

CITY OF BAY MINETTE
PLANNING COMMISSION

AGENDA

May 13, 2021

Regular Meeting

8:00 a.m.

City Hall Council Chambers
301 D'Olive Street, Bay Minette

- 1.) Call to Order
- 2.) Invocation and Pledge
- 3.) Approval of Minutes for the April 13, 2021 Regular Meeting
- 4.) Old Business
 - a.) SE-2101, GET MAD, LLC Status
 - b.) SE-2102, Dennis Byrd Property Status
- 5.) New Business
 - a.) ES-2102 Brown Family Subdivision
Disclosure of Prior Communications and/or Conflict of Interest
Request: Family Exemption for a 3-lot subdivision
Location: The subject property is located at 11075 County Road 138

 - b.) SP-2103 – Wendelta Property Holdings, LLC
Disclosure of Prior Communications and/or Conflict of Interest
Request: Site Plan Approval for a Wendy's drive-thru restaurant
Location: The subject property is located at 806 McMeans Avenue

 - c.) RA-2101 – Zoning Amendment Public Hearing
Disclosure of Prior Communications and/or Conflict of Interest
Request: Amend Sections 14.4 and 16.5.1(c) of the Zoning Ordinances
- 6.) Reports
 - a.) Mayor/Council
 - b.) Attorney
 - c.) Commissioner's Comments
 - d.) Planning Staff
- 7.) Adjournment

Bay Minette Planning Commission Regular Meeting Minutes

Minutes April 13, 2021

Monthly Meeting No. 4

The Bay Minette Planning Commission met in Regular Session on Tuesday, April 13, 2021, rescheduled from Thursday April 8, 2021. The meeting was called to order at 8:01 a.m., by Chairman Stewart, in the Council Chambers 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 8:01 a.m. the following members were present:

Todd Stewart, Chairman
Robert A. "Bob" Wills, Mayor
Scotty Langham, Commission Member
Earl Emmons, Commission Member
William Taylor, Commission Member
Neal Covington, Commission Member
Ray Clark, Commission Member

Commission Members absent:

Commission Members late:

Patrick Robinson, Building Official
Wynter Crook, Commission Member

Other persons in regular attendance:

Scotty Lewis, Attorney
Clair Dorough, City Planner
Jessica Peed, Planning Assistant
Tammy Smith, City Administrator
Leslie Johnston, SARPC
Jeremy Sasser, NBU
Jason Padgett, NBU CEO General Manager
Al Tolbert, Police Chief
Steven Stewart, Fire Inspector

GUESTS

William Karcz
Darlene Karcz
Art Dyas
Dennis Byrd

Phillip Brown
Chuck Kirk
Travis McCryndle
Ryley Corliss
Jimmy Lyon

INVOCATION Scotty Lewis gave the invocation, followed by the pledge.

Chairman Stewart introduced and welcomed the newly appointed Planning Commission member, Ray Clark. Chairman Stewart stated Mr. Clark has served on various boards and has a lot of knowledge that will be beneficial to Bay Minette's Planning Commission.

ITEM 3. Approval of Minutes of the March 11, 2021 meeting. Commission Member "Mayor" Wills made a motion to approve the March minutes as written. The motion was seconded by Commission Member Emmons and was unanimously carried.

ITEM 4. Old Business

Chairman Stewart stated Tiny Homes were talked about at the previous meeting with intention to discuss at this current meeting, but with the packed agenda it was decided to postpone the topic of Tiny Homes.

ITEM 5. New Business:

a.) SD-2001 – JRC Properties, Red Hill Creek Estates Subdivision Final Plat

Request: Final Plat – Major Subdivision approval for an 11-lot subdivision

Location: The subject property is located at the end of Red Hill Road Ext, approximately 0.3 miles from Red Hill Road

Chairman Stewart introduced the approval request for Final Plat for the major subdivision located at the end of Red Hill Road Ext. Mrs. Dorough stated since the last meeting was held, the waterline had been installed and infrastructure was complete. Mr. Padgett stated NBU is satisfied with the work.

Commission Member Robinson joined the meeting at 8:05 am.

Chairman Stewart stated the Final Plat is waiting on final approval pending the signature line item authorizing the Chairman to sign the plat. Commission Member Covington made a motion to approve the Final Plat and authorize the Chairman to sign. Commission Member Langham seconded, and it was unanimously carried.

b.) ES-2101 – Karcz Family Exempt Subdivision

Request: Family Subdivision Exemption for a two-lot subdivision

Location: The subject property is located at the southeast intersection of State Hwy 225 and Green Jordan Road

Chairman Stewart introduced the subdivision request. Mrs. Dorough summarized the request and Staff Report. Mr. Karcz introduced himself and stated his request it to split the property and deed a portion to his daughter to build a residential home. Chairman Stewart asked if there were any questions or comments, to which Mr. Clark inquired about the easement within a family division. There was a brief discussion regarding the necessity of deeds, easements, and applicable affidavits within a family division to which all regulations and needed documents were met for this case.

Wynter Crook joined the Planning Commission meeting at 8:14 am.

Chairman Stewart asked if there were any questions or comments, to which there were none. Mayor Wills made a motion to approve the Exempt Subdivision. Councilman Taylor seconded and it was unanimously carried.

c.) SP- 2102 – 225 Automotive Site Plan Approval

Request: Site Plan Approval for an Automotive Mechanic Shop

Location: The subject property is located at 712 US Hwy 31 South

Chairman Stewart introduces the Site Plan approval request for an automotive mechanic shop. Mrs. Dorough states the applicant, Travis McCryndle, is in attendance. Chairman Stewart states the reason for site plan approval is due to the building being idle for an extended amount of time. Mrs. Dorough states the original issue was brought forth due to a code enforcement case, mostly due to parking and environmental issues including oil runoff. Mrs. Dorough proceeds to show examples via PowerPoint slideshow which includes vehicles parked in State right-of-way and the exceeding number of allowed vehicles per square footage, per the ordinance regulations. Mrs. Dorough inquired to Mr. Padgett if NBU will have any issues with the oil runoff into the drainage system, to which Mr. Padgett states NBU will not have any requirements. Chairman Stewart states ADEM could potentially get involved due to oil runoff, as it is not the Planning Commissions position to govern that type of issue. There is a discussion on minimum parking regulations, to which Mrs. Dorough states there are 8 parking spots available based on calculations. Councilman Taylor inquired on clarification of the number of spots available in the front parking lot, to which Mrs. Dorough states any vehicles exceeding the number (8) eight that are parked in the front parking lot will need to be moved to the back, fenced in area. There

is a quick discussion on the green belt area at the site, and the building standards when the building was erected. Chairman Stewart states Mr. McCryndle is not the owner of the property so any site changes will need to have the owners' approval. Mrs. Dorough states Mr. McCryndle lost his non-conforming status due to not obtaining his city business license when he first opened. Mayor Wills states his site plan qualifies for approval pending the vehicle parking and environmental issue be corrected, and he simply lost his non-conforming status due to not obtaining his business license when he first opened the auto-mechanic shop. Mrs. Smith states there was a misunderstanding but as soon as Mr. McCryndle realized he needed to obtain a city business license, he immediately started the process to obtain the proper licenses and approvals. Mrs. Dorough states Mr. McCryndle is unable to obtain his business license without first obtaining Site Plan approval. With no further discussion, Mayor Wills made a motion to approve the Site Plan for an automotive mechanic shop. Commission Member Langham seconded, and it was unanimously carried.

d.) SE- 2101 – GET MAD, LLC Special Exception

Request: Special Exception for a lodging, boarding or rooming house to allow for a Residential Aftercare Facility

Location: The subject property is located at the southeast intersection of W 1st Street and S Pine Street

Chairman Stewart introduces the Special Exception request for a sober aftercare facility and states the Planning Commission is only making a recommendation to the Board of Adjustment that is scheduled to meet later in the month. Mrs. Dorough reviews the staff report, and states she had difficulties in considering how to review the proposal as it does not properly fit into any one category on the Table of Permitted Uses, but the closest option was the lodging/boarding use. Mrs. Dorough states there will be no medical use, only support groups to transition people post treatment facility. She also states that in her review of the property, the only use that fits within the comprehensive plan is the parking lot, as the comprehensive plan states the zoning should be institutional; therefore, the proposed special exception will not fit at that designation. She states the other concern is the intensity of the use at that location, based on the surrounding uses. Mrs. Dorough comments that the need for this type of facility is admirable and needed, but she is concerned of the intensity of the use and the fact that it does not fit within the comprehensive plan. She then begins a slideshow presentation of the site, and the previous aftercare living facility owned by Mr. Kirk that was stationed in Ohio. Mr. Kirk begins his proposal introduction and states his previous facility had similar uses such as the café. He states the process and timeline for people with addiction to complete treatment, and that the aftercare facility is an option that allows those people, usually without drivers licenses and who often feel a sense of overwhelming to

return back to normal society, to have an opportunity to gradually return. He also states the café will be open from 10am to 10pm, and the residents will be involved in community projects such as litter pickup and to help other families who need it. Chairman Stewart states this is a great business plan and there are other versions of this type of facility that has overnight stay such as Teen Challenge. He addresses the Planning Commission and states the Police Chief submitted a letter of concern. Councilman Taylor states on page 40 of the Planning Commission agenda packet, the staff report recommendation is based on the intensity of the project and comprehensive plan. Commission Member Clark inquires if because he is also on the Board of Adjustment if it would be appropriate for him to vote at the current Planning Commission recommendation, to which Mr. Lewis states it is allowed but is his decision. Mr. Kirk inquires about further explaining the term “use intensity”. Mrs. Dorrough explains the intensity is the actual use and does not pertain to police trouble. She states the density of proposed residents, 30-35 people, is exceeding the boarding/lodging use, but that this proposal is being “pigeon- holed” into that category because there is not a use that fits all of the proposing facilities (café, full time overnight stay for a semi-permanent duration for both men and women adults). Chairman Stewart states the intensity of density is a better explanation. Mr. Kirk explains he has had many success stories, including a graduating resident, and the success is amazing to watch. There is a discussion regarding the overnight stays, to which Mr. Kirk explains he cannot lock people in their room, this is essentially like living in a residential home and the residents are free to come and go as they please. He also states that all residents will be respectful of the City. Commission Member Emmons states he would like to recommend a denial to the Board of Adjustment based on Planning Staff recommendation and the letter of concern submitted by Chief Tolbert. Councilman Taylor seconded. Mr. Kirk starts speaking regarding the nature of the facility to which Commission Member Mayor Wills states the density/intensity is not appropriate. Mrs. Dorrough states if this proposal would have been submitted as an apartment, even though it could not because of the cooking facility requirements, it would have had the same intensity capability. The residential portion at this particular location is what is causing concerns and is being considered. Chairman Stewart inquires if there are any other comments or questions to which there are none. He then states there is a motion on the table for a recommendation of denial to the Board of Adjustment by Commission Member Emmons with the factors as stated. Councilman Taylor seconded the motion, and it was unanimously carried with the exception of Mr. Clark abstaining from voting due to also being on the Board of Adjustment. Chairman Stewart addresses Mr. Kirk with a thank you but the Planning Commission has to look at compatibility with the Comprehensive Plan for these requests. He also states there is always the option to withdraw the proposal prior to the Board of Adjustment meeting or to modify the current proposal if denied by the Board of Adjustment.

e.) SE- 2102 – Dennis Byrd Special Exception

Request: Special Exception for a residence in an industrial zone

Location: The subject property is located on N US Hwy 31, approximately 900 feet west of County Road 112

Chairman Stewart introduces the special exception request, and states the applicant, Mr. Byrd is in attendance. Mr. Byrd states his grandmother owns the property, and it is adjacent to her property. Mrs. Dorough gave a brief overview of the request. She states the property is designated as Industrial on the Future Land Use map, but it is the intent of the Planning Commission to allow residential homes in industrial zoning, when appropriate. She also states there are minimal impacts to the request with the exception of the applicant needing to confer and receive approval from ALDOT for an access permit before a Land Use or building permit will be issued. Chairman Stewart states the ALDOT process can be lengthy, and the property is residential in nature. There is a discussion on the property being more than 100 feet from potential wetlands, and that the request will also go to the Board of Adjustment for approval or denial. Commission Member Clark inquired about the grandmother owning the property, to which Mrs. Dorough confirmed the applicant turned in the agent authorization form. Mayor Wills made a motion to recommend approval to the Board of Adjustment to be used as a residential dwelling in an Industrial Zoning. Commission Member Covington seconded, and it was unanimously carried, with the exception of Commission Member Clark abstaining due to also being on the Board of Adjustment.

ITEM 6.

Reports:

a.) Mayor/Council Report - NONE

b.) Attorney - NONE

c.) Commissioner

- Mrs. Johnston states SARPC is gradually moving back into their offices.

d.) Planning Staff

- Mrs. Dorough stated she has been receiving numerous calls about the construction happening near Baldwin EMC. She explained it is a disaster recovery staging site for when emergencies occur such as a hurricane, so that other power companies will have a place to sleep and shower. She asked that if members of the Planning Commission receive questions, that they explain to the inquirer the intention of the site.

- Mrs. Dorough stated the next Planning Commission meeting will be a Site Plan review for Wendy's that is proposing moving into the former Ruby Tuesday building.
- Mrs. Dorough stated the billboard regulations will need to be amended with a public hearing as there is a billboard request at the Mega Site, and the current regulations do not allow billboards along the Interstate. She also mentioned that the regulations require that 4 billboards must be removed when another billboard is erected. Chairman Stewart states that the sign ordinance is very strict. Mrs. Dorough also thanks the Commission and applicants for the flexibility for meeting on a Tuesday instead of the regular meetings which are normally held on Thursdays.

Jeremy Sasser with North Baldwin Utilities, states the sidewalk project will be wrapping up within a week or two. Chairman Stewart inquires about the House bill to which Mr. Lewis and Mrs. Dorough state the last time they looked the bill had the same status of waiting on the third reading.

ITEM 8. With no further business Chairman Stewart adjourned the meeting at 9:13 a.m.

DONE THIS THE 13th DAY OF APRIL, 2021

Todd Stewart, Chairman

ATTEST:

Jessica Peed, Planning Assistant



City of Bay Minette

Planning & Development Services

Planning Commission Staff Analysis

Case No. ES-2102
 Lisa Hastings & Janet Byrne
 Brown Family Exempt Subdivision Request
 May 13, 2021

Subject Property Information

Physical Location: 11075 County Road 138	Applicant: Quinn Middleton
Parcel Number: 05-22-08-26-0-000-020.000	30673 Sgt. E.I. Boots Drive
Current Zoning: Unzoned, ETJ	Spanish Fort, AL 36527
Current Land Use: Residential / Agricultural	Owner: Dale E. & Louise E. Brown
Proposed Land Use: Residential / Agricultural	11075 Co. Rd. 138
Acreage: 24.08± acres	Bay Minette, AL 36507

	Adjacent Land Use	Adjacent Zoning
North	Undeveloped / Timberland / Residential	County Zoned District 4
South	Residential	County Zoned District 4
East	Residential	County Zoned District 4
West	Undeveloped / Timberland	County Zoned District 4

Summary

The subject property, which consists of approximately 24.08± acres, is outside of municipal limits and within the City's subdivision ETJ. The property is also located in the County's Zoned Planning District 4 and zoned RR, Rural District. The request is to subdivide the property (PIN 4918) into three parcels, for the purpose of a family division. The parents have recently passed and left the property to their daughters, Lisa Hastings and Janet Rolin. The division is to facilitate the property allocation to the daughters. There will be a 8.79± acre parcel (Lot 1), a 14± acre parcel (Lot 2) and a 1.29± acre parcel (Lot 3). Lot 1 will be accessed via an existing 30' ingress/egress and utility easement. All lots appear to meet the County's area and dimensional requirements for a family division in the RR zoning district.

The request meets the requirements for item (c) of Section 8.1 relating to Exempt Subdivisions

Exempt Subdivision Review Criteria

The following Exempt 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;*

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:

- Authorize the Chairman to sign the plat
- Authorize the Chairman to sign the plat with conditions
- Deny signatory authorization, 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.

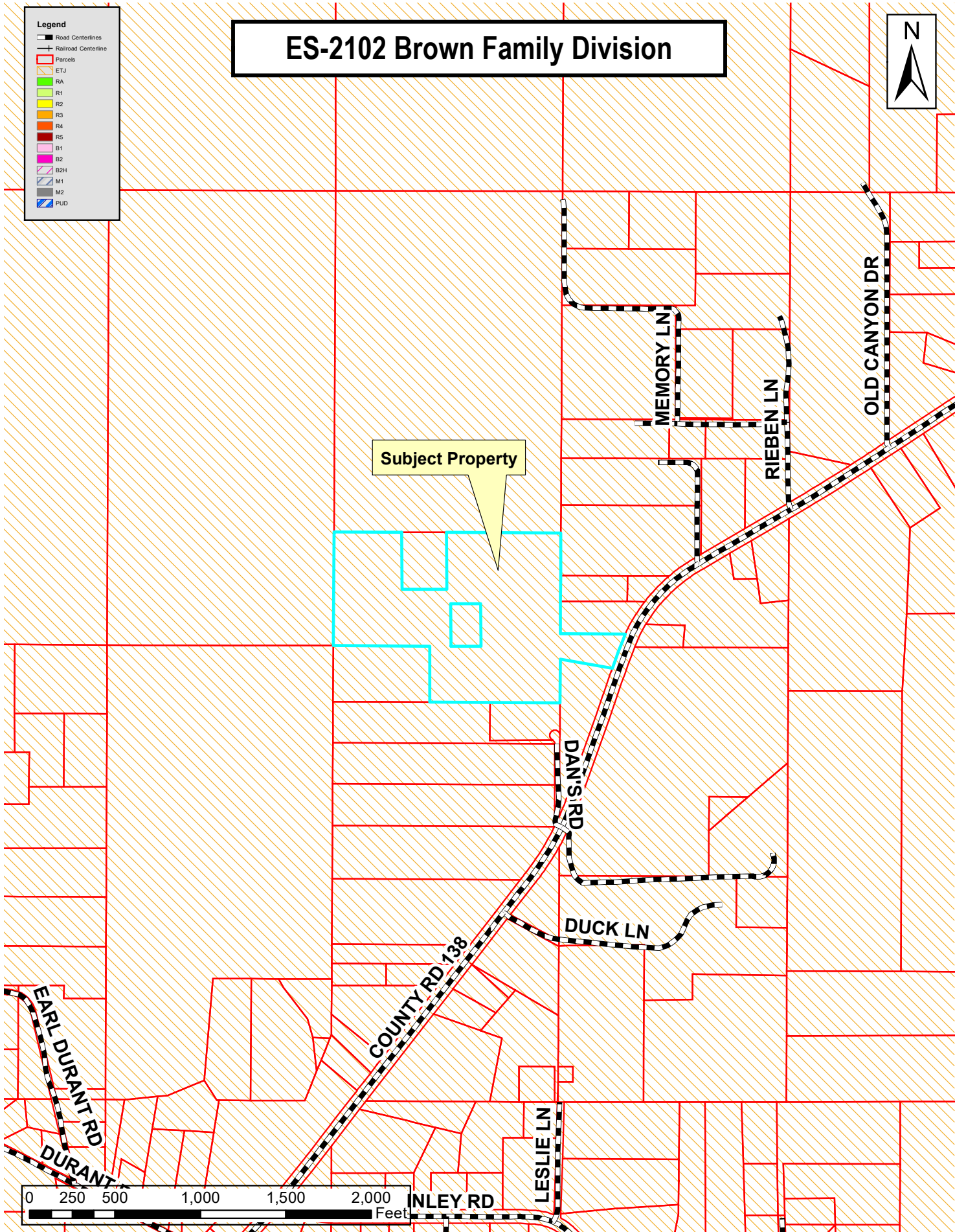
Limitation on resubmittal. Any property included as part of an exempt or administrative subdivision shall not be eligible for consideration for further subdivision as an exempt or administrative subdivision for a period of one (1) year from the date of the last exempt or administrative subdivision.

ES-2102 Brown Family Division

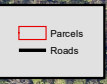


Legend

- Road Centerlines
- Railroad Centerline
- Parcels
- ETJ
- RA
- R1
- R2
- R3
- R4
- R5
- B1
- B2
- B2H
- M1
- M2
- PUD



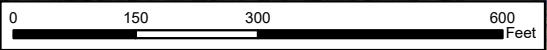
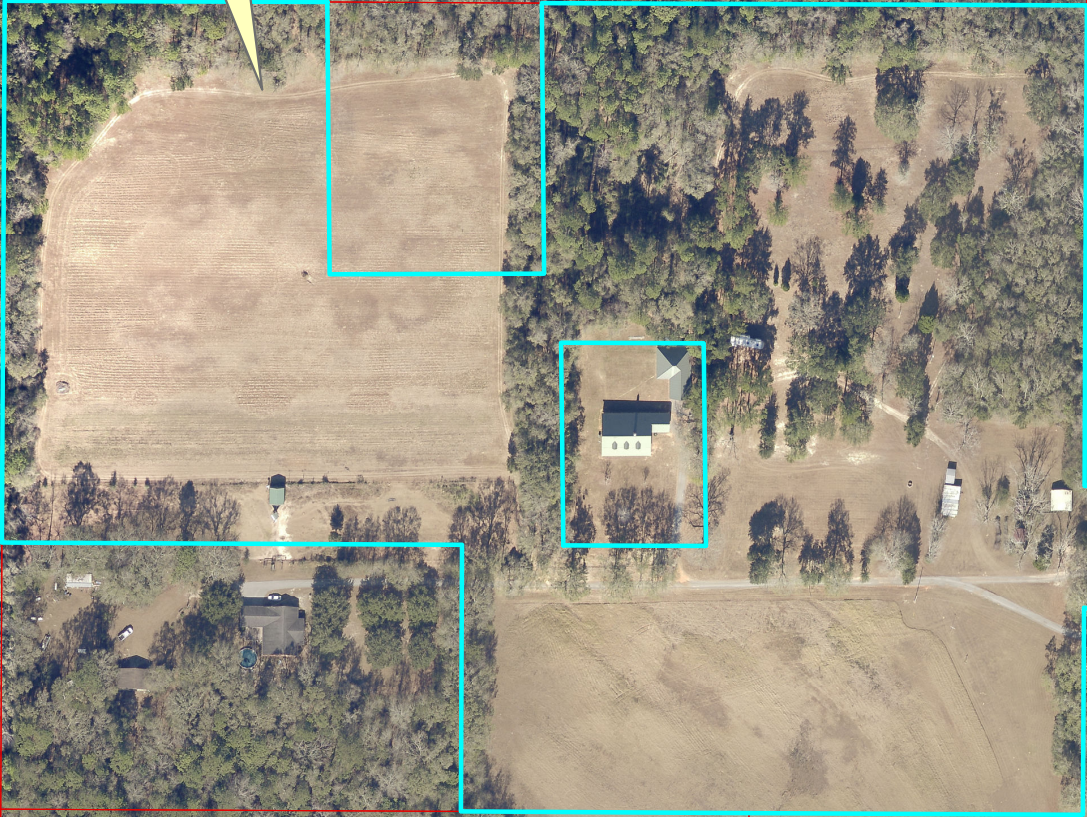
Subject Property



ES-2102 Brown Family Division



Subject Property



ES-2102 Brown Family Division



Subject Property

MEMORY LN

J AND K TRUCKING RD

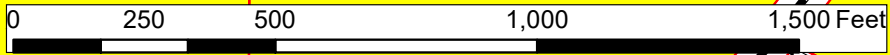
COUNTY RD 138

DAN'S RD

ALBE

Future Land Use Map

- Road Centerlines
- 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



BROWN FAMILY DIVISION

CERTIFICATE OF OWNERSHIP AND DEDICATION

STATE OF ALABAMA
COUNTY OF BALDWIN

THIS IS TO CERTIFY THAT WE, LISA B. HASTINGS AND JANET B. BYRNE, ARE THE OWNERS OF THE LAND SHOWN AND DESCRIBED IN THE PLAT, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREIN, FOR THE USES AND PURPOSE HEREIN SET FORTH AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DESIGN AND TITLE HEREON INDICATED.

DATED THIS THE ____ DAY OF _____, 2021

LISA B. HASTINGS JANET B. BYRNE

CERTIFICATION BY NOTARY PUBLIC

STATE OF ALABAMA
COUNTY OF BALDWIN

I, _____, A NOTARY PUBLIC IN AND FOR THE COUNTY OF BALDWIN IN THE STATE OF ALABAMA DO CERTIFY THAT LISA B. HASTINGS, WHOSE NAME IS SUBSCRIBED TO THE CERTIFICATE OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED, SEALED AND DELIVERED SAID INSTRUMENT AT THIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSE HEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS THE ____ DAY OF _____, 2021

NOTARY PUBLIC

CERTIFICATION BY NOTARY PUBLIC

STATE OF ALABAMA
COUNTY OF BALDWIN

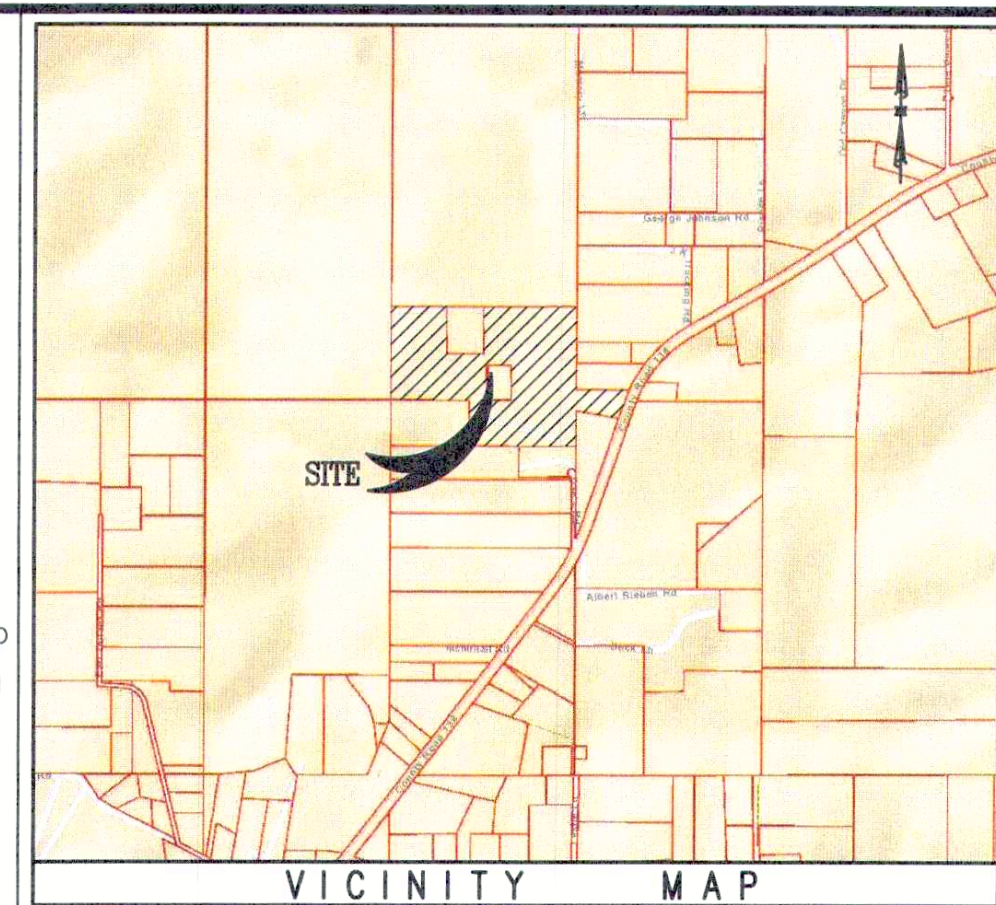
I, _____, A NOTARY PUBLIC IN AND FOR THE COUNTY OF BALDWIN IN THE STATE OF ALABAMA DO CERTIFY THAT JANET B. BYRNE, WHOSE NAME IS SUBSCRIBED TO THE CERTIFICATE OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED, SEALED AND DELIVERED SAID INSTRUMENT AT THIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSE HEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS THE ____ DAY OF _____, 2021

NOTARY PUBLIC

POINT OF BEGINNING OVERALL PROPERTY

POINT OF COMMENCEMENT



SITE DATA

NUMBER OF LOTS = 3
SMALLEST LOT SIZE = 1.28± ACRES
TOTAL ACREAGE OF SITE = 24.08± ACRES

OWNERS

LISA B. HASTINGS
11065 COUNTY ROAD 138
BAY MINETTE, AL 36507

JANET B. BYRNE
11075-B COUNTY ROAD 138
BAY MINETTE, AL 36507

SURVEYOR

ERIC E. GODWIN, P.L.S.
ALABAMA LICENSE NUMBER 26621

ZONING

RURAL DISTRICT (RR)

BALDWIN COUNTY ZONING MAP 4 SOUTH

SETBACKS

REAR - 30 FEET
FRONT - 30 FEET
SIDES - 10 FEET
(UNLESS OTHERWISE SHOWN HEREON)

LEGEND

- C.R.F. CAPPED REBAR FOUND
- C.T.I.F. CRIMPED TOP IRON FOUND
- R.B.F. REBAR FOUND
- C.R.S. 1/2" CAPPED REBAR SET
- C.M.F. CONCRETE MONUMENT FOUND
- POWER POLE
- OHPL. OVERHEAD POWER LINE

CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER

THE WITHIN EXEMPT SUBDIVISION OF BROWN FAMILY DIVISION, BALDWIN COUNTY, ALABAMA, IS HEREBY APPROVED BY THE BALDWIN COUNTY ENGINEER.

THIS THE ____ DAY OF _____, 2021

COUNTY ENGINEER

CERTIFICATE OF APPROVAL OF THE CITY OF BAY MINETTE PLANNING DIRECTOR

THE WITHIN EXEMPT SUBDIVISION OF BROWN FAMILY DIVISION, BALDWIN COUNTY, ALABAMA, IS HEREBY APPROVED BY BAY MINETTE CITY PLANNING COMMISSION.

THIS THE ____ DAY OF _____, 2021

PLANNING DIRECTOR

OVERALL DESCRIPTION OF PROPERTY:

COMMENCING AT A CONCRETE MONUMENT FOUND FOR THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN N00°47'09"W, 92.68 FEET TO A CAPPED REBAR SET FOR THE POINT OF BEGINNING; THENCE RUN S88°48'09"E, 382.24 FEET TO A CAPPED REBAR SET ON THE WEST RIGHT OF WAY OF COUNTY ROAD 138; THENCE RUN ALONG SAID WEST RIGHT OF WAY AND A CURVE TO THE LEFT HAVING A RADIUS OF 1,013.69 FEET, A CHORD WHICH BEARS S21°19'46"W 72.43 FEET, FOR 72.45 FEET TO A CAPPED REBAR SET; THENCE CONTINUE ALONG SAID WEST RIGHT OF WAY S19°11'10"W, 174.42 FEET TO AN AXLE FOUND; THENCE RUN N82°45'08"W, LEAVING SAID WEST RIGHT OF WAY, 300.40 FEET TO A CAPPED REBAR FOUND; THENCE RUN S00°28'26"W, 219.95 FEET TO A CAPPED REBAR SET; THENCE RUN S89°55'31"W, 763.30 FEET TO A CAPPED REBAR FOUND; THENCE RUN N00°27'38"E, 328.37 FEET TO A CAPPED REBAR SET; THENCE RUN S89°51'26"W, 562.20 FEET TO A CAPPED REBAR SET; THENCE RUN N01°00'41"E, 630.81 FEET TO A FENCE POST; THENCE RUN N88°32'10"E, 378.58 FEET TO A CAPPED REBAR FOUND; THENCE RUN S00°30'20"E, 331.09 FEET TO A CAPPED REBAR FOUND; THENCE RUN N88°30'00"E, 263.07 FEET TO A CAPPED REBAR FOUND; THENCE RUN N00°30'00"W, 330.92 FEET TO A CAPPED REBAR FOUND; THENCE RUN N88°32'10"E, 669.00 FEET TO A CAPPED REBAR SET; THENCE RUN S00°47'09"E, 567.97 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

COMMENCING AT A CONCRETE MONUMENT FOUND FOR THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN S89°50'48"W, 463.19 FEET TO A CAPPED REBAR FOUND FOR THE POINT OF BEGINNING; THENCE RUN S89°50'48"W, 174.99 FEET TO A CAPPED REBAR FOUND; THENCE RUN N00°09'34"W, 248.83 FEET TO A CAPPED REBAR FOUND; THENCE RUN N89°46'38"E, 174.98 FEET TO A REBAR FOUND; THENCE RUN S00°09'39"E, 249.04 FEET TO THE POINT OF BEGINNING.

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 LAND SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

ERIC E. GODWIN, PLS
ALABAMA LICENSE NUMBER 26621

DATE

- ### SURVEYOR'S NOTES:
- INFORMATION USED TO PERFORM AND PRODUCE THIS SURVEY ARE PREVIOUS SURVEYS, BY THIS FIRM OR OTHERS, DEEDS OF RECORDS AND/OR OTHER INFORMATION AS PROVIDED BY THE CLIENT. NO TITLE SEARCH, OPINION OR ABSTRACT WAS PERFORMED BY THIS FIRM OR BY OTHERS UNDER THE DIRECTION OF THIS FIRM. IN ADDITION, THERE MAY BE OTHER INSTRUMENTS OF RECORD WITHIN THE OFFICE OF THE JUDGE OF PROBATE, AS WELL AS OTHER UNRECORDED INSTRUMENTS COULD ENCLUMBER AND/OR AFFECT THE BOUNDARIES OF THIS PROPERTY THAT WERE NOT FURNISHED AT THE TIME OF SURVEY.
 - DATE OF FIELD WORK: JANUARY, 2021
 - DATE OF THIS DRAWING: APRIL 6, 2021
 - DATE OF SURVEY: JANUARY, 2021
 - DATE OF THIS DRAWING: APRIL 6, 2021
 - DATE OF SURVEY: JANUARY, 2021

CERTIFICATE OF APPROVAL BY THE BALDWIN COUNTY PLANNING DIRECTOR

THE UNDERSIGNED, AS DIRECTOR OF THE BALDWIN COUNTY PLANNING AND ZONING DEPARTMENT, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

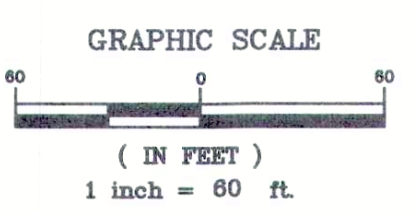
THIS THE ____ DAY OF _____, 2021

PLANNING DIRECTOR

NUMBER	REVISION	DATE



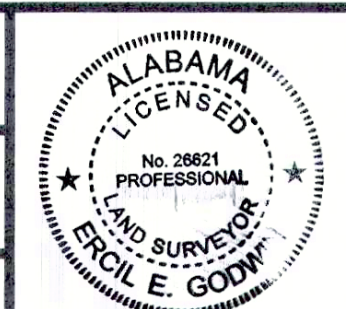
30873 Sgt. E. I. "Boots" Thomas Drive, Spanish Fort, AL 36527
202 Government Street, Suite 225, Mobile, AL 36602



PRELIMINARY/FINAL PLAT

BROWN FAMILY DIVISION

LISA HASTINGS AND JANET BYRNE



SCALE: 1"=60'

DATE: APRIL 6, 2021

DRAWN BY: QM

CHECKED BY:

SHEET: 1 OF 1



City of Bay Minette

Exempt Subdivision Application

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

OFFICE USE ONLY
ES- <u>2102</u>
Fee- \$200 + \$10/per Lot
Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Credit Card <input type="checkbox"/> Check - No.: _____

Owner Name: Lisa Hastings and Janet Byrne
 Phone Number: 251-490-4237 Email: lisa.hastings@bryantbank.com
 Address: 11065 County Rd. 138 Bay Minette AL 36507
Street / PO Box City State Zip

Name of Applicant / Agent / Professional Land Surveyor, if other than owner:
Quinn Middleton
 Phone Number: 251-377-5017 Email: qmiddleton@sawgrassllc.com

Name of Subdivision: Brown Family Division
 Subdivision Location: 11075 County Rd. 138 Bay Minette, AL 36507

Parcel/PPIN #: 05-22-08-26-0-000-020.000
 Total Acreage: 24.08 Acres # of Parcels Existing: 1
 Lot Sizes: 1.29, 15, and 7.79 Acres # of Lots Proposed: 3

Reason for request: The two sister's, Lisa Hastings and Janet Rolin, parents, Dale and Louise Brown, have recently passed away and have left the property to them. They are requesting this division to allocate the property to each of them, including but not limited to tax purposes.

Signature: *Lisa B. Hastings* Date: 2-25-2021
Janet B. Byrne 02/25/21

Fees		<small>Version 1.2 7/22/2020</small>
Application Fee: \$200.00		
No. of Parcels: <u>3</u>	X \$10 = \$ <u>30</u>	Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Credit Card
Total \$ <u>230</u>		<input checked="" type="checkbox"/> Check # <u>9317</u>

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

CERTIFICATION FOR FAMILY ADMINISTRATIVE SUBDIVISION

I, Lisa B. Hastings, 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:

Lisa B. Hastings
Signature

2-25-2021
Date

Lisa B Hastings
Print Name

WITNESS:

Amy Heiter
Signature

2-25-21
Date

Amy Heiter
Print Name

Carolyn F. Farmer
Signature

2-25-21
Date

Carolyn F. Farmer
Print Name

CERTIFICATION FOR FAMILY ADMINISTRATIVE SUBDIVISION

I, Janet B. Byrne, 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:

Janet B. Byrne
Signature

02/25/21
Date

Janet B. Byrne
Print Name

WITNESS:

Carla Thurman
Signature

2/25/2021
Date

Carla Thurman
Print Name

Amy Heiter
Signature

2/25/21
Date

Amy Heiter
Print Name



City of Bay Minette Agent Authorization Form

Office Use Only
Case No.: _____

I/We hereby appoint and designate Quinn Middleton ("Agent") to act as my/our-agent in all matters concerning this application/permit which relates to property described as tax parcel PPIN# 05-22-08-26-0-000-020.000. I/We understand that the scope of the agency designation granted herein is general in nature and includes, without limitation, all decision-making authority relating to submittals, status, conditions, or withdrawal of this application/permit. To the fullest extent permitted under Alabama law, I/we release and agree to hold the City of Bay Minette harmless from and against any liability resulting from acts or omissions of our Agent. I/We warrant and certify to the City of Bay Minette that I/we are the owner(s) of the real property identified herein, and that I/we have fully authority to make the agency designation herein. I/We further certify that the information stated on and submitted with this application/permit is true and correct. I also understand that the submittal of incorrect information will result in the revocation of this application/permit and any work performed will be at the risk of the applicant. I understand further that any changes which vary from the approved plans will result in the requirement of a new application/permit.

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

PROPERTY OWNER(S)

Lisa Hastings and Janet Byrne

Name(s) - Printed

11065 County Road 138

Mailing Address

Bay Minette, AL

City/State

251-490-4237

lisa.hastings@bryantbank.com

Phone

Email

Lisa B. Hastings

2-25-2021

Signature(s)

Date

AUTHORIZED AGENT

Quinn Middleton

Name(s) - Printed

30673 Sgt. E.I. "Boots" Thomas Dr.

Mailing Address

Spanish Fort, AL

City/State

251-377-5017

qmiddleton@sawgrassllc.com

Phone

Email

Quinn Middleton

03/30/2021

Signature(s)

Date



City of Bay Minette Agent Authorization Form

Office Use Only
Case No.: _____

I/We hereby appoint and designate Quinn Middleton ("Agent") to act as my/our-agent in all matters concerning this application/permit which relates to property described as tax parcel PPIN# 05-22-08-28-0-000-020,000. I/We understand that the scope of the agency designation granted herein is general in nature and includes, without limitation, all decision-making authority relating to submittals, status, conditions, or withdrawal of this application/permit. To the fullest extent permitted under Alabama law, I/we release and agree to hold the City of Bay Minette harmless from and against any liability resulting from acts or omissions of our Agent. I/We warrant and certify to the City of Bay Minette that I/we are the owner(s) of the real property identified herein, and that I/we have fully authority to make the agency designation herein. I/We further certify that the information stated on and submitted with this application/permit is true and correct. I also understand that the submittal of incorrect information will result in the revocation of this application/permit and any work performed will be at the risk of the applicant. I understand further that any changes which vary from the approved plans will result in the requirement of a new application/permit.

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

PROPERTY OWNER(S)

Lisa Hastings and Janet Byrne

Name(s) - Printed

11065 County Road 138

Mailing Address

Bay Minette, AL

City/State

251-463-2831

lisa.hastings@bryantbank.com

Phone

Email

Janet B. Byrne

02/25/21

Signature(s)

Date

AUTHORIZED AGENT

Quinn Middleton

Name(s) - Printed

30673 Sgt. E.I. "Boots" Thomas Dr.

Mailing Address

Spanish Fort, AL

City/State

251-377-5017

qmittleton@sawgrassllc.com

Phone

Email

[Signature]

03/30/2021

Signature(s)

Date



City of Bay Minette

Planning & Development Services

Planning Commission Staff Analysis

Case No. SP-2103
 Wendelta Property Holdings, LLC
 Site Plan Approval Request for Wendy's Restaurant
 May 13, 2021

Subject Property Information

Physical Location:	806 McMeans Avenue	Applicant:	Wendelta Property Holdings, LLC
Parcel Number:	05-23-03-08-4-000-005.006		1 Dr. M.L. King, Jr. Avenue
Current Zoning:	B-2, General Commercial District		Memphis, TN 38103
Current Land Use:	Vacant Restaurant	Owner:	Ruby Tuesday Inc.
Proposed Land Use:	Quick Service Restaurant		333 East Broadway
Acreage:	0.89± acres		Maryville, TN 37804

	Adjacent Land Use	Adjacent Zoning
North	Bay Minette Corners Shopping Center	B-2, General Business District
South	Bay Minette Marketplace Shopping Center	B-2, General Business District
East	Bay Minette Marketplace Shopping Center	B-2, General Business District
West	Walmart	B-2, General Business District

Summary

The subject property, which consists of approximately 0.89± acres, is currently zoned B-2, General Business District. The Site Plan request is to convert the former Ruby Tuesday Restaurant into a Wendy's Restaurant. The lot is a separate parcel from the Bay Minette Marketplace Shopping Center Drive-in Restaurants are allowed by right in the B-2, General Business District.

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
Drive-In Restaurant							P	R		

Current Zoning District

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

Staff Analysis and Findings

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

1.) Is the Location and Site Plan appropriate with regard to transportation, access, water supply, waste disposal, fire and police protection and other public facilities; not causing undue traffic congestion or creating a traffic hazard.

The proposed use should have a nominal impact on public infrastructure as it is in an existing building of a similar use. The Bay Minette Police Department and Bay Minette Fire Department have stated they have no issues. North Baldwin Utilities has requested a utility plan and grease trap information to include the size of the existing tank, anticipated loading and maintenance plan.

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

The proposed use is consistent with its current zoning designation – B-2, which is “intended to provide opportunity for activities causing noise and heavy traffic, not considered compatible in the more restrictive business district” The subject property is designated as Commercial on the Future Land Use Map in the Comprehensive Plan, which is consistent with the current designation and proposed use. The property is surrounded by commercial uses of similar use and intensity, including the Bay Minette Marketplace Shopping Center with Greer’s, Dollar General, two restaurants, Hibbet’s and Cato’s directly to the East. Additional retailers and a Burger King restaurant are also in the shopping center to the South. North of the proposed location is the Bay Minette Corners shopping center, which includes the Northcutt Dental office, a Verizon retailer and other commercial offices. West of the location, across McMeans is the Walmart Supercenter.

3.) Other matters which may be appropriate in relation to *Section 8.9 Site Plan*

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

- Site: 38,626±sq ft // .89 acres
- Existing Building Area: 3,499.20 ±sq ft // 9.05% lot coverage
- Proposed Building Area (under roof): 3,515 ±sq ft // 9.10% lot coverage
- Proposed Impervious Pavement & Sidewalk Area: 28,561±sq ft // 73.94% lot coverage
- Proposed Grassed/Landscaped Area: 6,550±sq ft // 16.96% lot coverage

b) *The location, size and character of any common open space, commonly owned facilities and form of organization which will own and maintain any common open space and such facilities.*

N/A – located in an existing shopping center with existing covenants/common open space

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

Elevation attached. Existing structure is a one-story building with 3,499.20 ±sq ft and 18.3 feet max height. The submitted elevations appear to show more aesthetic rather than structural changes. It is well below the maximum allowed of four stories or 50 feet in height.

d) *The substance of covenants, grants of easements or other restrictions which will be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities or other purposes.*

N/A – located in an existing shopping center with existing covenants/restrictions/easements

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

Approximately 6,550±sq ft (16.96%) of the site is proposed for grassed/landscaped area, the majority of which is established plantings. A minimum of 15% of the total lot area is required. At this time, the applicant has stated no landscaping will be removed without replacement according to the Landscape Standards.

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

N/A

g) *Where required by the Alabama Department of Transportation ("ALDOT"), the Building Official shall be proved proof that the applicant has submitted a driveway permit application to ALDOT. In the event that any type of traffic study is required by the ALDOT, copies thereof shall be provided to the Building Official.*

There is existing ingress/egress on McMeans Avenue/SR 59 that allows full egress to and from the site.

h) *Front and side architectural elevations.*

Attached in packet

i) *The location and size of all signs to be located on the site. In the event that a sign is pre-existing and fails to conform to the requirements as set forth in this ordinance, site plan approval will be granted only under the condition that all signs will comply with the regulations as set forth in the sign ordinance.*

No official signage has been proposed, although the preliminary elevations show minimal building signage. All signage will require a City of Bay Minette Sign Permit prior to installation and will comply with current sign regulations.

j) *Landscape plans.*

See item (e) above.

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

Parking is required at 1 and ¼ spaces for every four seats. There are a total of 40 seats proposed for a required amount of 13 spaces. The applicant has exceeded that amount with 29 spaces, including 2 handicap accessible spaces.

The primary change to the site is the modification from dine-in restaurant to a drive-thru style restaurant. The applicant is proposing a dual-lane drive thru at the rear of the building that is accessed from the existing ingress/egress along the southern property line. Staff does have some concerns of the possibility that drive-thru traffic stacking may impede the two-way flow of traffic along that pathway which has shopping center customers entering and existing the site at McMeans. The access point at McMeans is approximately 175 feet from the first of the two drive-thru lanes. Vehicle stacking of multiple customers entering the site and waiting parallel to the building and causing traffic to back up into McMeans is a potential concern. The primary concern is the cross-over traffic of vehicles blocking the two-way access lane in order to enter the drive-thru lane. This may be overcome with signage and lane markings or curbs, but would need to be addressed prior to a Land Use or Building permits being issued.

Staff Recommendation: Based on the submitted information and the analysis above, staff recommends that the proposed Site Plan for Popeye's Restaurant be Approved.

Staff Recommendation // Planning Commission Action

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

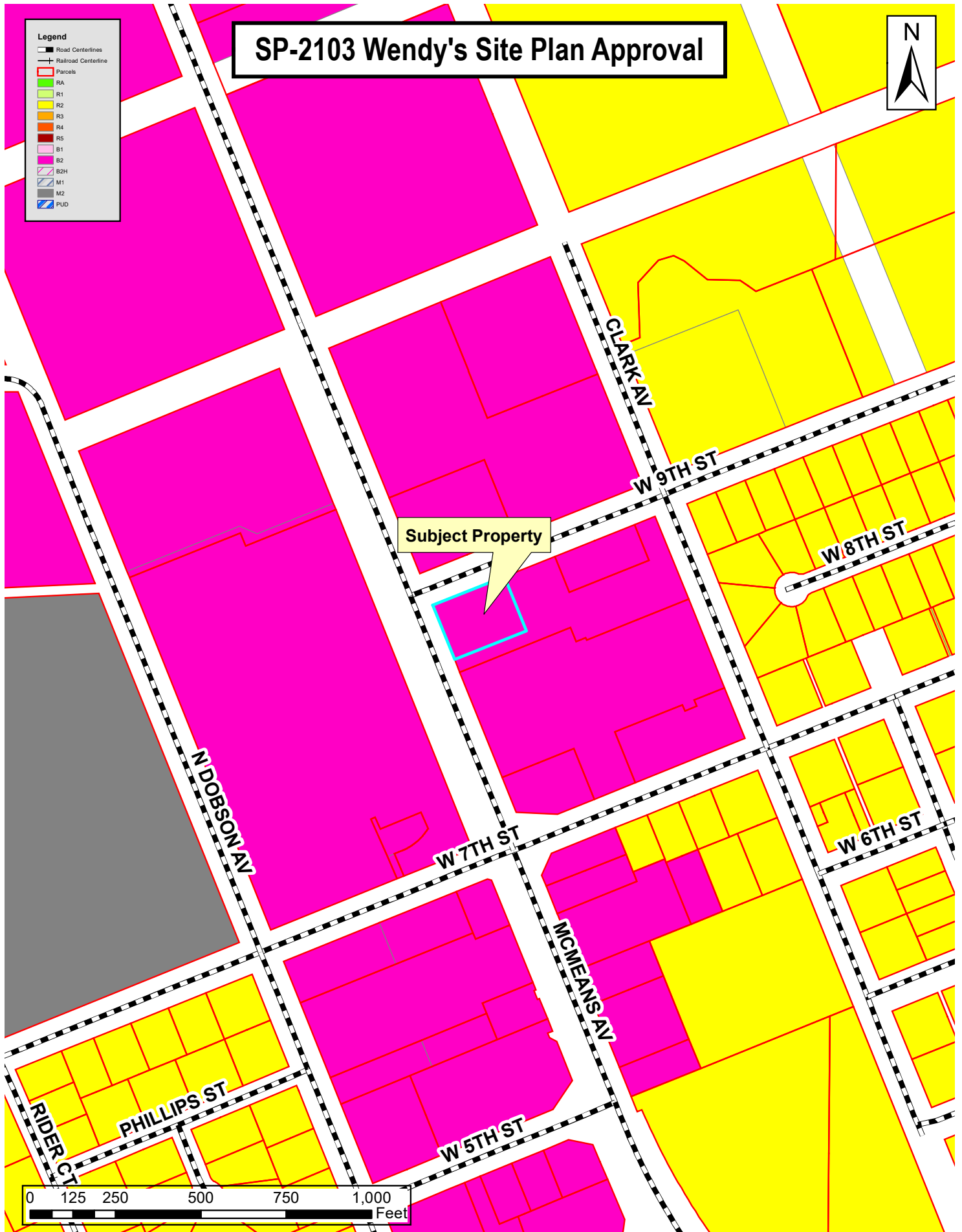
- Approve the Site Plan
- Approve the Site Plan with conditions
- Deny the Site Plan, with stated factors for the denial.

SP-2103 Wendy's Site Plan Approval



Legend

- Road Centerlines
- Railroad Centerline
- Parcels
- RA
- R1
- R2
- R3
- R4
- R5
- B1
- B2
- B2H
- M1
- M2
- PUD

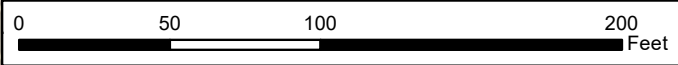


Parcels
Roads

SP-2103 Wendy's Site Plan Approval



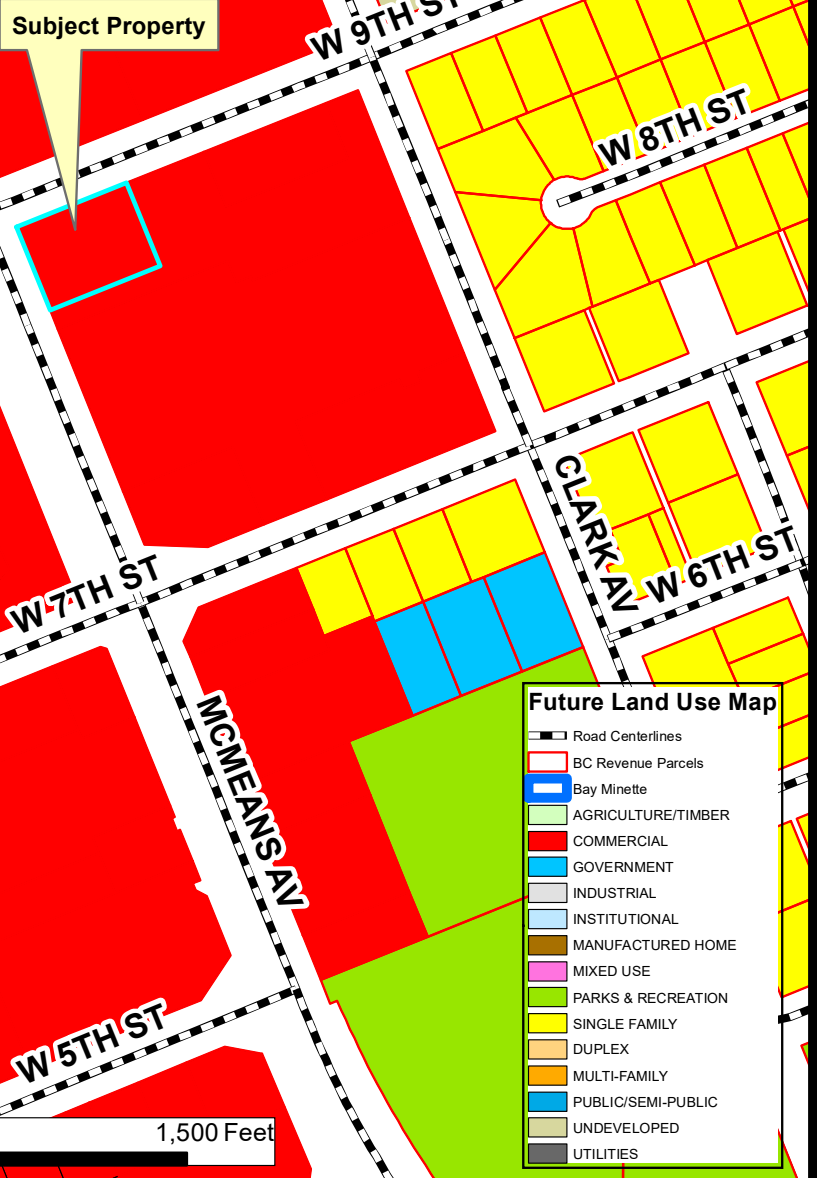
Subject Property



SP-2103 Wendy's Site Plan Approval



Subject Property



Future Land Use Map

- Road Centerlines
- 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





City of Bay Minette

Site Plan Review Application

301 D'Olive Street · Bay Minette, Alabama 36507

Phone (251) 580-1650 · COBM_Planning@ci.bay-minette.al.us

Office Use Only
Case No.: _____
Fee: \$300.00
Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check
<input type="checkbox"/> Credit Card

Are you the property owner? Yes No

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

Applicant Name: _____ Date: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email: _____

Site Information

Property Address: _____

or Property Location: _____

*Parcel No.: _____ *PPIN No.: _____

**Parcel or PPIN information must be completed*

Request: _____

I, the undersigned, do hereby request the City of Bay Minette Planning Commission to grant a Site Plan Review for the location to determine if it meets the regulations of the **Zoning Ordinance** for the reason(s) stated above.

Ivan Blackmon (see authorized agent)

Signature of Applicant (Owner of Property of Authorized Agent)

Date

Submittal Requirements

_____ Application

_____ Fee paid in full

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

_____ Complete Legal Description of Property

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

_____ Submittal Requirements listed in 8.9 Site Plan, as applicable



City of Bay Minette

Site Plan Zoning Ordinance Excerpt

301 D'Olive Street · Bay Minette, Alabama 36507

Phone (251) 580-1650 · COBM_Planning@ci.bay-minette.al.us

Zoning Ordinance Section 8.9

8.9 Site Plan A site plan shall be required for all residential multi-family projects involving the construction of three (3) or more dwelling units; all commercial structures, all industrial structures, and other uses as required by the Planning Commission prior to a building permit being issued. Site plan reviews shall be accomplished by the Planning Commission to assure compliance with the provisions of this Zoning Ordinance to ensure conformity with its purpose as stated in *Article 1*. Eleven (11) sets of site plans shall be submitted no less than ten (10) days prior to the Planning Commission meeting at which they are to be reviewed. The City Planner shall have the discretion to accept electronic submittals in satisfaction of some or all of the submittal requirements.

- 8.9.1 Upon approval of the site plan, either as submitted or with changes and/or special conditions required by the Planning Commission, the Building Official may issue a building permit for a portion or all of the proposed development; provided that the application is in compliance with all applicable City, County, State and Federal requirements.
- 8.9.2 The Planning Commission may waive certain requirements contained in Section 8.9.3 of this Ordinance if it is determined that the requirements are not essential to a proper decision on the project; or, it may supplement the list with other requirements deemed necessary to clarify the nature of the proposed development.
- 8.9.3 Site plans shall include the following information unless some or all of these requirements are waived by the Planning Commission:
 - a. The location and size of the site including its legal description and a current certified survey.
 - b. A vicinity map showing the site relation to surrounding property.
 - c. The recorded ownership or developer's interest if the developer is not the owner.
 - d. The relationship of the site to existing development in the area including streets, utilities, residential, and commercial development, and physical features of the land including significant ecological features. This information may be combined with requirements for the vicinity map specified in this section.
 - e. The density or intensity of land use to be allocated to all parts of the site together with tabulations by acreage and percentages thereof itemized by use and density.
 - f. The location, size and character of any common open space, commonly owned facilities and form of organization which will own and maintain any common open space and such facilities.
 - g. The use and maximum height, bulk and location of all buildings and other structures to be located on the site.
 - h. The substance of covenants, grants of easements or other restrictions which will be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities or other purposes.
 - i. The provisions for disposition of open space, including tree protection, landscaping provisions and buffering requirements.
 - j. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for building permits are intended to be filed.
 - k. Where required by the Alabama Department of Transportation ("ALDOT"), City Planner shall be provided proof that the applicant has submitted a driveway permit application to ALDOT. In the event that any type of traffic study is required by the ALDOT, copies thereof shall be provided to the City Planner.

- l. Front and side architectural elevations.
- m. The location and size of all signs to be located on the site. In the event that a sign is pre-existing and fails to conform to the requirements as set forth in this ordinance, site plan approval will be granted only under the condition that all signs will comply with the regulations as set forth in the sign ordinance.
- n. Landscape plans.
- o. Any additional data, plans or specifications which the applicant or the City believes is pertinent and which will assist in clarifying the application including, but not limited to plans for screening, lighting and space, surface drainage, erosion and sediment control, water and sewer connections, landscaping, and signs.

RubyTuesday

216 East Church Avenue, Maryville, TN 37804 | 865-379-5700

Stephanie B. Medley
Chief Strategy and Financial Officer
216 East Church Avenue
Maryville, TN 37804
smedley@rubytuesday.com
865-380-7638

April 6, 2021

Ms. Clair Dorrough, City Planner
City of Bay Minette
Planning and Development Services Department
301 D'Olive Street
Bay Minette, AL 36507

Re: Letter of Authorization for 806 McMeans Avenue

Ms. Dorrough:

I, Stephanie Burke Medley, am an authorized representative of Ruby Tuesday Operations LLC, a Delaware limited liability company, which is the owner of the property at 806 McMeans Avenue, Bay Minette, AL 36507. Please allow this letter to serve as authorization for Wendelta Property Holdings, LLC to apply for and obtain all required permits and entitlements for the proposed Wendy's project at the property located at 806 McMeans Avenue, Bay Minette, AL 36507.

Ruby Tuesday Operations LLC, reserves the right to withdraw this authorization and the applications submitted by Wendelta Property Holdings, LLC at anytime. Any approvals, entitlements or permits granted shall not become effective until such time as the deed transferring the subject property from Ruby Tuesday Operations LLC to Wendelta Property Holdings, LLC is recorded in the Probate Office of Baldwin County, Alabama.

Sincerely,


Stephanie Medley (Apr 6, 2021 17:20 EDT)

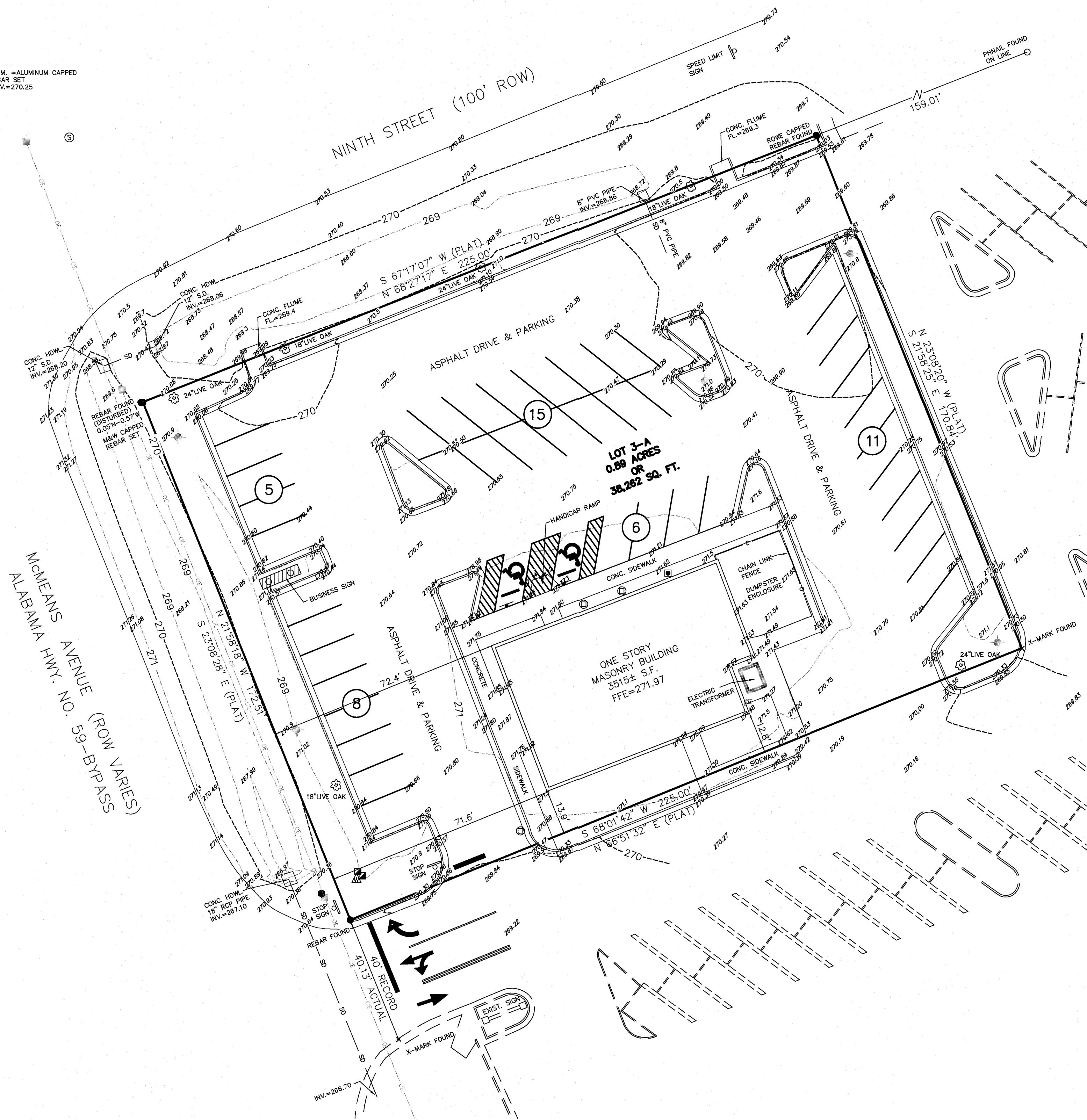
Stephanie Burke Medley

Chief Strategy Officer and Chief Financial Officer

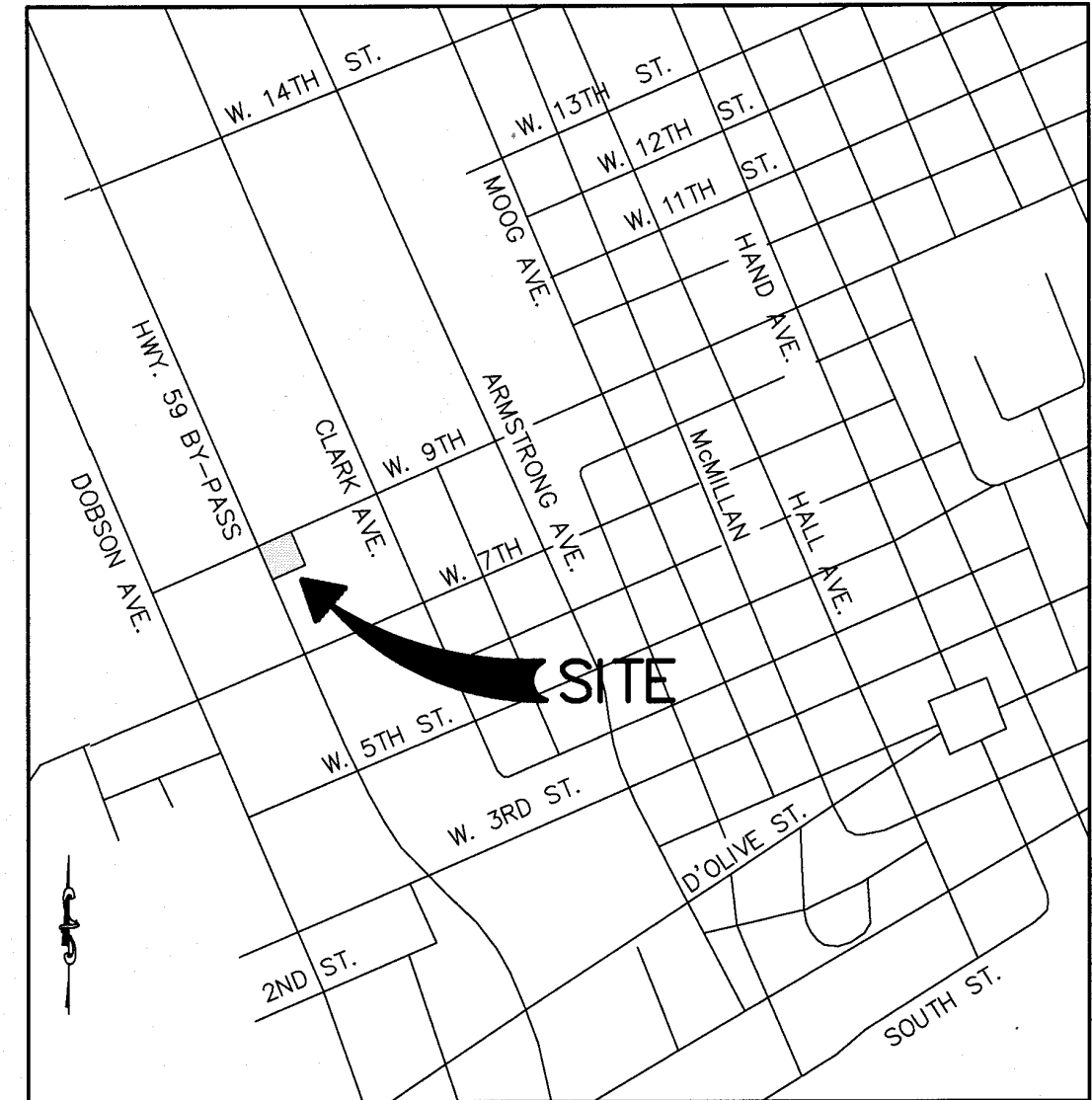




T.B.M. - ALUMINUM CAPPED
REBAR SET
ELEV.=270.25



LEGEND	
	POWER POLE
	GUY WIRE
	OVERHEAD ELECTRIC
	TELEPHONE PEDESTAL
	WATER SERVICE CABINET
	WATER METER
	WATER VALVE
	FIRE HYDRANT
	STORM DRAIN MANHOLE
	STORM DRAIN LINE
	GRATE INLET
	SANITARY SEWER MANHOLE
	SANITARY SEWER LINE
	WOOD FENCE
	CHAIN LINK FENCE
	SIGN
	CONCRETE WALK
	OAK TREE
	LIGHT POLE
	CONC.



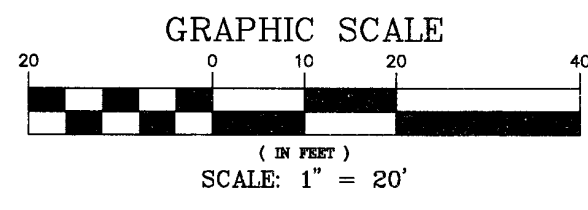
VICINITY MAP

- NOTES:
- F.E.M.A. FLOOD INSURANCE RATE MAP NO. 010300295 M, COMMUNITY NO. 010004, DATED APRIL 19, 2019 INDICATES THAT THIS PROPERTY IS LOCATED IN "ZONE X" (UNSHADED), AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. FLOOD ZONE(S) SCALED FROM THE AFOREMENTIONED FLOOD INSURANCE RATE MAP.
 - THIS SURVEY WAS PREPARED FOR THE CLIENT'S USE AND PURPOSE AS SHOWN. USAGE FOR ANY OTHER PURPOSE, REPRODUCTIONS (IN WHOLE OR IN PART) SHALL NOT BE MADE WITHOUT THE EXPLICIT WRITTEN PERMISSION OF THE SURVEYOR.
 - THE RELATIVE ERROR OF CLOSURE OF THIS SURVEY & PLAT IS WITHIN THE ALLOWABLE TOLERANCE FOR COMMERCIAL/HIGHRISK SURVEYS (1" IN 10,000') ACCORDING TO THE STANDARDS OF PRACTICE SET FORTH BY THE BOARD OF LICENSURE OF THE STATE OF ALABAMA.
 - THIS DRAWING DOES NOT REFLECT ANY TITLE, EASEMENT OR RIGHT-OF-WAY RESEARCH OTHER THAN WHAT IS READILY VISIBLE ON THE SURFACE OR PROVIDED BY THE CLIENT. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY.
 - PROPERTY IS SUBJECT TO ZONING SETBACKS AND RESTRICTIONS OF RECORD.
 - EFFORT WAS MADE TO LOCATE UNDERGROUND UTILITIES. HOWEVER, NO WARRANTY IS GIVEN THAT ALL UTILITIES ARE SHOWN.
 - BEARINGS SHOWN ARE BASED ON ALABAMA STATE PLANE COORDINATES (WEST ZONE) NAD 83, U.S. SURVEY FEET. BEARINGS LABELED (PLAT) ARE REFERENCED TO THE RECORD PLAT OF A RESURVEY OF PART OF BLOCK 190, HAND LAND COMPANY ADDITION TO THE TOWN OF BAY MINETTE.
 - ELEVATIONS DERIVED FROM GPS OBSERVATIONS UTILIZING CORS STATION AL-90 NORTH AMERICAN VERTICAL DATUM OF 1988.
 - THIS SURVEY WAS BASED ON FIELD WORK COMPLETED ON APRIL 12, 2021.

DESCRIPTION:
LOT 3-A, A RESURVEY OF PART OF BLOCK 190, HAND LAND COMPANY ADDITION TO THE TOWN OF BAY MINETTE AS PER PLAT RECORDED IN SLIDE 1913-A ON OF THE PROBATE COURT RECORDS, BALDWIN COUNTY ALABAMA.

STATE OF ALABAMA:
COUNTY OF BALDWIN:
I HEREBY 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.

MELVIN J. MILLER, PLS.
ALABAMA LICENSED SURVEYOR
DATE: 04/29/2021
NOT VALID WITHOUT ORIGINAL SEAL
ALABAMA REGISTRATION NUMBER 14566



McCrorry Williams
INCORPORATED
Engineers Surveyors

3207 INTERNATIONAL DR., SUITE G
MOBILE, ALABAMA 36606
PHONE: (251) 476-4720
FAX: (251) 476-4721
EMAIL: mail@mcwinc.com

WS365-2011

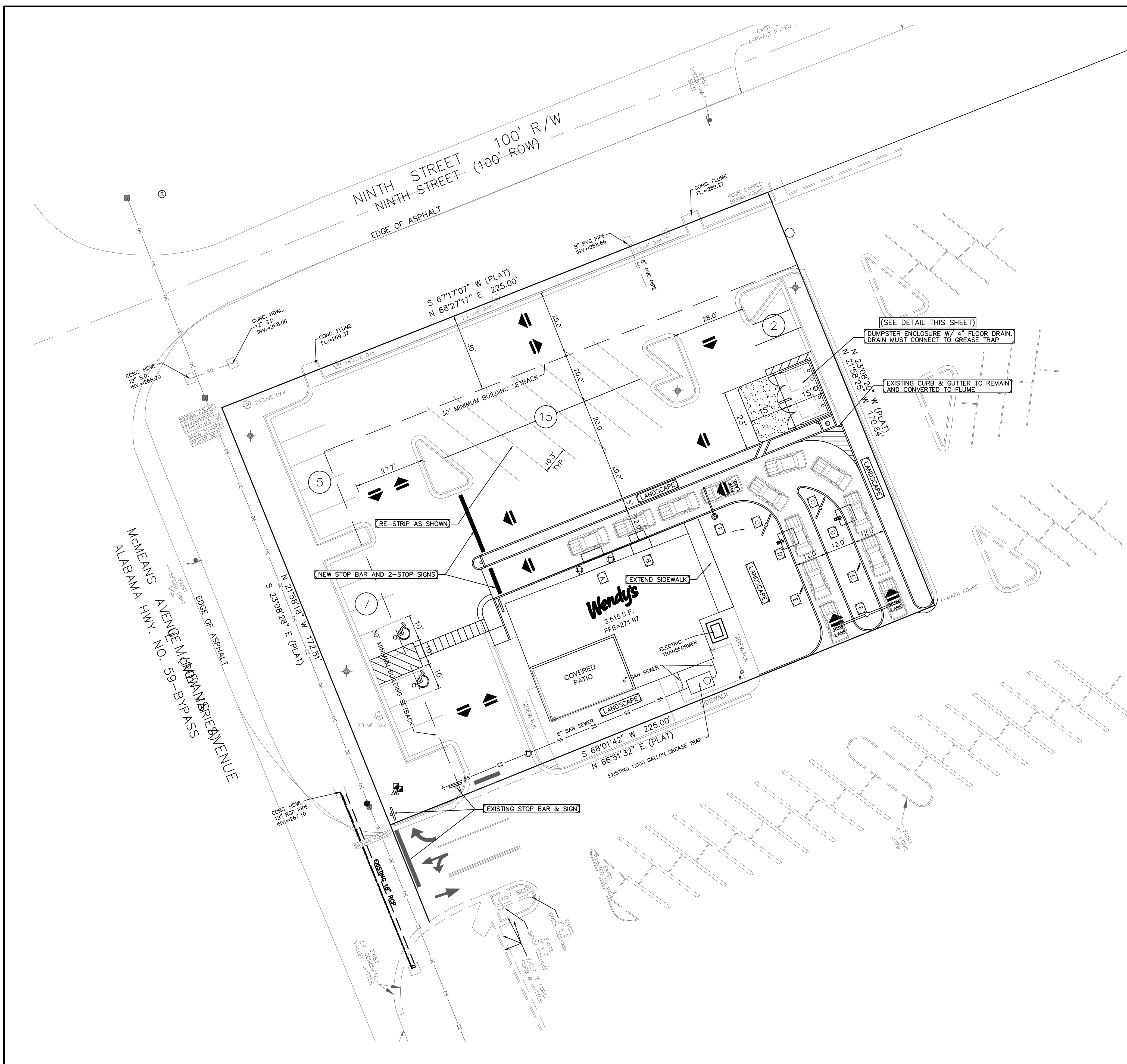
BOUNDARY & TOPOGRAPHIC SURVEY
OF LOT 3-A, A RESURVEY OF PART OF BLOCK 190
BAY MINETTE, ALABAMA

SECTION 8, T2S-R2E, MOBILE COUNTY, ALABAMA

SCALE: 1" = 20'	DATE: Apr. 29, 2021	DRAWN BY: D.W.	APPROVED BY: M.J.M.	SHEET 1 OF 1
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WS365-2011 B & TOPO.DWG

PLOTTED ON 04/29/2021 1:44 PM



DRIVE-THRU LEGEND	
(A)	PICK-UP WINDOW
(B)	PAY WINDOW
(C)	MENU BOARD
(D)	ORDER STATION
(E)	PRE-MERCHANDISER SIGN
(F)	CANOPY PROTECTION BAR



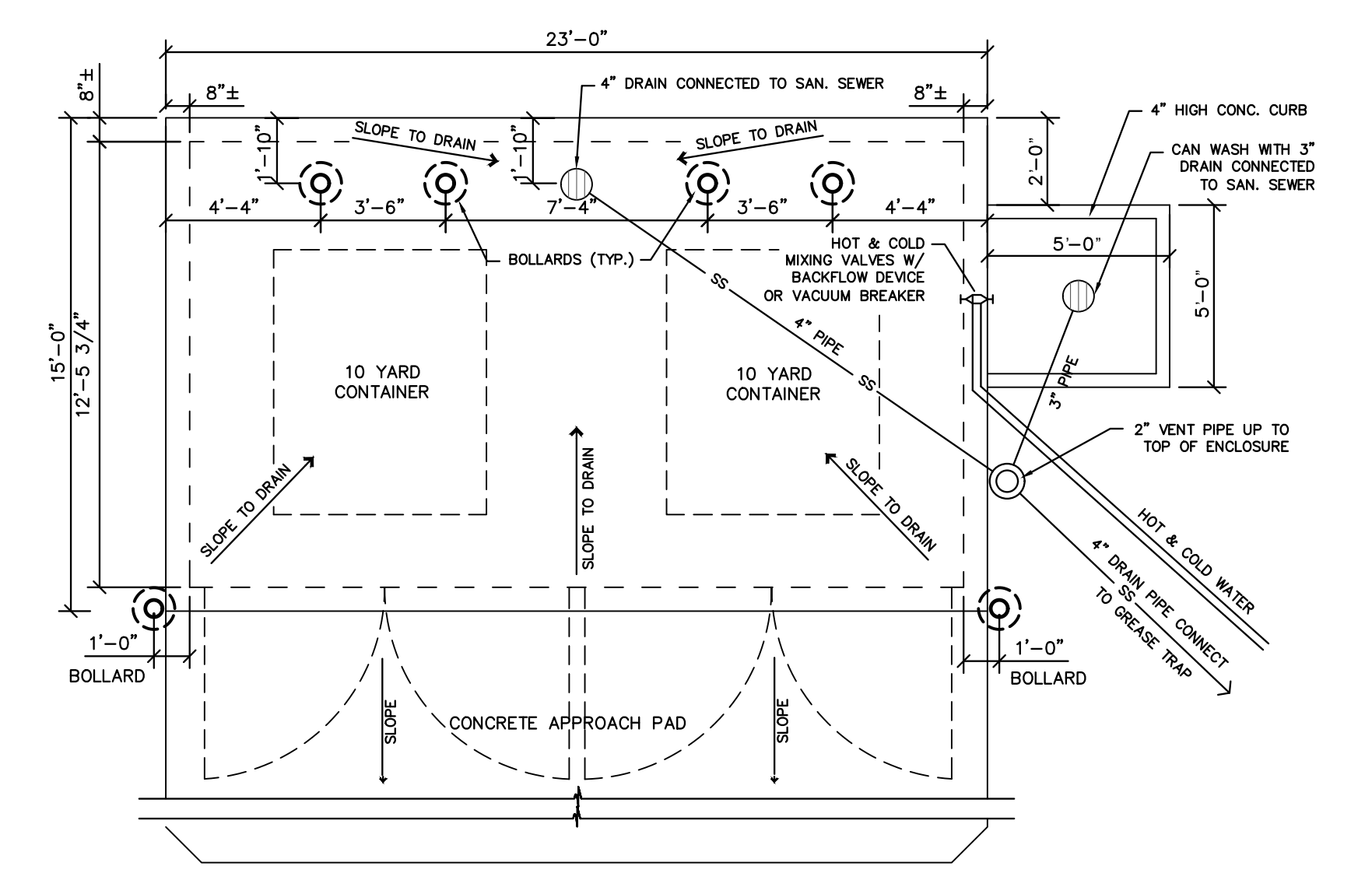
VICINITY MAP

SITE DATA

BUILDING & PATIO	3,515 S.F. = 9.10%
PAVEMENT & WALKS	28,561 S.F. = 73.94%
LANDSCAPING	6,550 S.F. = 16.96%
TOTAL LOT SIZE	38,626 S.F. = 100%

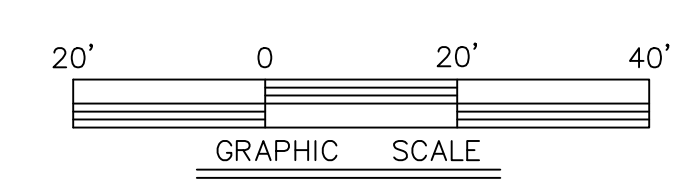
PARKING REQUIREMENTS
 40 SEATS ESTIMATED $\frac{1}{4} \times 4 \times 1.25 = 13$ SPACES

PARKING PROVIDED
 PARKING PROVIDED 29 SPACES
 (INCLUDING 2 HANDICAP SPACES)



DUMPSTER PAD DETAIL
 NOT TO SCALE

NOTE:
 SEE WENDY'S STANDARD DUMPSTER
 CONSTRUCTION DRAWINGS FOR MORE
 DETAIL AND WALL MATERIAL.



PRELIMINARY ONLY – NOT FOR CONSTRUCTION

REVISION	DATE	NO.	COMMENTS

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 Engineers Surveyors

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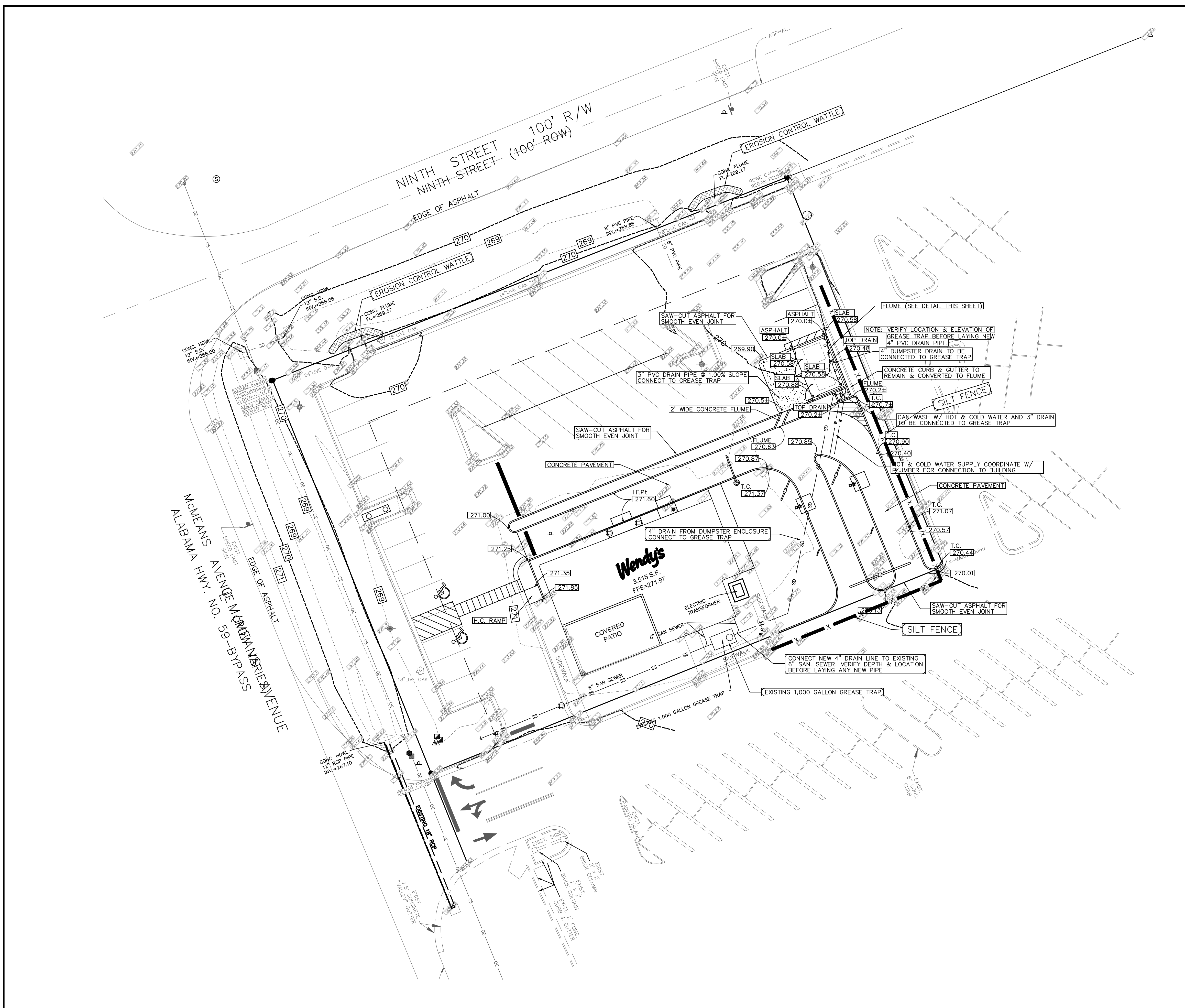
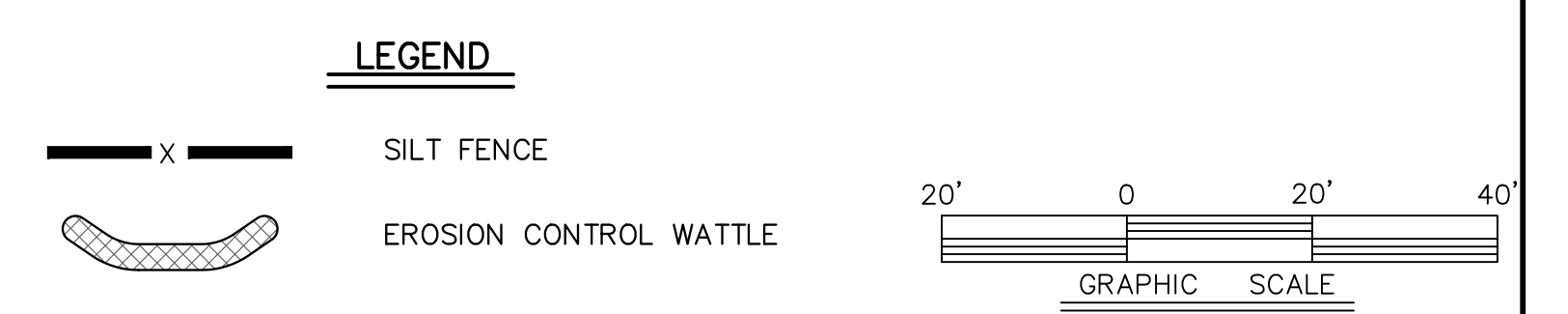
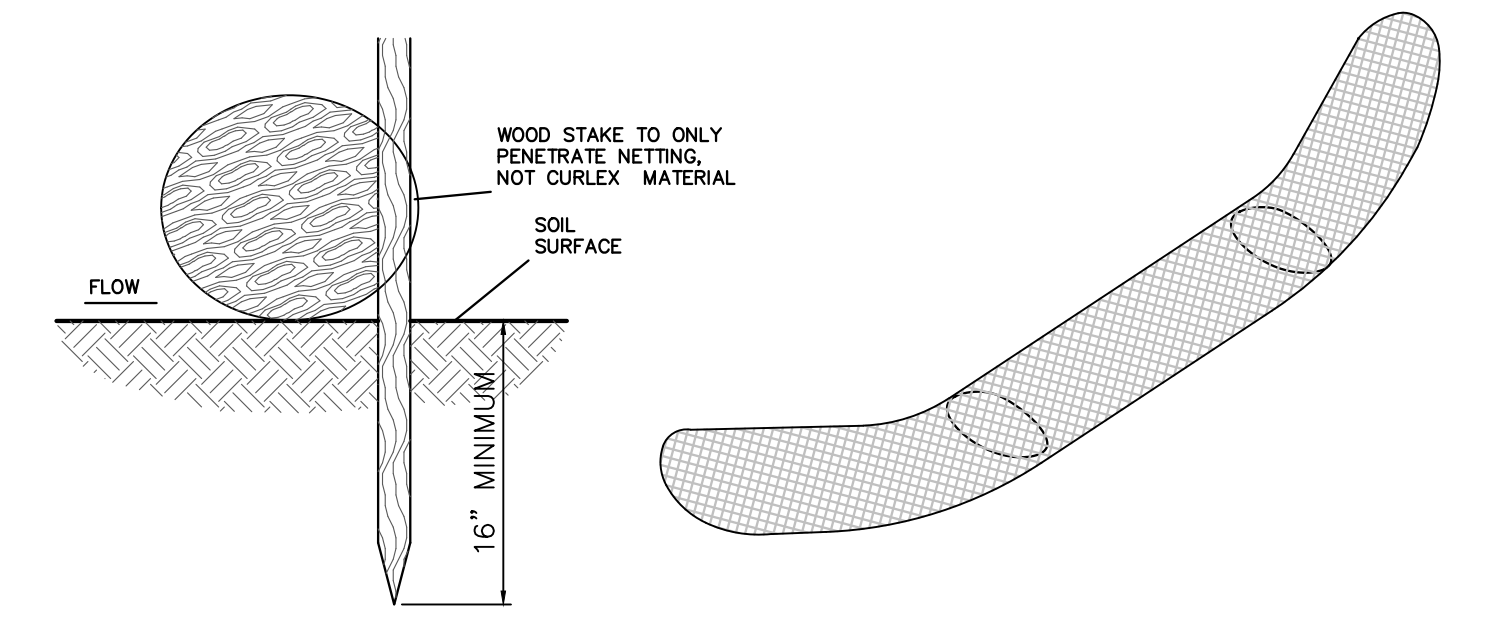
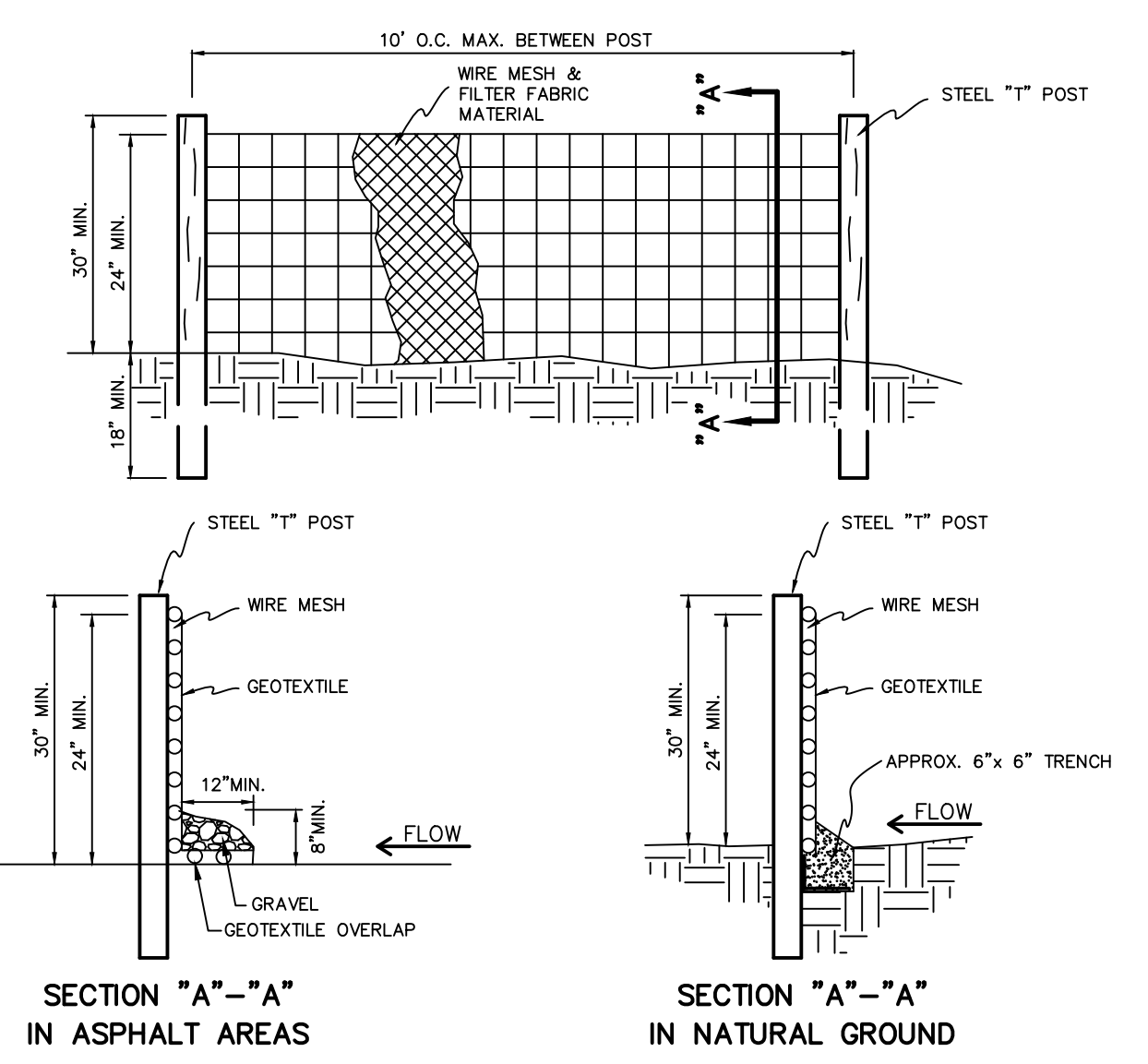
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DIMENSIONED SITE PLAN
 FOR
 WENDY'S – BAY MINETTE ALABAMA

SCALE: 1" = 20'	DATE: 4/7/2021	DRAWN BY: D.W.	APPROVED BY: S.E.	SHEET C-1
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- SEDIMENTATION & EROSION CONTROL NOTES:
- 1) SILT FENCES AND EROSION CONTROL WATTLES SHALL BE INSTALLED AT LOCATIONS SHOWN ON PLAN BEFORE EARTHWORK OPERATIONS COMMENCE.
 - 2) THE EROSION CONTROL PLAN OUTLINED ABOVE IS A MINIMUM REQUIREMENT PLAN. CONTRACTOR SHALL REFINE OR MODIFY THIS PLAN AS NECESSARY DURING CONSTRUCTION TO BEST ACCOMPLISH THE GOAL OF PREVENTING ANY DAMAGE TO THIS PROPERTY DUE TO EROSION OR SEDIMENTATION. IT IS IMPERATIVE THAT EROSION CONTROL DEVICES BE MAINTAINED ON A CONTINUING BASIS.
 - 3) CONTRACTOR SHALL USE BEST MANAGEMENT PRACTICES (BMP'S) AND SHALL BE RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE REGULATIONS GOVERNING THE QUALITY OF STORM WATER DISCHARGE AND SHALL BE SOLELY RESPONSIBLE FOR ANY DAMAGES CAUSED BY SEDIMENT OR ANY OTHER ERODIBLE MATERIALS BEING DEPOSITED ONTO ADJACENT PROPERTY.
 - 4) CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLYING WITH THE ALABAMA HANDBOOK FOR EROSION CONTROL, SEDIMENT CONTROL AND STORMWATER MANAGEMENT ON CONSTRUCTION SITES AND URBAN AREAS BY THE ALABAMA SOIL AND WATER CONSERVATION COMMITTEE, 2009 EDITION VOL. I & II. IN ADDITION, THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ANY DAMAGES CAUSED BY SEDIMENT OR ANY OTHER ERODIBLE MATERIALS BEING DEPOSITED ONTO ADJACENT PROPERTY.
 - 5) CONTRACTOR TO PROVIDE DAILY INSPECTION AND MAINTENANCE OF THE EROSION CONTROL MEASURES.
 - 6) ADEM 10 DAY RULE: MEASURES TO BE IMPLEMENTED ON ALL AREAS NOT UNDERGOING ACTIVE DISTURBANCE OR ACTIVE CONSTRUCTION AND PROGRESSIVE CONSTRUCTION FOR LONGER THAN THIRTEEN (10) DAYS TO PREVENT/MINIMIZE EROSION AND ENSURE TIMELY TEMPORARY VEGETATIVE COVER, AND PERMANENT RE-VEGETATION OR COVER OF ALL DISTURBED AREAS WHEN DISTURBANCE IS COMPLETE.

- NOTES:
1. WIRE MESH SHALL BE FASTENED SECURELY TO THE UP-SLOPE SIDE OF THE STEEL POST. FILTER FABRIC IS TO BE FASTENED TO THE WIRE MESH.
 2. APPROXIMATELY 8" OF FILTER FABRIC MATERIAL MUST EXTEND INTO A TRENCH AND BE ANCHORED WITH COMPACTED BACKFILL MATERIAL.
 3. FOR ADDITIONAL STRENGTH FILTER FABRIC MATERIAL SHALL BE ATTACHED TO A 6" MESH MAX. WIRE WHICH HAS BEEN FASTENED TO THE STEEL POST.



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SEAN ESTES
ENGINEER
No. 25073

WB365-2011

SCALE: 1" = 20'

DATE: 4/7/2021

DRAWN BY: D.W.

APPROVED BY: S.E.

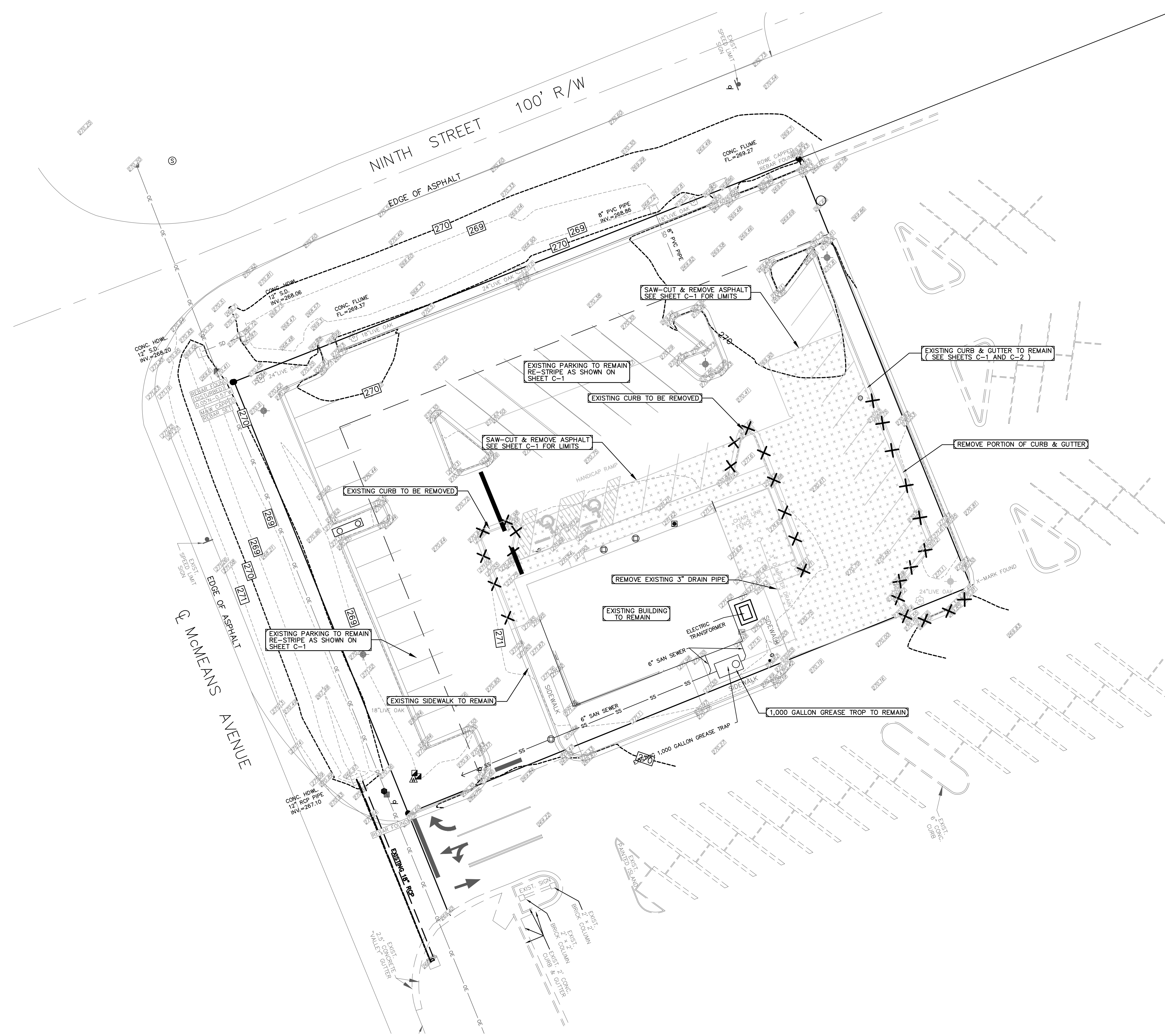
SHEET C-2

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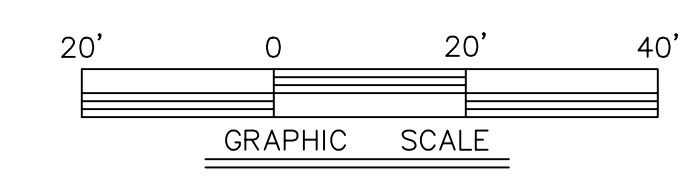
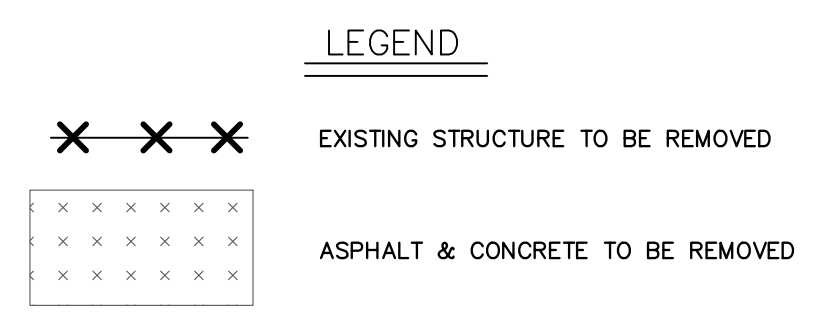
SEDIMENT & EROSION CONTROL PLAN

FOR

WENDY'S – BAY MINETTE ALABAMA



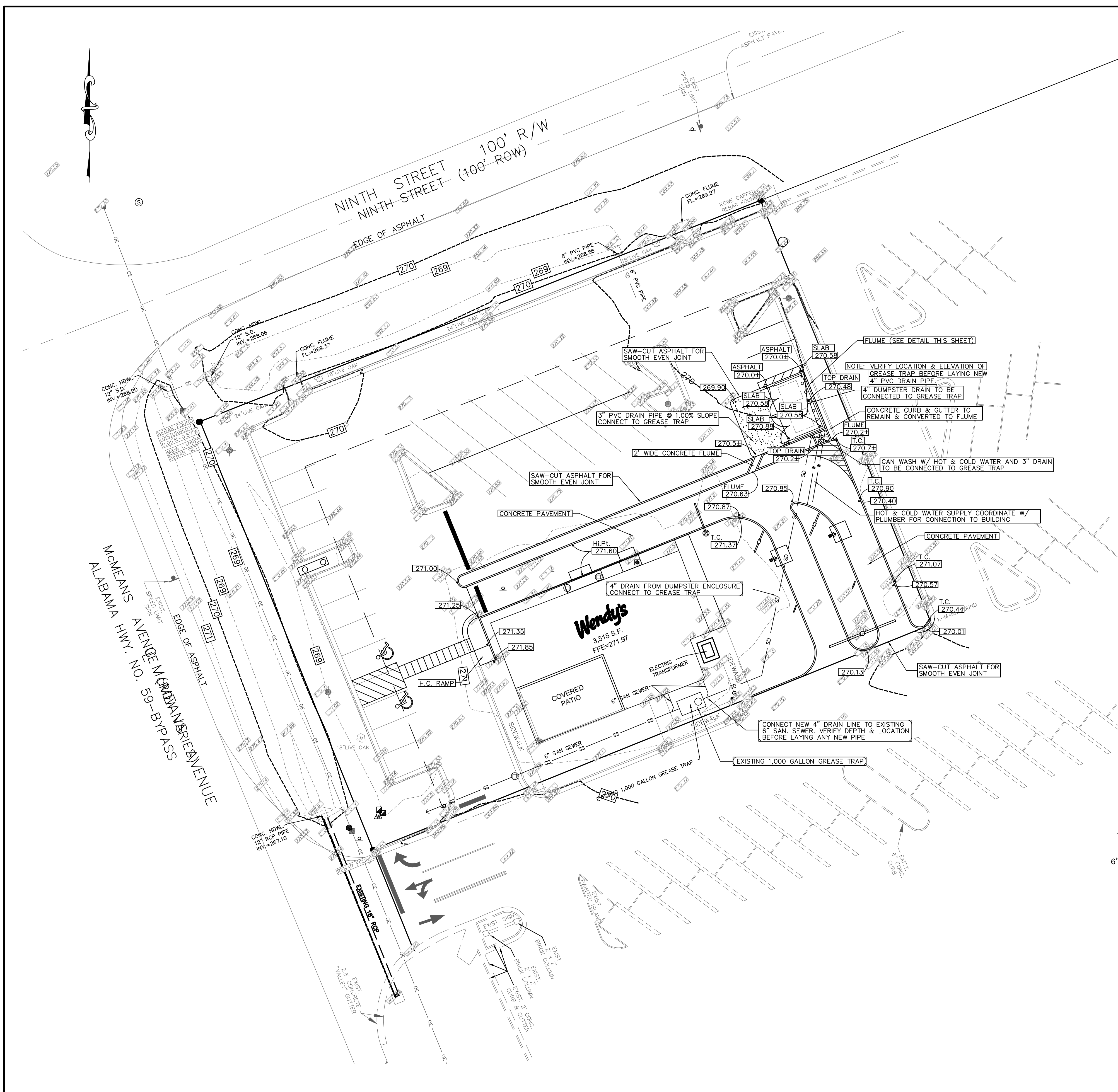
- DEMOLITION NOTES:**
- 1) EXISTING BUILDING, DRAINAGE SYSTEMS, CURBS, PUMP CANOPY AND OTHER STRUCTURES TO BE REMOVED FROM THE SITE AS INDICATED.
 - 2) GENERAL CONTRACTOR TO COORDINATE SHUT-OFF AND REMOVAL OF ALL UTILITIES EXISTING ON THE PROPERTY. THIS INCLUDES WATER, GAS, SEWER, POWER, TELEPHONE AND CABLE TV.
 - 3) ALL DEBRIS FROM REMOVAL OF SLABS, ASPHALT PAVEMENT, TREES, STUMPS, ROOTS, ETC. SHALL BE DISPOSED OF IN AN APPROVED LANDFILL.
 - 4) ALL THE WORK DESCRIBED ABOVE SHALL BE DONE IN ACCORDANCE WITH APPROPRIATE CITY OF BAY MINETTE REGULATIONS.
 - 5) REMOVAL OF UNDERGROUND FUEL STORAGE TANKS TO BE PERFORMED BY AN ALABAMA LICENSED CONTRACTOR QUALIFIED FOR TANK AND CONTAMINATED SOILS REMOVAL. ALL WORK SHALL BE PERFORMED IN STRICT COMPLIANCE WITH ALL LOCAL, STATE AND FEDERAL GUIDELINES.
 - 6) CONTAMINATED SOIL MUST BE HANDLED AND DISPOSED OF ACCORDING TO STATE AND/OR FEDERAL GUIDELINES.



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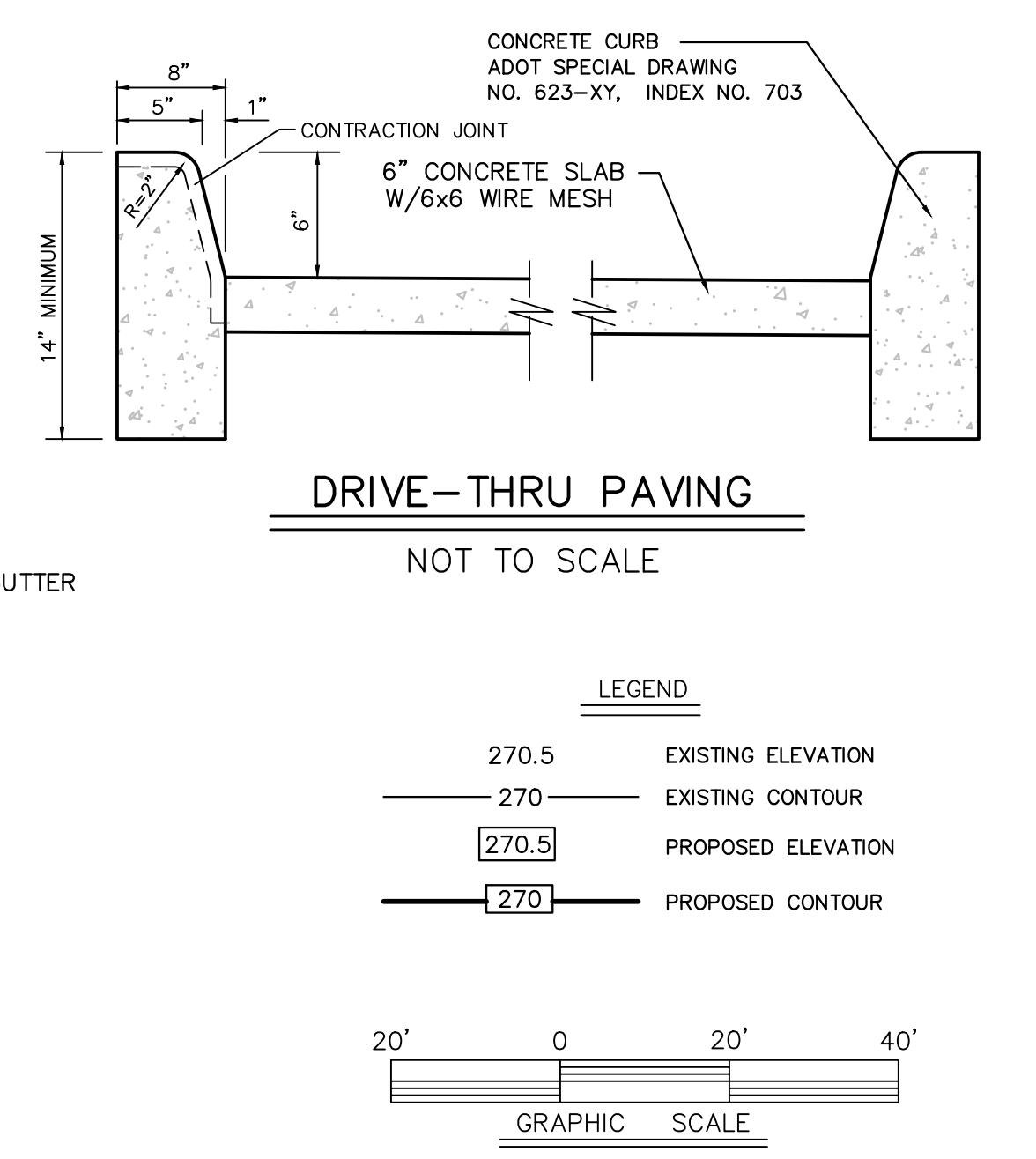
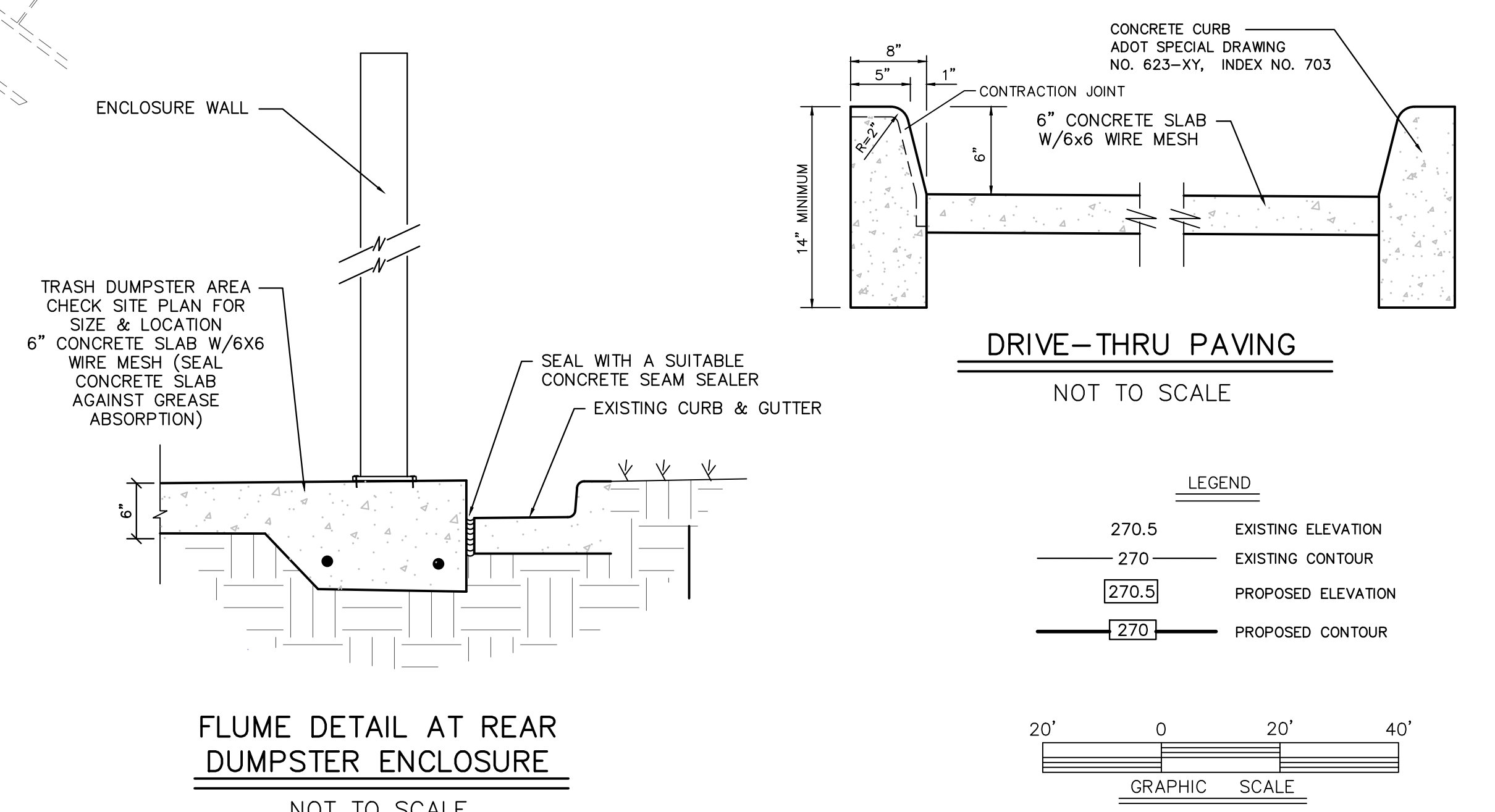
	3207 INTERNATIONAL DRIVE MOBILE, ALABAMA 36606 PHONE: (251) 476-4720 FAX: (251) 476-4721		DEMOLITION PLAN FOR WENDY'S – BAY MINETTE ALABAMA			
	SCALE: 1" = 20'		DATE: 4/7/2021	DRAWN BY: D.W.	APPROVED BY: S.E.	SHEET C-3



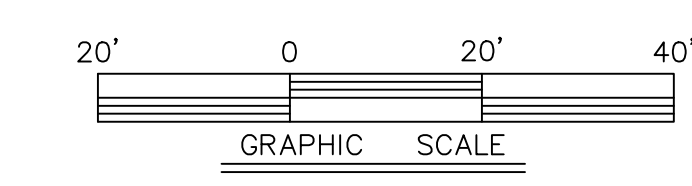
LEGEND	
	POWER POLE
	GUY WIRE
	OVERHEAD ELECTRIC
	TELEPHONE PEDESTAL
	WATER SERVICE CABINET
	WATER METER
	WATER VALVE
	CLEAN-OUT
	FIRE HYDRANT
	STORM DRAIN MANHOLE
	STORM DRAIN LINE
	GRATE INLET
	SANITARY SEWER MANHOLE
	SANITARY SEWER LINE
	WOOD FENCE
	CHAIN LINK FENCE
	SIGN
	CONCRETE WALK
	OAK TREE

- GENERAL NOTES:
- 1) CONTRACTOR TO CONTACT THE CITY OF BAY MINETTE BEFORE BEGINNING ANY WORK.
 - 2) A TRAFFIC CONTROL PLAN MUST BE FURNISHED BY THE CONTRACTOR TO THE CITY OF BAY MINETTE.
 - 3) IT IS SOLELY THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE LOCATION OF ANY BURIED UTILITIES PRIOR TO CONSTRUCTION. ENGINEER IS NOT RESPONSIBLE FOR BURIED UTILITIES DAMAGED BY CONTRACTOR DURING CONSTRUCTION.
 - 4) CONTRACTOR SHALL USE BEST MANAGEMENT PRACTICES (BMP'S) AND IS RESPONSIBLE FOR CONSTRUCTION AND MAINTENANCE OF EROSION AND SEDIMENTATION CONTROLS DURING CONSTRUCTION FOR PROTECTION OF ADJACENT PROPERTIES, ROADWAYS AND WATERWAYS.
 - 5) CONTRACTOR IS RESPONSIBLE FOR MAINTAINING PROPER TRAFFIC CONTROL FOR PUBLIC SAFETY ADJACENT TO CONSTRUCTION SITE.
 - 6) ALL DISTURBED AREAS PLANNED FOR LANDSCAPING ARE TO RECEIVE A MINIMUM OF FOUR INCHES OF TOPSOIL. ALL AREAS NOT TO BE LANDSCAPED SHALL RECEIVE HYDROSEEDING AND MULCH.
 - 7) THE CONTRACTOR SHALL FURNISH, ERECT AND MAINTAIN BARRICADES, WARNING SIGNS, LIGHTS, AND OTHER TRAFFIC CONTROL DEVICES IN CONFORMITY WITH THE FEDERAL HIGHWAY ADMINISTRATION MANUAL ON UNIFORM RAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS, LATEST EDITION.

- SITE NOTES
1. ALL CONCRETE SHALL BE CLASS A, 3,000 PSI AT 28 DAYS COMPRESSIVE STRENGTH WITH A MAXIMUM SLUMP OF 4" UNLESS NOTED OTHERWISE. ALL EXPOSED CONCRETE TO HAVE A FINE BROOM FINISH.
 2. ALL MATERIALS SHALL BE NEW UNLESS USED OR SALVAGED MATERIALS ARE AUTHORIZED BY THE OWNER AND TENANT.
 3. THE CONTRACTOR SHALL REVEGETATE THE DISTURBED AREAS WITHIN THE RIGHT OF WAY, STEEP SLOPES, AND DITCH CUTS.
 4. ALL DIMENSIONS ARE FACE OF CURB AND FACE OF BUILDING OR AS NOTED.
 5. NECESSARY BARRICADES, SUFFICIENT LIGHTS, SIGNS AND OTHER TRAFFIC CONTROL METHODS AS MAY BE NECESSARY PER MANUAL PROTECTION AND ON UNIFORM TRAFFIC CONTROL DEVICES, PART VI, BE PROVIDED AND MAINTAINED THROUGHOUT CONSTRUCTION.
 6. HIGH INTENSITY LIGHTING FACILITIES SHALL BE SO ARRANGED THAT THE SOURCE OF ANY LIGHT IS CONCEALED FROM PUBLIC VIEW AND FROM ADJACENT RESIDENTIAL PROPERTY AND DOES NOT INTERFERE WITH TRAFFIC.
 7. DURING CONSTRUCTION, THE CONTRACTOR SHALL MAINTAIN ACCESS FOR EMERGENCY VEHICLES AROUND AND TO ALL BUILDINGS NEAR CONSTRUCTION, I.E. IN TIMES OF RAIN OR MUD, ROADS SHALL BE ABLE TO CARRY A FIRE TRUCK BY BEING PAVED OR HAVING A CRUSHED STONE BASE, ETC. WITH A MINIMUM WIDTH OF 20 FEET. THIS ACCESS TO BUILDINGS THAT HAVE SPRINKLER OR STANDPIPE SYSTEMS SHALL BE TO WITHIN 40 FEET OF THE FIRE DEPARTMENT CONNECTOR. (NFPA 1141 3-1). THE FINAL PROJECT IS DESIGNED TO MEET THE FIRE CODE REQUIREMENTS FOR FINISHED PROJECTS AND HAS BEEN REVIEWED AND APPROVED BY THE LOCAL FIRE DEPARTMENT AUTHORITY.
 8. RAMPS SHALL BE PROVIDED WHEREVER AN ACCESSIBLE ROUTE CROSSES A CURB OR IS PART OF AN ACCESSIBLE ROUTE THAT HAS A SLOPE OF 1:20 OR GREATER. THE RAMP SHALL HAVE A MINIMUM WIDTH OF 36 INCHES CLEAR EXCLUSIVE OF FLARED SIDES AND A MAXIMUM SLOPE OF 12 INCHES OF RUN FOR EVERY 1 INCH OF LIFT. IF THE RAMP HAS 72 INCHES OF RUN THERE SHALL BE A HANDRAIL ON BOTH SIDES OF THE RAMP. A MAXIMUM OF 36 INCHES APART. THE MAXIMUM HEIGHT OF HANDRAILS FROM FINISH SURFACE TO TOP OF HANDRAIL SHALL NOT EXCEED 34 INCHES.
 9. HANDICAP ACCESSIBLE ROUTE SHALL START AT THE HANDICAP PARKING SPACE AND SHALL GO INTO THE PRIMARY ENTRANCE OF ALL NEW OR RENOVATED BUILDINGS OR TENANT SPACES. A.N.S.I. 117.1 1986 4-3, 4-4, 4-5, 4-6, 4-7 AND 4-8
 10. HANDICAP STANDARD PARKING SPACE SHALL BE AT LEAST 9 FT. WIDE AND BE PROVIDED WITH AN ADJACENT ACCESS AISLE OF NOT LESS THAN 5 FT. WIDE TO COMPLY WITH ANSI 4.8.2 . ALSO THE SPACE SHALL BE DESIGNATED AS RESERVED PERMIT ONLY PARKING FOR THE HANDICAP SYMBOL WHITE ON A DARK BLUE REFLECTIVE 12 INCH BY 18 INCH METAL SIGN ON A 2 INCH METAL POST THAT 72 INCHES FROM THE BOTTOM OF THE SIGN TO THE PARKING SURFACE.
 11. HANDICAP VAN PARKING SPACE SHALL BE AT LEAST 9 FT. WIDE AND BE PROVIDED WITH AN ADJACENT ACCESS AISLE OF NOT LESS THAN 8 FT. SPACE SHALL HAVE PERMIT PARKING SIGN BUT WILL HAVE ADDED BELOW THE 12 INCH BY 18 INCH SIGN A SIGN WITH THE WORD "VAN" IN WHITE LETTERS 1 INCH ON DARK BLUE REFLECTIVE METAL BACKGROUND.
 12. SIDEWALK CONSTRUCTION SHOWN IN THESE PLANS SHALL MEET ALL REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT OF JULY 1994 TITLE II, TITLE III, AND ANY STATE, COUNTY LOCAL OR OTHER APPLICABLE LAWS.



LEGEND	
	EXISTING ELEVATION
	EXISTING CONTOUR
	PROPOSED ELEVATION
	PROPOSED CONTOUR



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GRADING & DRAINAGE and DUMPSTER UTILITIES CONNECTION
FOR
WENDY'S – BAY MINETTE ALABAMA

SCALE: 1"= 20'

DATE: 4/7/2021

DRAWN BY: D.W.

APPROVED BY: S.E.

SHEET C-3

RA-2101 Proposed Regulation Amendment related to Section 14.4 and Section 16.5

Zoning Ordinance of the City of Bay Minette

~~Amended October 5, 2020 – Ordinance 994~~

Amended June 7, 2021 – Ordinance 996

Prior Adoptions and Amendments

ORDINANCE NUMBER

Ordinance 959 with Revisions by Reference, Replaced Ordinance 794
Ordinance 969 Amendment to Ordinance 959
Ordinance 977 Amendment to Ordinance 959
Ordinance 992 Replaced Ordinance 959
Ordinance 993 Amendment to Ordinance 992
Ordinance 994 Amendment to Ordinance 992
Ordinance 996 Amendment to Ordinance 994

ADOPTION DATE

Adopted March 7, 2011
Adopted August 3, 2015
Adopted August 21, 2017
Adopted April 6, 2020
Adopted October 5, 2020
Adopted October 5, 2020
Adopted June 7, 2021

14.4 Establishment and Membership of the Board of Adjustment

(...)

14.4.2 Powers and Duties.

(...)

14.4.2.2 Special Exceptions; Conditions Governing Applications; Procedures.

(...)

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

16.5 Permitted Signs

16.5.1 Freestanding Signs.

(...)

- c. *Billboards.* Off-premise signs with a maximum display area of 672 square feet. All Billboards erected after the adoption of this ordinance shall be of the digital style and have no more than seven (7) messages per minute. For each digital billboard erected at least four (4) non-conforming billboards must be removed within 6 months.

Area and Dimensional Requirements: The following area and dimensional regulations shall apply to all billboards:

Minimum Lot Area: Determined by setback requirements

Minimum Setbacks: Determined by district setback requirements. All billboards must meet the setback requirements of the zone in which they are to be located. No part of the sign, including the sign face, shall extend over a building setback line. In no case shall any billboard sign be less than 10' from any property line measured from edge of sign face.

Movement: Except for the change of messages on a digital billboard there shall be no movement (i.e. video copy etc.) involved with the messages displayed.

Lighting: All lighting of Billboards shall be done in a manner that will not interfere with commuters' vision. The light intensity of Digital Billboards shall be adjusted for daylight and dark so as not to impair commuters' nighttime vision.

Safety: In regard to public safety, the following regulations shall be observed:

Signs shall not be erected or maintained in such a manner as to obscure, or otherwise physically interfere with, an official traffic sign, signal, or device or which obstructs or physically interferes with the driver's view of approaching, merging, or intersecting traffic.

Signs must include a default designed to freeze a display in one still position if a malfunction occurs. Signs must have a process for modifying displays and lighting levels to assure safety of the motoring public.

Height and Location Restrictions. In regard to the height and citing of all billboard signs, the following regulations shall be observed:

No billboard shall be located closer than 600 feet to any residence.

No billboard shall be located within a 2000-foot radius from another billboard

No billboard shall exceed 45 feet in height as measured from grade, *with the exception of billboards located on the I-65 Corridor. (see standards above).*

No billboards shall be located in the Downtown Historic District, or within a ½ mile radius of the declared center point of said district. (*See Map*)

No billboard may be mounted or displayed as a roof sign or wall sign or on any structure not intended specifically to use as a billboard.

No billboard shall be located on or project over any public property, right-of-way, utility easement or drainage easement.

Exposed backs of signs, poles and other support structures must be painted black, dark green, or dark brown to blend with natural surroundings and present a more attractive appearance.

Billboards shall only be permitted in areas zoned B-1, B-2, M-1, or M-2, along the following Roadways:

Highway 59
Highway 31
Interstate 65

I-65 Corridor – In addition to the standards above, the following regulations shall also apply to billboards located along the Interstate 65 Corridor,

- 1.) No billboard shall exceed 75 feet in height as measured from grade.*
- 2.) No billboard shall be permitted adjacent to or within 500 feet of an interchange or intersection at grade or safety roadside rest areas. Such distances shall be measured along the highway to the nearest point of beginning or ending or pavement widening at the exit from or entrance to the main-travelled way.*
- 3.) All billboards must be in compliance with all applicable federal, state and local regulations, including the Code of Alabama 1975 Highway Beautification Act and the Alabama Department of Transportation Code 450-10-1 – Procedure and Requirements for Outdoor Advertising.*