

CITY OF BAY MINETTE
PLANNING COMMISSION

AGENDA

July 8, 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 June 10, 2021 Regular Meeting
- 4.) Old Business
- 5.) New Business
 - a.) S-2121 COPA // COBM Mural
Request: City's Committee on Public Arts Mural
Location: Faulkner Storage Building on Highway 31

 - b.) S-2122 COPA // COBM Mural
Request: City's Committee on Public Arts Mural
Location: Wilson Building on Hand Avenue – Pearl & Addie's Cafe

 - c.) ES-2103 Moye Family Division
Disclosure of Prior Communications and/or Conflict of Interest
Request: Family Exemption for a 2-lot subdivision
Location: The subject property is located at 9640 Green Jordan Road, east of State Hwy 225

 - d.) ES-2104 Branum Family Division
Disclosure of Prior Communications and/or Conflict of Interest
Request: Family Exemption for a 2-lot subdivision
Location: The subject property is located on West 7th Street just east of Hutchinson Avenue
- 6.) Reports
 - a.) Mayor/Council
 - b.) Attorney
 - c.) Commissioner's Comments
 - d.) Planning Staff
- 7.) Adjournment

Bay Minette Planning Commission Regular Meeting Minutes

Minutes June 10, 2021

Monthly Meeting No. 6

The Bay Minette Planning Commission met in Regular Session on Thursday, June 10, 2021. The meeting was called to order at 8:03 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 8:03 a.m. the following members were present:

Todd Stewart, Chairman
Robert A. "Bob" Wills, Mayor
Scotty Langham, Commission Member
William Taylor, Commission Member
Neal Covington, Commission Member
Ray Clark, Commission Member
Rob Madison, Building Official
Wynter Crook, Commission Member

Commission Members absent:

Earl Emmons, Commission Member

Commission Members late:

Other persons in regular attendance:

Scotty Lewis, Attorney
Clair Dorough, City Planner
Tammy Smith, City Administrator
Leslie Johnston, SARPC
Jason Padgett, North Baldwin Utilities
Steven Stewart, Fire Inspector

GUESTS

Robert Branum

INVOCATION

Chairman Stewart gave the invocation, followed by the pledge.

Jason Padgett enters the meeting at 8:07am

ITEM 3. Approval of Minutes of the May 13, 2021 meeting. Chairman Stewart stated there was an issue on the County's side with ES-2102, Brown Family Division but nothing changes from the Planning Commission. Councilman Taylor made a motion to approve the May minutes as written. The motion was seconded by Commission Member Clark and was unanimously carried with the exception of Rob Madison who abstained due to this being his first meeting.

Chairman Stewart welcomed the new Building Official, Rob Madison, to Planning Commission.

ITEM 4. Old Business

a.) RA-2101- Billboard Ordinance

Chairman Stewart states the first item of old business to discuss the recently revised billboard ordinance. Mrs. Dorrough states it was approved at City Council and has printed the ordinance to replace the old within the Zoning binders. Chairman Stewart inquires if MuniCode has been updated, and states that he has noticed many items being outdated on MuniCode when he has looked for certain items in the past.

Steven Stewart, BMFD, enters the meeting at 8:16am

There is a discussion on MuniCode and costs, and the consensus was that it either needs to be updated or removed completely to avoid issues and confusion. Mrs. Smith states Rita Diedrich, City Clerk handles the updates for MuniCode on all City Council items. She clarifies that cost is not the reason MuniCode is not current and that staff has been working with the operation for some time to have the codes current. Mr. Clark expressed desire to confirm that MuniCode is correct.

b.) SD-2101- Pine Trace Subdivision

Chairman Stewart introduces the topic. Mrs. Dorrough gives overview of the lot division and states the original signed plat that was submitted for recording was lost, and the City of Bay Minette records from 2008 are also missing. She states in order to make this division legal so the applicant can officially have it recorded, the Planning Commission will need to ratify the original decision. The main reason is in regard to the road names, as they do not comply with E-911 anymore since there are too many "Pine" named roads now. She states the road has been already been constructed and inspected by the previous Building Official, Oscar Waters. There was a brief review of the application and

plat to ensure all required materials were previously submitted and approved, and it was. Chairman Stewart inquired as to what phase is being reviewed to which Mrs. Dorrough states it is only Phase 1 (one), with the only change being the road names due to E-911 policies. Commission Member Covington made a motion to ratify and confirm the prior approval, and to authorize the Chairman to sign the plat for Phase 1 (One) with the road name change for recording purposes. Commission Member Langham seconded, and it was unanimously carried.

Chairman Stewart signed the plat.

c.) SB107- Police Jurisdiction Bill

Chairman Stewart introduces the bill. Mrs. Dorrough explains the Bill will change the jurisdictions for the Building and Planning department. She presents a slideshow with the different jurisdictions, and states as of July 26, 2021, the current permitting jurisdiction and the ETJ for Bay Minette will be pulled back to the 3-mile Police Jurisdiction limits. On January 1, 2023, the ETJ will automatically pull back to a 1 and a half-mile Police Jurisdiction and, per discussions with County staff, the permitting area will likely make the same change. Scotty Lewis confirms the Bill has been approved and is now a law. Mayor Wills inquires to Mrs. Johnston how the other municipalities are reacting, to which Mrs. Johnston states that no one has been adamantly opposed. Commission Member Clark briefly discusses the various changes within the municipalities within Baldwin County.

ITEM 5.

New Business:

a.) S-2116 COPA / COBM Mural

Request: City's Committee on Public Arts Mural

Chairman Stewart introduces the request for a wall mural. Mrs. Dorrough states the request will be located behind the Beans On Hand coffee shop at Blackburn Park, and states government entities are technically exempt from zoning regulations but COPA would like to follow the ordinance and submit the sign request through Planning Commission. She explains the wall mural design and layout. Chairman Stewart refers to our zoning ordinance 16.5.6 regarding Murals and inquires if Mrs. Dorrough has seen any issues regarding the ordinance and requested design, to which Mrs. Dorrough states she has not. Chairman Stewart inquires if there are any comments, to which there were none. Commission Member Covington states he would be abstaining from voting due to his wife spearheading the project. Commission Member Clark made a motion to approve the wall mural. Commission Member Langham seconded, and it was unanimously carried. Mrs. Smith commented that the local artist would be Alainna McDonald, and she previously painted the mural on the Kids Park bathrooms.

b.) Proposed Fee Schedule

Chairman Stewart introduces the proposal to revise the current fee schedules which would put Bay Minette more in line with the other municipalities in the surrounding areas. Mrs. Dorough states the only action this proposal would require is Planning Commission recommendation to City Council. She explains the proposed revisions and calculations. Chairman Stewart inquires about the "Sketch Plan" fee to which Mrs. Dorough states it is a cost listed in the Subdivision Regulations related to Major Subdivisions. Chairman Stewart inquired if Commission Member Madison would be revising the Building Department Fee Schedule and submitting it to Planning Commission. Mrs. Dorough states she doesn't believe the Building Department proposed revisions would be brought to Planning Commission due to the fees being so different from Planning fees but the department would keep the Commission updated on any changes. Commission Member Covington made a motion to recommend the modified Planning & Zoning Fee schedule as presented to City Council. Councilman Taylor seconded the motion, and it was unanimously carried.

ITEM 6.

Reports:

a.) Mayor/Council Report

Mayor Wills stated the Senior Center Ribbon Cutting earlier in the week, and thanked Jason Padgett and NBU for the renovation of the parking lot. He also stated the Council officially took action to close the Bowling Alley at the previous Council meeting and discusses the potential new tenant to lease the Bowling Alley.

b.) Attorney - NONE

c.) Commissioner

Chairman Stewart states the new Building Official, Rob Madison has officially come on board for his first Planning Commission meeting. He also states this meeting will be Leslie Johnston's final meeting with the Bay Minette Planning Commission. He addresses Leslie with gratitude for her volunteered time and wishes her the best.

d.) Planning Staff

- Mrs. Dorough stated the next Planning Commission meeting will be July 8, 2021.

ITEM 8. With no further business Chairman Stewart adjourned the meeting at 8:46 a.m.

DONE THIS THE 10th DAY OF JUNE, 2021

Todd Stewart, Chairman

ATTEST:

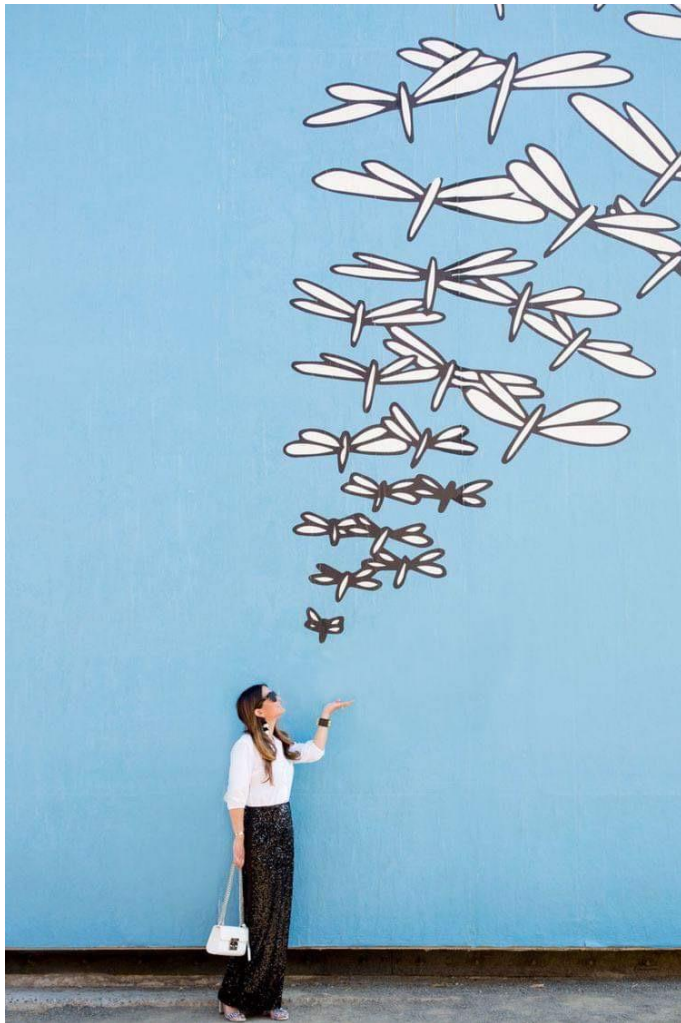
Clair Dorough, City Planner



Committee on Public Arts

Faulkner Mural:

This design is proposed for the storage garage building facing US 31 North (public parking lot). This design will feature a set of butterfly wings similar to these inspiration pieces.



Committee on Public Arts

Wilson2 Mural:

This design is proposed for the alley wall of the Pearl & Addie's Cafe property facing Blackburn Park. The artist for this project will be Jessica Merchant, BMES art teacher. She will use this as her inspiration for the wall, providing a beautiful mural and backdrop for photo opportunities.



City of Bay Minette

Planning & Development Services

Planning Commission Staff Analysis

Case No. ES-2103
 Michael & Cindy Moye Property
 Family Exempt Subdivision Request
 July 8, 2021

Subject Property Information

Physical Location:	9640 Green Jordan Road	Applicant:	Michael & Cindy Moye
Parcel Number:	05-22-02-47-0-000-002.012		9640 Green Jordan Road
Current Zoning:	Unzoned, ETJ		Bay Minette, AL 36507
Current Land Use:	Residential	Owner:	Same
Proposed Land Use:	Residential		
Acreage:	8.57± acres		

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

Summary

The subject property, which consists of approximately 8.57± 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. The request is to subdivide the property (PIN 111518) into two parcels, for the purpose of a family division in order to construct a second residence. The proposed division will provide a 1.57± acre parcel for the new primary dwelling and the second parcel will contain the existing residence to be used as a guest house. This parcel will be accessed through a 30-foot easement to Green Jordan Road. The Michael & Cindy Moye own the existing parcel together and the new parcel will be placed in just Cindy Moye's name, which meets the immediate family member qualification of a family division. This parcel is located in the County's zoned district 4 and the applicant has received zoning approval from the Baldwin County Planning Department for the division.

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.

MOYE FAMILY DIVISION

NOTES

- All bearings shown hereon are relative to GRID NORTH. GRID NORTH was obtained by G.T.S. observations.
- Corner monuments shown as set iron pins are 5/8" reinforcing bars with a durable plastic cap stamped '26623'.
- Only Select Fixed Interior Improvements shown hereon.
- This survey was prepared for the client shown and is not to be used for any other purpose without prior approval from this surveyor.
- No instruments of record reflecting easements, right of ways, and/or ownership were furnished this surveyor, except as shown or noted.
- No underground installations or improvements have been located, except as shown or noted.
- This survey was prepared without the benefit of an abstract of title or a title search unless stated hereon. No liability is assumed by the undersigned for loss relating to any matter that might be discovered by an abstract, title search, or legal judgement rendered on the property.
- Liability of the undersigned for the survey shown shall not exceed the amount paid for this survey.

DESCRIPTION OF OVERALL
 Commencing at the S.E. CORNER OF SECT. 10, T-2-S, R-2-E, BALDWIN COUNTY, AL.; thence S89°31'45"W, a distance of 1,800.00 feet to a 1/2" CAPPED REBAR (ILLEGIBLE) and the POINT OF BEGINNING; thence S89°53'12"W, a distance of 300.07 feet to a 1/2" CAPPED REBAR (PATRICK); thence N00°19'09"E, a distance of 1,246.82 feet to a 5/8" CAPPED REBAR (BS 1) ON THE SOUTHERLY R-O-W OF GREEN JORDAN RD.; thence Easterly along said R-O-W along a curve to the left, having a Radius of 4,207.61 feet, a chord bearing of S89°55'13"E, a chord distance of 247.70 feet, an arc length of 247.74 feet to a POINT ON SAID R-O-W; thence N88°23'39"E, along said R-O-W, a distance of 52.39 feet to a 1/2" CAPPED REBAR (ILLEGIBLE); thence S00°19'09"W, leaving said R-O-W, a distance of 1,247.35 feet to the POINT OF BEGINNING. Said parcel containing 8.58 acres, more or less.

DESCRIPTION OF 30' EASEMENT
 Commencing at a S.E. CORNER OF SECT. 10, T-2-S, R-2-E, BALDWIN COUNTY, AL.; thence S89°31'45"W, a distance of 1,800.00 feet to a 1/2" CAPPED REBAR (ILLEGIBLE); thence N00°19'09"E, a distance of 1,017.35 feet to a SET 5/8" CAPPED REBAR (LOWERY) and the POINT OF BEGINNING; thence S89°47'07"W, a distance of 300.08 feet to a POINT; thence N00°19'09"E, a distance of 229.27 feet to a POINT ON THE SOUTHERLY R-O-W OF GREEN JORDAN RD.; thence N88°23'39"E, along said R-O-W, a distance of 30.02 feet to a 1/2" CAPPED REBAR (ILLEGIBLE) ON SAID R-O-W; thence S00°19'09"W, leaving said R-O-W, a distance of 230.00 feet to the POINT OF BEGINNING. Containing 0.16 acres, more or less.

CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER
 The undersigned, as County Engineer of Baldwin County, Alabama, hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama,
 this the _____ day of _____, 2021.

 County Engineer

CERTIFICATE OF 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

CERTIFICATION OF NOTARY PUBLIC
 STATE OF ALABAMA
 COUNTY OF BALDWIN
 I, _____ A NOTARY PUBLIC IN AND FOR SAID COUNTY IN SAID STATE, HEREBY CERTIFY THAT _____ WHOSE NAME IS SIGNED TO THE FOREGOING INSTRUMENT, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT, HE, AS OWNER AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY.
 GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS THE _____ DAY OF _____, 2021

NOTARY PUBLIC
 MY COMMISSION EXPIRES: _____

CERTIFICATION OF OWNERSHIP AND DEDICATION
 STATE OF ALABAMA
 COUNTY OF BALDWIN
 I, MICHAEL R. MOYE, OWNER, HAVE CAUSED THE LAND EMBRACED IN THE WITHIN PLAT TO BE SURVEYED, LAID OUT, AND PLATTED TO BE KNOWN AS MOYE FAMILY DIVISION, AS SHOWN HEREON, A PART OF SECTION 10, T-2-S, R-2-E, BALDWIN COUNTY, AL. AND THAT NO STREETS ARE DEDICATED TO THE USE OF THE PUBLIC.
 DATED THIS THE _____ DAY OF _____, 2021

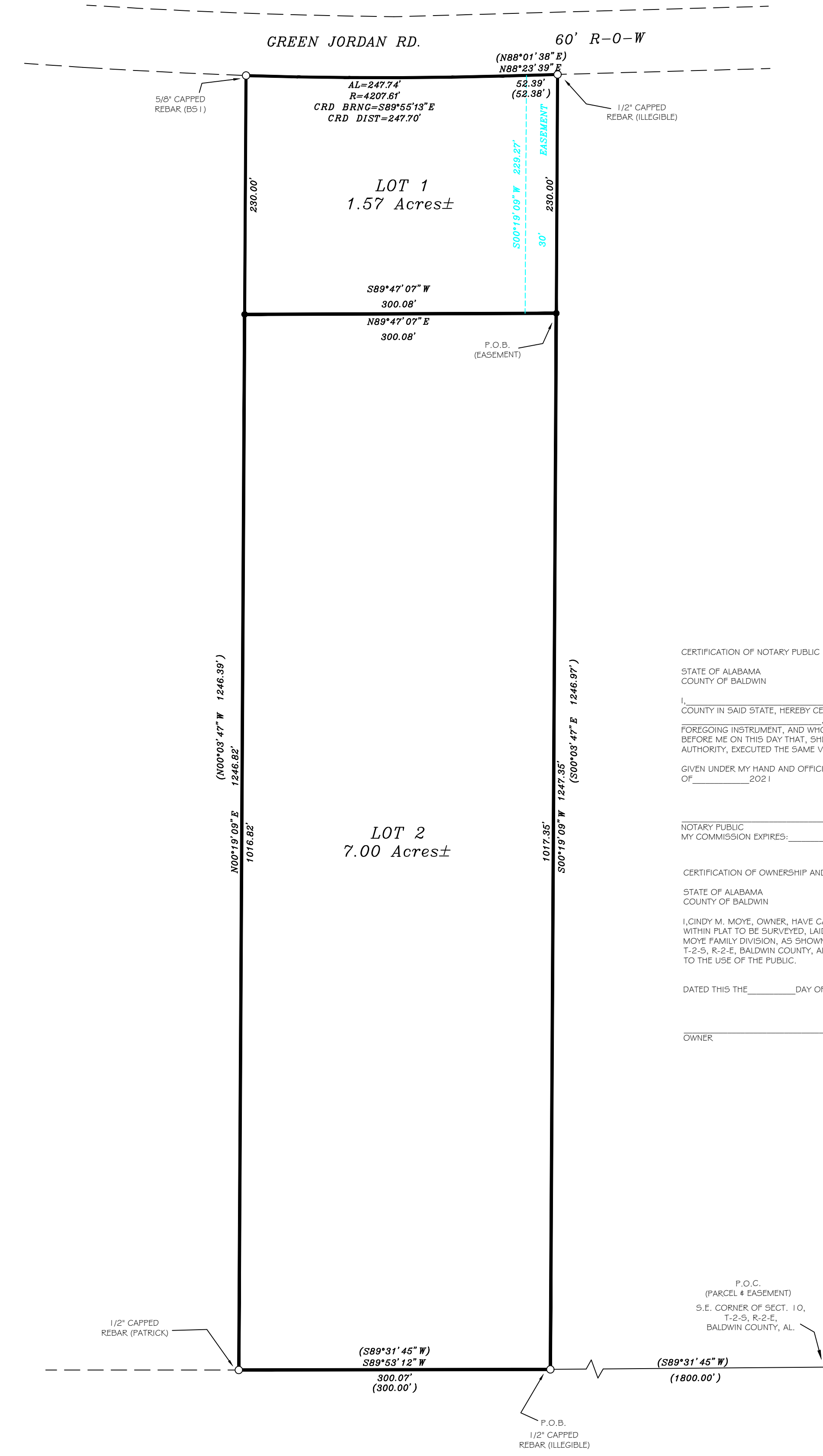
 OWNER

CERTIFICATE OF APPROVAL FOR RECORDING
 I HEREBY CERTIFY THAT THE FAMILY SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE BAY MINETTE LAND USE AND DEVELOPMENT ORDINANCE WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION AND WRITTEN UPON SAID PLAT AND THAT IT HAS BEEN APPROVED FOR THE RECORDING IN THE OFFICE OF THE BALDWIN COUNTY JUDGE OF PROBATE THIS THE _____ DAY OF _____, 2021.
 By: _____
 Its: _____

PLAT OF A FAMILY SPLIT SURVEY PREPARED FOR
MOYE
BALDWIN COUNTY, AL.

DAVID LOWERY
SURVEYING, L.L.C.
 55284 MARTIN LN.
 STOCKTON, AL 36579
 251-937-2757 ph. 251-937-2756 fax
 dlsurvey25@hotmail.com

- LEGEND AND SYMBOLS**
- (*) RECORD BEARING/DISTANCE
 - OE OVERHEAD ELECTRIC
 - SET IRON PIN
 - FOUND IRON PIN
 - △ PIN NOT SET
 - P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING
 - NOT TO SCALE
 - FENCE
 - FENCE CORNER POST
 - CONCRETE MONUMENT



CERTIFICATION OF NOTARY PUBLIC
 STATE OF ALABAMA
 COUNTY OF BALDWIN
 I, _____ A NOTARY PUBLIC IN AND FOR SAID COUNTY IN SAID STATE, HEREBY CERTIFY THAT _____ WHOSE NAME IS SIGNED TO THE FOREGOING INSTRUMENT, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT, SHE, AS OWNER AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY.
 GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS THE _____ DAY OF _____, 2021

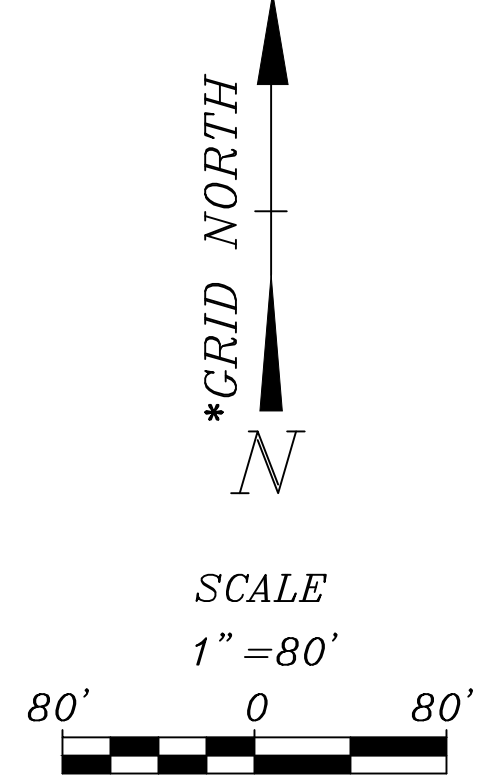
 NOTARY PUBLIC
 MY COMMISSION EXPIRES: _____

CERTIFICATION OF OWNERSHIP AND DEDICATION
 STATE OF ALABAMA
 COUNTY OF BALDWIN
 I, CINDY M. MOYE, OWNER, HAVE CAUSED THE LAND EMBRACED IN THE WITHIN PLAT TO BE SURVEYED, LAID OUT, AND PLATTED TO BE KNOWN AS MOYE FAMILY DIVISION, AS SHOWN HEREON, A PART OF SECTION 10, T-2-S, R-2-E, BALDWIN COUNTY, AL. AND THAT NO STREETS ARE DEDICATED TO THE USE OF THE PUBLIC.
 DATED THIS THE _____ DAY OF _____, 2021

 OWNER

CERTIFICATION
 I, David Lowery, a licensed land surveyor in the State of Alabama, do hereby certify the foregoing to be a true plat or map of a survey performed by me or under my supervision, containing the acreage and being situate as both shown and stated herein. I further 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.

David Lowery
 Al Lic No 26623
 55284 Martin Ln.
 Stockton, AL 36579
 251-937-2757

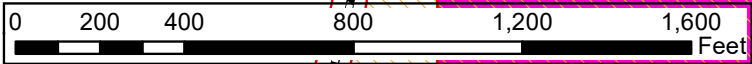
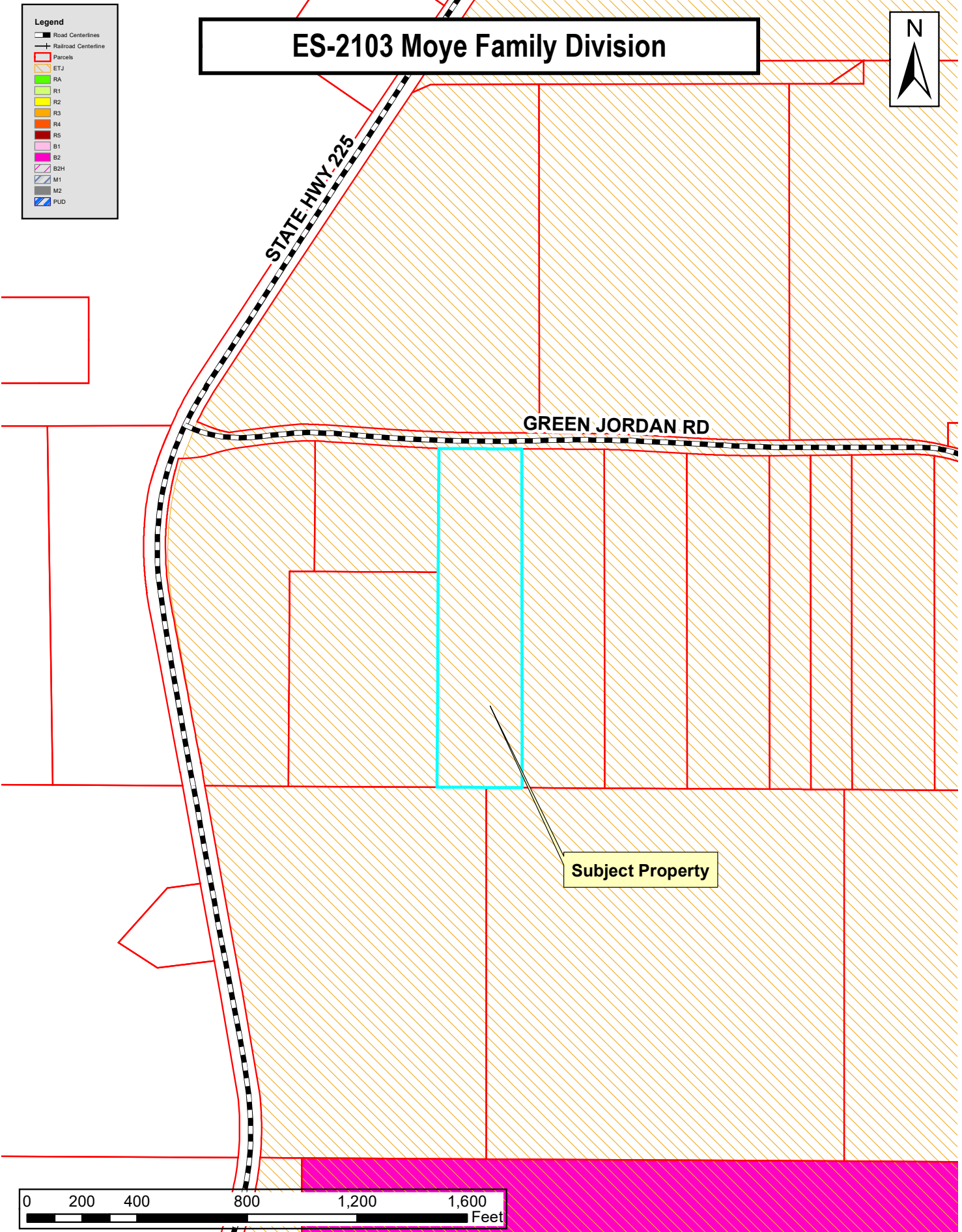


ES-2103 Moye Family Division



Legend

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



Parcels
Roads

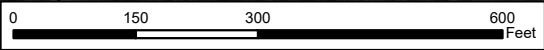
ES-2103 Moye Family Division

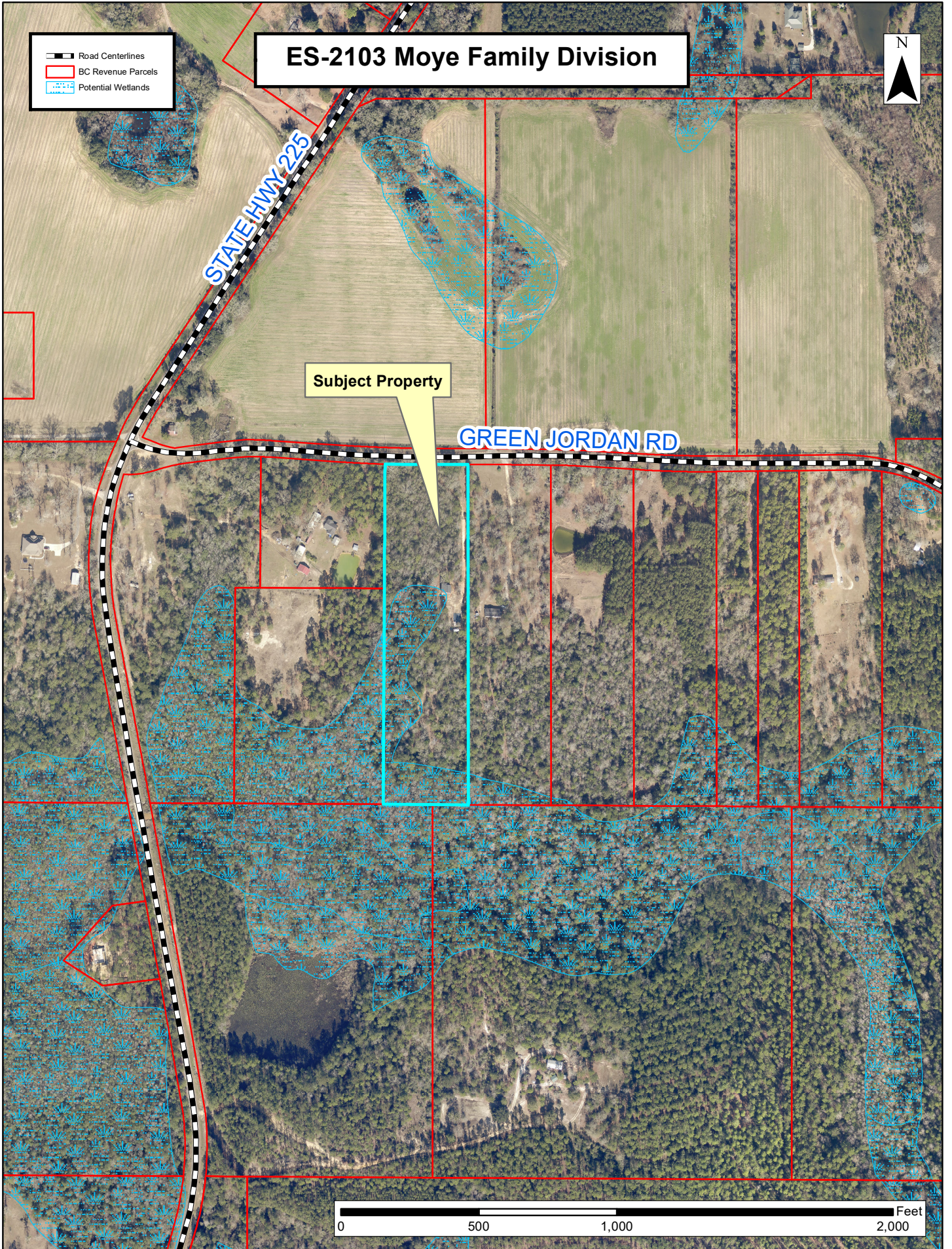


GREEN JORDAN RD

Subject Property

STATE HWY 225







City of Bay Minette

Exempt Subdivision Application

OFFICE USE ONLY
ES- 2103
Fee- \$200 + \$10/per Lot

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

Owner Name: Michael R. and/or Cindy M. Moye
Phone Number: 251-362-0752 Email: cmoye1981@gmail.com
Address: 9640 Green Jordan Road, Bay Minette, AL 36507
Street / PO Box City State Zip

Name of Applicant / Agent / Professional Land Surveyor, if other than owner:
David Lowery
Phone Number: 238-2542 Email: _____

Name of Subdivision: _____

Subdivision Location: 9640 Green Jordan Rd.

Parcel/PPIN #: 05-22-02-47-0-000-002.012

Total Acreage: 8[±] # of Parcels Existing: one
acre

Lot Sizes: 7.1 X 6900 square feet # of Lots Proposed: 2

Reason for request: Building a second home on property. New parcel to be deeded to Cindy M. Moye (self and wife)

Signature: Cindy M. Moye Date: 5-24-01

<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



PLANNING AND ZONING DEPARTMENT

Main Office - 251.580.1655
22251 Palmer St., Robertsdale, AL 36567

Foley Office - 251.972.8523
201 East Section Ave., Foley, AL 36535

May 18, 2021

SUBDIVISION EXEMPTION VERIFICATION

Case #: PF21-000084

Site & Applicant Information

Parcel ID Number: 05-22-02-47-0-000-002.012

Physical Address (E-911): , AL

Applicant Name: Cindy Moye

9640 Green Jordan Road

9640 Green Jordan Road

Bay Minette, AL 36507

Dear Applicant:

This letter is in response to your request for an exemption from the Baldwin County Subdivision Regulations as provided in Section 4.2 which states the following:

§4.2 Exceptions to Required Approval.

(a) Sale, deed or transfer of land by the owner to an immediate family member, except that, in the event that there is any sale, deed, or transfer of land by the owner or an immediate family member to someone other than an immediate family member, these regulations shall apply. Each parcel shall have its own ingress/egress and utility access of not less than 30 feet in width;

Exemption from the requirement for approval to subdivide does not constitute exemption from the requirements of other applicable regulations including but not limited to zoning ordinance, Health Department requirements, highway construction setbacks, or, if located within the extraterritorial jurisdiction of a municipality, the regulations of that municipal planning commission. Any subdivider who is circumventing the intent and substance of the Baldwin County Subdivision Regulations shall be required to submit a plat for review and approval by the Baldwin County Planning and Zoning Commission and shall be subject to the penalties under Section 13.3: Enforcement of the Baldwin County Subdivision Regulations. Based on your proposal the resulting subdivision will include two (2) parcels.

Based upon your request for an exemption, the proposed division of this parcel, which is only for deeding to immediate family members, and as shown on the attached drawing is Exempt from the Baldwin County Subdivision Regulations. This letter only indicates that this division is exempt from the requirement of subdivision approval and in no way shall be construed that Baldwin County will take responsibility for maintenance of any existing or future easements or roads that are a part of this division. This property is located within the extraterritorial jurisdiction of the City of Bay Minette and as such you are required to contact their Planning Department to verify compliance of their regulations.

This letter only indicates that this division is exempt from the requirement of subdivision approval required by the Baldwin County Subdivision Regulations. Baldwin County is not accepting responsibility for maintenance of any existing or future easements or roads that are a part of this division. It is your responsibility to confirm that a subdivision is permissible under any covenants or restrictions that apply to the property.

If you have any questions, please feel free to call me a 251-580-1655.

Sincerely:

Crystal Bates, Planning Technician

Cc:

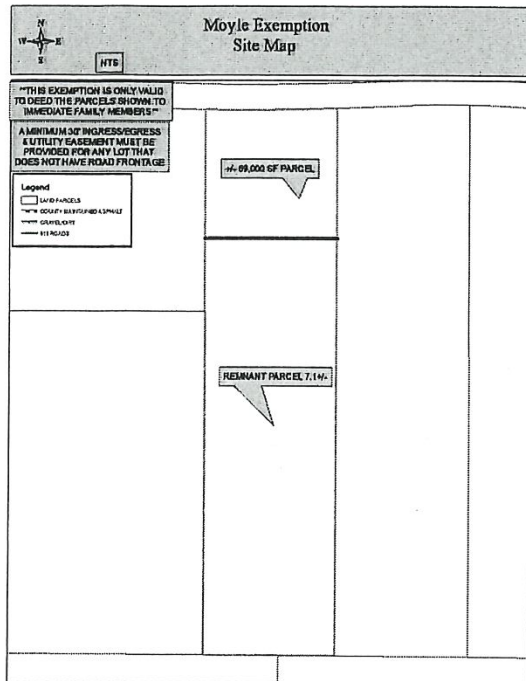
Eddie Harper; Building Official (via electronic mail)

Samantha Roberts; E911 Addressing (sroberts@baldwin911.org)

Janet Godwin; Baldwin County Revenue - Mapping Department (jgodwin@baldwincountyal.gov)

Planning Director of: City of Bay Minette

Proposed Division Map





City of Bay Minette

Planning & Development Services

Planning Commission Staff Analysis

Case No. ES-2104
 CKS Properties LLC // Robert Branum Property
 Family Exempt Subdivision Request
 July 8, 2021

Subject Property Information

Physical Location:	W 7 th Street	Applicant:	Robert & Brenda Branum
Parcel Number:	05-23-04-17-2-000-001.006		45393 Red Hill Road
Current Zoning:	R-2, Medium Density Single Family		Bay Minette, AL 36507
Current Land Use:	Vacant/Residential	Owner:	CKS Properties LLC / Robert &
Proposed Land Use:	Residential		Brenda Branum
Acreage:	18.78± acres		45393 Red Hill Road, Bay Minette

	Adjacent Land Use	Adjacent Zoning
North	Residential/Undeveloped	R-2, Medium Density Single Family
South	Undeveloped / Residential	County Unzoned District 5
East	Residential	R-2, Medium Density Single Family
West	Residential	R-2, Medium Density Single Family

Summary

The subject property, which consists of approximately 18.78± acres, is zoned R-2 Medium Density Single Family District. The request is to subdivide the property (currently PIN 58294) into two parcels, for the purpose of a family division in order to convey 2.46± acres to their son for a single family residence. This parcel is the location of the Pine Trace Subdivision, approval of which was recently ratified at the June 10, 2021 Planning Commission meeting. The portion of the property fronting W 7th Street has been approved for 9 lots, with additional phases planned. The proposed family division is the southeast corner of the lot and will be accessed from Bristlecone Drive and Loblolly Lane. The CKS Properties LLC is the owner of record and according to the Secretary of State's website, Robert Branum is the registered agent and member of the entity. The new parcel will be conveyed to his son, which meets the immediate family member qualification of a family division.

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.

BRANUM FAMILY SUBDIVISION

PARCEL A DESCRIPTION AS SURVEYED

Beginning at a 3/4" CRIMPED PIPE ON THE SOUTHEASTERLY R-O-W OF AIRPORT ROAD AT N.E. CORNER OF LOT 1, OF UNIT 1, OF RHODES SUBDIVISION AS RECORDED IN MAP BOOK 7 ON PAGE 92 IN SEC. 17, T-2-S, R-3-E, BALDWIN CO., AL.; Thence along a R-O-W curve to the left, having a Radius of 1,505.00 feet; a chord of N55°33'09"E, 509.29 feet, an arc length of 511.75 feet to a 3/4" CRIMPED PIPE ON SAID R-O-W; thence S37°52'19"E, leaving said R-O-W, a distance of 738.45 feet to a SET 5/8" CAPPED REBAR ON THE CENTERLINE OF AN APPARENT POWERLINE EASEMENT; thence S18°49'22"W, along said CENTERLINE, a distance of 395.75 feet to a SET 5/8" CAPPED REBAR ON SAID CENTERLINE; thence S44°42'42"W, along said CENTERLINE, a distance of 255.21 feet to a SET 5/8" CAPPED REBAR ON SAID CENTERLINE; thence S67°30'21"W, leaving said CENTERLINE, a distance of 462.13 feet to a 3/4" CRIMPED PIPE; thence N07°42'33"W, a distance of 1,036.98 feet to the POINT OF BEGINNING, Said parcel containing 16.58 acres, more or less.

PARCEL B DESCRIPTION AS SURVEYED

Commencing at a 3/4" CRIMPED PIPE ON THE SOUTHEASTERLY R-O-W OF AIRPORT ROAD AT N.E. CORNER OF LOT 1, OF UNIT 1, OF RHODES SUBDIVISION AS RECORDED IN MAP BOOK 7 ON PAGE 92 IN SEC. 17, T-2-S, R-3-E, BALDWIN CO., AL.; Thence along a R-O-W curve to the left, having a Radius of 1,505.00 feet; a chord of N55°33'09"E, 509.29 feet, an arc length of 511.75 feet to a 3/4" CRIMPED PIPE ON SAID R-O-W; thence S37°52'19"E, leaving said R-O-W, a distance of 738.45 feet to a SET 5/8" CAPPED REBAR ON THE CENTERLINE OF AN APPARENT POWERLINE EASEMENT, said point being the POINT OF BEGINNING; thence S37°52'19"E, a distance of 27.55 feet to a 3/4" CRIMPED PIPE; thence S44°55'18"E, a distance of 399.79 feet to a 3/4" CRIMPED PIPE; thence S67°30'21"W, a distance of 656.39 feet to a SET 5/8" CAPPED REBAR ON AFOREMENTIONED EASEMENT CENTERLINE; thence N44°42'42"E, along said CENTERLINE, a distance of 255.21 feet to a SET 5/8" CAPPED REBAR ON SAID CENTERLINE; thence N18°49'22"E, along said CENTERLINE, a distance of 395.75 feet to the POINT OF BEGINNING, Said parcel containing 2.46 acres, more or less.

CERTIFICATE OF APPROVAL FOR RECORDING

I HEREBY CERTIFY THAT THE FAMILY SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE BAY MINETTE LAND USE AND DEVELOPMENT ORDINANCE WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION AND WRITTEN UPON SAID PLAT AND THAT IT HAS BEEN APPROVED FOR THE RECORDING IN THE OFFICE OF THE BALDWIN COUNTY JUDGE OF PROBATE THIS THE _____ DAY OF _____, 2021.

By: _____
Its: _____

CERTIFICATION OF NOTARY PUBLIC

STATE OF ALABAMA
COUNTY OF BALDWIN

I, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN SAID STATE, HEREBY CERTIFY THAT _____ WHOSE NAME IS SIGNED TO THE FOREGOING INSTRUMENT, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT, HE, AS OWNER AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY.

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

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____

CERTIFICATION OF OWNERSHIP AND DEDICATION

STATE OF ALABAMA
COUNTY OF BALDWIN

I, _____, HAVE CAUSED THE LAND EMBRACED IN THE WITHIN PLAT TO BE SURVEYED, LAID OUT, AND PLATTED TO BE KNOWN AS BRANUM FAMILY SUBDIVISION, AS SHOWN HEREON, A PART OF SECTION 17, T-2-S, R-3-E, BALDWIN COUNTY, AL. AND THAT NO STREETS ARE DEDICATED TO THE USE OF THE PUBLIC.

DATED THIS THE _____ DAY OF _____, 2021

OWNER _____

PLAT OF A FAMILY DIVISION SURVEY
PREPARED FOR

**BRANUM
BALDWIN COUNTY, AL.**

**DAVID LOWERY
SURVEYING, L.L.C.**

55284 MARTIN LN.
STOCKTON, AL 36579
251-937-2757 ph. 251-937-2756 fax
dlsurvey25@hotmail.com

DWG. NO.	SURVEY DATE	SCALE
21-04-011	APRIL 2021	1"=100'

DRAWN BY: DBL CHECKED BY: D. LOWERY

- LEGEND AND SYMBOLS**
- (**) RECORD BEARING/DISTANCE
 - OE OVERHEAD ELECTRIC
 - SET IRON PIN
 - FOUND IRON PIN
 - △ PIN NOT SET
 - P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING
 - ~ NOT TO SCALE
 - X- FENCE
 - FENCE CORNER POST
 - CONCRETE MONUMENT

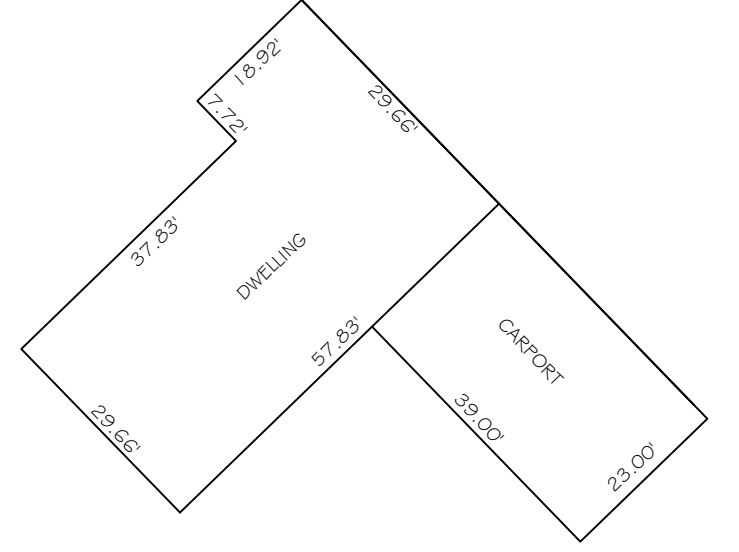
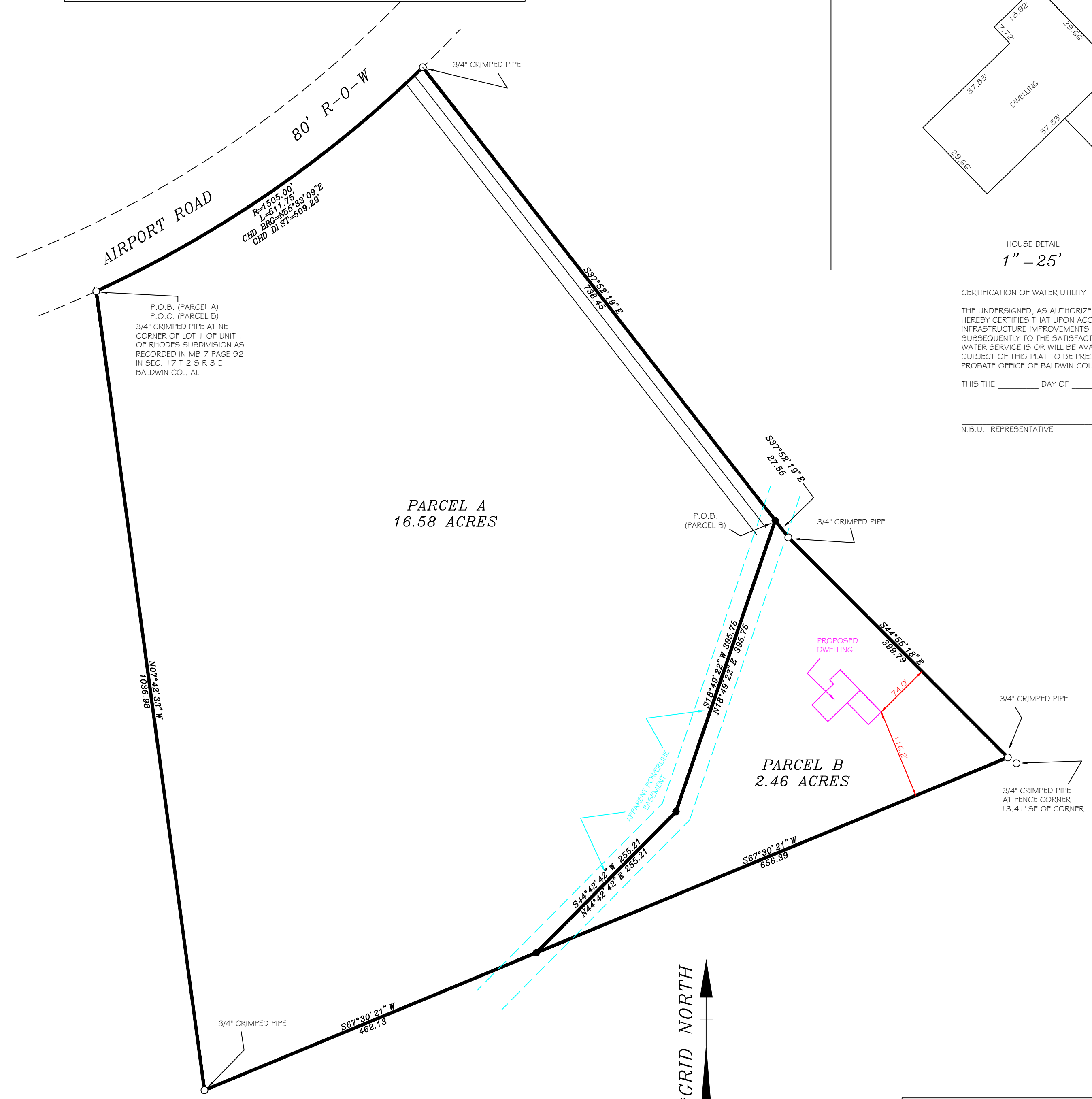


D.L.O.

David Lowery
Al Lic No 26623
55284 Martin Ln.
Stockton, AL 36579
251-937-2757

CERTIFICATION

I, David Lowery, a licensed land surveyor in the State of Alabama, do hereby certify the foregoing to be a true plat or map of a survey performed by me or under my supervision, containing the acreage and being situate as both shown and stated herein. I further 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.



CERTIFICATION OF WATER UTILITY

THE UNDERSIGNED, AS AUTHORIZED BY NORTH BALDWIN UTILITIES, HEREBY CERTIFIES THAT UPON ACCOMPLISHMENT OF UTILITY INFRASTRUCTURE IMPROVEMENTS AS MAY BE IDENTIFIED HEREON OR SUBSEQUENTLY TO THE SATISFACTION OF NORTH BALDWIN UTILITIES, WATER SERVICE IS OR WILL BE AVAILABLE TO THE PROPERTY BEING THE SUBJECT OF THIS PLAT TO BE PRESENTED FOR RECORDING IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

THIS THE _____ DAY OF _____, 2021

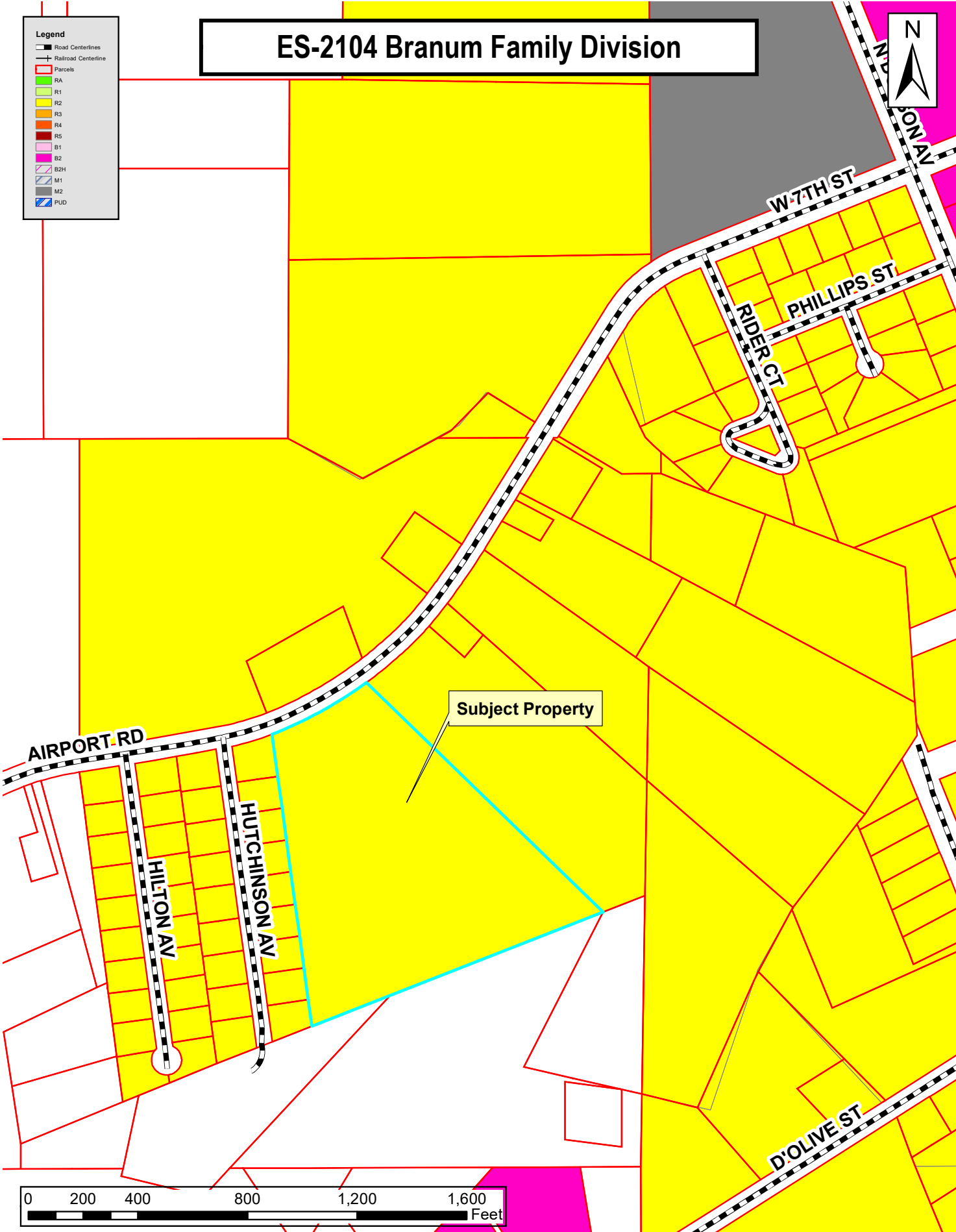
N.B.U. REPRESENTATIVE _____

- NOTES**
- All bearings shown hereon are relative to Grid North by G.P.S. observation at the time of the survey.
 - Corner monuments shown as set iron pins are 5/8" reinforcing bars with a durable plastic cap stamped "26623".
 - Only Select Fixed Interior Improvements shown hereon.
 - This survey was prepared for the client shown and is not to be used for any other purpose without prior approval from this surveyor.
 - No instruments of record reflecting easements, right of ways, and/or ownership were furnished this surveyor, except as shown or noted.
 - No underground installations or improvements have been located, except as shown or noted.
 - This survey was prepared without the benefit of an abstract of title or a title search unless stated hereon. No liability is assumed by the undersigned for loss relating to any matter that might be discovered by an abstract, title search, or legal judgement rendered on the property.
 - Liability of the undersigned for the survey shown shall not exceed the amount paid for this survey.

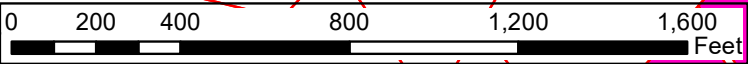
ES-2104 Branum Family Division

Legend

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



Subject Property

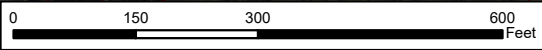




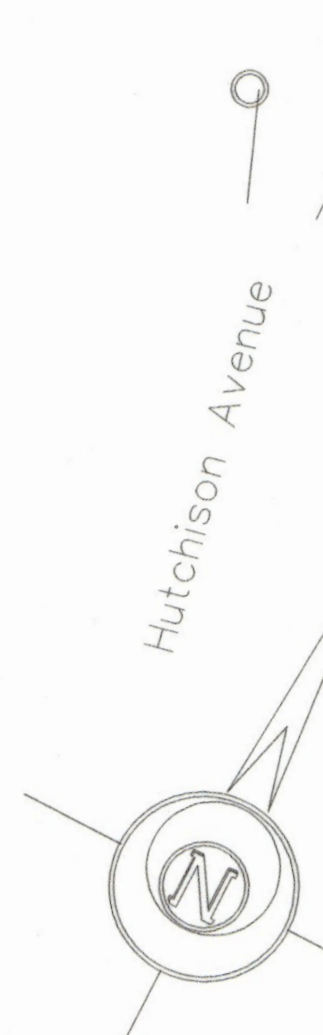
ES-2104 Branum Family Division



Subject Property



July 8, 2012 Planning Commission Meeting



MOORE ENGINEERING COMPANY
 595 N SECTION ST., HOUSTON, AL 36852
 TEL: (205) 980-4000
 FAX: (205) 980-4010

CONTOUR MAP

SHT. 2
 DATE



City of Bay Minette

OFFICE USE ONLY
 ES- 2104
 Fee- \$200 + \$10/per Lot

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

Owner Name: Robert E. Branum and Brenda H. Branum
 Phone Number: 251-604-5105 Email: robertebbranum@bellsouth.net
 Address: 45393 Red Hill 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: Pine Trace Subdivision

Subdivision Location: West 7th St. Bay Minette, AL

Parcel/PPIN #: 58294

Total Acreage: 19 acres # of Parcels Existing: 1

Lot Sizes: _____ # of Lots Proposed: 2

Reason for request: Transfer 2.46 acres to our son, Christopher R. Branum for purpose of building a personal residence

Signature: Robert E. Branum Date: 6/14/21

Fees

Application Fee: \$200.00
 No. of Parcels: 2 X \$10 = \$ 20 Paid: Cash Credit Card
 Total \$ 220.00 Check # 4923

Submittal Requirements

- _____ Application
- _____ Fee
- _____ Survey/Plat showing existing parcel(s)
- _____ Survey showing proposed subdivision in accordance with Administrative Subdivision Regulations
- *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
- _____ Agent Authorization Form (if applicant is not the owner)
- _____ Certification for Family Administrative Form (if applicable)

CERTIFICATION FOR FAMILY ADMINISTRATIVE SUBDIVISION

I, Robert E. Brannum, 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 E. Brannum
Signature

6/14/2021
Date

Robert E. Brannum
Print Name

WITNESS:

Clair Dorrough
Signature

6/14/21
Date

Clair Dorrough
Print Name

Amica Peed
Signature

6/14/21
Date

Jessica Peed
Print Name