



**City of Fairhope
Planning Commission Agenda
5:00 PM
Council Chambers
October 2, 2017**

1. Call to Order

Karin Wilson
Mayor

2. Approval of September 5, 2017 Minutes

Council Members

Kevin G. Boone

Robert A. Brown

Jack Burrell, ACO

Jimmy Conyers

Jay Robinson

Lisa A. Hanks, MMC
City Clerk

Deborah A. Smith, CPA
City Treasurer

3. Consideration of Agenda Items:

A. ZC 17.14 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department for a proposed amendment to Article III, Section D.9 Accessory Dwelling Units of Ordinance #1253, known as the Zoning Ordinance.

B. ZC 17.15 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department for a proposed amendment to Article II, Section C.2 of Ordinance #1253, known as the Zoning Ordinance regarding Site Plan Reviews.

C. SD 17.25 Request of Sawgrass Consulting, LLC for Final Plat approval of Pinewood Subdivision, a 7-lot division. The property is located on the south side of Manley Road just between Saddlewood Subdivision and the Fairhope Municipal Soccer Complex.

PPIN #: 230553

D. SD 17.26 Public hearing to consider the request of Dewberry/Preble-Rish, LLC for Plat approval of Montrose Preserve, Phase 1, a 3-lot minor division. The property is located on the east side of Main Street between Ledyard Street and Ecor Dechene.

PPIN #: 75978

4. Old/New Business

- By-laws Discussion – Art Dyas

5. Adjourn

161 North Section Street

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The Planning Commission met Tuesday, September 5, 2017 at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner, Chairperson; Art Dyas; Charles Johnson; Richard Peterson; Ralph Thayer; Hollie MacKellar; Wayne Dyess, Planning Director; Nancy Milford, Planner; Buford King, Planner; Emily Boyett, Secretary; and Ken Watson, City Attorney
Absent: Jay Robinson and Rebecca Bryant

Chairman Turner called the meeting to order at 5:05 PM and announced the meeting is being recorded. Mr. Turner announced the proposed rezoning on Manley Road for Pinewood Subdivision is not on tonight's agenda and Item H. SD 17.20 has been withdrawn by the applicant. He also stated Item L. SD 17.24 will be heard first.

The minutes of the August 7, 2017 meeting were considered and Ralph Thayer moved to accept the minutes as written and was 2nd by Charles Johnson. The motion carried unanimously.

SD 17.24 Public hearing to consider the request of Dewberry/Preble-Rish, LLC for Multiple Occupancy Project approval of the Retreat at Fairhope Village, a 240-unit project, John Avent. The project is located at the east end of Fly Creek Avenue, behind Publix in The Shoppes at Fairhope Village. Mr. Dyess gave the staff report saying the property was zoned PUD in 2006 and the plan was amended in 2016. He explained the staff review is limited to the technical review of the Multiple Occupancy Project requirements and to verify consistency with the Subdivision Regulations and PUD ordinance. Mr. King gave an overview of the site history and stated Larry Smith of S.E. Civil Engineering, LLC, the third-party engineer, is present for any questions. Staff recommendation is to approve the Multiple Occupancy Project. Mr. Smith explained the drainage system consists of 8 outfall structures constructed of gabion stone and located in various locations along the southern and southwestern areas of the subject property. He stated the structures are interconnected to allow discharge along the entire buffer. Mr. Smith confirmed the drainage calculations and design meet the requirements of the PUD ordinance and the Subdivision Regulations. Mr. Dyas asked what will keep the filter fabric from deteriorating in the system and Mr. Smith responded the design is not just filter fabric but rock in wire baskets with sumps in each structure and snorkels for floating debris. Dr. Thayer noted gabion walls can fill up and slump like at the Green's property. Mr. Dyas said Fly Creek suffered tremendously with the Publix project and he asked how much water will this system be able to handle. Mr. Smith answered the design meets the latest standards and requirements and can handle 14" in 24 hours. Mrs. MacKellar said there are only 2 drainage structures shown and not along the entire length of the wetlands. She said there is no protection for the wetlands and it still seems like point discharge. Mr. Smith explained each structure has a 40' swath to distribute along and the design meets the PUD ordinance specifications. Mrs. MacKellar asked why there isn't a 100' buffer and Mr. Smith responded the buffer is 30' and 50' as per the ordinance. Mr. Dyess stated the project has been reviewed against the current PUD and he noted drainage structures are allowed in buffers. John Avent of Dewberry/Preble-Rish, LLC addressed the commission saying the design is very detailed to mimic sheet flow with the gabion wall.

Mr. Turner opened the public hearing. Having no one present to speak, Mr. Turner closed the public hearing.

Andy Bobe of Dewberry/Preble-Rish, LLC addressed the commission. He stated the outfall structures have 320' plus another pipe connecting them, so it is technically the entire length of the wetlands. Dr. Thayer and Mr. Dyas questioned the maintenance and inspection requirements for the design. Mr. Bobe explained the design is set up to self-clean but it will still be inspected. He stated the Maintenance and Operations Plan details the process. Mr. Dyas asked if Mr. Bobe will be involved with the site work and Mr. Bobe responded yes. Mr. Dyas asked if the area will be cleared and leveled and Mr. Bobe stated the Wilderness Area will be left green but the retaining wall will have to be installed. Mr. Peterson stated this is a unique site and it must be protected. He questioned the velocity calculations to verify the runoff will not create erosion or sediment discharge. Mr. Bobe stated the site will release 94 CFS and it is broken down so it is a fraction of a CFS per linear foot along the 320' of pipe. Mr. Peterson said typically the sediment and runoff is worse during construction and he asked if there is planned phased construction and BMP plans and Mr. Bobe responded yes. Mrs. MacKellar questioned why we don't have the velocity numbers and Mr. Bobe explained it is in the drainage calculations and report, he just doesn't have it in front of him. Mr. Peterson stated he thought this project was going to be built in phases and Mr. Avent stated it will be phased and these 4 buildings will be the first phase. Stuart Speed of Leaf River Group addressed the Commission saying they are planning to build one building at a time. He explained they plan to work with the site and topography and not to level the site. He said the buildings are split level and are not visible from the road. Mr. Speed stated they are looking at putting the wetlands in a conservation easement or donating them to Weeks Bay. He also noted they will not be bringing in any red clay or soils onto the site. Mr. Dyas asked if the entire site will be cleared at one time and Mr. Speed responded they are going to try to do a little at a time. Mr. Dyas said there are several new members on the Commission and he is just trying to understand the site history. Mr. Speed stated they have worked hard on this application and it is their mission to protect the wetlands. He said the engineers have verified the application meets the requirements. Mr. Turner said the buildings follow the contour of the site and he is glad to see the setback was changed to a buffer. He stated the decision tonight is down to whether it meets our requirements or not.

Ralph Thayer made a motion to accept the staff recommendation to approve the Multiple Occupancy Project. Art Dyas 2nd the motion and the motion carried with the following vote: AYE – Art Dyas, Ralph Thayer, Lee Turner, and Richard Peterson. NAY – Charles Johnson and Hollie MacKellar.

The Commission took a 5 minute recess.

ZC 17.10 Public hearing to consider the request of HMR, LLC to establish initial zoning of R-2 Medium Density Single Family Residential District conditional upon annexation into the City of Fairhope, Tim Lawley. The property is located on the east side of County Road 13 and is the eastern 324' of the property located at 19870 County Road 13, known as Parcel B. Mr. King gave the staff report saying the site is approximately 1.04 acres and is surrounded on 3 sides by R-2 zoned property. Staff recommendation is to approve with the following conditions:

1. Annexation of subject property into the City of Fairhope as adopted by the City Council.
2. Administrative approval of a common lot line movement of Parcel B and C to unify the two parcels into one parcel under Tax Parcel number 05-46-05-22-0-000-001.565.

Mr. Turner opened the public hearing. Having no one present to speak, Mr. Turner closed the public hearing.

Ralph Thayer made a motion to accept the staff recommendation to approve with the following conditions:

1. Annexation of subject property into the City of Fairhope as adopted by the City Council.
2. Administrative approval of a common lot line movement of Parcel B and C to unify the two parcels into one parcel under Tax Parcel number 05-46-05-22-0-000-001.565.

Art Dyas 2nd the motion and the motion carried unanimously.

ZC 17.11 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department for a proposed amendment to Article V., Section B. Central Business District Overlay of the Zoning Ordinance. Mr. Dyess gave the staff report saying the proposed amendment includes changes to the location and size, building height, and parking requirements for the Central Business District (CBD). He explained staff used a "pedestrian shed" and the existing uses to logically set the boundaries for the CBD. A "pedestrian shed," is the distance that can be covered in five minutes at a normal walking pace of an average person. This 5-minute walk equates to approximately 0.25 miles or 1,320 linear feet measured from the town center or neighborhood center. The proposed CBD changes indicates that each parcel in the proposed CBD will intersect with the pedestrian shed. Therefore, staff feels that the slight alteration in size of the CBD east of School Street to Mershon Street for parcels fronting Fairhope Avenue, taking in four parcels at the corner of School Street and Equality Street, and four parcels at the corner of Fels Avenue and Section Street are in keeping with intent of the CBD and functional urban design of the CBD.

Mr. Dyess stated the current ordinance allows for a maximum height for non-residential structures (commercial) of 35'. The building height and the method of defining building height limits the architectural style of buildings within the CBD which inhibits mixed use potential re-investment. Staff proposes the building height shall not exceed 40' or 3 stories for all buildings in the CBD.

Dwelling units in the CBD must provide the required parking (1 space for mixed use dwelling) on site. Most developed sites in the CBD do not have space or configuration to provide parking on site for residential use, thereby inhibiting mixed use downtown. Parking for non-residential is not required. However, the current CBD ordinance says, "Residential and office is encouraged on the upper floors of buildings; lower floors are encouraged to be retail or restaurants." Staff feels that additional measures are needed to follow through with this measure due to the constraints of existing development downtown. Additionally, the City is working to ensure that the existing parking deck downtown is fully utilized (top 2 floors are rarely full) through a proper signage wayfinding program. Staff proposes to eliminate the required parking for dwelling units in the CBD.

Sherry-Lea Bloodworth-Botop addressed the Commission saying the City has received grant monies for a way-finding program to help with traffic and congestion. She cited the Neel-Shaffer Traffic Improvements Report and said the City is working with BRATS to improve the parking deck. Mr. Dyess stated the City is trying to revitalize Downtown and make it more vibrant. Dr. Thayer asked how the building code will affect historic buildings. Mr. Dyess responded the building code allows leniency for historical buildings.

Mr. Turner opened the public hearing.

Carolyn Byars of 20971 Bishop Road – She asked what is the area of walkability. Mr. Dyess responded it how far a pedestrian will walk in 5 minutes, approximately 1320' from the intersection of Fairhope Avenue and Section Street.

Larry Smith of 968 Whittier Street – He asked would the property owners of the properties being removed from the CBD Overlay be notified. Mr. Dyess responded the notice was in the paper.

Having no one else present to speak, Mr. Turner closed the public hearing.

Mr. Dyas asked why lots were split on Fairhope Avenue and Johnson Avenue. Mr. Dyess responded the line runs along the property lines for each lot except for one lot which has frontage on both street. The lots on Johnson Avenue are all residential in use except for the lot that goes all the way through. Mrs. MacKellar asked if the properties being removed from the CBD Overlay will have to go through a zoning change and Mr. Dyess responded no, their zoning is not changing. He added the properties will no longer have the additional uses allowed by the overlay district. Mr. Turner noted most of the properties being taken out are residential homes on the west side of Church Street.

Art Dyas made a motion to approve the changes as presented. Ralph Thayer 2nd the motion and the motion carried unanimously.

ZC 17.12 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department for a proposed amendment to Article IX., Section C.

Definitions of the Zoning Ordinance to amend the definition of Building Height. Mr. Dyess gave the staff report saying the purpose of this amendment is to provide continuity between the Zoning Ordinance and the Building Code. The current definition measures from the natural elevation at the front of the building to the highest point of the roof. The proposed definition would measure from the natural elevation of the lot to the mean point of the roof of the building. Staff recommendation is to approve the proposed definition to read as follows: "Building, Height: The vertical distance measured from the average natural elevation of the lot to the mean point of the roof of the building."

Mr. Turner opened the public hearing. Having no one present to speak, Mr. Turner closed the public hearing.

Art Dyas made a motion to accept the staff recommendation to approve the proposed definition to read as follows: "Building, Height: The vertical distance measured from the average natural elevation of the lot to the mean point of the roof of the building."

Ralph Thayer 2nd the motion and the motion carried unanimously.

ZC 17.13 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department for a proposed amendment to the Zoning Ordinance to establish an Education District.

Mr. Dyess gave the staff report saying the purpose of this amendment is to update the Zoning Ordinance to establish an Education District zoning classification to provide appropriated locations for education uses by public or

quasi-public entities. The allowed uses in the proposed district would be elementary school, secondary school, education facility, and library. Staff recommendation is to approve as proposed.

Mr. Turner opened the public hearing. Having no one present to speak, Mr. Turner closed the public hearing.

Mr. Turner asked if this amendment would cover church schools and Mr. Dyess responded no, those would stay under churches.

Art Dyas made a motion to accept the staff recommendation to approve the establishment of an Education District.

Ralph Thayer 2nd the motion and the motion carried unanimously.

ZC 17.14 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department for a proposed amendment to Article III., Section D.9

Accessory Dwelling Units of the Zoning Ordinance. Mr. Dyess gave the staff report saying the Zoning Ordinance prohibits accessory dwelling units by not allowing kitchens¹ and are only permitted under special conditions. By not allowing a kitchen, per the Zoning Ordinance, there is no dwelling as a dwelling requires “separate cooking and housekeeping facilities”. The purpose of this amendment is to allow accessory dwelling units (with kitchens to make a bona fide dwelling unit), subject to locational requirements contained in the Zoning Ordinance. The benefits of accessory dwelling units are many including having the ability age in place, affordable housing, and the ability to have family stay close such as young adult relatives starting careers or elderly parents. These serve not only economic benefits to a family but also social benefits. Staff recommendation is to approve as proposed.

Mr. Turner opened the public hearing. Having no one present to speak, Mr. Turner closed the public hearing.

Mr. Turner stated there was an Accessory Dwelling Committee several years ago due to the Bluff area and concerns with parties and rentals. He suggested accessory dwellings be required to meet the setbacks of principal structures and Mr. Dyas agreed. Mr. Dyess stated the proposed amendment requires the principal structure to be occupied by the owner and occupants of the accessory dwelling must be a single family as defined by the term “family” in the ordinance. He also noted the short-term rental requirements would still be applicable.

Mac Walcott of 12330 Live Oak Street – He said if the restrictions are too stringent then we won’t get very many.

Mr. Dyess stated it is typical to find reduced setbacks for accessory structures but the square footage or percentage of lot coverage could be restricted. Dr. Thayer suggested looking at the ULI’s model ordinance. Mrs. MacKellar stated we have numerous vacation rentals and Air B&Bs that are a source of income.

Ralph Thayer made a motion to table the request for further review.

Charles Johnson 2nd the motion and the motion carried unanimously.

SD 17.19 Public hearing to consider the request of S.E. Civil Engineering, LLC for plat approval of Van Antwerp Park Subdivision, a 2-lot re-plat, Larry Smith.

The property is located on the north side of Pensacola Avenue between N. Section Street and N. Mobile Street. Mr. King gave the staff report saying this request was on last month’s agenda and the request has not changed. Staff recommendation is to deny because the proposed replat does not qualify as a replat. Mr. Watson addressed the Commission saying a replat is a subdivision but is so minor in nature that it is not required to come

before the Planning Commission. He stated this request does not meet the requirements of a replat because it is one lot. Mr. Waston reviewed the ownership history of the property. He explained the property was surveyed and described with 2 metes and bounds but the property is not 2 parcels. Mr. Turner asked why the property is not required to wait 6 months prior to being heard again if denied. Mr. Watson explained that statue is for preliminary plats. Mr. Walcott said Mr. Watson is redefining the definition of a lot and replat. Mr. Turner stated there is an email group that is very against this subdivision. He asked why the applicant doesn't just wait until the moratorium expires and submit a major subdivision. Mr. Walcott said if the Commission can only do what their lawyer says then the Commission isn't needed.

Danny Calhoun of 319 Magnolia Avenue – He stated there are 3 surveys with each one showing 2 parcels. He said he wants the definition of a lot. Mr. Calhoun provided the Commission with multiple historical deeds. He explained the applicant filed a quiet title action and in June of 2017 the final order was issued. He stated he disagrees that a subdivision has never been legally obtained. Mr. Calhoun said multiple lots have been subdivided by metes and bounds and an Attorney General opinion in the 80s and 90s confirmed it. He added the City recognizes the County's one-time split and family divisions in the Planning Jurisdiction. Mr. Dyas responded the one-time split and family divisions still went through the process. He asked if the legal description included a less and except for the right-of-way would the applicant still contend it is 2 lots. He said just because it is described in 2 legal descriptions doesn't make it 2 lots. Mr. Dyas asked if the two attorneys have talked since the last meeting and Mr. Calhoun responded yes, but they both see it differently. Mr. Walcott said the issue is this is a new approach to defining a lot and he wants an answer to what a lot is in Fairhope. Mr. Smith stated they want clarity. Mr. Turner and Mr. Dyas suggested a committee be put together to come up with a definition and guidelines to determine where the line will be set to accept existing lots as legal lots. Mr. Dyas offered that any lots existing prior to the establishment of the Planning Commission would be an easy line to follow. Mr. Smith said Mr. Watson added the word "minor" to his determination and the Subdivision Regulations do not say "minor". Mr. Watson responded even a minor subdivision must come before the Commission so a replat needs to be even less. He clarified that he is saying there are not 2 lots to start with. He noted none of the surveys have the stamp of the Planning Commission and the City was not made a part of the quiet title. Mrs. MacKellar asked why it took the applicant so long to come for clarification. She said if the applicant had concerns then the Commission should have concerns. Mr. Walcott responded the quiet title was only for clarification and they were not trying to hide anything. He stated the advertisements and legal ads were run in the paper as required. He added if the citizens have to read the notices to find out about changes then the City should too.

Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing.

Art Dyas made a motion to accept the staff recommendation to deny because the proposed replat does not qualify as a replat based on counsel's interpretation.

Ralph Thayer 2nd the motion and the motion carried unanimously.

SD 17.06 Public hearing to consider the request of Dewberry/Preble-Rish, LLC for Preliminary and Final Plat approval of the Resubdivision of Lot 19, Fairfield Unit VI, a 15-lot subdivision, Rick Davis. The property is located on the northeast corner of the intersection of Boothe Road and Norman Lane. Mr. King gave the staff report saying

the property is 3.11 acres and 15 lots are proposed. The property is zoned PUD and 3 single family residences currently exist on the lot. This proposal will establish lot lines for the 3 structures as well as establish lots for the remainder of Lot 19 resulting in a total of 15 lots. Staff recommendation is to approve contingent upon the following conditions:

1. Reference to Fox Hollow subdivision in the dedication block of the plat shall be corrected to reflect Fairfield Subdivision prior to recording.
2. A contour map overlaid an aerial photograph of the site shall be submitted to staff under separate cover for file close-out purposes.
3. Provide individual signature blocks for all utility providers on the plat prior to recording.

Mr. Turner asked if this request is for ownership purposes and Mr. King responded yes, the PUD specifies 15 units are allowed on Lot 19.

Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing.

Rick Davis, representing BCL&L Acquisitions, LLC – He stated the concept of 15 detached units were approved with the PUD and this will establish individual lots for each structure. Mr. Peterson asked about utilities and Mr. Davis stated all utilities are existing.

Ralph Thayer made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. Reference to Fox Hollow subdivision in the dedication block of the plat shall be corrected to reflect Fairfield Subdivision prior to recording.
2. A contour map overlaid an aerial photograph of the site shall be submitted to staff under separate cover for file close-out purposes.
3. Provide individual signature blocks for all utility providers on the plat prior to recording.

Art Dyas 2nd the motion and the motion carried unanimously.

SD 17.21 Public hearing to consider the request of Lee Rivenbark for plat approval of Willow Pond Estates, a 2-lot minor subdivision.

The property is located on the northwest corner of the intersection of Gayfer Road Extension and Bishop Road. Mr. King gave the staff report saying the property is approximately 1.8 acres and 2 lots are proposed. The site is zoned R-4 Low Density Multi-Family Residential District but no construction is associated with the project at this time. He noted a wetland delineation and 30' wetland buffer has been provided. Staff recommendation is to approve contingent upon the following conditions:

1. Wetland buffer signage complying with City of Fairhope Subdivision Regulations Article V. Section F.4.i. shall be installed and inspected by staff prior to any land disturbance activities and shall also be noted on the plat prior to recording. The applicant shall coordinate inspection of the wetland buffer signage with staff.
2. The applicant shall submit a landscape plan including a tree protection plan complying with City of Fairhope Subdivision Regulations Article V. Section D.5.a.(11) prior to any land disturbance.

Mr. Turner opened the public hearing.

Carolyn Byars of 20971 Bishop Road – She asked how many units are going to be built. She also said the wetlands on the property have been filled.

Having no one else present to speak, Mr. Turner closed the public hearing.

Mr. Dyas stated the zoning allows a maximum of 7 units per acre but no construction plans have been submitted at this time. Mr. Rivenbark said the piles of dirt that were on the property have been spread out but the wetlands were not touched. Mr. King stated the City's Code Enforcement Officer can visit the site to verify the wetlands have not been disturbed.

Art Dyas made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. Wetland buffer signage complying with City of Fairhope Subdivision Regulations Article V. Section F.4.i. shall be installed and inspected by staff prior to any land disturbance activities and shall also be noted on the plat prior to recording. The applicant shall coordinate inspection of the wetland buffer signage with staff.
2. The applicant shall submit a landscape plan including a tree protection plan complying with City of Fairhope Subdivision Regulations Article V. Section D.5.a.(11) prior to any land disturbance.

Richard Peterson 2nd the motion and the motion carried with the following vote: AYE – Art Dyas, Charles Johnson, Lee Turner, Hollie MacKellar, and Richard Peterson. NAY – Ralph Thayer.

SD 17.22 Public hearing to consider the request of HMR, LLC for Final Plat approval of Battles Trace, Phase IV, a 27-lot subdivision, Tim Lawley. The property is located on the north side of Battles Road, north of Colony at the Grand. Ms. Milford gave the staff report saying the property is approximately 8.61 acres and is zoned TR District. Staff recommendation is to approve contingent upon the following conditions:

1. The submittal of a satisfactory financial guaranty packet being submitted.
2. The final punch list shall be completed and satisfied to the approval of the City of Fairhope Superintendents.
3. The Operations and Maintenance Plan shall be recorded at the time of final plat recording.

Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing.

Mrs. MacKellar questioned the site being zoned for Fairhope Elementary School and not Newton. Ms. Milford said there may have been a mistake on the map she referenced for the information. Mr. Dyas asked who is reviewing the information for the school system and Mr. Dyess responded staff provides the information to the Board of Education every quarter.

Art Dyas made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The submittal of a satisfactory financial guaranty packet being submitted.
2. The final punch list shall be completed and satisfied to the approval of the City of Fairhope Superintendents.
3. The Operations and Maintenance Plan shall be recorded at the time of final plat recording.

Charles Johnson 2nd the motion and the motion carried unanimously.

SD 17.23 Public hearing to consider the request of Dewberry/Preble-Rish, LLC for Final Plat approval of Phase 3 of Greenbrier at Firethorne, a 29-lot subdivision, John Avent. The property is located west of Quail Creek Villas and north of Stone Creek Villas. Ms. Milford gave the staff report saying the property is approximately

16.27 acres and is zoned PUD. Staff recommendation is to approve contingent upon the following conditions:

1. The final inspection punch list shall be completed to the satisfaction of the City of Fairhope Superintendents.
2. The Operations and Maintenance Agreement and Plan shall be executed and recorded.

Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing.

Hollie MacKellar made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The final inspection punch list shall be completed to the satisfaction of the City of Fairhope Superintendents.
2. The Operations and Maintenance Agreement and Plan shall be executed and recorded.

Ralph Thayer 2nd the motion and the motion carried unanimously.

UR 17.02 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed underground installation of approximately 2,420 linear feet of fiber optic cable, Wade Mitchell. The project will run along the east side of n. Section Street, to the north side of Bayou Drive, and the west side of Fairwood Blvd. to service 550 Fairwood Blvd. Mr. Dyess gave the staff report saying AT&T will be placing approximately 2,420 linear feet of 1.5" HDPE conduit, equipped with a fiber optic cable to service the US National Guard Armory at 550 Fairwood Blvd. The applicant is also proposing to install 4 – 30"x48" handholes. All work proposed will be in the City of Fairhope right-of-way. The entire project shall be directionally bored; no trenching is allowed. Staff recommendation is to approve conditional upon the following:

1. The applicant shall follow the general comments related to utility work as stated in the staff report.
2. All mechanical and locator equipment shall be painted munsell green.

Ralph Thayer made a motion to accept the staff recommendation to approve conditional upon the following:

1. The applicant shall follow the general comments related to utility work as stated in the staff report.
2. All mechanical and locator equipment shall be painted munsell green.

Art Dyas 2nd the motion and the motion carried unanimously.

Mrs. MacKellar asked if the work could be schedule around school traffic. Mr. Peterson asked if the City receives video confirmation of the boring to make sure no utilities have been hit.

UR 17.02 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed underground installation of approximately 4,837 linear feet of fiber optic cable, Wade Mitchell. The project will run along Windmill Road, Thompson Hall Road, Morphy Avenue, and throughout Pecan Trace subdivision and Fox Hollow, Phase 1. Mr. Dyess gave the staff report saying AT&T will be placing approximately 4,837 linear feet of HDPE conduit, equipped with a fiber optic cable to service Fox Hollow, Phase 1 subdivision. The applicant is also proposing to install 4 pedestals and 11 – 30"x48" handholes. All work proposed will be in the City of Fairhope right-of-way with 18 road crossings. The entire project shall be directionally bored; no trenching is

allowed. All remaining placement will be in utility easements. Staff recommendation is to approve conditional upon the following:

1. The applicant shall follow the general comments related to utility work as stated in the staff report.
2. All mechanical and locator equipment shall be painted munsell green.

Ralph Thayer made a motion to accept the staff recommendation to conditional upon the following:

1. The applicant shall follow the general comments related to utility work as stated in the staff report.
2. All mechanical and locator equipment shall be painted munsell green.

Charles Johnson 2nd the motion and the motion carried unanimously.

Mr. Dyas asked how the applicant will cross the creek. Mrs. Boyett responded the portion crossing the creek will be in a utility easement and not in the right-of-way.

IR 17.04 Request of James Jackson for an Informal Review of Clay Properties, a 4-lot subdivision, Randy Niemeyer. The property is located on the east side of County Road 13 approximately ¼ mile north of the intersection of County Road 3 and County Road 13. Mr. King gave the staff report saying the property is approximately 6.3 acres and Mr. Jackson is considering submission of a subdivision application that will include a variance of the requirement for a 100' wide minimum lot width. The minimum lot width for unzoned areas within the City of Fairhope Planning Jurisdiction is described in Article V, Section E.2.b.(1) of the *City of Fairhope Subdivision Regulations*.

Mr. Niemeyer addressed the Commission saying there is an existing 40' easement to access the radio tower to the east of the property and the applicant would like to use it in conjunction with 20' of the subject property to access proposed lots that do not have street frontage. Mr. Watson stated a waiver request would need to be submitted at the time of subdivision application. Dr. Thayer said this would allow the additional properties to the east to develop. Mr. Turner stated he liked the size of the proposed lots and that it would be 2 less on County Road 13 but the road would need to be publicly maintained.

Old/New Business

SD 17.18 Kirkman Lane Subdivision Amendment. Mr. King stated this case was heard last month and the applicant is requesting approval condition #6. "A note shall be added to the plat that states drainage shall be required at the time of building permit" be removed. The applicant contends the drainage is not required for a minor plat and does not want it noted on the plat. Mr. King stated the Erosion and Sediment Ordinance would provide the protection for adjacent properties due to any drainage or runoff. Mr. Dyas questioned whether this can be done without another public hearing and Mr. Watson said he is not sure.

Lee Tacon of 738 S. Mobile Street – He said this request puts an undue burden on the property and will make it harder to sell and reduces the property value.

Mr. Dyas stated he doesn't have an issue with the request but wants to make sure procedurally it is done correctly. Mr. Peterson asked why the applicant doesn't just put in the drainage to help the neighbor.

Art Dyas made a motion to table the request until the next meeting.

Ralph Thayer 2nd the motion and the motion carried unanimously.

Having no further business, Art Dyas made a motion to adjourn. Ralph Thayer 2nd the motion and the motion carried unanimously. The meeting was adjourned at 8:56 PM.

Lee Turner, Chairman

Emily Boyett, Secretary

MEMO

Date: August 29, 2017

To: Fairhope Planning Commission

From: Wayne Dyess, AICP
Planning Director

Re: Accessory Dwelling Units

The City of Fairhope Zoning Ordinance defines an accessory dwelling unit as:

Article IX. Section B(k). Accessory Dwelling Unit – a dwelling unit that is associated with and incidental to a principal use, and is on the same lot as the principle use.

However, the Zoning Ordinance prohibits accessory dwelling units by not allowing kitchens¹ and are only permitted under special conditions. By not allowing a kitchen, per the Zoning Ordinance, there is no dwelling as a dwelling requires “separate cooking and housekeeping facilities”²

The purpose of this amendment is to allow accessory dwelling units (with kitchens to make a bona fide dwelling unit), subject to locational requirements contained in the Zoning Ordinance.

The benefits of accessory dwelling units are many including having the ability age in place, affordable housing, and the ability to have family stay close such as young adult relatives starting careers or elderly parents. These serve not only economic benefits to a family but also social benefits.

¹ Fairhope Zoning Ordinance, Article III. Section D.9(c)(2)

² “ “Article IX. Section A. Definitions and Interpretation 1. Dwelling Use Category

1 City of Fairhope Zoning Ordinance

2

3 Article III. D.9. Accessory Dwelling Units

4

5 a. Intent: The intent of the special conditions for accessory dwelling units is to allow flexibility in
6 living arrangements and home occupations while maintaining the residential character of
7 existing neighborhoods. These standards apply to all districts except for the Village Districts in
8 Article VI.

9

10 b. Location Restrictions: Accessory dwelling units shall be located on the same lot as the principal
11 structure and are subject to the dimension standards in Section C.2. of this Article.

12

13 c. Site Requirements:

14 ~~(1) Any accessory structures shall only have a half bath.~~

15 ~~(2) Kitchens and electrical wiring or gas supporting kitchens are prohibited.~~

16 ~~(3) Any accessory structure proposed for office or extra living areas shall not be larger than~~
17 ~~50% of the gross square footage of the principal structure.~~

18 ~~(4) Any utilities for an accessory structure shall run through the principal structure.~~

19 ~~(5) The principal dwelling unit located on a parcel or land containing an accessory dwelling shall~~
20 ~~be occupied by the owner.~~

21 ~~(6) Occupants of the accessory dwelling must be a single family as defined by the term "family"~~
22 ~~in Article IX. of the Zoning Ordinance and are only permitted in allowable zoning districts.~~

23 ~~(7) An accessory dwelling shall meet the same parking requirements of a principal dwelling.~~

24 ~~(8) Any residential accessory dwelling must comply with Article III. Section C. Zoning Districts~~
25 ~~Dimension Standards.~~

26 ~~(9) An accessory dwelling shall not exceed fifty (50) percent of the square footage of the base~~
27 ~~floor area of the principal dwelling or 1,100 square feet, whichever is less.~~

28 ~~(10) Only one accessory dwelling unit per parcel is permitted.~~

29 ~~(11) The accessory dwelling unit height shall not exceed the height of the principal structure.~~

30 ~~(12) Manufactured homes may not be used as an accessory dwelling unit.~~

31 d. Exception: ~~Notwithstanding anything contained in this subsection 9 to the contrary any "bona-~~
32 ~~fade" mother-in-law suite with a kitchen, attached to the principle structure, under common roof,~~

33 shall not be deemed to be an accessory dwelling unit for purpose of this zoning ordinance but,
34 instead, shall be deemed to be a part of the principle dwelling unit.

MEMO

Date: September 25, 2017

To: Fairhope Planning Commission

From: Wayne Dyess, AICP
Planning Director

Re: Site Plan Review Amendment

The attached is a proposed amendment to the City of Fairhope Zoning Ordinance Article II. Section C.2. regarding site plan reviews. Below is the current language and the proposed language is attached as a "draft".

The intent of the proposed site plan review language is to focus more on the planning aspects of site plan review rather than the detailed engineering. This will shift the primary focus of a site plan review being heard by the Planning Commission and City Council from an engineering review to a planning review where compatibility and site integration with the surroundings will be the primary focus. However, all projects will still receive a thorough and detailed engineering review based on City ordinances and standards, but only after site plan approval is given by the City Council. The proposed language also contains several footnotes which provide some context for the changes.

The current language contained in Article II. Section C.2. is as follows:

2. Site Plan

a. Initiation – Review of (preliminary) site plans accompanying a zoning map amendment shall be reviewed according to the zoning amendment procedures. (Final) site plans that do not accompany a zoning map amendment shall be reviewed according to this section. Site plan approval is required when any commercial building(s) located in a business-zoning district (industrial zoning excluded) or in the CBD overlay:

(1) Has a gross floor area of 10,000 square feet or greater; or,

(2) More than 30% of the lot (excluding the building) is impervious; or

(3) All applications for zoning map amendments to rezone property to any of the Village Districts in Article VI. However, applicants for rezoning to the village districts may elect to use the special review procedures in Article VI, Section D. for review of the rezoning application and site plans associated with a village development.

(4) A mandatory site plan review application for all mixed-use projects electing to build to 35 feet height with 33% residential, regardless of whether or not it triggers site plan review approval, must make application to the Planning and Zoning Commission for approval.

b. Application –An application for site plan review shall be submitted on the application form provided by the Director of Planning and Building. The application shall include all information requested on the application form. Preliminary review with the Director and the Planning Commission, prior to a formal application is encouraged. If the application is not complete, the Director shall notify the applicant in writing indicating necessary steps to cure the incomplete application. The application shall be submitted with drawings showing the location of the site and all existing and proposed buildings with sufficient information to evaluate impacts on adjacent properties. Sheet size shall be large enough to document all physical features and shall be suitable for public record. The application does not require public notice nor public hearing.

c. Review – Site plan review shall occur according to the following:

(1) A complete application shall be reviewed by the Director of Planning and Building.

(2) Applications shall be submitted according to the published Planning Commission schedule. The Planning Commission shall consider the application and take one of the following actions:

(a) Approve the site plan;

(b) Approve the site plan, conditioned on specific revisions;

(c) Deny the site plan; or

(d) Continue discussion of the application for further study. An application shall only be continued one time without the applicant's consent before the Planning Commission shall take one of the above actions. An applicant may agree to more continuances.

(3) The City Council shall consider the site plan only after review and recommendation from the Planning Commission. The City Council shall have the final authority on site plan approval.

d. Criteria – The application shall be reviewed based on the following criteria:

(1) Compliance with the Comprehensive Plan;

(2) Compliance with any other approved planning documents;

(3) Compliance with the standards, goals, and intent of this ordinance and applicable zoning districts;

(4) Compliance with other laws and regulations of the City;

(5) Compliance with other applicable laws and regulations of other jurisdictions;

(6) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values;

(7) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values;

(8) Overall benefit to the community;

(9) Compliance with sound planning principles;

(10) Compliance with the terms and conditions of any zoning approval;

(11) Any other matter relating to the health, safety, and welfare of the community;

(12) Property boundaries with dimensions and setback lines;

(13) Location of proposed buildings and structures indicating sizes in square feet;

(14) Data to show percentage of lot covered with existing and proposed buildings;

(15) Elevations indicating exterior materials;

(16) The locations, intensity, and height of exterior lights;

(17) The locations of mechanical equipment;

(18) Outside storage and/or display;

(19) Drive-up window locations (must be away from residential uses/districts and not in front of building);

(20) Curb-cut detail and location(s);

(21) Parking, loading, and maneuvering areas;

(22) Landscaping plan in accordance with the City Landscape Ordinance;

(23) Location, materials, and elevation of any and all fences and/or walls;

(24) Dumpster location and screening; and

(25) Location and size of all signage.

e. Effect and Limitation on Approval – Site plan approval stands for 365 days from the approval date. If the building permit has not been issued within this time, the site plan approval shall be null and void. The Council may consider a request for extension of this time up to 180 additional days for good cause. The site plan may be amended, but amendments shall be subject to the same procedures as a new site plan approval.

f. Modifications - Modifications in substantial conformance with an approved site plan may be approved by the Director of Planning and Building if they meet the following conditions:

(1) The modification addresses actual site conditions that were not anticipated in the reviewed site plan;

(2) The modification meets the intent of the site plan standards in an equivalent or improved manner than the original site plan; and

(3) The modification results in no greater impact on adjacent property than the approved site plan.

g. Nullification for Misrepresentation – Any site plan decision that is based in any part on testimony, plans, studies or other support that is later found to have been a material misrepresentation may be summarily nullified. Summary nullification shall require evidence of the misrepresentation at a formal Council meeting and the concurring vote of 4 members of the City Council. It shall not require a formal site plan review process because the initial Council action will be determined null and void due to the material misrepresentation.



City of Fairhope Planning Commission

October 2, 2017

Case: SD 17.25 Pinewood Subdivision

Project Name:
Pinewood Subdivision

Project Type:
Final Plat

Project Statistics:
Size: approx. 9.7 acres
No. of Lots: 7

Jurisdiction:
City of Fairhope Planning,
Police and Permitting
Jurisdictions

Zoning District:
unzoned

PPIN Number:
230553

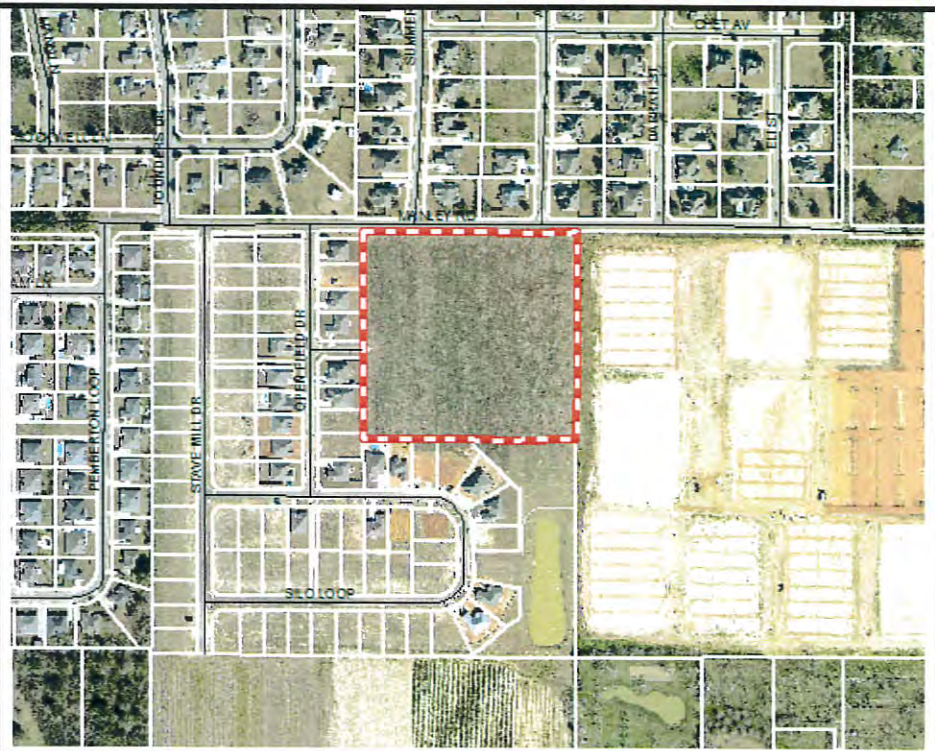
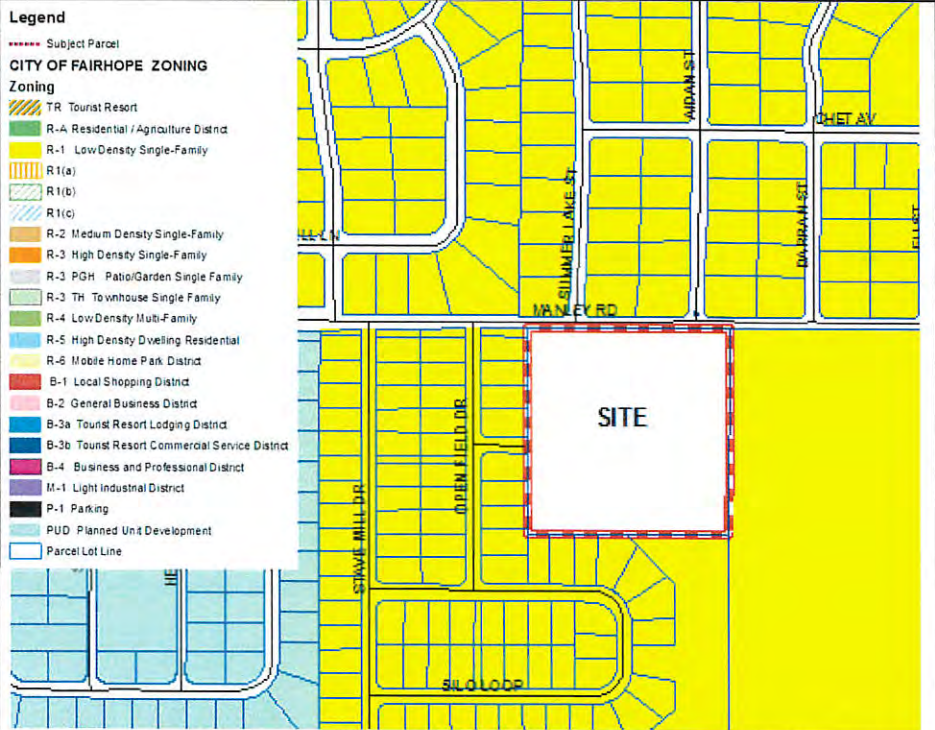
General Location:
South side of Manley Road
between Saddlewood Sub.
and the Fairhope Municipal
Soccer Complex

Engineer:
Sawgrass Consulting, LLC

Owner:
Sweetwater Investments, LLC

School District:
Larry J. Newton School

Recommendation:
Approval with conditions



Summary of Request:

Request of Sawgrass Consulting, LLC for Final Plat approval of Pinewood Subdivision, a 7-lot division. The property is located on the south side of Manley Road between Saddlewood Subdivision and the Fairhope Municipal Soccer Complex. The largest lot is approximately 323,392 sf and the smallest lot is 17, 570 sf.

Site History: The subject property is unzoned and received preliminary plat approval on November 10, 2016. The conditions of approval are as follows:

1. Sidewalks shall be placed along Manley Road.
2. The applicant is dedicating 10' right-of-way to the City of Fairhope. This conveyance shall be completed upon submittal of a final plat. Any required City Council approval shall be obtained.
3. The applicant shall revise the drainage, low impact development (LID) and Operations and Maintenance (O&M) Plan to reflect the removal of the sand filter. Also, staff needs confirmation for Dewberry/Preble-Rish, LLC that the soccer drainage can accommodate the additional storm water.
4. The applicant shall provide an ADEM Notice of Intent.

Case Number	Applicant	Case Type	Subdivision Name	Lots	Location	Zoning	PZ Date	PZ Decision
SD-16-24	Sawgrass Consulting, LLC	Preliminary Plat	Pinewood Subdivision	7	Outside	n/a	11/10/2016	Approved
SD-17-25	Sawgrass Consulting, LLC	Final Plat	Pinewood Subdivision	7	Outside	n/a	10/2/2017	TBD

Pinewood Subdivision Site Photos:



View from Silage Drive looking northeast.



view from Silage Drive looking southeast.

School Impact analysis: The student yield factor (SYF) is calculated by dividing the number of students by dwelling type by the total number of dwelling units in an attendance. For example, if we have 1,000 students occupying single family dwellings (SFD) in an attendance zone for elementary school, and the attendance zone has 2,500 total dwelling units, we divide that by the number of single family dwellings by the number of students residing in single family homes.

1,000 students ÷ 2,500 total number homes in the attendance zone = .40 students per single family home.

Using these numbers, we can estimate the number of students a new 100-unit single family subdivision could expect to generate would be 40 students. The same formula can be used to determine the SYF for mobile home units, apartments etc.

The statistical factors below were based on county-wide analysis specific to Baldwin County.

The Baldwin County student yield factors for single family detached are:

K-6 – 0.39 per unit

7-8 – 0.11 per unit

9-12 – 0.17 per unit

The Final Plat for Pinewood Subdivision, contains 7 single family lots. Applying the student yield factors, the development is expected to generate 2.73 (7x.39) elementary school students, .77 (7x.11) middle school students and 11.9 (7X.17) high school students.

Development Name	Application Type	Housing Type	Total Units	Attendance Zone	SYF	Expected number student
Pinewood Sub.	Final Plat	SF	7	Newton Elementary	.39	2.73
				Fairhope Middle	.11	.77
				Fairhope High	.17	11.9
				Total		15.4

All Associated Investors: The investors in this project are Matthew D. Byrne and Todd Boothe.

Building Setbacks: The property is unzoned. However, the setbacks for lots 1-6 appear to be consistent with R-1 standards and surrounding properties.

Streets and Lanes: The applicant stated that each individual lot will have its own driveway (no shared driveways.) No roads are being installed as a part of this development.

Right of Way: The applicant is dedicating 10' of right of way to the City of Fairhope, along the 6 lots fronting Manley Road. This was a condition of approval for the preliminary plat. As staff understands it, the issue of the right of way is scheduled to go before City Council on September 25, 2017 for acceptance approval.

Street Trees: The applicant provided the required number of street trees on the landscape plan. The street trees are being bonded.

Sidewalks: Sidewalks will be constructed along Manley at the time of homebuilding. Sidewalks shall meet the most current ADA accessibility requirements. The applicant's intent is to bond the sidewalks.

Storm Water: No storm water video was submitted as storm water pipes were not installed as a part of the development. The LID infrastructure is being bonded. According to the engineer, the grass swale is dependent upon the slope of the lots.

Fire Hydrants: There are two existing fire hydrants directly across the street from Lots 2 and 6 allowing for every lot to be 450' from a fire hydrant.

Operations and Maintenance Plan: The applicant has submitted an Operations and Maintenance Agreement and Plan. The applicant shall execute and record the Operations and Maintenance Plan and Agreement at the time of final plat recording.

Street Lighting: No street lighting is proposed.

Water and Sewer: Water is provided to each lot via ¾" water services connecting to an existing 8" water main located on the north side of Manley Road. The water main is existing and there is no Bac-T test. There is only a pressure test for the sewer force main for this application. No gravity sewer was installed, lots are served by a 2" sewer line. The Operations Director has approved the sewer pressure test.

GIS As-Builts: The applicant has submitted as-builts of what is currently constructed; however, it is missing the water service boxes. At the completion of water meter installation the applicant shall submit final revised GIS As-Builts.

Signage: Per Kim Burmeister, subdivision signs will require separate permitting.

Completion of Improvements: The applicant has not called for a final inspection. The 6 parcels fronting on Manley Road have very little infrastructure to be inspected. The Water Department will inspect and approve the water meters once the work is complete. The applicant is providing a financial guaranty for the sidewalks, street trees and LID. The financial performance guaranty package is complete.

Maintenance Bond: A maintenance bond has been provided for the water and sewer work. The financial guaranty pack was complete.

Recorded Plats: At the time of final plat, the applicant shall have all items completed so that the plat may be recorded within a 60- day time frame, per the City of Fairhope Subdivision Regulations.

Other: Any applicable outside agency permits shall be obtained.

Recommendation: Staff recommends approval conditional upon the following conditions or approval:

- 1) The applicant shall install the water service for the lots facing Manley Avenue.
- 2) Approval of the 10' right of way dedication by City of Fairhope City Council.
- 3) The applicant shall submit GIS As-builts for final approval by the City of Fairhope Water Department when completed.



APPLICATION FOR SUBDIVISION PLAT APPROVAL

Application Type: Village Subdivision Minor Subdivision Informal (No Fee)
 Preliminary Plat Final Plat Multiple Occupancy Project
 Attachments: Articles of Incorporation or List all associated investors
 Date of Application: 7/28/17

Property Owner / Leaseholder Information

Name of Property Owner: SWEETWATER INVESTMENTS, LLC Phone Number: 251-753-2217
 Address of Property Owner: 20585 COUNTY RD 13, SUITE D
 City: FAIRHOPE State: AL Zip: 36532

Proposed Subdivision Name: PINEWOOD SUBDIVISION PHASE ONE
 No. Acres in Plat: 9.70 AC No. Lots/Units: 7
 Parcel No: 05-46-08-28-0-000-014.009 Current Zoning: UNZONED

Authorized Agent Information

Plat must be signed by the property owner before acceptance by the City of Fairhope

Name of Authorized Agent: SANGRASS CONSULTING Phone Number: 251-544-7900
 Address: 1143 OLD HIGHWAY 31
 City: SPANISH FORT State: AL Zip: 36527
 Contact Person: MADISON KRUE

Surveyor/Engineer Information

Name of Firm: SANGRASS CONSULTING Phone Number: 251-544-7900
 Address: 1143 OLD HIGHWAY 31
 City: SPANISH FORT State: AL Zip: 36527
 Contact Person: STEVE DELAHUNTY

Plat Fee Calculation:
 Reference: Ordinance 1269

Signatures:
 I certify that I am the property owner/leaseholder of the above described property and hereby submit this plat to the City for review. *If property is owned by Fairhope Single Tax Corp. an authorized Single Tax representative shall sign this application.

MAH Syire
 Property Owner/Leaseholder Printed Name
6/27/17
 Date

[Signature]
 Signature
 Fairhope Single Tax Corp. (If Applicable)

AUG 22 2017
EB

PINEWOOD SUBDIVISION



VICINITY MAP (N.T.S.)

CERTIFICATE OF APPROVAL BY BALDWIN COUNTY E.M.C. (ELECTRIC)

THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY E.M.C., HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

THIS THE _____ DAY OF _____ 2017.

AUTHORIZED SIGNATURE _____

CERTIFICATE OF APPROVAL BY FAIRHOPE GAS

THE UNDERSIGNED, AS AUTHORIZED BY FAIRHOPE GAS, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

THIS THE _____ DAY OF _____ 2017.

(AUTHORIZED SIGNATURE) _____

CERTIFICATE OF APPROVAL BY FAIRHOPE WATER & SEWER

THE UNDERSIGNED, AS AUTHORIZED BY FAIRHOPE WATER & SEWER, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

THIS THE _____ DAY OF _____ 2017.

(AUTHORIZED SIGNATURE) _____

CERTIFICATE OF APPROVAL BY TELEPHONE: (AT&T)

THE UNDERSIGNED, AS AUTHORIZED BY AT&T, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

THIS THE _____ DAY OF _____ 2017.

(AUTHORIZED SIGNATURE) _____

FAIRHOPE PLANNING COMMISSION

THE WITHIN PLAT OF PINEWOOD SUBDIVISION, BALDWIN COUNTY, ALABAMA, IS HEREBY APPROVED BY FAIRHOPE CITY PLANNING COMMISSION.

THIS THE _____ DAY OF _____ 2017.

PLANNING COMMISSION SECRETARY _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

STATE OF ALABAMA
COUNTY OF BALDWIN

THIS IS TO CERTIFY THAT I, SWEETWATER INVESTMENTS LLC, AM THE OWNER OF THE LAND SHOWN AND DESCRIBED IN THE PLAT, AND THAT I HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREIN, FOR THE USES AND PURPOSES HEREIN SET FORTH AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DESIGN AND TITLE HEREON INDICATED; AND GRANT ALL EASEMENTS AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED TOGETHER WITH SUCH RESTRICTIONS AND COVENANTS NOTED BELOW OR ATTACHED IN A SEPARATE LEGAL DOCUMENT.

DATED THIS THE _____ DAY OF _____ 2017.

WITNESS NAME AND TITLE _____

CERTIFICATION BY NOTARY PUBLIC

STATE OF ALABAMA
COUNTY OF BALDWIN

I, _____, A NOTARY PUBLIC IN AND FOR THE COUNTY OF BALDWIN IN THE STATE OF ALABAMA DO CERTIFY THAT WHOSE NAME IS SUBSCRIBED TO THE CERTIFICATE OF OWNERSHIP AND DEDICATION, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE SIGNED, SEALED AND DELIVERED SAID INSTRUMENT AT THIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS THE _____ 2017.

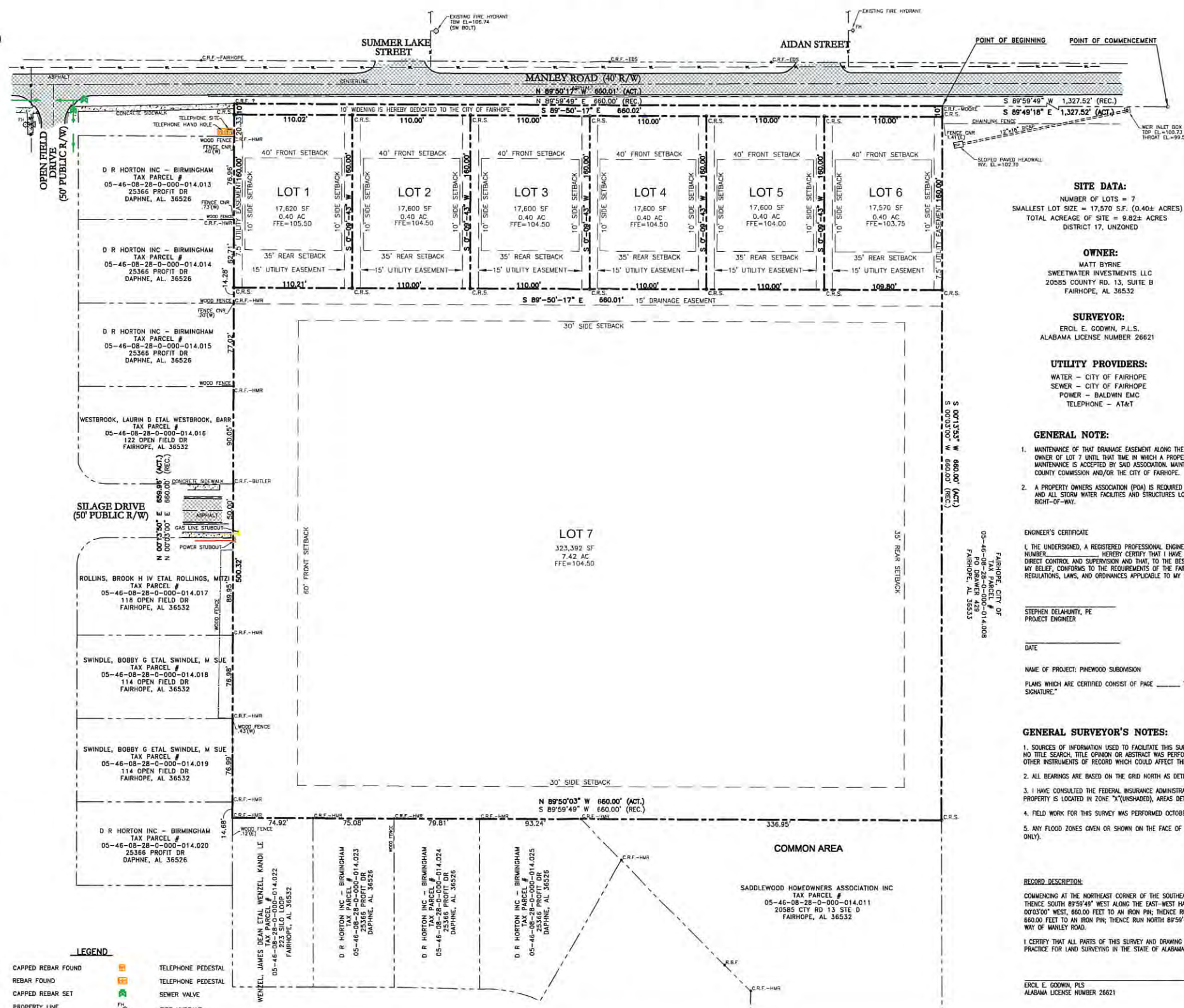
NOTARY PUBLIC _____

CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER

THE WITHIN PLAT OF PINEWOOD, BALDWIN COUNTY, ALABAMA, IS HEREBY APPROVED BY THE BALDWIN COUNTY ENGINEER

THIS THE _____ DAY OF _____ 2017.

(AUTHORIZED SIGNATURE) _____



SITE DATA:
NUMBER OF LOTS = 7
SMALLEST LOT SIZE = 17,570 S.F. (0.40± ACRES)
TOTAL ACREAGE OF SITE = 9.82± ACRES
DISTRICT 17, UNZONED

OWNER:
MATT BYRNE
SWEETWATER INVESTMENTS LLC
20585 COUNTY RD. 13, SUITE B
FAIRHOPE, AL 36532

SURVEYOR:
EROL E. GODWIN, P.L.S.
ALABAMA LICENSE NUMBER 26621

UTILITY PROVIDERS:
WATER - CITY OF FAIRHOPE
SEWER - CITY OF FAIRHOPE
POWER - BALDWIN EMC
TELEPHONE - AT&T

GENERAL NOTE:
1. MAINTENANCE OF THAT DRAINAGE EASEMENT ALONG THE NORTH LINE OF LOT 7 IS THE RESPONSIBILITY OF THE OWNER OF LOT 7 UNTIL THAT TIME IN WHICH A PROPERTY OWNER'S ASSOCIATION IS ESTABLISHED, IF EVER, AND MAINTENANCE IS ACCEPTED BY SAID ASSOCIATION. MAINTENANCE IS NOT THE RESPONSIBILITY OF THE BALDWIN COUNTY COMMISSION AND/OR THE CITY OF FAIRHOPE.
2. A PROPERTY OWNERS ASSOCIATION (POA) IS REQUIRED TO BE FORMED. THE POA IS REQUIRED TO MAINTAIN ANY AND ALL STORM WATER FACILITIES AND STRUCTURES LOCATED OUTSIDE OF THE PUBLICLY ACCEPTED RIGHT-OF-WAY.

ENGINEER'S CERTIFICATE
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF ALABAMA HOLDING CERTIFICATE NUMBER _____ HEREBY CERTIFY THAT I HAVE REVIEWED THE DESIGN HEREIN WHICH WAS DONE UNDER MY DIRECT CONTROL AND SUPERVISION AND THAT, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND TO THE BEST OF MY BELIEF, CONFORMS TO THE REQUIREMENTS OF THE FAIRHOPE SUBDIVISION REGULATIONS AND TO ALL OTHER RULES, REGULATIONS, LAWS, AND ORDINANCES APPLICABLE TO MY DESIGN.

STEPHEN DELAMUNTY, PE
PROJECT ENGINEER

DATE _____

NAME OF PROJECT: PINEWOOD SUBDIVISION
PLANS WHICH ARE CERTIFIED CONSIST OF PAGE _____ THRU _____, EACH OF WHICH BEARS MY SEAL AND SIGNATURE.

GENERAL SURVEYOR'S NOTES:

- SOURCES OF INFORMATION USED TO FACILITATE THIS SURVEY WERE PREVIOUS SURVEYS BY THIS FIRM, SURVEYS BY OTHER FIRMS AND INFORMATION FURNISHED BY CLIENT. NO TITLE SEARCH, TITLE OPINION OR ABSTRACT WAS PERFORMED BY THIS FIRM. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS OF RECORD WHICH COULD AFFECT THE BOUNDARIES OF THIS PROPERTY THAT WERE NOT FURNISHED AT TIME OF SURVEY.
- ALL BEARINGS ARE BASED ON THE GRID NORTH AS DETERMINED BY RTK GPS AND REFERENCED TO NAD83, ALABAMA WEST STATE PLANE COORDINATES.
- I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION MAP, COMMUNITY PANEL NO. 01003C0780L, EFFECTIVE JULY 17, 2007, AND HAVE FOUND THAT THE DESCRIBED PROPERTY IS LOCATED IN ZONE "X" (UNSHADED), AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.
- FIELD WORK FOR THIS SURVEY WAS PERFORMED OCTOBER, 2016.
- ANY FLOOD ZONES GIVEN OR SHOWN ON THE FACE OF THIS DRAWING ARE SCALED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE MAPS (SCALED ONLY).

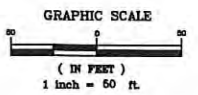
RECORD DESCRIPTION:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, RUN THENCE SOUTH 89°59'49" WEST ALONG THE EAST-WEST HALF SECTION LINE, 1,327.52 FEET TO AN IRON PIN FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 00°03'00" WEST, 660.00 FEET TO AN IRON PIN; THENCE RUN SOUTH 89°59'49" WEST, 660.00 FEET TO AN IRON PIN; THENCE RUN NORTH 00°03'00" EAST, 660.00 FEET TO AN IRON PIN; THENCE RUN NORTH 89°59'49" EAST 660.00 FEET TO THE POINT OF BEGINNING. LESS ANY PORTION LYING WITHIN THE RIGHT OF WAY OF MANLEY ROAD.

I CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

EROL E. GODWIN, PLS
ALABAMA LICENSE NUMBER 26621

MINIMUM BUILDING SETBACKS				
	NORTH SIDE	SOUTH SIDE	WEST SIDE	EAST SIDE
LOT 1	40.00'	35.00'	10.00'	10.00'
LOT 2	40.00'	35.00'	10.00'	10.00'
LOT 3	40.00'	35.00'	10.00'	10.00'
LOT 4	40.00'	35.00'	10.00'	10.00'
LOT 5	40.00'	35.00'	10.00'	10.00'
LOT 6	40.00'	35.00'	10.00'	10.00'
LOT 7	30.00'	30.00'	60.00'	35.00'



NUMBER:	REVISION:	DATE:

Sawgrass
CONSULTING, LLC
ENGINEERING - SURVEYING - CONSTRUCTION MANAGEMENT
11143 Old Highway 31 Spanish Fort, AL 36527 Phone: (251) 544-7000
818 N. McKenzie Street Foley, AL 36535 Phone: (251) 970-7900

FINAL PLAT
PINEWOOD SUBDIVISION
SWEETWATER INVESTMENTS LLC

SCALE:	1" = 50'
DATE:	AUGUST, 2017
DRAWN BY:	JLG
CHECKED BY:	SJD
SHEET:	1 OF 1



City of Fairhope Planning Commission

October 2, 2017

Case: SD 17.26 Main Street at Montrose

Project Name:

Main Street at Montrose

Project Type:

Minor Subdivision

Jurisdiction:

Fairhope Corporate Limits

Zoning District:

PUD Planned Unit Development

PPIN Number:

75978

General Location:

Main Street one lot north of
Ecor Dechene Court

Engineer:

Dewberry/Preble-Rish, LLC

Owner:

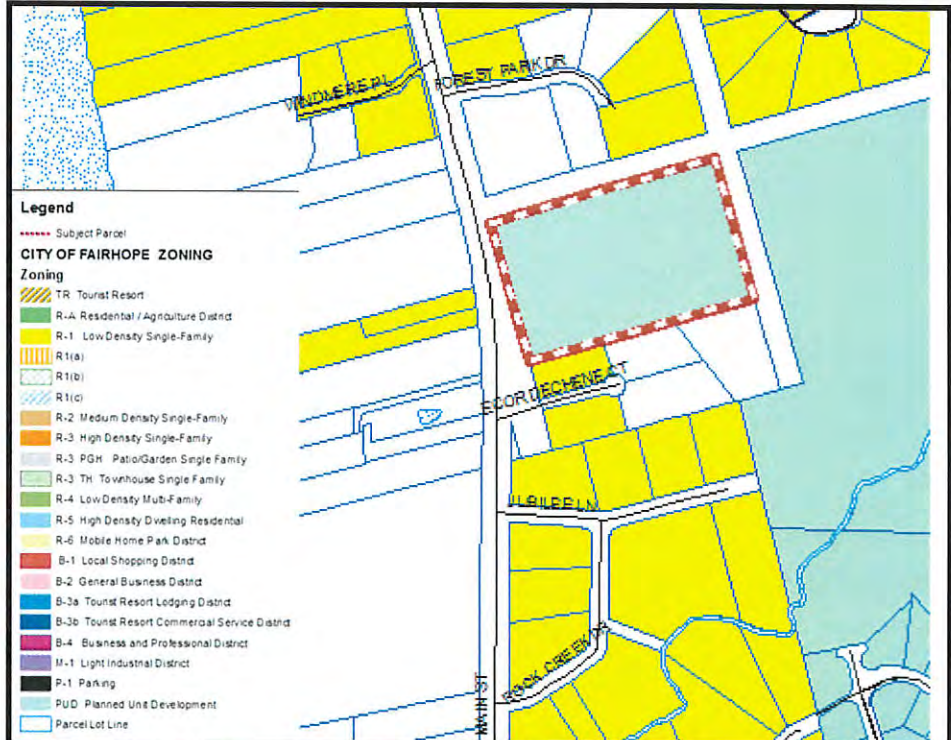
Burgess A. Thomasson, Jr.

School District:

Fairhope Elementary, Middle,
and High School

Recommendation:

Conditional Approval



Summary of Request:

Public hearing to consider the request of Dewberry Prebble-Rish, LLC for plat approval of Main Street at Montrose, (a component of Phase I of Montrose Preserve PUD) a 4-lot minor subdivision (three new lots with a remnant parcel).

Comments:

- **All associated Investors:** All associated investors have been provided. The owner of subject property is Burgess A. Thomason, Jr.
- **Lot standards:** The property is currently zoned PUD, Planned Unit Development. Subject property is a component of Montrose Preserve PUD approved by the Fairhope City Council June 12, 2017.
- **Lot Access:** All lots front on Main Street, a paved, publicly maintained street
- **Structures:** No existing structures are currently located on the subject property.
- **Natural Features:** The engineer of record provided a soil map from USDA's Web Soil Survey and found no hydric soils on subject property.
- **Easements:** 10' drainage and utility easements are noted on the plat. See conditions of approval for corrections to drainage and utility easements necessary to comply with City of Fairhope Subdivision Regulations.
- **Storm water standards:** The engineer of record provided a supporting document indicating the projected runoff created by homes built on the subject property will absorb the additional runoff without detention, and that the clearing, routing and concentrating of runoff from the subject property is more likely to cause damage to a downstream watershed than if the rear of the subject property was left natural. As a result, the engineer of record does not recommend onsite detention of storm water for subject properties. Staff examined the 2017 Alabama Office of Water Resources flood map for the area of the subject property and the subject property lies outside the Fly Creek floodway. A flood certificate on the plat reflects flood zone "X" per FEMA flood map panel 0642 suffix "L" dated July 17, 2007.
- **Traffic Study:** The engineer of record provided a supporting letter indicating the trip generation of the subject property does not warrant a traffic study.
- **Fire Flow:** A fire flow model was not provided in the subdivision application. Approval shall be conditional upon submission and approval of the fire flow model. Indicate location of the nearest fire hydrant on the plat before recording.
- **Utilities:** Individual certificate of approval blocks for water & sewer, power, and natural gas are included on the plat. Utility availability letters have been provided as noted below. Utility providers are follows:
 - **Electrical** – Riviera Utilities
 - **Water** – Daphne Utilities
 - **Sewer** – Fairhope Public Utilities
 - **Telephone** – To be furnished under separate cover
 - **Natural Gas** – Fairhope Public Utilities
- **Recorded Plat:** Applicant is advised that all conditions of approval shall be satisfied in a timely manner, so that final plat may be recorded within a 60-day time frame, per the City of Fairhope Subdivision Regulations.
- **Other:** The subject property is not a Single Tax Colony property.

Recommendation:

Staff recommends APPROVAL of the minor subdivision application with the following conditions:

1. Make corrections to the preliminary/final plat certificate blocks to reflect The Utilities Board of the City of Daphne (Daphne Utilities) as the drinking water provider to the subject property.
2. Make corrections to the preliminary/final plat certificate blocks to reflect Riviera Utilities as the electrical provider to the subject property.
3. Finished Floor Elevations shall be reflected on the plat prior to recording.
4. Submission under separate cover and approval of a fire flow model for the subject property is a condition of approval. Indicate the location of the nearest fire hydrant on the plat prior to recording.
5. Make corrections to the preliminary/final plat to reflect 15' drainage and utility easements as required by *City of Fairhope Subdivision Regulations Article V, Section E.5.a.*

Site Photos:



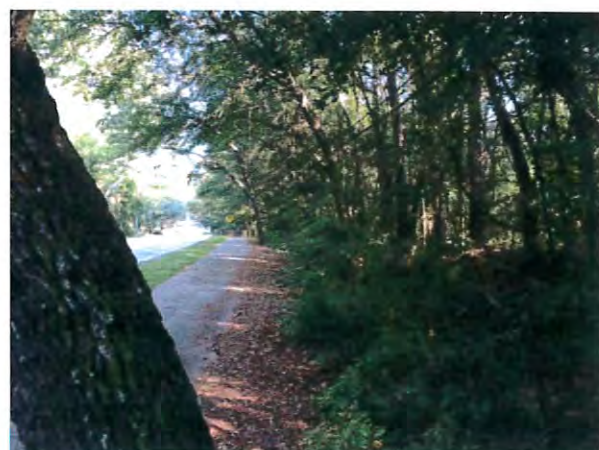
Subject looking south east from Main St.



Subject property looking southeast from Main St.



Subject property looking northeast from Main St.



Subject property looking north along Main St.



APPLICATION FOR SUBDIVISION PLAT APPROVAL

Application Type: Village Subdivision Minor Subdivision Informal (No Fee)
 Preliminary Plat Final Plat Multiple Occupancy Project
Attachments: Articles of Incorporation or List all associated investors
Date of Application: _____

Property Owner / Leaseholder Information
Name of Property Owner: BURGESS A. THOMASSON Phone Number: 251 454-3473
Address of Property Owner: ~~P.O. BOX 2672~~ 1912 DAUPHIN STREET
City: MOBILE State: AL Zip: 36606

Proposed Subdivision Name: Main Street at Montrose
No. Acres in Plat: 2.55 AC No. Lots/Units: 3
Parcel No: 43-09-43-0-000-023.000 Current Zoning: PUD

Authorized Agent Information
Plat must be signed by the property owner before acceptance by the City of Fairhope
Name of Authorized Agent: DEWBERRY | PREBLE-RISH Phone Number: 251 929-9797
Address: 9949 BELLATON AVE
City: DAPHNE State: AL Zip: 36526
Contact Person: STEVEN PUMPHREY

Surveyor/Engineer Information
Name of Firm: DEWBERRY | PREBLE-RISH Phone Number: 251 990-9950
Address: 9949 BELLATON AVE
City: DAPHNE State: AL Zip: 36526
Contact Person: DAVID DIEHL

Plat Fee Calculation:
Reference: Ordinance 1269

Signatures:
I certify that I am the property owner/leaseholder of the above described property and hereby submit this plat to the City for review. *If property is owned by Fairhope Single Tax Corp. an authorized Single Tax representative shall sign this application.

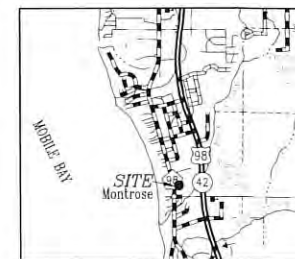
BURGESS A. THOMASSON, JR.
Property Owner/Leaseholder Printed Name
8/17/2017
Date

[Signature]
Signature

Fairhope Single Tax Corp. (If Applicable)

RECEIVED
AUG 22 2017
EB

PROPERTY IS LOCATED IN THE NORTH HALF OF GRANT SECTION 43 AND THE WEST HALF OF SECTION 32, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



VICINITY MAP
1" = 1 MILE



CERTIFICATE OF APPROVAL BY THE CITY OF FAIRHOPE (ELECTRIC):
THE UNDERSIGNED, AS AUTHORIZED BY THE CITY OF FAIRHOPE HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF ____ 2017.

AUTHORIZED REPRESENTATIVE _____

CERTIFICATE OF APPROVAL BY AT&T (TELEPHONE):
THE UNDERSIGNED, AS AUTHORIZED BY AT&T HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF ____ 2017.

AUTHORIZED REPRESENTATIVE _____

CERTIFICATE OF APPROVAL BY THE CITY OF FAIRHOPE (WATER):
THE UNDERSIGNED, AS AUTHORIZED BY THE CITY OF FAIRHOPE HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF ____ 2017.

AUTHORIZED REPRESENTATIVE _____

CERTIFICATE OF APPROVAL BY THE CITY OF FAIRHOPE (SEWER):
THE UNDERSIGNED, AS AUTHORIZED BY THE CITY OF FAIRHOPE HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF ____ 2017.

AUTHORIZED REPRESENTATIVE _____

CERTIFICATE OF APPROVAL BY THE FAIRHOPE PLANNING COMMISSION:
THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY PLANNING COMMISSION OF FAIRHOPE, ALABAMA, AND IS APPROVED BY SUCH COMMISSION.

THE CITY OF FAIRHOPE PLANNING COMMISSION

BY: _____ DATE: _____
SECRETARY

FLOOD CERTIFICATE:
THIS PROPERTY LIES WITHIN ZONE "X" (UNSHADED) AS SCALED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP OF BALDWIN COUNTY, ALABAMA, MAP NUMBER 010008423, COMMUNITY NUMBER 010006, PANEL NUMBER 0642, SUFFIX L, MAP REVISED DATE JULY 17, 2007.

CERTIFICATION OF OWNERSHIP AND DEDICATION:
THIS IS TO CERTIFY THAT _____ AS _____ THE OWNER OF THE LAND SHOWN AND DESCRIBED IN THE PLAT, HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREON, FOR THE USES AND PURPOSES HEREIN SET FORTH AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DESIGN AND TITLE HEREON INDICATED, AND GRANT ALL EASEMENTS FOR THE PURPOSES NOTED HEREON AND DEDICATE ALL STREETS TO PUBLIC USE, AND ALL COMMON AREAS AND EASEMENTS TO PRIVATE USE, TOGETHER WITH SUCH RESTRICTIONS AND COVENANTS NOTED BELOW OR ATTACHED IN A SEPARATE LEGAL DOCUMENT.

DATED THIS ____ DAY OF ____ 2017.

OWNER (PRINT) _____

OWNER (SIGNATURE) _____

CERTIFICATION BY NOTARY PUBLIC:

STATE OF _____
COUNTY OF _____
I, _____, NOTARY PUBLIC IN AND FOR THE COUNTY OF BALDWIN, IN THE STATE OF ALABAMA, HEREBY CERTIFY THAT _____ OF _____ IS SIGNED TO THE FOREGOING INSTRUMENT, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT, BEING INFORMED OF THE CONTENT OF THE INSTRUMENT, AND AS SUCH OFFICER AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY FOR AND AS THE ACT OF SAID CORPORATION.
GIVEN UNDER MY HAND AND NOTORIAL SEAL THIS ____ DAY OF ____ 2017.

NOTARY PUBLIC _____

SURVEYOR'S CERTIFICATE

STATE OF ALABAMA
COUNTY OF BALDWIN
WE, DEWBERRY | PREBLE-RISH, A FIRM OF LICENSED ENGINEERS AND LAND SURVEYORS OF DAPHNE, ALABAMA, HEREBY STATE THAT THE ABOVE IS A CORRECT MAP OR PLAT OF THE FOLLOWING DESCRIBED PROPERTY SITUATED IN BALDWIN COUNTY, ALABAMA, TO-WIT:

BEGINNING AT AN OPEN END PIPE FOUND AT THE NORTHWEST CORNER OF LOT 2 OF ECOR DE CHENE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 1290-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 15 DEGREES 15 MINUTES 54 SECONDS WEST A DISTANCE OF 417.17 FEET; THENCE RUN NORTH 74 DEGREES 46 MINUTES 15 SECONDS EAST, A DISTANCE OF 163.33 FEET; THENCE RUN SOUTH 41 DEGREES 48 MINUTES 31 SECONDS EAST, A DISTANCE OF 467.14 FEET; THENCE RUN SOUTH 74 DEGREES 51 MINUTES 48 SECONDS WEST A DISTANCE OF 370.97 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 2.55 ACRES, MORE OR LESS.

(DESCRIPTION COMPOSED FROM PROBATE RECORDS AND AN ACTUAL FIELD SURVEY)

WE FURTHER STATE THAT WE HAVE SURVEYED AND DIVIDED SUBJECT PROPERTY AT THE REQUEST AND INSTANCE OF THE OWNER THEREOF. WE FURTHER STATE THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, EFFECTIVE MAY 7, 2002.

DEWBERRY | PREBLE-RISH AL P.L.S. No. 27393
JOHN G. AVENT



MAIN STREET AT MONTROSE

AUGUST 4, 2017 - SHEET 1 OF 1

BOUNDARY SURVEY AND PLAT OF SUBDIVISION					
DESIGN	D.E.D.	DRAWN	A.E.F.	CHKD.	M.S.P.
ENG	---	SURVEYOR	J.G.A.	PROJ MGR	J.G.A.
Dewberry		PREBLE-RISH		SCALE 1"=40'	
9949 Bellaton Ave., Daphne, AL 36526		1912 Dauphin Street, Mobile, AL 36606		PROJ. NO. 50094813	
				FILE 50094813PREL-FINAL	
				SHEET 1 OF 1	

GENERAL NOTES

- MINIMUM FINISHED FLOOR ELEVATION SHALL BE 18" ABOVE THE HIGHEST GROUND ELEVATION, 10 FEET OUTSIDE OF BUILDING. SEE THE FAIRHOPE BUILDING DEPARTMENT FOR SPECIFIC REQUIREMENT.
- THERE IS DEDICATED HEREWITH A 10 FOOT UTILITY EASEMENT ON ALL LOT LINES ADJACENT TO THE RIGHT-OF-WAY AND A 5 FOOT UTILITY EASEMENT ON EACH SIDE OF LOT LINES, UNLESS OTHERWISE NOTED.

SITE DATA

CURRENT ZONING: PUD
NUMBER OF LOTS: 3
SMALLEST LOT: 34,236 SF
LARGEST LOT: 40,805 SF
TOTAL AREA: 2.55 AC

REQUIRED BUILDING SETBACK LINES (BSL):

FRONT: 30 FEET
REAR: 30 FEET
SIDE: 10 FEET
SIDE STREET: 30 FEET

UTILITIES

WATER SERVICE: DAPHNE UTILITIES
SEWER SERVICE: CITY OF FAIRHOPE
ELECTRIC SERVICE: RIVIERA UTILITIES
TELEPHONE SERVICE: AT&T

SURVEYOR/ENGINEER:

DEWBERRY | PREBLE-RISH
9949 BELLATON AVE, DAPHNE, AL 36526
JOHN G. AVENT, PLS LIC. NO. 27393

OWNER/DEVELOPER

BURGESS A. THOMASSON
1912 DAUPHIN STREET
MOBILE, AL 36606

SEP 21 2017

BY: *EB* Revised As Per Comments

SD 17.26

