

**CITY OF BAY MINETTE
PLANNING COMMISSION**

**AGENDA
June 11, 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 March 12, 2020 Regular Meeting
4. Confirm and ratify the cancellation of the April 16th and May 14th Regular Meetings due to COVID-19
5. **Old Business**
 - Discussion - Proposed Zoning Ordinance Amendments**
 - Section 7.12.2.1 – Private wells and septic systems ** *Proposed Revision*
 - Section 8.7.2 – Home Occupations ** *Proposed Revision*
 - Section 9.8 Mobile Vendors ** *Proposed Addition*
7. **New Business**
 - a.) **Election of Vice-Chair**
 - b.) **AS-2007 – Switzer Family Exempt Subdivision**
 - Request:* Proposed family exempt subdivision request to divide a 1.86-acre lot from a 32.46-acre lot
 - Location:* The subject property is located on Pine Grove Road Ext South
 - c.) **AS-2008 – Ballard Family Exempt Subdivision**
 - Request:* Proposed family exempt subdivision request to divide a 2-acre lot from a 5-acre lot
 - Location:* The subject property is located at 16311 Old Brady Road
 - d.) **SE-2001 – AT&T Special Exception**
 - Request:* Special Exception request for the construction of a new wireless telecommunications facility
 - Location:* The subject property is located on Newport Parkway
6. **Reports**
 - a.) Mayor/Council
 - b.) Attorney
 - c.) Commissioner's Comments
 - d.) Planning Staff
7. **Adjournment**

Bay Minette Planning Commission Regular Meeting Minutes

Minutes March 12, 2020

Monthly Meeting No. 3

The Bay Minette Planning Commission met in Regular Session on Thursday, March 12, 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
Scotty Langham, Commission Member
Jessica Davis, Commission Member
Neal Covington, Commission Member

Commission Members absent:

John Biggs, Council Member
Pat Robinson, Building Official

Commission Member(s) late:

Wynter Crook, 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

GUESTS Sonny Dobbins

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

ITEM 3. Approval of Minutes of the February 13, 2020 meeting. Mayor Wills made a motion to approve the minutes as written. The motion was seconded by Commission Member Langham and it was unanimously carried.

Wynter Crook joined the Planning Commission meeting at 8:05am.

ITEM 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

Chairman Stewart introduced the Old Business pertaining to the Proposed Zoning Ordinance Amendments for Existing Covenants, Planned Unit Development (PUD), and Establishment & Membership of the Board of Adjustment (BOA). Mrs. Dorrough gave a brief statement of the line items that would change following an approved amendment change, which would include the clarification for existing covenant regulation compliance, requirement of a minimum 5 acres for a Planned Unit Development, and removing the self-imposed line item that restricts potential BOA members from serving on other public boards or in other public positions.

Chairman Stewart opened the Public Hearing at 8:07am. He asked if there were any comments or questions. There were none. Chairman Stewart closed the Public Hearing at 8:08am. Commission Member Pepperman made a motion to recommend adoption of the amendment modifications to City Council. Commission Member Langham seconded, and was unanimously carried.

ITEM 5.

New Business:

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

Request: Re-zoning of a 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

Chairman Stewart asked Mrs. Dorrough to explain the re-zoning request for the Dobbins property that is located at 11 Crosby Road. Mrs. Dorrough stated the re-zoning request is to go from a current M-2, General Industrial District to R-3, Higher Density Single Family Residential District, to develop the property for

three single family homes. She stated the property is located close to the old Crosby Mill, and the property on the east side of Crosby Road is outside of municipal limits. Mrs. Dorough also stated an R-3 re-zoning would be more consistent with the Future Land Use Map, instead of the current M-2 zoning. Mrs. Dorough commented the next case on the agenda is a request for the same property to be subdivided into 3 lots. Chairman Stewart stated the Public Hearing notices for cases that will go to City Council will now be run concurrently, and asked Mrs. Dorough to explain the reasoning behind this action. Mrs. Dorough explained the change will allow the applications to be completed in a more efficient and cost-effective manner. Applicants will benefit by having their cases resolved in a much shorter time frame. Mrs. Dorough also stated that all public hearings will run concurrently but the applicant still has the option to withdraw if they so choose. Scotty Lewis stated this is a very efficient re-zoning process. Chairman Stewart asked Sonny Dobbins if he had any comments on his re-zoning request. Mr. Dobbins stated he was recently, initially denied a Certificate of Occupancy (C/O) due to demolishing and rebuilding a residential home before inquiring about zoning. He also said he would not have torn down the home if he had known there was a potential issue, and these types of changes should be addressed. Chairman Stewart remarked that Jim Crosby contacted him for assurance the re-zoning would not affect him.

Chairman Stewart opened the Public Hearing at 8:15am for the request of a re-zoning of 11 Crosby Road from M-2 General Industrial District to R-3, Higher Density Single Family Residential District. Chairman Stewart asked if there were any comments or questions. There were none. Chairman Stewart closed the Public Hearing at 8:15am. Jessica Davis made a motion to approve the re-zoning request. Commission Member Pepperman seconded, and was unanimously carried.

b.) AS-2001, Dobbins Property

Request: Proposed residential subdivision of 3 lots

Location: The subject property is located at 11 Crosby Road

Chairman Stewart introduced the request for consideration of the subject property to be subdivided into 3 parcels. Mrs. Dorough explained the request meets the requirements of an Exempt Subdivision, including fronting a public road, and briefly summarized the information located on the staff analysis. Chairman Stewart stated the subdivision request meets the requirements for an exempt subdivision. He also stated there is Fire Code requirement that a fire hydrant must be within 600 ft. of the residential home, and Mr. Dobbins would need to consider that requirement as he moves forward with the

process, as the third lot is more than 600 ft. from the existing fire hydrant. Mr. Dobbins acknowledged he understood, with no comments or questions expressed. Mrs. Dorrough stated the subdivision request is contingent upon a successful re-zoning from M-2 to R-3, as dictated in the previous New Business Item "a". Chairman Stewart asked the commission if there were any questions or comments. None were made. Mayor Wills made a motion to approve the request to subdivide the lot into 3 parcels, pending a successful re-zoning of the property. Commission Member Pepperman seconded the motion, and it was unanimously carried.

ITEM 6. Reports:

A. Mayor/Council Report

- Mayor Wills stated the softball tournament at the new sports complex that was held the previous weekend went well and the complex is starting to see some good activity. A ladies' softball tournament will also be held the following Saturday. Mayor Wills also stated that he and Tammy Smith will be meeting with the Baldwin County Commission next week to negotiate prices on the City's office building that houses the Police Department and Senior Center. There will also be an environmental analysis done soon for the Brownfield grant on the Ballard property. Mayor Wills added the renovations on the second floor of City Hall have started. Commission Member Pepperman inquired about the Ballard property that is located next to City Hall. Mayor Wills stated the property is being considered for the Police Department, and there will be more discussions on the future for the "Justice Center", as it being called now. Mayor Wills stated since Chief Tolbert took over as the City Police Chief, the cases have multiplied and the magistrate needs a more productive and open working space, so he will also be moving upstairs in City Hall once the renovations are completed. They are also looking into some options for the Senior Program and have sought out some potential locations such as the school auditorium or library, but neither were suitable.

Commission Member Pepperman stated the new car wash is up and running. Both Mayor Wills and Tammy Smith commented the car wash was a nice establishment.

B. Attorney

- None

Mayor Wills inquired about a comment Sonny Dobbins made during the discussion regarding his re-zoning request. Mrs. Dorrough explained there was a residential home that was torn down and rebuilt in an area not zoned for a

residential home. The structure was rebuilt as a legal nonconforming use, and received a CO, but there was confusion on the nonconforming status at the time the owner was closing on the home. Mayor Wills stated he was under the impression a residential home could be built in a commercial area, and Mrs. Dorough explained that is only with Planning Commission approval. She also stated that per the current Zoning Ordinances, residential homes aren't allowed in M-1, Light Industrial District or M-2, General Industrial District. This was discussed during the last planning commission meeting to allow them through the special exception process so that when a residential home was rebuilt in a nonresidential zoning area, it would not be stuck with a non-conformity. Mayor Wills stated that Mike Phillips brought up the issue of "not knowing" when changes are happening, and questioned if it would be a good idea to notify contractors and subcontractors of any update(s) as they become the new standard procedure. Mrs. Dorough stated it is essentially the contractor's responsibility to do their due diligence in obtaining all information prior to any work commencing. She also stated there will be some corrected versions of regulations and updated ordinance amendments that will be included on the City of Bay Minette website, with availability to zoning maps as well. Chairman Stewart suggested all potential builders meeting with the City Planner prior to their building process, in order to avoid potential problems such as needing to re-zone, or having a non-conforming issue. Mrs. Dorough stated it could be advertised through the City Newsletter, and updated on the City of Bay Minette Facebook and webpages, as well. Chairman Stewart commented the City of Daphne has a pre-development meeting on bigger projects prior to any permits being issued, to help avoid problems. Mrs. Dorough stated the City has an unofficial, similar pre-development procedure, but it could be made an official requirement prior to application.

C. Commissioner

- None

D. Planning Staff

- Mrs. Dorough stated the Planning and Building Department have been getting many calls regarding the old Winn Dixie building that is currently being demolished. She added there are no replacement use plans, as of now. She also stated there are no tenant replacement plans going into the Monterrey's restaurant at this time. Mayor Wills inquired if the Popeyes franchise was still coming to the area. Mrs. Dorough answered that Popeyes is fairly locked in, but she doesn't want to publicize certainty, because they have not secured a co-franchise yet and are still searching.

Leslie Johnston included that the Coastal Zone Management Planning Grant has a deadline of March 27th, and it is an annual grant.

ITEM 8. With no further business Chairman Stewart adjourned the meeting at 8:40 am.

DONE THIS THE 12TH DAY of MARCH 2020

Todd Stewart, Chairman

ATTEST:

Jessica Peed, Planning Assistant



City of Bay Minette

Planning & Development Services

Planning Commission Staff Analysis

Case No. AS-2007
Robert Gordon Switzer Property
Administrative Subdivision Request
June 11, 2020

Subject Property Information

Physical Address:	Pine Grove Road Ext. South	Applicant:	Robert Gordon Switzer
Parcel Number:	05-23-07-26-0-000-055.000		16805 Pine Grove Road Ext. S.
Existing Zoning:	N/A - ETJ		Bay Minette, AL 36507
Existing Land Use:	Single-family residential	Owner:	Same
Proposed Land Use:	Single Family Residential		
Acreage:	32.46± acres		

	Adjacent Land Use	Adjacent Zoning
North	Undeveloped/Timberland	Outside Municipal Limits
South	Residential	Outside Municipal Limits
East	Undeveloped/Timberland	Outside Municipal Limits
West	Residential	Outside Municipal Limits

Summary

The subject property, which consists of approximately 32.46± acres, is within the city’s Extraterritorial jurisdiction and unzoned. The request is to subdivide approximately 1.86± acres from the southwest corner of the larger parcel, for the purpose of a family division. The proposed division will result in a 1.86± acre parcel and a 30.6± acre parcel. The Certification for Family Subdivisions has been submitted and the intended for the applicant’s sister, a qualified immediate family member.

The request meets the requirements for item (c) 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.*

Planning Commission Action

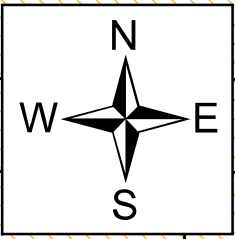
For exempt subdivisions, no public hearing shall be required, but shall be subject to review and approval of the Planning Commission for compliance with the requirements contained in Section 8. Upon consideration and approval by the Planning Commission, the Chairman shall be authorized to sign the plat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

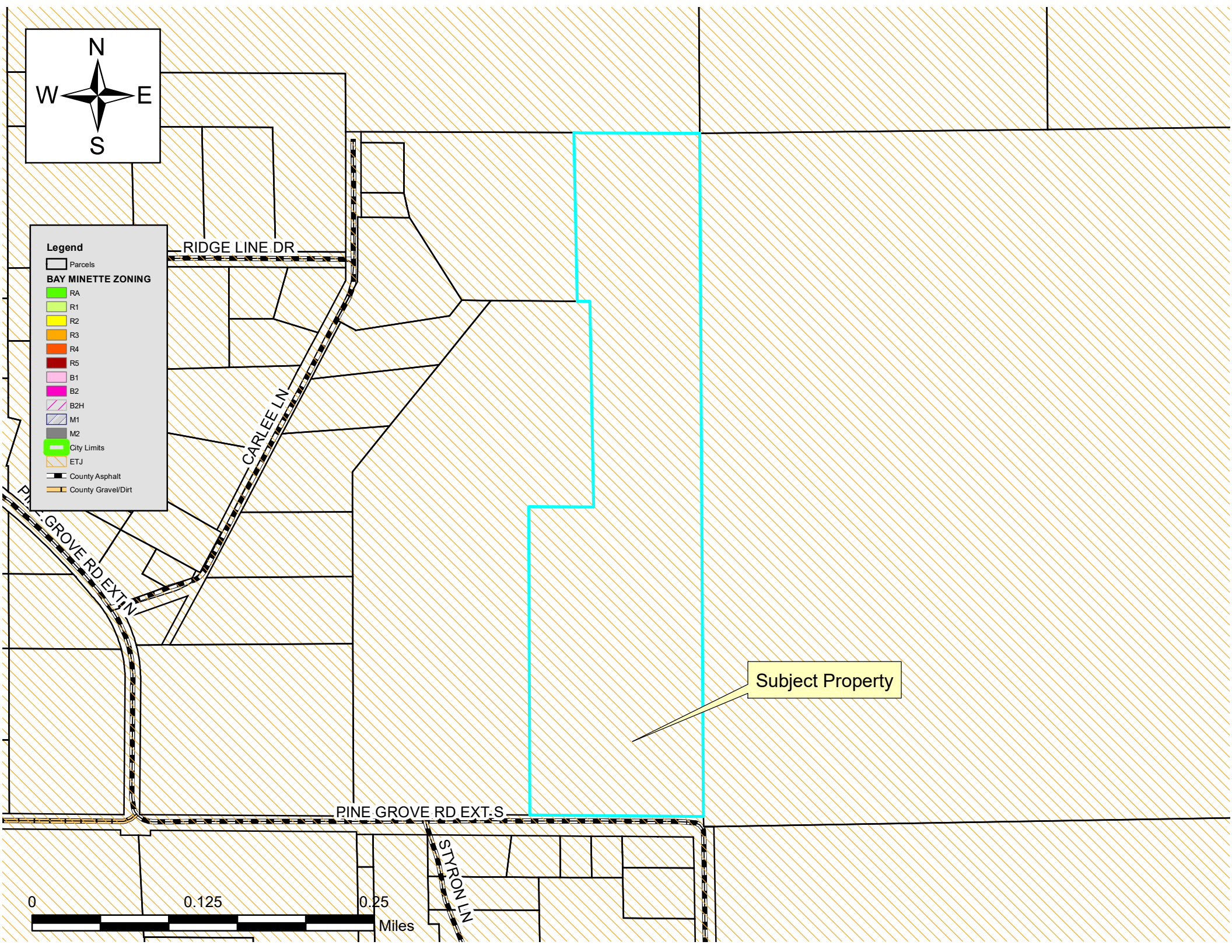
Certified Plat: The property owner shall be responsible for the preparation of a certified plat, in form as approved by the Planning Commission, to be filed in the Baldwin County Probate records upon receiving approval hereunder. In the event the property to be divided is an existing lot (or lots) of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

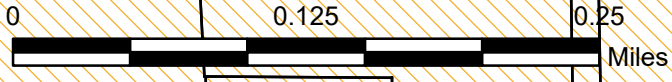


Legend

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



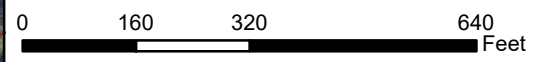
Subject Property



CARLEE LN

Subject Property

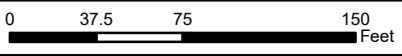
PINE GROVE RD EXT S





Subject Property

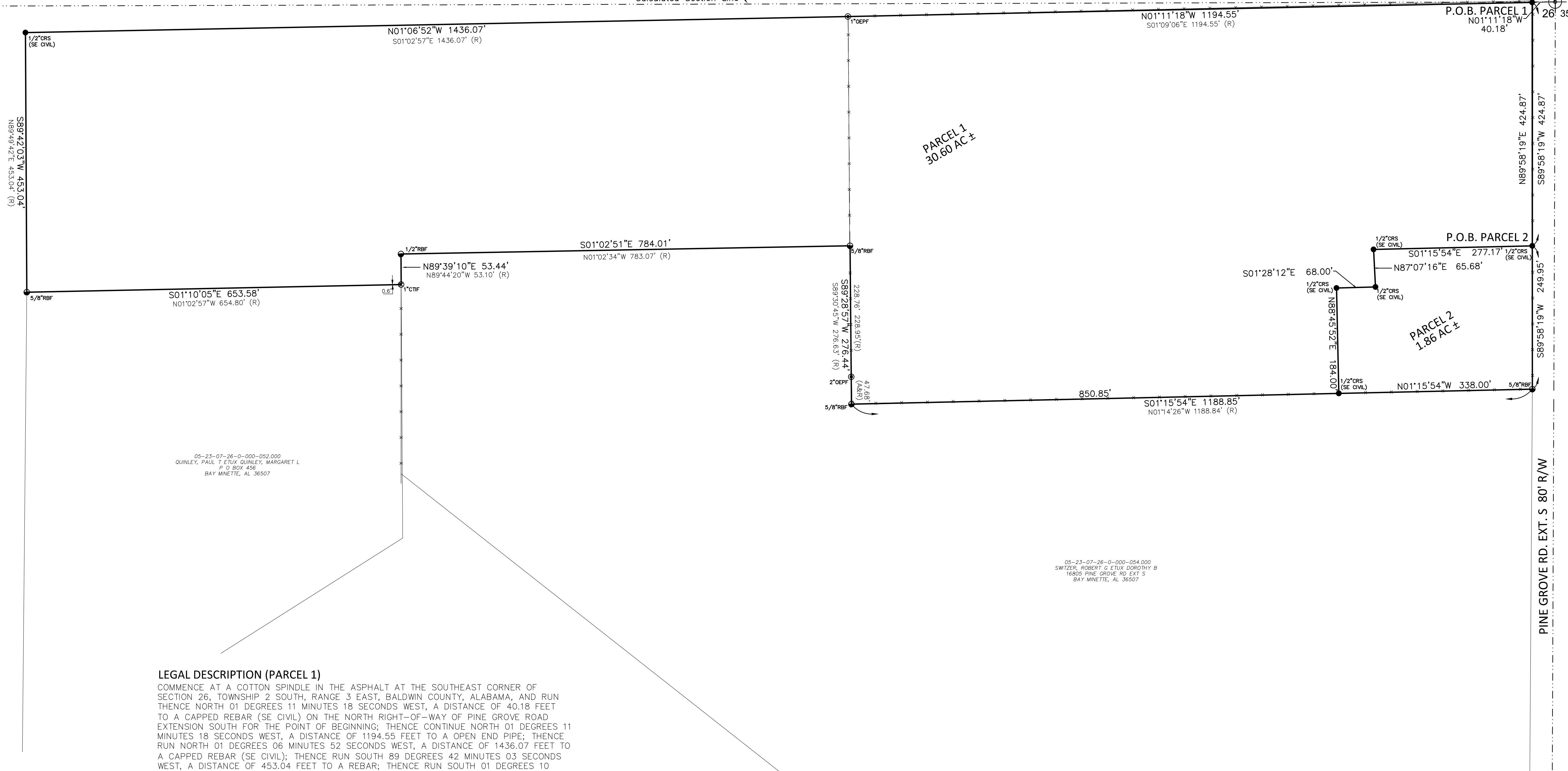
PINE GROVE RD EXT S



05-23-07-25-0-000-019.000
SEVEN STATES TIMBERLANDS L.L.C.
3108 GATEWAY LN
CANTONMENT, FL 32533

P.O.C.
COTTON SPINDLE FD. IN ASPHALT
AT THE SOUTHEAST CORNER OF
SECTION 26, TOWNSHIP 2 SOUTH,
RANGE 3 EAST

Calculated Section Line



05-23-07-25-0-000-002.000
FLOWERS, JOSEPH W ETAL, FLOWERS, JESSICA
LACEY'S SPRING, AL 35754

05-23-07-35-0-000-002.001
WALLACE, DONALD GLEN ETUX NANCY LAURA
16920 PINE GROVE RD EXT
BAY MINETTE, AL 36507

05-23-07-35-0-000-002.002
WALLACE, ALFRED E
16880 PINE GROVE RD EXT S
BAY MINETTE, AL 36507

05-23-07-35-0-000-002.004
AUSTIN RESOURCES INC
P O BOX 701
MANDEVILLE, LA 70470

LEGAL DESCRIPTION (PARCEL 1)

COMMENCE AT A COTTON SPINDLE IN THE ASPHALT AT THE SOUTHEAST CORNER OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA, AND RUN THENCE NORTH 01 DEGREES 11 MINUTES 18 SECONDS WEST, A DISTANCE OF 40.18 FEET TO A CAPPED REBAR (SE CIVIL) ON THE NORTH RIGHT-OF-WAY OF PINE GROVE ROAD EXTENSION SOUTH FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01 DEGREES 11 MINUTES 18 SECONDS WEST, A DISTANCE OF 1194.55 FEET TO AN OPEN END PIPE; THENCE RUN NORTH 01 DEGREES 06 MINUTES 52 SECONDS WEST, A DISTANCE OF 1436.07 FEET TO A CAPPED REBAR (SE CIVIL); THENCE RUN SOUTH 89 DEGREES 42 MINUTES 03 SECONDS WEST, A DISTANCE OF 453.04 FEET TO A REBAR; THENCE RUN SOUTH 01 DEGREES 10 MINUTES 05 SECONDS EAST, A DISTANCE OF 653.58 FEET TO A CRIMPED TOP IRON; THENCE RUN NORTH 89 DEGREES 39 MINUTES 10 SECONDS EAST, A DISTANCE OF 53.44 FEET TO A REBAR; THENCE RUN SOUTH 01 DEGREES 02 MINUTES 51 SECONDS EAST, A DISTANCE OF 784.01 FEET TO A REBAR; THENCE RUN SOUTH 89 DEGREES 28 MINUTES 57 SECONDS WEST, A DISTANCE OF 276.44 FEET TO A REBAR; THENCE RUN SOUTH 01 DEGREES 15 MINUTES 54 SECONDS EAST, A DISTANCE OF 850.85 FEET TO A CAPPED REBAR (SE CIVIL); THENCE RUN NORTH 88 DEGREES 45 MINUTES 52 SECONDS EAST, A DISTANCE OF 184.00 FEET TO A CAPPED REBAR (SE CIVIL); THENCE RUN SOUTH 01 DEGREES 28 MINUTES 12 SECONDS EAST, A DISTANCE OF 68.00 FEET TO A CAPPED REBAR (SE CIVIL); THENCE RUN NORTH 87 DEGREES 07 MINUTES 16 SECONDS EAST, A DISTANCE OF 65.68 FEET TO A CAPPED REBAR (SE CIVIL); THENCE RUN SOUTH 01 DEGREES 15 MINUTES 54 SECONDS EAST, A DISTANCE OF 277.17 FEET TO A CAPPED REBAR (SE CIVIL) ON THE NORTH RIGHT-OF-WAY OF PINE GROVE ROAD EXTENSION SOUTH; THENCE RUN NORTH 89 DEGREES 58 MINUTES 19 SECONDS EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 424.87 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 30.60 ACRES, MORE OR LESS.

LEGAL DESCRIPTION (PARCEL 2)

COMMENCE AT A COTTON SPINDLE IN THE ASPHALT AT THE SOUTHEAST CORNER OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA, AND RUN THENCE NORTH 01 DEGREES 11 MINUTES 18 SECONDS WEST, A DISTANCE OF 40.18 FEET TO A CAPPED REBAR (SE CIVIL) ON THE NORTH RIGHT-OF-WAY OF PINE GROVE ROAD EXTENSION SOUTH; THENCE RUN SOUTH 89 DEGREES 58 MINUTES 19 SECONDS WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 424.87 FEET TO A CAPPED REBAR FOR POINT OF BEGINNING; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY, SOUTH 89 DEGREES 58 MINUTES 19 SECONDS WEST, A DISTANCE OF 249.95 FEET TO A REBAR; THENCE DEPARTING SAID RIGHT-OF-WAY RUN NORTH 01 DEGREES 15 MINUTES 54 SECONDS WEST, A DISTANCE OF 338.00 FEET TO A CAPPED REBAR (SE CIVIL); THENCE RUN NORTH 88 DEGREES 45 MINUTES 52 SECONDS EAST, A DISTANCE OF 184.00 FEET TO A CAPPED REBAR (SE CIVIL); THENCE RUN SOUTH 01 DEGREES 28 MINUTES 12 SECONDS EAST, A DISTANCE OF 68.00 FEET TO A CAPPED REBAR (SE CIVIL); THENCE RUN NORTH 87 DEGREES 07 MINUTES 16 SECONDS EAST, A DISTANCE OF 65.68 FEET TO A CAPPED REBAR (SE CIVIL); THENCE RUN SOUTH 01 DEGREES 15 MINUTES 54 SECONDS, A DISTANCE OF 277.17 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 1.86 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

- THERE MAY BE RECORDED OR UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTIES.
- THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF ANY SUB-SURFACE FEATURES.
- 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.
- SURVEY WAS CONDUCTED IN APRIL 2020, AND IS RECORDED IN AN ELECTRONIC FIELD BOOK.
- BEARINGS AND DISTANCES SHOWN HEREON WERE "COMPUTED" FROM ACTUAL FIELD TRAVERSES, AND ARE BASED ON STATE PLANE GRID, ALABAMA WEST ZONE USING GPS OBSERVATIONS.
- NO TITLE SEARCH OR REPORT WAS PROVIDED FOR THIS SURVEY.
- 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.

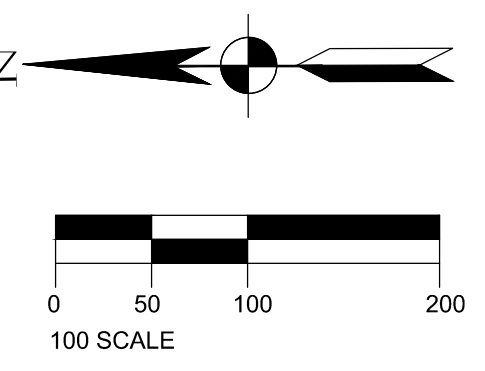
SURVEYOR'S CERTIFICATE

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.

DAVID E DIEHL AL. P.L.S. NO. 26014 DATE 05-04-2020
SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL



- LEGEND:**
- (A & R) = ACTUAL & RECORD BEARING/DISTANCE
 - (R) = RECORD BEARING/DISTANCE
 - = CAPPED REBAR SET (SE CIVIL)
 - = OPEN END PIPE FOUND
 - RBF = REBAR FOUND (NO CAP)
 - CTIF = CRIMP TOP IRON FOUND
 - — — = WIRE FENCE



BOUNDARY SURVEY

ROBERT SWITZER



DRAWN	SGG
CHKD.	DED
PROJ MGR	DED
SCALE	1" = 100'
PROJECT	20200692
FILE	SWITZER.DWG
SHEET	1 OF 1

CERTIFICATION FOR FAMILY ADMINISTRATIVE SUBDIVISION

I, Robert G. Switzer, the undersigned, do hereby certify and attest to the City of Bay Minette, Alabama and the Bay Minette Planning Commission that the attached administrative subdivision request is in compliance with Section 8 of the Bay Minette Subdivision Regulations. Specifically, the undersigned certifies and attests that the requested subdivision is for the limited purpose of sale, deed, or transfer of land to a person or persons, all of whom are members of the undersigned's immediate family. For purposes of this certification, I understand that immediate family members are limited to the following individuals: spouse, children, siblings, parents, grandparents, grandchildren, nieces, nephews or step-related individuals of the same status.

If approved, subdivided parcels will only be conveyed to a qualifying immediate family member as defined herein and in Section 8 of the Bay Minette Subdivision Regulations.

APPLICANT:

Robert G. Switzer
Signature

5/27/2020
Date

Robert G. Switzer
Print Name

WITNESS:

Ben F. Hamel
Signature

5/27/2020
Date

BEN F. HAMMEL
Print Name

Victoria Miller
Signature

5/27/2020
Date

VICTORIA MILLER
Print Name



City of Bay Minette

Planning & Development Services

Planning Commission Staff Analysis

Case No. AS-2008
Ronald Ballard Property
Administrative Subdivision Request
June 11, 2020

Subject Property Information

Physical Address:	16311 Old Brady Road	Applicant:	Ronald Ballard
Parcel Number:	05-23-06-14-0-000-020.007		16311 Old Brady Road
Existing Zoning:	N/A - ETJ		Bay Minette, AL 36507
Existing Land Use:	Single-family residential	Owner:	Same
Proposed Land Use:	Single Family Residential		
Acreage:	5± acres		

	Adjacent Land Use	Adjacent Zoning
North	Residential	Outside Municipal Limits
South	Residential	R-2, Medium Density Residential
East	Residential	Outside Municipal Limits
West	Residential	Outside Municipal Limits

Summary

The subject property, which consists of approximately 5± acres, is within the city’s Extraterritorial jurisdiction and unzoned. The request is to subdivide approximately 2± acres from the west side the parcel, for the purpose of a family division. The proposed division will result in a 2± acre parcel and a 3.0± acre parcel. The applicant had submitted a complete Exempt Subdivision application to Baldwin County last month that included a certification stating the division is intended for the applicant’s son, a qualified immediate family member.

The request meets the requirements for item (c) 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.*

Planning Commission Action

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

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.



City of Bay Minette

Exempt Subdivision Application

OFFICE USE ONLY
AS-2008

301 D'Olive Street · Bay Minette, Alabama 36507

Phone (251) 580-1610 · COBM_Planning@ci.bay-minette.al.us

Owner Name: Ronald Ballard
Phone Number: (251) 709-4442 Email: ronaldballard1168@att.net
Address: 16311 Old Brady Rd Bay minette, AL. 36507
Street / PO Box City State Zip

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

Phone Number: _____ Email: _____

Name of Subdivision: _____

Subdivision Location: _____

Parcel/PPIN #: 05 2306140000020.007

Total Acreage: 2 # of Parcels Existing: 1

Lot Sizes: 2 acres # of Lots Proposed: 2

Reason for request: To build a home

Signature: Ronald Ballard Date: 6-2-2020

<u>Fees</u>	
Application Fee: \$200.00	
No. of Parcels: <u>2</u> X \$10 = \$ <u>20</u>	Paid: <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Credit Card
Total \$ <u>220.00</u>	<input type="checkbox"/> Check # _____

Submittal Requirements

- _____ Application
- _____ Fee
- _____ Survey/Plat showing existing parcel(s)
- _____ Survey showing proposed subdivision in accordance with Administrative Subdivision Regulations

- _____ Agent Authorization Form (if applicant is not the owner)
- _____ Certification for Family Administrative Form (if applicable)

*Exempt Subdivision Regulations are included with packet

- 2 Hard Copies; 1 with the original seal
- Electronic Copy sent to COBM_Planning@ci.bay-minette.al.us

Baldwin County Planning and Zoning Exempt Subdivision Zoning Verification

Robertsdale Office
22070 Hwy. 59 4th Floor
Robertsdale, AL 36567
Phone: (251) 580-1657
Fax: (251) 580-1656

Foley Office
201 East Section Street
Foley, AL 36535
Phone: (251) 972-8523
Fax: (251) 972-6820

**AN APPROVED EXEMPT SUBDIVISION ZONING VERIFICATION DOES NOT CONSTITUTE
APPROVAL FOR AN EXEMPT SUBDIVISION**

Applicant

Name: Ronald Ballard Sr Betty Ballard Date: 5-10-2020
Mailing Address: 16311 Old Brady Rd
City: Bay Minette State: AL Zip code: 36507
Telephone: (251) 709-4442 Fax: () - e-mail: ronaldballard1168@att.net

Site Information

E-911 Address of Site: 16311 Old Brady Rd Bay Minette, AL 36507
Parcel ID Number: 05-23-0617-0000-020-007
Proposed Use: Build a House

The following items must be submitted at the time of application:

- Completed Exempt Subdivision Zoning Verification application.
- Plot Plan or Survey of **original** parcel, *drawn to scale* indicating any existing structures (*with dimensions*) and the setbacks from property lines.
- Plot Plan or Survey of **proposed** division, *drawn to scale* indicating any existing structures (*with dimensions*) and the setbacks from proposed property lines.
- Agent Authorization Form (if person other than property owner is applying)
- Any other information deemed necessary to complete the review.

This certificate is valid for a six (6) month period after date of issuance. I hereby certify that the information stated on and submitted with this application is true and correct. I also understand that the submittal of incorrect information will result in the revocation of this verification and any worked performed will be at the risk of the applicant.

Betty Ballard

5-10-2020

Ronald Ballard Sr
Signature of Applicant

5-10-2020
Date

**Baldwin County Planning and Zoning
Exempt Subdivision Zoning Verification (cont)**

Office Use Only

Received By: Crystal Water Date: 5-18-20

Case No. ZV - 200469 Planning District: 5

Unzoned Zoned Zoning Classification: _____

City Limits: _____ Flood Zone: X

Historic District: _____ Potential Wetlands Yes No

Do all lots of the proposed division meet the following zoning requirements?

- | | | | | | |
|------------------------------------|------------------------------|--|--------------------|------------------------------|-----------------------------|
| Minimum Front Yard | <input type="checkbox"/> Yes | <input type="checkbox"/> No | Minimum Rear Yard | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Minimum Side Yards | <input type="checkbox"/> Yes | <input type="checkbox"/> No | Maximum Density | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Minimum Lot Area | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Access to All Lots | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Minimum Lot Width at Building Line | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | | | |
| Minimum Lot Width at Street Line | <input type="checkbox"/> Yes | <input type="checkbox"/> No | | | |

Is the proposed division of land compliant with current zoning? Yes No

If no, please detail the areas the proposed division is non-compliant with zoning:

Reviewed By: Crystal Bates Date: 5-18-20

REQUEST FOR AN EXEMPT SUBDIVISION LETTER

I/We would like to request a subdivision exemption letter from the Baldwin County Subdivision Regulations for the following type division to be made:

Parcel Identification Number: 05-23-02-09-4-401-004.000

Check the box showing which utilities are available:

Water: [x] Public provider [] Well
Wastewater: [] Public provider [x] Septic tank

Check the appropriate box:

[x] Family division (legally related family members: spouse, children, Siblings, parents, grandparents, grandchildren, or step-related individuals of the same status). Each parcel shall have its own ingress/egress and utility access or easement that runs with the land of not less than 30 feet in width; [§ 4.2(a)];

If requesting a family division of land, name of person or persons that property is to be deeded to:

Ronald Ballard Jr

Their relationship to me is:

[] Spouse [] Parents [x] Son
[] Grandchildren [] Daughter [] Step-related individuals of the same status
[] Siblings [] Grandparents

[] The public acquisition by gift or purchase of strips or parcels of land for the widening or opening of streets or for other public uses [§ 4.2 (b)];

[] A "one-time" split of a single parcel into two resultant parcels, if, and only if, the parcel existed and has not been divided since February 1, 1984. Submit copy of the deed in effect as of February 1, 1984. Each resulting parcel shall meet the minimum lot size and width requirements of Section 5.4(a) of the Baldwin County Subdivision Regulations. [§ 4.2 (c)];

[] Common property lines are being moved, no new parcels are to be created. The revised parcels shall meet the minimum lot size and width requirements of Section 5.4(a). [§ 4.2 (d)]

I certify that to the best of my knowledge, all information supplied with this request is complete and accurate. I acknowledge that failure to submit the above stated information along with this form will result in the request being returned to the undersigned for completion.

Ronald Ballard Sr Betty Ballard

Print Name(s) of Property Owner(s) or Authorized Agent

Mailing Address: 16311 Old Brady Rd
Bay Minette, AL 36507

Phone Number: (251) 709-4442

Betty Ballard

5/10/2020

Ronald J Ballard Jr

5-10-2020

Signature(s)

Date:

For Office Use:
File No. MS4 Area ETJ
Owner's signature provided Yes No Date File Entered:
Part of Recorded Subdivision Yes No

State of Alabama, Baldwin County
I certify this instrument was filed
and taxes collected on:

1999 November - 4 11:10AM

Instrument Number 518776 Pages 2.

Recording 5.00 Mortgage

Deed 25.00 Min Tax

Index 1.00 DP

Archive
Adrian T. Johns, Judge of Probate

WARRANTY DEED WITH SURVIVORSHIP CLAUSE

STATE OF ALABAMA)

*

COUNTY OF BALDWIN)

THIS INDENTURE, made and entered into on this the 3rd day of November, 1999, by and between HARRY L. BOESCHEN, a married man, hereinafter referred to as the party of the first part, and RONALD BALLARD, SR. and BETTY BALLARD, husband and wife, hereinafter referred to as the parties of the second part,

WITNESSETH:

The party of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to him this day in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, has and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY unto the said parties of the second part during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, forever, the following described property situated in Baldwin County, Alabama, to-wit:

Commencing at the Southwest corner of Section 14, Township 2 South, Range 3 East, Baldwin County, Alabama; thence run East 1338.25 feet to a point; thence run North 30.0 feet to a point on the North right-of-way of Brady Road and the point of beginning of the property herein described; thence run North 17 degrees 27 minutes 45 seconds East, 370.14 feet to a point; thence run North 14 degrees 41 minutes 13 seconds East, 217.80 feet to a point; thence run North 79 degrees 00 minutes 19 seconds East along a fence line 339.53 feet to a point, thence run South 00 degrees 00 minutes 18 seconds East, 628.53 feet to a point on the said North right-of-way of Brady Road, thence run West 499.65 feet to the Point of Beginning. SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE WESTERNMOST 30 FEET OF AFOREDESCRIBED PARCEL.

GRANTOR HEREBY AFFIRMS THAT THE SAID PARCEL IS NOT HIS HOMESTEAD.

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

211116



STATE OF ALABAMA
COUNTY OF BALDWIN

I, S. MATTHEW ORRELL, A REGISTERED LAND SURVEYOR IN THE STATE OF ALABAMA, HEREBY STATE THAT THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF ALABAMA, AND THE FOREGOING IS A PLAT OF THE FOLLOWING DESCRIBED PROPERTY TO THE BEST OF MY KNOWLEDGE, TO WIT:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN EAST 1338.25 FEET TO A POINT; THENCE RUN NORTH 30.0 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF BRADY ROAD AND THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN N17°27'45"E, 370.14 FEET TO A POINT; THENCE RUN N14°41'13"E, 217.80 FEET TO A POINT; THENCE RUN N79°00'19"E, ALONG A FENCE LINE 339.53 FEET TO A POINT, THENCE RUN S00°00'18" E, 628.53 FEET TO A POINT ON THE SAID NORTH RIGHT-OF-WAY OF BRADY ROAD, THENCE RUN WEST 499.65 FEET TO THE POINT OF BEGINNING;

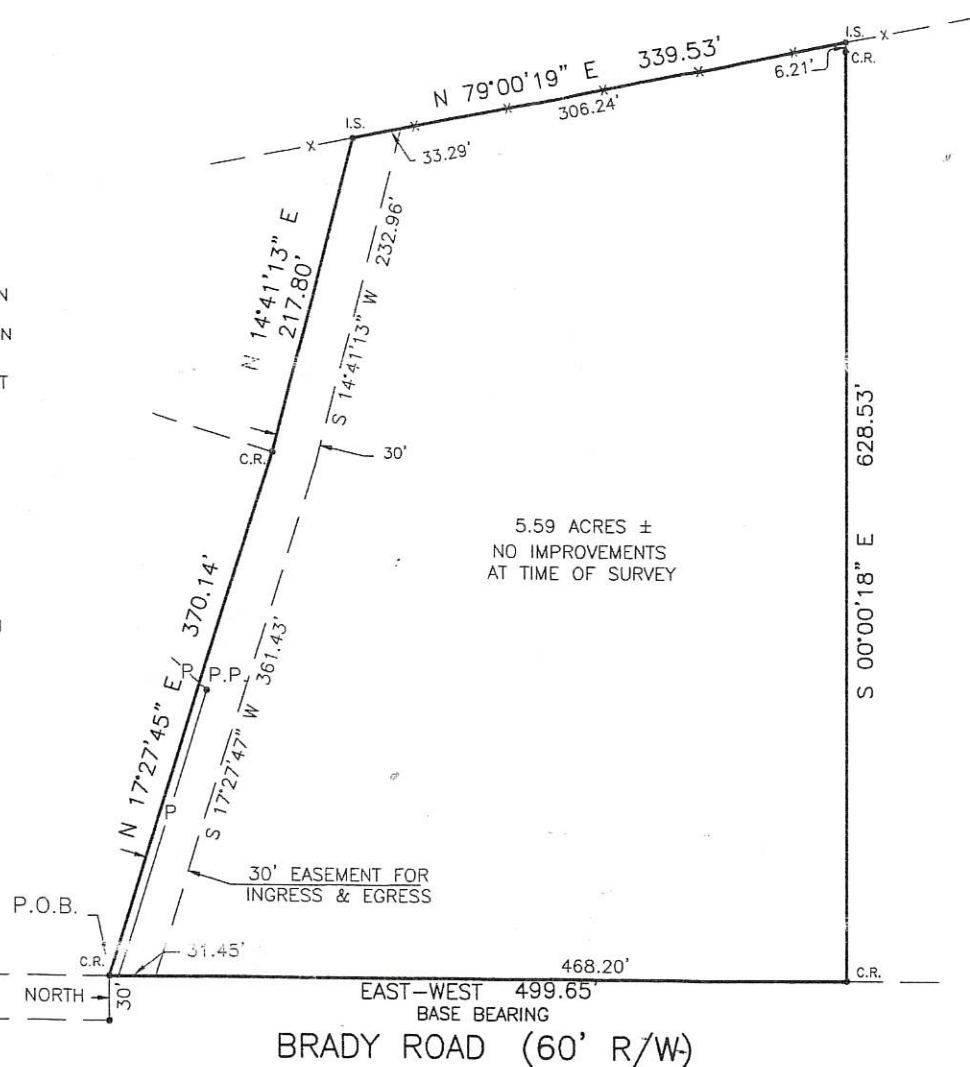
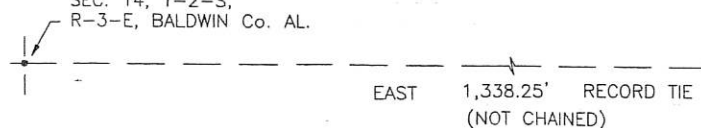
SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE WESTERNMOST 30 FEET OF AFORESAID PARCEL.

I FURTHER STATE THAT THE BUILDINGS NOW ERECTED ON SAID LOT ARE WITHIN THE BOUNDARIES OF SAME; THERE ARE NO ENCROACHMENTS BY ADJOINING PROPERTY, EXCEPT AS SHOWN; THERE ARE NO RIGHTS OF WAY EASEMENTS OR JOINT DRIVEWAYS OVER OR ACROSS SAID LAND VISIBLE ON THE SURFACE, EXCEPT AS SHOWN, THERE ARE NO ELECTRIC OR TELEPHONE WIRES (EXCLUDING WIRES WHICH SERVE THE PREMISES ONLY) OR STRUCTURES OR SUPPORTS THEREOF INCLUDING POLES, ANCHORS AND GUY WIRES ON OR OVER SAID PREMISES, EXCEPT AS SHOWN; THIS DRAWING ALSO DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH OTHER THAN WHAT IS VISIBLE ON THE GROUND OR PROVIDED BY THE CLIENTS CONVEYANCE; AND THAT THE SCALE OF DRIVES, WALKS, FENCES AND ETC. ARE IN SOME INSTANCES EXAGGERATED FOR THE PURPOSE OF DETAIL, ALSO THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP AND IN MY OPINION FOUND THAT THE ABOVE DESCRIBED PROPERTY IS LOCATED IN (ZONE "C") OF THE SPECIAL FLOOD HAZARD AREA. THE MAILING ADDRESS AS ORDERED AND NOT VERIFIED BY THIS FIRM IS:

ACCORDING TO MY SURVEY THIS, THE 2ND DAY OF NOVEMBER, 1999.

S. Matthew Orrell
ALA. REG. NO. 17259

P.O.C.
S.W. COR. OF
SEC. 14, T-2-S,
R-3-E, BALDWIN Co. AL.



5.59 ACRES ±
NO IMPROVEMENTS
AT TIME OF SURVEY

EAST-WEST 499.65'
BASE BEARING
BRADY ROAD (60' R/W)

LEGEND:

- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- x- = FENCE
- C.R. = 1/2" CAPPED REBAR IRON FOUND
- I.S. = 1/2" CAPPED REBAR IRON SET

NOTES:

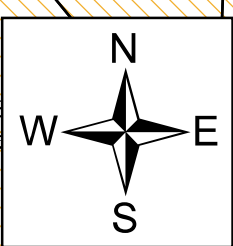
TYPE SURVEY: BOUNDARY
BEARINGS BASED ON DEED PROVIDED THIS FIRM

DRIVE: D2	FIELD BK: #RC 99 DXF: 9910-136	SEALS:
FILE NAME: 9910-136 S-(41)B		

POLYSURVEYING
OF MOBILE
ENGINEERS & LAND SURVEYORS
5588 JACKSON ROAD MOBILE, AL 36619
(334) 666-2010 (334) 666-1792 (FAX)

SCALE 1" = 100'	
DATE: 11/02/99	DRAWN BY: M.N.
DATE SURVEYED: 10/20/99	CHECKED BY:

THIS SURVEY NOT VALID WITHOUT EMBOSSED SEAL
W.P. # 9910-136



Legend

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

LINDA JONES RD

PINE GROVE RD

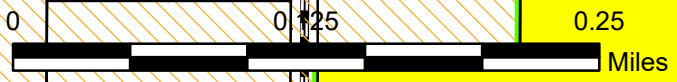
L BOESCHEN RD

BRADY RD EXT

CLD BRADY RD

Subject Property

Bay Minette





Subject Property

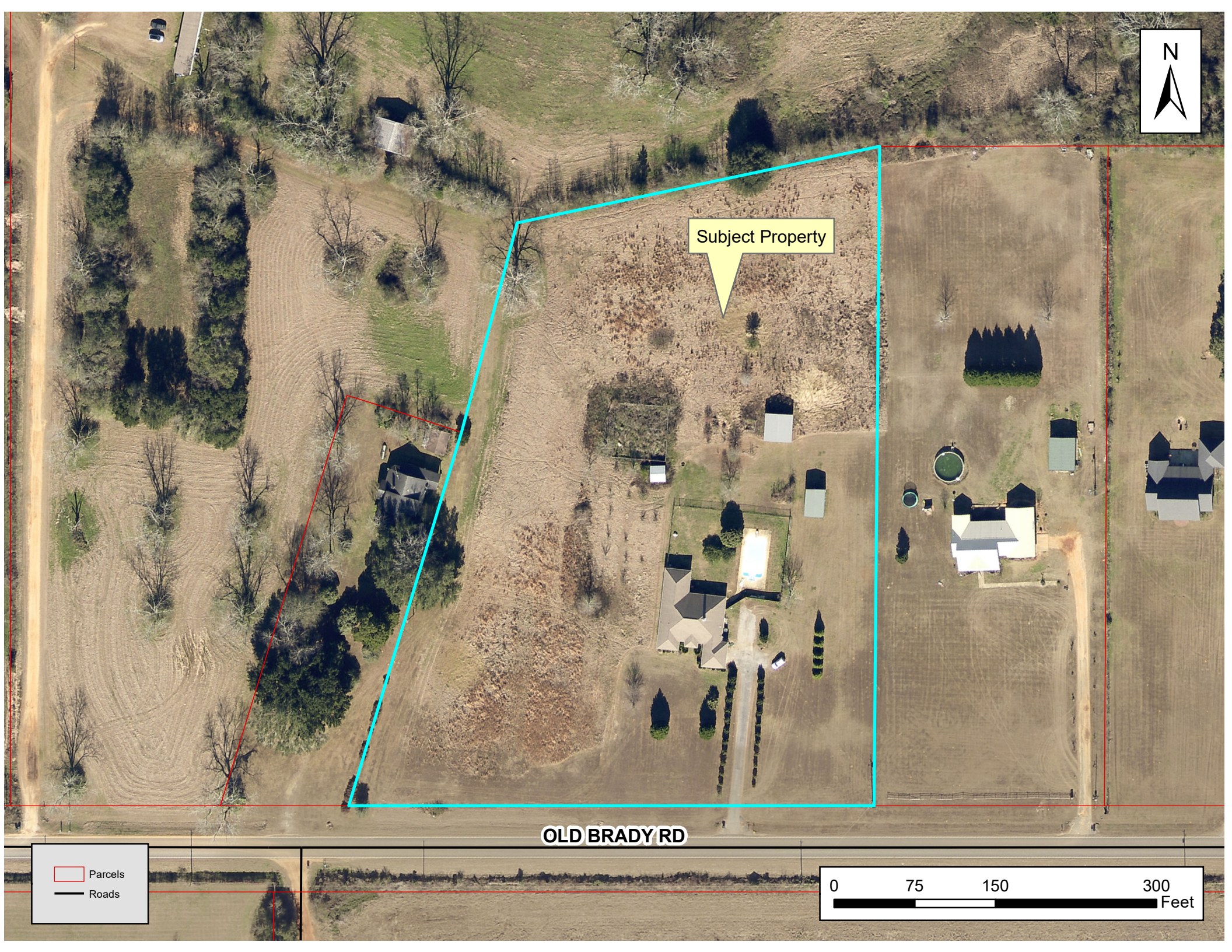
OLD BRADY RD

Legend:

- Parcels (indicated by a red line)
- Roads (indicated by a black line)

Scale bar in feet:

0 75 150 300
Feet





City of Bay Minette

Planning & Development Services

Planning Commission Staff Analysis

Case No. SE-2001
 AT&T // Bay Minette Land Co. Property
 Special Exception Request for a New Wireless Telecommunications Tower on Newport Parkway
 June 11, 2020

Subject Property Information

Physical Location:	Newport Parkway	Applicant:	AT&T c/o Baker Donelson
Parcel Number:	05-23-02-09-4-000-135.001		420 20 th Street North, Ste 1400
Current Zoning:	M-2, General Industrial District		Birmingham, AL 35223
Current Land Use:	Vacant/Undeveloped	Owner:	Bay Minette Land Co.
Proposed Land Use:	Wireless Telecommunication Tower		P.O. Box 340
Acreage:	1.05± acres		Bay Minette, AL 36507

Adjacent Land Use		Adjacent Zoning
North	Vacant/Undeveloped	M-2, General Industrial District
South	Commercial/Vacant	M-2, General Industrial District
East	Commercial/Vacant	M-2, General Industrial District & R-3, Higher Density Single Family
West	Commercial/Vacant	M-2, General Industrial District

Summary

The subject property, which consists of approximately 1.05± acres, is currently zoned M-2, General Industrial District. The request is to construct a new wireless telecommunication tower on a vacant/undeveloped parcel on Newport Parkway. The property is bisected by Mannor Drive and the facility is proposed to be located southwest of Mannor Drive. The tower is proposed for an 80'x80' leased area with the actual construction contained within a 65'x65' area. The facility is proposed to include a 180' monopole telecommunications tower with a 10' lightning rod for a total height of 190' above ground. It will be designed for at least two additional tenants with the separation required for co-locations.

Per the Table of Permitted Uses, telecommunications towers and facilities are only allowed by Special Exception in M-1 or M-2 Industrial Districts. The applicant is requesting Site Plan approval be conducted concurrently with the Special Exception request.

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
Telecommunications towers and facilities									S	S

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.*

Staff Analysis and Findings

The following standards for reviewing special exception requests are found in **Section 14.4 Establishment and Membership of the Board of Adjustment** of the **Zoning Ordinance of the City of Bay Minette**. The Board of Adjustment shall review requests against the criteria below and grant approval only upon the concurring vote of four Board members. This Special Exception application is being considered concurrently with Site Plan Approval. The Planning Commission has the final decision on the Site Plan approval but acts in an advisory capacity only for the Special Exception.

1.) Compliance with the Comprehensive Plan

The subject property is designated as Industrial on the Future Land Use Map in the Comprehensive Plan, which is consistent with the current designation and proposed use.

2.) Compliance with any other approved planning document

On August 21, 2014, the Board of Adjustment approved with conditions, a special exception for the same applicant for a tower at 111 South Hoyle Avenue, in the southwest corner of the property (former Mannor Slacks facility). The Planning Commission reviewed the case on August 12, 2014 and recommended approval. According to the applicant, the option expired, and the tower was not constructed. The current proposal is approximately 800 feet northwest of the originally approved tower.

3.) 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 tower meets the Zoning Ordinance Special Provisions written specifically for Wireless Telecommunication Facilities. It also falls within the appropriate designation in the Future Land Use Map, which is in line with the Comprehensive Plan. While not directly referenced in the Zoning Ordinance intent, the proposed increased capacity and coverage of wireless telecommunications could facilitate many of the goals the ordinance is intended to promote: health, safety, convenience, order, prosperity, safety from fire, panic and other dangers.

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

The surrounding property is largely industrial with much of the area dominated by the railroad. The western edge of the parcel where the tower is proposed, sits at an intersection of railroad that connects the main line to the spur servicing multiple industrial uses further south. This intersection divides the industrial zoned property from the residentially zoned property.

5.) Adequacy of public infrastructure to support the proposed development

This proposed tower should have a nominal impact on public infrastructure.

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

No major impacts are expected. The property is surrounded by existing intense industrial uses and post-development conditions are anticipated to be minimal.

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

The applicant has submitted a legally binding compliance letter stating that the facility “shall at all times be operated and maintained in compliance with all federal, state and local laws, codes, ordinances, rules and regulations, including but not limited to those related to electrical powering limits and RF emissions.”

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

The applicant has submitted a legally binding compliance letter stating that the facility “shall at all times be operated and maintained in compliance with all federal, state and local laws, codes, ordinances, rules and regulations, including but not limited to those related to electrical powering limits and RF emissions.” Other regulatory compliance assurances submitted include: Federal Communications Commission (FCC), Federal Aviation Administration (FAA), American Society of Civil Engineers (ASCE), and American National Standards Institute (ANSI) Telecommunications Industry Association (TIA) telecommunication standards.

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

The adjacent property is largely industrial with much of the area dominated by the railroad. The two closest residentially zoned properties are vacant and separated from the tower by the railroad spur and a mature natural vegetative buffer. The tower will be painted in a neutral or blending color to reduce any visual obtrusiveness.

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

The surrounding area is largely industrial in both zoning designation and use, with much of the area dominated by the railroad, the former Mannor Slacks facility and Plasmine facility. The closest dwelling is separated from the tower by the railroad spur, two vacant lots and a mature natural vegetative buffer. The tower will be painted in a neutral or blending color to reduce any visual obtrusiveness.

11.) Overall benefit to the community

AT&T has been working with a federal agency to create and deliver FirstNet, a nationwide wireless broadband network for first responders. This tower is proposed in order to increase wireless capacity for the downtown area and improve indoor coverage to surrounding commercial and residential customers. This tower is purported to specifically enhance coverage at the County Courthouse, Baldwin County Corrections, Halliday Park, Plasmine Technology, McPherson Oil, the Public Library and Baldwin County Probate Office. The City’s services are not through AT&T so would not be directly impacted by the tower at this time. It would directly

benefit the public and any businesses that currently use AT&T, although the tower is designed to host a minimum of 2 additional antennas.

12.) Compliance with sound planning principles

This application meets the requirements of the Zoning Ordinance related to the zoning district and special provisions specifically related to Wireless Telecommunications Facilities. The company received approval to construct a nearly identical tower in 2014. Neither the conditions of the surrounding area nor the zoning ordinance regulations have changed to a degree that would warrant a deviation from the original decision.

13.) Compliance with the terms and conditions of any zoning approval

There are no current zoning approval conditions.

14.) Any other matter relating to the health, safety and welfare of the community.

N/A

Other matters which may be appropriate

This Special Exception application is being considered concurrently with Site Plan Approval. The Planning Commission has the final decision on the Site Plan approval but acts in an advisory capacity only for the Special Exception. Site Plan reviews are completed by the Planning Commission to assure compliance with the Zoning Ordinances. As reviewed against *Section 9.4 Telecommunications Towers and Facilities*, the application demonstrated compliance with the applicable zoning regulations.

Planning Commission Action

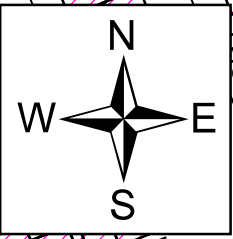
For Special Exception applications, the Planning Commission sends an advisory recommendation to the Board of Adjustment, who makes the final decision. The Planning Commission is not required to hold a public hearing for a special exception. For Site Plan Approval, the Planning Commission makes the final decision. In this case, the Special Exception decision takes precedence and any Site Plan approval/approval with conditions, will be contingent upon the Special Exception request being granted. Regardless of the Site Plan decision, a recommendation on the Special Exception request is required.

For the Special Exception, the Planning Commission has the option to:

- Make a recommendation to approve the Special Exception to the Board of Adjustment
- Make a recommendation to approve the Special Exception with conditions to the Board of Adjustment
- Make a recommendation to deny the Special Exception to the Board of Adjustment, with stated factors for the denial.

For the Site Plan Review, the Planning Commission has the option to:

- Approve the Site Plan contingent upon Special Exception approval from the Board of Adjustment
- Approve the Site Plan with conditions, contingent upon Special Exception approval from the Board of Adjustment
- Deny the Site Plan, with stated factors for the denial.

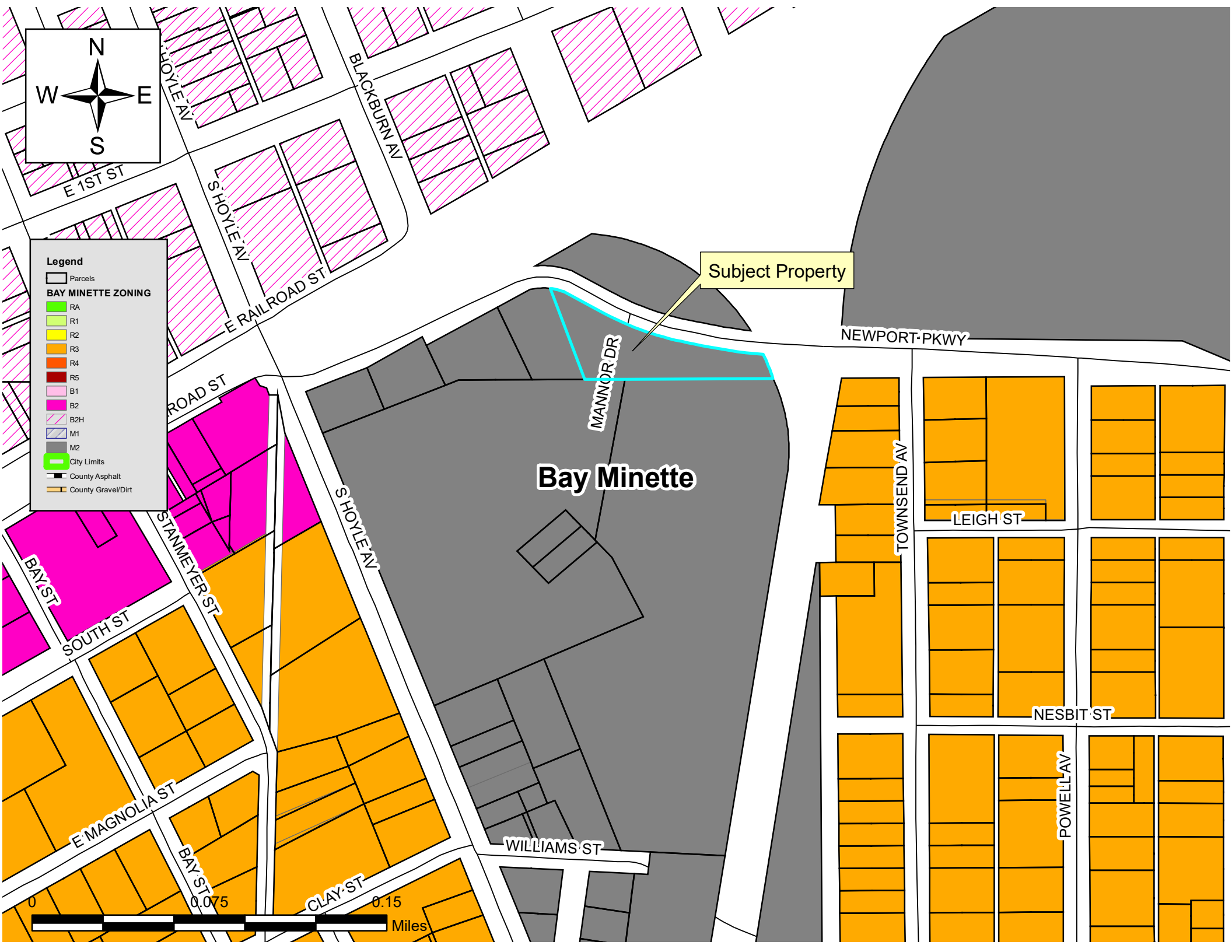


Legend

- 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





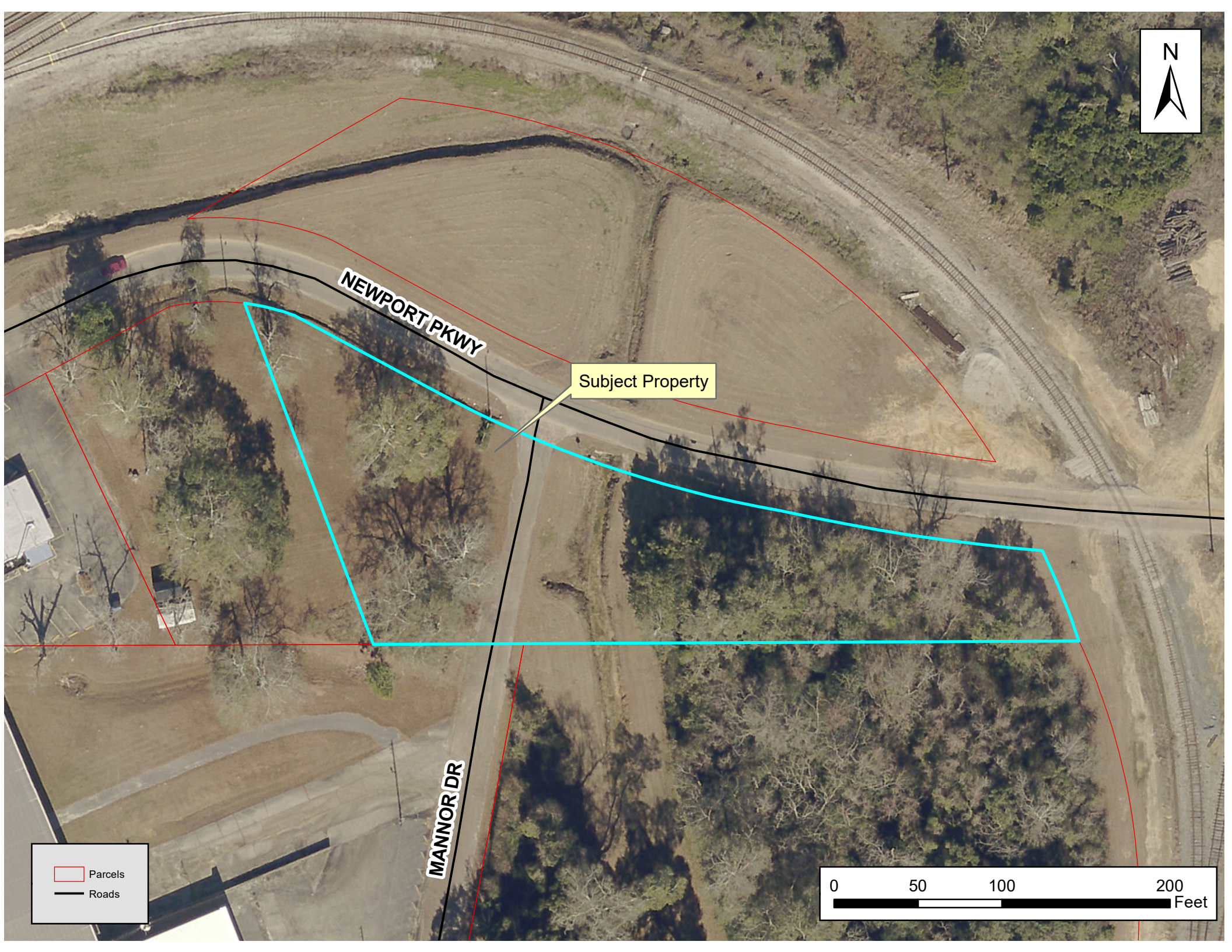
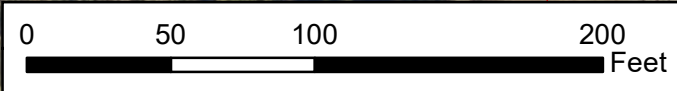
NEWPORT PKWY

Subject Property

MANNOR DR

Legend:

- Parcels (indicated by a red line)
- Roads (indicated by a black line)





Property along Newport, facing E from Mannor



Subject Property from Mannor Drive, facing SE



Mannor Drive at Newport, facing NW



Newport Parkway, facing E



Facing Subject Property, looking SW



From Newport, facing S at railroad intersection



Adjacent Residential district, facing SE



Adjacent Residential from Newport/Townsend



City of Bay Minette

Special Exception Application

301 D'Olive Street · Bay Minette, Alabama 36507

Phone (251) 580-1610 · COBM_Planning@ci.bay-minette.al.us

<u>Office Use Only</u>	
SE -	<u>2001</u>
Fee: \$250	
Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Credit Card	
<input checked="" type="checkbox"/> Check - # <u>128396</u>	

Are you the property owner? Yes No

(If you are not the property owner you must submit an Agent Authorization Form signed by the property owner)

Name: AT&T c/o Baker Donelson (Andy Rotenstreich) Date: May 13, 2020

Mailing Address: 420 20th Street North, Suite 1400

City: Birmingham State: AL Zip Code: 35223

Phone Number: 205-250-8304 Email: arotenstreich@bakerdonelson.com

Site Information

Property Address: Newport Parkway

or Property Location: _____

*Parcel No.: 23-02-09-4-000-1358.001 *PPIN No.: _____

**Parcel or PPIN information must be completed*

Current Zoning: M-2

The purpose of this Special Exception is to allow:

Wireless Telecommunications Facility in an M-2 zoning district - Sec. 9.4.3.1
of Bay Minette zoning ordinance

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

**Special Exception ordinance excerpt is included in packet*

The proposed use is an accessory use and meets the criteria as set forth below for
the granting of the Special Exception.

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

Andy Rotenstreich

5/13/2020

Signature of Applicant (Owner of Property or Authorized Agent)

Date

Submittal Requirements

_____ Application

_____ Fee

_____ Agent Authorization Form (if applicant is not the owner)

_____ Complete Legal Description of Property

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

BAKER DONELSON

1400 SHIPT TOWER • 420 20TH STREET NORTH • BIRMINGHAM, ALABAMA 35203 • 205.328.0480 •
bakerdonelson.com

N. ANDREW ROTENSTREICH, SHAREHOLDER
Direct Dial: 205.250.8304
Direct Fax: 205.488.3704
E-Mail Address: arotenreich@bakerdonelson.com

May 13, 2020

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

RE: AT&T's proposed telecommunications facility
Site Name: Bay Minette North
Site Address: Newport Parkway

To Whom It May Concern:

In order to improve coverage and capacity issues due to increased wireless congestion, AT&T requires a new cell site in Bay Minette, Alabama. Upon concluding there are no available suitable structures in the area upon which to co-locate, the only option is to build a new telecommunications tower. The new tower will be constructed to accommodate AT&T and other wireless providers.

The proposed tower is to be constructed on parcel 23-02-09-4-000-1358.001, which is located on Newport Parkway in Bay Minette. The property is owned by Bay Minette Land Company and has a M-2 zoning classification. The proposed facility will include a one hundred eighty-foot (180') monopole telecommunications tower and will have a ten-foot (10') lightning rod at its top, for a total height of 190' above ground level. It will be designed based on EIA/TIA Code for at least two (2) additional tenants with the required separation between tenants.

Upon construction, the facility will be unmanned, visited on average once per month for routine maintenance purposes, and will not emit noise or glare. It will be constructed and maintained in compliance with all federal, state and local building codes and standards, and will be compliant with Enhanced 911, a federally-mandated program to improve the reliability of E911 service to the surrounding area.

Please allow this letter and attachments to serve as a supplement to the enclosed Application for Special Exception ("Application") for all approvals necessary for the placement of the proposed tower, including, but not limited to, a request for a Special Exception to allow the tower's placement on this property. We do not believe any variances are required under the City's regulations.

Bay Minette, Alabama

May 13, 2020

Page 2

In order to maintain a level playing field with its competitors also offering similar services, AT&T needs the proposed tower, at the proposed location, at the proposed height, and at the requested signal levels, to deliver consistently reliable signal in this geographic area.

We would appreciate this application being placed on the next available meeting agenda. In the meantime, if you have any questions or require any additional information, please do not hesitate to contact me.

Very truly yours,
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC



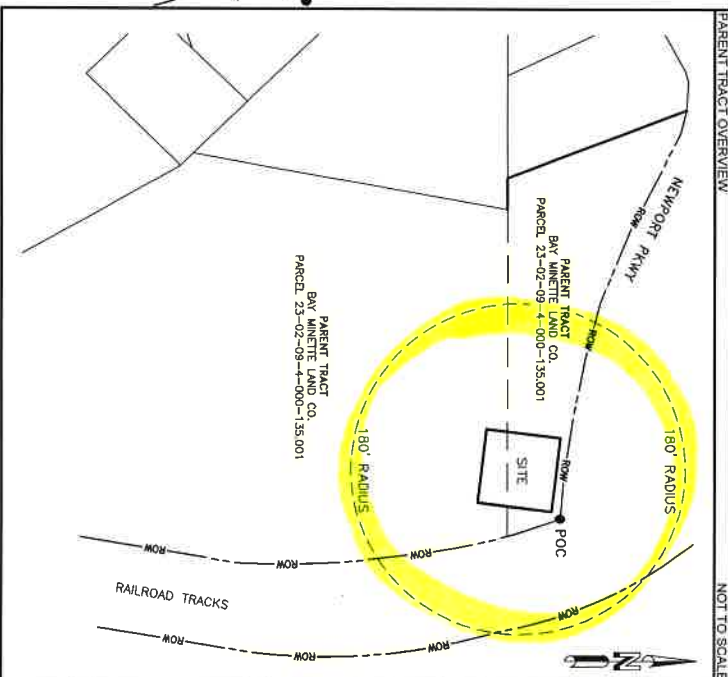
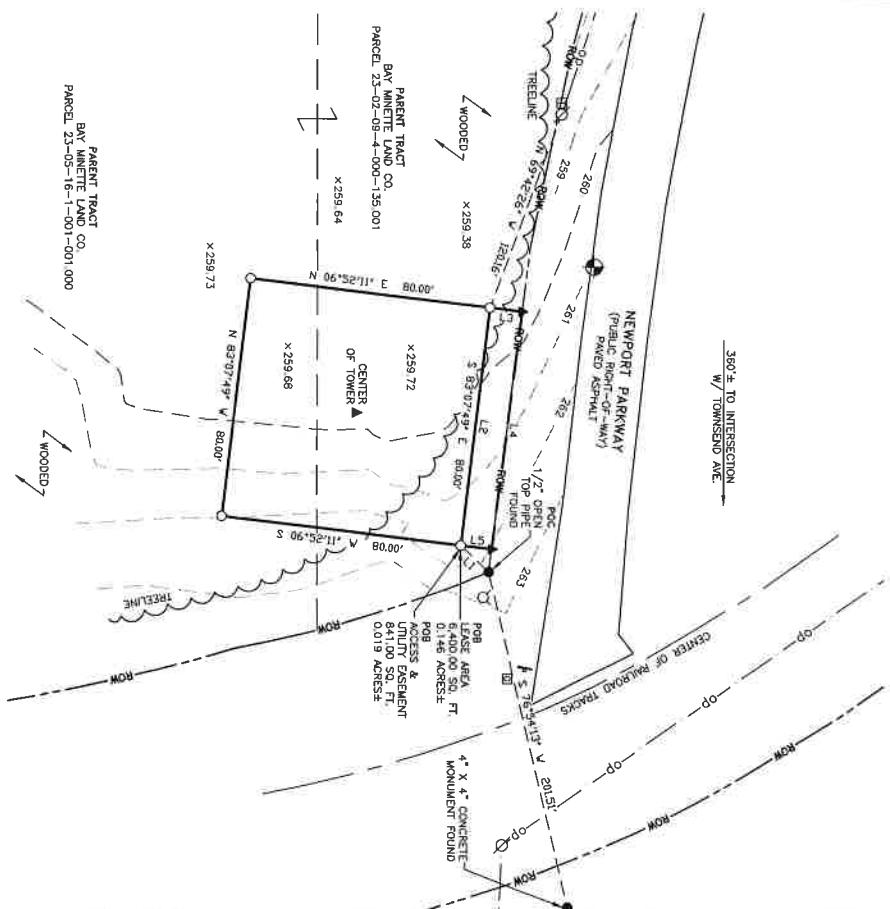
N. Andrew Rotenstreich, Shareholder

NXR01:msp02

Enclosure



LINE	BEARING	DISTANCE
L-1	S 83°07'49\"/>	



SURVEYOR'S NOTES

- This is a Rawland Tower Survey, made on the ground under the supervision of an Alabama Registered Land Surveyor. Date of field survey is August 1, 2018.
- The following surveying instruments were used at time of field visit: Nikon HP-352, Total Station, Reflectless Leica 1200, GPS, and a 20' leveling staff.
- Boundaries are based on Alabama West State Plane Coordinates NAD 83 by GPS observation.
- No underground utilities, underground encroachments or building foundations were measured or located as a part of this survey, unless otherwise shown. Trees and shrubs not located, unless otherwise shown.
- Benchmark used is a GPS Continuously Operating Reference Station, PID 0M2560. Other benchmark is as shown on map.
- This survey was conducted for the purpose of a Rawland Tower Survey only, and is not intended to delineate the regulatory jurisdiction of any federal, state, regional or local agency, board, commission or other similar entity.
- Attention is directed to the fact that this survey may have been reduced or enlarged in size due to reproduction. This should be taken into consideration when obtaining scaled data.
- Surveyor hereby states the Geographic Coordinates and the elevation shown for the proposed centerline of the tower are accurate to within +/- 20 feet, horizontally and to within +/- 3 feet, vertically (FMA Accuracy Code 1A).
- Survey shown herein conforms to the Minimum Requirements as set forth by the State Board for a Class "A" Survey.
- Survey data upon which this map or plat is based was a closure polygon of not less than one-foot in 15,000 feet (1:15,000) and an angular error that does not exceed 10 seconds times the square root of the number of angles turned. Field traverse was not adjusted.
- This survey is not valid without the original signature and the original seal of a state licensed surveyor and mapper. Survey data not capable of a boundary survey of the Parent Tract. Any parent tract property lines shown hereon are from available information and may not be field verified.
- No buildings near area of site.

BAY MINETTE NORTH
 00548175
 NE 1/4, SEC. 16, T-2-S, R-3-E
 BALDWIN COUNTY, ALABAMA

TOWER INFO
 NOT TO SCALE
 LATITUDE: 30°52'08.8\"/>

LEGEND

- = 5/8\"/>

VICINITY MAP

ALABAMA WEST

GRID TO TRUE NORTH
 CONVERSION
 0.20
 TRUE NORTH TO MAGNETIC
 DECLINATION
 2°33' W
 COMBINED SCALE FACTOR
 0.9999322111

FLOOD NOTE

By stippling only, the subject property is shown to be in Zone "X" of the Flood Insurance Rate Map Community Panel No. 0103020294L, which bears an effective date of July 17, 2007 and is NOT in a special flood hazard area. A 2-foot "X" flood hazard is to be shown on the 0.25 annual chance floodline.

SMW Engineering Group, Inc.
 159 Business Center Drive
 Birmingham, Alabama 35244
 Ph: 205-252-6985
 www.smweng.com

RAWLAND TOWER SURVEY

FORESITE
 3975 ASBURY ROAD
 VESTALVA HILLS, AL 35243

NO.	REVISION	DATE	BY
1.	REVISIONS / ADDRESSED TITLE	11/06/18	RJB
2.	UPDATE LEGALS	08/06/19	TAS
3.	ADDED 180' RADIUS (SETBACKS)	03/22/20	RJB

DRAWN BY: RJB
 CHECKED BY: AAK
 FIELD CREW: BS
 APPROVED BY: WKO
 DATE: 08/06/19
 SCALE: AS NOTED
 SHEET 1 OF 2



PARENT TRACT (PER TITLE)
 that part lying in the Southeast 1/4 of Section 9, Township 2 South, Range 3 East and that part lying in the Northeast 1/4 of Section 16, Township 2 South, Range 3 East, Baldwin County, Alabama, Baldwin County tax parcel identification numbers of 23-02-09-4-000-1353001, Pgm Number 76223 and 23-05-16-1-001-001-000, Pgm Number 62002

80' x 80' LEASE AREA (AS-SURVEYED)
 a portion of the Bay Minette Lane Co. tract Parcel No. 23-02-09-4-000-1353001 and Parcel No. 23-05-16-1-001-001-000 as described in the Office of County Assessors for Baldwin County, Alabama, Baldwin County, Alabama, and being more particularly described as follows:

Commencing at a 1/2" open top pipe found at the intersection of the southerly right-of-way line of Newport Parkway and the West right-of-way line of the former road of 12.77 feet to a 5/8" rebar set, thence run N 83°07'49" W for a distance of 80.00 feet to a 5/8" rebar set, thence run S 83°07'49" E for a distance of 80.00 feet to the Point of Beginning. Said lease area contains 0.146 acres.

ACCESS & UTILITY EASEMENT (AS-SURVEYED)
 a portion of the Bay Minette Lane Co. tract Parcel No. 23-02-09-4-000-1353001 as described in the Office of County Assessors for Baldwin County, Alabama, Baldwin County, Alabama, and being more particularly described as follows:

Commencing at a 1/2" open top pipe found at the intersection of the southerly right-of-way line of Newport Parkway and the West right-of-way line of the former road of 12.77 feet to a 5/8" rebar set, thence run N 83°07'49" W for a distance of 80.00 feet to a point on the southerly right-of-way line of Newport Parkway, thence along the said southerly right-of-way line of Newport Parkway S 82°45'42" E for a distance of 80.00 feet to a point, thence run S 05°52'11" W for a distance of 10.26 feet to the Point of Beginning. Said easement contains (941.00 sq.(ft.) 0.019 acres, more or less.

PLOTTABLE EXCEPTIONS
 Chicago Title Insurance Company
 Commitment for Title Insurance Commitment No. 21659-18
 Date September 28, 2018 @ 8:00 am
 Schedule B, Section II

Exception No.	Instrument	Comment
1-8		Standard exceptions. Contain no survey matters.
9	Deed Book 12, Page 195	Unable to determine effects, supportive documents look unclear. Recommend surveyor's office documents look sufficient data to locate on survey.
10	Deed Book 219, Page 224	Does not effect subject, lease one or easements and is not shown hereon.
11-12		Standard exceptions. Contain no survey matters.

SURVEYOR'S CERTIFICATION

I certify 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.

PRELIMINARY UNTIL FINALIZED WITH SIGNATURE AND SEAL
 Michael Keith Davis
 Alabama License No. 31571

BAY MINETTE NORTH
 10548175
 NE 1/4, SEC. 16, T-2-S, R-3-E
 BALDWIN COUNTY, ALABAMA



SMW Engineering Group, Inc.
 156 Business Center Drive
 Birmingham, Alabama 35244
 Ph: 205-252-6985
 www.smweng.com

RAWLAND TOWER SURVEY
 FORESITE
 3975 ASBURY ROAD
 VESTAVIA HILLS, AL 35243

DRAWN BY: RUB
 CHECKED BY: AMK
 FIELD CREW: BS
 APPROVED BY: MKD
 DATE: 09/10/18
 SCALE: AS NOTED
 SHEET 2 OF 2

NO.	REVISION	DATE	BY
1.	REVISIONS / ADDRESSED TITLE	11/06/18	RJB
2.	UPDATE LEGALS	06/06/19	TAS
3.	ADDED 180' RADIUS (SETBACKS)	03/23/20	RJB

April 17, 2020

Mr. Matt Swann
ForeSite Services, Inc.

RE: Proposed 180' Sabre Monopole for Bay Minette North, AL

Dear Mr. Swann,

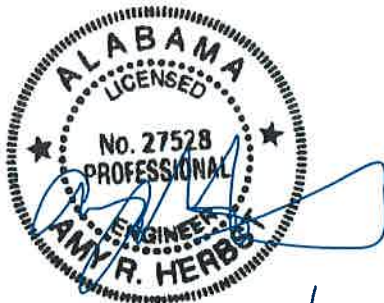
Upon receipt of order, we propose to design and supply the above referenced Sabre monopole for an ASCE 7-16 Ultimate Wind Speed of 146 mph with no ice and 30 mph with 0.50" radial ice, Structure Class II, Exposure Category C and Topographic Category 1 in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas".

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within the monopole shaft, above the base plate. Assuming that the wind pressure profile is similar to that used to design the monopole, the monopole will buckle at the location of the highest combined stress ratio within the monopole shaft, resulting in the portion of the monopole above leaning over and remaining in a permanently deformed condition. **Please note that this letter only applies to the above referenced monopole designed and manufactured by Sabre Industries.** The fall zone of this structure will be within an 80' x 80' compound.

Sincerely,

Amy R. Herbst, P.E.
Senior Design Engineer



4/17/20



AT&T Mobility, Inc.
1876 Data Drive
Hoover, AL 35244

April 14, 2020

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

Reference: AT&T Mobility, LLC
Site: Bay Minette North (**USID 213201**)
Site Location: Bay Minette Land Co candidate near 111 South Hoyle Ave, Bay Minette, AL 36507

To Whom It May Concern:

AT&T Mobility, LLC herein referred to as "AT&T" is currently enhancing our network architecture to meet the growing demands of wireless voice and data customers in many areas of Alabama and Northwest Florida. This is necessary to provide such features as FirstNet, mobile internet, enhanced voice telephony, audio and video streaming, connectivity to cloud-based storage services, IoT (Internet of Things) devices, and mobile apps at the quality of service expected by our subscribers. New sites are being required to meet new services and growing customer demands for bandwidth-sensitive applications because the distance covered by wireless transmissions directly affects the digital bandwidth delivered to the receiver. By building sites closer to our customers, we are able to supply those customers with the higher data-speeds and greater service value they demand.

AT&T is currently requesting to construct a wireless transmission tower with a 180' antenna height (190' overall height) at the location referenced above. This new transceiver location is needed to provide capacity relief to the existing AT&T Bay Minette site located 1.5 miles to the northwest and also improve indoor coverage to the many commercial locations and residential homes around the downtown area. The location of this site is critical to successfully offload the existing exhausted Bay Minette site and improve capacity/data throughput to a busy area of our cellular network. The proposed build location and requested antenna height of 180' will allow for critical capacity relief on the existing target Bay Minette tower and also allow for future capacity expansion for the expected growth as well as allow for improved mobility, indoor, and FirstNet service. Some specific locations where the new Bay Minette tower will enhance both coverage and capacity at the 180' antenna height include: The Bay Minette Court House, DMV, Recreation Department, Public Library, Baldwin County Corrections, Holiday Park, Chuck Stevens Automotive, Plasmine Technology, McPherson Oil, Bay Minette Building Supply, as well as many other homes and business located in are around the downtown **Bay Minette** area along US Highway 31.



The indoor coverage improvement expected from this site is illustrated in the included maps showing service levels before and after the site is commissioned. In this in-town environment, increased signal strength and denser site spacing is needed to provide capacity and coverage to the target area. When the proposed site is commissioned, the area will improve substantially providing strong, reliable signal levels, improved capacity, and yield higher data speeds to many of the areas around the site as noted above.

In this market existing structures are evaluated if adequately suited to the network in meeting the increasing demands of our customers and the value of the structure is sufficient for the considerable long-term investment being made. There are a total of three known existing macro communication tower structures within a 0.5 mile radius of the proposed AT&T new build location. The first existing structure is an existing 155' CitySwitch tower located 0.15 miles to the northwest. This structure was built to support railroad whip antennas, not tall enough, and as-is not viable for AT&T collocation. The second known macro communication structure within a 0.5 mile radius is a 180' Baldwin County Commission tower located 0.39 miles to the north-northwest. This tower is an older tower that also contains a large amount of whip antennas, is not located in the optimal location, and does not allow for the needed antenna height. The last known macro communication structure within a 0.5 mile radius is an existing 135' water tank located 0.43 miles to the west-southwest. This water tank appears to have existing antenna installations on the top of the tank and therefore would not allow a high enough antenna mounting height for an AT&T installation. Water tanks are also no longer preferred AT&T target candidates as they require painting/maintenance which typically means the temp removal of AT&T equipment, an expensive task, and can limit service while the work is being performed. The lack of a suitable collocation candidate at the needed height within the search area of the **Bay Minette North** site drives the need for construction of a new structure.

The maps provided are derived from a tool called Atoll™ produced by Forsk®. These predictions use digital topography based on data from the USGS and 'clutter models' derived from satellite imagery detailing the topology of an area. These clutter models are categorically tested for typical incurred losses. These loss estimates are then further tuned with regional propagation studies to better calculate the signal level expectations of a given area and provide an accurate prediction of expected coverage

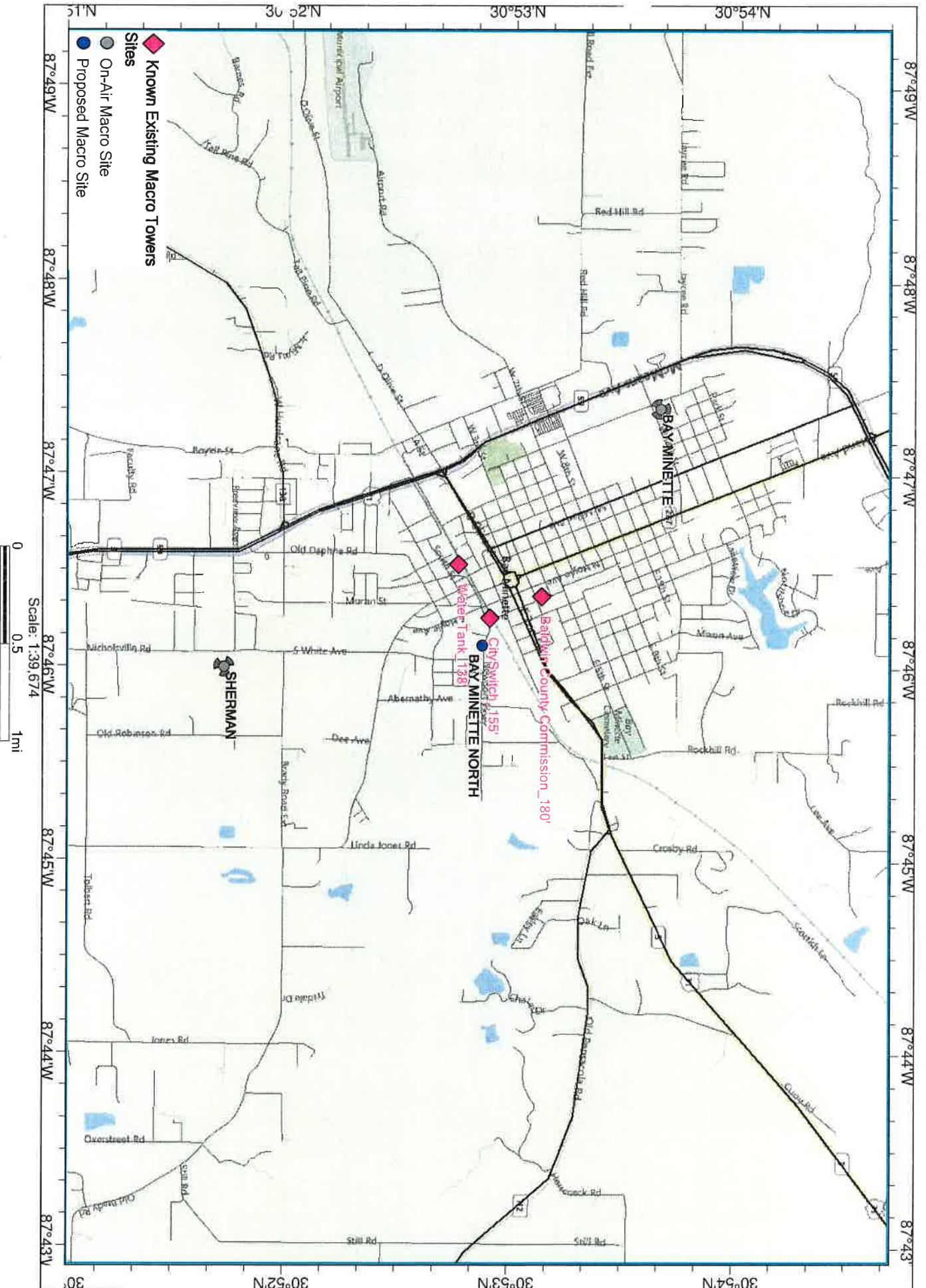
Should you require any additional information, or if you should have any questions, please feel free to contact me at cv011n@att.com or 205-517-4154.

Sincerely,

A handwritten signature in blue ink that reads "Christopher M. Vaughn".

Christopher M. Vaughn
Senior RAN Engineer
AT&T Mobility, LLC

Known Existing Macro Tower Structures within 0.5 Miles

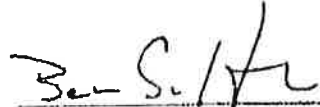


FCC Environmental Compliance Checklist

- | <u>YES</u> | <u>NO</u> | |
|---------------|---------------|--|
| <u> </u> | <u> X </u> | 1. Will the facility be located in an officially designated wilderness area? |
| <u> </u> | <u> X </u> | 2. Will the facility be located in an officially designated wildlife preserve? |
| <u> </u> | <u> X </u> | 3. Will the facility affect federally listed, threatened or endangered species or designated critical habitats? |
| <u> </u> | <u> X </u> | 4. Is the facility likely to jeopardize the continued existence of any federally proposed endangered or threatened species or likely to result in the destruction or adverse modification of proposed critical habitats? |
| <u> </u> | <u> X* </u> | 5. Will the facility affect districts, sites, buildings, structures, objects, or other cultural resources listed, or eligible for listing, in the National Register of Historic Places?
<small>* Though Historic Properties would be affected by the proposed undertaking, according to FCC guidance, preparation of an environmental assessment is not required for facilities that affect historic properties listed in or eligible for listing in the National Register of Historic Places unless an adverse effect would occur.</small> |
| <u> </u> | <u> X </u> | 6. Will the facility affect Indian religious sites? |
| <u> </u> | <u> X </u> | 7. Will the facility be located in a 100-year floodplain? |
| <u> </u> | <u> X </u> | 8. Will the construction of the facility involve a significant change in surface features (e.g., wetland fill, deforestation, or water diversion)? |
| <u> </u> | <u> X </u> | 9. Will the antenna or tower and/or supporting structure be equipped with high intensity white lights and be located in or near a residential neighborhood, as defined by the applicable zoning law? |
| <u> </u> | <u> X </u> | 10. Will the proposed facility fall within the categories listed in Table 1 of Section 1.1307(b) and cause exposure of workers or general public to levels of radio-frequency radiation in excess of the limits in Section 1.1310? |

IF ALL THE QUESTIONS ABOVE WERE ANSWERED "NO", NO FURTHER ACTION IS REQUIRED FOR FCC ENVIRONMENTAL PURPOSES.


PROJECT MANAGER


REVIEWED BY

April 16, 2020

City of Bay Minette
111 South Hoyle Avenue
Bay Minette, AL 36507

RE: Application for New Telecommunications Tower

To Whom It May Concern:

AT&T Mobility currently operates GSM, UMTS and LTE wireless networks utilizing specific FCC licensed blocks within the bands shown below and may deploy any or all of these technologies using its licensed blocks on the cell site.

1. Cellular (824 – 846.5 MHz UL / 869 – 891.5 MHz DL)
2. PCS (1865 – 1870 MHz & 1885 – 1895 UL / 1945 – 1950 & 1965 – 1975 MHz DL)
3. Lower 700 (704 – 716 MHz UL / 734 – 746 MHz DL & 716 – 722 MHz unpaired)
4. WCS (2305 – 2315 UL / 2350 – 2360 DL & 2315 – 2320 & 2345 – 2350 MHz unpaired)
5. AWS-1 (1710 – 1715 UL / 2110-2115 DL)
6. AWS-3 (1765 – 1780 UL / 2165 – 2180 DL)
7. Upper 700 FirstNet (758-763 UL / 788-793 DL)
8. Millimeter UU (38650 – 38700 UL / 39350 – 39400 DL & 38750 – 38850 UL / 39450 – 39550 DL & 38700 – 38750, 39400 – 39450 unpaired)

The transmitters for the proposed cell site will not cause interference with the existing telecommunications devices including radio, television and public safety communications devices or other services enjoyed by adjacent properties. Furthermore, if new or more restrictive standards are adopted, then AT&T Mobility's antennas shall comply. AT&T Mobility will assure no interference will be caused as outlined by the following FCC regulations:

1. Pursuant to 47 C.F.R. § 22.377, § 24.51, and § 27.51, only radio transmitters that have been authorized by the Commission under its certification procedure for use under Part 22, Part 24, and Part 27 will be used at the proposed cell site.
2. AT&T Mobility will insure that construction or modification of our proposed tower will not cause any disturbance to any AM station as specified in 47 C.F.R. § 22.371 and § 27.63.

3. AT&T Mobility coordinates frequency usage with all cellular carriers operating on the same frequency block within 121 kilometers (75 miles) of any transmitter location pursuant to 47 C.F.R. § 22.907.
4. AT&T Mobility coordinates frequency usage with all incumbent fixed microwave licensees operating in the 1850-1990 MHz band pursuant to 47 C.F.R. § 24.237.
5. AT&T Mobility will comply with 47 C.F.R. § 24.238 and § 24.133 regarding out of band emission limitations for Broadband PCS equipment, with 47 C.F.R. § 22.917 for cellular equipment, with 47 C.F.R. § 27.53 (g) for Lower 700 MHz equipment, with 47 C.F.R. § 27.53 (a) for WCS Equipment, and with 47 C.F.R. § 27.53 (h) for AWS equipment, § 27.53 (e)(1) for Upper 700 (FirstNet), and 30.203 for Millimeter UU.
6. AT&T Mobility will work to resolve any reported interference by technical means or operating arrangements as specified in the Commission's rules including 47 C.F.R. § 22.352 and § 27.64.

Should you require any additional information, or if you should have any questions, please feel free to contact me at ss0370@att.com or 205-837-5520.

Sincerely,

A handwritten signature in black ink that reads "Sam Sharman". The signature is written in a cursive, flowing style.

Sam Sharman
Professional RAN Engineer
AT&T Mobility, LLC

City of Bay Minette

Mayor
Robert A. Wills

City Clerk
Rita Findley



District 1
Danleigh Corbett

District 2
Kathy Dobbins

District 3
John W. Biggs

District 4
Dollie Mims

District 5
Chris Norman

"A Family Place"

September 5, 2014

Ms. Natalie R. Bolling
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
420 North 20th Street, Ste. 1400
Wells Fargo Tower
Birmingham, AL 35203

RE: AT&T Proposed Telecommunication Facility/Bay Minette North/2900059-001129

Dear Ms. Bolling,

At the August 21, 2014 City of Bay Minette Board of Zoning Adjustments Meeting, your request to locate a telecommunication tower at 111 South Hoyle Avenue, Bay Minette, Alabama was approved providing the following conditions:

- The Owner of said tower includes a hold harmless agreement
- The Owner of said tower accepts liability for any damage due to tower falling regardless of situation
- The Tower must be built to specification that if a collapse happened it would collapse inside of itself.

If you need and additional information, please contact myself at (251) 580-1637 or Mr. Oscar Waters, Building Official at (251) 580-1610.

Sincerely,

Rita Findley
City Clerk

*Prev. tower approved here
Not Constructed
Option expired!*



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2019-ASO-961-OE

Issued Date: 02/28/2019

Robert P Walters (LA)
 AT&T
 208 S Akard
 Room 1016
 Dallas, TX 75202

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Antenna Tower BAY MINNETTE NORTH -10548175
 Location: BAY MINNETTE, AL
 Latitude: 30-52-52.08N NAD 83
 Longitude: 87-46-06.89W
 Heights: 260 feet site elevation (SE)
 190 feet above ground level (AGL)
 450 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 08/28/2020 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (817) 222-5922, or debbie.cardenas@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-ASO-961-OE.

Signature Control No: 394802142-398273462

(DNE)

Debbie Cardenas
Technician

Attachment(s)
Frequency Data

cc: FCC