACES AND FACILITIES**

**5.10.01** All subdivisions greater than twenty-four (24) lots shall be provided with open space.

**5.10.02** For every twenty-five (25) lots or fraction thereof, the developer shall provide an open space that is equal in size to one (1) average lot in the subject development.

**5.10.03** Said open space shall be provided in one location and all required open space shall be contiguous. This shall also apply to phased developments.

**5.10.04** Stormwater management facilities and narrow strips less than twenty feet (20') in width shall not be counted as the required open space.

**5.10.05** Open Spaces can be held by the developer, Homeowners' Association, or deeded to the city.

**5.10.06** For all subdivisions involving the creation of common open spaces or facilities, which may include subdivision entrances and signage, that are to be owned and maintained by the developer or a property owner association, the following apply:

**5.10.07**

**5.10.06.01** If not owned and maintained by the developer, an association representing the owners must own the common open space or facility in perpetuity. Membership in the association is mandatory and automatic for all owners of the subdivision or condominium and their successors. The association must have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the common open space and/or facilities is borne by the association.

**5.10.08**

**5.10.06.02** Management Plan. The applicant must submit a plan for management of open space and/or common facilities that:

1. Allocates responsibility and guidelines for the maintenance and operation of the common open space/facilities including ongoing maintenance and long-term capital improvements.
2. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the common open space/facilities and outlines the means by which funding will be secured.
3. Provides that any changes to the plan must be approved by the Commission; and
4. Provides for enforcement of the plan.

**5.10.09**



[5.10.06.03](#) In the event the party responsible for the common open space or facilities fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the premises and take corrective action, including extended maintenance. The costs of such maintenance may be charged to the association, or to the individual owners that make up the association and may include administrative costs and penalties. Costs may become a lien on all involved properties.

#### 5.10.10

[5.10.06.04](#) No decorative squares, tree, island, ornamental entrances, or any other obstruction to traffic shall be constructed or preserved with the right-of-way of a road dedicated to the public without the written permission of the Superintendent of Streets and Sanitation. If landscaping and/or irrigation are proposed within the right-of-way, the responsibility for maintenance of such facilities shall be borne by the developer or the Home Owner's Association (HOA).

## SECTION 5.11 PERMANENT REFERENCE MARKERS

5.11.01 Prior to the approval of the Final Plat, permanent reference points shall have been placed in accordance with the following requirements:

1. Lots and Streets. All lot corners, points where street lines intersect the exterior boundary of the subdivision and intersections of curves and tangents along street lines must be marked.
2. Subdivision Corner Tie. At least one corner of the subdivision shall be designated by course and distance (tie) from an accepted corner of the Government Survey of Baldwin County. The subdivision corner shall be marked with a monument and shall appear on the map with a description of bearings and distance from the Government Survey corner to an accuracy of 1:5,000.
3. Monuments. Concrete monuments four (4) inches in diameter or four (4) inches square and three (3) feet long with a flat top shall be set at all exterior corners of the subdivision. The top of the monument shall have an indented mark to identify properly the location and shall be set flush with the finished grade. Elevation from mean sea level datum shall be established on a permanent benchmark at the corner of the subdivision and at a distance no greater than 2,000' on perimeter.
4. Property Markers. All lot corners not marked with a monument shall be marked with an iron pipe or iron pin not less than one-half inch (1/2") in diameter or in width, and twenty-four inches (24") long, and driven so as to be flush with the finished grade.
5. Accuracy. The land survey shall be in accordance with the State of Alabama's Minimum Technical Standards for Land Surveyors.