

ORDINANCE NO. 1616

AN ORDINANCE AMENDING ORDINANCE NO. 1253 KNOWN AS THE ZONING ORDINANCE TO AMEND ORDINANCE NO. 1362: A PLANNED UNIT DEVELOPMENT KNOWN AS FAIRFIELD, PHASE VI; TO APPROVE A SITE PLAN; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA as follows:

The City of Fairhope has approved a request to zone property to a PUD (Planned Unit Development) to be known as Fairfield, Phase VI PUD on the 28th of November 2005 and amendments were made on the 10th of July 2006, and on the 9th of June 2008.

BCL&L Acquisitions, LLC, Anil K. Vira, Stephen B. and Korokay Christensen, and Gale Majors made the application to amend said ordinance, specifically Lot 19, and

After the appropriate public notice and hearing of the Planning Commission of the City of Fairhope, Alabama has forwarded a **favorable** recommendation,

The property of BCL&L Acquisitions, LLC, Anil K. Vira, Stephen B. and Korokay Christensen, and Gale Majors generally located at 655 Norman Lane, Fairhope, Alabama.

LOT 19, FAIRFIELD, PHASE VI PUD

PPIN: 298888

Legal Description: (Case number ZC 18.01)

LOT 19, FAIRFIELD UNIT VI, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN SLIDE 2358-D AND AMENDED AT SLIDE 2377-A, RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA.

1. **That**, in Case Number ZC 18.01 the property described above shall develop in substantial conformity with the attached site plat as attached as "Exhibit A" and shall remain in compliance with the previously approved PUD site plan. Any substantial deviation from the attached site plan or the previously approved PUD site plan, as determined by the Planning Director will required re-approval by the Planning Commission and the City Council of the City of Fairhope, Alabama as a PUD amendment;

2. **That**, the following amendments have been made to Lot 19 of the PUD:

Lots: 15 single family residential lots as shown on the approved site plan attached as Exhibit A.

Setbacks: As shown on the approved site plan attached as Exhibit A.

Ordinance No. 1616


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The Planned Unit Development (PUD), for Lot 19, Fairfield, Phase VI, is hereby amended (Ordinance No. 1362). This property shall hereafter be lawful to construct on such property any structures permitted by Ordinance No. 1253 and to use said premises for any use permitted or building sought to be erected on said property shall be in compliance with the building laws of the City of Fairhope and that any structure shall be approved by the Building Official of the City of Fairhope and that any structure be erected only in compliance with such laws, including the requirements of Ordinance No. 1253.

Severability Clause - if any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

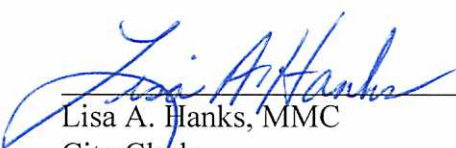
Effective Date – This ordinance shall take effect immediately upon its due adoption and publication as required by law.

ADOPTED THIS 11TH DAY OF JUNE, 2018



Karin Wilson, Mayor

ATTEST:

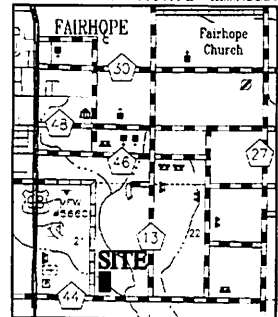
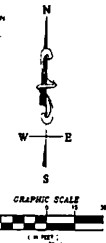


Lisa A. Hanks, MMC
City Clerk

Ord. No. 1616 Published in
FAIRHOPE COURIER
on Wednesday, June 27, 2018
 City Clerk

CURVE	RADIUS	LENGTH	TANGENT	CHORD	CHORD BEG	CHORD END
C1	60.00'	31.71'	18.98'	20.88'	319.17'	319.17'
C2	25.00'	16.10'	10.43'	12.24'	319.17'	319.17'
C3	25.00'	28.21'	24.84'	31.53'	345.01'	345.01'

FLOOD CERTIFICATE:
 THIS PROPERTY LIES WITHIN SOME 70' AS SCALED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP OF BALDWIN COUNTY, ALABAMA, MAP NUMBER 22030A00A, COMMUNITY-PLANNED 22030; PANEL NUMBER 000A. SURVEY IS MAP REVISED DATE JULY 7, 2007



- LEGEND:**
- ED = ELECTRIC BOX
 - EW = WATER METER
 - OH = DRAINAGE MANHOLE
 - OM = SEWER MANHOLE
 - OS = CABLE TELEPHONE PEDESTAL
 - JO = JOINT
 - EM = ELECTRIC METER
 - ED = 24" METER
 - EV = ELECTRICAL, 24" IN-OUT
 - OM = 24" METER
 - PO = PUMP
 - PE = TELEPHONE PEDESTAL
 - UT = UTILITY POLE
 - WA = WATER METER
 - WP = WIRE MARKER IN PLACE
 - 1/2" = 1/2" SAMPLE IRON PIN FOUND IN PLACE
 - 1/2" = 1/2" PIN FOUND IN PLACE
 - LP = LINED IRON PIN PLACES (IC-2548-15)
 - MS = MANHOLE SET
 - BS = BUILDING SETBACK LINE
 - REC = RECORDS (RANGE/DISTANCE)
 - CP = CONCRETE POWER LINE
 - W = WOOD FENCE
 - E = EDGE OF MARSH
 - P = PAVEMENT
 - C = CONCRETE
 - S = STONE WALL

MODIFICATION NOTE:
 THE RECORD APPROVED REVISION TO LOT 19, UNIT 19 OF FAIRFIELD, A PLANNED UNIT DEVELOPMENT, APPROX 15' UNDISTURBED CONDOMINIUM UNITS TO 15 SINGLE FAMILY RESIDENCE LOTS. THESE LOTS WERE APPROVED WITH 5' SIDE SETBACKS. THE PROPOSED WOOD CAVING TO BE DONE TO THE 15' TRACKS ON THE SOUTH SIDES OF LOTS 19A TO 19G FROM 5' TO 3' THIS IS DUE TO THE LOTS ON THESE LOTS HAVING BEEN PREVIOUSLY CONSTRUCTED AND THE CHANGES HAVING HAD FULL USE OF THE PROPERTY BETWEEN THE UNITS. THE SETBACKS ON THE NORTH SIDE OF LOTS 19H & 19I WILL BE 10' TO PROVIDE 10' SPACING BETWEEN BUILDINGS.

GENERAL NOTES:

- FOR THE LOCATION OF ALL UTILITIES SEE CONSTRUCTION PLANS.
- STORMWATER DETENTION AREAS ARE NOT THE RESPONSIBILITY OF CITY OF FAIRHOPE TO MAINTAIN.
- ALL UTILITIES SHALL BE CONSTRUCTED UNDERGROUND.
- ALL LOTS SHALL ACCESS INTERIOR SUBDIVISION STREETS ONLY. LOTS SHALL NOT HAVE FRONT ACCESS TO ROUTINE ROAD.
- THERE IS INDICATED CROWN A 3' FOOT UTILITY EASEMENT ON ALL LOT LINES ADJACENT TO FRONT YARDS AND A 10' FOOT (10' FEET EACH SIDE) UTILITY EASEMENT ALONG ALL SIDE LOTS.
- UNLESS OTHERWISE NOTED ON THIS PLAN, THE MINIMUM FINISH FLOOR ELEVATION SHALL BE 10' ABOVE THE HIGHEST POINT WITHIN 10' FEET OF THE BUILDING SETBACK LINE.
- THE CITY OF FAIRHOPE IS NOT RESPONSIBLE FOR THE MAINTENANCE OF ANY AND ALL COMMON AREAS/SPACES.
- LOTS 19-A TO 19-C ARE 3' LOT LINE LOTS AND BUILDING SETBACK ON THE SOUTH SIDE OF THOSE LOTS, WITH THE FACE OF THE SOUTH WALL OF THE EXISTING HOUSE BEING ON THE PROPERTY LINE AS SUCH THERE IS A 5' EASEMENT OFF THE SOUTH PROPERTY LINE OF THOSE 3 LOTS FOR MAINTENANCE ACCESS.

SURVEYOR'S NOTES:

- ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH U.S. STANDARDS.
- DESCRIPTION AS FURNISHED BY CLIENT.
- THERE MAY BE RECORDS OF LANDSCAPE DESIGN, PLANTINGS, PRUNING, OR OTHER MEASUREMENTS THAT COULD AFFECT THE BOUNDARIES OF SAID PROPERTY.
- THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION OR EXTENT OF ANY SUB-SURFACE FEATURES.
- THE LINES REPRESENTING THE CENTER AND RIGHT-OF-WAYS OF THE STREETS ARE SHOWN FOR VISUAL PURPOSES ONLY AND WERE NOT SURVEYED OR FIELD VERIFIED BY ANY MEANS.
- NO SURVEY WAS CONDUCTED ON MAY 28th 1974 AND 11th 2016 AND 3 RECORDS OF FIELD BOOK 8032, 81 PAGES 1-7 AND IN AN ELECTRICAL FIELD BOOK 8032, 81 PAGES 1-7 AND IN AN ELECTRICAL FIELD BOOK 8032, 81 PAGES 1-7 AND IN AN ELECTRICAL FIELD BOOK 8032, 81 PAGES 1-7.
- NO SURVEY WAS CONDUCTED ON MAY 28th 1974 AND 11th 2016 AND 3 RECORDS OF FIELD BOOK 8032, 81 PAGES 1-7 AND IN AN ELECTRICAL FIELD BOOK 8032, 81 PAGES 1-7 AND IN AN ELECTRICAL FIELD BOOK 8032, 81 PAGES 1-7.
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SURVEYOR'S CERTIFICATE:
 STATE OF ALABAMA
 COUNTY OF BALDWIN
 WE, DEWBERRY | PREBLE-RISH, LLC A FIRM OF LICENSED ENGINEERS AND LAND SURVEYORS OF FAIRHOPE, ALABAMA, HEREBY CERTIFY THAT THE ABOVE IS A CORRECT MAP OR PLAN OF THE FOLLOWING DESCRIBED PROPERTY SITUATED IN BALDWIN COUNTY, ALABAMA: 19-A
 19-A: FAIRFIELD UNIT 19, ACCORDING TO MAP OR PLAN HEREBY RECORDED IN PLD 2354-3 AND AMENDED AT SLICE 2377-1, RECORDED IN THE OFFICE OF THE CLERK OF PROBATE OF BALDWIN COUNTY, ALABAMA.
 WE FURTHER STATE THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYORS IN THE STATE OF ALABAMA, EFFECTIVE MAY 7, 2007.

DEWBERRY | PREBLE-RISH, LLC
 DAVID E. DIEHL, AL PLS. NO. 22074
 SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL



SURVEYOR/ENGINEER:
 DEWBERRY | PREBLE-RISH
 9949 BELLATION AVE DAPHNE, ALABAMA 36526
 DAVID E. DIEHL, PLS LIC. NO. 22074
 JASON N. ESTES, PE LIC. NO. 22714

SITE DATA
 CURRENT ZONING: P.U.D.
 LIN. FT. STREETS: W/A
 NUMBER OF LOTS: 15
 SMALLEST LOT: 8,194 SF
 LARGEST LOT: 6,469 SF
 COMMON AREAS: 0.93 AC
 TOTAL AREA: 3.11 AC

REQUIRED SETBACKS:
 FRONT: 15 FEET
 REAR: 10 FEET
 SIDE: 5 FT-LOTS 19-E TO 19-O
 5 FT (SOUTH) & 10' (NORTH) LOT 19-D
 0 FT (SOUTH) & 10' (NORTH) LOTS 19-B & 19-C
 5' (NORTH) LOT 19-A

WATER SERVICE: CITY OF FAIRHOPE
 SEWER SERVICE: CITY OF FAIRHOPE
 ELECTRIC SERVICE: RIVERA UTILITIES
 TELEPHONE SERVICE: AT&T
 GAS: CITY OF FAIRHOPE

Exhibit A

FAIRFIELD, A P.U.D.

MODIFICATION TO LOT 19, UNIT VI

NOVEMBER 28, 2017 - SHEET 1 OF 1 SHEETS

BOUNDARY SURVEY AND FLAT OF SUBDIVISION					
DESIGN	JGA	DRAWN	A.E.F.	CHKD.	D.E.D.
ENG.	C.N.E.	SURVEYOR	DEC.	PROJ. MGR.	J.G.A.
				SCALE: 1"=30' PROJ. NO. SCD 82128 FILE NO. SCD2178P/PLM/JGA SHEET 1 OF 1	
DATE: NOV 28, 2017 BY: [Signature] ZC 18.01					



City Council

May 14, 2018

Case: ZC 18.01 Lot 19, Fairfield Unit VI
PUD Amendment

Applicant Name:

Davis and Fields, PC

Owner:

Anil K. Vira (lot 19-A)
Stephen B. and Korokay
Christensen (lot 19-B)
Gale Majors (lot 19-C)
BCL&L Acquisitions, LLC
(lots 19-D to 19-O)

Project Type

PUD Amendment

PPIN Number:

298888

General Location:

Boothe one block north of
Twin Beech Road

School District:

Fairhope Elementary, Middle,
and High School

Report prepared by:

J. Buford King
LEED AP, QCI

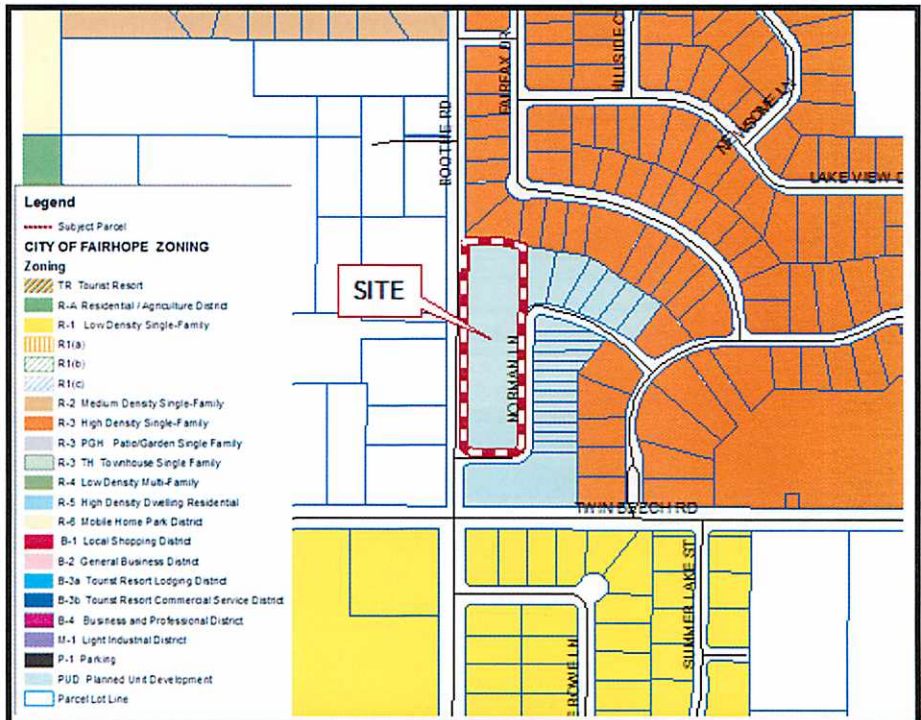
Staff Recommendation:

Approval

Planning Commission

Recommendation:

Conditional Approval



Summary of Request:

Public hearing to consider the request of Dewberry | Preble-Rish on behalf of Anil K. Vira (lot 19-A), Stephen B. and Korokay Christensen (lot 19-B), Gale Majors (lot 19-C), and BCL&L Acquisitions, LLC (lots 19-D to 19-O) for approval of an amendment to the Planned United Development (PUD) zoning classification of Lot 19 in the existing Fairfield Subdivision. Subject PUD amendment will modify the exiting PUD’s master plan to reflect the establishment of lot lines for the three structures currently existing on Lot 19 (to become lots 19-A, 19-B, and 19-C) as well as reflect the establishment of lots for the remainder of Lot 19 resulting in a total of fifteen (15) lots. A re-subdivision application (case number SD 18.04) has been submitted concurrently for the re-subdivision of Lot 19 of the existing Fairfield Subdivision, Unit VI.

Comments:

Subject property is generally located on Boothe Road one block north of Twin Beech Road with access via Norman Lane, a paved, publicly-maintained street. The subject property is 3.11 acres in size and the average size of each lot after subdividing will be 0.15 acres +/- . The largest lot is 0.16 acres and the smallest lot is 0.14 acres in size. A survey is included in the subject application to reflect the proposed lots to be added to the existing PUD’s master plan.

The *City of Fairhope Zoning Ordinance*, Article III.A. provides the following purpose for the zoning of the subject property:

PUD Planned Unit Development: This district is intended to encourage innovative development that meets comprehensive plan goals and is tailored to the unique constraints and conditions of a particular site. This district allows flexibility in uses, designs, and building layouts as opposed to other zoning districts to better serve community needs.

The *City of Fairhope Zoning Ordinance*, Article VI. Section A.4. further defines the requirements of Planned Unit Development (PUD):

Ordinance and Site Plan Required – Each Planned Unit Development shall have an Ordinance that establishes the development of regulations for the district. In approving a Planned Unit Development, the ordinance shall reference the site plan, which shall prescribe development standards. The site plan after approval shall become part of the amending ordinance. All development shall be in conformance with the approved Site Plan and development regulations.

Ordinance number 1308, case number ZC 06.10, was adopted by the Fairhope City Council on July 10, 2006 creating the existing PUD related to subject property. The dimensional standards comprising ordinance number 1308 are summarized in the table below:

Ordinance 1308 Dimensional Standards

<i>District</i>	<i>Min. Lot Size</i>	<i>Min. Lot Width</i>	<i>Front</i>	<i>Rear</i>	<i>Side</i>	<i>Max.Coverage</i>	<i>Max. Height</i>
PUD	Not specified	Not specified	35’	10’	5’	31.5%	30’

The requested PUD amendment the subject property reflects the dimensional standards shown above. In addition, an additional 10' common area a 10' landscape buffer west of the subject property shown on the existing PUD master plan is also reflected in the PUD amendment survey drawing.

School Student Analysis:

The proposed PUD amendment master plan for lot 19 of the Fairfield Subdivision contains fifteen (15) single family lots. The “townhomes” in the existing PUD are detached units, and therefore treated as single family units. Applying the student yield factors (SYF) provided by the Baldwin County Board of Education listed below, the development is expected to generate 5.85 (15 x 0.39) elementary school students, 1.65 (15 x 0.11) middle school students and 2.55 (15 x 0.17) high school students.

Development Name	Application Type	Housing Type	Total Units	Attendance Zone	SYF	Expected Number of Students
Lyons Subdivision	Final Plat	SF	15	Fairhope Elementary	0.39	5.85
" "	" "	"	"	Fairhope Middle	0.11	1.65
" "	" "	"	"	Fairhope High	0.17	2.65
Total Students						10.15

Allowable Uses:

Ordinance 1308 specifies “residential” as the only allowable use within the PUD. The subject PUD amendment does not request any change in usage and only reflects the depicted on the included survey to be incorporated into the PUD’s master plan.

Zoning History of Nearby Properties:

Case number ZC 00.12 was a request of Paul Monroe or a zoning change from R-1 Single Family Residential to R-3 Single Family Residential on Multiple Lots in Fairfield Subdivision. The property is generally located at Boothe Road and Twin Beech Road. The Fairhope City Council considered the re-zoning request on July 10, 2000.

Case number ZC 05.15 was a request of Fairfield Financial, LLC for a Zoning Change from R-3 High Density Single Family to Planned Unit Development (PUD). The property is generally located at the northeast corner of Twin Beech Road (County Road 44) and Boothe Road. The Fairhope City Council adopted the zoning change at their November 28, 2005.

Case number ZC 06.10 was a request of Hutchinson, Moore, and Raugh, LLC, to amend the existing Fairfield Unit VI PUD ordinance. The property is generally located at the northeast corner of Twin Beech Road (County Road 44) and Boothe Road. The Fairhope City Council adopted the PUD amendment on July 10, 2006.

Fairhope Comprehensive Plan Guidance

The subject property is located approximately 1.5 miles southeast of the Fairhope Avenue/Greeno Road Village Node, and 2.03 miles southwest of the Fairhope Avenue/State HWY 181 Village Node.

The subject property does not abut the village nodes described above, and given the distance from the nodes to the subject property, there is no conflict of compatibility between the uses.

Site Photos



Subject property looking northwest from Norman Ln



Subject property looking southwest from Norman Ln



Subject property looking west from Norman Ln



Subject property looking south from Norman Ln

Staff Recommendation:

Staff recommends the rezoning be **APPROVED**.

Planning Commission Recommendation:

The City of Fairhope Planning Commission, at its January 4, 2018 meeting, unanimously recommended the rezoning be **APPROVED** subject to the following condition:

1. Planning Commission approval of Case # SD 18.04, Re-subdivision of Lot 19, Fairfield Subdivision Unit VI.

The City of Fairhope Planning Commission, at its January 4, 2018 meeting, unanimously approved Case # SD 18.04, Re-subdivision of Lot 19, Fairfield Subdivision Unit VI subject to the following condition:

1. City Council approval zoning change Case # ZC 18.01 Lot 19, Fairfield Unit VI PUD Amendment.