

**CITY OF BAY MINETTE  
PLANNING COMMISSION**

**AGENDA  
March 12, 2020  
Regular Meeting  
8:00 a.m.  
City Hall Conference Room  
301 D'Olive Street, Bay Minette**

1. Call to Order
2. Invocation and Pledge
3. Approval of Minutes for the February 13, 2020 Regular Meeting
4. **Old Business**

**RA-2001 Proposed Zoning Ordinance Amendment Public Hearing**

Section 7.17 – Existing Covenants

Article XI – Planned Unit Development (PUD)

Section 14.4 – Establishment & Membership of the Board of Adjustment

5. **New Business**

**a.) Z-2001 – Dobbins Property – Public Hearing**

*Request:* Re-zoning of lot from M-2, General Industrial District to R-3, Higher Density Single-Family Residential District for a proposed residential subdivision of 3 lots

*Location:* The subject property is located at 11 Crosby Road

**b.) AS-2001 – Dobbins Property**

*Request:* Proposed residential subdivision of 3 lots

*Location:* The subject property is located at 11 Crosby Road

6. **Reports**

a.) Mayor/Council

b.) Attorney

c.) Commissioner's Comments

d.) Planning Staff

7. **Adjournment**

# Bay Minette Planning Commission Regular Meeting Minutes

Minutes February 13, 2020

Monthly Meeting No. 2

The Bay Minette Planning Commission met in Regular Session on Thursday, February 13, 2020. The meeting was called to order at 8:02 a.m., by Chairman, Todd Stewart, in the Conference Room located in Bay Minette City Hall, in Bay Minette, Alabama; this being the proper place, date and hour as advertised to hold such meeting.

**IN ATTENDANCE** At 8:02 a.m. the following members were present:

Todd Stewart, Chairman  
Ed Pepperman, Vice-Chairman  
Robert A. "Bob" Wills, Mayor  
John Biggs, Council Member  
Scotty Langham, Commission Member  
Pat Robinson, Building Official

Commission Members absent:

Jessica Davis, Commission Member  
Wynter Crook, Commission Member  
Neal Covington, Commission Member

Other persons in regular attendance:

Scotty Lewis, Attorney  
Tammy Smith, City Administrator/Finance Director  
Clair Dorough, City Planner  
Leslie Johnston, SARPC  
Jessica Peed, Planning Assistant  
Steven Stewart, Fire Inspector  
Thomas Brown, Code Enforcer

**GUESTS** Brandon Scott  
Mike Phillips, Council Member

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

**ITEM 3.** Approval of Minutes of the January 9, 2020 meeting. Mayor Wills made a motion to approve the minutes as written. The motion was seconded by Commission Member Pepperman and it was unanimously carried.

ITEM 4.

Old Business:

- None

ITEM 5.

New Business:

Zoning Ordinance Revision Discussion

a.) Section 7.17 - Existing Covenants

Chairman Stewart addressed Mrs. Dorough and Mr. Robinson regarding any issues that need to be addressed within the Planning and Zoning Department. Mrs. Dorough stated there is language that needs to be revised in some of the ordinances, starting with Section 7.17 Existing Covenants. Mrs. Dorough suggested inserting an additional line to clarify that the property owner and/or authorized agent would be responsible for ensuring compliance with applicable deed restrictions or restrictive subdivision covenants prior to submitting an application. Chairman Stewart asked Scotty Lewis and Leslie Johnston if they had any comments, with both parties stating this additional statement is standard for most zoning ordinances and would be a good thing to include. Mayor Wills stated that he wanted to state for the record that the intent of the current ordinance language was not for the City to enforce covenants and deed restrictions, and that the proposed amendment language is for clarification purposes only.

b.) Section 8.7 - Accessory Uses, Structures, Carports and Home Occupations

Mrs. Dorough began the discussion by stating the wording regarding accessory structure vs. primary structures is not clear, which creates confusion on whether an accessory structure is allowed on a lot by itself without a primary structure. Mrs. Dorough suggested adding a line, 8.7.1.4, which clearly states an accessory structure cannot be constructed on a lot by itself prior to the issuance of a building permit for the principal building to which it is an accessory. Commission Member Biggs inquired if the lots were adjoining, could there be a primary structure on one lot and an accessory structure on the other. Mayor Wills stated if the lot were owned by the same property owner, then it would seem reasonable. Mrs. Dorough pointed out if the property owner were to sell the one lot the next day, it would only have an accessory structure on it. Commission Member Biggs stated some lots are only half lots, and do not meet regulations to allow anything on it. Mrs. Dorough stated there is a "Substandard Lots of Record" reference in the ordinance, and it is up to the Planning Commission whether to allow joint ownership of lots. Mayor Wills and Mrs. Johnston commented it is standard to not allow

accessory structures on a lot by itself. Chairman Stewart transitioned into the topic of business in residential areas concerning a business being utilized within a persons' home and if they are required for a City of Bay Minette business license. Mrs. Dorough stated the home owner could refuse, but a clause could be instated allowing the Code Enforcement officer the right to enforce a business license.

Mrs. Dorough stated pools within the Accessory Structure section of the Ordinance are another issue that needs to be addressed. She suggested a line stating pools, as an accessory structure, should have an exception of being located no closer than five (5) feet to the residential building instead of the standard accessory structure of twenty (20) feet. Chairman Stewart inquired as to the specification of 5 feet. Mrs. Dorough stated the Baldwin County and other area municipal ordinances allow the 5-foot setback for pools.

Mrs. Dorough suggested the "Maximum Building Height" portion of the Ordinance should be titled as "Maximum Building Coverage and Height" with a chart that would specify Lot Size to Maximum Building Area to Maximum Building Height. This would allow an easier understanding of how much of the lot can be covered with structures. Commission Member Pepperman stated the wording, as of now, can allow an accessory structure to be larger than the primary structure. Mayor Wills inquired as to where the chart numbers came from. Mrs. Dorough stated it is from research of various zoning ordinances. Chairman Stewart discussed tying the dimensions of the building to the lot size would make the most sense. Thomas Brown inquired if this would remove the lot coverage clause. Mrs. Dorough explained it would not, and structures would follow the maximum building coverage. Mrs. Dorough suggested there also be a line inserted regarding Commercial and Industrial Districts with accessory building height restrictions without the approval of the Planning Commission, which would essentially allow people to apply for a variance for a height modification. There was much discussion regarding coverage for RV's, other recreational vehicles and different scenarios for maximum height restrictions for various potential zoning areas, and how it can be reasonably regulated to improve sight situations.

Mrs. Dorough introduced the topic of Planned Unit Development (PUD) and the suggestion to tie acreage requirement of 5 acres to the ordinance. There was a small discussion on different acreage requirement options, with the consensus being that 5-acre minimum is reasonable and fair in order to provide a sense of community, as that is the purpose of a PUD.

Mrs. Dorough stated the administrative wording throughout the current Zoning Regulations primarily designates the Building Official as the zoning administrator, and this needs to be addressed due to the recent personnel changes. Mrs. Dorough also stated the Land Use Certificate process was

implemented recently with a fee, as it was passed at the City Council meeting in January 2020. She suggested a section be implemented with a procedure for obtaining a Land Use Certificate. Mrs. Dorrough stated the authorization for a Land Use with a twenty-five-dollar fee is required for any building permit, with the exception of a re-roof (If a roofline is not changing, or the use of the structure is not changing then there is nothing to review nor charge for a Land Use). This language would need to be added to the Ordinance as well. Mayor Wills asked Mrs. Dorrough if the Land Use was new and where the idea came from. Mrs. Dorrough stated it was a new action, and was reflected from the County's Land Use, as theirs is clear and easy for the public to understand. Councilman Phillips inquired as to how he needed to start applying for a building permit. Mrs. Dorrough explained he can bring all plans and building permit when he applies for a Land Use with the Planning and Development Services Department. If approved, all information will be passed along to the Building Department for their review. Councilman Phillips inquired about the 7-day turnaround policy on the Land Use Certificate. Mrs. Dorrough explained that in a normal scenario, with a completed Land Use application, her review time will be 1 day, but in an extreme situation, the 7 days allows for another person to complete the review. Scotty Lewis suggested inserting a line in the ordinance stating, "City Planner or designee of the Mayor" may review or approve a Land Use Application, in place of the City Planner when she/he is unavailable.

Mrs. Dorrough continues the discussion regarding Certificates of Occupancy (C/O) on buildings that are being renovated or are involved in a cash sale. Commission Member Robinson suggested issuing a "Letter of Substantial Completeness". More discussion commenced on the process for a C/O, and in additional instances in which it would be required.

Mrs. Dorrough stated the Board of Adjustments (BOA) is having substantial issues in acquiring members due to the wording as stated in the Ordinance regarding public office or position. She stated Councilman Biggs has found two citizens who are willing to serve. There was more discussion on probable ways to remedy this issue. Mr. Lewis stated the purpose of the BOA and which type applications that were to be reviewed. Mrs. Johnston stated the Planning Commission Members can serve on the BOA, per the State Code.

Mrs. Dorrough stated she found an older Ordinance, number 753, that is still active and states the city clerk will issue permits for excavation. Tammy Smith inquired if the newer building codes in 2012 would supersede this ordinance. There were many questions as to what the ordinance states. Councilman Phillips stated he was charged with a double permit fee by the Building Official. He stated the County does not require a permit before starting work, and also stated there is a lot of confusion with the new fees as they were not advertised. Tammy Smith clarified the Building Official has the right to issue a

double permit fee when work commences prior to obtaining the appropriate permits, and the fee adoption does not have to be done by Ordinance, but rather a resolution as the new Planning & Zoning fee schedule was recently done. Mike Phillips inquired on the differences between and Ordinance vs. a Resolution. Scotty Lewis explained the procedures and differences when needing to adopt an Ordinance or Resolution. Councilman Phillips stated that any new fees or changes should be made aware to everyone. Thomas Brown stated existing procedures are now being implemented and done by the book. Mayor Wills stated we will not pick and choose which regulations to follow and that the City of Bay Minette is trying to do what is right and is working to update our procedures and ordinances. Mayor Wills also stated he is still unclear as to what happened with the Castle Homes and the double permit fee commencing. Councilman Phillips explains he was charged with a double permit fee by the Building Official due to his contracting company starting dirt work prior to being issued a building permit, and that everyone should have been made aware before issuing double permit fees as that is not the procedure a lot of contractors have followed in the past. Councilman Robinson commented there is a sign in the office that advises everyone they will be charged a double permit fee if they start work prior to receiving a permit. Tammy Smith suggested we draft a letter with the attached fee schedule and send to all contractors who currently have an active City of Bay Minette business license. Mayor Wills stated this was a good idea, and the City is trying to do the right thing by abiding by the Ordinances.

Mrs. Dorough asked the Planning Commission to please review information Conditional Uses or Special Exceptions. Mrs. Dorough explains the different uses and ways the regulations are written, particularly regarding dwellings in M-1 and M-2 zones. She also mentions the Site Plan Approval for uses such as In-Home Daycare needs to be reviewed as well.

Chairman Stewart continued to review the list of items to be discussed. Mayor Wills inquired as to what animals are prohibited within the city limits, and if the Planning Commission would need to include regulations. Several members interjected the only animal prohibited is swine, but with no regulation other than if there is an issue with smell or noise, that would allow the Animal Control officer or Code Enforcer to intervene. Tammy Smith stated if we don't allow animals there will be issues when we pursue annexations. Mayor Wills suggested obtaining other municipality's animal regulations. Mrs. Johnston stated she believes there are state regulations.

*Scotty Lewis left the Planning Commission discussion at 9:20 am.*

Mrs. Dorough states the fence regulation needs to be addressed as it is lacking, which leaves the ordinance ineffective in reviewing fence permits.

Mrs. Dorough continued the discussion by bringing up the issue with the numerous requests to place a “tiny home” on a lot. There was much discussion as to whether it is considered a primary dwelling or an accessory structure. Mrs. Johnston stated to help regulate these, we could not allow the use of a bathroom.

Mrs. Dorough continues by stating that David Diehl has requested to remove the one year limitation for reapplication from the Administrative Subdivision section of the Subdivision Regulations.

Chairman Stewart asked if there were any other topics to discuss. Mrs. Dorough concluded the meeting by stating there are many other topics that warrant a discussion, but asked all Planning Commission members to read through the suggested changes made today, and to also make notes on anything that needs to be addressed for future Planning Commission meetings.

**ITEM 6.** Reports:

- A. Mayor/Council Report
  - None
- B. Attorney
  - None
- C. Commissioner
  - None
- D. Planning Staff
  - None

**ITEM 8.** With no further business Chairman Stewart adjourned the meeting at 9:32 am.

DONE THIS THE 13<sup>TH</sup> DAY of FEBRUARY 2020

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Todd Stewart, Chairman

**ATTEST:**

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Jessica Peed, Planning Assistant

**City of Bay Minette**  
**Zoning Ordinance – Proposed Amendment**  
**Revision to Section 7.17, Article XI and Section 14.4**

**Planning Commission**  
**Public Hearing**  
**March 12, 2020**

**7.17 Existing Covenants**

Where subdivisions, lots, or parcels exist which have already been recorded or which will be recorded with deed restrictions or other such restrictive covenants, such restrictions and covenants shall apply if they are more stringent than the requirements of this Ordinance; otherwise, the requirements of this Ordinance shall apply. **It is the responsibility of the property owner and/or authorized agent to ensure compliance with any and all applicable deed restrictions or restrictive covenants prior to submitting an application to the Planning & Community Development Department.**

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**ARTICLE XI. 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.

For the purposes of this Ordinance, each Planned Unit Development shall be **a minimum of 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 of 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.

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**14.4 Establishment and Membership of the Board of Adjustment**

The Board of Adjustment shall consist of five (5) members, appointed by the Mayor for overlapping terms of three (3) years. All members of the Board of Adjustment shall reside within the municipal limits of the City of Bay Minette. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removed for cause by the Mayor upon written charges and after public hearing thereon. **No member shall hold any other public office or position.** The Mayor shall appoint two (2) supernumerary members in accordance with *Alabama Code*, Section 11-52-80.





# City of Bay Minette

## Re-zoning Application

Case No.: \_\_\_\_\_  
Fee- \$300.00  
Date Paid: 2/20/2020  
Paid:  Credit Card  Cash  
 Check- No. 6683 (\$230)  
+ 6687 (\$70)

301 D'Olive Street · Bay Minette, Alabama 36507  
Phone (251) 580-1610 · COBM\_Planning@ci.bay-minette.al.us

Are you the property owner?  YES  NO

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

Applicant Name: William H. Dobbins, Jr Date: 2-20-2020

Mailing Address: P. O. Box 369

City: Bay Minette State: AL Zip Code: 36507

Telephone Number: 251-239-8168 Email: sonny1d@aol.com

### Site Information

Property Owner Name: William H. Dobbins, Jr. Phone Number: 251-239-8168

Property Address: 11 Crosby Road, Bay Minette, AL 36507

Parcel/PPIN #: 05-23-02-10-1-000-017.003 / 250150

Area of Property, Sq. Ft., or Acres: 1.77 Ac

Present Zoning: M-2 Requested Zoning: R-3

Reason for Request/ Intended use of property: For residential purposes (Was a House on property)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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:  Date: 2-20-20

### 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



# City of Bay Minette

## Rezoning Application Process Synopsis

### **Application**

All application materials, including parcel numbers, payment of fees, legal descriptions, survey or plot plan and completed Agent Authorization Forms when appropriate, must be submitted according to the approved application deadline schedule. Incomplete applications will not be processed and will not be scheduled for a public hearing. Irrespective of the outcome, fees will not be refunded once the application has been processed.

### **Public Notification**

In accordance with Alabama law, a public notice sign with rezoning information must be posted on the property for which a rezoning is requested. A notice is sent by mail to all adjacent property owners, the applicant, and any other applicable parties. A notice is also posted at four public areas that are easily viewable. All public notifications must be sent and posted no less than fifteen days prior to all Public Hearings.

### **Staff Review / Public Hearing**

Each application for a rezoning is reviewed at a staff meeting with the City of Bay Minette Planning Commission staff members and other relevant city staff. An appointed staff member will perform an evaluation of the site, as needed, prior to the meeting. The Planning Commission will review the merits of the application and either *Recommend Approval* or *Recommend Denial* for the next regularly scheduled City Council meeting.

The City Council will have two readings, which will either be approved or denied based upon the information presented in the application and the Planning Commission's recommendation.

### **Standards for Approval**

#### **City of Bay Minette Rezoning Ordinance Excerpt**

**15.2.5 Criteria - The application shall be reviewed based on the following criteria:**

- a. Compliance with the comprehensive plan;
- b. Compliance with the standards, goals, and intent of this ordinance;
- c. The character of the surrounding property, including any pending development activity;
- d. Adequacy of public infrastructure to support the proposed development;
- e. Impacts on natural resources, including existing conditions and ongoing post-development conditions;
- f. Compliance with other laws and regulations of the city;
- g. Compliance with other applicable laws and regulations of other jurisdictions;
- h. Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values; and
- i. Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values.

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.

**Acknowledgement**

I acknowledge that I have read the information contained herein. I understand that this synopsis is not an exhaustive list of requirements and I have had ample opportunity to inquire and become familiar with the requirements of the entire City of Bay Minette Zoning Ordinance.

Applicant Signature:  Date: 2-20-20



Crosby Road facing South



Crosby Road facing North



Subject Property



Subject Property



Across Crosby from Subject Property



Former sawmill site North of Property



**Legend**

- Parcels
- BAY MINETTE ZONING**
- RA
- R1
- R2
- R3
- R4
- R5
- B1
- B2
- B2H
- M1
- M2
- City Limits
- County Asphalt
- County Gravel/Dirt



Subject Property

Bay Minette

CROSBY RD

EASTWOOD DR

GREER LN

U S HWY 31

CLOVER LN

OAK LN

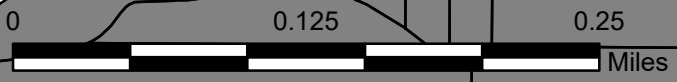
LITTLE LN

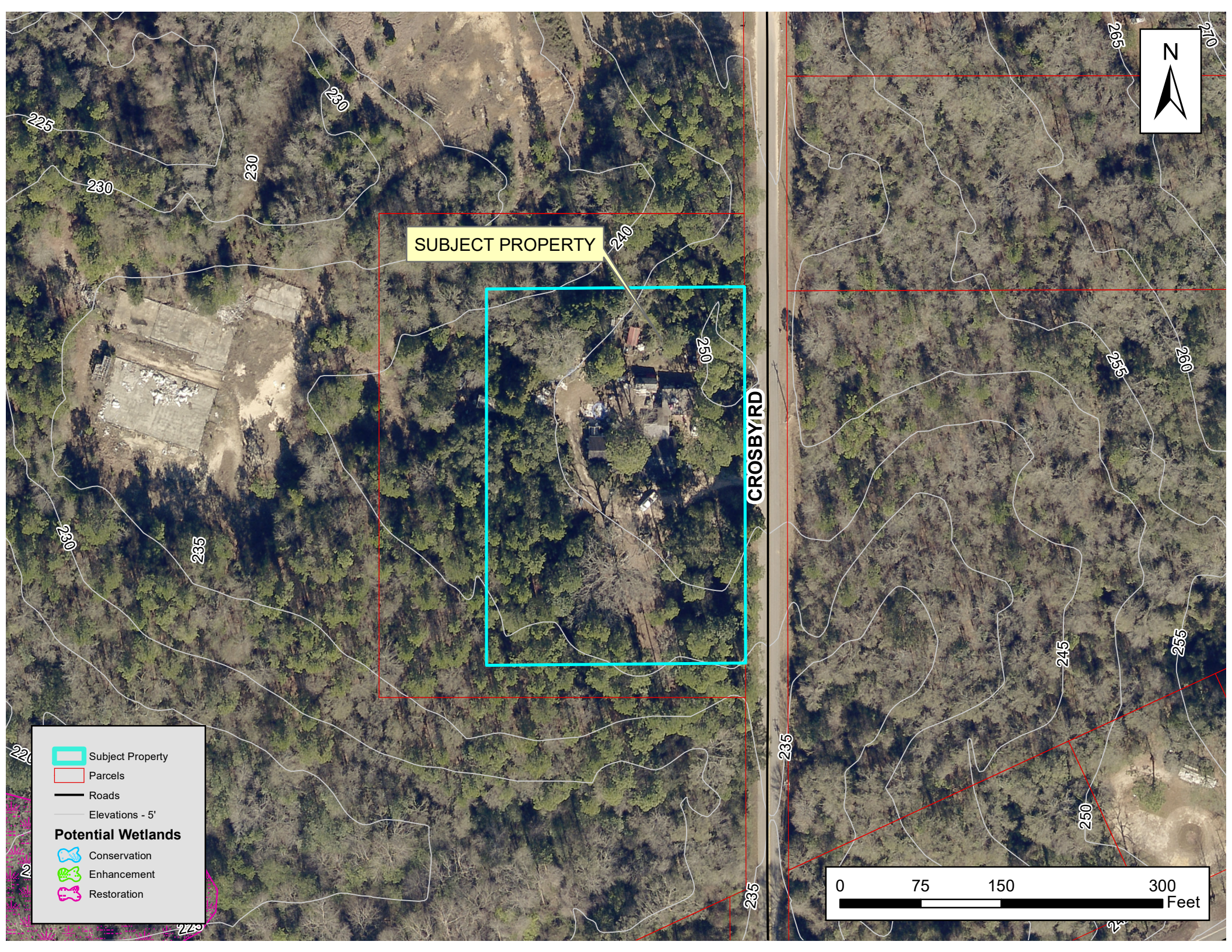
OLD PENSACOLA RD

COUNTY RD 112

N US HWY 31

ROCKHILL RD



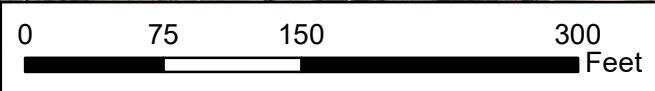


SUBJECT PROPERTY

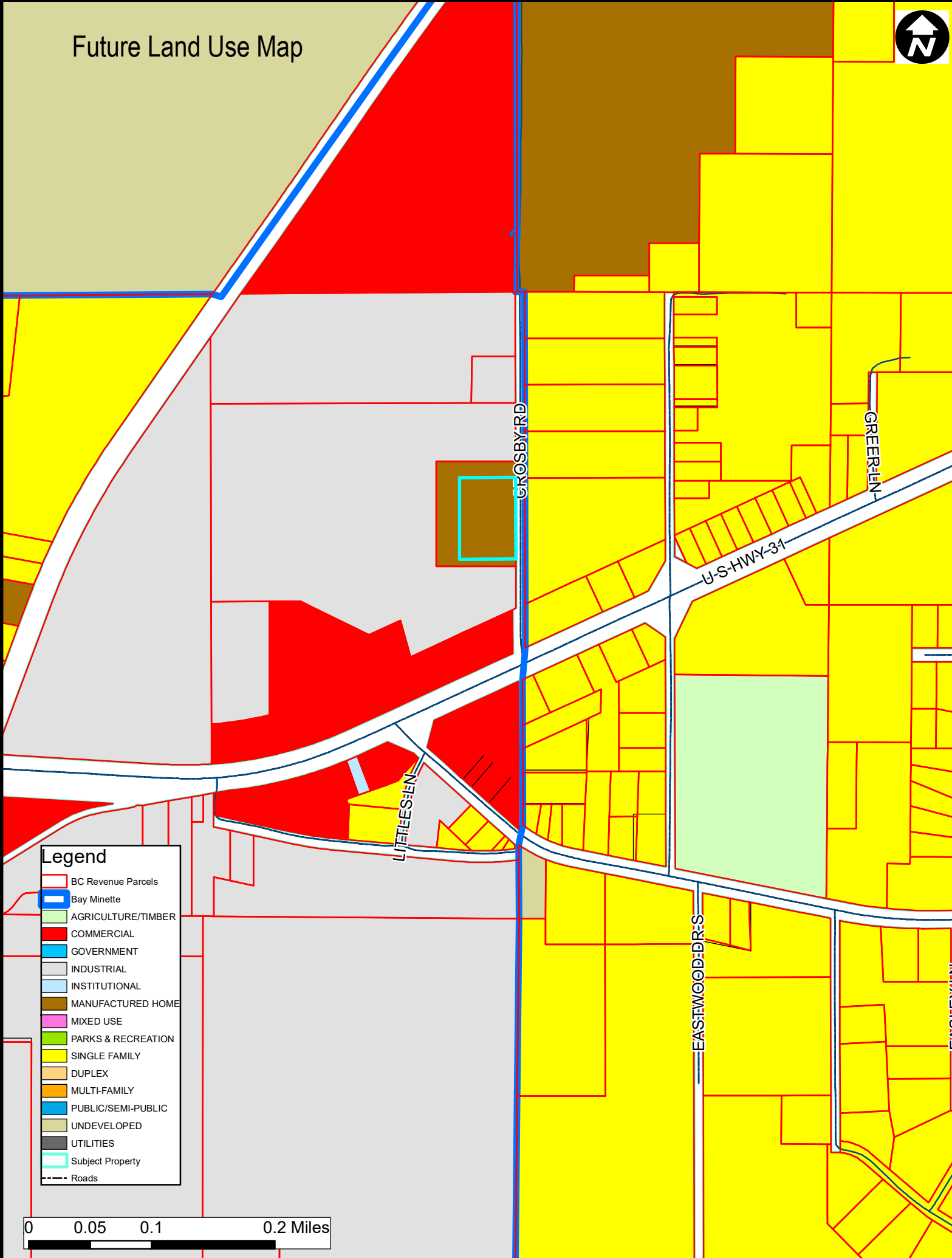
CROSBYRD

**Potential Wetlands**

- Conservation
- Enhancement
- Restoration

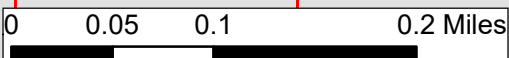


# Future Land Use Map

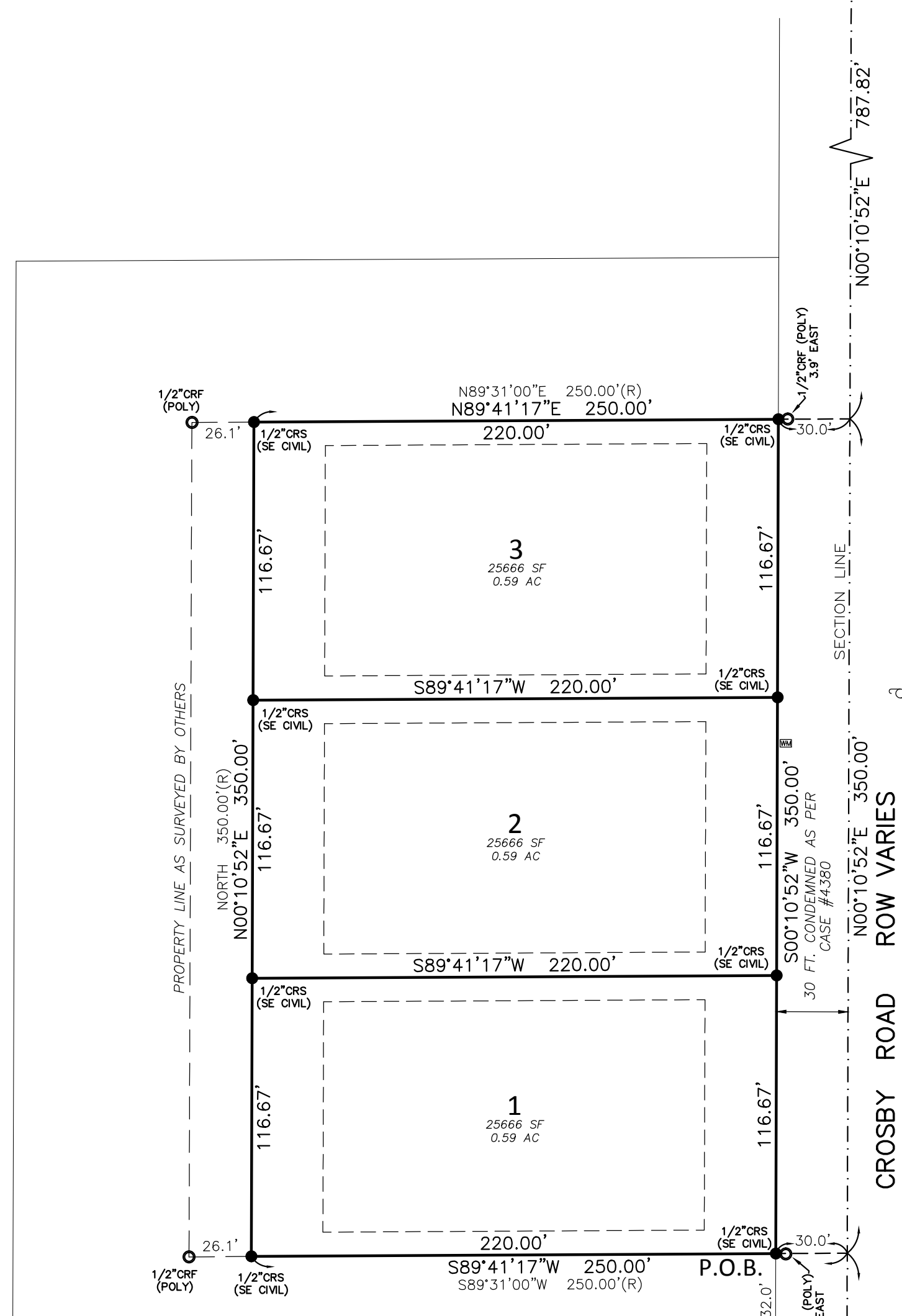


**Legend**

- BC Revenue Parcels
- Bay Minette
- AGRICULTURE/TIMBER
- COMMERCIAL
- GOVERNMENT
- INDUSTRIAL
- INSTITUTIONAL
- MANUFACTURED HOME
- MIXED USE
- PARKS & RECREATION
- SINGLE FAMILY
- DUPLEX
- MULTI-FAMILY
- PUBLIC/SEMI-PUBLIC
- UNDEVELOPED
- UTILITIES
- Subject Property
- Roads



3 2  
10 11



CROSBY ROAD ROW VARIES

P.O.C.  
THE CALCULATED SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 3 EAST

**SUMMARY**

TOTAL AREA: 1.77 AC.  
TOTAL LOTS: 3  
SMALLEST LOT: 25,666 S.F.  
ZONING: M-2  
SETBACKS:  
FRONT: 30 FT.  
REAR: 30 FT.  
SIDE: 10 FT.

**LEGEND:**

- B.S.L. = BUILDING SETBACK LINE
- (A & R) = ACTUAL & RECORD BEARING/DISTANCE
- (R) = RECORD BEARING/DISTANCE
- = CAPPED REBAR SET (26014 S)
- = CAPPED REBAR FOUND
- CTIF = CRIMP TOP IRON FOUND
- CMF = CONCRETE MONUMENT FOUND
- OEFP = OPEN END PIPE FOUND
- — — = CHAIN LINK FENCE
- + — = POST & WIRE FENCE
- ○ — = WOOD FENCE
- — — — — = OVERHEAD POWER LINE

**CERTIFICATION OF OWNERSHIP AND DEDICATION:**

THIS IS TO CERTIFY THAT I (WE) THE UNDERSIGNED IS (ARE) THE OWNER(S) OF THE LAND SHOWN AND DESCRIBED IN THE PLAT, AND THAT I (WE) HAS (HAVE) CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREON, FOR THE USES AND PURPOSES HEREIN SET FORTH AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DESIGN AND TITLE HEREON INDICATED.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

OWNER OF LEGAL REPRESENTATIVE \_\_\_\_\_

**CERTIFICATION BY NOTARY PUBLIC:**

STATE OF ALABAMA  
CITY OF BAY MINETTE)  
COUNTY OF BALDWIN)

I, \_\_\_\_\_, A NOTARY PUBLIC IN AND FOR THE COUNTY OF BALDWIN, \_\_\_\_\_ IN THE STATE OF ALABAMA DO CERTIFY THAT WHOSE NAME(S) IS (ARE) SUBSCRIBED TO THE CERTIFICATION OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE (THEY) SIGNED, SEALED AND DELIVERED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE (THEY) SIGNED, SEALED AND DELIVERED SAID INSTRUMENT AT HIS (THEIR) FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTORIAL SEAL  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

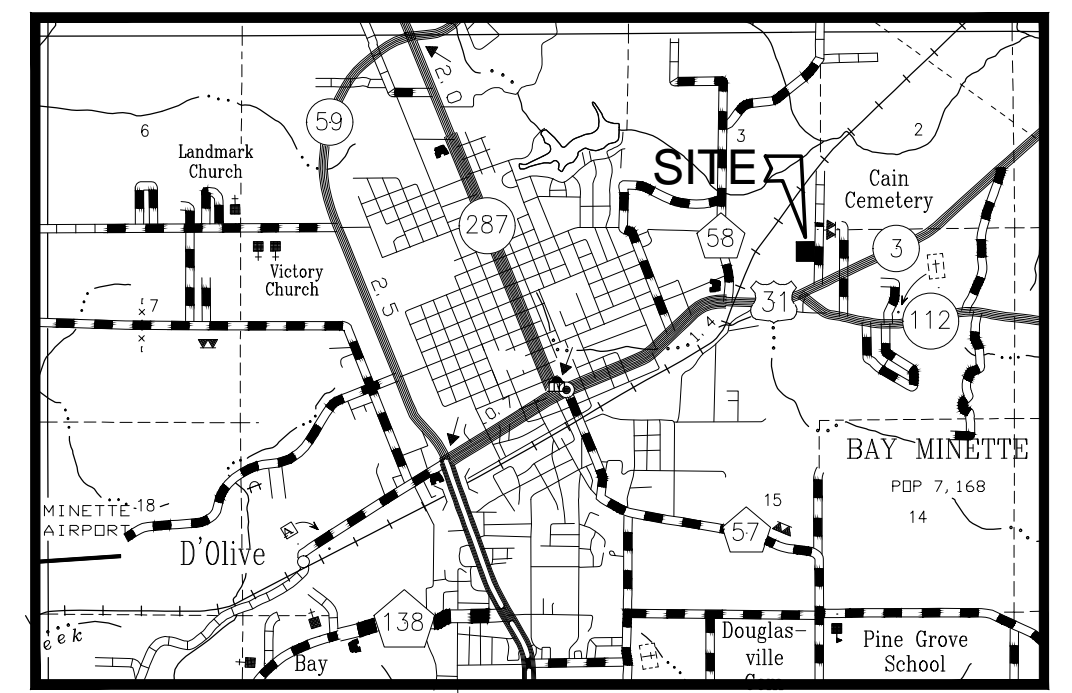
EXPIRES: \_\_\_\_\_ MY COMMISSION  
NOTARY PUBLIC

**CERTIFICATION OF APPROVAL FOR RECORDING:**

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE BAY MINETTE LAND USE AND DEVELOPMENT ORDINANCE AND THAT IT HAS BEEN APPROVED FOR THE RECORDING IN THE OFFICE OF THE BALDWIN COUNTY JUDGE OF PROBATE.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

PLANNING COMMISSION CHAIRMAN, OR HIS AUTHORIZED REPRESENTATIVE \_\_\_\_\_



VICINITY MAP  
1" = 1 MILE

**SURVEYOR'S NOTES:**

1. THERE MAY BE RECORDED OR UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTIES.
2. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF ANY SUB-SURFACE FEATURES.
3. THE LINES REPRESENTING THE CENTERLINE AND RIGHT-OF-WAYS OF THE STREETS ARE SHOWN FOR VISUAL PURPOSES ONLY AND WERE NOT SURVEYED UNLESS RIGHT-OF-WAY MONUMENTATION IS ALSO SHOWN.
4. SURVEY WAS CONDUCTED ON JANUARY 8, 2020, AND IS RECORDED IN AN ELECTRONIC FIELD BOOK.
5. BEARINGS AND DISTANCES SHOWN HEREON WERE "COMPUTED" FROM ACTUAL FIELD TRAVERSES, AND ARE BASED ON STATE PLANE GRID, ALABAMA WEST ZONE USING GPS OBSERVATIONS.
6. THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, EFFECTIVE JANUARY 1, 2017.

**SURVEYOR'S CERTIFICATE**

I HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

COMMENCE AT THE CALCULATED SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA, AND RUN THENCE NORTH 00 DEGREES 10 MINUTES 52 SECONDS EAST, ALONG THE EAST LINE OF SECTION 10, A DISTANCE OF 200.49 FEET; THENCE RUN SOUTH 89 DEGREES 41 MINUTES 17 SECONDS WEST, A DISTANCE OF 30.00 FEET TO A CAPPED REBAR (SE CIVIL) ON THE WEST RIGHT-OF-WAY OF CROSBY ROAD FOR THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89 DEGREES 41 MINUTES 17 SECONDS WEST, A DISTANCE OF 220.00 FEET; THENCE RUN NORTH 00 DEGREES 10 MINUTES 52 SECONDS EAST, A DISTANCE OF 350.00 FEET TO A CAPPED REBAR (SE CIVIL); THENCE RUN NORTH 89 DEGREES 41 MINUTES 17 SECONDS EAST, A DISTANCE OF 220.00 FEET TO A CAPPED REBAR (SE CIVIL) ON THE AFOREMENTIONED WEST RIGHT-OF-WAY OF CROSBY ROAD; THENCE RUN SOUTH 00 DEGREES 10 MINUTES 52 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 350.00 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 1.77 ACRES, MORE OR LESS.

(DESCRIPTION COMPOSED FROM PROBATE RECORDS AND AN ACTUAL FIELD SURVEY)

*David E. Diehl*  
DAVID E. DIEHL AL. P.L.S. NO. 26014 DATE 01-08-2019



SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.

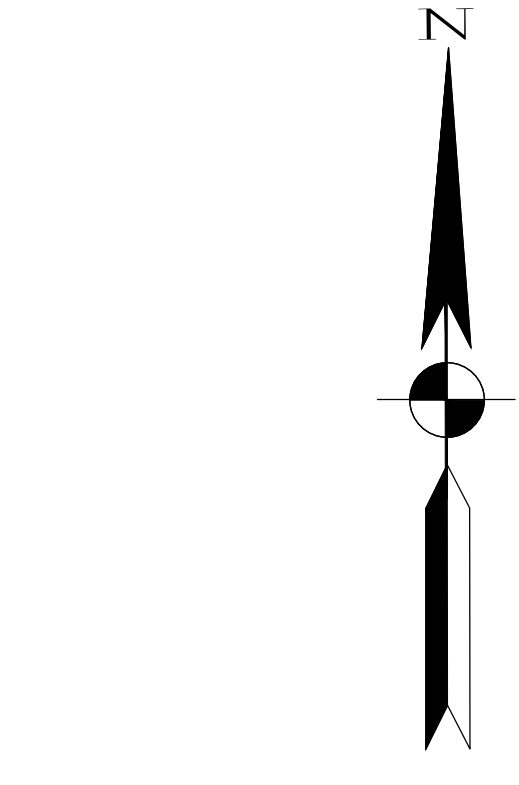
**CROSBY ROAD SUBDIVISION**

BOUNDARY & SUBDIVISION

WILLIAM H. DOBBINS, JR.



DRAWN	DED
CHKD.	DED
PROJ MGR	DED
SCALE	1"=XXX
PROJECT	XXXXXXXXXX
FILE	XXXXXXXXXX
SHEET	X OF X



U.S. HWY 31 120 FT. R/W  
ALA. HWY DEPT. RIGHT-OF-WAY MAP PROJECTS NO. FL 163(A) & FL 226(A)





# City of Bay Minette

## Planning & Development Services

### Planning Commission Staff Analysis

Case No. Z-2001

William H. Dobbins Property

Rezone Request from M-2, General Industrial District, to R-3, Higher Density Single-Family District

March 12, 2020

### Subject Property Information

<b>Physical Address:</b>	11 Crosby Road	<b>Applicant:</b>	William H. Dobbins, Jr.
<b>Parcel Number:</b>	05-23-02-10-1-000-017.003		P.O. Box 369
<b>Existing Zoning:</b>	M-2, General Industrial District		Bay Minette, AL
<b>Proposed Zoning:</b>	R-3, Higher Density Single-Family District		36507
<b>Existing Land Use:</b>	Former single-family residential	<b>Owner:</b>	Same
<b>Proposed Land Use:</b>	Single Family Residential		
<b>Acreage:</b>	1.77± acres		

	Adjacent Land Use	Adjacent Zoning
North	Residential	M-2, General Industrial District
South	Residential	M-2, General Industrial District
East	Undeveloped	Outside Municipal Limits
West	Residential	M-2, General Industrial District

### Summary

The subject property, which consists of approximately 1.77± acres, is currently zoned M-2, General Industrial District. The property has been used as single family residential since approximately 1950. The applicant is requesting a rezoning to R-3, Higher Density Single-Family District, for a three-lot subdivision. Per the Table of Permitted Uses, dwellings are not allowed in M-1 or M-2 Industrial Districts.

**8.8.5** *Uses prohibited. Where any use or analogous use has blank spaces under any zones listed in the headings of the Tables of Permitted Uses, such use is specifically prohibited in such zones.*

**8.8.7** *In general, any higher use may be permitted as a special exception in a lower use district, but no lower use shall be permitted in a higher use district, except as otherwise noted in the Table of Permitted Uses or where such use exists at the time of enactment of this ordinance, in which case it is subject to the requirements of nonconformance section of this ordinance.*

Table of Permitted Uses and Conditions	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	M-1	M-2
Dwelling, one-family	R	R	R	R	R	R	P	P		

**Current Zoning District**

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

**Proposed Zoning District**

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

**Staff Analysis and Findings**

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

**1.) Compliance with the Comprehensive Plan**

The subject property is designated as Manufactured Housing on the Future Land Use Map in the Comprehensive Plan. The proposed use is more analogous with the property’s residential designation on the Future Land Use Map than the current industrial zoning.

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

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

The proposed residential use fits within the promotion of the health, safety, convenience, order, prosperity, and general welfare of the residents. Having the site cleared of the older structure and replaced with possibly three new residential dwellings is a better use relating to the safety, prosperity and general welfare of the nearby

property owners and the City. The proposed use is more analogous with the property's residential designation on the Future Land Use Map than the current industrial zoning.

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

The property on the West side of Crosby Road is zoned M-2 and is used as single family residential and vacant land. The majority of property is the site of the former Crosby Mill, that has since been demolished. The East side of Crosby Road is outside city limits and is vacant land in the immediate vicinity, with single family dwellings and manufactured housing.

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

Crosby Road is a City-maintained paved roadway.

North Baldwin Utilities has adequate water infrastructure to service the three proposed residences. No sewer lines are existing in the immediate vicinity of the lot and the developer will need to contact NBU to discuss options if sewer is desired. Natural Gas is currently available along Crosby Road.

The Bay Minette Fire Department states that the closest fire hydrant is at Highway 31 and Crosby Rd. on the south side of Highway 31. The International Fire Code requires a hydrant within 600 feet of the most remote structure. Based on the supplied survey of the proposed three-lot division, the distance from the existing hydrant and the most remote structure is +/- 825 feet. The current line would most likely have to be upgraded and Highway 31 would possibly have to be bored under to meet the requirement.

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

No major impacts are expected, the property previously had the dwelling and outbuildings for many years prior and has already been cleared.

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

Bay Minette Police Chief has stated the Department has no issues with the proposed rezoning or subdivision

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

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

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

The subject property has historically been a residence, and the adjacent properties are vacant. The proposed rezoning and proposed subdivision would have minimal negative impacts.

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

Along with the comments above, the proposed rezoning should have little impact on the surrounding neighborhood. The remaining property along Crosby Road is either vacant or used for residential purposes. The proposed three lots, would only create minimal negative impacts, and would potentially have positive impacts or increase the property values of nearby properties.

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

This rezoning is accompanied by an Exempt Subdivision Request (AS-2001) for a three-lot subdivision. The Planning Commission will make a recommendation to the City Council on the rezoning request, but will make

the final decision on the Exempt Subdivision application. The Exempt Subdivision application is contingent upon a successful rezoning from M-2 to R-3.

### Planning Commission Action

For rezoning applications, the Planning Commission 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 to the City Council
- Make a recommendation for approval with conditions to the City Council
- Make a recommendation for denial to the City Council, with stated factors for the denial.

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



# City of Bay Minette

## Administrative Subdivision Application

OFFICE USE ONLY  
AS- 2006

301 D'Olive Street · Bay Minette, Alabama 36507

Phone (251) 580-1610 · COBM\_Planning@ci.bay-minette.al.us

Owner Name: WILLIAM H. DOBBINS, JR

Phone Number: 251-239-8168 Email: SONNY10@aol.com

Address: P.O. Box 369 BAY MINETTE AL 36507

Street / PO Box

City

State

Zip

Name of Applicant / Agent / Professional Land Surveyor, if other than owner:

DAVID E. DIEHL, PLS

Phone Number: 251-510-2792 Email: dauidediehl@ymail.com

Name of Subdivision: CROSBY ROAD SUBDIVISION

Subdivision Location: WEST SIDE CROSBY ROAD APPROX 600' N OF US 31

Parcel/PPIN #: 05-23-02-10-1-000-017.003 PIN: 250150

Total Acreage: 1.77 Ac # of Parcels Existing: 1

Lot Sizes: 25,666 SF # of Lots Proposed: 3

Reason for request: \_\_\_\_\_

Signature: [Handwritten Signature] Date: 2-17-20

<u>Fees</u>	
<b>Application Fee: \$200.00</b>	
No. of Parcels: <u>3</u>	X \$10 = \$ <u>30<sup>00</sup></u>
Total \$ <u>230<sup>00</sup></u>	Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Credit Card
	<input checked="" type="checkbox"/> Check # <u>6683</u>

**Submittal Requirements**

- \_\_\_\_\_ Application
- \_\_\_\_\_ Fee
- \_\_\_\_\_ Agent Authorization Form (if applicant is not the owner)
- \_\_\_\_\_ Survey/Plat showing existing parcel(s)
- \_\_\_\_\_ (2) Survey/Site Plan drawn to scale \*Administrative Subdivision Regulations are included with packet





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Administrative Subdivision Request  
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West	Residential	M-2, General Industrial District

### Summary

The subject property, which consists of approximately 1.77± acres, is within city limits currently zoned M-2, General Industrial District. The request is to divide the parcel into three lots, each containing 0.59± acres. This subdivision request is accompanied by rezoning request (Z-2001) to rezone the property from M-2 to R-3, Higher Density Single-Family Residential. The Planning Commission will make a recommendation to the City Council on the rezoning request, but will make the final decision on the Exempt Subdivision application. This Exempt Subdivision application is contingent upon a successful rezoning from M-2 to R-3. Each lot would meet minimum lot size and setback requirements for R-3.

**The request meets item (a) of Section 8.1 relating to Exempt Subdivisions.**

### Administrative Subdivision Review Criteria

The following Administrative Subdivision types are found in **Section 8** of the **Subdivision Regulations of the City of Bay Minette**.

- a) *The resubdivision of land into six (6) or less lots, tracts, or parcels where each of the lots, tracts, or parcels established by the resubdivision fronts on an existing public road.*

- b) *Subdivision wherein the size of each and every resulting lot equals or exceeds ten (10) acres including existing public rights-of-way. Each parcel shall have frontage on publicly maintained road.*
- c) *The subdivision of property for the limited purpose of sale, deed or transfer of land by the owner to a person or persons, all of whom are members of the owner's immediate family. 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.*

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

- a) *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;*
- b) *Maintenance of any easements, together with all improvements thereto, shall be the responsibility of all parties to which it is granted by (1) written agreement or (2) deed reference, and shall be noted on a recorded certified plat. Neither the City nor the County shall be responsible for any easement or improvements thereto.*

<b>Planning Commission Action</b>
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For exempt subdivisions, no public hearing shall be required, but shall be subject to review and approval of the Planning Commission for compliance with the requirements contained in Section 8. Upon consideration and approval by the Planning Commission, the Chairman shall be authorized to sign the plat on behalf of the Planning Commission.

The Planning Commission has the option to:

- Approve the subdivision with conditions and authorize the Chairman to sign the plat\*
- Deny the subdivision, with stated factors for the denial

**\*The subdivision is contingent upon a successful rezoning from M-2 to R-3 (Case Z-2001) and cannot be authorized without this condition. Additional conditions may be applied as deemed appropriate by the Planning Commission.**

***Certified Plat:*** The property owner shall be responsible for the preparation of a certified plat, in form as approved by the Planning Commission, to be filed in the Baldwin County Probate records upon receiving approval hereunder. In the event the property to be divided is an existing lot (or lots) of record in a recorded subdivision, the applicant shall be required to cause a certified plat, in form as approved by the Planning Commission, to be recorded in the Baldwin County Probate records upon receiving an exemption hereunder.

***Limitation on resubmittal.*** Any property included as part of an exempt or administrative subdivision shall not be eligible for consideration for further subdivision as an exempt or administrative subdivision for a period of one (1) year from the date of the last exempt or administrative subdivision.