



# City of Bay Minette

## Planning Commission

301 D'Olive Street · Bay Minette, Alabama 36507  
Phone (251) 580-1650 · COBM\_Planning@cityofbayminetteal.gov

### AGENDA

September 8, 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.) Announcements/Registration to Address the Commission
- 4.) Approval of Minutes for the August 11, 2022 Regular Meeting
- 5.) Disclosure of Prior Communications and/or Conflicts of Interest
- 6.) Old Business
  - a.) RA-2202, Proposed Subdivision Amendments **\*\*PUBLIC HEARING\*\***
- 7.) New Business
  - a.) SD-22002, Tensaw Engineering **\*\*PUBLIC HEARING\*\***  
*Disclosure of Prior Communications and/or Conflict of Interest*  
*Request:* Minor Subdivision request to re-subdivide Dempsey Subdivision from one (1) lot to five (5) lots  
*Location:* The subject property is located at the corner of Jaycee Rd and Hwy 59
  - b.) Upcoming Case Briefing
- 8.) Reports
  - a.) Mayor/Council
  - b.) Attorney
  - c.) Commissioner's Comments
  - d.) Planning Staff
- 9.) Adjournment

**\*\*Next Regular Meeting – October 13, 2022\*\***

# Bay Minette Planning Commission Regular Meeting Minutes

Minutes August 11, 2022

Monthly Meeting No. 7

The Bay Minette Planning Commission met in Regular Session on Thursday, August 11, 2022. The meeting was called to order at 8:06 a.m. by Acting Chairman, Bob "Mayor" Wills, 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 8:06 a.m. the following members were present, and a quorum established:

Robert A. "Bob" Wills, Mayor  
Rob Madison, Building Official  
Earl Emmons, Commission Member  
William Taylor, Commission Member  
Scotty Langham, Commission Member

Commission Members absent:  
Todd Stewart, Chairman  
Neal Covington, Vice-Chairman  
Ray Clark, Commission Member

Commission Members late:

Other persons in regular attendance:  
Clair Dorough, City Planner  
Jessica Peed, Planning Coordinator  
Tammy Smith, City Administrator  
Scotty Lewis, City Attorney  
Lauren Collinsworth, Attorney  
Steven Stewart, Fire Inspector  
Jason Padgett, NBU General Manger/CEO  
Kristina Pittman, North Baldwin Chamber of Commerce

**GUESTS** Kathy Bryars  
Roosevelt Martin

**INVOCATION** William Taylor gave the invocation, followed by Scotty Lewis opening the pledge.

**ITEM 3.** Announcements/Registration to Address the Commission

**ITEM 4.** Approval of the Minutes of the July 14, 2022, Regular meeting. Councilman Taylor made a motion to approve the July minutes as written. The motion was seconded by Commission Member Emmons and was unanimously carried.

**ITEM 5.** Disclosure of Prior Communications and/or Conflicts of Interest

**ITEM 6.** Old Business

a.) RA-2202 Proposed Amendments to the Subdivision Regulations *\*\*Discussion Only\*\**  
RA-2203 Proposed Amendments to the Zoning Ordinance *\*\*Discussion Only\*\**

Chairman Stewart asks Mrs. Dorough to give an update to the proposed amendments that were discussed at the previous meeting. Mrs. Dorough states that the Commission is scheduled to meet on August 17, 2022 at 9am for a worksession to discuss the proposed changes, with hopes to present at the September Planning Commission with Public Hearings, dependent upon the revisions requested to make.

b.)

SP- 22003, Honey's Kitchen

*Disclosure of Prior Communications and/or Conflict of Interest*

*Request:* Planning Commission Approval for an Entertainment Venue, Food Truck Commissary and Restaurant on 8.05 acres in the M-2, General Industrial District

*Location:* The subject property is located at 807 Moran Street, on the East side of Moran between the intersections of E Hickory Street and E Ellis Street.

Chairman Stewart introduces the Site Plan request for Honey's Kitchen and inquires if the applicant is in attendance to which Mrs. Dorough states the applicant is not in attendance but she did speak with her last night and relayed that her absence could effect the outcome of the meeting. Mayor Wills states that his longtime friend, Roosevelt Martin, is in attendance. Mr. Martin states he is in attendance to discuss the proposed Rezoning on S White Ave. Mrs. Dorough reviews the proposed request including vacant site being the former RAM Trading property, the proposed layout for the entertainment venue with food truck commissary and restaurant, applicants proposed parking and occupancy totals, comments from various City departments and City consulting entities regarding the potential traffic and noise issues that would arise, restriping and potentially widening and reconfiguring Moran St, potential road degradation due to increased traffic and current road width, widening the ingress and egress access for emergency vehicles, inadequate site gravel surface thickness, drainage systems and basins that will be affected, traffic analysis, and potential fire and sprinkler installation requirements. Mayor Wills inquires what the applicant stated she would like to do to move forward to which Mrs. Dorough states the applicant would like to path of least resistance and mentioned potentially moving forward with only a food truck commissary since the applicant currently owns a food truck and catering business. Mayor Wills states he believes the proposed location would be a blight on the area and there are too many negatives per the responses from the City departments and City Consulting entities. Councilman Taylor agrees with Mayor Wills stating the previous pipe companies that proposed to do business along that street caused the neighbors to complain and he believes having constant disruptions in the evenings would cause too many issues. Mrs. Dorough states the use isn't a bad thing, the location is the problem. With no further comments or questions, Commission Member Emmons makes a motion to deny the applicant's request due to incompatibility with the surrounding neighborhood, insufficient roadway width, lack of drainage information, and other deficiencies as noted in the staff report. Commission Member Langham seconds, and it is unanimously carried.

ITEM 7.

New Business:

a.) Z-22005, Cowser Property by Crystal Parks, LLC Rezoning Request **\*\*PUBLIC HEARING\*\***

*Disclosure of Prior Communications and/or Conflict of Interest*

*Request:* Rezoning from M-2, General Industrial District to M-1, Light Industrial District, for a proposed RV park

*Location:* The subject property is located on the West side of S White Avenue, approximately 600 feet north of Brady Road Ext

Mrs. Dorough states the proposal and begins reviewing the Staff report including the former radio station site, and other surrounding zoning designations with Brady Rd essentially being where the zoning designation goes from residential to industrial. She also includes the current use of the proposed vacant property which is agricultural, the potential wetlands as shown by the County's map, and Comprehension Plan. Mrs. Dorough states that while no comments were made by City departments at this time, the departments would be more involved if/when Planning Commission Site Plan review is on the agenda. She also includes sewer is currently not available because of the potential wetlands; therefore, the potential cost of the sewer and infrastructure would be the applicants responsibility. Mrs. Dorough concludes her review by stating the proposed development in itself would cause significant increase in traffic and density and includes the density per acre for the site, character of surrounding properties, public infrastructure, and states that while the applicant is not required to state the reasoning for the rezoning they have included it is for an RV park, and after the analysis, staff does not feel like the use would be compatible for the location. Mayor Wills asks the applicant if she would like to say

anything and she states she does not have any comments. Mayor Wills opens the Public Hearing at 8:47am. Roosevelt Martin inquires on the location, surrounding zonings, and questions the ability to maintain his private property. Mrs. Dorrough states any zoning changes will not affect his current zoning, and any use changes would require staff or Planning Commission review. Mrs. Dorrough also states the previous amendments to the Ordinance that now allows single family dwellings with Board of Adjustment approval in M-1 or M-2 zoning designations. Mayor Wills inquires on the reasoning he received a notice to which Mrs. Dorrough states Staff sent adjacent property owner notices to the surrounding neighbors within a 300 ft radius. There is a brief discussion on regulations for RV parks, to which Mrs. Dorrough states there are not a lot of regulations in place other than the Table of Permitted Uses allowing RV parks with Planning Commission approval in certain zoning designations. Commission Member Emmons inquires on the wetlands on the back side of the property to which Mrs. Dorrough states these are considered "potential" wetlands which means it would have to be determined by a professional at the time of site plan approval. With no other comments, Mayor Wills closes the Public Hearing at 8:56am. Councilman Taylor makes a motion to deny the application. With no second, the motion dies. Commission Member Emmons makes a motion to recommend approval to the City Council. Commission Member Madison seconds. The motion carries with majority approval, with Councilman Taylor voting against the motion.

b.) Z-22006, Thompson Commercial Properties, LLC Property Rezoning Request **\*\*PUBLIC HEARING\*\***

*Disclosure of Prior Communications and/or Conflict of Interest*

*Request:* Rezoning from R-2, Medium Density Single Family District to B-2, General Business District

*Location:* The subject property is located on the North side of D'Olive St, approximately .2 miles East of McMeans Ave/US Hwy 31

Mrs. Dorrough introduces the rezoning request to go from R-2 to B-2 in order to pursue other commercial uses and states the two parcels included in the application are used together and the property has maintained a legal non-conforming status and that is why they have been able to operate as commercial in a residential zoning designation. She also states the surrounding areas that includes the City's Fire Department, including that the current residential use is not compatible in that area, and there will be currently no structure or parking lot changes proposed. She states staff's recommendation for the property is to approve the request. With no further comments or questions, Mayor Wills opens the Public Hearing at 9:05am. Commission Member Emmons asks the applicant, Kathy Bryars, if the "old Thompson place" will be demolished to which Mrs. Bryars states it most likely will be but Thompson Commercial Properties will not be handling that. With no further comments or questions, Mayor Wills closes the Public Hearing at 9:06am. Commission Member Langham makes a motion to approve the rezoning request. Commission Member Emmons seconds, and the motion unanimously carries.

c.) Upcoming Case Briefing

Mrs. Dorrough states she expects to receive an application for a drive-thru only coffee shop and this would be the 3<sup>rd</sup> of the franchise in Baldwin County. She also states the Peavy property rezoning request will be presented to City Council on the upcoming Monday, and there will be worksession on August 17<sup>th</sup> at 9am to discuss the potential revisions to the Zoning Ordinance and Subdivision Regulations. Mayor Wills inquires on the trailer park behind Alabama Power to which Mrs. Dorrough explains it maintains a legal non-conformity status and reviews the information from the League of Municipalities regarding how or when properties lose that non-conformity status, and has included this particular proposed revision in the Zoning Ordinance that will be discussed at the upcoming worksession.

ITEM 7. Reports:

a.) Mayor/Council Report

Mayor Wills states the bidding for the Justice Center was held last week, and thanks to Tammy Smith in the finance department making some cuts, the City is able to move forward the project and has awarded the bid but has not currently signed any contracts.

b.) Attorney- Scotty Lewis states the Council took action on the Novelis project and approved various action items that were included in the package agreement.

c.) Commissioner – None

d.) Planning Staff – Mrs. Dorough reiterates the upcoming Planning Commission worksession is scheduled for August 17<sup>th</sup> at 9am in the Council Chambers to review proposed Ordinance and Subdivision Regulation revisions.

ITEM 8. With no further business Acting Chairman “Mayor” Wills adjourns the meeting at 9:13 a.m.

DONE THIS THE 11th DAY OF AUGUST 2022

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Acting Chairman, “Mayor” Bob Wills

ATTEST:

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Jessica Peed, Planning Coordinator



# City of Bay Minette

## Planning & Development Services

Preliminary/Final Plat – Minor Subdivision Staff Report  
Case No. SD-22002 – Resubdivision of Lot 2, Dempsey Subdivision  
Planning and Zoning Commission Public Hearing  
September 8, 2022

### I. PUBLIC HEARINGS:

Planning Commission: September 8, 2022

### II. IDENTIFICATION AND LOCATION INFORMATION

Jurisdiction: City Limits  
Zoning Designation: B-2, General Business District  
Location of Property: The subject property is located on the West side of State Hwy 59 and on the North side of Jaycee Road.  
Parcel Number // PIN: 05-23-03-05-0-000-005.007 // 378519

### III. SUBDIVISION PROPOSAL:

Proposed number of Lots: 5  
Linear Feet of Streets: N/A – all lots will front State Hwy 59 or Jaycee Road  
Total Acreage: 10.05± acres  
Smallest Site Size: 1.21± acres  
Largest Site Size: 3.90± acres  
Owner/Developer: Tensaw Engineering, LLC  
Benjamin W. White, PE, as Member  
15 Hand Avenue, Suite 158  
Bay Minette, AL 36507  
Surveyor: David Lowery Surveying LLC  
David Lowery, PLS Lic. No  
55284 Martin Lane  
Stockton, AL 36579  
Request: The applicant is requesting Preliminary/Final Plat Approval for 10.05± acres to allow for a 5-lot Minor Subdivision for potential commercial development.

### IV. PUBLIC UTILITIES AND SITE CONSIDERATIONS

Public Utilities Services: Water: North Baldwin Utilities  
Sewer: North Baldwin Utilities  
Telephone: AT&T  
Electricity: Baldwin EMC  
Transportation: The proposed lots will front on State Hwy 59 a paved and state-maintained roadway; and Jaycee Road, a paved, county-maintained local road. The applicant/owner will be required to obtain approval from ALDOT and Baldwin County Highway Department when access points are requested in the future.

### V. PREVIOUS ACTION:

- 1) Dempsey Subdivision: Approved May 2018 to divide one 60+/- acre parcel into three 10+/- acre parcels
- 2) Case Z-22001 - Rezoned from B-1, Local Business District to B-2 General Business District by Ordinance 1001, approved in March 2022

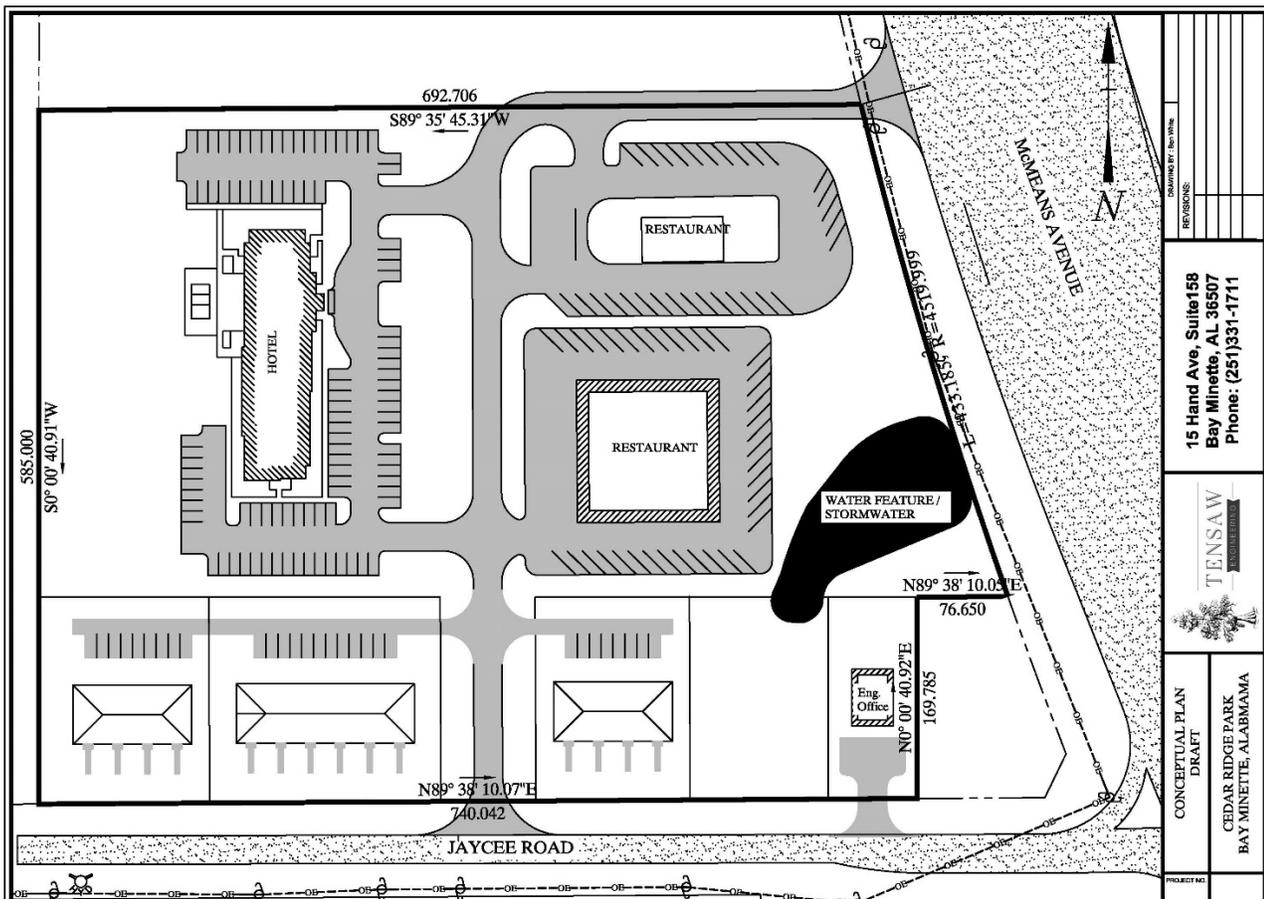
**VI. STAFF COMMENTS:**

This proposal meets the criteria for a Minor Subdivision, which is defined as “A subdivision that creates not more than 5 lots, each lot fronting on an existing, paved public road and does not involve any new street or drainage improvements.”

The lots meet the dimensional requirements as proposed. The Zoning Ordinances do not contain any minimum lot sizes or widths for B-2 zoned property. Lot 3 is in the shape of a Flag Lot, which has a minimum width requirement of 30 feet and maximum length of 300 feet. However, in accordance with Section 7.2.3 of the Zoning Ordinance, since there is no minimum width for B-2 and it meets the street access requirements, Lot 3 is not considered a Flag Lot.

This division is part of an overall conceptual development plan for the property. As such, there is no new infrastructure proposed. Due to the lot sizes, location and zoning, the property does not meet any thresholds for the requirement of additional infrastructure or other improvements required by the Subdivision Regulations at this time. The developer has stated that all improvements would be designed for specific development and would be presented at the time of Site Plan approval.

North Baldwin Utilities, nor the Bay Minette Police or Fire Departments stated any concerns with the request. NBU did note that the closest sewer connection is approximately 800-900 feet from the site along Jaycee Road and that it would likely require a lift station.



The property is within FEMA's X flood zone and does not contain any potential wetlands according to GIS information. There are some elevation changes with fairly steep slopes, which would fall under Sec. 11.2 below. The subdivider has agreed to make the improvements necessary to render the property fit for occupancy. A water feature/stormwater facility is shown on the conceptual plan in one of the steeper areas. Further detail and stormwater/drainage plans will be required at the time of Site Plan approval.

*11.2 Land Subject to Flooding.*

*Land subject to flooding or inadequately served by drainage facilities will not be acceptable for subdivision unless the subdivider agrees to make such improvements as will render the land fit for occupancy. Fill may not be used to raise land in areas subject to flood and/or excessive erosion, unless the fill proposed does not restrict the natural flow of water, advance erosion, and unduly increase flood heights.*

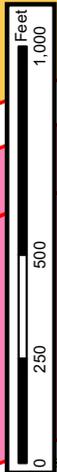
**VI. RECOMMENDATIONS**

Staff recommends that the Preliminary/Final Plat –Minor Subdivision for Case No. SD-22002, Resubdivision of Lot 2, Dempsey Subdivision be APPROVED.

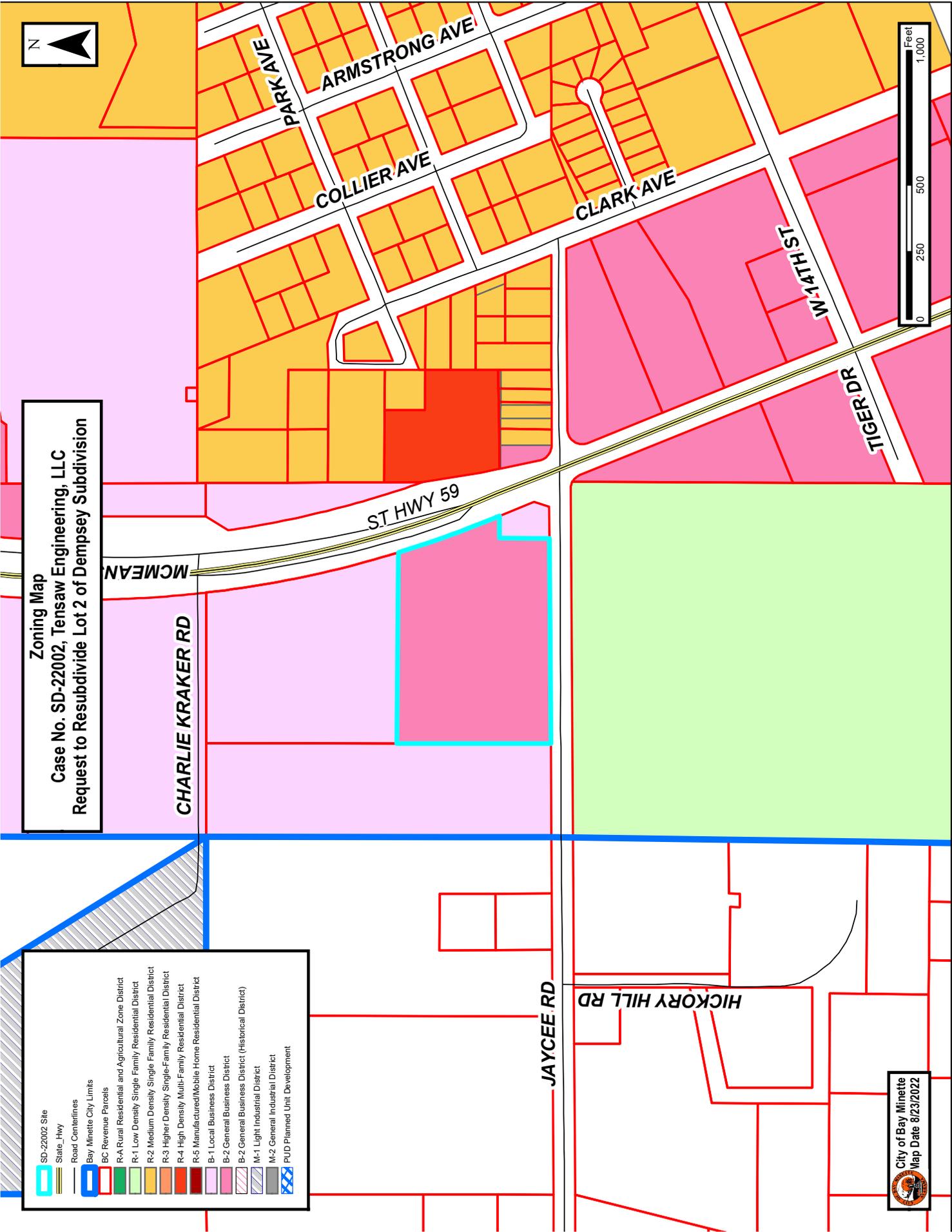
**VIII. PLANNING COMMISSION ACTION**

The Planning Commission has the option to:

- Approve the Plat as submitted
- Approve the Plat with minor modifications, stating the nature of the required modifications
- Deny the Plat, stating the reasons for denial and referencing the specific section(s) with which the plat does not comply



**Zoning Map**  
**Case No. SD-22002, Tensaw Engineering, LLC**  
**Request to Resubdivide Lot 2 of Dempsey Subdivision**



	SD-22002 Site
	State Hwy
	Road Centerlines
	Bay Minette City Limits
	BC Revenue Parcels
	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

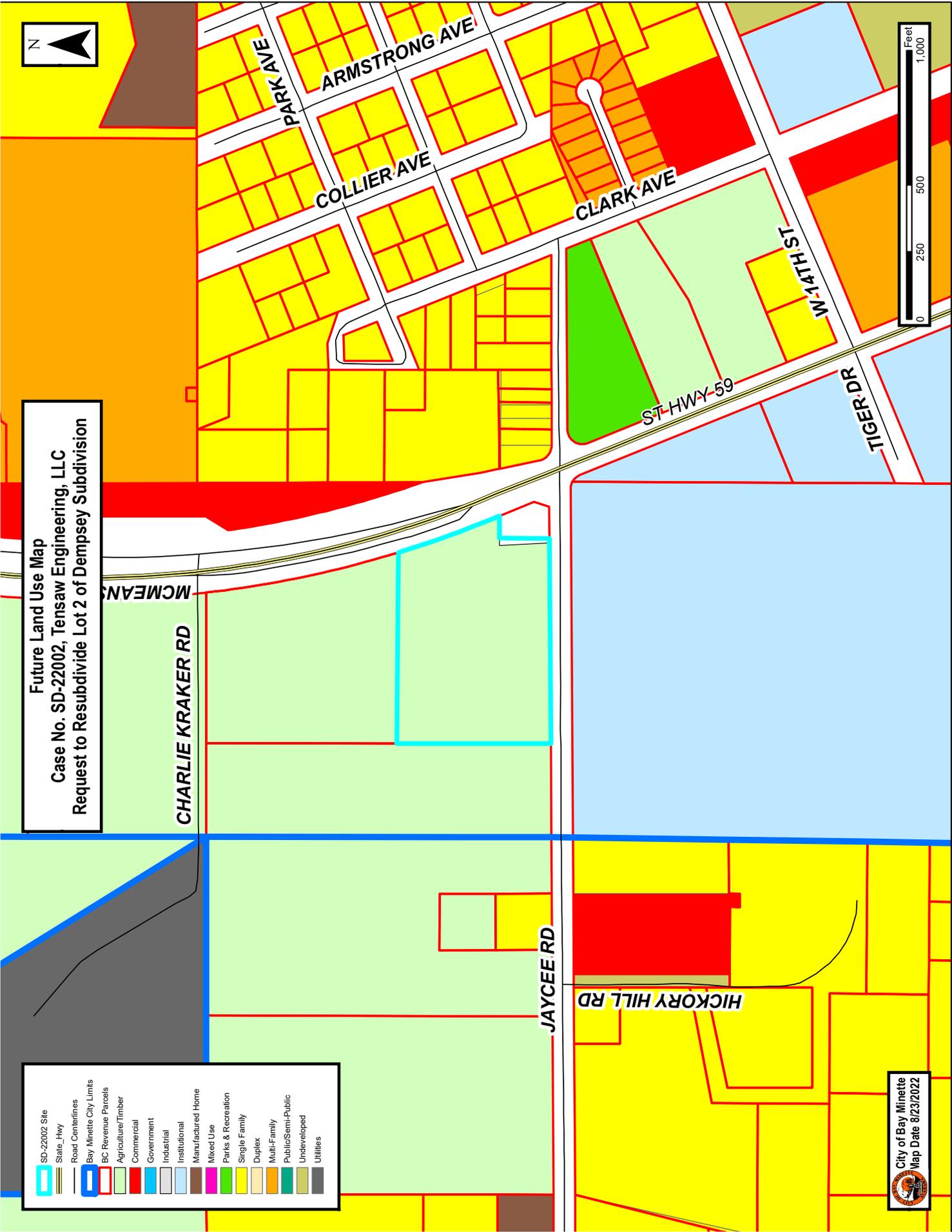


City of Bay Minette  
 Map Date 8/23/2022

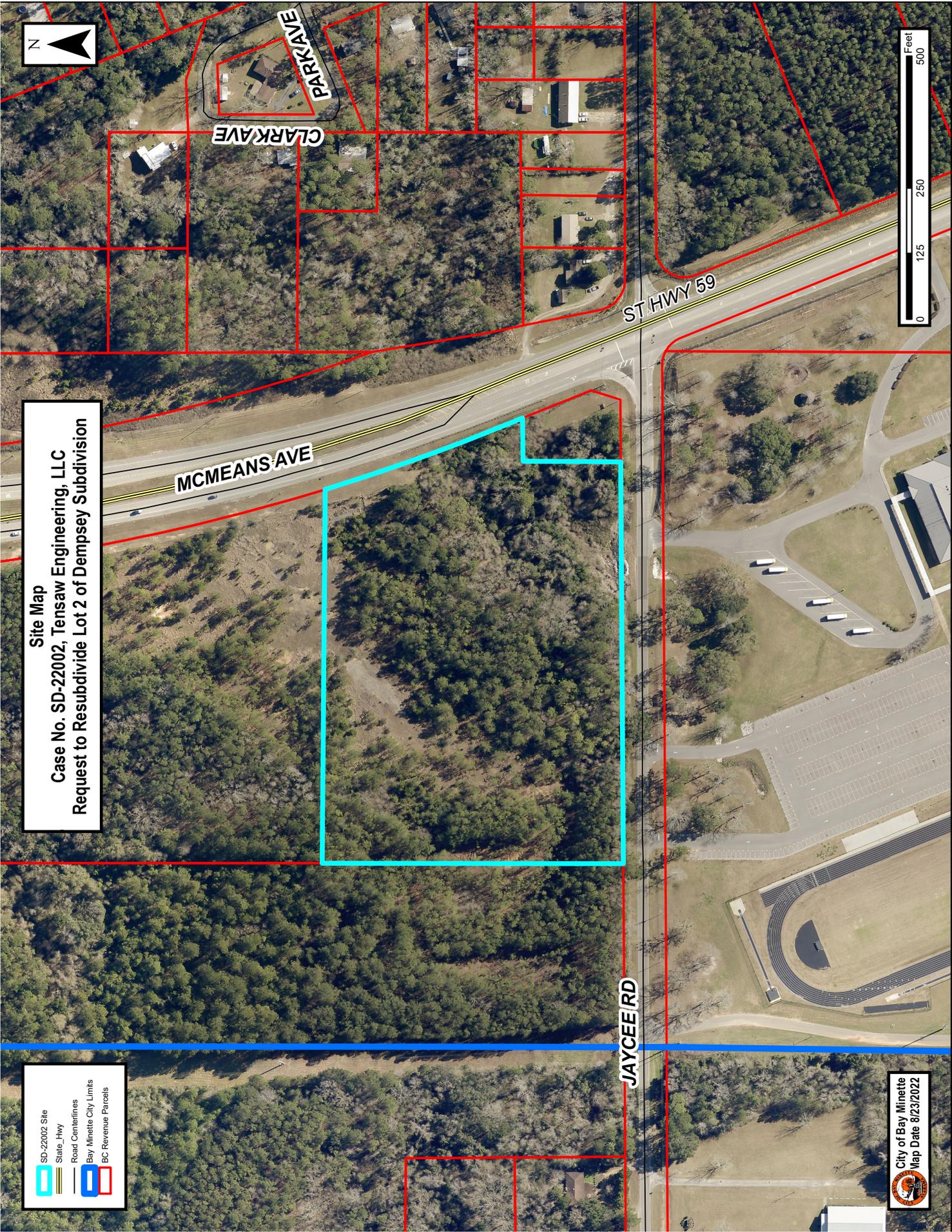


**Future Land Use Map**  
**Case No. SD-22002, Tensaw Engineering, LLC**  
**Request to Resubdivide Lot 2 of Dempsey Subdivision**

- SD-22002 Site
- State Hwy
- Road Centerlines
- Bay Minette City Limits
- BC Revenue Parcels
- Agriculture/Timber
- Commercial
- Government
- Industrial
- Institutional
- Manufactured Home
- Mixed Use
- Parks & Recreation
- Single Family
- Duplex
- Multi-Family
- Public/Semi-Public
- Undeveloped
- Utilities



City of Bay Minette  
 Map Date 8/23/2022



**Site Map**  
**Case No. SD-22002, Tensaw Engineering, LLC**  
**Request to Resubdivide Lot 2 of Dempsey Subdivision**

	SD-22002 Site
	State Hwy
	Road Centerlines
	Bay Minette City Limits
	BC Revenue Parcels



City of Bay Minette  
 Map Date 8/23/2022



# City of Bay Minette

## Preliminary/Final Plat - Minor Subdivision

301 D'Olive Street · Bay Minette, Alabama 36507

Phone (251) 580-1650 · COBM\_Planning@ci.bay-minette.al.us

Case No.:	SD-22002
Fee Total: \$	_____
Date Paid:	_____
<input type="checkbox"/> Cash <input type="checkbox"/> Credit Card	
<input type="checkbox"/> Check- No.:	_____

Are you the owner?  Yes  No *\*If not, you will need to complete an Agent Authorization Form signed by the property owner*

Name of Applicant: TENSAW ENGINEERING, LLC Date: 8-11-22

Mailing Address: 15 HAND AVE SUITE 158

City/State/ Zip Code: BAY MINETTE, AL 36507

Email: bwhite@tensawengineering.com Phone No.: 251-331-1711

### Site Information

Subdivision Type:  Residential  Commercial  Mixed-Use

Subdivision Name: RESUBDIVISION OF LOT 2 DEMPSEY SUBDIVISION

Location of Subdivision: JAYCEE ROAD AND HWY 59

Parcel ID/PPIN(s): 05-23-03-05-0-000-005.007

Total Acreage: 10 No. of Lots: 5 No. of Certified Letters: 6

Electrical: EMC Telephone: ATT

Water: NBU Sewer: NBU

### Engineer & Surveyor Information

Engineer Name: BEN WHITE License #: 26776

Company Name: TENSAW ENGINEERIGN Business License #: \_\_\_\_\_

Address: 15 HAND AVE SUITE 158

Email: bwhite@tensawengineering.com Phone No.: 251-331-1711

Surveyor Name: DAVID LOWERY License #: 26623

Company Name: LOWERY SURVEYING Business License #: \_\_\_\_\_

Address: 55284 MARTIN LANE

Email: dlsurvey25@hotmail.com Phone No.: 251-238-2542

I/we certify that the information state on and submitted with this application is true and correct.

Signature: \_\_\_\_\_ Date: 8-11-22



# City of Bay Minette

## Planning & Development Services

301 D'Olive Street · Bay Minette, Alabama 36507

Phone (251) 580-1650 · [COBM\\_Planning@cityofbayminetteal.gov](mailto:COBM_Planning@cityofbayminetteal.gov)

### NOTICE OF PUBLIC HEARING

**Case No. SD-22002**

**Tensaw Engineering, LLC**

**Request to Re-subdivide Dempsey Subdivision**

Notice is hereby given that the City of Bay Minette Planning Commission will conduct a public hearing concerning a Preliminary/Final Plat Approval request from Tensaw Engineering, LLC to re-subdivide the Dempsey Subdivision from one (1) lot to five (5) lots. Lot 2 of the Dempsey Subdivision is approximately 10± acres, located at the corner of Jaycee Rd and Hwy 59 and identified as Parcel I.D. 05-23-03-05-0-000-005.007, PIN# 378519. A map can be found on the back of this notice.

The Bay Minette **Planning Commission** will conduct the public hearing during its regularly scheduled meeting on **Thursday, September 8, 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 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 Planning & Development Services at (251) 580-1650. If you desire to submit comments, please email to [COBM\\_Planning@cityofbayminetteal.gov](mailto:COBM_Planning@cityofbayminetteal.gov) or address your correspondence to:

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

Please include the case number noted above in all correspondence. If you desire to address the Planning Commission in person about this application, please attend the public hearing 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 Planning & Development Services.*

\*\* See Reverse for Map

Notice Date – August 25, 2022



**Public Hearing Notice Map**  
**Case No. SD-22002, Tensaw Engineering, LLC**  
**Request to Resubdivide Lot 2 of Dempsey Subdivision**

	SD-22002 Site
	State Hwy
	Road Centerlines
	BC Revenue Parcels
	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

