

STATE OF ALABAMA
COUNTY OF BALDWIN

ORDINANCE 1006

AN ORDINANCE OF THE CITY COUNCIL OF BAY MINETTE, REGARDING
Case No. Z-22002, Pre-Zoning of Property Proposed for Annexation,
AS AUTHORIZED PURSUANT TO SECTION 11-52-85, CODE OF ALABAMA (1975).

WHEREAS, the City of Bay Minette (the "City"), pursuant to Section 104(18) of the Alabama Constitution 1901, has resolved to request the Legislature of Alabama for Legislative Annexation of the area known as the Interstate 65 and Rabun Road Interchange by Resolution 0222-04 on February 22, 2022; and

WHEREAS, said annexation, known as HB386, passed the State House on March 29, 2022; and passed the Senate on March 31, 2022 to be enrolled as Act 2022-280; and

WHEREAS, the City Council recognizes specific authority in Section 11-52-85 of the *Code of Alabama (1975)* to pre-zone territory proposed for annexation; and

WHEREAS, the City of Bay Minette wishes to pre-zone certain property proposed for annexation, herein identified as the property located at the Interstate 65 and Rabun Road Interchange, otherwise known as the following tax parcel numbers:

05-18-05-15-0-000-019.002
05-18-05-15-0-000-019.005
05-18-05-15-0-000-004.000
05-18-05-15-0-000-005.001
05-18-05-15-0-000-007.000
05-18-05-15-0-000-003.000
05-18-05-15-0-000-006.000
05-18-05-15-0-000-001.000

as found in the office of the Revenue Commissioner of Baldwin County, Alabama. Said property further identified and described in the document attached hereto and made a part of this Ordinance as Exhibit "A" and as set forth on a map of the property attached hereto and made a part of this Ordinance as Exhibit "B"; and

WHEREAS, the City of Bay Minette wishes that property herein identified be pre-zoned to B-2 General Business District; and

WHEREAS, the Planning Commission of the City of Bay Minette held a public hearing in a special called public meeting on May 19, 2022, and voted to recommend to the City Council approval of the pre-zoning request to B-2 General Business District; and

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by and in accordance with Section 11-45-8 of the *Code of Alabama (1975)*, upon 15 or more days' notice of the time, place and purpose of the public hearing, and the City Council held a public hearing on June 6, 2022; and

WHEREAS, the City Council of Bay Minette after due consideration and upon consideration of the recommendation and notes of the Planning Commission, deemed that said application for pre-zoning of the above described real property and as set forth in Exhibits "A" and "B" is proper and in the best interest of the health, safety, and welfare of the citizens of the City of Bay Minette, Alabama;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY MINETTE, ALABAMA, IN REGULAR MEETING ASSEMBLED, AS FOLLOWS:

SECTION I: ZONING.

That above-described real property is hereby pre-zoned to B-2, General Business. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance and zoning map shall be amended to reflect said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed into the City of Bay Minette, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was initiated was Unzoned, Baldwin County Districts 2 and 5.

SECTION II: REPEALER.

Any ordinance or resolution heretofore adopted by the Council which is in conflict with this Ordinance is hereby repealed to the extent of such conflict.

SECTION III: SEVERABILITY.

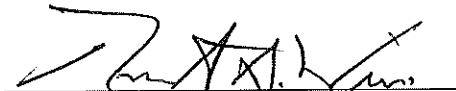
The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

This Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Bay Minette and publication as required by law. Pursuant to *Code of Alabama (1975)* Section 11-52-85, the zoning of the subject property shall become effective upon the date the territory is annexed into the corporate limits, or the date the zoning process is completed, whichever is later. If any portion of the subject property is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law, this pre-zoning shall be null and void.

FURTHER, BE IT RESOLVED AND ORDAINED, BY THE CITY COUNCIL OF BAY MINETTE, ALABAMA IN REGULAR MEETING ASSEMBLED, in the interest of public health, safety and welfare of the general public, determined that **Ordinance 1006**, Case Z-22002, Pre-Zoning of Property Proposed for Annexation, is hereby **ADOPTED AND IMPLEMENTED.**

Done this the 20th day of June, 2022.

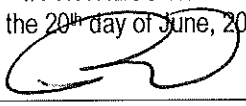

Robert A. Wills, Mayor
City of Bay Minette, Alabama

ATTEST:


Rita Diedtrich, City Clerk

I, the undersigned qualified and acting Clerk of the City of Bay Minette, Alabama, do hereby certify that the above and foregoing is a true copy of an Ordinance lawfully passed and adopted by the Bay Minette City Council, at a regular meeting of such council, held on the 20th day of June, 2022 and that said Ordinance is on file in the office of the Bay Minette City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Bay Minette,
on this the 20th day of June, 2022.



Rita Diedtrich
City Clerk

EXHIBIT "A"
FOR
ORDINANCE 1006

I-65 & Rabun Road Pre-Zoning Property Legal Descriptions

Cougar Oil, PIN# 93592

Commencing at the Southwest corner of the Northwest Quarter of Section 15, Township 1 South, Range 3 East, run North 89 degrees 50 minutes 30 seconds East, 2127.94 feet to a rebar and the POINT OF BEGINNING; Thence continue North 89 degrees 50 minutes 30 seconds East, 182.78 feet to a rebar; thence run South 11 degrees 49 minutes 31 seconds West, 268 feet to a rebar; thence run North 78 degrees 10 minutes 29 seconds West 169.62 feet to a rebar; thence run Northwestwardly along the arc of a curve to the right of way of Old Jack Springs Road, an arc distance of 230.49 feet to the point of beginning.

Graham, PIN# 234806

Commencing at the Southwest corner of the Northwest Quarter of Section 15 Township 1 South, Range 3 East, Saint Stephens Meridian run thence North 89 degrees 50 minutes 30 seconds East, 2127.94 feet to and iron pin marker on the East margin of the Old Jack Springs Road; thence run Southwardly along a curve to the left, having a radius of 1373.79 feet, and arc distance of 150.07 feet, to the POINT AND PLACE OF BEGINNING; thence run North 89 degrees 48 minutes 9 seconds East 181.29 feet to an iron pin marker on the West margin of Jack Springs Road (a/k/a Baldwin County Highway47); thence run South 11 degrees 49 minutes 32 seconds West 117.66 feet to an iron pin marker; thence run North 89 degrees 48 minutes 9 seconds West 169.74 feet to an iron pin marker on the East margin of the Old Jack Springs Road; thence run Northwardly along a curve to the right, having a radius of 1373.79 feet, an arc distance of 80.82 feet to the PLACE OF BEGINNING.

Jaye, PIN# 383554 and Jaye, PIN#21967

PARCEL I // PIN# 383554:

Commencing at a rebar found at the Northwest corner of Section 15, Township 1 South, Range 3 East, Baldwin County, Alabama; thence South 89° 55' 09" East along the North line of said Section 15 a distance of 21.83 feet to a capped rebar set on the apparent Southern right of way line of Pine Treat Road; thence South 89° 48' 09" East along the Southern right of way line of Pine Treat Road a distance of 708.33 feet to a capped rebar set; thence continue along the Southern right of way line of Pine Treat Road South 89° 48' 09" East a distance of 793.62 feet to a capped rebar set at the point of beginning; thence continue along the Southern right of way line of Pine Treat Road South 89° 48' 09" East a distance of 393.18 feet to a capped rebar set; thence South 00° 04' 51" West a distance of 204.14 feet to a capped rebar set; thence South 89° 55' 09" East a distance of 416.00 feet to a capped rebar set; thence North 00° 04' 51" East a distance of 197.25 feet to a capped rebar set on the apparent Southern right of way line of Pine Treat Road; thence South 88° 58' 16" East along the Southern right of way line of Pine Treat Road a distance of 305.70 feet to a capped rebar found at the intersection of the Southern right of way line of Pine Treat Road and the East line of the West Half of said Section 15; thence South 02° 19' 19" East along the East line of the West Half of said Section 15 a distance of 764.49 feet to a rebar found on the Western right of way line of Baldwin County Road Number 47; thence South 18° 41' 46" West along the Western right of way line of County Road 47 a distance of 335.32 feet to a concrete right of way monument found at the intersection of the West right of way line of County Road 47 and the Northern right of way line of Interstate Number 65; thence South

59° 24' 59" West along the Northern right of way line of Interstate Number 65 a distance of 1206.09 feet to a capped rebar set; thence North a distance of 1709.46 feet to the point of beginning, containing 33.4 acres, more or less;

PARCEL II // PIN# 21967:

From the Northwest corner of the Northwest Quarter of Section 15, Township 1 South, Range 3 East; run thence West 305 feet from a point of beginning; thence continue West 416 feet to a point; thence run South 208 feet to a point; thence run East 416 feet to a point; thence run North 208 feet to the point of beginning, intending to describe Parcel Number: 18-05-15-0-000- 004.000, whether correctly or incorrectly herein described

McKenzie, PIN# 7239

From the Southwest corner of the Northwest Quarter of Section 15, Township 1 South, Range 3 East, run North 89 degrees 50 minutes 30 seconds East along the South line of the Northwest Quarter of Section 15, a distance of 2128.5 feet to a point on the East right of way line of the present or Old Baldwin County Highway No. 47 to the point of beginning of the property herein described, thence run Northwardly curving to the right along said East line 99.49 feet to the P. T. of a curve (chord bears North 17 degrees 37 minutes 05 seconds East, 99.39 feet); thence run North 19 degrees 35 minutes 47 seconds East along the East line of Highway No. 47 a distance of 434.06 feet to the intersection with the present South right of way line of interstate Highway No. 65; thence run South 78 degrees 10 minutes 30 seconds East along the South line of 1-65 a distance of 122.38 feet to the West right of way line of the new or relocated Baldwin County Highway No. 47; thence run South 13 degrees 18 minutes 33 seconds West along said West line 489.47 feet to the South line of the Northwest Quarter of Section 15, and the North line of the property now or formerly of H.D. Harbinson; thence run South 89 degrees 17 minutes 47 seconds West, along the South line of the Northwest Quarter of Section 15 a distance of 182.78 feet to the point of beginning.

Pierce, PIN# 10401

All of that part of the Northwest Quarter of the Northeast Quarter of Section 15, Township 1 South, Range 3 East, which lies West of Jack Springs Road.

LESS AND EXCEPT

A strip of land 40 feet wide along the West side of the center line of a survey for a County road described as follows:

Running from the NW corner of the NW 1/4 of the NE 1/4, Section 15, T 1 S, R 3 E, Easterly along the East and West section line a distance of 270.8 feet to the point of beginning, thence S 18 degrees 33' W and parallel to the center line of survey for a distance of 981.3 feet to a point on the North and South half section line, thence Southerly along said half section line for a distance of 125.7 feet to Station 602-87 of survey, thence N 18 degrees 33' E along center line of survey a distance of 1013.6 feet to a point on the East and West section line, thence West along said East and West section line a distance of 42.2 feet to the point of beginning, the above described property being and lying in the NW 1/4 of the NE 1/4, Section 15, T 1 S, R 3 E, Baldwin County, Alabama;

Richards, PIN# 035903

Beginning at the Southwest Corner of the Northwest Quarter of Section 15, Township 1 South, Range 3 East, run North 00 degrees 00 minutes 30 seconds West along the West line of Section 15, and

along an old fence line 250.53 feet to the intersection with the South right-of-way line of Interstate 65; thence North 76 degrees 54 minutes 30 seconds East along the South right-of-way line of Interstate 65 a distance of 1534.90 feet to a concrete monument; thence South 87 degrees 14 minutes 30 seconds East along the South right-of-way line of Interstate 65 a distance of 468.42 feet to a concrete monument; thence South 79 degrees 23 minutes 30 seconds East along the South right-of-way line of Interstate 65 a distance of 254.35 feet to the West right-of-way line of the Old Jack Springs Road; thence South 18 degrees 17 minutes 30 seconds West along said West line 423.17 feet to the P.C. of a curve to the left; thence Southwardly along the West right-of-way line of the Old Jack Springs Road and along the arc of said curve 125.3 feet, more or less to the intersection with the South line of the Northwest Quarter of Section 15 (chord bears south, 15 degrees 40 minutes 30 seconds West 125.30 feet); thence South 89 degrees 50 minutes 30 seconds West along the South line of Northwest Quarter of Section 15 a distance of 2046.50 feet to the Point of Beginning.

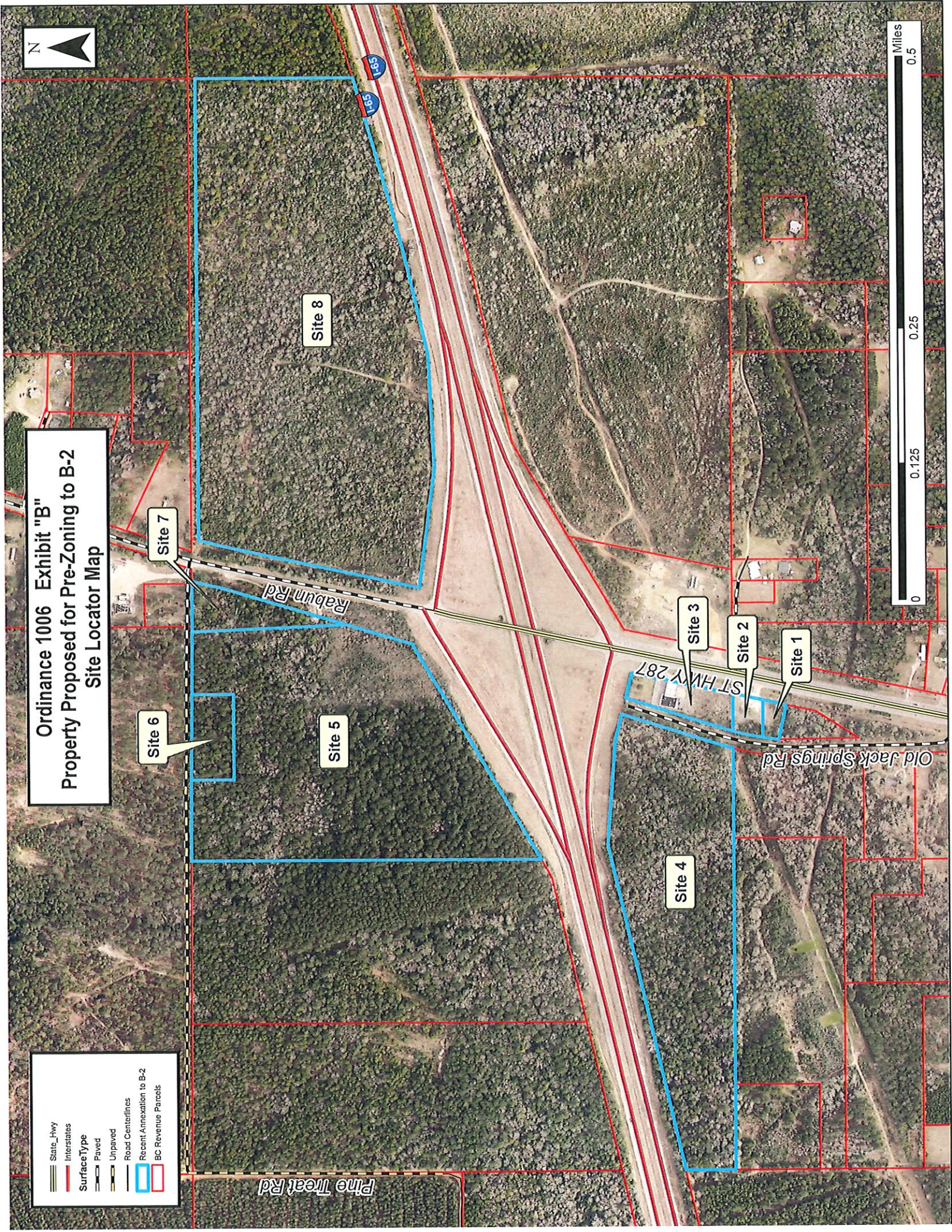
Wise, PIN# 21458

Commencing at the Northeast corner of Section 15, Township 1 South, Range 3 East, Baldwin County, Alabama; thence run South 00 degrees 13 minutes East 33 feet to the point of beginning of the property herein described; thence run South 89 degrees 50 minutes West and parallel with the North line or said Section 15, 2248.5 feet to a point on the East right-of-way of Jack Springs Road; thence run Southwesterly along said East right-of-way line 274 feet to a right-of-way mon. (p.c.920+49.99); thence continue along said right-of-way line South 18 degrees 26 minutes West 249.99 feet to a mon. (918+00); thence run South 11 degrees 19 minutes West 201.56 feet to a mon. (916+00); thence run South 18 degrees 26 minutes West 400 feet to a mon. (912+00); thence run Southeasterly along the North right-of-way line of I-65, 582 feet to a mon. (884+00); thence run North 87 degrees 02 minutes East 570.06 feet to a mon. (p.c.889+61.22); thence run Northeasterly along a curve to the left 1376.5 feet to a point on the East line of Section 15; thence run North 00 degrees 13 minutes West along the West line of Section 15, 782 feet to the point of beginning.



Ordinance 1006 Exhibit "B"
Property Proposed for Pre-Zoning to B-2
Site Locator Map

- State Hwy
- Interstates
- Surface Type
 - Paved
 - Unpaved
- Road Centerlines
- Recent Annexation to B-2
- BC Revenue Parcels





City of Bay Minette

Planning & Development Services

301 D'Olive Street · Bay Minette, Alabama 36507

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

NOTICE OF PUBLIC HEARINGS

Case No. Z-22002

Pre-Zoning of Property Proposed for Annexation From Unzoned to B-2, General Business District

Notice is hereby given that the City of Bay Minette Planning Commission and City Council will each conduct a public hearing concerning the Pre-Zoning of property proposed for annexation to the B-2, General Business District zoning designation. The properties proposed for annexation and pre-zoning are located in and around Interstate 65 at the Rabun Road exit as shown on the attached map and identified as PINs 35903, 7239, 93592, 234806, 21458, 10401, 21967 and 383554.

The Bay Minette **Planning Commission** will conduct the first public hearing during a special called meeting which is scheduled for **Thursday, May 19, 2022** beginning at 8:00 a.m. in the Council Chambers of Bay Minette City Hall located at 301 D'Olive Street, Bay Minette, AL 36507.

The Bay Minette **City Council** will conduct a second public hearing during the regularly scheduled meeting on **Monday, June 6, 2022** beginning at 6:00 p.m. in the Council Chambers of Bay Minette City Hall located at 301 D'Olive Street, Bay Minette, AL 36507.

The application materials will be available for public review at Bay Minette City Hall. If you desire to speak with someone by telephone about this application, please contact the Bay Minette Planning Department at (251) 580-1650. If you desire to submit written comments, please address your correspondence to:

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

You may email your comments to: COBM_Planning@ci.bay-minette.al.us. Please include the case number noted above in all correspondence. If you desire to address the Planning Commission or City Council in person about this application, please attend the public hearings at the time and location listed above.

Public participation is solicited without regard to race, color, national origin, sex, age, religion, disability or family status. Persons who require special accommodations under the Americans with Disabilities Act or those requiring language translation services should contact the City of Bay Minette Planning & Zoning Department at 251-580-1650.

Notice Posted – May 2, 2022



Z-22002 Pre-Zoning of Property Proposed for Annexation to B-2, General Commercial District

- Road Centerlines
- Recent Annexation - B-2
- BC Revenue Parcels
- Unknown Zoning Designation
- R-4 Rural Residential and Agricultural Zone District
- R-1 Low Density Single Family Residential District
- R-2 Medium Density Single Family Residential District
- R-3 Higher Density Single-Family Residential District
- R-4 High Density Multi-Family Residential District
- R-5 Manufactured/Mobile Home Residential District
- B-1 Local Business District
- B-2 General Business District
- B-2 General Business District (Historical District)
- M-1 Light Industrial District
- M-2 General Industrial District
- PUD Planned Unit Development

NE TREAT RD

INTERSTATE HWY-65

65' S OFF-RAMP TO 47-X-37

RABUN RD

INTERSTATE HWY-65

OLD JACK SPRINGS RD

GLASGOW LN

ROLEY LN



City of Bay Minette Planning Commission
Voting Sheet

Case # Z-22002

Pre-Zoning of Property Proposed for Annexation

May 19, 2022 *Special Called Meeting

Pre-Zoning Request
to B-2, General Business District

Public Hearing: Opened at 8:27am, closed at 8:28am
Motion: Recommend approval of the pre-zoning to the City Council
Made by: Neal Covington
Motion Seconded by: Earl Emmons

MEMBER	IN FAVOR OF MOTION	OPPOSED TO MOTION	ABSENT OR ABSTAIN
Todd Stewart	X		
Mayor Bob Wills	X		
William Taylor	X		
Rob Madison	X		
Scotty Langham			Absent
Neal Covington	X		
Earl Emmons	X		
Ray Clark	X		

Section 11-52-85

Pre-zoning of territory proposed for annexation by municipality.

(a) A municipality which exercises its authority to zone territory within its corporate limits may pre-zone territory proposed for annexation into the corporate limits of the municipality prior to the effective date of the annexation by complying with this article. If all the requirements, including all notice and public hearing requirements, of this article are met, the zoning shall become effective upon the date the territory is annexed into the corporate limits, or upon the date the zoning process is completed, whichever is later.

(b) A municipality which exercises its authority to zone territory within its corporate limits shall pre-zone territory as provided in subsection (a) and issue a statement of zoning classification to an affected property owner if the individual property owner residing in the area to be annexed requests in writing that a zoning determination be made pursuant to this section prior to being annexed.

(c) Any pre-zoning established by a municipality pursuant to this section for territory proposed for annexation shall be null and void as to any portion of the territory that is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law.

(d) Nothing contained in this section shall allow a municipality to zone territory outside the corporate limits of the municipality that is not in the process of being annexed into the corporate limits of a municipality as provided by law.

(e) Section 6-5-127 shall be applicable to any property pre-zoned pursuant to this section.

(Act 2009-629, p. 1926, §1.)



City of Bay Minette

Planning & Development Services

Planning Commission Staff Analysis

Case No. Z-22002

Property Proposed for Annexation

Pre-Zoning to B-2, General Business District

May 19, 2022

Subject Property Information

Physical Location: I-65 at Rabun Road Exit
PPIN's: 378519, 383554, 10401, 21458
35903, 7239, 93592, 234806
Current Zoning: Unzoned, County Jurisdiction
Proposed Zoning: B-2, General Business District
Current Land Use: Vacant/Undeveloped and Commercial
Proposed Land Use: N/A
Acreage: 119.2± acres

Applicant: City of Bay Minette
Owner: Various, see attached

Summary

The subject properties, which include 8 parcels containing approximately 119.2± total acres is currently unzoned as part of the County's Unzoned District 2 and District 5. Five of the parcels are undeveloped; one has an existing gas station/convenience store; one is vacant commercial property with no structure; and one contains a pre-fabricated metal carport used as a fruit stand and a burned structure. Contingent upon a finalized annexation of all properties, the City is proposing all parcels be pre-zoned with a B-2, General Business District, zoning designation.

Site	Size	Current Use	Revenue Class/Use	Notes
1	.4 ac	Vacant	Vacant Commercial	Vacant land, no structures
2	.6 ac	Fruit Stand	Other – Auto repair	Metal carport used as fruit stand, burned building
3	1.8 ac	Gas Station	Convenience Store	Marathon gas station
4	23 ac	Undeveloped	Agricultural/Timber	Fronts Old Jack Springs Rd (E), borders I-65 (N), undeveloped (S,W)
5	33.4 ac	Undeveloped	Agricultural/Timber	Fronts Pine Treat Rd (N), borders I-65 (S), undeveloped (W)
6	2 ac	Undeveloped	Residential/Timber/Ag	Fronts Pine Treat Rd (N), undeveloped (S,E,W)
7	3.2 ac	Undeveloped	Residential	Fronts Pine Treat Rd (N), borders Rabun Rd (E), undeveloped (S,W)
8	56 ac	Undeveloped	Agricultural	Borders I-65 (S), fronts Rabun Rd (W), residential (NW), undeveloped (N, E)

Annexation Automatic Zoning District

6.2.2 R-1, Low Density Single Family Residential District. This district is provided to afford opportunity for choice of low density suburban residential environment consisting of single-family homes on large parcels of land.

Proposed 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 factors for reviewing zoning amendments are found in Article 15 - Amendment of the Zoning Ordinance of the City of Bay Minette. These factors are to be considered when an application is being reviewed for zoning amendments.

1.) Compliance with the Comprehensive Plan

The subject properties are designated as Agriculture/Timber on the Future Land Use Map in the Comprehensive Plan. They are adjacent to other Agriculture/Timber designated areas as well as Industrial designations and areas to the North beyond the consideration of the Comprehensive Plan. These properties appear as more passive timber use as they are undeveloped, naturally forested areas and do not appear to be actively planted for agricultural or timber uses. The location of these properties at the I-65, State Road 287/Rabun Road exit, will be more appropriate for future development as commercial rather than timber. In particular, the properties south of I-65 fronting State Road 287/Rabun Road, currently contain active commercial uses or are vacant property previously used as commercial property.

The Comprehensive Plan is the master plan required by state law, for the purpose of guiding the future growth of the municipality both inside and outside the current municipal limits. The Planning Commission is required to conduct careful and comprehensive surveys and studies of the present conditions and future growth of the municipality and with due regard to its relation to neighboring territory. The current Comprehensive Plan was researched and written in 2010, prior to the establishment of the County's Mega-Site which is approximately one mile from the I-65 exits. Specifically in light of the recent developments at the County's Mega-Site, the existing plan does not consider actual significant development occurring in the area. The intent of the plan is for guiding and accomplishing...

"a coordinated, adjusted, and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements."

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

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

Zoning Ordinance Section 14.2.4 (c) states that the Planning Commission shall hear and recommend to the City Council on all matters of zoning of newly annexed land when R-1 is determined not to be the proper zone. Zoning Ordinance 15.4 states that any unzoned land annexed into the City shall be automatically classified as R-1, Low Density Single Family, except that the City Council may consider, after publication and hearing process required by law, specific applications to zone newly annexed land into other zoning categories.

6.2.2 R-1, Low Density Single Family Residential District. This district is provided to afford opportunity for choice of low density suburban residential environment consisting of singlefamily homes on large parcels of land.

Due to the properties' proximity to the County's Mega-Site, especially in light of the recent announcement at the site, the potential for commercial development at the four corners of I-65 has increased significantly. An R-1 low

density single family designation would not be compatible with the location and future development of the area, nor with the existing commercial uses at some of the sites. The likelihood of these properties being developed as residential is minimal compared to the possibility of commercial development.

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

There is no development proposed for any of these sites. The majority of the subject properties are currently undeveloped, as well as the surrounding properties with the exception of the existing gas station and prior commercial uses. There are two residential uses adjacent to the properties to the north of I-65 and the former Camp PineTreat Boy Scout recreational facility. Also to the north, at the Northwest intersection of Co. Rd 47/Rabun Road and Pine Treat Road, is the location of Southeastern Environmental Services, which is a trucking/freight company that hauls waste oil materials for disposal. Other than the property on the southeast corner of I-65, the surrounding property is County Unzoned jurisdiction. As previously stated, the County's Mega-Site is approximately one mile from the I-65 exit. This site is a leading cause for development potential in this area, especially in light of the recent announcement of the \$2.5B facility with 1,000 jobs. As County Unzoned area, there is no guide for growth beyond the County's Subdivision Regulations.

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

N/A, there is no development currently proposed for the subject properties. North Baldwin Utilities offers water service in the area. Bay Minette Police Department and Bay Minette Fire Department will service these properties when the annexation is finalized.

Rabun Road is a split-jurisdiction roadway. The State maintains Rabun Road/State Hwy 287 from the interstate exits south, which is a 4-lane roadway classified as a Principle Arterial. The County Highway Department maintains Rabun Road/Co. Road 47 north of the interstate, which is a 2-lane roadway classified as a Major Collector Rural. Pine Treat Road is a County-maintained single lane roadway which is partially paved approximately 1,000 feet from Rabun Road/Co. Road 47.

Any development proposed for surrounding areas will not fall within the the City's jurisdiction as they are located in County Unzoned districts and along State or County-maintained roadways. If any property in the surrounding areas are proposed for division, the County's Subdivision Regulations will apply.

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

N/A, there is no development currently proposed for the subject properties. Any development proposed for surrounding areas will not fall within the the City's jurisdiction as they area located in County Unzoned districts and along State or County-maintained roadways. If any property in the surrounding areas are proposed for division, the County's Subdivision Regulations will apply.

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

N/A, there is no development currently proposed for the subject properties.

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

If a successful annexation occurs, all subject properties will fall within the municipal limits of Bay Minette and under the City's jurisdiction. As for development, any future businesses or entities will be required to work with ALDOT

or the County Highway Department on access concurrence/approval and follow Bay Minette's Zoning Ordinance and Subdivision Regulations and requirements. Currently, the area is already under the Building Permitting and Business Licensing jurisdiction of the City.

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

There is no development currently proposed for the subject properties. The annexation and zoning designation as commercial will not affect nor change the current use of the properties. The designation as commercial zoning will only come into play once development, construction or change in use is proposed in the future. For the future, the B-2 zoning designation gives the adjacent property owners an idea of what the property may be used for – General Commercial Development. Prior to the annexation, as part of a County Unzoned district, the future use of the property is an unknown – any type of development or use would be allowed at any time subject to the County's Subdivision Regulations and the City's Building Code, neither of which govern the use of the property.

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

There is no development currently proposed for the subject properties. The annexation and zoning designation as commercial will not affect nor change the current use of the properties. The designation as commercial zoning will only come into play once development, construction or change in use is proposed in the future. For the future, the B-2 zoning designation gives the surrounding property owners an idea of what the property may be used for – General Commercial Development. Prior to the annexation, as part of a County Unzoned district, the future use of the property is an unknown – any type of development or use would be allowed at any time subject to the County's Subdivision Regulations and the City's Building Code, neither of which govern the use of the property.

10.) Other matters which may be appropriate

The annexation procedures for these properties began in 2021, and was presented in the 2022 legislative session for approval. The annexation proposal has already passed through the House and Senate, and is awaiting the final signature from the Governor. If approved, the zoning designation will become effective upon the date the territory is annexed or the date the zoning process is completed, whichever is later.

The City's ability to 'pre-zone' property stems from specific authority in the *Code of Alabama 1975* (Section 11-52-85) and from the *City of Bay Minette Zoning Ordinance* (Section 15.4). State Code 11-52-85 authorizes the City to zone property in the process of being annexed prior to the effective date of the annexation with proper public notification as required by law. Pre-Zoning public notice is the same as required for Rezoning applications - State Code requires that notice of the public hearing be posted in three public places within the City. The City Zoning Ordinance requires that the notice be posted in four conspicuous places in the City and notices mailed to surrounding property owners at least 15 days prior to the public hearing, which was set for May 19th at Planning Commission and June 6th for City Council. Signage must also be posted on the subject property.

- Public Hearing Notices and Property Maps were posted May 2, 2022 at City Hall on the 1st and 2nd Floors, North Baldwin Utilities, the Chamber of Commerce and the Bay Minette Public Library. The Public Hearing Notice and Map was also made available on the department's website.
- Public Hearing Notices and Property Maps were sent by certified mailings on May 4, 2022 to the owners of record for 28 surrounding properties and to the owners of the 8 subject properties.
- Public Hearing Notice Signs were posted on the properties on May 5, 2022.

Planning Commission Action

For pre-zoning applications, the Planning Commission holds a public hearing and sends an advisory recommendation to the City Council, who makes the final decision.

The Planning Commission has the option to:

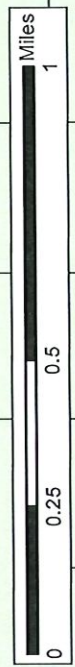
- Make a recommendation for approval to the City Council
- Make a recommendation for approval with conditions to the City Council
- Make a recommendation for denial to the City Council, with stated factors for the denial.
- Table the request due to a lack of information.

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

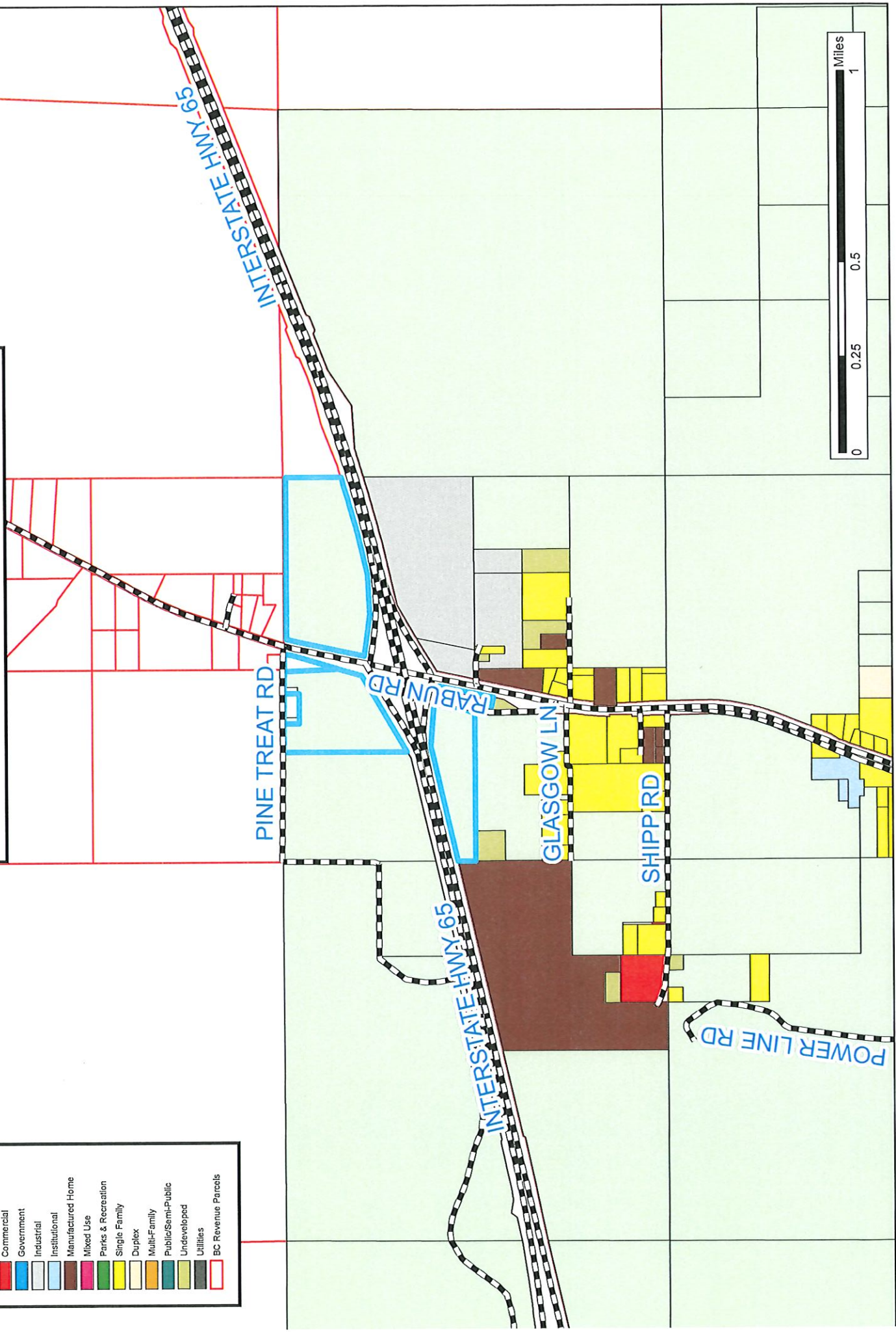
Z-22002 Pre-Zoning Property Owners									
Sta	PHN	PID	NAME	MAILING ADDRESS	CITY	STATE	ZIP	APPX ACRES	
2	93592	05-18-05-15-0-000-019-002	COUGAR OIL INC	14749 US HWY 99	FOLEY	AL	36535	0.8	
1	234806	05-18-05-15-0-000-019-005	GRAHAM, GEORGE DENNY SR AKA/ A GRAHAM, GE	2401 BRADLEY AVE	BAY MINETTE	AL	36507	0.4	
6	21987	05-18-05-15-0-000-004-000	JAYE, THOMAS D ETAL JAYE, SARAH D, JAYE, C/O THOMAS JAYE	92 BLUEBERRY LN	CRAWFORDVILLE	FL	32327	2	
5	383554	05-18-05-15-0-000-005-001	JAYE, THOMAS D ETAL JAYE, SARAH D, JAYE, C/O THOMAS JAYE	92 BLUEBERRY LN	CRAWFORDVILLE	FL	32327	33.4	
3	7239	05-18-05-15-0-000-007-000	MCKENZIE REALTY COMPANY LP C/O WILLIAM HINESLEY	PO BOX 220	EUFULA	AL	36072	1.8	
7	10401	05-18-05-15-0-000-003-000	PIERCE, BETH ANNE ETAL ENGLISH, LEROY T	1000E I 65 SERVICE RD NORTH	MOBILE	AL	36617	2	
4	35903	05-18-05-15-0-000-006-000	RICHARDS, THOMAS R JR	701 S LEE STREET	AMERICUS	GA	31709	23	
8	21458	05-18-05-15-0-000-001-000	WISE, JEFF O	3629 WESTCHESTER CIRCLE	MOUNTAIN BROOK	AL	35223	58	
Owner Information gathered 11-30-2021			Verified per Revenue Records 5-2-2022					TOTAL	119.2



Z-22002 Pre-Zoning of Property Proposed for Annexation to B-2 Future Land Use Map



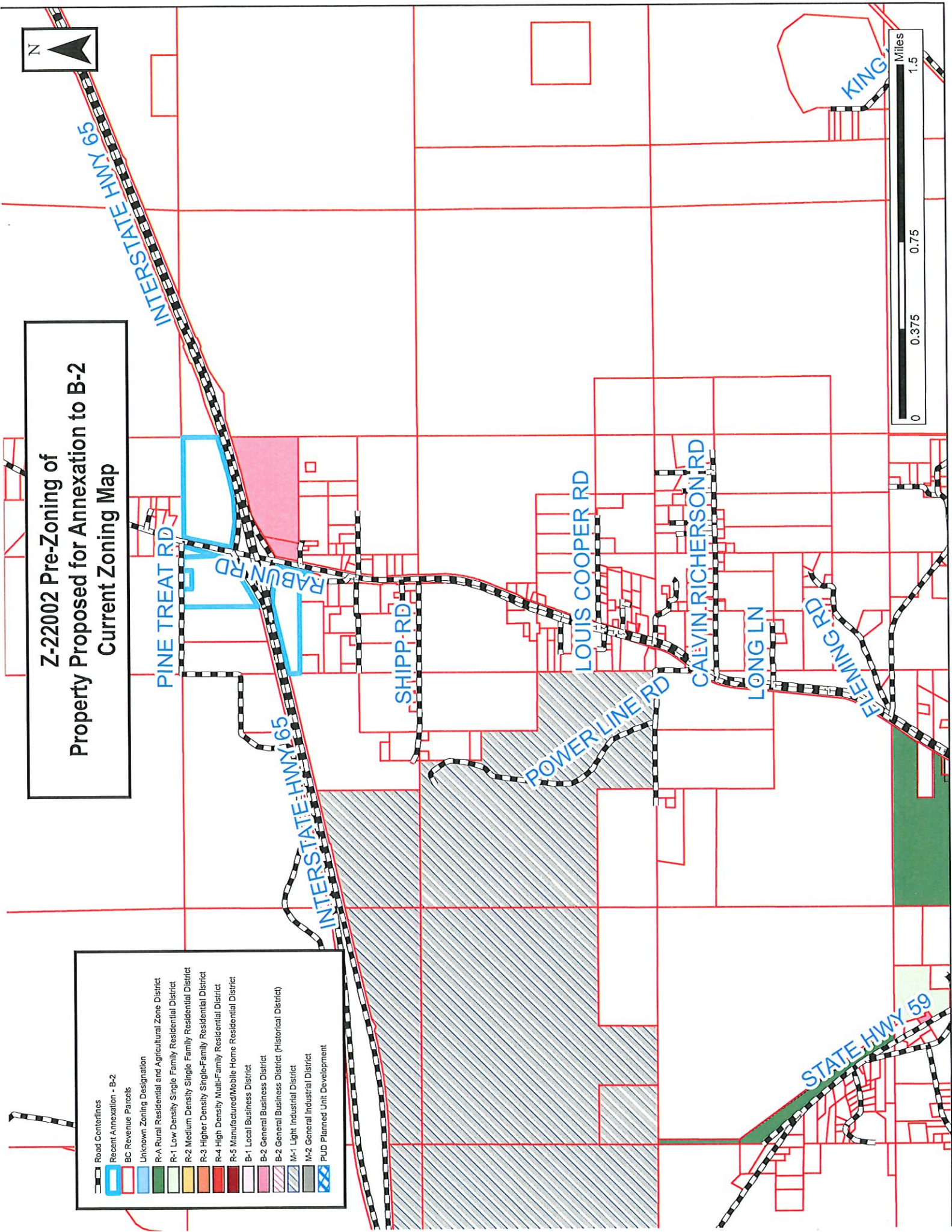
- | | |
|--|-------------------------|
| | Road Centerlines |
| | Recent Annexation - B-2 |
| | Agriculture/Timber |
| | Commercial |
| | Government |
| | Industrial |
| | Institutional |
| | Manufactured Home |
| | Mixed Use |
| | Parks & Recreation |
| | Single Family |
| | Duplex |
| | Multi-Family |
| | Public/Semi-Public |
| | Undeveloped |
| | Utilities |
| | BC Revenue Parcels |





Z-22002 Pre-Zoning of Property Proposed for Annexation to B-2 Current Zoning Map

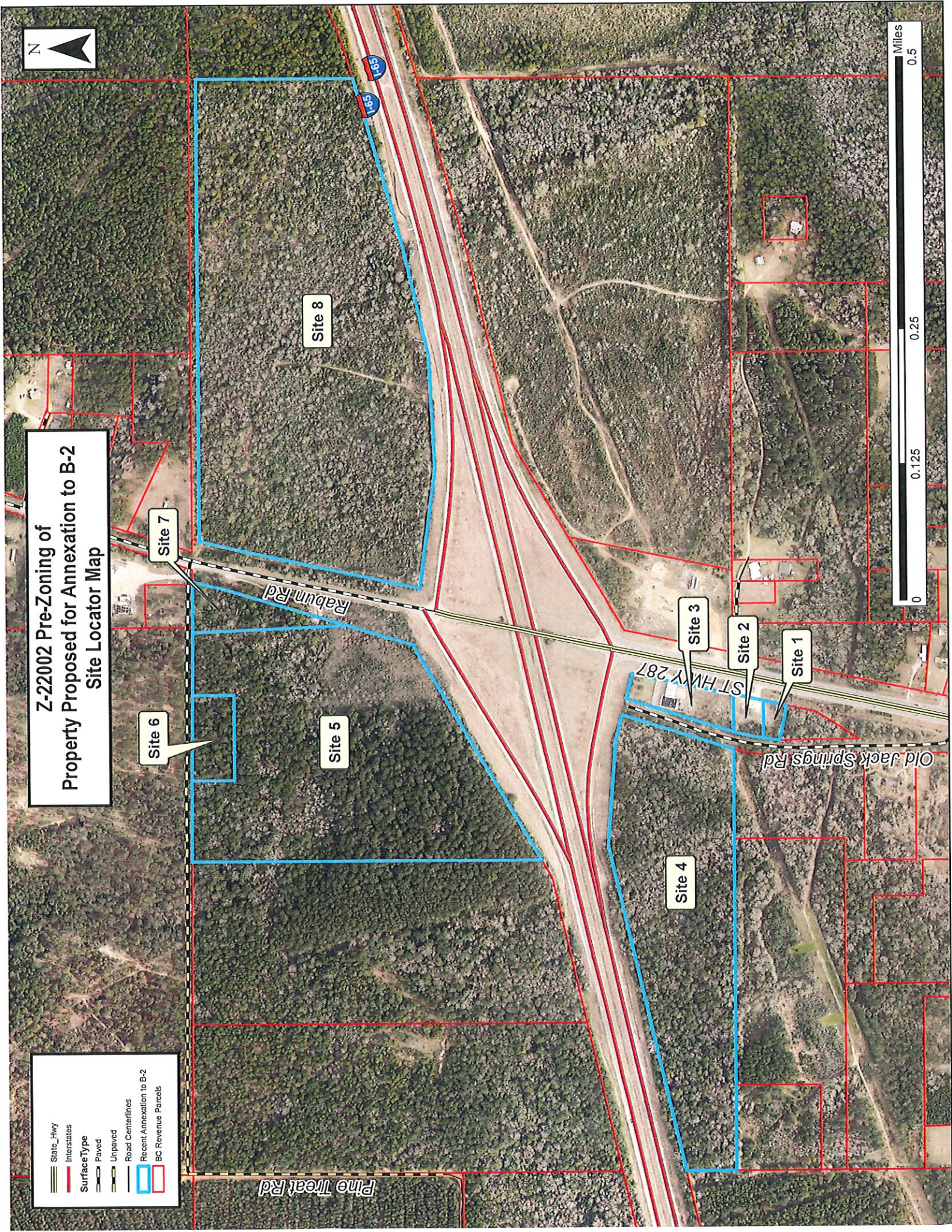
- Road Centerlines
- Recent Annexation - B-2
- BC Revenue Parcels
- Unknown Zoning Designation
- R-4 Rural Residential and Agricultural Zone District
- R-1 Low Density Single Family Residential District
- R-2 Medium Density Single Family Residential District
- R-3 Higher Density Single-Family Residential District
- R-4 High Density Multi-Family Residential District
- R-5 Manufactured/Mobile Home Residential District
- B-1 Local Business District
- B-2 General Business District
- B-2 General Business District (Historical District)
- M-1 Light Industrial District
- M-2 General Industrial District
- PUD Planned Unit Development





Z-22002 Pre-Zoning of Property Proposed for Annexation to B-2 Site Locator Map

- State Hwy
- Interstates
- Surface Type
- Paved
- Unpaved
- Road Centerlines
- Recent Annexation to B-2
- BC Revenue Parcels





City of Bay Minette

Planning & Development Services

301 D'Olive Street • Bay Minette, Alabama 36507

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

Case #: Z-22002 Date: 5/9/2022

Name: Judy Hadley

Address: _____

Phone Number: 251-401-0148 Email: _____

Judy Hadley called 5/9/2022- She was inquiring about the signs she saw posted and the Public Hearing dates and times, stating she lives in Rabun.



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Case #: Z-22002 Date: 5/9/2022

Name: Pamela Ganey, Outdoor Addiction

Address: _____

Phone Number: 251-370-7184 Email: _____

Pamela Ganey, who works at Outdoor Addiction, called 5/9/2022. She stated she saw the signs posted and lives in that area. She inquired on the Public Hearings process, dates/times of Public Hearings.



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Case #: Z-22002 Date: 5/9/2022

Name: Steven Sexton

Address: _____

Phone Number: 406-2637 Email: _____

Stephen Sexton called 5/9/2022- Requested pre-zoning information. Stated there were gulleys on the north side of the property. No objection, just questioning.



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

Case #: Z-22002 Date: 5/9/2022

Name: Thomas Richards

Address: _____

Phone Number: 808-721-3253, 229-380-4037 Email: tottoatol@gmail.com

Questioning if the timberland status will change/be affected by the new pre-zoning. Mrs. Dorrough stated it would not since farm and timberland are taxed on current use and not the market value. Jessica Peed emailed Mr. Richards with the answer and attached a link from revenue.

5/10/22 email - Mr. Richards stated they may attend the meeting next week, but if not, they were "comfortable with current plan."

From: [Jeff Wise](#)
To: [Tammy S. Smith](#); [Clair Dorough](#)
Subject: Re: Bay Minette Pre-Zoning and Property Information
Date: Thursday, May 19, 2022 12:31:09 AM

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

Ms. Smith
Ms. Dorough

Re:Case No. Z-22002

Thanks to both of you for such a quick response and for the detailed information.

As Ms. Dorough stated, it is a lot of information for me to try to digest, especially at this late hour.

Obviously, the reason I haven't sought annexation into the city up to this point is because of the increased taxes including but not limited to property taxes. The property in its current state has no benefit to the city except for taxes. While I love the city, it doesn't benefit me again, with the current state of the property to be in the city.

As I discussed with Mr. Faulkner many years ago before purchasing the property that it would be our intention if the property was ever developed to include the city in the planning and possible annexation at that time.

The same conversation took place with the state representative, Mr. McMillan within the last year or two as well when I advised him that I didn't want my property annexed at the time. I understand that he has passed away so I am sorry to hear that.

Regardless, with this notice and you nice ladies I have found out that the state effective in January annexed the property even over my objection.

It is a shame for a government entity whether it be the city or state, to take, to annex, or to change a citizens property without them even knowing about it.

When asked whether or not I wanted to be annexed last year, I responded no so I thought that would be it but obviously I was wrong.

My concern still remains the same in that I don't want to see my property and other taxes skyrocket because of this annexation or because of the zoning change.

I couldn't research all the information provided by you nice ladies by tomorrow's or now this morning's 8 am meeting to identify any other concerns that I may have and I am scheduled to leave town Tuesday, May 24.

I won't return until late on June 21, therefore missing the second hearing on June 6 as well. I will be in Northern Europe and will have limited communications.

Therefore, I'm not certain how to proceed from here.

I'm not sure when the final meetings will be or if June 6 is the final meeting. I'd appreciate clarification regarding the remaining process.

I may try to find someone locally to represent me regarding the matter while I'm out of town.

Thanks again for your help thus far.

Regards,

Jeff Wise

205-915-6493 (cell)
Jwises@aol.com

[Sent from the all new AOL app for iOS](#)

On Wednesday, May 18, 2022, 3:06 PM, Tammy S. Smith
<TSmith@CITYOFBAYMINETTEAL.GOV> wrote:

Thank you Clair for providing this information.

Mr. Wise, I would like to reiterate that we welcome your comments and appreciate your concerns. The City is here to serve the needs of our residents and property owners.

I will await your correspondence for presentation to the Planning Commission.

I will also ask the City Clerk to forward agenda's to you of the City Council meetings where this will be a topic of discussion.

Tammy S. Smith, CPA

City Administrator/Finance Director

City of Bay Minette

301 D'Olive Street

Bay Minette, AL 36507

251-580-1619 Main Office

251-580-1692 Direct

251-401-1170 Cell

www.cityofbayminette.org

From: Clair Dorough <Clair.Dorough@CITYOFBAYMINETTEAL.GOV>
Sent: Wednesday, May 18, 2022 2:23 PM
To: jwises@aol.com
Cc: Tammy S. Smith <TSmith@CITYOFBAYMINETTEAL.GOV>
Subject: Bay Minette Pre-Zoning and Property Information

Mr. Wise,

I have attached the information we discussed this morning as well as included some additional information you may find helpful.

1. Property Information from the Baldwin County Revenue Department is attached.
 - a. Your property, PIN 21458 is identified as a Class III, which is defined as " All agricultural, forest, and residential property, and historic buildings and sites." Class III properties are assessed for ad valorem tax purposes at a 10 percent ratio of assessed value to the fair and reasonable market value of such property, or, as may be provided by law, to the current use value of such property.
 - b. The current use of the property is listed as 8100-Agricultural. Agricultural and Forest Property is defined by the Ala Dept of Revenue as "All real property used for raising, harvesting, and selling crops or for the feeding, breeding, management, raising, sale of, or the production of livestock, including beef cattle, sheep, swine, horses, ponies, mules, poultry, fur-bearing animals, honeybees, and fish, or for dairying and the sale of dairy products, or for the growing and sale of timber and forest products, or any other agricultural or horticultural use or animal husbandry and any combination thereof."
2. Link to the Alabama Department of Revenue's site regarding the valuation of farm and timberland at its current use value instead of

market value <https://revenue.alabama.gov/property-tax/current-use/>
This Current Use Valuation 'exemption' is authorized by State Code Section 40-7-25.1-.4, which is also attached for your convenience with the related Section 40-18-372 referenced in 40-7-25.4. Please note the following passage from 40-7-25.1. If you have not requested it, you may want to contact the Baldwin County Revenue Department to ensure your property is in fact, being assessed at Current Use. The above link to the Ala Dept of Revenue includes the form necessary to request current use valuation.

*"Class III property and **upon request by the owner** of such property as hereinafter provided, the assessor shall base his appraisal of the value of such property on its current use on October 1 in any taxable year and not on its fair and reasonable market value. **Failure of an owner of Class III property to request appraisal at current use value shall mean that the property shall be valued on its fair and reasonable market value as otherwise provided in this title until such time as the owner thereof shall request valuation on the basis of current use value.** As used in this chapter, "current use value" shall be deemed to be the value of eligible taxable property based on the use being made of that property on October 1 of any taxable year; provided, that no consideration shall be taken of the prospective value such property might have if it were put to some other possible use."*

3. Baldwin County Revenue Commission (251) 937-0245 is the office number. Sherry Hodges is the best one to speak with regarding current use.
4. The City's millage rate is 12.5, or 12.5 cents per \$1,000 assessed value. As a Class III, you can calculate it by taking your Assessed Value multiplied by the millage rate. Newly annexed property would essentially be looking at \$12.50 per \$1,000 of assessed value. For your property, as Class III paying on the assessed value, you can anticipate approximately a \$386.50 increase. It is possible that Revenue told you the \$5000 estimated amount since you do not have homestead exemption on the property and may have been unaware of your Class III exemption, which would have equaled approximately \$3800 increase based on the appraised value. I have attached the Revenue Commission's information on their millage rates.
5. Sections from the latest version of the City of Bay Minette Zoning Ordinance, amended by Ordinance 1002 on March 7, 2022 (full document can be found here: City of Bay Minette Zoning Ordinance)
 - a. **Article 6 - Establishment of Districts: details the City's various Zoning Districts**

- b. Section 8.8 Permitted Uses and Conditions: details the various use categories in the Table of Permitted Uses (i.e. Use by Right, Use Requiring Planning Approval, etc...) Section 8.10 at the bottom of the last page gives the abbreviations used in the Table of Permitted Uses.
 - c. **Section 8.10 Table of Permitted Uses and Sections 8.11 Dimensional Requirements for Residential Lots and 8.12 Minimum Setbacks. If you have a specific use in mind that is not listed in the Table, please let me know and I will find our 'closest' similar use.**
 - i. You mentioned possible shopping centers or retail uses, those are both allowed by right in the B-2, General Commercial Zoning District. Shopping Centers are not a specific category within our table, but they are considered based on their individual uses. Apparel stores, Building Material Supply stores, Department Stores, Drug Stores, Office Buildings, Sporting Goods Stores, Restaurants, etc are all allowed by right in B-2.
 - ii. Single Family Dwellings are allowed with Special Exception Approval (Board of Adjustment decision) in the B-2 District
 - iii. Mixed Use with retail and residential is best served under our Planned Unit Development District, which is allowed with Planning Commission approval in the B-2 district.
 - iv. With the recent announcement of the Mega-Site tenant [Novelis](#) just a mile south of your property, your ideas on future development may shift, if so, Industrial Parks and Light Industrial Manufacturing/Repair/Assembly/Processing are allowed in B-2 with Planning Commission approval.
 - d. Article 11 - Planned Unit Development (PUD): this is our more flexible development district that affords the opportunity for more innovative design, including Mixed Use.
 - e. Article 15 – Amendment: This section details the process and criteria that zoning amendments are reviewed against. Rezoning and Pre-Zonings are all amendments to the Zoning Map. This is where the criteria that is the basis of the staff report presented to the Planning Commission and City Council.
5. Link to the agenda packet for the Planning Commission's meeting. May 19th Meeting Agenda Packet This includes the maps and the staff report with the criteria for the pre-zoning that is stated in the Zoning Ordinance Section 15.2 Amendment. This packet is also

available on the Planning & Development Services website as we post each month approximately one week prior to the meeting. These packets include draft minutes from the prior meeting and next month's packet will be posted around June 2nd. If you'd like, I can email you a copy of the packet with draft minutes from tomorrow's meeting when it becomes available.

This is a lot of information and I understand you are scheduled to be out of town and out of communication range in the very near future, so if I have not received any comments before tomorrow's Planning Commission meeting or City Council meetings, I will make sure both bodies are given a summary of our conversations for their consideration. I've CC'd City Administrator Tammy Smith, whom you also spoke with this morning, so if you have any questions or wish to submit any correspondence for the Planning Commission or City Council, please Reply All so we can ensure any questions can be addressed and your comments are received.

We hope your transition to become part of the City of Bay Minette is a positive experience from here on out and we are looking forward to having you as part of the exciting future on Bay Minette's horizon. If you have any questions at all, please do not hesitate to contact me at the numbers listed below or via email to myself or Tammy Smith.

Thank you,

Clair Dorough

City Planner

City of Bay Minette

Planning & Development Services Department

301 D'Olive Street

Bay Minette, AL 36507

(251) 580-1650 main

(251) 580-1632 direct

(251) 689-1837 cell

www.cityofbayminette.org

[Planning & Development Services Department Site](#)



McKenzie Oil

May 30, 2022

City of Bay Minette
Planning and Development Services
301 D'Olive Street
Bay Minette, Alabama 36507

RE: Case No. Z-22002

I am in receipt of the Notice of Public Hearing concerning Pre-Zoning and proposed annexation of my property identified as McKenzie PIN# 7239. This is the first time hearing of any movement by the City to annex or Pre-Zoning my property. It is my understanding under the Code of Alabama, that annexations into a municipalities are voluntary and at the request of the property owner. As the owner of the property identified as MC Kenzie PIN# 7239, I do not wish for this property to be annexed in the City of Bay Minette.

In addition, I understand that the City of Bay Minette requested Rep. Harry Shiver to submit a bill during the 2022 Legislative session for annexation of a group of properties. One of the properties was mine (Mc Kenzie PIN# 7239). This request took the form of HD 386 of the 2022 Legislative Session and was passed on March 31, 2022 as assigned Act #2022-280. This request by City of Bay Minette concerns me the most, bundling my property within this bill for annexation and not obtaining my approval to be annexed.

I do not wish for my property identified as Mc Kenzie PIN# 7239 to be annex by City of Bay Minette. I will be reaching out to Rep. Harry Shiver and Governor's office.

Sincerely


Dan McKenzie

From: [Grace Jaye](#)
To: [COBM Planning](#)
Subject: Annexation Case No. Z-22002
Date: Tuesday, May 31, 2022 12:28:55 PM

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

Dear Sirs:

I am writing to protest the annexation of my family's rural raw 35 acres into the city of Bay-Minette. The land is not located on Rabun Road at all, but on Pinetreat Road, a gravel one-way country lane, PPINs 021967 and 383554.

These two parcels were divided several years ago from a larger 103 acre parcel that belonged to my grandfather. It was left a greatly diminished parcel as a result of I-65 being run through the old houseplace my great-great grandfather HOMESTEADED, a quarter section back then. I still have the patent claim signed by Woodrow Wilson.

Why doesn't the city go annex people's property who actually WANT to be in the city? Go annex elsewhere and leave us country folk alone. We don't want or need anything Bay Minette is offering. All your city's land grab gives my family is higher taxes for NOTHING!

I am absolutely opposed to this tax raping land grab on the part of the city.

Grace A. Jaye
Crawfordville, FL
850.274.5855
graceannejaye@gmail.com