

CITY OF BAY MINETTE
PLANNING COMMISSION

AGENDA

March 10, 2022

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 February 10, 2022 Regular Meeting
- 4.) Old Business
 - a.) RA-2201 – Zoning Regulation Amendment
 - b.) Zoning and Subdivision Regulation Revisions related to lot sizes, dwelling sizes and Exempt Subdivisions
- 5.) New Business
 - a.) ES-22003 Hernandez-Ramirez Property Exempt Subdivision
Disclosure of Prior Communications and/or Conflict of Interest
Request: Exempt Subdivision to divide one lot into four for single-family residential
Location: The subject property is located at 605 S White Avenue

 - b.) SE-22001 Taylor/Calloway Property Special Exception
Disclosure of Prior Communications and/or Conflict of Interest
Request: Special Exception request for automobile wrecking and salvage
Location: The subject property is located at 2513 US Hwy 31 South
- 6.) Reports
 - a.) Mayor/Council
 - b.) Attorney
 - c.) Commissioner's Comments
 - d.) Planning Staff
- 7.) Adjournment

Bay Minette Planning Commission Regular Meeting Minutes

Minutes February 10, 2022

Monthly Meeting No. 1

The Bay Minette Planning Commission met in Regular Session on Thursday, February 10, 2022. The meeting was called to order at 8:00 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 8:00 a.m. the following members were present:

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

Commission Members absent:

Wynter Crook, Commission Member

Commission Members late:

Other persons in regular attendance:

Clair Dorough, City Planner
Jessica Peed, Planning Assistant
Tammy Smith, City Administrator
Scotty Lewis, City Attorney
Steven Stewart, Fire Department
Kristina Pittman, Chamber of Commerce

GUESTS

John Byrd
Krista Ladenwich
Ben White
Joseph Rhodes
James Tindle
Ryan Linam
Barbara Helton

INVOCATION Councilman Taylor gave the invocation, followed by the pledge.

ITEM 3. Approval of the Minutes of the December 9, 2021 meeting, as January's meeting was cancelled due to lack of cases. Commission Member "Mayor" Wills made a motion to approve the October minutes as written. The motion was seconded by Commission Member Langham and was unanimously carried.

ITEM 4. Old Business - NONE

ITEM 5. New Business:

- a.) Z-22001- Dempsey Property Rezoning- *Public Hearing*
Disclosure of Prior Communications and/or Conflict of Interest
Request: Rezoning from B-1 to B-2 for storage buildings
Location: The subject property is located at the northwest corner of Jaycee Road and Hwy 59

Chairman Stewart inquires if there were any prior communications or conflicts of interest to which he states he was approached regarding the process and directed them to the Planning Commission administrative staff. Mrs. Dorough introduces the request, reading the staff report information located in the Planning Commission packet including the traffic induced request difference between B-1 and B-2 zoning, the Comprehensive Plan's Agricultural Land Designation at that location creating a natural progression towards industrial development, and a required ALDOT concurrence letter regarding acceptable traffic plans if accessing from Hwy 59. Mayor Wills inquires about if there are drainage issues and the timing and quantity of storage units to which Mr. White states there is a natural draw on the site and one storage unit will be constructed at a time. There is a brief discussion about the architectural standards, which direction the units will front showing façade, and the surrounding businesses to which Mrs. Dorough states the façade will be determined at Site Plan approval and states the surrounding properties, hotel zoning designations and the adjoining, adjacent property owners. Chairman Stewart opens the Public Hearing at 8:21am for the Rezoning request to go from a B-1 to B-2 zoning designation for the purpose of storage buildings. With no public comment, Chairman Stewart closes the Public Hearing at 8:21am. Commission Member Covington makes a motion to recommend approval to the City Council for a successful rezoning. Commission Member Emmons seconds, and it is unanimously carried.

- b.) ES-22001 Kelson Property Exempt Subdivision
Disclosure of Prior Communications and/or Conflict of Interest
Request: Exempt Subdivision to divide one lot into two for single-family residential
Location: The subject property is located at 1210 Lower St

Chairman Stewart inquires if there were any prior communications or conflicts of interest to which he there were none. Mrs. Dorough introduces the request, stating the applicant is in the process of procuring the current documents to clarify ownership but as of today the application is incomplete and would like to table the request. Commission Member Clark makes a motion to table the Exempt Subdivision request. Commission Member Emmons seconds and it is unanimously carried.

- c.) ES- 22002 Bayou Brothers Development Property Exempt Subdivision
Disclosure of Prior Communications and/or Conflict of Interest
Request: Exempt Subdivision to divide one lot into two for single-family residential
Location: The subject property is located at the southwest corner of W 7th St and N Dobson Ave.

Chairman Stewart inquires if there were any prior communications or conflicts of interest to which there were none. Mrs. Dorough introduces the request and reviews the Staff Report that is located in the Planning Commission packet. Commission Member Clark inquires if adjacent property owners are notified when an Exempt Subdivision Request is submitted to which Mrs. Dorough states it is not required for Exempt Subdivisions per the regulations. There is a brief discussion on surrounding lot sizes, proposed residential construction sizes, and the different regulation criteria for Minor, Major, Exempt and Administrative Subdivisions to which Mrs. Dorough states the Planning Commission has the authority to change the regulations but the submitted request meets the current Exempt Subdivision Regulations. With no further discussion Councilman Taylor made a motion to authorize the Chairman to sign the plat as presented. Commission Member Langham seconded and it was unanimously carried.

- d.) SP-22001 Snappy Oil and Tire Site Plan
Disclosure of Prior Communications and/or Conflict of Interest
Request: Site Plan approval for automobile service station
Location: The subject property is located at 1241 S US Hwy 31

Chairman Stewart inquires if there were any prior communications or conflicts of interest to which there were none. Mrs. Dorough introduces the request and reviews the Staff Report that is located in the Planning Commission packet. She also states that per the Building Official, any renovations will require plans. Applicant, Mr. Linam, discusses his current business operating in Atmore, AL and states the Bay Minette location will have 4-5 alignment/lift bays, new signage and will erect a fence between the office and the adjoining property. Chairman Stewart states that previous owners have not upheld the property to a good, presentable standard and forewarns Mr. Linam that he will be scrutinized. Mr. Linam states his proposal is to only repair tires and perform oil changes, but if a vehicle has to stay overnight that it will be concealed in the bays. There is a brief discussion on tire pickup, exposed tanks, architectural details and landscaping to which Mr. Linam states the tires are picked up once a week; an environmental services company will come and take the used oil; and discusses the proposed plan for gates and fences. There is a discussion on Site Plan regulations, and Mrs. Dorough states Site Plan approval is intended for new construction and since this request is an established structure with no plans to renovate with the exception of adding a pit, erecting a fence and landscaping, the requirement for approval is based on use, not construction. Mrs. Dorough also includes the applicant will be required to submit a Land Use, including plans for parking and screening. With no further comments or questions, Commission Member Clark makes a motion to approve the Site Plan request for Snappy Oil and Tire with the conditions of landscaping for Dickman Road, no outdoor storage except in approved screening areas, and removal of the external vacuum kiosks. Councilman Taylor seconds and it is unanimously carried.

- e.) RA-2201 – Zoning Regulation Amendment – *Public Hearing*
Request: Proposed Amendments to Section 8.10, Table of Permitted Uses

Mr. Dorough states she recently received a Site Plan request for an entertainment venue for a M-2 zoning designation but the Table of Permitted Uses does not allow those types of uses in that zoning designation. She also states she does not request to change the Table for a particular person or request, but feels this revision could be beneficial to the community. Mrs. Dorough reviews the proposed changes that are located in the Planning Commission packet that result in discussions on various received requests and uses in zoning designations, including accessory structures, minimum lot requirements, tiny homes, accessory dwellings, screening requirements, entertainment venues, variety stores and the declared need to revisit the approval processes for certain requests that will be discussed at the next Planning Commission meeting. Chairman Stewart opened the Public Hearing for the proposed Zoning Regulation Amendment at 9:44am. With no comments or questions, Chairman Stewart closed the Public Hearing at 9:44am. Commission Member Covington made a motion to approve the proposed amendments to the Zoning Regulations with the revisions related to Accessory Structures in commercial districts and Planning Commission approval for Sexually Oriented Establishments in the B-2 and M-1 Districts. Commission Member Clark seconded and it was unanimously carried.

ITEM 6. Reports:

a.) Mayor/Council Report

- Mayor Wills states the Justice Center's plans are moving forward and the bond issue was completed. He also states approximately 2,500 garbage carts have been deployed and the Garbage Collection Ordinance currently being revised. Commission Member Clark posed the question to the Commission about if the City wanted to be known as a place of small houses on tiny lots, with both Chairman Stewart and Commission Covington agreeing the next Planning Commission meeting needed to include discussion on potential changes to increase value in areas by way of adjusting lot dimensions and zoning/use requirements.

b.) Attorney – None

c.) Commissioner – None

d.) Planning Staff - None

ITEM 7. With no further business Chairman Stewart adjourned the meeting at 9:52 a.m.

DONE THIS THE 10th DAY OF FEBRUARY 2022

Todd Stewart, Chairman

ATTEST:

Jessica Peed, Planning Coordinator



City of Bay Minette

Planning & Development Services

Planning Commission Staff Analysis

Case No. ES-22003
 Hernandez-Ramirez Property
 Exempt Subdivision Request
 March 10, 2022

Subject Property Information

Physical Location:	605 S White Avenue	Applicant:	Gamaliel Hernandez-Ramirez
Parcel Number//PPIN:	05-23-05-15-3-000-004.000 // 9316		605 S. White Avenue
Current Zoning:	R-2, Medium Density Single Family Residential		Bay Minette, AL 36507
Current Land Use:	Single Family Residential	Owner:	Same
Proposed Land Use:	Single Family Residential		
Acreage:	11.2± acres		

	Adjacent Land Use	Adjacent Zoning
North	Residential	R-2, Medium Density and R-3, Higher Density Single Family Residential
South	Residential	R-2, Medium Density Single Family Residential
East	Residential	R-2, Medium Density Single Family Residential
West	Residential/Undeveloped	M-2, General Industrial District

Summary

The subject property, which consists of approximately 11.2± acres, has a zoning designation of R-2, Medium Density Single Family Residential. The request is to subdivide the property (PIN# 9316) from one (1) parcel to four (4) parcels, for the purpose of family division and to sell one lot. The current parcel is irregular in shape and has frontage on both S White Avenue and Brady Road. There is an existing single family dwelling on the property, which will become Parcel A with 1.62 acres and 468.68 feet of frontage on S. White Avenue. And the remaining property will be split into Parcel B (0.46 acres) with 76.43 feet of frontage on S. White Avenue; Parcel C (4.59 acres) with appx 263.96 feet of frontage on Brady Road and Parcel D (4.58 acres) with appx 396.02 feet of frontage on Brady Road. All proposed lots meet the minimum dimensional requirements for R-2 zoned lots and are sized in a manner to allow for compliance with R-2 building setbacks. The applicant has stated that three of the lots will be in his and his wife's names, with two of the lots being held for his children. One lot will potentially be sold, which doesn't qualify for the Family Division criteria item 8.1(c), but does qualify for criteria 8.1(a).

The request meets the requirements for item (a) and (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 three (3) or less lots, tracts, or parcels where each of the lots, tracts, or parcels established by the resubdivision fronts on an existing, paved public road.*

- b) *Subdivisions of land into five (5) or less lots, tracts, or parcels 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 into five (5) or less lots, tracts, or parcels 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

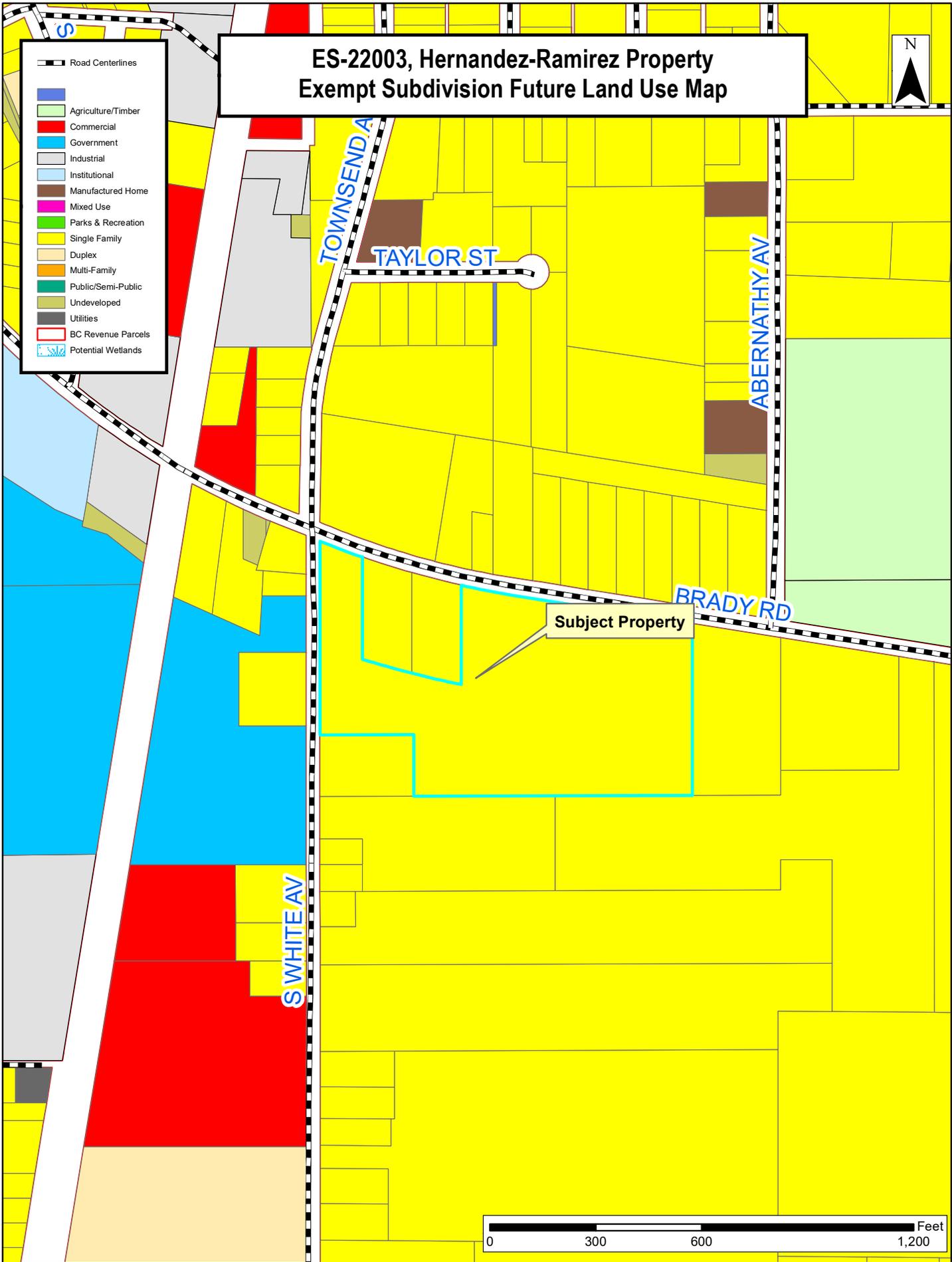
For exempt subdivisions, no public hearing shall be required, but shall be subject to review and approval of the Planning Commission for compliance with the requirements contained in Section 8. Upon consideration and approval by the Planning Commission, the Chairman shall be authorized to sign the plat 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
- Table the request due to lack of information or applicant(s) in attendance

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

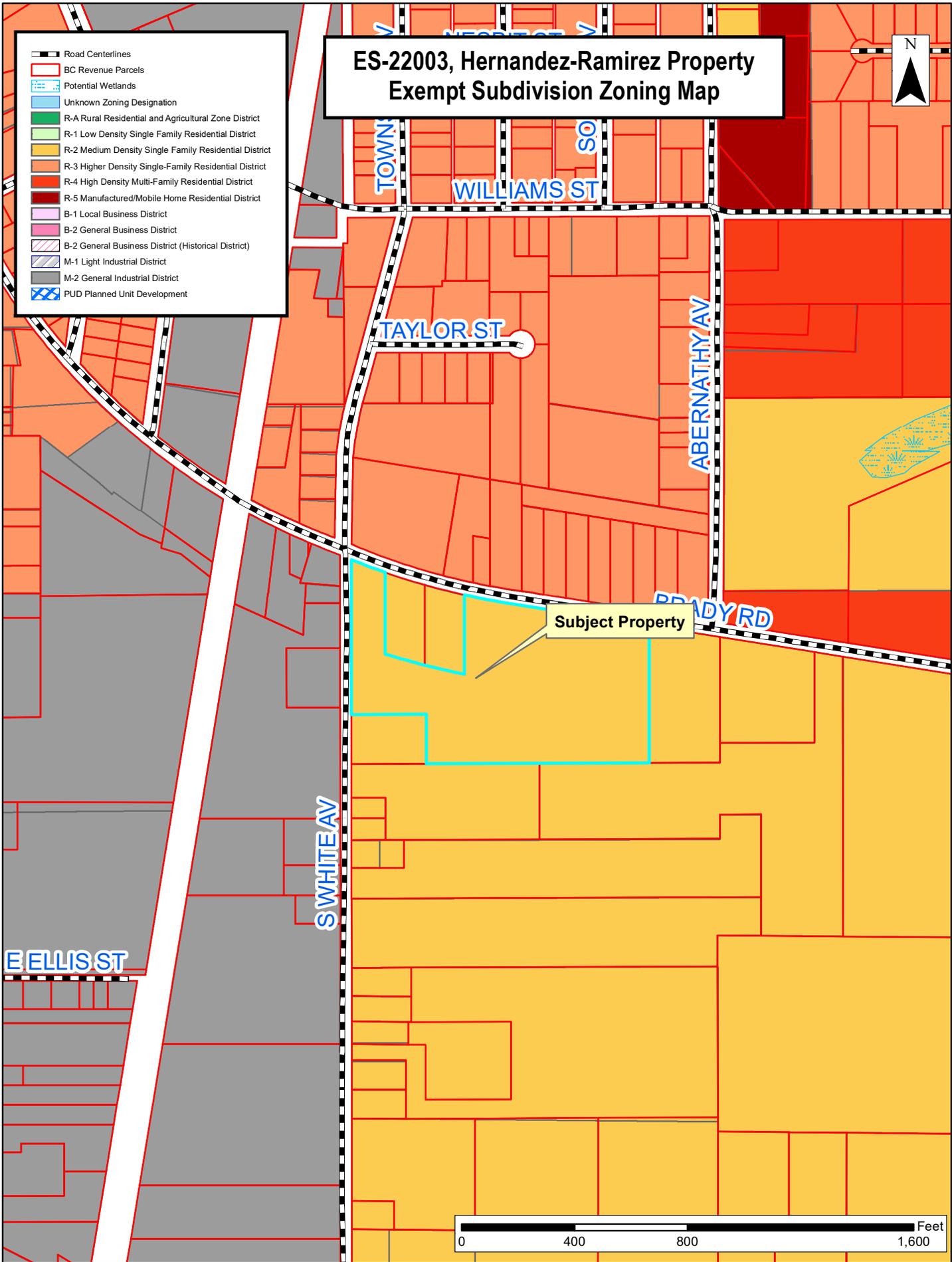
Limitation on resubmittal. Any property included as part of an exempt or administrative subdivision shall not be eligible for consideration for further subdivision as an exempt or administrative subdivision for a period of one (1) year from the date of the last exempt or administrative subdivision.



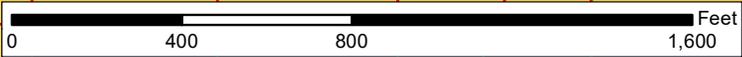
ES-22003, Hernandez-Ramirez Property Exempt Subdivision Zoning Map



- Road Centerlines
- BC Revenue Parcels
- Potential Wetlands
- Unknown Zoning Designation
- R-A 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



Subject Property





ES-22003, Hernandez-Ramirez Property Exempt Subdivision Site Map

- Road Centerlines
- ▭ BC Revenue Parcels
- ▭ Potential Wetlands



BRADY RD

WHITEAY

Subject Property



CERTIFICATE OF APPROVAL BY THE CITY OF BAY MINETTE PLANNING COMMISSION CHAIRMAN

THE UNDERSIGNED, AS CHAIRMAN OF THE BAY MINETTE PLANNING COMMISSION, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE RECORDS OF BALDWIN COUNTY, AL.

THIS THE _____ DAY OF _____, 2022.

PLANNING COMMISSION CHAIRMAN

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 _____, 2022

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____

CERTIFICATION OF OWNERSHIP AND DEDICATION

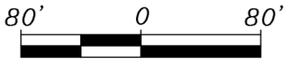
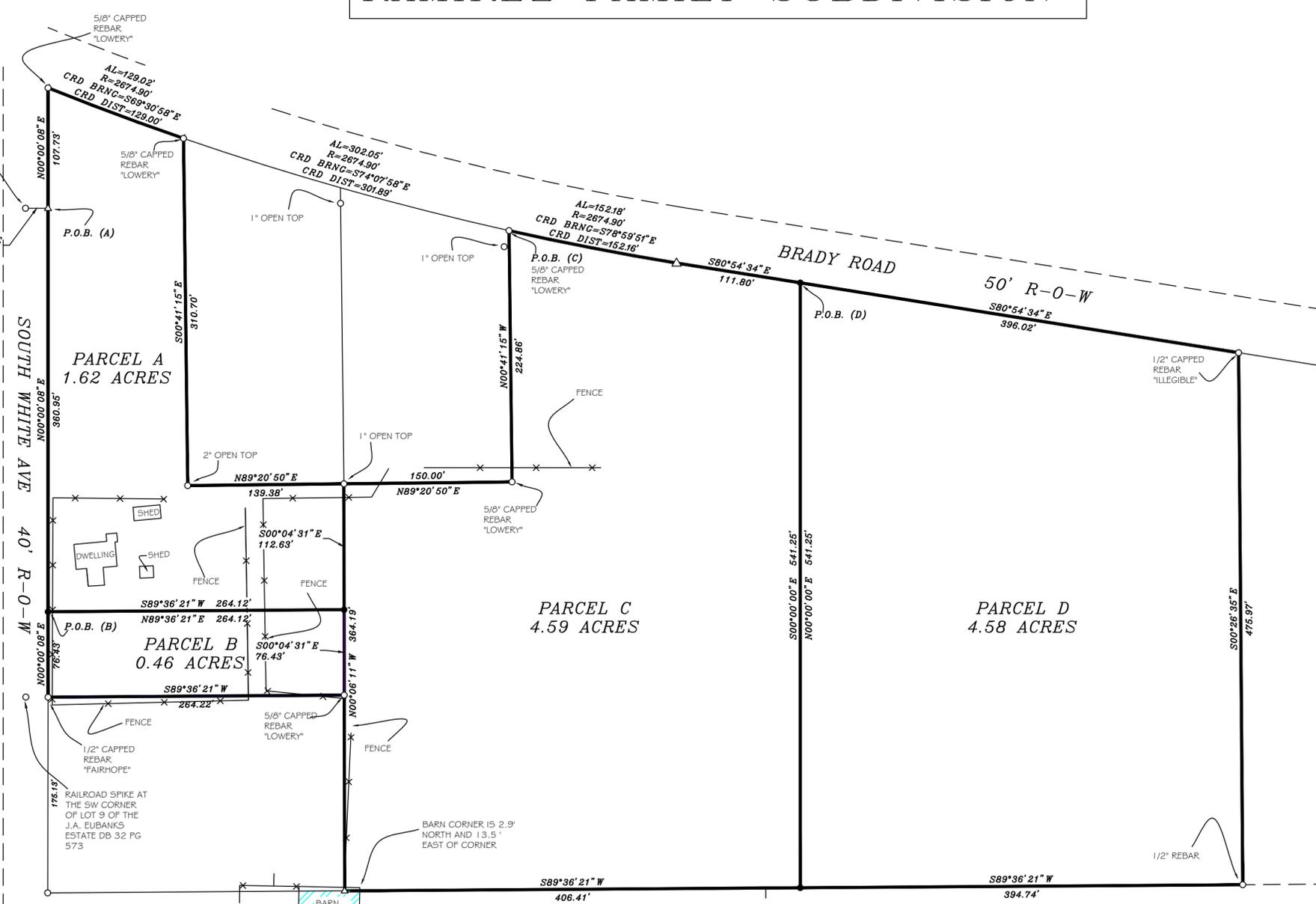
STATE OF ALABAMA
COUNTY OF BALDWIN

I, GAMALIEL HERNANDEZ-RAMIREZ, HAVE CAUSED THE LAND EMBRACED IN THE WITHIN PLAT TO BE SURVEYED, LAID OUT, AND PLATTED TO BE KNOWN AS RAMIREZ FAMILY SUBDIVISION, AS SHOWN HEREON, A PART OF SECTION 15, 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 _____, 2022

OWNER

RAMIREZ FAMILY SUBDIVISION



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 _____, 2022

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____

CERTIFICATION OF OWNERSHIP AND DEDICATION

STATE OF ALABAMA
COUNTY OF BALDWIN

I, MAREAH K SMITH, HAVE CAUSED THE LAND EMBRACED IN THE WITHIN PLAT TO BE SURVEYED, LAID OUT, AND PLATTED TO BE KNOWN AS RAMIREZ FAMILY SUBDIVISION, AS SHOWN HEREON, A PART OF SECTION 15, 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 _____, 2022

OWNER

PLAT OF A FAMILY DIVISION SURVEY PREPARED FOR

**HERNANDEZ
BALDWIN COUNTY**

**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 OR FOUND
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
~	NOT TO SCALE
—	FENCE
■	FENCE CORNER POST
□	CONCRETE MONUMENT

Dirty

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.

NOTES

- All bearings shown hereon are relative to GRID NORTH. GRID NORTH was obtained by G.P.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.

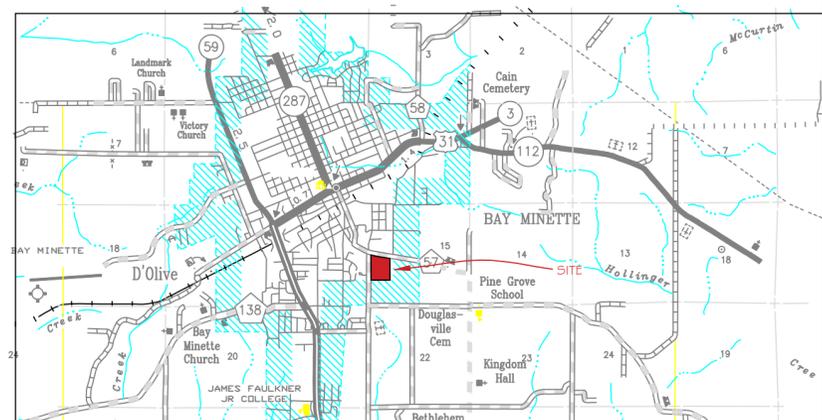
PARCEL A
Commencing at a PK NAIL AT THE NW CORNER OF THE SW QUARTER OF SECTION 15 T-2-S R-3-E; thence S89°59'52"E, a distance of 20.07 feet to a POINT on the East R-O-W of South White Ave. to the POINT OF BEGINNING; thence N00°00'00"E, along said East R-O-W a distance of 107.73 feet to a 5/8" CAPPED REBAR "LOWERY" at the intersection of said East R-O-W with the Southerly R-O-W of Brady Road; thence Easterly along a R-O-W curve to the left, having a Radius of 2,674.90 feet, a chord bearing of S69°30'58"E, a chord distance of 129.00 feet, an arc length of 129.02 feet to a 5/8" CAPPED REBAR "LOWERY"; thence leaving said R-O-W, S00°41'15"E, a distance of 310.70 feet to a 2" OPEN TOP; thence N89°20'50"E, a distance of 139.38 feet to a 1" OPEN TOP; thence S00°04'31"E, a distance of 112.63 feet to a SET 5/8" CAPPED REBAR; thence S89°36'21"W, a distance of 264.12 feet to a SET 5/8" CAPPED REBAR on the East R-O-W of South White Ave.; thence N00°00'00"E, along said R-O-W a distance of 360.95 feet to the POINT OF BEGINNING, said parcel containing 1.62 acres, more or less.

PARCEL B
Commencing at a PK NAIL AT THE NW CORNER OF THE SW QUARTER OF SECTION 15 T-2-S R-3-E; thence S89°59'52"E, a distance of 20.07 feet to a POINT on the East R-O-W of South White Ave; thence S00°00'00"W, along said R-O-W a distance of 360.95 feet to a SET 5/8" CAPPED REBAR and the POINT OF BEGINNING; thence N89°36'21"E leaving said R-O-W a distance of 264.12 feet to a SET 5/8" CAPPED REBAR; thence S00°04'31"E, a distance of 76.43 feet to a 5/8" CAPPED REBAR "LOWERY"; thence S89°36'21"W, a distance of 264.22 feet to a 1/2" CAPPED REBAR "FAIRHOPE" on the East R-O-W of South White Ave; thence N00°00'00"E, along said R-O-W a distance of 76.43 feet to the POINT OF BEGINNING, said parcel containing 0.46 acres, more or less.

CERTIFICATION OF BALDWIN COUNTY E-91 ADDRESSING

I, THE UNDERSIGNED, AS AUTHORIZED BY THE BALDWIN COUNTY E-91 ADDRESSING BOARD, HEREBY APPROVES THE WITHIN PLAT FOR RECORDING IN THE PROBATE RECORDS OF BALDWIN COUNTY, AL THIS THE _____ DAY OF _____, 20____.

BALDWIN COUNTY E-91 ADDRESSING



DAVID LOWERY SURVEYING, L.L.C.



City of Bay Minette

Planning & Development Services

Planning Commission Staff Analysis

Case No. SE-22001
 Steven Taylor and Theresa Calloway
 Special Exception Request for Tow Tator Towing in a Commercial District
 March 10, 2022

Subject Property Information

Physical Location:	2513 US Highway 31 South	Applicant:	Steven Taylor & Theresa Calloway
PID Number:	05-23-08-28-4-000-029.001		23238 Mothershed Lane
Current Zoning:	B-2, General Commercial District		Bay Minette, AL 36507
Current Land Use:	Vacant Commercial	Owner:	S&L Properties, LLC
Proposed Land Use:	Automobile Wrecking & Salvage		PO Box 1715
Acreage:	.56± acres		Bay Minette, AL 36507

	Adjacent Land Use	Adjacent Zoning
North	Commercial	B-2, General Business District
South	Commercial	B-2, General Business District
East	Residential	B-2, General Business District
West	Industrial	M-1, Light Industrial District

Summary

The subject property, which consists of approximately 3.5± acres is located on US Highway 31 South, at the intersection of Old Daphne Road, and is currently zoned B-2, General Commercial. The Special Exception request is to allow automobile wrecking and salvage in a commercial zone on approximately .5± acres of the parcel. The property has two existing businesses to the north and south of the proposed location – Equipment Sales and Bay Minette Trailers. The proposed location is the site of the former Taylor’s Towing and has been vacant since 2013.

Table of Permitted Uses and Conditions	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	M-1	M-2
Automobile wrecking and salvage: need not be enclosed within a structure but must be enclosed within a solid fence sufficiently high to obstruct noise and view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct view is provided.								S	S	S

Current Zoning District

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

Staff Analysis and Findings

The following standards for reviewing special exception requests are found in *Section 14.4 Establishment and Membership of the Board of Adjustment of the Zoning Ordinance of the City of Bay Minette*. The Planning Commission will review the request against the criteria below and will submit an advisory recommendation to the Board of Adjustment. The BOA shall review request against the criteria below and, after a public hearing, will make the final decision only upon the concurring vote of four Board members.

1.) Compliance with the Comprehensive Plan

The property is designated as Commercial on the Future Land Use Map. To the north is commercial, to the south is Industrial and to the east is single family, however those residential uses are separated by Old Daphne Road. To the west, across US Highway 31 is designated governmental as is it owned by the Industrial Development Board, but current use is industrial.

2.) Compliance with any other approved planning document

N/A

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

The intent of this ordinance, among others, is to provide for the orderly development of the city, in order to promote the health, safety, convenience, order, prosperity and general welfare of the residents. This proposed use is compatible with the surrounding property and based on the previous uses and existing adjacent uses, this is an orderly progression of development.

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

The parcel contains several structures, two of which are active businesses: Equipment Sales to the north and Bay Minette Trailer to the south. The particular location the Special Exception is requested for is the site of the former Taylor's Towing that ceased operation in 2013. Across US Highway 31 is Dental Ez and Hardwoods Unlimited, both industrial uses. To the south is outside city limits, but used as by natural gas pipeline company and a propane company. To the east, across Old Daphne Road, is partially zoned B-2 and partially outside city limits, but is used as single family residential and farm land. To the North is also B-2 and is the location of a Dollar General and Chuck Stevens Chevrolet.

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

Impacts on public infrastructure are expected to be nominal. The parcel fronts US Highway 31, adjacent to a crossover, with existing access. Bay Minette Police Department and Bay Minette Fire Department have stated they have no issues with the request. NBU has issued no comments on the application.

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

Impacts on natural resources are expected to be nominal. This parcel is actively used for commercial purposes and is the former location of a towing/wrecking business.

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

The applicant will be required to submit a Land Use application and Building Permit application (if renovations are planned), prior to approval of a business license.

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

N/A

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

Negative impacts are expected to be minimal as this property is adjacent to an existing commercial and industrial uses along a principal arterial. Part of the requirements of the Zoning Ordinance, this use is not required to be enclosed within a structure but must it be enclosed within a solid fence sufficiently high to obstruct noise and view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct view is provided.

10.) Overall benefit to the community

A currently vacant building would be occupied with business revenue coming in to the city. The applicant would be requesting to be on the City's Police Department Wrecker Rotation Service.

11.) Compliance with sound planning principles

The intent of this ordinance, among others, is to provide for the orderly development of the city, in order to promote the health, safety, convenience, order, prosperity and general welfare of the residents. This proposed use is compatible with the surrounding property and based on the existing adjacent property and previous use, is an orderly progression of development.

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

N/A

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

N/A

14.) Other matters which may be appropriate

The Planning Commission reviewed an application, SE-2103 North Mobile Towing, on September 9, 2021, for an automobile wrecking service in the same location. The application was tabled due to questions regarding screening, but it was withdrawn by the applicant prior to a second review and recommendation. The prior applicant had put up what appears to be landscaping fabric to cover one side of the fence, but the current applicant did say he would put up more permanent screening if needed. This application was submitted prior to the enactment of the RA-2201 Zoning Amendment, so this application is not required to follow the new regulations which now require automobile wrecking/salvage be enclosed within a solid fence.

Staff Recommendation

Staff recommends that the Special Exception request for Automobile Wrecking & Salvage in a Commercial District be recommended for approval to the Board of Adjustment.

Planning Commission Action

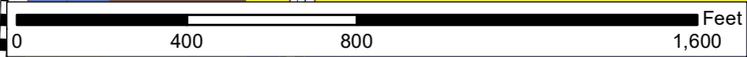
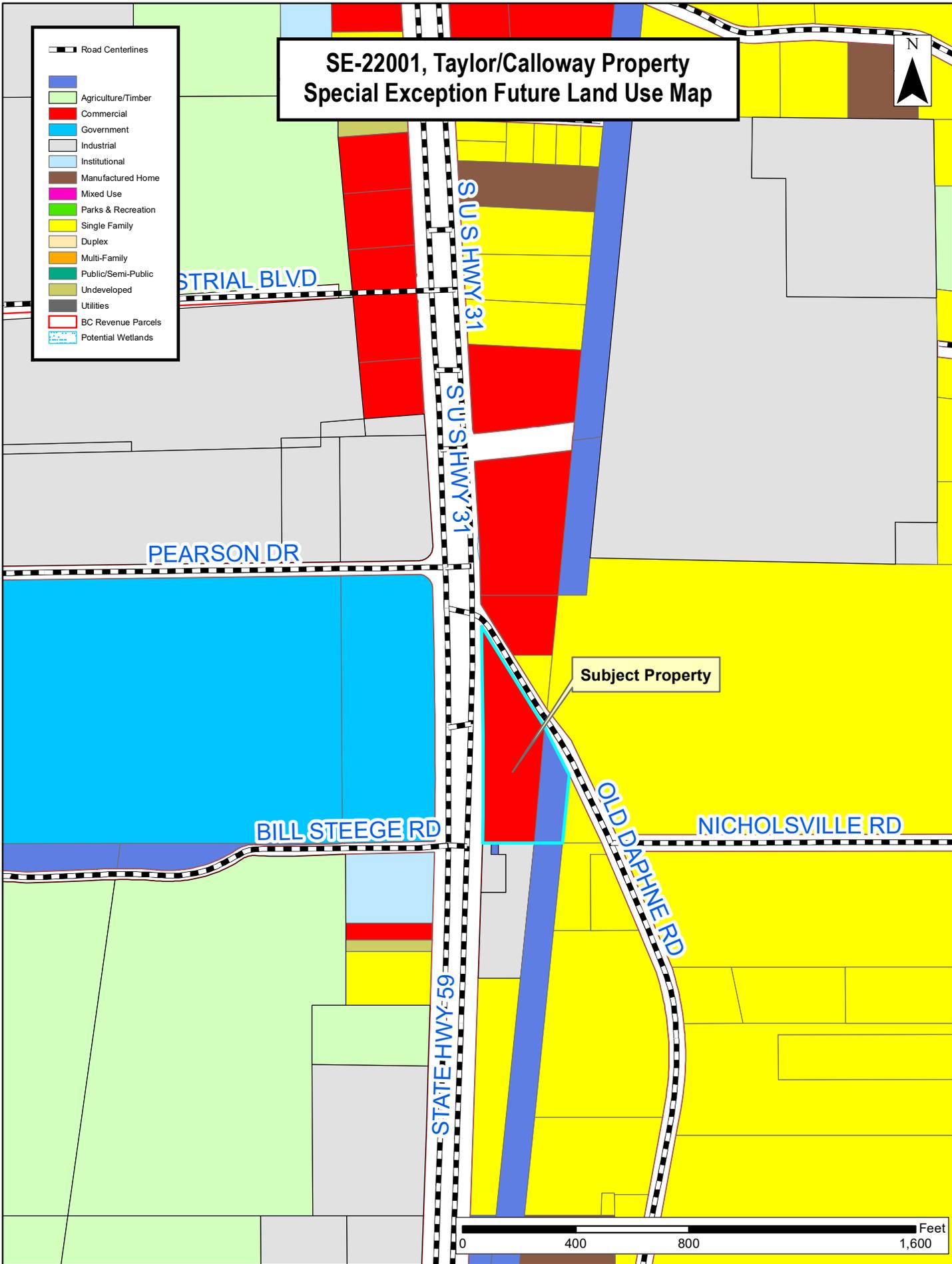
The Planning Commission does not hold a public hearing on Special Exceptions, but makes an advisory recommendation to the Board of Adjustment and has the option to:

- Recommend Approval to the Board of Adjustment
- Recommend Approval with Conditions to the Board of Adjustment
- Recommend Denial to the Board of Adjustment, with stated factors for the denial
- Table the application due to lack of information

SE-22001, Taylor/Calloway Property Special Exception Future Land Use Map



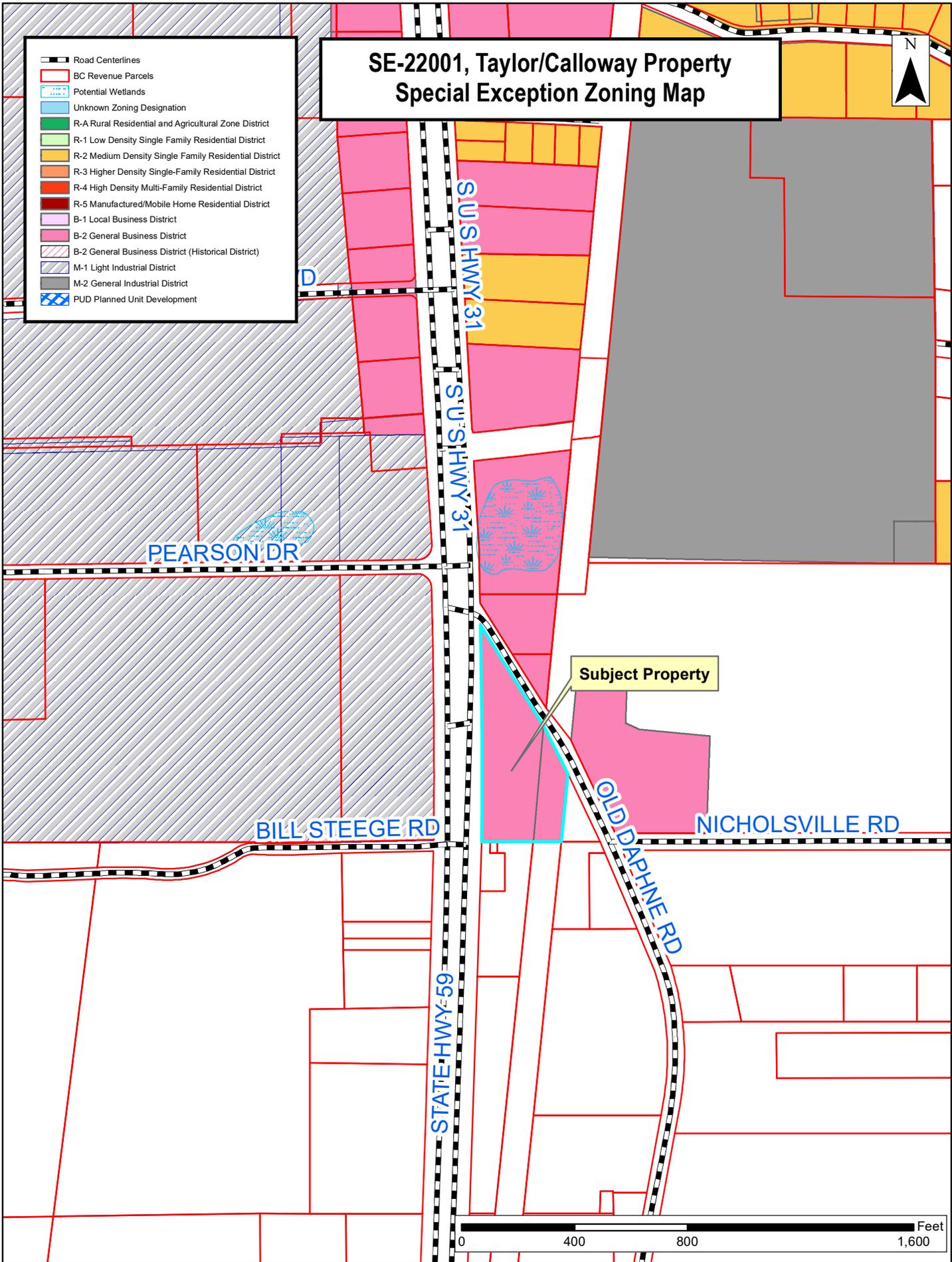
- Road Centerlines
- Agriculture/Timber
- Commercial
- Government
- Industrial
- Institutional
- Manufactured Home
- Mixed Use
- Parks & Recreation
- Single Family
- Duplex
- Multi-Family
- Public/Semi-Public
- Undeveloped
- Utilities
- BC Revenue Parcels
- Potential Wetlands



SE-22001, Taylor/Calloway Property Special Exception Zoning Map



- Road Centerlines
- BC Revenue Parcels
- Potential Wetlands
- Unknown Zoning Designation
- R-A 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



SE-22001, Taylor/Calloway Property Special Exception Site Map



- Road Centerlines
- BC Revenue Parcels
- Potential Wetlands

CROSSOVER

CROSSOVER

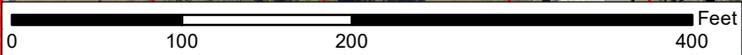
Subject Property

SUSHWY 31

SUSHWY 31

OLD DAPHNE RD

BILL STEEGE RD





City of Bay Minette

Special Exception Application

301 D'Olive Street · Bay Minette, Alabama 36507

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

<u>Office Use Only</u>	
SE -	<u>22001</u>
Fee: \$250	
Paid: <input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Credit Card
	<input type="checkbox"/> Check - # _____

Are you the property owner? Yes No
(If you are not the property owner you must submit an Agent Authorization Form signed by the property owner)

Name: Steven Taylor and Therese Callaway Date: 2-14-22

Mailing Address: 23238 Mothershead Lane

City: Bay Minette State: AL Zip Code: 36507

Phone Number: 251-406-3605 Email: teasie517@gmail.com
251-767-2735 (Theresa, "AKA TC")

Site Information

Property Address: 2505 US Hwy 31 Bay Minette

or Property Location: _____

*Parcel No.: _____ *PPIN No.: 261907

**Parcel or PPIN information must be completed*

Current Zoning: _____

The purpose of this Special Exception is to allow:

Tow TATOR Towing To operate with Daily
Business Mon-Fri 9-5 Sat. & Sun.
appointment only.

What grounds or conditions exist to warrant the approval of the Special Exception?

**Special Exception ordinance excerpt and review criteria is included in packet*

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

[Signature] Theresa Callaway 2-14-22
Signature of Applicant (Owner of Property or Authorized Agent) Date

Submittal Requirements

- Application
- Fee
- Agent Authorization Form (if applicant is not the owner)
- _____ Complete Legal Description of Property
- _____ Plot Plan or Survey – indicating any existing structures, proposed structures, and setbacks from property lines.