



**City of Fairhope
Planning Commission Agenda
5:00 PM
Council Chambers
November 5, 2018**

1. Call to Order

Karin Wilson
Mayor

2. Approval of Minutes

Council Members

Kevin G. Boone

Robert A. Brown

Jack Burrell, ACMO

Jimmy Conyers

Jay Robinson

Lisa A. Hanks, MMC
City Clerk

Michael V. Hinson, CPA
City Treasurer

- July 2, 2018
- August 6, 2018
- September 6, 2018
- October 1, 2018

3. Consideration of Agenda Items:

- A. SD 18.35 Public hearing to consider the request of North Hills at Fairhope, LLC for Preliminary Plat approval of North Hills at Fairhope, a 112-lot subdivision. The property is located on the north side of State Hwy. 104 approximately 1/2 mile east of County Road 13, to be known as North Hills at Fairhope.
PPIN #: 98367
- B. ZC 18.12 Public hearing to consider the request of The Bills' No. 2, LLC to establish initial zoning of R-2 Medium Density Single Family Residential District conditional upon annexation into the City of Fairhope. The property is located on the west side of Lawrence Road approximately 1/4 mile north of Gayfer Road Extension.
PPIN #: 369809 and 369810
- C. ZC 18.13 Public hearing to consider the request of Joe Roszkowski, on behalf of Superb Food, Inc., to rezone property from R-1 Low Density Single Family Residential District to M-1 Light Industrial District. The property is located on the south side of Nichols Avenue across from Hawthorne Glen subdivision.
PPIN #: 206820 and 214349
- D. SD 18.38 Public hearing to consider the request of Truland Homes, LLC for plat approval of OBV Acres, a 3-lot minor subdivision. The property is located northwest of the existing phases of Old Battles Village.
PPIN #: 71702
- E. SD 18.39 Public hearing to consider the request of Montrose Properties, Inc. for Preliminary Plat approval of Fox Hollow, Phase 3, a 32-lot subdivision. The property is located on the east side of County Road 13 approximately 1/4 mile south of Morphy Avenue.
PPIN #: 15399 and 243119

- F. SD 18.40 Public hearing to consider the request of Allen Fonde for plat approval of Fonde Division, a 2-lot minor subdivision. The property is located on the north side of Mosley Road across from Plainview Drive.
PPIN #: 14097
- G. UR 18.06 Request of Southern Light, LLC for an 11.52.11 Utility Review and approval of the proposed underground installation of approximately 732 linear feet of fiber optic cable. The project will run along Morphy Avenue and S. Section Street to service The Citizen's Bank at 104 S. Section Street.
- H. UR 18.07 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed underground installation of approximately 5,404 linear feet of fiber optic cable. The project will run throughout Quail Creek subdivision.

4. Old/New Business

- SD 16.37 The Verandas, Phase 1 and SD 17.09 The Verandas, Phase 3 & 4
– Request for 1-year extension of the preliminary plat approval
- Election of Officers
- 2019 Agenda Schedule

5. Adjourn

The Planning Commission met Monday, July 7, 2018 at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner, Chairperson; Art Dyas; Rebecca Bryant; Charles Johnson; Richard Peterson; Hollie MacKellar; Tim Simmonds; Jack Burrell; Wayne Dyess, Planning Director; Buford King, Planner; Nancy Milford, Planner; Emily Boyett, Secretary; and Ken Watson, City Attorney

Absent: Ralph Thayer and Clarice Hall-Black

Chairman Turner called the meeting to order at 5:00 PM and announced the meeting is being recorded.

SD 18.19 Public hearing to consider the request of HMR, LLC for Multiple Occupancy Project approval of a New Bank and Retail – Ecor Rouge, a 6-unit project, Robert Cummings. The property is located on the west side of Greeno Road between Edwards Avenue and Fairhope Avenue. Mr. King gave the staff report saying the subject property fronts upon Greeno Road consisting of approximately 5.76 total acres and 0.80 project site acres. The subject application is a MOP and does not request subdivision of lands or the creation of new lots; however, a concurrent subdivision application will be separately-considered to establish condominium units on subject property. The subject property contains an existing restaurant, church, and office building occupying a former grocery store building. The subject application is a Multiple Occupancy Project and as a result there is no “plat” to be submitted for final approval. In order to fulfill the final inspection requirements of Article IV, Section C.6.a. and b., as well as Article IV, Section D.4, staff recommends **APPROVAL** of the MOP request subject to the conditions below:

- 1) A pre-construction conference will be required prior to land disturbance.
 - a. The sequencing of construction of the three buildings, procedures for requests for building inspection, site stabilization requirements for each building site and initiation of closeout procedures will be clarified during the pre-construction conference.
 - b. Consult with the COF horticulturalist to determine if any tree-protections will be required for the existing trees along the ROW adjacent to subject property.
- 2) Acceptance of the request for waiver of ten (10) LID techniques and acceptance of the use of four (4) LID techniques for the site.
- 3) Include with the building permit plans elevations indicating how screening is accomplished for any items included with the site requiring screening as required by Article IV, Section B.2. Note the maximum allowable building height in B-2 General Business District is 30’-0” tall.
- 4) An elevation certificate shall be included with the building permit request for each building.
- 5) Revise drawing 10 of 13 “Erosion Control Plan” to reflect the COF 10-day rule in the lieu of the ADEM 13-day rule shown regarding temporary seeding.
- 6) Subject development is an MOP and not a typical subdivision. In lieu of the final plat approval procedure required for a typical subdivision, the closeout procedure for subject development includes the follow procedures and/or documents:

- a) Maintenance Bond as required by Article IV, Section.D.1.a. for any infrastructure to be dedicated to the City of Fairhope
 - b) A fully-executed and recorded copy of the Operations and Maintenance (O&M) Plan and Agreement for maintenance of detention facilities and other storm water quantity and quality BMPs as required by Article IV, Section.D.1.b.(17) and Article V, Section F.3.a.(3)(a)(3)
 - c) Digital or video image(s) with date and time stamp of storm drains to ensure drainage structures are undamaged and free of debris and sediment as required by Article IV, Section.D.1.b.(16)
 - d) One copy of the site as-built drawings as well as one copy of the drainage calculations containing the engineer's certificate required by Article IV, Section.D.1.b.(18) and Article VI, Section E.6–8 as well as a statement identifying the POA or similar entity responsible for maintaining any and all storm water facilities and structures located outside of the publicly accepted ROW.
 - e) One copy of the landscape as-built drawings with a statement from the landscape architect of record indicating the various landscape features have been completed as-designed.
 - f) Inspection of all other MOP-applicable sections of Article IV, Section D. 1.b.(1) – (18)
 - g) Inspection of all other MOP-applicable sections of Article VI, Construction Standards and Chapter 19 of the City of Fairhope Code of Ordinances, testing requirements.
- 7) Approval of the landscape plan by the City of Fairhope Horticulturist.
 - 8) Approval of case SD 18.20 Ecor Rouge Place, A Condominium by the City of Fairhope Planning Commission.

Mr. Cummings was present on behalf of the applicant.

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 for **approval** of the MOP request subject to the conditions below:

- 1) A pre-construction conference will be required prior to land disturbance.
 - a. The sequencing of construction of the three buildings, procedures for requests for building inspection, site stabilization requirements for each building site and initiation of closeout procedures will be clarified during the pre-construction conference.
 - b. Consult with the COF horticulturalist to determine if any tree-protections will be required for the existing trees along the ROW adjacent to subject property.
- 2) Acceptance of the request for waiver of ten (10) LID techniques and acceptance of the use of four (4) LID techniques for the site.
- 3) Include with the building permit plans elevations indicating how screening is accomplished for any items included with the site requiring screening as required by Article IV, Section B.2. Note the maximum allowable building height in B-2 General Business District is 30'-0" tall.
- 4) An elevation certificate shall be included with the building permit request for each building.

- 5) Revise drawing 10 of 13 “Erosion Control Plan” to reflect the COF 10-day rule in the lieu of the ADEM 13-day rule shown regarding temporary seeding.
- 6) Subject development is an MOP and not a typical subdivision. In lieu of the final plat approval procedure required for a typical subdivision, the closeout procedure for subject development includes the follow procedures and/or documents:
 - h) Maintenance Bond as required by Article IV, Section.D.1.a. for any infrastructure to be dedicated to the City of Fairhope
 - i) A fully-executed and recorded copy of the Operations and Maintenance (O&M) Plan and Agreement for maintenance of detention facilities and other storm water quantity and quality BMPs as required by Article IV, Section.D.1.b.(17) and Article V, Section F.3.a.(3)(a)(3)
 - j) Digital or video image(s) with date and time stamp of storm drains to ensure drainage structures are undamaged and free of debris and sediment as required by Article IV, Section.D.1.b.(16)
 - k) One copy of the site as-built drawings as well as one copy of the drainage calculations containing the engineer’s certificate required by Article IV, Section.D.1.b.(18) and Article VI, Section E.6–8 as well as a statement identifying the POA or similar entity responsible for maintaining any and all storm water facilities and structures located outside of the publicly accepted ROW.
 - l) One copy of the landscape as-built drawings with a statement from the landscape architect of record indicating the various landscape features have been completed as-designed.
 - m) Inspection of all other MOP-applicable sections of Article IV, Section D. 1.b.(1) – (18)
 - n) Inspection of all other MOP-applicable sections of Article VI, Construction Standards and Chapter 19 of the City of Fairhope Code of Ordinances, testing requirements.
- 7) Approval of the landscape plan by the City of Fairhope Horticulturist.
- 8) Approval of case SD 18.20 Ecor Rouge Place, A Condominium by the City of Fairhope Planning Commission.

Rebecca Bryant 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Charles Johnson, Lee Turner, Hollie MacKellar, Richard Peterson, and Jack Burrell. NAY – none.

SD 18.20 Public hearing to consider the request of HMR, LLC for plat approval of Ecor Rouge Condo, a 6-unit condominium development, Robert Cummings. The property is located on the west side of Greeno Road between Edwards Avenue and Fairhope Avenue. Mr. King gave the staff report saying the applicant requests approval of preliminary and final plat of three new condominium units to be located at the at the Ecor Rouge shopping center. The subject property fronts upon Greeno Road consisting of approximately 5.76 total acres and 0.80 project site acres. The subject application is concurrently submitted with case number SD 18.19, a Multiple Occupancy Project (MOP) for a bank and retail site on the same property. The MOP does not request subdivision of lands or the creation of new lots, however subject application creates condominium “lines of ownership” that serve as the “lot lines” on which the units requested by SD 18.19 may be built.

The subject property contains three existing condominium units occupied by a restaurant, a church, and office space occupying a former grocery store building. The proposed new condominium unit "lot lines" will be created in the existing parking lot serving the existing condominium units and will front upon Greeno Road. Staff recommends preliminary and final plat **APPROVAL** of the three condominium units subject to the condition(s) below:

- 1) Approval of Case # SD 18.19, New Bank and Retail-Ecor Rouge Shopping Center.

Mr. Cummings was present on behalf of the applicant.

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 for preliminary and final plat **approval** of the three condominium units subject to the condition(s) below:

- 1) Approval of Case # SD 18.19, New Bank and Retail-Ecor Rouge Shopping Center.

Charles Johnson 2nd the motion.

Mr. Burrell asked if the three lots will be leased separately and Mr. Cummings responded there will be two spaces on each lot.

The motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Charles Johnson, Lee Turner, Hollie MacKellar, Richard Peterson, and Jack Burrell. NAY – none.

SD 18.24 Public hearing to consider the request of Sawgrass Consulting, LLC for Preliminary plat approval of Twin Beech Estates, a 72-lot subdivision, Ercil Godwin. The property is located on the north side of County Road 44 (a.k.a. Twin Beech Road) just west of St. Hwy. 181. Mr. King gave the staff report saying the subject property is approximately 22.6 acres and is currently located in an unzoned region of Baldwin County. The applicant has a current application for conditional annexation to PUD (case ZC18.02). The Planning Commission unanimously approved the conditional annexation and re-zoning at the May 7, 2018 meeting. Staff recommends **APPROVAL** of the Preliminary plat of Twin Beech Estates contingent upon the following conditions:

- 1) City Council approval of Case # ZC 18.02, annexation of subject properties and re-zoning to PUD.
- 2) Waiver of five (5) of the ten (10) LID techniques required by Article V, *Section F.11.f.(1)-(15)*. Five LID techniques are utilized in eight (8) locations as indicated in *Article V, Section F.8.e.-g.* in the "comments" section of the staff report.

Mr. Burrell stated concerns with the greenspace and questioned the use of common area for drainage. Mr. Dyas asked Richard Johnson, Public Works Director, if he agrees with the traffic data not requiring improvements for Twin Beech Road. Mr. Johnson stated a left turn lane would be a potential issue, but the study did not warrant a turn lane. Mr. Dyess explained the difference between greenspace and common area. He noted detention and storm water holding areas cannot be included in greenspace calculations. Mr. Burrell asked if the application would meet the requirements of the subdivision regulations if the project was not a PUD and Mr. King responded yes.

Mr. Godwin addressed the Commission saying the project exceeds the greenspace requirements. He explained the PUD zoning was requested to allow for three different

lot sizes but all other aspects of the Subdivision Regulations still had to be met. Mrs. MacKellar asked if the final product will look like the drawings and Mr. Godwin responded yes, the layout will be the same but the sidewalk locations within the greenspace could vary due to natural features. Mr. Dyess stated the regulations only require 10% of greenspace.

Mr. Turner opened the public hearing.

David Ellis of 7194 Brodbeck Lane – He asked where the sewer from all this new construction is going and Mr. Peterson responded new lift stations are being built for new developments and phase one of the sewer improvements have been started. Mr. Ellis also noted traffic concerns and reduced fees for those annexing into the City. Mr. Dyess stated the impact fees are required for property inside city limits. Mr. Burrell added there are also property and sales tax that the City gets from annexed properties.

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

Hollie MacKellar made a motion to accept the staff recommendation for **approval** of the Preliminary plat of Twin Beech Estates contingent upon the following conditions:

- 1) City Council approval of Case # ZC 18.02, annexation of subject properties and re-zoning to PUD.
- 2) Waiver of five (5) of the ten (10) LID techniques required by Article V, *Section F.11.f.(1)-(15)*. Five LID techniques are utilized in eight (8) locations as indicated in *Article V, Section F.8.e.-g.* in the “comments” section of the staff report.

Art Dyas 2nd the motion.

Mr. Burrell asked what communication utilities will be provided and Mr. Godwin responded he did not know but conduit will be installed in the right-of-way inside the development, but the applicant cannot make the providers come down Twin Beech. The motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Charles Johnson, Lee Turner, Hollie MacKellar, Richard Peterson, and Jack Burrell. NAY – none.

SD 18.26 Public hearing to consider the request of Moore Surveying, Inc. for plat approval of the Re-plat of Lots 4, 5, 6, 7, and 8 of Red Barn Road Estates, a 9-lot subdivision, Seth Moore. The property is located on the southeast corner of the intersection of County Road 33 and Red Barn Road. Ms. Milford gave the staff report saying the subject property is approximately 28.29 acres in unzoned Baldwin County. The original approved Red Barn Road Subdivision consisted of 16 lots. The applicant is taking a portion of those lots, reconfiguring 5 of the original 16 lots and then adding 4 additional lots. The smallest lot is approximately 2.61 acres and the largest lot is approximately 5.97 acres. The minor plat for Red Barn Road Subdivision contains 9 single family lots. However, the applicant is only adding 4 lots to the original subdivision. Staff recommends **APPROVAL** contingent upon the following conditions:

1. The applicant shall provide written verification (letter or email) from Baldwin County regarding approval of Lot 25 as a flag lot.
2. The applicant shall add the note that was on the previously recorded plat regarding the wetland specialist and engineer. The note on the previous plat reads as follows: “The owner of each lot shall provide to the City of Fairhope Planning Department a signed sealed certification from and Alabama Registered Professional Civil

Engineer and a wetland specialist stating that the drainage and Low Impact Development (LID) have met the City of Fairhope drainage and LID requirements.”

3. The applicant shall provide a note on the plat that sidewalks shall be required at building permit.
4. The applicant shall correct the utility easements and building setback lines so that the utility easements are not greater than the building setback lines and meet the City of Fairhope’s requirements.

Mr. Turner and Mr. Dyas stated concerns with the major subdivision being resubdivided into multiple minor divisions to circumvent the requirements of the Subdivision Regulations. Mr. Burrell and Mrs. Bryant questioned the number of lots and the process by which it was reviewed. Mr. Dyess explained the proposed lots exceed the minimum lot size requirements. Mr. Watson stated a piece of land is being made into 9 lots and it does not constitute a minor subdivision. Mr. Dyess noted only 4 new lots are being proposed and the other 5 lots are just lot line adjustments. Mr. Peterson asked what would change if the application was reviewed as a major subdivision and Mr. Dyess responded nothing because no infrastructure is required. Ms. Milford added the preliminary and final plat would be heard simultaneously and the fees would be double. Mrs. Bryant noted a concern with the flag lot. Mr. Johnsons addressed the Commission saying the application has kept all the original requirements of the previous approval and has even added sidewalks. Mr. Burrell said the lot sizes meet and exceed the requirements, but his concern is if this continues with the rest of the lots then the density will be out of control. Mr. Turner said he liked the large lots and they fit with the surrounding properties but not if they are being chopped up into smaller and smaller lots. Mrs. Bryant asked if the heritage tree will be saved and questioned the increase of stormwater from the previously approval. Mr. Johnson responded the lots are still in excess of 10,000 square feet and he does not see drainage as a problem. Mrs. Bryant asked if the application was a major subdivision would the tree be protected and Ms. Milford responded no, this is residential property and unzoned. Mr. Moore addressed the Commission saying this could have been accomplished in a 2-step process by requesting a common lot line movement and then a minor subdivision. Mr. Dyas suggested changing the regulations to specify a particular piece of property. Mr. Dyess stated these are legal lots of record and only 4 new lots are being created. Mrs. Bryant asked the intended use of the flag lot with the tree and Mr. Moore responded the owner plans to keep the tree and build their residence on the lot. Mr. Burrell explained he wants to prevent a huge subdivision by circumventing the major subdivision regulations. Mr. Dyas and Mr. Burrell asked if the application can be voted on as a major subdivision and Mr. Watson stated yes, they are just changing the label and not the proposal. Mr. Turner opened the public hearing.

Bruce and Joy Larsen of 18837 Highland Drive – He stated concerns with stormwater, drainage, erosion, and size of the lots. He said they were told one thing and now it is being changed. Mr. Turner explained the only way to prevent the lots from being subdivided is a deed restriction. Mr. Larsen also said there are gopher tortoises on the property. Mr. Burrell noted the drainage techniques that will be applied to these properties may help the downstream runoff. Mrs. Larson stated their home has flooded in the past and the water continues to rise with each rain event.

Monty Montgomery of 31200 River Road – He asked if the LID techniques that were required with the first subdivision were carried over to this application because this will

double the amount of impervious area. He said this is stealth subdividing and now it is becoming something the residents in the area didn't know it was going to be.

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

Mrs. Bryant asked how the LIDs will be enforced and Mr. Dyess answered at the time of building permit. Mr. Johnson stated a signed and sealed drainage plan is required for each lot. Mr. Burrell stated the runoff will not be any worse than what is happening now especially with the LID techniques incorporated.

Jack Burrell made a motion to accept the staff recommendation for Preliminary and Final plat **approval** contingent upon the following conditions:

1. The applicant shall provide written verification (letter or email) from Baldwin County regarding approval of Lot 25 as a flag lot.
2. The applicant shall add the note that was on the previously recorded plat regarding the wetland specialist and engineer. The note on the previous plat reads as follows: "The owner of each lot shall provide to the City of Fairhope Planning Department a signed sealed certification from and Alabama Registered Professional Civil Engineer and a wetland specialist stating that the drainage and Low Impact Development (LID) have met the City of Fairhope drainage and LID requirements."
3. The applicant shall provide a note on the plat that sidewalks shall be required at building permit.
4. The applicant shall correct the utility easements and building setback lines so that the utility easements are not greater than the building setback lines and meet the City of Fairhope's requirements.

Art Dyas 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Charles Johnson, Lee Turner, Hollie MacKellar, Richard Peterson, and Jack Burrell. NAY – none.

SD 18.27 Public hearing to consider the request of HMR, LLC for Multiple Occupancy Project approval of Old Battles Place, Phase 2, at 94-unit project, Tim Lawley. The property is located on the northeast corner of the intersection of Old Battles Road and S. Section Street. Mr. King gave the staff report saying the site is approximately 40.89 total acres and is zoned R-5 High Density Multi-Family Residential District. The subject application is an MOP and does not request subdivision of lands or the creation of new lots. Phase 1 of the development has been constructed, consisting of 110 apartment homes. Phase 2 will complete development of the site and add an additional 94 apartment homes of similar configuration and arrangement to Phase 1.

Staff recommends **approval** of the MOP request subject to the conditions below:

- 1) A pre-construction conference will be required prior to land disturbance associated with Phase 2.
 - a. Incidental land disturbance associated with Phase 1 may continue prior to the Phase 2 pre-construction meeting.
 - b. The sequencing of apartment home construction, procedures for requests for building inspection, and site stabilization requirements for each apartment home site will be clarified during the pre-construction conference.
- 2) Acceptance of the request for waiver of ten (10) LID techniques and acceptance of the use of six (6) LID techniques. A similar waiver as was accepted for Phase 1 of subject

- development. The six LID techniques occur in 21 locations throughout Phase 1 and Phase 2.
- 3) The building official will monitor the progress of the construction of the apartment homes in Phase 2. When the building official determines approximately 75% of the apartment homes have attained certificate of occupancy, staff will conduct the following closeout procedures as well as request the following closeout documents:
- a. Maintenance Bond as required by Article IV, Section.D.1.a. for any infrastructure to be dedicated to the City of Fairhope.
 - b. A fully-executed and recorded copy of the Operations and Maintenance (O&M) Plan and Agreement for maintenance of detention facilities and other storm water quantity and quality BMPs as required by Article IV, Section.D.1.b.(17) and Article V, Section F.3.a.(3)(a)(3).
 - c. Digital or video image(s) with date and time stamp of storm drains to ensure drainage structures are undamaged and free of debris and sediment as required by Article IV, Section.D.1.b.(16).
 - d. One copy of the site as-built drawings as well as one copy of the drainage calculations, both containing the engineer's certificate required by Article IV, Section.D.1.b.(18) and Article VI, Section E.6.–8. and identifying the entity responsible for maintenance of drainage facilities outside the public ROW or public easements.
 - e. One copy of the landscape as-built drawings with a statement from the landscape architect of record indicating the various landscape features have been completed as-designed.
 - f. Inspection of all other MOP-applicable sections of Article IV, Section D. 1.b.(1) – (18).
 - g. Inspection of all other MOP-applicable sections of Article VI, *Construction Standards* and Chapter 19 of the *City of Fairhope Code of Ordinances*, testing requirements.

Mr. King explained each of the LID techniques being utilized in the development and the location of each. Mr. Dyas asked if the project meets the City's rules and regulations and Mr. King responded yes. Mr. Burrell asked if MOPs are required to have 10% of greenspace like other subdivisions and Mr. King responded no. Mr. Burrell stated he would like to make the greenspace required for MOPs and Mr. King said an amendment can be proposed to change the regulation. Mrs. Bryant asked where the constructed wetland is located and Mr. King explained it is in Phase 1. Mrs. Bryant stated pervious pavement is required to be used due to the parking requirements and the applicant is also listing it as a LID technique. She said counting it as both is double dipping. Mr. Burrell asked if grass buffers can be counted as greenspace or just as storm water and Mr. King said he is not sure if the uses can be overlapped. Mr. Turner stated some LIDs are very usable for greenspace. Mr. Dyess explained an open field can function as both a LID and greenspace.

Tim Lawley addressed the Commission saying greenspace is not required for MOPs but the subject development is 20 acres with 5 acres of greenspace proposed. He explained the site has a pool, clubhouse and deck.

Mr. Turner noted there are sidewalks stubbed out for the surrounding area to connect.

Mr. Turner opened the public hearing.

Allen Jones of 17891 S. Section Street – He stated concerns with drainage and noted there have been numerous issues with red runoff from this site.

Carol Gordon of 17861 S. Section Street – She stated the Commission has already denied this project once for the health, safety, and welfare of the public and this proposal is not doing anything different. She said the issues will continue if this phase is approved.

Lexie Jones of 17891 S. Section Street – She said the rules and regulations are here to protect the City but they have not worked for this site. She asked the Commission to make the best decision for the citizens.

Bonnie Gulsby of 410 Bartlett Avenue – She said the health, safety and welfare of the public is in danger with this development. She stated there have been 18 calls to ADEM, City stop work orders, and 3 self-reports because of this site. She showed pictures of run-off and flooding issues downstream. She asked the Commission to deny due to the waivers requested.

Beth Brodbeck of 18280 S. Section Street – She said this site is environmentally detrimental and it is affecting hundreds of homes downstream. She said the sidewalks should be provided by the developer and not the city or the citizens.

Bo Brodbeck of 18280 S. Section Street – He asked the point of LIDs is if the developers are only meeting the bare minimums. He said the problems will continue and what will it be like in 5 years.

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

Mr. Lawley addressed the public comments saying sidewalks were not required with Phase 1 but the developer is adding them. He explained the water quality of the run-off has improved and will continue once Phase 2 is completed because the site was designed together. He stated ADEM conducted numerous inspections and only 1 violation was ever given. Mr. Peterson asked if the phasing of the project is causing the turbidity and Mr. Lawley explained a 6” or 7” rain event will cause turbid water and that is why ADEM has a major event clause. Mr. Turner noted the roads being required to be paved will help the run-off. Mr. Burrell stated the City has passed new regulations due to Phase 1 of this development. Richard Johnson, Public Works Director, stated red clay turns the water red but the sediment is what will be helped with the new regulations. He explained LIDs are really for post development and the best way to help the situation is to finish the site. Mr. Burrell stated most of the concerns with this project are with stormwater and turbidity. Mr. Lawley explained the site is only 40 acres but the watershed for the corner where the water has been an issue is the draining point for 1200 acres. Mrs. MacKellar stated crop run-off doesn’t cause roads to wash out. Mr. Lawley stated the County made improvement upstream and install new larger culverts the same time Phase 1 was beginning which is what made it seem all the issues were from this site.

Art Dyas made a motion to accept the staff recommendation for **approval** of the MOP request subject to the conditions below:

- 1) A pre-construction conference will be required prior to land disturbance associated with Phase 2.
 - a. Incidental land disturbance associated with Phase 1 may continue prior to the Phase 2 pre-construction meeting.
 - b. The sequencing of apartment home construction, procedures for requests for building inspection, and site stabilization requirements for each apartment home site will be clarified during the pre-construction conference.

- 2) Acceptance of the request for waiver of ten (10) LID techniques and acceptance of the use of six (6) LID techniques. A similar waiver as was accepted for Phase 1 of subject development. The six LID techniques occur in 21 locations throughout Phase 1 and Phase 2.
- 3) The building official will monitor the progress of the construction of the apartment homes in Phase 2. When the building official determines approximately 75% of the apartment homes have attained certificate of occupancy, staff will conduct the following closeout procedures as well as request the following closeout documents:
 - a. Maintenance Bond as required by Article IV, Section.D.1.a. for any infrastructure to be dedicated to the City of Fairhope.
 - b. A fully-executed and recorded copy of the Operations and Maintenance (O&M) Plan and Agreement for maintenance of detention facilities and other storm water quantity and quality BMPs as required by Article IV, Section.D.1.b.(17) and Article V, Section F.3.a.(3)(a)(3).
 - c. Digital or video image(s) with date and time stamp of storm drains to ensure drainage structures are undamaged and free of debris and sediment as required by Article IV, Section.D.1.b.(16).
 - d. One copy of the site as-built drawings as well as one copy of the drainage calculations, both containing the engineer's certificate required by Article IV, Section.D.1.b.(18) and Article VI, Section E.6.–8. and identifying the entity responsible for maintenance of drainage facilities outside the public ROW or public easements.
 - e. One copy of the landscape as-built drawings with a statement from the landscape architect of record indicating the various landscape features have been completed as-designed.
 - f. Inspection of all other MOP-applicable sections of Article IV, Section D. 1.b.(1) – (18).
 - g. Inspection of all other MOP-applicable sections of Article VI, *Construction Standards* and Chapter 19 of the *City of Fairhope Code of Ordinances*, testing requirements.

Richard Peterson 2nd the motion.

Mr. Burrell asked if the project meets the health, safety and welfare of the public and Mr. Dyess stated the project meets the City regulations. He said health, safety and welfare is ambiguous, but the regulations are based on the health, safety and welfare and the project meets the regulations. Mrs. MacKellar stated the stormwater is a concern.

The motion carried with the following vote: AYE – Art Dyas, Charles Johnson, Lee Turner, Richard Peterson, and Jack Burrell. NAY – Rebecca Bryant and Hollie MacKellar.

Old / New Business

Resubmittal Requirements, Subdivision Regulations Amendment – Mr. Dyess explained the Subdivision Regulation currently state a parcel cannot be reconsidered by the Planning Commission for 6 months if a preliminary plat is denied on said parcel. Mr. Dyas stated the proposed amendment would allow the plat to be resubmitted before the

180 day time frame if the applicant has clearly addressed the concerns stated in the denial.

LID Amendment – Mr. King provided the Commission a draft proposal of an amendment to the LID requirements in the Subdivision Regulations. He highlighted the changes which include removing the required use of 10 LID techniques and adding a reference to the Alabama LID Handbook. He stated there will be a worksession prior to the next Planning Commission meeting to further discuss the proposed changes. Mr. Dyess stated the proposed changes will still require the same results for discharge just not mandate the number of techniques be used. Mr. Turner stated he likes the proposed changes.

Greenspace Requirements – Mr. Burrell suggested greenspace be based on the density of a project and not a set percentage. Mrs. MacKellar said she would like to see greenspace defined for each development. Mr. Turner stated R-1 properties are not required to provide any greenspace. Mr. Burrell stated 10% should be the minimum but the denser the project the more greenspace that should be required. Mrs. Bryant said she would like see more diverse bio-retention and practical applications.

Having no further business, Richard Peterson made a motion to adjourn. Jack Burrell 2nd the motion and the motion carried unanimously. The meeting was adjourned at 8:56 PM.

Lee Turner, Chairman

Emily Boyett, Secretary

The Planning Commission met Monday, August 6, 2018 at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

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

Absent: Jack Burrell

Chairman Turner called the meeting to order at 5:04 PM and announced the meeting is being recorded.

Mr. Turner introduced Clarice Hall-Black as the newest Commissioner.

SD 18.25 Public hearing to consider the request of S.E. Civil Engineering, LLC for plat approval of Garner Subdivision, a 3-lot minor division, Larry Smith. The project is located on the northeast corner of the intersection of S. Church Street and Bergundy Street. Ms. Milford gave the staff report saying the property is approximately 1.06 acres in size and is currently one lot with a single-family residence. The owners plan to split the property, demolish the house and then re-build on one of the lots. The applicant is requesting the plat approval be extended from 60 days to 180 days. This will give the applicant time to take the necessary steps to remove/demolish the existing house.

Staff recommends approval contingent upon the following conditions:

1. The applicant is requesting the plat approval be extended from 60 days to 180 days. This will give the applicant time to take the necessary steps to remove/demolish the house. The plat not be signed by the City of Fairhope staff until the existing residence on the subject property is demolished and verified by the City of Fairhope;
2. The approval by the Planning Commission of the request for extension of the 60 day recording period to 180 days.
3. Sidewalks shall be constructed at time of home construction on subject property. Submit standard sidewalk details with building plans for homes to be constructed on the subject property. Existing sidewalks shall be brought into ADA compliance at the time of home construction.
4. The applicant shall provide a note of clarification that 5' will be dedicated to the City of ROW to provide sufficient row in this location.

Mr. Smith addressed the Commission saying the owners would like a circular drive for Lot 1 to allow access to both streets. Mr. Johnson, Public Works Director, responded he would prefer one access but due to the low traffic volume he is not opposed to two access points. He also added he would be able to review the driveway placement at time of permitting.

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 approve contingent upon the following conditions:

1. The applicant is requesting the plat approval be extended from 60 days to 180 days. This will give the applicant time to take the necessary steps to

- remove/demolish the house. The plat not be signed by the City of Fairhope staff until the existing residence on the subject property is demolished and verified by the City of Fairhope;
2. The approval by the Planning Commission of the request for extension of the 60 day recording period to 180 days.
 3. Sidewalks shall be constructed at time of home construction on subject property. Submit standard sidewalk details with building plans for homes to be constructed on the subject property. Existing sidewalks shall be brought into ADA compliance at the time of home construction.
 4. The applicant shall provide a note of clarification that 5' will be dedicated to the City of ROW to provide sufficient row in this location.

Charles Johnson 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, Richard Peterson, and Clarice Hall-Black. NAY – none.

SD 18.29 Discussion regarding the request of Mullins, LLC for Site Plan approval of Northgate Subdivision, a 482-lot Village Subdivision, Joe Rector. The project is located on the south side of St. Hwy. 104 just west of the intersection of St. Hwy. 104 and Lawrence Road. Mr. King gave the staff recommendation to table the request beyond 30 days.

Mr. Rector addressed the Commission saying they are going to make some changes and bring the project back for approval. He explained this application is a new design for the site but there is an existing village subdivision approval for the subject property. He stated Trae Corte previously obtained approval and now Mullins, LLC is seeking to redesign the western portion. He noted the site is in close proximity to a village center as denoted in the City's Comprehensive Plan and the applicant is replicating the village design in the development. He noted the design will have large lots overlooking natural wetlands and he asked the Commission to look at the net density and not lot size. He stated there is a focal greenspace in the middle of the site with additional greenspace along the edges which will be connected by pedestrian trails.

Mr. Dyas questioned the traffic analysis and Mr. Rector stated there is a 10 year build-out plan and the traffic improvements will be constructed as developed. Mrs. MacKellar asked if this approval has a sunset clause and Mr. Dyess responded the preliminary plat approval expires after 2 years. Ken Watson stated the site plan has an expiration of 6 months but it only requires the preliminary plat be approved for the first phase. Dr. Thayer stated traffic studies need updating periodically to account for future growth. He also said he like the addition of a connection to the 3 Circles church. Mr. Rector stated the church actually requested the connection and he said it will be a platted right-of-way. Mrs. MacKellar suggested adding amenities and a commercial aspect along Hwy. 104. Mr. Turner said he wants to see sidewalks along Hwy. 104. Mrs. Bryant said the access connections and amenities should be front loaded. Richard Johnson, Public Works Director, stated ALDOT will dictate the required improvements and the phasing plan of the improvements. He suggested each phase be designed to meet the standards on their own so if future phases are not constructed all aspects will be met.

Rebecca Bryant stated a conflict with SD 18.30 and SR 18.05. She recused herself and left the dais.

SD 18.30 Public hearing to consider the request of James and Beverly Reid for Multiple Occupancy Project approval of Reid Mixed Use Development, a 21-unit project, Larry Smith. The property is located on the south side of Magnolia Avenue just west of Church Street. Mr. King gave the staff report saying the property is zoned B-2 General Business District and is in the Central Business District Overlay of downtown Fairhope, consisting of a combined 0.81 acres. Subject application is an MOP and does not request subdivision of lands or the creation of new lots. The development proposes six (6) structures with a total of 21 units. Subject application is a Multiple Occupancy Project and as a result there is no “plat” to be submitted for final approval. In order to fulfill the final inspection requirements of Article IV, Section C.6.a. and b., as well as Article IV, Section D.4, staff recommends **APPROVAL** of the MOP request subject to the conditions below:

- 1) A pre-construction conference will be required prior to land disturbance.
 - a. The sequencing of construction of the various buildings, procedures for requests for building inspection, site stabilization requirements for each building site and initiation of closeout procedures will be clarified during the pre-construction conference.
 - i. Any building constructed “stand-alone” must be constructed and all improvements installed for “stand-alone” functionality and will have its own closeout process.
- 2) Submission of a copy of the recorded utility easements related to subject property.
- 3) Submission of a re-plat of the existing lot lines to fit the proposed development. (Administrative approval, no new lots to be created)
- 4) Subject development is an MOP and not a typical subdivision. In lieu of the final plat approval procedure required for a typical subdivision, the closeout procedure for subject development includes the follow procedures and/or documents as applicable:
 - a. Maintenance Bond as required by Article IV, Section.D.1.a. for any infrastructure to be dedicated to the City of Fairhope
 - b. Digital or video image(s) with date and time stamp of storm drains to ensure drainage structures are undamaged and free of debris and sediment as required by Article IV, Section.D.1.b.(16)
 - c. One copy of the site as-built drawings as well as one copy of the drainage calculations containing the engineer’s certificate required by Article IV, Section.D.1.b.(18) and Article VI, Section E.6–8 as well as a statement identifying the POA or similar entity responsible for maintaining any and all storm water facilities and structures located outside of the publicly accepted ROW.
 - d. One copy of the landscape as-built drawings with a statement from the landscape architect of record indicating the various landscape features have been completed as-designed.
 - e. Inspection of all other MOP-applicable sections of Article IV, Section D. 1.b.(1) – (18)
 - f. Inspection of all other MOP-applicable sections of Article VI, Construction Standards and Chapter 19 of the City of Fairhope Code of Ordinances, testing requirements.

Larry Smith addressed the Commission saying the property is in the CBD and they are proposing to expand the existing sidewalk to 8' and push the building closer to the street which will help the trees in the middle of the property.

Mr. Turner opened the public hearing.

Al Johnson of 215 Magnolia Avenue – He stated this area drains down the hill and floods his property. He asked how the drainage and run-off will be addressed.

Dan Stubler of 209 Magnolia Avenue – He stated he is in favor of the development but has concerns with headlights shining in his windows. He also had concerns with parking during construction. He asked what the phasing and timeline would be.

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

Mr. Smith addressed the public comments saying a new storm system will be constructed to tie into the existing system. He stated the access points are existing, but the flow could possibly be reversed to help with the lights and glare. He added Saxe Lane is also an access point that will be used. Mr. Smith said there has not been a construction staging plan developed yet but the applicant will start with one building and the rest will be market driven.

Art Dyas made a motion to accept the staff recommendation for **APPROVAL** of the MOP request subject to the conditions below:

- 1) A pre-construction conference will be required prior to land disturbance.
 - a. The sequencing of construction of the various buildings, procedures for requests for building inspection, site stabilization requirements for each building site and initiation of closeout procedures will be clarified during the pre-construction conference.
 - i. Any building constructed “stand-alone” must be constructed and all improvements installed for “stand-alone” functionality and will have its own closeout process.
- 2) Submission of a copy of the recorded utility easements related to subject property.
- 3) Submission of a re-plat of the existing lot lines to fit the proposed development.
(Administrative approval, no new lots to be created)
- 4) Subject development is an MOP and not a typical subdivision. In lieu of the final plat approval procedure required for a typical subdivision, the closeout procedure for subject development includes the follow procedures and/or documents as applicable:
 - a. Maintenance Bond as required by Article IV, Section.D.1.a. for any infrastructure to be dedicated to the City of Fairhope
 - b. Digital or video image(s) with date and time stamp of storm drains to ensure drainage structures are undamaged and free of debris and sediment as required by Article IV, Section.D.1.b.(16)
 - c. One copy of the site as-built drawings as well as one copy of the drainage calculations containing the engineer’s certificate required by Article IV, Section.D.1.b.(18) and Article VI, Section E.6–8 as well as a statement identifying the POA or similar entity responsible for maintaining any and all storm water facilities and structures located outside of the publicly accepted ROW.
 - d. One copy of the landscape as-built drawings with a statement from the landscape architect of record indicating the various landscape features have been completed as-designed.

- e. Inspection of all other MOP-applicable sections of Article IV, Section D. 1.b.(1) – (18)
- f. Inspection of all other MOP-applicable sections of Article VI, Construction Standards and Chapter 19 of the City of Fairhope Code of Ordinances, testing requirements.

Ralph Thayer 2nd the motion and the motion carried with the following vote: AYE – Art Dyas, Charles Johnson, Ralph Thayer, Hollie MacKellar, Richard Peterson, Clarice Hall-Black. NAY – None. ABSTAIN – Lee Turner.

SR 18.05 Request of James and Beverly Reid for Site Plan approval of Reid Mixed Use Development, a 21-unit project, Larry Smith. The property is located on the south side of Magnolia Avenue just west of Church Street. Mr. King gave the staff report saying the property is zoned B-2 General Business District and is in the Central Business District Overlay of downtown Fairhope, consisting of a combined 0.81 acres. Subject application is a mixed-use development which proposes six (6) structures with a total of 21 units. Staff recommendation is for **APPROVAL**.

Dr. Thayer asked if there will be elevators and Mr. Smith responded none are proposed but they can be incorporated.

Charles Johnson made a motion to accept the staff recommendation for **APPROVAL**.

Art Dyas 2nd the motion and the motion carried with the following vote: AYE – Art Dyas, Charles Johnson, Ralph Thayer, Hollie MacKellar, Richard Peterson, Clarice Hall-Black. NAY – None. ABSTAIN – Lee Turner.

Rebecca Bryant returned to the dais.

ZC 18.06 Public hearing to consider the request of Truland Homes, LLC for a PUD Amendment to the Old Battles Village PUD, Steve Pumphrey. The property is located on the north side of Battles Road, between Section Street and Greeno Road. Mr. Dyess gave the staff report saying the applicant is seeking to amend Phases 3, 4, 5, and 6 of the Old Battles Village PUD Master Plan. The most significant change in lot sizes and lot number will occur in phases 5 and 6, with minor changes to phases 3 and 4 needed to accommodate the changes to phases 5 and 6. The proposed changes will increase the total number of lots in the development by four lots, resulting in a change from 177 total lots to 181 lots. The total area of the development will remain unchanged at 86.76 acres. The proposed changes minimally increase the development density from 2.04 units per acre to 2.09 units per acre. No request for changes in use has been proposed and the use of the development shall remain “single family residential” as the use type. No other use types are above and beyond single family residential are indicated in the applicant’s PUD request narrative. Phase 5, the “Hamlet” is ringed with a 20’ and 25’ “green belt”, large common area buffer or abuts the property line of an adjoining property located in unincorporated Baldwin County. The smallest lot abutting the property subject of the amendment is 11,480 sq.ft. (82’x140’) to the north and approximately 13,800 sq.ft. for the property abutting on the east. In comparison, the smallest lot inside the “Hamlet” abutting the east and northern properties are 8,775 sq.ft. Where the “Hamlet” abuts lots outside of itself, a green belt, common area or property line is present thereby separating dissimilar lot sizes. The “Hamlet”, is essentially self-contained neighborhood within a neighborhood with all lots fronting inward to the development with no lots directly abutting adjoining

lots in other phases of Old Battles Village. The subject property comprising the request for PUD amendment is a component of the Old Battles Village Master Plan, approved by the Fairhope City Council on August 22, 2016. Staff believes that the proposed amendment offers a variety of single family lot types without unduly affecting neighboring properties. In addition, the green belt and common area concept provides not only a visual buffer and separation for the subject property but also provides a unique aesthetic surrounding for this self-contained internally facing neighborhood.

Staff recommends that ZC 18.06 Old Battles Place PUD Amendment be **APPROVED**.

Mr. Pumphrey addressed the Commission saying this design amendment was relocated to a further future phase at the request of the residents in the neighborhood.

Mrs. Bryant asked if the buffer is required to be sodded or planted and Mr. Pumphrey responded there are trees proposed in the buffer.

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

Mrs. Boyett stated no letters have been received but several residents called to verify the location of the amendment had been moved to the north.

Art Dyas made a motion to accept the staff recommendation for **APPROVAL** of the Old Battles Village PUD Amendment. Ralph Thayer 2nd the motion and the motion carried unanimously with the following vote: AYE - Art Dyas, Rebecca Bryant, Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, Richard Peterson, and Clarice Hall-Black. NAY – None.

UR 18.05 Request of AT&T for an 11.52.11 Utility Review and approval of approximately 1,269 linear foot of underground installation of fiber optic cable, Wade Mitchell. The project will run along Magnolia Avenue, N. Church Street, and the Fairhope Parking Garage alley to service 23 N. Section Street. Ms. Milford gave the staff report saying The applicant proposes to install approximately 1269 linear feet of 1.5” and 2” HPDE conduit, equipped with a fiber optic cable, across Magnolia Avenue, just west of Section Street., along Magnolia Avenue to N. Church St. along N. Church Street to the alley entering the Fairhope Parking Garage, and through the alley to the rear of 23 N. Section St. Fiber Optic handholes to be placed in the sidewalk in two locations The applicant proposes to install 7 handholes flush to grade and replacing 3 existing pedestals in the alley. Staff recommendation is to approve with the following conditions:

- 1) The applicant shall follow the general comments related to utility work, as stated above.
- 2) All mechanical equipment shall be painted Munsell green as applicable.
- 3) The applicant shall provide verification of the depth of the bore to the Public Works Director.
- 4) The applicant shall provide the City of Fairhope with the Right of Entry documents from the Lease holder (Parking Authority) and the grantor (Fairhope Single Tax).
- 5) A pre-construction conference shall be held prior to construction and written notice shall be provided in advance to the affected business owners, along with a written schedule.

Mrs. Bryant was concerned with the large trees on Magnolia Avenue and Richard Johnson, Public Works Director, stated boring is the least intrusive and preferred method of installation near and around trees.

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

- 1) The applicant shall follow the general comments related to utility work, as stated above.
- 2) All mechanical equipment shall be painted Munsell green as applicable.
- 3) The applicant shall provide verification of the depth of the bore to the Public Works Director.
- 4) The applicant shall provide the City of Fairhope with the Right of Entry documents from the Lease holder (Parking Authority) and the grantor (Fairhope Single Tax).
- 5) A pre-construction conference shall be held prior to construction and written notice shall be provided in advance to the affected business owners, along with a written schedule.

Richard Peterson 2nd the motion and the motion carried unanimously with the following vote: AYE - Art Dyas, Rebecca Bryant, Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, Richard Peterson, and Clarice Hall-Black. NAY – None.

Resolution 2017-03 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department to approve a proposed amendment to Article V, Section F. 11 Low Impact Development (LID) requirements in the City of Fairhope Subdivision Regulations. Mr. King gave the staff report saying the major changes include removing the required use of 10 LID techniques and adding a reference to the Alabama LID Handbook. He also stated there were a few minor text edits and grammatical corrections. Staff recommendation is to **APPROVE** as presented.

Mr. Turner opened the public hearing.

Wade Burches – He stated he was glad to see the City being proactive about drainage and he applauded these changes.

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

Mrs. Bryant asked why the waiver allowance is still included and Mr. Dyess responded he thought it best to keep it but does not see where it should ever be needed. Mr. Turner said he would not be in favor of granting a waiver to the LID requirements if this change is approved.

Ralph Thayer made a motion to accept the staff recommendation to **APPROVE** as presented. Rebecca Bryant 2nd the motion and the motion carried unanimously with the following vote: AYE - Art Dyas, Rebecca Bryant, Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, Richard Peterson, and Clarice Hall-Black. NAY – None.

Having no further business, Ralph Thayer made a motion to adjourn. Rebecca Bryant 2nd the motion and the motion carried unanimously. The meeting was adjourned at 6:50 PM.

Lee Turner, Chairman

Emily Boyett, Secretary

The Planning Commission met Thursday, September 6, 2018 at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner, Chairperson; Art Dyas; Rebecca Bryant; Charles Johnson; Ralph Thayer; Richard Peterson; Clarice Hall-Black; Wayne Dyess, Planning Director; Buford King, Planner; Nancy Milford, Planner; Emily Boyett, Secretary; and Ken Watson, City Attorney

Absent: Hollie MacKellar and Jack Burrell

Chairman Turner called the meeting to order at 5:00 PM and announced the meeting is being recorded.

Mr. Turner announced Item A. ZC 18.07 Rezone request for 20451 County Road 13 has been tabled by the applicant until the October 1, 2018 meeting.

SD 18.31 Public hearing to consider the request of Bryce and Cora McMurry for plat approval of Cora Mae's Place, a 3-lot minor subdivision, Seth Moore. The project is located at the southeast corner of the intersection of County Road 13 and County Road 44 (a.k.a. Twin Beech Road). Ms. Milford gave the staff report saying the subject property is 6.119 acres with 3 lots proposed. The largest lot is 3.1 acres and the smallest lot is 1.452 acres. The property is unzoned in Baldwin County and is situated on the south east corner of County Road 13 and Twin Beech Road. There is a house and two out buildings on the property. The house appears to have built in approximately 1978, according to the Baldwin County Records. According to the applicant, the out buildings on the property are going to be removed and Mr. McMurry has plans to reduce the size of the existing house. Sidewalks are required per the City of Fairhope Subdivision Regulations; however, the applicant has submitted a waiver request from the sidewalk requirements. Staff recommends **APPROVAL** contingent upon the following conditions:

- 1) The applicant shall not have more than two access points on Twin Beech Road.
- 2) Sidewalks shall be installed unless the waiver is approved by Planning Commission.

Seth Moore addressed the Commission saying he has added a note to the plat for a common driveway. He explained the size of the lots do not require sidewalks if it was just in the County. Mr. Turner asked about a fire hydrant and Mr. Moore responded a fire hydrant is not required because the applicant plans to install a well.

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

Mr. Turner said he would like to see sidewalks installed along these lots and Richard Johnson, Public Works Director, stated the City just received a grant to build sidewalks from Sedgefield to the soccer fields just south of the subject property on County Road 13. Mr. Moore explained there is not enough right-of-way to install the sidewalks, but the applicant is not opposed to a 10' easement along County Road 44 for sidewalks. Mr. Dyas agreed sidewalks are needed to tie into the forthcoming infrastructure. Mr. Turner asked how far back the easement needs to be to stay out of the ditch on County Road 13 and Mr. Moore and Mr. Johnson explained there is a steep embankment on the east side

of County Road 13 which leads to wetlands to the south. Mr. Turner said he wants sidewalks built or a 20' easement for sidewalks along both rights-of-way.

Art Dyas made a motion for **APPROVAL** contingent upon the following conditions:

- 1) The applicant shall not have more than two access points on Twin Beech Road.
- 2) A waiver to require sidewalks in the right-of-way.
- 3) A 10' sidewalk easement shall be added to the plat along the front of Lot 1 and 2 adjacent to County Road 44 right-of-way and along the west side of Lot 2 adjacent to the County Road 13 right-of-way.
- 4) A 20' sidewalk easement shall be added to the plat along the west side of Lot 3 adjacent to the County Road 13 right-of-way.

Ralph Thayer 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas, Rebecca Bryant, Charles Johnson, Ralph Thayer, Lee Turner, Richard Peterson and Clarice Hall-Black. NAY – none.

Resolution 2018-01 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department to approve a proposed amendment to Article IV, Section C.4. Planning Commission Decision procedures in the City of Fairhope Subdivision Regulations regarding resubmittal requirements, Wayne Dyess. Mr. Dyess stated the proposed amendment will allow applicants to resubmit within 180 days if they have adequately addressed the Commission's concerns which led to a previous denial. Staff recommendation is for **APPROVAL** as presented.

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 for **APPROVAL** as presented. Ralph Thayer 2nd the motion and the motion carried unanimously with the following vote: Art Dyas, Rebecca Bryant, Charles Johnson, Ralph Thayer, Lee Turner, Richard Peterson and Clarice Hall-Black. NAY – none.

Resolution 2018-02 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department to approve a proposed amendment to Article IV, Section H. Multiple Occupancy Projects in the City of Fairhope Subdivision Regulations to require greenspace, Wayne Dyess. Mr. Dyess stated the proposed amendment will require Multiple Occupancy Projects comply with the greenspace requirements for subdivisions. Staff recommendation is for **APPROVAL** as presented.

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 for **APPROVAL** as presented. Charles Johnson 2nd the motion and the motion carried unanimously with the following vote: Art Dyas, Rebecca Bryant, Charles Johnson, Ralph Thayer, Lee Turner, Richard Peterson and Clarice Hall-Black. NAY – none.

Resolution 2018-03 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department to approve a proposed amendment to Article IV, Section B. Pre-application and Sketch Plat in the City of Fairhope Subdivision Regulations to require pre-application conferences and community meetings, Wayne Dyess. Mr. Dyess stated these procedures are happening informally in the process now but the proposed amendment will require the applicants to meet with staff

and the community prior to submitting an application. Staff recommendation is for **APPROVAL** as presented. Mr. Turner asked if Mr. Dyess has used this procedure in other places and Mr. Dyess responded yes, it worked very well in Walton County. Mr. Dyess stated lots of minor issues were caught and worked out prior to the public hearing. He added it is sometimes easier to have dialog and communication without the pressure of the public hearing.

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 for **APPROVAL** as presented. Rebecca Bryant 2nd the motion and the motion carried unanimously with the following vote: Art Dyas, Rebecca Bryant, Charles Johnson, Ralph Thayer, Lee Turner, Richard Peterson and Clarice Hall-Black. NAY – none.

Old / New Business

Greenspace Standards, Subdivision Regulations Amendment – Mr. Dyess stated the Commission requested the greenspace requirement be looked at to amend the percentage to be based on the density of a development. Mr. Dyess provided a draft of the proposed amendment to the Commission. Mr. Turner stated he would like to encourage detention to be an amenity, i.e. ponds stocked for fishing, docks, suitable for kayaks, canoes, or paddleboats. Mr. Turner said to put it out front so its visible and the POA maintains it instead of in the back with a fence around it. Mrs. Bryant said it's all how it's worded and designed to make detention an amenity. She stated 25% seems high for hard surfaces and suggested looking at vertical greenspace too. Mr. Peterson asked if greenspace includes clubhouses and Mr. Dyess responded yes. Mr. Dyess said staff will re-evaluate the wording and bring it back to the Commission.

Walton County Field Trip, Seaside and Rosemary Beach, Florida – Mr. Dyess invited the Commission to attend a day trip to 30A/South Walton County to look at several New Urbanism projects. He sated Rick Hall and David Bailey will be showing us how their communities have approached similar challenges including pedestrian safety, connectivity and the demands of rapid growth using good community design standards primarily created through New Urbanism. We have a tentative date of Thursday, September 13th, 2018.

Having no further business, Rebecca Bryant made a motion to adjourn. Charles Johnson 2nd the motion and the motion carried unanimously. The meeting was adjourned at 5:47 PM.

Lee Turner, Chairman

Emily Boyett, Secretary

The Planning Commission met Monday, October 1, 2018 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; Ralph Thayer; Hollie MacKellar; Richard Peterson; Clarice Hall-Black; Jack Burrell; Wayne Dyess, Planning Director; Buford King, Planner; Nancy Milford, Planner; Mike Jeffries, Planning Technician; Emily Boyett, Secretary; and Ken Watson, City Attorney
Absent: Rebecca Bryant

Chairman Turner called the meeting to order at 5:00 PM and announced the meeting is being recorded.

ZC 18.05 Public hearing to consider the request of Eva M. Raley to rezone property from R-1 Low Density Single Family Residential District to B-2 General Business District, Larry Smith. The property is located on the east side of US Hwy. 98 (a.k.a. Greeno Road) between St. Hwy. 104 and Volanta Avenue, at 814 N. Greeno Road. Mr. King gave the staff report saying the property is bordered to the north by the Hayek PUD, to the south by the Park Place PUD, and to the east by the Auburn University Gulf Coast Experiment Station, zoned R-1 Low Density Single Family Zoning District. The existing uses and emerging development pattern created by the two nearby PUDs along with the proximity of the recreation facility is inherently commercial in nature into which introduction of a B-2 zoning district is not inappropriate. Staff recommends **APPROVAL** subject to the following condition:

- 1) Restaurant drive-through lanes and windows are prohibited.

Mr. Burrell asked if all drive-throughs are precluded on PUDs and Mr. King responded he was not sure. Mr. Turner asked about the overlay district that was discussed for the Greeno Road Corridor and Mr. Dyess stated the City is conducting a Visual Preference Survey on November 8th and 9th and staff is waiting for those results before moving forward. Mr. Dyess stated the site is located between two village centers and below the acreage required for a PUD. Dr. Thayer said he would like to see this site and the PUDs work together instead of three individual developments. Mr. Turner suggested waiting until the survey is completed to approve this change and Mr. Dyess said it will take several months to get all the results. Mr. Turner said he would like to see the building facades and landscaping along the right-of-way, not parking lots.

Larry Smith addressed the Commission saying the applicant would like to mimic what the adjacent PUDs have approved and they are willing to restrict parking to the rear of the buildings. He added that waiting several months for the survey results does not work for his client's timeframe. Mr. Burrell asked if the applicant would agree to other restrictions such as no gas station, convenience store or mechanic/repair shop.

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

Mr. Dyas asked for the list of allowed uses in B-2. Mr. Dyess stated the following: Allowed by Right: Single Family, Two-family, Mixed Used, Elementary and Secondary Schools, Educational Facility, Library, Public or Common Open Space, General or Professional Office, Grocery Retail, General Merchandise, Shopping Center, General Personal Services, Automobile Repair, Indoor Recreation, Boarding House or Dormitory, Restaurant, Bar, and Entertainment Venues.

Permitted Subject to special conditions listed in the ordinance: Townhouse, Accessory Dwelling, Home Occupation, Convenience Store, and Recreational Vehicle Park.

Permitted only on appeal and subject to special conditions: Cemetery, Hospital, Community Center or Club, Public Utility, Automobile Service Station, Outdoor Sales Limited, Outdoor Sales Lot, Garden Center, Convalescent or Nursing Home, Clinic, Outdoor Recreational Facility, Day Care, Mortuary or Funeral Home, Dry Cleaner or Laundry, Personal Storage, Hotel or Motel, Kennel or Animal Hospital, and Limited Manufacturing.

Mr. Peterson said the Fairhope Recreation Center is an asset and the close proximity would warrant single family or high density residential at this location.

Art Dyas made a motion for **APPROVAL** subject to the following conditions:

- 1) Parking shall be in the rear.
- 2) Drive-through lanes and windows are prohibited.
- 3) Automobile repair is prohibited.

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

SD 18.32 Public hearing to consider the request of LA Development, LLC for Preliminary Plat approval of Pinewood Subdivision, Phase 2, an 18-lot division, Ercil Godwin.

The property is located on the south side of Manley Road between Saddlewood Subdivision and the City of Fairhope Soccer Complex. Mr. King gave the staff report saying the subject property is approximately 7.42 acres and 18 lots are proposed. The applicant previously submitted case ZC 18.05 requesting conditional annexation to R-2 medium density single family zoning district for subject property. Case ZC 18.05 was approved during the Planning Commission meeting on May 7, 2018 and consideration by the Fairhope City Council is pending.

Staff recommends **APPROVAL** contingent upon the following conditions:

- 1) Final approval of case ZC 18.05, conditional annexation to R-2 medium density single family zoning district by the Fairhope City Council.
- 2) Acceptance of the applicant's request for wavier of six (6) of the ten LID techniques formerly required by Article V Section F.11. Subject application was submitted prior to the adoption of resolution 20017-03 and therefore the LID provisions are applicable to subject property, necessitating a need for a LID wavier.

Mr. Dyas asked why the City Council has not heard the zoning case yet and Mr. King stated the applicant requested the zoning case be held until the subdivision case was approved. Dr. Thayer asked how utility and service vehicles will turn around at the dead-ends and Mr. King answered there are hammerheads proposed at each location.

Ercil Godwin addressed the Commission and gave the background and timeline for this project. Mr. Turner stated the surrounding residents had several concerns regarding what they were told by D.R. Horton when they purchased their homes. Mr. Godwin explained neither he nor his client have control over what information D.R. Horton gave.

Mr. Turner opened the public hearing.

Edward Jackson of 106 Open Field Drive – He stated concerns with a subdivision inside a subdivision and asked if a property owner's association will be formed for this

development. He also wanted clarification whether the drainage would tie into the existing Saddlewood drainage system and pond.

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

Doug Chaffin of Sawgrass Consulting addressed the public comments saying a POA will be required for this subdivision and the northwest corner of this site will drain to the road due to the topography but everything else will be directed to the new infrastructure. Mr. Turner asked if the drainage will be more than pre-development and Mr. Chaffin responded no, it will be significantly less going to the Saddlewood system.

Art Dyas made a motion to accept the staff recommendation for **APPROVAL** contingent upon the following conditions:

- 1) Final approval of case ZC 18.05, conditional annexation to R-2 medium density single family zoning district by the Fairhope City Council.
- 2) Acceptance of the applicant's request for waiver of six (6) of the ten LID techniques formerly required by Article V Section F.11. Subject application was submitted prior to the adoption of resolution 20017-03 and therefore the LID provisions are applicable to subject property, necessitating a need for a LID waiver.

Jack Burrell 2nd the motion and the motion carried unanimously with the following vote: AYE - Art Dyas, Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, Richard Peterson, Clarice Hall-Black, and Jack Burrell. NAY – none.

ZC 18.09 Public hearing to consider the request of Billie, LLC to establish initial zoning of R-2 Medium Density Single Family Residential District conditional upon annexation into the City of Fairhope, John Avent. The property is located on the south side of St. Hwy. 104 approximately ½ mile east of County Road 13. Ms. Milford gave the staff report saying The property is approximately 35.08 acres and connects to Highway 104 on the northern side of the property and Mosley Road on the southern side of the property. The property appears to be undeveloped based on the Baldwin County Mapping system aerials. There is a natural blue line stream feature shown on the subject property, which represents the headwaters to Fly Creek. With an R-2 Zoning Designation, the applicant could build up to 145 units on this site 4.14 Units Per Acre (UPA). However, given the natural feature of the site, the applicant proposes a concept more in line with approximately 45 UPA. Staff recommends to **APPROVE** as requested. Mr. Dyas asked if there will be traffic coordination along St. Hwy. 104 with the multiple projects and Mr. Dyess responded St. Hwy. 104 and 181 are controlled by ALDOT and the City does not have jurisdiction to require improvements. Richard Johnson, Public Works Director, stated the Eastern Shore MPO is tracking everything the local Planning Commissions are approving and ALDOT sits on that board.

John Avent addressed the Commission saying this request is for zoning only and the traffic study will be at the time of subdivision.

Mr. Turner opened the public hearing.

Ken Mayfield of 9119B Mosley Road – He asked if the drainage and traffic have been reviewed for Mosley Road. Mr. Turner explained this is only to approve the use of the property for single family residential and the drainage and traffic will be reviewed once the property is developed.

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

Art Dyas made a motion to accept the staff recommendation to **APPROVE** as requested. Charles Johnson 2nd the motion and the motion carried unanimously with the following vote: AYE - Art Dyas, Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, Richard Peterson, Clarice Hall-Black, and Jack Burrell. NAY – none.

Jack Burrell left the meeting.

SD 18.34 Public hearing to consider the request of Truland Homes, LLC for Preliminary Plat approval of Hamlet at Old Battles Village, Phase 5, a 42-lot subdivision, John Avent. The property is located on the west side of Garrison Blvd. and north of Old Battles Village, Phase 4. Ms. Milford gave the staff report saying the total tract of the subject property is approximately 12.47 acres and 42 lots are proposed. On August 6, 2018, the applicant made a PUD Amendment request to Planning Commission to amend Phases 3, 4, 5, and 6 with minor changes to Phases 3 & 4 to accommodate the changes to Phases 5 & 6. The proposed modification was a redesign of the undeveloped portion of the PUD to remove lots from significant drainage areas and environmentally sensitive areas and move the units designed for an aging population (smaller lots). The application was approved by Planning Commission and Council is pending. Staff recommends **APPROVAL** of the application contingent upon the following conditions:

1. The Council approval of the Old Battles Village PUD Amendment (ZC 18.06) and conditions of approval therein.
2. All pending water and sewer approvals from Mr. Richard Peterson, PE, Director of Operations shall be obtained prior to the pre-construction meeting.
3. All pending public works approval from Mr. Richard Johnson, PE, Public Works Director shall be obtained prior to the pre-construction meeting.

John Avent was present to answer questions.

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 for **APPROVAL** of the application contingent upon the following conditions:

1. The Council approval of the Old Battles Village PUD Amendment (ZC 18.06) and conditions of approval therein.
2. All pending water and sewer approvals from Mr. Richard Peterson, PE, Director of Operations shall be obtained prior to the pre-construction meeting.
3. All pending public works approval from Mr. Richard Johnson, PE, Public Works Director shall be obtained prior to the pre-construction meeting.

Ralph Thayer 2nd the motion and the motion carried unanimously with the following vote: AYE - Art Dyas, Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, Richard Peterson, and Clarice Hall-Black. NAY – none.

ZC 18.10 Public hearing to consider the request of North Hills at Fairhope, LLC to establish initial zoning of R-2 Medium Density Single Family Residential District conditional upon annexation into the City of Fairhope, John Avent. The property is located on the north side of St. Hwy. 104 approximately ½ mile east of County Road 13, to be known as North Hills at Fairhope. Mr. King gave the staff report saying the applicant is seeking concurrent annexation and rezoning of approximately 13.47 acres +/-

from unzoned Baldwin County to the City of Fairhope R-2 Medium Density Single Family Residential District. The 13.47 acre area is a portion of a parcel of approximately 96.8 acres to which the applicant has also requested to annex but as R-1 Low Density Single Family Residential district. Staff recommends **APPROVAL** as requested. Mr. Dyess stated the applicant has also submitted a preliminary plat for the subject property, but it did not make the agenda. Mrs. MacKellar asked what amenities will be in the subdivision and Mr. Dyess responded the proposed development will be very similar to The Waters subdivision.

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 for **APPROVAL** as requested. Charles Johnson 2nd the motion and the motion carried unanimously with the following vote: AYE - Art Dyas, Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, Richard Peterson, and Clarice Hall-Black. NAY – none.

SD 18.36 Public hearing to consider the request of Anthem Development, LLC for Final Plat approval of Anthem Oaks Subdivision, a 9-lot division, John Avent. The property is located at the southeast corner of the intersection of County Road 32 and Mandrell Lane. Ms. Milford gave the staff report saying the subject property is approximately 30.07 acres in unzoned Baldwin County and 9 lots are proposed. Staff recommends **APPROVAL** contingent upon the following condition:

1. The fire hydrants markers shall be installed.

Dr. Thayer asked if the development is phased and Ms. Milford responded no.

Mr. Turner opened the public hearing.

Connie Cotton of 12415 Old Timney Lane – She stated concerns with drainage and said the run-off from this site causes the southeast corner to wash out.

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

Jared Landry of Dewberry Engineering, Inc addressed the public comments saying the site naturally drains to the southeast but the post-development run-off will not exceed the pre-development rates.

Charles Johnson made a motion to accept the staff recommendation for **APPROVAL** contingent upon the following condition:

1. The fire hydrants markers shall be installed.

Hollie MacKellar 2nd the motion and the motion carried unanimously with the following vote: AYE - Art Dyas, Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, Richard Peterson, and Clarice Hall-Black. NAY – none.

IR 18.02 Request of JADE Consulting, LLC for an Informal Review of Higbee Farms, a 264-unit Multiple Occupancy Project, Max Dearing. The property is located at the northeast corner of the intersection of Higbee Road and St. Hwy. 104. Mr. Dearing addressed the Commission saying the applicant is proposing 264 high-end apartments on approximately 22 acres. Mr. Dyas asked if there will be a commercial component to support the residents of the facility to reduce the stress on the major infrastructure. Dr. Thayer noted the parking needs to accommodate clubhouse functions and warned the widening of St. Hwy. 104 may take most of the greenspace denoted along the right-of-way. Mrs. MacKellar stated concern with the parking being along the ROW. Robert Randall, applicant, stated there have been talks with a grocery store for this

location and Mr. Dyas said now groceries do not require the massive footprints they once did. Mr. Randall said the development will be market driven. Mr. Peterson questioned the density and setbacks for this property and Mr. Watson stated they are not requesting a subdivision and splitting the land. Mr. Watson explained the units in the buildings are being leased not the land. Mr. Dyess said the property is unzoned and the City's authority is very limited. He added if this project was inside city limits, this proposal would not meet the compatibility analysis. Mr. King noted the site is also outside the City's Building Permit Jurisdiction as well.

Trae Corte asked why this proposal is not required to meet the Comprehensive Plan and Mr. Dyess explained this will be required to follow the Multiple Occupancy Project process but the applicant is not proposing to subdivide the property.

Old / New Business

Walton County Field Trip, Seaside and Rosemary Beach, Florida – Mr. Dyess said thanked the Commissioners who attended the field trip. He said it was very informative and an excellent example of long-term planning executed. Mrs. MacKellar said the best way to learn is to see the practices implemented. Mr. Dyess said he would like to do a similar trip once a year to different places.

Having no further business, Art Dyas made a motion to adjourn. Charles Johnson 2nd the motion and the motion carried unanimously. The meeting was adjourned at 7:19 PM.

Lee Turner, Chairman

Emily Boyett, Secretary



Planning Commission

November 5, 2018

Preliminary Plat

Case: SD 18.35 North Hills at Fairhope

Project Name:

North Hills Fairhope

Property Owner:

A.I. Corte, III

Engineer of Record:

Dewberry Engineers, Inc.

General Location:

5/8 west of AL Hwy. 181,
North Side of AL Hwy. 104

Project Type:

Preliminary Plat

Number of lots:

112

Project Acreage:

96.8

Zoning District:

R-1 and R-2 Single Family
Pending Conditional
Annexation

PPIN Number:

98367

School District:

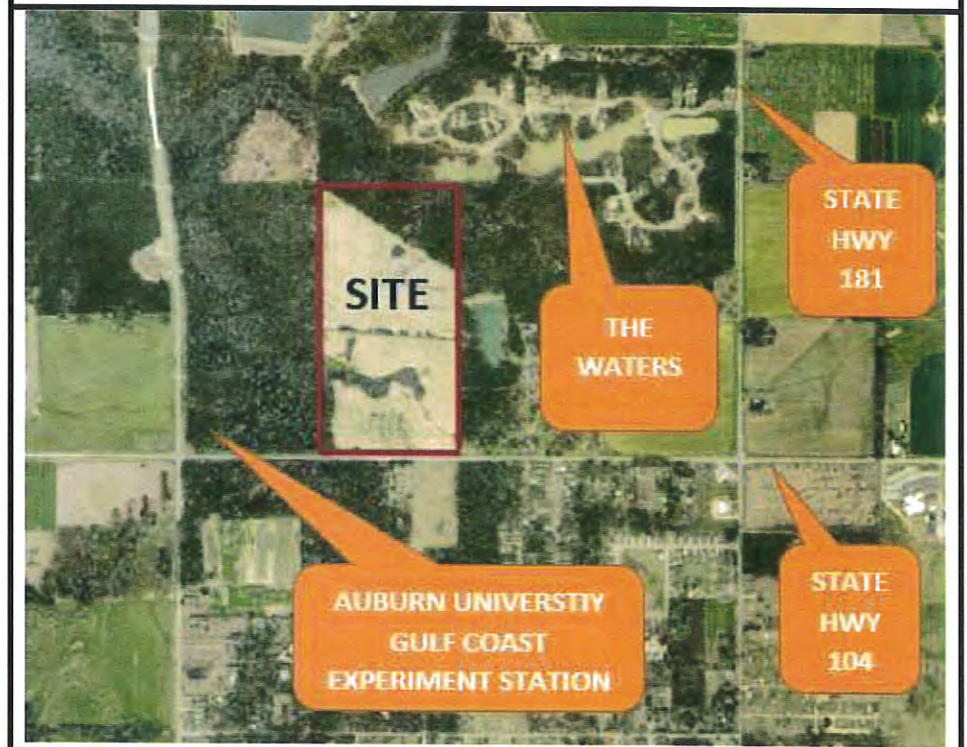
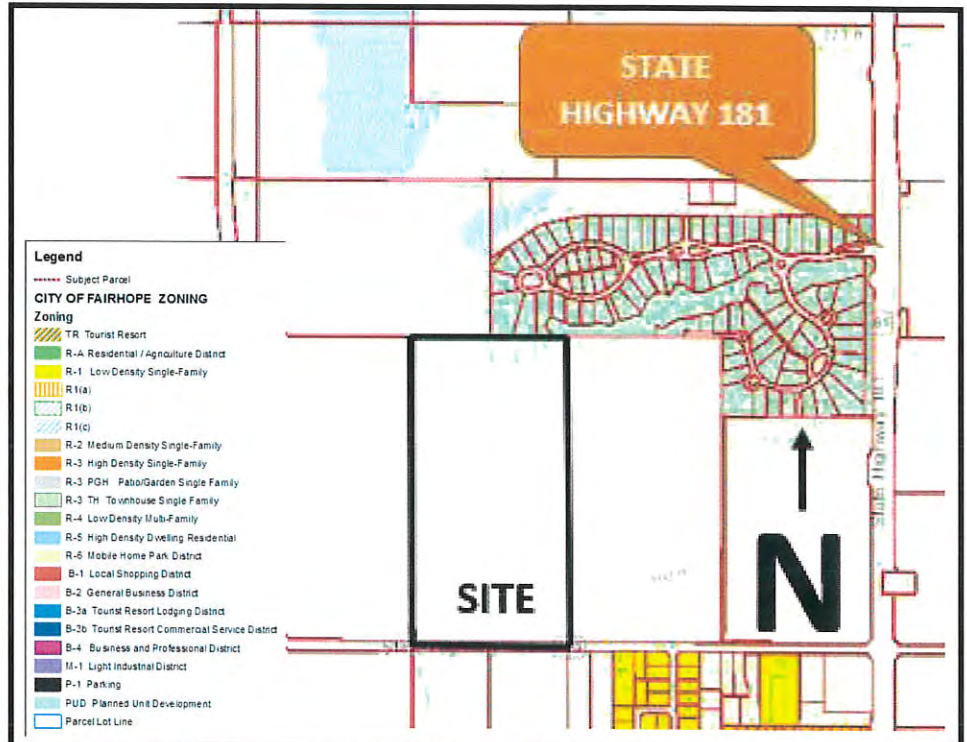
Fairhope Elementary,
Middle, and High Schools

Report prepared by:

J. Buford King, City Planner

Recommendation:

Approve with conditions



Summary of Request:

Public hearing to consider the request of Dewberry Engineers, Inc. on behalf of North Hills, LLC for preliminary plat approval of North Hills Fairhope, a 112-lot major subdivision. The property is currently owned by Mr. A.I. Corte, III and is located approximately 5/8 mile west of the intersection of State Highway 181 and State HWY 104, along the north side of HWY 104 approximately 3/8 mile east of County Road 13. The subject property is approximately 96.8 acres with a smallest proposed lot of 14,278 sf and a largest proposed lot of 54,745 sf, and an overall development density of 1.16 units per acre. Two phases of development are proposed, including lots 1 – 48 within Phase 1 and Lots 49 – 112 within Phase 2. Subject property is currently located in an unzoned region of Baldwin County and subject application shall be conditioned upon city council approval of Case # ZC18.10, concurrent annexation and re-zoning to a combination of R-1 Low Density Single Family Residential District and R-2 Medium Density Single Family Residential District.

Comments:

The following items are excerpts from the various checklists utilized by staff to evaluate subject application’s compliance with the *City of Fairhope Zoning Ordinance*, *City of Fairhope Subdivision Regulations* and other relevant ordinances and are included here to provide relevant background and rationale behind staff’s recommendation. Any items initially marked “revise and resubmit” have been cured by the notations in **blue text**. Any remaining items marked in **red text** will be cured by conditions of approval, or in the case of a recommendation for denial of an application, provide rationale for the recommendation of denial. All Article, Section, and Paragraph numbers identified are references to the *City of Fairhope Subdivision Regulations* unless otherwise identified. Sections from the subdivision regulations are excerpts – complete checklists are available via SharePoint web access.

PRELIMINARY PLAT COMMENTS

<i>Article IV, Section C.1.b.(3)</i> Names and addresses of the following:		
<ul style="list-style-type: none"> • owner • designer • applicant • all associated investors • record owners of lands immediately adjacent to subdivision. 		
<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Accepted	<input checked="" type="checkbox"/> Revise and Resubmit per comments
<i>Comments: Please furnish the associated investors for the project with contact information as required by this section. The applicant clarified the associated investors are Thunder Box LLC (William Rance Reehl) and Prosperity Hills LLC (Erick and Jamie Windham). The full contact information for each investor is included in the applicant’s narrative included with their follow-up comments.</i>		

<i>Article IV, Section C.1.b.(10)</i> The existing or proposed zoning classification of the subdivision and all contiguous lands. Where there is no zoning in effect, the proposed use of the lots shall be shown on the plat.		
<input type="checkbox"/> N/A	<input type="checkbox"/> Accepted	<input checked="" type="checkbox"/> Revise and Resubmit per comments
<i>Comments: Please provide a breakdown of lots to be zoned R-1 and R-2 and identify on the site data table. Furnished as requested and clearly identified on the site date table.</i>		

<i>Article IV, Section C.1.b.(16)</i> Pedestrian circulation plan		
<input type="checkbox"/> N/A	<input type="checkbox"/> Accepted	<input checked="" type="checkbox"/> Revise and Resubmit per comments
<i>Comments: Please provide a pedestrian circulation plan. The applicant clarified the sidewalk layout included in the various plans and plats represents the intended pedestrian circulation plan.</i>		

<p><i>Article IV, Section C.1.b.(17)</i> Site data box including but not limited to:</p> <ul style="list-style-type: none"> • Total acreage of site • Acreage of common area(s) • Total number of lots • Square footage of each lot • Site Density • Number of units proposed 		
<input type="checkbox"/> N/A	<input type="checkbox"/> Accepted	<input checked="" type="checkbox"/> Revise and Resubmit per comments
<p>Comments: Please include the site density on the site data table. Included as requested and shown on site data table. The overall density for the site is 1.16 units (lots) per acre development density.</p>		

<p><i>Article IV, Section C.1.d.</i> Drainage plan prepared by professional engineer, including proposed method of storm water detention and means of controlling erosion during construction. Any portion of the land in the proposed subdivision subject to periodic inundation by storm drainage, overflow or ponding shall be clearly identified on the plat. Lands lying within the flood plain, V or A Zones, shall be clearly identified on the plat. Storm-water detention facilities shall be shown in the plans and calculations provided.</p>		
<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Accepted	<input checked="" type="checkbox"/> Revise and Resubmit per comments
<p>Cross Reference: <i>Article V, Section F.3.a., b., and c.</i></p> <p>Comments: Please see the design standards review for detailed comments – in brief the LID techniques to be utilized on the site are not identified and no narrative is included showing the efficacy of each LID technique nor is a quantitative analysis of each LID technique’s performance included in the application.</p> <p>Drawing “LID” has been added to the construction plans to identify the type and location of the four (4) LID techniques submitted. Further, an LID narrative has been added to the drainage calculations booklet. As stated above please see the design standards of Article V for the technical review.</p>		

DESIGN STANDARDS COMMENTS

Review assistance provided by Public Works Director Richard D. Johnson, PE, and Public Utilities Operations Director Richard Peterson, PE and Building Official Erik Cortinas, LEED AP, CBO.

<p><i>Article V, Section C.2. <u>Applicability and Requirements</u>:</i> the regulations in this Section C. shall apply to any development as dense or denser than the City R-1 Residential Zoning District, whether or not in the City Limits. Greenspace shall be provided as follows: <u>10% Greenspace is required.</u></p>		
<input type="checkbox"/> N/A	<input type="checkbox"/> Accepted	<input checked="" type="checkbox"/> Revise and Resubmit per comments
<p>Comments: See comments related to sections C4 and C5 below. Greenspace as submitted (14.55%) is correct however it is not clear if a portion of the greenspace comprising the 14.55% submitted is included along the HWY 104 ROW. Further, a buffer strip is required along HWY per the Tree/Landscape Ordinance #1444, however the buffer strip may not “count” toward the greenspace requirements. Sidewalks are not indicated along HWY 104 servicing the development – please revise and resubmit reflecting sidewalks along HWY 104 for the development and coordinate with all other drawings. The site data table has been revised to reflect 12.6 acres, or 13.02% greenspace as required by this section. The applicant’s follow-up narrative clarifies the greenspace adjoining Hwy 104 was removed from the greenspace total to attain the new 12.6 acre / 13.02% greenspace submission. Further, the 20’ buffer strip required by Ordinance 1444 is reflected on the plat as well as a 10’ sidewalk easement.</p>		

<p><i>Article V, Section C.3. <u>Eligible Greenspace</u> - Greenspace eligible for meeting the requirements of this section shall:</i></p> <ol style="list-style-type: none"> be usable land for public active or passive recreation purposes. be located in FEMA FIRM map zones AO, A99, D, or VO. not be located in any wetland areas as defined by the Federal Government. not include any retention, detention or similar holding basins. not include any right-of-way. 		
<input type="checkbox"/> N/A	<input type="checkbox"/> Accepted	<input checked="" type="checkbox"/> Revise and Resubmit per comments

Comments: See comments related to sections C4 and C5 below. Greenspace as submitted (14.55%) is correct however it is not clear if a portion of the greenspace comprising the 14.55% submitted is included along the HWY 104 ROW. The site data table has been revised to reflect 12.6 acres, or 13.02% greenspace as required by this section. The applicant's follow-up narrative clarifies the greenspace adjoining Hwy 104 was removed from the greenspace total to attain the new 12.6 acre / 13.02% greenspace submission. Further, the 20' buffer strip required by Ordinance 1444 is reflected on the plat as well as a 10' sidewalk easement.

Article V, Section C.4. Greenspace Design Requirements - All eligible greenspace shall conform to the following design requirements:

- a. Maximize public exposure and public access to greenspace.
- b. Streets shall align adjacent to greenspace.
- c. Greenspace land must be contiguous but may be bisected by local streets, sidewalks, and pedestrian paths.
- d. Greenspace must be located at the rear edge or interior of the development.
- e. Greenspace shall not be located adjacent to a collector or arterial street.
- f. Due regard shall be shown for all natural features such as lakes, ponds, water courses, historic sites and other similar features which, if preserved, will add attractiveness and value to the property.

N/A Accepted **Revise and Resubmit per comments**

Comments: Please see the comments on sheet 2 of 3 of the preliminary plats. Please verify the 14.55% greenspace submitted does not include greenspace along the HWY 104 ROW. AL HWY 104 is a minor arterial according to the Eastern Shore MPO, and therefore greenspace adjacent to an arterial is not "counted" toward the greenspace requirements of section C2. The area adjacent to HWY 104 shall contain the 20' wide strip required by (and shall be labeled on the plat) according to COF ordinance 1444, Section 20.5-4 page "7" as the subject property is located along AL HWY 104. The site data table has been revised to reflect 12.6 acres, or 13.02% greenspace as required by this section. The applicant's follow-up narrative clarifies the greenspace adjoining Hwy 104 was removed from the greenspace total to attain the new 12.6 acre / 13.02% greenspace submission. Further, the 20' buffer strip required by Ordinance 1444 is reflected on the plat as well as a 10' sidewalk easement. Please reflect on the site data table the 1.46 acres of HWY 104 buffer area so that all common area components total 25.89 acres. Included on the revised preliminary plat as requested.

Article V, Section D.5.a.(11) Street Standards – Street Design – General Requirements – Tree Protection Requirements

The following requirements apply to all properties other than *single-family residences*:

(a) A significant tree is defined as any living tree (overstory or understory) with a DBH that exceeds twenty-four (24) inches. Significant trees are protected under this Ordinance and cannot be cut or intentionally harmed without expressed written consent of the City Horticulturist.

N/A **Accepted with comments** **Revise and Resubmit per comments**

*Comments: The general notes on landscape drawing SP100 references the more restrictive 20" DBH requirement of the landscape/tree ordinance. Landscape drawing TP100 includes the tree protection plan and tree protection details depicting chain link tree protection fencing with signage as required by ordinance 1444. **The COF horticulturalist review is pending.** The COF horticulturalists reviewed and approved the landscape plans with the following condition of approval: "any trees on undeveloped lots leave. Otherwise approved".*

Article V, Section D.5.c. Street Standards – Street Design – Traffic Calming

To maintain design speeds specified in Table 5.3 (in Appendix A) and the function of streets specified in Table 5.2., traffic calming devices may be introduced into the street design. All traffic calming devices shall be based on sound engineering principles and are subject to the approval of the Planning Commission. Traffic calming devices may include, but are not limited to:

- (1) Traffic circles – a circular raised island centered in the intersection, around which traffic circulates. Traffic circles require no geometric changes to the intersection and merely alter the flow of traffic through the intersection.
- (2) Roundabouts – a circular raised island centered in the intersection. Roundabouts require traffic to circulate counterclockwise around a center island. Unlike traffic circles, roundabouts require geometric alterations to the intersection and are used on higher volume streets to allocate rights-of-way among competing movements
- (3) Curb projections, neck downs or "bulb-outs" - Curb projections, neck downs or "bulb-outs" – curb extensions placed at mid-block locations or at intersections which narrow the street to provide visual distinction and to reduce pedestrian

crossing distances. These are often used in conjunction with on street parking to define the on street parallel parking areas.

- (4) Medians - raised islands located along the centerline of a street that narrow the street at that location or block through movement of vehicles at a cross streets or driveway access points.
- (5) Road Striping - painted stripes on the road can create the perception of narrow through lanes when a greater width is actually needed to accommodate truck traffic or turning movements.
- (6) Speed Humps - Speed humps are rounded raised areas placed across the road.
- (7) Speed Tables - flat topped speed humps often constructed with brick or other textured materials on the flat section.
- (8) Chicanes - curb extensions or islands that alternate from one side of the street to the other, forcing traffic into S-shaped curves.
- (9) Chokers - curb extensions on both sides of the street that narrow the street at that location. Chokers may be used in conjunction with on street parking or a mid-block pedestrian crossing

N/A

Accepted

Revise and Resubmit per comments

Comments: Please revise and resubmit to include traffic calming devices throughout the development. The streets within the development contain long, uninterrupted stretches and therefore this section is applicable. Possible locations of traffic calming devices are shown in red on drawing C5-A. Traffic Calming "speed humps" are depicted on revised drawing C5-A and shown in similar locations to those on drawing C5-A mark-up. Speed humps are 3" tall (maximum) 12' long and include "shark's tooth" white paint markers for identification.

Article V, Section D.6. Street Standards – Pedestrian Area Design Standards

All streets shall include a pedestrian area comprised of a planting strip and a sidewalk, according to the standards in Table 5.3 in Appendix A. The developer may have the flexibility to construct the sidewalks within 2 years of final plat approval. A letter of credit guaranteeing the construction for 125% of the engineer's estimate is required. At the end of 2 years, all sidewalks shall be completed by either the developer or City, using the letter of credit. The areas in which the sidewalks will be poured shall be graded and compacted at the time the subdivision infrastructure is constructed. The pedestrian area shall be designed according to the following minimum standards:

- a. All streets supporting residential land uses shall have a minimum 5-foot wide sidewalk on each side of the street with the back edge of the sidewalk being the edge of the right-of-way.
- b. All streets supporting public institutions and public facilities land uses shall include a minimum 5-foot wide sidewalk and 8-foot wide planting strip on each side of the street.
- c. All streets supporting non-residential land uses including commercial, office, and mixed-use villages, shall have:
 - (1) a minimum 15' wide sidewalk, with tree wells according to Article V., Section D.5.a.8.(e) on each side of the street; or
 - (2) a minimum 10' wide sidewalk and minimum 6-foot wide planting strip on each side of the street.
- d. Sidewalks shall include curb ramps meeting accessibility requirements of the Americans with Disabilities act at all intersections and any non-grade driveway or land intersecting the sidewalk.
- e. Sidewalks shall be constructed of a minimum 4" concrete surface meeting City construction standards. Where applicable, sidewalk materials shall be used and constructed to encourage maximum tree preservation.
- f. Streets in rural and agricultural subdivisions meeting all requirements of Article V., Section D.7.c. and d. are not required to provide sidewalks.
- g. Where applicable, sidewalks shall be configured in a manner that provides for maximum tree preservation.

N/A

Accepted

Revise and Resubmit per comments

Cross Reference: *Article V, Section D.5.a.8.(e) and D.7.c and d.*

Comments: The typical road section on drawing B2 contains a correct 50' ROW but the planting strip is shown as 7' wide in lieu of the required 8' wide. Revise and resubmit to comply with this section as well as Table 5.3 in the subdivision regulations appendix. The building official reviewed the curb ramps on drawing C5-B and had no comments. Please see Article V, Section C.4 for comments related to the inclusion of sidewalks along HWY 104. The typical roadway section on drawing B2 has been revised to include the 8' planting strip as noted above. The developer desires to utilize 2'-6" wide valley curbs for the project and as a result the 5' sidewalks extend beyond the 50' ROW by 1' on each side. The revised preliminary plat reflects a 1' pedestrian/sidewalk easement in general note 15 for the front property line along all lots adjacent to the ROW to reflect the 1' sidewalk extension on either side of the ROW. A 10' sidewalk easement adjacent to the HWY 104 ROW is reflected on the revised preliminary plat.

Article V, Section D.7.a. Street Standards – Exceptions to Street Standards

- a. Natural Features – Blocks abutting natural or topographical features may be approved with exceptions to the blocks and street layout standards of Article V., Section D., subject to all of the following:
- (1) construction of the grid according to the block and street layout standards must be impracticable in that the applicant would incur substantial and unreasonable additional costs in designing streets across the natural or topographical feature or modification of the grid is necessary to preserve important environmental features such as streams, wetlands, animal habitats, or other conservation areas;
 - (2) Modification of the grid shall not alter the minimum block length or block size, except that the distance of the property line along the natural or topographical feature creating the need for the exception shall be omitted when calculating the perimeter of the block. Additionally, public access easements to any natural or topographical features which can be used for active recreation may be used as the perimeter of a block; and
 - (3) Cul-de-sacs or “loop” streets may be approved where connections with a through street would intersect with the natural or topographical feature. “Loop” streets are preferred to cul-de-sacs wherever practicable. Cul-de-sacs shall not exceed 660 feet and loop streets shall not exceed 1300 feet.

<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Accepted with comments, please note Public Works Director’s comments in red below	<input type="checkbox"/> Revise and Resubmit per comments
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Cross Reference: Article V, Section D.

Comments: *Two cul-de-sacs are proposed, one comprised of radii C99-C105 and the other C66-C70. Neither are greater than 600 feet long in arc length. One loop street, comprised of radii C145 and C146, as well as linear segments, totals 580.86 centerline length, less than both the cul-de-sac and loop street restrictions. The cul-de-sacs and loop street provide access and turnaround areas to lots abutting wetlands that are unlikely to be traversed by future development. The northern cul-de-sac is near the existing Waters development, which did not contemplate future access through the wetlands. The loop street and southern cul-de-sac provide access to lots abutting wetlands adjoining the property of the Gulf Coast Experiment station, for which future development requiring wetland crossing is unlikely. Both cul-de-sacs have an acceptable radius of 47.5’ and an enlarged detail of each cul-de-sac is on drawing S3. Cul-de-sac radius was reviewed with the assistance of the Public Works Director. Please see section **Note: per the Public Works Director, no sanitation service shall be provided on the private ROWs. General note #13 on the revised preliminary plat acknowledges this requirement.***

Article V, Section E.2. Lot Standards – Lot Sizes

<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Accepted with comments	<input type="checkbox"/> Revise and Resubmit per comments
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Comments: *Case # ZC18.10 was submitted concurrently for establishment of R-2 zoning for lots 23-40 and 91-107 of the development. A similar application will be submitted to the City Council for the balance of the development requesting R-1 zoning concurrent with annexation. All lots submitted herein appear to satisfy the R-1 and R-2 lot size requirements.*

STORMWATER STANDARDS COMMENTS

Review assistance provided by Public Works Director Richard D. Johnson, PE, and Building Official Erik Cortinas, LEED AP, CBO.

Article V, Section F.3.a.(3)(a)(2) Storm Water Standards – Submittal Requirements - Minimum Requirements-Erosion and Sediment Control Plan

- (2) An Erosion and Sediment Control Plan which includes, but shall not be limited to:
- (a) Architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as required to accurately describe the development and measures taken to meet the objectives of storm-water management;
 - (b) Data on historical runoff, developed runoff, detention pond details, and method of discharge.

<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Accepted with comments	<input type="checkbox"/> Revise and Resubmit per comments
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Comments: *The City of Fairhope Code Enforcement Officer provides the following review comments: prior to land disturbance please submit (1) a wetland delineation report dated within the last five years, (2) verify wetlands are flagged onsite, (3) wetland buffer signage shall be installed prior to land disturbance, (4) submit an ADEM ALR# prior to land disturbance, (5) no red soil or red clay will be allowed on lots within 100’ of critical areas*

including but not limited to wetlands, streams, and tributaries (requirement “5” herein is noted on the preliminary plat as general note #11).

Article V, Section F.3.b. Storm Water Standards – Submittal Requirements - Adverse Effects

b. *Adverse Effects* - Where it can be reasonably anticipated that additional quantity or velocity of runoff from development of a subdivision will overload existing downstream drainage facilities, approval shall be withheld until there is submitted to the Commission a plan to mitigate damage to downstream property which would or might result from the subdivision under consideration. Downstream drainage structures should be considered when sizing detention outfall structures, with proof of this submitted to the Commission. The hydraulic elevations resulting from channel detention shall not adversely affect adjacent properties.

N/A Accepted with comments Revise and Resubmit per comments

Comments: The applicant noted in the drainage narrative “All of the ponds will be wet ponds to provide a water quality treatment to prevent any adverse effects downstream”.

Article V, Section F.4.a.-f. Storm Water Standards – Stream Buffers

b. A buffer layer in the City’s GIS system has been developed to show buffer limits along streams within the City’s planning jurisdiction. The following Buffer widths used to develop the buffer layer for streams, are shown in the following table and are measured from the top of bank as defined in Article II of these sub-regulations. Buffer widths for ponds, Mobile Bay, jurisdictional wetlands as determined by the Alabama Department of Environmental Management and the Army Corps of Engineers, and any lakes, ponds, and isolated wetlands are also shown in the table. The buffer requirement applies to streams beginning at a point where the drainage area is 100 acres or greater.

Feature	Buffer Width (feet)
Fish River	100
Other Watersheds	50
Mobile Bay	50
Wetlands (Jurisdictional and Isolated)	30
Ponds/Lakes/Isolated wetlands	30

N/A Accepted with comments Revise and Resubmit per comments

Comments: A 30’ wetland buffer is reflected on the preliminary plat. For clarity, please label the 30’ wetland buffer near lots 1-9 and 38-44 on the preliminary plat. 30’ wetland buffer labels have been added to the preliminary plat as requested.

Article V, Section F.5.a. Storm Water Standards – Flow Control-Scope of Design

a. *Scope of Design* - All subdivisions or other developments shall be provided with adequate storm water drainage facilities. The project engineer shall provide a design adequate to control storm water peak flows, runoff volume and velocity in accordance with paragraph 7 of this section. In general, the project engineer shall use design storm criteria based on the site-specific conditions that relate to protection of life and property. Culverts shall generally accommodate a 25-year storm frequency under arterial roadways; drainage systems within subdivisions should accommodate a 2 through 25-year storm frequency; bridges shall accommodate a storm frequency of 50 years. When recommended by City of Fairhope staff, the Planning Commission may require a storm frequency design as great as 100 years.

(1) There shall be no storm water pumps.

N/A Accepted with comments Revise and Resubmit per comments

Comments: The stormwater calculations submitted include a summary table of 2, 5, 10, 25, 50, and 100-year storm events with pre-development and post-development stormwater flows.

Article V, Section F.8.a.-d. Storm Water Standards – Post Development Water Quality Best Management Practices

a. Storm water quality BMPs for new development and significant redevelopment are required for projects that disturb three acres or more or subdivisions with four or more lots. (The effective acreage for a project is not limited to a fractional part of the total concept; even though developed in phases, it is the total area of the conceptual plans which governs). The BMPs must be

designed to achieve the goal of removing at least 80% of the average annual post-construction total suspended solids (TSS) load. The storm water quality BMPs will be considered in compliance with this requirement if;

- (1) BMPs are sized to capture and treat the water quality treatment volume, which is defined as the runoff volume resulting from the first 1.8 inches of rainfall from a site; and,
- (2) Appropriate structural storm water BMPs are selected, designed, constructed, and maintained. Storm water quality BMPs may be required on smaller projects if it is determined in the Planning Commission’s discretion that the intensity of the development could cause off-site storm water impacts during or after development.

b. The storm water quality treatment goal is designed to capture 85% of the annual storm water runoff. Storm water quality BMPs must be designed to treat the runoff from the first 1.8 inches of rainfall. Each site’s storm water quality treatment volume is also based on its percent impervious cover. The treatment standard is the same for all sites unless other secondary pollutant reduction goals are established by ADEM; for instance, through the establishment of Total Maximum Daily Loads (TMDLs).

c. This storm water quality treatment goal is designed to give the developer flexibility in meeting the 80% TSS reduction goal on each site. BMPs may be selected to meet the storm water quality requirements in numerous ways through the application of low-impact site design and layout, non-structural BMPs, and structural BMPs.

d. The City encourages use of low-impact site design practices that reduce the impact of development on storm water quality and quantity. Low-impact site design practices are meant to:

- (1) Minimize the impervious cover on a site,
- (2) Preserve the natural infiltration ability of the site,
- (3) Route storm water to “micro controls,” such as rain barrels, rain gardens, etc. that treat small portions of site storm water from the site, and,
- (4) Minimize long-term BMP maintenance by preserving and using natural features of the site.

N/A Accepted **Revise and Resubmit per comments**

Comments: No stormwater treatment quality calculations are included with the stormwater design narrative. Please revise and resubmit the stormwater design narrative to include treatment volume calculations for each location of each type of Low Impact Development Technique. The revised drainage narrative includes treatment volume calculations for the four (4) wet ponds used on the site and reports the volume of the three (3) grass swales as well as their TSS removal. The vegetated buffer as reported as 84% TSS removal is provided by ADEM per the EOR. See Article V, Section F.11.f.(1)-(16) for additional specific comments related to the various LID techniques.

Article V, Section F.8.e.-g. Storm Water Standards – Post Development Water Quality Best Management Practices (Continued)

f. Structural storm water controls, or Best Management Practices (BMPs), are engineered structures designed to treat storm water or mitigate the impact from storm water runoff. The following table presents a pre-approved listing of structural BMP practices. These BMPs have been assigned a TSS removal capability, based upon existing research, and can be used by developers to meet the pollutant reduction goal of 80% TSS removal. The structural BMPs have been divided into two categories:

- (1) General application BMPs are assumed to achieve the 80% TSS reduction.
- (2) Limited application BMPs which have to be used in combination with other BMPs to achieve the 80% reduction goal. These BMPs may not be applicable for certain sites and require frequent intensive maintenance to function properly.

Pre-Approved BMPs

BMP Removal Efficiency for Total Suspended Solids (TSS)	
Structural Control	TSS Removal (%)
General Application BMPs	
Wet Pond	80
Storm Water Wetland	80
Bioretention Area	80
Sand Filter	80
Enhanced Swale	80
Limited Application BMPs	
Filter Strip	50
Grass Channel	50

	Organic Filter	80	
	Underground Sand Filter	80	
	Submerged Gravel Wetland	80	
	Infiltration Trench	80	
	Gravity (Oil/Grit Separator)	40	
	Proprietary Structural Control	Varies	
	Dry Detention Basin	60	
<input type="checkbox"/> N/A	<input type="checkbox"/> Accepted	<input checked="" type="checkbox"/> Revise and Resubmit per comments	
<p><i>Comments: Four (4) wet ponds are included with subject application, and their size was calculated with PondPack, however the WQv required treatment volume is needed if the ponds are to be accepted as LID techniques . The revised drainage narrative includes the WQv treatment volume calculations for the four wet ponds proposed for the site. Because wet ponds are pre-approved LID BMPs allowed by this section, the TSS removal of these techniques is accepted at 80%.</i></p>			

<p><i>Article V, Section F.11.a-e. Required Use of Low Impact Development (LID) Techniques</i></p> <p>b. The use of LID techniques is required in any and all proposed developments where the stormwater regulations apply. The design engineer shall rely on verifiable professional engineering judgment on which LID techniques to deploy in each proposed development based on the particular characteristics of the subject property. The intent of the requirements for the use of LID techniques is that the development shall implement as many LID techniques as practical and appropriate for the development. Plans and calculations shall show the efficacy of each LID technique and include a quantitative analysis of their performance. Plans shall clearly identify each LID technique on a grading and drainage plan with appropriate details and cross-references to the drainage calculations.</p>			
<input type="checkbox"/> N/A	<input type="checkbox"/> Accepted	<input checked="" type="checkbox"/> Revise and Resubmit per comments	
<p><i>Comments: No stormwater treatment volume calculations are included with the stormwater design. As a result, it is not clear if the proposed development is implementing the use of as many LID techniques as practical and appropriate for the development. The revised drainage narrative includes treatment volume calculations for the wet ponds and summarizes the drainage area, TSS removal and LID technique identifier for each LID technique. The treatment volume is greater than the total area of the site due to offsite drainage flowing into Wet Pond (Lake) 1. As a result, the entire treatment volume totals 117.6 acres though the total site is 96.8 acres. Swales A, B, and C provide 80% TSS removal pre-treatment for the Wet Ponds.</i></p>			

<p><i>Article V, Section F.11.f.(1)-(5) Required Use of Low Impact Development (LID) Techniques (Continued)</i></p> <p>f. The following LID techniques are available for use by applicants given the particular circumstances and characteristics of the proposed subdivision:</p> <p>(5.) Grass Swales: The City finds that the potential benefits of grass swales are, among other items, in straining stormwater, providing limited quality treatments, while providing some moderate flow attenuation. Special design considerations are: Typically work best in smaller drainage areas where volumes are reduced, special consideration should be given in pervious soils, not recommended with high swell soils, should have low slopes, adjacent areas and layout should be considered in the design. Suggested characteristics where topography, soils, and slope permit vegetated open channels and spaces should be considered as a significant or a primary means of stormwater conveyance.</p>			
<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Accepted with comments	<input type="checkbox"/> Revise and Resubmit per comments	
<p><i>Comments: Grass swales are included as a proposed LID technique. See comments related to Article V, Sections F8-F9 and F.11.a.- e., above for re-submittal requirements. The revised drainage narrative and drainage calculations report 80% TSS removal by grass swales A, B, and C. This TSS removal is further supported by the document contained within Article V, Section F.11.f(16) as prepared by the Alabama Cooperative Extension service. The length and treatment volume of each swale is included in the drainage narrative.</i></p>			

<p><i>Article V, Section F.11.f.(6)-(11) Required Use of Low Impact Development (LID) Techniques (Continued)</i></p> <p>f. The following LID techniques are available for use by applicants given the particular circumstances and characteristics of the proposed subdivision:</p>			
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<p>(6.) Grass Buffers: The City finds that the potential benefits of grass buffers are, among other items, in straining stormwater, providing limited quality treatments, while providing some moderate flow attenuation. Special design considerations are: Typically work best in smaller drainage areas where volumes are reduced, special consideration should be given in pervious soils, not recommended with high swell soils, should have low slopes, adjacent areas and layout should be considered in the design. Suggested characteristics where topography, soils, and slope permit vegetated open channels and spaces should be considered as a significant or a primary means of stormwater conveyance.</p>		
<input type="checkbox"/> N/A	<input type="checkbox"/> Accepted	<input type="checkbox"/> Revise and Resubmit per comments
<p><i>Comments: Grass/Vegetative Buffers are included as a proposed LID technique. The stormwater calculations as well as drawing "LID" indicate submission of a "vegetative buffer", however see comments related to Article V, Section F8-F9 and F.11.a.- e., above for resubmittal requirements. The revised drainage narrative and drainage calculations report 84% TSS removal by the 30' wide vegetated/grass buffer. The EOR provided correspondence from Mr. Tim White with ADEM indicating the 84% TSS removal for a grass/vegetative buffer is based upon agricultural extension publications from Purdue, Iowa State, and Ohio State Universities. The buffer is 30' wide and the length is as shown on drawing "LID".</i></p>		

<p><u>Article V, Section F.11.f.(12)-(15) Required Use of Low Impact Development (LID) Techniques (Continued)</u> f. The following LID techniques are available for use by applicants given the particular circumstances and characteristics of the proposed subdivision:</p>		
<p>(15.) Level Spreader: The City finds that level spreaders can be an effective tool to evenly distribute flows and return volumes and velocity to a predevelopment distribution pattern. There are limited stormwater straining and water quality improvements. Suggested characteristics are: Level spreaders are intended to work in a complimentary fashion with other LID techniques such as, but not limited to, sand filters and grass buffers. Special design considerations are: Typically, level spreaders are used downstream of an outfall and have a low slope with stabilized and vegetated buffers both up and downstream. They typically are installed a suitable distance from the property line (30'-35' is suggested) so that flow energy is dissipated, and predevelopment sheet flow characteristics are generated. Special consideration should be given in areas with highly erodible soils.</p>		
<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Accepted with comments	<input type="checkbox"/> Revise and Resubmit per comments
<p><i>Comments: Four (4) level spreaders are included with subject application. Please see comments related to Article V, Section F8-F9 and F.11.a.-e., above for resubmittal requirements. Level spreaders do not contribute to TSS removal; however, level spreaders receive discharges that have been processed by an LID technique and create diffused or sheet flow that is evenly distributed or dispersed, creating a flow velocity that is less likely to create erosion.</i></p>		

PUBLIC WORKS-UTILITIES COMMENTS

Review assistance provided by Public Works Director Richard D. Johnson, PE, and Utilities Director of Operations Richard Peterson, PE.

<p><u>Article V, Section G. Planning Design Standards-Upsizing</u></p>		
<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Accepted with comments, please see remarks requesting follow-up	<input type="checkbox"/> Revise and Resubmit per comments
<p><i>Comments: Two lift stations are proposed to serve the development and are depicted on drawings LS1 and LS2. Please consult Fairhope Public Utilities Director of Operations Richard Peterson to determine if upsizing is required for subject application. It is possible a future 8" force main installation near the subject development will require the pressure head delivered by each lift station pump may require upsizing as well as increasing the wet well size on the lift stations to increase onsite storage capacity of wastewater. The applicant clarified in their follow-up submittal narrative the applicant's engineer or record (EOR) has been in communication with Richard Peterson and a long-term plan for increased capacity is currently in progress.</i></p>		

Article VI, Section D. Construction Standards-Sidewalks

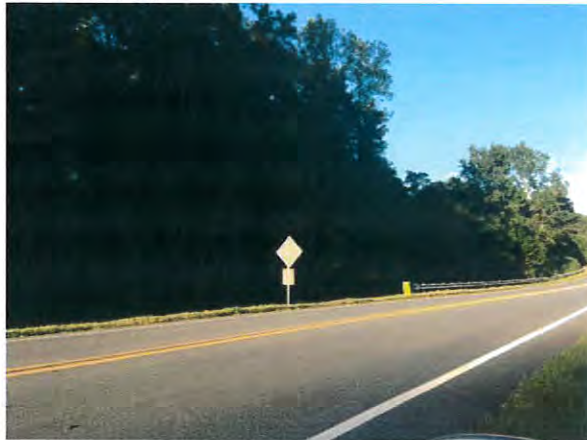
Sidewalks shall be installed on all streets within the planning jurisdiction of the City of Fairhope, except on those streets which are eligible for the rural design standard expressed in Table 5.3, Appendix A of these regulations. On streets requiring sidewalks, concrete sidewalks which meet the City's standards and specifications expressed in Chapter 19 of the Code of Ordinances, as amended shall be installed. Sidewalks shall be designed and installed in accordance with good engineering practice.

<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Accepted with comments	<input type="checkbox"/> Revise and Resubmit per comments
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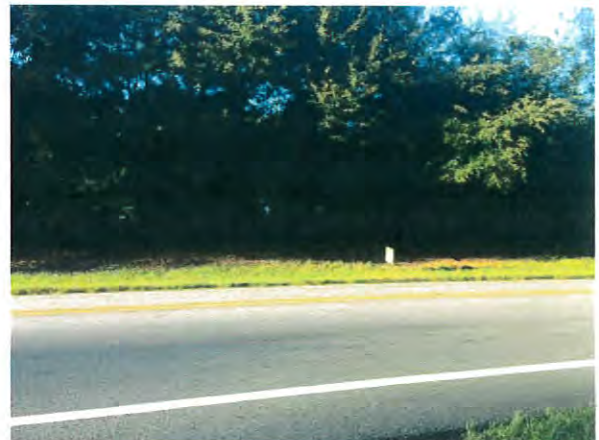
Cross Reference: *Chapter 19 of the City of Fairhope Code of Ordinances, as amended, and Article V, Section D.6. Pedestrian Area Design Standards.*

Comments: 5' wide sidewalks re reflected on the typical roadway section on drawing B2 as required by table 5.3. Please see comments in the "design standards" checklist regarding required sidewalks along HWY 104. The preliminary plat has been revised to reflect a 10' sidewalk easement along HWY 104 for subject development.

Site Photos



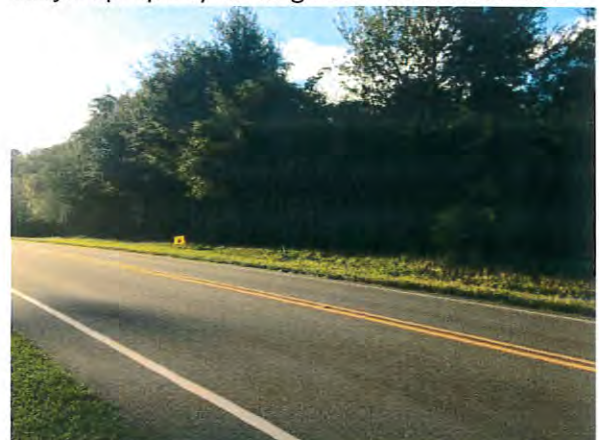
Subject property looking northeast along HWY 104



Subject property looking north from HWY 104



Subject property looking northwest from HWY 104



Subject property looking west along HWY 104

The subdivision regulations contain the following criteria in Article IV.B.2. Approval Standards. Address each of these criteria with either a "meets" or "does not meet". If any of the criteria is not met, a denial should be recommended.

"2. Consistency with Plans, Regulations and Laws - The Planning Commission shall not approve the subdivision of land if the Commission makes a finding that such land is not suitable for platting and development as proposed, due to any of the following:

a. The proposed subdivision is not consistent with the City's Comprehensive Plan, and/or the City's Zoning ordinance, where applicable;

- meets

b. The proposed subdivision is not consistent with the City's Comprehensive Plan or any other plan or program for the physical development of the City including but not limited to a Master Street Plan, a Parks Plan, a Bicycle Plan, a Pedestrian Plan, or the Capital Improvements Program;

- meets

c. The proposed subdivision is not consistent with these Regulations;

- meets

d. The proposed subdivision is not consistent with other applicable state or federal laws and regulations;
or

- meets

e. The proposed subdivision otherwise endangers the health, safety, welfare or property within the planning jurisdiction of the City."

- meets

Recommendation:

Staff recommends approval contingent upon the following conditions:

- 1) Final approval of Case # ZC 18.10, conditional annexation to R-2 medium density single family zoning district of lots 23-40 and 91-107 by the Fairhope City Council as well as annexation and establishment of R-1 low density single family zoning district for the balance of the subject property by the Fairhope City Council.
- 2) Preservation of trees on undeveloped lots as required by the City of Fairhope horticulturalist as reflected in the review of *Article V, Section D.5.a.(11)*.
- 3) Prior to land disturbance, submission of the items requested by the City of Fairhope code enforcement officer as described in the review of *Article V, Section F.3.a.(3)(a)(2)*
 - a. Wetland delineation report dated within the last five years
 - b. Verify wetlands are flagged onsite
 - c. Wetland buffer signage shall be installed prior to land disturbance
 - d. ADEM NDPES "ALR" Permit # prior to land disturbance
 - e. The code enforcement officer further notes that no red soil or red clay will be allowed on lots within 100' of critical areas including but not limited to wetlands, streams, and tributaries



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: 28 AUGUST 2018

Property Owner / Leaseholder Information
Name of Property Owner: A.I. CORTE III Phone Number: (251) 421 5600
Address of Property Owner: 22725 ST. HWY 181
City: FAIRHOPE State: AL Zip: 36532

Proposed Subdivision Name: NORTH HILLS AT FAIRHOPE
No. Acres in Plat: 96.8 AC No. Lots/Units: 112 LOTS
Parcel No: 05-46-02-03-0-000-004.000 Current Zoning: R-2 (PENDING APPROVAL)
05-46-02-03-0-000-002.000 (portion of)

Authorized Agent Information
Plat must be signed by the property owner before acceptance by the City of Fairhope
Name of Authorized Agent: DEWBERRY Phone Number: (251) 929 9797
Address: 25353 FRIENDSHIP ROAD
City: DAPHNE State: AL Zip: 36526
Contact Person: STEVE PUMPHREY

Surveyor/Engineer Information
Name of Firm: DEWBERRY Phone Number: (251) 929 9789
Address: 25353 FRIENDSHIP ROAD
City: DAPHNE State: AL Zip: 36526
Contact Person: JASON ESTES

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.

A.I. Corte III
Property Owner/Leaseholder Printed Name
Aug. 27, 2018
Date

A.I. Corte III
Signature

Fairhope Single Tax Corp. (If Applicable)

RECEIVED
AUG 28 2018
BY: EB

ALABAMA UNIVERSITY
C/O DON LARCE, JR.
PH #46-02-03-0-000-003.000
(REAL PROPERTY BOOK 347 PAGE 182)

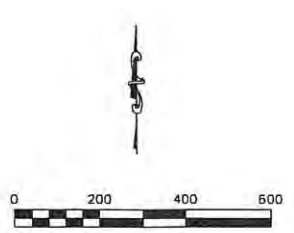
POINT OF BEGINNING
THE NORTHWEST CORNER OF THE
SOUTHWEST QUARTER OF THE
NORTHWEST QUARTER OF SECTION 3,
TOWNSHIP 6 SOUTH, RANGE 2 EAST

THE "LOCALLY ACCEPTED" NORTHWEST
CORNER OF THE SOUTHWEST QUARTER
OF THE NORTHWEST QUARTER OF
SECTION 3, TOWNSHIP 6 SOUTH,
RANGE 2 EAST

THE "LOCALLY ACCEPTED" NORTHWEST
CORNER OF THE EAST ONE-HALF OF
THE SOUTHWEST QUARTER OF THE
NORTHWEST QUARTER OF SECTION 3,
TOWNSHIP 6 SOUTH, RANGE 2 EAST

FLOOD CERTIFICATE:

THIS PROPERTY LIES WITHIN ZONE "X" AS
SCALED FROM THE FEDERAL EMERGENCY
MANAGEMENT AGENCY'S FLOOD
INSURANCE RATE MAP OF BALDWIN
COUNTY, ALABAMA, MAP NUMBER
01003C0757L. COMMUNITY NUMBER
015000, PANEL NUMBER 0757, SUFFIX L.



SURVEYOR'S NOTES:
1. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH U.S. STANDARDS.
2. DESCRIPTION AS FURNISHED BY CLIENT.
3. THERE MAY BE UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS,
OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTIES
4. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF
ANY SUB-SURFACE FEATURES.
5. THE LINES REPRESENTING THE CENTERLINE AND RIGHT-OF-WAYS OF THE STREETS
ARE SHOWN FOR VISUAL PURPOSES ONLY AND WERE NOT SURVEYED UNLESS
RIGHT-OF-WAY MONUMENTATION IS ALSO SHOWN.
6. SURVEY WAS CONDUCTED AUGUST, 2015 THROUGH JUNE, 2016; AND IS RECORDED
IN FIELD BOOK AND ELECTRONIC DATA FILE #19254.
7. BEARINGS AND DISTANCES SHOWN HEREON WERE "COMPUTED" FROM ACTUAL FIELD
TRAVELERS.
8. BEARINGS ARE BASED ON STATE PLANE GRID COORDINATES ALABAMA WEST ZONE
010Z (NAD 83 DATUM).
9. THE ELEVATIONS SHOWN HEREON ARE RELATED TO MEAN SEA LEVEL (NAVD 88),
USING GEDD03.
10. ALL GPS OBSERVATIONS WERE TAKEN USING REAL TIME KINEMATIC (RTK).
11. THIS SURVEY IS BASED UPON MONUMENTATION FOUND IN PLACE AND DOES NOT
PURPORT TO BE A RETRACEMENT AND PROPORTIONING OF THE ORIGINAL GOVERNMENT
SURVEY.

ENGINEER'S CERTIFICATE
I, JASON N. ESTES, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF ALABAMA,
LICENSE NO. 22714, HEREBY CERTIFY THAT I HAVE DESIGNED THE IMPROVEMENTS FOR THIS
DEVELOPMENT IN CONFORMITY WITH APPLICABLE CODES AND LAWS AND WITH THE
PRINCIPLES OF GOOD ENGINEERING PRACTICE INCLUDING THE DRAINAGE DESIGN
REQUIREMENTS OF THE FAIRHOPE SUBDIVISION REGULATIONS. I FURTHER CERTIFY THAT I
HAVE PROVIDED OVERSIGHT OF THE CONSTRUCTION TO MY DESIGN, AND THAT TO THE BEST
OF MY KNOWLEDGE AND BELIEF, THE AS-BUILT PLANS PROVIDED TO THE CITY OF FAIRHOPE ARE
A TRUE AND ACCURATE REPRESENTATION OF THE IMPROVEMENTS AS INSTALLED AND THAT
SAID IMPROVEMENTS ARE HEREBY RECOMMENDED FOR ACCEPTANCE BY THE CITY OF
FAIRHOPE, ALABAMA.

JASON N. ESTES, ENGINEER DATE _____
DEWBERRY NORTH HILLS AT FAIRHOPE, AS-BUILT PLANS, WHICH ARE CERTIFIED, CONSIST OF PAGES
THRU _____ EACH OF WHICH BEARS MY SEAL AND SIGNATURE.

SURVEYOR'S CERTIFICATE:

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

COMMENCE AT A 1/2" CAPPED REBAR (FAIRHOPE) AT THE NORTHWEST CORNER OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 2 EAST; SAINT STEPHENS MERIDIAN AND RUN THENCE
SOUTH 00°09'31" WEST, A DISTANCE OF 1323.19 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS) AND THE POINT OF BEGINNING; THENCE RUN SOUTH 89°33'44" EAST, A DISTANCE OF
1331.67 FEET TO A 1/2" CAPPED REBAR (LS #19254); THENCE RUN SOUTH 89°57'51" EAST, A DISTANCE OF 663.09 FEET TO A 1/2" CAPPED REBAR (LS #19254); THENCE RUN
SOUTH 02°22'07" WEST, A DISTANCE OF 1333.70 FEET TO A 1/2" CAPPED REBAR (LS #19254); THENCE RUN SOUTH 89°55'46" EAST, A DISTANCE OF 659.93 FEET TO A 5/8" CAPPED
REBAR (CA-1109-LS); THENCE RUN SOUTH 00°16'32" WEST, A DISTANCE OF 1324.43 FEET TO A 1/2" REBAR; THENCE RUN SOUTH 00°17'31" WEST, A DISTANCE OF 1281.46 FEET TO
A 1/2" CAPPED REBAR (LS #19254) ON THE NORTH RIGHT-OF-WAY OF ALABAMA HIGHWAY 104; THENCE RUN NORTH 89°40'18" WEST, A DISTANCE OF 1323.19 FEET TO A 1/2" CAPPED
REBAR (FAIRHOPE); THENCE RUN NORTH 00°13'22" EAST, DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 2600.78 FEET TO A 1/2" CAPPED
REBAR (FAIRHOPE); THENCE RUN NORTH 89°35'31" WEST, A DISTANCE OF 1328.56 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN NORTH 00°09'31" EAST, A DISTANCE
OF 1323.19 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 139.36 ACRES, MORE OR LESS, AND LIES IN THE WEST HALF OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 2 EAST,
BALDWIN COUNTY, ALABAMA.

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

DEWBERRY DATE _____
GEORGE D. OBSON, III AL P.L.S. NO. 30347
SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.

GENERAL NOTES:

- FOR THE LOCATION OF ALL UTILITIES, SEE CONSTRUCTION PLANS.
- STORMWATER DETENTION AREAS AND COMMON AREAS ARE NOT THE RESPONSIBILITY
OF THE CITY OF FAIRHOPE TO MAINTAIN.
- ALL UTILITIES WILL BE CONSTRUCTED UNDERGROUND.
- THERE IS DEDICATED HERewith A 15 FOOT DRAINAGE/UTILITY EASEMENT ON ALL LOT
LINES ADJACENT TO RIGHT-OF-WAYS AND A 15 FOOT (7.5 FEET EACH SIDE)
DRAINAGE/UTILITY EASEMENT ALONG ALL SIDE LOT LINES, AND 15 FOOT
DRAINAGE/UTILITY EASEMENT ALONG COMMON AREA R.O.W.'S.
- MINIMUM FINISHED FLOOR ELEVATIONS SHALL BE 18" ABOVE THE HIGHEST GROUND
ELEVATION 10 FEET OUTSIDE OF BUILDING. SEE FAIRHOPE BUILDING DEPT. FOR SPECIFIC
REQUIREMENT.
- ALL STREET LIGHTS TO BE INSTALLED IN THIS SUBDIVISION, SHALL BE IN COMPLIANCE
WITH THE CITY OF FAIRHOPE STANDARDS.
- FENCES ARE NOT ALLOWED IN DRAINAGE/UTILITY EASEMENTS.
- ALL ACCESS STREETS TO ADJACENT PROPERTIES THAT ARE NOT CONNECTED AT THE
TIME OF THE IMPROVEMENTS SHALL BE POSTED WITH A STOP SIGN BLANK READING
"FUTURE THROUGH STREET". THESE SIGNS SHALL BE POSTED BY THE SUBDIVIDER.
- THE ONLY ALLOWED USES OF THE WETLAND BUFFER SHALL BE PER THE CITY OF
FAIRHOPE SUBDIVISION REGULATIONS ARTICLE V SECTION 4. STREAM B.
- WETLAND BUFFER LOCATIONS EVERY 100 FEET SHALL BE CLEARLY DELINEATED ON
ALL GRADING PLANS, SUBDIVISION PLATS, SITE PLANS AND ANY OTHER DEVELOPMENT
PLANS. THE OUTSIDE LIMIT OF THE BUFFER MUST BE CLEARLY MARKED ON-SITE WITH
PERMANENT SIGNS PLACED EVERY 100 FEET, PRIOR TO ANY LAND DISTURBANCE
ACTIVITIES.
- NO ROCK, SOIL OR CLAY LAYER WITHIN 100' OF CRITICAL AREAS INCLUDING
WETLANDS.
- 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. THE POA IS ALSO
REQUIRED TO MAINTAIN ALL PRIVATE R.O.W.S (ALLEYS) AS WELL AS WETLAND BUFFER
SIGNAGE.
- NO SANITATION SERVICES WILL BE PROVIDED ON PRIVATE R.O.W.S (ALLEYS).
- A PUBLIC ACCESS AND USE EASEMENT EXISTS ON ALL GREEN SPACE AREAS SHOWN
HEREON. THESE PROPERTIES ARE NOT DEDICATED TO OR MAINTAINED BY THE CITY OF
FAIRHOPE BUT WILL BE OWNED AND MAINTAINED BY THE POA OF THIS DEVELOPMENT.
- DUE TO A PORTION OF THE SIDEWALKS BEING LOCATED ON THE FRONTS OF ALL
LOTS, A 1' PEDESTAL/SIDEWALK EASEMENT SHALL BE LOCATED ALONG THE FRONT
PROPERTY LINE ON ALL LOTS ADJACENT TO R.O.W.S.
- SWALES A, B, AND C LOCATED WITHIN A DRAINAGE EASEMENT ARE TO BE
MAINTAINED BY THE PROPERTY OWNER(S) AS REQUIRED BY ARTICLE V, SECTION F.9.

MORTGAGEE'S ACCEPTANCE:

IN WITNESS WHEREOF, _____ THE OWNERS OF THE
MORTGAGE OF _____ SHOWN HEREON HAS CAUSED THIS
INSTRUMENT TO BE EXECUTED BY THE UNDERSIGNED OFFICERS, THEREINTO DULY
AUTHORIZED ON THIS _____ DAY OF _____ 20____.

BY: _____
AS ITS _____

ACKNOWLEDGEMENT,
STATE OF ALABAMA
BALDWIN COUNTY
I, _____ A NOTARY PUBLIC IN AND FOR SAID COUNTY
AND STATE HEREBY CERTIFY THAT _____ WHOSE NAME
AS _____ OF _____ IS SIGNED TO
THE FOREGOING INSTRUMENT, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME
ON THIS DAY THAT HE BEING INFORMED OF THE CONTENTS OF THIS INSTRUMENT, HE AS
SUCH MEMBER, AND WITH FULL AUTHORITY EXECUTE THE SAME VOLUNTARILY FOR AND
AS THE ACT OF SAID BANK.

GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____ 20____

NOTARY PUBLIC BALDWIN COUNTY.

CERTIFICATE OF OWNER'S ACCEPTANCE

I, THE UNDERSIGNED, OWNER OF THE WITHIN PLATTED LANDS, HAS CAUSED THE
LAND EMBRACED IN THE WITHIN PLAT TO BE SURVEYED, LAID OUT AND PLATTED TO
BE KNOWN AS NORTH HILLS AT FAIRHOPE.

OWNER: A I C JR LAND A I CORTE III FAMILY LIMITED
BY: _____ DATE _____
ITS: _____

CERTIFICATE OF NOTARY PUBLIC:

STATE OF ALABAMA
COUNTY OF BALDWIN
I, _____ NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID
STATE, HEREBY CERTIFY THAT THE ABOVE, _____ WHOSE
NAME AS _____ OF A I C JR LAND A I CORTE III FAMILY LIMITED
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.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THE _____ DAY
OF _____ 20____.
NOTARY PUBLIC MY COMMISSION EXPIRES _____

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 _____ 20____.

AUTHORIZED REPRESENTATIVE _____

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 _____ DAY OF _____ 20____.

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 _____ 20____.

AUTHORIZED REPRESENTATIVE _____

CERTIFICATE OF APPROVAL BY THE CITY OF FAIRHOPE: (GAS)

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 _____ 20____.

AUTHORIZED REPRESENTATIVE _____

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES: (ELECTRIC)

THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES HEREBY APPROVES THE WITHN
PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY,
ALABAMA, THIS _____ DAY OF _____ 20____.

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: _____ SECRETARY DATE: _____

OWNER:
A I C JR LAND A I CORTE III FAMILY LIMITED
23100 ST HWY 101
FAIRHOPE, AL 36532

SURVEYOR/ENGINEER:
DEWBERRY
25355 FRIENDSHIP ROAD, DAPHNE, AL
36528, PLS. LIC. NO. 22014
JASON N. ESTES, PE LIC. NO. 22714

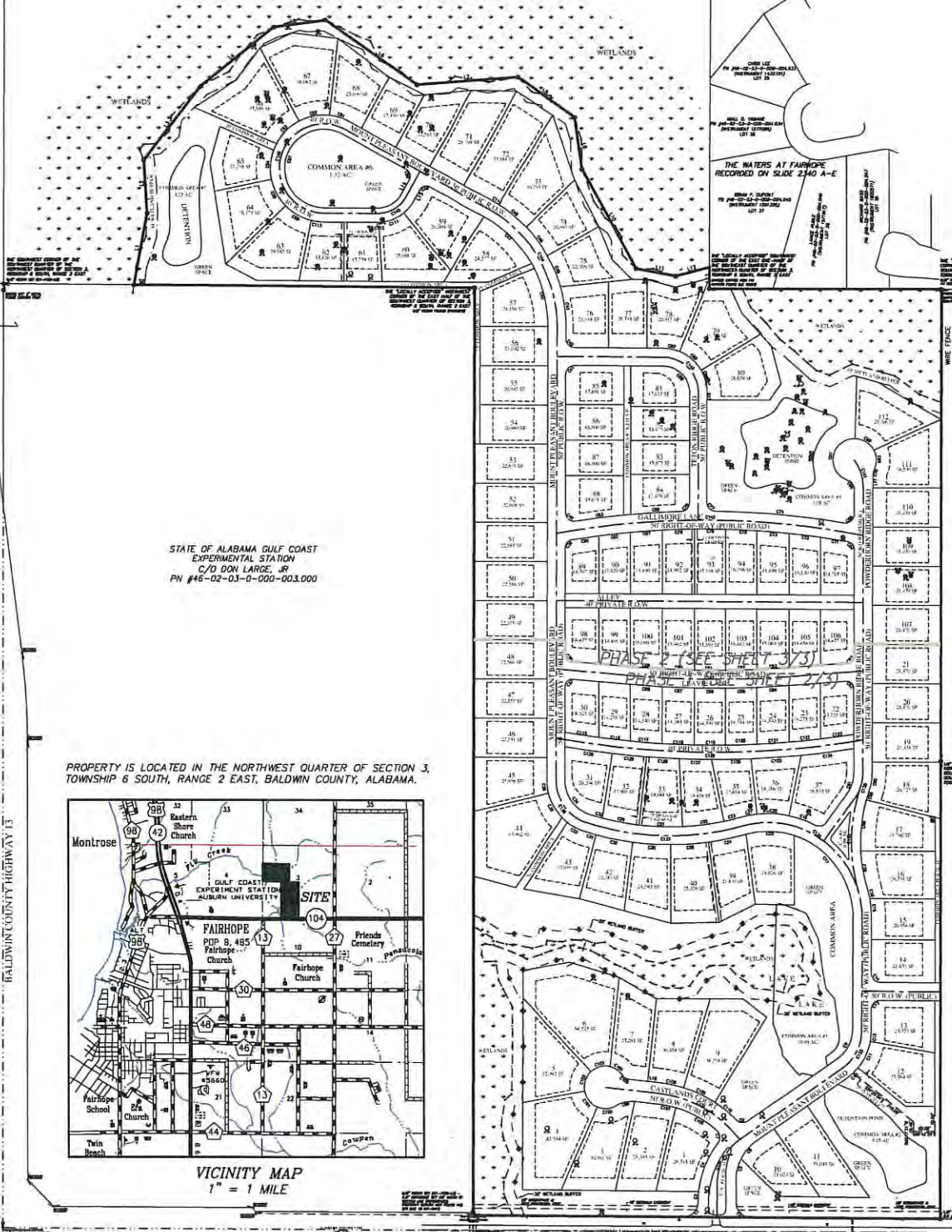
DEVELOPER:
NORTH HILLS AT FAIRHOPE LLC
24150 HWY 150 STE B
FAIRHOPE, AL 36532

NORTH HILLS AT FAIRHOPE

SEPTEMBER 26, 2018 - SHEET 1 OF 3 SHEETS
PRELIMINARY PLAT - NOT FOR RECORDING

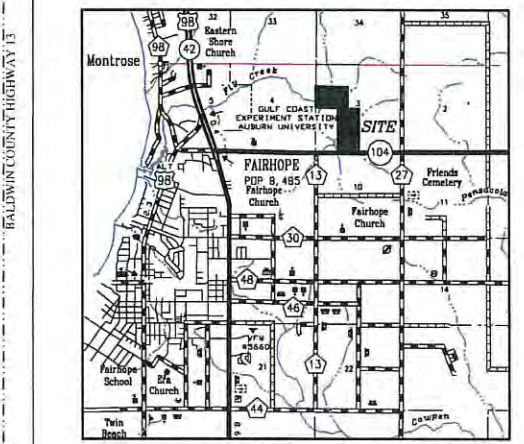
BOUNDARY SURVEY AND PLAT OF SUBDIVISION			
DATE	BY	DED	FILE
JUNE 2018	DEWBERRY	22014	MSP
JUNE 2018	DEWBERRY	22014	JNE
DATE	BY	DED	FILE
SEP 26 2018	DEWBERRY	22014	50103933
DATE	BY	DED	FILE
SEP 26 2018	DEWBERRY	22014	50103933-MASTER
PAGE	1 3		

RECEIVED
SEP 28 2018
BY: _____
Revised As Per Comments



STATE OF ALABAMA GULF COAST
EXPERIMENTAL STATION
C/O DON LARCE, JR.
PH #46-02-03-0-000-003.000

PROPERTY IS LOCATED IN THE NORTHWEST QUARTER OF SECTION 3,
TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

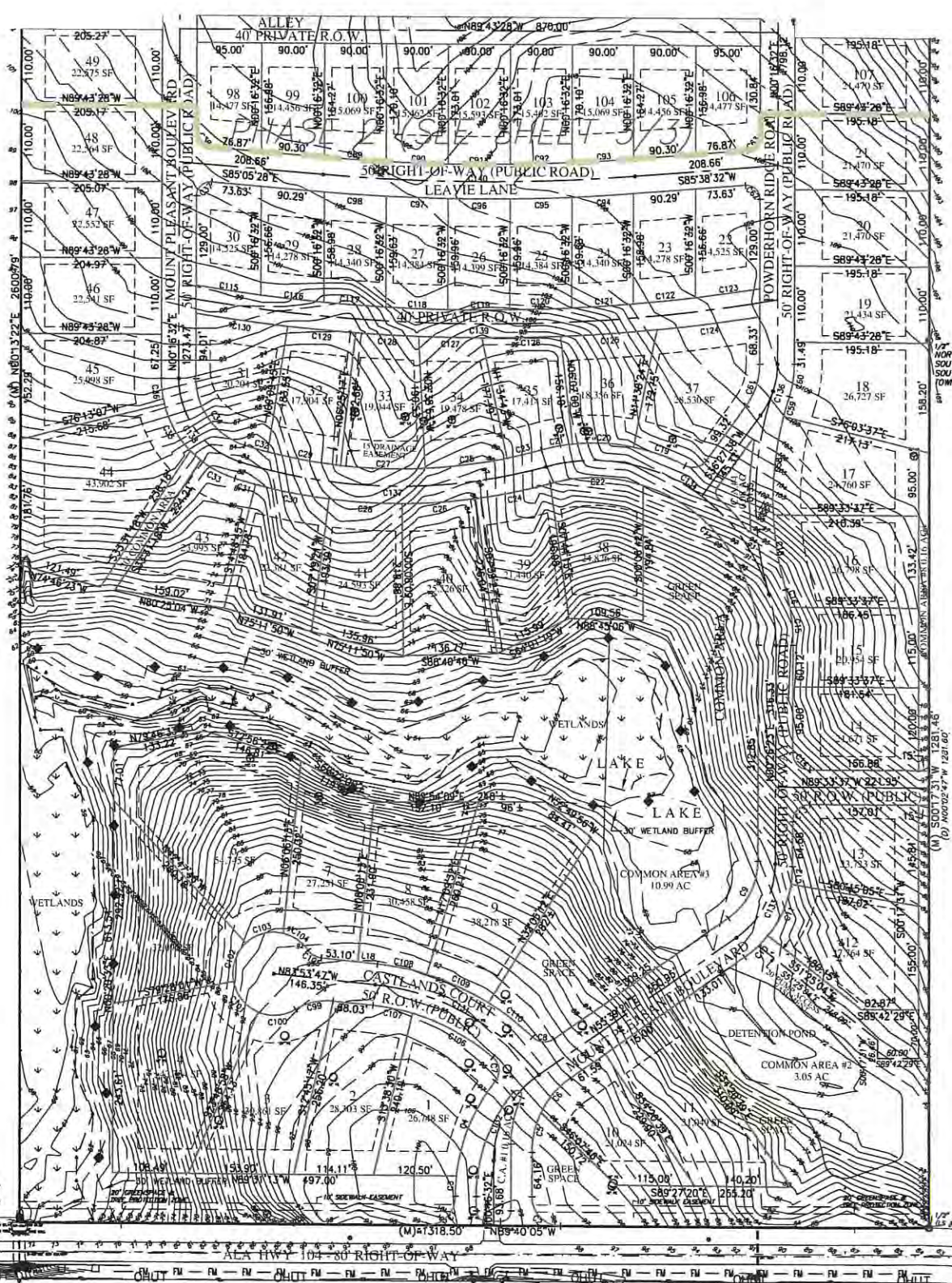


VICINITY MAP
1" = 1 MILE

DEWBERRY, LLC
PH #46-02-10-0-000-018.000
(INSTRUMENT 23302)

HELEN ANDERSON (LIFE ESTATE)
PH #46-02-10-0-000-017.000
(INSTRUMENT 854258)

MADE G. PERCY
PH #46-02-10-0-000-016.000
(REAL PROPERTY BOOK 348 PAGE 1537)



JOE M. JOHNSON
 PN #46-02-03-0-000-004.003
 (INSTRUMENT 503508)

1/4" NEAR
 NORTHWEST CORNER OF THE
 SOUTHWEST QUARTER OF SECTION 3,
 TOWNSHIP 6 SOUTH, RANGE 2 EAST

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	42.00	65.36	N45°20'21"E	59.39
C2	42.00	65.36	N44°41'47"E	59.37
C3	270.00	59.38	N03°27'09"E	65.26
C4	270.00	149.75	S22°26'52"W	147.84
C5	130.00	59.38	N13°20'20"E	58.77
C6	130.00	66.17	S41°01'44"W	65.86
C7	25.00	18.17	S05°37'43"E	34.71
C8	25.00	14.74	N85°06'45"W	31.62
C9	100.00	36.37	S26°02'52"W	62.68
C10	100.00	46.10	N47°24'03"E	45.93
C11	180.00	82.09	S24°26'50"W	81.20
C12	180.00	75.99	N05°05'59"E	75.97
C13	25.00	19.37	N45°26'23"E	35.30
C14	25.00	19.37	N44°33'37"W	35.30
C15	290.00	65.37	N05°00'51"W	65.19
C16	290.00	78.83	N1°25'27"E	75.54
C17	240.00	304.83	S35°56'49"E	284.75
C18	475.00	109.36	N09°06'56"W	109.14
C19	240.00	138.37	N68°51'04"W	136.47
C20	290.00	89.88	S87°14'18"E	89.52
C21	290.00	46.83	S79°15'27"W	46.78
C22	240.00	118.17	N68°51'04"W	116.47
C23	290.00	50.84	S76°31'38"W	50.83
C24	818.59	110.16	N78°29'14"E	110.08
C25	788.59	119.80	N82°53'12"E	119.58
C26	818.59	101.46	S90°05'12"W	107.39
C27	788.59	121.66	S88°08'48"E	121.53
C28	818.59	106.56	S88°24'24"E	106.48
C29	788.59	107.46	S89°05'12"W	107.39
C30	818.59	101.01	S78°55'57"E	105.93
C31	818.59	12.25	S74°03'39"E	32.25
C32	788.59	35.90	S74°34'28"E	35.90
C33	150.00	55.83	N04°14'56"E	55.80
C34	100.00	127.77	S36°19'39"E	119.25
C35	150.00	78.67	S28°48'23"E	77.77
C36	150.00	36.90	S27°27'08"E	36.41
C37	20.00	33.03	N47°35'32"E	29.40
C38	20.00	29.80	S42°24'28"E	27.12
C39	25.00	28.09	S44°43'28"E	25.35
C40	25.00	43.28	S49°17'31"E	38.08
C41	25.00	39.27	S45°16'32"W	35.39
C42	25.00	39.27	S44°43'28"E	35.35
C43	400.00	113.28	S07°51'03"W	113.30
C44	350.00	176.11	S13°38'54"E	168.44
C45	400.00	84.83	S22°46'15"E	84.44
C46	400.00	109.40	S36°44'19"E	100.14
C47	350.00	189.25	S45°31'48"E	186.96
C48	400.00	100.53	S51°07'46"E	100.27
C49	20.00	31.42	S73°39'48"E	28.10
C50	20.00	31.42	N16°01'14"W	28.28
C51	150.00	59.30	N72°20'43"W	58.91
C52	150.00	89.57	S79°13'24"W	88.22
C53	150.00	81.01	N44°44'06"E	83.42
C54	150.00	82.38	N03°38'30"E	81.39
C55	150.00	84.71	S27°35'09"E	83.58
C56	150.00	83.61	S60°04'56"E	82.83
C57	110.00	400.44	S14°41'28"W	213.19
C58	435.00	143.30	S06°07'23"W	142.79
C59	435.00	30.00	S16°34'30"W	30.00
C60	150.00	47.41	S09°19'49"W	47.21
C61	100.00	63.15	N18°27'05"E	62.11
C62	20.00	33.03	S47°07'28"E	29.40
C63	20.00	29.80	S42°24'28"E	27.12
C64	20.00	28.09	S44°43'28"E	25.35
C65	25.00	39.27	S45°16'32"W	35.39
C66	25.00	39.27	S44°43'28"E	35.35
C67	25.00	43.28	S49°17'31"E	38.08
C68	25.00	39.27	S45°16'32"W	35.39
C69	25.00	39.27	S44°43'28"E	35.35
C70	25.00	43.28	S49°17'31"E	38.08
C71	25.00	39.27	S45°16'32"W	35.39
C72	25.00	39.27	S44°43'28"E	35.35
C73	25.00	43.28	S49°17'31"E	38.08
C74	25.00	39.27	S45°16'32"W	35.39
C75	25.00	39.27	S44°43'28"E	35.35
C76	25.00	43.28	S49°17'31"E	38.08
C77	25.00	39.27	S45°16'32"W	35.39
C78	25.00	39.27	S44°43'28"E	35.35
C79	25.00	43.28	S49°17'31"E	38.08
C80	25.00	39.27	S45°16'32"W	35.39
C81	25.00	39.27	S44°43'28"E	35.35
C82	25.00	43.28	S49°17'31"E	38.08
C83	25.00	39.27	S45°16'32"W	35.39
C84	25.00	39.27	S44°43'28"E	35.35
C85	25.00	43.28	S49°17'31"E	38.08
C86	25.00	39.27	S45°16'32"W	35.39
C87	25.00	39.27	S44°43'28"E	35.35
C88	25.00	43.28	S49°17'31"E	38.08
C89	25.00	39.27	S45°16'32"W	35.39
C90	25.00	39.27	S44°43'28"E	35.35
C91	25.00	43.28	S49°17'31"E	38.08
C92	25.00	39.27	S45°16'32"W	35.39
C93	25.00	39.27	S44°43'28"E	35.35
C94	25.00	43.28	S49°17'31"E	38.08
C95	25.00	39.27	S45°16'32"W	35.39
C96	25.00	39.27	S44°43'28"E	35.35
C97	25.00	43.28	S49°17'31"E	38.08
C98	25.00	39.27	S45°16'32"W	35.39
C99	25.00	39.27	S44°43'28"E	35.35
C100	25.00	43.28	S49°17'31"E	38.08
C101	25.00	39.27	S45°16'32"W	35.39
C102	25.00	39.27	S44°43'28"E	35.35
C103	25.00	43.28	S49°17'31"E	38.08
C104	25.00	39.27	S45°16'32"W	35.39
C105	25.00	39.27	S44°43'28"E	35.35
C106	25.00	43.28	S49°17'31"E	38.08
C107	25.00	39.27	S45°16'32"W	35.39
C108	25.00	39.27	S44°43'28"E	35.35
C109	25.00	43.28	S49°17'31"E	38.08
C110	25.00	39.27	S45°16'32"W	35.39
C111	25.00	39.27	S44°43'28"E	35.35
C112	25.00	43.28	S49°17'31"E	38.08
C113	25.00	39.27	S45°16'32"W	35.39
C114	25.00	39.27	S44°43'28"E	35.35
C115	25.00	43.28	S49°17'31"E	38.08
C116	25.00	39.27	S45°16'32"W	35.39
C117	25.00	39.27	S44°43'28"E	35.35
C118	25.00	43.28	S49°17'31"E	38.08
C119	25.00	39.27	S45°16'32"W	35.39
C120	25.00	39.27	S44°43'28"E	35.35
C121	25.00	43.28	S49°17'31"E	38.08
C122	25.00	39.27	S45°16'32"W	35.39
C123	25.00	39.27	S44°43'28"E	35.35
C124	25.00	43.28	S49°17'31"E	38.08
C125	25.00	39.27	S45°16'32"W	35.39
C126	25.00	39.27	S44°43'28"E	35.35
C127	25.00	43.28	S49°17'31"E	38.08
C128	25.00	39.27	S45°16'32"W	35.39
C129	25.00	39.27	S44°43'28"E	35.35
C130	25.00	43.28	S49°17'31"E	38.08
C131	25.00	39.27	S45°16'32"W	35.39
C132	25.00	39.27	S44°43'28"E	35.35
C133	25.00	43.28	S49°17'31"E	38.08
C134	25.00	39.27	S45°16'32"W	35.39
C135	25.00	39.27	S44°43'28"E	35.35
C136	25.00	43.28	S49°17'31"E	38.08
C137	25.00	39.27	S45°16'32"W	35.39
C138	25.00	39.27	S44°43'28"E	35.35
C139	25.00	43.28	S49°17'31"E	38.08
C140	25.00	39.27	S45°16'32"W	35.39
C141	25.00	39.27	S44°43'28"E	35.35
C142	25.00	43.28	S49°17'31"E	38.08
C143	25.00	39.27	S45°16'32"W	35.39
C144	25.00	39.27	S44°43'28"E	35.35
C145	25.00	43.28	S49°17'31"E	38.08
C146	25.00	39.27	S45°16'32"W	35.39

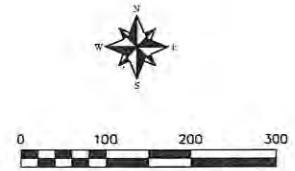
LINE	BEARING	DISTANCE
L1	N10°22'28"E	205.42
L2	S03°48'14"E	147.91
L3	S37°44'55"W	262.37
L4	S51°28'27"W	254.96
L5	S82°15'03"W	1147.33
L6	N54°35'11"W	313.72
L7	N85°40'07"E	283.57
L8	S44°44'43"E	199.00
L9	S07°32'59"E	145.73
L10	N28°56'41"W	319.13
L11	N09°38'49"W	111.86
L12	N75°11'48"E	99.31
L13	N00°22'07"E	60.39
L14	S28°56'48"W	45.17
L15	S39°38'46"W	143.17
L16	S00°16'32"W	118.73
L17	N00°16'32"E	132.04
L18	N63°53'47"W	128.44

5/8" NEAR SET (CA-1108-LS) -
 2.37' REFERENCE SET 50' NORTH OF
 SECTION LINE (PREVIOUSLY
 PROPERTY CORNER NOT FOUND AND
 SET BACK TO RHP-646)

BILLIE, LLC
 PN #46-02-10-0-000-018.000
 (INSTRUMENT 533029)

HELEN ANDERSON (LIFE ESTATE)
 PN #46-02-10-0-000-017.000
 (INSTRUMENT 854258)

MARIE G. PERCY
 PN #46-02-10-0-000-016.001
 (REAL PROPERTY BOOK 549 PAGE)

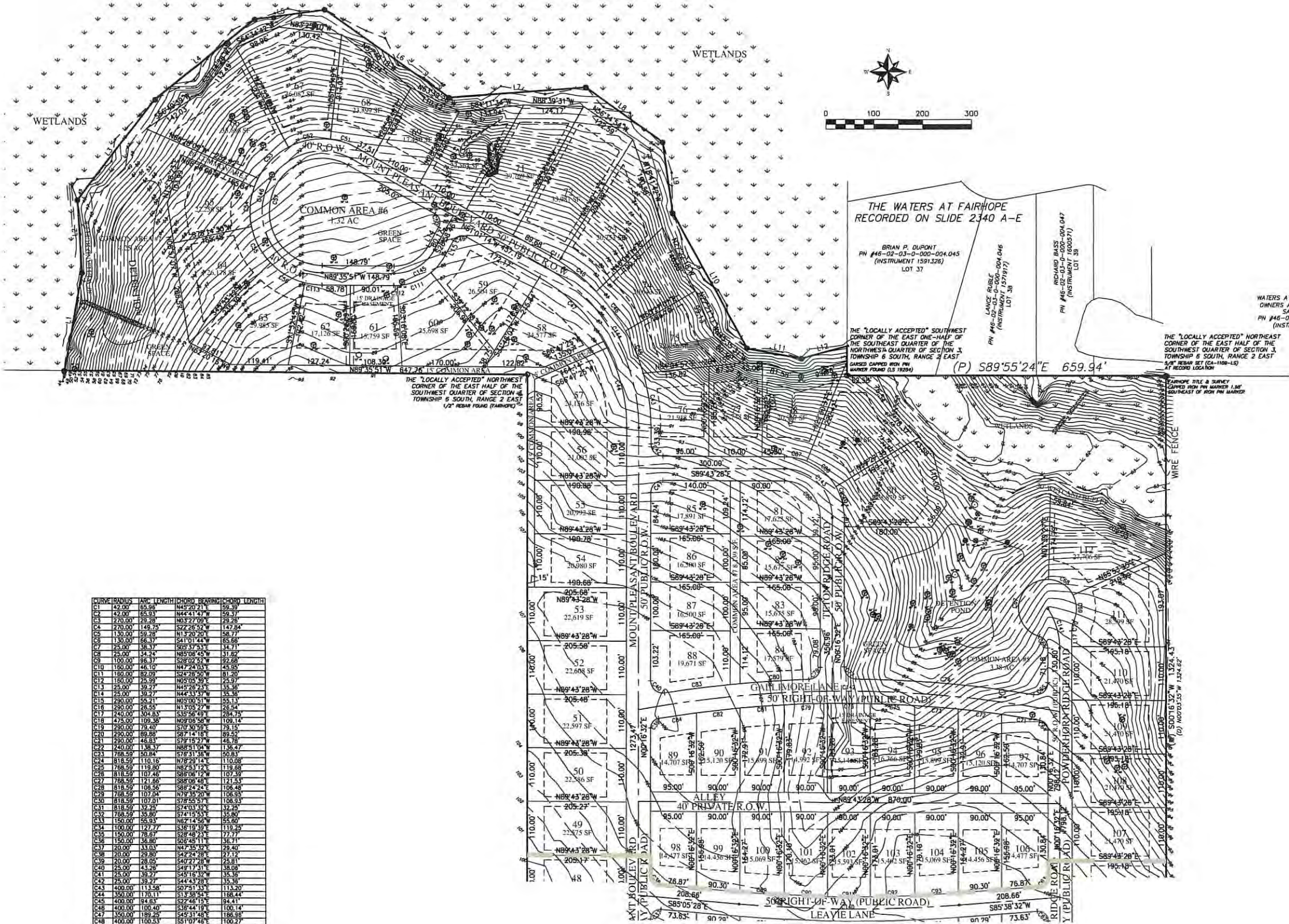


NORTH HILLS AT FAIRHOPE
 SEPTEMBER 25, 2018 - SHEET 2 OF 3 SHEETS
 PRELIMINARY PLAT - NOT FOR RECORDING

BOUNDARY SURVEY AND PLAT OF SUBDIVISION			
DATE	BY	DED	MSP
09/25/2018	JNE	DEP	JNE
09/25/2018	JNE	DEP	JNE

Dewberry
 5333 FRIENDSHIP ROAD | Daphne, AL 36526
 351-990-9950 | Fax: 351-929-9815

SCALE: 1"=100'
 BOUNDARY: 50103933
 FILE: 50103933-MASTER
 PAGE: 2 3



LINE	BEARING	DISTANCE
C1	N45°20'21"E	59.39
C2	N44°41'47"W	59.37
C3	N03°27'09"E	29.29
C4	S22°06'52"W	147.84
C5	N13°20'20"E	58.77
C6	S41°01'44"W	65.68
C7	S02°37'53"E	14.71
C8	N85°06'45"W	31.82
C9	S28°02'52"W	92.68
C10	N47°24'03"E	43.35
C11	S24°28'50"W	61.20
C12	N05°05'39"E	25.37
C13	N45°28'23"E	35.36
C14	N44°33'57"E	35.36
C15	N05°00'51"W	55.13
C16	N13°05'27"W	26.24
C17	S35°56'49"E	284.75
C18	N09°08'58"W	109.14
C19	S70°30'59"E	79.15
C20	S07°14'18"E	89.52
C21	S71°05'19"E	48.73
C22	N88°51'04"W	136.47
C23	S78°31'35"W	50.83
C24	S05°36'12"E	119.68
C25	S86°06'12"W	107.39
C26	S04°24'24"E	121.15
C27	S08°24'24"E	106.48
C28	N79°32'20"W	106.95
C29	S78°55'57"E	108.93
C30	S74°03'19"E	122.24
C31	S74°15'53"E	155.80
C32	N67°14'56"W	65.00
C33	S35°18'39"E	119.29
C34	S28°48'23"E	77.77
C35	S09°45'11"E	36.71
C36	N47°24'03"E	29.29
C37	S42°24'28"E	72.12
C38	S40°27'28"W	25.81
C39	S48°17'31"E	38.08
C40	S45°10'48"E	100.27
C41	S44°43'28"E	35.36
C42	S07°51'33"E	113.20
C43	S13°38'54"E	168.44
C44	S22°46'15"E	94.41
C45	S38°44'19"E	100.14
C46	S45°31'48"E	186.95
C47	S51°01'48"E	100.27
C48	S75°50'46"W	28.28

LINE	BEARING	DISTANCE
L1	N107°22'26"E	205.42
L2	S03°48'14"E	141.31
L3	S37°44'55"W	262.37
L4	S51°28'27"W	284.96
L5	S87°15'03"E	147.33
L6	N85°25'11"W	315.72
L7	N85°40'07"E	283.67
L8	S24°44'43"E	195.00
L9	S01°25'59"E	145.71
L10	N26°58'41"W	319.13
L11	N79°28'49"W	111.86
L12	N27°11'49"E	189.11
L13	N02°22'07"E	60.39
L14	S28°58'45"W	145.17
L15	S28°38'46"W	135.17
L16	S09°16'32"W	118.73
L17	N07°16'52"E	32.04
L18	N83°53'47"W	28.44

NORTH HILLS AT FAIRHOPE

SEPTEMBER 25, 2018 - SHEET 3 OF 3 SHEETS
PRELIMINARY PLAT - NOT FOR RECORDING

BOUNDARY SURVEY AND PLAT OF SUBDIVISION				
DESIGN	JNE	DRAWN	DED	CHKD. MSP
ENG	JNE	SURVEYOR	DED	PROJ MGR JNE
				SCALE 1"=100'
				PROJ. NO. 50103933
				FILE 50103933-MASTER
				SHEET 3 3



Planning Commission

November 5, 2018

Conditional Annexation and Rezone

Case: ZC 18.12 Lot 2 & 3, The Bills' No. 2

Project Name:
Lot 2 & 3, The Bills' No. 2

Project Type:
Rezoning/Conditional
Annexation

Jurisdiction:
Unincorporated Baldwin
County

Zoning District:
Unzoned

PPIN Number:
369809 and 369810

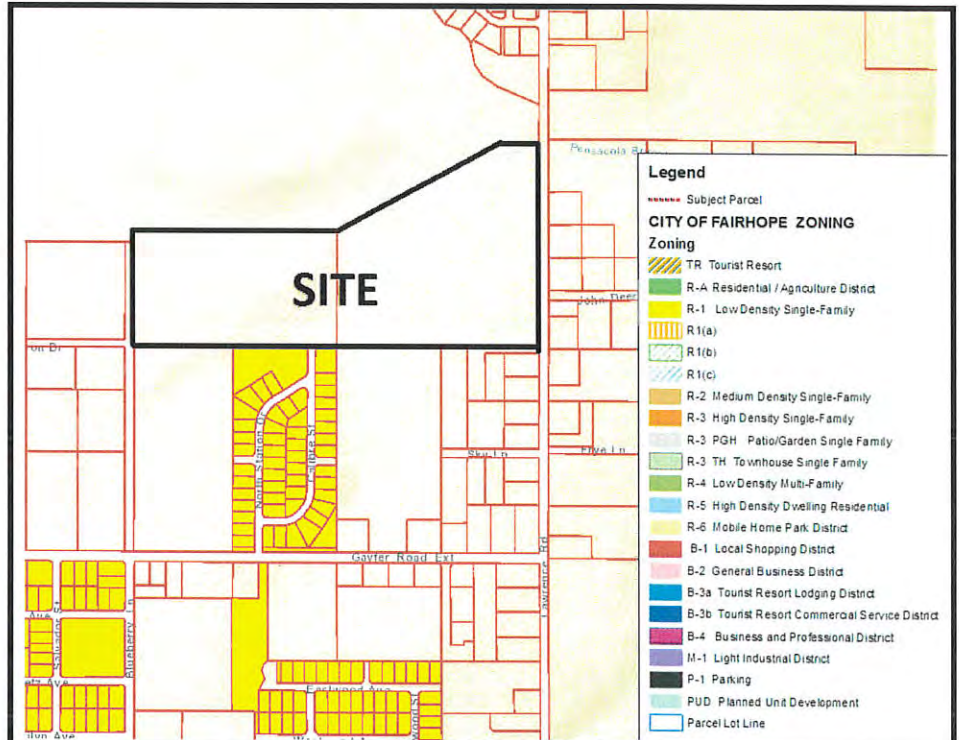
General Location:
East of State Hwy 181, South of
State Hwy 104 and North of
Gayfer Road Extension

Engineer:
Dewberry Engineers, Inc.

Applicant:
The Bills' No. 2, LLC

School District:
Fairhope Elementary, Middle
and High schools

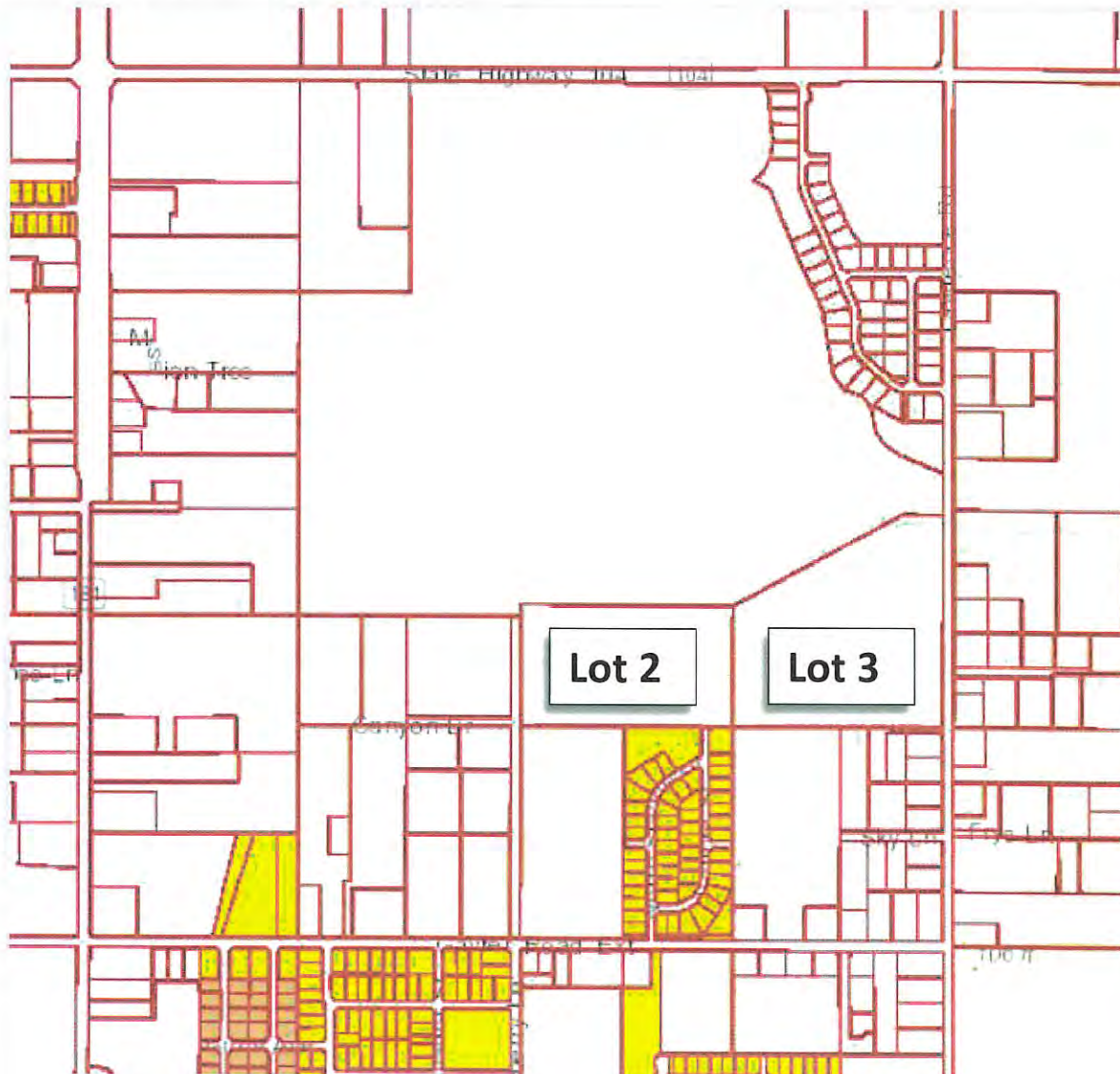
Recommendation:
Approve



Family Residential District and the areas in brown are zoned R-2 Medium Density Single-Family Residential District.

The development abutting the subject properties to south is the North Station neighborhood. All other areas around it is unzoned properties located in unincorporated Baldwin County. The abutting North Station development was annexed by the City on January 23, 2006 and platted in 2007, with 49 lots with the smallest lot being 0.24 acres. Additionally, the properties within the corporate limits south of Gayfer Road Extension is part of the Gayfer Estates Plantation platted in 2004. It is zoned R-1 Low Density Single-Family Residential District and the smallest lot there is 0.26 acres (approximately 11,300 sq.ft.). The existing zoning does not necessarily correspond to the existing density as these subdivisions were developed in the County and then annexed into the City voluntarily. Per the Zoning Ordinance, voluntary annexations automatically come into the City as R-1 Low Density Single-Family Residential District.

The minimum lot size for R-1 Low Density Single-Family Residential District is 15,000 sq.ft. with a minimum lot width of 100'. The minimum lot size for R-2 Medium Density Single-Family Residential District is 10,500 sq.ft. with a 75' minimum lot width. Many of the R-1 zoned developments do not appear to meet the minimum lot sizes and minimum lot width i.e. North Station, Gayfer Estates, Falls Creek, River Station, and therefore the current zoning of R-1 appears to be inconsistent with the actual development of the subdivisions. The R-2 Medium Density Single-Family Residential District appears to be more consistent with the pattern of development of these developments.



Current Conditions:

The subject property is currently undeveloped containing cultivated fields but does contain wetlands.

Comments:

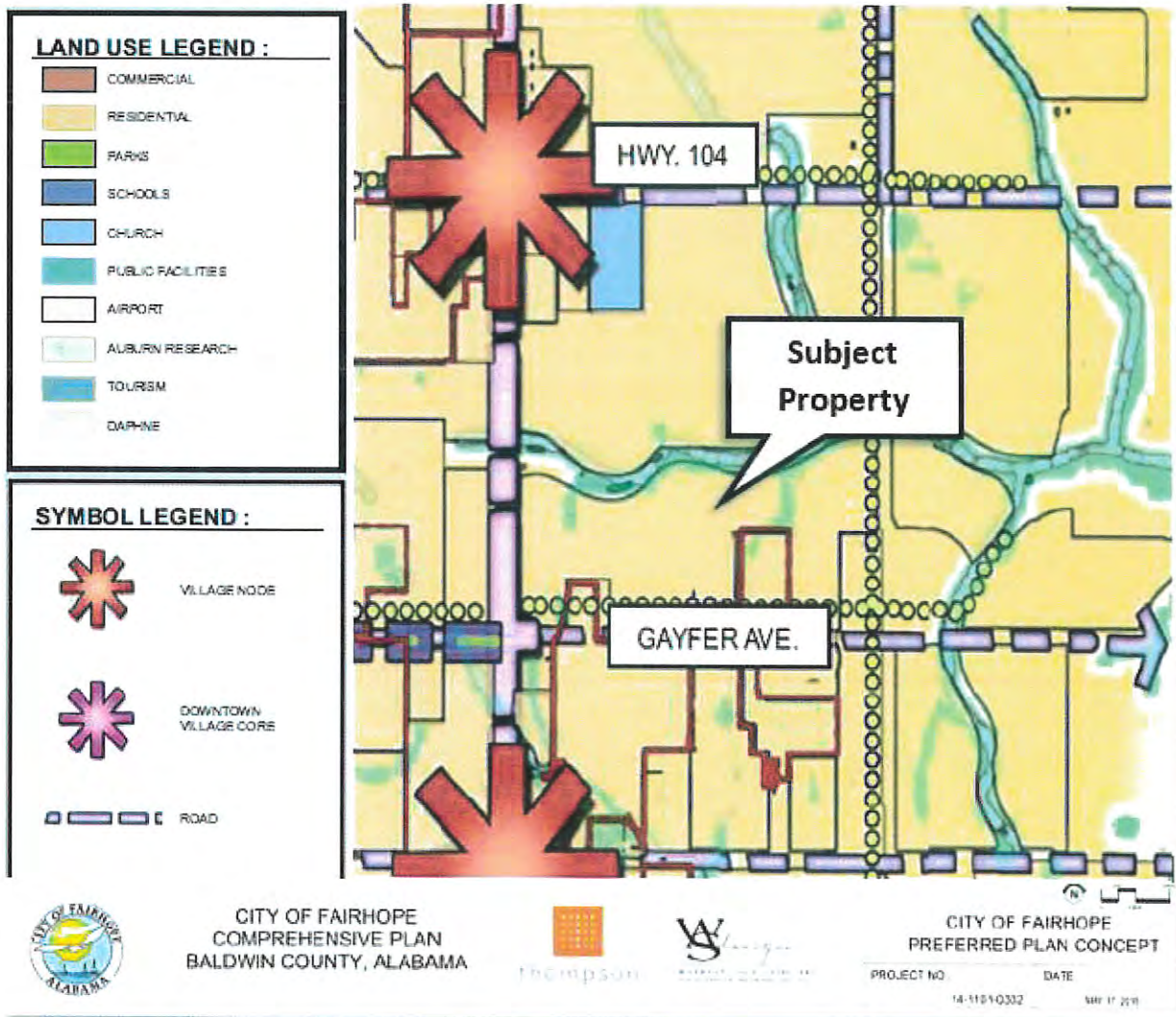
**Fairhope Zoning Ordinance
Article II.C(e).**

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

(1) Compliance with the Comprehensive Plan;

Response:

The requested zoning is R-2 Medium Density Single-Family Residential District which is comprises the majority of the residential zoning in the City. The subject property is categorized as a residential in the Comprehensive Plan. Therefore, the requested zoning is consistent with the Comprehensive Plan guidance in terms of residential use. The comprehensive plan calls for higher densities for immediate areas around Villages. The villages are to be more dense (more units per acre) and then transition to lower density development patterns¹. The subject property is located between to Village Nodes. Based on the transitional densities discussed in the Comprehensive Plan and the adjacency of the Village Nodes, staff suggests that a residential medium density is consistent with the Comprehensive Plan.



¹ Fairhope Comprehensive Plan, Page 34.

(2) Compliance with the standards, goals, and intent of this ordinance;

Response:

The purpose of the R-2 Medium Density Single-Family Residential District is to provide a medium density single family urban residential district, with lots of moderate size. The subject property, Lots 2 and 3 Bills Subdivision, equals approximately 53.93 acres.

Table 3-2: Dimension Table - Lots and Principle Structure

Dimension District or use	Min. Lot Area/ Allowed Units Per Acre (UPA)	Min. Lot Width	Setbacks				Max. total lot coverage by principle structure	Max. height
			Front	Rear	Side	Street side		
R-2	10,500 s.f. *	75'	35'	35'	10' ^b	20'	37%	30' ^a

a. Structure may exceed the building height provided the lot width is increased by 10 feet for each additional foot in height

If the rezoning is approved, any subsequent subdivision plat must conform to the R-2 standards.

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

Response:

The R-2 lot size of 10,500 sq.ft. equates to an approximate gross density of 4.14 dwelling units per acre (43,560sq.ft./15,500sq.ft.). However, the net density for a subdivision is generally less as the rights-of-way required for internal roads, which are dedicated to the City, typically reduce the total developable space by approximately 15%. In this case, the Bills No. 2 Subdivision, also includes wetlands and wetland buffers, reducing the developable area even further.

(4) Adequacy of public infrastructure to support the proposed development;

Response:

Fairhope Utilities gas is available for the subject property. Fairhope Utilities Water has an 8-inch main adjacent to the subject properties. Fairhope Utilities Sewer is also located near the subject properties. A letter of utility availability has been provided to the developers of the subject properties.

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

Response:

The current plat, Bills No.2 Subdivision, shows the 30' required wetland buffer as required by the Wetland Ordinance. During and post development, this wetland buffer will continue to be enforced.

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

Response:

At the time of development all applicable laws of the City will be applied.

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

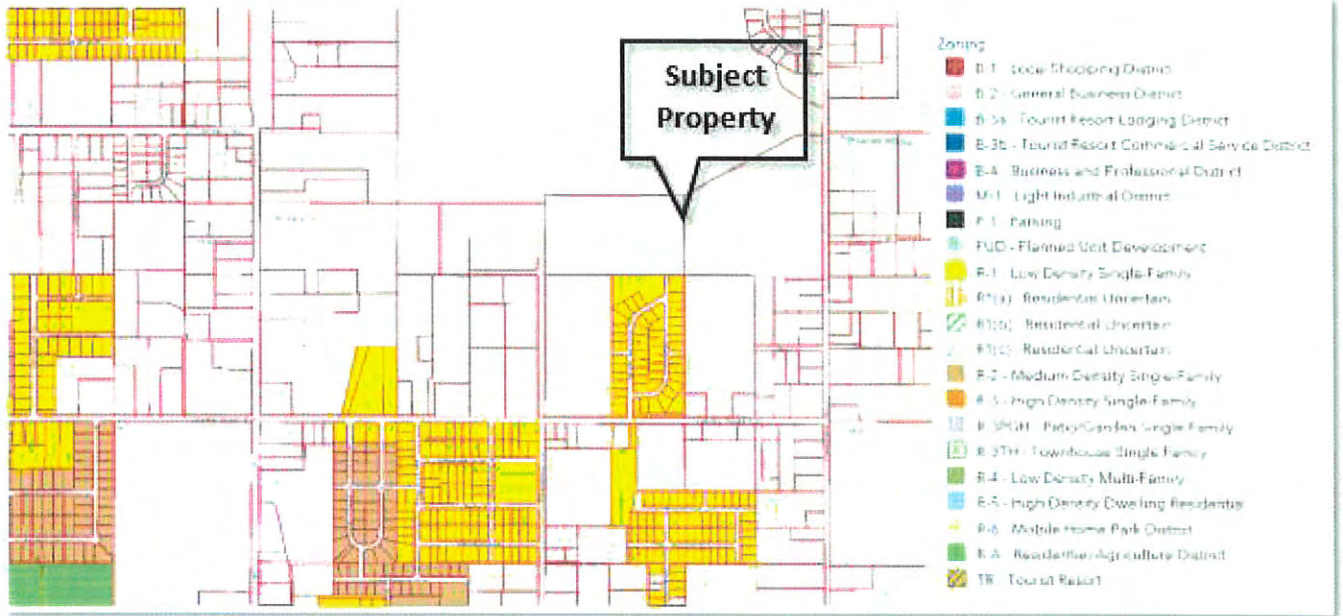
Response:

At the time of development all applicable laws of the City will be applied.

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

Response:

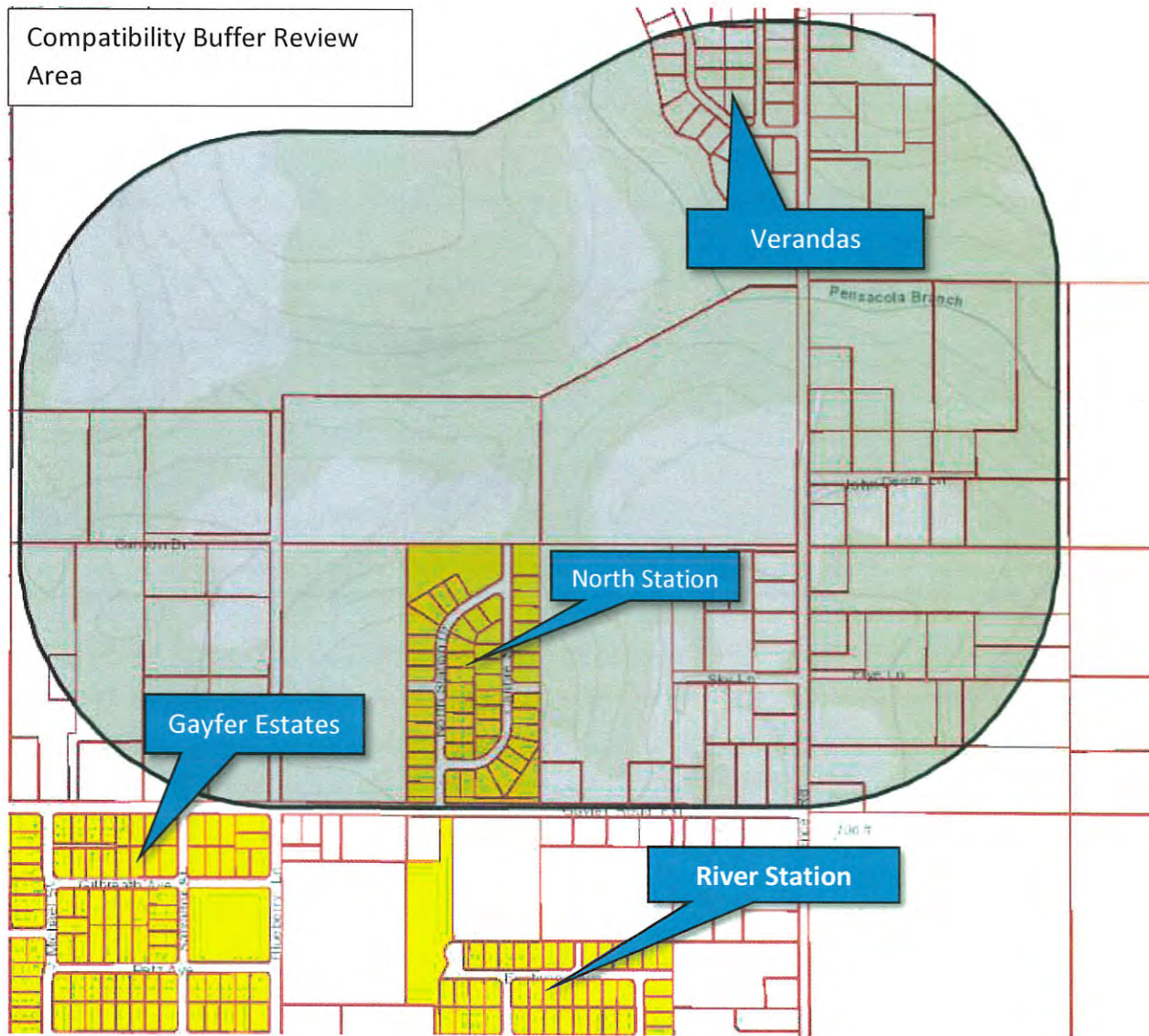
Although the adjoining and nearby developments are zoned R-1, the R-2 is primarily a residential use with a medium density. The property adjoining and connecting to the subject property is also residential.



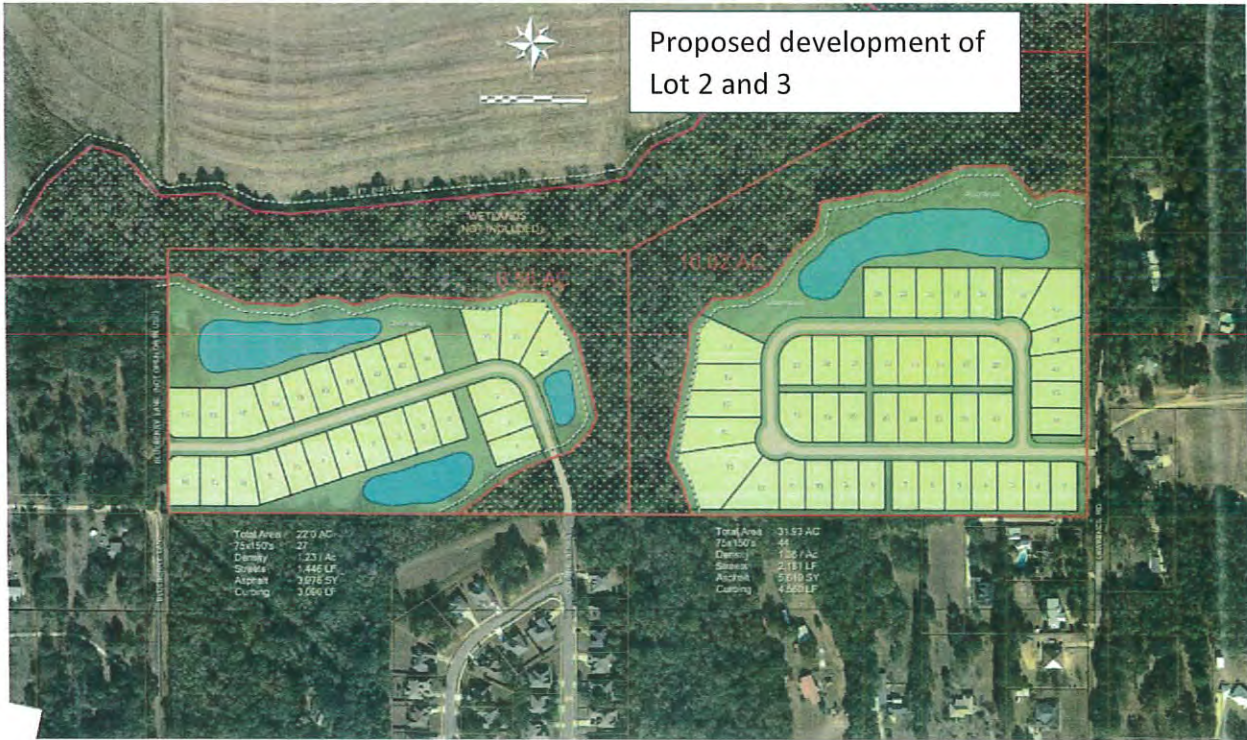
(9) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values.

Response:

Staff conducted a compatibility analysis for the subject property.



The development immediately adjoining to the south is North Station (see image below) which was platted on December 28, 2016. The lot sizes in North Station range between 10,500 sq.ft. and 11,500 sq.ft. with a resulting density of approximately 2.48 units per acre.



The above proposed development lot lay out accompanied the rezoning and conditional annexation request. The development lot lay out represents a density of 1.23 – 12.6 dwelling units per acre. The compatibility analysis weighted allowable density, considering unzoned undeveloped (2.9 du’s per acre) and the zoned developed area (North Station 2.48 du’s per acre) is 2.76 dwelling units per acre.

Recommendation:

Staff recommends Approval of the rezoning to the R-2 Medium Density Single-Family Residential District and the conditional annexation.



APPLICATION FOR ZONING DISTRICT CHANGE

Property Owner / Leaseholder Information

Name: THE BILLS NO. 2 LLC Phone Number: _____
 Street Address: PO BOX 1659
 City: ROBERTSDALE State: AL Zip: 36567

Applicant / Agent Information

If different from above.
 Notarized letter from property owner is required if an agent is used for representation.

Name: DEWBERRY Phone Number: 251 929 9797
 Street Address: 25353 FRIENDSHIP ROAD
 City: DAPHNE State: AL Zip: 36526

Current Zoning of Property: R-1
 Proposed Zoning/Use of the Property: R-2
 Property Address: SOUTH OF ST HWY 104 AND EAST OF ST HWY 181
 Parcel Number: 05-46-01-11-0-000-001.622 (LOT 3) & 05-46-01-11-0-000-001.621 (LOT 2)
 Property Legal Description: PLEASE SEE ATTACHMENT
 Reason for Zoning Change: ZONING SHOULD MATCH PLANS FOR THE DEVELOPMENT

- Property Map Attached **YES** NO
- Metes and Bounds Description Attached **YES** NO
- Names and Address of all Real Property Owners within 300 Feet of Above Described Property Attached. **YES** NO

Character of Improvements to the Property and Approximate Construction Date: _____
IMPROVEMENTS: HOME INFRASTRUCTURE
CONSTRUCTION DATE: PENDING PLAT APPROVAL

Zoning Fee Calculation:
Reference: Ordinance 1269

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

Michael / Bill
 Property Owner/Leaseholder Printed Name
9/21/18
 Date

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

RECEIVED
 SEP 25 2018
 BY: [Signature]



Planning Commission

November 5, 2018

Rezone

Case: ZC 18.13 8330 Nichols Avenue

Project Name

8330 Nichols Ave

Property Owner /Applicant

Joe Roszkowski

General Location

8330 Nichols Ave 5/16 mile east of Greeno Road

Project Type

Re-zoning

R-1 (Low Density Single Family Residential)

To

M-1 (Light Industrial)

Number of lots

2

Project Acreage

1.3 acres approximately

Zoning District

R-1 Low Density Single Family District

PPIN

206820 and 214349

School District

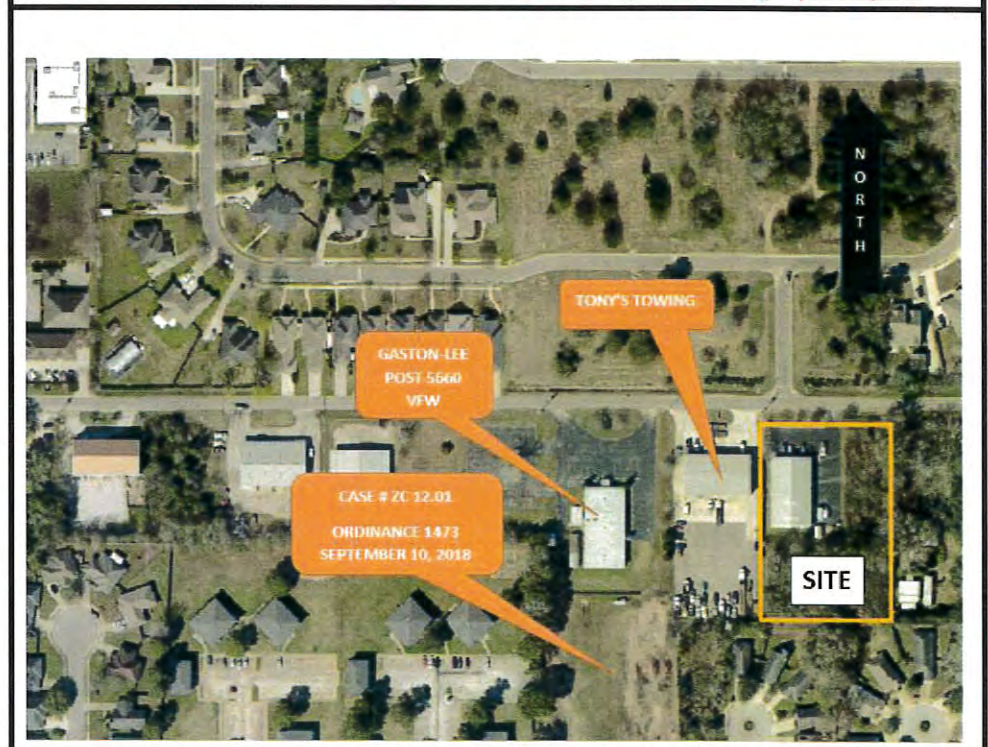
Fairhope Elementary, Middle and High School

Report prepared by

J. Buford King
City Planner

Recommendation

Approve with conditions



Summary of Request:

Public hearing to consider the request of Joe Roszkowski to rezone approximately 1.3 acres comprising PPIN 214349 and PPIN 206820 from R-1 Low Density Single Family Residential District to M-1 Light Industrial District. Subject property is located on Nichols Avenue approximately 5/16 mile east of Greeno Road, near the Gaston-Lee Post #5660 of the Veterans of Foreign Wars. The property is bordered to the west by the existing Tony's Towing Office and support facilities, zoned M-1 Light Industrial; to the south by the Belle Chase Phase I subdivision, zoned R-3 PGH High Density Single-Family Patio Garden Home Residential District; to the east by PPIN 36272 located within unzoned Baldwin County, and to the north by Hawthorne Glen subdivision zoned R-3 PGH High Density Single-Family Patio Garden Home Residential District. A replat of PPIN 214349 and 20371 is included as a supporting document reflecting the site plan required for zoning cases and is a proposed conveyance/common lot line movement of a portion of PPIN 214349 to PPIN 20371 for a possible expansion of the Tony's Towing facility.

Site Photos:



Subject property looking south along border between PPIN 20371 and PPIN 214349



Subject property looking south along border between PPIN 214349 and PPIN 206820



Subject property looking southwest from Nichols Ave



Looking toward subject property southeast from PPIN 20371

Comments: The City of Fairhope Zoning Ordinance in Article II Section "C" specifies the following Criteria regarding zoning amendments:

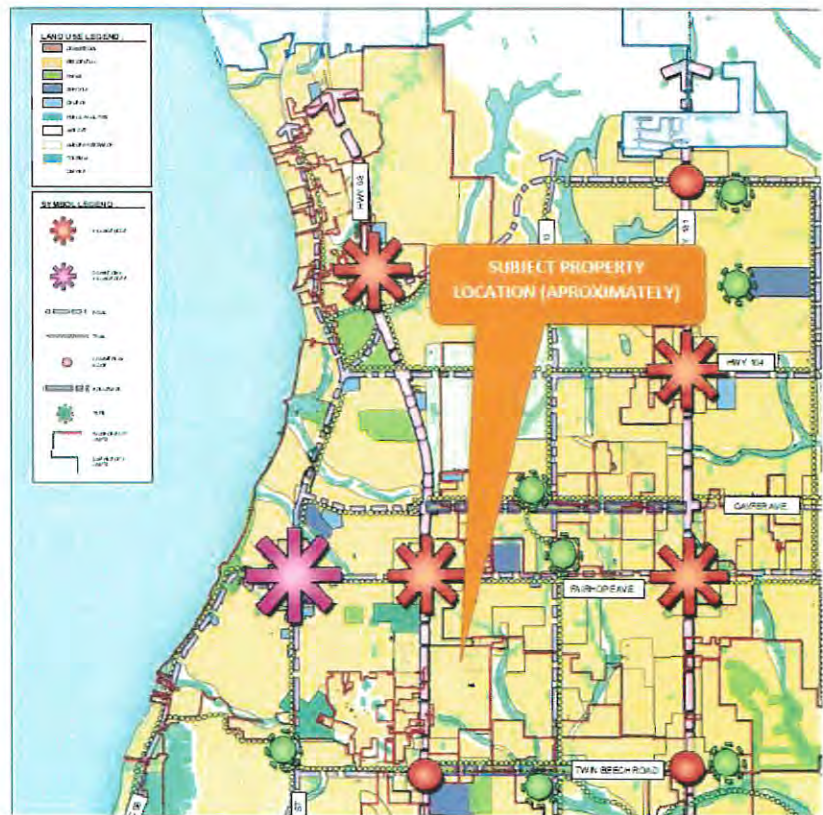
1. Zoning Amendments

e. Criteria- The application shall be reviewed based on the following criteria:

- (1) Compliance with the Comprehensive Plan;
- (2) Compliance with the standards, goals, and intent of this ordinance;
- (3) The character of the surrounding property, including any pending development activity;
- (4) Adequacy of public infrastructure to support the proposed development;
- (5) Impacts on natural resources, including existing conditions and ongoing post-development conditions;
- (6) Compliance with other laws and regulations of the City;
- (7) Compliance with other applicable laws and regulations of other jurisdictions;
- (8) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values; and,
- (9) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values.

Article II Section C.1.e.(1) Comprehensive Plan Compliance

The major planning concept described by the City of Fairhope Comprehensive Plan is the "village" concept of commercial activity, with the most significant village occurring in downtown Fairhope. Another major village center is the Greeno Road Village Center, seen in the map excerpt at right from the Comprehensive Plan as a red starburst at the intersection of Greeno Road and Fairhope Avenue. Other villages include "North Village" built around the Publix Grocery store on North Greeno Road, and another village center at the intersection of Fairhope Ave/County Road 48 and AL HWY 181 near the existing Wal-Mart store. The Comprehensive Plan notes the Greeno Road Village Center is automobile-oriented and reflects commercial development that pre-dates the expansion of Greeno



Road/US HWY 98 into four lanes in the early 1980's. Though this analysis is by no means exhaustive, it is logical for commercial businesses and their associated uses supporting automobile traffic and transportation in general to exist in the M-1 zoned areas along Nichols Ave near subject property. Entities such as Thomas Hospital, Print Xcel, the commercial printing businesses near Thomas Hospital, and specialty companies such as Marine Exhaust rely upon the transportation industry to move supplies, materials, and people in this area. A towing company such as Tony's Towing is a service provider supporting both private and commercial transportation in Fairhope and surrounding areas and it appears the types of uses a towing company will include on a towing company's property are a logical extension of a village containing high levels of

automobile traffic. In addition, the Comprehensive Plan contemplates “density transition” (page 34) in village centers whereby dense commercial activity transitions to higher density residential to lower density residential or undeveloped property. The corridor of Nichols Ave containing subject property demonstrates the density transition contemplated by the Comprehensive Plan, transitioning from to M-1 Light Industrial to R-3 PGH High Density Single-Family Patio Garden Home Residential District. Areas zoned B-2 general business district as well as R-4 Low Density Multi-Family are also within the vicinity (650’) of subject property. Subject property is the last remaining property along Nichols Ave zoned R-1 Low Density Single Family and adjoins property in unzoned Baldwin County containing a single family residence buffered by a heavily wooded area. It is possible that subject property, if re-zoned to M-1 will help to establish an “edge” to the commercial development within the village center along Nichols Ave also contemplated by the Comprehensive Plan, further demonstrating compliance with the Comprehensive Plan.

Article II Section C.1.e.(2) Goals and Intent of the City of Fairhope Zoning Ordinance

The purpose and intent of subject property’s existing R-1 Zoning District is as follows: *R-1 Low Density Single-Family Residential District*: This district is intended to provide choices of low-density suburban residential environment consisting of single-family homes on large parcels of land. It is sub-classified into four categories (R-1, R-1a, R-1b, and R-1c) based on lot sizes, however no sub-classifications of R-1 are in existence at this time.

The purposes and intent of the proposed M-1 Light Industrial District is as follows; *M-1 Light Industrial District*: This district is intended to provide a suitable protected environment for manufacturing, research and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions, and generate little industrial traffic. Industrial parks should be encouraged. Locations should be in accordance with comprehensive plans.

Allowable Uses for M-1:

Allowed by Right: Elementary and Secondary Schools, Educational Facility, Library, Public or Common Open Space, General or Professional Office, Grocery Retail, General Merchandise, General Personal Services, Automobile Repair, Indoor Recreation, Boarding House or Dormitory, Warehouse, Limited Manufacturing, and Light Manufacturing.

Permitted Subject to special conditions listed in the ordinance: Convenience Store, and Recreational Vehicle Park.

Permitted only on appeal and subject to special Condition: Cemetery, Hospital, Community Center or Club, Public Utility, Automobile Service Station, Outdoor Sales Limited, Outdoor Sales Lot, Garden Center, Convalescent or Nursing Home, Clinic, Outdoor Recreational Facility, Day Care, Mortuary or Funeral Home, Dry Cleaner or Laundry, Personal Storage, Junk Yard or Salvage Yard.

Article II Section C.1.e.(3) The character of the surrounding properties

The subject property is bordered to the west by the existing Tony’s Towing Office and support facilities, zoned M-1 Light Industrial; to the south by the Belle Chase Phase I subdivision, zoned R-3 PGH High Density Single-Family Patio Garden Home Residential District; to the east by PPIN 36272 located within unzoned Baldwin County, and to the north by Hawthorne Glen subdivision, zoned R-3 PGH High Density Single-Family Patio Garden Home Residential District. A replat of PPIN 214349 and 20371 is included as a supporting document reflecting a proposed conveyance/common lot line movement of a portion of PPIN 214349 to PPIN 20371 for a possible expansion of the Tony’s Towing facility and serves as the site plan for the proposed re-zoning. A re-zoning of PPIN 345052 was approved by the Fairhope City Council on September 10, 2012 which re-zoned PPIN 34502 from R-1 District to M-1 via ordinance number 1473. The character of the existing neighborhood is a combination of commercial and high-density residential properties, with a “corridor” of properties zoned M-1 following Nichols Avenue beginning near Ingleside Street and proceeding

east along Nichols Avenue, crossing Greeno Road, and continuing to subject property. The Fairhope Avenue Village Center implications of this commercial corridor are more fully-described in the *Comprehensive Plan Compliance*, above. An excerpt of the zoning map depicting the Nichols Avenue M-1 “corridor” is shown below with subject property outlined in black:



The approval of subject application would complete the M-1 corridor south of Nichols Street and east of Greeno Road up to the adjoining unzoned PPIN 36272, with the exception of the western parking area of the Gaston-Lee VFW Post which remains unzoned Baldwin County. As discussed previously, it is possible the requested rezoning would serve as an “edge” of commercial development as contemplated by the Comprehensive Plan and then transition to residential development.

Article II Section C.1.e.(4) Adequacy of public infrastructure to support the proposed development Natural gas, water, sewer, and electrical service is available at this location. The applicant is encouraged to contact City of Fairhope Planning, Public Utilities, and Public Works staff at the pre-development stage to become aware of any infrastructure improvements needed to provide service to a future development of subject property. It is not believed the site plan included with the subject application includes development activity that will require relocation of the existing overhead electrical utilities to underground. A sample image of the Fairhope Public Utilities overhead electrical service for subject property is included at right:



Article II Section C.1.e.(5) Natural Resources The USDA Web Soils Survey website (<https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>) was examined to determine the existing soil types of subject property. Non-hydric Marlboro and Carnegie Soils occur on the site, however hydric Grady soil appears on the site in the area of the proposed towing operation expansion.

Prior to conveyance of property, the future property owner is encouraged to contact the building official to determine if a wetland delineation will be required prior to land disturbance for the property to be conveyed onto which the towing company operation may be expanded. An excerpt of the Web Soil Survey map is included at right.

Approximately half the property to be conveyed consists of Grady soils, per USDA web soils survey.



Article II Section C.1.e.(6)

Compliance with other laws and regulations Subject property falls within the police and permit jurisdictions of the City of Fairhope and the various ordinances (Tree/Landscape, Erosion Control, Signage, Greeno Road Buffers, etc.) will apply to any development activities. The proposed conveyance replat, which serves as the site plan supporting document for subject application, includes a note indicating compliance with ordinance 1444, Tree/Landscaping ordinance is required so that proper screening is included between the proposed M-1 zoning district and the existing adjacent R-3PGH zoning district.

Article II Section C.1.e.(7) Compliance with other applicable laws and regulations of other jurisdictions All State and Federal Regulations shall apply if the property is developed, such as ADEM NDPES/ALR registration if more than 1 acre of land disturbance occurs.

Article II Section C.1.e.(8 & 9) Impacts on adjacent and neighboring properties including noise, traffic, visible intrusions, potential physical impacts, and property values. As described in detail in the comments related to Article C.1.e.(3) above, the adjacent property to the west of subject property is the office and support facilities for Tony's Towing. PPIN 20371 that contains the Tony's Towing operation was annexed into the City of Fairhope, conditional upon establishment of M-1 zoning, in July 1997 via ordinance number 1016. The existing office space located upon PPIN 214349 is an existing non-conformity as it is located upon an area zoned R-1 low density residential. The approval of subject application will align the zoning of subject property to that of the adjacent western properties, as well as the M-1 zoned properties within 150' to the west and southwest of subject property. With the exception of an automobile repair facility, the most intense uses, such as automobile service centers, junk yards, salvage yards, outdoor sales yards, or personal storage facilities require approval by the Board of Adjustments prior to establishment of that type of land use. Staff's interpretation of the zoning ordinance is that the proposed use demonstrated by the included site plan is that of a junk yard or salvage yard in accordance with Article IX Section B.5.u. *Junk Yard or Salvage Yard*. As a result, an additional vetting process is required for the most intense uses that may potentially occur on the site. This same vetting process through the Board of Adjustments must occur for the intended use of the portion of subject property to be conveyed to the property containing the towing operation, because that towing operation will likely contain "a structure or lot where discarded or salvaged materials are bought, sold, exchanged, baled, packed, stored, accumulated, disassembled, or handled". The nature of the existing use of the adjacent property to subject property, the screening requirements of the tree/landscape ordinance, as well as the additional vetting required via a Board of Adjustments application will mitigate any impacts to the adjacent and surrounding properties.

Dimension Standards:

The dimensions standards for the existing R-1 zoning district and the proposed M-1 zoning district are summarized below.

Dimension District or use	Min. Lot Area/ Allowed Units Per Acre(UPA)	Min. Lot Width	Setbacks				Max. total lot coverage by principle structure	Max. height
			Front	Rear	Side	Street side		
R-1	15,000 s.f./-	100'	40'	35'	10' b	20'	40 %	30'
M-1	None / -	none	none g	none f	none e		none	45'

e. Where a lot abuts residential property, the side setback shall be 10'.

f. Where a lot abuts residential property to the rear, the rear setback shall be 20'

g. In the case of existing adjacent establishments, the setback shall be the average within 100 feet on either side of the proposed structure

Traffic: Subject property’s existing non-conforming use as an office facility will be maintained, and the application for rezoning does not request any change of use or development activity that would indicate a change in traffic patterns. The area to be conveyed to the towing company’s property is approximately 18,700sf, or 0.4 acres, and no development activity is identified in the application for zoning change or on the proposed site plan that would affect traffic patterns. The conveyance is not a creation of a new lot, and therefore a subdivision application is not necessary for the conveyance to occur. The timeline for alterations or modifications of the property proposed for conveyance is not known at the time of this writing.

Compatibility Analysis: A full compatibility analysis examining the actual and allowable development densities of nearby properties has not been performed for the rezoning request because the applicant is proposing a zoning change that reflects the actual uses of subject property and will aligned subject property’s uses with the adjoining uses.

Site Plan As stated previously, the site plan included with subject application proposes a conveyance of property from PPIN 214439 to PPIN 20371, likely to expand the area on which the uses associated with Tony’s Towing occur. The applicant is advised a formal, stand-alone Site Plan review process as required by the Zoning Ordinance may be required if the development of the portion subject property conveyed to PPIN 20371 meets the following criteria of Article II Section C.2:

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.

Further, the applicant is reminded the screening/buffering requirements of Tree/Landscape ordinance 1444 must have compliance due to the adjoining R-3 PGH properties associated with the Belle Chase residential development. In addition, uses such as junk yard or salvage yard must be appealed to the Zoning Board of Adjustment for areas zoned M-1 Light Industrial. The aerial image below is representative of the portion of PPIN 214349 to be conveyed to PPIN 20371, outlined in orange:



Recommendation:

Staff recommends APPROVAL of Case number ZC18.13, related to PPIN 214349 and PPIN 206820 located at 8330 Nichols Avenue and forwarding to the Fairhope City Council for final adoption, subject to the following condition:

- 1) Junk yard or salvage yard uses for the portion of subject property reflected in the included site plan must be appealed to the Zoning Board of Adjustment.



APPLICATION FOR ZONING DISTRICT CHANGE

Property Owner / Leaseholder Information

Name: Joe Roszkowski Phone Number: 251-583-8594
Street Address: 21059 Aryshire Lane
City: Fairhope State: AL Zip: 36532

Applicant / Agent Information

If different from above.

Notarized letter from property owner is required if an agent is used for representation.

Name: Tim Lawley (HMR) Phone Number: 251-380-8746
Street Address: 2039 Main Street
City: Daphne State: AL Zip: 36526

Current Zoning of Property: R-1
Proposed Zoning/Use of the Property: M-1
Property Address: 8330 Nichols Avenue Ext.
Parcel Number: PIN 214349 & 206820
Property Legal Description: See attached survey
Reason for Zoning Change: Conform with existing use on property and adjacent zoning

Property Map Attached YES NO
Metes and Bounds Description Attached YES NO
Names and Address of all Real Property Owners within 300 Feet of Above Described Property Attached. YES NO

Character of Improvements to the Property and Approximate Construction Date: N/A

Zoning Fee Calculation:

Reference: Ordinance 1269

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

Tim Lawley (Auth. Agent)
Property Owner/Leaseholder Printed Name Signature

9/24/18
Date

Fairhope Single Tax Corp. (If Applicable)

RECEIVED
SEP 25 2018
BY: EB



Planning Commission

NOVEMBER 5, 2018

Case: SD 18.38

Project Name: OBV Acres

Property Owner /Applicant:
Nathan Cox

General Location: Northwest of the existing phases of Old Battles Village.

Project Type:
Minor Subdivision,
inside corporate limits of the
City of Fairhope, inside the
Police and Permit Jurisdictions.

Number of lots: 3

Project Acreage: 39.75 acres

Zoning District: PUD

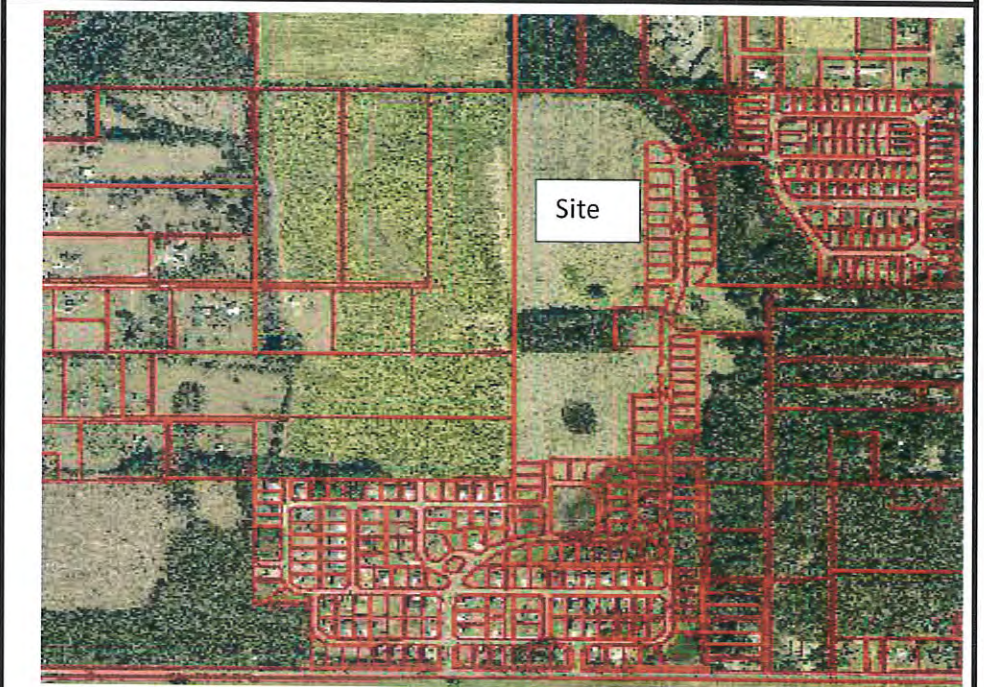
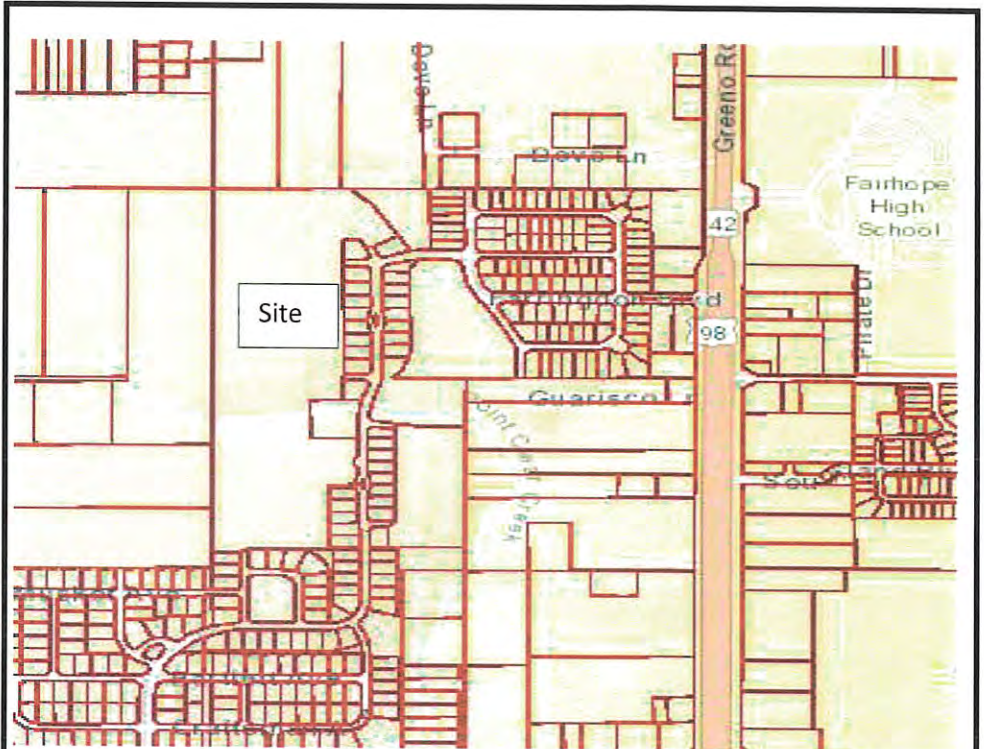
PPIN Number: 71702

Engineer of record: Dewberry

School District: Larry J. Newton
Elementary School, Fairhope
Intermediate and High Schools

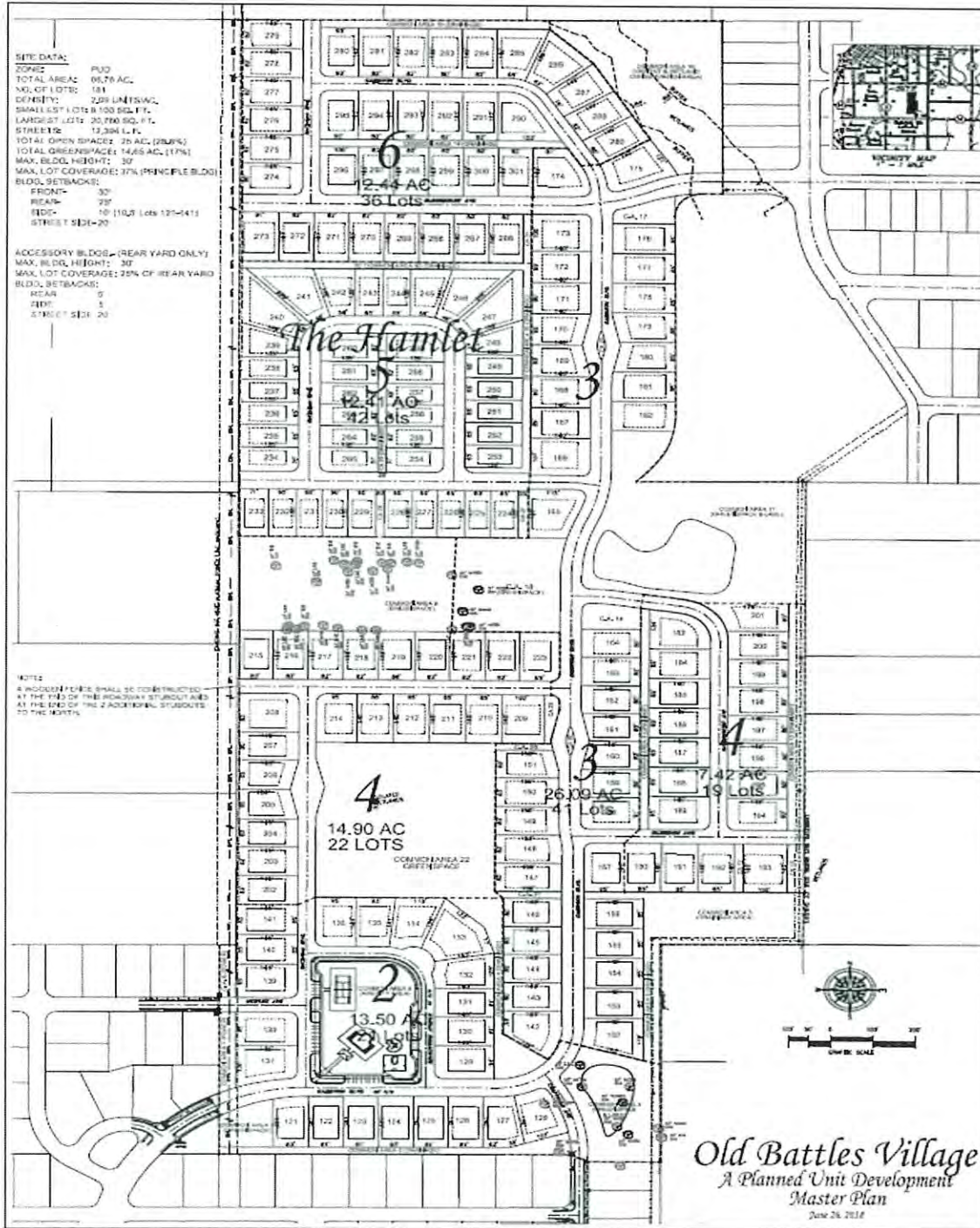
Report prepared by: Nancy
Milford, Staff Planner, EIT,
CAPZO Certified

Recommendation: Approval
with Conditions



Summary of Request: Public hearing to consider the request of Truland Homes, LLC for plat approval of OBV Acres, a 3-lot minor subdivision. The owner/applicant is Nathan Cox with Battle Plan Capital. Nathan Cox is listed as the sole investor in this project. The authorized agent is David Diehl with Dewberry-Preble Rish, LLC. According to the applicant's representative, the reason for the 3-Lot Subdivision (OBV Acres) is to simply allow financing by Phases for the Old Battles development.

The total tract of the subject property is approximately 39.75 acres. The largest lot in the subdivision is 14.9 acres and the smallest lot is approximately 12.41 acres. The OBV Acres' Lots 1, 2, and 3 correspond to Phases 4, 5, and 6 respectively.



Site History: In 2003, the development Oak Hill, (corresponding to Huntington Phase 1 & 2, respectively). Huntington Phase 1 & 2 was conditionally annexed and approved as a Planned Unit Development. The development went through some additional PUD amendment changes and changed ownership. Ultimately, Huntington Phase 2 became the Old Battles Village PUD. Under Riverbrooke Capital Partners, the Old Battles Village Phase 1 portion of the PUD was developed. The ownership changed again and the subdivision was purchase by Truland Homes. Truland requested another PUD amendment to address amenities staging and ultimately began developing the remaining subdivision.

On August 6, 2018, the applicant made a PUD Amendment Request to Planning Commission to amend Phases 3, 4, 5, and 6 with minor changes to Phases 3 & 4 to accommodate the changes to Phases 5 & 6. The proposed modification was a redesign of the undeveloped portion of the PUD to remove lots from significant drainage areas and environmentally sensitive areas and move the units designed for an aging population (smaller lots). The application was approved by Planning Commission and Council is pending. The OBV Acres’ Lots 1, 2, and 3 correspond to Phases 4, 5, and 6 respectively.

Zoning Cases:

Case Number	PC Date	PC Result	CC Date	Development Name	Applicant	Owner	Request	Ordinance Number
ZC 03-03	4/7/03	approved	6/9/18	Oak Hill-Huntington & Old Battles Village	Miles Jones	Street Family	Conditional annexation to PUD	1171
ZC 04-04	7/6/04	na		Huntington	Huntington PUD Amendment	Miles Jones	PUD Amendment - Huntington	withdrawn
ZC 04-06	8/2/04	approved	10/11/04	Huntington	Huntington PUD	Miles Jones, etal	PUD Amendment for Side Setbacks	1228
ZC 05-21	10/3/05	approved	11/28/05	Huntington	HMR	Riverbrooke Capital Partners	change Huntington PUD	Ord. 1279
ZC 16-03	3/7/16	approved	8/22/16	Old Battles Village	Preble-Rish, LLC	Truland Homes, LLC	PUD Amendment	1582

Case Number	PC Date	PC Result	CC Date	Development Name	Applicant	Owner	Request	Ordinance Number
ZC 18.04	4/2/2108	Tabled		Old Battle Village PUD	Dewberry/Preble -Ri	Truland Homes	PUD Amendment	Withdrawn By applicant
ZC 18.06	8/6/2018		TBD	Old Battles Village PUD	Dewberry Eng. Inc.	Truland	PUD Amendment	

Subdivision cases:

Case Number	Applicant	Case Type	Subdivision Name	Number of Lots	Zoning	PZ Date	PZ Decision
SD 06-02	HMR/Riverbrooke Capital Partners	Preliminary	Huntington Phase II	120	PUD	1/3/2006	Approved
SD-16-09	Preble-Rish, LLC	Preliminary	Old Battles Village, Ph 2	21	PUD	4/4/2016	Approved
SD-17-11	Dewberry/Preble-Rish	Final	Old Battles Village, Ph 2	21	PUD	4/3/2017	Approved
SD-16-25	Dewberry/Preble-Rish, LLC	Preliminary	Old Battles Village, Ph 3	43	PUD	11/10/2016	Approved

Case Number	Applicant	Case Type	Subdivision Name	Number of Lots	Zoning	PZ Date	PZ Decision
SD 16-34	Dewberry/Preble-Rish, LLC	Preliminary	Old Battles Village Phase 4	40	PUD	12/5/2016	Approved
SD-18-05	Dewberry/Preble-Rish, LLC	Final	Old Battles Village, Ph 3	41	PUD	2/5/2018	Approved
SD-18-34	Dewberry	Preliminary	Hamlet at OBC, Phase 5	42	PUD	10/1/2018	Approved

School Impact analysis: Staff did not perform an impact analysis for this application. The school impact analysis will be conducted during the individual phases of the Master PUD.

Site Photos: OBV Acres



View OBV Acres Phase 4 portion



View of OBV Acres Phase 4



Common area sidewalk and Phase 5 & 6



View of Phase 5 & 6 of OBV Acres

Comments:

Lot Standards: The property is located in the City of Fairhope Corporate Limits and is zoned PUD. The individual set backs of the PUD will be addressed at the individual phases of the Master Plan.

Tree Inventory: This is a minor subdivision and the applicant is not proposing any improvements. The tree inventories will be addressed at the time of subdivision for the individual phases of the Master Plan.

Sidewalks: *Article V Section D.6* requires that all streets shall include a pedestrian area and a planting strip and a sidewalk, according to the standards in Table 5.3 in Appendix A. Sidewalks will be addressed at the time of the individual phases for the PUD.

Finished Floor Elevations: Finished Floor Elevations have been provided.

Utilities: (*Article IV Section C.1.b (8)*) City of Fairhope Water and Sewer is available in this location, per the Operations Director, Mr. Richard Peterson, PE. No flow model will be required at this time. Per Mr. Peterson, Individual utilities will be addressed at the time of the individual phases of the PUD.

Easements: The applicant shall review the drainage and utility note. It references common areas which are not shown. The applicant has shown drainage and utility easements for the purposes of platting this division, with a note "drainage easements shown hereon were added to comply with the subdivision regulations, but will be replaced by applicable drainage easements during further development of phases as per the approved PUD plan."

Drainage and Utility easements shall be as per the *Article V Section E5*.

Utility Access and Easements:

A. UTILITY ACCESS AND EASEMENTS -

- i. Except where lanes are provided at the rear of lots, easements not less than fifteen feet in width along side and rear lot lines as required for drainage and utilities. On interior lots, the easement may be designed to lie equally on adjacent lots. On perimeter lots, no part of the required easement shall lie outside the platted lands. Easement placement and widths shall be approved by the Planning Commission. No half easements will be approved unless adjacent property owners dedicate the other half of the easement at time of approval.*

Fire Hydrants: Fire hydrants are required at every intersection and every 450 feet. The fire hydrant locations shall be addressed as a part of the individual phases of the PUD.

Public Works Comments, provided by Mr. Richard Johnson, PE, Director of Public Works:

The applicant shall provide a note regarding drainage to match the following wording provided by the Public Works Director: "Adequate drainage for each lot shall be provided at the time of home construction. No developed lot shall discharge storm water unto a neighboring lot without drainage easement and constructed conveyance. All lots shall drain to the public storm water system."

Street Trees: Street trees will be addressed at the time of individual phases of the PUD development.

Natural Features/ Stream Buffers (*Article V Section F. 4*): The applicant shall note the location of the natural stream and wetlands on the plat for Lots 1, 2 and 3. Buffers associated with the wetlands and/or streams shall be shown on the plat.

Recorded Plats: Any conditions of approval provided by Planning Commission shall be satisfied in a timely manner. *Per the City of Fairhope Subdivision Regulations, Article IV Section D 7-Recording, applicant is responsible for recording of Plat and approval shall be null and void if the Plat is not recorded within sixty days after the date of final approval; provided, however, that the Commission may, on finding of good cause, extend that sixty- day period. The applicant shall provide a copy of the recorded plat; failure to do so shall result in the denial of issuance of the building permits within the subdivision.*

Other: Any applicable outside agency permit shall be obtained. The applicant shall confirm that this is not single tax property.

The subdivision regulations contain the following criteria in Article IV.B.2. Approval Standards.

“2. Consistency with Plans, Regulations and Laws - The Planning Commission shall not approve the subdivision of land if the Commission makes a finding that such land is not suitable for platting and development as proposed, due to any of the following:

- a. The proposed subdivision is not consistent with the City’s Comprehensive Plan, and/or the City’s Zoning ordinance, where applicable;***
- b. The proposed subdivision is not consistent with the City’s Comprehensive Plan or any other plan or program for the physical development of the City including but not limited to a Master Street Plan, a Parks Plan, a Bicycle Plan, a Pedestrian Plan, or the Capital Improvements Program;***
- c. The proposed subdivision is not consistent with these Regulations;***
- d. The proposed subdivision is not consistent with other applicable state or federal laws and regulations;***
or
- e. The proposed subdivision otherwise endangers the health, safety, welfare or property within the planning jurisdiction of the City.”***

This application appears to be consistent with the City of Fairhope’s Comprehensive Plan and Zoning Ordinance as the Master Plan was approved by City Council on August 22, 2016 and the proposed PUD modification that is scheduled to go before City Council. The proposed subdivision appears to be consistent with the minimum requirements for a minor plat. Staff is unaware of any pending issues related to applicable state or federal locals and regulations and health and safety. The burden of responsibility is on the applicant to coordinate with any appropriate agency regarding their proposed project.

Recommendation:

Staff recommends approval of the application contingent upon the following conditions:

1. The Council approval of the Old Battles Village PUD Amendment (ZC 18.06) and conditions of approval therein.



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: TRULAND HOMES LLC Phone Number: _____
Address of Property Owner: 32128 BROKEN BRANCH CIR
City: SPANISH FORT State: AL Zip: 36527

Proposed Subdivision Name: OBV ACRES
No. Acres in Plat: 39.75 AC No. Lots/Units: _____
Parcel No: 05-46-09-29-0-000-055.000 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 Phone Number: 251 929 9785
Address: 25353 FRIENDSHIP ROAD
City: DAPHNE State: AL Zip: 36526
Contact Person: DAVID DIEHL

Surveyor/Engineer Information

Name of Firm: DEWBERRY Phone Number: 251 929 9789
Address: 25353 FRIENDSHIP ROAD
City: DAPHNE State: AL Zip: 36526
Contact Person: JASON ESTES

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.

DAVID DIEHL For Truland Homes
Property Owner/Leaseholder Printed Name

[Signature]
Signature

09-24-2018
Date

Fairhope Single Tax Corp. (If Applicable)

RECEIVED
SEP 25 2018
BY: [Signature]



Planning Commission

November 5, 2018

Preliminary Plat

Case: SD 18.39 Fox Hollow Phase III

Project Name:

Fox Hollow Phase III

Property Owner /Applicant:

Montrose Properties, Inc

General Location:

East side of County Road 13
Approximately 1,750' south
Of Morphy Avenue

Project Type:

Major Subdivision inside
corporate limits

Number of lots:

32

Project Acreage:

13.78

Zoning District:

R-2

PPIN Number:

15399

Engineer of record:

Hutchinson, Moore, Rauch, LLC
(HMR)

School District:

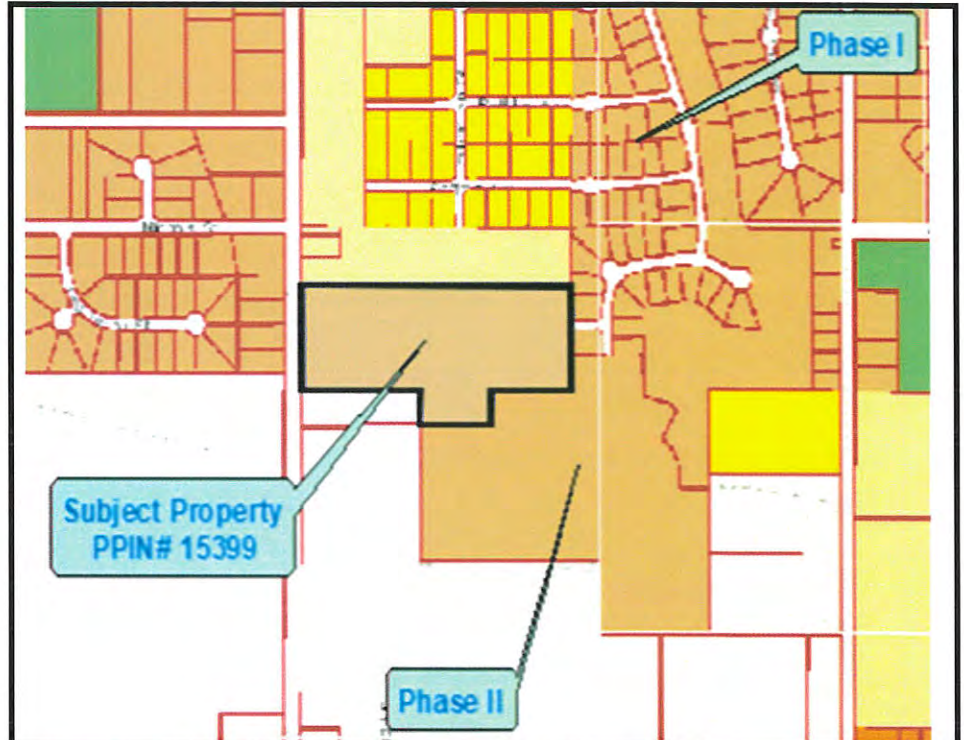
Fairhope Elementary, Middle,
and High Schools

Report prepared by:

Mike Jeffries, QCI
Planning Technician

Recommendation:

Approval



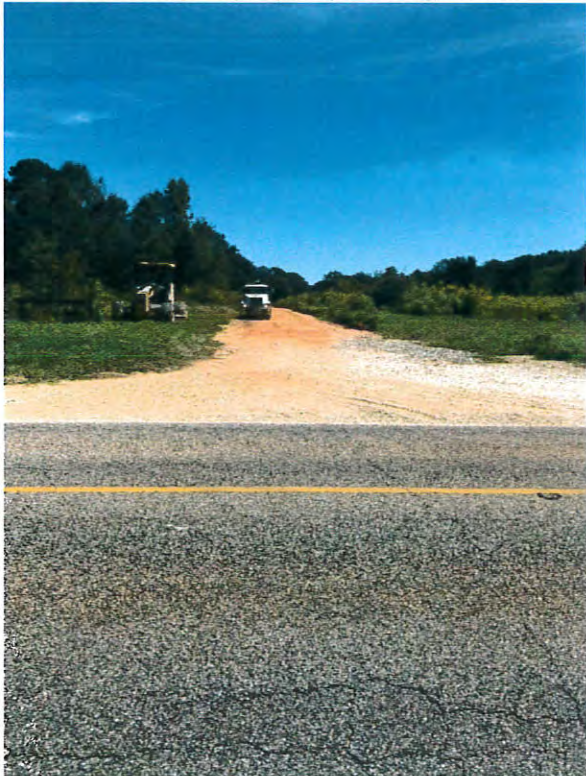
Site Photos:



View from subject property looking north



View from subject property looking south



View looking east towards subject property



**View looking at future connection with Kit Fox Ave
SD 18.39 Fox Hollow, Phase III – November 5, 2018**

Summary of Request:

Public hearing to consider the request of HMR, LLC on behalf of Montrose Properties, Inc owner and applicant for preliminary plat approval of Fox Hollow Phase III, a 32-lot major subdivision. The property is located on the east side of County Road 13 approximately 1,750' south of Morphy Ave. The subject property is approximately 13.78 acres with the smallest lot 11,363 S.F., largest lot 18,597 S.F., and average lot size of 13,154 S.F. The subject property is the third phase connecting phase I & II to County Road 13. This gives Fox Hollow Subdivision in its entirety a total of three entrances. Two off Morphy Avenue and one off County Road 13.

- Comments:** Red print are comments sent out after initial review
Blue print are responses from applicant/representative
Orange print are staffs' explanations of how conditions were met

Article IV, Section C.1.h. Traffic Data and Traffic Study:

Applications shall include trip generation data showing the projected average daily traffic (ADT) in a 24-hour period and projected peak-hour traffic generated by the development in the subdivision application. Peak hour traffic shall generally be the hours between 7 A.M. and 9 A.M. for morning and 4 P.M. and 6 P.M. for the evening and include the consecutive 60 minute segment in which traffic counts are projected to occur. In instances where the proposed application will have peak periods that differ from the general peak periods above, the Planning Commission may require that the analysis be conducted for the alternative peak periods. Trip generation data shall be based on the most recent edition of the Institute of Traffic Engineer's Trip Generation Manual or actual data about similar developments in Alabama with the same types of uses and site conditions. A traffic study shall be required for all applications that will generate an average daily traffic (ADT) count of 1,000 trips or more, or which will generate 50 trips or more during any peak hour period. An agent selected by the City and paid for by the applicant shall perform the traffic study. The traffic study shall be used to determine what on-site and off-site street or traffic improvements may be necessary due to the development. The Planning Commission may condition the approval of the application on the applicant paying for or constructing those improvements or portions of improvements that are needed due to the traffic impact of the application based on all potential land uses. The traffic study shall include the following data along with an analysis of the data:

- (1) Estimates of trip generation for the proposed development showing projected inbound and outbound vehicle trips for morning and evening peak periods to identify the maximum combined hourly traffic volume associated with the peaking characteristics of the site development combined with the adjacent street traffic.
- (2) Projected traffic impact and trip distribution on existing and planned streets within the development and at major signalized and unsignalized intersections within ½ mile of the project site (study area) areas likely to be impacted by the development. Intersections of particular concern to the City may be added or omitted from the traffic study at the direction of the Planning Director;
- (3) Assignment of trips generated by the proposed development on existing and planned streets within the development and areas likely to be impacted by the development and within the project study area;
- (4) Intersection turning movements and traffic counts on all existing and planned intersections likely to be impacted by the proposed development. Traffic counts must be less than 3 years old to be used as base volumes for the traffic analysis;
- (5) Corresponding intersection levels of services shall be calculated for the peak periods for the intersections within the study area, utilizing the Highway Capacity Software (HCS) latest version, or Synchro traffic software, for the existing conditions and opening year of the project site. Intersections shall be considered deficient if Level of Service (LOS) D is exceeded, and improvements to meet this LOS threshold shall be identified;
- (6) Site access volumes and major unsignalized intersections within the study area shall be evaluated using the Manual on Uniform Traffic Control Devices (MUTCD) to demonstrate the need for installation of a traffic control signal,
- (7) Auxiliary turn lane requirements shall be evaluated at the site access points to identify if right turn and left turn ingress lanes are needed. Site access points that generate 40 or more right turns in one hour will be

required to construct a right turn ingress lane. The need for constructing a left turn ingress lane shall be considered based on the Appendix criteria for left turn lane warrants;
 (8) Potential mitigating measures or trip reduction options.

N/A

Accepted

Revise and Resubmit per comments

Comments: No information provided showing traffic study or highway/roadway improvements.

Traffic Study letter attached

A letter from Kenneth Nichols, P.E., PTOE with Gulf Coast Traffic and Development Services, LLC provided a letter confirming that the initial traffic impact study for Phases I and II was reviewed to ensure the additional lots in Phase III do not have an impact on the recommendations in the initial traffic impact study.

Article IV, Section C.1.f. Phased development: where a phased development is proposed, the preliminary plat shall include all phase lines and a master plan showing the continuity of development proposed for the entire project. Each phase shall satisfy the requirements of these regulations individually.

N/A

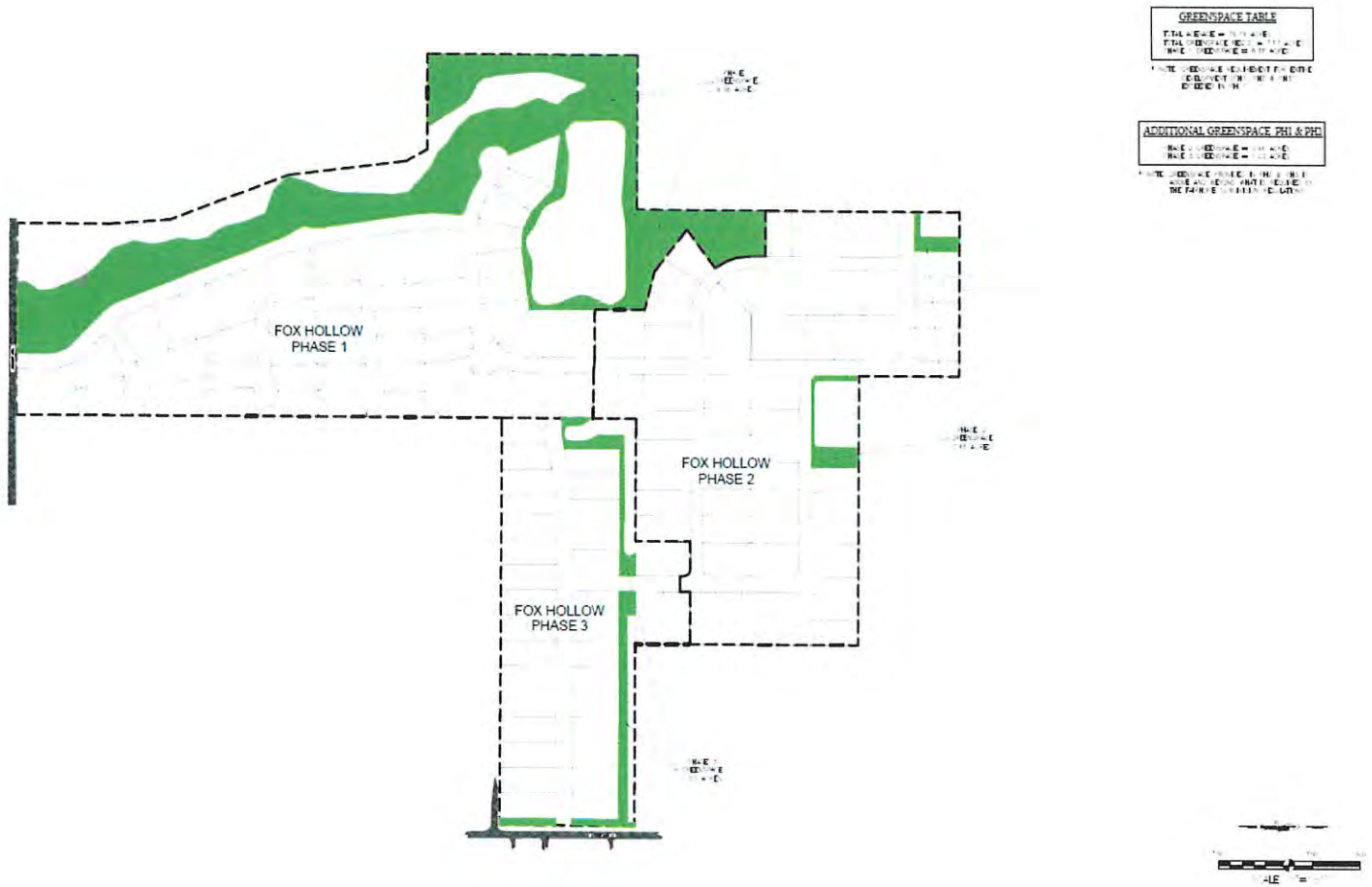
Accepted

Revise and Resubmit per comments

Comments: Please provide master plan showing phases connection.

Master plan showing connectivity and green space was provided.

A master plan was provided, that shows the connectivity between all three phases as well as the locations and area of greenspace.



Article V, Section C.2. Applicability and Requirements: the regulations in this Section C. shall apply to any development as dense or denser than the City R-1 Residential Zoning District, whether or not in the City Limits. Greenspace shall be provided as follows: 10% Greenspace is required.

N/A Accepted **Revise and Resubmit per comments**

Comments: *Need to have the greenspace broken down into %common area and %retention/detention*

Common area noted includes retention. Greenspace noted is only greenspace (i.e. common area minus detention)

Site Data Table includes greenspace %.

SITE DATA TABLE		SETBACKS	
TOTAL ACREAGE	= 13.78 ACRES	FRONT	= 35'
TOTAL NUMBER OF LOTS	= 32	REAR	= 35'
DENSITY	= 2.32 UNITS PER ACRE	SIDE	= 10'
COMMON AREA	= 2.21 ACRES ((16.04% OF SITE)	SIDE STREET	= 20'
TOTAL LF OF ROADWAY	= 1682 LF	UTILITY COMPANIES	
ZONING	= R2 - MEDIUM DENSITY SINGLE FAMILY	POWER	= RIVERIA
MAX. LOT COVERAGE (PRINCIPLE STRUCTURE)	= 37%	SERVER	= CITY OF FAIRHOPE
PHASE 1 GREEN SPACE	= 8.38 ACRES	WATER	= CITY OF FAIRHOPE
PHASE 2 GREEN SPACE	= 0.46 ACRES	GAS	= CITY OF FAIRHOPE
PHASE 3 GREEN SPACE	= 1.03 ACRES		
TOTAL GREEN SPACE (PH1-PH3)	= 9.87 ACRES (TOTAL ACREAGE = 76.76) (12.90% TOTAL GREEN SPACE)		

Phase I – 8.38/76.76 = 10.9% (Greenspace acres/Total Acreage)

+

Phase II – .46 added = 11.5%

Phase III – 1.03/13.78 = 7.5% (Alone)

Total Greenspace = 12.9%

Article V, Section C.3. Eligible Greenspace - Greenspace eligible for meeting the requirements of this section shall:

- a. be usable land for public active or passive recreation purposes.
- b. be located in FEMA FIRM map zones AO, A99, D, or VO.
- c. not be located in any wetland areas as defined by the Federal Government.
- d. not include any retention, detention or similar holding basins.
- e. not include any right-of-way.

N/A Accepted **Revise and Resubmit per comments**

Comments: *Need to have the greenspace broken down into %common area and %retention/detention. See comments in red on the construction drawings. Wetland permit needed for enhancements to the grady pond. Note need for plans and profiles. Describe and quantity the volumes of treatment and TSS removal. Grey Fox they show no inlets – where is the water going? Inlet spacing greater than 600'?*

Plans and drainage report are updated.

Included a greenspace master plan, a LID narrative showing TSS removal, and provided required wetland permit.

Article V, Section C.4. Greenspace Design Requirements - All eligible greenspace shall conform to the following design requirements:

- a. Maximize public exposure and public access to greenspace.
- b. Streets shall align adjacent to greenspace.
- c. Greenspace land must be contiguous but may be bisected by local streets, sidewalks, and pedestrian paths.
- d. Greenspace must be located at the rear edge or interior of the development.
- e. Greenspace shall not be located adjacent to a collector or arterial street.

Sand Filter	80
Enhanced Swale	80
Limited Application BMPs	
Filter Strip	50
Grass Channel	50
Organic Filter	80
Underground Sand Filter	80
Submerged Gravel Wetland	80
Infiltration Trench	80
Gravity (Oil/Grit Separator)	40
Proprietary Structural Control	Varies
Dry Detention Basin	60

g. The increase in the frequency and duration of bank full flow conditions in stream channels due to development is the primary cause of accelerated streambank erosion and widening and downcutting of stream channels. Therefore, streambank protection criterion applies to all development sites for which there is an increase in the natural flows to downstream feeder streams, channels, ditches, and small streams. On-site or downstream improvements may be required for streambank protection, easements or right-of-entry agreements also may need to be obtained.

<input type="checkbox"/> N/A	<input type="checkbox"/> Accepted	<input checked="" type="checkbox"/> Revise and Resubmit per comments
<i>Comments: Please provide additional details on BMP's and TSS%'s for all LID techniques.</i>		

Drainage report updated

LID narrative was included showing %'s and details of BMP's.

The total area of Phase 3 is 13.56 acres. Approximately 11.51 acres drain to the phase 3 pond, 1.55 acres drain in to the phase 2 ponds, and 0.5 acres drain in to the phase 1 pond.

Regarding the 11.51 acres that drains into the phase three detention pond, 5.4 acres is pretreated by the grass buffers, grass swales, and constructed wetlands prior to entering the dry detention basin. For the purpose of this analysis, the TSS removal from the constructed wetlands will be ignored as the entire 5.4 acres referenced does not flow through the constructed wetlands. Although it should be noted that the constructed wetlands will remove at least 80% TSS from 1.7 acres onsite and 4.7 acre offsite areas flowing to it.

5.4 acres

Grass Buffer (50% TSS Removal)
Grass Channel (50% TSS Removal)
Dry Detention Basin (60% TSS Removal)

Total (90% TSS Removal)

6.11 acres

Dry Detention Basin (60% TSS Removal)

Total (60% TSS Removal)

A weighted average of the two TSS removal rates above equates to 74% TSS Removal for the entire 11.51 acres before it leaves PH 3. Prior to leaving the site, it will be routed through the 3+ acre wet pond which will provide an additional 80% TSS removal.

Therefore the total TSS removal for the 11.51 acres is 94%.

Regarding the 1.55 acres that drains into the phase 2 ponds, it will first enter a dry detention basin and then flow through a bio-retention basin prior to leaving the site.

1.55 acres

Dry Detention Basin (60% Removal)
Bio Retention Basin (80% TSS Removal)

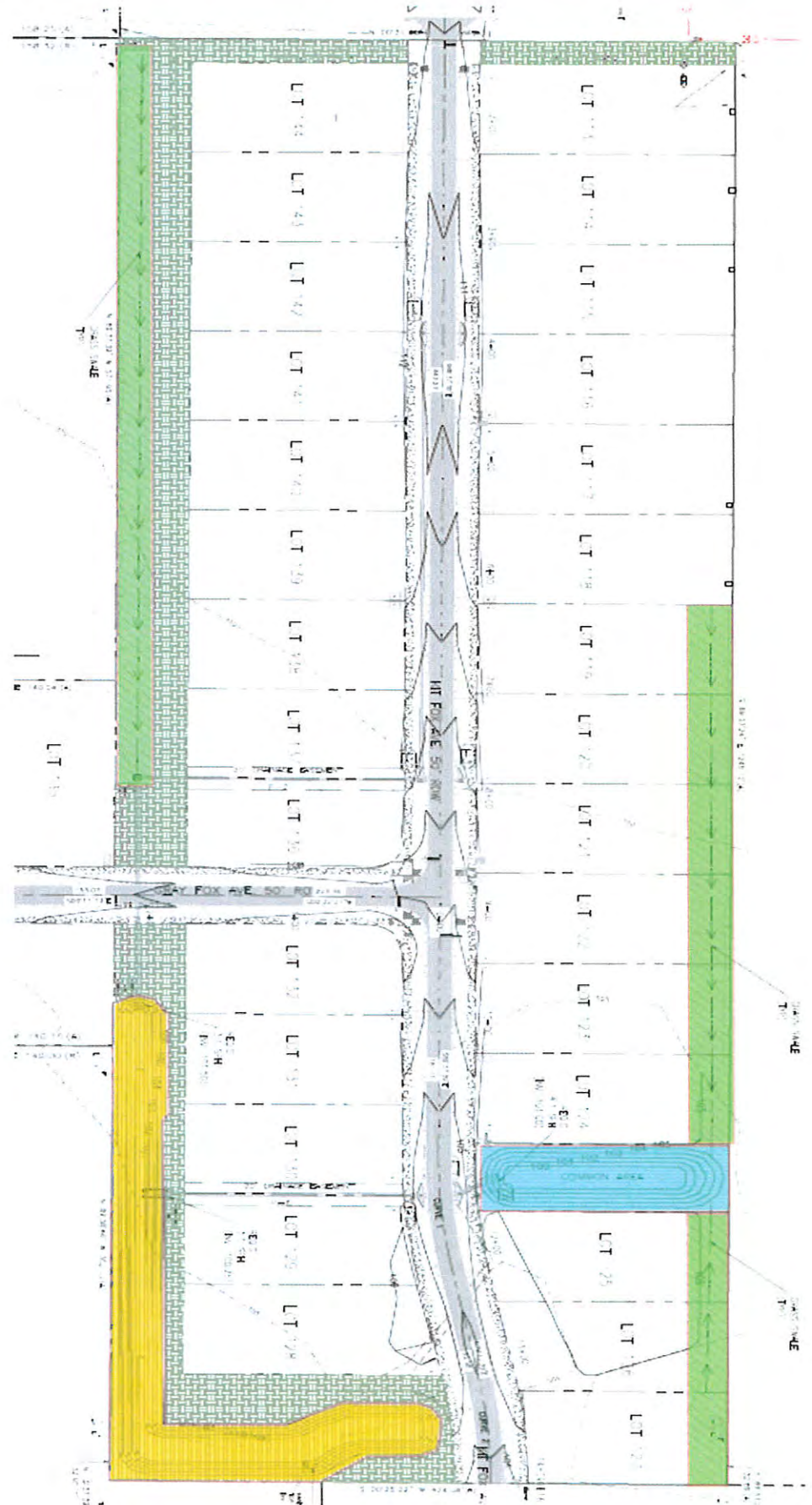
Total (72% TSS Removal)

Regarding the 0.5 acres that drains into the phase 1 pond, it will be treated by the 3+ acre wet pond in phase 1. This will provide 80% TSS removal.

A weighted average for the entire 13.56 acres in Phase 3 equates to 83.25% TSS Removal.

$$(11.51 \text{ acres} \times 94\%) + (1.55 \text{ acres} \times 72\%) + (0.5 \text{ acres} \times 80\%) / (13.56 \text{ acres}) = 83.25\%$$

Conceptual LID Plan



Other:

Any applicable outside agency permits shall be obtained.

The subdivision regulations contain the following criteria in Article IV.B.2. Approval Standards.

“2. Consistency with Plans, Regulations and Laws - The Planning Commission shall not approve the subdivision of land if the Commission makes a finding that such land is not suitable for platting and development as proposed, due to any of the following:

a. The proposed subdivision is not consistent with the City’s Comprehensive Plan, and/or the City’s Zoning ordinance, where applicable;

- **Meets**

b. The proposed subdivision is not consistent with the City’s Comprehensive Plan or any other plan or program for the physical development of the City including but not limited to a Master Street Plan, a Parks Plan, a Bicycle Plan, a Pedestrian Plan, or the Capital Improvements Program;

- **Meets**

c. The proposed subdivision is not consistent with these Regulations;

- **Meets**

d. The proposed subdivision is not consistent with other applicable state or federal laws and regulations;
or

- **Meets**

e. The proposed subdivision otherwise endangers the health, safety, welfare or property within the planning jurisdiction of the City.”

- **Meets**

Recommendation:

Staff recommends Preliminary Plat approval of SD 18.39 Fox Hollow, Phase III.



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: 9/25/18

Property Owner / Leaseholder Information

Name of Property Owner: Montrose Properties, Inc. Phone Number: 251-454-6676
 Address of Property Owner: 9320 Gayfer Avenue
 City: Fairhope State: Al Zip: 36532

Proposed Subdivision Name: Fox Hollow Phase 3
 No. Acres in Plat: 13.78 No. Lots/Units: 32
 Parcel No: 05-46-0-220-000-001.565 Current Zoning: R-2

Authorized Agent Information

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

Name of Authorized Agent: Hutchinson, Moore & Rauch Phone Number: 251-380-8746
 Address: PO Box 1127
 City: Daphne State: AL Zip: 36526
 Contact Person: Tim Lawley

Surveyor/Engineer Information

Name of Firm: Hutchinson, Moore & Rauch Phone Number: 251-380-8738
 Address: PO Box 1127
 City: Daphne State: AL Zip: 36526
 Contact Person: Stuart L. Smith

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.

Montrose Properties Inc.
 Property Owner/Leaseholder Printed Name
9/19/18
 Date

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

RECEIVED
 SEP 25 2018
 BY: [Signature]

FOX HOLLOW SUBDIVISION PHASE 3

SITE DATA
 TAX PARCEL NO.
 46-05-22-0-000-001.565

TOTAL SITE AREA = 13.78 ACRES± (600,389 S.F.±)
 TOTAL NUMBER OF LOTS = 32
 SMALLEST LOT = 0.26 ACRES± (11,363 S.F.±)
 TOTAL COMMON AREA = 2.21 ACRES± (96,258 S.F.±)
 TOTAL LINEAR FEET OF STREET = 1,681.31 FEET

ZONING
 R-2 MEDIUM DENSITY SINGLE FAMILY
 CITY OF FAIRHOPE

ZONING REQUIREMENTS
 • 35' REAR SETBACK
 • 35' FRONT SETBACK
 • 10' SIDE SETBACK
 • 20' SIDE STREET
 • MINIMUM LOT AREA 10,500 S.F.±
 • 75' MINIMUM LOT WIDTH
 • 37% MAX LOT COVERAGE FOR PRINCIPLE STRUCTURES

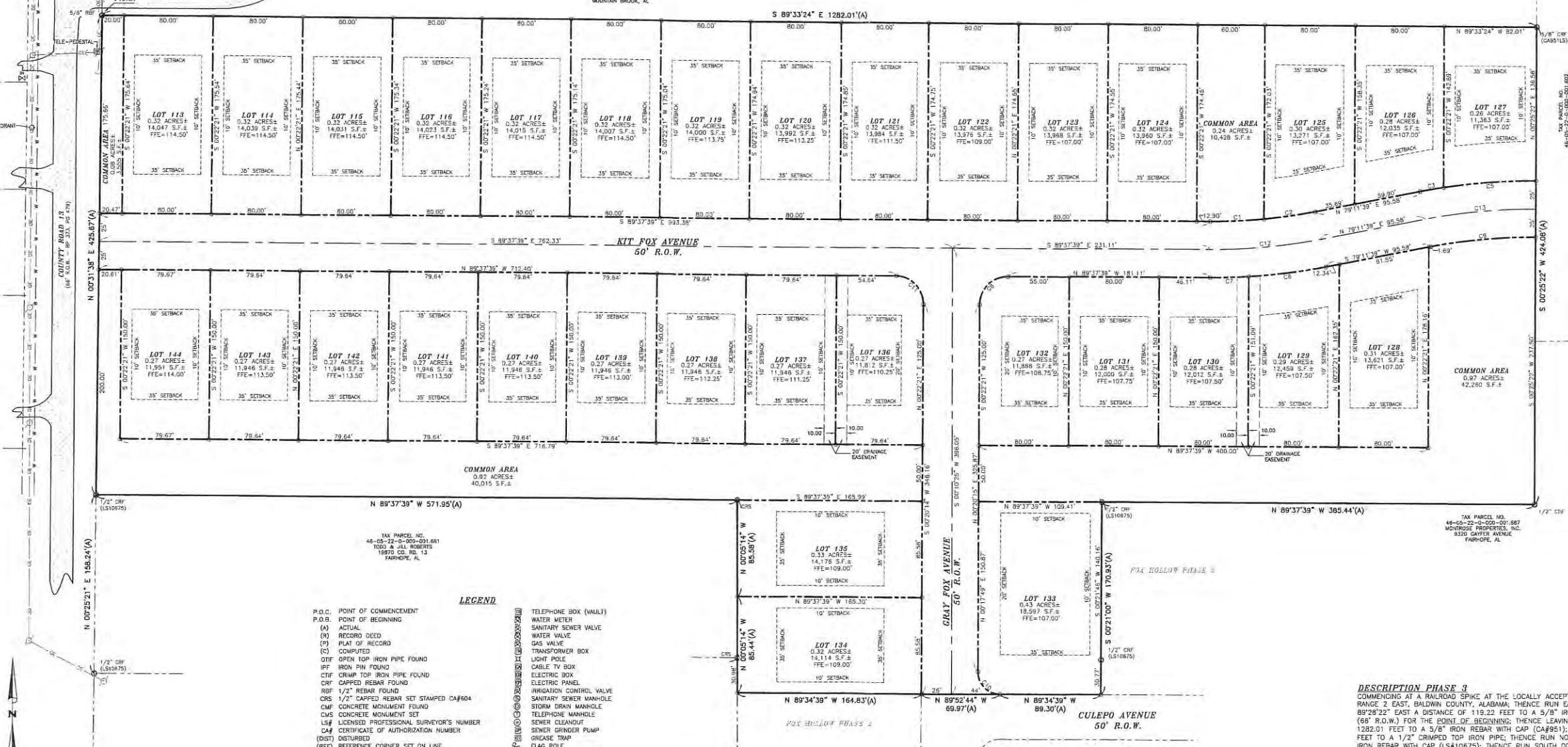
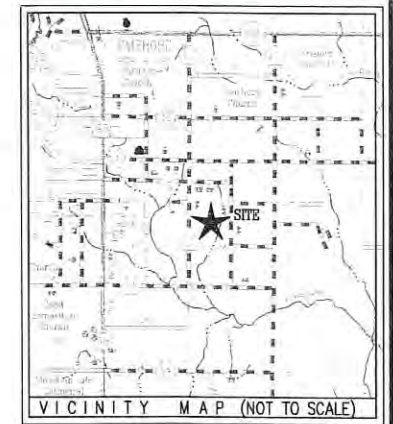
DEDICATED EASEMENTS
 • 7.5' UTILITY EASEMENT ON BOTH SIDES OF ALL INTERIOR LOT LINES
 • 15' UTILITY EASEMENT ALONG ALL ROAD FRONT AND SIDE LOT LINES
 • 7.5' DRAINAGE EASEMENT ALONG THE REAR OF ALL INTERIOR LOTS
 • 15' DRAINAGE/UTILITY EASEMENT ALONG THE REAR OF ALL EXTERIOR LOTS.

UTILITIES
 POWER - RIVERA UTILITIES
 SEWER - CITY OF FAIRHOPE
 WATER - CITY OF FAIRHOPE
 GAS - CITY OF FAIRHOPE
 PHONE - AT&T

*NOTE: ALL CORNERS ARE "CRS" UNLESS OTHERWISE STATED.

OWNER/DEVELOPER
 MONTROSE PROPERTIES, INC.
 9320 GAYLER AVE.
 FAIRHOPE, AL 36532

SURVEYOR
 STUART L. SMITH
 AL. LICENSE NO. 27403



CURVE TABLE				
CURVE #	ARC LENGTH	RADIUS	CHORD	DISTANCE
C1	47.17'	475.00'	N87°31'38"E	47.15'
C2	45.50'	475.00'	N81°56'18"E	45.48'
C3	21.57'	525.00'	N80°22'16"E	21.57'
C4	82.21'	525.00'	S86°02'03"W	82.12'
C5	68.52'	525.00'	S82°55'58"W	68.47'
C6	33.91'	525.00'	S88°31'19"W	33.90'
C7	39.27'	25.00'	S45°22'21"W	35.36'
C8	93.98'	475.00'	N84°51'44"E	93.83'
C9	31.38'	20.00'	S44°37'21"E	28.26'
C10	39.27'	25.00'	N44°37'39"W	35.36'
C11	97.55'	500.00'	N84°47'00"E	97.39'
C12	98.88'	500.00'	N84°51'34"E	98.72'

LEGEND

P.O.C. POINT OF COMMENCEMENT
 P.O.B. POINT OF BEGINNING
 (A) ACTUAL
 (R) RECORD DEED
 (P) PLAT OF RECORD
 (C) COMPUTED
 OIP OPEN TOP IRON PIPE FOUND
 IFF IRON PIN FOUND
 CRF CRIMP TOP IRON PIPE FOUND
 CRP CAPPED REBAR FOUND
 RBF 1/2" REBAR FOUND
 CRS 1/2" CAPPED REBAR SET STAMPED CA#604
 CMF CONCRETE MONUMENT FOUND
 CMS CONCRETE MONUMENT SET
 LSF LICENSED PROFESSIONAL SURVEYOR'S NUMBER
 CAF CERTIFICATE OF AUTHORIZATION NUMBER
 (DIST) DISTURBED
 (REF) REFERENCE CORNER SET ON LINE
 (UN) UNREADABLE
 INST # INSTRUMENT NUMBER
 SECT. SECTION
 T- TOWNSHIP
 R- RANGE
 P- POWER POLE
 Q- QUIP WIRE
 R/W RIGHT-OF-WAY
 R.O.W. RIGHT-OF-WAY
 F- FIRE HYDRANT
 S- SIGN
 T- TELEPHONE PEDESTAL
 E- ELECTRIC METER BOX
 AIR AIR CONDITIONER
 J- JUNCTION BOX (VAULT)
 EL/ELEV ELEVATION
 INV INVERT

*NOTE: ALL CORNERS ARE "CRS" UNLESS OTHERWISE STATED.

GENERAL SURVEYOR'S NOTES

- SOURCES OF INFORMATION USED TO FACILITATE THIS SURVEY WERE PREVIOUS SURVEYS BY THIS AND OTHER FIRMS, THE RECORDED SUBDIVISION PLAT, AND/OR OTHER RECORDED DOCUMENTS SHOWN HEREON.
- 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.
- FIELD WORK FOR THIS SURVEY WAS COMPLETED ON 04/06/2017.
- ALL BEARINGS ARE BASED ON NORTH AMERICAN DATUM 1983, ALABAMA WEST ZONE, STATE PLANE GRID NORTH; DERIVED BY GLOBAL POSITIONING SYSTEM OBSERVATION; ALL DISTANCES SHOWN ARE GROUND DISTANCES. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH U.S. STANDARD FEET.
- THE SURVEYED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION OF "X" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), AS SCALED FROM FLOOD INSURANCE RATE MAP NO. 10100300663M, WITH A PRELIMINARY DATE OF IDENTIFICATION OF JULY 31, 2017, FOR COMMUNITY NO. 10006, IN BALDWIN COUNTY, STATE OF ALABAMA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PREMISES IS SITUATED.
- THERE IS DEDICATED HERewith A DRAINAGE EASEMENT OVER THE ENTIRETY OF COMMON AREAS SHOWN HEREON.
- FOR THE LOCATION OF ALL UTILITIES SEE CONSTRUCTION PLANS.
- STORM WATER DETENTION AREAS ARE NOT THE RESPONSIBILITY OF THE CITY OF FAIRHOPE TO MAINTAIN.
- THERE IS DEDICATED HERewith A DRAINAGE EASEMENT OVER THE ENTIRETY OF COMMON AREAS SHOWN HEREON.
- ALL UTILITIES WILL BE CONSTRUCTED UNDERGROUND.
- ALL LOTS SHALL ACCESS INTERIOR SUBDIVISION STREETS ONLY.
- SIDEWALKS ADJACENT TO LOTS SHALL BE CONSTRUCTED BY LOT OWNER AT THE TIME OF HOUSE CONSTRUCTION, ALL OTHER SIDEWALKS SHALL BE CONSTRUCTED ALONG WITH ROADWAY IMPROVEMENTS.
- THE CITY OF FAIRHOPE IS NOT RESPONSIBLE FOR THE MAINTENANCE OF ANY AND ALL COMMON AREAS/GREENSPACE.
- ALL ACCESS STREETS TO ADJACENT PROPERTY THAT ARE NOT CONNECTED AT THE TIME OF THE IMPROVEMENTS SHALL BE POSTED WITH A STOP SIGN BLANK READING "FUTURE THROUGH STREET" SIGN SHALL BE POSTED BY SUBDIVIDER.

DESCRIPTION PHASE 3
 COMMENCING AT A RAILROAD SPIKE AT THE LOCALLY ACCEPTED NORTHWEST CORNER OF SECTION 22, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN EAST A DISTANCE OF 33 FEET TO A POINT; THENCE RUN SOUTH 89°28'22" EAST A DISTANCE OF 119.22 FEET TO A 5/8" IRON REBAR ON THE EAST RIGHT-OF-WAY OF COUNTY ROAD 13 (66' R.O.W.) FOR THE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 89°33'24" EAST A DISTANCE OF 1282.01 FEET TO A 5/8" IRON REBAR WITH CAP (CA#604); THENCE RUN SOUTH 00°29'22" WEST A DISTANCE OF 424.08 FEET TO A 1/2" CRIMPED TOP IRON PIPE; THENCE RUN NORTH 89°37'39" WEST A DISTANCE OF 385.44 FEET TO A 1/2" IRON REBAR WITH CAP (LS#10675); THENCE RUN SOUTH 00°21'00" WEST A DISTANCE OF 170.93 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN NORTH 89°34'39" WEST A DISTANCE OF 89.30 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN NORTH 89°52'44" WEST A DISTANCE OF 89.37 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN NORTH 89°34'39" WEST A DISTANCE OF 164.83 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN NORTH 00°05'14" WEST A DISTANCE OF 85.44 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE CONTINUE NORTH 00°05'14" WEST A DISTANCE OF 85.58 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN NORTH 89°37'39" WEST A DISTANCE OF 871.95 FEET TO A 1/2" IRON REBAR WITH CAP (LS#10675) ON SAID EAST RIGHT-OF-WAY; THENCE RUN NORTH 00°31'39" EAST ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 425.67 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 13.78 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATION

I HEREBY STATE 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.

STUART L. SMITH, PLS
 ALABAMA LICENSE NUMBER 27403

DATE _____

*DRAWING IS INVALID WITHOUT SIGNATURE & SEAL OF A LICENSED LAND SURVEYOR

HUTCHINSON, MOORE & RAUCH, LLC
 2039 MAIN STREET
 DAPHNE, ALABAMA 36526

ENGINEERS • SURVEYORS

TEL (251) 626-2626
 FAX (251) 626-6934
 daphne@hmrengineers.com

FOX HOLLOW SUBDIVISION - PHASE 3
 PRELIMINARY PLAT

CLIENT: MONTROSE PROPERTIES, INC

SCALE: 1"=50'

DATE: OCTOBER 2018

DRAWN BY: TBS/SLS

CHECKED BY: SLS

SHEET: 1 OF 2

Revised As Per Comments
 RECEIVED
 OCT 11 2018
 BY:

SD18.39

CERTIFICATION OF OWNERSHIP & DEDICATION

STATE OF ALABAMA
COUNTY OF BALDWIN

THIS IS TO CERTIFY THAT I(WE) THE UNDERSIGNED IS(ARE) THE OWNER(S) OF THE LAND SHOWN AND DESCRIBED IN THE PLAT, AND THAT I(WE) 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.

THIS THE _____ DAY OF _____, 20

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 _____ DAY OF _____, 20

NOTARY PUBLIC

DIRECTOR OF PLANNING & ZONING

STATE OF ALABAMA
COUNTY OF BALDWIN

THE UNDERSIGNED, AS PLANNING & ZONING DIRECTOR FOR THE CITY OF FAIRHOPE, HEREBY APPROVES THE WITHIN PLAT FOR RECORDING IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

THIS THE _____ DAY OF _____, 20

WAYNE DYESS

CERTIFICATE OF APPROVAL OF THE CITY OF FAIRHOPE PLANNING COMMISSION

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

THIS THE _____ DAY OF _____, 20

AUTHORIZED SIGNATURE

CERTIFICATE OF APPROVAL BY THE BALDWIN COUNTY E-911 ADDRESSING

THE UNDERSIGNED, AS AUTHORIZED BY THE BALDWIN COUNTY E-911 BOARD, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

THIS _____ DAY OF _____, 20

AUTHORIZED SIGNATURE

CERTIFICATION OF ENGINEER

STATE OF ALABAMA
COUNTY OF BALDWIN
CITY OF DAPHNE

I, TIM LAWLEY, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF ALABAMA FOR HUTCHINSON, MOORE AND RAUCH, LLC, HOLDING CERTIFICATE NUMBER 30859, 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.

DATED THIS THE _____ DAY OF _____, 20

ENGINEER NAME, P.E.
ALA. REG. NO. 30859

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 _____, 20

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 _____, 20

AUTHORIZED SIGNATURE

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES

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

THIS THE _____ DAY OF _____, 20

(AUTHORIZED SIGNATURE)

CERTIFICATE OF APPROVAL BY 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 _____, 20

AUTHORIZED SIGNATURE

NO.	REVISION	DATE	ENGR.



HUTCHINSON, MOORE & RAUCH, LLC

2039 MAIN STREET
DAPHNE, ALABAMA
36526

ENGINEERS & SURVEYORS

TEL (251) 626-2626
FAX (251) 626-6934
daphne@hmengineers.com

4486-PLAT-PH3
M5966/4486/10.01

**FOX HOLLOW SUBDIVISION -- PHASE 3
PRELIMINARY PLAT**

CLIENT	MONTROSE PROPERTIES, INC			
SCALE	DATE	DRAWN BY	CHECKED BY	SHEET
	OCTOBER 2018	TBS/SLS	SLS	2 OF 2



Planning Commission

November 5, 2018

Case: SD 18.40

Project Name: Fonde Division

Property Owner /Applicant:
Allen Fonde

General Location: The north Side of Mosley Road across from Plain Drive.

Project Type: Minor Subdivision Inside the Planning, Permit, and Police Jurisdictions

Number of lots: 2

Project Acreage: 9.36

Zoning District: Unzoned

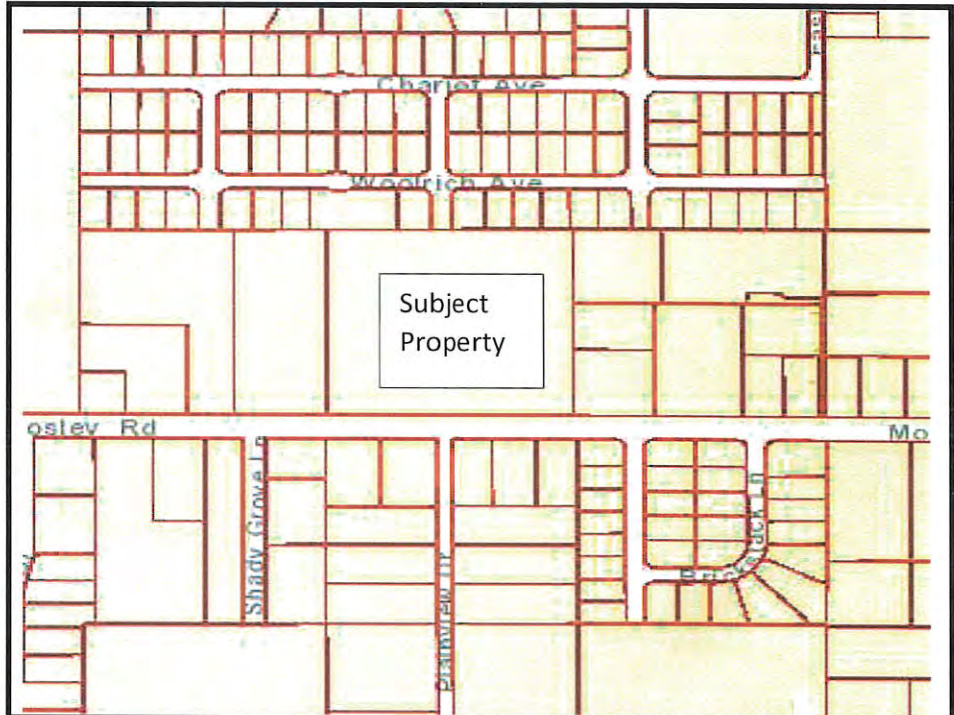
PPIN Number: 14097

Surveyor of record: Smith-Clark & Associates

School District: Fairhope Elementary, middle and high School

Report prepared by: Nancy Milford, Staff Planner, EIT, CAPZO Certified

Recommendation: Approve With Conditions



Summary of Request: Public hearing to consider the request of Allen Fonde for plat approval of Fonde Division, a 2-lot minor subdivision. The property is owned by Allen Fonde. The authorized agent is Hunter Smith with Smith-Clark and Associates.

The total tract of the subject property is approximately 9.36 acres. The largest lot in the subdivision is 6.69 acres and the smallest lot is approximately 2.467 acres.

Site History: This is currently a site that has been developed as a residence with several out buildings on it.

Site Photos:



Subject Property with house in background.



Culvert and drainage way shown on property.



View of drainage way, accessory structures



View of Wooded area on subject property

Comments:

Plat submittal requirements:

All Associated Investors: *Article IV Section C.1. b (3)* The sole associated investor is Mr. Allen Fonde.

Aerial: The applicant shall provide a full-sized aerial with topographic and plat overlay.

Lot Standards: The property is located in Baldwin County and is unzoned. All lots front a publicly maintained right-of-way. The applicant has met the minimum 100' lot width and exceeds the required lot size.

Tree Inventory: According to *Article IV Section C.1.b(13)* a tree inventory shall be noted on the preliminary submittal of the plat.

In this particular case, the applicant is not proposing any improvements. The number of trees on the property is extensive. The applicant has verified that some of the trees are of heritage size. The trees are on private property and are subject to removal. Conducting a tree inventory would be burdensome due to the number of trees. The trees are generally located in the area of potential wetlands which is required to have a wetland buffer per the City of Fairhope Subdivision Regulations. Therefore, in this case, staff believes conducting a tree inventory would be excessively burdensome and the trees currently have a protection due to their presence in the area of wetlands and in the drainageway and because no roads are proposed.

Sidewalks: *Article V Section D.6* requires that all streets shall include a pedestrian area and a planting strip and a sidewalk, according to the standards in Table 5.3 in Appendix A. Sidewalks shall be required unless a waiver is granted. The applicant has requested a waiver in writing to the subdivision requirements for sidewalks. The applicant shall verify if the County will maintain the sidewalks. Staff requests a sidewalk easement be placed on the front of lots for future growth and to ensure there is room for sidewalks as that growth takes place. The applicant has not provided the sidewalk easement to the plat. The sidewalk easement shall be shown on the plat and this is a condition of approval should the sidewalk waiver be granted. If the applicant's waiver is not granted by Planning Commission, a note shall be added that sidewalks shall be provided at the time of building permit. A sidewalk detail shall be submitted at the time of construction.

Waiver's Article VII Section A:

Waivers may be granted where the Planning Commission finds that the following conditions exist:

- 1. An extraordinary hardship may result from strict compliance with these regulations due to unusual topographic or other physical conditions of the land or surrounding area not generally applicable to other land areas.***
- 2. The condition is beyond the control of the sub-divider.***
- 3. The requested waiver will not have the effect of nullifying the purpose and intent of the regulations, the Zoning Ordinance, or the Comprehensive Plan.***
- 4. The waiver is the minimum deviation from the required standard necessary to relieve the hardship;***
- 5. The waiver shall not have an adverse effect on adjacent landowners, or future landowners, or the public;***
- 6. The waiver is necessary so that substantial justice is done.***

Finished Floor Elevations: Finished Floor Elevations have been provided for every lot as per *Article IV Section C.1.b (14)* of the City of Fairhope Subdivision Regulations.

Utilities: (Article IV Section C.1.b (8)) Water and Sewer from the City of Fairhope are available in this location, per the Operations Director, Mr. Richard Peterson, PE. There are existing structures on site with utilities such as telephone and power.

Easements: The applicant has provided drainage and utility easements as per the **Article V Section E5**. The Director of Operations has reviewed the easements and approved them.

Utility Access and Easements:

A. UTILITY ACCESS AND EASEMENTS -

i. Except where lanes are provided at the rear of lots, easements not less than fifteen feet in width along side and rear lot lines as required for drainage and utilities. On interior lots, the easement may be designed to lie equally on adjacent lots. On perimeter lots, no part of the required easement shall lie outside the platted lands. Easement placement and widths shall be approved by the Planning Commission. No half easements will be approved unless adjacent property owners dedicate the other half of the easement at time of approval.

Fire Hydrants: Fire hydrants are required at every intersection and every 450 feet. There is a fire hydrant in front of Lot 2.

Public Works Comments, provided by Mr. Richard Johnson, PE, Director of Public Works:

- The applicant shall provide a note regarding drainage to match the following wording provided by the Public Works Director: "Adequate drainage for each lot shall be provided at the time of home construction. No developed lot shall discharge storm water unto a neighboring lot without drainage easement and constructed conveyance. All lots shall drain to the public storm water system."
- The applicant shall show the drainageway in a 20-foot drainage easement. The applicant shall also show the area of potential wetlands on the plat. The Building Official, Mr. Erik Cortinas, requested a note on the plat stating: A wetland's delineation shall be required at the time of building permit.

The applicant has addressed the above comments.

Street Trees: Staff met with Mr. Richard Johnson and Mr. Richard Peterson regarding the requirement for street trees on minor subdivisions. Since new streets are not being installed they were of the opinion that street trees should not be required by the City of Fairhope for minor subdivisions.

Natural Features/ Stream Buffers (Article V Section F. 4): Staff is in receipt of the letter regarding the potential for wetlands. The applicant shall add a note on the plat regarding the need for a wetland delineation at the time of permit and the requirement for a wetland buffer around jurisdictional and non-jurisdictional wetlands.

The note regarding the wetland buffer is missing a reference to the City of Fairhope Subdivision Regulations Article V Section F.4. Stream Buffers.

Recorded Plats: Any conditions of approval provided by Planning Commission shall be satisfied in a timely manner. ***Per the City of Fairhope Subdivision Regulations, Article IV Section D 7-Recording, applicant is responsible for recording of Plat and approval shall be null and void if the Plat is not recorded within sixty days after the date of final approval; provided, however, that the Commission may, on finding of good cause, extend that sixty- day period. The applicant shall provide a copy of the recorded plat; failure to do so shall result in the denial of issuance of the building permits within the subdivision.***

Other: Any applicable outside agency permit shall be obtained. The applicant shall confirm that this is not single tax property.

The subdivision regulations contain the following criteria in Article IV.B.2. Approval Standards.

“2. Consistency with Plans, Regulations and Laws - The Planning Commission shall not approve the subdivision of land if the Commission makes a finding that such land is not suitable for platting and development as proposed, due to any of the following:

- a. The proposed subdivision is not consistent with the City’s Comprehensive Plan, and/or the City’s Zoning ordinance, where applicable;***
- b. The proposed subdivision is not consistent with the City’s Comprehensive Plan or any other plan or program for the physical development of the City including but not limited to a Master Street Plan, a Parks Plan, a Bicycle Plan, a Pedestrian Plan, or the Capital Improvements Program;***
- c. The proposed subdivision is not consistent with these Regulations;***
- d. The proposed subdivision is not consistent with other applicable state or federal laws and regulations;***
or
- e. The proposed subdivision otherwise endangers the health, safety, welfare or property within the planning jurisdiction of the City.”***

The project does not appear to be inconsistent with the applicable criteria of the City of Fairhope.

Recommendation:

Staff recommends approval of the application contingent upon the following conditions:

1. The applicant shall show the 10-foot sidewalk easement on the plat, if Planning Commission grants the waiver. Should the waiver not be granted, the applicant shall construct sidewalks along the road frontage for both lots.
2. The applicant shall clarify the note on the plat regarding the requirement for wetlands by adding “The required buffer and any allowed uses within the wetlands buffer shall be compliance with the City of Fairhope Subdivision regulations Article V Section F.4 Stream Buffers.



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: 9/11/18

Property Owner / Leaseholder Information
Name of Property Owner: Allen Fonde Phone Number: _____
Address of Property Owner: 19013 Scenic Hwy 98
City: Fairhope State: AL Zip: 36532

Proposed Subdivision Name: Fonde Division
No. Acres in Plat: 9.3 Acres No. Lots/Units: 2
Parcel No: 05-46-02-10-0-000-033.000 Current Zoning: Un-Zoned

Authorized Agent Information
Plat must be signed by the property owner before acceptance by the City of Fairhope
Name of Authorized Agent: Smith, Clark + Assoc Phone Number: 251-626-0404
Address: P.O. Box 7082
City: Spanish Fort State: AL Zip: 36577
Contact Person: Hunter Smith

Surveyor/Engineer Information
Name of Firm: Smith, Clark + Associates Phone Number: 251-626-0404
Address: P.O. Box 7082
City: Spanish Fort State: AL Zip: 36577
Contact Person: Hunter Smith

Plat Fee Calculation:
Reference: Ordinance 1269

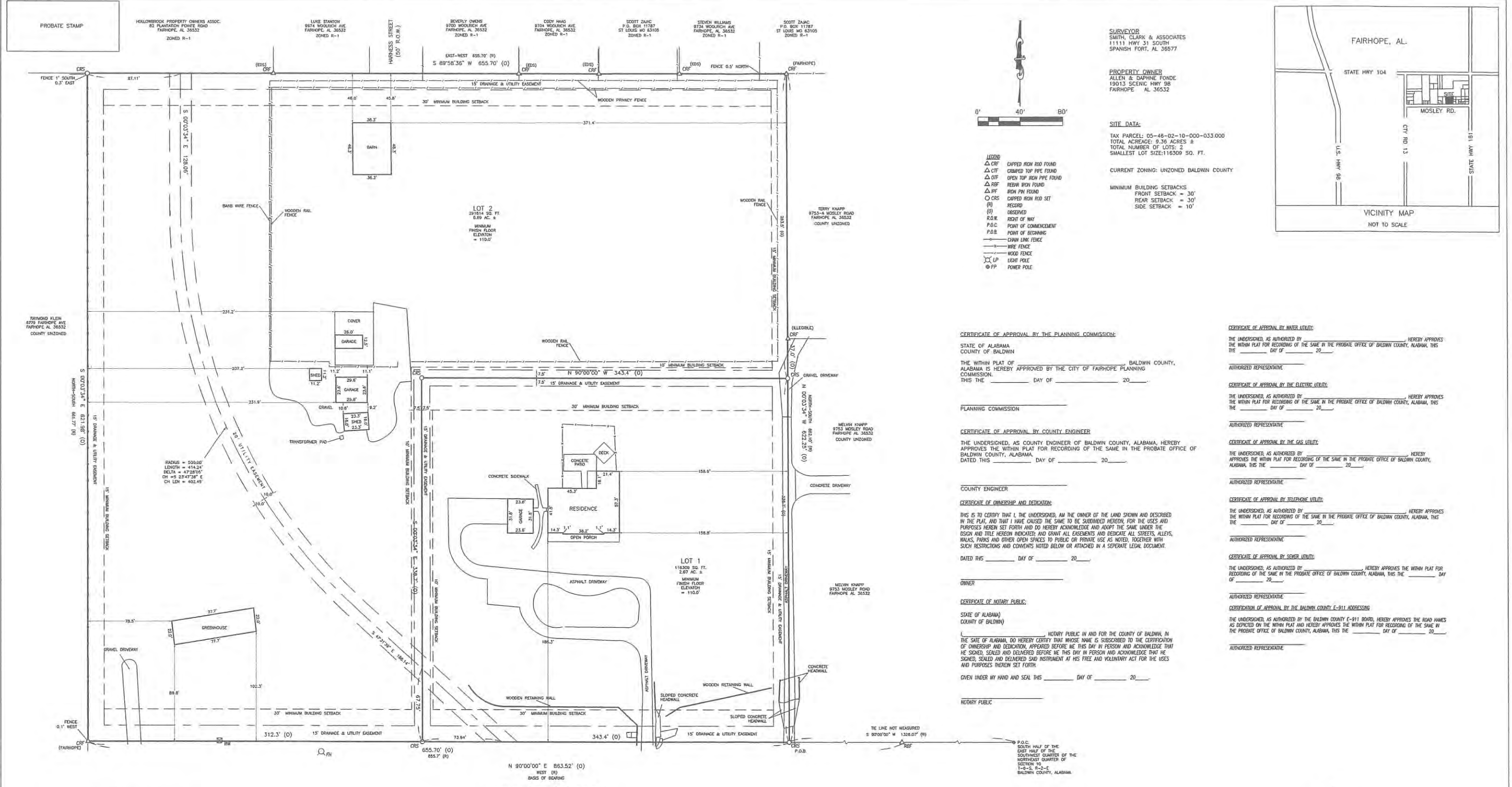
Signatures:
I certify that I am the property owner/leaseholder of the above described property and hereby submit this plat to the City for review. *If property is owned by Fairhope Single Tax Corp. an authorized Single Tax representative shall sign this application.

ALLEN FONDE
Property Owner/Leaseholder Printed Name
9/11/18
Date

[Signature]
Signature

Fairhope Single Tax Corp. (If Applicable)

RECEIVED
SEP 25 2018
BY: [Signature]



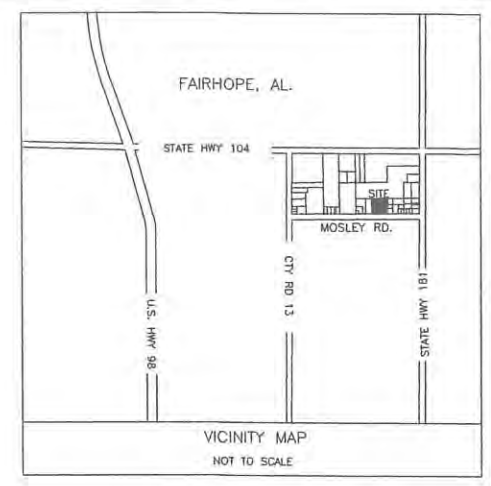
SURVEYOR
SMITH, CLARK & ASSOCIATES
11111 HWY 31 SOUTH
SPANISH FORT, AL 36577

PROPERTY OWNER
ALLEN & DAPHNE FONDE
19013 SCENIC HWY 98
FAIRHOPE AL 36532

SITE DATA:
TAX PARCEL: 05-46-02-10-000-033.000
TOTAL ACREAGE: 9.36 ACRES ±
TOTAL NUMBER OF LOTS: 2
SMALLEST LOT SIZE: 116309 SQ. FT.

CURRENT ZONING: UNZONED BALDWIN COUNTY

MINIMUM BUILDING SETBACKS:
FRONT SETBACK = 30'
REAR SETBACK = 30'
SIDE SETBACK = 10'



- LEGEND**
- △ CRF CAPPED IRON ROD FOUND
 - △ CTF CAPPED TOP PIPE FOUND
 - △ OIF OPEN TOP IRON PIPE FOUND
 - △ RIF REBAR IRON FOUND
 - △ PF IRON PIN FOUND
 - CRS CAPPED IRON ROD SET RECORD
 - (O) OBSERVED
 - R.O.W. RIGHT OF WAY
 - P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING
 - CHAIN LINK FENCE
 - WIRE FENCE
 - WOOD FENCE
 - LP LIGHT POLE
 - ⊙ PP POWER POLE

CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION:

THE UNDERSIGNED, AS AUTHORIZED BY _____ HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF THE SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE _____ DAY OF _____ 20____.

STATE OF ALABAMA
COUNTY OF BALDWIN

THE WITHIN PLAT OF _____ BALDWIN COUNTY, ALABAMA IS HEREBY APPROVED BY THE CITY OF FAIRHOPE PLANNING COMMISSION. THIS THE _____ DAY OF _____ 20____.

PLANNING COMMISSION

CERTIFICATE OF APPROVAL BY COUNTY ENGINEER:

THE UNDERSIGNED, AS COUNTY ENGINEER OF BALDWIN COUNTY, ALABAMA, HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF THE SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, DATED THIS _____ DAY OF _____ 20____.

COUNTY ENGINEER

CERTIFICATE OF OWNERSHIP AND DEDICATION:

THIS IS TO CERTIFY THAT I, THE UNDERSIGNED, AM THE OWNER OF THE LAND SHOWN AND DESCRIBED IN THE PLAT, AND THAT I HAVE CAUSED THE SAME TO BE SUBDIVIDED HEREIN, FOR THE USES AND PURPOSES HEREIN SET FORTH AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DESIGN AND TITLE HEREIN 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 COMMENTS NOTED BELOW OR ATTACHED IN A SEPARATE LEGAL DOCUMENT.

DATED THIS _____ DAY OF _____ 20____.

CERTIFICATE OF NOTARY PUBLIC:

STATE OF ALABAMA
COUNTY OF BALDWIN

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

GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____ 20____.

NOTARY PUBLIC

CERTIFICATE OF APPROVAL BY WATER UTILITY:

THE UNDERSIGNED, AS AUTHORIZED BY _____ HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF THE SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE _____ DAY OF _____ 20____.

AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL BY THE ELECTRIC UTILITY:

THE UNDERSIGNED, AS AUTHORIZED BY _____ HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF THE SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE _____ DAY OF _____ 20____.

AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL BY THE GAS UTILITY:

THE UNDERSIGNED, AS AUTHORIZED BY _____ HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF THE SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE _____ DAY OF _____ 20____.

AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL BY TELEPHONE UTILITY:

THE UNDERSIGNED, AS AUTHORIZED BY _____ HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF THE SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE _____ DAY OF _____ 20____.

AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL BY SHERIFF UTILITY:

THE UNDERSIGNED, AS AUTHORIZED BY _____ HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF THE SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE _____ DAY OF _____ 20____.

AUTHORIZED REPRESENTATIVE

CERTIFICATION OF APPROVAL BY THE BALDWIN COUNTY E-911 ADDRESSING:

THE UNDERSIGNED, AS AUTHORIZED BY THE BALDWIN COUNTY E-911 BOARD, HEREBY APPROVES THE ROAD NAMES AS DEPICTED ON THE WITHIN PLAT AND HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF THE SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE _____ DAY OF _____ 20____.

AUTHORIZED REPRESENTATIVE

SURVEYOR'S CERTIFICATE AND DESCRIPTION OF LAND PLATTED:

STATE OF ALABAMA
COUNTY OF BALDWIN

I, DANIEL D. CLARK, A LICENSED SURVEYOR OF BALDWIN COUNTY, ALABAMA, HEREBY CERTIFY THAT I HAVE SURVEYED THE BELOW DESCRIBED PROPERTY SITUATED IN BALDWIN COUNTY, ALABAMA:

COMMENCING AT THE SOUTH HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE WEST A DISTANCE OF 1326.00 FEET TO THE POINT OF BEGINNING; SAID POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE WEST A DISTANCE OF 685.70 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE NORTH 69°03'34" WEST A DISTANCE OF 621.56 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE NORTH 69°03'34" WEST A DISTANCE OF 621.56 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE NORTH 69°03'34" EAST A DISTANCE OF 655.70 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE SOUTH 02°03'34" EAST A DISTANCE OF 622.25 FEET TO THE POINT OF BEGINNING AND CONTAINING 407923 SQUARE FEET (9.36 ACRES), MORE OR LESS.

AND THAT THE PLAT OR MAP CONTAINED HEREIN IS A TRUE AND CORRECT MAP SHOWING THE SUBDIVISION INTO WHICH THE PROPERTY DESCRIBED IS DIVIDED, GIVING THE LENGTHS AND BEARINGS OF EACH LOT AND SHOWING THE EASEMENTS, STREETS, ALLEYS AND PUBLIC GROUNDS AND GIVING THE BEARINGS, LENGTH, WIDTH AND NAME OF THE STREETS SAID MAP FURTHER SHOWS THE RELATION OF THE LAND SO PLATTED TO THE GOVERNMENT SURVEY, AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED AT POINTS AS HEREIN SHOWN. I FURTHER CERTIFY THAT ALL RIGHTS OF THIS SURVEY AND GROUND HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

SURVEYOR
ALABAMA LICENSE # 27720

20' DRAINAGE EASEMENT LYING 10' EITHER SIDE OF THE FOLLOWING CENTERLINE DESCRIPTION:

COMMENCING AT THE NORTHWEST CORNER OF LOT 2, FENCE DIVISION; THENCE NORTH 89°58'36" EAST ALONG THE NORTH LINE OF SAID LOT 2 A DISTANCE OF 87.11 TO A POINT; THENCE SOUTH 02°03'34" EAST A DISTANCE OF 1326.00 FEET TO THE POINT OF CURVATURE OF A 500.00' RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 414.24 FEET (CHORD BEARS SOUTH 27°47'38" EAST, 402.49'); THENCE SOUTH 47°31'30" EAST A DISTANCE OF 108.14 FEET TO A POINT ON THE NORTH MARGIN OF MOSLEY ROAD, SAID POINT BEING NORTH 90°00'00" EAST A DISTANCE OF 23.94 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 2, FENCE DIVISION.

CERTIFICATION OF FLOOD HAZARD ZONE:

THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP #0100300555L, EFFECTIVE JULY 17, 2007, WHICH SHOWS THIS PROPERTY TO BE LOCATED IN ZONE "X", areas determined to be outside 0.2% annual chance floodplain.

DANIEL D. CLARK PLS #27720

SITE NOTES:

- A BEST MANAGEMENT PRACTICE PLAN SHALL BE SUBMITTED AT THE TIME OF BUILDING PERMIT AND SHALL MEET OR EXCEED THE REQUIREMENTS OF THE CITY OF FAIRHOPE, BALDWIN COUNTY, AND ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT REQUIREMENTS AS PER THE 2016 HANDBOOK (ADEM).
- ADEQUATE DRAINAGE FOR EACH LOT SHALL BE PROVIDED AT THE TIME OF HOME CONSTRUCTION. NO DEVELOPED LOT SHALL DISCHARGE STORM WATER DRAIN TO A NEIGHBORING LOT WITHOUT A DRAINAGE EASEMENT AND CONSTRUCTED CONVEYANCE. ALL LOTS SHALL DRAIN TO THE PUBLIC STORM WATER SYSTEM.
- THE LOT OWNERS WILL BE REQUIRED TO PAY AN AD TO CONSTRUCTION FEE IN ORDER TO BRING WATER, SEWER, AND ELECTRIC SERVICE TO THE LOT FROM THE RIGHT OF WAY.
- WETLAND DELINEATION WILL BE REQUIRED AT THE TIME OF PERMIT AND WILL REQUIRE A WETLAND BUFFER AROUND JURISDICTIONAL AND NON-JURISDICTIONAL WETLANDS.
- THE WEST 1/4 OF THIS PROPERTY IS WOODED. THERE ARE CURRENTLY NO INTENTIONS OF TAKING DOWN ANY TREES.

- NOTES:**
- TYPE OF SURVEY: SUBDIVISION
 - RECORD DIMENSIONS BASED ON WARRANTY DEED RECORDED IN RP BOOK 437 PAGE 1543 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA
 - THIS DRAWING AND DESCRIPTION DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH OTHER THAN WHAT IS VISIBLE OR PROVIDED BY THE CLIENT'S CONFORMANCE SETBACK LINES ESTABLISHED BY STATE, ORDINANCE OR RESTRICTIVE COVENANTS ARE NOT SHOWN.
 - THIS DRAWING IS THE PROPERTY OF SMITH, CLARK & ASSOCIATES. IT IS SOLELY FOR THE USE OF THE CLIENT NAMED HEREON AND IS NOT TRANSFERABLE TO ANY OTHER PARTY. IT MAY NOT BE USED WITHOUT PRIOR CONSENT FROM SMITH, CLARK & ASSOCIATES.
 - THIS DRAWING IS TO SCALE WHEN PRINTED ON 24X36 PAPER IN LANDSCAPE VIEW WITH NO SCALING.

FONDE DIVISION



DATE:	CHECKED:	APPROVED:
8/17/18	HCS	DDC
DRAWING NUMBER:	SCALE:	FEET/INCH:
180719	1"=40'	64/51

A SUBDIVISION OF PROPERTY
IN SECTION 10
T - 6 - S - R - 2 - E
MOSLEY ROAD, FAIRHOPE, ALABAMA

RECEIVED
OCT 22 2018
BY: [Signature]

Revised As Per Comments

SD 18.40



Planning Commission

November 5, 2018

Case: UR 18.06

Project Name: Fiber optic Cable Installation for Citizen's Bank

Applicant: Ms. Monica Nargassans, Southern Light

General Location: Along Morphy Avenue and S. Section Street to service the Citizen's Bank at 104 S. Section Street.

Project Type: Utility Review

Project Scope: Directional Bore conduit Installation

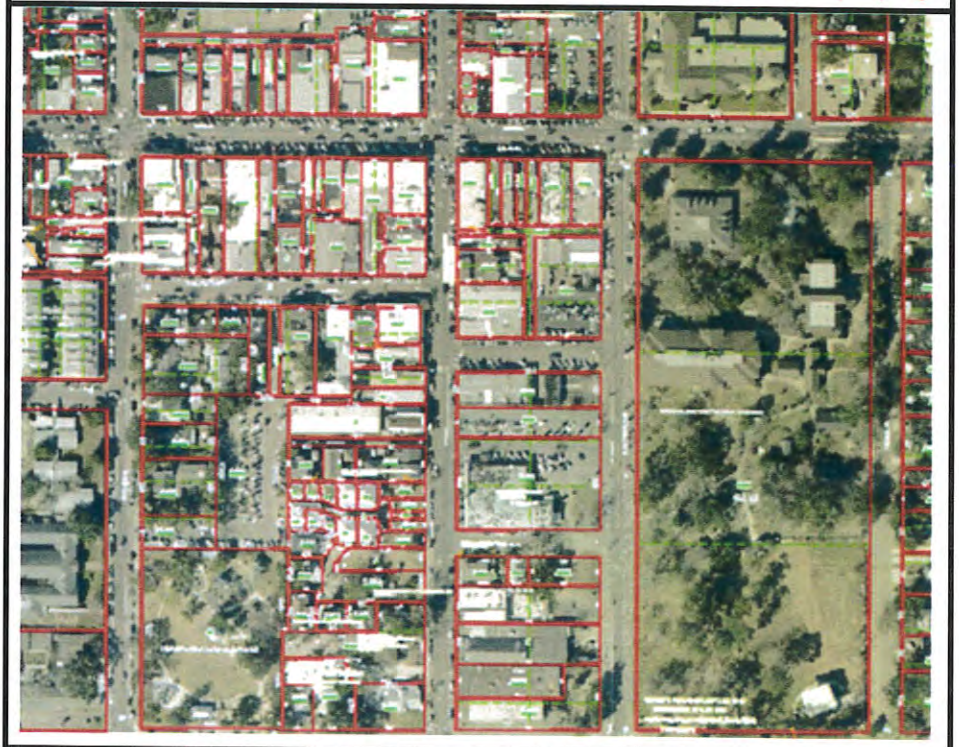
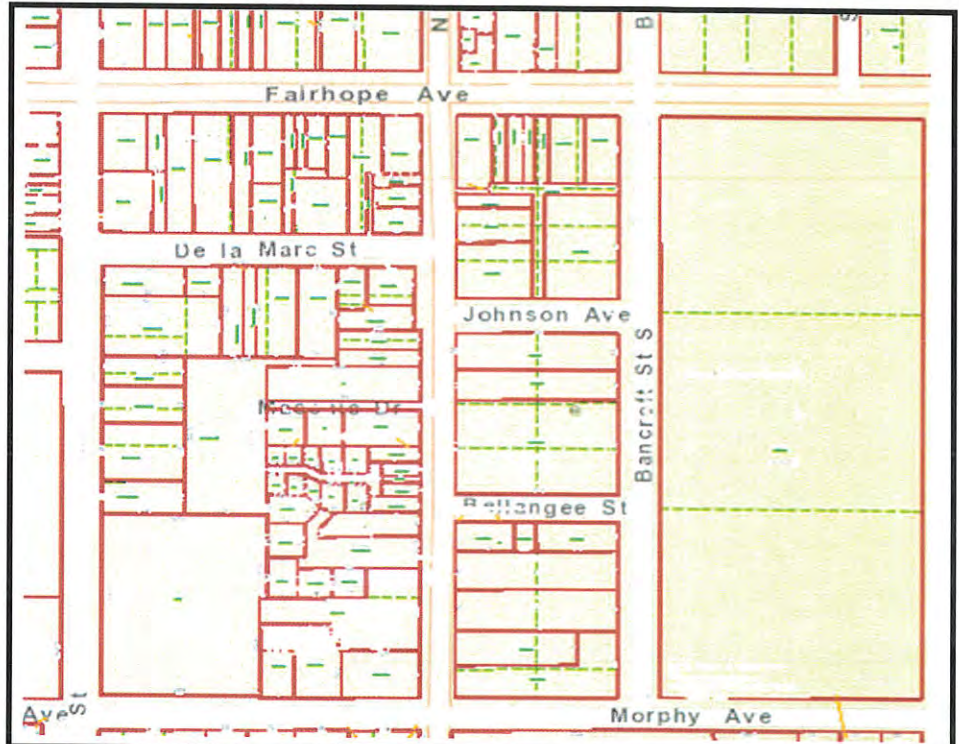
Project Distance: 732 linear feet.

Zoning District: Generally, B-2 in the City of Fairhope Central Business District.

Engineer of record: Southern Light

Report prepared by: Report prepared by: Nancy Milford, CAPZO Certified, EIT

Recommendation: Approval with conditions.



Summary of Request: Request of Southern Light for an 11.52.11 Utility Review of approximately 732 linear feet of underground installation of fiber optic cable. The project will run Along Morphy Avenue and S. Section Street to service the Citizen’s Bank at 104 S. Section Street.

This application is under review due to Alabama Code 1975 11-52-11. Alabama Code 1975 11-52-11 addresses “Proposed construction of streets, public buildings, utilities, etc. to be submitted for approval of commission after adoption of master plan: overruling of commission.

According to state code, an 11.52.11 review is done “whenever the commission shall have adopted the master plan of the municipality or of one or more major sections or districts thereof, no street, square, park or other public way, ground or open space or public building or structure of public utility, whether publicly or privately owned, shall be constructed or authorized in the municipality or in such planned section and district until the location, character, and extent thereof shall communicate its reasons to the council, which shall have the power to overrule such disapproval by a recorded vote of not less than two thirds of its entire membership provided further, that if the public way, ground, space, building, structures, or utility is one the authorization or financing of which does not, under the law or charter provisions governing same, fall within the province of the municipal council, then the submission by the planning commission shall be to the board, commission or body having such jurisdiction and the planning commission’s disapproval may be overruled by said board, commission, or body by a vote of not less than two thirds of its membership.”

Project Scope: The applicant proposes to install approximately 732 linear feet of directional bored HPDE conduit, equipped with a fiber optic cable, across Morphy Avenue (from south to the north) just west of Section Street then east on Morphy to Section Street going north to the Citizen’s Bank. Four fiber optic handholes to be placed in the right of way. A small section of approximately 8 linear feet between borepits will be trenched. The trenching in this section has approved by the Building Official. The conduit installed will be approximately 2- 1.25 inches.

Comments:

General:

- No open trenches shall be allowed (with the exception of an 8’ trench section approved by Erick Cortinas, Building Official. All work shall be directionally bored.
- The applicant shall hold a pre-construction conference with the Department Supervisors and appropriate staff prior to construction.
- Written notice shall be provided in advance to the affected business owners, along with a written schedule.
- The applicant shall contact Alabama One Call in order to locate all existing utilities.
- No work shall begin until a ROW permit is issued by the City of Fairhope Building Department or other applicable jurisdiction. Permits are not valid until payment is made and the permit is picked up by the contractor.
- The ROW Permit shall be kept with the contractor or subcontractor at all times during site work. The ROW permit shall be posted on the job site or in the window of contractor(s) vehicle.
- All contractors/subcontractors are subject to City of Fairhope Business License procedures.
- The site shall comply with all State, Federal and local requirements, including, but not limited to the following City of Fairhope Ordinances:
 1. City of Fairhope Wetland Ordinance(#1370), which regulates activity within 20’ of wetlands.
 2. City of Fairhope Red Soil and Clay Ordinance (#1423), which prohibits the use of red soil/clay within 100’ of critical areas.
 3. City of Fairhope Erosion Control Ordinance (#1298).

- State and Federal permits shall be on file with the City of Fairhope Building Department, prior to the issuance of City of Fairhope permits.
- The applicant shall provide as-built profiles of the installed lines, showing the exact depth. The applicant shall provide full sized plans (24"X36") for this application and for future applications.

Superintendent and Department Head Comments:

Public Works Director:

- Any trees present shall not be negatively impacted. Handholds shall not be located within the driplines of Heritage trees (as defined by the Tree Ordinance) . If proposed work is within a tree dripline, consult with the City of Fairhope Horticulturist before proceeding with earth work.
- The applicant shall provide verification of the depth of the bore to the Public Works Director. All conduit/cable shall be placed at a depth from existing grade per industry and/or County Standards. A minimum horizontal and/or vertical clearance (separation) of 36" must be maintained from storm water and utility infrastructures. No handholes, boxes, or other above ground infrastructure shall be installed within drainage easements. Pedestals shall be placed in a manner as to avoid obstructing visibility of motorists and to allow vehicles to exit the roadway during an emergency.
- Any boxes/handholes cannot be placed in sidewalks. The applicant shall review the sidewalk plan to determine if there are any conflicts. The applicant shall coordinate work with Mr. Richard Johnson, PE, Public Works Director, to resolve any potential conflicts.

Building Official:

- Written notice shall be provided in advance to the affected business owners, along with a written schedule.
- The material under the sidewalk shall be compacted and the repair work shall be to the satisfaction of the Building Official or his designated representative. The applicant shall contact the Building Department for inspection prior to placing concrete.
- BMP's shall be installed at boring sites.
- Ground Conditions in the ROW's shall be returned to original pre-construction condition(s) or better.
- All plans and permits shall be available for review at all times along with the City of Fairhope permit application.
- If required, appropriate ALDOT or Baldwin County Highway Department permits shall be obtained prior to the issuance of a ROW permit.
- Contractor is advised to review and comply with the Building Official best practices flyer.
- Applicant and applicant's contractor shall follow the Right of Way Installation Permitting and Work Procedures document available in the Building Department, including any supplements provided by the Building Official at the time of ROW permit issuance.

Water and Sewer Department Standard Comments:

- All existing utilities must be located, and proper separation shall be maintained between utilities.
- All mechanical equipment shall be screened by painting the equipment Munsell Green.

Gas Department Standard Comments:

- Contractor shall provide proper separation from the gas main and all other utilities.

Code Enforcement Officer's Standard Comments:

- The applicant, or subcontractor, shall obtain a ROW permit from the City of Fairhope Building Department prior to beginning work.
- Subcontractors shall have a current business license with the City of Fairhope and shall have a copy of the ROW permit available for review at all times and shall be posted on site or in the window of contractor vehicles.
- Any ROW cuts shall be stabilized (covered) at the end of each day and disturbed areas shall be re-vegetated with sod within ten (10) days of completion of the project.
- Mulch/seed shall be watered as needed to ensure survival.
- Inlets shall be protected.
- If site is within 100' of a critical area (wetland, etc.), no red soils/clay are allowed as fill material, Per the City's Red Clay/Soil Ordinance.

Recommendation:

To approve with the following conditions:

- 1) The applicant shall follow the general comments related to utility work, as stated above.
- 2) All mechanical equipment shall be painted Munsell green as applicable.
- 3) The applicant shall provide verification of the depth of the bore to the Public Works Director.
- 4) A pre-construction conference shall be held prior to construction and written notice shall be provided in advance to the affected business owners, along with a written schedule.

The Citizen's Bank



Right of Way / Utility Installation Application

WHERE Property Address
ROW Location

104 South Section Street
along morphy Ave & S. Section Street

Owner of Property
Contractor Doing Work

Southern Light, UC
Name Southern Light, UC

WHO

Address 101 St. Francis St. Suite 1806 mobile AL
monica.narcossans@unifi.com 36602
Contact email/phone (provide copy of Alabama General Contractors License) 251-525-0715

Utilities Name
Utility being worked on

Southern Light, UC
Phone Cable Electric Gas
Water Sewer Other telecom

WHEN

Date to begin
Date of completion

ASAP
14 days

WHY

Reason for disturbance

Install Repair Remove

WHAT

Linear feet installing
of Handholes/ Peds
Discription of work

Approx 732' of directional
Doring w/ a fiber optic
cable inside a 2-1.25"
HDPE encasement w/ the placement of
(4) hand holes

I agree to hold the City of Fairhope harmless from any and all liability, claims, costs and expenses whatsoever arising out of or related to any loss, damage, or injury, that may be sustained by work commencing in the Right of Way at or near

along morphy Ave & S Section Street.





Planning Commission

November 5, 2018

Case: UR 18.07

Project Name: Fiber optic cable Installation- Request of AT&T for an 11.52.11 review and approval of the proposed underground installation of approximately 5,404 linear feet of fiber optic cable.

Applicant: Mr. Wade Mitchell,
AT&T

General Location: The project will run throughout the Quail Creek Subdivision.

Project Type: Utility Review

Project Scope: Directional bore conduit Installation

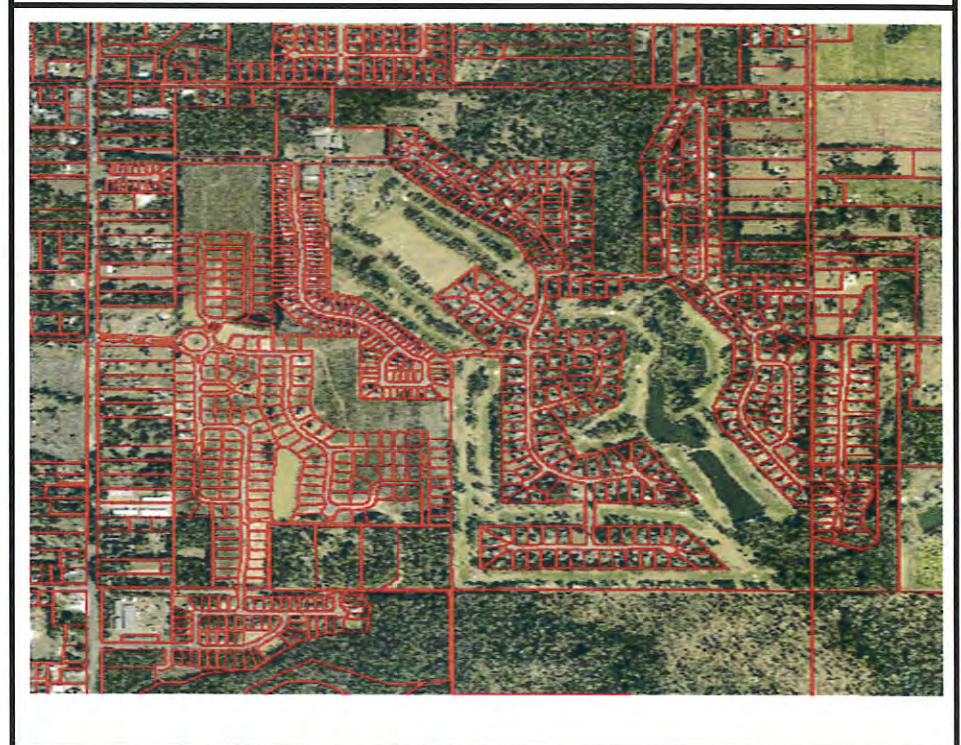
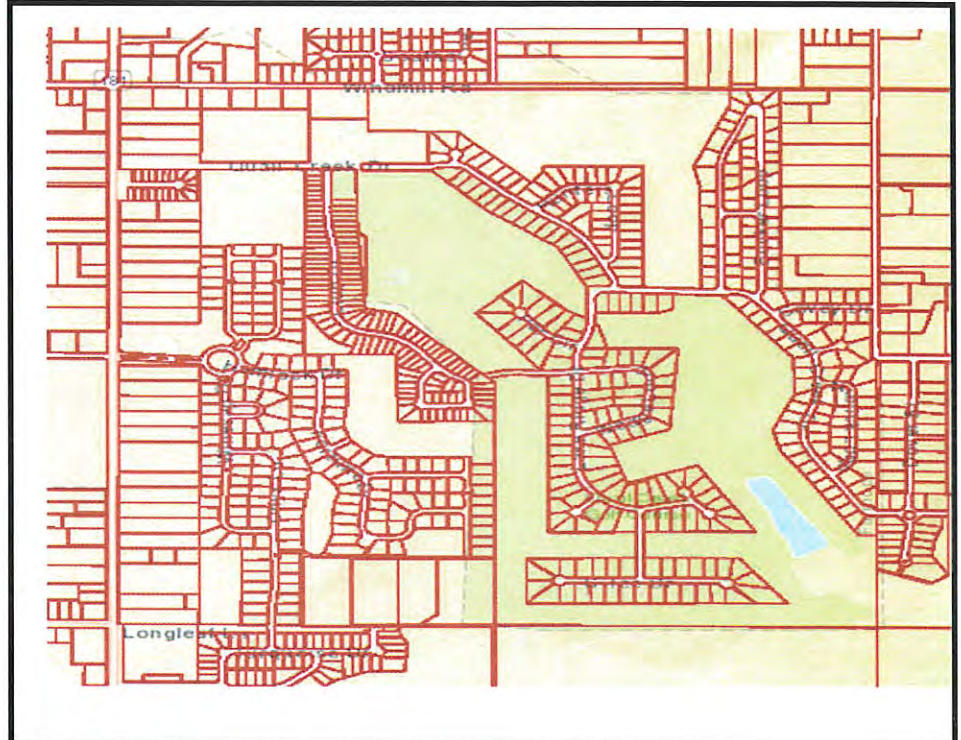
Project Distance: 5,404 Linear Feet.

Zoning District: Quail Creek is zoned R-2 in the City of Fairhope

Engineer of record: AT&T

Report prepared by: Report prepared by: Nancy Milford, CAPZO Certified, EIT

Recommendation: Approval with conditions.



Summary of Request: Request of AT&T for an 11.52.11 Utility Review of approximately 5,404 linear feet of underground installation of fiber optic cable. The project will run throughout the Quail Creek neighborhood. This application is under review due to Alabama Code 1975 11-52-11. Alabama Code 1975 11-52-11 addresses "Proposed construction of streets, public buildings, utilities, etc. to be submitted for approval of commission after adoption of master plan: overruling of commission.

According to state code, an 11.52.11 review is done "whenever the commission shall have adopted the master plan of the municipality or of one or more major sections or districts thereof, no street, square, park or other public way, ground or open space or public building or structure of public utility, whether publicly or privately owned, shall be constructed or authorized in the municipality or in such planned section and district until the location, character, and extent thereof shall communicate its reasons to the council, which shall have the power to overrule such disapproval by a recorded vote of not less than two thirds of its entire membership provided further, that if the public way, ground, space, building, structures, or utility is one the authorization or financing of which does not, under the law or charter provisions governing same, fall within the province of the municipal council, then the submission by the planning commission shall be to the board, commission or body having such jurisdiction and the planning commission's disapproval may be overruled by said board, commission, or body by a vote of not less than two thirds of its membership."

Project Scope: The applicant proposes to install approximately 5,404 linear feet of 1.5" and 2" HPDE conduit, equipped with a fiber optic cable, across throughout the neighborhood (identified in the submitted drawings). The applicant proposes to install 1 handholes flush to grade in the right of way. The applicant proposes to directional bore all work on this project.

Comments:

General:

- No open trenches shall be allowed. All work shall be directionally bored.
- The applicant shall hold a pre-construction conference with the Department Supervisors and appropriate staff prior to construction.
- Written notice shall be provided in advance to the affected business owners, along with a written schedule.
- The applicant shall contact Alabama One Call in order to locate all existing utilities.
- No work shall begin until a ROW permit is issued by the City of Fairhope Building Department or other applicable jurisdiction. Permits are not valid until payment is made and the permit is picked up by the contractor.
- The ROW Permit shall be kept with the contractor or subcontractor at all times during site work. The ROW permit shall be posted on the job site or in the window of contractor(s) vehicle.
- All contractors/subcontractors are subject to City of Fairhope Business License procedures.
- The site shall comply with all State, Federal and local requirements, including, but not limited to the following City of Fairhope Ordinances:
 1. City of Fairhope Wetland Ordinance (#1370), which regulates activity within 20' of wetlands.
 2. City of Fairhope Red Soil and Clay Ordinance (#1423), which prohibits the use of red soil/clay within 100' of critical areas.
 3. City of Fairhope Erosion Control Ordinance (#1298).
- State and Federal permits shall be on file with the City of Fairhope Building Department, prior to the issuance of City of Fairhope permits.
- The applicant shall provide as-built profiles of the installed lines, showing the exact depth. The applicant shall provide full sized plans (24"X36") for this application and for future applications.

Superintendent and Department Head Comments:

Public Works Director:

- Any trees present shall not be negatively impacted. Handholds shall not be located within the driplines of Heritage trees (as defined by the Tree Ordinance) . If proposed work is within a tree dripline, consult with the City of Fairhope Horticulturist before proceeding with earth work.
- The applicant shall provide verification of the depth of the bore to the Public Works Director. All conduit/cable shall be placed at a depth from existing grade per industry and/or County Standards. A minimum horizontal and/or vertical clearance (separation) of 36" must be maintained from storm water and utility infrastructures. No handholes, boxes, or other above ground infrastructure shall be installed within drainage easements. Pedestals shall be placed in a manner as to avoid obstructing visibility of motorists and to allow vehicles to exit the roadway during an emergency.
- Any boxes/handholes cannot be placed in sidewalks. The applicant shall review the sidewalk plan to determine if there are any conflicts. The applicant shall coordinate work with Mr. Richard Johnson, PE, Public Works Director, to resolve any potential conflicts.

Building Official:

- Written notice shall be provided in advance to the affected business owners, along with a written schedule.
- The material under the sidewalk shall be compacted and the repair work shall be to the satisfaction of the Building Official or his designated representative. The applicant shall contact the Building Department for inspection prior to placing concrete.
- BMP's shall be installed at boring sites.
- Ground Conditions in the ROW's shall be returned to original pre-construction condition(s) or better.
- All plans and permits shall be available for review at all times along with the City of Fairhope permit application.
- If required, appropriate ALDOT or Baldwin County Highway Department permits shall be obtained prior to the issuance of a ROW permit.
- Contractor is advised to review and comply with the Building Official best practices flyer.
- Applicant and applicant's contractor shall follow the Right of Way Installation Permitting and Work Procedures document available in the Building Department, including any supplements provided by the Building Official at the time of ROW permit issuance.

Water and Sewer Department Standard Comments:

- All existing utilities must be located, and proper separation shall be maintained between utilities.
- All mechanical equipment shall be screened by painting the equipment Munsell Green.

Gas Department Standard Comments:

- Contractor shall provide proper separation from the gas main and all other utilities.

Code Enforcement Officer's Standard Comments:

- The applicant, or subcontractor, shall obtain a ROW permit from the City of Fairhope Building Department prior to beginning work.
- Subcontractors shall have a current business license with the City of Fairhope and shall have a copy of the ROW permit available for review at all times and shall be posted on site or in the window of contractor vehicles.
- Any ROW cuts shall be stabilized (covered) at the end of each day and disturbed areas shall be re-vegetated with sod within ten (10) days of completion of the project.

- Mulch/seed shall be watered as needed to ensure survival.
- Inlets shall be protected.
- If site is within 100' of a critical area (wetland, etc.), no red soils/clay are allowed as fill material, Per the City's Red Clay/Soil Ordinance.

Recommendation:

To approve with the following conditions:

- 1) The applicant shall follow the general comments related to utility work, as stated above.
- 2) All mechanical equipment shall be painted Munsell green as applicable.
- 3) The applicant shall provide verification of the depth of the bore to the Public Works Director.
- 4) A pre-construction conference shall be held prior to construction and written notice shall be provided in advance to the affected residents, along with a written schedule.



Right of Way / Utility Installation Application

WHERE Property Address Quail Creek Subdivision - All Phases
ROW Location Quail Creek Subdivision - All Phases

Owner of Property City of Fairhope Right of Way
Contractor Doing Work Name Deviney Construction
Address 3036 Dial St., Mobile, AL 36612

WHO Contact email/phone 251-457-3760 / tracygreenhill@deviney.com
(provide copy of Alabama General Contractors License)

Utilities Name AT&T
Utility being worked on Phone Cable Electric Gas
Water Sewer Other _____

WHEN Date to begin 11/15/2018
Date of completion 03/15/2019

WHY Reason for disturbance Install Repair Remove

WHAT Linear feet installing 5404 FT
of Handholes/ Peds 1 Handholes - 0 Peds
Discription of work DIRECTIONAL BORE A TOTAL OF 5404' OF BURIED FIBER CABLE
IN R.O.W. ALL BORES WILL BE A MINIMUM OF 36" DEEP. SEE ATTACHED DRAWINGS. ALL
OTHER WORK TO TAKE PLACE IN UTILITY EASEMENTS.

I agree to hold the City of Fairhope harmless from any and all liability, claims, costs and expenses whatsoever arising out of or related to any loss, damage, or injury, that may be sustained by work commencing in the Right of Way at or near Quail Creek Subdivision

Wade Mitchell

RECEIVED
SEP 25 2018
BY: *GB*

OSP. Engineer
Wade Mitchell
9/18/2018

JOINT USE/OTHER UTILITY INFORMATION:

TYPE	UTILITY NAME	EMERGENCY PHONE	CONTACT	NOTE: BURIED
ELECTRIC	CITY OF FAIRHOPE	251-928-8003		301V TO 15KV PHASE TO GROUND
CATV	MEDIACOM	855-633-4226		
WATER	CITY OF FAIRHOPE	251-928-8003		
GAS	CITY OF FAIRHOPE	251-928-8003		
SEWER	CITY OF FAIRHOPE	251-928-8003		

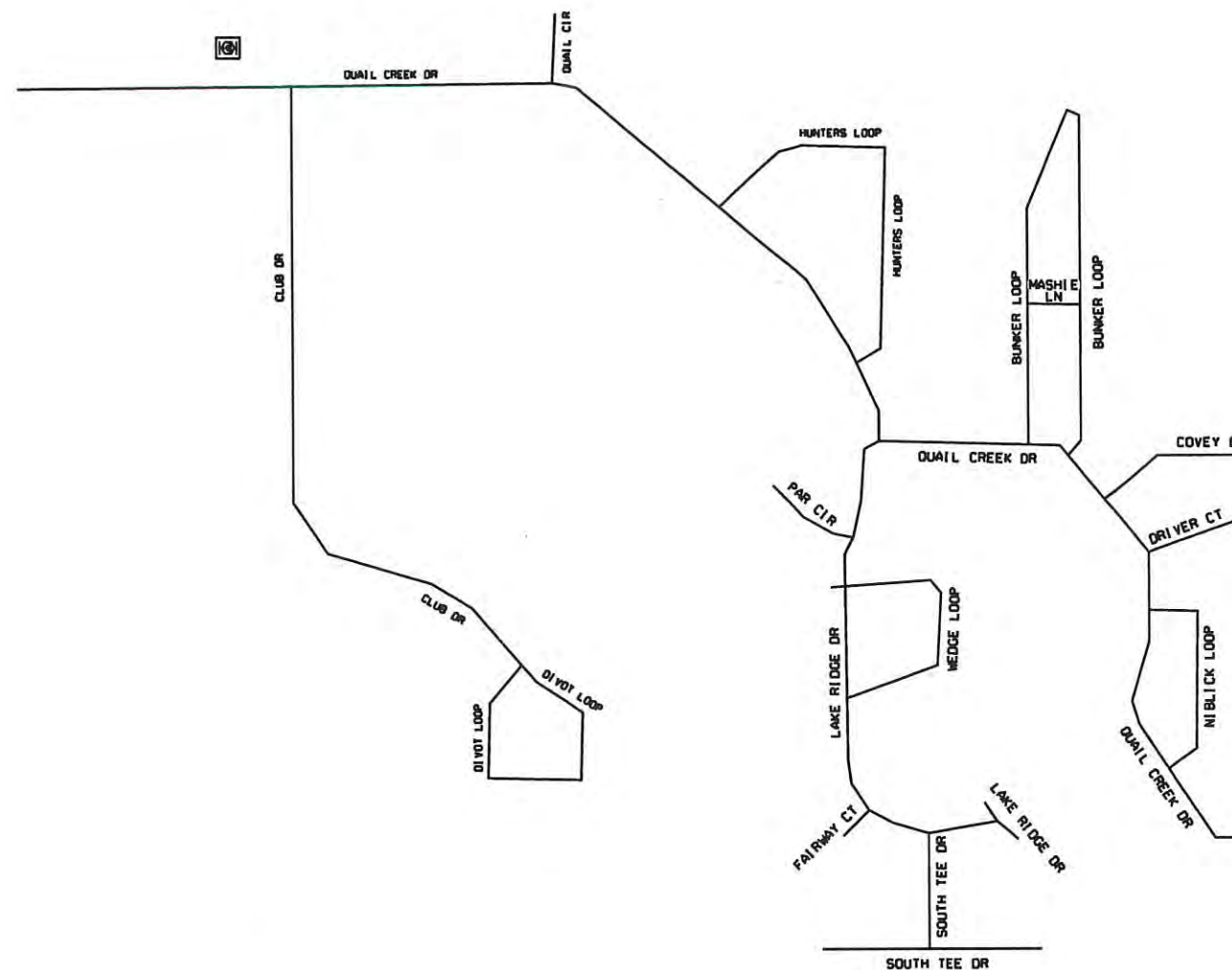
SCOPE OF WORK:

DIRECTIONAL BORE A TOTAL OF 5404' OF BURIED FIBER CABLE IN R. O. W. ALL BORES WILL BE A MINIMUM OF 36" DEEP.

SYMBOL LEGEND

Proposed	Existing	Description
		AERIAL CABLE
		BURIED CABLE
		BUR JOINT-TRENCH
		BST POLE
		POWER POLE
		ANCHOR & GUY
		PUSH BRACE
		ENCLOSURE
		ENCLOSURE
		MANHOLE
		PIPE/CONDUIT
		CABLE MARKER
		AERIAL SVC WIRE
		BURIED SVC WIRE
		JOINT-TRENCH SVC
	N/A	BORE
	N/A	CUT PAVEMENT
	N/A	SPLICING PIT
	N/A	TRENCH LEN@DEPTH

VICINITY MAP



PERMIT DRAWING

CITY OF FAIRHOPE
PERMIT REQUIRED

DRAWINGS NOT TO SCALE



1-800-292-8525
THE PRESENCE, SIZE, AND LOCATION OF THE EXISTING UNDERGROUND UTILITIES SHOWN ON THIS PLAN ARE BASED UPON INFORMATION OBTAINED FROM PREVIOUS CONSTRUCTION PLANS AND VISIBLE ABOVE GROUND STRUCTURES. THE ACTUAL LOCATION, SIZE, AND TYPE OF MATERIAL MAY VARY UPON EXCAVATION. THERE MAY BE OTHER EXISTING UTILITIES ON THIS SITE NOT SHOWN ON THIS PLAN. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL EXISTING UTILITIES PRIOR TO ANY CONSTRUCTION.

LOCATE ALL UTILITIES

NOTE TO INSTALLATION CONTRACTOR

THIS DRAWING MAY NOT REVEAL THE EXISTENCE OR LOCATION OF ALL UNDERGROUND UTILITIES OR OBSTRUCTIONS.

IT IS THE SOLE RESPONSIBILITY OF THE INSTALLATION CONTRACTOR TO VERIFY THE EXISTENCE AND LOCATION OF ALL UNDERGROUND UTILITIES OR OBSTRUCTIONS PRIOR TO ANY EXCAVATION. YOU MUST CONTACT LOCAL UTILITY COMPANIES AND LOCATOR SERVICES FOR SUCH VERIFICATION PRIOR TO ANY EXCAVATION.

CAUTION

Volts to Ground

301V-15kV

CONSTRUCTION NOTES

1. ALL CONTRACTORS MUST HAVE A COPY OF THE RIGHT OF WAY PERMIT WITH THEM AT ALL TIMES, POSTED ON SITE, OR IN WINDOW OF VEHICLE.
2. DISTURBED AREAS SHALL BE COVERED AT THE END OF EACH DAY
3. DISTURBED AREAS SHALL BE SOLID SODDED WITHIN 10 DAYS OF COMPLETION

LSA BOUNDARY

ATTSE

PROPOSED TELEPHONE FACILITIES
ON RIGHT OF WAY OF
CITY OF FAIRHOPE

114 LAKE RIDGE DR

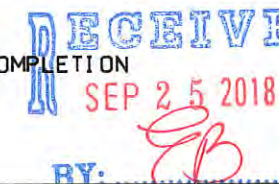
Exchange: 251928

Designer: Goad, Adrian

Phone: 615-214-6209

Authorization: 81NO1090N

Dwg. 1 of 46



The Verandas, LLC

PO Box 396 • Montrose, AL 36559 • 251.751.2223 • tcorte@bellsouth.net

September 21, 2018

City of Fairhope, AL
Planning and Zoning Department
555 S. Section Street
P.O. Box 429
Fairhope, AL 36533

**Re: The Verandas subdivision
Extension of Preliminary Plat Approvals**

The Verandas, LLC is requesting a one-year extension of the Preliminary Plat approvals for Phases 1, 3 and 4.

Thank you,



Trae Corte
The Verandas, LLC

RECEIVED
SEP 28 2018
BY: 