



City of Bay Minette

Planning Commission

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

AGENDA

November 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.) Announcements/Registration to Address the Commission
- 4.) Approval of Minutes for the October 13, 2022 Regular Meeting
- 5.) Disclosure of Prior Communications and/or Conflicts of Interest
- 6.) Old Business
- 7.) New Business
 - a.) Z-22007, James H. Faulkner Jr. Irrevocable Trust Property ****Public Hearing****
Disclosure of Prior Communications and/or Conflict of Interest
Request: Rezone the property from B-2 to R-4 for the purpose of a minimum of 8 multi-family apartment units.
Location: The subject properties are located at the corner of McMillan Ave and W 2nd St
 - b.) Upcoming Case Briefing
- 8.) Reports
 - a.) Mayor/Council
 - b.) Attorney
 - c.) Commissioner's Comments
 - d.) Planning Staff
- 9.) Adjournment

****Next Regular Meeting – December 8, 2022****

Bay Minette Planning Commission Regular Meeting Minutes

Minutes October 13, 2022

Monthly Meeting No. 9

The Bay Minette Planning Commission met in Regular Session on Thursday, October 13, 2022. The meeting was called to order at 8:04 a.m. by Chairman, Todd 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 8:04 a.m. the following members were present, and a quorum established:

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

Commission Members absent:
Earl Emmons, 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, City Attorney
Steven Stewart, Fire Inspector

GUESTS Austin Lutz

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

ITEM 3. Announcements/Registration to address the Commission – Chairman Stewart verified attendee Austin Lutz signed in.

ITEM 4. Approval of the Minutes of the September 8, 2022, Regular meeting. Mayor Wills made a motion to approve the September minutes as written. The motion was seconded by Vice Chairman Covington 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

Chairman Stewart introduces the previously discussed revisions of the Subdivision Regulations. Mrs. Dorough states the top page is a summary of revisions from the previous Planning Commission meeting, and includes other changes to the numbering, Recreational Vehicle (RV) Park section including clarifications from Legal Staff on wording and definitions. Commission Member Clark inquires on ground elevation, drainage/flood zone areas regarding RV Park Sites, and Right-of-Way requirements. There is a conversation regarding the code requirements regarding street level and sloping, the appropriate section to place the clarifications regarding structure elevation, and the proposed right-of-way regulations. There are also discussions including street intersection, cut ground vs vegetation, tree protection requirements, streets

and gutters, underground drainage, and driveway width. Vice Chairman Covington inquires to the proposed sidewalk regulations to which Mrs. Dorough gives examples of the differences in requirements of sidewalks and the reasonable connection to existing sidewalks, along with a discussion on waivers. With no other questions or comments, Commission Member Clark makes a motion to adopt the proposed Subdivision Regulations as presented. Commission Member Langham seconded the motion, and it is unanimously carried. Mrs. Dorough verifies the correct timeline and procedure for the adoption of the new Subdivision Regulations.

Vice Chairman Covington steps out of the room.

After a brief discussion, Commission Member Clark makes a motion to extend the current Subdivision Moratorium until the posting requirements are satisfied. Councilman Taylor seconds and is unanimously carried by the remaining Commission members with the exception of Vice Chairman Covington due to a brief absence.

Vice Chairman Covington returns.

ITEM 7. New Business:

a.) *ES-22005, Lewis Property*

Disclosure of Prior Communications and/or Conflict of Interest

Request: Subdivide the property from 1 (one) lot to 2 (two) lots

Location: The subject property is located at the corner of Hall Ave and W 9th St

Legal Counsel Scotty Lewis steps out of the room for the discussion, as his wife is the owner of the property.

Mrs. Dorough introduces the request including the Staff report summary. There is a discussion regarding the lot size and surrounding areas to which Mrs. Dorough refers to the Staff report in stating that the proposal meets the standards for that zoning designation for minimum lot size. With no further questions, Vice-Chairman Covington makes a motion to authorize the Chairman to sign the plat. Commission Member Langham seconds the motion, and it is unanimously carried with the exception of Commission Member Clark, who abstained.

Legal Counsel Scotty Lewis returns

b.) *SP-22004, 7 Brew Coffee Shop*

Disclosure of Prior Communications and/or Conflict of Interest

Request: Subdivide the property from 1 (one) lot to 2 (two) lots

Location: The subject property is located at the corner of Hall Ave and W 9th St

Chairman Stewart states since public hearings are not required for Site Plans, have the record reflect the modification of the agenda to remove the "Public Hearing" statement from this application. As there were no prior communications, Mrs. Dorough reviews the site plan application including the zoning, use allowed by right, existing site, proposed drive-through only coffee shop, proposed layout of the structure with canopy areas, cooler and dumpster enclosure, screening coverage/materials, cross over/easement access between properties that is resulting in an easement agreement that will be finalized at closing, elevations, building façade, signage, cooler elevation with QR code, crawl space, "picnic" type outdoor seating area, construction plan for washout protection, landscaping plan, ALDOT approval that is currently pending, and outdoor façade lighting. Chairman Stewart questions the proposed neon lighting along the front façade and canopy, to which a discussion ensues regarding the appropriate stipulations and route of reviewing that type of lighting. After much discussion, Commission Member Clark makes a motion to approve the site plan based upon Planning Staff review and acceptance of the overall site lighting plan and building accent lighting. Mayor Wills seconds, and it is unanimously carried.

c.) *Upcoming Case Briefing*

Mrs. Dorough states the Faulkner property that is across from the Library is requesting a rezoning for an eight (8) unit apartment complex. She states there is a potential issue with the current zoning as it is a B-3 designation, and our Zoning Ordinance does not have a B-3 zoning designation and will need additional research to ensure the appropriate route is being taken.

ITEM 8. Reports:

a.) Mayor/Council Report – Mayor Wills states the Justice Center site work is progressing, and Novelis had its groundbreaking ceremony the previous Friday. He also states the Baldwin County Seat Removal Reenactment that occurred last week was well attended. Mrs. Smith states there is a new splash pad that is being constructed at Ulmer Park, and the Burgers and Bingo event will be held in the square.

b.) Attorney - NONE

c.) Commissioner – Chairman Stewart asks that the Mayor and Councilman Taylor let the other Councilmembers know of the new subdivision regulations.

d.) Planning Staff- Mrs. Dorough states she will get a final copy of the Subdivision Regulations for the Commissioners' binders which will include Mrs. Collinsworth's recommended change. She also asks the Commission to leave the Planning Commission packet for recycling if the Commission plans to throw it away.

ITEM 9. With no further business Chairman Stewart adjourns the meeting at 9:41 am.

DONE THIS THE 13TH DAY OF OCTOBER 2022

Chairman, Todd Stewart

ATTEST:

Jessica Peed, Planning Coordinator

Motion Summary:

- 1.) *Minutes*: Approval of the Minutes of the September 8, 2022, Regular meeting. Mayor Wills made a motion to approve the September minutes as written. The motion was seconded by Vice-Chairman Covington and was unanimously carried.
- 2.) *RA-2202, Proposed Subdivision Amendments*: Commission Member Clark makes a motion to adopt the proposed Subdivision Regulations as presented. Commission Member Langham seconds the motion, and it is unanimously carried.
- 3.) *Subdivision Moratorium Extension*: Commission Member Clark makes a motion to extend the current Subdivision Moratorium until the posting requirements are satisfied. Councilman Taylor seconds and is unanimously carried by the remaining Commission members with the exception of Vice Chairman Covington due to a brief absence.
- 4.) *ES-22005, Lewis Property*: Vice-Chairman Covington makes a motion to authorize the Chairman to sign the plat. Commission Member Langham seconds the motion, and it is unanimously carried with the exception of Commission Member Clark, who abstained.
- 5.) *SP-22004, 7 Brew Coffee Shop*: Commission Member Clark makes a motion to approve the site plan based upon Planning Staff review and acceptance of the overall site lighting plan and building accent lighting. Mayor Wills seconds, and it is unanimously carried.



City of Bay Minette

Re-zoning Application

Case No.: 7-22007
Fee- \$300.00
Date Paid: 10/10/22
Paid: Credit Card Cash
 Check- No. 378

301 D'Olive Street · Bay Minette, Alabama 36507

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

Are you the property owner? YES NO

**If you are not the property owner, you must submit an Owner Authorization Form signed by the property owner*

Applicant Name: Beverly H. Faulkner, Trustee Date: 10/10/22

Mailing Address: P. O. Box 1118

City: Bay Minette State: AL Zip Code: 36507

Telephone Number: 251-937-7884 Email: bhflc@bellsouth.net

Site Information

Property Owner Name: James H. Faulkner, Jr. Irrevocable Trust Phone Number: _____

Property Address: 206 W. 2nd St.

Parcel/PPIN #: 23-02-09-3-000-166.000/028403 and 23-02-09-3-000-166.001/276755

Area of Property, Sq. Ft., or Acres: 14,400 S/F

Present Zoning: B-2 Requested Zoning: R-4

Reason for Request/ Intended use of property: Minimum of 8 multi-family apartment units.

I, the undersigned applicant, understand that payment of these fees does not entitle me to approval of this rezoning 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: *Beverly H. Faulkner* Date: 10/10/22

Submittal Requirements

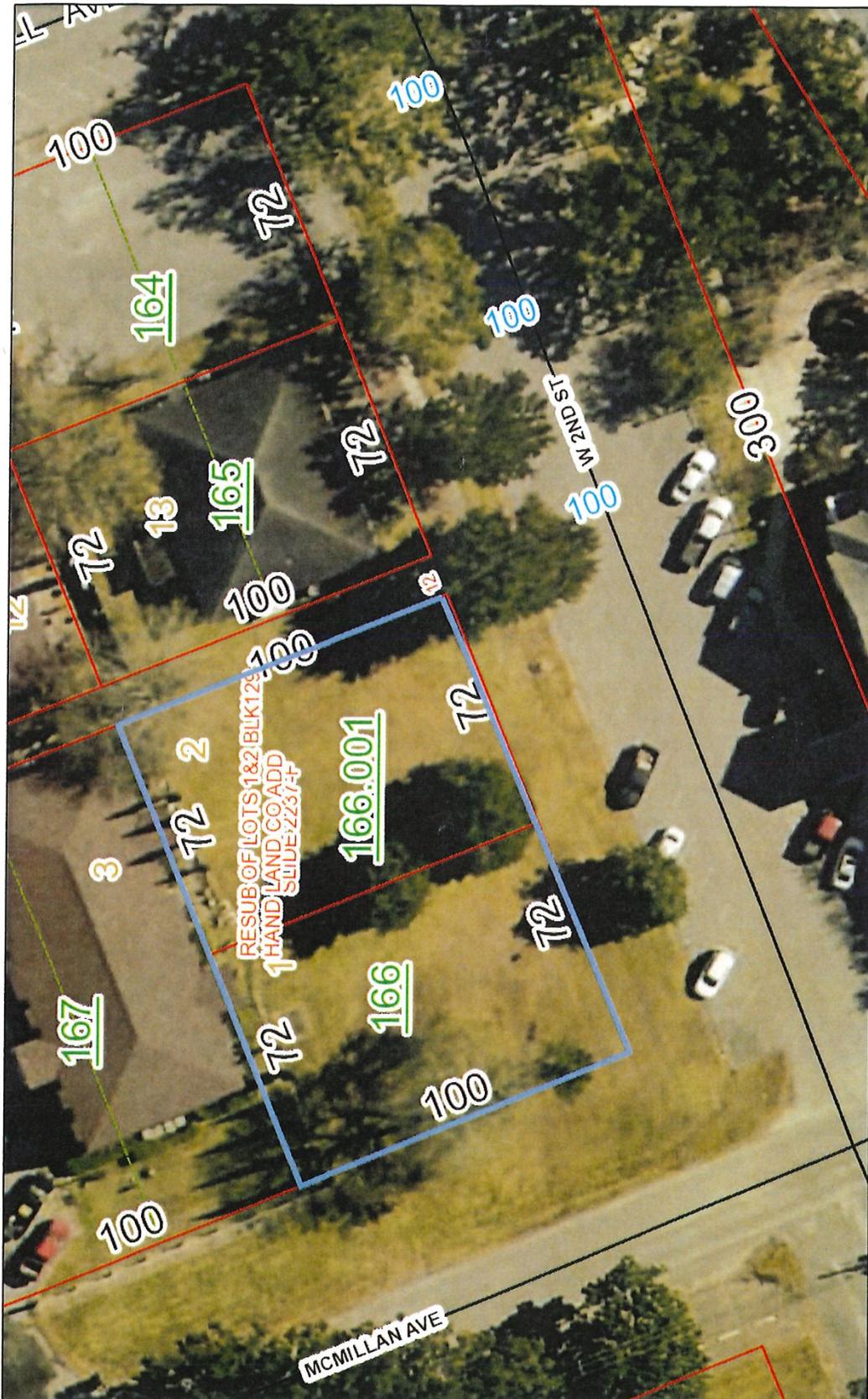
- _____ Application
- _____ Fee
- _____ Agent Authorization Form (if applicant is not the owner)
- _____ Survey or boundary map showing exact dimensions of the property to be rezoned
- _____ Legal description of property

Version 1.2 – 7/22/2020

Received 10/10/22

www.cityofbayminette.org

Viewer Map



August 25, 2022

- | | | |
|---------------------|---|--|
| polygonLayer | Parcels | Lot Lines |
| Override 1 | Centerlines | Conflicts |
| Misc | Coastal Control Line | County Boundary |

1:564
 0 0.00475 0.0095 0.019 mi
 0 0.0075 0.015 0.03 km
 Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand).

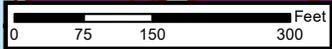
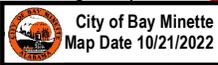
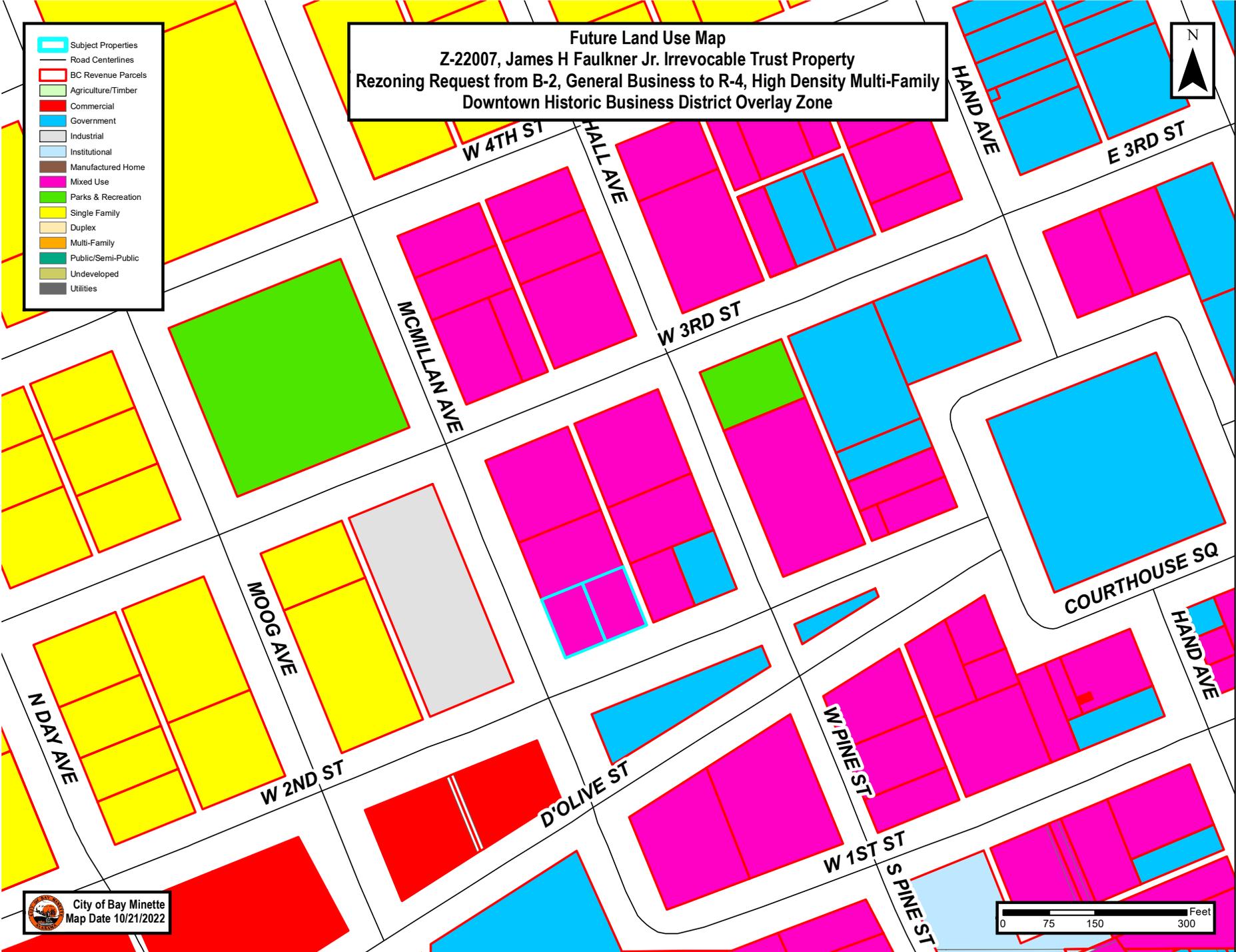
12,400

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Future Land Use Map
Z-22007, James H Faulkner Jr. Irrevocable Trust Property
Rezoning Request from B-2, General Business to R-4, High Density Multi-Family
Downtown Historic Business District Overlay Zone

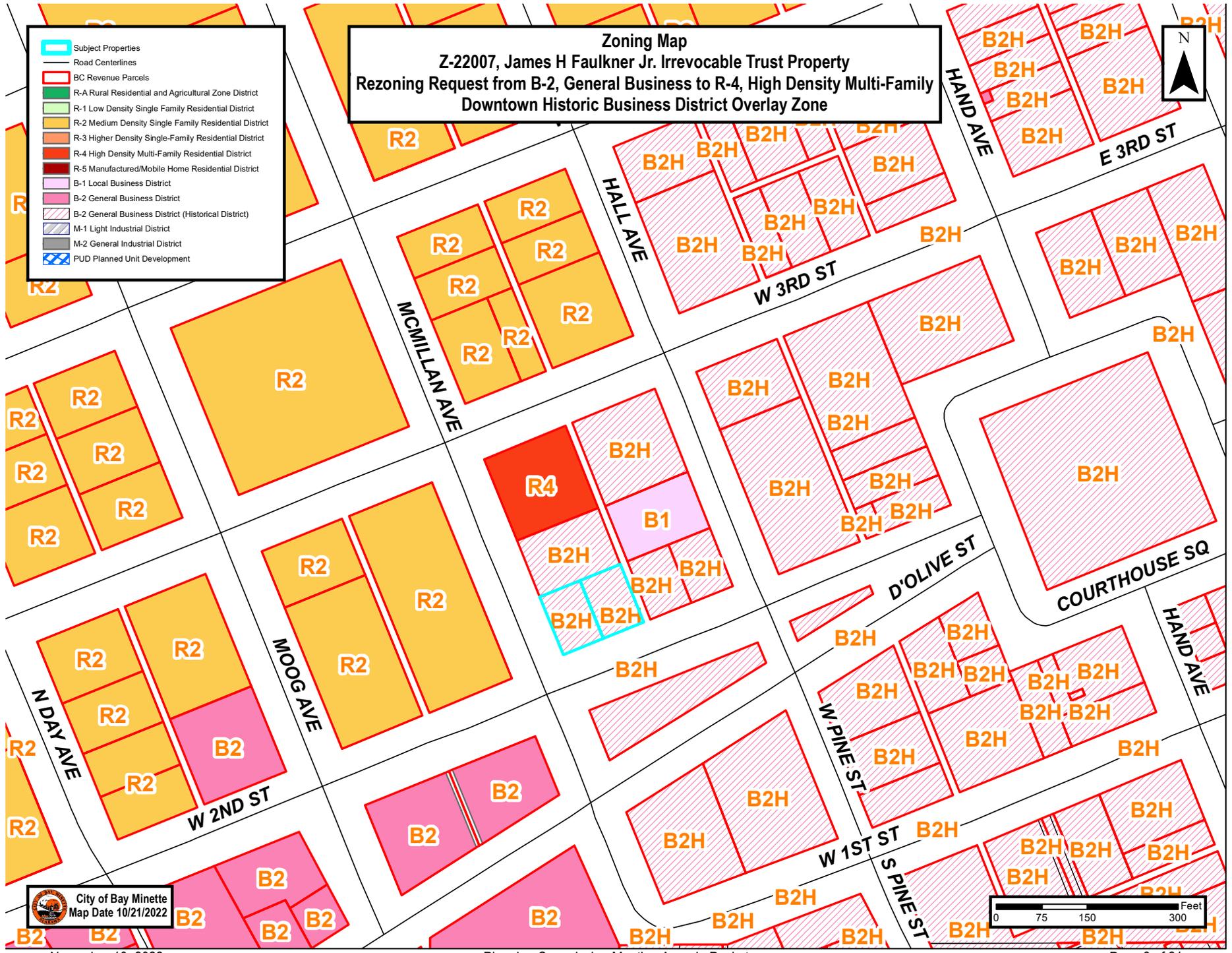


- Subject Properties
- Road Centerlines
- BC Revenue Parcels
- Agriculture/Timber
- Commercial
- Government
- Industrial
- Institutional
- Manufactured Home
- Mixed Use
- Parks & Recreation
- Single Family
- Duplex
- Multi-Family
- Public/Semi-Public
- Undeveloped
- Utilities

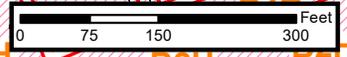


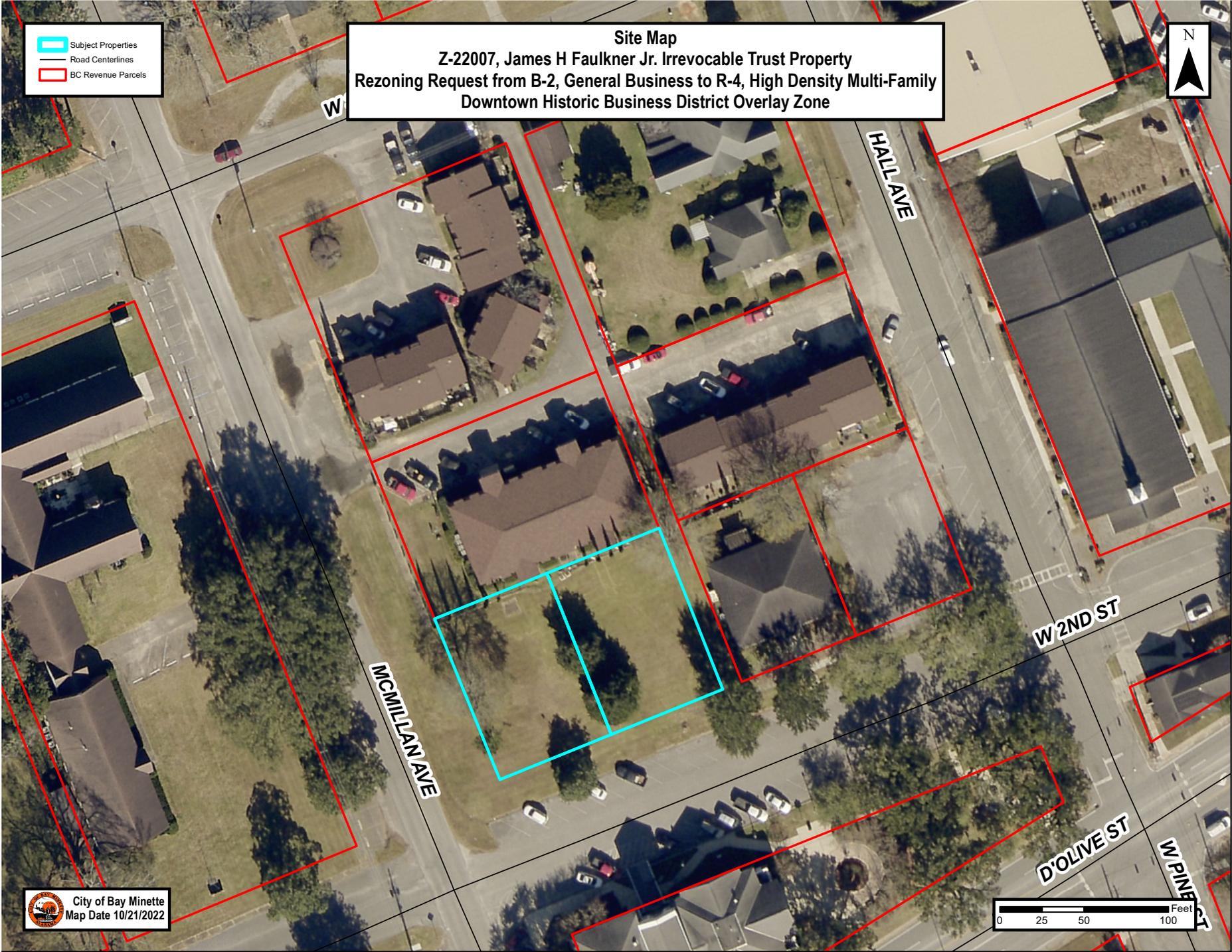
Zoning Map
Z-22007, James H Faulkner Jr. Irrevocable Trust Property
Rezoning Request from B-2, General Business to R-4, High Density Multi-Family
Downtown Historic Business District Overlay Zone

-  Subject Properties
-  Road Centerlines
-  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 10/21/2022



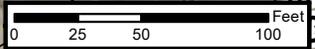


Site Map
Z-22007, James H Faulkner Jr. Irrevocable Trust Property
Rezoning Request from B-2, General Business to R-4, High Density Multi-Family
Downtown Historic Business District Overlay Zone

- Subject Properties
- Road Centerlines
- BC Revenue Parcels



City of Bay Minette
Map Date 10/21/2022





City of Bay Minette

Planning & Development Services

PLANNING COMMISSION STAFF ANALYSIS

Meeting: November 10, 2022

Case Number: Z-22007

SUMMARY INFORMATION

Z-22007, James H. Faulkner Jr. Irrevocable Trust Property Rezoning

<p>Location: NE corner of McMillan Ave and W 2nd St Total Property Size: .33± acres Lot 1 PID/PPIN: 05-23-02-09-3-000-166.000 // 28403 Lot 1 Size: 7,200 sq ft // .165± acres Lot 2 PID/PPIN: 05-23-02-09-3-000-166.001 // 276755 Lot 2 Size: 7,200 sq ft // .165± acres</p>	<p>Requested Action: Rezoning two parcels from B-2, General Business District to R-4, High Density Multi-Family Residential District Applicant: Beverly H. Faulkner, Trustee Property Owner: James H. Faulkner, Jr. Irrevocable Trust</p>
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Subject Property	Zoning	Existing Land Use
Z-22007	B-2	Vacant
Adjacent Property	Zoning	Existing Land Use
North	B-2	Bay Apartments, LLC
South	B-2	Across W 2 nd St - Bay Minette Public Library
East	R-2	Office Bldg - First United Methodist Church, public parking lot
West	R-2	Across McMillan Ave - First Presbyterian Church

SITE AND REQUEST SYNOPSIS

The subject properties, which consist of two parcels totaling .33 acres, are zoned B-2, General Business District and are located in the Downtown Historic Business District Overlay Zone. The parcels are located on the Northeast corner of McMillan Ave and W 2nd St., just North of the Bay Minette Public Library. This property is owned by the James H. Faulkner Irrevocable Trust and the application has been submitted by Beverly H. Faulkner, Trustee. Both parcels, Lot 1 (PIN 28403) and Lot 2 (PIN 276755) are currently vacant. The request is to rezone the properties from B-2, General Business District to R-4, High Density Multi-Family Residential District for a minimum of eight (8) multi-family apartment units.

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.

OVERLAY DISTRICT

6.3.3 DHB Downtown Historic Business Overlay Zone. This Overlay Zone is established to provide opportunity for business development in the central business district. This overlay zone is not intended to impact use restrictions that are imposed by the underlying zoning district, but rather imposed or relaxed certain requirements to encourage business development. The Downtown Historic Business District Overlay Zone is shown on the current Zoning Map. Residential uses are considered an allowable secondary use that is intended to promote mixed use. Where mixed uses are approved, residential uses must locate above or behind the commercial use.

PROPOSED ZONING DISTRICT AND TABLE OF PERMITTED USES

6.2.5 R-4, High Density Multi-Family Residential District. The intent of this district is to provide opportunity for high density single-family, duplex, and multi-family residential development in specified areas. Within this district it is also considered suitable to include other uses of a type deemed to be compatible with a good high-density living environment by providing for needed community services. Public or community water and sewer facilities are required.

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
Dwelling, one-family	R	R	R	R	R	R	S	S	S	S
Dwelling, two-family.				S	R	R	P	P		
Dwelling, multi-family					R	R	P	P		

DEPARTMENT AND AGENCY COMMENTS

- Bay Minette Police Department - No comments
- Bay Minette Fire Department – No comments
- Bay Minette Public Works – No comments on rezoning, noted preference for future site access from McMillan Ave. and that multi-family development would require a dumpster - individual units would not receive City-issued carts.
- North Baldwin Utilities – No comments
- Tensaw Engineering - Benjamin White, P.E. *City Civil Engineer Consultant* – No comments
- Neel-Schaffer - Shane Bergin, PE, PTOE, PTP, RSP1 *City Transportation Engineer Consultant* – No comments

RELATED COMPREHENSIVE PLAN GOALS, STATEMENTS & STRATEGIES

The City's Comprehensive Plan is a policy document that functions as the long-range plan for future growth and development. It identifies the goals, objectives, and strategies of the community, determined by its residents and property owners. City officials can use the document to make policies that effectively provide a coordinated approach for future growth. Though adopted by the City Planning Commission, the Plan is intended to provide guidance for future legal and policy decisions as determined by City Council and through analysis of existing and predicted conditions. The Plan also serves as the statutory basis for many of the City's land use and subdivision regulations as well as the application of zoning districts, as zoning and future land use must be in accordance with the Comprehensive Plan. The Goals, Objectives, Statements and Strategies below are pulled from the Plan as they are deemed relevant to this specific application by Planning Staff.

HOUSING

Goal: Provide a wide variety of safe and attractive living environments for all socioeconomic groups.

- “With new growth and development comes the additional responsibility of protecting existing residential areas from encroachment of incompatible land uses, increased traffic congestion, and increased stress and damage to utility and storm water drainage systems. This Chapter emphasizes the importance of planning for future growth and development without compromising the character that makes Bay Minette unique.”
- “Future residential growth should utilize infill development techniques where possible to prevent residential sprawl away from the community’s core of commercial areas, schools, and pedestrian/public transit access. Creating isolated residential neighborhoods only adds stress to the public infrastructure including roads, water and sewer, and City services.”
- “In order to maintain the rural, small-town character, new housing should be directed toward the center, more dense part of the City. The City should also try to avoid further subdivision of large agricultural/forested parcels on the outskirts and fringe area. These parcels should be reserved for very low density agricultural and timber uses.”

Strategy #1 Promote a choice of rural, suburban, and urban living environments and housing types to accommodate all household incomes. This includes anticipating and planning for future land requirements associated with future population projections and projected housing types.

Strategy #7 Ensure, through site plan review and/or subdivision plat review, that high-density developments have a design and scale compatible to adjoining residential developments and are buffered from different residential densities.

Strategy #12 Identify undeveloped lots within existing residential neighborhoods that would be suitable for residential infill of single family and multifamily developments. Encourage developers to consider these target areas for future residential development.

LAND USE

- “According to future housing projections discussed in Chapter 3, there will be an additional 966 housing units in Bay Minette in 2030. This projection is based only on historical building permit data and projecting past and current development trends into the future. This projection does not consider future population projections for the City. When conducting a future build out analysis for future development, population projections and housing projections must be assessed to ensure enough land is allocated to accommodate the range of projected growth. It was estimated that an additional 143 to 281 acres will be needed to accommodate this potential residential growth pattern.”
- “If you compare historical land use patterns with the current land use pattern, residential development land uses in Bay Minette are typically single-family developments with less than 1% of housing being duplex or multi-family units. If the City continues this same trend, twice as much acreage will be required to accommodate future residential population projections. Care will have to be taken to preserve the agricultural and timberland land uses that define Bay Minette’s small town rural character that so many residents value as an asset to their community.”
- “As illustrated on Map 5.3, Map 5.4, and in Table 5.4, the future land use inventory for residential categories projected 16,872 acres for single-family; 243 acres for duplex residential; 225 acres for multi-family residential; and 1,560 for manufactured homes. This is a total of 18,900 projected acres for future residential land use in Bay Minette by 2030. Residential land use categories were increased from 14% of the total planning area in 2010 to 23% of the total planning area by 2030. Single-family acreage was increased by 6,581 acres which allows for more than enough land for future single-family developments while preserving the large, open rural character of the community. This allocation of land does not include any expansion of the current municipal or planning jurisdiction boundaries and attempts to preserve, where possible, as much of the agricultural and forestry land uses of Bay Minette. To accommodate future population and housing projections, duplex and multi-family development acreage went from 0.43% of the total planning area in 2010 to 0.65% by 2030. The mixed-use category was increased from nearly 0% of the total planning area in 2010 to 0.05% in 2030. This will also increase the future residential land use availability of the City.”
- “Care should be taken to encourage development of the vacant lots within the municipal limits as opposed to the planning area to prevent financial increases in public services to new development located miles from the City’s center.”

Strategy #1 Promote a choice of rural, suburban, and urban living environments through density regulations associated with residential land uses. Encourage conservation of large tracts of land through subdivision regulations. This includes anticipating and planning for future land requirements associated with future population projections, projected housing types, and the need for additional commercial land uses.

Strategy #4 Encourage through land use regulations infill development of undeveloped lots as opposed to urban sprawl to support the conservation of rural lands within Bay Minette’s planning area.

Strategy #5 Increase the diversity of residential land uses by encouraging multi-family residential land uses to locate in the more densely populated center of the City. Discourage multi-family development in the more rural, less dense planning area where agricultural land uses and rural character can be encroached upon. This also decreases the strain of public infrastructure and public service cost.

Strategy #6 Ensure, through site plan review and/or subdivision plat review, that all types of land use developments have a design and scale compatible to adjoining properties and are buffered from different incompatible land uses and adverse impact due to encroachment.

DOWNTOWN AND HISTORIC RESOURCES

- “Downtowns and historic neighborhoods also provide for a healthy mix of residents, allowing low-income, moderate-income, and higher-income families to live in close proximity. Older neighborhoods have a social structure in place including churches, playgrounds, social agencies, and neighborhood groups. These downtown neighborhoods keep people in proximity to the things they need such as work, shopping, and schools.”
- “Creates New Housing Opportunities- Revitalization of historic areas, especially downtowns, encourages mixed use development where apartments, condominiums, and lofts are in close proximity to retail shops, restaurants, banks, and office buildings. Mixing these types of uses allows these areas to remain active with people and street life to service the merchants for the day and early evening. The activity encourages future development and attracts more vendors. The diverse housing opportunities that are created appeal to moderate income populations and supply the downtown labor force with pedestrian friendly housing opportunities.”

Strategy #7 Increase the downtown housing stock and its diversity to include multi-housing and mixed-use development. Additional residential opportunities that should be encouraged include townhomes, condominiums, studios and flats, and apartments over retail and service uses. Encourage infill residential development to follow historical design

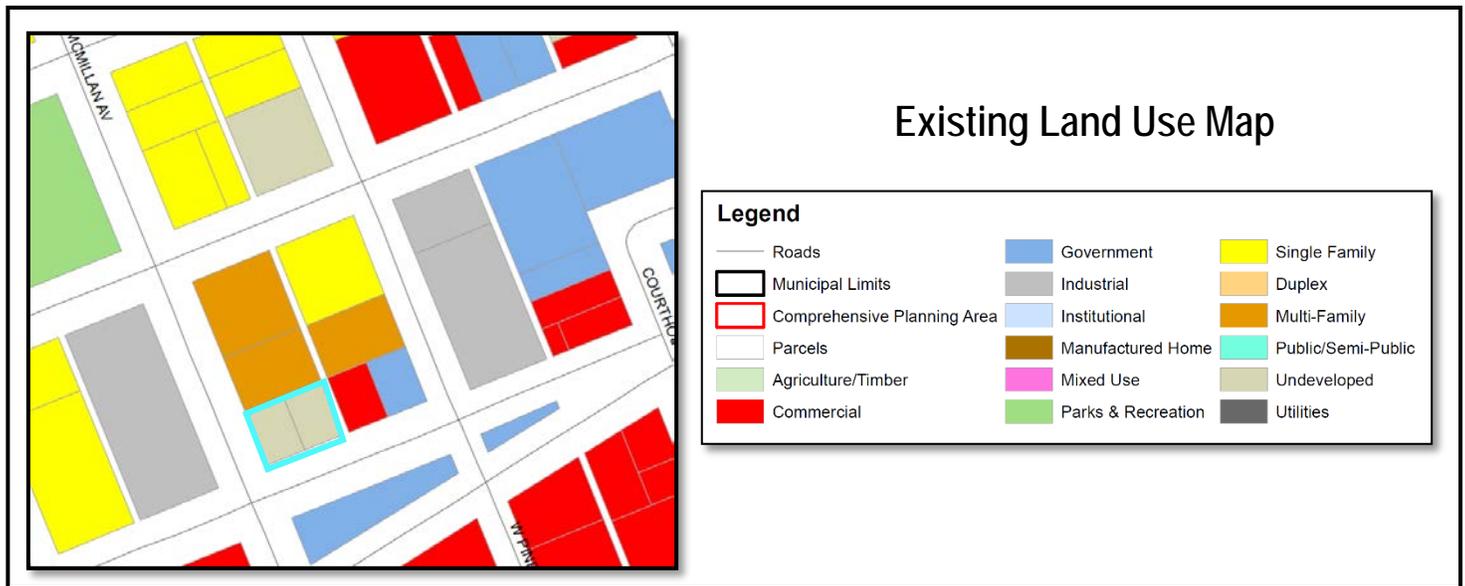
guidelines of existing historic homes within the City where appropriate. Newer residential architecture should be utilized in newer residential areas and neighborhoods, not in downtown residential blocks near the square.

STAFF ANALYSIS AND FINDINGS

The following guidelines for reviewing zoning amendments are found in Article 15 – Amendment in the *Zoning Ordinance of the City of Bay Minette*. These factors are to be considered when an application is being reviewed for rezoning.

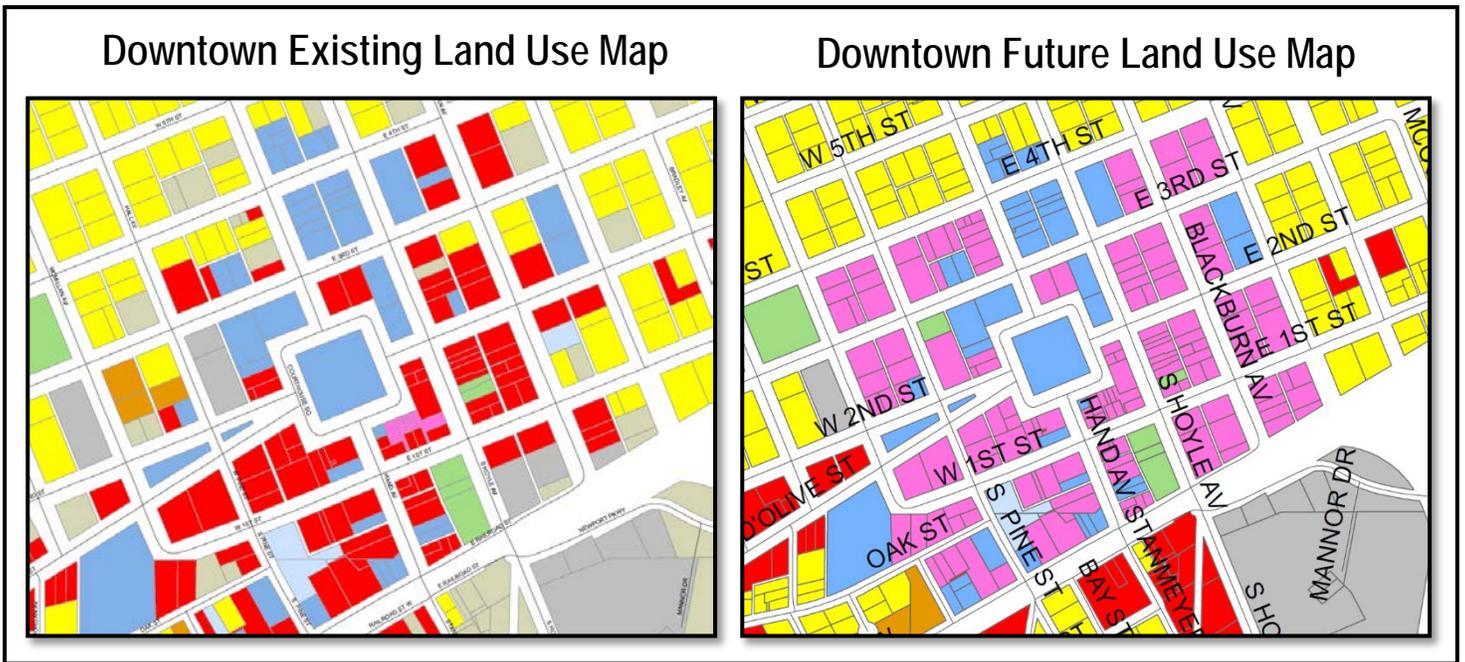
1.) Compliance with the Comprehensive Plan

The subject properties are designated as Mixed Use on the Future Land Use Map in the Comprehensive Plan. It is adjacent to other Mixed Use designated property to the North and East, with Industrial and Governmental designated property across McMillan and W 2nd Street. The existing multifamily units immediately adjacent to the North/Northwest are designated Mixed Use but have been multi-family uses since construction began in the 1970s.



The Comprehensive Plan's Existing Land Use Map was created on a more granular level and has the subject properties designated Agriculture/Timber as it was vacant with the adjacent multi-family uses designated as such. The Future Land Use Map is done in a more general context for overall consistency and compatibility of future development, leading to a broad area of mixed-use designations in the area around the Courthouse. This can be seen in the comparison of the

Downtown area's Existing and Future Land Use maps – the Existing map is more of a 'patchwork' of designations, whereas the Future map outlines a more uniform delineation of mixed use within a 2-3 block radius of the Courthouse. It appears that any existing Governmental or Parks & Recreation use remained as such on the Future Land Use Map and everything else designated Mixed Use.



The Comprehensive Plan goals, recommendations and strategies listed above include the promotion of infill development, the support of diverse housing options and to encourage the increase of available multi-family housing options downtown.

Land Use #4 Encourage through land use regulations infill development of undeveloped lots as opposed to urban sprawl to support the conservation of rural lands within Bay Minette's planning area.

Land Use #5 Increase the diversity of residential land uses by encouraging multi-family residential land uses to locate in the more densely populated center of the City.

Downtown Historic Resources #7 Increase the downtown housing stock and its diversity to include multi-housing and mixed-use development.

The proposed rezoning to a multi-family residential district is compatible with recommendations and strategies from the Plan that are listed above.

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.

Due to the properties' location downtown and proximity to properties that have been multi-family use for decades, the R-4 rezoning would be a compatible and logical expansion of the surrounding development. Having a multi-family use developed downtown would decrease potential sprawl, allow the opportunity for more pedestrian-focused travel versus vehicle-centric transportation and support infill development objectives that also decrease the cost and burden on public infrastructure. This location will offer residents a housing location that is convenient and walkable to public facilities, retail, recreation, school and religious opportunities. The current B-2 designation does not fit the existing use of the subject properties nor the adjacent uses. It leaves the property open to the "by right" development of uses that are potentially too intense and incompatible with the location, existing uses and future development of the area.

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

Both parcels are currently vacant, although structure was present until the late 90s, early 2000s. To the East is an office building for the First United Methodist Church and public parking lot. To the South, across W 2nd Street is the Bay Minette Public Library and to the West, across McMillan Avenue is the First Presbyterian Church. To the North/Northeast on the remaining two thirds of the block are four parcels have been recently acquired by CTCG Assets, LLC that are used for multi-family housing as well as single- and two-family housing. These properties have collectively been referred to as Heritage Arms Apartments, Bay Minette Apartments and Bay Apartments. CTCG is considering the purchase of the two subject parcels for future expansion.

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

No comments were received from the Bay Minette Police Department, Fire Department or North Baldwin Utilities in regard to the rezoning request. The property has been vacant for years with no major change in the intensity of the surrounding uses. No negative impacts are anticipated, however, all residential multi-family projects involving the construction of three or more dwelling units will require Site Plan approval from the Planning Commission and any specific infrastructure concerns will be considered at that time. The Public Works Department Superintendent of Streets & Sanitation had no comments on rezoning but did note his preference that the site be accessed from McMillan Avenue rather than W 2nd Street and that a multi-family development would require a dumpster - units would not receive individual garbage carts.

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

No impacts are anticipated. The properties are not located in the Greenbelt Zone. There are existing trees on the site and in the right-of-way, but they do not appear to meet the criteria for a Significant Tree.

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

Not Applicable for this rezoning request.

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

The subject property sits within the city limits of Bay Minette and falls under the city's jurisdiction.

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

No negative impacts are anticipated. As previously stated, the surrounding area is primarily multi-family with no major change in the intensity of the surrounding uses in the past 15 years. The Bay Apartment properties have been used for multi-family housing for more than fifty years. McMillan Avenue is considered a Major Collector and the site is located approximately 250 feet from D'Olive Street, a minor arterial. Off-Street parking for the development would be required at 1.5 spaces for each unit, but there is also existing on-street public parking along W 2nd Street and the parking lot at W 2nd Street and Hall Avenue may be used by the public. Due to the location downtown and its proximity to various public and private resources, future residents will have a greater opportunity for more pedestrian travel and less reliance on vehicular travel. As for nearby property values, no negative impact is expected as the adjacent properties are public facilities, religious institutions or multi-family uses.

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

No negative impacts are anticipated. As previously stated, the surrounding area is primarily multi-family with no major change in the intensity of the surrounding uses in the past 15 years. The Bay Apartment properties have been used for multi-family housing for more than fifty years. McMillan Avenue is considered a Major Collector and the site is located approximately 250 feet from D'Olive Street, a minor arterial. Off-Street parking for the development would be required at 1.5 spaces for each unit, but there is also existing on-street public parking along W 2nd Street and the parking lot at W 2nd Street and Hall Avenue may be used by the public. Due to the location downtown and its proximity to various public and private resources, future residents will have a greater opportunity for more pedestrian travel and less reliance on

vehicular travel. As for nearby property values, no negative impact is expected as the adjacent properties are public facilities, religious institutions or multi-family uses. Furthermore, multiple studies have generally found that multi-family developments do not decrease the values for surrounding properties. Specifically, most studies were focused on property values for single-family homes and research suggested that those values would either remain constant or, as in most cases, increase, as compared to values of properties that are not adjacent/near multi-family housing. A benchmark study conducted by the Joint Center for Housing Studies of Harvard University and the Neighborhood Reinvestment Corporation found that working communities with multifamily homes have higher incomes and housing values than predominantly single-family working communities.

10.) Other matters which may be appropriate

The R-4, High Density Multi-Family District has the following dimensional requirements:

- Maximum Density: 14 units per acre for multi-family residential
- Maximum Lot Coverage: 35 percent
- Minimum Lot Area: 7,500 square feet for 1 unit, plus 2,500 square feet for each additional unit
- Minimum Lot Width: 65 feet

The subject properties combined total .33 acres, or approximately 14,400 square feet. There is 100 feet of frontage along McMillan and a combined 144 feet along W 2nd Street. The application stated the rezoning request was made with the intention of constructing a “minimum of 8 multi-family apartment units.” To have 8 units on the two combined parcels, the density would calculate at 24+ units per acre. As a standalone development, the two subject properties would only be able to contain 4 units, for 12+ units per acre density values, to meet the density requirements and the Lot Coverage could not exceed 5,040 square feet. For four units, the minimum lot area requirement would be 15,000 square feet. To meet all current dimensional requirements, there could only be a maximum of 3 units.

Proposed Units	
# Units	8
Density	24+ units per acre
Lot Area	25,000 sq ft

Units to Meet Density	
# Units	4
Density	12+ units per acre
Lot Area	12,500 sq ft

Units to Meet All Requirements	
# Units	3
Density	9+ units per acre
Lot Area	12,500 sq ft

It should also be noted that the existing multifamily development far exceeds the density and dimensional requirements currently in place as well as those in place at the time of development.



Existing Density

Parcel	# of Units	Size (acres)	Density	Year Constructed
A	8	.33	24+/acre	1983
B	10	.48	20+/acre	1970
C*	3	.49	6+/acre	1905/1940
D	8	.33	24+/acre	1986
Total Existing	29	1.72	16+/acre	
Existing + Proposed	37	2.05	19+/acre	

*Only 1 duplex and a single-family dwelling

This should NOT be interpreted as rationale for denial and is simply included as a consideration for the future site development by the applicant and for future ordinance considerations by the Planning Commission as a 'real world' example of density within the City. Rezoning requests are not required to include specific details on use and applicants are not bound by any specifications given. Final determination of dimensional requirements will be submitted at the time of Site Plan approval. The staff recommendation remains for approval of the rezoning request.

STAFF RECOMMENDATION

Based on the information submitted by the applicant and the analysis above, staff's recommendation is for:

Planning Commission to submit a recommendation for approval to the City Council for the rezoning request as presented from B-2, General Business District to R-4, High Density Multi-Family Residential District.

PLANNING COMMISSION ACTION

For rezoning 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.



City of Bay Minette

Planning & Development Services

301 D'Olive Street · Bay Minette, Alabama 36507

Phone (251) 580-1650 · COBM_Planning@cityofbayminetteal.gov

NOTICE OF PUBLIC HEARINGS

Case No. Z-22007

Rezoning Request for James H. Faulkner Jr. Irrevocable Trust Property From B-2, General Business District to R-4, High Density Multi-Family Residential District

Notice is hereby given that the City of Bay Minette Planning Commission and City Council will each conduct a public hearing for James E. Faulkner Jr. Irrevocable Trust property related to a request to rezone two (2) parcels, Lot 1 and 2 of the Hand Land Co. Re-subdivision, from the B-2, General Business District to the R-4, High Density Multi-Family Residential zoning designation located within the downtown Historical District. Lot 1, approximately .17± acres, is identified as Parcel I.D. 05-23-02-09-3-000-166.000, PIN# 28403. Lot 2, approximately .17± acres, is identified as Parcel I.D. 05-23-02-09-3-000-166.001, PIN# 276755. A map can be found on the back of this notice.

The Bay Minette **Planning Commission** will conduct the first public hearing during its regularly scheduled meeting on **Thursday, November 10, 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 its regularly scheduled meeting on **Monday, December 5, 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 Planning & Development Services at (251) 580-1650. If you desire to submit comments, please email to 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 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 Planning & Development Services.

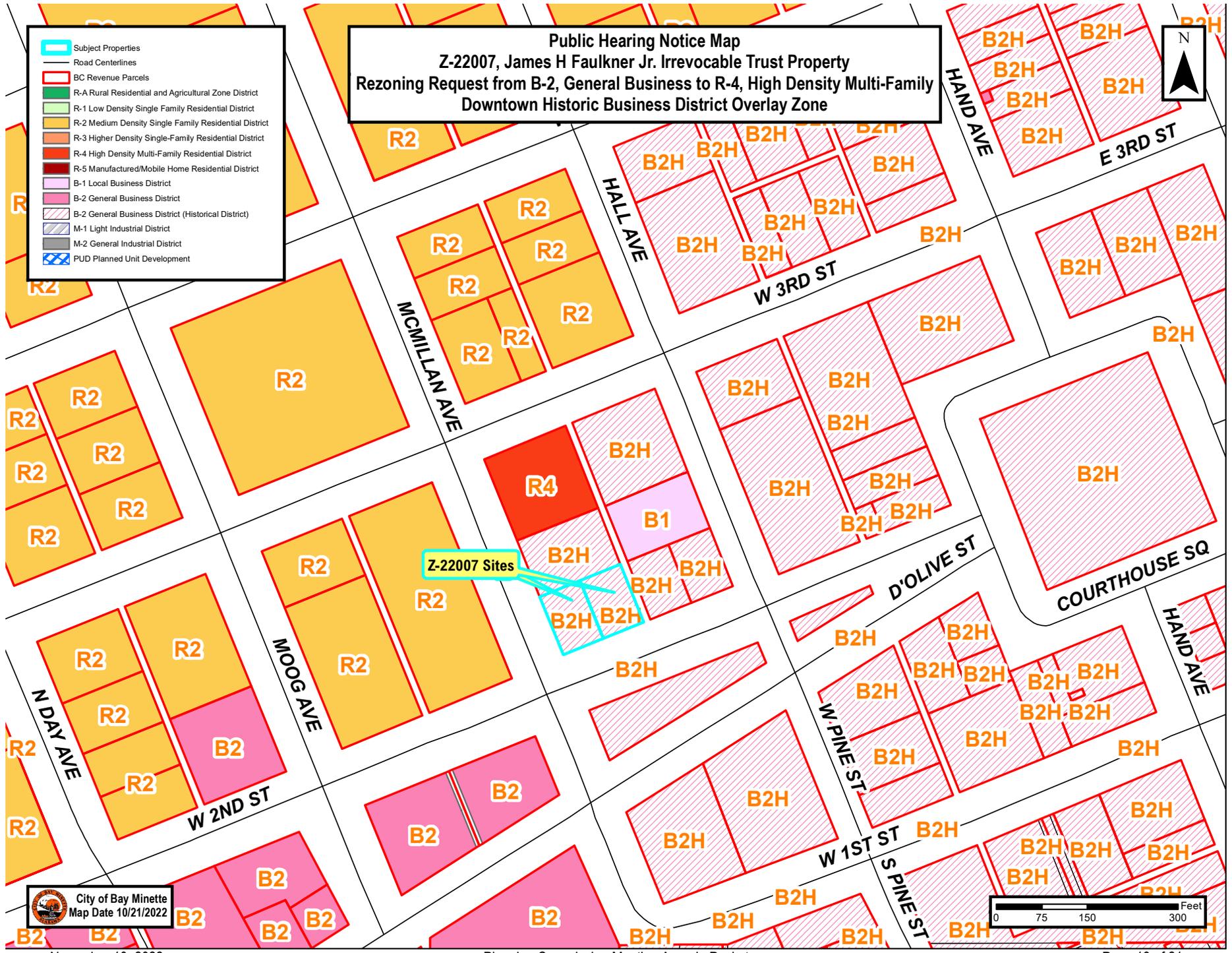
** See Reverse for Map

Notice Date – October 21, 2022

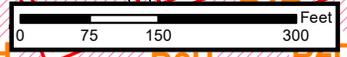
www.cityofbayminette.org

Public Hearing Notice Map
Z-22007, James H Faulkner Jr. Irrevocable Trust Property
Rezoning Request from B-2, General Business to R-4, High Density Multi-Family
Downtown Historic Business District Overlay Zone

-  Subject Properties
-  Road Centerlines
-  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 10/21/2022







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-22007, Faulkner Rezoning Date: 11/3/22

Name: Jessica McDill

Address: Chason & Chason Office

Phone Number: _____ Email: _____

Called to inquire about the rezoning notice received at the office. No comments, only asked for rezoning details and density of requested multi-family use.